

GIG HARBOR CITY COUNCIL MEETING OF JANUARY 24, 2005

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

CALL TO ORDER: 7:01 p.m.

PLEDGE OF ALLEGIANCE:

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 the City Council Meeting of January 10, 2005.
2. Correspondence / Proclamations: a) National Mentoring Month.
3. Bid Award - Official Newspaper.
4. Appointment to Council Committees.
5. Appointment of Mayor Pro Tem.
6. Purchase Authorization – Large Format Plotter.
7. Lobbyist Contract – Tim Shellburg.
8. 36th Street NW and Point Fosdick Drive NW Phase 2 Intersection Improvement Project – Permanent Right-of-Way Easement and Temporary Slope Easement Agreements for the Watland Property.
9. Easement Agreement – Luengen Public Shoreline Viewing Access.
10. Stinson Avenue Pedestrian Improvement Project – Topographic Survey – Consultant Services Contract.
11. Rosedale Street Pedestrian Improvement Project – Topographic Survey – Consultant Services Contract.
12. Approval of Payment of Bills for January 10, 2005:
Checks #45931 through #46027 in the amount of \$248,056.92.
13. Approval of Payment of Bills for January 24, 2005:
Checks #46028 through #46146 in the amount of \$439,048.32.

MOTION: Move to approve the consent agenda as presented.
Ruffo / Picinich – unanimously approved.

OLD BUSINESS:

1. Comprehensive Plan Update – Contract Amendment – Consultant Services Contract. John Vodopich gave an overview of four additional proposals to perform a wetland inventory. These were obtained at Council's request to compare with the proposed amendment to the AHBL, Inc. contract. He recommended authorizing the contract with AHBL, Inc. and Adolfsen Associations, Inc. to maintain consistency with the work already performed.

MOTION: Move to authorize an amendment to the consultant services contract with AHBL, Inc. for the Comprehensive Pan Update to

provide for a wetland inventory in an amount not to exceed Thirty-three Thousand Six Hundred Nine dollars (\$33,609.00).
Ruffo / Ekberg – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Providing for the Issuance and Sale of General Obligation Bond Anticipation Note (BAN). David Rodenbach, Finance Director, presented this ordinance that would allow the city to issue a short-term note in order to ensure adequate funds are available for the February 15th closing date to purchase the Eddon Boat Property. He gave an overview of the loan fees and interest rates, and read minor changes that had been made to the ordinance. He requested that the ordinance be passed at its first reading due to time constraints.

MOTION: Move to adopt Ordinance No. 987 with amendments as read.
Picinich / Ruffo – unanimously approved.

2. First Reading of Ordinance – Amending GHMC 17.67 to Add Public Schools to List of Performance-Based Height Exceptions. Steve Osguthorpe, Planning Manager, presented the background on this application by Peninsula School District to add schools to the list of performance-based height exceptions in the PI District, and to also add criteria pertaining specifically to how schools impact the view on adjacent properties. He explained that the Planning Commission has recommended approval of the proposed amendments conditioned upon a requirement that all aspects of a proposed performance-based height exception for a school be reviewed by the Design Review Board.

Mr. Osguthorpe said that staff is recommending against this requirement, because the purpose of the performance-based height exception is to allow the Hearing Examiner to review the function and technical need for the additional height. The need is more a function than a design issue. In addition, the criteria for a performance-based height exception are similar to that for a general variance or a conditional use permit. Neither requires approval by the Design Review Board. Finally, the performance-based height exception pertains to height; it is a dimensional standard, and the design standards have consistently precluded the DRB from the review of variations of height measurements.

Mr. Osguthorpe said that this will return at the February 14th meeting for a public hearing and second reading of the ordinance. He then addressed questions from Council.

Councilmember Franich asked for clarification on whether the new gymnasium design would function in the current gymnasium configuration.

Michael Katterman – AHBL, Inc. 316 Occidental Ave So. Ste 320, Seattle. Mr. Katterman, representing the Peninsula School District, explained that the new

gymnasium will be for multi-use purposes, such as performance space, and that is why it would not work in the current configuration.

Councilmember Franich suggested adding the language “for a gymnasium” to the ordinance under Section 17.67.020 A5 so that the performance based standards would only apply to gymnasiums and any future school designs would be subject to the existing height standards.

Councilmembers discussed this suggestion, but determined that it would be too limiting. Mr. Katterman pointed out that the Planning Commission had put a maximum height limitation in their recommendation, which had been incorporated into the ordinance.

Steve Osguthorpe mentioned the addition of the language to refer to the “Office of the Superintendent of Public Instruction.” He explained that this would alleviate the concern that other types of schools that are not regulated by the state would fall under this ordinance. He added that there is language that requires the Design Review Board to review increased height required above and beyond what is necessary for performance to ensure design continuity.

3. Resolution for Interlocal Agreement - Amendments to the Pierce County Countywide Planning Policies. Mark Hoppen explained that during 2003 and 2004, both elected and appointed officials throughout Pierce County have been reviewing the County-wide Planning Policies. He said that these policies serve as a foundation to the city’s Comprehensive Plans and zoning regulations. It also serves as a mechanism for jurisdictions to work out common problems and to address growth management planning issues. Mr. Hoppen gave an overview of the amendments being adopted and offered to answer questions.

Councilmember Young commended the efforts of Councilmember Berg of University Place for recognizing the importance of these issues and working on the amendments.

MOTION: Move to approve Resolution No. 640.
Ruffo / Conan – unanimously approved.

STAFF REPORTS:

1. 2004 Fourth Quarter Finance Report. David Rodenbach, Finance Director, reported that the year end report came out as expected. He offered to answer questions.

2. Potential Text Amendments Creating a Waterfront View Corridor and Related Development Standards Prior to Lifting the Building Size Moratorium. Steve Osguthorpe explained that Council extended the Building Size Moratorium at the January 10th meeting to allow time to develop standards to address some of the more immediate concerns that came from the public meetings. In addition, the ordinance identified a strict time frame for something to be adopted before the expiration of the moratorium. He then presented the proposed text amendments from the Community

Development Committee and asked for input on whether these are appropriate to submit as a Council initiated text amendment. He said that the only change in the draft text amendments from the last meeting pertains to the use of floor area ratio as an added layer of protection. This way, full development on a large parcel would respect the parcel size and site. In the situation of an extremely small parcel, using the floor area ratio would help to retain more transparency along the waterfront.

Mr. Osguthorpe continued to present information on other provisions of the proposed amendments that include setback provisions, building separation requirements, building footprint limits of 2000 s.f. that allow for a porch, and height limitations for fences and vegetation. He advised Council that these text amendments are for processing purposes, and the numbers included may be changed as it goes through the process. He said that the amendments also include a proposal to limit buildings to 6,500 s.f. in the DB Zone.

Councilmember Young asked for clarification as to whether language should be included to reflect the discussion to change the Finholm District from B-2 to DB, and whether the 6500 s.f. limit would be temporary. Steve Osguthorpe said that a more simple approach would be to call out a particular area and specify the limitation rather than to attempt a rezone to DB at this time. He stressed that the idea was to get something in place before the expiration of the moratorium, and then to proceed with the review of these changes, as well as to take a broader look at the building size issue during the upcoming charette process.

Mr. Osguthorpe continued to address questions and asked if Council wished to put these amendments forward as a Council initiated text amendment. He said that a joint worksession could be scheduled with the Planning Commission and the Design Review Board. A recommendation would come back to Council by April 11th.

Councilmember Ekberg explained that he had no problem forwarding the amendments for discussion, but wanted it made clear that until the public process was complete, he was not ready to give any direction, nor did he want it interpreted in this way. Other Councilmembers agreed. Councilmember Young stressed that this is a “placeholder” in order to continue the process.

Councilmember Franich asked what changes could be made before additional notice has to be forwarded to the state. Mr. Osguthorpe explained that the requirement is to notify the state of the intent to adopt code amendments, and it is better to scale back than to add to the scope. That would require additional noticing.

Mayor Wilbert recommended adding the term “for discussion” to the recommendation to forward these text amendments to the Planning Commission and Design Review Board.

3. Tim Shellburg – Lobbyist. Mark Hoppen introduced Mr. Shellburg, who worked for the city in Olympia this past year.

Mr. Shellburg gave a brief history of Smith Alling Lane Law Firm, which has been based in Tacoma for over twenty years. He then discussed several of the current issues slated for this legislative session. He finalized by saying that his approach is to work with AWC to track and get involved with issues that directly impact Gig Harbor, to build relationships with the delegation, making sure that our representatives have a place to quickly get information or to hear the city's opinions. He invited the Councilmembers to give him a call or to schedule a meeting.

Mayor Wilbert told Mr. Shellburg about her work with alternative transportation. He said that he would keep that in mind. Councilmember Young mentioned the change that has come about in recognition for Gig Harbor in Olympia since Mr. Shellburg began working for the city's interest.

PUBLIC COMMENT:

Robert Frisbie – 9720 Woodworth Avenue. Mr. Frisbie addressed the text amendments, recommending that it be expanded to take in the entire view basin rather than just the properties below Harborview. He said that it is important to recognize that there are three distinctive zoning districts below Harborview; Waterfront Commercial, Waterfront Millville, and Waterfront Residential. He continued to say that because there are so many regulations on the Waterfront Residential district, the city should not impose any more and should continue to respect the privacy of the residential home owners. Whatever standards are imposed in this zone need to be applied to all residential areas throughout the city. Mr. Frisbie then talked about the many view and water access opportunities currently available. He continued to say that his second request for Council is to exclude the Waterfront Millville district from the new standards. He explained that the residents drafted strict regulations within this zone to protect the tranquil living, and that this has been very effective, as no construction has taken place within this zone for ten years. The standards in place here have withheld several lawsuits over the years. He summarized by saying that there is opportunity for views and water access already; what is missing are regulations for the view basin above Harborview.

Dick Allen – 3603 Ross Avenue. Mr. Allen said that he has sat through several meetings since the construction of the Luengen, DRB, and the Sunshine buildings. These buildings brought about the public wanting to reduce the size and mass of the buildings in Gig Harbor. Now that views are being considered, he voiced his concerns over the proposed amendments, specifically the side yard setback increase on the water-side of Harborview and the Waterfront Commercial Property. He asked how another Sunshine Building could be prevented and if the amendments would address this concern.

Steve Osguthorpe explained that several items would prevent a building of this scale. The building size footprint limitation, the floor-area ratio requirement and the side yard setbacks.

Mr. Allen continued to discuss his concern that the amendment is affecting only the water side of Harborview. He said that this area has the greatest opportunity for view of the harbor than any area in town, and yet the waterfront property owners are being “hammered” with more regulations to protect views. He repeated the list of existing view opportunities that was read by Bob Frisbie, adding that he is a property owner and that this is not fair. He asked that the increase to the side yard setbacks be removed from the amendments.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich said as far as the waterfront, he agreed with what Mr. Allen and Mr. Frisbie said. He said that there are only a few properties left to build along the waterfront, and now the city is trying to restrict them even more. He said that as it is, he doesn’t know what he could build on his property. He added that he knows that the piece below him has 200 feet of waterfront and just sold for 1.2 million. He asked what the setbacks are on this property.

Steve Osguthorpe responded that there are no required setbacks on the water side, but the other setbacks depend upon the proportion, the type of structure, and the zone. Mr. Bujacich said that this causes confusion. He said that examples of what you could build on a piece of property would be helpful. He continued to explain that he has been dealing with the Department of Natural Resources and the Pierce County Assessor regarding the lease of the property where his floats are located, which cost is calculated on the upland value. It has become so restrictive, that property owners will not be able to keep their docks due to the rise in property values. Now the city is placing more restrictions as a result of a few buildings that made everybody mad.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton said that she wished that the city had a lobbyist for the waterfront property owners, because Mr. Bujacich is right about the fact that the County Assessor doesn’t recognize the layers of regulations placed by the city that prohibits development. She said that you still pay the price as though it could be developed to the max. She then asked for clarification on the 6,500 s.f. limit in the DB zone and where the boundaries lie for the Finholm area. She stressed that this whole thing came about because of building sizes.

Councilmember Young explained that the section regarding building size is for the entire DB zone, not just the waterside. He said that the C-1 and B-2 zone in the Finholm area would be added.

Ms. Stanton then asked about setbacks in the “triangle” area and whether the regulations sent to the state should be more restrictive rather than less. She identified building separation in this area as a concern.

There was discussion regarding whether or not the regulations could be made more restrictive at a later date. Steve Osguthorpe warned that if more restrictive separation regulations were adopted for the entire DB zone, this may have an undesirable affect in the core area where you want the buildings to be located next to each other.

Councilmember Dick asked if Ms. Stanton had any suggested language that could be included before sending this to the state. She responded that she would leave that up to Mr. Osguthorpe to come up with the language that would be the most restrictive and could be “peeled back.” This would prevent getting caught after the moratorium is lifted. Mr. Osguthorpe warned that nothing should be included that hadn’t been fully evaluated under SEPA. He said that if Council were to specify separation in the entire DB Zone, and then later on decided not to include the entire zone; it would be scaling back rather than expanding. This would allow more time for the Planning Commission and Design Review Board to call out separate areas in the DB zone.

Councilmember Young recommended using a ten foot separation.

Doug Sorensen – 9409 No. Harborview Drive. Mr. Sorensen concurred with Mr. Frisbie, Mr. Allen and Mr. Bujacich. He said that his concern is with restrictions. He asked where the proposed amendments came from.

Councilmember Young explained that the Community Development Committee had met on building size / view basin to discuss the results of the series of public meetings on building size. Staff asked the committee for proposed amendments to send to the Planning Commission for further consideration, and these amendments are the result.

Mr. Sorensen then asked why this is directed at the water ward properties. Councilmember Dick responded that one concern expressed in the public meetings was the preservation of views. These recommendations are a way to put something in place before the end of the moratorium. Councilmember Young added that one of the reasons that this area is distinct is because it is along a public view corridor. Another reason is that the city cannot regulate private view retention.

Mr. Sorensen said that he would like to see a PowerPoint presentation on what it would look like, especially in the Waterfront Residential Zone. He continued to explain that the majority of these properties are already built out, and wouldn’t be affected unless they tried to develop in those areas that are now non-conforming. He said that these regulations are arbitrary as they single out a few vacant lots. He then listed all the setback and wetland requirements that will be imposed on these properties, most of which lack depth. He asked Council to be realistic and to give these property owners a break or else they would all be lined up for a variance. He again asked for a presentation to show how the properties would be affected if these regulations were to be put into place.

Katrina Batina – 2214 55th St. Ct. NW. Ms. Batina said that she is a freshman at Gig Harbor High School and has lived in Gig Harbor all of her life. She explained that she is a member of the Gig Harbor Canoe / Youth Kayak Team, a non-profit club whose purpose is to prepare young paddlers for Regional, National and Olympic competitions. She gave an overview of the organization and its members. She commended the Council and community for the recent purchase of waterfront properties and preservation of the history of the town. She said that their club would like a chance to

be part of the history and proposed that a small section of Jerisich Dock be set aside for watching human-powered craft. She described the benefits of such an endeavor. She said that the signage placed on the dock last year to restricting moorage on a section of the dock is inadequate, and asked how to go about pursuing the objective of keeping a section of dock clear. Ms. Batina passed out an illustration of what she discussed.

Councilmember Ekberg said that he has enjoyed watching the kayaks around the harbor. He explained that the Council has a Parks Committee, which works with the staff in charge of the dock. He suggested that Ms. Batina submit her information to staff so that it could be discussed at the next committee meeting.

Mr. Hoppen said that the kayakers lack a home to store their boats and are on the lookout for a facility and a private benefactor. Ms. Batina added information about the damage caused to the boats being launched off the side of the dock. She said that she hoped that an adequate place to launch the boats would be beneficial both to them and to the community.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmembers asked if staff needed further direction on language to be included before forwarding the amendments to the state. Mr. Osguthorpe said that he understood that he was to add the B-2 and C-1 zones, and to add language requiring a ten-foot separation between structures in the DB zone. He reminded Council that there would be plenty of opportunity to amend what is being proposed, and recommended that the proposed amendments be maintained to serve as a point of discussion.

Councilmember Ruffo said that one point that came from the public comment was to include the entire view basin in the recommendation, rather than focusing on the water side of Harborview. Steve Osguthorpe said that direction was needed for a proposal that could be adopted in some format in 90 days. He explained that the reason the Committee focused on the corridor is because it is easier to define a public view corridor than the broader view basin, which would require a far more intense analysis. Councilmember Young stressed that the committee received very specific instruction from legal counsel that you cannot legislate view retention between properties outside the view corridors. He said that it would be better to remove that whole side-yard setback and vegetation section rather than to include the entire view basin because of time constraints.

Councilmember Dick said to consider how immediate the problem is in terms of the need to protect views. Councilmember Franich and Ruffo then discussed the need to make the language sent to the state as tight as possible.

Mr. Osguthorpe repeated the recommendation to submit this as a proposed text amendment as drafted with the inclusion of the additional zones discussed, and to include a separation between structures in the entire DB District. Councilmembers all agreed with this.

Mr. Osguthorpe added that the idea for a charette process has not been abandoned, but the moratorium will end before the process can be completed. This is just a means to address the more immediate concerns, and allow the charette process to occur later.

ANNOUNCEMENT OF OTHER MEETINGS: None.

EXECUTIVE SESSION: For the purpose of discussing pending litigation per RCW 42.30.110(1)(i).

MOTION: Move to adjourn to Executive Session at 9:04 p.m. for approximately five minutes for the purpose of discussing pending litigation.

Franich / Ruffo - unanimously approved.


MOTION: Move to return to regular session at 9:10 p.m.

Franich / Ruffo -- unanimously approved.

MOTION: Move to adjourn at 9:10 p.m.

Young / Picinich – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 15.
Disc #2 Tracks 1 – 8.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk