

MARYSVILLE CITY COUNCIL MINUTES

JULY 3, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor ProTem (excused)
 Mel Schank
 Dave Weiser
 Bill Roberts
 Larry Hots
 Bob Lashua
 Lee Cundiff
Administrative Staff:
 John Garner, City Administrator
 Mike Corcoran, City Planner
 Jim Allendoerfer, City Attorney
 Doug Ronning, Fire Chief
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Recording Secretary Iverson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

Councilor Roberts asked that "with drainage problems" be deleted from the Annexation Workshop Minutes of 6/26/89, page 2, fourth paragraph.

There being no further corrections, Councilor Lashua moved and Councilor Weiser seconded that the Workshop minutes be approved as corrected. Passed unanimously.

Councilor Schank noted in the minutes of the 6/26/89 regular meeting, on page 6, first paragraph, third line, "south of 152nd" should read "east of 51st to 152nd". Councilor Schank then moved that the minutes be approved as corrected. Councilor Hots seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Harry Stavert, 7231 68th Av. NE, addressed the Council and stated that one month ago he applied for a building permit for a garage, deleting a property line for a property line adjustment. He said he has a building contractor lined up but still has not received approval on the property line adjustment or building permit. He explained that he and his wife have been taxpayers for 27 years and this is a simple project; that he wishes to receive a building permit by 7/25/89 in order to keep the building contractor.

City Planner Corcoran agreed that this is a fairly straight forward process, that there have been some delays but the property line adjustment has now been approved and the building permit will probably be issued by 7/25/89. He said he could not absolutely guarantee the building permit by 7/25/89 but did not anticipate any further delays or reason for it not to be issued by then. Mr. Stavert stated this was agreeable to him.

PRESENTATIONS:

None.

PETITIONS & COMMUNICATIONS:

1. Letter from Craig Thompson, PUD Water & Property Maintenance Manager dated 6/23/89.

2. Letter from Community Transit requesting board alternate/
Marysville representative to serve on committee and attend
meeting in Sultan.

Councilor Lashua moved that Councilor Schank be elected to serve in this capacity and Councilor Hots seconded. Passed unanimously.

CURRENT BUSINESS:

.. Police Chief Appointment.

Mayor Matheny announced that Bob Dyer is the new Police Chief.

PUBLIC HEARING:

1. Preliminary Plat & Preliminary Site Plan for Meadowcreek.

City Attorney Allendoerfer asked for any disclosures, conflict of interest and/or challenges from the audience. Councilor Roberts stepped down.

Councilor Schank stated that he was the real estate agent representing the seller of the land 15 years ago and the real estate commission was paid by the seller.

Councilor Lashua stated that Ted Schmelzer is in the same building for coffee every morning with him but the subject of Meadowcreek has never come up.

Councilor Weiser stated that Ted Schmelzer serves on the Traffic Advisory Committee with him.

City Attorney Allendoerfer asked if any of the Councilors feel their objectivity is harmed and they all stated no.

Mary Vanderway, 7014 61st Pl. NE, addressed the Council and asked if their friendship with Mr. Schmelzer would affect their decision.

Councilor Lashua stated that he does not consider Mr. Schmelzer a "friend" in the usual sense of the word, but rather acquaintances.

Councilor Weiser asked if in fact Mrs. Vanderway was challenging any of the Councilmembers and Mrs. Vanderway stated, "No, I am not."

City Planner Corcoran addressed the Council and explained that the subject Preliminary Plat and PRD-9600 has been before the Planning Commission 4/11/89 and 5/9/89 and that the Planning Commission had recommended denial because of density, the project allows for lots that are too small and an environmentally sensitive area would not receive adequate protection. He described the request as 108 single family lots and open space (to be dedicated to the City) on 24 acres with 19 of the 108 lots to be zero lot line attached units. He noted that the park land adjoins park land in the Crystal Terrace and Crystal Heights projects to the south and to the east of this proposal. He referred to the map, Planning Commission meetings minutes and staff findings and recommendations contained in the packets.

Councilor Hots asked for an explanation of zero lot line and City Planner Corcoran said you could have a lot line going through a building or you can have a common lot line including buildings that are connected.

Councilor Weiser asked for an explanation of the variance regarding lot size and City Planner Corcoran explained that the code requires different lot sizes, depending on whether it is an attached unit or a detached unit and the variance is so they can put either an attached or a detached unit on a lot.

Councilor Weiser asked where the zero lot line units would be located and City Planner Corcoran stated that along 67th and 61st would

all be detached single family units and that he would prefer the applicant explain where the zero lot line units would be located, because City Planner Corcoran wasn't sure.

Councilor Schank asked about connecting streets and City Planner Corcoran stated that the adjoining Plat of Crystal Terrace was approved with a road through the proposal to connect with 61st.

Councilor Cundiff noted that zero lot lines are not normal in a single family development and City Planner Corcoran agreed, stating they must be in a PRD with a supportive homeowners' association in order to maintain the development and work with the residents.

City Attorney Allendoerfer noted that most of the zero lot line homes seem to be proposed to butt up against Crystal Heights and he asked if similar types of housing shouldn't be adjacent to each other.

City Planner Corcoran explained that Meadowcreek was actually the first proposal to come before the City and then the other two were proposed but were approved prior to Meadowcreek and now Meadowcreek may have to be amended in order to have similar uses adjoining.

City Attorney Allendoerfer asked about dispersal of housing types throughout the PRD and City Planner Corcoran stated that Meadowcreek is in compliance with the PRD code.

Rick McArdle of Wight & Hardt, representing the applicant, addressed the Council and stated that he would like to address some specific issues, firstly, the 20% density bonus. He said the 20% density bonus is the maximum and they are requesting the maximum because they feel they have met all the standards in the project:

a) Open space, landscaping and use of natural vegetation - the open space is contiguous to the open space in Crystal Terrace and Crystal Heights and is substantial (5.6 acres)--0.8 acres in excess of required; landscaping, streetscape theme has been carried out throughout the project which unifies the project and is unique to this PRD; working around the natural vegetation of the creek corridors and supplementing as needed; establishing a trail system in cooperation with the City Parks Dept.

b) Project siting, physical features, compatibility - tried to maximize views, worked around the topography and designed the project to be compatible with the existing surrounding houses-- attached zero lot lines to be placed up against the vegetation; road system is self-contained and in general lends a uniqueness to the project and was very consciously put together in order not to impact surrounding road systems.

Mr. McArdle noted that as far as dispersal and uses on the perimeter of the site--if reasonable compatibility can't be achieved--it's discretionary and if there is not compatibility that doesn't mean that both uses need to be the same. He said he feels strongly that the project has compatibility with the surrounding uses and they have tried to incorporate the zero lot line attached units in the central area and there would be a mix with detached units. The homes along the perimeter of the development will all have traditional setbacks, he stated.

c) Architectural aspects - extra parking on site (four spaces per unit), variety of setbacks:

- 1) traditional
- 2) zero lot line detached
- 3) zero lot line attached from 35' to 50' in width

with a mixture of housing types and with a 10' minimum setback on one side. He noted that they have withdrawn the variance request regarding lot sizes.

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With regard to the road system, Mr. McArdle explained that a private road proposal has been approved by staff with wider pavement widths to accommodate emergency vehicles. He said they have proposed a collector to and from 67th with a 38' wide pavement and the road width on cul de sac streets would be 26'. He explained that these roads do not contain utility easements but the paved section is the same as standard City streets with no parking along the cul de sac streets. These standards are as viable and functional as City streets in turning radius, he noted.

Councilor Hots asked why Public Works Director Zabell had a problem with public streets and Mr. McArdle stated that he thought Public Works Director Zabell saw the PRD code as encouraging a private road system and also the fact that Meadowcreek is not connecting with other PRDs.

CORRECTED: SEE 7-10-89
MINUTES

Councilor Hots asked about the maintenance of the roads and Mr. McArdle stated that would be covered through the homeowners' assn. charging a monthly assessment. He noted that roads these days are built better and would require very much maintenance. He added that there is also an emergency access and they are proposing removal of a couple parking stalls in order to connect Crystal Terrace and Meadowcreek. According to the PRD ordinance, he noted, they are to reduce impact to adjacent roads and they are trying to keep traffic away from 61st because it is not an arterial. He stated that a 20' emergency access lane can be built along the burm and that they would have no objection to building and maintaining it to full standards--that would be up to City Council, he added.

As far as the treatment of the creek corridor through the site, Mr. McArdle stated that the Department of Fisheries raised several concerns and so they got a second opinion from the Watershed Co. Their recommendations varied slightly from the Dept. of Fisheries and so Meadowcreek presented a mitigation package to the Planning Commission at the 5/9/89 meeting which included:

1. Replacement of the culvert.
2. Creek buffer average of 53' (not less than 25' at the narrowest points).
3. Additional plantings where removed.
4. Fencing of open space in coordination with Parks Dept. (defining only)
5. On site drainage detention with bio filtration.
6. Hydraulics permit would be obtained prior to any construction.

Councilor Hots asked how much a zero lot line detached unit would sell for and Mr. McArdle stated the range would be from \$80,000 to \$150,000, with an attached unit without a view probably being at the low end of the range.

Councilor Cundiff referenced the letter about Affordable Housing and asked about the savings to the home buyer and whether some of the cost savings had to be put aside in favor of other issues that have come up.

Mr. McArdle stated that they had originally planned saving the home buyer \$11,000 per unit however they have not been able to keep all the original proposals and have had to cut the savings back by about one-third.

Councilor Hots asked how many homes out of the 108 would be in the \$150,000 range and Mr. McArdle said about 25 or 30.

City Attorney Allendoerfer asked why the City should accept a project with a private right of way system, without sidewalks on both sides of the streets and without utility easements.

Mr. McArdle stated they feel the open space system is a viable alternative to sidewalks although they do have some sidewalks, he noted. On the utility easements, they feel they would function the same as City utility easements--it would cause the same disruption

and the City has a lot of extra "no man's land"--these roads are built to the ultimate standards, he stressed.

City Attorney Allendoerfer suggested that bikes would have to use the trail system and Mr. McArdle argued that most bikes don't use the sidewalks, anyway.

Councilor Weiser asked if there would be any public streets within the development and Mr. McArdle stated no, that they are proposing an entirely private system, however, they would have no objection to a public street system.

Richard Bleasdale, 6244 68th Av. NE, addressed the Council and noted that if police cannot enforce parking violations on private roads, the roads may become bogged down. City Attorney Allendoerfer confirmed this as a possibility, stating that parking has to be enforced by the homeowners association.

Mr. Bleasdale asked what the homeowners dues would be, approximately and Mr. McArdle said he expected they would be under \$20 per month.

Mr. Bleasdale stated that one of his main concerns would be for the safety of the kids and without sidewalks, there is no buffer zone for them away from traffic. He then read a prepared statement in which he referred to this project as another cheap, fast-buck housing development and a back door attempt at getting small lots and high density approved. He continued that he was sure that this project has not met with the approval of the Dept. of Fisheries nor the Dept. of Highways--that the city and state roads can't keep up with the growth in Marysville and Marysville is considered the State's largest parking lot. He noted that this project will have a huge impact on city services and furthermore, in his opinion, is not particularly "affordable". He concluded by stating that he hoped the City would go along with the Planning Commission's recommendation to deny approval.

Kenneth Price, 7003 61st Pl. NE, addressed the Council and noted that the PRD code allows private or public roads and it sounds like the developer has already made the decision for private roads. As far as having no sidewalks, Mr. Price said he felt this is very unsafe. He made reference to the PRD code regarding the maximum of 40 acres of contiguous PRDs and noted with Crystal Heights, Crystal Terrace and Meadowcreek, this would total 73 acres and he said he didn't think that acceptable. Under variances, he noted that right of way to be no less than 30' but they are asking 26' and on streets to be no less than 26' they are asking for 24'. As far as interpretation of the PRD code on sidewalks, Mr. Price said he didn't feel it could be interpreted as sidewalks may be placed "here and there" as is being done in the Meadowcreek proposal. Also, he said he noted a major discrepancy in the width of roads by Lots 84, 85, 86, 60 and 61--they are only 20' wide. The minimum lot size under the PRD code is 5,000 sq.ft. and the applicant has some that are 3150 sq.ft., he stated and is then going to turn around and put two houses on it, in 9600 zoning! 35' wide lots and zero lot lines do not belong in residential housing, he stated, and variances are to be granted only if improvement of the quality of the development justifies it. He encouraged the Council to look at the proposal very closely, especially at density, traffic impacts, safety, impact on the wetlands and the maximum of 40 acres of adjacent PRDs issues.

Councilor Weiser asked him how he felt about 61st being used for emergency access and Mr. Price said he would prefer that it be emergency access only rather than a public access.

Mary Vanderway, 7014 61st Pl. NE, addressed the Council and said she questioned whether there was proper notification to residents within 300' of this public hearing tonight because no one received a notice. She stated that this is an environmentally sensitive

area and she noted that the Dept. of Fisheries' recommendations include a 50' buffer along the creek to restrict encroachment and to protect this fish bearing stream. A trail is not in the best interest of the creek or the wildlife, she stated and noted also that Sunnyside actually has a flooding problem, has drainage problems, silting of the drainage ditches and possibly a performance bond is required before allowing construction in the area. She added that one of her main concerns is for safety of the children and in that regard she has horses which tend to be an attractive nuisance when it comes to young children and she would want a chain link fence separating the horses from Meadowcreek. She further stated that she would question whether the grandfathering of the horses will remain forever and also whether there wouldn't be a health hazard.

City Attorney Allendoerfer stated that City Planner Corcoran could not verify at this time whether or not public notices were mailed regarding the Meadowcreek hearing tonight.

There was discussion regarding the process of notification via property postings, letters and publishing in the newspaper and City Attorney Allendoerfer read from the code book.

Mrs. Vanderway stated that perhaps it is because of the holiday, but the proper letters were not received and she said she thinks the hearing should be continued.

Keith Buechel, 7006 61st Pl. NE, addressed the Council and stated he has in excess of 100 signatures who have not received notification and who express support for the Planning Commission decision to recommend denial of the project. He presented the petition to the mayor and stated that they have spent quite a bit of time understanding Meadowcreek, researching out various codes and recommendations. In fact, he noted, he was the one to uncover the original Dept. of Fisheries letter and brought that to the attention of the Planning Commission, along with all the other negative comments from the various City departments. He said that, without putting anyone on the spot, one of the comments was that this project "is a saturation type project". He said to have 108 lots in that plat and their proposed road system do not meet City standards, that it would make a lot more sense to have 75 units in there. Further, he noted that the second opinion from the Watershed Company did not really agree completely with the Dept. of Fisheries recommendations but Mr. McArdle indicated that they were so similar that the Watershed recommendations could be followed without a problem. Mr. Buechel used the same argument for following the original Dept. of Fisheries recommendations and concluded by suggesting that City Council ask for the City departments' final comments regarding this project before proceeding further. He urged City Council to follow the Planning Commissions recommendation for denial.

Sheila Price, 7003 61st Pl. NE, addressed the Council and stated she lives across the street from the proposal. She said they have a beautiful view and feel that the proposed project is incompatible with the existing neighborhood--it should be the same or less density, she said. She noted that the largest lot in Meadowcreek is 8400 sq.ft. and the lots across the street are 12,500 and the City assured them that the zoning would remain at 9600 in Meadowcreek and there isn't one lot that size in there, she said. Furthermore, she said they went to look at a couple other zero lot line developments and they are both on flat land. Meadowcreek is going to be on a hillside and much more visible--this is actually going to have 25% more houses than Sun Ridge, she noted and the traffic impacts from 108 units at 10 trips per day, that equals 1080 additional trips per day and she said she doesn't think the roads are ready for that impact. She gave a quick rundown of all the new projects going in and their contribution toward signalization of the area intersections. She said she felt it imperative that traffic lights be put in before traffic gets any worse and we end up having a fatality at one of these corners. As far as their receiving a 20% density bonus because of dedication of land to the City, she noted

that the land being dedicated is unbuildable. Also, she added that the park land is not going to be developed for children and she concluded that if City Council adopts this proposal, it will be in direct opposition to the citizens of Marysville.

Ralph Woodall, 6909 61st Pl. NE, addressed the Council and stated that his main concern is the on-street parking especially to the extent that you won't allow room for emergency vehicles to get into the development.

Don Sommer, 6825 61st Pl. NE, addressed the Council and stated he didn't receive proper notification. He noted that there was a posting on the property but it was on the other side of a ditch and very difficult to get to in order to read. He noted that the project will deteriorate views but that his primary concerns are with safety and density. He said he heard a lot of "weasel words" in the presentation.

City Attorney Allendoerfer explained that a motion should be made to accept all testimony into the records of the official public hearing with staff to make property notification and everyone has a right to speak again but do not have to. He said he would recommend rebuttal after all opposition is heard.

There was discussion as to when the public hearing should be scheduled/advertised for and Mr. Schmelzer (the applicant) requested that it be held after Public Works Director Zabell's return and also allowing sufficient time for legal notification of the public hearing.

Councilor Schank moved to postpone the public hearing until 8/7/89 and to incorporate tonight's testimony in the public record of the public hearing. Councilor Hots seconded and the motion passed.

CURRENT BUSINESS:

2. Variance from Drainage Easement; Plat of 6100 Southwood.

(Councilor Roberts stepped down.)

City Planner Corcoran explained that there is a logistics problem involved where the swale needs to be redesigned with the percolation pipe for Lot 11 being reduced and for Lot 9 being increased by a like amount for the swale. The builder is unable to site a house of any kind on Lot 11 as it is, he explained.

Councilor Schank noted that 20 or 21 feet is a lot of room for a backhoe; plenty of maintenance equipment maneuverability.

City Planner Corcoran added that the design can compensate for changes in location of the swale and percolation pipe. It would appear that the volume of drainage accommodated would be the same, he said, and that this is a reasonable request. The developer still owns the parcels and has not sold them as yet, he noted.

City Attorney Allendoerfer stated that it would be legal to make the design changes, that he would require a revised legal description from the land surveyor.

Bill Roberts, Land Surveyor, addressed the Council and stated that this is basically an exchange of easement wherein 160 sq.ft. would be added to Lot 11 and John Friel can redesign the swale to hold the same volume of water.

Councilor Schank asked about maintenance and Mr. Roberts stated there would be no change in responsibility--public swales to be maintained by the City and private swales to be maintained privately.

Councilor Schank moved and Councilor Cundiff seconded to grant the request with Bill Roberts to submit the revised legal description to the City Attorney. Passed.

LEGAL MATTERS &/OR ORDINANCES & RESOLUTIONS:

1. Consultant for Everett Water Pipeline Right-of-Way Acquisition.

City Attorney Allendoerfer explained that the City is progressing with the next step--to obtain right of way along the route the pipeline will follow which will mainly be BPA easement and then along the road right of way through Frontier Heights, behind Hewlett-Packard, along their fence line, under Soper Hill Road, intercepting the Marysville line. He said there are 35 property owners who will be affected and they have been notified by Montgomery Co. There has been no problem with BPA and H-P however the City needs a timely response from one person in particular and he recommended the hiring of a right of way acquisition consultant for dealing with the property owners, ordering titles, negotiating between the City and property owners, etc. He stated that he requested three proposals and has received one response from Paula Morgan & Assoc. who has worked extensively with Everett and her fee is \$35.00 per hour. All fees have been budgeted for, he noted, with \$98,500 included in Montgomery's budget for professional fees and \$106,000 budgeted for land acquisition. He stated that Montgomery has requested that the City hire this consultant but it would come out of their budget and it is important that this one particular crossing be negotiated and built before the rainy season this fall.

Councilor Roberts asked about putting in a crossing prior to final approval of the project and City Attorney Allendoerfer explained that any delays would be caused by suits based on the environmental check list.

Councilor Roberts stated that Roberts Land Surveying is doing a couple projects in the gulley area right now and wondered if this would conflict.

City Attorney Allendoerfer stated the property owner is Tom Alberg and the pipeline will also go through the mobile home park. There was more discussion regarding the route and City Attorney Allendoerfer stated that he would like to continue seeking proposals for consultants until next week. It was the concensus that he do this and report back next week.

2. Revenue Sharing Funds Contract with Stillaguamish Senior Center.

Councilor Weiser moved that the Mayor be authorized to sign the contract for \$16,494 in revenue sharing funds to the Stillaguamish Senior Center. Councilor Hots seconded and the motion passed unanimously.

CALL ON STAFF & COUNCILMEMBERS:

City Administrator Garner reported that there was a break in at City Hall early Sunday morning that looked like kids--minor vandalism only. Sonitrol called him right away, he stated.

Councilor Schank advised everyone to read the article in the North Snohomish County Today paper regarding Pete Newland; that he was sure they would find his comments very interesting.

Councilor Lashua asked about Chita's and City Administrator Garner stated there was no report.

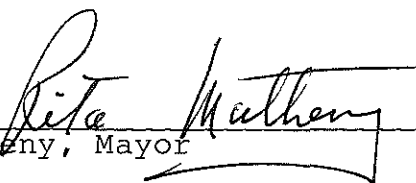
Councilor Hots stated that he went by there Saturday night and there was some gang activity but no arrests had been made yet. There were two county and two Marysville officers on duty.

Councilor Lashua commented that he would like to see the City buy the Chita's building and turn it into a community center.


ADJOURNMENT:

There being no further business to come before City Council at this time, the meeting adjourned at approximately 10:25 p.m.

Accepted this 10th day of July, 1989.



Rita Matheny, Mayor



Mary P. Swenson, Deputy City Clerk