



11930 Cyrus Way • Mukilteo, WA • 98275

City Council
Land Use & Economic Development Committee
Wednesday, November 15, 2017
4:30 p.m.-6:00 p.m.

Planning Conference Table

Agenda

Invitees:

Committee Members: Councilmember Cook, Councilmember Emery, and Councilmember Whelpley

Alternate Committee Member: Councilmember Wheeler

Executive Branch: Mayor Jennifer Gregerson

Chamber of Commerce: President and CEO Martin

City Staff: Management Services Director Edin
Community Development Director Love
Planning Manager Osaki
Senior Planner Ritter

Discussion Topics:

1. Approve Meeting Notes of August 16, 2017
2. Approve Meeting Notes of September 20, 2017
3. Approve Meeting Notes of October 23, 2017
4. Buzz Inn Development Proposal
5. Sign Code Update
6. Japanese Gulch Creek Daylighting and Promenade

Next Meeting: January 17, 2018, 4:30 pm



11930 Cyrus Way • Mukilteo, WA • 98275

City Council
Land Use & Economic Development Committee
Wednesday, August 16, 2017
4:30 PM

Community Development - Planning Table Conference Room

Meeting Report

Attendees:

Committee Members: Councilmember Wheeler, Councilmember Whelpley

City Staff: Community Development Director Love, Management Services Director Edin, Planning Manager Osaki and Senior Planner Ritter

Absent: Councilmember Emery, Councilmember Cook, and Chamber President and CEO Martin

Public: Gary Abrahams, Representing T-Mobile Wireless Communications

Agenda Items

1. Approve Meeting Notes of June 21, 2017 meetings

The Land Use & Economic Development Committee approved the June 21, 2017 meeting notes as presented.

2. Approve Meeting Notes of July 19, 2017 meeting

The Land Use & Economic Development Committee approved the July 19, 2017 meeting notes as presented.

3. T-Mobile Wireless Communication Facilities (WCF) Proposal

Gary Abrahams, representing T-Mobile, stated T-Mobile is interested in collocating a wireless communication facility (WCF) on the Rose Hill Community Center roof. T-Mobile believes this is the best location to provide enhanced coverage to the northern

section of Mukilteo with a design that will fit seamlessly into the community with little aesthetic impact. Mr. Abraham gave an overview of the proposal and presented photo simulations of the WCF from different viewpoints using photos taken from Lincoln Avenue, 4th Street, and 3rd Street.

Mr. Abrahams stated T-Mobile has been looking for alternative sites in this area for some time. T-Mobile has looked at buildings along the water, and has found that candidate sites that would work for T-Mobile's system were unavailable as they could not be leased. T-Mobile also looked at utility poles in the area around Lighthouse Park, and determined through discussions with the City that the redevelopment of the waterfront would likely result in utility poles being undergrounded in the area.

The Committee did not oppose the proposal but asked for photo simulations from additional viewpoints, possibly from the decks of homes to the south of the Community Center which may have a view that could be impacted. The Committee also asked Mr. Abrahams to revise the drawing to remove a chimney-like structure and move all the antennas to the west side of the building, including possibly placing all the antennas within the single enclosure on the west side of the building, to limit view impacts.

4. Mukilteo Annexation Strategy

Director Love stated the City Council has periodically discussed annexation strategies over the last two years. Per the adopted Annexation Interlocal Agreement (ILA) with Snohomish County, the City may annex all or portions of our Municipal Urban Growth Area (MUGA) consistent with the City's Comprehensive Plan, the County Wide Planning Policies (CPP's), and the terms of the ILA.

The current annexation ILA between the City and Snohomish County expires December of 2017. Before the City can pursue an annexation, the Annexation ILA between the City and County must be updated and adopted with a six-year annexation strategy/plan.

Director Love outlined a draft 6-year annexation strategy plan. The draft 6-year annexation strategy plan identifies three potential phases and was submitted to Snohomish County for review. The three phases include:

- Phase 1 - Annex the east side of SR 525 from the QFC intersection south to Beverly Park Road then north from Beverly Park Road to the southern boundary of Paine Field Airport.
- Phase 2 - Conduct a financial analysis to evaluate costs, expenditures, and revenues for the future annexation area, including developing a potential phasing approach.
- Phase 3 - Move forward with future annexation for the remaining Urban Growth Area from Beverly Park Road south to 148th Street SW and Highway 99 and east to Airport Road.

Per Director Love, the 6-year annexation strategy plan expresses an intent to annex in phases, but does not commit the City to any future annexations nor a steadfast timeline.

The LU&ED Committee requested that cost and revenue estimates of annexing Phase 1 be provided to the City Council when the ILA is brought forward to the City Council. The LU&ED Committee recognized, however, that those estimates would be very preliminary.

Snohomish County has prepared a preliminary draft of the new ILA document that has been undergoing review with City staff. Staff will provide the draft ILA along with the proposed 6-Year Annexation Strategy Plan to the City Council for consideration in late September or early October. Adoption by the County Council will most likely occur in early 2018.

5. Wireless Communication Facilities (WCF) - Code Amendment

Senior Planner Ritter provided an update on the proposed Wireless Communication Facilities (WCF) code amendment. Currently, staff is working with Ogden Murphy Wallace and the Planning Commission to review and amend the current code to bring it up-to-date with the federal regulations and to include a process for reviewing small cell facilities. The purpose of this code update is to allow the City to maintain control over the right-of-way and appearance of proposed wireless communication facilities.

The next steps in the process include continuing work with the Planning Commission on the proposed code amendment and holding a Planning Commission public hearing in October. The Planning Commission's recommendation would then be brought forward for a City Council public hearing in November or December of 2017.

6. Economic Development Strategies

Planning Manager Osaki discussed the issue of economic development, asking for thoughts from the Land Use & Economic Development (LU&ED) Committee about how economic development might be advanced in the City. Planning Manager Osaki referenced the economic development narrative on the City website that describes the Land Use & Economic Development Committee, as well as City of Mukilteo Comprehensive Plan goals and policies.

Land use, annexation, business outreach, incentives and permitting were among the items discussed. The LU&ED Committee was supportive of continuing the discussion at a future Committee meeting.

Next Meeting: Wednesday, September 20, 2017 - 4:30 p.m.



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City Council
Land Use & Economic Development Committee
Wednesday, September 20, 2017
4:30 PM

Community Development - Planning Table Conference Room

Meeting Report

Attendees:

Committee Members: Councilmember Cook

City Staff: Community Development Director Love, Management Services Director Edin, Planning Manager Osaki and Senior Planner Ritter

Absent: Councilmember Emery, Councilmember Whelpley, and Chamber President and CEO Martin

Public: Gary Abrahams, Representing T-Mobile Wireless Communications

Agenda Items

6. Approve Meeting Notes of August 16, 2017 meetings

The August meeting minutes were not approved and will be included in the next agenda packet materials.

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The Committee asked Mr. Abrahams to look at some additional sites to determine if there were other alternatives to the Community Center and provide photo simulations of what the WCF would look like on a utility pole. These items will be presented to the Committee at the November meeting. At that time the Committee has the option of moving the item forward to the whole council if they choose. The earliest T-Mobile would be able to present to the City Council would be December 2017 or January 2018.

3. GIS - “MukMaps” Website Mapping Portal

Director Love stated the Geographic Information Systems (GIS) Division within the Community Development Department recently launched a web mapping portal through a series of webpages on the City’s website. This web map portal is called “MukMaps”.

Maps related to parks, trails, public works, public safety, parking permit areas, plat maps, city zoning, building permits, and County Assessor parcel data are accessible to the public. These maps are available in interactive and PDF formats.

4. Public Access - Tidelands

Planning Manager David Osaki indicated that the City has been approached by Losvar Condominium representatives regarding the privately owned tidelands in front of their condominium.

Losvar has concerns over allowing public access on tidelands under its ownership when the tidelands are *not* submerged by water. Among the concerns expressed are that individuals seek unauthorized access into the secure portions of the Losvar Condominium and also trespass on its (Losvar’s) private pier/dock from the tideland area.

To address these and related concerns, Losvar has expressed an intention to place “No Trespassing” or similar signage to discourage/prohibit individuals from accessing the tideland area under its ownership.

Losvar believes it has the legal right to prohibit access to its privately owned tidelands when the tidelands are not submerged by water.

The “Public Trust Doctrine” was discussed. Staff noted that the case law is unclear.

The issue will be discussed again when more LU&ED committee members are in attendance.

Next Meeting: Wednesday, October 18, 2017 - 4:30 p.m.



11930 Cyrus Way • Mukilteo, WA • 98275

City Council
Land Use & Economic Development Committee
Monday, October 23, 2017
4:30 PM

Community Development - Planning Table Conference Room

Meeting Report

Attendees:

Committee Members: Councilmember Cook (on the phone)

City Staff: Community Development Director Love, Management Services Director Edin, Planning Manager Osaki and Senior Planner Ritter , Associate Planner Almgren

Absent: Councilmember Emery, Councilmember Whelpley, and Chamber President and CEO Martin

Public: Annique Bennet, Michael Hart, and Tom Teigen, Snohomish County George Lim and Angela Serravo, Tangram Design LLC (Teleconference)

Agenda Items

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Karl Almgren, Associate Planner introduced the team from Snohomish County to discuss the proposed Wayfinding Concept Design and Implementation Plan. The Paine Field Aviation Attraction Visitor Wayfinding Concept Design & Implementation Plan project began in 2017 to reduce visitor confusion and increase connectivity between various aviation attractions that share an aviation theme. Tangram Design LLC, hired by Snohomish County, developed and presented the selected concept for a signage design family as well as a preliminary location plan and message schedule.

Community Director Love stated she liked the proposed concept and design for the signage but felt further discussion needs to be had regarding the location and height of the proposed signs.

4. Japanese Gulch Creek Daylighting and Promenade

Director Love stated the City will be meeting again with the Tulalip Tribe to discuss revisions to our design for the daylighting of Japanese Gulch Creek and the promenade as requested at the meeting held on October 2, 2017. The Tulalip Tribe is interested in seeing this project move forward but the City is concerned that some of their requirements may make the project unbuildable. At the meeting on October 25, 2017 staff hopes to work through the issues identified by the tribe and move forward with the revised design. At the November meeting staff will provide the committee with a revised budget for the Japanese Gulch Creek Daylight and Promenade project based on the revisions requested by the Tulalip Tribe.

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Planning Director Love stated at the September meeting the City informed the Committee that staff had been approached by the Losvar Condominium (“Losvar”) located at 610 Front Street regarding public access on the tidelands it owns. Losvar would like to place “No Trespassing” or similar signage to discourage/prohibit individuals from accessing the tideland area under its ownership.

Both the City and Losvar agree that the public has the right to use the waters when the tidelands are submerged by water for traditional “public trust” activities such as “fishing, fowling, and navigation”. However, when the tidelands are not submerged by water, Losvar believes it has the legal right to prohibit access to the tidelands. Whether or not a legal right exists to prohibit public access on non-submerged tidelands is unclear.

The next step is for staff to respond to Losvar’s letter regarding their intention and wait for their response before seeking direction from the City Council.

Next Meeting: Wednesday, November 15, 2017 - 4:30 p.m.

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT

SUBJECT TITLE: Buzz Inn Landing Proposed Development Concept	FOR AGENDA OF: November 15, 2017
Department Director: Patricia Love, Community Development Director	EXHIBITS: 1. PowerPoint
Contact Staff: Linda Ritter, Senior Planner	

BACKGROUND

The Buzz Inn property owner met with the City to discuss their proposal for redeveloping their property located at 707 Front Street. Buzz Inn’s representative Patrick McCourt will be at the meeting to discuss their proposal with the Committee (see Exhibit 1). The table below identifies the uses proposed and how the proposed uses meet the existing code.

Use	Proposed	Allowed/Required
Parking Garage/Office	Commercial parking structure with office/retail	Commercial parking structures are allowed with a conditional use permit.
Office/Retail Square Footage	15,000 s.f.	No minimum
Parking	262 stalls	45 stalls
Building Height	42’ (with elevator shaft)	35’ minimum*
Other Potential Uses:		
<ul style="list-style-type: none"> • Hotel • Condominium 	29-32 units	<ul style="list-style-type: none"> • Hotel is an allowed use in the DB zone • Condos as part of a mixed use development are an allowed use in the DB zone

* Per MMC 17.20.025 reference notes for lot and structure bulk matrices, “Appurtenances such as stairwells, mechanical equipment, and elevator shafts that do not exceed the maximum building height by more than ten feet are allowed in the following zones: DB, CB, PCB, PI, PSP, WMU, CB(S), PCB(S), BP, IP, LI, HI, and OS.”

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT	
SUBJECT TITLE: 2018 Sign Code Update	FOR AGENDA OF: November 15, 2017
Department Director: Patricia Love, Community Development Director	EXHIBITS: 1. None
Contact Staff: Karl Almgren, AICP, Associate Planner	

Background:

In 2015, the US Supreme Court clarified the level of constitutional scrutiny that should be applied to content-based restrictions in speech. In short, sign codes that apply regulations based on the focus of messaging were found to be unconstitutional. Such as a sign code that allowed a political sign to be displayed longer than a religious based sign was found to be unconstitutional.

The case of Reed v. Town of Gilbert has required most municipalities throughout the country to revise their sign code for content neutrality. Content neutrality is not new to sign codes, however following the Reed Decision, any law or regulation of speech that is based on the content of speech is presumptively unconstitutional and subject to ‘strict scrutiny’. To pass ‘strict scrutiny’, a regulation to be ‘narrowly tailored to serve a compelling governmental interest’ which is almost impossible.

A generalized rule for this situation is *“if you have to read what a sign says to determine whether it complies with the sign code, then the sign code is impermissibly content-based”*.

Municipalities typically utilize different regulations of signs for political, faith, community events locations, real estate signs, off-site directional signs and many other types of signs. Differentiating these signs is typically based on content, and is no longer support by case law. Municipalities can still regulate (at times) signage based on location, size and height, type of structure (wall sign, monument, pole sign, etc.), use of materials, number, illumination, moving parts, and portability (a-boards).

At this time, very few cities have adopted updated sign codes that comply with the Reed Decision. This is partly due to waiting as several appeals cases were being decided to clarify the application of ‘strict’ scrutiny to commercial signage. Just last month, it was ruled that commercial signage can be reviewed under ‘intermediate’ scrutiny and noncommercial signage is reviewed under ‘strict’ scrutiny. The key difference here is that the appeals courts recognized that there is a difference of speech for commercial and non-commercial signage.

2018 Sign Code Amendment:

Purpose: The Planning Department is anticipating performing a code amendment throughout 2018 in order to:

- Simplify the Code and Improve Readability
- Update Based on Reed v. Gilbert Decision
- Implement Improvements Based on Public Outreach

Delivery Date: Late 2018/Early 2019

Public Outreach: Signage affects many different stakeholders including brick & mortar businesses, real estate agents, non-profit groups, political groups, residents, government agencies, and many more. In order for Mukilteo to bring the sign code into compliance with the Reed Decision, the City will need to engage these stakeholders to generate public buy-in on the required revisions. In order to engage these stakeholders, a conceptual public outreach plan has been written for review by the Land Use Economic Development Committee.

Phase 1 – February, 2018

- Stage: Introduction
- Structure: Open House
 - ‘Why Now?’
 - Introduction 2018 Sign Code Amendment
 - Breakout Groups

Phase 2 – February, 2018

- Stage: Identify the Problems
- Structure: Online Survey
 - Showcase Responsive and Verify Information from Open House
 - ‘Did we hear you correctly?’

Phase 3 – April, 2018

- Stage: Generate Alternatives
- Structure: Focus Groups

Phase 4 – June, 2018

- Stage: Alternatives Identified, But Not Selected
- Structure: Town Hall Format
- ‘What We Heard & Possible Alternatives’

Phase 5 – September, 2018

- Stage: Draft Ordinance Completed
- Structure: Focus Groups

Upcoming Steps: On January 8, 2018, City Council will have a worksession to cover code amendment purposes, process, and introduce the sign code amendment.



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LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT

SUBJECT TITLE: Buzz Inn Landing Proposed Development Concept	FOR AGENDA OF: November 15, 2017
Department Director: Patricia Love, Community Development Director	EXHIBITS: 1. PowerPoint
Contact Staff: Linda Ritter, Senior Planner	

BACKGROUND

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LAND USE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA REPORT	
SUBJECT TITLE: 2018 Sign Code Update	FOR AGENDA OF: November 15, 2017
Department Director: Patricia Love, Community Development Director	EXHIBITS: 1. None
Contact Staff: Karl Almgren, AICP, Associate Planner	

Background:

In 2015, the US Supreme Court clarified the level of constitutional scrutiny that should be applied to content-based restrictions in speech. In short, sign codes that apply regulations based on the focus of messaging were found to be unconstitutional. Such as a sign code that allowed a political sign to be displayed longer than a religious based sign was found to be unconstitutional.

The case of Reed v. Town of Gilbert has required most municipalities throughout the country to revise their sign code for content neutrality. Content neutrality is not new to sign codes, however following the Reed Decision, any law or regulation of speech that is based on the content of speech is presumptively unconstitutional and subject to ‘strict scrutiny’. To pass ‘strict scrutiny’, a regulation to be ‘narrowly tailored to serve a compelling governmental interest’ which is almost impossible.

A generalized rule for this situation is *“if you have to read what a sign says to determine whether it complies with the sign code, then the sign code is impermissibly content-based”*.

Municipalities typically utilize different regulations of signs for political, faith, community events locations, real estate signs, off-site directional signs and many other types of signs. Differentiating these signs is typically based on content, and is no longer support by case law. Municipalities can still regulate (at times) signage based on location, size and height, type of structure (wall sign, monument, pole sign, etc.), use of materials, number, illumination, moving parts, and portability (a-boards).

At this time, very few cities have adopted updated sign codes that comply with the Reed Decision. This is partly due to waiting as several appeals cases were being decided to clarify the application of ‘strict’ scrutiny to commercial signage. Just last month, it was ruled that commercial signage can be reviewed under ‘intermediate’ scrutiny and noncommercial signage is reviewed under ‘strict’ scrutiny. The key difference here is that the appeals courts recognized that there is a difference of speech for commercial and non-commercial signage.

2018 Sign Code Amendment:

Purpose: The Planning Department is anticipating performing a code amendment throughout 2018 in order to:

- Simplify the Code and Improve Readability
- Update Based on Reed v. Gilbert Decision
- Implement Improvements Based on Public Outreach

Delivery Date: Late 2018/Early 2019

Public Outreach: Signage affects many different stakeholders including brick & mortar businesses, real estate agents, non-profit groups, political groups, residents, government agencies, and many more. In order for Mukilteo to bring the sign code into compliance with the Reed Decision, the City will need to engage these stakeholders to generate public buy-in on the required revisions. In order to engage these stakeholders, a conceptual public outreach plan has been written for review by the Land Use Economic Development Committee.

Phase 1 – February, 2018

- Stage: Introduction
- Structure: Open House
 - ‘Why Now?’
 - Introduction 2018 Sign Code Amendment
 - Breakout Groups

Phase 2 – February, 2018

- Stage: Identify the Problems
- Structure: Online Survey
 - Showcase Responsive and Verify Information from Open House
 - ‘Did we hear you correctly?’

Phase 3 – April, 2018

- Stage: Generate Alternatives
- Structure: Focus Groups

Phase 4 – June, 2018

- Stage: Alternatives Identified, But Not Selected
- Structure: Town Hall Format
- ‘What We Heard & Possible Alternatives’

Phase 5 – September, 2018

- Stage: Draft Ordinance Completed
- Structure: Focus Groups

Upcoming Steps: On January 8, 2018, City Council will have a worksession to cover code amendment purposes, process, and introduce the sign code amendment.



MUKILTEO PARKING FACILITY DEVELOPMENT

Presented by Land Pro Group Inc, August 2017

Subject Property

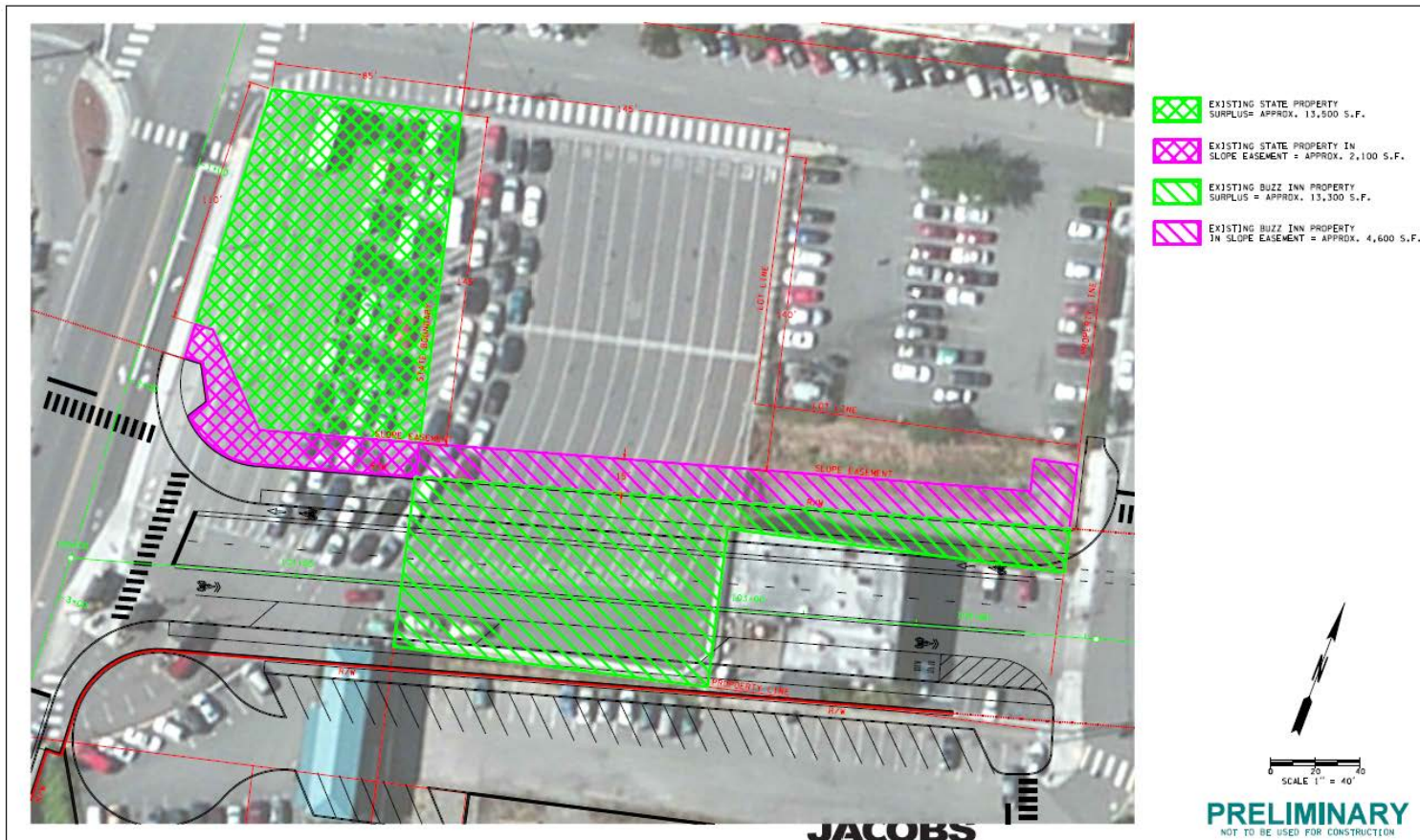
2



Land Swap

3

- Southern portion of parcel slated for new terminal access road



Project Features

4

