

GIG HARBOR CITY COUNCIL MEETING OF JUNE 12, 2000

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

CALL TO ORDER: 7:05 p.m.

PUBLIC HEARING: Moratorium on PUDs/PRDs.

Mayor Wilbert opened the public hearing and explained that the Councilmembers had received a letter from Master Builders Association, the Peninsula Neighborhood Association, and from the Chamber of Commerce regarding this issue.

Patricia Iolavera, Interim Planning Director, gave an overview of the issues surrounding the moratorium. She utilized an overhead to illustrate all the PUD techniques utilized in Gig Harbor and explained that the two that were being considered in the moratorium were the floating zone PUDs, 17.89 Planned Residential Development and 17.90 Planned Unit Development. She explained that the rest of the techniques on the list are fixed zone PUDs assigned to specific geographic locations throughout the city, to allow more diversity and flexibility in development. She said that the Planning Department has concerns with the vagueness of detail in the floating PUDs, and the fact that the implementation is at the discretion of the Planning Director to work out with the developer, which sometimes places the Department in an awkward position. She said that these PUDs and PRDs were rezones, and that they should be legislatively addressed. She said you cannot have a rezone without showing that there has been a change to the underlying zoning or the conditions that were present when the original zoning and comp plan came into being. She said that if this cannot be proven, a rezone is not allowed. She added that what was needed in these two zones is clarity on how to administer these tools in a better way so as not to be mistaken for "back-room dealings."

Marion Berejikian - 11307 38th Ave. Ct. NW. Ms. Berejikian, Peninsula Neighborhood Association, thanked Council for imposing the moratorium on PUDs and realizing that there are problems. She said that she had been in contact with the Planning staff on how the regulations could be improved. She requested that the moratorium remain in place for the full six months.

Nicholas Natiello - 5812 Hunt Street. Mr. Natiello said that he was in support of the moratorium. He said that the chapters adopting the PUD/PRD in 1990 were out of compliance with state law. He said that the majority of PUDs were reviewed administratively and appear to be unfair, as the determinations are based upon interpretation and judgment by staff rather than on articulated codes. He said that the public perception is that the developers appear to be using the PUD process as a device to maximize profit at the expense of the environment. He said land use decision should be done legislatively rather than by quasi-judicial appeals, litigation and attorneys.

Tiffany Spear, Master Builders Association. Ms. Spear reminded Council that the Planned Unit Development idea is encouraged under the Growth Management Act and considered to be a good

thing. She said that the Master Builders Association is opposed to any moratorium and said that if it were enacted, she hoped that it would not extend past the six-month period.

John Mayer - 7512 Stanich Avenue, Suite 6. Mr. Mayer, Peninsula Neighborhood Association, thanked Council for taking the time to consider this issue and spoke in favor of the moratorium for a six-month period to allow for a thorough study of the concerns. He encouraged Council to check with other cities to see how this issue had been handled and to find a good solution.

Linda Gair - 9301 North Harborview Drive. Ms. Gair said that she applauded the Council's decision to call a moratorium on PUDs and PRDs. She said that when she lived on the west side, and had her residence annexed into the city limits, she thought the city's ordinance would protect that area from over-development. She said that the PUD/PRD code should be rewritten and clearly defined or eliminated altogether. She said that a time period of six-months, with no extension, should allow for adequate review.

Jeff Backhurt - Director of the Tacoma-Pierce County Association of Realtors. Mr. Backhurt said that the Association has concerns about the need for a moratorium. He asked if there was some crisis requiring this action.

Jim Franich - 3702 Harborview Drive. Mr. Franich said that the Mayor and City Council have done a good job of recognizing and preserving the uniqueness of this area so far. He said that the problem with the PUDs is that ambiguity leads to implementation variations based on the judgement of staff. He said that effective control of the city's growth has to have clear guidelines that are representative of the citizens involved. He said that these guidelines should come from a legislative process, not an administrative one. He said that you also need to consider the rights of adjoining neighbors and their property values. He asked Council to continue the moratorium in order to assess these concerns.

Ms. Iolavera explained that she had included a work plan in her memo, which recommended that the process to review and make recommendations to Council would be completed by September 25th. She answered questions about the schedule.

Richard Yasger, Past-President of PNA. Mr. Yasger said that developers and the real estate industry fought the Growth Management Act and that whenever there is a change in policy, there is a rush to capture a gain. He said that communities grow organically if they want to be around for the long-term and to provide a quality of life that people can count on. He said that the best thing to do is to enact the moratorium and take the time to review this matter in a thoughtful way.

The Mayor closed the Public Hearing at 7:35 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 May 22, 2000.
2. Correspondence / Proclamations:

- a) Regional Funding Campaign - Zoo, Trek, Parks.
- b) Proclamation - Hire A Veteran Month.
3. Change Order #6 - Rosedale Street Improvement Project.
4. Temporary Right-of-Way Dedication Agreements - Kimball Drive Improvement Project.
5. Approval of Payment of Bills for June 12, 2000 in the amount of \$573,428.44.
6. Approval of Payroll for the month of May in the amount of \$283,143.13.

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

OLD BUSINESS:

1. Moratorium on PUDs/PRDs. Carol Morris, Legal Counsel, explained that at the time the Comprehensive Plan was adopted, there was no consideration of the effect of the PUD or PRD ordinances on specific areas in the city, meaning that density designations were adopted without consideration that the PUD or PRD process could be used to vary the density in any zone. She continued to say that the city's PUD/PRD ordinance lacks the criteria requiring the demonstration of a significant change of circumstances allowing for a rezone. She read from recent court cases demonstrating the necessity to show these significant changes before allowing a PUD or PRD. She added that the courts would be much tougher on claims that one property owner was treated differently than another.

There was discussion on whether or not to keep the moratorium in place. Councilmembers Picinich and Ekberg spoke in favor of keeping the moratorium in place, while moving forward quickly with a thorough study of the issues, allowing increased public input. Councilmember Young said that the Growth Management Act encourages PUDs and PRDs to combat sprawl. He said that he was opposed to eliminating this portion of the code, but admitted that the code had flaws. He suggested that any action be limited to fixing the code within the six-month timeline. Staff answered questions about the issues and there was continued discussion on the work schedule and the amount of public hearings necessary for the Planning Commission to make a decision.

MOTION: Move we uphold the staff recommendation for a six-month moratorium and remand Chapters 17.89 and 17.90 to the Planning Commission to determine whether they should be retained as is, modified as needed, or stricken from the GHMC, and to accept the proposed work plan for the PUD/PRD review, amending Section 8 to include public input at the August 3rd meeting and a recommendation come back before Council by September 25th.

Picinich/Ekberg - Councilmembers Ekberg, Owel, Picinich, Dick and Ruffo voted in favor. Councilmember Young voted against the motion.

NEW BUSINESS:

1. Indigent Defense Services. Mark Hoppen presented this agreement authorizing payment to Pierce County for indigent defense service for the year 2000. He explained that the agreement reflects a 3.2% cost of living adjustment. Councilmember Dick recused himself from voting as an employee of Pierce County.

MOTION: Move to approve the agreement with Pierce County for indigent defense services for the year 2000.
Picinich/Ruffo - unanimously approved.

2. Re-appointment of Paul Kadzik to the Planning Commission. Mayor Wilbert presented this request for a motion to re-appoint Dr. Kadzik for another six-year term on the Planning Commission.

MOTION: Move to re-appoint Dr. Paul Kadzik to serve another six years on the Gig Harbor Planning Commission.
Ruffo/Owel - unanimously approved.

3. First Reading of Ordinance - Wollochet Harbor Sewer District Franchise Agreement. Mark Hoppen explained that this was the first reading of an ordinance approving a franchise agreement with Wollochet Harbor Sewer District authorizing the relationship between the sewer district and the city for that portion of the line that falls within city limits. This will return for a second reading at the next meeting.

4. First Reading of Ordinance - Revisions to Concurrency Ordinance. Mark Hoppen explained that this was a housekeeping ordinance to help correct typographical errors in the ordinance. This will return for a second reading at the next meeting.

5. Hearing Examiner Pro Tem Services Contract. Patricia Iolavera presented this contract for a pro tem Hearing Examiner for site plan review for the Gig Harbor North Development Project, due to a conflict of interest with the current Hearing Examiner.

MOTION: Move to approve the contract for the Hearing Examiner Pro Tem, with Thomas R. Bjorgen, to provide services at the rate of One hundred twenty-five (\$125.00) dollars per hour, plus associated expenses as detailed in the attached contract.
Dick/Young - unanimously approved.

6. Resolution - Adopting Findings and Facts - CUP, Poseidon's Delicatessen. Patricia Iolavera passed out a corrected copy of the resolution and explained that this resolution supports the Council's decision denying the appeal of the Hearing Examiner's decision to approve the Conditional Use Permit for Poseidon's Delicatessen.

MOTION: Move to adopt Resolution No. 554 as presented.
Dick/Ruffo - unanimously approved.

7. Downtown Design Visualization Proposal. Mark Hoppen explained that an activity characterized as "Forward Together" had requested \$3,500 to secure the services of Tom Beckwith of the Beckwith Consulting Group to provide a conclusion to research conducted on the downtown business zone and waterfront commercial zone to find potential alternatives for the development of these areas. He introduced Mr. Walt Smith, who had coordinated the activity.

Walt Smith - 11302 Burnham Drive. Mr. Smith explained that the organization wished to continue the services of Mr. Beckwith to formulate a professional plan to be presented to the Planning Commission. He gave an overview of the efforts to date and answered questions.

MOTION: Move to approve the contract for a scope of services as presented for the Forward Together activity with Tom Beckwith in the amount of \$3,500. Picinich/Ruffo - unanimously approved.

PUBLIC COMMENT/DISCUSSION:

John Holmaas. Mr. Holmaas, on behalf of the Historical Society, explained that due to the change in the scope of their new facility, and the fact the property is in a height overlay zone, they would like to be allowed to work on a plan allowing them to build their project in the current R-1 zone. He explained that it was important to the upcoming grant-writing efforts. He invited Chris Erlich, Executive Director of the Historical Society, to speak.

Ms. Erlich explained that their group needed to find a solution before asking for funding, and asked for Council's support in their effort. She explained that Carl Halsen of Halsen & Frey, had been working on the project.

Carl Halsen explained that he had not been able to find a tool in the city's code to allow the project to be built on the property, and asked for Council's support. Councilmember Ekberg said that the organization had done a terrific job of raising funds for this project, and suggested that Council give direction to staff to work toward a permanent solution. Carol Morris explained that she and Ms. Iolavera had discussed the issue and that a proposal would be going before the Planning Commission.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert reported that Jeremy Rubin, who recently had given a presentation to Council about the Boys and Girls Club of Tacoma, had just won the Western Jurisdiction Speech Contest, and is on his way to Washington D.C. for the finals. She added that the show on Gig Harbor, "Our Hometown" would be playing on Channel 29 during the entire month. She explained that a tape of the show would be available in the conference room for viewing. She then reported that she was in contact with representatives from Puget Sound Energy, who had shown an interest in a prototype natural gas funded water taxi and townaround bus. She then invited all Councilmembers and members of the audience to the dedication ceremony for the new Skate Park on Friday at 4:00 p.m.

Councilmember Ekberg complimented the Public Works Department crew for coming out in the middle of the night to make repairs to the water tank on Grandview the night before the Maritime Gig. He said that this effort deserves a letter of recognition from the Mayor and Council. Mayor Wilbert said that another incident occurred on Sunday morning to the pump at Jerisich Park, and that employees Gerry Erb and Greg Foote worked in conjunction to repair it in a timely manner.

Councilmember Dick said that he wished to report that the folks in the vicinity of the Wastewater Treatment Plant are very appreciative of the improvements that have been made to reduce the odor problems. He complimented the people in the area who were patient during efforts to improve the system.

STAFF REPORTS: None.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Special Council Meeting - Narrow Bridge. Monday, June 19, 2000 at 6:00 p.m. at City Hall.

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


MOTION: Move to adjourn to Executive Session at 8:42 p.m. for approximately 30 minutes for the purpose of discussing pending litigation.
Picinich/Young - unanimously approved.

MOTION: Move to return to regular session at 9:12 p.m.
Owel/Ruffo - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:12 p.m.
Ruffo/Owel - unanimously approved.

Cassette recorder utilized.
Tape 576 Side A 185 - end.
Tape 576 Side B 000 - end.
Tape 577 Side A 000 - end.
Tape 577 Side B 000 - 235.



Mayor

City Clerk