



## Marysville Hearing Examiner

July 10, 2008

7:00 p.m.

Marysville City Hall

### CALL TO ORDER

Hearing Examiner Ron McConnell opened the hearing at 7:00 p.m.

### ATTENDANCE

The following staff was noted as being present:

Hearing Examiner Ron McConnell, Senior Planner Cheryl Dungan, Senior Planner Chris Holland, Associate Planner Libby Grage, City Engineer John Cowling, Recording Secretary Amy Hess.

### PUBLIC HEARING

1. PA 08010- Typolt East – to consider preliminary approval of a 23-lot single-family Planned Residential Development (PRD) site plan and preliminary subdivision.

**Applicant:** L243-1 CI Typolt, LLC

**Location:** 5505 87<sup>th</sup> Avenue NE

**Contact:** ESM Consulting Engineers  
20021 120<sup>th</sup> Ave. NE #103  
Bothell, WA 98011  
(425) 425-6144

### Staff Comment:

Senior Planner Chris Holland entered two new exhibits into record. The first exhibit is a letter from WSDOT relating to requests having to do with runoff and traffic analysis. This exhibit was entered as Exhibit # 49. The second exhibit entered is a series of emails from WSDOT acknowledging that the development will have no impact on state highways. This exhibit was entered as Exhibit #50. Mr. Holland proceeded to give an overview of the project request, noting that staff had not received any comments from public. After review of all documents, staff recommends approval of the preliminary PRD and subdivision, subject to conditions of MDNS and the conditions outlined in the Staff Recommendation.

### Applicant Comment:

Andy Shepard ESM Consulting Engineers, 20021 120<sup>th</sup> Ave. NE #103 Bothell, WA 98011

Mr. Shepard stated that the Applicant had reviewed the Staff Recommendations and agreed with them.

**Public Comment:**

None

Hearing Examiner McConnell closed this hearing and moved on to the next.

**2. PA 08002- Wilcox Rezone – to consider a NON PROJECT rezone from Community Business to High Density, Single Family (R-6.5) of approx. 2.37 acres.**

**Applicant: Dan & Mary Wilcox**

**Location: 8209 83<sup>rd</sup> Avenue NE**

**Staff Comment:**

Cheryl Dungan stated there were no new exhibits to be added.

**Applicant Comment:**

None

**Public Comment:**

None

Hearing Examiner McConnell closed this hearing and moved on to next item.

**3. PA 07027- Sunset on the Bay – to consider preliminary approval of a 12-lot single-family subdivision site plan and preliminary subdivision.**

**Applicant: Ronin Northwest**

**Location: 5524 71<sup>st</sup> Avenue NE**

**Contact: Ronin Northwest  
19009 61<sup>st</sup> Ave. NE Suite 5  
Arlington, WA 98223  
(360)403-3171**

**Staff Comment:**

Associate Planner Libby Grage gave a briefing of the application and the requests being made. She discussed storm water runoff issues of the project site, and the one wetland on the site stating that it would be retained. Ms. Grage stated that there had been significant neighborhood interest and that 3 meetings were held in neighborhood and many letters had been sent to the City regarding this project.

Vehicular and pedestrian safety on 71<sup>st</sup> Ave. NE was a big concern of the neighbors. This would be the main road accessing the project. Ms. Grage stated that staff imposed

conditions for the applicant to add two ten foot travel lanes and a 4 foot walkway to allow room for pedestrians and traffic. The sight distance at 51<sup>st</sup> Ave and 72<sup>nd</sup> Ave NE was another concern. Ms. Grage explained that the applicant submitted a traffic study stating that the existing sight distance was allowable. After review of this study, City Traffic Engineer John Cowling agreed with its findings. Speed bumps were suggested by neighbors to control speed in this area. Ms. Grage turned to Mr. Cowling to explain the City's decision on this issue.

Mr. Cowling stated that city tries to avoid use of speed bumps for reasons such as emergency vehicles response time, increase in noise, and increase in acceleration between speed bumps. He stated that staff does not recommend speed bumps be installed in this area based on these concerns. Curbing along side of the proposed walkway was also suggested by neighbors. Staff recommended against this for the following reasons; with installation of curbing, the walkway would no longer comply with ADA standards given the required 24 foot travel lanes, and curbing can cause increased danger to children who walk along curb and may fall into traffic.

Another item of concern from neighbors was a turnaround at the terminus of 71<sup>st</sup> Ave NE. They requested the applicant be required to expand this turnaround. Mr. Cowling explained that the City determined no turnaround was required on this site based on the 150' requirement for a turnaround, which he added is a standard requirement. This project is creating another road less than 150' from the end of 71<sup>st</sup>, therefore making a turnaround unnecessary. Responsibility of maintenance of the retention track and proposed Community Garden was questioned by neighbors. It was stated that the Homeowners Association will be responsible for maintenance, and will provide a maintenance easement to city of Marysville for the storm water system.

One neighbor was concerned about disruption of his water service line during construction. He requested that the water line be relocated to the west of the proposed storm water facility. Staff recommends the applicant determine if construction will indeed affect the water line, and, if it does, the applicant will be required to relocate the water line and meter. Storm water runoff and drainage issues were addressed in regards to an existing drainage ditch. Concern over maintenance on 55<sup>th</sup> St. NE, a private road to west of subject site, was discussed and Mr. Cowling stated that the City will be responsible for maintenance of the dedicated rights of way. As far as one neighbors concern about his potential loss of view, it was stated that no Ordinance exists to protect views and the setbacks seem to comply with requirements pursuant to section 19.12.030 (1) of MMC, therefore no set back changes will be granted at this time.

In conclusion, after review by staff, approval is recommended subject to the 20 conditions outlined in the Staff Recommendation.

**Applicant Comment:**

Noel Higha, Ronin Northwest 19009 61<sup>st</sup> Ave. NE Suite 5 Arlington, WA 98223

Mr. Noel Higha is speaking on behalf of Greg and Jill Blunt. He thanked Libby Grage and John Cowling for their work with him over the last year and a half. Mr. Higha felt that the proposed plan worked and addressed the needs of the neighborhood as well as the developer. He stated that the developer will rely on staff findings to comply with code. Mr. Higha had two points he wanted to make. First, when Snohomish County approved the plat

of rivers inlet, it failed to require adequate Right Of Way on 71<sup>st</sup> Ave NE. Second, a storm drainage easement was not required on the 55<sup>th</sup> St. NE ditch and he was not sure why this was not addressed in the past. He has spoken with the property owner for which this ditch crosses, and stated that the owner would have no problem granting the easement to the city, conditional to an offer from a development company.

**Public Comment:**

Scott Lawson, 6918 57<sup>th</sup> St NE, Marysville WA 98270

Mr. Lawson voiced his concerns being from the adjacent Bayridge Heights Development, and he feels that his lot is the most affected by this development. His concern is that his view of the Puget Sound and Olympic Mountains will be significantly reduced. Mr. Lawson asked the applicant to respect owners of property up the hill in helping to maintain the views of those owners. Lot # 8 of the new development was his main concern. He stated that he thought there was a 20' setback requirement on the original plat, and it has now been changed to about a 5' setback. He commended the neighborhood on helping maintain the views of other home owners by trimming bushes etc. Mr. Lawson had heard that potential restrictions may be imposed in CCNR's and would like to know what else was being done with this.

Todd Humphrey, 5600 71<sup>st</sup> Ave. NE, Marysville WA 98270

Todd Humphrey stated that he remembers 71<sup>st</sup> Ave always being an issue. Mr. Humphrey complimented the city on trying to resolve the issues. His concern is a required fence to be installed on the south property boundary which is adjacent to his property, and that it crosses the wetlands and would be impractical to run it the entire length.

Tony Stapleton 5412 68<sup>th</sup> Dr. NE, Marysville WA 98270

Mr. Stapleton's concern is water runoff across 55<sup>th</sup> Ave NE and whether or not it will be dumped into a ditch across from his property. He proposed keeping runoff in a culvert all the way down. Secondly, he was concerned about the maintenance of the Community Garden area and the storm water easement.

John Mapes, 6809 55<sup>th</sup> St NE, Marysville WA, 98270

Mr. Mapes stated that he is concerned about issues that were "overlooked" by the City in the past. He stated that he does not feel that any more can be done with the road due to lack of securing proper easements when the transition from County to City occurred. Mr. Mapes' biggest concern is storm water coming down hill from the new development. He stated that it will be dumped right in his property. He added that his neighbor has wetlands on their property that were never there before because of drainage issues not being taken care of by Buena Vista. He felt that the water should be run in a culvert to 67<sup>th</sup> and become city responsibility. He wanted future plans to be made now for future development. Mr. Mapes stated that things were not done correctly when Buena Vista came in.

Steven Schubert on behalf of his mother Virginia Schubert, 6909 55<sup>th</sup> St. NE, Marysville WA 98270

Mr. Schubert was concerned about drainage of water runoff. He stated that he would like to see a culvert installed to avoid wetlands being created by runoff. A culvert to 67<sup>th</sup> is a good idea he thought as well, and would be an advantage to the entire neighborhood.

Scott Lawson, 6918 57<sup>th</sup> St NE, Marysville WA 98270

Mr. Lawson added that he was concerned about landscape requirements which include removal of trees and vegetation on the upper portion of plat. He felt that the City should consider specific species of street trees to be required within the subdivision on the new plat road as to maintain the view of other property owners.

### **Applicant Rebuttal**

Mr. Higha began by responding to Mr. Lawson's specific concern regarding potential obstruction and/or loss of his view. Mr. Higha explained that the Mr. Blunt was willing to offer a building height maximum of 20' on Lots 8 and 9. As far as setbacks, they are set by City code, so there is nothing they can do about that. Mr. Higha added that a tree height limit will be written in the CCNR's to make sure the species of trees do not to exceed building height, adding that he was unsure if they would be able to find trees that met city code and would remain small enough to avoid view obstruction.

As for Mr. Humphrey's concern, Mr. Blunt agreed to a 6' high solid wooden fence on the property line, excluding wetlands.

Next, Mr. Higha addressed Mr. Mapes' drainage concerns. Mr. Higha stated that in a letter to the City, Mr. Mapes suggested that the problem with the existing drainage ditch could be solved by good maintenance. Mr. Higha stated that it was his opinion that the ditch had not been maintained for quite some time and that the first few years of development cause a lot of sediment to build up in the drainage systems. He felt with proper maintenance and clearing, most of this problem could be resolved. Mr. Higha does not believe this applicant should be responsible for installing a culvert if deemed necessary. If there were problems coming from the Buena Vista Plat which was accepted by the City, Mr. Higha stated that the City should bear the responsibility of such problems. Mr. Higha believed he had addressed all concerns tonight and in previous meetings and letters, and concluded his presentation.

### **Staff Rebuttal**

Mr. Cowling spoke first regarding drainage. He stated that the City requirements, under the 2001 Department of Ecology Storm Water Management Manual, are much more stringent now than the requirements that were in place when Buena Vista was implemented. He stated that the requirement of the manual is that the development does not increase the amount of runoff from the pre-developed condition. The detention vault will detain water and slowly release it at the same rate as the pre-developed condition. Water traveling from the vault to the ditch will be in a culvert all the way to the ditch at 55<sup>th</sup> St. Drainage ditches along 55<sup>th</sup> and 67<sup>th</sup> are in need of potential maintenance and the City has sent staff out to take a look at these. Mr. Cowling stated that the City would be hesitant to require a culvert in this area at this time because the property is potentially developable and the owner may be more reluctant to grant an easement if a hard pipe channel is required. In addition, better biological treatment of the water is achieved through a ditch than a culverting pipe. Also, a ditch has a higher overall capacity than a culvert. He added that the applicant is required by the DOE manual to complete a Downstream Analysis which requires the applicant to look downstream at how their runoff would affect any issues of where they are releasing it.

Ms. Grage spoke about the Community Garden. She stated that it will be maintained by Sunset on the Bay Homeowners Association.

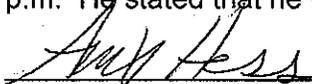
A question about what happens if the Community Garden is not maintained by the Homeowners Association was asked from the audience. Ms Grage answered that the city would have no involvement in the maintenance of this area once it has been dedicated to home owners.

A question about how the height restrictions would be enforced was asked from the audience. Mr. McConnell stated that it would be included in the conditions since Mr. Blunt offered it.

A question regarding size of the detention facility came from the audience. Mr. Cowling stated that the old requirement used to be based on event storms. The new requirement is called Continuous Modeling and is based on historical rain events that are site specific. The requirement is that you run the model and then base the necessary volume on the allowable release rate. Mr. Cowling stated that the vault is ultimately larger than it would have been if it was designed for a single event 100 year storm using this new system. He added that the release rate must match the pre developed release rate.

### **ADJOURNMENT**

Seeing no further questions, Hearing Examiner McConnell adjourned the meeting at 7:59 p.m. He stated that he would have his report in a couple of weeks.

  
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Amy Hess, Recording Secretary