

ORDINANCE NO. 19-1001

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to Wireless Communications, adopting interim land use regulations and official controls pursuant to RCW 35A.63.220 and RCW 36.70A.390 for Small Wireless Facilities and Eligible Facilities Requests, establishing a work program, declaring an emergency, adopting findings of fact pursuant to RCW 36.70A.390, and establishing an effective date.

WHEREAS, the City Council acknowledges that the growing use of smart phones and other personal wireless devices create a substantial need for wireless data transmission and therefore deems it in the public interest to adopt provisions related to small wireless facilities; and

WHEREAS, on June 26, 2018, the City entered into franchise agreements with Verizon (Ordinance 18-1022), Mobilitie (Ordinance 18-1023), and AT&T Wireless (Ordinance 18-1024), to provide for the deployment of small wireless facilities, and those agreements require these companies obtain permits and approvals consistent with the City's land use codes; and

WHEREAS, on September 26, 2018, the Federal Communications Commission (FCC) adopted a declaratory ruling and order that preempts local authority on the siting of small wireless facilities and sets specific review requirements for small wireless facilities permitting. The effective date of the new FCC rules is January 14, 2019; and

WHEREAS, the potential conflict between the City's existing land use review process for wireless communications and the preemptive federal review requirements for small wireless facilities create a time sensitive emergency requiring the adoption of an interim zoning ordinance; and

WHEREAS, the City of SeaTac is authorized to impose interim land use controls for up to one (1) year if a work plan is developed for related studies providing for such longer periods pursuant to RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, the FCC also enacted regulations to implement Section 6409(a) of the Spectrum Act, specifically the creation of eligible facilities requests governing the modifications of wireless communications facilities; and

WHEREAS, the adoption of the recent franchise agreements and FCC ruling require amendments to the City's zoning code in order to provide for design guidelines and procedures to be used in the consideration of applications for small wireless facility permits; and

WHEREAS, a public hearing on these interim regulations will be scheduled within sixty (60) days of ordinance adoption, pursuant to RCW 35A.63.220 and RCW 36.70A.390; and

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

Section 1. Recitals Incorporated. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact of the City Council.

Section 2. Additional Findings. The Council may adopt further additional findings after the public hearing is held and evidence presented to the City Council. The City Council further enters the following additional findings:

1. This Ordinance is consistent with and will implement the City's Comprehensive Plan and bears a substantial relation to the public health, safety and welfare.
2. This Ordinance is in the best interest of the City's 29,130 residents.
3. This Ordinance has been processed, reviewed, considered and adopted in material compliance with all applicable state and local procedural requirements codified in Chapter 36.70A RCW.

Section 3. Notwithstanding the provisions of SMC 15.480.010, Small Wireless Facilities and Eligible Facilities Requests shall be regulated through this Ordinance, and not SMC Chapter 15.480.

Section 4. The purpose of this ordinance is to set forth the regulations for the placement, development, permitting, and removal of small wireless facilities and the processing of eligible facilities requests. Among the purposes included are to:

- A. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.

- B. Establish objective standards for the placement of small wireless facilities.
- C. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- E. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.
- F. Process Eligible Facilities Requests consistent with federal requirements.

Section 5. In addition to the land use definitions in SeaTac Municipal Code Chapter 15.105 and Section 15.480.020 the following definitions apply to this ordinance; however, should any term defined in this Section 5 also be defined elsewhere in Title 15 of the SeaTac Municipal Code, the definition in this Section 5 shall apply:

Definitions.

- A. “Antenna” means any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, utility pole, building or other structure for the purpose of providing wireless services.
- B. “Co-location” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided that, for purposes of Eligible Facilities Requests, “collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- C. “Macro facility” means is a large wireless communication facility that provides radio frequency coverage for a cellular telephone network. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.
- D. “Small wireless facility” has the same meaning as defined in 47 CFR 1.6002.

- E. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).
- F. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services included, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- G. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.
- H. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

Section 6. The following new Section is hereby adopted:

Small Wireless General Provisions.

- A. Small wireless facilities shall not be considered nor regulated as essential public facilities.
- B. Small wireless facilities located outside of the public rights-of-way may be either a primary or a secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.
- C. Small wireless facilities located within the public right-of-way pursuant to a valid franchise are outright permitted uses in every zone of the City but still require a small wireless facility permit pursuant to this ordinance.

Section 7. The following new Section is hereby adopted:

Small Wireless Deployment.

- A. Overview. In order to manage its rights-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City, the City of SeaTac has adopted this administrative process for the deployment of small wireless facilities. The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the Federal Communications Commission (FCC) regulations. A franchise for the use of the City’s right-of-way is a contract which requires approval by the City Council. The

small wireless permits are issued by the Public Works Director, or his/her designee. Applicants are encouraged and expected to provide all related applications in one submittal, unless they have already obtained a franchise.

- B. **Application Process.** The Public Works Director, or his/her designee, is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of the application process as provided herein. The application shall include Parts A, B, and C as described in this subsection below.
1. **Franchise.** The process typically begins with and depends upon approval of a franchise for the use of the public right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the right-of-way. A complete application for a franchise is designated as **Part A**. An applicant with a franchise for the deployment of small wireless facilities in the City may proceed to directly apply for a small wireless facility permit and related approvals (Parts B and C). An applicant at its option may utilize phased development. Because franchises are required by federal law to be competitively neutral, the City has established a franchise format for use by all right-of-way users.
 2. **Small Wireless Facility Permits.** **Part B** of the application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in SMC 15.490.050.
 3. **Associated Permit(s).** **Part C** of the application shall attach all associated permits requirements such as applications or check lists required under the Critical Areas, Shoreline or SEPA ordinances. Applicants for deployment of new small wireless poles shall comply with the requirements in this Chapter.
 4. **Leases.** An applicant who desires to attach a small wireless facility any utility pole or light owned by the City shall include an application for a lease as a component of its application. The Public Works Director, or his/her designee, is authorized to approve leases in the form approved for general use by the City Council for any utility pole or light pole in the right-of-way. Leases for the use of other public property, structures or facilities shall be submitted to the City Council for approval.

Section 8. The following new Section is hereby adopted:

Small Wireless Permit Application.

The following information shall be provided by all applicants for a small wireless permit:

- A. The application shall provide specific locational information including GIS

coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground-mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

1. The location of overhead and underground public utility, telecommunication, cable, water, sewer drainage and other lines and equipment in the rights-of-way along the proposed route;
 2. The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.
 3. If the site location includes a replacement light pole, then the applicant must submit a photometric analysis of the roadway and sidewalk 150 feet upstream and downstream of the existing light.
 4. Compliance with the aesthetic requirements of this Chapter.
- B. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole.
- C. If the application is for a new or replacement light pole, then the applicant must provide a photometric analysis.
- D. The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.

- E. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:
1. Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.
 2. Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.
- F. Any application for a small wireless permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter 16A.23 SMC. Further, any application proposing small wireless facilities in the Shoreline jurisdiction (pursuant to SMC Title 18) or in Critical Areas (pursuant to Chapter 15.700 SMC) must indicate that the application is exempt or comply with the review processes in such codes.
- G. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the Small Wireless facility will operate. If facilities which generate RF radiation necessary to the Small Wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.
- H. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- I. Construction drawings submitted by the applicant shall depict all existing proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 250 feet from the proposed site. The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small wireless facility.
- J. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that both construction plans and final construction of the small

wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads as established by the International Building Code. Further, the construction drawings shall depict all existing proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 250 feet from the proposed site. The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholds, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small wireless facility.

- K. A traffic control plan.
- L. The small wireless facilities permit shall include those elements that are typically contained in the right-of-way use permit to allow the applicant to proceed with the build-out of the small wireless facility deployment.
- M. Recognizing that small wireless facility technology is rapidly evolving, the Public Works Director, or his/her designee, is authorized to adopt and publish standards for the technological and structural safety of City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

Section 9. The following new Section is hereby adopted:

Small Wireless Review Process.

- A. Review. The following provisions relate to review of applications for a small wireless facility permit.
 - 1. Only complete applications for a small wireless permit containing all required submission elements described in Section 8 of this ordinance shall be considered by the City. Incomplete applications that are not made complete by the applicant within sixty (60) days of initial submission of the application materials shall be deemed withdrawn.
 - 2. In any zone, upon application for a small wireless permit, the City will permit small wireless deployment on existing or replacement utility poles conforming to the City's generally applicable development and design standards of this Chapter, except as provided in subsection B below.
 - 3. Vertical clearance shall be reviewed by the Public Works Director, or his/her designee, to ensure that the small wireless facilities will not pose a hazard to other users of the rights-of-ways.
 - 4. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.

5. The City shall make every reasonable effort, consistent with any applicable provisions of state or federal law, and the preservation of the City's health, safety and aesthetic environment, to comply with the Federal presumptively reasonable time periods for review of facilities for the deployment of small wireless facilities to the fullest extent possible.
- B. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon an Eligible Facilities Request described in Section 16 of this ordinance when the modification does not defeat the concealment elements of the small wireless facility.
- C. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this ordinance shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.
- D. Final Decision. Any decision by the Public Works Director, or his/her designee, shall be final and not be subject to administrative appeals.
- E. Withdrawal. Any applicant may withdraw an application submitted pursuant to Section 8 of this ordinance at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Public Works Director's, or his/her designee's, decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Public Works Director's, or his/her designee's, decision, there shall be no refund of all or any portion of such fee.

Section 10. The following new Section is hereby adopted:

Small Wireless Permit Requirements.

- A. The grantee of any permit shall comply with all of the requirements within the small wireless permit.
- B. Small wireless facilities installed pursuant to a small wireless facility permit may proceed to install the approved small wireless facilities without the need for an additional right-of-way use permit if construction is commenced within thirty (30)

days of approval by providing email or written notice to the Public Works Director, or his/her designee. Facilities approved in a small wireless permit in which installation has not commenced within thirty (30) days of the approval of a small wireless facility permit shall apply for and be issued a right-of-way use permit to install such small wireless facilities in accordance with the standard requirements of the City for use of the right-of-way.

- C. Post-Construction As-Built. Within thirty (30) days after construction of the small wireless facility, the grantee shall provide the City with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.
- D. Permit Time Limit. Construction of the small wireless facility must be completed within six (6) months after the approval date by the City. The grantee may request one (1) extension to be limited to three (3) months, if the applicant cannot construct the small wireless facility within the original six (6) month period.
- E. Site Safety and Maintenance. The grantee must maintain the small wireless facilities in safe and working condition. The grantee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

Section 11. The following new Section is hereby adopted:

Modifications to Small Wireless Facilities.

- A. If a grantee desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit.
- B. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-of-way, or the replacement of an antenna or equipment of similar size, weight, and height, provided that such replacement does not defeat the concealment elements used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with SMC Chapter 11.10.

Section 12. The following new Section is hereby adopted:

Small Wireless Consolidated Permit.

- A. The issuance of a small wireless permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the community and economic development departments. If the applicant requires a new franchise to utilize the right-of-way, the franchise approval may be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.
- B. The general standards applicable to the use of the rights-of-way described in SMC Chapter 11.10 shall apply to all small wireless facility permits.

Section 13. The following new Section is hereby adopted:

Small Wireless Fees and Other Costs.

- A. Application and Review Fee. Any applicant for a franchise pursuant to this ordinance shall pay an application and review fee or fee deposit in an amount as determined by the City Council. This application and review fee covers the actual costs associated with the City's initial review of the application; provided, however, that the applicant shall also be required to pay all necessary permit fees. This application and review fee shall be deposited with the City as part of the application filed pursuant to this ordinance.
- B. Other City Costs. All grantees shall, within 30 days after written demand therefor, reimburse the City for all direct and actual costs and expenses incurred by the City in connection with any grant, modification, amendment, renewal, or transfer of any franchise.
- C. Permit Fee. Prior to issuance of a right-of-way permit or small wireless facility permit, the applicant shall pay a permit fee in an amount as determined by the City Council, or the actual costs incurred by the City in reviewing such permit application.

Section 14. The following new Section is hereby adopted:

Design and Concealment Standards for Small Wireless Deployments.

Small wireless facility deployments whether permitted in the right-of way under a franchise agreement or permitted in accordance with this chapter shall conform to the following design standards:

- A. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:
1. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning no more than six (6) inches off of the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.
 2. The furthest point of any antenna or equipment enclosure may not extend more than twenty (20) inches from the face of the pole.
 3. All conduit, cables, wires and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.
 4. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.
 5. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.
 6. The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

7. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E(4) of this Section.
 8. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.
- B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:
1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
 2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.
 3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.
 4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.
 5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty (20) inches from the face of the pole.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground-mounted pursuant to subsection of the Section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.
13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.
14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.
15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.
16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
 5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
 6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces.
- D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.
1. Each strand mounted facility shall not exceed three (3) cubic feet in volume;
 2. Only one strand mounted facility is permitted per cable between any two existing poles;
 3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;
 4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
 5. Ground-mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and
 6. Pole mounted equipment shall comply with the requirements of subsections A and B of this Section.
 7. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
 8. Strand mounted facilities are prohibited on non-wooden poles.
- E. General Requirements.
1. Ground-mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a

concealment element plan. Generators located in the rights-of-way are prohibited.

2. No equipment shall be operated so as to produce noise in violation of Chapter 173-60 WAC.
3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.
4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.
5. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.
6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.
8. Side arm mounts for antennas or equipment must be the minimum extension necessary and for wooden poles may be no more than twelve (12) inches off the pole and for non-wooden poles no more than six (6) inches off the pole.
9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.
10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.

11. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.
12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.
13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

Section 15. The following new Section is hereby adopted:

New Poles in the Rights-of-Way for Small Wireless Facilities.

- A. New poles, as compared to replacement poles, within the rights-of-way are only permitted if the applicant can establish that:
 1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights-of-way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
 2. The proposed small wireless facility receives approval for a concealment element design, as described in subsection C of this Section;
 3. The proposed small wireless facility also complies with the City's Shoreline Master Program, SMC Title 18, and SEPA, Chapter 16A.23 SMC, if applicable; and
 4. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Ordinance (Chapter 15.700 SMC), except when determined to be exempt pursuant to said ordinance.
- B. An application for a new pole is subject to a Type I review.
- C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all

related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure. Further, applicant designs should, to the extent technically possible, comply with the generally applicable design standards adopted pursuant to Section 14 of this ordinance.
 2. If the Public Works Director, or his/her designee, has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.
- D. Even if an alternative location is established pursuant to subsection (A)(1) and (A)(2), the Public Works Director, or his/her designee, may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.
- E. Prior to the issuance of a permit to construct a new pole or ground-mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground-mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed small wireless facility is more than sixty (60) feet.
- F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by

the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the streetscape.

Section 16. The following additional definitions shall only apply to eligible facilities requests as described in this Section. Should any term defined in this Section also be defined elsewhere in Title 15 of the SeaTac Municipal Code or in Section 5 of this ordinance, the definition in this Section 16 shall apply.

Eligible Facilities Requests.

A. Additional Definitions.

- I. “Base Station”: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:
 - a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small wireless networks).
 - c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) and (ii) above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
 - d. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.
2. “Collocation”: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
3. “Director”: The Director of the Community and Economic Development or designee.

4. “Eligible Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.
5. “Eligible Support Structure”: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.
6. “Existing”: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
7. “Substantial Change”: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;
 - b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
 - c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-

existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

- d. It entails any excavation or deployment outside the current site;
 - e. It would defeat the concealment elements of the eligible support structure; or
 - f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.
8. “Tower”: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.
9. “Transmission Equipment”: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- B. Application. The Director shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- C. Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.
- D. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this section.
- E. Tolling of the Time Frame for Review. The sixty (60) day review period begins to

run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.
3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

F. **Determination That Application Is Not an Eligible Facilities Request.** If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

G. **Failure to Act.** In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Section 17. Appeals. Small Wireless Facilities Permit decisions, other than administrative approvals relating to Small Wireless Facilities and Eligible Facilities Requests, are final decisions. Approvals or denials of a Small Wireless Facility Permit or Eligible Facilities Requests are administrative approvals and are not subject to appeal. The timely filing of an appeal of a wireless communication facility permit decision shall stay the effective date of the decision until such time as the appeal is concluded or withdrawn.

Section 18. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will hold a hearing on this interim ordinance within sixty (60) days of adoption in order to take public testimony. The City Council may, in its discretion, adopt additional findings justifying the interim development regulations after the close of the hearing.

Section 19. Duration of Interim Regulations. The interim amendments adopted by this

ordinance shall remain in effect until one (1) year from the effective date and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date.

Section 20. Planning Commission Work Program. The City of SeaTac Planning Commission is hereby directed to review the interim regulations in 2019. The Commission shall make a recommendation on whether said amendments, or some modification thereof, should be permanently adopted. The SeaTac Planning Commission is directed to complete its review, to conduct such public hearings as may be necessary or desirable, and to forward its recommendation to the SeaTac City Council prior to October 31, 2019. The work program shall include input from wireless carriers, existing franchisees, and SeaTac staff.

Section 21. Declaration of Emergency. The SeaTac City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare of the City of SeaTac, pursuant to RCW 35A.13.190.

Section 22. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.


Section 23. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 24. Ordinance not to be codified. This Ordinance shall not be codified. The City Clerk, shall ensure that a copy of this Ordinance be accessible through the City's Municipal Code website (<https://www.codepublishing.com/WA/SeaTac/>).

Section 25. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein.

ADOPTED this 8th day of January, 2019, and signed in authentication thereof on this 8th day of January, 2019.


CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

APPROVED AS TO FORM:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 1/8/19]

[Interim Regulations on Wireless Communications]

ORDINANCE NO. 19-1002

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 13.150.060, 13.150.070, 13.150.080, and 13.150.090 of the SeaTac Municipal Code related to submission of records to the Fire Code Official.

WHEREAS, the Fire Prevention Division receives paper copies of annual confidence testing reports, which are required by the International Fire Code; and

WHEREAS, the Puget Sound Regional Fire Authority has begun using a new software program so these annual confidence testing reports may be submitted electronically; and

WHEREAS, the City Council deems it appropriate to clarify that the Fire Code Official may dictate the form and manner of the submission of the testing and inspection reports;

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

Section 1. Chapter 13.150.060 of the SeaTac Municipal Code is hereby amended to read as follows:

13.150.060. Amendments to the International Fire Code – Chapter 5, Fire Service Features. The following local amendments to Chapter 5 of the International Fire Code, entitled “Fire Service Features,” are adopted and incorporated into the International Fire Code:

- A. Section 503 of the International Fire Code is adopted.
- B. Subsection 503.2.1 is amended to read as follows:
 - 503.2.1 Dimensions.** The following minimum dimensions shall apply for fire apparatus access roads:
 - 1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 - 2. All fire apparatus access road routes shall be approved.
- C. Subsection 503.2.3 is amended to read as follows:

503.2.3 Surface. Facilities, buildings, or portions of buildings constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 30 tons in accordance with the King County Road Standards.

D. Subsection 503.2.5 is amended to read as follows:

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround.

E. Subsection 503.2.6 is amended to read as follows:

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge or elevated surface shall be constructed and maintained in accordance with specifications established by the fire code official and the public works director, or their designees; at a minimum, however, the bridge or elevated surface shall be constructed and maintained in accordance with AASHTO Standard Specifications for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of 30 tons or more ton fire apparatus, the total imposed load to be determined by the fire code official. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

F. Subsection 503.2.7 of the International Fire Code is amended to read as follows:

503.2.7 Grade. Fire apparatus access roads shall not exceed 15 percent longitudinally and/or 6 percent laterally in grade. Approach and departure angle for fire access shall be as determined by the fire code official.

G. A new subsection 503.2.9 is added to read as follows:

503.2.9 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, for 20 feet on either side of the operating nut the minimum road width shall be 26 feet and may be marked as a fire lane per Section 503.3.

H. Subsection 503.3 is amended to read as follows:

503.3 Marking. Fire apparatus access roads shall be marked whenever necessary to maintain the unobstructed minimum required width of roadways. Subject to the fire code official's prior written approval, marked fire apparatus access roads, or fire lanes, may be established or relocated at the time of plan review, pre-construction site inspection, and/or post construction site inspection as well as any time during the life of the occupancy. Only those fire apparatus access roads established by the fire code official can utilize red marking paint and the term fire lane. Fire lanes shall be marked as directed by the fire code official with one or more of the following types of marking in accordance with the City of SeaTac Design and Construction Standards:

503.3.1 Type 1. Type 1 marking shall be installed to identify fire lanes on commercial and multi-family developments or as directed by the fire code official. The following shall apply to Type 1 marking:

1. Curbs shall be identifiable by red traffic paint with a 6 inch wide stripe on the top and front, extending the length of the designated fire lane.
2. Rolled curbs shall be identified by red traffic paint with a 6 inch wide stripe on the upper most portion of the curb, extending the length of the designated fire lane.
3. Lanes without curbs shall be identified by red traffic paint with a 6 inch wide stripe on the pavement, extending the length of the designated fire lane.
4. The words "NO PARKING – FIRE LANE" shall be in 3 inch stroke white letters 18 inches in height, and placed 8 inches measured perpendicular from the red paint stripe on the pavement. Locations and intervals will be designated by the fire code official; marking will not exceed 50 feet apart. In most cases, both sides of the access road shall be marked. Where long drives are to be marked, the repetition shall alternate sides of the drive.

503.3.2 Type 2. Type 2 marking shall be installed to identify fire lanes in one- and two-family dwelling developments, or as directed by the fire code official. The following shall apply to Type 2 marking:

1. Type 2 marking requires metal signs stating "NO PARKING – FIRE LANE" to be installed at intervals or locations designated by the fire code official; signage will not exceed 150 feet apart.

2. The signs shall measure 12 inches in width and 18 inches in height and have red letters on a white background. Bottom of sign shall be a minimum of 7 feet from the curb. Signs shall be nominally parallel to the road, facing the direction of travel.
3. The sign shall be installed on an approved metal post.

Exception: On construction sites, approved portable or temporary sign posts and bases may be used.

4. Where fire lanes are adjacent to buildings or structures and when approved or directed by the fire code official, the signs may be placed on the face of the building or structure.

503.3.3. Type 3. Type 3 marking shall be installed to address situations where neither Type 1 or 2 marking are effective or as directed by the fire code official.

1. Specific areas designated by the fire code official shall be marked with diagonal striping across the width of the fire lane. Diagonal marking shall be used in conjunction with painted curbs and/or edge striping and shall run at an angle of 30 to 60 degrees from one side to the other. These diagonal lines shall be in red traffic paint, parallel with each other, at least 6 inches in width, and 24 inches apart. Lettering shall occur as with Type 1 marking.

- I. Subsection 503.7 is added to read as follows:

503.7 Establishment of fire lanes. Fire lanes in conformance with this code shall be established by the Fire Chief or his/her authorized designee, and shall be in accordance with 503.7.1 through 503.7.9.

503.7.1 Obstruction of fire lanes prohibited. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic hazard as defined in State law and an immediate hazard to life and property.

503.7.2 Existing fire lane signs and markings. The following signs and markings shall be provided:

1. Signs (minimum nine-inch by 16-inch) may be allowed to remain until there is a need for replacement and at that time the sign shall the requirements of section 503.3.2

2. Markings may be allowed to remain until there is a need for repainting and at that time the provisions outlined in 503.3 shall be complied with.

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

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

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

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

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

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

J. A new subsection 503.8 is added to read as follows:

503.8 Commercial and Industrial Developments. The fire apparatus access roads serving commercial and industrial developments shall be in accordance with Sections 503.8.1 through 503.8.3.

503.8.1 Buildings exceeding three stories or 30 feet in height.

Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

503.8.2 Buildings exceeding 62,000 square feet in area.

Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings area equipped throughout with approved automatic sprinkler systems.

503.8.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses or as approved by the fire code official and the fire chief.

K. A new subsection 503.9 is added to read as follows:

503.9 Aerial fire apparatus roads. The fire apparatus access roads that accommodate aerial fire apparatus shall be in accordance with Sections 503.9.1 through 503.9.3.

503.9.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department access shall be provided with approved fire apparatus access roads that are capable of accommodating fire department aerial apparatus.

503.9.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.

503.9.3 Proximity to building. At least one of the required access routes meeting this condition shall be positioned parallel to one entire side of the building. The location of the parallel access route shall be approved.

L. A new subsection 503.10 is added to read as follows:

503.10 Multi-family residential developments. The fire apparatus access roads serving multi-family residential developments shall be in accordance with Sections 503.10.1 through 503.10.3.

503.10.1 Projects having more than 100 dwelling units.

Multi-family residential projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

503.10.2 Projects having more than 200 dwelling units.

Multi-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

503.10.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses or as approved by the fire code official and fire chief.

M. A new subsection 503.11 is added to read as follows:

503.11 One- and Two-family residential developments with more than 30 dwelling units. The fire apparatus access roads serving one- and two-family residential developments with more than 30 dwelling units shall be in accordance with Sections 503.11.1 and 503.11.2.

503.11.1 Projects having more than 30 dwelling units.

Developments of one- or two-family dwellings where the number of dwelling units exceed 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with approved automatic sprinkler systems installed in accordance with Section

903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will, within a reasonable time, connect with future development, as determined by the fire code official.

503.11.2 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses or as approved by the fire code official and fire chief.

- N. A new subsection 503.12 is added to read as follows:

503.12 Underground structures. Installation of underground structures under or within 10 feet of fire apparatus access roads shall be designed using approved criteria. The criteria shall accommodate for the loading of fire department aerial apparatus unless otherwise approved.

- O. A new subsection 507.5.2.1 is added to read as follows:

507.5.2.1. Records. Records of all system inspections, tests and maintenance required by the referenced standard shall be maintained on the premises for three years; ~~a copy~~^{copies} shall be submitted in a form or manner determined by ~~delivered to~~ the fire code official within 30 calendar days of each test, inspection, or maintenance of the system.

- P. A new subsection 507.5.6 is amended to read as follows:

507.5.6. Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts shall be designed and installed in accordance with the local water purveyor's design and construction standards.

- Q. A new subsection 507.5.7 is amended to read as follows:

507.5.7. Fire hydrant. Fire hydrants shall be designed and installed in accordance with the local water purveyor's design and construction standards.

- R. A new subsection 507.5.8 is amended to read as follows:

507.5.8. Backflow prevention. All private fire systems shall be isolated by an approved method from the local water purveyor.

- S. A new subsection 507.6 is amended to read as follows:

507.6. Capacity for residential areas. All hydrants installed in single family residential areas shall be capable of delivering 1,500 gpm fire flow over and above average maximum demands at the farthest point of the installation.

- T. A new subsection 507.7 is amended to read as follows:

507.7. Spacing. The spacing of hydrants shall be in accordance with Sections 507.7.1 through 507.7.5.

507.7.1. Single family. The maximum fire hydrant spacing serving single family residential areas shall be 600 feet.

507.7.2. Commercial, industrial and multi-family. The maximum fire hydrant spacing serving commercial, industrial, multi-family or other areas shall be 300 feet.

507.7.3. Medians. Where streets are provided with median dividers which cannot be crossed by firefighters pulling hose lines hydrants shall be provided on each side of the street and be arranged on an alternating basis.

507.7.4. Arterials. Where arterial streets are provided with four or more traffic lanes hydrants shall be provided on each side of the street and be arranged on an alternating basis.

507.7.5. Transportation. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at a spacing not to exceed 1,000 feet to provide for transportation hazards.

- U. A new subsection 507.8 is amended to read as follows:

507.8. Required hydrants. The number of hydrants required for a property shall be based on the calculated fire flow. The first hydrant will be calculated for up to 1,500 gpm. An additional hydrant is required for every 1,000 gpm, or fraction thereof. The required hydrants shall be within 600 feet of the property on a fire apparatus road, as measured by an approved method.

- V. A new subsection 507.9 is amended to read as follows:

507.9. Notification. The owner of property on which private hydrants are located and the public agencies that own or control public hydrants

must provide the fire code official with the following written service notifications in accordance with 507.9.1 and 507.9.2.

507.9.1. In-service notification. The fire code official shall be notified when any newly installed hydrant is placed into service.

507.9.2. Out-of-service notifications. Where any hydrant is out of service or has not yet been placed in service, the hydrant shall be identified as being out of service and shall be appropriately marked as out of service, by a method approved by the fire code official.

W. A new subsection 507.10 is amended to read as follows:

507.10. Water main standards. The installation of water mains shall be in accordance with 507.10.1 and 507.10.2.

507.10.1. Minimum pipe size. All water mains serving fire hydrants shall be eight (8) inches in diameter for dead-end mains and six (6) inches inside diameter for circulating mains.

Exception: Hydrant leads less than fifty (50) feet in length may be six (6) inches in diameter.

507.10.2. Adopted standards. All water mains shall meet applicable engineering and health standards adopted by the State of Washington or the water purveyor.

X. A new subsection 507.11 is amended to read as follows:

507.11. Water purveyor authority. Nothing in this section shall be construed to prohibit water purveyors from imposing more stringent requirements for the construction of water mains and fire hydrants.

Y. Subsection 508.1 is amended to read as follows:

508.1 General. Where required by other sections of the code and in all buildings classified as high-rise or those buildings used as an airport terminal, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.6.

Z. A new section is added to read as follows:

511 Automatic External Defibrillators

AA. A new subsection 511.1 is added to read as follows:

511.1 Where required. Automatic External Defibrillators (AED) shall be installed on Port properties in accordance with 511.1.1 through 511.1.3.

511.1.1 Terminals. AED's shall be located in all public circulation spaces and holdrooms with a maximum travel distance of 150 feet.

511.1.2 Accessory Terminal Spaces. A minimum of (1) AED shall be located in each airline lounge, club, or tenant breakroom designed to serve more than 50 occupants.

511.1.3 Other Buildings on Port property. A minimum of (1) AED shall be located in an obvious location such as an elevator lobby/entrance.

Section 2. Chapter 13.150.070 of the SeaTac Municipal Code is hereby amended to read as follows:

13.150.070. Amendments to the International Fire Code – Chapter 6, Building Services and Systems. The following local amendments to Chapter 6 of the International Fire Code, entitled “Building Services and Systems,” are hereby adopted and incorporated into the International Fire Code:

A. Subsection 606.6 is amended to read as follows:

606.6. Testing of equipment. Refrigeration equipment and systems having a refrigerant circuit more than 220 pounds of Group A1 or 30 pounds of any other group refrigerant shall be subject to periodic testing in accordance with Section 606.6.1. A written record of the required testing shall be maintained on the premises for a minimum of three years; a copy shall be submitted ~~to~~ in a form or manner determined by the fire code official within 30 calendar days of the testing; and a label or tag shall be affixed to the individual system identifying the date of the testing. Tests of emergency devices or systems required by this chapter shall be conducted by persons trained and qualified in refrigeration systems.

B. Subsection 609.2 is amended to add the following two subsections to read as follows:

609.2.2. Permit Required. Permits shall be required as set forth in Section 105.6.

609.2.3. Approved drawing. The stamped and approved cook line drawing shall be displayed adjacent to the suppression system pull station prior to the final inspection.

C. Subsection 609.3.3.3 is amended to read as follows:

609.3.3.3 Records. Records for inspections shall state the individual and company performing the inspection, a description of the inspection and when the inspection took place. Records for cleanings shall state the individual and company performing the cleaning and when the cleaning took place. Such records shall be completed after each inspection or cleaning, maintained on the premises for a minimum of three years; a copy shall be ~~sent to~~ submitted in a form or manner determined by the fire code official within 30 days of the inspection or cleaning.

Section 3. Chapter 13.150.080 of the SeaTac Municipal Code is hereby amended to read as follows:

13.150.080. Amendments to the International Fire Code – Chapter 7, Fire and Smoke Prevention Features. The following local amendments to Chapter 7 of the International Fire Code, entitled “Fire and Smoke Prevention Features,” are hereby adopted and incorporated into the International Fire Code:

A. Subsection 703.4 is amended to read as follows:

703.4. Testing. Horizontal, vertical sliding and rolling fire doors shall be inspected and tested annually to confirm proper operation and full closure. A written record shall be maintained on the premises for a minimum of three years; a copy shall be ~~sent to~~ submitted in a form or manner determined by the fire code official within 30 calendar days of the inspection or test; and a label or tag shall be affixed to the individual assembly identifying the date of scheduled confidence test.

Section 4. Chapter 13.150.090 of the SeaTac Municipal Code is hereby amended to read as follows:

13.150.090. Amendments to the International Fire Code – Chapter 9, Fire Protection Systems. The following local amendments to Chapter 9 of the International Fire Code, entitled “Fire Protection Systems,” are hereby adopted and incorporated into the International Fire Code:

A. Subsection 901.6.2 is amended to read as follows:

901.6.2. Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for three years; a copy shall be ~~sent to~~ submitted in a form or manner determined by the fire code official within 30 calendar days of each test, inspection, or maintenance of the system; and a label or tag shall be affixed to the individual system identifying the date of the scheduled confidence test.

B. Subsection 901.11 is added to read as follows:

901.11. Emergency contacts. It shall be the responsibility of the owner of a/any monitored fire protection system to provide and maintain a

minimum of three emergency contacts that are capable of responding to the system location with their monitoring company.

- C. The following term is added to subsection 902.1:

PROBLEMATIC FIRE PROTECTION SYSTEM.

- D. Subsection 903.2 of the International Fire Code is amended to read as follows:

903.2 Where required. An automatic sprinkler system shall be provided for when one of the following conditions exist:

1. In all buildings without adequate fire flow as required by this code.

Exception: Miscellaneous Group U Occupancies.

2. All new buildings and structures regulated by the International Building Code 6,000 square feet and greater and requiring 2,000 gallons per minute or more fire flow, or with a gross floor area of 10,000 or more square feet, or where this code provides a more restrictive floor/fire area requirement, and shall be provided in all locations or where described by this code.

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries, and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1 hour fire barriers constructed in accordance with Section 707 of the International Building Code or not less than 2 hour horizontal assemblies constructed in accordance with Section 712 of the International Building Code, or both.

3. Where this code requires the installation of an automatic sprinkler system to protect an occupancy within an otherwise non-sprinklered building, then automatic sprinkler protection will be required throughout the entire building.

4. When the required fire apparatus access roadway grade is 12 percent or greater.

- E. A new subsection 903.2.9.3 is added to read as follows:

903.2.9.3 Speculative use warehouses. Where the occupant, tenant, or use of the building or storage commodity has not been determined or it is otherwise a speculative use warehouse or building, the automatic

sprinkler system shall be designed to protect not less than Class IV non-encapsulated commodities on wood pallets, with no solid, slatted, or wire mesh shelving, and with aisles that are 8 feet or more in width and up to 20 feet in height.

- F. A new subsection 903.3.8 is added to read as follows:

903.3.8. Check valve. All automatic sprinkler system risers shall be equipped with a check valve.

- G. A new subsection 903.7 is added to read as follows:

903.7 Riser Room Access. All risers shall be located in a dedicated room with an exterior door, interior lighting and heat.

- H. Subsection 907.1.3 is amended to read as follows:

907.1.3 Equipment. Systems and their components shall be listed and approved for the purpose for which they are installed. All new alarm systems shall be addressable. Each device shall have its own address and shall annunciate individual addresses at a UL Central Station.

- I. A new subsection 907.6.3 is amended to read as follows:

907.6.3 Initiating device identification. The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm, trouble and supervisory status, as appropriate.

Exception: Special initiating devices that do not support individual device identification.

- J. A new subsection 907.8.5.1 is amended to read as follows:

907.8.5.1. Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for three years; a copy shall be submitted in a form or manner determined by ~~sent to~~ the fire code official within 30 calendar days of each test, inspection, or maintenance of the system; and a label or tag shall be affixed to the individual system identifying the date of the scheduled confidence test.

- K. A new subsection 907.11 is added to read as follows:

907.11. Latched alarms. All signals shall be automatically “latched” at the alarm panel until their operated devices are returned to normal condition, and the alarm panel is manually reset.

- L. A new subsection 907.12 is added to read as follows:

907.12 Resetting. All fire alarm panels shall be reset only by an approved person.

907.12.1. Reset Code. The reset code for the fire alarm panel or keypad shall be 3-7-1-2-3-4. The reset code shall not be changed without approval of the fire code official.

- M. A new subsection 907.13 is added to read as follows:

907.13 Fire Alarm Control Panel. All fire alarm control panels shall be located in the riser room designed and installed in accordance with Section 903.7 or an approved location.

- N. Subsection 909.20.2 is amended to read as follows:

909.20.2 Written record. The records shall include the date of the maintenance, identification of the servicing personnel and notification of any unsatisfactory condition and the corrective action taken, including parts replacement. The written record of smoke control system testing and maintenance shall be maintained on the premises for three years; ~~a copied~~ copy shall be ~~sent to~~ submitted in a form or manner determined by the fire code official within 30 days of each test or maintenance of the system; and a label or tag shall be affixed to the individual system identifying the date of the scheduled testing.

- O. Subsection 912.5 is amended to read as follows:

912.5 Signs. Fire department connections shall be clearly identified in an approved manner.

All fire department connections shall have an approved sign attached below the Siamese clapper. The sign shall specify the type of water-based fire protection system, the structure, and the building areas served.

Section 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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

ADOPTED this 26th day of February, 2019, and signed in authentication thereof on this 26th day of February, 2019.

CITY OF SEATAC

Erin Sitterley
Erin Sitterley, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to form:

Mary Mirante Bartolo
Mary Mirante Bartolo, City Attorney

[Effective Date: 3/9/19]

[Amend Fire Code—Inspection Reports]

ORDINANCE NO. 19-1003

AN ORDINANCE of the City Council of the City of SeaTac, Washington authorizing and providing for the acquisition of certain properties for the City street/road system specifically the Des Moines Memorial Drive South and South 200th Street Intersection Improvement project (Public Works Project ST-065); declaring public use and necessity for specific land and property to be condemned; authorizing the City Attorney to file a Petition for condemnation in King County Superior Court; and authorizing payment therefore from the City's 307 Transportation Fund.

WHEREAS, the Des Moines Memorial Drive South and South 200th Street Intersection Improvement Project ("Project") will consist of building road improvements at the intersection of Des Moines Memorial Drive South and South 200th Street and more specifically the construction of a traffic signal system, turn lanes, curbs, gutters, sidewalk, bike lanes, storm drainage, conversion of utilities to underground, utility lines, street lighting, and paving; and

WHEREAS, the Project is contained in the City's 2019 Transportation Improvement Plan (TIP), the 2019-2024 Capital Improvement Plan (CIP), and the Capital Facilities Element of the City's Comprehensive Plan; and

WHEREAS, certain easements, lands, and properties must be acquired in order to provide the necessary rights-of-way for construction and operation of the Project; and

WHEREAS, public use and necessity require that the property and property rights herein identified be condemned, appropriated, and taken for public use for Project purposes as it may now or hereafter declare in the public interest; and

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

WHEREAS, notice of the planned final action set forth herein was provided in accordance with RCW 8.25.290;

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

Section 1. Acquisition of easements or real property identified and depicted in Exhibit A, which is attached and made a part of this Ordinance, is necessary to the public use for the Des Moines Memorial Drive South and South 200th Street Intersection Improvement project.

Section 2. Reservation. Nothing in this Ordinance limits the City in its identification and acquisition of property and property rights necessary for its system of streets and roads, and utility improvements therein. The City reserves the right to acquire other or different properties for the Project.

Section 3. Prosecution. The City's Legal Department, at the direction of the City Attorney, is hereby authorized to commence condemnation proceedings, pursuant to law. In conducting said condemnation proceedings, the City's Legal Department and/or City Manager is hereby authorized to enter into any agreements necessary to effectuate the property acquisition described in the Ordinance, including any stipulations necessary for the purpose of minimizing damages, including but not limited to, the modification of the interest to be acquired by the City. The Public Works Director, in consultation with the City's Legal Department, is authorized to make minor amendments to the legal description and depiction of easements or real property being acquired by the City as described in Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the Project.

Section 4. Funding. Compensation to be paid to the owners of the aforesaid property and costs of litigation, shall be paid from the City's 307-Transportation CIP Fund.

Section 5. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 6. Effective Date. 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 March, 2019, and signed in authentication thereof on this 12th day of March, 2019.

CITY OF SEATAC

Erin Sitterley
Erin Sitterley, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to Form:

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

[Effective Date: 3/23/19]

[Des Moines Memorial Drive South and South 200th Street Intersection Improvement project]

Exhibit A to the Ordinance

EXHIBIT "A"

Parcel No.: 3917400095

Owners Name: Alan and Susan Chamberlain

Temporary Construction Easement

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

KNIGHTS 2ND ADD TO DES MOINES LOTS 11-12-13 BLK 8 LESS CO RD TGW LOTS 11-12-13 BLK 7 TGW POR UNDESG POR OF SEELEYS ADD TO DES MOINES W OF 12TH AVE S & S OF DESMOINES WAY S BET S LN OF LOT 13 & N LN OF LOT 11 PROD E TGW PORS OF VAC STS & ALLEYS ADJ

PLat Block: 7 & 8

Plat Lot: VAC 11-12-13

LEGAL DESCRIPTION OF EASEMENT AREA

That portion of said Parcel described above lying West of the following described line:

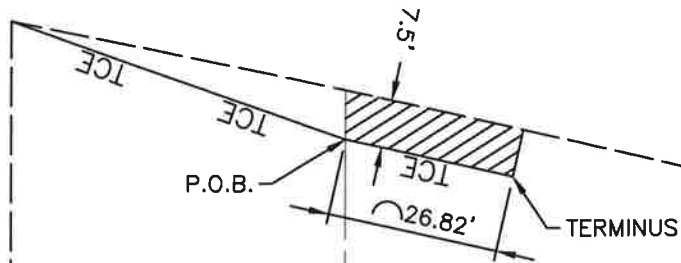
BEGINNING at a point on the Southerly line of said Parcel and 7.50 feet Easterly of the Westerly line of said Parcel, measured perpendicular to said Westerly line;

THENCE Northerly, parallel with said Westerly line a distance of 26.82 feet and the TERMINUS of the herein described line.

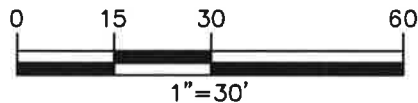
Contains: 207.5 Square Feet, more or less.

EXHIBIT 'B'

DES MOINES MEMORIAL DRIVE



ALAN AND SUSAN CHAMBERLAIN
TAX PARCEL NO. 391740-0095



CITY OF SEATAC

DES MOINES MEMORIAL DRIVE AND
SOUTH 200TH STREET INTERSECTION

TAX PARCEL NO. 391740-0095
TEMPORARY CONSTRUCTION EASEMENT
EXHIBIT 'B'

EXHIBIT "A"

Parcel No.: 3917400100

Owners Name: Palacios M. DeCaudra

Temporary Construction Easement

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

KNIGHTS 2ND ADD TO DES MOINES TGW POR VAC ST & ALLEY ADJ

PLat Block: 8 VAC

Plat Lot: 14-15-16

LEGAL DESCRIPTION OF EASEMENT AREA

That portion of said Parcel described above lying West of the following described line:

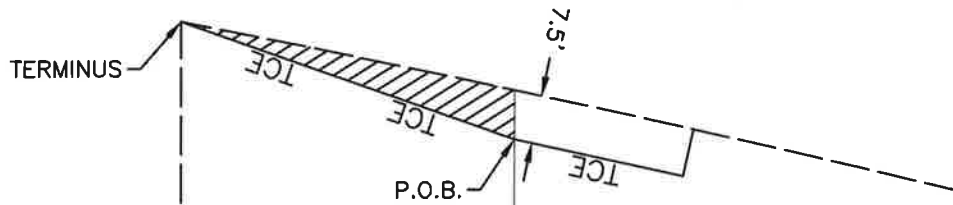
BEGINNING at a point on the Northerly line of said Parcel and 7.50 feet Easterly of the Westerly line of said Parcel, measured perpendicular to said Westerly line;

THENCE Southwesterly to a point on the Southwest corner of said Parcel and the TERMINUS of the herein described line.

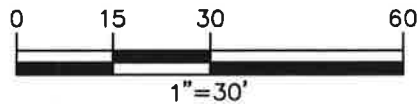
Contains: 203.8 Square Feet, more or less.

EXHIBIT 'B'

DES MOINES MEMORIAL DRIVE



PALACIOS M. DECAUDRA
TAX PARCEL NO. 391740-0100



CITY OF SEATAC

DES MOINES MEMORIAL DRIVE AND
SOUTH 200TH STREET INTERSECTION

TAX PARCEL NO. 391740-0100
TEMPORARY CONSTRUCTION EASEMENT
EXHIBIT 'B'

EXHIBIT "A"

Parcel No.: 768620212003

Owners Name: Pedro Bucio Leon and Karina Gonzalez

Temporary Construction Easement

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

LOTS 7, 8 AND 9 OF VACATED BLOCK 39 OF SEELEY'S ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 59, IN KING COUNTY, WASHINGTON, LYING SOUTHERLY OF SOUTH 200TH STREET;

EXCEPT THE SOUTHERLY 187.5 FEET THEREOF;

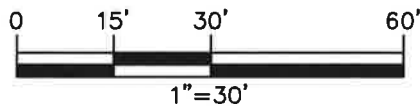
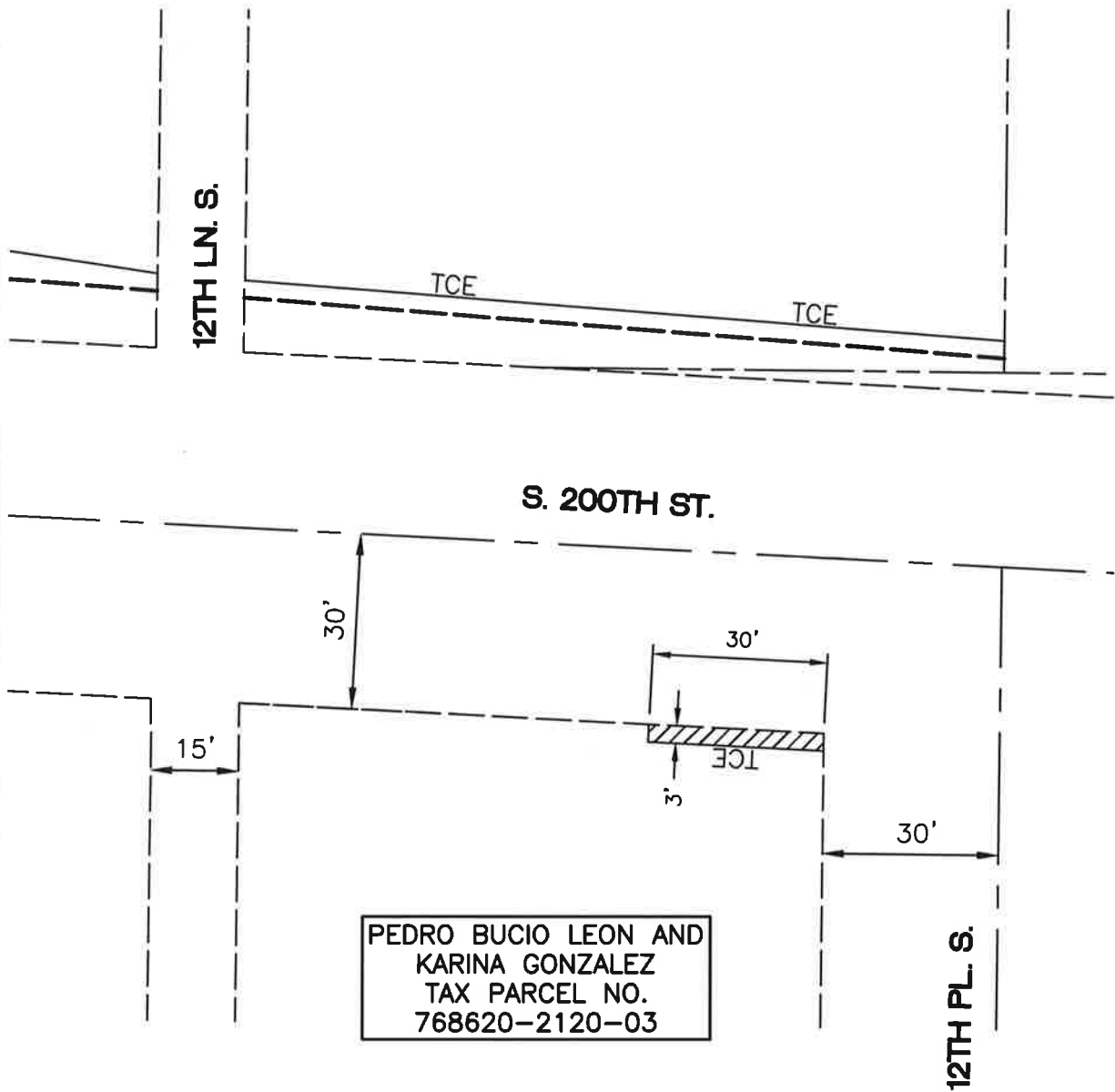
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

LEGAL DESCRIPTION OF EASEMENT AREA

The Northerly 3.00 feet of the Easterly 30.00 feet of said Parcel.

Contains: 90.2 Square Feet, more or less.

EXHIBIT 'B'



CITY OF SEATAC

DES MOINES MEMORIAL DRIVE AND
SOUTH 200TH STREET INTERSECTION

TAX PARCEL NO. 768620-2120
TEMPORARY CONSTRUCTION EASEMENT
EXHIBIT 'B'

EXHIBIT "A"

Parcel No.: 3917400300

Owners Name: Ken Marquardt and Emily Marquardt

Right of Way Acquisition

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

THAT PORTION OF VACATED BLOCK 16, OF KNIGHT'S SECOND ADDITION TO DES MOINES LYING EASTERLY OF DES MOINES HIGHWAY; AND ALL OF VACATED BLOCKS 17 AND 18; ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 3, IN KING COUNTY, WASHINGTON;

TOGETHER WITH ALL THAT PORTION OF VACATED 12TH STREET LYING EASTERLY OF DES MOINES HIGHWAY BETWEEN SAID BLOCKS 16 AND 17; AND

TOGETHER WITH THE VACATED ALLEY BETWEEN SAID BLOCKS 17 AND 18;

EXCEPT THE FOLLOWING:

THE EASTERLY 60 FEET OF THE SOUTHERLY 100 FEET OF THE ABOVE DESCRIBED TRACT AS MEASURED ALONG THE EASTERLY LINE OF SAID BLOCK 18;

EXCEPT THAT PORTION OF SAID DESCRIBED MAIN TRACT DEEDED TO KING COUNTY FOR SOUTH 200TH STREET BY DEED RECORDED UNDER RECORDING NUMBER 4899154.

LEGAL DESCRIPTION OF RIGHT-OF-WAY ACQUISITION AREA

That portion of said Parcel described above lying Southerly of the following described line:

BEGINNING at a point on the Easterly line of said Parcel and 13.00 feet Northerly of the Southerly line of said Parcel, measured perpendicular to said Southerly line;
THENCE North 87°00'55" West parallel with said Southerly line a distance of 118.00 feet;
THENCE North 02°59'05" East a distance of 4.00 feet;
THENCE North 76°55'45" West a distance of 27.21 feet to the beginning of a 28.50 foot radius tangent curve concave to the Northeast;
THENCE Northwesterly along the arc of said curve a distance of 43.48 feet, through a central angle of 87°24'11", to a point on the Westerly line of said Parcel, said point being tangent to the Easterly Right of Way Line of Des Moines Memorial Drive; said point being the TERMINUS of the herein described line, said point also being North 10°28'26" East along the westerly line of said parcel a distance of 54.00 feet from the Southwest corner of said Parcel.

Contains 2,911 Square Feet, more or less.

EXHIBIT 'B'

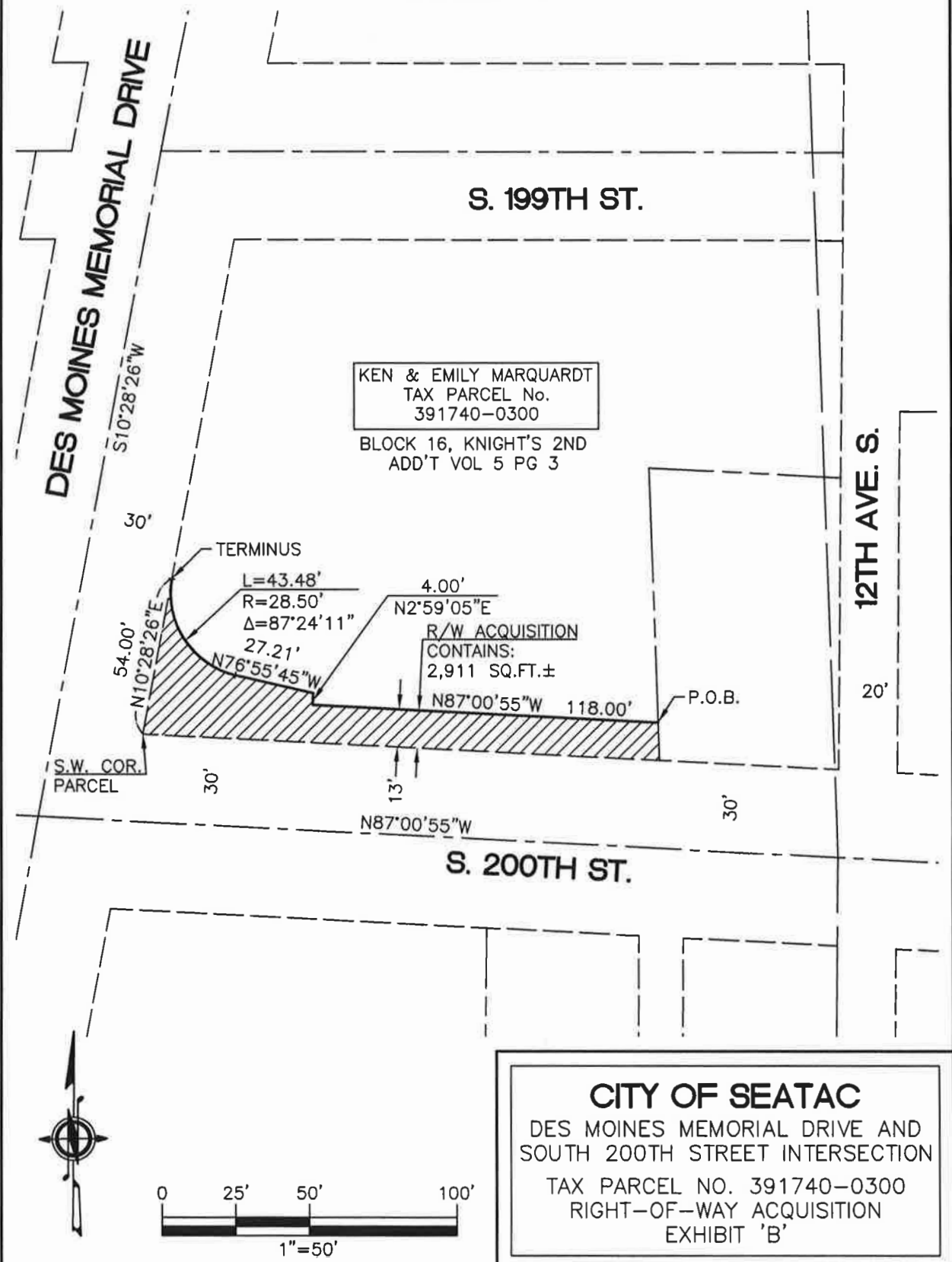


EXHIBIT "A"

Parcel No.: 3917400300

Owners Name: Ken Marquardt and Emily Marquardt

Temporary Construction Easement

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

Real property in the County of King, State of Washington, described as follows:

THAT PORTION OF VACATED BLOCK 16, OF KNIGHT'S SECOND ADDITION TO DES MOINES LYING EASTERLY OF DES MOINES HIGHWAY; AND ALL OF VACATED BLOCKS 17 AND 18; ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 3, IN KING COUNTY, WASHINGTON;

TOGETHER WITH ALL THAT PORTION OF VACATED 12TH STREET LYING EASTERLY OF DES MOINES HIGHWAY BETWEEN SAID BLOCKS 16 AND 17; AND

TOGETHER WITH THE VACATED ALLEY BETWEEN SAID BLOCKS 17 AND 18;

EXCEPT THE FOLLOWING:

THE EASTERLY 60 FEET OF THE SOUTHERLY 100 FEET OF THE ABOVE DESCRIBED TRACT AS MEASURED ALONG THE EASTERLY LINE OF SAID BLOCK 18;

EXCEPT THAT PORTION OF SAID DESCRIBED MAIN TRACT DEEDED TO KING COUNTY FOR SOUTH 200TH STREET BY DEED RECORDED UNDER RECORDING NUMBER 4899154.

LEGAL DESCRIPTION OF EASEMENT AREA

The Northerly 7.00 feet of the Southerly 20.00 feet of the Easterly 37.00 feet of the Westerly 176.21 feet of said Parcel described above;

TOGETHER WITH the Southerly 3.00 feet of that portion of said Parcel described above lying Northerly of the following described line:

BEGINNING at a point on the Easterly line of said Parcel and 13.00 feet Northerly of the Southerly line of said Parcel, measured perpendicular to said Southerly line;

THENCE Westerly, parallel with said Southerly line a distance of 118.00,

THENCE Northerly, perpendicular to said Southerly line a distance of 4.00 feet;

THENCE Northwesternly to a point 27.21 feet Easterly of the Westerly line of said Parcel and 21.77 feet Northerly of the Southerly line of said Parcel, both of which are measured perpendicular to their respective line;

THENCE Northwesternly on a 28.50 foot radius curve concave to the Northeast, said curve being Tangent to said described line and Tangent to the Easterly Right of Way Line of Des Moines Memorial Drive to a point on the Westerly line of said Parcel and 54 feet Northerly of the

Southerly line of said Parcel, measured along said Westerly line and the TERMINUS of the herein described line.

TOGETHER WITH the Westerly 3.00 feet of the Northerly 117.70 feet of said Parcel described above.

Contains 1,069 Square Feet, more or less.

EXHIBIT 'B'

S. 199TH ST.

DES MOINES MEMORIAL DRIVE

12TH AVE. S.

S. 200TH ST.

**KEN & EMILY
MARQUARDT TAX
PARCEL No.
391740-0300**

**BLOCK 16, KNIGHT'S
2ND ADD'T VOL 5 PG 3**

CITY OF SEATAC

**DES MOINES MEMORIAL DRIVE AND
SOUTH 200TH STREET INTERSECTION**

TAX PARCEL NO. 391740-0300

TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT 'B'

54'

30'

117.7'

3'

27.21'

21.77'

4'

3'

118'

37'

4'

7'

13'

30'

20'

0 25' 50' 100'

1"=50'

KEN & EMILY
MARQUARDT TAX
PARCEL No.
391740-0300

BLOCK 16, KNIGHT'S
2ND ADD'T VOL 5 PG 3

12TH AVE. S.

S. 200TH ST.

CITY OF SEATAC

DES MOINES MEMORIAL DRIVE AND
SOUTH 200TH STREET INTERSECTION

TAX PARCEL NO. 391740-0300
TEMPORARY CONSTRUCTION EASEMENT
EXHIBIT 'B'

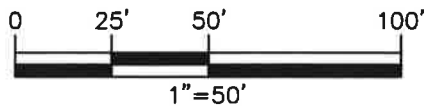


EXHIBIT "A"

Parcel No.: 7686202080

Owners Name: Tien Van Pham and Minh Thi Nguyen

Right-of-Way Acquisition

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

VACATED LOTS 1, 2, 3 AND 4, BLOCK 39, (SOMETIMES DESCRIBED AS THE NORTH 100 FEET OF VACATED BLOCK 39), SEELEY'S ADDITION TO THE CITY OF DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 59, IN KING COUNTY, WASHINGTON; EXCEPT COUNTY ROAD;
TOGETHER WITH THE WEST HALF OF THAT PORTION OF VACATED TARBELL STREET ADJOINING SAID PREMISES;

LEGAL DESCRIPTION OF RIGHT-OF-WAY ACQUISITION AREA

That portion of said Parcel described above lying South of the following described line:

COMMENCING at the Southwest corner of said Parcel;
THENCE North along the Westerly line of said Parcel 9.29 feet to the POINT OF BEGINNING of the herein described line;
THENCE Southeasterly 130.31 feet to a point on the Easterly line of said Parcel, said point being Northerly 2.42 feet from the Southeast corner of said Parcel, said point being the TERMINUS of the herein described line.

Contains: 843 Square Feet, more or less.

EXHIBIT 'B'

12TH LN. S.

TIEN VAN PHAM & MINH THI NGUYEN
TAX PARCEL No. 768620-2080

BLOCK 39, SEELEY'S ADDITION
VOL 4 PG 59

15'

P.O.B.

R/W ACQUISITION

CONTAINS: 843 SQ.FT.±

130.31'

TERMINUS

S.W. COR PARCEL

S.E. COR PARCEL

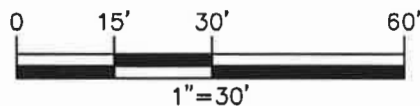
9.29'

2.42'

30'

S. 200TH ST.

12TH PL. S.



CITY OF SEATAC

DES MOINES MEMORIAL DRIVE AND
SOUTH 200TH STREET INTERSECTION

TAX PARCEL NO. 768620-2080
RIGHT-OF-WAY ACQUISITION
EXHIBIT 'B'

EXHIBIT "A"

Parcel No.: 7686202080

Owners Name: Tien Van Pham and Minh Thi Nguyen

Temporary Construction Easement

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

Real property in the County of King, State of Washington, described as follows:

VACATED LOTS 1, 2, 3 AND 4, BLOCK 39, (SOMETIMES DESCRIBED AS THE NORTH 100 FEET OF VACATED BLOCK 39), SEELEY'S ADDITION TO THE CITY OF DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 59, IN KING COUNTY, WASHINGTON; EXCEPT COUNTY ROAD;
TOGETHER WITH THE WEST HALF OF THAT PORTION OF VACATED TARBELL STREET ADJOINING SAID PREMISES;

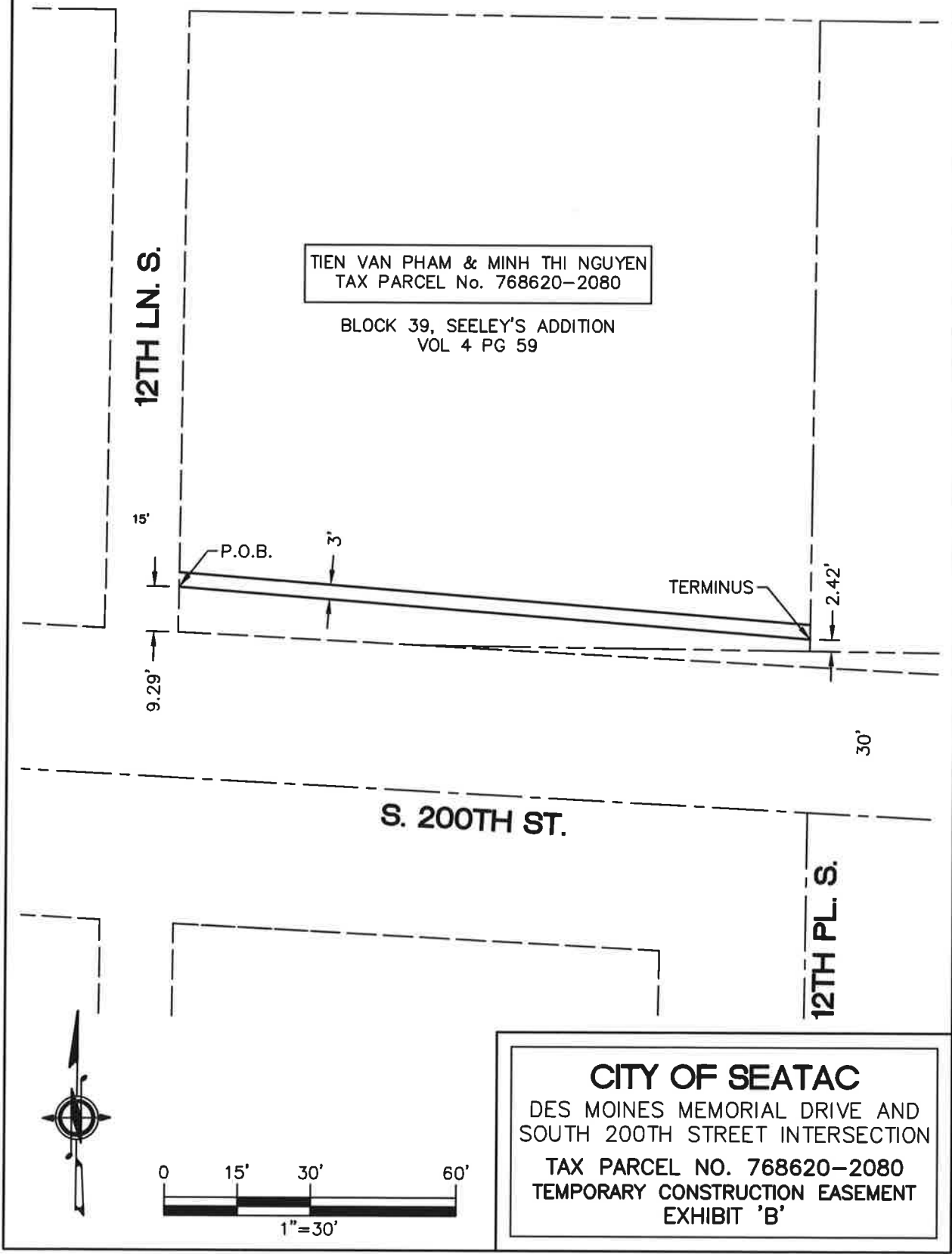
LEGAL DESCRIPTION OF EASEMENT AREA

The South 3.00 feet of that portion of said Parcel described above lying North of the following described line:

BEGINNING at a point on the Westerly line of said Parcel, said point being Northerly 9.29 feet from the Southwest corner of said Parcel;
THENCE Southeasterly to a point on the Easterly line of said Parcel, said point being 2.42 feet Northerly from the Southeast corner of said Parcel, , said point being the TERMINUS of the herein described line.

Contains: 391 Square Feet, more or less.

EXHIBIT 'B'



TIEN VAN PHAM & MINH THI NGUYEN
TAX PARCEL No. 768620-2080

BLOCK 39, SEELEY'S ADDITION
VOL 4 PG 59

EXHIBIT "A"

Parcel No.: 768620216004
Owners Name: SL Pacific, Inc.
Right-of-Way Acquisition

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

THE NORTH 100 FEET OF BLOCK 40, SEELEY'S ADDITION TO THE CITY OF DES MOINES (VACATED), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 59, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR ROAD PURPOSES UNDER KING COUNTY RECORDING NUMBER 4896411;

TOGETHER WITH THAT PORTION OF VACATED SOUTH 199TH STREET ADJOINING THAT ATTACHED BY LAW UNDER KING COUNTY ORDINANCE NO. 4403.

SITUATE IN THE CITY OF SEATAC, COUNTY OF KING, STATE OF WASHINGTON.

LEGAL DESCRIPTION OF RIGHT-OF-WAY ACQUISITION AREA

That portion of said Parcel described above lying South of the following described line:

COMMENCING at the Southwest corner of said Parcel;
THENCE North along the Westerly line of said Parcel 12.49 feet to the POINT OF BEGINNING of the herein described line;
THENCE Southeasterly 100.68 feet to a point on the Easterly line of said Parcel, said point being Northerly 9.71 feet from the Southwest corner of said Parcel, said point being the TERMINUS of the herein described line.

Contains: 1,115 Square Feet, more or less.

EXHIBIT 'B'

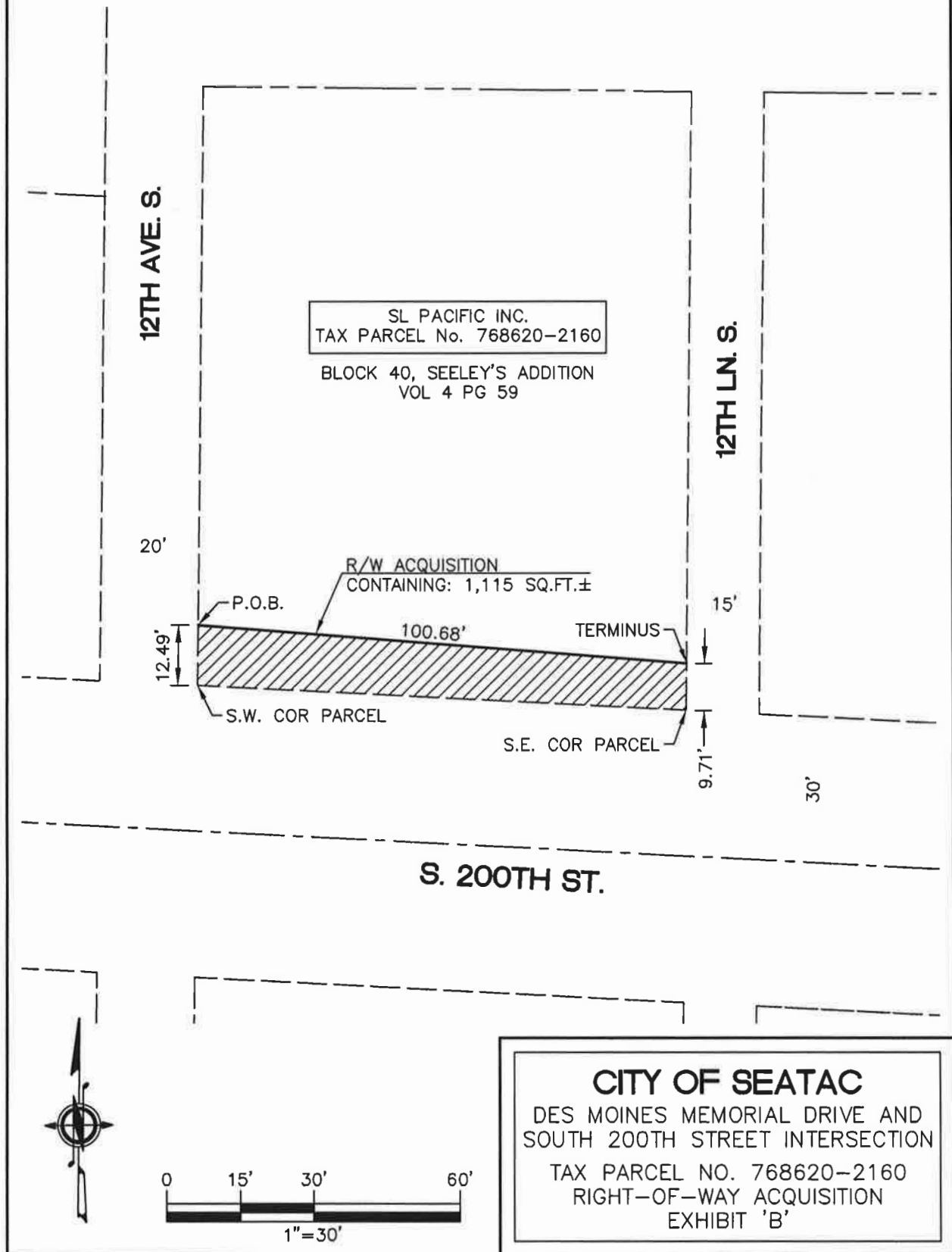


EXHIBIT "A"

Parcel No.: 768620216004

Owners Name: SL Pacific, Inc.

Temporary Construction Easement

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

Real property in the County of King, State of Washington, described as follows:

THE NORTH 100 FEET OF BLOCK 40, SEELEY'S ADDITION TO THE CITY OF DES MOINES (VACATED), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 59, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR ROAD PURPOSES UNDER KING COUNTY RECORDING NUMBER 4896411;

TOGETHER WITH THAT PORTION OF VACATED SOUTH 199TH STREET ADJOINING THAT ATTACHED BY LAW UNDER KING COUNTY ORDINANCE NO. 4403.

SITUATE IN THE CITY OF SEATAC, COUNTY OF KING, STATE OF WASHINGTON.

LEGAL DESCRIPTION OF EASEMENT AREA

BEGINNING at a point on the Westerly line of said Parcel, said point being 12.49 feet Northerly from the Southwest corner of said Parcel;

THENCE Northerly, along the said Westerly line a distance of 6.52 feet;

THENCE Easterly a distance of 28.00 feet to a point 19.72 feet Northerly of the Southerly line of said Parcel and 28.00 feet Easterly of the Westerly line of said Parcel, both of which are measured perpendicular to their respective line;

THENCE Southeasterly to a point on the Easterly line of said Parcel, said point being Northerly 12.71 feet from the Southwest corner of said Parcel;

THENCE Southerly along said Easterly line to a point 9.71 feet Northerly of the Southwest corner of said Parcel;

THENCE Northwesterly to the point of beginning.

Contains: 603 Square Feet, more or less.

EXHIBIT 'B'

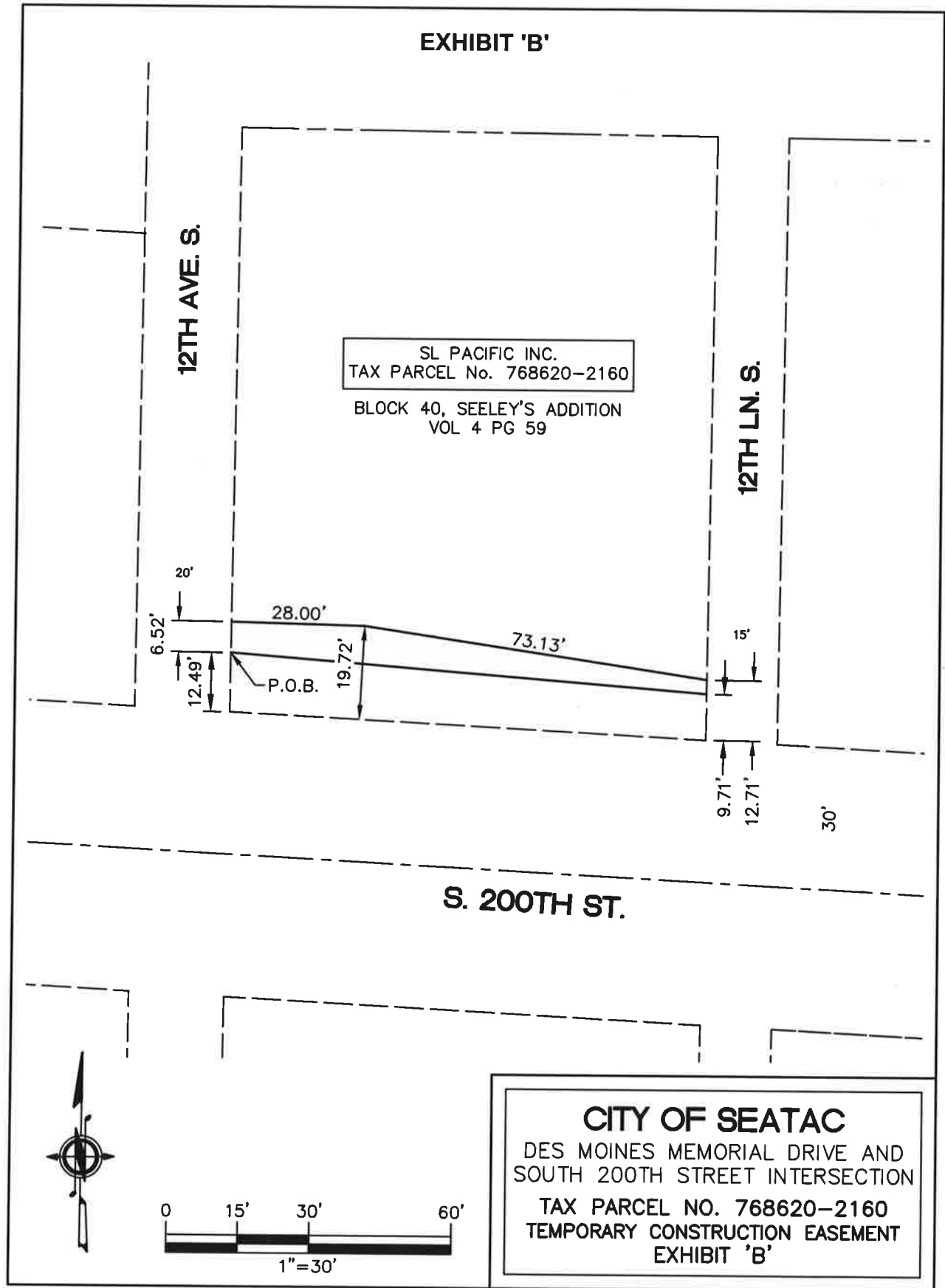


EXHIBIT "A"

Parcel No.: 294600-0009

Owners Name: John D. Vanderlin

Right of Way Acquisition

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

That portion of lots 2 through 6, in blocks 1 and 60, grove addition to town of Des Moines, according to the plat thereof recorded in volume 4 of plats, page 83, records of King County, Washington, and of vacated street, described as follows:

Beginning on the Southerly line of lot 2, block 60, at a point 120.00 feet Westerly of the southeast corner of lot 2, block 61, of said plat;

Thence Northerly parallel with the Easterly line of said block 61 to the Southerly line of south 200th street as conveyed to king county, Washington for street purposes by deed recorded under recording no 4903723;

Thence Westerly along said Southerly line to the Easterly line of Des Moines way;

Thence Southerly along said Easterly line to the Southerly lane of lot 2 in said block 1;

Thence Easterly to the point of beginning;

Situate in the County of King, State of Washington.

LEGAL DESCRIPTION OF AQUISITION AREA

BEGINNING at the Northwest Corner of said Parcel;

THENCE South 10°28'26" West along the West line of said Parcel a distance of 31.50 feet;

THENCE South 79°31'34" East, perpendicular to said West line, a distance of 3.00 feet to a line parallel with said West line;

THENCE North 10°28'26" East along said parallel line a distance of 10.12 feet to the beginning of a 16.00 foot radius curve to the right;

THENCE Easterly along the arc of said curve a distance of 21.01 feet, through a central angle of 75°14'54";

THENCE North 85°43'20" East a distance of 22.15 feet to a line parallel with and 5.00 feet Southerly, measured perpendicular to the North line of said Parcel;

THENCE North 02°59'05" East along said parallel line a distance of 4.00 feet to a line parallel with and 1.00 feet Southerly, measured perpendicular to said North line;

THENCE South 87°00'55" East along said parallel line a distance of 91.88 feet to the East line of said Parcel;

THENCE North 00°36'46" East along said East line a distance of 1.00 feet to the Northeast Corner of said Parcel;

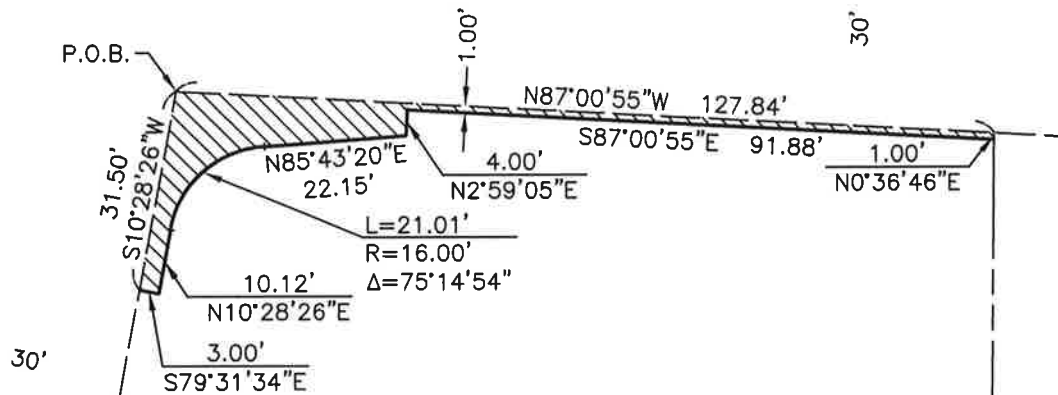
THENCE North $87^{\circ}00'55''$ West along said North line a distance of 127.84 feet to the POINT OF BEGINNING.

Contains: 456 Square Feet, more or less.

EXHIBIT 'B'

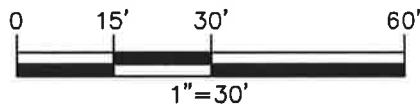
DES MOINES MEMORIAL DRIVE

S. 200TH ST.



JOHN D VANDERLIN
TAX PARCEL NO. 294600-0009

BLOCKS 1 AND 60, THE
GROVE ADD'T VOL 4 PG 83



CITY OF SEATAC

DES MOINES MEMORIAL DRIVE AND
SOUTH 200TH STREET INTERSECTION

TAX PARCEL NO. 294600-0009
RIGHT-OF-WAY ACQUISITION
EXHIBIT 'B'

EXHIBIT "A"

Parcel No.: 294600-0009

Owners Name: John D. Vanderlin

Temporary Construction Easement

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

That portion of lots 2 through 6, in blocks 1 and 60, grove addition to town of Des Moines, according to the plat thereof recorded in volume 4 of plats, page 83, records of King County, Washington, and of vacated street, described as follows:

Beginning on the Southerly line of lot 2, block 60, at a point 120.00 feet Westerly of the southeast corner of lot 2, block 61, of said plat;

Thence Northerly parallel with the Easterly line of said block 61 to the Southerly line of south 200th street as conveyed to king county, Washington for street purposes by deed recorded under recording no 4903723;

Thence Westerly along said Southerly line to the Easterly line of Des Moines way;

Thence Southerly along said Easterly line to the Southerly lane of lot 2 in said block 1;

Thence Easterly to the point of beginning;

Situate in the County of King, State of Washington.

LEGAL DESCRIPTION OF EASEMENT AREA

COMMENCING at the Northeast Corner of said Parcel;

THENCE South 00°36'46" West along the East line of said Parcel a distance of 1.00 feet to the POINT OF BEGINNING;

THENCE North 87°00'55" West a distance of 91.88 feet, parallel to the North line of said Parcel;

THENCE South 02°59'05" West a distance of 4.00 feet;

THENCE South 85°43'20" West a distance of 22.15 feet;

THENCE South 04°16'40" East a distance of 3.00 feet;

THENCE North 85°43'20" East a distance of 24.79 feet;

THENCE North 02°59'05" East a distance of 3.64 feet to a line parallel to the North line of said Parcel;

THENCE South 87°00'55" East along said parallel line a distance of 89.00 feet to the East line of said Parcel;

THENCE North 00°36'46" East along said East line a distance of 3.00 feet to the POINT OF BEGINNING.

TOGETHER WITH the following:

COMMENCING at the Southwest Corner of said Parcel;

THENCE North $09^{\circ}38'26''$ East along the West line of said Parcel a distance of 12.00 feet to the POINT OF BEGINNING;

THENCE Easterly, perpendicular to said West line, a distance of 5.00 feet to a line parallel with said West line;

THENCE North $09^{\circ}38'26''$ East along said parallel line a distance of 20.00 feet;

THENCE Westerly, perpendicular to said West line, a distance of 5.00 feet to the said West line;

THENCE South $09^{\circ}38'26''$ West along said West line a distance of 20.00 feet to the POINT OF BEGINNING.

Contains: 453 Square Feet, more or less.

EXHIBIT 'C'

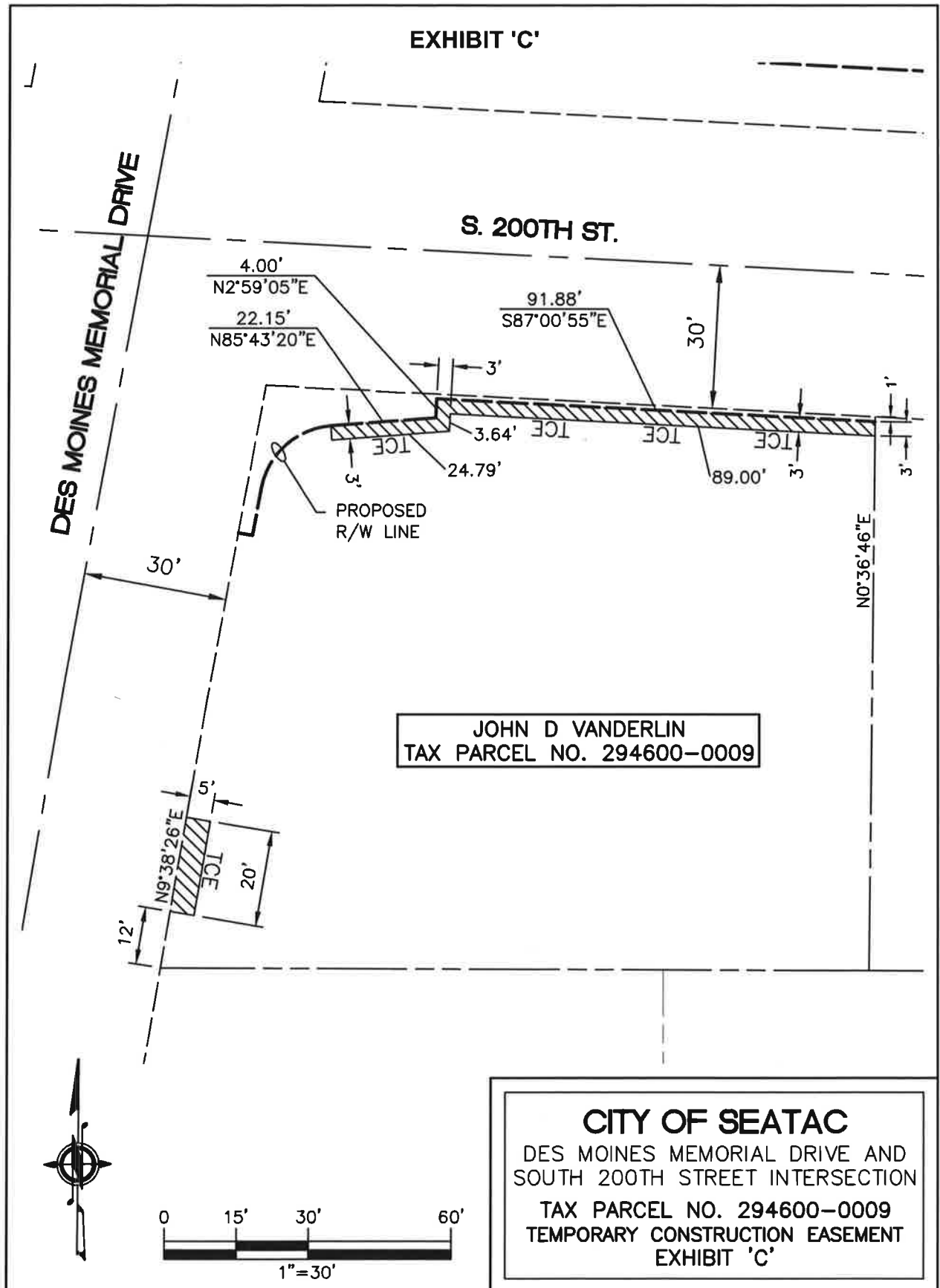


EXHIBIT "A"

Parcel No.: 391740032001

Owners Name: Abel Lucatero Zamora and Silvia Ochoa Equihua

Right-of-Way Acquisition

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

THE SOUTHERLY 100.00 FEET (AS MEASURED ALONG THE EASTERLY LINE OF BLOCK 18) OF THE EASTERLY 60.00 FEET IN (WIDTH) OF THAT PORTION OF VACATED BLOCKS 17 AND 18 AND VACATED ALLEY BETWEEN, LYING NORTHERLY OF SOUTH 200TH STREET IN KNIGHT'S 2ND ADDITION TO DES MOINES, AS PER PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 3, RECORDS OF KING COUNTY;

TOGETHER WITH THE SOUTH 100 FEET (AS MEASURED ALONG THE EASTERLY LINE OF SAID BLOCK 18) OF THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON, LYING WEST OF SEELEY'S ADDITION TO THE CITY OF DES MOINES, AS PER PLAT RECORDED IN VOLUME 4 OF PLATS, PAGE 59, RECORDS OF KING COUNTY, WASHINGTON, AND LYING EASTERLY OF SAID BLOCK 18 AND NORTHERLY OF SAID SOUTH 200TH STREET;

SITUATE IN THE CITY OF SEA-TAC, COUNTY OF KING, STATE OF WASHINGTON.

LEGAL DESCRIPTION OF RIGHT-OF-WAY ACQUISITION AREA

The South 13.00 feet of said Parcel described above.

Contains: 801 Square Feet, more or less.

EXHIBIT 'B'

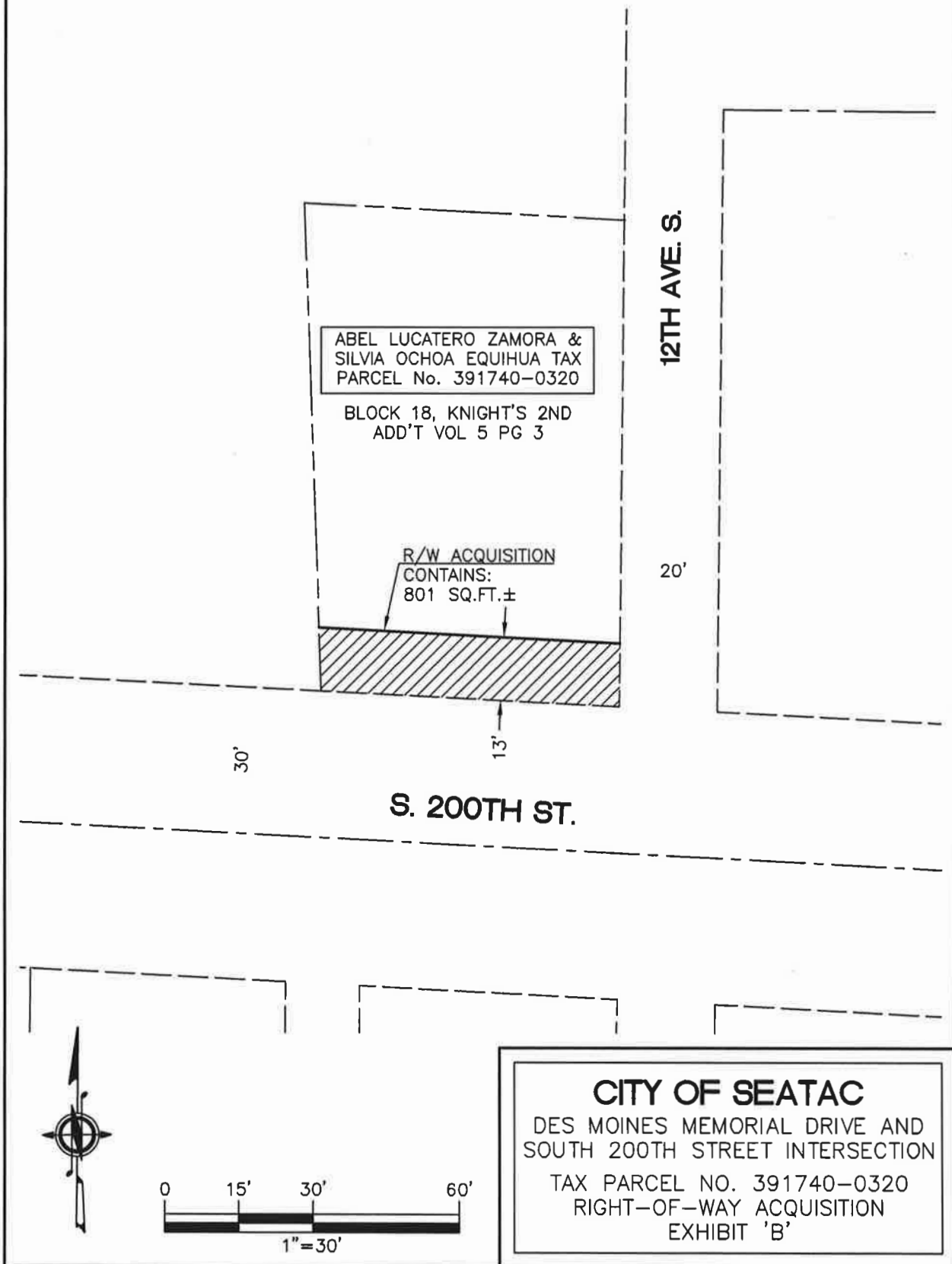


EXHIBIT "A"

Parcel No.: 391740032001

Owners Name: Abel Lucatero Zamora and Silvia Ochoa Equihua

Temporary Construction Easement

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

Real property in the County of King, State of Washington, described as follows:

THE SOUTHERLY 100.00 FEET (AS MEASURED ALONG THE EASTERLY LINE OF BLOCK 18) OF THE EASTERLY 60.00 FEET IN (WIDTH) OF THAT PORTION OF VACATED BLOCKS 17 AND 18 AND VACATED ALLEY BETWEEN, LYING NORTHERLY OF SOUTH 200TH STREET IN KNIGHT'S 2ND ADDITION TO DES MOINES, AS PER PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 3, RECORDS OF KING COUNTY;

TOGETHER WITH THE SOUTH 100 FEET (AS MEASURED ALONG THE EASTERLY LINE OF SAID BLOCK 18) OF THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 22 NORTH, RANGE 4 EAST W.M., IN KING COUNTY, WASHINGTON, LYING WEST OF SEELEY'S ADDITION TO THE CITY OF DES MOINES, AS PER PLAT RECORDED IN VOLUME 4 OF PLATS, PAGE 59, RECORDS OF KING COUNTY, WASHINGTON, AND LYING EASTERLY OF SAID BLOCK 18 AND NORTHERLY OF SAID SOUTH 200TH STREET;

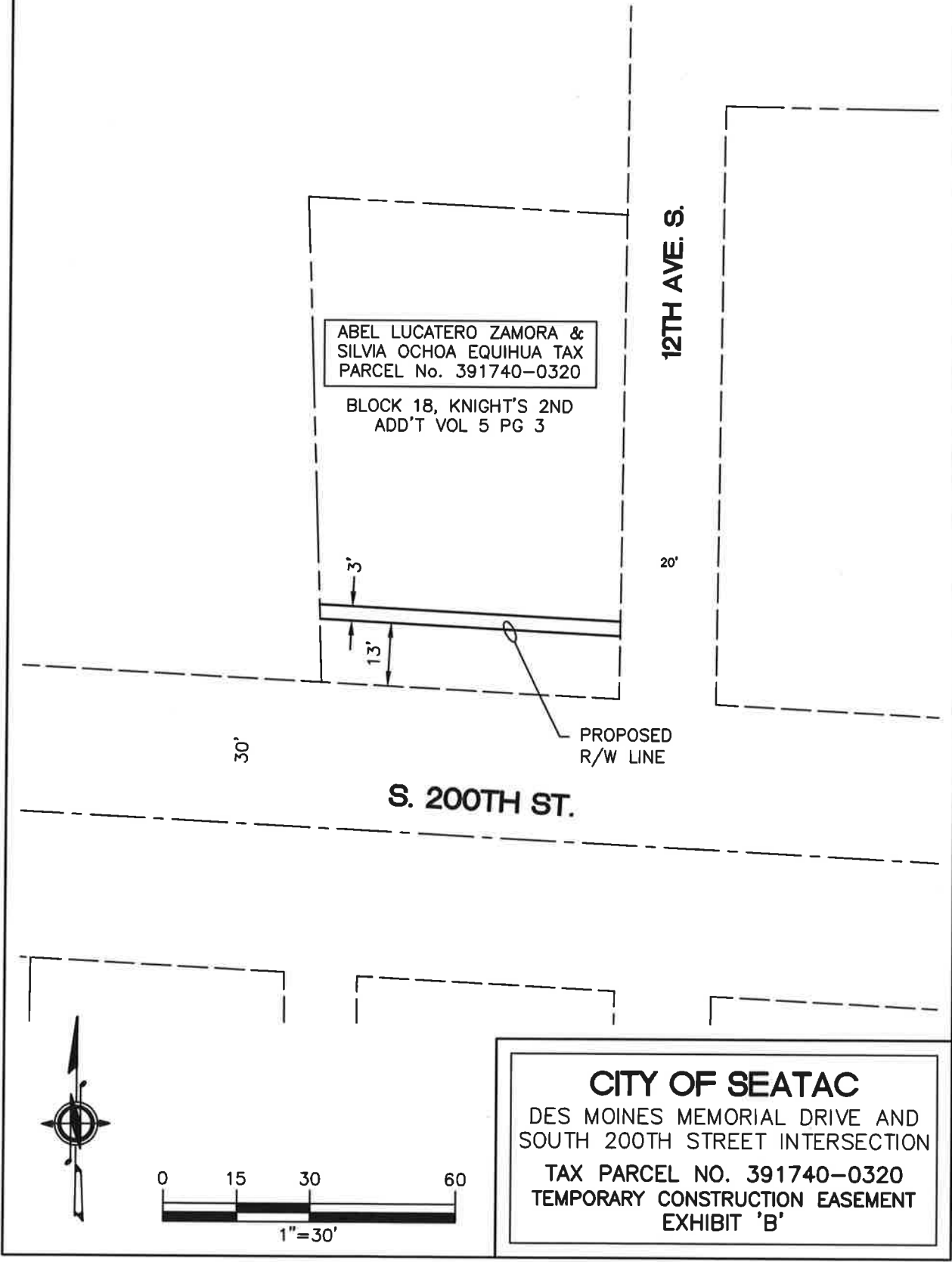
SITUATE IN THE CITY OF SEA-TAC, COUNTY OF KING, STATE OF WASHINGTON.

LEGAL DESCRIPTION OF EASEMENT AREA

The North 3.00 feet of the South 16.00 feet of said Parcel Described above.

Contains: 186 Square Feet, more or less.

EXHIBIT 'B'



ORDINANCE NO. 19-1004

AN ORDINANCE of the City Council of the City of SeaTac, Washington authorizing and providing for the acquisition of certain properties for the City street/road system specifically the Military Road South and South 152nd Street project (Public Works Project ST-125); declaring public use and necessity for specific land and property to be condemned; authorizing the City Attorney to file a Petition for condemnation in King County Superior Court; and authorizing payment therefore from the City's 307 Transportation Fund.

WHEREAS, the Military Road South and South 152nd Street Project ("Project") will consist of building road improvements along Military Road South and South 152nd Street and more specifically the construction of a traffic signal system, turn lanes, curbs, gutters, sidewalk, bike lanes, storm drainage, conversion of utilities to underground, utility lines, street lighting, and paving; and

WHEREAS, the Project is contained in the City's 2019 Transportation Improvement Plan (TIP), the 2019-2024 Capital Improvement Plan (CIP), and the Capital Facilities Element of the City's Comprehensive Plan; and

WHEREAS, certain easements, lands, and properties must be acquired in order to provide the necessary rights-of-way for construction and operation of the Project; and

WHEREAS, public use and necessity require that the property and property rights herein identified be condemned, appropriated, and taken for public use for Project purposes as it may now or hereafter declare in the public interest; and

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

WHEREAS, notice of the planned final action set forth herein was provided in accordance with RCW 8.25.290;

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

Section 1. Acquisition of easements or real property identified and depicted in Exhibit A, which is attached and made a part of this Ordinance, is necessary to the public use for the Military Road South and South 152nd Street project.

Section 2. Reservation. Nothing in this Ordinance limits the City in its identification and acquisition of property and property rights necessary for its system of streets and roads, and utility improvements therein. The City reserves the right to acquire other or different properties for the Project.

Section 3. Prosecution. The City's Legal Department, at the direction of the City Attorney, is hereby authorized to commence condemnation proceedings, pursuant to law. In conducting said condemnation proceedings, the City's Legal Department and/or City Manager is hereby authorized to enter into any agreements necessary to effectuate the property acquisition described in the Ordinance, including any stipulations necessary for the purpose of minimizing damages, including but not limited to, the modification of the interest to be acquired by the City. The Public Works Director, in consultation with the City's Legal Department, is authorized to make minor amendments to the legal description and depiction of easements or real property being acquired by the City as described in Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the Project.

Section 4. Funding. Compensation to be paid to the owners of the aforesaid property and costs of litigation, shall be paid from the City's 307-Transportation CIP Fund.

Section 5. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 6. Effective Date. 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 March, 2019, and signed in authentication thereof on this 12th day of March, 2019.

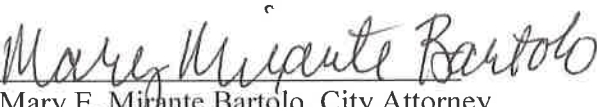
CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 3/23/19]

[Military Road South and South 152nd Street project]

Exhibit A to the Ordinance

EXHIBIT A
LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT
KING COUNTY PARCEL NO. 0041000403

THAT PORTION OF LOT 6, BLOCK 3, FIRST ADDITION TO ADAMS HOME TRACTS, PER PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 50, RECORDS OF KING COUNTY, WASHINGTON, BEING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 22, THENCE SOUTH $88^{\circ}10'53''$ EAST 758.91 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 22, TO THE CENTERLINE OF MILITARY ROAD SOUTH AND A POINT ON A NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH $75^{\circ}22'14''$ EAST, WITH A RADIUS OF 1910.08 FEET;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTERLINE THROUGH A CENTRAL ANGLE OF $06^{\circ}47'28''$ AN ARC LENGTH OF 226.40 FEET;

THENCE SOUTH $82^{\circ}09'42''$ WEST 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID MILITARY ROAD SOUTH AND THE TRUE POINT OF BEGINNING;

THENCE NORTH $87^{\circ}59'33''$ WEST 21.82 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH $82^{\circ}16'14''$ EAST, WITH A RADIUS OF 1961.58 FEET;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $03^{\circ}07'18''$ AN ARC LENGTH OF 106.88 FEET;

THENCE NORTH $04^{\circ}36'28''$ WEST 20.36 FEET;

THENCE SOUTH $87^{\circ}59'33''$ EAST 21.64 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE SOUTH $04^{\circ}36'28''$ EAST 17.87 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 1940.08 FEET;

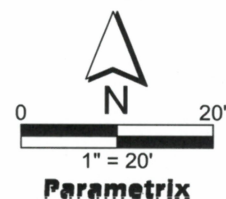
THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE AN ARC LENGTH OF 109.39 FEET, THROUGH A CENTRAL ANGLE OF $03^{\circ}13'50''$, TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,736 SQUARE FEET, MORE OR LESS.



7-25-18

KING COUNTY, WASHINGTON



Parametrix

EXHIBIT A
LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT
KING COUNTY PARCEL NO. 0041000406

THAT PORTION OF LOT 7, BLOCK 3, FIRST ADDITION TO ADAMS HOME TRACTS, PER PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 50, RECORDS OF KING COUNTY, WASHINGTON, BEING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 22, THENCE SOUTH 88°10'53" EAST 758.91 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 22, TO THE CENTERLINE OF MILITARY ROAD SOUTH AND A POINT ON A NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH 75°22'14" EAST, WITH A RADIUS OF 1910.08 FEET;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTERLINE THROUGH A CENTRAL ANGLE OF 02°54'22" AN ARC LENGTH OF 96.88 FEET;

THENCE SOUTH 78°16'36" WEST 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID MILITARY ROAD SOUTH AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 88°10'53" WEST 44.41 FEET;

THENCE NORTH 02°19'17" EAST 14.00 FEET;

THENCE NORTH 11°11'39" WEST 11.88 FEET;

THENCE SOUTH 85°27'40" EAST 27.99 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH 79°05'56" EAST, WITH A RADIUS OF 1953.08 FEET;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°29'14" AN ARC LENGTH OF 50.70 FEET;

THENCE SOUTH 87°59'33" EAST 13.26 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE AND A POINT ON A NON-TANGENT CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH 80°30'31" EAST, WITH A RADIUS OF 1940.08 FEET;

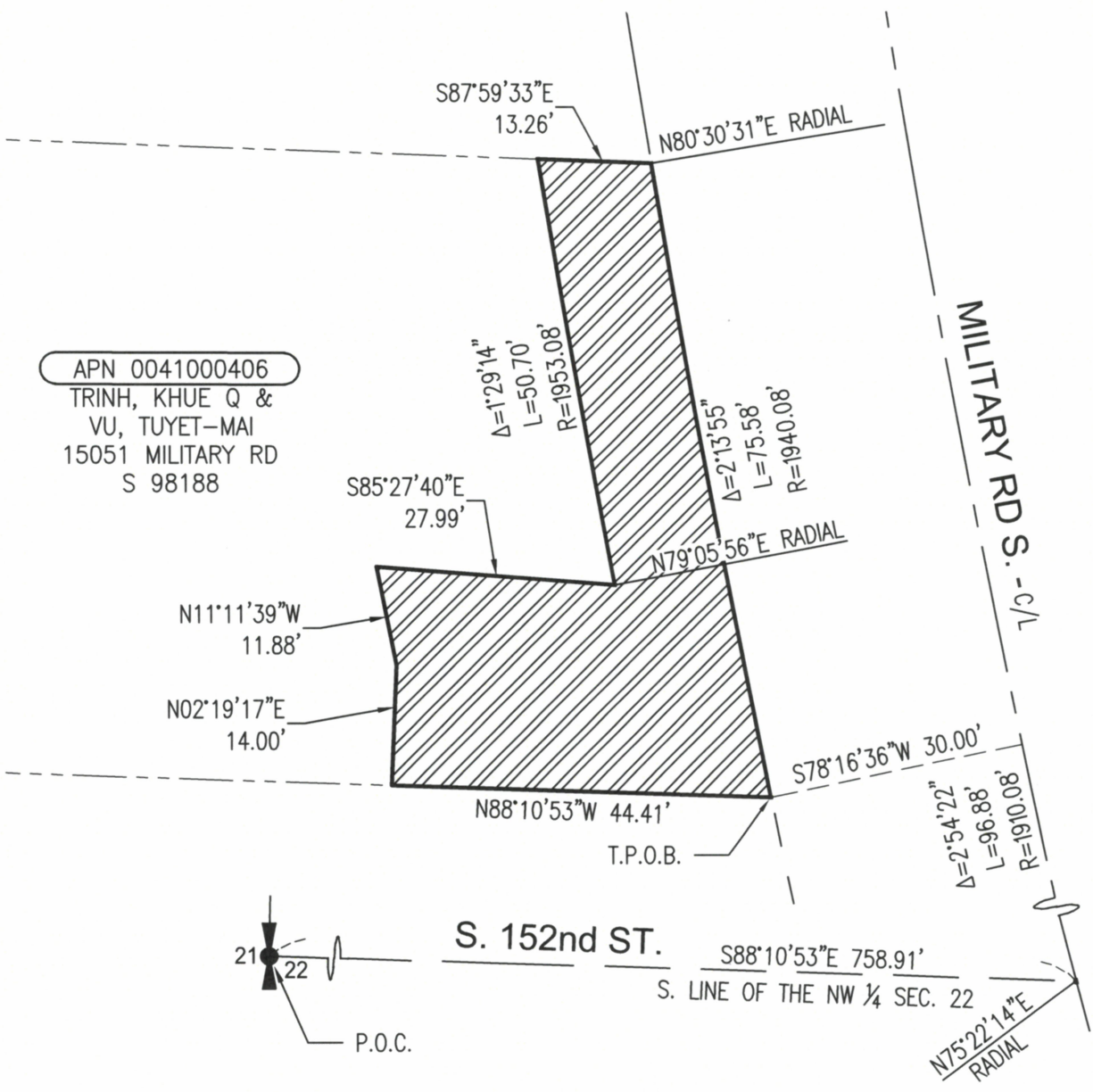
THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 02°13'55" AN ARC LENGTH OF 75.58 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1,695 SQUARE FEET, MORE OR LESS.



12-19-18

EXHIBIT B
FOR TEMPORARY CONSTRUCTION EASEMENT
ST-125: MILITARY RD S & S 152ND ST
NW ¼ OF SECTION 22, T. 23 N., R. 4 E., W.M.
KING COUNTY, WASHINGTON



TOTAL AREA
1,695 SQ. FT.

LEGEND

- P.O.C.
- T.P.O.B.
- EASEMENT AREA
- EXISTING RIGHT OF WAY LINE
- TEMPORARY CONSTRUCTION EASEMENT LIMITS
- PROPERTY LINE
- QUARTER SECTION LINE
- CENTERLINE
- APN XXXXXXXXXXXX

- POINT OF COMMENCEMENT
- TRUE POINT OF BEGINNING
- EASEMENT AREA
- EXISTING RIGHT OF WAY LINE
- TEMPORARY CONSTRUCTION EASEMENT LIMITS
- PROPERTY LINE
- QUARTER SECTION LINE
- CENTERLINE
- KING COUNTY TAX PARCEL NUMBER



12-19-18



EXHIBIT A
LEGAL DESCRIPTION FOR RIGHT OF WAY
KING COUNTY PARCEL NO. 0041000409

THAT PORTION OF LOT 7, BLOCK 3, FIRST ADDITION TO ADAMS HOME TRACTS, PER PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 50, RECORDS OF KING COUNTY, WASHINGTON, BEING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 22, THENCE SOUTH $88^{\circ}10'53''$ EAST 690.81 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 22;

THENCE NORTH $01^{\circ}49'07''$ EAST 20.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH 152ND STREET AND THE TRUE POINT OF BEGINNING;

THENCE NORTH $35^{\circ}43'18''$ EAST 39.87 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF MILITARY ROAD SOUTH AND A POINT ON A NON-TANGENT CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH $77^{\circ}15'29''$ EAST, WITH A RADIUS OF 1940.08 FEET;

THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF $01^{\circ}00'43''$ AN ARC LENGTH OF 34.27 FEET TO SAID NORTHERLY RIGHT-OF-WAY LINE;

THENCE NORTH $88^{\circ}10'53''$ WEST 31.15 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE TRUE POINT OF BEGINNING.

CONTAINING 514 SQUARE FEET, MORE OR LESS.



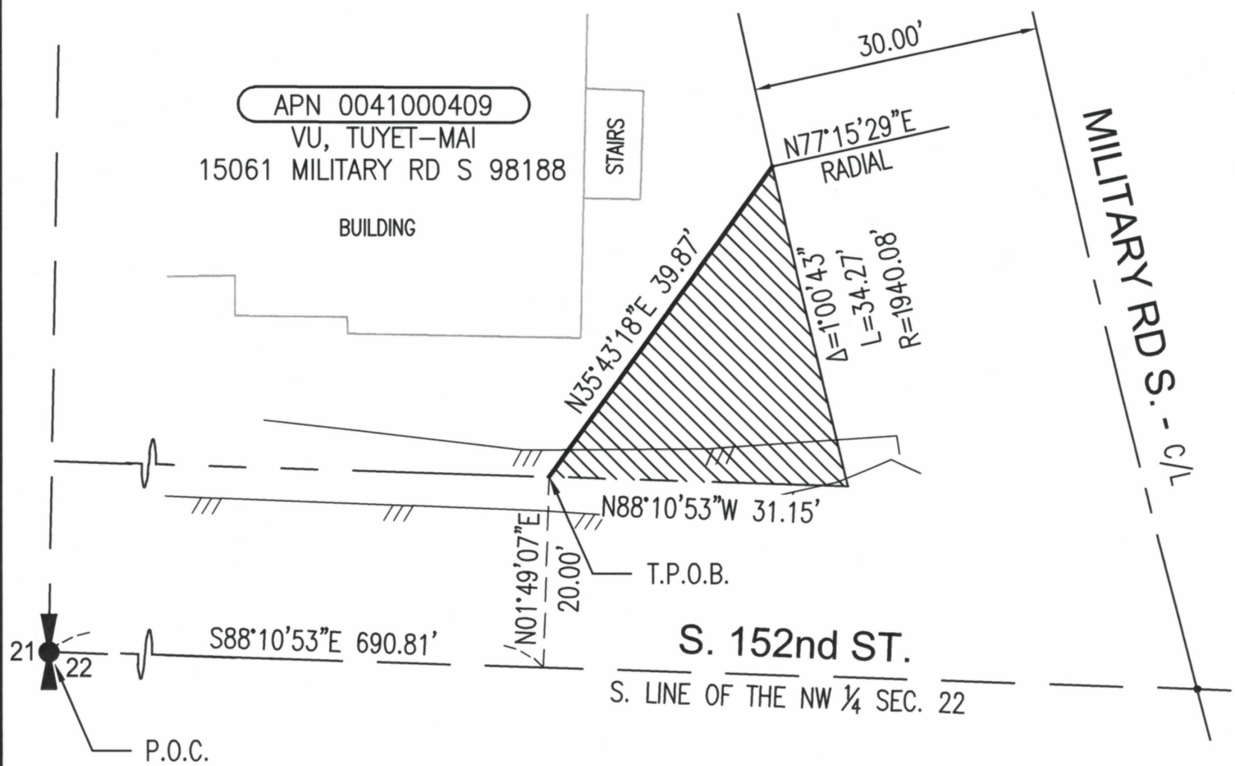
6-28-18

EXHIBIT B

FOR RIGHT OF WAY

ST-125: MILITARY RD S & S 152ND ST

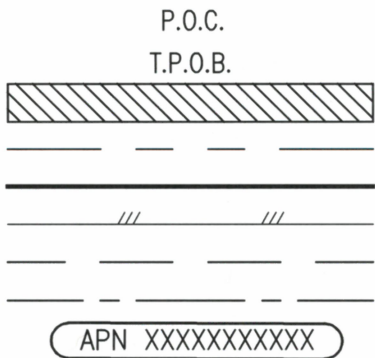
NW ¼ OF SECTION 22, T. 23 N., R. 4 E., W.M.
KING COUNTY, WASHINGTON



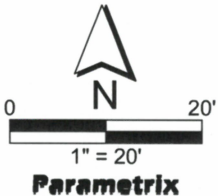
TOTAL AREA

514 SQ. FT.

LEGEND



6-28-18



Parametrix

EXHIBIT A
LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT
KING COUNTY PARCEL NO. 0041000409

THAT PORTION OF LOT 7, BLOCK 3, FIRST ADDITION TO ADAMS HOME TRACTS, PER PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 50, RECORDS OF KING COUNTY, WASHINGTON, BEING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 22, THENCE SOUTH $88^{\circ}10'53''$ EAST 758.91 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 22, TO THE CENTERLINE OF MILITARY ROAD SOUTH AND A POINT ON A NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH $75^{\circ}22'14''$ EAST, WITH A RADIUS OF 1910.08 FEET;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTERLINE THROUGH A CENTRAL ANGLE OF $01^{\circ}53'15''$ AN ARC LENGTH OF 62.92 FEET;

THENCE SOUTH $77^{\circ}15'29''$ WEST 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID MILITARY ROAD SOUTH AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH $35^{\circ}43'18''$ WEST 13.33 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH $76^{\circ}59'54''$ EAST, WITH A RADIUS OF 1950.08 FEET;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $01^{\circ}20'57''$ AN ARC LENGTH OF 45.92 FEET;

THENCE SOUTH $88^{\circ}10'53''$ EAST 10.28 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE AND A POINT ON A NON-TANGENT CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH $78^{\circ}16'36''$ EAST, WITH A RADIUS OF 1940.08 FEET;

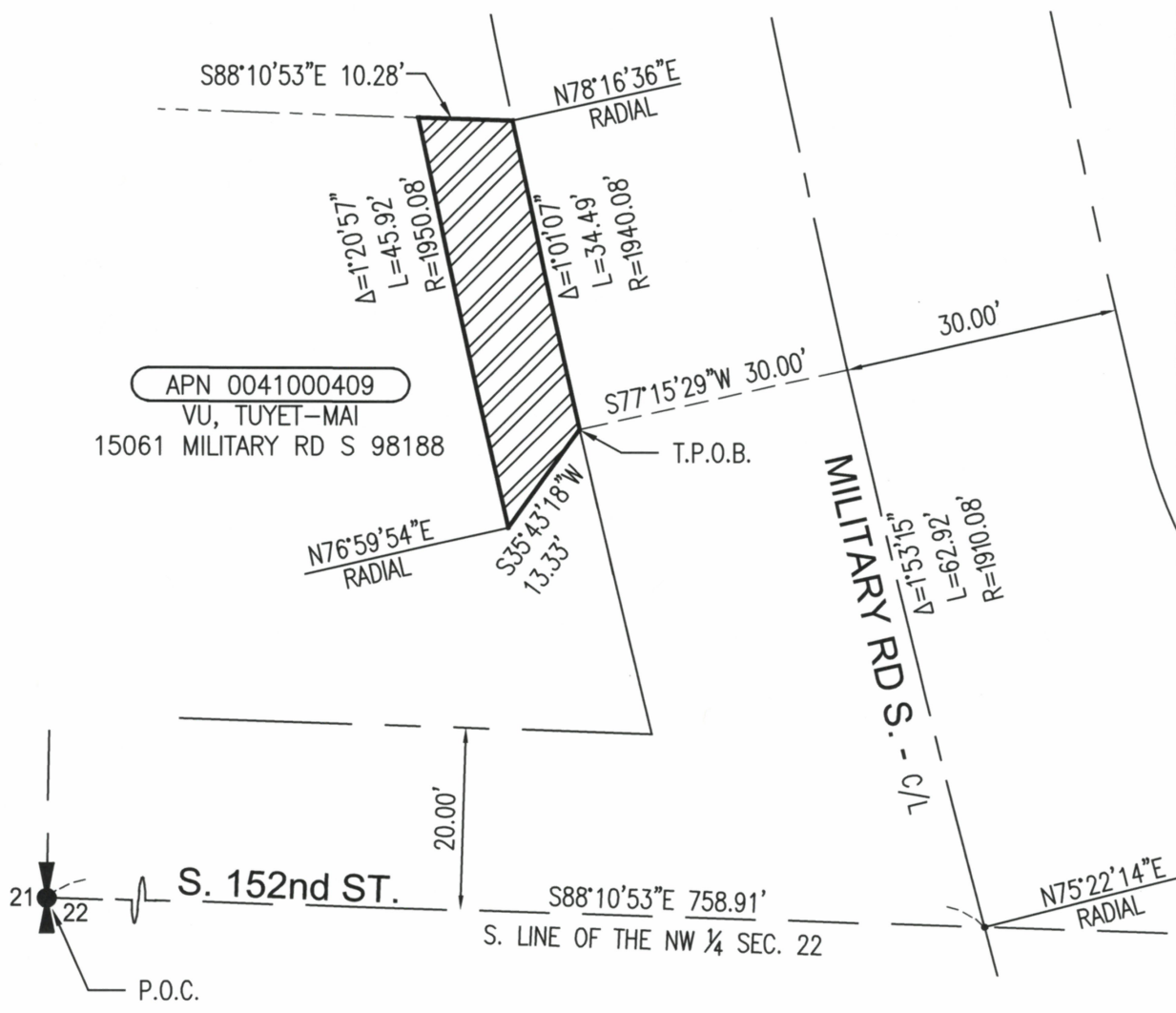
THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF $01^{\circ}01'07''$ AN ARC LENGTH OF 34.49 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 402 SQUARE FEET, MORE OR LESS.



7-25-18







EXHIBIT B
FOR TEMPORARY CONSTRUCTION EASEMENT
ST-125: MILITARY RD S & S 152ND ST
NW ¼ OF SECTION 22, T. 23 N., R. 4 E., W.M.
KING COUNTY, WASHINGTON

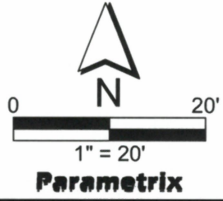


TOTAL AREA

402 SQ. FT.

LEGEND

- | | |
|---|--|
| P.O.C. | POINT OF COMMENCEMENT |
| T.P.O.B. | TRUE POINT OF BEGINNING |
|  | EASEMENT AREA |
|  | EXISTING RIGHT OF WAY LINE |
|  | TEMPORARY CONSTRUCTION EASEMENT LIMITS |
|  | PROPERTY LINE |
|  | QUARTER SECTION LINE |
|  | CENTERLINE |
| APN XXXXXXXXXXXX | KING COUNTY TAX PARCEL NUMBER |



ORDINANCE NO. 19-1005

AN ORDINANCE authorizing the City Manager to execute a 60-month lease with Refugee Women's Alliance (REWA) on the second floor of SeaTac City Hall and amending the 2019-2020 Biennial Budget for Tenant Improvements.

WHEREAS, on December 13, 2018 and February 14, 2019, the Administration and Finance Committee reviewed the proposed lease agreement with the Refugee Women's Alliance which requires tenant improvements, and

WHEREAS, it is necessary for the City Council to amend the 2019-2020 Biennial Budget to provide additional appropriation authority to fund certain expenditures identified in Exhibit A;

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

Section 1. The City Manager is authorized to execute the 60-month lease with Refugee Women's Alliance (REWA) on the second floor of SeaTac City Hall.

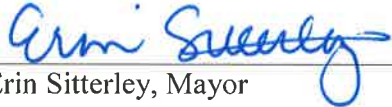
Section 2. A listing of the adjustment requests is included by line item, amount, and fund in summary format as shown in the attached Exhibit A.

Section 3. The 2019-2020 Biennial Budget for the City of SeaTac, covering the period from January 1, 2019, through December 31, 2020, is hereby amended with a total 2020 ending fund balance in the amount of \$78.2 million for all budgeted funds. The City's 2019-2020 biennial budget is attached as Exhibit B, and includes budgeted revenues and expenditures for the 2019-2020 biennium in the amounts and for the purposes shown separately and in the aggregate totals for all such funds as displayed.

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 March, 2019, and signed in authentication thereof on this 12th day of March, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 3/23/19]

[2019-2020 Biennial Budget Amendment Ordinance]

EXHIBIT A
2019-2020 Biennial Budget Amendment

Revenue

Transfers & Reimbursements
\$0

Expenditures

<u>FUND #</u>	<u>To Acct #</u>	<u>2018 TOTAL Request</u>	<u>Description</u>
108	108.000.10.594.18.62.001	\$100,000	City Hall Improvements
	<i>Subtotal Building Management Fund (108)</i>	<u>\$100,000</u>	
Grand Total - ALL FUNDS		<u>\$100,000</u>	

CITY OF SEATAC, WASHINGTON
2019-2020 BIENNIAL BUDGET: EXHIBIT B

3/12/2019

2019-2020 BIENNIAL BUDGET (EXPENDITURES + ENDING BALANCES) = \$ 220,941,133					
FUND		BEGINNING BALANCE 2019-2020	REVENUES & OTHER SOURCES 2019-2020	EXPENDITURE APPROPRIATION 2019-2020	ENDING BALANCE 2019-2020
001	General Fund	\$ 24,087,825	\$ 80,457,131	\$ 79,461,708	\$ 25,083,247
102	Street Fund	16,827,087	21,642,044	16,719,884	21,749,247
105	Port ILA	1,498,177	2,940,579	3,075,920	1,362,836
106	Transit Planning	362,187	647,282	645,282	364,187
107	Hotel/Motel Tax	8,260,414	3,700,000	2,581,738	9,378,676
108	Building Management	3,222,901	1,610,560	2,148,874	2,684,587
110	Facility Repair & Replacement	-	-	-	-
111	Des Moines Creek Basin ILA	2,395,116	700,000	374,866	2,720,250
206	2009 LTGO Bond Fund	13,527	-	-	13,527
207	SCORE Bond Servicing	470,613	415,463	405,197	480,879
301	Municipal Capital Improvements	4,625,651	3,254,291	3,698,277	4,181,665
306	Municipal Facilities CIP	1,025,167	20,000	-	1,045,167
307	Transportation CIP	9,652,450	11,474,290	19,515,593	1,611,147
308	Light Rail Station Areas CIP	1,869,944	3,004,282	2,995,625	1,878,601
403	SWM Utility	4,421,478	8,719,182	7,952,099	5,188,560
404	Solid Waste & Environmental	223,646	753,240	553,287	423,599
501	Equipment Rental	1,123,471	1,523,134	2,562,756	83,848
TOTAL BIENNIAL BUDGET		\$ 80,079,654	\$ 140,861,478	\$ 142,691,107	\$ 78,250,026

ORDINANCE NO. 19-1006

AN ORDINANCE of the City Council of the City of SeaTac,
Washington, amending the 2019-2020 Biennial Budget for miscellaneous
items.

WHEREAS, the Administration and Finance Committee, on March 14, 2019,
reviewed the proposed amendment submitted by the City Manager and Finance and Systems
Director which details recommended changes in various revenue and expenditure line items in
the 2019-2020 Biennial Budget; and

WHEREAS, it is necessary for the City Council to amend the 2019-2020 Biennial
Budget to provide additional appropriation authority to fund certain expenditures identified in
Exhibit A;

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

Section 1. A listing of the adjustment requests is included by line item, amount, and fund in
summary format as shown in the attached Exhibit A. Decision Cards providing detailed
descriptions are included as Exhibit C.

Section 2. The 2019-2020 Biennial Budget for the City of SeaTac, covering the period from
January 1, 2019, through December 31, 2020, is hereby amended with a total 2020 ending fund
balance in the amount of \$77.7 million for all budgeted funds. The City's 2019-2020 biennial
budget is attached as Exhibit B, and includes budgeted revenues and expenditures for the 2019-
2020 biennium in the amounts and for the purposes shown separately and in the aggregate totals
for all such funds as displayed.

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

ADOPTED this 26th day of March, 2019, and signed in authentication
thereof on this 26th day of March, 2019.


CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 4/6/19]

[2019-2020 Biennial Budget Amendment Ordinance]

EXHIBIT A
2019-2020 Biennial Budget Amendment

Revenue

Expenditures

		<u>2018 Carry-Forwards</u>		<u>Decision Cards</u>		<u>Other Adjustments</u>		<u>TOTAL</u>
		2019	2020	2019	2020	2019	2020	2019-2020
		\$0	\$0	\$0	\$0	\$0	\$0	\$0
FUND #	To Acct #							Description
001	001.000.01.511.60.41.000	\$49,906						\$49,906 Professional Services (NoaNet Contract)
	001.000.02.523.30.XX.XXX			\$49,765	\$59,079			\$108,844 Probation Counselor - Full Time
	001.000.03.513.10.41.000	\$30,456						\$30,456 Professional Services (BERK Consulting)
	001.000.08.521.21.35.000	\$25,327						\$25,327 Small Tools & Minor Equipment (Mailbox Program)
	001.000.10.571.10.41.000			\$50,000				\$50,000 PROS Plan
	001.000.10.518.30.35.000					\$10,000	\$0	\$10,000 Small Tools & Minor Equipment
	001.000.10.518.30.48.000					\$71,666	\$71,666	\$143,332 Repairs & Equipment
	001.000.10.543.50.35.000					\$3,360	\$0	\$3,360 Small Tools & Minor Equipment
	001.000.10.543.50.48.000					\$20,630	\$5,584	\$26,214 Repairs & Equipment
	001.000.10.575.51.35.000					\$0	\$30,869	\$30,869 Small Tools & Minor Equipment
	001.000.10.575.51.48.000					\$32,553	\$40,220	\$72,773 Repairs & Equipment
	001.000.10.576.40.35.000					\$0	\$10,837	\$10,837 Small Tools & Minor Equipment
	001.000.10.576.40.48.000					\$5,577	\$50,578	\$56,155 Repairs & Equipment
	001.000.10.576.80.35.000					\$13,005	\$1,344	\$14,349 Small Tools & Minor Equipment
	001.000.10.576.80.48.000					\$18,757	-\$35,829	-\$17,072 Repairs & Equipment
Subtotal General Fund (001)		\$105,689	\$0	\$99,765	\$59,079	\$175,548	\$175,269	\$615,350
102	102.000.11.595.30.63.217	\$577,936						\$577,936 2019 Overlay Project
Subtotal Street (102)		\$577,936	\$0	\$0	\$0	\$0	\$0	\$577,936
107	107.000.13.557.30.41.113	\$5,000						\$5,000 Market Data Research
	107.000.13.557.30.41.114	\$21,302						\$21,302 Brand Development & Marketing
Subtotal Hotel/Motel Fund (107)		\$26,302	\$0	\$0	\$0	\$0	\$0	\$26,302
301	301.000.04.594.19.62.001	\$64,161						\$64,161 City Hall Elevator Upgrade
	301.000.04.594.40.62.072	\$29,508						\$29,508 Maintenance Shop Lighting Upgrade
	301.000.04.594.75.62.002	\$29,509						\$29,509 Community Center Lighting Upgrade
	301.000.04.594.76.63.155	\$612,112						\$612,112 Valley Ridge Park Improvement
	301.000.04.594.76.63.158	\$23,529						\$23,529 Angle Lake Playground
	301.000.04.594.76.63.212	\$12,000						\$12,000 S 188th St Fence Beautification
Subtotal Municipal CIP Fund (301)		\$770,819	\$0	\$0	\$0	\$0	\$0	\$770,819
306	306.000.10.594.19.62.002	\$25,000						\$25,000 Maintenance Facility Roof Repair
Subtotal Fac. Constr. CIP Fund (306)		\$25,000	\$0	\$0	\$0	\$0	\$0	\$25,000
307	307.000.11.595.30.63.166	\$1,783,549						\$1,783,549 Military Rd & S 152nd St (S 150th - IB)
	307.000.11.595.30.63.181	\$21,473						\$21,473 Des Moines Memorial Dr & S 200th Intersection
	307.000.11.595.64.63.100	\$500,000						\$500,000 International Blvd Safety Improvements
	307.000.11.595.64.63.101	\$82,000						\$82,000 Intelligent Transportation Systems
	307.000.11.595.69.63.101	\$1,229,721						\$1,229,721 S 166th St Pedestrian Improvements
	307.000.11.595.69.63.102	\$872,491						\$872,491 S 200th St Ped & Bicycle Shared Pathway
Subtotal Transp. CIP Fund (307)		\$4,489,234	\$0	\$0	\$0	\$0	\$0	\$4,489,234
Grand Total - ALL FUNDS		\$5,994,980	\$0	\$99,765	\$59,079	\$175,548	\$175,269	\$6,504,641

CITY OF SEATAC, WASHINGTON
2019-2020 BIENNIAL BUDGET: EXHIBIT B

3/26/2019

2019-2020 BIENNIAL BUDGET (EXPENDITURES + ENDING BALANCES) = \$ 226,947,745					
FUND		BEGINNING BALANCE 2019-2020	REVENUES & OTHER SOURCES 2019-2020	EXPENDITURE APPROPRIATION 2019-2020	ENDING BALANCE 2019-2020
001	General Fund	\$ 24,087,825	\$ 80,457,131	\$ 80,077,058	\$ 24,467,897
102	Street Fund	16,827,087	21,642,044	17,297,820	21,171,311
105	Port ILA	1,498,177	2,940,579	3,075,920	1,362,836
106	Transit Planning	362,187	647,282	645,282	364,187
107	Hotel/Motel Tax	8,260,414	3,700,000	2,608,040	9,352,374
108	Building Management	3,222,901	1,610,560	2,148,874	2,684,587
110	Facility Repair & Replacement	-	-	-	-
111	Des Moines Creek Basin ILA	2,395,116	700,000	374,866	2,720,250
206	2009 LTGO Bond Fund	13,527	-	-	13,527
207	SCORE Bond Servicing	470,613	415,463	405,197	480,879
301	Municipal Capital Improvements	4,625,651	3,254,291	4,469,096	3,410,846
306	Municipal Facilities CIP	1,025,167	20,000	25,000	1,020,167
307	Transportation CIP	15,659,062	11,474,290	24,004,827	3,128,525
308	Light Rail Station Areas CIP	1,869,944	3,004,282	2,995,625	1,878,601
403	SWM Utility	4,421,478	8,719,182	7,952,099	5,188,560
404	Solid Waste & Environmental	223,646	753,240	553,287	423,599
501	Equipment Rental	1,123,471	1,523,134	2,562,756	83,848
TOTAL BIENNIAL BUDGET		\$ 86,086,266	\$ 140,861,478	\$ 149,195,748	\$ 77,751,997

Exhibit C
Decision Cards
(5 pages)

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Probation Counselor - Full Time		Department: Court
Amount: \$ 108,844.00		Division: Judicial
BARS#: 001.000.02.523.30.11.000		Director: Gail Cannon
On-Going <input checked="" type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: Gail Cannon
One-Time <input type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: (Provide a brief overview of what is being requested)

Increase the Probation Counselor position from part-time (28 hours) to full time (40 hours)

Justification: (Explain why this is being requested and/or how the request will benefit the City):

Due to an increased workload, this position is no longer able to perform the basic functions of the job in the hours allotted each week. When this position was created in January of 2017, the probation counselor was responsible for monitoring a caseload of approximately 35 offenders. At this time, the position is responsible for monitoring a caseload of 75 offenders. The probation counselor facilitates four Domestic Violence Moral Reconciliation Therapy classes each week. This program utilizes a cognitive behavioral approach, believing that changes in cognition can lead to changes in behavior. It is designed to influence how offenders think about moral issues and make moral judgments, specifically about committing new offenses. The evidence to date suggests this intervention has reduced crime, which is a benefit to the City by reducing costs associated with recidivism while increasing public safety. The probation counselor is also in the process of implementing the evidence based cognitive restructuring program "Thinking for a Change". This can be used with non-domestic violence habitually involved offenders, those costing the City the most amount of money due to the fact that they are continuously cycling in and out of jail.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

If this request is not approved the probation counselor would not have sufficient hours to appropriately monitor the offenders on active probation in accordance with their risk. This can put the City at possible risk of liability.

City Goal: (Identify one or more City Goal addressed by this request):

The City Goal supported by this request is Public Safety.

Funding Source: (How will this request be funded):

<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations: General Fund	\$ 49,765.00	\$ 59,079.00
Ending Fund Balance:		
Grant:		
Other:		
TOTAL	\$ 49,765.00	\$ 59,079.00

City of SeaTac

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Probation Counselor - Full Time

Position Title (Provided by HR): Probation Counselor

Salary Range/Step (Provided by HR): 53 D

Limited Position?: No

Primary Duties/Responsibilities:

- *Manages a caseload of misdemeanor offenders.
- *For offenders referred to the misdemeanor probation department, determine their risk to the community using a standardized classification system with a minimum of monthly face to face interviews for offenders classified as high risk (R6-R9).
- *Supervise offenders with face to face interviews depending on risk classification system.
- *Conduct regular (monthly) individual case history record checks for each offender to alert the court of any new violations that could result in a finding of non-compliance with the terms of judgment and sentence.
- *File monthly compliance reports on all active probation defendants, including those who are in a Deferred Prosecution program, using Monthly Probation Report Form.
- *Monitors offender compliance with sentence requirements, conditions of supervision, and treatment requirements using monthly contacts per classification standards, including interviewing in the office.
- *Administers alternative to incarceration programs as directed by the Municipal Judge.
- *Counsels offenders as required.
- *Refers probationers for community service placements and to appropriate resource and treatment programs.
- *Assesses and monitors drug/alcohol usage, including collection of urine sample if necessary.
- *Gathers criminal history record information.
- *Completes intake processes.
- *Completes classification assessments and reassessments.
- *Conducts pre-sentence investigations on orders from the court; and conducts in-depth interviews with offenders in order to gather accurate data regarding background and present situation(s).
- *Investigates and prepares pre-sentence reports containing summary background data gathered in pre-sentence interviews and collateral contacts; assesses problem areas, including alcohol, drugs, domestic violence and mental illness, and submits reports including sentencing alternatives to the court.
- *Investigates and reports violations of probation and/or sentence conditions.
- *Assists probationers concerning problems that affect individual probation plans; assists in vocational education or employment planning.
- *Communicates with and establishes cooperative working relationships with law enforcement, community and regulatory agencies, and court personnel.
- *Maintains log contacts and information obtained relative to an individual case; contacts and corresponds with other agencies related to the individual case in order to monitor activity and progress.

	2019	2020
Total Salary (provided by Finance)	23,849.00	25,808.00
Total Benefits (provided by Finance)	25,916.00	33,271.00
Subtotal Salary and Benefits	\$ 49,765.00	\$ 59,079.00
Furniture and Office Equipment	0.00	0.00
Computer Hardware and Software	0.00	0.00
Uniform	0.00	0.00
Vehicle (provided by Public Works)	0.00	0.00
Equipment Rental Charges (from 501 Fund - provided by Public Works)	0.00	0.00
Training	0.00	0.00
Telephone (cell/pager, etc.)	0.00	0.00
Other (specify):	0.00	0.00
Subtotal Associated Costs	\$ 0.00	\$ 0.00
TOTAL:	\$ 49,765.00	\$ 59,079.00

**City of SeaTac 2019/2020 Budget
Decision Card**

Title: Parks and Recreation Open Space (PROS) Plan	
Amount: \$ 50,000.00	Department: PCPS
BARS#: TBD	Division: Administration
On-Going <input type="checkbox"/> Mandatory <input checked="" type="checkbox"/>	Director: Lawrence Ellis
One-Time <input checked="" type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	Preparer: Lawrence Ellis

Description: (Provide a brief overview of what is being requested)

Hire a consultant to assist parks administration in preparing the PROS Plan through community engagement, gathering data and implement a plan.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

Parks, Recreation and Open Space (PROS) Plan are key elements of a community's quality of life. The PROS plan assists in prioritizing investments in facilities and recreation programs for the City. The intent of the PROS Plan is to build the framework for future development of parks, community programs, and human services and serve as a companion document to the SeaTac Comprehensive Plan. Goals and policies identified through the PROS Plan will fold into the SeaTac Comprehensive Plan and identify the long term goals for SeaTac Parks, Community Programs and Services.

The PROS Plan provides several key elements for the City and the Parks, Community Programs and Services Department:

1. Analyze background information, population data and regional characteristics that guide parks, recreation and open space.
2. Assess and prioritize service needs, desires, and levels of service through stakeholder interviews, focus groups, and community meetings.
3. Develop an action plan for implementation of strategies.
4. Lay out action steps to implement those goals and policies in keeping SeaTac Parks and Recreation mission and the plans desired outcomes.
5. Integration of PROS Plan elements into the SeaTac Comprehensive Plan.
6. PROS Plan is required by the Washington State Recreation and Conservation Office to maintain the City's eligibility for state grants and other funding programs.

The PROS Plan should be updated every ten years. The first PROS Plan was conducted in 1998, five years after the City was incorporated, and the second PROS Plan was completed in 2008. The City secured \$1,199,900 in grant funding over the last 10 years.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

If funding is not approved the City will continue to operate under the outdated PROS Plan conducted in 2008 and will not be eligible to apply for State grants and funding opportunities.

City Goal: (Identify one or more City Goal addressed by this request):

City Operations: Continuously improve the effectiveness and efficiency of a city government.
Community Engagement - Actively engage the community to gather input on city governance and issues of concerns.

Funding Source: (How will this request be funded):

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	General Fund	\$ 50,000.00	\$ 0.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 50,000.00	\$ 0.00

Parks, Recreation and Open Space Plan (PROS Plan)

What is a PROS Plan?

- Will assist in prioritizing City investments in the facilities and recreation programs
- Build the framework for future developments of parks, community programs, and human services and serve as a companion document to the SeaTac Comprehensive Plan
- Identifies the long term goals for SeaTac Parks, Community Programs and Services
- Analyze background information, population data and regional characteristics that guide parks, recreation and open space



Riverton Heights Park – CDBG Grant \$332,000

Why is it Important?

- It is a requirement for many Federal and State Grant applications: *“Is the property identified in an adopted park, open space, comprehensive or community plan?”*
- Document inventory and asset management of parks assets (equipment repair and replacement schedules)
- Incorporates City’s park demands and needs assessment
- Sets City priorities and implementation strategy
- Required by the Washington State Recreation and Conversation Office to maintain the eligibility for state grants and funding programs
- PROS Plan is established every 10 years. City existing PROS Plan (1998-2008; 2008-2018)
- Between 2008 and 2018, City secured \$1,199,900 grant funding by using the PROS Plan



Valley Ridge Teen Center – CDBG Grant \$265,000



Skate Park at Neighborhood Park – CDBG Grant \$278,000

Review of the City's Existing PROS Plan, 2008 – 2018

- Planning Process
- Community Profile
- Major Issues & Goals and Policies
- Park demands & Needs Assessment
- Parks and Recreation Facilities 10 Year Repair and Replacement Plan
- Park Inventory
- Recreation Programs
- Implementation & Recommendations

A New PROS Plan, 2019-2029

- Provide a 10 year “Master Plan” for Parks, Community Programs and Services Department
- Apply for the majority of Federal and State Grants
- Community outreach to determine community values and needs
- Continue the goals and policies that were established in 2008-2018 PROS Plan
- Guide future budget spending

Request for Consultant Money, Budget Amendment

\$50,000 consultant contract is to undertake the following scope:

- Undertake community outreach (including a survey)
- Undertake a needs assessment
- Work with staff to collect valuable data
- Assess and prioritize service needs
- Prepare and implement a strategy/action plan

Staff will prepare the final document including an update of the community profile, projects to date, parks inventory, and asset management information.



Neighborhood Park at SeaTac Community Center – CDBG Grant \$250,000



Sunset Park Soccer Field – CDBG Grant \$324,000

ORDINANCE NO. 19-1007

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the City Manager to execute an Interlocal Agreement with the Washington State Department of Transportation for the construction of the Southbound Interstate-5 On-Ramp project and amending the City's 2019-2020 Biennial Budget.

WHEREAS, the City of SeaTac and the Washington State Department of Transportation wish to enter into an interlocal agreement for the construction of the Southbound Interstate-5 On-Ramp project; and

WHEREAS, WSDOT will construct the project and pay for the costs of project and engineering design, as well as accelerating the work so it can be completed in 2019; and

WHEREAS, the City will pay for the cost of construction and project and construction management; and

WHEREAS, this project is intended to relieve traffic congestion at the intersection of South 200th Street & Military Road South, especially during the afternoon/evening peak hours; and

WHEREAS, additional funding for this project is necessary due to increased cost estimates to complete the work, and the need to provide for a project contingency;

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

Section 1. The City Manager is authorized to execute an Interlocal Agreement with the Washington State Department of Transportation, in substantially similar form as attached in Exhibit A.

Section 2. The City's 2019-2020 Biennial Budget shall be amended to increase expenditures in the Street Fund (Fund #102) by \$443,807 in order to fully fund this project.

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

ADOPTED this 26th day of March, 2019, and signed in authentication thereof
on this 26th day of March, 2019.

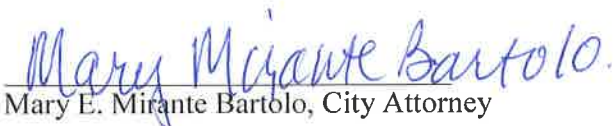
CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 4/6/19]

[WSDOT Interlocal Agreement Interstate-5 On-Ramp Project]

GCB 3101

This Agreement is entered into between the Washington State Department of Transportation, hereinafter "WSDOT" and the City of SeaTac, 4800 South 188th Street, SeaTac, WA 98188, hereinafter the "CITY," together referred to as the "Parties" and individually as the "Party."

RECITALS

1. The CITY proposes a project to make improvements to the on-ramp connecting South 200th Street to Southbound Interstate 5, hereinafter the "Project." This on-ramp, hereinafter "SB I-5 On-Ramp," is located in WSDOT I-5 limited access right of way, shown in Exhibit A as "Agreement Area (Approximate)" along the C-LINE.
2. The Project shall widen the outside shoulder and modify channelization on the SB I-5 On-Ramp to provide one metered lane and one peak hour metered right shoulder for general purpose use. Project improvements include, but are not limited to, traffic signal replacement, channelization, drainage, Intelligent Transportation Systems, signing, roadside restoration and traffic control.
3. The Project improvements to the SB I-5 On-Ramp will materially increase motor vehicle safety and increase highway efficiency.
4. WSDOT is funding and preparing one hundred percent (100%) of the Plans, Specifications and Estimates, hereinafter "PS&E," for the Project.
5. The CITY is funding one hundred percent (100%) of the cost of construction, including the construction administration and the contract management for the Project. The total cost estimate for the Project (exclusive of the costs for the PS&E borne by WSDOT) is One Million Two Hundred Twenty Six Thousand Eight Hundred Six and 61/100 Dollars (\$1,226,806.61), as shown in Exhibit B.
6. WSDOT and the CITY wish to define the responsibilities of each Party in regard to the Project, the boundaries of which are shown in Exhibit C.
7. The construction of the Project could significantly impact the safety, maintenance and operation of the WSDOT transportation system. WSDOT deems it to be in the public interest for WSDOT to be responsible for construction administration and contract management for the Project in an effort to control and minimize impacts to the safety, maintenance and operation of the WSDOT transportation system.

NOW, THEREFORE, pursuant to RCW 47.28.140, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, covenants and performances contained herein, and the attached Exhibit A, Exhibit B and Exhibit C that are incorporated herein by this reference,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. CONSTRUCTION ADMINISTRATION AND CONTRACT MANAGEMENT

1.1 The Project is located in WSDOT I-5 limited access right of way, as shown in Exhibit A, and shall be constructed in accordance with the PS&E prepared by WSDOT.

1.2 The executed Project contract PS&E and any addenda, hereinafter the "Contract," are by this reference made a part of this Agreement as if fully attached and incorporated herein.

1.3 Project Managers

1.3.1 The Parties designate the following Project Managers for this Agreement:

City of SeaTac	Washington State Department of Transportation
Florendo Cabudol, P.E. City Engineer City of SeaTac 4800 South 188 th Street SeaTac, WA 98188 (206) 973-4740 FCabudol@seatacwa.gov	Mike Askarian, P.E. Project Engineer Washington State Department of Transportation Northwest Region 6431 Corson Ave South Seattle, WA 98108 (206) 768-5861 AskariM@wsdot.wa.gov

1.3.2 A Party may designate an alternative Project Manager to the one listed in Section 1.3.1 and in this event shall notify the other Party in writing.

2. WSDOT RESPONSIBILITIES

2.1 In addition to preparation of the PS&E, WSDOT, on behalf of the CITY, agrees to perform construction administration and contract management for the Project, hereinafter the "Work," or "WSDOT's Work" which includes:

2.1.1 WSDOT shall be responsible for the advertising, award, and contract management, which includes, but is not limited to, payments to the contractor, payment of change orders, final contract acceptance, and auditing, unless stated otherwise herein.

2.1.2 WSDOT shall provide all necessary services and tools for the Project, including but not limited to field inspection, materials testing, office engineering, and the representation necessary to administer the construction contract for the Project to ensure that the Project is constructed in accordance with the PS&E.

2.2 WSDOT agrees to begin performing the Work as of the day this Agreement is executed.

- 2.3 WSDOT shall maintain construction documentation in accordance with provisions of the Washington State Department of Transportation *Construction Manual M 41-01*, current edition, and amendments thereto, hereinafter "*Construction Manual M 41-01*."
- 2.4 WSDOT shall send monthly invoices to the CITY seeking reimbursement of WSDOT's direct payments to the contractor based on actual work performed by the contractor for the Project.
- 2.5 WSDOT agrees to hold weekly construction review meetings with the Project's contractor and to invite the CITY to participate in these meetings.
- 2.6 WSDOT shall provide written monthly progress reports to the CITY, regarding, at a minimum, Project status, current and projected schedules, current and projected construction costs including change orders to date, and current and projected costs for WSDOT's Work. The CITY's Project Manager and WSDOT's Project Manager shall establish guidelines and/or formats for providing this information to the CITY. The costs to prepare these reports will be included as construction administration expenses as part of WSDOT's Work.
- 2.7 WSDOT agrees to develop and execute a communication plan for any phase or changes in phases of the Project that have an effect on the public. The CITY shall review and approve WSDOT's communication plan prior to execution.

3. CITY RESPONSIBILITIES

- 3.1 The CITY shall be responsible for all costs associated with the Project except for the cost of preparing the PS&E. The CITY further agrees that WSDOT shall have no liability or responsibility for payment of any or all Project contractor and/or subcontractor costs, including material costs and the costs of required and/or elective change orders, or costs associated with contractor claims and/or delays attributable to failure of performance by the CITY.
- 3.2 The CITY's Project Manager shall monitor WSDOT's Work. The CITY may inspect the Project. The CITY's Project Manager shall be allowed to freely consult with and inquire of WSDOT's Project Manager, attend all meetings, and have access to all documentation as to all matters concerning the Project. The CITY agrees not to provide direction, directly or indirectly, to the contractor and all formal contact between said CITY Project Manager and the contractor shall be through WSDOT's Project Manager. Any CITY monitoring and/or inspection of the Project shall not relieve WSDOT of its duty and responsibility to perform the Work.
- 3.3 The CITY is responsible for securing and funding State Environmental Policy Act (SEPA) approval and, if applicable, National Environmental Policy Act (NEPA) approval for the Project.
- 3.4 The CITY shall at all times indemnify and hold harmless WSDOT from all claims for labor and/or materials in connection with the Project located on WSDOT I-5 limited

access right of way, and from the cost of defending against such claims, including attorney fees. In the event a lien is filed upon WSDOT I-5 limited access right of way, the CITY shall (1) Record a valid Release of Lien; (2) Deposit sufficient cash with WSDOT to cover the amount of the claim on the lien in question and authorize payment to the extent of said deposit to any subsequent judgment holder that may arise as a matter of public record from litigation with regard to lien holder claim; or (3) Procure and record a bond which releases WSDOT I-5 limited access right of way from the claim of the lien and from any action brought to foreclose the lien.

4. CHANGE ORDERS - PROJECT CONTRACT CHANGES

- 4.1 The CITY authorizes WSDOT to initiate, document, and perform all negotiations with the contractor, provide approval recommendations, and to execute all change orders. WSDOT shall prepare change orders with supporting documentation and data in accordance with the Project PS&E. WSDOT's Project Manager shall prepare all change orders with final concurrence of the CITY's Project Manager. WSDOT will notify the CITY of errors or omissions in the Contract as soon as reasonably practical.
- 4.2 Change orders for the Project are defined in accordance with the Washington State Department of Transportation *Standard Specifications for Road, Bridge, and Municipal Construction M 41-10*, current edition, and amendments thereto, hereinafter "*Standard Specifications M 41-10*."
- 4.3 Change order process and execution shall be in accordance with the Project PS&E and with Chapter 1 of *Construction Manual M 41-01*, unless otherwise provided herein.
- 4.4 Required change orders are change orders that involve: a) Changes in the work, work methods, working days, or quantities as necessary to satisfactorily complete the Project within WSDOT I-5 limited access right of way, and/or b) mitigating an emergency or safety threat to the traveling public. All other change orders shall be considered elective.
- 4.5 WSDOT reserves the right, when necessary due to emergency or safety threat to the traveling public, as solely determined by WSDOT, to direct the contractor to proceed with work associated with a required change prior to the CITY's approval of the change order.
- 4.6 The CITY may request additions or modifications to the Contract (elective change orders) through WSDOT. WSDOT will comply with the requested change provided that the change complies with *Standard Specifications M 41-10*, *Construction Manual M 41-01*, Project permits, state and/or federal law and applicable rules and/or regulations and/or design policies.
- 4.7 WSDOT shall review and approve all change orders requested by the CITY, provided that WSDOT may reasonably object to any such change order if such change order materially diminishes the safety of the Project or quality of the improvements depicted in the PS&E or is inconsistent with the terms of the PS&E. WSDOT shall issue a written approval or objection to the change order within ten (10) business days of receipt of the

change order. If WSDOT does not issue a written notice of approval or objection to the change order within the ten (10) business day review period, then the change order shall be deemed to be approved by WSDOT. In the event of an objection the CITY and WSDOT shall meet within five (5) business days to resolve such objection in a manner mutually acceptable to the Parties.

- 4.8 The CITY shall review and provide written approval or rejection to WSDOT of all proposed change orders. Verbal authorization may be warranted on any change where a cost/time benefit to the CITY or WSDOT can be realized or a cost/time disadvantage to the contractor can be minimized by prompt action. The CITY may give verbal approval to WSDOT to proceed with the change order work prior to execution of a change order, provided that the verbal authorization is given within twenty four (24) hours of the initial request for change order approval. WSDOT will include all verbal authorizations in the documentation for each change order. The intent of the CITY's verbal authorization is to allow the changed work to proceed without delay to the Project. Both Parties acknowledge that the verbal authorizations given by the CITY to WSDOT for changed work are binding. Verbal authorization by the CITY shall be followed by formal written approval of each change order within three business days of said verbal authorization.
- 4.9 The CITY and WSDOT shall make every effort to expedite each approval and understand that any delays associated with the CITY's and/or WSDOT's approval of a change order may cause increases in the Project cost, as well as increases in the cost of WSDOT's Work. Nothing herein relieves the CITY of its responsibility for change order costs or contractor claims associated with the CITY's change order approval process.

5. PAYMENT

- 5.1 The cost estimate for WSDOT's Work is One Hundred Ninety Seven Thousand Eight Hundred Seventy Two and 03/100 Dollars (\$197,872.03), as shown in Exhibit B. However, the CITY, in consideration of the faithful performance of WSDOT's Work for the Project in accordance with this Agreement, agrees to reimburse WSDOT for one hundred percent (100%) of the actual direct labor and direct non-labor costs of WSDOT's Work.
- 5.2 The CITY agrees to pay WSDOT within thirty (30) calendar days after receipt of WSDOT's detailed monthly invoice, except for final payment which must be paid within forty-five (45) calendar days after receipt of the final invoice. Partial payments by the CITY are not to be more frequent than one (1) per month. The CITY's Project Manager and WSDOT's Project Manager shall establish guidelines for processing payment requests.
- 5.3 Should any of the invoiced amounts be in dispute, the CITY agrees to pay all undisputed amounts to WSDOT in accordance with Section 5.2. Disputed amounts that cannot be resolved by informal negotiation shall be resolved pursuant to Section 13.4.
- 5.4 The CITY warrants that it has set aside sufficient funds to fund this Agreement in its entirety, including the amount for a Management Reserve as provided in Section 6.

6. MANAGEMENT RESERVE

- 6.1 The CITY agrees to include in the Project budget Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00). This Management Reserve shall cover any cost overruns for construction administration, Contract management, construction, and/or an accepted bid that exceeds the total cost estimate for the Project One Million Two Hundred Twenty-six Thousand Eight Hundred Six Dollars and 61/100s (\$1,226,806.61), as shown in Exhibit B.

7. AGREEMENT MANAGERS

- 7.1 For all communications regarding this Agreement the Parties designate the following representatives:

City of SeaTac	Washington State Department of Transportation
Will Appleton Public Works Director Public Works City of SeaTac 4800 South 188 th Street SeaTac, WA 98188 (206) 973-4741 wappleton@seatacwa.gov	Andrey Chepel Project Engineer Puget Sound Gateway Program Washington State Department of Transportation 999 Third Avenue Suite 2200 Seattle, WA 98104 (206) 805-2978 ChepelA@wsdot.wa.gov

- 7.2 A Party may designate an alternative representative to the individual listed in Section 7.1 and in this event shall notify the other Party in writing.

8. RIGHT OF ENTRY, OWNERSHIP, MAINTENANCE AND OPERATION

- 8.1 The CITY hereby grants to WSDOT and it authorized agents, contractors, subcontractors, and employees, a right of entry upon CITY property and/or CITY right of way for purposes of carrying out WSDOT's Work under this Agreement.
- 8.2 WSDOT hereby grants to the CITY and its authorized agents, contractors, subcontractors, and employees, a right of entry upon WSDOT I-5 limited access right of way for purposes of fulfilling its responsibilities under this Agreement.
- 8.3 Upon completion of the Project and final acceptance, inspection and payment pursuant to this Agreement, all future maintenance and operation of the facilities belonging to WSDOT shall be done at the sole cost and expense of WSDOT and without cost or expense to the CITY.

9. PROJECT INSPECTION AND ACCEPTANCE

- 9.1 Prior to acceptance of the Project and WSDOT's Work, WSDOT and the CITY shall conduct a joint final inspection of the Project. WSDOT agrees to document the outcome of the final inspection in writing to the CITY. Upon satisfactory completion of the Project by the contractor and receipt of a notice of physical completion of the Project

from WSDOT, the CITY agrees to deliver a letter of acceptance of the Project and WSDOT's Work that shall include a release of WSDOT from all future claims and demands, except from those, if any, resulting from the negligent performance of WSDOT's Work under this Agreement.

- 9.2 If a letter of the CITY's acceptance of the Project is not received by WSDOT within sixty (60) calendar days following the CITY's receipt of the notice of physical completion of the Project, the Project and WSDOT's Work shall be considered accepted by the CITY and WSDOT shall be released from all future claims or demands, except from those, if any, resulting from the negligent performance of WSDOT's Work under this Agreement.
- 9.3 The CITY may withhold its acceptance of the Project and/or WSDOT's Work by submitting written notification to WSDOT within sixty (60) calendar days following the CITY's receipt of the notice of physical completion of the Project. The CITY's notification shall include its reason(s) for withholding acceptance. The Parties shall then work together to resolve the outstanding issues identified in the CITY's notification. Upon resolution of the outstanding issues, the CITY shall promptly deliver its letter of acceptance to WSDOT.

10. CLAIMS

- 10.1 Contractor Claims for Additional Payment: In the event the contractor makes a claim for additional payment associated with the Project work, WSDOT will immediately notify the CITY of such claim. WSDOT shall provide a written recommendation to the CITY regarding resolution of the contractor claim. The CITY agrees to defend such claims at its sole cost and expense. WSDOT will cooperate with the CITY in the CITY's defense of the claim. The CITY shall reimburse any WSDOT costs incurred in providing such assistance, including reasonable attorney's fees.
- 10.2 Third Party Claims for Damages Post Project Acceptance: After Project acceptance, in the event of claims for damages or loss attributable to bodily injury, sickness, death, or injury to or destruction of property that occurs because of the Project located on CITY or WSDOT-owned property and/or right of way, the Party owning the property and/or right of way shall defend such claims and hold harmless the other Party, and the other Party shall not be obligated to pay any such claim or the cost of defense. Nothing in this section, however, shall remove from the Parties any responsibilities defined by the current laws of the State of Washington or from any liabilities for damages caused by the Party's own negligent acts or omissions. The provisions of this section shall survive the termination of this Agreement.
- ## **11. DAMAGE TO THE PROJECT DURING CONSTRUCTION**
- 11.1 The CITY authorizes WSDOT to direct the contractor to repair all third party damage to the Project during construction.
- 11.2 The CITY agrees to be responsible for all costs associated with said third party damage and for collecting such costs from the third party.

- 11.3 WSDOT will document said third party damage by required change order and cooperate with the CITY in identifying, if possible, the third party. WSDOT will also separately document and invoice the CITY for WSDOT's costs associated with third party damage.

12. TERMINATION

- 12.1 This Agreement shall be terminated upon (a) completion of WSDOT's Work under this Agreement, (b) final inspection and acceptance of the contractor's work by the CITY and WSDOT pursuant to Section 9, (c) final payment for WSDOT's Work, and (d) final payment, if any, for costs and/or fees as otherwise provided in this Agreement.

- 12.2 WSDOT may terminate this Agreement only with the written concurrence of the CITY.

- 12.3 The CITY may terminate this Agreement under the following conditions upon written notice to WSDOT:

12.3.1 If the accepted bid exceeds the total cost estimate for the Project (\$1,226,806.61) plus the amount of the Management Reserve (\$250,000.00), a sum of One Million Four Hundred Seventy Six Thousand Eight Hundred Six and 61/100 Dollars (\$1,476,806.61), the CITY may, prior to an award of Contract, terminate this Agreement by providing written notice to WSDOT, and in this event the CITY will not be required to reimburse WSDOT for WSDOT's Work conducted up until the point the CITY gives its written notice of termination to WSDOT.

12.3.2 If the CITY provides written notice of termination to WSDOT after an award of Contract for the Project, the CITY agrees to reimburse WSDOT for the Work WSDOT has performed up to the date of termination, as well as the costs of non-cancelable obligations.

12.3.3 Termination by the CITY prior to completing the Project within WSDOT I-5 limited access right of way will terminate the right of the CITY to complete the Project within WSDOT I-5 limited access right of way. The contractor will be directed by WSDOT to restore WSDOT facilities and right of way in accordance with Section 12.3.4. The provisions of this section shall survive the termination of this Agreement.

12.3.4 Should the CITY terminate the Project after construction has begun, WSDOT, in its sole discretion, shall determine what work must be completed to restore WSDOT facilities and/or right of way to a condition and configuration that is safe for public use, operation, and maintenance, and the CITY agrees that WSDOT shall have the authority to direct the contractor to complete the restoration. The CITY agrees that all costs associated with the CITY's decision to terminate the Project after construction has begun, including but not limited to PS & E, completing WSDOT facilities and/or right of way restoration, and contractor claims, will be the sole responsibility of the CITY. If the contractor is not available to restore the WSDOT facilities and/or right of way, WSDOT may perform, or contract to perform, the restoration work at CITY expense. Payment

to WSDOT shall be made pursuant to Section 5. The provisions of this section shall survive the termination of this Agreement.

- 12.4 Except as otherwise provided herein, a termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

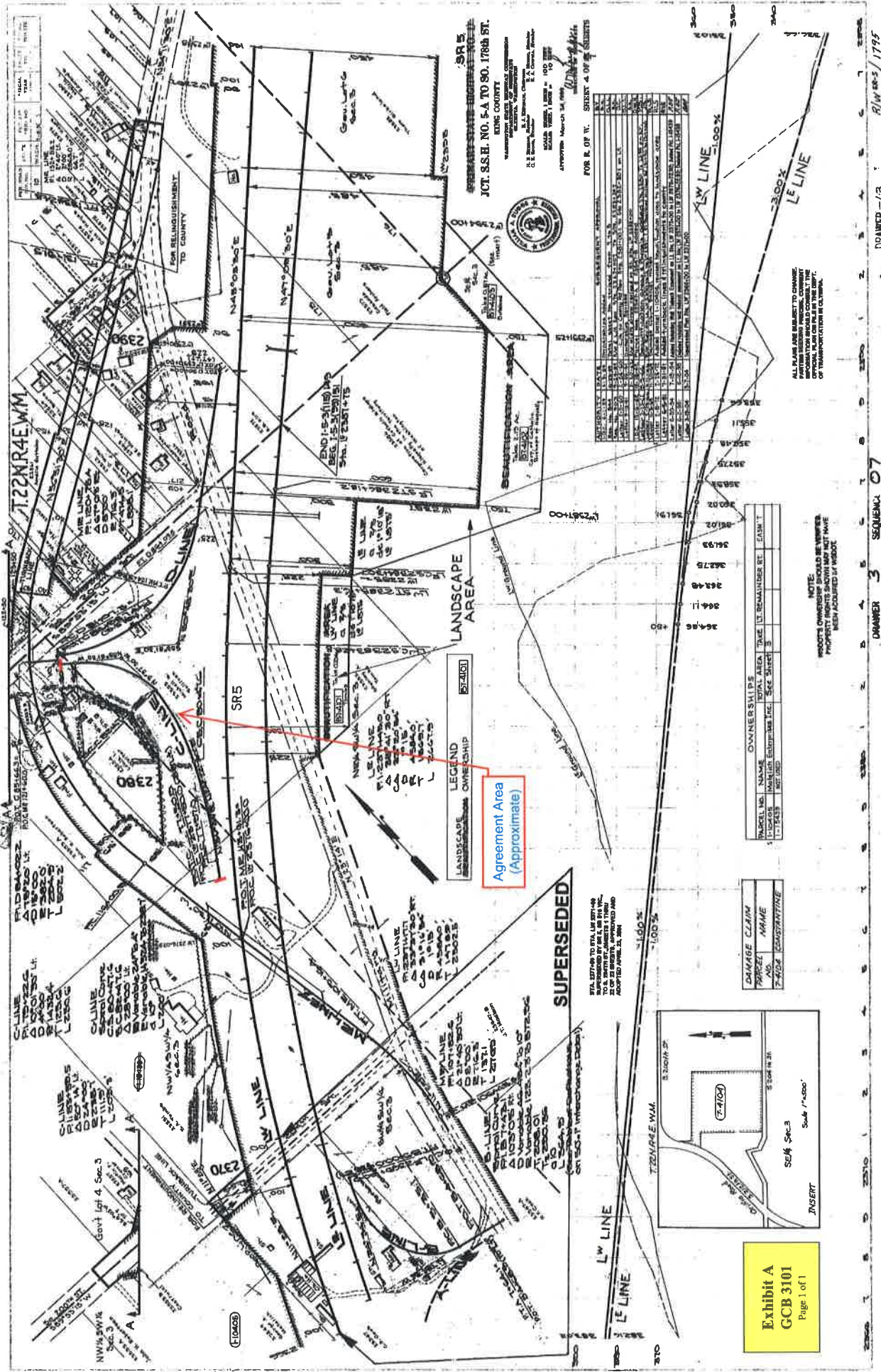
13. GENERAL PROVISIONS

- 13.1 Amendment: This Agreement may be amended or modified only by the mutual agreement of the Parties. Such amendments or modifications shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.
- 13.2 Independent Contractor: The Parties shall be deemed independent contractors for all purposes, and the employees of the Parties or any of their contractors, subcontractors, consultants, and the employees thereof, shall not in any manner be deemed to be employees of the other Party.
- 13.3 Indemnification and Waiver: Unless a claim falls within the provisions of Section 10.2, each of the Parties shall protect, defend, indemnify, and hold harmless the other Party and its employees and authorized agents, while acting within the scope of their employment as such, from any and all costs, claims, judgements, and/or awards of damages (both to persons and/or property), arising out of, or in any way resulting from, that Party's obligations performed or to be performed pursuant to the provisions of this Agreement. No Party shall be required to indemnify, defend, or hold harmless the other Party if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the negligence of the other Party; provided that, if such claims, suits, or actions result from the concurrent negligence of (a) WSDOT, its employees and authorized agents and (b) the CITY, its employees, contractors, consultants, or authorized agents, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the negligence of the other Party, its employees, contractors, consultants, and authorized agents. For this purpose, each of the Parties, by mutual negotiation, hereby waives, with respect to the other Party only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions of Title 51 RCW. The provisions of this section shall survive the termination of this Agreement.
- 13.4 Disputes: In the event that a dispute arises under this Agreement, it shall be resolved as follows: WSDOT and the CITY agree to negotiate to resolve any issues. Should such negotiations fail to produce a satisfactory resolution then each Party shall appoint a member to a disputes board, these two members shall select a third board member not affiliated with either Party. The three-member board shall conduct a dispute resolution hearing that shall be informal and unrecorded. An attempt at such dispute resolution in compliance with aforesaid process shall be a prerequisite to the filing of any litigation concerning the dispute. Each Party shall be responsible for its own costs and fees and agree to share equally in the cost of the third disputes board member.

- 13.5 Venue: In the event that either Party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the Parties agree that any such action or proceedings shall be brought in Thurston County Superior Court. Further, the Parties agree that each shall be solely responsible for payment of its own attorney's fees, witness fees, and costs.
- 13.6 Audits/Records: During the construction of the Project and for a period of not less than six (6) years from the date of termination of this Agreement, the records and accounts pertaining to the construction of the Project shall be maintained and kept available by both WSDOT and the CITY for inspection and audit by the other Party and/or either Party's designated representative and the state and/or federal government. A Party shall have full access to and right to examine said records during normal business hours and as often as it deems necessary. Should a Party require copies of any records it agrees to pay the costs thereof. In the event of litigation or claim arising from the performance of this Agreement, the CITY and WSDOT agree to maintain the records and accounts until such litigation, appeal or claims are finally resolved. The provisions of this section shall survive the termination of this Agreement.
- 13.7 Severability: Should any section, term or provision of this Agreement be determined to be invalid, the remainder of this Agreement shall not be affected and the same shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Party's date last signed below.

City of SeaTac	Washington State Department of Transportation
By:	By:
Printed:	Printed: Craig Stone
Title:	Title: Puget Sound Gateway Program Administrator
Date:	Date:
Approved as to Form City of SeaTac	Approved as to Form Washington State Department of Transportation
By:	By: 
Printed:	Printed: L. Scott Lockwood
Title:	Title: Assistant Attorney General
Date:	Date: 3/13/2019



SR 5
JCT. S.S.E. NO. 5-A TO 80.178th ST.
KING COUNTY
APPROVED: March 14, 1995
FOR R. OF W. STREET 4 OF 6 SHEETS



NO.	DATE	DESCRIPTION	BY	CHECKED
1	10/1/94	PREPARED	W. J.
2	10/1/94	REVIEWED
3	10/1/94	APPROVED
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98	10/1/94	REVIEWED
99	10/1/94	APPROVED
100	10/1/94	REVIEWED

PARCEL NO.	NAME	OWNERSHIP	TOTAL AREA	TAKE 1% REMAINDER RT.	EASE 1%
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DAMAGE CLAIM	NAME
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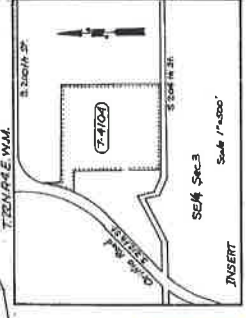


Exhibit A
GCB 3101
Page 1 of 1

PS&E JOB NO: XL5289

CONTRACT NO: 000000

WORK ORDER : XL5289

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

ESTIMATES AND BIDS ANALYSIS SYSTEM

*** PRELIMINARY ESTIMATE - BY ITEM ***

DATE: 01/22/2019

TIME: 07:33

DOT-RGG100

PAGE: 1

VER: 1

ITEM NO.	STD. NO.	ITEM DESCRIPTION	UNIT MEAS	UNIT PRICE	QUANTITY	AMOUNT	PRE- QUAL
PREPARATION							
1	0001	MOBILIZATION	L.S.			81,765.30	D6
2	0025	CLEARING AND GRUBBING	ACRE	30,000.00	0.27	8,100.00	D6
3	0050	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	L.S.			3,000.00	J6
4	0187	REMOVING PAINT LINE	L.F.	3.00	225.00	675.00	Q2
GRADING							
5	0310	ROADWAY EXCAVATION INCL. HAUL	C.Y.	150.00	404.00	60,600.00	
6	0431	GRAVEL BORROW INCL. HAUL	TON	50.00	37.00	1,850.00	J6
7	0470	EMBANKMENT COMPACTION	C.Y.	20.00	147.00	2,940.00	
DRAINAGE							
8	1030	DITCH EXCAVATION INCL. HAUL	C.Y.	150.00	5.00	750.00	
9	1086	QUARRY SPALLS	TON	200.00	10.00	2,000.00	R0
10	1290	CL. V REINF. CONC. CULV. PIPE 12 IN. DIAM.	L.F.	100.00	56.00	5,600.00	G2
11	3482	CL. V REINF. CONC. STORM SEWER PIPE 18 IN. DIAM.	L.F.	250.00	8.00	2,000.00	T8
SURFACING							
12	5100	CRUSHED SURFACING BASE COURSE	TON	70.00	272.00	19,040.00	F6
BITUMINOUS SURFACE TREATMENT							
13	5711	PLANING BITUMINOUS PAVEMENT	S.Y.	20.00	287.00	5,740.00	B4
HOT MIX ASPHALT							
14	5767	HMA CL. 1/2 IN. PG 58-22	TON	180.00	349.00	62,820.00	A4
15	5830	JOB MIX COMPLIANCE PRICE ADJUSTMENT	CALC			1,884.60	A4
16	5835	COMPACTION PRICE ADJUSTMENT	CALC			1,256.40	A4
17	5837	ASPHALT COST PRICE ADJUSTMENT	CALC			182.04	A4
EROSION CONTROL AND ROADSIDE PLANTING							
18	6403	ESC LEAD	DAY	150.00	7.00	1,050.00	H0
19		COMPOST SEEDING	S.Y.	15.00	1,315.00	19,725.00	T2
20	6630	HIGH VISIBILITY FENCE	L.F.	5.00	660.00	3,300.00	H0
21	6490	EROSION/WATER POLLUTION CONTROL	EST.			100,000.00	H0
22	6374	COMPOST BERM	L.F.	12.00	55.00	660.00	H0

I-5

S 200TH ST ON-RAMP TO SB I-5
METERED SHOULDER

Exhibit B

GCB 3101 - Page 1 of 5

PS&E JOB NO: XL5289
CONTRACT NO: 000000
WORK ORDER : XL5289

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
ESTIMATES AND BIDS ANALYSIS SYSTEM
*** PRELIMINARY ESTIMATE - BY ITEM ***

DATE: 01/22/2019 PAGE: 3
TIME: 07:33 VER: 1
DOT-RGG100

ITEM NO.	STD. NO.	ITEM DESCRIPTION	UNIT MEAS	UNIT PRICE	QUANTITY	AMOUNT	PRE- QUAL
OTHER ITEMS							
50		FA-MINOR ELECTRICAL REPAIR		20,000.00	1.00	20,000.00	
51	7005	STRUCTURE EXCAVATION CLASS B	C.Y.	150.00	3.00	450.00	I2
52	7038	ROADWAY SURVEYING	L.S.			5,000.00	V3
53	7350	CLEANING EXISTING DRAINAGE STRUCTURE	L.S.			1,000.00	A1
54	7480	ROADSIDE CLEANUP	EST.			25,000.00	A1
55	7570	HEALTH AND SAFETY PLAN	L.S.			5,000.00	A1
56	7571	FA-SITE CLEANUP OF BIO. AND PHYSICAL HAZARDS	EST.			20,000.00	A1
57	7715	FORCE ACCOUNT UTILITY POTHOLE LOCATION	EST.			5,000.00	A1
58	7736	SPCC PLAN	L.S.			2,500.00	A1
59	7725	REIMBURSEMENT FOR THIRD PARTY DAMAGE	EST.			5.00	A1
60		REMOVING EXISTING CULVERT	L.S.			112.00	Z0
BASE TOTAL :						899,418.34	

PS&E JOB NO: XL5289
CONTRACT NO: 000000
WORK ORDER#: XL5289

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
ESTIMATES AND BIDS ANALYSIS SYSTEM
*** PRELIMINARY ESTIMATE - SUMMARY ***

DATE: 01/22/2019
TIME: 07:33
DOT_RGG200

PAGE: 2

VER: 1

HIGHWAY

: SR

5

PROJECT TITLE

: I-5

S 200TH ST ON-RAMP TO SB I-5
METERED SHOULDER

TYPE OF WORK

:

FEDERAL AID PROJECT NO

:

COUNTY(S)

: KING

PROGRAM ITEM NUMBER(s)

: 19A001

CONTROL SECTIONS

: 172705

ESTIMATED COST DATA

:

CONTINGENCIES 4.00%

39,574.41

TOTAL COST OF PROJECT

1,226,806.61

PROJECT REMARKS:

I-5
S 200TH ST ON-RAMP TO SB I-5
METERED SHOULDER

Exhibit B
GCB 3101 - Page 5 of 5

Exhibit C
GCB 3101
Page 1 of 1

Exhibit C
GCB 3101
Page 1 of 1

PLAN REFERENCE	NO.	SHEET OF SHEETS
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[illegible]

ORDINANCE NO. 19-1008

AN ORDINANCE of the City of SeaTac, Washington, adopting a new Chapter SMC 1.40 related to real property acquisition procedures and appeals authorized by WAC 468-100-010 from decisions made under the Uniform Real Property Acquisition and Relocation Assistance Act.

WHEREAS, the City Council intends to memorialize the current practice of delegating submittal of the City's of right-of-way acquisition procedures to the Washington State Department of Transportation ("WSDOT") for approval, as required by the WSDOT Local Agency Guidelines Manual, Chapter 25, to the City Manager; and

WHEREAS, the Uniform Real Property Acquisition and Relocation Assistance Act, Chapter 8.26 RCW, requires that all local governments pay relocation benefits to residents and businesses that are displaced by the acquisition of land for public projects; and

WHEREAS, WAC 468-100-010 requires displacing agencies to review appeals of decisions made under Chapter 8.26 RCW regarding relocation benefits and other expenses; and

WHEREAS, the City Council has determined that the most appropriate tribunal to consider such appeals is the SeaTac Hearing Examiner;

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

Section 1. A new Chapter 1.40 of the SeaTac Municipal Code is hereby amended to read as follows:

Chapter 1.40

Right-of Way Acquisition Procedures and Relocation Assistance Appeals

1.40.010 Right-of-Way Procedures.

A. The City Manager is delegated with the responsibility of submitting the City's of right-of-way acquisition procedures, including updates, to the WSDOT for approval as required by the WSDOT Local Agency Guidelines Manual, Chapter 25.

1.40.020 Relocation Assistance Appeals.

A. Any person who believes that the City has failed to properly determine the person's eligibility for, or the amount of, a payment required under WAC 468-100-105 or RCW 8.26.200, or a relocation payment under Chapter 8.26 RCW or Chapter 468-100 WAC may appeal the determination to the City's Hearing Examiner.

B. An appeal under this Section shall be filed with the City Clerk within sixty (60) calendar days after the person receives written notification of the City's final determination on the person's claim. Failure to file an appeal in a timely manner shall be a bar to consideration of the appeal by the Hearing Examiner.

C. All appeals under this section shall be in writing, but no specific form of appeal is required and the appeal shall be considered regardless of form. The appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice should clearly identify the City project and parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. The Hearing Examiner may refuse to schedule any hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure of the appellant to meet these requirements within fourteen (14) calendar days of a request by the City for the required information.

D. The City shall permit a person to inspect and copy all materials pertinent to the person's appeal, except materials which are classified as confidential by the City and that are exempt from disclosure under the Public Records Act, Chapter 42.56 RCW. The City may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

E. Discovery will be available in relocation appeals as follows: Any party to a relocation appeal may obtain discovery from any party by written interrogatories, written admissions, oral depositions, subpoena duces tecums, and written requests for production of documents. The procedures regarding these methods of discovery are found at King County Superior Court Civil Rule 28 through 36 and 45(b) as now or hereafter amended and are hereby incorporated in this section.

F. Appeals under this Section shall be conducted pursuant to the Hearing Examiner System established under SMC 1.20. In addition to the Hearing Examiner Rules of Procedure established pursuant to SMC 1.20.110, the Hearing Examiner is authorized to utilize applicable provisions of Chapter 468-10 WAC and 10-08 WAC as applicable. The decision of the Hearing Examiner is final.

Section 2. **Severability.** If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such as invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED this 9th day of April, 2019, and signed in authentication thereof on this 9th day of April, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

APPROVED AS TO FORM:


Mary E. Mirante Bartolo, City Attorney

Effective Date: 4/20/19

[Right-of-Way Procedures and Relocation Appeals—V2]

ORDINANCE NO. 19-1009

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing additional project expenditures for the construction of the S 166th Street Safe Routes to School Project and amending the City's 2019-2020 Biennial Budget.

WHEREAS, the City of SeaTac desires to provide safe walking routes within our community; and

WHEREAS, the S. 166th Street Safe Routes to School Project will provide much needed pedestrian improvements on both sides of S. 166th Street between 34th Ave South and Military Rd South; and

WHEREAS, the S. 166th Street Safe Routes to School Project has been fully designed, advertised and bid; and

WHEREAS, a contract was awarded and executed with Tucci and Sons, Inc. in an amount of \$2,124,414 including \$397,382 for contingency, construction management, material testing, Washington State Department of Transportation services, and inspector overtime, for a total authorized expenditure amount of \$2,521,796 for the construction of the S. 166th Street Safe Routes to School Project; and

WHEREAS, additional funding for the project is necessary due to additional project scope and necessary increase in bid quantities;

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

WASHINGTON, DO ORDAIN as follows:

Section 1. The City's 2019-2020 Biennial Budget shall be amended to transfer \$210,000 from the Street Fund (Fund #102) into the Transportation CIP Fund (Fund #307).

Section 2. The City's 2019-2020 Biennial Budget shall be amended to increase expenditures in the Transportation CIP Fund (Fund #307) by \$210,000 in order to fund additional expenditures for the S. 166th Street Safe Routes to School Project.

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, 2019, and signed in authentication thereof on this 9th day of April, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 4/20/19]

[2019-2020 Biennial Budget Amendment Ordinance – South 166th Street Safe Routes to School Project]

ORDINANCE NO. 19-1010

AN ORDINANCE of the City Council of the City of SeaTac, Washington, awarding the 2019 Street Overlay Project contract to Miles Resources LLC; authorizing the City Manager to execute contracts with Miles Resources LLC for construction and WHPacific Inc. for construction management and a contract amendment with Reid Middleton, Inc. for additional design services; authorizing total project expenditures; and amending the City's 2019-2020 Biennial Budget.

WHEREAS, the City of SeaTac implements a pavement preservation program to ensure the preservation and functionality of its pavement infrastructure; and

WHEREAS, the 2019 Overlay Des Moines Memorial Drive South, South 128th Street to South 136th Street Project (Project), which is part of the City's pavement preservation program, has been fully designed, advertised and bid; and

WHEREAS, additional funding is necessary due to increased project scope, the current bidding climate, and the need to use consultants to design the project and manage construction given workload and staffing issues;

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

Section 1. The City Manager is authorized to award and execute a contract with Miles Resources, LLC in the amount of \$1,499,278.94 (including sales tax) for the construction of the 2019 Overlay – Des Moines Memorial Drive South Project.

Section 2. The City Manager is authorized to execute a contract with WHPacific, Inc in an amount of \$105,283.78 for construction management of the Project.

Section 3. The City Manager is authorized to execute a contract amendment with Reid Middleton, Inc. in an amount of \$14,000.

Section 4. The total authorized Project expenditures is \$1,892,179.13, including 155,500 for contingency and \$5,000 for inspector overtime.

Section 5. The 2019-2020 Biennial Budget shall be amended to increase expenditures in the Street Fund (#102) by \$588,047.40 to fully fund the Project.

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, 2019, and signed in authentication thereof on this 23rd day of April, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 5/4/19]

[2019 Street Overlay and Budget Amendment]

ORDINANCE NO. 19-1011

AN ORDINANCE of the City Council of the City of SeaTac, Washington, awarding the Military Road South Project (Public Works Project ST-125) contract to Johansen Construction Company, Inc.; authorizing the City Manager to execute contracts with Johansen Construction Company, Inc. for construction, Perteet, Inc. for construction management, and a contract amendment with Parametrix, Inc. for design services during construction; authorizing total project expenditures; and amending the City's 2019-2020 Biennial Budget.

WHEREAS, the City of SeaTac implements a transportation improvement program, which identifies capital improvement projects for the City's transportation network; and

WHEREAS, the Military Road South Project (Project), Public Works Project ST-125, which is part of the City's transportation improvement program, has been fully designed, advertised and bid; and

WHEREAS, additional funding is necessary due to the current bidding climate, and the need to use consultants to design the project and manage construction given workload and staffing issues;

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

Section 1. The City Manager is authorized to award and execute a contract with Johansen Construction Company, Inc. in the amount of \$4,172,547 (including sales tax) for the construction of the Military Road South Project, from South 150th Street to South 152nd Street and from Military Road South to International Boulevard (Public Works Project ST-125).

Section 2. The City Manager is authorized to execute a contract with Perteet, Inc in an amount of \$262,067 for construction management of the Project.

Section 3. The City Manager is authorized to execute a contract amendment with Parametrix, Inc. in an amount of \$50,000 for additional design services that may be needed during construction.

Section 4. The total authorized Project expenditure amount is \$5,140,496, including \$625,882 for contingency and \$30,000 for inspector overtime.

Section 5. The 2019-2020 Biennial Budget shall be amended to transfer \$752,497 from the

Street Fund (#102) to the Transportation CIP Fund (#307), and increase expenditures in the Transportation CIP Fund (#307) by \$752,497 to fully fund the Project.

Section 6. 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, 2019, and signed in authentication thereof on this 14th day of May, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 5/25/19]

[Military Road South Project and Budget Amendment]

ORDINANCE NO. 19-1012

AN ORDINANCE of the City Council of the City of SeaTac,
Washington, amending the 2019-2020 Biennial Budget for miscellaneous
items.

WHEREAS, the Administration and Finance Committee, on March 23, 2019,
reviewed the proposed amendment submitted by the City Manager and Finance and Systems
Director which details recommended changes in various revenue and expenditure line items in
the 2019-2020 Biennial Budget; and

WHEREAS, it is necessary for the City Council to amend the 2019-2020 Biennial
Budget to provide additional appropriation authority to fund certain expenditures identified in
Exhibit A;

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

Section 1. A listing of the adjustment requests is included by line item, amount, and fund in
summary format as shown in the attached Exhibit A. Decision Cards providing detailed
descriptions are included as Exhibit C.

Section 2. The 2019-2020 Biennial Budget for the City of SeaTac, covering the period from
January 1, 2019, through December 31, 2020, is hereby amended with a total 2020 ending fund
balance in the amount of \$82 million for all budgeted funds. The City's 2019-2020 biennial
budget is attached as Exhibit B, and includes budgeted revenues and expenditures for the 2019-
2020 biennium in the amounts and for the purposes shown separately and in the aggregate totals
for all such funds as displayed.

Section 3. 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, 2019, and signed in authentication
thereof on this 28th day of May, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 6/8/19]

[2019-2020 Biennial Budget Amendment Ordinance]

EXHIBIT A
2019-2020 Biennial Budget Amendment

Revenue

107 107.397.35.00.000
106 106.337.00.00.001
501 501.397.70.00.000
501 501.397.90.00.001

Expenditures

FUND # To Acct #
001 001.000.08.521.20.41.006
001.000.09.525.60.31.008
001.000.09.525.60.35.000
001.000.10.576.80.XX.XXX
001.000.10.576.80.31.023
001.000.10.576.80.42.028
001.000.10.576.80.45.002
001.000.10.576.80.49.061
001.000.10.597.90.00.001
001.000.13.524.60.XX.XXX
001.000.13.558.60.XX.XXX
Subtotal General Fund (001)

102 102.000.11.521.70.31.008
102.000.11.521.70.31.018
102.000.11.521.70.35.000
102.000.11.521.70.41.000
102.000.11.542.30.XX.XXX
102.000.11.544.20.XX.XXX
102.000.11.544.20.XX.XXX
102.000.11.544.20.31.008
102.000.11.544.20.31.018
102.000.11.544.20.35.000
102.000.11.544.20.42.028
102.000.11.544.20.43.031
102.000.11.544.20.43.032
102.000.11.544.20.43.033
102.000.11.544.20.49.061
102.000.11.597.70.00.000
Subtotal Street (102)

105 105.000.03.576.10.41.000
Subtotal Port ILA Fund (105)

106 106.000.03.519.70.XX.XXX
106.000.03.519.70.35.000
106.000.03.519.70.41.003
106.000.03.519.70.41.004
Subtotal Transit Plng Fund (106)

206 206.000.04.597.35.00.000
Subtotal LTGO Fund (206)

403 403.000.11.531.31.41.000
403.000.11.531.35.XX.XXX
403.000.11.531.35.31.008
403.000.11.531.35.31.023
403.000.11.531.35.35.000
403.000.11.531.35.42.028
403.000.11.531.35.43.031
403.000.11.531.35.43.032
403.000.11.531.35.43.033
403.000.11.531.35.49.061
403.000.11.544.20.XX.XXX
Subtotal SWM Fund (403)

501 501.000.11.594.48.64.095
501.000.11.594.48.64.095
Subtotal Equip Rental Fund (501)

Grand Total - ALL FUNDS

<u>2018 Carry-Forwards</u>		<u>Decision Cards</u>		<u>Other Adjustments</u>		<u>TOTAL</u>
2019	2020	2019	2020	2019	2020	2019-2020
				\$15,411		\$15,411
				\$119,364	\$385,344	\$504,708
		\$43,000				\$43,000
		\$46,000				\$46,000
\$0	\$0	\$89,000	\$0	\$134,775	\$385,344	\$609,119
		\$80,353	\$82,763			\$163,116
		\$10,750	\$2,750			\$13,500
		\$7,600	\$3,000			\$10,600
		\$65,296	\$321,048			\$386,344
		\$970	\$1,455			\$2,425
		\$500	\$1,500			\$2,000
		\$2,833	\$8,700			\$11,533
		\$1,700	\$850			\$2,550
		\$46,000				\$46,000
				-\$63,562		-\$63,562
				\$47,672		\$47,672
\$0	\$0	\$216,002	\$422,066	-\$15,890	\$0	\$622,178
\$5,000						\$5,000
\$5,000						\$5,000
\$5,000						\$5,000
\$114,000						\$114,000
		\$33,866	\$89,027			\$122,893
			\$60,984			\$60,984
				\$15,891		\$15,891
		\$2,000				\$2,000
		\$250	\$250			\$500
		\$2,000	\$500			\$2,500
		\$800	\$800			\$1,600
		\$300	\$300			\$600
		\$100	\$100			\$200
		\$200	\$200			\$400
		\$150	\$150			\$300
		\$43,000				\$43,000
\$129,000	\$0	\$82,666	\$152,311	\$15,891	\$0	\$379,868
		\$50,000				\$50,000
\$0	\$0	\$50,000	\$0	\$0	\$0	\$50,000
				-\$139,634	-\$94,355	-\$233,989
				\$4,000		\$4,000
				\$217,500	\$435,000	\$652,500
				\$50,000	\$50,000	\$100,000
\$0	\$0	\$0	\$0	\$131,866	\$390,645	\$522,511
				\$15,411		\$15,411
\$0	\$0	\$0	\$0	\$15,411	\$0	\$15,411
\$122,690						\$122,690
		\$33,866	\$89,027			\$122,893
		\$4,000				\$4,000
		\$150	\$150			\$300
		\$2,000				\$2,000
		\$800	\$800			\$1,600
		\$1,000	\$1,000			\$2,000
		\$300	\$300			\$600
		\$500	\$500			\$1,000
		\$1,700	\$1,700			\$3,400
			\$60,984			\$60,984
\$122,690	\$0	\$44,316	\$154,461	\$0	\$0	\$321,467
		\$46,000				\$46,000
		\$43,000				\$43,000
\$0	\$0	\$89,000	\$0	\$0	\$0	\$89,000
\$251,690	\$0	\$481,984	\$728,838	\$147,278	\$390,645	\$2,000,435

Transfer In - Fund 206
Sound Transit Revenue
Transfer In - Fund 102 (PW Inspector Vehicle)
Transfer In - Fund 001 (Parks Ops Worker Vehicle)

Description
Administrative Sergeant
Emergency Management Office & Operating Supplies
Emergency Management Small Tools & Equipment
Park Operations Workers - S&B
Parks Operations Workers - Uniform
Parks Operations Workers - Telephone
Parks Operations Workers - Equipment Rental
Parks Operations Workers - Registration
Parks Operations Workers - Vehicle (Transfer Out)
Budget Transfer - Senior Planner
Budget Transfer - Senior Planner

Permit Parking Program - Office & Operating
Permit Parking Program - Uniforms & Safety Equip
Permit Parking Program - Small Tools & Minor Equip
Permit Parking Program - Professional Services
PW Operations & Maintenance Manager - S&B
PW Inspector - S&B
Budget Transfer - Senior Planner
PW Inspector - Supplies
PW Inspector - Uniforms
PW Inspector - Small Tools & Equip
PW Inspector - Telephone
PW Inspector - Lodging
PW Inspector - Meals
PW Inspector - Transportation
PW Inspector - Registration
PW Inspector - Vehicle (Transfer Out)

Gateway/Entrance Analysis

Salaries & Benefits Adjustment
Small Tools & Minor Equipment
Professional Services - Permits
Professional Services - Administration

Transfer Out - Fund 107

Stormwater Conference Grant -Prof Services
PW Operations & Maintenance Manager - S&B
PW Operations & Maintenance Manager - Supplies
PW Operations & Maintenance Manager - Uniforms
PW Operations & Maintenance Manager - Small Tools
PW Operations & Maintenance Manager - Telephone
PW Operations & Maintenance Manager - Lodging
PW Operations & Maintenance Manager - Meals
PW Operations & Maintenance Manager - Transportation
PW Operations & Maintenance Manager - Registration
PW Inspector - S&B

Parks Operations Workers - Vehicle
PW Inspector - Vehicle

CITY OF SEATAC, WASHINGTON
2019-2020 BIENNIAL BUDGET: EXHIBIT B

5/28/2019

2019-2020 BIENNIAL BUDGET (EXPENDITURES + ENDING BALANCES) = \$ 236,178,640					
FUND		BEGINNING BALANCE 2019-2020	REVENUES & OTHER SOURCES 2019-2020	EXPENDITURE APPROPRIATION 2019-2020	ENDING BALANCE 2019-2020
001	General Fund	\$ 29,090,983	\$ 80,457,131	\$ 80,699,236	\$ 28,848,878
102	Street Fund	15,681,557	21,642,044	19,672,039	\$ 17,651,562
105	Port ILA	1,609,124	2,940,579	3,125,920	\$ 1,423,783
106	Transit Planning	367,000	1,151,990	1,167,793	\$ 351,197
107	Hotel/Motel Tax	8,359,594	3,715,411	2,608,040	\$ 9,466,966
108	Building Management	3,453,957	1,610,560	2,148,874	\$ 2,915,643
110	Facility Repair & Replacement	-	-	-	\$ -
111	Des Moines Creek Basin ILA	2,487,282	700,000	374,866	\$ 2,812,416
206	2009 LTGO Bond Fund	15,411	-	15,411	\$ (0)
207	SCORE Bond Servicing	266,456	415,463	405,197	\$ 276,722
301	Municipal Capital Improvements	7,257,432	3,254,291	4,469,096	\$ 6,042,627
306	Facility Construction CIP	1,767,848	20,000	25,000	\$ 1,762,848
307	Transportation CIP	15,658,987	12,436,787	24,967,324	\$ 3,128,450
308	Light Rail Station Areas CIP	1,907,243	3,004,282	2,995,625	\$ 1,915,900
403	SWM Utility	4,299,891	8,719,182	8,273,566	\$ 4,745,507
404	Solid Waste & Environmental	427,982	753,240	553,287	\$ 627,935
501	Equipment Rental	1,094,797	1,612,134	2,651,756	\$ 55,175
TOTAL BIENNIAL BUDGET		\$ 93,745,545	\$ 142,433,095	\$ 154,153,032	\$ 82,025,608

Exhibit C
Decision Cards
(13 pages)

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Administrative Sergeant		Department: 08-Police
Amount: \$ 163,116.00		Division:
BARS#: 001.000.08.521.20.41.006		Director: Jon Mattsen
On-Going <input checked="" type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: Jon Mattsen
One-Time <input type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: *(Provide a brief overview of what is being requested)*

Request for additional sergeant to address span of control issues.

Justification: *(Explain why this is being requested and/or how the request will benefit the City):*

With the addition of Seven (7) Police Officers and Two (2) Parking Compliance Officers during the 2017-18 budget cycle, supervisory span of control for daytime sergeants will exceed the industry recommended 5-7 FTEs per supervisor (18 FTEs supervised by 2 Sergeants). Adding an Administrative Sergeant to oversee the Traffic Unit, Parking Compliance Unit, School Resource Officer, and the Community Service Officers, will ensure that rank and file troops get the oversight they deserve as they complete their daily work for the City. An additional Administrative Sergeant will cost \$163,103 in 2019 and an estimated \$167,996 in 2020, based on a 3% annual inflator.

Currently, the City has a shared supervisory relationship with Burien for day and swing shifts. Burien is asking for a nighttime sergeant in their budget which will change the dynamic of the shared supervision model; if approved, SeaTac would reduce reliance on the Sheriff's Office to provide supervision for our nighttime officers. This will result in a cost savings in 2019 of approximately \$82,750, and an estimated \$85,233 in 2020 based on inflation. I am proposing we use this savings to pay the bulk of the cost of adding an Administrative Sergeant, and using reconciliation funds from the 2018 police budget for the remainder (\$80,353 for 2019, ~\$82,763 for 2020).

Alternatives: *(List possible alternatives and/or risks if funding is not approved):*

If this request is not granted, we will continue to operate with two (2) sergeants but will not be effective in ensuring the timely and proper completion of tasks.

City Goal: *(Identify one or more City Goal addressed by this request):*

This request supports the goals of City Operations, by ensuring that the Police Department is operating as efficiently and effectively as possible, and Public Safety as this addition will be able to provide competent guidance and supervision to those providing the direct public safety services to our residence.

Funding Source: *(How will this request be funded):*

Source/Fund (be specific)		2019 Amount	2020 Amount
Current Operations:	Police Services-King County	\$ 80,353.00	\$ 82,763.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 80,353.00	\$ 82,763.00

City of SeaTac 2019-2020 Budget
Decision Card

Title: Emergency Management Office and Operating Supplies	
Amount: \$ 13,500.00	Department: Fire
BARS#: 001.000.09.525.60.31.008	Division: Emergency Management
Director: William Appleton	
Preparer: William Appleton	
On-Going <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> One-Time <input type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	

Description: (Provide a brief overview of what is being requested)

Provide funding within emergency management to allow for the purchase of meals ready to eat for the Emergency Command Center (ECC) and for updating all emergency "go bags" in 2019.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

Covers the purchase of 10 cases (120 meals) of MREs in 2019 and 10 cases in 2020 (\$2,750 each year) and also provides \$8,000 in 2019 for replacing, updating, and supplying citywide "go bags". The ECC located at Station 46, is supplied with Military Ready To Eat Meals (MREs) which will feed first responders and ECC workers during a prolonged activation of the ECC. Purchases of MREs are scheduled on a rotation that allows nearly-expired MREs to be donated just prior to expiration (donations are typically made to local food banks), allowing for their use rather than being thrown away.

"Go bags" are provided to each city employee to keep in their work space and have available in the event of an emergency. The kits provide food, water and other gear necessary to support employees during the initial stages of an emergency event or natural disaster. The requested funding will update the food, water and emergency supplies in all of these bags to ensure they are good for the next 5 years.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

If funding is not approved, Emergency Management Preparedness Grant Funding (EMPG) will be used to purchase these supplies rather than used to offset the Emergency Management Coordinator Position.

City Goal: (Identify one or more City Goal addressed by this request):

This request supports the City's Accountability goal by supporting government emergency services which in turn works to provide critical response and recovery services to our community.

Funding Source: (How will this request be funded):

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	General Fund	\$ 10,750.00	\$ 2,750.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 10,750.00	\$ 2,750.00

**City of SeaTac 2019 - 2020 Budget
Decision Card**

Title: Emergency Management Small Tools and Equipment	
Amount: \$ 10,600.00	Department: Fire
BARS#: 001.000.09.525.60.35.000	Division: Emergency Management
	Director: William Appleton
On-Going <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> One-Time <input type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	Preparer: William Appleton

Description: (Provide a brief overview of what is being requested)

Provide funding to allow for the purchase of small tools and equipment necessary to support the ongoing emergency management mission.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

For 2019:
 Emergency Command Center (ECC) Printers - new printers are needed for the operation of the ECC. Currently there is one outdated printer that no longer meets the needs of the ECC. Three printers are needed. (\$1,700 for the printers and cartridges)
 Portable Generator - the emergency management support trailer requires a portable generator for powering lights, computers, printers and other equipment (\$1300)
 Radios for vehicles and EM support trailer - currently City vehicles and the emergency management support trailer have no communication availability other than phones or cell phones which can quickly become clogged in a regional emergency. Radios provide for an alternate communication opportunity, so that ongoing functionality of the ECC is supported (\$4,600)

For 2020:
 Small tools/equipment as needed: (\$3,000)

Alternatives: (List possible alternatives and/or risks if funding is not approved):

Not providing the updated equipment will reduce the functionality/readiness of the ECC and negatively impact the effectiveness of the ECC during operations. If funding is not approved, grant funding through the Emergency Management Preparedness Grant (EMPG, if available) will be used. In the past EMPG grant funding has been used to help offset the salary for the Emergency Management Coordinator position.

City Goal: (Identify one or more City Goal addressed by this request):

This request supports the Operational Goal of the City, as well as the Accountability and Public Safety. It is the responsibility of City government to be prepared to assist our residents and businesses during response to and recovery from disasters that impact our jurisdiction; this request supports our response capabilities.

Funding Source: (How will this request be funded):

<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	\$ 7,600.00	\$ 3,000.00
Ending Fund Balance:		
Grant:		
Other:		
TOTAL	\$ 7,600.00	\$ 3,000.00

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Park Operations Workers (3 FTEs and 1 Truck)	
Amount: \$ 450,852.00	Department: PCPS
BARS#: Various	Division: Park Operations
	Director: Lawrence Ellis
On-Going <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/>	Preparer: Mike Fitzpatrick
One-Time <input checked="" type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	

Description: (Provide a brief overview of what is being requested)

3 FTE positions for Park Operations Maintenance and 1 vehicle outfitted for Park Maintenance. Two FTE to be hired in 2019 and one FTE in 2020. One truck purchase in 2019.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

See attached sheet.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

See attached sheet.

City Goal: (Identify one or more City Goal addressed by this request):

See attached sheet.

Funding Source: (How will this request be funded):

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	General Fund	\$ 117,299.00	\$ 333,553.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 117,299.00	\$ 333,553.00

City of SeaTac

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Park Operations Workers (3FTE & 1 Truck)

Position Title *(Provided by HR)*: Park Operations Worker

Salary Range/Step *(Provided by HR)*: 43 B

Limited Position?: No

Primary Duties/Responsibilities:

Perform responsible maintenance and repair of City parks, landscapes, sport fields, spray parks and buildings to assure safe and appropriate operation of systems and facilities.

Maintain City parks, landscapes and sport fields; mow, edge, and apply pesticides and fertilizer to landscaped areas; repair and maintain irrigation systems; plant and maintain flower beds; rake leaves, prune and trim trees, remove brush and trash and repair fences as needed.

Repair and maintain City buildings, landscapes, facilities and structures; assist with general building repair performing a variety of duties involving the building trades, including carpentry, plumbing, masonry, minor electrical, and painting.

Perform general building maintenance such as sweeping, mopping, and vacuuming floors; clean restrooms, change light bulbs and remove trash.

Remove garbage from the Community Center and other City property.

Operate vehicles and heavy equipment to perform parks and building construction and maintenance duties; operate a variety of landscaping and construction tools and equipment, such as a jackhammer, mower, edger, chain saw and chipper.

Respond to emergency call-out situations as necessary.

Act as essential personnel during natural disasters, emergencies and snow events.

	2019	2020
Total Salary <i>(provided by Finance)</i>	38,406.00	185,273.00
Total Benefits <i>(provided by Finance)</i>	26,890.00	135,775.00
Subtotal Salary and Benefits	\$ 65,296.00	\$ 321,048.00
Furniture and Office Equipment		
Computer Hardware and Software		
Uniform	970.00	1,455.00
Vehicle <i>(provided by Public Works)</i>	46,000.00	
Equipment Rental Charges <i>(from 501 Fund - provided by Public Works)</i>	2,833.00	8,700.00
Training	700.00	350.00
Telephone <i>(cell/pager, etc.)</i>	500.00	1,500.00
Other <i>(specify)</i> : Elective Training (CPSI & Spray Park Operator)	1,000.00	500.00
Subtotal Associated Costs	\$ 52,003.00	\$ 12,505.00
TOTAL:	\$ 117,299.00	\$ 333,553.00

Justification:

Addition of 3 FTE will allow us to accomplish several objectives:

1. Hiring 3 additional FTE increases the amount of skilled labor performed in the parks like troubleshooting and repair of irrigation systems, fertilizer/pesticide applications, pruning trees/shrubs, and minor facility repairs/improvements in parks. Increased FTE labor will allow us to develop an approach that focuses more on preventative maintenance rather than a responsive approach due to simply not having FTE skilled labor to maintain the parks currently in SeaTac. The combination of seasonal staff and a FTE closing parks in the evenings and additional FTE labor during the day will increase the level of service in parks.

A segment of the seasonal labor will be solely assigned to close parks in the evening (between Memorial Day and Labor Day). Seasonal staff will usher patrons out of parks, clean up garbage, clean and restock restrooms and ensure park sites are locked up with police assistance. This should also decrease the amount of vandalism within the parks as we will have more eyes on park sites throughout the day into the evening. Currently we are not adequately staffed to perform these duties in the evenings. Seasonal staff currently open parks in the morning, cleaning up garbage from the previous afternoon/evenings events. FTE's also spend about 40 to 50% of their days performing these duties as well.

2. Addition of 3 FTE's will lower the acreage maintained per employee ratio. We currently maintain 24 acres per FTE and don't have the necessary skilled labor; struggling to keep pace with improvements/additions to parks. The table below shows survey results for Park Maintenance FTE vs. acreage maintained in cities surrounding SeaTac. It should be noted that the acreage below only denotes formal park sites. SeaTac also has expansive open space/passive use areas that total an additional 185 acres. Examples of these areas include the disc golf course at North SeaTac Park, acreage surrounding Tub Lake and land surrounding the Des Moines Creek Trail. This acreage is monitored for garbage and homeless activity on a weekly basis. City owned parcels like the former Fire Stations 45 and 47, lot owned on S. 152nd St. and the SeaTac Center are also maintained by park staff. Although these are not formal park sites; staff routinely keeps brush mowed down, pick up litter and clean up evidence of homeless camps.

City	Full Time Maintenance Employees	Developed Acre Per Employee	Total Developed Acres
Kent	28	9	250
Renton	21	13	264
Des Moines	3	14	42
Tukwila	6.5	21	135
SeaTac	6	24	144
Federal Way	11	27	300
Burien	TBA	TBA	TBA

The addition of 3 FTE would result in a decrease (24 to 16 acres) per FTE and rank SeaTac in the 50% percentile for park maintenance amongst our closest neighbors. We would rank just above the national median of 17.1 acres per FTE.

3. As the park system continues to grow with new park sites and improve with new fields and facilities, it is imperative the City keep pace with timely and focused maintenance. Although the resident population of SeaTac is about 29,000, our daily population with the airport and surrounding hotels increases to 171,000, which results in people visiting our local parks. Maintenance and operations strives to not only maintain clean and safe parks but also have the skilled labor necessary to improve park sites that provide residents and visitors with a positive experience.

New parks have been completed in 2017/2018 include the Angle Lake Nature Trail and Riverton Heights Park. Although the sites do not add to the total acreage maintained; the level of maintenance at the sites increases. The nine acres between the two sites require increased maintenance to ensure park amenities are safe, in a state of good repair.

The expansion of the athletic field complex at Valley Ridge Park (Field #4) has been a great addition to the facility. The addition of the fourth field, new synthetic turf, and restrooms inside the complex will require additional maintenance labor. One FTE will spend 50-80% of their time within the athletic complex tending to field and restroom maintenance alone. The remainder of their time would be spent at City Hall tending to the landscapes. City Hall is another great example of a half-acre site that is not a park but is absorbed within our maintenance division.

Proposed CIP projects in the near future include proposed renovations to North SeaTac soccer fields, Riverton Heights phase 2 and a nature trail at Tub Lake. These exciting projects not only present opportunities to improve parks but also contain challenges regarding skilled daily maintenance necessary as we are functioning at FTE levels that have remained unchanged since 2000 (6 FTE).

4. Purchase of a Ford F-250 pickup truck is needed in 2019 to provide adequate transportation between all the park sites in the city. This is especially important when additional seasonal labor is hired from May to September. While daily work plans call for some employees to ride together and share a truck; an additional vehicle is needed for some flexibility to move staff between park sites and perform work efficiently.

Alternatives:

If funding is not approved, park conditions will decline due to continued growth and redevelopment of existing parks. Limited skilled labor will be further stretched and we currently struggle daily to maintain popular park sites in SeaTac with 50% to 80% of the labor focused on custodial duties (cleaning parks and restrooms.) Without additional full time labor, we will continue the negative trend of simply cleaning parks and daily assessment for safety. Resources will not be focused in preventative maintenance and improving park sites.

Although seasonal employment is more economical, additional seasonal labor is not the answer. Valuable time is taken away from maintenance when recruiting and training seasonal labor. It has been a revolving door to recruit positions for six months and have many seasonal employees leave for higher paying opportunities, a full time position or be terminated due to violating employment policies. Seasonal employees play an important role in the division but these positions do not address long term skilled maintenance.

City Goal:

Approval of this request will meet the following 3-5 year goals:

City Operations- Continuously improve the effectiveness and efficiency of city government and additional FTE labor will allow us to address maintenance related issues in Parks in a timely manner with consistent results. It will also increase the level of service for our citizens.

Infrastructure Investment- Improve the community by making capital investments. The PCPS Department is growing with new and expanding park sites and special events. Park maintenance plays a major role by assuring clean, attractive and safe sites for these events to take place as well as citizens of SeaTac and many surrounding visitors to the area have a positive experience.

Public Safety- Clean, safe and attractive parks within the City portray the commitment the city has to its facilities. It is important to provide the citizens of SeaTac and visitors safe and attractive areas for recreation. Clean and well-kept parks deter crime.

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Public Works Maintenance & Operations Manager	
Amount: \$260,687	Department: Public Works
BARS#: Various	Division: Maintenance
On-Going <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/>	Director: William Appleton
One-Time <input type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	Preparer: William Appleton

Description: (Provide a brief overview of what is being requested)

Creation of a Public Works Maintenance Operations Manager position within the Public Works Maintenance Division.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

The creation of this position is a key part of the reorganization of the Maintenance and Operations Division, intended to improve the overall efficiency and effectiveness of the Division. Creation of this position is required for the reorganization and will benefit Public Works and the City in the following ways:

- 1) Provide the necessary administrative oversight and coordination to allow for combining the Maintenance and Operations Division with the Stormwater Compliance Division. The integration of these two Divisions will provide the additional supervision needed at the Maintenance facility and align all stormwater compliance activities within one Division.
- 2) Minimize/eliminate situations where supervision is not present at the Maintenance Facility due to vacations, sick leave, etc.
- 3) Allow for the separation of administrative and supervisory responsibilities such that these duties can be properly resourced; this will improve the overall efficiency and effectiveness of the Division as well as accountability.
- 4) Allow for a reduction in the number of direct reports at a supervisory level within Maintenance and Operations and at the PW Director level. Currently, span of control is too large.
- 5) Centralize primary responsibility for scheduling, purchasing, reporting, and job resourcing at the supervisory level thereby allowing lead maintenance workers to maximize time in the field actively working with crews on assigned tasks;
- 6) Provide a single point of responsibility for completing assigned projects on schedule and within budget, thereby increasing overall accountability;
- 7) Ensure proper/optimum resourcing and prioritization of scheduled projects to maximize productivity;
- 8) Allow for the combining of street and vegetation crews, thereby improving resourcing options;
- 9) Provide a staffing structure better suited to take on sign maintenance responsibilities in the future.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

Without a Manager position to oversee the supervisory positions, both would report to the Director of Public Works. This is not recommended due to both span of control issues for the PW Director (7 direct reports vs 6) as well as efficiencies lost due to not having an adequate level of administrative oversight and capacity at the maintenance shop.

City Goal: (Identify one or more City Goal addressed by this request):

City Operations and Accountability. This position will increase the effectiveness and efficiency of our existing crew as well as provide improved accountability with respect to being responsive to our community. Lead maintenance workers will be able to spend more time in the field working with crews and providing leadership, supervisors will have increased time for oversight, optimizing crew work flow and schedules and ensuring proper/timely resourcing while allowing overall accountability, administrative and department level work to be handled by a single manager.

Funding Source: (How will this request be funded):

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	102(50%)/ 403 (50%)	\$ 78,183.00	\$ 182,504.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 78,183.00	\$ 182,504.00

City of SeaTac

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Public Works Operations & Maintenance Manager

Position Title *(Provided by HR)*: Public Works Operations & Maintenance Manager

Salary Range/Step *(Provided by HR)*: 69 B

Limited Position?: No

Primary Duties/Responsibilities:

Under the direction of the Public Works Director, this position provides administrative and managerial oversight of the Operations and Maintenance Division which is responsible for streets, vegetation, and stormwater maintenance, fleet operations and maintenance, stormwater compliance and NPDES permit reporting and compliance. Managing, planning, budgeting, organizing, and developing/implementing workplans to accomplish department and Citywide goals are key responsibilities.

	2019	2020
Total Salary <i>(provided by Finance)</i>	45,608.00	118,462.00
Total Benefits <i>(provided by Finance)</i>	22,125.00	59,592.00
Subtotal Salary and Benefits	\$ 67,733.00	\$ 178,054.00
Furniture and Office Equipment	4,000.00	
Computer Hardware and Software	2,000.00	
Uniform	150.00	150.00
Vehicle <i>(provided by Public Works)</i>		
Equipment Rental Charges <i>(from 501 Fund - provided by Public Works)</i>		
Training	3,500.00	3,500.00
Telephone <i>(cell/pager, etc.)</i>	800.00	800.00
Other <i>(specify)</i> :		
Subtotal Associated Costs	\$ 10,450.00	\$ 4,450.00
TOTAL:	\$ 78,183.00	\$ 182,504.00

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Public Works Inspector		Department: Public Works
Amount: \$ 178,467.00		Division: Engineering Review
BARS#: Various		Director: William Appleton
On-Going <input checked="" type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: William Appleton
One-Time <input type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: *(Provide a brief overview of what is being requested)*

Conversion of an existing limited term Engineering Technician Position within the Engineering Review Division to a full time Public Works Inspector Position.

Justification: *(Explain why this is being requested and/or how the request will benefit the City):*

Realignment of the Engineering Review Division from the CED Department into the Public Works Department resulted in a reassessment of positions and staffing needs required by the Division and Department. The review of current and future workload and Division/Department needs clearly identified that a full time inspector position is required to support the inspection needs of the Engineering Review Division and that the limited term engineering technician position (currently unfilled within the Division) is not needed. Current Public Works inspector staffing levels are not able to keep up with both private and public development. This inspector position will align within the Engineering Review Division and primarily be assigned work supporting the Engineering Review Division. There are budget savings due to the vacant engineering technician position in 2019.

Funding of the proposed position will partially be paid for by private developers and utility companies through our permitting process. The Public Works Department continues to improve on capturing billable time (cost recovery), ensuring private development pays for the full cost of associated inspections and plan reviews; expectations are that this position will become 75 to 85 percent billable to private development projects. The additional inspector position will allow the Public Works Department to better serve the development community and better position the Department to respond to future retirements and secession planning within the inspector ranks.

Alternatives: *(List possible alternatives and/or risks if funding is not approved):*

Do not approve the proposed change and reduce PW project workload to allow other inspectors to take on additional private development inspections. This will result in either fewer City projects being scheduled or a reduction of inspection services on these projects.

City Goal: *(Identify one or more City Goal addressed by this request):*

City Operations, Infrastructure Investment and Revenue & Development are three City goals that are supported by this request. The position will work to ensure that private development and ROW projects are properly inspected throughout construction.

Funding Source: *(How will this request be funded):*

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	102 (50%), 403(50%)	\$ 95,067.00	\$ 129,667.00
Ending Fund Balance:			
Grant:			
Other:	Eng. Tech (Already Budgeted)	-\$ 46,267.00	\$ 0.00
TOTAL		\$ 48,800.00	\$ 129,667.00

City of SeaTac

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Public Works Inspector

Position Title *(Provided by HR)*: Public Works Inspector

Salary Range/Step *(Provided by HR)*: 50 B

Limited Position?: No

Primary Duties/Responsibilities:

This position will support the Engineering Review Division by providing inspection of private development projects; testing field samples of construction materials to ensure compliance with contract specifications, reviewing plans and construction standards; reviewing construction plans; coordinating construction activities with City departments, other agencies, private utilities and the general public; investigates and resolving citizen complaints, and performing plan review for assigned projects and public utilities.

	2019	2020
Total Salary <i>(provided by Finance)</i>	28,528.00	74,104.00
Total Benefits <i>(provided by Finance)</i>	17,739.00	47,863.00
Subtotal Salary and Benefits	\$ 46,267.00	\$ 121,967.00
Furniture and Office Equipment	2,000.00	0.00
Computer Hardware and Software	2,000.00	500.00
Uniform	250.00	250.00
Vehicle <i>(provided by Public Works)</i>	43,000.00	
Equipment Rental Charges <i>(from 501 Fund - provided by Public Works)</i>		5,400.00
Training	750.00	750.00
Telephone <i>(cell/pager, etc.)</i>	800.00	800.00
Other <i>(specify)</i> : Eng. Tech (Already Budgeted)		
Subtotal Associated Costs	\$ 48,800.00	\$ 7,700.00
TOTAL:	\$ 95,067.00	\$ 129,667.00

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: City Gateway/Entrance Analysis		Department: City Manager's Office
Amount: \$ 50,000.00		Division:
BARS#: 105.000.03.576.10.41.000		Director: Carl Cole
On-Going <input type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: Lesa Ellis
One-Time <input checked="" type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: *(Provide a brief overview of what is being requested)*

A professional services contract for an analysis of options regarding the gateways/entrances to the City, including but not limited to signage, wayfinding, community and neighborhood identifiers, corridor beautification, etc.

Justification: *(Explain why this is being requested and/or how the request will benefit the City):*

The intent of the analysis is to identify opportunities for the City (and any community partners) to consider in providing an enhanced community identity, better directional guidance, and sense of place to both the millions of annual visitors to the City and to the local residents. The initial analysis would also include identification of one or more pilot projects (with cost estimates) that could be undertaken to implement the selected option(s).

The request for analysis was included in Council Information Request 2017-10 and discussed at both the Airport Advisory Committee and at the A&F Committee, which led to a recommendation by A&F to approve the decision card. The Council approved the decision card and allocation for the 2017 budget. The study, however, was not initiated, thus it is before the Council for consideration in the 2019 budget.

Alternatives: *(List possible alternatives and/or risks if funding is not approved):*

Staff and Council would continue to respond to issues and ideas in an ad-hoc manner, but there would be no common response, approach, and result. Lacking coordination, City and community efforts would not be as effective; it would be harder to secure grant and foundation funding (private & non-profit); and design, installation, and ongoing maintenance costs would likely be higher.

City Goal: *(Identify one or more City Goal addressed by this request):*

Infrastructure Investment. This request seeks to improve the community by making capital investments. The options for City's gateways/entrances will ultimately involve capital investments and infrastructure improvements.

Funding Source: *(How will this request be funded):*

<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:		
Ending Fund Balance: Port ILA Fund	\$ 50,000.00	
Grant:		
Other:		
TOTAL	\$ 50,000.00	\$ 0.00

ORDINANCE NO. 19-1012

AN ORDINANCE of the City Council of the City of SeaTac,
Washington, amending the 2019-2020 Biennial Budget for miscellaneous
items.

WHEREAS, the Administration and Finance Committee, on March 23, 2019,
reviewed the proposed amendment submitted by the City Manager and Finance and Systems
Director which details recommended changes in various revenue and expenditure line items in
the 2019-2020 Biennial Budget; and

WHEREAS, it is necessary for the City Council to amend the 2019-2020 Biennial
Budget to provide additional appropriation authority to fund certain expenditures identified in
Exhibit A;

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

Section 1. A listing of the adjustment requests is included by line item, amount, and fund in
summary format as shown in the attached Exhibit A. Decision Cards providing detailed
descriptions are included as Exhibit C.

Section 2. The 2019-2020 Biennial Budget for the City of SeaTac, covering the period from
January 1, 2019, through December 31, 2020, is hereby amended with a total 2020 ending fund
balance in the amount of \$82 million for all budgeted funds. The City's 2019-2020 biennial
budget is attached as Exhibit B, and includes budgeted revenues and expenditures for the 2019-
2020 biennium in the amounts and for the purposes shown separately and in the aggregate totals
for all such funds as displayed.

Section 3. 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, 2019, and signed in authentication
thereof on this 28th day of May, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 6/8/19]

[2019-2020 Biennial Budget Amendment Ordinance]

EXHIBIT A
2019-2020 Biennial Budget Amendment

Revenue

107 107.397.35.00.000
106 106.337.00.00.001
501 501.397.70.00.000
501 501.397.90.00.001

Expenditures

FUND # To Acct #
001 001.000.08.521.20.41.006
001.000.09.525.60.31.008
001.000.09.525.60.35.000
001.000.10.576.80.XX.XXX
001.000.10.576.80.31.023
001.000.10.576.80.42.028
001.000.10.576.80.45.002
001.000.10.576.80.49.061
001.000.10.597.90.00.001
001.000.13.524.60.XX.XXX
001.000.13.558.60.XX.XXX
Subtotal General Fund (001)

102 102.000.11.521.70.31.008
102.000.11.521.70.31.018
102.000.11.521.70.35.000
102.000.11.521.70.41.000
102.000.11.542.30.XX.XXX
102.000.11.544.20.XX.XXX
102.000.11.544.20.XX.XXX
102.000.11.544.20.31.008
102.000.11.544.20.31.018
102.000.11.544.20.35.000
102.000.11.544.20.42.028
102.000.11.544.20.43.031
102.000.11.544.20.43.032
102.000.11.544.20.43.033
102.000.11.544.20.49.061
102.000.11.597.70.00.000
Subtotal Street (102)

105 105.000.03.576.10.41.000
Subtotal Port ILA Fund (105)

106 106.000.03.519.70.XX.XXX
106.000.03.519.70.35.000
106.000.03.519.70.41.003
106.000.03.519.70.41.004
Subtotal Transit Plng Fund (106)

206 206.000.04.597.35.00.000
Subtotal LTGO Fund (206)

403 403.000.11.531.31.41.000
403.000.11.531.35.XX.XXX
403.000.11.531.35.31.008
403.000.11.531.35.31.023
403.000.11.531.35.35.000
403.000.11.531.35.42.028
403.000.11.531.35.43.031
403.000.11.531.35.43.032
403.000.11.531.35.43.033
403.000.11.531.35.49.061
403.000.11.544.20.XX.XXX
Subtotal SWM Fund (403)

501 501.000.11.594.48.64.095
501.000.11.594.48.64.095
Subtotal Equip Rental Fund (501)

Grand Total - ALL FUNDS

<u>2018 Carry-Forwards</u>		<u>Decision Cards</u>		<u>Other Adjustments</u>		<u>TOTAL</u>
2019	2020	2019	2020	2019	2020	2019-2020
				\$15,411		\$15,411
				\$119,364	\$385,344	\$504,708
		\$43,000				\$43,000
		\$46,000				\$46,000
\$0	\$0	\$89,000	\$0	\$134,775	\$385,344	\$609,119
		\$80,353	\$82,763			\$163,116
		\$10,750	\$2,750			\$13,500
		\$7,600	\$3,000			\$10,600
		\$65,296	\$321,048			\$386,344
		\$970	\$1,455			\$2,425
		\$500	\$1,500			\$2,000
		\$2,833	\$8,700			\$11,533
		\$1,700	\$850			\$2,550
		\$46,000				\$46,000
				-\$63,562		-\$63,562
				\$47,672		\$47,672
\$0	\$0	\$216,002	\$422,066	-\$15,890	\$0	\$622,178
\$5,000						\$5,000
\$5,000						\$5,000
\$5,000						\$5,000
\$114,000						\$114,000
		\$33,866	\$89,027			\$122,893
			\$60,984			\$60,984
				\$15,891		\$15,891
		\$2,000				\$2,000
		\$250	\$250			\$500
		\$2,000	\$500			\$2,500
		\$800	\$800			\$1,600
		\$300	\$300			\$600
		\$100	\$100			\$200
		\$200	\$200			\$400
		\$150	\$150			\$300
		\$43,000				\$43,000
\$129,000	\$0	\$82,666	\$152,311	\$15,891	\$0	\$379,868
		\$50,000				\$50,000
\$0	\$0	\$50,000	\$0	\$0	\$0	\$50,000
				-\$139,634	-\$94,355	-\$233,989
				\$4,000		\$4,000
				\$217,500	\$435,000	\$652,500
				\$50,000	\$50,000	\$100,000
\$0	\$0	\$0	\$0	\$131,866	\$390,645	\$522,511
				\$15,411		\$15,411
\$0	\$0	\$0	\$0	\$15,411	\$0	\$15,411
\$122,690						\$122,690
		\$33,866	\$89,027			\$122,893
		\$4,000				\$4,000
		\$150	\$150			\$300
		\$2,000				\$2,000
		\$800	\$800			\$1,600
		\$1,000	\$1,000			\$2,000
		\$300	\$300			\$600
		\$500	\$500			\$1,000
		\$1,700	\$1,700			\$3,400
			\$60,984			\$60,984
\$122,690	\$0	\$44,316	\$154,461	\$0	\$0	\$321,467
		\$46,000				\$46,000
		\$43,000				\$43,000
\$0	\$0	\$89,000	\$0	\$0	\$0	\$89,000
\$251,690	\$0	\$481,984	\$728,838	\$147,278	\$390,645	\$2,000,435

Transfer In - Fund 206
Sound Transit Revenue
Transfer In - Fund 102 (PW Inspector Vehicle)
Transfer In - Fund 001 (Parks Ops Worker Vehicle)

Description
Administrative Sergeant
Emergency Management Office & Operating Supplies
Emergency Management Small Tools & Equipment
Park Operations Workers - S&B
Parks Operations Workers - Uniform
Parks Operations Workers - Telephone
Parks Operations Workers - Equipment Rental
Parks Operations Workers - Registration
Parks Operations Workers - Vehicle (Transfer Out)
Budget Transfer - Senior Planner
Budget Transfer - Senior Planner

Permit Parking Program - Office & Operating
Permit Parking Program - Uniforms & Safety Equip
Permit Parking Program - Small Tools & Minor Equip
Permit Parking Program - Professional Services
PW Operations & Maintenance Manager - S&B
PW Inspector - S&B
Budget Transfer - Senior Planner
PW Inspector - Supplies
PW Inspector - Uniforms
PW Inspector - Small Tools & Equip
PW Inspector - Telephone
PW Inspector - Lodging
PW Inspector - Meals
PW Inspector - Transportation
PW Inspector - Registration
PW Inspector - Vehicle (Transfer Out)

Gateway/Entrance Analysis

Salaries & Benefits Adjustment
Small Tools & Minor Equipment
Professional Services - Permits
Professional Services - Administration

Transfer Out - Fund 107

Stormwater Conference Grant -Prof Services
PW Operations & Maintenance Manager - S&B
PW Operations & Maintenance Manager - Supplies
PW Operations & Maintenance Manager - Uniforms
PW Operations & Maintenance Manager - Small Tools
PW Operations & Maintenance Manager - Telephone
PW Operations & Maintenance Manager - Lodging
PW Operations & Maintenance Manager - Meals
PW Operations & Maintenance Manager - Transportation
PW Operations & Maintenance Manager - Registration
PW Inspector - S&B

Parks Operations Workers - Vehicle
PW Inspector - Vehicle

CITY OF SEATAC, WASHINGTON
2019-2020 BIENNIAL BUDGET: EXHIBIT B

5/28/2019

2019-2020 BIENNIAL BUDGET (EXPENDITURES + ENDING BALANCES) = \$ 236,178,640					
FUND		BEGINNING BALANCE 2019-2020	REVENUES & OTHER SOURCES 2019-2020	EXPENDITURE APPROPRIATION 2019-2020	ENDING BALANCE 2019-2020
001	General Fund	\$ 29,090,983	\$ 80,457,131	\$ 80,699,236	\$ 28,848,878
102	Street Fund	15,681,557	21,642,044	19,672,039	\$ 17,651,562
105	Port ILA	1,609,124	2,940,579	3,125,920	\$ 1,423,783
106	Transit Planning	367,000	1,151,990	1,167,793	\$ 351,197
107	Hotel/Motel Tax	8,359,594	3,715,411	2,608,040	\$ 9,466,966
108	Building Management	3,453,957	1,610,560	2,148,874	\$ 2,915,643
110	Facility Repair & Replacement	-	-	-	\$ -
111	Des Moines Creek Basin ILA	2,487,282	700,000	374,866	\$ 2,812,416
206	2009 LTGO Bond Fund	15,411	-	15,411	\$ (0)
207	SCORE Bond Servicing	266,456	415,463	405,197	\$ 276,722
301	Municipal Capital Improvements	7,257,432	3,254,291	4,469,096	\$ 6,042,627
306	Facility Construction CIP	1,767,848	20,000	25,000	\$ 1,762,848
307	Transportation CIP	15,658,987	12,436,787	24,967,324	\$ 3,128,450
308	Light Rail Station Areas CIP	1,907,243	3,004,282	2,995,625	\$ 1,915,900
403	SWM Utility	4,299,891	8,719,182	8,273,566	\$ 4,745,507
404	Solid Waste & Environmental	427,982	753,240	553,287	\$ 627,935
501	Equipment Rental	1,094,797	1,612,134	2,651,756	\$ 55,175
TOTAL BIENNIAL BUDGET		\$ 93,745,545	\$ 142,433,095	\$ 154,153,032	\$ 82,025,608

Exhibit C
Decision Cards
(13 pages)

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Administrative Sergeant		Department: 08-Police
Amount: \$ 163,116.00		Division:
BARS#: 001.000.08.521.20.41.006		Director: Jon Mattsen
On-Going <input checked="" type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: Jon Mattsen
One-Time <input type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: *(Provide a brief overview of what is being requested)*

Request for additional sergeant to address span of control issues.

Justification: *(Explain why this is being requested and/or how the request will benefit the City):*

With the addition of Seven (7) Police Officers and Two (2) Parking Compliance Officers during the 2017-18 budget cycle, supervisory span of control for daytime sergeants will exceed the industry recommended 5-7 FTEs per supervisor (18 FTEs supervised by 2 Sergeants). Adding an Administrative Sergeant to oversee the Traffic Unit, Parking Compliance Unit, School Resource Officer, and the Community Service Officers, will ensure that rank and file troops get the oversight they deserve as they complete their daily work for the City. An additional Administrative Sergeant will cost \$163,103 in 2019 and an estimated \$167,996 in 2020, based on a 3% annual inflator.

Currently, the City has a shared supervisory relationship with Burien for day and swing shifts. Burien is asking for a nighttime sergeant in their budget which will change the dynamic of the shared supervision model; if approved, SeaTac would reduce reliance on the Sheriff's Office to provide supervision for our nighttime officers. This will result in a cost savings in 2019 of approximately \$82,750, and an estimated \$85,233 in 2020 based on inflation. I am proposing we use this savings to pay the bulk of the cost of adding an Administrative Sergeant, and using reconciliation funds from the 2018 police budget for the remainder (\$80,353 for 2019, ~\$82,763 for 2020).

Alternatives: *(List possible alternatives and/or risks if funding is not approved):*

If this request is not granted, we will continue to operate with two (2) sergeants but will not be effective in ensuring the timely and proper completion of tasks.

City Goal: *(Identify one or more City Goal addressed by this request):*

This request supports the goals of City Operations, by ensuring that the Police Department is operating as efficiently and effectively as possible, and Public Safety as this addition will be able to provide competent guidance and supervision to those providing the direct public safety services to our residence.

Funding Source: *(How will this request be funded):*

Source/Fund (be specific)		2019 Amount	2020 Amount
Current Operations:	Police Services-King County	\$ 80,353.00	\$ 82,763.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 80,353.00	\$ 82,763.00

City of SeaTac 2019-2020 Budget
Decision Card

Title: Emergency Management Office and Operating Supplies	
Amount: \$ 13,500.00	Department: Fire
BARS#: 001.000.09.525.60.31.008	Division: Emergency Management
	Director: William Appleton
On-Going <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/>	Preparer: William Appleton
One-Time <input type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	

Description: (Provide a brief overview of what is being requested)

Provide funding within emergency management to allow for the purchase of meals ready to eat for the Emergency Command Center (ECC) and for updating all emergency "go bags" in 2019.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

Covers the purchase of 10 cases (120 meals) of MREs in 2019 and 10 cases in 2020 (\$2,750 each year) and also provides \$8,000 in 2019 for replacing, updating, and supplying citywide "go bags". The ECC located at Station 46, is supplied with Military Ready To Eat Meals (MREs) which will feed first responders and ECC workers during a prolonged activation of the ECC. Purchases of MREs are scheduled on a rotation that allows nearly-expired MREs to be donated just prior to expiration (donations are typically made to local food banks), allowing for their use rather than being thrown away.

"Go bags" are provided to each city employee to keep in their work space and have available in the event of an emergency. The kits provide food, water and other gear necessary to support employees during the initial stages of an emergency event or natural disaster. The requested funding will update the food, water and emergency supplies in all of these bags to ensure they are good for the next 5 years.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

If funding is not approved, Emergency Management Preparedness Grant Funding (EMPG) will be used to purchase these supplies rather than used to offset the Emergency Management Coordinator Position.

City Goal: (Identify one or more City Goal addressed by this request):

This request supports the City's Accountability goal by supporting government emergency services which in turn works to provide critical response and recovery services to our community.

Funding Source: (How will this request be funded):

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	General Fund	\$ 10,750.00	\$ 2,750.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 10,750.00	\$ 2,750.00

**City of SeaTac 2019 - 2020 Budget
Decision Card**

Title: Emergency Management Small Tools and Equipment	
Amount: \$ 10,600.00	Department: Fire
BARS#: 001.000.09.525.60.35.000	Division: Emergency Management
	Director: William Appleton
On-Going <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> One-Time <input type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	Preparer: William Appleton

Description: (Provide a brief overview of what is being requested)

Provide funding to allow for the purchase of small tools and equipment necessary to support the ongoing emergency management mission.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

For 2019:
 Emergency Command Center (ECC) Printers - new printers are needed for the operation of the ECC. Currently there is one outdated printer that no longer meets the needs of the ECC. Three printers are needed. (\$1,700 for the printers and cartridges)
 Portable Generator - the emergency management support trailer requires a portable generator for powering lights, computers, printers and other equipment (\$1300)
 Radios for vehicles and EM support trailer - currently City vehicles and the emergency management support trailer have no communication availability other than phones or cell phones which can quickly become clogged in a regional emergency. Radios provide for an alternate communication opportunity, so that ongoing functionality of the ECC is supported (\$4,600)

For 2020:
 Small tools/equipment as needed: (\$3,000)

Alternatives: (List possible alternatives and/or risks if funding is not approved):

Not providing the updated equipment will reduce the functionality/readiness of the ECC and negatively impact the effectiveness of the ECC during operations. If funding is not approved, grant funding through the Emergency Management Preparedness Grant (EMPG, if available) will be used. In the past EMPG grant funding has been used to help offset the salary for the Emergency Management Coordinator position.

City Goal: (Identify one or more City Goal addressed by this request):

This request supports the Operational Goal of the City, as well as the Accountability and Public Safety. It is the responsibility of City government to be prepared to assist our residents and businesses during response to and recovery from disasters that impact our jurisdiction; this request supports our response capabilities.

Funding Source: (How will this request be funded):

<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	\$ 7,600.00	\$ 3,000.00
Ending Fund Balance:		
Grant:		
Other:		
TOTAL	\$ 7,600.00	\$ 3,000.00

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Park Operations Workers (3 FTEs and 1 Truck)	
Amount: \$ 450,852.00	Department: PCPS
BARS#: Various	Division: Park Operations
	Director: Lawrence Ellis
On-Going <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/>	Preparer: Mike Fitzpatrick
One-Time <input checked="" type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	

Description: (Provide a brief overview of what is being requested)

3 FTE positions for Park Operations Maintenance and 1 vehicle outfitted for Park Maintenance. Two FTE to be hired in 2019 and one FTE in 2020. One truck purchase in 2019.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

See attached sheet.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

See attached sheet.

City Goal: (Identify one or more City Goal addressed by this request):

See attached sheet.

Funding Source: (How will this request be funded):

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	General Fund	\$ 117,299.00	\$ 333,553.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 117,299.00	\$ 333,553.00

City of SeaTac

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Park Operations Workers (3FTE & 1 Truck)

Position Title *(Provided by HR)*: Park Operations Worker

Salary Range/Step *(Provided by HR)*: 43 B

Limited Position?: No

Primary Duties/Responsibilities:

Perform responsible maintenance and repair of City parks, landscapes, sport fields, spray parks and buildings to assure safe and appropriate operation of systems and facilities.

Maintain City parks, landscapes and sport fields; mow, edge, and apply pesticides and fertilizer to landscaped areas; repair and maintain irrigation systems; plant and maintain flower beds; rake leaves, prune and trim trees, remove brush and trash and repair fences as needed.

Repair and maintain City buildings, landscapes, facilities and structures; assist with general building repair performing a variety of duties involving the building trades, including carpentry, plumbing, masonry, minor electrical, and painting.

Perform general building maintenance such as sweeping, mopping, and vacuuming floors; clean restrooms, change light bulbs and remove trash.

Remove garbage from the Community Center and other City property.

Operate vehicles and heavy equipment to perform parks and building construction and maintenance duties; operate a variety of landscaping and construction tools and equipment, such as a jackhammer, mower, edger, chain saw and chipper.

Respond to emergency call-out situations as necessary.

Act as essential personnel during natural disasters, emergencies and snow events.

	2019	2020
Total Salary <i>(provided by Finance)</i>	38,406.00	185,273.00
Total Benefits <i>(provided by Finance)</i>	26,890.00	135,775.00
Subtotal Salary and Benefits	\$ 65,296.00	\$ 321,048.00
Furniture and Office Equipment		
Computer Hardware and Software		
Uniform	970.00	1,455.00
Vehicle <i>(provided by Public Works)</i>	46,000.00	
Equipment Rental Charges <i>(from 501 Fund - provided by Public Works)</i>	2,833.00	8,700.00
Training	700.00	350.00
Telephone <i>(cell/pager, etc.)</i>	500.00	1,500.00
Other <i>(specify)</i> : Elective Training (CPSI & Spray Park Operator)	1,000.00	500.00
Subtotal Associated Costs	\$ 52,003.00	\$ 12,505.00
TOTAL:	\$ 117,299.00	\$ 333,553.00

Justification:

Addition of 3 FTE will allow us to accomplish several objectives:

1. Hiring 3 additional FTE increases the amount of skilled labor performed in the parks like troubleshooting and repair of irrigation systems, fertilizer/pesticide applications, pruning trees/shrubs, and minor facility repairs/improvements in parks. Increased FTE labor will allow us to develop an approach that focuses more on preventative maintenance rather than a responsive approach due to simply not having FTE skilled labor to maintain the parks currently in SeaTac. The combination of seasonal staff and a FTE closing parks in the evenings and additional FTE labor during the day will increase the level of service in parks.

A segment of the seasonal labor will be solely assigned to close parks in the evening (between Memorial Day and Labor Day). Seasonal staff will usher patrons out of parks, clean up garbage, clean and restock restrooms and ensure park sites are locked up with police assistance. This should also decrease the amount of vandalism within the parks as we will have more eyes on park sites throughout the day into the evening. Currently we are not adequately staffed to perform these duties in the evenings. Seasonal staff currently open parks in the morning, cleaning up garbage from the previous afternoon/evenings events. FTE's also spend about 40 to 50% of their days performing these duties as well.

2. Addition of 3 FTE's will lower the acreage maintained per employee ratio. We currently maintain 24 acres per FTE and don't have the necessary skilled labor; struggling to keep pace with improvements/additions to parks. The table below shows survey results for Park Maintenance FTE vs. acreage maintained in cities surrounding SeaTac. It should be noted that the acreage below only denotes formal park sites. SeaTac also has expansive open space/passive use areas that total an additional 185 acres. Examples of these areas include the disc golf course at North SeaTac Park, acreage surrounding Tub Lake and land surrounding the Des Moines Creek Trail. This acreage is monitored for garbage and homeless activity on a weekly basis. City owned parcels like the former Fire Stations 45 and 47, lot owned on S. 152nd St. and the SeaTac Center are also maintained by park staff. Although these are not formal park sites; staff routinely keeps brush mowed down, pick up litter and clean up evidence of homeless camps.

City	Full Time Maintenance Employees	Developed Acre Per Employee	Total Developed Acres
Kent	28	9	250
Renton	21	13	264
Des Moines	3	14	42
Tukwila	6.5	21	135
SeaTac	6	24	144
Federal Way	11	27	300
Burien	TBA	TBA	TBA

The addition of 3 FTE would result in a decrease (24 to 16 acres) per FTE and rank SeaTac in the 50% percentile for park maintenance amongst our closest neighbors. We would rank just above the national median of 17.1 acres per FTE.

3. As the park system continues to grow with new park sites and improve with new fields and facilities, it is imperative the City keep pace with timely and focused maintenance. Although the resident population of SeaTac is about 29,000, our daily population with the airport and surrounding hotels increases to 171,000, which results in people visiting our local parks. Maintenance and operations strives to not only maintain clean and safe parks but also have the skilled labor necessary to improve park sites that provide residents and visitors with a positive experience.

New parks have been completed in 2017/2018 include the Angle Lake Nature Trail and Riverton Heights Park. Although the sites do not add to the total acreage maintained; the level of maintenance at the sites increases. The nine acres between the two sites require increased maintenance to ensure park amenities are safe, in a state of good repair.

The expansion of the athletic field complex at Valley Ridge Park (Field #4) has been a great addition to the facility. The addition of the fourth field, new synthetic turf, and restrooms inside the complex will require additional maintenance labor. One FTE will spend 50-80% of their time within the athletic complex tending to field and restroom maintenance alone. The remainder of their time would be spent at City Hall tending to the landscapes. City Hall is another great example of a half-acre site that is not a park but is absorbed within our maintenance division.

Proposed CIP projects in the near future include proposed renovations to North SeaTac soccer fields, Riverton Heights phase 2 and a nature trail at Tub Lake. These exciting projects not only present opportunities to improve parks but also contain challenges regarding skilled daily maintenance necessary as we are functioning at FTE levels that have remained unchanged since 2000 (6 FTE).

4. Purchase of a Ford F-250 pickup truck is needed in 2019 to provide adequate transportation between all the park sites in the city. This is especially important when additional seasonal labor is hired from May to September. While daily work plans call for some employees to ride together and share a truck; an additional vehicle is needed for some flexibility to move staff between park sites and perform work efficiently.

Alternatives:

If funding is not approved, park conditions will decline due to continued growth and redevelopment of existing parks. Limited skilled labor will be further stretched and we currently struggle daily to maintain popular park sites in SeaTac with 50% to 80% of the labor focused on custodial duties (cleaning parks and restrooms.) Without additional full time labor, we will continue the negative trend of simply cleaning parks and daily assessment for safety. Resources will not be focused in preventative maintenance and improving park sites.

Although seasonal employment is more economical, additional seasonal labor is not the answer. Valuable time is taken away from maintenance when recruiting and training seasonal labor. It has been a revolving door to recruit positions for six months and have many seasonal employees leave for higher paying opportunities, a full time position or be terminated due to violating employment policies. Seasonal employees play an important role in the division but these positions do not address long term skilled maintenance.

City Goal:

Approval of this request will meet the following 3-5 year goals:

City Operations- Continuously improve the effectiveness and efficiency of city government and additional FTE labor will allow us to address maintenance related issues in Parks in a timely manner with consistent results. It will also increase the level of service for our citizens.

Infrastructure Investment- Improve the community by making capital investments. The PCPS Department is growing with new and expanding park sites and special events. Park maintenance plays a major role by assuring clean, attractive and safe sites for these events to take place as well as citizens of SeaTac and many surrounding visitors to the area have a positive experience.

Public Safety- Clean, safe and attractive parks within the City portray the commitment the city has to its facilities. It is important to provide the citizens of SeaTac and visitors safe and attractive areas for recreation. Clean and well-kept parks deter crime.

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Public Works Maintenance & Operations Manager	
Amount: \$260,687	Department: Public Works
BARS#: Various	Division: Maintenance
On-Going <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/>	Director: William Appleton
One-Time <input type="checkbox"/> Discretionary <input checked="" type="checkbox"/>	Preparer: William Appleton

Description: (Provide a brief overview of what is being requested)

Creation of a Public Works Maintenance Operations Manager position within the Public Works Maintenance Division.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

The creation of this position is a key part of the reorganization of the Maintenance and Operations Division, intended to improve the overall efficiency and effectiveness of the Division. Creation of this position is required for the reorganization and will benefit Public Works and the City in the following ways:

- 1) Provide the necessary administrative oversight and coordination to allow for combining the Maintenance and Operations Division with the Stormwater Compliance Division. The integration of these two Divisions will provide the additional supervision needed at the Maintenance facility and align all stormwater compliance activities within one Division.
- 2) Minimize/eliminate situations where supervision is not present at the Maintenance Facility due to vacations, sick leave, etc.
- 3) Allow for the separation of administrative and supervisory responsibilities such that these duties can be properly resourced; this will improve the overall efficiency and effectiveness of the Division as well as accountability.
- 4) Allow for a reduction in the number of direct reports at a supervisory level within Maintenance and Operations and at the PW Director level. Currently, span of control is too large.
- 5) Centralize primary responsibility for scheduling, purchasing, reporting, and job resourcing at the supervisory level thereby allowing lead maintenance workers to maximize time in the field actively working with crews on assigned tasks;
- 6) Provide a single point of responsibility for completing assigned projects on schedule and within budget, thereby increasing overall accountability;
- 7) Ensure proper/optimum resourcing and prioritization of scheduled projects to maximize productivity;
- 8) Allow for the combining of street and vegetation crews, thereby improving resourcing options;
- 9) Provide a staffing structure better suited to take on sign maintenance responsibilities in the future.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

Without a Manager position to oversee the supervisory positions, both would report to the Director of Public Works. This is not recommended due to both span of control issues for the PW Director (7 direct reports vs 6) as well as efficiencies lost due to not having an adequate level of administrative oversight and capacity at the maintenance shop.

City Goal: (Identify one or more City Goal addressed by this request):

City Operations and Accountability. This position will increase the effectiveness and efficiency of our existing crew as well as provide improved accountability with respect to being responsive to our community. Lead maintenance workers will be able to spend more time in the field working with crews and providing leadership, supervisors will have increased time for oversight, optimizing crew work flow and schedules and ensuring proper/timely resourcing while allowing overall accountability, administrative and department level work to be handled by a single manager.

Funding Source: (How will this request be funded):

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	102(50%)/ 403 (50%)	\$ 78,183.00	\$ 182,504.00
Ending Fund Balance:			
Grant:			
Other:			
	TOTAL	\$ 78,183.00	\$ 182,504.00

City of SeaTac

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Public Works Operations & Maintenance Manager

Position Title *(Provided by HR)*: Public Works Operations & Maintenance Manager

Salary Range/Step *(Provided by HR)*: 69 B

Limited Position?: No

Primary Duties/Responsibilities:

Under the direction of the Public Works Director, this position provides administrative and managerial oversight of the Operations and Maintenance Division which is responsible for streets, vegetation, and stormwater maintenance, fleet operations and maintenance, stormwater compliance and NPDES permit reporting and compliance. Managing, planning, budgeting, organizing, and developing/implementing workplans to accomplish department and Citywide goals are key responsibilities.

	2019	2020
Total Salary <i>(provided by Finance)</i>	45,608.00	118,462.00
Total Benefits <i>(provided by Finance)</i>	22,125.00	59,592.00
Subtotal Salary and Benefits	\$ 67,733.00	\$ 178,054.00
Furniture and Office Equipment	4,000.00	
Computer Hardware and Software	2,000.00	
Uniform	150.00	150.00
Vehicle <i>(provided by Public Works)</i>		
Equipment Rental Charges <i>(from 501 Fund - provided by Public Works)</i>		
Training	3,500.00	3,500.00
Telephone <i>(cell/pager, etc.)</i>	800.00	800.00
Other <i>(specify)</i> :		
Subtotal Associated Costs	\$ 10,450.00	\$ 4,450.00
TOTAL:	\$ 78,183.00	\$ 182,504.00

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Public Works Inspector		Department: Public Works
Amount: \$ 178,467.00		Division: Engineering Review
BARS#: Various		Director: William Appleton
On-Going <input checked="" type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: William Appleton
One-Time <input type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: *(Provide a brief overview of what is being requested)*

Conversion of an existing limited term Engineering Technician Position within the Engineering Review Division to a full time Public Works Inspector Position.

Justification: *(Explain why this is being requested and/or how the request will benefit the City):*

Realignment of the Engineering Review Division from the CED Department into the Public Works Department resulted in a reassessment of positions and staffing needs required by the Division and Department. The review of current and future workload and Division/Department needs clearly identified that a full time inspector position is required to support the inspection needs of the Engineering Review Division and that the limited term engineering technician position (currently unfilled within the Division) is not needed. Current Public Works inspector staffing levels are not able to keep up with both private and public development. This inspector position will align within the Engineering Review Division and primarily be assigned work supporting the Engineering Review Division. There are budget savings due to the vacant engineering technician position in 2019.

Funding of the proposed position will partially be paid for by private developers and utility companies through our permitting process. The Public Works Department continues to improve on capturing billable time (cost recovery), ensuring private development pays for the full cost of associated inspections and plan reviews; expectations are that this position will become 75 to 85 percent billable to private development projects. The additional inspector position will allow the Public Works Department to better serve the development community and better position the Department to respond to future retirements and secession planning within the inspector ranks.

Alternatives: *(List possible alternatives and/or risks if funding is not approved):*

Do not approve the proposed change and reduce PW project workload to allow other inspectors to take on additional private development inspections. This will result in either fewer City projects being scheduled or a reduction of inspection services on these projects.

City Goal: *(Identify one or more City Goal addressed by this request):*

City Operations, Infrastructure Investment and Revenue & Development are three City goals that are supported by this request. The position will work to ensure that private development and ROW projects are properly inspected throughout construction.

Funding Source: *(How will this request be funded):*

	<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:	102 (50%), 403(50%)	\$ 95,067.00	\$ 129,667.00
Ending Fund Balance:			
Grant:			
Other:	Eng. Tech (Already Budgeted)	-\$ 46,267.00	\$ 0.00
TOTAL		\$ 48,800.00	\$ 129,667.00

City of SeaTac

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Public Works Inspector

Position Title *(Provided by HR)*: Public Works Inspector

Salary Range/Step *(Provided by HR)*: 50 B

Limited Position?: No

Primary Duties/Responsibilities:

This position will support the Engineering Review Division by providing inspection of private development projects; testing field samples of construction materials to ensure compliance with contract specifications, reviewing plans and construction standards; reviewing construction plans; coordinating construction activities with City departments, other agencies, private utilities and the general public; investigates and resolving citizen complaints, and performing plan review for assigned projects and public utilities.

	2019	2020
Total Salary <i>(provided by Finance)</i>	28,528.00	74,104.00
Total Benefits <i>(provided by Finance)</i>	17,739.00	47,863.00
Subtotal Salary and Benefits	\$ 46,267.00	\$ 121,967.00
Furniture and Office Equipment	2,000.00	0.00
Computer Hardware and Software	2,000.00	500.00
Uniform	250.00	250.00
Vehicle <i>(provided by Public Works)</i>	43,000.00	
Equipment Rental Charges <i>(from 501 Fund - provided by Public Works)</i>		5,400.00
Training	750.00	750.00
Telephone <i>(cell/pager, etc.)</i>	800.00	800.00
Other <i>(specify)</i> : Eng. Tech (Already Budgeted)		
Subtotal Associated Costs	\$ 48,800.00	\$ 7,700.00
TOTAL:	\$ 95,067.00	\$ 129,667.00

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: City Gateway/Entrance Analysis		Department: City Manager's Office
Amount: \$ 50,000.00		Division:
BARS#: 105.000.03.576.10.41.000		Director: Carl Cole
On-Going <input type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: Lesa Ellis
One-Time <input checked="" type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: (Provide a brief overview of what is being requested)

A professional services contract for an analysis of options regarding the gateways/entrances to the City, including but not limited to signage, wayfinding, community and neighborhood identifiers, corridor beautification, etc.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

The intent of the analysis is to identify opportunities for the City (and any community partners) to consider in providing an enhanced community identity, better directional guidance, and sense of place to both the millions of annual visitors to the City and to the local residents. The initial analysis would also include identification of one or more pilot projects (with cost estimates) that could be undertaken to implement the selected option(s).

The request for analysis was included in Council Information Request 2017-10 and discussed at both the Airport Advisory Committee and at the A&F Committee, which led to a recommendation by A&F to approve the decision card. The Council approved the decision card and allocation for the 2017 budget. The study, however, was not initiated, thus it is before the Council for consideration in the 2019 budget.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

Staff and Council would continue to respond to issues and ideas in an ad-hoc manner, but there would be no common response, approach, and result. Lacking coordination, City and community efforts would not be as effective; it would be harder to secure grant and foundation funding (private & non-profit); and design, installation, and ongoing maintenance costs would likely be higher.

City Goal: (Identify one or more City Goal addressed by this request):

Infrastructure Investment. This request seeks to improve the community by making capital investments. The options for City's gateways/entrances will ultimately involve capital investments and infrastructure improvements.

Funding Source: (How will this request be funded):

<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations:		
Ending Fund Balance: Port ILA Fund	\$ 50,000.00	
Grant:		
Other:		
TOTAL	\$ 50,000.00	\$ 0.00

ORDINANCE NO. 19-1013

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending SeaTac Municipal Code Sections 2.15.020, 2.15.100, 2.15.150, and 2.15.180 related to Citizen Advisory Committees, Commissions, and Boards.

WHEREAS, RCW 35A.13.080(2) authorizes the City Council to provide for appointment of certain citizens' committees, commissions, and boards advisory to the City Council; and

WHEREAS, pursuant to the said authority, the City Council, by Ordinances created certain advisory committees, commissions, and boards; and

WHEREAS, Council previously adopted Ordinances 17-1010 and 18-1015 in order to provide clarity and consistency, and additional clarification is required;

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

Section 1. SeaTac Municipal Code Section 2.15.020 is hereby amended to read as follows:

SMC 2.15.020 - Appointment.

- A. All members will be appointed by the Mayor and confirmed by the City Council, unless otherwise specified by law. All members to be appointed or re-appointed must provide an updated application, including background check form.
- B. All applicants will be interviewed by the Mayor and/or other Councilmembers or staff as determined by the Mayor, except any person ~~that~~ who was interviewed for the same position by the current Mayor may be re-appointed without being interviewed. This Section shall not apply to sitting Councilmembers.
- C. All appointed or re-appointed members will be subject to a background check unless one was conducted, and passed, within the previous 12 months.
- D. City of SeaTac employees who are City residents are eligible for appointment (so long as there is no conflict with the employee's job duties).
- A.E. Councilmembers' immediate family members (spouse or State registered domestic partner, parent, step-parent, sibling, child, stepchild, grandparent, grandchild, or the employee's spouse or domestic partner's parent or sibling), shall not be appointed or serve on advisory committees of the City. However, in the event a family member was

appointed prior to a Councilmember being elected or appointed, the family member shall be allowed to serve out their term.

Section 2. SeaTac Municipal Code Section 2.15.100 is hereby amended to read as follows:

SMC 2.15.100 - Absences. If a committee member's lack of attendance at committee meetings is impacting the committee's ability to carry out its responsibilities, the City Manager should notify the Administration and Finance (A&F) Committee of the circumstances. If a member is absent, ~~without prior notification and excuse, from three consecutive regularly scheduled meetings, the Administration & Finance (A&F) Committee shall be notified by the City Manager of the circumstances.~~ In such circumstances, the A&F Committee may declare the position held by that member vacant and allow a new member to be appointed by the Mayor for the remainder of the unexpired term, subject to confirmation by the City Council.

Section 3. SeaTac Municipal Code Section 2.15.150 is hereby amended to read as follows:

SMC 2.15.150 - Airport Advisory Committee.

B. Membership. The Airport Advisory Committee shall consist of nine (9) members composed of:

1. Three (3) sitting Councilmembers, one (1) of which will be Chair appointed by the Mayor;
- ~~2. Three (3) members from the SeaTac business community; and~~
2. Three (3) members who reside in the City of SeaTac, one of which can be a youth member; and
3. Three (3) members from the SeaTac business community, but if such candidates cannot be found, then these position may be residents of the City.

Section 4. SeaTac Municipal Code Section 2.15.180 is hereby amended to read as follows:

SMC 2.15.180 - Hotel-Motel Tax Advisory Committee.

B. Membership. The Hotel-Motel Tax Advisory Committee shall consist of seven (7)~~nine (9)~~ members composed of:

1. The Chair, who shall be a sitting Councilmember appointed by the Mayor;
2. ~~Four-Three (34)~~ representatives of businesses located within the City required to collect the Lodging Tax; and
3. ~~Four-Three (34)~~ persons involved in activities authorized to be funded by revenue received from the Lodging Tax.

Persons who are eligible for appointment under B(2) of this Section are not eligible for appointment under B(3) of this Section. Persons who are eligible for appointment under B(3) of this Section are not eligible for appointment under B(2) of this Section.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state or federal laws, codes, rules, or regulations, or Ordinance numbering and section/subsection numbering.


Section 6. Effective Date. 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, 2019, and signed in authentication thereof on this 28th day of May, 2019.


CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 6/8/19]

[Citizen Advisory Committees]

ORDINANCE NO. 19-1014

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending certain Sections of Title 5 and repealing 5.55.080 of the SeaTac Municipal Code related to Business Licenses and Regulations.

WHEREAS, the City partnered with Washington State's Business Licensing Service and adopted the language of the model business ordinance pursuant to Chapter 35.90 RCW; and

WHEREAS, the Washington State Business Licensing Service reviewed and made recommendations to amend certain language of the City's current Business License Code, Title 5 SMC; and

WHEREAS, it is necessary to amend the City's Business License Code in order to have language in the City Codes be consistent with the Washington Business Licensing Service model ordinance; and

WHEREAS, the City Council finds it appropriate to incorporate the recommended changes in the City's Business Licensing Codes from the Washington State Business Licensing Service;

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

Section 1. Sections 5.05.010, 5.05.015, 5.15.020, 5.05.030, 5.05.040, 5.15.050, 5.05.060, 5.05.070, 5.15.080, 5.05.100, 5.05.110, 5.15.170, 5.05.190, 5.05.200 of the SeaTac Municipal Code are amended to read as follows:

5.05.010 Definitions.

For purposes of this Chapter, the following definitions shall apply:

- A. "Business License" means a license issued by the City authorizing a Person to engage in business within the City. "Business License" may also mean the licensing document

produced by the Business Licensing Service upon which the City-issued Business License appears as an endorsement.

B. "City" shall mean the City of SeaTac, Washington.

C. "City Manager" shall mean the SeaTac City Manager or designee.

D. "Person" means any individual, corporation, company, firm, joint stock company, co-partnership, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, receiver, administrator, executor, assignee, or trustee in bankruptcy.

~~E. "License Year" means the twelve (12) month period commencing the first day of the month in which the license was issued.~~

E. "Business Licensing Service" or "BLS" means the office within the Washington State Department of Revenue providing Business Licensing services to the City.

5.05.015 Engaging in Business—Defined

(A) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(B) This Section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a Business License fee. The activities listed in this Section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (A). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by the City Manager or designee, considering all the facts and circumstances and applicable law.

(C) Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a Business License.

(1) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

(2) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.

(3) Soliciting sales.

(4) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(5) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(6) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(7) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(8) Collecting current or delinquent accounts.

(9) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(10) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(11) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(12) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(13) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers

(14) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(15) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(16) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(D) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a Business License.

(1) Meeting with suppliers of goods and services as a customer.

(2) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(3) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(4) Renting tangible or intangible property as a customer when the property is not used in the City.

(5) Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

(6) Conducting advertising through the mail.

(7) Soliciting sales by phone from a location outside the City

(E) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a Business License, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (D). The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

5.05.020 Business License Required.

A. No Person shall engage in business within the City without first being issued a Business License.

B. A Business License is not transferable except as provided in SMC 5.05.170. A Person acquiring an existing business in the City must obtain a new Business License.

C. The Business License ~~issued by the City shall~~ must be displayed in a conspicuous place on the premises identified on the license.

D. This Section applies regardless of whether a fee is owed for obtaining a Business License as provided in this Chapter.

5.05.030 Separate Business License Required.

A. A separate Business License shall be obtained for each separate location, within the City, at which the business is conducted, even when operated by the same business owner.

B. A separate Business License shall be obtained for each different and discrete business activity conducted by any person, whether at the same location, within the City, as another licensed business, or at a different location within the City.

C. If two or more separate business owners operate their own discrete business at the same physical location, each must obtain a separate Business License for their own business.

5.05.040 Change in Nature or Location of a Business.

~~Each A Business License shall authorize a particular type of business at the designated location. Any change in the nature of the business or business location shall may necessitate a new application for a Business License, as provided for in this Chapter. A change in the nature of the business or a change of location shall must be reported to the City Manager, or designee, in writing, within ten (10) days of the change and, if in Business Licensing Service sufficiently before commencing the new business activity or change to a new location to allow the City to review the change for compliance with zoning and business regulatory ordinances, the existing Business License shall be transferred to and approve the new activity or location prior to commencing the change.~~

5.05.050 Exemptions.

Notwithstanding the requirement of SMC 5.05.020 or SMC 5.05.080 (A), the following shall be exempted from the requirement to apply for and obtain a Business License:

~~A. Persons engaged in taxi cab taxicab or for hire businesses within the City which are licensed and regulated by King County pursuant to Interlocal Agreement with the City, including the following:~~

~~1. Persons engaged in the business of operating taxi cab taxicabs and for hire vehicles within the City, which are subject to SeaTac Ordinance No. 90-1014 codified in Chapter 5.15 SMC, and the "For Hire Interlocal Agreement" between King County and the City.~~

~~However, this subsection does not apply to persons whose taxi cab taxicab or for hire business is registered with the Washington State Department of Revenue Licensing, as administered through the Business Licensing Service, with an business address located within the City of SeaTac.~~

~~B. Minors engaged in babysitting, delivery of newspapers, mowing lawns, washing cars, and similar activities.~~

~~C. Service oriented clubs and organizations such as Rotary, Kiwanis, Soroptimist, Lions, Jaycees, Boy Scouts, Girl Scouts and Campfire, or school sponsored clubs, such as DECA, FBLA, FFA and Key Club, involved in special charitable fundraising events; provided, that in order for this exemption to apply, the club must be organized in and regularly meet within the corporate limits of the City, or within the corporate limits of a city immediately adjacent thereto. If requests are received for this exemption for clubs or organizations not specifically listed above, the City Manager or designee shall have the discretion to determine whether or not the exemption applies.~~

5.05.060 ~~Non-Profit~~ Nonprofit Organizations.

~~A. Non-profit Nonprofit organizations recognized by the Federal Government as granted a tax exemption by the federal Internal Revenue Service (IRS) under 26 USC § 501(c)(3) organization, with proper documentation, are exempted from the requirement to pay City Business License fees associated with~~

~~the issuance of a Business License as required by this chapter. To qualify for the City Business License fee exemption, Applicants, other than religious organizations~~

automatically recognized by the IRS as tax exempt, shall must provide one (1) of the following proofs of the tax exemption:

- ~~1. Form 1023, Application for Recognition of Exemption; or~~
- ~~2. IRS Determination Letter; or~~
- ~~3. IRS Affirmation Letter.~~

However, ~~non-profit~~nonprofit organizations are still required to apply for and obtain a valid Business License and comply with all other provisions of this Chapter.

B. Failure to register a ~~non-profit~~nonprofit organization with the City will result in a penalty as established by the City's schedule of license fees, permit fees, other fees and charges for City services.

5.05.070 Application for License.

No Business License shall be issued except upon application therefor made ~~on forms prescribed by the City Manager or designee~~through the Business Licensing Service. Upon approval of the application, the Business License shall be issued by the City, through the Business Licensing Service, and either is mailed to the applicant or available for pickup at SeaTac City Hall during normal business hours.

5.05.080 Business License Fees.

A. For purposes of this Chapter, any Person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the City is equal to or less than two thousand dollars (\$2,000.00) and who does not maintain a place of business within the City, shall submit a Business License registration to the City Manager or designee, as provided for in this Chapter. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

B. Business License fees are established by the City's schedule of license fees, permit fees, other fees and charges for City services.

C. Appeal fees are established by the City's schedule of license fees, permit fees, other fees and charges for City services.

5.05.100 Term and Renewal of License.

A. All Business Licenses shall be effective ~~for the year of issuance. Business Licenses issued during a Business License Year shall be effective from the date of issue until the following March 31st~~until the expiration date established by the Business Licensing Service, unless the licensee ends the licensed business prior to the expiration of the license. Unless renewed, as provided in this chapter, each such Business License shall expire and be of no force or effect on April 1st of the ensuing year, unless sooner revoked as provided in this Chapter.

B. All Business Licenses ~~shall~~must be renewed by the licensee on or before the expiration date~~April 1st of the year of issuance~~, if the business is to be continued. Application for renewal shall be made ~~on forms prescribed by the City Manager or designee~~through the

Business Licensing Service. Each application for renewal shall must be accompanied by all information required, and the total license renewal fees due for all licenses being renewed, as well as the handling fee required by RCW 19.02.075, for the ensuing year as prescribed by the City's schedule of license fees, permit fees, other fees and charges for City services. Applications for renewal shall be processed by the City commencing on February 1st of each year for the ensuing year.

C. The term and respective City fee for a City Business License may be prorated as necessary in order to synchronize the expiration date with the expiration of the business licensing account maintained by the Business Licensing Service.

D. Failure to renew the license by the expiration date will result in the assessment of the late penalty required by RCW 19.02.085 in addition to all other fees due.

E. Failure to renew the license within 120 days of expiration will result in the cancellation of the license, and requires reapplication for a new license to continue business in the City.

CF. A business that is inactive or no longer doing business in the City may request dormant status by indicating so on the renewal notice and returning the notice to the City indicate to the Business Licensing Service to not renew their Business License, and so request cancellation of their Business License. A business that has requested and been granted dormant status had the city Business License cancelled, but intends to resumes business activity within the City, shall must reapply for a new Business License as provided in this Chapter.

5.05.110 Penalty for Late Application.

Any licensee who shall fails to make application for an original obtain a Business License or for renewal and/or fail to pay the renewal fee prior to April 1st of the applicable year, shall prior to commencing business in the City may be subject to a penalty per the schedule described below, which shall be added to the prescribed licensing fees, and collected directly by the City.

A. Delinquent as of May 1st Application not made within 30 days after commencing business.

1. A thirty (30) day penalty letter mailed to the licensee;
2. In addition to the Business License fee, a penalty will be assessed per the City's schedule of license fees, permit fees, other fees and charges for City services.

B. Delinquent as of June 1st Application not made more than 29 days, but within 60 days after commencing business.

1. Notify the licensee in writing by certified mail that they have thirty (30) days to apply and obtain a Business License or be issued a notice of infraction;
2. In addition to the Business License fee, a penalty will be assessed per the City's schedule of license fees, permit fees, other fees and charges for City services;
3. Pay all accrued penalties.

C. ~~Delinquent as of July 1st.~~ Application not made more than fifty-nine (59) days, but within ninety (90) days after commencing business.

1. Pay all accrued late penalties;
2. A notice of infraction is issued per SMC 1.15.065;
3. Subject to a hearing before the Municipal Judge per SMC 1.15.075; and
4. A fine levied by the Municipal Judge up to two hundred fifty dollars (\$250.00).

D. Any business that has ~~been granted dormant status~~ cancelled its license for reason of ~~not currently in business~~ is not subject to late application penalties unless they resume business activity within the City without reapplying for a Business License.

5.05.170 Continuation of License Upon Death of Licensee.

In event of the death of any ~~licensee~~ natural Person who had personally held a Business License issued by the City, his or her duly appointed executor or administrator, or other lawful representative so appointed, may continue to conduct business on behalf of the decedent's estate under the license issued to the decedent, or as it may be reassigned to accommodate the business registration for the decedent's estate through the Department of Revenue, Business Licensing Service, including renewal of the Business License as may be necessary, for the term required for disposition of the decedent's business, for the unexpired term thereof, upon filing proof of such appointment with the City Manager or designee.

5.05.190 Engaging in Business Without a License or Payment of Fee.

If any person ~~engaged~~ engages in a business without a license, or fails or refuses to pay the prescribed license fee for any ~~year~~ license term, the City Manager or designee shall follow these procedures:

- A. Notify the licensee in writing by first class mail, certified mail or personal service that they are operating a business within the City limits without a Business License and have thirty (30) days to apply and obtain a Business License as specified in SMC 5.05.020.
- B. If the licensee fails to respond to the letter within thirty (30) days, the licensee will be subject to penalties as set forth in this Chapter.

5.05.200 Violations, Penalties and Enforcement.

- A. It is unlawful for any person either directly or indirectly to engage in business within the City without having first obtained a Business License as required pursuant to this Chapter.
- B. It is unlawful for any person either directly or indirectly to engage in business within the City without obtaining a renewed Business License for the current Business License ~~Year-term~~ as required pursuant to this Chapter.
- C. Each day that a person engages in business without a valid Business License constitutes a separate offense.

D. It is a civil infraction, subject to a penalty of \$300 including costs and assessments, for any Person to violate any provision of this Chapter, and such Person shall may also be subject to the penalties prescribed in Chapter 1.15 SMC. The penalties set forth herein are not exclusive. The City Manager or his/her designee may seek civil enforcement and remedies as allowed by law.

E. The City Attorney's Office shall have the discretion to file criminal charges when a person willfully or knowingly violates, by way of repeat violations, the provisions of this chapter. A criminal violation under this Subsection is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a term not to exceed ninety (90) days, or both.

Section 2. Sections 5.10.020 and 5.10.030, of the SeaTac Municipal Code are amended to read as follows:

5.10.020 Solicitor or canvasser defined.

A "solicitor" or "canvasser" is defined as any person ~~any person~~, either as a principal or agent, who goes from place to place within the City, and who:

- A. Sells, takes orders for, or offers to sell, any goods, wares or merchandise whether or not collecting in advance for such goods, wares or merchandise; and/or
- B. Sells, takes orders for, or offers to sell services, whether or not collecting in advance for such services; and/or
- C. Seek contributions or donations to private causes, as opposed to tax-exempt charities; or
- D. Seeks opinions, preferences or other information for commercial purposes.

5.10.030 License fee, term and limitations.

A. Any person seeking to engage in business as a solicitor or canvasser shall file a written application for such license with the Director of Finance on a form provided by the City Manager, or designee. The license required under this Chapter is separate from and in addition to a Business License that may be required under Chapter 5.05 SMC.

~~B. The solicitor or canvasser license shall be issued for the tax year and may be renewed, as provided at SMC 5.05.130.~~

C. The fee for a solicitor or canvasser license, ~~during the tax year 1990, shall be the sum of thirty-five dollars (\$35.00).~~ Thereafter, the fee and renewal fee shall be as prescribed by an annual resolution of the City Council establishing fees and charges.

D. A solicitor or canvasser license shall limit the number of solicitors or canvassers who are permitted to solicit or canvass for any one activity or entity during any thirty (30) day period of time to not more than ten (10) named individuals.

Section 3. Sections 5.15.010, 5.15.020, and 5.15.900 of the SeaTac Municipal Code are amended to read as follows:

5.15.010 Appointment of licensing and enforcement authority.

Pursuant to Interlocal Agreement, the Director of the King County Department of Executive Administration, and his or her authorized representatives, are hereby delegated the power to determine eligibility for licenses and the power to deny, suspend, or revoke licenses, pursuant to terms of this chapter. A copy of the said Interlocal Agreement shall be available in the office of the City Clerk for use and examination by the public. The licensing required under this Chapter is separate from, and in addition to a Business License that may be required under Chapter 5.05 SMC.

5.15.020 Licensing and regulation of taxicab and for-hire vehicles.

The following sections of Chapter 6.64 King County Code as now in effect, and as may be subsequently amended, are hereby adopted by reference, except that, unless the context indicates otherwise, the word "County" and the words "King County" shall refer to the City and references to violations of the County code or County ordinances shall be deemed to be references to violations of City ordinances:

- 6.64.005 Purpose.
- 6.64.007 Scope of Authority.
- 6.64.010 Definitions.
- 6.64.015 Interlocal Agreement.
- 6.64.025 Fees.
- 6.64.200 Service organization registration.
- 6.64.210 Color scheme.
- 6.64.220 Independent color scheme.
- 6.64.300 Taxicab and for-hire license required.
- 6.64.310 Application.
- 6.64.320 Required documents.
- 6.64.330 Applicant requirements.
- 6.64.340 Vehicle requirements.
- 6.64.350 Insurance required.
- 6.64.360 Certificate of safety.
- 6.64.370 Vehicle standards.
- 6.64.380 Taxicab and for-hire vehicle license expiration.
- 6.64.390 Taxicab and for-hire vehicle license plate.
- 6.64.400 Taximeter.
- 6.64.420 Taxicab and for-hire owner – Responsibilities.
- 6.64.430 Standards for denial – Taxicab for hire vehicle owner.
- 6.64.440 Standards for suspension/revocation – Taxicab or for-hire vehicle owner.
- 6.64.450 Destruction, replacement, retirement of a taxicab.
- 6.64.460 Surrender of vehicle license.
- 6.64.500 For-hire driver's license required.
- 6.64.510 Application.
- 6.64.520 Investigation.
- 6.64.530 Qualifications.
- 6.64.540 Temporary permit.
- 6.64.550 Application null and void.
- 6.64.560 Medical certification.
- 6.64.570 Training program.

- 6.64.580 Written examination.
- 6.64.590 Driving record.
- 6.64.600 Standards for denial of a license – For-hire driver.
- 6.64.610 Standards for suspension/revocation – For-hire driver.
- 6.64.620 License issuance.
- 6.64.630 License expiration – For-hire driver.
- 6.64.640 For-hire drive operating standards.
- 6.64.650 Vehicle safety standards.
- 6.64.660 Conduct standards.
- 6.64.670 Taxicab meter/rates standards.
- 6.64.680 Driver-passenger relations standards.
- 6.64.690 Soliciting and cruising standards.
- 6.64.695 Taxi zone standards.
- 6.64.700 Taxicab – Maximum number.
- 6.64.710 Transfer of permit.
- 6.64.720 Industry reporting.
- 6.64.730 Response times.
- 6.64.740 Annual report.
- 6.64.750 Determination of fare and number of licenses.
- 6.64.760 Rates.
- 6.64.770 Rate study.

5.15.900 Violation – Penalty.

Any person who violates or fails to comply with any requirement of this chapter, shall be guilty of a violation of a City ordinance and shall be subject to punishment by fine of not more than five thousand dollars (\$5,000.00) or imprisonment for a term not in excess of one (1) year, or both.

Section 4. Sections 5.20.010 and 5.20.020 of the SeaTac Municipal Code are amended to read as follows:

5.20.010 Regulation of private detective agencies, private detectives and armed private detectives.

No person shall operate a private detective agency within the City, or perform functions and duties as a private detective within the City, without first applying for and obtaining a ~~business license~~Business License and paying the fee therefor, as prescribed in this title, and, in addition, without being licensed pursuant to applicable State law.

5.20.020 Regulation of private security companies, private security guards and armed private security guards.

No person shall operate a private security company within the City, or perform functions and duties as a private security guard and armed private security guard within the City, without first applying for and obtaining a ~~business license~~Business License and paying the fee therefor, as prescribed in this title, and, in addition, without being licensed pursuant to applicable State law.

Section 5. Sections 5.25.040 of the SeaTac Municipal Code is amended to read as follows:

5.25.040 Grant of franchise.

No cable system shall occupy or use any City right-of-way without a franchise granted by the City, subject to the following:

A. The City may grant franchises to construct, operate, maintain and/or reconstruct a cable communication system in all or part of the City. If the City grants a franchise, the franchise shall constitute both a right and an obligation of the grantee to abide by the provisions of this chapter and of the franchise agreement.

In the event of any conflict between this chapter and any franchise agreement issued under it, this chapter shall control.

B. Any franchise granted shall be nonexclusive. The City specifically reserves the right to grant, at ~~anytime~~any time, such additional franchise for a cable communications system within the same or other areas of the City as it deems appropriate.

C. The City may establish, in accordance with the Cable Act, reasonable requirements for new franchises or franchise renewals. The City may modify franchises at the time of renewal, transfer, or other disposition, or when the grantee's service area is altered, provided the grantee is notified in advance of the proposed modification and is provided an opportunity to present arguments against the modification, or alternatives in lieu of it. The City may also modify franchise then in effect upon giving thirty (30) days written notice to the grantee of its intention to do so, upon request of the grantee under the circumstances provided in the Cable Act, or when the franchise is inconsistent with governing laws or statutes. Modifications of franchises must be approved by the Council.

D. The term of any franchise shall be no more than fifteen years from the effective date of the franchise. The effective date of the franchise shall be the date of execution of the franchise agreement by the City, subject to prior execution by the grantee, unless otherwise specified.

E. Ownership of franchises shall be limited as specified in the Cable Act. The City may, as provided, hold an ownership interest in a cable service, but shall not exercise editorial control over programming except on government access channels.

F. A franchise may be denied if the regulating authority finds, after due investigation, that the applicant, to include the principal owners of the organization requesting the franchise has:

1. Made any false statements or substantive omissions on the application;
2. Within five years of the date of application, been convicted of a felony directly related to the operation of a cable television franchise;
3. Ever had a judgment in an action for fraud, deceit or misrepresentation entered against it, her, him or them by any court of competent jurisdiction;

4. Pending any legal claim, lawsuit or administrative proceeding arising out of or involving a cable system; or

5. Had a franchise revoked for cause within ten years of the date of application.

G. No franchise shall be transferred, in whole or in part, without the City's prior consent. The consent of the City to any transfer shall not be unreasonably withheld nor shall it constitute a waiver or release of any of the City's rights.

H. The franchise required by this Chapter is separate from and in addition to a Business License that may be required under Chapter 5.05 SMC.

Section 6. Sections 5.30.010, 5.30.020, 5.30.030, 5.30.040, and 5.30.050 of the SeaTac Municipal Code are amended to read as follows:

5.30.010 License required.

No public place of amusement or commercial business offering public amusement/entertainment or public entertainment shall be operated within the City unless a ~~business license~~ Business License shall have been obtained pursuant to ~~Ordinance No. 90-1039 codified in Chapters 5.05 SMC and 5.10~~. Any such license shall be obtained not less than two (2) weeks prior to the opening of any such entertainment.

5.30.020 Fees.

~~The fee for various p~~Public places of amusement, public amusement/entertainment and public entertainment are subject to inspections and permitting as may be required by the City, and the respective fees for such, licenses as shall be as set by resolution of the City Council. A late penalty shall be charged by the City on all related Business License applications submitted later than two (2) weeks prior to the opening of the public amusement, or received after the expiration date of the previously issued license, pursuant to Section 5.05. ~~440~~ 110 SMC.

5.30.030 Definitions.

For purposes of these regulations pertaining to public places of amusement, public amusement/entertainment, and public entertainment, the words and phrases used herein shall have the following meanings:

A. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance;

B. "Operator" means any person operating, conducting or maintaining a public place of amusement, public amusement/entertainment, or public entertainment;

C. "Public place of amusement", "public amusement/entertainment" and "public entertainment" mean an amusement, diversion, entertainment, show, performance, exhibition, display or like activities, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member of the public, held, conducted, operated or maintained for a profit, direct or indirect.

D. "Outdoor sports" mean any athletic competition customarily played on a field or track including but not limited to baseball, soccer, disc golf, RC car tracks, BMX bicycle racing.

5.30.040 Business hours.

No public place of amusement, public amusement/entertainment or public entertainment shall be conducted between the hours of 2:00 a.m. and 10:00 a.m., ~~except as otherwise provided for public dancing by Section~~ except as otherwise provided for public dancing by Section 5.40.2305.05.330.

5.30.050 Outdoor sports exempt.

No business license shall be required for any recognized outdoor sports. However, a park user agreement may be required.

Section 7. Section 5.40.060 of the SeaTac Municipal Code is amended to read as follows:

5.40.060 Sexually-oriented business permit required.

A. A person may not conduct or operate a sexually-oriented business without a permit issued by the City for the particular type of business. The business and, or individuals' license(s), permit(s) or other types of authorization required by this Chapter are separate from and in addition to the Business License that may be required under Chapter 5.05 SMC.

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

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

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

1. If the applicant is:

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

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

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the State of Washington, the legal names, dates of birth, Social

Security numbers, proof that each is eighteen (18) years of age or older and the capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, and the address of the registered office for service of process.

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

2. Whether the applicant or a partner, corporate officer, or director of the applicant holds another license under this chapter or a license for a similar live adult entertainment or sexually oriented business, including a motion picture theater and a panoram, from the jurisdiction of another city or county or state, and, if so, the name and address of each other licensed business.

3. A summary of the business history of the applicant and applicant control persons in owning or operating the live adult entertainment or other sexually-oriented business, providing names, addresses, and dates of operation for the businesses and whether a business license or live adult entertainment establishment license has been revoked or suspended and the reason for the revocation or suspension;

4. For the applicant and all applicant control persons, all criminal convictions or forfeitures within five (5) years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of the court, and disposition.

5. For the applicant and all applicant control persons, a description of business, occupation, or employment history for the three (3) years immediately preceding the date of the application.

6. Authorization for the jurisdiction and the jurisdiction's agents and employees to seek information to confirm statements set forth in the application.

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

8. A complete set of fingerprints for the applicant or each applicant control person, taken by the law enforcement agency for the jurisdiction, or such other entity as authorized by the law enforcement agency.

9. A scale drawing or diagram showing the configuration of the premises for the proposed live adult entertainment establishment, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms, and service areas must be clearly marked on the drawing. An application

for a license for a live adult entertainment establishment must include building plans that demonstrate conformance with the jurisdiction's building code requirements.

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

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

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

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

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

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

16. Attached to the license shall be a one-and-one-half-inch by two-inch (1-1/2" x 2") color photograph of the applicant, including corporate applicants, showing the full face of the same, taken by the City, at a charge of two dollars (\$2.00), to be paid by the applicant at the time of the application. The license, when issued, shall have affixed to it the photograph of the applicant.

Section 8. Section 5.55.030 of the SeaTac Municipal Code is amended to read as follows:

5.55.030 Mobile food vending – Additional license requirements.

A. A separate ~~business license~~ Business License, as provided for in Chapter 5.05 SMC, ~~shall be~~ required for each mobile food preparation vehicle.

B. A mobile food vendor shall obtain and provide written proof of permission from the property owner for each location at which the mobile food vendor conducts business, which shall include a diagram of the mobile food vendor's location on the property. Written permission for the mobile food vendor's staff to use the property owner's restrooms is also required. It is the responsibility of the mobile food vendor to comply with all requirements of this subsection prior to conducting any business at a particular location.

Section 9. Section 5.55.080 of the SeaTac Municipal Code is repealed.

5.55.080 Expiration.

~~The provisions of this chapter shall expire on March 31, 2020.~~

Section 10. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 11. 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, 2019, and signed in authentication thereof on this 11th day of June, 2019.

CITY OF SEATAC

Erin Sitterley
Erin Sitterley, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

[Amendments to Title 5 June, 2019]

ORDINANCE NO. 19-1015

AN ORDINANCE of the City Council of the City of SeaTac, Washington concerning the Shoreline Master Program Periodic Review required by RCW 90.58.080(4), adopting a revised Shoreline Master Program, and repealing Title 18 Shoreline Management Code.

WHEREAS, RCW 90.58, the Shoreline Management Act (the “Act”), requires the City of SeaTac to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, the City of SeaTac adopted a comprehensive SMP update as required by RCW 90.58.080(2), which was effective as of February 4, 2011; and

WHEREAS, RCW 90.58.080(4) requires the City to periodically review and, if necessary, revise the SMP;

WHEREAS, RCW 90.58(4)(b)(i) provides that the City must complete this review on or before June 30, 2019, and every eight years thereafter; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the Act or state rules and regulations that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with the City’s Comprehensive Plan and development regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, the City developed a public participation program for this periodic review in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the City has followed its adopted public participation program, including a project website, agency representative and interested parties email list, open house, direct mail notices to property owners within the shoreline jurisdiction; and

WHEREAS, the City used the Department of Ecology's periodic review checklist to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the SMP was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the City reviewed the City's Comprehensive Plan and development regulations to determine if the SMP policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii); and

WHEREAS, the City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii); and

WHEREAS, the City of SeaTac Planning Commission completed a review of staff recommendations and prepared initial amendments, including consideration of repealing the Shoreline Management Code (Title 18) as it is inconsistent with the Shoreline Master Program; and

WHEREAS, the City consulted with the Department of Ecology early and often during the drafting of the amendments. The City worked collaboratively with the Department of Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173-26-104; and

WHEREAS, the City conducted a formal public comment period in compliance with requirements of WAC 173-26-104; and

WHEREAS, the City published a legal notice in the Seattle Times on February 19, 2019 for a public hearing on the proposed Planning Commission recommendation(s), including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, the City provided a Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-104(2)(a) on February 28, 2019; and

WHEREAS, a State Environmental Policy Act (SEPA) environmental checklist was prepared based upon the Planning Commission Public Hearing Draft, and the City's SEPA responsible official issued and circulated a copy of the checklist and a Determination of Non-Significance (DNS) on March 6, 2019; and

WHEREAS, the Planning Commission held a public hearing on the proposed Planning Commission recommendation(s) on March 5, 2019; and

WHEREAS, no public testimony was received during the comment period and public hearing; and

WHEREAS, the Planning Commission reviewed preliminary comments from the Department of Ecology and additional staff suggested revisions; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments and repealing of Title 18 Shoreline Management Code, and forwarded its recommendation to the City Council for review and adoption on April 2, 2019; and

WHEREAS, after considering all the evidence, the City Council determined that the proposed amendments comply with all applicable laws and rules; and

WHEREAS, this completes the City of SeaTac's required process for periodic review in accordance with RCW 90.58.080(4) and applicable state regulations (WAC 173-26).

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

Section 1. Review and Evaluation. The City Council hereby finds that the review and evaluation required by RCW 90.58.080(4) have occurred, as detailed in the recitals above.

Section 2. Adoption of Amended Shoreline Master Program. The City of SeaTac Shoreline Master Program is amended to read as set forth in Exhibit A.

Section 3. Consistency with the Act. The City Council finds the amendments adopted pursuant to Section 2 of this Ordinance are consistent with the requirements of RCW 90.58 and WAC 173-26, as they apply to these amendments.

Section 4. Submission to Department of Ecology. The Planning Manager is directed to submit the SMP and associated documents to the Department of Ecology for their review and approval

Section 5. Copy on file with the City Clerk. One copy of the 2019 Shoreline Master Program shall be on file in the office of the City Clerk.

Section 6. Repealer. Title 18 of the SeaTac Municipal Code (the Shoreline Management Code) is hereby repealed in its entirety.

Section 7. Codification. The code reviser is hereby directed to codify the 2019 Shoreline Master Program and change any references from Title 18 to the 2019 Shoreline Master Program.

Section 8. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 9. Effective Date. The Ordinance shall be effective five (5) days after passage and publication as required by law, but no sooner than fourteen (14) days from the date of the Department of Ecology's written notice of final action to the City stating the Department of Ecology has approved or rejected the amendments set forth in Section 2.

ADOPTED this 11th day of June, 2019, and signed in authentication thereof on this 11th day of June, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

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[Effective Date: 6/22/19]

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DRAFT City of SeaTac's Shoreline Master Program:

DRAFT General Goals and Policies
DRAFT Environment Designations
DRAFT Regulations



City of SeaTac

~~May 2010~~ 2019

Acknowledgments

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Chapter 1 Introduction

1.1 History and Requirements of the Shoreline Management Act

Washington's **Shoreline Management Act** (Act) was adopted by the public in a 1972 referendum "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The Act has three broad policies:

1. **Encourage water-dependent uses:** "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines..."
2. **Protect shoreline natural resources,** including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."
3. **Promote public access:** "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

This Act recognizes that "shorelines are among the most valuable and fragile" of the state's resources. The Act, and the City of SeaTac, recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. In order to protect the public interest in preserving these shorelines, the Act establishes a coordinated planning program between the state and local jurisdictions to use in addressing the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

1. Development of an inventory of the natural characteristics and land use patterns along shorelines covered by the act.
2. Preparation of a "Master Program" to determine the future of the shorelines.
3. Development of a permit system to further the goals and policies of both the act and the local Master Plan.
4. Development of a Restoration Plan that includes goals, policies and actions for restoration of impaired shoreline ecological functions.

1.2 Master Program Development and Public Participation

The City of SeaTac (City) obtained a grant from the Washington Department of Ecology (Ecology) in 2007 to conduct a comprehensive Shoreline Master Program (SMP) update.— The first step of the update process was to inventory the City's shorelines as defined by the state's Shoreline Management Act (SMA) (RCW

90.58). Angle Lake is the only SMA shoreline in the City of SeaTac. The inventory describes existing biological and physical conditions. These conditions were then analyzed and characterized to create a baseline from which future development actions in the shoreline will be measured.

Environmental designations were identified for the different shoreline reaches and goals, policies, and regulations for each were developed.

The Guidelines require that the City demonstrate that its updated SMP yields “no net loss” in shoreline ecological functions relative to the baseline due to its implementation. Ideally, the SMP in combination with other City and regional efforts will ultimately produce a net improvement in shoreline ecological functions.

The City obtained a second grant from Ecology in 2018 to complete a periodic SMP update. Washington state law requires jurisdictions to review and update their SMPs every eight years in accordance with the Shoreline Management Act (SMA) and its current guidelines and legislative rules to attain state approval. The periodic update to this SMP focused on reviewing relevant legislative updates since the comprehensive update and incorporating any applicable amendments and ensuring consistency with the City’s 2017 Comprehensive Plan Update and other City regulations.

1.3 Purposes of the Shoreline Master Program

The purposes of this Master Program are:

To carry out the responsibilities imposed on the City of SeaTac by the Washington State Shoreline Management Act (RCW 90.58).

To promote the public health, safety, and general welfare, by providing a guide and regulation for the future development of the shoreline resources of the City of SeaTac.

To further, by adoption, the policies of RCW 90.58, and the goals of this Master Program, both which hereafter follow.

To comply with the Shoreline Master Program Guidelines (Chapter 173-26 WAC), including a particular focus on including regulations and mitigation standards to ensure that development under the Shoreline Master Program will not cause a net loss of ecological functions.

1.4 Legislative Findings and Washington Shoreline Management Policies

The Washington State Legislature finds the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and uplands adjacent thereto are in private ownership and that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same

time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy is intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.

1.5 Shoreline Master Program Basics

The SeaTac Shoreline Master Program is a planning document that outlines goals and policies for the shoreline of the City and establishes regulations for development occurring in that area.

In order to preserve and enhance the shoreline of SeaTac it is important that all development proposals relating to the shoreline area be evaluated in terms of the City's Shoreline Master Program, and that the City Shoreline Administrator be consulted. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a conditional use permit application or variance application; ALL proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the City of SeaTac.

The Shoreline Management Act defines for local jurisdictions the content and goals that should be represented in the Shoreline Master Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Under the Act, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment. SeaTac has designated its Angle Lake shorelines under five shoreline environments: Aquatic, Urban Conservancy, Shoreline Residential, Medium-Intensity, and High-Intensity. These environments are described in Chapter 5: Shoreline Environments.

Persons proposing any shoreline development, land use, or other projects in the shoreline area must consult with the City of SeaTac Shoreline Master Program Administrator (the City of SeaTac's ~~Planning and Community and Economic~~ Development Director) to determine how the proposal is addressed in the Master Program.

The City's Shoreline Administrator will determine if a proposal is exempt from a Shoreline Substantial Development Permit (i.e. qualifies for a Shoreline Exemption), as well as provide information on the permit application process.

Requests for ~~a~~-variances, conditional use permits, and substantial development permits require review and recommendation by the City's Shoreline Administrator, with the decision by the Hearing Examiner. Requests for conditional uses and variances also require final approval by the State of Washington Department of

Ecology. A description of exempt projects, shoreline application procedures and criteria are discussed in Chapter 8: Administration.

A description and map of the area within the jurisdiction of this Shoreline Master Program are presented in Chapter 5: Shoreline Environments.

1.6 Organization of this Shoreline Master Program

This Master Program is divided into eight Chapters:

Chapter 1: Introduction provides general background information on the state Shoreline Management Act; the development of the Shoreline Master Program in SeaTac; and a general discussion of when and how a shoreline master program is used.

Chapter 2: Definitions defines terms found in this document.

Chapter 3: Shoreline Management Goals and Policies lists the general goals and policies which guide the more detailed policies and regulations found in the individual section of the SeaTac Shoreline Master Program.

Chapter 4: General Policies and Regulations sets forth the general policies and regulations that apply to uses, developments, and activities in *all* shoreline areas of SeaTac.

Chapter 5: Shoreline Environments defines and maps the shoreline jurisdiction in the City of SeaTac and defines and maps the environment designations of all the shorelines of the state in the City of SeaTac. Policies and regulations specific to the four designated shoreline environments, (Urban Conservancy, Shoreline Residential, Medium-Intensity, and High-Intensity) are detailed in this chapter. Specific setback regulations, reduction incentives and dimensional and density standards for all Shoreline Environments are also detailed in this chapter.

Chapter 6: Specific Shoreline Use Policies and Regulations sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Commercial Development (Primary and Accessory), Industrial Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses, Signage, Transportation, and Utilities (Primary and Accessory).

Chapter 7: Shoreline Modification Activity Regulations provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline area.

Chapter 8: Administration provides the system by which the SeaTac Shoreline Master Program will be administered, and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, and variances.

1.7 Relationship of this Shoreline Master Program to Other Plans

The permitting process for a shoreline development or use does not exempt an applicant from complying with any other local, state, regional or federal statutes or regulations which may also be applicable to such development or use. In SeaTac, other plans and policy documents that must be considered include the SeaTac Comprehensive Plan and the adopted Surface Water Design Manual.

Proposals must also comply with the regulations developed by the City to implement its plans, such as the zoning code, as well as regulations relating to building construction and safety.

At the time of a permit application or of an initial inquiry, the City's Shoreline Administrator should inform the applicant of those regulations and statutes which may be applicable to the best of the administrator's knowledge; PROVIDED, that the final responsibility for complying with such other statutes and regulations shall rest with the applicant.

1.8 Title

This document shall be known and may be cited as the City of SeaTac Shoreline Master Program. This document may refer to itself as "The Master Program."

Chapter 2 Definitions

Accessory use or accessory structure - Any subordinate use, structure, or building or portion of a building located on the same lot as the main use or building to which it is accessory.

Accretion - The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, and hooks.

Adjacent lands - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The SMA directs local governments to develop land use controls (i.e. zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (see Chapter 90.58.340 RCW).

Administrator - The City of SeaTac's ~~Planning and~~ Community and Economic Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

Agriculture - The cultivation of the soil, production of crops, and/or raising of livestock, including incidental preparation of these products for human use. In all cases, the use of agriculture related terms shall be consistent with the specific meanings provided in WAC 173-26-020.

~~AKART - An acronym for "all known, available, and reasonable methods of prevention, control, and treatment" (WAC 173-201A-020). AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.~~

Anadromous fish - Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to procreate.

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty cubic yards (250) [except to construct a conventional drainfield] and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark) (see WAC 173-27-040(2)(g)).

Aquaculture - The commercial cultivation of fish, shellfish, and/or other aquatic animals or plants including the incidental preparation of these products for human use.

Aquascreens - A fiberglass screen used as a bottom barrier to limit and/or control aquatic plant growth. The screen is typically anchored to an area of the lake bottom and functions as a physical barrier to prevent plants from growing on the lake bottom.

Archaeological - Having to do with the scientific study of material remains of past human life and activities.

Architectural Standards - Rules, regulations, or guidelines relating to the design, size, configuration or location of buildings and structures including setbacks, height, and bulk restrictions. It may include other structural design or configuration conditions required as part of a variance or conditional use permit intended to improve the compatibility between adjacent structures, activities, or uses.

Associated ~~w~~Wetlands - Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-27-030(1).

Average grade level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (WAC 173-27-030(3)).

Baseline - The existing shoreline condition, in terms of both ecological function and shoreline use, established at the time this Shoreline Master Program is approved.

~~Best available science - Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925.~~

Beach - The zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

Beach enhancement/restoration - Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

Beach feeding - "Beach feeding" means landfill deposited on land or in the water to be distributed by natural water processes for the purpose of supplementing beach material.

Benthic organism - Organisms that live in or on the bottom of a body of water.

Benthos - Benthos are living organisms associated with the bottom layer of aquatic systems, at the interface of the sediment (or substrate) and overlying water column. Benthos commonly refers to an assemblage of insects, worms, algae, plants and bacteria.

Berm - A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best available science - Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925.

Best Management Practices (BMPs) ~~-BMPs are methods-~~ Any schedule of improving water quality that can have a great effect when applied by numerous individuals. BMPs encompass a variety of activities, prohibition of behavioral, procedural, and practices, maintenance procedure, or structural measures and/or managerial practice that reduce the amount, when used singly or in combination, prevents or reduces the release of

contaminants, pollutants and other adverse impacts to surface water, stormwater runoff and in receiving waters and groundwater, while minimizing the potential for flooding, soil creep, and soil instability.

Bioengineering - see Soil bioengineering

~~Biofiltration system – A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.~~

Bioretention – A stormwater best management practice consisting of a shallow landscaped depression designed to temporarily store and promote infiltration of stormwater runoff. Standards for bioretention design, including soil mix, plants, storage volume and feasibility criteria, are specified in Appendix C of the Surface Water Design Manual.

Biota - The animals and plants that live in a particular location or region.

Boat launch or ramp - Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Boat lift - A mechanical device that can hoist vessels out of the water for storage. These devices are usually located along a pier.

Boat rail or railway - A set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Boathouse - A structure designed for storage of vessels located over water. Boathouses should not be confused with "houseboats".

Boating Facility – A public moorage structure or a private moorage structure serving more than four residences.

Bog - A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

Breakwater - An off-shore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave-caused erosion.

Bulkhead - means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

Clean Water Act - The primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.

City - The City of SeaTac.

Clearing - The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

Commercial - Uses and facilities that are involved in wholesale or retail trade or business activities.

Comprehensive pPlan - Comprehensive plan means the document, including maps adopted by the City council that outlines the City's goals and policies relating to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.

Conditional uUse - A use, development, or substantial development that is classified as a conditional use or is not classified within the applicable master program. Refer to WAC 173-27-030(4).

Conservation Easement - A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

Covered moorage - Boat moorage, with or without walls, that has a roof to protect the vessel.

Cumulative iImpact - The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Degrade - To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development (RCW 90.58.030(3d)).

Dock - A floating moorage structure.

Downdrift - The direction of movement of beach materials.

Dredge spoil - The material removed by dredging. Same as Dredge Material.

Dredging - Excavation or displacement of the bottom or shoreline of a water body. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for cleanup of polluted sediments.

Dwelling unit – a single unit providing complete, independent living facilities for one or more persons, not to exceed one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

Ecological Functions - The work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Ecosystem-wide Processes - The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Ell – Terminal section of a pier which typically extends perpendicular to the pier walkway. These sections can be either on fixed-piles or floating docks and are typically wider than the pier walkway.

Emergency - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).

Endangered Species Act (ESA) - A federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range.

Enhancement - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Environmental Impacts - The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA). Refer to WAC 197-11-600 and WAC 197-11-444.

Environmentally Sensitive Areas Ordinance 03-1037, SeaTac - This ordinance provides the goals, policies, and implementing regulations for protecting the designated critical areas of SeaTac. The ordinance addresses environmentally sensitive area development controls; measures important for protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to critical areas; and serves to alert the public to the development limitations of critical areas.

Environments, (Shoreline Environment) - Designations given specific shoreline areas based on the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of local citizenry, as part of a Master Program.

Erosion - The wearing away of land by the action of natural forces.

Excavated moorage slip - A boat mooring location that is man-made in that it requires dredging or excavation of excess sediment to afford access. Such slips may often involve dredging of the lake bottom waterward of the OHWM, or may include excavating a segment of the existing shoreline to enable moorage of a boat.

Excavation - Excavation is the artificial movement of earth materials.

Exemption - Certain specific developments are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (WAC 172-27-040). For a complete list of exemptions, see Chapter 8.

Fair market value - "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials (WAC 173-27-030(8)).

Fill – the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetland, or on shorelands in a manner that raises the elevation or creates dry land.

Finger pier – A narrow extension to a fixed-pile pier, usually extending perpendicular to the pier walkway along with an ell to form an enclosed area for boat moorage.

Float - A floating structure that is moored, anchored, or otherwise secured in the water offshore and that may be associated with a fixed-pile pier, or may be a stand alone structure, such as platforms used for swimming and diving.

Floating dock - A fixed structure floating upon a water body for the majority of its length and connected to shore.

Floating home - A structure designed and operated substantially as a permanently based over water residence. Floating homes are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

Floodplain - Synonymous with 100-year floodplain. The land area susceptible to being inundated by stream derived waters with a one~~4~~ percent (1%) chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (WAC 173-22-030(2)).

Floodway - means the area, ~~as identified in a master program,~~ that either: (i) has been established in effective federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those

portions of ~~the area of~~ a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway ~~shall~~does not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Geotechnical Report or ~~g~~Geotechnical ~~a~~Analysis - a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading - The physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

Grassy swale - A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through ~~biofiltration~~filtration.

Groin - A barrier-type structure extending from, and usually perpendicular to, the backshore into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its updrift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

Habitat - The place or type of site where a plant or animal naturally or normally lives and grows.

Hearing Examiner - The Hearing Examiner of the City of SeaTac.

Height - The distance measured from the average grade level to the highest point of a structure: provided, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines: provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)).

Heliport - any landing area or other facility owned and operated, and which is designed, used or intended to be used by private aircraft for landing or taking off of aircraft, including all associated or necessary buildings and open spaces.

Hoist – A device used for lifting or lowering a load by means of a drum or lift-wheel around which rope or chain wraps. It may be manually operated, electrically or pneumatically driven and may use chain, fiber or wire rope as its lifting medium.

Houseboat - A vessel, principally used as an over water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring and the presence of adequate self-propulsion and steering equipment to operate as a vessel. Principal use as an overwater residence means occupancy in a single location, for a period exceeding two months in any one calendar year. This definition includes liveaboard vessels.

Hydraulic Project Approval (HPA) - The permit issued by the Washington State Departments of Fisheries or Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

Hydric soils - Generally, soils which are, or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants (WAC 173-22-030(5)).

Hydrophytes - Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (WAC 173-22- 030(5)).

Impervious surface – ~~Any nonvertical~~ A man-made or modified surface artificially covered or hardened so as to prevent an area that either prevents or impedes the percolation entry of water into the soil mantle including, but as under natural conditions before development; or that causes water to run off the surface in greater quantities or at an increased rate of flow compared to the flow present under natural conditions prior to development (see also “new impervious surface”). Common impervious surfaces include, but are not limited to, roof tops, swimming pools, paved or graveled roads and, walkways or, patios, driveways, parking lots, or storage areas, but excluding landscaping and surface water retention/detention facilities areas that are paved, graveled, or made of packed or oiled earthen materials or other surfaces that similarly impede the natural infiltration of surface water or stormwater.

In-kind replacement - To replace wetlands, habitat, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced or degraded by an activity.

Interested party - Synonymous with "party of record", all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail (WAC 173-27-030(12)).

Lacustrine (also lacustrian) - Of, on, or pertaining to lakes.

Lake - A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a

stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream (RCW 90.58.030(1d); WAC 173-20-030; WAC 173-22-030(4)).

Landfill - the creation of, or addition to, a dry upland area (landward of the OHWM) by the addition of rock, soil, gravels and earth or other material. Does not include solid or hazardous waste.

Landscaping - Vegetation ground cover including shrubs, trees, flower beds, grass, ~~ivy~~ and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance and shall not include plant species on the County or State noxious weed lists.

Launching rail - See also Boat launch or ramp and Boat railway.

Launching ramp - See also Boat launch or ramp and Boat railway.

Liberal construction - A legal concept instructing parties interpreting a statute to give an expansive meaning to terms and provisions within the statute. The goal of liberal construction is to give full effect in implementing a statute's requirements. See RCW 90.58.900.

Littoral - Living on, or occurring on, the shore.

Littoral drift - The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Low Impact Development (LID) - A stormwater and/or land use management strategy that strives to mimic natural hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design, while also minimizing the potential for off-site flooding and soil instability.

Low Impact Development (LID) Best Management Practices (BMPs) - Distributed stormwater management practices, integrated into a project design, that emphasize natural hydrologic processes of infiltration, filtration, storage, evaporation and transpiration, while protecting against off-site flooding and soil instability. LID BMPs include, but are not limited to, bioretention, permeable pavement, cast in place pavers, limited infiltration systems, roof downspout controls, dispersion, soil amendments, and minimal excavation foundations.

Low Impact Development (LID) Principles - Land use management strategies that emphasize conservation, use of on-site natural features, and site planning to utilize infiltration and native vegetation to minimize stormwater runoff, while protecting against remote area flooding and soil instability.

May - "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

Mitigation or ~~m~~Mitigation ~~s~~Sequencing - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. See WAC 197-11-768 and WAC 173-26-020 (30). Mitigation or

mitigation sequencing means the following sequence of steps listed in order of priority, with (a) of this subsection being top priority:

- a) Avoiding the impact all together by not taking a certain action or parts of an action;
- b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations;
- e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage - Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel (such as a pier or buoy). Moorage Piles - Structural members that are driven into the lake bed to serve as a stationary moorage point. They are typically used for moorage of small boats in the absence of, or instead of, a dock or pier. In some cases, moorage piles may be associated with a dock or pier.

Mooring buoy - A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

Multifamily dwelling (or residence) - A building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.

Must - "Must" means a mandate; the action is required.

~~NEPA - National Environmental Policy Act (NEPA) - NEPA requires federal agencies to consider environmental factors when making decisions, especially for development proposals of a significant scale. As part of the NEPA process, EISs are prepared and public comment is solicited.~~

Native plants - These are plants that occur naturally, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

Natural riparian habitat corridor - The streamside environment designed and maintained primarily for fisheries and wildlife habitat, water quality improvements and secondarily for flood control works.

~~Nonconforming use or development - A shoreline use or nonconforming structure which - An existing structure that was lawfully constructed or at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program (WAC 173-27-080).~~

Nonconforming lot – A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program (WAC 173-27-080).

Nonconforming use – An existing shoreline use that was lawfully established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the act or the applicable shoreline provisions master program, but which does not conform to present use regulations due to subsequent changes to the master program (WAC 173-27-080).

Normal maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2b))). See also Normal repair.

Normal protective bulkhead - includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land (WAC 173-27-040(2)(c)).

Normal repair - To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(2b)). See also Normal maintenance.

~~OHW, Ordinary High Water Mark – That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173 22 030(11).~~

Off-site replacement - To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

Oil separator - Specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system. Commonly employed in parking lots and streets.

On-site replacement - To replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

Ordinary High Water Mark (OHWM)- That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change

thereafter in accordance with permits issued by a local government or the department: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(11).

Overwater structure - Any device or structure projecting over the ordinary high water mark, including, but not limited to piers, docks, floats, and moorage.

Permeable pavement - Pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

Permit (or Shoreline Permit) - Any substantial development, variance or conditional use permit, or revision, or any combination thereof, authorized by the Act. Refer to WAC 173-27-030(13).

Pier - a fixed, pile-supported moorage structure.

Practicable alternative - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in light of overall project purposes.

Priority ~~h~~Habitat - A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

~~Priority~~ Species - Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

~~Properly f~~ Functioning c ~~Conditions~~ (PFC) - Conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species. PFC indicates a level of performance for a subset of the more broadly defined “ecological functions,” reflecting what is necessary for the recovery of PTE species.

~~Proposed, T~~ hreatened, and e ~~Endangered~~ (PTE) ~~S~~ pecies - Those native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

Public access - Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

Public interest - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

Public use - Public use means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. Refer to WAC 332-30-106.

Qualified professional - A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance

with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least two (2) years of related work experience.

a) A qualified professional for wetlands must be a professional wetland scientist or hydrogeologist licensed in the State of Washington with at least two (2) years of full-time work experience as a wetlands professional, including delineating wetlands using the Federal manuals and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

b) A qualified professional biologist is a specialist with education and training in the area of natural sciences concerned with the plants and animal life of a region. A qualified professional biologist must have a degree in biology or a related degree and professional experience related to the subject species.

c) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the State of Washington.

d) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, or engineer licensed in the State of Washington, or other scientist with experience in preparing hydrogeologic assessments.

e) A qualified professional engineer is a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and is licensed by the state of Washington or another state.

Rain garden - A shallow landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil profile.

Recreational facilities - Facilities such as parks, trails, and pathways, whether public, private or commercial, that provide a means for relaxation, play, or amusement. ~~For the purposes of this Master Program, recreational facilities are divided into two categories:~~

~~1. a) Water dependent (i.e. — moorage facilities, fishing piers, recreational floats) and~~

~~2. b) Non-water dependent (i.e. — sports fields, golf courses, and RV camping)~~

Recreational float - A floating structure that is moored, anchored, or otherwise secured in the water off-shore and that is generally used for recreational purposes such as swimming and diving.

Residential development - Development which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single family development, multifamily development and the creation of new residential lots through land division.

Restoration -- "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic

materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Riparian - Of, on, or pertaining to the banks of a river, stream or lake.

Riprap - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Rotovating - An aquatic vegetation harvesting technique that uses rototilling technology to uproot and remove plants.

Runoff - Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

SEPA Checklist - A checklist is required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts from a proposal, and help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

Sediment - The fine grained material deposited by water or wind.

Setback - A required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark.

Shall - "Shall" means a mandate; the action must be done.

Shorelands or ~~s~~Shoreland ~~a~~Areas - Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the Shoreline Management Act. Shorelands in the City of SeaTac are limited to those areas within 200 feet of the ordinary high water mark of Angle Lake and any associated wetlands.

Shoreline Administrator - The City of SeaTac's ~~Planning and Community~~ and Economic Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

Shoreline environment designations - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. See WAC 173-26-211.

Shoreline jurisdiction - The term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. Also, such areas within a specified local government's authority under the SMA. In the City of SeaTac, shoreline jurisdiction includes Angle Lake, those areas within 200 feet of the ordinary high water mark of Angle Lake and any associated wetlands. See definitions of Shorelines, Shorelines of the state, Shorelines of statewide significance, Shorelands, and Wetlands.~~5~~

Shoreline Management Act (SMA) - Chapter 90.58 RCW, as amended. Washington's Shoreline Management Act was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

Shoreline Master Program (SMP) - The comprehensive use plan and related use regulations which are used by local governments to administer and enforce the permit system for shoreline management. Master programs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

Shoreline ~~m~~Modification - those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline ~~p~~Permit - A substantial development, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(13)).

Shoreline stabilization – Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural and nonstructural methods.

Shorelines - All of the water areas of the state, including reservoirs and their associated uplands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d)..

Shorelines Hearings Board - A state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government. See RCW 90.58.170; 90.58.180.

Shorelines of statewide significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special preservationist policies apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. See RCW 90.58.020.

Shorelines of the state - Shorelines and shorelines of statewide significance.

Should - "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Master Program, against taking the action.

Sign - A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Single-family residence - A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040(2g)).

Solid waste - Solid waste means all garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, whether the sources be residential or commercial, exclusive of hazardous wastes, and including any and all source-separated recyclable materials and yard waste.

Soil bioengineering - An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

State Environmental Policy Act (SEPA) - SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

Stream - A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel (WAC 173-22-030(8)).

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-27-030(15)).

Substantial Development - Any development of which the total cost or fair market value exceeds ~~five~~^{seventeen} thousand ~~seven hundred and eighty seven~~^{thousand} dollars (\$~~5,718~~^{17,047}), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this definition must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect (RCW 90.58.030(3)(e)). For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. A list of activities and developments that shall not be considered substantial development is provided in Chapter 8 (WAC 173-27-040(2)(a)).

Surface Water Design Manual - The King County Surface Water Design Manual (KCSWDM), as amended by the City of SeaTac Addendum to the KCSWDM adopted in SMC 12.10.010.

Terrestrial - Of or relating to land as distinct from air or water.

Upland - Generally described as the dry land area above and landward of the ordinary high water mark.

Utilities - Services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, stormwater, sewage and communications.

Utilities, aAccessory - Utilities comprised of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and stormwater service lines.

Utilities, pPrimary - Utilities comprised of trunk lines or mains that serve neighborhoods, areas and cities. Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable master program, but not a means to vary a shoreline use. Variance permits must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

Vegetated LID BMPs - LID BMPs that utilize landscaping.

Water-dependent use- a use or a portion of a use which can not exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include moorage structures (including those associated with residential properties), ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

Water-enjoyment use - a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-oriented use- Refers to any combination of water-dependent, water-related, and/or water enjoyment uses and serves as an ~~all~~all-encompassing definition for priority uses under the SMA. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

Water-related use- A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

~~4. a)~~ a) Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,

~~2. b)~~ b) The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant

factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

Water quality - The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through RCW 90.03.340.

Watershed restoration plan - A plan developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, and/or the Department of Transportation acting within or pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to 43.21C RCW, the State Environmental Policy Act.

Wetlands - "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Zoning - To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.

Acronyms

ADA – Americans with Disabilities Act.

BMPs – Best Management Practices.

CAO – Critical Areas Ordinance

CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund").

DNR – Washington State Department of Natural Resources.

EIS – Environmental Impact Statement.

ESC – Erosion and sediment controls.

LID – Low Impact Development.

MTCA – Model Toxics Control Act.

NPDES – National Pollutant Discharge Elimination System.

OHWM – Ordinary High Water Mark.

RCW – Revised Code of Washington.

RCW 90.58 - The Shoreline Management Act of 1971.

SEPA – State Environmental Policy Act.

SMA – Shoreline Management Act.

SMC – SeaTac Municipal Code.

SMP – Shoreline Master Program.

WAC – Washington Administrative Code.

WRIA – Water Resource Inventory Area.

WSDOT – Washington State Department of Transportation.

Chapter 3 Goals of the Shoreline Management Program

3.1 Introduction

This section contains goals and policies that form the foundation of the City of SeaTac's Shoreline Master Program. They apply to all areas and all designated shoreline environments within the shoreline jurisdiction of the City of SeaTac. The Shoreline Management Act requires cities to adopt goals, or 'elements' to guide and support major shoreline management issues. The elements required by RCW 90.58.100(2), when appropriate are:

- Economic Development Element,
- Public Access Element,
- Recreational Element,
- Circulation Element,
- Shoreline Use Element,
- Conservation Element,
- Historic, Cultural, Scientific and Educational Element, and
- An element that gives consideration to the statewide interest in the prevention and minimization of flood damages.

3.2 Economic Development Element

The Shoreline Master Program for the City of SeaTac contains limited provisions for economic development along the shoreline of Angle Lake. Angle Lake is substantially developed with residential uses, with little undeveloped shoreline remaining. A small portion of the Lake's shoreline in the western corner allows a broader range of uses, including limited commercial uses. Angle Lake is a relatively small water body that does not have a navigable connection to other water bodies, so it is not regarded as a commercial transportation route. As such, access to the water is primarily related to recreation and residential uses and is not considered particularly important to commercial or industrial interests. There are three parcels at the west end of the lake that have been developed for commercial use, as well as additional parcels where a mix of land uses, including some commercial use, is allowed under existing zoning. In particular, there are two vacant parcels at the west end of the City that are expected to be developed at some point in the future.

Goal ED-1. **Ensure that any economic activity taking place along the shoreline operates without harming the ~~quality of the site's environment~~environmental quality or adjacent shorelands and that new non-residential development provides public access to the shoreline for water-enjoyment activities.**

~~Proposed~~**Objective ED-1.** **Require proposed** economic use of the shoreline ~~should to~~ be consistent with SeaTac's Comprehensive Plan. ~~Conversely,~~**Require** upland uses on adjacent lands outside of immediate SMA jurisdiction (in accordance with RCW 90.58.340)

~~should~~ be consistent with the purpose and intent of this master program as they affect the shoreline.

3.3 Public Access Element

Goal PA-1. Increase the amount and diversity of public access to the shoreline, including trails, viewing platforms, and improved piers, and preserve and enhance views of the shoreline, consistent with the natural shoreline character, private rights and public safety.

~~Policy 3.3A.1.~~ **Objective PA-1.** Provide and enhance shoreline access to Angle Lake through purchase or retention of access easements, signage of public access points, and designation and design of specific shoreline access areas for wildlife viewing. Integrate public access to shorelines as a part of the City's public trail system; priorities for public access trails include connecting tax parcel 042204-9009 ~~the Hughes Property~~ with Angle Lake Park.

~~Ensure~~ new public access does not adversely affect the integrity and character of the shoreline, or threaten fragile shoreline ecosystems by locating new access points on the least sensitive portion of the site.

Objective PA-2. Ensure the development of upland areas such as parking facilities and play areas, as well as the development of in-water and nearshore structures, such as docks and swimming areas, are located and designed in ways that result in no net loss of ecological function.

Objective PA-3. Access should be provided for a range of users including pedestrians, bicyclists, boaters and people with disabilities to the greatest extent feasible.

Objective PA-4. Development, uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.

3.4 Recreational Element

Goal REC-1. Encourage diverse, water-oriented recreational opportunities in those shoreline areas that can reasonably tolerate such uses without destroying the integrity and character of the shoreline.

~~The City should maintain~~ **Objective REC-1.** Maintain and enhance existing shoreline recreation assets at Angle lake Park, including, ~~but not limited to,~~ the existing pier and boat launch.

~~The City should pursue~~ **Objective REC-2.** Pursue additional public access to the shoreline for recreational uses, particularly for trails and passive recreation. ~~Opportunities~~ Explore opportunities to develop trail links within and between public properties ~~should be explored.~~

Objective REC-3. Ensure existing and proposed recreational uses are of a safe and healthy nature and do not adversely affect the integrity and character of the shoreline, or threaten fragile shoreline ecosystems.

Objective REC-4. Consider ~~both~~ active and passive recreational needs in development of public shoreline access areas.

3.5 Circulation Element

Goal CIRC-1. **Maintain safe, reasonable and adequate vehicular, bicycle, and pedestrian circulation systems to shorelines and ensure that these routes will have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.**

Objective CIRC-1. Locate land circulation systems as far from the land-water interface as feasible to reduce interference with either natural shoreline resources or other appropriate shoreline uses, except when necessary to provide for appropriate public access to the shoreline. Where possible avoid creating barriers between adjacent uplands and the shoreline.

Objective CIRC-2. Improve access to Angle Lake through expanded non-motorized connections and transit service.

3.6 Conservation Element

Goal CONS-1. **Preserve, protect, and restore to the greatest extent feasible the natural resources of the shoreline, including but not limited to scenic vistas, aesthetics, and vital riparian areas for wildlife protection.**

Objective CONS-1. Protect shoreline process and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within the shoreline jurisdiction, and incentives to encourage ecologically sound design.

Objective CONS-2. Reclaim and restore areas which are biologically and aesthetically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

Objective CONS-3. Preserve the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.

Objective CONS-4. Preserve and restore native vegetation along the shoreline to the greatest extent feasible.

Objective CONS-5. Target Angle Lake Park for restoration of shoreline natural resources and functions while ensuring continued public access to the shoreline.

3.7 Shoreline Use Element

Goal SU-1. **Ensure that the land use patterns within shoreline areas are compatible with shoreline environment designations and will be sensitive to and not degrade habitat and ecological systems and other shoreline resources.**

Objective SU-1. When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, apply the following preferences and priorities in the order listed below:

Objective SU-2. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.

Objective SU-3. Reserve shoreline areas for water-dependent and associated water related uses.

Objective SU-4. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.

Objective SU-5. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

Objective SU-6. Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act, including opportunities for ecological enhancements and public access improvements.

Objective SU-7. New residential development should be designed to protect existing shoreline water views, ~~promote public safety, and avoid adverse impacts to shoreline habitats.~~

~~All~~Objective SU-8. ~~Only allow~~ development and redevelopment activities within the City's shoreline jurisdiction ~~should be that are~~ designed to ensure public safety, enhance public access, protect existing shoreline and water views and achieve no net loss of shoreline ecological functions.

Objective SU-9. Encourage and in some cases require the use of Low Impact Development (LID) and ~~"Green Building"~~green building practices, such as those promulgated under the Leadership in Energy and Environmental Design (LEED) and Green Built programs, for new development within the shoreline jurisdiction.

~~Proposed~~Objective SU-10. ~~Do not allow proposed~~ shoreline uses ~~should not to~~ infringe upon the rights of others or upon the rights of private ownership.

Objective SU-11. Encourage shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program.

Objective SU-12. Encourage restoration of shoreline areas that have been degraded or diminished in ecological value and function as a result of past activities or catastrophic events.

3.8 Historic, Cultural, Scientific and Educational Element

Goal HCSE-1. Identify, protect, preserve and restore important archaeological, historical and cultural sites located in shoreline jurisdiction of SeaTac for their educational and scientific value, as well as for the recreational enjoyment of the general public.

Objective HCSE-1. Prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value.

Objective HCSE-2. Ensure that new development is compatible with existing historic structures and cultural areas.

Chapter 4_ General Shoreline Provisions_

4.1 Introduction

Based on the goals established for the Shoreline Master Program, the following general policies and regulations apply to all uses, developments, and activities in the shoreline area of the City of SeaTac. General policies and regulations are broken into different topic headings and arranged alphabetically. Each topic begins with a description of its applicability, followed by general policy statements and regulations. The intent of these provisions is to be inclusive, making them applicable to all environments, as well as particular shoreline uses and activities. Topics include the following:

- Archaeological and Historic Resources
- Environmental Impacts
- ~~Environmentally Sensitive Areas~~
- Public Access
- Shoreline Vegetation Conservation
- Water Quality, Stormwater, and Non-Point Pollution

The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist between regulations, those that provide more substantive protection to the shoreline area shall apply. These interlocking development regulations are intended to make shoreline development responsive to specific design needs and opportunities along the City's shorelines, protect the public's interest in the shorelines' recreational and aesthetic values and assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. This chapter does not include a discussion of Environmentally Sensitive Areas, nor does the SMP include sensitive area regulations, as SeaTac's 2008 *Final Shoreline Analysis Report* indicated that there are no known sensitive areas within shoreline jurisdiction.

These provisions address the elements discussed in Chapter 3 of this SMP as required by RCW 90.58.100(2) and implement the governing principles of the Shoreline Master Program Guidelines as established in WAC 173-26-186.

4.2 Archaeological and Historic Resources

4.2.1 Applicability

The following provisions apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of this chapter.

4.2.2 Archaeological and Historic Resource Policies

Due to the limited and irreplaceable nature of archaeological and historic resources, prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.

4.2.3 Archaeological and Historic Resource Regulations

- A. Local developers and property owners shall immediately stop work and notify the City, the Department of Archaeology and Historic Preservation and affected Native American tribes if archaeological resources are uncovered during excavation.
- B. A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.
- C. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archeological, natural scientific or historical value, a Shoreline Substantial Development Permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The City may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
- D. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
- E. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 or its successor as well as the provisions of this master program.
- F. Identified historical or archaeological resources shall be considered in park, open space, public access, and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment.
- G. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

4.3 Environmental Impacts

4.3.1 Applicability

The Shoreline Management Act (Act) is concerned with the environmental impacts that both a use and activity may have on the fragile shorelines of the state. Problems of degrading the shoreline and its waters with contaminants such as petroleum products, chemicals, metals, nutrients, solid or human waste, or soil sediments from erosion are all issues that are addressed.

4.3.2 Environmental Impact Policies

- A. Adverse impacts on the natural environment should be minimized during all phases of development (e.g. design, construction, operation, and management).
- B. Shoreline developments that propose to enhance environmentally sensitive areas, other natural characteristics, resources of the shoreline, and provide public access and recreational opportunities to the shoreline are consistent with the fundamental goals of this Master Program, and should be encouraged.

4.3.3 Environmental Impact Regulations

- A. All shoreline uses and developments shall be located, designed, constructed and mitigated to result in no net loss of ecological functions necessary to sustain shoreline natural processes.
- B. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority:
 - i. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - iv. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - vi. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- C. Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- D. The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

- E. All shoreline uses and activities shall utilize best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. ~~Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grassy swales, interceptor drains.~~ Low impact development (LID) BMPs, such as bioretention and landscaped buffers, permeable pavement shall be utilized where feasible to strive to mimic pre-development hydrologic processes. All types of BMPs require regular maintenance to continue to function as intended. BMPs including LID BMPs, are identified in the ~~City's adopted stormwater manual~~ Surface Water Design Manual.
- F. All shoreline developments and uses shall utilize effective erosion control methods during both construction and operation. Erosion and sediment controls (ESC) shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in Appendix C and D of the Surface Water Design Manual.
- G. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
- H. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. These activities shall avoid maintenance problems and adverse impacts to adjacent properties or shoreline features, result in no net loss of shoreline ecological functions, and minimize adverse impacts on native vegetation and soils to the extent practicable. When required by the Public Works Director, surface drainage systems or substantial earth modifications shall be designed by a civil engineer registered to practice in the State of Washington. The Director, or designee, may also require additional studies prepared by a qualified soils specialist. ~~These designs shall seek to prevent maintenance problems, avoid adverse impacts to adjacent properties or shoreline features, and result in no net loss of shoreline ecological functions.~~
- ~~I.~~—All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline protection structures (bulkheading, riprap, etc.) and stabilization, landfills, groins, jetties, or substantial site regrades.
- I.—
- ~~J.~~—Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation that is likely to achieve no net loss of ecological functions necessary to sustain shoreline processes shall be sufficient reason for permit denial.
- J.—

4.4 Public Access

4.4.1 Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. There are a variety of types of potential public access, including picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, parking and others.

Existing public access to shorelines within the shoreline jurisdiction is limited to Angle Lake Park situated on the northwestern side of the lake. The park has a boat launch, fishing pier, playground equipment, stage, picnic shelter, barbecue area, restrooms and open recreation areas. A private community park, Angle Lake Manor Beach Lot is located along the north shore of the lake. There are also private recreation facilities associated with multifamily housing and the mobile home park at the western end of the Lake. However, all three of these facilities are private and are available to residents of those specific developments only. ~~There are two vacant City-owned properties (tax parcels 042204-9138 and 042204-9009, commonly known as the Hughes Properties) located along the western side of the lake and zoned for high-density residential development. The City Council as of late 2008 has not yet decided on the type of development for these sites. However, public access on a portion of these vacant publicly owned properties is identified as a priority of this Shoreline Master Program.~~ Other vacant properties located along the lake are located in single-family zones and the likelihood of public access to those sites is minimal.

4.4.2 Public Access and Recreation Policies

- A. Ensure development of ~~the Hughes Properties~~ tax parcel 042204-9009 includes public access and natural area preservation and enhancement along the waterfront.
- B. Consider increasing public access to Angle Lake through acquisition of lands and easements by purchase, lease, or gift. Specifically consider opportunities for acquisition of vacant residential parcels located along the northeastern shoreline just south of NE 188th Street and between the eastern shoreline and Military Road South.
- C. Coordinate with commercial property owners on the west side of Angle Lake to allow public access, in the form of a public trail, along the shoreline.
- D. Maintain and upgrade water-enjoyment recreational amenities at Angle Lake Park as funds become available, while reducing the overall impact these amenities have on the shoreline environment.
- E. Public access provisions should be required for all shoreline development and uses, except for a single family residence or residential projects containing less than four (4) dwelling units.
- F. Regulate the design, construction, and operation of permitted uses in the shoreline jurisdiction to minimize, insofar as practical, interference with the public's use of the water.

- G. Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.
- H. Preservation and enhancement of the public's visual access to Angle Lake should be encouraged through the establishment of setbacks and height limits that ensure view corridors. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.
- I. Public access to Angle Lake does not include the right to enter upon or cross private property, except for dedicated easements.
- J. Shoreline areas that hold unique value for public enjoyment should be identified and retained, purchased or easements should be acquired for public use. Prioritize sites in terms of short and long term acquisition and development.
- K. Integrate shoreline public access trails with other existing and planned regional trails where feasible to provide non-motorized access and community connections.
- L. Physical access for swimming and non-motorized boating, passive recreation (such as interpretive trails) and habitat enhancement should be important objectives for the management of shoreline public access sites.
- M. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive shoreline environment.
- N. Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons; auxiliary facilities should be located outside or the shoreline management area where feasible or near the outer edge of the shoreline management area if possible.
- O. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
- P. Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment.
- Q. Regulations shall ensure that the development of active recreational facilities results in no net loss of ecological function. Regulations should address upland concerns, such as the location and design of parking facilities and active play areas, as well as the development on in-water and nearshore structures, such as non-motorized boat launches, piers and swimming areas.
- R. The level of public access should be commensurate with the degree of uniqueness or fragility of the shoreline.

- S. Public access facilities should be constructed of environmentally friendly materials, use low impact development techniques and support healthy natural processes, when feasible.
- T. Regulations should provide detailed guidance for the construction of trails in particularly environmentally sensitive shoreline segments along Angle Lake.
- U. Plan for an integrated shoreline public access system that identifies specific public needs and opportunities to provide public access. This planning should be integrated with other relevant comprehensive plan elements, especially transportation and parks/recreation. The planning process shall also comply with all relevant constitutional and other legal limitations that protect private property rights.
- V. At a minimum, public access planning should result in public access requirements for shoreline permits, recommended projects, and/or actions to be taken to develop access to shorelines on public property. Planning should identify a variety of shoreline circulation and access opportunities for pedestrians (including disabled persons), bicycles, and vehicles between shoreline access points, consistent with other comprehensive plan elements.

4.4.3 Public Access and Recreation Regulations

- A. Public access shall be required for all shoreline development and uses, except for a single family residence or residential projects containing less than four (4) dwelling units.
- B. Public access requirements shall be applied as follows:
 - i. ~~A.~~—A shoreline development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
 - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - b. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
 - d. Unacceptable environmental harm will result from the public access which cannot be mitigated; or
 - e. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

- ii. ~~B.~~ Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:
 - a. Regulating access by such means as limiting hours of use to daylight hours.
 - b. Designing separation of uses and activities, with such means as fences, terracing, hedges, native and drought tolerant landscaping, and vegetated LID BMPs.
 - c. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.
 - iii. ~~C.~~ Where the above conditions cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020.
- C. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, natural vegetation shall not be excessively removed either by clearing or by topping.
- D. Public access sites shall be connected directly to the nearest public street through a parcel boundary, tract, or easement.
- E. Public access sites shall be made barrier free for the physically disabled where feasible.
- F. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
- G. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat, if applicable, or short plat as a condition running in perpetuity with the land. Recording with the King County Recorder's Office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval).
- H. The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Alternatively, where public access is prohibited, property owners may install signs indicating this, subject to size and location restrictions in a required permit.
- I. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
- J. Physical public access shall be designed to prevent significant impacts to sensitive natural systems.

- K. ~~The City shall require the use of environmentally friendly materials and technology in such things as building materials, paved surfaces, porous pavement, etc.,~~ LID principles, and LID BMPs, when developing public access to the shoreline.
- L. Where public access is to be provided by a trail , the following requirements shall apply:
- i. The trail shall be no greater than 10 feet in total improved width, which may include 1 foot gravel shoulders. Not including landscaping; no more than 8 feet of improved surface is preferable in most cases.
 - ii. ~~Pervious~~Permeable pavement or other LID BMPs should be used for public access within the shoreline management area unless ~~the Shoreline Administrator determines that such use is not in the public interest because of safety, durability, aesthetic or functionality concerns~~it is identified as infeasible pursuant to the Surface Water Design Manual.
 - iii. Where feasible, the trail shall be placed at least 50 feet from the Ordinary High Water Mark.
 - iv. Landscaping should be native and drought tolerant or site appropriate.
 - v. Other specific conditions described in a trail or parks plan.

~~Whenever financially feasible and practical, the~~M. ~~The City shall require the use of building materials and technologies whose production and use result in reduced environmental impacts when developing public access to the shoreline. Porous~~Permeable pavements or other LID BMPs shall be used unless ~~the applicant demonstrates to the satisfaction of the Shoreline Administrator that such materials would restrict accessibility, pose a safety hazard or are not sufficiently durable~~it is identified as infeasible pursuant to the Surface Water Design Manual.

4.5 Restoration

Restoration refers to the reestablishment or upgrading of impaired ecological shoreline processes or functions. The following goals and policies are intended to guide actions that are designed to achieve improvements in shoreline ecological functions over time in those areas of Angle Lake where they have been degraded. The overarching purpose is to achieve overall improvements over time when compared to the condition upon adoption of the master program, as detailed in the Shoreline Analysis Report. Restoration is distinct from mitigation measures necessary to achieve no net loss of shoreline functions and the City's commitment to plan for restoration will not be implemented through regulatory means.

~~General~~ **4.5.1 General Restoration Goals**

- Goal **REST-1**—_____ Maintain, restore or enhance watershed processes, including sediment, water, wood, light and nutrient delivery, movement and loss.
- Goal **REST-2**—_____ Maintain or enhance fish and wildlife habitat during all life stages and where possible maintain functional corridors linking these habitats.
- Goal **REST-3**—_____ Continue to improve water quality on public and private property through implementation of the NPDES Phase II requirements and other efforts.

4.5.2 System-Wide Restoration Objectives

- Objective REST-1._____ Improve the water quality of Angle Lake by managing the quality and quantity of stormwater in contributing systems, consistent at a minimum with the latest Washington Department of Ecology *Stormwater Management Manual for Western Washington*.
- Objective REST-2._____ Increase quality, width and diversity of native vegetation in protected corridors adjacent to lake habitats to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris. Strive to control non-indigenous plants or weeds that are proven harmful to native vegetation or habitats.
- Objective REST-3._____ Continue to work collaboratively with other jurisdictions and stakeholders to implement the *WRIA 9 Plan*.
- Objective REST-4._____ Seek funding where possible for various restoration actions and programs from local sources and by working with other WRIA 9 jurisdictions and stakeholders to seek federal, state, grant and other funding opportunities.
- Objective REST-5._____ Develop a public education plan to inform private property owners in the shoreline zone and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) on fish and wildlife habitats.
- Objective REST-6._____ Where feasible, protect, enhance, and encourage the restoration of lake areas and wetlands throughout the contributing basin where functions have been lost or compromised.

4.5.3 Angle Lake Restoration Objectives

- Objective ALREST-1._____ Improve the health of lake shorelines by removing bulkheads and replacing these features to the extent feasible with bioengineered stabilization solutions to improve aquatic habitat conditions.

Objective ALREST-2. Target Angle Lake Park for habitat enhancements that are designed and sited to be compatible with the heavy active recreation use at this park. Opportunities include removing the bulkhead and providing bioengineered shoreline stabilization, removal of excess impervious surface, consolidation of the viewing platform and replaced pier structure, improved drainage using infiltration and planting of native vegetation where appropriate.

Objective ALREST-3. Improve habitat conditions by increasing large woody debris recruitment potential through plantings of trees along the lake shore, particularly conifers. Where feasible, install or encourage the installation of large woody debris to meet short-term needs.

Objective ALREST-4. Target single family residential properties with incentives, outreach and information for homeowners who are willing to voluntarily remove bulkheads, plant native vegetation and encourage large woody debris recruitment.

Objective ALREST-5. Decrease the amount and impact of overwater and in-water structures along Angle Lake through minimization of structure size and use of more environmentally friendly materials, including grated decking.

Objective ALREST-6. Target Angle Lake Park for the use of environmentally friendly materials and design during the future replacement of the pier at this site.

Objective ALREST-7. Continue to participate in lake-wide efforts at Angle Lake to reduce populations of non-native aquatic vegetation.

4.6 Vegetation Conservation (Clearing and Grading)

Vegetation within and adjacent to water bodies provides a valuable function for the health of aquatic ecosystems. Vegetation management involves both a passive and active management system. The intent of both systems is to minimize habitat loss and the impact of invasive plants, erosion, sedimentation and flooding. "Passive" vegetation management deals with protection and enhancement of existing diverse native plant communities along all shorelines. "Active" vegetation management involves aquatic weed control as well as the restoration of altered or threatened shorelines using a technology called soil bioengineering. Soil bioengineering reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion.

4.6.1 Applicability

Clearing and grading is the activity associated with developing property for a particular use including commercial, industrial, recreational, and residential. Specifically, "clearing" means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and/or topsoil removal. "Grading" means any excavating, filling, removing the duff layer, or combination thereof. Grading can also involve either the export of materials off-site, or the import of materials from an off-site source.

Both of these activities may cause erosion, siltation, increased runoff and flood volumes, reduced flood storage capacity, and habitat damage.

Vegetation conservation includes activities to protect and restore vegetation along or near freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

As with all master program provisions, vegetation management provisions apply even to those shorelines and uses which are exempt from a permit requirement. Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures, such as existing agricultural practices or the regular maintenance of existing ornamental residential landscapes.

4.6.2 Shoreline Vegetation Conservation Policies

- A. All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat, minimize sedimentation of lakes, and to minimize degradation of water quality.
- B. Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development. Such activities should be discouraged in designated (structural) setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.
- C. Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.
- D. Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation or with other species as approved by the City.
- E. All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density.
- F. For proposed land clearing, landfill, or grading activities that require a grading permit under the SeaTac's Municipal Code, a clearing and grading plan addressing species removal, replanting, irrigation, erosion and sedimentation control and other methods of shoreline protection shall be required.
- G. Conserve existing native vegetation around Angle Lake to maintain and enhance: water and sediment storage, removal of excess nutrients and toxic compounds, recruitment of large woody debris, bank stability, shade, and recruitment of organic matter.

- H. Emphasize retention of native shoreline vegetation when reviewing plans for future development and encourage replanting and enhancement of shoreline vegetation when absent to reestablish and upgrade impaired ecological shoreline processes and functions.
- I. Provide incentives for the retention and planting of native vegetation, particularly in areas recommended for designation as Shoreline Residential. Incentives could include additional flexibility with building setbacks from Angle Lake, a simplified permit process with recommended planting plans, reduced or waiver of permit fees, and/or City participation in a pilot-project that promotes shoreline restoration.
- J. The City should explore opportunities for the planting and enhancement of native vegetation at Angle Lake Park.
- K. Vegetation removal on tax parcel 042204-9009 ~~the former Hughes Property~~ should be carefully managed and mitigation plantings should be provided to ensure no net loss of ecological function. Within the Urban Conservancy portions of this property the primary goal should be to maintain and enhance the forest ecology to the maximum extent while providing public access.
- L. In order to increase habitat and address other ecological functions within the shoreline environment such as wave attenuation, temperature regulation, and bank stabilization, encourage homeowners and property managers to leave diseased and fallen trees in place along the shoreline edge provided the trees are not a danger to public safety or private property.
- M. Use soil bioengineering techniques when restoring degraded shorelines, wherever feasible, to minimize the processes of erosion, sedimentation, and flooding.
- N. Development of ~~the two vacant City owned properties (formerly Hughes; tax parcels 042204-9138 and 042204-9009)~~ should include natural area preservation and enhancement in addition to public access along the waterfront.
- O. The removal of mature trees and native vegetation along Angle Lake should be regulated in a manner that provides greater protection than the current Tree Retention regulations (SMC 15.14). In particular, removal of non-hazardous mature trees and native vegetation within the required setback of Angle Lake should be severely restricted.
- P. The City of SeaTac should provide information to the public about environmentally appropriate vegetation management, landscaping for shoreline properties and alternatives to the use of pesticides and herbicides which impact water quality and aquatic habitat.
- Q. Property owners should use the following Best Management Practices (BMPs) when maintaining residential landscapes:
 - ~~R-i.~~ Avoid use of herbicides, fertilizers, insecticides, and fungicides along drainage channels, and shores of Angle Lake, as well as in the water.
 - ~~S-ii.~~ Limit the amount of lawn and garden watering so that there is no surface runoff.
 - ~~T-iii.~~ Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.

- ~~U.~~R. Aquatic weed management should involve usage of native plant materials wherever possible in soil bioengineering applications and habitat restoration activities. Where active removal or destruction of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should be conducted in a manner that minimizes adverse impacts to native plant communities, and should include appropriate handling or disposal of weed materials and attached sediments.
- ~~V.~~S. Monitor and control aquatic invasive species in Angle Lake to maintain eradication of water lily and prevent establishment of other aquatic invasive species.
- ~~W.~~T. Discourage extensive lawns due to their limited erosion control value, ~~limited~~limited water retention capacity, and associated chemical and fertilizer applications.

4.6.3 Shoreline Vegetation Conservation Regulations

- A. All clearing and grading activities must adhere to the requirements of the City's code pertaining to land, clearing and grading (Chapter 13.190 SMC~~A~~, Grading Code), Landscaping (Chapter 15.14 SMC, Landscaping) and all additional requirements provided in the SMP. Additional clearing and grading performance standards may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.
- B. Prior to issuance of any construction, grading, or building permits, a landscape bond or other suitable financial guarantee as approved by the City Attorney shall be submitted to the Department of Planning and Community Development. The amount of the landscape bond or other financial guarantee shall equal one-hundred-fifty percent (150%) of the estimated cost of the landscaping. This regulation would also apply to any site mitigation requirements.
- C. Prior to final issuance of a building permit, land use permit or occupancy, a maintenance bond or other acceptable financial guarantee equal to thirty percent (30%) of the replacement cost of the landscaping shall be submitted. The bond or other suitable financial guarantee shall be maintained for a three (3) year period, at which point the Building official and the City manager, or designee, will determine if the bond shall be released or extended to maintain landscaped areas. This regulation would also apply to any site mitigation requirements.
- D. In all shoreline areas, land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development.
- E. Clearing and grading activities may only be allowed when associated with a permitted shoreline development.
- F. Any normal and routine maintenance of existing trees, shall not be subject to these clearing and grading regulations, provided, that said maintenance does not involve removal of healthy trees and is not detrimental to the health of any trees.

- G. Any significant placement of materials from off-site (other than surcharge or preload), or the substantial creation or raising of dry upland shall be considered fill and shall also comply with the fill provisions in Chapter 7.
- H. Clearing and grading activities and related alteration of the natural landscape shall only be allowed in association with a permitted shoreline use or development with limited exceptions as set forth below:
 - i. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with best management practices and the City of SeaTac's engineering and stormwater design standards, and native vegetation shall be promptly reestablished in the disturbed area.
 - ii. Pruning consistent with accepted arboricultural practices, maintenance of existing ornamental landscapes and other activities allowed pursuant to these regulations, provided that said modification is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife habitats.
 - iii. Maintenance or restoration of view corridors provided that said activity is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife habitat areas.
- I. The City shall regulate tree removal and land clearing within the shoreline jurisdiction to protect ecological functions. The City shall require a report prepared by a qualified professional as part of any substantial development permit that includes tree removal and land clearing. The report shall identify appropriate mitigation, performance assurances and maintenance and monitoring requirements necessary to assure no net loss of ecological function necessary to sustain shoreline processes.
- J. Native understory vegetation and trees within the Urban Conservancy Environment and within shoreline setback areas in all environments shall be retained, unless necessary to provide water access, to provide limited view corridors or to mitigate a hazard to life or property. Where limited removals are allowed pursuant to the conditions provided above, vegetation shall be replaced to assure no net loss is achieved.
- K. Within all other shoreline areas, tree removal shall be limited to the minimum necessary to accommodate proposed structures and uses or to mitigate a hazard to life or property, and significant trees shall be replaced at an appropriate ratio to assure no net loss is achieved.
- L. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials, unless such restoration occurs within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to that which most recently occurred on-site may be used.
- M. Surfaces cleared of vegetation and not developed must be replanted with native species or other species as approved by the City within one (1) year. Replanted areas shall be planned and

maintained such that, within three (3) years time, the vegetation is at least ninety ~~(90)~~-percent (90%)-reestablished.

- N. Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques.
- O. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Washington Department of Fish and Wildlife requirements. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a shoreline substantial development permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.
- P. The control of aquatic vegetation by derooting, rotovating or other methods which disturb the bottom sediment or benthos shall be considered development for which a shoreline substantial development permit is required.
- Q. The application of herbicides or pesticides in Angle Lake, wetlands, or ditches requires a permit from the Washington Department of Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.

4.7 Water Quality, Stormwater, and Non-Point Pollution

4.7.1 Applicability

Water quality is affected in numerous ways by human occupation and development of shoreline areas. Typically the increase in impermeable surfaces as a result of development increases stormwater runoff volumes, causing higher peak stormwater discharges at higher velocities that cause scouring and erosion of stream banks. Erosion increases suspended solids concentrations and turbidity in receiving waters, and carries heavy metals, household wastes, excess nutrients, and other pollutants into these waters. Increased nitrogen and phosphorus enrichment results in algal growth that depresses levels of dissolved oxygen in receiving waters. The degradation of water quality adversely impacts wildlife habitat and public health.

Maintaining high water quality standards and restoring degraded systems has been mandated in RCW 90.58. In February of 2007, the City received its Western Washington Phase II Municipal Stormwater Permit from the Washington State Department of Ecology. Under this permit the City developed a Stormwater Management Program. The City has adopted the King County Stormwater Drainage Manual which applies to all development activities within the City.

4.7.2 *Water Quality, Stormwater, and Non-Point Pollution Policies*

- A. All shoreline uses and activities should be located, designed, constructed and maintained to mitigate the adverse impacts to water quality.
- B. Water quality education efforts should be used to reduce the potential sources of pollutants to Angle Lake and other natural waterways. The reduction of the sources of fecal coliform should be emphasize in the Angle Lake sub-basin until the City can provide sufficient data to the Department Ecology to have 303d listing remove from Angle Lake. These pollutant sources include failing septic systems, ducks, geese and dog feces.
- C. Stormwater impacts should be addressed through the application of the most recent edition of the Adopted Surface Water Design Manual and all applicable City stormwater regulations.
- D. New impervious surfaces should be limited within the shoreline management area by setting maximum impervious surface standards for new development and redevelopment and encouraging the use of pervious pavements and other low impact development technologies.
- E. The City should work with Midway Sewer District and the King County Health Department to ensure existing septic systems are working properly to prevent groundwater and surface water degradation through excessive inputs of nutrients (nitrogen and phosphorus) and hazardous microbes.
- F. The City should work with Midway Sewer District to require connection to the sanitary sewer system when existing properties on septic systems are developed, redeveloped or substantially modified.
- G. The City should continue to provide general information to the public about the use of land and human activities which impact water quality. This could be accomplished by encouraging educational curricula that provide students with first hand exposure to the issues and solutions, and through community activities, such as Adopt-A-Stream programs.
- H. The City should ~~encourage~~encourage homeowners and property managers to use non-chemical weed and pest control solutions and natural fertilizers.

4.7.3 *Water Quality, Stormwater, and Non-Point Pollution Regulations*

- A. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in Appendix C and D or the Surface Water Design Manual.

- B. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins ~~BMP design and maintenance as identified in the Surface Water Design Manual.~~
- C. All shoreline development shall comply with the applicable requirements of the City's adopted Surface Water Design Manual and all applicable City stormwater regulations.
- D. All shoreline development shall implement applicable Low Impact Development techniques to the maximum extent feasible, pursuant to the standards contained in the adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor.

Chapter 5 Shoreline Environments

5.1 Introduction to Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and the aspirations of the local citizenry.

Environment designations are categories that reflect the type of development that has or should take place in a given area. The Shoreline Master Program Guidelines recommend classifying shoreline environments using the following categories: “high-intensity,” “shoreline residential,” “urban conservancy,” “rural conservancy,” “natural,” and “aquatic.”

These categories represent a relative range of development, from high to low intensity land use:

- "High-intensity" is appropriate for areas of high intensity water oriented commercial, transportation, and industrial development.
- “Shoreline residential” is intended to accommodate residential development, and appropriate public access and recreational uses consistent with other elements of shoreline management.
- "Urban conservancy" is a designation designed to protect and restore the ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed areas.
- "Rural conservancy" is intended for areas that protect ecological functions and conserve existing natural resources and that support, or have the capability to support, agricultural and recreational uses.
- "Natural" is intended to protect shorelines that remain relatively free of human influence or that include intact or minimally degraded shoreline functions that cannot support human use.
- And finally, “Aquatic” is a designation intended to protect, restore, and manage the areas waterward of the ordinary high water mark.

Additionally, local governments may establish an alternative environment designation(s), provided that it is consistent with the purposes and policies of the Shoreline Management Act and the Guidelines, including WAC 173-26-211(5). For the City of SeaTac, a locally unique, Medium-Intensity *parallel* environmental designation is established for upland areas on ~~the Hughes property~~ tax parcel 042204-9009. Running parallel to this is the more protective designation, Urban Conservancy, which is assigned to the area along the lakeshore. ~~DOE~~ Ecology acknowledges the need for parallel designations in some cases to balance between use and protection.

Once a shoreline segment has been given an environment designation, management policies are developed. These management policies are used as the basis for determining uses and activities that can be permitted in each environment designation. Specific development standards are also established, which specify how and where permitted development can take place within each shoreline environment.

5.2 Need for Consistency

The Shoreline Management Act requires that policies for lands adjacent to the shorelines be consistent with the Shoreline Management Act, implementing rules, and the local shoreline master program. Conversely, local comprehensive plans provide the underlying framework within which master program provisions should fit. The Growth Management Act requires that shoreline master program policies be incorporated as an element of the comprehensive plan, and that all elements be internally consistent. In addition, under the Growth Management Act, all development regulations must be consistent with the comprehensive plan.

The Shoreline Guidelines identify three criteria for use in evaluating the consistency between master program environment designation provisions and the corresponding comprehensive plan elements and development regulations. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

- a) Provisions not precluding one another.
Comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criterion, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of property, the master program use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.
- b) Use compatibility.
Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent existing or potential future water oriented uses, especially water dependent uses, from being restricted on shoreline areas because of impacts to nearby non-water-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.
- c) Sufficient infrastructure.
Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

5.3 City of SeaTac Shoreline Environment Designations

This Master Program establishes five shoreline environments for the City of SeaTac. These shoreline environments shall include the shorelines of the City of SeaTac, including shorelands, surface waters, and bedlands.

These environments are derived from the SeaTac Shoreline Analysis Report, the SeaTac Comprehensive Plan, and the environments recommended by the Shoreline Management Act and the Shoreline Guidelines. SeaTac's Shoreline Analysis Report provides an inventory of natural and built conditions within the City's shoreline jurisdiction. The conditions identified in the inventory have been compared with the recommended shoreline environments and the most appropriate environments selected. The five (5) SeaTac shoreline environment designations are:

- A. High-Intensity,
- B. Medium-Intensity,
- C. Shoreline Residential,
- D. Urban Conservancy, and
- E. Aquatic.

These shoreline environments are illustrated for the City of SeaTac in Figure 1 (Shoreline Management Environmental Designations), located at the end of the SMP, and described in the text below. Any undesignated shorelines are automatically assigned an Urban Conservancy environment designation. Each shoreline description includes a definition and statement of purpose, followed by designation criteria, management policies, and development standards specific to that Shoreline Environment. Shoreline development standards are summarized in Table I and regulations that apply throughout the SMP (except where specifically provided) are included at the end of this chapter.

5.4 High-Intensity Environment

5.4.1 Purpose

The purpose of the High-Intensity environment designation is to provide for high-intensity water-oriented commercial and transportation uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

5.4.2 Designation Criteria

Assign a High-Intensity environment designation to shoreline areas that currently support higher intensity commercial uses, or are suitable and planned for high-intensity uses in the future.

5.4.3 Designated Areas

Description

The only High-Intensity area within SeaTac's shoreline jurisdiction is the area currently comprised of office developments and surface parking along International Boulevard, as shown in Figure 1.

Rationale

The High-Intensity designation is appropriate for areas of existing and planned commercial use. The area is currently occupied by commercial uses and zoned for Urban High Density Residential (UH-900) under SeaTac's development regulations. It is also the only area within the shoreline jurisdiction designated for Commercial Medium uses in the City's Comprehensive Plan.

5.4.4 Management policies

- A. Full utilization of existing High-Intensity area should be achieved before further expansion of the High-Intensity environment is allowed.
- B. Water-dependent, water-related, and water-enjoyment uses (in that order) shall be given priority over non-water oriented uses. Commercial uses that are non-water oriented are allowed, provided public access is provided for new development. Residential uses are also allowed under this SMP.
- C. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
- D. Where feasible, visual and physical public access should be required in all new non-residential development.
- E. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
- F. Explore the possibility of acquiring easements across High-Intensity properties adjacent to the shoreline to develop a public trail between tax parcel 042204-9009 ~~the Hughes property~~ and Angle Lake Park.

5.4.5 Development Standards

Shoreline Use

A. The following uses are prohibited in the Shoreline High-Intensity environment:

- i. Aquaculture
- ii. Dry Cleaners
- iii. Mobile Refueling Operations
- iv. Forest Practices
- v. Manufacturing
- vi. Mining
- vii. Parking as a primary use
- viii. Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)

Additional allowed, conditional and prohibited uses for the Shoreline High-Intensity environment are listed in ~~Chapter 6, Specific 1~~ Section 6, Specific 1, Shoreline Use ~~Policies and Regulations~~ Standards, Table III.

Height Limit

- B. Except in those cases when the height requirements of the underlying zones are more restrictive, no new or expanded building or structure shall have a height of thirty-five (35) feet to a

maximum height of fifty-five (55) feet above average grade level, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. ~~The maximum height over of fifty thirty-five (355) feet can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not obstruct the view of the Lake of a substantial number of residences on areas adjoining the shoreline diminish views of the Lake from surrounding properties, otherwise the maximum height of thirty-five (35) feet shall apply.~~

Setbacks

- C. Unless otherwise specified herein, permanent and temporary structures and all new development not identified in (i) below shall be setback from the ordinary high water mark as indicated in Table I and the related development regulations in Chapter 15.13 SMC, Zone Classification Standards. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
 - i. Development associated with water dependent uses, public and private access to the water and ecological restoration is not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the feasible operation of the use.
- D. All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the SeaTac Municipal Code for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a provision in another part of the SMC, the requirement that provides the most protection to the shoreline management area shall be applied.

Lot Width and Frontage

- E. The minimum required width of a lot and lake frontage in the High-Intensity environment shall be one hundred (100) feet.

Impervious Coverage

- F. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have a maximum 50% impervious surface coverage within the shoreline area, unless a variance is approved. The City will encourage practices that further LID should be the commonly used approach to minimize impervious surfaces and stormwater runoff; including use of best available technologies where feasible pursuant to the Surface Water Design Manual.

Dimensional standards for the High-Intensity environment are summarized in Table I at the end of this chapter.

5.5 Medium-Intensity Environment

5.5.1 Purpose

The purpose of the Medium-Intensity environment designation is to provide for high density multifamily housing and resident-oriented commercial uses that are part of a mixed-use project, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Recreation and public access are also encouraged in this environment.

5.5.2 Designation criteria

Assign a Medium-Intensity environment designation to shoreline areas that currently support medium-intensity residential uses, or are suitable and planned for medium-intensity mixed use and residential uses in the future because of their current use and condition, adjacent land use and the goals and aspirations of the community.

5.5.3 Designated Areas

Description

The only Medium-Intensity area within SeaTac's shoreline jurisdiction is the upland portion of ~~the former Hughes property tax parcel 042204-9009~~ that is located at least 100 feet from the OHWM of Angle Lake. This property is located ~~on east of~~ International Boulevard and borders multifamily residential property ~~on one side and commercial property on the other~~. The Medium-Intensity designation runs parallel to an Urban Conservancy designation, which encompasses shorelands adjacent to and within 100 feet of the OHWM of Angle Lake, as shown in Figure 1.

Rationale

A parallel designation of Medium-Intensity and Urban Conservancy reflects the different management objectives for this shoreline segment and attempts to define a balance between use and protection. More intense urban development is anticipated near International Boulevard outside the SMA, and similar multifamily and mixed use development may extend to areas within the Medium-Intensity Environment. However, preservation of the existing high ecological values and functions within this segment is needed. This area is currently designated for high density residential uses in the City's Comprehensive Plan.

5.5.4 Management policies

- A. Full utilization of the existing Medium-Intensity area should be achieved before further expansion of the Medium-Intensity environment is allowed.
- B. Water-dependent, water-related, and water enjoyment uses (in that order) shall be given priority over non-water oriented uses. Certain commercial uses as permitted in the underlying zone that

are non-water oriented are allowed, provided public access is provided for new development. Residential uses are encouraged.

- C. Multifamily and multi-lot residential and recreational developments should provide public access to the shoreline and joint use facilities for community recreational needs.
- D. Regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration to comply with any relevant state and federal law.
- E. Where feasible, visual and physical public access shall be required for in all new non-residential development.
- F. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

5.5.5 Development Standards

Shoreline Use

A. The following uses are prohibited in the Medium-Intensity environment:

- i. Aquaculture
- ii. Commercial uses as a primary use (small, resident-oriented commercial uses that are part of a mixed-use project, may be permitted).
- iii. Dry Cleaners
- iv. Mobile Refueling Operations
- v. Forest Practices
- vi. Manufacturing Uses
- vii. Mining
- viii. Parking as a primary use
- ix. Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)

Additional allowed, conditional and prohibited uses for the Shoreline Medium-Intensity environment are listed in ~~Chapter~~Section 6, Specific 1, Shoreline Use Policies and Regulations~~Standards~~, Table III.

Height Limit

- B. Except in those cases when the height requirements of the underlying zones are more restrictive, no new or expanded building or structure shall have a height of thirty-five (35) feet to a maximum height of fifty-five (55) feet above average grade level, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. ~~The maximum height over of fifty thirty-five (35) feet can only be achieved if the applicant prepares a view corridor study indicating that the proposed would not obstruct the view of the Lake of a substantial number of residences on areas adjoining the shoreline diminish views of the Lake from surrounding properties, otherwise the maximum height of thirty-five (35) feet shall apply.~~

Setbacks

- C. All development shall comply with the standards for setbacks, yard requirements and all applicable provisions in the SeaTac Municipal Code for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a provision in another part of the SMC, the requirement that provides the most protection to the shoreline management area shall be applied.

Lot Width

- D. The minimum required lot width in the Medium-Intensity environment shall be one hundred (100) feet.

Impervious Coverage

- E. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have no more than 40% impervious surface coverage within the shoreline area, unless a variance is approved. ~~The City will encourage practices that further~~ LID should be the commonly used approach to minimize impervious surfaces and stormwater runoff; including use of best available technologies where feasible pursuant to the Surface Water Design Manual.

All dimensional standards for the Medium-Intensity environment are summarized in Table I at the end of this chapter.

5.6 Shoreline Residential Environment

5.6.1 Purpose

The Shoreline Residential environment designation is designed to provide for residential needs where the necessary facilities for development can be provided. An additional purpose is to provide appropriate public access and recreational uses.

5.6.2 Designation criteria

Assign a Shoreline Residential environment designation to shoreline areas if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

5.6.3 Designated Areas

Description

Shoreline Residential areas include those areas adjacent to Angle Lake that are currently developed as single family or multifamily, where that use is anticipated to continue in the future.

Rationale

The segments of shoreline designated as Shoreline Residential are predominately residential and are planned for low to moderate residential density.

5.6.4 Management policies

- A. Residential activities are preferred over other land and resource consumptive development or uses.
- B. Limited non-residential uses, such as parks, day cares, home occupation businesses may be allowed, provided they are consistent with the residential character.
- C. Development should be located, sited, designed and maintained to protect, enhance and be compatible with the shoreline environment.
- D. Development regulations should require the preservation of ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- E. Multifamily and multi-lot residential and recreational developments should provide public access to the shoreline and joint use facilities for community recreational needs.
- F. Low impact development (LID) techniques, such as minimizing effective impervious surfaces, infiltration of run-off, use of green roofs and pervious pavers, and other techniques, shall be encouraged.
- G. Private property owners should be encouraged to preserve and enhance native shoreline vegetation and use environmentally friendly landscaping practices, through incentives, information and other assistance.

5.6.5 Development Standards

Shoreline Use

- A. The following are prohibited in the Shoreline Residential environment:
 - i. Aquaculture
 - ii. Commercial uses as a primary use (commercial uses that are incidental to the primary residential use and are compatible with the residential character of the neighborhood, such as home occupations, may be permitted).
 - iii. Forest Practices
 - iv. Manufacturing uses
 - v. Mining
 - vi. Parking as a primary use
 - vii. Non-water oriented recreational facilities as a primary use (recreational facilities as an accessory use and multi-use trails may be permitted upon approval of a conditional use permit; minor trails are permitted).

- viii. Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)

Additional allowed, conditional and prohibited uses for the Shoreline Residential environment are listed in ~~Chapter Section 6, Specific 1, Shoreline Use Policies and Regulations, and in Standards, Table III of that Chapter.~~

Height Limit

- B. New or expanded building or structure shall not exceed a height of thirty (30) feet above average grade level for single-family development. Multifamily development shall be regulated by the underlying zoning but in no case shall the height exceed fifty-five (55) feet above average grade level (unless as specified under SMC-~~15.400.100 15.13.010~~). The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. ~~The maximum height over of fifty thirty-five (35) feet can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not obstruct the view of the Lake of a substantial number of residences on areas adjoining the shoreline diminish views of the Lake from surrounding properties, otherwise the maximum height limit of thirty-five (35) feet shall apply.~~

Setbacks

- C. Unless otherwise specified herein, permanent structures and non-water related accessory structures shall be setback from ordinary high water mark as indicated in Chapter 6, Table I and the related Development Regulations for Residential Development. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline. (More restrictive than current CAO)
- i. Permanent and temporary structures shall be set back from the ordinary high water mark as indicated in Chapter 6, Table II and the related Development Regulations for Residential Development in Chapter 6. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
 - ii. Development associated with water dependent uses, shoreline access and ecological restoration is not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the feasible operation of the use.
- D. All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the SeaTac Municipal Code for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a provision in another part of the SMC, the requirement that provides the most protection to the shoreline management area shall be applied

Lot Width

- E. The minimum required lot width and lake frontage in the Shoreline Residential environment shall be fifty (50) feet.

Impervious Coverage

- F. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have no more than 40% impervious surface coverage, unless a variance is approved. ~~The City will encourage practices that further~~ LID should be the commonly used approach to minimize impervious surfaces and stormwater runoff, including use of best available technologies where feasible pursuant to the Surface Water Design Manual.

Dimensional standards for the Shoreline Residential environment are summarized in Table I at the end of this chapter.

5.7 Urban Conservancy Environment

5.7.1 Purpose

The purpose of the Urban Conservancy environment designation is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

5.7.2 Designation criteria

Areas designated Urban Conservancy are those areas where one or more of the following characteristics apply:

- A. They are suitable for water-related or water-enjoyment uses,
- B. They are open space, flood plain or other sensitive areas that should not be more intensively developed,
- C. They have potential for ecological restoration,
- D. They retain important ecological functions, even though partially developed, or
- E. They have the potential for development that is compatible with ecological restoration.

5.7.3 Designated Areas

Description

Urban Conservancy areas include shorelands within Angle Lake Park and portions of tax parcel 042204-9009 ~~portions of the vacant City-owned property~~ where open space and areas with important ecological functions exist, as shown in Figure 1.

Rationale

Angle Lake Park is constrained by current zoning regulations and the shorelands of tax parcel 042204-9009 ~~the City-owned vacant property (former Hughes property)~~ retains important ecological functions. A parallel designation of Medium-Intensity encompasses ~~the western portion of the City-owned vacant property~~ the upland portions of tax parcel 042204-9009, which has the potential for more intense development. In contrast, the lower portion of tax parcel 042204-9009 ~~the eastern portion of the Hughes property~~ adjacent to the shoreline has an Urban Conservancy designation since the use of this area is expected to limited to public access and other uses that are compatible with ecological restoration. This designation will preserve and

enhance the ecological functions of the undeveloped portions of the shoreline while retaining future options for passive and active shoreline recreation and public access.

5.7.4 *Management policies*

- A. Uses that preserve the natural character of the area or promote preservation of open space or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
- B. Water dependent recreation uses, such as public access piers, recreational floats and boat launches, shall be the highest priority, provided they can be located, designed, constructed, operated, and mitigated in a manner that ensures no net loss of ecological function.
- C. Water oriented recreation uses, such as viewing trails, benches and shelters, should be emphasized and non-water oriented uses should be minimized and allowed only as an accessory use; for example picnic areas, forest trails and small playground areas would be acceptable, but tennis courts and developed sports fields would not.
- D. Standards should be established for shoreline stabilization, vegetation conservation, water quality, and shoreline modifications to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
- E. Public access and public recreation objectives should be implemented whenever feasible and whenever significant ecological impacts can be mitigated.
- F. Approved low impact development techniques should be emphasized for any development occurring within the Urban Conservancy environment.

5.7.5 *Development Standards*

Shoreline Use

- A. Land uses that are permitted in the Urban Conservancy shoreline environment include:
 - i. Water-oriented recreation
 - ii. Non-water oriented recreation as an accessory use
 - iii. Minor Trails
 - iv. Scientific, historical, cultural and educational uses
 - v. Restoration activities
 - vi. Utilities (Accessory)
- B. The following may be permitted as conditional uses in the Urban Conservancy environment:
 - i. Boating Facilities

- ii. Ancillary Commercial Development
 - iii. Parking as an accessory use
 - iv. Multi-use Trails
 - v. Transportation Facilities
 - vi. Utilities (Primary)
- C. All new uses and developments permitted or allowed as conditional uses in the Urban Conservancy environment must be compatible with conserving, protecting and restoring ecological conditions of the shoreline.
- D. The following uses are prohibited in the Urban Conservancy environment:
- i. Aquaculture
 - ii. Commercial uses (Primary)
 - iii. Non-water oriented recreational facilities (primary)
 - iv. Forest Practices
 - v. Manufacturing
 - vi. Mining
 - vii. Residential development
 - viii. Roads, utilities and parking areas that can be located outside of the shoreline area
- E. New uses and developments must demonstrate consistency with the Urban Conservancy management policies.

Additional allowed, conditional and prohibited uses for the Urban Conservancy shoreline environment are listed in Chapter Section 6, Specific 1, Shoreline Use Policies and Regulations, and in Standards, Table III of that Chapter.

Height Limit

- F. Except in those cases when the height requirements of the underlying zones are more restrictive, no new or expanded building or structure shall exceed a height of thirty-five (35) feet (30) above average grade level, except the height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances.

Setbacks

- G. Permanent and temporary structures and all other non-water related development shall be set back from the ordinary high water mark as indicated in Table I and the related Development Regulations for Recreation in Chapter 6. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
- H. All development shall comply with the standards for interior setbacks, yard requirements and all applicable provisions in the SeaTac Municipal Code (SMC) for the zone in which the development occurs. In the event of a conflict between a provision in this SMP and a provision in another part of the SMC, the requirement that provides the most protection to the shoreline management area shall be applied.

- I. Developments associated with a ecological restoration or interpretation, water-dependent uses and public access are not required to meet the minimum setback. However, where such development can be approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking be allowed within the minimum setback without a shoreline variance that reduces the setback to allow parking outside of the reduced setback.

Lot Width

- J. The minimum required lot width and lake frontage in the Urban Conservancy environment shall be one hundred (100) feet.

Impervious Coverage

- K. The amount of impervious surface shall be the minimum necessary to provide for the intended use. New development shall have no more than 10% impervious surface coverage, unless a variance is approved. ~~The City will encourage practices that further LID should be the commonly used approach to minimize impervious surfaces and stormwater runoff, including use of best available technologies where feasible pursuant to the Surface Water Design Manual.~~

Dimensional standards for the Urban Conservancy environment are summarized in Table I at the end of this chapter.

5.8 Aquatic Environment

5.8.1 Purpose

The purpose of the Aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

5.8.2 Designation criteria

Assign an Aquatic environment designation to areas waterward of the ordinary high water mark.

5.8.3 Designated Areas

Description

Aquatic areas include all areas waterward of the ordinary high water mark as shown in Figure 1.

5.8.4 Management policies

- A. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

- B. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- C. To reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.
- D. All developments and uses on waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- E. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
- F. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

5.8.5 Development Standards

Regulations and performance standards that apply to individual uses and developments are listed in Chapter 6, including a summary of allowed, conditional and permitted uses in Table III. Table I below summarizes the dimensional standards in this chapter.

TABLE I. SUMMARY OF SHORELINE DIMENSIONAL STANDARDS

SHORELINE STANDARD	HIGH-INTENSITY	MEDIUM-INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	Aquatic ⁴
Maximum Height	55 ft. ¹	55 ft. ¹	30 ft. (55 Ft. ¹ in areas zoned UH-900 and 40 feet in areas zoned UM-3,600)	35 ft.	N/A ₆
Shoreline Setback ²	65 ft. (standard) may be reduced to 50 ft. (minimum) with enhancement	N/A ³	65 ft. (standard) may be reduced to 50 ft. (minimum) with enhancement	100 ft. (standard) may be reduced to 65 ft. (minimum) with enhancement ⁵	N/A ₆
Maximum Impervious Surface Coverage	50%	40%	40%	10%	N/A ₆
Minimum Lot Frontage and Width	100 ft.	100 ft.	50 ft.	100 ft.	N/A ₆
Minimum Lot Size and Lot Density	900 sq. ft. per unit (except 3,000 sq. ft. for single family)	900 sq. ft. per unit (except 3,000 sq. ft. for single family)	7,200 sq. ft. (except 900 sq. ft. per unit in UH-900 and 3,600 sq. ft. per unit in UM-3,600)	No further subdivision is allowed	N/A ₆

¹ Development shall also be subject to the height limits established by the underlying zoning, but in no case shall the height exceed fifty-five feet (55) above average grade level. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. A height of more than thirty-five feet (35) can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not ~~diminish or obstruct the views of the Lake of a substantial number of residences on areas adjoining the shoreline~~ from surrounding properties.

²The standard setback applies unless the applicant implements voluntary enhancements as described in the following flexible shoreline setback regulations and in Table II below. The setback may be reduced by the Shoreline Administrator to the minimum setback indicated in Table I. Please see zoning regulations for interior lot setbacks and other requirements that apply to specific zones.

³The Medium-Intensity environment is a parallel environment located a minimum of hundred (100) feet from the OHWM of Angle Lake, therefore no shoreline setback applies.

⁴Land based standards do not apply in the Aquatic designation. Height of all structures shall be the minimum necessary for the proposed water dependent use.

⁵No reduction is allowed from the 100 foot minimum shoreline setback on tax parcel 042204-9009 ~~the former Hughes property~~, where the Urban Conservancy environment is parallel with the Medium-Intensity environment and more restrictive requirements are necessary to protect comparatively high ecological function.

⁶Not Applicable. Standard is generally not applicable in the Aquatic environment because only water dependent structures and development, such as docks, are allowed.

5.9 Flexible Shoreline Setback Regulations

In addition to the specific requirements for particular uses, the following standards shall apply:

Shoreline Setbacks

- A. A ~~seventy-five~~ sixty-five (65) foot standard setback shall be established from the ordinary high water mark for all lots, except that a one-hundred (100) foot standard setback shall be established from the ordinary high water mark on lots within the Urban Conservancy designation.
- B. On all properties other than Urban Conservancy, the standard setback may be reduced down to a minimum of fifty (50) feet, when setback reduction impacts are mitigated using a combination of the mitigation options provided in Table II to achieve an equal or greater protection of lake ecological functions. At least one Water Related Action must be undertaken in order to achieve the full setback reduction allowed. A maximum of 10 feet in cumulative setback reduction may be achieved under Upland Related Actions.
- C. No setback reduction is allowed on tax parcel 042204-9009 ~~the Hughes Property~~ in order to protect the relatively high level of ecological function. At Angle Lake Park, the one-hundred (100) foot setback may be reduced to a minimum of ~~seventy-five~~ sixty-five (65) feet, when setback reduction impacts are mitigated using a combination of the mitigation options provided in Table II to achieve an equal or greater protection of lake ecological functions. At least one Water Related Action must be undertaken in order to achieve the full setback reduction allowed. A maximum of 10 feet in cumulative setback reduction may be achieved under Upland Related Actions.

- D. All property owners who obtain approval for a reduction in the setback must record the final approved setback and corresponding conditions in a Notice on Title, and provide a copy of the Notice on Title to the Shoreline Administrator.
- E. All property owners who obtain approval for a reduction in the setback must prepare, and agree to adhere to, a shoreline vegetation management plan, in accordance with SMC 15.700.140, prepared by a qualified professional and approved by the Shoreline Administrator that includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality. This plan shall be added to a Notice on Title, and a copy of the Notice on Title provided to the Shoreline Administrator.
- F. Restoration of native vegetation as discussed below shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. Restoration of native vegetation may include vegetated LID BMPs. Preparation of a revegetation plan shall be completed by a qualified professional and include a monitoring and maintenance program that shall, at a minimum, include the following:
- i. The goals and objectives for the mitigation plan;
 - ii. The criteria for assessing the mitigation;
 - iii. A monitoring plan that includes annual progress reports submitted to the Shoreline Administrator and that lasts for a period sufficient to establish that performance standards have been met as determined by the Shoreline Administrator, but no less than five years; and
 - iv. A contingency plan.
- G. Whenever the Shoreline Administrator determines that monitoring has established a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the applicant or the property owner shall be required to institute correction action, which shall also be subject to further monitoring as provided in this section.
- H. The Shoreline Administrator may require a performance bond(s) or other security in an amount sufficient to guarantee that all required mitigation measures will be completed in a manner that complies with conditions of approval and to guarantee satisfactory workmanship and materials for a period not to exceed five years. The Shoreline Administrator shall establish the conditions of the bond or other security according to the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.
- I. All costs associated with the mitigation/monitoring and planning including City expenses, shall be the responsibility of the applicant.
- J. The following shoreline setback reduction standards apply to all development in shoreline jurisdiction, including redevelopment, outside of tax parcel 042204-9009 ~~the Hughes Property~~ in

the Urban Conservancy Environment. Shoreline setbacks may be reduced by the following standards identified in Table II below.

- K. Any further reduction of shoreline setbacks beyond the minimum listed in this chapter shall require a Shoreline Variance.

TABLE II. SHORELINE SETBACK REDUCTION MECHANISMS

REDUCTION MECHANISM		REDUCTION ALLOWANCE
Water Related Actions		
1	Removal of an existing bulkhead covering at least 75-seventy-five percent (75%) of the shoreline frontage which is located at, below, or within 5 feet landward of the shoreline's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, beach/substrate composition and stabilization of disturbed soils with native vegetation.	15 feet
2	Removal of an existing bulkhead covering at least 25-twenty-five percent (25%) of the shoreline frontage which is located at, below, or within 5 feet landward of the shoreline's OHWM and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, beach/substrate composition and stabilization of disturbed soils with native vegetation.	10 feet
3	Preservation of existing trees and native vegetation and restoration of native vegetation, as necessary in at least 75-seventy-five percent (75%) of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25-twenty-five percent (25%) of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in seventy-five (75%) of the setback area. The reduction would only be granted if ecological functions would be improved relative to the existing condition.)	15 feet
4	Preservation of existing natural shoreline conditions (e.g. no bulkhead or other unnatural shoreline features such as upland impervious surfaces or other structural alterations allowed) within 10 feet of the OHWM, including preservation of existing native vegetation.	10 feet
5	Preservation of existing trees and native vegetation and restoration of native vegetation in at least 25-twenty-five percent (25%) of the reduced setback area. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in twenty-five percent (25%) of the setback area. The reduction would only be granted if ecological functions would be improved relative to the existing condition.)	5 feet

REDUCTION MECHANISM		REDUCTION ALLOWANCE
Upland Related Actions		
6	Installation of biofiltration <u>filtration/infiltration mechanisms</u> BMPs such as rain gardens, <u>bioretention</u> , roof downspout controls, <u>dispersion</u> , bioswales, created and/or enhanced wetlands, <u>other infiltration facilities</u> , <u>infiltration ponds</u> or other approved Low Impact Development techniques <u>BMPs</u> that treat the majority of surface water run-off from a site and exceed adopted stormwater requirements. (Note: stormwater ponds serving more than one property should be located outside of shoreline jurisdiction if possible).	10 feet
7	Installation of a “ green <u>vegetated</u> ” roof in accordance with the standards of the LEED Green Building Rating System <u>Surface Water Design Manual and applicable codes</u> .	10 feet
8	Installation of pervious material for <u>permeable pavement for</u> driveway, sidewalk, parking, or road construction <u>street surfaces</u> .	5 feet
9	Limiting total impervious surface, e.g. pathways or patios for water access and enjoyment, in the reduced setback area to less than five percent <u>(5%)</u> , provided the applicant complies with all other development requirements	5 feet
10	Preserving or restoring at least twenty <u>20-percent (20%)</u> of the total lot area outside of the setback area as native vegetation. No more than twenty <u>20-percent (20%)</u> of the total lot area can be lawn.	5 feet

Chapter 6 Shoreline Use Provisions

As required by the Shoreline Management Act, this Master Program sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Boating Facilities, Commercial Development (Primary and Accessory), Forest Practices, Manufacturing Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses, Signage, Transportation, and Utilities (Primary and Accessory). The policies and regulations, which provide basic criteria for evaluating shoreline permit applications, are used to implement the broader goals, policies and intent of the Shoreline Management Act and this Program.

6.1 Shoreline Use Standards

KEY

P = Permitted Use (Shoreline Exemption or Substantial Development Permit)

C = Conditional Use

X = Prohibited

Shoreline uses are allowed only if the underlying zoning allows the use.

TABLE III. SHORELINE USES

SHORELINE USES	HIGH- INTENSITY	MEDIUM- INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
Agriculture	X	X	X	X	X
Aquaculture	X	X	X	X	X
Boating Facilities (Public or serving 4 or more residences)	P	P	C	C	X
Commercial Development					
Primary	P	X	X	X	X
Accessory	P	P	P*	C	X
Forest Practices	X	X	X	X	X
Manufacturing	X	X	X	X	X
Mining	X	X	X	X	X
Parking					
As a Primary Use	X	X	X	X	X
As an Accessory Use	P	P	P	C	X
Recreational Facilities					

	HIGH- INTENSITY	MEDIUM- INTENSITY	SHORELINE RESIDENTIAL	URBAN CONSERVANCY	AQUATIC
SHORELINE USES					
Water oriented	P	P	P	P	P
Non-water oriented					X
As a Primary Use	X	X	X	X	X
As an Accessory Use	P	P	P	P	X
Multi-use Trails	P	P	C	C	X
Minor Trails	P	P	P	P	X
Residential Development					
Single family	P	P	P	X	X
Multifamily	P	P	P*	X	X
Scientific, Historical, Cultural, or Educational Uses	P	P	P	P	P
Transportation Facilities					
New Roads related to Permitted Shoreline Activities	C	C	C	C	X
Expansion of Existing Circulation Systems and driveways	P	P	C	C	X
Utilities (Primary)					
Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)	X	X	X	X	X
Other	C	C	C	C	C
Utilities (Accessory)					
Local Public Water, Electric, Natural Gas Distribution, Public Sewer collection, Cable and Telephone Service, and Appurtenances	P	P	P	P	C

*Only if the use is permitted in the underlying zoning classification.

6.2 Specific Shoreline Use Regulations

6.2.1 Agriculture

6.2.1.1 Applicability

Agriculture refers to livestock, crop, vegetation and soil management. These activities are not applicable to the City of SeaTac. There are no known agricultural activities of significance within the shoreline jurisdiction. If such activities are established in the future, regulations will be established by amendment to this program.

6.2.1.2 Regulations

A. Agriculture is a prohibited use activity within shoreline jurisdiction.

6.2.2 Aquaculture

6.2.2.1 Applicability

Aquaculture is the farming or culturing of food fish or other aquatic plants and animals in lakes, streams and other natural or artificial water bodies. These activities are not applicable to the City of SeaTac. There are no known aquaculture activities existing or anticipated within the shoreline jurisdiction. If such activities are established in the future, regulations will be established by amendment to this program.

6.2.2.2 Regulations

A. Aquaculture is prohibited within all shoreline environments.

6.2.3 Boating Facilities

6.2.3.1 Applicability

Boating facilities include public or private dry storage and wet-moorage facilities and structures; boat launch ramps, covered moorage, boat houses, mooring buoys, and marine travel lifts. Boating facilities as defined in this SMP do not apply to residential moorage facilities serving four (4) or fewer single-family residences.

Accessory uses found in boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries and dry goods.

6.2.3.2 Policies

A. Boating facilities should be located, designed, and operated to provide maximum feasible protection and restoration of ecological processes and functions and all forms of aquatic, littoral, or terrestrial life.

- B. To the extent possible, boating facilities should be located in areas of low biological productivity.
- C. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore functions and to provide for water-dependent uses carries higher priority than the protection of views.

6.2.3.3 Regulations

- A. New boating facilities shall not significantly impact the rights of navigation on the water of the state.
- B. Boating facilities shall not be located where their development would reduce the quantity or quality of critical aquatic habitat or where significant ecological impacts would occur.
- C. Public launch ramps shall, where feasible, be located only on stable shorelines where water depths are adequate to eliminate or minimize the need for dredging, filling, beach enhancement or other maintenance activities.
- D. It is the applicant's responsibility to comply with all state agency policies and regulations, including all applicable health, safety and welfare requirements associated with the primary use or accessory use.
- E. -The traffic generated by such a facility must be safely and conveniently handled by the streets serving the proposed facility.
- F. No live-aboards or floating homes are allowed.
- G. The facility must be limited to day moorage only.
- H. Covered moorage is prohibited.
- I. Public access shall be required, pursuant to the Public Access regulations contained in Chapter 4.
- J. The perimeter of parking, dry moorage, and other storage areas shall be landscaped with native or drought tolerant landscaping or vegetated LID BMPs to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas.
- K. The facility must have provisions available for cleanup of accidental spills of contaminants.

6.2.4 Commercial Development

6.2.4.1 Applicability

Commercial development means those uses that are involved in wholesale, retail, service and business trade.

6.2.4.2 Policies

- A. Water dependent and multi-use commercial projects that include some combination of ecological restoration, public access, open space and recreation should be encouraged in the High-Intensity Environment.
- B. Commercial developments should incorporate Low Impact Development techniques into all new development.

6.2.4.3 Regulations

- A. Commercial uses that are water-dependent, water-related, and water-enjoyment uses (in that order) shall be given priority over non-water oriented uses in those Shoreline Environments and zones where commercial uses are allowed.
- B. Commercial uses that are water enjoyment and water related may also be allowed, provided public access is provided (see Chapter 4, Public Access) for new development, ecological restoration is incorporated into the project where feasible and impacts to existing navigation, recreation and public access are avoided.
- C. New non-water-oriented commercial uses are prohibited unless they are part of a mixed-use project and the use provides a significant public benefit with respect to SMA objectives.
- D. Primary commercial uses are permitted outright only in the High-Intensity environment.
- E. Commercial uses may be allowed in the Medium-Intensity environment provided they are ancillary to the primary use.
- F. Commercial development may be allowed in the Urban Conservancy environment as an accessory use to a permitted recreational use or facility. Examples of limited accessory commercial uses to permitted recreational uses and/or facilities are as follows:
 - i. -Concession stands,
 - ii. Booths associates with festivals sponsored by the City, and pPrivate parties or receptions and banquets.
- G. Overwater commercial development is prohibited except in existing structures, where necessary to support water-dependent uses or accessory water dependent recreation activities that support a commercial use.
- H. Other than those allowed in Regulation C above, commercial vendors may not establish business facilities in shoreline jurisdiction. This prohibition does not preclude a vendor from being hired to provide services in connection with a permitted use.

- I. Home occupations are allowed within the Shoreline Residential environment provided they meet the requirements of SMC ~~45.47~~ 15.465.500, Home Occupations.
- J. Low Impact Development techniques shall be incorporated into new development as feasible, pursuant to the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor.

6.2.5 Forest Practices

6.2.5.1 Applicability

Forest practices are those activities not covered by the Forest Practices Act involving conversion to non-forest use. Due to the lack of timber harvest potential within the City's shoreline jurisdiction, these activities are not applicable to SeaTac. There are no known forest practices existing or anticipated within shoreline jurisdiction. If such operations are established in the future, regulations will be established by amendment to this program.

6.2.5.2 Regulations

- A. Forest Practices are a prohibited use activity within shoreline jurisdiction.

6.2.6 Manufacturing

6.2.6.1 Applicability

Manufacturing developments are facilities for processing, manufacturing and storage of finished or semi-finished goods and food stuffs. Economic development, in the form of manufacturing activities is not supported by the Shoreline Management Goals established for this Master Program. There are no known manufacturing activities existing or planned within shoreline jurisdiction. The adopted SeaTac Comprehensive Plan does not provide for any industrial uses along the shoreline in the future. If such operations are established in the future, regulations will be established by amendment to this program.

6.2.6.2 Regulations

- A. Manufacturing is prohibited within all shoreline environments.

6.2.7 Mining

6.2.7.1 Applicability

Mining is the removal of naturally occurring materials from the earth for beneficial uses. There are no mining activities existing or anticipated within the shoreline jurisdiction. If such uses are established in the future, regulations will be established by amendment to this program.

6.2.7.2 Regulations

- A. Mining is a prohibited use activity within shoreline jurisdiction.

6.2.8 Parking

6.2.8.1 Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. The following provisions apply only to parking that is accessory to a permitted shoreline use. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

6.2.8.2 Policies

- A. Parking in shoreline areas should be minimized.
- B. Parking facilities in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance, and shall result in no loss of ecological functions.
- C. Parking in shoreline areas should not restrict access to the site by necessary public safety vehicles, utility vehicles, or other vehicles requiring access to shoreline properties.

6.2.8.3 Regulations

- A. Parking as a primary use is prohibited in Shoreline jurisdiction.
- B. Parking in shoreline areas must directly serve a permitted shoreline use.
- C. Parking facilities shall provide adequate provisions, including LID BMPs, to control ~~surface~~storm water runoff to prevent it from contaminating water bodies.
- D. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened with native and drought tolerant landscaping or vegetated LID BMPs or in cases when an alternate orientation would have less adverse impact on the shoreline.
- E. Exterior parking facilities shall be designed and landscaped with native and drought tolerant landscaping or vegetated LID BMPs to minimize adverse impacts upon adjacent shoreline and abutting properties. Exterior parking facilities for nonresidential uses shall be landscaped with ~~vegetation~~native and drought tolerant landscaping in such a manner that plantings provide an effective “full-screen” within three years of project completion when viewed from adjacent areas within Shoreline jurisdiction.

- F. New and reconstructed parking areas within the ~~Urban Conservancy~~ shoreline environment shall utilize Low Impact Development (LID) ~~techniques as appropriate and as described in where~~ feasible based on design criteria pursuant to the most recent edition of the Low Impact Development Surface Water Design Manual: Technical Guidance for Puget Sound.

6.2.9 Recreational Development

6.2.9.1 Applicability

Recreational uses include passive activities, such as walking, viewing and fishing. Recreational development also includes facilities for active uses, such as swimming, boating, and other outdoor recreation uses. This section applies to both public and private noncommercial shoreline recreational facilities (excluding private residences) in SeaTac.

6.2.9.2 Policies

- A. Recreational uses in the shoreline jurisdiction should be limited to water-oriented uses. Non-water-oriented recreational facilities may be allowed as an accessory use in limited circumstances where they support water oriented uses and do not displace water oriented uses.
- B. The coordination of local, state and federal recreation planning should be encouraged. Shoreline recreational developments should be consistent with the City's park and recreation plans.
- C. Recreational developments should be designed to preserve, enhance or create scenic views and vistas.
- D. The use of publicly owned lands for public access and development of recreational opportunities should be encouraged.
- E. The City encourages land acquisitions for open space that provide wildlife habitat and offer opportunities for education and interpretation within shoreline jurisdiction.
- F. Shoreline areas with a potential for providing recreation or public access opportunities should be identified and acquired by lease or purchase, or through partnerships with nonprofit and service organizations, and incorporated into the park and open space system.
- G. Links between existing and future shoreline parks, recreation areas and public access points should be created with a non-motorized trail system through acquisition of easements and/or land.
- H. Recreational activities should be designed to avoid conflict with private property rights, and to minimize and mitigate negative impacts on adjoining property.
- I. Public access should not contribute to a net loss of shoreline ecological functions.

6.2.9.3 Regulations

- A. All structures associated with a recreational use, water dependent structures, such as docks and boardwalks, and appurtenances that provide access to the water for that use, must comply with all standards in this SMP, including required shoreline setbacks established in Chapter 5, Table I. Shoreline setbacks may be reduced in accordance with Section 5.9, Flexible Shoreline Setback Regulations. However, existing structures may be replaced in their current location and configuration to the extent allowed by state and federal agencies with jurisdiction. Any further setback reduction shall require approval of a shoreline variance application.
- B. Private and public recreation areas shall protect existing native vegetation in the shoreline area and restore vegetation impacted by development activities. Recreational use and development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard.
- C. Water-dependent or water-related activities such as swimming, boating, and fishing, and activities that benefit from waterfront scenery such as picnicking, hiking and bicycling shall be emphasized in planning public and private (excluding residential) noncommercial recreation sites in the shoreline corridor.
- D. All recreational developments shall make adequate provisions for:
 - i. Non-motorized and pedestrian access;
 - ii. The prevention of trespass onto adjacent properties, including but not limited to landscaping and fencing;
 - iii. Protection and restoration of environmentally sensitive areas and shoreline processes and functions;
 - iv. Signs indicating the publics' right of access to shoreline areas, installed and maintained in conspicuous locations at the point of access and the entrance; and
 - v. Buffering of such development from adjacent private property or natural area with native and drought tolerant landscaping or vegetated LID BMPs.
- E. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features.
- F. Swimming areas shall be separated from boat launch areas.
- G. The construction of swimming facilities, piers, moorages, floats and launching facilities waterward of the OHWM shall be governed by the regulations relating to overwater structure construction in the Shoreline Modifications Section of this SMP.

- H. Public boat launching facilities may be developed, provided the traffic generated by such a facility can be safely and conveniently handled by the streets serving the proposed facility.
- I. Fragile and unique shoreline areas with valuable ecological functions, such as wildlife habitats, shall be used only for non-intensive recreation activities that do not involve the construction of structures.
- J. Recreation developments such as golf courses and playfields that require periodic use of fertilizers, pesticides or other chemicals, or that support high-intensity activities as a primary use, such as sporting events, shall be located outside of shoreline jurisdiction.
- K. Proposals for new or expanded recreational development shall include provisions for public access to the shoreline.
- L. A new or expanded shoreline recreational development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
 - i. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - ii. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
 - iii. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
 - iv. Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or
 - v. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
 - vi. -Provided further, that the applicant has first demonstrated and the City of SeaTac has determined that all reasonable alternatives have been exhausted, including but not limited to:
 - a. Regulating access by such means as limiting hours of use to daylight hours.
 - b. Designing separation of uses and activities, with such means as fences, terracing, hedges, native and drought tolerant landscaping, and vegetated LID BMPs.
 - c. Providing access that is physically separated from the proposal, such as an offsite viewpoint, or a trail system.
 - vii. Whenever a requirement of ~~12, A-F~~ Regulation L (i-vi) cannot be met, the City shall, as a condition of granting a permit, require the applicant to make an in-lieu of payment in accordance with RCW 82.02.020.

6.2.10 Residential Development

6.2.10.1 Applicability

Residential development means one or more buildings, structures, lots, parcels, or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single family residences and other detached dwellings together with accessory uses and structures normally applicable to residential uses located landward of the OHWM, including, but not limited to, swimming pools, garages, sheds, fences and saunas.

Residential development is prohibited in the Aquatic environment and Urban Conservancy environment. Single-family and Multifamily development is limited to those underlying zones that currently allow it and subject to the requirements therein.

6.2.10.2 Policies

- A. Residential development should be permitted only where there are adequate provisions for utilities, circulation and access.
- B. Recognizing the single purpose, irreversible and space consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space among structures to protect natural features, preserve views and minimize use conflicts.
- C. The City should provide development incentives, including reduced shoreline setbacks, to encourage the protection, enhancement and restoration of high functioning buffers and natural or semi-natural shorelines.
- D. Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.
- E. Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices and where possible, utilizing low impact development technologies.
- F. The City encourages the use of joint-use piers and docks in lieu of individual piers and docks for each waterfront lot to protect the ecological functions of the lake.
- G. The City should encourage the use of alternative paving products, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.
- H. Development should, at a minimum, achieve no net loss of ecological functions necessary to sustain shoreline natural resources, even for exempt development.

6.2.10.3 Regulations

- A. Residential development is permitted in the High-Intensity, Medium-Intensity, and Shoreline Residential environments subject to the policies and regulations for the specific Shoreline Environment (see Chapter 5, Table I, the standards of the underlying zoning regulations and the general regulations in Chapter 4 of this Shoreline Master Program.
- B. Structures or other development accessory to residential uses are permitted in shoreline jurisdiction, if allowed under all other applicable standards in this SMP and subject to the provisions of the City's zoning code.
- C. All additions to residential structures must comply with all standards in this SMP, including required shoreline setbacks established in Chapter 5, Table I.
- D. Residential structures that are intentionally modified, replaced, repaired or enlarged are subject to the requirements in Chapter 8 (Administration – Nonconforming Use and Development Standards). These standards include, but are not limited to, compliance with all standards in this SMP for new and existing structures or portions of structures, including required shoreline setbacks established in Chapter 5, Table I, when proposed development exceeds fifty ~~(50)~~ percent (50%) of the fair market replacement cost of existing development.
- E. Residential structures that are intentionally modified, replaced or repaired following a catastrophic loss are subject to the requirements in Chapter 8 (Administration – Nonconforming Use and Development Standards). These standards include, but are not limited to, compliance with all standards in this SMP for new and existing structures or portions of structures, including required shoreline setbacks established in Chapter 5, Table I, when proposed development exceeds seventy-five ~~(75)~~ percent (75%) of the fair market replacement cost of existing development.
- F. Accessory uses and appurtenant structures not specifically addressed in the SMP shall be subject to the same regulations as primary residences.
- G. In order to maintain visual access to the waterfront, fences within the required setback from the OHWM shall be:
 - i. No more than 4 feet high when separating two residential lots and no more than 6 feet high when separating a residential lot from a park or commercial use, and
 - ii. May not extend beyond the OHWM.
- H. To protect views and vistas maximum height limits have been established for each Shoreline Environment as indicated in Chapter 5, Table I, Summary of Shoreline Dimensional Standards. In addition to the restrictions stated therein, development over 35 feet shall require a view corridor study indicating that the proposed structure would not diminish views of the Lake from surrounding properties.
- I. The stormwater runoff for all new or ~~expanded pavements or other impervious surfaces~~ redevelopment shall be directed to ~~infiltration systems and other Low Impact~~

~~Development techniques shall be incorporated into new development as include LID BMPs where feasible, in accordance with, pursuant to the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound.~~

- J. Residential development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard.

6.2.11 Signs

6.2.11.1 Applicability

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

6.2.11.2 Policies

- A. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
- B. Signs should not block or otherwise interfere with visual access to the water or shorelines.
- C. Outdoor advertising and billboards are not an appropriate use of the shoreline area within shoreline jurisdiction.

6.2.11.3 Regulations

- A. Signs shall comply with the City's sign regulations.
- B. Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
- C. All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.
- D. Temporary or obsolete signs shall be removed within ten (10) days of elections or termination of any other functions. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, and construction signs.
- E. Signs that do not meet the policies and regulations of this program shall be removed or required to conform within two years of the adoption of this master program.

Allowable Signs

F. The following types of signs may be allowed in all shoreline environments:

- i. Water navigational signs and highway signs necessary for operation, safety and direction.
- ii. Public information signs directly relating to a shoreline use or activity.
- iii. Off-premise, freestanding signs for community identification, information, or directional purposes.
- iv. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.

Prohibited Signs

G. The following signs are prohibited:

- v. Off-premises detached outdoor advertising signs.
- vi. Spinners, streamers, pennants, flashing lights, and other animated signs used for commercial purposes.
- vii. Signs placed on trees or other natural features.
- viii. Commercial signs for products, services, or facilities located off-site.

6.2.12 *Transportation Facilities*

6.2.12.1 Applicability

Transportation facilities are those structures and developments that aid in land, air, and water surface movement of people, goods, and services. They include roads and highways, bridges, bikeways, trails, heliports, and other related facilities. In SeaTac, these uses account for a minimal percentage of the shoreline land inventory. However, the impact of these facilities on shorelines can be substantial.

6.2.12.2 Policies

- A. Normal operation and maintenance of all roadways in shoreline jurisdiction should be exempt.
- B. New road construction in the shoreline jurisdiction should be minimized, and allowed by conditional use only when related to and necessary for the support of permitted shoreline activities.
- C. Expansion of existing roadways should be allowed by conditional use if such facilities are found to be in the public interest.
- D. Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities and motorized and nonmotorized forms of transportation should be encouraged, where feasible.

6.2.12.3 Regulations

- A. New road construction in shoreline jurisdiction shall be minimized and allowed only when related to and necessary for the support of permitted shoreline activities.
- B. Transportation facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- C. Expansion of existing roadways within the shoreline jurisdiction shall be allowed only when the proponent demonstrates that:
 - i. No alternative route is feasible;
 - ii. The roadway is constructed and maintained to cause the least possible adverse impact on the land and water environment; and
 - iii. The roadway is found to be in the public interest.
- D. Transportation and primary utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline.
- E. Developers of roads must be able to demonstrate that efforts have been made to coordinate with existing land use plans including the Shoreline Master Program and the City's Comprehensive Plan.
- F. All debris and other waste materials from roadway construction shall be disposed of in such a way as to prevent their entry into any water body.
- G. Road designs must provide safe pedestrian and nonmotorized vehicular crossings where public access to shorelines is intended.
- H. Streets within shoreline jurisdiction shall be designed with the minimum pavement area required. Gravel and more innovative materials shall be used where feasible for pathways and road shoulders to minimize the amount of ~~impermeable~~impervious surfaces and help to maintain a more natural appearance.
- I. The City shall give preference to mechanical means for roadside brush control on roads in shoreline jurisdiction rather than the use of herbicides.

6.2.13 Utilities (Primary)

6.2.13.1 Applicability

Utilities are services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, sewage, and communications. Utilities in this SMP are divided into primary and accessory based on type and scale. The provisions of this section apply to primary use and activities such as solid waste handling

and disposal, water transmission lines, sewage treatment facilities and mains, power generating or high voltage transmission facilities, gas distribution lines and storage facilities, stormwater mains and regional stormwater treatment facilities.

6.2.13.2 Policies

- A. New primary utilities should be located outside of the shoreline jurisdiction ~~SMA~~ unless no other feasible option exists. Where allowed they should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors. Joint use of rights of- way and corridors should be encouraged.
- B. Solid waste disposal activities and facilities should be prohibited in shoreline areas. "Solid waste facilities" are not to be construed as storage of recyclable materials.
- C. Primary utilities should avoid locating in environmentally sensitive areas unless no feasible alternatives exist.
- D. Wherever primary utility facilities and corridors must be placed in a shoreline area, they should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or designed to minimize impacts on the aesthetic qualities of the shoreline area.

6.2.13.3 Regulations

- A. Primary utilities shall be located outside of shoreline ~~SMA~~ jurisdiction unless no other feasible option exists.
- B. Primary utilities shall be located landward of the ordinary high water mark unless such location is not feasible or would result in potentially greater environmental impacts.
- C. Primary utility facilities shall avoid disturbance of unique and fragile areas, as well as wildlife spawning, nesting and rearing areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- D. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.
- E. Utility lines shall utilize existing rights-of-way, shared trenches, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
- F. Solid waste disposal sites and facilities are prohibited in the shoreline environment.

- G. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.
- H. Primary utility development shall provide screening of facilities from water bodies and adjacent properties. Screening, including native and drought tolerant landscaping or vegetated LID BMPs and fencing, shall be designed to constitute a dense “full screen”.
- I. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
- J. The City shall hold public meetings prior to the issuance of a substantial development permit for a major primary utility project in accordance with the administrative procedures outlined in this Master Program to allow for the greatest amount of public input to help guide utility-related decisions.

6.2.14 Utilities (Accessory)

6.2.14.1 Applicability

Utilities have been split into accessory and primary with accessory meaning utilities that affect small-scale distribution services connected directly to the uses along the shoreline. For example, power distribution, telephone, cable, water and sewer service lines, stormwater collection and conveyance, are all considered as utilities accessory to shoreline uses. They are covered in this section because they concern all types of development and have the potential of impacting the ecological condition and visual quality of the shoreline and its waters.

6.2.14.2 Policies

- A. Utilities are necessary to serve shoreline uses and should be properly installed to protect the shoreline and water from contamination and degradation.
- B. Utility facilities and rights-of-ways should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground, where feasible.
- C. Utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecology, and minimizes conflicts with present and planned land uses.

6.2.14.3 Regulations

- A. Utility developments shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, or endanger public health and safety.

- B. In shoreline areas, accessory utilities shall be placed underground and in shared trenches unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, and existing corridors whenever possible.
- C. Utility facilities shall be located and designed to avoid destruction of, or damage to, important wildlife areas, and other unique and fragile areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- D. Clearing for the installation or maintenance of utilities shall be kept to a minimum, and upon project completion, any disturbed area shall be restored, to the greatest extent feasible, to pre-project conditions, including replanting with native species, or other species as approved by the City, and maintenance care. If the previous condition is identified as being undesirable for shoreline function, then landscaping and other improvements shall be undertaken.
- E. The location and construction of outfalls shall comply with all appropriate federal, state, county and City regulations.
- F. The City of SeaTac shall maintain, enhance and restore public natural drainage systems to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation for a no net loss of shoreline ecological functions. {
- G. New utility lines including electricity, communications, and fuel lines shall be located underground and in shared trenches unless demonstrated to be infeasible. Existing above ground lines shall be moved underground when properties are redeveloped or in conjunction with major system upgrades or replacements.
- H. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
- I. Proposals for new utility corridors shall fully substantiate the infeasibility of existing routes.

Chapter 7 Shoreline Modification Provisions

7.1 Introduction

Shoreline modification activities are those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modification activities are, by definition, undertaken in support of or in preparation for a permitted shoreline use. A single use may require several different shoreline modification activities.

Shoreline modification activity policies and regulations are intended to assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to prevent, reduce and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations.

This chapter has been divided into four sections: Clearing and Grading, Shoreline Stabilization, Dredging and Fill, and Overwater Structures.

7.2 Table of Shoreline Modification Activities

Interpretation of shoreline modification table:

The shoreline modification table below determines whether a specific shoreline modification is allowed within each of the shoreline environments. See standards following the table for a full explanation of activities and required conditions for permitted activities. The shoreline environment is located on the vertical column of the table and the specific modification is located on the horizontal row of the table.

The table should be interpreted as follows:

- A.- If the letter "X" appears in the box at the intersection of the column and the row, the modification is not allowed in that shoreline environment.
- B. _ If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed through a Shoreline Exemption or a Shoreline Substantial Development Permit, within the shoreline environment only if the underlying zoning allows the modification.
- C.- If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in Chapter 8, and only if the underlying zoning allows the modification.

Note that Medium- and High-Intensity environments are located along waterbodies that do not generally accommodate navigation. No overwater structures exist in these areas currently, and future demand for

overwater structures is not anticipated. These activities are therefore prohibited in these two shoreline environments.

TABLE IV. SHORELINE MODIFICATIONS

Shoreline Modification Activity	High-Intensity	Medium-Intensity ¹	Shoreline Residential	Urban Conservancy (tax parcel <u>042204-9002</u> Park)	Urban Conservancy (tax parcel <u>042204-9009</u> Hughes)	Aquatic
CLEARING AND GRADING	P	P	P	P	C	See adjacent upland environment
SHORELINE STABILIZATION						
Beach Restoration and Enhancement	P	N/A	P	C	C	
Soil Bio-engineering	P	P	P	P	P	
Bulkheads	X	N/A	P	C	X	
Breakwaters, jetties, and groins	X	N/A	X	X	X	
DREDGING AND FILL						
Dredging	C	N/A	C	C	C	
Fill	C	N/A	C	C	C	
OVERWATER STRUCTURES						
Accessory to Residential Structures ² :						
Recreational Float	P	N/A	P	N/A	C	
Boathouse	X	N/A	X	N/A	X	
Joint Use Pier, Dock, Float, Buoy, Moorage Pile	P	N/A	P	N/A	C	

¹ The Medium-Intensity shoreline environment is located 100 feet from the OHWM adjacent to the on tax parcel 042204-9009 Hughes Property, so regulations for shoreline stabilization and overwater structures are not applicable (N/A).

² Note these regulations are not applicable (N/A) either where the specific shoreline environment does not front the shoreline or where residential structures are not allowed in that environment or in an adjacent parallel environment.

TABLE IV. SHORELINE MODIFICATIONS

Shoreline Modification Activity	High- Intensity	Medium- Intensity ¹	Shoreline Residential	Urban Conservancy (tax parcel <u>042204- 9002Park</u>)	Urban Conservancy (tax parcel <u>042204- 9009Hughes</u>)	Aquatic
Non-Joint Use Pier, Dock Float	X	N/A	C	N/A	X	
Overwater Walkway	C	N/A	X	N/A	C	
Launching Ramp	X	N/A	X	N/A	N/A	
Launching Rails	X	N/A	X	N/A	N/A	
Boat Lifts	X	N/A	X	N/A	N/A	
Boat Canopies	X	N/A	X	N/A	N/A	
Moorage Covers	X	N/A	X	N/A	N/A	
Not Accessory to Residential Structures:						
Recreational Float	X	N/A	C	C	C	
Boathouse	X	N/A	X	C	X	
Joint Use Pier, Dock, Float	C	N/A	P	P	C	
Non-Joint Use Pier, Dock Float	X	N/A	C	X	X	
Overwater Walkway	C	N/A	X	C	C	
Launching Ramp	X	N/A	X	P	X	
Launching Rails	X	N/A	X	P	X	
Boat Canopies	X	N/A	X	X	X	
Moorage Covers	X	N/A	X	X	X	

7.3 Shoreline Stabilization

7.3.1 Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property caused by natural processes, such as current, flood, wake or wave action. These actions include all structural and nonstructural methods. "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete or boulder bulkheads, while "soft" structural measures rely on less rigid materials, such as bioengineered vegetation measures or beach enhancement. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. The means taken to reduce damage caused by erosion, accretion, and flooding must recognize the positive aspects of each of these processes in order to retain the benefits of these natural occurrences. Erosion does not occur without accretion (deposition and accumulation) of material eroded, such as formation of a beach or a sandbar. Likewise, accretion cannot occur unless material has been eroded.

Specific structural methods for stabilization include beach restoration and enhancement, soil bioengineering, bulkheads, and groins along Angle Lake. A key regulatory distinction in this SMP is made between new stabilization measures and the replacement of existing stabilization measures. New stabilization measures include the enlargement of existing structures. Some of these techniques are currently being used in SeaTac as described below, or they are techniques that could be used to address local shoreline issues.

General policies and regulations addressing shoreline stabilization methods applicable to the City are presented in the following sections. Additional discussion of the individual stabilization methods, and policies and regulations specific to them, are provided following the general policies and regulations section.

Beach Restoration or Enhancement on Angle Lake

Beach enhancement is the alteration of exposed and submerged shorelines for the purpose of stabilization, recreational enhancement, and or/aquatic habitat creation or restoration using native or similar material. The materials used are dependent on the intended use. For recreational purposes, various grades of clean sand or pea gravel are often used to create a beach above the ordinary high water mark. Restoration or re-creation of a shore feature may require a rock and gravel matrix and/or creation of other materials appropriate for the intended use.

Soil Bioengineering

Soil bioengineering is the term given to the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material; fabric or other soil stabilization techniques; and limited rock toe protection, where appropriate. Soil bioengineering projects often include fisheries habitat enhancement measures such as anchored logs or root

wads, in project design. Soil bioengineering techniques may be applied to shoreline areas and the upland areas away from the immediate shoreline.

The use of soil bioengineering as a shoreline stabilization technique is a viable and proven alternative to riprap, concrete and other structural solutions. It provides habitat while maintaining and preserving the natural character of the shoreline. Soil bioengineering is the preferred "best practices" choice when considering shoreline stabilization.

Bulkheads

Bulkheads are shoreline structures, either sloped or vertical, usually constructed parallel to the shore. The primary purpose they serve is to contain and prevent the loss of soil caused by erosion or wave action.

Bulkheads have historically been constructed of poured-in-place or precast concrete, concrete blocks, steel or aluminum sheet piling, wood or wood and structural steel combinations, and boulders. Bulkheads may be either thin structures penetrating deep into the ground or more massive structures resting on the surface.

Uses and activities related to bulkheads which are identified as separate use activities in this program, such as Fill and Residential Development, are subject to the regulations for those uses in addition to the standards for bulkheads established in this section.

Groins

Groins are barrier-type structures of rock, wooden piling or other materials constructed across the beach itself and extending into the water with the intent to obstruct sand and sediment carried by the littoral drift action along shorelines. Groins have limited applicability in SeaTac's shoreline jurisdiction because of the relatively small size of Angle Lake.

7.3.2 General Policies

- A. Proposals for shoreline stabilization activities should address the impact of these activities on the shoreline environment. This planning should consider off-site erosion, accretion, or damage that might occur as a result of shoreline stabilization structures or activities.
- B. Explore a range of solutions to reduce the amount of bulkheads and shoreline armoring over time around Angle Lake and restore natural bank conditions. Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features should be the preferred method where feasible.
- C. Non-structural stabilization measures are preferred over "soft" structural measures. Soft structural shoreline stabilization measures are strongly preferred over hard structural shoreline stabilization. Proposals for hard and soft structural solutions, including bulkheads, should be allowed only when it is demonstrated that nonstructural methods are not feasible. Hard

structural shoreline stabilization measures should be allowed only when it is demonstrated that soft structural measures are not feasible.

- D. Structural shoreline stabilization should be permitted only when it has been demonstrated that shoreline stabilization is necessary for the protection of existing legally established structures, primary uses and public improvements, and that there are no other feasible options to the proposed shoreline stabilization that have less impact on the shoreline environment.
- E. Shoreline stabilization structures should be located, designed and constructed to minimize adverse impact on the property of others.
- F. New development requiring bulkheads or similar protection should not be allowed. All new shoreline development should be located and designed to prevent or minimize the need for shoreline modification activities.
- G. Mitigation for shoreline stabilization should be provided to achieve no net loss of ecological functions necessary to sustain shoreline natural resources.

7.3.3 Regulations

General Shoreline Stabilization – New Development

- A. New development, including the division of land into new parcels, shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water dependent development that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties is prohibited.
- B. New development, including single-family residences, that includes structural shoreline stabilization will not be allowed unless all of the conditions below are met:
 - i. The need to protect the development from damage due to erosion cause by natural processes, such as currents and waves, and by manmade processes, such as boat wakes, is demonstrated through a geotechnical report.
 - ii. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
 - iii. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.
 - iv. The stabilization structure will not result in a net loss of shoreline ecological functions.
- C. New development on steep or unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis prepared by a geotechnical engineer of related professional licensed and in good standing in the State of Washington.

General Shoreline Stabilization – Basic Requirements

- D. Structural solutions to reduce shoreline damage from erosion shall be allowed only after it is demonstrated through a geotechnical report that non-structural solutions would not provide sufficient protection to existing improvements. The geotechnical report shall evaluate the necessity of structural stabilization measures by estimating timeframes and rates of erosion (damage within 3 years), urgency of replacement, alternative solutions and other pertinent factors. Non-structural solutions include (but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures).

General Shoreline Stabilization – New or Expanded Measures

- E. New structural stabilization measures and enlargement of existing structural stabilization measures shall be limited to the minimum size necessary and shall be permitted only when it has been conclusively demonstrated through scientific analysis that shoreline stabilization is necessary to protect existing primary structures, public improvements, ecological function restoration projects or hazardous substance remediation projects from erosion, and that nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.

General Shoreline Stabilization – Replacement and Repair

- F. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is a demonstrated need to protect legally established principal uses or existing structures from erosion caused by currents or waves and a nonstructural measure is not feasible.
- i. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced, except as noted below.
 - ii. Where existing structural stabilization is replaced by non-structural shoreline stabilization using bioengineering techniques and results in a documented improvement of shoreline functions, such stabilization may be allowed waterward of the ordinary high water mark subject to state and federal approvals.

Shoreline Stabilization – Design Requirements

- G. Shoreline stabilization and modification projects shall avoid and then minimize adverse impacts to the environment to the greatest extent feasible, and where such impacts cannot be avoided, mitigation shall be provided to achieve no net loss of shoreline ecological functions.
- H. Shoreline stabilization should not be used to create new or newly usable land.
- I. Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
- J. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.

- K. Shoreline stabilization shall be designed so as not to not cause a significant impact to adjacent properties, including the need for shoreline stabilization elsewhere.
- L. Professional design (as approved by the City) of all shoreline stabilization is required. All shoreline modification activities shall be in support of a permitted shoreline use that is in conformance with the provisions of this Master Program unless it can be demonstrated that such activities are necessary and in the public interest.
- M. All shoreline modification activities must comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
- N. Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features shall be considered when replacing existing and constructing new shoreline stabilization solutions.
- O. Public access shall be required as part of publicly financed shoreline stabilization measures unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

Beach Enhancement

- P. Beach enhancement along Angle Lake may be permitted when the applicant has demonstrated that the project will not detrimentally interrupt littoral processes, redirect waves, current, or sediment to other shorelines, or adversely affect adjacent properties or habitat and all other standards of the SMP are followed.
- Q. Beach enhancement is limited to the placement of no more than 25 cubic yards of material below the ordinary high water mark. Proposals which exceed this threshold shall be subject to the requirements for Shoreline Fill in this chapter, shall require a Conditional Use Permit and shall only be allowed in conjunction with a water-dependent or public use permitted by this Master Program, and for fisheries, aquaculture, or wildlife enhancement projects.
- R. Natural Beach Restoration/Enhancement Design Standards. Natural beach restoration/enhancement shall not:
 - i. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
 - ii. Disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.
- S. Natural Beach Restoration Construction Standards.
 - i. The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake, or wave action at the site.

- ii. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to create additional dry land).
- T. Beach enhancement is prohibited within fish and/or wildlife spawning, nesting, or breeding habitat that would be adversely affected by it and also where littoral drift of the enhancement materials would adversely affect adjacent spawning grounds or other areas of biological significance.

Soil Bioengineering

- U. All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers, unless demonstrated infeasible for the particular site.
- V. Unless Environmentally Sensitive Area Regulations apply, all cleared areas shall be replanted with native vegetation immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is one hundred ~~(400)~~ percent (100%) reestablished to achieve no net loss of ecological functions of the shoreline area. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable. Additional performance standards may be established by the Shoreline Administrator in administrative rules.
- W. Bank stabilization in the form of a vegetated buffer zone shall be maintained (e.g., weeding, watering, dead plant replacement) for a minimum of three (3) years. The buffer zone shall exclude activities that could disturb the site. Where determined necessary by the Shoreline Administrator, fencing may be required to ensure protection of buffer plantings.
- X. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

Breakwaters

- Y. Breakwaters, jetties, and groins shall not be permitted.

Bulkheads

- Z. Bulkhead design and development shall conform to all other applicable local, state, and federal agency regulations, including regulations for shoreline stabilization in this chapter.
- AA. On all shorelines, bulkheads shall not be placed waterward of the ordinary high water mark (OHWM), unless as provided below. In addition:
 - i. On shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall tie in with the contours of the adjoining shorelines, as feasible, such that the proposed bulkhead would not cause erosion of the adjoining properties.
 - ii. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that the new bulkhead does not extend waterward of OHWM, except that which is necessary to make the connection to the adjoining bulkhead. In such circumstances, the

remaining portion of the bulkhead shall be placed landward of the existing OHWM such that no net loss of lake occurs and the design complies with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

- iii. Replacement bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

BB. Replacement bulkheads may be permitted if there is a demonstrated need to protect principal uses or structures from erosion caused by waves provided that:

- i. The replacement bulkhead is designed, located, sized, and constructed to assure no net loss of ecological functions.
- ii. The existing bulkhead is removed.
- iii. The proposal includes a report prepared by a geotechnical engineer or other qualified professional that evaluates the necessity of the bulkhead by estimating timeframes and rates of erosion, urgency of replacement (within 3 years), alternative solutions and other pertinent factors

CC. New bulkheads shall be allowed only for existing structures when evidence is presented through a report prepared by a geotechnical engineer or other qualified professional that conclusively demonstrates that one (1) of the following conditions exists:

- i. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this Master Program, PROVIDED that all alternatives have proven infeasible (i.e., use relocation, use design, nonstructural shore stabilization options) and that such bulkheads meet other policies and regulations of this chapter; or
- ii. Serious wave erosion threatens an existing building(s) on upland property; and
- iii. Proposals for bulkheads have first demonstrated that use of natural materials and processes (soft structural solutions) and alternative site designs, including increased shoreline setbacks (nonstructural solutions), are either not feasible or will not provide the necessary protection for existing development.

DD. When a bulkhead is required at a public access site, provisions for safe access to the water shall be incorporated into bulkhead design.

EE. Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of a bulkhead.

FF. Fill behind bulkheads shall be limited to an average of one (1) cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the policies and regulations in this SMP pertaining to fill activities and the requirement for obtaining a shoreline substantial development permit.

7.4 Dredging and Fill

7.4.1 Applicability

Although these activities may occur separately from one another, they are often all parts of the same shoreline modification process and are, therefore, considered together in the following policies and regulations.

Dredging and Dredge Material Disposal

Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, or lake and associated shorelines, side channels, and wetlands. In a lake setting, dredging is normally done for specific purposes or uses such as deepening a navigational channel or obtaining bottom material.

Dredge material is disposed of on land or into water bodies and may be intended for the purpose of creating new or additional lands for other uses. Dredge spoil varies from clean river sand to organic sludge. While some of this material is deposited on land, a significant portion is dumped, intentionally or unintentionally, back into the water or immediately adjacent to the water.

Of all activities on shorelines, dredging poses one of the greatest threats to water quality and aquatic life. In most cases, dredging occurs in shallow areas and may disturb the aquatic environment in the following ways: (1) temporary reduction of water clarity from suspended sediments, (2) loss of aquatic plants and animals by direct removal or from the sedimentation of suspended materials, (3) alteration of the nutrient and oxygen levels of the water column, and (4) suspension of toxic materials from the sediments into the water column.

Fill

Fill is the placement of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fill is usually considered in locations where the water is shallow and where rooted vegetation often occurs. In their natural condition, these same areas provide valuable habitat for fish and wildlife feeding, breeding, and shelter. Biologically, the shallow vegetation areas tend to be highly productive portions of the lake. For these reasons, governmental agencies and scientific experts have generally sought to prohibit or restrict fill.

The policies contained herein are intended to focus on the aspects of natural systems affected by dredging and the disposal of dredge material, man-made fill, cuts, excavations and site grading actions, while at the same time recognizing the community's needs.

~~Fill occurring on dry land landward of the OHWM which does not exceed a cost of five thousand seven hundred eighteen (5,718) dollars or two hundred fifty (250) cubic yards of material (per WAC 173-27-040), does not require a shoreline substantial development permit, as noted elsewhere in this Master Program. This~~

development, however, must comply with all other applicable policies and regulations as defined in this Master Program.

7.4.2 Policies

Dredging

- A. Dredging should only be allowed as a conditional use in all shoreline environments. Dredging should be restricted to the minimum necessary to support water-dependent uses, for expansion or alteration of public utility facilities, and for environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.
- B. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill should not be allowed, except as part of a restoration or environmental cleanup project.
- C. In all cases, dredging operations should be planned and conducted to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values.
- D. Dredging operations should be designed and scheduled to avoid impacts to fish, including impacts to fish rearing, feeding and spawning.
- E. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological values and natural resources of the area to be dredged and of the disposal site. Proposals that include dredging should provide mitigation to achieve no net loss of shoreline ecological functions.
- F. Dredge material disposal in water bodies should be prohibited.
- G. Dredging should utilize techniques that cause minimal dispersal and broadcast of bottom material should be utilized, such as hydraulic dredging instead of agitation dredging.
- H. The City may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

Fill

- I. Shoreline fill should be permitted as a conditional use in all shoreline environments.
- J. Fills waterward of the OHWM should be restricted to the minimum necessary to support water-dependent uses, public access, cleanup and disposal of contaminated sediments as part of an interagency clean-up plan, disposal of dredged sediments in accordance with Department of Natural Resources (DNR) rules, expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, and for mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.
- K. Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface and

subsurface drainage, or flood waters which would result in hazard to adjacent life, property, or natural resource systems.

- L. Where permitted, fill coverage should be the minimum necessary to provide for the proposed use. Fills should be permitted only when tied to a specific development proposal that is permitted by the master program.
- M. In evaluating fill projects, factors such as current and potential public use of the shoreline and water surface area, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible. Further, the City should assess the overall value of the fill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Shoreline Management Act and this Master Program.
- N. The perimeter of fills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural appearing and self-sustaining control methods are preferred over structural methods.
- O. Replenishing sand and gravel on public and private beaches should be allowed, if it can be demonstrated that the proposal will result in no net loss of ecological functions.
- P. Sanitary landfills should not be located in shoreline jurisdiction.

7.4.3 Regulations

Dredging

- A. Dredging and disposal of dredge material shall avoid, and minimize significant ecological impact; impacts that cannot be avoid shall be mitigated to achieve no net loss of ecological processes and functions.
- B. New development siting and design shall avoid the need for new and maintenance dredging.
- C. Dredging may be permitted as a conditional use activity only:
 - i. When necessary to support a water-dependent use;
 - ii. For expansion or alteration of public utility facilities;
 - iii. As part of mitigation actions, environmental restoration and habitat enhancement projects;
 - iv. When technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired;
 - v. When other solutions would result in greater environmental impact;
 - vi. As part of an approved habitat improvement project;
 - vii. If it improves water quality; and
 - viii. When applicable permits of other local, state and federal agencies have been obtained.

- D. When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use.
- E. Maintenance dredging associated with a water dependent use shall be restricted to maintaining the previously dredged and/or existing authorized location, depth and width.
- F. Dredging for the primary purpose of obtaining fill or construction material is prohibited, except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline ~~conditional use permit~~^{CUP}. When dredging is allowed for fill materials, placement of fill must be waterward of the OHWM.
- G. Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats. Dredging and dredge disposal shall not create a net loss of shoreline ecological functions.
- H. Dredging material which will not subsequently cause violation of State Water Quality Standards may be used in permitted landfill projects.
- I. Excavations on beaches ~~below the~~^{below the} OHWM in lands covered by water constitutes dredging and shall include precautions to prevent the migration of fine grain sediments, disturbed by the excavation, onto adjacent beach areas. Excavations on beaches shall be backfilled promptly using material of similar composition and similar or coarser grain size.
- J. Dredging shall be timed so that it does not interfere with aquatic life.
- K. Depositing dredge materials in water areas shall be prohibited
- L. Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.
- M. Limitations may be imposed on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

Fill

- N. Fills waterward of the OHWM (not including small scale beach restoration that does not exceed the 25 cubic yard threshold established in ~~Beach Enhancement – Regulation 177.3.3(Q)~~) shall require a conditional use and shall be restricted to the minimum necessary to:
 - i. Support water-dependent uses,
 - ii. Provide public access,
 - iii. Allow for the remediation and disposal of contaminated sediments as part of an interagency clean-up plan,
 - iv. Allow the disposal of dredged sediments in accordance with DNR rules,
 - v. Provide for the expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, and
 - vi. Accomplish mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.

- O. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.
- P. All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture.
- Q. Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.
- R. Fill shall be permitted only where it is demonstrated that the proposed action will not:
 - i. Result in significant damage to water quality, fish, aquatic habitat, and/or wildlife habitat; or
 - ii. Adversely alter natural drainage and circulation patterns, or significantly reduce flood water holding capabilities.
- S. No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Angle Lake shoreline.
- T. Any placement or removal of materials landward of the OHWM shall comply with the provisions of Vegetation Conservation (Clearing and Grading) of this SMP.

7.5 Overwater Structures: Piers, Docks, Floats and Buoys

7.5.1 Applicability

Piers and docks are structures which abut the shoreline and are often used as a landing or moorage place for watercraft. Piers are built on fixed platforms supported by piles above the water, while docks float upon the water. Some piers may terminate in a float section that is connected by a ramp.

Recreational floats are independent anchored off-shore platforms, used for water-dependent recreational activities such as swimming and diving.

Certain mooring structures such as moorage piles, buoys and boat lifts are not generally used on Angle Lake since an 8 mph speed limit and a “no wake rule” generally results in only small craft using the Lake.

All of these types of facilities have positive and negative environmental aspects. Floating docks generally have less of a visual impact than piers on pilings. However, in the nearshore, docks can interrupt littoral drift of sediments and other suspended materials, and significantly shade the aquatic environment throughout their length. Pile piers can provide diverse habitat for both desirable and undesirable aquatic life. Excavated moorage involves dredging and will disturb bottom sediments and aquatic life. Docks and piers alike create impediments to boat traffic and fish travel. Pier construction requires regulation to protect navigation, to protect shoreline aesthetics, and to maintain the useable water surface and aquatic lands for life forms characteristic and important to those areas.

7.5.2 Exemptions

~~Piers for private, noncommercial pleasure craft, common to a single-family residence, and costing less than ten thousand (\$10,000) dollars are exempt from the requirement for a shoreline substantial development permit pursuant to RCW 90.58.030(3)(c)(vii) and WAC 173-27-040(h).~~

~~The ten thousand dollar (\$10,000) threshold will be adjusted for inflation by the State Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period.~~ The City will review all development proposals for piers to determine if:

1. The proposal is or is not exempt from the requirement for a substantial development permit per Section 8.4.1 of this Master Program;
2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated such that there is no net loss of shoreline ecological functions; and
3. The proposal is consistent with the intent, policies, and regulations of the Act, RCW 90.58.10(12), and this Master Program.

7.5.3 Policies

- A. New piers and docks should be allowed only for public access and water-dependent uses.
- B. ~~New~~ piers and docks should be restricted to the minimum size necessary and permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
- C. Piers and docks should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by pier construction.
- D. The further proliferation of single-purpose, single-owner piers and docks should be discouraged. Preference should be given to the shared use piers in shoreline areas by requiring a conditional use permit in the Shoreline Residential Environment for piers and docks serving one dwelling unit, allowing joint-use structures as a permitted use in the Shoreline Residential Environment and requiring shared use docks and piers in all other environments.
- E. A pile supported walkway should only be allowed within the Urban Conservancy and High-Intensity shoreline environments. Mitigation should be required to ensure no net loss of ecological functions.
- F. Substantial additions or alterations to overwater structures, including, renovations where the cost of the development exceeds fifty ~~(50)~~ percent (50)% of the fair market value of the existing structure, should be in conformance with all policies and regulations set forth in this Master Program.

- G. Preference should be given to fixed-pile piers elevated above the OHWM. Floating docks should be allowed if the applicant can demonstrate why a fixed pile pier is not feasible or will result in greater impacts.
- H. Recreational floats should be allowed where they are intended to support public or private recreational uses, or in lieu of fixed piers adjacent to residential land uses.
- I. New moorage covers should not be allowed.
- J. Overwater structures, including piers, should only be authorized after consideration of:
 - i. The effect such structures have on wildlife and aquatic life, water quality, scenic and aesthetic values, environmental sensitive resources, submerged lands, and submerged vegetation.
 - ii. The effect such structures have on water circulation, recreational boating, sediment movement and littoral drift and shoreline access.
- K. Overwater structures and mooring buoys should be designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline.
- L. Use of non-reflective materials in construction should be encouraged.
- M. The proposed size of the structure and intensity of use or uses of any overwater structure should be compatible with the surrounding environment and land and water uses.
- N. Lighting facilities should be limited to the minimum extent necessary to locate the pier or dock at night.

7.5.4 Regulations

General

- A. All new, reconstructed, repaired, or modified overwater structures must comply with all regulations contained in this SMP and all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
- B. Mitigation shall be provided for all reconstructed, repaired, or modified overwater structures to ensure no net loss of ecological function.
- C. New piers and docks shall be allowed only for public access and water-dependent uses, which includes a structure associated with a single family residence provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the regulations contained in the this section.

- D. New piers and docks that are not accessory to single family residences shall be permitted only when intended for public use or when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
- E. New residential development of more than two dwellings shall provide a joint use or community moorage structure, rather than individual piers or docks.
- F. New piers and docks associated with a single family home shall be allowed, provided the applicant demonstrates that a joint use or community pier is not feasible.
- G. New proposed moorage structures in the Shoreline Residential environment that are not joint-use structures must obtain a conditional use permit. Additional restrictions apply for some shoreline environments pursuant to Table III. A conditional use permit may be granted if:
 - i. The applicant demonstrates that a joint use or community moorage structure is not feasible;
 - ii. The overwater structure does not create any potential adverse impacts to public safety;
 - iii. Navigation rights are not significantly impacted;
 - iv. The overwater structure does not cause environmental impacts that cannot be sufficiently mitigated; and
 - v. The overwater structure complies with all other conditional use criteria in WAC 173-27-160 as outlined in Chapter 8 of this Master Program.
- H. Proposed overwater structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a variance.
- I. Fixed pile piers elevated at least two (2) feet above the OHWM shall be preferred. Floating docks shall be allowed if floating elements are not located within the first thirty (30) feet of the shoreline measured waterward of the OHWM, unless the applicant can demonstrate why adherence to this restriction is not feasible and an alternative design would result in less ecological impact.
- J. All float tubs shall be fully encapsulated and the decks shall be fully grated except for the float tubs, designed with a ramp section connecting to the upland and are prohibited from resting on the substrate. Floating docks are required to be designed to not ground during low water conditions.
- K. All overwater structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe overwater structures shall be removed or repaired promptly by the owner.
- L. Wooden components that will be in contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, pentachlorophenol, arsenate, creosote, or similar toxic substances. Structures shall be made out of materials that have been approved by applicable state and federal agencies.

- M. Boat houses are not permitted, except in Angle Lake Park, where a conditional use permit is required.
- N. Moorage covers are not permitted.
- O. Boat canopies are not permitted.
- P. Boat lifts are not permitted.
- Q. No portion of a deck of a pier shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than six (6) feet above the OHWM.
- R. No residential dwelling unit may be constructed on a pier.
- S. Piers and docks may be permitted accessory to a development provided:
 - i. The applicant has demonstrated to the satisfaction of the Shoreline Administrator that a shared or joint-use pier is not feasible.
 - ii. No more than one (1) pier/dock for each single-family residence is permitted.
 - iii. No more than one (1) pier, dock or other moorage structure is allowed for a water dependent commercial use or a multifamily (more than two units) development on a single lot or contiguous ownership with a minimum width of fifty (50) feet.
 - iv. On lots with less than fifty (50) feet of waterfront, joint-use piers/docks shall be required, except as follows; when lots on either side of the subject lot have legal pre-existing piers or docks and the applicant demonstrates to the satisfaction of the Shoreline Administrator that a shared use agreement is not feasible. Only in this case may the lot with less than fifty (50) feet of waterfront be permitted an individual pier.
- T. Moorage Structure Length.
 - i. All pier and dock lengths shall be minimized to the maximum extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. The proposed length must be the minimum necessary to support the intended use. The maximum waterward intrusion of any portion of any piers and docks shall be limited to the following:
 - a. The maximum length of a private dock shall be determined by the point at which twelve (12) feet in water depth is reached and in no case shall a pier or dock be more than eighty (80) feet be allowed without approval of a variance (Note: the 12-foot depth is to accommodate the three to four (3-4) foot fluctuation in water depth caused by stormwater management practices);
 - b. A report prepared by a qualified professional that includes verifiable survey information demonstrating the average water depth pursuant to the requirement above is required for all docks or piers over forty (40) feet in length;

- c. A pier of up to eighty (80) feet is allowed when public access is provided. Existing public piers may be repaired or replaced to their previous length.

U. Moorage Structure Width.

- i. The maximum width of a pier or dock walkway and additional fingers shall be six (6) feet and four foot (4) walkways are recommended. All pier and dock walkways must be fully grated and ells and floats must have a minimum 2-foot strip of grating down the center.
- ii. The maximum width of a ramp connecting a pier to a float should be minimized to the maximum extent practical and should be fully grated.
- iii. Size. Surface coverage, including all floats, ramps and ells, shall be limited to the following:
 - a. Four hundred eighty (480) square feet for a pier of a single property owner, or four hundred (400) square feet for a dock;
 - b. Six hundred (600) square feet for a joint-use pier utilized by two or more residential property owners, or four hundred and eighty (480) square feet for a dock;
 - c. Eight hundred (800) square feet for a new pier that allows public access, or six hundred and forty (640) square feet for a dock. Existing public piers may be repaired or replaced to their previous square footage.

Overwater Walkway

V. An overwater walkway may be allowed in the Urban Conservancy, High-Intensity, and Aquatic Environments with a Conditional Use Permit, provided the following standards are met:

- i. The applicant must first demonstrate that an upland trail connecting tax parcel 042204-9009 the Hughes property with Angle Lake Park is not feasible because a private party is not willing to grant said access.
- ii. The walkway shall be constructed on pilings, have a fully grated deck surface and conform to all applicable standards for moorage structures.
- iii. Maximum width shall be four (4) feet wide or as necessary to meet ADA requirements.
- iv. Length shall be the minimum necessary to connect tax parcel 042204-9009 the Hughes Property and Angle Lake Park in a feasible manner that avoids impacts to ecological function; in no case shall the maximum length exceed four hundred (400) feet.
- v. Maximum surface coverage shall be two thousand (2000) square feet.
- vi. The walkway shall be located at an optimum water depth and elevated a minimum of two (2) feet above the OHWM to minimize impacts to ecological functions.
- vii. The walkway shall not substantially interfere with navigation.
- viii. Mitigation shall be provided to achieve no net loss of ecological function.

Boat Launches

W. Launching rails may be permitted as a conditional use in the Shoreline Residential environment in lieu of a moorage pier, provided the applicant shall demonstrate that the proposed length of the rail is the minimum necessary to safely launch the intended craft and comply with all

- regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. In no case shall the rail extend beyond the point where the water depth is ten (10) feet below the OHWM.
- X. Launching rails shall be anchored to the ground with the use of tie-type construction.
- Y. No more than one (1) launching rail per single-family residence or duplex is permitted.
- Z. Launching ramps may be permitted as a conditional use for recreational uses in the Urban Conservancy environment provided the applicant shall demonstrate that the proposed length of the ramp is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. In no case shall the ramp extend beyond the point where the water depth is ten (10) feet below the OHWM.
- AA. Public boat ramps and boat ramps serving more than 4 residential units are regulated as Boating Facilities and must comply with all policies and regulations in Chapter 6 of this SMP.

Recreational Floats

BB. Recreational floats may be permitted, provided:

- i. The area of a recreational float shall be minimized to the maximum extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. No recreational float shall have more than two hundred (200) square feet when associated with a private recreation land use, and four hundred (400) when associated with a public recreational land use.
- ii. Distance waterward from the OHWM. Recreational floats must be in water with depths of 8 feet or more at the landward end of the float and may be located up to a maximum waterward distance of eighty (80) feet.
- iii. Recreational floats shall be designed and intended for swim use or other nonmotorized use.
- iv. Recreational floats shall be fully grated.
- v. Retrieval lines shall not float at or near the surface of the water.
- vi. Height. Recreational floats must be built so that the deck surface is one (1) foot above the water's surface and they must have reflectors for nighttime visibility.
- vii. All float tubs shall be fully encapsulated.

Chapter 8 Administration

8.1 Introduction

There is hereby established an administrative system designed to assign responsibilities for implementation of the Master Program and shoreline permit review, to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by this Master Program are treated in a fair and equitable manner.

8.2 Program Administrator

A. ~~The City of SeaTac's Planning and~~ Community and Economic Development Director is hereby vested with:

- ~~4-i.~~ Overall responsibility for administering the Shoreline Management Act and this Master Program;
- ~~ii. 2.~~ Authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this Master Program; and
- ~~iii. 3.~~ Authority to grant statements of exemption from shoreline substantial development permits in accordance with the policies and provisions of this Master Program.

B. The duties and responsibilities of the Shoreline Administrator shall include:

- ~~4-i.~~ Preparing and using application forms deemed essential for the administration of this Master Program.
- ~~ii. 2.~~ Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this Master Program.
- ~~iii. 3.~~ Making administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act.
- ~~iv. 4.~~ Collecting applicable fees, as established by the City in SMC 13.100.070.
- ~~5-v.~~ Determining that all applications and necessary information and materials are provided.
- ~~6-vi.~~ Conducting field inspections, as necessary,
- ~~7-vii.~~ Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
- ~~8-viii.~~ Determining if a shoreline substantial development permit, conditional use permit or variance permit is required.
- ~~9-ix.~~ Providing copies of permit applications to relevant staff and agencies for review and comment.
- ~~10-x.~~ Conducting a thorough review and analysis of shoreline exemption applications; reviewing other staff and agency comments; making written findings and conclusions; and approving, approving with conditions, or denying such exemptions.

- ~~14-~~xi. Submitting shoreline substantial development permit shoreline variance and conditional use permit applications and written recommendations and findings on such permits to the City's Hearing Examiner for their consideration and action.
- ~~12-~~xii. Submitting shoreline redesignation permit applications and written recommendations and findings on such permits to the Hearing Examiner for recommendation to the City Council.
- ~~13-~~xiii. Assuring that proper notice is given to appropriate persons and the public for all hearings.
- ~~14-~~xiv. Providing technical and administrative assistance to the City's Hearing Examiner and City Council as required for effective and equitable implementation of this program and the Act.
- ~~15-~~xv. Investigating, developing, and proposing amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies.
- ~~16-~~xvi. Enforcing and seeking remedies for alleged violations of this program, the provisions of the Act and this Master Program or of conditions of any approved shoreline permit issued by the City of SeaTac. The Shoreline Administrator may delegate these enforcement duties to a designated representative.
- ~~17-~~xvii. Acting as the primary liaison between local and state agencies in the administration of the Shoreline Management Act and this Master Program.
- ~~18-~~xviii. Forwarding shoreline permits to the Department of Ecology for filing or action in accordance with WAC 173-27-130.

8.3 Exceptions

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the developments identified in WAC 173-27-044 and WAC 173-27-045.

8.4 Shoreline Permits and Exemptions

- A. All uses and developments occurring within shoreline jurisdiction shall be compliant with 90.58 RCW.
- B. A substantial shoreline development permit is required per the following guidelines:
 - ~~4-i.~~ A development, use, or activity shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this shoreline Master Program unless it is consistent with the policy and procedures of the SMA, applicable state regulations and this shoreline Master Program.
 - ~~ii. 2-~~ A substantial development shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this Shoreline Master Program unless a shoreline substantial development permit has been obtained and the appeal period has been

completed and any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.

C. The following guidelines are to be used in determining whether or not a development proposal is exempt from the substantial shoreline development permit.

- ~~4-i.~~ Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.
- ~~ii. 2.~~ An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or this Shoreline Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this Shoreline Master Program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this Shoreline Master Program, such development or use can only be authorized by approval of a variance.
- ~~3-iii.~~ The burden of proof that a development or use is exempt from the permit process is on the applicant.
- ~~iv. 4.~~ If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
- ~~5-v.~~ The City's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Shoreline Master Program.

~~6. The following list outlines twelve (12) exemptions that shall not be considered substantial developments for the purpose of this Master Program:~~

~~8.4.1 Exemptions~~

A. Developments which are exempt from requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended. The following is a short summary of the types of developments which do not require substantial development permits (see WAC 173-27-040 for detailed descriptions):

- i. Any development of which the total cost or fair market value, whichever is higher, does not exceed ~~five~~seven thousand ~~and forty seven hundred eighteen (\$5,718)~~and forty seven (\$7,047) dollars, if such development does not materially interfere with the normal public use of the water or "shorelines of statewide significance." The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's

annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on "shorelines of statewide significance." The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

~~b.~~ii. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

~~e.~~iii. Construction of a normal protective bulkhead common to single family residences. A "normal protective bulkhead" includes those structural and nonstructural developments installed at or near, and parallel to the ordinary high water mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington Department of Fish and Wildlife;

d-iv. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Act or this Master Program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to the Act and this Master Program, obtained. All emergency construction shall be consistent with the policies of the Act and this Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

e-v. Construction by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and meets all requirements of the City of SeaTac having jurisdiction thereof, other than requirements imposed pursuant to the Act. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark and shall be subject to required setbacks;

f-vi. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multifamily residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed: (A) twenty-two thousand five hundred dollars (\$20,00022,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) ten eleven thousand two hundred dollars (\$10,000(\$11,200)), but for all other docks constructed in fresh waters. However, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

~~g-vii.~~ The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface waters;

~~h-viii.~~ Any project with certification from the Governor pursuant to Chapter 80.50 RCW.

~~i-ix.~~ Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

~~i-a.~~ The activity does not interfere with the normal public use of the surface waters;

b. ~~ii.~~ The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

c. ~~iii.~~ The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

d. ~~iv.~~ A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.

~~j-x.~~ The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW;

~~k-xi.~~ Watershed restoration projects as defined in WAC 173-27-040. The Shoreline Administrator shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects.

~~i. Watershed restoration project" means~~ ~~xii. Consistent with WAC 173-27-040, a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:~~

~~1. A project that involves less than ten miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;~~

2. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

3. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

~~ii~~ "Watershed restoration plan" means a plan, developed or sponsored by the Washington Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

~~I. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:~~

~~i. The project has been approved in writing by the Washington Department of Fish and Wildlife;~~

~~that conforms~~ ~~ii~~ The project has received Hydraulic Project Approval by the Washington Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and

~~iii~~ The Shoreline Administrator has determined that the project is substantially consistent with this Shoreline Master Program. The Shoreline Administrator shall make such determination in a timely manner and provide it by letter to the project proponent. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with this Master Program, as follows:

~~A) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the following criteria:~~

~~1) A fish habitat enhancement project must be a project to accomplish one~~ ~~ixiii. The external or more of the following tasks:~~

~~(1) Elimination of human-made fish passage barriers, including culvert repair and replacement;~~

~~(2) Restoration~~ ~~internal retrofitting~~ of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and ~~existing structure~~ with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

- ~~(3) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.~~

~~The Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and~~

~~H) A fish habitat enhancement project must be approved in one of the following ways:~~

- ~~(4) By the Department of Fish and Wildlife pursuant to chapter 77.95 or 77.100 RCW;~~
- ~~(5) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;~~
- ~~(6) By the Department of Ecology as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project;~~
- ~~(7) Through the review and approval process for the Jobs for the Environment program;~~
- ~~(8) Through the review and approval process for conservation district-sponsored projects; where the project complies the exclusive purpose of compliance with design standards established by the conservation commission through interagency agreement the Americans with the United States Fish and Wildlife Service and the Natural Resource Conservation Service;~~
- ~~(9) Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and~~
- ~~(10) Through other formal review and approval processes established by the legislature.~~

~~B) Fish habitat enhancement projects meeting the criteria of (1)(iii)(A) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (1)(iii)(A) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).~~

~~Disabilities Act of 1990 (42 U.S.C.) — I) A hydraulic project approval permit is required for projects that meet the criteria of (1)(iii)(A) of this subsection and are being reviewed and approved under this section. An applicant shall use a Joint Aquatic Resource Permit Application form developed by the Office of Regulatory Assistance to apply for approval under this chapter. On the same day, the applicant shall, Sec. 12101 et seq.) or to otherwise provide copies of the completed application form to the Department of~~

~~Fish and Wildlife and to the Shoreline Administrator. The Shoreline Administrator shall accept the application as notice of the proposed project. The Department of Fish and Wildlife shall provide a fifteen-day (15) comment period during which it will receive comments regarding environmental impacts. Within forty-five (45) days, the Department of Fish and Wildlife shall issue a permit physical access to the structure by individuals with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The Department of Fish and Wildlife shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the Department of Fish and Wildlife determines that the review and approval process created by this section is not appropriate for the proposed project, the Department of Fish and Wildlife shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes disabilities.~~

~~H) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the Hydraulic Appeals Board pursuant to the provisions of this chapter.~~

~~D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (b)(iii)(A) of this subsection and that are reviewed and approved according to the provisions of this section.~~

~~2-B.~~ Whenever a development falls within the exemption criteria outlined above and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the City's Shoreline Administrator shall prepare a Statement of Exemption, and transmit a copy to the applicant and the Washington State Department of Ecology. Exempt development as defined herein shall not require a substantial development permit, but may require a conditional use permit, variance and/or a Statement of Exemption.

~~3-C.~~ Before determining that a proposal is exempt, the City's Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act.

Note: EXEMPTION FROM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENTS DOES NOT CONSTITUTE EXEMPTION FROM THE POLICIES AND USE REGULATIONS OF THE SHORELINE MANAGEMENT ACT; THE PROVISIONS OF THIS MASTER

PROGRAM; AND OTHER APPLICABLE CITY, STATE, OR FEDERAL PERMIT REQUIREMENTS.

8.4.2 *Permit Application Requirements*

A. A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:

~~4.~~

i. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

~~2-ii.~~ The name, address and phone number of the applicant's representative if other than the applicant.

~~3-iii.~~ The name, address and phone number of the property owner, if other than the applicant.

~~4-iv.~~ Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

~~5-v.~~ Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.

~~6-vi.~~ A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

~~7-vii.~~ A general description of the property as it now exists including its physical characteristics and improvements and structures.

~~8-viii.~~ A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

~~9-ix.~~ A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

a. The boundary of the parcel(s) of land upon which the development is proposed.

b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

- c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
- d. A delineation of all wetland areas that will be altered or used as a part of the development.
- e. A general indication of the character of vegetation found on the site.
- f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
- g. Where applicable, a landscaping plan for the project.
- h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
- i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
- j. Quantity, composition and destination of any excavated or dredged material.
- k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

m. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

8.4.3 Review Criteria for All Development

- A. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- B. No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

C. Special Procedures for WSDOT projects:

- i. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established target of 90 days review time for local governments.
- ii. Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

8.4.4 Review Criteria for Substantial Development Permits

- A. A substantial development permit shall be granted only when the development proposed is consistent with:
 - ~~1.~~
 - i. The policies and procedures of the act;
 - ~~2.~~
 - ii. The provisions of this regulation; and
 - ~~3.~~
 - ~~iii.~~ The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of Chapter WAC 173-26, and to the extent feasible,

any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.

- B. __Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

8.4.5 *Variances and Conditional Use Permits*

The Shoreline Management Act states that Master Programs shall contain provisions covering variances and conditional uses that are consistent with WAC 173-27. These provisions should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

A. __Variances:

The purpose of a variance is strictly limited to granting relief to specific bulk dimensional, or performance standards set forth in the Master Program, and where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020.

Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

~~1.-i.~~ Application: An application for a Shoreline variance shall be submitted on a form provided by the City accompanied by maps, completed environmental checklist, applicable fees, and any other information specified in this Master Program or requested by the Administrator. An applicant for a substantial development permit who wishes to request a variance shall submit the variance application and the substantial development permit application simultaneously.

~~2.-ii.~~ Criteria for Granting Variances: Variances for development that will be located landward of the ordinary high water mark and landward of any wetland may be authorized provided the applicant can demonstrate consistency with the following variance criteria as listed in WAC 173-27-170:

- a. __That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes, or significantly interferes with, reasonable use of the property.
- b.-__That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program and not, for example, from deed restrictions or the applicant's own actions.

- c. __That the design of the project is compatible with other permitted activities within the area and with uses planned for the area under the Comprehensive Plan and Master Program and will not cause adverse impacts to the shoreline environment.
- d. __That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
- e. __That the variance requested is the minimum necessary to afford relief.
- f. __That the public interest will suffer no substantial detrimental effect.

~~3-iii.~~ Variances for a development and/or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized provided the applicant can demonstrate all of the following:

- a. __That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes all reasonable use of the property.
- b. __That the proposal is consistent with the criteria established under ~~subsection (2)(a) through (f) of this section~~ A (ii) of this subsection.
- c. __That the public rights of navigation and use of the shorelines will not be adversely affected.

~~4-iv.~~ In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

~~5-v.~~ Variances from the use regulations of the Master Program are prohibited.

B. __Conditional Uses:

The purpose of a conditional use permit is to provide a system within the Master Program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City of SeaTac or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the Master Program. Uses that are specifically prohibited by this Master Program may not be authorized with the approval of a conditional use permit.

~~4-i.~~ Criteria for Granting Shoreline Conditional Use Permits. Uses which are classified or set forth as conditional uses in the Master Program may be authorized, provided the

applicant demonstrate all of the following conditional use criteria as listed in WAC 173-27-160:

- a. __That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;
- b. __That the proposed use will not interfere with the normal public use of public shorelines;
- c. __That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Master Program;
- d. __That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
- e. __That the public interest suffers no substantial detrimental effect.

~~2.~~ii. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

~~iii.~~3. Other uses which are not classified or set forth in this Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Master Program.

~~4.~~iv. Uses which are specifically prohibited by the Master Program may not be authorized.

8.4.6 Time Requirements of Permit

- A. __The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized by this chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and this chapter, local government may adopt different time limits from those set forth in ~~subsections (B) and (C)~~ of this section as a part of action on a substantial development permit.
- B. __Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed

before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.

C.-_Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.

D.-_The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in RCW 90.58.140 subsections (B) and (C) do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

E.-_Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired: Provided, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

F.-_Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application

8.5 Nonconforming Use and Development Standards

A. _"Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or this Master Program, or amendments thereto, but which does not conform to present regulations or standards of this Master Program. In such cases, the following standards shall apply:

4.-i. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;

~~2.~~ii. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded.

~~3.~~iii. A use which is listed as a conditional use, but which existed prior to adoption of the Master Program or any relevant amendment and for which a conditional use permit has not been obtained, shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the Master Program to the site and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

~~4.~~iv. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

~~5.~~v. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

- a. No reasonable alternative conforming use is practical; and
- b. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.
- c. In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

~~i.~~I. A nonconforming structure which is moved any distance must be brought into conformance with the Master Program and the Act;

~~ii.~~II. ~~Modification or addition to a nonconforming structure shall not increase the building footprint lying within the above described setback area.~~

~~iii.~~III. ~~If a nonconforming structure is intentionally modified and the cost of the proposed development exceeds fifty (50) percent (50%) of the fair market value of the replacement cost of the original structure, it shall be required to meet all applicable standards in the SMP.~~

~~iv.~~IV. ~~If a nonconforming structure is unintentionally damaged to an extent not exceeding seventy-five (75) percent (75%) of the fair market value of the replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the~~

structure within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

~~6.~~vi. A nonconforming use may be re-established as a nonconformance, except that any nonconforming use that is discontinued for a period of six (6) continuous months shall not be re-established. Any nonconforming use of a building which is discontinued for a total of one (1) year (twelve (12) months) over a three (3) year period shall not be allowed to continue as the nonconforming use.

~~7.~~vii. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established prior to the effective date of the Act or the Master Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the Master Program and the Act.

8.6 Appeal to the State Shoreline Hearings Board

Any person aggrieved by the granting or denying of a substantial development permit, variance, or conditional use permit, the upholding of an exemption appeal, or by the rescinding of a permit pursuant to the provisions of this Master Program, may seek review from the State of Washington Shorelines Hearing Board by filing a request for the same within twenty-one (21) days of ~~receipt of the final order~~ filing as defined in RCW 90.58.140(6) and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office. State Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC. A copy of such appeal notice shall also be filed with the City of SeaTac City Clerk.

8.7 Enforcement and Penalties

All provisions of this Master Program shall be enforced by the Shoreline Administrator and/or his designated representative. The enforcement procedures and penalties contained in Chapter 173-27 WAC and Chapter 90.58 RCW are hereby incorporated by reference.

Amendments to the 8.8 Master Program Review

~~A.~~ A. This Master Program shall be periodically reviewed and amendments shall be made as necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

~~B.~~ B. The City will conduct the periodic review process consistent with the requirements of RCW 90.58.080 and WAC 173-26-090.

8.9 Amendments to Master Program

- A. Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Any amendments shall also be subject to the procedures in SMC 16A.21.
- B. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by 14 days from the Department of Ecology Ecology's written notice of final action.

8.10 Severability

If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, are held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

8.11 Conflict of Provisions

- A. Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the City, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this SMP.

Figure 1. Shoreline Environment Designation Map (Page 1 of 6)

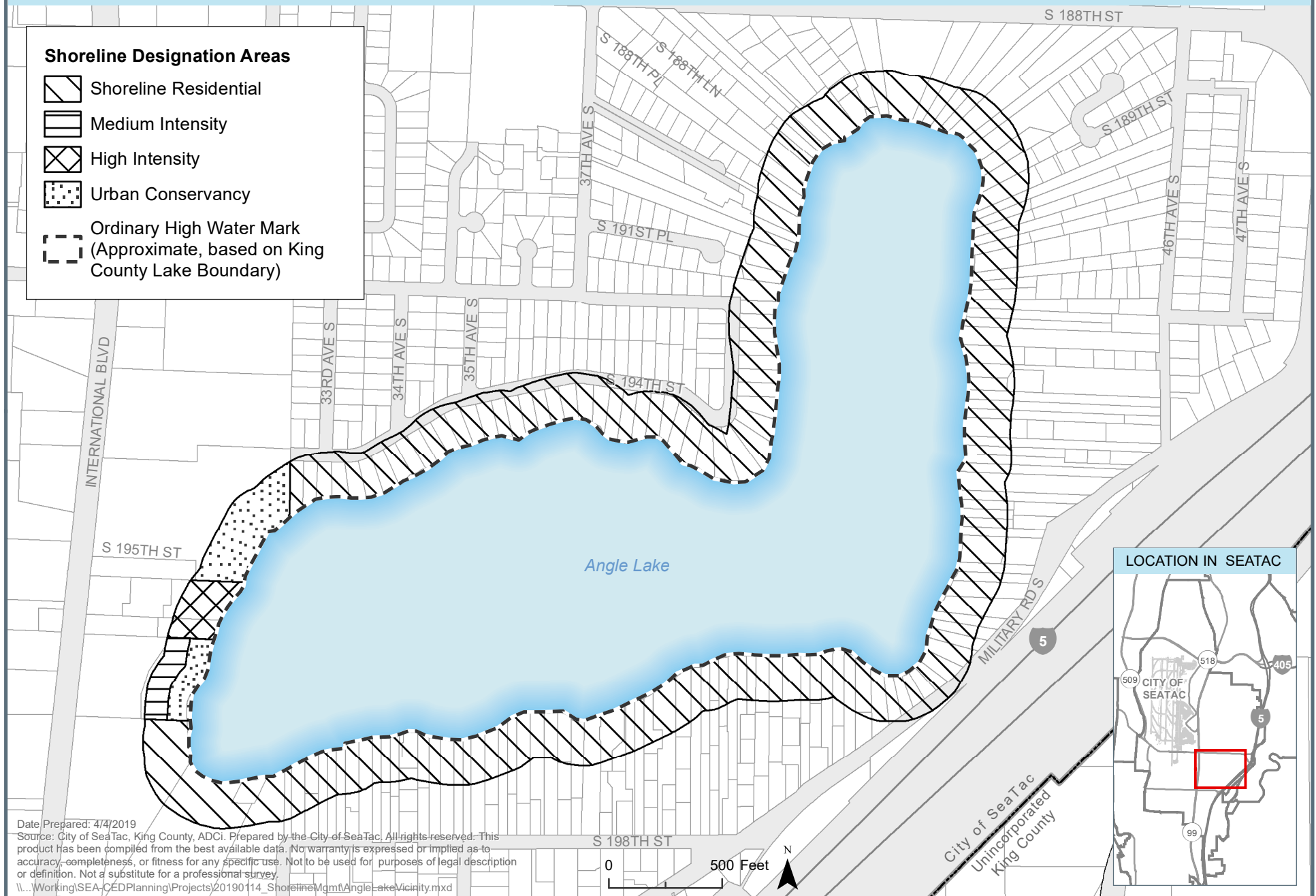
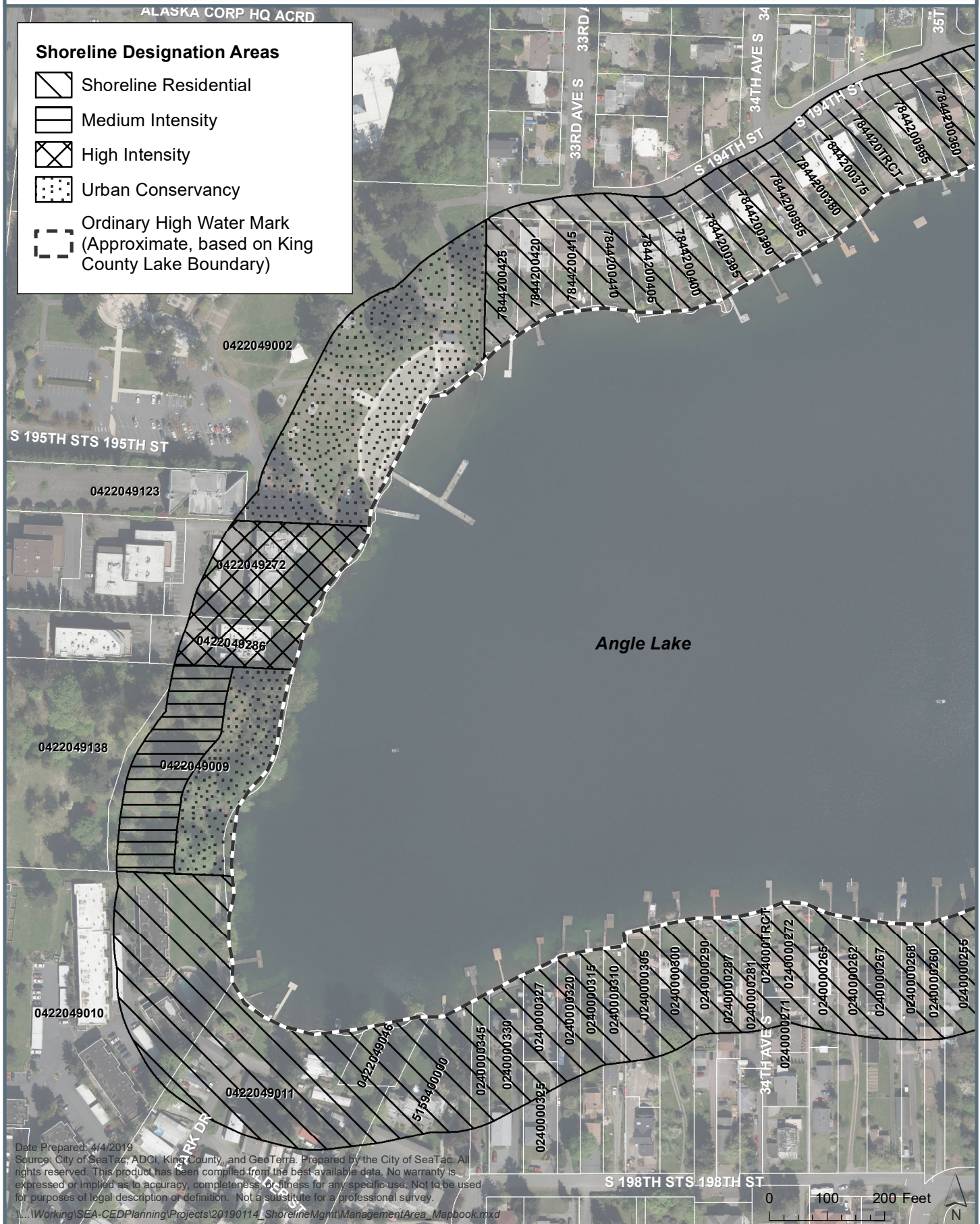


Figure 1. Shoreline Environment Designation (Page 2 of 6)



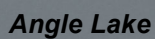


Figure 1. Shoreline Environment Designation (Page 4 of 6)

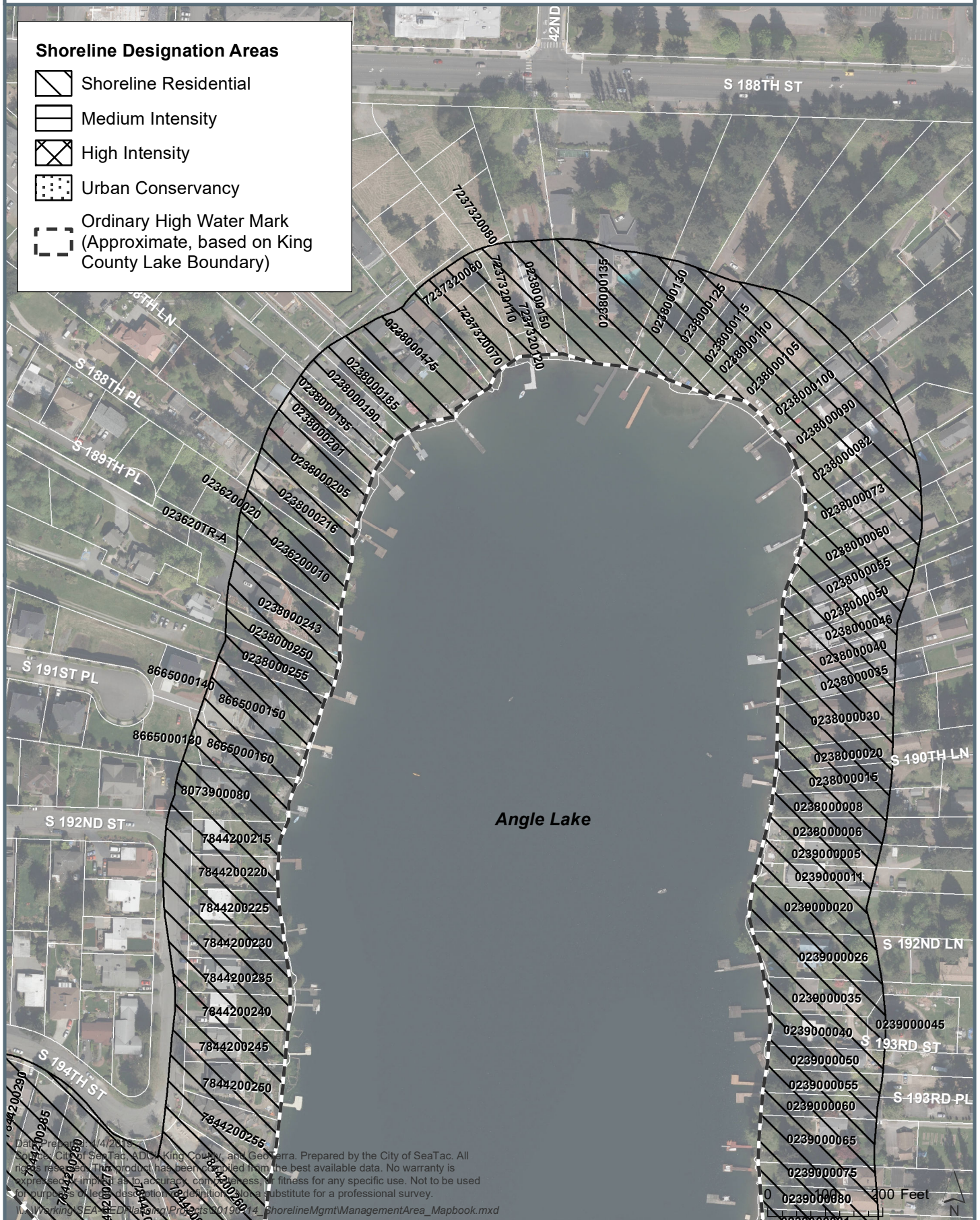


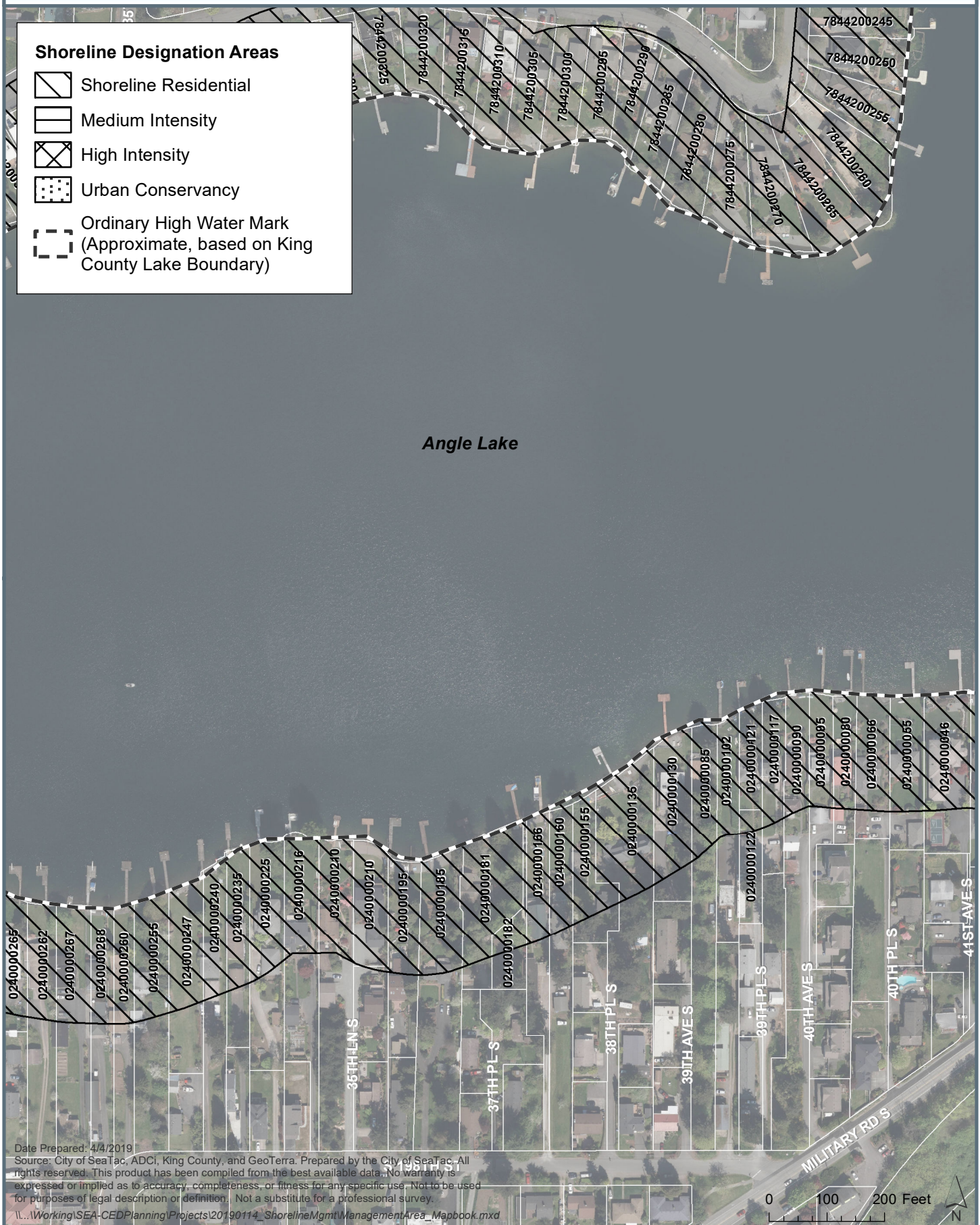
Figure 1. Shoreline Environment Designation (Page 5 of 6)



Date Prepared: 4/4/2019
 Source: City of SeaTac, ADCI, King County, and GeoTerra. Prepared by the City of SeaTac. All rights reserved. This product has been compiled from the best available data. No warranty is expressed or implied as to accuracy, completeness, or fitness for any specific use. Not to be used for purposes of legal description or definition. Not a substitute for a professional survey.

\\...Working\SEA-CED\Planning\Projects\20190114_ShorelineMgmt\ManagementArea_Mapbook.mxd

Figure 1. Shoreline Environment Designation (Page 6 of 6)



ORDINANCE NO. 19-1016

AN ORDINANCE of the City Council of the City of SeaTac, Washington, related to property acquisitions for the Des Moines Memorial Drive and S. 200th Street Intersection Improvement Project, and amending the City's 2019-2020 Biennial Budget to provide additional funding for such acquisitions.

WHEREAS, the City is currently designing the Des Moines Memorial Drive and S. 200th Street Intersection Improvement Project (ST-065); and

WHEREAS, in order to accommodate projected increases in traffic volume and prevent associated delays, a west bound right turn lane was added to the project and resulted in additional right-of-way being needed; and

WHEREAS, in order to fund the additional right-of-way acquisitions, it is necessary to amend the City's 2019-2020 Biennial Budget;

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

Section 1. The City's 2019-2020 Biennial Budget is amended to increase expenditures in the Transportation CIP Fund (Fund #307) by \$497,000 in order to fund additional right-of-way acquisitions for the Des Moines Memorial Drive and S. 200th Street Intersection Improvement Project (ST-065).

Section 2. The City Manager is authorized to execute any documents necessary to acquire property needed for construction of the Des Moines Memorial Drive and S. 200th Street Intersection Improvement Project, so long as the total cost of these acquisitions does not exceed \$647,000.

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

/// /// ///

/// /// ///

ADOPTED this 23rd day of July, 2019, and signed in authentication thereof on this 23rd day of July, 2019.

CITY OF SEATAC

Erin Sitterley
Erin Sitterley, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to form:

Mary Mirante Bartolo
Mary Mirante Bartolo, City Attorney

[Effective Date: 8/3/19]

[ST-065--DMMD & S. 200th Project Property Acquisition and Budget Amendment]

ORDINANCE NO. 19-1017

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Chapter 9.50 of the SeaTac Municipal Code related to the Permit Parking Program.

WHEREAS, Ordinance No. 18-1038 as adopted by the City Council on November 13, 2018; and

WHEREAS, City neighborhoods and business areas, particularly within the McMicken Heights/Sue Linda areas have experienced increased competition for limited on-street parking due to increased demand generated by the Sound Transit Airport Light Rail Station, Sea-Tac Airport, under-parked multifamily developments, and the construction of the pedestrian bridge across International Blvd. providing access to the Airport Light Rail Station and Sea-Tac Airport; and

WHEREAS, the residents of affected areas, specifically the residents in McMicken Heights/Sue Linda areas, have utilized cones or barriers to deter parking along their neighborhood streets and to reduce obstructions to mailboxes, driveways and allow for garbage pick-up service; and

WHEREAS, the City recognizes that multi-family developments present a unique challenge due to their residential densities and often face inadequate on-site parking conditions; and

WHEREAS, this was reviewed by the Public Safety and Justice Committee on July 11, 2019;

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

Section 1. Chapter 9.50 of the SeaTac Municipal Code is hereby amended to read as follows:

9.50.010 Purpose.

A. The Program is established with the intent to:

1. Prioritize parking for residents and local businesses;
2. Manage availability of on-street parking supply in designated areas;
3. Implement a process for issuing permits that authorize parking within restricted zones;
4. Establish rules and regulations to implement the program;
5. Provide for a means of enforcement; and
6. Provide for recovery of the costs for the administration of the Program; and
7. To protect the public health, safety and welfare.

9.50.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- A. "Business" means a Person, as defined in SMC 5.05.010(D), that has been issued a Business License pursuant to SMC Chapter 5.05 and is located within a Parking Permit Zone.
- B. "City Manager" means City Manager or designee.
- C. "Duplex" has the same meaning as in SMC 15.105.040.
- D. "Dwelling Unit" has the same meaning as in SMC 15.105.040.
- A. "Multi-Family Building" has the same meaning as in SMC 15.105.130.
- B.E. "Parking Permit" or "Permit" means an affirmative authorization issued electronically by a designated City official the City Manager to a Resident or Business, that enables a specific vehicle to park within a Parking Permit Zone in excess of the posted time limits.
- C.F. "Permit holder" means a Resident or Business owner who that applied and was approved to park within the Permit Parking Zone.
- D.G. "Permit Parking Zone" (PPZ) means a designated area where time limits are established for parking on certain public streets that apply to all vehicles except vehicles with a valid Parking Permit are explicitly authorized to park with a parking permit.
- E.H. "Program" means Permit Parking Program.
- I. "Resident" means an individuals who resides in the City of SeaTac within the a Permit Parking Zone.
- J. "Single Family Dwelling Unit" has the same meaning as "Dwelling Unit, Detached" in SMC 15.105.040.
- F.K. "Townhouse" has the same meaning as in SMC 15.105.200.
- G.L. "Vehicle" has the same meaning as Motor Vehicle, as defined in RCW 46.04.370, under this Chapter means any motor vehicle and as further defined under RCW 46.04.670, excluding bicycles.

9.50.030 Authority.

- A. The City has the authority to restrict parking or impose time limits on parking, cConsistent with SMC 9.05.090, the City Manager is authorized to identify and designate by appropriate

signage parking restrictions, time limitations for City streets located within the PPZ, in order to provide for reasonable parking availability and safe use of City streets.

- ~~AB.~~ The Parking Compliance Officer(s) is area limited commission officers who shall have the authority to ~~accept permit applications, report violations, and issue a notice of infraction to enforce violations of this Chapter.~~

9.50.040 Parking Permits.

- ~~A. Permits Required. A parking permit must be obtained from the City for any vehicle to park on any city street with posted restrictions requiring such permit.~~

~~B.A.~~ A Resident or Business is eligible to apply for a Parking Permit in the manner set forth in this Section. A parking permit is assigned to a specific vehicle and does not guarantee a parking space and does not exempt the permit holder from observing zones where parking is prohibited at all or at specified times for safety reasons or for reasons other than related to the parking permit, including but not limited to, permanent or temporary no parking zones, loading zones, fire zones, and disabled parking areas.

B. Permit Eligibility Limits.

- ~~1. Any resident or business owner within a PPZ may apply for up to two (2) parking permits per address for vehicles under his or her control and registered to their SeaTac address within that PPZ.~~
- ~~1. No permit shall be issued for any vehicle referenced in SMC 9.05.050 and 9.05.060.~~
1. For Residents whose Dwelling Unit is a Single Family Dwelling Unit, or is located within a Duplex, no more than two (2) Parking Permits may be issued at any one time per address.
2. For Residents whose Dwelling Unit is located within a Townhouse, or Multi-Family Building, no more than one (1) Parking Permits may be issued at any one time per address.
3. For Businesses, no more than two (2) Parking Permits may be issued at any one time per address, unless the Business is located in a Townhouse or Multi-Family Building, in which case only one (1) Parking Permit is allowed at any one time per address.
4. For Residents and Businesses located at the same address, no more than two (2) Parking Permits may be issued at any one time, unless the Residence/Business is located in a Townhouse or Multi-Family Building, in which case only one (1) Parking Permit is allowed at any one time.
5. After an evaluation of on-street parking within the PPZ that demonstrates excess on-street parking capacity, and there is a compelling need for the issuance of additional permits, the City Manager may issue additional Permits in excess of the Permit Limit established in this Section to Residents whose Dwelling Unit is located within a Townhouse or Multi-Family Building. However, administrative rules must first be promulgated by the City Manager prior to the issuance of such additional Permits.~~there is a compelling~~

C. Permit Application and Eligibility.

A permit application shall be submitted electronically or on a form provided by the City. The ~~applicant~~ A Resident or Business shall provide and attest to the accuracy of the information provided, and acknowledge the terms and conditions of ~~permit privileges~~ the Permit.

1. For a Resident ~~To~~ obtain a pPermit, all of the following requirements shall be met:

- a. The ~~applicant~~ Resident ~~must reside within~~ ~~must be a current resident or a business owner within the PPZ for which the pPermit is to be issued; and~~
- b. The ~~applicant~~ Resident ~~must show provide~~ proof of residency by submitting a copy of one (1) of the following:
 - i. A valid driver's license with the Resident's name and current address.
 - ii. A current property tax statement in the Resident's name.
 - iii. A current utility bill in the Resident's ~~applicant's~~ name dated within thirty (30) days of the date of application date.
 - iv. A voter registration card with the Resident's name and current address, or
 - v. Any other documentation deemed acceptable by the City Manager a designated member of City staff.
- c. The vehicle ~~must be registered to the same registration address shall be the same as the Resident's address, of the applicant's residence or business within the PPZ.~~

2. For a Business to obtain a Permit, all of the following requirements shall be met:

- i. The Business must be located within the PPZ for which the Permit is to be issued; and
- ii. The address listed on the Business's City Business License is located within the PPZ for which the Permit is to be issued.

~~Additional Requirement for Business Owners. In addition to the requirements under (C)(1) of this Section, business owners must have a valid business license issued by the City of SeaTac.~~

~~3. Additional Requirement for Renters. In addition to the requirements under (C)(1) of this Section, renters/lease holders are required to provide a copy of an executed lease between the owner or an agent of the property owner and the named tenant on the lease.~~

D. Fees.

1. Fees shall be adopted under the SeaTac fee schedule. The Finance Director may establish an annual system for permit renewal and fee collection.
 - a. Permit ~~parking~~ fees shall be paid at the time the application is submitted.
 - b. The Program may allow a reduced fee based on the applicant's annual income; provided, any discount is subject to proof of eligibility through supporting financial information submitted to the City.
 - c. All pPermit fees are non-refundable.
2. Reissuance Fee. An administrative fee may be assessed for the reissuance of each permit.

E. Permit Issuance, Expiration, and Renewal.

1. Issuance. A parking permit shall only be issued for a specific vehicle and zone, and is non-transferable to any other vehicle.
2. Reissuance or Cancellation of Parking Permit. A ~~resident or business owner within the PPZ~~ Permit Holder shall cancel or request reissuance of a permit in the event a permitted vehicle has been sold, stolen, or destroyed. When a permit has been reissued, the original permit will be deemed inactive and no longer valid.
3. Expiration and Renewal. Parking permits shall be valid for one (1) year from the date the permit was issued. ~~Permits for residents and business owners may be renewed annually.~~

F. Denial of Permit ~~Application~~. ~~Issuance of a Permit privileges may be denied for any of the following reasons including, but not limited to:~~

1. Any material misrepresentation on a permit application.
2. ~~The applicant~~ Resident or Business does not satisfy the requirements under SMC 9.50.040 (C).~~subsection C of this Section.~~
- 2.3. Issuance of the Permit will result in exceeding the Permit limits established in SMC 9.50.040(B).
- 3.4. ~~An incomplete application~~ The Permit application is incomplete.

~~If a parking permit application is the issuance of a Permit is denied, the City shall provide the applicant with the reason(s) for denial in writing. The applicant may remedy the issue(s) by providing supplemental or clarifying information and resubmitting the application.~~

G. Revocation of Permit. The Police Chief or designee may revoke a Parking Permit(s) if:

1. the Permit Holder made any material misrepresentations when applying for a Permit; or
2. the Permit Holder no longer satisfies the requirements set forth in SMC 9.50.040 (C);
3. If a Permit is revoked, the City shall provide the Permit Holder with the reason(s) for the revocation in writing. Revocation of a Permit may be appealed to the City Manager by filing a written notice of appeal with the City Clerk within 15 days from the date of revocation. The notice of appeal shall include the Permit Holder's name, address, contact phone number, email address, and the reason(s) why the revocation should be overturned. A hearing shall be scheduled as soon as practicable. There is no cost to appeal under this Section, and the decision of the City Manager is final.

9.50.050 Misuse, Revocation of the Permit and Violations.

~~A. Any person who has been issued a permit to park in the PPZ shall comply with the provisions of this Chapter. Permit holders who violate this Chapter may have their permit revoked.~~

1. ~~No person other than a designated City Official is authorized to permit a vehicle to park in any PPZ in excess of the posted time limit.~~

~~A. A parking permit(s) may be revoked from any person to whom a parking permit has been issued if such person has violated any provision of this Section. Such violations may include, but are not limited to:~~

- a. ~~Offering or agreeing to authorize or permit any person to park a vehicle in any restricted parking zone for any monetary consideration;~~
- b. ~~Transferring money or any other thing of value in exchange for the unauthorized use of any parking permit or other identification issued by the City; or~~
- c. ~~Allowing a parking permit issued by the City to be used without permission.~~

9.50.060 ~~Penalty for Misuse of Permit.~~

- A. ~~No parking permit shall be issued to such person found to be in violation SMC 9.50.050.~~
- B. ~~Any person found to be in violation of SMC 9.50.050 is subject to an infraction with a penalty of two hundred and fifty dollars (\$250.00), plus any court costs that may be assessed.~~
- C. ~~The penalties set forth herein are not exclusive. The City may seek remedies in accordance with the law, in addition to any criminal penalties that may be applicable.~~

9.50.070 Parking Zones and Restrictions.

- A. Parking of vehicles in excess of the posted time limits without a City issued parking permit shall be prohibited in the areas depicted on the map referenced in **Section 2**. Permit Parking Zone 1 is depicted on the map as shown in **Exhibit A**.
- B. The parking restrictions and time limitations within a PPZ are enforced twenty-four (24) hours a day, seven (7) days a week, including holidays.

9.50.080 Enforcement and Violations.

~~No person without authority under this Chapter shall park in excess of the posted time limits within a PPZ without a parking permit.~~

- A. ~~— A current and valid permit issued by the City under this Chapter is required as a condition for parking within the PPZ for a period that exceeds the limit of time posted on the signage.~~ Overtime Parking. It is a parking infraction with a monetary penalty of fifty dollars (\$50.00), for any vehicle to remain parked in excess of the posted time limits within a PPZ without a valid Parking Permit. Special license plates for persons with disabilities, parking placards, or special license plates with a special year tab for persons with disabilities pursuant to Chapter 46.19 RCW are not in violation of this Section.
- B. ~~The restrictions within the PPZ are enforced twenty four (24) hours a day, seven (7) days a week, including holidays.~~ In addition to Permit revocation as set forth in SMC 9.50.040 (G), it is an infraction, with a monetary penalty of two hundred and fifty dollars (\$250.00), for any person to make a material misrepresentation when applying for a Parking Permit.
- C. ~~— A violation of this Chapter shall constitute a parking infraction and is subject to a penalty in the amount of \$50.00.~~
- D. ~~— The penalties set forth herein are not exclusive. The City may seek remedies in accordance with the law, in addition to any criminal penalties that may be applicable.~~

9.50.090 Overtime and Repeated Violation for Overtime Parking, Separate Penalty.

Once a notice of infraction for overtime parking has been issued and the cited vehicle remains parked where cited for the previous violation, or affixed to a vehicle, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official

signs. A separate citation may be issued for each successive violation, each subsequent period of time (as posted) that lapses shall constitute a separate additional violation.

9.50.100 Establishing and, Expanding and Reducing Permit Parking Zones.

A. The City Manager shall consider whether a Permit Parking Zone ~~PPZ~~ within a designated defined area would promote certain benefits, and may recommend to the City Council establishment of additional Permit Parking Zones ~~to establish the Program~~ in an area where either one of the following instances occur:

1. ~~Upon receipt of a petition in which 75% of the residents and/or business owners in a designated area support a permit zone and when available parking spaces in the area is routinely below 40% of available on-street spaces used for greater than three (3) hours; or~~
Upon receipt of a petition in which 75% of the Residents and/or Businesses in a defined area request the establishment of a new, or expansion of an existing Permit Parking Zone, and available on-street parking spaces in such defined area is routinely below 40% of available on-street parking spaces used for greater than three (3) hours; or
2. A finding by the City Manager that there are benefits in establishing a new or expanding an existing ~~PPZ~~ Permit Parking Zone, which includes but is not limited to:
 - a. Increased access for area residents and business owners;
 - b. Reduced traffic congestion;
 - c. Increased traffic or pedestrian safety;
 - d. Reduced air or noise pollution;
 - e. Reduced commuter parking in neighborhoods; and
 - f. Prevention of blighted areas.

B. Adverse impacts that may prevent establishing, expanding, or reducing a PPZ include but are not limited to:

1. Inability to effectively enforce the program restrictions;
2. Lack of alternative transportation modes; and
3. Availability of efficient and more cost effective solutions.

C. ~~If a PPZ is initiated by the City, the residents and/or business owners in the PPZ can oppose the establishment of the Program with a petition of at least 60% of the residents and/or business owners in the proposed permit zone. The residents and business owners in the neighborhood are encouraged to form a committee to provide input to the City on the management of the permit zone.~~

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors,

references to other local, state or federal laws, codes, rules, or regulations, or Ordinance numbering and section/subsection numbering.

Section 4. This Ordinance shall be effective thirty (30) days after passage and publication as required by law.

ADOPTED this 23rd day of July, 2019 and signed in authentication thereof on this 23rd day of July, 2019.

CITY OF SEATAC

Erin Sitterley
Erin Sitterley, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

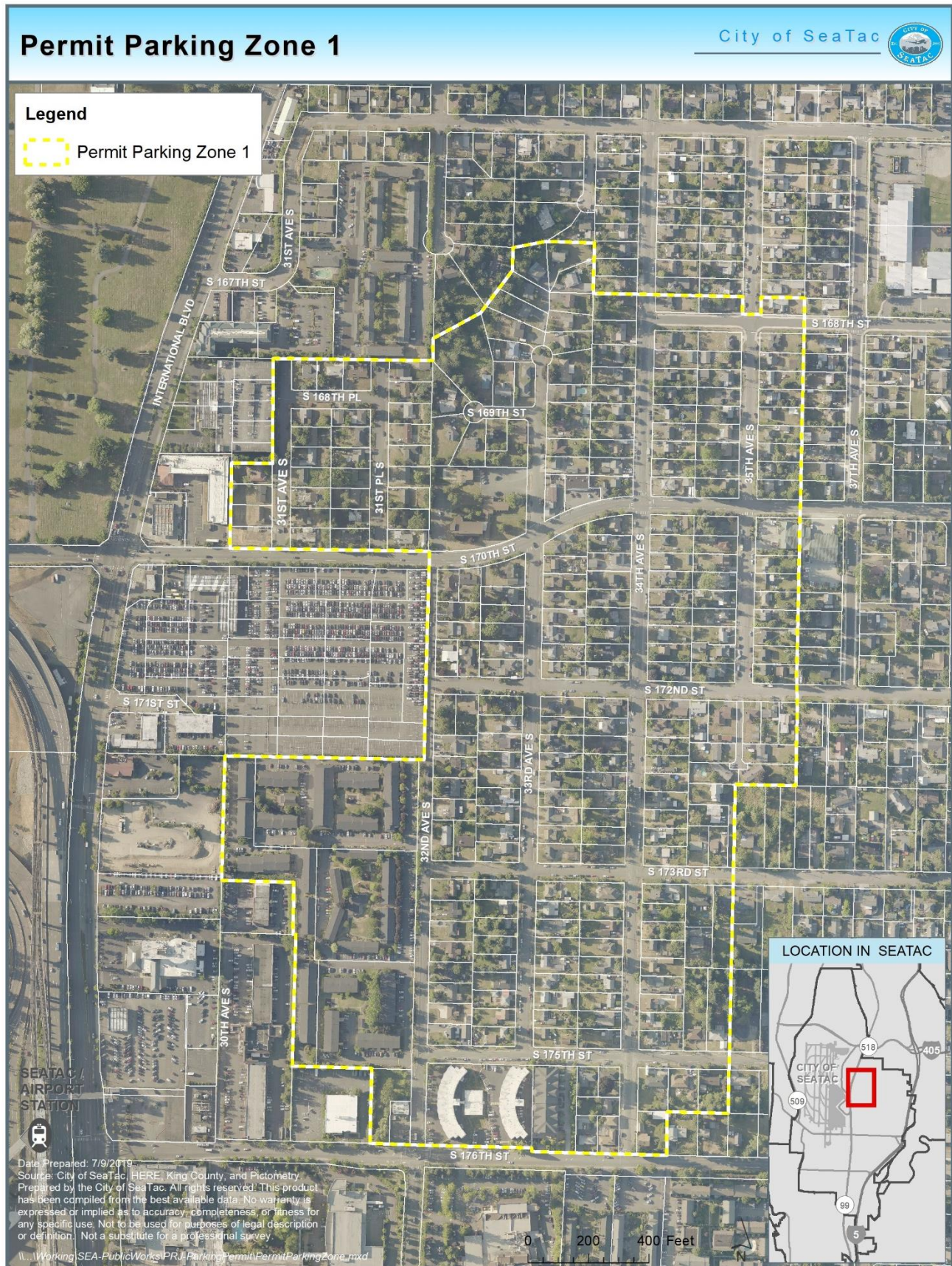
APPROVED AS TO FORM:

Mary Mirante Bartolo
Mary Mirante Bartolo, City Attorney

Effective Date : 8/28/19

[Ordinance Amending Permit Parking Program 9.50]

Exhibit A Parking Permit Zone Map



ORDINANCE NO. 19-1018

AN ORDINANCE of the City Council of the City of SeaTac, Washington, awarding the Des Moines Memorial Drive and South 200th Street Intersection Project (Public Works Project ST-065) contract to Rodarte Construction, Inc.; authorizing the City Manager to execute contracts with Rodarte Construction, Inc. for construction, Gray and Osborne, Inc. for construction management, and a contract amendment with Gray and Osborne, Inc. for design services; authorizing project expenditures; and amending the City's 2019-2020 Biennial Budget.

WHEREAS, the City of SeaTac implements a transportation improvement program, which identifies capital improvement projects for the City's transportation network; and

WHEREAS, the Des Moines Memorial Drive and South 200th Street Intersection Project ("Project"), Public Works Project ST-065, which is part of the City's transportation improvement program, has been fully designed, advertised and bid; and

WHEREAS, additional funding is necessary due to increases in project scope, and the need to use consultants to design the project and manage construction given workload and staffing issues;

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

Section 1. The City Manager is authorized to award and execute a contract with Rodarte Construction, Inc., in the amount of \$4,786,160 (including sales tax), for the construction of the Des Moines Memorial Drive and South 200th Street Intersection Project (Public Works Project ST-065).

Section 2. The City Manager is authorized to execute a contract with Gray and Osborne, Inc. in an amount of \$403,875 for construction management of the Project.

Section 3. The City Manager is authorized to execute a contract amendment with Gray and Osborne, Inc. in an amount of \$84,329 for additional Project design services.

Section 4. The total authorized expenditure amount for Project construction is \$5,937,959, including \$717,924 for contingency and \$30,000 for inspector overtime.


Section 5. The City's 2019-2020 Biennial Budget shall be amended by transferring \$3,226,012 from the Street Fund (#102) to the Transportation CIP Fund (#307), and increase expenditures in

the Transportation CIP Fund (#307) by \$3,226,012 to fully fund the Project.

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

ADOPTED this 24th day of September, 2019, and signed in authentication thereof on this 24th day of September, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 10/5/19]

[Des Moines Memorial Drive and South 200th Street Intersection Project and Budget Amendment]

ORDINANCE NO. 19-1019

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2019-2020 Biennial Budget for miscellaneous items.

WHEREAS, the Administration and Finance Committee, on September 12, 2019, reviewed the proposed amendment submitted by the City Manager and Finance and Systems Director which details recommended changes in various revenue and expenditure line items in the 2019-2020 Biennial Budget; and

WHEREAS, it is necessary for the City Council to amend the 2019-2020 Biennial Budget to provide additional appropriation authority to fund certain expenditures identified in Exhibit A;

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

Section 1. A listing of the adjustment requests is included by line item, amount, and fund in summary format as shown in the attached Exhibit A. Decision Cards providing detailed descriptions are included as Exhibit C.

Section 2. The 2019-2020 Biennial Budget for the City of SeaTac, covering the period from January 1, 2019, through December 31, 2020, is hereby amended with a total 2020 ending fund balance in the amount of \$81.1 million for all budgeted funds. The City's 2019-2020 biennial budget is attached as Exhibit B, and includes budgeted revenues and expenditures for the 2019-2020 biennium in the amounts and for the purposes shown separately and in the aggregate totals for all such funds as displayed.


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

ADOPTED this 24th day of September, 2019, and signed in authentication thereof on this 24th day of September, 2019.

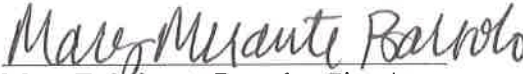
CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 10/5/19]

[2019-2020 Biennial Budget Amendment Ordinance]

EXHIBIT A
2019-2020 Biennial Budget Amendment

Revenue

107	107.397.35.00.000
206	206.361.11.00.000
307	307.397.25.00.000

<u>Decision Cards</u>		<u>Other Adjustments</u>		<u>TOTAL</u>
2019	2020	2019	2020	2019-2020
		\$815		\$815
		\$23		\$23
		\$2,200	\$2,500	\$4,700
\$0	\$0	\$3,037	\$2,500	\$5,537

Transfer In - Fund 206
Investment Interest
Transfer In - Fund 102

Expenditures

<u>FUND #</u>	<u>To Acct #</u>
001	001.000.03.513.10.XX.XXX
	001.000.03.513.10.31.008
	001.000.03.513.10.35.000
	001.000.03.513.10.42.028
	001.000.03.513.10.43.031
	001.000.03.513.10.43.032
	001.000.03.513.10.43.033
	001.000.03.513.10.49.054
	001.000.03.513.10.49.061
	001.000.03.518.90.49.053
	001.000.06.515.41.41.022
	001.000.06.515.45.41.022
	001.000.13.558.60.41.000
Subtotal General Fund (001)	

\$52,786	\$227,438			\$280,224
\$5,000				\$5,000
\$2,000				\$2,000
\$1,500	\$1,500			\$3,000
\$500	\$500			\$1,000
\$250	\$250			\$500
\$500	\$500			\$1,000
\$1,500	\$1,500			\$3,000
\$250	\$250			\$500
\$1,637	\$6,461			\$8,098
		\$2,500		\$2,500
		\$22,500		\$22,500
		\$25,000		\$25,000
\$65,923	\$238,399	\$50,000	\$0	\$354,322
		\$2,200	\$2,500	\$4,700
\$0	\$0	\$2,200	\$2,500	\$4,700
		\$815		\$815
\$0	\$0	\$815	\$0	\$815
		\$2,200	\$2,500	\$4,700
\$0	\$0	\$2,200	\$2,500	\$4,700
\$65,923	\$238,399	\$55,215	\$5,000	\$364,537

<u>Description</u>
Deputy City Manager - S&B
Deputy City Manager - Office & Operating
Deputy City Manager - Small Tools & Minor Equip
Deputy City Manager - Telephone
Deputy City Manager - Lodging
Deputy City Manager - Meals
Deputy City Manager - Transportation
Deputy City Manager - Memberships
Deputy City Manager - Registration
Digital Channel Platform Services
Special Legal Service
Special Legal Service
City Center Plan Update Contract Increase

102	102.000.11.597.25.00.000
Subtotal Street Fund (102)	

Transfer Out - Fund 307

206	206.000.04.597.35.00.000
Subtotal LTGO Bond Fund (206)	

Transfer Out - Fund 107

307	307.000.11.595.30.49.053
Subtotal Transp CIP Fund (307)	

Subscriptions

Grand Total - ALL FUNDS

CITY OF SEATAC, WASHINGTON
2019-2020 BIENNIAL BUDGET: EXHIBIT B

9/24/2019

2019-2020 BIENNIAL BUDGET (EXPENDITURES + ENDING BALANCES) = \$ 236,184,970					
FUND		BEGINNING BALANCE 2019-2020	REVENUES & OTHER SOURCES 2019-2020	EXPENDITURE APPROPRIATION 2019-2020	ENDING BALANCE 2019-2020
001	General Fund	\$ 29,090,983	\$ 80,457,131	\$ 81,053,558	\$ 28,494,556
102	Street Fund	15,681,557	21,642,044	19,676,739	\$ 17,646,862
105	Port ILA	1,609,124	2,940,579	3,125,920	\$ 1,423,783
106	Transit Planning	367,000	1,151,990	1,167,793	\$ 351,197
107	Hotel/Motel Tax	8,359,594	3,716,226	2,608,040	\$ 9,467,780
108	Building Management	3,453,957	1,610,560	2,148,874	\$ 2,915,643
110	Facility Repair & Replacement	-	-	-	\$ -
111	Des Moines Creek Basin ILA	2,487,282	700,000	374,866	\$ 2,812,416
206	2009 LTGO Bond Fund	16,203	23	16,226	\$ (0)
207	SCORE Bond Servicing	266,456	415,463	405,197	\$ 276,722
301	Municipal Capital Improvements	7,257,432	3,254,291	4,469,096	\$ 6,042,627
306	Facility Construction CIP	1,767,848	20,000	25,000	\$ 1,762,848
307	Transportation CIP	15,658,987	12,441,487	25,469,024	\$ 2,631,450
308	Light Rail Station Areas CIP	1,907,243	3,004,282	2,995,625	\$ 1,915,900
403	SWM Utility	4,299,891	8,719,182	8,273,566	\$ 4,745,507
404	Solid Waste & Environmental	427,982	753,240	553,287	\$ 627,935
501	Equipment Rental	1,094,797	1,612,134	2,651,756	\$ 55,175
TOTAL BIENNIAL BUDGET		\$ 93,746,338	\$ 142,438,632	\$ 155,014,568	\$ 81,170,401

Exhibit C
Decision Cards
(5 pages)

**City of SeaTac 2019-2020 Budget
Decision Card**

Title: Deputy City Manager		Department: City Manager's Office
Amount: \$ 296,224.00		Division: City Manager's Office
BARS#: Various		Director: Carl Cole
On-Going <input checked="" type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: City Manager Carl Cole
One-Time <input type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: (Provide a brief overview of what is being requested)

This request is for the addition of a Deputy City Manger to the City Manager's Office.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

See attached pages.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

The risk of not approving this request is the continued vulnerability of being unable to implement Continuity of Operations in the event of a natural or human-made disaster, or the sudden, unplanned and long-term absence of the City Manager. This position will be instrumental in implementing strategies aimed at reducing costly employee turnover and in developing training to improve the supervisory and management skills of leaders at all levels of the City.

City Goal: (Identify one or more City Goal addressed by this request):

This position will provide support for all six (6) city goals:
City Operations, Community Engagement, Infrastructure Investment, Lifelong Learning,
Public Safety, and Revenue and Development

Funding Source: (How will this request be funded):

<u>Source/Fund (be specific)</u>	<u>2019 Amount</u>	<u>2020 Amount</u>
Current Operations: General Fund	\$ 64,286.00	\$ 231,938.00
Ending Fund Balance:		
Grant:		
Other:		
TOTAL	\$ 64,286.00	\$ 231,938.00

City of SeaTac

New Position Request Worksheet

(Required for all decision cards requesting a new position)

Title of Associated Decision Card: Deputy City Manager

Position Title *(Provided by HR)*: Deputy City manager

Salary Range/Step *(Provided by HR)*: 80 C

Limited Position?: No

Primary Duties/Responsibilities:

Under the direction of the City Manager, the Deputy City Manager will provide high-level support and assistance to the City Manager in the day-to-day operations of the City of SeaTac; to provide leadership and supervision to assigned departments or functions; to oversee and evaluate the effectiveness of city operations or support services as assigned, to assist in promoting policies set by Council; to provide responsible staff assistance to the City Manager, City Council, and Department Heads; effectively assist in the development and implementation of Council strategies. As a member of the Leadership Team, the position is expected to demonstrate and foster excellent communication skills to actively and effectively engage in strategic planning and organizational development.

Essential functions will include but not be limited to:

- Provide complex, analytical assistance and support to the City manager in the resolution of operational policy and intergovernmental issues, including day-to day operations of the City of SeaTac
- Oversight of internal programs designed to promote and realize professional development at all levels of the city
- Coordinate and respond to Council requests for information
- Represent the City's interests and positions before all legislative and rule-making authorities at all levels of government; act as the City's official representative through personal contacts in the community and appearances before citizens groups and service clubs
- Serve as Acting City Manager in the City Manager's absence or as designated during the response to an emergency event
- Oversight of internal programs aimed at improving efficiencies in processes

	2019	2020
Total Salary <i>(provided by Finance)</i>	37,725.00	159,755.00
Total Benefits <i>(provided by Finance)</i>	15,061.00	67,683.00
Subtotal Salary and Benefits	\$ 52,786.00	\$ 227,438.00
Furniture and Office Equipment	5,000.00	
Computer Hardware and Software	2,000.00	
Uniform		
Vehicle <i>(provided by Public Works)</i>		
Equipment Rental Charges <i>(from 501 Fund - provided by Public Works)</i>		
Training	1,500.00	1,500.00
Telephone <i>(cell/pager, etc.)</i>	1,500.00	1,500.00
Other <i>(specify)</i> : Membership in Professional Organizations	1,500.00	1,500.00
Subtotal Associated Costs	\$ 11,500.00	\$ 4,500.00
TOTAL:	\$ 64,286.00	\$ 231,938.00

A Deputy City Manager is crucial to moving SeaTac forward in three critical areas.

1. Recruiting, Hiring, Training, and Retaining Employees.

We have suffered significant turnover of personnel in the last three years, losing more than 60 positions in the union alone. High turnover is extremely expensive and I judge it to be the most inefficient factor governing costs and effective project implementation. Taking the time to bring a new person "up to speed" is not only inefficient in that the new person has not developed the SeaTac specific skill set necessary to perform efficiently, but it also takes away from the efficiency of the person charged with training the new person. When this occurs more than once in the same job classification within short time frames, the inefficiency is multiplied. There are two subsets to this issue that I have identified.

a. Supervisory and Leadership Training

SeaTac does a good job of keeping supervisors current in the mandatory subjects of training such as workplace harassment, FMLA, etc. While those trainings are important to reduce risk to the City, teaching people 'how' to supervise is equally, if not more, important. This is the leadership component that serves to inspire and motivate and often leads people to produce more than is expected and to come up with new ideas on how to do things better.

b. Morale

Low morale is inefficient. People who do not like coming to work often do not produce the best product, certainly do not produce the most product, and in the end are ambivalent towards situations that could result in future issues and risk to the City. For instance, they may see a situation that if not addressed could lead to a more severe situation and not mention it because, "it's not my job." This is the condition I personally guard against the most. Public service is an honor and to permeate that belief throughout the organization is critical to optimizing efficiency.

2. Operational Tempo

Since moving from Study Sessions to Council Committees a couple of years ago, the operational tempo of the council, and subsequently of staff, has increased dramatically. Under the Study Session model, staff was limited to about 3 hours of presentation time in front of Council per month during the two scheduled study sessions. With the establishment of Council Committees, the number of hours staff have to present in front of Council/committee is over 12 hours per month. This has resulted not only in a significant increase in the amount of time it takes staff to prepare their presentations, but also a significant increase in the subsequent council approval of more projects and programs that staff are then responsible for overseeing to completion.

3. Continuity of Government/Operations

WAC 118-30-040 establishes the responsibilities of Cities to implement an emergency management plan as authorized by RCW 38.52 and codified by the City of SeaTac under SMC 2.75. Periodic plan updates are required and we are currently engaged in a process of updating our Continuity of Government / Continuity of Operations Plan. Of note is that the last time this was revised, most of the Departments and the City Manager's Office had specific, titled, dedicated, number 2's. I do not know what precipitated the removal of the Assistant Parks, Finance, and Public Works Directors, or the Assistant City Manager, but I suspect an idea of fiscal responsibility or economy was

involved. I am completely in favor of conservancy budgeting but that must include the basic components of the base line services our constituencies expect to be delivered, especially in an emergency. We are currently not positioned to respond well to any crisis that lasts more than one operational period.

Adding a Deputy City Manager would give the City the capacity to address these critical areas and more, as well as provide the redundancy necessary to continue to function as a first class government in our rapidly growing economy and environment.

City of SeaTac 2019-2020 Budget Decision Card

Title: Digital Channel Platform Services		Department: CMO
Amount: \$ 8,098.00		Division: Communications
BARS#: 001.000.03.518.90.49.053		Director: Carl Cole
On-Going <input checked="" type="checkbox"/>	Mandatory <input type="checkbox"/>	Preparer: Kyle Moore
One-Time <input type="checkbox"/>	Discretionary <input checked="" type="checkbox"/>	

Description: (Provide a brief overview of what is being requested)

Yearly subscriptions to WordPress Blog website hosting, HootSuite Social Media Platform Management Service, Archive Social Media Platform Software, the Associated Press Stylebook Online and Search Engine Optimization.

Justification: (Explain why this is being requested and/or how the request will benefit the City):

The City of SeaTac will be launching or relaunching several social media platforms including Facebook, Twitter, WordPress Blog, Instagram, and NextDoor Media. After researching multiple options, the below recommendations are the most economical and/or robust software to provide necessary oversight and protection.

The most economical solution to launching a blog is WordPress which is \$25/month for unlimited storage. The Associated Press Stylebook Online subscription allows the City to comply with current blogpost standards. The cost is \$29/year. In order to manage and monitor multiple platforms, a social media platform management software (HootSuite) is needed. The cost of this software is \$29/month. All social media posts and comments also need to be archived in order to comply with public disclosure laws. Archive Social will best protect the City from risk of public disclosure lawsuits. The cost of the software is \$399/month. Because the City of SeaTac is launching all social media platforms from scratch, it will take time to build an audience and for residents to find our social media channels. In order to accelerate the reach of these social media platforms, utilizing Search Engine Optimization (SEO) and Facebook Ads will increase engagement. A projected cost for this is \$83/month. If approved, the City would begin these subscriptions in Q4 of 2019.

Alternatives: (List possible alternatives and/or risks if funding is not approved):

Without the proposed software, it would be difficult to monitor social media traffic and comments on multiple platforms. If the City does not have archiving software, the municipality is at risk of public disclosure lawsuits as the Washington Public Records Act (RCW Chapter 40.14) requires that government agencies preserve public records regardless of physical form.

City Goal: (Identify one or more City Goal addressed by this request):

The social media software proposal supports the City goal of Community Engagement: Actively engage the community to gather input on the City governance and issues of concern.

Funding Source: (How will this request be funded):

	Source/Fund (be specific)	2019 Amount	2020 Amount
Current Operations:	General Fund	\$ 1,637.00	\$ 6,461.00
Ending Fund Balance:			
Grant:			
Other:			
TOTAL		\$ 1,637.00	\$ 6,461.00

ORDINANCE NO. 19-1020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, REGARDING THE CITY'S PARTICIPATION IN THE SOUTH CORRECTIONAL ENTITY (SCORE); AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED INTERLOCAL AGREEMENT RELATING TO SCORE; APPROVING THE CITY'S CAPITAL CONTRIBUTION RELATED TO REFUNDING BONDS TO BE ISSUED TO REFINANCE THE SCORE FACILITY; AND APPROVING OTHER MATTERS RELATED THERETO.

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

WHEREAS, pursuant to an ordinance adopted by the City Council and chapter 39.34 RCW, the Interlocal Cooperation Act, the City entered into a SCORE Interlocal Agreement with the other parties thereto dated February 25, 2009 and subsequently amended and restated on October 1, 2009 (as amended and restated, the "Original Interlocal Agreement"), to form a separate governmental administrative agency known as the South Correctional Entity ("SCORE"); and

WHEREAS, the South Correctional Entity Facility Public Development Authority (the "Authority"), a public corporation chartered by the City of Renton, pursuant to RCW 35.21.730 through 35.21.757, issued its Bonds, Series 2009A (the "2009A Bonds") and Bonds, Series 2009B (Taxable Build America Bonds—Direct Payment) (the "2009B Bonds," and together with the 2009A Bonds, the "2009 SCORE Bonds") on November 4, 2009, in the aggregate principal amount of \$86,235,000; and

WHEREAS, proceeds of the 2009 SCORE Bonds were used to finance a portion of the costs of acquiring, constructing, developing, equipping and improving a regional misdemeanor correctional facility located in Des Moines, Washington (the "SCORE Facility"), operated by SCORE; and

WHEREAS, pursuant to an ordinance adopted by the City Council, the City pledged its full faith and credit toward the payment of its allocable proportion of the debt service due on the 2009 SCORE Bonds issued by the Authority; and

WHEREAS, the 2009 SCORE Bonds are subject to defeasance and/or redemption prior to their stated maturity dates; and

WHEREAS, after due consideration it appears to the Board of Directors of the Authority that the 2009 SCORE Bonds may be defeased and/or redeemed prior to maturity by proceeds of

refunding bonds (the "Refunding Bonds") and other legally available funds for overall debt service savings; and

WHEREAS, the City now desires to pledge its full faith and credit to the City's allocable portion of the Refunding Bonds and to amend and restate the Original Interlocal Agreement to provide for such refunding and other matters as provided herein;

THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. Terms defined in the recitals of this resolution are incorporated as if fully set forth herein. Terms not otherwise defined in this resolution shall have the meanings set forth in the Interlocal Agreement (defined in Section 2).

Section 2. Approval of Interlocal Agreement. The City hereby approves the Amended and Restated SCORE Interlocal Agreement substantially in the form attached hereto as Exhibit A and incorporated herein by this reference (the "Interlocal Agreement"). The City Manager is hereby authorized and directed to execute the Interlocal Agreement, on behalf of the City, with such changes as determined to be appropriate by such representative and in the best interest of the City. On the Effective Date, the Interlocal Agreement shall amend and restate, in its entirety, the Original Interlocal Agreement.

The City Manager is hereby designated, together with his or her designee, as the "Designated Representative" for purposes of the Interlocal Agreement. The Interlocal Agreement may be further amended from time to time as provided therein. The City hereby authorizes and confirms the authority vested in the Administrative Board as provided in the Interlocal Agreement.

Section 3. City Contributions. The Authority has proposed to issue one or more series of refunding bonds (the "Refunding Bonds"), the proceeds of which will be used, together with other legally available funds, to refund the outstanding 2009 SCORE Bonds for overall debt service savings.

The City hereby irrevocably covenants and agrees to pay its capital contribution in the percentage provided for in the Interlocal Agreement, which is equal to the City's allocated owner percentage as shown in the following chart (the "Owner Percentage"), to pay debt service on the Refunding Bonds as the same shall become due and payable and to pay administrative expenses of the Authority with respect to the Refunding Bonds (the "Capital Contribution"). The Owner Percentage allocated to the City is as follows:

Owner City	Owner Percentage
Auburn	34.94%
Renton	40.96
Tukwila	9.64
Des Moines	6.02
Burien	4.82
SeaTac	3.62
Total	100.00%

The authorization contained in this ordinance is conditioned upon the issuance of Refunding Bonds not exceeding the aggregate principal amount of \$57,000,000 without obtaining additional Council approval.

The City recognizes that it is not obligated to pay the Capital Contribution of any other Member City; the Capital Contribution of the City shall be limited to its Owner Percentage allocable share of such obligations; all such payments shall be made by the City without regard to the payment or lack thereof by any other jurisdiction; and the City shall be obligated to budget for and pay its Capital Contribution unless relieved of such payment in accordance with the Interlocal Agreement.

The City's obligation to pay its Capital Contribution shall be an irrevocable full faith and credit obligation of the City, payable from property taxes levied within the constitutional and statutory authority provided to cities without a vote of the qualified electors on all of the taxable property within the City and other sources of revenues available therefor. The City hereby obligates itself and commits to budget for and pay its Capital Contribution and to set aside and include in its calculation of outstanding nonvoted general obligation indebtedness an amount equal to the principal component of its Capital Contribution for so long as any Refunding Bonds issued by the Authority remain outstanding.

All payments with respect to the Refunding Bonds shall be made to SCORE in its capacity as administrator and servicer of the Refunding Bonds to be issued by the Authority.

Section 4. General Authorization; Ratification. The City Manager, the City Finance Director, the City Clerk, and other appropriate officers of the City are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Interlocal Agreement, the issuance of the Refunding Bonds by the Authority, and to execute all closing certificates, agreements, contracts and documents required to effect the closing and delivery of each series of the Refunding Bonds, the implementation of the Interlocal Agreement, and the withdrawal of Federal Way as a Member City of SCORE effective December 31, 2019. Such documents may include, but are not limited to, an undertaking to provide ongoing disclosure in connection with Securities and Exchange Commission Rule 15c2-12 (the "Rule") under the Securities Exchange Act of 1934, as amended; any disclosure documents delivered for purposes of the Rule in connection with the issuance of the Refunding Bonds and pertaining to the City; and documents regarding the tax status of any Refunding Bonds issued on a tax-exempt basis under the Internal

Revenue Code of 1986, as amended. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified.

Section 5. Effective Date. This ordinance shall take effect and be in force from and after passage and publication as provided by law.

PASSED by the City Council of the City of SeaTac, this 8th day of October, 2019, and signed in authentication of its passage this 8th day of October, 2019.

CITY OF SEATAC

Erin Sitterley
Erin Sitterley, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to form:

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

[Effective Date: 10/19/19]

EXHIBIT A

**Form of Amended and Restated SCORE Interlocal Agreement
(attached)**

AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT

among

CITY OF AUBURN,

CITY OF BURIEN,

CITY OF DES MOINES,

CITY OF RENTON,

CITY OF SEATAC,

AND

CITY OF TUKWILA, WASHINGTON

Dated as of _____, 2019

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AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT

THIS AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT is effective as of the date written below and is by and among the Cities of Auburn, Burien, Des Moines, Renton, SeaTac and Tukwila, Washington, all of which are municipal corporations under the laws and statutes of the State of Washington:

RECITALS:

WHEREAS, the Member Cities (as defined herein) are authorized by chapter 70.48 RCW to contract for, establish and maintain correctional facilities in furtherance of public safety and welfare; and

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

WHEREAS, in 2009 the Member Cities formed a separate governmental administrative agency pursuant to an interlocal agreement and RCW 39.34.030(3) known as the South Correctional Entity ("SCORE") to establish and maintain a consolidated correctional facility to be located in the City of Des Moines (the "SCORE Facility") to serve the Member Cities and federal and state agencies and other local governments that may contract with SCORE in the future to provide correctional services essential to the preservation of the public health, safety and welfare; and

WHEREAS, the Member Cities now desire to amend and restate the formation interlocal agreement as provided herein;

NOW THEREFORE, it is hereby agreed and covenanted among the undersigned as follows:

Section 1. Definitions. Capitalized terms used in this SCORE Interlocal Agreement shall have the meanings given such terms in the recitals hereof and as follows:

"Administrative Board" means the governing board of SCORE created pursuant to Section 5 of this SCORE Interlocal Agreement.

"Bonds" mean bonds, notes or other evidences of borrowing issued by the SCORE Facility Public Development Authority to finance and/or refinance the SCORE Facility and for any other SCORE purpose.

"Budget" means the budget prepared by the Facility Director in consultation with the Operations Board, and submitted to the Administration Board for its approval in accordance with Section 5 and Section 9 of this SCORE Interlocal Agreement, which budget shall set forth (a) an estimate of the costs of capital improvements required to be

made to the SCORE Facility within the applicable year, (b) on a line item basis, all anticipated revenues and expenses for the operation and maintenance of the SCORE Facility for the applicable year, and (c) any information required by policies adopted by the Administrative Board pursuant to Section 9(b) of this SCORE Interlocal Agreement.

“Capital Contribution” means, for each Owner City, that Owner City’s Owner Percentage multiplied by the principal of and interest on Bonds as the same shall become due and payable.

“Code” means the Internal Revenue Code of 1986, as amended.

“Costs of Maintenance and Operation” means all reasonable expenses incurred by SCORE in causing the SCORE Facility to be operated and maintained in good repair, working order and condition, and all costs of administering SCORE.

“Designated Representative” means the Mayor or the City Manager, as selected by each Member City, or his or her designee.

“Effective Date” has the meaning set forth in Section 19 of this Agreement.

“Facility Director” means the director of the SCORE Facility selected by the Administrative Board pursuant to Section 7 of this SCORE Interlocal Agreement.

“Finance Committee” means the committee formed pursuant to Section 6 of this SCORE Interlocal Agreement.

“Host City” means the City of Des Moines, Washington.

“Host City Agreement” means the Host City Agreement among the cities of Renton, Federal Way, Auburn and Des Moines and SCORE dated as of October 1, 2009.

“Member Cities” mean the Owner Cities and, until the date provided for in Section 20, the City of Federal Way.

“Operations Board” means the board formed pursuant to Section 6 of this SCORE Interlocal Agreement.

“Owner Cities” mean the Cities of Auburn, Burien, Des Moines, Renton, SeaTac and Tukwila, Washington.

“Owner Percentage” means the percentage assigned to each Owner City, as follows:

<u>Owner City</u>	<u>Owner Percentage</u>
Auburn	34.94%
Renton	40.96
Tukwila	9.64
Des Moines	6.02
Burien	4.82
SeaTac	3.62
Total	100.00%

“Presiding Officer” means the member of the Administrative Board selected pursuant to Section 5 of this SCORE Interlocal Agreement.

“SCORE” means the governmental administrative agency established pursuant to RCW 39.34.030(3) by the Member Cities.

“SCORE Facility” means the consolidated correctional facility acquired, constructed, improved, equipped, maintained and operated by SCORE.

“SCORE Facility Public Development Authority” means the South Correctional Entity Facility Public Development Authority chartered by the City of Renton, Washington.

“SCORE Interlocal Agreement” or **“SCORE Formation Interlocal Agreement”** means this Amended and Restated SCORE Interlocal Agreement among the Member Cities, as amended from time to time.

“Subscribing Agencies” mean the federal and state agencies, municipal corporations, and other local governments, other than the Member Cities, that contract with SCORE for correctional services at the SCORE Facility pursuant to the terms of this SCORE Interlocal Agreement.

“2009 SCORE Bonds” mean the SCORE Facility Public Development Authority Bonds, Series 2009A and Bonds, Series 2009B (Taxable Build America Bonds—Direct Payment) issued on November 4, 2009, in the aggregate principal amount of \$86,235,000.

Section 2. SCORE Facility; Authority.

(a) Administrative Agency. There is hereby established a governmental administrative agency pursuant to RCW 39.34.030(3) to be known as the South Correctional Entity (“SCORE”). SCORE shall consist of the Member Cities.

(b) Powers of SCORE. SCORE shall have the power to acquire, construct, own, operate, maintain, equip, and improve a correctional facility known as the “SCORE Facility” and to provide correctional services and functions incidental thereto, for the purpose of detaining arrestees and sentenced offenders in the furtherance of public safety and emergencies within the jurisdiction of the Member Cities. The SCORE Facility may serve the Member Cities and Subscribing Agencies which are in need of correctional facilities. Any agreement with a Subscribing Agency shall be in writing and approved by SCORE as provided herein.

(c) Administrative Board. The affairs of SCORE shall be governed by the Administrative Board formed pursuant to Section 5 of this SCORE Interlocal Agreement. The Administrative Board shall have the authority to:

- (1) Recommend action to the legislative bodies of the Member Cities;
- (2) Approve the Budget, adopt financial policies and approve expenditures;
- (3) Establish policies for investing funds and incurring expenditures of Budget items for the SCORE Facility;
- (4) Review and adopt a personnel policy for the SCORE Facility;
- (5) Establish a fund, or special funds, as authorized by chapter 39.34 RCW for the operation of the SCORE Facility;
- (6) Conduct regular meetings as may be designated by the Administrative Board;
- (7) Determine what services shall be offered at the SCORE Facility pursuant to the powers of SCORE and under what terms they shall be offered;
- (8) Enter into agreements with third parties for goods and services necessary to fully implement the purposes of this SCORE Interlocal Agreement;
- (9) Establish rates for services provided to members, subscribers or participating agencies;
- (10) Direct and supervise the activities of the Operations Board and the Facility Director;
- (11) Enter into an agreement with a public corporation or otherwise to incur debt;
- (12) Make purchases or contract for services necessary to fully implement the purposes of this SCORE Interlocal Agreement;

(13) Enter into agreements with and receive and distribute funds from any federal, state or local agencies;

(14) Receive and account for all funds allocated to the SCORE Facility from its members;

(15) Purchase, take, receive, lease, take by gift, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, in the name of the SCORE Facility;

(16) Sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of property and assets;

(17) Sue and be sued, complain and defend, in all courts of competent jurisdiction in its name;

(18) Make and alter bylaws for the administration and regulation of its affairs;

(19) Enter into contracts with Subscribing Agencies to provide correctional services;

(20) Employ employees as necessary to accomplish the terms of this SCORE Interlocal Agreement;

(21) Establish policies and procedures for adding new parties to this SCORE Interlocal Agreement; and

(22) Engage in any and all other acts necessary to further the goals of this SCORE Interlocal Agreement.

Section 3. Duration of Agreement.

The initial duration of this SCORE Interlocal Agreement (commencing from February 25, 2009, the date of the original interlocal agreement relating to SCORE) shall be for a period of ten (10) years and, thereafter, shall automatically extend for additional five (5) year periods unless terminated as provided in this SCORE Interlocal Agreement. Notwithstanding the foregoing, this SCORE Interlocal Agreement shall not terminate until all Bonds issued by the SCORE Facility Public Development Authority as provided in Section 15 of this SCORE Interlocal Agreement are no longer outstanding.

Section 4. Withdrawal and Termination.

(a) Subject to Section 4(g) below, any Member City may withdraw its membership and terminate its participation in this SCORE Interlocal Agreement by providing written notice and serving that notice on the other Member Cities on or before

December 31 in any one-year. After providing appropriate notice as provided in this Section, that Member City's membership withdrawal shall become effective on the last day of the year following delivery and service of appropriate notice to all other Member Cities.

(b) Subject to Section 3 above, four (4) or more Member Cities may, at any one time, by written notice provided to all Member Cities, call for a termination of SCORE and this SCORE Interlocal Agreement. Upon an affirmative supermajority vote (majority plus one) by the Administrative Board, SCORE shall be directed to terminate business, and a date will be set for final termination, which shall be at least one (1) year from the date of the vote to terminate this SCORE Interlocal Agreement. Upon the final termination date, this SCORE Interlocal Agreement shall be fully terminated.

(c) Subject to Section 4(g) below, in the event any Member City fails to budget for or provide its applicable annual funding requirements for SCORE as provided in Section 15 hereof, the remaining Member Cities may, by majority vote, immediately declare the underfunding City to be terminated from this SCORE Interlocal Agreement and to have forfeited all its rights under this SCORE Interlocal Agreement as provided in Section 4(e). The remaining Member Cities may, at their option, withdraw SCORE's correctional services from that City, or alternatively, enter into a Subscribing Agency agreement with that City under terms and conditions as the remaining Member Cities deem appropriate.

(d) Time is of the essence in giving any termination notice.

(e) If an individual Owner City withdraws its membership in SCORE, the withdrawing City will forfeit any and all rights it may have to SCORE's real or personal property, or any other ownership in SCORE, unless otherwise provided by the Administrative Board.

(f) Upon termination of this SCORE Interlocal Agreement, all property acquired during the life of this SCORE Interlocal Agreement shall be disposed of in the following manner:

(1) All real and personal property acquired pursuant to this SCORE Interlocal Agreement shall be distributed to the Owner Cities based on the Owner Percentages; and

(2) All unexpected funds or reserve funds shall be distributed based on the percentage of average daily population at the SCORE Facility for the last three (3) years prior to the termination date of those Member Cities still existing on the day prior to the termination date.

(g) Notwithstanding any of the other rights, duties or obligations of any Member City under this Section 4, the withdrawal of any Owner City from this SCORE

Interlocal Agreement shall not discharge or relieve the Owner City that has withdrawn pursuant to Section 4(a) or been terminated pursuant to Section 4(c) of its obligation to pay debt service on Bonds issued by the SCORE Facility Public Development Authority. An Owner City may be relieved of its obligation under this SCORE Interlocal Agreement to make payments with respect to its Capital Contribution if the Administrative Board, by supermajority vote (majority plus one), authorizes such relief based on a finding that such payments are not required to pay debt service on Bonds issued by the SCORE Facility Public Development Authority.

Section 5. Administrative Board.

(a) Formation. An Administrative Board composed of the Designated Representative from each Member City shall govern the affairs of SCORE.

(b) Allocation of Votes. Each Board member shall have an equal vote and voice in all Board decisions.

(c) Voting Requirements. Votes regarding (1) debt; (2) approval of the Budget; (3) employment of the Facility Director; (4) cost allocations made prior to the issuance of Bonds; and (5) approval of labor contracts, shall require an affirmative vote of a supermajority (majority plus one) of the Member Cities, two (2) of which shall have the highest and the second highest average daily population in the SCORE Facility for the 12-month period ending June 30 (or other such date as the Administrative Board shall determine as set forth in its financial policies) of the preceding year.

Votes regarding (1) the conveyance of real property; (2) the addition of additional services pursuant to this SCORE Interlocal Agreement not directly incidental to correctional services (such as providing court services); and (3) matters addressed in Sections 4(b) and (g) and Section 15(d)(2)(iv) of this SCORE Interlocal Agreement, shall require an affirmative vote of a supermajority (majority plus one) of the Member Cities.

(d) Parliamentary Authority. Unless otherwise provided, Robert's Revised Rules of Order (newly revised) shall govern all procedural matters relating to the business of the Administrative Board.

(e) Officers of the Administrative Board. Members of the Administrative Board shall select a Presiding Officer from its members, together with such other officers as a majority of the Administrative Board may determine. Subject to the control of the Administrative Board, the Presiding Officer shall have general supervision, direction and control of the business and affairs of SCORE. On matters decided by the Administrative Board, the signature of the Presiding Officer alone is sufficient to bind SCORE.

(f) Meetings of the Administrative Board. There shall be a minimum of two (2) meetings each year. Unless otherwise designated by the Presiding Officer, the first

meeting shall be held on the second Tuesday of February of each year to review the prior years' service. The second meeting shall be on the second Tuesday of September of each year to consider and adopt a Budget for the following fiscal year. Other meetings may be held upon request of the Presiding Officer or any two members. All meetings shall be open to the public to the extent required by chapter 42.30 RCW.

Prior to January 1, 2020, five (5) members, and from and after January 1, 2020, four (4) members of the Administrative Board must be present at any meeting of the Administrative Board to comprise a quorum, and for the Administrative Board to transact any business. Proxy voting shall not be allowed. Members of the Administrative Board may participate in a meeting through the use of any means of communication by which all members and members of the public participating in such meeting can hear each other during the meeting. Any members of the Administrative Board participating in a meeting by such means is deemed to be present in person at the meeting for all purposes including, but not limited to, establishing a quorum.

(g) Bylaws. The Administrative Board shall be authorized to establish bylaws that govern procedures of the Administrative Board and the SCORE Facility's general operations.

(h) Administrative Board Review. A general or particular authorization or review and concurrence of the Administrative Board by majority vote shall be necessary for all capital expenditures or contracts in excess of \$50,000.

Section 6. Operations Board; Finance Committee; Other Committees.

(a) Operations Board. There is established an Operations Board which shall be advisory to the Facility Director, staff and Administrative Board on operational matters of SCORE. The Administrative Board shall establish the specific purpose and duties of the Operations Board.

The Operations Board shall consist of up to nine (9) members selected as provided in this paragraph. One (1) member shall be designated by each of the Member Cities, and up to three (3) at-large members shall be selected, by majority vote, by the Subscribing Agencies to represent the police departments of the Subscribing Agencies. At the time set for election of the at-large members, only the representatives of the Subscribing Agencies, then in attendance, will participate in the election. The Member Cities' Operations Board representatives shall not participate in the at-large member elections. The at-large members shall serve one-year terms, unless otherwise determined by majority vote of the Operations Board. Each member of the Operations Board shall have an equal vote in all Operations Board decisions. The Operations Board shall be authorized to establish bylaws and/or procedures that govern its operations. The Operations Board shall elect a presiding officer from its members and shall determine the time and place of its meetings. All meetings shall be open to the public if and to the extent required by chapter 42.30 RCW.

(b) Finance Committee. There is established a Finance Committee, which shall be advisory to the Facility Director, staff and Administrative Board on finance matters of SCORE. The Administrative Board shall establish the specific purpose and duties of the Finance Committee. The Finance Committee shall consist of the finance directors or managers of each of the Member Cities. Each member of the Finance Committee shall have an equal vote in all Finance Committee decisions. The Finance Committee shall be authorized to establish bylaws and/or procedures that govern its operations. The Finance Committee shall elect a presiding officer from its members and shall determine the time and place of its meetings. All meetings shall be open to the public if and to the extent required by chapter 42.30 RCW.

(c) Standing or Temporary Committees. The Administrative Board may, from time to time, establish permanent and/or temporary committees to assist in its operations and operations of the SCORE Facility.

Section 7. Facility Director.

Day to day operations of SCORE and the SCORE Facility shall be administered by a Facility Director, who shall be appointed by the Administrative Board after receiving the recommendation of the Operations Board. The Administrative Board may accept or reject the Operations Board recommendation. Such Facility Director shall be responsible to the Administrative Board, shall develop the Budget in consultation with the Operations Board and shall take other appropriate means in order to fully implement the purposes of this SCORE Interlocal Agreement. The Facility Director shall administer SCORE and the SCORE Facility in its day-to-day operations consistent with the policies adopted by the Administrative Board. Such Facility Director shall have experience in technical, financial and administrative fields, and such appointment shall be on the basis of merit only.

Section 8. Personnel Policies.

(a) The Operations Board shall from time to time submit proposed personnel policies or proposed amendments to existing personnel policies to the Administrative Board for their approval, rejection or modification. All of such modifications or revisions shall be subject to the final approval of the Administrative Board.

(b) Such personnel policies shall provide for the initial appointment to the SCORE Facility's staff from the personnel presently, permanently appointed or assigned as corrections officers in the Member Cities. Additional employees shall be appointed by the Facility Director upon meeting the qualifications established by the Operations Board and adopted by the Administrative Board. None of such employees shall be commissioned members of any emergency service, but may be eligible for membership under the Public Employees Retirement Systems (PERS), or Public Safety Employees Retirement System (PSERS), as provided by law.

Section 9. Budget, Policies and Operations.

(a) The Facility Director shall distribute a proposed Budget to the Operations Board on or before August 1 of each year, which Budget, including any amendments by the Operations Board thereto, shall then be provided to the Administrative Board no later than September 1 of such year. Thereafter, the Member Cities shall be advised of the programs and objectives as contained in said Budget, and of the required financial participation for the ensuing year.

(b) The Administrative Board shall develop financial policies for SCORE as part of the budgetary process. Such policies may include, but are not limited to, (1) items to be provided for in the Budget, (2) a minimum contribution amount for each Member City to pay for Costs of Maintenance and Operation, (3) the process for allocating unexpended amounts paid by the Member Cities for Costs of Maintenance and Operation and assessing the Member Cities in the event of cost overruns, (4) establishing and maintaining reserve accounts, if any, and (5) the process for adding a new party to this SCORE Interlocal Agreement.

(c) The allocation of prorated financial participation among the Member Cities shall be calculated as provided in Section 15 hereof. Each Member City shall be unconditionally obligated to provide its allocable share of costs as provided in this SCORE Interlocal Agreement.

Section 10. Contracts and Support Services.

(a) The Administrative Board (or the Operations Board or the Facility Director, if so designated by the Administrative Board) shall, as necessary, contract with local governments for the use of space for its operations, auxiliary services including but not limited to records, payroll, accounting, purchasing, and data processing, and for staff prior to the selection of a Facility Director for the SCORE Facility.

(b) The Member Cities hereby agree to furnish legal assistance, from time to time, as approved by the Administrative Board. The Administrative Board may contract with the City Attorney of a Member City, other local government, or independent legal counsel as necessary.

Section 11. Policy and System Evaluation.

The Facility Director shall actively and continually consider and evaluate all means and opportunities toward the enhancement of operations effectiveness for correctional services so as to provide maximum and ultimate benefits to the members of the general public. The Facility Director shall present his or her recommendations to the Operations

Board from time to time. Any substantive change or deviation from established policy shall be subject to the prior approval of the Administrative Board.

Section 12. Additional Services Authorized.

The Administrative Board shall evaluate and determine the propriety of including additional correctional services for local governments, whenever so required, and shall determine the means of providing such services, together with its costs and effects. These additional services may include, but shall not be limited to the following: alternatives to incarceration, inmate transportation systems, and consolidated court services.

Section 13. Inventory and Property.

(a) Equipment and furnishings for the operation of the SCORE Facility shall be acquired by SCORE as provided by law. If any Member City furnishes equipment or furnishings for SCORE's use, title to the same shall remain with the respective local entity unless that equipment is acquired by SCORE.

(b) The Facility Director shall, at the time of preparing the proposed Budget for the ensuing year, submit to the Operations Board a complete inventory together with current valuations of all equipment and furnishings owned by, leased or temporarily assigned to SCORE. In case of dissolution of SCORE, such assigned or loaned items shall be returned to the lending governmental entity and all other items, including real property, or funds derived from the sale thereof, shall be distributed in accordance with Section 4(f) above.

(c) Title to real property purchased or otherwise acquired shall be held in the name of SCORE; provided however, that for valuable consideration received, SCORE may convey ownership of any real property as may be approved by supermajority vote (majority plus one) of the Administrative Board.

Section 14. Local Control.

Each Member City and Subscribing Agency shall retain the responsibility and authority for the operation of its police departments, and for such equipment and services as are required at its place of operation to utilize the SCORE Facility.

Section 15. SCORE Facility Financing and Construction; SCORE Facility Public Development Authority.

(a) SCORE Facility. In order to provide necessary services for the Member Cities and the Subscribing Agencies, SCORE has and/or shall acquire, construct, improve, equip, maintain and operate the SCORE Facility. The SCORE Facility is currently located in the City of Des Moines, Washington.

(b) Contracts for the SCORE Facility. The Administrative Board shall authorize, and the Presiding Officer of the Administrative Board, or his or her approved designee, will execute contracts for the development, improvement and maintenance of the SCORE Facility. These contracts may include, without limitation, contracts for architectural design and engineering, project management services, real estate acquisition, and construction.

(c) SCORE Facility Public Development Authority. In order to finance and refinance costs of acquiring, constructing, improving and equipping the SCORE Facility, the City of Renton has chartered the SCORE Facility Public Development Authority. The purpose of the SCORE Facility Public Development Authority is to issue Bonds to finance and refinance the acquisition, construction, improvement and equipping of the SCORE Facility and for any other SCORE purpose. The Administrative Board shall serve *ex officio* as the Board of Directors of the SCORE Facility Public Development Authority as further provided in the Authority's organizational charter. Upon issuance of Bonds by the SCORE Facility Public Development Authority, Bond proceeds shall be deposited on behalf of SCORE and used for the purposes set forth herein. SCORE shall be obligated to make payments to the SCORE Facility Public Development Authority at the time and in the amounts required to pay principal of and interest on the Bonds and any administrative costs of the SCORE Facility Public Development Authority.

(d) SCORE Facility Financing.

(1) *Capital Contributions.* Each Owner City shall be obligated to pay an amount equal to its Capital Contribution without regard to the payment or lack thereof by any other Owner City. No Owner City shall be obligated to pay the Capital Contribution of any other Owner City, and each Owner City shall be obligated to budget for and pay its Capital Contribution. The obligation of each Owner City to pay its Capital Contribution shall be an irrevocable full faith and credit obligation of such Owner City, payable from property taxes levied within the constitutional and statutory authority provided without a vote of the electors of the Owner City on all of the taxable property within the Owner City and other sources of revenues available therefor. Each Owner City has or will set aside and include in its calculation of outstanding nonvoted general obligation indebtedness an amount equal to the principal component of its Capital Contribution for so long as Bonds remain outstanding, unless relieved of such payment in accordance with Section 4(g). Each Owner City's obligation to pay the Capital Contribution shall not be contingent on the receipt of any revenues from other sources, including but not limited to Subscribing Agencies or any Member Cities.

An Owner City may prepay its Capital Contribution in a manner that is consistent with the authorizing documents for the Bonds; provided, however, that any such prepayment of one or more Owner Cities shall not affect the Capital Contribution of the

remaining Owner Cities. Any Owner City that elects to prepay its Capital Contribution shall be responsible for paying all costs associated with such prepayment.

(2) *Costs of Maintenance and Operation.* Subject to the terms of the financial policies established by the Administrative Board, each Member City shall be obligated to pay its allocable portion of Costs of Maintenance and Operation of the SCORE Facility, including any debt issued to finance such costs, as determined in this subsection.

(i) Until the end of the first calendar year of operations of the SCORE Facility (estimated to be December 31, 2012), the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation in such year shall be equal to the Member City's 2007 average daily population in all correctional facilities (as provided in the SCORE financial policies) multiplied by the Costs of Maintenance and Operation.

(ii) Commencing with the calendar year following the first calendar year of operations, the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation shall be based on the Member City's average daily population in the SCORE Facility, as supplemented as necessary with the average daily population allocable to the Member Cities in all correctional facilities, for the 12-month period ending June 30 of the preceding year.

(iii) Commencing with the third calendar year of operations, the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation shall be based on the Member City's average daily population in the SCORE Facility for the 12-month period ending June 30 (or other such date as the Administrative Board shall determine as set forth in its financial policies) of the preceding year.

(iv) Commencing with the calendar year beginning January 1, 2020, the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation shall either (A) be based on the Member City's average daily population in the SCORE Facility for the 12-month period ending June 30 (or other such date as the Administrative Board shall determine as set forth in its financial policies) of the preceding year, or (B) be based on the methodology approved by an affirmative vote of a supermajority (majority plus one) of the Member Cities.

(e) Billing and Allocation of Revenues. Each Member City shall be billed for its Capital Contribution and its portion of Costs of Maintenance and Operation, as applicable, on a semiannual basis, or more frequently as determined by the Administrative Board, calculated as provided above. Revenues received in a calendar year from

Subscribing Agencies or from sources other than the contributions described above shall be allocated among the Member Cities either as set forth in the SCORE financial policies or as follows: (i) each Member City shall receive a credit against its obligation to pay Costs of Maintenance and Operation based on that Member City's proportional average daily population as calculated as provided above, and (ii) each Owner City shall receive a credit against its Capital Contribution based on that Owner City's proportional Owner Percentage.

(f) Host City. Pursuant to RCW 35.21.740, the City of Des Moines, as the Host City, hereby authorizes the City of Renton to operate the SCORE Facility Public Development Authority within the corporate limits of the City of Des Moines in a manner consistent with the terms of this SCORE Interlocal Agreement.

(g) Tax-Exemption. The Member Cities shall not (1) make any use of the proceeds from the sale of Bonds issued on a tax-exempt basis or any other money or obligations of the SCORE Facility Public Development Authority or the Member Cities that may be deemed to be proceeds of such Bonds pursuant to Section 148(a) of the Code that will cause such Bonds to be "arbitrage bonds" within the meaning of said Section and said regulations, or (2) act or fail to act in a manner that will cause such Bonds to be considered obligations not described in Section 103(a) of the Code.

(h) Additional Financing. Notwithstanding anything to the contrary in this SCORE Interlocal Agreement, bonds, notes or other evidences of borrowing may be issued from time to time by the SCORE Facility Public Development Authority or another issuer pursuant a separate agreement between one or more Member Cities and other entities to provide additional financing for the SCORE Facility on terms as agreed upon by the parties thereto.

(i) Special Facility Designation. The SCORE Facility, including all equipment, furnishings, and fixtures is critical to the ability of the Member Cities and the Subscribing Agencies to provide necessary and secure correctional services and assure public safety. Consequently, the SCORE Facility is essential to the preservation of the public health, safety, and welfare. As a result, the SCORE Facility's equipment, furnishings, and fixtures are special facilities subject to unique standards. Accordingly, based on the facts presented in this subsection, it is hereby resolved that the established policy of the Member Cities is that the SCORE Facility constitutes a "special facility" under RCW 39.04.280(1)(b), and all purchases of any kind or nature for the SCORE Facility shall be exempt from competitive bidding requirements as prescribed by Washington State statute but shall be governed by the procurement policy established by the Administrative Board as amended from time to time.

Section 16. Compliance with Continuing Disclosure Requirements.

To the extent necessary to meet the conditions of paragraph (d)(2) of United States Securities and Exchange Commission Rule 15c2-12 (the “Rule”), as applicable to a participating underwriter or remarketing agent for the Bonds, each Owner City will enter into an undertaking in a form acceptable at the time to the participating underwriter or remarketing agent, as the case may be.

Section 17. Miscellaneous.

(a) Interlocal Agreement. The Member Cities agree:

(1) This SCORE Interlocal Agreement is intended to create a separate administrative entity within the meaning of RCW 39.34.030(3) and not a “joint board” within the meaning of RCW 39.34.030(4)(a);

(2) The Designated Representative of each Member City is appointed as the “administrator” within the meaning of RCW 39.34.030(4)(a) responsible for administering the Member City’s rights and duties set forth in this SCORE Interlocal Agreement; and

(3) The Parties will file or post this Agreement as required by RCW 39.34.040.

(b) Governing Law. This SCORE Interlocal Agreement shall be governed by and construed in accordance with the laws of the State of Washington. If any dispute arises between the Member Cities under any of the provisions of this SCORE Interlocal Agreement, resolution of that dispute shall be available only through the jurisdiction, venue and rules of the King County Superior Court, King County, Washington.

(c) Non-Waiver of Breach. The failure of any Member City to insist upon strict performance of any provision of this SCORE Interlocal Agreement or to exercise any right based upon a breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any right under this SCORE Interlocal Agreement.

(d) Compliance with all Laws. SCORE and the Member Cities shall comply with all federal, state and local laws, rules, regulations, resolutions and ordinances applicable to the performance of this SCORE Interlocal Agreement.

(e) Continuation of Performance. In the event that any dispute or conflict arises between the Member Cities while this SCORE Interlocal Agreement is in effect, the Member Cities hereto agree that, notwithstanding such dispute or conflict, they shall continue to make a good faith effort to cooperate and continue work toward successful completion of assigned duties and responsibilities.

Section 18. Severability.

If any part, paragraph, section or provision of this SCORE Interlocal Agreement is adjudged to be invalid by any court of competent jurisdiction such adjudication shall not affect the validity of any remaining section, part or provision of this SCORE Interlocal Agreement.

Section 19. Effective Date; Amend and Replace Original Interlocal Agreement.

This SCORE Interlocal Agreement shall become effective on _____, 2019, the date of defeasance (the "Effective Date") of all of the outstanding 2009 SCORE Bonds. On the Effective Date, this SCORE Interlocal Agreement shall amend and restate, in its entirety, the Amended and Restated SCORE Interlocal Agreement effective October 1, 2009.

Section 20. Federal Way Refunding Bonds; Agreement Between SCORE and Federal Way.

The City of Federal Way ("Federal Way") and SCORE will enter into an agreement (the "SCORE/Federal Way Agreement") to be dated the date of defeasance of all of the outstanding 2009 SCORE Bonds. Pursuant to the SCORE/Federal Way Agreement: (a) Federal Way acknowledges that the parties hereto will enter into this SCORE Interlocal Agreement; (b) until the effective date of its withdrawal from SCORE (December 31, 2019), Federal Way will be considered a "Member City" for purposes of this SCORE Interlocal Agreement, but shall not be considered an "Owner City" and shall not in any way be responsible for paying any share of any Bonds or other debt obligations of SCORE or the SCORE Facility Public Development Authority; (c) Federal Way agrees to issue bonds and to use the proceeds thereof to repay its capital contribution with respect to the 2009 SCORE Bonds (the "Federal Way Refunding Bonds"); and (d) for as long as the Federal Way Refunding Bonds, and any bonds issued to refund such bonds, issued on a tax-exempt basis are outstanding (which as of their date of issuance are scheduled to mature on January 1, 2039), SCORE covenants that it will not provide to nongovernmental persons special legal entitlements to use the SCORE Facility in a manner that will adversely impact the tax-exempt status of any such bonds. SCORE shall monitor the use of the SCORE Facility to ensure that it complies with the terms of the SCORE/Federal Way Agreement for so long as such Federal Way Refunding Bonds, or any bonds issued to refund such bonds, are outstanding. The parties hereto approve SCORE entering into the SCORE/Federal Way Agreement.

Section 21. Termination of Host City Agreement.

Pursuant to Section 5 of the Host City Agreement, the parties hereto agree that the Host City Agreement shall terminate as of the Effective Date of this SCORE Interlocal

Agreement. As of the Effective Date of this SCORE Interlocal Agreement, Des Moines shall be an Owner City of SCORE with the same rights and privileges as the other Owner Cities as provided herein.

Section 22. Execution and Amendment.

This SCORE Interlocal Agreement shall be executed on behalf of each party hereto by its Designated Representative, or other authorized officer, and pursuant to an appropriate motion, resolution or ordinance of such party.

This SCORE Interlocal Agreement may not be effectively amended, changed, modified or altered, except by an instrument in writing duly executed by the Designated Representative, or other authorized officer, of each party hereto and pursuant to an appropriate motion, resolution or ordinance of such party. Notwithstanding the foregoing, so long as the Bonds are outstanding, any such amendment, in the opinion of the SCORE Facility Public Development Authority or its counsel, shall not materially adversely affect the owners of the Bonds or affect the tax-exempt status of the interest paid on the Bonds.

Section 23. Third Party Beneficiaries.

The SCORE Facility Public Development Authority and the holders from time to time of the Bonds shall be third party beneficiaries hereof and the commitments made in Section 15 herein shall be for their further benefit.

Section 24. Hold Harmless.

The parties to this SCORE Interlocal Agreement shall defend, indemnify and save one another harmless from any and all claims arising out of the performance of this SCORE Interlocal Agreement, except to the extent that the harm complained of arises from the sole negligence of one of the participating members. Any loss or liability resulting from the negligent acts errors or omissions of the Administrative Board, Operations Board, Finance Committee, Facility Director and or staff, while acting within the scope of their authority under this SCORE Interlocal Agreement shall be borne by SCORE exclusively.

Section 25. Counterparts

This SCORE Interlocal Agreement may be executed in any number of counterparts, each of whom shall be an original, but those counterparts will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this SCORE Interlocal Agreement as of the day and year first written above.

[execution pages to follow]

AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT

among

CITY OF AUBURN,

CITY OF BURIEN,

CITY OF DES MOINES,

~~CITY OF FEDERAL WAY,~~

CITY OF RENTON,

CITY OF ~~TUKWILA,~~

~~CITY OF BURIEN~~SEATAC,

AND

CITY OF ~~SEATACT~~TUKWILA, WASHINGTON

Dated as of ~~October 1, 2009~~ _____, 2019

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AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT

THIS AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT ~~amends and restates the SCORE Interlocal Agreement, dated~~is effective as of ~~February 25, 2009 (the “Original Interlocal Agreement”~~the date written below and is by and ~~as amended and restated hereby, the “SCORE Formation Interlocal Agreement”)~~, and ~~is entered into this October 1, 2009~~ among the Cities of Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac and Tukwila, ~~Burien and SeaTac~~, Washington ~~(the “Member Cities”)~~, all of which are municipal corporations under the laws and statutes of the State of Washington:

RECITALS:

WHEREAS, the Member Cities (as defined herein) are authorized by chapter 70.48 RCW to contract for, establish and maintain correctional facilities in furtherance of public safety and welfare; and

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

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

WHEREAS, in 2009 the Member Cities ~~entered into~~formed a ~~SCORE Interlocal Agreement, effective February 25, 2009 (the “Original Interlocal Agreement”), to form a separate~~ governmental administrative agency pursuant to RCW an interlocal agreement and RCW 39.34.030(3) known as the South Correctional Entity (“SCORE”) to establish and maintain a consolidated correctional facility to be located in the City of Des Moines (the “SCORE Facility”) to serve the Member Cities and federal and state agencies and other local governments that may contract with SCORE in the future to provide correctional services essential to the preservation of the public health, safety and welfare; and

~~WHEREAS, the Member Cities have determined that the SCORE Facility will provide improved correctional facilities within the boundaries of the consolidated service areas at a lower total cost to the participating Member Cities than currently available alternatives or than the participating Member Cities could individually provide; and~~

~~WHEREAS, financing for the acquisition, construction, equipping, and improvement of the SCORE Facility will be provided by bonds issued by the South Correctional Entity Facility Public Development Authority (the “SCORE Facility Public Development Authority”), a public development authority chartered by the City of Renton pursuant to RCW 35.21.730 through 35.21.755 and secured by the full faith and credit of the Cities of Renton, Auburn, Federal Way, SeaTac, Tukwila, and Burien (the “Owner Cities”); and~~

WHEREAS, the Member Cities now desire to amend ~~the Original Interlocal Agreement to allocate the proportion of debt service on bonds issued by the SCORE Facility Public Development Authority to each of the Owner Cities and to designate the City of Des Moines and restate the formation interlocal agreement as the host city; and provided herein;~~

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

NOW THEREFORE, it is hereby agreed and covenanted among the undersigned as follows:

Section 1. Definitions. Capitalized terms used in this SCORE ~~Formation~~ Interlocal Agreement shall have the ~~following~~ meanings given such terms in the recitals hereof and as follows:

“Administrative Board” means the governing board of SCORE created pursuant to Section 5 of this SCORE ~~Formation~~ Interlocal Agreement.

“Bonds” mean, ~~collectively,~~ bonds, notes or other evidences of borrowing issued by the SCORE Facility Public Development Authority to ~~provide interim finance and permanent financing for /or refinance~~ the SCORE Facility and ~~thereafter, to finance or refinance equipment, completion, expansion and for any other capital improvements essential to maintain the SCORE Facility’s functionality purpose.~~

“Budget” means the budget prepared by the Facility Director in consultation with the Operations Board, and submitted to the Administration Board for its approval in accordance with Section 5 and Section 9 of this SCORE ~~Formation~~ Interlocal Agreement, which budget shall set forth (a) an estimate of the costs of capital improvements required to be made to the SCORE Facility within the applicable year, (b) on a line item basis, all anticipated revenues and expenses for the operation and maintenance of the SCORE Facility for the applicable year, and (c) any information required by policies adopted by the Administrative Board pursuant to Section 9(b) of this SCORE ~~Formation~~ Interlocal Agreement.

“Capital Contribution” means, for each Owner City, that Owner City’s Owner Percentage multiplied by the principal of and interest on Bonds as the same shall become due and payable.

“Code” means the Internal Revenue Code of 1986, as amended.

“Costs of Maintenance and Operation” means all reasonable expenses incurred by SCORE in causing the SCORE Facility to be operated and maintained in good repair, working order and condition, and all costs of administering SCORE.

“Designated Representative” means the Mayor or the City Manager, as selected by each Member City, or his or her designee.

“Effective Date” has the meaning set forth in Section 19 of this Agreement.

“Facility Director” means the director of the SCORE Facility selected by the Administrative Board pursuant to Section 7 of this SCORE ~~Formation~~ Interlocal Agreement.

“Finance Committee” means the committee formed pursuant to Section 6 of this SCORE Interlocal Agreement.

“Host City” means the City of Des Moines, Washington.

“Host City Agreement” means the Host City Agreement among the cities of Renton, Federal Way, Auburn and Des Moines and SCORE dated as of October 1, 2009.

“Member Cities” mean the Owner Cities and, until the ~~Host~~ date provided for in Section 20, the City of Federal Way.

“Operations Board” means the board formed pursuant to Section 6 of this SCORE ~~Formation~~ Interlocal Agreement.

“Owner Cities” mean the Cities of Auburn, ~~Renton, Federal Way, Tukwila,~~ Burien ~~and, Des Moines, Renton, SeaTac and Tukwila,~~ Washington.

“Owner Percentage” means the percentage assigned to each Owner City, as follows:

(a) — Auburn — thirty one (31%)	
(b) — Federal Way — eighteen (18%)	
<u>Owner City</u>	<u>Owner Percentage</u>
<u>Auburn</u>	<u>34.94%</u>
<u>Renton</u>	<u>40.96</u>
<u>Tukwila</u>	<u>9.64</u>
<u>Des Moines</u>	<u>6.02</u>
<u>Burien</u>	<u>4.82</u>
<u>SeaTac</u>	<u>3.62</u>
<u>Total</u>	<u>100.00%</u>

~~(c) — Renton — thirty six (36%)~~
~~(d) — Tukwila — eight (8%)~~
~~(e) — Burien — four (4%)~~
~~(f) — SeaTac — three (3%)~~

“Presiding Officer” means the member of the Administrative Board selected pursuant to Section 5 of this SCORE ~~Formation~~ Interlocal Agreement.

“SCORE” means the governmental administrative agency established pursuant to RCW 39.34.030(3) by the Member Cities.

“SCORE Facility” means the consolidated correctional facility acquired, constructed, improved, equipped, maintained and operated by SCORE.

“SCORE Facility Public Development Authority” means the South Correctional Entity Facility Public Development Authority chartered by the City of Renton, Washington.

“SCORE Interlocal Agreement” or “SCORE Formation Interlocal Agreement” means this Amended and Restated SCORE Interlocal Agreement among the Member Cities, as amended from time to time.

“Subscribing Agencies” mean the federal and state agencies, municipal corporations, and other local governments, other than the Member Cities, that contract with SCORE for correctional services at the SCORE Facility pursuant to the terms of this SCORE ~~Formation~~ Interlocal Agreement.

“2009 SCORE Bonds” mean the SCORE Facility Public Development Authority Bonds, Series 2009A and Bonds, Series 2009B (Taxable Build America Bonds—Direct Payment) issued on November 4, 2009, in the aggregate principal amount of \$86,235,000.

Section 2. SCORE Facility; Authority.

(a) Administrative Agency. There is hereby established a governmental administrative agency pursuant to RCW 39.34.030(3) to be known as the South Correctional Entity (“SCORE”). SCORE shall ~~initially~~ consist of the Member Cities.

(b) Powers of SCORE. SCORE shall have the power to acquire, construct, own, operate, maintain, equip, and improve a correctional facility known as the “SCORE Facility” and to provide correctional services and functions incidental thereto, for the purpose of detaining arrestees and sentenced offenders in the furtherance of public safety and emergencies within the jurisdiction of the Member Cities. The SCORE Facility may serve the Member Cities and Subscribing Agencies which are in need of correctional facilities. Any agreement with a Subscribing Agency shall be in writing and approved by SCORE as provided herein.

(c) Administrative Board. The affairs of SCORE shall be governed by the Administrative Board formed pursuant to Section 5 of this SCORE ~~Formation~~ Interlocal Agreement. The Administrative Board shall have the authority to:

- (1-) Recommend action to the legislative bodies of the Member Cities;
- (2-) Approve the Budget, adopt financial policies and approve expenditures;
- (3-) Establish policies for investing funds and incurring expenditures of Budget items for the SCORE Facility;
- (4-) Review and adopt a personnel policy for the SCORE Facility;
- (5-) Establish a fund, or special funds, as authorized by chapter 39.34 RCW for the operation of the SCORE Facility;
- (6-) Conduct regular meetings as may be designated by the Administrative Board;
- (7-) Determine what services shall be offered at the SCORE Facility pursuant to the powers of SCORE and under what terms they shall be offered;
- (8-) Enter into agreements with third parties for goods and services necessary to fully implement the purposes of this SCORE ~~Formation~~ Interlocal Agreement;
- (9-) Establish rates for services provided to members, subscribers or participating agencies;
- (10-) Direct and supervise the activities of the Operations Board and the Facility Director;
- (11-) Enter into an agreement with a public corporation or otherwise to incur debt;
- (12-) Make purchases or contract for services necessary to fully implement the purposes of this SCORE ~~Formation~~ Interlocal Agreement;
- (13-) Enter into agreements with and receive and distribute funds from any federal, state or local agencies;
- (14-) Receive and account for all funds allocated to the SCORE Facility from its members;
- (15-) Purchase, take, receive, lease, take by gift, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, in the name of the SCORE Facility;

(16-) Sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of property and assets;

(17-) Sue and be sued, complain and defend, in all courts of competent jurisdiction in its name;

(18-) Make and alter bylaws for the administration and regulation of its affairs;

(19-) Enter into contracts with Subscribing Agencies to provide correctional services;

(20-) Employ employees as necessary to accomplish the terms of this SCORE ~~Formation~~ Interlocal Agreement;

(21-) Establish policies and procedures for adding new ~~cities as~~ parties to this SCORE ~~Formation~~ Interlocal Agreement; and

(22-) Engage in any and all other acts necessary to further the goals of this SCORE ~~Formation~~ Interlocal Agreement.

Section 3. Duration of Agreement.

The initial duration of this SCORE ~~Formation~~ Interlocal Agreement (commencing from February 25, 2009, the date of the original interlocal agreement relating to SCORE) shall be for a period of ten (10) years ~~from its effective date~~ and, thereafter, shall automatically extend for additional five (5) year periods unless terminated as provided in this SCORE ~~Formation~~ Interlocal Agreement. Notwithstanding the foregoing, this SCORE ~~Formation~~ Interlocal Agreement shall not terminate until all Bonds issued by the SCORE Facility Public Development Authority as provided in Section 15 of this SCORE ~~Formation~~ Interlocal Agreement are no longer outstanding.

Section 4. Withdrawal and Termination.

(a) Subject to Section 4(g) below, any Member City may withdraw its membership and terminate its participation in this SCORE ~~Formation~~ Interlocal Agreement by providing written notice and serving that notice on the other Member Cities on or before December 31 in any one-year. After providing appropriate notice as provided in this Section, that Member City's membership withdrawal shall become effective on the last day of the year following delivery and service of appropriate notice to all other Member Cities.

(b) Subject to Section 3 above, four (4) or more Member Cities may, at any one time, by written notice provided to all Member Cities, call for a termination of SCORE and this SCORE ~~Formation~~ Interlocal Agreement. Upon an affirmative supermajority vote (majority plus one) by the Administrative Board, SCORE shall be directed to terminate

business, and a date will be set for final termination, which shall be at least one (1) year from the date of the vote to terminate this SCORE ~~Formation~~ Interlocal Agreement. Upon the final termination date, this SCORE ~~Formation~~ Interlocal Agreement shall be fully terminated.

(c) Subject to Section 4(g) below, in the event any ~~Owner City or the HostMember~~ City fails to budget for or provide its applicable annual funding requirements for SCORE as provided in Section 15 hereof, the remaining Member Cities may, by majority vote, immediately declare the underfunding City to be terminated from this SCORE ~~Formation~~ Interlocal Agreement and to have forfeited all its rights under this SCORE ~~Formation~~ Interlocal Agreement as provided in Section 4(e). The remaining Member Cities may, at their option, withdraw SCORE's correctional services from that City, or alternatively, enter into a Subscribing Agency agreement with that City under terms and conditions as the remaining Member Cities deem appropriate.

(d) Time is of the essence in giving any termination notice.

(e) If an individual Owner City withdraws its membership in SCORE, the withdrawing City will forfeit any and all rights it may have to SCORE's real or personal property, or any other ownership in SCORE, unless otherwise provided by the Administrative Board.

(f) Upon termination of this SCORE ~~Formation~~ Interlocal Agreement, all property acquired during the life of this SCORE ~~Formation~~ Interlocal Agreement shall be disposed of in the following manner:

~~(1-)~~ All real and personal property acquired pursuant to this SCORE ~~Formation~~ Interlocal Agreement shall be distributed to the Owner Cities based on the Owner Percentages; and

~~(2-)~~ All unexpected funds or reserve funds shall be distributed based on the percentage of average daily population at the SCORE Facility for the last three (3) years prior to the termination date of those Member Cities still existing on the day prior to the termination date.

(g) Notwithstanding any of the other rights, duties or obligations of any Member City under this Section 4, the withdrawal of any Owner City from this SCORE ~~Formation~~ Interlocal Agreement shall not discharge or relieve the Owner City that has withdrawn pursuant to Section 4(a) or been terminated pursuant to Section 4(c) of its obligation to pay debt service on Bonds issued by the SCORE Facility Public Development Authority. An Owner City may be relieved of its obligation under this SCORE ~~Formation~~ Interlocal Agreement to make payments with respect to its Capital Contribution if the Administrative Board, by supermajority vote (majority plus one), authorizes such relief based on a finding

that such payments are not required to pay debt service on Bonds issued by the SCORE Facility Public Development Authority.

Section 5. Administrative Board.

(a) Formation. An Administrative Board composed of the Designated Representative from each Member City shall govern the affairs of SCORE.

(b) Allocation of Votes. Each Board member shall have an equal vote and voice in all Board decisions.

(c) Voting Requirements. Votes regarding (1) debt; (2) approval of the Budget; (3) employment of the ~~Facilities~~Facility Director; (4) cost allocations made prior to the issuance of Bonds ~~pursuant to Section 16 of this SCORE Formation Interlocal Agreement~~; and (5) approval of labor contracts, shall require an affirmative vote of a supermajority (majority plus one) of the Member Cities, two (2) of which shall have the highest and the second highest average daily population in the SCORE Facility for the 12-month period ending June 30 (or other such date as the Administrative Board shall determine as set forth in its financial policies) of the preceding year.

Votes regarding (1) the conveyance of real property; (2) the addition of additional services pursuant to ~~Section 11 of this SCORE Formation~~ Interlocal Agreement not directly incidental to correctional services (such as providing court services); and (3) matters addressed in Sections 4(b) and (g) and Section 15(d)(2)(iv) of this SCORE ~~Formation~~ Interlocal Agreement, shall require an affirmative vote of a supermajority (majority plus one) of the Member Cities.

(d) Parliamentary Authority. Unless otherwise provided, Robert's Revised Rules of Order (newly revised) shall govern all procedural matters relating to the business of the Administrative Board.

(e) Officers of the Administrative Board. Members of the Administrative Board shall select a Presiding Officer from its members, together with such other officers as a majority of the Administrative Board may determine. Subject to the control of the Administrative Board, the Presiding Officer shall have general supervision, direction and control of the business and affairs of SCORE. On matters decided by the Administrative Board, the signature of the Presiding Officer alone is sufficient to bind SCORE.

(f) Meetings of the Administrative Board. There shall be a minimum of two (2) meetings each year, ~~and not less than fifteen (15) days notice shall be given to all members prior to any such meeting~~. Unless otherwise designated by the Presiding Officer, the first meeting shall be held on the second Tuesday of February of each year to review the prior ~~year's~~years' service. The second meeting shall be on the second Tuesday of September of each year to consider and adopt a Budget for the following fiscal year. Other meetings may

be held upon request of the Presiding Officer or any two members. All meetings shall be open to the public to the extent required by chapter 42.30 RCW.

~~Five (5)~~Prior to January 1, 2020, five (5) members, and from and after January 1, 2020, four (4) members of the Administrative Board must be present at any meeting of the Administrative Board to comprise a quorum, and for the Administrative Board to transact any business. Proxy voting shall not be allowed. Members of the Administrative Board may participate in a meeting through the use of any means of communication by which all members and members of the public participating in such meeting can hear each other during the meeting. Any members of the Administrative Board participating in a meeting by such means is deemed to be present in person at the meeting for all purposes including, but not limited to, establishing a quorum.

(g) Bylaws. The Administrative Board shall be authorized to establish bylaws that govern procedures of ~~that the Administrative~~ Board and the SCORE Facility's general operations.

(h) Administrative Board Review. A general or particular authorization or review and concurrence of the Administrative Board by majority vote shall be necessary for all capital expenditures or contracts in excess of \$50,000.

Section 6. Operations Board; Finance Committee; Other Committees.

(a) ~~Formation.~~Operations Board. There is ~~further~~ established an Operations Board which shall be advisory to the Facility Director, staff and Administrative Board on operational matters of SCORE. The Administrative Board shall establish the specific purpose and duties of the Operations Board.

The Operations Board shall consist of up to nine (9) members selected as provided in this paragraph. One (1) member shall be designated by each of the Member Cities, and up to ~~two (2)~~three (3) at-large members shall be selected, by majority vote, by the Subscribing Agencies to represent the police departments of the Subscribing Agencies. At the time set for election of the at-large members, only the representatives of the Subscribing Agencies, then in attendance, will participate in the election. The Member Cities' Operations Board representatives shall not participate in the at-large member elections. The at-large members shall serve one-year terms, unless otherwise determined by majority vote of the Operations Board. ~~The purpose and duties of the Operations Board shall be established by the Administrative Board.~~

~~(b) — Voting and Meetings of the Operations Board.~~ Each member of the Operations Board shall have an equal vote in all Operations Board decisions. The Operations Board shall be authorized to establish bylaws and/or procedures that govern its ~~procedures.~~ ~~Unless otherwise provided, Robert's Revised Rules of Order shall govern all procedural matters relating to the business of the Operations Board operations.~~ The Operations Board

shall elect a presiding officer from its members and shall ~~likewise~~ determine the time and place of its meetings; ~~at least one (1) regular meeting shall be held each month at a time and place designated by the presiding officer or a majority of its members. Special meetings may be called by the presiding officer or any two (2) members upon giving all other members not less than 24 hours prior written notice (electronic or facsimile notice acceptable). In an emergency, the Operations Board may dispense with written notice requirements for special meetings, but must, in good faith, implement best efforts to provide fair and reasonable notice to all of the members of the Operations Board.~~ All meetings shall be open to the public if and to the extent required by chapter 42.30 RCW.

(b) Finance Committee. There is established a Finance Committee, which shall be advisory to the Facility Director, staff and Administrative Board on finance matters of SCORE. The Administrative Board shall establish the specific purpose and duties of the Finance Committee. The Finance Committee shall consist of the finance directors or managers of each of the Member Cities. Each member of the Finance Committee shall have an equal vote in all Finance Committee decisions. The Finance Committee shall be authorized to establish bylaws and/or procedures that govern its operations. The Finance Committee shall elect a presiding officer from its members and shall determine the time and place of its meetings. All meetings shall be open to the public if and to the extent required by chapter 42.30 RCW.

(c) A majority of the members of the Operations Board must be present at any meeting of the Operations Board to comprise a quorum, and for the Operations Board to transact any business. Proxy voting shall not be allowed. Members of the Operations Board may participate in a meeting through the use of any means of communication by which all members and members of the public participating in such meeting can hear each other during the meeting. Any members of the Operations Board participating in a meeting by such means is deemed to be present in person at the meeting for all purposes including, but not limited to, establishing a quorum.

Standing or Temporary Committees. The Administrative Board may, from time to time, establish permanent and/or temporary committees to assist in its operations and operations of the SCORE Facility.

Section 7. Facility Director.

~~Not later than one hundred eighty (180) days prior~~Day to the completion~~day~~ operations of SCORE and the SCORE Facility, the Operations Board shall recommend to be ~~administered by a Facility Director, who shall be appointed by the Administrative Board a person to act as the Facility Director~~after receiving the recommendation of the Operations Board. The Administrative Board may accept or reject the Operations Board recommendation. Such Facility Director shall be responsible to the Administrative Board, shall develop the Budget in consultation with the Operations Board and shall take other appropriate means in order to fully implement the purposes of this SCORE ~~Formation~~ Interlocal Agreement. The Facility Director shall administer SCORE and the

~~program~~SCORE Facility in its day-to-day operations consistent with the policies adopted by the Administrative Board. Such Facility Director shall have experience in technical, financial and administrative fields, and such appointment shall be on the basis of merit only.

Section 8. Personnel ~~Policy~~Policies.

(a) The Operations Board shall from time to time submit proposed personnel policies or proposed amendments to existing personnel policies to the Administrative Board ~~within one hundred eighty (180) days prior to the completion of the SCORE Facility, a proposed personnel policy for the SCORE Facility for its~~their approval, rejection or modification. All of such modifications or revisions shall be subject to the final approval of the Administrative Board.

(b) Such personnel ~~policy~~policies shall provide for the initial appointment to the SCORE Facility's staff from the personnel presently, permanently appointed or assigned as corrections officers in the Member Cities. Additional employees shall be appointed by the Facility Director upon meeting the qualifications established by the Operations Board and adopted by the Administrative Board. None of such employees shall be commissioned members of any emergency service, but may be eligible for membership under the Public Employees Retirement Systems (PERS), or Public Safety Employees Retirement System (PSERS), as provided by law.

Section 9. Budget, Policies and Operations.

(a) The Facility Director shall distribute a proposed Budget to the Operations Board on or before August 1 of each year, which Budget, including any amendments by the Operations Board thereto, shall then be provided to the Administrative Board no later than September 1 of such year. Thereafter, the Member Cities shall be advised of the programs and objectives as contained in said ~~proposed~~ Budget, and of the required financial participation for the ensuing year.

(b) The Administrative Board shall develop financial policies for SCORE as part of the budgetary process. Such policies may include, but are not limited to, (1) items to be provided for in the Budget, (2) a minimum contribution amount for each Member City to pay for Costs of Maintenance and Operation, (3) the process for allocating unexpended amounts paid by the Member Cities for Costs of Maintenance and Operation and assessing the Member Cities in the event of cost overruns, (4) establishing and maintaining reserve accounts, if any, and (5) the process for adding a new party to this SCORE ~~Formation~~ Interlocal Agreement.

(c) The allocation of prorated financial participation among the Member Cities shall be calculated as provided in Section 15 hereof. Each Member City shall be unconditionally obligated to provide its allocable share of costs as provided in this SCORE ~~Formation~~ Interlocal Agreement.

Section 10. Contracts and Support Services.

(a) The Administrative Board (or the Operations Board or the Facility Director, if so designated by the Administrative Board) shall, as necessary, contract with local governments for the use of space for its operations, auxiliary services including but not limited to records, payroll, accounting, purchasing, and data processing, and for staff prior to the selection of a Facility Director for the SCORE Facility.

(b) The Member Cities hereby agree to furnish legal assistance, from time to time, as approved by the Administrative Board. The Administrative Board may contract with the City Attorney of a Member City, other local government, or independent legal counsel as necessary.

Section 11. Policy and System Evaluation.

The Facility Director shall actively and continually consider and evaluate all means and opportunities toward the enhancement of operations effectiveness for correctional services so as to provide maximum and ultimate benefits to the members of the general public. The Facility Director shall present his or her recommendations to the Operations Board from time to time. Any substantive change or deviation from established policy shall be subject to the prior approval of the Administrative Board.

Section 12. Additional Services Authorized.

The Administrative Board shall evaluate and determine the propriety of including additional correctional services for local governments, whenever so required, and shall determine the means of providing such services, together with its costs and effects. These additional services may include, but shall not be limited to the following: alternatives to incarceration, inmate transportation systems, and consolidated court services.

Section 13. Inventory and Property.

(a) Equipment and furnishings for the operation of the SCORE Facility shall be acquired by SCORE as provided by law. If any Member City furnishes equipment or furnishings for SCORE's use, title to the same shall remain with the respective local entity unless that equipment is acquired by SCORE.

(b) The Facility Director shall, at the time of preparing the proposed Budget for the ensuing year, submit to the Operations Board a complete inventory together with current valuations of all equipment and furnishings owned by, leased or temporarily assigned to SCORE. In case of dissolution of SCORE, such assigned or loaned items shall be returned to the lending governmental entity and all other items, including real property, or funds derived from the sale thereof, shall be distributed in accordance with Section 4(f) above.

(c) Title to real property purchased or otherwise acquired shall be held in the name of SCORE; provided however, that for valuable consideration received, SCORE may convey ownership of any real property as may be approved by supermajority vote (majority plus one) of the Administrative Board.

Section 14. Local Control.

Each Member City and Subscribing Agency shall retain the responsibility and authority for the operation of its police departments, and for such equipment and services as are required at its place of operation to utilize the SCORE Facility.

Section 15. SCORE Facility Financing and Construction; SCORE Facility Public Development Authority.

(a) SCORE Facility. In order to provide necessary services for the Member Cities and the Subscribing Agencies, SCORE has and/or shall acquire, construct, improve, equip, maintain and operate the SCORE Facility. The SCORE Facility is ~~expected to~~ be currently located in the City of Des Moines, Washington.

(b) Contracts for the SCORE Facility. The Administrative Board shall authorize, and the Presiding Officer of the Administrative Board, or his or her approved designee, will execute contracts for the development, improvement and maintenance of the SCORE Facility. These contracts ~~shall may~~ include, without limitation, contracts for architectural design and engineering, project management services, real estate acquisition, and construction.

(c) SCORE Facility Public Development Authority. In order to finance and refinance costs of acquiring, constructing, improving and equipping the SCORE Facility, the City of Renton has chartered the SCORE Facility Public Development Authority. The purpose of the SCORE Facility Public Development Authority is to issue Bonds to finance and refinance the acquisition, construction, improvement and equipping of the SCORE Facility ~~and for any other SCORE purpose.~~ The Administrative Board shall serve *ex officio* as the Board of Directors of the SCORE Facility Public Development Authority as further provided in the Authority's organizational charter. Upon issuance of Bonds by the SCORE Facility Public Development Authority, Bond proceeds shall be deposited on behalf of SCORE and used for the purposes set forth herein. SCORE shall be obligated to make payments to the SCORE Facility Public Development Authority at the time and in the amounts required to pay principal of and interest on the Bonds and any administrative costs of the SCORE Facility Public Development Authority.

(d) SCORE Facility Financing.

(1) *Capital Contributions.* Each Owner City shall be obligated to pay an amount equal to its Capital Contribution without regard to the payment or lack thereof by any other Owner City. No Owner City shall be obligated to pay the Capital Contribution of any other Owner City, and each Owner City shall be obligated to budget for and pay its Capital Contribution. The obligation of each Owner City to pay its Capital Contribution shall be an irrevocable full faith and credit obligation of such Owner City, payable from property taxes levied within the constitutional and statutory authority provided without a vote of the electors of the Owner City on all of the taxable property within the Owner City and other sources of revenues available therefor. Each Owner City has or will set aside and include in its calculation of outstanding nonvoted general obligation indebtedness an amount equal to the principal component of its Capital Contribution for so long as Bonds remain outstanding, unless relieved of such payment in accordance with Section 4(g). Each Owner City's obligation to pay the Capital Contribution shall not be contingent on the receipt of any revenues from other sources, including but not limited to Subscribing Agencies or ~~the Host City~~any Member Cities.

An Owner City may prepay its Capital Contribution in a manner that is consistent with the authorizing documents for the Bonds; provided, however, that any such prepayment of one or more Owner Cities shall not affect the Capital Contribution of the remaining Owner Cities. Any Owner City that elects to prepay its Capital Contribution shall be responsible for paying all costs associated with such prepayment.

(2) *Costs of Maintenance and Operation.* Subject to the terms of the financial policies established by the Administrative Board ~~pursuant to Section 9(b) of this SCORE Formation Interlocal Agreement~~, each Member City shall be obligated to pay its allocable portion of Costs of Maintenance and Operation of the SCORE Facility, including any debt issued to finance such costs, as determined in this subsection.

(i) Until the end of the first calendar year of operations of the SCORE Facility (estimated to be December 31, 2012), the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation in such year shall be equal to the Member City's 2007 average daily population in all correctional facilities (as provided in the SCORE financial policies) multiplied by the Costs of Maintenance and Operation.

(ii) Commencing with the calendar year following the first calendar year of operations, the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation shall be based on the Member City's average daily population in the SCORE Facility, as supplemented as necessary with the average daily population allocable to the Member Cities in all correctional facilities, for the 12-month period ending June 30 of the preceding year.

(iii) Commencing with the third calendar year of operations, the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation shall be based on the Member City's average daily population in the SCORE Facility for the 12-month period ending June 30 (or other such date as the Administrative Board shall determine as set forth in its financial policies) of the preceding year.

(iv) Commencing with the calendar year beginning January 1, 2020, the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation shall either (A) be based on the Member City's average daily population in the SCORE Facility for the 12-month period ending June 30 (or other such date as the Administrative Board shall determine as set forth in its financial policies) of the preceding year, or (B) be based on the methodology approved by an affirmative vote of a supermajority (majority plus one) of the Member Cities.

(e) Billing and Allocation of Revenues. Each Member City shall be billed for its Capital Contribution and its portion of Costs of Maintenance and Operation, as applicable, on a semiannual basis, or more frequently as determined by the Administrative Board, calculated as provided ~~for in Section 15(d)~~ above. Revenues received in a calendar year from Subscribing Agencies or from sources other than the contributions described ~~in Section 15(d)~~ above shall be allocated among the Member Cities either as set forth in the SCORE financial policies or as follows: (i) each Member City shall receive a credit against its obligation to pay Costs of Maintenance and Operation based on that Member City's proportional average daily population as calculated ~~in Section 15(d)(2)~~ as provided above, and (ii) each Owner City shall receive a credit against its Capital Contribution based on that Owner City's proportional Owner Percentage.

(f) Host City. Pursuant to RCW 35.21.740, the City of Des Moines, as the Host City, hereby authorizes the City of Renton to operate the SCORE Facility Public Development Authority within the corporate limits of the City of Des Moines in a manner consistent with the terms of this SCORE ~~Formation Interlocal Agreement. The Host City shall enter into a written agreement with SCORE and any of the Owner Cities, as applicable, to establish a host city fee to be paid in exchange for the availability of the SCORE Facility.~~ Interlocal Agreement.

(g) Tax-Exemption. The Member Cities shall not (1) make any use of the proceeds from the sale of Bonds issued on a tax-exempt basis or any other money or obligations of the SCORE Facility Public Development Authority or the Member Cities that may be deemed to be proceeds of ~~thesuch~~ Bonds pursuant to Section 148(a) of the Code that will cause ~~thesuch~~ Bonds to be "arbitrage bonds" within the meaning of said Section and said regulations, or (2) act or fail to act in a manner that will cause ~~thesuch~~ Bonds to be considered obligations not described in Section 103(a) of the Code.

(h) Additional Financing. Notwithstanding anything to the contrary in this SCORE ~~Formation~~ Interlocal Agreement, bonds, notes or other evidences of borrowing may be issued from time to time by the SCORE Facility Public Development Authority or another issuer pursuant a separate agreement between one or more Member Cities and other entities to provide additional financing for the SCORE Facility on terms as agreed upon by the parties thereto.

(i) Special Facility Designation. The SCORE Facility, including all equipment, furnishings, and fixtures is critical to the ability of the Member Cities and the Subscribing Agencies to provide necessary and secure correctional services and assure public safety. Consequently, the SCORE Facility is essential to the preservation of the public health, safety, and welfare. As a result, the SCORE Facility's equipment, furnishings, and fixtures are special facilities subject to unique standards. Accordingly, based on the facts presented in this subsection, it is ~~herby~~hereby resolved that the established policy of the Member Cities is that the SCORE Facility constitutes a "special facility" under RCW 39.04.280(1)(b), and all purchases of any kind or nature for the SCORE Facility shall be exempt from competitive bidding requirements as prescribed by Washington State statute but shall be governed by the procurement policy established by the Administrative Board as amended from time to time.

Section 16. Preliminary Costs of the SCORE Facility; Bellevue Property

~~The Administrative Board shall allocate costs associated with the design, acquisition, construction, improvement and equipping of the SCORE Facility prior to the issuance of the Bonds by the SCORE Facility Public Development Authority among the Member Cities by an affirmative vote of a supermajority (majority plus one) of the of the Member Cities, two (2) of which shall have the highest and the second highest average daily population in the SCORE Facility for the 12 month period ending June 30 of the preceding year. Any costs of the SCORE Facility paid by a Member City pursuant to this section may be reimbursed out of proceeds of Bonds to the extent permitted by law.~~

~~The Member Cities hereby agree that any net proceeds received from the sale of the property located at 1440 116th Avenue NE, Bellevue, Washington and 1412 116th Avenue NE, Bellevue, Washington (estimated to be approximately \$3,180,000) shall be deposited with SCORE and used to finance costs associated with the design, acquisition, construction, improvement and equipping of the SCORE Facility.~~

~~Section 17.~~ Compliance with Continuing Disclosure Requirements.

To the extent necessary to meet the conditions of paragraph (d)(2) of United States Securities and Exchange Commission Rule 15c2-12 (the "Rule"), as applicable to a participating underwriter or remarketing agent for the Bonds, each Owner City will enter into an undertaking in a form acceptable at the time to the participating underwriter or remarketing agent, as the case may be.

~~Section 18. Filing of Agreement~~

~~Section 17. Miscellaneous.~~

~~Upon execution,~~ (a) Interlocal Agreement. The Member Cities agree:

(1) This SCORE Interlocal Agreement is intended to create a separate administrative entity within the meaning of RCW 39.34.030(3) and not a “joint board” within the meaning of RCW 39.34.030(4)(a);

(2) The Designated Representative of each Member City is appointed as the “administrator” within the meaning of RCW 39.34.030(4)(a) responsible for administering the Member City’s rights and duties set forth in this SCORE Formation Interlocal Agreement; and

(3) The Parties will file or post this Agreement as required by RCW 39.34.040.

(b) Governing Law. This SCORE Interlocal Agreement shall be filed as required in RCW 39.34.040 governed by and construed in accordance with the laws of the State of Washington. If any dispute arises between the Member Cities under any of the provisions of this SCORE Interlocal Agreement, resolution of that dispute shall be available only through the jurisdiction, venue and rules of the King County Superior Court, King County, Washington.

(c) Non-Waiver of Breach. The failure of any Member City to insist upon strict performance of any provision of this SCORE Interlocal Agreement or to exercise any right based upon a breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any right under this SCORE Interlocal Agreement.

(d) Compliance with all Laws. SCORE and the Member Cities shall comply with all federal, state and local laws, rules, regulations, resolutions and ordinances applicable to the performance of this SCORE Interlocal Agreement.

(e) Continuation of Performance. In the event that any dispute or conflict arises between the Member Cities while this SCORE Interlocal Agreement is in effect, the Member Cities hereto agree that, notwithstanding such dispute or conflict, they shall continue to make a good faith effort to cooperate and continue work toward successful completion of assigned duties and responsibilities.

Section 18. ~~Section 19.~~ Severability.

If any part, paragraph, section or provision of this SCORE-~~Formation~~ Interlocal Agreement is adjudged to be invalid by any court of competent jurisdiction such adjudication shall not affect the validity of any remaining section, part or provision of this SCORE ~~Formation~~ Interlocal Agreement.

Section 19. Effective Date; Amend and Replace Original Interlocal Agreement.

This SCORE Interlocal Agreement shall become effective on _____, 2019, the date of defeasance (the “Effective Date”) of all of the outstanding 2009 SCORE Bonds. On the Effective Date, this SCORE Interlocal Agreement shall amend and restate, in its entirety, the Amended and Restated SCORE Interlocal Agreement effective October 1, 2009.

Section 20. Federal Way Refunding Bonds; Agreement Between SCORE and Federal Way.

The City of Federal Way (“Federal Way”) and SCORE will enter into an agreement (the “SCORE/Federal Way Agreement”) to be dated the date of defeasance of all of the outstanding 2009 SCORE Bonds. Pursuant to the SCORE/Federal Way Agreement: (a) Federal Way acknowledges that the parties hereto will enter into this SCORE Interlocal Agreement; (b) until the effective date of its withdrawal from SCORE (December 31, 2019), Federal Way will be considered a “Member City” for purposes of this SCORE Interlocal Agreement, but shall not be considered an “Owner City” and shall not in any way be responsible for paying any share of any Bonds or other debt obligations of SCORE or the SCORE Facility Public Development Authority; (c) Federal Way agrees to issue bonds and to use the proceeds thereof to repay its capital contribution with respect to the 2009 SCORE Bonds (the “Federal Way Refunding Bonds”); and (d) for as long as the Federal Way Refunding Bonds, and any bonds issued to refund such bonds, issued on a tax-exempt basis are outstanding (which as of their date of issuance are scheduled to mature on January 1, 2039), SCORE covenants that it will not provide to nongovernmental persons special legal entitlements to use the SCORE Facility in a manner that will adversely impact the tax-exempt status of any such bonds. SCORE shall monitor the use of the SCORE Facility to ensure that it complies with the terms of the SCORE/Federal Way Agreement for so long as such Federal Way Refunding Bonds, or any bonds issued to refund such bonds, are outstanding. The parties hereto approve SCORE entering into the SCORE/Federal Way Agreement.

Section 21. Termination of Host City Agreement.

Pursuant to Section 5 of the Host City Agreement, the parties hereto agree that the Host City Agreement shall terminate as of the Effective Date of this SCORE Interlocal

Agreement. As of the Effective Date of this SCORE Interlocal Agreement, Des Moines shall be an Owner City of SCORE with the same rights and privileges as the other Owner Cities as provided herein.

Section 22. Execution and Amendment.

This SCORE ~~Formation~~ Interlocal Agreement shall be executed on behalf of each ~~Member City~~ party hereto by its Designated Representative, or other authorized officer ~~of the Member City~~, and pursuant to an appropriate motion, resolution or ordinance of ~~each Member City~~. ~~This SCORE Formation Interlocal Agreement shall be deemed adopted upon the date of execution by the last so Designated Representative or other authorized officer.~~ such party.

This SCORE ~~Formation~~ Interlocal Agreement may not be effectively amended, changed, modified or altered, except by an instrument in writing duly executed by the Designated Representative, or other authorized officer, of each ~~Member City~~ party hereto and pursuant to an appropriate motion, resolution or ordinance of ~~each Member City~~ such party. Notwithstanding the foregoing, so long as the Bonds are outstanding, any such amendment does, in the opinion of the SCORE Facility Public Development Authority or its counsel, shall not materially adversely affect the owners of the Bonds or affect the tax-exempt status of the interest paid on the Bonds. ~~If the Bonds issued by the SCORE Facility Public Development Authority are rated by a rating agency, then no amendment that adds or removes an Owner City from this SCORE Formation Interlocal Agreement or revises Section 15 of this SCORE Formation Interlocal Agreement shall be permitted unless the SCORE Facility Public Development Authority has received written confirmation from the rating agency that such amendment will not result in a reduction or withdrawal of the rating on the Bonds. If the Bonds are not rated by a rating agency, then no such amendment as described in the preceding sentence will be permitted unless in the opinion of the SCORE Facility Public Development Authority such amendment will not materially adversely affect the owners of the Bonds.~~

Section 2123. Third Party Beneficiaries.

The SCORE Facility Public Development Authority and the holders from time to time of the Bonds shall be third party beneficiaries hereof and the commitments made in Section 15 herein shall be for their further benefit.

Section 2224. Hold Harmless.

The parties to this SCORE-~~Formation~~ Interlocal Agreement shall defend, indemnify and save one another harmless from any and all claims arising out of the performance of this SCORE ~~Formation~~ Interlocal Agreement, except to the extent that the harm complained of arises from the sole negligence of one of the participating members. Any loss or liability resulting from the negligent acts errors or omissions of the Administrative Board, Operations Board, ~~Finance Committee~~, Facility Director and or staff, while acting within the scope of their authority under this SCORE-~~Formation~~ Interlocal Agreement shall be borne by SCORE exclusively.

Section 2325. Counterparts

This SCORE-~~Formation~~ Interlocal Agreement may be executed in any number of counterparts, each of whom shall be an original, but those counterparts will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this SCORE-~~Formation~~ Interlocal Agreement as of the day and year first written above.

~~CITY OF AUBURN~~

~~CITY OF RENTON~~

By: _____

By: _____

~~CITY OF DES MOINES~~

~~CITY OF TUKWILA~~

By: _____

By: _____

~~CITY OF FEDERAL WAY~~

~~CITY OF BURIEN~~

By: _____

By: _____

~~CITY OF SEATAC~~

By: _____

[execution pages to follow]

ORDINANCE NO. 19-1021

AN ORDINANCE of the City of SeaTac amending Chapter 3.40, adding a new Chapter 3.41, and adding a new Section 3.40.109 to the SeaTac Municipal Code related to City funds and investment policies and procedures.

WHEREAS, the City Council previously adopted SeaTac Municipal Code 3.40 requiring the City to establish various funds for segregation, budgeting, expenditures and accounting for moneys received by the City; and

WHEREAS, RCW 35A.40 authorizes the City to invest excess or inactive money held in any funds, subject to prudent investment policies and applicable state laws; and

WHEREAS, it has been recommended that the City revise, update and relocate the investment policy provisions in SMC 3.40.160-3.40.220 to a new Chapter of the Municipal Code; and

WHEREAS, a Postage Meter Petty Cash Account should be added to the Municipal Code as recommended by the States Auditor's Office; and

WHEREAS, it is recommended that the provision of SMC 3.40.100, Petty Cash Account be amended to increase the sum amount of the account from \$500 to \$1,500; and

WHEREAS, it is recommended that SMC 3.40.090 (Contingency Fund) and SMC 3.40.108 (Fire Department Petty Cash Account) be repealed because the funds/accounts addressed by these regulations are no longer needed or necessary; and

WHEREAS, it is recommended that SMC 3.40.150 be repealed as this provision is also contained in SMC 2.85, and is thus duplicative; and

WHEREAS, the recommended revisions have been reviewed and approved on September 26, 2019 by the City's Administration and Finance Committee;

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

Section 1. Chapter 3.40 of the SeaTac Municipal Code is hereby amended to read as follows:

**Chapter 3.40
FUNDS**

Sections:

- 3.40.005 Petty Cash Fund disbursement.
- 3.40.010 Current Expense Fund.
- 3.40.020 Claims Fund.
- 3.40.030 Payroll Fund.
- 3.40.040 Transfers to Claims Fund or Payroll Fund from insolvent funds.
- 3.40.050 Municipal Capital Improvements Fund.
- 3.40.055 Building Management Fund.
- 3.40.060 Arterial Street Fund.
- 3.40.070 Street Fund.
- 3.40.080 Surface Water Management Fund.
- ~~3.40.090 Contingency Fund.~~
- 3.40.100 Petty Cash Account.
- 3.40.104 Community Center Petty Cash Fund.
- 3.40.105 Community Center Change Fund.
- 3.40.106 Finance Department Change Fund.
- 3.40.107 Municipal Court Change Fund.
- ~~3.40.108 Fire Department Petty Cash Account.~~
- 3.40.110 Transfers within a fund.
- 3.40.120 Decrease or recall of appropriations to a fund.
- 3.40.130 Use of checks drawn upon solvent funds.
- 3.40.140 Designation of depository bank.
- ~~3.40.150 Gifts, grants, donations and bequests.~~
- ~~3.40.160 Authorization to invest excess or inactive moneys.~~
- ~~3.40.170 Determination of moneys available for investment.~~
- ~~3.40.180 Monthly report.~~
- ~~3.40.190 Individual or commingled funds.~~
- ~~3.40.200 Interest revolving account.~~
- ~~3.40.210 Local government investment pool.~~
- ~~3.40.220 Investments authorized.~~

3.40.005 Petty Cash Fund disbursement.

The maximum authorized reimbursement request from Petty Cash Funds that have been established in this chapter is thirty-five dollars (\$35.00).

3.40.010 Current Expense Fund.

There is hereby established a fund to be known as the Current Expense Fund out of which current expenses of the City shall be paid.

3.40.020 Claims Fund.

There is hereby established a fund to be known as the Claims Fund into which may be paid moneys, from time to time, from any funds which are available and upon which warrants or checks may be issued in payment of claims against the City for any lawful purpose. The accounts of the City shall be so kept that they shall show the department or departments and the respective amounts to which the payment is properly chargeable and for which the warrant or check is issued and paid.

3.40.030 Payroll Fund.

There is hereby established a fund to be known as the Payroll Fund into which may be paid moneys, from time to time as directed by the City Council, from any funds which are available and upon which warrants and checks may be issued in payment of salaries and wages due City employees. The accounts of the City shall be so kept that they shall show the department or departments and the respective amounts to which the payment is properly chargeable and for which the warrant or check is issued and paid.

3.40.040 Transfers to Claims Fund or Payroll Fund from insolvent funds.

Transfers to either the Claims Fund or the Payroll Fund from any insolvent fund shall be by warrant.

3.40.050 Municipal Capital Improvements Fund.

There is hereby established a fund to be known as the Municipal Capital Improvement Fund into which shall be paid all moneys received by the City in distribution of the real estate excise tax imposed by Ordinance No. 89-1004, codified in pursuant to SMC Chapter 3.20-SMC, and any such other moneys as may be directed by the City Council. Moneys in the fund shall be used for capital improvements, including, but not by way of limitation, those authorized in RCW 35.43.040 as presently enacted, or as may be subsequently amended.

3.40.055 Building Management Fund.

There is hereby established a fund to be known as the Building Management Fund into which shall be paid all rental revenues received from tenants leasing space within City-owned facilities. Moneys in the fund shall be used to pay operating costs associated with managing these leased spaces.

3.40.060 Arterial Street Fund.

There is hereby established a fund to be known as the Arterial Street Fund into which shall be paid all moneys received by the City as distributions, pursuant to RCW 46.68.100(2), of the motor vehicle fuel taxes imposed by the State. Moneys in the fund shall be used by the City for the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and City streets as those terms are defined in RCW 46.04.030 and 46.04.120. However, nothing herein shall

prohibit the City Council from appropriating such additional moneys to the fund as may be deemed necessary.

3.40.070 Street Fund.

There is hereby established a fund to be known as the Street Fund into which shall be paid all moneys received by the City as diverted road taxes pursuant to RCW 35.02.140, and into which may be paid moneys received by the City as distributions, pursuant to RCW 46.68.100(1), of the motor vehicle fuel taxes imposed by the State. Moneys in the fund shall be used generally by the City for planning, establishing, constructing, repairing and maintaining City streets, sidewalks and appurtenances, including pedestrian and bicycle paths, lanes and routes. However, nothing herein shall prohibit the City Council from appropriating such additional moneys to the fund as may be deemed necessary. Accounting and reporting procedures as to all street expenditures shall comply with the current manual of instructions published by the State Auditor.

3.40.080 Surface Water Management Fund.

There is hereby established a fund to be known as the Surface Water Management Fund into which shall be paid all moneys received by the City as distributions, ~~collected~~ pursuant to ~~Ordinance No. 90-1016, codified in SMC Chapter 12.10 SMC, and Interlocal Agreement with King County,~~ of surface water management service charges, or received by the City from surface water management service charges which may be imposed directly by the City. Moneys in the fund shall be used by the City for payment of base services and discretionary services under the Interlocal Agreement, for planning, maintenance and capital improvements relating to drainage and surface water management, including maintenance of road drainage systems.

~~3.40.090 Contingency Fund.~~

~~There is hereby established a fund to be known as the Contingency Fund into which may be paid such moneys from general and unrestricted revenues of the City as the City Council may deem appropriate to meet any municipal expenses, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or to provide money for emergencies; provided, that the total amount accumulated in the fund at any time shall not exceed the equivalent of thirty-seven and one-half cents per thousand dollars (\$0.375/\$1,000) of assessed valuation of property within the City. Moneys in the fund shall be withdrawn and transferred to the appropriate operating fund only upon authorization of the City Council, through an ordinance amending the budget adopted by an affirmative vote of the majority of the entire Council, clearly stating the facts constituting the reason for the withdrawal or the emergency as the case may be, and specifying the fund to which the drawn money shall be transferred. (Ord. 90-1027 § 9)~~

3.40.100 Petty Cash Account.

There is hereby established an account in the Department of Finance to be known as the Petty Cash Account, in a sum not to exceed one thousand five hundred dollars (\$1,500) ~~(\$500.00)~~. The account shall be established by issuance of a warrant or check drawn upon the current expense fund, and cash in the account shall be maintained by the Director of Finance. Minor sums may be withdrawn from the account for payment or reimbursement upon proper receipts and in accordance with State

law and regulations of the ~~Division of Municipal Corporations of the~~ Office of the State Auditor. The account shall be replenished upon approval of vouchers by the City Council in accordance with usual policy and procedure.

3.40.104 Community Center Petty Cash Fund.

There is established an account to be known as the Community Center Petty Cash Fund, in an amount not to exceed five hundred dollars (\$500.00). The fund shall be established by issuance of a warrant or check drawn upon the current expense fund, and cash in the account shall be maintained by the City Manager or designee. Minor sums may be withdrawn from the fund for payment or reimbursement upon proper receipts and in accordance with State law and regulations of the Division of Municipal Corporations of the Office of the State Auditor. The fund shall be replenished upon approval of vouchers by the City Council in accordance with usual policy and procedure.

3.40.105 Community Center Change Fund.

There is hereby established and created a fund which shall be known as the Community Center Change Fund into which fund shall be the initial amount of three hundred dollars (\$300.00) for use in the cash drawer of the North SeaTac Park Community Center, to enable the facility to transact the business of collection/receipt of fees and payments in connection with operation of the North SeaTac Park Community Center.

3.40.106 Finance Department Change Fund.

There is hereby established and created a fund which shall be known as the Finance Department Change Fund into which fund shall be the initial amount of three hundred dollars (\$300.00) for use in the cash drawer of the Finance Department of the City of SeaTac, to enable the City Finance Department to transact the business of collection, receipt of fees and payments in connection with the operations of the City.

3.40.107 Municipal Court Change Fund.

There is hereby established and created a fund which shall be known as the Municipal Court Change Fund into which fund shall be the initial amount of three hundred dollars (\$300.00) for use in the cash drawer of the SeaTac Municipal Court, to enable the Court to transact the business of collection of fees, penalties, costs and assessments in connection with the operations of the SeaTac Municipal Court.

~~3.40.108 Fire Department Petty Cash Account.~~

~~There is hereby established and created an account to be known as the Fire Department Petty Cash Account in a sum not to exceed three hundred dollars (\$300.00). The account shall be established by issue of a warrant or check drawn upon the current expense fund and cash in the account shall be maintained by the Fire Chief. Minor sums may be withdrawn from the account for payment or reimbursement upon proper receipts and in accordance with State law and regulations of the Division of Municipal Corporations of the Office of the State Auditor. The account shall be replenished upon approval of vouchers by the City Council in accordance with usual policy and procedure. (Ord. 93-1038 § 4)~~

3.40.109 Postage Meter

There is hereby established and created an account to be known as the Postage Meter Petty Cash Account in a sum not to exceed six thousand dollars (\$6,000) to enable mail to be processed quickly and efficiently. The account shall be established by issue of warrant or check drawn upon the current expense fund and cash in the account shall be maintained the Director of Finance or designee. The fund shall be replenished upon approval of vouchers by the City Council in accordance with the usual policy and procedure.

3.40.110 Transfers within a fund.

Transfers between individual appropriations within any one (1) department or fund may be made during any current fiscal year by the Director of Finance following approval by the City Manager. Transfers of appropriations between departments or between funds may be made upon approval of a budget amendment ordinance by the City Council.

3.40.120 Decrease or recall of appropriations to a fund.

The City Council, upon a finding that it is in the best interests of the City to decrease, revoke or recall all, or any portion, of the total appropriations provided for any one (1) fund, may, by ordinance, approved by the vote of one (1) more than the majority of all members thereof, stating the facts and findings for doing so, decrease, revoke or recall all, or any portion, of an unexpended fund balance, and by said ordinance, or a subsequent ordinance adopted by a like majority, the moneys thus released may be reappropriated for another purpose or purposes, without limitation to department, division or fund, unless the use of such moneys is otherwise restricted by law or ordinance.

3.40.130 Use of checks drawn upon solvent funds.

All claims or other obligations of the City, when payable out of solvent funds, may be paid by check rather than by warrant.

3.40.140 Designation of depositary bank.

The City Council shall, by resolution, designate one or more financial institutions which are qualified public depositaries as depositary or depositaries of the moneys held by the City; provided, that the designation shall be reviewed by the City Council annually and may be revoked and changed at that time by a majority vote of the Council.

~~3.40.150 Gifts, grants, donations and bequests.~~

~~The City Council may, by resolution, accept any gift, grant, donation or bequest of money or property for public purposes and may carry out any conditions of such gift, grant, donation or bequest when not in conflict with State or Federal law. (Ord. 90-1027 § 15)~~

~~3.40.160 Authorization to invest excess or inactive moneys.~~

~~An investment committee, composed of the Director of Finance, the City Manager and the Chair of the City Council's Finance and Administration Committee, is authorized to oversee and~~

supervise investment of all such excess or inactive funds, and to provide for the converting of any such investments into cash, from time to time, without the necessity for consent of the City Council for each investment or conversion into cash. The investment committee shall develop specific policies and procedures to ensure sound and prudent investment practices, and to delegate day-to-day investment authority subject to those practices. (Ord. 90-1027 § 16)

3.40.170 Determination of moneys available for investment.

The Director of Finance shall be responsible for determining the amount of money available in any fund of department for investment purposes, with advice of the department responsible for the administration of any given fund. In event of dispute or uncertainty, the decision shall be referred to the investment committee. (Ord. 90-1027 § 17)

3.40.180 Monthly report.

The Director of Finance, on behalf of the investment committee, shall prepare and present to the City Council, on a monthly basis, a written report describing all investment transactions. (Ord. 90-1027 § 18)

3.40.190 Individual or commingled funds.

Moneys determined to be available for investment purposes may be invested on an individual fund basis or may, unless otherwise restricted by law, be commingled within one common investment portfolio for the mutual benefit of all participating funds; provided, that if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each. Any excess or inactive funds not otherwise invested for the specific benefit of any particular fund, may be invested for the benefit of the general or current expense fund. (Ord. 90-1027 § 19)

3.40.200 Interest revolving account.

There is hereby created, within the current expense fund, an account to be known as the interest revolving account, into which shall be deposited all interest income and other earnings from the investment of excess or inactive funds of the City not otherwise invested for the specific benefit of any particular fund. The moneys in the interest revolving account shall be used solely for the benefit of the current expense fund. (Ord. 90-1027 § 20)

3.40.210 Local government investment pool.

The investment committee may place excess or inactive funds in the Local Government Investment Pool in the State Treasury in accordance with Chapter 43.250 RCW. (Ord. 90-1027 § 21)

3.40.220 Investments authorized.

In addition to investment in the Local Government Investment Pool, the investment committee may place excess or inactive funds in any of the following investments:

A. Demand or investment deposits in qualified public depositories located within the State, pursuant to RCW 39.58.080 and .130, as presently enacted or subsequently amended;

~~B. United States' government bonds, notes, bills, certificates of indebtedness, or interim financing warrants of a local improvement district which is within the protection of the local improvement guaranty fund law, pursuant to RCW 35.39.034, as presently enacted or subsequently amended;~~

~~C. Bonds, warrants and other investments pursuant to RCW 39.59.020, as presently enacted or subsequently amended;~~

~~D. Mutual funds and money market funds, pursuant to RCW 39.59.030, as presently enacted or subsequently amended;~~

~~E. Bonds and other obligations of a metropolitan municipal corporation pursuant to RCW 35.58.510, as presently enacted or subsequently amended;~~

~~F. Notes or bonds secured by mortgages insured by the Federal agencies or corporations, pursuant to RCW 39.60.010 through .040, as presently enacted or subsequently amended;~~

~~G. Notes, bonds and debentures pursuant to RCW 39.60.050, as presently enacted or subsequently amended. (Ord. 90-1027 § 22)~~

Section 2. A new Chapter 3.41 of the SeaTac Municipal Code is hereby added to read as follows:

Chapter 3.41 INVESTMENT OF CITY FUNDS*

Sections:

- 3.41.010 Investment committee—Investments designated.
- 3.41.020 Council consent not required—Conversion into cash.
- 3.41.030 Report of transactions.
- 3.41.040 Investment for benefit of specific fund or funds.
- 3.41.050 Investment of all other excess or inactive funds.

* For the statutory provision regarding the investment of a code city's inactive or excess funds, see RCW 35A.40.050.

3.41.010 Investment committee—Investments designated.

A. In accordance with RCW 35.39.030, authority is hereby granted to a Finance Committee composed of the City Manager and the Director of Finance to invest any portion of the moneys in its inactive funds or in other funds in excess of current needs in:

- (1) United States bonds;
- (2) United States certificates of indebtedness;
- (3) Bonds or warrants of this state;

(4) General obligation or utility revenue bonds or warrants of its own or any other city or town in the State;

(5) Its own bonds or warrants of a local improvement or condemnation award district which is within the protection of the local improvement guaranty fund law; and

(6) In other investments authorized by law.

3.41.020 Council consent not required—Conversion into cash.

The City Manager shall have the authority to make the investments without the consent of the City Council for each investment and may, at any time, convert the above-mentioned securities, or any part thereof, into cash.

3.41.030 Report of investment transactions.

The Director of Finance shall prepare a quarterly report for the Administration and Finance Committee showing all investment transactions.

3.41.040 Investment for benefit of specific fund or funds.

A. Excess and inactive funds on hand in the treasury of the City may be invested in the same manner and subject to the same limitations as provided for City funds in all applicable statutes of the State and ordinances of the City.

B. The responsibility for determining the amount of money available in each fund for investment purposes shall be placed upon the Finance Director who shall make such recommendations to the Finance Committee created by SMC 3.41.010. In accordance with said section, the ultimate decision regarding investment shall be with the Finance Committee.

C. Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law, be commingled with one common investment portfolio for the mutual benefit of all participating funds; provided, that if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each.

3.41.050 Investment of all other excess or inactive funds.

A. Any excess or inactive funds on hand in the City treasury not otherwise invested for the specific benefit of any particular fund may be invested by the Finance Committee created by SMC 3.41.010, in the same manner and subject to the same limitations as provided for City funds in all applicable statutes of the State and ordinances of the City.

B. There is created within the current expense fund an account to be known as the interest revolving account, into which shall be deposited all interest income and other earnings from the investment of excess or inactive funds of the city treasury not otherwise invested for the specific benefit of any particular fund. The moneys in the interest revolving account shall be used solely for the benefit of the current expense fund.

Section 3. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

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

ADOPTED this 8th day of October, 2019, and signed in authentication thereof on this 8th day of October, 2019.

CITY OF SEATAC

Erin Sitterley
Erin Sitterley, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to Form:

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

[Effective Date: 10/19/19]

[City Funds and Investment Policies and Procedures]