

MINUTES RECAP

MARYSVILLE CITY COUNCIL NOVEMBER 7, 1994 34

CALL TO ORDER: 7:00 p.m.

MINUTES OF PREVIOUS MEETINGS: 10/24/94 Council - Approved  
10/17/94 Budget W/S - Approved  
10/19/94 Budget W/S - Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

1. Street Closure Request - 12/3/94 - Approved  
Merrysville for Holidays Parade

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS: None

PRESENTATION: None

PUBLIC HEARING:

1. Prel. Plat & Rezone of Whiskey Top; PA 9403011 Approved with conditions

REVIEW BIDS: None

CURRENT BUSINESS:

1. Dispatch Update. To continue as is

NEW BUSINESS: None

ORDINANCES & RESOLUTIONS: None

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 10:08 p.m.

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

RECONVENE & ADJOURN: 10:20 & 10:21 p.m.

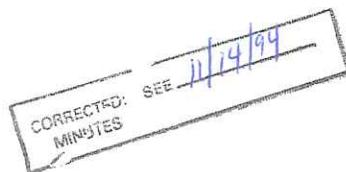
## MARYSVILLE CITY COUNCIL MINUTES

NOVEMBER 7, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 John Myers (excused)  
 Ken Baxter (7:13 p.m.)  
 Donna Wright (excused)  
 Mike Leighan  
 Otto Herman  
 Shirley Bartholomew  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Steve Wilson, Finance Director  
 Gloria Hirashima, City Planner  
 Ken Winckler, Public Works Director  
 Grant Weed, City Attorney  
 Jim Ballew, Parks & Recreation Director  
 Dennis Peterson, Lieutenant, M.P.D.  
 Wanda Iverson, Recording Secretary

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 MEETINGS:

Councilmember Herman noted in the October 24, 1994 Council minutes, on page 1 under the roll, his name was spelled with an extra "n" at the end. On page 2, under item 5, second paragraph, he noted there was discussion about checking traffic at 47th & Grove as well as rechecking warrants at 51st & Grove. Public Works Director Winckler stated he would check the warrants at both interesections and City Attorney Weed was to look at the legal issues involved.

Councilmember Bartholomew noted on page 6, second paragraph from the bottom: "the corporation who owns Kayak Golf Course...." should be "the corporation who operates Kayak Golf Course...."

There being no further corrections, Councilmember Bartholomew moved and Councilmember Herman seconded to approve the minutes of the 10/24/94 as corrected. Passed unanimously.

Councilmember Herman moved to approve the Budget Workshop 10/17/94 minutes, Councilmember Bartholomew seconded and the motion passed unanimously.

Councilmember Bartholomew moved to approve the 10/19/94 Budget Workshop minutes, Councilmember Herman seconded and the motion passed unanimously.

Councilmember Bartholomew commended staff on the preparation of the budget workshops.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:**1. Street Closure Request; Merrysville for Holidays Parade.**

Parks and Recreation Director Ballew noted the parade has been changed to the first Saturday of December instead of Friday night and the request is to close State from Grove to 4th

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00106

CORRECTED: SEE 11/14/94  
MINUTES

s/b sculpture

add: concert

December 3rd from 5:45 to 7:45 p.m. He talked about "dog/reindeer sled" races, ice sculpture demos, Tim Noah and other activities that will be held that night with the highlight of the evening to be the lighting of the new train decoration on the water tower.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve the request. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson noted the preliminary budget has been distributed and hearings are to begin next Monday night. Also, the new purchasing manual has been distributed and he asked that any comments be directed to him.

Councilmember Pedersen asked about implementation/orientation for dept. heads and suggested having the consultant help with the orientation.

City Administrator Zabell announced the City's fax machine needs to be replaced; it is over 8 years old. After brief discussion, Councilmember Bartholomew moved and Councilmember Pedersen seconded to authorize the City Administrator to pursue purchase of a plain paper fax.

Public Works Director Winckler stated copies of the RCW and King County code regarding jake brakes have been handed out for Council's review.

He noted the poles are in place for the SR 528 & 67th traffic light but the controller has been back ordered. It will probably still be completed by Thanksgiving, he said.

MAYOR'S BUSINESS:

Mayor Weiser referred to a memo passed out regarding the Budget and reiterated that the public hearing process for the Budget will begin next Monday, to be continued 11/28/94 if necessary. Mayor Weiser asked about format and Councilmember Pedersen said she feels the public should understand there have been two public workshops now, prior to the public hearing.

Councilmember Leighan had a question about breakdown on personnel budget, eg. between department head and the rest of the levels. He asked Jim Ballew to give update on the new teen program.

Parks & Recreation Director Ballew reported the after school program "Do Something" at Marysville Middle School has had 90 attendees to date. The program runs from 2:30 to 5 p.m. Monday to Thursday, he said. It's in the cafeteria at the MMS and they have received great reviews, he added.

Councilmember Pedersen noted the Community Access Channel needs updating and City Administrator Zabell said he would follow up.

Councilmember Pedersen said she spoke with Everett City Councilman Carl Gibson who wants people to know that the Everett Navy Homeport may be on the hit list again and they may be looking for Marysville's support. She reminded everyone to vote tomorrow.

Councilmember Bartholomew asked about pipe bursting activity and Public Works Director Winckler said he would let her know when the next one is to be done.

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PUBLIC HEARING:

**1. Preliminary Plat & Rezone of Whiskey Top; PA9403011.**

Mayor Weiser asked if there were any conflicts of interest, disclosures or challenges. There were none. He briefly reviewed the procedures of a public hearing and stated there would be 20 minutes for the proponents to summarize the request, 5 minutes for each speaker in the audience and 10 minutes for rebuttal remarks. City Attorney Weed swore in those wishing to give testimony in this matter.

City Planner Hirashima reviewed the agenda bill and letters that have been submitted to the City regarding issues of lot size, surrounding zoning, slope steepness, storm water runoff, utility easement, traffic on 83rd Av., open space, bus stops, frontage improvements, owls on the property (Dept. of Wildlife indicated no endangered species on the property), road connection, elimination of one direct access on 83rd Av.

Public Works Director Winckler said the original plat was submitted for there to be a stub out to allow for the connection of 83rd.

Councilmember Bartholomew asked about the Diking District 3 issue and City Planner Hirashima stated Diking District 3 has been asking the City to collect mitigation from the entire Allen Creek Basin of which this is a part, but nothing has been worked out as yet, she said.

Councilmember Baxter asked about 78th Dr. NE and City Planner Hirashima said it is proposed to connect to 83rd eventually.

Jim Egge, 5016 129th Pl. SE, Everett, WA 98208 addressed Council for the proponent. He noted the main issue that has come up previously is that the proposal was a "clustered" one and it was felt that it was not achieving what it should. He stated they have now revised the plan with lots in excess of 10,000 sf and the new Marysville Comp Plan adopted in August recommends lot sizes of 9600/medium density as soon as sewers are available. He noted this criteria has been met and if developed at 12,500 that would be 2.7 du/ac which falls below the density called for by the Comp Plan. He said staff indicated plats to the west have 7200 sq. ft. lots, 8500 sq. ft. lots in Northpointe, etc. and so changes in the area and the Comp Plan adoption have created changes here and compatibility criteria. The other issues have been dealt with, he said and they are seeking to promote compatibility and compliance with drainage, slopes, lot sizes, Comp Plan, etc. As far as the owls, he said the staff did not note any owls on site and he added that often the birds change their nests every year and the proponent does not anticipate disturbing nests during nesting season. He stated they have also submitted a revised road concept (hand out) with stub out to the west. He said they would prefer not to have it but can put it in if required. He noted their average lot size here would be 9800 sf.

Councilmember Leighan asked about their environmental inspection and Mr. Egge stated he has been on site several times during daylight.

Ruth Walla, 13411 1st Av. W., Everett, WA 98208, addressed Council, reading a prepared statement. She stated she and her husband are the owners of the property and have lived in the area 20 years. She said they went to the City and asked for a change from 12,500 to 9600; a PRD would have made the lots on the average of 6,000 sf but they have now changed it to 9600 which is allowed under the new Comp Plan with availability of sewers. She explained 12,500 lots were for septic systems.

She noted they have heard a lot of objections, some of which have not been substantiated. She pointed out the proposal is well designed, affordable and they feel a positive addition to Marysville.

There was no one else in favor of the proposal wishing to speak at this time.

Lisa Fink, 7131 83rd Av. NE, addressed Council, stating she feels the request should be denied because it is not consistent with neighboring plats which are 12,500. Also it's much closer to the west and should be similar to the plat it's next to, she said. She noted the City boundary makes a jog for the Doane and Walton property which are in the county, as well as across 83rd. She said they see Whiskey Top as an island and don't feel 9600 is appropriate zoning. Also, it's a sensitive area with the creek and slopes and should be kept at 12,500, she concluded.

Brad Edgerton, 7213 83rd NE, addressed Council, stating he has lived there 16 years and prior to that near Mount Pilchuck High School for 15 years. He said they have seen a lot of changes and would prefer to see 12,500 density as they feel this is a transition area, with steep slopes. He asked about roads under the power line and noted it's very steep. He said the City is going to have problems because of the steepness and he talked about emergency equipment access to Bayview Summit. He said that is a good example of everything having been stripped, too and he referred to the letter he wrote in May and said the main concern is for Bayview Ridge residents--they need continuity of 12,500 lot size, he said. He asked about the Gibson traffic report and whether that took into account additional traffic from Bayview Summit. He noted 78% of the traffic was to go down 83rd and SR 528 now has 5 new intersections. He said he would like the Council to stick to the findings of fact they found when they denied the 18 lot PRD; Northpointe is 12,500, there is no sanitary sewer easement for Whiskey Top, it is not compatible with the stability and harmony of the surrounding property and they would like to keep that stability, he said.

James McCann, 7422 83rd Av. NE (Bayview Ridge), addressed Council and referred to Exhibit 40, page 3, item 1. He said the housing density should represent the community and surrounding neighborhood and he would like to see it stay at 12,500. He pointed out there are a lot of steep slopes, little animals, birds, wildlife, etc. and the design and density should be compatible with Bayview Ridge. He referred to Exhibit 28, #2, A, B & C noting this is a transitional area; the PRD was denied on the basis of the lot sizes and he said he remains opposed to the rezone.

Rose Hunter, 8201 84th St. NE, addressed Council and submitted petitions/signatures of people who are impacted by increased growth on the ridge, she said. She added she is strongly opposed to the change from 12,500 to 9600; there is still 300 acres up there to be developed and 9600 zoning is much too dense for the unstable soil, steep slopes, etc. Other issues/concerns she brought up were traffic, schools, emergency vehicle access. She pointed out schools would have a tremendous strain on them. In 1952, Hunters Store burned to the ground because emergency vehicles could not get up the hill in the winter, she said. She added she has noted an increase in crime, traffic and law enforcement runs thin on the weekends and they have had a lot of vandalism, a deer was hit, their rural life is being taken away from them. She said she implores Council to keep it 12,500 because this is a transitional and sensitive area.

Councilmember Bartholomew asked about the seismic sensitivity analysis by Nelson Couveret and City Planner Hirashima noted Whiskey Top is in Marysville's seismic hazardous area because of the slope, not the soils.

Ms. Hunter said they know there has been an increased amount of erosion during the rainy season.

City Planner Hirashima noted there were some recommendations in the geotechnical report and those are conditions of the hearing examiner.

Lorna Boulton, 7130 83rd Av. NE, addressed Council. She said a road has been mentioned as a possibility through the neighboring property--that is her property and no one has mentioned it to them. They are against the rezone, she said.

City Planner Hirashima stated the road would be stubbed out to her property line only.

Norman Webb, 7125 83rd Av. NE, addressed Council. He stated this is a very emotional issue and the neighborhood feels like it's going to be closed in. He said this is similar to the airport issue--the airline traffic is increasing but all of them in this area like this quality of life and don't want an airport nor higher density next to them. The developers don't have to live here, he pointed out--they develop it and then they are out. He concluded that it should be kept at 12,500 at least.

Gunnar Petterssen, 7227 83rd Av. NE, addressed Council. He said he lives right across from the proposed development. His main concern is drainage because it is very bad with the very steep slope.

Councilmember Bartholomew left Council Chambers at 8:27 p.m.

Mr. Petterssen pointed out there is over 40% of the hillside in asphalt whenever it is developed, with sidewalks, driveways, roofs, etc. and all the runoff now drains into the spawning stream and turning it to mud, he said.

Karine Petterssen, 7227 83rd Av. NE, addressed Council. She said 12/13/93 issues are still very important--the land is intact and ready for proper development but if developed 9600, that will open up the whole ridge to 9600 and too many people on small lots cause indirect impacts, eg. schools--Marysville School District has not been able to keep up with problems in the past or present, she said.

Councilmember Bartholomew returned to Council Chambers at 8:30.

Mrs. Petterssen suggested keeping the rezone density high to allow people to grow.

Larry Pavish, 8132 75th St. NE, addressed Council. He said he has watched the area grow and be developed and he feels the field books need to be revised on account of the slopes and newer development that has taken place. He said you have roads, drainage, etc. on a slope, for example. Also, as far as wild-life in the area, he has seen deer, owls, Chinese pheasants, eagles, crows, etc. and the developers seem to be only after the money. He said he loves it the way it is up on the hill and would really like it to stay that way.

Jerry Buron, 7717 78th Pl. NE, addressed Council. He said the one thing he thinks is really important is that this will be different from the other subdivisions--it's going to set a precedent. He noted there is a lot of land on the hill, it's fragile and he said he thinks Council's decision on this is important.

Mike Papa, 8127 54th Dr. NE, addressed Council. He noted the hearing examiner made a reference that this is compatible with the old Comp Plan and he said his question was whether it was compatible with the new Comp Plan.

City Planner Hirashima assured him it was to be conditioned/ based on the consistency with the old and new Comp Plans.

Mr. Papa said with regard to the environmental checklist, anyone can do it--you don't have to be specially qualified--anyone can do it and state the answers to the best of their knowledge. He asked about consistency with Resolution 1665 and wished the Council good luck in making this decision tonight.

Dean Fink, 7131 83rd Av. NE, addressed Council, stating he opposes the rezone because of conflicting information and he gave a couple examples. He referred to Exhibit 6, Item B1 where it states there are no unstable soils and yet under page 17 of the DNS this area is considered to be moderate landslide area, he pointed out. He referred also to Exhibits 30 and 6 where one says no filling or grading will be done and the other indicates 500 to 600 dump truck loads of fill will be brought in.

Mr. Fink stated another major concern he has is that pigmy rabbits are on the Washington endangered species list and they live along his driveway. He said they are in the process of being added to the federal endangered species list and although you won't see the rabbits during the daytime, he sees many tracks and the Dept. of Wildlife has been notified and will be investigating. He said he thinks keeping it at 12,500 is the only responsible choice.

Linda Lambert, 8124 83rd Av. NE, addressed Council and asked what the proponents are considering to be affordable housing. Also, what percentage of the rezone houses are to be affordable? She pointed out that traffic is horrendous, pedestrian traffic is really bad and there is no provision made for shoulders. Also, she asked if the new seismic fault line has been taken into consideration here. She said as far as wildlife, she has seen quail, possum, deer, coyotes, rabbits, weasel and there has been no provision made for wildlife habitat, no parks for the kids to play in and as far as owls go, they saw at least 6 pairs when they first moved there and now they have only seen one owl left. Even the eagles have gone, she said. She said she definitely opposes the rezone.

City Planner Hirashima said the geotechnical study was done in August, 1993 which was before the new seismic fault line was publicized.

Martin Robinette, 3601 Colby, Everett, WA 98201, Attorney for proponents, addressed Council. He pointed out that the last time they addressed Council they were dealing with the GMA issues and Marysville's new Comp Plan has now been adopted. He pointed out that growth can no longer be put in rural areas, it has to be put in urban areas with smaller lot sizes, property values are going up and all the concerns have been looked at. He pointed out that the Comp Plan calls for single family medium density for this area, the hearing examiner has recommended this rezone with conditions and they have addressed all objections: the stub road, compliance, etc. but they can't argue with the emotions and issues against wanting growth, they can only comply with the City's rules and regulations such as affordability,

9600 lot size, being in compliance with the GMA and to do otherwise but to approve this rezone would be saying all the City's time and meetings spent on GMA and the Comp Plan process would be for naught. He concluded the City has no choice, the boundaries have been set.

As far as the approximate price range of the homes, and what percentage would be "affordable", Mr. Robinette stated it depends on market and demand.

City Administrator Zabell noted the median price range in Snohomish County is \$143,000.

There being no one further from the audience wishing to speak, Mayor Weiser closed the public testimony portion of the public hearing at 8:50 p.m.

Discussion following concerning density, clearing and grading permit status, sewer availability, Comp Plan compliance, wild-life habitat, road stub out, lot size, PRDs vs preliminary plats, surrounding property, transitional nature of the area on the periphery of the City boundary.

Councilmember Baxter then moved to approve the rezone with the stub out road as discussed, Councilmember Bartholomew seconded. Findings of Fact: Consistency with GMA, Comp Plan, IUGB. This is a transitional use and is compatible with 12,500 zoning of surrounding property. The motion passed 4-1 with Councilmember Herman opposed.

CURRENT BUSINESS:

**1. Dispatch Update.**

Lt. Dennis Peterson reviewed the agenda bill and talked about changes, the future of dispatch, possibility of 800 MHZ coming in, charges for the fire services.

After considerable discussion about retention of Marysville's dispatch system as it exists, billing process, treating this as a service vs. an enterprise, Councilmember Baxter moved and Councilmember Bartholomew seconded to continue the dispatch services as is and to approve the fee of \$107,000 to the Marysville Fire District. The motion passed 4-1 with Councilmember Leighan opposed.

ADJOURNED INTO EXECUTIVE SESSION: 10:08 p.m.

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

RECONVENED & ADJOURNED: 10:20 & 10:21 p.m.

Accepted this 14<sup>th</sup> day of November, 1994.

David Weiser  
MAYOR

Lillie Levin  
DEPUTY CITY CLERK

Wanda R. Iverson  
RECORDING SECRETARY