

GIG HARBOR CITY COUNCIL MEETING OF DECEMBER 11, 2000

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

CALL TO ORDER: 7:02 p.m.

SWEARING IN CEREMONY: Mayor Wilbert administered the Oath of Office to Jim Pasin, installing him as the newest Councilmember, filling the position vacated by Mark Robinson.

PUBLIC HEARING:

1. Adopting Findings and Facts for Continuation of the Moratorium on PUDs and PRDs. Mayor Wilbert opened this public hearing at 7:05 p.m. Pat Iolavera, Planning Associate, explained that this ordinance would adopt the Findings and Facts on the continuance of the moratorium on acceptance of applications on PUDs and PRDs. No one in the audience signed up to speak, and the public hearing was closed at 7:06 p.m.

2. Amendments to GHMC for PUDs and PRDs; Definitions, and Permit Processing for same. The public hearing was opened at 7:06 p.m.

Nick Natiello - 5812 Hunt Street. Mr. Natiello voiced his concerns that the language in the draft ordinances would leave the city vulnerable to challenges. He said that the ordinance was not clearly articulated, leaving it subject to individual interpretation. He said that the city would end up in court with the document as written.

Marian Berejikian - PO Box 507. Ms. Berejikian passed out a letter outlining seven concerns. She addressed the ambiguity of the requirement for a project to show a special benefit to the community, and whether there was an actual need for the PUD/PRD provision when an applicant had the option to apply for a variance. She continued to discuss protection of the water quality through low-impact development.

Ray Bond - 3722 Picnic Pt. NW. Mr. Bond expressed concerns on the five-year expiration date of a PUD, which may be inadequate for long-term projects. He then talked about the maximum growth floor area bonus, adding that staff should be able to review each application on a case-by-case basis. His last concern was the requirement for design review prior to application for a PUD, placing an undo burden upon the developer.

Walt Smith - 11302 Burnham Drive. Mr. Smith said that the Westside Business Owners wanted parity to allow equal development rights. He requested that the city not pass the ordinance as written because both the B2 zoning and the revised PUD share the same 35,000 square foot restriction. He said that there was no rational basis for this restriction and asked for the opportunity to work through this.

Carl Halsan - 7766 52nd Place. Mr. Halsan voiced his concerns about two general areas of the PUD ordinance, how it is currently drafted and how it relates to other city zoning. He said that the intent section is excellent, but the rest of the ordinance does not follow the intent. He talked

about the processing procedures, 5-year time limit, design review requirements, combining a PUD application and rezone, and eliminating the gross floor area limitation. He asked that the ordinance be remanded back to the Planning Commission for further consideration and that Council initiate a review of the zoning code limitations on the gross floor area.

John Hogan - 3605 Corliss Avenue North, Seattle. Mr. Hogan said that PUD projects are drafted loosely to allow an applicant to show a net benefit to the community. He said that the new PUD language all but prevents reasonable PUD proposals and dialog in the community because everything is already decided, which could force the city to reject a potentially good project. He said that proposals would become political rather than procedural and would require the City Council to be the primary review authority for PUDs. He said that there are many other controls over PUDs such as the public hearing process and design review. He said that the new PUD language all but kills the process and asked for further review.

Charlie Hogan - 105 W. Highland Dr., Seattle. Mr. Hogan talked about developing Harbor Plaza 18 years ago to offer competitive prices, support the local business person and to set high standards in design for this community. He said that the draft PUD ordinance would prevent projects such as these from being built as the restrictions would prevent the important anchor store. He encouraged a roundtable discussion to bring ideas to determine what the community wants.

Walt Smith. Mr. Smith followed up with three points. He reminded Council that the Westside Business Association has had a long-term partnership with the city, and that they are seeking parity, not favors. He asked for an alternative process to work out the differences in the draft. He gave a history of what the Westside has faced over the years and recommended an Ad Hoc Committee to meet over a 60-day period to address these concerns.

Councilmembers asked staff if there was a provision in the proposed PUD to exceed the 35,000 s.f. limit. Patricia Iolavera explained that the underlying zoning limits the square footage, but that the PUD ordinance would allow up to an additional 35% more in the B-2 zone. She continued that in the C-1 zone, where the limit is 65,000 s.f., an additional 30% would be allowed. John Vodopich reinforced that a recreational building would be considered to be a conditional use, and that the 35,000 s.f. limitation only applies to commercial structures.

John Holmaas - 7524 Goodman Drive. Mr. Holmaas recommended using the site plan review process rather than a PUD or PRD ordinance to manipulate the underlying zoning to allow the developers flexibility for desirable projects. He added that the process should allow the public to have input for the Hearing Examiner to do his job, rather than a decision coming from the City Council.

Tiffany Speir - Master Builders Association. Ms. Speir spoke specifically on the PRD ordinance. She echoed previous comments that it would be preferable that an application be heard by the Hearing Examiner rather than by the City Council, then appealed to Superior Court. She agreed that the design review of the application should happen after the preliminary site plan approval and that a rezone before a PRD approval may result in an unwanted rezone. She said that MBA is opposed to using the net buildable land calculation in the PRD process.

Dave Morris - 6018 106th Ave NW. Mr. Morris explained that he is the Chairman of the Business Development Committee for the Chamber of Commerce. He said that the committee has concerns with the PUD ordinance as drafted, specifically the 35,000 s.f. limitation in the B-2 zone. He gave examples of existing businesses that would not be allowed to build under these restrictions and talked about the limitation on tax revenues back to the city if it were imposed. He added that the limitations would also discriminate against the small businesses that need to congregate around an anchor businesses to survive. He concluded by saying that the Hearing Examiner is a significant part of the process and recommended that the ordinance be reviewed again.

Dave Folsom - 3160 Anne Marie Court. Mr. Folsom said that people are unhappy with the current zoning and would like to see the ability to build larger structures. He said that the intent of the PUD is allow for something unique and to give the community some special benefit that it wouldn't have had otherwise. He added that getting a larger building is not a special benefit, and that if there is a problem with the underlying zoning, then this should be addressed separately.

Linda Gair - 9301 Harborview Drive. Ms. Gair spoke as a Westside property owner and business owner. She said that PUDs are a zone-buster and added that the Planning Commission had done an excellent job on their draft. She said that developers wanted no restriction on height, square footage, or buffers. She continued to say that what was allowed in Gig Harbor North was a mistake and it shouldn't be used as an excuse to make further mistakes. She added that the bigger stores on Sedgwick Drive are within 5-10 minutes and that there is no need to repeat them here.

The public hearing was closed at 8:20 p.m.

Mayor Wilbert introduced T.J. Thomas, a student at Gig Harbor High School, who's Senior Project is to purchase a portable defibulator for the school. T.J. gave a brief presentation on the project and his effort to sell candles to raise funds to purchase the equipment. Mayor Wilbert explained that the candles were on display on a table in the front entryway of City Hall.

Mayor Wilbert then introduced Col. Camiano, the city's new liaison with Ft. Lewis. Col. Camiano thanked Mayor Wilbert and the Council for the opportunity to observe the meeting, and said he was looking forward to being the contact person.

Mayor Wilbert then asked for a five-minute recess. The session reconvened at 8:35.

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 Meetings of November 27, 2000.
2. Correspondence / Proclamations:
 - a) First Night
 - b) P.C. Task Force on Alcohol/Driving
 - c) Letter from AT&T - Holiday Greeting
 - d) Letter from Donald Williams - FEIS
 - e) Letter from Richard Conley - Borgens
 - f) Letter from Betsey Allen - Borgens
 - g) Letter from Michael Ratcliffe - Borgens
3. Liquor License Assumption: Olympic Village BP.
4. Liquor License Renewals: The Green Turtle Marco's Restaurant

5. Approval of Payment of Bills for December 11, 2000:
Checks #31433 through #31537 in the amount of \$330,559.64.
6. Approval of Payroll for the month of November:
Checks #450 through #501 in the amount of \$171,652.29.

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

OLD BUSINESS:

1. First Reading of Ordinance Adopting Findings and Facts to Support Continuance of the Moratorium on PUDs/PRDs. Carol Morris, Legal Counsel, advised Council to postpone action on this ordinance later in the meeting to allow for extension of the moratorium past the December 31st date if more hearings were required. This was agreed upon.
2. First Reading of Ordinances for Amendments to Chapters 17.90 PUD, 17.89 PRD, 17.40 Definitions, and 19.01.003. Permit Processing. Patricia Iolavera, Planning Associate, said that based upon public testimony, the ordinance may need further review. She briefly addressed the concerns raised on the PRD ordinance, and added that the majority of concerns seem to be with the commercial PUD. She said that other jurisdictions do not address commercial development through PUDs, but that the Planning Commission felt that it was important. She agreed with Mr. Folsom that the underlying limitations in the B-2 zone are the main issue, but the PUD ordinance could not be expected to fix this.

Councilmembers discussed zoning, roads, construction bonding, 5-year limitations, bonus density and whether to remand this back to the Planning Commission for further amendments. Carol Morris addressed many comments from the public and council and stressed that from a liability perspective, the Hearing Examiner should be an attorney for when a final decision is issued on these large development projects. Council concluded that that they needed more time to consider these issues and proposed an extension on the moratorium. They scheduled a worksession to be held on January 2, 2001 and made a motion to amend the previous ordinance to extend the moratorium to February 16th.

MOTION: Move to adopt Ordinance No. 857, amending it to reflect extension of the moratorium on accepting applications for Planned Unit Developments and Planned Residential Developments until February 16, 2001 to allow for further consideration.
Dick/Ekberg - unanimously approved.

3. Notice of Intention to Commence Annexation Proceedings - 62nd Street Court NW. John Vodopich, Planning Director, explained that the city had received a 'Notice of Intention to Commence Annexation Proceedings' from property owners located along 62nd St. Ct. NW. He said that staff had used the nine criteria outlined by state law and used by the Boundary Review Board to evaluate the proposed annexation. He gave an overview of the report and said that there were two recommendations for Council to consider. He said that based upon criteria used by the Boundary Review Board, staff recommended that Council not accept this proposed annexation as it is not in keeping with the criteria. He explained that alternatively, Council has the option of modifying the boundaries. He said that if this option were chosen, staff could work

with the proponents to delineate a more logical boundary for resubmission. Council had questions on the proposal, and the representative from the annexation was asked to speak.

Joe Mancuso - 2819 62nd St. Ct. NW. Mr. Mancuso explained that that currently, they were served by both city water and sewer. He addressed the concern that their application did not meet the criteria for annexation such as logical service area, definitions of a "neighborhood," and physical and irregular boundaries. He said that he did not feel there would be any great cost to the city as the properties were already hooked up to the city sewer and water, and that their road would remain private. He said that annexation would allow them the benefit of lower utility bills and the opportunity to be part of the city.

David Skinner, Public Works Director, answered questions and voiced concern when Mr. Mancuso mentioned the drywells located on the road, due to a recent mandate from the Department of Ecology pertaining to these types of systems.

Councilmember Young said that he was not concerned with the proposal not meeting the criteria as the whole city consisted of irregular boundaries. He added that most of the annexations in the past had not met these conditions. He said that if the drywells could be inspected and found to be acceptable, he had no objection to the annexation. Councilmember Ekberg said it would be desirable to control both sides of Soundview Drive and areas served by city utilities, and that it may have to be done one piece at a time. Councilmember Dick voiced concern that the Boundary Review Board would not be receptive to these small annexation requests.

MOTION: Move to direct staff to continue to work with the proponent in regards to concerns with the drywells, then come back with a recommendation.
Ekberg/Ruffo - unanimously approved.

NEW BUSINESS:

Mayor Wilbert announced that Agenda Item No. 4, *First Reading of Ordinance - Revising GHMC 15.12 - Easements for Fire Equipment Emergency Access and Maintenance of Fire Protection Systems*, would be postponed until a later date.

1. Boating Safety Program Agreement. Mitch Barker, Chief of Police, presented this annual agreement to allow the city to collect its share of vessel registration funds in the amount of \$12,943.97.

MOTION: Move to authorize the Mayor to sign the Boating Safety Program Agreement as submitted.
Ruffo/Owel - unanimously approved.

2. First Reading of Ordinance - Accepting a Donation from the Washington State Association Emblem Club. Chief Barker presented this ordinance to accept a fifty-dollar donation to assist in drug enforcement. This will return at the next meeting for a second reading.

3. Pierce County Gig Harbor Peninsula Community Plan - City Recommended Changes. John Vodopich explained that staff had been working with Pierce County Planning to ensure consistency between the County's Community Plan and the City's Comprehensive Plan for the

Urban Growth Area. He added that there are a number of inconsistencies between the city zoning map and the Comprehensive Plan Land Use Map, including mapping errors, and areas heavily constrained by wetland systems. He explained that it was an appropriate time in the process to provide input regarding changes to the Urban Growth Area. He gave an overview of recommended changes to be incorporated into the Community Plan.

MOTION: Move to direct staff to forward the recommended amendments to the Pierce County Planning process.
Ekberg/Ruffo - unanimously approved.

4. Annual Transportation Capacity Availability Report - Consultant Services Contract. David Skinner explained that a requirement of the concurrency management chapter adopted last year is to prepare an annual transportation capacity availability report. He said that money had been budgeted to hire a consultant to assist him in preparing this report, and recommended a Consultant Services Contract with SCA Consulting Group.

MOTION: Move to authorize execution of the Consultant Services Contract with SCA Consulting Group, for transportation planning and engineering services for the preparation of the Annual Capacity Availability Report in an amount not to exceed seven thousand four hundred eighty-five dollars and no cents (\$7,485.00).
Dick/Picinich - unanimously approved.

5. Portable Trash Pump - Purchase Authorization. David Skinner explained that this mobile unit would allow Public Works to pump around one of the city's pump stations in case of a failure or need for maintenance of a station, and to assist in the day to day maintenance of the treatment plant. Councilmember Dick voiced concerns over why only one bid was submitted. Mr. Skinner explained the process and added that by broadening the specifications, you would stand a chance of getting an inadequate product.

MOTION: Move to authorize purchase of the portable trash pump from Ackley Tool Company for their bid proposal amount of thirty-five thousand three hundred sixteen dollars and no cents (\$35,316.00) including state sales tax and shipping.
Ekberg/Dick - unanimously approved.

6. First Reading of Ordinance - Stormwater Management. David Skinner presented this ordinance and explained that although not mandated by the Department of Ecology at this time, it would be good to refine the stormwater management guidelines both from a technical and operational standpoint. Councilmember Dick raised concerns for enforcement of stormwater control on private property that Mr. Skinner and Carol Morris addressed. This will return at the next meeting for a second reading.

7. Scannell Sewer-Water Extension. Mark Hoppen, City Administrator, presented this request for four water and sewer connections to property located on Bujacich Drive. He explained that the applicant had no site development plans as he planned to subdivide the parcel. He added that if the utility extension were approved, the property would be bound to city zoning

and development standards. He said that in the past, Council had required use of the property to be defined before approval of extension of city utilities.

Mike Scannell - 9304 Peacock Hill NW. Mr. Scannell explained that the proposed use of the property would not be known until sold. He said that the site is industrial in nature and employment district zoned, and that the allowed uses are conditioned upon that zoning. He said that he could not submit to the county without approval a letter of availability from the city. He explained that the ERUs had been calculated on the minimum per lot.

Councilmembers discussed the issue of water rights that had recently come to light. David Skinner addressed these concerns and said that if the city denied the water extension, Mr. Scannell has two courses of action. The first would be to solicit water from another purveyor, which is unlikely. The second would be to advise Pierce County that the parcels would not be served by a water purveyor and to process the application with the intent of drilling a well, which would meet their criteria. The same would follow for sewer.

MOTION: I move that we deny Mr. Scannell's sewer and water extension request until such time as he can supply sufficient information for the site use.
Ruffo/Picinich - unanimously approved.

8. First Reading of Ordinance - Donation from the Morris Foundation. David Rodenbach, Finance Director, explained that this donation represents the city's interest in certain real estate contracts that were bequeathed in the name of the city from the Estate of Thomas Morris, Sr. He gave an overview of the terms and conditions of the donation. This will return for a second reading at the next meeting.

9. Police Officer's Guild Contract. David Rodenbach presented the final negotiated contract with the Police Officer's Guild and gave an overview of the terms.

MOTION: Move to approve the Police Officer's Guild Contract as presented.
Young/Owel - unanimously approved.

STAFF REPORTS:

John Vodopich, Planning Director, gave a brief description of the new informational signs used for public notification signs. He continued to say that on November 29th, the State Department of Ecology adopted the new Shoreline Guidelines that will be used during the revision of the city's Shoreline Management Plan. He added that there had been a good turn-out for the recent short-course on planning meeting.

PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert explained that the recent Treatment Summit, an effort put together by Paul Nelson, Court Administrator, and Judge Michael Dunn, had been well attended. She then gave a brief report on an historical effort in Port Townsend called "Main Street Project."


ANNOUNCEMENT OF OTHER MEETINGS:

Council worksession on PUDs/PRDs - Tuesday, January 2, 2001 at 6:00 p.m.

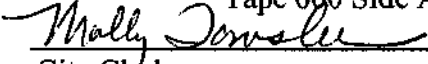
ADJOURN:

MOTION: Move to adjourn at 11:05 p.m.
Picinich/Ruffo - unanimously approved.

Cassette recorder utilized.
Tape 596 Side A 228 - end.
Tape 596 Side B 000 - end.
Tape 597 Both Sides.
Tape 598 Both Sides.
Tape 599 Both Sides.
Tape 600 Side A 000 - 235.



Mayor



City Clerk