



AGENDA

1. Call to Order
2. Attendance Roll Call
3. General Public Comment
4. Review Interlocal Agreement With Snohomish County PUD for Main Street
5. Review Resolution Accepting Main Street Grants and Budget
6. Review Ordinance Adopting Code Amendments to Chapters 19.30 and 19.32 for Residential Districts
7. Review Ordinance Adopting Code Amendment to Chapters for Administration Procedures
8. Review Resolution Adopting Policies for Property Addresses
9. Review Ordinances Modifying Title 2 of the Mountlake Terrace Municipal Code
10. City Manager's Report
11. Review June 18, 2026 Meeting Agenda
12. Council Comments
13. 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 810 1113 9518 and click "join." No passcode needed.

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/129/Agendas-and-Minutes>.

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.



STAFF REPORT

To: Mountlake Terrace City Council

From: Gary Schimek, Public Works Director

Meeting Date: June 11, 2026

Subject: Review Interlocal Agreement With Snohomish County PUD for Main Street

Required Reviews:

Jennifer Joki	Created/Initiated - 06/02/2026
Gary Schimek	Approved - 06/04/2026
Sirke Salminen	Approved - 06/04/2026
Hillary Evans	Approved - 06/04/2026
Carolyn Hope	Final Approval - 06/04/2026

Council Goal(s):

Responsible Governance to Ensure Desired Level of Service

Legislative History:

N/A

Subject Summary:

The City is close to starting construction of Phase II of the Main Street Reconstruction Project, located along 56th Avenue W, from 236th Street SW to 232nd Street SW. The Project will include roadway reconstruction and widening, as well as the construction of wider sidewalks. As part of the Project, the City requires Snohomish County Public Utilities District and other utilities present within the Project limits to replace their existing overhead utility systems with underground utility systems. This agreement defines the terms for which the City shall pay the District's costs to complete the conversion of its overhead system to an underground system. Regarding the overall costs of the conversion, the District shall credit the City for the estimated costs of an overhead-to-overhead relocation of its electric system and District Betterments.

Financial/Budget Impacts:

Budget Amendment No
Required? _____

Budget and Sources:	Main Street Phase 2 Construction Project
Expenditure:	\$948,000 (See Attachment)

New Appropriation Required + Sources:	Main Street Phase 2 Construction Project
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Additional Financial Information:

N/A

Community Notifications:

City Council Agenda

If "Other," please specify:

Board/Commission Recommendation:

N/A

Staff Recommendation:

Staff recommends the City Council vote to adopt the interlocal agreement. This can be accomplished by adding it to the Consent Agenda on June 18, 2026.

Council Motion:

N/A

Attachments:

- 1. Interlocal Agreement with Snohomish County PUD for Main Street Exhibit
- 2. Interlocal Agreement with Snohomish County PUD for Main Street (Draft)



Providing quality water, power and service at a competitive price that our customers value

May 8, 2026

Gary Schimek
City of Mountlake Terrace
6100 219th Street SW, Suite 200
Mountlake Terrace, WA 98043

RE: Cost Estimate for Relocating/Undergrounding District Facilities for Main Street Revitalization Project, Phase II

Dear Mr. Schimek:

Thank you for your inquiry concerning District's costs associated with relocating and undergrounding our electrical facilities along 56th Ave W to accommodate Phase II of the City's Main Street Revitalization Project. The District and the City are currently in the process of developing an Interlocal agreement for this work.

We estimate the cost for the District's undergrounding effort to be approximately \$1,425,000. This amount represents an estimate of the costs of relocating the aerial electrical distribution system and converting it to an underground electrical distribution system including PUD support for service conversions. Please note, per the language in the Interlocal Agreement, the City will pay the actual cost for this work on a time and materials basis.

Please note, per the language in Section 5.1.A of the draft Interlocal Agreement, I am also providing an estimated amount (\$477,000) to be credited against the City's costs. This fixed credited amount represents the estimated cost that the District would pay for a like-for-like relocation of its electrical distribution system along this same corridor. Given this credit, the City should estimate its cost from the District to be approximately **\$948,000**.

In addition, the District will be responsible for costs associated with any betterments to its electrical system not associated with undergrounding the existing system. The City will be responsible for providing the District with a detailed cost estimate for those improvements. The cost of these betterments will be applied as an additional credit to the City in accordance with the terms of the Interlocal Agreement.

I recommend referring to the draft Interlocal agreement for additional information on the scopes of work, requirements, and role/responsibilities for each party.

If you have any questions, or if I can offer further assistance, please e-mail me at jcdahlbeck@snopud.com or call me at 425-783-4489 between 6:00 a.m. and 4:30 p.m. Tuesday through Friday

Sincerely,

A handwritten signature in blue ink, appearing to read "J.C. Dahlbeck".

J.C. Dahlbeck
Project Manager III
Snohomish County PUD #1

Cost Estimates — MLT Main Street Phase 2

Prepared from attached estimating spreadsheets (UG Install and OH Like-for-Like Credit).

Exhibit A — Underground Relocation Project

Project: MLT Main St Phase 2 | W.O. #: 100090585 | Estimate Date: 05/08/2026

Summary

Cost Element	Amount
Construction Labor (loaded)	\$212,723.48
Engineering Labor (loaded)	\$30,451.04
Materials (incl. Stores O/H)	\$793,961.36
Transportation / Equipment	\$113,133.44
Miscellaneous	\$500.00
SUBTOTAL (before A&G)	\$1,150,769.32
Capital A&G (15.8%)	\$144,534.56
GRAND TOTAL	\$1,295,303.89
Contingency (10%)	\$129,530.39
QUOTE AMOUNT	\$1,424,834.28

Labor Detail (Construction)

Loaded labor rates include: 5% supervisory overhead, 61% labor overhead (straight time), and 16% overtime overhead (overtime).

Labor Classification	Reg Hrs	Reg Base \$/Hr	Reg Loaded \$/Hr	Reg \$	OT Hrs	OT Base \$/Hr	OT Loaded \$/Hr	OT \$	Total \$
Five-man crew	288	\$356.31	\$591.47	\$170,344.68	20	\$712.62	\$862.27	\$17,245.40	\$187,590.09
Crew Coordinator	20	\$89.99	\$149.38	\$2,987.67	0	—	—	\$0.00	\$2,987.67
Inspector	80	\$89.99	\$149.38	\$11,950.67	0	—	—	\$0.00	\$11,950.67
Serviceman	40	\$84.25	\$139.85	\$5,594.20	0	—	—	\$0.00	\$5,594.20
Journey Meterman	40	\$69.29	\$115.02	\$4,600.86	0	—	—	\$0.00	\$4,600.86
TOTAL CONSTRUCTION LABOR				\$195,478.08				\$17,245.40	\$212,723.48

Engineering Detail

Role	Reg Hrs	Reg Base \$/Hr	Reg Loaded \$/Hr	Reg \$	Total \$
Engineer	200	\$69.30	\$115.04	\$23,007.60	\$23,007.60
Drafter	40	\$51.33	\$85.21	\$3,408.31	\$3,408.31
Real Estate Agent	40	\$60.77	\$100.88	\$4,035.13	\$4,035.13

Materials Detail

Materials Component	Amount
Stock Materials	\$650,788.00
Special Purchase	\$0.00
Stores Overhead (22%)	\$143,173.36
TOTAL MATERIALS	\$793,961.36

Transportation / Equipment Detail

Activity	Hours	Rate	Cost
Pickup Trk/Flagging Tk	308	\$48.61	\$14,971.88
Pole Trailer	8	\$14.41	\$115.28
DBL Prsnl Lift	80	\$68.03	\$5,442.40
Digger Derrick	16	\$112.84	\$1,805.44
Flatbed Truck	308	\$88.03	\$27,113.24
UG Mud Truck	308	\$71.91	\$22,148.28
UG Puller	80	\$13.36	\$1,068.80
UG Digger Truck	308	\$131.39	\$40,468.12
TOTAL TRANSPORTATION			\$113,133.44

Miscellaneous Detail

Item	Amount
Easement Costs	\$0.00
Permits	\$500.00
TOTAL MISC	\$500.00

Exhibit B — Like-for-Like Credit

Project: MLT Main St Phase 2 | W.O. #: 100090585 | Estimate Date: 05/08/2026

Summary

Cost Element	Amount
Construction Labor (loaded)	\$126,396.50
Engineering Labor (loaded)	\$10,691.73
Materials (incl. Stores O/H)	\$85,400.00
Transportation / Equipment	\$59,946.52
Miscellaneous	\$100,500.00
SUBTOTAL (before A&G)	\$382,934.75
Capital A&G (15.8%)	\$50,447.81
GRAND TOTAL	\$433,382.56
Contingency (10%)	\$43,338.26
QUOTE AMOUNT	\$476,720.81

Labor Detail (Construction)

Loaded labor rates include: 5% supervisory overhead, 61% labor overhead (straight time), and 16% overtime overhead (overtime).

Labor Classification	Reg Hrs	Reg Base \$/Hr	Reg Loaded \$/Hr	Reg \$	OT Hrs	OT Base \$/Hr	OT Loaded \$/Hr	OT \$	Total \$
Five-man crew	150	\$356.31	\$591.47	\$88,721.19	30	\$712.62	\$862.27	\$25,868.11	\$114,589.30
Crew Coordinator	8	\$89.99	\$149.38	\$1,195.07	0	—	—	\$0.00	\$1,195.07
Flagger	120	\$42.86	\$71.15	\$8,537.71	20	\$85.72	\$103.72	\$2,074.42	\$10,612.14
TOTAL CONSTRUCTION LABOR				\$98,453.97				\$27,942.53	\$126,396.50

Engineering Detail

Role	Reg Hrs	Reg Base \$/Hr	Reg Loaded \$/Hr	Reg \$	Total \$
Engineer	80	\$69.30	\$115.04	\$9,203.04	\$9,203.04
Drafter	8	\$51.33	\$85.21	\$681.66	\$681.66
Real Estate Agent	8	\$60.77	\$100.88	\$807.03	\$807.03

Materials Detail

Materials Component	Amount
Stock Materials	\$70,000.00
Special Purchase	\$0.00
Stores Overhead (22%)	\$15,400.00
TOTAL MATERIALS	\$85,400.00

Transportation / Equipment Detail

Activity	Hours	Rate	Cost
Personnel Lift 50-60ft	180	\$62.86	\$11,314.80
Pole Trailer	8	\$14.41	\$115.28
Digger Derrick	180	\$112.84	\$20,311.20
Flatbed Truck	180	\$88.03	\$15,845.40
UG Mud Truck	40	\$71.91	\$2,876.40
UG Digger Truck	40	\$131.39	\$5,255.60
Pump/Clean Vactor	24	\$99.66	\$2,605.60
Wire String/Puller Trailer	16	\$13.36	\$213.76
OH Wire Puller Trk	16	\$101.39	\$1,622.24
TOTAL TRANSPORTATION			\$59,946.52

Miscellaneous Detail

Item	Amount
Easement Costs	\$100,000.00
Permits	\$500.00
TOTAL MISC	\$100,500.00

Exhibit C — Overhead Summary (Reference)

These estimates include multiple overhead and adders: (1) loaded labor overhead embedded in labor rates, (2) Stores overhead on materials (22%), (3) Capital A&G (15.8%), and (4) contingency (10%).

Overhead Component	UG Install	OH Credit
Embedded Construction Labor Overhead (loaded - base)	\$80,713.20	\$43,993.88
Embedded Engineering Labor Overhead (loaded - base)	\$12,107.04	\$4,250.93
Stores Overhead (22%)	\$143,173.36	\$15,400.00
Capital A&G (15.8%)	\$144,534.56	\$50,447.81
Contingency (10%)	\$129,530.39	\$43,338.26

Breakdown of Estimated Construction

- **Underground Installation**

The PUD shall furnish all labor, materials, and equipment necessary to install the primary cable backbone, complete vault terminations, and set switches and pad-mounted transformers within the City-installed JUT and vault system. This work is estimated at approximately 260 crew hours, equivalent to 6.5 weeks (32.5 working days).

- **Overhead-to-Underground Secondary Service Conversions**

The PUD shall assist the City with the conversion of twelve (12) existing secondary services from overhead to underground. Each service conversion is estimated at approximately 4 crew hours, for a total of 48 crew hours. The PUD shall coordinate with the City's contractor and/or electrician, who shall be responsible for all customer-side modifications, including underground trench and conduit required to complete each conversion.

- **Overhead Removal**

The PUD shall remove existing overhead conductors, framing, overhead transformers, and risers associated with twelve (12) poles. Upon completion of system cutover, the PUD will top and abandon existing poles with communication attachments in place. Communication companies are responsible for the removal and disposal of existing poles and their facilities after completion of their respective work. This PUD portion of this work is estimated at approximately 3 crew hours per pole, for a total of 36 crew hours (4.5 working days).

**INTERLOCAL AGREEMENT BETWEEN
PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY
AND THE CITY OF MOUNTLAKE TERRACE, GOVERNING PHASE II OF THE
MAIN STREET RECONSTRUCTION PROJECT**

THIS INTERLOCAL AGREEMENT (“Agreement”) is made and entered into by and between the Public Utility District No. 1 of Snohomish County, a Washington municipal corporation (“District”), and the City of Mountlake Terrace, a Washington municipal corporation (“City”). The District and the City are also referred to herein individually as “Party” and collectively as “Parties.”

RECITALS

- A. The City is close to completing the design for Phase II of the Main Street Reconstruction Project (“Project” or “Main Street Reconstruction Project”), located along 56th Avenue W, from 236th Street SW to 232th Street SW, Mountlake Terrace, Washington. The Project will include roadway reconstruction and widening, as well as the construction of wider sidewalks.
- B. As part of the Project, the City requires the District and other utilities present within the Project limits to replace their existing overhead utility systems with underground utility systems (“Utility Replacement”).
- C. Additionally, and in exchange for the services provided by the District, the City shall pay the District’s costs to complete the conversion of its overhead system to an underground system. Regarding the overall costs of the conversion, the District shall credit the City for the estimated costs of an overhead-to-overhead relocation of its electric system and District Betterments.

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District and the City agree as follows:

1. Requirements of Interlocal Cooperation Act

1.1 Authority for Agreement. This Agreement is authorized by and entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

1.2 Purpose of Agreement. The purpose and intent of this Agreement is to facilitate the construction and coordination of Phase II of the Main Street Reconstruction Project. This Agreement establishes the City as the entity primarily responsible for all aspects of the planning, design, and construction of the Project.

1.3 No Separate Entity. The Parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.

1.4 Ownership of Property. Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either Party in connection with the performance of this Agreement will remain the sole property of such Party, and the other Party shall have no interest therein.

1.5 Administrators. Each Party to this Agreement shall designate an individual (“Administrator”), which may be designated by title or position, to oversee and administer such Party’s participation in this Agreement. The Parties’ initial Administrators shall be the following individuals:

District’s Initial Administrator:
Mr. J.C. Dahlbeck
Project Engineer
1802 75th Street SW
Everett, WA 98206

City’s Initial Administrator:
Jennifer Legerski
Grants and Contract Manager
6100 219th Street SW, Suite 200
Mountlake Terrace, WA 98043

Either Party may change its Administrator at any time by delivering written notice of such Party’s new Administrator to the other Party.

2. Effective Date and Duration

This Agreement shall take effect when it has (i) been duly executed by both Parties, and (ii) as provided by RCW 39.34.040, either filed with the County Auditor or posted on the City’s Interlocal Agreements website. This Agreement shall remain in effect until all obligations of the Parties are discharged unless earlier terminated pursuant to the provisions of Section 11 of this Agreement.

3. General Provisions

The Parties agree to the following general provisions:

3.1 Record Retention. Each Party following completion of the Project shall maintain accurate records related to the Project for a period equal to the minimum required pursuant to either state or federal requirements, whichever is applicable.

3.2 Independent Contractor. The Parties will perform all work under this Agreement as an independent contractor and not as an agent, employee, or servant of the other Party. Each Party has the express right to direct and control its activities in providing the agreed work in accordance with the specifications set out in this Agreement. Each Party shall only have the right to ensure performance.

3.3 Sub-Contracting. Each Party may, in its sole discretion, hire one or more contractors and/or sub-contractors to perform some or all of its respective services.

3.4 City Cost Allocation.

- A. The City will be responsible for the costs and expenses related to and necessary to carry its responsibilities and obligations under this Agreement as set forth herein.
- B. The City shall also reimburse the District for all actual costs on a time and materials basis to complete the Utility Replacement in accordance with District's Construction Cost Estimate provided in accordance with Section 5.1(A). Said Construction Cost Estimate includes a credit in favor of the City for both an overhead-to-overhead relocation cost and the value of District betterments.

4. **City Responsibilities**

4.1 **Plans and Specifications:** The City has prepared and provided the District with plans and specifications for Phase II of the Main Street Reconstruction Project ("Project Contract Documents") that include the design and specifications for installation of the joint trench and vault and conduit system to be utilized by the District for its underground electrical utility system. A copy of the Project Contract Documents is attached as Exhibit "A."

4.2 **Construction Phase:**

4.2.1 The City Project Contractor shall:

- A. Provide at the Preconstruction Meeting a schedule to the City and the District to complete the construction of the joint trench and installation of the joint trench and vault and conduit system in accordance with the Project Contract Documents.
- B. Excavate and create a joint trench to accommodate vaults and conduits to be utilized by the District for its underground electrical utility system all in accordance with the Project Contract Documents.
- C. Furnish and install, including all necessary excavation, trenching backfill and restoration, electric system vaults (including grounding) and conduits per the District's construction and materials standards and as specified in the Project Contract Documents. All conduit and vault installations shall be inspected by the District's inspector per section 5.3(C) prior to backfill.
- D. Proof all conduits in accordance with District standards and specifications. "Proof" as used herein is defined as verification using a mandrel that the conduit system is clear and free of damage, installed to the proper grade and to the proper locations, fitted with temporary duct plugs, and contains pulling lines. Conduit proofing shall be performed in the presence of the District inspector, or other approved District representative.
- E. Modify, as appropriate and in accordance with Contract Project Documents, all existing overhead customer utility service lines and equipment to be converted to underground, including coordinating and facilitating all modifications to customer utility service lines and equipment and providing new conduit and conductors to

District handholes, transformers and other secondary service connection points as agreed upon by the Parties.

4.2.2 The City shall:

- A. Facilitate weekly (or as otherwise agreed by the City and District) construction coordination meetings that include the City's Project Contractor and all relevant parties participating in the joint trench.
- B. Acquire at its cost and expense all of the access rights, temporary construction easements and permanent easements, and right of way rights necessary for the District to replace existing overhead utility systems with underground utility systems as required by the City for the Main Street Reconstruction Project.
- C. Issue the District a right-of-way permit within two (2) weeks of the District submitting a complete permit application (including any supporting documentation reasonably required by the City). The City shall waive the permit and inspection fees.
- D. Provide the District not less than five (5) business days' notice to inspect: (a) the requested area of the joint trench for placement of their vaults and conduits and (b) the vaults and conduits.
- E. Coordinate with the District whenever any utility pole(s) are required to be temporarily supported due to excavation in proximity to such poles to provide such support a minimum of five (5) business days prior to the date of work. The scheduling of District labor for the pole holds will be limited to the District's regular business hours.
- F. Provide the District with a bill of sale or other appropriate documentation to transfer ownership of all facilities, including vaults and conduit system, installed by the City's Project Contractor and intended to become part of the District's electrical utility system in accordance with this Agreement and the Contract Project Documents. The format for the bill of sale or other documentation will be coordinated with the District and shall be submitted within forty (40) calendar days of the District's acceptance of the completed installation as set forth in Section 5.3(D).

5. **District Responsibilities**

5.1 Construction Cost Estimate:

- A. The District shall provide the City with a Construction Cost Estimate for the District's cost to complete the Utility Replacement. The District's Construction Cost Estimate shall include but not be limited to the following:

- i. Inspect the installation of all vault and conduit installation work by a District inspector (contractor installed).
 - ii. Furnish and install all cables, conductors and electrical equipment for the conversion to underground, and for the removal of other equipment no longer needed.
 - iii. Perform cut-over and transfer of existing customers and facilities to the new underground system where applicable.
 - iv. Remove that portion of the overhead electrical system superseded by the new underground system. This includes removal of associated poles except those locations where the poles are still occupied by other utilities (Removal of poles is the responsibility of the last utility to transfer from the pole.).
 - v. A credit in the amount of _____ for the District's estimated construction costs to relocate the overhead electrical utility system within the Project area on an overhead-to-overhead basis.
 - vi. A credit in the amount of _____ for the value of the Betterments (See Section 5.2).
- B. The District shall provide the City with the estimated number of business days to complete the installation of cables, conductors and remove District's overhead system and shall do so in a timely manner.
- C. The District shall provide written notification to the City if additional construction costs in excess of the Construction Cost Estimate are necessary to complete District's construction phase. The written notification shall specify the additional amount required and justification for District's increased cost and be submitted to the City in a timely manner and prior to commencement of work.

5.2 Betterments. Betterments are improvements to the District's utility facilities included in the Utility Replacement by the District that are not necessary to restore the operational capabilities of the relocated utility facilities or provide like-kind replacements. Examples of Betterments include the addition of more conduits for future service or increasing cable size or improvements to the utility facilities that are not necessary to functionally restore the operational capabilities of the utility facilities or provide like-kind replacements. The Betterments included in the Utility Replacement are identified in the Project Contract Documents and are listed on Exhibit "___," attached hereto and incorporated by this reference.

5.3 Construction Phase. The District shall maintain continued coordination with the City's Contractor regarding installation of the District's facilities. This coordination shall include, but not be limited, to the following:

- A. The District shall attend the Preconstruction Meeting.
- B. Subject to the schedule required in the Project Contract Documents, the City's Contractor shall prepare a schedule of work in accordance with the plans and specifications for City review. The District shall review and provide comments within ten (10) business days of receipt. If the District does not provide the City

with comments within ten (10) business days, the schedule shall be considered accepted by the District unless the delay is due to one of the reasons stated in Subsection (K) and/or constitutes Excusable Delay as defined in Section 6. The District shall complete its work in accordance with the City's Contractor's schedule unless delayed due to one of the reasons stated in Subsection (K) and/or Excusable Delay as defined in Section 6.

- C. The District will provide an inspector on-site, on five (5) business days' notice, to inspect the installation of all vault and conduit installation work. The District will not provide a daily on-site inspector, but will within five (5) business days' notice provide an inspector to inspect the requested area of the joint trench for the placement of their vaults and conduits. The District's inspector shall not direct the City's Contractor in any manner; the District inspector shall communicate all requirements and requests to the City's inspector the day of observation.
- D. The District shall, within ten (10) business days after receipt of written notification of completion of installation of the District's conduit and vault system, issue written notification of any deficiencies or issue written notification of acceptance unless delayed due to one of the reasons stated in Subsection (J) and/or Excusable Delay as defined in Section 6. The City's Contractor will correct the deficiencies upon approval by the City of the requested work. If notification from the District is not received by the City within the ten (10) business day period, then the District conduit and vault system shall be considered complete and accepted by the District unless the lack of notice is due to one of the reasons stated in Subsection (J) and/or constitutes to Excusable Delay as defined in Section 6.
- E. Once all sections of vault and conduit installation are completed by the City and accepted by the District, the City shall issue a Notice to Proceed to the District to commence installation of the conductors and equipment. The District or its contractor's crews may need to accommodate another utility that is trying to work in the same area. The City shall minimize any conflict and the need for the District to accommodate other utilities working in the same area. The District, or its contractor, will complete installation of the conductors and equipment in accordance with the approved schedule referenced in Subsection 5.3(B); provided that reasonable access to the Project is given by the City's Contractor or a subcontractor in the area where the City is requesting the District to begin work. The District shall notify the City in writing when the new underground system is energized. This work shall include but not be limited to furnishing and installing all primary cables, conductors and electrical equipment for the conversion to underground, and for the removal of other equipment no longer needed.
- F. The District, or its contractor, will perform cut-over and transfer of existing customers and facilities to the new underground system where applicable. Any secondary cut-overs and transfers requested by the City will need to be sent in writing at least ninety-six (96) hours in advance. The District or its contractor will

notify affected customers at least forty-eight (48) hours in advance of the pending outage.

- G. Once transfer of existing customers and facilities to the new underground system is complete, the District, or its contractor, will remove all overhead systems in accordance with the approved schedule referenced in Section 5.3(B). Utility poles with other utility provider's overhead systems will be stripped, topped and abandoned to the remaining utilities.
- H. Temporary support (holding) of District Utility Poles: The need to temporarily support such poles (due to excavation in their proximity) shall be verified by District, and if required, such support shall be provided by the District during the District's regular business hours. If work is needed outside of regular business hours, the City shall compensate the District for the difference in cost between straight time and overtime crew hours.
- I. The District shall maintain any utility facilities constructed under this Agreement from the date of acceptance of the facilities by the District. The cost of any future improvements and/or maintenance, repairs, or corrections to any utility facilities covered under the terms of this Agreement shall be the exclusive responsibility of the District in accordance with this Agreement.
- J. The District shall have no obligation or liability to the City, its contractor(s) or any other party, in the event of any delay in performance of the construction work under this Agreement due to: (a) reasonable actions taken by the District which are necessary or consistent with prudent utility practices to protect the performance, integrity, reliability or stability of the District's utility systems or any systems to which such District systems are connected; (b) actions and/or inactions of the City, the City's contractor(s), other utilities and/or third parties; (c) discovery of archeological materials; (d) other unanticipated subsurface conditions whether natural or man-made; or (e) other Excusable Delay (see Section 6).
- K. In the event that the District is delayed in performing one or more of its tasks described in this Section due to one of the reasons stated in Subsection (J) and/or constitutes Excusable Delay as defined in Section 6, the City and the District shall work together to agree to a reasonable period of time for the District to complete its task once the basis for the delay has ended.

5.4 Traffic Control. The District will provide traffic control and flaggers for installation of new underground conductor and devices along with overhead construction and removal when required. The District will coordinate its traffic control with other utilities, the City's Contractor and the City. Traffic control plans must be approved ten (10) business days in advance by the City before implementation by the District.

5.5 Final Invoice. Within sixty (60) days of completion of the Utility Replacement as determined by the District, the District shall submit a final invoice to the City. The City shall pay the District the amount due and owing under the invoice within forty-five (45) days of receipt.

6. **Excusable Delay**

Excusable delay means a failure to perform in a timely manner due to events or causes that are not reasonably within the control or contemplation of the Party whose ability to perform is delayed by such events or causes. Without limitation, such events or causes may include: pandemic, epidemic, extreme or unusual weather, landslides, lightning, forest fires, storms, floods, freezing, drought, earthquakes, civil disturbances, strikes, or other disturbances associated with labor relations, acts of the public enemy, wars, public riots, breakage, explosion, accident to machinery or equipment (reasonably related to the delayed performance), reasonably unanticipated changed site conditions, the failure of any government entity with jurisdiction over the design phase and/or construction phase work under this Agreement to issue the required permits or approvals in a timely manner, or other causes outside of the reasonable control or contemplation of a Party.

7. **Indemnification and Hold Harmless**

7.1 District's Indemnification of City. The District shall indemnify, defend and hold harmless the City, its officers, appointed and elected officials, employees and agents, from and against all claims, actions, suits, liability, loss, expenses, damages and judgments of any nature whatsoever, including costs and reasonable attorneys' fees in defense thereof, for injury, sickness, liability or death to persons or damage to property or business, caused by or arising out of negligent or intentional acts, errors or omissions of the District, its officers, officials, employees and/or agents in the performance of this Agreement; provided, that in the event of the concurrent negligence of the Parties, the District's obligations hereunder shall apply only to the percentage of fault attributable to the District, its officers, officials, employees and/or agents.

7.2 City's Indemnification of District. The City shall indemnify, defend and hold harmless the District, its officers, appointed and elected officials, employees and agents, from and against all claims, actions, suits, liability, loss, expenses, damages and judgments of any nature whatsoever, including costs and reasonable attorneys' fees in defense thereof, for injury, sickness, liability or death to persons or damage to property or business, caused by or arising out of negligent or intentional acts, errors or omissions of the City, its officers, officials, employees and/or agents in the performance of this Agreement; provided, that in the event of the concurrent negligence of the Parties, the City's obligations hereunder shall apply only to the percentage of fault attributable to the City, its officers, officials, employees and/or agents.

7.3 Waiver of Immunity Under Industrial Insurance Act. The indemnification provisions of this Section are specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Title 51 RCW, as with respect to the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The Parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

7.4 No Third Party Right. Nothing contained in this section of this Agreement shall be construed to create a liability and/or right of indemnification in any third party.

7.5 Survival. The provisions of this Section 7 shall survive the expiration or termination of this Agreement.

8. **Insurance**

Each Party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance shall not limit the liability of the indemnifying Party to the indemnified Party.

9. **Compliance with Laws**

In the performance of its obligations under this Agreement, each Party shall comply with all applicable federal, state, and local laws, rules and regulations.

10. **Notices**

All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator's designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 1.5 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

11. **Termination of Agreement**

Either Party may terminate this Agreement upon thirty (30) days written notice to the other Party in the event that said other Party is in material default and fails to cure such material default within that thirty (30) day period, or such longer period as provided by the non-defaulting Party. The notice of termination shall state the reasons therefore and the effective date of the termination.

12. **Dispute Resolution**

12.1. Settlement Meeting. It is the Parties' intent to work cooperatively and to resolve disputes in an efficient and cost-effective manner. If any dispute arises between the Parties relating to this Agreement, then the Parties' respective Administrator or designees shall meet and seek, in good faith, to resolve the dispute. In addition to the Administrator or designee, each Party shall send any other persons with technical or other information relating to the dispute to the meeting.

12.2. Mediation. If the Parties cannot resolve the issue at the meeting, they shall mediate the matter using a mutually agreed to mediator from Judicial Dispute Resolution, LLC, or any other mediator mutually agreed to by the Parties, or as appointed by the court if the Parties cannot agree upon a mediator. The Parties shall evenly split any fees charged by mediator, regardless of the outcome of the mediation. Each Party shall bear its own attorneys' fees in connection with the mediation.

12.3. At all times prior to resolution of the dispute, the Parties shall continue to perform any undisputed obligations and make any undisputed required payments under this Agreement in the same manner and under the same terms as existed prior to the dispute.

13. Miscellaneous

13.1 Entire Agreement. This Agreement constitutes the entire agreement between the Parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements between the Parties regarding the subject matter contained herein.

13.2 Amendment. Any amendment to this Agreement shall be specifically identified by separate written addendum agreed to by the Parties' Administrators identified in Section 1.5 of this Agreement.

13.3 Governing Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Superior Court of the state of Washington in and for Snohomish County.

13.4 Interpretation. This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the Parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the Parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

13.5 Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.

13.6 No Waiver. A Party's forbearance or delay in exercising any right or remedy with respect to a Default by the other Party under this Agreement shall not constitute a waiver of the Default at issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other Default or any similar future Default.

13.7 No Assignment. This Agreement shall not be assigned, either in whole or in part, by either Party without the express written consent of the other Party, which may be granted or withheld in such Party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a Default under this Agreement.

13.8 No Joint Venture. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the Parties.

13.9 No Third Party Beneficiaries. This Agreement and each and every provision hereof are for the sole benefit of the City and the District. No other persons or parties shall be deemed to have any rights in, under or to this Agreement.

13.10 Warranty of Authority. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the other Party for whom he or she purports to sign this Agreement.

13.11 Execution in Counterparts. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

PUBLIC UTILITY DISTRICT NO.1
OF SNOHOMISH COUNTY

CITY OF MOUNTLAKE TERRACE

John Haarlow, CEO/General Manager

Jeff Niten, City Manager

Date: _____

Date: _____

Approved as to Form:

Approved as to Form:

Paul McMurray, Senior Counsel

Hillary Evans, City Attorney

Date: _____

Date: _____



STAFF REPORT

To: Mountlake Terrace City Council
From: John Marek, Traffic Engineer
Meeting Date: June 11, 2026
Subject: Review Resolution Accepting Main Street Grants and Budget

Required Reviews:

Jennifer Joki	Created/Initiated - 06/04/2026
Gary Schimek	Approved - 06/04/2026
Sirke Salminen	New -
Hillary Evans	-
Carolyn Hope	-

Council Goal(s):

Responsible Governance to Ensure Desired Level of Service

Legislative History:

NA

Subject Summary:

The Main Street Phase II project will implement improvements along 56th Avenue W between 236th St and 232nd St SW designed to enhance safety and accessibility for pedestrians and bicycles, improve multimodal access to the light rail transit center, upgrade utility infrastructure, and encourage private development in the City’s Town Center. The attached Resolution identifies and formally commits the local funding needed for the construction phase of the project. Construction funds include grant funding from the Transportation Improvement Board, Department of Commerce, and Congressional appropriations, along with contributing funds from the City's Transportation Impact fees, Storm Water, Water, and Sewer program funds as shown in attachment A. The project is tentatively scheduled to be advertised for bid and the bid awarded in the third quarter of 2026 with construction anticipated to begin fourth quarter 2026.

Financial/Budget Impacts:

Budget Amendment No
Required? _____

Budget and Sources:	
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Expenditure:	
New Appropriation Required + Sources:	

Additional Financial Information:

N/A

Community Notifications:

City Council Agenda

If "Other," please specify:

Board/Commission Recommendation:

N/A

Staff Recommendation:

Staff recommends the City Council adopt the resolution to commit funding for construction of the Main Street Phase 2 project. This can be accomplished by adding it to the June 18th, 2026 Consent Agenda.

Council Motion:

N/A

Attachments:

1. Resolution Exhibit A Cost - Budget Summary
2. Resolution for Main Street Grants and Budget (Draft)

Main St Phase 2 Project Budget

Revenues	2026	2027	2028	Total
Starting Balance *	1,759,628	2,246,526	89,454	1,759,628
Storm Water		1,293,000		1,293,000
Water Fund		1,000,000		1,000,000
Sewer		200,000		200,000
REET (Street Overlay)**		812,130		812,130
Transportation Impact Fees	82,898	961,000		1,043,898
TIF Interest	10,000			10,000
DOC Grants***	2,444,000			2,444,000
TIB Grant***		4,750,000		4,750,000
Congretional Directed Spending***		807,500		807,500
Total Revenues	4,296,526	12,070,156	89,454	14,120,156
Expenditures				
Main St Construction	2,050,000	11,980,702	89,454	14,120,156
Total Exp.	2,050,000	11,980,702	89,454	14,120,156

* 2026 Starting Balance comes from the total Starting Balance for Main St Phase II of \$3,491,344
(\$1,759,628 for Construction and \$1,731,716 for Design and ROW)

Remaining year end balance will be used as starting balance for the following year

** REET (Street Overlay) funds will be consist of carryover from request to carry over \$500 from 2026 funds
and ask for \$312,130 additional 2027 allocation

***Award amount minus administrative cost

For DOC grant - all eligible costs must be incurred and submitted for reimbursement by June 2027

CITY OF MOUNTLAKE TERRACE

RESOLUTION NO. XXXX

**A RESOLUTION OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
COMMITTING LOCAL FUNDING TO MAIN STREET PHASE TWO**

WHEREAS, the City of Mountlake Terrace’s Main Street Phase 2 project (“Phase 2”) is designed to upgrade utility infrastructure, and improve multi-modal access to the area and connections to the light rail transit center to encourage private development in the City’s Town Center; and

WHEREAS, the estimated construction cost is \$14.2 million dollars; and

WHEREAS, the Phase 2 project design is complete and is anticipated to go out to bid in the third quarter of 2026, with construction expected to begin in the fourth quarter of 2026; and

WHEREAS, the City has received significant grant funding for Phase 2 including:

1. \$5,000,000 from the Transportation Improvement Board (“TIB”) grant funding for ADA ramps, sidewalks, traffic signals and other transportation-related improvements along 56th Ave W between 232nd St SW and 236th St SW; and
2. \$2,492,000 from the Department of Commerce (“DOC”) through state legislative appropriations for improvements along 56th Ave W, including but not limited to replacing curb and gutter, sidewalk and tree wells, street lighting, storm drainage, curb ramps, ADA ramps; and
3. \$850,000 in Federal Congressional spending for Phase 2.

WHEREAS, the City has determined it is in the best interest to commit certain local funds to Phase 2;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Committing Funding to the Main Street Phase 2 Project. The City Council hereby authorizes funds for Phase 2 as shown in the attached Exhibit A.

PASSED by the City Council on **June XX, 2026**

SIGNED in authentication of its passage on **XXXX XX, 2026**

EFFECTIVE date **XXXX XX, 2026**

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney



STAFF REPORT

To: Mountlake Terrace City Council

From: Brooke Eidem, Community Development Director

Meeting Date: June 11, 2026

Subject: Review Ordinance Adopting Code Amendments to Chapters 19.30 and 19.32 for Residential Districts

Required Reviews:

Brooke Eidem	Created/Initiated - 06/05/2026
Brooke Eidem	Approved - 06/05/2026
Sirke Salminen	New -
Hillary Evans	-
Jeff Niten	-

Council Goal(s):

An Informed and Engaged Community

Legislative History:

This item was introduced to the Planning Commission at their regular meeting on April 27, 2026. The Planning Commission discussed the item for a second time on May 11, 2026. A public hearing was then held by the Planning Commission on May 27, 2026. The Commission voted 6-0 to recommend approval to the City Council.

Subject Summary:

The Residential Districts chapter, 19.30 MTMC, was adopted in 2025 for compliance with Washington State Middle Housing requirements. Since adoption, various inconsistencies and areas of confusion have been identified by staff and the community. In some cases, code interpretations have been issued as an interim measure to clarify how the code will be administered. However, these are temporary solutions until an amendment can address the issue.

The Planning Commission is proposing minor amendments throughout Chapter 19.30 MTMC in addition to MTMC 19.32.060(E) that are intended to improve clarity and understanding for customers and improve reader-friendliness, but are otherwise limited in scope at this time due to the fact that these regulations are still relatively new. A more comprehensive update may be proposed for a future Planning Commission work program after the regulations have been implemented for a longer period.

The proposed amendments will do the following:

- Remove minimum lot sizes from the zone titles in the land use headings (MTMC 19.30.020).
- Renumber superscript notes in the use tables to put them in numeric order (MTMC 19.30.020).
- Relocate all middle housing form categories in the use tables to a “multiplex” category so they can be more easily identified and compared (MTMC 19.30.020).
- Add a note to clarify that multi-unit apartments are considered "stacks" for the purposes of dimensional and design standards (MTMC 19.30.030).
- Add a footnote to the dimensional table exempting vehicle parking space from FAR calculations (MTMC 19.30.030).
- Reword the prohibition on ADUs in critical areas to clarify that a lot containing critical areas is not ineligible to construct ADU(s), but rather, ADU(s) cannot be constructed within a critical area or buffer consistent with state legislation (MTMC 19.30.050).
- Remove lot coverage and redundant language from the ADU size and scale subsection (MTMC 19.30.050).
- Remove reference to “garage” from the ADU conversions subsection to clarify that any accessory structure can be converted to an ADU, consistent with state legislation (MTMC 19.30.050).
- Minor grammar improvements throughout Chapter 19.30 MTMC.
- Modify the description of "stacks" to ensure it includes apartments (19.32.060(E)).

The Planning Commission discussed this item in April and May, and held a public hearing on May 27, voting unanimously to recommend approval of the amendments to the City Council.

Financial/Budget Impacts:

Budget Amendment No
 Required? _____

Budget and Sources:	
Expenditure:	
New Appropriation Required + Sources:	

Additional Financial Information:

None

Community Notifications:

City Council Agenda

If "Other," please specify:

Board/Commission Recommendation:

The Planning Commission voted 6-0 to recommend approval of the regulations at a public hearing on May 27, 2026.

Staff Recommendation:

Staff recommends approval of the Code Amendments to Chapters 19.30 and 19.32 for Residential Districts after a second review and vote at the July 2 regular council meeting.

Council Motion:

N/A

Attachments:

- 1. Ordinance Adopting Code Amendments 19.30 and 19.32 (Draft)
- 2. Presentation on Code Amendments for Residential Districts

CITY OF MOUNTLAKE TERRACE

ORDINANCE XXXX

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT CODE BY AMENDING CHAPTER 19.30 MTMC, R – RESIDENTIAL DISTRICTS, AND CHAPTER 19.32 MTMC, RESIDENTIAL DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has the authority under common law and Title 35A RCW to adopt regulations related to zoning and land uses and the processing of land use development permits; and

WHEREAS, the City has adopted a Zoning Code as Title 19 of the Mountlake Terrace Municipal Code (“Zoning Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

WHEREAS, on June 26, 2025, the Mountlake Terrace City Council adopted Ordinance 2884, repealing and replacing Chapter 19.30 MTMC to implement state legislation related to middle housing and accessory dwelling units; and

WHEREAS, the regulations for residential development in the R-Districts currently lack clarity and need to be updated to codify recent code interpretations; and

WHEREAS, on April 27, 2026 and May 11, 2026, the Planning Commission conducted work sessions that were open to the public to discuss the proposed amendments; and

WHEREAS, the intent to amend development regulations was noticed in accordance with City of Mountlake Terrace procedures and regulations as required by RCW 36.70A.106 and on April 29, 2026, a 60-day notice of intent to amend development regulations as proposed was sent to the Washington State Department of Commerce; and

WHEREAS, pursuant to the State Environmental Policy Act, the City, as designated as the lead agency for review of the proposed amendments, issued a Determination of Non-Significance (DNS) on May 15, 2026 pursuant to WAC 197-11-340(2). The City did not receive any appeal of the DNS and the DNS is therefore final; and

WHEREAS, on May 27, 2026, the Planning Commission held a duly noticed public hearing to receive staff and public input concerning the proposed code amendments and all persons who wished to be heard on the matter were heard; and

WHEREAS, following the public hearing, the Planning Commission made written findings and issued a recommendation to the City Council to approve the proposed amendments, finding the proposed amendments are internally consistent with the City's Comprehensive Plan,

the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents; and

WHEREAS, on **DATE**, at a duly noticed public meeting the City Council considered the Planning Commission’s recommendation and all persons wishing to be heard on the matter were heard; and the City Council voted to approve the proposed amendments;

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

Section 1. **Adoption of recitals as findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

Section 2. **Adoption of Planning Commission findings, conclusions, and analysis.** In support of the amendments approved in this Ordinance, the Mountlake Terrace City Council adopts the findings, conclusions, and analysis contained in the Planning Commission’s Findings of Fact and Conclusions, attached hereto as “Exhibit A” and incorporated herein by reference, including but not limited to the findings that the Zoning Code regulations and amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Mountlake Terrace Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of the City’s residents.

Section 3. **Chapter 19.30 MTMC, amended.** Chapter 19.30 MTMC, entitled “R – Residential Districts”, is hereby amended as set forth in attached “Exhibit B” which is hereby incorporated by this reference as though fully contained herein.

Section 4. **MTMC 19.32.060(E), amended.** MTMC 19.32.060(E), entitled “Housing form type design standards; Stacks”, is hereby amended to read as follows:

- 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).

Figure 19.32.060.E is not amended hereby.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

Section 6. Authority to make necessary corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. Effective Date. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE XX of XXXX, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

EXHIBIT A

Mountlake Terrace Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to amend Chapters 19.30 and 19.32 MTMC, the Planning Commission of the City of Mountlake Terrace makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related to land use development.
2. The City has adopted a Zoning Code as Title 19 of the Mountlake Terrace Municipal Code (“Zoning Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. On June 26, 2025, the Mountlake Terrace City Council adopted Ordinance 2884, repealing and replacing Chapter 19.30 MTMC to implement state legislation related to middle housing and accessory dwelling units.
4. The regulations for residential development in the R-Districts currently lack clarity and need to be updated to codify recent code interpretations.
5. The Planning Commission held work sessions to consider the matter and the impacts of the proposed amendments on April 27, 2026 and May 11, 2026.
6. The following Comprehensive Plan policies support the proposed code amendments:
 - HO-1.2:** Review and update zoning and design standards to accommodate a diverse range of housing types including middle housing.
 - HO-2.1:** Develop and provide resources on the city’s regulations and permitting process to help residents and developers understand the requirements for development.
 - LU-3.6:** Encourage quality smaller scale infill and redevelopment projects in existing neighborhoods
7. Pursuant to RCW 36.70A.106, on April 29, 2026, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations.
8. Pursuant to the State Environmental Policy Act, the City of Mountlake Terrace was designated as the lead agency for review of the proposed amendments. On May 15, 2026, a Determination of Non-Significance was issued on the proposed code amendments pursuant to WAC 197-11-355. No appeal of that determination was received so the determination became final.
11. A Notice of Public Hearing, consistent Mountlake Terrace Municipal Code requirements, was published on May 16, 2026.

12. On May 27, 2026, the City of Mountlake Terrace Planning Commission held a public hearing to consider code amendments to amend Chapters 19.30 and 19.32 MTMC. After hearing a staff presentation on the proposed amendments, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendments be approved.

Based on the foregoing Findings of Fact, the Mountlake Terrace Planning Commission hereby makes the following conclusions:

1. The proposed code amendments will implement and be consistent with the goals and policies of the City of Mountlake Terrace Comprehensive Plan.
2. The proposed code amendments are consistent with the Washington State Growth Management Act.
3. The proposed code amendments are consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. No new impacts will be created by amending R-District regulations.
6. The proposed code amendments will remove ambiguity and improve clarity for middle housing development in the City.

Date: 5/27/2026

By: /s/ Nick Bautista
Nick Bautista, Planning Commission Chair

EXHIBIT B

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 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 ¹These units are allowed in R-1 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
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)
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.

Table 19.30.020

Use	R-1	R-2	R-3	R-4	Additional Provisions
	8400 7200	4800	RML	RMM	
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 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.
Religious facilities	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

Table 19.30.020

Use	R-1 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
					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.
Health care offices/clinics				P/C ⁶⁷	⁶⁷ Allowed 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.
Hospitals/emergency clinics				C	
Veterinarian clinics/hospitals				P/C ⁶⁷	⁶⁷ Allowed 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.

Table 19.30.020

Use	R-1 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
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
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

Table 19.30.020

Use	R-1	R-2	R-3	R-4	Additional Provisions
	8400 7200	4800	RML	RMM	
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-2	R-3	R-4
	R-8400, R-7200	R-4800	RML	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)				
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)¹				
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	

Dimensional Requirements Table 19.30.030

	R-1 R-8400, R-7200	R-2 R-4800	R-3 RML	R-4 RMM
			5 units: 1.2 6+ units: 1.4	
Additional FAR ¹ for "Stack" Housing Form Type	+ 0.5			
Maximum FAR ¹ 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 ¹ 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				
Maximum Building Height at Front of Lot	3 stories, 35 feet		3 stories, 35 feet	
			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		3 stories, 35 feet	
	With Bonuses: 3 stories, 35 feet		With Bonuses: 4 stories, 45 feet	
Exceptions to Maximum Heights	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.			

Dimensional Requirements Table 19.30.030

	R-1 R-8400, R-7200	R-2 R-4800	R-3 RML	R-4 RMM
	<p>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:</p> <p>a. Such walls are set back at least 5 feet from the edge of any required side yard setback; and</p> <p>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.</p> <p>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.</p> <p>4. Photovoltaic panels may project up to 4 feet above the maximum building height.</p>			

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			
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	

Dimensional Requirements Table 19.30.030

	R-1 R-8400, R-7200	R-2 R-4800	R-3 RML	R-4 RMM
	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 [Vehicle parking areas are exempt from FAR calculations.](#)

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 (1) parking garages; or (2) lots containing four or more stalls; or (3) 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 garageexisting 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.



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Chapter 19.30 & 19.32, R-Districts

City Council Work Session: June 11, 2026

Brooke Eidem, Community Development Director

PURPOSE

- Middle Housing Updates in 2025 per HB 1110
- Areas of confusion and inconsistency identified
- 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

LEGISLATIVE HISTORY

- Planning Commission discussions
 - April 27, 2026
 - May 11, 2026
- Planning Commission Public Hearing
 - May 27, 2026
 - Voted 6-0 to recommend approval

PLANNING COMMISSION RECOMMENDATION

- Chapter 19.30 MTMC
 - Remove minimum lot size from zone titles in the land use headings
 - Renumber superscript notes in use tables to put in numeric order
 - Relocate all middle housing form categories in use table to “multiplex” category
 - Add note to clarify multi-unit apartments are considered “stacks”
 - Add footnote to dimensional table exempting vehicle parking space from FAR
 - Reword prohibition on ADUs in critical areas for clarity
 - Remove lot coverage and redundant language from ADU size and scale subsection
 - Remove reference to “garage” from ADU conversions subsection to clarify any accessory structure can be converted to an ADU, consistent with state legislation
 - Minor grammar improvements throughout Chapter 19.30 MTMC
- Chapter 19.32 MTMC
 - Modify description of “stacks” to ensure it includes apartments

BOARD/COMMISSION RECOMMENDATION

- Planning Commission recommended approval of regulations
- Planning Commission Findings of Fact & Conclusions Exhibit A to draft Ordinance

NEXT STEPS

City Council adoption scheduled July 2, 2026

DISCUSSION & QUESTIONS

Thank you





STAFF REPORT

To: Mountlake Terrace City Council
From: Brooke Eidem, Community Development Director
Meeting Date: June 11, 2026
Subject: Review Ordinance Adopting Code Amendment to Chapters for Administration Procedures

Required Reviews:

Brooke Eidem	Created/Initiated - 06/05/2026
Brooke Eidem	Approved - 06/05/2026
Sirke Salminen	New -
Hillary Evans	-
Jeff Niten	-

Council Goal(s):

Responsible government

Legislative History:

The Planning Commission discussed this item at their regular meeting on May 11, 2026. The second draft ordinance was discussed on June 8, 2026, which is scheduled for a Planning Commission public hearing on June 22 before the City Council is asked to consider adoption of the overall ordinance.

Subject Summary:

Staff is proposing amendments to several chapters of the Municipal code related to administrative procedures that are intended to streamline the permitting process, update the administrative regulations in general, and integrate new requirements of the Local Project Review Act (RCW 36.70B).

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 also 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. The Annexation section is proposed for relocation to Chapter 19.120 MTMC based on a recommendation from the Planning Commission.

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. This process will be clarified through a combination of new language 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 relocated from MTMC 19.10.020 and 19.10.030.

Additionally, a new section is proposed addressing development agreements, authorized by RCW 36.70B.170. Although the statute provides the ability to enter into a development agreement regardless of whether the City has a local ordinance, the proposed regulations offer an additional layer of protection for the City, including an established process and the ability to require mitigation in the form of funding public infrastructure, services, or facilities. This section is the only portion of the proposal that is a development regulation. Thus it is subject to a formal recommendation from the Planning Commission and being brought forward in a separate ordinance.

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 refiling. 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 proposed 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

The Planning Commission is tentatively scheduled to hold a public hearing on MTMC 18.10.080 on June 22nd. Their Findings of Fact and Conclusions will be added to that draft Ordinance as Exhibit A and the City Council will be asked to review and vote on both ordinances at a future meeting.

Financial/Budget Impacts:

Budget Amendment No
 Required? _____

Budget and Sources:	
Expenditure:	
New Appropriation Required + Sources:	

Additional Financial Information:

N/A

Community Notifications:

City Council Agenda

If "Other," please specify:

Board/Commission Recommendation:

The Planning Commission provided a preliminary, unofficial recommendation on the overall package of amendments at their meeting on May 11th. A formal recommendation for MTMC 18.10.080 is pending a public hearing on June 22nd.

Staff Recommendation:

Staff recommends approval of the Code Amendment to Chapter 18.05 et al for Administration Procedures after a second review and vote at the July 2 regular council meeting.

Council Motion:

N/A

Attachments:

1. Ordinance for Code Amendment for Admin Procedures (Draft)
2. Ordinance Code Amendment for Development Agreements (Draft)
3. Presentation on Code Amendment for Admin Procedures

CITY OF MOUNTLAKE TERRACE

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, AMENDING THE CITY’S DEVELOPMENT CODE BY REPEALING AND REPLACING CHAPTER 18.05 MTMC, ADMINISTRATION AND PROCEDURES, AMENDING CHAPTER 18.10, COMPREHENSIVE PLAN; REPEALING CHAPTER 18.25 MTMC, PUBLIC NOTIFICATION – MAJOR LAND USE; REPEALING CHAPTER 19.10 MTMC, ADMINISTRATION; AMENDING CHAPTER 19.110 MTMC, ZONING PERMITS AND AMENDING CHAPTER 19.120 MTMC, GENERAL PROVISIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has the authority under common law and Title 35A RCW to adopt regulations related to zoning and land uses and the processing of land use development permits; and

WHEREAS, the City has adopted a Zoning Code as Title 19 of the Mountlake Terrace Municipal Code (“Zoning Code”) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

WHEREAS, it is necessary to revise the City’s regulations for permit processing for consistency with Senate Bill 5290, which passed the Washington State Legislature in 2023 and amended portions of the Local Project Review Act with an effective date in January 2025; and

WHEREAS, the development review process is primarily regulated in Chapter 18.05 SMC, which is out of date with the City’s digital permitting systems and requires updates, in addition to the amendments necessary to appropriately address the new state legislation; and

WHEREAS, associated amendments are necessary elsewhere in the Municipal Code to accommodate the updates, including repealing Chapters 18.25 and 19.10, and amending Chapters 18.10, 19.110, and 19.120; and

WHEREAS, other minor amendments are necessary to correct internal code references; and

WHEREAS, the City Council desires to formally establish measures to expedite the land use development and construction permit review process pursuant to RCW 36.70B.160(1) to meet the requirements of RCW 36.70B.080(1)(i)(ii); and

WHEREAS, such measures are not intended to be inclusive, nor are they intended to address all administrative policies related to processing applications for land use and development;

WHEREAS, on May 11, 2026 and June 8, 2026, the Planning Commission conducted work sessions that were open to the public to discuss the proposed amendments; and

WHEREAS, the intent to amend development regulations was noticed in accordance with City of Mountlake Terrace procedures and regulations as required by RCW 36.70A.106 and on April 29, 2026, a 60-day notice of intent to amend development regulations as proposed was sent to the Washington State Department of Commerce; and

WHEREAS, pursuant to the State Environmental Policy Act, the City, as designated as the lead agency for review of the proposed amendments, issued a Determination of Non-Significance (DNS) on May 15, 2026 pursuant to WAC 197-11-340(2). The City did not receive any appeal of the DNS and the DNS is therefore final; and

WHEREAS, on _____, at a duly noticed public meeting all persons wishing to be heard on the matter were heard; and the City Council voted to approve the proposed amendments;

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

Section 1. **Adoption of recitals as findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

Section 2. **Expedited review process measures established.** The measures set forth below are hereby established and shall be in effect as of the effective date of this Ordinance until modified or amended by action of the City Council. The City of Mountlake Terrace Community Development Department intends to implement and maintain the following measures:

- a. Imposing reasonable application fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the City for processing applications, inspecting, reviewing plans, or preparing detailed statements required by Chapter 43.21 RCW.
- b. Adopting development regulations which only require public hearings for permit applications that are required to have a public hearing by statute.
- c. Adopting development regulations which make housing types an outright permitted use in all zones where the housing type is permitted.

Section 3. **Chapter 18.05 MTMC, repealed.** Chapter 18.05 MTMC, entitled “Administration and Procedures”, is hereby repealed in its entirety.

Section 4. **Chapter 18.05 MTMC, adopted.** Chapter 18.05 MTMC, entitled “Administration and Procedures”, is hereby adopted to read as set forth in attached “Exhibit A” which is hereby incorporated by this reference as though fully contained herein.

Section 5. Chapter 18.10 MTMC, amended. Chapter 18.10 MTMC, entitled “Comprehensive Plan”, is hereby retitled and amended to read as set forth in attached “Exhibit B” which is hereby incorporated by this reference as though fully contained herein.

Section 6. Chapter 18.25 MTMC, repealed. Chapter 18.25 MTMC, entitled “Public Notification – Major Land Use”, is hereby repealed in its entirety.

Section 7. Chapter 19.10 MTMC, repealed. Chapter 19.10 MTMC, entitled “Administration”, is hereby repealed in its entirety.

Section 8. Chapter 19.110 MTMC, amended. Chapter 19.110 MTMC, entitled “Zoning Permits”, is hereby amended to read as set forth in attached “Exhibit C” which is hereby incorporated by this reference as though fully contained herein.

Section 9. Chapter 19.120 MTMC, amended. Chapter 19.120 MTMC, entitled “General Provisions”, is hereby amended to read as set forth in attached “Exhibit D” which is hereby incorporated by this reference as though fully contained herein.

Section 10. MTMC 2.120.010(B)(1), amended. MTMC 2.120.010(B)(1), entitled “Purpose, authority and legal effect of Hearing Examiner decision”, subsection (B)(1), is hereby amended to read as follows:

Applications for conditional uses, variances, shoreline permits requiring public hearings, essential public facilities, secure community transition facilities, or any other class of applications for or pertaining to development of land or land use, including, but not limited to, those permits or projects pursuant to MTMC § 18.05.070(F)§ (with the exception of applications for site-specific rezones, which shall be recommendations to the City Council for final decision).

Section 11. MTMC 2.120.120, amended. MTMC 2.120.120, entitled “Optional reconsideration by the Hearing Examiner of final legislative decisions”, is hereby amended to read as follows:

Any party of record ~~as defined in pursuant to~~ MTMC § 18.05.150025, including the applicant, who believes that the decision of the Hearing Examiner is based on errors of procedure or fact may make a written request for review by the Hearing Examiner within 10 working days of the written decision. This request shall set forth the alleged errors and the Hearing Examiner may, after review of the record, take such further action as he/she deems proper and may render a revised decision. Only one request for reconsideration may be filed by any one person or party, even if the Hearing Examiner reverses or modifies his/her original decision, or changes the language in the decision originally rendered. A request for reconsideration shall extend the applicable time period for appeal to Snohomish County Superior Court by the length of time it takes to resolve the request for reconsideration.

Section 12. MTMC 2.120.140, amended. MTMC 2.120.140, entitled “Appeal to the City Council”, is hereby amended to read as follows:

An appeal, if authorized, to the City Council of a Hearing Examiner decision shall be a closed record appeal, and no new testimony and/or evidence shall be presented or considered, and only those individuals, organizations or corporations that are a party of record ~~as defined in~~ pursuant to MTMC § 18.05.~~150025~~ shall be allowed to provide public comment in the form of legal argument.

Section 13. **MTMC 2.120.150, amended.** MTMC 2.120.150, entitled “Judicial review of decision”, is hereby amended to read as follows:

Any court action to set aside, enjoin, review or otherwise challenge a final decision of the Hearing Examiner on the grounds of noncompliance with the provisions of the Mountlake Terrace Municipal Code shall be commenced within 21 days of the final action pursuant to RCW 36.70C.040(3) and in accordance with MTMC § 18.05.~~190(F)260~~.

Section 14. **MTMC 3.95.130(A)(3), amended.** MTMC 3.95.130(A)(3), entitled “Cancellation of tax exemption” subsection (A)(3), is hereby amended to read as follows:

Appeal. The property owner may appeal a determination of cancellation of the tax exemption to the Hearing Examiner pursuant to Chapter 18.05 MTMC by filing a notice of appeal with the City Clerk within 30 calendar days, specifying the factual and legal basis for the appeal. The Hearing Examiner will conduct a hearing under MTMC § 18.05.~~190240~~. An aggrieved party may appeal the Hearing Examiner's decision to the Snohomish County Superior Court within 30 calendar days of receipt of the Hearing Examiner's decision.

Section 15. **MTMC 10.15.130(A), amended.** MTMC 10.15.130 entitled “Appeals”, subsection (A), is hereby amended to read as follows:

Any major employer may appeal administrative decisions regarding exemptions, modification of targets, modification of CTR program elements, and determinations concerning failure to implement a CTR program, to the Hearing Examiner pursuant to MTMC § 18.05.~~070(C)50~~, Administrative decisions – Type B. The appeal must be filed with the City Clerk not later than the tenth day following the date of the administrative decision, accompanied by the appropriate appeal fee. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the administrative decision.

Section 16. **MTMC 10.20.040(C)(2), amended.** MTMC 10.20.040, entitled “Permit required for certain events”, subsection (C)(2), is hereby amended to read as follows:

Events that are regulated by MTMC ~~§ 19.110.170 or~~ § 19.120.210 ~~or~~ § 19.120.340;

Section 17. **MTMC 15.05.360, amended.** MTMC 15.05.360, entitled “Appeal from decision of authority”, is hereby amended to read as follows:

An owner, or his/her agent, may appeal a decision of the Building Official to the Hearing Examiner by filing an appeal with the City Clerk. An appeal to the Hearing Examiner shall be

governed by the procedures set forth in MTMC § 18.05.190240 and shall be accompanied by the required fee established in the City's fee schedule. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code. Both parties shall submit their case materials for the record at least two weeks prior to the date set by the Hearing Examiner for hearing of the case. An appeal from the Hearing Examiner's decision shall be brought before the Superior Court of Snohomish County in accordance with the Land Use Petition Act, Chapter 36.70C RCW, and shall include any amendment to such section that has been or will be enacted.

Section 18. MTMC 15.10.035, amended. MTMC 15.10.035, entitled “Interpretations and appeals”, is hereby amended to read as follows:

An owner, or his/her agent, may appeal a decision of the Fire Code Official to the Hearing Examiner by filing an appeal with the City Clerk. An appeal to the Hearing Examiner shall be governed by the procedures set forth in MTMC § 18.05.190240 and shall be accompanied by the required fee established in the City's fee schedule. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code. Both parties shall submit their case materials for the record at least two weeks prior to the date set by the Hearing Examiner for hearing of the case. An appeal from the Hearing Examiner's decision shall be brought before the Superior Court of Snohomish County in accordance with the Land Use Petition Act, Chapter 36.70C RCW, and shall include any amendment to such section that has been or will be enacted.

Section 19. MTMC 16.05.070(D), amended. MTMC 16.05.070, entitled “General requirements”, subsection (D), is hereby amended to read as follows:

Timelines for the City's SEPA process shall apply pursuant to ~~Article II, Permit Types, of Chapter 18.05 MTMC~~, including, but not limited to, MTMC § 18.05.070(F)5, as now existing or hereafter amended.

Section 20. MTMC 16.05.100(B), amended. MTMC 16.05.100, entitled “Comments and public notice”, subsection (B), is hereby amended to read as follows:

For purposes of WAC 197-11-510, public notice shall be required as provided in MTMC § 18.05.15020. Publication of notice in a newspaper of general circulation in the area where the proposal is located shall also be required for all nonproject actions and for all other proposals that are subject to the provisions of this chapter, but not classified as land use permit decisions.

Section 21. MTMC 16.05.140(B), amended. MTMC 16.05.140, entitled “Appeals”, subsection (B), is hereby amended to read as follows:

Appeals of City actions under SEPA shall be allowed as provided under ~~Article V, General Provisions for Appeals, of Chapter 18.05-MTMC § 18.05.190 and MTMC § 18.05.070(F)5, Type A—D permit actions, notice requirements, hearing procedures and timelines~~, as now

existing or hereafter amended.

Section 22. MTMC 16.10.090(I)(1), amended. MTMC 16.10.090(I), entitled “Permits and procedures; Notice of Application”, subsection (1), is hereby amended to read as follows:

Issue a notice of development application within 14 days of the determination substantially in the form set forth in MTMC § 18.05.130 and 18.05.140~~140~~. The notice shall include any additional provisions set forth in WAC 173-27-110(2). Notice shall also be provided to all agencies with jurisdiction per Chapter 43.21C RCW.

Section 23. MTMC 16.15.150, amended. MTMC 16.15.150, entitled “Preapplication meeting”, is hereby retitled to “Preapplication review” and amended to read as follows:

- A. General. The purpose of the preapplication ~~meeting~~review is to discuss the proposal in general terms and the requirements of this chapter, provide critical areas map information, identify potential concerns related to the proposal, and generally outline the applicable requirements, including permits and the review and approval process. Information given ~~at~~during the preapplication ~~meeting~~process is nonbinding. Plans presented ~~at~~for the preapplication ~~review~~meeting are nonbinding and do not vest an application. All applicants, regardless of participation in any preapplication ~~meeting~~, are held fully responsible for knowledge and disclosure of critical areas on, adjacent to, or associated with a subject parcel and full compliance with the specific provisions and goals, purposes, objectives, and requirements of this chapter.
- B. An informal preapplication ~~review~~meeting, pursuant to MTMC § 18.05.090~~80~~ is optional at the discretion of the proponent. The proponent provides basic information on the property and the proposal. The City provides best available information on critical areas on, or in, the vicinity of the property. The City also provides guidance on the expected review and approval process.
- C. A formal preapplication ~~review~~meeting, pursuant to MTMC § 18.05.90~~80~~ and this section, is required prior to submitting a formal application for development or use of land, or prior to starting an activity or use of the land, that may be regulated by this chapter.
 1. ~~Prior to the meeting, the applicant shall submit information to the City to include~~Preapplication requests shall include the following information:
 - a. A completed preapplication form.
 - b. An existing features site plan.
 - c. A conceptual proposal map.
 - d. A description of the proposed development or activity.
 - e. A completed critical area preliminary assessment form.
 - f. Preliminary critical area reports, if available.
 - g. Any other information that could be useful to understand and evaluate the proposal and the requirements of this chapter.
 2. The City is to review the information submitted and conduct a site visit.
 3. ~~At the preapplication meeting,~~ The Director may provide a preliminary determination of the presence of critical areas as part of a preapplication review,

pursuant to MTMC § 16.15.160. The preliminary determination may include whether critical area reports are required and, if so, what level of detail and what elements may be necessary for the proposal. A preliminary determination does not preclude the Director from requiring additional critical area report information during the review of the project once applied for.

Section 24. **MTMC 16.15.350(D), amended.** MTMC 16.15.350(D), entitled “Variances; Decision”, is hereby amended to read as follows:

Decision.

1. The Hearing Examiner shall make written findings that the request meets or fails to meet the variance criteria and issue a decision to approve, approve with conditions, or deny the variance, pursuant to MTMC § 18.05.220(E)190.
2. A final decision shall be rendered within 120 days of the determination of completeness per MTMC § 18.05.140.
3. Time Limit. Permits necessary to establish or construct the approved variance shall be applied for and the work completed within one year of the effective date of the Hearing Examiner's decision, unless a different time limit is specified by the Hearing Examiner. Failure to meet the established time limit shall void the variance, unless a time extension is obtained pursuant to MTMC § 18.05.160(C)5, including a demonstration that the conditions of the site and critical areas have not changed since the approval decision was issued. Knowledge of the expiration date is the responsibility of the applicant.

Section 25. **MTMC 16.15.360(E)(3), amended.** MTMC 16.15.360(E)(3), entitled “Reasonable use exceptions; Criteria for Public Agencies and Utilities Reasonable Use Exceptions”, subsection (3), is hereby amended to read as follows:

The land use project timelines and procedures of Chapter 18.05 time line set forth in MTMC ~~§ 18.05.075 shall~~ applyies, except as otherwise stated in this chapter.

Section 26. **MTMC 16.15.360(F)(1), amended.** MTMC 16.15.360(F), entitled “Reasonable use exceptions; Decision”, subsection (1), is hereby amended to read as follows:

The Hearing Examiner shall make written findings that the request meets, or fails to meet, the criteria for a reasonable use exception, pursuant to MTMC § 18.05.220(D)185, that the proposed mitigation is sufficient to protect the critical area, and that strict application of the standards in this chapter would deny all reasonable use of the property.

Section 27. **MTMC 16.15.360(G)(2), amended.** MTMC 16.15.360(G), entitled “Reasonable use exceptions; Time limits”, subsection (2), is hereby amended to read as follows:

The approval is automatically null and void if the necessary permit applications to establish the use are not received within the specified time, unless a time extension is obtained pursuant to MTMC § 18.05.160(C)5, including a demonstration that the conditions of the site and critical areas have not changed since the approval decision was issued. Knowledge of the expiration date is the responsibility of the applicant.

Section 28. MTMC 16.15.385(B), amended. MTMC 16.15.385, entitled “Appeals of critical area decisions”, subsection (B), is hereby amended to read as follows:

Decisions by the Hearing Examiner may be appealed, by the applicant or any party of record, pursuant to the judicial appeal process per Chapter 2.120 MTMC and MTMC § 18.05.190(F)260.

Section 29. MTMC 16.20.150(C), amended. MTMC 16.20.150, entitled “Adjustments and variances”, subsection (C), is hereby amended to read as follows: Requests for variance shall be filed in writing with the Director, including the payment of any fees established by the City, and shall adequately detail the basis of granting a variance. Variances require public notice (as described in Chapter 18.05 MTMC, ~~Article III, Permit Review Procedures~~) for the variance application, public notice of the Director's decision on the application, and written findings of fact that document the determination by the Director to grant the variance.

Section 30. MTMC 17.02.030, amended. MTMC 17.02.030, entitled “Procedure”, is hereby amended to read as follows:

The following steps shall be followed in the processing of boundary line adjustments:

- A. MTMC § ~~18.05.130, application review process~~18.05.110, ~~determination of completeness and requests for additional information;~~
- B. MTMC § 18.05.140, review timeframes;
- ~~CB.~~ MTMC § 17.02.050, determination of consistency with approval criteria;
- ~~DC.~~ MTMC § 18.05.150~~28~~, public notice of decision; and
- ~~ED.~~ MTMC § 18.05.190~~230~~, filing of administrative appeals.

Section 31. MTMC 17.03.030(A), amended. MTMC 17.03.030(A), entitled “Procedure and additional notice; Procedure”, is hereby amended to read as follows:

Procedure. The following steps shall be followed in the processing of short plat applications:

- 1. MTMC § ~~18.05.130, application review process~~18.05.110, ~~determination of completeness and requests for additional information;~~
- 2. MTMC § 18.05.140, review timeframes;
- ~~32.~~ Chapter 16.05 MTMC, SEPA (unless exempt under SEPA, WAC 197-11-800(6));
- ~~43.~~ MTMC § 17.03.050, determination of consistency with approval criteria;
- ~~54.~~ MTMC § 18.05.150~~25~~, public notice of administrative approval; and
- ~~5.~~ ~~MTMC § 18.05.128, notice of decision; and~~
- 6. MTMC § 18.05.190~~230~~, administrative appeals (if any).

Section 32. MTMC 17.04.030(A), amended. MTMC 17.04.030(A), entitled “Procedure and additional notice; Procedure”, is hereby amended to read as follows:

Procedure. The following steps shall be followed in the processing of preliminary plat applications:

1. MTMC § ~~18.05.130, application review process~~~~18.05.110, determination of completeness and requests for additional information;~~
2. ~~MTMC 18.05.140, review timeframes;~~
- ~~3.~~ MTMC § 18.05.150~~20, public notices of application;~~
- ~~4.~~ Chapter 16.05 MTMC, SEPA;
- ~~5.~~ MTMC § 17.04.050, determination of consistency with approval criteria;
- ~~5.~~ ~~MTMC § 18.05.127, notice of public hearing;~~
6. MTMC § 18.05.220~~180, procedures for public hearings; and~~
- ~~7.~~ ~~MTMC § 18.05.128, notice of decision; and~~
- ~~7.~~ MTMC § 18.05.190~~230, filing of administrative~~ appeals.

Section 33. MTMC 17.04.100(A)(3), amended. MTMC 17.04.100(A)(3), entitled “Revisions to an approved preliminary plat; Minor Revisions to an Approved Preliminary Plat; Processing”, is hereby amended to read as follows:

Processing. The following steps shall be followed in the processing of an application for a minor revision:

- a. ~~MTMC § 18.05.130, application review process~~~~18.05.110, determination of completeness and requests for additional information;~~
- b. ~~MTMC 18.05.140, review timeframes;~~
- ~~c.~~ MTMC § 18.05.150~~20, public notices of application;~~
- ~~d.~~ Chapter 16.05 MTMC, SEPA (unless exempt under WAC 197-11-800);
- ~~e.~~ Subsection (A)(4) of this section, determination of consistency with approval criteria; ~~and~~
- ~~e.~~ ~~MTMC § 18.05.128, notice of decision; and~~
- f. MTMC § 18.05.190~~230, filing administrative~~ appeals.

Section 34. MTMC 17.05.030, amended. MTMC 17.05.030, entitled “Procedure for preliminary binding site plan”, is hereby amended to read as follows:

The following steps shall be followed in the processing of a preliminary binding site plan application:

- A. ~~MTMC § 18.05.130, application review process~~~~18.05.110, determination of completeness and requests for additional information;~~
- B. ~~MTMC 18.05.140, review timeframes;~~
- ~~C.~~ MTMC § 18.05.150~~20, public notices of application;~~
- ~~D.~~ Chapter 16.05 MTMC, SEPA;
- ~~E.~~ MTMC § 17.05.060, determination of consistency with approval criteria;
- ~~E.~~ ~~MTMC § 18.05.128, notice of decision; and~~
- F. MTMC § 18.05.190~~230, filing administrative~~ appeals.

Section 35. MTMC 17.05.110(A)(3), amended. MTMC 17.05.110(A)(3), entitled “Revisions to an approved preliminary binding site plan; Minor Revisions to an Approved Preliminary Binding Site Plan; Processing”, is hereby amended to read as follows:

Processing. The following steps shall be followed in the processing of an application for a minor revision:

- a. MTMC § ~~18.05.130, application review process~~~~18.05.110, determination of completeness and requests for additional information;~~
- b. MTMC 18.05.140, review timeframes;
- ~~cb.~~ MTMC § 18.05.1~~5020~~, public notices ~~of application;~~
- ~~de.~~ Chapter 16.05 MTMC, SEPA (unless exempt under WAC 197-11-800);
- ~~ed.~~ Subsection (A)(4) of this section, determination of consistency with approval criteria; and
- ~~e.~~ ~~MTMC § 18.05.128, notice of decision; and~~
- f. MTMC § 18.05.1~~90230~~, ~~filing administrative~~ appeals.

Section 36. MTMC 17.07.030, amended. MTMC 17.07.030, entitled “Procedure”, is hereby amended to read as follows:

The following steps shall be followed in the processing of a final plat application and a final binding site plan application:

- A. MTMC § 17.07.040, consistency with requirements for a complete application;
- B. MTMC § ~~18.05.130, application review process~~~~18.05.110, determination of completeness and requests for additional information;~~
- C. MTMC 18.05.140, review timeframes;
- ~~DC.~~ MTMC § 18.05.15020, public notices of application;
- ~~ED.~~ MTMC § 17.07.050, determination of consistency with prescribed form of recording document;
- ~~FE.~~ MTMC § 17.07.060, staff review for consistency, recommendation and Director action; and
- ~~F.~~ ~~MTMC § 18.05.128, notice of decision; and~~
- G. MTMC § 18.05.1~~90230~~, ~~filing administrative~~ appeals.

Section 37. MTMC 17.08.030, amended. MTMC 17.08.030, entitled “Procedure”, is hereby amended to read as follows:

The following steps shall be followed in the processing of vacation or alteration applications:

- A. MTMC § ~~18.05.130, application review process~~~~18.05.110, determination of completeness and requests for additional information;~~
- B. MTMC 18.05.140, review timeframes;
- ~~CB.~~ MTMC § 18.05.1~~5020~~, public notices ~~of application;~~
- ~~DC.~~ Chapter 16.05 MTMC, SEPA;
- ~~ED.~~ MTMC § 17.08.050, determination of consistency with approval criteria;
- F. MTMC § 18.05.2~~20180~~, ~~procedures for~~ public hearings;
- ~~GH.~~ MTMC § 18.05.1~~90230~~, ~~filing administrative~~ appeals.

Section 38. MTMC 17.09.100(A)(3), amended. MTMC 17.09.100(A)(3), entitled “Revisions to an approved fee simple unit lot subdivision; Minor Revisions to an Approved Preliminary Fee Simple Unit Lot Subdivision; Processing”, is hereby amended to read as follows:

Processing. The following steps shall be followed in the processing of an application for a minor revision:

- a. MTMC § ~~18.05.130, application review process~~~~18.05.110, determination of completeness and requests for additional information~~;
- b. ~~MTMC 18.05.140, review timeframes~~;
- c. MTMC § 18.05.1~~5020~~, public notices ~~of application~~;
- d. Chapter 16.05 MTMC, SEPA (unless exempt under WAC 197-11-800);
- e. Subsection (A)(4) of this section, determination of consistency with approval criteria;
- f. MTMC § 18.05.1~~90230~~, ~~filing administrative~~ appeals.

Section 39. MTMC 18.15.020(C), amended. MTMC 18.15.020(C), entitled “Definitions; Essential public facilities”, is hereby amended to read as follows:

"Essential public facilities" means ~~those facilities defined in RCW 36.70A.200, as now or hereinafter may be amended. Such facilities may be owned or operated by a unit of local, state, or federal government, by a public utility or transportation company, or by any other entity providing a public service as its primary mission; provided, that the facility is either a necessary facility or a component of a necessary system to meet a public need~~~~essential public facilities as defined in MTMC § 18.05.025.~~

Section 40. MTMC 18.15.070(A), amended. MTMC 18.15.070, entitled “Public notification” subsection (A), is hereby amended to read as follows:

Supplemental public notification shall be provided for all Type A essential public facilities pursuant to ~~Chapter 18.25-MTMC 18.05.150(A)(3).~~

Section 41. MTMC 18.20.050(A)(2), amended. MTMC 18.20.050, entitled “Public notification”, subsection (A)(2), is hereby amended to read as follows:

~~The s~~Supplemental public notification ~~requirements for major land use actions~~, pursuant to ~~Chapter 18.25-MTMC 18.05.150(A)(3)~~; and

Section 42. MTMC 18.30.180(C)(1), amended. MTMC 18.30.180, entitled “Appeals”, subsection (C)(1), is hereby amended to read as follows:

An appeal of the impact fee after reconsideration may be filed without appealing the underlying permit. This procedure is exempt from the permit processing requirements in MTMC § 18.05.070(B)~~040~~ through § 18.05.210~~170~~ (pursuant to RCW 36.70B.140). If the developer files an appeal of the underlying permit and the impact fee, the City may consolidate the appeals.

Section 43. MTMC 19.20.050(B), amended. MTMC 19.20.050, entitled “Uses not listed”, subsection (B), is hereby amended to read as follows:

The determination of the Planning Department may be appealed to the Hearing Examiner as provided in MTMC § 18.05.~~190210~~.

Section 44. **MTMC 19.50.110(E)(1), amended.** MTMC 19.50.110(E), entitled “Temporary parking lot; Review and Decision”, subsection (1) is hereby amended to read as follows:

Temporary and interim temporary parking lots are an administrative review and approval process pursuant to the following, except as allowed in subsection (E)(2) of this section:

- a. MTMC § 18.05.~~220180~~, ~~procedures for~~ public hearings.
- b. ~~MTMC 18.05.130, application review process; MTMC § 18.05.110, determination of completeness and requests for additional information;~~
- c. ~~MTMC 18.05.140, review timeframes;~~
- d. Consistency with subsections C and D of this section.
- e. MTMC § 18.05.1~~5020~~, public notices ~~of application~~.

Section 45. **MTMC 19.50.110(G), amended.** MTMC 19.50.110(G), entitled “Temporary parking lot; Appeal”, is hereby amended to read as follows:

The decision is subject to appeal pursuant to MTMC § 18.05.~~190(D)230~~.

Section 46. **MTMC 19.80.190, amended.** MTMC 19.80.190, entitled “Submittal requirements – Preliminary site plan”, is hereby amended to read as follows:

Application for preliminary site plan review shall be made on forms supplied by the Planning Department together with the supporting materials identified on those forms, and shall meet the requirements of a complete application as described in MTMC § ~~18.05.12019.110.030 and § 19.110.050~~. The review fee as determined by other City ordinances must accompany the completed application. ~~The completed application must be submitted at least 28 days prior to the date of Planning Commission review.~~ It is the applicant's responsibility to become familiar with the provisions of the City's Zoning Ordinance and other ordinances related to property use and development. If subdivision or binding site plan is proposed, the complete application shall include both site plan and subdivision or binding site plan proposals. (See Subdivision Ordinance for Subdivision Application Requirements.)

Section 47. **MTMC 19.90.030(G)(2), amended.** MTMC 19.90.030, entitled “Procedures and criteria for evaluating and determining projects as planned actions”, subsection (G)(3), is hereby amended to read as follows:

The City's Planning and Community Development Director shall determine whether the application is complete as provided in MTMC § ~~18.05.130(D)19.110.030~~.

Section 48. **MTMC 19.90.030(G)(3), amended.** MTMC 19.90.030, entitled “Procedures and criteria for evaluating and determining projects as planned actions”, subsection (G)(3), is hereby amended to read as follows:

If the application is for a project within the planned action area defined in Exhibit A, the application will be reviewed to determine if it is consistent with the criteria of this chapter and thereby qualifies as a planned action project. The SEPA Responsible Official shall notify the applicant of his/her decision. If the project is determined to qualify as a planned action, it shall proceed in accordance with the applicable permit review procedures specified in MTMC § 18.05.070~~5~~, except that no SEPA threshold determination, EIS or additional SEPA review shall be required. The decision of the SEPA Responsible Official regarding qualification as a planned action shall be final.

Section 49. **MTMC 19.90.030(G)(4), amended.** MTMC 19.90.030, entitled “Procedures and criteria for evaluating and determining projects as planned actions”, subsection (G)(4), is hereby amended to read as follows:

Public notice and review for projects that qualify as planned actions shall be provided pursuant to RCW 43.21C.440(3)(b) and MTMC § 18.05.070~~(F)5~~ and § 18.05.150~~(F)127~~.

Section 50. **MTMC 19.100.030(G)(2), amended.** MTMC 19.100.030, entitled “Procedures and criteria for evaluating and determining projects as planned actions”, subsection (G)(2), is hereby amended to read as follows:

The City's Community ~~and Economic~~ Development Director shall determine whether the application is complete as provided in MTMC § 18.05.120 and § 18.05.130~~110 or § 19.110.030~~, as appropriate.

Section 51. **MTMC 19.100.030(G)(3), amended.** MTMC 19.100.030, entitled “Procedures and criteria for evaluating and determining projects as planned actions”, subsection (G)(3), is hereby amended to read as follows:

If the application is for a project within the planned action area defined in Exhibit A, the application will be reviewed to determine if it is consistent with the criteria of this chapter and thereby qualifies as a planned action project. The SEPA Responsible Official shall notify the applicant of his/her decision. If the project is determined to qualify as a planned action, it shall proceed in accordance with the applicable permit review procedures specified in MTMC § 18.05.070~~(F)5~~ except that no SEPA threshold determination, EIS or additional SEPA review shall be required. The decision of the SEPA Responsible Official regarding qualification as a planned action shall be final.

Section 52. **MTMC 19.100.030(G)(5), amended.** MTMC 19.100.030, entitled “Procedures and criteria for evaluating and determining projects as planned actions”, subsection (G)(5), is hereby amended to read as follows:

Other than the notice required by subsection (G)(4) of this section, public notice and review for projects that qualify as planned actions shall be tied to the underlying permit. If notice is otherwise required by the provisions of MTMC § 18.05.150~~20~~ for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required by this chapter. The review

process for the underlying permit shall be as provided in MTMC § 18.05.0705.

Section 53. **MTMC 19.111.030(G), amended.** MTMC 19.111.030, entitled “Permitting process”, subsection (G), is hereby amended to read as follows:

The Director's decision may be appealed to the Hearing Examiner pursuant to MTMC § 18.05.190(E)240.

Section 54. **MTMC 19.111.100, amended.** MTMC 19.111.100, entitled “Revocation”, is hereby amended to read as follows:

If the performance requirements of this chapter or the conditions of the temporary shelter encampment permit are violated, notice of the violation by the City may be served on the temporary shelter encampment's managing agency and/or sponsor. Upon determination that there has been a third and subsequent violation, the Director may give written notice to the permit holder describing the alleged violations. Within 14 days of the mailing of notice of the violations, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a temporary shelter encampment permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeal of the Director's decision to revoke a temporary shelter encampment permit shall be made to the Hearing Examiner pursuant to MTMC § 18.05.190(E)240. Upon revocation of the temporary shelter encampment permit, the sponsor shall be required to remove all physical evidences of the use and to restore or replant any required vegetation within 10 days of the temporary shelter encampment's required termination.

Section 55. **MTMC 19.115.020(D), amended.** MTMC 19.115.020(D), entitled “Planned unit development; Public Hearing”, is hereby amended to read as follows:

Public Hearing. Notice of a public hearing shall be prepared and issued by the Planning Department pursuant to MTMC § 18.05.15020.

Section 56. **MTMC 19.137.100(C), amended.** MTMC 19.137.100, entitled “Height variance”, subsection (C) is hereby amended to read as follows:

The WCF is an essential public facility under the definition in MTMC § 18.15.020(C)05-025.

Section 57. **MTMC 19.137.140, amended.** MTMC 19.137.140, entitled “Appeals”, is hereby amended to read as follows:

WCF decisions other than administrative approvals relating to small wireless facilities, small wireless facility permits and eligible facilities requests, Articles VI and VII of Chapter 12.20 MTMC may be appealed in accordance with ~~Article V of Chapter 18.05~~ MTMC 18.05.220(E)190. The timely filing of an appeal of a WCF permit decision shall stay the effective date of the decision until such time as the appeal is concluded or withdrawn.

Section 58. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

Section 59. Authority to make necessary corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 60. Effective Date. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ of _____, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

EXHIBIT A

Chapter 18.05 Administration and Procedures

18.05.010 Purpose

The general purpose of the City of Mountlake Terrace Development Code is to:

- 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 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:
 - 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; and
 - 5. Natural resources;
- 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 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”.

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.

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 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 word “shall” is mandatory and the words “may” and “should” are discretionary.

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.

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.

- 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	-	-
Boundary Line Adjustment ³	-	A	Director	-	-
Building Permit ^{3, 5}	-	A	Building Official	Hearing Examiner	Title 15
Clearing and Grading Permit	NOAA	A	City Engineer	Hearing Examiner	2 years
Code Interpretation ³	-	A	Director	Hearing Examiner	-
Design Review Determination	-	A	Director	-	-
Development Engineering Permit	-	A	City Engineer	Hearing Examiner	2 years
Deviation from Development Standard	NOAA	A	Director	Hearing Examiner	2 years
Driveway Permit	-	A	City Engineer	Hearing Examiner	2 years
Final Plat	NOAA	A	Director	-	-
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	City Engineer	-	-
Sign Plan	NOAA	A	Director	Hearing Examiner	2 years
Shoreline Exemption ³	-	A	Director	Hearing Examiner	-
Sign Permit ³	-	A	Director	-	Title 15
Special Use Sign Permit	NOAA	A	Director	Hearing Examiner	2 years
Time Extension ³	-	A	Director	-	-
Tree Removal Plan ^{3, 6}	-	A	Director	-	-
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; Shoreline Variance; Shoreline 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
P: Notice Posted on Property
M: Mailed Notice
N: Notice Published in Newspaper

A: Appeal Hearing
D: Hearing prior to Decision
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.

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 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 a site civil 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 a site civil permit is completed and approved by the City inspector, unless appropriate financial guarantees are 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 a site civil 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.
- 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 Planning 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 Planning Director may require the applicant to provide necessary research and background information.

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.

- 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.
 - 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 Chapter 16.15.
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.
 - h. Significant trees six-inch or greater dbh (diameter at breast height) and environmentally sensitive features, if any.
 - i. Underground storage tanks. Indicate if they are to be removed from site.
 - j. 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.
 - k. 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.
 - l. Drainage (including streams, ditches, swales, etc.), across and within 100 feet of site.
 - m. 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.
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. 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.
- 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.
- 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.

18.05.130 Application Review Process

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.
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:
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, Zoning Map, 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 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.

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.

18.05.150 Public Notice

A. *General Public Notice Provisions.*

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, and special use 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, pursuant to MTMC § 18.05.070(F), 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.

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

- 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

- 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

- 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

- 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.
 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 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 them. 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.

EXHIBIT B

Chapter 18.10. COMPREHENSIVE PLAN AND REGULATORY AMENDMENTS, AND DEVELOPMENT AGREEMENTS

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).

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.

18.10.015. Subarea plans.

- 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.
- 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.
- 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).

18.10.020. Supporting documents adopted.

The previously approved documents, listed below, are adopted as supporting documents for the Comprehensive Plan:

- A. Stormwater Comprehensive Plan, as currently adopted2019;
- B. Comprehensive Sewer System Plan, as currently adopted2019;
- C. Comprehensive Water System Plan, as currently adopted2017;
- D. Economic Vitality Strategy, as currently adopted2008;
- E. Transportation Master Plan, as currently adopted2007;
- 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 adopted 2019.

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.

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 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.

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.

EXHIBIT C

Chapter 19.110. ZONING PERMITS

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:~~

- ~~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:~~

- ~~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.~~
 - ~~5. Vicinity/area map locating the project area within a one-mile radius, including collector arterials.~~
 - ~~6. All property lines, fully dimensioned and including bearings.~~

- ~~7. Right-of-way, within 100 feet of site, labeled to show street names and dimensions.~~
- ~~8. Curb cuts (driveways) for the site and both sides of any right-of-way within 100 feet of the boundaries of the site.~~
- ~~9. All existing easements on, or adjacent to, the proposed subject site with the following information: width, type, and auditor recording file number.~~
- ~~10. All existing power, street lights and communication poles or boxes on site or within 20 feet of the site, labeled.~~
- ~~11. All existing fire hydrants on site and within 100 feet of the site; identify type.~~
- ~~12. Existing contours shown at two-foot intervals (unless otherwise required or approved).~~
- ~~13. All existing significant trees six-inch or greater dbh (diameter at breast height).~~
- ~~14. Existing structures and/or improvements on and within 20 feet of the site; all fully dimensioned and their setbacks to all property lines labeled.~~
- ~~15. Environmentally sensitive features, if any.~~
- ~~16. Benchmark utilized for elevations based on the City's 1991 vertical control.~~
- ~~17. Existing underground storage tanks. Indicate if they are to be removed from site.~~
- ~~18. Existing structures to be removed from the site, and those that are to be demolished.~~
- ~~19. Traffic control devices (including stop signs, no parking signs, yield signs, crosswalks, traffic signals) within 75 feet of the site.~~
- ~~20. Existing public improvements including curbs, gutters, sidewalks, roadways, dropped curbs.~~
- ~~21. Existing drainage across site (including streams, ditches, swales, etc.), and within 100 feet of site.~~
- ~~22. 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.~~
- ~~23. Existing fire protection system facilities (including Fire Department connection, P.I. (post indicator) valves, DDCV vaults) on the site.~~

~~D. Proposal.~~

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 re-filing 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 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 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 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.~~

19.110.200. 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 § 18.05.1~~5027~~ for conditional use permit applications heard by the Hearing Examiner. Conditional use permits require one public hearing before the Hearing Examiner.
- 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 ~~theyhe 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 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.

- I. Revocation. The Hearing Examiner may revoke an approved conditional use permit following a public hearing if ~~they~~ ~~he or she~~ finds that:
 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 § 18.05.1~~5027~~. The Hearing Examiner shall make written findings and conclusions for the record that support the revocation decision.

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.
 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 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.

DE. 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.

~~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.~~

~~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.

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.

EXHIBIT D

Chapter 19.120. GENERAL PROVISIONS

Article I. General Performance Standards

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.

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 ~~Pollution Control~~ Authority.

19.120.030. Artificial light and glare.

Uses producing artificial light, utilizing light for night operation, or causing glare shall:

- 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.

19.120.040. Dust and smoke.

- A. All uses ~~that~~which 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:
 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.

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.

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.

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.

~~Repealed by Ord. 2447.~~

~~(Ord. 2074 § 9.2(C), 1995)~~

19.120.150. Animals.

~~Repealed by Ord. 2547.~~

~~(Ord. 2074 § 9.2(D), 1995; Ord. 2481 § 49, 2008)~~

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.

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.~~

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

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:

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 ~~through~~hand 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;~~
- ~~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);
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.

~~FJ.~~ 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 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.

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

~~BC.~~ 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 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 Development 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 Development 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.

19.120.320 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.
- 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.

19.120.330 Annexation

- A. Annexations shall follow the requirements of state law.
- B. The Comprehensive Plan Map shall be used to establish the zoning classification for an area to be annexed. Zoning shall be consistent with the Comprehensive Plan Map.
- C. The City shall adopt zoning for the annexation area in a separate ordinance. The Planning Commission should consider and recommend an appropriate zoning classification to the City Council. The Planning Commission's consideration shall include review for concurrency and consistency of the proposed zoning or use, if known, with the Comprehensive Plan and Map and any applicable levels of service. If the applicant requests a zoning classification other than that shown on the Comprehensive Plan Map the applicant shall make a concurrent application for a Comprehensive Plan amendment.

19.210.340 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 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.

5. 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.
6. 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.
7. 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:
 - d. The temporary housing unit is removed from the site within six months;
 - e. The unit meets minimum setback regulations for a principal structure as required by the applicable zoning district and all applicable codes and regulations; and
 - f. A valid building permit is issued by the Building Department for a permanent structure on the lot.
8. 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.

3. 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.
4. 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.

7. 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.
8. 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:
 - r. Meets the definition of "mobile food truck/vendor";
 - s. 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);
 - t. 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;
 - u. No alcoholic beverages. No cannabis related products;
 - v. Does not block fire lanes, or drive aisles, or pedestrian access to businesses or the public sidewalk;
 - w. Parked a maximum of once a day, up to six hours, on a site/property;
 - x. Hours of operation can occur no earlier than 6:00 a.m. and no later than 9:00 p.m., including clean-up time;
 - y. Trucks can be parked no more than four days a week;

- z. 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;
 - aa. No excessive smoke associated with food preparation can occur;
 - bb. 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;
 - cc. Possess a current City business license;
 - dd. Has obtained necessary permits from the Snohomish Health District;
 - ee. Meets South County Fire District requirements;
 - ff. 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;
 - gg. 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;
 - hh. The City reserves the right to limit the number of food truck/vendor permit sites in any given area of the City.
9. 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:
- f. Right-of-way includes any public street, or sidewalk or parking lane, improved or unimproved;
 - g. Obtain a right-of-way use permit for each location;
 - h. Meets all of the requirements in subsection (D)(2) of this section;
 - i. Provides any required insurance and/or indemnification; and
 - j. Any other filing requirements requested by the Director and/or conditions of approval.
10. To locate in a City park or other City-owned land (not right-of-way):

- g. Contact the Recreation and Parks Department Director for approval of concessions permit;
 - h. Obtain a temporary use permit per MTMC § 10.20.180(C);
 - i. Meets all of the requirements in subsection (D)(2) of this section;
 - j. Provides any required insurance and/or indemnification. Vendors selling product on public land are subject to the leasehold excise tax, Chapter 82.92 RCW;
 - k. Provides any required insurance and/or indemnification; and
 - l. Any other filing requirements requested by the Director and/or conditions of approval.
11. 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.
12. 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.

CITY OF MOUNTLAKE TERRACE

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT CODE BY ADOPTING MOUNTLAKE TERRACE MUNICIPAL CODE SECTION 18.10.080 RELATING TO DEVELOPMENT AGREEMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has the authority under common law and Title 35A RCW to adopt regulations related to zoning and land uses and the processing of land use development permits; and

WHEREAS, RCW 36.70B.170 which authorizes the city to enter into a development agreement with persons having ownership or control of real property; and

WHEREAS, the City Council seeks to establish guidelines for development agreements with the City; and

WHEREAS, such measures are not intended to be inclusive, nor are they intended to address all administrative policies related to processing applications for land use and development;

WHEREAS, on June 8, 2026, the Planning Commission conducted a work session that was open to the public to discuss the proposed amendments; and

WHEREAS, the intent to amend development regulations was noticed in accordance with City of Mountlake Terrace procedures and regulations as required by RCW 36.70A.106 and on April 29, 2026 and June 2, 2026, a 60-day notice of intent to amend development regulations as proposed was sent to the Washington State Department of Commerce; and

WHEREAS, pursuant to the State Environmental Policy Act, the City, as designated as the lead agency for review of the proposed amendments, issued a Determination of Non-Significance (DNS) on May 15, 2026 pursuant to WAC 197-11-340(2). The City did not receive any appeal of the DNS and the DNS is therefore final; and

WHEREAS, on _____, the Planning Commission held a duly noticed public hearing to receive staff and public input concerning the proposed amendments to the development regulations and all persons who wished to be heard on the matter were heard; and

WHEREAS, following the public hearing, the Planning Commission made written findings and issued a recommendation to the City Council to approve the proposed amendments, finding the proposed amendments are internally consistent with the City's Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents; and

WHEREAS, on _____, at a duly noticed public meeting the City Council considered the Planning Commission’s recommendation and all persons wishing to be heard on the matter were heard; and the City Council voted to approve the proposed amendments;

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

Section 1. **Adoption of recitals as findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

Section 2. **Adoption of Planning Commission findings, conclusions, and analysis.** In support of the amendments approved in this Ordinance, the Mountlake Terrace City Council adopts the findings, conclusions, and analysis contained in the Planning Commission’s Findings of Fact and Conclusions, attached hereto as “Exhibit A” and incorporated herein by reference, including but not limited to the findings that the Zoning Code regulations and amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Mountlake Terrace Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of the City’s residents.

Section 3. **MTMC 18.10.080, adopted.** MTMC 18.10.080, entitled “Development agreements”, is hereby adopted as set forth:

18.10.080 Development agreements.

The city may enter into a development agreement with a person having ownership or control of real property within its jurisdiction or outside its boundaries as part of an annexation agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

A. **Purpose.** The purpose of this section is to implement RCW 36.70B.170, which authorizes the city to enter into a development agreement with persons having ownership or control of real property. The City Council finds that development agreements may be an appropriate means to consolidate and address many issues involved in complex development projects in a single controlling instrument that benefits the city, its residents, and the public. Use of development agreements may further the objectives of the Comprehensive Plan and development regulations adopted pursuant to the Comprehensive Plan.

B. **Review process.** A duly noticed public hearing pursuant to RCW 36.70B.200 and recommendation on the development agreement shall be made to the City Council by the Planning Commission. The development agreement shall be subject to review and approval by the City Council based on the record of the planning commission hearing. The decision of the

City Council to approve or reject a request for a development agreement shall be a discretionary, legislative act.

C. Fees. Fees for a development agreement review shall be as established by city schedule and collected at the time of the development agreement application.

D. Flexibility in application of development standards. A development agreement shall be consistent with applicable development regulations to the fullest extent possible; provided, a development agreement may allow development standards that differ from those otherwise imposed under the Mountlake Terrace Municipal Code in order to provide flexibility to achieve public benefits, respond to changing community needs, or encourage modifications that provide the functional equivalent or adequately achieve the purposes of otherwise applicable City standards. Any development standards approved pursuant to a development agreement that differ from those in this code shall not require any further zoning reclassification, variance from City standards or other City approval apart from development agreement approval. The development standards as approved through a development agreement shall apply to and govern the development and implementation of each covered site in lieu of any conflicting or different standards or requirements elsewhere in the Mountlake Terrace Municipal Code. Subsequently adopted standards that differ from those of a development agreement adopted by the city as provided in this chapter shall apply to the covered development project only where necessary to address imminent public health and safety hazards or where the development agreement specifies a time period or phase after which certain identified standards can be modified. Determination of the appropriate standards for future phases which are not fully defined during the initial approval process may be postponed. Building permit applications shall be subject to the building codes in effect when the permit is applied for.

E. Police power and contract authority. Pursuant to RCW 36.70B.170(4), the execution of a development agreement is a proper exercise of the City's police power and contract authority. Accordingly, a development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

F. Form. Development agreements shall be consistent with RCW 36.70B.170 through 36.70B.210. All development agreements shall be in form and content as approved by the City Attorney.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation.

Section 5. Authority to make necessary corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ of _____, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

EXHIBIT A

Planning Commission Findings of Fact & Conclusions



CITY OF
**MOUNTLAKE
TERRACE**



CITY OF
**MOUNTLAKE
TERRACE**

Administrative Procedures

City Council Work Session: June 11, 2026

Brooke Eidem, Community Development Director

PURPOSE

- Update administrative procedures and permit process for compliance with Local Project Review Act (36.70B RCW & 2023/2026 amendments)
 - Amendments modify 3-tier deadlines to maintain 120-day “clock” for all project types – for simplicity, predictability, and transparency
 - Ordinance includes optional processes to avoid fee refunds
- Consolidate and reorganize
- Correct inconsistencies and conflicts
- Streamline processes where possible
- Ensure complete information provided
- Ensure code matches policy
- Add new section for development agreements

LEGISLATIVE HISTORY

- Planning Commission discussions
 - May 11, 2026
 - June 8, 2026 (DA section)
- Planning Commission Public Hearing
 - June 22, 2026 (DA section)

SUMMARY

ADMINISTRATION & PROCEDURES – Chapter 18.05 MTMC

- *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
- Relocate annexation section

SUMMARY

COMPREHENSIVE PLAN – Chapter 18.10 MTMC

- *Amend*
- Chapter doesn't address amendment process; adding from Ch 18.05
- Remove specific dates from referenced plans; add “as amended”
- Formally adopt roadway classification map
- Improve language to address annual docketing process
- Add new section 18.10.080 to add process for Development Agreements
 - Authorized by RCW 36.70B.170; requires public hearing per RCW 36.70B.200
 - Provides level of certainty for both parties
 - Developer assured that development standards will not change during course of project, can address project phasing in agreement without having permits expire
 - City assured that development aspects will not change, can negotiate for additional public benefits, improvements, and mitigation

SUMMARY

PUBLIC NOTIFICATION – MAJOR LAND USE – Chapter 18.25 MTMC

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

SUMMARY

ADMINISTRATION – Chapter 19.10 MTMC

- *Repeal*
- Chapter duplicates some of the administration portions of Ch 18.05 with the intent of applying to Title 19
- Unclear whether Ch 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 Ch 18.05 and repeal this chapter

SUMMARY

ZONING PERMITS – Chapter 19.110 MTMC

- *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

SUMMARY

GENERAL PROVISIONS – Chapter 19.120 MTMC

- *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 certificates of occupancy and temporary permits from Chapter 19.110
- Add annexations section from Ch 18.05

BOARD/COMMISSION RECOMMENDATION

- Most amendments are procedural in nature and do not require Planning Commission recommendation, with exception of Development Agreement section
- Planning Commission reviewed bulk of amendment package on May 11 and made unofficial recommendation for approval
- Additional discussion on Chapter 18.10 including Development Agreement section June 8; Public Hearing scheduled June 22

NEXT STEPS

Planning Commission Public Hearing June 22, 2026

- will address second Ordinance on Chapter 18.10 MTMC

City Council adoption scheduled July 2, 2026

DISCUSSION & QUESTIONS

Thank you





STAFF REPORT

To: Mountlake Terrace City Council
From: Brooke Eidem, Community Development Director
Meeting Date: June 11, 2026
Subject: Review Resolution Adopting Policies for Property Addresses

Required Reviews:

Jennifer Joki	Created/Initiated - 06/04/2026
Brooke Eidem	Approved - 06/04/2026
Sirke Salminen	Approved - 06/04/2026
Hillary Evans	Approved - 06/05/2026
Jeff Niten	Final Approval - 06/05/2026

Council Goal(s):

Responsible Governance to Ensure Desired Level of Service

Legislative History:

N/A

Subject Summary:

It is common for a municipality to have a set of policies for how property addresses are determined for standardization and consistency. These standards are essential for effective urban planning and efficiency, ensuring clarity, safety, and accessibility. The Mountlake Terrace Municipal Code (MTMC) currently has a process in place that allows a property owner to request to have a street renamed, which requires a public hearing by the City Council and an ordinance to adopt the new street name. However, there is no adopted process in place for standard street naming or situs addressing, a process that occurs far more often.

The addressing procedures in the attached draft Resolution are intended to provide guidance for how streets and addresses are determined. It is based on the current addressing system, so new addresses based on this policy will fit seamlessly into existing neighborhoods. It also addresses middle housing and ADUs, which have needed a set policy since the regulations were adopted. The policy has been reviewed and approved by first responders and the City's GIS Specialist.

Financial/Budget Impacts:

Budget Amendment	No
Required?	_____

Budget and Sources:	
Expenditure:	
New Appropriation Required + Sources:	

Additional Financial Information:

N/A

Community Notifications:

City Council Agenda

If "Other," please specify:

Board/Commission Recommendation:

N/A

Staff Recommendation:

Staff recommends the City Council vote to adopt the Resolution Adopting Policies for Property Addresses. This can be accomplished by adding it to the Consent Agenda for the June 18 regular council meeting.

Council Motion:

N/A

Attachments:

1. Resolution Adopting Policies for Property Addresses (Draft)
2. Addressing Policies slide deck

CITY OF MOUNTLAKE TERRACE

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MOUNTLAKE TERRACE AUTHORIZING AND APPROVING ADMINISTRATIVE POLICIES FOR THE ADDRESSING OF PROPERTY

WHEREAS, the City of Mountlake Terrace has authority to and is responsible for the naming of public streets and for establishing property addresses within the City’s corporate limits; and

WHEREAS, the City of Mountlake Terrace establishes street names and accompanying property addresses at the time of land development; and

WHEREAS, the City of Mountlake Terrace presently does not have written policies and standards for the naming of streets and addressing of property; and

WHEREAS, adherence to norms and standards when naming streets and assigning addresses can promote public health, safety, and welfare by facilitating wayfinding and emergency response; and

WHEREAS, the City Council authorized the administrative policies for addressing property at a regular meeting on _____; and

WHEREAS, it may be necessary from time to time for the City Manager to develop administrative rules, policies, and procedures necessary for successful implementation of the policies established by this Resolution; and

WHEREAS, the Community Development Director, acting as the SEPA Responsible Official, has reviewed this Resolution and the accompanying policies and concluded that this action is procedural in nature and exempt from SEPA requirements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Addressing Policies attached to this Resolution as Exhibit A are hereby approved.

Section 2. The City Manager is hereby authorized to amend and augment the Policies as adopted by Section 1 of this Resolution as necessary to preserve and protect public health, safety, and welfare.

PASSED by the City Council on _____
SIGNED in authentication of its passage on _____
EFFECTIVE _____

AUTHENTICATION: _____
Steve Woodard, Mayor

ATTEST: _____
Jennifer Joki, City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

EXHIBIT A

City of Mountlake Terrace Addressing Policies

A. General

1. The Community Development Department shall be responsible for naming streets and assigning situs addresses as part of development during the permitting process.
2. Street design and layout shall generally be a grid configuration based on section lines of the Public Land Survey System, and the block configuration established by the Snohomish County addressing system.
3. Addresses shall be assigned in a manner consistent with these policies. Deviations from these policies shall only be made in the interest of public health, safety, and welfare.
4. Alleys shall not be named, nor shall they be used as a valid address.
5. Addresses shall conform to applicable Federal, State, and City regulations. In the event these policies conflict with any applicable regulation, the regulation shall prevail.
6. The format of written addresses shall conform to *Publication 28, Postal Addressing Standards*, USPS, October 2024.

B. Orientation

1. Where a street changes direction by 45 degrees or more, the street shall be considered to have changed its orientation.
2. Address numbers on the north and east sides of the streets shall be odd.
3. Address numbers on the south and west sides of the streets shall be even.

C. Street Names

1. Streets oriented north-south shall be assigned a three-digit numeric name with the directional suffix “West” (W).
2. Streets oriented east-west shall be assigned a two-digit numeric name with the directional suffix “Southwest” (SW).
3. One street name shall be used consistently for a street alignment.
4. Property owners may request a different street name to be approved by the City Council at a public hearing pursuant to MTMC 12.25.020.

D. Street Suffixes

1. The suffix “Avenue” shall be used for streets oriented north-south.
2. The suffix “Street” shall be used for streets oriented east-west.
3. The suffix “Place” shall be used for streets oriented north-south or east-west that lie between alignments, including cul de sacs.
4. The suffix “Drive” shall be used for curving streets oriented both north-south and east-west.
5. The suffix “Court” or “Lane” shall be used for private streets, if an address is assigned.

E. Addressing Properties

1. Addressing is based on the location of the primary pedestrian entrance.
2. Addresses on Streets have four-digit numbers.

3. Addresses on Avenues have five-digit numbers.
4. Property addresses shall be a combination of the block number of the adjacent street and a consecutive value of addressed structures from that street.

Examples: *The east side of the block adjacent to the 23400 block of 53rd Avenue W (south of 234th St SW) are addressed 234XX 53rd Avenue W*

The north side of the block adjacent to the 5700 block of 227th St SW (west of 57th Ave W) are addressed as 57XX 227th St SW

F. Addressing for Multiple Structures/Occupants

1. A single street address shall be assigned to the property, with multiple buildings and/or dwelling units referenced by secondary identifiers.
 - a. Each detached building is identified by a capitalized letter identifier: A, B, C, etc.
 - b. The letters are assigned in the same direction as the street addresses, beginning in the front of the lot and progressing toward the rear.

Example: *A lot containing six individual cottages oriented side by side and three units in depth are addressed units A and B in the front, C and D in the center, and units E and F in the rear.*

- c. Each attached unit within the building is assigned a three digit numerical unit number that corresponds to which floor it is on and the unit number on that floor, e.g, unit A101 is the first unit on the first floor of Building A, unit B305 is the fifth unit on the third floor of Building B.
- d. “Apartment” may be used in lieu of “Unit” for residential developments, at the owner’s discretion.
- e. “Suite” may be used in lieu of “Unit” for commercial developments, at the owner’s discretion.



CITY OF
**MOUNTLAKE
TERRACE**



CITY OF
**MOUNTLAKE
TERRACE**

Addressing Policies

City Council Work Session: June 11, 2026

Brooke Eidem, Community Development Director

PURPOSE

- Adopt addressing policies by Resolution to ensure standardization and consistency
- Make process more efficient and easier for staff with reference and instruction document approved by City Council
- Provide standardized policies that are consistent with USPS and E-911

SUMMARY – ADDRESSING POLICIES

- Addressing new properties is done by Community Development Department as part of permitting process
- Middle housing regulations have complicated addressing by making it possible to locate more dwelling units in more locations
- Proposed policies address this and other multi-unit scenarios – residential and commercial development
- Policies were reviewed by first responders and by staff (including GIS)

SUMMARY – ADDRESSING POLICIES

- *General policies:* responsibilities; consistency with PLSS, Snohomish County, and USPS standards; deviations; alleys are not named.
- *Orientation:* when street names change based on orientation; odd and even address numbers.
- *Street Names:* three- and four-digit numerical names, directional suffixes, consistency, and reference to alternate naming process per MTMC 12.25.020
- *Street Suffixes:* when to use Ave, Street, Place, Drive, Court, etc.
- *Addressing Properties:* How to determine the situs address number
- *Addressing for Multiple Structures/Occupants:* Attached and detached, ADUs, and multi-tenant commercial addressing

NEXT STEPS

City Council adoption scheduled June 18, 2026

- Proposing for consent agenda

DISCUSSION & QUESTIONS

Thank you





STAFF REPORT

To: Mountlake Terrace City Council
From: Jeff Niten, City Manager
Meeting Date: June 11, 2026
Subject: Review Ordinances Modifying Title 2 of the Mountlake Terrace Municipal Code

Required Reviews:

Jennifer Joki	Created/Initiated - 06/05/2026
Jeff Niten	Approved - 06/05/2026
Hillary Evans	Final Approval - 06/05/2026

Council Goal(s):

An Informed and Engaged Community
Responsible Governance to Ensure Desired Level of Service

Legislative History:

N/A

Subject Summary:

Title 2 of the Mountlake Terrace Municipal Code defines how the city conducts its operations and manages its personnel and advisory bodies. A comprehensive review of Title 2 to ensure consistency identified several code sections that are outdated, duplicative, or no longer necessary. The proposed repeals, amendments, and additions will align the code with current administrative practices, organizational needs, and applicable legal requirements while improving clarity and efficiency.

Over the next month, City staff will bring many of these before Council, including:

1. Repeals of Some Chapters.

The proposed repeals reflect commissions that are no longer active, programs no longer utilized, and policies that are addressed via state and federal laws.

- MTMC 2.25 Violations Bureau
- MTMC 2.62 Historical Comm
- MTMC 2.67 Police Corps
- MTMC 2.70 Reserve Police
- MTMC 2.100 Firemen Pension

- MTMC 2.105 Affirm Action
- MTMC 2.110 Econ Feas Study

2. Amendments to Certain Chapters.

The proposed amendments revise select chapters to include gender-neutral language, provide the chapter's purpose and/or updated responsibilities, and eliminate duplicative language that is addressed in another section.

- MTMC 2.40 Community Policing Advisory Board
- MTMC 2.45 Arts Advisory Commission
- MTMC 2.50 Recreation and Park Advisory Commission
- MTMC 2.55 Planning Commission
- MTMC 2.63 Lodging Tax Advisory Committee
- MTMC 2.65 Civil Service Commission
- MTMC 2.75 Emergency Services – Disaster Coordination
- MTMC 2.130 Disability Board
- MTMC 2.140 Salary Commission

3. Adoption of New Chapter.

The proposed Chapter 2.30 establishes uniform policies and language for external boards and commissions (advisory bodies), as follows:

MTMC 2.30 Uniform Policies for Boards and Commissions

Sections:

- 2.30.005 Purpose.
- 2.30.010 Application.
- 2.30.020 Residency requirements.
- 2.30.030 Membership – Appointment.
- 2.30.040 Membership – Vacancies.
- 2.30.050 Attendance policies.
- 2.30.060 Ex officio member.
- 2.30.070 Student member.
- 2.30.080 Staff support.
- 2.30.090 Quorum
- 2.30.100 Term of office.
- 2.30.110 Required training.
- 2.30.120 Bylaws and rules of procedure.
- 2.30.130 Annual work plan.

Financial/Budget Impacts:

Budget Amendment No
 Required? _____

Budget and Sources:	N/A
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Expenditure:	N/A
New Appropriation Required + Sources:	N/A

Additional Financial Information:

N/A

Community Notifications:

City Council Agenda

If "Other," please specify:

Board/Commission Recommendation:

N/A

Staff Recommendation:

Staff recommends the City Council vote to adopt the first round of ordinances presented, repealing certain chapters in Title 2. This can be accomplished by adding it to the Consent Agenda for the June 18, 2026 regular council meeting.

Council Motion:

N/A

Attachments:

1. ORD Chapter 2.30 Uniform Board and Commission Language - New
2. ORD - MTMC 2.25 Violations Bureau - Repeal
3. ORD - MTMC 2.62 Historical Comm - Repeal
4. ORD - MTMC 2.67 Police Corps - Repeal
5. ORD - MTMC 2.70 Reserve Police - Repeal
6. ORD - MTMC 2.100 Firemen Pension - Repeal
7. ORD - MTMC 2.105 Affirm Action - Repeal
8. ORD - MTMC 2.110 Economic Feasibility Study - Repeal
9. ORD - MTMC 2.45 AAC (clean) - Amend
10. ORD - MTMC 2.45 AAC (redlined) - Amend
11. ORD - MTMC 2.150 DEIC (clean) - Amend
12. ORD - MTMC 2.150 DEIC (redlined) - Amend
13. ORD - MTMC 2.55 Planning Commission (clean) - Amend
14. ORD - MTCM 2.55 Planning Commission (redlined) - Amend
15. ORD - MTMC 2.50 RPAC (clean) - Amend
16. ORD - MTMC 2.50 RPAC (redlined) - Amend
17. ORD MTMC 2.40 CPAB (clean) - Amend
18. ORD MTMC 2.40 CPAB (redlined) - Amend
19. ORD - MTMC 2.63 LTAC (clean) - Amend
20. ORD - MTMC 2.63 LTAC (redlined) - Amend

21. ORD - MTMC 2.75 Emergency Services (clean) - Amend
22. ORD - MTMC 2.75 Emergency Services (redlined) - Amend
23. ORD - MTMC 2.20 auditing officer (clean) - Amend
24. ORD - MTMC 2.20 auditing officer (redlined) - Amend

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, ADOPTING MOUNTLAKE TERRACE MUNICIPAL
CHAPTER 2.30, ESTABLISHING UNIFORM POLICIES FOR
ADVISORY BOARDS AND COMMISSIONS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City is reviewing all advisory boards and commissions contained in Title 2 of the Mountlake Terrace Municipal Code to increase efficiency and consistency; and

WHEREAS, the City Council finds it is in the best interests of the City to adopt a Chapter 2.30 which applies to all boards and commissions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Adopting Ch. 2.30 MTMC. A new Chapter 2.30 of the MTMC, entitled “Uniform Policies for Advisory Boards and Commissions” is hereby adopted to read as follows:

**Chapter 2.30
UNIFORM POLICIES FOR ADVISORY BOARDS AND COMMISSIONS**

Sections:

- 2.30.005 Purpose.**
- 2.30.010 Application.**
- 2.30.020 Residency requirements.**
- 2.30.030 Membership – Appointment.**
- 2.30.040 Membership – Vacancies.**
- 2.30.050 Attendance policies.**
- 2.30.060 Ex officio member.**
- 2.30.070 Student member.**
- 2.30.080 Staff support.**
- 2.30.090 Quorum.**
- 2.30.100 Term of office.**
- 2.30.110 Required training.**
- 2.30.120 Bylaws and rules of procedure.**
- 2.30.130 Annual work plan.**

2.30.005 Purpose.

The purpose of this chapter is to establish uniform policies for city Advisory Boards and Commissions (“Advisory Bodies”) and to establish a process for review to ensure that the

organization is efficient and nonbureaucratic. It is further to assure public access to all meetings of such Advisory Bodies.

It shall also be a statement of the council that all Advisory Bodies are creatures of the legislative body and shall not be deemed independent or autonomous to the legislative body.

A. All Advisory Bodies of the city of Mountlake Terrace shall be created by ordinance of the city council and shall contain a statement of purpose and need. Except as may be otherwise provided by ordinance, the Advisory Bodies approved by council are advisory in nature and all members appointed shall serve without compensation.

B. The city’s current Advisory Bodies are:

Board and Commission Names	Mountlake Terrace Municipal Code Chapter	Ordinances Relating to Committee, Commission, or Board
Arts Advisory Commission	Chapter 2.45	778, 931, 1010, 1534, 1610, 1739, 1995, 2127, 2312, 2378, 2412
Civil Service Commission	Chapter 2.65	37, 322, 2122, 2395
Community Policing Advisory Board	Chapter 2.40	1913, 1975, 1997, 2130
Disability Board	Chapter 2.130	2159, 2576, 2595
Diversity, Equity and Inclusion Commission	Chapter 2.150	2772, 2850, 2866
Lodging Tax Advisory Committee	Chapter 2.63	2268
Planning Commission	Chapter 2.55	10, 79, 1665, 852
Recreation and Park Advisory Commission	Chapter 2.50	1535, 1868, 1994, 2128, 2313
Salary Commission	Chapter 2.140	2744

2.30.010 Application.

This chapter shall apply to all Advisory Bodies created and/or regulated by the city unless otherwise specified.

The city council may determine that an Advisory Body no longer is needed to provide advice to the council, or to provide for an operational need of the organization, and in such case, the city council may choose to not reauthorize the committee. An ordinance repealing the original authorizing ordinance shall be placed on the council agenda for formal action.

2.30.020 Residency requirements.

The following residency requirements shall commence July 1, 2026:

A. Except as may be otherwise provided in this code regarding a specific Advisory Body members shall reside within the city limits of Mountlake Terrace.

B. Proof of Residency. If required by ordinance, then Advisory Body members or applicants shall provide proof of residency.

C. Current Advisory Body members who do not fulfill the residency requirements shall be allowed to finish their current term but will not be eligible for reappointment.

D. If an Advisory Body member moves out of the area, that member is no longer eligible to serve and shall notify the mayor or their designee, in writing.

E. Exceptions to Residency Requirements. Exceptions to residency requirements may be permitted by ordinance.

2.30.030 Membership – Appointment.

The Council shall endeavor to appoint individuals who demonstrate impartiality, sound and balanced judgment, and the ability to thoughtfully reconcile differing viewpoints. The council shall strive to maintain a diverse representation of the community within an Advisory Body. All members recommended by the City Council Boards and Commissions Interview Committee are subject to full council confirmation; provided, that all council members have an opportunity to review the applications of the subcommittee's recommended appointments prior to the meeting at which the council is to confirm the appointments. Upon motion by any member of the Council, and approval by a majority of the City Council, the appointment of any member serving on an Advisory Body may be terminated for cause. The City Council shall thereafter proceed with the appointment of a new member to complete the term of office.

2.30.040 Student member.

A. Student Representative Authorized. Any Advisory Body may appoint a high school student to participate as a nonvoting member of the Advisory Body. This person shall be known as a student representative. This position shall be nonvoting and shall not count towards a quorum, unless otherwise stated by ordinance.

B. Qualifications. Student representatives must be residents of or attend high school in the city of Mountlake Terrace.

C. Term. Each student representative shall serve a two-year term commencing July 1, except where graduation or other circumstances require a modified term. A student representative may apply for reappointment to the same position for successive terms; provided, that the Advisory Body shall evaluate all applicants for the student representative position and any reappointment shall be voted on in an open public meeting. A student representative may be removed for cause prior to the end of the term on a supermajority vote of the full Advisory Body.

2.30.050 Membership – Vacancies.

Vacancies on an Advisory Body shall be filled in the same manner as original appointments and shall be made for the remainder of the term of the member being replaced. Application notice to fill vacancies shall be posted to the community.

2.30.060 Attendance policies.

A. Regular attendance by members is necessary for the efficient operation and effective completion of business. Roll call to establish attendance shall be taken at the beginning of all meetings. An absence shall be considered excused only if the Commission are notified of the

absence and a majority of the Commissioners vote to excuse it. Three unexcused absences from regular meetings in a year shall constitute an automatic resignation from the members. A member may request that an absence be excused either before or after the absence occurs.

B Meeting Chair. If the Advisory Body chairperson is unable to attend the meeting in person, the next senior position who is in person shall chair the meeting.

C. It is the desire of the city that members attend meetings in person. If members have to attend the meeting virtually, they must be able to hear and be heard in order for their attendance to count and to be able to vote. Remote attendance is intended to be an alternative and relatively infrequently used method for participation by members.

Upon request of a Commission member, the City Council may make a temporary appointment to replace a Commission member who will be absent from meetings for a prolonged period.

2.30.070 Council liaison.

Each Advisory Body shall include at least one councilmember. Councilmembers serving on an Advisory Body should act as the primary two-way communication channel and to establish a working relationship between council and the Advisory Body for their mutual benefit. Unless otherwise specified, the council liaison is nonvoting and does not count towards a quorum.

2.30.080 Staff liaison.

The city manager, or their designee, shall appoint a staff liaison for each Advisory Body to ensure that meeting notifications and recordkeeping occur consistent with applicable state laws; to provide professional guidance, issue analysis and recommendations; to assist the Advisory Body with research, report preparation, and correspondence in keeping with the Advisory Body's approved work plan; and to perform other Advisory Body liaison duties as may be assigned by the city manager or designee. The staff liaison shall be assigned to prepare the agenda and take minutes.

2.30.090 Quorum.

A quorum for the transaction of official business shall consist of a majority of the voting members of the Advisory Body. If a quorum is not present within 15 minutes of the meeting time, the chairperson should call the meeting to order, indicate there is no quorum, and close the meeting. Council liaisons and student representatives are nonvoting and do not count towards a quorum.

2.30.100 Term of office.

Unless otherwise specified, appointments shall be for three-year terms and shall expire on the thirtieth day of June.

2.30.110 Required training.

Every Advisory Body member shall complete any and all trainings assigned by the city manager or designee.

2.30.120 Bylaws and rules of procedure.

The city council shall establish bylaws and rules of procedure for Advisory Bodies. Advisory Bodies shall review their bylaws and rules of procedure annually and submit any recommended changes to the city council.

2.30.130 Annual work plan.

Each Advisory Board shall present a work plan or update to the council annually that describes the activities during the past and current calendar year.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXXX, 2026, and signed in authentication of its passage this XX day of XXXXXXX, 2026.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, REPEALING IN ITS ENTIRETY MOUNTLAKE
TERRACE MUNICIPAL CODE CHAPTER 2.25, RELATING TO
VIOLATIONS BUREAU; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace is reviewing Title 2 of the Mountlake Terrace Municipal Code (“MTMC”) to ensure it is both current and internally consistent; and

WHEREAS, Chapter 2.25 MTMC was adopted in 1971 by Ordinance 796 to establish a Violations Bureau; and

WHEREAS, the City has not used the Violations Bureau in more than twenty years and it serves no functional benefit to the City; and

WHEREAS, the City Council finds it is in the best interest of the operations of the City to repeal Ch. 2.25 MTMC in its entirety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Repealing MTMC Chapter 2.25, Violations Bureau. Chapter 2.25 of the Mountlake Terrace Municipal Code MTMC, entitled Violations Bureau, is hereby repealed in its entirety.

Section 2. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE XX of XXXX, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, REPEALING IN ITS ENTIRETY MOUNTLAKE
TERRACE MUNICIPAL CODE CHAPTER 2.62 MTMC, RELATING TO
THE HISTORICAL COMMITTEE; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace is reviewing Title 2 of the Mountlake Terrace Municipal Code (“MTMC”) to ensure it is both current and internally consistent; and

WHEREAS, Chapter 2.62 MTMC was adopted in 1999 by Ordinance 2210 to establish a Historical Committee; and

WHEREAS, the City has not used the Historical Committee in many years and it currently serves no functional benefit to the City; and

WHEREAS, the City Council finds it is in the best interest of the operations of the City to repeal Ch. 2.62 MTMC in its entirety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Repealing MTMC Chapter 2.62, Historical Committee. Chapter 2.62 of the Mountlake Terrace Municipal Code, entitled Historical Committee, is hereby repealed in its entirety.

Section 2. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE XX of XXXX, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, REPEALING IN ITS ENTIRETY MOUNTLAKE
TERRACE MUNICIPAL CODE CHAPTER 2.67 MTMC, RELATING TO
A POLICE CORPS PROGRAM; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace is reviewing Title 2 of the Mountlake Terrace Municipal Code (“MTMC”) to ensure it is both current and internally consistent; and

WHEREAS, Chapter 2.67 MTMC was adopted in 1999 by Ordinance 2215 to establish a police corps candidate program (“program”); and

WHEREAS, the City has not used the program in many years and it currently serves no functional benefit to the City; and

WHEREAS, the City Council finds it is in the best interest of the operations of the City to repeal Ch. 2.67 MTMC in its entirety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Repealing MTMC Chapter 2.67, Police Corps Program. Chapter 2.67 of the Mountlake Terrace Municipal Code, entitled Police Corps Program, is hereby repealed in its entirety.

Section 2. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE XX of XXXX, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, REPEALING IN ITS ENTIRETY MOUNTLAKE
TERRACE MUNICIPAL CODE CHAPTER 2.70, RELATING TO
RESERVE POLICE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace is reviewing Title 2 of the Mountlake Terrace Municipal Code (“MTMC”) to ensure it is both current and internally consistent; and

WHEREAS, Chapter 2.70 MTMC was adopted in 1955 by Ordinance 49, later amended in 1968 by Ordinance 582 to establish a reserve police program; and

WHEREAS, in 2021 the City cancelled the reserve program, as it was no longer beneficial to the City; and

WHEREAS, the City Council finds it is in the best interest of the operations of the City to repeal Ch. 2.70 MTMC in its entirety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Repealing MTMC Chapter 2.70, Reserve Police. Chapter 2.70 of the Mountlake Terrace Municipal Code MTMC, entitled Reserve Police, is hereby repealed in its entirety.

Section 2. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE XX of XXXX, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, REPEALING IN ITS ENTIRETY MOUNTLAKE
TERRACE MUNICIPAL CODE CHAPTER 2.100, RELATING TO THE
FIREMAN’S RELIEF PENSION; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace is reviewing Title 2 of the Mountlake Terrace Municipal Code (“MTMC”) to ensure it is both current and internally consistent; and

WHEREAS, Chapter 2.100 MTMC was adopted in 1969 by Ordinance 693 to establish a Fireman’s Pension Board; and

WHEREAS, the City has not employed firefighters for many years and Chapter 2.100 is no longer necessary or relevant to any municipal purpose; and

WHEREAS, the City Council finds it is in the best interest of the operations of the City to repeal Ch. 2.100 MTMC in its entirety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Repealing MTMC Chapter 2.100, Firemen’s Relief Pension. Chapter 2.100 of the Mountlake Terrace Municipal Code MTMC, Firemen’s Relief Pension, is hereby repealed in its entirety.

Section 2. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE XX of XXXX, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, REPEALING IN ITS ENTIRETY MOUNTLAKE
TERRACE MUNICIPAL CODE CHAPTER 2.105, RELATING TO A
CITY AFFIRMATIVE ACTION PROGRAM; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace is reviewing Title 2 of the Mountlake Terrace Municipal Code (“MTMC”) to ensure it is both current and internally consistent; and

WHEREAS, Chapter 2.105 MTMC was adopted in 1975 by Ordinance 992, and it establishes a City Affirmative Action Officer and an Affirmative Action Plan; and

WHEREAS, State and Federal laws have evolved since 1975, as has the City, and the City wishes to work with its Diversity, Equity and Inclusion Commission (“DEIC”) to better support and execute the intent of this Chapter; and

WHEREAS, the DEIC provided input regarding the repeal of Chapter 2.105 MTMC and approved the repeal; and

WHEREAS, the City Council finds it is in the best interest of the operations of the City to repeal Ch. 2.105 MTMC in its entirety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Repealing MTMC Chapter 2.105, Affirmative Action. Chapter 2.105 of the Mountlake Terrace Municipal Code MTMC, entitled Affirmative Action, is hereby repealed in its entirety.

Section 2. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE XX of XXXX, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, REPEALING IN ITS ENTIRETY MOUNTLAKE
TERRACE MUNICIPAL CODE CHAPTER 2.110 MTMC, RELATING TO
AN ECONOMIC FEASIBILITY STUDY; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace is reviewing Title 2 of the Mountlake Terrace Municipal Code (“MTMC”) to ensure it is both current and internally consistent; and

WHEREAS, Chapter 2.110 MTMC was adopted in 1977 by Ordinance 1134 to establish an Economic Development Committee for the purpose of analyzing specific goals established in the 1970s; and

WHEREAS, the City has changed significantly since the 1970s, as have its goals and priorities; and

WHEREAS, the City has not needed or used the Committee in many years and it currently serves no functional benefit to the City; and

WHEREAS, the City Council finds it is in the best interest of the operations of the City to repeal Ch. 2.110 MTMC in its entirety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Repealing MTMC Chapter 2.110, CBD Economic Feasibility Study. Chapter 2.110 of the Mountlake Terrace Municipal Code, entitled CBD Economic Feasibility Study, is hereby repealed in its entirety.

Section 2. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its publication as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE XX of XXXX, 2026.

CITY OF MOUNTLAKE TERRACE

Steve Woodard, Mayor

ATTEST/AUTHENTICATED:

Jennifer Joki, City Clerk

APPROVED AS TO FORM:

Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.45,
RELATED TO THE ARTS ADVISORY COMMISSION; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace has established an Arts Advisory Commission to seek out, promote, and sponsor activities which would enhance the cultural atmosphere of the community, and advise the City Manager and City Council regarding site selection, acquisition, and development of facilities and one percent work of art improvements; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.45 and find it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.45 MTMC, Arts Advisory Commission, Amended. Municipal Code Chapter 2.45 (Arts Advisory Commission) is hereby amended to read as follows:

**Chapter 2.45
ARTS ADVISORY COMMISSION**

Sections:

- 2.45.010 Established – Membership**
- 2.45.020 Terms of the Commissioners – Filling vacancies.**
- 2.45.030 Commission officers – Quorum – Meetings.**
- 2.45.040 Duties and responsibilities.**
- 2.45.050 Rules of procedure.**

2.45.010 Established – Membership.

There is hereby established an Arts Advisory Commission, consisting of seven members who shall be appointed by the City Council and shall be residents of the City of Mountlake Terrace.

2.45.020 Terms of the Commissioners – Filling Vacancies.

Appointments shall be for terms of three years and shall expire on the thirtieth day of June of the last year in which the term is made; provided, that members shall remain in office until their successors are appointed.

2.45.30 Commission officers – Quorum – Meetings.

The members of the Commission shall at the first meeting after annual City Council appointments have occurred select from among their members a Chair and Vice-chair, and such other officers as may be necessary, who shall serve in that capacity for a one-year term. It shall be the duty of the Chair to preside at all meetings of the Commission. The presence of four members of the Commission shall be required to constitute a quorum for the transaction of business.

Public meetings of the Commission will be held monthly at a scheduled time and place. If necessary, special meetings may be called by the chair or the majority of the Commission. Regular meetings may be cancelled if there is no business pending before the Commission. The City shall give notice of all such meetings in compliance with the Open Public Meeting Act (OPMA) as it now exists or as it may be amended from time to time.

2.45.040 Duties and responsibilities.

The Commission shall be both a working and an advisory commission. They shall seek out, promote, and sponsor activities which would enhance the cultural atmosphere of the community, and advise the City Manager and City Council regarding site selection, acquisition, and development of facilities and one percent work of art improvements.

2.45.050 Rules of procedure.

The Arts Advisory Commission shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXXX, 2025, and signed in authentication of its passage this XX day of XXXXXXX, 2025.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.45,
RELATED TO THE ARTS ADVISORY COMMISSION; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Mountlake Terrace has established an Arts Advisory Commission to seek out, promote, and sponsor activities which would enhance the cultural atmosphere of the community, and advise the City Manager and City Council regarding site selection, acquisition, and development of facilities and one percent work of art improvements; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.45 and find it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.45 MTMC, Arts Advisory Commission, Amended. Municipal Code Chapter 2.45 (Arts Advisory Commission) is hereby amended to read as follows:

**Chapter 2.45
ARTS ADVISORY COMMISSION**

Sections:

- 2.45.010** ~~Created~~**Established – Membership.**
- 2.45.020** **Terms of the Commissioners – Filling vacancies.**
- ~~2.45.030 – Compensation.~~
- ~~2.45.040 – 030~~ **Commission officers – Quorum – Meetings – Quorum.**
- ~~2.45.040~~ **Compensation.**
- ~~2.45.050~~ **Duties and responsibilities.**
- ~~2.45.0650~~ **Rules of procedure.**

2.45.010 ~~Created~~**Established – Membership.**

There is hereby ~~created~~**established** an Arts Advisory Commission, consisting of seven members who shall be appointed by ~~the Mayor~~**the City Council** and ~~shall confirmed by the City Council.~~
~~A minimum of five members shall be bona fide residents of~~**be residents of** the City of Mountlake Terrace.

2.45.020 Terms of the Commissioners – Filling Vacancies.

Appointments shall be for terms of three years and shall expire on the thirtieth day of June of the last year in which the term is made; provided, that members shall remain in office until their successors are appointed ~~and confirmed. A member of the City Council shall be appointed each year as an ex officio member of the Commission. The terms of members shall be overlapping. Vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the term of the member being replaced. Vacancies, other than through the expiration of terms, shall be filled for the remainder of the term of the member being replaced. Vacancies shall be filled in the same manner as original appointments.~~

~~Regular attendance by members is necessary for the efficient operation and effective completion of business. Three nonexcused absences from regular meetings in a year shall constitute an automatic resignation from the members. A member may request that an absence be excused either before or after the absence occurs. Any member who ceases to have the qualifications provided in MTMC 2.45.010 shall be deemed to have forfeited his or her office.~~

~~Upon request of a Commission member, the City Council may make a temporary appointment to replace a Commission member who will be absent from meetings for a prolonged period.~~

~~Upon motion by any member of the Council, and approval by a majority of the City Council, the appointment of any member serving on the Commission may be terminated for cause. The Mayor and City Council shall thereafter proceed with the appointment of a new member to complete the term of office.~~

~~2.45.030 Compensation.~~

~~No Commissioners shall receive any compensation from the City for his or her service on the Commission. (Ord. 2127 § 3, 1996).~~

2.45.04030 Commission officers – Quorum – Meetings – Quorum.

The members of the Commission shall at the first meeting after annual City Council appointments have occurred select from among their members a ~~C~~chairman and ~~V~~vice--chairman, and such other officers as may be necessary, who shall serve in that capacity for a one-year term. It shall be the duty of the ~~C~~chairman to preside at all meetings of the Commission. ~~A majority of the Commission shall constitute a quorum for the transaction of business, and four affirmative votes shall be necessary to carry any proposition. The presence of four members of the Commission shall be required to constitute a quorum for the transaction of business.~~

Public meetings of the Commission ~~shall~~will be held monthly at a scheduled time and place. ~~If necessary, special meetings may be called by the chair or the majority of the Commission. Regular meetings may be cancelled if there is no business pending before the Commission. The City shall give notice of all such meetings in compliance with the Open Public Meeting Act (OPMA) as it now exists or as it may be amended from time to time.~~

~~2.45.40 Compensation.~~

~~No Commissioner shall receive any compensation from the City for their service on the Commission.~~

2.45.050040 Duties and responsibilities.

The Commission shall be both a working and an advisory commission. They shall seek out, promote, and sponsor activities which would enhance the cultural atmosphere of the community, and advise the City Manager and City Council regarding site selection, acquisition, and development of facilities and one percent work of art improvements.

~~The Commission shall record and keep minutes of all meetings held and all business transacted.~~

~~Each Commissioner shall attend training within 60 days of their appointment related to the Public Records Act and Open Public Meeting Act provided by the Municipal Research Services Center (MRSC) or the Association of Washington Cities (AWC) or other training approved by the City Attorney.~~

~~Regular attendance by members is necessary for the efficient operation and effective completion of business. The business of the Commission may benefit from a member’s remote participation by means of audio or video conferencing (“remote attendance”). Remote attendance is intended to be an alternative and relatively infrequently used method for participation by members. Three unexcused absences from regular meetings in a calendar year shall constitute an automatic resignation from the members. A member may request that an absence be excused either before or after the absence occurs. Any member who ceases to have the qualifications provided in this chapter shall be deemed to have forfeited their office.~~

~~Commission meeting minutes shall be submitted to the City Council after each meeting.~~

~~The Commission will present an updated workplan to the City Council annually.~~

2.45.0650 Rules of procedure.

~~The Arts Advisory Commission shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.~~

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2025,

and signed in authentication of its passage this XX day of XXXXXXXX, 2025.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.150,
RELATED TO THE DIVERSITY, EQUITY, AND INCLUSION COMMISSION;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, in 2020, the City Council established its Diversity, Equity, and Inclusion Commission by adopting Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.150; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.150 MTMC and finds it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.150 MTMC, Mountlake Terrace Diversity Equity and Inclusion Commission, Amended. Municipal Code Chapter 2.150 (Mountlake Terrace Diversity Equity and Inclusion Commission) is hereby amended to read as follows:

**Chapter 2.150
DIVERSITY, EQUITY, AND INCLUSION COMMISSION**

Sections:

- 2.150.010** **Established - Membership.**
- 2.150.020** **Terms of the Commissioners – Filing vacancies.**
- 2.150.030** **Commission officers–Quorum– Meetings.**
- 2.150.040** **Compensation.**
- 2.150.050** **Duties and responsibilities.**
- 2.150.060** **Rules of procedure.**

2.150.010 Established – Membership.

There is hereby established a Diversity, Equity, and Inclusion Commission consisting of seven members who shall be appointed by the City Council one of which member position which will be reserved for a high school student who is either a Mountlake Terrace resident or attends Mountlake Terrace High School. This position shall be voting and shall count towards a quorum. The mission of the Commission is to promote and embrace diversity through action, education, and guidance. The Commission seeks to foster an understanding that includes, accepts, respects and appreciates each individual member of our community.

2.150.020 Terms of the Commissioners – Filing vacancies.

Members shall be appointed for a term of three years, which shall expire on the thirtieth days of June. The high school student position will have a term of two years.

2.150.030 Commission officers– Quorum – Meetings.

The members of the Commission shall at the first meeting after annual City Council appointments have occurred select from among their members a Chair and Vice-chair, and such other officers as may be necessary, who shall serve in that capacity for a one-year term. It shall be the duty of the Chair to preside at all meetings of the Commission. The presence of four members of the Commission shall be required to constitute a quorum for the transaction of business.

Public meetings of the Commission shall be held monthly at a scheduled time and place. If necessary, special meetings may be called by the chair or the majority of the Commission. Regular meetings may be cancelled if there is no business pending before the Commission. The City shall give notice of all such meetings in compliance with the Open Public Meeting Act (OPMA).

2.50.050 Duties and responsibilities.

The Commission shall advise and make recommendations to the City Council on diversity opportunities to promote programs and provide guidance to assure an accessible, safe, welcoming and inclusive government and community.

The Commission shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerk errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2026, and signed in authentication of its passage this XX day of XXXXXXXX, 2026.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.150, RELATED TO THE DIVERSITY, EQUITY, AND INCLUSION COMMISSION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 2020, the City Council established its Diversity, Equity, and Inclusion Commission by adopting Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.150; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.150 MTMC and finds it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.150 MTMC, Mountlake Terrace Diversity Equity and Inclusion Commission, Amended. Municipal Code Chapter 2.150 (Mountlake Terrace Diversity Equity and Inclusion Commission) is hereby amended to read as follows:

Chapter 2.150

~~MOUNTLAKE TERRACE~~ DIVERSITY, EQUITY, AND INCLUSION COMMISSION

Sections:

- 2.150.010** ~~Establishment and purpose of the Commission~~ Established - Membership.
- 2.150.020** ~~Appointment, membership and terms of appointment~~ Terms of the Commissioners – Filling vacancies.
- 2.150.030** ~~Officers of Commission~~ Commission officers – Meetings Quorum – Quorum Meetings.
- 2.150.040** Compensation.
- 2.150.050** ~~Powers and d~~ Duties and responsibilities.
- 2.150.060** Rules of procedure.

2.150.010 ~~Establishment and purpose of the Commission~~ Established – Membership.
~~A.~~ There is hereby ~~created~~ established a ~~Mountlake Terrace~~ Diversity, Equity, and Inclusion Commission consisting of seven members who shall be appointed by the City Council, one of which member position which will be reserved for a high school student who is either a Mountlake Terrace resident or attends Mountlake Terrace High School student, who can serve up to a two-year term while in high school. This position shall be voting and shall count towards a quorum.

~~B.~~ The mission of the Commission is to promote and embrace diversity through action, education, and guidance. The Commission seeks to foster an understanding that includes, accepts, respects and appreciates each individual member of our community.

2.150.020 ~~Appointment, membership and terms of appointment.~~ Terms of the Commissioners – Filing vacancies.

~~The Mountlake Terrace City Council will seek to attract members that are interested in diversity issues, can respect different viewpoints, are action oriented, and have personal experience that will provide empathy and community understanding regarding issues of diversity and will contribute to a diverse Commission. A Council subcommittee will interview and recommend appointment of Commission members to the City Council for ratification.~~
~~A. The terms of members shall be overlapping: three of the initial members (Positions 1 through 3) shall serve a term until June 30, 2022, with the other four initial members (Positions 4 through 7) serving a term until June 30, 2023. Thereafter, m~~Members shall be appointed for a term of three years, which shall expire on the thirtieth days of June, ~~of the last year for which the term is made; provided, that members shall remain in office until their successors are appointed and confirmed. However, one position is reserved for a~~ The high school student and position will have a term of two years.

~~Vacancies, other than through the expiration of terms, shall be filled for the remainder of the term of the member being replaced. Vacancies shall be filled in the same manner as original appointments.~~

~~B. A member shall be a resident of the City and serve without compensation.~~

~~C. A member of the Commission shall not be an officer, official, or employee of the City or an immediate family member of an officer, official, or employee of the City. For purposes of this section, “immediate family member” means the parents, spouse, siblings, children, or other dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.~~

~~D. In the event of a vacancy in the Commission, a Council subcommittee will interview and recommend appointment of Commission members to the City Council for ratification.~~

~~E. A member of the Commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.~~

~~F. The City Council may appoint one Council member to serve as a nonvoting liaison of the Commission.~~

2.150.030 ~~Officers of Commission officers—Meetings— Quorum – Meetings.~~

~~A. Members of the Commission shall meet and organize by electing from the members of the Commission a chair, vice chair, and such other officers as may be determined by the Commission. The Commission shall meet at City Hall council chambers. It shall be the duty of the Chair to preside at all meetings. The Vice Chair shall perform this duty in the absence of the Chair. Four members of the Commission shall constitute a quorum for the transaction of business. The Commission shall set its own meeting dates and the City shall give notice of such meetings in compliance with the Open Public Meeting Act (OPMA) as it now exists or as it may be amended from time to time. The Commission shall enjoy the fullest cooperation of all elected officials, departments and agencies of the City.~~

The members of the Commission shall at the first meeting after annual City Council appointments have occurred select from among their members a Chair and Vice-chair, and such other officers as may be necessary, who shall serve in that capacity for a one-year term. It shall be the duty of the Chair to preside at all meetings of the Commission. The presence of four members of the Commission shall be required to constitute a quorum for the transaction of business.

Public meetings of the Commission shall be held monthly at a scheduled time and place. If necessary, special meetings may be called by the chair or the majority of the Commission. Regular meetings may be cancelled if there is no business pending before the Commission. The City shall give notice of all such meetings in compliance with the Open Public Meeting Act (OPMA).

~~B. Regular attendance by members is necessary for the efficient operation and effective completion of business. Three consecutive unexcused absences from regular meetings in a year shall constitute a forfeiture of office and the member's position shall become vacant. A member may request that an absence be excused either before or after the absence occurs.~~

~~**2.150.040 Powers and duties.**~~

~~The Commission is empowered to advise and make recommendations to the City Council on such matters as may be specifically referred to the Commission by the City Council, including, but not limited to:~~

~~A. Serve as a Commission for City government and the community by providing information, education, and communication that facilitates understanding of diversity and to celebrate and respect individual differences. The Commission is encouraged to take steps to include conversations with students of all ages.~~

~~B. Recommend to the City Council diversity opportunities to promote programs, and provide guidance to assure an accessible, safe, welcoming and inclusive government and community. C. Support, challenge, and guide government and the community to eliminate and prevent all forms of discrimination.~~

~~D. The Commission, at or before its first regular meeting in February of each year, shall make a full report in writing to the City Council as to matters covered by its prescribed duties and authority as may to it seem proper.~~

~~**2.50.050 Duties and responsibilities.**~~

~~The Commission shall advise and make recommendations to the City Council on diversity opportunities to promote programs and provide guidance to assure an accessible, safe, welcoming and inclusive government and community.~~

~~The Commission shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.~~

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2026, and signed in authentication of its passage this XX day of XXXXXX, 2026.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.55,
RELATED TO THE PLANNING COMMISSION; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City’s Planning Commission, established in the Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.55, is authorized by Ch. 35A.36 RCW; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.55 MTMC and finds it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.55 MTMC, Planning Commission, Amended. Municipal Code Chapter 2.55 (Planning Commission) is hereby amended to read as follows:

**Chapter 2.55
PLANNING COMMISSION**

Sections:

- 2.55.010 Established – Membership.**
- 2.55.020 Terms of Commissioners.**
- 2.55.030 Commission officers – Meetings – Quorum.**
- 2.55.040 Duties and responsibilities.**
- 2.55.050 Rules of procedure.**

2.55.010 Established – Membership.

Pursuant to the authority conferred by RCW 35A.63.020, there hereby is established a City Planning Commission, consisting of seven members who shall be appointed by the City Council, and shall be residents of the City of Mountlake Terrace.

2.55.020 Terms of Commissioners.

Appointments shall be for terms of four years, which shall expire on the thirtieth day of June.

2.55.030 Commission officers – Quorum – Meetings.

The members of the Commission shall at the first meeting after annual City Council appointments have occurred select from among their members a Chair and Vice-chair, and such other officers as may be necessary, who shall serve in that capacity for a one-year term. It shall be the duty of the Chair to preside at all meetings of the Commission. The presence of four members of the Commission shall be required to constitute a quorum for the transaction of business.

Public meetings of the Commission shall meet at least once per month for nine months out of the year at a scheduled time and place. If necessary, special meetings may be called by the chair or the majority of the Commission. Regular meetings may be cancelled if there is no business pending before the Commission. The City shall give notice of all such meetings in compliance with the Open Public Meeting Act (OPMA).

2.55.040 Duties and responsibilities.

The Planning Commission shall have all of the powers and perform each and all of the duties specified by Chapter 35A.63 RCW and MTMC Titles 17, 18, and 19, now and as may be amended.

The Planning Commission may hold public hearings in the exercise of its duties and responsibilities as it deems necessary.

The Planning Commission shall have such other duties and powers as may be conferred upon the Commission by City ordinances or as directed by Council.

2.55.060 Rules of procedure.

The Planning Commission shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2025, and signed in authentication of its passage this XX day of XXXXXX, 2025.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.55,
RELATED TO THE PLANNING COMMISSION; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City’s Planning Commission, established in the Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.55, is authorized by Ch. 35A.36 RCW; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.55 MTMC and finds it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.55 MTMC, Planning Commission, Amended. Municipal Code Chapter 2.55 (Planning Commission) is hereby amended to read as follows:

**Chapter 2.55
PLANNING COMMISSION**

Sections:

- ~~2.55.010~~ ~~—~~ ~~Created~~ ~~Established~~ – Membership.
- ~~2.55.020~~ ~~—~~ ~~Terms of the Commissioners~~ ~~—~~ ~~Filling vacancies.~~
- ~~2.55.0230~~ ~~—~~ ~~Duties and powers.~~ ~~Commission officers~~ – Meetings – Quorum.
- ~~2.55.030~~ ~~—~~ ~~Recommendations to City Council.~~
- ~~2.55.0440~~ ~~—~~ ~~Submittal of plats and plans.~~ ~~Duties and responsibilities.~~
- ~~2.55.050~~ ~~—~~ ~~Selection of officers.~~
- ~~2.55.060~~ ~~—~~ ~~Quorum.~~
- ~~2.55.070~~ ~~—~~ ~~Written report to City Council.~~ ~~2.55.08650~~ ~~—~~ ~~Rules of procedure.~~

2.55.010 ~~Created~~ ~~Established~~ – Membership.

Pursuant to the authority conferred by RCW 35A.63.020, there hereby is ~~created~~ ~~established~~ a City Planning Commission, consisting of seven members who shall be appointed by the City Council, and shall be ~~bona fide~~ residents of the City of Mountlake Terrace.

2.55.020 ~~Terms of the Commissioners~~ ~~—~~ ~~Filling vacancies.~~

~~Members shall be appointed. Appointments shall be for a terms~~ of four years, which shall expire on the thirtieth day of June ~~of the last year for which the term is made; provided, that members shall remain in office until their successors are appointed and confirmed. The terms of members shall be overlapping.~~

~~Vacancies, other than through the expiration of terms, shall be filled for the remainder of the term of the member being replaced. Vacancies shall be filled in the same manner as original appointments.~~

~~Regular attendance by members is necessary for the efficient operation and effective completion of business. Three nonexcused absences from regular meetings in a year shall constitute an automatic resignation from the members. A member may request that an absence be excused either before or after the absence occurs. Any member who ceases to have the qualifications provided in this section shall be deemed to have forfeited his or her office.~~

~~Upon request of a Commissioner, the City Council may make a temporary appointment to replace a Commissioner who will be absent from meetings for a prolonged period.~~

~~Upon motion by any member of the Council, and approval by a majority of the City Council, the appointment of any member serving on the Commission may be terminated for cause. The City Council shall thereafter proceed with the appointment of a new member to complete the term of office.~~

~~No Commissioner shall receive any compensation from the City for his or her service on the Commission. (Ord. 2314 § 1, 2002; Ord. 2121 § 1, 1996).~~

2.55.0230 — ~~Duties and powers. Commission officers – Quorum – Meetings.~~

The members of the Commission shall at the first meeting after annual City Council appointments have occurred select from among their members a Chair and Vice-chair, and such other officers as may be necessary, who shall serve in that capacity for a one-year term. It shall be the duty of the Chair to preside at all meetings of the Commission. The presence of four members of the Commission shall be required to constitute a quorum for the transaction of business.

Public meetings of the Commission shall meet at least once per month for nine months out of the year at a scheduled time and place. If necessary, special meetings may be called by the chair or the majority of the Commission. Regular meetings may be cancelled if there is no business pending before the Commission. The City shall give notice of all such meetings in compliance with the Open Public Meeting Act (OPMA).

The Planning Commission shall have all of the powers and perform each and all of the duties specified by Chapter 35A.63 RCW and MTMC Titles 17, 18, and 19, now and as may hereinafter be amended. (Ord. 2314 § 2, 2002; Ord. 2121 § 2, 1996).

2.55.0340 ~~Recommendations to City Council. Duties and responsibilities.~~

The Planning Commission shall have all of the powers and perform each and all of the duties specified by Chapter 35A.63 RCW and MTMC Titles 17, 18, and 19, now and as may be amended.

The Planning Commission may hold public hearings in the exercise of its duties and responsibilities as it deems necessary.

The City Council may refer to the Planning Commission, for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in said Chapter 119 of the 1967 Executive Session Laws, as amended, and the Commission shall

promptly report to the Council thereon, making such recommendations and giving such counsel as it may deem proper in the premises. ~~2.55.040~~ — ~~Submittal of plats and plans.~~

~~All plats or plans of subdivisions of land within the City or proposed additions, as well as dedications of streets and alleys, offered to the City Council for acceptance, shall first be submitted to the Planning Commission for its recommendation, and report shall be made to the City Council not later than 21 days following action by the Planning Commission, but no more than necessary to meet the 120 days for approval provided by law. (Ord. 2121 § 4, 1996).~~

~~2.55.050~~ — ~~Selection of officers.~~

~~The Planning Commission shall have such other duties and powers as may be conferred upon the Commission by City ordinances or as directed by Council.~~

~~At the first meeting of each new calendar year, the Commission shall select from among their members a chair and vice chair. If an office is vacated at a different time of year, the Commission, at any regular meeting within two months of the vacancy, may select from among their members to fill the vacant office. The term of each office shall be from the date of selection until the first meeting of the following calendar year or until the office is vacated, whichever comes first. (Ord. 2377 § 1, 2004).~~

~~2.55.060~~ ~~Quorum.~~

~~A majority of the membership of the Planning Commission, not less than four of whom shall be appointed voting members, shall constitute a quorum for the transaction of business. Any action taken by a majority of those present when those present constitute a quorum, at any regular or special meeting of the Planning Commission, shall be deemed and taken as the action of the Commission. (Ord. 2121 § 6, 1996).~~

~~2.55.070~~ — ~~Written report to City Council.~~

~~The Planning Commission, at or before its first regular meeting in February of each year, should make a full report in writing to the City Council as to matters covered by its prescribed duties and authority as may to it seem proper. (Ord. 2121 § 7, 1996).~~

~~2.55.080~~ ~~Rules of procedure.~~

~~The Planning Commission shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.~~

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXXX, 2025, and signed in authentication of its passage this XX day of XXXXXXX, 2025.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.50,
RELATED TO THE RECREATION AND PARK PLANNING COMMISSION;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City established a Recreation and Park Advisory Commission in Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.50; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.50 MTMC and finds it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.50 MTMC, Recreation and Park Planning Commission, Amended.

Municipal Code Chapter 2.50 (Recreation and Park Advisory Commission) is hereby amended to read as follows:

**Chapter 2.50
RECREATION AND PARK ADVISORY COMMISSION**

Sections:

- 2.50.010 Established – Membership.**
- 2.50.020 Terms of the Commissioners – Filing vacancies.**
- 2.50.030 Commission officers – Quorum – Meetings.**
- 2.50.040 Duties and responsibilities.**
- 2.50.050 Rules of procedure.**

2.50.010 Established – Membership.

There is hereby established a Recreation and Park Advisory Commission, consisting of seven members, who shall be appointed by the City Council and shall be residents of the City of Mountlake Terrace.

2.50.020 Terms of Commissioners

Appointments shall be for terms of three years and shall expire on the thirtieth days of June.

2.50.030 Commission officers – Quorum – Meetings.

The members of the Commission shall at the first meeting after annual City Council appointments have occurred select from among their members a Chair and Vice-chair, and such other officers as may be necessary, who shall serve in that capacity for a one-year term. It shall be the duty of the Chair to preside at all meetings of the Commission. The presence of four

members of the Commission shall be required to constitute a quorum for the transaction of business.

Public meetings of the Commission will be held monthly at a scheduled time and place. If necessary, special meetings may be called by the Chair or the majority of the Commission. Regular meetings may be cancelled if there is no business pending before the Commission. The City shall give notice of all such meetings in compliance with the Open Public Meeting Act (OPMA).

2.50.040 Duties and responsibilities.

The Commission shall advise the City Council, City Manager and administrative staff on all policy matters involving acquisition, development and operation of Recreation and Park Department facilities and programs. Specific areas of importance requiring Commission review and recommendations include, but are not limited to: Facility use fees and procedures; park, playfield and facility design; budget and capital improvement program planning; concessions, contracts, inter-local and lease agreements. The Recreation and Park Advisory Commission shall review and approve, as necessary, recreation programs, facility use requests and other matters as requested by the City Council, City Manager or administrative staff.

2.50.050 Rules of procedure.

The Recreation and Park Advisory Commission shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2025, and signed in authentication of its passage this XX day of XXXXXX, 2025.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.50,
RELATED TO THE RECREATION AND PARK PLANNING COMMISSION;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City established a Recreation and Park Advisory Commission in Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.50; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.50 MTMC and finds it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.50 MTMC, Recreation and Park Planning Commission, Amended.

Municipal Code Chapter 2.50 (Recreation and Park Advisory Commission) is hereby amended to read as follows:

**Chapter 2.50
RECREATION AND PARK ADVISORY COMMISSION**

Sections:

- 2.50.010** ~~Created~~**Established – Membership.**
- 2.50.020** **Terms of the Commissioners – Filing vacancies.**
- 2.50.030** **Commission officers – Quorum – Meetings.**
- ~~**2.50.040** **Compensation.**~~
- ~~**2.50.050** **Duties and responsibilities.**~~
- ~~**2.50.050** **Rules of procedure.**~~

2.50.010 ~~Created~~**Established – Membership.**

There is hereby ~~created~~**established** a Recreation and Park Advisory Commission, consisting of seven members, who shall be appointed by the City Council and shall be residents of the City of Mountlake Terrace.

2.50.020 **Terms of Commissioners** ~~– Filing vacancies.~~

Appointments shall be for terms of three years and shall expire on the thirtieth days of June, ~~of the last year for which the term is made; provided, that members shall remain in office until their successors are appointed and confirmed. A Council representative shall be appointed annually to attend meetings.~~

~~Vacancies, other than through the expiration of terms, shall be filled for the remainder of the term of the member being replaced. Vacancies shall be filled in the same manner as original appointments.~~

~~Regular attendance by members is necessary for the efficient operation and effective completion of business. Three nonexcused absences from regular meetings in a calendar year shall constitute an automatic resignation from the members. A member may request that an absence be excused either before or after the absence occurs. Any member who ceases to have the qualifications provided in MTMC 2.50.010 shall be deemed to have forfeited his or her office.~~

~~Upon request of a Commission member, the City Council may make a temporary appointment to replace a Commission member who will be absent from meetings for a prolonged period.~~

~~Upon motion by any member of the Council, and approval by a majority of the City Council, the appointment of any member serving on the Commission may be terminated for cause. The City Council shall thereafter proceed with the appointment of a new member to complete the term of office. (Ord. 2313 § 2, 2002; Ord. 2128 § 2, 1996).~~

2.50.030 Commission officers – Quorum – Meetings—~~Quorum~~.

The members of the Commission shall at the first meeting after annual City Council appointments have occurred select from among their members a Chairman and Vice—chairman, and such other officers as may be necessary, who shall serve in that capacity for a one-year term. It shall be the duty of the Chairman to preside at all meetings of the Commission. The presence of four members of the Commission shall be required to constitute a quorum for the transaction of business.

~~Public meetings of the Commission will be held monthly at a scheduled time and place. If necessary, special meetings may be called by the Chair or the majority of the Commission. Regular meetings may be cancelled if there is no business pending before the Commission. The City shall give notice of all such meetings in compliance with the Open Public Meeting Act (OPMA). the Commission shall be held monthly at a scheduled time and place. (Ord. 2313 § 3, 2002; Ord. 2128 § 3, 1996).~~

~~2.50.040 Compensation.~~

~~No Commissioner shall receive any compensation from the City for his or her service on the Commission. (Ord. 2128 § 4, 1996).~~

2.50.0540 Duties and responsibilities.

The Commission shall advise the City Council, City Manager and administrative staff on all policy matters involving acquisition, development and operation of Recreation and Park Department facilities and programs. Specific areas of importance requiring Commission review and recommendations include, but are not limited to: Facility use fees and procedures; park, playfield and facility design; budget and capital improvement program planning; concessions, contracts, inter-local and lease agreements. The Recreation and Park Advisory Commission shall review and approve, as necessary, recreation programs, facility use requests and other matters as requested by the City Council, City Manager or administrative staff.

~~Commission meeting minutes shall be submitted to the City Council after each meeting. (Ord. 2128 § 5, 1996).~~

2.50.050 Rules of procedure.

The Recreation and Park Advisory Commission shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this **XX day of XXXXXX**, 2025, and signed in authentication of its passage this **XX day of XXXXXXXX**, 2025.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.40, RELATED TO THE COMMUNITY POLICING ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, a close relationship between the Police Department and the community is an essential part of a responsive and responsible city government; and

WHEREAS, the benefits of such a relationship are immeasurable for not only the Police Department, but also the residents, business community and City officials; and

WHEREAS, as a means to bolster police-community relations, communications, and community confidence, the City has proposed that the Community Policing Advisory Board be reenvisioned to include a broader membership, including members of the City’s Diversity, Equity and Inclusion Commission as well as a student representative and a member of the law enforcement community; and

WHEREAS, the City Council believes that this Board will be impactful by ensuring quality community input and facilitating information exchange concerning police services within the City; and

WHEREAS, the City adopted Ordinance No. 2130 on July 15, 1996, establishing the Community Policing Advisory Board, now codified in Chapter 2.40 of the Mountlake Terrace Municipal Code (“MTMC”); and

WHEREAS, the City Council finds it is in the best interest of the City to amend Ch. 2.40 MTMC, the Community Policing Advisory Board.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.40 MTMC, Community Policing Advisory Board, Amended. Municipal Code Chapter 2.40 (Community Policing Advisory Board) is hereby amended to read as follows:

**Chapter 2.40
COMMUNITY POLICING ADVISORY BOARD**

Sections:

- 2.40.010 Established.**
- 2.40.020 Composition of Board.**
- 2.40.030 Appointment terms.**
- 2.40.040 Compensation.**
- 2.40.050 Duties of the Board.**
- 2.40.060 Meetings and procedures.**

2.40.010 Established.

There is hereby established for the City of Mountlake Terrace an advisory board known as the “Community Policing Advisory Board.” The Council may empanel the Board, as it deems necessary or beneficial to the city.

2.40.020 Composition of Board.

The Board shall consist of seven (7) members, who shall meet the following qualifications:

- A. Not less than five (5) members shall be residents of the City of Mountlake Terrace;
- B. Not less than two (2) members shall be members of the City sponsored Diversity, Equity and Inclusion Commission;
- C. Not less than one (1) member shall represent the local business community within the City of Mountlake Terrace;
- D. Not less than one member shall be a student who either resides in Mountlake Terrace or attends Mountlake Terrace High School, aged sixteen (16) to eighteen (18); and
- E. Not less than one (1) member with law enforcement experience for example a retired member of a law enforcement agency including, but not limited to, a Police Department, Sheriff’s Department, State Patrol or Military Police.

2.40.030 Appointment Terms.

All members shall be appointed by the Mayor, and confirmed by City Council.

- A. All appointments, except for vacancies and the student representative, shall be appointed to four (4) year terms which shall expire on June 30 on the last year for which the term is made, provided, that members shall remain in office until their successors are appointed and confirmed. The term of the student representative shall be for one (1) year. Upon empaneling the Board, the initial appointment of Board members may be staggered as follows:
 - 1. Three members shall be appointed to four (4) year terms.
 - 2. Three members shall be appointed to two (2) year terms.
- B. Vacancies occurring otherwise than through the expiration of terms shall be filled through the remainder of the term of the member to be replaced. Vacancies shall be filled in the same manner as the original appointment.
- C. Regular attendance is necessary for the efficient operation and effective completion of business. Three non-excused absences from regular meetings in a calendar year shall constitute a resignation from the Board. A member may request that an absence be excused before the absence occurs. Any member who ceases to maintain the qualifications required herein shall be deemed to have forfeited their office.
- D. Upon motion by any member of the City Council, and approval by a majority of the City Council, the appointment of any member serving on the Board may be terminated for cause. The Mayor and City Council shall thereafter proceed with the appointment of a new member to complete the term of office.

2.40.040 Compensation.

No Board member shall receive any compensation from the City for their services on the Board.

2.40.050 Duties of the Board.

- A. The duties of the Board shall include, but not be limited to, the following:
 - 1. To advise and make recommendations to the Police Chief concerning police protection and services within the City;
 - 2. To enhance Police – community relations;
 - 3. To review and make recommendations concerning Police Department policies, procedures and programs;
 - 4. To hold public meetings from time to time to solicit public input regarding police services and programs; and
 - 5. To serve as liaison between the Police Department and the community.
- B. Annually, at a City Council meeting, the Board shall report actions taken and recommendations during the previous calendar year.
- C. Notwithstanding the broad powers of the Board, the Board shall have no power or authority to investigate, review, or otherwise participate in matters involving specific personnel or specific police related incidents.

2.40.060 Meetings and Procedures.

- A. The Board should have at least one (1) meeting per quarter, four (4) meetings annually, on such day and such time as determined by the Board. Special meetings may be held as often as the Board deems necessary. All meetings of the Board shall be open to the public except as otherwise provided in the Open Public Meetings Act.
- B. A quorum of the Board shall consist of four (4) voting members.
- C. The members of the Board, at the first meeting of the new Board following City Council appointment and confirmation of new members, may select from among their members a Chairperson and Vice-Chairperson who shall serve in that capacity for two (2) years.
- D. The Board may adopt such rules and procedures as it deems necessary.
- E. The Board shall record and keep minutes of all meetings held and all business transacted.
- F. Each Board members shall attend training within 60 days of their appointment related to the Public Records Act and Open Public Meeting Act provided by the Municipal Research Services Center (MRSC) or the Association of Washington Cities (AWC) or other training approved by the City Attorney.
- G. The Police Chief, or their designee, shall develop and provide training related to the duties of the Board.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take

effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2025,
and signed in authentication of its passage this XX day of XXXXXXXX, 2025.

Steve Woodard, Mayor

ATTEST: _____
Jennifer Joki, City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.40, RELATED TO THE COMMUNITY POLICING ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, a close relationship between the Police Department and the community is an essential part of a responsive and responsible city government; and

WHEREAS, the benefits of such a relationship are immeasurable for not only the Police Department, but also the residents, business community and City officials; and

WHEREAS, as a means to bolster police-community relations, communications, and community confidence, the City has proposed that the Community Policing Advisory Board be reenvisioned to include a broader membership, including members of the City’s Diversity, Equity and Inclusion Commission as well as a student representative and a member of the law enforcement community; and

WHEREAS, the City Council believes that this Board will be impactful by ensuring quality community input and facilitating information exchange concerning police services within the City; and

WHEREAS, the City adopted Ordinance No. 2130 on July 15, 1996, establishing the Community Policing Advisory Board, now codified in Chapter 2.40 of the Mountlake Terrace Municipal Code (“MTMC”); and

WHEREAS, the City Council finds it is in the best interest of the City to amend Ch. 2.40 MTMC, the Community Policing Advisory Board.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.40 MTMC, Community Policing Advisory Board, Amended. Municipal Code Chapter 2.40 (Community Policing Advisory Board) is hereby amended to read as follows:

**Chapter 2.40
COMMUNITY POLICING ADVISORY BOARD**

Sections:

- 2.40.010 Established.**
- 2.40.020 Composition of Board.**
- 2.40.030 Appointment terms.**
- 2.40.040 Compensation.**
- 2.40.050 Duties of the Board.**
- 2.40.060 Meetings and procedures.**

2.40.010 Established.

There is hereby established for the City of Mountlake Terrace an advisory board known as the “Community Policing Advisory Board.” The Council may empanel the Board, as it deems necessary or beneficial to the city.

2.40.020 Composition of Board.

The Board shall consist of seven (7) members, who shall meet the following qualifications:

- A. Not less than five (5) members shall be residents of the City of Mountlake Terrace;
- B. Not less than two (2) members shall be members of the City sponsored Diversity, Equity and Inclusion Commission;
- C. Not less than one (1) member shall represent the local business community within the City of Mountlake Terrace;
- D. Not less than one member shall be a student at who either resides in Mountlake Terrace or attends-Mountlake Terrace High School, aged sixteen (16) to eighteen (18); and
- E. Not less than one (1) member with law enforcement experience for example a retired member of a law enforcement agency including, but not limited to, a Police Department, Sheriff’s Department, State Patrol or Military Police.

2.40.030 Appointment Terms.

All members shall be appointed by the Mayor, and confirmed by City Council.

- A. All appointments, except for vacancies, ~~and except~~ the student representative, at Mountlake Terrace High School, shall be appointed to four (4) year terms which shall expire on June 30 on the last year for which the term is made, provided, that members shall remain in office until their successors are appointed and confirmed. The term of the student representative shall be for one (1) year. Upon empaneling the Board, tThe initial appointment of Board members ~~in 2025 shall~~may be staggered as follows:
 - 1. Three members shall be appointed to four (4) year terms.
 - 2. Three members shall be appointed to two (2) year terms.
- B. Vacancies occurring otherwise than through the expiration of terms shall be filled through the remainder of the term of the member to be replaced. Vacancies shall be filled in the same manner as the original appointment.
- C. Regular attendance is necessary for the efficient operation and effective completion of business. Three non-excused absences from regular meetings in a calendar year shall constitute a resignation from the Board. A member may request that an absence be excused before the absence occurs. Any member who ceases to maintain the qualifications required herein ~~in Section 2~~ shall be deemed to have forfeited their office.
- D. Upon motion by any member of the City Council, and approval by a majority of the City Council, the appointment of any member serving on the Board may be terminated for cause. The Mayor and City Council shall thereafter proceed with the appointment of a new member to complete the term of office.

2.40.040 Compensation.

No Board member shall receive any compensation from the City for their services on the Board.

2.40.050 Duties of the Board.

- A. The duties of the Board shall include, but not be limited to, the following:
 - 1. To advise and make recommendations to the Police Chief concerning police protection and services within the City;
 - 2. To enhance Police – Community community relations;
 - 3. To review and make recommendations concerning Police Department policies, procedures and programs;
 - 4. To hold public meetings from time to time to solicit public input regarding police services and programs; and
 - 5. To serve as liaison between the Police Department and the community; ;
 - 6. ~~To review the Flock license plate reader program and provide independent review of the purposes for access.~~
- B. Annually, at ~~the a~~ City Council meeting ~~scheduled for that purpose~~, the Board shall report actions taken and recommendations during the previous calendar year.
- C. Notwithstanding the broad powers of the Board ~~under subsection A of this section~~, the Board shall have no power or authority to investigate, review, or otherwise participate in matters involving specific personnel or specific police related incidents.

2.40.060 Meetings and Procedures.

- A. The Board ~~shall~~ should have at least one (1) meeting per quarter, four (4) meetings annually, on such day and such time as determined by the Board. Special meetings may be held as often as the Board deems necessary. All meetings of the Board shall be open to the public except as otherwise provided in the Open Public Meetings Act.
- B. ~~For the purposes of conducting the Boards' business, exercising its powers, and for all other purposes, a~~ A quorum of the Board shall consist of four (4) voting members. ~~Any action taken by a majority of those present, when those present constitute a quorum at any regular or special meeting of the Board, shall be deemed and taken as an action and decision of the Board.~~
- C. The members of the Board, at the first meeting of the new Board following City Council appointment and confirmation of new members, may select from among their members a Chairperson and Vice-Chairperson who shall serve in that capacity for two (2) years.
- D. The Board may adopt such rules and procedures as it deems necessary.
- E. The Board shall record and keep minutes of all meetings held and all business transacted.
- F. Each Board members shall attend training within 60 days of their appointment at the first meeting following City Council appointment and confirmation related to the Public Records Act and Open Public Meeting Act provided by the Municipal Research Services Center (MRSC) or the Association of Washington Cities (AWC) or other training approved by the City Attorney.
- G. The Police Chief, or their designee, shall develop and provide training related to the duties of the Board. ~~The Police Chief, or designee, shall provide training to the Board at the first meeting following City Council appointment of members.~~

Section 32. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any

references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2025, and signed in authentication of its passage this XX day of XXXXXXXX, 2025.

Steve Woodard, Mayor

ATTEST: _____
Jennifer Joki, City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.63,
RELATED TO THE LODGING TAX ADVISORY COMMITTEE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City’s Lodging Tax Advisory Committee (“LTAC”), established in the Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.63, advises the City Council on allocating the lodging excise tax fund for tourism promotion; and

WHEREAS, Chapter 67.28 of the Revised Code of Washington sets forth certain requirements and rules for the Lodging Tax Advisory Committees; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.63 MTMC and finds it needs to be updated to streamline processes and procedures;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE
TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:**

Section 1. Chapter 2.63 MTMC, Lodging Tax Advisory Committee, Amended. Municipal Code Chapter 2.63 (Lodging Tax Advisory Committee) is hereby amended to read as follows:

**Chapter 2.63
LODGING TAX ADVISORY COMMITTEE**

Sections:

- 2.63.010** **Established – Membership.**
- 2.63.020** **Terms of the Committee – Filling vacancies.**
- 2.63.030** **Duties and responsibilities.**
- 2.63.040** **Rules of procedure.**

2.63.010 Established - Membership.

There is hereby established for the City of Mountlake Terrace a Committee to be known as the Lodging Tax Advisory Committee consisting of five members who shall be appointed by the City Council as hereinafter provided.

The Committee must have at least five members whose membership must include at least two representatives of businesses that are required to collect the hotel-motel tax, two people who are involved in activities that are authorized to be funded by this tax, and one elected official who serves as chairperson of the Committee.

- A. Organizations representing hotels and motels and organizations involved in activities that can be funded by this tax may recommend people for membership.
- B. The number of Committee members from organizations representing the hotels and motels and the number from organizations involved in activities that can be funded must be equal.
- C. The Committee may include a non-voting City official.
- D. The City Council shall review the membership of the Committee annually.

2.63.020 Terms of the Committee – Filling vacancies.

All appointments shall be made for one-year terms, which shall expire on the thirtieth day of June beginning in 2027, provided, that members shall remain in office until their successors are appointed and confirmed.

2.63.030 Duties and responsibilities.

The duties of the Committee shall include, but not be limited to, the following:

- A. Submit comments on proposals for imposition of a tax, an increase in the rate of a tax, repeal of an exemption from a tax, or change in the use of revenue received under state law, and other matters, which come from the Mayor and City Council
- B. Review proposals and consider the extent to which the proposal will accommodate activities for tourists or increase tourism and of the extent to which it will affect the long-run stability of the fund to which the hotel-motel taxes are credited.
- C. Provide recommendations to the Mayor and Council regarding proposals and funding allocation.

2.63.040 Rules of procedure.

The Committee shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXXX, 2025,
and signed in authentication of its passage this XX day of XXXXXXX, 2025.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.63,
RELATED TO THE LODGING TAX ADVISORY COMMITTEE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City’s Lodging Tax Advisory Committee (“LTAC”), established in the Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.63, advises the City Council on allocating the lodging excise tax fund for tourism promotion; and

WHEREAS, Chapter 67.28 of the Revised Code of Washington sets forth certain requirements and rules for the Lodging Tax Advisory Committees; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.63 MTMC and finds it needs to be updated to streamline processes and procedures;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE
TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:**

[Section 1. Chapter 2.63 MTMC, Lodging Tax Advisory Committee, Amended. Municipal Code Chapter 2.63 \(Lodging Tax Advisory Committee\) is hereby amended to read as follows:](#)

**Chapter 2.63
LODGING TAX ADVISORY COMMITTEE**

Sections:

2.63.010 Established ~~— Membership~~ Membership.

~~2.63.020~~

~~2.63.020~~ ~~— Composition of the Committee. Terms of the Committee – Filling vacancies.~~

~~2.63.030~~ ~~— Appointment – Terms.~~ 2.63.030 ~~— Commission officers – Quorum –~~
Meetings

~~2.63.040~~ ~~— Compensation.~~

~~2.63.050~~ ~~— Duties of the Committee. and res~~ Duties and responsibilities.

~~— 2.63.0640~~ Rules of procedure.

~~2.63.010~~ 2.63.010 Established - Membership.

There is hereby established for the City of Mountlake Terrace a Committee to be known as

the Lodging Tax Advisory Committee ~~composed of~~consisting of five members who shall be appointed by the City Council as hereinafter provided. ~~(Ord. 2268 § 1, 2001).~~

The Committee must have at least five members whose membership must include at least two representatives of businesses that are required to collect the hotel-motel tax, two people who are involved in activities that are authorized to be funded by this tax, and one elected official who serves as chairperson of the Committee.

A. Organizations representing hotels and motels and organizations involved in activities that can be funded by this tax may recommend people for membership.

B. The number of Committee members from organizations representing the hotels and motels and the number from organizations involved in activities that can be funded must be equal.

C. The Committee may include a non-voting City official.

D. The City Council shall review the membership of the Committee annually. ~~(Ord. 2268 § 1, 2001).~~

2.63.020 Composition of the Committee. Terms of the Committee – Filling vacancies.

All appointments shall be made for one-year terms, which shall expire on the thirtieth day of June beginning in 2027, provided, that members shall remain in office until their successors are appointed and confirmed.

~~The Committee must have at least five members whose membership must include at least two representatives of businesses that are required to collect the hotel-motel tax, two people who are involved in activities that are authorized to be funded by this tax, and one elected official who serves as chairperson of the Committee.~~

~~A. Organizations representing hotels and motels and organizations involved in activities that can be funded by this tax may recommend people for membership.~~

~~B. The number of Committee members from organizations representing the hotels and motels and the number from organizations involved in activities that can be funded must be equal.~~

~~C. The Committee may include a nonvoting City official.~~

~~D. The City Council shall review the membership of the Committee annually.~~ ~~(Ord. 2268 § 1, 2001).~~

2.63.030 Appointment — Terms. Commission officers — Quorum — Meetings

Public meetings of the Committee shall be held as needed at a designated time and place.

The presence of a majority of the current committee membership shall be required to constitute a quorum for the transaction of business.

A. All members of the Committee shall be appointed by the Mayor, and confirmed by the City Council.

B. All appointments shall be made for one-year terms, which shall expire on the thirty-

~~first day of December of the last year for which the term is made; provided, that members shall remain in office until their successors are appointed and confirmed.~~

~~C.—Vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the term of the member being replaced. Vacancies shall be filled in the same manner as original appointments.~~

~~D.—Regular attendance by members is necessary for the efficient operation and effective completion of business. Three non-excused absences from regular meetings in calendar years shall constitute an automatic resignation from the members. A member may request that an absence be excused either before or after the absence occurs. Any member who ceases to have the qualifications in MTMC 2.63.020 shall be deemed to have forfeited his or her office.~~

~~E.—Upon request of a Committee member, the Mayor, with the confirmation of the City Council, may make a temporary appointment to replace a Committee member who will be absent from meetings for a prolonged period.~~

~~F.—Upon motion by any member of the City Council, and approval by a majority of the City Council, the appointment of any member serving on the Committee may be terminated for cause. The Mayor and City Council shall thereafter proceed with the appointment of a new member to complete the term of office. (Ord. 2268 § 1, 2001).~~

~~2.63.040 Compensation.~~

~~No Committee member shall receive any compensation from the City for his or her service on the Committee. (Ord. 2268 § 1, 2001).~~

2.63.0530 Duties of the Committee, Duties and responsibilities.

The duties of the Committee shall include, but not be limited to, the following:

A. Submit comments on proposals for imposition of a tax, an increase in the rate of a tax, repeal of an exemption from a tax, or change in the use of revenue received under state law, and other matters, which come from the Mayor and City Council

;

A.B. Review proposals and consider the extent to which the proposal will accommodate activities for tourists or increase tourism and of the extent to which it will affect the long-run stability of the fund to which the hotel-motel taxes are credited.

C. Provide recommendations to the Mayor and Council regarding proposals and funding allocation. ~~(Ord. 2268 § 1, 2001).~~

2.63.0640 Rules of procedure.

The Committee shall have full authority to adopt and periodically amend rules of procedure and/or bylaws necessary for the conduct of its activities, provided said rules of procedure and/or bylaws do not conflict with the provisions of this chapter.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall

take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2025,
and signed in authentication of its passage this XX day of XXXXXX, 2025.

Mayor

ATTEST: _____

City Clerk

APPROVED AS TO FORM: _____

Hillary J. Evans, City Attorney

B.

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.75,
RELATED TO EMERGENCY SERVICES AND DISASTER COORDINATION;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City's has adopted Chapter 2.75 of the Mountlake Terrace Municipal Code ("MTMC") to address emergency services and disaster coordination; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.75 MTMC and finds it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.75 MTMC, Emergency Services – Disaster Coordination, Amended. Municipal Code Chapter 2.75 (Emergency Services – Disaster Coordination) is hereby amended to read as follows:

Chapter 2.75 EMERGENCY SERVICES – DISASTER COORDINATION

2.75.010 Definitions.

2.75.020 Emergency operations plan.

2.75.030 Emergency Operations Board.

2.75.040 Emergency Management Committee.

2.75.050 Disaster Preparedness Coordinator.

2.75.010 Definitions.

The following definitions are hereby adopted for the purpose of this chapter and its administration:

A. "Disaster" means any emergency situation proclaimed to be a disaster, and more particularly described as an event or set of circumstances which demands immediate action to protect public health, protect life, protect public property, or to provide relief from such occurrences, or which causes the Governor or City Manager to declare an emergency.

B. "Disaster coordination" means the preparation for and carrying out of all emergency functions to prevent, minimize, and repair damage resulting from a disaster.

C. Emergency Management Organization.

The Emergency Management Organization shall be compatible with existing city organization and shall provide clear lines of authority and channels of communication. It will provide for the incorporation of existing staff having emergency response capabilities and those having support.

D. Snohomish County Local Emergency Planning Committee (SC-LEPC) is a local government agency created following passage of the Emergency Planning and Community Right-to-Know Act of 1986, for coordination and planning for chemical emergencies. SC-LEPC is operates under Snohomish County DEM and provides emergency management assistance to municipalities within Snohomish County and parts of north King County.

2.75.020 Comprehensive Emergency management plan annex.

The Comprehensive Emergency Management Plan (CEMP) shall govern disaster preparedness and disaster response in the City of Mountlake Terrace. The CEMP and any amendments thereto shall be subject to the approval of the City Manager and shall immediately take effect upon written approval of the City Manager.

2.75.030 Emergency Operations Board.

The Emergency Operations Board of the City of Mountlake Terrace is hereby created to provide policy direction for emergency preparedness and mitigation.

The Emergency Operations Board shall oversee the activities of, and provide direction to, the Emergency Management Committee during major emergencies and disasters. The Emergency Operations Board is responsible for the development and maintenance of the emergency operations plan.

The Emergency Operations Board consists of the City Manager, Disaster Coordinator and all department directors. The City Manager shall chair the Board and the City's Disaster Coordinator shall serve as vice chair.

2.75.040 Emergency Management Committee.

The Emergency Management Committee for the City of Mountlake Terrace is hereby created and shall provide staff support, direction and expertise in development of the plan and all supporting documents.

The City's Disaster Preparedness Coordinator or designee shall serve as chair of the committee. The committee is comprised of key personnel designated by each city department director and members of the outside professional and volunteer organizations having key roles in emergency preparedness, planning and response activities. Members of the Emergency Management Committee will normally staff the Mountlake Terrace Operations Center as necessary during activation and coordinate the activities in their respective divisions or areas of responsibility during major emergencies and disasters.

The Emergency Management Committee consists of the representatives from all City departments and others as required by the emergency operations plan.

2.75.050 Disaster Preparedness Coordinator.

Powers and duties of the Disaster Preparedness Coordinator in preparation for a disaster shall be subject to the direction and control of the City Manager and shall include the following:

A. Direct responsibility for disaster coordination, including, but not limited to, the organization, administration, and operation of the Emergency Management Committee, and the resolution of questions of authority and responsibility arising among the various members of such organization.

B. To draft, review, and recommend disaster preparedness and mutual aid plans and/or agreements, and such ordinances and resolutions as are necessary to implement such plans and agreements.

C. To organize and direct the training of the Emergency Management Committee, including practice drills.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXXX, 2025, and signed in authentication of its passage this XX day of XXXXXXX, 2025.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 2.75,
RELATED TO EMERGENCY SERVICES AND DISASTER COORDINATION;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City's has adopted Chapter 2.75 of the Mountlake Terrace Municipal Code ("MTMC") to address emergency services and disaster coordination; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.75 MTMC and finds it needs to be updated to streamline processes and procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.75 MTMC, Emergency Services – Disaster Coordination, Amended. Municipal Code Chapter 2.75 (Emergency Services – Disaster Coordination) is hereby amended to read as follows:

Chapter 2.75 EMERGENCY SERVICES – DISASTER COORDINATION

2.75.010 Definitions.

2.75.020 Emergency operations plan.

2.75.030 Emergency Operations Board.

2.75.040 Emergency Management Committee.

2.75.050 Disaster Preparedness Coordinator.

2.75.010 Definitions.

The following definitions are hereby adopted for the purpose of this chapter and its administration:

A. "Disaster" means any emergency situation proclaimed to be a disaster, and more particularly described as an event or set of circumstances which demands immediate action to protect public health, protect life, protect public property, or to provide relief from such occurrences, or which causes the Governor or City Manager to declare an emergency.

B. "Disaster coordination" means the preparation for and carrying out of all emergency functions to prevent, minimize, and repair damage resulting from a disaster.

C. Emergency Management Organization.

The Emergency Management Organization shall be compatible with existing city organization and shall provide clear lines of authority and channels of communication. It will provide for the incorporation of existing staff having emergency response capabilities and those having support.

~~is a local government agency created pursuant to Chapter 38.52 RCW that provides local disaster management functions for the Mountlake Terrace area, including coordination between Mountlake Terrace and other agencies and organizations for disaster preparedness and disaster response.~~

D. Snohomish County Local Emergency Planning Committee (SC-LEPC)

~~is a local government agency created following passage of the Emergency Planning and Community Right-to-Know Act of 1986, for coordination and planning for chemical emergencies. SC-LEPC is operates under Snohomish County DEM and provides emergency management assistance to municipalities within Snohomish County and parts of north King County.~~

2.75.020 Comprehensive Emergency operations management plan annex.

The ~~Comprehensive E~~mergency ~~operations-Management p~~Plan (CEMP) shall govern disaster preparedness and disaster response in the City of Mountlake Terrace.

The ~~emergency operations plan-CEMP~~ and any amendments thereto shall be subject to the approval of the City Manager and shall immediately take effect upon written approval of the City Manager.

2.75.030 Emergency Operations Board.

The Emergency Operations Board of the City of Mountlake Terrace is hereby created to provide policy direction for emergency preparedness and mitigation.

The Emergency Operations Board shall oversee the activities of, and provide direction to, the Emergency Management Committee during major emergencies and disasters. The Emergency Operations Board is responsible for the development and maintenance of the emergency operations plan.

The Emergency Operations Board consists of the City Manager, Disaster Coordinator and all department directors. The City Manager shall chair the Board and the City's Disaster Coordinator shall serve as vice chair.

2.75.040 Emergency Management Committee.

The Emergency Management Committee for the City of Mountlake Terrace is hereby created and shall provide staff support, direction and expertise in development of the plan and all supporting documents.

The City's Disaster Preparedness Coordinator or designee ~~and the ESCA director shall serve as co-chairs of~~ shall serve as chair of the committee. The committee is comprised of key personnel designated by each city department director and members of the outside professional and volunteer organizations having key roles in emergency preparedness, planning and response activities. Members of the Emergency Management Committee will normally staff the Mountlake Terrace Operations Center as necessary during activation and coordinate the activities in their respective divisions or areas of responsibility during major emergencies and disasters.

The Emergency Management Committee consists of the representatives from all City departments and others as required by the emergency operations plan.

2.75.050 Disaster Preparedness Coordinator.

Powers and duties of the Disaster Preparedness Coordinator in preparation for a disaster shall be subject to the direction and control of the City Manager and shall include the following:

- A. Direct responsibility for disaster coordination, including, but not limited to, the organization, administration, and operation of the Emergency Management Committee, and the resolution of questions of authority and responsibility arising among the various members of such organization.
- B. To draft, review, and recommend disaster preparedness and mutual aid plans and/or agreements, and such ordinances and resolutions as are necessary to implement such plans and agreements.
- C. To organize and direct the training of the Emergency Management Committee, including practice drills.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this **XX day of XXXXXX**, 2025, and signed in authentication of its passage this **XX day of XXXXXXXX**, 2025.

Mayor

ATTEST: _____

City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL 2.20.010, RELATED TO THE
AUDITING OFFICER; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council established the City’s Auditing Officer in Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.20; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter 2.20 MTMC and finds it needs to be updated;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. **Amending MTMC 2.20.010, Auditing Officer.** Mountlake Terrace Municipal Code 2.20.010 (City Manager designated as Auditing Officer) is hereby amended to read as follows:

2.20.010. City Manager designated Auditing Officer.

The City Manager, or such person as they may appoint, is hereby designated as Auditing Officer for the City of Mountlake Terrace for the purpose of authentication and certification of claims presented against said City in accordance with RCW 35A.13.080 as adopted, or hereafter amended.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this XX day of XXXXXX, 2026, and signed in authentication of its passage this XX day of XXXXXX, 2026.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney

CITY OF MOUNTLAKE TERRACE ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON,
AMENDING MOUNTLAKE TERRACE MUNICIPAL 2.20.010, RELATED TO THE
AUDITING OFFICER; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council established the City’s Auditing Officer in Mountlake Terrace Municipal Code (“MTMC”) Chapter 2.20; and

WHEREAS, in conjunction with adopting a uniform code that applies to all boards and commissions, the City has reviewed Chapter ~~2.150-20~~ MTMC and finds it needs to be updated;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. ~~Chapter 2.150 Amending~~ MTMC 2.20.010, Auditing Officer Mountlake Terrace Diversity Equity and Inclusion Commission, Amended. Mountlake Terrace Municipal Code 2.20.010~~Chapter 2.150 (Mountlake Terrace Diversity Equity and Inclusion Commission~~City Manager designated as Auditing Officer) is hereby amended to read as follows:

2.20.010. City Manager designated Auditing Officer.

The City Manager, or such person as ~~he~~they may appoint, ~~be and~~ is hereby designated as Auditing Officer for the City of Mountlake Terrace for the purpose of authentication and certification of claims presented against said City in accordance with RCW 35A.13.080 as adopted, or hereafter amended.~~Chapter 116 of the Laws of the State of Washington of 1965.~~

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. Summary, Publication, and Effective Date. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED by the City Council of the City of Mountlake Terrace this **XX day of XXXXXXX**, 2026, and signed in authentication of its passage this **XX day of XXXXXXX**, 2026.

Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Hillary J. Evans, City Attorney