

CITY OF MUKILTEO
MUKILTEO, WASHINGTON

ORDINANCE NO. 1226

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MUKILTEO IN ACCORDANCE WITH THE GROWTH MANAGEMENT ACT, CHAPTER 36.70A RCW.

WHEREAS, the Growth Management Act, 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.

WHEREAS, the City of Mukilteo adopted its GMA based Comprehensive Plan on December 27, 1994.

WHEREAS, the GMA allows cities and counties planning under the Act to amend their Comprehensive Plans no more that once a year.

WHEREAS, the City of Mukilteo Comprehensive Plan was last significantly amended in 2007 while changes in 2008 were limited to improved map formats and adopting the Mukilteo School District's capital facilities plan.

WHEREAS, in December 2009 the Mukilteo Transportation Plan was updated to include current traffic counts and projections and new and revised policies.

WHEREAS, in December 2009 the 2010-2015 Capital Facilities Plan, which included new and revised policies, was adopted by City Council Resolution 2009-26.

WHEREAS, in November 2009 the Downtown Business District Subarea Plan was adopted by City Council Resolution 2009-25 to establish a long term vision for commercial land use in the Old Town area including design guidelines and new land use policies.

WHEREAS, in December 2009 the 2009 Bicycle, Pedestrian & Trails Plan, that details future proposed pedestrian ways, bicycle paths and trails in and out of the public right-of-way that will serve as a guiding document for future pedestrian and non-motorized trail development, was adopted by City Council Resolution 2009-30.

WHEREAS, in December 2009 the 2009 Habitat Management Plan, to guide management of publicly held lands, was adopted by City Council Resolution 2009-29.

WHEREAS, the General Development Element requires updating to modify the reference to a roadway through Japanese Gulch.

WHEREAS, the Land Use Element requires revisions to include more current land use and population data, new policies proposed by the Downtown Business District Subarea Plan and addressing airport compatibility and revised policies for improved clarity.

WHEREAS, the Critical Areas & Shoreline Element requires updating to reflect new policies proposed in the Habitat Management Plan and new policies being developed in association with an updated Shoreline Management Plan.

WHEREAS, the Capital Facilities Element requires updating to be consistent with the City of Mukilteo 2010-2015 Capital Facilities Plan.

WHEREAS, the Transportation Element requires updating to be consistent with the City of Mukilteo 2009 Transportation Plan.

WHEREAS, after holding public hearings and considering public testimony on May 14, 2006 and Nov. 6, 2008, the Mukilteo Parks and Arts Commission recommended adoption of the Habitat Management Plan and Bicycle, Pedestrian & Trails Plan.

WHEREAS, after holding public hearings and considering public testimony on September 17, October 15 and October 29, and November 19, 2009, the Mukilteo Planning Commission recommended adoption of the updated 2009 Transportation Plan, 2010-2015 Capital Facilities Plan, Downtown Business District Subarea Plan, Habitat Management Plan, and Bicycle, Pedestrian & Trails Plans; revised General Development, Land Use, Capital Facilities, Transportation and Critical Areas & Shoreline Elements; and the Mukilteo City Council concurs in those recommendations.

WHEREAS, The City Council held a public hearing on the 2009 Comprehensive Plan Amendments on December 14, 2009, and at the conclusion of the hearing, determined that the amended elements should be approved.

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

Section 1. Comprehensive Plan Revised. The 2009 Comprehensive Plan amendments are hereby adopted as amendments to the City's Comprehensive Plan in accordance with the Growth Management Act, Chapter 36.70A RCW with the General Development, Land Use, Critical Areas & Shoreline, Capital Facilities and Transportation Elements amended to read as set forth as attached hereto as Exhibits A-E respectively and incorporated herein by reference as if set forth in full.

Section 2. Findings of Fact & Conclusions. In support of the amendments approved in Section 1 of this ordinance, the Mukilteo City Council adopts the Findings of Fact & Conclusions attached hereto as Exhibits F and incorporated herein by reference as if set forth in full.

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. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect

five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and APPROVED by the Mayor this 14th day of December 2009.

APPROVED:

MAYOR, JOE MARINE

ATTEST/AUTHENTICATED:

CITY CLERK, CHRISTINA BOUGHMAN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
ANGELA S. BELBECK

Filed with the City Clerk:
Passed by the City Council: 12-14-09
Published:
Effective Date:
Ordinance No. 1226

SUMMARY OF ORDINANCE NO. 1226
of the City of Mukilteo, Washington

On November 16, 2009, the City Council of the City of Mukilteo, Washington, approved Ordinance No. 1226, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MUKILTEO IN ACCORDANCE WITH THE GROWTH MANAGEMENT ACT, CHAPTER 36.70A RCW.

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

APPROVED by the City Council at their meeting of December 14, 2009.

CITY CLERK, CHRISTINA BOUGHMAN

Exhibit A – General Development Element

Exhibit B – Land Use Element

Exhibit C – Critical Areas and Shoreline Element

Exhibit D – Capital Facilities Element

Exhibit E – Transportation Element

Exhibit F – City Council Findings of Fact & Conclusions

Ordinance 1226: Findings of Fact & Conclusions

Based on the review of the 2009 Comprehensive Plan Amendment, 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 and Counties planning under the Act may amend their Comprehensive Plan no more than once a year.
4. The Comprehensive Plan was last amended in 2008.
5. The 2009 Comprehensive Plan Amendments include an update of the General Development, Land Use, Critical Areas & Shoreline, Capital Facilities and Transportation Elements.
6. In 2009 the following functional plans were adopted or revised:
 - Downtown Business District Subarea Plan
 - Transportation Plan
 - Capital Facilities Plan
 - Bicycles, Pedestrian & Trails Plan
 - Habitat Management Plan
 - Commute Trip Reduction Plan.
7. In accordance with Mukilteo Municipal Code (MMC) 17.72, the 2009 Comprehensive Plan Amendments were circulated for review in accordance with the City's normal review and permitting procedures on September 14, 2009.
8. Pursuant to the State Environmental Policy Act, the City of Mukilteo was designated as the lead agency for review of the proposed Comprehensive Plan Amendment. A Determination of Non-Significance was issued under WAC 197-11-600(4)(a) on October 2, 2009. There was no appeal of the DNS and it stands as issued.
9. 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 recommendations on the draft ordinance to the Mukilteo City Council. The Mukilteo Planning Commission held a public hearing on Sept. 17, Oct. 15, Oct. 29 and Nov. 19, 2009 to consider the draft ordinance. The Planning Commission recommended approval of Ordinance 1228.
10. Notice of the hearing of this matter has been conducted in accordance with City of Mukilteo rules and regulations governing such matters.
11. Staff prepared a report, summarizing the 2009 Comprehensive Plan Amendments. This report is part of the public record was presented to the Mukilteo City Council at public hearings on Nov. 30, Dec. 7 and Dec. 14, 2009 for their consideration.
12. The Mukilteo City Council held public hearings on Nov. 30, 2009 to consider the Downtown Business District Subarea Plan; on Dec. 7, 2009 to consider the 2010-2015 Capital Facilities

Exhibit F – City Council Findings of Fact & Conclusions

Plan, 2009 Transportation Plan, 2009 Bicycle, Pedestrian & Trails Plan, 2009 Habitat Management Plan; and on Dec. 14, 2009 to consider the 2009 Comprehensive Plan Amendments. That public hearing was continued to Dec. 7 and 14, 2009.

13. Amendments to the Land Use Element include updating the Zoning Map to reflect a change in pre-zoning in the annexation area, updating current and projected population figures, and improved maps and tables for clarity and accuracy.
14. The Land Use Element amendment includes new land use polices to ensure the element is consistent with policies within the Downtown Business District Subarea Plan to better address airport compatibility. Also, existing policies regarding level of service and economic development were revised for improved clarity.
15. The Transportation Element of the Comprehensive Plan is revised to ensure the element is consistent with the updated Transportation Plan. The revised element includes new policies establishing the significance of Mukilteo Speedway, promoting regional transportation planning, addressing levels of service, providing space for employee parking and encouraging techniques to improve efficiencies to combat climate change. Existing policies were revised to improve clarity and intent, promote protection of the west side of Japanese Gulch as open space, improve language consistency between the policies, to protect street pavement and to consider the impact new development at Snohomish County Airport will have on the City's existing transportation system and land uses.
16. The Capital Facilities Element of the Comprehensive Plan is revised to ensure the element is consistent with the updated Capital Facilities Plan. The revised element includes new policies to set project priorities, ensure consistency with the Downtown Business District Subarea Plan and Habitat Management Plan and to maintain the condition of street pavement. Existing policies were revised for improved clarity regarding levels of service, revenue sources, use of one-time monies, city building siting and design and up-to-date terminology.

Conclusions

Based on the foregoing Findings of Fact, the Mukilteo City Council hereby makes the following Conclusions in approving Ordinance 1226 amending the Comprehensive Plan:

1. After considering staff comments and public testimony, the Mukilteo City Council determined that the proposed 2009 Comprehensive Plan Amendments are appropriate to ensure consistency with the City's functional plans.
2. Updating the Comprehensive Plan with the most recent land use and population data is necessary to ensure that the City continues to grow and develop in a manner consistent with the overall goals of the City Council and desires of the community.
3. Amending the Comprehensive Plan to address airport compatibility issues is necessary to protect the public health, safety and general welfare.