



**Land Use & Economic  
Development  
Committee Agenda**  
Mukilteo City Hall - 11930 Cyrus  
Way  
**Tuesday, April 6, 2021**  
**5:30 PM-7:00 PM**  
**Zoom Virtual Meeting**

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**Join Zoom Meeting**

<https://us02web.zoom.us/j/82293643993?pwd=UzQ5K1FFRENBY3hSUTNYZGJXSjVDQT09&from=addon>

**By Phone:**

+12532158782 US (Tacoma)

+16699009128 US (San Jose)

Meeting ID: 822 9364 3993

Passcode: 591095

**CALL TO ORDER - 5:30 PM**

**Meeting Objectives:**

1. Economic Recovery
2. Public Noticing - Mailing Radius Distance

**ADJOURNMENT - 7:00 PM**

**Next Meeting Date/Time:** Tuesday, May 4, 2021, 5:30PM

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- For accessibility information and for accommodation requests, please call the ADA Coordinator at (425) 263-8005 (or TRS (800) 833-6384 or dial 711), or visit <https://mukilteowa.gov/departments/executive/ada-program/>.

<b>LAND USE &amp; ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT</b>	
<b>SUBJECT TITLE:</b> Public Notice – Mailing Radius	<b>FOR AGENDA OF:</b> April 6, 2021
<b>Contact Staff:</b> Lauren Balisky, Planning Manager	<b>EXHIBITS:</b> 1. <a href="#">February 1, 2021 City Council AB (AB2021-12)</a> 2. <a href="#">February 23, 2021 LU&amp;ED AB</a> 3. <a href="#">February 23, 2021 LU&amp;ED Meeting Notes</a>
<b>Department Director:</b> David Osaki	

### **RECOMMENDATION**

Land Use & Economic Development Committee members to discuss policy options/development scenarios for expanded mailing radius notification.

### **POTENTIAL POLICY OPTIONS/DEVELOPMENT SCENARIOS**

Increase mailing radius notification distance for/by:

- Project Type
  - o Examples: Essential Public Facilities (e.g. Multimodal Ferry Terminal project, Wastewater Treatment Plant Expansion, Sound Transit Commuter Rail Station)
- Project Size
  - o Examples: Large industrial development by acreage and/or by building size (e.g. Pacific Seafood)
- Peak PM Trip Generation
  - o Examples: Commercial parking lot, Commercial day care, New street segments (Harbour Reach Corridor)
- Non-Residential Uses (Industrial, commercial, and public) within/adjacent to Residential Area, including if access to the project occurs along transitional street or into/through residential area
  - o Examples: Transition area along 44<sup>th</sup> Ave W, Hawthorne Hall
- Special Projects
  - o Examples: Major Comprehensive Plan Update, new subarea plan, etc.
- Other proposed development projects not specifically identified above as determined by the Department Director to warrant an additional mailing notice radius

For additional background, the following table provides information regarding required notification by the *type of application*.

**Table 1: Summary of Notice Requirements of MMC 17.13.050(G), Organized by Notification Distance, Review Type and Application Type**

Review Type	Type of Application	Post Site	Post at Posting Locations	Advertise in Newspaper	Notification (Within 300')
Major	Binding Site Plan	✓	✓	✓	✓
Major	Clearing/Grading Permits Subject to Major Review	✓	✓	✓	✓
Major	Conditional Use Permits	✓	✓	✓	✓
Major	Cottage Housing Project	✓	✓	✓	✓
Major	Preliminary Plats	✓	✓	✓	✓
Major	Projects Subject to Major Review	✓	✓	✓	✓
Major	Public Hearings	✓	✓	✓	✓
Major	Rezones	✓	✓	✓	✓
Major	Special Use Permit—Essential Public Facilities	✓	✓	✓	✓
Major	Stormwater Minimum Requirement Exception	✓	✓	✓	✓
Major	Variances	✓	✓	✓	✓
Major	Wireless Communication Facilities	✓	✓	✓	✓
Minor	Historic Registration/Nomination	✓	✓	✓	✓
					<b>Notification (Adjacent)</b>
Major	Major Sector Plan Amendments	✓	✓		✓
Major	Reasonable Use Permit	✓	✓	✓	✓
Minor	Accessory Dwelling Unit Permit	✓	✓		✓
Minor	Commercial/Industrial Permits with Gross Floor Area < 8,000 Square Feet	✓	✓		✓
Minor	Multifamily Residential Projects < 5 Dwelling Units	✓	✓		✓
Minor	Parking Lots with < 21 Parking Stalls Not Associated with Another Development Permit	✓	✓		✓
Minor	Street Vacations	✓	✓	✓	✓

## **ALTERNATIVES**

LU&ED Committee may identify additional policy options/development scenarios and/or remove/modify items from the list above.

## Exhibit 1

MUKILTEO CITY COUNCIL AGENDA BILL 2021-12	
<b>SUBJECT TITLE:</b> PublicHearing - Public Notice Code Amendment (2018Docket)	<b>Meeting Date:</b> February 1, 2021
<b>Staff Lead:</b> Lauren Balisky, Planning Manager	<b>Exhibits:</b>  1. PowerPoint Presentation 2. Draft Ordinance No. 1430 - Public Notice Code Amendment 2-A Findings of Facts and Conclusions 3. SEPA Determination of Nonsignificance (DNS), December 6, 2019 4. SEPA Checklist 5. September 17, 2020, Planning Commission Minutes 6. Public Comments (Combined)
<b>Department Director:</b> David Osaki, Community Development Director	
<b>Estimated Time:</b> 40 Minutes	
<b>Previous Review:</b> <a href="#">March 19, 2018</a> Council Meeting (AB 2018-32)	

### RECOMMENDATION:

Council **MOTION** to not pass Ordinance No. 1430 (see **Exhibit 2**), as recommended by the Planning Commission, and retain the current Mukilteo Municipal Code (MMC) distance standard for mailing of public notices.

### SUMMARY:

In 2018, the Mukilteo City Council approved several items for further detailed review as part of the 2018 Final Docket. This public hearing is to take testimony on a code amendment approved by the City Council as part of the 2018 Final Docket process. The code amendment request was submitted by Mr. Sherwood Sage of the Hilltop Neighborhood Association. Two other requests by Mr. Sage (planned industrial design standards and landscaping code) continue to be in-work and under review by staff.

The request before Council with his ordinance seeks to amend the Mukilteo Municipal Code and expand the City's radius requirements for the mailing of land use permit public notices to surrounding property owners from 300 feet to 600 feet.

After review and public process described below, the Planning Commission recommended that the City not expand the notice requirements, for reasons that included:

- Cost of additional noticing, for the City and/or applicants;
- Existing availability of notices in a variety of alternate locations and formats (see page 3);
- Concerns about whether the amendment was necessary, given the increased size of on-site public notice signs and that Mukilteo already provides a larger mailed notice area than other jurisdictions.

## **PUBLIC NOTICE CODE AMENDMENT ANALYSIS:**

Information and analysis about the Public Notice Code Amendment is as follows:

### **Current Practice**

The City's land use public notice process is codified in [MMC 17.13.050](#). This sets the minimum requirements for how the City provides notice on land use actions. Minimum requirements for noticing of a land use action is provided in multiple forms, including:

- US mail, for site-specific applications;
- Legal ad in the *Everett Herald*;
- Public notice posted on site (i.e. public notice board), for site-specific actions;
- Posting at notice locations throughout the City (City Hall, Post Office, Rosehill Community Center, Rite Aid/QFC); and
- Notice to interested or impacted internal departments and external agencies.

The City also provides notice in the following additional ways:

- On the City's website on the [Land Use Action Notices](#) webpage;
- Email notices to "parties of interest" (*individuals who have previously requested notice about general topics or specific projects*); and
- For projects (mainly items not related to a single property permit, such as the Housing Action Plan or Comprehensive Plan) that staff anticipate may be of greater public interest than usual, staff have also:
  - Created a separate, project-specific webpage;
  - Held open houses and/or neighborhood meetings;
  - Mailed and emailed notice of planning commission and council meetings;
  - Placed ads in the *Mukilteo Beacon*;
  - Hung banners at the City community event banner locations.

Further, public notices may be provided multiple times for the same project permit depending on the type of permit application, including:

- Notice of Application, for when an application is submitted;
- Notice of Environmental Decision, if one is required (this is sometimes combined with the Notice of Application);
- Notice of Public Hearing, for any upcoming public hearing if one is required, whether that is with the Hearing Examiner, Planning Commission, and/or City Council; and

- Notice of Decision, which identifies whether or not a project has been approved, project requirements, special project conditions and avenues for appeal.

For site-specific project applications, public notice is mailed to the owner and taxpayer of record for each parcel within 380 feet of the subject site, as measured from the exterior lot lines of the property proposed for development. While MMC 17.13.050(G) - Table 5 - currently only requires a distance of 300 feet; staff routinely uses a 380-foot distance. This helps ensure that potentially impacted properties separated from a development site by features such as a street also receive notice.

### **Public Notice and Financial Impacts**

In analyzing the proposed public notice code amendment proposal, staff evaluated financial impacts and also the additional public awareness (i.e. additional property owners who would receive a mailed public notice) that might, on average, be achieved.

Costs for mailing notices are covered by land use fees paid by property developers as part of a permit application. If noticing requirements were increased, that additional cost would be borne by the City until an update to the fee schedule was completed.

Staff evaluated 52 project-permit related public notices mailed between January 1, 2018 and May 15, 2019 to determine how many additional properties would, on average, have received public notice were the proposed 600 foot mailing radius be in effect.

The City currently uses a service called Click2Mail to print, label and mail its notices. Notices are currently provided on 4.5-inch by 6-inch postcards. Staff reran public noticing for each of the 52 projects to estimate the cost for the Code required 300 foot mailing radius and for the proposed 600 foot mailing radius. These estimates were then compared against the actual cost and notice quantities of the 380 foot mailing distance the City actually uses.

While not specifically part of the docket request, staff took this opportunity to do additional mailing notice analysis related to the size of the City's mailed notice. Based on past feedback from the public (e.g. small font size, postcard looks like junk mail, etc.) staff also included in the analysis an estimate of costs for increasing the current 4.5-inch by 6-inch postcard size to 5-inch by 8-inch. This would allow for additional information, larger font, and potentially graphics.

The table on the next page summarizes the results of this analysis:

	300 ft. Radius (current MMC)	380 ft. Radius (current practice)	600 ft. Radius (proposed)
Average No. of Notices Per Mailing	160	181	301
Average Additional Properties Notified Over Current MMC 300 ft. Radius Requirement	-	21	141
Average % Increase of Properties Notified Over Current MMC 300 ft. Radius Requirement	-	13%	88%
Current Mailing Size: 4.5" x 6" Postcards			
Average Cost of Notices Per Mailing	\$85.71	\$112.52	\$160.95
Average Additional Cost for Properties Over Current MMC 300 ft. Radius Requirement	-	\$26.81	\$75.25
Alternative Mailing Size: 5" x 8" Postcards			
Average Cost of Notices Per Mailing	\$112.59	\$127.80	\$209.99
Average Additional Cost for Increased Size	\$26.88	\$15.28	\$49.09
Average Additional Cost for Properties Notified Over Current MMC 300 ft. Radius Requirement	-	\$15.21	\$97.40

If the 600-foot radius requirement were in effect for the 52 project-permit related public notices mailed between January 1, 2018 and May 15, 2019, the additional cost would have been approximately **\$3,913** for the current postcard size and **\$5,065** for mailing a larger postcard size. This cost would be borne by the City until the fee schedule is updated, and then would be paid by permit applicants as part of their land use fees.

Also, during the January 1, 2018 and May 15, 2019 time period, the City mailed 16 routine informational notices that are not included in the calculation above. Informational notices are typically for items like construction notices to affected properties and where notice is only required to the adjacent property owner.

### **Comparison to Neighboring Jurisdictions**

Staff compared Mukilteo's public notice radius requirement with neighboring Snohomish County cities. The following table presents the results of that comparison.

City	Notice Radius	Above or Below Mukilteo 300 ft. Standard	Notes
Everett	150 ft.	↓	
Edmonds	300 ft.	=	
Lynnwood	300 ft.	=	Current practice is 600 ft.
Marysville	300 ft.	=	
Mountlake Terrace	300 ft.	=	
Mukilteo	300 ft.	=	Current practice is 380 ft.
Snohomish	300 ft.	=	
Stanwood	300 ft.	=	
Arlington	500 ft.	↑	
Bothell	500 ft.	↑	
Monroe	500 ft.	↑	

### **PUBLIC NOTICE CODE AMENDMENT – PUBLIC REVIEW PROCESS/PUBLIC COMMENT:**

The proposed code amendment was subject to the following public review/notice processes.

#### **Notice of Proposed Ordinance**

The City issued a Notice of Proposed Ordinance on October 11, 2019. A Notice of Proposed Ordinance is the City's initial notification to the public and agencies of a proposed Code Amendment.

This notice was sent to the applicant, agencies, parties of interest, Planning Commissioners, the Everett Herald, and posted at City public notice locations and on the City's website. The comment period ended on October 25, 2019.

The following comments were received during this period:

- Snohomish County Public Works expressed no impacts to County roads.
- Mr. Sherwood Sage, the applicant for the proposed code amendment and primary contact for the association, expressed that the notification area should be based on the size of any project and those that it affects.
- Mukilteo School District had no comment.



### **Washington State Growth Management Act – State Agency Review**

Pursuant to Revised Code of Washington (RCW) 36.70A.106, a Notice of Intent to Adopt the proposed ordinance was sent to the Washington State Department of Commerce for State agency review on October 9, 2019. The 60-day review period ended on December 8, 2019. No State agency comments were received during the 60 day review period.

### **Washington State Environmental Policy Act (SEPA)**

Pursuant to the State Environmental Policy Act (SEPA), the City of Mukilteo was designated as the lead agency for environmental review of the proposed code amendment.

A Determination of Non-Significance (DNS) was issued pursuant to Washington Administrative Code (WAC) 197-11-340(2) on December 6, 2019 (see **Exhibits 3 and 4**). This notice was sent to the applicant, agencies, parties of interest, Planning Commission, the Everett Herald, and posted City notice locations and on the City's website.

The SEPA public comment period ended on December 20, 2019, and the appeal period ended on January 3, 2020. No comments or appeals of the SEPA determination were received.

### **August 27, 2020 Hilltop Neighborhood Association Open House**

At the request of the Hilltop Neighborhood Association, Planning Manager Balisky and Senior Planner Ritter met with members of the neighborhood to discuss various issues, including how Planned Industrial (PI) zoning regulations function and public noticing. Two (2) members of the public attended.

### **September 17, 2020 Planning Commission Public Hearing**

Notice of the September 17, 2020 Planning Commission Public Hearing was issued on September 4, 2020. There was no verbal testimony from the general public. Written public comment submitted in advance of the Planning Commission public hearing included:

- Mr. Sherwood Sage expressed appreciation that the standard notice sign used by the City has been increased in size and visibility since the Pacific Seafood application. He reiterated that the notification area should not be one size fits all.
- Mr. Donald Woods expressed support for Mr. Sage.

Following the public hearing, the Planning Commission passed a motion recommending denial of the draft Ordinance No. 1430 to the City Council (see **Exhibit 5** for Planning Commission minutes).

Among the reasons for the Planning Commission recommendation were<sup>1</sup>:

- Cost of additional noticing, for the City and/or applicants;
- Availability of notices in a variety of alternate locations and formats;
- Concerns about whether the amendment was necessary, given the increased size of on-site public notice signs and that Mukilteo already provides a larger mailed notice area than other jurisdictions.

#### **February 1, 2021 City Council Public Hearing**

A Notice of Public Hearing for the February 1, 2021 City Council public hearing was issued on January 22, 2021. This notice was sent to the applicant, agencies, parties of interest, Planning Commission, the Everett Herald, and posted City notice locations and on the City's website.

#### **ALTERNATIVES:**

As alternatives to the recommended motion:

- A. Council may, by **MOTION**, approve Ordinance No. 1430 adopting an amendment to the public noticing requirements in Chapter 17.13 of the Mukilteo Municipal Code and adopt the Findings of Fact and Conclusions as presented in **Exhibit 1**.
- B. Council may, by **MOTION**, continue the public hearing if further information is required and/or to accept additional public testimony.

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<sup>1</sup> Commissioner comments and deliberation began at approximately 1:28:45 in the September 17, 2020 Planning Commission Meeting recording, available online at: [https://mukilteo-wa.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=896](https://mukilteo-wa.granicus.com/MediaPlayer.php?view_id=4&clip_id=896)

## Exhibit 2

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT	
<b>SUBJECT TITLE:</b> Public Notice	<b>FOR AGENDA OF:</b> February 23, 2021
<b>Contact Staff:</b> Lauren Balisky, Planning Manager	<b>EXHIBITS:</b> 1. February 1, 2021 City Council AB (AB2021-12)
<b>Department Director:</b> David Osaki	

### **RECOMMENDATION**

Committee members should identify useful information they would like to be brought back for future discussion.

### **SUMMARY**

At its February 1, 2021 meeting, the City Council held a Public Hearing on a code amendment related to public noticing of land use actions (**see Exhibit 1**). That code amendment would have, if passed, expanded the required mailing radius for noticing surrounding property owners of land use actions (from 300 feet to 600 feet).

The City Council action was not to pass the code amendment. However, in doing so, the City Council expressed an interest in using the Council committee process to evaluate alternative improvements to public noticing.

### **BACKGROUND**

Various land use and construction applications require public notice under the Mukilteo Municipal Code. Over time, certain methods have become less effective than in the past (e.g. legal notice in the newspaper).

While the City is unable to change certain noticing required by State law, the City does have flexibility in implementing public noticing above and beyond those requirements.

To provide the LU&ED Committee with an indication of the volume of public noticing, Table 1 identifies the number of land use applications, by permit type, submitted in 2019-2020 and the types of notice required of each permit type.

In 2019 and 2020, the City received 46 land use applications that require some form of public notice and issued 88 land use and construction notices. As was indicated at the City Council's February 1, 2021 public hearing, a single permit application may require more than one public notice. Also, depending on the permit type and the time it takes to process the permit, the notices may be issued over a series of years.

**Table 2: Notice Types Required for Applications Submitted 2019-2020**

Application Type <sup>1</sup>	Applications Rec'd 2019-2020	Notice of Application	Notice of Environmental Decision <sup>2</sup>	Notice of Public Hearing	Notice of Decision
Accessory Dwelling Unit	1	X			X
Appeal	1			X	X
Binding Site Plan	2	X			X
Code Amendment	10	X	X	X <sup>3</sup>	X
Comprehensive Plan Amendment, w/ or w/o Rezone	3	X	X	X <sup>3</sup>	X
Conditional Use Permit	3	X		X	X
Development Agreement	2	X	X	X	X
Essential Public Facility	1	X	X	X	X
Noise Variance	7	X			X
Project Permit Review	9	X	X		X
Reasonable Use Permit	2	X	X	X	X
Shoreline Substantial Development Permit	1	X	X		X
Short Plat	2	X			X
Subdivision	1	X	X	X	X
Wireless Communication Facility	1	X		X	X

The technical requirements for public notice are found in Mukilteo Municipal Code (MMC) Chapter 17.13 - Land Use and Development Review Procedures.

### **ALTERNATIVES**

None. For discussion.

<sup>1</sup> This list does not represent all land use application types, just the applications received in 2019-2020 that have some form of public notice required.

<sup>2</sup> A Notice of Environmental Decision is only required when the proposal is not exempt from State Environmental Policy Act Review. For some environmental decisions, this may be combined with the Notice of Application.

<sup>3</sup> Requires a Public Hearing with both the Planning Commission and City Council.

## Exhibit 3



# Land Use & Economic Development Committee

Tuesday, February 23, 2021

5:30 PM - 7:00 PM

(MEETING HELD VIA ZOOM)

## Meeting Notes

### **Committee Attendees**

Present: Councilmember Marine, Councilmember Harris

Absent: Councilmember Emery

### **Other Attendees**

Kandace Barnes, President and CEO, Mukilteo Chamber of Commerce

Mayor Gregerson

City Administrator Powers

Community Development Director Osaki

Planning Manager Balisky

### **1. Economic Recovery**

Kandace Barnes, Mukilteo Chamber of Commerce President and CEO, discussed ways the Chamber and City might partner together to more effectively meet the needs of potential and existing businesses.

Streamlining communication pieces and coordination of information the Chamber and City each makes available to and shares with the business community were mentioned. Mukilteo Chamber of Commerce President and CEO Barnes also raised the issue of how the City and Chamber might partner with other organizations to identify local resources and how such information about local resources can then be provided to businesses.

Councilmember Marine mentioned the importance of the City's partnership with the Chamber to communicate to businesses. Councilmember Harris noted the importance of consistent communication to help ensure ideas are effectively implemented.

Mukilteo Chamber of Commerce President and CEO Barnes stated how the Chamber has been distributing Personal Protective Equipment (PPE) packets. She added to let her know if the City needs any anecdotal information from businesses. If so, she will see what outreach can be done.

Mukilteo Chamber of Commerce President and CEO Barnes mentioned what she is currently hearing from the business community including: Uncertainty over implementation of the "phases", that the 25% capacity limitation for various businesses is not sufficient to sustain a business in the long term, and that unemployment tax rates are a concern.

### **2. Public Noticing**

Planning Manager Balisky provided information about (mailed) public noticing as follow up to the City Council's February 1, 2021 public hearing on a code amendment related to expanding the minimum mailed notification area for land use permits. That code amendment did not pass.

The LU&ED Committee was asked for thoughts about what types of development projects might merit expanded mailing notice. Additional information the LU&ED Committee would want brought back to a future Committee meeting to continue the discussion was also requested by staff.

The LU&ED Committee discussed types of projects that might merit an expanded mailing notice radius.

Councilmember Marine mentioned that the Washington State Ferry terminal relocation, Harbour Reach Corridor, and Pacific Seafood would be examples of projects that readily come to mind for expanded public mailing notice. The size and scale of the Washington State Ferry terminal project and the Harbour Reach Corridor project was mentioned. Pacific Seafood was mentioned because of traffic volumes and impact to a residential street. In contrast, a single family home going into an established residential neighborhood would not require any special notice.

Councilmember Harris also mentioned using the type of business and type of impact (such as traffic) as criteria for expanded public notice. Different levels of communication might be created for a Pacific Seafood or a multi-family development than for other types of development.

The LU&ED Committee invited Chamber President and CEO Barnes to provide comment if she wished. She mentioned peak traffic times as an important factor. An example might be a daycare.

There was discussion about diversity of communication types, including the use of social media. A city newsletter was also mentioned briefly.

### **3. Review of 2020 LU&ED Commission Work**

Director Osaki noted that the 2020 LU&ED Committee had identified topics for the incoming 2021 LU&ED Committee to consider discussing in 2021. The purpose was to maintain LU&ED Committee continuity from 2020 into 2021.

Economic recovery was a standing 2020 LU&ED Committee agenda item. The 2021 LU&ED Committee indicated that it (economic recovery) should continue as a standing agenda item.

Work of the State Commercial Aviation Coordinating Commission (CACC) was identified as was the current Paine Field Master Plan update process. In December 2020, Councilperson Megan Dunn mentioned inviting the LU&ED Committee to a future County Council meeting to discuss airport planning.

Councilmember Marine suggested that a member from Save Our Communities, perhaps Mike Moore, be invited to a future LU&ED Committee meeting.

The 2020 LU&ED Committee also had identified annexation and digitization/social media/technology learning curves (for businesses especially) for LU&ED Committee consideration in 2021.

**4. Set Committee Meeting Dates/Time**

The LU&ED Committee set Tuesday, April 6, 2021, 5:30PM (First Tuesday of the Month) for its next meeting.

**Next Meeting:** Tuesday, April 6, 2021, 5:30PM.