

June 19, 1979

The regular meeting of the Edmonds City Council was called to order at 7:35 p.m. by Mayor Harve Harrison in the Council Chambers of the Edmonds Civic Center. All present joined in the flag salute.

PRESENT

Harve Harrison, Mayor
Bill Kasper
Katherine Allen
John Nordquist
Tom Carns
Larry Naughten

ABSENT

Mike Herb
Ray Gould

STAFF PRESENT

Charles Dibble, M.A.A.
Leif Larson, Public Works Director
John LaTourelle, Community Devel. Dir.
Mary Lou Block, Asst. City Planner
Irene Varney Moran, City Clerk
Art Housler, Finance Director
Jack Weinz, Acting Fire Chief
Fred Herzberg, City Engineer
Doug Albright, City Attorney
Jackie Parrett, Deputy City Clerk

CONSENT AGENDA

MOTION: Councilman Naughten asked that Item (D) be removed from the Consent Agenda. COUNCILWOMAN ALLEN MOVED, SECONDED BY COUNCILMAN NORDQUIST, TO APPROVE THE BALANCE OF THE CONSENT AGENDA. MOTION CARRIED. The approved portion of the Consent Agenda included the following:

- (A) Roll call.
- (B) Approval of Minutes of June 11, 1979.
- (C) Approval of Street Use Permit for placement of street trees and marquee over sidewalk on 5th Ave. N.
- (E) Approval of fireworks stands permits.
- (F) Setting date of June 26, 1979 for hearing of Revised Comprehensive 6-Year Street Construction Program, 1980-1985.

PROPOSED ORDINANCE REZONING LOTS 6, 7, 8, AND 9 OF BLOCK 5, YOST'S FIRST ADDITION, FROM RS-6 TO RS-12 [Item (D) on Consent Agenda]

Councilman Naughten said that all persons who desired to give testimony on this rezone had not been heard, in that he had been contacted by Raymond Duitsman who said he had not been given that opportunity. Mr. Duitsman was invited to speak. He gave his address as 17800 36th W., Alderwood Manor, and said he owns one of the lots involved which could be subdivided into two lots under the RS-6 zoning. He read a letter, copies of which had been furnished to the

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Council, in which he stated his objections to the rezone action taken last week. He said the major problem which appeared to influence the Council was the water runoff which he stated was not caused by these lots but by the lots above, and the open pasture and temporary road on these lots were obvious places for the water to show. He felt this was spot zoning and he and Etta Morehouse were being penalized while other lots around them were being developed as RS-6 lots. He said no drainage plan would be required if the lots were developed as RS-12, but as RS-6 they would be short platted and a drainage plan would be required. Further, that the minimum sized lot that could be developed would be 7,200 sq. ft. because of Shellabarger Creek. Dean Shepherd, attorney for Etta Morehouse, also had submitted a letter requesting the Council to give this matter further consideration. After discussion with the Staff regarding the various issues, the Council agreed to reconsider the matter.

MOTION: COUNCILMAN CARNS MOVED, SECONDED BY COUNCILMAN KASPER, TO REHEAR THE SUBJECT REZONE MATTER ON JULY 10, 1979. MOTION CARRIED. City Attorney Doug Albright who arrived during this discussion suggested it might be proper to send this back to the Planning Commission and he advised that City Attorney John Wallace should be present later in the evening to advise on that. Mr. Wallace did not arrive and during the meeting Mr. Albright had an opportunity to review the file, after which he advised that he felt a rehearing before the Council would be proper.

MAYOR

Mayor Harrison advised that he had received a memorandum from the Community Development Director indicating that the Proposed Amendment to the RMD Zone, scheduled for hearing on July 17, 1979, will be incorporated into the first phase of the Code revision, scheduled to be considered on July 24, 1979. It was therefore requested that the Council review the RMD amendment as part of the Code revision on July 24. COUNCILWOMAN ALLEN MOVED, SECONDED BY COUNCILMAN CARNS, THAT THE PROPOSED AMENDMENT TO THE RMD ZONE BE REVIEWED JULY 24, 1979 WITH THE FIRST PHASE OF THE CODE REVISION. MOTION CARRIED.

Mayor Harrison asked for the Council's confirmation of his appointment of John Hodgin to the Planning Commission. Mr. Hodgin was interviewed by the Council prior to this evening's meeting. COUNCILMAN CARNS MOVED, SECONDED BY COUNCILWOMAN ALLEN, TO CONFIRM THE MAYOR'S APPOINTMENT OF JOHN HODGIN TO POSITION 1 ON THE PLANNING COMMISSION, TERM TO EXPIRE OCTOBER 9, 1979. MOTION CARRIED.

Mayor Harrison announced that the quarterly meeting of the Association of Snohomish County Cities and Towns will be held June 28, 1979 at Lake Stevens. Councilwoman Allen indicated she would attend.

AUDIENCE

James McAnally of 730 Elm St. said it had been his understanding that the alder trees on the City property at 7th and Elm were to be topped but it appeared that action was stopped. He said his property had been assessed as view property but in another year he would not have a view because of those trees. Sharon Blosssey of 1210 8th Ave. S. said in 1976 the neighbors had contributed \$600 to plant trees and have these topped. Councilman Carns corrected her, saying those funds were to plant trees, not for topping. He said the trees were cut three years ago and the runoff caused erosion to the property below. He advised Mr. McAnally that the Council had discussed this on May 22, 1979 and reaffirmed their November 21, 1978 decision that no trees would be removed except for three specific reasons. He stated further that the Council had stated in May that there would be no cutting of trees on that property. He explained that at one time all the neighbors in favor of cutting the trees come in, and the next time all those opposed come in, and the Council cannot change its position with each change in the audience. Councilwoman Allen added that there are tall firs growing all over the City which are diminishing views, but the City cannot start trimming all those trees. She said a view has never been able to be guaranteed and she was not ready to start guaranteeing people views. Councilman Naughten commented that with private property a person has to try to work with the property owner, and that was what these people were trying to do. He felt the City could come up with some kind of policy to cut a specified portion of a tree if the party were willing to pay for it. Don Forgey of 724 Elm St. said his property had been assessed for view property and most of his view was of alders. Councilman Carns said the only way he would consider discussing this topic again was if everyone involved were present. COUNCILMAN CARNS MOVED, SECONDED BY COUNCILMAN NAUGHTEN, THAT ON AUGUST 7, 1979 THE COUNCIL HEAR THE TREE CUTTING/TRIMMING ISSUE, AND THAT THE AGENDA BE CLOSED TO OTHER MATTERS. Councilman Carns said he would like everybody invited to that hearing who had spoken regarding the 7th and Elm property during the past four years. Councilman Naughten said that included in the discussion should be whether the property should be sold or kept. THE MOTION CARRIED.

HEARING ON FINAL ASSESSMENT ROLL, LID 205, BELL ST. PAVING

City Engineer Fred Herzberg described the LID. The preliminary estimate had been \$8.14 per zone front foot, but the final cost was \$8.71 per zone front foot because of the required removal of several trees not included in the original estimate. There were no people in the audience for this item, so Mr. Herzberg assumed the people involved were satisfied. The public portion of the hearing was opened, no one wished to speak, and the public portion was closed. COUNCILMAN NAUGHTEN MOVED, SECONDED BY COUNCILMAN NORDQUIST, TO ADOPT ORDINANCE 2074, APPROVING AND CONFIRMING THE FINAL ASSESSMENT ROLL FOR LID 205. MOTION CARRIED.

HEARING ON PETITION FOR VACATION OF PORTION OF DAYTON ST., EAST OF 9TH AVE. S.

Assistant City Planner Mary Lou Block said this petition had been heard by the Planning Commission on April 11, 1979 at which time they recommended denial. The Community Development Department and the Public Works Department also had recommended denial because vacating of the right-of-way would force one or two lots to access from an unimproved alley and would block their street access. Ms. Block demonstrated on a map which properties would be affected. The public portion of the hearing was opened. An unidentified gentleman thanked the Staff for recommending denial of this proposal. The public portion of the hearing was closed. COUNCILMAN CARNS MOVED, SECONDED BY COUNCILMAN NORDQUIST, TO UPHOLD P.C. RESOLUTION 622, DENYING THE PETITION TO VACATE A PORTION OF DAYTON ST., EAST OF 9TH AVE. S. MOTION CARRIED.

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HEARING ON P.C. RESOLUTION 619 RECOMMENDING APPROVAL OF AN AMENDMENT TO THE OFFICIAL STREET MAP TO REMOVE A PROPOSED STREET EXTENSION OF 175TH ST. S.W., TRACT 141 (File ST-7-79)

Assistant City Planner Mary Lou Block said the Community Development Department had recommended approval of this proposal if the applicants agreed to deed to the City a 15' utility easement, running from the eastern terminus of 175th St. S.W., west to 76th Ave. W. The reasons for recommending approval were that the action would not landlock or preclude future access to any property, there had been a finding of no significant environmental impact because of this action, and because the proposal appeared to be in the best interest of the public welfare. She noted that the street as indicated would take a great amount of land, whereas the property could be satisfactorily developed in alternative ways. The public portion of the hearing was opened. Don McQuade of 7215 176th said the total property through which the proposed street was suggested was designated as environmentally sensitive and to put a street there would disturb the environment considerably. Also, at the foot of 175th St. is an unplatted area which he owns and when it is developed a turnaround will be required. He said there is adequate access for Mr. Troka's (the other applicant) property. The public portion of the hearing was closed. COUNCILMAN CARNS MOVED, SECONDED BY COUNCILMAN NAUGHTEN, TO ADOPT ORDINANCE 2075, UPHOLDING P.C. RESOLUTION 619. MOTION CARRIED.

MOTION:

COUNCIL

Councilman Nordquist advised he would be out of town next week. He inquired about the Model Traffic Ordinance in relation to abandoned cars. City Clerk Irene Varney Moran responded that it would be on next week's agenda.

Councilman Carns made an inquiry about an item on the Claims Warrant Register which was explained. He also inquired about the report from the Public Works Director regarding the availability of the ferry parking lot. Mr. Herzberg explained that it was hoped that the City could get control of the lot by means of an Air Rights Lease, and that was being investigated.

Councilman Naughten inquired about the drainage problems checklist provided to the Council and he was told the Council had requested it.

Councilman Kasper advised he would be out of town July 24, 1979.

Mayor Harrison stated he wished to have an Executive Session following this meeting to review a personnel matter.

There was no further business to come before the Council and the meeting adjourned to Executive Session at 8:45 p.m.

Irene Varney Moran

 IRENE VARNEY MORAN, City Clerk

Harve H. Harrison

 HARVE H. HARRISON, Mayor