

## **GIG HARBOR CITY COUNCIL MEETING OF APRIL 11, 2005**

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

**CALL TO ORDER:** 7:05 p.m.

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC HEARINGS:**

1. **Regulating Landscaping and Building Sizes in Select Districts in the Height Restriction Area Prior to Lifting the Building Size Moratorium (continuation).** Mayor Wilbert opened the public hearing at 7:07 p.m. Steve Osguthorpe, Planning Manager, presented the background information for this public hearing and gave an overview of the changes made to the ordinance per Council direction at the last meeting. He explained that he brought back separate draft ordinances for the C-1 zone; one imposing a 35,000 s.f. limit as recommended by the Planning Commission and the other imposing a 6,000 s.f. limit as originally proposed by the Joint Committee. He said that in addition, he had contacted staff from the Historical Society to determine the timeline for submission of an application and building size needs. The Historical Society has indicated the need for a 20,000 s.f. structure and hopes to submit an application as soon as possible as they hope to open in June of 2007.

**John Vance – 3503 Harborview Drive.** Mr. Vance explained that he lives in half of a building with a 5,000 s.f. footprint, which would be out of compliance with either draft ordinance. He voiced concern that they would be unable to rebuild in the event their structure were to be destroyed.

Steve Osguthorpe addressed this, explaining that in the shoreline district, non-conforming structures are grandfathered and can continue to be maintained or retained, but they are unable to enlarge. He said that within the waterfront, non-conforming provisions are different than in other areas. If more than 75% of the value is destroyed, the structure cannot be rebuilt to the non-conforming status unless it is a single-family home and it is rebuilt within a 3-year period.

Mr. Vance said that most insurance policies are written to replace the existing structure, and the condominium owners would not be allowed to recoup the value of their homes if they are prevented from rebuilding to the current size. Mr. Osguthorpe explained that there may be other factors that contribute to the non-conforming status.

Mr. Vance said that the property owners are asking for the ability to maintain their homes in the event they are destroyed in a natural disaster. He added that none of the property owners had been contacted by the consultant who had put together the stakeholders report, and that this is the first any of them were made aware that they would not be grandfathered.

Dorothy Hunt – 3501 Harborview Drive. Ms. Hunt voiced her concern that they would not be able to rebuild if their home was destroyed. She said that they have lived here 11 years and love the harbor and would like the opportunity to maintain their home.

Joe Puratich – 3421 Harborview Drive. Mr. Puratich said that he would like to have their family property grandfathered in case of an earthquake or fire.

Dennis Reynolds, Law Firm of Davis Wright Tremain, Seattle. Mr. Reynolds said he represents two clients, Gig Harbor Marina and Arabella's Landing, who are not in favor of either draft. He asked that the Gig Harbor Design Manual be given a chance, stressing that the additional restrictions have significant impacts, especially on smaller lots. He said that downsizing to 2,000 s.f. is significant, and suggested that staff analyze the urban infill requirements of the GMA, the economic development requirements, and private property rights. He stressed that it is not simply the desire to preserve views. He said that it's not a bad thing to relocate the view from the street to something closer to the water, but it is a unique type of regulatory taking to ask the waterfront property owners to provide view easements for the public and upland property owners.

Charles Carlson – 3505 Harborview Drive. Mr. Carlson his home is considered a duplex, and is not yet non-conforming. He said that he is concerned that the ordinance is premature. He said that there are only four undeveloped properties along the Harborview waterfront and all the existing homes and structures have been built legally and with the expectation of peaceful enjoyment. If this is adopted without grandfather rights, the property owners would be denied this. He said that if the existing 34 condominium units were single-family dwellings, they would take up a lot more space. He continued to say that the ordinance does not address mixed use buildings. He then read off a list of properties, both commercial and residential, that would not be able to rebuild under the draft ordinances. He asked Council to reconsider and to enable these owners to be able to enjoy their property.

Clark Davis 7525 Pioneer Way, Suite 202. Mr. Davis spoke on behalf of the Harbor Condominium Association in partial opposition of both drafts. He said that in the absence of a grandfather clause the ordinance is unfair. People have purchased property and protected their homes with insurance with an expectation that they have protected their investment. In the event of a catastrophe, their 5000 s.f. home may be cut down to 2000 s.f., which is unfair to the extent that it constitutes a taking and is potentially unconstitutional. He said that as a matter of policy and fairness to the citizens who own property in this area; there should be, at a minimum, a grandfather provision in the ordinance. He continued to explain that Mr. Carlson had been told by staff that if their 5000 s.f. condo burned down, they would be required to get a variance to rebuild in the same configuration. Mr. Davis recommended adding language to the draft ordinance to read "In the event that any structure that is in conformity with this chapter prior to adoption of the present ordinance, but which does not conform to the requirements of the present ordinance, is subsequently damaged or destroyed, such structure may,

within three years of such damage or destruction, be fully restored to its prior size and configuration without limitation or condition.”

Councilmember Young asked if Mr. Davis is suggesting that a grandfather clause apply to use as well as size. Mr. Davis responded that his clients are affected by this ordinance with regards to rebuilding, and again recommended incorporating his suggested language. He then said that he is unsure of how this ordinance affects existing omnibus language of the statute. Councilmember Young asked whether a non-conforming use structure should be allowed to rebuild and continue the non-conforming use, and if there are other municipalities with similar provisions. Mr. Davis said that grandfather provisions of this nature are common.

Councilmember Young then asked Mr. Davis to address the issue of fairly regulating both developed and undeveloped lots, and if any regulation that potentially reduces the use of property constitutes a taking. Mr. Davis said that the important thing is to not reduce an existing use. Councilmember Dick pointed out that the only reason to regulate property is because the status quo isn't adequate. Mr. Davis responded that he has no issue with zoning in general and in fact, is an advocate of growth management. He offered to research the takings argument further, but said the point is that the ordinance restricts what you can do with your property after a catastrophe and you reduce the potential use of the property.

Councilmember Ruffo clarified that what Mr. Davis was asking for was for the current property owners to be able to make whole what they currently have in case of a disaster and stressed that he didn't understand why this was going beyond this one issue.

Linda Gair – 9301 North Harborview Drive. Ms. Gair voiced disappointment with Council's attitude on regulating vegetation in the view corridors. She said that when you insist on buffers, screening, maintaining significant vegetation, or reducing impervious surfaces, you are regulating vegetation. She suggested addressing this issue starting with vegetative and fence height restrictions on streetscapes and new projects in the view corridors. In addition, a Good Neighbor Campaign would encourage property owners to be mindful of their trees. She said that she agreed with the comment made by Councilmember Dick when he asked “Why regulate at all?” in response to the removal of most landscaping regulations at the last meeting.

Ms. Gair then said that the city is in danger of losing the historical character of downtown by not limiting the size of residential as well as commercial. The whole point of the meetings over the past several months is to preserve this character and views and she asked Council not to backtrack. She then voiced disappointment with Council comments about the qualifications for the Design Review Board and Planning Commission, adding that she felt insulted by the comments suggesting that only professionally trained people should serve. She stressed that the primary mission of these boards is to represent the people and to provide a system of checks and balances in the planning process. It is up to a paid staff to provide the technical support. Ms. Gair said that appointment to the boards should be based on commitment to the community

and to the design and planning process and that existing boards should have input in choosing new members. The members spend a great deal of time in giving a fair recommendation, but many times the recommendations are not taken into consideration. She said that there are instances, such as with the historical preservation ordinance, in which the Planning Commission and Design Review members are more qualified than Council.

Carlos Moravek – 3889 Harborview Drive. Mr. Moravek spoke against the ordinance. He explained that he lives in the Edgewater Condominiums, which would not be able to rebuild if it were destroyed. He said that this is unfair to those who bought homes with the understanding that they are within their legal right to have it replaced. He asked Council to consider being in the position of not being allowed to rebuild their own homes to its current size. He said that he had not been contacted by Perteet, and that more community input needs to be obtained before making such large restrictions.

Jenny Smith – 3889 No. Harborview Drive. Ms. Smith said that she is the secretary for the Edgewater Condos and also is against the ordinance. She said that they pay pretty good taxes, and they like living, walking and shopping downtown. She said that for their investment they would like to know that they are protected.

Robert Puratich – 3421 Harborview Drive. Mr. Puratich said that his family has resided and had a commercial fishing dock for 85 years. They have spent a lot of time and effort to stay in the harbor. He said that he would like to see a grandfather clause added to the ordinance.

Bill Boris 3519 Harborview Drive. Mr. Boris said he would like to echo the concerns from those who spoke earlier. He said he opposed Section 'B' of 17.48.045 and recommended adding an option 'C' to read: "If it is here it can be here." He asked that he is asking for more than a grandfather clause, but equal protection under the law. He said that four families live in a small area; a design that maximizes public view. He asked for creativity and sympathy; guidelines rather than rules; and aesthetics rather than building loss. He recommended letting the land dictate what is built without regulations forcing what can be done.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter commented that if you have two drafts of an ordinance, you are not ready to pass anything. He said that the original meetings did not concern the Harborview Drive view corridor, but the whole view basin. He asked that all zones in the view basin be included in a building size ordinance. He suggested that if a building is destroyed, it should be allowed to rebuild within its own footprint and envelope. He said that the addition of the floor area ratio is unnecessary, because you already have regulations for footprint, setbacks, and building separation. He then said that in discussions by the Joint Planning Committee, a 60,000 s.f. limit in the C-1 zone was never discussed. The 35,000 s.f. number was recommended to allow the Historical Society to build what they need. He asked that the Historical Society not be made to jump through hoops, as the project is good for the community.

Councilmembers discussed the other properties in the C-1 zone and the options available for the Historical Society that wouldn't affect the other properties.

Wade Perrow – 9119 No. Harborview Drive. Mr. Perrow said that Mr. Reynolds has a valid point. There is an extensive Design Manual and this effort attempts to legislate good taste. He said that many people are confused by the floor area ratio and agreed that it is unnecessary. It is just one more layer that would restrict what could be built. He said that you should determine what should be allowed in the Design Manual and then allow the Design Review Board and staff to work from the manual. He paraphrased David Boe, the architect who said that unless you are attempting to put gates at the top of the hill that says "Residential Only", you will limit the eclectic nature of the city. He asked Council not to pass something that would lead to someone not knowing which book to look at when they come to the counter.

Walt Smith PO Box 191. Mr. Smith, President of the Gig Harbor Peninsula Historical Society, spoke in favor draft 'A' as it pertains to the C-1 zone only. He said that they can work with the C-1 zoning as is, adding that it is tough enough to work with the current regulations if they have to contend with further zoning changes. Their goal is to be under construction by 2007, and a considerable amount of money needs to be raised. He said that this project will be a benefit to the community.

Carol Davis – 3312 Harborview Drive. Ms. Davis spoke to the landscaping standards in the view corridor. She agreed with the comment made by Councilmember Dick at the last meeting when he said that the whole point of regulation is to maintain view corridors. She stressed that if views are important to regulate in commercial zones, these views should also be regulated in residential zones. The waterfront is a public asset that should be developed in a manner that allows everyone to enjoy the views. It makes no sense to regulate the height of buildings, but allow someone to plant a row of trees that will grow to 50 feet. In addition, side yards should also have low landscaping regulations.

John Holmaas – 7524 Goodman Drive. Mr. Holmaas spoke on behalf of the Historical Society in support of the 35,000 s.f. maximum building size limit. He said that the property was purchased under the 65,000 s.f. limit, which is more than needed, but they cannot live with a reduction to 6,000 s.f. They also want to retain the C-1 zoning designation, as the P-I designation will not work for their long-range purpose at that location.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich voiced concern that this ordinance creates more problems. He added that everything should be grandfathered. He said that the condominiums went through the process and if you should protect their what is there, not only on the waterfront, but all over. His then voiced concern with landscaping, explaining that you should not be able to block views with a row of trees. He then asked Council to adopt the 35,000 s.f. limit in the C-1 zone so that the Historical Society could build. He said that if you have a vacant lot on the waterfront, you are going to be penalized when the other owners have been allowed to build larger.

He said that until the three new buildings came along, everything was okay. He said you are working on creating a problem rather than enjoying what is here, and keeping what is here.

Bruce Gair – 9301 Harborview Dr. Mr. Gair, who served for eight years on the Planning Commission, said that he would be pleased to see all these people in the audience show up for the Planning Commission meetings. He said that there must be something done to change the process of notification in order to get more people to participate at the beginning level.

Jim Pasin – 2710 39<sup>th</sup> St. Mr. Pasin encouraged Council to accept the 35,000 s.f. limit in the C-1 zone to facilitate the Historical Society and to allow them to make a contribution to the community. To ask them to go through extraordinary processes would be an indication of the city's lack of support for such an activity in the community. Relative to the grandfathering, he reminded Council that over the last 10-12 years, there have been several near-disasters in the community, and yet the city has not yet added a grandfather clause to the zoning ordinance. He asked Council to direct staff to put language not only in this ordinance, but throughout the zoning code so that people can rebuild to their existing size.

Alan Bucholz – 8800 No. Harborview Drive. Mr. Bucholz, an architect, gave the background of the effort to design and obtain permits for a house for Jeff Bucholz. He described the configuration of the house; which is 2000 s.f. not counting the garage. This meets all the current setbacks, but if the city cuts this further, it minimizes the home. If you are going to put this much into a home, you would like to have some space. He asked for clarification on whether he would meet the regulations.

Steve Osguthorpe addressed this, explaining that he believes that he would fall under the 3,500 s.f. limit.

Bruce Steele – 6610 Sunnybay Road. Mr. Steele owns three lots on Harborview Drive. He said that he attended all the Planning Commission meetings to keep informed. He said that he can deal with the 3500 s.f. limit, but he is concerned with the floor area ratio, which he does not recall being before the Planning Commission for discussion. He said that if the FAR is adopted, he could only build a 1250 s.f. house on his properties, which is ridiculous.

Mr. Osguthorpe explained that the floor area ratio was in the initial draft recommendation that Council sent to the Joint Committee for comment. The Joint Committee agreed to take it out. At the last meeting Council asked to put it back in and it became part of the continued public hearing.

Mr. Steele stressed that he can live with all the other regulations but not this. Councilmember Young said that he misunderstood the implication on small lots when he asked that this return, adding that he would not request that it remain.

Beth Perrow – 9119 No. Harborview Drive. Ms. Perrow, Board of Directors for the Historical Museum, encouraged Council to adopt the 35,000 s.f. building size limit in the C-1 Zone. She said that funds are limited and she referred to the comment by Mr. Pasin that this is an opportunity for the city to show support of the museum.

Carl Halsan – 7218 North Creek Loop. Mr. Halsan echoed support for the Historical Society and whatever can be done to facilitate the process. He then discussed the grandfather issue and asked Council to keep in mind that there are other zones all over town in which this is also an issue.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton said that building sizes were the catalyst for this three-year process, but the ordinance in front of Council does not adequately address this. The goal was to maintain the characteristic scale of Gig Harbor. This means grandfathering what exists. Considering only the water-side of Harborview because it is legally defensible isn't what the community has asked for. She reminded Council that the Planning Commission and the Design Review Board were not in favor of the FAR, were in support of the 35,000 s.f. allowance for the Historical Society and were in support of grandfathering.

Doug Sorensen – 9409 No. Harborview Dr. Mr. Sorensen said that it was interesting that now people are asking for grandfathering, but the reason the ordinance are being changed are because there are buildings that are out of scope with the character of the city. He then said that he is in favor of grandfathering and not against change, but it is wrong to change the ordinance based on the reasons that have been heard and will not solve the view problem. He said that he disagreed that residential should be treated the same as commercial property. Waterfront homeowners pay taxes that helped purchase the park properties that provide views, but yet, these ordinance try and place the burden back on the residential owner.

There were no further comments, and the public hearing closed at 8:35 p.m. and the next public hearing opened.

2. Prentice Avenue Street Vacation Request - Savlov. John Vodopich, Community Development Director, gave a brief introduction. There were no comments, and the public hearing closed at 8:35 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 March 28, 2005.
2. Correspondence / Proclamations: a) Pierce County Heritage Month. b) Earth Week / Arbor Day.
3. Resolution In Support of Improving Water Resource Management.
4. Resolution No. 644 – Prentice Avenue Street Vacation Request – Boyd.
5. Resolution No. 645 – Declaring Support of Ft. Lewis and McChord AFB.
6. Appointments to Gig Harbor Arts Commission.

7. Elimination of the Washington Water Intertie at Prentice Avenue and Fennimore Street Intersection – Material Purchase Authorization.
8. Stinson Avenue Pedestrian Improvements Phase II – Contract Authorization.
9. Pavement Markings – Contract Authorization.
10. Skansie Brothers Residence Inventory of Contents - Consultant Services Contract.
11. Skansie Brothers Park Aquatic Lease Survey – Consultant Services Contract.
12. Liquor License Renewals: Albertsons; Anthony's of Gig Harbor; Tanglewood Grill; Bistro Satsuma.
13. Special Occasion Liquor License: Prison Pet Partnership Program.
14. Approval of Payment of Bills for April 11, 2005:  
Checks #46755 through #46891 in the amount of \$426,078.73.
15. Approval of Payroll for the month of March:  
Checks #3677 through #3724 in the amount of \$243,119.11.

Mayor Wilbert introduced Keith Folkerts, Kitsap County staff member, who has been involved with the Kitsap Peninsula water planning effort. Mr. Folkert presented background information on the resolution in support of improving water resource management.

Mayor Wilbert introduced the new members of the Gig Harbor Arts Commission, Karla Epperson, Dale Woock, Mary Rae Lund and Kit Kuhn and thanked them for accepting the appointment. She then introduced those members who were leaving the commission, adding that she had prepared a certificate of appreciation to be presented to Marion Ekberg, Robin Peterson, Danna Trent and Christopher Mathie.

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

Lita Dawn Stanton, Chair, said that Marion Ekberg and Robin Peterson served since the beginning of the GHAC in 2001, and Donna Trent joined the Commission in 2003. She gave an overview of what the group had accomplished since that time. She said that she looks forward to serving with the new commission members.

Donna Trent said that she had enjoyed serving, and introduced other current members of the Commission, Renee Christ and Betty Willis.

**OLD BUSINESS:**

1. Second Reading of Ordinance – Regulating Landscaping and Building Sizes in Select Districts in the Height Restriction Area Prior to Lifting the Building Size Moratorium.

Carol Morris, City Attorney, proposed a procedure for Council after hearing the testimony during the public hearing. She said that the moratorium will not terminate until Council terminates it by ordinance. She suggested that Council take an affirmative vote tonight to extend the moratorium until the next meeting, and another hearing can be scheduled. She advised Council not to discuss the issues of grandfathering and non-conformity. She said that she would further discuss this in Executive Session due to



possible litigation. At the next meeting, staff can bring back an ordinance that would terminate the moratorium, another that would continue the moratorium, and this current ordinance could come back for Council to make their decision. She added that the procedure proposed by Mr. Davis is totally unique in her experience, and she would like the opportunity to address this with Council.

Councilmember Ruffo stated that he is very interested in protecting the rights of property owners as well as maintaining what we have here. This will require a balance and he said that he would do what he thinks is right.

Councilmember Young explained that he is the one who asked to bring back the floor area ratio and he did not fully understand the impact on small properties. He asked that it be removed, as he has not intention of passing it with the FAR included. He then said that he suggested smaller building size limits in the C-1 zone for consistency around the harbor, but did not understand that there is a small amount of affected property not controlled by the Historical Society.

Councilmember Franich agreed that the floor area ratio could be problematic and should be stricken. He added that he thought there should be a 6,000 s.f. limit in the C-1 zone to maintain consistency. He said that there is a P-I process to address the specific need, stressing that he fully supports the Historical Society. He added that the Historical Society was able to obtain a rezone above Donkey Creek Park, but the project was not completed. If they are unable to raise the money for this project, the city will be stuck with a 35,000 s.f. limit in that area.

Steve Osguthorpe addressed this issue, explaining that it would not be helpful to simply rezone the property to P-I without also addressing the performance standards for this district and additional text amendments. It would require a Comp Plan amendment before the property could be rezoned, which may not be worth the long effort if a simple amendment to the performance based height exception would suffice. This could apply to a museum housing a large structure or something to that effect. This would not require a Comp Plan amendment.

Councilmember Franich said he would be in favor of making their road the easiest to achieve their goals.

Councilmember Young asked Council to keep in mind the restriction of vacant property. He explained that the financial hardship is just the same whether there is an existing structure or the property is vacant. Councilmember Ruffo responded that the community has lived with the existing structures and if someone puts something like what exists across the harbor in one of the vacant lots, it creates a whole different environment on this side. For that reason you need to treat them differently.

**MOTION:** Move to extend the moratorium until the next meeting and direct staff to bring an ordinance for consideration to extend the moratorium further.

Ruffo / Conan – unanimously approved.

Councilmember Young addressed the residential zones that had been omitted from the ordinance by directing staff to introduce this to the Planning Commission to determine the problem with building size limitations in the residential zones. If there aren't any regulations that prevent them currently, and it is desired to prevent "mega-houses" then the Planning Commission come back with recommendations.

Steve Osguthorpe explained that Alternative 'A' includes a 35,000 s.f. in the C-1 district, and asked Council to consider further findings to support this choice. He said that since he will not be here to follow through on this issue, he recommended holding off on this until completion of the charrette process. He asked that the time be taken to carefully define the charrette process in order to obtain the desired results.

Councilmember Franich said that he has appreciated working with Steve, and wished him good luck.

John Vodopich asked for direction. Councilmembers discussed their options and directed staff to bring back the ordinance for a third reading without the FAR language, add language to possibly address the grandfathering issues, and to change the C-1 square footage to 35,000 s.f. for consideration.

2. Second Reading of Ordinance – Amending the City's Procedures for Charging Private Applicants for the Costs Associated with EIS Preparation. Steve Osguthorpe gave a brief overview of this amendment.

Carl Halsan. Mr. Halsan voiced concern that with a comp plan amendment with multiple applications, some applications may require a complicated EIS, where others are simpler. There is a chance that one applicant would have to pay an unproportionate share of the cost. He asked that Council consider a way to pro-rate the cost.

Scott Wagner – PO Box 492. Mr. Wagner suggested bundling the less significant projects together to prevent this. Mr. Osguthorpe explained that the city could only submit amendments to the Comp Plan once a year, requiring that all amendments be processed together.

There was discussion on a method to determine pro-rata cost. Carol Morris, City Attorney, offered to draft language to amend the ordinance to address these concerns. She asked that Council move on to the next agenda item and return to approve the ordinance later in the meeting. They agreed.

3. Second Reading of Ordinance – Amending the Public Works Standards for Private Streets. John Vodopich presented information on this ordinance that amends Public Works Standards regarding the regulations for private streets fewer than 400 feet in length. He added that this is the first of two ordinances addressing "skinny streets." The second ordinance addressing public roads will be presented at the next meeting.

Scott Wagner – PO Box 492. Mr. Wagner commented that the requirements for the thickness of a private road intended to serve only 3-4 houses are the same for public streets. He said that this is expensive and he would like to see more reasonable standards for these private streets.

Jim Pasin – 2710 39<sup>th</sup> Street. Mr. Pasin voiced concern with the narrow streets with no parking lanes. He said that this creates a hazard for emergency vehicles and a nuisance for other neighbors. Under item B on page 4, the road shall be limited to less than 400 feet. He asked for clarification on the application in neighborhoods that may be annexed in the future. It was explained that this is strictly for new development.

Carl Halsan. Mr. Halsan voiced strong support for this amendment. He said that he can hardly wait for the new public road standards.

Wade Perrow. Mr. Perrow asked for clarification on the difference between public input and public hearing. He said that this was listed as a public hearing on the webpage, in the ordinance, and on the staff report, but not on the agenda. He said that there are two ordinances addressing road standards, and asked that Council not take action until the other ordinance has been brought forth. He agreed with Scott Wagner about the high level of standards for a low-level residential use. He then voiced concern with the 400 foot length limit, asking how you would enforce or interpret this. He handed out a letter showing four business parks that would not be able to add on to a private road if the private road standards are taken away, because the existing road would become non-conforming. He said that these examples illustrate that the ordinance is not ready to be adopted and asked that no action be taken until both ordinances are up for consideration.

Councilmembers further discussed the issues. The goal with these changes is to develop standards for narrow streets where applicable. Councilmembers agreed that the concerns brought up need to be addressed.

At this point in the meeting, Carol Morris read the language that she had prepared to insert into the ordinance in the second paragraph, page 3 amending the City's procedures for charging private applicants for the costs associated with EIS preparation. Steve Osguthorpe clarified what triggers an EIS process.

Eva Jacobsen – 5808 Reid Drive. Ms. Jacobsen said that she is a consultant with two of the applicants in the current comp plan amendment. She suggested that if there is a distribution for an EIS, it could be brought back to Council for approval to allow the proponents to speak. She then asked if any DS had been done in Gig Harbor. Mr. Osguthorpe explained DS's are rare, but some have been done. Ms. Jacobsen then commented that in other jurisdictions, consultants for the applicant have been allowed to help draft the EIS.

**MOTION:** Move to adopt Ordinance No. 994 amending the City's procedures for charging private applicants for the costs associated with EIS preparation as amended by the City Attorney.  
Young / Ruffo – unanimously approved.

**NEW BUSINESS:**

1. Consideration of Ordinance – Terminating the Building Size Moratorium. This was discussed previously and will come back at the next meeting.

2. First Reading of Ordinance – Prentice Avenue Street Vacation Request – Savlov. John Vodopich presented this ordinance vacating a portion of Prentice Avenue between Peacock Hill Avenue and Woodworth Avenue. This will return for a second reading and adoption at the next meeting.

3. Resolution No. 646 – Establishing a Work Program for Processing Individual Comprehensive Plan Amendments in 2005. John Vodopich explained that Council previously adopted two resolutions addressing Comprehensive Plan updates for 2005. Initially, it was anticipated that review of the individual Comprehensive Plan amendments would occur in the first quarter of 2005. Unexpected delays in assessing the cumulative impacts of the proposed amendments and a revision to one application has precluded the issuance of an environmental threshold determination. This resolution revises the work program process, and eliminates the application for a map amendment for Canterwood Development. Mr. Vodopich answered questions on when he anticipated the amendments would be ready to process. He discussed the need for a codified process for dealing with proposed Comprehensive Plan amendments. Such a process will be developed and brought forward to Council for consideration.

Eva Jacobsen – 5808 Reid Drive. Ms. Jacobsen gave background information on the map amendment proposal. She read from a letter asking that Council not accept the amended Exhibit 'A' to the resolution and allows the Canterwood map amendment to move forward. She answered Council questions on the impact of not moving forward with the map amendment.

Councilmember Young asked for clarification on whether or not this a Comp Plan amendment was necessary. Mark Hoppen said that if they can comply with Chapter 13.34, they will be granted a utility extension. Ms. Jacobsen said that if there is an easier option, they would be happy to comply.

**MOTION:** Move to authorize the Mayor to sign the Resolution No. 646  
Ruffo / Franich – unanimously approved.

**STAFF REPORTS:**

1. Community Development – Washington Survey and Rating Bureau Grading. Mr. Vodopich said that the city had received the excellent rating of Class 2 in Building Code Effectiveness Grading Schedule classification used by insurance carriers to determine local property insurance rates.

2. Community Development – Charrette Process. Mr. Vodopich presented information on a proposed schedule for initiating the charrette process.

Councilmember Franich stressed the importance of finding somebody local to do this. Councilmember discussed what qualifications are required to facilitate this process.

Rosanne Sachson – 3502 Harborview Drive. Ms. Sachson said that she had sent an e-mail with contact information on the communities that have gone through a charrette process and has a list of facilitators. She described the process, adding that it requires someone who is organized and can move through the process, and who understands land use. After the process, the citizens can know that they have been heard.

**PUBLIC COMMENT:**

**COUNCIL COMMENTS / MAYOR’S REPORT:**

Councilmember Young thanked Steve Osguthorpe for the years of service to the city. He said that he enjoyed working with, and had learned much from Steve, and wished him the best of luck. The other Councilmembers all agreed.

**EXECUTIVE SESSION:** For the purpose of discussing potential litigation per RCW 42.30.100(1)(i).

**MOTION:** Move to adjourn to Executive Session at 10:15 p.m. for approximately ten minutes.  
Ruffo / Franich – unanimously approved.

**MOTION:** Move to return to regular session at 10:24 p.m.  
Young / Franich – unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 10:24 p.m.  
Franich / Young – unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1 – 22.  
Disc #2 Tracks 1 – 25.  
Disc #3 Tracks 1 – 9.

  
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Gretchen A. Wilbert, Mayor

  
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Molly Towse, City Clerk