



Mountlake Terrace Planning Commission

Meeting Agenda

Monday, May 11, 2026, 7:00 PM

Mountlake Terrace City Hall, and via Telephone or
Teleconference

AGENDA

1. Call to Order
2. Attendance Roll Call
3. Approval of the April 27, 2026 Meeting Minutes
4. General Public Comment
5. R-Districts Amendments (Ch. 19.30 and 19.32 MTMC)
6. Update to Administration and Procedures
7. Mixed Use District
8. Director's Report
9. Miscellaneous Business by Call of Planning Commissioners
10. Adjournment

To listen to the meeting via telephone, call 1-253-215-8782. To watch the meeting online: 1) Go to <https://zoom.us/join>; 2) Enter meeting ID 832 0588 1330 and click "join". No passcode needed.

The City of Mountlake Terrace strives to provide access and services to all members of the public. Please notify the City at least one week prior to the event if reasonable accommodations are needed.

City of Mountlake Terrace Guidelines on Addressing the Planning Commission

The Planning Commission welcomes public input at the appropriate time during a public meeting. If you wish to address the Commission, you will be called on when your hand is raised and recognized by the Planning Commission Secretary.

Anyone who is addressing the Planning Commission will need to state their name and city of residence at the beginning of their testimony, or comments.

To comment on an item not listed on the agenda, please address the Planning Commission at the time listed on the agenda as public comment.

To comment on an item listed on the agenda, please do so when the Chair calls for public comment during that particular agenda item.

Unless the Planning Commission Chair directs otherwise, comments on any item should not exceed five minutes per person.

To provide public comment or testimony remotely (via Zoom or telephone), please refer to the Public Comment and Public Hearing Testimony Protocol on the city website <https://www.cityofmlt.com/458/Planning-Commission>.

To submit written public comment or hearing testimony, mail to/drop off at City Hall (23204 58th Avenue W., Mountlake Terrace, WA 98043) or email remarks to Jennifer Joki, jjoki@mltwa.gov, no later than 4 p.m. on the public hearing date.

No person shall make personal attacks or threatening remarks while addressing the Council which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting. All hate speech will be construed as threatening remarks.

Purpose of Work Sessions

Occasionally the Planning Commission will discuss City topics in the form of a Work Session. The purpose of Work Sessions is for the Commission to collectively discuss ideas with each other, as well as observe staff presentations on selected topics. While the Planning Commission cannot take any official actions during a Work Session, the public is welcome to speak regarding an item before the Work Session begins. The public is always welcome to attend and monitor Planning Commission Work Sessions.

MOUNTLAKE TERRACE PLANNING COMMISSION
MINUTES

April 27, 2026
7:00 pm

Mountlake Terrace City Hall
and via Teleconference

Commissioners Present

Chair Bautista (via Teleconference)
Vice Chair Bettcher
Commissioner Finch
Commissioner Morgan (via Teleconference)
Commissioner Stenson (via Teleconference)
Commissioner Thompson
Commissioner Wu (via Teleconference)

Commissioners Absent

None

City Staff Present

City Clerk Jennifer Joki
Community Development Director Brooke Eidem

Guests Present

None

1. Call to Order
Chair Bautista called the meeting of the to order at 7:03 pm
2. Roll Call
City Clerk Jennifer Joki called roll.
3. Approval of March 9 Meeting Minutes
The March 9, 2026, meeting minutes were approved as amended.
4. General Public Comment
None
5. 2026 Updated Work Plan
Community Development Director Brooke Eidem

Eidem presented on this item to include the projects and timelines and action plans.
Eidem heard and responded to questions and comments from commissioners regarding subarea plans, mixed use zones, timeline into next year, and new legislation.

6. Amendments to Ch. 19.30 MTMC - Residential

Community Development Director Brooke Eidem

Eidem presented on this item to include the purpose, uses, dimensional requirements, development bonuses, accessory dwellings, and next steps.

Eidem heard and responded to questions and comments from commissioners regarding cleaning up references to codes, 2008 design standards, garage sizes, state recommendations, and having similar codes as neighboring cities.

7. Director's Report

Community Development Director Brooke Eidem

Eidem presented on this item to include steps and timeline for community and commission engagement on mixed use zones and making the Comprehensive Plan and Zoning Map match.

Eidem heard and responded to comments and questions from commissioners regarding doing this work in-house and introducing herself to the Planning Commission as this was her first meeting with the commission.

8. Miscellaneous Business by Call of Planning Commissioners

- Chair Bautista currently in Detroit at American Planning Association conference and commented on speaker about AI in planning and stated he will be remote at the next commission meeting, too.
- Commissioner Finch asked to be excused from the May 11 meeting.

A motion to excuse Chris Finch from the May 11 meeting was made by Commissioner Thompson and seconded.

Motion carried 7-0.

9. Adjournment

The meeting adjourned at 7:54 pm.

These minutes are subject to approval at the next Mountlake Terrace Planning Commission meeting.

City Clerk Jennifer Joki



PLANNING COMMISSION STAFF REPORT

FROM: Brooke Eidem, Community Development Director

DATE: May 11, 2026

SUBJECT: R-Districts Amendments (Ch. 19.30 and 19.32 MTMC)

SUBJECT SUMMARY:

The Planning Commission will continue discussing proposed updates to Chapter 19.30 MTMC that are intended to improve clarity, readability, and implementation of current regulations. Minor changes are also proposed to Chapter 19.32 MTMC, as discussed at the previous meeting.

BACKGROUND / ANALYSIS:

As discussed at the meeting on April 27, the Residential Districts chapter was adopted in 2025 for compliance with Washington State Middle Housing requirements. Since adoption, various inconsistencies and areas of confusion have been identified. In some cases, code interpretations have been issued as an interim measure to clarify how the code will be administered moving forward, however these are temporary solutions until an amendment can address the issue. Staff has proposed several amendments to the chapter that are intended improve clarity and understanding but are otherwise limited in scope.

The previous discussion identified two issues of concern that staff has researched for the Commission's consideration. The first was the proposed Floor Area Ratio (FAR) exemption for garage space. The Planning Commission requested a code comparison analysis to determine best practices and ensure the MTMC was consistent with other cities in the area. The second was the regulatory gap for non-courtyard apartment buildings that seems to have occurred when the middle housing regulations were adopted in 2025.

Floor Area Ratio comparison

Staff has reviewed residential development standards for adjacent, proximate, and comparable cities in the region and determined a FAR standard is unusual for middle housing. However, most cities appear to provide some degree of exemption for unconditioned spaces such as garages and attics.

City	FAR Standard/Exemption
Lynnwood	Higher FAR ratios apply in Lynnwood's RN zone than the MTMC's R-Districts. There is similar lack of clarity as to administration and potential exemptions, but it appears garages are included in the calculation for residential development. (LMC 8.30.0320).

Shoreline	N/A – no FAR adopted.
Edmonds	N/A – no FAR adopted.
Kenmore	N/A – no FAR adopted.
Lake Forest Park	N/A – no FAR adopted.
Woodinville	Only in commercial zones; exempts parking, mechanical rooms, indoor garbage/recycle rooms, basements, elevator shafts, stairwells (WMC 21.11A.070).
Bothell	Exempts basements, garages, accessory buildings, attics, breezeways, and unenclosed porches from FAR calculation (BMC 11.02.007 , 12.14.133).
Everett	Minimum FAR required for certain commercial uses.

Of the eight cities reviewed, only Lynnwood and Bothell regulate FAR for residential development. Bothell provides multiple exemptions from gross floor area that are not offered in the Mountlake Terrace regulations. Lynnwood's FAR ratios are overall higher than Mountlake Terrace's, making garages easier to fit on a site. All other cities either do not regulate FAR for any development, or only for commercial development. In these cases, other controls, such as building height and setbacks control the massing of residential structures. Notably, the MTMC also has these bulk dimensional controls in place.

Minimum parking stall dimensions of Chapter 19.125 MTMC are 8.5 feet by 18.5 feet. The garage size for a stall this size would need to be at least 12 feet wide and 22 deep for 3.5 feet of maneuverability. Additional area may be provided for non-vehicular storage or a workbench. However, the size of the garage based on those minimum dimensions would be 264 square feet. The initial staff proposal of 300 square feet is 36 feet more than this minimum size.

The Planning Commission may want to consider whether FAR is an important regulatory tool worthy of use in a residential context when this chapter is reassessed in the future. In the meantime, the discussion should focus on the garage area exemption. With other standards in place measuring and controlling development intensity, staff proposes exempting garage space from the FAR calculation.

Residential Design Standards

A detailed review of the 2007 design standards revealed that many elements are addressed in the general residential design standards section of MTMC 19.32.020. It appears the intent was to comprehensively address all possible housing forms in the new design standards by including specific sections for each form (singles, slots, rows, stacks, courts). However, there is a gap for apartment buildings that don't meet the adopted definition for any of these form types, as stacks are specific to "small apartment buildings or condominiums" in MTMC 19.32.060(E), and courts require a shared courtyard or common open space. This leaves larger apartment buildings that either predate adoption of the code, or could be permitted based on dimensional standards. The

missing standards are maximum building width/depth, and a requirement for emphasized shared entries.

To ensure clarity of administration, staff proposes to address this gap by modifying the definition of stacks to remove "small" and adding a note in the land use tables of MTMC 19.30.020 where the listing for multi-unit apartments appears to state they are subject to the dimensional and design standards applicable to stacks.

Next Steps

The next step is a public hearing to consider the amendments and make a recommendation to the City Council. As the next regular meeting falls on a holiday, the Planning Commission should discuss availability for a rescheduled meeting.

LINKS:

[Chapter 19.30 MTMC, Residential Districts](#)

[Chapter 19.32 MTMC, Residential Design Standards](#)

ATTACHMENTS:

1. Ch. 19.30 Revised Draft
2. MTMC 19.32.060(E) Stacks draft
3. Powerpoint Presentation

Chapter 19.30. R – RESIDENTIAL DISTRICTS

19.30.010. Purpose.

The following residential districts (R districts) are intended to provide land for single-unit residences, middle housing, and other complementary uses which serve the neighborhood and have been deemed compatible with residential character. Middle housing brings inherent public benefits such as increased housing supply and choice, housing at relatively more "attainable" price points, increased walkability, and transportation-supportive neighborhoods. The R districts are depicted on the City's Official Zoning Map.

- A. *Residential 1 (R-1)*. The purpose of the residential 1 land use designation is to provide land for detached single-unit residences, duplexes, and other complementary uses, while encouraging a clean and healthy environment, safety, walkability, neighborliness, affordability for a range of income levels, and adequate open space.
- B. *Residential 2 (R-2)*. The purpose of the residential 2 land use designation is to provide land for detached single-unit residences, duplexes, triplexes, fourplexes, other middle housing types up to four units, and other complementary uses, while encouraging a clean and healthy environment, safety, walkability, neighborliness, affordability for a range of income levels, and adequate open space.
- C. *Residential 3 (R-3)*. The purpose of the residential 3 land use designation is to provide land at efficient densities for all middle housing types and other complementary uses, while still allowing for detached single-unit residences, and encouraging a clean and healthy environment, safety, walkability, neighborliness, affordability for a range of income levels, and convenient access to public transit. These lots serve as a transitional zone between the predominately detached single-unit residences, and the denser multifamily developments of residential 4.
- D. *Residential 4 (R-4)*. The purpose of the residential 4 land use designation is to provide land at efficient densities for middle housing, multifamily residences, and other complementary uses, while still allowing for detached single-unit residences, and encouraging a clean and healthy environment, safety, walkability, neighborliness, affordability for a range of income levels, and convenient access to public transit. These lots serve as a transitional zone between the other residential land use designations, and denser mixed-use developments.

19.30.015. Applicability.

- A. Development standards in this chapter are applicable to all development in the residential districts, as well as to any middle housing or single-unit development in other districts.

B. Nonconforming Structures. Structures that no longer comply with development standards as of June 30, 2025, are allowed. Only in the case of loss of the structure due to fires or other natural disasters may the structure be rebuilt within 12 months to the preexisting nonconforming standards.

19.30.020. Uses.

A. Allowable uses within the R districts are identified in Table 19.30.020 below, as now or hereafter amended.

B. Permitted Use (P). Where the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to applicable conditions or other standards (if any) listed in the "conditions/reference" column to the right and the review procedures specified in MTMC Title 18, Land Use Planning and Development, and the general requirements of the code.

C. Conditional Use (C). Where the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to applicable conditions or other standards (if any) listed in the "conditions/reference" column to the right and to the conditional use review procedures specified in MTMC Title 18, Land Use Planning and Development, and the general requirements of the code.

D. Use Not Permitted (). Where no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

For uses containing a superscript number ^(X), refer to the applicable condition in the "conditions/reference" column to the right.

Table 19.30.020

Use	R-1	R-2	R-3	R-4	Additional Provisions
	8400 7200	4800	RML	RMM	
RESIDENTIAL					
Bed and breakfast inns/boarding and rooming houses				P	
Cottage housing		P ¹	P	P	Subject to Chapter 19.32 MTMC ¹ These units are allowed when using affordability bonus MTMC § 19.30.045(C)
Courtyard apartments		P ¹	P	P	Subject to Chapter 19.32 MTMC ¹ These units are allowed when

Table 19.30.020

Use	R-1 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
					using affordability bonus MTMC § 19.30.045(C)
Duplex	P	P	P	P	Subject to Chapter 19.32 MTMC
Fourplex	P ¹	P	P	P	Subject to Chapter 19.32 MTMC ¹ These units are allowed in R-1 when using affordability bonus MTMC § 19.30.045(C)
Fiveplex		P ¹	P	P	¹ These units are allowed in R-2 when using affordability bonus MTMC § 19.30.045(C)
Group home institutions	C	C	C	C	
Group homes	C	C	C	C	
Halfway houses				C	
Juvenile foster homes	P	P	P	P	
Multiplex					
Duplex	P	P	P	P	Subject to Chapter 19.32 MTMC
Triplex	P ¹	P	P	P	¹ Allowed when using affordability bonus MTMC § 19.30.045(C)
Fourplex	P ¹	P	P	P	Subject to Chapter 19.32 MTMC ¹ Allowed when using affordability bonus MTMC § 19.30.045(C)
Fiveplex		P ¹	P	P	¹ Allowed when using affordability bonus MTMC § 19.30.045(C)
Sixplex		P ¹	P	P	¹ Allowed when using affordability bonus MTMC § 19.30.045(C)
Multi-household dwellings unit apartments ²			P	P	² Considered stack housing for the purpose of dimensional and design requirements
Nursing homes				P	
Residential care facilities	C	C	C	P	
Retirement centers, congregate care facilities				P	
Single-household residential	P	P	P	P	Subject to Chapter 19.30 MTMC
Sixplex		P ¹	P	P	¹ These units are allowed in R-2 when using affordability bonus MTMC § 19.30.045(C)

Table 19.30.020

Use	R-1 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
Triplex	P ¹	P	P	P	¹ These units are allowed in R-1 when using affordability bonus MTMC § 19.30.045(C)
Townhomes	P	P	P	P	Subject to Chapter 19.32 MTMC
Youth shelters	C	C	C	C	Class II youth shelters shall be separated from senior housing by 500 feet. Both Class I and II youth shelters require a conditional use permit.
GENERAL SERVICES					
Day care centers	C	C	C	C/A	
Higher education facilities	C	C	C	C ³	³ Side and rear yards shall each be a minimum of 30 feet. All outdoor lights shall be so arranged as to direct the light away from any adjacent properties.
Schools preschool through 12th grade	C ³	C ³	C ³	C ³	³ Side and rear yards shall each be a minimum of 30 feet. All outdoor lights shall be so arranged as to direct the light away from any adjacent properties.
Disaster emergency facilities	P/C ⁵⁴	P/C ⁵⁴	P/C ⁵⁴	P/C ⁵⁴	⁵⁴ Temporary facilities are a permitted use; permanent facilities are a conditional use.
Fire/aid car stations	C	C	C	C	
Libraries	P	P	P	P	
Municipal office buildings				C	
Police stations	C	C	C	C	
Public utility facilities	P/C ²⁵	P/C ²⁵	P/C ²⁵	P/C ²⁵	²⁵ If development contains more than 25,000 square feet of gross area, a conditional use permit is required.
Recycling collection stations	C	C	C	C	
Private clubs and lodges	C ⁴⁶	C ⁴⁶	C ⁴⁶	C ⁴⁶	⁴⁶ All structures shall be set back 20 feet from property lines. On interior and through lots, the required side yards may be used to provide off-street parking areas and, on corner lots, the rear yard

Table 19.30.020

Use	R-1 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
					<p>may be used. The required front yard may not be used for off-street parking. All lights provided to illuminate parking areas or buildings shall be so arranged as to direct the light away from any adjoining properties.</p>
Religious facilities	C ⁴⁶	C ⁴⁶	C ⁴⁶	C ⁴⁶	<p>⁴⁶All structures shall be set back 20 feet from property lines. On interior and through lots, the required side yards may be used to provide off-street parking areas and, on corner lots, the rear yard may be used. The required front yard may not be used for off-street parking. All lights provided to illuminate parking areas or buildings shall be so arranged as to direct the light away from any adjoining properties.</p>
Health care offices/clinics				P/C ⁶⁷	<p>⁶⁷Allowed as a permitted use up to 5,000 square feet in any single building. Within this category, any use of 5,000 square feet or greater in any single building shall be allowed up to 10,000 square feet only under a conditional use permit. A "single building" for the purpose of the identified land use category in this subsection shall include any buildings located on the same lot and connected by a walkway or driveway outside of a public right-of-way or by a building element.</p>
Hospitals/emergency clinics				C	
Veterinarian clinics/hospitals				P/C ⁶⁷	<p>⁶⁷Allowed as a permitted use up to 5,000 square feet in any single building. Within this category, any use of 5,000 square feet or greater in any single building shall be allowed up to 10,000 square feet</p>

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Table 19.30.020

Use	R-1 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
					only under a conditional use permit. A "single building" for the purpose of the identified land use category in this subsection shall include any buildings located on the same lot and connected by a walkway or driveway outside of a public right-of-way or by a building element.
Wireless telecommunication facilities			P	P	Wireless telecommunication facilities are subject to a special use permit – wireless (SP-W), as required by Chapter 19.137 MTMC.
Sexually oriented adult businesses/adult entertainment establishments					
RECREATION AND TRANSPORTATION					
Golf course	C ⁷⁸	C ⁷⁸	C ⁷⁸	C ⁷⁸	⁷⁸ Access to at least a minor arterial street is required. Commercial use or development accessory to the golf course is limited to a pro shop for the sale and rental of golf equipment, a driving range, eating/drinking establishment, meeting/assembly rooms and administrative office.
Parks, public	P	P	P	P	
Performing arts centers				P	
Rapid transit stations				C	
Public recreational facilities	P	P	P	P	
Private recreational facilities	C ⁸⁹	C ⁸⁹	C ⁸⁹	C ⁸⁹	⁸⁹ Located within 500 feet of a collector, minor arterial, or principal arterial right-of-way as designated on the current adopted City of Mountlake Terrace Transportation Master Plan.
ACCESSORY USES					
Home occupations	P	P	P	P	Subject to MTMC § 19.120.230
Accessory dwelling unit	P	P	P	P	Subject to MTMC § 19.30.050

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Table 19.30.020

Use	R-1	R-2	R-3	R-4	Additional Provisions
	8400 7200	4800	RML	RMM	
Accessory structures, nonresidential	P	P	P	P	Subject to MTMC § 19.120.130
Adult family home	P	P	P	P	Subject to MTMC § 19.120.230
Adult or child day care (with religious facility, school, recreation facility or library)	P	P	P	P	
Day care	P	P	P	P	Subject to MTMC § 19.120.230
Greenhouses, noncommercial	P	P	P	P	
Gym, dance/fitness studio				P	
Parking lots				P	
Storage buildings	P	P	P	P	Subject to MTMC § 19.120.130
Swimming pools/hot tubs	P	P	P	P	

19.30.030. Dimensional requirements.

- A. Dimensional requirements, as identified in this section, shall apply to all buildings and lots in the R districts, except as otherwise specifically provided by this chapter.
- B. Dimensional requirements for lots and buildings in R districts are set forth in the following dimensional requirements table; provided, that lesser areas or distances may be allowed subject to meeting the requirements of MTMC § 19.30.035, as applicable, or as otherwise specifically allowed under this title or MTMC Title 17 and greater areas or distances may be specifically required under certain provisions of the MTMC.

Dimensional Requirements Table 19.30.030

	R-1 R-8400; R-7200	R-2 R-4800	R-3 RML	R-4 RMM
Lot Standards (applicable to parent lot)				
Lot Area Min., sf	4,800 square feet			
Lot Width at Building Setback Line, Min.	45 feet			
Lot Width at Street, Min.	30 feet			
	Exception for flag/panhandle lots: 12 feet			
Mean Lot Depth Min.	70 feet	60 feet		
Lot Coverage by Structures (including ADUs)				

Dimensional Requirements Table 19.30.030

	R-1 R-8400; R-7200	R-2 R-4800	R-3 RML	R-4 RMM
Maximum Lot Coverage (percent of lot area)	45%	50%	60%	65%
Additional Lot Coverage for Bonuses	+5% Lot coverage bonuses are not cumulative.			
Floor Area Ratio (FAR)				
Maximum Floor Area Ratio (FAR) ¹	1 unit: 0.5 2+ units: 0.6	1 unit: 0.5 2 units: 0.6 3 units: 0.8 4+ units: 1.0	1 unit: 0.5 2 units: 0.6 3 units: 0.8 4 units: 1.0 5 units: 1.2 6+ units: 1.4	
Additional FAR for "Stack" Housing Form Type	+ 0.5			
Maximum FAR With Affordability Bonus MTMC § 19.30.045(C)	3 units: 0.8 4+ units: 1.0	5 units: 1.2 6+ units: 1.4	1.8	2.4
Additional FAR for Other Bonuses in MTMC § 19.30.045	On-site tree retention: +0.1 Sustainability Certification: +0.1 Alleys: +0.2 Midblock Connections: Half Block: +0.2, Full Block: +0.4 Improved Parking Courts: +0.1 Shared Driveways: +0.1			
Density				
Maximum Density	1 unit per 2,400 sf of lot area	1 unit per 1,200 sf of lot area	No max.	
Maximum Density With Affordability Bonus MTMC § 19.30.045(C)	1 unit per 1,200 sf of lot area	1 unit per 800 sf of lot area		
Accessory Dwelling Units	Two ADUs may be allowed on any lot in addition to the maximum density above. See MTMC § 19.30.050(B)			
Building Height Standards				
	3 stories, 35 feet		3 stories, 35 feet	

Dimensional Requirements Table 19.30.030

	R-1 R-8400; R-7200	R-2 R-4800	R-3 RML	R-4 RMM
Maximum Building Height at Front of Lot			Exception for "Stack" Housing Form Type: 4 stories, 45 feet With Bonuses: 4 stories, 45 feet	
Maximum Building Height at Rear of Lot	2 stories, 25 feet With Bonuses: 3 stories, 35 feet		3 stories, 35 feet With Bonuses: 4 stories, 45 feet	
Exceptions to Maximum Heights	<ol style="list-style-type: none"> 1. A structure to access the roof shall not be included in the maximum building height, so long as the structure is set back at least 5 feet from the required yard setbacks. Such structure shall be primarily for access to the rooftop and may include mechanical equipment, or other ancillary items, but shall not include livable floor space. 2. Where solid walls (or parapets) are used for enclosing a rooftop deck, they may project a maximum of four feet above the height limit; provided, that: <ol style="list-style-type: none"> a. Such walls are set back at least 5 feet from the edge of any required side yard setback; and b. Where the rear yard abuts a lower intensity district, such walls are set back at least 5 feet from the required rear yard setback. 3. Where fall protection walls or railings for rooftop decks are at least 80 percent transparent and no component is more than 5 feet in height from the rooftop deck, they shall not be included in the maximum building height. 4. Photovoltaic panels may project up to 4 feet above the maximum building height. 			

Building Setback Standards

Minimum Front Yard Setback	15 feet	1-2 units: 15 feet 3-4+ units: 10 feet	10 feet	5 feet
	Reduction for shared parking areas behind Rows: 3 feet. (per MTMC § 19.32.060(C))			
	Reduction for Bonuses: 5 feet total. Front yard bonuses are not cumulative.			
	Garage setbacks: Refer to MTMC § 19.32.020			

Dimensional Requirements Table 19.30.030

	R-1 R-8400, R-7200	R-2 R-4800	R-3 RML	R-4 RMM
Minimum Rear Yard Setback	15 feet	1-2 units: 15 feet 3-4+ units: 10 feet	10 feet	
	Reduction for buildings or portions of buildings under 15 feet tall: 5 feet. No other rear yard setback bonuses may be combined with this exception.			
	Reduction for Bonuses: 5 feet total. Rear yard bonuses are not cumulative.			
Minimum Side Yard Setback	5 feet, Except 10 feet for any side yard on a corner lot that is adjacent to a street but is not the front yard		1-2 story portions: 3 feet 3 story portions and corner lots: 5 feet 4 story portions: 7 feet	
	Exception to levels with primary unit entries: 7 feet minimum where the side yard is used for pedestrian access to rear units, except where infeasible due to location of existing structure.			
	Reduction for Bonuses: 2 feet total. Side yard bonuses are not cumulative. In no case may a side setback be reduced below 3 feet.			
Building Separation for Buildings on the Same Lot	10 feet	Exception for separation between two single-story buildings: 6 feet		

¹ Up to 300 square feet of vehicle parking space is exempt from FAR calculations per unit.

ALTERNATIVES FOR CONSIDERATION

¹ Unconditioned vehicular parking areas are exempt from FAR calculations.

¹ Unconditioned vehicular parking areas and subterranean basements are exempt from FAR calculations.

¹ Unconditioned vehicular parking areas and floor areas less than seven feet in height are exempt from FAR calculations.

¹ FAR is determined by calculating the usable floor area, excluding unconditioned spaces, vehicular parking, floor areas having less than seven-foot-high ceilings, and subterranean basements.

19.30.035. Lot area and dimensional calculations.

- A. The lot dimensional requirements in MTMC § 19.30.030 apply to the parent lot, not the smaller "unit lots" created in a unit lot subdivision.
- B. Regardless of the minimum lot area required under MTMC § 19.30.030, a subdivision may include one lot that does not meet minimum lot requirements; provided, that the lot would have an area that is at least 90 percent of the required minimum lot area of the underlying district and would meet all other dimensional requirements of MTMC § 19.30.030(C).
- C. Building height is regulated in both front and rear portions of the lot. "Building height at front of lot" is measured in the front 75 percent of mean lot depth. "Building height at rear of lot" is measured in the rear 25 percent of mean lot depth.

19.30.040. Special regulations.

- A. A manufactured home shall be permitted to locate on any residential lot when it meets the development standards of this title and all other applicable regulations for single units are met.
- B. Accessory dwellings shall comply with MTMC § 19.30.050, as now or hereafter amended.
- C. Accessory buildings (nonresidential) shall comply with MTMC § 19.120.130.
- D. Animals are allowed subject to the provisions of MTMC Title 6.
- E. A storage building for a legally established nonresidential use may be permitted under the following conditions: (1) it is on the same lot as the nonresidential use; (2) it is constructed of materials similar to the building that comprises the primary nonresidential use on the lot; and (3) it is for a purpose that is consistent with the residential character of the neighborhood.
- F. The locational and area standards of this chapter and of any other regulations in this title pertaining to development under this chapter do not have to be met on individual lots, parcels or tracts developed under the provisions of Chapter **17.09** MTMC, Fee Simple Unit Lot Subdivisions; provided, that they are met on the collective lots, parcels and/or tracts in a fee simple unit lot subdivision and that all standards otherwise applicable to the outer perimeter of individual lots (e.g., setbacks, landscaping and buffers) are met around the outer perimeter of the fee simple unit lot subdivision.

19.30.045. Development bonuses.

- A. **Applicability.** Within residential districts, development standard bonuses are available for developments that provide specific public benefits outlined in this section. In exchange for the specified public benefits, the project can utilize the development standards bonuses described in Table 19.30.030. The bonuses have been crafted to offer value to middle housing development, while achieving the intended public benefits while maintaining compatibility with neighborhood scale and residential patterns. Multiple bonuses may be combined on a site, subject to the standards in Table 19.30.030.
- B. **Purpose.** The bonus program aims to go beyond the typical benefits of middle housing by incentivizing additional contributions aligned with community priorities and Comprehensive Plan Vision 2044 goals. The program focuses on the following public benefits:
1. Affordable housing – per subsection C of this section.
 2. On-site tree retention – per subsection D of this section.
 - a. Trees provide shade and habitat, reduce the impacts of development on storm drainage systems, and enhance the visual appearance of neighborhoods.
 3. Sustainability certification – per subsection E of this section.
 - a. Sustainability certification ensures that projects sustainably and efficiently reduce use of the earth's resources.
 4. New alleys – per subsection F of this section and MTMC § 19.32.090(A).
 - a. The purpose of alleys is to offer opportunities to consolidate parking, garbage, and service access at the rear of lots, reduce conflicts with primary pedestrian zones and support walkable and active street frontages. Alleys can enhance site layout flexibility while maintaining a neighborhood-compatible form.
 5. Midblock connections – per subsection G of this section and MTMC § 19.32.090(B).
 - a. The purpose of these connections is to provide vital nonmotorized linkages across long blocks, connecting two streets by enabling pedestrian and bicycle access through sites. They may also accommodate limited vehicle access, such as parking access.
 6. Improved parking courts – per subsection H of this section and MTMC § 19.32.090(C).

a. The purpose of these spaces is to provide for enhanced aesthetics and use of parking areas for more than auto-oriented purposes, such as pedestrian access, visiting with neighbors, informal play space, and many other uses.

7. Shared driveways – per subsection I of this section.

a. The purpose of shared driveways is to reduce curb cut dimensions and potential conflicts with pedestrians on sidewalks, supporting walkable and active street frontages.

C. Affordable Housing Bonus. A development may receive bonuses (increased lot coverage, FAR, and height, and as well as setback reductions per Table 19.30.030) for providing affordable housing consistent with Chapter 3.96 MTMC at the following minimum amounts:

1. R-1 district: one or more affordable units per lot.
2. R-2 district: two or more affordable units per lot.
3. R-3 and R-4 districts: 20 percent or more of total units per lot must be affordable.

D. On-Site Tree Retention Bonus. A development may receive bonuses (increased lot coverage, FAR, and height, and as well as setback reductions per Table 19.30.030) for providing on-site tree retention. Eligible projects must:

1. Meet the quality standards of MTMC § 19.130.140; and
2. Perform the minimum tree retention requirements in MTMC § 19.130.170(D) on site. Tree replacement and/or tree fees in lieu are not eligible for the bonus.

E. Sustainability Certification Bonus. A development may receive bonuses (increased lot coverage, FAR, and height, and as well as setback reductions per Table 19.30.030) for providing sustainability certification. To be eligible for the bonus, new developments and major renovations shall be designed, constructed, and certified to meet or exceed standards of one or more of the following rating systems:

1. Passive House, per Phius or International Passive House Institute.
2. Living Building Petal Certification, per Living Futures Institute.
3. LEED Gold, per United States Green Building Council (USGBC).
4. Built Green.

5. Evergreen Sustainable Development Standard (ESDS).

F. Alleys. A development may receive bonuses (increased lot coverage, FAR, and height, and as well as setback reductions per Table 19.30.030) for providing alleys or portions of alleys at the rear of the lot. Eligible alleys must meet the following criteria:

1. Eligible locations are under the discretion of the City Engineer.
2. Design standards per MTMC § 19.32.090(A).
3. Right-of-way dedication. The alley or portion of alley must be dedicated as a public right-of-way at the point in time when it is either connected to a street or connected to other alley segments which connect directly to the street, as determined by the City Engineer. Until that time, the land will be a reserved right-of-way dedication and a nonbuildable area.
 - a. For the purposes of calculating lot coverage and FAR, the original lot area before dedication may be used.

G. Midblock Connections. A development may receive bonuses (increased lot coverage, FAR, and height, and as well as setback reductions per Table 19.30.030) for providing midblock connections. Midblock connections must meet the following criteria:

1. Eligible locations are under the discretion of the City Engineer, but may include the following:
 - a. Connecting two existing streets in the middle two-thirds of a block greater than 300 feet long;
 - b. Connecting a cul-de-sac to another street or cul-de-sac; or
 - c. Extending incomplete existing streets.
2. Design standards per MTMC § 19.32.090(B).
3. Easement. A 16-foot-wide public access easement must be recorded on the property.

H. Improved Parking Courts. A development may receive bonuses (increased lot coverage, FAR, and height, and as well as setback reductions per Table 19.30.030) for providing improved parking courts. They may not count towards required open space. Improved parking courts must meet the following criteria:

1. Provide parking access for two or more units.

2. Design standards per MTMC § 19.32.090(C).

- I. Shared Driveways. A development may receive bonuses (increased lot coverage, FAR, ~~and~~ height, ~~and as well as~~ setback reductions per Table 19.30.030) for providing shared driveways. Shared driveways must provide access to parking garages; or lots containing four or more stalls; or on abutting parent lots greater than 14,000 square feet.~~meet the following criteria:~~

~~1. Provide parking access to parking stalls or garages on abutting parent lots, or to four or more parking stalls or garages on parent lots greater than 14,000 square feet.~~

19.30.050. Accessory dwellings.

A. The intent of this section is to:

1. Broaden housing options within the City;
2. Provide homeowners with a means of accommodating extended families or obtaining rental income, companionship, security, or services through tenants in either the accessory dwelling unit or principal (i.e., primary) unit of the single-family dwelling; and
3. Retain the neighborhood character of surrounding single-family homes;
4. Provide lower-cost "attainable" housing by creating smaller units throughout the R district.

B. Accessory dwelling units are permitted on a lot, provided the following requirements are met:

1. Density. Two accessory dwelling units may be allowed on any lot without counting toward maximum density calculations. ~~They are not counted as dwelling units in the residential districts.~~

~~a. Exception. The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in MTMC Title 16, Environment.~~

2. Size and Scale. The square footage of the accessory dwelling unit shall be a minimum of 200 square feet and a maximum of 1,000 square feet, excluding any garage areas. Adding attached or detached accessory dwelling units to a lot may increase the maximum total floor area on the site by up to the following amounts, regardless of ~~exceeding FAR lot coverage~~ standards for the district:.

~~a. Adding one ADU: 1,000 square feet.~~

~~b. Two ADUs: 2,000 square feet.~~

3. Location. Accessory dwelling units may be added to or included within the principal unit (therefore referred to as an ADU) or located in a detached structure (referred to as a DADU).
4. Height. Maximum height for ADUs is set forth in the Dimensional Requirements Table 19.30.030 which does not separately regulate accessory dwelling units differently than other units or buildings.
5. Setbacks. Minimum setbacks and building separation distances for ADUs are set forth in the Dimensional Requirements Table 19.30.030. No setback is required from any alley.
6. Garage Conversions. Conversion of an existing garage or other accessory structure into an accessory dwelling unit is permitted, even in cases where the garage existing structure does not conform to the current development standards, including setbacks.
7. Parking. Parking requirements are set forth in Chapter 19.125 MTMC, Off-Street Parking and Loading.
8. Utilities. Separate utilities are required for an accessory dwelling unit per MTMC § 15.05.330.
9. Street Improvements. Street improvements are not required when building an accessory dwelling unit on a lot with an existing house.

10. Accessory dwelling units shall not be located within critical areas or their buffers, as designated in MTMC Title 16, Environment.

- C. Accessory dwelling units shall comply with all standards for health and safety as provided in Chapter **15.05** MTMC, as now or hereafter amended, and any other applicable chapters of this code, except as specifically granted otherwise.
- D. Permitting. An accessory dwelling unit shall not be permitted unless the property owner has applied for and been issued a building permit by the Department.
- E. Elimination of an accessory dwelling unit may be accomplished by the property owner recording with the Snohomish County Auditor's office a certificate identifying the property's address and that the accessory dwelling unit no longer exists on the property, and providing a copy of the certificate to the City.

~~19.30.060. RS 4800 district standards.~~

~~Reserved.~~

~~19.30.065. Transitional (RS-T) district.~~

~~Reserved.~~

~~19.30.070. Cottage housing.~~

~~Reserved.~~

19.30.075. Criteria for private recreation facilities – Conditional use permits.

- A. Hours of operation for outdoor activities shall not extend into nighttime hours when sounds can be declared a nuisance affecting public peace, referenced in Chapter 8.20 MTMC.
- B. Outdoor recreation facility lighting shall be turned off during nighttime hours, referenced in Chapter 8.20 MTMC.
- C. Light fixture height maximum shall be determined based on recreation use and addressed through the conditional use permit review process.
- D. All lights provided to illuminate parking areas, buildings, and outdoor facilities shall be shielded and arranged to direct light away from any adjoining properties in accordance with MTMC § 19.120.030.
- E. Fences must comply with MTMC § **19.120.200**. The first 12 feet in height (ground up to 12 feet) of fencing shall be site obscuring. For example, chain-link fencing with slats, mesh, or solid wood fencing would be considered appropriate.
- F. Traffic impact analysis (TIA) is required each time a private recreation facility is proposed in a single-unit residential zone as part of the conditional use permit review.
- G. A minimum of one off-street loading/unloading space shall be provided, subject to MTMC § 19.125.080.
- H. On interior and through lots, the required side yards may be used to provide off-street parking areas and, on corner lots, the rear yard may be used. The required front yard may not be used for off-street parking.
- I. All structures shall be set back 20 feet from property lines.
- J. Buildings associated with private recreation facility uses shall not exceed 35 feet in height as defined in Chapter 19.15 MTMC.

- K. The minimum lot area required to locate a private recreation facility is one and one-half acres. The maximum lot size to locate a private recreation facility is three acres.
- L. For private recreation facility uses, the maximum lot coverage by structures required is 45 percent of lot area.
- M. For private recreation facility uses, the maximum impervious surface allowed is 75 percent.

19.30.080. Residential design standards.

The development of all dwellings within the R districts shall comply with the residential design standards in Chapter 19.32 MTMC upon the effective date of the ordinance adopting this section. Such standards do not apply to dwellings legally established prior to June 30, 2025, except as provided by the nonconformance provisions of this title for building alterations and replacement.

19.30.090. Off-street parking and driveways.

Parking requirements are set forth in Chapter 19.125 MTMC, Off-Street Parking and Loading.

Driveway standards are set forth in the Engineering Design Manual (EDM).

19.30.100. Electric vehicle charging station level 2, home preparation.

Reserved.

19.30.110. Low impact development (LID).

Reserved.

19.30.120. Outdoor open space.

- A. Outdoor open space must be provided consistent with the following:
 - 1. Singles, Slots, Rows: 60 square feet of private open space per unit.
 - 2. Stacks: none required.
 - 3. Courts: 20 percent of the lot area as common open space.
- B. Common and private open space must conform to the design standards in MTMC § 19.32.020(G).

19.30.130. Neighborhood commercial services.

- A. **"Neighborhood commercial services"** shall mean "commercial services" as defined in MTMC § 19.15.040 excluding any facilities that provide services or products for motor vehicles in a manner that is more than incidental and, furthermore, excluding any facilities that provide drive-up or drive-through service.
- B. Neighborhood commercial services in any single building shall not exceed a total of 5,000 square feet in area unless approved up to 10,000 square feet in area under a conditional use permit. A "single building" for this purpose shall include any buildings that are located on the same lot and connected by a walkway or driveway outside of a public right-of-way or by a building element.

DRAFT

E. Stacks.

1. Description. Stacks refer to buildings with attached dwelling units that stack on top of each other. Dwelling units usually have a shared entry but may also have private entries. Examples of stacks include stacked flats, duplexes, triplexes, fourplexes, fiveplexes, sixplexes, multiplexes, and **small** apartment buildings **or condominiums**.
2. Maximum Building Width and Depth.
 - a. R-1 and R-2: 75 feet width, 120 feet depth.
 - b. R-3: 130 feet width, 130 feet depth.
 - c. R-4: 140 feet width, 140 feet depth.
3. Articulation. Primary shared entrances must be emphasized with building articulation techniques such as those described in MTMC § 19.32.020(D).

DRAFT

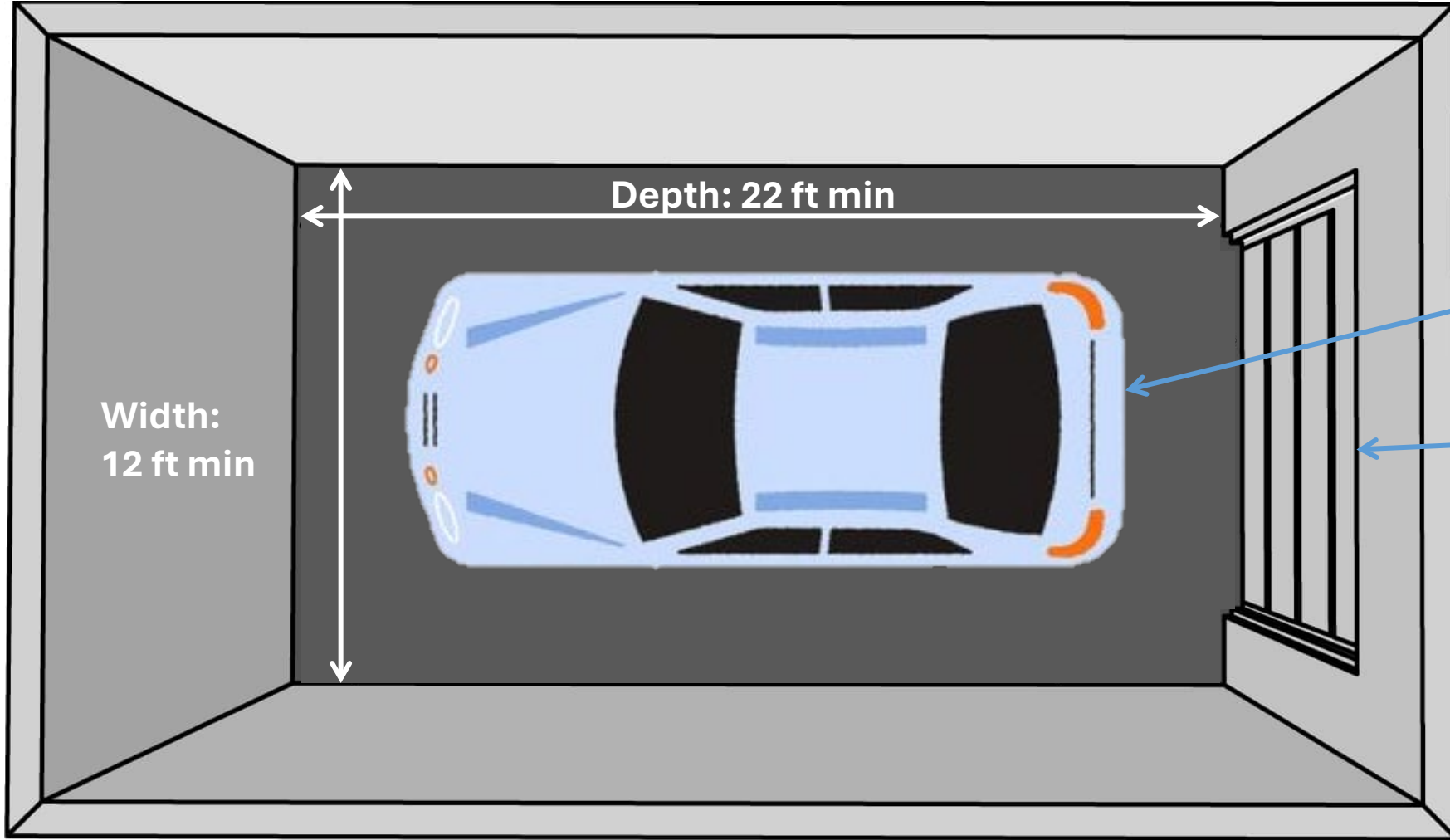
RESIDENTIAL DISTRICTS – CH. 19.30

- Minor, limited amendments throughout to improve clarity and user-friendliness
 - Incorporate code interpretations
 - Clarify language for readability
 - Improve land use and dimensional table organization
 - Address language in ADU section for better alignment with State requirements
- Planning Commission discussed at April 27 meeting
- Additional information requested: FAR exemption, design standard revisions

FLOOR AREA RATIO (FAR)

- No defined purpose in MTMC or Housing Action Plan
- Definition: “the number resulting when floor area is divided by lot area” (MTMC 19.15.070)
- General planning purpose:
 - Regulate volume and intensity of building development by controlling mass and scale
 - Supplementary to traditional means of bulk dimensional controls
 - Generally permits variable dimensions within an overall volume limit

SINGLE-CAR GARAGE



**Parking stall:
8.5 ft x 18.5 ft**

**Average car:
6 ft x 15 ft**

Door: 9 ft wide

12 ft x 22 ft = 264 sqft

19.30.030 DIMENSIONAL REQUIREMENTS.

Dimensional Requirements Table 19.30.030

	R-1	R-2	R-3	R-4
Floor Area Ratio (FAR)				
Maximum Floor Area Ratio (FAR) ¹	1 unit: 0.5 2+ units 0.6	1 unit: 0.5 2 units: 0.6 3 units: 0.8 4+ units: 1.0	1 unit: 0.5 2 units: 0.6 3 units: 0.8 4 units: 1.0 5 units: 1.2 6+ units: 1.4	

Options for consideration:

1. ¹Up to 300 square feet of garage space is exempt from FAR calculations.
2. ¹Unconditioned vehicular parking areas are exempt from FAR calculations.
3. ¹Unconditioned vehicular parking areas and subterranean basements are exempt from FAR calculations.
4. ¹Unconditioned vehicular parking areas and floor areas less than seven feet in height are exempt from FAR calculations.
5. ¹FAR is determined by calculating the usable floor area, excluding unconditioned spaces, vehicular parking, floor areas having less than seven-foot-high ceilings, and subterranean basements.

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DESIGN STANDARDS

Table 19.30.020 USES					
Use	R-1 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
Multi-household dwellings-unit apartments			P	P	² Considered stack housing for the purpose of dimensional and design requirements

MTMC 19.32.060(E)

E. Stacks.

1. Description. Stacks refer to buildings with attached dwelling units that stack on top of each other. Dwelling units usually have a shared entry but may also have private entries. Examples of stacks include stacked flats, duplexes, triplexes, fourplexes, fiveplexes, sixplexes, multiplexes, and small apartment buildings-or-condominiums.

Reason for Changes

- Ensure the design standards of Chapter 19.32 applies to apartment buildings that are considered not courtyards

QUESTIONS & NEXT STEPS

Planning Commission Public Hearing

- 4th week of May

Adoption

- Tentative City Council adoption in June

Item: 6.



PLANNING COMMISSION STAFF REPORT

FROM: Brooke Eidem, Community Development Director

DATE: May 11, 2026

SUBJECT: Update to Administration and Procedures

SUBJECT SUMMARY:

The Planning Commission will discuss proposed amendments to several chapters of the Municipal Code related to administrative procedures intended to streamline the permitting process, update the administration regulations in general, and integrate new requirements of the Local Project Review Act (RCW 36.70B).

BACKGROUND / ANALYSIS:

Administrative provisions can currently be found in several locations of the MTMC. The most detailed chapter is in Title 18, Land Use Planning and Development, addressing permit classifications, the permit review process, public hearings, appeals, and amendments to the Comprehensive Plan. There are also administrative provisions in Title 19, Zoning. However, these are far less detailed, and in some cases, conflict with those of Chapter 18.05.

Chapter 18.05 MTMC needs to be updated for legal consistency with recent changes to RCW 36.70B. The proposal would make additional revisions to reflect current processes and eliminate the potential for confusion and internal conflict by making the provisions of this chapter apply to Titles 16, 17, 18, and 19. A package of amendments is proposed to ensure administrative procedures are comprehensive and well-organized. The chapters involved include the following:

- Chapter 18.05 - Administration and Procedures
- Chapter 18.10 - Comprehensive Plan
- Chapter 18.25 - Public Notification - Major Land Use
- Chapter 19.10 - Administration
- Chapter 19.110 - Zoning Permits
- Chapter 19.120 - General Provisions

Legal Requirements

SB 5290 was passed by the Washington State Legislature in 2023, amending the Local Project Review Act (RCW 36.70B) related to permit processing procedures for local governments. The bill contains multi-tier review timeframes unless the municipality adopts legislation that modifies them. If the local government fails to meet the review deadline, a portion of permit fees must be returned to the applicant. Prior to SB 5290, the City adhered to the middle tier timeframe for all permit types; staff is proposing to maintain that review timeframe for consistency and

predictability. The bill allows other optional measures that staff is proposing to adopt, including procedural improvements that exempt the City from reimbursing permit fees.

Several other elements of Chapter 18.05 MTMC also need updating for consistency with this legislation, including clarity on determinations of completeness, more detail on application submittal requirements, applicant time limits, and permit consolidations.

Chapter 18.05 - Administration and Procedures

Most administrative provisions can be found in Chapter 18.05, but this chapter is incomplete in terms of addressing the proper authority and interpretation provisions, reasonable accommodations as required by the Fair Housing Act, determination of legal lot status, concurrency, assignability, vesting, extension of a review process, conditions of approval, and submittal requirements. These provisions are similarly absent elsewhere in the Municipal Code, so should be added here. Staff is also proposing a new Applicability section to clarify the chapter's provisions apply to all four titles (16 through 19), thus avoiding the potential for conflicting provisions.

This chapter addresses permit classifications and review procedures. The permit classifications table is updated to reflect actual permit types with accurate procedures. A new field is added to the table to identify the approval term rather than the review timeframe, and the table is organized by decision type to make it easier to read.

The last portion of this chapter contains procedures for updating the Comprehensive Plan, rezones, and annexations (MTMC 18.05.300, 18.05.310, and 18.05.320). The Comprehensive Plan and rezone procedures are more appropriately addressed in Chapter 18.10, Comprehensive Plan. Annexations follow the procedures of State law in [Chapter 35A.14 RCW](#). It is unnecessary to have annexation provisions adopted in the City's code, as these provisions are a standard requirement of the MAILA with Snohomish County and subject to statute, which are subject to change (as evidenced by the new [Interlocal Agreement annexation method](#) introduced into law in 2020). The Annexation section is proposed for removal.

Due to the level of change proposed to this chapter, a repeal and replace is necessary.

Chapter 18.10 - Comprehensive Plan

This chapter officially adopts the Comprehensive Plan and supporting documents. This is the most appropriate chapter to address the annual amendment process, which is currently located at the end of Chapter 18.05. The proposal is to relocate the process sections from Chapter 18.05 and the official adoption sections from Chapter 19.10 into this chapter, update the language to ensure the chapter is up-to-date, and better address annual docketing.

The supporting documents section will remove specific adoption dates, thus avoiding regular amendments in the future when these documents are updated. The Comprehensive Plan amendment process will be clarified by adding language for annual docketing and integrating the procedures that were previously in MTMC 18.05.300 and 18.05.310. Language related to rezones and text amendments will also be integrated from MTMC 19.10.020 and 19.10.030.

Chapter 18.25 - Public Notification - Major Land Use

This chapter is proposed to be repealed. A public notice section is added to Chapter 18.05 MTMC, making this chapter redundant and unnecessary. The administrative procedures chapter is a more appropriate location for these provisions, as they are a part of the development application process.

Chapter 19.10 - Administration

This chapter contains interpretation provisions that conflict with those of Chapter 18.05, and outdated information related to duties of the Planning Commission. Additionally, provisions related to the Zoning Map and development regulations are more appropriately addressed elsewhere. The proposal is to integrate those regulations into more appropriate chapters -- largely 18.05 and 18.10 -- and repeal this chapter.

Chapter 19.110 - Zoning Permits

Chapter 19.110 contains procedural regulations that should be addressed in Chapter 18.05, including submittal requirements and limitations on refileing. According to the Building Official, the sections addressing building permits and certificates of occupancy duplicate building code regulations already adopted by the City (with some outdated language), and should be removed from this chapter. The proposal is to remove those sections, relocate the temporary permits section to Chapter 19.120, and update the Site Development Plan procedures.

Chapter 19.120 - General Provisions

Chapter 19.120 is an assortment of performance standards and regulations that are more appropriately addressed elsewhere - many were last updated in the mid-1990s or early 2000s. Staff's eventual proposal is to address this chapter holistically. However, in the meantime the revisions are intended to bring it up to date, make the language match current processes, and integrate the temporary permits and certificate of occupancy provisions from Chapter 19.110.

Next Steps

As the amendments are procedural, the Planning Commission is not required to hold a public hearing prior to City Council adoption. Staff will request comments and feedback from the Commission as part of this Discussion Item.

LINKS:

- [WA SB 5290 \(2023-2024 session\)](#)
- [RCW 36.70B](#) - Local Project Review Act
- [Chapter 18.05 - Administration and Procedures](#)
- [Chapter 18.10 - Comprehensive Plan](#)
- [Chapter 18.25 - Public Notification - Major Land Use](#)
- [Chapter 19.10 - Administration](#)
- [Chapter 19.110 - Zoning Permits](#)
- [Chapter 19.120 - General Provisions](#)

ATTACHMENTS:

1. Ch. 18.05 draft
2. Ch. 18.10 draft
3. Ch. 19.110 draft
4. Ch. 19.120 draft
5. Powerpoint Presentation

Chapter 18.05 - Administration and Procedures

Draft	Comments
<p>18.05.010 Purpose</p> <p>The general purpose of the City of Mountlake Terrace Development Code is to:</p> <ul style="list-style-type: none">A. Implement the City of Mountlake Terrace Comprehensive Plan and guide the future growth and development of the City of Mountlake Terrace, including development that furthers the City’s goals as set forth in the Comprehensive Plan, as amended.B. Implement Chapter 36.70A RCW, the Growth Management Act, and Chapter 36.70B RCW, Local Project Review.C. Ensure that decisions are made consistently and predictably, in an expeditious manner and in the public interest.D. Eliminate redundancy in the application, permit review, and appeals processes.E. Promote timely and informed public participation.F. Protect the general health, safety, and welfare.G. Provide for the economic, social, and aesthetic advantages of orderly development.H. Provide for adequate public facilities and services in conjunction with development.I. Protect property rights and values and secure the most appropriate uses of land, including:<ul style="list-style-type: none">1. Desirable, appropriately located residential areas with a variety of affordable housing types at a wide range of population densities;2. Commercial, industrial, employment, and business establishments for a healthy, prosperous economy;3. Public improvements and services;4. Parks and recreation facilities; and5. Natural resources;	<p><i>Update purpose statements.</i></p> <p><i>Refer to Comprehensive Plan implementation and permit process</i></p>

- J. Promote safe and orderly movement of people and goods, including adequate off-street parking and loading and encouragement of alternative modes of transportation;

This chapter establishes standard procedures, decision criteria, public notification, and timing for development decisions made by the City of Mountlake Terrace. These procedures provide for an integrated and consolidated land use permit process.

For the purposes of this chapter, “project permit” shall include all land use applications, land use development permits, and/or environmental permits or licenses required for a project action, including those defined in MTMC § 18.05.070, except permits regulated under Title 15.

“Completeness” shall mean procedurally complete as described in RCW 36.70B.070.

“Department” shall mean the City of Mountlake Terrace Community Development Department.

“Director” shall mean the Community Development Director.

18.05.020 Authority

- A. This title, together with Titles 16, 17, and 19 of the Mountlake Terrace Municipal Code, is adopted as the Mountlake Terrace Land Use Development Code (“Development Code”) pursuant to Chapter 35A.63 RCW (Planning and Zoning in Code Cities), Chapter 35A.58 RCW (Boundaries and Plats), Chapter 36.70A RCW (Growth Management Act), Chapter 86.16 RCW (Flood Prevention), Title 58 RCW (Boundaries and Plats), the City’s general police powers, and any other applicable state statutes and regulations.
- B. Whenever any provision of this title cites a section of the Revised Code of Washington (RCW) or Washington Administrative Code (WAC) and that section is later amended or superseded, this title shall be deemed amended to refer to the amended section or the section that most nearly corresponds to this superseded section.
- C. All activities allowed under the provisions of the Titles in subsection (A) of this section shall comply with applicable federal, state, regional, county, or City performance standards related to the creation or existence of the following: noise, vibration, glare, heat, odorous material, smoke and dust

Procedurally complete is from SB 5290.

Definitions ensure appropriate authority and implementation.

Provides the term “Development Code”

emission, wind borne air pollution, toxic or noxious material, sealed radioactive material, and all forms of water pollution.

- D. The provisions of the Development Code have been adopted by ordinance of the City of Mountlake Terrace City Council, pursuant to Chapter 36.70 RCW and Article XI, Sections 10 and 11 of the Washington State Constitution.

18.05.030 Applicability

The administrative provisions of this Chapter shall apply to Titles 16, 17, 18, and 19 of the Mountlake Terrace Municipal Code (MTMC), hereinafter referred to as the “Development Code”.

Ensures the administrative processes of this chapter apply to all four titles.

18.05.040 No Special Duty Created

It is expressly the purpose of the Development Code to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the code.

New section that provides legal protection for staff (standard language)

No provision or term used in the Development Code is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement shall be discretionary and not mandatory.

Nothing contained in the Development Code is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees, or agents.

18.05.050 Administration and Interpretation

- A. The Community Development Director (the “Director”) shall interpret and apply this Development Code consistently. As may be necessary, the Director shall render new interpretations in writing, file said interpretations and apply said interpretations in future like instances.
- B. The provisions of this chapter supersede all other procedural requirements that may exist in other sections of the Municipal Code. When interpreting and applying the standards of this Code, its provisions shall be the minimum requirements.
- C. In the event of conflict: specific provisions shall prevail over general provisions; text shall prevail over headings, captions, illustrations, and

New section provides for administrative interpretations of the code and establishes the authority to do so

citation references; and Chapter 36.70B RCW shall prevail over this Development Code.

- D. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- E. The words “shall” and “must” are mandatory and the words “may” and “should” are discretionary.

Language clarity

18.05.060 Reasonable Accommodation

Any person claiming to have a disability, or someone acting on their behalf, who wishes to be excused from an otherwise applicable requirement of this Development Code under the Fair Housing Amendments Act of 1988, 42 USC 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director with verifiable documentation of disability eligibility and need for accommodation. If disability eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation which may include granting an exception to the provisions of the Development Code. No fees shall be charged for such a request. The Director’s decision shall constitute final action by the City on the request for accommodation, and review of that decision will be available only in court. An action seeking such review must be filed not more than 21 days after the Director’s decision.

Reasonable accommodation required by federal law.

18.05.070 Application Classifications

There are four types of actions (or permits) that are reviewed under the provisions of this chapter. The types of actions are based on who makes the decision, the amount of discretion exercised by the decision-making body, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

From Ch. 18.05, Article II

- A. The Director shall determine the proper classification for all project permit applications. Any reference in the Development Code or other City ordinance to a review process that no longer exists shall be construed to refer to the comparable process in this Chapter. If the Director determines that the choice among appropriate classifications cannot be ascertained from the code and its intent, the Director shall resolve it in favor of the higher classification number.
- B. *Ministerial Decisions – Type A.* These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. The decisions made by the Director under Type A actions shall be final. The Director’s decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

An administrative appeal process is not provided for any Type A actions that are categorically exempt from environmental review under Chapter 43.21C RCW. An appeal of any Type A action that requires environmental review shall be filed in conjunction with MTMC § 16.05.140.

- C. *Administrative Decisions – Type B.* The Director makes these decisions based on standards and clearly identified criteria. Type B decisions require that the Director issues a written decision that approves, approves with modifications, or denies an application. The Director's written decision shall also include the City's determination under any required SEPA review.

All Director's decisions made under Type B actions are appealable in an open record appeal hearing. Such hearing shall consolidate with any appeals of SEPA negative threshold determinations, or mitigated determinations on nonsignificance. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.

All appeals shall be heard by the Hearing Examiner except appeals of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances which shall be appealable to the State Shorelines Hearings Board.

- D. *Quasi-Judicial Decisions – Type C.* Type C decisions are made by the Hearing Examiner and involve the use of discretionary judgment in the review of each specific application.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the Hearing Examiner. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under MTMC § 18.05.050.

There is no administrative appeal of Type C actions.

- E. *Legislative Decisions – Type D.* These decisions are legislative, nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands.

Legislative decisions include a hearing and recommendation by the Planning Commission and action by the City Council. The City Council shall take legislative action on the proposal in accordance with state law.

There is no administrative appeal of legislative actions of the City Council, but such actions may be appealed together with any SEPA threshold determination according to state law.

- F. Applications shall be classified according to the decision authority and applicable review procedures. In the following table, permits, decisions, and other approval types are organized into four classifications based on the decision authority, the appeal authority, and the review process.

Table 1: Permit Classifications

Action	Public Notice ¹	Public Hearing	Decision Authority	Appeal Authority	Term ²
Ministerial Decisions – Type A					
Accessory Dwelling Unit	-	A	Director	Hearing Examiner	Title 15
Accessory Use	NOAA	A	Director	Hearing Examiner	-
Boundary Line Adjustment ³	-	A	Director	Hearing Examiner	-
Building Permit ^{3,5}	-	A	Building Official	Hearing Examiner	Title 15
Clearing and Grading Permit	NOAA	A	Director	Hearing Examiner	2 years
Code Interpretation ³	-	A	Director	Hearing Examiner	-
Design Review Determination	-	A	Director	Hearing Examiner	-
Deviation from Development Standard	NOAA	A	Director	Hearing Examiner	2 years
Final Plat	NOAA	A	Director	Hearing Examiner	-
Floodplain Development Permit	NOAA	A	Director	Hearing Examiner	2 years
Floodplain Variance	NOAA	A	Director	Hearing Examiner	2 years
Noise Variance ³	-	A	Director	Hearing Examiner	-
Planned Action Determination	M,P,N	A	Director	Hearing Examiner	-
Right-of-Way Use ³	-	A	Director	Hearing Examiner	-
Sign Plan	NOAA	A	Director	Hearing Examiner	2 years
Shoreline Exemption ³	-	A	Director	Hearing Examiner	-
Sign Permit ³	-	A	Director	Hearing Examiner	Title 15
Special Use Sign Permit	NOAA	A	Director	Hearing Examiner	2 years

Table reorganized by Type (A, B, C, D) then alphabetical. New column is “Term”, which is the amount of time before the permit expires – this is likely more useful for the applicant than the review term, which is already clearly identified elsewhere in this chapter (as required by SB 5290).

Consolidated the hearing columns, as they add confusion to the table and they’re already covered by the permit types, decision authority and appeal authority.

Time Extension ³	-	A	Director	Hearing Examiner	-
Tree Removal Plan ^{3,6}	-	A	Director	Hearing Examiner	-
Administrative Decisions – Type B					
Binding Site Plan	M	A	Director	Hearing Examiner	2 years
Plat Alteration	M	A	Director	Hearing Examiner	-
Preliminary Fee Simple Short Plat	NOAA	A	Director	Hearing Examiner	5 years
Short Plat	NOAA	A	Director	Hearing Examiner	5 years
SEPA Threshold Determination	M,P,N	A	Director	Hearing Examiner	2 years
Site Development Plan ³	M,P,N	A	Director	Hearing Examiner	2 years
Shoreline Substantial Development; Variance; CUP	M,P,N	A	Director	Hearing Examiner	2 years
Zoning Variance	M,P,N	A	Director	Hearing Examiner	2 years
Quasi-Judicial Decisions – Type C					
Conditional Use Permit	M,P,N	D,A	Hearing Examiner	Superior Court	1 year
Critical Areas Reasonable Use	M,P,N	D,A	Hearing Examiner	Superior Court	2 years
Manufactured Home Park	M,P,N	D,A	Hearing Examiner	Superior Court	2 years
Planned Unit Development	M,P,N	D,A	Hearing Examiner	Superior Court	2 years
Plat Alteration with Hearing ⁴	M,P,N	D,A	Hearing Examiner	Superior Court	-
Preliminary Plat 10+ lots	M,P,N	D,A	Hearing Examiner	Superior Court	5 years
Preliminary Fee Simple Plat 10+ unit lots	M,P,N	D,A	Hearing Examiner	Superior Court	5 years
Special Use Wireless Permit	M,P,N	D,A	Hearing Examiner	Superior Court	-
Legislative Decisions – Type D					
Rezone	M,P,N	PC,CC	City Council	GMH Board	-
Site-Specific Comprehensive Plan Amendment	M,P,N	PC,CC	City Council	GMH Board	-
Amendment to Development Code	N	PC,CC	City Council	GMH Board	-
Comprehensive Plan Amendment	N	PC,CC	City Council	GMH Board	-
Development Agreement	N	PC,CC	City Council	Court	-

NOAA: Notice of Administrative Approval

A: Appeal Hearing
D: Hearing prior to Decision

P: Notice Posted on Property
M: Mailed Notice
N: Notice Published in Newspaper

PC: Planning Commission considers action
CC: City Council considers action

1. Notice refers to Notice of Application pursuant to MTMC § 18.05.150(B).
2. Term refers to the project approval period pursuant to MTMC § 18.05.160.
3. A SEPA-exempt Type A permit pursuant to MTMC § 16.05.080 is also exempt from notice requirements.
4. A plat alteration or preliminary plat is processed as a Type B action unless a request is filed with the City to hold a public hearing. In that event, the application is processed as a Type C action.
5. Building permits include certificates of occupancy.
6. Tree removal applications filed concurrently with a Type B or C action shall be processed using the Type B or C permit procedures applicable to the overall action.

G. *Nonpermit Actions.* For the purpose of this Development Code, the following applications do not appear in the classification table and shall not be processed as Type A through D applications:

1. Minor approvals for use of public properties.
2. Administrative adjustments of impact fee amounts (in-kind mitigation).
3. Minor amendments to permits.
4. Petitions for annexation.
5. Street vacations.
6. Temporary Uses.
7. Zoning verification letters.
8. Home occupation permits.
9. Business licenses.
10. Special event permits.

18.05.080 Application Consolidation

A project that involves two or more applications may be processed collectively under the highest numbered classification required for any part of the application or processed individually under each of the classifications identified by the specific City regulation. The applicant may determine whether the application is processed under the individual procedure option. If the application is processed under the individual procedure option, the highest numbered classification must be processed prior to the subsequent lower numbered procedure.

Consolidated applications shall be processed consistent with the following procedures:

- A. Reports, hearings, notices, recommendations, and decisions shall address the project as a whole, except when expediency requires

This is the list of permits that are not subject to the table above.

Expanded section for more detail and procedural guidance.

otherwise such as when the proposed development requires one authorization before another. Separate processing must be approved by the Director, to ensure cumulative impacts are addressed.

- B. The Director shall administer the review process in accordance with all of the requirements set forth in this title for the particular permit, decision, or approval being applied for. The consolidated single process used shall be that which corresponds to the highest decision classification.
- C. If one application cannot be reasonably processed until another is issued, such as a boundary line adjustment that cannot be processed until a variance is issued, the 120 days within which a notice of decision must be issued for the latter application shall not begin until the former approval has been issued.
 - 1. When an engineering permit is required after the land use decision for a proposed development project, such permit cannot be issued until the required appeal period associated with the land use decision is concluded.
 - 2. No building permit may be issued until the site work authorized by an engineering permit is completed and approved by the City inspector, unless bonding is in place for site work that cannot be completed prior to building permit, or under special authorization by the Public Works Director or designee.
 - 3. Application for final plat or final short plat shall not be accepted by the City until the site work authorized by an engineering permit is completed and approved by the City.
- D. Appeals of more than one of the permits required for a project shall be consolidated in a single appeal if this title provides for the same appellate body to consider each of the appeals.

18.05.90 Pre-Application Process

- A. Applications for any Type B or Type C action and/or applications for a project that may impact a critical area or its buffer consistent with Chapter 16.05 MTMC shall first go through the pre-application process. The requirement for pre-application may be waived by the Director upon the written request of an applicant.
- B. Applicants for development permits under Type A actions may choose to participate in the pre-application process.

Subsection (C)(3) provides ability to postpone final plat until after site development – consistent with state law limiting city review of final plat to 30 days.

*From MTMC
18.05.080*

- C. The pre-application process provides an opportunity to identify the applicable City requirements and project review process, including the permits required by the action, timing of the permits and the approval process.
- D. The Director shall specify submittal requirements for pre-application requests. Generally, the more accurate and complete the information presented in a pre-application submittal is, the more detailed and complete City responses will be.
- E. City staff are not liable for failing to inform an applicant regarding specific code requirements. It is the applicant's sole responsibility to understand City Development Code requirements.
- F. Plans presented during the pre-application process are nonbinding and do not "vest" an application.

18.05.100 Determination of Legal Lot Status

Prior to processing of a project permit application, the Director shall determine whether or not the lot or parcel being developed is a legal lot of record in compliance with state and City regulations. In so determining, the Director may require the applicant to provide necessary research and background information.

New section

18.05.110 Concurrency

- A. For project permit processes that require concurrency review in accordance with Chapter 36.70A RCW, the application shall include the traffic study or other information necessary to determine concurrency. The Public Works Director or their designee shall issue the concurrency determination, if applicable, at any appropriate point in the review process prior to or concurrent with the decision on the permit application.
- B. If the development results in a level of service lower than those set forth in the Comprehensive Plan, the development may be approved if improvements or strategies to raise the level of service to meet or exceed the minimum standard are made concurrent with the development. For the purpose of this section, "concurrent with the development" means the required improvements or strategies are in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.

New section

C. The Director may exempt from concurrency review those applications typically unassociated with significant traffic generation, such as proposals that will create fewer than ten peak hour trips pursuant to MTMC 19.95.080.

18.05.120 Application Requirements

A. *Submittal Criteria.* A determination of procedural completeness shall not be made unless an application contains the submittal requirements established by the Department. Required submittals shall meet the minimum criteria established in this Section.

1. Applications and related submittals shall contain at least the minimum amount of information necessary to allow for review of the project to progress, even though additional information may be required, or project modifications may be undertaken after the initial project review.
2. Applications and related submittals shall be comprehensible, legible, and in a format that meets the standards described on the applicable submittal checklist provided by the City pursuant to subsection (D) of this section.
3. Applications and related submittals shall meet minimum code requirements for the type of application applied for.

B. All applications for land use development, construction permits, design review approvals, deviations, and other City approvals under the Development Code shall be submitted on forms provided by the Department.

C. Depending on the nature of the application, the required information may include the following:

1. The name, address, telephone number, and e-mail address of the property owner; The name, address, telephone number, and e-mail address of the developer/ applicant, if different from the owner; and a declaration of authority and validity by the applicant. If the developer/applicant is not the owner, a letter from the owner authorizing the developer/applicant to process the application on behalf of the owner shall also be required.
2. Description of the proposed action in accordance with the appropriate City application.

New section – important for SB 5290 and procedural completeness determination. Submittal checklists must be based on this list and completeness must be based on submittal checklists.

This list is comprehensive and includes everything that could be needed for the permits covered by this chapter.

3. Written explanation of how the proposal meets the requirements and intent of the Development Code.
4. Name and address of the proposed site, project, or action.
5. Vicinity map identifying the project site and adjacent streets, including collector arterials, within a one-mile radius.
6. Legal description of the subject property and of the existing lots, tracts or parcels, and easements therein.
7. Subdivision map, drawn to scale, showing the land use and zoning designation, lot sizes in square feet, and dimensions of all existing and proposed lots with lot numbers, setbacks for each lot, parcels and tracts to be reserved or dedicated for streets or other public uses.
8. Critical areas report and associated maps, site plans, and mitigation plans, prepared by a qualified professional as defined in WAC 365-195-905(4), identifying the location, character, and required buffer areas for any critical or sensitive environmental areas including steep slopes, streams, lakes, wetlands, wildlife habitat or migration corridors, woodlands, and existing vegetation in accordance with the definitions, requirements, and regulations of the Mountlake Terrace Municipal Code.
9. State Environmental Policy Act (SEPA) checklist summarizing the impacts of the proposed project action on all the natural and human elements of the environment, submitted on a form provided by the City of Mountlake Terrace. The checklist shall include a site plan that identifies the existence of all critical environmental areas.
10. Photographs identifying existing vegetation, buildings, views, and other characteristics on and off the site, and of and from adjacent properties that may be impacted by the proposed action.
11. Existing features map identifying the following:
 - a. All property lines, including dimensions and bearings within 100 feet of the site.
 - b. Labeled Rights-of-way, curb cuts, and driveways within 100 feet of the site.
 - c. Easements on and adjacent to the site with the width, type, and Auditor's File Number labeled.

- d. Power, streetlights, communication poles and/or boxes on and within 20 feet of the site.
 - e. All fire hydrants on and within 100 feet of the site.
 - f. Topographic contours of the subject property at two-foot intervals, referred to by datum identification.
 - g. Structures and/or improvements on and within 20 feet of the site, including dimensions and their setbacks to all property lines clearly labeled. Indicate structures to be removed and/or demolished and those to be retained.
 - a. Significant trees six-inch or greater dbh (diameter at breast height) and environmentally sensitive features, if any.
 - b. Underground storage tanks. Indicate if they are to be removed from site.
 - c. Public improvements including curbs, gutters, sidewalks, roadways, dropped curbs, and traffic control devices (including stop signs, no parking signs, yield signs, crosswalks, traffic signals) within 75 feet of the site.
 - d. All utilities on or within 75 feet of the site (including septic tanks, wells, gas, cable, telephone, sanitary sewer and storm facilities, water mains service and meters); identified as to type and size as appropriate.
 - e. Drainage (including streams, ditches, swales, etc.), across and within 100 feet of site.
 - f. Fire protection system facilities (including Fire Department connection, P.I. (post indicator) valves, DDCV vaults) on the site.
12. Grading plan identifying proposed contours at two-foot intervals, roads, streets, building pads, and other major changes in the topographic grade. Specify the estimated amount of material to be cut and the amount to be filled separately.
13. Site plan indicating the location of any proposed buildings, streets, parking areas, and other impervious surfaces, including their area

calculations, identifying setback, coverage, and dimensional requirements of the Mountlake Terrace Municipal Code.

14. Building plans illustrating the size, placement, elevation, architectural detail, and character of proposed structures or improvements, and a detailed description of proposed building materials. Building plan submittals shall include building floor plans, sections, and elevations defining grading, foundation, structural, electrical, mechanical, plumbing, materials, finish, and other features. Additional submittal requirements specific to building permits are addressed in Title 15 MTMC.
15. Landscape plans identifying the species, size, placement, irrigation, planting and staking details, and other characteristics of all existing and proposed trees and plantings; a tree retention plan; contours at two-foot intervals, fences, rockeries, required landscape screening, and other site improvements.
16. Access plan identifying the right-of-way, pavement, construction material, traffic channelization, bus stops, and other characteristics of all existing and proposed public and private streets, driveways, alleys, fire lanes, parking areas, trails, sidewalks, and other circulation systems within 75 feet of the site.
17. Utilities plan identifying any right-of-way or easement, size or capacity of all proposed sewer, water, stormwater, power, telecommunications, other public or private systems within 30 feet of the site, and other improvements that may conflict with utilities, including but not limited to street trees.
18. Parking plan identifying number and type of stalls, dimensions, access, grades and elevations for accessible routes of travel, and parking lot landscaping.
19. Geotechnical studies identifying whether the site is located within a geologically hazardous area and the characteristics and capabilities of site soils and landform features.
20. Survey and monument placements in accordance with the Engineering Development Manual. The site survey shall be accomplished under the supervision of a professional land surveyor registered in the state of Washington and shall locate monuments or markers on site for street intersections, roadway placements, lot and block corner lines, and other requirements listed by the Public Works Director or designee.

Building permits are covered separately by Title 15 – this would be for conceptual plans/elevations

21. Final plat or site plan prepared by or under the supervision of a professional land surveyor registered in the state of Washington. The final plat or site plan shall conform to the specifications provided by the Public Works Director or designee, including appropriate certification statements, signatures, and seals.
22. Draft of any proposed public or private covenants, restrictions, or easements.
23. Drainage report and calculations meeting the requirements of the Stormwater Management Manual for Western Washington as currently adopted by the City.
24. Traffic study including a traffic impact analysis and parking study, prepared by a qualified professional licensed in Washington State, analyzing the projected traffic generation and distribution as a result of the proposal, including anticipated daily and p.m. peak hour trips; anticipated impacts to level-of-service standards and street conditions; proportionate share calculations of any improvements necessary to mitigate impacts of the proposal; and conformance with the Comprehensive Plan, Transportation Master Plan, and Complete Streets policy.
25. Flood control certification and impact studies including:
 - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed.
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria specified in this code.
 - d. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development and impacts to downstream properties.
 - e. Documentation of compliance with the Endangered Species Act.
26. Engineering or working drawings in accordance with the Engineering Development Manual that detail:

- a. Street, curb and gutter, parking areas, sidewalks, trails, and other transportation system locations, profiles, cross-sections, construction materials, and specifications.
- b. Sewer and water main sizes, materials, grades, manholes, valves, individual stub lines, hydrants, and stormwater management systems including pipes, swales, oil/water separators, and retention/detention ponds, and other public and private utilities, including easements and/or dedications to the City.

27. Street and/or site light plan with calculations.

28. Location, dimension, and type for site elements including mailboxes, solid waste and recycling storage, and storage tanks.

29. Copies of submittals, approvals, and permits involving other agencies within jurisdiction.

30. An accurate list of addresses of property owners within 300 feet of the boundaries of the proposal. In addition, stamped, addressed legal-sized envelopes for the same list (to be used for legal notices). If inaccurate addresses are used, an unreasonable number of mailings are returned, or if property owners that should have been notified have not been notified due to improperly addressed envelopes, hearing(s) will be continued until sufficient addresses have been provided for notice. The applicant shall reimburse the City, per the currently adopted fee schedule, for each mailing prior to the hearing date.

31. The appropriate fees and deposits to cover all costs of processing the application.

D. *Application Submittal Requirements.* The Department shall establish and may revise written application submittal requirements for each application type. The requirements shall be made available to the public in a checklist or other form that clearly describes the information that must be submitted for an application to be considered procedurally complete.

Refers to submittal checklists

E. *Waiver of Application Submittal Requirements.* Application submittal requirements shall not be waived, unless the Department determines in writing that a particular requirement is not applicable upon a clear showing by the applicant that the requirement is not relevant to the proposed action and is not necessary to demonstrate compliance with applicable requirements and City codes.

Provides ability to waive submittal items if they're unnecessary

F. *Additional Information.* Even after a determination of procedural completeness, the Department may require the submittal of additional information or studies as it determines necessary for review of the application. The submittal of additional information or studies shall not affect the validity of the vesting of the application pursuant to MTMC § 18.05.200, unless the information is requested because incorrect or false information was submitted by the applicant and if the incorrect information would materially affect the final decision on the application.

Provides ability to require corrections or additional information

18.05.130 Application Review Process

From MTMC 18.05.090

A. Who May Apply.

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
2. Prior to purchase, acquisition, or owner authorization, a public agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment in order to develop an essential public facility for property that has been duly authorized by the public agency for acquisition or use. No work shall commence in accordance with issued permits or approvals until all of the necessary property interests are secured and/or access to the property for such work has been otherwise approved by the owner of the property.
3. Nothing in this subsection shall prohibit a public agency and City from entering into an agreement to the extent permitted by the Code or other applicable law.
4. The City Council, the Department, or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
5. Any person may propose an amendment to the Comprehensive Plan except that map amendments to the Comprehensive Plan may only be initiated by a person or persons with an ownership interest in the property in question. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
6. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code or mapping amendments to the Comprehensive Plan and/or Zoning Map.

7. Application(s) for any Type A, B, or C permits shall not be accepted and/or issued for any lot, tract, or parcel of land following the issuance of a notice and order to correct regarding activity occurring on that lot, tract or parcel of land, unless the identified violations are corrected or required to be corrected as a condition of approval and all fees or penalties satisfied prior to application except when the permit is required to obtain compliance or where an enforceable compliance plan to resolve the violation(s) has been entered into by the City.

B. When the City receives a project permit application, consistency between the proposed project and the applicable regulations and Comprehensive Plan shall be determined through the process in this section and concurrently through the City's adopted SEPA ordinance (Chapter 16.05 MTMC). An approved permit, decision, or approval as defined in MTMC § 18.05.070(F) shall be issued by the City only after the proposal has met all the requirements of the Mountlake Terrace Municipal Code.

C. During review, the City shall determine whether the proposed project is consistent with applicable development regulations. In the absence of applicable development regulations, the City shall determine whether the adopted Comprehensive Plan contains policies that address the unregulated impacts. This determination of consistency shall include evaluation of the following:

1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional uses, and if the criteria for their approval have been satisfied;
2. The level of development, such as units per acre, or other measures of density or intensity;
3. Availability and adequacy of infrastructure, public facilities, and services identified in the Comprehensive Plan and needed to serve the development; and
4. Consistency with development standards and all applicable regulations.

D. *Determination of Completeness.*

1. Determinations of completeness shall be applicable to Type B, C, and D permit applications.

*Expanded section
per SB 5290*

2. The Department shall determine in writing whether an application is procedurally complete within 28 days after it is received. The written determination shall be mailed, e-mailed, or delivered to the applicant or the applicant's representative within the required time period. The determination shall state:

- a. That the application is procedurally complete; or
- b. That the application is incomplete and the necessary information or actions to make the application complete pursuant to MTMC § 18.05.140(C).

3. *Resubmittals.* If the Department determines an application is incomplete and the applicant submits additional documents identified by the Department as necessary for a procedurally complete application, the Department shall notify the applicant within 14 days of the resubmittal that the application is complete or what additional information or action is necessary to make the application complete.

4. *Department's Failure to Provide a Determination of Completeness.* If the Department has not issued a determination of completeness as described above within 28 days after receiving an application, or within 14 days after receiving additional information in response to the necessary actions required to make the application complete, as described above, the application shall be deemed procedurally complete the following day.

5. *Identification of Other Agencies with Jurisdiction.* A written determination of completeness shall, to the extent known by the Department, identify other local, state, or federal agencies with jurisdiction concerning the application and project permits requested. The Department may include other information or conditions in the determination of completeness.

18.05.140 Review Timeframes

A. As required by Chapter 36.70B RCW, the City shall issue a decision on an application within 120 days of the determination that the application is procedurally complete, except as provided in subsection (D) of this section, and unless extended pursuant to subsection (C)(3) of this section; provided, that the following time periods shall not count toward the 120-day period:

*MTMC
18.05.140(C) is
time limits for
submittal of
required
information*

1. Any period commencing with a request by the City that the applicant provide any further information or an environmental impact statement until the applicant provides said information.
2. Any period during which the applicant is not current in payment of City application review fees.
3. Any period during which a Comprehensive Plan or development regulation amendment is being processed prior to deciding on a project permit application.
4. Any period between the initial determination of completeness and any subsequent determination of completeness should the applicant substantially revise the proposal.
5. Any period during which any decision related to the project permit application is being appealed.
6. Any period mutually agreed upon in writing between the applicant and the City.

B. If the proposal requires City acceptance of public improvements such as street, sidewalk, stormwater, or other utility improvements, the Director's decision may be a preliminary approval of the proposal stating any conditions of approval. The Director shall coordinate with the Public Works Director in determining acceptance of public improvements. Final approval shall not be provided, nor shall any plat be recorded, until the stipulated public improvements are complete or bonded for, in compliance with MTMC Title 17.

C. *Time Limits for Submittal of Required Information.*

1. The applicant shall submit all necessary information within 90 days of issuance of a notice of incomplete application. The Director may extend this time period an additional 90 days upon written request by the applicant prior to the expiration of the 90-day period.
2. Following a determination that an application is procedurally complete, the Department may notify the applicant when new information is necessary or changes or corrections to the application materials are required before a project permit may be approved. Upon the issuance of a notice of required corrections or changes to a complete permit application, the applicant shall submit the necessary information to the City within 90 days. If the applicant does not submit the necessary information within 90 days, the application

New section per SB 5290

New subsection; not currently addressed, no process in place

shall lapse and shall become nullified. The Director may extend this time period an additional 90 days upon written request by the applicant prior to the expiration of the 90-day period.

3. If the applicant is nonresponsive for a period of 60 consecutive days, an additional 30 days shall be added to the time period for the City to issue the decision for the project permit application. For the purpose of this section, “nonresponsive” shall mean there is no ongoing communication from the applicant to the City on the applicant’s ability or efforts to provide the requested information.
4. If the requested information and/or corrections required pursuant to subsection (C)(1) or (C)(2) of this section are not received within the specified timeframe, the Director shall notify the applicant that the permit application is expired.
5. When applications expire for failure to submit the required information within the necessary time period, or when the applicant requests their application be withdrawn, the applicant may request a refund of the unused portion of the application fee by submitting a written request to the Director. If a notice of application has been completed, then no refunds shall be issued. Refunds shall be processed in accordance with the City’s normal refund practices.

D. *Exceptions to Completeness and Review Timeframes.* The completeness provisions of MTMC § 18.05.130(D) shall not apply to Type A and D applications. The provisions of this section shall not apply to Type D applications and permits that are subject to the requirements of Title 15.

MTMC
18.05.130(D) is
determination of
completeness

E. *Limitations on Refiling.* The Department shall not accept any application for a rezone/zoning text amendment, Comprehensive Plan amendment, conditional use permit, variance, or planned unit development permit within one year following the final denial of a similar application on the same parcel of land. In determining whether an application is similar to the permit denied, the Department shall determine if the proposed change will permit uses, building locations, or relaxation of bulk requirements which are the same or substantially the same as those considered and disallowed by the earlier final action. In every instance, the burden of proving dissimilarity shall be upon the applicant.

From 19.110.050

18.05.150 Public Notice

A. *General Public Notice Provisions.*

MTMC
18.05.070(F) is
the table of
permit types

1. Public notice shall be made available to the public through any or all of the following methods, as specified in MTMC § 18.05.070(F):
 - a. *Mail*. Mailing to owners of real property (for site specific proposals) located within a minimum of 300 feet of the subject property, except that the mailing area shall be increased to 1,000 feet for proposals for essential public facilities, special use permits, and master development plan permits.
 - b. *Post Site*. Posting the property (for site-specific proposals). Signs shall be in a conspicuous location on the subject property. The Director may require additional signage on large or unusually shaped parcels.
 - c. *Newspaper*. The Department shall publish notices in the newspaper of general circulation.
2. Mailed notices shall be sent to owners of real property as shown on the records of the Snohomish County Assessor, and to all street addresses of properties within the described area. Addressed, pre-stamped envelopes shall be provided by the applicant.
3. The Director may publicize a proposal more broadly or by additional means than stated herein, if in the Director's discretion, a greater level of public awareness is necessary.
4. Projects with multiple notices may have notices combined in a single publication or issuance.
5. For the purposes of this chapter, the date on which a permit decision is issued is:
 - a. The date on which the Notice of Decision or other written decision is made available;
 - b. If the permit decision is made by ordinance or resolution by the City Council, the date the Council passes the ordinance or resolution; or
 - c. If neither Subsection (A)(5)(a) or (A)(5)(b) applies, the date the decision is entered into the public record.

B. *Notice of Application*. Within 14 days of the determination of completeness, the City shall issue a notice of application for all Type B and C applications.

1. *Required Information.* The notice of application shall include the information required by RCW 36.70B.110(2) and appeal information required by WAC 197-11-680(5), if applicable. SEPA-related information shall not be required for SEPA-exempt permits. All notices shall contain at least the following:

- a. The applicant name;
- b. The project location;
- c. The project description;
- d. Requested actions and/or studies, including permits required;
- e. The time period and contact information for providing comment; and
- f. Information regarding the public hearing, if applicable.

2. The public comment period shall, at a minimum, extend to and include the fourteenth day after the date of publication. The date of publication shall be the date on which all of the required methods of publication have been implemented.

3. All comments received on the notice of application by 4:00 p.m. on the last day of the comment period shall be considered by the City in review of the application.

E. *Notice of Administrative Approval.* Public notice shall be provided for some Type A permit applications that are approved administratively, to inform the public of a Type A permit application. The notice shall be provided as follows:

1. The notice shall identify the applicant, location and nature of the proposal, contact information, and the deadline to request an open record appeal hearing.
2. Notice shall be provided by mail to all immediately adjacent property owners.
3. Notice shall be posted on site.
4. Notice shall be provided no less than ten days before City approval becomes effective.

- F. *Notice of Public Hearing.* Notice of a public hearing for all open record hearings shall be provided no less than ten days before the date of the public hearing, consistent with the following:
1. *Required Information.* The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.
 2. *Notice Distribution.* Notices of public hearing shall be:
 - a. Published in the official newspaper of general circulation;
 - b. Mailed to all property owners within 300 feet of the boundaries of the property which is the subject of the meeting or pending action; and
 - c. At least one notice sign shall be posted on site at the subject property
 3. *Continuations.* If, for any reason, a public hearing on a pending action cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this section is required.

G. *Notice of Decision.*

1. Notices of Decision for Type B and C actions shall be mailed or e-mailed to the applicant, the County Assessor, and anyone who, prior to the decision, requested notice of the decision or submitted substantive comments on the application or was otherwise a party of record.
2. For development applications requiring Planning Commission or Hearing Examiner review and City Council approval, the notice shall summarize the action taken by the decision-making body and reference where copies of the signed ordinance, resolution, meeting minutes or similar documents recording the City's decision may be available.

- H. *Public Notice Signs.* Permit types and actions that require public notification in the form of physical signs posted at the property shall meet the requirements of this subsection.

*From Chapter
18.25*

1. *Sign design and construction standards.* The signs shall be designed and constructed to City standards as specified by the Department.
 - a. Each sign shall measure a minimum of four feet by four feet.
 - b. Signs shall be prepared using templates, stencils or attachable letters. Hand-lettered signs are not acceptable.
 - c. The Department is authorized to develop the standards for design, construction and installation of the public notice signs.

2. *Public notice sign content.*
 - a. The title: "Notice of Land Use Application."
 - b. A graphic or written description of the site boundaries.
 - c. Type of action/application (e.g., preliminary plat, rezone, etc.).
 - d. A brief description of the proposal.
 - e. Space for a legal posting stating the date, time and place of the scheduled public hearing(s), if applicable, including a plastic or other weather-resistant pocket sufficient to contain 10 removable copies of the legal notice for residents desiring a copy of same.
 - f. The name and address of the applicant.
 - g. Community Development Department contact information.
 - h. City of Mountlake Terrace logo.
 - i. Other information the Director may determine to be necessary to adequately notify the public of the pending land use application.

3. *Number and placement.* One sign shall be placed every 300 feet along each public street frontage of the subject property, a minimum of five feet from the right-of-way, outside the sight distance triangle and clearly visible from the street. The Department shall approve the location of each sign.

4. *Responsibility for installation and removal.*

1. The applicant shall be solely responsible for the sign preparation, construction, installation, removal and all associated costs.
2. The sign(s) shall be installed at least 10 days prior to any public hearing on the application. If no public hearing is required, the sign must be installed within 10 business days of an application being submitted. The applicant shall submit a sign installation plan to the Department and obtain approval prior to installing the sign(s). The applicant shall submit a signed affidavit stating that the sign(s) were properly installed and the date this was completed.
3. The sign(s) shall be removed within five days after final action by the City on the land use application.
4. If the sign is removed for any reason prior to the City's final action on the proposal, the applicant is responsible for immediate replacement of the sign. Failure to replace the sign within 24 hours of being notified by the City that the sign is missing may result in rescheduling the public hearing, additional assessment of notification fees, and/or delay of a decision.

18.05.160 Approval Timeframes and Expiration

New section

- A. Any application approved pursuant to this code shall be commenced, performed, and completed in compliance with the provisions and conditions under which the application was approved. The approval shall be valid as outlined in MTMC § 18.05.070(F) from the date that the decision is issued. Approval periods and extensions for permits issued under the provisions of the building code shall be as set forth in Title 15 MTMC. Such permits are not subject to the timeframes of this chapter.
- B. The City shall send notice of the approval expiration to the applicant and shall also place a copy of the expiration notice in the file. If the City fails to send the expiration notice, the approval period shall not be extended except as provided in subsection (C) of this section.
- C. *Approval Extensions.*
 1. All requests for time extensions must be made to the Department in writing and be accompanied by the required fee, prior to the expiration of the initial time limit.
 2. Upon timely receipt of the applicant's request for extension, the Director may extend the expiration date for up to one year. The

applicant's written request shall provide justification for the delay and list reasonable grounds for why the extension is necessary.

3. The Director's decision to extend the approval shall be based on the following criteria:
 - a. Unforeseen circumstances or conditions necessitate the extension;
 - b. An extension will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and
 - c. The SEPA environmental determination for the proposal has been reevaluated and reaffirmed and, if necessary, adequate mitigation measures added in order to minimize any potential adverse impact associated with the proposed time extension.

4. The Department may grant no more than two extensions on any single land use permit approval. A second extension may only be granted only if:
 - a. The criteria listed in subsection (C)(3) of this section are met;
 - b. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and
 - c. Conditions in the immediate vicinity of the subject property have not changed substantially since the initial approval was issued.

D. *Expiration of vested status.* Except for those actions specifically identified in this Chapter, vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless an application for completion of the permitted action is filed before the end of the two-year term. An application that would complete the development contemplated in the permitted action in most cases would be a building permit, but may also be a site development permit, a grading permit or a similar approval that would authorize the construction activity contemplated in the Type A, B or C action. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

If a complete development permit application is filed before the end of the two-year term, the vested status of the permit shall be automatically

extended for the time period during which the development permit application is pending prior to issuance; provided, that if the development permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal.

18.05.170 Conditions of Approval

New section

- A. The City may condition an approval to make an application compatible with applicable criteria.
- B. The City may require the posting of a cash performance bond or other security or surety sufficient to fulfill the requirements of this Development Code and any conditions upon which the approval is granted.
- C. To the extent appropriate and allowed by law, the City may require that conditions of approval be recorded as binding on the property and successors in interest.
- D. The City may use the following process to provide applicants with a notice of conditions and to receive notice from applicants of any objections to such conditions:
 - 1. The City may provide written notice to the applicant of the City's intent to recommend or impose one or more conditions of approval. If the applicant objects to any of said conditions, they are required to provide written notice to the City identifying which conditions the applicant objects to and the reasons for the objections.
 - 2. For the purpose of this subsection, written notice may be given either by e-mail, first-class mail, or hand delivery.
 - 3. The applicant's written notice of objections to conditions shall be received by the City no later than seven calendar days from the applicant's receipt of the written notice from the City.
 - 4. If the applicant receives written notice from the City of the City's intent to recommend or impose conditions within seven calendar days of a hearing on the application, then the applicant shall provide written notice to the City of the applicant's objections to any such conditions prior to the commencement of the hearing.

18.05.180 Assignability and Changes

New section

- A. Land use decisions shall run with the land and be freely assignable.
- B. The Director may approve minor changes to a decision or approval only if the proposed changes:
 - 1. Do not create additional lots or impacts;
 - 2. Are so insignificant that, in the Director's judgment, the changes would not have affected the decision of the original decision-maker(s); and
 - 3. The proposal still complies with the Development Code and the Comprehensive Plan.
- C. If the Director determines that proposed changes are not minor, then the applicant shall either reduce the proposed changes or submit a new application for the revisions.

18.05.190 Appeals

*From Ch. 18.05,
Art V*

- A. *Decision Effective Date.* Unless an administrative appeal is timely filed, a land use decision of the City shall be effective on the date the written decision is issued. When a permit requires a notice of decision, the effective date of the written decision is the date that the notice of decision is issued.
- B. *Appeal Authority.*
 - 1. Administrative decisions (Type B) are appealable to the Hearing Examiner who conducts an open record appeal hearing.
 - 2. Appeals of City Council decisions, ministerial decisions (Type A) without an administrative appeal, and appeals of a Hearing Examiner's decisions shall be made to the Superior Court. In the case of a shoreline substantial development permit, shoreline conditional use permit or shoreline variance, appeals shall be filed with the Shorelines Hearings Board. In the case of amendments to the Comprehensive Plan and/or development regulations designed to implement the Comprehensive Plan, appeals shall be filed with the Growth Management Hearings Board.
 - 3. In the case of ministerial decisions (Type A) and administrative decisions with an administrative appeal process as defined in the

table found in MTMC § 18.05.070(F), the Hearing Examiner shall conduct an open record appeal hearing.

C. *Grounds for Administrative Appeal.* Any administrative appeal shall be linked to the criteria of the underlying land use decision. The grounds for filing an appeal shall be limited to the following:

1. The Director exceeded their jurisdiction or authority;
2. The Director failed to follow applicable procedures in reaching the decision;
3. The Director committed an error of law; or
4. The findings, conclusions or decision prepared by the Director or review authority are not supported by substantial evidence.

D. *Filing Administrative Appeals.* Notification of permit decisions for ministerial (Type A) permits are issued through a notice of administrative approval. Notification of permit decisions on administrative (Type B) permits are issued through a notice of decision. Appeals shall be filed within 14 calendar days from the date of the mailing of the notice. Appeals shall be filed in writing with the City Clerk. Appeals shall be accompanied by a filing fee in the amount to be set in the City's fee schedule. Within ten calendar days following timely filing of a complete appeal with the City Clerk, notice of appeal shall be mailed by the City Clerk to all parties of record.

E. *Appeal Process.*

1. An appeal shall be heard and decided within 90 days from the date the appeal is filed.
2. Timely filing of an appeal shall delay the effective date of the Director's decision until the appeal is ruled upon or withdrawn.
3. Notice of hearing shall be mailed to all parties of record at least ten calendar days before the appeal hearing by the City Clerk.
4. The hearing shall be limited to the issues included in the written appeal statement. Participation in the appeal shall be limited to the City, including all staff, the applicant for the proposal subject to appeal, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.

- F. *Judicial Review and Appeals.* No person may seek judicial review of any decision of the City, unless that person first exhausts the administrative remedies provided by the City. Any judicial appeal shall be filed in accordance with state law. If there is not a statutory time limit for filing a judicial appeal, the appeal shall be filed within 21 calendar days after a final decision is issued by the City.
- G. *Dismissals.* The appeal authority may dismiss an appeal in whole or in part without a hearing, if the appeal authority determines that the appeal or application is untimely, frivolous, beyond the scope of the appeal authority's jurisdiction, brought merely to secure a delay, or that the appellant lacks standing.
- H. *Conflicts.* In the event of any conflict between any provision of this chapter and any other City ordinance, the provisions of this chapter shall control. Specifically, but without limitation, this means that the provisions of this chapter shall control with reference to authority to make decisions and the timeframe for making those decisions, including the requirements to file an appeal.

18.05.200 Vesting

- A. *Purpose.* The purpose of this section is to implement local vesting regulations that are best suited to the needs of the City and consistent with state law. This section is intended to provide property owners, applicants, and the general public assurance that the development regulations for project development will remain consistent during the life of an application.
- B. *Vesting.* An application for a project permit or approval type that vests shall be considered under the development regulations in effect on the date the application is determined to be procedurally complete pursuant to MTMC § 18.05.130(D). Once a decision or permit is issued, the project is vested to the regulations under which the application was reviewed.
- C. *Applications That Vest.* The following applications for permit, decision, or approval types as set forth in this title and Title 15 MTMC shall vest to the development regulations in effect at the time the application is determined to be complete pursuant to MTMC § 18.05.130(D):
 1. Binding site plan.
 2. Building permit.
 3. Conditional use permit.
 4. Development agreement.

New section; very important to have codified to avoid litigation

Submitting the permit applications in (C) will vest the applicant to the codes in place at the time of completeness for future applications (not applicable to building code)

5. Floodplain permit, subject to the requirements of the National Flood Insurance Program where applicable.
6. Shoreline: Conditional use permit; Substantial development permit; Variance.
7. Site development plan.
8. Subdivisions: Preliminary fee simple major plat; Preliminary fee simple minor plat; Preliminary subdivision (preliminary plat); Preliminary short subdivision (preliminary short plat).
9. Planned Unit Development
10. Variance.

D. *Subsequent Applications.* Permits or land use applications related to the development identified in subsection (C) of this section that are submitted after the initial application shall vest to the development regulations in effect at the time the initial application for development identified in subsection (C) of this section was determined to be complete pursuant to MTMC § 18.05.130(D). However, any subsequent application must be determined to be complete pursuant to MTMC § 18.05.130(D) prior to the expiration date of the initial permit(s) or approval(s) issued for the application types listed in subsection (C) of this section.

E. *Exceptions.* The provisions of this section shall not be applicable to applications for the following permit or approval types, including when the application is a subsequent application to an initial application that has vested. However, if vesting is provided elsewhere in this code or in state and federal regulations, they may be applicable.

1. All permit or approval types set forth in Title 13 MTMC;
2. Wireless telecommunication facilities permits as set forth in Chapter 19.137 MTMC;
3. Comprehensive Plan amendments as set forth in this title;
4. Rezones as set forth in this title; and
5. Temporary permits.

F. For the purpose of this section, “development regulation” means those provisions of Mountlake Terrace Municipal Code that exercise a restraining or directing influence over land, including provisions that control or affect the type, degree, or physical attributes of land development or use but shall not include:

1. Permit processing fees and taxes or administrative fees;
 2. Procedural rules and regulations; and
 3. Regulations that specify or are based upon adopted SEPA policies for the exercise of SEPA substantive authority, including the SEPA ordinance.
- G. A complete building permit application shall always be subject to that version of Title 15 MTMC in effect at the time the building permit application is submitted.
- H. Notwithstanding any other provision in this section, any application dependent on approval of a rezone, Comprehensive Plan amendment, variance, or conditional use application shall not vest until the underlying rezone, Comprehensive Plan amendment, variance, or conditional use application is approved.
- I. Review of a project proposal during a pre-application process and/or conference does not vest the application.
- J. Stormwater regulations cannot be vested through the provisions of this section.
- K. Fees, including, but not limited to, environmental impact mitigation fees, permit processing fees, latecomer agreement fees, and taxes or administrative fees cannot be vested through the provisions of this section.
- L. All vested rights associated with a permit, decision, or approval are lost when that application or permit, decision, or approval expires as provided for in MTMC § 18.05.160.

18.05.210 Revocation

- D. An approved land use permit may be revoked by the Department based on any one or more of the following grounds:
1. The approval of the application was based on misinformation;
 2. The use for which an approval was granted has ceased to exist, or has been suspended or abandoned for one year;
 3. The application granted is being used contrary to the terms or conditions of an approval, or in violation of this title or law;

4. The use for which the approval was granted became detrimental to the public health, safety, or welfare, or so as to constitute a nuisance.
- B. The Department shall notify the permit holder in writing by certified mail of the revocation of his/her/its land use permit and the grounds therefor.
- C. *Appeal.* The affected permit holder may, within ten days after receipt of such notice of revocation, appeal to the Hearing Examiner by filing a written notice of appeal setting forth the grounds therefor with the secretary to the Hearing Examiner.
1. The secretary shall set a date within 20 days for the hearing of such appeals before the Hearing Examiner, and the secretary shall notify the permit holder by mail of the time and place of hearing.
 2. After the hearing thereon, the Hearing Examiner shall, after appropriate findings of fact and conclusions of law, affirm, modify, or overrule the revocation and reinstate the permit, and may impose any terms upon the continuance of the permit which, to the Hearing Examiner, may seem advisable.
 3. Such decision of the Hearing Examiner is appealable to the Superior Court of Snohomish County.
 4. No revocation of a land use permit shall take effect until ten days after receipt of the notice thereof by the permit holder and if appeal is taken as herein prescribed, the revocation shall be stayed pending final action by the Hearing Examiner. Exception: If the permit allows activity on the site or in site conditions potentially life threatening or injurious, access to the site or the permitted use shall cease until the dangerous condition is corrected or the appeal is addressed.

18.05.220 Public Hearings

- A. No more than one open record hearing shall be heard on any land use application.
- B. Following review of a development proposal or action, the hearing body shall make written findings of fact and conclusions of law and shall make a determination to approve, approve with conditions, or deny the development proposal or action.
- C. *Public Hearing Procedures.* Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to

*From Ch. 18.05,
Art VI*

create or supplement an evidentiary record upon which the body will base its decision. The Chair shall open the public hearing and, in general, observe the following sequence of events:

1. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
2. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
3. Testimony or comments by the public germane to the matter. Members of the hearing body may ask questions. Questions directed to the staff or the applicant shall be posed by the Chair at its discretion.
4. Rebuttal, response or clarifying statements by the staff and the applicant.
5. The evidentiary portion of the public hearing shall be closed before the hearing body shall deliberate on the matter before it.

D. *Factors to consider.* The hearing body shall consider and base its recommendations or decision on any permit action coming before it on the following factors:

1. Type and density of land use;
2. The availability and adequacy of public facilities;
3. Compliance with specific development and Comprehensive Plan standards;
4. That the environmental impacts are consistent with applicable development regulations or, in the absence of applicable regulations, the adopted Comprehensive Plan; and
5. Other factors relevant to the proposal, including previous approvals, Engineering Details and Specifications, other City codes, regulations, and standards.

E. *Hearing Examiner Actions.*

1. Upon receiving an application or report from City staff on a proposal or action, the Hearing Examiner shall hold an open record public hearing.

2. The Hearing Examiner shall make findings of fact and conclusions of law on applications or proposals before him/her. The findings of fact and conclusions of law shall be consistent with MTMC 2.120.110 and subsection (D) of this section.
3. In the evaluation of any Type A, B or C permit action, the Hearing Examiner shall not approve or deny a proposed development unless it first makes findings of fact and conclusions of law consistent with the evidence and determination made. The findings of fact and conclusions of law shall address:
 - a. Consistency with Comprehensive Plan goals and policies;
 - b. Consistency with the requirements and intent of applicable City ordinances;
 - c. Whether there are adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds as applicable;
 - d. Whether the proposal adequately mitigates adverse impacts identified under the Critical Area Ordinance and SEPA determination;
 - e. Whether the development supports the public health, safety and welfare and is in the public interest;
 - f. Whether concurrency requirements of MTMC § 18.05.110 are met;
 - g. That the area, location, and features of any land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development; and
 - h. Whether the development satisfactorily addresses criteria for review and consideration set forth in subsection (D) of this section as applicable.
4. *Closed Record Appeals*. Upon receiving a request to appeal a decision by City staff, the Hearing Examiner shall hold a closed record public hearing and may remand or overturn the staff decision if it is not consistent with City codes, regulations, and standards.

F. *City Council Actions.*

1. Upon receiving a recommendation from the Planning Commission or notice of any other matter requiring the Council's attention, the Council shall perform the following actions as appropriate:
 - a. Hold an open record public hearing and make a determination on the Planning Commission recommendation.
 - b. Hold a closed record appeal and make a decision.
2. The City Council shall make findings of fact and conclusions of law on applications and/or consider any Planning Commission or Hearing Examiner report on those applications. The findings of fact and conclusions of law shall be consistent with subsection (D) of this section. The City Council may accept, reject, or modify the findings of fact and conclusions of law.
3. The City Council shall make its decision by motion, resolution, or ordinance as appropriate.
 - a. A City Council decision based on a report filed by the Planning Commission or Hearing Examiner with recommendations, or following a public hearing on a proposal or action, shall be made by taking one of the following actions:
 - i. Approve as recommended.
 - ii. Approve with additional conditions.
 - iii. Deny (reapplication or resubmittal is permitted).
 - iv. Deny with prejudice (reapplication or resubmittal is not allowed for a period of at least one year).
 - v. Remand for further proceedings and/or evidentiary hearing.
 - vi. Modify, with or without the applicant's concurrence, provided, the modifications do not: enlarge the area or scope of the project; increase the density or proposed building size; or significantly increase adverse environmental impacts as determined by the responsible official.

- b. A City Council decision following a closed record appeal shall be made by taking one of the following actions:
 - i. Grant the appeal in whole or in part.
 - ii. Deny the appeal in whole or in part.
 - iii. Remand for further proceedings and/or evidentiary hearing.

Chapter 18.10 – Comprehensive Plan, Land Use Regulations, and Amendment Procedures

Draft	Comments
<p>18.10.010. Comprehensive Plan adopted. The Comprehensive Plan of the City of Mountlake Terrace and any amendments thereto are incorporated by reference as though fully set forth and adopted as the Comprehensive Plan for the City of Mountlake Terrace pursuant to the Growth Management Act of 1990 as amended (Chapter 36.70A RCW and related statutes).</p> <p>Consistent with state law, the Comprehensive Plan and any amendments thereto shall serve as the guiding framework for decisions relating to land use, environment, economic vitality, housing, capital facilities, parks, recreational facilities, transportation, and utilities.</p> <p>18.10.015. Subarea plans.</p> <p>A. One or more subarea plans may be adopted by the City of Mountlake Terrace to augment the Comprehensive Plan by providing more detailed planning for a particular area of the City.</p> <p>B. The Melody Hill Subarea Plan and any amendments thereto are incorporated by reference as though fully set forth and adopted as a subarea plan for the City of Mountlake Terrace, pursuant to the Growth Management Act.</p> <p>C. "A Vision for the Mountlake Terrace Town Center Plan" and any amendments thereto are incorporated by reference as though fully set forth and adopted as a subarea plan known as the Town Center Plan, pursuant to RCW 36.70A.080(2).</p> <p>18.10.020. Supporting documents adopted. The previously approved documents, listed below, are adopted as supporting documents for the Comprehensive Plan:</p> <p>A. Stormwater Comprehensive Plan, as currently adopted2019;</p> <p>B. Comprehensive Sewer System Plan, as currently adopted2019;</p> <p>C. Comprehensive Water System Plan, as currently adopted2017;</p> <p>D. Economic Vitality Strategy, as currently adopted2008;</p> <p>E. Transportation Master Plan, as currently adopted2007;</p>	<p><i>Remove specific adoption dates to avoid having to update this chapter regularly.</i></p>

- F. Sustainability Strategy, [as currently adopted2008](#);
- G. Recreation, Parks and Open Space Master Plan, 2015, as [currently adoptedamended by 2016 Supplement](#); and
- H. Shoreline Master Program, [as currently adopted2019](#).

18.10.030. Maps incorporated by reference.

A. The location and boundaries of designated land use districts shall be shown on the Comprehensive Plan map entitled “Official Comprehensive Plan Map” and, for Town Center designations, shall be shown on the Town Center Plan map entitled "Town Center Land Use Plan." These maps and any amendments thereto are hereby incorporated by reference into the Comprehensive Plan as though fully set forth.

B. [The roadway functional classifications of the City’s street network shall be shown on the Comprehensive Plan map entitled “Roadway Functional Classification Map”. This map and any amendments thereto are hereby incorporated by reference as though fully set forth.](#)

This adopts the roadway map from the Comp Plan, from 19.120.270

18.10.040. Copies of Plan.

Three copies of the Comprehensive Plan shall be kept on file in the office of the City Clerk.

18.10.050. Filing.

A certified copy of the ordinance codified in this chapter, together with certified copies of the aforesaid Comprehensive Plan, including the Official Comprehensive Plan Map, shall be transmitted by the City Clerk to the Office of the County Auditor of Snohomish County, Washington, to be filed in the manner and form required by law. A copy of the aforesaid plan shall also be transmitted to the State Department of Commerce, as required by law. A copy of the Transportation Element of the Plan shall be transmitted to the Puget Sound Regional Council for certification, as required by law.

~~**18.05.300. Comprehensive Plan and Map:**~~

18.10.060 Comprehensive Plan Amendment Procedures

A. *Frequency and Content for Updating the Comprehensive Plan.* The Comprehensive Plan shall be updated no more often than once every year, [except for amendments proposed under those circumstances provided for in RCW 36.70A.130\(2\)\(a\)\(i\) through \(2\)\(a\)\(v\)](#). The update shall consider levels of service for transportation, sewer and water, and may consider other levels of service such as police and fire services, park facilities and programs, planning, engineering, ~~and~~ building services, and

Expanding and clarifying the amendment procedures, which apply to text and the map

financial office services. The purpose of considering levels of service is to assure concurrency of development with levels of service.

B. *Docket.* The Comprehensive Plan shall also consider a docket of items which may be used to add to, or ~~amend~~change, the Comprehensive Plan. The docket is maintained by the Director. The ~~amendment proposal~~need for change may relate to a need to ~~revise~~change the Comprehensive Plan Map, or a need to change the Plan to provide consistency with ~~a change;~~ ~~or need to change;~~ the zoning text.

C. *Update Procedure.* Approximately ~~once per year~~nine months after the last Comprehensive Plan and Map update, the Director shall ~~establish a docketing process whereby any interested person may submit an application to amend the City's Comprehensive Plan, including the following:~~review items that have accumulated in the docket.

1. The Director shall inform the public, through a public outreach program that may include public notice in a paper of general circulation, ~~as~~ an information item on the agendas of the City Council, Planning Commission, and Hearing Examiner, and in regular posting places of the City, that the City shall consider an update of the Comprehensive Plan and Map.

2. This notice shall include the purpose(s) of updating the Comprehensive Plan and Map, a deadline for submitting recommended changes, adding to the docket, and a tentative hearing schedule.

3. After the application deadline, the Director shall compile a preliminary docket consisting of all applications that were determined to include all of the required submittal items for consideration by the City Council.

4. The City Council shall consider the proposals on the preliminary docket and decide which, if any, shall be placed on the final docket. Criteria shall include whether the proposal is consistent with the vision for the City and whether there are adequate staff resources to properly evaluate and process the proposal. Decisions by the City Council on which items to place on the final docket are legislative and discretionary.

D. *Planning Commission.* The Planning Commission shall hold at least one public meeting on the docket of items and/or recommendations to change the plan and map, and may request City Council to recommend any areas for study.

Docketing process

Public process to approve the preliminary docket for the next step

The Planning Commission may establish sub-committees for study which shall include members of the public and at least two Planning Commissioners. In all cases, the sub-committee shall have a majority representing residents of the City.

At the public meetings, the Planning Commission shall consider the information from public testimony, subcommittees, and staff. Following consideration of changes and verifying concurrency of recommended change with levels of service for transportation, sewer, and water, the Planning Commission shall recommend changes in the Comprehensive Plan and Map to City Council.

- E. The City Council shall review the recommendation of the Planning Commission in a regularly scheduled meeting and set a public hearing to consider changes to update the Comprehensive Plan and Map. The public hearing for changes in the Comprehensive Plan and Map may be held at the same meeting when recommended changes to the zoning text and map consistent with the Comprehensive Plan amendments are also heard.
- F. A sub-area plan may be adopted at any time as long as it is generally consistent with the Comprehensive Plan and concurrency is provided with appropriate levels of service.

18.10.070 Amendment requirements.

- A. **Zoning text amendments.** The zoning text may be changed at any time as long as the change is consistent with the Comprehensive Plan. Immediately following a change(s) in the Comprehensive Plan and Map, the Zoning Ordinance text and map must be changed to be consistent with the Comprehensive Plan and Map.
- B. **Comprehensive Plan and map amendments.** When the docket is reviewed and the public is informed of the update for the Comprehensive Plan and Map, the public shall also be notified that:
 - 1. Any rezone requests should be consistent with the Comprehensive Plan Map; and
 - 2. A request to change the Zoning Map may involve a change in the Comprehensive Plan Map.

- C. The Planning Commission shall have a public hearing and make a recommendation to City Council consistent with MTMC § 18.05.180 and § 18.05.300(D).
- D. The City Council shall hold a public hearing and make a final determination on the zoning text or map changes consistent with MTMC § 18.05.200.
- E. Criteria for Review and Conclusions of Law. The Hearing Examiner shall consider the following criteria in making their recommendation to the City Council on any Zoning Map change. The Council may approve the rezone request only if the proposal conforms to all of the following criteria. The Council shall adopt findings and conclusions for the record which support their decision.
 - 1. The proposal is in accordance with the Comprehensive Plan;
 - 2. Any parcel of land contained in this request, whether under single or unified ownership, is not receiving special or privileged treatment;
 - 3. The proposal will not be materially detrimental to properties in the vicinity or the community based on the entire range of uses allowed in the proposed zone;
 - 4. Adequate public services will be available to serve the full range of proposed uses;
 - 5. The reclassification is warranted because of a change in circumstances, or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
 - 6. The proposed rezone would promote the general health, welfare, and safety of the community.

Chapter 19.110 - Zoning Permits

Draft

Comments

Article I. General Provisions

19.110.010. Purpose:

The purpose of this chapter is to set forth standards for review of land use applications regulated by this title. It may also describe notice requirements and the nature of hearings affecting other ordinances. In case of conflict, Chapter 18.05 MTMC, implementing the Regulatory Reform Act, known as Administration and Procedures shall prevail. The following are goals of this chapter:

The purpose statement is unnecessary

- A. To guide future growth and development in accordance with the Comprehensive Plan and to provide for consistency between new development and the Comprehensive Plan and related City ordinances; and
- B. To provide for an efficient process to review development applications; and
- C. To provide an open, understandable, and accessible process whereby applicants may compare progress of an application to procedures described herein.

19.110.030. Complete application:

A complete application for any land use development project which includes, but is not limited to, conditional use permit, or variance shall include the following information:

Completeness is addressed in 18.05.130 and submittal requirements were moved to 18.05.120, more appropriate locations

- A. Completed application form.
- B. Fees.
- C. Existing features map (Note: Existing features and proposal maps folded to a size generally, but no larger than, nine inches by 12 inches):
 - 1. Bar scale of 10, 20 or 30 feet to the inch, or such that details can be shown with all layouts at same scale.
 - 2. North arrow.
 - 3. Name of project, drawing title, and site address.
 - 4. Name of property owner and applicant, and professional with primary contact name, address and phone number.

Vicinity/area map locating the project area within a one-mile radius, including collector arterials.

- 1.—All property lines, fully dimensioned and including bearings.
- 2.—Right-of-way, within 100 feet of site, labeled to show street names and dimensions.
- 3.—Curb cuts (driveways) for the site and both sides of any right-of-way within 100 feet of the boundaries of the site.
- 4.—All existing easements on, or adjacent to, the proposed subject site with the following information: width, type, and auditor recording file number.
- 5.—All existing power, street lights and communication poles or boxes on site or within 20 feet of the site, labeled.
- 6.—All existing fire hydrants on site and within 100 feet of the site; identify type.
- 7.—Existing contours shown at two-foot intervals (unless otherwise required or approved).
- 8.—All existing significant trees six-inch or greater dbh (diameter at breast height).
- 9.—Existing structures and/or improvements on and within 20 feet of the site; all fully dimensioned and their setbacks to all property lines labeled.
- 10.—Environmentally sensitive features, if any.
- 11.—Benchmark utilized for elevations based on the City's 1991 vertical control.
- 12.—Existing underground storage tanks. Indicate if they are to be removed from site.
- 13.—Existing structures to be removed from the site, and those that are to be demolished.
- 14.—Traffic control devices (including stop signs, no parking signs, yield signs, crosswalks, traffic signals) within 75 feet of the site.
- 15.—Existing public improvements including curbs, gutters, sidewalks, roadways, dropped curbs.
- 16.—Existing drainage across site (including streams, ditches, swales, etc.), and within 100 feet of site.
- 17.—Existing utilities on or within 75 feet of the site (including septic tanks, wells, gas, power, cable, telephone, sanitary sewer and storm facilities, water mains service and meters); identified as to type and size as appropriate.
- 18.—Existing fire protection system facilities (including Fire Department connection, P.I. (post indicator) valves, DDCV vaults) on the site.

D.—Proposat:

- 1.—Bar scale of 10, 20 to 30 feet to the inch, or such that details can be shown. Scale to match existing features map, and with all layouts at same scale.
- 2.—North arrow.
- 3.—Name of project, drawing title, and site address.

- 4.—All property lines, fully dimensioned including bearings.
- 5.—Right-of-way within 100 feet of site, labeled to show street names and dimensions.
- 6.—Existing and proposed contours (grading) at two-foot contour intervals; specify estimated amount of material to be cut and the amount to be filled as separate amounts, i.e., not the net cut and fill.
- 7.—Proposed landscaped areas, by location, width and type and area calculations; indicate existing plants to be retained.
- 8.—On every plan sheet provide dimensions and setbacks from all property lines, for all proposed structures, easements.
- 9.—Existing structure(s) to remain to be demolished or to be moved from the site.
- 10.—Proposed transportation facilities and public improvements including: bus stops, right-of-way dedications, driveways, sidewalks, traffic control, roadway improvements within 75 feet of the site boundaries.
- 11.—Location of other utilities proposed, e.g., power within 30 feet of the site boundaries.
- 12.—Finish floor elevation of structures and spot elevation of improvements such as parking lot, retaining walls, handicap parking.
- 13.—Location dimensions and setbacks of all new structures and improvements (drive aisles, roadways, utilities) proposed.
- 14.—Architectural elevations of proposed buildings, at a scale of one-quarter inch equals one foot or one-eighth inch equals one foot.
- 15.—Conceptual utility layout showing method of water service, fire protection, sewage disposal and storm drainage, detention and biofiltration including locations of meters, manholes, catch basins, fire hydrants, fire department connections, post indicator valves, and DDCV vaults.
- 16.—Proposed disposition of existing utilities including water, sewer, storm, septic tanks, wells, and underground storage tanks. Indicate if they will be reconnected to new structures, abandoned, removed, demolished or remain.
- 17.—All proposed easements including width and type. Show layouts on plan.
- 18.—Benchmark utilized for elevations based on City's 1991 vertical control.
- 19.—Proposed storage tanks.

E.—Requirements:

- 1.—Title report.
- 2.—Indicate the legal owner of the property. If the applicant is other than the legal owner, a letter from the owner indicating knowledge of and concurrence with the application, signed, dated, and notarized, must accompany the submittal.

3.—Legal description:

F.—Additional requirements may include:

- 1.—Proposed lots (for short plats and subdivisions) showing all dimensions and areas (lots, rights-of-way, tracts, etc.):
- 2.—Covenants proposed:
- 3.—Calculations for area of impervious surface(s):
- 4.—Mail boxes, type and location:
- 5.—Proposed street lighting:
- 6.—Proposed parking plan, fully dimensioned, identifying standard, compact and handicap stalls; and grades and elevation for accessible route of travel:
- 7.—Drainage studies and calculations:
- 8.—Conceptual site lighting plan, with calculations:
- 9.—Geotechnical studies and reports:
- 10.—Locations of solid waste and recycling storage areas with dimensions:
- 11.—Traffic impact studies:
- 12.—Environmental checklist with supplementary documents and studies:
- 13.—Engineering design reports for proposed transportation and utility facilities:
- 14.—Compliance with Americans With Disabilities Act (ADA) and Chapter 51-30 WAC:
- 15.—Copies of submittals, approvals, and permits involving other agencies within jurisdiction:
- 16.—Answers to a supplemental questionnaire to indicate how the proposal fits criteria relevant to the request:
- 17.—An accurate list of addresses of property owners within 300 feet of the boundaries of the proposal. In addition, stamped, addressed legal-sized envelopes for the same list (these will be used for legal notices). If inaccurate addresses are used, an unreasonable number of mailings are returned, or property owners that should have been notified have not been notified due to improperly addressed envelopes, hearing(s) will be continued until sufficient addresses have been provided for notice. The applicant shall reimburse the City, per fee schedule, for each mailing prior to the hearing date:

19.110.050. Limitations on refiling of applications:

The Planning Department shall not accept any application for a rezone/zoning text amendment, Comprehensive Plan amendment, conditional use permit, variance, or planned unit development permit within one year following the final denial of a similar application on the same parcel of land. In determining whether an application is similar to the permit denied, the Planning Department shall determine if the proposed change will permit uses, building locations, or relaxation of bulk requirements which are

*Moved to
18.05.140(E)*

~~the same or substantially the same as those considered and disallowed by the earlier final action.~~

~~In every instance, the burden of proving dissimilarity shall be upon the applicant.~~

Article II. Permits – Specific Procedures and Requirements

19.110.150. Building permits:

~~All building permits issued by the City shall conform to the provisions of this title. Building permit application forms shall be prepared and administered by the Building Department in addition to other applicable codes and regulations.~~

19.110.160. Certificates of occupancy:

~~No change of use within an occupied structure or portion thereof, or establishment of a new use in an unoccupied structure or portion thereof, with the exception of single-household residences, shall occur without there first being issued a certificate of occupancy pursuant to the Uniform Building Code as adopted by the City. City staff from Planning, Engineering, Fire and Building Departments shall review all occupancy requests for compliance with the requirements of this title and all applicable City codes and standards:~~

~~A. New Construction. A certificate of occupancy shall not be issued for new construction until the following aspects of site development are provided in conformance with the regulations of this title, or the necessary performance guarantees provided: landscaping, parking and loading, recreational requirements for multiple-household projects, signs, and outdoor storage.~~

~~B. Existing Development. The Director shall have the authority to allow a lesser degree of conformance with the required site improvements listed above, prior to the issuance of a certificate of occupancy, for reuse of an existing building in cases where conformance to the standards and specifications listed above renders unreasonable hardship to the property owner or is deemed advisable due to seasonal or economic considerations.~~

19.110.170. Temporary uses:

~~A. Intent and Purpose. The intent and purpose of this section is to provide for uses of land and structures on a temporary basis. A temporary use is not exempt from the construction and fire code requirements adopted in MTMC Title 15. Temporary structures or buildings that have mobility gear~~

Per Building Official, this section is redundant and can be removed without losing any authority, as it's adopted in MTMC 15.05

Per Building Official, first paragraph is redundant and outdated (MTMC 15.05, IBC 111 adopted). Interdepartmental review addressed in other code sections.

Subsections (A) and (B) moved to a new C of O section in Ch. 19.120.

Temporary uses moved to Ch. 19.120.

equipment shall not have said gear removed from the structure and shall not be permanently affixed to the site.

~~B.—Temporary Accessory Uses—No Temporary Use Permit Required. The following uses may be allowed without a temporary use permit accessory to a permitted use in accordance with the regulations of the zone classification in which it is located:~~

~~1.—Construction Buildings. Temporary structure for the housing of tools and equipment or containing supervisory offices in connection with major construction projects may be established and maintained during the progress of such construction on such projects in accordance with all applicable codes and regulations and shall be removed within 30 days following issuance of the certificate of occupancy.~~

~~2.—Temporary Real Estate Office. One temporary structure used for a real estate sales office may be located on any new project in accordance with all applicable codes and regulations, provided the activities of such office shall pertain only to the project where the office is located. For any single-household subdivision project, the temporary real estate office shall be removed at the end of a 12-month period measured from the date of the recording of the final plat of the subdivision. For all other projects, the temporary real estate office shall be removed within 30 days after the issuance date of an occupancy permit.~~

~~3.—Temporary Housing Unit. With approval from the Director, a temporary housing unit for construction may be placed on a lot for occupancy during the period of time necessary to repair damage of a principal residence on the same lot, provided:~~

- ~~a.—The temporary housing unit is removed from the site within six months;~~
- ~~b.—The unit meets minimum setback regulations for a principal structure as required by the applicable zoning district and all applicable codes and regulations; and~~
- ~~c.—A valid building permit is issued by the Building Department for a permanent structure on the lot.~~

~~4.—Fund Raising Activities for Nonprofit Organizations. Fund raising activities promoted or sponsored by nonprofit organizations, including but not limited to special events such as musical entertainment, vehicle shows, rodeos, carnivals and circuses, shall~~

be allowed on a temporary basis in accordance with Chapter 10.20 MTMC and all other applicable City codes and regulations.

~~C. Temporary Accessory Uses – Permit Required – Peddlers, Solicitors, and Temporary Sales Yards. Any person, firm, organization, or corporation who displays goods for sale, peddles food items, or solicits the sale of goods or wares, including, but not limited to, Christmas trees, flowers, or any food item, and who remains in one location for a period of greater than one hour, shall first obtain a temporary use permit from the Community and Economic Development Director and a City business license if required. These businesses shall be conducted only on private commercial or light industrial zoned properties.~~

~~1. A temporary use permit for peddlers, solicitors, and temporary sales yards shall require an application signed by the owner of the property on which the activity will occur. The review shall include location of all structures, objects, or things of any nature whatsoever appurtenant to the activity for the purpose of assuring compliance with all provisions of this title, and any other pertinent requirement of state and local law or regulation.~~

~~2. A time limit for the use shall be determined by the Community and Economic Development Director. The requested time limit shall be stated on the application and may be reduced for any cause related to safety, health, and general welfare of the public. Time extensions may be allowed subject to the approval of the Community and Economic Development Director.~~

~~D. Food Vendors – Mobile. To provide for food vendors to operate at a specific location, on a temporary basis, and for a limited period of time.~~

~~1. Definition. "Mobile food truck/vendor" means a licensed and operable motor vehicle or trailer, or a push cart, used to serve, vend, or provide food (hot or cold meals, snacks, or nonalcoholic beverages) for human consumption.~~

~~2. Private Property. Temporary use permit approval is required when located on private property, is valid for a 12-month period, and is subject to meeting all of the following general standards:~~

~~a. Meets the definition of "mobile food truck/vendor";~~

~~b. Is located in a commercial or light industrial zoning district. (In residential zones, a special event permit is required in conformance with Chapter 10.20 MTMC);~~

- c.—No more than one mobile food truck/vendor can be located on a site at any given time. The allowance of more than one food truck/vendor on a property is only permitted with the approval of a special events permit as provided for in Chapter 10.20 MTMG;
- d.—No alcoholic beverages. No cannabis related products;
- e.—Does not block fire lanes, or drive aisles, or pedestrian access to businesses or the public sidewalk;
- f.—Parked a maximum of once a day, up to six hours, on a site/property;
- g.—Hours of operation can occur no earlier than 6:00 a.m. and no later than 9:00 p.m., including clean-up time;
- h.—Trucks can be parked no more than four days a week;
- i.—No overnight parking or storage of the food truck is allowed, including no portion of the vendor's inventory, sales equipment, or any other objects associated with the vendor;
- j.—No excessive smoke associated with food preparation can occur;
- k.—No mechanical audio or noise making devices and no hawking is allowed. Hawking is the loud, repeated oral solicitation of business by the vendor or assistant;
- l.—Possess a current City business license;
- m.—Has obtained necessary permits from the Snohomish Health District;
- n.—Meets South County Fire District requirements;
- o.—Provides waste collection receptacles, and keeps area clean and free of litter, food and beverage wastes, or other trash. Waste collection receptacles should be placed near the curbside space the food truck occupies and not limit the pedestrian walkway to less than five feet wide. Compost and recycling receptacles are encouraged. Trash must be removed with truck on a daily basis and emptied regularly during the day should they become full during the period the food truck is in operation;
- p.—Folding menu boards, if used, should be placed near the curbside space the food truck occupies and walkways shall be kept clear to a width determined by staff and not limit the pedestrian walkway to less than five feet wide;
- q.—The City reserves the right to limit the number of food truck/vendor permit sites in any given area of the City.

3.—In Right-of-Way. A right-of-way use permit is required when located in City right-of-way as defined in this section, subject to meeting all of the following:

- a.—Right-of-way includes any public street, or sidewalk or parking lane, improved or unimproved;
- b.—Obtain a right-of-way use permit for each location;

- ~~c.—Meets all of the requirements in subsection (D)(2) of this section;~~
- ~~d.—Provides any required insurance and/or indemnification; and~~
- ~~e.—Any other filing requirements requested by the Director and/or conditions of approval.~~

~~4.—To locate in a City park or other City-owned land (not right-of-way):~~

- ~~a.—Contact the Recreation and Parks Department Director for approval of concessions permit;~~
- ~~b.—Obtain a temporary use permit per MTMC § 10.20.180(C);~~
- ~~c.—Meets all of the requirements in subsection (D)(2) of this section;~~
- ~~d.—Provides any required insurance and/or indemnification. Vendors selling product on public land are subject to the leasehold excise tax, Chapter 82.92 RCW;~~
- ~~e.—Provides any required insurance and/or indemnification; and~~
- ~~f.—Any other filing requirements requested by the Director and/or conditions of approval.~~

~~5.—Special Events. Any food vendor activity that is defined per Chapter 10.20 MTMC may need to obtain a special event permit in lieu of, or in addition to, the requirements set forth in this section:~~

~~6.—Violations and Enforcement. Violators and violations of this section are subject to any applicable code enforcement actions and penalties per City Code, including but not limited to Chapters 8.30, 13.10, and 19.140 MTMC.~~

19.110.200. Conditional use permits.

- A. Purpose and Intent. The City of Mountlake Terrace recognizes that certain land uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. To help ensure that such uses fit appropriately within the neighborhood context, a conditional use permit is required for conditional uses and accessory conditional uses identified in [this Title Chapters 19.20 through 19.105 MTMC](#). The conditional use permit shall not be used in lieu of a variance to reduce the requirements of this title.
- B. Public Hearing. Notice of a public hearing shall be prepared and issued by the Department pursuant to MTMC § 18.05.15027 for conditional use permit applications heard by the Hearing Examiner. Conditional use permits require one public hearing before the Hearing Examiner.

The specific Chapters may not be inclusive, so revising to the title reference.

Code reference fix.

- C. Authority to Impose Conditions. In approving a conditional use permit, the Hearing Examiner may impose any conditions ~~they~~^{he or she} feels necessary to ensure that designated uses or activities are compatible with other uses in the same land (or zoning) district and in the vicinity of the subject property.
- D. Criteria for Review and Conclusions of Law. The Hearing Examiner may approve a conditional use permit only if the request either conforms to all the criteria in this subsection or the request will so conform under applicable codes and any specified conditions. The Hearing Examiner shall make written findings and conclusions for the record which support ~~their~~^{his or her} decision. The criteria are as follows:
1. The proposal is in accordance with the goals, policies and relevant land use designations of the Comprehensive Plan.
 2. The proposal will not adversely impact the established character of the surrounding vicinity. For purposes of this section, "character" shall mean:
 - a. The distinctive features or attributes of buildings and site design, including but not limited to building facade, scale, building modulation, tree cover, landscaping, size and location of signs, amount and location of parking, fencing, and walkability;
 - b. The level of noise, vibrations, or odors; and
 - c. The type of vehicular traffic and traffic patterns associated with the permitted uses in the zoning district.
 3. The proposed use will not endanger the public health, safety, and general welfare of the community or create obstacles to neighborhood circulation.
 4. The proposal complies with the purpose and all requirements of the zoning district classification in which it is located and with the general provisions of the municipal code.
 4. The proposal will be served by existing public facilities as may be necessary. This standard may be met if the applicant pays the cost of or installs any additional facilities needed.
- E. Final Decision. The Hearing Examiner may approve, conditionally approve, or deny the conditional use permit. The decision shall be final

and conclusive unless an appeal is filed according to the procedure described in Chapter 18.05 MTMC. The decision of the Hearing Examiner shall be deemed issuance of the conditional use permit, if approved. ~~An approved accessory conditional use permit shall be deemed to be approved for the applicant only at the approved location and shall not run with the land.~~ All other conditional use permit applications shall be deemed to run with ~~(go with)~~ the land, unless the Hearing Examiner states otherwise. The decision of the Hearing Examiner shall become effective immediately upon entry of such order in the official records, unless the Hearing Examiner finds that making the decision effective immediately would create a condition of practical impossibility or unnecessary hardship in which case ~~they/he or she~~ shall set a ~~new and~~ different effective date ~~in the record,~~ which in no event shall be more than 30 days from the date of entry of such order, ~~and this exception is noted in the record.~~

F. Recording. The Hearing Examiner may stipulate that the conditions of approval ~~that apply to use of the property shall~~ be recorded with the Snohomish County Assessor's Office. For any approval of a minor modification to an approved conditional use, the Director may stipulate that the conditions of approval ~~shall~~ be recorded with the Snohomish County Assessor's Office.

G. Changes or Modifications.

1. Minor. Minor changes to the operational aspects of the approved conditional use or the approved site plan shall be reviewed and may be approved by the Director in cases where the proposed modifications:
 - a. Do not significantly alter the originally approved conditional use;
 - b. Do not add more than 10 percent in area to the gross square footage of the approved conditional use; and
 - c. Do not conflict with current requirements of this title or other applicable codes and restrictions.

All such requests shall be made in writing and supported by documentation as required by the Director and be accompanied by the appropriate fee, based on the City's fee schedule. The Director shall make a written determination as to whether the proposed modification is minor, based on the criteria in this section. If the proposal is determined to be a minor modification to the conditional use, the Director shall treat the proposal as a minor amendment to the original approved conditional

Home occupation applications do not get processed as Conditional Use Permits; making the code reflect policy.

Gender neutral and clarity revisions.

use and make a written decision to approve, deny, or approve with conditions.

2. Major. If the Director makes a written determination that the proposed changes or modifications do not represent only a minor change, the proposal shall be considered a major modification and processed only under a new conditional use permit application.

H. Time Limits. Any permits necessary to establish or construct an approved conditional use shall be applied for within one year of the effective date of the Hearing Examiner's decision, unless a shorter time limit is imposed. Conditional use permits shall be deemed automatically null and void if applications for any necessary permits or licenses to establish the use are not received by the Department within ~~that the required period of~~ time period or, in such case that no permits or licenses are required, if the approved conditional use has not substantially commenced within that time period.

Clarity revisions.

I. Revocation. The Hearing Examiner may revoke an approved conditional use permit following a public hearing if ~~theyhe or she~~ finds that:

Gender neutral revisions.

1. The use for which the approval was granted has been abandoned for a period of one year or more; or
2. Approval of the permit was obtained by misrepresentation of material fact; or
3. The permit is being exercised contrary to the terms of approval.

The process to revoke a conditional use permit may be initiated by the Department. Any public hearing conducted by the Hearing Examiner to consider revocation is subject to the notice requirements under MTMC § 18.05.15027. The Hearing Examiner shall make written findings and conclusions for the record that support the revocation decision.

Code reference update.

19.110.210. Variances.

A. General Provisions. The Hearing Examiner may grant in specific cases a variance from the terms of this title when it will not be contrary to the public interest and, owing to unique physical conditions such as lot configuration, steepness of slope, or other conditions applying to a lot or building, the strict application of the zoning regulations could deprive the property of privileges enjoyed by other properties in the same vicinity and under the same zoning classification.

No change to variance procedures

1. A variance shall not be considered a right or special privilege, but may be granted only upon a showing of undue hardship.
2. When considering an application for a variance, the Hearing Examiner and/or Commission shall consider the applicable standards, criteria, and policies established by this title and the Comprehensive Plan as they pertain to the proposal and may impose specific conditions in order to ensure the proposal conforms to the criteria for review identified in MTMC § 19.110.200(D).
3. The Hearing Examiner and/or Commission shall assure, through such conditions, that the proposal shall conform to the criteria for review identified in MTMC § 19.110.200(D).
4. In no case shall the variance procedure allow a use which is not permitted in the applicable zone, nor shall the variance procedure be substituted for any other expressed procedure established by this title.
5. The fact that a piece of property may be utilized more profitably with an approved variance shall not be considered as a criteria for review.

B. Public Hearing. Notice of a public hearing shall be prepared and issued by the Department pursuant to MTMC § 18.05.15027. An open record public hearing before the Hearing Examiner is required for approval. When the variance request is submitted concurrently with a site development plan, planned unit development, or conditional use permit for a primary use, the Planning Commission shall review the application at a regular meeting and file a report with recommendation with the Hearing Examiner.

C. Criteria for Review and Conclusions of Law. The Hearing Examiner may approve a variance only if the request conforms to all of the following criteria. The Hearing Examiner must adopt findings and conclusions from the record which support their decision.

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
2. Such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted

to other properties in the vicinity and in the zone in which the subject property is located; and

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

D. Final Decision. The Hearing Examiner may approve, conditionally approve, or deny the variance request. The decision shall be final and conclusive unless an appeal is filed according to the procedure outlined in MTMC § 18.05.190230. The decision of the Hearing Examiner to approve or conditionally approve a request shall be deemed issuance of the variance. The decision of the Hearing Examiner shall become effective immediately upon the entry of such order in the official records of the Hearing Examiner, unless the Hearing Examiner finds that making the decision effective immediately would create a condition of practical impossibility or unnecessary hardship, in which case the Hearing Examiner shall set a new and different effective date which in no event shall be more than 30 days from the date of entry of such order, and this exception is noted in the record.

E. Time Limits. Permits necessary to establish or construct the proposal shall be applied for within one year of the effective date of the Hearing Examiner's decision, unless a shorter time limit is imposed by the Hearing Examiner. Variances shall be deemed automatically null and void if applications for any necessary permits to establish the use are not received by the Department within that period of time. When constructed pursuant to a permit, the variance shall be deemed permanent and shall run with the land, unless otherwise stated as a condition of permit approval.

19.110.220. Site development plans –Larger scale– Nonresidential (commercial and industrial).

~~A review process including a public hearing is necessary for approval of nonresidential site development plans with shall be required for all new development and redevelopment that propose nonresidential structures of 5,000 square feet or greater, seven residential units or more without a division of land pursuant to Title 17 with the exception of courts as defined in MTMC 19.32.060(F), and/or significant alterations to existing site development and major redevelopment projects that alters the exterior configuration of the water, sewer, and/or stormwater system of the site except single-household residences. A site development plan is separate from and does not replace other required permits, but may be combined with and reviewed concurrently with other land use permits pursuant to MTMC § 18.05.080. The specific procedure for processing site development~~

This is outdated. Updating to reflect a more industry-standard process that provides streamlined land use permitting

plans in the F/T district and SDD district is outlined in Chapters 19.20 through 19.105 MTMC (Land Use Regulations). The procedure for processing site development plans associated with planned unit developments is contained in Chapter 19.115 MTMC (Planned Unit Developments). All other site development plans shall be processed as a Type B application and shall conform to the following regulations:

~~A. Public Hearing. All complete applications shall be included on the next Planning Commission agenda. For larger scale nonresidential projects, the Planning Commission shall hold an open record public hearing, consider and approve, approve with conditions, or deny the proposal. The Planning Commission shall consider such proposal 30 days following environmental determination or end of initial public comment period, whichever is completed last. Notice of a public hearing for Planning Commission consideration shall be prepared and issued by the Planning Department pursuant to MTMC § 18.05.120. Public hearing requirements for site development plans shall be as follows:~~

~~Note: Supplemental public notification requirements for projects of more than 25 dwelling units or 25,000 square feet of gross floor area for nonresidential projects are contained in Chapter 18.25 MTMC.~~

~~B. Conditions. When considering a larger-scale site development plan application, the Commission shall consider the applicable standards for nonresidential uses, criteria, and policies established by this and other applicable City ordinances and the Comprehensive Plan as they pertain to the proposal. All conditions required by the Planning Commission shall be entered in the minutes of the appropriate meetings.~~

A. Criteria for Review and Conclusions of Law. The Community Development Director~~Planning Commission~~ may approve a site development plan only if the request conforms to all of the following criteria. The Director~~Commission~~ shall enter findings of fact and conclusions for the record that~~which~~ support their decision.

1. Type of Land Use. The proposal is in accordance with the goals and policies of the Comprehensive Plan and the type of land use that is permitted in the zone;
2. The level of proposed development is consistent with the Comprehensive Plan and zoning code;
3. Development Standards. The proposal complies with all requirements of the zone classification and general provisions of this

title, except in the case where a variance has been approved in accordance with the requirements of MTMC § 19.110.210; and

4. Infrastructure. The proposal will be served by existing public facilities as may be necessary. This standard may be met if the applicant pays the cost of or installs any additional facilities needed~~;~~.

B. Final Decision. The Community Development Director~~City Council~~ may approve, conditionally approve, or deny the site development plan application. The decision shall be final and conclusive from the "date of action" unless an appeal is filed according to the procedure outlined in MTMC § 18.05.~~190240~~.

C. Decision Time Limits. Permits necessary to establish or construct the proposal shall be applied for within two years of the effective date of the final site plan decision, unless an extension is granted pursuant to the provisions of MTMC § 18.05.160 shorter time limit is imposed by the City Council. Site plan approvals shall be deemed automatically null and void if applications for any necessary permits to establish the use are not received by the Department within that period of time.

D. An approved site development plan shall be issued and its associated appeal period concluded prior to issuance of any engineering, building, mechanical, plumbing, electrical, or other administrative permits for a proposed development.

~~D~~E. Changes or Modifications.

1. Minor. Minor changes in an approved site development plan may be authorized by the Planning Department in cases where the proposed modifications do not impact the ability of the project to meet the requirements of this title or other applicable codes and restrictions or conditions of approval. All such requests shall be made in writing and supported by documentation as required by the Planning Department.
2. Major. If the Planning Department determines the proposed amendment to the approved site development plan represents a significant change, it shall be considered a separate and distinct development and require a new application submittal~~be referred back to the City Council for review.~~

~~19.110.230. Rezones/amendments to the Official Zoning Map.~~

*This is duplicative
of Ch. 18.10 and*

~~A.—Conditions. When considering a rezone/Zoning Map amendment request, the Hearing Examiner and Council shall consider the applicable standards, criteria, and policies established by this and other City ordinances and the Comprehensive Plan. Specific conditions of approval may be imposed in order to ensure conformance of the proposal with the criteria for review identified below. Conditions of approval associated with a rezone request may be incorporated into a binding agreement such as a concomitant agreement or approved site plan.~~

also not technically a zoning permit; integrated language into that chapter and remove from here.

~~B.—Criteria for Review and Conclusions of Law. The Hearing Examiner shall consider the following criteria in making their recommendation to the City Council. The Council may approve the rezone request only if the proposal conforms to all of the following criteria. The Council shall adopt findings and conclusions for the record which support their decision:~~

~~1.—The proposal is in accordance with the Comprehensive Plan;~~

~~2.—Any parcel of land contained in this request, whether under single or unified ownership, is not receiving special or privileged treatment;~~

~~3.—The proposal will not be materially detrimental to properties in the vicinity or the community based on the entire range of uses allowed in the proposed zone;~~

~~4.—Adequate public services will be available to serve the full range of proposed uses;~~

~~5.—The reclassification is warranted because of a change in circumstances, or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property; and~~

~~6.—The proposed rezone would promote the general health, welfare, and safety of the community.~~

19.110.260. Departures.

A. Overview and Purpose. This title provides for a number of specific departure opportunities to development standards. The purpose is to provide applicants with the option of proposing alternative design treatments provided such departures meet the "purpose" of the particular standard and any additional departure criteria established for the particular departure opportunity.

No change to this section.

- B. Requests for Departures Are Voluntary. This provision allows the flexibility for applicants to propose alternative designs on a voluntary basis, provided they meet the purpose of the standard and applicable departure criteria as noted above.
- C. Applicability. Departure opportunities are available only where noted for specific standards.
- D. Procedures. Permit applications that include departure requests go through the standard review procedures in this chapter depending on the application type.
- E. Approval Criteria. Project applicants must successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that applies to the specific standard.
- F. Documentation. The decision-maker must document the reasons for approving all departures (to be maintained with project application records) for the purpose of providing consistency in decision-making by the City.

Chapter 19.120 – General Provisions

Draft	Comments
<p>19.120.010. Purpose and intent. The intent and purpose of this section is to provide performance standards applicable to all uses irrespective of zoning classifications in order to minimize potential environmental impacts associated with land uses located in the City.</p>	<p><i>Language from 1995</i></p>
<p>19.120.020. Air quality regulations. State Regulation. Air quality is regulated by the Washington Clean Air Act, Chapter 70.94 RCW. Any inquiry, complaint, or violation regarding air quality will be referred to the Puget Sound Clean Air Agency Pollution Control Authority.</p>	<p><i>Updating agency name</i></p>
<p>19.120.030. Artificial light and glare. Uses producing artificial light, utilizing light for night operation, or causing glare shall:</p> <ul style="list-style-type: none">A. Not impair use of or safety of any road due to strong dazzling artificial light directed at oncoming motor vehicles, or strobe lights projecting off-site or toward streets, or lights imitating traffic signal lights.B. Protect residential uses from artificial light during periods of darkness by shading the luminaire and/or screening abutting property lines.C. Shield light generated by arc welding, acetylene torch cutting, or similar processes in a manner which prevents such light from being visible from any point beyond the outside of the property.D. External lighting on residential property shall be directed and shielded appropriately to avoid creating a nuisance or hazard to passing traffic and neighboring properties.	
<p>19.120.040. Dust and smoke.</p> <ul style="list-style-type: none">A. All uses thatwhich produce emissions shall comply with the requirements of the Environmental Protection Agency for the prevention of significant deterioration due to particulates, and of the State Implementation Plan for Air Quality as issued by the Puget Sound Clean Air Pollution Control Agency.B. Air pollution from private roads, parking lots, and open areas shall be controlled as follows:	<p><i>Updating agency name</i></p>

1. Visible dust generated by construction, repair, or cleaning of roads and parking areas shall be minimized by means that minimize detrimental effects to water quality. The use of chemical dust suppressants shall be prohibited in all cases.
2. Private roads shall be controlled by providing paving or other surface treatment ~~that~~which minimizes visible dust emissions and mud tracking. Housekeeping measures shall be used to minimize the accumulation of mud or dust on the surface of roads.
3. Unpaved shoulders shall be maintained in such a way as to minimize visible dust being generated by wind or traffic. Unpaved nonvehicular areas shall be controlled by vegetation cover or other equally effective methods of minimizing windblown dust.

C. Air emissions from manufacturing uses or other activities shall be controlled. No emissions shall exceed the allowances set forth by the Environmental Protection Agency and/or the Puget Sound Clean Air Pollution Control Agency.

Updating agency name

19.120.050. Electromagnetic radiation.

No use of electromagnetic radiation shall be permitted for such purposes as communication, experimentation, entertainment, broadcasting, hearing, therapy, vehicle velocity measurement, weather survey, topographic survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communication Commission (FCC) regarding such sources of electromagnetic radiation. The FCC enforces these regulations within the City.

Language from 1995

19.120.060. Fire and explosion hazards.

All activities involving flammable and explosive materials shall provide adequate safety devices against the hazard of fire and explosion and shall provide adequate fire fighting and fire suppression equipment as required by other ordinances of the City.

In terms of fire and safety hazards, the storage and handling of inflammable liquids, liquified petroleum, gases, and explosives shall comply with rules and regulations followed under the jurisdiction of the City ordinances and the laws of the state and other applicable ordinances.

19.120.070. Interference.

Provisions ~~shall~~must be made for necessary shielding or other preventive measures ~~in order~~ to avoid interferences caused by mechanical and

electrical equipment, use, or processes with electrical apparatus in nearby buildings or land uses.

19.120.080. Liquid and solid wastes.

Storage of animal or vegetable waste shall be managed and maintained in a manner that does not create a health hazard. Industrial uses shall indicate the method of storage and disposal of all industrial waste prior to project approval.

The discharge of any materials into any manmade or natural water or drainage system shall be regulated by the state of Washington Department of Ecology or City ordinances.

19.120.090. Odor.

The emission of obnoxious odors or any toxic or corrosive fumes or gases that may injure shall not be permitted.

19.120.100. Toxic chemicals.

The use of toxic chemicals including but not limited to chemical sprays, paints, automotive, cleaning, pesticides, herbicides, and all types of hazardous household products recognized by the State Department of Ecology and fertilizers shall be allowed in residential areas, subject to compliance with applicable operating, handling, storage and disposal procedures for each chemical compound. The use of such chemicals shall be limited to the subject property and shall not impact, damage, or endanger the health, lives, property, or the environment of the adjacent or surrounding properties and ~~its~~ occupants. Alternative methods of controlling insects, weeds, and other plant diseases are encouraged in lieu of the application of toxic chemicals in residential areas. A substance is hazardous if it is: toxic, ignitable, corrosive, or reactive.

19.120.110. Vibration.

Any use permitted by this title which causes ground vibration or concussion that is detectable beyond the property lines without the aid of instruments shall not be permitted except as exempted herein.

The following conditions shall be exempted:

- A. Vibration originating from heavy transport vehicles such as trains or trucks;
- B. Vibration originating from site construction activity;
- C. Vibration from heavy equipment which occurs no more than once daily for a period not to exceed 15 minutes.

Article II. Specific Standards

19.120.120. Purpose and intent.

The intent and purpose of this section is to establish standards applicable to special uses that, by their nature, necessitate specific land use regulations that address the development and operation of such uses and activities in order to accomplish the purposes of this title.

Not entirely clear what a "special" use is.

19.120.130. Accessory buildings.

The following regulations apply to detached accessory buildings such as sheds and garages associated with single-household residences in all zone districts.

- A. An accessory building that is both less than 80 square feet in size and with each side wall less than six feet in height does not require an approved building permit; however, such structures must meet the minimum front yard setback requirement in the applicable zone district.
- B. An accessory building that does not meet the criteria described in subsection A of this section for area and building wall height shall meet the minimum front and side yard setbacks in the applicable zone district with the exception of corner lots where the minimum side yard setback from the interior lot line shall be five feet.
- C. An accessory building that does not meet the criteria described in subsection A of this section for area and building wall height shall meet a minimum rear yard setback of 15 feet, except if the accessory building is less than 250 square feet in area and less than 12 feet in height, it shall meet a minimum five-foot setback in the rear yard.
- D. The maximum building footprint of an accessory building shall be no greater than the building footprint of the principal structure, not to exceed 800 square feet.
- E. The maximum height of an accessory building shall be 25 feet.
- F. An accessory building shall not be designed, constructed, or used as a habitable structure for eating, cooking, or sleeping, except as otherwise provided by this title.
- G. An accessory building in excess of 12 feet in height or 200 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure.

H. Storage within a carport must be fully enclosed and not visible from the right-of-way or adjoining properties. Tent structures are prohibited for vehicle or storage uses.

~~19.120.140. Accessory housing units:~~

~~Repeated by Ord. 2447:~~

~~19.120.150. Animals:~~

~~Repeated by Ord. 2547:~~

19.120.160. Ham or amateur radio vertical tower antennas.

Antennas may extend to a height of 50 feet as measured from ground level; provided, that the base of such system is located no closer than 20 feet to any property line. The height may extend above 50 feet; provided, that it does not exceed a vertical distance equal to 80 percent of the lot width at the proposed antenna location, and the base of the antenna is set back from each property line at least one-half the height of the antenna. In no event shall a ham or amateur radio vertical tower antenna exceed a height of 100 feet.

(Ord. 2074 § 9.2(E), 1995; Ord. 2174 § 5, 1997)

19.120.165. Television (TV) satellite dish antennas.

- A. Purpose. The purpose of this section is to provide for safety and minimize the adverse visual and physical impacts of dish and satellite television antennas associated with providing television reception without disrupting signal reception for the user and the surrounding neighborhood. Dish antennas and similar structures are permitted in any zoning district.
- B. Permits. A building permit shall be required for installation of any dish or satellite antenna, or similar structure larger than 39 inches in diameter. All antennas shall comply with all applicable provisions of the Uniform Building Code and National Electrical Code, as adopted by the City of Mountlake Terrace.
- C. Guidelines. The following guidelines shall be utilized in determining a proper location for small (39 inches and larger) or large dish or satellite antenna systems:
 - 1. Satellite dish antennas may be mounted on buildings, but should be placed toward the rear or side of the buildings as much as possible to minimize the visual impact from the street.

2. No portion of any support or safety structures, including any guy wires and anchor points, may be placed closer than five feet to any side or rear property line and are prohibited within the minimum required front yard building setback area for the zone in which the system is located.
3. Ground-mounted satellite dish antennas shall be screened with sight-obscuring fences and/or landscaping to make them as inconspicuous as possible from the street and abutting properties.
4. Satellite dish systems or standard TV antennas shall not exceed the height limits for the zone in which they are located.
5. TV satellite dish antenna systems are not to be located within any easement area.
6. A maximum of one television satellite dish antenna per lot is allowed; however, this may be exceeded for sites in excess of one acre, at the discretion of the City.
7. The use of satellite or standard antenna systems for the support of signs or lights, except those required for aircraft warning or others required by the Federal Communications Commission (FCC), shall be prohibited.

19.120.170. Day care facilities.

- A. Evidence of the necessary state license is required prior to issuance of a City business license, conditional use permit, or certificate of occupancy for any day care facility including day care homes and day care centers.
- B. A fenced and screened outdoor play area shall be provided in compliance with state licensing requirements.
- C. Day care centers shall provide an off-street loading area for the safety of children and separation from vehicular traffic.

19.120.180. Critical areas:

~~Any development or redevelopment proposed within a critical area shall conform to the applicable regulations of this title and all City codes and regulations.~~

19.120.190. Exceptions to height, yard, and area requirements.

Day care facilities will need to be addressed in a different manner due to recent state law (SB 5509, 2025); a future work program item will come back to this section.

Unnecessary given Title 16

A. Exceptions to the Height Requirements. The following types of structures or structural parts shall not be subject to height limitations; provided, that structures or parts shall be 20 feet or more from any adjoining lot line; and provided, no usable floor space above the height limitations of such zoned district classification is added. See Chapter 19.137 MTMC (Wireless Communication Facilities) for regulations regarding heights of facilities for wireless communication.

1. Chimneys;
2. Church spires;
3. Fire or parapet walls;
4. Flagpoles;
5. Mechanical and elevator equipment;
6. Skylights;
7. Smoke and ventilating fans or similar equipment required to operate and maintain the building;
8. Stairways;
9. Tanks;
10. Utility and transmission line towers and poles.

B. Exception to Yard Requirements.

1. Yards and Open Spaces. Every required yard and required open space shall be unobstructed from the ground to the sky, except as provided in this section. No such yard or space shall be considered as providing required yard or open space for any other building or adjoining lot or parcel.
2. Consolidated Lots. When the common property line between two contiguous lots under common ownership is covered by a permitted building or group of buildings, such lots shall constitute a single building site, and the yard space as required by this title shall then not apply to such common property line.
3. Greater Yards and Open Space Not to Be Separated. Where a greater height of buildings has been accomplished by reason of providing increased yard or open spaces, or greater yards or open spaces are otherwise required by this title, no property may be separated from the lot or building site which would reduce the yards or open spaces so required.
4. Building Setbacks. Shall be measured from the edge of the public right-of-way as indicated by this title. No building permit shall be issued for construction upon any property where the required right-of-way as determined by this title or modified by the Planning

This and the next section should be its own dimensional provisions chapter at some point

Commission has not been deeded for public use. Existing buildings shall not be rendered nonconforming due to substandard setbacks or lot size when such substandard condition is the sole result of the public right-of-way acquisition.

5. Yard Exceptions – General.

- a. Architectural features of buildings such as chimneys, ornamental features, window awnings, roof overhangs, garden windows, or similar projections may project no more than two feet into a required yard.
- b. Uncovered porches, decks, steps, patios, and similar structures may extend into a required yard setback; provided, that they project into the front or side yard setback not more than four feet and/or a rear yard setback not more than 15 feet. Said structures shall not exceed 30 inches in height above the ground level at the building setback line, except for hand rails which may project 36 inches above said structure when installed for safety purposes.
- c. Covered Porches and Patios. Covered porches and patios may project into the required front yard setback not more than six feet. Such porches or patios may not be entirely enclosed, but may have a solid barrier or railing up to 36 inches in height above the walking surface. No other barriers of any type may be allowed above 36 inches from the walking surface. Such structures are limited to 15 feet in height to the midpoint of a pitched roof, or 12 feet in height for a shed roof.
- d. Bus Shelters. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a City, County, or municipal corporation are exempt from the front yard setback requirement in the applicable zone district.
- e. Service Station Pump Islands. Service station pump islands shall be located a minimum of 15 feet from the front property line, and canopies, as measured from the outer edge, shall be located a minimum of 10 feet from the front property line provided sight area clearance requirements are met.

C. Yard Exceptions for Special Lots.

1. Lots Accessed by Private Roads/Easements. Flexibility in determining the front lot line and subsequent side and rear lot lines of property adjacent to private roads and access easements shall be provided where, due to special circumstances associated with the physical character of the site, the front lot line is not located along the private road/easement. Requests to vary the location of the front lot line may be approved in order to accommodate emergency access vehicles,

minimize the number of variances, and ensure compatibility of the proposed lot configuration with the surrounding area. Said requests shall not be considered a request to vary the setback requirements specified in each zone district classification.

2. Corner Lots. Front lot lines on corner lots shall extend along both street frontages. The lot lines not considered front lot lines, located in the interior of the property, are deemed the side lot lines.
3. Irregular-Shaped Lots. For irregular-shaped lots, the line which is most clearly parallel to the street from which primary access is provided to the lot shall be deemed the front lot line. The line which is most parallel and opposite the front lot line shall be deemed the rear lot line. All other property lines shall be deemed side lot lines.
4. Triangular-Shaped Lots. For triangular-shaped lots which are not corner lots and for which no definite rear lot line exists, the required rear yard shall be determined as follows: an imaginary line shall be drawn which connects two points both measured along the property lines 40 feet from the intersection of the two property lines which are not the front lot lines. This line shall represent the limit of the required rear yard.

D. Exceptions to Lot Area Requirements. In any zone, a single-household dwelling may be constructed or enlarged, including accessory uses, on a lot which cannot satisfy the lot area requirements of the zone where the lot was legally created prior to the effective date of the ordinance codified in this title. This section shall not waive the dimensional requirements for yards, lot coverage, or height, etc. of the applicable zone in which the lot is located.

19.120.190. Exceptions to height, yard, and area requirements.

A. Exceptions to the Height Requirements. The following types of structures or structural parts shall not be subject to height limitations; provided, that structures or parts shall be 20 feet or more from any adjoining lot line; and provided, no usable floor space above the height limitations of such zoned district classification is added. See Chapter 19.137 MTMC (Wireless Communication Facilities) for regulations regarding heights of facilities for wireless communication.

1. Chimneys;
2. Church spires;
3. Fire or parapet walls;
4. Flagpoles;

5. Mechanical and elevator equipment;
6. Skylights;
7. Smoke and ventilating fans or similar equipment required to operate and maintain the building;
8. Stairways;
9. Tanks;
10. Utility and transmission line towers and poles.

B. Exception to Yard Requirements.

1. Yards and Open Spaces. Every required yard and required open space shall be unobstructed from the ground to the sky, except as provided in this section. No such yard or space shall be considered as providing required yard or open space for any other building or adjoining lot or parcel.
2. Consolidated Lots. When the common property line between two contiguous lots under common ownership is covered by a permitted building or group of buildings, such lots shall constitute a single building site, and the yard space as required by this title shall then not apply to such common property line.
3. Greater Yards and Open Space Not to Be Separated. Where a greater height of buildings has been accomplished by reason of providing increased yard or open spaces, or greater yards or open spaces are otherwise required by this title, no property may be separated from the lot or building site which would reduce the yards or open spaces so required.
4. Building Setbacks. Shall be measured from the edge of the public right-of-way as indicated by this title. No building permit shall be issued for construction upon any property where the required right-of-way as determined by this title or modified by the Planning Commission has not been deeded for public use. Existing buildings shall not be rendered nonconforming due to substandard setbacks or lot size when such substandard condition is the sole result of the public right-of-way acquisition.
5. Yard Exceptions – General.
 - a. Architectural features of buildings such as chimneys, ornamental features, window awnings, roof overhangs, garden windows, or similar projections may project no more than two feet into a required yard.

- b. Uncovered porches, decks, steps, patios, and similar structures may extend into a required yard setback; provided, that they project into the front or side yard setback not more than four feet and/or a rear yard setback not more than 15 feet. Said structures shall not exceed 30 inches in height above the ground level at the building setback line, except for hand rails which may project 36 inches above said structure when installed for safety purposes.
- c. Covered Porches and Patios. Covered porches and patios may project into the required front yard setback not more than six feet. Such porches or patios may not be entirely enclosed, but may have a solid barrier or railing up to 36 inches in height above the walking surface. No other barriers of any type may be allowed above 36 inches from the walking surface. Such structures are limited to 15 feet in height to the midpoint of a pitched roof, or 12 feet in height for a shed roof.
- d. Bus Shelters. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a City, County, or municipal corporation are exempt from the front yard setback requirement in the applicable zone district.
- e. Service Station Pump Islands. Service station pump islands shall be located a minimum of 15 feet from the front property line, and canopies, as measured from the outer edge, shall be located a minimum of 10 feet from the front property line provided sight area clearance requirements are met.

C. Yard Exceptions for Special Lots.

1. Lots Accessed by Private Roads/Easements. Flexibility in determining the front lot line and subsequent side and rear lot lines of property adjacent to private roads and access easements shall be provided where, due to special circumstances associated with the physical character of the site, the front lot line is not located along the private road/easement. Requests to vary the location of the front lot line may be approved in order to accommodate emergency access vehicles, minimize the number of variances, and ensure compatibility of the proposed lot configuration with the surrounding area. Said requests shall not be considered a request to vary the setback requirements specified in each zone district classification.
2. Corner Lots. Front lot lines on corner lots shall extend along both street frontages. The lot lines not considered front lot lines, located in the interior of the property, are deemed the side lot lines.
3. Irregular-Shaped Lots. For irregular-shaped lots, the line which is most clearly parallel to the street from which primary access is

provided to the lot shall be deemed the front lot line. The line which is most parallel and opposite the front lot line shall be deemed the rear lot line. All other property lines shall be deemed side lot lines.

4. Triangular-Shaped Lots. For triangular-shaped lots which are not corner lots and for which no definite rear lot line exists, the required rear yard shall be determined as follows: an imaginary line shall be drawn which connects two points both measured along the property lines 40 feet from the intersection of the two property lines which are not the front lot lines. This line shall represent the limit of the required rear yard.

- D. Exceptions to Lot Area Requirements. In any zone, a single-household dwelling may be constructed or enlarged, including accessory uses, on a lot which cannot satisfy the lot area requirements of the zone where the lot was legally created prior to the effective date of the ordinance codified in this title. This section shall not waive the dimensional requirements for yards, lot coverage, or height, etc. of the applicable zone in which the lot is located.

19.120.200. Fences, hedges, and rock walls.

- A. Height and Setback Limitations. Fences located on private property within 20 feet of any public right-of-way shall not exceed four feet in height. Exceptions to the four-foot height limitation include fences located along the street on the side of homes on corner lots, and fences located along the street in the rear of homes located on through lots. Fences located outside of the 20-foot front setback area and in the interior of the lot shall not exceed six feet in height.
- B. Fence height shall be the vertical distance between the top of the screening portion (including horizontal, vertical boards and lattice work) and the ground level directly below the screening portion of the fence, measured on the inside of the fence.
- C. Posts and Caps. Fence posts and decorative caps may extend not more than six inches in height above the maximum allowable height of the fence.
- D. Construction. Fences shall be constructed so the decorative side will be facing the street. In such case the decorative side shall be placed along the exterior side while the fence framing structure and cross braces shall face the interior side.
- E. Barbed Wire and Electric Fences.

- a. Commercial and industrial/office zoned property may use barbed wire fencing for security purposes when used in conjunction with other fencing materials, such as chain link. However, barbed wire is prohibited adjacent to residential uses and residential zone districts.
 - b. Barbed wire shall be placed no closer than six feet six inches to the ground and may extend above this height no more than 18 inches.
 - c. Barbed wire may be allowed for the containment of large domestic animals when approved as part of a conditional use permit.
 - d. In all cases "razor wire" fences and electric fences shall be prohibited.
- F. Hedges. Hedges and rock walls shall meet the same requirements as fences for height and location. For hedges, it is recommended that the plant materials selected be such that at maturity they will be within the height requirements for the desired location.
- G. Special Locational Provisions. No fence, hedge or rock wall shall be permitted which interferes with the sight area triangle, impedes the use of fire hydrants or blocks their view from the street, obstructs access to water meters, or overhangs pedestrian use areas so as to impede pedestrian circulation.
- H. Maintenance. All fences, hedges and rock walls shall be kept in a proper state of preservation and order so as not to be dangerous to human life or constitute a public nuisance or infringe upon the public's right of passage on sidewalks and streets. The area along fences located at, on, or near interior property lines shall be kept free of piled dirt and debris in order to provide fence owners access for maintenance purposes and prevent the deterioration of the fencing materials.
- I. Public Right-of-Way. All fences, hedges and rock walls constructed within the City right-of-way or easement areas shall comply with the regulations of Chapter 15.05 MTMC.
- J. Swimming Pools, Fences Required. Swimming pools must be enclosed within a fence that meets the height requirements of this title and all other City codes and regulations.
- K. Tennis Courts, Parks, or Athletic Fields. The type, size, location, and height of fencing proposed for tennis courts, parks, or athletic fields shall be exempt from the requirements of this section and shall comply with MTMC § 19.75.070(B).

19.120.210. Garage sales.

A. Restrictions. No person shall operate, conduct, manage, or permit a garage sale upon theirhis/her premises or other property under theirhis/her control more than three times per calendar year. The length of time for each garage sale shall not exceed ~~three consecutive days~~ (72 consecutive hours) per garage sale event. Goods displayed in any garage sale may not be displayed in the public right-of-way; provided, however, that the City Council may, upon adoption by proper motion, declare a specific day or days as a Mountlake Terrace City Wide Garage Sale Day(s) setting the time, dates, and hours thereof, which shall not be included in the calculation of the restriction of three garage sales per year as provided in this subsection. Garage sales may only be conducted between the hours of 8:00 a.m. to 7:00 p.m.

B. Garage Sale Signs.

1. Off-Premises Signs. No person shall place more than two garage sale signs, cards, or placards advertising a garage sale on any property other than the property owned by the person conducting the sale. The person shall obtain the consent of the owner prior to posting any off-premises sign on private property. Said signs shall not be posted more than 48 hours prior to the sale and shall be removed within 12 hours after the close of the sale event. Said sign(s) may be placed within the public right-of-way; provided, that the sign(s) does not encroach into a driveway, sidewalk, identifiable unimproved pedestrian walkway, or vehicular travel lanes; and is at least six feet from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted, tacked, nailed, or in any manner affixed upon any telephone or utility pole, street sign pole, or any other public sign, pole, or post and shall not exceed a maximum sign area of two square feet square in area and four feet in height.
2. On-Premises Signs. No person shall place more than two garage sale signs, cards, or placards advertising a garage sale on the property where the sale is to take place. Maximum sign area for on-premises sign(s) is two square feet square per sign, and no more than six feet in height. Said signs shall not be posted more than 48 hours prior to the sale and shall be removed within 12 hours after the close of the sale event All signs shall comply with the "sight area" restrictions under MTMC § 19.120.290, as amended.

19.120.220. Grading, filling, and drainage.

A. Clearing, Grading, Filling. An applicant shall indicate in the application for site plan or plat approval, the extent to which the land in the development is to be cleared, graded, or filled. The following are to be

used as guidelines in evaluating site plans and plats where such activities are to occur:

1. Any site alteration or site preparation is prohibited when it is accomplished prior to having an approved erosion control plan, grading permit, and site plan or tree removal plan. Minor site alteration which is necessary for boundary review or engineering studies is exempt from this subsection.
2. In order to maintain natural drainage systems and to prevent surface water pollution caused by increased runoff or fill materials, setbacks shall be required and maintained in any development having a ravine, steep slope, wetland, stream, or lake to preserve the natural system. In addition, grass-lined swales shall be required in conjunction with all major site development in order to filter impurities from water entering the stormwater system. Maintenance shall be assured through covenants, homeowner associations, or other means approved by the City of Mountlake Terrace.
3. Land designated as natural open space designated for preservation shall be protected from clearing, grading, and filling during the construction period. Soil, material, or equipment shall not be moved across or through any area designated as natural open space, except for the purpose of placing underground utilities or construction of certain community facilities or improvements specifically approved by City Engineering staff.

B. Additional Regulations. Additional regulations concerning drainage and erosion control are contained in the City's Stormwater Drainage Ordinance (Chapter 16.20 MTMC), Shoreline Management Act Implementation Ordinance (Chapter 16.10 MTMC), Critical Areas Ordinance (Chapter 16.15 MTMC), Chapter 15.05 MTMC and approved Engineering Details and Specifications as amended.

19.120.230. Home occupations.

A. Purpose. The purpose of this section is to prescribe the conditions and regulations under which home occupations may be conducted when accessory to a residential use. The conduct of business within a residential dwelling or accessory building may be permitted in residential and commercial districts under the provisions of this section as long as the home occupation is consistent with the existing character of the surrounding neighborhood as defined by the approval criteria. Using the approval criteria, it is the intent of this section to:

Home occupation provisions are outdated and should not cite specific "approved" occupations. Proposing to remove that but maintain the

*prohibited
occupations.*

1. Maintain and preserve the character of residential neighborhoods;
2. Ensure the compatibility of home occupations with other uses permitted in the residential and commercial districts;
3. Promote the efficient use of public services and facilities while assuring that home occupation users do not reduce the City's public services and facilities level of service to intended residential users; and
4. Encourage flexibility in the workplace and creativity in careers by permitting home occupations.

B. General Restrictions and Approval Criteria. Only home occupations that have a valid home occupation permit ~~or conditional use permit~~ shall be allowed ~~in a residential zone~~. Home occupations shall not be approved ~~or allowed~~ unless they meet the following criteria and conditions:

1. On-site operations of a home occupation must be conducted solely by the full-time resident(s) of the dwelling unit, except that one on-site nonresident employee is allowed.
2. Home occupations may utilize a maximum of 25 percent of the total square footage (up to 500 square feet) of all principal and accessory buildings on the property. Day care homes, as defined by this title, are exempt from meeting this requirement.
3. Home occupations shall not incorporate activity or equipment ~~that~~~~which~~ creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit, nor shall any home occupation require the use of electrical service and/or consumption that exceeds typical standards for residential use.
4. Home occupations shall not create noise, vibration, dust, fumes, odor, smoke, glare, fire hazard, or any other hazard or nuisance not normally associated with residential uses. Home occupations shall not use or store any hazardous material not allowed in residential dwellings as specified in the current edition of the International Fire Code.
5. The establishment and conduct of a home occupation shall not change the appearance and character of any dwelling unit as a residential use.

6. The conduct of any home occupation shall not reduce or render unusable areas provided for required off-street parking including, but not limited to, storage of vehicles or equipment. The applicant shall demonstrate that adequate parking exists for persons employed on the premises.
7. There shall be no exterior signs and not more than one interior sign visible from the exterior. The visible interior sign shall not exceed two square feet in area nor be illuminated by artificial light.
8. The home occupation, by itself, shall not generate more than 16 vehicular trips per day, unless otherwise authorized by federal or state "reasonable accommodation" rules. As used here, a trip is considered ~~either the arrival and/or~~ departure of a vehicle from the household. For example, one vehicle ~~visiting the residence is making a delivery and then leaving immediately would be~~ considered two trips, regardless of the length of stay.
9. A City of Mountlake Terrace business license shall be ~~required purchased from the City Clerk's office~~ and shall be ~~maintained through the purchase of an annual~~ renewed annually. If the license is not renewed within 30 days of expiration, the home occupation approval shall become null and void and a new application shall be required to reestablish the use.
10. A home occupation shall involve no outdoor storage of materials or supplies, construction materials, unfinished goods, or other items, unless screened from view.
11. No direct retail sales of any product shall be conducted from the structure or premises unless clearly incidental to any services rendered, except that sales of products produced on the premises and mail or ~~internet phone order~~ sales shall not be so limited.
12. Not more than one home occupation business-related vehicle ~~with that has~~ a gross vehicle weight of 10,000 or more pounds is permitted on-site and any such vehicle shall be wholly enclosed within a structure or building.
13. With the exception of the vehicle(s) of the home occupation residents and one on-site nonresident employee, no parking or storage of any home occupation-related vehicles or vehicles of home occupation-related persons is permitted on-site for more than two hours in any eight-hour period.

14. A home occupation shall not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood.
15. A home occupation shall not require the use of electrical or mechanical equipment that would change the fire rating of the dwelling or accessory building.
16. A home occupation shall not make use of automated or production line equipment at the home occupation site. All stock in trade that is produced on-site for resale purposes must be made by hand.

~~C. Approval Process and Inspections:~~

- ~~1.—No later than 10 days prior to rendering a decision for a home occupation that is subject to administrative review, a notice of intent to approve the administrative home occupation shall be posted on the subject site. Comments received will be considered in the preparation of a decision to approve or deny.~~
- ~~2.—In granting approval for a home occupation, the administrator or decision body may attach additional conditions to ensure the home occupation will not be detrimental to the character of the residential neighborhood.~~
- ~~3.—Any home occupation authorized under the provisions of this code shall be open to inspection (within 24 hours' notice) and review at all reasonable times by an authorized City official for purposes of verifying compliance with the approval criteria and other code provisions.~~

~~D. Home Occupations Subject to Administrative Approval. The following home occupations are subject to administrative review and approval, including any conditions, by the Planning Department. For occupations not included in this subsection, the applicant may seek a conditional use permit, as provided in subsection H of this section:~~

- ~~1.—Arts and crafts (handmade only);~~
- ~~2.—Barber shops;~~
- ~~3.—Beauty shops;~~
- ~~4.—Bookkeepers;~~
- ~~5.—Cabinet, carpentry work;~~
- ~~6.—Catering;~~
- ~~7.—Ceramic shops;~~

The process is also outdated and does not reflect current policies

Many of these occupations are obsolete; it's challenging to keep a list of occupations codified

- ~~8.—Composer;~~
- ~~9.—Computer consultants;~~
- ~~10.—Contractors, limited to back-office and administrative duties;~~
- ~~11.—Day care;~~
- ~~12.—Dog or cat grooming;~~
- ~~13.—Dressmaker, seamstress, tailor;~~
- ~~14.—Insurance agent;~~
- ~~15.—Janitorial services;~~
- ~~16.—Landscaping;~~
- ~~17.—Lawyers;~~
- ~~18.—Massage therapy;~~
- ~~19.—Medical services provided on premises;~~
- ~~20.—Photographer (no production studio);~~
- ~~21.—Physicians;~~
- ~~22.—Preschool;~~
- ~~23.—Professional services (engineer, planner, architect);~~
- ~~24.—Psychologist;~~
- ~~25.—Radio, TV, musical instrument and small appliance repair;~~
- ~~26.—Real estate licensee;~~
- ~~27.—Tax accountants;~~
- ~~28.—Teacher;~~
- ~~29.—Transcription services;~~
- ~~30.—Typing/word processing services.~~

~~E.—Any home occupation not shown under subsection D of this section may be approved only through a conditional use permit, consistent with conditional use permit requirements of Chapter 18.05 MTMC.~~

CF. Prohibited Home Occupations. The following uses are not permitted as a home occupation:

1. Kennels;
2. Stables;
3. Manufacturing processes or the handling or storage of substances that may be potentially hazardous or noxious to the residents or surrounding neighborhood, unless the method and amount of such substances to be manufactured, handled, or stored is similar to that which occurs in an ordinary household;
4. Restaurants;
5. Vehicle body repair;
6. Vehicle motor repair and service;
7. Spray painting;
- ~~8.—Microbrewers;~~
9. Repair of large appliances (refrigerators, stoves, etc., and other repair that would create noise, fumes, etc., such as lawn mower repair);

Microbrewers are no longer as impactful as they once were

- 10. Veterinary clinic or hospital;
- 11. Machine and sheet metal shops;
- 12. Uses that may include hazardous chemicals, dispensing of medical drugs, or other items that may potentially be hazardous to the surrounding area.

~~DG.~~ Exceptions. The following activities, so long as they do not exceed three consecutive days in duration and do not operate for more than twelve days in any one calendar year, ~~are shall be~~ exempt from the requirements of this section:

- 1. Garage and Yard Sales. To qualify for this exemption, all garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale;
- 2. Temporary home boutiques or bazaars for handcrafted items;
- 3. Parties for the display of domestic products;
- 4. Other similar short-term uses or sales.

~~H. Conditional Use Permit Process. An applicant may seek approval of any home occupation that is not included in subsections D or F of this section through the conditional use permit process, pursuant to applicable provisions of MTMC Title 18.~~

~~EI.~~ Denial of Application. An application for a home occupation shall be denied if the administrator ~~or decision body~~ finds that the application fails to comply with the provisions of this section. A denial shall include a statement of the specific reasons for denial of a home occupation and shall cite the specific provisions and sections of this title on which the denial is based. Such decision is final unless appealed pursuant to MTMC Title 18, as amended.

~~EJ.~~ Rescission of Permit. The home occupation must continue to meet the criteria and conditions of this section, including any additional conditions specified at the time of approval. A home occupation permit may be rescinded if the appropriate administrator or decision body finds that the home occupation is not being conducted in compliance with provisions of this section. Such decision is final unless appealed pursuant to MTMC Title 18.

~~K. Annual Review. An annual review of a home occupation may be done concurrently with the renewal of the business license. This review by the City shall include an assessment to ensure the home occupation is in~~

Requiring a CUP is burdensome for the applicant and staff and results in people running businesses without licenses

Annual reviews are also unduly burdensome. It is more reasonable

~~compliance with the original approval criteria. If the review indicates that the home occupation is not being conducted according to the approval criteria, or the use has become detrimental to the residential neighborhood, the renewal of the business license shall be denied, or shall have conditional approval after the situation has been addressed and corrected.~~

to require a new permit if the characteristics of the business change

19.120.240. Mailbox standards for new residential areas.

The purpose of this section is to establish uniform provisions consistent with the U.S. Postal Service requirements for residential mailboxes in new developments ~~(door delivery will no longer be extended to new areas)~~. It is intended to set forth requirements for mailbox standards to create convenient mail delivery points in new residential areas ~~to which will~~ promote and protect the physical appearance of the community, protect property values, and facilitate rapid mail service.

- A. The developer ~~shall~~**must** arrange with the local Postmaster an acceptable plan for providing mail service in new residential areas.
- B. The developer, after coordinating with the local Postmaster, ~~shall~~**must** submit ~~the~~**this** approved mail service plan to the City for review. All approved mail service plans ~~shall~~**must** be in conformance with the City's approved Engineering ~~Design Manual~~**Details and Specifications**.

19.120.250. Nonconformances.

- A. Purpose and Intent. This section sets forth the legal status of nonconforming uses, structures, and other site improvements and establishes when and under what circumstances nonconforming aspects of a use, structure, or development must be brought into conformance with the provisions of this title.
- B. Nonconforming Status. A legal nonconforming status shall exist under the following four provisions of this title:
 - 1. When a use, structure or site improvement was lawfully in existence and operating prior to the adoption of the ordinance codified in this title or subsequent amendment and, because of a change in the zoning regulations, no longer conforms to the regulations that applied in the district in which such use, structure or site improvement is located.
 - 2. When on the effective date of the ordinance codified in this title the use, structure or site improvement was a legal nonconforming use, structure or site improvement thereunder, and which use, structure or

Nonconforming uses and structures should be moved to its own chapter at some point – for now no changes made

site improvement still does not conform to the regulations of this title herein prescribed for the zoning district in which such use, structure or site improvement is located.

3. When a use, structure or site improvement, which does not conform to the regulations prescribed in the zoning district in which such use, structure or site improvement is located, was in existence at the time of annexation to the City of Mountlake Terrace and conformed to the Snohomish County regulations and has since been in regular and continuous use.
4. When a use lawfully existed or operated, and was legally permitted, prior to the adoption of the ordinance codified in this title, but which requires a conditional use permit under this title; unless and until that use is either terminated, abated, or is granted a conditional use permit. Any other nonconformance shall be treated as a violation and shall be subject to the enforcement provisions of this title.

C. Abandonment, Discontinuance, or Termination. A nonconforming use, structure, or building which has been abandoned, vacated, discontinued, or terminated for a continuous period of six months shall not be resumed, rebuilt or reoccupied except in conformance with the regulations of this title. The legal status of a nonconforming use, structure, or building that has been abandoned, discontinued or terminated for a period of six months shall expire and shall not be revived regardless of the owner's intent to abandon or not, except that the six-month period of abandonment, vacation, discontinuance or termination may be extended to a period not to exceed 12 months if the building is being actively repaired or renovated under an approved and active building permit, or is being actively marketed by a listing agent and has an active listing. A nonconforming building, structure or site improvement that has been demolished, disassembled, or otherwise removed, whether by intent or neglect, may not be reestablished except in the following situations:

1. The pavement of a nonconforming parking lot that has been in continuous active use for the past two years and that is associated with a permanent use of a site may be removed for repair or re-pavement purposes; provided, that it is repaved within 30 days of the removal of said pavement.
2. Structures or buildings that are damaged and that have not been otherwise abandoned or terminated for a period described in subsection C of this section may be restored pursuant to the provisions of subsection I of this section.

D. Additions – Enlargements.

1. A nonconformance related to the use of a property shall not be added to, enlarged, increased or extended in any manner to occupy a greater area of land or structure than was occupied on the effective date of the zoning code or amendment that made the use no longer permissible.
2. No nonconforming building, structure or site improvement shall be altered or changed in any way that increases its nonconformity.

E. Moving a Nonconformance. If a nonconforming structure or building is moved, it shall conform to the zoning district regulations in which it is to be located.

F. Change of Nonconformance. A nonconformance shall not be changed to another nonconformance. Any part of a building, structure, site improvement, or land area occupied by a nonconforming use may be changed to a use which is of the same or of a more restricted nature; but where the use of a nonconforming building, structure, site improvement, or land area is hereafter changed to a more restricted classification, it shall not thereunder be changed to a use of a less restricted classification.

G. Change of Tenancy or Ownership. There may be a change of tenancy, ownership, or management of an existing nonconforming use, structure or building, provided there is no change in the nature or character of such nonconforming use except to a conforming use.

H. Prior Nonconformance. Any nonconformance which under the prior Zoning Ordinance was nonconforming and was required to terminate by a certain date shall continue to be subject to the amortization provisions of the prior Zoning Ordinance.

I. Restoration of a Damaged Building.

1. If a nonconforming building that has not been otherwise abandoned or terminated under the provisions of subsection C of this section is damaged by sudden, accidental cause and the value of the damage repair does not exceed 50 percent of the assessed value of that building at the time of the damage according to the Snohomish County Assessor, the applicant may reconstruct that building. The reconstructed improvement may not be more nonconforming than it was immediately prior to the damage, and any improvements beyond

restoration to the predamaged condition shall not exceed the allowances under subsection L of this section. A building permit to rebuild the nonconforming structure or building must be applied for within six months from the day of the damage event, or the nonconformance shall be considered to be terminated and shall not be resumed or rebuilt.

2. If the value of the damage repair exceeds 50 percent of the assessed value of the structure or building at the time the damage occurs, the structure, the building, the use conducted in the building, and other site improvements that are accessory to the damaged building must conform to this title.

J. **Repair, Maintenance, and Safety of Nonconformance.** Repair and maintenance work may be undertaken on a nonconforming building, structure or site improvement in accordance with the requirements of the International Building Code or standard maintenance practices. Maintenance includes painting, patchwork, replacement of isolated and individual boards, trim, and siding pieces, replacement of flooring, roofing, furnaces, water heaters and similar products that naturally wear out and require replacement over time; provided, that replacement products and materials are of similar kind and quality as original products and materials.

K. **Demolition by Neglect.** Lack of maintenance either by the owner or the owner's agent that results in deterioration of structural members due to exposure to water or the elements, or that results in settling or sagging of roofs or foundations due to unchecked erosive or settling soils, and that subsequently requires replacement of more than isolated individual parts, components or material pieces, shall be considered demolition by neglect. Buildings, structures and site improvements so neglected may not be restored under the repair and maintenance provisions of subsection J of this section and are subject to the provisions of subsection C of this section. Nothing shall prevent the City from requiring repairs on any nonconformance to protect the public health and safety.

L. **Improvement of Nonconforming Structures or Buildings.** Improvements to nonconforming structures or buildings, including but not limited to upgrades in interior fixtures, installation of more energy efficient components such as windows, furnaces, water heaters and built-in appliances, and upgrading of doors, siding or roofing materials, are permitted in accordance with the International Building Code; provided, that (1) the improvements do not include any structural alterations to the structure or building (other than adjustment of demising walls and partitions), (2) the value of such improvements do not exceed 10 percent

of the assessed value of the structure or building at the time of the improvement, (3) the cumulative value of all improvements made since the structure or building became nonconforming does not exceed 25 percent of the value of the structure or building at the time of the latest proposed improvement, and (4) that the applicant agrees to an inspection of the nonconforming structure or building by City staff to evaluate and assess any previous improvements that may have been made to the structure or building. The City may require evidence of the cost or value of previous and/or proposed improvements prior to granting permits for proposed improvements.

- M. Exempt Improvements. Certain improvements that are specific to tenant or business needs may be exempt from the improvement value limitations under subsection L of this section if they are (1) the personal property of the tenant, (2) designed for easy removal upon a tenant's vacation of the premises, and (3) are removed upon tenant vacation of the premises. Such improvements include mounted booths, tables, seating, display cases, specialty tools, equipment and appliances (excluding ducted hoods) and similar items that are not vented or hard-wired, do not require structural alteration to install other than common blocking behind wall board, and that do not penetrate walls, floors or ceilings for any purpose other than mounting bolts that can be easily removed, with the resultant holes easily repaired by common spackling and paint methods. Also exempt are improvements that bring the structure or building closer to conformance with fire codes including alarm systems, fire sprinkler systems, and installation of egress doors and windows, when such features do not already exist.
- N. Nonconforming Lots of Record. Lots of record that do not conform to the dimensional requirements of this title may be used as otherwise permitted by this title if they conform to the provisions of MTMC § 17.01.080.
- O. Abatement of Nonconformance. Land uses, structures, site improvements or developments which do not conform to the regulations of this title can become nuisances, disrupt the orderly development of the City, and create unsafe, hazardous, and unhealthful conditions. The City of Mountlake Terrace declares that all nonconforming aspects of a structure, land use, site improvement or development shall be terminated as soon as it is reasonable, with consideration of the owner(s) and operator(s) of the nonconformances and the general welfare of the City. The specific process and procedure for abatement of violations of this title is outlined in Chapter 19.140 MTMC (Enforcement).

- P. Other Nonconformances. For regulations pertaining specifically to nonconforming parking situations, see MTMC § 19.125.030. For regulations pertaining specifically to nonconforming signs, see MTMC § 19.135.050(E).

19.120.260. Outdoor storage.

A. Residential Zones.

1. All various and sundry items (i.e., recreational equipment, lawn/garden care materials, firewood, household goods) that are traditionally associated with the primary use of a single or multi-household zoned property shall be permitted to be stored out-of-doors and shall be adequately screened from view from the street and adjacent properties. This provision does not pertain to such objects as landscaping figurines, permanent recreational facilities, or permanent lighting fixtures. Outside storage of materials associated with a home occupation, which is an accessory use to the principal use of the property, shall be prohibited. Vehicle storage shall comply with the requirements of MTMC § 19.125.070 and all related City codes and regulations.
2. Garbage Receptacles. It shall be unlawful to create junkyard conditions as defined in Chapter 19.15 MTMC by storing garbage not contained in an appropriate receptacle. All garbage dumpsters must be screened from view of the street and adjacent properties by a six-foot high sight-screening fence.

B. Commercial and Light Industrial/Office Park Uses. Outdoor uses and activities that are permitted in Commercial and Light Industry/Office Park zone districts shall be subject to the following requirements:

1. Specific Use and Development Requirements. The City will administratively review and either approve or deny any application for outdoor use, activity, and storage based on the following standards:
 - a. All outdoor use, activity, and storage areas except garbage receptacles must comply with required building setbacks for the primary use in accordance with the requirements of Chapters 19.20 through 19.105 MTMC.
 - b. The height of outdoor use, activity, or storage areas shall not exceed six feet above finished grade; provided, that if such outdoor area is surrounded on all sides by property zoned for industrial use and is screened from view from public streets, then

the height may be increased to a maximum height equal to the primary structure.

- c. The outdoor use, activity, or storage area shall not inhibit the safe vehicular and pedestrian movement to, from, and on the subject property in accordance with the requirements of the Zoning Code and standards of the Fire Department, Building Department, and the Public Works Department.
- d. If located on an unimproved area of the site, the underlying ground must be improved as required by the Planning Department.
- e. All open storage areas in LI/OP zoned properties shall be enclosed by a solid screen such as a wire and wooden slat fence or an attractive hedge or board fence at least six feet high.
- f. In case of the open storage of lumber, coal, or other combustible material, a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.
- g. All garbage dumpsters must be screened from view of the street and adjacent property, if said property is zoned other than LI/OP, by a minimum six-foot high sight-screening fence.

2. Modification. The applicant may request a modification of the requirements of subsection (B)(1) of this section by submitting a written request with their site plan to the Planning Department for review. The Planning Department may approve a modification if:

- a. The modification will not create a greater impact on any nearby residential use than would be created without the modification; and
- b. The modification will not detract from the character of nearby uses; and
- c. The modification will not be injurious to public health, safety, or welfare; and
- d. The modification complies with the Comprehensive Plan.

19.120.270. ~~Public right-of-way requirements, Prohibited use of public property, and conservation easements.~~

~~A. This title hereby establishes the Transportation Element of the City's Comprehensive Plan as the official Roadway Functional Classification Map. Minimum standards for street right-of-way are established in the City's Transportation Code, Chapter 19.95 MTMC, and supplemented by other regulations, as applicable.~~

~~AB. Public property and public rights-of-way shall not be used for camping, campfires, bonfires, or barbecues, except as allowed pursuant to MTMC~~

Adoption of the roadway classification map moved to Chapter 18.10

§ 19.111.030(B) or pursuant to a special event permit, or in City parks pursuant to MTMC § 12.10.010(J).

BE. Within any area for which conservation easements have been established by the City, no camping or campfires are allowed.

~~**19.120.280. Recycling services:**~~

~~A. Recycling Collection Stations. Receptacles for the collection of paper, metal, and glass shall be permitted in any RM, BC, CG, LI/OP, F/T, SDD, REC or PFS zones. Recycling receptacles may be permitted in an RS zone subject to an approved conditional use permit.~~

~~B. Use Restrictions. Activities conducted in conjunction with recycling collection stations shall be limited to the collection, sorting, loading, and transport of materials and maintenance of the recycling area. No processing of materials shall occur at the collection site.~~

~~C. Approval Process. Prior to the placement or operation of any recycling collection stations on any property, a drawing of the proposed stations' receptacles and a site plan indicating the proposed location of the receptacles shall be submitted to the Planning Department for their review and approval. The Planning Department or their designee may impose whatever conditions he/she feels necessary for the proper location and operation of recycling collection stations. Conditions may pertain to on-site location, setbacks from surrounding properties, sight-screening, receptacle design, size, and construction materials, types of materials collected, hours and days of operation, maintenance, number of receptacles, and termination of operation. Where the Planning Department determines that the proposed recycling collection stations are not compatible with other land uses in the immediate vicinity or not in the public interest, the request may be denied.~~

~~D. General Standards. No recycling collection station may be located in any area used to satisfy requirements of Mountlake Terrace development codes, including but not limited to required driveway, parking stalls, or landscape areas without an approved variance from the Hearing Examiner processed in accordance with the regulations of Chapter 19.110 MTMC (Zoning Permits).~~

~~E. Specific Standards:~~

~~1. Site Area Requirements. Recycling collection stations shall be provided in conjunction with all multi-household residential, commercial, and industrial site plan approvals subsequent to the~~

This section is unnecessary and duplicative of design standards

~~adoption of the ordinance codified in this title. The collection area shall be adequately sized to serve the needs of the site based on the projected number of occupants.~~

~~2.—Receptacles. All receptacles shall be constructed to be water-tight, including a cover for the protection against rain. Receptacles shall be designed to discourage entry by animals and small children. Each receptacle shall be visibly labeled to identify the type of material collected, as well as the name, address, and telephone number, and the party responsible for the maintenance and operation of the receptacle.~~

~~3.—Maintenance. All recycling collection stations and the grounds appurtenant thereto shall be maintained in a safe and sanitary condition. All materials to be recycled shall be kept inside the receptacles, with the surrounding premises kept free of debris.~~

~~F.—Retroactive Requirements. All existing multi-household residential, commercial, industrial and public use (churches, schools, municipal) facilities shall provide recycling collection stations on-site and conform to the regulations of this section to the greatest extent practical and without significantly compromising full compliance with other applicable zoning regulations.~~

19.120.290. Sight areas – Intersections – Restrictions.

- A. Purpose and Intent. The purpose of the following regulations is to ensure that adequate sight clearance is provided for motorists approaching intersecting streets and driveways from all directions of travel. Private driveways associated with single-household residences shall be specifically exempted from the following sight area triangle requirements.
- B. Sight Area Triangle Measurements.
1. Street Intersections. Except as further described, sight area triangles shall be calculated consistent with intersection sight triangle procedures presented in the latest edition of "A Policy on Geometric Design of Highways and Streets" published by the American Association of State Highway Transportation Officials and be based on the appropriate stopping sight distance defined in this publication.
 2. Street/Driveway Intersections. Where a private driveway serving more than eight dwelling units or any nonresidential driveway intersects with a street, roadway, or highway, the sight area triangle shall be

measured as described in the City's Engineering [Design Manual](#) [Details and Specifications](#).

C. Restrictions on Obstructions. The following restrictions apply to all sight area triangles:

1. It shall be unlawful to set out or maintain any fence, sign, hedge, shrubbery, natural growth, or other obstruction to the view between three and one-half and eight feet above the elevation of the center of the roadways or roadways and driveways forming the sight area triangle.
2. Exceptions. The restriction of obstructions shall not extend to existing permanent structures, public utility poles, traffic signs, trees trimmed (to the trunk) at least eight feet above the elevation of the pavement edge, saplings or plant species of open growth habits and not planted in the form of a hedge which are so planted or trimmed as to leave, at all seasons, a clear and unobstructed cross-view; under signs mounted more than 10 feet above the ground and whose supports do not constitute an obstruction.

D. Special Cases. Where unusual conditions preclude the application of the foregoing provisions of this section in a reasonable manner, or where special viewing problems may exist, the City of Mountlake Terrace Traffic Engineer will determine an appropriate sight area triangle based on the intent of this section.

19.120.300. Street lighting.

Street lighting shall be provided along public rights-of-way in conjunction with single-family subdivisions consisting of three or more lots, all multi-household residential, commercial, and industrial development approved subsequent to the adoption of the ordinance codified in this title in conformance with [the adopted](#) ~~approved~~ Engineering [Design Manual](#) [Details and Specifications](#).

19.120.310. Low impact development (LID).

In order to increase opportunity for LID implementation, flexibility may be provided by the Community [and Economic](#) Development Director or Public Works Director regarding locations of building footprints, walkways, easements, landscaping, or utilities. This incentive applies to the portion of the project site utilizing LID principles. The remainder of the project site [shall](#) ~~must~~ comply with the underlying zoning and stormwater development regulations. No changes that negatively impact International Fire Code standards as adopted in Chapter 15.10 MTMC will be permitted.

19.210.320 Temporary Uses.

*Moved from Ch.
19.110*

- A. Intent and Purpose. The intent and purpose of this section is to provide for uses of land and structures on a temporary basis. A temporary use is not exempt from the construction and fire code requirements adopted in MTMC Title 15. Temporary structures or buildings that have mobility gear equipment shall not have said gear removed from the structure and shall not be permanently affixed to the site.
- B. Temporary Accessory Uses – No Temporary Use Permit Required. The following uses may be allowed without a temporary use permit accessory to a permitted use in accordance with the regulations of the zone classification in which it is located.
1. Construction Buildings. Temporary structure for the housing of tools and equipment or containing supervisory offices in connection with major construction projects may be established and maintained during the progress of such construction on such projects in accordance with all applicable codes and regulations and shall be removed within 30 days following issuance of the certificate of occupancy.
 2. Temporary Real Estate Office. One temporary structure used for a real estate sales office may be located on any new project in accordance with all applicable codes and regulations, provided the activities of such office shall pertain only to the project where the office is located. For any single-household subdivision project, the temporary real estate office shall be removed at the end of a 12-month period measured from the date of the recording of the final plat of the subdivision. For all other projects, the temporary real estate office shall be removed within 30 days after the issuance date of an occupancy permit.
 3. Temporary Housing Unit. With approval from the Director, a temporary housing unit for construction may be placed on a lot for occupancy during the period of time necessary to repair damage of a principal residence on the same lot, provided:
 - a. The temporary housing unit is removed from the site within six months;
 - b. The unit meets minimum setback regulations for a principal structure as required by the applicable zoning district and all applicable codes and regulations; and
 - c. A valid building permit is issued by the Building Department for a permanent structure on the lot.

4. Fund Raising Activities for Nonprofit Organizations. Fund raising activities promoted or sponsored by nonprofit organizations, including but not limited to special events such as musical entertainment, vehicle shows, rodeos, carnivals and circuses, shall be allowed on a temporary basis in accordance with Chapter 10.20 MTMC and all other applicable City codes and regulations.

C. Temporary Accessory Uses – Permit Required – Peddlers, Solicitors, and Temporary Sales Yards. Any person, firm, organization, or corporation who displays goods for sale, peddles food items, or solicits the sale of goods or wares, including, but not limited to, Christmas trees, flowers, or any food item, and who remains in one location for a period of greater than one hour, shall first obtain a temporary use permit from the Community Development Director and a City business license if required. These businesses shall be conducted only on private commercial or light industrial zoned properties.

1. A temporary use permit for peddlers, solicitors, and temporary sales yards shall require an application signed by the owner of the property on which the activity will occur. The review shall include location of all structures, objects, or things of any nature whatsoever appurtenant to the activity for the purpose of assuring compliance with all provisions of this title, and any other pertinent requirement of state and local law or regulation.
2. A time limit for the use shall be determined by the Community Development Director. The requested time limit shall be stated on the application and may be reduced for any cause related to safety, health, and general welfare of the public. Time extensions may be allowed subject to the approval of the Community Development Director.

D. Food Vendors – Mobile. To provide for food vendors to operate at a specific location, on a temporary basis, and for a limited period of time.

1. Definition. "Mobile food truck/vendor" means a licensed and operable motor vehicle or trailer, or a push cart, used to serve, vend, or provide food (hot or cold meals, snacks, or nonalcoholic beverages) for human consumption.
2. Private Property. Temporary use permit approval is required when located on private property, is valid for a 12-month period, and is subject to meeting all of the following general standards:

- a. Meets the definition of "mobile food truck/vendor";
 - b. Is located in a commercial or light industrial zoning district. (In residential zones, a special event permit is required in conformance with Chapter 10.20 MTMC);
 - c. No more than one mobile food truck/vendor can be located on a site at any given time. The allowance of more than one food truck/vendor on a property is only permitted with the approval of a special events permit as provided for in Chapter 10.20 MTMC;
 - d. No alcoholic beverages. No cannabis related products;
 - e. Does not block fire lanes, or drive aisles, or pedestrian access to businesses or the public sidewalk;
 - f. Parked a maximum of once a day, up to six hours, on a site/property;
 - g. Hours of operation can occur no earlier than 6:00 a.m. and no later than 9:00 p.m., including clean-up time;
 - h. Trucks can be parked no more than four days a week;
 - i. No overnight parking or storage of the food truck is allowed, including no portion of the vendor's inventory, sales equipment, or any other objects associated with the vendor;
 - j. No excessive smoke associated with food preparation can occur;
 - k. No mechanical audio or noise making devices and no hawking is allowed. Hawking is the loud, repeated oral solicitation of business by the vendor or assistant;
 - l. Possess a current City business license;
 - m. Has obtained necessary permits from the Snohomish Health District;
 - n. Meets South County Fire District requirements;
 - o. Provides waste collection receptacles, and keeps area clean and free of litter, food and beverage wastes, or other trash. Waste collection receptacles should be placed near the curbside space the food truck occupies and not limit the pedestrian walkway to less than five feet wide. Compost and recycling receptacles are encouraged. Trash must be removed with truck on a daily basis and emptied regularly during the day should they become full during the period the food truck is in operation;
 - p. Folding menu boards, if used, should be placed near the curbside space the food truck occupies and walkways shall be kept clear to a width determined by staff and not limit the pedestrian walkway to less than five feet wide;
 - q. The City reserves the right to limit the number of food truck/vendor permit sites in any given area of the City.
3. In Right-of-Way. A right-of-way use permit is required when located in City right-of-way as defined in this section, subject to meeting all of the following:

- a. Right-of-way includes any public street, or sidewalk or parking lane, improved or unimproved;
 - b. Obtain a right-of-way use permit for each location;
 - c. Meets all of the requirements in subsection (D)(2) of this section;
 - d. Provides any required insurance and/or indemnification; and
 - e. Any other filing requirements requested by the Director and/or conditions of approval.
4. To locate in a City park or other City-owned land (not right-of-way):
- a. Contact the Recreation and Parks Department Director for approval of concessions permit;
 - b. Obtain a temporary use permit per MTMC § 10.20.180(C);
 - c. Meets all of the requirements in subsection (D)(2) of this section;
 - d. Provides any required insurance and/or indemnification. Vendors selling product on public land are subject to the leasehold excise tax, Chapter 82.92 RCW;
 - e. Provides any required insurance and/or indemnification; and
 - f. Any other filing requirements requested by the Director and/or conditions of approval.
5. Special Events. Any food vendor activity that is defined per Chapter 10.20 MTMC may need to obtain a special event permit in lieu of, or in addition to, the requirements set forth in this section.
6. Violations and Enforcement. Violators and violations of this section are subject to any applicable code enforcement actions and penalties per City Code, including but not limited to Chapters 8.30, 13.10, and 19.140 MTMC.

19.120.330 Certificates of Occupancy

No change of use within an occupied structure or portion thereof, or establishment of a new use in an unoccupied structure or portion thereof, with the exception of single-household residences, shall occur without issuance of a certificate of occupancy pursuant to Title 15. The Community Development Department shall review all occupancy requests for compliance with the requirements of this title and all applicable City codes and standards.

- A. New Construction. A certificate of occupancy shall not be issued for new construction until the following are provided in conformance with the regulations of this title, or necessary performance guarantees provided: landscaping, parking and loading, recreational requirements for multiple-household projects, signs, and outdoor storage.

Relevant portions moved from Ch. 19.110

B. Existing Development. The Director shall have the authority to allow a lesser degree of conformance with the required site improvements listed above prior to the issuance of a certificate of occupancy, for reuse of an existing building in cases where conformance to the standards and specifications listed above renders unreasonable hardship to the property owner or is deemed advisable due to seasonal or economic considerations.

ADMINISTRATION & PROCEDURES

- Update administrative procedures and permit process for compliance with Local Project Review Act (36.70B RCW and 2023 amendments)
- Consolidate and reorganize
- Correct inconsistencies and conflicts
- Streamline processes where possible
- Ensure complete information provided
- Ensure code matches policy

CHAPTER 18.05 MTMC

Pg. 32-69

ADMINISTRATION & PROCEDURES

- *Repeal and replace*
- Needs to be updated to accommodate requirements of SB 5290 (2023)
- Incorporate regulations from Chapters 18.25 and 19.10, which are largely duplicative
- Has sections that are unrelated and better addressed elsewhere (Comprehensive Plan and rezone procedures)
- Adding sections that should be addressed for legal protection
- Clarifying this chapter applies to Titles 16, 17, 18, and 19
- Delete annexation section

CHAPTER 18.10 MTMC

Pg. 70-74

COMPREHENSIVE PLAN

- *Amend*
- Chapter doesn't currently address the amendment process; adding from Chapter 18.05
- Remove specific dates from referenced plans; add “as amended”
- Formally adopt roadway classification map
- Improve language to address annual docketing process

CHAPTER 18.25 MTMC

PUBLIC NOTIFICATION – MAJOR LAND USE

- *Repeal*
- Procedures related to the development application process, specific to public notice
- There is a public notice section in Chapter 18.05
- Having application procedures in two locations causes confusion and increases potential to miss critical steps
- Propose to relocate the notice procedures to Chapter 18.05 and repeal this chapter

CHAPTER 19.10 MTMC

ADMINISTRATION

- *Repeal*
- Chapter duplicates some of the administration portions of Chapter 18.05 with the intent of applying to Title 19
- Unclear whether Chapter 18.05 was also intended to apply to Title 19
- Some language is duplicative and some is slightly contradictory
- Propose to pull relevant portions to Chapter 18.05 and repeal this chapter

CHAPTER 19.110 MTMC

Pg. 75-92

ZONING PERMITS

- *Amend*
- Chapter contains multiple approval types, although not all of them are technically zoning permits
- Not intuitive to look in this chapter for many of the topics addressed
- Propose to remove unrelated topics and address them elsewhere (temporary location for now) so the title is not misleading
- Propose revisions to the Site Development Plan section

CHAPTER 19.120 MTMC

Pg. 93-127

GENERAL PROVISIONS

- *Amend*
- Chapter contains multiple topics, many are very outdated
- Propose “light touch” approach at this time to improve administration and make code match process
- Includes revisions to Home Occupation section
- Add temporary permits and certificates of occupancy from Chapter 19.110

QUESTIONS & NEXT STEPS

Adoption

- Legal review complete
- Procedural in nature
- Tentative City Council adoption in June or July

Item: 7.



PLANNING COMMISSION STAFF REPORT

FROM: Brooke Eidem, Community Development Director

DATE: May 11, 2026

SUBJECT: Mixed Use District

SUBJECT SUMMARY:

The Mixed Use District includes the Neighborhood Mixed Use (NMU) and Gateway Mixed Use (GMU) zones, adopted with the 2024 Comprehensive Plan. This project will adopt regulations for these zones and eventually implement them on the Zoning Map.

BACKGROUND / ANALYSIS:

The policy-level work for the NMU and GMU zones has been done, as they were adopted on the 2024 Comprehensive Plan Map and addressed in some level of detail in the text of the Comprehensive Plan. However, the accompanying regulatory tools have not yet been adopted. Staff has begun planning engagement activities with the community at-large and with directly affected residents of each mixed use area.

It is important to first understand the hard work that has been done to establish guidelines moving forward. The Comprehensive Plan was adopted with a tremendous amount of public input, and the Mixed Use District was envisioned to be neighborhood-serving nodes that would act as transitions between land uses and reduce vehicle dependence in Mountlake Terrace. The Information below comes from the Land Use Element of the Comprehensive Plan, and provides a lot of guidance for establishing development regulations.

Gateway Mixed Use (GMU): The purpose of the Gateway Mixed Use land use designation is to provide land for commercial and multifamily mixed-use buildings with service oriented non-residential uses (retail, restaurants, hotels, etc.), that serve the community, have more regionally scaled commercial uses and transit-oriented development, taking advantage of the proximity of I-5 and the Mountlake Terrace Light Rail Station. These buildings will have a minimum height of 6 stories, and a maximum height of 12 stories.

Neighborhood Mixed Use (NMU): The purpose of the Neighborhood Mixed Use land use designation is to provide land at efficient densities for multifamily residences and encouraging the development of mixed use buildings with resident-oriented ground floor active uses to provide for the day-to-day needs of residents and the surrounding community. This designation encourages a clean and healthy environment, safety, walkability, neighborliness, affordability or a range of income levels, and convenient access to public transit, goods, and services. These buildings would have a maximum

height of 4 to 6 stories, and these lots would serve as small commercial nodes in residential neighborhoods throughout the City, as a transitional zone between residential land uses and higher intensity primarily commercial areas.

The Mixed Use District is mentioned twice more in the subareas section of the Land Use Element, providing more context:

"...there is a small Neighborhood Mixed Use center in the northeast portion of the subarea, to provide resident-oriented services." (pg. 112)

"The Land Use Map identified in this element includes the addition of the Neighborhood Mixed Use area to provide opportunities to create gathering or third places and to create a walkable amenity center for Cascade View residents." (pg.112)

With this information, we can determine building height requirements (minimum and maximum in GMU, and a maximum in NMU), and general land use types. At this preliminary stage of the project, staff is requesting feedback from the Planning Commission on permitted land uses.

Potential Use	NMU	GMU	Additional Provisions
Detached singles			Only as permitted pre-existing uses (not with a non-conforming status)
Rows	P		
Multi-unit apartment	P	p ¹	¹ In conjunction with a street-facing, ground floor commercial use
Live-work unit	P	P	
Group homes	P	P	
Assisted living	P	P	
Co-housing	P	P	
Commercial retail	P	P	
Daycare center	P	P	
Eating/drinking establishment	P	P	
Entertainment, indoor		P	
Financial institution	P	P	
Health/fitness club	p ²	P	² Limited to 10,000 square feet gross floor area

General service			
Hotel/motel		P	
Medical clinic	P	P	
Personal services	P	P	
Professional office	p ³	P	³ Limited to 2,000 square feet gross floor area
Artisan manufacturing	P	P	
Public utility facilities			
Public service facilities	P	P	
Home Occupations	P	P	
Plazas, courtyards	P	P	

Applicable Comprehensive Plan Policies:

- **EV-1.2** Leverage planning and public investments to retain, expand, and attract businesses and promote housing near Town Center, identified mixed use and neighborhood centers, and public transit, to encourage a closer balance between jobs and housing in the region.
- **EV-1.9** Expand opportunities for residents to access goods and services by supporting the development of new businesses in Town center and identified Mixed Use and Neighborhood Centers.
- **EV-2.9** Prioritize support to small, locally owned businesses and women- and minority-owned businesses for locating in Town Center and identified mixed use, and neighborhood centers.
- **EV-3.2** Support development patterns in Town Center and identified mixed use and neighborhood centers that provide pedestrian-level shopping, dining, and service opportunities, supporting a vibrant and active pedestrian experience.
- **EV-3.3** Recognize the importance of multimodal connectivity and the active transportation network in promoting economic development in Town Center and

identified mixed use and neighborhood centers.

- **LU-2.6** Support the development of Town Center and identified mixed use centers as compact, walkable, pedestrian friendly, regional draws.
- **UT-1.2** Leverage planning and public investments to retain, expand, and attract businesses and promote housing near Town Center, identified mixed use and neighborhood centers, and public transit, to encourage a closer balance between jobs and housing in the region.

LINKS:

[Vision 2044 Comprehensive Plan](#)

ATTACHMENTS:

1. Powerpoint Presentation

MIXED USE DISTRICTS

- Vision 2044 provided the framework for
 - Character
 - Generalized uses
 - Specific building heights
 - Locations (adopted on the Future Land Use Map)
- Gateway Mixed Use (GMU)
 - Current Freeway/Tourist District
 - Mixed use and service oriented non-residential (e.g., retail, restaurant, hotel)
 - Regionally scaled and transit-oriented development adjacent to light rail
 - Min 6 stories, max 12 stories building height
- Neighborhood Mixed Use (NMU)
 - Located throughout residential areas
 - Resident-oriented ground floor uses to serve neighborhood
 - Max 4-6 story building height (no minimum in Comp Plan)

PERMITTED USES – NMU/GMU

Land Use	NMU	GMU	Provisions
Detached singles			Only as permitted pre-existing (not non-conforming)
Rows	P		
Multi-unit apartment	P	P ¹	¹ In conjunction with a street-facing, ground floor commercial use
Live-work unit	P	P	
Group homes	P	P	
Assisted living	P	P	
Co-housing	P	P	
Commercial retail	P	P	
Eating/drinking establishment	P	P	
Entertainment, indoor		P	
Financial institution	P	P	
Health/fitness club	P ²	P	² Limited to 10,000 square feet gross floor area
General service			

PERMITTED USES – NMU/GMU

Land Use	NMU	GMU	Provisions
Hotel/motel		P	
Medical clinic	P	P	
Personal services	P	P	
Professional office	P ³	P	³ Limited to 2,000 square feet gross floor area
Artisan manufacturing	P	P	
Public utility facilities			
Public service facilities	P	P	
Home occupations	P	P	
Plazas, courtyards	P	P	
Schools			
Parking			
Community/recreation/cultural			
Daycare center			

QUESTIONS & NEXT STEPS

Public engagement

- Building styles survey open now: www.surveymonkey.com/r/62SCPMH
- Neighborhood meetings June 16 and 17

Planning Commission discussions

- June 4: Dimensional and pedestrian access
- June 22: Review public input, design standards