

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, UPDATING CODE TO MEET LOW IMPACT
DEVELOPMENT REQUIREMENTS, AMENDING MTMC 15.05.270,
CHAPTER 16.20 (020, 080, 090, 110, 210), CHAPTER 17.10 (020, 030, 040,
050), AND MTMC 18.05.360, 19.15.100, 19.80.150, 19.115.050, 19.120.220,
19.120.310, 19.125.050, 19.130.110, 19.130.170.**

WHEREAS, the City of Mountlake Terrace has authority to proactively manage stormwater within its jurisdiction under the National Pollution Elimination Discharge System (NPDES) Permit; and

WHEREAS, the NPDES Permit is administered by the Washington State Department of Ecology with the intent of achieving the Federal Clean Water Act of 1972 goal of ensuring that all public waters are fishable and swimmable; and

WHEREAS, the Department of Ecology is requiring all Western Washington cities to review, revise and make effective local development-related codes, rules, standards, or other enforceable documents to incorporate and require low impact development (LID) principles and LID Best Management Practices (BMPs) to be in compliance with the NPDES permit; and

WHEREAS, State Environmental Policy Act (SEPA) review was performed on the proposed amendment and a Determination of Non-significance (DNS) was issued on October 5, 2016, which has not been appealed; and

WHEREAS, in accord with the requirement set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed ordinance on (DATE) for its 60-day review and comment period; and

WHEREAS, the City has conducted outreach with stakeholder groups, has regularly posted new content regarding the LID process to the City website, and has contributed updates on the process to the City newsletter over several months to obtain a broad level of public participation in the process; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on (DATE); has found consistency with MTMC 19.110.240; and has forwarded a recommendation to the City Council to approve the proposed amendments; and

WHEREAS, the City Council held a public hearing on the proposed amendments on (DATE), considered the proposed code amendment and the entire record, including recommendations from the Planning Commission; and

WHEREAS, the City Council finds that the proposed amendments are consistent with the City's Comprehensive Plan, the Growth Management Act, and other goals and objectives of the City;

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

Section 1 Recitals. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council.

Section 2 Amendment. Chapter 16.20 of the Mountlake Terrace Municipal Code (MTMC), Controlling Stormwater Runoff from New Development, Redevelopment, and Construction Sites, is hereby amended to read as follows:

Chapter 16.20 ~~CONTROLLING STORMWATER RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION SITES~~ STORMWATER

Sections:

- 16.20.005 Applicability.
- 16.20.010 Purpose.
- 16.20.020 Definitions.
- 16.20.030 Description of the surface water and storm drainage system.
- 16.20.040 Statement of authority.
- 16.20.050 Interpretation.
- 16.20.060 ~~Applicability.~~ (Reserved)
- 16.20.070 Applicability to governmental entities.
- 16.20.080 Minimum requirements for development projects.
- 16.20.090 Low impact development (LID) drainage standards.
- 16.20.095 Special considerations – Town Center.
- 16.20.100 Standards.
- 16.20.110 General design, construction and maintenance standards.
- 16.20.120 Establishment of regional or subregional facilities.
- 16.20.130 Fees and charges.
- 16.20.140 Review and approval of the plan.
- 16.20.150 Variances.
- 16.20.160 Appeals.
- 16.20.170 Easements.
- 16.20.180 Guarantee and liability insurance required.
- 16.20.190 Construction inspection and acceptance.
- 16.20.200 City assumption of maintenance.
- 16.20.210 Cumulative civil penalty.
- 16.20.220 Notice of violation – Assessment of penalty.
- 16.20.230 Collection of civil penalty.

- 16.20.240 Compromise settlement and disposition of suits.
- 16.20.250 Corrective injunctions.
- 16.20.260 Failure of City to enforce.
- 16.20.270 Abrogation and greater restrictions.

Section 3 Amendment. Section 15.05.270 of the MTMC, Regulation of removal of trees, is hereby amended to read as follows:

15.05.270 Regulation of removal of trees.

A. The purpose of this section is to protect and preserve the environment of the City of Mountlake Terrace. The presence of trees contributes positively to the aesthetic appearance of the City and to the residential climate within the City. It is the intent of the City Council to ensure that desirable trees shall remain on undeveloped land through the development process, to the extent that subsequent development might economically permit.

B. Provisions.

1. This section shall apply only to undeveloped parcels of land greater than 9,000 square feet.

2. This section shall not be construed to conflict with the responsibilities of the City Planning Commission to approve landscaping plans for subdivisions or for planned unit developments.

3. No owner shall remove or permit or allow the removal of any tree greater than 15 feet in natural height, other than alder and/or wild cherry, without the prior approval of the City Planning Commission.

C. Permission granted pursuant to this section shall be granted by a grading permit. Applications for such grading permits shall be submitted to the Community Development Director, who shall, prior to taking final action thereon, refer the said application for permit to the City Planning Commission. Each application for such permit shall be accompanied by an engineer's sketch showing the location of each tree governed by the provisions of this section. No such permit shall be granted without the prior approval of the Planning Commission, and shall be subject to any condition imposed by such commission.

D. The acceptance of any grading permit shall constitute an agreement by the owner to be bound by each and every provision hereof, the responsibility for which may not be delegated by said owner to any independent contractor, subcontractor, employee or agent.

E. Must comply with MTMC 16.20.080.D (Clearing and grading permit).

Section 4 Amendment. Section 16.20.020 of the Mountlake Terrace Municipal Code, Definitions, is hereby amended to read as follows:

16.20.020 Definitions.

“Best management practice (BMP)” means schedules of activities, prohibition of practices, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State. ~~general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMP also includes a treatment practice, operating procedure or practice to control site runoff, spillage~~

~~or leaks, sludge or water disposal, or drainage from raw materials storage. (Ecology 2012 Stormwater Manual, as amended in 2014.)~~

“Comprehensive drainage plan” refers to a detailed analysis for each drainage basin which compares the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and nonstructural management alternatives.

“Computations” means calculations, including coefficients and other pertinent data, made to determine the drainage plan with rates of flow of water given in cubic feet per second and cubic meters per second (CMS).

“Construction Stormwater Pollution Prevention Plan (SWPPP)” is a document that describes the potential for pollution problems on a construction project and explains and illustrates the measures to be taken on the construction site to control those problems. (Ecology 2012 Stormwater Manual, as amended in 2014.)

“Critical areas” means those areas identified in accordance with Chapter 16.15 MTMC as wetlands, geologically hazardous areas, frequently flooded areas, and fish and wildlife habitat.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

“Critical or sensitive sites” means critical areas.

“Department” means the Community and Economic Development Department Public Works Department or its assigns.

“Design storm” means a rainfall (or other precipitation) event or pattern of events for use in analyzing and designing drainage facilities, specifying both the return period in years and the duration in hours.

“Detention facilities” means facilities designed to hold runoff while gradually releasing it at a predetermined maximum rate.

“Developer” means the individual(s) or corporation(s) applying for the permits or approvals described in MTMC 16.20.060(A).

“Development” means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment and materials located within the area of special flood hazard.

“Director” means the City of Mountlake Terrace Community and Economic Development Public Works Director or his/her designee.

~~“Drainage plan” means a “Stormwater site plan” as defined in MTMC 16.20.020. plan for receiving, handling and transporting surface water within a subject property and including all computations required to determine the extent and nature of the proposed plan. The temporary erosion/sedimentation control plan and the drainage plan comprise the drainage plan for a subject property. Such plan shall be prepared by a licensed professional civil engineer~~

“Erosion and sedimentation control” means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave a site.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Hard surface” is an impervious surface, a permeable pavement, or a vegetated roof. (Ecology 2012 Stormwater Manual, as amended in 2014.)

“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces may include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm and surface water.

“Land disturbing activity” is any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures. (Ecology 2012 Stormwater Manual, as amended in 2014.)

“Low impact development” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. (Ecology 2012 Stormwater Manual, as amended in 2014.)~~stormwater management strategy that a emphasizes conservation and use of natural site features integrated with distributed, small-scale~~

~~stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial and industrial settings.~~

“Natural location of drainage systems” refers to the location of those channels, swales, and other nonmanmade conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs, or such other means as appropriate.

~~“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.~~

“New development” means land-disturbing activities; structural development, including construction, installation or expansion of a building or other structure; creation of impervious surfaces; and subdivision or short subdivision, and binding site plans as defined in Chapter 58.17 RCW.

“Peak discharge” means the maximum surface water runoff rate (cubic feet per second and cubic meters per second) determined for the design storm.

“Permanent Stormwater Control (PSC) Plan” is a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed. (Ecology 2012 Stormwater Manual, as amended in 2014.)

“Pollutant” means any substance which, when added to water, would contaminate or alter the chemical, physical, or biological properties of any waters of the City’s drainage system or of the state. This includes a change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the City’s drainage system or of the state as will or is likely to create a nuisance. It also includes any substance which renders such waters harmful, detrimental, or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

~~“Pollution generating impervious surface” means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces may include, but are not limited to: surfaces which are subject to vehicular use; surfaces which are subject to storage of erodible or leachable materials, wastes or chemicals and which receive direct rainfall or the run-on or blow-in of rainfall; and metal roofs, unless they are treated to prevent leaching.~~

“Project” means any proposed action to alter or develop a site or area which may also require drainage review.

“Receiving bodies of water” means creeks, streams, lakes, and other bodies of water into which waters are directed, either naturally, in manmade ditches, or in closed conduit systems.

“Redevelopment” means, on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion

of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities. (Ecology 2012 Stormwater Manual, as amended in 2014.) ~~on an already developed site, the creation or addition of impervious surfaces, structural development including construction, installation or expansion of a building or other structure, and/or replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities associated with structural or impervious redevelopment.~~

~~“Retention facilities” means facilities designed to hold water for a considerable length of time and then consume it by evaporation, plant transpiration, or infiltration into the soil.~~

“Retention facilities” means facilities designed to hold water for a considerable length of time and then consume it by evaporation, plant transpiration, or infiltration into the soil.

“Runoff” means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

~~“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

“Stormwater” or “storm water” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

“Stormwater comprehensive plan” means the Mountlake Terrace Stormwater Comprehensive Plan, as adopted in 2008, and including any subsequent amendments.

“Stormwater Manual” means the 2012 Stormwater Management Manual for Western Washington as amended in December 2014 (Publication 14-10-055) as prepared by, and as on file with, the Washington State Department of Ecology. The Stormwater Manual contains BMPs to prevent, control or treat pollution in stormwater and reduce other stormwater-related impacts to waters of the state. The Stormwater Manual is intended to provide guidance on measures necessary

in western Washington to control the quantity and quality of stormwater runoff from new development and redevelopment.

“Stormwater site plan” is the comprehensive report containing all of the technical information and analysis necessary for regulatory agencies to evaluate a proposed new development or redevelopment project for compliance with stormwater requirements. Contents of the Stormwater Site Plan will vary with the type and size of the project, and individual site characteristics. It includes a Construction Stormwater Pollution Prevention Plan (Construction SWPPP) and a Permanent Stormwater Control Plan (PSC Plan). (Ecology 2012 Stormwater Manual, as amended in 2014.) ~~means a plan for receiving, handling and transporting surface water within the subject property including all computations required to determine the extent and nature of the proposed plan. The temporary erosion/sedimentation control plan and the drainage plan comprise the stormwater site plan for a subject property. Such plan shall be prepared by a licensed professional civil engineer.~~

“Subject property” means the tract of land which is the subject of the permit and/or approval action, and is defined by the full legal description of all parcels involved in the proposed development.

“Technical guidance manual” means the latest version of the Low Impact Development Technical Guidance Manual for Puget Sound (Puget Sound Action Team and Washington State University Pierce County Extension).

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands. (Ord. 2700 § 2, 2016; Ord. 2611 § 1, 2013; Ord. 2549 § 1, 2010).

Section 5 Amendment. Section 16.20.080 of the Mountlake Terrace Municipal Code, Minimum requirements for development projects, is hereby amended to read as follows:

16.20.080 Minimum requirements for development projects.

A. All persons applying for any of the permits, approvals or undertaking items contained in MTMC 16.20.060(A) shall provide a temporary erosion/sedimentation control plan and a drainage plan in conformance with the Stormwater Manual for surface water flows entering, flowing within and leaving the subject property. Four copies of scale plans must be submitted to the Director for review. The plans must include all information and details required by the Department.

B. Additional Plan Requirements. In addition to typical plan details, the Director may require information including but not limited to:

1. Soils, topography, existing vegetation, the areas to be cleared and graded; and the location of major cuts and fills covered by the permit and/or approval for which application is made.

2. Computations and hazards associated with the area covered by the permit and/or approval for which application is made.

3. Anticipated schedule of construction.

4. Soil logs.

5. Infiltration data.

6. Additional temporary erosion/sedimentation control measures to account for seasonal changes, alterations of the topography and watercourse during construction, and other such factors affecting site conditions which need to be considered to ensure complete siltation control on the subject property.

It shall be the obligation and responsibility of the person required to provide and maintain temporary erosion/sedimentation facilities pursuant to this section to address any new conditions that may be created by his activities and to utilize additional control measures as may be needed.

C. Failure to submit the materials required by this chapter shall be cause for the City to refuse to process the civil site plan application.

D. Clearing and grading permit. A clearing and grading permit is required for all projects with greater than 7,000 square feet of land disturbing activities as defined in the Stormwater Manual and MTMC 16.20.020. Projects that result in less than this amount are not required to obtain a clearing and grading permit, but must consider all of the 13 Elements of a Construction Stormwater Pollution Prevention Plan as defined in the Stormwater Manual and MTMC 16.20.020, and develop controls for all elements that pertain to the project site.

Section 6 Amendment. Section 16.20.090 of the Mountlake Terrace Municipal Code, Low impact development (LID) drainage standards, is hereby amended to read as follows:

16.20.090 Low impact development (LID) drainage standards.

A. Low impact development BMPs are preferred over conventional stormwater management systems that rely on detention structures and closed conveyance systems. Use of LID BMPs may reduce or eliminate the need for conventional detention facilities but does not remove the obligation to comply with the minimum requirements of the Stormwater Manual. A variety of BMPs to minimize impervious surfaces and to manage stormwater has been developed and tested for use in western Washington.

~~B. The menu of LID BMPs identified in the Stormwater Manual and/or the most current version of City of Mountlake Terrace Engineering Standards as applicable. the technical guidance manual are accepted for use in stormwater site plans to address the minimum requirements for flow control and runoff treatment. , in the Stormwater Manual, subject to the specifications, performance standards, and design criteria in the technical guidance manual and subject to review and approval under this chapter by the Director.~~

C. The City of Mountlake Terrace requires the use of low impact development techniques as described in ~~Chapter 16.22 MTMC~~ the Stormwater Manual. ~~and other applicable codes, unless~~

~~determined to be infeasible through the infeasibility criteria listed in the Stormwater Manual, or by the City Engineer.~~ Where low impact development BMPs are proposed for installation, the BMP selection criteria, BMP design criteria, the BMP infeasibility criteria, LID competing needs criteria, and BMP limitations in the Stormwater Manual shall apply.

D. Restrictions on conversion of drainage facilities associated with subdivision plats shall be recorded on the face of the plat. A covenant shall be recorded with the Snohomish County Auditor's Office for each lot containing or served by bioretention facilities in a form approved by the City Attorney. The covenant shall identify requirements and liability for preservation and maintenance of low impact development facilities approved under this chapter and privately held in individual or undivided ownership or intended for public ownership. (Ord. 2700 § 3, 2016; Ord. 2549 § 1, 2010).

Section 7. Amendment. Section 16.20.110 of the Mountlake Terrace Municipal Code, General design, construction and maintenance standards, is hereby amended to read as follows:

16.20.110 General design, construction and maintenance standards.

A. Mandatory Requirements.

1. Surface water entering the subject property shall be received at the naturally occurring location and surface water exiting the subject property shall be discharged at the naturally occurring location to the maximum extent practicable as determined by the Director with adequate energy dissipaters within the subject property to minimize downstream damage (and with no diversion at any of these points).

2. Where open channel construction is used to handle drainage within the subject property, and where LID BMPs cannot otherwise be used to handle drainage, the following standards shall apply:

a. A minimum of 15 feet will be provided between any structures and the top of the bank of the defined channel.

b. In open channel work the water surface elevation will be indicated on the plan and profile drawings. The configuration of the finished grades constituting the banks of the open channel will also be shown on the drawings.

c. Proposed cross-section of the channel will be shown with stable side slopes as approved by the Department.

d. The water surface elevation of the flow for the design storm will be indicated on the cross-section.

3. ~~When a closed system~~ an LID facility is used to ~~handle drainage~~ manage stormwater within the subject property, system setbacks from buildings may be reduced, subject to City Engineering review and the use of appropriate measures to protect building foundations. Evaluation of the recommendations of the site geotechnical report by City engineering will be the basis for determining whether or not system setbacks may be reduced. ~~the system will be a minimum of 10 feet from all structures divided into multiple ownerships except structures divided under the provisions of either Chapter 64.32 or 64.34 RCW (Horizontal Property Regimes Act and Condominium Act, respectively).~~

4. All drainage easements granted to the City within the subject property shall be at least 20 feet in width for operation and maintenance of open-channel or closed-system installation.

5. Open retention/detention ponds and infiltration facilities serving private or commercial property shall not be located in dedicated public right-of-way areas unless they are part of a comprehensive LID approach to stormwater design for the abutting site and associated right-of-way, and unless specifically allowed by the Director.

6. An emergency overflow system is required for all retention/detention and infiltration facilities.

7. Stormwater retention/detention shall not occur on asphalt, graveled or concrete surfaces except those permeable surfaces that are part of an LID stormwater design as approved by the Director.

8. Where drainage facilities discharge to natural drainage ways or watercourses or both, energy dissipation facilities as approved by the Director shall be provided to minimize erosion and deterioration of the streambed or banks.

B. Infiltration. Infiltration of stormwater into the ground ~~and~~ is required to the maximum extent practicable. To facilitate greater infiltration, locating platted development sites over less permeable soils (e.g., clay) is preferred to locating them over permeable soils. Infiltration potential for all projects ~~not reviewed as part of a plat or short plat~~ shall be reviewed according to the requirements of ~~Chapter 16.22 MTMC and the Stormwater Manual, and shall be approved by the Director prior to any attempt to infiltrate to the ground.~~ Approved infiltration projects shall have an inflow capacity sufficient to handle the design storm. An overflow system ~~which meets the water quality and quantity release standards~~ shall be available for backup.

The approval of any infiltration project shall not constitute approval of any means by which unstable subsurface conditions may occur; such conditions resulting from infiltration projects not constructed by the City shall remain the responsibility of the developer.

C. Construction and Maintenance. Construction materials and methods shall be in accordance with the Standards and Specifications for Municipal Public Works Construction prepared by the American Public Works Association, latest edition, unless otherwise approved by the City. Copies of this publication are available for public inspection at the office of the Department. Maintenance methods shall be in accordance with the Stormwater Manual.

D. Discharge to Natural Drainage Ways. Where drainage facilities discharge to natural drainage ways or watercourses, energy dissipation facilities shall be provided to prevent erosion and deterioration of the streambed or banks. Energy dissipation facilities shall be constructed of approved materials. Material such as broken concrete slabs, pipe, tires, scrap metal or debris are prohibited. No person shall discharge drainage waters from their project to any point or in any manner not approved by the City. Prior to occupancy of the site or any related structure, permanent erosion control facilities must be established and operating at designed efficiency.

E. Detention Facilities. All detention facilities shall be designed in such a manner that the outlet structures are easily accessible for inspection, testing, and maintenance.

The release of runoff from the storage basin shall be through a weir, orifice, grate, pipeline, or any other structure or LID system approved by the Director and shall be maintained by the owner at his expense unless accepted for maintenance by the City as provided for under MTMC 16.20.200.

Where detention facilities are incorporated into the property development in the form of lakes or fountains, they shall be designed so as to avoid algae blooms and prevent stagnation. This area of concern shall be addressed in the permit application and may include requirements for maintenance.

All open detention facilities not incorporated into landscaping arrangements shall not retain water for more than 48 hours.

F. Wetlands. Where existing wetlands function as a control feature in the natural drainage system, no project will be permitted which reduces that control feature. Specific project requirements near wetlands shall be regulated under Chapter 16.15 MTMC, Critical Areas.

G. Development in areas where the 100-year floodplain has been established by a comprehensive drainage plan (Halls, Lyon and McAleer basins), or by flood insurance rate maps, or that are considered to be frequently flooded areas per Chapter 16.15 MTMC, or where the Community and Economic Development Department has determined that drainage or erosion conditions present an imminent potential of harm to the welfare and safety of the surrounding community shall meet special drainage conditions set by the Department. Conditions may include the limitation of the volume of discharge from the developed property to be predevelopment levels, preservation of wetlands or other natural drainage features, or other controls necessary to protect against a community hazard.

Due to the detrimental effect on upstream and downstream properties, no filling, grading or construction shall take place within the established floodplains where an equal amount of displaced flood water storage has not been provided elsewhere. The developer must provide information, plans and calculations to satisfy the Director that development within the floodplains is not detrimental by increasing the flooding occurring upstream or downstream from the site.

H. Use of Storm and Surface Water Runoff.

1. Drawdown. Storm and surface water runoff may be drawn in any quantity from manmade storage devices on private property which release directly into the drainage system or which are completely enclosed. No water may be drawn from the watercourses, sloughs, streams, ponds, lakes, or swamps that make up the public drainage system except under the provisions of approved state water rights permits.

2. Permitted Uses. Storm and surface water runoff that can legally be drawn off from the project area may be used for any nonpotable purposes. The distribution system employed shall be separate from the City water system.

I. Fish Passage. All projects involving perennial streams shall make adequate accommodation for fish passage. No obstructions of any kind shall be placed within the stream which would prohibit the free passage of fish under all flow conditions. (Ord. 2700 § 5, 2016; Ord. 2670 § 2, 2015; Ord. 2549 § 1, 2010).

Section 8. Amendment. Section 16.20.210 of the Mountlake Terrace Municipal Code, Cumulative civil penalty, is hereby amended to read as follows:

16.20.210 Cumulative civil penalty.

In addition to or as an alternative to any other penalty provided herein or by law, any developer/owner who violates the provisions of this chapter or an approved drainage plan shall incur a cumulative civil penalty in the amount of \$500.00 per day from the date set for correction, ~~pursuant to MTMC 16.20.220,~~ until the violation is corrected, except that the removal of significant trees as defined in MTMC ~~16.22.080~~ 19.130.150 without an approved clearing and grading permit ~~under the provisions of Chapter 15.55 MTMC~~ shall be subject to monetary penalties as follows:

A. Monetary penalties shall be the greater of:

1. Two hundred dollars for each significant tree cleared, cut, damaged or removed; or
2. The value of each significant tree cleared, cut, damaged or removed, the value to be the replacement value as determined under the methods described in the Guide for Establishing Value of Trees and Other Plants, published by the International Society of Arboriculture, now or as hereafter amended.

B. Each significant tree removed in violation of Chapters 16.22 and 15.55 MTMC is a separate violation, subject to separate penalties. (Ord. 2700 § 6, 2016; Ord. 2549 § 1, 2010).

Section 9 Amendment. Section 16.21.020 of the Mountlake Terrace Municipal Code, Definitions, are hereby amended to read as follows:

16.21.020 Definitions.

“Best management practice (BMP)” means "Best management practice (BMP)" as defined in MTMC 16.20.020, ~~means schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMP also includes a treatment practice, operating procedure or practice to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.~~

“City” means the City of Mountlake Terrace, Washington.

“Department” means the City of Mountlake Terrace Public Works Department.

“Detention facilities” means facilities designed to hold runoff while gradually releasing it at a predetermined maximum rate.

“Development” means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving,

excavation or drilling operations or storage of equipment and materials located within the area of special flood hazard.

“Director” means the City of Mountlake Terrace Public Works Director or an employee under the direct supervision of the Director.

“Drainage facility” means the system of conveying and storing storm and surface water runoff as depicted in the drainage plan. Drainage facilities shall include, but not be limited to, all surface water conveyance facilities within the drainage area including streams, pipelines, channels, ditches, swamps, lakes, and wetlands, sinks or recharge areas, retention/detention facilities and other drainage structures and appurtenances, both natural and manmade.

“Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.

“Illicit connection” means any manmade conveyance that is connected to a municipal separate storm sewer or a water body without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outfalls that are connected directly to the municipal separate storm sewer system or a waterbody.

“Illicit discharge” means any direct or indirect nonstormwater discharge to the City’s storm drain system, except as expressly exempted by this chapter.

“Impervious surface” means ~~an “Impervious surface” as defined in MTMC 16.20.020, a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces may include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm and surface water~~

“Municipal separate storm sewer system (MS4)” means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are:

1. Owned or operated by the City;
2. Designed or used for collecting or conveying stormwater;

3. Not part of a publicly owned treatment works (POTW) (“POTW” means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and

4. Not a combined sewer (“combined sewer” means a system that collects sanitary sewage and stormwater in a single sewer system).

“National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit” means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to [33 USC 1342\(b\)](#)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Nonstormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

“Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner’s agent.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

“Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

“Runoff” means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

“Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

“Stormwater Manual” means the 2012 Stormwater Management Manual for Western Washington as amended in December 2014 (publication 14-10-055) as prepared by, and as on file with, the Washington State Department of Ecology. The Stormwater Manual contains BMPs to prevent, control or treat pollution in stormwater and reduce other stormwater-related impacts to waters of the state. The Stormwater Manual is intended to provide guidance on measures necessary in western Washington to control the quantity and quality of stormwater runoff from new development and redevelopment.

“Stormwater pollution prevention plan (SWPPP)” means “Construction Stormwater Pollution Prevention Plan (SWPPP)” as defined in MTMC 16.20.020. ~~document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.~~

Section 10 Amendment. Section 17.10.020 of the Mountlake Terrace Municipal Code, General layout, is hereby amended to read as follows:

17.10.020 General layout.

The subdivider shall ~~observe the procedures described in Chapter 16.22 MTMC in designing the layout of lots and rights of way in the plat and shall ensure that the plat conforms to the following additional standards:~~

A. Lots shall provide suitable areas for buildings in areas of the lot that ~~do not exceed 15 percent unless a geotechnical report as described in Chapter 15.55 MTMC demonstrates how steeper areas of lots can be developed.~~ avoid geologic hazard areas, or follow the procedures for alteration or development described in Chapter 16.15 (Critical Areas).

B. The site shall have suitable access and circulation, as follows:

1. Where possible, streets shall run parallel to topography requiring minimum cuts or fills.
2. Finished grade of streets shall not exceed 15 percent.
3. Streets shall continue to boundaries of tract unless it can be demonstrated that no future connections to the abutting property are planned or otherwise feasible.
4. Streets shall intersect at right angles with no variations of more than 25 degrees.
5. Streets should be located so that jogs are avoided at intersections.
6. Where possible all lots shall be served by streets within the subdivision rather than having numerous access points on an existing City street.
7. Cul-de-sacs having a maximum length of 300 feet must have a minimum radius of 35 feet, and a minimum right-of-way width of 50 feet. Cul-de-sacs of a length greater than 300 feet shall have a minimum radius of 45 feet, and a minimum right-of-way width of 60 feet.

C. Vehicle turn-around easements provided on private property shall generally be designed as illustrated in Figure 1. Variations for this design may be allowed if the City Engineer determines that the proposed turn-around easement design satisfies the intent of the design shown in Figure 1:

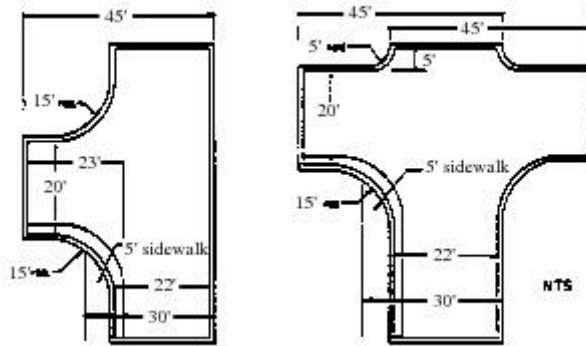


Figure 1

Note: Two lot subdivisions utilizing flag lots shall be exempt from this requirement, unless specifically required as a condition of approval of the subdivision. (Ord. 2701 § 2, 2016; Ord. 2658 § 2, 2015).

Section 11 Amendment. Section 17.10.030 of the Mountlake Terrace Municipal Code, Specific standards - Streets, is hereby amended to read as follows:

17.10.030 Specific standards – Streets.

The following specific standards shall apply in the design of streets:

A. Intersections. At street intersections, property line corners shall be rounded by an arc, the minimum radii of which shall be 10 feet. For intersections of arterial streets, the minimum radii shall be 20 feet.

B. Streets and rights-of-way shall conform to the LID street, and right of way design standards of MTMC 16.22.110, to the cross-section designs of the Transportation Master Plan, and to the most current version of City of Mountlake Terrace Engineering Standards at the time of application submittal.

C. Access easements serving no more than two nonresidential lots or three single-family lots shall have a minimum width as specified in MTMC [19.95.030\(K\)](#).

D. Flag or panhandle lots may be permitted where the total division consists of two lots with a minimum panhandle width of 12 feet. (Ord. 2701 § 3, 2016; Ord. 2658 § 2, 2015).

Section 12 Amendment. Section 17.10.040 of the Mountlake Terrace Municipal Code, Specific standards - Lots, is hereby amended to read as follows:

17.10.040 Specific standards – Lots.

A. Minimum lot size and dimensions shall conform to the zoning district in which the subdivision is proposed. ~~Reduced lot sizes are permitted under the LID clustering provisions of MTMC 19.30.110(C)(2).~~

B. Density shall relate to the zoning district in which the subdivision is located, subject to density modification allowable under a planned unit development.

C. Each lot shall have frontage on a public street, private street, or an access easement, which frontage shall be no less than 12 feet for panhandle lots, or the minimum lot width at the street frontage specified in the zoning district in which it is located. (Ord. 2701 § 4, 2016; Ord. 2658 § 2, 2015).

Section 13 Amendment. Section 17.10.050 of the Mountlake Terrace Municipal Code, Minimum improvements, is hereby amended to read as follows:

17.10.050 Minimum improvements.

A. Streets and associated right-of-way improvements shall be constructed and graded to full width of the cross-section specified for the street type and surfaced with asphalt, concrete or LID paver system as approved by the City Engineer, to the width prescribed by MTMC [17.10.030\(B\)](#).

B. Curbs and gutter sections as prescribed by MTMC [17.10.030\(B\)](#).

C. Stormwater systems designed to meet LID standards of ~~Chapter 16.22 MTMC~~ and the City's Stormwater Manual.

D. A water distribution system, providing connections for each lot, including the locations of fire hydrants.

E. All basic utilities including water, sewer, natural gas, and electricity, and also easements for accessory utilities including telephone and cable television transmission lines. All utilities shall be placed underground. Where subdivisions necessitate frontage improvements, such improvements shall include conduit as specified by the City Engineer to facilitate future undergrounding of existing overhead utilities.

F. Complete half-street improvements along the full frontage of the property to be divided, including installation of all improvements as prescribed in MTMC [17.10.030\(B\)](#). In this context, half-street improvements mean all prescribed improvements to the centerline of the right-of-way and as additionally needed to facilitate two-way traffic.

G. Sanitary Sewer Facility Extensions. Every subdivision shall be provided sanitary sewer facilities and the subdivider shall extend main lines where necessary to achieve this improvement.

H. Monuments shall be placed at all street intersections, boundary angle points, points of curves in streets, and at such intermediate points as required by the City Engineer. The monuments shall be of stone or concrete filled pipe or tile, weighing at least 50 pounds, capped with standard markers. Street monuments shall be finished street grades and in paved streets shall be enclosed in a standard monument case. All lot and block corners shall be set with an iron pipe at least 18 inches in length after all grading work is finished. (Ord. 2701 § 5, 2016; Ord. 2658 § 2, 2015).

Section 14 Amendment. Section 18.05.360 of the Mountlake Terrace Municipal Code, Preapplication meetings, is hereby amended to read as follows:

18.05.360 Preapplication meetings.

A. Informal. Applicants for development are encouraged to participate in one informal meeting prior to the formal preapplication meeting. The purpose of the meeting is to discuss, in

general terms, the proposed development, City design standards, design alternatives, and required permits and approval process.

B. Formal. Every person proposing a development, excepting persons proposing developments where land use approvals are not necessary, ~~or excepting persons submitting or who have submitted application for LID site assessment under the provisions of MTMC 16.22.040,~~ shall attend a preapplication meeting. The purpose of the preapplication meeting is to discuss the nature of the proposed development, application and permit requirements, fees, review process and schedule, applicable plans, policies and regulations. In order to expedite development review, the City shall invite all affected departments, jurisdictions, agencies and/or special districts to the preapplication meeting. To prepare for the formal preapplication meeting, the applicant shall provide a sketch plan of the proposal showing rights-of-way, access points, and proposed structures, property dimensions, and setbacks.

Section 15 Amendment. Section 19.15.100 of the Mountlake Terrace Municipal Code, Definitions, is hereby amended to read as follows:

19.15.100 Definitions.

“I” “Impervious surface” means an impervious surface as defined in ~~MTMC 16.22.150(I)~~ MTMC 16.20.020.

“Incidental” means subordinate and minor in significance and bearing a reasonable relationship with the primary use.

“Indoor shooting ranges” means indoor ranges for testing and practice firing of rifles, pistols, or archery equipment.

Industrial, Light. See “Light industrial.”

“Industry” means those fields of economic industry that include natural resource extraction, construction, manufacturing, processing, trucking, freight distribution, communication, production or distribution of power, sanitary services, mini-warehouses, warehouse storage, large-scale cleaning facilities, large-scale vehicle service stations, research and development laboratories, machine shops, wholesale sales/trade and distribution, solid waste facilities, and operations that may involve noise, vibration, or odor not appropriate to commercial or residential areas.

“Interurban trail” means land dedicated to the unique blend of passive and active travel along a scenic greenway and multipurpose public commuter trail by methods of transportation such as bicycles, skating, running, jogging, and walking or passive enjoyment of the park-like setting and rest stops along the route, which may be in combination with the safety and convenience of various current and future modes of public transit systems to fit the public’s needs. (Ord. 2700 § 10, 2016; Ord. 2551 § 6, 2010; Ord. 2476 § 6, 2008).

Section 16 Amendment. Section 19.80.150 of the Mountlake Terrace Municipal Code, Grading of slopes, is hereby amended to read as follows:

19.80.150 Grading of slopes.

All requirements of ~~the Surface and Subsurface Drainage and Erosion Control Ordinance (Chapter 16.20 MTMC)~~ shall be met, including compliance with MTMC 16.20.080.D (Clearing and grading permit).

Section 17 Amendment. Section 19.115.050 of the Mountlake Terrace Municipal Code, Specific development standards, is hereby amended to read as follows:

19.115.050 Specific development standards.

All PUDs shall comply with the following standards. These standards are intended to provide guidance and predictability to all participants in the PUD process.

A. Parcel Size. An area not less than one gross acre in size may be considered for a PUD. The Planning Commission may accept parcels less than one gross acre; provided, that there is evidence submitted by the applicant that either:

1. The site has some natural or aesthetic features which would likely be destroyed if traditional development techniques were employed; or
2. The subject site is located in an area in need of rehabilitation and the assembling of additional land is not possible.

B. Architectural Theme. The structural elements of each PUD, including accessory structures such as signs and lighting, shall be integrated into a primary architectural theme, including the shrouding of metal zero clearance fireplaces and/or stove stacks.

C. Setbacks and Perimeter.

1. Minimum building setbacks from property lines of a PUD shall be similar to those required in the underlying zoning district but may be varied. Where the scale of a PUD is greater than that of the adjacent property, the City may require greater building setbacks in order to insure the health, safety, and welfare of the inhabitants of adjacent property.

2. Buildings shall be sited in a manner that will avoid a corridor or barracks-like effect.

D. Height. Building heights in a PUD may be varied from the underlying zoning district(s). However, building heights shall be compatible with the scale of the surrounding neighborhood so as not to decrease privacy, impair scenic views, or adversely affect the balance of light and shadow on adjacent properties.

E. Multiple-Household Residential Development. Multiple-household residential projects shall incorporate creative architectural designs, coordinated colors and facade details in order to avoid an institutional or barracks-like appearance.

F. Open Space.

1. There shall be a minimum of 15 percent of the total area of a PUD dedicated as common open space. The open space area shall be accessible to all owners or tenants of the development except in the case of a sensitive environmental resource where limited access is considered

important for enhancement or preservation purposes. Open space shall be provided for active or passive recreational activities and for the preservation of existing natural site amenities whenever possible.

- a. Open space shall not include:
 - i. Streets, alleys, and other rights-of-way;
 - ii. Vehicular drives, parking, loading, and storage areas;
 - iii. Required landscape buffers along property lines and landscaping for parking areas;
 - iv. Perimeter setback areas of the PUD project, except portions in excess of the minimum setback requirement of the underlying zone district;
 - v. Stormwater detention ponds.
- b. Open space may include:
 - i. Stormwater LID elements which meet the accessibility, usability, and interconnectedness intentions of open space provisions, such as rain gardens, infiltration, dispersal systems, or bioretention areas in up to 25% of open space area.
 - ii. Below-ground stormwater systems

2. Open space shall be clearly designated on the site plan to indicate how open space shall be used. The City will base its acceptance of open space intended for recreational purposes on the dimensions, usability, location, slope, and physical improvements.

3. The location of existing natural site amenities shall be considered when planning open space, siting of buildings and other structures, underground services, paved areas, and finished grade levels. Natural amenities might include rock outcroppings, ravines, groves of trees, and ponds or streams.

4. When a PUD is constructed in phases, common open space shall not be less than 15 percent of the total area developed. The approved percentage of open space for each phase must be completed by the end of each phase of a PUD or an appropriate guarantee must be provided.

Provision shall be made for perpetual maintenance of any common open space.

G. Circulation.

1. All streets shall be publicly dedicated except:
 - a. Those serving four or fewer lots in single-household developments; and
 - b. Other private roadways as approved by the City.
2. Streets or rights-of-way shall be provided in accordance with City standards unless otherwise approved by the City.
3. A pedestrian circulation system shall be designed to assure that pedestrians can move safely and conveniently both on the site and to adjacent properties and activities as appropriate.

4. All streets and parking area shall contribute to the overall aesthetic design of the PUD, while minimizing traffic and the amount of impervious surface.

5. The parking requirements and provisions within any PUD shall reflect the parking provisions found in Chapter 19.125 MTMC.

A. Screening. All utility facilities, loading areas, trash containers and outside storage areas shall be screened from surrounding property

I. Service Improvements. Service improvements in a PUD shall be provided in accordance with the following provisions:

1. Preliminary Review. Preliminary engineering information on waste disposal systems, water systems, electrical systems, street improvements, fire hydrants, drainage, and other public improvements shall be reviewed. The primary concern during preliminary plan review shall be the availability of utilities and services to the site, the adequacy of utilities to serve the proposed project, and/or measures to make utilities available on site.

2. Final Review.

a. Final detailed engineering plans for drainage, grading, trash collection, fire hydrants, waste disposal system, water system, electrical system, street improvements, and other public improvements must be submitted to and approved by the City;

b. Where practical, all service facilities shall be placed underground except those that by their nature must be on or above the surface; and

c. The Declaration of Covenants, Conditions, and Restrictions in each deed held by a property-owner within the PUD shall require periodic assessments for the maintenance and repair of any private service facilities held in common. The Declaration shall also require that the governing body of the PUD adequately maintain such facilities.

J. Bonus Density.

1. When an application for a residential PUD is made, density on the site may exceed the base density of the zoning classification up to the maximum bonus density limit stated below. The increase in density shall be calculated on gross site area, including any area to be dedicated for public use (excluding roads). The maximum cumulative density bonus shall not exceed a total of 40 percent. Bonus density may be considered when a PUD includes one or more of the following amenities beyond the minimum required by this title:

a. Property, excluding roads, set aside and accepted for dedication by a public institution or agency, at no cost to the agency or institution, shall allow a bonus density credit of up to 40 percent;

b. Lands set aside to preserve a unique physical feature of the site such as a stream, marsh, rock outcropping, bluff, or pond, provided such features are set aside as common open space not otherwise restricted from development, shall allow a bonus density credit of up to 40 percent;

c. Land set aside, five percent of the site or more, for recreation facilities developed as part of the project, such as bicycle or pedestrian trails and neighborhood parks, to serve others in addition to the occupants of the proposed development, shall result in the bonus density credit of up to 40 percent whether or not dedicated as in subsection (J)(1)(a) of this section;

d. Provide additional storm water capacity, beyond the minimum required to satisfy the City's requirements for the subject property, and effectively relieve existing off-site flooding conditions, for a bonus density credit of up to 40 percent; and

e. Enhance an existing riparian area where it could be shown the enhancement effort would be of long-term benefit to the resource, for a bonus density credit of up to 40 percent.

3. Density bonuses for project amenities that are considered benefits to the community and are not listed above may be granted by the City Council. (Ord. 2074 § 6.5, 1995).

Section 18 Amendment. Section 19.120.310 of the Mountlake Terrace Municipal Code, Low impact development (new section), is hereby amended to read as follows:

19.120.310 Low impact development.

In order 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 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 will be permitted.

Section 19 Amendment. Section 19.125.050 of the Mountlake Terrace Municipal Code, Design standards for off-street parking facilities, is hereby amended to read as follows:

19.125.050. Design standards for off-street parking facilities.

A. Parking Plans – General Requirements. Prior to the approval of a required land use permit and/or authorization, the applicant shall present evidence in writing that arrangements have been made to provide off-street parking and/or loading space in accordance with this title. Parking area plans shall be submitted to the Planning Department for their review. The required parking lot landscaping is described in Chapter 19.130 MTMC ~~and also in MTMC 16.22.080(D)(2).~~ Record of approval by the Planning Department shall be written on the face of the plan and filed with the City. If an applicant is required to submit an application that requires a public hearing, then the approval authority for the conceptual parking plan will be with the appropriate entity.

B. Parking Plans – Specific Design Standards

1. Parking Restrictions. Parking of vehicles shall be restricted to within designated stalls; other surfaced areas where parking is prohibited such as an emergency vehicle access area shall be marked in a manner to prohibit parking.

2. Common Driveways. Common driveways shall be encouraged for adjacent lots in order to minimize the number of curb cuts along the street. To create a common driveway, adjacent property owners shall grant easements to each other on the common driveway. Such easements shall be recorded with the Snohomish County Auditor's Office and a copy provided to the City in connection with any permit application.

3. Street Access. Parking facilities shall be designed so exiting vehicles are not required to back into streets, other than an alley. This restriction does not apply for residential uses of less than four dwellings per lot on local streets or small scale commercial development.

4. Entrances and Exits to Parking Areas. The City Engineer shall have the authority to fix the location, width, turning movements (right and left), and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and

egress as may be required to control street traffic in the interest of public safety and general welfare.

5. Internal Circulation. Internal circulation of the parking facility shall be so designed as to minimize in-and-out driving time, idling time, and time spent looking for a parking space and to accommodate a variety of vehicle sizes. Parking lots shall be designed to optimize pedestrian access to the lot and within the lot area. Safe pedestrian circulation shall be provided by use of signs, crosswalks, and walkways which are raised or otherwise designed to separate or protect pedestrians from vehicular traffic.

6. Drive-In Businesses. For any drive-in or drive-through service bay associated with a use such as a bank, gas station, or fast-food restaurant, there shall be provided stacking space for vehicles waiting for service, which is sufficient to prevent any such vehicles from extending onto the public right-of-way. At least four stacking spaces shall be provided for each such service bay on the entrance side, and one space on the exit side. No bays designed to be entered from more than one direction shall be permitted.

7. Dimensional Requirements. The minimum dimensional requirements for parking stalls and aisle widths for standard, compact, and barrier-free parking are provided by the figures at the end of this section. The Director is authorized to develop, consistent with this chapter, any additional dimensional or similar standards that may be necessary for implementation of this chapter.

8. Modifications to Dimensional Requirements. Any parking stalls abutting a planter island on the driver or passenger side of the vehicle shall provide an additional 18 inches of stall width above the minimum stall width requirement to provide a place to step other than in the planting bed. The additional width shall be distinguished by pedestrian walkway pavement striping. The parking stall depth requirement may be reduced when vehicles overhang a walkway or landscaped area under the following conditions:

- a. Wheel stops or curbs are installed;
- b. The amount of stall depth reduction is limited to a maximum of two feet for standard parking spaces and compact spaces measured from the base of the face of the curb or wheel stop (see figures located at the end of this chapter); and
- b. Any abutting walkway shall provide a minimum of three feet of unimpeded passageway for pedestrians and a minimum of four feet of unimpeded passageway where barrier-free access is provided, beyond the overhang area

9. All parking areas and paved surfaces within a non-single-household site shall be separated from landscaped areas by a curb or raised sidewalk in accordance with approved engineering standards to protect landscape plant material, prevent soil or mulch in landscape areas from washing onto paved surfaces, protect asphalt pavement edges from crumbling, and/or direct surface water runoff, unless a curbless edge is essential for stormwater flow into a bioswale, rain garden or other LID stormwater feature. ~~as recommended or specified under Chapter 16.22 MTMC.~~ If a curbless design is needed, a concrete ribbon shall be provided along all parking

spaces, and the landscaped area shall either be stabilized with ground cover plantings or be graded away from the pavement area to prevent soil and mulch washout onto pavement areas.

10. Compact Parking Stalls. Up to 50 percent of the required spaces may be designed and designated as compact stalls. Compact parking spaces shall be clearly identified by painting the word “COMPACT” in capital letters, a minimum of eight inches high, on the pavement at the base of the parking stall centered between the striping.

11. Bicycles. Where provided, bicycle parking facilities shall be located near building entrances rather than in remote areas and shall not impede pedestrian or vehicle traffic flow or cause damage to landscaped areas.

12. Surface Treatment. All parking lots and driveways shall be surfaced in accordance with LID principles as prescribed in the Stormwater Manual, Chapter 16.22 MTMC, MTMC 19.30.090(B), and approved engineering standards. Surface treatment requirements for parking lots and driveways planned for heavier vehicle use shall be determined by the City Engineer. No gravel-surfaced parking lots are permitted.

13. Traffic Control Devices. All traffic control devices, such as parking stripes designating car stalls, directional arrows or signs, bull rails, curbs, and other improvements, shall be installed as approved. Paint or similar devices shall be used to delineate car stalls and directional arrows. Where pedestrian walks are used in parking lots for the use of foot traffic only, they shall be curbed or raised six inches above the lot surface.

14. Striping. All striping in off-street parking areas shall be installed per the requirements of this chapter and maintained in good condition.

15. Lighting. Lighting shall be provided in accordance with approved engineering standards as necessary for safety of circulation on the site. Any lighting provided shall be designed so as to prevent light from directly illuminating adjacent properties and not create a nuisance or safety hazard to passing traffic.

16. Landscaping and Irrigation. Parking areas shall include landscaping and irrigation improvements as required by Chapter 19.130 MTMC and ~~MTMC 16.22.080(D)(2)~~.

(Figures 1- 7 are not shown due to space considerations)

Section 20 Amendment. Section 19.130.110 of the Mountlake Terrace Municipal Code, Plant material, is hereby amended to read as follows:

19.130.110 Plant material.

A. Selection and Installation. The selection of landscape plant materials from the “Landscape Development Guide” is encouraged. This guide is available from the Planning Department and amended from time to time. All plant material shall be selected and installed in conformance with current American Association of Nurserymen standards.

B. Size Requirements, General.

1. Street Trees. All trees planted adjacent to streets or in street right(s)-of-way shall be located in accordance with ~~MTMC 16.22.080~~ and the City of Mountlake Terrace roadway standards as established by the City Engineer.

Street trees are to be spaced an average distance of 35 feet on center or as specified in adopted design standards for specific zoning districts, with the Engineer making a final determination of location based on specific site and frontage conditions. Deciduous street trees shall have a minimum caliper of two inches measured six inches above ground level and have a clear trunk for at least six feet above grade. Evergreen street trees shall be a minimum of 10 feet in height and planted well outside any required sight area triangle, spaced a maximum of 30 feet on center.

2. Trees, Other. Deciduous or broad leaf evergreen trees shall have a minimum caliper of one and one-half inches measured six inches above ground level. Evergreen trees shall be a minimum of six feet in height. All trees shall be set back a minimum of three feet from the face of any curb, sidewalk, building, or other structure.

3. Shrubs. Shrubs shall be selected to provide variety in height and texture, enhance the architectural design, and attractively screen views of parked vehicles and noncompatible site land uses. Installed shrubs shall have a minimum height of 21 inches. Depending on variety and intended use, other shrub stock sizes may be allowed or required.

4. Ground Cover. Living ground cover, other than grass, shall be installed so that it meets the coverage requirement of the applicable landscaping type (MTMC [19.130.240](#)). Spacing shall be sufficient to achieve 75 percent ground coverage in a three-year period as designed by a certified landscape specialist, or according to the following standard:

- a. Two-inch pots: 12 inches on center (o.c.);
- b. Four-inch pots: 18 inches o.c.;
- c. One-gallon container: 30 inches o.c.

5. Lawn Grasses and Low Impact Development Native Seed. Coverage shall be provided with either seed or sod. Seed must germinate and demonstrate 100 percent coverage, or coverage in accordance with native seed manufacturer specifications, prior to final acceptance of such landscaped areas. (Ord. 2702 § 2, 2016; Ord. 2074 § 8.3(A), 1995).

Section 21 Amendment. Section 19.130.170 of the Mountlake Terrace Municipal Code, Site clearing, is hereby amended to read as follows:

19.130.170 Site clearing.

A. No site clearing or significant tree or vegetation removal shall occur on any lot prior to approval of a proposed significant vegetation inventory plan when such plan is required.

B. When a significant vegetation inventory plan is required, no building permits for site work including, but not limited to, clearing, grading, or demolitions shall be issued until:

1. An approved significant vegetation inventory plan is on file with the Planning Department; and

2. A site inspection has verified the installation of the appropriate tree and vegetation protection mechanisms.

C. A stream and/or wetland buffer zone shall not be disturbed in any way or manner.

D. For any site proposed to be developed or cleared and which contains 10 or more significant trees that are in good condition, based on the approved significant vegetation inventory plan, at least 20 percent of such trees must be retained.

E. Any tree or vegetation removal, site clearing, or site alteration undertaken that does not meet these conditions will be subject to site rehabilitation, as determined by the City, and may be subject to penalties as provided for by this chapter and other applicable codes.

F. Must comply with MTMC 16.20.080.D (Clearing and grading permit).

(Ord. 2712 § 4, 2017; Ord. 2702 § 5, 2016; Ord. 2304 § 1, 2001; Ord. 2074 § 8.4(D), 1995).

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

Section 23 Conflicts and interim relief measures.

A. Conflicts. If the provisions of this chapter or other regulations specifically adopted to implement LID principles conflict with other regulations or standards adopted by the City, the provisions of this chapter and other regulations intended to implement LID principles shall prevail.

B. Interim Measures. For a period of one year from the date of adoption of this chapter, and during any active period beyond one year during which updates to this chapter are in process, the Director may grant relief from any standards of this chapter if the Director finds as follows:

1. Imposition of the standard as currently drafted will result in conflicts with the Stormwater Manual; or

2. The provision is based on incorrect or outdated resources on LID practices and principles, or a misapplication of commonly accepted LID design techniques.

Section 24 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 25 Publication and Effective Date. This Ordinance, or a summary thereof consistent of the title, shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE this ___ day of _____, 2018 and signed in authentication of its passage this ___ day of _____, 2018.

Mayor Jerry E. Smith

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
Gregory G. Schrag, City Attorney

