

## **GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 22, 2004**

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

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

**PLEDGE OF ALLEGIANCE:**

**PUBLIC HEARINGS:**

The Mayor announced that there would be four public hearings. She opened the first at 7: 03.

1. 2005 Proposed Budget – Final Hearing. David Rodenbach, Finance Director, said that the total budget was the same as at the first reading. The only change is the addition of \$70,000 to the Building Department of the General Fund to outfit the front doors of the Civic Center with ADA hardware and to repair the HVAC system. There were no questions or comments from the public and the Mayor closed the public hearing at 7:05 p.m. She then opened the hearing on the next item.

2. North Donkey Creek Annexation. John Vodopich, Community Development Director, explained that this public hearing is for a resolution accepting the petition for annexation of approximately 9.7 acres located north of 96<sup>th</sup>, and across from the entrance of the Gig Harbor Sportsman's Club. He gave an overview of the effort to annex this property, adding that the next step is to adopt the resolution accepting the petition before forwarding this to the Boundary Review Board for consideration.

There were no comments and the Mayor closed the public hearing at 7:06 p.m. and opened the next public hearing.

3. Six-Year Transportation Improvement Program. John Vodopich said that this is a public hearing on the resolution to adopt the annual Six-Year Transportation Improvement Program that is required under state statute. The proposed TIP was reviewed by the Community Development Committee and it is now before Council for adoption.

There were no comments and the Mayor closed the public hearing on this item at 7:07 p.m. and opened the final public hearing.

4. Adopting a Revised Comprehensive Plan and Implementing Development Regulations. John Vodopich explained that yearly the city is required to review and update the Comprehensive Plan and implement development regulations by December 1<sup>st</sup>. What is before Council for consideration is the revised 2004 Comprehensive Land Use Plan, with amendments to Title 17 with regards to densities and zoning. He continued to explain that there also is a proposed new chapter relating to adjacent

property notification for mineral resource lands, and a substantive revision to the Critical Areas Ordinance relating to wetlands.

Mr. Vodopich presented information on recently received letter from the Department of Ecology regarding the critical areas update, and a letter from Jim Wright regarding the deletion of the PRD provision in the R-1 zone. Mr. Vodopich said that in addition, the Planning Commission had forwarded recommendations, which were outlined in an attachment in the packet. He added that they had unanimously recommended approval of the proposed amendments.

Mr. Vodopich said that he had passed out a colored version of Chapter 18 that responds to a number of issues raised in the letter from DOE, and that he would be asking a representative from Adolphson and Associates to come to the next meeting to address these concerns.

Mr. Vodopich said that Carol Morris has recommended that the amendments be separated into two ordinances, which will be done before the next meeting. He continued to explain that both he and Ms. Morris recommend deletion of the word "maximum" before "density" in the five residential zones. He said that the consultants assisting in the amendments are present tonight to answer questions and that there is a memo from AHBL in the Council packet that outlines the proposed amendments in each chapter. In addition, the minutes from the public hearing held by the Planning Commission are included.

Jim Wright – 2419 76<sup>th</sup> Ave Ct NW. Mr. Wright summarized the information in the letter he had submitted. He said that one of the goals in the Urban Growth Act was to increase densities in areas that city services are available. He said that he would like the ability for planned residential developments and for more creative ways to achieve increased density to not be deleted. He said that the Planning Staff needs these tools in order to make decisions without having to go through hearings and variances that add time and cost to development. He asked Council to refer to the information in his letter.

There were no further public comments and the public hearing was closed at 7:14 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 November 8, 2004.
2. Contract for Attorney Services.
3. Stinson Avenue Pedestrian Improvement Project - Asphalt Paving Contract.
4. Pump Station 2A Wet Well Construction – Contract Bid Award.
5. Renewal of Emergency Management Services Agreement with Pierce County.
6. Liquor License Renewals: The Harbor Kitchen; Terracciano's.
7. Approval of Payment of Bills for November 22, 2004:

Checks #45565 through #45673 in the amount of \$340,080.07.

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

**OLD BUSINESS:**

1. Second Reading of Ordinance – 2005 Proposed Budget. David Rodenbach said that he had nothing to add, and offered to answer questions.

**MOTION:** Move to adopt Ordinance No. 976 adopting the 2005 budget.  
Ruffo / Picinich – unanimously approved.

2. Second Reading of Ordinance – Amendment to the Planned Community Development Residential Medium Density (PCD-RMD) Zone Performance Standards. Steve Osguthorpe explained that this ordinance amends the development standards for the PCD-RMD designation in the Gig Harbor North area. He gave an overview of the changes, adding that he had made the amendment requested by Council at the last meeting.

Councilmember Franich asked for clarification for whether there would be other ways to obtain more open space than this proposal. Mr. Osguthorpe explained that under the existing language, there is a stated minimum density but no upper limit, even with bonus density. This inconsistency was the reason for the proposed change. The proposed change would allow a minimum of five and a maximum of eight units, but the allowance for additional density would apply here as well as in a PRD. He continued to explain that the 30% open space requirements are identical in both.

Councilmember Franich voiced concerns that this change would discourage affordable housing. He then said he was concerned with the results from the floating impervious coverage allowance. He stressed that this type of development would detract from the character of Gig Harbor. Councilmember Young explained that this change allows more housing diversity without limiting development to apartments. There was continued discussion regarding what constitutes affordable housing and how density affects the price.

Mayor Wilbert asked about a site for mobile or modular homes. Mr. Osguthorpe explained that the code allows manufactured homes only in a designated park and that a property owner would have to propose a park in order to do this.

Councilmember Franich then voiced concern that the Planning Commission recommendation came without full support. He urged Council to take a good look at the issues before approval.

Jim Wright. Mr. Wright asked for clarification on the density in an R-1 zone for a manufactured home park. Mr. Osguthorpe said that it would be the same for single family, or three per acre. He said that this is not feasible and is another reason to increase densities.

Carl Halsan. Mr. Halsan addressed the concern voiced by Councilmember Franich by explaining that this change would not eliminate the ability to construct apartments, but would provide a second choice in that zone. He continued to explain that the market and insurance concerns are pushing developers towards the cottage style homes.

**MOTION:** Move to adopt Ordinance No. 977 as presented.  
Picinich / Ruffo – six voted in favor. Councilmember Franich voted against the motion.

3. Reintroduction - First Reading of Ordinance – Clarifying Maximum House Size for Building Moratorium. Steve Osguthorpe gave a brief history of this item, and explained the changes that had been made since the last reading of the ordinance recognize that there are some open structures that might be significant in size and impact. He said that the 3500 s.f. limit had been retained that would include garages, but exclude other open area structures.

Michael Kattermann, AHBL – 316 Occidental Ave So, Seattle. Mr. Kattermann explained that he represents the Peninsula School District. He referred to the letter asking for Council's consideration of an additional amendment to the ordinance to address the district's issues and to allow the school to proceed with Phase II of the Harbor Ridge Middle School project. He said that if the moratorium should continue for any length of time that they may be able to get through the code amendments and get a height exception, but still not be able to apply for land use approval. Mr. Kattermann continued to explain that they are requesting language be added that would exempt the Harbor Ridge site from the moratorium, and read the proposed language that would accomplish this. He stressed that granting exemption from the moratorium in no way would grant any approval for the project, as they would still have to obtain a code amendment to the height exception, gain approval by the Hearing Examiner, and go through site plan and design review.

Mr. Kattermann addressed Council's questions regarding the project. After further discussion, Steve Osguthorpe suggested an exemption for public schools, explaining that because schools are a conditional use, there will be the opportunity to review the height and scale of a the project. He was directed to amend the ordinance to exempt public schools from the moratorium and bring it back at the next meeting as a public hearing and second reading.

#### **NEW BUSINESS:**

1. First Reading of Ordinance – Amending the 2004 Budget. David Rodenbach, Finance Director, explained that this ordinance increases the Building Fund department of the General Fund by \$37,100.00 to account for additional expenses incurred in this department. He said that this will return at the next meeting for a second reading.

2. First Reading of Ordinance – Repealing Ordinance No. 966 and Terminating the Water Moratorium. John Vodopich explained that on October 7, 2004, the Department of Ecology granted the city additional water rights, and the appeal period has expired



without the filing of any appeals. He said that this ordinance terminates the water moratorium established under Ordinance No. 966, recommending that this be passed in one reading and that it become effective immediately upon passage.

After discussion, Councilmembers agreed that it was appropriate to lift the moratorium as quickly as possible.

**MOTION:** Move to adopt Ordinance No. 978 repealing Ordinance No. 966 and terminating the water moratorium; that it is passed in one reading and that it becomes effective immediately.  
Ruffo / Ekberg – unanimously approved.

3. First Reading of Ordinance - Adopting a Revised Comprehensive Plan and Implementing Development Regulations as Required by State Statute (RCW 36.70A.130). John Vodopich explained that this ordinance was the subject of the public hearing earlier this evening, and will return as two separate ordinances and continued public hearing on December 13<sup>th</sup>. He added that he will ask the consultants to respond to the letter received from the Department of Ecology before the next meeting. Mr. Vodopich gave a brief overview of the changes and addressed questions from Council.

Councilmember Young asked that this be re-advertised as a public hearing due to the code changes, specifically to the wetland buffers.

Councilmember Franich commented on the elimination of the Urban Growth Area tiers. He said that this is a more credible way to determine what should be in the UGA. He then said that the reduction in minimum lot size from 12,000 s.f. to 7200 s.f. is too low, and asked if a 10,800 s.f. lot size would work as well and still meet the density requirements.

John Vodopich responded that Pierce County and the others cities never implemented tiering, and so this was removed when the County-wide Planning Policies were updated. It is appropriate that Gig Harbor also remove the tiering policies contained in the 1994 Comprehensive Plan. He then addressed the minimum lot sizes, explaining that the increase to four dwelling units per acre calculates to lot sizes of 10,800 s.f., but it was recommended by the consultant that it would be appropriate to take into account such things as critical areas, roads, and utilities and to further reduce the minimum lot size calculation to 7200 s.f. He continued to say that this is something for deliberation by Council.

4. Resolution – Accepting North Donkey Creek Annexation Petition. John Vodopich said that this was a resolution accepting annexation for approximately ten acres north of 96<sup>th</sup> Street, and adoption of the resolution would result in the forwarding of the application to the Pierce County Boundary Review Board for consideration.

**MOTION:** Move to adopt Resolution No. 634 accepting the North Donkey Creek Annexation Petition.  
Dick / Picinich – unanimously approved.

5. Resolution – Adopting the Six-Year Transportation Program. Mr. Vodopich offered to answer questions on the resolution adopting the annual Six-Year Tip for the years 2005-2010.

**MOTION:** Move to adopt Resolution No. 635 adopting the Six-Year Transportation Program.  
Picinich / Young – unanimously approved.

**STAFF REPORTS:**

1. John Vodopich, Community Development Director – Third Quarter 2004 Building Permit Data. Mr. Vodopich explained that what had been prepared is a report of the third quarter building permits statistics. He said that Dick Bower, Building Official, was present to answer questions.

**PUBLIC COMMENT:** None.

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

Councilmember Franich asked for an update on the progress on revisions to the Public Works Standards in relation to the chapter deleted from the Design Review Manual. Steve Osguthorpe said that he had met with Steve Misiurak, City Engineer, who has indicated that they are in the process of amending the standards and are aware of the Council expectation to insert this chapter. He said that he had not yet seen a draft, but that he would follow up to address concerns.

Councilmember Franich stressed that he believes that public works projects need to go before the Design Review Board. Other Councilmembers agreed, and Councilmember Dick shared that the Community Development Committee was assured by Mr. Misiurak that the draft would be coming to them soon. He stressed the importance of reference to public projects in both the Design Review Manual and the Public Works Standards and consistency between both documents.

John Vodopich said that he would come back with a staff report at the December 13<sup>th</sup> meeting with an update on the progress of the standards. He said that as a policy, there are public meetings on public works projects to gain public input, using the Stinson Avenue Pedestrian Improvement project as an example.

Councilmember Young voiced concern that by submitting a public works project to the Design Review Board would indicate that they have some approval authority. Further discussion clarified that the City Engineer provides the expert advice, but the city can adopt legislative rules on how projects can be designed aesthetically in conjunction with good engineering practices. Councilmember Ruffo suggested clear direction on how the Design Review Board and public works can work together to design a project that

works best for all. Mark Hoppen said that there are simple mechanisms to allow this to occur without slowing a project, and that the Design Review Procedures Review Committee should be able to define those mechanisms.

Councilmember Franich said that he is proud of the City of Sumner as they chose not to increase their property taxes as they have a healthy budget, and hopes that Gig Harbor will follow suit.

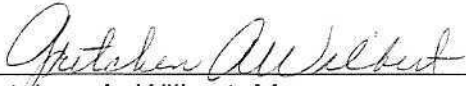
Councilmember Picinich said that Council should write a letter to the Pierce County Council stressing that the city has chosen not to take any action to include the 30 area off Crescent Valley Drive in the UGA. John Vodopich said that he had sent a letter to the Senior Planner at Pierce County in charge of the Comprehensive Plan Amendments indicating that the Council deliberated this at length and decided not to submit an application. He said that he would draft another letter for Council signature to consider at the next meeting. He pointed out that if any property owners submitted applications for inclusion, those would be referred to the city for review, and at that time Council would be asked to respond. Councilmembers agreed that they would like to take a more proactive stance and send a letter at this time.


**ANNOUNCEMENT OF OTHER MEETINGS:**

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

- MOTION:** Move to adjourn to Executive Session at 8:26 p.m. for approximately five minutes for the purpose of discussing pending litigation.  
Picinich / Ruffo - unanimously approved.
- MOTION:** Move to return to regular session at 8:40 p.m.  
Picinich / Conan – unanimously approved.
- MOTION:** Move to adjourn at 8:40 p.m.  
Picinich / Young – unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1 – 21.  
Disc #2 Tracks 1 – 5.

  
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Gretchen A. Wilbert, Mayor

  
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Molly Towsee, City Clerk