

**CITY OF MUKILTEO  
MUKILTEO, WASHINGTON  
ORDINANCE NO. 1429**

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON,  
RELATING TO THE MUKILTEO COMPREHENSIVE PLAN,  
ADOPTING THE CITY OF MUKILTEO 2019 DOCKET  
COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR  
SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the Growth Management Act, Revised Code of Washington (RCW) Chapter 36.70A, requires that every city planning under the GMA periodically update its comprehensive plan; and

WHEREAS, Chapter 36.70A RCW further provides that updates, amendments or revisions to the comprehensive plan may be considered no more than once per year, except in limited circumstances; and

WHEREAS, the City of Mukilteo Comprehensive Plan was last amended in 2018; and

WHEREAS, on April 1, 2019, the Mukilteo City Council held a duly-noticed public hearing regarding proposed updates, amendments and revisions to the Comprehensive Plan, known as the 2019 Docket; and

WHEREAS, the Mukilteo City Council recommended further consideration of Comprehensive Plan amendments involving amendments to the Comprehensive Plan ("2019 Comprehensive Plan Amendments") to amend the Utilities Element policies to address a 2018 Federal Communication Commission (FCC) declaratory ruling and order, along with minor updates and corrections to city population, project completion dates and the city's website address; and

WHEREAS, pursuant to Chapter 17.72 of the Mukilteo Municipal Code (MMC), the proposed 2019 Comprehensive Plan Amendments was circulated for review in accordance with the City's normal review and permitting procedures on October 23, 2019; and

WHEREAS, pursuant to the State Environmental Policy Act, the City of Mukilteo acted as the lead agency for review of the 2019 Comprehensive Plan Amendments and issued a Determination of Non-Significance pursuant to WAC 197-11-600(4)(a) on December 6, 2019. The appeal period ended on January 3, 2020 and no appeals were filed; and

WHEREAS, the Mukilteo Planning Commission held a duly-noticed public hearing and considered public testimony on September 17, 2020; and

WHEREAS, the Mukilteo City Council held a duly-noticed public hearing and considered public testimony on February 1, 2021; and

WHEREAS, the Mukilteo City Council finds that this ordinance for amendments to the Mukilteo Comprehensive Plan is in the best interests of the citizens of the City of Mukilteo.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MUKILTEO, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

**Section 1. Comprehensive Plan Amended.** The Comprehensive Plan is hereby updated in accordance with the Growth Management Act, Chapter 36.70A RCW, as shown on Exhibit A, attached hereto and incorporated herein by reference.

**Section 2. Findings of Fact and Conclusions.** In support of the amendments approved in this Ordinance, the Mukilteo City Council adopts the Findings of Fact and Conclusions of the Mukilteo Planning Commission dated September 17, 2020, as shown on Exhibit B, attached hereto and incorporated herein by reference.

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 4. Authority to make necessary corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary correction to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, reference, ordinance numbering, section/subsection numbers and any references thereto.


**Section 5. Effective Date.** This ordinance shall take effect and be in full force 5 days after publication of the attached summary.

PASSED by the City Council and APPROVED by the Mayor this 1st day of February, 2021.

APPROVED:

  
MAYOR, JENNIFER GREGERSON

ATTEST/AUTHENTICATED:

  
CITY CLERK, CAROL MOORE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

  
DANIEL P. KENNY

Filed with the City Clerk: 02-01-2021  
Passed by the City Council: 02-01-2021  
Published: 2-05-2021  
Effective Date: 2-10-2021  
Ordinance No. 1429

SUMMARY OF ORDINANCE NO. 1429  
of the City of Mukilteo, Washington

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On February 1, 2021, the City Council of the City of Mukilteo, Washington, approved Ordinance No. 1429, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON,  
RELATING TO THE MUKILTEO COMPREHENSIVE PLAN,  
ADOPTING THE CITY OF MUKILTEO 2019 DOCKET  
COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR  
SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of February 1, 2021.



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City Clerk, Carol Moore

ADOPTED BY CITY COUNCIL ON OCTOBER 5, 2015  
ORDINANCE 1369

AMENDED BY CITY COUNCIL ON JUNE 4, 2018  
ORDINANCE 1412

AMENDED BY CITY COUNCIL ON FEBRUARY 1, 2021  
ORDINANCE 1429

AMENDED BY CITY COUNCIL ON FEBRUARY 1, 2021  
ORDINANCE 1436

# ACKNOWLEDGMENTS:

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Special thanks to all those who have helped and participated in the 2015 Comprehensive Plan.

## 2015 Elected Officials:

Jennifer Gregerson, Mayor

Bob Champion, Council President

Randy Lord, Council Vice President

Christine Cook

Linda Grafer

Steve Schmalz

Emily Vanderwielen

Ted Wheeler

## 2015 Planning Commission:

Jerry Bush, Chair

Norman Webb, Vice Chair

Melanie Field

Nick Gottuso

Arnie Hammerman

Dennis Konopinski

Nicole Thomsen

## 2021 Elected Officials:

Jennifer Gregerson, Mayor

Sarah Kneller, Council President

Bob Champion, Council Vice President

Elisabeth Crawford

Richard Emery

Louis Harris

Riaz Khan

Joe Marine

## 2020 Planning Commission:

Jerry Bush, Chair

Tim Krivanek, Vice Chair

Ernie Castruita

Diane Cooper

Melanie Field

Arnie Hammerman

Nicole Thomsen

## 2019 City Staff:

David Osaki, AICP, Community Development Director

Mick Matheson, PE, Public Works Director

Andrea Swisstack, PE, Assistant City Engineer

Jeff Price, Recreation & Cultural Services Director

Lauren Balisky, AICP, Planning Manager

Linda Ritter, Senior Planner

Garrett Jensen, Associate Planner

Matt Entinger, GIS Coordinator

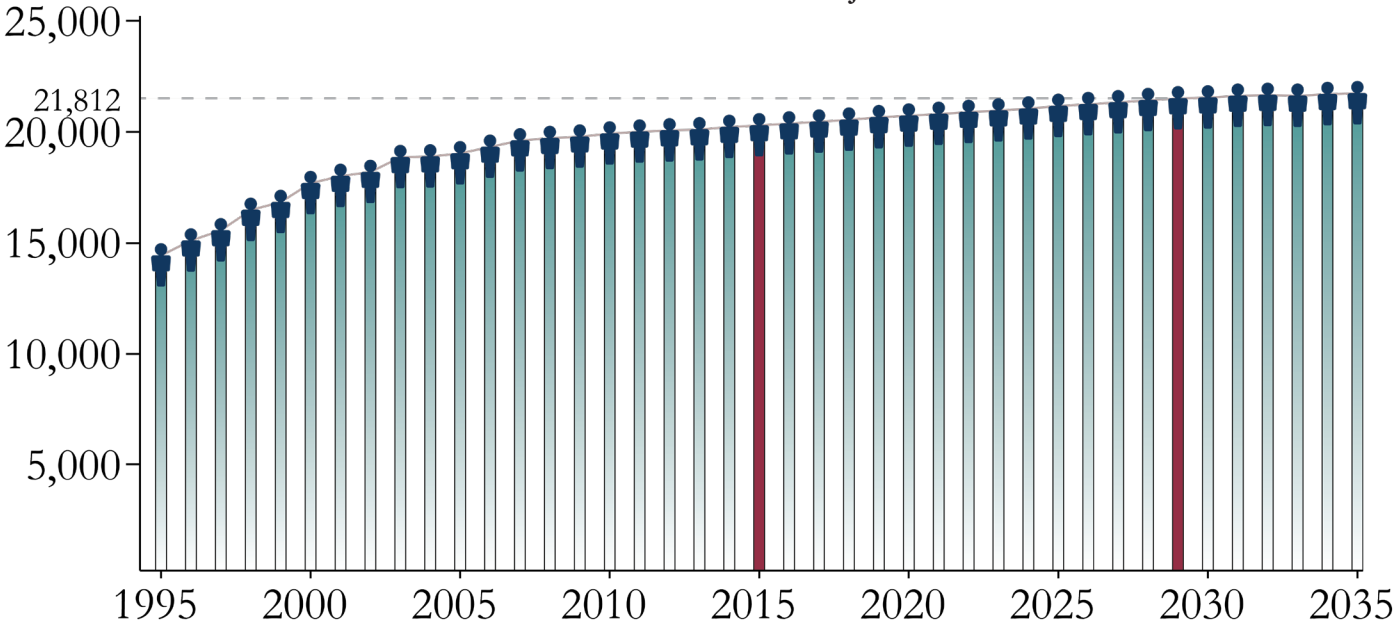
Kory VanDyke, GIS Technician

# POPULATION

The Washington State Growth Management Act (GMA) calls for the reduction of sprawl by encouraging development in urban areas. In “[Vision 2040](#)” the Puget Sound Regional Council describes a regional growth strategy that promotes an environmentally-friendly growth pattern that contains the expansion of urban growth areas. It includes guidance for the distribution of population and employment.

Through Snohomish County Tomorrow, the county and its municipalities collaboratively plan for accommodating projected population and employment growth which are adopted in the [Countywide Planning Policies](#). The Snohomish County population targets (and indirectly the housing targets) are based on the Washington State Office of Financial Management (OFM) population estimates made consistent with Vision 2040. One product of the collaboration between the County and its cities is the “[2013-2014 Growth Monitoring Report](#)” which assigns population and employment targets for each city to accommodate by the year 2035. As estimated by OFM, Mukilteo’s 2019 2017 population is 21,350 21,240. Its population target is 21,812, which means over the next 20 years an additional 1,272 people will have to call Mukilteo home for the target to be reached. Chart 1: Population Growth Projection 1995-2035 shows a higher growth rate between 1995-2010, but a much slower rate from 2010 to a built-out population in 2029. The 2012 Snohomish County Buildable Lands Report shows Mukilteo has the land use capacity to accommodate its target population. Whether Mukilteo reaches that target will be determined by market forces beyond the control of city and regional government. It is the City’s responsibility to ensure there is enough land use capacity in the residential and mixed use zoning districts to accommodate the new residents should they want to locate here. (For more information about housing targets see the Housing Element; for employment targets see the Economic Development Element.)

CHART 1: POPULATION GROWTH PROJECTION 1995-2035





Also, the element must be consistent with Snohomish County Countywide Planning Policies.

The Capital Facilities and Land Use Elements are intimately related, especially how land use changes to accommodate growth can trigger the need for new or improved capital facilities. The demand for capital facility projects is affected by three factors.

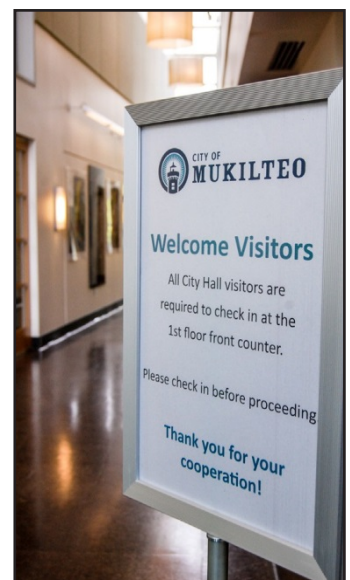
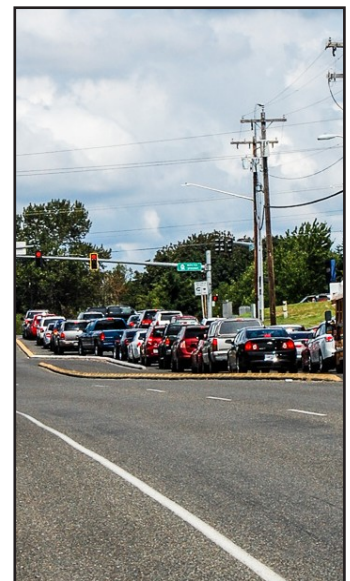
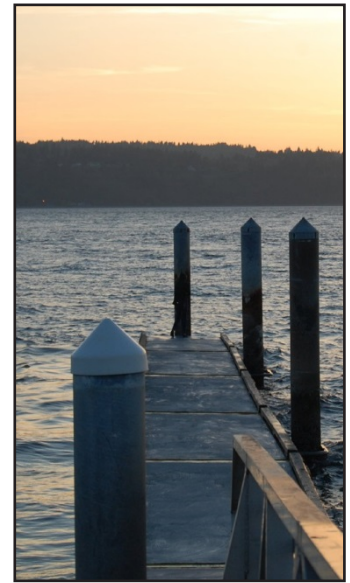
1. The need to accommodate growth;
2. The need to maintain or rehabilitate existing facilities; and
3. The need to address existing deficiencies.

The City of Mukilteo is in a fortunate position as it currently only has one capital facility deficiency, the SR525/Harbour Pointe Boulevard S intersection. However, and a project to address that deficiency has already been identified and is financed with construction expected to be completed in 2016 2019.

The table on the following page shows that with that project there will be no deficiencies after 2016 2019. In most cases the city has not adopted a level of service standard so the standard listed is the result of research supporting the city's current Capital Facilities Plan (see page 56 26 and Appendix I F).

Because Mukilteo's current population is 98% 97% of its target population (21,290 21,350 vs. 21,812), no land use changes are necessary to accommodate the population target. Thus, reaching that target will not result in any new capital facilities deficiencies with the possible exception of some intersections on SR525. Some intersections on the state route are near capacity and are projected to fall below the City's adopted LOS (Level of Service) E standard. However, if this happens it will not be the result of new growth in Mukilteo. Rather, it will be the result of growth outside of the city that will generate traffic driving through Mukilteo on SR525 which the city has little control over.

Despite these facts, the City still needs a robust CFP that can implement the Comprehensive Plan vision for expanded capital facilities; not to accommodate growth but to further improve the quality of life enjoyed by Mukilteo residents and visitors. This element provides the policies necessary to guide the CFP towards that vision.





# INVENTORY

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The following maps and tables describe the capital facilities located within the city. Map 8: City Facilities, shows the facilities and properties that are owned by the City of Mukilteo that are on lots larger than a quarter of an acre. (For graphic clarity, facilities on lots less than a quarter acres are not shown.) For more detailed information about park, recreation and transportation capital facilities refer to the relevant element in this plan. Also, additional information about stormwater facilities can be found in the Stormwater Facilities Atlas on the City of Mukilteo website ([www.ci.mukilteo.wa.us](http://www.ci.mukilteo.wa.us) [www.mukilteowa.gov](http://www.mukilteowa.gov)).

The GMA requires the Capital Facilities Element to account for all capital facilities within city limits that were paid for by public entities, not just city facilities. Therefore, this inventory of capital facilities includes those owned by the City of Mukilteo (Map 8) as well as those owned by the Mukilteo School District and the special utility districts that provide services to Mukilteo. Facilities owned by Mukilteo School District and the special utility districts can be found on Map 9: Outside Public Agencies Facilities.





As society becomes more reliant on wireless networks for daily communication and functions, the proliferation of antennas and towers will continue to occur. Methods to limit their visual impact includes requiring them to co-locate on existing facilities when available, not allowing them to be any higher than necessary, and to conceal them using innovative technologies. **The co-location and concealment of utilities should be encouraged when there are opportunities to do so without imposing severe added costs to construct, operate, and/or maintain the utilities (UT1c).** For instances where co-location is not feasible, flexibility and creativity to incorporate utilities into the landscape through the use of camouflaging, interactive artwork, and other innovative means should be considered.



Federal law plays a large role in how a city may regulate the location of telephone cell towers or Wireless Communication Facilities (WCFs). While cities are specifically authorized to enact regulations regarding the placement, construction, and modification of WCFs, those regulations may not discriminate among providers of equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or base siting decisions on the basis of environmental effects of radio frequency emissions. Also, case law has evolved so that local regulations may not impede a provider's ability to fill gaps in service availability. One way to provide the City with the ability to limit the proliferation of WCFs without violating Federal regulations would be to conduct its own citywide analysis to determine the best places to provide cell coverage. With that analysis the City would not have to rely on the expert analysis provided by cell tower applicants and may also be able to require WCFs to be built at specific locations for larger scale towers and recommend coverage options for smaller towers.



**~~The City of Mukilteo should consider adopting a Wireless Communications Facility Master (WCF) Plan based on the evaluation by a qualified consultant to determine ideal locations for WCFs taking into consideration the area's topography and current provider cell coverage areas. The City should then amend its WCF regulations to implement the plan to limit the proliferation of WCFs while remaining consistent with Federal regulations (UT1d).~~**

## **UT2: CONSERVATION MEASURES AND PROGRAMS TO REDUCE SOLID WASTE AND INCREASE RECYCLING SHOULD BE CONSIDERED.**

While the City doesn't operate a solid waste disposal utility, its residents and businesses certainly contribute to the solid waste stream. Programs that encourage Mukilteans to reuse and recycle will reduce the amount of solid waste generated in the city and will indirectly help enhance the quality of life enjoyed in Mukilteo.

Mukilteo City Council  
Findings of Fact & Conclusions for Ordinance No. 1429

**Based on the review of the final drafts of the 2019 Comprehensive Plan Amendments and Ordinance No. 1429, the Mukilteo City Council makes the following Findings of Fact:**

1. The Growth Management Act (GMA), Chapter 36.70A RCW, requires all cities within Snohomish and other counties experiencing rapid growth to adopt Comprehensive Plans meeting the goals and policies of the GMA no later than December 31, 1994.
2. On December 27, 1994, the City of Mukilteo adopted its GMA-based Comprehensive Plan.
3. Cities planning under the GMA may amend their Comprehensive Plan no more than once per year.
4. The last Comprehensive Plan amendments were adopted in 2018.
5. As part of the 2019 Comprehensive Plan amendment cycle, the City initiated amendments to the Comprehensive Plan to address a recent Federal Communications Commission (FCC) Declaratory Ruling and Order (FCC-18-133), and to update the city population, project completion dates and the City's website address.
6. On April 1, 2019, the City Council held a duly-noticed public hearing and voted to move the request to the 2019 Final Docket for further review.
7. Pursuant to Mukilteo Municipal Code (MMC) Chapter 17.72, the proposed 2019 Comprehensive Plan Amendments were circulated for review in accordance with the City's normal review and permitting procedures on October 23, 2019.
8. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed amendment. A Determination of Non-Significance was issued pursuant to WAC 197-11-600(4)(a) on December 6, 2019. No appeal of the determination was received so the determination stands.
9. Pursuant to RCW 36.70A.106(1) the Department of Commerce was sent a notice on February 25, 2020 of the intent to change the Comprehensive Plan more than 60 days before the implementing ordinance will be adopted.
10. In accordance with the State of Washington Planning laws, Mukilteo Municipal Code, and other regulations, the Mukilteo Planning Commission has jurisdiction to hear and consider this matter and forward their recommendation on the proposed 2019 Comprehensive Plan Amendments to the Mukilteo City Council.
11. The Mukilteo Planning Commission held a public hearing on the proposed 2019 Comprehensive Plan Amendments on September 17, 2020 and recommended the City Council approve the amendments.
12. Staff prepared a report summarizing the proposed 2019 Comprehensive Plan Amendments which is part of the public presented to the Mukilteo City Council at a public hearing on February 1, 2021, for their consideration.
13. Notice of all of the hearings on this matter have been conducted in accordance with the

City of Mukilteo rules and regulations governing such matters.

**Based on the foregoing Findings of Fact and after considering staff comments, the preliminary recommendation of the Planning Commission and public testimony, the Mukilteo City Council hereby makes the following conclusions regarding Ordinance No. 1429:**

1. The 2019 Comprehensive Plan Amendments are appropriate and will serve the public health, safety and general welfare.
2. The 2019 Comprehensive Plan Amendments are consistent with the GMA.
3. The City of Mukilteo Comprehensive Plan shall be amended to reflect the 2019 Comprehensive Plan Amendments.