

INTERLOCAL AGREEMENT BETWEEN THE CITY OF MUKILTEO AND SNOHOMISH  
COUNTY REGARDING LEASING STANDARDS FOR THE DEVELOPMENT OF  
CERTAIN REAL PROPERTY OWNED BY SNOHOMISH COUNTY ALONG THE WEST  
SIDE OF SNOHOMISH COUNTY AIRPORT AND THE DEVELOPMENT OF CERTAIN  
REAL PROPERTY WITHIN THE CITY OF MUKILTEO LOCATED ALONG THE  
EASTERN MUKILTEO CITY LIMITS.

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**GENERAL RECITALS**

**1. PARTIES**

This Interlocal Agreement (hereinafter referred to as the “AGREEMENT”) is made by and between the City of Mukilteo (hereinafter referred to as the “CITY”), a Washington Municipal Corporation, and Snohomish County (hereinafter referred to as the “COUNTY”), a political subdivision of the State of Washington, pursuant to Chapter 36.70A RCW (the Growth Management Act), Chapter 36.115 RCW (the Governmental Services Act), Chapter 43.21 (the State Environmental Policy Act), Chapter 14.08 RCW (the Municipal Airports Act) and Chapter 39.34 RCW (the Interlocal Cooperation Act).

**2. PROJECT DESCRIPTION**

The CITY shares multiple common borders with unincorporated portions of the COUNTY. State Route 525 serves as the median of one such common border between the CITY and Snohomish County Airport (hereinafter referred to as the “Airport”). The COUNTY and CITY acknowledge that this shared common SR 525 border serves as an important entrance to both the CITY and the Airport and, as such, deserves their collaborative advance planning to ensure developments on each side of SR 525 consistently present an attractive, inviting, accessible and high quality streetscape.

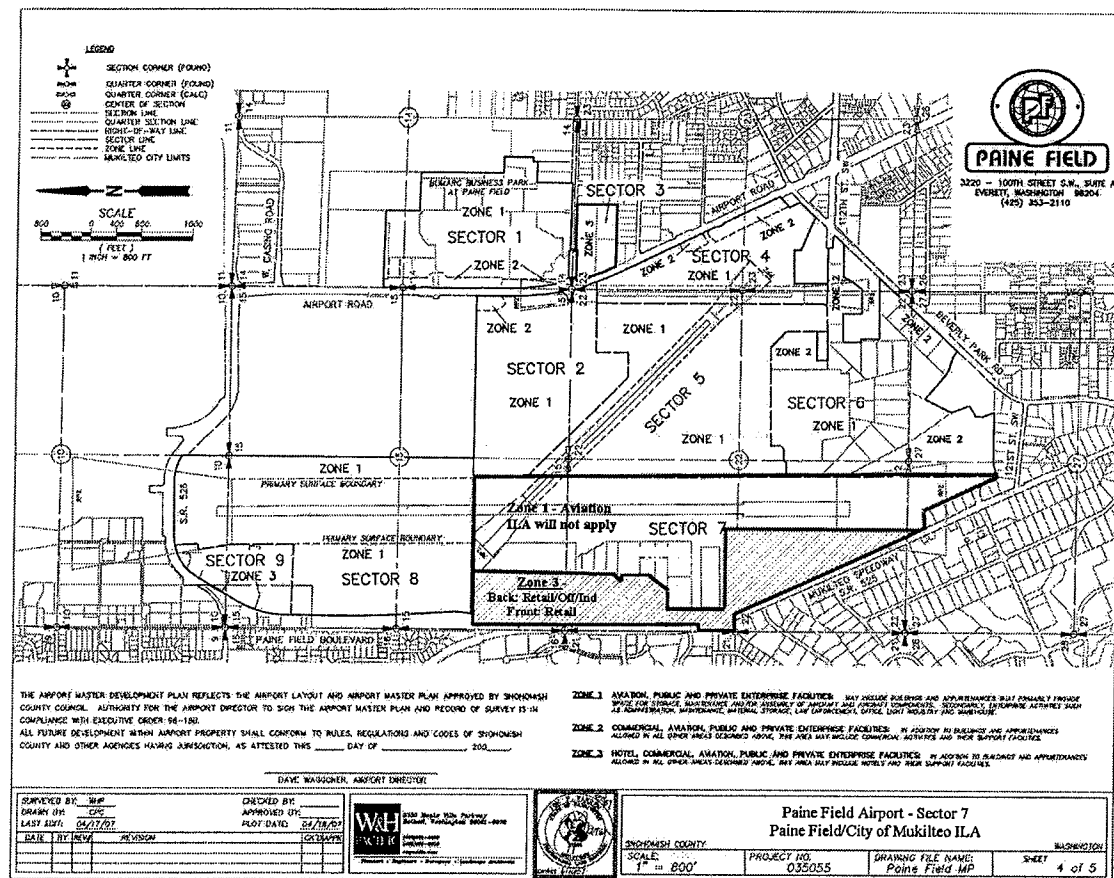
The purpose of this AGREEMENT is to establish consistent standards between the CITY and COUNTY for non-aviation related commercial and industrial development along certain portions of the east and west sides of SR 525. This AGREEMENT is intended to enable the CITY and COUNTY to provide efficient project reviews and to have clear and consistent expectations for future high quality development that blends seamlessly with existing development along SR 525.

The scope of this AGREEMENT is limited to airport leasing standards for certain real property in unincorporated Snohomish County located on the Snohomish County Airport at Paine Field described as Sector 7, Zone 3 in the Airport Master Plan (hereinafter referred to as “PAE 7-3”) as legally described and shown on Figure 1 below and the development of certain real property located in the city of Mukilteo described as Sector 3 in the Harbour Pointe Master Plan for Mukilteo Town Square (hereinafter referred to as “MUK 3”) as legally described and shown on Figure 2 below. This AGREEMENT does not regulate leasing standards for aviation or aviation related uses on any portion of the Snohomish County Airport including PAE 7-3.

Standards established in this AGREEMENT were obtained from three sources: Snohomish County Code, Mukilteo Municipal Code, and the Mukilteo Town Center Development Agreement. Where there were conflicts between these standards, the most restrictive standard was applied so long as it did not conflict with Snohomish County Code. This AGREEMENT establishes airport leasing standards for PAE 7-3 including but not limited to: permitted uses, bulk regulations, design guidelines, landscaping, parking, critical areas, traffic, drainage, SEPA review, and signs.

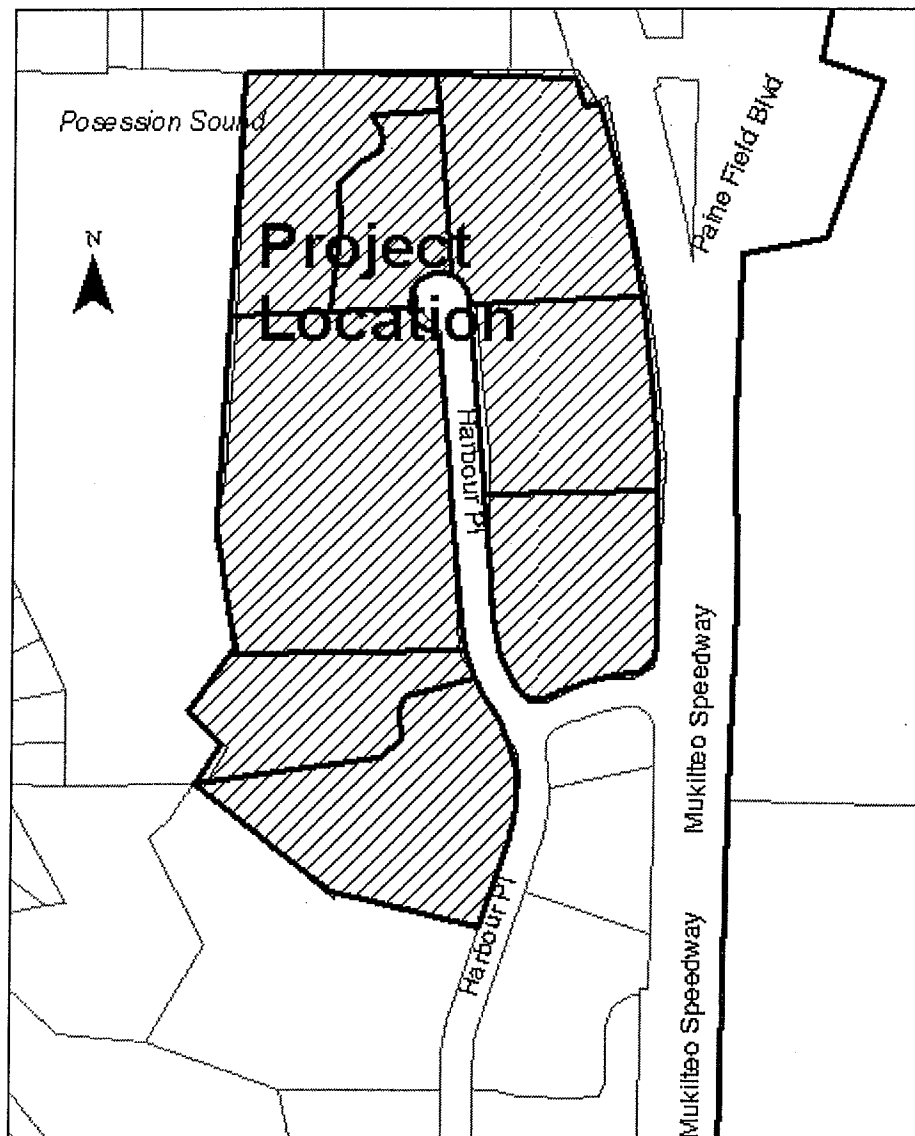
This AGREEMENT does not in any way reduce or eliminate the requirements of Snohomish County Code.

**Figure 1: Depiction and Legal Description of Area of Airport applicable to ILA  
PAE Sector 7- Zone 3**



**Note: There is no Zone 2 in PAE Sector 7**

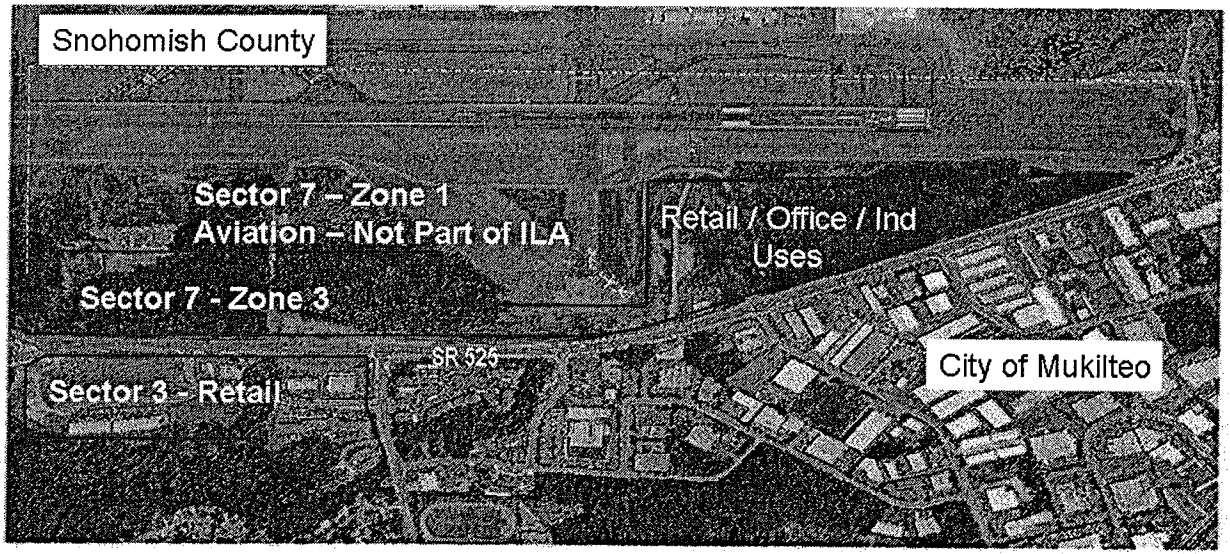
**Figure 2 Depiction and Legal Description of Area of Mukilteo applicable to ILA  
MUK 3**



Lots 4A, 4B, 5, 6, 7, 8, 9 and 10 of Sector 3, Harbour Pointe Business Center, Big Gulch Campus.

*Figure 3: General City / County Location Map*

## CITY / COUNTY Location Map



For Illustration Purposes Only –  
This location map shows Snohomish County Airport – Sector 7  
in relationship to Sector 3 in the City of Mukilteo.

### 3. PURPOSE AND RECITALS

The purpose of this AGREEMENT is to establish consistent standards between the CITY and COUNTY for non-aviation related commercial and industrial development in PAE 7-3 and MUK 3. By creating consistent standards for these areas, new development proposals will blend with the existing development along this portion of SR 525. This AGREEMENT is intended to accomplish the following purposes:

- A. To provide effective means for communication and participation by the parties in the review process for projects submitted to the COUNTY for review which are of interest to the CITY that are located within PAE 7-3 and for projects submitted to the CITY for review which are of interest to the COUNTY that are located within MUK 3 .
- B. To provide for mechanisms to establish design guidance for growth and development for projects that share a common border between PAE 7-3 and MUK 3.

- C. To ensure that developments in PAE 7-3 and MUK 3 are developed to the same standards ensuring a cohesive and uniform standard along SR 525.
- D. To create multiple opportunities for input by the CITY and COUNTY in the design and project review process.
- E. To describe the roles and responsibilities of the COUNTY and the CITY in a collaborative design/development review process.
- F. To achieve consistency between CITY and COUNTY standards, developments in MUK 3 shall be compliant with the Mukilteo Municipal Code, the Mukilteo Town Center Development Agreement and this AGREEMENT and developments in PAE 7-3 shall be compliant with Snohomish County Code and this AGREEMENT.
- G. COUNTY will require as a condition of leasing land in PAE 7-3 compliance with the standards set forth in this AGREEMENT and will incorporate by reference this AGREEMENT in leases in PAE 7-3.

#### **4. DEVELOPMENT AND DESIGN CONSULTATIONS**

The COUNTY, to the extent practicable under this AGREEMENT, agrees to include the CITY in the development and design phases of projects prior to formal submittal to the COUNTY as follows:

- A. After the effective date of this AGREEMENT, the COUNTY agrees to give the CITY timely written notice and review opportunity related to all proposed development in PAE 7-3. The CITY may make written recommendations to the COUNTY on such proposed applications within two weeks of CITY receipt. The COUNTY will invite staff representatives from the CITY to attend staff meetings with the applicant relating to the permit, including design meetings. The CITY agrees that the CITY will not be participating in lease negotiations and related meetings between the Airport and Lessees where Leasing Standards may also be discussed.
- B. The COUNTY, in consultation with the CITY, will review and issue all permits for construction, including but not limited to building, grading, sign, and associated permits governed under this AGREEMENT.
- C. The COUNTY and the CITY shall participate in public information and involvement activities relating to development of PAE 7-3 under this AGREEMENT.

The CITY, to the extent practicable under this AGREEMENT, agrees to include the COUNTY in the development and design phases of projects prior to formal submittal to the CITY as follows:

- D. After the effective date of this AGREEMENT, the CITY agrees to give the COUNTY timely written notice and review opportunity related to all proposed development in MUK 3. The COUNTY may make written recommendations to the COUNTY on such proposed applications within two weeks of CITY receipt. The CITY will invite staff representatives from the COUNTY to attend staff meetings with the applicant relating to the permit, including design meetings.
- E. The CITY, in consultation with the COUNTY, will review and issue all permits for construction, including but not limited to building, grading, sign, and associated permits governed under this AGREEMENT.
- F. The CITY and the COUNTY shall participate in public information and involvement activities relating to development of MUK 3 under this AGREEMENT

## **5. APPLICATION, REVIEW AND PERMITTING**

Application acceptance, review and permitting for PAE 7-3 shall be conducted by Snohomish County Planning & Development Services consistent with the guidelines of this AGREEMENT. Application acceptance, review and permitting for MUK 3 shall be conducted by Mukilteo Planning & Community Development consistent with the guidelines of this AGREEMENT.

## **6. APPLICATION AND PROCESSING FEES**

The application and processing fees for all implementing approval shall be those in effect on the date of the particular permit application.

## **7. LEASING STANDARDS FOR PAE 7-3**

The COUNTY, shall review all proposed development projects within the boundaries of PAE 7-3 as follows:

- A. After the effective date of this AGREEMENT, the COUNTY agrees to review all commercial and industrial development proposals using the leasing standards set out in Exhibit A of this AGREEMENT titled: *Snohomish County Airport – Paine Field, City of Mukilteo – West Side Leasing Standards* (hereinafter referred to as the “Leasing Standards”).
- B. To the extent this AGREEMENT does not establish or incorporate leasing standards covering a certain subject, element or condition, the application for development shall be governed by Snohomish County land use control ordinances and regulations in effect on the date of submission of a complete application for an implementing approval.

## **8. DISPUTE RESOLUTION**

This section shall govern any disagreements between the CITY and COUNTY regarding interpretation or implementation of any provision of this AGREEMENT. The parties agree to mediate any such dispute with JAMS in Seattle, Washington. If JAMS is not in existence or able to hear the dispute, the parties agree to mediate any such dispute with Judicial Dispute Resolution in Seattle, Washington. If neither JAMS nor Judicial Dispute Resolution is in existence or able to hear the dispute, the mediator shall be appointed by the American Arbitration Association. All costs for mediation services shall be divided equally between the CITY and COUNTY. Each jurisdiction shall be responsible for the costs of their own legal representation. On the tenth day after the first mediation session either party may commence litigation for the enforcement or interpretation of this AGREEMENT.

## **9. EFFECTIVE DATE, DURATION AND TERMINATION**

This AGREEMENT shall become effective upon recording with the Snohomish County Auditor following the approval of the AGREEMENT by the official action of the governing bodies of each of the parties and the signing of the AGREEMENT by the duly authorized representative of each of the parties.

This AGREEMENT shall be in full force and effect until December 31, 2017. If the parties desire to continue the terms of this AGREEMENT after said date, the parties may either negotiate a new agreement or extend this AGREEMENT through amendment.

This AGREEMENT may be terminated upon mutual agreement following approval of termination by official action of the governing bodies of each of the parties. Termination shall become effective ninety (90) days following such approval of the governing bodies. Following a termination, the COUNTY and CITY are mutually responsible for fulfilling any outstanding obligations under this AGREEMENT incurred prior to the effective date of the amendment or termination.

## **10. THIRD PARTY BENEFICIARIES**

There are no third party beneficiaries to this AGREEMENT, and this AGREEMENT shall not be interpreted to create such rights.

## **11. RELATIONSHIP TO EXISTING LAWS**

This AGREEMENT in no way modifies or supersedes existing federal or state law. The COUNTY and CITY retain ultimate authority for land use and development decisions within their respective jurisdictions as provided herein. By executing this AGREEMENT, the COUNTY and CITY do not purport to abrogate the decision making responsibility vested in them by law.

## **12. GOVERNING LAW AND STIPULATION OF VENUE**

This AGREEMENT shall be governed by the laws of the State of Washington. Any action hereunder must be brought in the Superior Court of Washington for Snohomish County.

## **13. ENTIRE AGREEMENT**

This AGREEMENT constitutes the entire agreement between the parties with respect to Leasing Standards for PAE 7-3 and the development of MUK 3. It is anticipated that the CITY and COUNTY will enter into interlocal agreements addressing the specific subject matters of annexation and traffic mitigation, including the *“Interlocal Agreement between Snohomish County and the City of Mukilteo regarding Interjurisdictional Review and Mitigation for Development Impacts on their respective Transportation Infrastructure”* and the *“Interlocal Agreement between the City of Mukilteo and Snohomish County Concerning Annexation and Urban Development with the Mukilteo Municipal Urban Growth Area and Adjacent MUGA Gap Areas of Lake Stickney and Meadowdale”* at or near the time of this AGREEMENT. This AGREEMENT is not intended to prepare or transition any portion of the Snohomish County Airport for annexation to the CITY. The parties agree that nothing in this AGREEMENT alters or promotes the alteration of the MUGA boundary as adopted in the Snohomish County Comprehensive Plan. Neither the CITY nor the COUNTY shall use this AGREEMENT or any provision of this AGREEMENT as evidence or support for their respective positions on annexation of any portion of the Snohomish County Airport in any proceeding whatsoever.

## **14. ADMINISTRATORS AND CONTACTS FOR AGREEMENT**

The administrators and contact persons for this AGREEMENT are:

City of Mukilteo:

City of Mukilteo Director of Planning and Community Development  
Mukilteo City Hall  
11930 Cyrus Way  
Mukilteo, WA 98275

Snohomish County Airport:

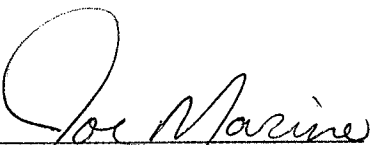
Airport Director Snohomish County Airport  
3220-100<sup>th</sup> Street SW Suite A  
Everett, WA 98204



IN WITNESS WHEREOF, the parties have signed this AGREEMENT, effective on the date indicated below.

CITY OF MUKILTEO

SNOHOMISH COUNTY

By   
Joe Marine, Mayor

By \_\_\_\_\_  
Aaron G. Reardon, County Executive

Date 6-8-09

Date \_\_\_\_\_

ATTEST:

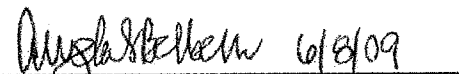
  
Christina J. Boughman, City Clerk

ATTEST:

\_\_\_\_\_  
Kathryn Bratcher  
Clerk of the County Council

Approved as to form:  
Office of the City Attorney

Approved as to form:  
Snohomish County Prosecuting Attorney

 6/8/09  
Attorney for the City of Mukilteo

\_\_\_\_\_  
Deputy Prosecuting Attorney for  
Snohomish County

*Exhibit A*



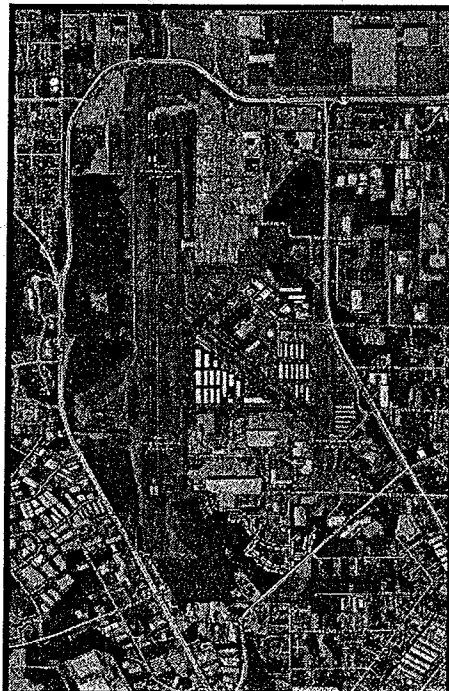
**SNOHOMISH COUNTY AIRPORT**



*Snohomish County Airport - Paine Field  
City of Mukilteo*

*West Side Leasing Standards for PAE 7-3*

*October XX, 2007*



# *Table of Contents*

<b>Permitted Uses.....</b>	<b>1</b>
Purpose.....	1
Lots.....	1
Interlocal Development Zones.....	1
Uses.....	1
Table 1: Permitted Use Matrix.....	2
<b>Bulk Regulations .....</b>	<b>6</b>
Table 2: Bulk Regulations .....	6
Setback and Landscape Buffer Exceptions.....	6
Height Exceptions.....	7
Pedestrian Overpass.....	7
<b>Building and Plaza Standards.....</b>	<b>8</b>
Intent .....	8
Architectural Design .....	8
Overall Building Form.....	9
Architectural Details .....	9
Screening.....	10
Plaza.....	11
Hotel Standards.....	12
Service Station Standards .....	13
<b>Critical Areas .....</b>	<b>21</b>
Airport Review and Approval.....	21
Table 3: Critical Area Buffers.....	21
Mitigation.....	21
Buffer Averaging .....	22
Buffer Reduction.....	22
Activities allowed in streams, wetlands, and buffers pursuant to best management practices.....	23
Review criteria for development activities impacting critical areas and buffers.....	23
Innovative Development Design.....	24
Wetland Mitigation Banking.....	24
Reasonable Use Allowance.....	26
<b>Parking Lot Standards .....</b>	<b>28</b>
Parking Requirements – Number of Stalls Required.....	28
Table 4: Parking Stall Ratios .....	28
Mixed Occupancies.....	28
Parking for Unspecified Uses .....	29
Parking Lot Leasing Standards .....	29
Parking Space Requirements .....	30
Shared Parking.....	30
Conditions for Joint Use .....	30
Loading Spaces .....	30
Parking Lot Landscaping.....	31
Parking Lot Surfacing Requirements.....	31

Pedestrian Access.....	32
Pedestrian Overpass.....	32
Bicycle Racks.....	32
Barrier-Free Spaces.....	32
Driveway Spacing.....	32
Illumination.....	32
<b>Landscaping Standards.....</b>	<b>36</b>
Purpose and Intent.....	36
Airport Review and Approval.....	36
General Landscaping Requirements .....	36
Planting Standards .....	37
Plant Sizes.....	37
Perimeter Landscaping.....	38
Perimeter Landscaping along Public Roads and Interior Drives .....	38
Industrial Development or Uses.....	39
Parking Lot Landscaping .....	39
Storm Water Detention Pond Landscaping.....	40
Trash, Recycling, and Outdoor Storage Area Screening .....	41
Landscape Specifications & Maintenance .....	41
Loading Docks and Retaining Walls .....	42
Flexibility.....	43
Fence Standards .....	43
Sight Distance Triangle.....	43
Approved Plant List .....	45
Table 5: Summary of Small and Medium Street Tree Types .....	46
<b>Sign Regulations.....</b>	<b>48</b>
Signage Requirements .....	48
General Standards .....	48
Complex Signage “Theme Tower” .....	48
Building Mounted Signs .....	49
Ground Mounted (Monument) Signs.....	49
Service Station Sign(s) and Canopy .....	50
Street Signs .....	50
Internal Directional Signs .....	51
Unspecified Standards .....	51
<b>Traffic Standards and Mitigation.....</b>	<b>52</b>
Road Improvements .....	52
Level of Service .....	52
Roadway Standards.....	52
Ingress and Egress.....	53
Street Furniture in Right-of-Way.....	53
Bus Stop Locations and Shelters.....	53
<b>Drainage Standards and Mitigation.....</b>	<b>55</b>
Drainage Improvements.....	55
Drainage Standard.....	55
Low Impact Development Techniques .....	55

Big Gulch Hi-Flow By-Pass .....	56
Other Laws .....	56
<b>SEPA Compliance For Implementing Approvals .....</b>	<b>57</b>
SEPA Authority .....	57
Circulation and Notice .....	57
Prior Environmental Documents and Review .....	57
SEPA for Implementing Approvals .....	57
<b>Modifications .....</b>	<b>58</b>
Administrative Modifications .....	58
Major Modifications .....	58

## *Figures*

<i>Figure 1: ILA Planning and Development Areas .....</i>	<i>1</i>
<i>Figure 2: Service Station Design – Building Facing the Street.....</i>	<i>15</i>
<i>Figure 3: Design Guidelines.....</i>	<i>16</i>
<i>Figure 4: Design Guidelines.....</i>	<i>17</i>
<i>Figure 5: Preferred Site Plan Layout for MUK 3 with Hotel Concept .....</i>	<i>18</i>
<i>Figure 6: Alternative Site Plan Layout for MUK 3 with Service Station Concept.....</i>	<i>19</i>
<i>Figure 7: Building Cross Sections for MUK 3 .....</i>	<i>20</i>
<i>Figure 8: Wetland Boundary Vesting .....</i>	<i>27</i>
<i>Figure 9 - Parking Stall Dimensions .....</i>	<i>33</i>
<i>Figure 10: Sight Distance Triangle .....</i>	<i>44</i>
<i>Figure 11: Tree Planting Detail .....</i>	<i>47</i>
<i>Figure 12: Ground Cover Planting Detail .....</i>	<i>47</i>
<i>Figure 13: City &amp; County Access Points for PAE 7-3 and MUK 3.....</i>	<i>53</i>

## *Tables*

<i>Table 1: Permitted Use Matrix .....</i>	<i>2</i>
<i>Table 2: Bulk Regulations.....</i>	<i>6</i>
<i>Table 3: Critical Area Buffers .....</i>	<i>21</i>
<i>Table 4: Parking Stall Ratios.....</i>	<i>28</i>
<i>Table 5: Summary of Small and Medium Street Tree Types.....</i>	<i>46</i>

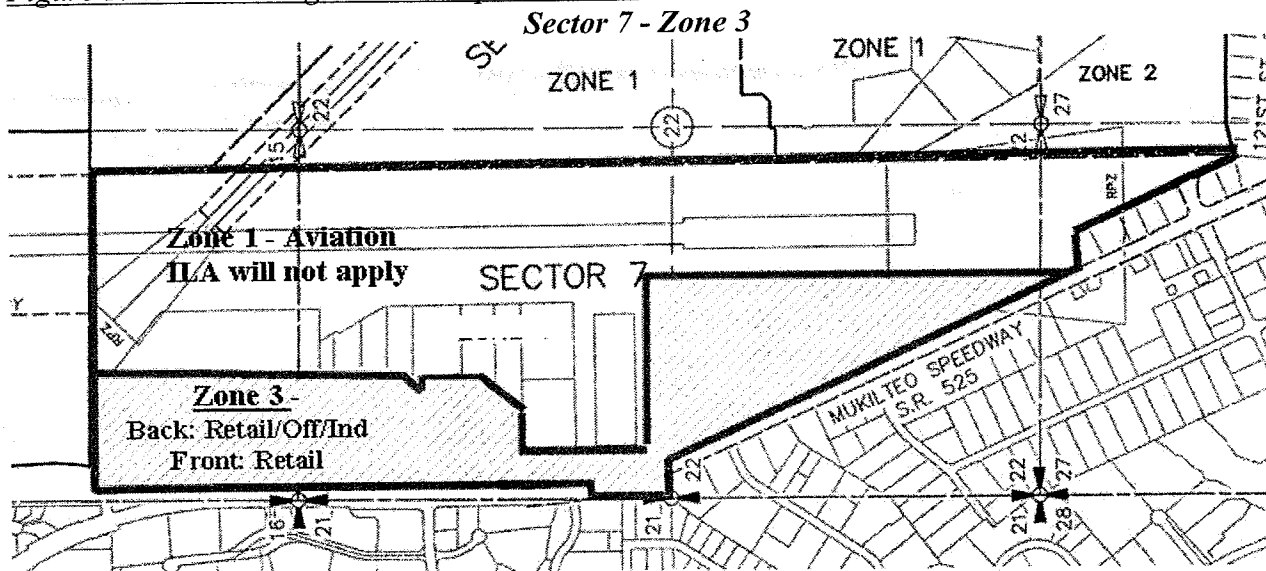
## Permitted Uses

**Purpose.** The purpose of this Exhibit A is to establish permitted and conditional uses for PAE 7-3 and MUK 3 as described in this AGREEMENT. Uses with additional requirements are indicated on the "Permitted Use Matrix" by reference numbers.

**Lots.** Uses shall be established upon legally created or legal nonconforming lots. A lot may have one or more permitted uses placed within its bounds.

**Development Zone PAE 7-3.** This Exhibit A is limited to Leasing Standards for PAE 7-3 and does not apply to aviation or aviation related development on PAE 7-3. The following Sector 7 map defines the PAE 7-3 area where the permitted, conditional and prohibited use designations apply in this AGREEMENT.

*Figure 1: ILA Planning and Development Areas*



**Note:** There is no Zone 2 in Sector 7

**Uses.** All uses are one of three types:

1. Permitted uses are those allowed as a matter of course in PAE 7-3. No special zoning permit is required to establish a permitted use in a zone in which it is allowed;
2. Conditional uses are those which require special review in order to ensure compatibility with permitted uses in the same zone. The granting of conditional use permits is regulated by County Code at SCC 30.42C. A conditional use permit is required before a conditional use may be established; and
3. Prohibited uses are those which are not allowed in a given zone. Any use not allowed by the code in a given zone is therein prohibited.

Table 1: Permitted Use Matrix

Uses:	Zone 3
<b>Commercial:</b>	
Antique Shop	P
Art Gallery <sup>7</sup>	P
Auto Repair; Minor	P
Bakery	P
Cleaning Establishment	P
Community / Health Club	P
Craft Shop <sup>4</sup>	P
Day Care Center <sup>2</sup>	P
Department Store	P
Drug Store	P
Farmers Market <sup>11</sup>	P
Financial Institutions	P
Government Structures and Facilities 5, 7	P
Greenhouse and Nurseries; Retail <sup>8</sup>	P
Greenhouse and Nurseries; Wholesale <sup>8</sup>	P
Grocery Store	P
Hardware Store	P
Home Improvement Center	P
Hotel / Motel <sup>10</sup>	P
Library <sup>7</sup>	P
Licensed Practitioner <sup>6, 7</sup>	P
Locksmith	P
Lumberyard	P
Medical Clinic <sup>6</sup>	P
Museum <sup>7</sup>	P
Office; General	P
Personal Services Shop	(behind retail) P
Pet Shop	P
Restaurant	P
Retail Store	P
Second Hand Store	P
Small Recreational Equipment and Sales	P
Specialty Store	P
Tire Store	P
Veterinary Clinic	P
<b>Industrial:</b>	
Caretaker's Quarters	P
Fabrication Shop	(behind retail) P (behind retail)

Uses:	Zone 3
Fix-It Shops	P (behind retail)
Laboratory	P (behind retail)
Manufacturing	P (behind retail)
Park and Ride Lot	P (behind retail)
Print Shop	P (behind retail)
Service Station <sup>7</sup>	P
Tavern / Brewery <sup>7</sup>	P
Warehousing	P (behind retail)
Wholesale Establishment	P (behind retail)
<b>Other:</b>	
Amusement Facility <sup>7</sup>	P
Church <sup>7</sup>	P
Gymnasium	P
Incidental Use to a Primary Use	P
Park; Public	P
Personal Wireless Communications Facilities <sup>5, 7, 12, 13, 14</sup>	P
Recreational Facility Not Otherwise Listed	P
Schools; All Types <sup>7, 9</sup>	P
Swimming / Wadding Pool <sup>3, 7</sup>	P
Utility Facility <sup>5, 7</sup>	P

P = Permitted  
X = Prohibited

**Reference Notes:** Special conditions that apply to various land uses as referenced by footnotes in the permitted use table are as follows:

1. Intentionally Left Blank
2. Day Care Center:
  - a. In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
  - b. Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.
3. Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants and guests:
  - a. No part of the pool shall project more than one foot above the adjoining ground level in a required setback; and



- b. The pool shall be enclosed with a fence not less than four feet high, of sufficient design and strength to keep out children.
- 4. Craft Shop:
  - a. Articles shall not be manufactured by chemical processes;
  - b. No more than three persons shall be employed at any one time in the fabricating, repair, or processing of materials; and
  - c. The aggregate nameplate horsepower rating of all mechanical equipment on the premises shall not exceed two.
- 5. Governmental and Utility Structures and Facilities: Government structures and facilities, and utilities structures and facilities shall have no minimum lot area.
- 6. Medical Clinic, Licensed Practitioner: A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).
- 7. Special Setback Requirements: Detached accessory or non-accessory storage structures and private garages with building footprints over 2,400 square feet must be at least 15 feet from any external property line, provided that parcels abutting open space tracts shall have a five-foot setback from the open space. Storage structures and private garages over 4,000 square feet in size must be setback at least 20 feet from any external property line, provided that parcels abutting open space tracts shall have a five-foot setback from the open space.
- 8. Greenhouses, Lath Houses, and Nurseries:
  - a. Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant husbandry materials is permitted;
  - b. The sale of garden tools and any other hardware or equipment shall be prohibited; and
  - c. There shall be no on-site signs advertising other than the principal use.
- 9. Special Building Height Provisions: Schools and educational institutions, when approved as part of a conditional use permit, shall not exceed 45 feet in height. The portion of any building that exceeds the maximum building height of the underlying zone shall be set back 50 feet or more from any external lot line.
- 10. Hotel/Motel uses are permitted in the Light Industrial zone when the following criteria are met:
  - a. The Light Industrial zone is located within a municipal airport boundary;
  - b. The municipal airport boundary includes no less than 1000 acres of land zoned light industrial; and
  - c. The hotel/motel use is served by both public water and sewer.
- 11. Farmers Market:
  - a. When another county permit or occupancy document is required to prepare a farm site for use as a farmers market, the county may review the site plan and description of the proposed market improvements and operational features submitted with that permit application in order to establish compliance with conditions in this section. If another county permit or occupancy document is not required to prepare a farm site for a farmers market, or if the other permit application does not address the conditions in this section, applicants shall submit a site plan and description of the proposed market improvements and operational features for review to establish compliance with conditions in this section.
  - a. Farmers markets shall operate subject to the following conditions:
    - 1) They shall operate only during daylight hours;
    - 2) They shall meet the off-street parking requirements of this AGREEMENT

- 3) At least 50% by farm product unit of the products sold shall be grown, raised, or harvested in Snohomish County, and 75% by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington on an average annual basis;
  - 4) Vendors of locally hand-produced crafts shall be allowed, provided that the maximum percentage of craft vendors shall not surpass 25% of the total number of vendors;
  - 5) Farmers market facilities shall be located at least 20 feet from the closest street right-of-way and not less than 50 feet from any street right-of-way exceeding 60 feet in width, or the setback listed in this AGREEMENT, whichever is greater;
  - 6) Improvements and new structures shall not remove more than 10% of prime farmland soils up to a maximum of one acre, located on the farmers market site from production or from the potential for future production;
  - 7) New structures to be utilized in or for a farmers market shall not exceed 5,000 square feet. Existing structures or portions thereof may be used as a farmers market, provided those structures or portions so used are no greater than 5,000 square feet. The combined total of any new and existing structures shall not exceed 5,000 square feet; and
  - 8) Structures shall meet all provisions of federal, state and local statute and laws, including provisions to assure water quality and flood protection.
12. Personal wireless telecommunications service facilities: Personal wireless telecommunications facilities shall be subject to the requirements of Snohomish County Code, Chapter 30.28A as currently adopted or as modified in the future.
  13. Personal wireless telecommunications service facilities are subject to a building permit pursuant footnote number 104.
  14. Personal wireless telecommunications. A building permit only is required for facilities co-locating on existing utility poles, towers, and/or antennas unless otherwise specified footnote 104.

## Bulk Regulations

**Bulk Regulations.** The table below establishes standards for setbacks, lot size and coverage, and building height within the Property.

*Table 2: Bulk Regulations*

Category	Standard
Building Height	50' (with allowances for 10% of a building to go to 55' & 100% of hotels to 65' with FAA approval and variances through Snohomish County)
Minimum Street Setback	25' next to SR 525 & 5' next internal private streets
Minimum Interior / Rear Setback	International Building Code
Minimum Open Space	15% (See Note 8 Below)
Lot Coverage	No Maximum

1. Street setbacks apply to both streets on a corner lot.
2. Street setbacks are measured from the property line. Street Setbacks do not apply to parking lots.
3. 10% of the gross building footprint area will be allowed a maximum building height of 55' if granted through the Snohomish County variance process.
4. Hotels may be built to 65' in height if approved through the Snohomish County variance process.
5. All projects shall be reviewed for compliance with FAA (Federal Aviation Administration) regulations and standards.
6. Undevelopable land may be used to meet Minimum Open Space area requirements. Open Space requirement need not be met on a lot by lot basis so long as total required open space is provided and maintained.
7. "Building height" is defined as the vertical distance from the average adjoining curb elevation to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof. Where buildings are set back from the public road line, the height of the building shall be measured for the average elevation of the finished grade at the building front.
8. Additional perimeter or parking lot landscaping in an amount equal to 15 percent of the area required for perimeter and parking lot landscaping shall be provided.

### ***Setback and Landscape Buffer Exceptions***

#### ***Building Setbacks:***

Except where specifically prohibited by the hearing examiner, Snohomish County Planning Director may waive or modify building setback requirements abutting private roads and/or private access easements serving lots within commercial and industrial zones only if such waiver

or modification will not have a likely impact upon future right-of-way needs and/or right-of-way improvements.”

**Architectural Features:** Minor architectural features, including canopies, cornices, eaves, sills, fireplaces, chimneys and flues, open beams, bay windows, greenhouse windows, trellises, ornamental elements, and other similar features of a minor nature may extend or project into a required setback a distance of not more than 30 percent of the required setback.

**Street Furniture:** Street furniture, art, or any similar accessories may be allowed in the right-of-way if approved by Snohomish County via a right-of-way use permit.

**Pedestrian Access:** At no time shall any overhangs or street furniture impede pedestrian or fire access.

**Retaining Walls:** Retaining walls may be constructed in required setbacks.

### ***Height Exceptions***

The following uses and features shall not be subject to height limitations:

1. Atrium domes;
2. Public art;
3. Flag poles;
4. Rooftop communications, heating, ventilation and air conditioning equipment that is screened, ornamental screens for such equipment;
5. Rooftop vertical accents such as skylights, tower rooms, widow’s walks, theme tower signage (see Signage Chapter) etc. are allowed as focal or points of interest. Vertical accents may exceed the maximum building height by a maximum of 10’ to an absolute height limit of 60’;
6. Elevator shafts and stair towers cannot exceed 55’;
7. Architectural pediments which do not provide additional floor space to a building/structure; and
8. All development shall comply with federal safety standards regarding not penetrating protected aviation air space.

### ***Pedestrian Overpass***

The CITY and COUNTY have entered into preliminary non-binding discussions about the possibility of connecting the commercial / retail development in MUK 3 with the commercial / retail development in PAE 7-3 by way of a pedestrian overpass across SR 525. Both the CITY and COUNTY are supportive of such an initiative if the details can be worked out between the two developments, the COUNTY, the CITY, and WSDOT. If such an overpass is constructed, it shall be exempted from meeting the bulk dimension requirements of this chapter and the American with Disabilities Act (ADA) requirements as ADA access will be provided by an existing street level signaled intersection at Harbor Point Boulevard North.

## **Building and Plaza Standards**

### ***Intent***

To ensure that developments in both the CITY and the COUNTY are developed to the same standards the intent of this section is to ensure that the building designs in both the CITY and COUNTY form a cohesive and uniform standard along SR 525. Located at the end of this section are pictures illustrating the intent of the below listed design guidelines. These design guidelines will be required in PAE 7-3 and MUK 3 in the CITY. Also shown at the end of this section are the preliminary site layouts approved by the CITY for MUK 3.

### ***Architectural Design***

The design concept for this AGREEMENT is to create a new diverse and pedestrian-friendly center for retail services and offices for the convenience of the surrounding residential and business community. This concept allows for a range of building types and sizes to create a series of inviting functional public spaces, including shopping streets, small unique open spaces, plazas and trails. The design principles of the buildings and sidewalks/walkways are founded on traditional Northwest Washington streetscape and architecture that enhance pedestrian activities and community life and building designs should reinforce this concept at every opportunity.

Building design concepts should respond to the site plan by forming a main street concept wherever possible and encouraging an active area offering a variety of shopping and gathering opportunities. By using architectural styles that are associated with traditional Northwest Washington design, the retail spaces will be easily identified with the inclusion of central plaza(s) and public spaces for residents.

The architectural designs should utilize a variety of roof forms to create diverse elevations. Commercial activity should extend out onto plaza and sidewalks as part of a unified and defined sense of space. Businesses should be identified by use of color as well as vertical elements such as bays, roof style and doors which sometimes carry to the ground. Parapets, cornices, pitched roofs, dormers and other secondary roof forms create variety in the facades and break up the massing of the overall buildings. These roof elements also serve to reinforce the diverse experience of the streetscape. The materials used in the design of the buildings should also reinforce the traditional feel by breaking building facades (elevations) with tripart design and materials. Roof colors should be coordinated to complement the color schemes. Plaza materials create a community outdoor or covered space, through the use of color and score patterns in the hardscape, integrated landscape and moveable table, chairs and umbrellas benches for enjoying the spaces. Walkway connections and internal access road shall have color and material changes to designate the pedestrian way and shall be linked to sidewalks, buildings, plaza's, and outdoor spaces to provide connectivity between parcels.

Further concepts that should be used in the design of buildings are contained in the following paragraphs and as shown in the attached pictures.

### ***Overall Building Form***

Buildings should provide and enhance the pedestrian scale and orientation of the Project. The following concepts help to achieve that goal:

1. Buildings should utilize elements such as massing, materials, building articulation, windows, canopies and articulated pitched roof forms to create a visually distinct “base” as well as a “cap”, referred to as tripart design.
2. Within larger buildings or linear buildings, variations in facades, floor levels, architectural features and exterior finishes are encouraged to create the appearance of several smaller buildings and different floors. Where upper stories are used they should be articulated with setbacks and features such as bay windows and balconies. Multi-level buildings with different elevations shall use tripart architecture to differentiate levels and entrance ways.
3. Primary building entrance is required and special attention should be given to designing a primary building entrance, one that is clearly visible from the street and incorporates changes in mass, surface, or finish to give emphasis.
4. Multi-faced buildings (facing streets and internal accesses) shall have architectural articulation on all sides unless there is no pedestrian access or visibility from the street or internal accesses.
5. Corner buildings and larger buildings because of location, purpose or size should be given special attention in the form of building features, such as towers, cupolas or pediments. Building orientation, plazas and outdoor spaces should take advantage of solar access and provide connectivity for pedestrians.
6. Rooftop equipment should be integrated into the building roof or parapet design to screen it from roadway and internal access view corridors.

### ***Architectural Details***

The following architectural elements are required to provide visual interest and create a sense of human scale:

1. **Awnings, Sunshades and Canopies:** Weather protection is required for pedestrian frontages with ground floor commercial. The minimum width of such elements shall be 4'. Minimum height is 8', maximum height is 11'. Awnings with painted signs are permitted, however, must be externally lit and meet the requirements of the Sign Chapter. Internally illuminated awnings are not permitted.
2. **Windows:** storefront windows are required over 60% of the front façade of the ground floor between the height of 2' and 8'. The developer shall designate the front façade for those stores that face two streets or one street and the parking lot. All windows must have trim or molding around the perimeter of at least 2" in width.
3. **Street Furniture:** Public seating, trash receptacles and informational directional kiosks should be of uniform design and be provided throughout the Project.
4. **Exterior Lighting:** Exterior lighting should be an integral part of the architecture and landscape design. Decorative street lighting should relate in scale to the pedestrian character of the area.
5. **Building Fenestration:** In general, any facade visible from a public right-of-way, interior access road, pedestrian corridor, public open space, or building façade facing a parking lot should incorporate fenestration. Fenestration patterns for street level uses should have generous amounts of clear glass and be designed to incorporate displays. Glass curtain

walls, reflective glass, and painted or dark tinted glass are not permitted except as mitigation for blank walls as provided below.

6. **Blank walls:** Where windowless walls are necessitated in office, industrial, and commercial buildings by the uses housed within the building, they should have an interesting exterior treatment including, but not limited to, artwork, decorative lighting, display windows, decorative tile, or masonry, and trellises with plant material. Blank walls visible from a public way, larger than 10' in any dimension, which exceed 400 square feet, should be addressed by one of the above methods.
7. **Service Entrances Shops:** The back side of buildings that face either a public or private road shall provide facades that have special treatments to make them appealing and interesting to the pedestrians and cars on roadways so that they are not just service entrance access doors or loading/delivery spaces. See the Multi-Faced building and Blank Wall sections for additional requirements.
8. **Proportions.** The scale of all structures in relationship to other structures and spaces is important. Buildings and the spaces between structures should relate easily and openly to external public areas. To balance horizontal features on longer facades, vertical building elements, such as building entries should be emphasized.
9. **Modulation.** Building facades visible from public right-of-ways, pedestrian corridors or public open space and parking lots should be modulated with visible breaks in the façade approximately every 40'. The modulation should have a minimum depth of 12" as appropriate to the scale, use and construction type of the building.
10. **Articulation.** Building facades visible from public rights-of-way, internal access roads, pedestrian corridors, public open space and parking lots should be varied and articulated to provide visual interest. The roof line of buildings should be pitched or modulated and changing rooflines and should include interesting architectural features, such as decorative eave trim, or a cornice. Window articulation may be achieved through the use of decorative trim, such as window hoods and the use of regularly spaced windows with smaller divided lights. Store front designs and materials should be encouraged to be unique while maintaining the character of the building facade of which they are a part. The base of building should be articulated through use of plinths, pilasters or other elements and should be of stone, concrete or other solid material that provides a texture change. Brick and concrete block materials are acceptable.
11. **Materials and Colors:** Exterior building materials and finishes should convey an impression of interest, permanence and durability. Appropriate materials should be selected with consideration of the uses of buildings, relationship to streets and relationship to surrounding buildings. Materials such as wood, masonry, stone, stucco, terra cotta, and tile are encouraged as primary and/or accents materials. Where masonry is used for exterior finish, decorative patterns, including changes in color or materials should be considered. Exterior colors should be given careful consideration in the context of the surrounding buildings, and the environment.

### ***Screening***

1. **Wall Mounted Equipment:** All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and large vent pipes should be screened as practicable from public view by parapets, walls, fences, landscaping or other approved means.

2. **Roof Mechanical Equipment:** All rooftop mechanical equipment and other appurtenances visible from the adjoining right-of-way, shall be concealed by or integrated within the roof form or other wise screened. The following appurtenances or necessary extensions above the roofline that require screening include; stair wells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.
3. **Trash Dumpsters:** See the Landscaping Chapter.
4. **Utility Boxes:** All utility vaults or boxes should be screened as practicable. Hedges or screening vegetation should be used on three sides. Exposed pipes, such as gas pipes, must have a decorative enclosure that fits over them.

### ***Plaza***

Plazas are outdoor open gathering places which are primarily hard surface, but which may contain landscaping. They denote important places, create a focus, and/or increase light and air at street level. They also function as points of orientation. They may be located adjacent to buildings.

1. **Plaza Special Requirements.** The following special requirements shall apply to plazas:
  - a. Plazas may be constructed with concrete, pavers, or special paving material. Asphalt is not permitted except as a paving accent material.
  - b. Trees, seasonal flowers, planting boxes and beds, free-standing planting pots (planters) and other landscaping features may be included in the design of plazas. Root barriers shall be provided for all trees planted within plazas.
  - c. The majority of seating must be moveable with up to one quarter of the required seating can be provided by ledges, fountains, sculptures, benches, chairs, stairs, etc. Seating shall comply with barrier-free access standards. For purposes of determining the number of seats provided on a bench, ledge, fountain, etc., eighteen (18) lineal inches on a horizontal surface is considered one (1) seat.
  - d. The spacing, location and type of required street trees may be modified when adjacent to a plaza.
  - e. A portion (up to ¼ of the plaza space) of a plaza may be used for reserved seating for restaurants or other uses.
  - f. Permanent structures may be provided within a plaza provided they do not preclude use of and access to the plaza by the general public. Structures may be enclosed or open air and may have portions leased for commercial use.
  - g. Physical obstructions between a plaza and a sidewalk shall be designed to provide sufficient visibility to protect the public safety of the users of the plaza and to ensure that public access to the plaza is convenient, obvious and welcoming. No walls or structures shall exceed forty-two (42) inches in height above the abutting sidewalk.
  - h. Water feature elements, such as fountains, may be used in a plaza to provide interest and identity. A water feature should be integrated into the design of the plaza, and may serve as a focal point, the termination of an axis, a pedestrian or vehicular traffic flow guide. Large fountains should incorporate seating into the design of walls.
  - i. Art work may be used in a plaza to provide interest and identity. Art work may include, but is not limited to, sculpture, paving patterns and materials, mosaics, murals, wall patterns and textures, and feature landscaping.



- j. Plazas shall be sufficiently well lit after dark to enable pedestrians and drivers to see potential obstacles such as changes in level, and for drivers and pedestrians to see each other. Lighting in plazas shall be provided through the use of light standards. Lighting should be provided in plazas to accommodate late night uses such as restaurants, cafes and shopping. Plaza lighting should provide illumination for the safety of pedestrians, vehicle drivers, and patrons. Light standards and fixtures shall be selected for appropriate human scale, overall design coordination and appropriate location. Down lighting located on walls and on bollards may be used for path lighting. No wall lighting with drop lenses can be used. Lighting should not emit, create glare for the plaza or adjacent travel ways or streets. Light standards and furniture must be approved by the Planning Director.
2. Within PAE 7-3 at least two plazas shall be provided. Each plaza shall seat a minimum of 8.

### ***Hotel Standards***

Hotel/Motels uses shall also be subject to the following design review standards:

1. **Building:** The structure(s) shall have varied building materials, design, texture, color, roof heights or facade and roof modulations to the building.
2. **Building Form:** The roof line of buildings should be modulated with pitches, slopes, dormers, stepped roofs, or gables and should include interesting architectural features and provide some variation in height.
3. **Variation:** Encourage varieties of shapes, angles, and relief in the upper stories of structures over two stories. Large buildings should avoid continuous, flat facades. Building facades should be divided into increments through the use of architectural features such as bay windows, offsets, recesses, balconies and other devices which step back or extend forward portions of the facade.
4. **Blank Walls:** Avoid using false fronts and large blank walls along arterial streets and pedestrian areas.
5. **Tripartite Articulation:** Tripartite building articulation (building base, middle and top) is encouraged to provide pedestrian scale and architectural interest. Stone and masonry is encouraged as a lower base material. Concrete block must be architecturally treated in one or more of the following ways:
  - a. Use of textured blocks with surfaces such as split face or grooved;
  - b. Use of color mortar;
  - c. Use of other masonry types such as brick, glass block, or tile in conjunction with concrete blocks; and/or
  - d. Other similar methods approved by the city
6. **Building Entry:** A porch, patio and/or covered entry should be used to provide a recognizable entryway. Provide landscaped walkway from building to parking. Ground mounted or similar lighting is encouraged in landscaped area next to pedestrian ways.
7. **Building Colors:** Care should be taken to avoid clashing colors on individual buildings and with other buildings in the area. Colors used on building exteriors should integrate a building's various design elements or features. Accent colors should use color combinations which complement each other. Northwest color and value ranges to emphasize muted primary colors and complementary secondary colors are encouraged.

8. **Building Common Areas:** A supervised entryway should be provided limiting access from the outside to the interior by this primary entrance. A lobby area should be provided as a common area. An outdoor patio(s), deck or seating area with southern and western exposure is encouraged. A swimming pool, lap pool, Jacuzzi or water slide and exercise room should be provided with restroom access.
9. **Site Landscape Treatment:** Building entries, primary vehicular entries off arterials and building perimeters should be enhanced with landscaping which could include ornamental, drought resistant or native varieties of vines, groundcovers, scrubs and trees selected for their screening, canopy, spatial enclosure, and seasonal variations. Annual and perennial flowers and potted plants are encouraged to provide seasonal interest and variety to landscaping. Landscaping areas or buffers should be used to break up large parking areas, parking and other open areas which are seen from the street
10. **Pedestrian Connections:** Efforts should be made to provide pedestrian connections to restaurants and other related services using sidewalks along streets and pathways between adjacent properties
11. **Limits on Design:** Avoid the use of building features or design elements which overemphasize standardized corporate themes, logos, or colors. No part of the building, signage or design elements shall stand above the typical height of surrounding buildings and mature vegetation, when they do not add functional or aesthetic value to the building context.

### *Service Station Standards*

Service stations shall also be subject to the following design review standards:

1. **Service Station Building and Covered Pump Location:** Where service stations are proposed, the service station building shall be located adjacent to SR 525 with the service station pumps located east of the service station. This location provides some screening of the gasoline pumps from the service station building.
2. **Building Form:** The service station pump canopy shall be attached to the service station building to help the overall structure look more like a building. The service station structure and canopy is required to have a pitched roof with a minimum 3:12 pitch. Dormers or multiple pitches should be provided to articulate the roofline. The canopy will be integral to this roof design and may have a fascia that is no wider than three feet, unless approved by the Planning Director. Pillars or structural supports for the roof should be in keeping with the architecture of the principal building and should have a base material that differs from the structure vertical and horizontal supports.
3. **Building Materials:** Building materials and colors will be compatible with the main structure/building and should be in harmony with but at a smaller scale than the principal use. Triparted architecture must be used to differentiate the base and upper wall area as well as the roof line and materials. All side of the building should use similar building materials and treatment. Split faced block may be used for base and wall sections, but must provide different texture and color between them so that they are differentiated as required by triparted architecture. To provide some connection with NW architecture, accents or trellises should be used or other architectural style that is representative of the NW architecture.
4. **Building Security/Wall and Canopy Lighting:** Canopy lighting must be recessed into the underside of the canopy. Lights must have defused covers that are flush mounted to the

ceiling of the roof. Light may not spill out further than the service station footprint area and shall not be used to light the adjacent parking lots. Security lighting mounted to the wall must have shielding so that the light is directed downwards and does not allow any side lighting.

5. **No backlighting of the structure or translucent materials:** No backlighting of the structure or materials is allowed. The structure can be externally uplighted to accent the architecture or rooflines and pitches.
6. **Streetscape Landscaping adjacent to the building:** Streetscape Landscaping along SR 525 shall be provided as provided in the Landscaping Chapter.
7. **Signage for the service station and service station prices:** Signage for the service station and advertising of prices shall be subject to the Sign Chapter.
8. **Service Station Example:** The following diagram is an example of service station architecture and orientation:

Figure 2: Service Station Design – Building Facing the Street

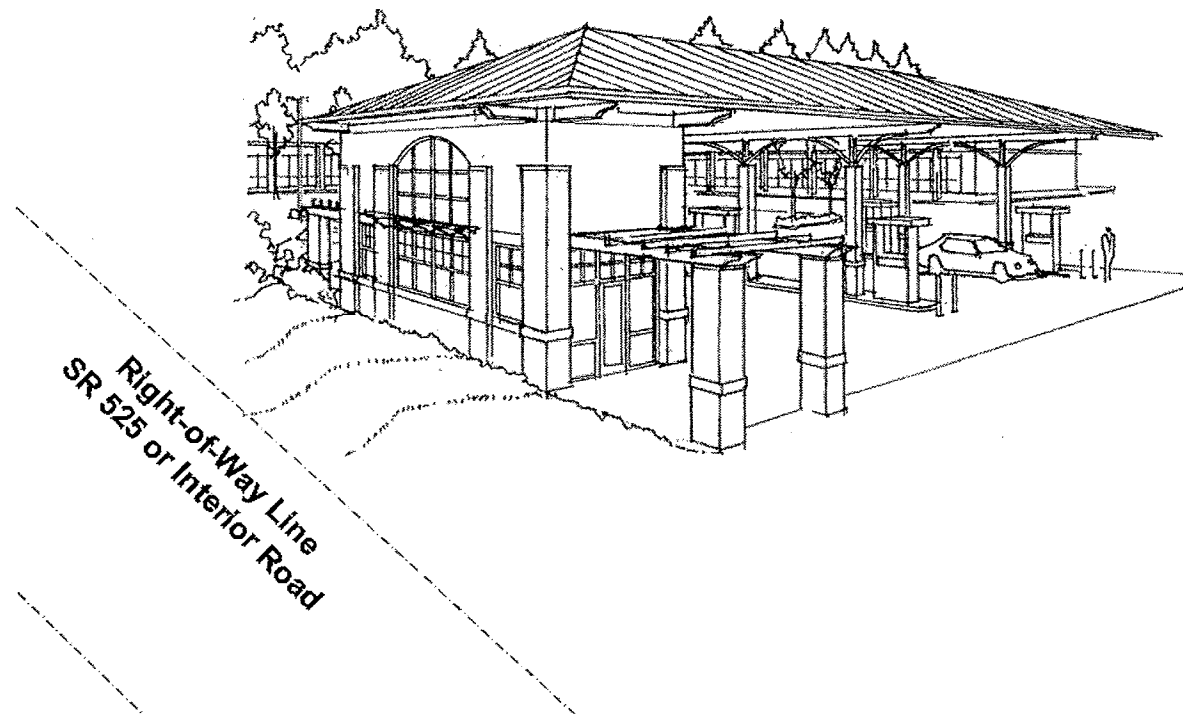


Figure 3: Design Guidelines

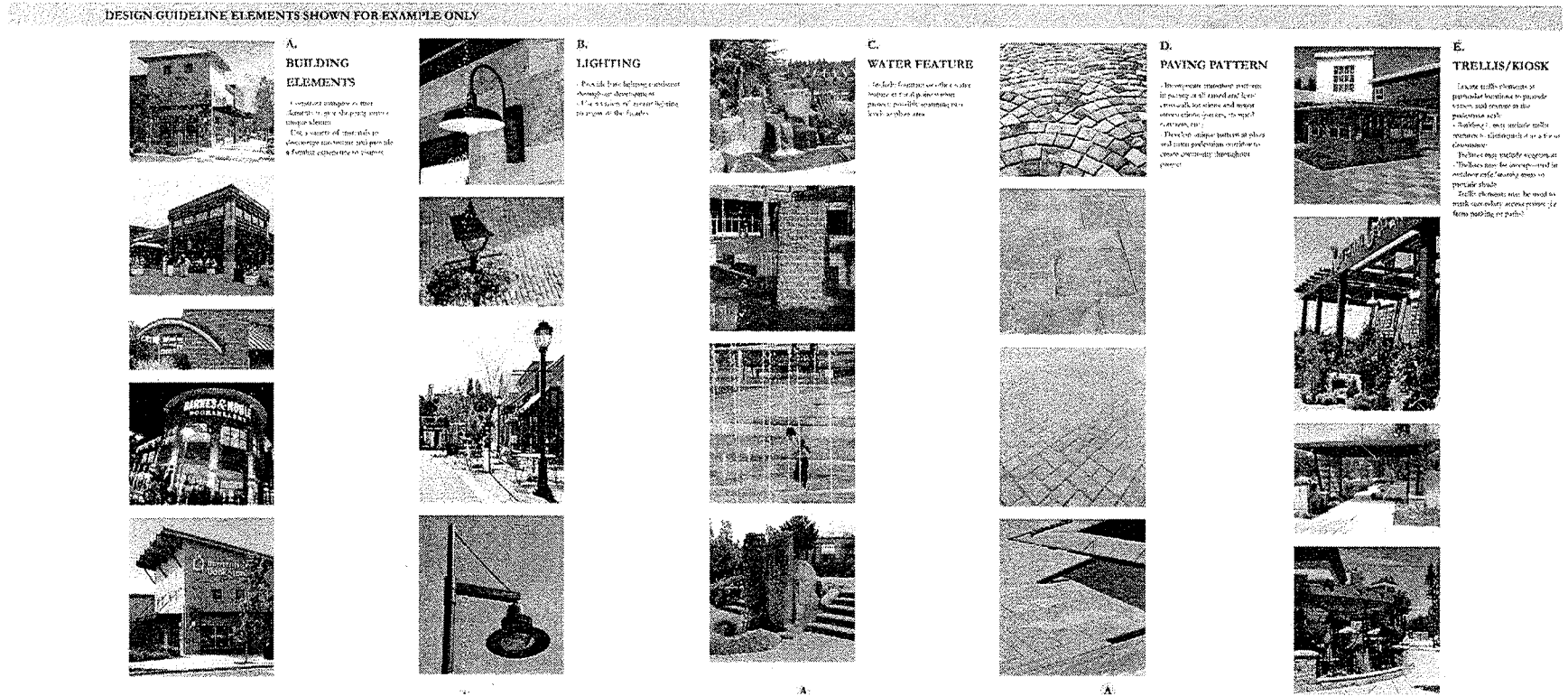


Figure 4: Design Guidelines

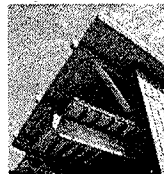
DESIGN GUIDELINE ELEMENTS SHOWN FOR EXAMPLE ONLY



R

AWNINGS

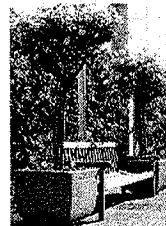
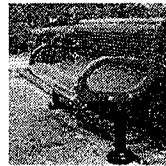
Awnings are used for shelter and to break up the scale of the building.  
Provide a variety of awning materials, colors and textures to add visual interest and depth. Awnings shall be consistent throughout project.



G

BENCHES

Benches provide a place for people to sit and enjoy the outdoors. Benches should be placed in areas where people are likely to sit and enjoy the outdoors. Benches should be placed in areas where people are likely to sit and enjoy the outdoors.



H

OUTDOOR CAFE SEATING

Outdoor cafe seating is a key element of a successful outdoor cafe. Seating should be placed in areas where people are likely to sit and enjoy the outdoors. Seating should be placed in areas where people are likely to sit and enjoy the outdoors.



I

VEGETATION

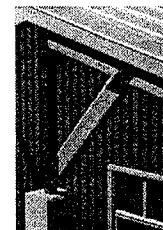
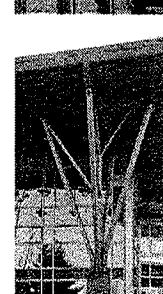
Vegetation is a key element of a successful outdoor cafe. Vegetation should be placed in areas where people are likely to sit and enjoy the outdoors. Vegetation should be placed in areas where people are likely to sit and enjoy the outdoors.



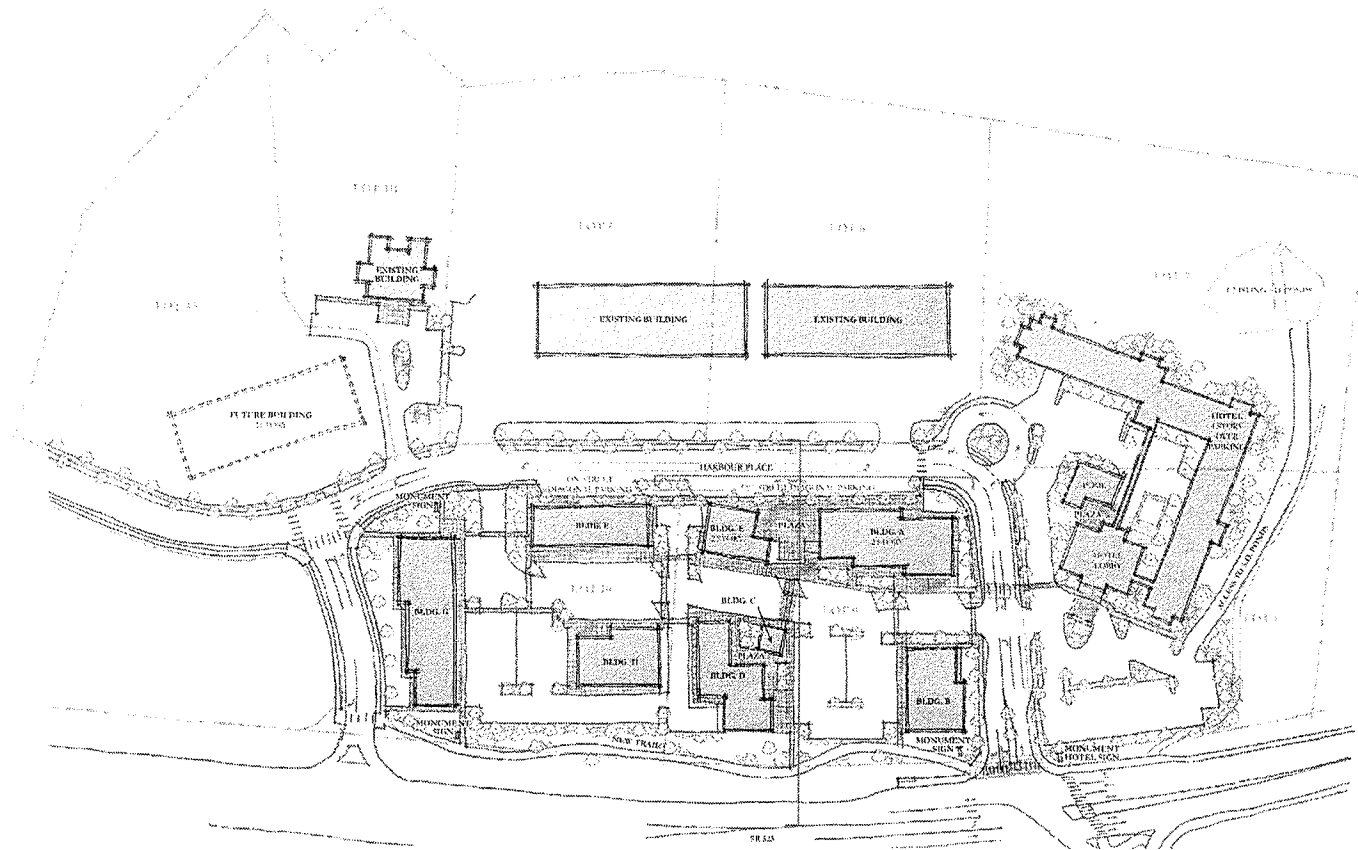
J

ARCHITECTURAL ELEMENTS

Architectural elements are key elements of a successful outdoor cafe. Architectural elements should be placed in areas where people are likely to sit and enjoy the outdoors. Architectural elements should be placed in areas where people are likely to sit and enjoy the outdoors.



*Figure 5: Preferred Site Plan Layout for Sector 3 (Mukilteo Town Square) with Hotel Concept*



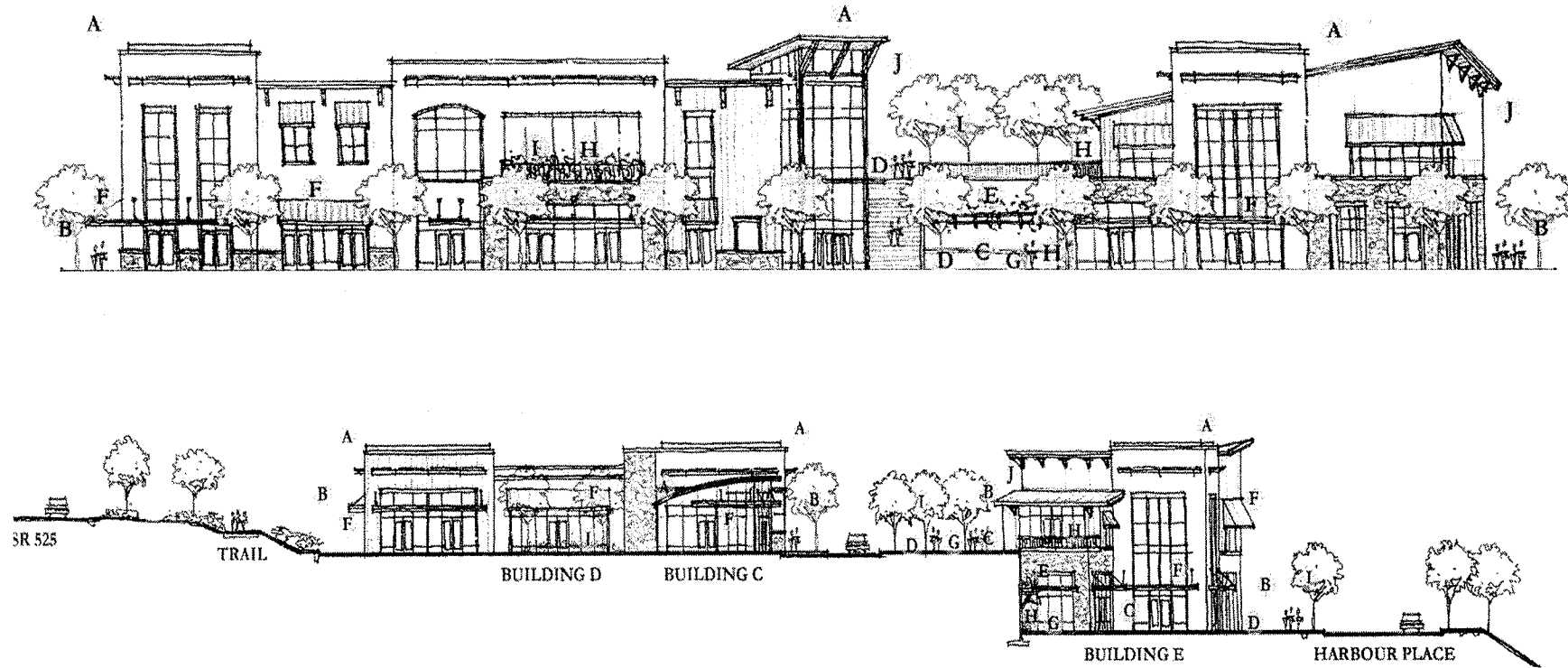
The site plan illustrates the layout of the proposed new terminal at O'Hare International Airport. The terminal building is a large, rectangular structure with several distinct sections labeled A through M. Key features include:

- THRUOR PLACE**: Located at the top of the terminal building.
- MONUMENT SIGN**: Located on the left side of the terminal building.
- NEW TRAIN**: Located at the bottom of the terminal building.
- MONUMENT SIGN**: Located on the right side of the terminal building.
- FUEL CANOPY**: Located near the right side of the terminal building.
- NEW PARKING**: Located at the top of the terminal building.
- NEW TRAVEL**: Located at the bottom of the terminal building.
- NEW TRAVEL**: Located at the bottom of the terminal building.

A north arrow is located at the bottom center of the plan.



*Figure 7: Building Cross Sections for Sector 3 - Mukilteo Town Square*



Letters refer to the design elements in Figures 3 and 4.

## Critical Areas

For purposes of this AGREEMENT, wetlands and streams shall be regulated as urban under Snohomish County's Critical Areas Regulations in effect on April 18, 2007.

### *Airport Review and Approval*

All of the area governed by this AGREEMENT is located on land in immediate proximity to an active jet runway. Mitigation should be designed to limit attraction of wildlife potentially hazardous to aviation. Mitigation location and design shall be reviewed and approved by the Airport's U.S. Department of Agriculture Wildlife management representative during COUNTY's preliminary construction permit review process.

For ease of reference, the major content of that ordinance is shown below.

When stream and wetland buffers are required, their width shall be as follows:

*Table 3: Critical Area Buffers*

Stream and Wetland Buffers			
Streams		Wetlands	
Type	Required Width	Category	Required Width
1	100'	1	75'
2	100'	2	50'
3	100' w/ fish 50' w/o fish	3	25'
4	25'	4	25'
5	10'		

All streams and wetlands regulated under this AGREEMENT and their required buffers shall be permanently protected by designating them as native growth protection areas (NGPAs). A critical area study is required for any development activity in or near a stream or wetland.

### *Mitigation*

1. Unless otherwise provided by this chapter, mitigation shall be required for loss of area or functional value of wetlands, streams, and buffers regulated under this AGREEMENT. When mitigation is required by this chapter, it shall address restoration, rehabilitation, and compensation as set forth below. Mitigation may be provided through the use of a wetland mitigation bank which may include deviations from the requirements of this section.
  - a. Restoration is required when a wetland, stream, or buffer regulated under this AGREEMENT has been altered prior to project approval unless the alteration was

- authorized by law; or when streams, wetlands and/or buffers are temporarily affected by construction or any other temporary phase of a project;
- b. Mitigation is required when a wetland, stream, or buffer regulated under this AGREEMENT is permanently altered as a result of project approval or activity;
  - c. Wetland function and values shall be replaced in kind at a minimum ratio of one (replacement value) to one (existing value);
  - d. On-site mitigation is preferred so as to assure, to the greatest extent feasible, that the plan results in mitigation for direct impacts resulting from the alteration;
  - e. Off-site mitigation will be used only in those situations where appropriate, adequate, on-site mitigation is not feasible to achieve. When off-site mitigation is allowed, it must occur within the same sub-drainage basin as the project impact;
  - f. Mitigation shall be completed prior to granting of temporary or final occupancy, or the completion or final approval of any development activity for which mitigation measures have been required.

### ***Buffer Averaging***

The width of a buffer may be averaged, thereby reducing the width of a portion of the buffer and increasing the width of another portion, if all of the following requirements are met:

1. Averaging will not impair or reduce the habitat, water quality purification and enhancement, storm water detention, ground water recharge, shoreline protection and erosion protection, and other functions of the stream, wetland, and buffer;
2. The total area of the buffer on the subject property is not less than the buffer which would be required if averaging was not allowed; and
3. All parts of the width of the buffer are at least 50 percent of the required width or 25 feet, whichever is greater.

### ***Buffer Reduction***

Buffer widths may be reduced if the buffer is enhanced in accordance with the following requirements:

1. Buffers, or buffers required after buffer averaging will have a minimal functional value due to existing physical characteristics;
2. The applicant demonstrates that proposed buffer enhancement, together with proposed buffer width reduction, will result in an increase in the functional value of the buffer when compared with the functional value of the standard buffer;
3. The applicant includes a comparative analysis of buffer values prior to and after enhancement, and demonstrates compliance with this section, as part of the critical area study required by SCC 30.62.340;
4. The buffer width is not reduced below 50 percent of the standard buffer width, or 25 feet whichever is greater, and the total buffer area after reduction is not less than 75 percent of the total buffer area before reduction; and
5. The functional values of the stream or wetland protected by the buffer are not decreased.

***Activities allowed in streams, wetlands, and buffers pursuant to best management practices.***

1. The following activities may occur in streams, wetlands and buffers regulated under this AGREEMENT provided that such activities are conducted pursuant to best management practices:
  - a. Normal, routine, and emergency maintenance and repair of existing roads and utility corridors, utility facilities, equipment, and appurtenances;
  - b. Replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;
  - c. Replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;
  - d. Replacement, modification, extension, installation, or construction by a utility purveyor of individual utility service lines connecting to a utility distribution system;
  - e. Replacement, modification, minor installation, or construction in an improved right-of-way by the county or by the holder of a current right-of-way use permit; and
2. All development activities in non-riparian Category 2 and 3 wetlands smaller than 5,000 square feet, and non-riparian Category 4 wetlands smaller than 10,000 square feet.
3. Pedestrian walkways or trails when constructed with natural permeable materials and designed as part of an overall site development plan;
4. Wildlife management and viewing structures;
5. Outdoor interpretive and scientific study facilities;
6. Emergency activities necessary to prevent an immediate threat to public health, safety, or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in critical areas and buffers regulated under this chapter; provided however, that the development activities must be the minimum necessary to alleviate the emergency, and that within a reasonable period of time compliance with the provisions of this chapter must be provided.
7. Routine maintenance activities at airports necessary to minimize wildlife risks to aviation and human safety. These activities include but may not be limited to surface removals of vegetation by cutting, pruning, limbing, topping, relocating or applications of hazardous or toxic substance that has the affect of destroying or removing the vegetation.
8. Routine maintenance activities at airports necessary to minimize hazards to air navigation and obstructions affecting navigable airspace. These activities include but may not be limited to surface removal of vegetation by cutting, pruning, limbing, topping, relocating, or applications of hazardous or toxic substance that has the affect of destroying or removing the vegetation.

***Review criteria for development activities impacting critical areas and buffers.***

The County/City shall evaluate each proposed development activity in a stream, wetland, or buffer regulated under this AGREEMENT in accordance with the following hierarchy of goals:

1. Avoid impacts,
2. Minimize impacts,
3. Repair or restore impacts,
4. Reduce impacts over time, or
5. Mitigate impacts through replacement, restoration, or enhancement of function.

To utilize the provisions set forth in this AGREEMENT, applicants must submit a critical area study. The critical area study and proposed development activity mitigation plan will be reviewed in accordance with the following criteria:

1. The mitigated development activity will not:
  - a. adversely affect water quality;
  - b. destroy, damage, or disrupt a fish and wildlife habitat conservation area;
  - c. adversely affect drainage or storm water detention capabilities; or
  - d. lead to unstable earth conditions or erosion;
    - 1) The impacts are the minimum necessary to accommodate the development activity and can be fully mitigated;
    - 2) Any disruption to a critical area will occur in the least sensitive area; and
    - 3) Critical areas or buffers temporarily disrupted during construction and not subject to permanent development activity shall be restored.

### ***Innovative Development Design***

In conjunction with an application for a development permit, an applicant may request approval of an innovative design which addresses wetland and stream protection and preservation in a creative manner that deviates from the standards set forth in this AGREEMENT.

1. General. An applicant who requests that a development permit application be considered under the performance and design criteria of this section shall submit the following information:
  - a. A critical areas study, and
  - b. A conceptual site development plan drawn to scale which technically and visually illustrates the development potential achievable for the project site, and demonstrates that the innovative design proposal will achieve a net improvement in the functions and values of the streams and wetlands and their buffers over that existing on the subject property.
2. Criteria for Approval. An innovative development design approval pursuant to this section shall be granted in conjunction with the decision on the underlying permit(s), if the following criteria are met:
  - a. The innovative design will result in a net improvement of the functions and values of the stream or wetlands and their buffers;
  - b. The innovative design is consistent with the purpose and objectives of this AGREEMENT;
  - c. The innovative design is consistent with the standards in this AGREEMENT; and
  - d. The innovative design will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is located.
3. A decision to grant or deny an innovative design may be appealed as an allowed Snohomish County's permit appeal procedures.

### ***Wetland Mitigation Banking***

The use of the Swanson, Narbeck, or other future wetland mitigation banks created by Snohomish County Airport is allowed to provide wetland or stream mitigation required by this

AGREEMENT. Wetland Mitigation Banking requirements of County, Federal Agencies, State Agencies and local agencies of jurisdiction must be met for approved use of mitigation banks and criteria for such approval may include the following:

1. A memorandum of agreement (MOA) defining guidelines for establishing a wetland mitigation banking program, and
2. An implementation manual establishing a wetland mitigation bank at a specific site;
3. The following must have been approved by the county and the federal, state, and local agencies with jurisdiction:
4. The MOA and/or implementation manual shall include, but not necessarily be limited to, provisions for the following:
  - a. The categories of development activities that may use the mitigation bank;
  - b. Specific criteria and standards for use of the mitigation bank;
  - c. Methods for tracking credits;
  - d. An interagency oversight committee composed of representatives from each of the agencies with jurisdiction for the purpose of regulatory review and approval of banking activities;
  - e. Permanent management and maintenance to assure the long-term viability of the bank site;
  - f. Professional construction oversight to assure successful construction of the wetland bank site;
  - g. Quantitative and qualitative performance standards;
  - h. Systematic compliance and performance monitoring to determine the degree to which the site meets performance standards;
  - i. A schedule and timeline for compliance and performance monitoring;
  - j. Contingency plans;
  - k. Methods to be used to determine the functions and values of replacement wetlands;
  - l. Provisions for assuring the funding of long-term maintenance of the bank and performance of mitigation and monitoring requirements;
  - m. A description of wetland mitigation ratios to be used and justification for these ratios based upon best available science. Wetland mitigation ratios will be based upon consideration of factors including but not limited to, the likelihood of success of the mitigation, the types and quality of wetlands involved, research results, and monitoring results; and
  - n. The mitigation plan requirements contained in SCC 30.62.345(2).
5. The use of the wetland mitigation bank will result in a net improvement of the overall wetland functions and values in the watershed in which the impacts of the development activity utilizing the wetland mitigation bank will occur. For the purposes of this section, "watershed" means an area identified as a state of Washington water resource inventory area (WRIA) under WAC 173-500-040.
6. The MOA and/or implementation manual should ensure that when evaluating alternative mitigation sites for development activities the following locations will be considered in order of preference:
7. On the site of the impact area;
8. Upstream of the impact area in the sub-drainage basin;
9. In the sub-drainage basin of the impact area;
10. Upstream of the impact area in the WRIA; and

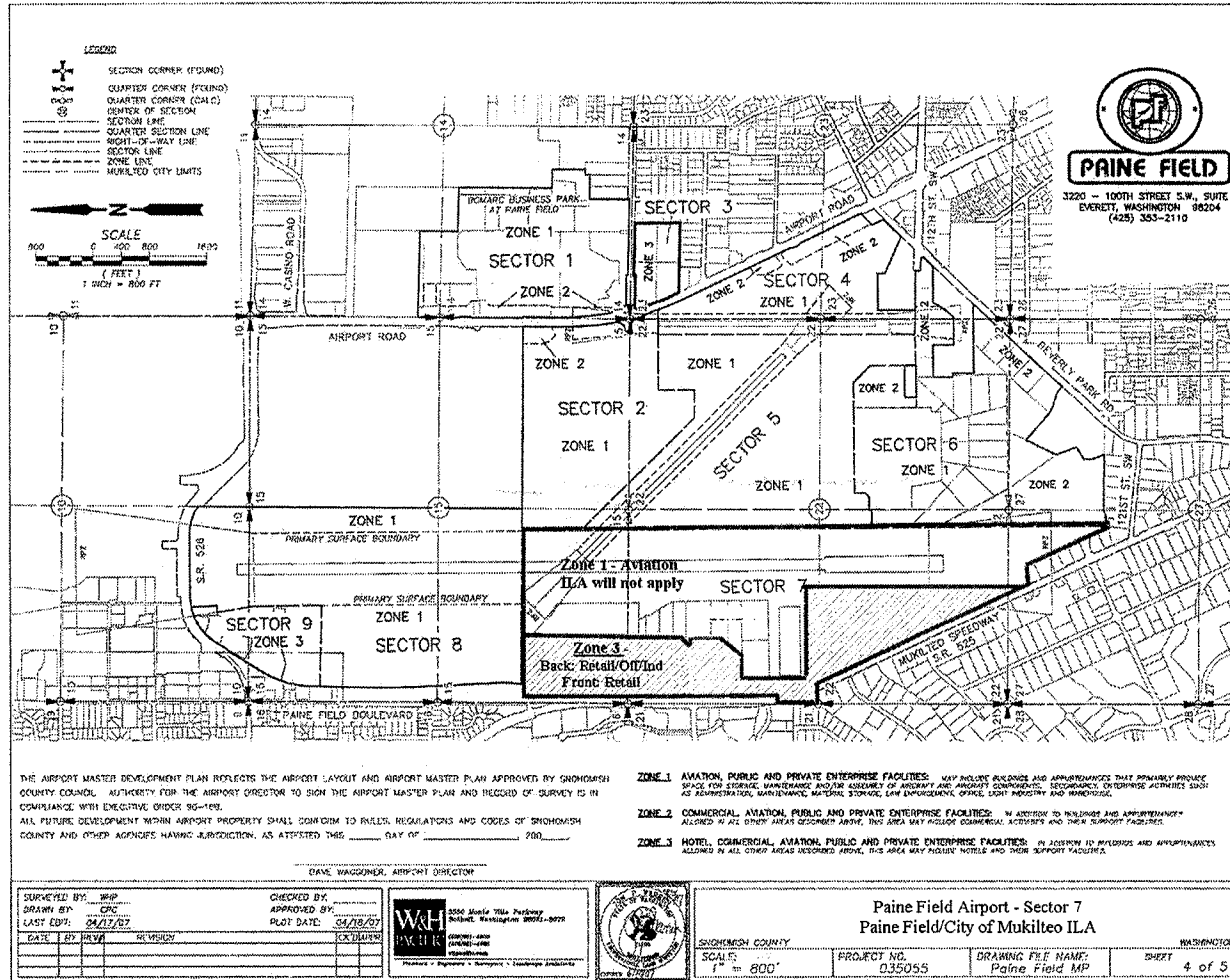
11. In the WRIA watershed of the impact area.
12. The creation and operation of the wetland mitigation bank and development activity which utilizes the wetland bank shall not create unmitigated long-term or permanent adverse impacts to the critical functions and values of the critical areas in the sub-drainage basin in which the impacts will occur. Critical functions and values are those listed at SCC 30.91F.530 that are important to the long-term ecological viability of the critical areas in the sub-drainage basin.
13. The MOA's and mitigation banking implementation manuals shall be available for public review and comment prior to approval.

### ***Reasonable Use Allowance***

1. General. If the application of SCC 30.62.100 or 30.62.110, pertaining to fish and wildlife habitat conservation areas or SCC 30.62.300 - 30.62.370, pertaining to streams/wetlands will prevent the applicant from making any economically viable use of the subject property, the applicant may apply for a reasonable use allowance on a form provided by the department. The application must accompany a development permit application through the county review and decision process.
2. Criteria for Granting. The director shall grant a reasonable use allowance only when the following criteria are met:
  - a. The applicant demonstrates that the application of this chapter will deny all economically viable use of the subject property otherwise allowed by applicable law;
  - b. The development activities involve the least intrusion into and disruption of the critical area necessary to allow an economically viable use of the subject property;
  - c. The development activities will not cause or result in damage to properties other than the subject property and will not endanger the public health, safety, or welfare;
  - d. The applicant's inability to make economically viable use of the subject property has not resulted from any of the following:
    - i. prior subdivision, short subdivision, or segregation of the subject property, or changes to the boundaries of the subject property through a boundary line adjustment or otherwise;
    - ii. prior actions taken in violation of this chapter or any local, state, or federal law or regulation; and
    - iii. natural constraints of the subject property that would otherwise preclude the proposed development activities.
3. The county may assist applicants in providing the information required in SCC 30.62.400(2).
4. Appeals. The applicant may appeal a decision of the director on a reasonable use allowance application as a Type 1 decision.
5. The development activities authorized by a reasonable use allowance shall not constitute a significant adverse environmental impact under chapter 30.61 SCC to the critical area(s) for which the allowance is granted

**Figure 8: Wetland Boundary Vesting**

For the purpose of referencing wetland and buffer area boundaries, the Snohomish County PDS file number for the Sector 7 Binding Site Plan / Record of Survey (BSP/ROS) subdivision application is 07-104017-007 BG. The various sectors at Paine Field are shown below.



**Note: There is no Zone 2 in Sector 7**



## Parking Lot Standards

Parking lots shall be designed and constructed as required by this chapter.

### ***Parking Requirements – Number of Stalls Required***

Off-street parking shall be provided in quantities as shown in this section.

*Table 4: Parking Stall Ratios*

Use	Number of Parking Spaces Required
Areas w/ Fixed Seating & Convention Space:	1 per 4 seats or 8 feet of bench space
Industrial:	1/1000 gsf
Health Club:	4/1000 gsf
Hotel / Motels	1 / room plus addition space as required for restaurants or convention space
Office Space:	3/1000 gsf
Manufacturing:	3 / 1000 gsf
Medical Clinics:	5/1000 gsf
Museums/Art Galleries:	4/1000 gsf
Personal Service:	5.5/1000 gsf
Restaurants:	10/1000 gsf
Retail:	4.5/1000 gsf
Shopping Center:	4.5/1000 gsf
Warehousing:	.5/1000 gsf

### ***Mixed Occupancies***

In the case of mixed occupancies in a building or on a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities of a particular use shall not be considered as providing required parking facilities for any other use except as specified for joint use.

### ***Parking for Unspecified Uses***

Where the parking requirements for a use are not specifically defined, the parking requirements for the use shall be determined by the Snohomish County Department of Planning and Development Services after consultation with the City of Mukilteo planning staff. The determination shall be based upon parking requirements for comparable uses and comparative data as may be available to staff. The department may require the applicant to submit or fund a parking study prepared by an independent consultant with expertise in parking demand analysis. Such studies may be required to review or provide estimates of peak parking hours, parking space demand, parking space turnover, and to relate or distinguish the proposed use from the uses selected as comparable in the parking analysis.

### ***Parking Lot Standards***

1. No building permit shall be issued until plans or other documentation showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this section.
2. Interior site access lanes shall be designed to provide continuous, unrestricted vehicular movement and shall connect to public streets or private roads which provide legal access to the site.
3. Vehicle lanes shall not be less than 20 feet in width.
4. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Turns, bends, or sweeps in fire apparatus access roadways shall be designed at not less than twenty foot inside-turning radii nor less than forty foot outside-turning radius.
5. Parking in emergency vehicle lanes shall be prohibited, and indicated as being unlawful by signs and/or painting on the lane/parking lot surface.
6. Accessible routes of travel may cross driveways, access lanes, and emergency vehicle lanes, but not loading spaces.
7. If any of the requirements of this section are impractical due to the peculiarities of the site and building, other provisions for emergency access may be approved by the COUNTY Fire Marshal after consultation with the COUNTY Fire Marshal.
8. When parking standards require 10 or more parking spaces, up to 50 percent of the off-street parking spaces required by this chapter may be designed for compact cars. Such parking stalls shall be individually marked on the site plan and on each constructed parking stall as being for compact cars only.
9. Parking at any angle other than those shown is permitted, providing the width of the stalls and aisles is adjusted by interpolation between the specified standards.
10. Parking shall be so designed that automobiles shall not back out into public streets.
11. Parking for uses not specified above shall not be over 300 feet from the building it serves.
12. The COUNTY shall have authority to require sufficient queuing, backing, turning, and maneuvering space within a parking area to meet the requirements of this chapter and to ensure that pedestrian routes are not blocked by maneuvering or queuing vehicles.
13. Interior site access lanes shall be designed to provide continuous, unrestricted vehicular movement and shall connect to public streets or private roads which provide legal access to the site.

14. Parking in emergency vehicle lanes shall be prohibited, and indicated as being unlawful by signs and/or painting on the lane/parking lot surface.

### ***Parking Space Requirements***

Parking stalls shall be designed in accordance with the Parking Stall Dimensions figure below.

### ***Shared Parking***

The joint use of parking facilities by the following uses or activities under the conditions specified below is allowed:

1. Up to 50 percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa; provided that the reciprocal parking area shall be subject to the conditions set forth in *Conditions for Joint Use*, below;
2. For purposes of this section, the following uses typically are daytime uses: business offices, barber and beauty shops, manufacturing or wholesale buildings, park-and-pool or park-and-ride lots. The following typically are nighttime and/or Sunday uses: auditoriums, dance halls, theaters, and taverns.

### ***Conditions for Joint Use***

Developments that use joint use parking facilities shall conform to the following conditions:

1. The building or use seeking to share off-street parking facilities shall be located within 300 feet of or on the same lot as the parking facilities.
2. The applicant shall show that there is not substantial overlap in the hours of peak parking demand for the buildings or uses for which a joint use parking agreement is proposed.
3. The parties shall submit a proper legal instrument, which may be a long-term lease, covenant, or other agreement defining the conditions of the joint use for review and approval by the department and the prosecuting attorney. The instrument shall be recorded with the Snohomish County Auditor under all property addresses prior to issuance of permits for the new use or building.
4. The Airport shall be notified in writing at least 30 days prior to termination or amendment of the joint use instrument. In the event of termination, all existing and new uses shall comply with all parking and landscaping requirements of this AGREEMENT.

### ***Loading Spaces***

Loading spaces are required for the following uses:

1. Manufacturing;
2. Storage;
3. Warehouse;
4. Goods display;
5. Department store;
6. Wholesale store;

7. Market;
8. Hotel;
9. Hospital;
10. Laundry;
11. Dry cleaning

The loading space shall provide adequate space for standing, loading, and unloading services in order to avoid undue interference with the public uses of the streets or alleys.

The space, unless otherwise adequately provided for, shall include a 10-foot by 25-foot loading space, with 14-foot height clearance for every 20,000 square feet, or fraction thereof, of gross building area used or land used for the above purposes.

The space shall be situated so that no part of a truck or van using the loading space will project into a vehicle access lane, emergency access lane, or the public right-of-way.

### ***Parking Lot Landscaping***

Parking lot landscaping shall be designed in accordance with the parking lot landscape requirements contained in the Landscaping Chapter of this AGREEMENT.

### ***Parking Lot Surfacing Requirements***

1. Materials - All uses. All off-street parking areas shall be graded and before an occupancy permit for the use is issued, surfaced to standards for asphaltic concrete and provide for proper storm drainage and allow for marking of stalls and installations of other traffic control. Low Impact Development concepts or other similar all-weather alternative surfaces may be permitted only if all of the following approval criteria are met:
  - a. Barrier Free: Those portions of the parking and pedestrian area are surfaced according to barrier free regulations.
  - b. Character/Location: The alternative surface may be appropriate because of the character of the use and/or the character of the location; and
  - c. Parking Standards: The alternative surface meets all other parking standards, excluding striping but including landscaping and screening.
2. All traffic control devices such as parking strips designating parking spaces, directional arrows or signs, curbs, bull-rails, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stall and directional arrows. Other methods of designating parking spaces, emergency vehicle access, pedestrian pathways, and other developments may include surface materials of contrasting colors and/or textures, providing such materials meet all other parking standards.
3. Traffic calming. Traffic calming methods shall be used in all parking areas in order to reduce driving speed in driving aisles and lanes, and to create a safe environment for pedestrians. Traffic calming methods shall include, but are not limited to: changes in surface materials, textures, colors, and landscaping. Such traffic calming methods shall be

- located at crosswalks, major entries, and feature intersections according to the character and/or use of the parking lot.
4. Wheelstops: When wheelstops are provided, they shall be positioned eighteen (18) inches into the parking stall.

### ***Pedestrian Access***

Pedestrian circulation. Parking lots shall provide clearly identifiable routes of travel for pedestrians from the lot to the uses which it serves, and to a public sidewalk or trail. Pedestrian circulation in parking lots should be indicated by methods that are identifiable to both pedestrians and vehicles. Methods may include, but are not limited to changes in surface materials, textures, colors, bollards, planters, and landscaping. All barrier-free design requirements shall be met.

***Pedestrian Overpass*** Refer to Bulk Regulations, Pedestrian Overpass on page 7 of this AGREEMENT.

### ***Bicycle Racks***

Off-street parking lots over 30 stalls shall contain bicycle parking spaces, located in a visible and easily accessible location. Bicycle parking spaces shall be provided at the rate of one bicycle space for each 15 vehicle parking stalls. Bicycle parking spaces should be concentrated in areas that may generate a higher volume of bicycle activity. Such areas and uses include, but are not limited to parks and retail businesses. "Bicycle parking spaces" includes bicycle racks, bicycle lockers, or similar facilities.

### ***Barrier-Free Spaces***

The property owner shall provide parking in accordance with the Regulations for Barrier-Free Facility (WAC Chapter 51-10), as currently written or amended. These parking requirements shall not be calculated as additional parking stalls.

### ***Driveway Spacing***

The owners of adjoining properties shall provide combined driveways wherever practical. In conjunction with approval of a development, the COUNTY may require a property owner to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development

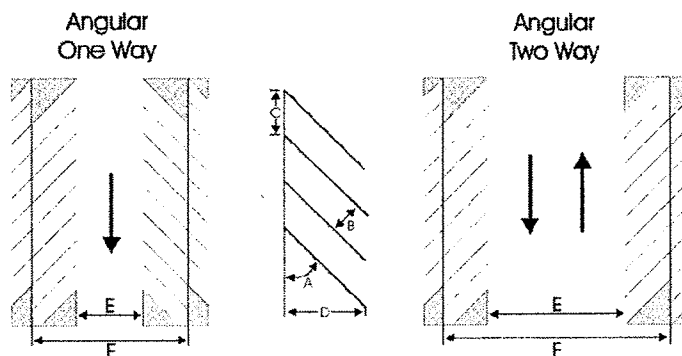
### ***Illumination***

An illumination plan shall be submitted with all project applications. Any lights provided to illuminate any public parking area or any semi-public parking area, or vehicle sales area shall be arranged so as to reflect the light away from any adjacent lots and the public right-of-way. Approval shall be obtained from the state department of transportation and/or the director of the department of public works, for any lights that flash, blink, or simulate traffic signals.

Lighting type and locations on SR 525 shall be approved by the Washington State Department of Transportation.

All lighting shall be approved by both the FAA (Federal Aviation Administration) and the Airport Director for compliance with aviation regulations.

*Figure 9 - Parking Stall Dimensions*



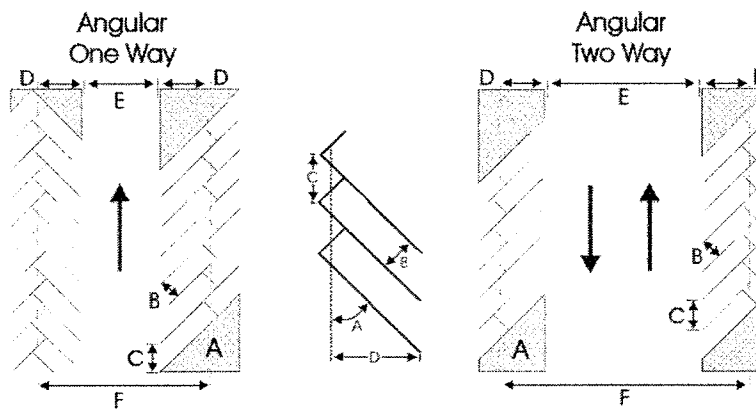
#### Off-Street Parking

##### Conventional Car Stall and Aisle Specifications

Parking Layout	Angle	Dimensions			One Way		Two Way	
		Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
See Figure 30.26.065(14)	Parking Angle A							
Parallel: one side two sides	0°	8'	21'	8'	12'	20'	22'	30'
	0	8	21	8	22	38	24	40
Angular	20	8.5	24.9	14.5	11	40	20	49
	30	8.5	17	16.9	11	44.8	20	53.8
	40	8.5	13.2	18.7	12	49.4	20	57.4
	45	8.5	12	19.4	13.5	52.3	20	58.8
	50	8.5	11.1	20	15.5	55.5	20	60
	60	8.5	9.8	20.7	18.5	59.9	22	63.4
	70	8.5	9	20.8	19.5	61.1	22	63.6
	80	8.5	8.6	20.2	24	64.4	24	64.4
Perpendicular	90	8.5	8.5	19	25	63	25	63

**Compact Car Stall and Aisle  
Specifications**

Parking Layout	Angle	Dimensions			One Way		Two Way	
		Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
See Figure 30.26.065(14)	Parking Angle A							
Parallel	0°	8'	20'	8'	12'	28'	20'	36'
Angular	45	8	11.3	15	12.5	42.5	20	50
	60	8	9.2	16.5	17	50	22	55
Perpendicular	90	8	8	16	22	54	25	57



**Off-Street Parking**

**Interlocking - Conventional Cars**

Parking Layout	Angle	Dimensions			One Way		Two Way	
		Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
See Figure 30.26.065(17)	Parking Angle A							
Parallel	0°	8'	21'	8'	12/22'	28/38'	22/24'	38/40'
Angular	20	8.5	24.9	10.5	11	32	20	41
	30	8.5	17	13.2	11	37.4	20	46.4
	40	8.5	13.2	15.5	12	43	20	51
	45	8.5	12	16.4	13.5	46.3	20	52.8
	50	8.5	11.1	17.3	13.5	50.1	20	54.6
	60	8.5	9.8	18.6	18.5	55.7	22	59.2
	70	8.5	9	19.3	19.5	58.1	22	60.6
	80	8.5	8.6	19.5	24	63	24	63
Perpendicular	90	8.5	8.5	19	25	63	25	63

# Interlocking - Compact Cars

Parking Layout	Angle	Dimensions			One Way		Two Way	
		Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
See Figure 30.26.065(17)	Parking Angle A							
Parallel	0°	8'	20'	8'	12'	28'	20'	36'
Angular	45	8	11.3	14.1	12.5	40.7	20	48.2
	60	8	9.2	15.9	17	48.8	22	53.8
Perpendicular	90	8	8	16	22	54	25	57



## **Landscaping Standards**

### ***Purpose and Intent***

The purpose and intent of this chapter is to encourage healthy, attractive landscapes in the area governed by this AGREEMENT. Minimum requirements and standards are established to promote safety, provide screening between incompatible uses, to safeguard privacy, to promote wise and efficient use of potable water resources, to protect water quality and aesthetics of streams and wetlands and aesthetic assets of the community, to reduce the impact of development on the environment and to provide marketable views of commercial development from SR 525.

The intent of the following described types of landscaping and screening is not to impose rigid and inflexible standards upon either the designer or the site plan, rather, they are to serve as general minimum standards in describing the extent of buffering and beautification desired. It is expected that good landscaping design principles will be applied at all times, including:

1. Spacing for proper growth and root development
2. Safety to pedestrian and vehicular traffic
3. Proper access for emergency response personnel, including fire and police
4. Efficient use of water resources

### ***Airport Review and Approval***

All of the area governed by this AGREEMENT is located on land in immediate proximity to an active jet runway. The use of plants or trees that produce berries or nuts should be avoided so as to limit attraction of wildlife potentially hazardous to aviation. All landscaping vegetation species lists shall be reviewed and approved by the Airport's U.S. Department of Agriculture Wildlife management representative during COUNTY's preliminary construction permit review process.

### ***General Landscaping Requirements***

The following landscape requirements and specifications shall apply to all landscaping required under this chapter:

1. No building permit shall be issued when landscaping is required until a landscaping plan has been submitted and approved.
2. The landscaping plan shall be prepared by a qualified landscape designer.
3. The landscaping plan shall include an assessment of whether temporary or permanent irrigation is required to maintain the proposed landscaping in a healthy condition.
4. Planting areas may include landscape features such as decorative paving, sculptures, fountains, rock features, benches, picnic tables, and other amenities; provided that the area devoted to such features may count toward no more than 20 percent of the total required perimeter and parking lot landscaping area. Use of bark, mulch, gravel, and similar nonvegetative material shall be minimized and used only to assist plant growth and maintenance or to visually complement plant material.

5. To accentuate the aesthetic look along SR 525 plantings shall be placed within the SR525 right-of-way between the curb line and the property line. The property owner, or lessee as determined through any contractual agreements, shall maintain any such plantings.
6. The use of Low Impact Development (LID) techniques is encouraged. If the developer proposes the use of LID's that meets the intent of this of this AGREEMENT an alternative landscape plan may be approved. Examples of LID techniques could include: grass pavers, rain gardens, pervious pavement, or green roofs. The manual "*LID Technical Guidance for the Puget Sound*" and Snohomish County Code, Section 30.63A, Drainage, are good reference tools that should be used in preparing any LID concepts.

### ***Planting Standards***

The following minimum planting standards apply:

1. Trees shall be planted at least five feet from adjoining property lines, except as may be approved for landscaping along road frontages.
2. All landscape materials shall consist of native species or, if not available or feasible, other species well adapted to the Pacific Northwest. Other species may be used when necessary to meet site-specific, micro-climatic conditions.
3. All plants shall be adapted to their sites (sun exposure, cold hardiness, hydrozones, soil type, soil pH, etc.). Plants with differing environmental/cultural requirements shall not be used together if desirable circumstances cannot be provided for both.
4. All landscape materials shall consist of native species or, if not available or feasible, other species well adapted to the Pacific Northwest. Other species may be used when necessary to meet site-specific, micro-climatic conditions. Drought tolerant species are encouraged.
5. Himalayan Blackberry, Scot's Broom, Thistle and other similar invasive plants (including those listed by the Snohomish County noxious weed control board) shall be removed from the site.

### ***Plant Sizes***

Plants used for required landscaping shall be of the following minimum sizes:

#### **Plant Sizes for Streetscape Landscape**

1. Ground-covers – minimum 4 inch pots planted to achieve 90% coverage within 3 years.
2. Shrubs – 24-inch height for required shrubs
3. Street Trees - 2 -1/2 inch caliper
4. Deciduous Trees – 2-inch caliper for canopy trees, 5' to 6' height for multi-stem trees. Canopy trees only for street trees
5. Evergreen Trees – Varies: 60% 6-8' height, 25% 8-10' height, 15% 10-12' height.

#### **Plant Sizes for all Parking Lot Areas:**

1. Ground-covers – 4 inch pot with 12 inch spacing or 1 gallon pot with 18 inch spacing;
2. Shrubs – 18-inch height or spread such that there is no gap between the shrubbery within 2 years.
3. Deciduous Trees – 2-inch caliper
4. Evergreen Trees – Varies: 60% 6-8' height, 25% 8-10' height, 15% 10-12' height.

### ***Perimeter Landscaping***

#### **Commercial Development:**

Perimeter landscaping is intended to soften the visual impact of large commercial developments but not obscure it, to add visual interest, and to retain or help to improve the visual quality of the development. The intent of this section is to serve as the general guidelines and the minimum standards in describing the extent of buffering and beautification desired.

***Perimeter Landscaping along SR-525:*** Streetscape Landscaping shall be required for all Property frontages along SR 525. The purpose of SR-525 Streetscape Landscape improvements is to provide aesthetic landscape improvements, to help minimize and breakup the visibility of parking fields, to provide some visual separation between development and the adjacent SR-525, and to provide marketable views of commercial development from SR 525.

**Pedestrian Overpass:** Refer to Bulk Regulations, Pedestrian Overpass, of this AGREEMENT.

**Meandering Sidewalk:** A ten (10') wide meandering sidewalk shall be located within the SR-525 Streetscape Landscape where a sidewalk does not presently exist. Portions and/or all of the landscaped areas and meandering sidewalk may be located in the right-of-way. The parking lot may be constructed to within five (5') feet of the property line along SR-525.

**Landscaping:** Landscape shall be required between SR 525 and the abutting lot lines and shall consist of the following:

1. A mix of 75% deciduous and 25% evergreen trees with the total quantity averaging 15' on center for the lineal frontage of streetscape area. Street tree varieties shall be selected from the plant list at the end of this chapter. Tree sizes required: deciduous - 2 1/2" caliper; evergreen - 60% 6-8' height, 25% 8-10' height, 15% 10-12' height.
2. Trees may be clustered in groups or spread out along the linear frontage so long as the vegetation density is maintained. If the design includes tree clusters, clusters shall be located to break up the appearance of large blank walls and / or parking lots.
3. The landscaping shall be irregular and natural in layout.
4. A mix of evergreen and deciduous shrubs and or hedge type plants will be planted in the landscape area to help break up visibility of parking lots and traffic on SR-525. A mix of shrub species with the total quantity averaging 5' on center for the lineal frontage of the buffer. Native and drought tolerant species are encouraged.
5. Evergreen ground covers shall be planted to achieve 90% coverage within 3 years of the time of planting. Lawn may be used for up to 50% of the area.

### ***Perimeter Landscaping along Public Roads and Interior Drives***

The purpose of public road and interior driveway landscape improvements is to promote an aesthetic "urban" streetscape and screening parking fields from drivers and pedestrians. A minimum 10' landscape strip shall be provided that consists of a minimum 5' wide planting strip adjacent to the curb and a minimum 5' wide sidewalk.

Streetscape landscaping shall be a minimum of 10 feet in width and minimally consist of all of the following:

1. 2 1/2" caliper deciduous street trees shall be planted 20' on center within the right-of-way planting strip. Street tree varieties shall be selected from the plant list at the end of this chapter.
2. Evergreen ground covers shall be planted to achieve 90% coverage within 3 years of the time of planting. Low perennials are encouraged within the planter strips.
3. Cul-de-sac street trees shall be planted inside of sidewalk if they would interfere with fire safety as determined by the Fire Department.

### ***Industrial Development or Uses***

A 25 foot wide landscape buffer is required between any commercial and industrial development. If the industrial development occurs along SR 525 a 25 foot buffer shall also be required. The purpose of the landscape buffer is to provide visual separation and sight obscuring screening between the development and SR 525 or adjacent commercial development. The landscape buffer shall consist of the following:

1. Native evergreen trees shall be planted in an informal double row layout at a variety of sizes to result in a natural appearance. One tree per ten lineal feet of buffer shall be required with a maximum spacing of 15 feet between trees.
2. Tree sizes shall vary as follows: 60% shall be 6-8 feet in height, 25% shall be 8-10 feet in height, and 15% shall be 10-12 feet in height.
3. A mix of shrub species with the total quantity averaging five feet on center for the linear frontage of the buffer. Native and drought tolerant species are required.
4. Evergreen ground covers shall be planted to achieve 90% coverage within 3 years of the time of planting.
5. Berming is allowed in the buffer. Berms shall be irregular and natural in layout ranging from 12 inches to 36 inches in height as measured from the curb with no grades exceeding a 3:1 slope.
6. Parking lots shall be landscaped according to the parking lot landscape section of this AGREEMENT.

### ***Parking Lot Landscaping***

Landscaping in the interior of parking lots with three or more stalls shall consist of all of the following:

1. One tree for every six parking stalls. Trees shall be selected to form a tree canopy.
2. Five shrubs shall be provided for every 150 square feet of parking island.
3. Evergreen ground covers shall be planted to achieve 90% coverage within three years of planting. Lawn may be used in lieu of shrubs and ground covers for parking islands exceeding 200 square feet.
4. A landscape island shall be provided at the end of parking aisles.
5. The total of all interior landscaped areas shall be equal to or greater than 10% of the total parking lot area, including parking, maneuvering, and loading areas. This requirement is in addition to required perimeter landscaping.

6. No parking stall shall be more than forty-five (45) feet from a landscape area.
7. Parking lots adjacent to streets shall have evergreen scrubs twenty-four (24) inch height planted in the form of a hedge to achieve a solid visual screen to the height of thirty-six (36) inches within three (3) years of planting. Plants shall be a minimum of twenty-four (24) inches in height at the time of planting and planted no more than two (2) feet on center.
8. If grasspave, rainstore, or an equivalent alternative is proposed for the parking lot design, an alternative landscape plan may be approved by COUNTY after review by CITY provided that the intent of this AGREEMENT has been met. Snohomish County code, Section 30.63A, Drainage, shall be used if a Low Impact Design is proposed.

### ***Storm Water Detention Pond Landscaping***

Storm water detention ponds shall be landscaped in accordance with the following standards:

1. Landscaping shall be installed in detention ponds with a minimum width of six feet along the outside edge of the pond, and outside of any fencing.
2. Landscaping shall consist of the following:
  - a. Evergreen trees (variety of species required), or a mix of at least 75 percent evergreen trees (variety of species required) and up to 25 percent deciduous trees planted approximately 20 feet on center in a triangular or offset pattern;
  - b. Evergreen shrubs (variety of species required), or a mix of at least 75 percent evergreen shrubs (variety of species required) and up to 25 percent deciduous shrubs planted approximately three feet on center in a triangular or offset pattern;
  - c. Evergreen groundcover planted 12 inches on center in a triangular or offset pattern; and
  - d. Existing evergreen trees 10 inches in diameter and larger shall be retained where practical when preservation of such trees does not pose a safety hazard, as determined by a certified arborist. Any existing tree identified for retention shall be shown in the required landscape plan and shall be clearly marked in the field for preservation prior to any site disturbance
3. Where fencing of the pond is not required and the unfenced detention facility is not completely screened as described above, the facility shall be landscaped to improve its appearance as follows:
  - a. If the detention facility is located adjacent to or near a natural, year-round stream or wetland, landscaping shall be designed to replicate and enhance natural or near-natural conditions.

If the detention facility is sized and designed to be dry on average of at least six months a year, it may be planted in grass or paved to provide useable open space. In such cases, finished contours and access must allow the intended use and function. The detention facility may feature terraces or steps to provide a safe pond edge and accommodate changes in water levels. In this case, landscaping must complement the terraced edge condition.
  - b. Detention facilities may incorporate two or more of the methods from (A), (B), and (C) above. Trails or walkways may be incorporated into the landscaping.
4. Low impact development techniques may be used in the stormwater detention design as mentioned in the LID manual "*LID Technical Guidance for the Puget Sound*" and Snohomish County Code, Section 30.63A, Drainage.

5. It is preferred that storm water detention facilities be stored underground so as to avoid attracting waterfowl or wildlife potentially hazardous to aviation; however, if underground storage is not feasible, surface storm water detention ponds should be constructed to be steep and deep, with liner and quarry spalls installed on pond floor and no vegetation in or nears the water's edge.

### ***Trash, Recycling, and Outdoor Storage Area Screening***

All Dumpsters, individual refuse containers, trash compactors, and outdoor storage areas shall be screened in accordance with the following standards:

1. An architectural screen a minimum of one foot in height greater than the tallest portion of the container shall surround all sides except the access entry. Building walls of adjacent structures may be used to partially satisfy this requirement. Screen walls shall be a solid visual screen constructed out of metal, concrete, and/or masonry units, or materials similar to the main structure(s) on the site.
2. Enclosure doors shall provide a solid visual screen and be constructed out of materials similar to the enclosure. Chain link fences with slats are prohibited.
3. All trash, recycling and storage containers shall be required to have closure lids that avoid attracting waterfowl or wildlife potentially hazardous to aviation.
4. Trellis-like elements with vines are encouraged to screen views into the enclosure. The three sides of the enclosure not used for access shall be landscaped.
5. Recycling areas shall be provided as needed. Such areas shall be conveniently located near the trash collection areas, and shall be large enough to allow separate recycling areas in conformance with the standards of the company that collects the recycled materials.

### ***Landscape Specifications & Maintenance***

#### **Tree Pruning**

All pruning shall be done in accordance with applicable industry standards. In no case is topping allowed unless prior approval from the COUNTY is obtained.

#### **Shrub Pruning**

Shrubs shall not be pruned below the minimum heights required by these standards.

#### **Soil Porosity**

Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than 85% (penetrable with a hand shovel) shall be loosened to increase aeration to a minimum depth of 18 inches or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off the area to prevent compaction and damage to underground irrigation systems and utilities.

### Tree Protection

Where vehicles overhang into required landscape areas, trees shall be located such that they are not damaged by parked vehicles. Trees in lawn areas are required to have a mulched bed extending 12 inches in all directions from the base of the tree.

### Water-Wise Planting

Plants having similar water use characteristics (hydrozones) shall be grouped together.

### Water-Wise Irrigation

A permanent (or temporary for establishment with temporary being at least two years), efficient irrigation system shall be installed in all landscapes that do not have high soil moisture conditions. The system shall be designed to conserve water by using the best practical techniques available. Best practical management techniques available may include, but not be limited to: automatic controllers to insure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and plants with similar hydrozones and for full sun exposure and shady areas to meet watering needs of different sections of the landscape.

### Water-Wise Mulches and Soil Amendments

1. Soil amendments may be necessary for a healthy growing medium, which will increase the survival rate for new planting and reduce on-going maintenance requirements.
2. Incorporate water and nutrient holding materials into the soil as deep as possible. Use fully composted organic material.
3. Mulch new planting areas to minimize evaporation, reduce weed growth and slow erosion. Use fully composted material.
4. All mulches used in planter beds shall be feathered to the base of the plants.

### Maintenance

Whenever landscaping is required under the provisions of this AGREEMENT, shrubs and trees in the landscaping and planting areas shall be maintained in a healthy growing condition. Dead or dying trees or shrubs shall be replaced promptly, and the planting area shall be maintained free of weeds and trash.

## ***Loading Docks and Retaining Walls***

### Loading Docks

Loading docks shall be screened to minimize and breakup visibility from the right-of-way and pedestrian paths as may be practicable with a solid sight obscuring fence and/or vegetation, such as evergreen hedges, trees, or shrubs. Fencing shall be designed in accordance with the fencing section of this AGREEMENT. Said screening shall not interfere with the use of the loading dock for its intended purposes.

### Retaining Walls

Substantial retaining walls may be necessary on portions of the property to accommodate necessary circulation while maintaining adequate separation from critical areas and detention

facilities. Such retaining walls are permitted, subject to compliance with applicable engineering and building code standards.

### ***Flexibility***

Upon request by the owner or applicant, minor design alterations from these standards may be authorized administratively if the proposed alteration meets the intent of the landscape requirements contained in this AGREEMENT. It is the responsibility of the applicant / owner to prove how the alteration meets the intent of this AGREEMENT.

### ***Fence Standards***

Fences are allowed under the following conditions:

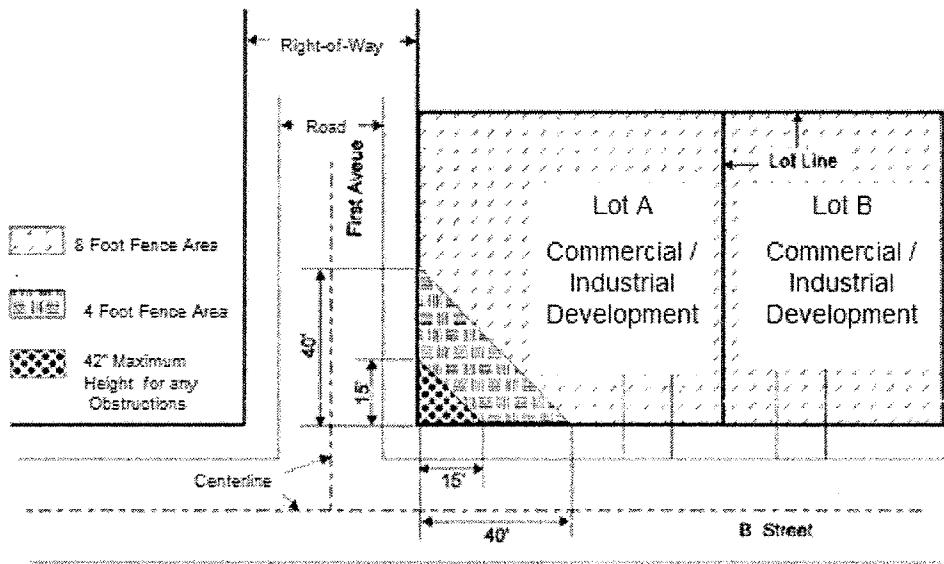
1. Materials and Location.
  - a. Commercial Uses: Fences and freestanding walls around commercial uses shall be constructed of suitable materials except chain link or barbed wire, and may not be electrified. Suitable materials include wood, brick, or masonry.
  - b. Industrial Uses: Chain link fencing is allowed around industrial uses where the applicant demonstrates a security need and so long as the fence is constructed with black vinyl coating.
2. Fences Around Trash Enclosures: Fences around dumpster containers, individual refuse containers, and trash compactors shall meeting the following standards:
  - a. All trash enclosures shall be enclosed.
  - b. Trash enclosures shall not be visible from the street.
  - c. An architectural screen shall surround all sides except the access entry.
  - d. Walls shall be constructed out of wood, metal, concrete, and/or masonry units.
  - e. Gates or similar sight-obscuring enclosures are required.
  - f. A concrete slab shall be installed as the base material within the enclosure.
3. Height
  - a. Fences and freestanding walls may not exceed eight feet in height and may not obstruct the vision of an intersecting street. Unobstructed vision at corners is measured according to the sight distance triangle requirement diagram shown in this chapter. A building permit is required for fences over six (6) feet in height and meet the required building setbacks.

### ***Sight Distance Triangle***

All lots shall maintain a vehicular sight triangle for safety purposes. A sight triangle is a triangular area, on angle of which shall be formed by the front and side lot lines. Within the area comprising the triangle, no tree, fence, shrub, or other physical obstruction higher than 42 inches above the established street grade shall be permitted. No fences or freestanding walls more than four feet in height shall be permitted in the sight triangle when the sides forming the street corner angle measure 40 feet or less.



*Figure 10: Sight Distance Triangle*



### ***Approved Plant List***

While the street trees shown on this approved list are not considered native vegetation, these trees were selected to create an aesthetically pleasing streetscape while not interfering with overhead or underground utilities. The approved plant list is as found in Snohomish County Engineering Design and Development Standards (EDDS).

### **Planting Types**

Landscape plantings, approved for use in public right-of-way, are grouped into four categories described below. Height, spacing, and plant root development have been evaluated to prevent interference with overhead or underground utilities. Approved species for each category are listed in EDDS Standard Drawings 4-010 through 4-040. Tree and shrub size specifications at time of planting are contained in SCC 30.25.015. Due to the sensitive nature of critical areas, as defined by Chapter 30.91C SCC, no non-native species may be planted for landscaping in a public right-of-way that borders a critical area.

1. Small Trees (25 to 35 feet high +/-). Suitable for use under overhead utility wires. May be used in planter strips in front of or behind sidewalks. Average tree spacing: 25 feet to 30 feet, on center.
2. Medium Trees (30 to 50 feet high +/-). Not for use under overhead utility wires. May be used in planter strips in front of sidewalks where utilities are located underground. Refer to Standard Drawings 4-050 and 4-060. Average tree spacing: 35 feet to 40 feet, on center.
3. Large Trees (50 feet high or larger). Not for use under overhead utility wires. Use only behind sidewalks or where large planter strips, 8 to 10 feet wide, are planned. Conifers may be placed only behind sidewalks. Refer to Standard Drawing 4-060. Average tree spacing: 35 feet to 40 feet, on center.
4. Shrubs and Groundcovers. Suitable for use in a narrow planter (2 to 5 feet wide) in front of a sidewalk, where trees are planted behind the sidewalk, or interspersed between trees in planters either in front of or behind sidewalks. Refer to Standard Drawing 4-070.

Refer to Standard Drawing 4-080 for small shrub/groundcover spacing. Drawings 4-090, 4-100 and 4-110 illustrate planter strip design using trees and lawn; trees and groundcover; and trees, shrubs and groundcover, respectively.

*Table 5: Summary of Small and Medium Street Tree Types*

**Small Street Trees**

Average Spacing: 25-30 feet on center

Use: Under Utility Lines & Internal Roads

**Preferred Street Trees:**

- Warrenred Pacific Sunset Maple

**Alternative Street Trees:**

- Queen Elizabeth Hedge Maple
- Paperbark Marple
- Globe Norway Maple
- Keithsform Norwegian Sunset Maple
- Lavalle hawthorn
- Washington Hawthorn
- Goldenrain Tree
- Eith Bogue Magnolia
- Tschonoskii Crab Apple
- Spire Cherry
- Capital Pear
- Autumn Blaze Pear
- Oak-Leaf Mountain Ash
- Chancellor Linden

**Medium Street Trees**

Average Spacing: 35-40 feet on center

Use: Planter Strips Along SR 525

**Preferred Street Trees:**

- Chanticleer Flowering Pear
- Katsura Tree

**Alternative Street Trees:**

- Autumn Blaze Maple
- Greencolumn Maple
- Columnar Norway Maple
- Emerald Queen Maple
- Parkway Maple
- Bowhall Maple
- Karpick Maple
- Scarlet Sentinel Maple
- Briotti Red Horsechestnut
- Jacquemontii Birch
- Pyramidal European Hornbeam
- Raywood Ash
- Patmore Ash
- Autumn Applause Ash
- Urbanite Ash
- Autumn Gold Ginkgo
- Princeton Sentry Ginkgo
- Shademaster Honeylocust
- Moraine Sweetgum
- Rotundiloba Sweetgum
- Worplesdon Sweetgum
- Columnar Sargent Cherry
- Aristocrat Pear
- Redspire Pear
- Skyrocket Oak
- Pink Idaho Locust
- Cardinal Royal Mt. Ash
- Greenspire Linden
- Village Green Zelkova

Figure 11: Tree Planting Detail

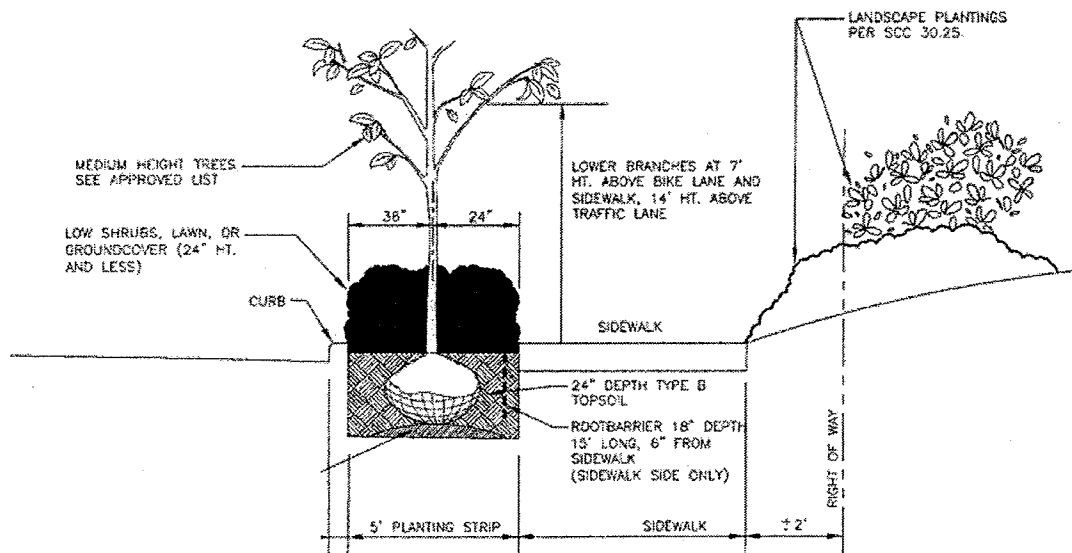
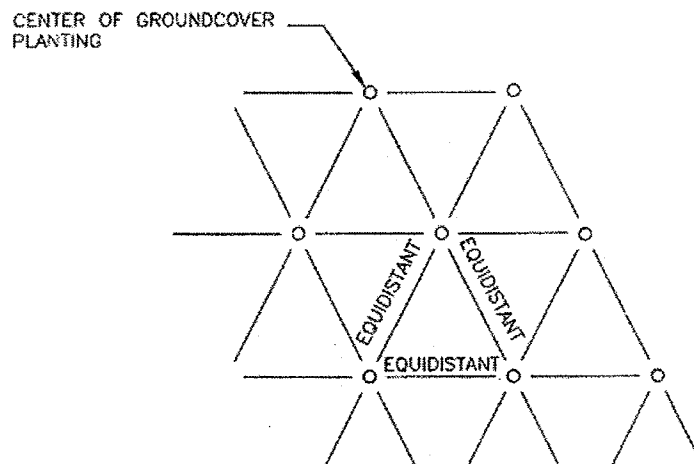


Figure 12: Ground Cover Planting Detail



## **Sign Regulations**

### ***Signage Requirements***

The intent of these signage requirements is encouraging creative signs which have a strong design relationship to the architectural and site design elements of a project. This section describes sign types which are allowed in specific cases; signs or elements not allowed are also mentioned. Signs types not covered in this section may be submitted for review and approval through the modification chapter described in this AGREEMENT; however, in no case shall billboard signs be permitted in PAE 7-3 or MUK 3.

### ***General Standards***

General standards applying to signage include the following:

1. Signage may be illuminated indirectly or backlit by a consistent (non-flashing) source during operating business hours of the tenant.
2. Signage shall be consistent in design and materials with adjacent architectural or site character.
3. Signage shall incorporate three dimensional relief into the sign face, adjacent surfaces, or mounting orientation.
4. Signage shall not pose hazards by obstructing pedestrian and vehicular access or sight distance requirements.
5. Temporary and permanent signage should not obstruct pedestrian routes.
6. Temporary sales or marketing signs are permitted adjacent to and within five feet (5') of the business, but not blocking the sidewalk or walkway and must be promptly removed by dusk of the day displayed. These signs not allowed on SR-525.
7. Real estate for sale signs shall not exceed 15 square feet.
8. Blinking or signs with moving parts are prohibited.
9. Signage materials shall be attached to building structures or ground mounted site elements such as walls.
10. Materials such as wood, metal, masonry, and stone are encouraged for sign faces and surrounding enclosures.

### ***Complex Signage "Theme Tower"***

One complex theme tower is allowed at the entrance to the commercial development in Zone 3 near Harbour Pointe Blvd. North. The sign may be attached to a building or detached with complementary architectural features, focal point, or identity landmark, which is synonymous with the development as follows:

1. The height of a detached tower must not exceed 20 feet at the highest point of the structure. The height of an attached tower must not exceed 15 feet above the roof line and the combined maximum height (roof and theme tower) cannot exceed 60 feet.
2. The feature must have a minimum of three sides.

3. The feature must be located at or adjacent to the main entrance to the development or complex.
4. The copy area permitted shall be no greater than thirty-two (32) square feet per side. The sign shall have no more than two sign faces.
5. The sign may be externally illuminated only (back lit or floodlit).
6. Architectural embellishments, works of art, clock towers, or similar displays may be placed on the feature provided they do not display a message or contain any logos or symbols.
7. The top of the sign area shall be no higher than fifteen feet (vertical) from the ground.
8. The base shall be equal to or greater in width than the width of the sign above the base. The base shall be constructed of treated metal, treated concrete, treated masonry, decorated rock, wood, or a combination thereof.
9. The feature, focal point, or landmark shall have a distinct top feature or roof.

### ***Building Mounted Signs***

Building mounted signs are permitted for retail and commercial uses, professional offices, services, and light industrial uses.

1. Signage shall be integral to the architectural facade, mounted flush against it, or placed perpendicular to a structure so long as it does not inhibit pedestrian circulation and incorporates three dimensional relief
2. Signage shall be illuminated externally or backlit when consisting of individual cut-out, channel letters.
3. Signage shall not exceed 10% of the front façade elevation of the building or leased space in multi-tenant buildings. One side sign per side will be allowed at 5% of the building façade or leased space. For signs utilizing individual letters mounted direct to a building facade, the actual area of the combined letters/characters shall constitute the signage area. Window signs are allowed in addition to the building mounted signs, so long as they do not substantially obstruct views into the tenant space and are permitted signs.
4. Signage is not allowed to be placed in windows facing out. No reader board or electronic message boards are permitted.
5. The base of the sign shall be landscaped with shrubbery and ground cover. Landscaping shall be located to improve the overall visual appearance of the sign and to disguise or integrate the base of the sign. Landscaping shall be in proportion to the size and height of the sign, with a minimum of thirty-two square feet of landscaping area. Landscaping shall be maintained throughout the life of the sign. No dead shrubs, broken parts, cracked or extremely chipped material shall be allowed to remain without repair.

### ***Ground Mounted (Monument) Signs***

Ground mounted signs are permitted for project identity purposes, directional way-finding purposes, retail uses, and as identifiers for community use structures.

1. Ground mounted signs are permitted as follows:
  - a. One ground mounted retail complex sign, not exceeding eight (8') feet in height, may be located at signalized 4-way intersections. A ground mounted sign is not allowed if a theme tower is proposed.

- b. One ground mounted complex sign, not exceeding five (5') feet in height, may be located at right-in / right-out intersections.
- c. One ground mounted sign, not exceeding eight (8') feet in height, shall be allowed at hotel entrances.
- 2. Signage shall be illuminated externally or backlit if consisting of individual cut-out, channel letters. Cut-off features shall be incorporated into light fixtures to avoid glare or spill-over to adjacent uses.
- 3. Signage shall be constructed from permanent materials designed to last for a minimum duration of 10 years.
- 4. The surface area of a signage face shall not exceed thirty two (32') square feet for eight foot high complex signs and twenty-eight (28) square feet for five foot high complex signs. For signs utilizing individual letters mounted direct to an architectural finish wall, the actual area of the combined letters/characters shall constitute the signage area.
- 5. No reader board or electronic message boards are permitted; except that service station price signs may use electronic numbers for displaying prices.
- 6. The minimum setback from SR 525 shall be five (5') feet plus any additional setback necessary to meet the sight distance triangle.

#### ***Service Station Sign(s) and Canopy***

- 1. General. Wall signs on the main building(s) and Monument Signs shall follow the regulations specified.
- 2. Canopies. Signs on canopies are limited to the company or organization logo on two sides. Each sign may be no greater than four (4) square feet in area.
  - a. Lighting. Lighting of the service station complex, including the canopies shall be recessed such that no more than .5 foot-candles of light extends beyond the property boundaries.
- 3. Windows. No sign or promotional signs can be displayed in windows.
- 4. Service Station Pumps/Islands. Signs on service station pumps and service islands are limited to a total of six (6) square feet per island and may not be visible from SR 525. Moving signs are prohibited.
- 5. Fuel Price Signs. A monument sign copy area may be increased as follows to accommodate the fuel price signs:
  - a. Monument sign area may be increased to forty-five (45) square feet to integrate fuel price signs; and
  - b. The maximum allowable copy and sign area is forty-five (45) square feet.
- 6. Point of Sales Items. No items may be placed out on the site or outside the service station.

#### ***Street Signs***

Street signs are permitted as required by Snohomish County for private drives to provide direction, identity of street or neighborhood, and for purposes of safety. Street signs within public right-of-way for safety and directional purposes shall conform to the requirements of the Snohomish County Public Works Department.

### ***Internal Directional Signs***

Internal path finder signs (similar to street signs) can be used to assist patrons to find their way within the complex. They can be mounted on decorative light fixtures and their design and number must be approved by the County.

### ***Unspecified Standards***

Any proposed signage that is not specified in this AGREEMENT shall meet the most restrictive regulation of either the City of Mukilteo or Snohomish County sign code.



## **Traffic Standards and Mitigation**

### ***Road Improvements***

Roadway and frontage improvements including but not limited to streets; curb, gutters, and sidewalks/pathways; traffic signals; and landscaping shall be built as laid out in this AGREEMENT.

Interior access roads shall be designed into all commercial/retail developments, where feasible, to reduce the traffic impacts on SR 525. These roadways shall connect at the intersections of SR 525 and Chennault Beach Road and Harbour Pointe Blvd. North or any new intersections within Sector 7 approved by Washington State Department of Transportation (hereinafter referred to as “WSDOT”). Roads shall be designed and built to accommodate the larger of the City’s or Airport’s fire vehicles. Emergency vehicles shall be allowed to access the internal access roads at all times.

### ***Level of Service***

The Growth Management Act (GMA) requires that Level of Service standards be established for all arterials and transit routes. These service standards are then used to judge the performance of the transportation system and to determine if any transportation improvements are needed to accommodate development.

Development along the west side of the Airport will take direct access onto roads in the City of Mukilteo. Due to direct impacts on Mukilteo’s street system, CITY and COUNTY agree to mutually enforce each other’s traffic mitigation ordinances and policies to address multi-jurisdictional impacts under the terms and conditions as provided for in the “*Interlocal Agreement between Snohomish County and the City of Mukilteo on Reciprocal Mitigation of Transportation Impact.*”

### ***Roadway Standards***

Street improvements shall be required of all new construction, additions to, or remodels (except for interior tenant improvements) of any commercial or industrial structures built subject to this AGREEMENT.

All street improvements shall be designed per Snohomish County Engineering Design and Development Standards subject to the following guidelines:

1. Street widening is not required along SR 525 as it is currently developed to its maximum width configuration. However, intersection improvements may be required.

2. Curb, gutters, and sidewalks shall be installed (or infilled) along the project's entire street frontage according to the Landscaping Chapter of this AGREEMENT and the County's road ordinance.
3. Improvements may be phased if the phasing plan is acceptable to both the CITY and COUNTY.
4. Left turn movements may initiate the need for modifications to the intersections of SR 525 and Harbour Pointe Blvd. North, Harbour Pointe Blvd. South, Chennault Beach Road, and / or Beverly Park Road as determined by both the CITY and COUNTY.

### ***Ingress and Egress***

All new structures shall take primary access from a public street or private access road that complies with the road and streetscape standards of Traffic Chapter of this AGREEMENT. Access through the drive aisles of another lot may be permitted by the COUNTY where private easements are granted. Development in PAE 7-3 shall be designed around the access points as shown on Figure 6; any new access points not contemplated by this AGREEMENT shall be reviewed in joint collaboration by WSDOT, COUNTY, and CITY and established at locations as approved by WSDOT.

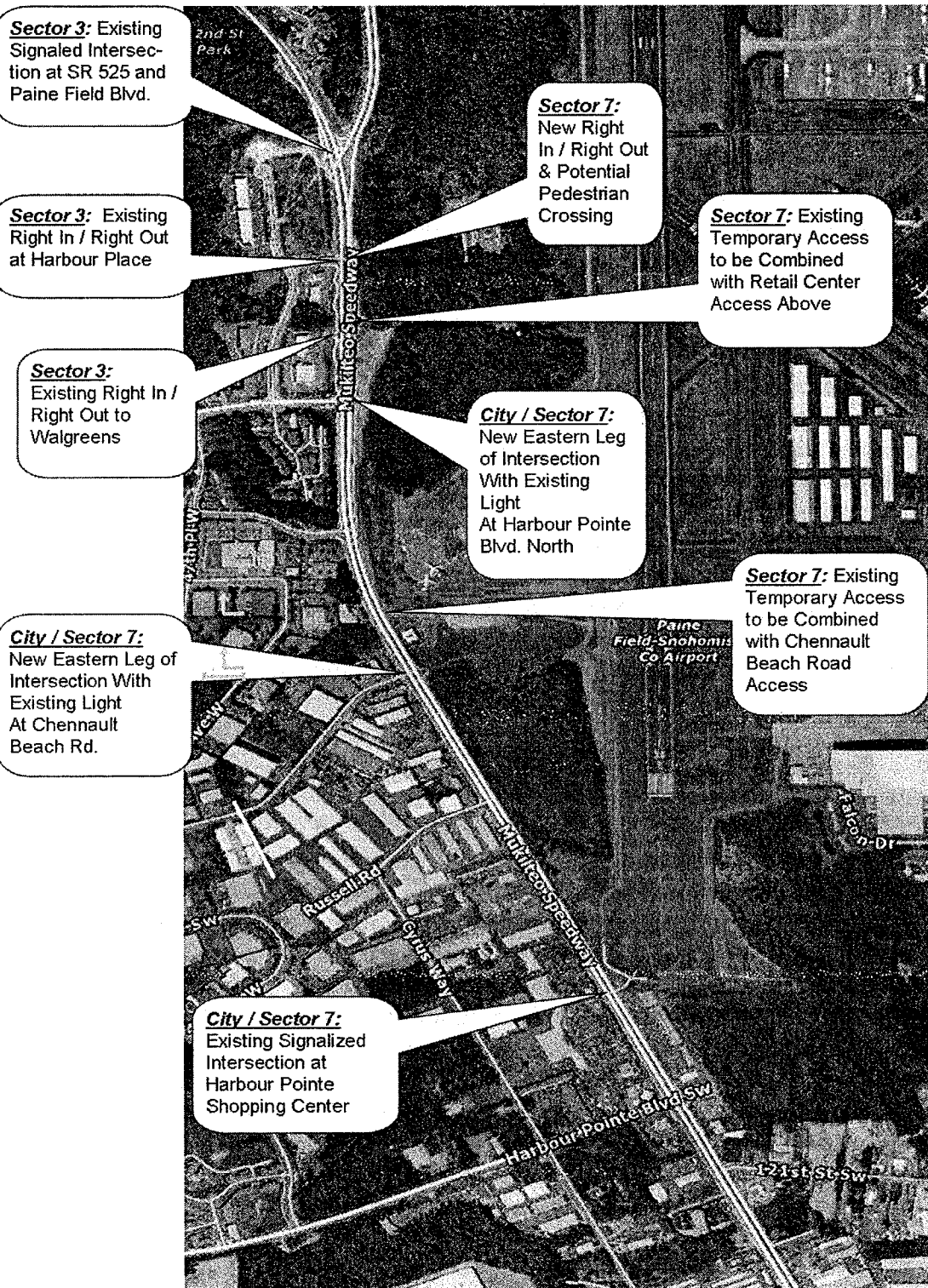
### ***Street Furniture in Right-of-Way***

A "Type E Right-of-Way Use Permit" from the COUNTY's Department of Public Works must be obtained to place street furniture in a public right-of-way.

### ***Bus Stop Locations and Shelters***

Bus stops and pedestrian shelters shall be located along SR 525 per the requirements of Community Transit if required.

Figure 13: City & County Access Points for MUK 3 and PAE 7-3



## **Drainage Standards and Mitigation**

### ***Drainage Improvements***

The purpose of this chapter is to regulate and control drainage and storm water to safeguard the public health, safety, and general welfare. This chapter applies to all development activity under this AGREEMENT. The objectives of this chapter are as follows:

1. To promote sound, practical, and economical development practices and construction procedures which prevent or minimize impacts to downstream waters;
2. To prevent or minimize degradation of water quality and to control the sedimentation of streams, rivers, lakes, wetlands, and other surface water;
3. To control storm water runoff originating on developing land;
4. To preserve the suitability of water for recreation and fishing;
5. To maintain aquatic habitat;
6. To maintain water quality and resources;
7. To prevent or minimize adverse effects caused by alterations in surface water or ground water quality, quantities, locations, and flow patterns;
8. To maintain the safety of roads and rights-of-way;
9. To protect public safety by reducing slope instability and landslides; and
10. To preserve and protect wetlands by maintaining hydrologic continuity with other aquatic resources.

### ***Drainage Standard***

Requirements for stormwater drainage shall be in accordance with the requirements of the Snohomish County drainage ordinance, SCC 30.63A. However, each development must ensure that their project does not create or further complicate downstream deficiencies, if any exist. If there are existing down stream capacity deficiencies in the storm drainage system, the developer shall be required to modify their proposal to ensure that the down stream system can adequately handle the newly released storm water. Such solutions in PAE 7-3 could include: larger ponds or vaults, strategic fixes in the downstream system, application of LID techniques, or other creative designs approved by the COUNTY after review by and collaboration with the CITY. The intent of this section is not to require the developer to pay for repairs of existing system deficiencies, but to ensure that their proposal does not add to or negatively impact down stream systems. CITY agrees to include COUNTY review and collaboration prior to CITY approval of any stormwater drainage proposal in MUK 3 requiring modification to ensure that the downstream system can adequately handle the newly released storm water.

### ***Low Impact Development Techniques***

The use of Low Impact Development (LID) techniques is encouraged. If the developer proposes the use of LID's that meets the intent of this of this AGREEMENT an alternative drainage plan

may be approved. The manual “*LID Technical Guidance for the Puget Sound*” and Snohomish County Code, Section 30.63A, Drainage, should be used reference tools in preparing any LID concepts.

### ***Big Gulch Hi-Flow By-Pass***

If storm drainage plan modifications are required as described above in either PAE 7-3 or MUK 3, the CITY and COUNTY encourage such developments to consider participating in the storm water by-pass system in Big Gulch Creek if appropriate approvals can be obtained from Olympus Terrace Sewer District, CITY and COUNTY.

### ***Other Laws***

Approvals and permits granted based on compliance with this chapter do not constitute waivers of the requirements of any other laws or regulations, nor do they indicate compliance with any other laws or regulations. Compliance is still required with all applicable federal, state and local laws and regulations.

## **SEPA Compliance For Implementing Approvals**

### ***SEPA Authority***

The CITY and COUNTY agree that the Airport shall act as lead agency for all SEPA (State Environmental Policy Act) evaluations for Sector 7 in Airport Master Plan.

### ***Circulation and Notice***

After the effective date of this AGREEMENT, the COUNTY agrees to give the CITY timely written notice and review opportunity related to all land use permit applications within the boundaries of this AGREEMENT. The COUNTY will invite the staff representatives from the CITY to attend staff meetings with the applicant relating to the permit, including pre-application meetings.

The CITY agrees that the COUNTY can only impose code standards and conditions requested by the CITY (beyond those contained in this AGREEMENT) if the applicant agrees in writing or testifies to such in a public hearing on the development application; except that in the case of impacts identified through the SEPA process, it is agreed that the COUNTY has the authority to impose appropriate mitigation measures suggested by the CITY as conditions to mitigate such impacts consistent with the COUNTY's SEPA policies and SCC 30.61, the COUNTY's environmental review ordinance.

### ***Prior Environmental Documents and Review***

The parties acknowledge the property subject to this AGREEMENT has been included in or relates to, but not limited to, the following environmental documents:

1. Final Environmental Impact Statement, Snohomish County GMA General Policy Plan
2. Snohomish County GMA General Policy Plan
3. Snohomish County Critical Areas Regulations
4. Paine Field Airport Master Plan Update
5. Memorandum of Agreement and Implementation Manuals for the Narbeck and Swanson Wetland Mitigation Banks
6. Mukilteo GMA Comprehensive Plan
7. Mitigated Determination of Non-Significance for the 2004 Mukilteo Comprehensive Plan
8. City of Mukilteo Transportation Plan
9. Transportation Engineering Northwest Traffic Study Prepared for the City of Mukilteo

### ***SEPA for Implementing Approvals***

The CITY and COUNTY agree that the prior environmental review documents may be used to support SEPA determinations for projects within the boundaries of this AGREEMENT.

## **Modifications**

This Chapter sets forth the standards and review procedures for modifications to this AGREEMENT. As contained in this AGREEMENT there are two types of modifications:

1. Administrative Modification: Administrative modifications require written approval of any proposed modification to this AGREEMENT by the CITY's Planning Director and the COUNTY's Airport Director or their designated representatives.
2. Major Modifications: Major modifications require Council approval by both the CITY and COUNTY.

### ***Administrative Modifications***

Upon the CITY or COUNTY's request, administrative modifications to this AGREEMENT may be authorized by written agreement between the CITY and COUNTY. Administrative modifications include the following changes:

1. Designations or changes within the AGREEMENT to the configuration, location, design or size of the following: lease lot line PAE 7-3, building setbacks, landscaping, roads (including arterials, collectors and local); trails; open space or parks, utilities or other infrastructure so long as the changes meet the most restrictive requirement of either the COUNTY or CITY code.
2. Designations or changes in the surface water management practices and standards, including the size and/or alterations to the configuration of detention facilities or tracts or other standards, so long as the changes provide substantially equivalent or better protection for aquatic resources.

### ***Major Modifications***

The following changes to this AGREEMENT shall constitute a Major Modifications:

1. Changes that affect the Master Interlocal Agreement between Snohomish County and the City of Mukilteo and / or the Reciprocal Traffic Mitigation Agreement between the City and County.
2. Changes to standards which do not comply with either the City of Mukilteo or Snohomish County Code.
3. Changes to the size or shape of PAE 7-3 as shown in this AGREEMENT which result in relocation of a PAE 7-3 perimeter boundary in excess of, plus or minus, one hundred feet (100').
4. Any other designation or change that does not qualify or was denied as an Administrative Minor Modification.