



Land Use & Economic Development Committee

Wednesday, May 4, 2022
5:30pm

(MEETING HELD VIA ZOOM)

Meeting Notes

Land Use & Economic Development Committee Attendees

Present: Councilmember Jordal
Councilmember Emery
Councilmember Harris

Other Attendees

Mayor Marine
Community Development Director Osaki

CALL TO ORDER - 5:30 PM

Meeting Objectives:

1. Economic Recovery

Mukilteo Chamber of Commerce President and CEO Barnes was unable to attend.
Economic recovery will be on the next LU&ED Committee meeting agenda.

2. International Residential Code - Fence Permit Exemption

Community Development Director Osaki briefed the LU&ED Committee on what appears to be an inadvertent City code amendment, related to the International Residential Code (IRC) building permit requirement for fences. The code amendment occurred in 2016 (by Ordinance No. 1391) during the City's adoption of the 2015 IRC building codes.

The same inadvertent amendment was re-adopted into the City's 2018 IRC code, as it is routine to carry over exemptions in prior code updates.

Community Development Director Osaki noted that in adopting the State Building Codes, local governments have some latitude to make local amendments. State Building Code exemptions from permit requirements are routinely amended at the local level.

Ordinance No. 1391, adopted August 1, 2016, included a local amendment that deleted the following from being a building permit exemption:

“Fences not over 7 feet (2134 mm) high”

The effect of deleting this exemption meant that a fence of any height within the scope of the IRC requires a building permit. The IRC scope includes one- and two-family dwellings and townhouses not more than three stories above grade.

In researching this 2016 local amendment, staff found that prior to being deleted in 2016 a building permit exemption for fences existed going back to at least the 2003 codes (and was included in the 2006, 2009, 2012 codes).

The August 1, 2016 City Council 2015 code update agenda bill made no reference to deleting the exemption and the August 1, 2016 City Council meeting video of the 2015 code adoption agenda item was very brief and also made no mention of deleting that exemption.

Community Development Director Osaki noted that current staff who were here in 2016 believe the intent of the 2016 IRC code amendment was to exempt fences six (6) feet in height or less from building permit requirements. This would make the IRC building permit exemption for fences consistent with the zoning code, which has a maximum fence height of six feet in residential zones.

Community Development Director Osaki presented a draft Ordinance amending MMC section 15.04.090 (“International Residential Code amendments”) to exempt fences six feet in height or less (that are subject to the IRC) from building permit requirements.

The LU&ED Committee found the draft Ordinance acceptable.

The draft ordinance will require scheduling for a future City Council meeting for action.

3. Permitting - Temporary Use Permit Concept

At its April 11, 2022 meeting, the Mukilteo City Council discussed whether it wished to initiate any 2022 Comprehensive Plan docket items. Although the City Council did not initiate any 2022 docket items, a question did arise about whether there might be code amendments to facilitate permit processing in places such as the waterfront. At that time staff responded that there was a code amendment that might be helpful, and that it would bring the issue to the Land Use & Economic Development (LU&ED) Committee for discussion.

Community Development Director Osaki discussed a code concept related to temporary uses. Temporary use provisions allow for temporary, seasonal, or transient land use, buildings, or structures without requiring full compliance with the development standards for the proposed use and/or applicable zoning district. Because the use may be temporary, adherence to strict requirements applied to permanent uses like off-street parking, impact fees, street improvements, and landscaping are not always practical.

There was discussion about what type of scenarios temporary use requirements might apply to. Community Development Director Osaki mentioned examples from other

cities, but ultimately it would be up to the City Council to decide what temporary uses would be subject to such an ordinance.

The LU&ED Committee discussed the temporary use concept and whether or not it could be implemented without requiring a permit. It also discussed how a temporary use requirement could be helpful to ensure temporary businesses obtained business licenses and paid appropriate taxes. Outreach to the business community about whether a temporary use provision in code would be helpful was also discussed.

Community Development Director Osaki mentioned that, rather than prepare a full draft ordinance, that he would prepare an outline of what an ordinance might look like and then bring it back to a future LU&ED Committee meeting.

4. Docket Status

At its April 11, 2022 meeting, the Mukilteo City Council discussed whether the Council wished to initiate 2022 Comprehensive Plan Docket items. The Council action was not to initiate any 2022 docket items; however, there was a question about the status of prior docket items. Staff indicated it would bring this information to the LU&ED Committee.

Community Development Director Osaki presented an exhibit that summarized the status of docket items since 2018. Several items have been completed; others are still in progress. COVID and staffing levels have been disruptive to completing several docket items.

There was discussion about a food truck ordinance and approaches to their regulation, including through the zoning code or through business licensing provisions. One approach is to address mobile food vendors through business licensing provisions. The Planning Commission wants to explore that approach. Discussion/coordination between the Community Development Department and the Finance Department needs to occur regarding a business license approach.

OTHER

The next meeting of the LU&ED Committee is Wednesday, June 1, 2022. Community Development Director Osaki indicated he would look into the need to identify a physical location for the meeting rather than have the meeting exclusively by Zoom.

The LU&ED Committee meeting adjourned at approximately 6:45pm.