

**CITY OF MOUNTLAKE TERRACE
ORDINANCE NO. 2597**

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, REPEALING AND REPLACING CHAPTER 19.95
(RESERVED) OF THE MOUNTLAKE TERRACE MUNICIPAL CODE
WITH A NEW CHAPTER 19.95, TRANSPORTATION CODE, TO
IMPLEMENT TRANSPORTATION POLICIES, INCLUDING “COMPLETE
STREETS” PRINCIPLES TO ENABLE SAFE AND CONVENIENT ACCESS
AND TRAVEL FOR ALL USERS**

WHEREAS, goals and policies of the Transportation Element in the Mountlake Terrace Comprehensive Plan (“Comprehensive Plan”) support a balanced multi-modal transportation system with various transportation choices such as automobiles, buses, rail, transit, bicycles, and walking, that will serve existing and future residential and employment growth; and

WHEREAS, the Mountlake Terrace Comprehensive Plan promotes new developments and attractive, safe, and healthy neighborhoods that provide walkable places to live, shop, play, and get to work without having to drive; and

WHEREAS, the Mountlake Terrace Comprehensive Plan promotes and encourages pedestrian and bicycle traffic within all areas of the City, not only as a viable means of transportation, but as an important method for maintaining overall health and fitness of Mountlake Terrace's citizens; and

WHEREAS, Mountlake Terrace Comprehensive Plan policies support pedestrian-oriented environments that address safety as a first priority and having areas along streets for trees, streetlights, and other furnishings between the sidewalk and travel lanes; and

WHEREAS, the Mountlake Terrace Comprehensive Plan includes adopted transportation level of service standards and the Growth Management Act requires that development not be allowed if it would cause the level of service for transportation facilities to be below the standards adopted by the City; and

WHEREAS, the Planning Commission has considered key transportation and land use issues, provided public notice of a hearing on September 28, 2012, and held a public hearing on October 8, 2012, on the proposed transportation ordinance, reviewed the public record, and made a recommendation to the City Council; and

WHEREAS, the City Council has considered transportation and land use issues, provided public notice of a hearing on or before October 5, 2012, and held a public hearing on October 15, 2012, pursuant to MTMC 19.110.240.C on the proposed transportation ordinance, reviewed the Planning Commission's recommendation and other items of the public record, and found that the proposed ordinance meets the criteria for a zoning code text amendment and is

consistent with state law; and

WHEREAS, a SEPA checklist was prepared and a Determination of Non-Significance was issued and all relevant procedural requirements of the State Environmental Policy Act have been satisfied; and

NOW, THEREFORE, the City Council of the City of Mountlake Terrace does ordain as follows:

Section 1. 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. The City Council further enters the following additional findings:

A. The zoning code text amendment set forth herein bears a substantial relation to the public health, safety and welfare and is in the best interest of the City of Mountlake Terrace and satisfies all relevant criteria for approval and adoption, and is in material compliance with all applicable state and local procedural requirements.

Section 2. Chapter 19.95 MTMC (Reserved) of the Mountlake Terrace Municipal Code is hereby repealed and replaced with a new Chapter 19.95, Transportation Code of the Mountlake Terrace Municipal Code, to read as follows:

CHAPTER 19.95 TRANSPORTATION CODE

Sections:

- 19.95.010 General provisions.
- 19.95.020 Definitions.
- 19.95.030 Street design and access standards.
- 19.95.040 Street excavation and construction standards.
- 19.95.050 Performance and maintenance guarantees.
- 19.95.060 Streets—Special regulations.
- 19.95.070 Right-of-way use permits.
- 19.95.080 Transportation mitigation and impact fees.
- 19.95.090 Transportation concurrency requirements.
- 19.95.100 Latecomer fees.

19.95.010 General provisions.

A. Intent and authority.

1. The intent of this chapter is to provide appropriately for transportation facilities to serve current and future public needs, while protecting the integrity of the public right-of-way.
2. The Community and Economic Development Director is authorized to administer, coordinate, and enforce this chapter, except as otherwise provided herein.

B. Any violations of the chapter shall be unlawful.

C. Applicability. The standards in this chapter shall be used for all public and private street improvements within the City of Mountlake Terrace, except as provided in this chapter.

1. Whenever a building permit is applied for or application is made for a short plat or a full subdivision, the applicant for such permit and/or application shall build and install certain street improvements, as required by the Mountlake Terrace Municipal Code, within the public right-of-way or area that will be dedicated for public right-of-way or within dedicated access easements, as approved by the Community and Economic Development Director.

2. Exemptions to this chapter may be authorized by the Engineering Services Director for City-initiated street, sidewalk, and utility projects that meet the criteria of MTMC 19.95.030.E.3.

D. Permits.

1. Permits issued by the Community and Economic Development Department are required for all construction, demolition, repair, or alterations within the public right or City easement, for any use of the public right-of-way other than for lawfully authorized travel purposes, and for the conduct of any activities that impact transportation facilities or utilities, except as provided in subsection D.2 of this section.

2. The following activities are exempt from the permit requirement of subsection D.1 above, except a building permit if required:

a. The duly authorized work of City employees or the City's contractors to carry out right-of-way and utility projects initiated by the City.

b. Activities that are specifically exempted from obtaining a permit under the Mountlake Terrace Municipal Code or applicable state and federal laws.

E. Referenced standards.

1. For improvements, maintenance, or alterations impacting the public right-of-way, City easements, and transportation facilities, the City of Mountlake Terrace hereby adopts by reference the following publications and standards and any amendments thereto:

a. 2012 Washington State Department of Transportation and American Public Works Association's Standard Specifications for Road, Bridge and Municipal Construction;

b. 2012 Washington State Department of Transportation's Standard Plans;

c. 2011 American Association of State Highway and Transportation Officials' Policy on Geometric Design of Highways and Streets, and other AASHTO guidelines and publications referenced therein;

d. 2009 Manual for Uniform Traffic Control Devices;

e. 2000 Illuminating Engineering Society (IES) RP-8-00, American National Standard Practice for Roadway Lighting;

f. 2012 Mountlake Terrace Engineering Standards;

g. 2012 Town Center Construction Standards;

h. Other publications approved by the Engineering Services Director;

i. Washington State Department of Ecology's Storm Water Management Manual for Western Washington, as identified in Chapter 16.20 MTMC;

j. Mountlake Terrace Town Center Design Standards;

k. Mountlake Terrace General Commercial Design Standards;

l. Mountlake Terrace Freeway/Tourist Design Standards;

m. Mountlake Terrace Community Business Design Standards;

n. Mountlake Terrace Smaller Lot Residential Design Standards;

o. Mountlake Terrace Multifamily Development Design Standards; and

p. Other design standards adopted by the City of Mountlake Terrace.

2. Publications listed in MTMC 19.95.010.E.1.(a)-(h) shall be interpreted by the Engineering Services Director. The referenced publications in MTMC 19.95.010.E1.(i)-(p) shall be interpreted by the Community and Economic Development Director, provided that for purposes of Chapter 16.21 MTMC, Illicit Discharge Detection and Elimination and Operation, Maintenance and Inspection of Storm Drainage Facilities, the Washington State Department of Ecology's Storm Water Management Manual for Western Washington shall be interpreted by the Public Works Director.

3. If any conflicts in design or construction standards occur, the more restrictive standard shall prevail and govern.

19.95.020 Definitions.

"Bulb-outs" (or "sidewalk bulbs") means sidewalk areas extended at intersections or mid-block locations to narrow the crossing for pedestrians.

"Building permit" means any permit required by Chapter 15.05 MTMC.

"City capital improvements" means improvements that are part of the City's capital improvements program.

"City-initiated" means an action that the City initiates as part of its capital investment or maintenance program.

"Community and Economic Development Director" means the Community and Economic Development Department Director as appointed by the City Manager or the Community and Economic Development Director's designee.

"Complete Street principles" mean principles to provide appropriate accommodation for pedestrians, bicyclists, transit riders, and persons of all abilities, while providing safe operation for all users, including motorists.

"Crosswalk, inferred" means the unmarked crosswalk that exists at street intersections.

"Crosswalk, marked" means the crosswalk identified by the City through signage, surface materials, striping or other markings at street intersections and mid-block crossings.

"Cycle tracks" means facilities exclusively for the use of bicyclists and that combine the user experience of a separated path with the on-street infrastructure of a conventional bike lane.

"Driveway" means a vehicular access connecting a development to a street.

"Driveway approach" means that portion of a driveway located in the right-of-way.

"Easement" means a grant of an interest in land by the property owner for a specific use by another person, entity, or for the public in general.

"Engineering Services Director" means the Engineering Services Department Director as appointed by the City Manager or the Engineering Services Director's designee.

"Engineering Standards" means the standards, specifications, and plan details approved by the Engineering Services Director to establish engineering requirements for work done within or for the City.

"Inadequate road (or roadway) conditions" means streets and non-motorized transportation facilities that do not meet the City's adopted standards pursuant to this chapter or that have unsafe conditions.

"Landscape buffer" means the area or strip of land in the right-of-way that separates a sidewalk or other non-motorized transportation facility from the street and that may provide space for street trees, street lights, and other furnishings, equipment, or objects as required by the City.

"Multi-use path" means a paved path, lane, or trail provided exclusively for non-motorized

use and available for multiple forms of non-motorized travel, including but not limited to use by pedestrians and bicyclists.

“Municipal Code” means the Mountlake Terrace Municipal Code as adopted by the City Council.

“Public Works Director” means the Public Works Department Director as appointed by the City Manager or the Public Works Director’s designee.

“Reviewing Official” means the person designated by the Community and Economic Development Director to review plans, permit applications, or other development proposals, provided that the Engineering Services Director shall designate the person to review plans for City-initiated right-of-way and utility projects.

“Right-of-way” means “right-of-way” as defined in Chapter 19.15 MTMC.

“Sidewalk” means a constructed walkway provided for pedestrians along public or private streets.

“Street” is any City right-of-way, public or private street, highway, sidewalk, alley, avenue, or other public travel way and its associated public grounds in the City.

“Town Center” means the area designated as “Town Center” in the City’s Comprehensive Plan, including the Town Center subarea plan, and which is identified on the City’s Official Zoning Map as Community Business Downtown (BC/D).

“Traffic Engineer” means the same as “Transportation Engineer”.

“Transportation Engineer” means the Transportation Engineer or Traffic Engineer, as appointed by the Engineering Services Director, or the Transportation Engineer’s designee.

“Transportation Master Plan” means the 2007 Mountlake Terrace Transportation Master Plan, and any amendments thereto as adopted by the City Council.

19.95.030 Street design and access standards.

A. Purpose. It is the purpose of this section to establish design standards and development requirements for street improvements to provide for reasonable and safe access to public and private properties. These improvements include appropriately scaled sidewalks and landscape buffers related to the urban context, curbs, gutters, street paving, monumentation, and lighting, consistent with Complete Streets principles and fostering a sense of place in the public realm through attractive design amenities.

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 addition with valuation less than seventy-five thousand dollars (\$75,000) that occurs or is permitted within any three-year period;
2. Within the BC/D zoning district, interior remodels with valuation less than one-hundred thousand dollars (\$100,000) that occur or are permitted within any five-year period;
3. Outside of the BC/D zoning district, interior remodels of any valuation; or
4. The construction of one single family house, including one accessory dwelling unit, 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.

C. Right-of-way dedication required.

1. Dedication required for development. Where the existing width for any right-of-way adjacent to a development site is less than the City’s minimum standards, additional right-of-way dedication to provide an easement for roadway and public use, will be required for the proposed

development.

2. Waiver of dedication. The Community and Economic Director, in consultation with the Engineering Services Director, may waive the requirement for up to one-half of the right-of-way dedication needed to accommodate a full street right-of-way where he/she determines that either: (a) future development is reasonably feasible on the opposite side of the right-of-way from the site being developed and such future development can reasonably provide for the additional required right-of-way; or (b) due to geographic constraints, future development is not reasonably feasible on the opposite side of the right-of-way being developed.

D. Public street right-of-way design standards.

1. Type of improvements. The required minimum street improvements shall include but not be limited to curbs, gutters, landscape buffers, sidewalks, and lighting on each side of the street, except as provided under subsection D.2 of this section. Required improvements shall be designed and constructed in conformance with this chapter and other applicable statutes.

2. Unless required by another chapter of the Zoning Code, the requirement for landscape buffers, sidewalks, and lighting on either or both sides of a street may be waived by the Community and Economic Development Director for development projects where he/she has determined that geographic constraints make installation not reasonably feasible or there is no need, including future need, for pedestrian access or circulation. For City-initiated street, sidewalk, or utility projects, the Engineering Services Director may waive the requirement for landscape buffers, sidewalks, and lighting on either or both sides of the street pursuant to the criteria in subsection E.3 of this section.

3. Length of improvements. Improvements required per subsection D.1 of this section shall extend along the full frontage of such property to be improved upon and sought to be occupied as a building site or parking area for the aforesaid building or platting purposes, and which may abut property dedicated as a public street. Improvements shall be transitioned to existing facilities immediately outside of the property's street frontage, provided that the Reviewing Official may waive this requirement where such a transition is not reasonably feasible or where future development is not likely to occur due to geographic constraints.

4. Minimum sidewalk measurements and features. Sidewalks shall be a minimum of five feet (5') wide and constructed of concrete unless another material has been approved by the Engineering Services Director for the specific location and provided that in certain zoning districts, as required by the Municipal Code or adopted design standards, sidewalk width shall be greater than five feet (5').

a. Where vertical obstructions less than seven feet (7') in height occur, a minimum of four feet (4') of horizontal clearance from the obstruction is required for pedestrian passage.

b. Bulb-outs may be required by the City's Transportation Engineer at street intersections, including but not limited to intersections where vehicle parking is allowed nearby, and at mid-block crossings, based on at least one of the following criteria: (1) The bulb-out will increase safety for the pedestrian attempting to cross the street at an intersection or marked crosswalk; or (2) The bulb-out location is consistent with guidance from a referenced standard pursuant to MTMC 19.95.010.E. In addition, bulb-outs may be required by zoning district regulations.

5. Landscape buffers shall be installed between the street curb and sidewalk or multi-use path, except where the Reviewing Official determines that landscape buffers are not reasonably feasible due to geographic or right-of-way constraints. Landscape buffers shall include grass or low-growing vegetation, provided that in the Town Center, as well as along arterials and

collectors in other areas approved by the Community and Economic Development Director, the landscape buffer may consist primarily of hardscape, rather than vegetation, and with trees protected in tree grates. Landscape buffers shall be at least five feet (5') in width, provided that up to a two-foot (2') reduction may be allowed where the full five-foot (5') width is not reasonably feasible due to geographic or right-of-way constraints.

6. Multi-use paths. A minimum twelve-foot (12') wide multi-use path may be installed along arterials in place of the minimum five-foot (5') sidewalk path where the Engineering Services Director has determined that such a multi-use path would best accommodate a bicycle route that has been identified in the Comprehensive Plan and where pedestrian safety can be maintained.

7. Driveways. Driveway locations and dimensions are subject to requirements of the zoning district in which the driveways are located, pursuant to this Title, and other requirements of the City code and state or federal statutes, and to traffic engineering criteria including roadway functional classifications, traffic volumes, sight distance, proximity to intersections and driveway spacing.

8. Bicycle facilities. Bicycle facilities may be provided or required by the City in the form of bicycle lanes within the street, cycle tracks, multi-use paths, or any means indicated in the Comprehensive Plan or the Transportation Master Plan or approved by the Engineering Services Director.

9. Vehicular access and connection points to and from the state highway system:

a. Chapter 47.50 RCW, Highway Access Management and any amendments thereto is hereby adopted by reference to provide for the regulation and control of vehicular access and connection points of ingress to and egress from the state highway system within the incorporated areas of the City of Mountlake Terrace.

b. Chapters 468-51 and 468-52 WAC, and any amendments thereto, are hereby adopted and incorporated by reference.

E. Complete Streets.

1. Principles. The City of Mountlake Terrace will plan for, design, and construct all new City transportation improvement projects with Complete Street principles.

2. Department implementation.

a. The Engineering Services Department will incorporate Complete Street principles into the design and implementation of capital projects and the development of Engineering Standards and other rules, procedures, and standards, as appropriate.

b. The Community and Economic Development Department will uphold Complete Streets principles in developing and implementing City plans and in conducting its plan review and permitting responsibilities for transportation improvement projects.

c. The Public Works Department will carry out its activities to provide for sidewalks to be maintained free of obstructions and to inspect, repair, and replace sidewalks as appropriate. The Department will also prioritize maintenance of crosswalks, bike lanes, and other pavement markings, commensurate with available resources.

3. Exceptions. Complete Streets principles, including the provision of landscape buffers, will not apply:

a. To repairs made to the right-of-way;

b. To ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, spot repair, and surface treatments including but not limited to chip seal treatments, or interim measures for detours, haul routes, and street closures);

c. To improvements solely for traffic signals or signage, provided that such improvements shall consider the needs of pedestrians and bicyclists, as well as motorists, including mass transit-users; or

d. Where the Engineering Services Director, after consultation with the Community and Economic Development Director, issues a documented site-specific exception concluding that application of Complete Streets principles is unnecessary or inappropriate because:

- i. It would be contrary to public safety or to requirements of a grant or law;
- ii. The cost is excessively disproportionate to the project or possible use;
- iii. The City cannot feasibly attain the additional right-of-way that would be

needed;

iii. Other available means or factors indicate an absence of need, including future need; or

iv. The City Council has directed that Complete Street principles not be applied due to other special factors for a particular street or street segment.

4. Exceptions authorized under subsection E.3 of this section are site-specific and shall not constitute general changes to the minimum street standards established in this chapter or other chapters of the Municipal Code.

5. Timing and funding. Complete Streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. Improvements to pedestrian and bicycle facilities shall be a priority for available funding, while balancing the need to meet other City responsibilities.

F. Street design standards. Streets and associated facilities, including but not limited to sidewalks, shall be designed in accordance with City standards and consistent with the Comprehensive Plan and Transportation Master Plan. If a conflict exists between the Comprehensive Plan and Transportation Master Plan, the Comprehensive Plan shall prevail and govern.

G. Access improvements required.

1. When non-residentially zoned property does not have frontage on an existing public right-of-way or when the City has identified a potential new street connection in its Comprehensive Plan to access non-residentially zoned property but the street has not yet been constructed, any development or change in use shall require the owner/developer to design and construct full-width street improvements through the property and to a point of appropriate connection with an existing public right-of-way. The improvements shall be designed so as to establish an interconnected network of public streets and shall be constructed in accordance with this chapter and any other applicable City regulations and state or federal laws.

2. Once a street is constructed pursuant to subsection G.1 of this section, the property owner shall dedicate the right of way and its improvements to the City.

H. Dead-end streets. Cul-de-sac and dead-end streets are limited in application and may only be permitted by the Reviewing Official where, due to demonstrable physical constraints, no future connection to a larger street pattern is reasonably physically possible.

I. Street and pedestrian lighting standards.

1. Lighting design. All new luminaires are to be light-emitting diode (LED) fixtures, approximately 4,000°K-4,300°K, unless approved otherwise by the Transportation Engineer. The make and model are to be approved by the Public Works Director.

2. Lighting location. One-sided street lighting systems are preferred. Pedestrian lighting shall be located on both sides of the street where zoning district requirements for them apply.

3. Average maintained illumination. Pending national standards, all lighting designs shall be reviewed based on IES RP-8-00 standards, but required average illumination may be modified by the Transportation Engineer based on quality of light from LED fixtures versus High Pressure Sodium illumination.

4. Uniformity ratios. The uniformity ratio (illuminance average/minimum) shall be

- a. All arterials: 3:1
- b. Collectors: 4:1
- c. Local Roads: 6:1
- d. Bike lanes: Same as adjacent roadway
- e. Sidewalks:
 - i. Commercial areas: 3:1
 - ii. Intermediate: 4:1
 - iii. Residential: 6:1
- f. Multi-use paths: 3:1

5. Construction standards. Lighting systems identified in subsection I.4 of this section shall be designed and constructed in accordance with standards specified by the Transportation Engineer.

J. Private streets—When permitted.

1. Streets designed or constructed after November 1, 2012 shall be public and built to City standards, provided that the Community and Economic Development Director may allow residential streets serving four or fewer single-family houses to be private when he/she determines that:

- a. Geographic constraints or other practical difficulties would make City maintenance reasonably impractical; or
- b. No existing or future need exists for additional traffic and/or pedestrian connections or to serve adjacent property.

2. Signage required. Appurtenant traffic control devices including installation of traffic and street name signs shall be provided by the developer to mitigate traffic impacts, as required by the Traffic Engineer. The street name signs will include a sign labeled “Private Street”.

3. Easement required. An easement will be required to create the private street.

4. Timing of improvements. The private street must be installed prior to recording of the plat unless deferred through a process that includes a security device pursuant to Chapter 15.35 MTMC.

5. The private street must meet public street standards, except as otherwise provided by this Chapter.

6. The acceptance of an existing private street as a public street shall be based on the street being determined by the Engineering Services Director to meet at least one of the following criteria:

- a. Street is constructed to City standards; or
- b. Street is classified as an arterial or collector (or meets criteria for being so classified) and assumption of maintenance does not create an undue burden for the City.

7. Any research performed by the City at an applicant’s request to establish or verify that a street has been constructed to City standards, pursuant to subsection J.6.a of this section, is subject to the applicant’s payment to the City of the hourly rate established in the development fee schedule, as adopted by the City Council.

K. Shared driveways—When permitted. A shared private driveway may be permitted for

access up to a maximum of two non-residential lots or three single-family residential lots, provided that at least one of the lots has physical frontage along a street. Townhomes planned as part of a single development and cottage housing planned as part of a single development may be permitted to share a driveway, so long as the driveway is no longer than 250 feet (250') in length.

The private access easement for a shared driveway shall be a minimum of sixteen feet (16') in width, with a minimum of twelve feet (12') paved driveway provided that a driveway of less than 150 feet (150') in length that is shared by no more than two single-family residences shall be a minimum of ten feet (10') in width with a minimum of eight feet (8') paved driveway. Minimum turnaround requirements for emergency access to lots may be required for driveways greater than 150 feet (150') in length.

L. Timing for installation of improvements. No building shall be granted a certificate of final occupancy, or plat or short plat recorded, until all the required street improvements are constructed in a satisfactory manner and approved by the responsible departments unless those improvements that remain unconstructed have been deferred by the Department of Community and Economic Development Director subject to security devices authorized under Chapter 15.35 MTMC.

M. Plan drafting and surveying standards. The construction permit plans for street improvements shall be prepared and surveyed in conformance with the City's Engineering Standards and consistent with other City codes and federal and state laws.

N. Review of construction plans.

1. Submittal. All street improvement plans, excluding those prepared by the City or its designee for City capital improvements, shall be submitted for review and approval to the Community and Economic Development Department. All plans and specifications for such improvements are to be submitted at the time application for a building permit is made or, for plats, prior to construction (street/utility) permit issuance. All street improvement plans prepared by the City or its designee for City capital improvements shall be submitted for review and approval to the Engineering Services Director.

2. Fees and submittal requirements. All permits required for the construction of street improvements shall be applied for and obtained through the Community and Economic Development Department. Activities requiring permits shall include but are not limited to cutting, excavating or disturbing of streets, alleys, pavement or improvements within the public right-of-way and to the alteration, expansion, or creation of public or private transportation facilities, including driveways. Fees shall be as stipulated pursuant to MTMC 3.150.090.

O. Inspections. An inspector designated by the Community and Economic Development Director shall be responsible for the supervision, inspection and acceptance of all street improvements listed in this section, and shall make a charge therefor to the applicant pursuant to fee requirements under MTMC 3.150.090, provided that for any City-initiated street or utility projects, an inspector appointed by the Engineering Services Director shall be responsible for the supervision and inspection of street or utility improvements.

P. Latecomers' agreements. (*Reserved*).

Q. Variations from the standards. (*Reserved*).

R. Deferral of improvement installation. Improvements may be deferred only as provided in Chapter 15.35 MTMC.

S. Driveways (*Reserved*).

T. (*Reserved*).

U. Relationship to other codes. Where, related to streets, access easements, and rights-of-

way, any conflicts exist between Chapter 17.05 MTMC (Subdivisions) and this section, requirements of this section shall prevail and govern.

V. Appeals–Violations.

1. Any decisions made in the administrative process described in this section may be appealed to the Hearing Examiner pursuant to Chapter 2.120 MTMC, Hearing Examiner.

2. Unless otherwise specified, violations of this chapter are misdemeanors, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or 90 days in jail, or both such fine and jail.

19.95.040 Street excavation and construction standards.

Reserved.

19.95.050 Performance and maintenance guarantees.

A. Intent. The intent of this section is to ensure that, when development occurs, a form of security is in place to provide for the required improvements to be completed, as well as any necessary repairs to be made to City facilities should the required improvements or repairs not be completed to the City's standards by a specified period of time.

B. Performance and maintenance guarantees. The City's requirements for performance and maintenance guarantees are established in Chapter 15.35 MTMC and shall be applied to this chapter.

19.95.060 Streets—Special regulations.

A. Street names. The naming of streets and assigning of addresses is a responsibility of the Community and Economic Development Department consistent with Chapter 12.25 MTMC.

B. Functional classification. Designation of streets by functional classification shall be as identified in the Transportation Element of the Comprehensive Plan, provided that the Engineering Services Director may identify additional or alternate designations to be used when a new federal functional classification is approved after the adoption of the City's last annual Comprehensive Plan amendment(s). Such additional or alternate designations shall be included in the next Comprehensive Plan amendment process.

C. Monuments. No surface monuments or hubs found on the line of excavation work shall be disturbed unless the disturbance is ordered by the Engineering Services Director. All street monuments, property corners, bench marks, and any other monuments disturbed during the progress of the work or any other activity shall be replaced by a licensed surveyor to meet requirements of the Engineering Services Director and the cost of the same shall be paid by the person that disturbed the monument or by another party on the person's behalf.

D. Trees in Town Center pedestrian activity areas. Within the BC/D zoning district, street trees within any pedestrian activity area as identified in MTMC 19.50.070.I and constructed in accordance with Town Center Design Standards shall be maintained by the adjacent property owner. Such trees shall not be trimmed, cut, removed, or damaged unless the City determines such action is needed. The City may require an arborist opinion before making a determination. Any removed trees shall be replaced by the adjacent property owner pursuant to City standards within 60 days of the tree removal, provided that the City may grant a longer replacement period if necessary due to severe weather or other conditions that would affect the health of the replaced tree(s).

E. Bus stops.

1. Bus stops shall be accommodated at appropriate places within the street network, as determined by the Traffic Engineer, taking into account transit service needs, public safety, and traffic flow.

2. Convenient pedestrian access between any commercial or multifamily residential buildings and adjacent bus stops shall be provided as a condition of development.

3. Dedication of an easement or right-of-way to locate bus stops and related appurtenances may be required by the Traffic Engineer where a transit agency serving the City has identified such stops as necessary to reasonably accommodate its bus service for routes consistent with the transit agency's six-year plan.

F. Street signs. City street signs shall be maintained and installed per direction of the Public Works Director.

G. Street cleaning. *(Reserved)*.

H. Traffic calming program. A traffic calming program shall be implemented consistent with the Transportation Master Plan for residential streets and commensurate with available City resources by the Engineering Services Department. Policies and procedures of the traffic calming program shall be established by the Engineering Services Director.

19.95.070 Right-of-way use permits.

A. Use of the public right-of-way is subject to permitting and other requirements of this chapter, Chapter 10.20 MTMC, and other regulations of the City.

B. The following types of right-of-way use permits are established for right-of-way use not provided for by another permit issued by the City:

1. Type A—Short-term.

a. Type A permits may be issued for use of right-of-way for 72 or fewer continuous hours for purposes that do not involve the physical disturbance of the right-of-way and that are not subject to a special event permit or block party permit pursuant to Chapter 10.20 MTMC.

b. Use under a Type A permit may involve disruption of pedestrian and vehicular traffic, vehicular parking, or access to private property and may require inspections, clean-up and police surveillance. For periods longer than 72 hours these uses will be considered Type C, long-term or permanent.

c. Type A permits include, but are not limited to the following:

i. House moves;

ii. Temporary right-of-way closures not approved as part of another permit or a City-initiated street or utility project;

iii. Dumpsters.

2. Type B—Disturbance of City right-of-way.

a. Type B permits may be issued for use of right-of-way for activities that will alter the appearance of or disturb the surface, super-surface or sub-surface of the right-of-way on a temporary or permanent basis.

b. Type B permits may be for either single uses or multiple uses. Type B single use permits will be issued to approved applicants who are planning a single type B activity at a single location in a short period of time.

c. Type B multiple use permits will be issued to approved applicants who are planning many Type B routine maintenance activities at several different locations in a short period of time.

d. Type B permits include but are not limited to:

- i. Boring;
 - ii. Culverts;
 - iii. Curb cuts/driveways;
 - iv. Drainage facilities;
 - v. Landscaping;
 - vi. Painting;
 - vii. Sidewalks;
 - viii. Street trenching;
 - ix. Utility installation.
 3. Type C—Long-term and permanent.
 - a. Type C permits may be issued for use of right-of-way for activities for extended periods of time but which will not physically disturb the right-of-way.
 - b. The use of right-of-way for structures, facilities, and uses that involve capital expenditures and long-term commitments of use require this type of permit.
 - c. Type C permits include but are not limited to:
 - i. Air rights;
 - ii. Bus shelters/stops;
 - iii. Construction site/haul roads;
 - iv. Loading zones;
 - v. Recycle facilities;
 - vi. Sales or vending structures;
 - vii. Sidewalk cafes;
 - viii. Special and unique structures including but not limited to: fountains, clocks, flagpoles, awnings, marquees, benches, kiosks, signs, mailboxes, banners, street furniture, decorations;
 - ix. Underground rights;
 - x. Utility facilities;
 - xi. Waste facilities.
 - d. Type A uses that exceed 72 hours will be treated as Type C uses.
- C. Applications and processing of permits.
 1. To obtain a right-of-way use permit, the applicant shall file an application with the Community and Economic Development Department.
 2. Every application shall include the location of the proposed right-of-way use, a description of the use, the planned duration of the use, applicant contact information, and all other information which may be required as specified in procedures adopted hereunder, and shall be accompanied by payment of the required fees.

Certain applicants such as utilities or franchised utilities may be involved in frequent use of the right-of-way for repair, maintenance and construction in a short period of time. To avoid the issuance of a new permit for each use, the City may issue a 90-day permit for multiple use.
 3. Specifications. All work to be performed under any permit issued under this chapter shall conform to all other city code chapters, standards referenced in MTMC 19.95.010.E, and applicable state and federal statutes.
 4. Permit exception. A right-of-way use permit shall not be required of utilities or franchised utilities prior to commencing work in the right of way when responding to emergencies, such as water or sewer main breaks, gas leaks, downed power lines or similar

emergencies; provided, that the City shall be notified by the responding utility or city contractor verbally or in writing, as soon as practicable following onset of an emergency. Nothing herein shall relieve a responding utility or city contractor from the requirement to apply for a right-of-way use permit within 48 hours after beginning emergency work in the right-of-way. The City and its contractors are not required to obtain a right-of-way use permit for work being done as part of City-initiated street or utility projects.

19.95.080 Transportation mitigation and impact fees.

A. Transportation mitigation requirements. All development activities in the City are subject to the following requirements:

1. Traffic Impact Analysis (TIA) required. In order to provide sufficient information to assess a development's impact on the roadway system and right-of-way, any development activity adding to a corridor 10 or more vehicle trips during the weekday peak hours of 4:00 to 6:00 pm, adding 40 or more vehicle trips during any weekday, or adding 50 or more vehicle trips during any weekend day shall be required to provide a traffic impact analysis, provided that such requirement shall not apply to projects within the locations and development thresholds of planned actions adopted by the City pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C.031. The required traffic impact analysis shall identify any street improvements that may be needed to reduce transportation impacts from the development and to improve non-motorized transportation facilities related to the development. The Community and Economic Development Director, in consultation with the Traffic Engineer, may require that the TIA include an evaluation of any potential traffic and parking impacts from the development on neighborhood or local access streets. The Community and Economic Development Director is authorized to adopt administrative policies and technical procedures specifying the contents and scope of the TIA, the methodologies to be used in preparing a TIA, and the nature and extent of the improvement(s) necessary to meet the requirements of this chapter.

2. Level-of-service policy. The City shall maintain or achieve the level of service (LOS) adopted in the Transportation Element of the Comprehensive Plan.

3. Development mitigation obligations. Frontage improvements, including the upgrading of substandard frontage improvements, will be required of all proposed developments, pursuant to this chapter.

The Community and Economic Development Director shall require mitigation of direct traffic impacts of any development as provided in this section. Mitigation of off-site impacts to city streets will be in the form of transportation impact fees pursuant to Chapter 18.30 MTMC, provided that mitigation of site-specific impacts to the City's transportation system also may be required under the State Environmental Policy Act (SEPA) for impacts that are not associated with the transportation impact fees. Such SEPA mitigation may be required on arterial streets, collectors, or local access streets. Mitigation of off-site impacts to state highways or other jurisdiction streets may also be required, as specified in this chapter. Development may have the option to provide mitigation for off-site impacts directly by constructing the improvements that offset the direct traffic impact of the development. Development mitigation requirements may be reduced by the Community and Economic Development Director if the development implements transportation demand management and/or transportation system management strategies to the extent such strategies would reduce off-site traffic impacts not associated with the transportation impact fees.

4. Inadequate road condition(s).

a. A development's access onto a public road shall be designed so as not to create or aggravate an inadequate road condition. Developments shall be designed so that inadequate road conditions are not created.

b. Mitigation of direct project impacts resulting in inadequate road conditions is required. If such conditions are found to be existing in the development's road system at the time of development application review, and the development shall put through the identified locations at the time of full occupancy of the development 10 or more vehicle trips during the weekday peak hours of 4:00 to 6:00 pm or 40 or more vehicle trips during any weekday or 50 or more vehicle trips during any weekend day, the development shall only be approved if provisions are made in accordance with this chapter for improving the inadequate road conditions.

B. Total mitigation limits. The total amount of off-site improvement cost for which a development is responsible is limited to the development's proportionate fair share amount for mitigation of its impacts on the transportation and right-of-way system. An applicant who volunteers to pay and/or construct more than their share of the road system mitigation may apply for a street assessment reimbursement agreement. Said applicant shall agree to participate in applicable transportation improvement districts.

C. Transportation impact fees. The applicant for any development activity shall be required to pay transportation impact fees required pursuant to Chapter 18.30 MTMC.

D. SEPA mitigation—City streets. The applicant for any development activity shall be required to provide mitigation identified through a SEPA review process, except as otherwise provided by this section. Such mitigation may include site-specific access and safety improvements, mitigation of impacts to neighborhood or local access streets, or improvements to non-motorized transportation systems. Such mitigation may be identified as part of the traffic impact analysis pursuant to MTMC 19.95.070.A.1.

E. Mitigation—State highways. Mitigation requirements for impacts on state highways and at intersections of city roadways with state highways may be established by the Washington State Department of Transportation (WSDOT) rather than by the provisions of this chapter.

F. Mitigation—Other jurisdictions. When a development activity may adversely impact the roadway facilities of other jurisdictions, the Community and Economic Development Director shall forward the traffic impact analysis or other information to the affected jurisdiction for review and comment.

G. Mitigation—Administration.

1. Timing of determination. The determination of developer obligations shall be made by the city before approval of all short plats, preliminary subdivisions, planned unit developments, site development plans, conditional and special use permits, and binding site plans or before the issuance of a building permit, whichever occurs first.

2. Administration of payments. Payments made pursuant to this section, excluding subsection C, shall be subject to the following provisions:

a. The payment is required prior to issuance of a building permit or commencement of on-site development, whichever occurs first, unless the development is a subdivision, wherein the payment is required prior to the recording of the subdivision.

b. The payment and accrued earnings shall be held in a reserve account and shall be expended to fund improvements on the road system, including any non-motorized transportation facilities, as specified in a written agreement between the developer and the City.

c. Payments made pursuant to this section shall include an amount to reimburse the

City for the costs of administration of this section, as so provided in a fee resolution adopted by the City Council.

19.95.090 Transportation concurrency requirements.

A. Authority and purpose. This section is enacted pursuant to the Washington State Growth Management Act, Chapter 36.70A, at RCW 36.70A.070. The purpose is to require that the Mountlake Terrace transportation level of service standards are achieved concurrently with development, or within a reasonable time after development occupancy and use.

B. Development shall not be approved if the development would cause the level of service on a locally owned transportation facility to decline below the standards adopted in the Transportation Element of the City’s Comprehensive Plan unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. “Concurrent” means, for purposes of this section, that improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years.

C. Strategies. Strategies that may be used pursuant to subsection B of this section may include increased public transportation service, ride-sharing programs, demand management and other transportation system management strategies, as approved by the Community and Economic Director to mitigate the transportation impacts of the development.

D. Analysis of transportation impacts from development shall be conducted under the authority of the Community and Economic Development Director pursuant to MTMC 19.95.070.

19.95.100 Latecomer fees.

Reserved.

Section 3. Conflicts. All ordinances or parts of ordinances of the City of Mountlake Terrace in conflict herewith, be and the same are hereby repealed.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any section, sentence, clause or phrase of this Ordinance.

Section 5. Publication and Summary. 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 the date of publication

PASSED BY THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE this 15th day of October, 2012, and signed in authentication of its passage this 15th day of October, 2012.

ATTEST: Virginia Volcan
CITY CLERK

Jerry Smith
MAYOR JERRY SMITH

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