AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF MUKILTEO REGARDING INTERJURISDICTIONAL REVIEW AND MITIGATION FOR DEVELOPMENT IMPACTS ON THEIR RESPECTIVE TRANSPORTATION INFRASTRUCTURE

This Amendment No. 1 to the Interlocal Agreement between Snohomish County and the City of Mukilteo Regarding Interjurisdictional Review and Mitigation for Development Impacts on their Respective Transportation Infrastructure is made and entered into by and between Snohomish County (the "County") and the City of Mukilteo (the "City"), collectively the "Parties".

WHEREAS, the County and the City entered into that "Interlocal Agreement between Snohomish County and The City of Mukilteo Regarding Interjurisdictional Review and Mitigation for Development Impacts on their Respective Transportation Infrastructure" on April 29, 2009 (hereinafter the "Original Agreement"), attached as Exhibit A; and

WHEREAS, the Original Agreement is intended to provide for consideration and evaluation of interjurisdictional impacts to transportation infrastructure that result from development and to allow for coordinated governmental actions to mitigate those impacts based upon the Parties' designated mitigation policies; and

WHEREAS, Sections 3.6, and 4.6 of the Original Agreement are intended to define the actions of each jurisdiction when one Party proposes not requiring some or all of the mitigation requested by the other Party; and

WHEREAS, Sections 3.5 and 4.5 of the Original Agreement are intended to define the actions of each jurisdiction when one Party agrees to require all of the mitigation requested by the other Party; and

WHEREAS, Section XII of the Original Agreement provides that the Parties shall execute an amendment to the Agreement in the same manner as provided by law for the execution of the Original Agreement; and

WHEREAS, the Parties wish to amend the Original Agreement to make the language in Sections 3.5, 3.6, 4.5 and 4.6 consistent and to amend Section XII to better clarify its provisions and to extend the term of the Original Agreement;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed that the Original Agreement shall be amended as follows:

AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF MUKILTEO REGARDING INTERJURISDICTIONAL REVIEW AND MITIGATION FOR DEVELOPMENT IMPACTS ON THEIR RESPECTIVE TRANSPORTATION INFRASTRUCTURE
GENERAL TERMS AND CONDITIONS

Section 1: Amend the language in Section 3.5 – Section 3.5 of the Original Agreement is amended to read as follows:

3.5 If the County determines that the mitigation measures requested by the City are reasonably related to a development’s traffic impacts, the County shall impose the mitigation measures requested by the City as a condition of the County’s administrative determination or include such mitigation measures as proposed conditions of development approval to the County Hearing Examiner or other approving official, as appropriate.

Section 2: Amend the language in Section 3.6 – Section 3.6 of the Original Agreement is amended to read as follows:

3.6 If the County does not either agree to impose the mitigation measures requested by the City in the County’s administrative determination or to recommend the mitigation measures as a condition of approval by the County Hearing Examiner or other approving official, the County shall give timely advance written notice of that decision to the City. After providing such notice to the City, and before the County makes its administrative determination or recommendation to the County Hearing Examiner or other approving official, representatives from the County and City shall meet to discuss the City’s requested mitigation.

If after this meeting, the City and County still cannot agree upon mitigation measures to be imposed, the County will issue its administrative decision or recommendation to the County Hearing Examiner or other approving authority including mitigation measures the County determines to be appropriate under applicable County Code provisions. The City shall be granted an opportunity to either formally address or submit comments to the County Hearing Examiner before or at the project’s public hearing or other approving authority prior to the issuance of an administrative decision, to explain how its requested mitigation is consistent with City mitigation policies and state and case law, or, in the case of an administrative decision, the City shall retain the right to file an appeal of the decision.

Section 3: Amend the language in Section 4.5 – Section 4.5 of the Original Agreement is amended to read as follows:

4.5 If the City determines that the mitigation measures requested by the County are reasonably related to a development’s traffic impacts, the City shall impose the mitigation measures requested by the County as a condition of the City’s administrative determination or include such mitigation measures as proposed conditions of development impacts on their respective transportation infrastructure.
development approval to the City Hearing Examiner or other approving official, as appropriate.

Section 4: Amend the language in Section 4.6 – Section 4.6 of the Original Agreement is amended to read as follows:

4.6 If the City does not either agree to impose the mitigation measures requested by the County in the City’s administrative determination or to recommend the mitigation measures as a condition of approval by the City Hearing Examiner or other approving official, the City shall give timely advance written notice of that decision to the County. After providing such notice to the County, and before the City makes its administrative determination or recommendation to the City Hearing Examiner or other approving official, representatives from the City and County shall meet to discuss the County’s requested mitigation.

If after this meeting, the County and City still cannot agree upon mitigation measures to be imposed, the City will issue its administrative decision or recommendation to the City Hearing Examiner or other approving authority including mitigation measures the City determines to be appropriate under applicable City Code provisions. The County shall be granted an opportunity to either formally address or submit comments to the City Hearing Examiner before or at the project’s public hearing or other approving authority prior to the issuance of an administrative decision, to explain how its requested mitigation is consistent with County mitigation policies and state and case law, or, in the case of an administrative decision, the County shall retain the right to file an appeal of the decision.

Section 5: Amend the language in Section XII – Section XII of the Agreement is amended to read as follows:

XII. EFFECTIVE DATE, DURATION, AMENDMENT AND EXTENSION

This Agreement shall be effective 60 days 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 party, and the recording of the Agreement with the County Auditor. The Agreement shall remain in full force and effect until the end of the calendar year 2029.

Any amendments shall be in writing and executed in the same manner as provided by law for the execution of this Agreement and shall be effective following the approval of the amendment by the official action of the governing bodies of each of the parties and the signing of the amendment by an authorized representative of each party and the posting of the amendment on the County’s website pursuant to
R.C.W 39.34.040; PROVIDED, that prior to termination, the term of this Agreement may be extended administratively by written agreement signed by the County's Public Works Director, or his or her designee, and by an authorized City representative after receiving City Council approval.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. One, effective on the latest date shown below. The signatories below represent and warrant that they possess the authority to execute this Amendment No. 1 and bind their respective entities.

SNOHOMISH COUNTY

By: ___________________________
   Dave Somers
   Snohomish County Executive

ATTEST:

By: ___________________________

CITY OF MUKILTEO

By: ___________________________
   Jennifer Gregerson
   City of Mukilteo Mayor

ATTEST:

By: ___________________________

Approved as to Form Only:

By: ___________________________
   Deputy Prosecuting Attorney

Approved as to Form Only:

By: ___________________________
   City Attorney

COUNCIL USE ONLY

Approved: 12.18.19
Docfile: D-19
EXHIBIT A

INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF MUKILTEO REGARDING INTERJURISDICTIONAL REVIEW AND MITIGATION FOR DEVELOPMENT IMPACTS ON THEIR RESPECTIVE TRANSPORTATION INFRASTRUCTURE

[See Attached]