

**CITY OF MOUNTLAKE TERRACE**

**ORDINANCE NO. 2712**

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,  
WASHINGTON, AMENDING MOUNTLAKE TERRACE MUNICIPAL CODE  
(MTMC) CHAPTER 19.130 LANDSCAPE REGULATIONS, SECTIONS  
19.130.140, 150, 170, 180, 190, 200, AND 220, RELATING TO THE  
RESTORATION OF CERTAIN TREE PROTECTION, PRESERVATION AND  
REPLACEMENT REGULATIONS AND DEFINING SIGNIFICANT TREES**

**WHEREAS**, the City has regulated tree removal and replacement in MTMC Chapter 19.130 Landscape Regulations; and

**WHEREAS**, in December 2016, Ordinance No. 2702 amended and removed certain sections of Chapter 19.130 regulating tree protection, preservation and replacement, in anticipation of the simultaneous adoption of replacement tree protection regulations in a new ordinance; and

**WHEREAS**, the new, tree protection, preservation and replacement regulations were not adopted and only the removal of, tree protection, preservation and replacement regulations took effect; and

**WHEREAS**, the City now has few tree protection and replacement provisions remaining in City code; and

**WHEREAS**, in the interest of providing at least the protection afforded by the repealed code sections, the City desires to restore those regulations; and

**WHEREAS**, State Environmental Policy Act (SEPA) review was performed on the proposed amendment and a Determination of Non-significance (DNS) was issued on July 10, 2017, 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 July 7, 2017 and requested a 10-day expedited review and comment period; and

**WHEREAS**, the Planning Commission held a public hearing to review the proposed amendments at a special meeting August 29, 2017 and has forwarded a recommendation to the City Council to approve the proposed amendments; and

**WHEREAS**, the City Council opened a public hearing on the proposed amendments on August 21 and continued it to September 5, 2017, 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 and other goals and objectives of the City; and

**WHEREAS**, the Growth Management Act of the State of Washington (GMA) contains goals and requirements, such as consistency with the local Comprehensive Plan, that pertain to code amendments and the proposed code amendments in this ordinance are consistent with the GMA; and

**WHEREAS**, the adoption of this Ordinance will promote the public health, safety, and general welfare within the City of Mountlake Terrace.

**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 pursuant to the requirements of Mountlake Terrace Municipal Code 19.110.240(C). 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.** Section 19.130.140 of the Mountlake Terrace Municipal Code, Retention of existing site vegetation, is hereby amended to read as follows:

**19.130.140 Retention of existing site vegetation.**

A. Purpose. The retention of significant trees and vegetation in the City as required by this section is important and necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system, and to provide a better transition between the various land uses permitted in the City.

B. Requirement. To the greatest extent possible, existing significant trees that do not constitute a safety hazard shall be retained on site. Significant vegetation shall not be removed, damaged, or disturbed in any way, (other than general maintenance), irrespective of requirements in other sections of this title, except as approved by the City under the replacement provisions of this section and the clearing and grading provisions of Chapter 15.05, or other governmental agency with jurisdiction. A qualified arboriculturist or urban forester shall be retained by the applicant to inventory all trees on the subject property and, as necessary, make recommendations for protection, retention, and preservation or removal of trees on site. A copy of such report and recommendations shall be submitted to the City as part of the site development plan application and review process.

**Section 3. Amendment.** Section 19.130.150 of the Mountlake Terrace Municipal Code, Significant trees and vegetation, is hereby amended to read as follows:

**19.130.150 Significant trees and vegetation defined.**

A. Significant trees. Significant tree means any tree other than Black Locust (*Robinia pseudoacacia*), Cottonwood (*Populus freemontii*), Native Alder (Native *Alnus* only), Native

Willow (Native Salix only), Lombardy Poplar (*Populus nigra*), having a trunk diameter of 6 inches or greater as measured 4 feet off the ground, or any coniferous tree at least 10 feet in height.

B. Significant vegetation shall include any vegetation located in a wetland or water body or within a required setback/buffer, excluding noxious weeds and vegetation such as blackberry vines and nettles.

**Section 4. 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.

**Section 5. Amendment.** Section 19.130.180 of the Mountlake Terrace Municipal Code, Protection techniques, is hereby amended to read as follows:

**19.130.180 Protection techniques.**

In order to provide the best possible conditions for the retention of significant trees and vegetation, the applicant shall comply with the site-specific recommendations made by a qualified arboriculturist or urban forester. A copy of the recommendations shall be submitted to the City for review and acceptance and be on file with the Planning Department.

In all other cases, the following requirements shall apply. Any exception to these requirements shall be approved in writing by the Planning Department.

A. No filling, excavating, stacking, storing of any equipment, or compacting of the earth in any way shall be permitted within the area defined by the drip line of any tree to be retained, except for filling or excavating as recommended by an arborist and approved by the City. The drip line corresponds to the circle that would be drawn on the soil around a tree or shrub directly under its outermost branch tips; and

B. No impervious surface material may be installed within the area defined by the drip line of any tree to be retained, except as recommended by an arborist and approved by the City; and

C. When the grade level around a tree to be retained is raised, a rock wall or well shall be constructed along the drip line as necessary; and

D. Branches and roots may be pruned as necessary according to accepted industry standards; and

E. Removal of noxious weeds from approved retention areas shall be done in a manner that limits disruption of the root system and avoids injury to the bark of the trees and vegetation to be retained; and

F. Protective barricades shall be provided around the tree(s) to be protected, placed no closer to the trunk of the tree than the drip line of the tree (the outermost edge of the tree's crown), and as otherwise described in the Stormwater Manual adopted under Chapter 16.20 MTMC. Protective barricades shall be made of sturdy fencing and post materials that shall be in place during all construction and grading activities occurring within 25 feet of the tree(s).

If, at the discretion of the City, it appears tree protection practices employed during site development are insufficient to protect retained trees, the applicant may be required to implement other specific tree protection techniques at that time.

**Section 6. Amendment.** Section 19.130.190 of the Mountlake Terrace Municipal Code, Replacement and restoration of significant trees, is hereby amended to read as follows:

**19.130.190 Replacement and restoration of significant trees.**

A. Each and every tree or vegetation area designated for retention according to an approved significant vegetation inventory, site development plan, building permit or clearing and grading permit that is removed, damaged, or destroyed at any time throughout the life of the project in violation of the approved plans, permits or this title, the City may require replanting with up to three times the number of trees that were removed from, or damaged, or destroyed on the subject site. Replacement trees shall be of any approved species, mutually agreed upon by the applicant and staff, at least three inches in diameter measured six inches above grade for deciduous trees, and a minimum of 12 feet in height for evergreen.

B. In addition to tree and other plant material replacement as specified in subsection A of this section, the City may impose penalties for removal of trees in violation of the approved plan or permit pursuant to Chapter MTMC 19.140.

**Section 7. Amendment.** Section 19.130.200 of the Mountlake Terrace Municipal Code, General requirements, is hereby amended to read as follows:

**19.130.200 General requirements.**

A. Landscaping, consisting of at least grass or other live ground cover shall be provided for all developed and undeveloped portions of a proposed development or redevelopment project site not specifically landscaped to meet the perimeter, interior, or buffering requirements described in the following sections.

B. In all cases, rockeries, retaining walls, other similar landscape elements, shall not count toward meeting any required planting area widths or planting area percentages.

C. No required landscape area may be disturbed or intruded into by any use or structure except as permitted in MTMC 19.130.220(A)(7).

D. Plant material selection and spacing shall be in conformance with the applicable landscape type required for any area required to be landscaped. Refer to MTMC 19.130.240 for a review of landscape types. See MTMC 19.130.210, 19.130.220, and 19.130.230 to determine which landscape type is the appropriate one to use.

E. Special location provisions. Plant material and fences may be placed in the street right-of-way, behind the sidewalk line, subject to approval of the City Engineer and/or a required right-of-

way use permit. Such plantings shall not count toward satisfying any required landscaping but may nonetheless be part of a site's LID development requirements.

Plantings and fences shall not obstruct access to water meters or fire hydrants, overhang pedestrian use areas so as to impede pedestrian passage in any way, or interfere with the sight area triangle (MTMC 19.120.290).

**Section 8. Amendment.** Section 19.130.220 of the Mountlake Terrace Municipal Code, Interior parking lot and interior site landscape development, is hereby amended to read as follows:

**19.130.220 Interior parking lot and interior site landscape development.**

The following interior landscape development shall be provided in addition to perimeter landscape development.

A. All parking lot and open vehicular use areas shall meet the following requirements for interior lot development:

1. Density. Planting areas shall constitute at least 10 percent of the parking and vehicular use area in all commercial districts and 15 percent of the parking and vehicular use area in all other developments, except for single-household residential developments;

2. Planting islands. Planting islands shall be placed between every ten parking stalls and on the ends of any parking aisle with ten or more parking stalls. Planting islands include peninsular projections from perimeter landscape areas;

3. Planter Area Width. The minimum width of any required planting islands shall be five feet. Triangular planter islands must average a minimum of five feet in width for the full length of the planter area. Planting islands between parking bays shall have a minimum interior width of eight feet, including vehicle overhang;

4. Minimum Area. Interior parking lot planting islands shall be a minimum of 65 square feet in size;

5. Location of Plantings. All interior parking lot planting areas shall be located between parking bays, parking stalls, or the end of parking columns. The landscaping may be peninsular or island-type. No landscape planting which occurs between the parking area and a building or recreation area shall be counted toward satisfying the requirements;

6. Maximum Contiguous Area. Required interior parking lot landscaping is to be distributed evenly throughout the vehicular use area. Landscape areas in excess of the minimum requirements may be clustered or consolidated as desired;

7. Required Plantings in Landscape Islands. As a minimum, Type I landscaping shall be provided in landscape islands with a minimum of one tree for each 150 square feet or fraction thereof of required and provided landscape areas associated with vehicular use areas. Any remaining areas shall be landscaped as specified by subsection B of this section or the applicable landscape type (MTMC 19.130.240);

8. Parked Vehicle Overhang. A curb or other wheel stop shall be provided wherever vehicles may overhang landscaped areas. Maximum overhang for parked vehicles is limited to two-foot, six-inch for standard stalls and compact stalls, including the curb or wheel stop. Landscaping, within any vehicle overhang area, is limited to low-growing live ground covers (including grass);

9. Pedestrian Access. Parking lots in any commercial or industrial zone shall accommodate pedestrian access openings through continuous planting areas by providing as a minimum, a four-foot wide pathway every fourth parking stall. Pedestrian pathways shall not be

required in planting areas where pedestrian traffic is unlikely to occur; e.g., through perimeter planting areas directly opposite the building structure or where planting areas are perpendicular to the building structure;

10. Alightment Area. Any parking stall 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 for alighting passengers to step other than in the planting bed. The additional width shall be striped separate from the parking stall; and

11. Light standards within a parking area are to be located in landscape planters. If tree placement interferes with light coverage requirements, alternative lighting shall be considered, such as mounting down-lighting, or up-lighting a larger tree.

B. Interior lot landscape development, other than that required for perimeter and interior parking lot landscaping, shall be provided as follows. All planting areas shall be a minimum of five feet in width.

1. Planting areas located between the vehicular use area and an interior lot sidewalk shall be landscaped with Type I landscaping;

2. A Type II landscape planting strip shall be required between any vehicular use area, sidewalk, or right-of-way and any on-site buildings when the building facade has a mean elevation greater than 20 feet in height or is more than 50 feet long; and

3. All other areas on a subject site or building lot that are not specifically designated for parking, structure siting, storage, or to meet landscaping requirements, shall be planted, as a minimum, with 100 percent coverage with turf or 75 percent coverage with other living ground cover within three years.

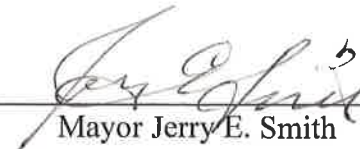
**Section 9. Corrections.** The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

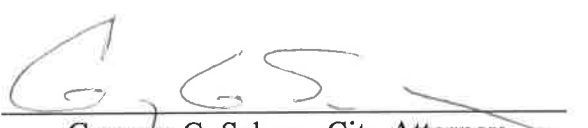
**Section 10. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

**Section 11. 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 5<sup>th</sup> day of September, 2017 and signed in authentication of its passage this 5<sup>th</sup> day of September, 2017.

ATTEST:   
City Clerk

  
Mayor Jerry E. Smith

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