

Gig Harbor City Council Meeting

**May 10, 2004
7:00 p.m.**



**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
May 10, 2004 - 7:00 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

SWEARING IN CEREMONY: Officer Michael Cabacungan

20-YEAR AWARD CEREMONY: Detective Kevin Entze

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of April 26, 2004.
2. Correspondence / Proclamations: a) Letter from Salvation Army
b) Proclamation - Native Plant Appreciation Week.
c) Letter from Encore! Theater.
3. Agreement with IAC for Funding Assistance – Skansie Brothers Park Property Acquisition.
4. Resolution No. 624 – Authorizing Application to the IAC for Funding Assistance – Skansie Park Property Acquisition Phase II.
5. Rotary Centennial Project.
6. Liquor License Renewals: Harbor Humidor; Puerto Vallarta Restaurant; Round Table Pizza.
7. Approval of Payment of Bills for May 10, 2004:
Checks #43149 through #44094 in the amount of \$233,702.37. Checks numbers 43162 through 44000 were destroyed due to change of banks.
8. Approval of Payroll for the month of April:
Checks #3139 through #3180 and direct deposit entries in the amount of \$240,790.04. Payroll check #3153 was voided and replaced with #3158.

OLD BUSINESS:

1. First Reading of Ordinance – Regulating Beekeeping.
2. First Reading of Ordinance - Redefining Allowable Siding Materials
3. Second Reading of Ordinance – Building Size Analysis.

NEW BUSINESS:

1. Contract for Chief of Police.

STAFF REPORT:

PUBLIC COMMENT:

COUNCIL COMMENTS / MAYOR'S REPORT:

Tacoma City Council Meeting.

ANNOUNCEMENT OF OTHER MEETINGS:

ADJOURN:

GIG HARBOR CITY COUNCIL MEETING OF APRIL 26, 2004

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Ruffo and Mayor Wilbert.

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING: Mayor Wilbert explained that there would be public hearings on two proposed ordinances at which time the public would be allowed to speak. She said that due to the large amount of people who had signed up to speak, that it would be appreciated if each person's testimony be limited to five minutes. She opened the first public hearing at 7:05 p.m. and began taking public comment.

1. Regulating Bee-keeping.

Robert Stump – 5417 99th Ave NW. Mr. Stump agreed that every city should have a beekeeping ordinance, adding that in his 25 years of beekeeping, he has never had a complaint from neighbors regarding stings. He described the non-aggressive nature of honeybees. He said that the proposed ordinance is well-written, but is too restrictive on the number of bees per lot size. He said that if the ordinance were to model Pierce County's, there would no problem with having four colonies on $\frac{1}{4}$ acre. He stressed that Council should not rush into adoption of the ordinance as there has only been one complaint about beekeeping. He continued to explain that most people that are stung are stung by wasps, yellow-jackets and hornets, insects which can sting repeatedly, unlike the honeybee. He agreed that those who are allergic to stings are in danger of anaphylactic shock, and recommended that they carry an epi-pen or take the desensitizing treatments. He said that people in Tacoma, Seattle and Pierce County keep bees on balconies and other congested areas with no problems.

Erica Bowles – 3612 44th Ave. NW. Ms. Bowles said that honeybees are misunderstood, and listed several informative facts. Bees are efficient pollinators, and one-third of the foods we eat are a result of the work of bees. The native, wild-bee habitat is diminishing due to several factors, and gardeners are seeing the results in the reduction of crops. She said that most people cannot tell the difference in a honeybee or a yellow-jacket, hornet or wasp. She described the aggressive nature of these insects, adding that she had contacted local pest-management companies, and was told that yearly they receive hundreds of calls for service for yellow-jackets or wasps, but less than a dozen for honeybees. She continued to talk about the life purpose of the honeybee, which she described as a docile, hard-working creature. She said that bees forage up to five miles from the hive, so the 1-acre restriction won't restrict the bees to one site. The ideal situation is a flight-path out over a field or body of water, so a more reasonable approach would be to look at the property on a case by case basis to see if reasonable distance from property lines can be maintained. Ms. Bowles continued to describe working with the bees without protective clothing over the past four years, adding that she has never been stung. She said that bees forage a single crop and it is unlikely that they will fly into a yard to pollinate a hanging basket or plants around a deck. She closed by saying that beekeeping is not an eccentric hobby. She and her husband began with one hive in 1997, which eventually grew to four. Before being annexed into the city, this complied with the Pierce County ordinance. They have not kept hives since 2001 because of other priorities, but in the four years they kept bees, they were not aware of any problems or complaints. She concluded that they would like to keep bees again due to the beneficial aspects, adding that an overly restrictive bee ordinance, passed without full examination of the facts and risks involved, would

deny them the right to use their property to pursue this interest. She asked that Council model any ordinance on those cities and counties in close proximity to the city that already have one in place.

Howard Bowles - 3612 44th Ave. NW. Mr. Bowles spoke against the proposed beekeeping ordinance. He said that the draft is unjustifiably and unnecessarily restrictive and punitive. He said that he also questions the way the draft ordinance came about, as it does not reflect good public policy. He said that the government's power to regulate is a form of uncompensated taking. The regulation of the owner's use of property typically results in the enrichment or the elimination of one or more rights associated with the title to property. Assigning an absolute or relative value to each of these rights may be difficult, but not impossible, because a owner knows that when an activity is restricted, value has been lost. For this reason, the city should ensure that any imposed regulation is warranted and supported by facts. When he learned that the city was planning on regulating beekeeping, he talked to the city's staff and reviewed the files. He was surprised that there was no factual foundation to an ordinance to restrict property rights. He said that his concern with the lack of balanced information and narrow instructions to staff to draft an ordinance, led him to provide more information, which was given to Council on April 7th. Mr. Bowles said that he learned that the city has only had one verbal complaint about honeybees in seven years, and that the city has no data to conclude that honeybees have a negative impact on the residents or that beekeeping increases the occurrence of stinging incidents. There are no studies or data to support the one-acre lot size requirement. Other surrounding jurisdictions are far less restrictive and more supportive of beekeeping. He described the size regulations from Seattle, Tacoma, Bellevue, and Pierce County and asked why the City of Gig Harbor doesn't draw from the information from these other jurisdictions. Mr. Bowles explained that there are only 96 lots in the city would be qualified to keep bees as the ordinance is currently written. He asked, "If city is going to discriminate against property owners, shouldn't there be justification?" He concluded by saying that he supports the adoption of a ordinance that is balanced, and fair to the beekeeper as well as his neighbor. He respectfully requested that the city suspend further action until all interested parties can meet with staff to draft such a balanced ordinance.

David Ewert - 3614 44th St Ct NW. Mr. Ewert explained that he has appeared several times over the past few years regarding the keeping of bees in the city limits. He stated that he is allergic to bees, and has as many as 16 hives kept next to him on a ¼ acre lot. He said that he provided pictures of hives still present this February. He mentioned the 2003 death of a Gig Harbor man due to bee sting. He gave an overview of the recent draft ordinance that included the regulations of bees along with animals, which brought up concerns. He said that the new draft ordinances adopt beekeeping regulations in both Titles 6 and 17 of the code seem all-inclusive. He said that it seems fair that someone could keep bees if they have a one-acre plot, adding that it isn't necessary to have many hives on a ¼ acre lot if bees fly five miles. He closed by thanking the members of the City Council, and Mayor Wilbert, stressing that it is important to have some sort of reasonable regulations in the city.

Midi Ewert - 3614 44th St. Ct. NW. Ms. Ewert explained that they have been working on this for three years. She said that they live in Quail Run, where the lot size is small. She mentioned that she has been married to her husband for 37 years and doesn't want to lose him to a bee-sting. She also mentioned the obituary from August 10 for Daniel Rush, 40 years old, who died from complications from an allergic reaction to bee stings. She stressed that the article doesn't say yellow-jacket, but bee stings. She read on about Mr. Rush's life, explaining that his mother wasn't able to attend and speak at this meeting. Ms. Ewert continued to explain that they live next door to the Bowles and have counted sixteen boxes on their property line. They hired

Aspen Land Survey to have their property lines assessed. The bees have swarmed in their yard four times. It sounds like a freight train, and the swarm is as big as the panel behind Council. They have been held captive in their house, and it takes days to get rid of the bees. She said her daughter from Renton is allergic, and they are not sure about the grandsons. They are afraid to play T-ball in the yard for fear of stirring up something, and are afraid to mow because it will activate the hives. She said that their Lopi Stove has been full of dead bees. The bees have found dead bees in their bathroom. The family was unable to continue with Easter Dinner three years ago due to a bee. She said that they have talked to the neighbor, who is very well aware of the problem. She discussed the swarm of bees at the Harbor Inn on the front page of the Gateway. She stressed that their neighbor had sixteen bee boxes with 50,000 bees to a box. She said that the ordinance is wonderful, adding that the one acre requirement is sufficient to take care of the gardens as there are no crops grown here. Ms. Ewert said that she wants to be able to enjoy her property. She continued to say that she can't outrun a swarm of bees, the pets can't, and her small grandchildren can't. She said that she appreciates all the time and effort spent on this ordinance.

Jeff Feagin – 1130 Queets Drive, Fox Island. Mr. Feagin voiced his concerns with the rapidly changing community from rural to urban. He explained that beekeepers are responsible citizens and would like to have an ordinance that would reflect this responsibility, as well as allowing them to keep a number of hives. He recommended that Council hold action on this ordinance until more input could be gathered from the beekeeper fraternity here, as well as the concerns of others. He said that he would like to have an active beekeeping community in the area. He continued to give an overview of the life-cycle of bees and the work that they do. He explained that honeybees normally will not sting you. He sympathized with the lady that just spoke, but stressed that you can have bees walk on you without concern. He again asked Council to delay action and obtain more information.

Mr. Bowles corrected the statement that there are sixteen hives, explaining that there are four boxes per hive, for a total of four hives.

Marilyn Owel – 6844 Mail Sail Lane. Ms. Owel said that she was present to speak on behalf of Dave and Midi Ewert. She explained that she likes the ordinance, adding that one thing not well understood is that most states with an important agricultural economy have a bee regulation program that is quite stringent, and that applies to hobbyist as well. Most have restrictions on lot size and zoning. Most do allow beekeeping because they recognize the importance to the agricultural economy and the right to keep bees. However, the privilege to keep bees can be withdrawn under certain circumstances. This is when someone adjacent to a property where bees are kept has a medically documented life-threatening allergy. Ms. Owel stressed that it is the job of city government to protect the welfare of its citizens, and although honeybees are peaceful by nature, they can become agitated by vibrational noises or when they are in crowded circumstances. She said that allowing them to swarm three times in one year is not competent beekeeping and she did not understand why anyone would do that to their neighbor. Ms. Owel said that beekeeping is an important, peaceful and prominent hobby in many areas, and in the areas where it is enjoyed, they are regulated as to their transport, to their number, to water sources provided, and in many places, rules on how to change the flight path of bees by having tall fences. This is why bees can be kept on rooftops. She said that a person does not have to be allergic to beestings to die from a swarm attack. A swarm will overwhelm a child, or a pet. Most people don't have to be concerned about bees crawling on them; someone with a life-threatening allergy certainly does. Keeping bees in a confined, urban environment is incompatible with urban civilization, and the issue is with keeping bees where they can harm. The incidental bee is a hazard that an allergic person is alert to and learns to live with, but when

someone's window of salvation is less than four minutes, that incidental hazard changes to the overwhelmingly oppressive and pervasive. This is inexcusable to nurture that kind of situation. Ms. Owel concluded by saying that this is a fair ordinance that demands something of the individual with a complaint in the way of documentation and urged Council to pass the ordinance.

Margo Ulsch – 7401 Pioneer Way. Ms. Ulsch asked for clarification of 6.10 - Section D of the ordinance as it pertains to the inclusion of all other nests or colonies of stinging insects such as yellow jackets or wasps. She asked if people kept these kinds of wild insects. She then said that she once was terrified of bees but she became more tolerant when a renter placed a hive close by and she realized that they wouldn't sting her.

Carol Morris explained that this section pertains to a property owner's responsibility to abate the problem of these nests if there is a complaint. Ms. Morris said that the city would first contact the property owner to work with them, and only if the nuisance were not dealt with, would the city proceed with enforcement action. Ms. Ulsch then asked if anyone knew if it was a honeybee that had stung the man who dies. No one knew that answer.

There were no further comments on this beekeeping ordinance and the Mayor closed the hearing at 7:45 p.m. and opened the next public hearing.

2. Building Size Analysis. Steven Osguthorpe, Planning/Building Manager, explained that the city has five zones that have building size limitations adopted to preserve the character of certain areas of the city. In April of 2001, Council directed the Planning Commission to review these zones to determine how they were working and the esthetic and economic effects of the limitations. In 2002, the Planning Commission made a recommendation to make no changes to the existing limitations, but recommended adding limitations to seven additional zones. Council met with the Planning Commission to review these recommendations and directed Staff to obtain outside assistance in evaluating the building size issue due to the difficulty of the technical aspect of the limitations. Public meetings were held by the consultant, Perteet Engineering, in September and November of 2003, and a group of stakeholders, citizens, Council and staff met to discuss the comments received. In December, Perteet Engineering submitted findings and recommendations to the City Council based upon the information that they received. In January, 2004, Perteet finalized the report for the Building Size Analysis and presented this to the City Council. In February, Staff was directed to prepare a draft ordinance implementing these recommendations for review by the Planning Commission, who then made a recommendation to hold a public hearing before Council in April.

Mr. Osguthorpe used a PowerPoint presentation to give an overview of the recommendations outlined in the Building Size Analysis report prepared by Perteet Engineering.

Guy Hoppen 8402 Goodman Drive. Mr. Hoppen spoke on the waterfront property located between Stinson and Harborview. He said that although his concerns are concentrated on a small portion of the draft ordinance, he hopes that his concerns can be viewed in a broader shoreline planning context. He said that after reviewing the *Gig Harbor Comprehensive Plan* and the *Shoreline Master Program*, he came to the conclusion that the proposed zoning change from Waterfront Commercial to Waterfront Millville is a violation of the intent and spirit of both documents. He read from a portion of the comp plan that states that "our shoreline is a unique mix which varies from the historical fishing industry, the contemporary residential recreational marinas and the commercial shops and services that border or are proximal to the shoreline." Mr. Hoppen said that the document goes on to say that "many of the substantial shoreline

changes that have occurred in the past ten years and several of these changes have caused the community to reflect, reevaluate the quality, design, and appropriateness of shoreline development." He said that because the statement was written in 1994, it is safe to assume that the cause for concern then were residential recreational marina in nature, which erased several historic fishing uses along the way. He said that residential recreational marina use is smothering the mix mentioned in the plan, and for the city to facilitate, in any manner, the removal of commercial shops or services or the historical fishing industry use from our shoreline is to ignore those mixed uses identified in the comprehensive plan. Mr. Hoppen then quoted from the *Gig Harbor Shoreline Master Program, Overall Goals* – "that the shorelines of the City of Gig Harbor support its fishing, boating and tourist industries as well as the residential community. Therefore, preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals." He said that residential development marinas have been displacing waterfront commercial and fishing industry use for decades and we are dangerously close to facilitating the final eliminating of fishing industry use and the boating industry use which is represented by the property in question by removing the zoning designation of Waterfront Commercial, which is the most likely zone for the most diverse range of commercial waterfront use. He asked Council to consider the following issues prior to making a decision: Views will be negatively impacted. A zoning change will eliminate a century of public access to those waterfront properties. Rare waterfront commercial zoning will be lost forever. The adjacent waterfront property owners are opposed to the zoning change. He said that tailoring the zoning to a residential development proposal on a waterfront commercial property would conflict with the mixed use intent. He said that the rezone would alter a century of commercial character at Stinson and Harborview and turns a blind eye on what makes our town unique. He said that the Gig Harbor Planning Commission recommended that the proposed change not be approved, adding that as he has previously stated, he is adamantly opposed to the rezone for all the reasons that have been mentioned. He concluded by saying that the Pertee Engineering study devotes one sentence to the zoning change giving no rationale as why they recommend it, making the statement akin to a "bad rider on a congressional bill." Mr. Hoppen concluded by saying that the waterfront balance and scale is at risk and we need to use whatever means available to encourage the retention of the identified shoreline uses that are being displaced.

John McMillan – 1809 Jacobsen Lane. Mr. McMillan explained that he strongly believes in preserving Gig Harbor's historic shoreline as well as the historic scale and balance of its buildings, stressing that one of the most important considerations is the scale and balance of the buildings allowed. He said that he finds the zoning code difficult to understand in terms of scale and balance, even though he is an illustrator. He said that part of the shock of seeing a new building go up is the inability to visualize what is allowed in the zoning codes and how it compares to existing buildings. Mr. McMillan said that he has attempted to show scale in comparison and the visual impact that this has on the community with photo overlays, which he shared on the overhead projector. He continued to explain that the pressure to alter the historic character of Gig Harbor has never been greater, and much of what makes Gig Harbor unique and an attractive place to live and visit is quickly disappearing, referencing the larger buildings that have recently appeared. He said that now, upscale homes are proposed at the Eddon Boat Property at the expense of a large part of Gig Harbor's historic waterfront. These changes are altering forever the character and scale of Gig Harbor. He suggested that the larger buildings could be restricted to areas outside the Gig Harbor Basin, and that we should stop thinking that bigger is better; consider ways to creatively maintain our historic scale and balance, while still allowing growth to take place. Mr. McMillan suggested using illustrations to show what could be built as a way to better understand the zoning codes as they apply to scale and balance with existing or adjacent buildings. He recommended that the illustrations include footprint and

height comparisons to existing structures so that Council, staff, and citizens can clearly see the differences that these zoning code changes impose. He said that it would be a small expense and effort considering that alterations to the character of Gig Harbor are forever.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter said that everyone likes Gig Harbor because of the basin, the amount of open space, the beautiful views and the small town complexion. He said that Perteet called it a "tale of two cities," referring the downtown and the Westside. Mr. Hunter said that this ordinance goes against the atmosphere that is enjoyed today and urged Council to not be in a hurry. He suggested a moratorium on construction in the downtown basin until the concerns can be addressed. He then recommended separating the Gig Harbor View Basin from any action, and to separate any zoning changes from the building size ordinance, but to allow the 65,000 square feet to go forward in the Olympic Village and Westside areas. He suggested that Council form a group of citizens that actually represent the people who live and work in downtown Gig Harbor to study the remaining issues. Mr. Hunter used a matrix to illustrate his recommendations and described each recommendation. The first recommendation is to limit the building size footprint to 6000 square feet in downtown Gig Harbor or in the basin until more studies could be done. He pointed out that the rezone of the property on Rosedale Street would still allow the same 12,000 s.f. size construction as the BDR Building. He recommended reducing the B-1 zone to 6,000 s.f. per footprint; to reduce the B-2 zone to 6,000 s.f. in the basin; 6,000 s.f. in the C-1 zone in the basin; in the DB zone, stick with the 6,000 s.f. footprint; and in the waterfront, the 3,500 is okay. He said that the new Luengen Building has approximately a 8,000 s.f. footprint; Murphy's Landing has probably a 10,000 or 11,000 s.f. footprint; the BDR Building has around 11,000 s.f.; the Skansie open shed and boatyard is about 10,000 s.f. of roof, so if you get up on the hill and look at the roof, the total roof is 10,000, stressing that 16,000 is gigantic. Mr. Hunter concluded by saying that if the downtown needs 16,000 s.f. to make the town center idea work, there are hard questions that need to be asked. Is the city going to condemn the property? Who will pay to fix up the buildings that remain? Can the merchants survive a lengthy construction process? Can the merchants afford to pay a much higher rent? What will be the ratio of open area and community/performing arts/convention center? How much non-rentable land that will cost against the rents? Are the taxpayers going to subsidize this idea? These are the questions that need to be asked. Mr. Hunter offered to answer any questions.

Councilmember Dick asked Mr. Hunter if it was his impression that the changes to the DB zone were to facilitate the acquisition of buildings by the city and to build the town center concept as a city project. He said that he didn't think that there was anything that spoke to that issue, and that the changes are in anticipation the normal kinds of development, with a possibility of a performing arts center if that became a public project. Mr. Hunter responded that the town center concept is kind of a fad and some places, like University Place, think that it will save their area. All they have done is messed the deal up. He said that it is pretty hard to get a half a dozen owners to agree to a project. He used the drugstore located on 'K' Street where the little old building sits right in the middle of the bigger buildings because that guy didn't want to sell. What are you going to do? Pay to fix those up? How do you divide the amount of money you are going to spend into the cost? Either charge the developer or increase the rents.

Councilmember Dick voiced his confusion at the concept that the public should condemn property. Councilmember Young stressed that there are no proposals by the city to do anything with this town center project. He explained that it is an idea to show what the property owners could do to make that area nicer, adding that it's not going to happen any time soon.

Mr. Hunter replied that the city doesn't need a 16,000 s.f. building downtown. Councilmember Ekberg asked him if his intent was rather than to keep it as is it now with no limitations, if he wants a limitation, but lower than the one proposed in the draft ordinance. Mr. Hunter agreed.

Lita Dawn Stanton - 111 Raft Island. Ms. Stanton thanked Council for the decision to blanket Gig Harbor with the notice of this meeting. In addition, some pictures were circulated, which were just shown to Council, that translate the footprint numbers, which although, may not be perfectly accurate, are close enough for people to see what written reports don't show. Ms. Stanton asked three questions: Do we value the scale of our downtown? Will larger buildings in the Gig Harbor Basin improve our quality of life? How important is preserving our historic waterfront and view corridors? She explained that the Perteet study has been used to push these building sizes forward, referencing the document and all the things that building size limits cannot do such as preserving the city's character and view corridors. Ms. Stanton continued to say that the study suggests that design review can control the impact of oversized buildings. Gig Harbor North is cited as a successful example of this. She explained this worked in that area because it was a huge site and they were able to downsize the appearance of the large buildings because of the large, natural buffers and by placing comparatively smaller buildings along the frontage roads. She continued to say that the downtown is smaller and design review will not be in a position to downsize the appearance of anything. She discussed the BDR Building and asked whether the modulating the front worked, adding that she doubts that the people who live around it would agree. She said that larger buildings in such a small area will create an oversized, continuous wall of building, stressing that the water-side of the Russell Building, the BDR Building and the Luengen Building, are examples of why building size limits are necessary in Gig Harbor's view basin. She said that the design review is not a safety net.

Ms. Stanton discussed the trend to take downtowns and make them over, and trying to convince people that the economic viability depends on bigger buildings. She said that this premise will destroy the character of the downtown. She stressed that we are stewards of Gig Harbor, not land brokers. She said that it would be better to in-fill and replace aging buildings in a way that integrates the existing scale downtown and then discussed the size of the existing buildings. She asked that Council please not change zoning designations within the Gig Harbor Basin before the updated design manual is adopted this fall, as this could create opposing zone transition impacts and complications. She said to keep it simple by creating a Gig Harbor View Basin map for building sizes, because it would make regulations consistent and easier to understand, and easier to enforce. She said that she thinks that there are many who feel that if the community decides that the goal is to preserve the scale of the view basin, then the city ought to do it.

Councilmember Dick said that one of the issues contained in the Perteet study, and the source of the larger building sizes in the DB zone, is the concern that if the existing Thriftway and other shops in that mall were to burn, they couldn't be replicated because they wouldn't be consistent with a lower building size limitation. He asked Ms. Stanton to speak to this issue.

Ms. Stanton asked if it would be appropriate to plop a building double the size of the BDR Building where Thriftway is located. She said that you could create a 6,000 s.f. footprint and have common walls and achieve the same thing. Councilmember Dick asked her if she was aware that the square footage of those building is several times that amount, approximately 85,000 s.f. Ms. Stanton asked if would be realistic to combine 6,000 s.f. buildings and come up with a better result. Councilmember Dick said that the 65,000 s.f. number was intended to replicate what is there currently and to limit a lot of fairly small structures trying to replace the fairly good size structure that already exists. Ms. Stanton said that if you would take twice what

the Harbor Inn building or the Peninsula Hotel and rebuild, she thought that it would be consistent with the scale.

Councilmember Franich asked Ms. Stanton if there were other pictures with building comparisons that hadn't been shown. She explained that the pictures were taken by someone else and she did the overlay on PhotoShop and proceeded to give a description. The first is the Finholm Market with the BDR Building elevation plan superimposed. The second photo shows the Harbor Inn with the BDR Building superimposed. She said that currently, with no building size limitations, you could build that building. The third photo is of the Harbor Landing Mall with the BDR Building superimposed. The final photo illustrates the existing WC 16' limit and what could occur if the zone is changed to WM by increasing the height limitation to 24'.

David Bowe – 705 Pacific Avenue. Mr. Bowe explained that over the past fifteen years, he has had an opportunity to design buildings in Gig Harbor. He said that at the beginning of the meeting, the audience was asked to state whether they were in favor or opposed to this draft ordinance. He said that this ordinance has a lot in it, and voiced concern about the amount of information, the variety of zones, and the issues about the Westside. As an architect, he said that a 5,000 s.f. per structure limit doesn't address concerns with scale and structure. He said that you can put several 5,000 s.f. structures next to each other with firewalls; but to the general public, it looks like a 20,000 s.f. building. He said that in the Waterfront Commercial and Waterfront Residential zones, the 3,500 s.f. limit would be two-floors, and with the structural, mechanical, elevator requirements, you will not have a masonry building. The developers will say that they cannot afford the addition six inches around the perimeter of the building because it is tightened down too much. So the question is who is going to rent a 3,500 gross s.f. structure? He said that the reality is that if this limit is passed, developers will go residential and Gig Harbor will become a very nice Steilacoom and access to water and views and corridors and glimpses of the water will be blocked by security fences.

Jim Pasin – 3208 50th St. Ct. Mr. Pasin said that three years have passed since this process began. He said that if it is not passed right now, it will be difficult to do and the city will have to live with the consequences for a number of years. He recommended one of Chuck Hunter's suggestions to separate the process into a number of steps. He said that in working with the Design Review Manual, there are some transition zoning requirements that if not careful with some of the spot-zoning changes, you may create problems for the property owners and the adjoining properties. He asked Council to take a look at the Design Review Manual under the transition zones when making a decision. He voiced his concerns with the size limitations in the "R" zones. He said that currently in the "R" zones, there are uses available such as schools, libraries, and civic centers, but the limitation of 2,500 s.f. would eliminate those types of public facilities. In some of the commercial zones like the RB-2 and the B-2, the limitations on square footage would eliminate the ability to build hotels, motels, and other facilities that require larger footprints that are currently allowed under conditional uses. He concluded by voicing his disappointment in the qualification placed on the B-2 zone in the Olympic Center and Westside Business Center. He said that the increase to 65,000 s.f. is a must, but to exclude the ability to obtain additional footage for amenities in these two zones is prejudicial, stating that if it can be done in the "C" zone, R-2 zone, RB-2 zone, then why not the B-2 in the Westside and Olympic Center areas. He said that this is an opportunity to give consideration to these thoughts then thanked Council for moving ahead.

Matt Halvorsen – 13429 100 St. Ct. KPN. Mr. Halvorsen spoke as President of the Peninsula Neighborhood Association. He read a prepared document in which he asked that the public hearing be rescheduled to provide the public with an opportunity to review the new staff report,

and the redrafted ordinance, which has changed significantly since being made available to the public on April 22nd. He said that the rezones should be treated separately, stating that Sections 12 and Section 14 be eliminated because rezones have implications and considerations apart from building size, particularly, areas along the waterfront and should be reviewed in connection with the Shoreline Master Program. He said that additional Rezones have been added to the original draft ordinance that were not a part of the post card notice that was mailed on April 12, 2004, nor were they a part of the Planning Commission review during the work study session on February 19. He continued to say that rezones have a Planning Commission public hearing requirement (GHMC 19.04.005, B) which requires that the Planning Commission make recommendations to the City Council. The comments made by the Planning commission on February 19 were made during a work-study session, not public hearing, and they were comments only, not written recommendations to the City Council. Since that session was a work-study session and not a public hearing, public testimony was not required or solicited, and therefore, no public comment has been offered to the Planning Commission as a basis for recommendations.

Mr. Halvorsen then voiced concern with the Perteet Study. He asked how it came about to hire someone from Bellevue to come down here and tell us what our city should look like. He said that during his presentation, it sounded like Mr. Perteet had talked to grocery store people and no one else. He said that in the future, consultants that are like-minded with the citizens should be interviewed. Councilmember Young asked what other steps should be taken, as the city hired a consultant who interviewed several people and went through a process. Mr. Halvorsen replied that the city should interview someone with some of the same idealisms as Gig Harbor, because, although Mr. Perteet might be schooled in the art of city planning, it seems as though what he was relaying did not necessarily go with the mentality of most Gig Harbor people.

Councilmember Young asked Mr. Halvorsen if he thought Safeway should be allowed to rebuild at its current size if it were to burn down or if it should rebuild at the current 35,000 s.f. limits. Mr. Halvorsen said that he didn't think that 65,000 s.f. was abnormally huge for that area, but he thinks that Council needs to take a look at the overall plan and the ideas that have come up this evening. He added that people haven't had the time to review the new information in order to come to the appropriate conclusions.

Steve Osguthorpe spoke to the concern of the late additions to the ordinance. He explained that these changes proposed by the staff have not been reviewed through the SEPA process nor have they been submitted to the state for their 60-day review. If Council wishes to explore the additional recommendations, additional public comment would be required to meet the requirements.

Councilmember Ruffo asked Mr. Halvorsen if he was aware that there are currently no building size limitations, and if he was in support of limits if the process were to be slowed down to obtain the proper involvement. Mr. Halvorsen agreed with this statement.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich said that he is opposed to most of the proposed ordinance, and shocked at the list of twelve people that were interviewed. He said that they either had to be a commercial property owner or live out of town, as there isn't one person on the list that lives in the area that would be affected. He said that the only person on the list who lives here is Nick Tarabochia, who owns half of downtown. He continued to explain that he and his brother own waterfront property and voiced concern about the loss of the quaint little fishing village. He said that the "big boxes" being built on Rosedale Street remind him of a big cardboard box that kids play in. He said that if this is to continue, it is going to block a lot of

views and affect the people in Gig Harbor. He said that you can build a 65,000 or 75,000 s.f. building on the other side of the highway or up in the north where they won't block view, but when you start doing things like that in downtown Gig Harbor, you are ruining everything without talking to the citizens. He said that the only reason that all the people are here tonight is not because of the advertisement, but because a lot of good people went knocking on doors and showed people what was happening. He talked about how the plan for Gig Harbor was first designed. A bunch of people rode around in a car and looked at the views and put a 15 foot height restriction on the average grade of lot. Then in the 90s, it was changed to the 16 foot to the highest back elevation on the lot. Now, 24 feet is being proposed. He asked if the neighbors were contacted about the change in what could occur on the Wild Birds location, adding that none of the people living around there would have a view if this were to occur, which would devalue property. He asked Council to reconsider this, and not to hold a second reading of the ordinance as it is proposed.

Steve Osguthorpe explained that one issue has been raised several times, and that is the misperception about height in the Waterfront Millville zone. He said that in the current zoning code, there is an allowance for a building height for up to 24 feet. This has been in the code for a long time, but since the adoption of the design manual, that provision no longer applies, as there is a more restrictive height limit for that area. This is 18 feet with significant side-yard setbacks.

Councilmember Young asked if there were any other height restrictions in the draft ordinance, to which Mr. Osguthorpe replied "No. There is nothing in this ordinance that pertains to height whatsoever."

Tomi Kent Smith – 3414 Harborview Drive. Ms. Smith spoke against the ordinance. She explained that one of the failings of vision is that the people formulating the vision are not as objective as they should be, which seems to be apparent in the proposed ordinance. Ms. Smith recommended looking more closely at each of the zones before proceeding. She said that the majority of the people who she has spoken to are against increasing the downtown size. She stressed that the downtown area is for both tourism and for local use, but that the local use is far more important to the survival of the downtown. She said that tourists are attracted to the historic nature of a town rather than an over-built philosophy. She then addressed the plan for downtown, stating that she thought it was overly ambitious. She asked questions about who is going to find new premises for the displaced business owners currently occupying the spaces in and around this location? Who is going to pay for the relocation costs and the loss of business incomes? Who is going to pay for the difference in their lease payments during relocation and the much higher rents when construction is completed and they move back, or would they be allowed to move back to their former locations? She asked if this vision is for the betterment of Gig Harbor and its current businesses downtown or was it for visionaries to leave a mark in the history books? She also asked other questions about the future plans for the city, stressing that city should form an association of neighbors to respond to the proposal relative to the Gig Harbor Basin. She said that more work is needed. This should include more input from those who live and own property in Gig Harbor, and who want to see it experience stable and profitable growth as it progresses into the future.

Jim Tallman 13021 Pt. Richmond Drive. Mr. Tallman spoke in opposition of those portions of the ordinance that affect his properties. He said that he would submit his testimony to Council in writing.

Kit Kuhn – 3104 Shyleen / business at 3104 Harborview Drive. Mr. Kuhn said that he has had his business for sixteen years and lives here. He said that it would have been great if you would have involved the people who are here during the process that Jim Pasin said has been going on for three years. He voiced his concerns over the loss of view and access to the water and the proposed plan for downtown. He explained that most of the people that own property downtown could sell, but for the most part, they have stayed because they like it here and value what is important more than money. Mr. Kuhn stressed that he is opposed to this ordinance, but said that he does think that there should be limits; there needs to be development; and there needs to be growth. But, you have to involve all the players. He said that the twelve people interviewed in the Perteet study are people that have investment property or have something to gain. He passed out pictures of the 11,000 s.f. building behind the Maritime Inn. Explaining that the draft ordinance allows 16,000 s.f., which is 1/3 bigger than the building in the picture. He said that if this ordinance is passed, the only way that someone's going to be able to develop is by building higher or to buy about ten homes and build one building on all the lots. He said that if you want to give an accurate assessment of what could be built, you have to show what is possible with the existing code, and then what could be built with the changes. This has to be sent to the citizens, to the property owners, to the merchants, and to all the people who are going to live or work here. He said that he would also like to see an idea of what the city would look like with five to ten of these buildings using a terraced view of the harbor. He then pointed out that if this were to occur, it would destroy property values. He said that the code is written in a way that even Council has trouble understanding it. He said that he hoped that the information could be put in layman's terms so that it's not so confusing. Mr. Kuhn continued to say that if an existing building burns down, that they should be allowed to rebuild at the existing size. He said again that he agreed that limits should be in place and that there needs to be good development in downtown Gig Harbor. Just involve the people.

The Mayor reminded Mr. Kuhn that there are thirteen more people wishing to speak, so he agreed to finish up.

Mr. Kuhn said that the city is generated by revenue and that seems to be what is driving this ordinance. He explained that hundreds of people come into his store, then actually move here. He concluded by saying that he won't survive, nor are the other businesses, the years of construction or the huge rents that will happen if you do this kind of building. There's not going to be anyone here left to talk those people into moving here.

Bert Beneville – 3002 Soundview Court. Mr. Beneville explained that he did not understand where the idea came up to rezone the Gig Harbor Yacht Club. He said that the statement that the Gig Harbor Yacht Club is surrounded by residences is not true. In front is the Lighthouse Marine and Speedy Auto Glass. Next to them is Nick Jerkovich's home, but also a netshed from where he runs his fishing business. The lot above the club is unusable because of water concerns, and above that is a parking lot, CenturyTel and Spadoni Brothers across the street. He then said that the city wants to re-designate the property to RB-1 or R-1, and in his understanding is that RB-1 is a transitional type of zone that buffers commercial and residential, which is fine, but why make it residential? If you do that, you are limiting the ability to do anything with the property, and devaluing the property by allowing only a 3,000 s.f. structure versus a 5,000 s.f. structure. If you pass the other zoning change that allows a bigger building where Wild Bird is located, you take away the view of the harbor. If you rezone all this waterfront property, you may double or triple the value it is today, but you diminish the value of the Gig Harbor Yacht Club property. He voiced concern that he received the notice of this meeting in the mail, but there wasn't any mention of rezoning the Gig Harbor Yacht Club. He happened to look it up on the internet and surprise, saw that the city was proposing to rezone the Yacht Club. The

Board of Directors was not notified, the Commodore was not notified, nobody was notified that this hearing was coming up or that the city was even thinking about rezoning the property. He asked the Council to first, forget the rezone of the Gig Harbor Yacht Property, and second, please give thought to the rezone of the downtown property that allows the big buildings. Keep it small.

Scott Wagner – PO Box 492. Mr. Wagner said that he is not in support of the ordinance. He said that the Perteet report has little value, explaining that he was one of the twelve interviewed, and that he wouldn't let them decide anything. He explained that he is in support of building size limitations in the downtown core as long as the current Thriftway building could still exist. He said that there are places that larger buildings are appropriate. He discussed spoke about the RB-2 zone on the west side of SR-16 at the Wollochet Interchange. He described all the utility improvements that had been constructed and dedicated to the city. Mr. Wagner continued to talk about the two large pieces of property, one of which they had an approved plan for a 42,000 s.f. bowling center, and which they still hope to do a similar project. He said that the way the ordinance is written with the 12,000 s.f. limitation, they would not be able to do so. The other piece of property is also freeway frontage, where they plan to put an assisted care retirement facility, which would require a 45,000 s.f. footprint. He said that people won't stay if you have to roll them in and out of multiple buildings for different activities. He asked that the ordinance be reviewed, taking public comment for the different areas. He stressed that the downtown core needs to be looked at carefully, and that the B-2 zones and the RB-2 zones on the freeway need to be looked at independently. He said that he doesn't know the answers, but he does know that the current ordinance is not the answer.

Bill Owel – 6844 Mainsail Lane. Mr. Owel said that the position has been pretty well stated by Bert Beneville, so he wouldn't take any more time.

Ella Mary Thorpe – 8020 Goodman Drive. Ms. Thorpe spoke against the rezone. She explained that she did not know about all this going on until she read it in Wednesday's Gateway. She said that she understood that 4500 postcards had been sent, but although she has a Gig Harbor mailing address, she does not live in what you people call Gig Harbor. She voiced her concern with Exhibit 'B' that has the four lots where Wild Birds used to be and on up towards Murphy's Landing. She said that she is curious as to setbacks, asking if those lots can be included clear out to low, low tide, and in regards to the setbacks, can you actually put the size houses that have been indicated in the rezone on those lots? She said that the Council hasn't really considered the "rest of us." While they may not vote for you, they sure spend their money here and go through the town to get anywhere.

Mayor Wilbert explained that action was taken previously to exclude the wetlands in the calculation of building size.

Roseanne Sachon – 3502 Harborview. Ms. Sachon explained that she moved here seventeen months ago from Beverly Hills. She said that she left Beverly Hills, because of exactly what is happening, or could happen here. She described her many years of community involvement on the General Plan Committee and the Residential Issues Committee in Beverly Hills, explaining that because they made big mistakes there, she warned the Gig Harbor Council back in January of 2003 to please be careful. She said that Beverly Hills was once a wonderful little community where people rode their bikes and everybody knew one another, but it was not this way any longer. She said that if you ask people why they moved here, it's for one thing; for the charm and wonderful way of life that reminds them of where they lived before and of how they grew up. She stressed that there are open spaces where these proposed large developments can go,

describing how she was impressed with how well Gig Harbor North had been done. She then addressed the parking concerns along Harborview Drive. She described the wonderful little villages in New England, explaining that they are busy year-round, because they have wonderful shops, good restaurants, things that will bring people in such as a good marketing department. She asked Council to please take these concerns under review and not do anything too quickly. She recommended talking to the people who live in the different areas to gain their perspective.

Linda Gair - 9301 North Harborview Drive / business at 7811 Pioneer Way. Ms. Gair, President of the Gig Harbor Waterfront Restaurant and Retail Association, spoke on their behalf. She said that the first question is "What's the goal?" She said that there has been much discussion concerning building sizes and proposed changes in the Gig Harbor View Basin, and they have seen Mark Hoppen's presentation of the possible ideas for the downtown core, adding that they weren't too impressed. She said that for the most part, they all agree that our downtown could use some enhancement, that the storefronts need spiffed up or remodeled, that parking solutions are a priority, and that they would welcome more retail capability and an assurance that our current retail spaces would remain retail. They do not want to see 16,000 s.f. buildings downtown. She continued to explain that some of those in the retail community have owned their businesses for over eighteen or more years, and have seen good times and not so good times. She said that they have contributed to the character of Gig Harbor, and have given back to the community many times over. She added that they may not generate the revenue that the strip-malls and Gig Harbor North do, but they are a big part of the draw that brings new growth into the harbor. She said that people want to live here because our beautiful harbor, the atmosphere, and the small-town humanness that Gig Harbor emotes. She explained that what is being proposed will ruin our beloved waterfront downtown, even if it were retail and pedestrian oriented. She said the increase in building size would require higher rents that our small business owners would be able to handle, opening the door for offices and chain stores. She said that changes of this magnitude affect all of Gig Harbor, and really should be put on a ballot for voters to settle, and that a handful of people should not decide our future. She said that several of the members are attending a conference in Tacoma next week on revitalizing downtowns, and this type of information is needed before making these quick-fix changes. She asked that Council table this proposal and set up more public round-tables.

Ms. Gair then said she would like to speak as a resident and a member of the DRB. She too was interviewed on that group of people, but not listened to. She said that those who serve on the Planning Commission and Design Review Board give countless hours weighing many sides of issues such as these. She said that although we may have different viewpoints, we come together to give our honest and well thought out recommendations and bring a great wealth of expertise to the table. She said that it is disturbing when our efforts are set aside and the city seeks outside consultants. She said that she agrees with the recommendation from the group that Lita Dawn and Chuck Hunter are representing, to not include the view basin in these changes. She said that she also agreed with the recommendation to not change the Waterfront Commercial to Waterfront Millville on Harborview, adding that this area could be a wonderful restaurant/retail park while still maintaining our heritage. She said that we don't need trophy homes or condos privatizing the harbor and blocking the public view to the water. She said that waterfront homes in Millville should have building and height restrictions. She addressed views, stressing that property owners are taxed on view property, and if the city is going to take the money, it should help protect the views. She concluded that the City of Gig Harbor should be for both tourism and for the local people. She said that newcomers can be good stewards and urged Council to listen to both.

Barbara Pearson – 7305 Soundview Drive #502. Ms. Pearson explained that the ambience of Gig Harbor is what she would like the Council to consider. She gave an overview of the history of Gig Harbor when the Jerisich's settled, up through the history of logging and mills along the waterfront, and through the fishing industry. She mentioned that back in the late 60's and early 70's, there were a lot of empty storefronts in Gig Harbor. Nine women opened shops, each with a dream. Eventually, there were no empty storefronts and an organization called DAGHLM, District Association of Lady Gig Harbor Merchants, was organized; the forerunner of the Downtown Merchants Association. She said that through those women's efforts, and through the Harbor Holidays celebrations, this town has seen an influx of tourism. She said that we like to see the tourists, but we would also like to see some parking. She continued to say that with the cooperation of Laureen Lund and the Gig Harbor Peninsula Historical Society, historic signs are being placed around the harbor. At times, there are people waiting in line to read the signs. We need to keep those historic views available to the public. She said that she is distressed at the size of buildings that are going up on the old Smircich property and the other on the corner of Peacock and North Harborview. She said that these are an insult to the older buildings in the area; they are too big and don't have architecture that blends in with our mix of old styles. She encouraged the Council to go ahead and reconsider this, think it through, and bring it back to the community to those of us who live in the Gig Harbor Basin and who use it every day.

John Skansi – 27710 SE 17th St., Sammamish. Mr. Skansie read from a prepared statement. He said that he is in favor of a fair plan to let tourism and growth develop naturally in the Gig Harbor community, but that the first priority must be to maintain the quality of life. He said that by working together to manage growth and tourism, we can have a win-win situation. He continued to say that the people of Gig Harbor expect the type of leadership from the City Council who will see the big picture and goals. The recent downtown proposal and the proposed ordinance is a poor vision of what the Gig Harbor community is all about. He said that we must always keep in mind the uniqueness of Gig Harbor, specifically, the downtown corridor. Please let this be a wake-up call. He repeated what was said earlier, that we become stewards of Gig Harbor, not just land brokers. It is time to move forward together with broad community vision and understanding of what Gig Harbor is, and the quality of life we all want to maintain. He said that the community is behind Jim Franich's, and the others outstanding efforts in the area of growth management and fiscal responsibility. He concluded by saying that the community support will grow as more people understand what is happening. He then thanked Council.

Rosemary Ross – 3315 Ross Street. Ms. Ross explained that Gig Harbor is a city in transition. There once was a time when it was truly a quaint fishing village, but those days are no longer with us. There are a few surviving fishing families, which is a very difficult thing to do in this day and age. Gig Harbor is now a city with a lot of tourists and people who have lived here a long, long time. Ms. Ross said that thanks to everyone else who has spoken tonight, most of her steam had been taken away, so she addressed one issue. She said that she is against the ordinance, but in favor of limiting the building sizes as much as possible, but not the way it is stated in the ordinance. She said that one issue that hasn't been discussed is where are you going to park these cars? We don't have adequate parking for the buildings we have right now, and it is difficult to drive through Gig Harbor and to find a parking space as it is. She reminded Council that it is their job to represent the people who live in Gig Harbor adding that she hopes that they remember that when making these decisions. She concluded by saying that the people are here because they trust Council to make decisions that will enhance their lifestyles, and thanked Council for listening.

Bruce Gair 9301 North Harborview Drive. Mr. Gair explained that he was present as a private citizen and not as a member of the Planning Commission, however, he wanted to explain the

source of the 16,000 s.f. limit. He said that it is a combination of the footprint starting at the old doll shop, Mary Bonneville's building, Johnny Gilich's building, Neptune Court, all the way back to include the used clothing places. That is 16,000 s.f., which is awfully big. He said that he volunteered to be one of the faithless twelve listed, and was promptly misquoted regarding a statement he made about a present Councilmember and his present landlord. He said that as a member of the Planning Commission he is glad that we will be taking another look. He recommended listening to all the comments, especially Chuck Hunter, Linda and Kit. He said that he fully agrees with their thoughts. He said that his only message other than the 16,000 s.f. is let's save the waterfront, let's save its access and please take care of our core and our heritage.

Randy Boss – (didn't give address). Mr. Boss said that he was present to speak on a specific issue. He said that if you took all the comments about the downtown area and removed these issues, the rest of the ordinance appears to be pretty safe. He repeated staff's comment that the PUD was taken out of the B-2 zoning because there was no need for additional bonus square footage on the Westside. He said that Gig Harbor North is done, Costco is going in and there are a couple of acre pads for some small retail, adding that the City of Gig Harbor has been very well served by the retail sales tax that has come in. Mr. Boss said that his specific comment on the B-2 is that he is very much in favor of the increase in the square footage size. With the build-out of Gig Harbor North, there is no retail left in the City of Gig Harbor other than the Westside. He requested Council to strike the language that on the Westside, the PUD process would not be allowed. He discussed the possibility of moving the proposed hospital to the west side of Gig Harbor, a 90,000 s.f. building, which would not be allowed unless the city were to leave the PUD process in place. By setting that cap at 65,000 s.f., you take away the possibility to use that capability to produce something imaginative. He referred to the testimony by Scott Wagner, adding that Brunswick has a new prototypical bowling alley now that is in the 70 – 80,000 s.f. range, but there would be no place to build if this cap were to be placed on the Westside. Mr. Boss said that his comments are specific to that part of the ordinance and asked Council, not to segregate this B-2 area by taking away the PUD process. He stressed that there have been no negative comments on that area tonight, and no one has said that 65 is too big, so hopefully, Council will take that into consideration during deliberation of the ordinance.

Mike Elwell – 9211 North Harborview Drive. Mr. Elwell explained that his home that is about 3,500 s.f. home on an acre and a third of land, with almost 200 feet of waterfront He said that if he understands this proposal, nobody could tear his house down and rebuild anything bigger than 3,500 s.f. building. He said that this property is five lots which could be put into three properties. Three properties with three houses of 3,500 would be a lot less desirable than one 5,000 s.f. house on that property. He said that he didn't see where this regulation is an improvement to the visibility to the water. He said that his neighbor, Bruce Gair, is five feet from my property line, asking if that is what the people would want to see in every case. He continued to say that behind him, there are houses that are about 8,000 s.f., and on the Goodman side of the harbor they go up to 12-15,000 s.f. He said that the ordinance should just be restricting some of the economic increase in the harbor.

Councilmember Ekberg asked for clarification. He said that it sounds like Mr. Elwell is not in favor of a limit of 3,500 s.f. on residences, but he is in favor of any of the other limitations that are being considered tonight. Mr. Elwell said that we would all hate to see the character of the town be lost, adding that he wished that we could move toward the concept that we are a maritime community. He said that we should not allow unrestricted architecture building boxes. Councilmember Ekberg asked again if Mr. Elwell is in favor of imposing limitations on the other uses in the downtown and the waterfront. Mr. Elwell responded that he is totally in favor of small

sizes but that it is unrealistic on housing. Councilmember Ekberg again asked Mr. Elwell if he would have a problem with someone with a 5,000 or 6,000 s.f. house, or if he would have a problem with a business of that size. Mr. Elwell said that the residences wouldn't be in the downtown area directly, except the one cluster of eight going down to an area of three.

Councilmember Dick said that he was confused, as he thought one reason for different versions of size regulations in the waterfront area was because of the concern that if there aren't limits, it could become a wall of buildings. If a wall of buildings threatens the maritime character of the waterfront, does it matter whether they are commercial or residential? Mr. Elwell responded that he thinks that sight lines, view lines of the water, and open spaces are crucial, but the city is limiting someone who might buy his piece of property to making that property split into three, instead of one person putting in one larger home. He said that he thought it would be detrimental to the plan because it would be cutting into the amount of walls against the water.

Councilmember Young asked if this same argument could be made for commercial structures. Mr. Elwell said absolutely, if there is open space. He said that he didn't have a problem with a commercial structure, but we want to see our harbor. We don't want another Russell Building putting up a skylight so you can't see the water. That is part of our public domain that we'd like to maintain.

Councilmember Young asked that if a Bill Gates type character was to build on our waterfront, regardless whether it a commercial structure or a house, isn't the end result the same? Mr. Elwell responded that if he could give us sight-lines to the water; but if you take the Russell Building, you keep it three feet above the walkways so that nobody can see the water for the entire section and then you allow nothing but an architectural concept of skylights to block the view from everybody from the water. That is not doing anything for the town.

Councilmember Young said that it sounds like the key is the sight lines that you provide rather than the size that is important. Mr. Elwell emphasized that sight lines are a major issue because we all want to see the water, we want to see our community and the tiering effect is very valid throughout the hub of the harbor. He said that you are going to limit it to 3,500 s.f. because you have a preconceived notion that this is as big as anybody should have for a home.

David Folsom – 1818 91st Street NW. Mr. Folsom said he would like to offer a practical suggestion. He said that when he has looked at the B-2 building zone, he saw that it is splattered all over the city. He said that some of these sites would not be appropriate for the 65,000 s.f. expansion. He recommended that the city should set a zone for this type of large building, and then pick the locations that make the most sense to locate the zone. Certainly the existing locations would be good candidates, because we don't have to worry about the neighboring areas. He said that he didn't think that we want to see a large supermarkets right along either side of Highway 16, and yet both of those areas have B-2 zones; one up from Olympic Village and the one at Wollochet. He asked Council to reconsider what the zoning needs to be for these large structures and set the zoning, then pick the locations.

Councilmember Dick explained that one concern is spot zoning and trying to figure out the areas where it is appropriate. Mr. Folsom said that the city needs to update the Comprehensive Plan and pick those locations where you see the need for future growth. This is what the planning process is all about.

Councilmember Ruffo asked Mr. Folsom if his references are all specifically for the B-2 zones. Mr. Folsom said that he used this as an example of different locations with the same zoning,

and where the city is wrestling with one problem. One clear set of rules won't apply in all the cases, so set the zoning to do the job that we need it to do, then pick the locations to fit the zone. That way we don't have to agonize whether all the B-2 areas are suitable for this type of thing.

Nick Jerkovich – 3710 Harborview Drive. Mr. Jerkovich explained that he was here to speak on moving the Millville line to the north. He said that he thought if he listened long enough, that he would understand, and yet, he still doesn't understand. He said that he lives closest to this rezone, and isn't sure that he doesn't want it. He explained that all these people are so positive of what they want, and yet they don't live there, while I'm right there and I'm not sure that I don't want it to be brought into the Millville zone. If it only brings in eight homes, and if they are built within the guidelines of the city laws with height restrictions and setbacks and away from the road, I'm not sure if that wouldn't be better than having a restaurant that is open until two o'clock in the morning or shops that bring a lot of cars or congestion that would saturate that piece of property. Mr. Jerkovich said that you understand how congested that area is with the boat place, the glass place, and the parking problems, adding that there is a lot of congestion and near accidents almost every day. He said that eight nice homes that fit into our décor and our plans might be the best thing in that area. He explained that they never expected that property to stay empty. They knew something sooner or later would come there and that he thinks that we just need to look at what would suit the people that live there now, and what would do the best job. He said that we need to take our time and make sure that we get something that we aren't sorry for later on. He continued to say that he detests the buildings on Rosedale; the size of the buildings and the way that they look is an injustice. It ruined a good area. He also said that he does not like the building at the bottom of Peacock Hill. It doesn't fit in with our city or what we are looking to do for our city in the future. He said that he isn't sure which plan that he wants for the property across from him, but what he does want are homes to keep the congestion down and to keep the residential area, with corridors to view the water, people, kids and the whole works. He said that we don't need another big huge restaurant that's open until two in the morning and a big mess of cars where we don't have room.

Jean Gazabat – 10607 Crescent Valley Drive / business at 3101 Judson Street. Mr. Gazabat said that he has some basic questions that he didn't understand. He asked how the city could allow these changes when we still haven't addressed the smell from the sewer. He said that he didn't understand how no one is addressing the traffic. He said that we haven't addressed the parking. Our sidewalks are not wide enough. These are basic infrastructure questions and he doesn't know how we can be talking about enlarging the size of anything until we deal with what we have. It is a pure embarrassment to be by that sewer at least twice a day, especially at night when it hovers and it sits and it permeates the neighborhood. He said that he doesn't understand why the city doesn't address it. Most of all he is really disappointed, because we're talking about down zoning the Yacht Club but we're not talking about monetarily compensating them for the loss. He is embarrassed, again, to be in a city that is going to take somebody's zone without compensating them.

The Mayor thanked everyone for speaking and closed the public hearing at 10:19 p.m. and called a five minute recess.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of April 12, 2004.

2. Correspondence / Proclamations: Proclamations: a) White Cane Days b) Kinship Caregiver Days c) National Public Works Week.
3. 2004 NPDES Permit Water Quality Monitoring Program Contract.
4. On-Call Development Review Professional Services Contract – Hammond Collier Wade Livingston.
5. On-Call Development Review Professional Services Contract – HDR, Inc.
6. Special Occasion Liquor License – Prison Pet Partnership Program.
7. Liquor License Application – The Rose of Gig Harbor.
8. Liquor License Discontinued – Marco's Restaurant.
9. Approval of Payment of Bills for April 26, 2004.

Checks #43037 through #43148 in the amount of \$324,039.16.

MOTION: Move to approve the Consent Agenda as presented.
Picinich / Ruffo – unanimously approved.

OLD BUSINESS:

1. Reintroduction – First Reading of Ordinance – Regulating Beekeeping. Mr. Osguthorpe offered to address any questions. Council asked how staff had arrived at the one-acre requirement for beekeeping. Mr. Osguthorpe explained that one acre is more in line with what you find in a rural situation. We are now in an urban environment, and the one acre lot will lean toward a more rural area where this activity might be more prominent or appropriate. He said that he did not know how other jurisdictions arrived at a smaller lot size, nor has he seen the science behind that lot size.

Councilmember Dick asked staff to bring back comparison on the number of bees and lot sizes that is contained in ordinances from other jurisdictions. He said that he thought the nuisance approach, and dealing with reports on a case by case basis, would deal with one part of the problem. He said that he would like to see how other jurisdictions are handling the zoning issue.

Carol Morris, City Attorney, read from three ordinances. Pierce County has a parcel size requirement of 6,000 – 10,000 s.f. for two hives; 10,001 – 20,000 s.f. allows for four hives; 20,001 to 43,560 s.f., they allow ten hives. The City of Seattle allows no more than four hives, each with only one swarm, and shall be kept on lots less than 10,000 s.f. There are some restrictions on where they can be located on the property. Bellevue allows a maximum of four hives, each with one colony, lots of 15,000 s.f. or less. Maximum of fifteen hives, each with one colony on lots containing more than 15,000 s.f., but less than 35,000 s.f. Maximum of 25 hives, each with one colony, on lots containing 35,000 s.f. or more.

Councilmember asked for a crib sheet to help summarize this information. Councilmember Ruffo said that it seems that there are two issues; what is allowable on square footage basis and when is it a nuisance. He said that the nuisance piece is much more important than the zoning. He stressed the need to focus on that issue, but also asked to address what is allowable and at what point it becomes a nuisance.

Councilmember Franich said that he likes the aspect of a nuisance approach and he didn't understand why we couldn't allow less than an acre. If it becomes a nuisance, there is the ability to rectify the situation under the provision of the draft ordinance.

Councilmember Young said that the ordinance sets a behavior that is expected of the beekeeper and of the hive. If they are unable to control the bees at those levels, then you can take action. If you know what you are doing, it sounds like you can have smaller lots. If we allow

bees, and they swarm onto the neighbor's properties, it is unacceptable and action needs to be taken. There is a certain amount of property rights to maintain, but that part stops when bees swarm onto another's property. Obviously, you can't keep bees from Gig Harbor, but we should make it so that when there is an issue, we address it at that point. Councilmember Young said that he was impressed with the Pierce County ordinance because it sets a best practices standard and seems to have science and knowledge behind it.

Councilmember Conan agreed that he was more impressed with the Pierce County ordinance over the others, because it lays out how to properly maintain bees. He said that in order to implement a similar program, it is key to have the nuisance regulation in Title 6, so that if there is a problem, it is addressed immediately and there is a system in place to do so. He added that he thought everybody could agree to that. Everyone wants to see some sort of a nuisance clause so that they can feel like they are doing their part. He said that he thought the one-acre limit was a bit extreme and he would like to see something more in the line of the Pierce County ordinance with a smaller lot size but with distinct rules and regulations.

Councilmember Young asked for additional information from Pierce County on how they arrived at their calculations.

Councilmember Picinich asked for clarification of whether there are 50,000 bees in a colony or if there is any limits to how many bees are contained in a box. Mr. Bowles responded that the size of the colony depends upon the time of year, and Ms. Bowles said that a box is not a colony of bees. Bees increase their number in the summertime as they collect pollen. Typically they live in the bottom two boxes and store their honey in the other two boxes. The boxes are not completely occupied, and that is why you stack them. Councilmember Picinich said that his concern is that it becomes a health issue when someone is allergic to bees and there are 50,000 of them across from their yard. This is endangering the life of a citizen of Gig Harbor and so he supports the nuisance ordinance. Ms. Bowles responded that when she talked to the pest control people, she asked if a hive of 50,000 bees is any more risk to someone than if the hives were not there. The response was that someone allergic to bees is also allergic to other stinging insects, and they need to have a bee-sting kit available to them. Councilmember Picinich stressed that his concern is that someone is locked inside their house for hours because of these bees swarming.

Mr. Stump began to explain what the bees were doing, and a point of order was called. The Mayor said that the Council would not ask any more questions of the audience, but only of staff.

Councilmember asked staff to come back with more information from Pierce County on the acreage issue and to focus more on the nuisance piece. Mr. Osguthorpe clarified that Council wanted staff to pursue Title 6 amendment, but not the change to Title 17. Councilmember Conan said that they are also interested in the zoning issues identified by Pierce County. Mr. Osguthorpe clarified that the amendments to Title 6 includes the same approach that Pierce County used, but with different lot size numbers.

Councilmember Dick said that there are questions about lot size raised in the zoning. Councilmember Young clarified that this language is also contained in the nuisance ordinance, so you don't need to amend the Title 17 change if you adopt the Title 6 standards. Councilmember Ruffo stressed that we need to focus on one nuisance ordinance.

Carol Morris asked for clarification on the direction to focus on lot size in Title 6 ordinance, and whether Council wants to use the same numbers as Pierce County. Councilmember said

that they would like the background and also a recommendation. Ms. Morris stressed that Pierce County has no backup information as it was adopted over ten years ago, and staff doesn't have any scientific data themselves. She asked if a graph of what other jurisdictions have for lot sizes and number of bees allowed would suffice. Council agreed.

NEW BUSINESS:

1. **First Reading of Ordinance – Building Size Analysis.** Steve Osguthorpe introduced this first reading and offered to answer any questions. He addressed the concerns about the uses allowed in the Waterfront Millville versus the Waterfront Commercial, stating that the two uses are almost identical. Both uses allow residential and the Waterfront Millville allows boat manufacturing as an outright permitted use, whereas it is a conditional use in the Waterfront Commercial zone. So in terms of retaining a boating industry on the waterfront, the Waterfront Millville zone allows that use more readily than the Waterfront Commercial zone. He continued to explain that there is a provision in the zoning code under Waterfront Millville that states that when there is a conflict between the design manual and the zoning code, the design manual prevails. The current height limits would be applicable, 18 feet with significant side yard setbacks.

Councilmember Franich stressed that this is a critical piece of information because there is some misconception, as was shown in the previous pictures, that a building could be 24 feet high. Mr. Osguthorpe added that within the design manual, the sideyard setbacks are based on the width of the lot, whereas in the current zoning code standards, you can max out your sideyard setback to 8 feet. This would allow less sideyard setback and less height than what would be allowed in the Waterfront Millville zone portion of the code. He said that they recognize that this is confusing and it will be corrected with the design manual update.

Councilmember Ruffo said that when this process began, Council was focused on one thing only and he doesn't know what happened. The building size on the Westside was the issue three years ago and the fact that the Safeway's of the world couldn't compete with what is happening in Gig Harbor North. Now we have a whole city up in arms. We have to go back to the process, forget the substance, and talk about citizen involvement. Perhaps Mr. Hunter could be involved, and others who spoke this evening, in the process to move forward.

Councilmember Ekberg agreed that three years ago, this was started to look at just one issue and it has grown from there. He said that one of the things that came through loud and clear tonight is that the rezones do not belong in this ordinance and they need to be removed. Councilmember Ekberg jokingly said that the second thing that he has learned tonight is that the Mark Hoppen plan for the re-development of downtown Gig Harbor is the *Mark Hoppen Plan for the Redevelopment of Downtown Gig Harbor*, and all questions should be directed to him! He continued to say that he thought that Council could still move forward with the original task of addressing the B-2 on the Westside and Olympic Village at 65,000 s.f. with our without the PUD. Other Councilmember agreed. He continued to say that it appears that 95% are all on the same page to limit the size of buildings mainly in downtown Gig Harbor and to preserve what we have. Maybe 16,000 isn't the right number, but it is the starting of the process that we now need to fine-tune those as a separate entity.

Councilmember Ruffo said that he is a boater and he was shocked the first time he took his boat out the spring and saw what is happening in the city. He said that he agreed with all the comments that were made, adding that when you are out in the water you can really see the projects, and it is a problem. He said that he agreed that property owners have rights and there has to be a balance between these rights and what makes sense for the ambience, quaintness

and what we want to see the historic downtown area to be. He said that he is optimistic that we could work with developers to come up with something that makes sense.

Mayor Wilbert said that she had heard a recommendation to revisit the view basin and other issues separately. She asked when the design manual could be expected to be finished. Steve Osguthorpe responded that this would be in August.

Councilmember Picinich agreed that the biggest problems are the downtown business zone and the neighborhood commercial. He recommended going back to the general business, stating that he is in favor of the 65,000 s.f. limit, leaving in the PUD process for the Westside only.

Councilmember Franich talked about how the Westside can't compete with Gig Harbor North, and that if the Safeway or Thriftway buildings burn down they couldn't be rebuilt at the same size. He recommended making allowances to grandfather these in so that if they did burn down, they could rebuild to the previous size. That would be one way to alleviate those concerns. He said that he would probably be in favor of increasing the limit to 65,000 s.f. on the Westside and Olympic Village. He then addressed the Yacht Club, stressing that the area surrounding it is residential. The glass and marine repair is a conditional use and everywhere else is residential. He explained that this property was operated as a conditional use before the Yacht Club went in, at which time they came in for a rezone. Council granted a rezone at that time, but it doesn't mean that it shouldn't be changed back to residential, which is the character of the surrounding neighborhood. He said that per the comments that came from tonight's meeting, the 16,000 s.f. suggestion by Perteet should be a much smaller number. He said that he doesn't know how to proceed, as there has been so much effort put into this, and asked for direction from staff.

Mark Hoppen, City Administrator, recommended a workshop which the public can attend to address the issues. He referred to the comment by Councilmember Ruffo that this began three years ago as a much simpler issue. He said that three years ago, the city hadn't seen the market dictate the number of large office buildings all over town and the big push for growth. He said that some of the decisions made in 1995 seemed kind of innocuous at the time. For instance, putting a DB zone on the hill turned out to not be very innocuous at all. He reminded everyone that right now, single family residential and non-residential uses are not limited to size. Medium-density residential and non-residential uses are not limited. RB-2 and Downtown Business uses are not limited. Waterfront Residential has no limit and neither does Waterfront Commercial. He said that Chuck Hunter has a point.

Councilmember Ruffo said that he still thinks we should focus on the B2 zone on the Westside now and address the other concerns at a later date.

Councilmember Young explained that one of the things that the committee struggled with is that the zones don't seem to have much rhyme or reason, and they appear in places that they shouldn't. For instance, the Downtown Business zone extending over to Rosedale. He said that trying to lump together properties with different topography and characteristics into one zone, such as the Thriftway site and the downtown triangle core, was a concern. He said that everyone agrees that Thriftway should be allowed to rebuild in case of a fire, but these buildings are about 85,000 s.f. altogether, which is considered way too big for the rest of the downtown area. He said that all the zones need to be revisited to see if they are specific enough and then to see if they are in the right places. Mr. Hunter pointed out that the Finholm Marketplace shouldn't be zoned DB-2. Councilmember Young said that one of the things that bothers him is people complain about the Point Fosdick area in the same way. It's okay for the stores that are existing, but we don't want the same size buildings on the vacant lots. Maybe it shouldn't be the

same use. He asked why we try to hold on to these zones and then put building size limitations into those same zones. He then said that he wants to move forward with the Westside part.

Councilmember Young moved on to discuss the transition zones, setback requirements, and maximum lot coverages. He said that you still can't build what has been said could be built, or what the pictures have shown could be built, on the Finholm site. He agreed, though, that this should be removed from the ordinance for now just to be safe.

Councilmember Dick voiced his concern for how you can get people to talk about specifics. He said that thankfully, a lot of input has been received tonight. He said that there has been many meetings on this issue, but it has been difficult to convey what needed to be discussed, and to get the right information in order to move forward. He said that he hasn't heard anyone say "no limits in the downtown." But if the Council only addresses the Westside, the downtown area could be built out at the existing no-limit standards before anything can be decided on. He said that one possible way to proceed would be to impose a moratorium, an idea that he doesn't favor, as a way to obtain more information and to prevent a problem like the existing buildings. He commented that this Council didn't adopt the rules that allowed those buildings; they exist because we put off imposing the appropriate standards. He discussed the need for additional zones, the need to preserve the maritime character, the need to preserve the view of the water, and how to approach all these concerns. He said that in his opinion, there is an immediacy to dealing with the downtown corridor, even greater than the Westside. He said that he hopes that Council could move quickly.

Councilmember Ruffo commented that he did not intend on waiting long, and agreed that we need to move forward on the downtown. He said that it would be much easier to carve out the Westside portion and act on that now. The Mayor suggested scheduling weekly workshops.

Councilmember Ekberg agreed, stating that he had the same concerns as Councilmember Dick regarding the areas where there are no limits. He said that if it takes too long to put a limit in place, someone may go and buy five or six houses downtown, tear them down and build one big building, which no one wants to see.

Councilmember Franich said that one thing that isn't being addressed is the height issue and how it is measured. He said that he sees no rhyme nor reason to the existing code, because you can end up with a BDR Building that is 40 feet tall. If this problem could be fixed, it would go a long way to fixing the perception of mass, scale and all the things that people dislike about that building, and the others going up. Councilmember Ekberg asked if people would be happier if that were a one story building. Councilmember Franich said that they would be happier than with what was built. Councilmembers discussed whether it was actually height that was the issue, using the Russell Building as an example. Councilmember Franich said that the problem with the Russell Building is the perception from the water, as is the case with the Luengen Building, and those built on Rosedale Street.

Mark Hoppen asked Councilmember Franich if he was suggesting that it is not so much how we calculate height from the highest point of the buildable setback; it's not even the 27 foot wall plane at any one point; it is the total height of the structure as it steps down the hill that is something that hasn't been regulated. Councilmember Franich said that he agreed.

Councilmember Young said that if you look at any view charts or sight lines, they point down toward the harbor, and little time has been spent on the perspective of looking up from the water. He said that we are discovering the importance of that more and more. He also said that

the other thing to keep in mind is that you can't build a Novak Building or a Harbor Inn Building any more. The current codes and ADA requirements simply would not allow it. To have the same amount of small shop space, you would have to add at least 30% to accommodate today's regulations. To say we want the buildings to look like "Old Gig Harbor" is not realistic due to permitting issues such as the width of doorways, hallways, parking, and a requirement for an elevator for two-stories. That is the reason that the consultant was hired in order to address all these issues.

Councilmember Franich said that in 2004, 65,000 square feet is an average size for a grocery store. But what about five years from now when corporations dictate that 150,000 is the minimum size. Do we keep increasing the size limits? Councilmember Young responded that if that is what the market demands, the property owner will come and ask for the increase. He said that if Safeway were to burn, and they couldn't rebuild because of a size limitation, there will be ten times the number of people show up because they have lost a service. Everybody wants the quaint shops, but at the same time, they need the services. People come to Gig Harbor for the harbor, but they have to live too.

Councilmember Franich agreed, but said that he believes what goes on in the periphery of the core, does affect the core. Councilmember Young said yes, adding that we can't go back to the small butcher shop and bakery.

Councilmember Ekberg said that one reason for the struggle is that the Gig Harbor everyone likes wasn't developed by ordinance. It developed through those who came and built a house, built a netshed, built a business, had a grocery store, then a bigger grocery store, and then a Thriftway. We are all trying say that this is what we like, and asking how to preserve it by ordinance. What was created was done haphazardly and not by an ordinance. To try and put it into written form is a difficult task. He said that initially, he was against building size limitations downtown because of concerns that we would end up with a downtown Gig Harbor with all the same size buildings, because no one is going to build something smaller than what is allowed. Square footage may not be the best answer, but in the areas where there are no current limits, something needs to be done to make sure someone doesn't put together several lots and build something too large.

Councilmember Dick suggested revisiting the height issue. He also said that another issue is coming up with a design method that integrates a partial view toward the water so that you get places that it's still part of "us." You may be able to do away with building size limits if you were able to develop this method, but this has to be done at a later date. He agreed that even imperfect limits should be imposed now with an effort made to refine them later.

Steve Osguthorpe expressed an idea in response to Councilmember Ruffo's concerns. He said that because there is minimal debate on the proposal for the Westside / Olympic Village, if the PUD Standards are included back in or taken out, staff could separate this portion out for a second reading at the next meeting, as it is in the scope of what has been advertised. Then the workshops could begin on the rest of the items. Councilmember Young asked if there were any other areas where there was little concern, as the focus was on the waterfront and downtown business areas. He said that the residential zones received little attention. He said that he did agree with comments by Jim Pasin on the R-1 zone, but that these concerns could be addressed by exempting certain uses.

Mr. Osguthorpe explained that there is a Public Institution zone, and it may be more appropriate that if there is need for a school or library, to rezone a site. Councilmember Young said that

personally, he doesn't like that idea, because he doesn't like siting property for the school district to build schools.

Councilmember Dick asked for clarification on the notices that were sent to the state. Mr. Osguthorpe explained that everything in the ordinance was forwarded to the state except the recent staff recommended changes. He added that if limitations were changed, we would have to re-notify for that. Councilmember Dick then asked about using a moratorium as a device. Carol Morris said that she preferred not to discuss this during open session because it could prompt people to submit building permit applications.

Councilmember Ekberg asked if it would be appropriate to address residential business and downtown business in the view basin, which currently have no limits, and replace the 12,000 and 16,000 s.f. limit with an arbitrary number such as 5,000 s.f. and bring it back at the next meeting, or if it would be too much of a change. Mr. Osguthorpe said that this would be a substantial change that would trigger re-notification. Councilmember Young commented that it is not a site-specific change, asking why it would need to be noticed. Mr. Osguthorpe explained that it wouldn't be notification to a specific property owner, but to the general public.

Councilmember Ruffo brought the conversation back to focus on the B-2 zone. He said that the community has said that they would like to be more involved and he would like to involve them in the workshops. He said that he thought the issues with the B-2 area could be resolved between now and the next meeting by having specific discussions with staff. Councilmember Franich asked if he was in favor of the increase in size for B-2 areas other than the Westside and Olympic Village. Councilmember Ruffo responded that he didn't have enough specific information, but that he did not believe that the 35,000 s.f. limit was acceptable, and that he thought that the 65,000 s.f. sounded appropriate. He added that the 20,000 s.f. limit in other areas is debatable.

Councilmember Ekberg paraphrased that Council wants to pare down the ordinance to focus on the Westside and Olympic Village, and to go with the 65,000 s.f. limits, leaving the PUD option available. Councilmembers disagreed on whether they wanted to leave in the PUD option, and said that it should be debated. Mr. Osguthorpe pointed out that the PUD option would allow a potential increase of over the 65,000 s.f. limits.

Councilmember Young said that the committee recommended leaving the PUD option available, but not to allow an increase in building size. He added that there are other site plan tools that might be desirable. Councilmember Franich agreed that he liked the idea to limit the building size to 65,000 s.f. but to leave the other devices available.

Councilmembers recommended that staff come back with a second reading of the ordinance for the B-2 zone at Olympic Drive / Westside; and propose a schedule of worksessions to address the other issues, dealing with the Downtown Business District separately.

STAFF REPORTS:

Finance Department – Quarterly Report. No verbal report given.

PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS: None.

MOTION: Move to adjourn at 11:29 p.m.
Franich / Ruffo - unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 15.
Disk #2 Tracks 1 - 6.
Disk #3 Tracks 1 – 16
Disk #4 Tracks 1 - 4

Gretchen A. Wilbert, Mayor

Molly M. Towslee, City Clerk

The Salvation Army



William Booth, Founder

TACOMA CITADEL CORPS

ADMINISTRATIVE OFFICE:

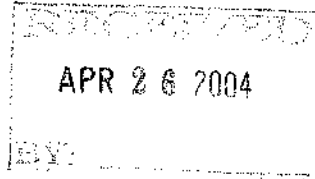
1501 Sixth Ave./572-8452

DIRECT ALL MAIL TO:

P.O. Box 1254 / Tacoma, WA 98401-1254

April 23, 2004

Mayor Gretchen Wilbert
City of Gig Harbor
3510 Grandview St
Gig Harbor WA 98335



Dear Mayor Wilbert:

Thanks for your outstanding support to The Salvation Army.

We appreciate the establishment of the BOGUE Volunteer Center and look forward to the partnership with the volunteers.

Over the years, there has been continuous growth in the support for The Salvation Army from the citizens of Gig Harbor.

We welcome the additional partnership and please know you can count on us to "Doing (the most) Good" with contributions of money, time and resources.

Sincerely,

Thomas Morrow, Major

CC: Sammi McCubbins, Advisory Board Chairperson
Bill Reed, Lifetime Advisory Board Member

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, native plant species are an important part of Washington's heritage, providing important aesthetic, economic, and ecological contributions that make Washington a special place to live; and

WHEREAS, Washington enjoys an amazing diversity of over 3000 native plant species from rain forest plants on the Olympic peninsula to the desert species in Eastern Washington; and

WHEREAS, preserving native plant eco-systems is critical for the protection of birds, fish, and other wildlife, as well as water quality in Washington State; and

WHEREAS, over 350 of our native plant species are listed as rare by the state's Natural Heritage Program; and

WHEREAS, invasive species present a threat to sustaining of Washington's native plant ecosystems and the biodiversity that they enable;

NOW, THEREFORE, I, Gretchen A. Wilbert, Mayor of the City of Gig Harbor, do proclaim the week of May 24-30, 2004 as

Native Plant Appreciation Week

in Gig Harbor, and I urge all citizens to join me in appreciating, enjoying, and celebrating our floral diversity by taking advantage of the opportunities of this week to learn more about our native plants, their habitats, and how to protect them. Take a native plant walk, visit a natural area, or become involved in a restoration project as we join together to celebrate this precious heritage.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 10th day of May, 2004.

Gretchen A. Wilbert, Mayor

Date

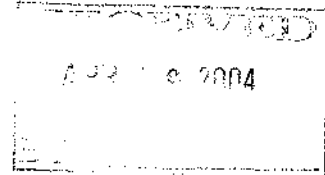


Washington Native Plant Society
Appreciate, Conserve, and Study Our Native Flora

6310 NE 74th Street, Suite 215E, Seattle, WA 98115
(206) 527-3210

April 14, 2004

Mayor Gretchen Wilbert
and City Council
3510 Grandview St.
Gig Harbor, Washington
98335



Dear Mayor Wilbert and Council,

The Washington Native Plant Society invites your City to join us and Governor Gary Locke in proclaiming May 24-30 as Native Plant Appreciation Week

Attached are background information on Native Plant Appreciation Week, a copy of the Governor's proclamation, and a generic proclamation that you may wish to use as a model.

If you choose to join the state and other jurisdictions in proclaiming Native Plant Appreciation Week, please contact me at (206) 417-5517 or wnpscarol@yahoo.com. Please indicate if you would like a WNPS member to receive the proclamation in person so that we can make arrangements.

Thank you in advance for your participation, and please feel free to contact me if you have any questions. You may also learn more about the Washington Native Plant Society on our Web site at www.wnps.org.

Sincerely,

Carol Shenk
Washington Native Plant Society
State Board Member
Central Puget Sound Chapter Conservation Chair

The State of Washington



Proclamation

WHEREAS, native plant species are an important part of Washington's heritage, providing important aesthetic, economic, and ecological contributions that make Washington a special place to live; and

WHEREAS, Washington enjoys an amazing diversity of over 3000 native plant species from rain forest plants on the Olympic Peninsula to the desert species in eastern Washington; and

WHEREAS, preserving native plant ecosystems is critical for the preservation of birds, fish, and other wildlife, as well as water quality in Washington State; and

WHEREAS, over 360 of our native plant species are listed as rare by the state's Natural Heritage Program; and

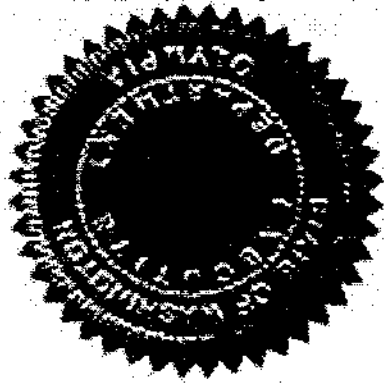
WHEREAS, invasive species present a threat to sustaining of Washington's native plant ecosystem and the biodiversity that they enable;

NOW, THEREFORE, I, Gary Locke, Governor of the State of Washington, do hereby proclaim the week of May 24 to May 30, 2002, as

Native Plant Appreciation Week

in Washington State, and I urge all citizens to join me in appreciating, enjoying, and celebrating our floral diversity by taking advantage of the opportunities of this week to learn more about our native plants, their habitats, and how to protect them. Take a native plant walk, visit a natural area, or become involved in a restoration project as we join together to celebrate this precious heritage.

Signed this 11th day of March, 2002
Gary Locke
Governor





Native Plant Appreciation Week

May 24-30, 2004

What is Native Plant Appreciation Week?



Erigeron aureus. Copyright 2004
Tim Hagen. All rights reserved.

Governor Locke has declared the week of May 24-30, 2004 in Washington as Native Plant Appreciation Week. This week is intended to be a celebration of the amazing diversity of Washington's over 3000 native plant species that range from desert plants to rain forest species and of the native plant ecosystems that are so important to sustaining the quality of Washington's environment.

The *Native Plant Appreciation Week* is intended to encourage citizens to become involved in learning more about native plant species and their habitats and how they can help to protect them. It is an opportunity to encourage public involvement in everything from a plant

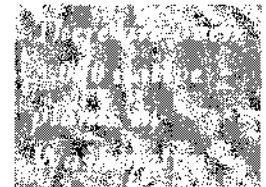
walks and visits to our natural areas to active involvement in habitat restoration projects.

Native Plant Appreciation Week is an opportunity for governmental agencies, non-profit groups and environmental organizations to highlight their work in protecting native plant species and restoring native plant habitats. There is a great deal of extraordinary work being done that is not fully appreciated by the general public.

It is also an opportunity to increase public understanding of the critical role that our native plant ecosystems play in providing suitable habitat for birds, fish and other animals and in protecting water quality.

Finally, it is an opportunity to articulate the tremendous threat invasive exotic pests – insects, plant diseases and invasive plant species - are to our native plants and ecosystems and the work being done in both the public and private sector to combat that threat.

Although it is an opportunity to educate, *Native Plant Appreciation Week*, is primarily an opportunity to celebrate our native floral abundance, our amazing bio-diversity, and all the good work being done to protect and preserve it.

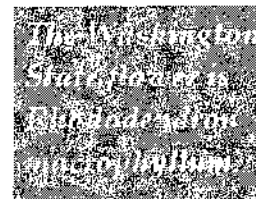


- Governor's Sustainability Coordinator
- Washington Native Plant Society
- Washington Audubon Society
- The Nature Conservancy
- North Cascades Institute
- Washington State Department of Agriculture
- Department of Natural Resources – Natural Heritage Program
- Washington State Department of Fish and Wildlife
- Washington State Noxious Weed Control Board
- County Noxious Weed Control Boards
- Department of General Administration
- Washington Parks and Recreation Commission
- Evergreen State College

Who do I contact for information or to participate?

William Brookreson, Deputy Director
Washington State Department of Agriculture
P.O. Box 42560
Olympia , WA 98504-2560
360-902-1810
Fax 360-902-2092
bbrookreson@agr.wa.gov

or
Fred Weinmann, President
Washington Native Plant Society
6310 NE 74th St., Ste. 215E
Seattle , WA 98115-6302
206-527-3210
Catherine Hovanic, Administrator
wnps@wnps.org



How do I submit information?

You can submit information on-line, by e-mail, phone, fax, or hard copy using this form directly to the Washington Native Plant Society office which has volunteered to track the information at the addresses above. We realize that events will be developed right up to the kick off date. Please submit information as early as possible.

Thank you for your consideration and involvement.

[Native Plant Appreciation Week Home Page](#)

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GHSPA ~ENCORE! THEATER
P O Box 723, Gig Harbor, WA 98335
Tel 858 ACT 2

PETITION

Gig Harbor's Preeminent Community Theater, Encore! is looking for a site where two summer productions can be staged in the open air this year. These musicals will occur during the months of July and August, on weekend evenings.

Our previous benefactor for our summer work, Cottesmore of Life Care, has received its long awaited financing and approvals for extending their residency facilities which leaves us without a venue for our summer work.

We have been scouting for a site and the Wilkinson Farm would be an absolutely prime solution. We have noted that the City has already created a unique covered pathway through the old holly orchard and with the beautiful old trees that border the site, it is becoming a very special spot. There is grass for seating of viewers and Encore would indeed feel privileged to utilize this wonderful spot.

- 1. We have been doing outdoor theater as well as indoor theater for thirty years.**
- 2. We are sensitive to the need to keep neighbors happy and will observe a 10:00 pm curfew so neighbors on Rosedale will not be disturbed by late traffic.**
- 3. We carry the required insurance. We provide refuse dumpsters and sani cans.**
- 4. Parking possibilities are close to the Rosedale entry without damaging grounds.**
- 5. We will provide a secure storage container for materials needed in productions and have it placed in an unobstrusive area .**
- 6. Encore paid Cottesmore \$25 performance to reimburse them for electricity drawn from their service. . We would hope a similar arrangement could be made.**

Encore humbly and respectfully submit our request, hoping the council body will look with favor on our request as an avenue to educating the general public as to what is happening with the City's parks program.

Shirley Coffin for Encore! Theater Board.
Kathleen L. McGilliard Tel 851-1630

We stand ready to answer any questions left unaddressed and look forward to your favorable response.



ADMINISTRATION

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH, FINANCE DIRECTOR *DR*
SUBJECT: AGREEMENT WITH THE INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION (IAC) FOR FUNDING ASSISTANCE WITH
THE SKANSIE BROTHERS PARK PROPERTY ACQUISITION
DATE: MAY 5, 2004

BACKGROUND

The City applied for and received a *Waiver of Retroactivity* for the purchase of the Skansie Property. This waiver allows the City to pursue IAC grant funding subsequent to the actual purchase – which occurred in November 2002.

A grant in the amount of \$406,250 was formally awarded to the city on April 1, 2004. The grant funding provides for acquisition of the portion of the property between the driveway and Jerisich Park (lot no. 1 on the attached schematic).

The attached Project Agreement must be approved and executed in order to pursue reimbursement.

The agreement has been reviewed and approved by the City Attorney.

FISCAL CONSIDERATION

The total award is \$406,250.

RECOMMENDATION

I recommend approval of the attached project agreement.

WWRP Project Agreement

Outdoor Recreation Account

Project Sponsor: City of Gig Harbor
Project Title: Skansie Brothers Park Acquisition

Project Number: 03-1162A
Approval Date: 4/1/2004

A. PARTIES OF THE AGREEMENT

This Project Grant Agreement (Agreement) is entered into between the Interagency Committee for Outdoor Recreation (IAC), P.O. Box 40917, Olympia, Washington 98504-0917 and City of Gig Harbor, 3105 Grandview St, Gig Harbor, WA 98335 (Sponsor) and shall be binding upon the agents and all persons acting by or through the parties.

B. PURPOSE OF AGREEMENT

This Agreement sets out the terms and conditions by which a grant is made from the Outdoor Recreation Account of the State of Washington's General Fund. The grant is administered by the IAC to the Sponsor for the project named above.

C. DESCRIPTION OF PROJECT

The subject Project is described on the attached Project Summary.

D. TERM OF AGREEMENT

The Project Sponsor's on-going obligation for the above project is perpetual unless otherwise identified in this Agreement.

E. PERIOD OF PERFORMANCE

The Project reimbursement period shall begin on April 15, 2004 and end on January 31, 2005. No expenditure made before or after this period is eligible for reimbursement unless incorporated by written amendment into this Agreement.

F. PROJECT FUNDING

The total grant award provided by the IAC for this project shall not exceed \$406,250.00. The IAC shall not pay any amount beyond that approved for funding of the project. The Sponsor shall be responsible for all total project costs that exceed this amount. The contribution by the Sponsor toward work on this project at a minimum shall be as indicated below:

	<u>Percentage</u>	<u>Dollar Amount</u>
IAC - WWRP - Local Parks	49.53%	\$406,250.00
Project Sponsor	50.47%	\$414,000.00
Total Project Cost	100.00%	\$820,250.00

G. RIGHTS AND OBLIGATIONS

All rights and obligations of the parties to this Agreement are subject to this Agreement and its attachments, including the Sponsor's Application, Project Summary, Eligible Reimbursement Activities Report, Project Milestones, Legal Description, and the General Provisions, all of which are attached hereto and incorporated herein.

Except as provided herein, no alteration of any of the terms or conditions of this Agreement will be effective unless provided in writing. All such alterations, except those concerning the period of performance, must be signed by both parties. Period of performance extensions need only be signed by IAC's Director.

The Sponsor has read, fully understands and agrees to be bound by all terms and conditions as set forth in these documents.

H. COMPLIANCE WITH APPLICABLE STATUTES, RULES, AND IAC POLICIES

This Agreement is governed by, and the Sponsor shall comply with, all applicable state and federal laws and regulations, including Chapter 79A.15 RCW, Chapter 286 WAC and published agency policies, which are incorporated herein by this reference as if fully set forth.

I. ADDITIONAL PROVISIONS OR MODIFICATIONS OF THE GENERAL PROVISIONS

Property was purchased under a waiver of retroactivity W#02-10.

J. FEDERAL FUND INFORMATION

(none)

K. PROJECT GRANT AGREEMENT REPRESENTATIVE

All written communications sent to the Sponsor under this Agreement will be addressed and delivered to:

Project Contact

Name: Mark Hoppen
Title: City Administrator
Address: 3105 Judson St
Gig Harbor, WA 98335

IAC

Interagency Committee for Outdoor Recreation
Natural Resources Building
PO Box 40917
Olympia, Washington 98504-0917
www.iac.wa.gov/iac/

These addresses shall be effective until receipt by one party from the other of a written notice of any change.

L. ENTIRE AGREEMENT

This agreement, along with all attachments, constitutes the entire agreement of the parties. No other understandings, oral or otherwise, regarding this Agreement shall exist or bind any of the parties.

M. EFFECTIVE DATE

This agreement, for project #03-1162A, shall be effective upon signing by all parties.

STATE OF WASHINGTON
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

BY: Laura E. Johnson
Laura Eckert Johnson, Director

DATE: 4/26/04

PROJECT SPONSOR

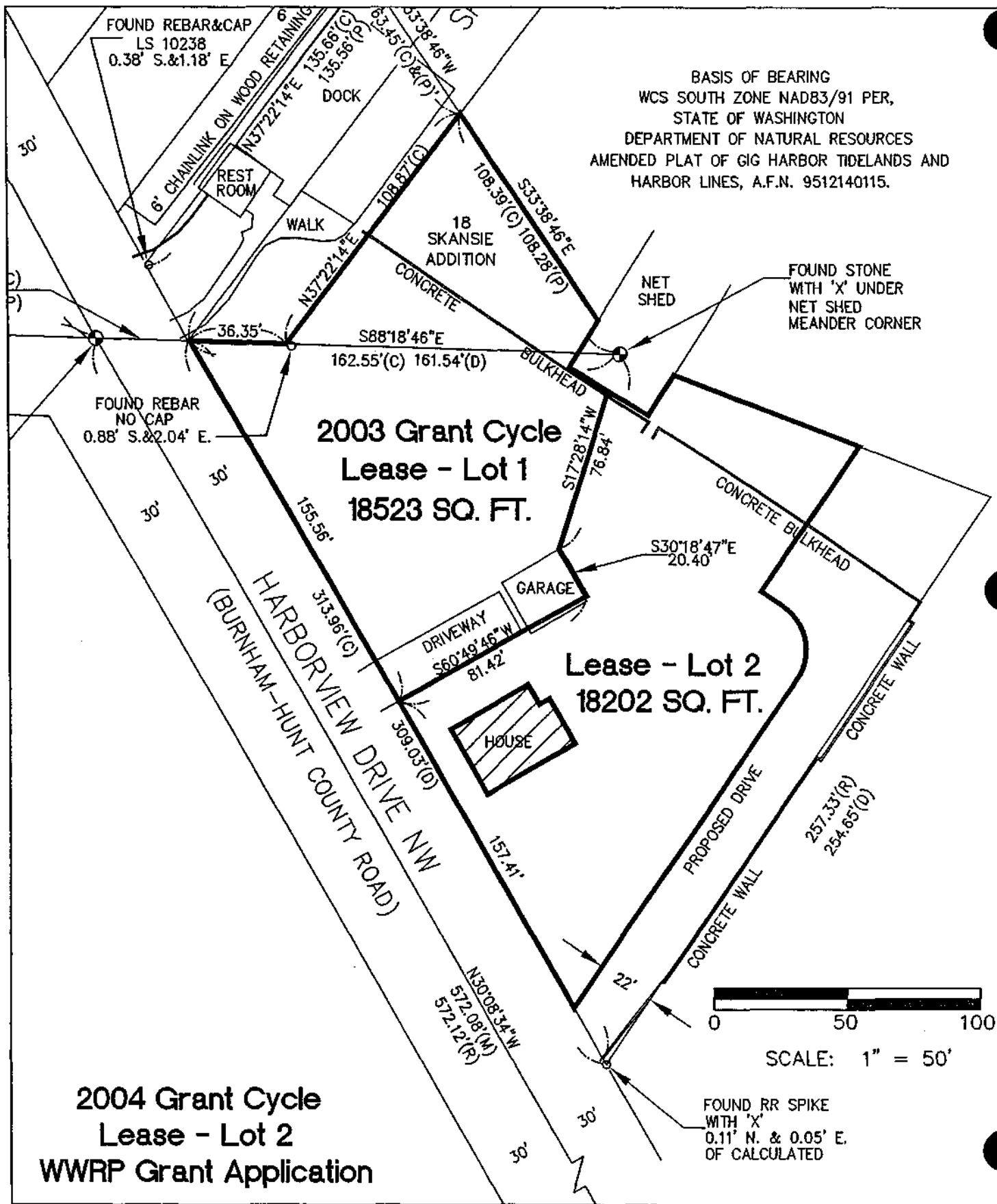
BY: _____
TITLE: _____

DATE: _____

Pre-approved as to form:

BY: /S/
Assistant Attorney General

BASIS OF BEARING
 WCS SOUTH ZONE NAD83/91 PER,
 STATE OF WASHINGTON
 DEPARTMENT OF NATURAL RESOURCES
 AMENDED PLAT OF GIG HARBOR TIDELANDS AND
 HARBOR LINES, A.F.N. 9512140115.



FOUND REBAR&CAP
 LS 10238
 0.38' S.&1.18' E

FOUND REBAR
 NO CAP
 0.88' S.&2.04' E.

FOUND STONE
 WITH 'X' UNDER
 NET SHED
 MEANDER CORNER

FOUND RR SPIKE
 WITH 'X'
 0.11' N. & 0.05' E.
 OF CALCULATED

**2003 Grant Cycle
 Lease - Lot 1
 18523 SQ. FT.**

**Lease - Lot 2
 18202 SQ. FT.**

**2004 Grant Cycle
 Lease - Lot 2
 WWRP Grant Application**

0 50 100
 SCALE: 1" = 50'



ADMINISTRATION

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: RESOLUTION AUTHORIZING APPLICATION TO THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION (IAC) FOR FUNDING ASSISTANCE WITH THE SKANSIE BROTHERS PARK PROPERTY ACQUISITION - PHASE II
DATE: MAY 10, 2004

BACKGROUND

The City applied for and received a *Waiver of Retroactivity* for the purchase of the Skansie Brothers Park Property. This waiver allows the City to pursue IAC grant funding for two years subsequent to the actual purchase which occurred in November 2002. This is the final year of the two-year waiver, the final year in which the city can use the purchase of the property as the required matching dollar for grant eligibility.

Subsequent to the successful \$406,000 grant for the northern portion of Skansie Brothers Park, this additional grant application is only for the portion of the property between the driveway and an access easement [reserved for both recreational and commercial Maritime Pier uses] established along the southern boundary of Skansie Brothers Park. This area is outlined in the attached visuals (see Lot 2 in the attached schematic). The estimated value for this area is \$1,000,000. If the application for \$500,000 or some portion thereof is successful, then the city will have to provide state-approved appraisal data to substantiate the grant.

This resolution authorizes the Mayor to make formal application to IAC for funding assistance under the Washington Wildlife And Recreation Program (WWRP). If approved, the application packet, which has already been submitted, will be adjudged as complete by IAC. Project presentation and review for Skansie Brothers Park Phase II will occur in August.

FISCAL CONSIDERATION

The amount requested under this program is \$500,000.

RECOMMENDATION

I recommend approval of the attached resolution.

**CITY OF GIG HARBOR
RESOLUTION NO. 624**

A RESOLUTION AUTHORIZING APPLICATION FOR FUNDING ASSISTANCE FOR A WASHINGTON WILDLIFE AND RECREATION PROGRAM (WWRP) PROJECT TO THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION (IAC) AS PROVIDED IN CHAPTER 79A.15 RCW, ACQUISITION OF HABITAT CONSERVATION AND OUTDOOR RECREATION LANDS.

WHEREAS, our organization has approved a comprehensive plan that includes this project area known as Skansie Brothers Park Phase II; and

WHEREAS, under the provisions of WWRP, state funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

WHEREAS, the City of Gig Harbor considers it in the best public interest to complete the land acquisition project described in the application; and

NOW THEREFORE BE IT RESOLVED, that:

1. The mayor be authorized to make formal application to IAC for funding assistance;
2. Any funding assistance received be used for implementation of the project referenced above;
3. Our organization hereby certifies that its share of project funding is committed and will be derived from Property Acquisition Fund monies and a 10-year note sold in November 2002;
4. We acknowledge that any property acquired or facility developed with IAC financial aid must be placed in use as an outdoor recreation facility and be retained in such use in perpetuity unless otherwise provided and agreed to by our organization and IAC;
5. This resolution becomes part of a formal application to IAC; and
6. We provided appropriate opportunity for public comment on this application.

RESOLVED by the City Council this 10th day of May, 2004.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

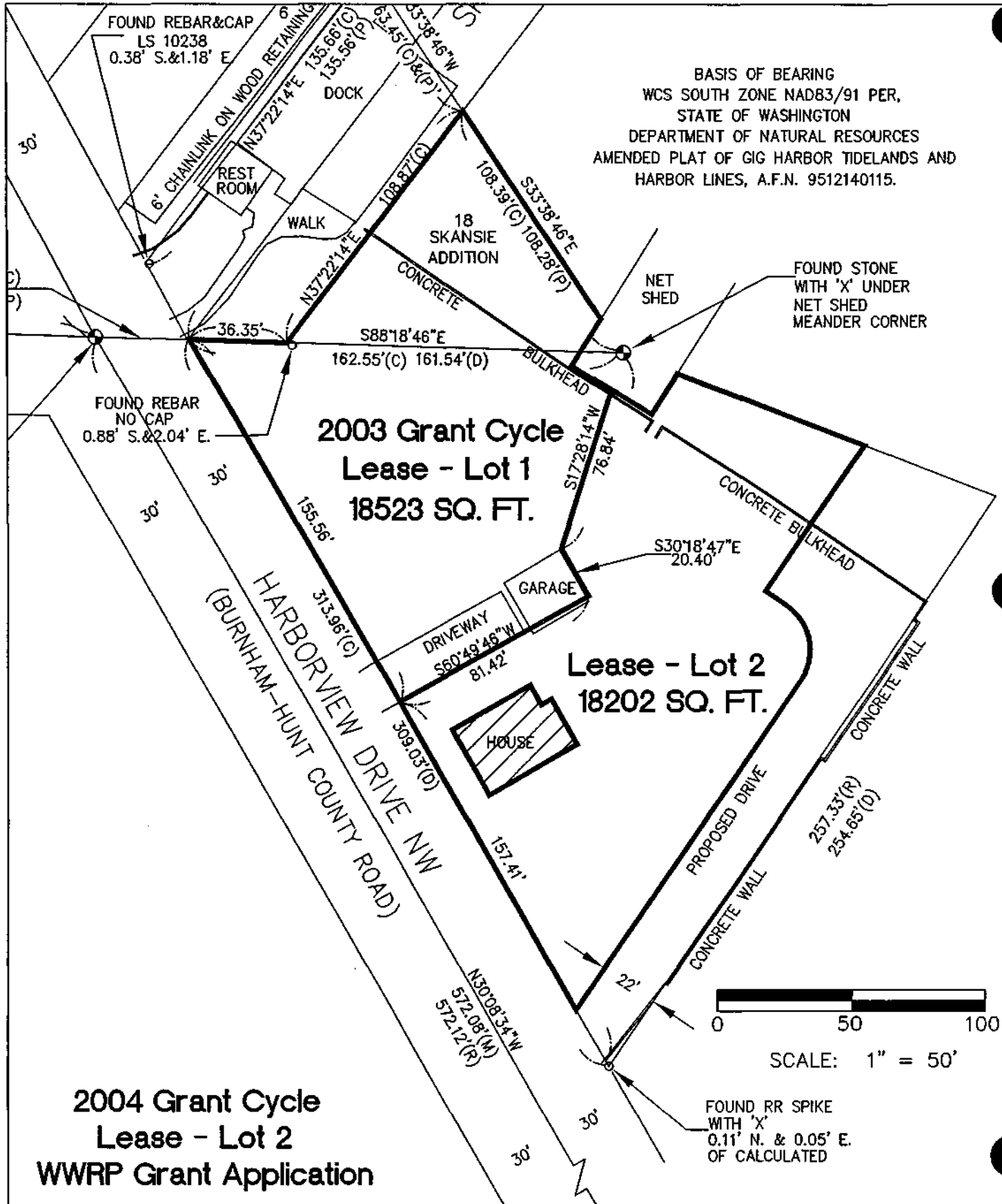
MOLLY M. TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

BY: _____

FILED WITH THE CITY CLERK: 5/5/04
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

BASIS OF BEARING
 WCS SOUTH ZONE NAD83/91 PER,
 STATE OF WASHINGTON
 DEPARTMENT OF NATURAL RESOURCES
 AMENDED PLAT OF GIG HARBOR TIDELANDS AND
 HARBOR LINES, A.F.N. 9512140115.



**2003 Grant Cycle
 Lease - Lot 1
 18523 SQ. FT.**

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 18202 SQ. FT.**

**2004 Grant Cycle
 Lease - Lot 2
 WWRP Grant Application**

0 50 100
 SCALE: 1" = 50'

FOUND RR SPIKE
 WITH 'X'
 0.11' N. & 0.05' E.
 OF CALCULATED



ADMINISTRATION

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: ROTARY CENTENNIAL PROJECT
DATE: MAY 10, 2004

INFORMATION/BACKGROUND

The City of Gig Harbor 2004 Annual Budget identifies working with the Rotary Clubs of Gig Harbor to build a covered community gathering area as part of the budgeted improvements in 2004 to the Skansie Brothers Park, which also include installation of grass, irrigation and landscaping improvements (already installed). Siting, design and construction considerations have been submitted through complete site application and shoreline permit, and the attached contract reflects the commitment necessary to conduct the project.

The Gig Harbor Rotary Club and the Mid-Day Rotary Club have signed the contract to build a shelter that is partly on the Jerisich Dock uplands and partly on the immediately adjacent Skansie Brothers Park grassy area. The proposed project is identified with the Rotary Centennial year, and is intended to show the local Rotary Clubs' appreciation of the city's investment in the Skansie Brothers Park and to demonstrate Rotary's commitment to helping the local community.

POLICY CONSIDERATIONS

Like the agreement between the Gig Harbor Lions for the Finholm Viewclimb project approved in 1998, the Rotary Centennial Project contract provides the City of Gig Harbor with the framework for conduct of the project. This agreement, which has been reviewed by the City Attorney, describes the project, identifies the responsibilities of the parties, and obligates the provision of insurance and indemnification.

FISCAL CONSIDERATIONS

The Rotary will be responsible for all costs associated with the development of the covered community gathering area, except that the city will provide power and water to the site of the structure, miscellaneous support, and oversight of the construction project.

RECOMMENDATION

Staff asks the City Council to approve the attached agreement as presented and to provide authorization for the Mayor's signature to the agreement.

AGREEMENT

THIS AGREEMENT is entered into by and between the City of Gig Harbor, Washington municipal corporation (hereinafter "City") and the Gig Harbor Rotary Club, whose address is _____, Gig Harbor, WA 98335, and the Mid-Day Rotary Club, whose address is _____, Gig Harbor, Washington 98335, (hereinafter "Rotary Clubs").

RECITALS

WHEREAS, the City owns property at the Skansie Brothers Park and Jerisich Dock adjacent to Harborview Drive at the foot of Rosedale Street; and

WHEREAS, the Rotary Clubs plan to fund, design and construct a community structure sited on the property with review and approval from city staff, from the city's historical preservation consultant, and from the City Council; and

WHEREAS, the Rotary Clubs intend to pay for the project with funds they raise for the purpose of constructing a significant community asset to celebrate as a Rotary Centennial Year project; and

WHEREAS, the City will be responsible for installing power and water to the site of the community structure and the Rotary Clubs will be responsible for all other costs related to the design and construction of the community structure; and

WHEREAS, the Rotary Clubs must agree to execute a hold harmless and indemnity agreement for the benefit of the City for any damages or injuries that might occur during the construction phase of the park improvement project; and

NOW, THEREFORE, in consideration of mutual promises set forth herein, it is agreed by and between the City and the Rotary Clubs.

TERMS

Section 1. Permit. The Rotary Clubs agree to submit their design and plans to the City for staff, for historical preservation, and for Council review, prior to approval and issuance of all necessary developmental permits.

Section 2. Construction. If the City approves the permit, the Rotary Clubs agree to fund, design and construct the portion of the project identified in Exhibit 'A', providing all equipment, materials and labor necessary for the design and construction of the pavilion, including, but not limited to, plans, elevations, sections, structural framing plans, structural calculations, site plan, utility plans, and construction of the pavilion's foundation, structural frame, roof, lighting,

power and deck systems. The Rotary Clubs will not be responsible for any sound system, speakers or wiring, site paving for pedestrian access, disposal of soil and waste, landscaping, or warrantee items for construction, building systems or materials.

Section 3. Status of the Rotary Clubs. The Rotary Clubs are independent contractors and are not agents of the City in the construction of the park improvement identified in Exhibit 'A'. All personnel, employees, contractors and subcontractors used by the Rotary Clubs shall be volunteers, employees or contractors and subcontractors of the Rotary Clubs, and not the City of Gig Harbor, and shall have no claim against the City for compensation or other benefits available to City employees.

Section 4. Indemnification. The Rotary Clubs shall defend, hold harmless and indemnify the City, its officials, officers, and employees and volunteers from and against any claims, demands, penalties, fees, liens, damages, losses and expenses, including attorney's fees and costs, for injury to persons or damage to property arising in connection with the performance of this agreement, until the park improvement identified in Exhibit 'A' is accepted by the City, except for injuries or damage caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Rotary Clubs and the City, its officers, officials, employees and volunteers, the liability of the Rotary Clubs shall only be to the extent of the Rotary Clubs' negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Rotary Clubs waiver of immunity under Industrial Insurance, Title 51, RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

Section 5. Conveyance and Maintenance. Upon completion and acceptance by the City of the park improvement identified in Exhibit 'A', the Rotary Club agrees to convey it to the City by written instrument, without cost. The City shall thereafter assume all ownership, control, maintenance and repair of the park improvement.

Section 6. Insurance. The Rotary Clubs shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons and damage to property which may arise from or in connection with the performance of the work hereunder by the Rotary Clubs, its contractors, subcontractors, agents or representatives. The Rotary Clubs shall provide a

Certificate of Insurance to the City, which is consistent with standards identified in Right-of-Way Use Permit requirements.

The City shall be named as an additional insured on the Commercial General Liability insurance policy, as respects work performed by or on behalf of the Rotary Clubs, and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Rotary Clubs' insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim or suit is brought, except with respects to the limits of the insurer's liability.

The Rotary Clubs' insurance shall be primary insurance as respects the City, and the City shall be given thirty (30) days prior written notice of any cancellation, suspension or material change in coverage.

Section 7. Interpretation and Enforcement. This agreement shall be construed in accordance with the laws of the State of Washington, and jurisdiction and venue of any disputes as the terms shall be with the Pierce County Superior Court. The prevailing party in any litigation shall be entitled to its reasonable attorney's fees and costs.

Section 8. Entire Agreement. The entire agreement between the parties with respect to the subject matter is contained in this Agreement. There are no verbal agreements between the parties to modify this agreement.


Section 9. Modification. The parties may agree at any time to modify or amend this Agreement. Any such modification or amendment shall be in writing and shall be signed by the duly authorized representatives of the parties.

DATED this _____ day of _____, 2004.

CITY OF GIG HARBOR

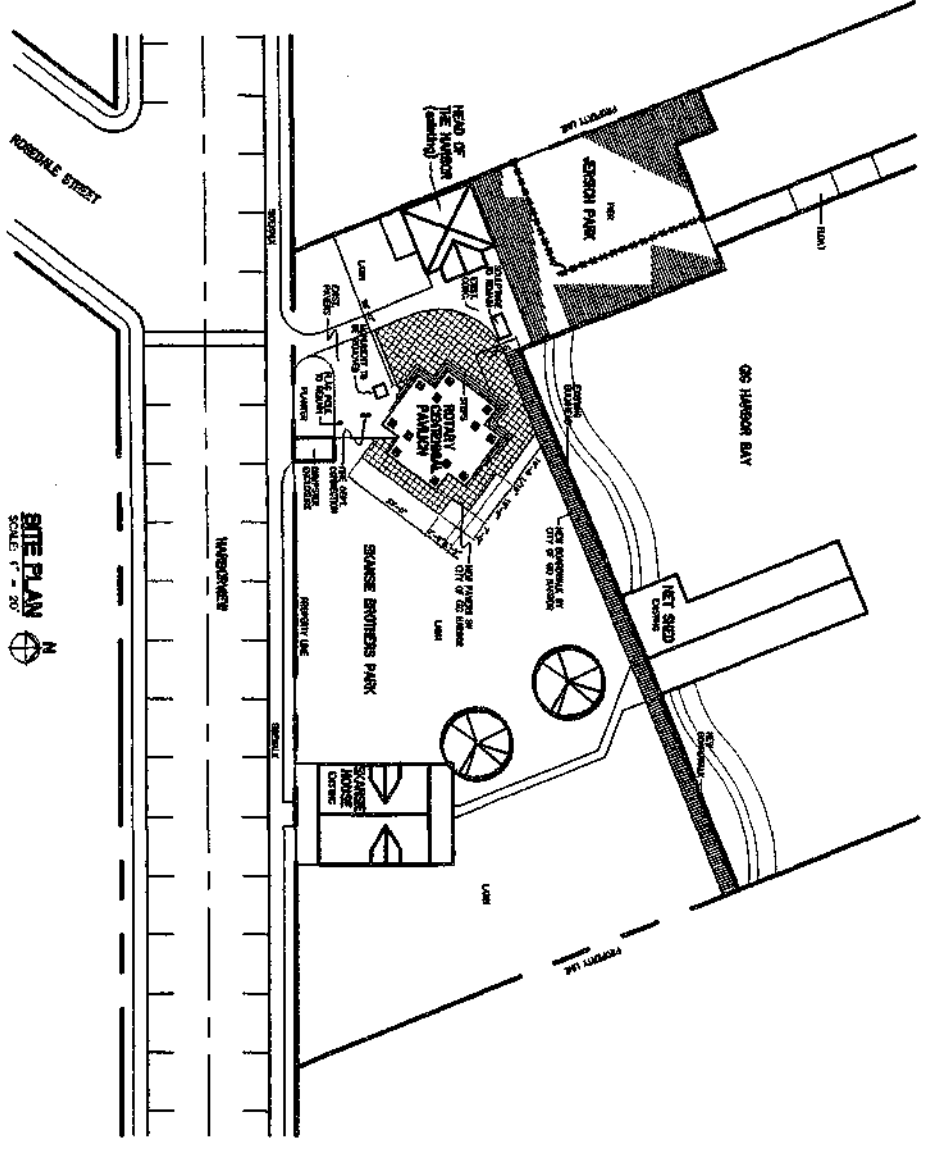
By: _____
Gretchen Wilbert, Mayor

GIG HARBOR ROTARY CLUB

By: 
Mel Wick, President

GIG HARBOR MID-DAY ROTARY CLUB

By: 
Pat Williams, President

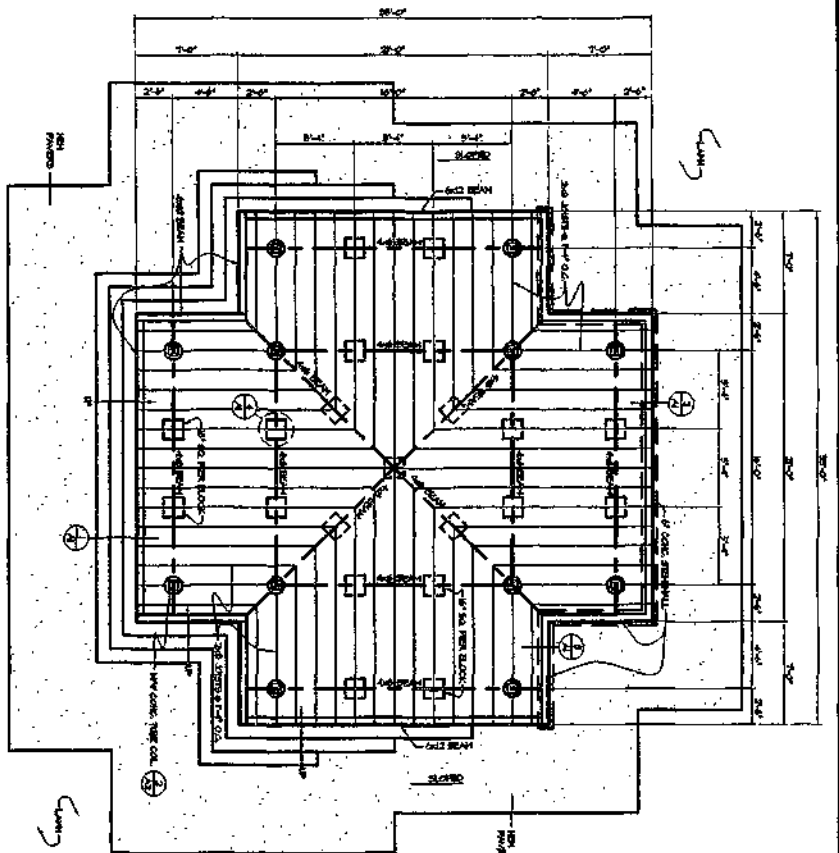


SITE PLAN
SCALE 1" = 20'

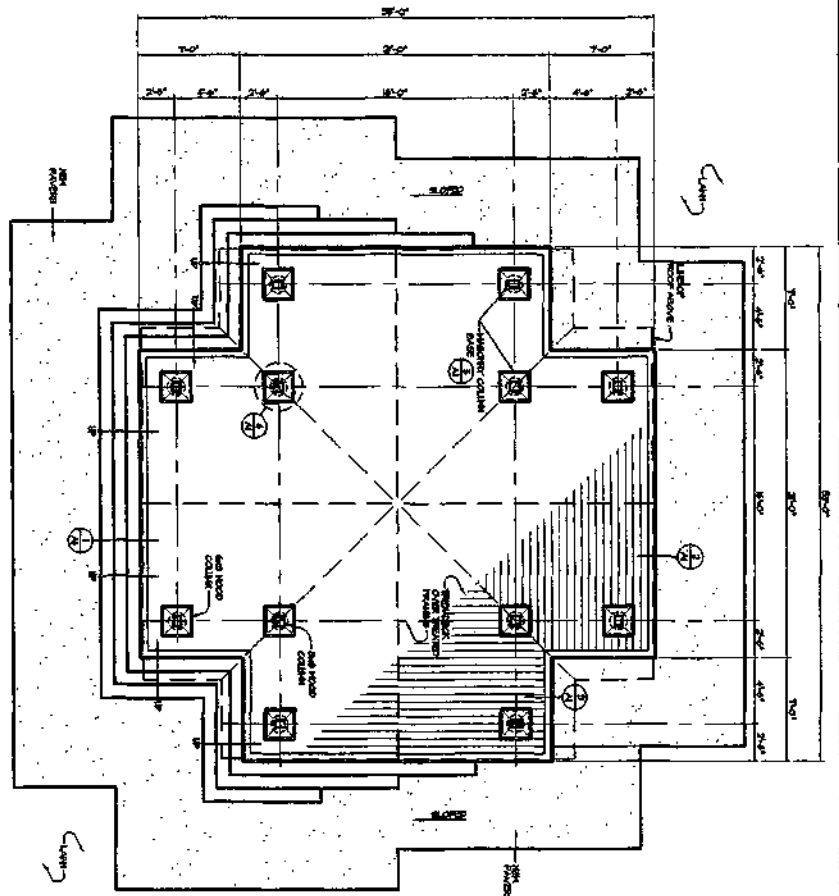
Rotary Centennial Pavilion
Skansie Brothers Park
Glg Harbor, WA 98335



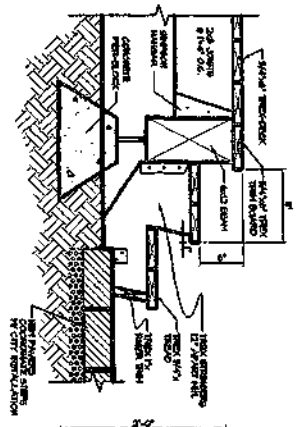
PROJECT NO.	1000000000
DATE	07/12/2000
PROJECT NAME	Rotary Centennial Pavilion
PROJECT LOCATION	Skansie Brothers Park, Glg Harbor, WA
PROJECT OWNER	Rotary Club of Glg Harbor
PROJECT ARCHITECT	Skanska Infrastructure Advisory
PROJECT ENGINEER	Skanska Infrastructure Advisory
PROJECT CONTRACTOR	Skanska Infrastructure Advisory
PROJECT SUBMITTER	Skanska Infrastructure Advisory
PROJECT REVIEWER	Skanska Infrastructure Advisory
PROJECT APPROVER	Skanska Infrastructure Advisory
PROJECT STATUS	Final
PROJECT PHASE	Final
PROJECT SCALE	1" = 20'
PROJECT SHEET NO.	1
PROJECT SHEET TOTAL	1



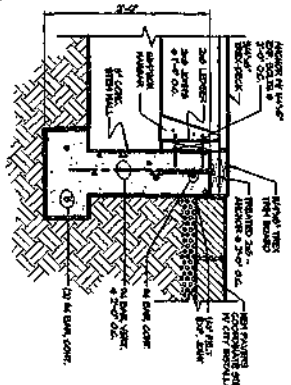
DECK FINISH PLAN
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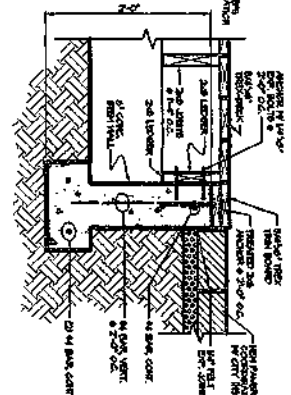
DECK PLAN
SCALE 1/4" = 1'-0"



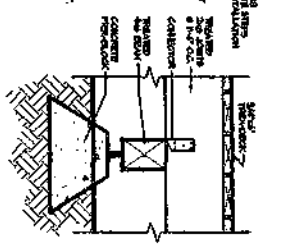
1 DETAIL - STEPS
SCALE 1/2" = 1'-0"



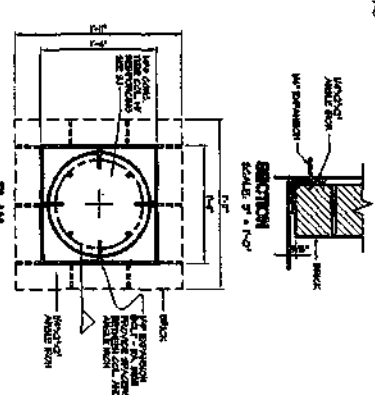
2 DETAIL - FOOTING
SCALE 1/2" = 1'-0"



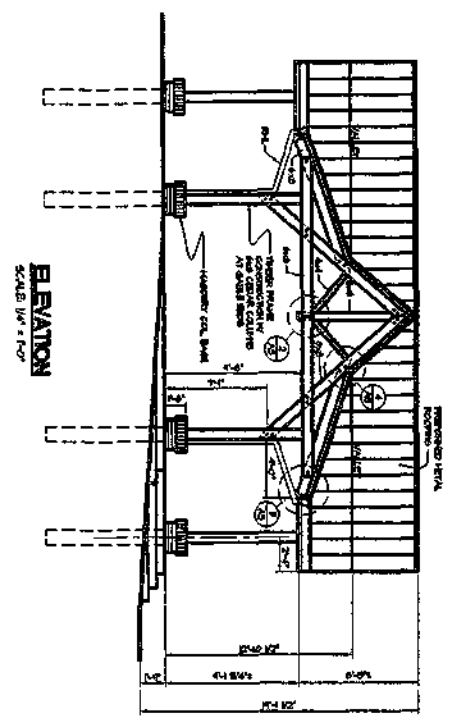
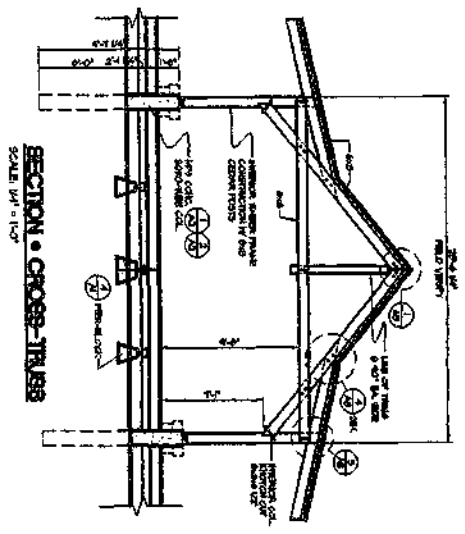
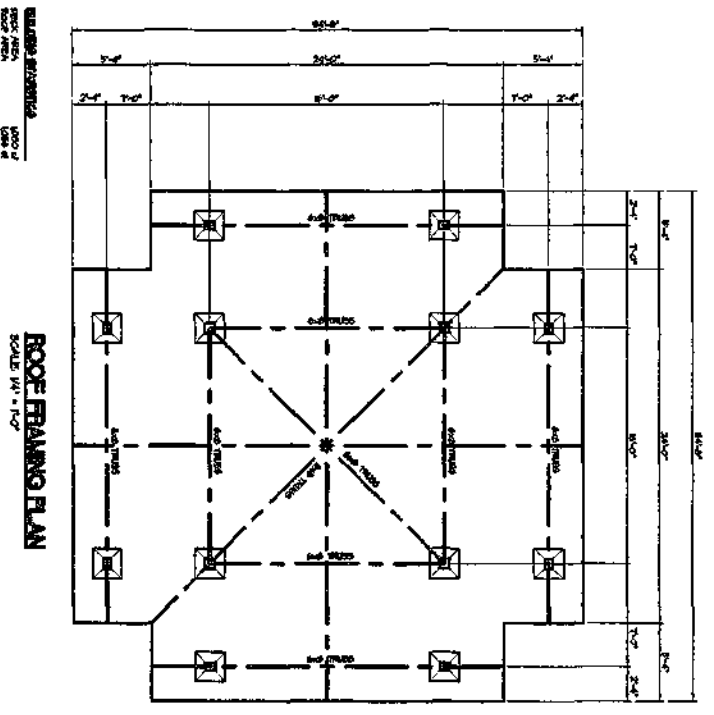
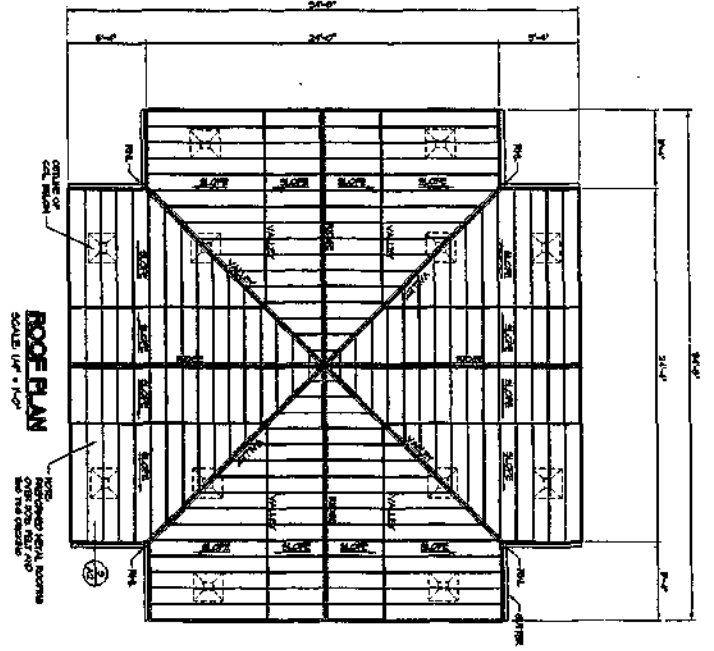
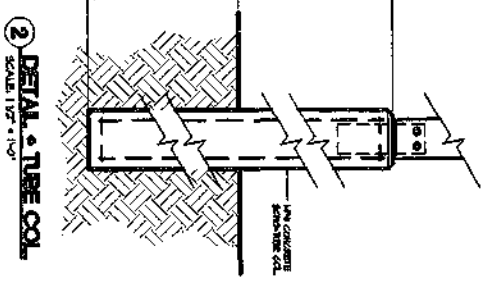
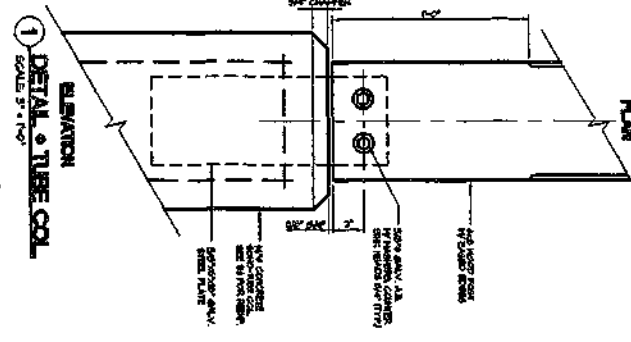
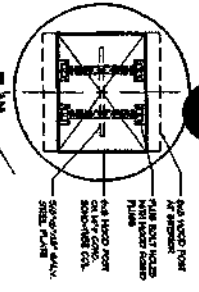
3 DETAIL - FOOTING
SCALE 1/2" = 1'-0"



4 DETAIL - BEAM / PER BLOCK
SCALE 1/2" = 1'-0"



5 COLUMN DETAIL
SCALE 1/2" = 1'-0"



REVISIONS
 NO. 1
 DATE
 TYPE OF CORRECTION

Rotary Centennial Pavilion
 Skansie Brothers Park
 Gig Harbor, WA 98335

DATE: 02/13/2000
 SHEET: A2
 PROJECT: ROTARY CENTENNIAL PAVILION
 CLIENT: ROTARY CLUB OF GIG HARBOR
 ARCHITECT: SISK & SISK ARCHITECTS
 ENGINEER: SISK & SISK ENGINEERS

SISK & SISK
 ARCHITECTS
 ENGINEERS
 1000 1/2
 GIG HARBOR, WA 98335
 PHONE: (206) 835-1111
 FAX: (206) 835-1112
 WWW: WWW.SISKANDSISK.COM

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
(BY ZIP CODE) FOR EXPIRATION DATE OF 20040831

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 HARBOR HUMIDOR INC.	HARBOR HUMIDOR 3123 56TH ST NW #5 GIG HARBOR WA 98335 0000	080669	BEER/WINE SPECIALTY SHOP
2 ANDRADE'S, INC.	PUERTO VALLARTA - GIG HARBOR #2 4225 HARBORVIEW DR GIG HARBOR WA 98335 0000	364637	SPIRITS/BR/WN REST LOUNGE +
3 WYVERN RESTAURANTS, INC.	ROUND TABLE PIZZA 5500 OLYMPIC DR BLDG H GIG HARBOR WA 98335 0000	076725	BEER/WINE REST - BEER/WINE

RECEIVED
MAY - 3 2004
CITY OF GIG HARBOR



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEVE OSGUTHORPE, AICP
PLANNING & BUILDING MANAGER *so.*
SUBJECT: FIRST READING OF ORDINANCE ADOPTING REGULATIONS IN
TITLE 6 REGULATING BEEKEEPING
DATE: MAY 10, 2004

INFORMATION/BACKGROUND

At the April 26th Council Meeting, the staff presented two draft ordinances regulating beekeeping. One ordinance was to regulate bees in the zoning code (Title 17); the other was to regulate bees in Title 6 as a nuisance factor. After considering public testimony, the Council directed the staff to bring back just one ordinance regulating bees only in Title 6, and to also change the minimum lot size requirements in the ordinance to reflect Pierce County's minimum lot size requirements for beekeeping. The Council nonetheless requested information on minimum lot sizes adopted by other jurisdictions that regulate beekeeping. A matrix with that information is attached for the Council's consideration.

The staff has prepared a single ordinance that would regulate beekeeping in Title 6. The ordinance specifies the number of hives allowed based upon lot size, and allows beekeeping on lots as small as 6,000 square feet. It specifies no limit for lots over 1 acre in size (43,560 sq.ft.). It also includes (as per the County model) an exemption from the lot size standards if the lot is adjacent to an open area, of at least two acres in size.

The nuisance abatement language in the ordinance has not changed from the draft ordinance presented to the Council on April 26th. It includes a detailed description of what conditions constitute a nuisance warranting abatement. In addition, it allows the Council to withdraw beekeeping privileges from an individual property if an abutting property owner proves the existence of a medical condition incompatible with the close proximity to beekeeping operation.

POLICY CONSIDERATIONS

Standards adopted under Title 6 are enforced by the Police Department if the penalty is criminal sanctions. However, there are also provisions for abatement and civil penalties.

ENVIRONMENTAL ANALYSIS

A SEPA threshold Determination of Non-significance (DNS) was issued for the proposed amendments on April 23, 2004. Notice of the SEPA threshold determination was sent to agencies with jurisdiction and was published in the Peninsula Gateway on April 28, 2004. The threshold determination will become final on May 12, 2004. The deadline for appealing the determination is May 26, 2003 at 5pm, after which time, if no appeals have been filed, the City Council may take action on this amendment. To date no appeals have been filed and no SEPA public comment has been received.

FISCAL IMPACTS

There are no fiscal impacts associated with this proposal.

RECOMMENDATION

The staff recommends that the Council conduct the public hearing and adopt the proposed ordinance at the second reading.

Attachments:

Draft ordinance
Lot size matrix

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BEEKEEPING, ADOPTING DEFINITIONS, ADDRESSING HIVE PLACEMENT; DECLARATING NUISANCES, DESCRIBING ENFORCEMENT PROCEDURES, VIOLATIONS AND PENALTIES, ESTABLISHING AN APPEAL PROCESS, ADDING A NEW CHAPTER 6.10 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City acknowledges that where beekeeping exists next to residentially-developed property, beekeeping occasionally becomes the subject of nuisance complaints; and

WHEREAS, the City further acknowledges that in some instances, residential property owners may have medical conditions caused by bee stings that would constitute a higher than normal hospitalization or death-threatening event; and

WHEREAS, where beekeeping jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health or safety, the City desires to control beekeeping as a nuisance under the procedures in this Ordinance; and

WHEREAS, the City SEPA Responsible Official issued a Determination of Non-significance under SEPA for this Ordinance on April 23, 2004; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of _____; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new chapter 6.10 is hereby added to the Gig Harbor Municipal Code, to read as follows:

BEEKEEPING

Sections:

- 6.10.010 Policy and Purpose.**
- 6.10.020 Definitions.**
- 6.10.030 Beekeeping – Maintenance of Colonies.**
- 6.10.040 Hive Placement.**
- 6.10.050 Nuisance Declared.**

- 6.10.060 Enforcement.**
 - 6.10.070 Violation – Penalty.**
 - 6.10.080 Appeals.**
-

6.10.010. Policy and Purpose.

A. Where beekeeping and non-agricultural uses exist side by side, beekeeping occasionally becomes the subject of nuisance complaints. It is the intent of this Chapter to clarify the circumstances under which beekeeping shall be considered a nuisances.

B. This chapter is intended to address beekeeping complaints on individual properties, by either the withdrawal of beekeeping privileges or abatement through statutory nuisance procedures.

C. This chapter is intended to be supplemental to the procedures in chapter 15.60 RCW, and in case of any conflict, chapter 15.60 RCW shall govern.

6.10.020. Definitions.

As used in this Chapter, the following definitions shall apply:

A. "Abandoned hive(s)" means any hive with or without bees, that evidences a lack of being properly managed, or is otherwise not managed and/or left without authorization on the property of another, or is on public land.

B. "Apiary" means a site where hives of bees or hives are kept or found.

C. "Colony" means a natural group of bees having a queen(s).

D. "Fence" means any obstruction through which bees will not readily fly.

E. "Hive(s)" means a manufactured receptacle or container prepared for the use of bees, including movable frames, combs, and substances deposited into the hive by bees.

F. "Honey bee(s)" means any life stages of the species *Apis Mellifera*.

6.10.030. Beekeeping – Maintenance of Colonies.

A. Honey bee colonies shall be maintained in the following condition:

1. All honey bee hives shall be registered with the Washington State Department of Agriculture and comply with Chapter 15.60 RCW and Rules adopted thereunder.

2. Colonies shall be maintained in movable-frame hives, unless exempted by the Washington State Department of Agriculture as an educational exhibit.

3. Adequate handling techniques, such as requeening, should be employed, and adequate space in the hive should be maintained in order to minimize swarming.

4. Apiaries shall be managed and kept in a clean and orderly condition.

6.10.040. Hive Placement Requirements. Hives in all areas of Gig Harbor shall adhere to the following:

A. Hives shall be at least 30 feet away from a property line, with the hive(s) entrance(s) facing away from or parallel to the nearest property line.

B. The number of hives shall be limited as follows:

<u>Parcel Size (Square footage)</u>	<u># of Hives</u>
6,000 to 10,000	2
10,001 to 20,000	4
20,001 to 43,560 (.46 to 1 acre)	10
Greater than 43,560	No limit

Exceptions:

1. Beekeeping privileges may be withdrawn from any property by written notification to the property owner by the Gig Harbor City Council. Withdrawal must be done with cause, however, the cause need not be the fault of the beekeeper, nor be a factor that is under the control of the beekeeper. Any condition or combination of circumstances, which, the City Council determines jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health or safety will constitute valid cause to withdraw the beekeeping privileges on any property. The procedure for the withdrawal of beekeeping privileges is set forth in Section 6.10.070 herein.

2. Lot size limitations shall not apply when a parcel is contiguous to an open area, such as, but not limited to, wetlands, fish and game preserves and/or hatcheries. Such open areas shall be at least two acres in size.

C. A consistent source of water shall be provided as appropriate at the apiary. This requirement is intended to discourage bee visitation at swimming pools, hose bibs, animal watering sources, bird baths, or where people congregate.

6.10.050 Nuisance Declared. It shall be the duty of all persons keeping hives of honey bees or having other stinging insects as described below, in or upon their property or premises, to prevent the following:

A. Colonies of bees which are defensive or exhibit objectionable behavior, or which interfere with the normal use of property, or the enjoyment of persons, animals or adjacent property.

B. Hives of bees which do not conform to GHMC Section 6.10.040.

C. An abandoned hive(s).

D. All other nests (colonies) of stinging insects such as yellow jackets, hornets, and wasps which exhibit objectionable behavior or interfere with normal use of property, or the enjoyment of persons, animals or adjacent property.

E. All nests, hives, or colonies of Africanized honey bees (*Apis Mellifera Scutellata*) except those which are permitted in RCW 15.60.140.

Each of the above-described conditions shall constitute a nuisance pursuant to RCW 9.66.010, and may be abated by the City of Gig Harbor, pursuant to chapter 9.66 RCW. In the alternative, the City may determine that each of the above-describe conditions shall constitute a nuisance pursuant to RCW 7.48.130, and may be abated by the City of Gig Harbor, pursuant to chapter 7.48 RCW.

6.10.060. Violation – Penalty.

Any person, firm or corporation in determined by a court of competent jurisdiction to be in violation of any provision of this Chapter shall, upon conviction thereof, be guilty of a misdemeanor. The penalty for such violation shall be imprisonment for a maximum term fixed by the court of not more than 90 days, or by a fine in amount fixed by the court in an amount of not more than \$5,000, or by both such fine and imprisonment.

In the alternative, the City may seek to abate the nuisance and obtain civil penalties consistent with RCW 7.48.250.

6.10.070 Withdrawal of Beekeeping Privileges.

Beekeeping privileges may be withdrawn from any property under the following procedures:

A. A complaint may be filed regarding beekeeping on any property in Gig Harbor. This complaint shall be forwarded to the Gig Harbor Administrator for scheduling on the Gig Harbor City Council meeting schedule. Notice shall be provided to the complainant and the affected beekeeper that the City Council will hold a hearing for the purpose of determining whether the affected beekeeper's privileges should be withdrawn.

B. The City Council shall hold a public hearing on the complaint. A complainant may submit written documentation over a medical doctor's signature certifying that the medical condition caused by beestings to a resident of abutting property would constitute a higher than normal death threatening or hospitalization event. The City Council's verification of the written documentation shall constitute sufficient cause to withdraw the privilege of beekeeping from any specific abutting property. In addition, abnormally aggressive behavior by bees toward defending their hive beyond the property line may constitute sufficient cause to withdraw the privilege of beekeeping from any specific property. The Council will accept public testimony and after the close of the public hearing, deliberate on the matter.

C. After the close of the public hearing, the City Council shall direct staff to draft a written decision on the complaint. This written decision may withdraw beekeeping privileges from any property in the City, based on the evidence presented during the hearing. The decision will document the City Council's rationale for withdrawal of such privileges, including a description of the situation which jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health and safety.

D. The written decision shall issue within 30 days of the public hearing on the complaint. It may be appealed to the Pierce County Superior Court within 21 days after issuance.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this ___ day of _____, 2004.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: _____

Beekeeping Regulations by Lot Size in Surrounding Jurisdictions

Jursidiction	Lot Size	Number of Hives/Colonies Allowed
Pierce County ¹	6,000sf – 10,000sf	2
	10,001sf – 20,000sf	4
	20,001sf – 43,560sf	10
	Greater than 43,560sf	No limit
City of Tacoma ²	Less than 10,000sf	4
	Greater than 10,000sf	No limit indicated
City of Bellevue ³	7,200sf – 15,000sf	4
	15,001sf – 34,999sf	15
	35,000sf and greater	25
City of Federal Way ⁴	15,000sf – 19,999sf	2
	20,000sf – 60,000sf	5
	60,001sf and greater	15
City of Issaquah ⁵	0sf – 5,999sf	0
	6,000sf – 10,000sf	2
	10,000sf – 20,000sf	4
	20,001sf – 43,560sf	10
	43561sf – 65,340sf	20
	1.5ac – 5.0ac	25 in urban areas
	5.01ac – 10.00ac	40 in urban areas
Greater than 10.00 ac	60 in rural area; more allowed if 30-day collection site.	
City of Seattle ⁶	Less than 10,000sf	4
	Greater than 10,000sf	No limit indicated
King County ⁷	Less than 5.00ac	50
	Greater than 5.00ac	No limit

¹ PCC 8.94.040 ³ BMC 20.20.130 ⁵ IMC 18.07.160 ⁷ KCC 21A.30.020

² TMC 5.24.010 ⁴ FWMC 22.988 ⁶ SMC 23.44.048

Staff could find no beekeeping regulations for the following jurisdictions: University Place, Bremerton, Auburn, Bainbridge Island, Bonney Lake, Everett, Poulsbo, Fife, Sumner, Shoreline, Anacortes, Yelm, Tumwater, Sultan, and Kitsap County



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
SUBJECT: FIRST READING OF ORDINANCE – REDEFINE ALLOWABLE SIDING MATERIALS
DATE: MAY 10, 2004

INFORMATION/BACKGROUND

At the April 12, 2004 Council meeting, the staff presented a draft ordinance amending the siding material standards contained in the City's Design Manual. The staff explained that the ordinance was intended to better define the City's siding material regulations without changing the intent of existing language. The staff also informed the Council that the Planning Commission recommended amendments to the proposed language based upon comments received at the public hearing before the Planning Commission on March 18, 2004. The Council therefore directed the staff to revise the ordinance to include the Planning Commission's recommendations, which was to delete language pertaining to prohibited siding materials, and to instead incorporate the list of prohibited materials into the list of allowable accent siding materials. The ordinance has therefore been revised as per the Council's directive.

These changes are being processed separate from the general Design Manual update because they pertain to language that has been problematic. The existing regulations on siding materials have been interpreted in multiple ways, have been difficult for some individuals to understand, and have in fact led to a lawsuit against the City. The proposed changes are intended to avoid any future misunderstanding over these requirements.

Problems with the existing language have, in part, centered on the use of the term "traditional" siding materials. While the manual specifically states brick, stone and wood are acceptable traditional siding materials, the DRB has nonetheless been requested to approve other types of materials that applicants believe are also traditional, such as stucco or corrugated metal panels. While these may be "traditional" in the sense that they have a long history of use, and while the Design Manual requires use of traditional materials, the Design Manual makes it clear that *some* traditional materials are generally not acceptable because they do not possess the texture of natural products, nor convey the pattern and character of the smaller hand-placed siding materials, such as brick, stone, or lap siding (referred to as "human handicraft" in the siding material sections of the Design Manual).

To avoid any further confusion on the siding material issue, the proposed ordinance would eliminate references to "traditional" materials in the general siding requirements, and instead state that "siding materials shall . . . convey the same visual qualities as wood, brick, stone, stacked masonry or (in limited application) stucco." The proposed changes would also eliminate language describing the desired visual qualities of siding material and instead provide a specific list of acceptable materials. Finally, the proposed changes would eliminate references to "discouraged" siding materials and instead incorporate these materials into a list of allowable accent materials.

POLICY CONSIDERATIONS

Applicable land use policies and codes are as follows:

- A. Comprehensive Plan:** The City's design manual was adopted to implement the goals and policies of the Design Element of the City's Comprehensive Plan. Page 22 – 24 of the Design Element address general building design policies. These policies emphasize maintaining a small town scale and form for structures, and encourage structures that define and respect the human scale. Page 24 – 25 include policies pertaining to waterfront design and state that building materials should be limited to those characteristic of Gig Harbor's historic structures. Page 24 - 28 include policies on development in the historic district and state that the City's design regulations should specify building forms, styles, and motifs appropriate for Gig Harbor's historic areas.
- B. Gig Harbor Municipal Code:** The City's design standards and procedures for design review are contained in GHMC Chapter 17.98 – Design Standards and Review. Section 17.98.020 adopts by reference the City's Design Manual.
- C. Design Manual:** Siding and trim materials are regulated on pages 71 and 95 of the City's Design Manual. Page 71 includes general regulations applicable to all commercial and multi-family development, and Page 95 includes regulations pertaining to the City's historic district. While there are marked differences between general regulations and regulations in the historic district, the siding and trim material requirements are the same in both sections, except that the list of prohibited materials in both sections are slightly different. The historic district section includes spandrel glass in the list of prohibited materials, whereas the general section includes concrete panels. The staff believes that this was an error in the original manual, and that the two lists were intended to be identical.

The Design Manual includes both general requirements and specific performance standards for every regulated item. The general requirements state the intent of the specific performance standards. If an applicant wishes to receive approval by the staff, they may comply with the specific performance standards. If they don't comply with the specific standards but believe they meet the intent as stated under the general requirements, they may request Design Review Board consideration of their proposal.

The general requirements for siding materials emphasize the use of traditional building materials such as brick, stone or wood due to their texture and visual quality which

conveys the notion of "human handicraft". To achieve that intent, the specific standards require finish materials that are individually characterized by texture, grain, or color variation, and which are small enough so that their collective application provides interest and texture to building facades and which reflects human handicraft. Additionally, the specific standards discourage use of large sheet-type siding materials including corrugated metal panels, T1-11 and concrete panels, stating that these materials may only be considered by the DRB.

ENVIRONMENTAL ANALYSIS

The SEPA Responsible Official has determined that the proposed changes to the ordinance are within the scope of the original SEPA review. Accordingly, no new SEPA threshold determination is necessary.

FISCAL IMPACTS

The proposed amendments are for clarification purposes only. There will be no impact on administrative costs beyond those that might occur under existing standards.

RECOMMENDATION

The staff recommends adoption of the proposed ordinance at the second reading.

Attachments:

Draft Ordinance
Planning Commission Minutes of March 18, 2004

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE CITY'S DESIGN MANUAL TO REDEFINE ALLOWABLE SIDING MATERIALS AS DEFINED ON PAGES 71 AND 95 OF THE CITY'S DESIGN MANUAL.

WHEREAS, the City of Gig Harbor adopted a design manual under Ordinance 735 for purposes of regulating building and site design in the City of Gig Harbor in order to implement the goals and polices of the Design Element of the City's Comprehensive Plan; and

WHEREAS, Requirement #1 on page 71 of the Design Manual and Requirement #1 on page 95 of the Design Manual both limit siding materials to those that "assimilate traditional building materials" and also list specific siding materials that are discouraged ; and

WHEREAS, some siding materials that are either listed as discouraged siding materials, or which do not meet the specific requirements for siding materials as stated under both requirements, have been interpreted by some members of the public to be "traditional" siding materials; and

WHEREAS, the City's Design Manual does not otherwise define "traditional" siding materials, and

WHEREAS, the City desires to redefine allowable siding materials to meet the intent of existing regulations on siding materials and to avoid any future misunderstanding over these requirements, and

WHEREAS, the City's SEPA Responsible Official issued a determination of Non-significance for the proposed text amendments on January 21, 2004 pursuant to WAC 197-11-350; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on January 22, 2004, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on March 18, 2004, and made a recommendation of approval to the City Council, with the condition that the list of specified prohibited siding materials be moved from a prohibited list of materials into a list of administratively approvable accent siding materials; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of _____, 2004; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Requirement #1 and its associated heading on page 71 of the Design Manual as adopted under Ordinance 735, and as adopted by reference under GHMC Section 17.98.020, is hereby amended to read as follows:

Siding and Trim:

~~Traditional building~~ Siding materials such as brick, stone or wood reflect human handicraft and provide texture to building exteriors. Materials for new construction and remodeling should convey similar visual qualities.

- ~~1. **Use materials which assimilate traditional building materials.** Finish materials must individually be characterized by texture, grain, or color variation. Individual components shall be small enough so that their collective application provides interest and texture to building facades and reflects human handicraft. Non-traditional materials shall be used sparingly unless they can be shown to have similar visual qualities of traditional materials or contribute to overall design character.~~

~~Discourage siding materials: The following materials must received DRB approval~~

- ~~i. Corrugated metal panels~~
- ~~ii. Sheet siding (e.g., T1-11)~~
- ~~iii. Concrete panels~~

- 1. Use siding materials that convey the same visual qualities as wood, brick, stone, stacked masonry or (in limited application) stucco.**

Siding materials are limited to horizontal lap siding (of any lap design) made of wood or cement-like materials; shingles made of cedar or of cement-like materials; board and batten (or panels with similarly spaced battens); brick; stone (real or cultured); non-scored split-faced block (CMU); stucco on single-family homes. Stucco, tile, terra-cotta, concrete, spandrel glass, sheet siding (e.g., T1-11), corrugated metal panels and smooth-faced or scored concrete block may be used as accent materials on non-residential projects – not to exceed 20% of any given façade. Standing seam metal siding with separately attached battens (with proportions similar to board and batten siding) may be used in gables only, or on up to 20% of any given façade.

Section 2. Requirement #1 and its associated heading on page 95 of the Design Manual as adopted under Ordinance 735, and as adopted by reference under GHMC Section 17.98.020, is hereby amended to read as follows:

Siding and Trim:

~~Traditional building~~ Siding materials such as brick, stone or wood reflect human handicraft and provide texture to building exteriors. Materials for new construction and remodeling should convey similar visual qualities.

- ~~1. Use materials which assimilate traditional building materials. Finish materials must individually be characterized by texture, grain, or color variation. Individual components shall be small enough so that their collective application provides interest and texture to building facades and reflects human handicraft. Non-traditional materials shall be used sparingly unless they can be shown to have similar visual qualities of traditional materials or contribute to overall design character.~~

~~Discourage siding materials: The following materials must received DRB approval~~

- ~~i. Corrugated metal panels~~
- ~~ii. Sheet siding (e.g., T1-11)~~
- ~~iii. Spandrell glass~~

1. **Use siding materials that convey the same visual qualities as wood, brick, stone, stacked masonry or (in limited application) stucco.**

Siding materials are limited to horizontal lap siding (of any lap design) made of wood or cement-like materials; shingles made of cedar or of cement-like materials; board and batten (or panels with similarly spaced battens); brick; stone (real or cultured); non-scored split-faced block (CMU); stucco on single-family homes. Stucco, tile, terra-cotta, concrete, spandrel glass, sheet siding (e.g., T1-11), corrugated metal panels and smooth-faced or scored concrete block may be used as accent materials on non-residential projects – not to exceed 20% of any given façade. Standing seam metal siding with separately attached battens (with proportions similar to board and batten siding) may be used in gables only, or on up to 20% of any given facade.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this ___ day of _____, 2004.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: _____

**City of Gig Harbor Planning Commission
Minutes of Public Hearing and Work Study Session
Thursday, March 18, 2004
Gig Harbor Civic Center**

PRESENT: Commissioners Carol Johnson, Kathy Franklin, Bruce Gair, Dick Allen, Scott Wagner and Chairman Paul Kadzik. Staff present: Steve Osguthorpe and Diane Gagnon.

CALL TO ORDER: 7:00 p.m.

APPROVAL OF MINUTES:

Commissioner Allen asked that this item be moved to the end of the agenda to give everyone more time to read the minutes.

The Chairman opened the public hearing at 7:02.

PUBLIC HEARING

Proposed amendment to the Design Manual pages 71 and 95 – Allowable Siding Materials (ZONE 04-01). – Planning Manager Steve Osguthorpe outlined the proposed changes and stated that this amendment was being proposed to redefine siding materials on existing buildings. Mr. Osguthorpe further stated that the Planning Commission had discussed this issue at the work-study session on February 19, 2004 and that those comments had been incorporated into the ordinance before the commission tonight. He then read an e-mail from Commissioner Theresa Malich in support of the changes as proposed by staff as Ms. Malich was unable to attend this meeting.

Wade Perrow, 9119 N Harborview Drive, Gig Harbor WA 98332 – Mr. Perrow stated that he wanted to remind the Planning Commission that it is their responsibility to determine the destiny of the city and read from the goals in the front of the Design Manual. He then said that if the Planning Commission accepts what is presented today, an applicant would have to prove to staff that their proposal is as good or better than what could be approved by strict application of the standards. Mr. Perrow asked that the Planning Commission not prohibit anything as the basis of the Design Manual is to promote diversity and creativity. He proposed that the word traditional be removed and nothing further be done until the manual is re-written and concluded that each size and type of building deserves different regulations.

Chuck Hunter, 8829 Franklin Ave., Gig Harbor WA 98332 – Mr. Hunter began by stating that he was speaking as a private citizen, not as a member of the Design Review Board. He first asked that the Planning Commission not prohibit any kind of siding materials. He then read from page 4 of the Design Manual which states that the Design Review Board option encourages a creative approach to design. Mr. Hunter went on to say that the scale and application of a material is what is important and that not every façade needs to be an architectural wonder. He then pointed out that the ordinance

was silent on concrete panel buildings and he felt that there is a place for concrete panel buildings. He said that he felt Design Review should be more neighborhood specific and sited several locations around the city where metal and/or stucco had been used that he thought looked good.

Lita Dawn Stanton, 111 Raft Island, Gig Harbor WA 98332 – Ms. Stanton stated that she was speaking as a private citizen and not as a member of the Design Review Board. She read the Design Review Goals from page 2 of the Design Manual. Ms. Stanton then distributed a picture of a metal building that she felt exhibited good design and asked that commission to consider that perhaps scale is the issue. She pointed out that the Design Manual does not have an industrial section and that these issues need to be addressed on a case by case and neighborhood by neighborhood basis. Ms. Stanton expressed concern for prohibiting materials when there may be others that we haven't thought of.

There being no further testimony Chairman Paul Kadzik closed the Public Hearing at 7:42 pm.

Chairman Kadzik asked staff if the ordinance was silent on concrete panels.

Planning Manager Steve Osguthorpe read from the section of the ordinance which addresses concrete and stated that a project would have to go before the Design Review Board for the use of concrete panels.

Chairman Kadzik noted that the industrial application of metal siding is an issue that comes up frequently and asked how staff was proposing to handle this.

Mr. Osguthorpe stated that industrial buildings would have to meet the same design standards on the prominent façade and further stated that a definition of industrial buildings was being written for the Design Manual update that would be presented to the DRB for consideration. With a definition in place, he stated that it would be easy for the DRB to go through the entire design manual and identify specific sections that would not apply to industrial buildings.

Discussion followed on the use of the word "prohibited" and what other words could be used and adequately defined and enforced. Commissioner Wagner asked if a particular material is prohibited can the Design Review still allow the use of it and Planning Manager Osguthorpe replied that the Design Review Board would have to adopt findings to support the recommendation which could be difficult.

Commission Gair pointed out that Design Review is a creative process and not formula driven and that he felt the Planning Commission would be tying the Design Review Boards hands by prohibiting certain materials without considering a neighborhood by neighborhood concept.

Chairman Kadzik stated that although there is not a specific neighborhood section in the Design Manual, these are the types of things that are taken into considering when the Design Review Board looks at a project and that is why he felt that these materials

should not be prohibited but used in limited applications.

Commissioner Johnson asked staff if a limited use of these materials would give the Design Review Board enough muscle when there is an over use and still avoid legal complications by providing a formula for developers to adhere to if they did not want to go to the Design Review Board.

Mr. Osguthorpe answered that an applicant needs to know what is required and if the Design Review Board were arbitrary in their decisions then there would be a problem.

Commissioner Wagner voiced his concern with prohibiting materials and thereby creativity. He then cited several locations in the city where these materials had been used tastefully and stated that he felt more consideration needed to be given to the list of materials before voting on this issue. Additionally he stated that the way the "not to exceed 20%" section is written it appears that someone could apply 20% of each of these materials and it should be rewritten to allow a total of 20%.

Chairman Kadzik stated that he felt that the wording was clear and that putting the siding materials in the "not to exceed 20%" section rather than making them prohibited doesn't make it any easier for an applicant who does not want to go to the Design Review Board but still leaves that option. He also stated that he thought that it wouldn't be a problem to allow any of the discouraged materials, including spandrel glass, so long as it did not exceed the 20%. Planning Manager Osguthorpe indicated that it would be easy to make that change in the ordinance.

Planning Manager Steve Osguthorpe explained the format of the Design Manual emphasizing that this just changes this one item. He further stated that under the current legal climate for design review (e.g., Anderson vs. Issaquah) the City must provide specific standards that don't leave developers guessing as to whether their proposal will be approved or not. He stated that the only reason we can provide a more discretionary standard is because we offer this dual process.

Commissioner Allen agreed with the suggestion to remove the prohibited siding materials and stated that he felt that there were areas where this type of siding would be appropriate.

MOTION: Move to recommend approval of the ordinance amending pages 71 and 95 of the Design Manual with the elimination of the prohibited materials section, including those materials in the 20% allowable section.

Franklin/Gair –

Commissioner Wagner voiced his concern with moving too quickly on this issue without considering allowing some of these materials in a larger application, perhaps 30%. He noted that there are applications which would not be visible and should therefore be allowed beyond the 20% limit.

Mr. Osguthorpe reminded the Planning Commission that this would only apply to

prominent façades (those facades visible from a public way). He noted that facades that were not defined as prominent would not be considered in the 20% calculation.

RESTATED MOTION: Move to recommend approval of the ordinance amending pages 71 and 95 of the Design Manual with the elimination of the prohibited materials section, including those materials in the 20% allowable section.

Franklin/Gair – Five commissioners voted in favor, Commissioner Wagner voted against.

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of February 19, 2004
Johnson/Kadzic – unanimously approved

NEXT REGULAR MEETING:

April 1st, 2004 at 6pm – Work Study Session

ADJOURN:

MOTION: Move to adjourn at 8:30 p.m.
Johnson/Allen – unanimously approved

CD recorder utilized:
Disc #1 Track 1
Disc #2 Track 1



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SECOND READING OF AN ORDINANCE - BUILDING SIZE ANALYSIS
DATE: MAY 10, 2004

INFORMATION/BACKGROUND

At the direction of Council, a draft Ordinance was prepared which implements the recommendations outlined in the January 12, 2004 Building Size Analysis report prepared by Pertee Engineering. The Planning Commission reviewed the draft Ordinance at a February 19, 2004 work-study session.

Staff issued an integrated SEPA/GMA notice for the draft Ordinance on February 23, 2004. The State agency comment deadline was April 16, 2004 and no comments were received. The deadline for appealing the SEPA determination of non-significance was April 30, 2004 and no appeals were received.

A public hearing and first reading of the Ordinance was conducted at the April 26, 2004 Council meeting. At that meeting, staff was directed to revise the Ordinance to only address increasing building size limitations in the Westside General Business (B-2) District and to maintain existing Planned Unit Development (PUD) standards except for those pertaining to bonuses allowing increased building sizes in the B-2 zone. Furthermore, staff was asked to propose a work-study session schedule to review the issue of building size limitations. Based upon a review of the recordings from the April 26, 2004 meeting and Council comments, I would suggest the following schedule:

- Monday, May 17, 2004 - All zones that currently do not have building size limits with the exception of the Downtown Business (DB) and all Waterfront (WR, WM, & WC) zones;
- Tuesday, June 1, 2004 (Monday is a holiday) - The Downtown Business (DB) zone;
- Monday, June 7, 2004 - All Waterfront (WR, WM, & WC) zones;
- Monday, June 21, 2004 - All zones within the Gig Harbor View Basin (with the exception of the DB and waterfront zones) as defined by the height restriction area (Chapter 17.62 GHMC); &
- Tuesday, July 6, 2004 (Monday is a holiday) - All zones which currently have building size limits.

I would suggest that all meeting be held in the community conference rooms, begin at 6:00 P.M., and adjourn no later than 8:00 P.M. if possible.

At the conclusion of the work-study session process, staff would prepare a draft Ordinance implementing Council direction which would then be scheduled for a public hearing.

RECOMMENDATION

Staff recommends adoption of the ordinance, as amended and concurrence with the work-study session schedule as proposed.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUILDING SIZE REGULATIONS, AMENDING GHMC SECTIONS 17.36.055 AND 17.90.090

WHEREAS, on August 11, 2003, the City Council of the City of Gig Harbor entered into a contract with Perteet Engineering, Inc. (consultant) for the purposes of conducting a comprehensive review of the issue of building size limitations; and

WHEREAS, the consultant conducted a public process which included extensive interviews with local individuals and businesses, and two public comment meetings; and

WHEREAS, the consultant presented an oral report outlining alternatives and recommendations to the Council at the December 8, 2003 meeting; and

WHEREAS, the final written report including the consultant/task force recommendations on the issue of building size limits was presented to Council on January 26, 2004; and

WHEREAS, on February 9, 2004, the Council directed the Planning Commission to consider and comment on a draft Ordinance implementing the recommendations on the issue of building size limits during a work study session on February 19, 2004;

WHEREAS, the City SEPA Responsible Official has determined that this Ordinance will not have a probable significant adverse impact on the environment; and

WHEREAS, the Planning Commission considered this ordinance during a work study session on February 19, 2004; and

WHEREAS, the Community Development Director forwarded a copy of this ordinance to the Washington State Office of Community, Trade, and Economic Development on February 23, 2004 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council is desirous of implementing the recommendations of the Building Size Analysis pertaining only to the Westside business district as outlined in the report dated January 12, 2004; and

WHEREAS, the City Council held a legally advertised public hearing to accept testimony on this Ordinance on April 26, 2004; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of April 26 and May 10, 2004; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. General Business District (B-2), Section 17.36.055 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.36.055 Maximum gross floor area.

The maximum gross floor area per commercial structure is 35,000 square feet, except that in the Olympic Village Activity Center and the Westside General Business (B-2) district the maximum gross floor area per commercial structure is 65,000 square feet.

The Olympic Village Activity Center (as defined in the City Design Manual) and the Westside General Business (B-2) district are depicted on Exhibit A.

Section 2. Planned Unit Development, Section 17.90.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.090 Maximum gross floor area bonus.

The maximum gross floor area of the PUD may be increased over that permitted in the underlying zone as provided in this section, but only if: (A) consistent with the underlying comprehensive plan designation for the property; and (B) the increase will not exceed 25 percent additional gross floor area, over that allowed

in the underlying zone, except in General Business District (B-2) it shall be up to 50 percent except that in the Olympic Village Activity Center and the Westside General Business (B-2) district no increase in gross floor area shall be allowed, and in Commercial District (C-1) it shall be 30 percent. Such calculations shall be based on net buildable land. The maximum gross floor area bonus may only be allowed if the applicant demonstrates the following:

A. Open Space. Open space must satisfy the standards in GHMC 17.90.100 for open space in order to be eligible for a density bonus. Such open space must be open to the general public.

1. Provision of open space exceeding by at least 30 percent the minimum required under the design review manual and proportional to the size of the development: 10 percent increase;

2. Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to an unregulated wetland, stream corridor, unique geological feature, substantial over story vegetation and which would not otherwise be preserved, etc.: 10 percent increase;

3. Preservation of Scenic Vistas. Preservation of a scenic vista corridor(s) on-site and off-site and accessible to the general public: 10 percent increase;

4. Provision of a Desirable Urban Amenity. Provision of an urban amenity that complements the proposed development and that exceed the requirements of the design manual for common space or plazas. Such amenity may include such things as a play area, public transit amenities, public restrooms, fountains or other comparable amenities identified by the applicant and city staff: 10 percent increase;

5. Design of a Stormwater Treatment System As an Amenity. A stormwater treatment (retention/detention) facility that is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public: 10 percent increase.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this __ day of _____, 2004.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

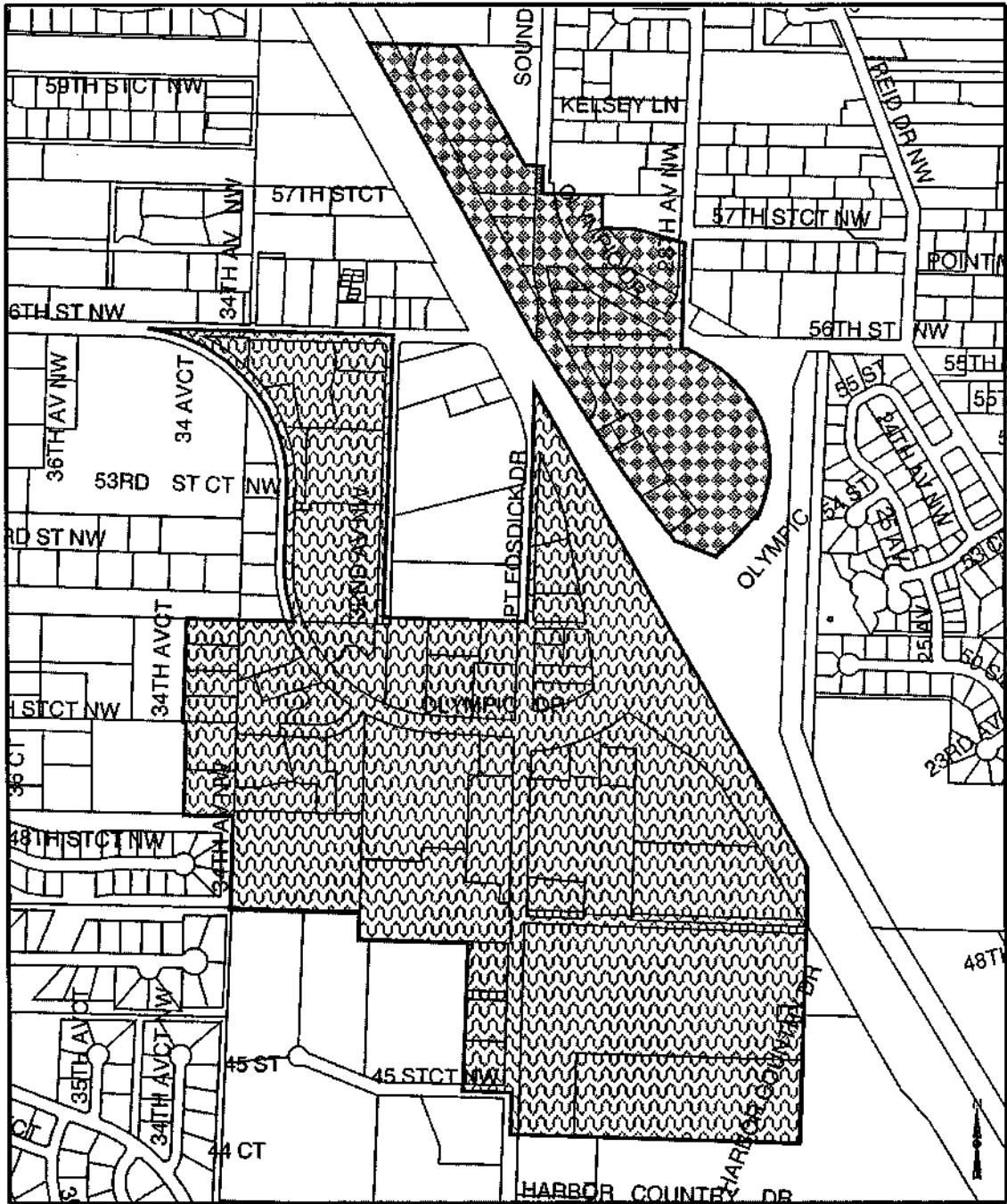
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

Exhibit "A"

Ordinance _____



Olympic Village Activity Center 
Westside General Business District (B-2) 

SUMMARY OF ORDINANCE NO.

of the City of Gig Harbor, Washington

On _____, 2004, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. __, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUILDING SIZE REGULATIONS, AMENDING GHMC SECTIONS 17.36.055 AND 17.90.090

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of _____, 2004.

MOLLY TOWSLEE, CITY CLERK



TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: CONTRACT FOR CHIEF OF POLICE
DATE: MAY 10, 2004

INFORMATION/BACKGROUND

Mayor Gretchen Wilbert is pleased to propose the contract of Mike Davis for City of Gig Harbor Chief of Police. Police Chief candidate Mike Davis comes to the Gig Harbor Police Department from the Kitsap County Sheriffs Department and has been a life-long resident of the Kitsap Peninsula. Chief Davis brings to the position 20 years of exceptional law enforcement experience, and law enforcement and leadership training.

- Graduate of the FBI Academy – advanced training for law enforcement administrators.
- Graduate of the Emergency Management Institute – extensive program focused on critical incident preparedness.
- B.A. Sociology from Washington State University (summa cum laude).
- Currently enrolled Seattle University Institute of Public Affairs, Masters of Public Administration program.
- Chief of Investigations and Support Services, Kitsap County Sheriff's Department.
- Chief of Detectives, Kitsap County Sheriff's Department.
- Acting Sheriff, appointed by Kitsap County Commissioners.
- Undersheriff, Kitsap County Sheriff's Department.
- Sergeant, Kitsap County Sheriff's Department.

In addition, Chief Davis understands the needs of small businesses and small communities. For the past 16 years, he and his wife have owned a business that employs six in Bremerton.

Chief Davis has a strong commitment to community and has served on many local boards and committees in Port Orchard and Bremerton.

- Harrison Memorial Hospital Board of Trustees
- South Kitsap School Board, past Board President (2000-2004)
- Bremerton School Board (1992-1995)
- United Way Board
- YMCA Board of Directors
- East Bremerton Rotary

Chief Davis has been recognized during his career for service and achievement.

- Received the Four Avenues of Service Award from Rotary.
- Awarded the National Leadership Award for Community Service from Leadership Kitsap.
- Selected the Group Study Exchange "Team Leader" for Rotary 5020, leading a team of Canadians to the Philippines for 4 weeks.
- Created the "Drive Friendly" program in Kitsap County, which was then adopted by the Washington State Patrol.

POLICY CONSIDERATIONS

The attached contract is identical in language and terms, except for dates and salary point, to the contract for the previous Chief of Police. The contract terms have been reviewed by Scott Snyder of Ogden Murphy Wallace, as have all employment agreements throughout the past decade.

FINANCIAL CONSIDERATIONS

The starting salary, \$85,560, is at the top of the existing city salary range, but less than Mr. Davis' current salary point, \$89,000.

RECOMMENDATION

I recommend that the City Council approve this contract as presented.

**CHIEF OF POLICE
EMPLOYMENT AGREEMENT**

THIS AGREEMENT entered into as of the 30th day of April, 2004, by and between the CITY OF GIG HARBOR, WASHINGTON, a noncharter optional municipal code city, hereinafter referred to as "City," and Mike Davis, hereinafter referred to as "Employee," for the mutual benefits to be derived, hereby agree as follows:

WITNESSETH:

WHEREAS, the Mayor and the City Council of the City have gone through a selection process to fill the position of Chief of Police, and

WHEREAS, Employee has been selected to fill said position, and

WHEREAS, it is beneficial for both parties to establish and delineate the conditions of said employment,

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereby agree as follows:

Section 1. Commencement of Employment. The City hereby agrees to employ Employee as Chief of Police, and Employee hereby agrees to accept said employment in accordance with the terms and provisions of this agreement hereinafter set forth.

Section 2. Duties. Employee shall perform all duties of the Chief of Police, as set forth in the City's personnel rules and procedures and such other duties as may be assigned from time to time by the Mayor or City Administrator.

Section 3. Commencement of Employment - Term. Employee's employment shall commence effective as of June 1, 2004, and shall continue, unless terminated in the manner provided hereinafter in this agreement. Employee understands that the City has expended considerable sums to secure Employee as Chief of Police. Employee further understands and agrees that he must commit to a term of employment of not less than two (2) years from the commencement of employment, unless otherwise terminated by the City as hereinafter provided. Employee agrees that the two-year commitment is reasonable and acknowledges that his failure to honor said two-year term can cause irreparable harm to the City and further agrees that the provisions of this agreement relating to the minimum term to which Employee is committed to serve may be specifically enforced by the City to prevent Employee from accepting Employment with another city, county, special district or public safety department or similar position in the counties of Pierce, Thurston, King,

Snohomish, or Kitsap, Washington, during such two-year period. Employee further acknowledges that this restriction on his ability to seek employment in a public safety department or with any city, county, or special district in the area, as set forth above, during said two-year period is geographically reasonable, the duration is reasonable and the restrictions will not deprive him of his ability to maintain his livelihood. The provisions of this section relating to restrictions on the ability of Employee to seek employment for a two-year period shall not be applicable if this agreement is terminated by the City in the manner provided hereinafter.

Section 4. Salary - Performance Review. The starting salary for Employee, commencing June 1, 2004, shall be Eighty-five Thousand and Five hundred and Sixty dollars (\$85,560) annually, which salary shall be paid in accordance with the normal and usual procedure for payment of employees of the City.

Employee's performance shall be reviewed at least annually and more frequently if required by the Mayor or City Administrator or if requested by Employee.

Section 5. Benefits, etc. - Position Excluded from Civil Service.

- A. Employee acknowledges, understands and agrees that the position he is accepting with the City is exempted from and not included under the City's civil service system; and that this agreement and the provisions contained herein are being entered into by the City and Employee to fully and completely regulate Employee's employment with the City and accord him certain rights, obligations, and duties which would otherwise not accrue to him were he within the City civil service system. In partial consideration for this employment agreement, Employee acknowledges, assents to, and agrees that the position is not covered by a civil service system and is covered by City of Gig Harbor Personnel Regulations not inconsistent with this agreement, as adopted at the date of this agreement, and as altered during the duration of employment.
- B. Employee shall accrue sick leave and all other benefits as provided for general employees of the City in accordance with the general employees' compensation plan; provided, however, that the employee shall begin employment with 10 days accumulated sick leave and that in the event the State of Washington shall legislate a requirement that Employee receive an illness and/or disability leave benefit which otherwise covers the Employee as sick leave would, then Employee shall not be entitled to sick leave in addition to said other benefits. Also, the employee will begin employment at a vacation accumulation rate of 12 hours per month.
- C. Employee shall be enrolled in the applicable retirement system available to Employee pursuant to the laws of the State of Washington. Both the City and Employee shall make the contributions that are required to be made in accordance

with the applicable laws of the State of Washington.

- D. Employee shall be entitled to take such paid holidays as are established by the City.

Section 7. Termination of Employment.

- A. By City. As stated hereinabove, Employee has committed to continue his employment with the City for a minimum period of two (2) years, to wit, until June 1, 2006. It is recognized that this agreement is a contract for personal services, and Employee acknowledges and agrees that the City may terminate him for cause.
- B. By Employee. In the event Employee shall terminate his employment with the City subsequent to the expiration of his two year commitment, or by mutual agreement of the parties, or if permitted to terminate this agreement by law, Employee agrees that he shall provide the City not less than thirty (30) days prior notice of the effective date of said termination in order to afford the City a reasonable opportunity to find a replacement for Employee. The parties further agree that, in the event a replacement is found who is able to commence employment prior to the expiration of the 30 - day notice, the parties agree that they shall, in good faith, negotiate an earlier termination date.

Section 8. General Provisions.

- A. This agreement constitutes the entire agreement between the parties, and both parties acknowledge that there are no other agreements, oral or otherwise, that have not been fully set forth in the text of this agreement.
- B. The parties hereby further agree that this agreement cannot be amended or modified without the written concurrence of both parties.
- C. If any provision or portion of this agreement is held to be unconstitutional, invalid or, unenforceable, the City shall have the right, at its option, to declare the agreement void and enter into negotiations with Employee for execution of a new personal services agreement.
- D. Employee understands that he has a right to consult with an attorney concerning the provisions of this agreement, and (1) Employee acknowledges he has done so as is evidenced by the attorney's signature below; or (2) Employee has knowingly and voluntarily selected not to consult with an attorney.
- E. Notice. Any notices required to be given by the City to Employee or by Employee to the City shall be delivered to the following parties at the following addresses:

1. City of Gig Harbor
City Administrator
3510 Grandview Street,
Gig Harbor, WA 98335

2. Employee: at either
3510 Grandview Street
Gig Harbor, WA 98335

or

Address, WA Zip

Any notices may be either delivered personally to the addressee of the notice or may be deposited in the United States mails, postage prepaid, to the address set forth above. Any notice so posed in the United States mails shall be deemed received three (3) days after the date of mailing.

IN WITNESS WHEREOF, the parties have caused this agreement to be signed and executed as of this _____ day of _____, 2004.

CITY OF GIG HARBOR

BY

Gretchen A. Wilbert, Mayor

Attest:

Mark E. Hoppen, City Administrator

EMPLOYEE

Mike Davis

Mike Davis



MAYOR'S REPORT

TO: Council Members

RE: Attendance at Tacoma City Council Meeting

DATE: May 10, 2004

On Tuesday, May 4, 2004, I attended the Tacoma City Council meeting to share with them the attached information on the effort to re-establish water taxi service on Puget Sound – my part focuses on South Puget Sound.

This letter with information of an opportunity to participate in a Survey of Interest is also being sent to mayors and councils of all waterfront jurisdictions.

I will be attending a Cascadia Project at Discovery Institute project meeting next week and have been asked to give a report.



"THE MARITIME CITY"

ADMINISTRATION

May 6, 2004

Dear Mayor and Council:

Subject: An Alternative Transportation Waiting in the Waves

Transportation in the Puget Sound Region is becoming a major challenge as we all know. Attached is a copy of a letter I have sent to the editors of all the newspapers who serve the waterfront communities of South Puget Sound. The questionnaire referred to can be found on my website and I look forward to any response I may receive.

The results of my simple, cost effective survey will be shared with private boat operators at the upcoming meeting of the Cascadia Project at Discovery Institute. As a result a boat operator may contact your jurisdiction to ask for consideration of utilizing a public landing on your waterfront.

Within the next six weeks I expect to see a 100-passenger prototype passenger boat visit the South Sound and offer trial rides in exchange for a donation to a favorite non-profit organization. Watch for a schedule of 30-minute rides to embark from a landing near where you live.

Tacoma brought back the streetcars of the early 1900's. We just might reinstitute the Mosquito Fleet, too. Thank you in advance for any ideas you wish to share.

Sincerely,

Gretchen Swayze Wilbert
Mayor, City of Gig Harbor
wilbertg@cityofgigharbor.net



To: The Editor
From: Gretchen Swayze Wilbert, Mayor
Subject: An Alternative Transportation Waiting in the Waves

I don't know about you, but I'm tired of sitting in traffic listening to the reports of bumper-to-bumper, semi-rollover, freeway access closed, three car pile-up, or extended time to travel from point A to point B on the freeways.

Time is money and idling engines pollute the air. Fuel prices are rising. The DOT is out of money to maintain the freeways we have let alone build more. The legislature is burdened with other major issues. Agencies have tried to find solutions using rail and express buses. They are working, but we need more.

Think for a moment about that beautiful waterway called Puget Sound. It seems to be waiting in the waves and saying "Here I am. Use me."

Of course, the idea is not new. The mosquito fleet was a main transportation carrier at the turn of the 20th century and for the next 50 years. On July 1, 2003, interested parties were invited by the Cascadia Project at Discovery Institute to gather and discuss the options we may have today. Two hundred and fifty people attended the initial meeting, representing the voice of ports, elected officials, and transportation agencies both public and private.

They continue to work on joint interlocal agreements to provide a public/private partnership of passenger-only water taxis and water buses. This service is available in other parts of the world – why not here?

Think about it. If your land transportation could connect with waterfront landings to facilitate an alternative to freeway headaches, wouldn't you consider going along for an enjoyable, relaxing boat ride to work or for pleasure?

Technology today provides smaller, fuel-efficient, faster, non-polluting, beach erosion-free vessels to carry passengers. Private operators are ready to do business.

As I look at the waterfront landing opportunities for small passenger vessels in my County of Pierce, I'm thinking about the economic benefit for the small towns of Gig Harbor and Steilacoom.

With landings for recreational boaters on the Thea Foss Waterway, Tacoma could give local residents and tourists access to the Thea Foss Waterway

museums, Tacoma Dome, Amtrack, shopping, Old Town and Pt. Defiance. Students would have access to the University of Washington-Tacoma and the Working Waterfront Maritime Museum. Commuters could board a waterbus to Tacoma, Seattle, Vashon Island or Olympia.

There are many employees who work in Tacoma and live on the Gig Harbor Peninsula. With a landing on the Thea Foss Waterway under the 11th Street Bridge, people would be able to climb that wonderful, historic stairway from Dock Street to A Street on their way to recreation, study or work. With transit connectivity, this landing could link interests and locations.

Just a thought; a water taxi could transport visitors to the USS Ranger Aircraft Carrier Museum if anchored in Commencement Bay.

As an elected official, I will work to provide a landing in Gig Harbor and work with Pierce Transit for landside connections.

A simple questionnaire that asks for public input is posted on our webpage: www.cityofgigharbor.net. We ask "Where would you like to go? If you are a commuter, what time would you need to arrive at your landing and how much would you be willing to pay?"

A small water passenger system in South Puget Sound could benefit everyone and create a little fun in our stressful world.

I look forward to hearing from interested people and will share the results of this simple survey with the Cascadia Project of Discovery Institute as we continue to meet and plan to serve all of Puget Sound from Bellingham to Olympia.

SOUTH PUGET SOUND PASSENGER WATER TAXI INTEREST SURVEY

Possible Landings in South Puget Sound: Assumption: All landings could be served with Public Transit and/or Park and Ride Connections.

Please indicate your interest: commuter _____ visitor _____

- | | |
|--|--|
| <input type="checkbox"/> Olympia
<input type="checkbox"/> Steilacoom
<input type="checkbox"/> Gig Harbor
<input type="checkbox"/> Port of Tacoma
<input type="checkbox"/> Point Defiance
<input type="checkbox"/> Old Town Dock | <input type="checkbox"/> JoeEmma State Park
<input type="checkbox"/> Longbranch
<input type="checkbox"/> Southworth
<input type="checkbox"/> Seattle
<input type="checkbox"/> DesMoines / SeaTac
<input type="checkbox"/> Brown's Point |
|--|--|

Tacoma's Thea Foss Waterway

- | | |
|---|--|
| <input type="checkbox"/> 11 th Street Murray Morgan Bridge with stairway to A Street
<input type="checkbox"/> Washington State Historical Museum
<input type="checkbox"/> The Dock at 7 th Street
<input type="checkbox"/> Light Rail
<input type="checkbox"/> Museum of Glass
<input type="checkbox"/> Pierce Transit Stations
<input type="checkbox"/> Sounder to Seattle
<input type="checkbox"/> Freighthouse Square
<input type="checkbox"/> Others (list below) | <input type="checkbox"/> Working Waterfront Museum
<input type="checkbox"/> Tacoma Art Museum
<input type="checkbox"/> UW – Tacoma Branch
<input type="checkbox"/> Amtrak Station
<input type="checkbox"/> Tacoma Dome
<input type="checkbox"/> Train to Mt. Rainier (future) |
|---|--|

My marine transportation commute interest would be between _____
 _____ and _____, I would need to arrive at my landing
 destination _____ by _____ (a.m. / p.m.).

What is your present daily round-trip cost, \$ _____ and travel time? _____
 Do you travel by auto _____ or by bus _____?

If you are interested in continued participation in the passenger /water taxi study,
 please complete the following information before faxing this survey back to me at (253)
 851-8563.

Name: _____

Mailing Address: _____

City, State and Zip: _____

Phone Number(s): _____ Fax: _____

E-mail: _____

Mayor Gretchen A. Wilbert
 3510 Grandview Street
 Gig Harbor, WA 98335
 (253) 851-8136
wilbertg@cityofgigharbor.net