

GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 28, 2005

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

CALL TO ORDER: 7:05 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

The Mayor opened the first public hearing at 7:06 p.m.

1. Second Reading of Ordinance – Supporting Continuation of a Moratorium on the Acceptance of Applications for Development in the Height Restriction Area for a Period of 90 Days. John Vodopich, Community Development Director, presented the background information for this ordinance.

No one signed up to speak, so the public hearing was closed at 7:07 p.m. and the second public hearing was opened.

2. Second Reading of Ordinance – Making Assisted and Independent Living Facilities Count as Fractional Dwelling Units in Calculating Residential Density. John Vodopich explained that this ordinance would amend the code so that Assisted Living Facilities or Independent Living Facilities would be counted as 1/3 of a dwelling unit for the purpose of calculating density. It would also add new definitions for both, and replaces all existing references to retirement facilities, retirement homes, or senior citizen housing.

Chuck Hunter – 8820 Franklin Avenue. Mr. Hunter asked that parcels in the View Basin and Height Overlay District be excluded from this new density calculation, at least for the time being. He said that he was unsure of the impact it would have on small parcels, but due to the recent struggles in building size ordinances, it would be smart to exclude these areas. He added that he had seen several small homes converted to this use, and his concern is the impacts on parking and other criteria.

Councilmembers asked staff what impacts this would have in the areas mentioned. Mr. Vodopich explained that building size limits in effect under the moratorium would govern anything regardless to the change. He stressed that one of these facilities would require a conditional use permit in most residential zones, allowing for any concerns to be mitigated.

Carl Halsan – PO Box 1447, Gig Harbor. Mr. Halsan, agent for the applicant of this amendment, stressed that they have asked only for an amendment on how to calculate density, not for any zone changes. He said that there are enough other rules in the

view basin to address any concerns, adding that parking is one of the main criteria that were analyzed.

Mr. Hunter commented that staff for these facilities would require more parking. Mr. Halsan explained that this had been factored into the analysis.

Jan Parmalee – Executive Director at Sound Vista Village, 6633 McDonald Avenue.

Ms. Parmalee asked Mr. Halsan for the size of the community that the company he represents is interested in constructing. Mr. Halsan explained that there is no current proposal. Ms. Parmalee continued to say that Mountain West has three units in the Puget Sound area; none under 100 units. She agreed that parking is not much of an issue, but size is a definite impact. She asked that the city do their homework on this facility. She added that a facility of this size will have a large impact on the census. She also asked that the city be aware of the height concerns.

Carl Monstream – 3414 75th Ave NW. Mr. Monstream explained that he is a member of Peninsula Baptist Church, who has been asked to partner in a project to build a 26-30 Independent Living unit project off 38th Street. He said that without this density change, they would not be able to build the project.

Suzanne Martin – Puyallup. Ms. Martin said that she represents a non-profit community development organization that helps small governments develop senior housing. She stressed the importance of language that would continue senior housing and that would allow seniors' more options. She described a type of model that is ideal for seniors and offered to share the plans. She stressed that senior housing needs access to services.

There were no further comments and the public hearing was closed at 7:27 p.m. The next public hearing was opened.

3. Latecomer's Agreement for Reimbursement of Municipal Water – Peninsula School District.

Owen Dennison – AHBL – 316 Occidental Avenue South, Seattle. Mr. Dennison said that he represents the Peninsula School District and gave the background for this request to recoup a portion of the cost of the construction of the water line on Burnham Drive and Prentice. He said that after the first public hearing, four parcels were removed from the original proposal.

John Vodopich said that certified letters had been sent 20 days in advance to the public hearing to all the properties included in the latecomers, and to date, there had been no response.

Chuck Hunter – 8820 Franklin Avenue. Mr. Hunter said that he had not received a notice. Mr. Vodopich explained that it was because his property had been excluded after the last public hearing.

Harry Mashburn – Pierce County. Mr. Mashburn said that the water line is an expense of the school district and that it seems that there should have been a LID if they wanted the property owners to pay for it. He voiced concern that this will be recorded against his property, stressing that he was opposed to that and would hire an attorney to remove the recording.

Councilmembers and staff addressed Mr. Mashburn's concerns by explaining that he would not be required to pay unless he hooked up to the line within 15 years. Carol Morris, City Attorney, explained that in order to enforce the agreement, it would be necessary to record it against the adjoining properties. Mr. Mashburn once again voiced his objection to the encumbrance on his property.

The public hearing was closed at 7:36 p.m.

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 February 14, 2005.
2. City Prosecutor Contract.
3. Recommendation for 2005 Art Grants.
4. Pt. Fosdick / 36th Street Roundabout Project Dedication of Permanent Right-of-Way – Lighthouse Christian School.
5. Street Lights – Purchase Authorization.
6. Outdoor Portable Movie Screen – Purchase Authorization.
7. Asphalt Repair on Peacock Hill Avenue and Burnham Drive – Small Works Contract.
8. Consultant Service Contract Amendment No. 2 – Design Manual Update.
9. Approval of Payment of Bills for February 28, 2005:
Checks #46357 through #46466 in the amount of \$246,692.99.

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

OLD BUSINESS:

1. Second Reading of Ordinance – Supporting Continuation of a Moratorium on the Acceptance of Applications for Development in the Height Restriction Area for a Period of 90 Days. John Vodopich said that this ordinance was the subject of two public hearings and recommended approval as drafted.

MOTION: Move to adopt Ordinance No. 989 as presented.
Ruffo / Picinich – unanimously approved.

2. Second Reading of Ordinance – Making Assisted and Independent Living Facilities Count as Fractional Dwelling Units in Calculating Residential Density. John Vodopich explained that this is the second reading of the ordinance and recommended approval as presented.

Councilmember Ruffo asked Legal Counsel whether he should abstain from action on this item, as he is an officer in an Assisted Living Facility company. Ms. Morris explained that because this is a legislative matter, it would not be necessary.

MOTION: Move to adopt Ordinance No. 990.
Picinich / Young –

Councilmember Young said that none of the zones would be negatively impacted by this ordinance. He then suggested that staff be directed to come back at a later with an incentive structure for affordable senior and assisted living facilities. Carol Morris said that the city can give exemptions under impact fees for affordable housing, but would then have to pay for the exemption itself.

RESTATED MOTION: Move to adopt Ordinance No. 990.
Picinich / Young – unanimously approved.

3. Second Reading of Ordinance – Relating to Annexation and Zoning – North Donkey Creek Annexation (ANX 03-03). John Vodopich presented the second reading of an ordinance finalizing the annexation and establishing zoning on property west of Burnham Drive. He answered Council questions and recommended approval of the ordinance as presented.

MOTION: Move to adopt Ordinance No. 991.
Young / Ekberg – unanimously approved.

4. Resolution for Latecomer's Agreement for Reimbursement of Municipal Water – Peninsula School District. John Vodopich explained that this is a resolution establishing the Latecomer's Agreement for the Burnham Drive water-main extension for Peninsula School District, and subject of two public hearings.

Councilmember Ekberg asked for clarification on mitigation for those who wouldn't need a twelve inch line.

Mr. Dennison responded to the question by explaining that the methodology for determining how the assessment was applied was based on 25% frontage and 75% for lot area. There was no specific calculation on who to include or exclude; it was done subjectively based upon the anticipated development or re-development of the subject parcels. Much of the property is zoned business, and those are the ones expected to need the fireflow.

MOTION: Move to adopt Resolution No. 641.
Picinich / Ruffo – unanimously approved.

5. Proposed Annexation – Wright (ANX 04-02). John Vodopich presented the background to this proposed annexation located at the intersection of Skansie Avenue

and Hunt Street. He explained that since Council accepted the Notice of Intention to Proceed back in October, Mr. Wright was unable to obtain the signature of four adjoining properties due to zoning concerns, and now is requesting that the annexation area be modified to only include his parcel. If Council agrees to the amendment, the proponent would be required to draft a new map and legal description to be forwarded to Pierce County for review. Mr. Vodopich pointed out that one factor to consider is the irregular boundary.

Jim Wright – 3419 76th Avenue NW. Mr. Wright explained that Pierce County had originally zoned his property for a higher density than single-family which gave him more latitude, but under the guidelines for the Urban Growth Area, the property would automatically become R-1. He described the uses surrounding his property, adding that he would like to see his zoning become RB-1, but he is moving forward with plans for R-1 development.

Councilmember Dick asked for clarification on the recommendation to include a portion of Hunt Street. Mr. Vodopich explained that this amendment was requested by Pierce County Public Works. The city's Engineering Department concurred in order that street frontage criteria could be maintained.

MOTION: Move to accept the request to revise the boundaries of the Wright Annexation subject to the subject conditions 1 and 2.
Ruffo / Young –

There was discussion on the policy of automatically zoning annexed areas as R-1. Councilmember Ekberg gave a history of the reasoning behind this. He said that if there is a more efficient method that complies with the GMA, then staff could look into it and bring back a recommendation.

RESTATED MOTION: Move to accept the request to revise the boundaries of the Wright Annexation subject to the subject conditions 1 and 2.
Ruffo / Young – unanimously approved.

NEW BUSINESS:

1. Utility Extension Agreement – Saulic. John Vodopich presented this request for outside utility extension for both water and sewer for a single-family residence on Burnham Drive.

MOTION: Move to approve the Utility Extension Agreement with Mark Saulic as proposed.
Picinich / Ruffo – unanimously approved.

STAFF REPORTS:

Community Development – Fourth Quarter 2004 Building Permit Data. No verbal report given.

PUBLIC COMMENT:

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter asked to talk about the Eddon Boat Property. He stressed that Save Eddon Boatyard Group does not want to take an adversarial stance, but they are getting anxious and would like Council to give them a general idea of how the negotiations are progressing. He talked about how hard the group had worked to acquire the property. He said that the ball has been in the city's court for four months and Council has taken the position that the public shouldn't know anything about what's going on. He said that the city could give them some general idea of how it is going rather than being made to feel like outsiders. He said that they would also like to squelch the rumor that the group doesn't care how much the property is going to cost. He promised that the group would not ruin the deal if information was shared with them, and urged Council to come up with some information that could be shared with the public.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Public Meeting – 2nd Phase of the Stinson Avenue Pedestrian Project – March 8th at 6:00 p.m.
2. Lodging Tax Advisory Committee – March 2, 9:00 a.m., Civic Center Executive Conference Room.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b) and pending litigation per RCW 42.30.100(1)(i).

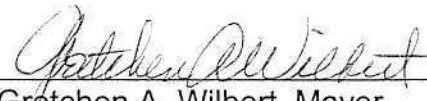
MOTION: Move to adjourn to Executive Session at 8:11 p.m. for approximately fifteen minutes to discuss property acquisition per RCW 42.30.110(1)(b) and pending litigation per RCW 42.30.100(1)(i).
Picinich / Ruffo - unanimously approved.

MOTION: Move to return to regular session at 8:29 p.m.
Picinich / Young – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:29 p.m.
Picinich / Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 23.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk