

Mukilteo Planning Commission Findings of Fact & Conclusions

Based on the review of the draft Shoreline Management Regulations Code Amendment (Ordinance No. 1427 and Resolution 2019-004) the Mukilteo Planning Commission makes the following Findings of Fact and forwarded such to the City Council:

1. The City's Comprehensive Plan sets the policies for development in the City. The following policies direct staff to prepare ordinances to regulate development that are consistent with the Comprehensive Plan and support the proposed code amendment:
 - LU5: Mukilteo's waterfront shall be developed in a manner that maximizes the public's access to the water.
 - LU5a: A Waterfront Master Plan shall be developed that reflects the direction of the Shoreline Master Program, accommodates the preferred alternative for the relocated Washington State Ferry facility, and addresses the operations and maintenance of city facilities envisioned for the waterfront. Subsequent land use decisions for the waterfront shall conform to the recommendations in the adopted Waterfront Master Plan.
 - LU5b: Public and semi-public spaces that attract people of all generations and allow for public access to the waterfront should be developed.
 - LU5c: Redevelopment of Mukilteo's waterfront should include exceptional pedestrian and recreation facilities that include a waterfront promenade and a chain of waterfront parks, and a visitor dock, all with pedestrian-oriented amenities.
 - LU9: The City shall manage and regulate development in critical areas and the shoreline to allow reasonable and appropriate uses in those areas while protecting them against adverse effects and shall regularly evaluate these regulations and programs to ensure they continue to use the best available science to protect environmentally sensitive areas from negative impacts associated with development.
2. The Shoreline Management Act of 1971 ("SMA"), codified at Revised Code of Washington (RCW) Chapter 90.58, requires all cities and counties with "shoreslines of the state" to prepare and adopt a Shoreline Master Program ("SMP") that is based on state laws and rules, but tailored to the specific jurisdiction.
3. Effective January 17, 2004, the regulations implementing the SMA promulgated under Chapter 173-26 WAC (the "SMA guidelines") were substantially revised and the City's current program required a comprehensive master program update in order to achieve the procedural and substantive requirements of the SMA guidelines.

4. In 2011 the City's Shoreline Master Plan and Development Regulations were adopted by the Mukilteo City Council and approved by the Department of Ecology (Ecology) (City of Mukilteo Ordinance No. 1295).
5. The Mukilteo City Council reviewed and approved the plan and schedule on February 20, 2018 for the draft 2019 Shoreline Master Program - Work Plan, Public Participation Plan, and Tentative Schedule.
6. RCW 90.58.080(4) of the SMA requires that the City of Mukilteo take legislative action to review and update its Shoreline Master Plan and Development Regulations by July 1, 2019.
7. The Planning Commission met September through November of 2018 and January and February of 2019 to discuss the proposed SMP and Shoreline Management Regulations code amendment.
8. The City has complied with the requirements of the State Environmental Policy Act (SEPA) RCW Ch.43.21C by issuing a Determination of Nonsignificance (DNS) on February 4, 2019. The appeal period ended on February 19, 2019, and no appeals were filed.
9. The intent of this ordinance is to include the elements addressed in the Waterfront Master Plan, update State mandated regulations, and revise sections of the Shoreline Management Regulations that do not reflect the existing conditions of the waterfront.
10. Pursuant to Mukilteo Municipal Code (MMC) 17.72, on February 4, 2019, a copy of the draft ordinance was circulated for review in accordance with the City's normal review procedures.
11. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed amendment. A SEPA Categorical Determination of Non-Significance was issued under WAC 197-11-340(2) on February 4, 2019.
12. On February 6, 2019 the City of Mukilteo transmitted the proposed code amendment to the Washington State Department of Commerce for State agency review in accordance with RCW 36.70A.106.
13. The City held a joint open house and public hearing to educate interested parties on the elements of the SMP on April 18, 2019.
14. On April 18, 2019, the Planning Commission held a joint public hearing with the City of Mukilteo and the Department of Ecology to consider the draft Shoreline Management Regulations Code Amendment Ordinance and Draft SMP. The Planning Commission made a recommendation to the City Council for approval of the final draft of Ordinance No. 1427 and to move forward with submitting the proposed SMP update to Ecology for review and approval per resolution 2019-004.

Based on the recommendation of the Planning Commission:

1. The City transmitted the draft Shoreline Master Program Update and Development Regulations to the Department of Ecology for comment on June 7, 2019, prior to the City's formal adoption of the SMP in accordance with WAC 113-26-110.
2. The Department of Ecology provided a written statement of initial concurrence and recommendations to the City regarding the draft Shoreline Master Program Update and Shoreline Management Regulations on August 2, 2019.

Based on the foregoing Findings of Fact, the Mukilteo City Council hereby makes the following Conclusions:

1. The final ordinance as presented is consistent with the goals and policies of the City's Comprehensive Plan and protects the public health, safety and welfare.
2. Updating the Shoreline Management Regulations Ordinance is warranted to stay current with changes in laws and rules, to remain consistent with other Mukilteo plans and regulations, and to be responsive to changed circumstances, new information and improved data.
3. Updating the Shoreline Master Program is necessary to ensure development of the shoreline is regulated according to state law and in accordance with the overall goals of the City Council and desires of the community.
4. The City has complied with the requirements of the State Environmental Policy Act (WAC 197-11) and with the requirements for State agency review (RCW 36.70A.106.)
5. After considering the recommendation of the Planning Commission, staff comments, public testimony, and Ecology input, the Mukilteo City Council determined that the proposed 2019 Shoreline Master Program Update is appropriate to ensure compliance with state law.