

## GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 24, 2003

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

**CALL TO ORDER:** 7:03 p.m.

**PLEDGE OF ALLEGIANCE:** Led by Fircrest Boy Scout Troop #47.

### **PUBLIC HEARING:**

1. 2004 Proposed Budget. Mayor Wilbert opened the public hearing at 7:05 p.m.

David Rodenbach, Finance Director, presented information on the proposed budget for the upcoming year and offered to answer questions. There were no comments or questions, and the Mayor closed this public hearing at 7:07 p.m. and opened the public hearing on the next agenda item.

2. Deleting Reference to Signs in the Non-conforming Use Chapter. Steve Osguthorpe, Planning Director, presented information on this ordinance that amends the Gig Harbor Municipal Code Section 17.68.070 by eliminating the reference to signs in this section. Steve explained that the reason for eliminating the reference to signs in this section is that nonconforming signs are already addressed within the sign code itself.

There were no comments or questions, and the Mayor closed this public hearing at 7:09 p.m. and opened the public hearing on the next agenda item.

3. Calculation of Density in Residential Zones. Steve Osguthorpe presented the background for this ordinance that amends the definition of alleys, and replaces the definition of net buildable lands with a separate section of the code that is intended to clarify how residential density is determined in all zones of the city. He explained that the proposed amendments do not change the way the city currently calculates density, but clarifies the existing language for future projects. Steve suggested other minor language changes in the ordinance before the next reading and addressed questions from Councilmembers.

Steve explained that the Growth Management Hearings Board has determined that the city can calculate the net density verses gross. He added that there were comments at the Planning Commission public hearing voicing concerns that utilizing this definition affects potential density on a site. The Planning Commission agreed that a more direct way to approach the concerns is an amendment to the code to increase density rather than changing the method to calculate the density. In addition, the Planning Commission wanted to make sure that the calculation for housing density excludes any sensitive area that you currently cannot build on such as wetlands or buffers.

John Vodopich reinforced that these amendments do not change the manner in which staff has been interpreting the calculation of density. He added that the issue of the exclusion of tidelands in the calculation of density was recently appealed up to the level of the Hearing Examiner, who upheld staff's interpretation.

Theo Gideon – PO Box 1913, Tacoma, WA 98401. Mr. Gideon passed out a letter and spoke on behalf of Master Builders Association regarding the concern associated with the inclusion of buffers adjacent to critical areas in the net density calculation. He asked Council to consider the issue of the associated buffers and to consider a mechanism for compromise to achieve the densities that are zoned in a particular area.

Ther Jorgenson – 6010 Wollochet Drive, Gig Harbor, 98335. Mr. Jorgenson spoke on behalf of North Pacific Design and Rush Development Company. He passed out a letter regarding that addresses their concerns. First, Mr. Jorgenson recommended that staff further define ravine sidewalls due to the potential reduction in the calculation of buildable land. He continued to address the deduction of public right of ways and accesses in calculating density. He said that the city's residential wide-road requirements significantly impact the calculations. Finally, Mr. Jorgenson recommended that the buffers associated with wetlands be included when calculating density.

Scott Wagner – PO Box 492, Gig Harbor, WA 98335. Mr. Wagner handed out information on three scenarios for Council to review. He said that he attended the public hearing of the Planning Commission and that he felt there are several changes being made that should be given consideration. He explained that his main concern is the calculation of net buildable lands, and asked to be able to count the buffers in the calculation.

John Chadwell – Olympic Property Group, 19245 10<sup>th</sup> Ave NW, Poulsbo, WA, 98370. Mr. Chadwell explained briefly that their concern is that the stricter guidelines in calculating net buildable lands will result in problems meeting the objectives of the Growth Management Act for residential land. He added that when their property was annexed into the city, the EIS and other documents relied on the density being based on gross acreage and this could create a significant difference.

There were no further comments and Mayor Wilbert closed the public hearing at 7:41 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 10, 2003.
2. Correspondence: GHHS Service Leadership Class.
3. Certificate of Need Support Letter.
4. Appointment to Gig Harbor Arts Commission.
5. WWTP In-Channel Fine Screen Equipment Purchase Authorization.

6. Approval of Payment of Bills for November 24, 2003.  
Checks #41729 through #41853 in the amount of \$307,809.26

Councilmember Dick asked that item number three be moved to the last item under New Business in order to make amendments to the letter.

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

**OLD BUSINESS:**

1. Second Reading of Ordinance – Authorizing the Issuance and Sale of a Local Improvement District No. 99-1 Bond. David Rodenbach explained that this is the second reading of the ordinance to authorize the issuance and sale of bonds for the LID No. 99-1. He explained that Cynthia Weed, Preston Gates & Ellis, and Dave Trageser, Bank of American Security, were present to answer questions.

Mr. Trageser explained that this is a twelve-year, long-term fixed rate financing for the LID with a rate of 4.53%. He said that he expects a closing next week.

**MOTION:** Move to adopt Ordinance No. 945 authorizing the issuance and sale of a Local Improvement District No. 99-1 Bond.  
Young / Ruffo - unanimously approved.

4. Second Reading of Ordinance – Providing for the Issuance and Sale of a Water and Sewer Revenue and Refunding Bond. David Rodenbach explained that this bond will refund the current outstanding balance for the 1994 Water / Sewer Revenue Refunding Bonds.

Mr. Trageser explained that this is a ten-year, fixed-rate financing with a 3.89%, a little lower than the LID because the maturity date is shorter and the security better. He explained that the city would be saving about \$8000 by retiring a portion of the 1994 bonds.

**MOTION:** Move to adopt Ordinance No. 946 authorizing providing for the issuance and sale of a Water and Sewer Revenue and Refunding Bond.  
Picinich / Franich - unanimously approved.

3. Second Reading of Ordinance – 2004 Proposed Budget. David Rodenbach said that he had no changes from the information presented during the public hearing.

Councilmember Ruffo pointed out that this budget is substantially lower than the 2003 Budget. Councilmember Franich proposed a change to the objective for sidewalk replacement on Harborview between Stinson and Dorotich to move the repair to the

stretch between Rosedale and Dorotich as this is closer to the downtown corridor and is more in need of attention.

Councilmember Ekberg recommended eliminating the work Dorotich to allow for more flexibility.

**MOTION:** Move to adopt Ordinance No. 947 adopting the 2004 Budget.  
Ruffo / Picinich - unanimously approved.

4. Second Reading or Ordinance – Zoning Text Amendments to Allow Structural Changes to Non-Conforming Signs. Steve Osguthorpe explained that this is the second reading of three alternate draft ordinances proposed by Courtesy Ford addressing non-conforming signs. He said that the additional information requested by Council at the last meeting had been included in the packet for review. He said that Mr. Settle, legal representative for Courtesy Ford, feels that Council may be amenable to another draft ordinance that would address his client's concerns as well as the city's concerns identified at the last meeting. Steve suggested that this item be continued until the next meeting, which would give sufficient time for the two parties to draft changes to the ordinance that addresses the concerns of both parties.

**MOTION:** Move to continue this second reading until the next council meeting.  
Ekberg / Ruffo – unanimously approved.

**NEW BUSINESS:**

1. Resolution – Peninsula Recreation Center Field Development. Mark Hoppen, City Administrator, presented this resolution for the development of an Interlocal agreement to participate in the extra costs related to lighting requirements and the porous subsurface for the artificial turf field project at Gig Harbor High School. Mr. Hoppen explained that current city standards do not allow light standards over 35 feet in height, and the scenario for the field improvements require lights as high as 60 to 80 feet high. This will require a textual amendment to the zoning code to allow these field light heights that will be coming before Council for review. In addition, staff is recommending shoebox field lighting standards to minimize the impact of the lighting and to protect the surrounding properties, including the Gig Harbor Bay basin. These lights are much more expensive and would result in an increase of \$300,000 more than what was allocated for the field improvements.

Mr. Hoppen continued to explain that the city should participate because the school district doesn't have the funds, and the county has already offered \$120,000 towards the difference in cost. The resolution itself does not conclude the process, but allows the parties involved to move forward with an agreement that will provide some security until the legislative process on the zoning changes is concluded.

Councilmember Dick discussed the ability of the city to participate in the project because of the benefit to the citizens through the added use of athletic fields after

school hours, and asked for assurance that the agreement would spell out these public uses that will be made available in exchange for the participation by the city.

Mr. Hoppen explained that the Interlocal will be clearly defined, as the increased public use of school athletic fields has already been demonstrated at the Peninsula High School fields. He gave a more detailed account of the lighting configurations and the necessity for the height of the lighting standards to assure that the field meets competitive standards and assures safety. Mr. Hoppen said that because the increased use of this field late into the night, it would be prudent to adhere to the highest standard to control the lighting.

Terry Lee – Pierce County Council Representative. Councilmember Lee said that he was before City Council to ask for support for the improved lighting scheme at the Gig High School Athletic Field. He said that the county had budgeted two millions dollars for the two high school field improvements. He discussed the success of the Peninsula High School Field project, adding that he expects the same level of use for the Gig Harbor High School fields. He explained that lighting is critical to the success of the improvements and that he agrees that the design standards imposed by the city illustrate the concern for the quality of life of the citizens. Councilmember Lee said that Pierce County has budget constraints, but he has been able to obtain a budget amendment proviso approved to add additional \$100,000 to be applied to field lighting improvements, and the \$20,000 set aside for after-school programs would also be reallocated to the lighting improvements. He asked for Council support to move forward, together, to provide this community project.

Jill Guernsey, Peninsula School District Board of Directors. Ms. Guernsey thanked Councilmember Derek Young and City Administrator Mark Hoppen for their support in this partnership between Pierce County, Peninsula School District and the City of Gig Harbor. She introduced the members of the audience who were present to show support of this proposal.

Betty Ringlee, 11313 67<sup>th</sup> Ave NW, Gig Harbor, WA. Ms. Ringlee, Peninsula School District Board of Directors, said that she spoke on behalf of her constituency. She explained that back in the late 70s, there was discussion of a joint project on this site, as they saw the benefit of a shared-project to benefit the both the students and adult citizens of Gig Harbor. She spoke of the importance of adult recreation on this side of the bridge. She explained that as stewards of the school district properties, they are willing to work on these partnerships and welcome the public to use these properties.

Bob Connelly – 3889 Harborview Drive, #106. Mr. Connelly is the Assistant Superintendent for learning and teaching at Peninsula School District. Mr. Connelly explained that he also works with the athletic director and gave statistics in regards to the increased use of the Peninsula High School field since completion of the improvement project in September. He said that in 2002, the school estimated 80 hours of community use. In this quarter alone, community use has increased to over 300 hours, and they anticipate that figure will increase to over 1200 hours as a result of the

field improvements. He concluded that the improvements to the Gig Harbor High School fields will result in the same increased activity.

Councilmember Franich asked to add language to the resolution that the city would only give the money after approval of the amendments to the zoning code regarding the height of the light standards. Councilmembers explained that this is a foregone conclusion and the change in language would not be necessary.

Councilmember Franich said that he thought this is a project that would benefit the residents, but was concerned with the negative impact on the residents that live close to the school. He said that he would have like to have seen the process go through a public hearing process. He then asked what would be required to make sure that 80 foot lighting wouldn't be allowed anywhere else.

Mark Hoppen recommended reading Jennifer Sitts' update of the Planning Commission discussion and action regarding the legislation that will come before Council relating to structures that can exceed our current height limitations. He said that the field lighting scheme, along with a very limited amount of other public structures such as a water tank, would have its own particular section that will be addressed in the ordinance that will be before Council for review.

Councilmember Young explained that he had attended the meeting between the school district, the county and the city in which the issue was discussed. He said that he felt that this is a reasonable solution and that it would be reckless to build the field without the appropriate lighting scheme, allowing it to serve as a park function. He said it was wise for the school not to provide funding, as it is being developed as a park. He said that he agrees with Mark Hoppen that the city should participate in funding the \$300,000 budget shortfall and to include the porous asphalt in the project.

Carol Morris pointed out that in Section 3, it states that "the not-to-exceed lighting cost expenditure will be allocated from the budget," and suggested that Council add "that the Interlocal agreement is approved by the City Council and the not-to-exceed lighting expenditure of \$120,000 will be allocated from the City of Gig Harbor 2004 Park Development Fund - 109." In the second sentence, she recommended to add the same thing, "If the Interlocal agreement is approved by the City Council, the not-to-exceed porous asphalt expenditure of \$60,000 will be allocated from the City of Gig Harbor 2004 Property Acquisition Fund."

**MOTION:** Move to adopt Resolution No. 618 as amended by the City Attorney.  
Young / Picinich – six voted in favor. Councilmember Franich voted no.

The Mayor announced a ten minute break. The meeting resumed at 8:43 p.m.

2. First Reading of Ordinance – Hollycroft Rezone (REZ 00-01). John Vodopich, Community Development Director, presented this proposed rezone from B-1 to RB-2 to allow for professional offices. He said that the rezone was approved by the Hearing Examiner in March of 2001 for approximately 2.4 acres of property at the intersection of Hollycroft and Olympic Drive. This will return for a second reading at the next meeting.

3. First Reading of Ordinance - Deleting Reference to Signs in the Non-conforming Use Chapter. Steve Osguthorpe explained that this is a housekeeping item and offered to answer questions. This will return at the next meeting for a second reading.

4. First Reading of Ordinance - Calculation of Density in Residential Zones. Steve Osguthorpe explained that this is another housekeeping item and that he had covered the issues under the public hearing.

Councilmember Ekberg asked if the city has an inventory of the wetlands that are located in the unbuilt, R-1 zones. Steve said that there is an old inventory that doesn't include the Westside or Gig Harbor North. He said that there very few large wetland areas remaining. Steve explained that it is not a problem as far as GMA is concerned nor as far as the environment is concerned because the city has wetland regulations. The only difference is that if wetlands are not included in the definition of net-buildable lands then there will be a tighter development pattern around the wetland. The Planning Commission was more inclined to ensure a more even pattern to the development.

Councilmember Ruffo voiced his confusion over the disparity that this is viewed as a housekeeping item verses what was heard during public comment. Steve explained that the city is already implementing the current definition of net-buildable lands and some of the confusion was brought to light with the current appeal. Another reason for the confusion is the strike-out, underline portion of the new section, and stressed that the whole section is new language for clarification of those things that already exist in code and not changes.

Councilmember Young asked for clarification for why the Planning Commission didn't want density clustering around wetland when this is encouraged in other parts of the code. Steve explained that it is more of a preference of what the city desires as far as the density of development patterns. The PRD zoning does allow for increased density if you apply certain standards such as significant buffering. Councilmember Young continued to voice his concern about the exclusion of buffers and roads in the calculations.

Councilmember Dick said he was uncertain of how you would address a situation in which a property is largely encumbered by wetlands. Steve explained that this was an item of discussion by the Planning Commission which caused them to lean toward the exclusion of buffers, because if you did have that situation, then it could end up with a large number of units being placed on a very small piece of property to get the density

they sought. Although rare, it is a possibility. Councilmember Young suggested running a “worst-case-scenario” to determine what would happen.

John Vodopich said that they would run some examples before the second reading. Councilmember Dick asked him to also prepare an inventory of the properties that this might apply.

Steve explained that the minimum lot size requirement had been eliminated to allow flexibility and creativity in developing a plat. He suggested that the minimum lot size requirement be reinstated in the R-1 zone as one possible way to address these concerns. Councilmember Dick discussed the trade-off that is allowed in the PRD that isn't possible in the other zones.

Councilmembers Franich and Ruffo said that they would like more information regarding the use of buffers.

Scott Wagner – PO Box 492, Gig Harbor. Mr. Wagner described a scenario of property with a wetland and asked that Council consider eliminating the inclusion of the sensitive area buffers in the calculation of density.

5. Notice of Intention to Commence Annexation Proceedings – Michaelson (ANX-03-06). John Vodopich presented this notice of intent to annex approximately 8.6 acres located east of 27<sup>th</sup> Avenue and north of 64<sup>th</sup>. He explained that Council is required to meet with the initiating parties within 60 days of the request to determine whether they wish to accept, reject, or modify the proposed annexation, whether they will require the simultaneous adoption of the zoning for the proposed area in compliance with the Comprehensive Plan, and whether the city will require the assumption of all or any portion of indebtedness by the area to be annexed.

Sandy Kursey – 6515 27<sup>th</sup> Ave NW. Ms. Kursey spoke in favor of the annexation and explained that that they believed they were part of the Hazen annexation effort.

**MOTION:** Move that accept the notice of the intent to commence annexation and further authorize the circulation of the petition to annex the subject property subject to the conditions outlined in the staff report. Owel / Ruffo – unanimously approved.

6. Resolution – Re-appointments to the Building Code Advisory Board. John Vodopich presented this request to re-appoint three members, Charles Hunter, Kenneth Snodgrass, and Jeff Stroud to four year terms on the BCAB.

**MOTION:** Move to adopt Resolution No. 619 for the re-appointments to the Building Code Advisory Board. Ruffo / Owel - unanimously approved.



7. Extension of Closing Date – Hific Six Associates. Mark Hoppen presented this request to extend the closing date for the property on the Westside to December 15, 2003.

**MOTION:** Move to approve the extension.  
Ruffo / Picinich – unanimously approved.

8. Certificate of Need Support Letter. Mark Hoppen explained that this letter mirrors a letter already submitted by the Chamber of Commerce.

Councilmembers discussed making amendments to the letter before it is sent. The words “for a hospital in our community” be added after the word proposal to acknowledge what the law requires. The Mayor asked that the language “across the Narrows Bridge” be added to the first paragraph.

**MOTION:** Move to amend the letter to include the changes as discussed.  
Dick / Ekberg – unanimously approved.

**STAFF REPORTS:** None scheduled.

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

Councilmember Young explained that he had served as the alternate representative on the Pierce County Regional Council, and that the Mayor asked if he would be primary. He asked if any other Councilmember would be interested in serving in that capacity. Councilmembers deferred the honor to Councilmember Young.

**PUBLIC COMMENT:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

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

**MOTION:** Move to adjourn to Executive Session for approximately thirty minutes at 9:20 p.m. for the purpose of discussion potential litigation.  
Franich / Picinich - unanimously approved.

**MOTION:** Move to return to regular session at 9:50 p.m.  
Ruffo / Owel – unanimously approved.

**MOTION:** Move to adjourn at 9:50 p.m.  
Ruffo / Ekberg – unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1 – 15.  
Disc #2 Tracks 1 – 8.

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Gretchen Wilbert, Mayor

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Molly Towslee, City Clerk