

Original

MINUTES RECAP

00266

MARYSVILLE CITY COUNCIL MEETING

APRIL 4, 1994

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETING:

3/28/94 Approved

AUDIENCE PARTICIPATION:

None

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

1. Earthquake Awareness Week Proclamation - Apr. 10-16/94
2. Soroptimist Intl. of Marysville Day Proclamation - May 3/94

CALL ON COUNCILMEMBERS:

PRESENTATION:

None

PETITIONS & COMMUNICATIONS:

None

PUBLIC HEARINGS:

1. Palmer Tracts Annexation Approved 6-1
2. Thorpe Rezone PA 9309027 Denied

REVIEW BIDS:

1. Bid Award - 4 Dr. Compact Utility Vehicle for Public Works Dept. Approved

CURRENT BUSINESS:

1. Sunnyside South Annexation Resched. for 5/9/94

NEW BUSINESS:

1. 1994 Human Services Funding \$7,100 Approved
2. Legislative Update Information Only

CONSENT AGENDA:

1. Authorize Mayor to Sign the Mylar for State Avenue East Final Plat following completion of prerecording contingencies Approved

ORDINANCES & RESOLUTIONS:

1. Bulk & Dimensional Ordinance Ord. 1985 Approved 6-1

LEGAL MATTERS:

None

ADJOURNMENT INTO EXECUTIVE SESSION:

10:42 p.m.

1. Real Estate No Action
2. Pending Litigation No Action

RECONVENED & ADJOURNED:

Approx. 11:15 p.m.

MARYSVILLE CITY COUNCIL MEETING

APRIL 4, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Ken Baxter
 John Myers
 Dave McGee
 Donna Wright
 Mike Leighan
 Otto Herman
Administrative Staff:
 Dave Zabell, City Administrator
 Gloria Hirashima, City Planner
 Steve Wilson, Finance Director
 Grant Weed, City Attorney
 Ken Winckler, Public Works Director
 Mary Swenson, City Clerk
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 4/11/94
 MINUTES

CALL TO ORDER:

Mayor Weiser called the Council meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

Councilmember Herman noted in the 3/28/94 minutes that on page 1 under Staff Business, in the 3rd paragraph, there were 2 county council members absent, not 3. On page 6 in the 5th paragraph from the bottom he clarified that he wished to delete everything after the first sentence, i.e., delete 2 full sentences. He added that it was discussed that there be common sense application of the ordinance, for example, if it looks flat, that the intent is to cut through the red tape. He said he would like some reference to that in the minutes; that the discussion may have followed the 2nd to last paragraph: "to encourage common sense/simple application of the ordinance."

Councilmember Herman noted on page 8 in the 3rd paragraph from the bottom that when there is a problem with calendar days vs. working days and holidays, the staff is encouraged to come back to Council.

City Planner Hirashima said she believed that discussion was in the boundary line adjustment section.

Councilmember Herman asked about the reference on page 9 in the first full paragraph to the preliminary review fee being refunded and City Planner Hirashima clarified that the fee is applied to the application fee and not refunded.

There being no further corrections, Councilmember Herman moved and Councilmember McGee seconded to approve the minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

City Attorney Weed referred to an item brought up by Councilmember Wright regarding a ~~county~~ council person and what would happen in Marysville's case if the person had a continual amount of "excused absences." He stated Marysville has on the books a statute that if a Councilmember is unable to perform their duties the remaining members would be allowed to appoint a person to serve in the absent person's position (temporarily) and if that person is still unable to perform by the next election, the person would be replaced at that time permanently.

CORRECTED: SEE 4/11/94
 MINUTES delete

Councilmember Wright asked specifically how many "excused absences" would constitute a disability and City Attorney Weed said that is determined by the City Council and based on the fact that the person can't serve but there is no actual time given in the statute.

Councilmember Herman noted there was also some concern about more clarification in order to avoid politicization.

City Attorney Weed suggested perhaps the Council would like to state a time limit so that it's on the record, eg. a disability of 30 days or more.

Mayor Weiser noted there was an incidence once when a Councilmember had asked for a leave of absence of 90 days and Mayor Weiser said he thought it would have been easier if there had been a policy in place.

Councilmember Pedersen noted there are so many circumstances and it's difficult to say a person is disabled.

s/b determine at what point

Councilmember McGee suggested the possibility of using a "temporary" Councilmember, assuming the elected person could come back when they are able to resume their duty.

City Attorney Weed said the state statute doesn't provide for any number of days except in the case of death or impeachment when another person can be appointed, but in the case of an extended period of absence, there is no provision in the state statute. He said the Council could stipulate for example, missing 3 meetings.

Councilmember Pedersen suggested relying on a physician's opinion and City Attorney Weed said he was not sure whether it would be necessary for the Council to go to that degree, that it might be up to the actual person to decide if they are able to perform their duties or not.

Councilmember Pedersen said to her, it's a little "silly" to have a temporary person for a short period of time and City Attorney Weed agreed it's very difficult for someone to step in on short notice and be knowledgable of all the issues.

Councilmember Wright said she just thought it was a good idea to have something in place before or if an actual situation like this comes up.

City Attorney Weed suggested Council might want to consider each case on its own merit and Councilmember Myers agreed that Council should look at it on a case by case basis.

Councilmember Baxter said he doesn't think Council should have a "temporary" Councilmember; if someone can't attend, then they should be replaced and if it's a permanent situation then the Councilmember should resign, he said.

Councilmember Myers said he tended to agree that he wouldn't want to see someone serve on the Council for only 90 days or less, eg.

Councilmember Baxter said he thinks the present ordinance/statute will take care of any problems that may come up.

Public Works Director Winckler reported the City now has 318 solid waste customers as of 4/1/94, which includes all the areas that were annexed 5 years ago. He noted this was planned for and the garbage collection went well last week.

MAYOR'S BUSINESS:

1. Mayor Weiser read and signed the Earthquake Awareness Week (April 10-16/94) Proclamation.

CORRECTED MINUTES
4/11/94

new
CORRECTED MINUTES SEE 4/11/94

2. Soroptimist International of Marysville Day May 3/94 Proclamation read and signed by the Mayor.
3. Mayor Weiser reminded Council of the Comp Plan Workshop tomorrow at 7 p.m. in Council Chambers.

CALL ON COUNCILMEMBERS:

Councilmember McGee stated he will be away tomorrow and will miss tomorrow night's meeting.

Councilmember Herman noted he may be late for that meeting as he has a Community Transit meeting just prior.

Councilmember Leighan reported the annual Easter Egg Hunt put on by the Parks Dept. went well.

Councilmember Wright commended the Parks Dept. on another successful Easter Egg Hunt, even though it rained. She said she liked the idea that they used plastic eggs this year. She also reported that she attended the forum at Lakewood with regard to their future and her perception of the general comments was that everyone wants water and sewer but don't want to necessarily be annexed into or a part of either Marysville or Arlington.

Councilmember Pedersen reported there is a Library Building Committee meeting Wednesday and she asked about the PRD tour and workshop.

City Planner Hirashima stated a couple conflicts have come up so it will have to be rescheduled.

Councilmember Baxter reported he attended a meeting on placement of the new library furniture/shelves/interior. He said he also toured the hillside over the weekend and heard a couple concerns about asphalt trucks not using the routes they agreed on.

City Planner Hirashima said the Planning Dept. also received several calls on Brookwood East and sent someone out and crews were working to clean it up. With regard to the right turn only lane, she said she is not sure if it is paved yet or not.

Public Works Director Winckler said it has been paved but not striped or signed as yet; it will be opened soon.

PUBLIC HEARINGS:

1. Palmer Tracts Annexation; PA9309029.

City Planner Hirashima reviewed the agenda bill.

No one wished to speak from the audience and so the Mayor closed this portion of the public hearing at 7:35 p.m.

Councilmember Pedersen stated she would prefer it was a multi-lot annexation and so won't be supporting this one.

Councilmember Herman said he also feels the City needs to sell itself better so that there can be larger annexations, however he said he would support this in the absence of a better way to do it.

Councilmember Wright said she would agree but thinks Council should honor the applicant's request because of the efforts they have put into it.

Councilmember McGee moved and Councilmember Myers seconded to accept the annexation, subject to the City's bonded indebtedness and adoption of the City's Comprehensive Plan for the area. Passed 6-1 with Councilmember Pedersen against.

2. Thorpe Rezone; PA9309027.

Mayor Weiser briefly reviewed the procedure for public hearings. There were no disclosures from the Council, no conflicts of interest stated and no challenges from the audience. City Attorney Weed swore in those who wished to testify.

City Planner Hirashima reviewed the agenda bill and noted the Hearing Examiner recommended approval of the request, with 11 conditions. Since that time, several more letters and petitions for and against the rezone have come in, she stated and these were included in the packets. She noted there is also an application for a variance for stacked parking (Exhibit 9) and arguments for this relate to consistency with appearance of surrounding area; the alternative would be to construct a parking lot, she said. She reviewed the consistency with the Comp Plan briefly.

Councilmember Herman asked about medium density multifamily under the 1978 Comp Plan and City Planner Hirashima noted it does refer to existing single family lots and multifamily lots being restricted to no greater than 6 unit structures.

Councilmember Herman noted the map shows that as high density single family and he asked if that allows a duplex outright.

City Planner Hirashima said it would and Councilmember Herman asked about the square footage of the building allowed.

City Planner Hirashima stated the square footage would be 7200.

Councilmember Herman clarified that there is no increase in density and City Planner Hirashima confirmed this.

Councilmember Herman asked if the adjacent lot is a different ownership and City Planner Hirashima said yes, it's owned by Mr. Angevine.

Councilmember Herman asked about stacked parking and City Planner Hirashima stated the code allows a driveway in single family to be counted as one space but in this proposal, they are proposing a more single family looking structure and the applicant is asking for consideration in that regard; they do have room for a parking lot but don't feel it would fit in as well as stacked parking, she said. 1-3/4 spaces are required for multifamily per unit and 2 parking spaces per single family unit, she noted.

Councilmember McGee noted several residents were concerned that they would be required to hook up to the sewer with this coming in and City Planner Hirashima said only if they have a failing septic would it be recommended they hook up to the sewer.

Councilmember Pedersen asked about all 4 of the criteria being met by the applicant and City Planner Hirashima stated they are.

Pearl Maddy, planner retained by the applicant, 4918 Black Forest Lane, Everett, WA 98203, addressed the Council. She stated David Thorpe owns the apartment building across the street from the proposed project and has for 13 years. She noted there have been a lot of adverse responses to the changes and one of the fears is a decline in property values. She noted the 6 units on 49th and 74th Mr. Thorpe owns and has made many improvements, he provides flowers for the tenants to plant and once a year he has a clean up day in addition to regular garbage service. She said he wants to maintain this new project as his own. As for parking in the yard, Mr. Thorpe has corrected this problem through amendment of lease conditions and the bottom line is Mr. Thorpe's property has increased in value. As far as schools and play area, the property can no longer be used as a play area however, as a condition of the project, he will be providing (more than) 10% of open space and in addition \$100 per unit will be paid to the Parks Dept.

CORRECTED: SEE 4/11/94
MINUTES s/b lot

CORRECTED: SEE 4/16/94
MINUTES s/b needing to be made

She said one person had a concern about schools but the Marysville School District is accepting a mitigation fee of \$409 per unit to pay for .3 students per family unit, to be added to the school district. She noted \$954 per unit is charged for single family homes. She pointed out that if this project were single family homes, it works out to about the same impact whether multifamily or single family units are built and makes an infinitesimal difference as far as density is concerned. She noted this project meets one of the state GMA criteria to avoid urban sprawl and also noted the Comp Plan encourages smaller multifamily buildings such as this. She said the current Comp Plan (1978) is what is in force and that is what they have to abide by. As far as the opponents' property rights, she noted McDaniel's and Angevine's property rights should also be considered; Mrs. McDaniel is now in a nursing home and needs the proceeds for her retirement. They tried to rent the property out before but have been unsuccessful; Mr. Angevine's family has owned their property for over 100 years and wishes to develop also, Ms. Maddy said she believes. She added it would be nice if everyone could afford to live in a single family home but that's not possible and this is for affordability.

As far as the frontage improvements and right of way question, she stated they checked with the Public Works Dept. and there is 60' of right of way and so no more is needed by the City. If the City wants to waive the frontage improvements because they might look out of place, the applicant would go along with that, she said. She said the purpose of the variance request on the stacked parking is to give it more of a single family appearance. They will be counting one parking place in the driveway, also, she said. With regard to the sewers, she said if people's septic fail, they should be glad if the sewer is available vs. rebuilding a septic, at a cost of about \$4,000. (She gave an example of a man who had just had to rebuild his septic system.) The \$25 per front foot late-comers charge would be charged up to 10 years, she said. She referred to a letter from Mrs. McCarthy who referred to renters as living in multiple pit stop dwellings.

Ms. Maddy stated that in the units across the street, tenants have been in there 14, 10, 11, 8 and 4 years and several tenants have submitted letters on Mr. Thorpe's behalf. She said Mr. Thorpe will evict tenants who don't abide by the rules. She referred to Exhibit 24, land use map showing development in the area and noted it is a mixed neighborhood with commercial, multi family units (attractive buildings), etc. She said they feel the multifamily units are a credit to the neighborhood. On reviewing the petitions there are up to 4 people from the same household and also people sometimes sign a petition even when they are not strongly in favor of the petition, she noted. She pointed out that a Determination of Non-Significance was filed and no appeals were entered concerning impacts. In conclusion, she said she would ask that the request be approved and she noted that Mr. Thorpe wants to be a long term property owner in the community.

City Administrator Zabell stated on the latecomer fee, it's actually paid to the owner up to 15 years then it's paid to the City because they are the ones that usually have to maintain it after 15 years.

Councilmember McGee noted that over the years the property to the west has not been kept up.

Councilmember Pedersen referred to the land use map and asked what other multifamily units there are in the area. Ms. Maddy showed Council on the map.

Councilmember Herman asked for clarification on the lots/sizes and Ms. Maddy stated Lots 13, 14, 15 = 12,500 sq.ft. and lots 10, 11 and 1/2 of 9 = 10,900 so the total is about 23,760 sq.ft. She added that because Mr. Angevine has no sewer available he is not able to develop. The lots are 108' deep and each lot is 40' wide, she noted.

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City Planner Hirashima stated the actual applied for density would be 18 du/ac.

Roy Angevine, 2332 Crosby Dr., Mount Vernon, WA 98273, addressed Council on behalf of his father who is 83 and owner of the adjacent lot. Mr. Angevine stated he is a property fee appraiser, so he does have a good idea of property values, etc. He stated the neighbors have had a nice green belt with this vacant property for some time, the property has been unmarketable basically because of no sewers and Angevines have paid a lot in taxes over the past 100 years and now because of various rules, these senior citizens seem to be losing their property rights to develop the lots. He stated lot 12 has been listed for 9 months but no one is interested without sewer. It needs some kind of density in order to make it feasible, he pointed out and added the GMA's concept is for a higher density so that we avoid urban sprawl. He noted his father would be participating in improvements, etc. but if these people (the neighbors) want their green belt so much, maybe they can turn the Angevine & McDaniel property into a park and purchase it from them.

Ralph Peterson, 2315 189th Pl. NE, Arlington, addressed Council. He stated he is Pearl McDaniel's son-in-law and he sees progress going on. McDaniels bought the property in the '40s when it was rural and the area has since been developed, he said. He noted she used to have farm animals and then about 12 years ago it was annexed. He said he thinks the neighbors would object if they put a chicken coop back on the property, like it used to be! He said Pearl McDaniel is 84 years old and she would like the one time tax deduction but they have been involved in this for over 7 months now and she has lost her revenue now from the property and he said he really doesn't think it's time to stop progress. He noted that even with a green belt, the trees are going to have to be removed as they are a hazard to the house at this time.

Lorna Dove, 6435 Laura Av. S., Seattle, addressed the Council. She stated she is a concerned grandparent and real estate agent who just sold a home in the neighborhood to her son and daughter-in-law. She stated they (the son and daughter-in-law) are trying to move back into the area and have just found out that a 9 unit apartment is planned; their major concerns include an increase in crime. She said this neighborhood was one of the best in Marysville. She noted the 1978 Comp Plan needs revision and should not be perpetuated; this rezone even exceeds that, she said. She pointed out that it encourages a maximum of 6 units and this is in a single family area; this rezone is excessive even under the 1978 Comp Plan, she reiterated. She added that multifamily does not make sense in an area without sidewalks or other improvements. Using 2 lots for a single family dwelling is common in this area, she pointed out and as far as the reason for stacked parking given as because it's in a single family area, she said it sounds like there is going to be a parking overflow (on the street). She said another major concern is storm water drainage in addition to the sewer expense. She said her experience has been there is a monthly fee for sewers whether you are on it or not and septic systems a lot of times are considered "failed" whether they are or not and there is a lot of encouragement to hook up. She noted there was a problem in this matter with inadequate notification, with a lot of the notices sent to lenders. Another concern is this will raise taxes which in turn affects resale and then this causes a downward spiral and in addition, lenders don't like to lend with a bad ratio of owners and renters in a neighborhood, she said.

Kim Dove, 1109 38th St., Anacortes, WA 98221, addressed Council. He stated he is against the rezone. They have just purchased the house at 5015 74th NE and are very fond of the neighborhood but came back to find out that there is going to be a 4-plex across the street. He said he thinks a duplex would be more appropriate. He added that one of the persons on the petition Ms. Maddy referred to owns 2 pieces of property and that's why they signed twice.

Mr. Dove stated he thinks the stacked parking situation is going to present a lot of problems and also has a major concern with water runoff because with more pavement and more roofs they are going to use more dry wells and he said he has fear for the septic systems in the area. With regard to the schools, he encouraged Council to look at the long term, there is overcrowding already and this is just going to add to that. He noted a lot of people are against the proposal, it's not what the community wants and they would go along with a single family home or at most a duplex, but not a development of the magnitude proposed, he said.

Councilmember Wright asked if he was aware of the other multi-family complexes in the area and Mr. Dove said no, he wasn't.

Bev Love, addressed Council and stated she and her husband own the property at 5005 73rd Pl. NE, directly across from the subject property. She noted that if this rezone goes through, there will be 3 rental units across from them and she referred to her husband's letters to the Council (in the packets). She said they can't understand the logic and rationale to accommodate a few people with something that will affect a lot of retired people. She added they put all of their savings into a home that was in a quiet serene area and now they have several rental units in the area and their lifestyle they feel will deteriorate and they are adamantly opposed to the rezone, she said.

Ed Crabb, 7014 73rd Pl. NE, addressed Council. He noted his property is 64' from their property line and it's like a dumping off place. Also there were some kids in there a lot--it was very noisy, dogs barking, logging trucks coming and going and parking and those people finally moved out but there are a lot of seniors in the area on 73rd Pl., he pointed out, about 16 houses and everyone has a garage, no carports. He commented on how carports end up full of fire hazards and that's what's going to happen here, he said. He added he has known McDaniels for a long time, the duplexes in there are nice, they have garages but the 6-plex on 74th--they have old cars all over, semi-trucks/van/moving truck which parks there all the time, he said.

James Olson, 7421 49th Dr. NE, addressed Council. He stated he lives across from the proposed 4-plex. He presented a picture taken 1-1/2 weeks ago and said he has definite concerns about renters, parking and the small sized area that the proposal involves. He noted a 950 sq. ft. house barely fits on what they (the applicant) wants to put a 4-plex on and they are adding an additional 4000 sq. ft. that is not actually going to be used, he said. He noted Mr. Angevine's property is only 4000 sq. ft. and that's why it can't be built on, not because of lack of sewer. He stated they only have a total of 18,000 square feet and it is his opinion they could sell that property but he has never seen it up for sale; nothing is stopping them from selling the property. He said he doesn't want to live around a bunch of people--for example, the neighborhood now from 47th to 51st is full of dead ends and one of the multi units is actually a senior center. Regarding someone who said they wish they could hook up to sewers because they just spent so much on fixing up their septic system, he noted that is hearsay. He said 4 houses can't be built on the applicant's property, only 2 with the City's requirements at this time. He said he had never heard of the Non-Significance report. It was never posted on the property and he doesn't know about it. He pointed out that the zoning ordinance refers to compatible uses and the new Comp Plan is being drawn up because the 1978 one is outdated. With regard to stacked parking, that would involve jockeying cars around or else the second car is going to park on the street and ruin front yards, block sidewalks, etc., he said. The proposal is for stacked parking but he said he feels if they can't provide landscaping or adequate parking then the proposal shouldn't be allowed. He agreed Mr. Thorpe does own the 6 units across the street and tries to maintain it but he doesn't live there and several of the neighbors have been in the neighborhood for 30 years or so. He suggested Mrs. McDaniel sell her property to another builder for a single family home.

CORRECTED: SEE 7/11/94 slb Beth

Diana McCarthy, 5127 74th Pl. NE, addressed Council. She asked why it took all these public hearings to get the 6-plex cleaned up. There are old cars in there all the time, a little kid trying to set a car on fire, garbage, she said they were looking for a quiet neighborhood but this proposal is going to bring in at least 18 more cars, more traffic, lots of kids walking on the streets. She said her reference to pit stop dwellings is that's what it's like for single people who rent, the lifestyle where they don't live anywhere for too long and are always moving. She said on 12/6/93 a unit rented to one person had 6 in it and caught on fire and almost caught her trees on fire. She said the neighborhood does not need these multifamily units invading their peace and quiet, the owners don't live here and the actual neighbors should be considered when a decision is being made, she said. As far as the petitions are concerned, she said everybody she had sign was glad to sign, they were against the proposal and they want their neighborhood to remain a nice quiet one. She referred to the letters and comments and said the bottom line is this large unit does not belong in this neighborhood, it's too small of a spot, the streets are too small and there are too many units proposed. She concluded the neighbors don't want this rammed down their throats.

Donald Smith, 4901 73rd NE, addressed the Council. He said he lives just behind the alley of the 6-plex and is concerned about congestion. He said he doesn't think the neighborhood can support this at this time. There are too many elderly people and families in there, he noted. He added he knows of a lot of broken windows in the 6-plex (on the alley side) and it does need cleaning up. He said they certainly don't need anymore in their neighborhood, there will be too much traffic, too much congestion.

Chris McCarthy, 5127 74th Pl. NE, addressed Council and related an incident about a person who lives in the 6-plex who went to the bathroom in the bushes nearby. He added there is garbage and old cars in the alley, too.

Ann Preston, 5015 74th Pl. NE, addressed Council, noting they are the ones who sold their house to the Doves. She said they don't mind the property being developed, just not to the extent they are proposing. She pointed out the 6-plex is really quite a "dive" with 7-10 cars packed around there all day long. She said the house at 5015 74th was built in 1963 and other than those apartments, the neighborhood is great and she said she thinks it would be a shame for the neighborhood to deteriorate with the addition of another 6-plex.

Sally Smith, 4901 73rd Pl. NE, addressed Council, stating they live directly behind the 6-plex and they do have windows broken out. She said they are a mess with cars all over, they are loud and noisy and it's really discouraging to think more multifamily units would go in. She asked about the sewer line going down their property line. She noted there is a sewer easement between their property and the neighbors. She added it's hard to think another place built by the same person would be any different than the 6-plex is now.

City Planner Hirashima said based on the site plan, the sewer line would actually be on the adjacent property.

City Administrator Zabell added there is a stub at 49th & 72nd and any improvements would be put in with the ultimate goal of serving all the properties.

Sally Smith concluded that she would have no objection to the applicant putting in a duplex but not a 6-plex or more.

David Thorpe, 10125 40th Av. SE, Everett, addressed Council. He stated he is the owner of the 6-plex and he said he would like to deal with the facts here. He stated he has owned the 6-plex for 13 years, does most of the maintenance inside and out, roofing, refabbing, painting, etc. and has strict rules that the tenants

must abide by or he evicts them. The people he does have, have been in those units possibly longer than most of the neighbors have lived in the neighborhood, he said. Tenants have a garden area and Mr. Thorpe presented 4 photos to Council of Units 1, 4, 5, 6 depicting their garden areas. He said he tows their cars if they are not abiding by the rules and he mows the lawns regularly. He added that James Olsen said Mr. Thorpe's lawn looks better than the Olsen's! He said he knows of no broken windows. As far as fire protection, the Fire Dept., Parks Dept., etc. all submitted comments from qualified professionals and there were no comments that they had too many vehicles on the street, just a lot of comments/opinions from neighbors, he said. He added that they do have to take the big trees down as they are presenting a definite hazard to nearby structures at this time.

Regarding the school issues, Mr. Thorpe stated there were letters submitted stating the state of Washington school population and there is lots of allowance for students in the area at this time. As far as other uses in the area, he noted there are 2 churches, the library, a mobile home park, dentists and the Coca Cola plant. He also noted that on 11/9/92 a rezone for a project 6 blocks north was approved. This project fits the area, he stated and he added they will put in garages if this project goes through vs. carports. He said he hopes this addresses all the issues raised and he reiterated that the project has been recommended for approval by the Hearing Examiner.

Councilmember Pedersen asked about square footage of each of the units and Mr. Thorpe said they are going to try and make them 2 bedroom, about 800+ sq. ft.

Councilmember Pedersen noted the paperwork shows 7 units at 680 sq. ft. and Mr. Thorpe said no, they are going to be more than 800 square feet.

It was Council consensus to reopen the public hearing for more public testimony.

Roy Angevine addressed Council again. He said he wanted to point out his father's lot is buildable, it's 4320 sq. ft. and it's grandfathered in. The only reason he can't build on it is because of lack of sewer, he said.

Mr. Crabb addressed Council again. He wanted to know if the sewers were governed by the state law because that says you have to hook up to the sewer when it comes by your house.

Councilmember Herman pointed out that he is still on a septic, he pays no monthly sewer fee and has lived in the City since 1978 with a sewer line that goes by his home.

Mr. Crabb insisted it is a government regulation that you have to hook up. Then he noted a lot of people switched to using 73rd Pl. ever since 71st Pl. was closed for paving.

City Administrator Zabell clarified that if you build a new house you are required to hook up to a sewer if it runs by your house, or if your septic system fails.

Mrs. Dove asked about the size of a house that could be built on a substandard lot and City Planner Hirashima explained there are 4 provisions/criteria as well as a variance provision.

Mrs. Dove referred to Exhibit 4 regarding when there is over 5000 sq. ft. of impervious area. She said there is a concern about storm water.

Public Works Director Winckler said there is a plan for 7 detention systems for on site wells.

Mrs. Dove said there is a concern that they will leach into existing septic systems.

Councilmember Leighan pointed out that the detention ponds are engineered so they don't leach or cause problems.

This portion of the public hearing was closed at 9:22 p.m.

Councilmember Pedersen asked about garages vs. carports and whether this would cause any **change** in the site plan.

City Planner Hirashima said no, she believed he would just be closing in the carports to make garages and so there would be no change in the footprint.

Councilmember Pedersen asked if this was the first request for stacked parking the City has ever received and City Planner Hirashima explained the new parking code was just adopted this past summer which allows stacked parking in single family areas and for duplexes only; the Okada rezone did modify their stacked parking request and so this is the first request for stacked parking the City has received.

Councilmember Leighan asked about setbacks.

City Planner Hirashima stated the distance from the sidewalk to garage would be adequate.

Councilmember Leighan asked about driveway cuts and City Administrator Zabell stated they would be a maximum of 30% width for each unit and would have to have approval from the Street Superintendent.

Councilmember Baxter asked about lot 13, if it is acceptable for a duplex and City Planner Hirashima said the application does include the house for a potential duplex but the applicant has indicated they would not be doing that so if approved tonight, all the lots would be included which would take them up to 18 du/acre density which is still within what is allowed but at the highest end, she said.

Councilmember Baxter asked about the new Comp Plan designation.

Councilmember Herman calculated that on a 7200 sq.ft. basis zoning with duplexes, that would equal 6.4 units or 3 duplexes, taking out the existing single family home.

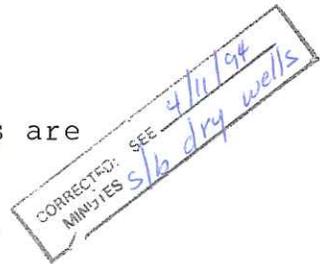
Councilmember Baxter asked if this proposal is actually for 9 units and City Planner Hirashima explained they are actually proposing only 15 du/acre although the Hearing Examiner decision includes the duplex but the applicant indicated they did not want that to be included at this time.

Councilmember Pedersen referred to #4 of the Hearing Examiner's findings, showing 2420 sq. ft. per unit and she asked if 10% for recreational space is included in that figure.

City Planner Hirashima said it's not actually excluded from the density, it can be put into open space but still included in the calculation for total square feet. The 2420 square feet would be at the maximum or 18 du/ac, she said. 2640 is the density proposed which equals 7 units plus an anticipated duplex; the Hearing Examiner was anticipating a duplex would be constructed but with 8 units instead of 9, it would take them down to 15 du/ac or just over 2900 square feet per unit, she said.

Councilmember McGeen said he feels this project shows a lot of potential if put in the right environment, next to a thoroughfare and not in an existing single family neighborhood.

Councilmember Pedersen agreed and added she knows what the neighbors are saying is fairly accurate, there are a lot of retired people, narrow streets, a lot of uses would be more appropriate and she will not be supporting this proposal, she said.



Councilmember Myers said he would not support it either because of the density.

Councilmember Herman pointed out there are some nice duplexes in the area which are very attractive but the 6-plex does look out of place and 3 duplexes he said he thinks might be a reasonable maximum density, but he is having trouble with the parking arrangements here, he said, for example, and can't support it either.

Councilmember Baxter said 3 duplexes was his conclusion also but according to the City's own rules and zoning, the applicant can have what they are proposing, he pointed out.

Councilmember Herman noted that what the Council is charged with is to look at our own rules and see what's in the best interest of the community.

Councilmember Pedersen noted the person who built the "nice" duplexes is opposed to this project.

Councilmember Wright said she agrees that duplexes would probably be more appropriate.

Councilmember Pedersen pointed out this is on a narrow street, it is a single family "flavor" neighborhood with a small capacity for traffic and she said she doesn't think the density would benefit the safety of the neighborhood or enhance the quality of life in the neighborhood.

Councilmember Baxter moved to deny the rezone. Councilmember Myers seconded. Findings:

- not compatible in general with the neighborhood, out of place with general character of the neighborhood
- concerns relating to density not being compatible with neighborhood
- concerns with parking arrangements not being compatible
- safety concerns, traffic issues
- predominantly single family neighborhood.

The motion passed unanimously.

REVIEW BIDS:

1. Bid Award - 4-Door Compact Utility Vehicle (1992 or Newer) - Public Works Department.

Public Works Director Winckler reviewed the agenda bill, noting only \$12,000 was budgeted with the low bid coming in at \$16,771. He proposed this vehicle (1992 Explorer) for the Public Works Inspector and that the Street Dept. would buy a 1978 pickup from the police dept. for \$500 plus \$1,000 repairs. This pickup would be used for the spray unit, for summer employee use, etc.

Councilmember Leighan asked about a recent purchase of another \$15,000 vehicle and Public Works Director Winckler stated that was for a Jeep Cherokee for the Public Works Supt.

Councilmember Herman noted CT is surplusng 2 large vans with high mileage but well maintained; they are 12 passenger vans.

City Administrator Zabell said he would pass that message along to Jim Ballew.

Councilmember Baxter moved and Councilmember Herman seconded to purchase the 1992 Ford Explorer (65,000 miles) for a total of \$16,771 including sales tax as per staff recommendation. Passed unanimously.

CURRENT BUSINESS:

1. Sunnyside South Annexation; PA 9210046; Reschedule Public Hearing.

City Planner Hirashima reviewed the agenda bill, noting the small farms ordinance review is set for April 12 but it may not be concluded until April 26th. She noted Reid Shockey, the applicant's representative, is agreeable to a May postponement and it is preferable to have the small farms ordinance in place prior to this public hearing.

Councilmember Pedersen moved and Councilmember McGee seconded to reschedule this public hearing 5/9/94. Passed unanimously.

NEW BUSINESS:

1. 1994 Human Services Funding.

Councilmember Herman disclosed that he will not be voting on this matter as he sits on the board of one of the organizations requesting funding from the City.

City Clerk Swenson reviewed the 6 requests as per the information in the packets. She reviewed the process of reviewing the applications by the committee and noted in addition to herself, members of the review committee are Bob Lashua, Nancy Thatcher, Mayor Weiser and Councilmember Wright. The requests approved by the committee and recommended for funding are:

Marysville YMCA Latch Key Program - \$2,000
Marysville Community Food Bank - \$2,000
Snohomish County Literacy Coalition - \$100.00
Stillaguamish Sr. Center Elderscreen Program - \$3,000
Total Amount of Funds Requested - \$17,000
Total Budgeted Amount - \$10,000
Total Amount Recommended by Committee \$7,100
Reserve Balance - \$2,900

Councilmember Myers asked about using gaming funds (recommended by the Committee) for the YMCA sponsored Middle Age School Dances (Policing) and City Attorney Weed said yes, this would be an appropriate use of the funds as it would be reducing crimes in the area.

City Clerk Swenson explained the City would send officers over to the dances, but the Y's request for \$2,000 would have to be made separately from the Human Services Budget.

There was brief discussion about the Marysville Community Drug and Alcohol Abuse Prevention Coalition's request for \$5,000 for summer alcohol/drug counseling program in that their organization does not meet the eligibility requirements as set forth originally for the Human Services Funding. Also, brief discussion about the Snohomish County Literacy Coalition review of budget and contributors, explaining why only \$100 was recommended when their request was for \$1,000.

Councilmember McGee moved and Councilmember Wright seconded the approval of the requests as recommended by the Human Services Funding Committee. Passed 6-1 (Councilmember Herman abstained).

CONSENT AGENDA:

1. Authorizing Mayor to Sign the Mylar for State Avenue East Final Plat following completion of prerecording contingencies.

Councilmember Myers moved and Councilmember Herman seconded to authorize the Mayor to sign the Mylar for State Avenue East Final Plat.

Mayor Weiser asked about when the conditions have to be met and City Planner Hirashima said most of them she believed were submitted today.

The motion passed unanimously.

NEW BUSINESS:

2. Legislative Update.

City Attorney Weed reviewed several bills that have passed and did not pass during the recent Legislative Session:

1. EHB 2510 - Proposed that cities must make reasonable inquiries regarding existing conflicting laws in place before passing new ones. City Attorney Weed said he sees this as a nightmare and notes the AWC has encouraged the Governor to veto this bill.

2. SHB 2458 - Utilities Serving Bill - did not pass - it would have prevented use of future annexation covenants/non-protest agreements.

3. ESSB 6339 - The GMA deadline is still 7/1/94 but there is still the extension provision in place and as long as extension is requested, mitigation fees can be collected.

4. SSB 6047 - DWI Bill - Passed and allows cities and counties to adopt stiffer standards if they wish, eg. .8 alcohol level. It does make it so that if there is greater than 1.5 blood alcohol level, the jail time can be doubled and revocation of drivers license is more likely to occur. Deferred prosecution requirements used to be dropped after 5 years but drivers license can now be on a probation period and if they receive another DWI within the 5 years they can have their license revoked. This bill also allows for suspension or revocation of a minor's drivers license if they have a .02 blood alcohol level.

5. Youth Firearms and Violence Bill - Covers 2 sections, the first being the Juvenile Justice Provision which institutes curfews and there is a model ordinance which both the City and County of Snohomish have opted not to adopt. The Toppenish Plan provides for the formation of an advisory board to establish accountability and to deal with youth that are not convicted of a crime. Another portion of this is that police can now remove a juvenile being harbored by a juvenile. Also, 16 & 17 year olds can be prosecuted in adult courts in the case of serious violent crimes and there is a mandatory parental participation in the juvenile transaction.

Under the firearms section of this bill, firearms are to be banned for juveniles under the age of 18 except for hunting, mainly. For ages 18-20 there is limitation with regard to possession of a pistol, such as in the residence of the juvenile, at their place of business or at real property under their control. Also, there are limitations in this bill with regard to how you can carry a firearm, eg. in a case, gun rack, in your home, in the trunk of your car, in conjunction with a Concealed Weapons Permit. Exemptions for this ruling can be up to local jurisdictions. There are three situations where you are no longer allowed to possess a firearm: if you have been convicted of domestic violence, a DWI or a criminal act.

With regard to Concealed Weapons Permits you now have to obtain them within the county in which you reside only, there will be more complete background checks and it is illegal to possess machine guns and short barreled shotguns. It is also a stipulation of this bill that firearms businesses/dealers would not be allowed to locate within 500' of a school. There is apparently \$37 million of funding to assist in the management of this bill.

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6. Encapsulating Bill - ESB 1625 - This covers miscellaneous items not covered in previous bills, such as requiring a name only on bonds, non-competitive rights, no longer prohibiting daycares in a residential zone for less than 12 kids.

City Attorney Weed briefly reviewed some of the other bills that didn't pass.

Councilmember Pedersen asked about the state DWI requirements/WAC and City Attorney Weed said Marysville would have to have a separate ordinance but would also reference state statute.

Councilmember Herman said he would like a recommendation from the Chief of Police regarding the state DWI threshold of .08 now.

City Attorney Weed said he did have a memo from the court on that and he can bring that in with the Police Chief's recommendation for the next Council meeting.

Councilmember Pedersen stated she feels we need to look at potential increased court time on some of these bills and City Attorney Weed said he could possibly get some information from cities who have already adopted the lower blood alcohol level.

ORDINANCES & RESOLUTIONS:**1. Bulk & Dimensional Height Ordinance.**

Councilmember Baxter said he still doesn't like the base elevation definition, it should be based on the footing.

City Planner Hirashima said this definition is quite common and there were several builders at the Planning Commission/Dept. workshop who were agreeable to the definition here. She said also discussed by the Planning Commission was a process where the inspector checks the site for building height and driveway location before the building permit is issued; there would be a site inspection fee for this and this was actually suggested by the builders, she said. The builders would actually set up the transit at the site for the City inspector and the builders said they would be willing to do that, she said.

Councilmember Herman moved and Councilmember Pedersen seconded to approve/adopt Ordinance #1985. Passed 6-1 with Councilmember Baxter opposed.

ADJOURNED INTO EXECUTIVE SESSION: 10:42 p.m.

1. Litigation. (No Action)
2. Real Estate. (No Action)

RECONVENED & ADJOURNED: Approx. 11:15 p.m.

Accepted this 11th day of April, 1994.

David Weiser
MAYOR

Mary B. Swenson
CITY CLERK

Wanda R. Swenson
RECORDING SECRETARY