



AGENDA

1. Call to Order – Flag Salute – Roll Call
2. Late Changes to Agenda
3. General Public Comment
4. Consent Agenda
 - a. Payment of Claims
 - b. Meeting Minutes
 - c. Agreement for Westside Water Main Phase II Construction Management
5. Recognition of Tyler Ekse
6. Proclamation for Disability Pride Month
7. Proclamation for Parks and Recreation Month
8. Recognition of Board Members and Commissioners
9. Review Ordinance Adopting Code Amendments to Chapters 19.95 and 15.05 for Public Infrastructure Improvements
10. Review and Vote on Ordinance Adopting Code Amendments to Chapters 19.30 and 19.32 for Residential Districts
11. Review and Vote on Ordinances Adopting Code Amendments to Chapters 18.05, 18.25 19.110, 19.120 and 18.10 for Community Development Administrative Procedures
12. Review and Vote on Appointment of Planning Commission Council Liaison
13. City Manager’s Report
14. Council Liaison Reports
15. New Business
16. 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.

Mike Dhillon | ph. (206) 786-9624 | em. wadhillon@gmail.com

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----- Forwarded message -----

From: **Manmohan Dhillon** <wadhillon@gmail.com>

Date: Wed, May 6, 2026 at 8:27 PM

Subject: 52 landing SB5184

To: Manmohan Dhillon <wadhillon@gmail.com>

City of Mountlake Terrace – Mayor and City Council

23204 58th Ave W

Mountlake Terrace, WA 98043

Subject: Request to Adopt Updated Parking Regulations (SB 5184) for 52nd St. Landing Project

Dear Mayor and Councilmembers,

I am writing regarding the proposed **52nd St. Landing Mixed-Use Development** located at **21215 52nd Ave West** in Mountlake Terrace, currently under City review.

The project, as proposed, includes a 4-story building with 24 residential units and approximately 4,500 square feet of commercial space. It also includes 12 secured parking stalls and 27 surface parking stalls. The residential mix consists of 9 one-bedroom units and 15 two-bedroom units.

In April 2025, the State of Washington passed **SB 5184**, which limits parking requirements as follows:

- No more than **0.5 parking spaces per multifamily unit**
- No more than **1 parking space per single-family home**
- **No minimum parking requirements for ground-level commercial space in mixed-use developments**

While it is understood that cities with populations between 30,000 and 50,000 have



Manmohan Dhillon <wadhillon@gmail.com>

RE: Comments for MLT Council

Jennifer Joki <JJoki@mltwa.gov>
To: Manmohan Dhillon <wadhillon@gmail.com>
Cc: EMAIL CITYHALL <cityhall@mltwa.gov>

Thu, May 7, 2026 at 9:20 AM

Your comments have been forwarded to the City Council.

Written comments are added to the record, but are not read aloud at meetings.

Thank you,

Jennifer

Jennifer Joki, MLIS, CMC

City Clerk

(425) 744-6266

www.cityofmlt.com



From: Manmohan Dhillon <wadhillon@gmail.com>
Sent: Wednesday, May 6, 2026 8:31 PM
To: Jennifer Joki <JJoki@mltwa.gov>
Subject: Fwd: 52 landing SB5184

**** External Email ****

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up to three years to adopt these provisions, Mountlake Terrace—currently near 27,000 residents—is on track to cross this threshold in the near future.

If the City were to adopt or allow compliance with SB 5184 at this time, the 52nd St. Landing project could be redesigned to deliver approximately **78 market-rate workforce housing units**, including studios, one-bedroom, and two-bedroom homes. This represents a substantial increase in housing supply in a region experiencing significant housing shortages.

Additionally, the project site is located less than one mile from the **Lynnwood City Center Light Rail Station**, accessible via 52nd Ave West and the Interurban Trail. This proximity to high-capacity transit further supports reduced parking requirements and aligns with state and regional goals for transit-oriented development.

Adopting these updated parking standards now would:

- Enable more efficient land use
- Increase housing availability
- Support affordability for working residents
- Align the City with upcoming state requirements
- Encourage transit-oriented growth

For these reasons, I respectfully urge the City of Mountlake Terrace to **proactively adopt or allow the use of SB 5184 parking standards for this project and similar developments moving forward**, rather than waiting for the mandated timeline.

Thank you for your time and consideration.

Sincerely,
Mike Dhillon

Builder and developer

From: vernettas@earthlink.net
To: [EMAIL CITYHALL](#)
Subject: Safety and traffic concerns on or near Lakeview Drive
Date: Thursday, June 25, 2026 7:32:13 PM

[You don't often get email from vernettas@earthlink.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

**** External Email ****

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Dear Mayor Matsumoto Wright and fellow council members,

As a resident and pedestrian along Lakeview Drive and on behalf of neighbors, I am requesting that further traffic calming mechanisms be installed. The volume of traffic has significantly increased along this recreational corridor since the Transit center has been built and a direct link established to/from highway 99 and Edmonds. In addition to traffic density, speeds have also spiked to 35 mph or so in many cases. The crosswalk featured in attached photographs is particularly precarious to use when Westbound traffic travels swiftly around the corner and unexpectedly encounters a pedestrian in the middle of the road. The pedestrian is surprised, too. I have witnessed this and have been that individual as well. Yes, the removal of the nearby young Douglas Fir tree in this area has enhanced visibility but in itself is insufficient.

The crosswalk depicted in the photograph (corner of Lakeview Drive and 22701- 17 driveway) could be enhanced by installing a lighting feature similar to the 3 others which have been installed along Lakeview Drive. (Thank you.) These blinking yellow crosswalk lights really help but they do little to slow traffic overall to the posted 25 mph. When I drive this speed, many times there follows a trail of automobiles close behind me and occasionally do so impatiently by riding "my tail."

In the Kirkland area in high density pedestrian neighborhoods, speed HUMPS are used effectively to reduce travel velocity to 25 mph . While I am a health care professional and not an engineer, I'd recommend a combination of speed humps and push button yellow lighted crosswalks along Lakeview Drive.

What do you think? Can you add these traffic calming measures?

The courtesy of a response is appreciated.

Thank you!

Vernetta Stewart
22711 Lakeview Drive
Mountlake Terrace







STAFF REPORT

To: Mountlake Terrace City Council

From: Jeff Niten, City Manager

Meeting Date: July 2, 2026

Subject: Payment of Claims

Required Reviews:

Jennifer Joki

Created/Initiated - 07/02/2026

Jeff Niten

Final Approval - 07/02/2026

Council Goal(s):

Responsible Governance to Ensure Desired Level of Service

Legislative History:

The Finance Committee, consisting of two Councilmembers and the Finance Director, meets monthly to review and discuss the claims subject to approval.

Subject Summary:

Approval of payment for 2026 claims totaling \$628,450.71 for payment on 07/02/2026, check numbers 101829 – 101926; 101986 – 101987.

Additionally, payroll for 07/02/2026 check numbers 585933 - 585960 and direct deposits totaling \$711,301.60

Financial/Budget Impacts:

Budget Amendment Required? No.

Budget and Sources:	N/A
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 approve the claims as presented. This can be accomplished as part of the motion to approve the Consent Agenda.

Council Motion:

N/A

Attachments:

None



MOUNTLAKE TERRACE CITY COUNCIL
REGULAR MEETING MINUTES

June 18, 2026
7:00 p.m.

Mountlake Terrace City Hall and
via Telephone and Teleconference

Councilmembers Present

Councilmember Doyle
Councilmember Matsumoto Wright
Councilmember Murray
Councilmember Paige
Councilmember Sonmore
Mayor Pro Tem Wahl

Councilmembers Absent

Mayor Woodard

Staff Members Present

City Attorney Hillary Evans
City Clerk Jennifer Joki
Deputy City Manager Carolyn Hope
Economic Development Manager Ryan Doss
Environmental Programs Manager Patrick Hutchins
Public Works Director Gary Schimek
Parks Supervisor Celina Williams

Guests

Eagle Scout Lisa Beam
Eagle Scout Robert Jensen

1. Call to Order – Flag Salute – Roll Call

Mayor Pro Tem Wahl called the meeting to order at 7:00 p.m.

City Clerk Jennifer Joki called roll.

A motion to excuse Mayor Woodard (who asked to be excused as he was invited to participate in the Edmonds College graduation) was made by Councilmember Murray and seconded.

Motion carried 6-0.

2. Late Changes to Agenda

The Deputy City Manager asked to postpone Item 8 (Review Ordinance Adopting Code Amendments to Chapters 19.95 and 15.05 for Public Infrastructure Improvements) to the July 2, 2026, meeting.

A motion to postpone Item 8 to the July 2, 2026 meeting was made by Councilmember Murray and seconded.

Motion carried 6-0.

3. Public Comment

Written comments received were forwarded to Council.

- Lynnwood resident Mike Dhillon commented on State Bill 5184.
- MLT resident Cory Cross commented on traffic safety.

4. Consent Agenda

A motion to approve the Consent Agenda, items a-d, was made by Councilmember Murray and seconded.

Motion carried 6-0.

- a. Payment for 2026 claims
- b. Meeting Minutes for 6/4/2026, 6/11/2026
- c. Resolution Accepting Main Street Grants and Budget
- d. Resolution Adopting Policies for Property Addresses

5. Recognition of Eagle Scouts

Parks Supervisor Celina Williams and Environmental Programs Manager Patrick Hutchins

Williams described the Eagle Scout project completed by Lisa Beam and presented a Certificate of Appreciation.

Hutchins describe the Eagle Scout Project completed by Robert Jensen and presented a Certificate of Appreciation.

6. Presentation on Utility Capital Improvement Program Update

Public Works Director Gary Schimek

Schimek presented on this item to include the purpose, city and regional utilities, cost of service model, efficiency incentives, rate composition, service levels, projects, comprehensive plan, determining rates, and upcoming rate study findings.

Schimek heard and responded to questions and comments from council regarding size of water mains, length upgrades will last, current rates, and cost savings.

7. Review Agreement for Westside Water Main Phase II Construction Management

Public Works Director Gary Schimek

Schimek presented on this item to include the background, process, selection, and agreement with contingencies.

Schimek heard and responded to questions and comments from council regarding having one bidder and billing rates.

8. Review and Vote on City Council Board and Commission Interview Committee Recommendations

Deputy City Manager Carolyn Hope

Hope asked the City Council Board and Commission Interview Committee if they wanted to walk through their recommendations.

Councilmembers Murray, Doyle and Paige explained the interview process, quality applicants, candidates participated in community academy and events and as ambassadors, building a team and willingness to serve, encouraging candidates to continue to volunteer, and reasons for appointments and reappointments, and responded to questions and comments from other councilmembers.

A motion to approve the City Council Board and Commission Interview Committee Recommendations was made by Councilmember Murray and seconded.

Motion carried 6-0.

9. Review and Vote on Ordinances Adopting Modifications of the Mountlake Terrace Municipal Code Title 2

Deputy City Manager Carolyn Hope

Hope presented on this item to include the process, revisions per council request, and ask of the council.

Council discussed including mission statements in the municipal code, working on the mission statements in the future, and adding a council liaison to the Planning Commission.

There was a consensus of councilmembers present to add a Council liaison to the Planning Commission.

A motion to approve the first round of Ordinances Adopting Modifications of the Mountlake Terrace Municipal Code Title 2 as presented was made by Councilmember Murray and seconded.

A motion to amend the motion on the table by maintaining the Diversity, Equity and Inclusion Commission mission statement in the code was made by Councilmember Paige and seconded.

Motion carried 6-0.

Motion carried 6-0.

10. City Manager's Report

Deputy City Manager Carolyn Hope

Hope's report included:

- No meeting next week, June 25, 2026, due to councilmembers attending a conference.
- July 2 reception at 6:30pm for board and commission members.
- Tomorrow is Juneteenth and City Hall will be closed, and appreciation for the community who attended the Juneteenth event last Sunday.
- Recreation Pavilion pool closed tomorrow.
- June 24 is the Main Street Open House.
- Encouraging residents to take 2 current public surveys.
- Chamber of Commerce's FIFA Passport Program ends July 19.

Hope heard and responded to questions regarding the number of surveys, council being left out of processes, and outreach.

11. Council Liaison Reports

Councilmember Doyle's report included:

- June 5 Presented to High School Completion Program Civics Class at Edmonds College
- June 5 MLT Pride Event
- June 6 Boards and Commissions interviews
- June 11 Boards and Commissions interviews

Councilmember Matsumoto Wright's report included:

- June 5 Snohomish County Affordable Housing Conference
- June 5 MLT Pride event
- June 14 Juneteenth event
- June 17 Community Transit Board Meeting
- June 17 Community Transit Executive Committee meeting
- June 17 Master Builders Elected Officials event

Councilmember Murray's report included:

- June 5 Seashore Transportation Forum meeting
- June 5 MLT Pride event
- June 6 Board and commission interviews
- June 11 Board and commission interviews
- June 14 Juneteenth event
- June 16 Diversity, Equity and Inclusion Commission meeting

Councilmember Paige's report included:

- June 5 Snohomish County Affordable Housing Conference
- June 5 MLT Pride Event

- June 6 Board and commission interviews
- June 10 City Manager meeting
- June 11 Board and commission interviews
- June 14 Juneteenth event
- June 16 Arts Advisory Commission meeting

Councilmember Sonmore's report included:

- June Disability Board meeting
- June Recreation and Park Advisory Commission meeting

Mayor Pro Tem Wahl's report included:

- June 5 MLT Pride Event
- June 5 Meeting with Mill Creek Mayor Vignal and Snohomish County Tomorrow staff
- June 9 Snohomish County Tomorrow Exploratory Committee meeting
- June 14 Juneteenth event
- June 17 South Snohomish County Regional Collaboration meeting

12. New Business

None.

13. Adjournment

Mayor Pro Tem adjourned the meeting at 9:50 p.m.

These minutes are subject to approval at the next City Council meeting.



STAFF REPORT

To: Mountlake Terrace City Council

From: Gary Schimek, Public Works Director

Meeting Date: July 2, 2026

Subject: Agreement for Westside Water Main Phase II Construction Management

Required Reviews:

Jennifer Joki	Created/Initiated - 06/24/2026
Gary Schimek	Approved - 06/24/2026
Sirke Salminen	Approved - 06/26/2026
Hillary Evans	Approved - 06/26/2026
Carolyn Hope	Final Approval - 06/29/2026

Council Goal(s):

Responsible Governance to Ensure Desired Level of Service

Legislative History:

June 18, 2026 - Presented to Council for Review at Regular Session

Subject Summary:

Much of the City's water utility system was built between the 1950s and 1970s and now needs replacement to reduce leaks and meet increasing service demands. Using the Water Comprehensive Plan, engineering assessments, and opportunities to coordinate with other projects, the City identified several high priority water mains on the west side and combined them into the Westside Watermain Phase 2 Project. City Council reviewed and approved the construction agreement at the June 4 regular meeting.

The Westside Watermain Phase 2 project is partially funded by a Public Works Board loan, which requires strict compliance with funding guidelines, documentation, and reporting. These requirements exceed the capacity of current City staff. As a result, the City sought external consultant support for construction management and administrative services.

In May 2026, the City issued a Request for Qualifications (RFQ) for Construction Management (CM) services for the project. Only one firm submitted qualifications. After staff evaluation, KBA was determined to be qualified and selected for scope development and negotiations. A scope and fee were developed for construction management, project coordination, administration, inspection, and testing services. The maximum consultant fee is \$373,556.00, funded by water utility funds. A 10% contingency is requested to cover any unforeseen

additional work. The Public Works Department does not have the necessary in-house staffing to conduct this work. This is the reason we are seeking consultant support.

There are two options for the consideration of City Council as noted below:

Option 1: Approve the consultant contract for construction management services. With this option, the construction project would move forward on-schedule.

Option 2: Do not approve the consultant contract for construction management services, and re-advertise the contract. With this option, the construction schedule would be delayed and this could impact the Public Works Board funding.

Financial/Budget Impacts:

Budget Amendment Required? No

Budget and Sources: PWB loan/Water fund	\$413,111.60
Expenditure:	\$413,111.60
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 authorize the City Manager to execute the Professional Services Agreement for Construction Management services with KBA, in a form reviewed and approved by legal counsel, in the amount of \$375,556.00, with an approved budget not to exceed \$413,111.60. This can be accomplished by adding it to the July 2, 2026 Consent Agenda.

Council Motion:

N/A

Attachments:

1. Professional Services Agreement with KBA (Draft)

PROFESSIONAL SERVICES AGREEMENT

This Agreement (“Agreement”) is dated effective this 5th day of June, 2026. This Agreement is by and between the City of Mountlake Terrace, a Washington municipal corporation (“City”), and KBA, Inc. (“Consultant”), collectively known as the parties (“Parties”).

A. The City seeks the professional services of a skilled independent consultant capable of working without direct supervision in the capacity of a Construction Management Firm and is familiar with the City’s municipal code, resolutions, regulations, and policies.

B. The Consultant, by entering into the Agreement, represents that it has the requisite skills and experience necessary to perform and provide such services in a competent and professional manner.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the Parties agree to the following terms and conditions:

1. Services.

1.1 Services. Consultant shall provide the services and equipment as specified pursuant to the terms more specifically described in “Exhibit A – Scope of Services,” attached hereto and incorporated by this reference (“Services”), in a manner consistent with the accepted practices and standards for other similar services, performed to the City's satisfaction, within the time-period prescribed by the City and pursuant to the direction of the City Manager or his or her designee.

1.2 Compliance with Laws. Consultant shall comply with and perform the Services in accordance with all applicable federal, state, and City laws, including, but not limited to, the City of Mountlake Terrace’s Municipal Code, and all other City resolutions, standards or policies, as now existing or hereafter adopted or amended. In the event of a conflict between applicable laws, Consultant shall promptly notify the City in writing if Subconsultant becomes aware of a conflict before proceeding.

1.3 Performance Standard. In the performance of services under this Agreement, Consultant and its employees or designees, promise to exercise the degree of skill and care required by customary and generally accepted practices, standards, and procedures adopted by Consultants’ rendering the same or similar type of service, practicing under similar circumstances, in the same geographical area and time period. All duties shall be performed in the manner consistent with those customary and generally accepted practices, and the Consultant shall be responsible for the professional and technical soundness and accuracy of all work and services furnished pursuant to this Agreement.

2. Term. The term of this Agreement shall commence upon the effective date of this Agreement and shall expire on June 30, 2027.

3. Termination. Prior to the expiration of the Term, this Agreement may be terminated immediately, with or without cause by the City upon prior written notice to the Consultant. If the Agreement is terminated after partial performance, the City will be obligated to pay only for that portion of the total work authorized under this Agreement that is satisfactorily completed per the Section 1.3 Performance Standard. The Consultant may terminate this Agreement only upon sixty (60) days prior written notice to the City.

4. Compensation.

4.1 Total Compensation. In consideration of the Consultant performing the Services, the City agrees to pay the Consultant an amount not to exceed a maximum sum of \$ 373,556.00 according to a rate or method as delineated in Exhibit B.

4.2 Method of Payment. City will be billed no more often than monthly. Invoices shall contain an itemized breakdown of the services performed on a project basis during the time covered by the invoice. City will pay Consultant by check within thirty (30) days of the receipt of an invoice. A finance charge of one percent (1%) per month [twelve percent (12%) per annum] will accrue on any unpaid balance outstanding for more than thirty (30) days.

4.3 Consultant Responsible for Taxes. The Consultant shall be solely responsible for the payment of any taxes imposed by any lawful jurisdiction as a result of the performance and payment of this Agreement.

4.4 Reimbursement of Expenses. The City of Mountlake Terrace is not liable to Consultant for any expenses paid or incurred by Consultant unless otherwise agreed in writing.

5. Consultant to Direct Work. Consultant shall control and direct the performance of the work or project of Consultant pursuant to this Agreement, subject to the City of Mountlake Terrace oversight. The City of Mountlake Terrace reserves the right to inspect, review, and approve of the work or project of Consultant to assure that it has been completed as specified, before payment.

6. Warranty. The Consultant warrants that it has the requisite training, skill, and experience necessary to provide the Services and is appropriately accredited and licensed by all applicable agencies and governmental entities, including but not limited to being registered to do business in the City of Mountlake Terrace by obtaining a City of Mountlake Terrace business registration if required by municipal code.

7. Security and Damages. The Consultant shall be responsible for security of its equipment and assumes all risk of damage, theft or loss to Consultant's equipment and supplies occurring from any nature whatsoever. Additionally, Consultant shall be responsible for any maintenance costs and repair costs resulting from any damage or loss from any source whatsoever to its equipment or supplies. Consultant agrees that neither damage to or loss of its equipment shall be applied to or claimed against City property, City liability insurance or commission revenues owed to the City. Consultant will not be liable for any damage to the field office premises or utilities provided by the City, unless the damages are caused by Consultant's own negligence.

8. Independent Consultant/Conflict of Interest.

8.1 Independent Consultant. It is the intention and understanding of the Parties that the Consultant shall be an independent Consultant and that the City shall neither be liable for nor obligated to pay sick leave, vacation pay or any other benefit of employment, nor to pay any social security or other tax, which may arise as an incident of employment. The Consultant shall pay all income and other taxes as due. Industrial or any other insurance, which is purchased for the benefit of the Consultant, shall not be deemed to convert this Agreement to an employment contract.

8.2 City's Right of Supervision and Inspection. Even though Consultant is an independent Consultant with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection and supervision to secure the satisfactory completion thereof.

8.3 Work Performed at Consultant's Risk. Consultant shall take all precautions reasonably necessary and shall be responsible for the safety of its employees, agents and subconsultants in the performance of the work hereunder and shall utilize all protections reasonably necessary for that purpose. All work shall be done at Consultant's own risk, and Consultant shall be responsible for any loss or damage to materials, tools, or other articles used or held for use in connection with the work.

8.4 Conflict of Interest. The Consultant may or will be performing professional services during the term for other parties and that the City is not the exclusive user of services the Consultant will provide, provided, however, that such performance of other services shall not conflict with or interfere with Consultant's ability to perform the Services. Consultant agrees to resolve any such conflicts of interest in favor of the City.

9. Indemnification.

9.1 Consultant Indemnification. Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Contractor (or its employees, agents, representatives, subcontractors/ subconsultants) in performance of this Agreement, whether such claims sound in contract, tort, or other legal theory, except for injuries and damages caused by the sole negligence of the City. The Contractor's duty to defend and indemnify pursuant to this Section is not in any way limited to, or by the extent of, insurance obtained by, obtainable by, or required of the Contractor. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of indemnification. This waiver has

been mutually negotiated by the Parties. If, and to the extent, Contractor employs or engages subcontractors or subconsultants then Contractor shall ensure that each such subcontractor and subconsultant (and subsequent tiers of subcontractors and subconsultants) shall expressly agree to defend and indemnify the City to the extent and on the same terms and conditions as the Contractor pursuant to this Section 9. The provisions of this section shall survive the expiration or termination of this Agreement.

9.2 Records Request. When the City provides the Consultant with notice of a Public Records Request, Consultant agrees to save, hold harmless, indemnify and defend the City, its officers, agents, employees and elected officials from and against claims, lawsuits, fees, penalties and costs resulting from the Consultant's violation of the Public Records Act RCW 42.56, or Consultant's failure to produce public records as required under the Public Records Act. Records shall be retained until all litigation, claims or audit findings have been resolved even though such litigation, claim or audit continues past any formal retention period imposed by Washington State Archives, grant or other applicable law or regulation.

9.3 Survival. The provisions of this Section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

10. Discrimination Prohibited and Compliance with Equal Opportunity Legislation. In all Consultant services, programs or activities, and all Consultant hiring and employment made possible by or resulting from this Agreement, there shall be no discrimination by the Consultant or by Consultant's employees, agents, subconsultants or representatives against any person because of sex, age, (except minimum age and retirement provisions), race, color, creed, national origin, marital status, religion, sexual orientation or the presence of any disability, including sensory, mental, or physical handicaps, based upon a bona fide occupational qualification in relationship to hiring and employment. This requirement shall apply, but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Consultant shall not violate any of the terms of Chapter 49.60 RCW, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 or any other applicable federal, state or local law or regulation regarding non-discrimination. Any material violation of this provision shall be grounds for termination of this Agreement by the City and, in the case of the Consultant's breach, may result in ineligibility for further City agreements.

11. Confidentiality.

All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. The Consultant shall safeguard all written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement to at least the same extent as the Consultant safeguards like information relating to its own business or profession. Breach of confidentiality by the Consultant will be grounds for immediate termination.

12. Work Product and Ownership of Records and Documents.

All originals and copies of work product, including records, files, documents, reports, plans, sketches, layouts, designs, design specifications, computer disks, magnetic media or material which may be produced or modified by the Consultant while performing the services shall belong to the City. At the termination or cancellation of this Agreement, all copies of any such work product remaining in the possession of the Consultant shall be delivered to the City and shall become the property of the City. Files containing the electronic written record of the Consultant's services shall be delivered to the City.

13. Insurance.

13.1 Insurance Term. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of work hereunder by the Consultant, its agents, representatives, or employees. Consultant shall comply with the following conditions and procure and keep in force during the term of this Agreement, at Consultant's own cost and expense, the following policies of insurance with companies authorized to do business in the State of Washington, which are rated at least "A" or better and with a numerical rating of no less than seven (7), by A.M. Best Company and which are acceptable by the City. Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

13.2 Minimum Scope of Insurance. Consultant shall obtain insurance of the types described below:

a. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.

b. Commercial General Liability insurance shall be written at least as broad on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap, independent Consultants and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.

c. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

d. Professional Errors and Omissions Insurance. If both parties agree that the Services do not warrant Consultant providing Professional Errors and Omissions Insurance, Section 13.3.d. may be stricken if this section is initialed by both Parties: _____

13.3 Minimum Insurance Limits. Consultant shall maintain the following insurance limits:

- a. Commercial General Liability. \$2,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate.
- b. Automobile Liability. \$1,000,000 combined single limit per accident for bodily injury and property damage.
- c. Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.
- d. Professional Liability/Consultant's Errors and Omissions Liability. Insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit.

13.4 Notice of Cancellation. In the event that the Consultant receives notice (written, electronic or otherwise) that any of the above required insurance coverage is being cancelled and/or terminated, the Consultant shall immediately (within forty-eight (48) hours) provide written notification of such cancellation/ termination to the City.

13.5 Verification of Coverage. In signing this Agreement, the Consultant is acknowledging and representing that required insurance is active and current. Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Agreement before commencement of the work.

13.6 Insurance Shall be Primary - Other Insurance Provision. The Consultant's insurance coverage shall be primary insurance as respect to the City. The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect to the City. Any Insurance, self-insurance, or self-insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

13.7 Claims-made Basis. Unless approved by the City all insurance policies, other than the professional liability insurance, shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy.

13.8 Failure to Maintain Insurance. Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

13.9 Full Availability of Consultant Limits. If the Consultant maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective

of whether such limits maintained by the Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Consultant.

14. Maintenance/Inspection of Records.

14.1 Maintenance and Inspection. The Consultant agrees to maintain books, records, and documents which sufficiently and properly reflect all direct and indirect costs and expenses allowable under this Agreement related to the performance of the Services and maintain such accounting procedures and practices as may be deemed necessary by the City to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject, at all reasonable times, to inspection, review or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement. If any litigation, claim or audit is commenced, the Consultant shall cooperate with the City and assist in the production of all such documents.

14.2 Public Records. The Parties agree that this Agreement and records related to the performance of the Agreement are, with limited exception, public records subject to disclosure under the Public Records Act RCW 42.56. Consultant acknowledges that any record, document, work product or correspondence created by Consultant may be subject to the Public Records Act.

Further, in the event of a Public Records Request to the City, the City may provide the Consultant with a copy of the Records Request and the Consultant shall provide copies of any City records in Consultant's possession, necessary to fulfill that Public Records Request. If the Public Records Request is large the Consultant will provide the City with an estimate of reasonable time needed to fulfill the records request.

15. Dispute Resolution.

15.1 Informal Resolution. In the event of a dispute, a party shall notify the other party of the dispute with as much detail as possible. The City and Consultant shall use good faith efforts to resolve the dispute within ten (10) business days. If the Parties' business representatives are unable to resolve the dispute, or agree upon the appropriate corrective action to be taken, within such ten (10) business days, then either party may initiate mediation. Both Parties will continue without delay to carry out all their respective responsibilities under this Agreement. The Parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the mediator is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

15.2 Injunctive Relief. Nothing contained in this Section shall limit or delay the right of either party to seek injunctive relief from a court of competent jurisdiction, whether or not such party has pursued informal resolution in accordance with this Section.

16. Compliance with Grant Terms and Conditions. Consultant shall comply with any and all conditions, terms and requirements of any federal, state or other grant that wholly or partially funds Consultant's work hereunder. In the event of a conflict between applicable

conditions, terms and requirements, Consultant shall promptly notify the City in writing if Consultant becomes aware of a conflict before proceeding.

17. General Provisions.

17.1 Entire Agreement. This Agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement and no prior agreements shall be effective for any purpose. All attachments and addendum are incorporated herein by this reference, and shall be a part of this Agreement.

17.2 Modification. No provisions of this Agreement may be amended, modified or an additional obligation assumed by either Party except by written agreement signed by the Parties.

17.3 Full Force and Effect. Any section or provision of this Agreement which is adjudicated invalid or illegal shall in no way affect or invalidate any other section or provision hereof and such other sections or provisions shall remain in full force and effect.

17.4 Subletting/Assignment. Neither the Consultant nor the City shall have the right to sublet, transfer or assign, in whole or in part, any or all of its obligations and rights hereunder without the prior written consent of the other party.

17.5 Attorney Fees. In the event either party brings a lawsuit to enforce the terms of this Agreement, or arising from a breach of this Agreement, the prevailing party shall be entitled to its costs and attorneys' fees for bringing or defending against the action.

17.6 No Waiver. Failure or delay of the City to declare any breach or default immediately upon occurrence shall not waive such breach or default. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default.

17.7 Governing Law and Venue. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Washington; venue shall be in Snohomish County.

17.8 Authority. Each individual executing this Agreement on behalf of the City and the Consultant represents and warrants that such individuals are duly authorized to execute and deliver this Agreement on behalf of the Consultant or the City.

17.9 Notices. Any notices required to be given by the Parties shall be delivered at the addresses set forth below. Any notices may be delivered personally or may be deposited in the United States mail, postage prepaid, to the address set forth below. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing.

17.10 No Third Party Beneficiary. It is the specific intent of the Parties, and all Parties agree, that this Agreement shall not confer third party beneficiary status on any non-party.

17.11 No Joint Venture. This Agreement does not create a partnership or joint venture, and in carrying out this Agreement, the Parties shall act in their individual capacities and not as agents, employees, or partners of one another.

17.12 Survivability. The obligation of Consultant under all provisions of this Agreement, which may reasonably be interpreted or construed as surviving the completion, termination, or cancellation of this Agreement shall survive the completion, termination, or cancellation of this Agreement.

17.13 Consultant Payments. In the event the Consultant fails to pay any taxes, assessments, penalties, or fees imposed by any governmental body, including a court of law, then the City shall have the right but not the obligation and the Consultant authorizes the City to deduct and withhold or pay over to the appropriate governmental body those unpaid amounts upon demand by the governmental body. It is agreed that this provision shall apply to taxes and fees imposed by City ordinance. Any such payments shall be deducted from the Consultant's total compensation.

Executed on the dates written below.

CONSULTANT

CITY OF MOUNTLAKE TERRACE

By:

By:

Kristen M. Overleese, President

Jeff Niten, City Manager

11201 SE 8th Street, Suite 160
Bellevue, WA 98004

23204 58th Avenue W
Mountlake Terrace, WA 98043

Date: _____

Date: _____

Approved as to form:

Hillary J. Evans, City Attorney

EXHIBIT A
SCOPE OF SERVICES
for
City of Mountlake Terrace
Westside Watermain Phase II and Overlay
MLT Project No. C2501

KBA, Inc. (Consultant) will provide Construction Management (CM) services to City of Mountlake Terrace (Client), for the project known as **Westside Water Main Phase II and Overlay** (Project). These services will include providing a Full Time Inspector and Part-Time Office Engineer for consultation, contract administration, field observation and documentation as required during the construction of the Project, as detailed below.

Project Description: This project consists of installing improvements to the City's water facilities, including approximately 1,700 linear feet of 8 inch and 12 inch diameter Class 52 ductile iron water main, seven (7) gate valves, four (4) fire hydrants, one (1) combination air release/air vacuum valve, twenty-seven (27) water connection services, pressure reducing valve (PRV) assembly, approximately 6,900 square yards of pavement planing, 1,000 tons of HMA for pavement repair, 800 tons of HMA for prelevel and overlay paving, six (6) curb ramp replacements, and twenty (20) linear feet of sewer lateral pipe replacement. This project work includes minor restoration of concrete traffic curb and gutter, concrete sidewalk and landscaping, traffic control, signing, striping, erosion control and other work. The Designer of Record on this Project is the City Public Works Department- Engineering Services Division (Designer).

I. CONSTRUCTION MANAGEMENT SERVICES

A. Consultant Contract and Team Management: Provide overall day-to-day management of the Consultant contract and Team, including:

1. Decide on best modes and frequency of communication with Client and Designer. Liaison and coordinate with Client on a regular basis to discuss Project issues and status.
2. Manage Consultant Team, comprised of Consultant's staff and its subconsultants, if any. Organize and layout work for Consultant Team. Orient Client-provided Inspectors to Consultant inspection procedures and documentation.
3. Review monthly expenditures and Consultant Team scope activities. Prepare and submit to Client monthly, an invoice and progress report describing services provided that period. Prepare and submit reporting required by funding source(s), if any.
4. Communication on Consultant contractual issues will be with the Client. Communication on day-to-day construction activities and issues will be directly between the Consultant and the Owner. The Client will be an active member of the Project Team, consulted on design issues, and will be provided with information affecting Project progress.

Deliverables

- *Monthly invoices and progress reports*

B. Preconstruction Services

1. Review Contract Documents to familiarize team with Project requirements.
2. Attend Pre-Construction Meeting
3. Take Pre-Construction photographs

C. Construction Phase Services – Contract Administration

1. Coordinate through the City's Resident Engineer as liaison with the Client, construction contractor, Designer, appropriate agencies, adjacent property owners, and utilities.
2. In concurrence with Progress Estimates, assist the Client RE with their brief construction progress reports, highlighting progress and advising of issues that are likely to impact cost, schedule, or quality/scope.
3. Schedule Review:
 - a. Assist City RE in review construction contractor's schedules for compliance with Contract Documents.
 - b. Monitor the construction contractor's conformance to schedule and suggest to City RE to request revised schedules when needed. Advise Client of schedule changes.
4. Progress Meetings. Attend regular (usually weekly) progress meetings with the construction contractor, including City RE pre-briefing. Prepare weekly draft meeting agenda for City Resident Engineer to finalize and meeting notes and distribute copies to attendees. Track outstanding issues on a weekly basis.
5. Manage Submittal Process. Track and review, or cause to be reviewed by other appropriate party, work plans, shop drawings, samples, test reports, and other data submitted by the construction contractor, for general conformance to the Contract Documents.
6. Record of Materials. Maintain records of material compliance documentation received and advise Client of any known deficiencies.
7. Manage RFI (Request for Information) process. Track and review/evaluate or cause to be reviewed/evaluated by other appropriate party, RFIs. Manage responses to RFIs.
8. Monthly Pay Requests. Assist City RE with the preparation of monthly progress estimates for payment. Review payment requests submitted by construction contractor for comparison and reconcile differences. Review with Client and construction contractor and recommend approval, as appropriate.
 - a. Assist with evaluation of construction contractor's Schedule of Values for lump sum items. Review the Contract Price allocations and verify that such allocations are made in accordance with the requirements of the Contract Documents.
9. Notify construction contractor of work found in noncompliance with the requirements of the contract.
10. Assist the Client in the investigation of malfunctions or failures observed during construction.
11. Record Drawings. Review not less than monthly, the construction contractor's redline set of contract plans. Maintain a CM Team set of conformed drawings tracking plan changes, location of discovered anomalies and other items, as encountered by Consultant Team. Use these markups to check the progress of the Contractor-prepared Record Drawings.

12. Document Control. Establish and maintain document filing and tracking systems, following Client guidelines and meeting funding agency requirements. Collect, organize, and prepare documentation on the Project.
 - a. Electronic documentation will be stored in a Project Website, using Autodesk Construction Cloud (ACC), managed and hosted by the Consultant. The Client will be provided with licenses for their and the construction contractor's use of the ACC website during the Project. Consultant will provide one training session for Client and construction contractor users of the ACC website, and ongoing support, as needed.
 - b. The ACC Project website will transition to "read-only" access upon expiration of the Agreement, or upon project completion and transfer of final records, whichever occurs first. Transference of final records will include a digital copy of the files stored in the ACC Project website. Access to the ACC website will expire 60 days after transference of final records.
 - c. The ACC software previously belonging or licensed to Consultant and used to perform the contracted services shall remain the property of Consultant.
13. Final Records. Compile and convey final Project records, transferring to the Client for its archiving at final acceptance of the Project. Should Consultant's work end prior to full completion of the Project, its records will be transferred to the Client prior to departure from the Project. Records will consist of electronic records on electronic storage medium.

Deliverables

- *Monthly Construction Progress Reports*
- *Schedule Review Comments*
- *Meeting Agendas and Notes*
- *Submittal Log*
- *Record of Materials*
- *RFI Log*
- *Progress Pay Requests*
- *Final records –electronic*

D. Construction Phase Services – Field

1. Observe the technical conduct of the construction, including providing day-to-day contact with the construction contractor, Client, utilities, and other stakeholders, and monitor for adherence to the Contract Documents. The Consultant's personnel will act in accordance with Sections 1-05.1 and 1-05.2 of the WSDOT/APWA Standard Specifications.
2. Observe material, workmanship, and construction areas for compliance with the Contract Documents and applicable codes. Advise the Client of any non-conforming work observed during site visits.
3. Prepare Inspector Daily Reports (IDRs), recording the construction contractor's operations as actually observed by the Consultant; includes estimated quantities of work placed that day, contractor's equipment and crews, photos of work performed, and other pertinent information.
4. Assist with interpretation of Construction Contract Documents, in coordination with the City RE and City Designer.
5. Evaluate and report to Client issues that may arise as to the quality and acceptability of material furnished, work performed, and rate of progress of work performed by the construction contractor.
6. Communications with adjacent property owners related to Inspection duties as applicable. Relay questions from property owners and the general public to Client/City.

7. Prepare field records, daily reports of force account worked, and other payment source documents to help facilitate administration of the Project in accordance with funding agency requirements.
8. Attend and actively participate in regular on-site meetings.
9. Take periodic digital photographs during the course of construction.
10. Punch List. Upon substantial completion of work, coordinate with the Client and affected agencies, to prepare a 'punch list' of items to be completed or corrected. Coordinate final inspection with those agencies.

Deliverables

- *IDRs with Project photos – submitted on a weekly basis*
- *Field Note Records and Daily Reports of Force Account Worked*
- *Additional Project photos not included in IDRs*
- *Punch List(s)*

E. Assumptions

1. **Budget:**
 - a. Staffing levels are anticipated in accordance with the attached budget estimate. These services will include providing a Full Time Inspector and Part-Time Office Engineer for consultation, contract administration, field observation and documentation as required during the construction of the Project. Consultant services are budgeted for an 8-month period, from approximately mid-June 2026 through mid-January 2027. This is intended to span the originally planned construction duration of 120 contractor working days, plus a total of (10) days time allotted for Project setup and closeout. Overtime has not been figured into the budget.
 - b. Consultant will work up to the limitations of the authorized budget. If additional budget is needed to cover instances, including but not limited to the following, Client and Consultant will negotiate a Supplement to this Agreement:
 - i. The contractor's schedule requires inspection coverage of extra crews and shifts.
 - ii. The construction contract runs longer than the time period detailed above.
 - iii. Any added scope tasks.
 - c. The work is anticipated to be performed during daytime hours. Should night work be necessary, a 15 percent differential for labor will be applied to all night shift hours worked by Consultant's employees.
 - d. The budget allocations shown in Exhibit B are itemized to aid in Project tracking purposes only. The budget may be transferred between tasks or people, or between labor and expenses, provided the total contracted amount is not exceeded without prior authorization.
 - e. The budget assumes that Client's standard forms, logs, and processes will be used on the Project ACC website. Any customization to meet specialized Client requirements will be Extra Work.
 - f. Should Consultant's level of effort extend beyond the time period detailed in the attached Exhibit B - Estimate, and into a new year, labor rates will adjust annually on January 1, with 30-day written notice to Agency.

2. Items and Services Client will provide and maintain:

- a. Resident Engineer.
- b. Engineer of Record (City) for shop drawing review, RFIs, design changes, and final record drawings.
- c. Coordination with and enforcement of utility franchise agreements and/or contracts and schedules for services related to this Project.
- d. Coordinate with permit holders on the Project to monitor compliance with approved permits, if applicable.
- e. Verify that the required permits, bonds, and insurance have been obtained and submitted by the construction contractor. Obtain all permits not required to be provided by construction contractor.
- f. Construction Survey. Provide project control survey and staking that is not already assigned to the construction contractor.

3. Scope:

- a. The Autodesk Construction Cloud Project website being used for this Project is proprietary to the Consultant (KBA, Inc.), and may not be used by any other party or on any other project without the written permission and involvement of KBA, Inc.
- b. Consultant will provide observation services for the days/hours that its' Inspector(s) personnel is/are on-site. The Inspector(s) will not be able to observe or report construction activities, or collect documentation, during the time they are not on-site.
- c. The Consultant's monitoring of the construction contractor's activities is to ascertain whether or not they are performing the work in accordance with the Contract Documents; in case of noncompliance, Consultant will reject non-conforming work and pursue the other remedies in the interests of the Client, as detailed in the Contract Documents. The Consultant cannot guarantee the construction contractor's performance, and it is understood that Consultant shall assume no responsibility for proper construction means, methods, techniques, Project site safety, safety precautions or programs, or for the failure of any other entity to perform its work in accordance with laws, contracts, regulations, or Client's expectations.
- d. Definitions and Roles. The use of the term "inspect" in relation to Consultant services is synonymous with "construction observation," and reference to the "Inspector" role is synonymous with "Field Representative," and means: performing on-site observations of the progress and quality of the Work and determining, in general, if the Work is being performed in conformance with the Contract Documents; and notifying the Client if Work does not conform to the Contract Documents or requires special inspection or testing. Where "Specialty Inspector" or "specialty inspection" is used, it refers to inspection by a Building Official or independent agent of the Building Official, or other licensed/certified inspector who provides a certified inspection report in accordance with an established standard.
- e. If the Consultant suspects the presence of hazardous materials, they will notify the Client immediately for resolution.

- f. Review of Shop Drawings, samples, and other submittals will be for general conformance with the design concept and general compliance with the requirements of the contract for construction. Such review will not relieve the Contractor from its responsibility for performance in accordance with the contract for construction, nor is such review a guarantee that the work covered by the shop drawings, samples and submittals is free of errors, inconsistencies or omissions.
- g. Any opinions of probable construction cost provided by the Consultant will be on the basis of experience and professional judgment. However, since Consultant has no control over competitive bidding or market conditions, the Consultant cannot and does not warrant that bids or ultimate construction costs will not vary from these opinions of probable construction costs.
- h. Quantity takeoffs and calculated quantities are for the purpose of comparing with Designer's and/or bidders' quantities and are not a guarantee of final quantities.
- i. Development of construction schedules and/or sequencing, and/or reviewing and commenting on contractor's schedules, is for the purpose of estimating number of days to complete a project, for identifying potential schedule and coordination challenges, and determining compliance with the construction contract. It is not a guarantee that a construction contractor will complete the Project in that sequence or timeline, as means and methods are the responsibility of the construction contractor.
- j. Consultant is not responsible for any costs, claims or judgments arising from or in any way connected with errors, omissions, conflicts or ambiguities in the Contract Documents prepared by others. The Consultant does not have responsibility for the professional quality or technical adequacy or accuracy of the design plans or specifications, nor for their timely completion by others.
- k. If Consultant provides Value Analysis or Value Engineering services, it is understood that any ideas, advice, or recommendations generated by the Consultant are made based only on the information presented to them and need engineering analysis by the Designer to verify; Consultant is not responsible for the final design product.
- l. Client agrees to include a statement in the construction Bid Documents for this Project, requiring construction contractor to name KBA, Inc. as an additional insured via endorsement to the contractor's commercial general liability and automobile insurance policies.
- m. RCW 4.24.115 is applicable to Consultant's services provided under this Agreement.
- n. Consultant's insurance carrier provides coverage on ISO equivalent endorsement forms.
- o. Services provided by the Consultant under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances, in the same geographical area and time period.
- p. Nothing in the Agreement is intended to create, nor shall it be construed to create, a fiduciary duty owed by either party to the other. Consultant makes no warranties, guarantees, express or implied, under this Agreement or otherwise in connection with Consultant's services.
- q. Client agrees that Consultant will not be held liable for the completeness, correctness, readability, or compatibility of any electronic media submitted to Client, after an acceptance period of 30 days after delivery of the electronic files, because data stored on electronic media can deteriorate undetected or can be modified without Consultant's knowledge.

II. OPTIONAL SERVICES

All services not detailed above, are considered Optional Services, which, along with any other Extra Work requested by the Client, will be performed only when a mutually negotiated Supplement to this Agreement is executed, specifying scope of services and budget.

EXHIBIT B



Mountlake Terrace Westside Watermain Improvements
City of Mountlake Terrace
KBA Cost Estimate

KBA HOURS						KBA Invoice No:		Estimated		Estimated		Estimated		Estimated		Estimated		Estimated		Estimated		Estimated									
PROJECT DURATION: 130 Days (Project Setup + Contractor Working Days + Closeout)						TOTAL HOURS		MAY 2026		JUN 2026		JUL 2026		AUG 2026		SEP 2026		OCT 2026		NOV 2026		DEC 2026		JAN 2027							
CONTRACTOR WORKING DAYS: 120						KBA Working Days:		21		21		22		21		21		23		18		22		21							
						KBA Contract Days																									
						Reg Hrs / Month:		168		168		176		168		168		184		144		176		168							
TASK	01.00	Project Management		OH	Task	Vehicle																									
Paul Garrett		Manager		Home	01.00	None	8	0	1		1		1		1		1		1		1		1								
Todd Chase		Project Manager		Home	01.00	None	80	0	10		10		10		10		10		10		10		10								
Jean Peabody		Project Analyst		Home	01.00	None	32	0	4		4		4		4		4		4		4		4								
TASK	02.00	Construction Management																													
Susan Boyd		Inspector		Field	02.00	SUV 4 Door	1040	0	0		160		160		160		160		160		160		160								
Heather Young		OE		Field	02.00	None	560	0	40		80		80		80		80		80		80		80								
							1720																0	55	255	255	255	255	255	255	135

EXPENSES						TOTAL EXPENSES		MAY 2026		JUN 2026		JUL 2026		AUG 2026		SEP 2026		OCT 2026		NOV 2026		DEC 2026		JAN 2027	
Description					Markup	Task																			
SUV 4 Door		Assumes 6% Annual Escalation				DE	\$ 9,030	\$ -	\$ -	\$ 1,382.78	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 733		
							\$ 9,030	\$ -	\$ -	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 733			

ESTIMATED PROJECT TOTAL								MAY 2026		JUN 2026		JUL 2026		AUG 2026		SEP 2026		OCT 2026		NOV 2026		DEC 2026		JAN 2027	
Total Loaded Labor Cost						\$ 364,527	\$ -	\$ 12,162	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 53,702	\$ 30,154		
Total Expenses						\$ 9,030	\$ -	\$ -	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 1,383	\$ 733			
						\$ 373,556	\$ -	\$ 12,162	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 55,085	\$ 30,887			

Annual Escalation = 5%

KBA STAFF				2026 Actuals							2027 Estimated						
NAME	CLASS	TITLE/ ROLE	TASK	HOURLY	OVERHEAD		FEE	LABOR	LOADED	EFFECTIVE	HOURLY	OVERHEAD		FEE	LABOR	LOADED	EFFECTIVE
				RATE (DSC)	AS % OF DSC	Rate	AS % OF DSC	MULTIPLIER	RATE	THROUGH	RATE (DSC)	AS % OF DSC	Rate	AS % OF DSC	MULTIPLIER	RATE	THROUGH
Paul Garrett	M003	Manager	01.00	\$ 110.00	Home	152.67%	30.00%	2.827	\$310.94	12/31/2026	\$ 115.50	Home	152.67%	30.00%	2.827	\$326.48	12/31/2027
Todd Chase	M001	Project Manager	01.00	\$ 101.00	Home	152.67%	30.00%	2.827	\$285.50	12/31/2026	\$ 106.05	Home	152.67%	30.00%	2.827	\$299.77	12/31/2027
Jean Peabody	A003	Project Analyst	01.00	\$ 45.00	Home	152.67%	30.00%	2.827	\$127.20	12/31/2026	\$ 50.00	Home	152.67%	30.00%	2.827	\$141.34	12/31/2027
Susan Boyd	T006	Inspector	02.00	\$ 75.08	Field	145.14%	30.00%	2.751	\$206.58	12/31/2026	\$ 78.83	Field	145.14%	30.00%	2.751	\$216.90	12/31/2027
Heather Young	T005	OE	02.00	\$ 77.12	Field	145.14%	30.00%	2.751	\$212.19	12/31/2026	\$ 80.98	Field	145.14%	30.00%	2.751	\$222.80	12/31/2027

ASSUMPTIONS:

All values are rounded to the nearest dollar
All inclusive rates = Direct Salary Cost + Annual Approved WSDOT ICR (OH Rate) + Fee for Profit
For estimating purposes Direct Salary Rates are escalated at a rate of 5% per year effective annually on January 1st
Home office staff rate are calculated with KBA's Home office Indirect Cost Rate (Overhead)
Field office staff rates are calculated with KBA's Field Office Indirect Cost Rate (Overhead)



Billing Rate and Fee Schedule
DSC Rates - Effective 7/1/26 through 12/31/26
KBA Rates for Field Office Staff

KBA, Inc.
11201 SE 8th Street - Suite 160
Bellevue, WA 98006

LABOR CLASS	PERSONNEL CLASSIFICATION	DIRECT	OVERHEAD	FEE	INCLUSIVE
		SALARY COST	145.61% x DSC	30% x DSC	HOURLY RATE
		Max.	Max.	Max.	Max.
M-7	Manager VII	\$275.00	\$400.43	\$82.50	\$758
M-6	Manager VI	\$215.00	\$313.06	\$64.50	\$593
M-5	Manager V	\$175.00	\$254.82	\$52.50	\$482
M-4	Manager IV	\$140.00	\$203.85	\$42.00	\$386
M-3	Manager III	\$130.00	\$189.29	\$39.00	\$358
M-2	Manager II	\$120.00	\$174.73	\$36.00	\$331
M-1	Manager I	\$110.00	\$160.17	\$33.00	\$303
E-8	Engineering / Professional VIII	\$145.00	\$211.13	\$43.50	\$400
E-7	Engineering / Professional VII	\$115.00	\$167.45	\$34.50	\$317
E-6	Engineering / Professional VI	\$105.00	\$152.89	\$31.50	\$289
E-5	Engineering / Professional V	\$95.00	\$138.33	\$28.50	\$262
E-4	Engineering / Professional IV	\$90.00	\$131.05	\$27.00	\$248
E-3	Engineering / Professional III	\$80.00	\$116.49	\$24.00	\$220
E-2	Engineering / Professional II	\$60.00	\$87.37	\$18.00	\$165
E-1	Engineering / Professional I	\$50.00	\$72.81	\$15.00	\$138
T-8	Technical Representative VIII	\$120.00	\$174.73	\$36.00	\$331
T-7	Technical Representative VII	\$110.00	\$160.17	\$33.00	\$303
T-6	Technical Representative VI	\$105.00	\$152.89	\$31.50	\$289
T-5	Technical Representative V	\$95.00	\$138.33	\$28.50	\$262
T-4	Technical Representative IV	\$85.00	\$123.77	\$25.50	\$234
T-3	Technical Representative III	\$70.00	\$101.93	\$21.00	\$193
T-2	Technical Representative II	\$60.00	\$87.37	\$18.00	\$165
T-1	Technical Representative I	\$41.00	\$59.70	\$12.30	\$113
P-8	Project Controls VIII	\$115.00	\$167.45	\$34.50	\$317
P-7	Project Controls VII	\$110.00	\$160.17	\$33.00	\$303
P-6	Project Controls VI	\$100.00	\$145.61	\$30.00	\$276
P-5	Project Controls V	\$92.00	\$133.96	\$27.60	\$254
P-4	Project Controls IV	\$85.00	\$123.77	\$25.50	\$234
P-3	Project Controls III	\$70.00	\$101.93	\$21.00	\$193
P-2	Project Controls II	\$55.00	\$80.09	\$16.50	\$152
P-1	Project Controls I	\$41.00	\$59.70	\$12.30	\$113
A-7	Administrator VII	\$105.00	\$152.89	\$31.50	\$289
A-6	Administrator VI	\$85.00	\$123.77	\$25.50	\$234
A-5	Administrator V	\$75.00	\$109.21	\$22.50	\$207
A-4	Administrator IV	\$65.00	\$94.65	\$19.50	\$179
A-3	Administrator III	\$55.00	\$80.09	\$16.50	\$152
A-2	Administrator II	\$45.00	\$65.52	\$13.50	\$124
A-1	Administrator I	\$38.00	\$55.33	\$11.40	\$105

- Note: (1) Billing rates shall equal actual DSC at the time work is performed multiplied by 2.7561 (Labor Multiplier = DSC + Overhead + Fee)
(2) DSC ranges shown are effective July 1, 2026 - December 31, 2026. OH(ICR) Rate may adjust annually with new WSDOT audit letter.
(3) 15% differential applied for Night Shift work.
(4) Time-and-a-half applied for non-exempt staff working more than 40 hours/week.
(5) For multi-year agreements, DSC Max ranges noted above escalate annually on January 1 with 30 days notice.

DIRECT NON-SALARY REIMBURSABLES

EXPENSE TYPE	ITEM RATE
Subconsultants	Cost + 5%
Field Equipment & Supplies (valued over \$100), Reprographics, Couriers	Cost + 5%
Project Assigned SUV (compact & full size pickup truck rates provided upon request). Rates quoted include sales tax which will be applied upon invoicing.	\$8.32 / Hour, Plus Tax
Lodging & Per Diem	Per WSDOT Travel Directives

THIS INFORMATION IS CONFIDENTIAL AND PROPRIETARY TO KBA, INC.



Billing Rate and Fee Schedule
DSC Rates - Effective 7/1/26 through 12/31/26
KBA Rates for Home Office Staff

KBA, Inc.
11201 SE 8th Street - Suite 160
Bellevue, WA 98004

LABOR CLASS	PERSONNEL CLASSIFICATION	DIRECT SALARY COST	OVERHEAD 152.19% x DSC	FEE 30% x DSC	INCLUSIVE HOURLY RATE
		Max.	Max.	Max.	Max.
M-7	Manager VII	\$275.00	\$418.52	\$82.50	\$776
M-6	Manager VI	\$215.00	\$327.21	\$64.50	\$607
M-5	Manager V	\$175.00	\$266.33	\$52.50	\$494
M-4	Manager IV	\$140.00	\$213.07	\$42.00	\$395
M-3	Manager III	\$130.00	\$197.85	\$39.00	\$367
M-2	Manager II	\$120.00	\$182.63	\$36.00	\$339
M-1	Manager I	\$110.00	\$167.41	\$33.00	\$310
E-8	Engineering / Professional VIII	\$145.00	\$220.68	\$43.50	\$409
E-7	Engineering / Professional VII	\$115.00	\$175.02	\$34.50	\$325
E-6	Engineering / Professional VI	\$105.00	\$159.80	\$31.50	\$296
E-5	Engineering / Professional V	\$95.00	\$144.58	\$28.50	\$268
E-4	Engineering / Professional IV	\$90.00	\$136.97	\$27.00	\$254
E-3	Engineering / Professional III	\$80.00	\$121.75	\$24.00	\$226
E-2	Engineering / Professional II	\$60.00	\$91.31	\$18.00	\$169
E-1	Engineering / Professional I	\$50.00	\$76.10	\$15.00	\$141
T-8	Technical Representative VIII	\$120.00	\$182.63	\$36.00	\$339
T-7	Technical Representative VII	\$110.00	\$167.41	\$33.00	\$310
T-6	Technical Representative VI	\$105.00	\$159.80	\$31.50	\$296
T-5	Technical Representative V	\$95.00	\$144.58	\$28.50	\$268
T-4	Technical Representative IV	\$85.00	\$129.36	\$25.50	\$240
T-3	Technical Representative III	\$70.00	\$106.53	\$21.00	\$198
T-2	Technical Representative II	\$60.00	\$91.31	\$18.00	\$169
T-1	Technical Representative I	\$41.00	\$62.40	\$12.30	\$116
P-8	Project Controls VIII	\$115.00	\$175.02	\$34.50	\$325
P-7	Project Controls VII	\$110.00	\$167.41	\$33.00	\$310
P-6	Project Controls VI	\$100.00	\$152.19	\$30.00	\$282
P-5	Project Controls V	\$92.00	\$140.01	\$27.60	\$260
P-4	Project Controls IV	\$85.00	\$129.36	\$25.50	\$240
P-3	Project Controls III	\$70.00	\$106.53	\$21.00	\$198
P-2	Project Controls II	\$55.00	\$83.70	\$16.50	\$155
P-1	Project Controls I	\$41.00	\$62.40	\$12.30	\$116
A-7	Administrator VII	\$105.00	\$159.80	\$31.50	\$296
A-6	Administrator VI	\$85.00	\$129.36	\$25.50	\$240
A-5	Administrator V	\$75.00	\$114.14	\$22.50	\$212
A-4	Administrator IV	\$65.00	\$98.92	\$19.50	\$183
A-3	Administrator III	\$55.00	\$83.70	\$16.50	\$155
A-2	Administrator II	\$45.00	\$68.49	\$13.50	\$127
A-1	Administrator I	\$38.00	\$57.83	\$11.40	\$107

- Note: (1) Billing rates shall equal actual DSC at the time work is performed multiplied by 2.8219 (Labor Multiplier = DSC + Overhead + Fee)
(2) DSC ranges shown are effective July 1, 2026 - December 31, 2026. OH(ICR) Rate may adjust annually with new WSDOT audit letter.
(3) 15% differential applied for Night Shift work.
(4) Time-and-a-half applied for non-exempt staff working more than 40 hours/week.
(5) For multi-year agreements, DSC Max ranges noted above escalate annually on January 1 with 30 days notice.

DIRECT NON-SALARY REIMBURSABLES

EXPENSE TYPE	ITEM RATE
Subconsultants	Cost + 5%
Field Equipment & Supplies (valued over \$100), Reprographics, Couriers	Cost + 5%
Project Assigned SUV (compact & full size pickup truck rates provided upon request). Rates quoted include sales tax which will be applied upon invoicing.	\$8.32 / Hour, Plus Tax
Lodging & Per Diem	Per WSDOT Travel Directives

THIS INFORMATION IS CONFIDENTIAL AND PROPRIETARY TO KBA, INC.

CITY OF MOUNTLAKE TERRACE

PROCLAMATION

Disability Pride Month

WHEREAS, July is Disability Pride Month and this year’s theme is “The World Works Better With Us”. When people with disabilities are included, respected, and supported, communities work better for everyone. That includes schools, workplaces, healthcare, transportation, and public life; and

WHEREAS, you can experience this in everyday life. Disability-led advocacy and design have helped create changes many people now rely on, like curb cuts, closed captioning, audiobooks, and voice dictation; and

WHEREAS, Disability Pride Month is an annual observance in July that celebrates disability identity and community, recognizes disability culture and leadership, and marks the Americans with Disabilities Act (ADA) anniversary and the ongoing work to make civil rights real in daily life; and

WHEREAS, many people with disabilities still face barriers to being fully included and valued. Ableism is often ignored, but its effects are real. It limits access to education, jobs, healthcare, and respect; and

WHEREAS, Disability Pride is about being accepted on our own terms, disability isn’t something to hide or fix, it is part of who we are. Everyone deserves inclusion, rights, and respect, without having to earn them; and

WHEREAS, Disability Pride Month also reinforces a basic principle: people with disabilities belong in the decisions that shape school, work, health care, and community life,

NOW THEREFORE, I, Mayor Steve Woodard, on behalf of the Mountlake Terrace City Council, do hereby proclaim July as Disability Pride Month.

PROCLAIMED BY THE CITY COUNCIL ON JULY 2, 2026.

MAYOR: _____
Steve Woodard

ATTEST: _____
City Clerk

CITY OF MOUNTLAKE TERRACE

PROCLAMATION

Parks and Recreation Month

WHEREAS, parks and recreation is an integral part of communities throughout this country, including the City of Mountlake Terrace; and

WHEREAS, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Mountlake Terrace recognizes the benefits derived from parks and recreation resources,

NOW THEREFORE, I, Mayor Steve Woodard, on behalf of the Mountlake Terrace City Council, do hereby proclaim July as Park and Recreation Month.

PROCLAIMED BY THE CITY COUNCIL ON JULY 2, 2026.

MAYOR: _____
Steve Woodard

ATTEST: _____
City Clerk



STAFF REPORT

To: Mountlake Terrace City Council

From: Lucas Kragt, Civil Engineer II

Meeting Date: July 2, 2026

Subject: Review Ordinance Adopting Code Amendments to Chapters 19.95 and 15.05 for Public Infrastructure Improvements

Required Reviews:

Jennifer Joki	Created/Initiated - 06/23/2026
Gary Schimek	Approved - 06/24/2026
Sirke Salminen	Approved - 06/25/2026
Hillary Evans	Approved - 06/25/2026
Carolyn Hope	Final Approval - 06/25/2026

Council Goal(s):

Responsible Governance to Ensure Desired Level of Service

Legislative History:

This item was discussed by the Planning Commission at their meeting on June 8, 2026. Planning Commission recommended approval on June 22nd in the Open Record Hearing.

Subject Summary:

Current MTMC exempts single-family development from frontage improvements. State law prohibits cities from requiring development regulations for middle housing that are more restrictive than those required for detached single-family residences (RCW 36.70A.536(1)(b)(i)), and specifically exempts accessory dwelling units from public street improvements. Based on this state law change, it is proposed to eliminate this exemption for single family development. In order to not increase the public infrastructure development burden, staff recommends allowing existing overhead utilities to remain overhead. Feedback from PUD has called out that repairing damaged lines that are partly underground and partly overhead is more costly and time consuming than repairing entirely overhead lines. Additionally, street tree regulations adopted in the 2024 and 2026 Engineering Development Manual call out correct trees that will not grow too large to impact overhead lines.

Financial/Budget Impacts:

Budget Amendment Required? N/A

Budget and Sources:	
Expenditure:	

New Appropriation Required + Sources:	
---------------------------------------	--

Additional Financial Information:

N/A

Community Notifications:

City Council Agenda

Board/Commission Meeting

If "Other," please specify:

Board/Commission Recommendation:

The Planning Commission held a Public Hearing on June 22 and voted unanimously to recommend approval of the proposed amendments.

Staff Recommendation:

Staff recommends adoption of the ordinance. This can be accomplished by adding it to the July 16, 2026 Consent Agenda.

Council Motion:

N/A

Attachments:

1. Ordinance Adopting Code Amendments to 19.95 and 15.05 (Draft)
2. Presentation Public Infrastructure Requirements
3. Exhibit A Planning Commission Findings of Fact

CITY OF MOUNTLAKE TERRACE

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 15.05, BUILDING CODE, AND CHAPTER 19.95 MTMC, TRANSPORTATION CODE; 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 land use development; 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, the City Council seeks to reduce financial barriers for development and redevelopment in the City, while meeting the intent of the Town Center Subarea Plan and applicable design standards; and

WHEREAS, on June 26, 2025, the City Council adopted Ordinance 2884 to implement state legislation related to middle housing and accessory dwelling units; and

WHEREAS, State law prohibits cities from requiring development regulations for middle housing that are more restrictive than those required for detached single-family residences (RCW 36.70A.536(1)(b)(i)), and specifically exempts accessory dwelling units from public street improvements (RCW 36.70A.681(1)(l)); and

WHEREAS, City staff developed amendments to Chapters 15.05 and 19.95 MTMC to address these concerns (“proposed amendments”); and

WHEREAS, the Planning Commission held a work session to consider the matter and the impacts of the proposed amendments on June 8, 2026; and

WHEREAS, on June 2, 2026, a 30-day notice of intent to amend development regulations as proposed was sent to the Washington State Department of Commerce in accordance with City of Mountlake Terrace procedures and regulations as required by RCW 36.70A.106; 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 June 9, 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 June 22, 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 Mountlake Terrace residents; and

WHEREAS, on July 2, 2026, 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 15.05.330, amended.** MTMC 15.05.330, entitled "Underground utility services", is hereby amended to read as follows:

15.05.330 Underground utility services.

A. The intent of this section is to provide for the undergrounding of power and other wireline services (data and communications) to the greatest extent practical and to avoid unnecessary extensions of overhead wireline services across City rights-of-way.

B. Where new electrical service to a property is underground, any other wireline service shall also be provided underground.

C. New Development. Any electrical or wireline service connecting to a new development or its accessory structure(s) shall be placed underground when the service is new, provided to a new or replaced building, or relocated by the property owner or their agent.

D. Modifications to Electrical Service for Existing Single-Family Dwellings.

1. Where there are modifications to electrical service for an existing single-family dwelling/accessory structure(s), and project improvements (remodels or other construction improvements) are made in excess of 50 percent of the assessed value of the single-family dwelling, utilities shall be undergrounded. Project improvement valuation will accumulate over a consecutive three-year period.

Exceptions:

a. When the nearest point of connection to the distribution system is an overhead facility on a utility pole and is greater than 100 feet away from the single-family dwelling, the property will be exempt from requiring undergrounding of power and other wireline services.

2. Where there are modifications to electrical service for an existing single-family dwelling/accessory structure(s) in town center zones, the property shall be required to provide for undergrounding of power and other wireline services, except in the case of a life safety situation.

~~E. No additional utility poles, traffic signal poles, or poles of similar type shall be installed for any reason without plans being first approved by the City and, as required, a utilities permit issued.~~

~~F. Any preexisting or new proposed overhead utility lines and services which are under 20,000 volts, and which go over and through a subdivision, planned unit development, or through commercial or industrial development, shall be placed underground as a requirement of approval of such development.~~

~~G. When and where overhead wires are being undergrounded in the public right-of-way, all other existing overhead lines shall be undergrounded as provided in MTMC 12.20.200.~~

~~E~~H. Night Lights. Night lights, yard lights, etc., shall not be powered by means of overhead wiring when the primary service to the house is already underground.

Section 4. **MTMC 19.95.030(B), amended.** MTMC 19.95.030(B), entitled “Street design and access standards; Exemptions”, is hereby amended to read as follows:

B. Exemptions. Exemptions to this section shall be authorized by the Community ~~and Economic~~ Development Director for development comprised of the following:

1. ~~New construction or a~~ addition of up to 800 square feet to an existing house with valuation less than 50 percent of assessed value that occurs or is permitted within any three-year period;

2. ~~Within the TC zoning district, i~~ Interior remodels with valuation less than 50 percent of assessed value that occur or are permitted within any five-year period; or

~~3. Outside of the TC zoning district, interior remodels of any valuation; or~~

~~34. The construction of up to one single family house, including two accessory dwelling units, or the modification of or addition to an existing house; provided, that the lot on which a new house would be constructed is not part of a subdivision that occurred within the previous three years.~~

Section 5. **MTMC 19.95.060(G), adopted.** A new section MTMC 19.95.060(G), entitled “Streets – Special regulations; Overhead utilities”, is hereby adopted to read as follows:

G. Overhead utilities.

1. No additional utility poles, traffic signal poles, or poles of similar type shall be installed for any reason without plans being first approved by the City and, as required, a utilities permit issued.

2. Any preexisting overhead or new proposed utility lines and services which are located within or next to a development within the region defined by Interstate 5 on the west, 230th St SW on the north, 55th Ave W or its extension on the east, and 244th St SW on the south, shall be placed underground as a requirement of approval of such development.

3. When and where overhead wires are being undergrounded in the public right-of-way, all other existing overhead lines shall be undergrounded as provided in MTMC 12.20.200.

Section 6. **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 7. **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 8. **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

Mountlake Terrace Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to amend Chapters 15.05 and 19.95 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. The City Council desires to reduce financial barriers for development and redevelopment in the city, while meeting the intent of the Town Center Subarea Plan and applicable design standards.
4. On June 26, 2025, the Mountlake Terrace City Council adopted Ordinance 2884 to implement state legislation related to middle housing and accessory dwelling units.
5. State law prohibits cities from requiring development regulations for middle housing that are more restrictive than those required for detached single-family residences (RCW 36.70A.536(1)(b)(i)), and specifically exempts accessory dwelling units from public street improvements (RCW 36.70A.681(1)(l)).
6. The Planning Commission held a work session to consider the matter and the impacts of the proposed amendments on June 8, 2026.
7. The following Comprehensive Plan policies support the proposed code amendments:
 - HO-1.5:** Develop and implement creative solutions for development regulations and incentive-based tools to encourage the production of ownership and rental housing affordable to all income levels.
 - LU-3.6:** Encourage quality smaller scale infill and redevelopment projects in existing neighborhoods.
 - UT-2.2:** Require undergrounding of new electrical distribution and communication lines where appropriate to improve redundancy and reliance in the system.
8. Pursuant to RCW 36.70A.106 and consistent with the City of Mountlake Terrace procedures, on June 2, 2026, the City notified the Washington State Department of Commerce of the City's intent to amend development regulations.
9. 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 June 9, 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.

10. A Notice of Public Hearing, consistent Mountlake Terrace Municipal Code requirements, was published on June 12, 2026.
11. On June 22, 2026, the City of Mountlake Terrace Planning Commission held a public hearing to consider code amendments to amend Chapters 15.05 and 19.95 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 modifying the exemptions for utility and frontage improvements.
6. The proposed code amendments will remove ambiguity and improve clarity for middle housing development in the City.

Date: _____

By: _____

Nick Bautista, Planning Commission Chair



CITY OF
**MOUNTLAKE
TERRACE**



Public Infrastructure Requirements

City Council Regular Meeting: July 2, 2026

Lucas Kragt, Civil Engineer II, Public Works

PURPOSE

- To update the MTMC to fill a gap in requirements to construct frontage improvements caused by recent middle housing changes.
 - Current MTMC exempts single-family development from frontage improvements
 - State law prohibits cities from requiring development regulations for middle housing that are more restrictive than those required for detached single-family residences (RCW 36.70A.536(1)(b)(i)), and specifically exempts accessory dwelling units from public street improvements.
 - Based on this state law change, it is proposed to eliminate this exemption for single family development.
- Help offset cost of these frontage improvements by allowing existing overhead utility lines to remain overhead outside of Town Center area.

COUNCIL GOALS

- Growing a vibrant community
- Responsible governance to ensure desired level of service

CURRENT CODE

All Developments Trigger Frontage Improvements with exemptions found in MTMC 19.95.030

Frontage Improvement Exemptions

- New construction or addition under 50% of the assessed value
- Within Town Center, interior remodels under 50% of the assessed value
- Outside Town Center, interior remodels of any value
- New construction, modification, or addition to an existing single family house
- Construction of up to 2 Accessory Dwelling Units

PROPOSED EXEMPTIONS

Frontage Improvement Exemptions

- Addition up to 800 square feet
- Interior remodels under 50% of the assessed value
- Construction of up to 2 Accessory Dwelling Units

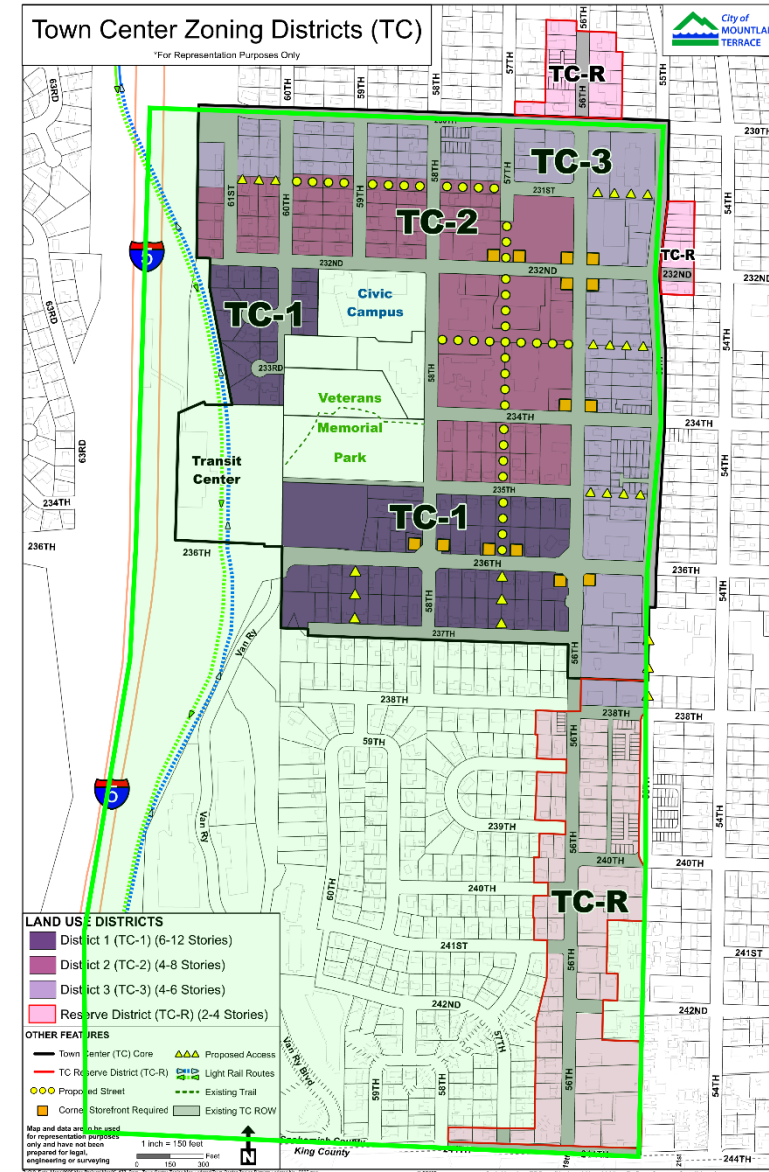
OVERHEAD UTILITY UNDERGROUNDING

Currently entire city is proposed to be undergrounded as part of City's 100 year plan

- Proposal is to only underground existing overhead utilities near Town Center
 - Between I-5 and 55th Ave W
 - Between 230th St SW and 244th St SW
- Overhead utilities outside this region may remain

PROPOSED UNDERGROUNDING MAP

Proposal is to only underground
existing overhead utilities near
Town Center as shown in green
shading



QUESTIONS & NEXT STEPS

Planning Commission Recommended Approval at Public Hearing

- June 22

City Council Action

- July 16

Thank you



Mountlake Terrace Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to amend Chapters 15.05 and 19.95 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. The City Council seeks to reduce financial barriers for development and redevelopment in the city, while meeting the intent of the Town Center Subarea Plan and applicable design standards.
4. On June 26, 2025, the Mountlake Terrace City Council adopted Ordinance 2884 to implement state legislation related to middle housing and accessory dwelling units.
5. State law prohibits cities from requiring development regulations for middle housing that are more restrictive than those required for detached single-family residences (RCW 36.70A.536(1)(b)(i)), and specifically exempts accessory dwelling units from public street improvements (RCW 36.70A.681(1)(l)).
6. The Planning Commission held a work session to consider the matter and the impacts of the proposed amendments on June 8, 2026.
7. The following Comprehensive Plan policies support the proposed code amendments:
 - HO-1.5:** Develop and implement creative solutions for development regulations and incentive-based tools to encourage the production of ownership and rental housing affordable to all income levels.
 - LU-3.6:** Encourage quality smaller scale infill and redevelopment projects in existing neighborhoods.
 - UT-2.2:** Require undergrounding of new electrical distribution and communication lines where appropriate to improve redundancy and reliance in the system.
8. Pursuant to RCW 36.70A.106 and consistent with the City of Mountlake Terrace procedures, on June 2, 2026, the City notified the Washington State Department of Commerce of the City’s intent to amend development regulations.

9. 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 June 9, 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.
10. A Notice of Public Hearing, consistent Mountlake Terrace Municipal Code requirements, was published on June 12, 2026.
11. On June 22, 2026, the City of Mountlake Terrace Planning Commission held a public hearing to consider code amendments to amend Chapters 15.05 and 19.95 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 modifying the exemptions for utility and frontage improvements.
6. The proposed code amendments will provide clear and equitable requirements for infrastructure associated with housing development in the City.

Date: 6/22/2026

By: /s/ Nick Bautista

Nick Bautista, Planning Commission Chair



STAFF REPORT

To: Mountlake Terrace City Council

From: Brooke Eidem, Community Development Director

Meeting Date: July 2, 2026

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

Required Reviews:

Jennifer Joki	Created/Initiated - 06/16/2026
Brooke Eidem	Approved - 06/24/2026
Sirke Salminen	Approved - 06/24/2026
Hillary Evans	Approved - 06/25/2026
Jeff Niten	Final Approval - 06/25/2026

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.

This item was presented to City Council for review at their work session on June 11, 2026.

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.

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 _____

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 July 2, 2026, 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 2nd of July, 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 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
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		P¹	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	P¹	P	P	P	¹ Allowed when using affordability bonus MTMC § 19.30.045(C)
Fourplex	P¹	P	P	P	Subject to Chapter 19.32 MTMC ¹ Allowed when using affordability bonus MTMC § 19.30.045(C)
Fiveplex		P¹	P	P	¹ Allowed when using affordability bonus MTMC § 19.30.045(C)
Sixplex		P¹	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		P¹	P	P	¹ These units are allowed in R-2 when using affordability bonus MTMC § 19.30.045(C)
Triplex	P¹	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 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
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 8400 7200	R-2 4800	R-3 RML	R-4 RMM	Additional Provisions
Greenhouses, noncommercial	P	P	P	P	
Gym, dance/fitness studio				P	
Parking lots				P	
Storage buildings	P	P	P	P	Subject to MTMC § 19.120.130
Swimming pools/hot tubs	P	P	P	P	

19.30.030. Dimensional requirements.

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

Dimensional Requirements Table 19.30.030

	R-1 R-8400, R-7200	R-2 R-4800	R-3 RML	R-4 RMM
Lot Standards (applicable to parent lot)				
Lot Area Min., sf	4,800 square feet			
Lot Width at Building Setback Line, Min.	45 feet			
Lot Width at Street, Min.	30 feet			
	Exception for flag/panhandle lots: 12 feet			
Mean Lot Depth Min.	70 feet	60 feet		
Lot Coverage by Structures (including ADUs)				
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
	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: a. Such walls are set back at least 5 feet from the edge of any required side yard setback; and b. Where the rear yard abuts a lower intensity district, such walls are set back at least 5 feet from the required rear yard setback. 3. Where fall protection walls or railings for rooftop decks are at least 80 percent transparent and no component is more than 5 feet in height from the rooftop deck, they shall not be included in the maximum building height. 4. Photovoltaic panels may project up to 4 feet above the maximum building height.			
Building Setback Standards				
Minimum Front Yard Setback	15 feet	1-2 units: 15 feet 3-4+ units: 10 feet	10 feet	5 feet
	Reduction for shared parking areas behind Rows: 3 feet. (per MTMC § 19.32.060(C))			
	Reduction for Bonuses: 5 feet total. Front yard bonuses are not cumulative.			
	Garage setbacks: Refer to MTMC § 19.32.020			
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 ~~garage~~existing structure does not conform to the current development standards, including setbacks.
7. Parking. Parking requirements are set forth in Chapter 19.125 MTMC, Off-Street Parking and Loading.
8. Utilities. Separate utilities are required for an accessory dwelling unit per MTMC § 15.05.330.
9. Street Improvements. Street improvements are not required when building an accessory dwelling unit on a lot with an existing house.

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

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

~~19.30.060. RS 4800-district standards.
Reserved.~~

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

~~19.30.070. Cottage housing.
Reserved.~~

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

- A. Hours of operation for outdoor activities shall not extend into nighttime hours when sounds can be declared a nuisance affecting public peace, referenced in Chapter 8.20 MTMC.
- B. Outdoor recreation facility lighting shall be turned off during nighttime hours, referenced in Chapter 8.20 MTMC.
- C. Light fixture height maximum shall be determined based on recreation use and addressed through the conditional use permit review process.

- D. All lights provided to illuminate parking areas, buildings, and outdoor facilities shall be shielded and arranged to direct light away from any adjoining properties in accordance with MTMC § 19.120.030.
- E. Fences must comply with MTMC § **19.120.200**. The first 12 feet in height (ground up to 12 feet) of fencing shall be site obscuring. For example, chain-link fencing with slats, mesh, or solid wood fencing would be considered appropriate.
- F. Traffic impact analysis (TIA) is required each time a private recreation facility is proposed in a single-unit residential zone as part of the conditional use permit review.
- G. A minimum of one off-street loading/unloading space shall be provided, subject to MTMC § 19.125.080.
- H. On interior and through lots, the required side yards may be used to provide off-street parking areas and, on corner lots, the rear yard may be used. The required front yard may not be used for off-street parking.
- I. All structures shall be set back 20 feet from property lines.
- J. Buildings associated with private recreation facility uses shall not exceed 35 feet in height as defined in Chapter 19.15 MTMC.
- K. The minimum lot area required to locate a private recreation facility is one and one-half acres. The maximum lot size to locate a private recreation facility is three acres.
- L. For private recreation facility uses, the maximum lot coverage by structures required is 45 percent of lot area.
- M. For private recreation facility uses, the maximum impervious surface allowed is 75 percent.

19.30.080. Residential design standards.

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

19.30.090. Off-street parking and driveways.

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

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

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

Reserved.

19.30.110. Low impact development (LID).

Reserved.

19.30.120. Outdoor open space.

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

19.30.130. Neighborhood commercial services.

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



CITY OF
**MOUNTLAKE
TERRACE**



Chapter 19.30 & 19.32, R-Districts

City Council Regular Meeting: July 2, 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
- City Council Work Session
 - June 11, 2026

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

DISCUSSION & QUESTIONS

Thank you





STAFF REPORT

To: Mountlake Terrace City Council

From: Brooke Eidem, Community Development Director

Meeting Date: July 2, 2026

Subject: Review and Vote on Ordinances Adopting Code Amendments to Chapters 18.05, 18.25 19.110, 19.120 and 18.10 for Community Development Administrative Procedures

Required Reviews:

Jennifer Joki	Created/Initiated - 06/16/2026
Brooke Eidem	Approved - 06/24/2026
Sirke Salminen	Approved - 06/24/2026
Hillary Evans	Approved - 06/25/2026
Jeff Niten	Final Approval - 06/25/2026

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 with a Public Hearing held on June 22nd for that portion of the amendments.

This item was presented to City Council for review at their work session on June 11, 2026.

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 under a separate ordinance containing their Findings of Fact and Conclusions. The Planning Commission held the Public Hearing on June 22, 2026 and recommended approval of the draft Chapter 18.10.

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 refile. 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.

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 Public Hearing was held on June 22nd related to Chapter 18.10 MTMC, and the Planning Commission voted unanimously to recommend approval of the amendments.

Staff Recommendation:

Staff recommends approval of the Code Amendments to repeal and replace Chapter 18.05 MTMC, repeal Chapters 18.25 and 19.10 MTMC, and amend Chapters 19.110 and 19.120 MTMC for Administration Procedures.

Staff recommends approval of the Code Amendments to amend Chapter 18.10 MTMC for Administration Procedures and Development Agreements. This can be accomplished by adding to the consent agenda on July 16, 2026.

Council Motion:

N/A

Attachments:

1. Ordinance for Code Amendment for Admin Procedures (Draft)
2. Ordinance Code Amendment to Ch. 18.10 MTMC (Draft)

3. Presentation on Code Amendment for Admin Procedures

CITY OF MOUNTLAKE TERRACE

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, REPEALING AND REPLACING CHAPTER 18.05 OF THE MOUNTLAKE TERRACE MUNICIPAL CODE (“MTMC”), ADMINISTRATION AND PROCEDURES; REPEALING CHAPTER 18.25 MTMC, PUBLIC NOTIFICATION – MAJOR LAND USE; REPEALING CHAPTER 19.10 MTMC, ADMINISTRATION; AMENDING CHAPTER 19.110 MTMC, ZONING PERMITS; 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 (“MTMC”) 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 MTMC, 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 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; and

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 City provided notice of the proposed amendments to the Washington State Department of Commerce, in accordance with City of Mountlake Terrace procedures and regulations as required by RCW 36.70A.106, on April 29, 2026; 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, the City Council considered the proposed amendments on July 2, 2026 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 18.25 MTMC, repealed.** Chapter 18.25 MTMC, entitled “Public Notification – Major Land Use”, is hereby repealed in its entirety.

Section 6. **Chapter 19.10 MTMC, repealed.** Chapter 19.10 MTMC, entitled “Administration”, is hereby repealed in its entirety.

Section 7. **Chapter 19.110 MTMC, amended.** Chapter 19.110 MTMC, entitled “Zoning Permits”, is hereby amended to read as set forth in attached “Exhibit B” which is hereby incorporated by this reference as though fully contained herein.

Section 8. **Chapter 19.120 MTMC, amended.** Chapter 19.120 MTMC, entitled “General Provisions”, 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. **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)5 (with the exception of applications for site-specific rezones, which shall be recommendations to the City Council for final decision).

Section 10. **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 11. **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 12. **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 13. **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.~~190~~240. 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 14. **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 15. **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 16. **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.~~190~~240 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 17. 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~~their 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 § 18.05.190~~240~~ 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 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 19. 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 § 18.05.150~~20~~. 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 20. 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 21. 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 22. MTMC 16.15.150, amended. MTMC 16.15.150, entitled “Preapplication meeting”, is hereby retitled to “Preapplication review” and amended to read as follows:

16.15.150 Preapplication review.

- 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, t~~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 23. 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 24. 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~~ ~~applies~~, except as otherwise stated in this chapter.

Section 25. 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 26. 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 27. 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 28. 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 29. 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~~128~~, ~~public notice of decision;~~ and
- ED. MTMC § 18.05.190~~230~~, ~~filing of administrative~~ appeals.

Section 30. 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~~125~~, ~~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 31. 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;~~
32. MTMC § 18.05.150~~20~~, public notices ~~of application;~~

43. Chapter 16.05 MTMC, SEPA;
54. 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~~
78. MTMC § 18.05.190~~230~~, ~~filing of administrative~~ appeals.

Section 32. 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;
- ~~cb.~~ MTMC § 18.05.150~~20~~, 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 § 18.05.190~~230~~, ~~filing administrative~~ appeals.

Section 33. 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;
- ~~CB.~~ MTMC § 18.05.150~~20~~, public notices ~~of application;~~
- ~~DC.~~ Chapter 16.05 MTMC, SEPA;
- ~~ED.~~ 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 34. 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 § 18.05.15020, 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 § 18.05.190230, ~~filing administrative~~ appeals.

Section 35. 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 § 18.05.190230, ~~filing administrative~~ appeals.

Section 36. 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 § 18.05.15020, public notices ~~of application~~;
- ~~DC.~~ Chapter 16.05 MTMC, SEPA;
- ~~ED.~~ MTMC § 17.08.050, determination of consistency with approval criteria;
- F. MTMC § 18.05.220180, ~~procedures for~~ public hearings; ~~and~~
- ~~GH.~~ MTMC § 18.05.190230, ~~filing administrative~~ appeals.

Section 37. 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;
- ~~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
- f. MTMC § 18.05.~~190230~~, ~~filing administrative~~ appeals.

Section 38. **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 39. **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 40. **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 41. **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.~~210470~~ (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 42. **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~~Community Development Department may be appealed to the Hearing Examiner as provided in MTMC § 18.05.~~190240~~.

Section 43. **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.~~220~~180, ~~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.
- ed. MTMC § 18.05.1~~50~~20, public notices ~~of application~~.

Section 44. **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 45. **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~~Community Development Department together with the supporting materials identified on those forms, and shall meet the requirements of a complete application as described in MTMC § ~~18.05.120~~19.110.030 ~~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 46. **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 47. **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 48. 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 49. 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~~140 or § 19.110.030~~, as appropriate.

Section 50. 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~~~~their~~ 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 51. 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 § 18.05.070~~5~~.

Section 52. 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 53. **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 54. **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~~Community Development Department pursuant to MTMC § 18.05.~~15020~~.

Section 55. **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 56. **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 57. **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 58. **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 59. **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 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.
- ~~D~~E. Changes or Modifications.
1. Minor. Minor changes in an approved site development plan may be authorized by the Planning Department in cases where the proposed modifications do not impact the ability of the project to meet the requirements of this title or other applicable codes and restrictions or conditions of approval. All such requests shall be made in writing and supported by documentation as required by the Planning Department.
 2. Major. If the Planning Department determines the proposed amendment to the approved site development plan represents a significant change, it shall be considered a separate and distinct development and require a new application submittal~~be referred back to the City Council for review~~.

19.110.230. Rezones/amendments to the Official Zoning Map.

- ~~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 C

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 Agency~~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 their/his/her premises or other property under their/his/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 and~~ mail or ~~internet phone order~~ sales shall not be so limited.

12. Not more than one home occupation business-related vehicle ~~with that has~~ a gross vehicle weight of 10,000 or more pounds is permitted on-site and any such vehicle shall be wholly enclosed within a structure or building.
13. With the exception of the vehicle(s) of the home occupation residents and one on-site nonresident employee, no parking or storage of any home occupation-related vehicles or vehicles of home occupation-related persons is permitted on-site for more than two hours in any eight-hour period.
14. A home occupation shall not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood.
15. A home occupation shall not require the use of electrical or mechanical equipment that would change the fire rating of the dwelling or accessory building.
16. A home occupation shall not make use of automated or production line equipment at the home occupation site. All stock in trade that is produced on-site for resale purposes must be made by hand.

~~C. Approval Process and Inspections.~~

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

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

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

- ~~6. Catering;~~
- ~~7. Ceramic shops;~~
- ~~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 MOUNTLAKE TERRACE MUNICIPAL CODE CHAPTER 18.10 MTMC, ENTITLED COMPREHENSIVE PLAN; 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, 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, associated amendments to the Montlake Terrace Municipal Code (“MTMC”) are necessary to accommodate the updates, including amending Chapter 18.10 MTMC; and

WHEREAS, RCW 36.70B.170 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; and

WHEREAS, on June 8, 2026, the Planning Commission conducted a work session that was open to the public to discuss proposed amendments to Ch. 18.10 MTMC; and

WHEREAS, the City provided notice of the proposed amendments to the Washington State Department of Commerce, in accordance with City of Mountlake Terrace procedures and regulations as required by RCW 36.70A.106, on April 29, 2026 and June 2, 2026; 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 and June 9, 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 June 22, 2026, the Planning Commission held a duly noticed public hearing to receive staff and public input concerning the proposed 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 July 2, 2026, 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. **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 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

Mountlake Terrace Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed code amendments to amend Chapter 18.10 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. 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.
3. Amendments to Chapter 18.10 MTMC are being proposed to accommodate the necessary updates to appropriately address the new state legislation.
4. RCW 36.70B.170 authorizes the City to enter into a development agreement with persons having ownership or control of real property.
5. The City Council seeks to establish guidelines for development agreements within the City, which are not intended to be inclusive, nor are they intended to address all administrative policies related to processing applications for land use and development.
6. The Planning Commission held work sessions to consider the matter and the impacts of the proposed amendments on May 11, 2026 and June 8, 2026.
7. The following Comprehensive Plan policies support the proposed code amendments:
 - EV-2.1:** Encourage higher density housing, commercial, and mixed-use development near existing commercial nodes and planned or existing transit facilities to increase the customer base of local businesses.
 - EV-3.2:** Support development patterns in Town Center and identified mixed use and neighborhood centers that provide pedestrian-level shopping, dining, and service opportunities, supporting a vibrant and active pedestrian experience.
 - HO-1.5:** Develop and implement creative solutions for development regulations and incentive-based tools to encourage the production of ownership and rental housing affordable to all income levels.
8. Pursuant to RCW 36.70A.106 and in accordance with City of Mountlake Terrace procedures, on June 2, 2026, the City notified the Washington State Department of Commerce of the City's intent to amend development regulations.
9. 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 June 9, 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.

10. A Notice of Public Hearing, consistent Mountlake Terrace Municipal Code requirements, was published on June 12, 2026.
11. On June 22, 2026, the City of Mountlake Terrace Planning Commission held a public hearing to consider code amendments to amend Chapters 15.05 and 19.95 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 Chapter 18.10 MTMC and adopting regulations for development agreements.
6. The proposed code amendments will remove ambiguity and improve clarity for middle housing development in the City.

Date: _____

By: _____

Nick Bautista, Planning Commission Chair

EXHIBIT B

Chapter 18.10. COMPREHENSIVE PLAN, 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 plansPublic participation.

The City encourages early and continuous public participation in the comprehensive planning, development regulation, and rezone process. Public notification procedures have been adopted in MTMC 18.05.150 that are consistent with the requirements of 36.70A RCW.

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, as currently adopted2015, as amended by 2016 Supplement; and

H. Shoreline Master Program, as currently adopted 2019; and

I. Subarea plans and any amendments thereto.

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.

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.



**CITY OF
MOUNTLAKE
TERRACE**



Administrative Procedures

City Council Regular Meeting: July 2, 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)
- City Council discussion
 - June 11, 2026
- 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 held June 22 – recommended approval

DISCUSSION & QUESTIONS

Thank you





STAFF REPORT

To: Mountlake Terrace City Council

From: Jeff Niten, City Manager, Carolyn Hope, Deputy City Manager

Meeting Date: July 2, 2026

Subject: Review and Vote on Appointment of Planning Commission Council Liaison

Required Reviews:

Jennifer Joki

Created/Initiated - 06/24/2026

Jeff Niten

Approved - 06/25/2026

Hillary Evans

Final Approval - 06/25/2026

Council Goal(s):

An Informed and Engaged Community

Legislative History:

On June 11, 2026, the City Council reviewed and made recommended changes to Title 2 of the Municipal Code, relating to boards and commissions.

On June 18, 2026, the City Council adopted an updated version of that code.

Subject Summary:

The newly adopted code language in Title 2.30.060 states that each Advisory Body shall include at least one councilmember that serves as a council liaison. The Planning Commission does not have a council liaison. This is an opportunity for the city council to appoint one.

In this role, councilmembers act as the primary two-way communication channel and to establish a working relationship between council and the Advisory Body for their mutual benefit. On the Planning Commission, the council liaison is nonvoting and does not count towards a quorum.

The Planning Commission meets on the second and fourth Mondays of every month at 6:00 p.m., unless otherwise posted. These meetings are held in City Hall and via video conference.

Financial/Budget Impacts:

Budget Amendment Required? No

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

Additional Financial Information:

N/A

Community Notifications:

City Council Agenda

If "Other," please specify:

Board/Commission Recommendation:

N/A

Staff Recommendation:

Staff recommend that the city council appoint a councilmember to serve as the council liaison to the Planning Commission until the next round of council committee appointments.

Council Motion:

Move to appoint Councilmember _____ to serve as the council liaison to the Planning Commission until the next round of council committee appointments.

Attachments:

None