

MARYSVILLE CITY COUNCIL MINUTES

00136

JULY 10, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
Ken Baxter, Mayor ProTem  
Mel Schank  
Dave Weiser  
Bill Roberts  
Larry Hots  
Bob Lashua  
Lee Cundiff  
Administrative Staff:  
John Garner, City Administrator  
Jim Allendoerfer, City Attorney  
Mike Corcoran, City Planner  
Jim Ballew, Parks & Rec. Supt.  
Gloria Hirashima, Associate Planner  
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 MEETING:

Councilor Lashua noted in the minutes of the 7/3/89 meeting, page 4, third paragraph, fourth line, that the word "not" should be inserted after "would" and before "require".

Councilor Schank moved and Councilor Hots seconded that the minutes of the 7/3/89 meeting be approved as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

PRESENTATIONS: None.

PETITIONS & COMMUNICATIONS:

1. Meetings Notice - Everett/Marysville Water Supply Pipeline Project, Tuesday, 7/11/89, 7:00 p.m.
2. Letter from Susan K. Thornton dated 6/30/89.
3. Announcement of 7/27/89 Towns & Cities meeting.

Councilor Roberts noted that with regard to Item #2, Ms. Thornton should be invited to a Traffic Advisory Committee meeting with a view to discussing the school district's concerns.

PUBLIC HEARING:

1. Parkview Estates - Rezone, Preliminary Plat, and Preliminary Site Plan Approval.

City Attorney asked if there were any disclosures from Councilmembers and/or financial interest, bias, prejudice and if so, this would be the time for any challenges from the audience.

Councilor Lashua disclosed that his son lives in Parkside Manor and he has discussed the subject with his son, however has no financial interest.

Councilor Schank disclosed that he has had several conversations with people in Parkside Manor and has relatives living there but has

not, he feels, prejudged Parkview Estates. He disclosed that the main concern of the people he has spoken with are regarding and in opposition to the 57th opening.

Councilor Weiser disclosed that he had received an anonymous telephone call from a person against the opening of 57th and wishing to see a bigger green belt between Parkside Manor and Parkview Estates. He stated that the telephone call did not have an influence one way or the other on his thinking.

Councilor Baxter disclosed that he has discussed the opening of 57th vs. emergency access only with the police chief and the fire chief.

Councilor Cundiff disclosed that he has had conversations also with a couple of people regarding 57th & 70th.

Councilor Roberts stated that he has spoken with Bill Walker and Jim Ballew and that several years ago he represented Hobday who sold to Hillis who sold to Centex.

It was noted that the mayor and all seven councilmembers have been on the subject property within the last thirty days and that there is written communication against the project in the packets (from Monty Parratt, Pete Pias and other Parkside Manor residents).

There were no challenges from the audience.

City Planner Corcoran reviewed the location of the property and noted that a letter has been received from Centex outlining and confirming a meeting wherein agreements were reached concerning what Centex would provide. A copy of the letter was distributed to the Council and for the record, City Planner Corcoran read the letter aloud. The main points were:

- Centex to provide 60' right of way aligning with 57th Drive
- Centex to provide 20' storm drainage easement along north boundary
- agreement to participate in streetscape/tree program on 64th
- open space of 31.1 acres to be dedicated to the City including 1 acre for storm water retention
- park access and delineation (by way of split rail fence) to be provided by Centex
- additional \$20,000 for grading to be donated in addition to \$50,000 for part improvements.

He noted that a letter had also been received from Christopher Brown and Associates (addressed to Mr. Kruger of Centex) stating that 104 homes will find it easier to use 57th if opened up and that the opening of 57th will not have a detrimental effect on the 72nd & 55th intersection which will remain LOS "C".

Councilor Roberts asked about the one acre in the park to be used for retention--if they are going to take lots out to accommodate this and City Planner Corcoran said no, but that Centex has been asked to delineate the wetlands and the uplands as well as the retention pond.

Councilor Roberts asked about the unbuildable area determination and City Planner Corcoran said 21.5 acres was determined by the applicant to be unbuildable and the Planning Dept. has concurred. He added that this project has had a variety of proposals, back to 1978 and that zoning is RR 7200 currently. He read the portion of the MMC appropriate to PRD zoning and stated that the Planning Commission recommended approval subject to conditions that 57th be opened to emergency access only, that right of way work be done in conjunction with the Parks Dept., police and fire.

Councilor Roberts noted that one of the requirements of the PRD code is to do with calculations for a housing mix ratio.

City Planner Corcoran stated that the applicant did submit calculations for a housing mix ratio and the Planning Dept. found that they complied with the surrounding area and that they do not exceed the 30% multifamily limit.

Councilor Roberts noted that part of the development appears to be clustered and the PRD code calls for dispersal of different types of housing throughout the development. He asked if this is a variance request and City Planner Corcoran stated it is. Councilor Roberts asked for a list of all the variances being requested.

City Attorney Allendoerfer noted that the applicant is requesting a variance from 6 units to 8 units per building being allowed, a variance from the 40 acre maximum of adjoining PRDs, but as far as dispersal of different types of housing, he noted that the word "should" is used and so it would be discretionary as to whether it is necessary.

Councilor Roberts noted that he was on the committee that developed language for the PRD code and he still doesn't understand the interpretation of the 40 acre maximum.

City Planner Corcoran explained that here again, it is discretionary and the City may grant a variance to the 40 acre rule when the PRD has unique circumstances and if the improvements justify it. He further noted that the applicant is no longer requesting a density bonus based on the 40 acre PRD maximum.

Councilor Roberts asked about a landscaping plan and City Planner Corcoran stated that he didn't believe one has been submitted as yet.

There was further discussion regarding density calculation.

Councilor Weiser asked if the roads in the development would be public or private and City Planner Corcoran stated both, with sidewalks planned.

Councilor Weiser asked what the smallest lot size would be because he had noted some to be around 5500 and City Planner Corcoran stated he had not calculated the smallest lot size and suggested having the applicant address that issue.

Councilor Roberts asked more about the improvements and City Planner Corcoran expanded and added that the City feels the dedication of open space would be most beneficial.

Councilor Baxter asked which division was proposed to be developed first and City Planner Corcoran suggested the applicant address that issue.

Jerry Krell, Kegel & Associates, 9800 Evergreen Way, Everett, addressed the Council and explained that as a result of meetings with the City Planning Dept., they have submitted a revised site plan with the road stubbed out to the east, with 57th connecting as an open street and with controlled access and with the addition of contours on the west side of Allen Creek. He noted that the density calculations are identical to that previously approved in 1984 but they felt they needed to make some changes for the current market. He said they have provided more access and feel they have a better design. He said as far as "unbuildable" is concerned, that does not mean "unusable", it means that a building cannot be put on it and it was not included in the calculation.

Councilor Roberts asked if there is a map depicting buildable and unbuildable lots and Mr. Krell stated there is not.

Councilor Baxter asked about sidewalks on the interior roads and Mr. Krell stated they would be on both sides of the streets as per the ordinance.

Councilor Baxter asked about proposed fencing, specifically for Mrs. Vanderway and Mr. Krell stated that he believed there already is a fence on the south side, one is specified along the west side but they have not finalized anything on the other sides as yet. He added that it is their impression that this is the preliminary stage of the planning only and the next stage would be a more complete landscaping plan, drainage, fencing, etc. to be submitted.

There was a short discussion regarding lot sizes and it was noted that the average lot size is about 7200, that Lot 20 is about 6800 sq.ft., Lot 63 is 6500 sq.ft. and Lot 7 is about 6600 sq.ft.

Mr. Krell was asked about the detention system and he explained that they have no design at this time although they had one on the previously approved plat but it would have proven to be very expensive and they are therefore going to evaluate the DOT pond use for detention.

There was discussion regarding which area would be developed first and Councilor Lashua asked about separation of multifamily from single family units and Mr. Krell stated that they are separate.

Councilor Roberts said that as far as a final landscape plan, something needs to be submitted in order to calculate the density bonus. Mr. Krell stated that the multifamily landscaping plan has been submitted and they have indicated that each house will have landscaping. He added that they have made a commitment on the multifamily but does not really know what the Council wants on the single family area.

Councilor Roberts stated that he would like to see definitive plans with regard to recreational facilities such as slides, passive recreation. How creative they are directly relates to the bonus, he noted and suggested that the applicant submit details of a few typicals, especially adjacent to Parside Manor because screening and aesthetics are concerns and he said he would like to have a more sound basis upon which to vote.

Mr. Krell explained that they will be hiring someone with landscaping expertise and as yet do not have the specifics because they were of the impression that a specific landscaping plan is not required until the second phase of the hearing process.

Councilor Roberts stated there is concern that the landscaping and dedication justify the granting of the bonus density. He noted that over 300 units will be built in this PRD/plat and it is a concern that it be done aesthetically and keeping the safety and privacy of the neighbors in mind. Mr. Krell stated that their plan was for the most part based on the (approved) 1984 plan. Councilor Roberts pointed out that "Marysville has come a ways since 1984" and looking for a higher degree of standards.

City Attorney Allendoerfer pointed out that the 1984 landscaping plan which was approved provided for a 30' buffer with 6' high evergreens to be planted at 7' intervals and with no dumping allowed in the buffer.

Councilor Roberts concluded that he would like to see a higher degree of graphics including what recreational facilities will be provided, what type of screening is proposed along 528, what kind of buffer to be provided between Parside Manor and Parkview Estates and possible landscaping to the east. Councilor Schank concurred, stating that he believed more information had been requested from the applicant at a previous meeting, to do with location of the detention pond and specific landscaping/buffering information.

Bob Fogarty of Centex Homes in Everett addressed the Council and stated that to the north and to the east were treated as single family areas and they had not felt buffering of two single family zones was necessary. He added that they have no idea how the City wishes to utilize the park but have committed to a donation of

\$70,000 in labor, materials and in-kind services in addition to the 31.1 acres of land. The multifamily will be buffered from the single family with 6' high cedar sight obscuring fencing, he noted. He added that they hoped the City would not use the park for ball fields.

City Parks & Recreation Superintendent Ballew addressed the Council and stated that the applicant has agreed to contribute grading, parking, a paved trail system, design, landscaping, playground system and the Parks Dept. feels \$70,000 is adequate. This is an environmentally sensitive area and the Parks Dept. is hoping to enlist help from Ducks Unlimited and other agencies to further protect and develop the tract, he said, but the details are not complete at all. He referenced the Parks Dept. survey and noted that trails and walkways are high on the priority list of respondents--the topography would generally prohibit ball fields, anyway. He noted that they can tie into Allen Creek and eventually have a trail system that goes all the way to Snohomish which is quite beneficial for all concerned.

Councilor Roberts noted that this is a large PRD and asked if in Mr. Ballew's opinion, the 31 acre park would accommodate the needs of about 500 to 600 kids.

Parks & Recreation Supt. Ballew stated that the City will be a lot closer to meeting the demands of the community with the dedication of 31.1 acres and this will represent a substantial increase to their inventory. As far as the \$70,000 being donated toward equipment and facility improvement, he stated he felt they can stay within that budget and if necessary go to the community for additional funding and/or donations of park areas.

There was further discussion regarding whether or not the \$70,000 should be donated all at once at the outset of the project, whether capping it at \$70,000 was in the best interest of the City, whether or not the applicant should also be responsible for submitting some form of check list and/or design, ongoing maintenance of the park/trail system. Parks & Recreation Supt. Ballew noted that there are some additional labor and services that the applicant will also be donating as well as the \$70,000.

Councilor Hots asked if the \$70,000 was the budget to be used strictly for the dedicated park area and not to include other buffer areas and Mr. Krell answered in the affirmative--that it would be strictly for the dedicated park/trail system area.

The hearing was then opened to the opponents:

Jim Scharf, 7111 55th Av. NE, addressed the Council and stated he has lived in Parkside Manor for many years and is most concerned about 57th being turned into a through street because the children use it now extensively. He said if it is approved as an emergency access only as was approved in 1984, he would certainly prefer that to the through street. He noted that they also have concerns regarding sidewalks, curbs and gutters being installed along 57th because this would increase traffic tremendously--at least 30% of the Parkview Estates development would use 57th according to Christopher Brown (Traffic Engineer)--and the increased traffic will have a definite negative impact on the whole area. He noted that Parkside Manor is a well established neighborhood, that the residents have been good citizens and taxpayers, participating in City government and other community activities, and they are asking that the Council listen to them and retain 57th as is.

Councilor Hots asked if a crash gate would be an acceptable alternative to the residents of Parkside Manor and Mr. Scharf stated he had never seen a crash gate but the residents were open to any compromise that will allow emergency access. "We understand the importance of response time but do not wish a negative impact on Parkside Manor," he stated. He added that possible alternatives are speed bumps or grasscrete.

JULY 10, 1989

Page 6

Councilor Baxter noted that emergency access has to be a two way thing for Parkside Manor and Parkview Estates and stated that he was a little confused by the fire and police chiefs answers regarding 57th. He asked if the minimum emergency access would be acceptable and Mr. Scharf noted that "quality" of response is important and that a 15-20 sec. delay unlocking or going through a crash gate would not represent a significant delay.

Councilor Baxter stated that it is his contention that a crash gate would consume more time than 15-20 seconds. He asked if Mr. Scharf was saying that speed bumps would be acceptable.

Mr. Scharf stated that they are looking for a compromise to maintain the quality of life in Parkside Manor.

Councilor Baxter noted that speed bumps were installed in the development he lives in and they are very effective in cutting back on traffic because people have a tendency to avoid speed bumps after awhile.

Councilor Schank asked what Mr. Scharf would do if he had to make the final decision on 57th and Mr. Scharf responded that he would recommend 2 or 3 people from Parkside Manor form a committee to come up with an acceptable compromise.

Councilor Roberts referenced Christopher Brown's Traffic Study, noting that levels of service would be A, B or C at surrounding intersections however there is a 90 degree bend with a sight distance problem.

Mr. Scharf concurred that the bend is definitely going to contribute to a public safety situation and more traffic is also going to translate into more potential for accidents and higher insurance rates all around.

Councilor Lashua quoted from the traffic study that "104 homes north will find it easier to use 57th" and there followed a discussion regarding the propensity to use 57th, the date of the source document outlining this increase in traffic, whether 60th should be made a through street and predictions of how residents would enter and leave Parkside Manor and Parkview Estates.

Mr. Scharf asked about the plans for a fire sub-station on the east side and Councilor Hots noted that there is a study being done right now on that and nothing is certain one way or the other.

Councilor Baxter reiterated that he feels 60th would improve Parkside Manor's access.

Alice Sloane, 5503 64th NE, addressed the Council and said she felt a through street is needed at 57th because 64th, even though it is being widened, is not going to be able to handle all the increased traffic as a result of all the developments going in. She stated further that she is very much concerned about the intersection of 4th & 528 and there followed a discussion regarding when the State is going to signalize that intersection as well as 4th & 47th, who has jurisdiction, road improvements and who to talk to at the State level.

Councilor Cundiff asked Mrs. Sloane if she experiences any problem getting off 55th and she said she has not but that there will probably be future problems with all the building going on in the area.

Lee Anderson, 6523 50th Dr. NE, addressed the Council and stated that he would like to know if an environmental impact has been done on Allen Creek what with all the birdlife and other wildlife in that area. He stated that he has lived for 17 years in that area and has seen a bald eagle, chicken hawks, starlings, sparrows and swallows but has noticed that with all the noise from the 4th of July, these birds do not seem to have returned to the area and feels that Parkview Estates may have the same negative effect as the 4th

of July on the wildlife. He stated also that there definitely needs to be some pressure put on the State regarding the intersection at 4th & 47th before there is a fatality there. He noted that patching and other maintenance is not holding up on City roads because of increased development, increased traffic, truck traffic and the City needs to get the State to commit to improvements. As far as "unbuildable" goes, he said a definition is required. Without a suitable greenbelt between the development and Allen Creek, building a bridge in there, for example, is going to promote public trespass and that is going to drive out the wildlife, he concluded, which will create a problem.

Councilor Roberts noted that the City does meet with the State once a month on road and street issues and the State does have jurisdiction and are aware of the concern. He noted also that Parkview Estates will be contributing \$50,000 (about one-third) for a signal at 4th & 47th and the City is trying to get the signal in as soon as possible. He added that the City is finally getting some cooperation from the State and 528 & 67th is also getting some attention from the State.

Mr. Anderson said he appreciated Councilor Roberts' comments and wished these things could be publicized better to keep the citizens informed. As far as a crash gate, they are built out of cyclone fencing that causes damage to the emergency vehicle and they are locked.

Councilor Hots said he would be against an alternative that means damaging a \$200,000 fire truck.

City Attorney Allendoerfer explained that an EIS was done in 1978 for this project, updated in 1984 for 317 dwelling units but it was not felt that 350 dwelling units justified another EIS in 1989.

Councilor Baxter noted that the trail system and foot bridge was discussed in meetings between the developers and the Parks Dept. as was the wildlife and it was felt that 31 acres should give them plenty of room.

Mr. Anderson stated that he has seen (in Southern California) where a development of 400 houses can rid an area of wildlife and Councilor Roberts concurred that he had a concern regarding this also.

Dave McGee, 5726 70th St. NE, addressed the Council and presented a petition signed by over 50% of Parkside Manor, against the opening of 57th and in support of a greenbelt between the two developments. He noted that retaining 57th as is would maintain the uniqueness of the two developments as well as preserving safety for the children. He said as far as compromising with an emergency access, he had solicited comments from five other cities who had come up against the same situation and who all compromised with turfstone emergency access in conjunction with a sign on the roadway and a chain to stop local traffic. The five cities were Lacey, Bellevue, Ellensburg, Olympia and Seattle. He noted that 57th being utilized as an emergency access only vs. a through street has been voted unanimously by the Planning Commission and neighbors and he suggested the possibility of installing temporary turfstone. He said he would also like to see a binding site public hearing, rather than it simply going before Council to authorize the mayor to sign the final plat.

Councilor Hots asked if speed bumps would be an acceptable alternative and Mr. McGee said no, but possibly if a sign were used in conjunction with speed bumps, but that he would prefer to see a chain that a fireman would snip in order to gain access.

Councilor Baxter stated that over the years he has seen a lot of people criticize the City personnel regarding collector streets and emergency accesses. He noted that 57th and 60th were both originally intended for future through access.

Mr. McGee pointed out that over 95% of the residents of Parkside Manor prefer 57th to remain as is or emergency access. He added that Kellogg Meadows will also be using 57th if it is put through.

Councilor Roberts asked about the turfstone used in the other cities and Mr. McGee explained that he had received documentation regarding how they all use signs in addition to a chain across the emergency access made of turfstone and he noted that the sign is very important.

Ward Sayles, 5605 70th NE, addressed the Council and noted that the concern about the road has been covered but he also has a concern regarding buffering between the two developments in order to maintain Parkside Manor's privacy, quiet area and quality of life. He also noted that the recreation provided by the proposed trail system is a necessity for a growing community such as Marysville and it could eventually tie in with Highway 9 and/or 528, similar to the Bert Gilmore Trail. He referenced the Parks Dept. survey with regard to walking, biking and nature paths being of top priority in the community. He noted that Parkside Manor is a 20 year old, established neighborhood and anything other than an emergency access only and greenbelting will create problems.

Councilor Hots asked how large of a greenbelt Mr. Sayles was suggesting and Mr. Sayles said 30-60' wide including a biking/jogging/walking trail.

Marty Larsen, 5712 70th St. NE, addressed the Council and said that because they love their neighborhood of Parkside Manor, they have spent many hours discussing the development of Parkview Estates and have concluded that a through street is unnecessary and they would like to see a greenbelt separating Parkside Manor and Parkview Estates. This greenbelt would consist of a 60' easement and include a widened gravel road as a connector with Jennings Park, would be consistent with the PRD code, could be used by both developments, would take less than 1 acre and would provide prime recreation such as walking (walking is the number one need according to the Marysville Parks Dept. survey as well as the county survey taken recently). The parkway could eventually hook up with the Centennial Trail between Arlington and Marysville. He quoted from the PRD code with regard to density and greenbelting. He also referenced the petition against 57th opening, noted that a 1628 car per day increase to 70th would be unacceptable, that there should be an emergency access only and/or the possibility of another public safety facility in the immediate vicinity. He said the reasons for not opening 57th given in 1984 are still valid in 1989, that local traffic only should be encouraged in Parkside Manor in order to preserve the safety and character of an established neighborhood.

There was discussion about the right of way of 57th having been changed over the years and is actually in the wrong spot now, placement of water meters and the fact that a \$20,000 repair bill to a fire truck is different from the loss of a life of a child.

Mike Riggs, 879 Rainier Av. N., Renton, addressed the Council and stated that they did a traffic study (in the packets) and clarified that level of service relates to congestion and is not the same as level of traffic. He noted that the 90 degree bend was not considered in the study but should be a 15 mph curve. He said their conclusion is that the level of service will remain the same whether 57th is put through or not and 57th would serve both developments equally as well with little or no traffic coming in from other areas.

Councilor Cundiff asked if any consideration was given to the rear entrance to Jennings Park and Mr. Riggs stated that no, the focus was on 57th & 70th in the traffic study. Mr. Riggs added that he did not perceive a sight distance problem on 55th.

Councilor Weiser mentioned the 30% of trips that would go through Parkside Manor and 30% of trips that would go through Parkview



MARYSVILLE CITY COUNCIL MINUTES  
JULY 10, 1989  
Page 9

Estates and Mr. Riggs stated that they used a typical model for shopping and employment in order to develop these estimates.

Councilor Weiser asked about the possibility of 60th as a connector and Mr. Riggs stated that would definitely decrease traffic on 528.

Councilor Roberts noted that not everyone slows down to 15 mph on the 90 degree bend in Parside Manor and Mr. Riggs added there is no accident history at the corner but it should have a 15 mph sign. He noted that widening could cause loss of trees and retaining curves does promote a level of caution to be used which is good mitigation for accident prevention.

Donna Downs, 7011 58th Av. NE, addressed the Council and said that corner is really dangerous already and with more cars it's really going to be bad. She said she is really concerned about the safety of the children.

Marty Larsen addressed the Council again and referenced a study done by the State noting that if 57th is opened it will alleviate traffic on 528. Mr. Riggs stated they agreed however believe it will just be the traffic from Parkview Estates.

There was discussion regarding the drainage easement being put through the development and Mr. Fogarty stated he could see a 20' easement being required but not 60'. He added that with regard to the adjoining density being equal to or more than the subject proposal, he was of the understanding that they were exempt from that part of the PRD ordinance, according to the City Planner, he said.

Leonard Hanson, 5622 70th NE, addressed the Council and stated they just had their property surveyed and have discovered there is a 30' drainage easement.

Mr. Fogarty stated that they have agreed with the City Engineering Dept. to a 20' wide easement in order to maintain the drainage.

Councilor Hots asked Chief Ronning if 57th were opened for emergency access only what his recommendations for public safety would be and his thoughts on damage to vehicles.

Chief Ronning stated that he sent a memo to Dave Zabell 5/18 regarding access roads, noting that the Fire Dept. would like to have through access from one development to the adjoining one without having to go around however he said he liked the idea of a committee getting together and coming up with a compromise. He said he would prefer a through road without having to clip chains, unlocking locks and/or driving over and/or through unknown obstacles, as the ideal situation. As far as a fire station on the east side, that has been recommended but they are still not sure when or where, it depends on funding.

Councilor Roberts said he did not feel technically qualified to say whether or not the commitment for the open space is adequate and he would like to see a consultant study this with regard to the development of the open space. He said he would also like to see landscaping in the site plan.

Councilor Schank said he feel the emergency access only would be OK but that he would like more detail on the landscaping, aesthetics, safety aspects and drainage. He noted that this would be an ideal opportunity to have 57th improved.

Councilor Hots stated he likes the idea of a committee to come up with a compromise for an emergency access, also. He noted that the proposals are vague and that he agrees with Councilor Roberts that a little more detail is needed on the applicant's contributions -- when and where -- a better description/time line, etc.

Councilor Lashua said he has two concerns--lot sizes and stream

drainage easement. He said he didn't feel 20' is enough width and also would like a specific location for the swale designated on the site plan.

Councilor Roberts quoted 19.48.140 with regard to developments within 100' to be of the same housing type according to the PRD code and City Attorney Allendoerfer stated that only applies if they have not screened so with offering of a buffer and "reasonable compatibility" that would be at Council's discretion to allow this use.

Councilor Baxter stated that he agrees 20' is not enough of a buffer; that it should be at least 30' wide.

Mr. Fogarty stated that with regard to lot sizes, on the north side they would stipulate that they would be increased to 9600 and with regard to the 20' buffer, that was the request of the City but it could be widened to 30', no problem. He also noted that the \$70,000 would be paid upfront and dedication of the park to the City would be made at the outset also. He noted that the rear yards of the 9600 lots would provide an easement; that they would not be willing to provide any additional greenbelt other than that.

There was discussion regarding compatibility between the single family units, economic standards, similarity of homes.

Councilor Lashua said he thought he heard Parkside Manor people stating that they would rather have a buffer and the majority of the audience responded with applause.

Councilor Roberts asked with a continuance if they would be able to go to a consultant to have a study done with respect to the open space and cost breakdown on the improvements.

Mr. Fogarty stated that they do not wish a continuance. He reiterated that they do not know how the City wants the park developed and have therefore not submitted plans, at their request. The \$70,000 has been offered and they do not wish to have to bear any more of a time delay with the construction season getting shorter.

Councilor Roberts noted that he still has concerns regarding useable vs. buildable vs. open space calculations and Mr. Fogarty explained that Centex calculated all 31 acres to be useable, but only 10 acres to be buildable out of the 31.

Councilor Roberts said he would feel better if this matter was referred to a consultant.

Councilor Hots asked the Parks & Recreation Superintendent's thoughts and Mr. Ballew stated that he was sure \$70,000 would cover any need for a consultant and the applicant is willing to front the funding. He added that the City would love to have the property for recreational use and future development although they are not sure of specifics at this point.

Councilor Cundiff asked if he would prefer an individual consultant at this point and continuance of the public hearing and Parks and Recreation Supt. Ballew stated that he believed that with the City departments' support they can design and complete the parks area; it will take several months and can be coordinated, he added.

Councilor Cundiff stated that he agreed with the residents of Parkside Manor--that the number one concern should be for safety and concurred with the 1984 approval of this project on the conditions that 57th be opened for emergency access only, that there be a buffer provided and that the applicant donate the \$70,000 at the outset of development.

Councilor Schank stated that he didn't understand the need for the buffer, that people would have to donate an additional 10' of their property.

There was more discussion concerning emergency access only vs. a through street eventually anyway, suggestion of having a 20-30' buffer for drainage and staggered trees with a 10' pathway. Councilor Schank noted that the swale is not the easement and require private maintenance because they would be on private property and Councilor Baxter suggested a trial on the speed bumps to see if it works out.

Councilor Cundiff stated he would prefer to see a committee from Parkside Manor come up with something rather than being so definite on the speed bumps.

There was discussion regarding the binding site plan to be presented at a public hearing.

Councilor Hots moved that the Plat and PRD of Parkview Estates be approved with the following conditions:

- abide by all staff recommendations except item #10
- pay \$50,000 to the City plus \$20,000 in kind services for development of the part, money to be paid at the time of recording of the final plat
- agree to pave 22 parking spaces at the trail head
- binding site plan to be reviewed by City Council at an advertised public meeting
- binding site plan to show final landscaping and to include 30' wide easement on the north boundary of the plat with 20' to be for drainage and 10' for planting of 6' high trees spaced at 7' intervals
- landscaping plan to also show some buffering between multi-family and single family phase as required by code
- dedication of 31 acres to occur at the time of approval of Phase I
- final design to show 57th as 60' wide public right of way but to be used as emergency access only and to be worked out by a committee as to specifics. Said committee to consist of two people from Parkside Manor and two City officials
- two variances approved:
  - multifamily structures to be at a density of 8 dwelling units per acre (code requirement is 6) with finding of facts that this would be keeping the density out of sensitive wetlands
  - PRD 40 acre maximum is allowed to be exceeded because of park dedication.

Councilor Cundiff seconded the motion and it passed unanimously.

Mayor Matheny appointed Jim Scharf and Ward Sayles as the Parkside Manor committee representatives to meet with two City officials.

CONSENT AGENDA:

1. 6/30/89 Payroll in the amount of \$345,386.21.
2. 7/10/89 Claims in the amount of \$115,775.71.

Councilor Lashua moved and Councilor Schank seconded to approve the Consent Agenda Items 1 & 2. Passed unanimously.

REVIEW BIDS: None.

CURRENT BUSINESS:

1. **Planning Commission Recommendation - Ripper Rezone.**

(Councilor Roberts stepped down.)

City Planner Corcoran explained that the request was for a multi-family rezone from low to medium density with binding site plan, located west of the Kingswood complex which has been approved by the City Council. Both projects are at the corner of 528 & 67th

and the Planning Commission has recommended the Ripper Rezone be approved subject to the binding site plan, conclusions and findings of fact and to include participation in TIP #2.

After a short discussion, Councilor Baxter moved and Councilor Hots seconded to approve and to have the city attorney prepare an ordinance. City Attorney Allendoerfer commented regarding the accesses onto 67th and the motion passed.

NEW BUSINESS:

5. Bertilson Annexation.

City Planner Corcoran explained that this is a 10% Petition for Annexation and the subject property is situated between SR 528 and Sunnyside Blvd. It is 4 acres with City limits on the north and next to the Borseth Annexation. He noted that the 60% Annexation rule will be effective 7/23/89.

Councilor Lashua moved that the 10% Petition for Annexation be accepted with the agreement that upon annexation, they will assume City indebtedness and come into the City at \_\_\_\_\_ zoning. Councilor Cundiff seconded and the motion passed unanimously.

CURRENT BUSINESS:

2. Planning Commission Recommendation - Preliminary Plat of Tyler Terrace.

City Planner Corcoran stated that the Planning Commission has recommended that this Preliminary Plat with a variance to street requirements be approved, subject to conclusions, findings of fact, a 10' landscaping buffer be provided as well as access and regional retention pond participation. He noted that the street variance will allow a 750' cul de sac which exceeds code by 150'.

Councilor Schank asked about the landscaping strip and noted that it should coincide with the adjacent plat's landscaping.

Bob Jones, Civil Engineer of Lynnwood, representing the applicant, stated that the landscaping buffer is not shown on the drawings however the intent is to coincide with the adjacent landscaping buffer strips.

Councilor Schank moved that the Preliminary Plat of Tyler Terrace be approved subject to the 10' landscaping buffer coinciding with adjacent landscaping strips and subject to the Planning Commission recommendations. Councilor Cundiff seconded the motion.

Councilor Roberts commented on the geotechnical report requirement out of the county and the motion passed unanimously.

NEW BUSINESS:

1. Utility Variance - Phillip & Glenda Jenkins.

City Planner Corcoran stated this request is for eight single family dwellings at 1210 Lakewood Rd., Arlington which is outside of the RUSA boundary. There is no contamination in the well water but there is a question of vested rights as per correspondence in the packets.

City Attorney Allendoerfer stated that he saw no evidence of vested rights and Mr. Jenkins said he has a letter from the City of Marysville allowing him Marysville water but he can't immediately locate the letter. He noted that Marysville is already providing water to 5 lots out of 8 now; these lots were short platted in 1970 and 1974.

Councilor Roberts asked if the intent was for the lots to be serviced

by wells or by the City of Marysville and Mr. Jenkins stated that the City of Marysville did agree to give him water.

City Attorney Allendoerfer attempted to clarify which lots currently have Marysville water and which do not and Mr. Jenkins stated that he has sold the property but needs water on two lots--C & D. There was further discussion regarding standards, evidence of hydrants, Bella Vista, County vs. City regulations.

City Attorney Allendoerfer noted that the bigger lots can present a potential problem and he stated that he would like to see the letter from the City to Mr. Jenkins. Mr. Jenkins stated that the permission for Marysville water was given to Bob & Freda Loerch and City Administrator Garner stated that the utility variance could be approved on the contingency that the letter/evidence be provided on both lots.

Councilor Baxter moved that the utility variance be approved on the condition that the evidence be produced and Councilor Hots seconded.

There was further discussion regarding lots D, E & F and Bella Vista.

The motion passed with Councilor Cundiff opposing.

**2. Utility Variance - Ralph & Arlene Rohde.**

City Administrator Garner explained that Larry Trivett wants to build on the property which is also up for annexation.

City Attorney Allendoerfer stated the property should probably be annexed first before allowing the utility variance and there followed discussion regarding the City's annexation policy.

Councilor Baxter moved and Councilor Hots seconded that the variance be granted when the annexation has been accepted.

City Planner Corcoran noted that this is part of the Dr. Olson annexation and City Attorney Allendoerfer noted that the applicant is showing good faith by requesting annexation and that more consideration should be given to those closer to the City limits.

The motion passed unanimously.

**3. Utility Variance - John & Doris York.**

City Planner Corcoran stated that the request is for water to four building lots at 3209 180th St. NE, Arlington, which property has been owned by the applicant for over 29 years and Marysville water has been immediately across the street for many years.

There was discussion regarding Arlington and Marysville boundaries, the pending Marysville-Arlington agreement regarding RUSA and it was noted that the applicant meets all the criteria except for the single family connections; they are inside RUSA according to Bob Kissinger's memo.

There was further discussion and City Administrator Garner stated that more information is needed from Bob Kissinger.

Councilor Baxter moved and Councilor Hots seconded that the variance be approved contingent on the property being inside RUSA. Passed unanimously.

**4. Utility Variance - Charlene Pinney.**

City Planner Corcoran explained that this is a request for a single connection, that the property is outside current RUSA, inside proposed RUSA. City Attorney Allendoerfer asked why a well can't be dug.

Charlene Pinney, 1901 Hoyt, Everett, addressed the Council and explained the property next door is on Marysville water, that the Pinneys want to sell the property and the buyer wishes Marysville water.

Councilor Schank noted also that there is iron in the well water across the street.

City Attorney Allendoerfer pointed out that generally the City requires proof from the Health Dept. or some other reason to justify Marysville water.

Mrs. Pinney stated that there is water next door and City Attorney Allendoerfer stated that is not enough proof and there was more discussion regarding need, precedent setting, well testing, evidence from the Health Dept. being required.

Councilor Baxter moved that before approval, the City must be in receipt of a letter or copy of a letter from the Health District on the chance of receiving good water from a well. Councilor Hots seconded and the motion passed unanimously.

#### 5. Heinis Annexation.

City Planner Corcoran explained that this is a 10% Petition for Annexation with the property being located at 88th & State

CORRECTED: SEE 7-24-89  
MINUTES

Councilor Roberts pointed out that there is a potential of a \$200,000 expense, with the possibility of \$1,000,00 for improvement to the bridge on 88th, that this is in the County's six year plan but they will not improve if it is annexed into the City of Marysville. He suggested that the City find out the exact status of the situation.

Peggy Heinis of 9028 Smokey Pt. Blvd. addressed the Council and argued that her property is not on the creek but Councilor Lashua pointed out that part of the parcel to be annexed is and there followed further discussion regarding possible turning down of the annexation and the problems connected with annexing 88th.

The concensus was that City Administrator Garner would follow up with the Snohomish County Public Works and report back and/or put this item on the agenda again in two weeks.

#### 6. Hickock Annexation.

City Planner Corcoran explained that this is a 10% Petition to annex 7.25 acres located near the intersection of 64th & 67th.

Councilor Schank moved and Councilor Hots seconded that the annexation proceed to the next stage, subject to acceptance of the City's indebtedness and taxation.

City Attorney Allendoerfer noted that this is another piecemeal annexation which is in violation of the City's brand new annexation policy.

City Planner Corcoran stated that it's a little nook encircled by the City and is probably the only remaining area interested in annexation. There was discussion regarding annexation of "islands" and it was noted that City Planner Corcoran did canvass the neighborhood regarding annexation.

The motion passed with Councilor Roberts not voting.

#### CURRENT BUSINESS:

#### 3. Consultant for Everett Pipeline Right-of-Way.

City Attorney Allendoerfer stated that three proposals had been received in response to his request: 1) Universal Field Services

at \$30/hr.; 2) Coates Field Services at \$30/hr.; and 3) Paula Morgan & Associates at \$35/hr. He stated that Paula Morgan is highly recommended by the City of Everett and also recommended her himself because it was his impression that with a larger firm, we might not get one of the senior people as the consultant and it is imperative that the City choose someone with the confidence and experience to negotiate and represent the City in a timely and smooth manner.

Councilor Lashua moved and Councilor Hots seconded that the City contract with Paula Morgan & Associates as the right-of-way consultant. Passed unanimously.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

**1. Ordinance Rezoning the Crystal Terrace Property.**

Councilor Schank moved that Ordinance #1705 be adopted rezoning the Crystal Terrace Property. Councilor Baxter seconded and the motion passed. (Councilor Roberts did not vote.)

**2. Ordinance Rezoning the Bayridge Heights Property.**

Councilor Baxter moved that Ordinance #1706 be adopted rezoning the Bayridge Heights Property. Councilor Cundiff seconded and the motion passed. (Councilor Roberts did not vote.)

**3. Resolution - Annexation Policy.**

City Administrator Garner stated that due to the weight and importance of this issue, he would prefer to have the Council study and postpone finalization to 7/24/89. That was the concensus.

**4. Pearson Annexation.**

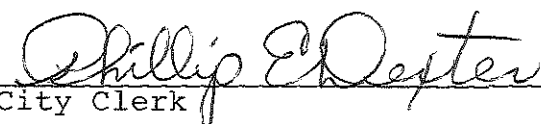
Councilor Schank moved and Councilor Weiser seconded that Resolution #1366 be approved sending the Pearson Annexation to the Boundary Review Board for approval. Passed unanimously.

**5. Increase in Planning Dept. Fee Structure - Postponed.**

ADJOURNMENT: 1:30 a.m. 7/11/89.

Accepted this 24 day of July, 1989.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk