



CITY OF
MUKILTEO

*Planning and Community
Development Department*

**Planning
Commission
City Hall Council
Chambers
January 19, 2023**

The Planning Commission meeting will be held in the City Council Chambers, 11930 Cyrus Way. For those who wish to participate remotely, live streaming of the meeting is available via Zoom.

Zoom: <https://us02web.zoom.us/j/85879033470>
Meeting ID: 858 7903 3470 | By Phone: (253) 215-8782

CALL TO ORDER – 7:00 PM

FLAG SALUTE

ROLL CALL

AGENDA ORDER

APPROVAL OF MINUTES FROM:

- December 15, 2022

PUBLIC COMMENTS

MEETING ITEMS

- 1) Chair and Vice Chair Appointments
- 2) 2023 Work Plan

REPORTS AND COMMUNICATIONS

- Community Development Department Weekly Council Update Report (FYI)

NEXT MEETING:

- February 16, 2023

ADJOURNMENT

The complete packets are available [online](#), and at City Hall, 11930 Cyrus Way, Mukilteo, WA. 98275.

If you have a disability, which may limit your participation in the hearing process, please contact the City Clerk's office at 425.263.8005 at least two (2) business days in advance of the meeting so that we can arrange a reasonable accommodation for you.

APPROVAL OF MINUTES
December 15, 2022

CITY OF MUKILTEO, WASHINGTON
PLANNING COMMISSION MEETING MINUTES
December 15, 2022

City Council Chambers - 11930 Cyrus Way / Virtual Meeting via Zoom

CALL TO ORDER	Vice Chairperson Hammerman called the meeting to order at 7:01 PM and led the flag salute.	
ATTENDANCE	<u>Commissioners</u> Vice Chairperson Hammerman, Commissioners Ferderber, Krivanek, and Marmaduke were present. Chairperson Thomsen and Commissioners Bush and Cooper were excused. <u>City Staff</u> Community Development Director Galuska, Senior Planner Ritter, Associate Planner Kress, Permit Services Assistants Martinis, and Reyes were present.	
AGENDA ORDER	No changes.	
APPROVAL OF MINUTES	MOTION:	To approve the minutes of December 15, 2022.
	MADE BY:	Commissioner Krivanek
	SECONDED:	Commissioner Ferderber
	ACTION:	PASSED UNANIMOUSLY 4-0
PUBLIC COMMENTS	None.	
MEETING ITEMS	1. Director Galuska outlined several important aspects of the 2024 Comprehensive Plan Update. <ul style="list-style-type: none">▪ Mandatory and optional elements of the Comprehensive Plan.▪ Updates by December 31, 2024, and County Wide Planning requirements.▪ Buildable lands with growth goals based on Vision 2050.▪ Land use, housing, transportation, population needs, and community outreach. Concerns with the data projecting population needs. Director Galuska highlighted the importance of planning for more growth in areas with access to transportation.	
REPORTS	1. Community Development Department Weekly Council Update Report (FYI) <ul style="list-style-type: none">▪ Commissioner Marmaduke and Senior Planner Ritter's final meeting. The group expressed their gratitude with their contributions to the city and commission.▪ Commissioner interviews are taking place with the mayor.▪ Commissioner Krivanek will be absent for the next meeting.	
NEXT MEETING	January 19, 2023	
ADJOURNMENT	MOTION:	To adjourn the meeting at 8:01 PM.
	MADE BY:	Commissioner Krivanek
	SECONDED:	Commissioner Ferderber
	ACTION:	PASSED UNANIMOUSLY 4-0

These minutes are excerpts from the Planning Commission proceedings. An audio recording of the meeting was made.

Prepared by:

DRAFT

Joseph Reyes, Permit Services Assistant

MUKILTEO PLANNING COMMISSION AGENDA REPORT	
SUBJECT TITLE: Selection of Chair and Vice Chair	FOR AGENDA OF: January 19, 2023
Department Director: Andrew Galuska, Director of Community Development	EXHIBITS: 1. Planning Commission By-Laws
Contact Staff: Andy Galuska, Director of Community Development	

SUMMARY/BACKGROUND

The Planning Commission by-laws (**see Exhibit 1**) require the nomination and election of officers to be conducted at the annual organization meeting, which is the first meeting of the calendar year.

The by-laws provide for two officers - a Chair and a Vice-Chair. The Chair presides at all meetings and hearings and signs documents on behalf of the Commission. In addition, the Chair may call for special meetings. The Vice-Chair serves as presiding officer of the Commission in the absence of the Chair and completes the Chair's term if the Chair vacates the office before the end of the term.

Whoever receives a majority vote of the entire membership of the Planning Commission is elected and serves for one year. No member may serve consecutive full one (1) year terms as Chair.

The bylaws were most recently updated in September 2019.

ELECTION PROCEDURE

1. The current Planning Commission Chair calls for nominations.
2. Any Commissioner may make a nomination.
 - a. A second is not required.
 - b. Commissioners may decline a nomination.
3. The Chair asks if there are any other nominations. If none, the Chair closes the nominations.

4. A roll call vote is conducted, with each Commissioner expressing their preference for Chair.
5. If after the roll call vote a nominee receives four (a majority) or more votes, that Commissioner immediately becomes Chair of the Planning Commission. If nobody receives four or more votes after the roll call, then a second roll call is conducted, but with the nominee who received the fewest votes on the first roll call removed from consideration. In the case where there are three nominees with one receiving three votes and the others each receiving two votes then all three nominees are considered during the second roll call.
6. The newly elected Chair then conducts the vote for a Vice-Chair in the same manner as above.

RECOMMENDATION

Planning Commission to elect 2023 officers.

Exhibit 1

CITY OF MUKILTEO PLANNING COMMISSION BYLAWS

ARTICLE I

PURPOSE

The objectives, purposes, powers, and duties of the Planning Commission of the City of Mukilteo are those set forth in Chapter 2.36 of the Mukilteo Municipal Code (MMC).

ARTICLE II

MEMBERSHIP

Section 1. Members of the Planning Commission shall be appointed by the Mayor and confirmed by the City Council, without respect to political affiliations. Per MMC 2.36.020, the Planning Commission shall consist of seven (7) members.

Section 2. Members may be removed from the Planning Commission by the Mayor, with the approval of the City Council, for inefficiency, neglect of duty or malfeasance.

Section 3. The Mayor may be requested by a majority vote of the Planning Commission to remove or ask to resign a member from the Planning Commission as provided for in Section 2 above or if the member has three (3) unexcused consecutive absences from regular meetings or unexcused absences of more than 50% of the meetings (regular and special) held in a calendar year. If a member notifies the Planning & Community Development Department at City Hall at the earliest possible opportunity, and in any event prior to 4:00 p.m. on the date of the meeting, then the absence shall be considered excused.

ARTICLE III

OFFICERS AND THEIR DUTIES

Section 1. The officers of the Planning Commission shall consist of a Chair and Vice-Chair. The Mayor shall make the Recording Secretary available.

Section 2. The Chair shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by the parliamentary usage on such officers.

Section 3. The Chair shall be one of the appointed members of the Commission. He or she shall have the privilege of discussing all matters before the Commission and of voting thereon. The Chair shall preside at all meetings of the Commission; call special meetings of the Commission in

accordance with the bylaws; sign documents of the Commission; and see that all actions of the Commission are properly taken and recorded.

Section 4. In the absence of the Chair, the Vice-Chair shall serve as presiding officer as described in Section 3. The Vice-Chair shall be an appointed member of the Commission. During the absence, disability, or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

Section 5. A Recording Secretary shall be responsible for keeping the minutes as well as provide notice of meetings to the Commission members and arrange proper and legal notice of hearings. The Recording Secretary shall also attend to correspondence of the Commission and such other duties as may be prescribed from time to time by the Commission or the Planning & Community Development Director.

Section 6. The Planning & Community Development Department retains the records of the Commission. The Planning & Community Development Department prepares the agenda of regular and special meetings and provides technical support and other duties as may be prescribed.

ARTICLE IV ELECTION OF OFFICERS

Section 1. Nomination and election of officers shall be conducted at the annual organization meeting, which shall be the first meeting of each calendar year.

Section 2. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one year or until the successor shall take office.

Section 3. No member may serve consecutive full one-year terms as Chair. The Vice-Chair shall succeed the Chair if the office is vacated before the term is completed, and shall serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting. A Vice-Chair succeeding a Chair to fill an unexpired partial term may serve as Chair for the next full one-year term.

ARTICLE V MEETINGS

Section 1. The number of meetings per month and a schedule of meeting dates shall be established and may be altered or changed at any regularly scheduled meeting. The Planning Commission shall hold at least one (1) regular meeting in each month for not less than nine (9) months in each

year. Additional meetings may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the City Council following at least twenty-four (24) hours notice to each member of the Commission. Regularly scheduled meetings may be canceled if there are not applications or other business pending, subject to the approval of the Chair. The public shall be notified accordingly.

Section 2. A majority of the membership of the Commission shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of the quorum of the Commission. Voting shall be by roll call when required. A record of the roll call shall be kept as part of the minutes. Each member of the Planning Commission who has knowledge of the fact that they will not be able to attend a scheduled meeting of the Planning Commission, shall notify the Planning & Community Development Department at City Hall at the earliest possible opportunity, and in any event, prior to 4:00 p.m. on the date of the meeting. The Planning Director or designee shall notify the Chair of the Commission in the event that there will not be a quorum.

Section 3. The Chair may call special meetings. It shall be the duty of the Chair to call such a meeting when requested to do so in writing by a majority of the members of the Commission. The notice of such a meeting shall specify the purpose of the meeting and no other business will be considered. The Secretary shall notify all members in writing of the meeting forty-eight (48) hours in advance of such special meeting.

Section 4. All meetings shall be open to the general public, except for executive session authorized by law.

Section 5. Without approval by a majority of members present, no new agenda items shall be taken up after 9:00 p.m.

Section 6. Public Hearings are the only meetings that must meet legal noticing requirements, by advertising in the chosen local paper, ten (10) days prior to the scheduled meeting.

ARTICLE VI **WORK PLAN**

A work plan for the calendar year shall be prepared and presented by the Planning & Community Development Director to the Planning Commission at the annual organization meeting, which shall be the first meeting of each calendar year. The work plan shall, at a minimum, include a tentative schedule of meetings and topics for the calendar year. The Planning Commission shall discuss the proposed work plan and members may suggest adding and/or deleting items from the work plan.

ARTICLE VII RECONSIDERATION

Reconsideration of any decision of the Commission may be had when the interested party for such reconsideration makes a showing, satisfactory to the Chair, that without fault on the part of the party, essential facts were not brought to the attention of the Commission. The motion of reconsideration shall be made by a member of the Commission who voted as part of the majority in the original decision. Reconsideration must be made prior to action items at the next regularly scheduled meeting.

ARTICLE VIII FAIRNESS

Section 1. Conflict of Interest: Whenever any member of the Planning Commission has a conflict of interest with respect to any matter on a Commission agenda, the member shall voluntarily excuse himself or herself from further participation in the discussion and consideration of the matter and shall vacate his or her seat and leave the Commission chambers until all proceedings with respect to the matter at that meeting are concluded. The member shall further refrain from discussing the matter with any other Commissioner, or from attempting to influence any other Commissioner with respect to the matter, outside the meeting. For purposes of this Section, conflict of interest is defined as a situation in which a reasonable person would conclude that the member's independent judgement would be impaired by the member's direct or indirect financial or other interest in the matter.

Section 2. Appearance of Fairness: Whenever the continued participation of any member of the Commission would violate the appearance of fairness doctrine, that member shall excuse himself or herself from further participation in the discussion or consideration of the matter and shall vacate his or her seat and leave the Commission chambers until all further proceedings with respect to the matter at that meeting have been concluded. The member shall further refrain from discussing the matter with any other Commissioner, or from attempting to influence any other Commissioner with respect to the matter, outside the meeting. For purposes of this Section, the appearance of fairness doctrine means that legal doctrine relating to quasi-judicial matters which has been developed by the courts and by the legislative enactment of RCW Chapter 42.36, as the same exists or as may be hereinafter amended and developed.

ARTICLE IX
AGENDA

The Agenda, meeting formats and minutes shall follow the formats established by the City Clerk.

ARTICLE X
AGENDA PACKET DELIVERY

Agenda Packet Delivery: Completed packets including complete applications and staff reports shall be distributed one (1) week preceding the day of a regular meeting but not less than twenty-four (24) hours prior to a special meeting.

ARTICLE XI
COMMITTEES AND ALTERNATES

- Section 1. Special committees may be appointed by the Chair for purposes and terms that the Commission approves.
- Section 2. The Commission may appoint alternate non-voting members to perform duties as assigned.

ARTICLE XII
HEARINGS

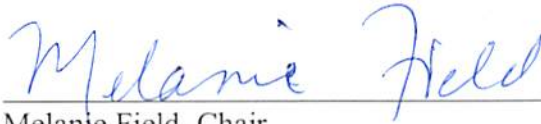
- Section 1. In addition to those required by law, the Commission may, at its discretion, hold hearings when it decides that such hearings will be in the interest of the public.
- Section 2. Notice of all public hearings shall be as required by Mukilteo Municipal Code and State Statute.
- Section 3. Order of Consideration of Agenda Items: The following procedures will normally be observed; however, it may be rearranged by the chair for individual items if necessary for the expeditious conduct of business.
1. Chair opens hearing.
 2. The staff presents report and makes recommendation.
 3. The Planning Commission may ask question regarding the staff presentation and report.
 4. The Chair calls for comments/presentations from the public.
 5. The Chair may allow further testimony.
 6. Chair closes public input to the hearing.

7. Planning Commission asks any questions it may have of the proponents, opponents, or staff and will then deliberate the issues.
8. Planning Commission takes a vote for approval, denial, or continuance.

ARTICLE XIII AMENDMENTS

The bylaws may be amended at any meeting of the Planning Commission by a favorable vote of not less than five (5) of the seven (7) Planning Commission members, provided that notice of said proposed amendment is given to each member in writing at least two (2) weeks prior to said meeting.

APPROVED this 26th day of September, 2019.



Melanie Field, Chair
City of Mukilteo Planning Commission

MUKILTEO PLANNING COMMISSION AGENDA REPORT	
SUBJECT TITLE: 2023 Work Plan Discussion	FOR AGENDA OF: January 19, 2023
Department Director: Andy Galuska, Community Development Director	EXHIBITS: 1. 2023 Work Plan Items
Contact Staff: Andy Galuska, Community Development Director	

SUMMARY/BACKGROUND

As provided for in the Planning Commission by-laws, each year staff presents the Planning Commission with a draft annual Planning Commission Work Plan (see **Exhibit 1**). The draft Planning Commission Work Plan identifies items staff anticipates bringing before the Planning Commission during 2023. Solicitation of Planning Commission input on the Work Plan items will occur at the January 19, 2023, meeting.

PROPOSED WORK PLAN AND TENTATIVE SCHEDULE

The work plan includes a combination of code amendments, map amendments and comprehensive plan amendments. Certain amendments respond to State law requirements. Known work plan items are briefly summarized in **Exhibit 1**.

Per Article VI of the bylaws, below is a tentative schedule of meetings. As is often the case, the Planning Commission Work Plan is subject to change during the course of the year. Unanticipated work items, emerging issues and/or a lack of resources may result in the need to adjust the Work Plan accordingly.

RECOMMENDATION

Planning Commission to review and discuss work plan items and suggest adding or deleting items.

Exhibit 1

2023 Planning Commission Work Plan Elements

TOPIC	DESCRIPTION
PLANNED WORK ITEMS	
Sign Code Amendment	Complete update to the Mukilteo Sign Code to: <ol style="list-style-type: none"> 1. Simplify the code and improve readability 2. Respond to the US Supreme Court Reed v. Gilbert decision 3. Implement improvements based on public outreach
Food Truck Code Amendment (2020 Docket)	Amend the zoning code to allow food trucks within certain zoning districts.
Tree Code Amendment	Define needs and goals for an update to tree regulations.
Comprehensive Plan and Japanese Gulch Master Plan Map and Text Updates (2020 Docket)	<ol style="list-style-type: none"> 1. 4407 76th Street - Japanese Gulch 76th Street Trailhead. Comprehensive Plan Map Amendment from “Parks and Open Space” to “Commercial” with a concurrent rezone from “Open Space” to “Public/Semi-Public” and amendments to the Japanese Gulch Master Plan to address existing language regarding a senior center at this site. 2. Cannon Property - Parcel # 00567000001202. Comprehensive Plan Map Amendment from “Single Family Residential - High Density” to “Parks and Open Space” with a concurrent rezone from “RD 7.5” to “Open Space” and amendments to the Japanese Gulch Master Plan. This property was acquired by the City in 2019.
Hawthorne Hall Rezone (2021 Docket)	1134 2nd Street – Hawthorne Hall. Comprehensive Plan Map Amendment from “Single Family Residential High Density” to “Commercial” with a concurrent rezone from “RD 7.5-Single Family Residential” to “Public/Semi-Public”.
2024 Comprehensive Plan Update – Public Outreach	Staff is currently planning to begin public outreach for the 2024 Comprehensive Plan update in Spring of 2023. Planning Board will be consulted and briefed throughout the process.
Other City-Initiated Development Regulations	The Municipal Code allows the City to initiate development regulation amendments outside of the docket process.

TOPIC	DESCRIPTION
2023 Comprehensive Plan Docket	Docket applications for 2023 to the Comprehensive Plan and/or development regulations amendments are being accepted until February 16, 2023, to be followed by a City Council docket hearing. This would be a Planning Commission briefing on the 2023 final docket items approved by the City Council.
DELAYED WORK ITEMS	
Semi-Annual Code Amendments	Reinitiate Semi-Annual Code amendment process. Semi-annual code amendment process is intended to incorporate various Mukilteo Municipal Code (MMC) code amendments to address code clarity issues, improve customer service and permit processes.
Industrial Design Standards Code Amendment (2018 Docket)	Code amendment to add building and site design standards for properties in the various industrial zones. Delayed until after 2024 Comprehensive Plan update work.