



**NOTE DATE CHANGE TO  
WEDNESDAY AUGUST 4 –  
(RESCHEDULED DUE TO  
NATIONAL NIGHT OUT)**

**Land Use & Economic  
Development  
Committee Agenda**  
Mukilteo City Hall - 11930 Cyrus  
Way  
**Wednesday, August 4, 2021**  
**5:30 PM - 7:00 PM**  
**Zoom Virtual Meeting**

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**Join Zoom Meeting**

<https://us02web.zoom.us/j/89659458232?pwd=TXU3aHRKVW0wWWZHdVhRK2Y4RHdGUT09>

**BY PHONE:**

1 253 215 8782 US (Tacoma)

Meeting ID: 896 5945 8232

Passcode: 833378

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

**Meeting Objectives:**

1. Economic Recovery
2. Land Use and Growth Management

**ADJOURNMENT - 7:00 PM**

**Next Meeting Date:** TENTATIVE: Wednesday, September 8, 2021

(NOTE: Tuesday, September 7, 2021 is City Council meeting due to Labor Day Weekend Holiday)

- 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 AND ECONOMIC DEVELOPMENT COMMITTEE AGENDA BILL</b>	
<b>SUBJECT TITLE:</b> Land Use and Growth Management	<b>Meeting Date:</b> August 4, 2021 (Wednesday)
<b>Staff Lead:</b> David Osaki, Community Development Director	<b>Exhibits:</b> 1. PowerPoint Presentation 2. Summary - Mukilteo Comprehensive Plan/Subarea Plans/Development Regulations 3. Statewide GMA Update Schedule  The <i>Mukilteo Comprehensive Plan 2035</i> and Subarea Plans are available here: <a href="https://mukilteowa.gov/departments/planning-development/planning-long-range/">https://mukilteowa.gov/departments/planning-development/planning-long-range/</a>  Mukilteo Development Regulations are available here: <a href="https://www.codepublishing.com/WA/Mukilteo/">https://www.codepublishing.com/WA/Mukilteo/</a>
<b>Department Director:</b> David Osaki, Community Development Director	

### **RECOMMENDATION:**

Land Use & Economic Development Committee to hear presentation and ask questions. (At its upcoming August 9, 2021 work session, the City Council is scheduled to hear a discussion on land use and growth management. Information in this agenda bill includes items to be presented that evening.)

### **SUMMARY:**

The Washington State Growth Management Act (GMA) was initially adopted in 1990 and has been amended many times since. The GMA requires certain cities and counties in the State to develop and adopt a comprehensive plan and development regulations to manage population growth over a 20 year period.

The GMA has a periodic review (update) requirement. RCW 36.70A.130 (5)(a) states,

“(5) ...counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2024, and every eight years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;”

King, Kitsap, Pierce, and Snohomish counties and their cities/towns are now beginning to plan for the 2024 GMA update process. This includes reviewing amendments to the countywide planning policies (CPP's) and developing new planning growth targets to 2044.

### **BACKGROUND**

#### **A. Growth Management Act**

Planning in Washington State operates under a legal framework called the Washington State Growth Management Act (“GMA”). The GMA was adopted to address ways of accommodating growth and requires local governments to adopt comprehensive plans along with implementing

development regulations (*e.g. zoning code, sign code, critical areas ordinance*). Development regulations must be consistent with the comprehensive plan.

The GMA includes three chapters (RCW chapters 36.70A, 36.70B and 36.70C) as follows:

**36.70A Growth management - Planning by Selected counties and cities**

This chapter (passed in 1990) requires, as examples, comprehensive plans with certain “elements”, implementing development regulations to be consistent with the plan, public involvement, urban growth areas, and critical areas ordinances (*e.g. wetlands, streams, steep slopes*). The GMA addressed the legislature’s concern that uncoordinated and unplanned growth posed a threat to the State’s environment, sustainable economic development, and high quality of life.

**36.70B Local project review**

Passed in 1995, this chapter established permit processing requirements, including permit timelines and permit public notice requirements. The intent was to reduce permitting costs by eliminating the potential for permit overlap and duplication.

This chapter also emphasizes that decisions made in adopted comprehensive plans and development regulations shall serve as the foundation for project permit review. In other words, a high importance was placed on adopted policies and development regulations. Permit decisions should not revisit decisions made in adopted codes.

**36.70C Judicial review of land use decisions**

This chapter reformed the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

For the most part, the role of the Mukilteo City Council falls under RCW 36.70A above. The Mukilteo City Council take final actions on the adoption of plans, policies and development regulations.

The Mukilteo City Council’s role with discretionary project permit applications (RCW 36.70B) is extremely limited. Discretionary land use permit decisions and public hearings are primarily assigned to the City’s Hearing Examiner.

**B. Mukilteo Comprehensive Plan 2035 and Development Regulations**

The current *Mukilteo Comprehensive Plan 2035* was adopted in 2015 and represents a significant rewrite from the prior Mukilteo Comprehensive Plan. *Mukilteo Comprehensive Plan 2035* has been amended several times since its initial adoption and contains the required GMA Plan elements including:

- Land Use
- Transportation
- Housing
- Utilities
- Capital Facilities

In addition, the *Mukilteo Comprehensive Plan 2035* includes the following two Comprehensive Plan elements:

- Economic Development
- Parks, Recreation and Open Space

The GMA states that these two comprehensive plan elements are required only if the State provides funding for their preparation. That (State funding) has not yet happened.

Other subarea and functional plans have been adopted as part of the *Mukilteo Comprehensive Plan 2035*. Examples include:

- The Japanese Gulch Creek Master Plan
- Downtown Waterfront Master Plan
- Downtown Business District Subarea Plan
- Parks, Recreation, Open Space and Arts Plan (PROSA)
- By The Way (BTW) Plan

These plans are implemented, in part, by various adopted development regulations (**See Exhibit 2** for a summary of City plans and development regulations.)

### **C. 2024 GMA Update**

The GMA requires local governments to review and, if necessary, amend comprehensive plans and development regulations every eight (8) years to ensure they are up to date and current (See **Exhibit 3** for GMA Statewide Periodic Update schedule by county) .

The 2024 GMA update will generally involve:

1. Updates/amendments to comprehensive plans and development regulations to ensure compliance with GMA requirements, especially changes to the GMA made since the last required update.
2. Respond to amendments made to the multi-countywide planning policies (MCP's) and countywide planning policies (CPP's).
3. Incorporate new 20-year growth (population/housing) and employment targets to the year 2044 (current comprehensive plan targets are to the year 2035).
4. Other amendments to plans and development regulations as the local jurisdiction deems appropriate, provided that development regulation amendments are consistent with the comprehensive plan.

Comprehensive plan updates can take the form of amendments to an existing plan, or an entire plan rewrite. The City's *Mukilteo Comprehensive Plan 2035* was a rewrite of the prior Comprehensive Plan. Staff anticipates the 2024 update to be amendments to the existing comprehensive plan and not a total rewrite.

The same is true for development regulations. Rather than rewrite the entire zoning code or other development regulations, the development regulation update will focus on specific code amendments.

#### **D. Countywide Planning Policies (CPP's)**

The GMA requires that counties adopt countywide planning policies (CPP's). CPP's help ensure that the county and city comprehensive plans within a county are consistent. Example topics addressed in the CPP's include transportation strategies, housing, economic development, and urban growth.

The CPP's are also used to assign each jurisdiction its share of projected population/housing and employment growth for the planning period. The 2024 GMA update planning period will be to 2044.

In Snohomish County, amendments to the CPP's are in progress. The process to assign 2044 population and 2044 employment targets to individual cities, towns and the County has also recently begun.

#### **E. COMPREHENSIVE PLAN IMPLEMENTATION**

Comprehensive plans are implemented in three primary ways.

1. Development Regulations
2. Capital Financing Decisions (Projects)
3. Programs and Services

##### **1. Development Regulations**

Development regulations include code requirements such as zoning ordinances, critical areas ordinances, sign codes, shoreline master programs, subdivision ordinances (see **Exhibit 2** for a summary of development regulations). A development regulation is not a permit.

Development regulations must be consistent with comprehensive plans. For example, a jurisdiction with comprehensive plan policies expressing the importance of trees would implement that with a tree ordinance or similar regulations. Comprehensive plan policies encouraging well designed buildings would commonly be implemented with code requirements for architectural design standards.

##### **2. Capital Financing Decisions (Projects)**

Capital investments implement the comprehensive plan. A city comprehensive plan that seeks to have a strong downtown may support that with capital investments in downtown pedestrian sidewalks and lighting improvements. Comprehensive plan policies encouraging bicycling might implement capital improvements providing bicycle lanes on streets and trails.

The GMA Capital Facilities Element requires that local governments have a capital improvement program (CIP) that identifies likely capital improvements, with project costs and proposed methods of financing, for at least a six-year period.

Staff is currently developing an updated six-year CIP to be brought forward to the City Council as part of the upcoming 2022 City budget process.

### **3. Programs and Services**

A third way of implementing the comprehensive plan is by offering programs and services. Programs and services are neither development regulations nor capital projects.

If beautification is a comprehensive plan priority, then a jurisdiction might sponsor community clean up events or graffiti removal programs. A business grant program to maintain a strong business community would implement a comprehensive plan policy on supporting small businesses. Contracting with organizations such as chambers of commerce or human services providers are other ways programs and services can be provided.

## **F. LAND USE PROCESSES**

There are generally three type of land use processes. The distinction is important for several reasons, as legal requirements apply to certain processes over others.

### **1. Legislative Process**

Legislative land use processes involve developing/adopting comprehensive plan/subarea plan amendments and development regulation amendments. These tend to be amendments to plans, policies and regulations that affect a broader area, rather than a site-specific parcel.

In Mukilteo, legislative actions are primarily a Planning Commission and City Council function, with the City Council having final decision-making authority.

### **2. Quasi-Judicial**

Quasi-judicial processes involve holding public hearings and making recommendations/decisions on discretionary land use permit applications (e.g. variances, conditional use permits).

**Ex parte contact** (i.e. discussions with parties about an application off the record) is prohibited. Quasi-judicial proceedings are also subject to the **Appearance of Fairness** doctrine. This requires government decision-makers to conduct quasi-judicial hearings and proceedings in a way that is fair and unbiased in both appearance and fact.

In Mukilteo, quasi-judicial proceedings are primarily a Hearing Examiner function.

### **3. Ministerial/Administrative**

Ministerial/Administrative processes apply clear and objective standards to a permit. An example would be a building permit, where the application is reviewed against adopted code requirements.

In Mukilteo, Ministerial/Administrative are a staff function.

## **ALTERNATIVES:**

For discussion.

Exhibit 1



**Land Use and Economic Development Committee**  
**Land Use & Growth Management**  
**Wednesday, August 4, 2021**



# Washington State Growth Management Act (GMA)

- Passed in 1990 (amended since)
- Includes 14 Statewide planning goals to guide preparation of plans and regulations
- Establishes planning framework for Washington's more populous counties and cities.
  - Address unplanned growth and sprawl
  - Protect environmentally sensitive “critical” areas
  - Planning to accommodate 20-year projected population
  - Planning to serve designated urban growth areas with needed water, sewer, parks and roads
  - Ensuring public facilities provided concurrent with development





# GMA - Chapters

## **36.70A Growth management - Planning by Selected counties and cities (1990)**

- Comprehensive plans, development regulations consistent with plans, critical areas ordinance, urban growth areas, Growth Management Hearings Board

## **36.70B Local project review (1995)**

- Procedures to administer permit application processes, public notice, timelines

## **36.70C Judicial review of land use decisions (1995)**

- Uniform, expedited appeal procedures



# GMA Hierarchy

**GMA Goals (14)**



**PSRC VISION 2050 - Multi-County Planning Policies**

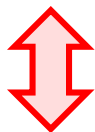


**Countywide Planning Policies (CPP's)**



**Local Comprehensive Plans (Policies)**

**City Council  
Roles**



**Local Development Regulations (e.g. Zoning Code, other codes)**



**Local Project Review (Permitting)**



# PSRC VISION 2050

- Four county (Pierce, King, Kitsap, Snohomish) land use and transportation strategy for growth to 2050
- Includes GMA required Multicounty Planning Policies (MCP's)
- MCP's are used for updates to countywide planning policies (CPP's) and for local comprehensive plans done by cities and counties
- PSRC reviews/certifies if comprehensive plans are consistent with VISION 2050 for a jurisdiction to maintain eligibility for certain transportation funding



## Countywide Planning Policies (CPP's)

- Policy statements to ensure consistency among comprehensive plans in the County (*e.g. Urban growth, economic development, transportation, natural environment etc.*)
- Contain population/housing unit and employment growth targets
- Amendments developed/reviewed by Snohomish County Tomorrow (“SCT”)
- CPP's approved by Snohomish County Council
- May be appealed



# Comprehensive Plan Elements - Required/Optional

## Required Plan Elements

- Land Use
- Transportation
- Housing
- Utilities
- Capital Facilities
- Rural (*counties only*)
- Ports (*mandatory for cities with annual maritime port revenues exceeding \$60 million*)

## Optional (examples)

- Environment
- Urban Design
- Human Services
- Historic Preservation
- Climate Change
- Sustainability
- Sub-area plans
- Implementation
- Any other important topics

## Required if Funded by the State (has not happened)

- Economic Development
- Parks and Recreation



## **2024 GMA Update (Plan and Development Regulations)**

- Update - Every eight (8) years
- King/Pierce/Kitsap/Snohomish counties -  
Deadline is June 30, 2024
- Ensure comprehensive plans and development regulations are current with GMA amendments since last update
- Plan for updated population/housing and employment targets to 2044



# Citizen Participation (State Planning Goal #11)

“The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040.

...

**(11)** Citizen participation and coordination.  
Encourage the involvement of citizens in the planning process...”



# Public Participation

“Each county and city that is required or chooses to plan...shall establish and broadly disseminate to the public a ***public participation program*** identifying procedures providing for ***early and continuous public participation*** in the development and amendment of comprehensive land use plans and development regulations....

**RCW 36.70A.140 (GMA)**





# Comprehensive Plan Implementation

**Community Vision**



**Comprehensive Plan Goals and Policies**



**Implementation Strategies**

- **Development Regulations**
  - **Capital Improvements**
  - **Programs and Services**



# Comprehensive Plan Implementation Development Regulations

Development regulations control the location, form and character of private/public projects:

- Zoning
- Signs
- Critical Areas Regulations
- Subdivision
- Shoreline Regulations



# Comprehensive Plan Implementation Capital Improvements (Projects)

## RCW 36.70A.120

“Each county and city that is required or chooses to plan....shall perform its activities and make capital budget decisions in conformity with its comprehensive plan.”

## GMA Capital Facilities Element

- Inventory of Capital Facilities
- Forecast of Future Needs
- Six-Year Capital Improvement Program (CIP)



# Comprehensive Plan Implementation Programs & Services

- Tree planting programs
- Business grants
- Traffic calming programs
- Recreation programs
- Contracts with chambers or other organizations for services



# Land Use Processes

## 1. Legislative (Long Range Planning)

Developing/adopting policies and development regulations. (*Planning Commission and City Council*)

## 2. Quasi-Judicial (Current Planning)

Holding public hearings and make recommendations/decisions on discretionary land use permit applications (e.g. variances, conditional use permits). (*Hearing Examiner*)

## 3. Ministerial/Administrative (Current planning)

Apply clear and objective standards to a permit (e.g. building permit) (*Staff*)



# Legislative Process (Making the law)

## City Council Function

- Drafting/approval of plans (*e.g. comprehensive plan, sub-area plan*) and development regulations (*e.g. zoning code, subdivision code*)
- Planning Commission reviews and provides recommendation to the City Council
- City Council takes final action
- Legislative process invites broad based public participation and involves public hearing(s)



# Quasi-Judicial Process

(Discretionary Permits - Hear evidence and decide)

- Applies policy/development regulations to specific land use permits (*e.g. variance, conditional use permit, shoreline permit*)
- Discretionary decision - Does the permit application comply with the law? (*e.g. decisional criteria*).
- Public hearing notices are broad-based, but also *site-specific*.
- Mukilteo - **Hearing Examiner** hears/decides most City quasi-judicial permits



# Hearing Examiner

**Involved in Quasi-Judicial Processes, including appeals:**

- Hired to conduct quasi-judicial public hearings
- Professionally-trained in running public hearings
- Experienced in making quasi-judicial recommendations/decisions supported by an adequate record





# Hearing Examiner (cont.)

- Allows local legislative/advisory bodies to concentrate on policy-making (legislative) activities.
- Reduce local government liability exposure - more legally defensible quasi-judicial decisions.



## Use of Policies/Codes - Permitting

### GMA Planning Goal 7

“(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”

### Staff

- Reviews permits based on adopted policies/codes
- Uses policies/codes on a day-to-day basis in providing customer service to the public (e.g. general inquiries, code enforcement)
- Prepares written staff reports to Hearing Examiner on permit applications based on adopted codes/policies

City Council adoption of clear policies/codes (*e.g. from punctuation, sentence structure to internal consistency with other code sections*) promotes timely and predictable permit processing.



# Questions



## EXHIBIT 2

### Mukilteo Comprehensive Plan/Subarea Plans Development Regulations

#### **I. MUKILTEO COMPREHENSIVE PLAN/SUBAREA PLANS/FUNCTIONAL PLANS**

The following describes the City of Mukilteo's adopted Comprehensive Plan, as well as more recently adopted City of Mukilteo "subarea"/"functional" plans.

#### **A. Mukilteo Comprehensive Plan 2035**

The current Mukilteo Comprehensive Plan entitled "Mukilteo Comprehensive Plan 2035" was a significant update from the pre-existing Mukilteo Comprehensive Plan in terms of format and content. It was adopted in October 2015 as part of the required GMA plan update that now is to occur every eight (8) years. The next required GMA major update deadline for Snohomish County is June 30, 2024.

Among other items, a comprehensive plan commonly includes:

- Vision Statement and goals and policies that expresses what the community would like to achieve for future growth and how it intends to get there. Background data about the community and its characteristics.
- A future land use map that is the basis for zoning decisions and the location of types of development.
- The City's assigned/adopted 20 year population and employment targets.
- Level of Service (LOS) standards for certain capital facilities such as streets and parks.
- An inventory of existing capital facilities and a financial plan for funding future capital facilities.

Under State law, GMA comprehensive plans for all cities are required to have the following elements, all of which are included in the *Mukilteo Comprehensive Plan 2035*.

- Land Use element
- Housing element
- Capital Facilities element
- Transportation element
- Utilities element
- *Economic Development element\**
- *Parks Open Space & Recreation element\**

*\* These two elements are required if the State provides funding for their preparation. That has not yet happened.*

A comprehensive plan may also have optional elements such as conservation, urban design, environment, historic preservation, sustainability etc.

**B. Downtown Business District Subarea Plan (2009)**

The Downtown Business District Subarea Plan was prepared in response to rezone requests and inquiries to convert single family zoning to downtown business zoning during the 1980's and 1990's.

The rezone requests raised awareness of the need to develop a vision for the Old Town Commercial district. The Downtown Business District Subarea Plan was adopted in order to:

- Identify downtown business district boundaries.
- Identify measures to improve the vitality of Old Town, in both its commercial and residential areas
- Recognize the Downtown Business District's unique character compared to other City commercial districts.
- Identify pedestrian friendly design standards and capital improvements, such as sidewalks, lighting and gateway entries.

**C. By The Way (BTW) Plan (2017)**

The By the Way ("BTW") Plan was prepared to implement specific policy direction of the *Mukilteo Comprehensive Plan 2035* including:

- Adopting street standards to include pedestrian-oriented streetscape elements and bicycle facilities.
- Ensuring that street standards provide bike lanes, convenient bus stops, discourage high travel speeds, minimize significant environmental impacts and maintain character of existing residential neighborhoods.
- Installing pedestrian and bicycle facilities that provide connectivity between parks, retail centers, schools, and regional transportation nodes.

To achieve this, the BTW Plan identifies future projects meeting the following goals:

1. Projects will provide safe connection between neighborhoods, parks, commercial districts, transit stops, schools, and regional pedestrian and bicycle networks.
2. Routes located within one half-mile of schools will identify projects to meet the principles and policies of Safe Routes to School.
3. Project corridors will provide multi-modal facilities to promote the choice of travel mode within the community.
4. Mukilteo Greenway signage and wayfinding will provide residents a sense of location and connection to better identify safe routes to move about the community.

The BTW Plan also seeks to ensure that the public right-of-way simultaneously serves people and commerce and that the transportation network accommodates all ages, populations, and abilities. Projects that enhance connectivity also are to receive priority.

#### **D. Downtown Waterfront Master Plan (2016)**

The Downtown Waterfront Master Plan provides a descriptive vision for a revitalized waterfront which includes a mix of recreational opportunities and related business development, all while enhancing pedestrian mobility. This includes an urban street front with local businesses, pedestrian promenade, bike lanes and lively pedestrian supportive waterfront uses.

This Downtown Waterfront Master Plan vision for the waterfront addresses the following objectives:

- Pedestrian oriented urban streetfronts with local businesses.
- Looped pedestrian promenade and bike lanes.
- Active waterfront uses.
- Allows one to experience the waterfront from an urban environment to a natural shoreline.
- Connects people to the natural, cultural, and urban qualities that compose the past, present and future Mukilteo waterfront.
- Cohesive new waterfront park system from Lighthouse Park to Edgewater Beach.
- Chain of public parks to help soften the development impact of the multimodal station and commercial development.

Projects cost estimates for public waterfront projects are included in the Downtown Waterfront Master Plan.

#### **E. Japanese Gulch Master Plan (2016)**

The Japanese Gulch Master Plan provides guidance for the development and preservation of the 140 acre Japanese Gulch Park. The Master Plan incorporates public outreach, vision, preferred alternatives, critical areas, design, historic significance, public safety, maintenance and operation costs, park uses, and parking into a cohesive document.

The Japanese Gulch Master Plan is organized into **three parts**:

- **Part I** is a traditional Park Master Plan with background, design alternatives, references to public outreach, decision making process, and cost estimates. Subareas within the Japanese Gulch Park are analyzed for future use.
- **Part II** is an implementation plan that provides additional information regarding stewardship, emergency services, and maintenance.
- **Part III** is the Appendix with data regarding public outreach, natural inventory, cost estimates, and level of service.

The Japanese Gulch Master Plan was prepared with public involvement including, as examples, surveys, open houses, a Japanese Gulch Subcommittee and Parks and Arts Commission involvement.

**F. Parks, Recreation, Open Space and Arts (PROSA) (2017)**

The City Council adopted the PROSA Plan in December 2017. The PROSA Plan was written to reflect the goals and policies of the *Mukilteo Comprehensive Plan 2035* as well as to implement public opinion based on extensive public outreach efforts.

The PROSA includes an inventory of existing facilities, demand and need analysis, a six-year capital improvement program, goals and objectives and implementation strategies. It also summarizes discussions on park maintenance, ADA Transition Plan, recreation, stewardship programs, and provides strong direction towards the development of an Arts Plan.

The PROSA Plan was also prepared to maintain funding eligibility from the Washington State Recreation and Conservation Office (RCO).

**G. Shoreline Master Program (2019)**

Shoreline Master Programs (SMPs) are a State requirement that guide use and development on Washington shorelines. SMP's contain goals/policies and regulations to protect natural water resources and provide for public access to waters and shorelines. In Mukilteo that would be Possession Sound.

The SMP consists of two main components:

- 1) Goals and policies; and,
- 2) Development regulations

Mukilteo completed its required SMP update in 2019. The SMP applies to lands within 200 feet of the Ordinary High Water Mark (OHWM) along the City's shorelines.

The SMP contains a series of goals and policies. All development along the shoreline must be consistent with these goals and policies. State law provides that the goals and policies of the City's shoreline master program are an element of Mukilteo's Comprehensive Plan.

**H. Comprehensive Surface Water Management Plan Update 2015-2021 (2015)**

The City's Surface Water Management Plan was adopted in 2015. The goals for the Comprehensive Surface Water Management Plan are to:

- Serve as a management tool to more efficiently manage the capital and maintenance and operations (including NPDES permit compliance) programs of the Surface Water Utility for the next five years.
- Evaluate level of service and existing staffing levels to identify gaps between those required and recommended level of service and staffing levels.
- Evaluate Utility expenses and project surface water management fees for the next five years to ensure the financial viability of the Utility.

The Comprehensive Surface Water Management Plan Update also includes a Capital Improvement Program for the construction of stormwater related facilities.

## **2. DEVELOPMENT REGULATIONS**

While the comprehensive plan focuses on broader community values, development regulations contain specific standards for how property may be developed. Development regulations are a tool to implement the comprehensive plan by regulating private development in the City.

Like the comprehensive plan, development regulations are adopted by the City Council after a Planning Commission recommendation. Unlike the comprehensive plan which may only be amended once per year, development regulation amendments may occur any time during the course of the year.

Common development regulations include:

### **A. Zoning Code (MMC Title 17 “Zoning”)**

The City’s adopted zoning code identifies what the City Council would like to see for development of property. This includes, as examples, what uses are allowed (and not allowed or allowed only if it meets the criteria for a special permit), height of buildings, how close buildings may get to property line (setbacks), what the building may look like (i.e. design standards) the amount of required parking, landscaping and many other considerations.

In addition to the zoning code text, the zoning code also consists of the zoning map. Mukilteo has a range of different residential, commercial, industrial and public zoning districts, each allowing for different uses and, where applicable, different densities, setback, height and other requirements.

### **B. Sign Code (MMC Chapter 17.80 “Signs”)**

The sign code is part of the zoning code. The sign code regulates sign displays to maintain community aesthetic values, ensure individual rights to commercial and noncommercial expression, and minimize effects on traffic safety. In doing so the sign code identifies which type of signs may locate where, how many, how high, how large, setbacks, lighting and other standards.

City staff is working with the Planning Commission on a sign code update to simplify the code, improve readability, respond to the US Supreme Court Reed v. Gilbert decision, and implement improvements based on public outreach.

### **C. Critical Areas Ordinance (MMC Chapter 17.52 “Critical Areas Regulations”)**

The GMA requires all cities and counties in Washington to adopt regulations protecting “critical areas” in order to preserve the natural environment, wildlife habitats, and sources of fresh drinking water.

The GMA identifies five types of critical areas:



1. Wetlands
2. Aquifer recharge areas
3. Fish and wildlife habitat conservation areas
4. Frequently flooded areas
5. Geologically hazardous areas

**D. Subdivision Code (MMC Title 16 “Subdivisions and Platting”)**

Subdivisions involve the division of land into lots, tracts, parcels, sites or divisions. In general, a subdivision may take two forms:

1. Subdivision - Division of land into **five or more lots**, tracts, parcels, sites or divisions.
2. “Short subdivision” - Division of land into **four or fewer** lots, tracts, parcels, sites.

The permit processes for the two forms of subdivisions differ. A subdivision is decided by the Hearing Examiner after a public hearing. A short subdivision is decided administratively (staff decision).

State law gives the local government the authority to allow for up to nine lots to be created by a short plat process. Mukilteo’s code defines a short plat at four or fewer lots.

**E. Shoreline Regulations (MMC Title 17B “Shoreline Management Regulations”)**

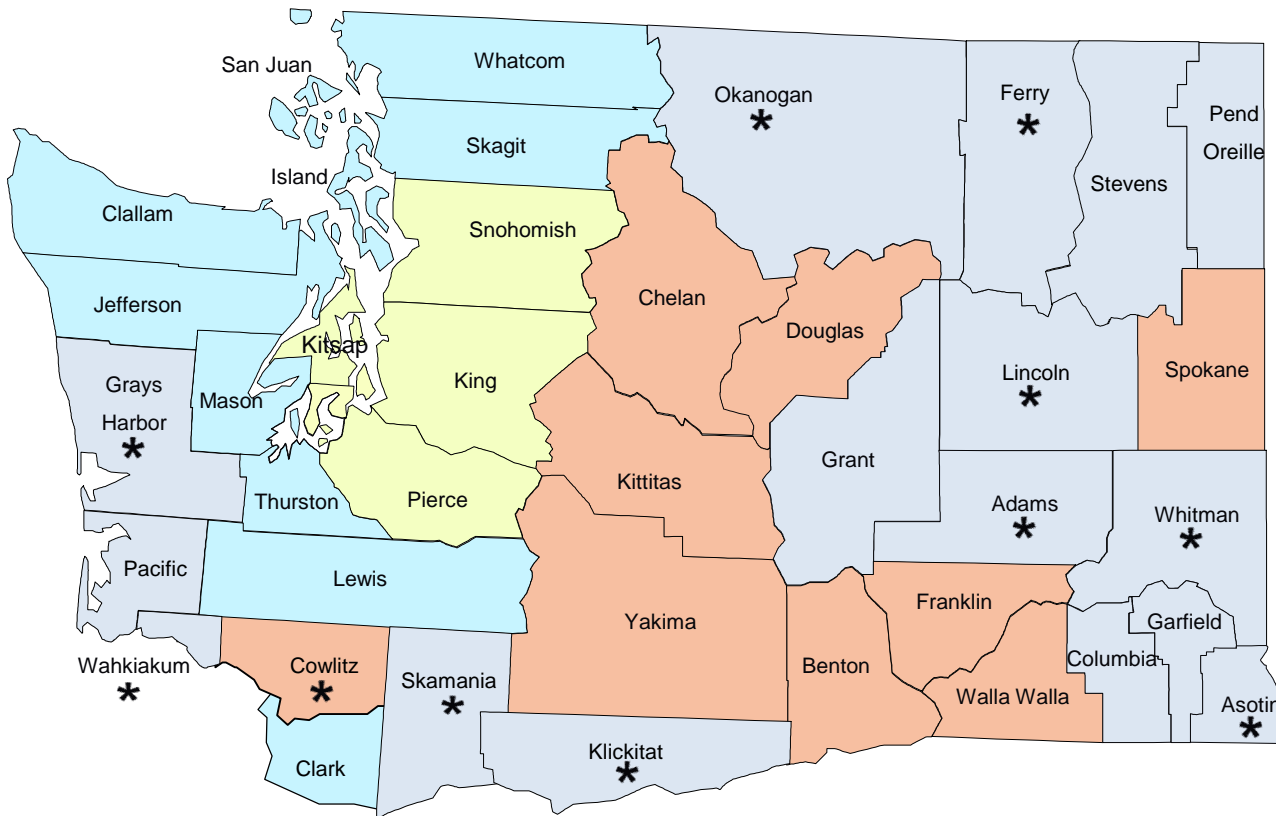
As mentioned above, Mukilteo completed its required SMP update in 2019.

Besides goals and policies discussed earlier, the SMP also includes shoreline development regulations. State law states that those portions of Mukilteo’s SMP addressing use regulations are part of Mukilteo’s GMA development regulations.

Amendments to the City’s SMP must follow certain requirements of the Washington State Department of Ecology. Even though the SMP goes through a City amendment process, SMP amendments must still be approved by the Department of Ecology.

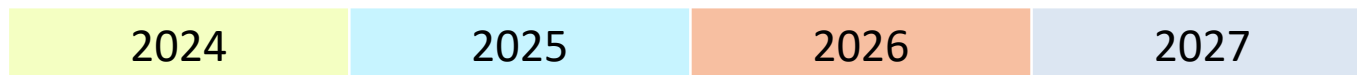
## EXHIBIT 3

### Growth Management Services Periodic Update Schedule RCW 36.70A.130



**Contact:**  
**Dave Andersen**  
**509.434.4491**  
**Dave.Andersen@commerce.wa.gov**

Periodic Update Schedule; Due June 30 of Indicated Year



\* Starred counties are partially planning under the  
Growth Management Act