

Original

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

FEBRUARY 1, 1999

82000

CALL TO ORDER/FLAG SALUTE:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting 1/25/99

Approved

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

- 1. Approval of 2/1/99 Claims in the Amount of \$407,858.03; paid by check nos. 43033 through 43163.
- 2. Amend 1999 Current Expense Budget by \$5,000; Police Appropriation to Obtain Severe Weather Police Equipment and Apparel.
- 3. Amend 1999 Tribal Gaming Fund by \$3,387.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

1. Spring Retreat

March 12 & 13, location TBA

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

1. Comprehensive Plan Amendments; PA 9802012.

Approved as Recommended by Planning Commission except for Request #8, to retain High Density SF
None

REVIEW BIDS:

CURRENT BUSINESS:

None

NEW BUSINESS:

1. Ash Ave. Park & Ride Expansion; Urban Design Consultant Contract; Pertect Engineering, Inc.

Approved 4-3

ORDINANCES & RESOLUTIONS:

- 1. Ord. 2228 Approved 7-0 Amending Ordinance 2187 Relating to Building Facade Modulation and Roofline Variation.
- 2. Res. 1915 Approved 6-1 Granting a Utility Variance Subject to Conditions for Jess A. Darling for Property Located at 3327 Sunnyside Blvd., Marysville.
- 3. Res. 1916 Approved 7-0 Fixing a Time and Place for Hearing on the Final Assessment Roll and for LID 67, and Directing that Notice Thereof Be Given in the Manner Required by Law.
- 4. Res. 1917 Approved 7-0 Fixing a Time and Place for Hearing on the Final Assessment Roll and for LID 66, and Directing that Notice Thereof Be Given in the Manner Required by Law.

LEGAL MATTERS:

1. Recovery 213 Approved 7-0 - Contract for Recovery of Utility Construction Costs - Sewer; Windsor Pointe Assoc., LLC.

ADJOURNMENT:

11:20 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00029

FEBRUARY 1, 1999

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Brett Roark
NormaJean Dierck
Donna Pedersen
Mike Leighan
Otto Herman, Jr.
Shirley Bartholomew
Administrative Staff:
Grant Weed, City Attorney
Dave Zabell, City Administrator
Ken Winckler, Public Works Director
Ed Erickson, Finance Director
Gloria Hirashima, City Planner
Roger Kennedy, Fleet Manager
Eric Thompson, Senior Planner
Wanda Iverson, Recording Secretary

CALL TO ORDER/FLAG SALUTE:

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

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

1. City Council Meeting; 1/25/99.

Councilmember Herman noted on page 7, paragraph 5, he wished to have the words "he believed" deleted and also to substitute Feb. 1 with Feb. 4 (for the date of the CT board meeting).

There being no further corrections, Councilmember Dierck moved and Councilmember Leighan seconded to approve the 1/25/99 Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

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- 2. Amend 1999 Current Expense Budget by \$5,000; Police Appropriation to Obtain Severe Weather Police Equipment and Apparel.**
- 3. Amend 1999 Tribal Gaming Fund by \$3,387.**

There was brief discussion about Item #2 and the need for severe weather gear for the police dept. Councilmember Pedersen said she would have preferred to see that come out of the City budget and have the gifted money go towards a more lasting item.

Councilmember Herman moved and Councilmember Wright seconded to approve Consent Agenda Items 1, 2 and 3. Passed unanimously.

STAFF'S BUSINESS:

Mayor Weiser noted that Chief Carden is at the School District Board Meeting tonight; he will be advising about the SRO, probably at next meeting.

Finance Director Erickson reported the state audit is winding down and he asked if any other Councilmember is interested in attending the exit interview, other than Councilmember Bartholomew, to let him know.

City Administrator Zabell reviewed House and Senate Bills presently under consideration: SB 5041 concerning siting of mobile home parks in single family areas; SB 5289 to do with the Shoreline Management Act, SB 5321 concerning mitigation for essential services, HB 1123 regarding peace officer certification and SB 5460 and HB 1307 concerning community revitalization and forming tax districts to pay for community revitalization. He also made mention of HB 1308 concerning the Washington Main Street Act and said he heard they are contemplating enhancements to LEOFF II, reducing retirement age to 50 and eliminating some actuarial requirements.

CORRECTED: SEE REQ
MINUTES

Public Works Director Winckler reported the traffic signal at 60th & 528 is scheduled to be turned on this Thursday as planned. On the First & State signal, there still needs to be some correction done on the handicap ramps. He reported there will be a WUCC meeting tomorrow at 9 a.m. at the Public Safety Building.

MAYOR'S BUSINESS:

Mayor Weiser referred to a memo regarding the Spring Retreat with 3 options for dates. After review of Councilmembers' calendars, consensus was to have it March 12th & 13th, location to be advised.

CALL ON COUNCILMEMBERS:

Councilmember Herman asked about last Thursday's meeting and City Planner Hirashima said she would get copies of handouts for Councilmembers. Councilmember Herman noted this is a difficult time of year for traffic safety, eg. bicyclists in the early a.m. or early evening.

Councilmember Leighan followed up on an REP for a labor negotiator as well the fact that since the Globe was declared the City's official newspaper, the Weekender is now part of the Wednesday edition. He said he is hearing a lot of complaints about not getting the message out there. It was suggested this might be a good retreat issue.

There was discussion about when the "contract" comes up with the Globe, whether it was open ended vs a one year contract and it was noted reconsideration can be done whenever there is different information. Mayor Weiser to follow up on this further.

Councilmember Wright asked about the City University enrollment, for classes on 2/17/99.

City Administrator Zabell reported about 40 people have signed up so far.

Councilmember Pedersen said she wished to acknowledge the Marysville University being Councilmember Wright's idea and how she feels it will be a very positive experience for all who attend. Councilmember Pedersen followed up on middle school signage.

Public Works Director Winckler said signs have been ordered, to be placed on 47th, 51st and Grove.

Councilmember Pedersen followed up on the Visitor Information Center.

Mayor Weiser reported the Snohomish County Tourism Bureau wanted to put a temporary location at the Tulalip Inn; it was discussed about not having a mobile office at the "permanent location."

Councilmember Dierck followed up regarding the opening on the TV Advisory Board and Mayor Weiser said he would be following up on that. After discussion, it was noted there is an opening for a Chamber representative as well as a citizen at large.

CORRECTED: SEE 2/3/99
MINUTES

PUBLIC HEARING:

1. Comprehensive Plan Amendments; PA 9802012.

Mayor Weiser spoke about the Council Workshop last Friday and that tonight is for consideration of the recommendations from the Planning Commission. He referred to maps that had been passed out and noted there are 3 sections to be considered tonight:

- 1) Reconciliation issues between the County and City;
- 2) Citizen initiated amendment requests; and
- 3) City Staff initiated amendment requests.

City Attorney Weed said in general, Comprehensive Plan Amendments are a legislative process as opposed to quasi judicial, however, where there are discussions about site-specific locations, in the interests of caution, it would be a good idea to have disclosure and if a Councilmember feels uncomfortable, it's certainly all right for them to step down.

Councilmember Wright noted she has an interest in one of the areas and asked if they are going to be considered separately.

City Attorney Weed said he believed they are going to be considered separately.

Mayor Weiser asked if there were any questions from Friday's workshop and Councilmember Wright asked on the county reconciliations, if the property owners and/or adjacent property owners had input.

City Planner Hirashima said these were initiated by the City and County staff; there were open houses and workshops for the public to attend.

Councilmember Pedersen asked about the order of business.

City Planner Hirashima explained first the county/city reconciliations will be reviewed and Senior Planner Thompson will assist with the overheads. She said the reconciliation is to get a similar density between the city and county. She noted there were initially 13 changes, which have now been reduced to 5 sites.

Site 3. South of 116th St. NE, North of 113th Pl. NE, West of 44th Dr. NE alignment south of 113th Pl. NE

Recommendation: Revise City designation for unincorporated site to Low Density Multiple Family (6-12 DU/Acre) and Recommended County Action: Urban Medium Density Residential, UR-M (6-12 DU/Acre).

There was no one wishing to address this from the audience.

After brief discussion about the process and deciding to suspend the public hearing temporarily while a Council decision is made on each item, Councilmember Herman moved and Councilmember Roark seconded to approve the recommended action on this item. Passed unanimously.

Site 5 & 6. South of 108th St. NE; west of 67th Ave. NE, North of 100th St. NE; Site includes Tax Account #'s 153005-1-002-0000 and 153005-1-001-0000; Site 6 is the remainder.

Recommended City Action: Designate Sites 5 & 6 High Density Single Family (5-7 DU/Acre). Designate 22 acre mobile home park within the Kellogg Village PRD for Medium Density Multiple Family (6-12 DU/Acre).

Recommended County Action: Urban Low Density Residential UR-L (4-6 DU/Ac) and Urban Medium Density Residential UR-M (6-12 DU/Ac).

City Planner Hirashima noted most of the new subdivision applications do have corresponding densities in the 5-7 du/ac range including Kellogg Village which has a 22 unit mobile home park.

Dan Webster, Emerald Development, 1326 5th St. #C-1A, Marysville, addressed Council and stated he is in support of staff's recommendation. He said the Single Family High Density 5-7 du/ac zoning works well for them, the sewer capacity is there, good soils, etc.

After brief discussion, Councilmember Bartholomew moved and Councilmember Leighan seconded to approve staff recommendation for Site 5 & 6. Passed 6-1 with Councilmember Dierck against.

Site 8. North of 100th St. NE; west of 51st Ave. NE; east of Shoultes Rd.

Recommended City Action: Modify City Designation, retaining Medium Density Multiple Family (12-18 DU/Ac) west of 51st Ave. NE; designate property along south side of 101st Pl. NE Single Family High Density (5-7 DU/Ac).

Recommended County Action: Urban High Density Residential, UR-H (12-24 DU/Ac) on the north side of 100th St. NE and west of 51st Ave. NE. Retain Urban Low Density Residential, UR-L (4-6 DU/Ac) for properties along the south side of 101st Pl. NE.

City Planner Hirashima noted some of the rationale here was that 100th is a collector, there is multiple family and commercial property surrounding.

Councilmember Pedersen asked where Mother Nature's Window is in relationship to this area and it was noted it is about 4 blocks away.

No one from the audience wished to speak.

After brief discussion, Councilmember Leighan moved and Councilmember Bartholomew seconded to approve the recommended action. The motion passed 6-1 with Councilmember Dierck opposed.

Site 11. Northwest corner of 83rd Ave. NE & Soper Hill Rd.

Recommended City Action: Remove Neighborhood Commercial Designation.

Recommended County Action: Retain Existing Land Use Designation.

City Planner Hirashima explained the recommendation is to remove the Neighborhood Commercial Designation as it has been developed as a subdivision.

No one from the audience wished to speak.

Councilmember Pedersen moved and Councilmember Dierck seconded to approve the recommended action. Passed unanimously.

Citizen Initiated Requests.

Request #1 - Withdrawn.

Request #2 - North & south sides of 3rd St. between Columbia & Alder Ave.

Recommended Action: Change from High Density Single Family (SFH) to Mixed Use (MU).

Councilmember Leighan asked about parking requirements and City Planner Hirashima said the offstreet requirements are modified when there is residential and non-residential uses, eg. MU:

1 space per 1000 sq. ft., 1 space per 1-1.5 bedroom unit,
1.5 spaces per 2 bedroom unit, 1 space per 400 sf of office.

Councilmember Roark disclosed that he may be interested in a piece of real estate in this area and so he stepped down.

No one wished to speak from the audience.

After brief discussion, Councilmember Wright moved and Councilmember Bartholomew seconded to approve the recommendation to change the designation to Mixed Use on the north and south sides of 3rd St. between Columbia and Alder. Passed 6-0.

Comp Plan Amendment Request #3. South side of 108th from SFM (Medium Density Single Family) to SFH (High Density Single Family).

City Planner Hirashima stated the applicant had raised a point and the map in the packets is correct.

Councilmember Pedersen asked about the water table in this area.

City Planner Hirashima said there have been drainage improvements made/proposed. They would be asked to do a downstream analysis to make sure their development would not exacerbate current water table and Council's concerns can be passed on to the county, she said.

Councilmember Dierck asked if these problems occurred prior to the Storm Water Management Plan and City Planner Hirashima said yes, most of that area remains unincorporated. In terms of new development, she said she thinks the Storm Water Management Plan will help but it will not help with the older developments.

Councilmember Roark asked how much undeveloped area is in this area and City Planner Hirashima guessed 100 acres and said yes, there maybe some wetlands; they would have to do a wetland analysis however, when an area is ag it has been ditched and vegetation removed, so historically there maybe wetlands.

No one wished to speak from the audience.

Councilmember Leighan moved and Councilmember Wrights seconded to approve the recommended action. The motion passed 5-2 with Councilmembers Dierck and Roark against.

Comprehensive Plan Amendment Request #4. Recommended to be designated from Community Commercial (CC) & Medium Density Single Family (SFM) to Freeway Service (FS).

David R. Hawkins, 11700 36th Dr. NE, addressed the Council. He said he has lived here for 33 years and he pointed out on the overhead where he resides. He said he has no problem with the proposal but he would like the area he lives in to be included so it can be developed. He said he has talked with 6 of his neighbors who are all in favor.

Councilmember Roark asked why his area was excluded and City Planner Hirashima explained he was not within the initial request, however Mr. Hawkins did come in and pick up an application for a 1999 Comp Plan Amendment Request.

Cleve Potter, 11701 36th Dr. NE, addressed the Council, noting he is Mr. Hawkins' neighbor. He said he actually rents out this residence and he lives at 1218 188th St. NE, Arlington. He said he wants to go on record that he was here. He said he has been talking with the City about a Conditional Use Permit because he wants to put in a counseling center there under a Conditional Use Permit. He noted he is the second property in. He said he understood that the first property, owned by Mr. Carlson, was included in the Community Commercial designation.

City Planner Hirashima said the front parcel is included, yet.

Mr. Potter asked about the second piece (his).

City Planner Hirashima stated it's not included at this time but Mr. Hawkins did submit an application for both pieces.

Mr. Potter said he and Mr. Hawkins have been to a number of meetings and they were given to believe that this was not going to happen and he was thinking of selling, and would like to be kept informed, but has submitted twice to the City his new address in Arlington and has received only one notice in 14 months. He said he just got a notice for a meeting that was held a month prior to his receiving the notice. He said regarding his property, his concern is and he has stated this at an open house, he doesn't want this to be a selfish issue because the people across the street he thinks should be included, so the City will have access.

He continued that several people thought Mr. Carlson's first piece of property is included and there are several homes that will be severely impacted by a community commercial designation in there. He said his property is right off the freeway and he has a desire to get a rezone or a Conditional Use Permit for a counseling clinic, as he believes it's conducive and would make a great buffer to the residents. There would be good parking and if he ever gets the zoning or a Conditional Use Permit, the people across the street are going to be severely impacted if they don't get included in Freeway Service but Mr. Carlson needs to be included, he said. Also, there are 3 properties down the street from him, the first one would not be conducive to commercial and the other two he thinks need to stay residential, he said. He concluded that he is in favor of the City's proposal but it needs to include some of these other properties; he has been coming back and they were told decisions had already been made.

City Planner Hirashima explained there is an application form available and Mr. Potter and Mr. Hawkins did pick up applications and they could actually submit it for an area beyond theirs and their neighbors would be notified and it would be probably be to everyone's benefit if they got their neighbors to sign.

Carl Vance, 11806 36th Dr. NE, addressed Council, saying he would like this tabled. He said he is on the fringe and doesn't feel he would have any benefit by being the cornerstone to a Freeway Service Zone.

It was explained to him that he should get in touch with Mr. Potter and Mr. Hawkins, also.

Mr. Vance explained they are first time homeowners, since June, and they have a very nice neighborhood and he is just being cautious here.

Desiree Vance, 11806 36th Dr. NE, addressed Council. She asked what the implications are to them as far as access to the property with the zoning/designation changes.

City Planner Hirashima explained the proposal includes a lot with direct access on the south corner. She outlined the uses that can occur within a Freeway Service Zone, including uses oriented to the highway, fast food, gas stations, motels, etc.

There was discussion about current zoning being Freeway Service but it's currently vacant, some is currently single family, it was annexed in at Freeway Service 7 years ago and then the northern portion was designated community commercial but the recommendation is to go with Freeway Service which is the current zoning/use.

City Planner Hirashima noted there is limited access. One of the notations was that emergency access could be from 120th, she said.

Angela Staub, 11626 36th Dr. NE, addressed Council. She said she heard the City was going to block off 36th and make it a dead end.

City Planner Hirashima said in the request south of 116th, there is a proposal to have a signal and there were some informal discussions.

Ms. Staub said she is the very first house there and is in support of what Mr. Hawkins wants to do.

Dick Kalma, 11314 55th Dr. NE, addressed Council, stating they have 60' access not 40' access from the State Highway Dept.; they also have 335' on 120th. They have been Freeway Service for 30 years, he said and they have been paying taxes on it for that long. He said they would like to have sewer come in, too.

Councilmember Pedersen said she would encourage people to get their requests in for the next round of Comp Plan amendments.

Councilmember Pedersen then moved and Councilmember Bartholomew seconded to approve Request #4 to Freeway Service (FS) as recommended.

Councilmember Herman noted he would not be in favor of this if it were a new request. **He also asked that this be an official request to put the sound system on the next agenda!**

The motion passed unanimously.

Comprehensive Plan Amendment Request #5 - From Mixed Use & Medium Density Single Family to Mixed Use (MU). (New Hope Fellowship, Foursquare Church)

City Planner Hirashima noted the request was expanded to include adjacent parcels.

No one wished to speak from the audience.

Councilmember Roark asked about parking requirement and there was discussion about a change in the code, that it could be brought back to Council, rezone would require about a month or so, the Planning Commission did expand the request and it was advertised as such.

Councilmember Leighan moved and Councilmember Bartholomew seconded to approve this request, including additional language for parking as previously discussed (at the workshop). Passed 7-0.

Request #6 - Withdrawn.

Request #7 - (Darling/Gunther) - From High Density Single Family (SFH) to Mixed Use (MU).

It was clarified that the Mixed Use zoning would apply to the properties fronting State and there was discussion about surrounding property.

Caroline Staley, 1920 Liberty, addressed Council. She noted that three of the parcels are owned by the applicant, the 4th is owned by her mother who did not know about this. Gunther owns the parcel next to her mother's, she said and one of the potentials is to build apartments there. She said the property she is referring to is 7030 47th; Gunther's property is 3 lots deep and Ms. Staley and her mother are opposed to it as are their neighbors on Liberty Lane, she said.

Bud Darling, applicant, 1916 Grove, addressed Council. He said he did speak with Mrs. Gunther and the request does not go all the way to Liberty Lane; there is another parcel in there that is not included. Grove and Liberty Lane used to be the City limits, he recalled, and the area now is in transition he thinks and with the Gunthers, it makes it a straight line. They bought the lot next to him, so it's about 182' deep, he said.

No one else wished to speak from the audience.

There was considerable discussion and it was noted that the Liberty Lane subdivision is the boundary and Ms. Staley's mother's property is not included in the change to Mixed Use.

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve the request to Mixed Use. Passed 6-1 with Councilmember Dierck opposed.

Request #8 - (Thorson) - Change from High Density Single Family (SFH) to Low Density Multiple Family (MFL).

It was noted the letter from the Loves dated January 11, 1999 has been made part of the record.

Dana Cannon, 4129 81st Pl. NE, addressed Council and referred to a letter with 12 signatures on it stating they would like to keep the neighborhood single family as it has been for a long time. He noted it's a nice neighborhood, good location and looking at the plan for an apartment complex with 650 square foot apartments, he just knows what can happen with that and they wanted to be in a good neighborhood. He questioned the low requirement of a 10' buffer and said that is going to just drive the kids out to the street and it's going to promote drugs, crime, etc. He noted they put a lot of money into their place and don't feel it's healthy for the neighborhood to have this proposal come in. He said he knows people need a place to live but two bedroom apartments that are only 650 square feet just doesn't sound good and it's the idea of sandwiching this into the present single family one story neighborhood which has him so concerned. He concluded that he is definitely not in favor of two story apartments/16 units going in.

Mayor Weiser explained two stories are allowed even if it's left single family.

Mr. Cannon said they would prefer single story.

City Planner Hirashima explained the decision of the Planning Commission was balancing single family designation vs multiple family where up to 12 dwelling units per acre are allowed, however multiple family would have standards which would require single story vs a single family with possibly two story buildings. The Planning Commission had a split vote on this and they talked with several neighbors that felt it should stay single family, she said.

Councilmember Herman asked if two story duplexes would be allowed and City Planner Hirashima said yes.

Councilmember Herman explained to Mr. Cannon that multiple family would stay one story but the density would be higher.

Mr. Cannon asked about the buffer and City Planner Hirashima noted the maximum density would be 12-18 dwelling units per acre, 20' front yard setbacks, side yard setbacks of 10'; for apartments it would be 20' setbacks if adjacent to single family with minimum rear yard setbacks of 25'. She said the multifamily code also requires landscaping requirements, eg. 6' high fence or sight obscuring screening and that's what the Planning Commission looked at.

Councilmember Pedersen asked about the access points.

City Planner Hirashima said the preapplication site plan proposed an access on both 80th & State.

CORRECTED: SEE 2899
MINUTES

Councilmember Pedersen asked how far they are from 51st, where there is a proposed stop light. She also asked about the open space requirement for multifamily.

Senior Planner Thompson explained the open space requirement is 60-95 square feet per unit and can generally fit within the rear

yard setback. On the access, there is an existing access on 80th and with a signal on 80th, that would meet the City's access requirements, he said. There is a current house there but the preapplication showed it was going to be removed, he added.

Councilmember Wright asked about the proximity of the adult home and Mr. Cannon said he thought that an appropriate use in that area.

Councilmember Dierck asked which he'd prefer--the area being left single family with their being allowed to go two stories or for it to be rezoned multifamily and have higher density but stay at one story structures.

Mr. Cannon said they want to keep the value of their property but he is also concerned about two story. He added he is not against development but they think single family would be the best.

Councilmember Dierck sympathized with Mr. Cannon, stating she has lost her privacy with two story homes going in on either side of her home.

Councilmember Roark asked what is on the southwest corner from the property and Senior Planner Thompson said Circle K, an automotive repair, insurance home occupation and there is a church and single family dwelling to the north.

There was more discussion about the traffic pattern, access, Access Management Plan requirements, the applicant having to submit a revised traffic plan and site plan.

Councilmember Herman asked about single story graduating to two story as it gets further away from the existing single family homes and City Planner Hirashima said yes, that is allowed, however this narrow piece of property would be very difficult to do that in because you have to be two lots away from the single story height before you can go to two and this configuration would probably preclude that from happening in this case.

Gus Boutsinis, 14105 14th, Kirkland, addressed Council. He said he represents Mr. Thorsen and he explained the property is 90' x 650' and Mr. Thorsen also owns the commercial piece in front on State. He said it's a very difficult piece to develop because of the shape and they came up with a plan to make it as nice as they could for the neighborhood. He pointed out there is commercial in front and they are trying to improve the neighborhood and he took offense about apartment dwellers. He said the zoning is very regulated, the setbacks are very restricted, the height is very restricted, it's not going to be a concrete jungle, there would be a lot of landscaping. They need to put in another access to comply with the fire dept. requirements, he said and they would have no problem with right turn only restrictions.

Jeff Seibert, 5004 80th St. NE, addressed Council. He said he is against this proposal. He pointed out that the City Code requires access on to 80th as it would have less traffic than 51st. Also, there is no proposed light at 51st and 80th at this time, as Councilmember Pedersen mentioned, he said.

Kelly Howe, 4204 81st Pl. NE, addressed Council. She said if they go with this proposal, she would like to see mature landscaping put in and a 6' fence. The one they have in there is only 4' now, she said.

No one else wished to speak from the audience.

After more discussion about the traffic study, Access Management Plan, access onto 80th not 51st, Councilmember Herman moved to retain High Density Single Family Zoning. Councilmember Roark seconded and the motion passed 5-2 with Councilmembers Leighan and Wright against.

Comprehensive Plan Amendment Request #9 - East of I-5, South of 116th St. NE, West of State Ave. and North of Hidden Lake Estates & 104th St. NE alignment. Request to change from Medium Density Multiple Family (MFM) and Business Park (BP) to Mixed Use (MU), Community Commercial (CC) & Multiple Family (MF).

Councilmember Wright stepped down.

City Planner Hirashima reviewed the request, noting it's approx. 150 acres. She said after the workshop on Friday, the Tulalip Tribes were contacted and invited to come to tonight's hearing and John McCoy is here. Also, she noted Margaret Natterstad provided a copy of a letter from 1993 from the Burlington Northern Railroad which Mrs. Natterstad will hand out to Councilmembers when she gives her testimony.

Margaret Natterstad, 10532 38th Ave. NE, addressed Council and passed around copies of the letter from Burlington Northern, dated October 14, 1993, addressed to Gloria Hiroshima (sp), Planning Committee, City Hall, 514 Delta Ave., Marysville, WA 98270:

"It has been brought to my attention the city of Marysville's Planning Department is investigating the possibility of allowing the development of a Commercial/Office complex between 116th St. N.E. and approximately 108th St. N.E. (if it were to cross the railroad tracks).

Burlington Northern would be opposed to the proposed construction of a grade crossing at 109th Pl. NE. The main reason is public safety, the second reason is the designation that has been placed upon the railroad between Vancouver, B.C. and Eugene, Oregon as a High-Speed Rail Corridor (sp).

As you may well be aware, Sid Morrison, Secretary of Transportation, has signed an agreement with Burlington Northern to provide AMTRAK service between Seattle and Vancouver, B.C. by October 1, 1994. As part of this agreement we must provide passenger service that will require speed increases within this corridor (sp).

With increase speeds, the addition of passenger train service, combined with the current rail traffic, we would oppose any new grade crossings along this corridor (sp). The proposed access off of 116th St. NE ought to be adequate. If the city has other alternatives other than crossing our tracks at grade, Burlington Northern and the Dept. of Transportation's Rail Branch would like to be a part of this process.

I would be most interested in keeping abreast to how this proposal develops. Please furnish this information to the Mayor and to the city council members. If you have further questions or concerns please call me at (206) 467-3284.

Sincerely, (s) J. M. (Mike) Cowles, Coordinator Public Programs"

Mrs. Natterstad noted she has been following this for a long time and her concern is with the salmon bearing stream, wetlands and single family homes and she thinks the Business Park designation would protect it the best. Burlington Northern would like to be kept apprised, she noted and she added that they did not want any access at 109th because of the high speed trains and the safety issue. Mr. Koutlas' request would only serve his property vs 141 homes, she noted, added to the fact that I-5 is not wide enough, there are no sewers in this area as yet, the bridge needs repairs on State at 100th and the high traffic volume already and general sensitivity of the area.

She said she would like to see what is going to happen with 88th; a lot of people are using 116th again and it's pretty significantly congested there, so she would like to see a temporary moratorium put on this. If Council does vote tonight on

this, she said she thinks the Planning Commission recommendation is OK, but with the Business Park instead of Mixed Use or Multiple Family. She said they have a considerable amount of wetlands in that area, the Natterstad's property has a steep ravine with the creek at the bottom, for instance, and there is a beaver dam in the creek currently. She said their property is basically rectangular with a very steep slope in the back which goes down 25' and is considered both seismically and a slide hazard.

City Planner Hirashima noted a 25' setback requirement.

Councilmember Pedersen referred to the letter from Burlington Northern dated 10/14/93 and also an agreement from 1984 between the Koutlases and Burlington Northern. She asked the City Attorney to respond as these two items are in direct opposition of each other.

John McCoy, Executive Director, Government Affairs, Tulalip Tribes, 6700 Totem Beach Rd., Marysville, WA 98271, addressed the Council. He said he felt he needed to come in and make a statement and thanked the Council and Mayor for this opportunity to do so. He noted the Tribes have just gone through a long process with the county on zoning Tulalip lands, trust and fee property. In regards to the trust property on the maps, the Tulalip Tribes' position is that they feel they have jurisdiction on the zoning on the property but in the spirit of cooperation, they have no problem with the Mixed Use designation as recommended by the Planning Commission, he said.

Councilmember Leighan noted an application from Stanley Phillips and Mr. McCoy said Mr. Phillips has no connection, as far as Mr. McCoy knows, with the Tulalip Tribes.

Councilmember Bartholomew asked if the Tulalip Tribes would be ~~interes~~ in anything other than Mixed Use and Mr. McCoy said none of them had a current copy of Marysville's Comp Plan, but it appears the most advantageous designation to the Tulalip Tribes is Mixed Use. He added they have no current plans for that property but Mixed Use would allow them to put in apartments or commercial use.

CORRECTED: SEE *interested*
MINUTES

Councilmember Roark said he acknowledged and appreciated the Tulalip Tribes' cooperation.

Fotis Koutlas, 2916 79th Ave. NE, Everett, WA 98205, addressed Council. He said his family has owned that property since 1919 and he referred to the document between Burlington Northern and Koutlas. He pointed out that 7 people got together and agreed to what's here tonight and it's quite a bit of property. Also, 7 people contributed, including the Tulalip Tribes, to a traffic study and agreed on the final request. He noted they have put a lot of effort into this.

Councilmember Bartholomew if they had any comment to the Planning Commission recommendation and Mr. Koutlas said they agreed to it and they did have a legal document with access; he pointed out that it is not just for the Koutlas property, however.

Councilmember Herman asked about the access and Mr. Koutlas said it is just a possibility to be able to use the railroad crossing but not as a major access. They have an 80' access agreement with the Tulalip Tribes off 116th, also, he added.

Gary Petershagen, Belmark Industries, 505 Cedar, addressed Council. He said they do have Edward Koltonowski, the Traffic Consultant, here tonight and available, if necessary. Mr. Petershagen reiterated there are 7 property owners involved and they have been working for months trying to put this together and this approval would be for a master plan and this would give the City as well as some of the citizens more control and if development were to proceed, there would be a plan in place, so they ask for Council's support on this tonight, he concluded.

Gary Wright, 5533 Parkside Dr. and also representing Gary Wright Realty, Coldwell Banker, addressed the Council. He said he is actually here representing a client, Mr. Joseph Martin, 11318 41st Dr. NE, who owns the 4th piece of property in from 116th and within the area as shown as General Commercial. He said they are in favor of the applicant's request, with General Commercial in the northern part of the property. He noted they feel this is appropriate because there are very few single family residences along there, there is the Burlington Northern Railroad, Albertson's Shopping Center, 2 mobile home parks, other commercial uses and they don't think General Commercial would interfere with the present use. He added that Marysville has very little General Commercial, most of the previously designated General Commercial was downzoned to Neighborhood Commercial and they could not find property for a windshield repair shop, for example, because they can only be placed in General Commercial.

Mr. Wright said they feel General Commercial would be compatible with the uses and even with the creek and wetlands in there, that has a lot of regulations as per SEPA, eg., so they would like to see Council put some General Commercial back in the Comp Plan.

Councilmember Pedersen asked if the recommendation is for the Community Commercial to be changed to General Commercial and Mr. Wright said Mr. Martin asked him to represent him personally; he does not speak for his neighbors.

Jeff Seibert, 5004 80th St. NE, addressed Council again. He said he did not have any real comments about the zoning other than maybe this would be a good place for a park and ride lot.

Greg Swartz, 4113 107th Pl. NE, addressed Council. He said he is raising his family there (Indian Creek Estates) and all the properties around him are residential. He said he thinks the designation now would have the least impact on the residential all around and if Council votes on it, he would like to see them take into consideration the impact it's going to have on all the people, the wetlands, the creek; it's going to create a lot of change.

Councilmember Roard asked about the multifamily proposal down south.

Mr. Swartz said his main concern is the Mixed Use, he thought the Council was going to consider the whole package and if they lived where he does, they would know the change here is going to have a huge impact and no benefit for the current residents. He said he doesn't see any benefit to the residents and there are only a few it will benefit; they already have shopping centers and to have another Mixed Use in this area is going to benefit a few and have an impact to a huge number. He concluded that he doesn't think there is any reason to change the current designation; the Council is affecting a lot of people here.

Rich Barnett, 4103 107th Pl. NE, addressed Council. He said he is Mr. Swartz' neighbor and feels like the Business Park is the best designation there. He said he thinks it's the plan to gridlock every I-5 exit in Marysville, though; now that we have 88th he said he thought it would get better but it has not. 116th has 2 lanes over tracks on to 2 lanes into Marysville with the Quilceda bridge one lane each way, he said, pointing out there is a lot of traffic in this town already and he thinks it should stay the way it is (the zoning) until it is figured out what's going to happen on 88th.

Suzanne Smith, 4821 75th Ave. NE, addressed Council. She said she feels Business Park designation would bring in as much employment as Mixed Use but on the weekend with a Business Park designation, you are not going to increase traffic problems. She suggested with Multi Family and/or Mixed Use, the residential single family area could be really buffered because that's a real nice neighborhood (Indian Creek Estates/Hidden Lake Estates).

Councilmember Roark asked if her main objection was weekend traffic and Ms. Smith said no, she thinks the City should wrap the Multifamily and Mixed Use around the Single Family area in such a way that it creates a buffer.

City Planner Hirashima noted a 100' buffer was recommended along the south and a pedestrian pathway to the north was also proposed.

Senior Planner Thompson showed where the creek is on the map.

Ms. Smith said she agrees with the gentleman who just spoke before her.

Bruce Larson, 10414 38th Ave. NE, addressed Council. He said he remembered when this development was first put in, it was not allowed to go across the creek because of lack of water and access and now the City is proposing Multi Family across the creek. He said he definitely has a problem with that because a water line for Multi Family would have to go through his property, but he thinks the Mixed Use is fine, he said, and that it should be left the way it is. He noted Mr. Purnell probably won't give access across the creek, either.

Edward Koltonowski, Gibson Traffic Consultants, addressed Council. He explained they were involved in the traffic study for this area and it was reviewed by staff and Hammond, Collier, Wade. He said the primary issue he is hearing is "leave it as it is" but with an approved plan for Business Park/Multi Family, that will give a lot more control. If this doesn't go through, they still have the zoning, and Gibson Traffic Consultants will get to do 50 different traffic studies and everyone will do something different, he guessed will happen. With a plan in place, he said he thinks that is better because it will give Marysville a comprehensive plan. He noted they considered the railroad access and looked at future development which is inevitable.

No one further from the audience wished to speak on #9 at this time.

There was discussion among Councilmembers about transition use, Mixed Use being less density than multifamily, Mixed Use will offer more uses than Business Park, retail uses under Mixed Uses, eg. building/hardware store, smaller food and drug stores, book stores, small restaurant, art store, residential type businesses. Business Park would allow manufacturing, print shops, fabrication, offices, it was noted.

General Commercial was compared to Community Commercial and it was noted for a highly visible intersection you don't want automobile repair or other General Commercial uses.

City Attorney Weed commented on the two letters asked about earlier -- in conflict about a crossing over BN tracks at 109th and he noted the agreement with Koutlas was in settlement of a lawsuit and reestablished use of a crossing but the map is very unclear. Also, it was only if Koutlas develops, but it appears to be the same 109th St. crossing as referred to in the 10/14/93 letter, so the author of this letter may have been unaware of the agreement, he said.

There were a few people in the audience indicating they wished to comment on this and so Councilmember Leighan moved and Councilmember Bartholomew seconded to reopen the public testimony portion of this hearing. Passed unanimously.

Greg Swartz addressed Council again and said the crossing they are talking about is 5 blocks north of the crossing they already use at 104th, in other words, the train could conceivably block both at the same time.

Mr. Koutlas pointed out they have an existing crossing at 114th and the City made an agreement with the Tulalip Tribes to put a Business Park in there already.

Rich Barnett said one thing he wants to say on the crossings on State is that there is room for only 3 cars to squeeze in to wait for the train to clear the tracks between State and the tracks at 104th. The rest of the cars have to wait along side State at the nursery or in the left hand turn lane on State which makes it very difficult and not too safe, either, he noted. He pointed out there are no shoulders on State yet so if that traffic is stopped, there is nowhere for them to go.

Margaret Natterstad said in response to the letter, there was a proposal for a mall on 109th and she went to the Planning Commission and purchased the plans for the mall and then she went to Burlington Northern and they won a case about not allowing any more crossings, she said.

The public testimony portion was closed again, at 10:37 p.m.

There was discussion about the railroad crossing, access, buffering. Councilmember Herman said he would be more comfortable with low density than medium density on the multifamily use and there were comments about protection of the stream, General Commercial vs Community Commercial, retention of Business Park designation.

Councilmember Roark moved to change Multifamily to Low Density, with all the rest of the recommendation to be left the same. Councilmember Leighan seconded and discussion followed. The motion failed with a 3-3 tie, with Councilmembers Dierck, Pedersen and Leighan against.

Councilmember Pedersen then moved and Councilmember Roark seconded to approve the request as per the Planning Commission recommendation with no changes. The motion passed 4-2 with Councilmembers Dierck and Herman against.

Break: 10:45 to 10:50 p.m.

Staff Initiated Comprehensive Plan Amendment Requests.

Councilmember Roark stepped down. Councilmember Wright returned.

City Planner Hirashima reviewed the 3 specific requests plus text amendments.

No one from the audience wished to speak on Request #1.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve **Request #1** as per the Planning Commission/Staff recommendation. The motion passed 4-1 with Councilmember Dierck against and Councilmember Leighan abstaining.

No one wished to speak on Request #2, from the audience.

Councilmember Wright moved and Councilmember Bartholomew seconded to approve **Request #2** as per the Planning Commission/Staff recommendation. The motion passed 6-0.

No one wished to speak on Request #3, from the audience.

Councilmember Pedersen moved and Councilmember Herman seconded to approve **Request #3** as per the Planning Commission/Staff recommendation. The motion passed 6-0.

On the **Text Amendments**, Senior Planner Thompson noted there is a zoning code amendment, a use matrix change to allow recreation within a Mixed Use zone, eg. batting cage, miniature golf.

Councilmember Roark returned at 10:55 p.m.

City Planner Hirashima clarified that exterior recreational uses would require a Conditional Use Permit; inside uses would be permitted.

No one wished to speak from the audience on the text amendments.

Councilmember Bartholomew moved and Councilmember Roark seconded to accept the staff recommended changes. Passed unanimously.

City Attorney Weed said he will be bringing an ordinance back to Council to reflect all the Comp Plan Amendments as approved tonight.

NEW BUSINESS:

1. Ash Avenue Park & Ride Expansion; Urban Design Consultant Contract; Perteet Engineering, Inc.

Public Works Director Winckler briefly reviewed the agenda bill.

Councilmember Herman said if this budget amount is not sufficient to develop alternatives, then he would suggest the City ask Community Transit to participate financially and they have indicated that may be appropriate (Tim Brekke), he said. He added he would like to see the best possible plan for Marysville.

Public Works Director Winckler noted if CT were to participate financially, the City would handle that through a change order but otherwise, it might result in a delay.

There was discussion about changing the scope and cost of change of scope of work, 2/8 presentation, whether there is a requirement for a public hearing, cost of Perteet Engineering, preliminary concepts, costs of design changes due to public requests, a couple options would be presented at open house, making sure property owners are included in public input, which comes first the drawing or the open house.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to proceed with the Perteet Engineering contract, authorizing the Mayor to sign on behalf of the City, in the amount of \$11,160. The motion passed 4-3 with Councilmembers Roark, Dierck and Leighan against.

Councilmember Herman moved and Councilmember Wright seconded to authorize Ken Winckler to contact Community Transit regarding participating financially in this project, through the change order process as previously outlined. Passed 6-1 with Councilmember Roark against.

ORDINANCES & RESOLUTIONS:

1. Ordinance Amending Ordinance 2187 Relating to Building Facade Modulation and Roofline Variation.

Councilmember Wright moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2228. Passed unanimously.

2. Resolution Granting a Utility Variance Subject to Conditions for Jess A. Darling for Property Located at 3327 Sunnyside Blvd., Marysville.

Councilmember Roark asked about fees payable by the applicant being nonrecoverable and Public Works Director Winckler confirmed that they would be nonrecoverable.

Councilmember Bartholomew moved and Councilmember Leighan seconded to adopt Resolution 1915. Passed 6-1 with Councilmember Dierck against.

3. **Resolution Fixing a Time and Place for Hearing on the Final Assessment Roll and for LID 67, and Directing that Notice Thereof Be Given in the Manner Required by Law.**

Councilmember Pedersen moved and Councilmember Roark seconded to adopt Resolution 1916, fixing a date of 3/8/99. Passed 7-0.

4. **Resolution Fixing a Time and Place for Hearing on the Final Assessment Roll and for LID 66, and Directing that Notice Thereof Be Given in the Manner Required by Law.**

Councilmember Bartholomew moved and Councilmember Leighan seconded to adopt Resolution 1917, fixing a date of 3/8/99. Passed 7-0.

LEGAL MATTERS:

1. **Contract for recovery of Utility Construction Costs - Sewer, Windsor Pointe Associates, LLC.**

Councilmember Roark moved and Councilmember Bartholomew seconded to adopt Recovery Contract #213. Passed unanimously.

ADJOURNED: 11:20 p.m.

Accepted this 8th day of February, 1999.

David Wain

MAYOR

Mary E. Swenson

CITY CLERK

Wanda A. Swenson

RECORDING SECRETARY