

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING SEPTEMBER 7, 1993 000 1

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilors McGee & Wright excused

MINUTES OF PREVIOUS MEETING: 8/23 & 30/93 Approved

AUDIENCE PARTICIPATION: None

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATION: None

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS:

- 1. Proposed City of Msvl. Interim Comprehensive Plan Workshop to be announced

REVIEW BIDS: None

CURRENT BUSINESS:

- 1. Snohomish County Proposition #1 Majority of Council endorsed

NEW BUSINESS:

- 1. Fagan Annexation - 10% Petition Approved
- 2. Front Yard Setback Variance - Public Hrg. set 9/27/93  
Tim Tomulty - PA 9307024

CONSENT AGENDA:

- 1. Acceptance of 1993 Water System Impr. 83rd Av. NE Transmission Main & begin 30 day lien filing Approved
- 2. 4-Way Stop Sign at 91st St. NE & 62nd Dr. NE Approved

ORDINANCES & RESOLUTIONS:

- 1. Ord. approving Preliminary Plat of Brookwood East Ord. #1964 Approved
- 2. Ord. approving Preliminary Plat of Eastwood Hills II Ord. #1965 Approved

LEGAL MATTERS:

- 1. Political Signs Sign code to be revised to reflect State Supreme Court Decision

ADJOURNMENT INTO EXECUTIVE SESSION: 11:32 p.m.

- 1. Real Estate
- 2. Personnel

RECONVENED & ADJOURNED: Approx. 12:32 a.m. 9/8/93

MARYSVILLE CITY COUNCIL MINUTES

000 2

SEPTEMBER 7, 1993

7:00 p.m.

Council Chambers

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

CALL TO ORDER:

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

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

In the 8/23/93 Council minutes, Councilor Pedersen noted on page 20, first paragraph under #2 - Eastwood Hills II - the word "reasonable" should be "reasonably".

Councilor Herman asked for rewording on page 11, first paragraph, in order to clarify: "...and it is his understanding that these 3 alternatives result from the requirements of the EIS alternatives analysis." "He said he does take exception to the term "recommended plan"; some confusion has been created and the City Council needs to have the public indicate what they want to see in their neighborhood."

There being no further corrections to the 8/23/93 meeting minutes, Councilor Pedersen moved and Councilor Herman seconded to approve the minutes as corrected. Passed unanimously.

There were no corrections to the 8/30/93 minutes and Councilor Herman moved and Councilor Leighan seconded to approve them as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

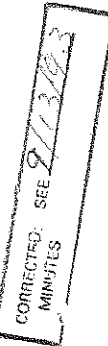
STAFF BUSINESS:

City Administrator Zabell reported that in response to Council's direction regarding a purchase system, Steve Wilson will be bringing a purchase requisition system before Council 9/27/93 which will have been agreed on by department heads.

City Attorney Weed reported on the 9/2/93 Water Resources Act Planning Conference he recently attended, for the Central Puget Sound area. He noted a task force will be defining planning areas and local governments are being asked to submit names for the members of the task force. He said it's inevitable Marysville will be included within a regional planning area and names are to be submitted to the governor by 9/16/93.

Councilor Baxter commented that the Critical Water Study was a regional water study which is already done.

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City Attorney Weed said this would be a far broader basis, involving Tacoma, Seattle and other cities' concerns and is the next step in the process, as he understands it.

Councilor Baxter noted all of the Puget Sound region was included in the CWSA and this new study sounds like duplication of something already been done, he said.

City Attorney Weed said he sees it as the next step in the process.

Councilor Herman said he would be interested in what legislation and/or rationale preceded the Water Resources Act Planning Conference/Study/Task Force.

City Attorney Weed said he would bring the information to the next Council meeting.

City Planner Hirashima reported the Planning Commission is beginning meetings on the subdivision code over the next 2 months; she said the Planning Dept. has copies of the draft. Also, the GMCC meeting will be tomorrow night at 7 p.m. in the Log Cabin Room. The information on building and planning permits will be in next staff briefing/packets, she said.

Public Works Director Winckler reported the new garbage trucks are scheduled to be here 9/14 and to come on line 10/4 with some new pick up dates and route changes. He stated they will be putting notices in the newspapers as well as at the post office, library, Marysville Mall, Public Safety Building, City Hall, Parks Dept., on the community TV channel. He handed out maps and yellow tags.

Councilor Herman asked about coordination of yard waste and recycling containers and Public Works Director Winckler said yes, if your garbage pickup day from the City changes, so will your recycling/yard waste day. He added that they are still working on street striping; he said this will be reviewed and touched up as necessary. He also reported two block watch signs having been placed at the NE corner of Grove and State, in response to a request from the City Police Chief.

MAYOR'S BUSINESS:

Mayor Weiser asked for the reappointment of George Wilcox and Dave Voight to the Planning Commission. Councilor Pedersen moved to affirm this, Councilor Herman seconded and the motion passed unanimously.

CALL ON COUNCIL:

Councilor Mayers asked about a dark narrow path on 60th and City Administrator Zabell said it was on private property (Holman) and ultimately will be a through street.

Public Works Director Winckler said he would contact the school district about their concern about it.

Councilor Baxter reported the water coordinating committee meeting will be tomorrow at 9 a.m.

City Attorney Weed said he would be attending that meeting to share information he got from the 9/2/93 conference.

Councilor Baxter reported on the RUSA meeting last Thursday, stating some of the things discussed were RUSA boundaries, interim growth boundaries, etc. He showed a large map depicting about 5 different boundaries that Marysville now has. He said a water and sewer rate comparison is going to be published in the newspaper, showing Marysville is still lower than surrounding neighbors.

Councilor Pedersen asked about the library building committee meeting and City Administrator Zabell said one has tentatively been scheduled for 9/21/93.

COPIES  
MAILED 9/13/93  
S/B MYERS

PUBLIC HEARINGS:

1. Proposed City of Marysville Interim Comprehensive Plan.

Mayor Weiser explained a bit more about the process, stating after the Comp Plan is approved, after it meets Snohomish County Tomorrow, consistency with surrounding cities and Tulalip Tribes, the question then is what happens to the Comp Plan and whether we would have to do a city wide rezone in order to bring the City zoning in compliance with the Comp Plan. He said the state DCD person was asked this question and it is their opinion that yes, the City would have to do an area wide rezone in order to make the Comp Plan and City land use match.

Councilor Pedersen asked if she has a large single family residential piece of property that's designated multifamily under the Comp Plan, could she still retain SF designation as long as she owns the property.

City Planner Hirashima said she talked with the DCD representative about non-conforming uses/ordinance and it would depend on Council action as far as development regulations, i.e. provisions could be made for rebuilding, etc.

Councilor Pedersen stated one of the sensitive areas will be existing farmland and City Planner Hirashima stated the way it is seen to be played out is that the Comp Plan would go back to the Planning Commission to refine it as far as capital facilities plans, language, development standards, the zoning code having to have adequate development regulations such as multifamily, commercial use, non-conforming use. Area wide rezones would be the last thing done in the process, she said.

Councilor Pedersen said she would like to make sure that happens and City Planner Hirashima said she will bring in the non-conforming use code for next Council meeting.

Councilor Baxter asked if there was any real choice here for Council to make and City Planner Hirashima said it was not really a matter of choice, this is the DCD interpretation of what would happen.

Councilor Herman said he is disappointed with the interpretation and said he would like to see DCD's response in writing. He noted the tax burden/impact for a higher density than how it's used is a concern although the non-conforming use is something he had not considered. If you have undeveloped property designated community commercial, he asked if single family homes would be permissible and City Planner Hirashima said currently the way the code is written, no. But single family is allowed in a multifamily zone, she noted and you can take out a conditional use permit for a single family home in a commercial zone. She added she thinks this will be seriously studied, as far as amending the zoning code once the Comp Plan is adopted.

Councilor Pedersen asked what would happen if a home is built inadvertently (with permits) in Councilor Herman's example.

City Planner Hirashima stated it would be a non-conforming use and she explained the buffer concept for single family zones from commercial zones. She stated also that some letters were received that should be made part of the record, concerning the interim Comp Plan: one from James Egge & Assoc. addressing the Tom Bradshaw property, one from Venture Pacific Properties concerning the Hwy. 528 & 83rd Av. NE area, one from Dennis Hoffman concerning the same area and one from Florence Doolan who is in the audience tonight and will be speaking.

The hearing was then opened for public testimony.

Steve Dingman, 12420 56th Av. NE, addressed Council. He said he is opposed to the proposed Comp Plan which would engulf his home and neighborhood. He said he feels it would inhibit and threaten their one acre parcel homes; also, they have a community well and it's an excellent well and the annexation proposal would encompass wetlands and a rezone would just pave the way for multifamily tract housing which would destroy their way of life, as well as dropping the value of their homes. As far as the cost of water and sewer in Marysville, he said their neighborhood only pays \$20 per month each toward the community well and a lot of homes in their area mow 20,000 to 30,000 sq. ft. of lawn.

Councilor Baxter noted that the rate for Marysville water is \$11.53 per month if you reside within City limits.

Mr. Dingman said their development is called Ottercrest and was named after one of the pioneers of the area and they would like to retain the wetland designation so that it's not developed; they don't want a view of tract housing, he said.

Councilor Herman clarified the location and Councilor Baxter said one of his arguments is the same as Mr. Dingman's, that we need to keep some large parcels for those who wish to live that way.

Florence Doolan, 12416 36th Av. SE, Everett, addressed Council. She said she is in favor of Alternative 2, especially as it concerns the area around Hwy. 9 and 528. She said they first purchased their property in Marysville in 1973 and lived at 3911 83rd Av. NE for 11 years. She said they have seen that area develop and recently, there have been many robberies and attempted robberies and there is a 30 minute response time from the sheriff's dept. She said she feels it would be a great advantage to be within Marysville City limits and also, during the time she lived at the 83rd Av. address, Hewlett-Packard was being considered; 6-7 years after it was built, the only change was that there were no more thistles growing and blowing around and she said she thinks there is a tendency of people to panic over change.

Gilbert Emory, 3717 88th St. NE, addressed Council, stating they have been watching the area develop over the last 37 years. Things are changing and he said he is prepared to change with it. They were originally against the interchange but they realize progress is coming and he said his main interest is proper zoning: freeway services, eg., at 88th in order to help the tax base, alleviate traffic congestion downtown. He said they would like to develop two 5 acre parcels on 88th.

City Planner Hirashima stated there is a potential freeway service zoning on the Alternative 2 larger map.

Mr. Emory reiterated that they would like to see it on Alternative 3 also. He said they would like to know that if the interchange goes in, this can be developed around it.

Margaret Natterstad, 10532 38th Av. NE, addressed Council, stating she is against 3 & 3A with the 116th proposed mall. She stated she has specific environmental concerns because there are Category I wetlands in that area, geological hazards, steep ravines as well as an underground aquifer near Hidden Lakes Estates. She said these warrant sufficient buffers for Category I wetlands and with development, you would have to fill and that would have a negative impact on the development she lives in, she said. Also, there have been 3 train derailments in the past 10 years and Hidden Lake Estates/Indian Creek Estates development only has one way in and out--over the railroad tracks. She pointed out that 116th has a traffic backup problem and the proposed mall would negatively impact 116th. She said she visited the Puyallup mall recently, a Barghausen Engineering project, and it has 7 lanes, the accesses are long streets and it can accommodate a very high traffic volume but there is very little land available to be zoned commercial in Marysville for another mall. Most of the land is all single family surrounding their proposal and Indian Creek Estates would be

negatively impacted, she said. She said she would also oppose a Highway 9 commercial development; she would suggest leaving the land use as is or else put in a park south of 116th. She clarified that very few people go straight on 116th, they either go left or right and those turning movements cause too much traffic congestion on 116th.

Dennis Jordan, 2907 Hewitt, Everett, Attorney, addressed Council. He stated he was representing his father and uncle who own property near 83rd and have done so for 30 years. He said they purposely kept it so that they could eventually develop it single family, as per Plan 2. He said he has heard several people against developing that area as commercial and that area is growing so he would be in favor of leaving it out of the Comp Plan and leaving it as is.

*slb 4/15/93*

*slb more closely agrees with*

Celeste Gemmer, 31st Dr. NE, addressed the Council. She read a prepared statement, saying she was in favor of Alternative 2, is against more traffic, commercial zones, 116th mall. She pointed out this would be in an environmentally sensitive area and would very negatively impact the whole area: Sherwood Forest, Marshall Elementary, etc. She pointed out that 116th is very highly traveled already.

CORRECTED: SEE 9/13/93 MINUTES

Norman Webb, 7125 83rd Av. NE, addressed Council, stating he is still in the county and would oppose Alternatives 3 & 3A. He said he would strongly recommend City Council vote for Alternative 2 and single family retention.

Dick Pedersen, 7030 57th Dr. NE, addressed Council. He commented on a lot of changes over the years, noting he bought his first home 38 years ago and remembers everyone thought if the traffic were to move from State, the businesses would dry up! A lot of people speculated on property on 4th St. north to Grove, he said; you can't control the market and there really hasn't been much change except a lot of absentee ownership, small lots, decay in the downtown area. Between 4th & Grove, west of the railroad tracks is especially the area in which no one wants to buy, he said and yet some people have been made to believe they can get \$300,000 to \$400,000 per acre when you compare it with other parcels in other cities, for example, or other areas of Marysville. He said we are only inviting blight in that area and encouraging people to think it's going to change for the better and instead of one plus acre to build an office building, it's more important to give people a bonus, he said and smaller lots are not going to mean they are going to get run down necessarily, that depends on pride of ownership, he said, and suggested Council take a look at this serious situation. Higher density on smaller lots, close to shopping, railroad tracks, makes sense, he said.

Councilor Herman agreed there are some economic problems and asked if Mr. Pedersen sees changing the regulations as the solution. He also asked if Mr. Pedersen sees an economic drive for the smaller lots with higher density and Mr. Pedersen said yes to both questions.

Councilor Baxter asked if he felt all the outlying area around Marysville should be larger lots and Mr. Pedersen said not necessarily, but the downtown area is being forgotten and he said he thinks we need to be less rigid there in the zoning of it.

Councilor Baxter said several years ago, Council allowed the apartments to be built on Cedar: high density on small lots and it now utilizes the majority of the Marysville Police Dept. man-hours and we don't want to make that mistake again. He said he would like to see some high density down there but on the outskirts he thinks we need to retain larger lots and get away from PRDs which are now back to creating smaller lots and that's another mistake he would like to see avoided, he said.

Councilor Pedersen said she understood Mr. Pedersen to say "give the property owners a chance to have an 8-plex," for example.

Mr. Pedersen agreed that the Cedar Avenue Apartments are a very poor example of land use, they lack adequate play area, etc.

City Planner Hirashima noted "mixed use" covers most of the area Mr. Pedersen referred to which would be about 18-28 du/acre and Mr. Pedersen said he would be in agreement with that; we need to be able to walk to a commuter station, to the mall, grocery store, etc., he said. It's more of a European concept, a high mixed use, he said.

Bill Petry, 7806 75th St. NE, addressed Council, stating he strongly opposed 3 & 3A but is still not convinced Alternative 2 is the best solution, either. He explained his family uprooted themselves from Lynnwood to come to Marysville. He said he understands the affordable housing issues but we need to keep in mind high density traffic, buffering single family with no through access, surface water management, quality of life. He concluded that increased volumes of traffic, etc. up near 83rd will be a detriment.

Ronald Burnside, 8215 84th St. NE, addressed Council. He stated he is President of the ECC Veterans Assn. and works with specific areas of the public and their needs. He said personally, he is opposed to 3 & 3A and lives at the end of 83rd where the Comp Plan is proposing multifamily and a strip mall, he said. He said the Council needs to keep in mind what's best for the community and residents might not be what's best for the environment. He noted he feels his quality of life has deteriorated tremendously especially now, every Friday and Saturday night, there's a confrontation behind Hunter's Store with the teenagers who have been displaced by the no cruising law on State. He said his son is 3 years old and it's very dangerous in that neighborhood now with tractor trailers, bulldozers, construction equipment using Getchell Hill which seems to be the designated route for all the heavy equipment and jake brakes, he said. Alternative 3 & 3A makes him question whose quality of life the City is looking out for and what it boils down to is greed on the part of out of town investors, he said. He added he is concerned about increased traffic, crime, losing quality of life. He said he also understands they are putting a school behind his house and that's not a very good location with all the increased traffic. With regard to police response times, the county has been immediate, MPD response time is slow and their attitude is very poor, he said. We need to work on what is already created rather than working out further from the center of the City, he said.

City Administrator Zabell suggested the increased traffic on Getchell is due to the new Navy project but Mr. Burnside argued that he asked the drivers and they are not coming in on account of the new Navy project.

Mark Reis, 7524 44th St. NE, addressed Council. He said he is against it all! 67th has too much traffic, you can't cross 4th at 67th, there's a brand new school there with loose gravel, no signs, no courtesy and it's very dangerous, he pointed out. He said now the City wants to wipe out its own watershed on Soper Hill and the City keeps moving out. He said what he sees is people trying to make as much profit as possible, just like California, there's not enough planning first. He said what is happening is something is developed and then the City tries to plan for the growth. He said he didn't want to see Soper Hill bulldozed just like the hillside above 67th because Marysville is slowly ruining everything it has by doing this. He added he hates driving through Marysville anymore because traffic is so awful. He said he thinks we need to plan for the people who are already living here because they are being bypassed.

Jack Cole, 13900 48th Dr. SE, Snohomish, addressed Council. He said he realized what a tough job Council has--between the state mandates and local residents not wanting any growth or changes.

He said he is here on behalf of Dues; 3 & 3A shows it as light industrial but it seems to be absent from Alternative 2. He added the Dues have had their property taken out of the ag preservation designation and they would like it to be multifamily.

Mayor Weiser explained the Dues property is in Planning Area 13 which the Planning Commission did not discuss nor designate any zoning/land use for. He said that will be reviewed again; the interim growth boundary plan will be finalized in October.

Ann Hadley, 7308 76th Dr. NE, addressed Council, stating she is in opposition to 3 & 3A and relinquished her time.

Brunhilde Neff, 3804 220th NW, Stanwood, addressed Council. She stated her and her husband own a farm at 67th & 108th and they have to take cows across the street, run slow farm equipment on the road and the reason her husband couldn't be here tonight is because he was driving a tractor and bailer on the road and was in an accident and is in the hospital. She explained that the traffic is so bad and dangerous now that with any more development, it will get even worse. She said the sheriff's dept. told them the alternative to crossing the road with the cows was to load them up and transport them across the road and then unload them but that's dangerous for the animals, too. She said things have changed a lot: 108th used to be a dead end now the speed limit is too high and it's almost impossible to function as a farm there now. At least part of it needs to be taken out of the ag preservation designation, she said and said it's hard for her to imagine what it's going to be like in 20 years.

City Planner Hirashima referred to a letter the Neffs had sent to Council regarding this problem and stated Alternative 2 does include south of 108th and west of 67th as a single family designation.

Mrs. Neff reiterated that 67th is a nightmare to cross.

Elizabeth Edgerton, 7213 83rd Av. NE, addressed Council. She read a prepared statement, stating she is in opposition to 3 & 3A. She said she feels the property owner should have the right to use their property as they see fit, within reason. Usually the developers are from out of the area and they are the ones who profit and the local residents lose, she said; she said she sees development of their area decreasing property values and they would support Alternative 2 but they also moved from an area near the high school that was "developed" 15 years ago, too. She said she thinks their area is going to end up blighted if developed.

Mike McGinnis, 13404 SR 9, Arlington, addressed Council. He asked why his area and that of Dr. Kam isn't included in the Marysville planning area.

Mayor Weiser explained Marysville has to plan for a given number of people over 20 years and the projected population for Marysville is 14,000 and so Marysville did not need to extend as far north as Mr. McGinnis' property.

Councilor Pedersen asked if he was saying he would like to be included in the Marysville Planning Area/Comp Plan and Mr. McGinnis said yes, that area is divided as far as voting on school bonds and other things and he feels the line should be drawn at 140th.

Mayor Weiser explained the different considerations that went into where boundaries were drawn.

Rita Matheny, 1322 Ash, addressed Council. She noted she has lived at this address for 27 years, they have an acre with lots of wildlife: baby red foxes, squirrels, raccoons. She said as far as changes, a new park and ride came in and a trailer dumping station but that's really all over the years. Water and sewer are available but they don't have it yet, she said. She noted they used to live in Lake Stevens and it was getting busy on Davies Rd. so they moved to Marysville and she said she is really happy to see what



Council and the City is doing with the Comp Plan; a lot of effort has gone into it and she said she is in favor of 3 & 3A because you need high density where it's recommended under that proposal.

Bill Binford, 11125 NE 123rd Ln. #D-203, Kirkland, addressed Council. He said he is in favor of Alternative 2 and speaks on behalf of several property owners. They submitted a letter earlier to Council, he said. He stated that after listening to the concerns of people regarding the property on the NW corner of 528 & 83rd, they would now request a change from multifamily to high density single family. He commended Council on their efforts, stating they have a tough balancing act but do need high density in some areas. He pointed out there are buffers there and the intent is to blend in with the existing neighborhood, he said.

Ruth Brandall, 1309 Sunnyside Blvd., addressed Council, stating she is a member of the GMCC of Lake Stevens. She said her property is about 1/2 mile south of the Marysville boundary and her concern is with the property proposed to be developed near 44th. She explained that in Lake Stevens they have a zoning called "urban reserve" and she would like to see that zoning near 44th, so that it's retained as very low density until needed. She stated development of that area would very negatively impact the area at this time. Hewlett-Packard is a very nice "park setting" there already and because Frontier Village is in place, that would preclude the need for commercial zoning in that area, she pointed out. She said there is a petition going around to downzone their area; they would like that area to remain very low density, an ag area, perhaps a bike trail could be put in and she said she has worked really hard to prevent here what happened in the Kent Valley because once an area is suburbanized you can't farm it any more. She mentioned that she was very interested in the TDR ordinance/issue.

City Planner Hirashima said they would make sure she gets sent a notice for the public hearings on TDRs.

Dave Ostergaard, 4915 129th St. NE, addressed Council and said he is especially concerned about his mother-in-law's property at 2421 State and liked what Mr. Pedersen had to say about that area. He said they would be interested in Alternative 2.

Jim Dunikin, 7515 83rd Av. NE, addressed Council, stating his property is across from Bayview Ridge; it is a 10 acre farm but it's not very country anymore. He said 3 & 3A makes more sense for the area near Highway 9, he's not enamored with commercial there but multifamily makes sense there vs. in a blighted downtown area where you already have a police problem, he pointed out. He said multifamily needs to be spread around the town vs. concentrating it into one area. He said he notices most of the complaints seem to be from people who just moved in a couple years ago; things are going to change. He said he has 300 people who are looking to him for their greenbelt and view! And he doesn't plan keeping it that way forever.

Larry Trivett, 7604 83rd Av. NE, addressed Council. He said he is not antigrowth; he has lived here 18 years and sometimes it's slow growth, sometimes it's fast. He said he can see Mr. Dunikin's point of view--he is looking for a profit too but 3 & 3A would add 300 acres of solid contiguous zoning to Marysville and the other is 250 acres of multifamily and commercial and that's going to do nothing for the quality of life in Marysville, he said. The increased traffic especially needs to be considered and quality of life needs to be protected; people gave their input and 3 & 3A were definitely not the preferred choices from what he heard, he said.

John Butters, 5131 Harbour Ln., Everett, of the Butters Group, addressed Council. He said they are in favor of Alternative 3 with the exception of Highway 9 commercial development. They feel the 100 acre site on 116th would support commercial development, he said and they purchased properties 11 years ago there and they

were designated as business park in the Snohomish County Comp Plan; the Butters Group was led to believe that annexing into the City would enhance their endeavors to get that property designated as business park or commercial, he said. He said they were asked by the City Planning Dept. to help with the annexation of these properties but were never told that the property would actually be downzoned to residential 9600, he said. He added they spent a 195 of time and money helping to annex that property into Marysville and they had extensive studies done by Bundy & Assoc., eg., to prove out that area for commercial, he said. He said he has heard a lot about out of town developers but he was born and raised in this town and lived here for 20 years. He said they feel they were made certain promises and would like to see them kept.

CORRECTED: SEE 9/13/93  
MINUTES s/b Ret

Councilor Pedersen asked for clarification and Mr. Butters said the engineers (Barghausen) were asked by Marysville Planning staff to help with the annexation efforts and they feel their efforts helped to push it over the top as far as getting it annexed, he stated.

CORRECTED: SEE 9/13/93  
MINUTES

Mayor Weiser asked about the business park zoning and Mr. Butters said they were designated business park for at least 10 years and prior to that. He said they had discussed with the county a business park or commercial designation.

City Planner Hirashima asked for a clarification about the promises Mr. Butters referred to about a commercial designation and noted the Northwest Annexation was 2 years in the process and the City worked extensively with Mr. Leifer--he was the sponsor of the annexation proposal. She pointed out that Mr. Butters' group came in after the process was basically completed.

Mr. Butters stated they were asked to increase their efforts and in so doing, the annexation was pushed over the top. He added that they would not have spent the time, energy and money if they had thought they were going to lose the possibility of a commercial designation; they would never have supported the annexation, he said. He added that Snohomish County had several public hearings and came up with a business park designation but now that they are in the City, they do not seem to have that guarantee. He said he knows there are no guarantees but they were led to believe that if they helped the City with the annexation, the designation would be commercial or business park.

Mayor Weiser said he knows at one meeting they discussed the possibility of the annexation, no protest agreements, neighborhood meetings and Dana Mauer was to put together some exhibits.

Katherine Keifer, 6505 83rd Av. NE, addressed Council. She said she is most in favor of Alternative 2 but would like Council to reconsider the multifamily at the NE section of 528 & 83rd. The taxes would probably tax people out of their property, she said and added there is a strip which could probably be zoned multifamily but she doesn't think it's appropriate, as it's between 2 residential sites and there would be a tremendous amount of increased traffic, etc.

Rex Bartlett, 8522 108th St. NE, addressed Council. He said his concern remains with the property at 67th & 64th and he sent a letter to Gloria Hirashima about it 4 months ago.

City Planner Hirashima assured him the letter was included in the appendices document that the Council has.

Mr. Bartlett noted the people who have their property listed as commercial on this corner (Mulligan) have not said a thing--they are trying to "slide through". He said he thinks both sites should take part in the commercial corner and he said he is for Alternative 2. He said they also have property at the north end and Alternative 2 represents him as well as the future of Marysville well. He added that lots of people like the idea of commercial on that corner; they had 100+ signatures before in favor of commercial on the NE corner of 67th & 64th, he said.

Stan Phillips, 4032 SR 532, Stanwood, addressed Council. He said last time he came before Council he complained about the business park area that Mr. Butters was referring to but now it looks like his (Phillips') business park is going to be changed to single family. He said he asked the Planning Dept. about any big changes and was told they anticipated none but he said he considers the change from business park to single family is a lot of loss of value.

Councilor Pedersen explained that property should come in at the same zoning as before it is annexed into the City; the Comp Plan is another issue and looks at the entire area.

Mr. Phillips said they bought the property specifically for a business and he has since gone looking in Skagit County--they are interested in having all the small businesses move there that are being thrown out of Snohomish County, he said. He said he would have employed 30 employees in a small hardwood business or light manufacturing business.

Carl Baird, 10512 38th Av. NE, addressed Council. He said he does support the Comp Plan/Alternative 2 map. With regard to the area south of 116th along I-5, he said there is a lot of that area that was in the county as single family and he said he appreciates that that was kept single family; there was also a lot of area designated park which is what the public expressed in public hearings, he said. He pointed to Nature's Window as an excellent example of an area being preserved by foresight of the Council. He noted the GMA is actually going to make residents of Marysville more crowded within the defined UGB but we need residential areas and we need parks and in Alternative 3 & 3A there is a square mile of additional commercial and he said he doesn't think we need that. He pointed out that there is plenty of opportunity from 100th south for single family and 3 & 3A is depleting single family; he said he thought the GMA was to provide for people living in an urban area and he would strongly encourage Council taking 3 & 3A off the tables--that alternative was discussed in an evening meeting once and there is no paper trail or support for it, he said. If that is not the case and there has been some short circuiting, maybe the Comp Plan needs to go back to the Planning Commission, he said.

Mayor Weiser pointed out that the comment period deadline on the Draft EIS was 8/31.

Councilor Herman said that adds to his confusion because Council is taking comments tonight.

City Planner Hirashima clarified we are taking comments tonight on the Interim Comp Plan, not the EIS.

Councilor Herman said that's not consistent with what the public is being told; the Interim Comp Plan and Draft EIS are both talked about and confusing the public impairs input from the public, he said. He added that Alternative 2 is really the only plan that would be legitimately discussed tonight; he said he thinks the public process has been greatly impaired with this confusion.

City Planner Hirashima explained the Planning Dept. mailed letters to approx. 400 people about the three public hearings as well as outlining the process involving the Draft EIS, the Comp Plan, noting it would be a compilation of all public input into a final document with a final Council hearing relating to the overall Comp Plan. She said staff was hopeful that they would get direction from the input as far as the preferred alternative.

Councilor Herman pointed out the alternatives analysis only comes in under the EIS; there is only one alternative/Comp Plan presented to Council by the Planning Commission and he said he feels the public has essentially been misled with regard to their input to Council and what it is going to accomplish.

CORRECTED: SEE 9/13/93  
MINUTES S/b Council A

Councilor Baxter pointed out that many people have given their input in the public hearing process and not that many have said they were confused.

There was discussion then about recommended action of the Planning Commission, separate issues: EIS, Comp Plan with preferred options, etc.; high density areas that were just plugged in for the transportation model, we need to consider preferred alternatives, helping Council make a decision, Alternatives 1, 2 & 3 have improperly shifted emphasis, flexibility of alternatives, area south of 88th needs to be changed, eg., business park areas, mixed use, some areas are still in the county, we need to give more choices, especially around 83rd.

City Attorney Weed pointed out that Council does have extreme flexibility in adopting a Comp Plan that's consistent with public hearing input; mixing and matching of alternatives, eg.

Councilor Baxter said he heard a lot of developers and property owners with varying views about development, some want things left the same, some would like rezones, one on the north end and one on the south end.

Councilor Myers said he always felt there was flexibility for the Council to chose what they want to see happen with the Comp Plan.

Council Leighan asked for clarification about the process and City Attorney Weed explained once Council has sifted through the testimony, it should be advertised for a final public hearing on the target plan, a proposal that might not be as full of options as it is now.

Councilor Baxter said his concern is with the people who don't like any of the options and he said he doesn't like to see City government forcing people to chose something that's the least of three evils, eg. He said he does understand how the Council has more flexibility, now.

City Attorney Weed reiterated that Council does have the final decision in this.

Councilor Leighan said he sees this as similar to the hearing examiner process.

Mayor Weiser pointed out that over 50% of the public comments were area specific.

Councilor Herman said he thinks Council/the City needs to communicate more clearly the processes: 1) Interim Comp Plan and 2) Draft EIS. He said he thinks staff should do a thorough presentation to the public and Council on that process. He said his understanding is that once you do the scoping, you proceed to the Draft EIS, then draft of final EIS and public hearing, depending on the outcome, developing the Comp Plan. Also, depending on the public input, he said what to include in the Comp Plan needs to be considered. He pointed out that a Comp Plan is not going to be adopted until the EIS is completed and so he thinks we need to advertise another public hearing about specific recommendations that people would like to see, he said. He added that he also thinks Council should hold one or two workshops based on the input and develop an interim Comp Plan out of that. There's going to be a lot of disagreement in this process and we need to carefully consider all the options, he concluded.

Councilor Baxter asked if there was anyone who had anything different to say than already stated.

Tom Britz of Bellevue addressed Council. He said he owns property on 116th and pointed out that nobody wants to have anything happen to them or next to them. There is a lot of growth in Marysville that can't be stopped, he said and what's best for Marysville should be the primary concern.

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Fotis Koutlas, Everett, addressed Council. He stated he has owned property south of 116th since 1919 and the problem he has with what's gone on so far is that their property was annexed in September, the hearings were closed in October; 600 acres were taken in by this Comp Plan but 4 property owners who own 100 plus acres were not advised of the public hearings. He stated they were confused 1) that they were in the City of Marysville and 2) about the recommendation to single family from light industrial. He stated they have worked with the DOF and other agencies and have put a lot of work into the access through Tribal land, etc.; it wasn't an overnight thing, he said and added he has lived in the area for many many years--not out of town developers, but something other than single family is best for Marysville here.

Katherine Keiffer, 6505 83rd Av. NE, addressed Council. She stated she depended on the newspapers for notice of the public hearings and thought they were supposed to chose between what was presented. She said she would love to sit down with the neighbors, Council members, etc. and perhaps talk about mixed land use and what might be appropriate up there.

Margaret Natterstad addressed Council again. She said she knows there was confusion in her mind about the EIS deadline, for example. She stated she got a letter from Gloria Hirashima and that explained it better but a point of interest is that the Tulalips are not aware of the access being referred to, to the proposed mall on 116th, they were very surprised. Also, with high speed rail, that is going to eliminate a lot of crossings and so she said she doesn't know how that is going to impact the mall at 116th. A couple weekends ago, 108 soccer teams participated in Marysville in August and she said she sees Marysville as a center for that--a regional tournament facility with parks, etc., which could bring in revenue, she pointed out, something similar to Stanwood's 40 acre proposal.

Mayor Weiser noted Marysville has 2 proposals going for parks--one in the north end and one in the south end, similar to what Mrs. Natterstad is referring to, the one in the south end including a waterfront facility.

Ben Chapman of Seattle addressed Council. He stated he has been involved in Comp Plans in other states and asked if the procedure is basically asking for public input with the next step being to do an EIS on each alternative and then based on that, doing a final plan with a final EIS before adopting a final Comp Plan.

City Planner Hirashima said Marysville's draft EIS included 3 alternatives but it could be limited to one or all 3. She said it was anticipated that 1 or 2 workshops would be held with a final hearing on a preferred alternative/outcome of the public hearing. She said basically what Mr. Chapman described is correct.

Mayor Weiser asked if the process is far enough along to have a workshop at this point and City Planner Hirashima said that's up to Council, to identify a single alternative or variation. She noted a lot of testimony was received at the Planning Commission public hearing, similar to the testimony heard by Council and she added it would probably clarify Council's direction to have a workshop.

Mayor Weiser asked about a compilation of testimony and Councilor Herman said he thinks that should be up to each Councilmember; Councilor Baxter said he would like a compilation done for Council. It was the consensus that the minutes, as well as letters and appendices would be enough compilation.

Jim Rowley, 10612 Birch Dr. NW, Marysville, addressed Council. He asked if they had reviewed the testimony given before the Planning Commission.

City Attorney Weed stated the Planning Commission recommendation was forwarded to Council and the public hearings since then have reinforced past testimony and the Planning Commission recommendation. He stated the intent was not to listen to all the tapes of the Planning Commission and non-repetitive material was asked for in the 3 Council public hearings, i.e., if you testified in the first Council public hearing, not to be repetitive in the 2nd or 3rd Council public hearing.

Mr. Rowley seemed satisfied that the Planning Commission testimony was at Council's disposal and he added that he was one of the 400 people who received a letter of notification about these Council public hearings.

City Planner Hirashima confirmed that past testimony and minutes is included in the Council packets.

Councilor Leighan also assured Mr. Rowley that Council packets are laden with about 3" thick of written material, testimony, minutes, Comp Plan drafts, planning areas, etc. He noted Council has heard about 3 controversial areas and possibly neighborhood meetings would help, for example, regarding mixed use in the 83rd Av. area.

Councilor Baxter commented there doesn't seem to be a magic way to spread the word; the City should advertise a hearing/workshop.

Councilor Pedersen said she would suggest a workshop(s) and then depending on that, Council could still have another public hearing.

City Attorney Weed commented that was the vision of the Planning Commission/Dept., to have another hearing after the workshop to develop a final Comp Plan.

Councilor Baxter said he would like to see a time limit placed on the workshops, i.e., to have them over by say 10 p.m.

There were several suggestions for a date(s): 3rd Monday or Tue., first Tuesday in Oct., last Tue. in Sept. It was noted City Planner Hirashima will be away most of the week of Sept. 20 and she said she would discuss possible dates with the GMCC and bring back a list of possible dates to next week's Council meeting. It was noted the public workshops need to be recorded and the possibility was also suggested of having a workshop at 6 p.m., prior to the Council's regular meeting.

There was more discussion about various uses/options for different areas, professional office zoning on Grove, eg., 1972 Comp Plan designations being out of date, giving property owners flexibility.

City Attorney Weed asked if it is Council's intent to close the public hearing at this time with the provision that it can be reopened and it was the consensus to close it at this time.

The public hearing/testimony portion was closed at 10:43 p.m. as no one further from the audience wished to speak.

There was more discussion about when the upcoming workshop would be but nothing was finalized.

CURRENT BUSINESS:

**1. Snohomish County Proposition No. 1.**

City Administrator Zabell reviewed the agenda bill and referred to a letter from Chief Dyer in the packets. There was discussion about the process, increasing taxes, this being only a 9 year levy.

Councilor Myers moved to endorse Snohomish County Prop. 1 and provide a letter of endorsement. Councilor Herman seconded and the motion passed 3-2, with Councilors Leighan and Baxter opposed.

It was noted the letter would be prepared, indicating the majority of Council was in favor of endorsing Prop. No. 1.

NEW BUSINESS:

**1. Fagan Annexation - 10% Petition; PA 9306023.**

City Planner Hirashima reviewed the agenda bill, noting it involves 3 parcels contiguous to City limits on the north side only. There is a proposal also for annexation of 3-005 and 3-006, she said, referred to as the Blackburn Annexation and the Planning Dept. has received both a 10% and 60% petition sufficiency, she stated. These parcels are adjacent to the subject property, she said and added the plats of Jefferson and Pinegreen Grove are on City water and private septic systems. She stated there are some covenants on file but they are not worded property. She reviewed the options Council has with regard to accepting this 10% petition.

Councilor Myers moved to accept the 10% petition, establishing boundaries for circulation of the 60% petition and based on assumption of the City's bonded indebtedness and adoption of the City's Comp Plan for the area. Councilor Leighan seconded and the motion passed unanimously.

**2. Variance; Front Yard Setback; Tim Tomulty; PA 9307024.**

City Planner Hirashima reviewed the agenda bill, noting the building permit was issued in this case however because of the topography, the building was turned slightly askew and it was not caught until the garage was built. The hearing examiner recommended approval of the variance, she said and she noted the appeal period closed 9/3 with no appeals received. She said staff recommends acceptance of the hearing examiner recommendation for approval. She added that 1/3 of the garage is within the front yard setback; the yard is on a cul de sac and the house plan was flipped; the one corner of the garage is 14' back from the street vs. the required 20'. It was determined that no sight distance problem would be caused, there would be no negative affect on on street or off street parking or neighbors (under old parking code), she said.

Councilor Leighan questioned the hearing examiner minutes regarding a hold harmless agreement being signed and allowing the construction to go forward.

City Attorney Weed said he would probably not have recommended the hold harmless agreement approach, but does know that is done in other jurisdictions.

Councilor Herman asked about potential liability for someone who parks across the street, for example.

City Planner Hirashima said there is a potential for a traffic infraction but no liability on the part of the City.

Councilor Herman said he sees two separate issues here.

Ron Everist, 13423 11th Av. NE, Marysville, addressed the Council. He stated he would like to request this variance be denied and he quoted the variance code. He stated he brought this situation to the attention of the building inspector when the deck was being built and noted the City ordinance does not provide for a setback; a variance should be because of unusual circumstances of the property, not the building, he said and added the plat is viola-

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ting the code, also. He stated he has worked in the building/construction area for 29 years and is here as a "watch dog" for Council to file for their own public hearing.

Councilor Baxter asked whose plat this is and City Planner Hirashima stated it is Tomulty's and Mattson's.

Tim Tomulty, 506 123rd Av. SE, Lake Stevens, addressed Council. He stated Mr. Everist is here because of a real estate agreement that went sour. He said he believes the issue is a front yard setback which has received recommendation from the hearing examiner and planning staff. He stated he has built approx. 60 homes in the Marysville area over the past 10 years and would not intentionally have situated a home incorrectly on property. The variance will not negatively affect anyone, the location of this house was checked out by several people (engineers, etc.) and there is a small corner of the garage which encroaches in the setback, he stated. He added that the house plan was flipped to accommodate power, water and driveway already put in by the developer.

City Attorney Weed stated the Hearing Examiner chose to adopt the staff's findings and conclusions and they do to a large degree follow the variance criteria of the MMC, eg. elements of no special privilege being granted, there being special circumstances due to topography of the property, etc.

Councilor Baxter moved to have a Council public hearing 9/27/93. Councilor Myers seconded and the motion passed unanimously.

Councilor Herman asked for specific measurement information to be made available for the public hearing: various distances from the garage to the road, eg.

CONSENT AGENDA:

1. **Acceptance of 1993 Water System Improvements - 83rd Av. NE Transmission Main and begin 30 day lien filing period.**
2. **Approval of Proposed 4-Way Stop Sign at 91st St. NE & 62nd Dr. NE.**

Councilor Myers moved and Councilor Pedersen seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Ordinance approving the Preliminary Plat for the Subdivision of Brookwood East.**

City Attorney Weed pointed out two changes requested by the applicant: on page 2, section 2, paragraphs b) and d): language to do with the easement being referenced on the face of the plat. He stated this language is not necessary.

There was discussion about title report requirements, recording easements on the face of the plat, amendment to the plat/refiling of the plat an expensive process.

Councilor Baxter also noted that "Jess" is Bud Darling's legal name and should be changed in the ordinance.

Councilor Pedersen moved and Councilor Baxter seconded to approve/adopt Ordinance 1964, with changes as noted above. Passed 3-2, with Councilors Leighan and Herman against.

2. **Ordinance approving the Preliminary Plat for the Subdivision of Eastwood Hills II.**

Councilor Baxter moved and Councilor Leighan seconded to approve/adopt Ordinance 1965. Passed.

(Councilor Pedersen did not vote.)



LEGAL MATTERS:

**1. Political Signs.**

City Attorney Weed referred to a memo that was distributed to Council regarding a recent decision by the State Supreme Court regarding political signs. He stated the proposal was to amend Marysville's sign code to have us eliminate restriction of political signs and he said he tried to summarize the decision in the memo.

Councilor Pedersen moved to direct the City Attorney to revise the Marysville sign code to conform with the State Supreme Court decision. Councilor Herman seconded.

City Attorney Weed commented on the issue of the window of time a candidate is allowed to campaign, placing restriction such as "60 days" was ruled non-constitutional. Also, with regard to public right of way signs, unless there is some public safety issue, the City has no right to restrict signs in these areas, he said.

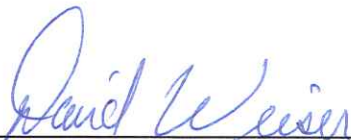
The motion passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:32 p.m.

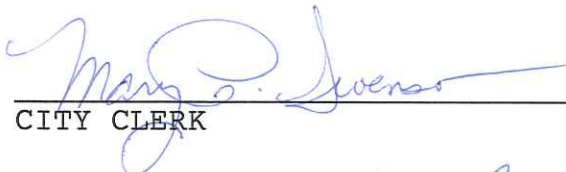
1. Real Estate.
2. Personnel.

RECONVENE & ADJOURN: Approx. 12:32 a.m. 9/8/93.

Accepted this 13<sup>th</sup> day of September, 1993.



MAYOR



CITY CLERK



RECORDING SECRETARY