City of SeaTac  
Policies and Procedures

<table>
<thead>
<tr>
<th>Policy Number:</th>
<th>PW – 014</th>
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<tbody>
<tr>
<td>Policy Name:</td>
<td>Fee in Lieu of Constructing Frontage Improvements</td>
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<tr>
<td>Department(s):</td>
<td>Public Works Department and CED</td>
</tr>
<tr>
<td>Effective Date:</td>
<td>January 25, 2021</td>
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<td>Supersedes:</td>
<td>N/A</td>
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</tbody>
</table>
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| Approved by:         | William Appleton, P.E., Public Works Director |
| Signature:           | ![Signature] |
| Approved by:         | Evah Maxim, Community & Economic Development Director |
| Signature:           | ![Signature] |

Purpose:

To provide guidance on the application of fee-in-lieu of the construction of required frontage improvements (referred to as “off-site improvements” in SMC 13.200.020).

SMC Reference:
13.200.020(D) Off-Site Improvements

Regulatory Reference:
RCW82.02.020 and RCW 58.17.130

Policy:

A. **Timing:** Developments required to provide frontage improvements per SMC 13.200 may request to pay a fee-in-lieu of constructing the improvements any time prior to the issuance of final short plat, ROW, or STE permit.

B. **Criteria for Decision:** The Director or designee may accept a fee-in-lieu for off-site improvements along the development site street frontage, provided the subject offsite improvements cannot or should not be constructed concurrently with the subject development and the following requirements are met:
• Sufficient information is provided by the applicant per the procedure below to determine project feasibility.

• Staff assessment based on accident history and planning and engineering evaluation concludes that no significant adverse impacts on the traveling public will result from a delay in constructing the required improvements;

• Subject frontage improvements’ use of fee-in-lieu is consistent with the land use decision and associated conditions (if applicable) and RCW82.02.020 and RCW 58.17.130; and

• The City is able to utilize the fee-in-lieu within the next five (5) years on an appropriate capital improvement project located within the same Concurrency District (North, Central, & South, per map in ER-2 Transportation Concurrency).

C. Exceptions: N/A.

D. Decision Maker: The decision is by the Public Works Director or designee.

E. Form Decision Takes: The decision take the form of a letter to the applicant. The letter shall include an analysis of the criteria, conditions of approval, and shall include language related to filing an appeal per SMC 1.20 and SMC 16A.17.

F. Material Required from Applicant: The Applicant shall submit a letter requesting fee-in-lieu of constructing required frontage improvements. The City may discuss, but will not “pre-approve”, a fee-in-lieu request without this submittal. The written request shall include:

• The project or permit number assigned to the application;

• A description of why a fee-in-lieu is requested and how it meets the requirements of the policy;

• A project location map;

• A project site map;

• An affidavit by a Professional Engineer, licensed in the state of Washington, that the preliminary layout reflects all known technical challenges (such as walls, contaminated soils, wetlands buffers, and other critical areas) at the time of writing;

• An Engineering Estimate signed and sealed by a licensed professional engineer registered in Washington State;

• An executed letter of no contest. The purpose of this letter is to allow temporary encroachments on the property during the construction and maintenance of the proposed frontage improvement.

• A preliminary layout of the required improvements, including:
  o Survey of existing site conditions with topographic contours,
  o Right of Way lines and utilities,
  o Adjacent neighbors improvements (as needed),
  o Street lights (if required),
  o Stormwater Management System,
  o The proposed preliminary (>60%) layout must have sufficient information to allow the bond quantity worksheet to be completed; and,

• Any other information required by the Director or designee.
Procedure:

A. Submittal:
   - A request for a fee-in-lieu can only be submitted if there is an active final short plat, STE, or ROW permit application;
   - Written materials (specified in section F) are submitted to the permit center;

B. Routing & Review:
   - Permit center routes the written materials to appropriate engineering review staff;
   - Engineering review staff will consult and coordinate with Public Works Engineering Division staff as needed to review for the following elements:
     - Compliance with the criteria for approval (Policy section B., above)
     - Sufficiency of cost estimates (ensure current bid prices are used, including an estimated adjustment for inflation);
     - Properly executed agreements;
     - Potential design technical challenges;
     - Identification of an appropriate PW Capital Project to be assigned the fee-in-lieu payment.

C. Approval & Issuance:
   - Engineering review staff will add the fee-in-lieu amount into Trakit (Rev #: 307.345.81.00.000, Tran Code: 1522);
   - Approval is issued to the applicant and a copy is included in the project file;
   - The written approval shall be valid only for the permit application with which it is associated;
   - The written approval shall include the following conditions of approval:
     i. For projects that are not subject to a subdivision dedication, Right of Way dedication through an executed Statutory Warranty Deed, or in other similar form as approved by the Director, is required prior to permit issuance. All encumbrances shall be removed from the property being dedicated unless otherwise approved by the Director.
     ii. Prior to issuance of the underlying permit, a fee-in-lieu payment is required.