



11930 Cyrus Way • Mukilteo, WA • 98275

City Council
Land Use & Economic Development Committee
Wednesday, October 23, 2017
4:30 p.m.-6:00 p.m.

Planning Conference Table

Agenda

Invitees:

Committee Members: Councilmember Cook, Councilmember Emery, and Councilmember Whelpley

Alternate Committee Member: Councilmember Wheeler

Executive Branch: Mayor Jennifer Gregerson

Chamber of Commerce: President and CEO Martin

City Staff: Community Development Director Love
Planning Manager Osaki
Senior Planner Ritter

Discussion Topics:

1. Approve Meeting Notes of August 16, 2017
2. Approve Meeting Notes of September 20, 2017
3. Paine Field Wayfinding Signs
4. Japanese Gulch Creek Daylighting and Promenade
5. Public Access - Tidelands

Next Meeting: November 15, 2017, 4:30 pm



11930 Cyrus Way • Mukilteo, WA • 98275

City Council
Land Use & Economic Development Committee
Wednesday, August 16, 2017
4:30 PM

Community Development - Planning Table Conference Room

Meeting Report

Attendees:

Committee Members: Councilmember Wheeler, Councilmember Whelpley

City Staff: Community Development Director Love, Management Services
Director Edin, Planning Manager Osaki and Senior Planner Ritter

Absent: Councilmember Emery, Councilmember Cook, and Chamber
President and CEO Martin

Public: Gary Abrahams, Representing T-Mobile Wireless
Communications

Agenda Items

1. **Approve Meeting Notes of June 21, 2017 meetings**

The Land Use & Economic Development Committee approved the June 21, 2017 meeting notes as presented.

2. **Approve Meeting Notes of July 19, 2017 meeting**

The Land Use & Economic Development Committee approved the July 19, 2017 meeting notes as presented.

3. T-Mobile Wireless Communication Facilities (WCF) Proposal

Gary Abrahams, representing T-Mobile, stated T-Mobile is interested in collocating a wireless communication facility (WCF) on the Rose Hill Community Center roof. T-Mobile believes this is the best location to provide enhanced coverage to the northern section of Mukilteo with a design that will fit seamlessly into the community with little aesthetic impact. Mr. Abraham gave an overview of the proposal and presented photo simulations of the WCF from different viewpoints using photos taken from Lincoln Avenue, 4th Street, and 3rd Street.

Mr. Abrahams stated T-Mobile has been looking for alternative sites in this area for some time. T-Mobile has looked at buildings along the water, and has found that candidate sites that would work for T-Mobile's system were unavailable as they could not be leased. T-Mobile also looked at utility poles in the area around Lighthouse Park, and determined through discussions with the City that the redevelopment of the waterfront would likely result in utility poles being undergrounded in the area.

The Committee did not oppose the proposal but asked for photo simulations from additional viewpoints, possibly from the decks of homes to the south of the Community Center which may have a view that could be impacted. The Committee also asked Mr. Abrahams to revise the drawing to remove a chimney-like structure and move all the antennas to the west side of the building, including possibly placing all the antennas within the single enclosure on the west side of the building, to limit view impacts.

4. Mukilteo Annexation Strategy

Director Love stated the City Council has periodically discussed annexation strategies over the last two years. Per the adopted Annexation Interlocal Agreement (ILA) with Snohomish County, the City may annex all or portions of our Municipal Urban Growth Area (MUGA) consistent with the City's Comprehensive Plan, the County Wide Planning Policies (CPP's), and the terms of the ILA.

The current annexation ILA between the City and Snohomish County expires December of 2017. Before the City can pursue an annexation, the Annexation ILA between the City and County must be updated and adopted with a six-year annexation strategy/plan.

Director Love outlined a draft 6-year annexation strategy plan. The draft 6-year annexation strategy plan identifies three potential phases and was submitted to Snohomish County for review. The three phases include:

- Phase 1 - Annex the east side of SR 525 from the QFC intersection south to Beverly Park Road then north from Beverly Park Road to the southern boundary of Paine Field Airport.

- Phase 2 - Conduct a financial analysis to evaluate costs, expenditures, and revenues for the future annexation area, including developing a potential phasing approach.
- Phase 3 - Move forward with future annexation for the remaining Urban Growth Area from Beverly Park Road south to 148th Street SW and Highway 99 and east to Airport Road.

Per Director Love, the 6-year annexation strategy plan expresses an intent to annex in phases, but does not commit the City to any future annexations nor a steadfast timeline.

The LU&ED Committee requested that cost and revenue estimates of annexing Phase 1 be provided to the City Council when the ILA is brought forward to the City Council. The LU&ED Committee recognized, however, that those estimates would be very preliminary.

Snohomish County has prepared a preliminary draft of the new ILA document that has been undergoing review with City staff. Staff will provide the draft ILA along with the proposed 6-Year Annexation Strategy Plan to the City Council for consideration in late September or early October. Adoption by the County Council will most likely occur in early 2018.

5. Wireless Communication Facilities (WCF) - Code Amendment

Senior Planner Ritter provided an update on the proposed Wireless Communication Facilities (WCF) code amendment. Currently, staff is working with Ogden Murphy Wallace and the Planning Commission to review and amend the current code to bring it up-to-date with the federal regulations and to include a process for reviewing small cell facilities. The purpose of this code update is to allow the City to maintain control over the right-of-way and appearance of proposed wireless communication facilities.

The next steps in the process include continuing work with the Planning Commission on the proposed code amendment and holding a Planning Commission public hearing in October. The Planning Commission's recommendation would then be brought forward for a City Council public hearing in November or December of 2017.

6. Economic Development Strategies

Planning Manager Osaki discussed the issue of economic development, asking for thoughts from the Land Use & Economic Development (LU&ED) Committee about how economic development might be advanced in the City. Planning Manager Osaki referenced the economic development narrative on the City website that describes the Land Use & Economic Development Committee, as well as City of Mukilteo Comprehensive Plan goals and policies.

Land use, annexation, business outreach, incentives and permitting were among the items discussed. The LU&ED Committee was supportive of continuing the discussion at a future Committee meeting.

Next Meeting: Wednesday, September 20, 2017 - 4:30 p.m.



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City Council
Land Use & Economic Development Committee
Wednesday, September 20, 2017
4:30 PM

Community Development - Planning Table Conference Room

Meeting Report

Attendees:

Committee Members: Councilmember Cook

City Staff: Community Development Director Love, Management Services Director Edin, Planning Manager Osaki and Senior Planner Ritter

Absent: Councilmember Emery, Councilmember Whelpley, and Chamber President and CEO Martin

Public: Gary Abrahams, Representing T-Mobile Wireless Communications

Agenda Items

6. **Approve Meeting Notes of August 16, 2017 meetings**

The August meeting minutes were not approved and will be included in the next agenda packet materials.

7. **T-Mobile Wireless Communication Facilities (WCF) Proposal**

Gary Abrahams, representing T-Mobile, stated T-Mobile presented revised renditions of the proposed antennas for the rooftop of the Community Center. Mr. Abrahams stated based on the Committee's feedback he revised the drawing to remove the chimney-like structure and move all the antennas to the west side of the building, placing all the antennas within the single enclosure on the west side of the building, which limited the view impacts. Mr. Abrahams also provided photo simulations from additional

viewpoints south of the Community Center showing that the loss of view will be minimal.

The Committee asked Mr. Abrahams to look at some additional sites to determine if there were other alternatives to the Community Center and provide photo simulations of what the WCF would look like on a utility pole. These items will be presented to the Committee at the November meeting. At that time the Committee has the option of moving the item forward to the whole council if they choose. The earliest T-Mobile would be able to present to the City Council would be December 2017 or January 2018.

3. GIS - "MukMaps" Website Mapping Portal

Director Love stated the Geographic Information Systems (GIS) Division within the Community Development Department recently launched a web mapping portal through a series of webpages on the City's website. This web map portal is called "MukMaps".

Maps related to parks, trails, public works, public safety, parking permit areas, plat maps, city zoning, building permits, and County Assessor parcel data are accessible to the public. These maps are available in interactive and PDF formats.

4. Public Access - Tidelands

Planning Manager David Osaki indicated that the City has been approached by Losvar Condominium representatives regarding the privately owned tidelands in front of their condominium.

Losvar has concerns over allowing public access on tidelands under its ownership when the tidelands are not submerged by water. Among the concerns expressed are that individuals seek unauthorized access into the secure portions of the Losvar Condominium and also trespass on its (Losvar's) private pier/dock from the tideland area.

To address these and related concerns, Losvar has expressed an intention to place "No Trespassing" or similar signage to discourage/prohibit individuals from accessing the tideland area under its ownership.

Losvar believes it has the legal right to prohibit access to its privately owned tidelands when the tidelands are not submerged by water.

The "Public Trust Doctrine" was discussed. Staff noted that the case law is unclear.

The issue will be discussed again when more LU&ED Committee members are in attendance.

Next Meeting: Wednesday, October 18, 2017 - 4:30 p.m.

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT	
SUBJECT TITLE: Paine Field Aviation Attraction Visitor Wayfinding	FOR AGENDA OF: October 18, 2017
Department Director: Patricia Love, Community Development Director	EXHIBITS: 1. Memo from Snohomish County
Contact Staff: Karl Almgren, AICP, Associate Planner	

The City of Mukilteo has been participating in a steering committee to assist in the development of a wayfinding program for the Paine Field Aviation Attractions including:

- High Trek Adventures
- Flying Heritage & Combat Armor Museum
- Museum of Flight Restoration Center & Reserve Collection
- Historic Flight Foundation
- Future of Flight Aviation Center & Boeing Tour

At the Land Use & Economic Development Committee meeting, Annique Bennett from Snohomish County Parks, Recreation & Tourism will be discussing the project and the design concepts. Attached is a brief memo from Snohomish County regarding the project.

The Paine Field Aviation Attraction Visitor Wayfinding Concept Design & Implementation Plan

Project Overview

The Paine Field Aviation Attraction Visitor Wayfinding Concept Design & Implementation Plan project, funded through Snohomish County lodging taxes, began in 2017. The project is intended to reduce visitor confusion and increase connectivity between various aviation attractions that share an aviation theme.

Progress to date

Tangram Design LLC has developed and presented several concepts for a signage design family both in public meetings and to members of the project steering committee, which includes representatives from each aviation attraction, local businesses, and city departments from Mukilteo and Everett. Tangram has gathered community input from public meetings, an online survey and meetings of the steering committee and is using said input for development of a final proposed signage family concept for presentation on November 2nd, 2017.

Tangram has also developed a preliminary location plan and message schedule which it is seeking input on from the community around Paine Field. This portion of the plan is intended to help guide where the County locates signage to best aid visitors in traversing the communities around Paine Field and its aviation attractions.

For more information, contact Tom Teigen, Director, Snohomish County Parks, Recreation and Tourism at 425-388-6671 or Tom.Teigen@snoco.org

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT	
SUBJECT TITLE: Public Access - Tidelands	FOR AGENDA OF: October 18, 2017
Department Director: Patricia Love, Community Development Director	EXHIBITS: <ol style="list-style-type: none"> 1. September 20, 2017 Land Use and Economic Development Committee Agenda Report (Public Access - Tidelands) 2. Aerial Map - Losvar Condominium/ Shoreline Area
Contact Staff: David Osaki, Planning Manager	

BACKGROUND

The September 20, 2017 Land Use and Economic Development (LU&ED) Committee (LU&ED) meeting agenda included an item related to tidelands and public access.

Based on LU&ED Committee attendance at the September 20, 2017 meeting, it was decided to have further discussion of this topic when additional LU&ED Committee members were in attendance.

The September 20, 2017 Land Use and Economic Development Committee Agenda Report on this topic and related attachment are included as exhibits to this Agenda Report (**see Exhibits 1 and 2**).

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT	
SUBJECT TITLE: Public Access - Tidelands	FOR AGENDA OF: September 20, 2017
Department Director: Patricia Love, Community Development Director	EXHIBITS: 1. Aerial Map - Losvar Condominium/ Shoreline Area
Contact Staff: David Osaki, Planning Manager	

BACKGROUND

The City has been approached by the Losvar Condominium (“Losvar”) located at 610 Front Street (**See Exhibit 1**) regarding public access on the tidelands it owns.

Specifically, Losvar has concerns over allowing public access on tidelands under its ownership. Among the concerns expressed are that individuals seek unauthorized access into the secure portions of the Losvar Condominium and also trespass on its (Losvar’s) private pier/dock from the tideland area. Other impacts cited include noise (e.g. barking dogs from people walking their dogs on the tidelands), individuals gathering and making noise, and unattended children in or near the water.

To address these and related issues, Losvar has expressed an intention to place “No Trespassing” or similar signage to discourage/prohibit individuals from accessing the tideland area under its ownership.

At issue is a concept called the “Public Trust Doctrine” and whether the public trust doctrine gives the public a right to access the tidelands. The Public Trust Doctrine is the [principle](#) that public use of resources such as tideland areas exists, regardless of private property ownership.

Both the City and Losvar agree that the public has the right to use the waters when the tidelands are submerged by water for traditional “public trust” activities such as “fishing, fowling, and navigation”.

However, when the tidelands are not submerged by water, Losvar believes it has the legal right to prohibit access to the tidelands. Losvar cites several legal cases in Washington (all unpublished Court of Appeals cases) that address beach access in support of its position.

However, these cases are not published and don’t serve as precedent for other courts. Therefore, whether or not a legal right exists to prohibit public access on non-submerged tidelands is unclear.

At the September 20, 2017 LU&ED meeting staff will discuss alternatives for how to respond to this issue.