

## GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 8, 2004

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

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

**PLEDGE OF ALLEGIANCE:**

**MUSICAL TRIBUTE IN HONOR OF VETERANS' DAY:** Carl Reneman, PHS Senior, singing *America the Beautiful*.

**SPECIAL PRESENTATION:** Emily Fisher, winner of the Gig Harbor Arts Commission Holiday Banner Contest.

Mayor Wilbert presented Emily with a matted copy of the banners as a thank you for the design she submitted for the contest when she was in second grade.

### **PUBLIC HEARINGS:**

1. **2005 Proposed Budget.** The Mayor opened the public hearing at 7:07 p.m. David Rodenbach, Finance Director, explained that this is the first of two public hearings on the proposed budget. He said two changes had been made since the preliminary budget. The first change allowed a transfer of money from capital outlays to the Parks Development Fund. The second change was to replace the Harborview Drive Sidewalk project with an objective to do a comprehensive transportation analysis. There were no questions or comments, and the public hearing was closed at 7:09 p.m.

The public hearing on both the Amendments to the Design Manual and the Amendments to Chapters in Title 17 were combined, as the two items are related. The Mayor opened the public hearing at 7:09 p.m.

2. **Amending Design Manual.** Steve Osguthorpe, Planning/Building Manager, gave a brief history of the process to bring the Design Manual Amends to Council for adoption. He said that at the first reading of the ordinance, he submitted a redline format, and since that time, a more formalized version had been developed for consideration. He gave an overview of the revisions. He then commented that the changes to Title 17 are intended to make the all the chapters in the zoning code consistent with the Design Manual standards.

Mr. Osguthorpe said that the only public comments that had been received since the worksessions had come from the Peninsula School District, pertaining to the request to include standards to allow increased height in the P-I District. He reminded Council that in the worksessions, staff had suggested that a better way to address their concerns would be through amending the Performance Based Height Standards. This would allow a discretionary review process that would achieve the school's objectives and

allow public review versus a blanket increase in height allowance. He said that he is confident that language can be developed to address this concern.

Mr. Osguthorpe recommended that Section 4, which pertains to public rights-of-way, be deleted from the Design Manual and that Staff be given direction to make changes in the Public Works Standards so that the City Engineer would have the necessary input in regards to health and safety issues. He said that this would include a process for public and Design Review Board review of the changes. He explained the concern is that the items in the Design Manual are not typically found outside the Public Works Standards.

Councilmember Picinich stressed the importance of moving forward with the school district issue and asked staff for a timeline. Mr. Osguthorpe said that he could have draft language ready for consideration for the Planning Commission at their next worksession so that it would be ready for public hearing. He said that he had already met with school district representatives to discuss ways to address their need without creating unforeseen consequences.

Jill Guernsey. Ms. Guernsey said that she is a resident of the City of Gig Harbor and a member of the Peninsula School District Board of Directors. Ms. Guernsey introduced Owen Dennison, AHBL. Ms. Guernsey used a rendering to illustrate Phase I and Phase II of the Harbor Heights Middle School project, and the relation of the height between the existing buildings and the proposed gym and fine arts building. She then gave the background information for this two-phase project.

Ms. Guernsey explained that representatives of the district had attended workshops and had several discussions with staff, the Mayor and Councilmembers, who have all indicated their support for Phase II to be completed. She said that staff has promised to develop a process to address their concerns, but there has been no change in the height allowance for the P-I districts included in the ordinance. She stressed that the school district needs more than a discretionary process; they need an outright lifting of the height limitation in the P-I district.

She voiced concern that the second reading of the ordinance adopting amendments to the Design Manual was before Council without any resolution for the issues facing them. She asked that the ordinance not be passed in order to allow additional time to work with staff to develop language that would address their concerns.

Ms. Guernsey and Mr. Dennison addressed Council questions regarding the height requirements of Phase II and how they arrived at the 55' height requirement. After further discussion, Council agreed that this is an urgent concern, but that it is also site specific. There were more questions regarding the height requirement. Jeff Green, Project Manager for AHBL, explained how they arrived at the measurement 55' height requirement.

Steve Osguthorpe explained that this is not a Design Manual issue, but something that could be addressed using the performance based standards, and without holding up passage of the ordinance to adopt the Design Manual.

Wade Perrow – 9119 North Harborview Drive. Mr. Perrow cautioned Council about moving forward in haste to adopt the Design Manual before the moratorium on building runs out, for fear of what may be built. He then commented on the school's proposed Phase II. He explained that he has no objection to the construction of the gymnasium, but he has reservations about changing the height allowance for the entire site. He added that it would be hypocritical to allow the additional height on this property, but require the property he owns behind the school to remain in the restrictive height overlay district. He said that he trusts that fairness will prevail and that he appreciated the efforts to protect everyone's interests.

Mr. Perrow addressed questions from Council regarding what he believed would be an acceptable solution. Mr. Perrow said that there has to be the same underlying zoning for the P-I zones, but an opportunity for site specific considerations. He said that 35' feet would work for school gymnasiums, if you use a flat roof. Councilmember Dick pointed out that flat roofs are discouraged in the Design Manual. Mr. Perrow then pointed out the limited P-I properties in city limits, explaining that the only way more could be zoned this designation is through Council approval. He said that if a specific height were to be set for this particular site, it would be an inappropriate "spot zoning."

3. Amending Chapters in Title 17. This was discussed in the prior public hearing.

### **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 Council Worksession on the Design Review Manual of October 11, 2004 and City Council Meeting of October 25, 2004.
2. Correspondence / Proclamations: a) Letter from NW Lions Eyeglass Recycling Center  
b) Letter in Support of Eddon Boat Proposition #1.
3. Resolution No. 633 Amending Civic Center Facilities Use Rules.
4. Sewage Pump Station 2A Replacement Project Redesign Contract – Amendment No. 1.
5. Liquor License Applications – Target; Cigarland.
6. Approval of Payment of Bills for November 8, 2004:  
Checks #45457 through #45564 in the amount of \$218,162.25.
7. Approval of Payroll for the month of October:  
Checks #3476 through #3512 and direct deposits in the amount of \$251,000.23.

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

**OLD BUSINESS:**

1. Second Reading of Ordinance – 2004 Property Tax Levy. David Rodenbach said that the total levy recommended for 2005 is \$1,403,072. He recommended approval of the ordinance and offered to answer questions.

**MOTION:** Move to adopt Ordinance No. 973.  
Ruffo / Picinich – unanimously approved.

2. Second Reading of Ordinance – Amending Design Manual. Steve Osguthorpe said that staff recommends approval of the Design Manual as presented with the provision that Section 4 not be included.

Mr. Osguthorpe and Carol Morris addressed Council's questions about removing Section 4 from the Design Manual and integrating it into the Public Works Standards, explaining that the concern is the possible internal conflict with design and functionality with regards to public health and safety issues. They also addressed questions regarding changes in the Historical District map.

There was continued discussion on the school district's concerns and the urgency of coming back with a solution to allow them to build the gymnasium. Mr. Osguthorpe reassured Council that by passing the Design Manual now, he would be free to focus on this issue.

**MOTION:** Move to adopt Ordinance No. 974, deleting Section 4.  
Picinich / Ruffo –

After further discussion regarding addressing the school district concerns through a Performance Based process, possible delays and the deletion of Section 4, Councilmember Picinich called for the question.

**MOTION:** Move the previous question.  
Picinich / Ruffo – unanimously approved.

**MOTION:** Move to adopt Ordinance No. 974, deleting Section 4.  
Picinich / Ruffo – unanimously approved.

3. Second Reading of Ordinance – Amending Chapters in Title 17.

**MOTION:** Move to adopt Ordinance No. 975 amending Title 17 to ensure consistency with the Design Manual.  
Picinich / Young –

Councilmember Franich voiced reservation with adoption of these amendments, but said that he couldn't identify a specific example. Councilmembers explained that this

would link and cross-reference the Design Manual, and make it easier for the public to be able to know what to do without having to refer to two documents.

Councilmember Ruffo called for the question. No vote was taken on the call for the question, but the vote was taken on the pending motion.

**MOTION:** Move to adopt Ordinance No. 975.  
Ruffo / Picinich – unanimously approved.

4. Pierce County 2005 Comprehensive Plan Amendments. Mr. Vodopich gave a brief overview to the Pierce County Comprehensive Plan and the discussion to add 31 acres that is currently being served by city water to the city's Urban Growth Area. Mr. Vodopich explained that since the last meeting, he had mailed two letters to the property owners and had attempted to contact them by telephone. He said that the staff memo summarizes the contact information. In addition, he just received an e-mail from Todd Lord, from Reich Land, Inc. Mr. Vodopich said that the final decision rests with Pierce County, and if approved, the property would receive an urban zoning designation of 4 dwelling units per acre, which is drastically different from the existing Rural 5 and Rural 10 designation.

Mr. Vodopich suggested that Council take the facts of the situation into consideration with any public testimony, and then determine whether or not to submit an application. If the area is not included in the UGA, and property owners approach the city to receive water the request would be denied, and they could then take the letter of denial to the Health Department and request to drill a well. He addressed questions about the zoning designation.

Mark Veitenhaus – 4625 NE 73<sup>rd</sup> St. Seattle. Mr. Vietenhans spoke in favor of the 2005 application for amendment to the Comprehensive Plan to include the 31 acres. He explained that he has two lots in this area and about five years ago, he was unable to obtain water from Washington Water Company, because the property is located in the city's water service area. The City of Gig Harbor would not extend water because he is outside the UGA. If Pierce County includes this property in the UGA, he could then obtain water from the city. He thanked Councilmembers for their consideration.

Todd Lord – Reich Land Inc. - 4411 Memory Lane, University Place. Mr. Lord said that he is speaking in support of including this area in the city's UGA. He said that they had acquired property there about a month ago, and they are working with Mr. Paulson. He answered Council's questions about re-development or expansion of the property.

Rhanna Lovrovich 2910 29<sup>th</sup> Street. Ms. Lovrovich said that she owns one of the parcels in the area. She said that her husband has talked to most of the Councilmembers and Mike Krueger, Pierce County, and Terry Lee, County Councilmember about their opposition to their property being included in the Urban Growth Area. She said that they moved there because it is rural but close in, explaining further that if this passes, Reich has eight acres that could be developed to the four

units per acre density. She said that she believes that more comments had been received against inclusion than in support.

Councilmember Ruffo asked how this came to staff. John Vodopich explained that a property owner, Robert Cohen, approached the city about a year and a half ago requesting water service. This was denied, and Mr. Cohen asked how this could happen when this is the city's water service area. Mr. Vodopich said that he explained that without inclusion in the UGA the city could no longer extend services, and the recommendation to Pierce County to do so, seemed like a logical step.

Councilmember Ekberg asked if any effort had been made to contact Washington Water to see if they would extend water service to this area. Mr. Vodopich explained that it is his understanding Washington Water could not provide water service.

Councilmembers agreed that this seems like it should be a simple housekeeping item, but the large increase in density is undesirable.

Councilmember Young explained this is a problem caused by the Growth Management Act. He agreed that the property should stay rural in nature, but at the same time, it is foolish to duplicate public services. He said that the legislative intent was not to have lots of independent wells. He recommended contacting our representatives to see if the deficiencies could be fixed to allow the city to continue to serve the area.

Mark Hoppen, City Administrator, said that staff would look into finding alternatives.

### **NEW BUSINESS:**

1. First Reading of Ordinance – 2005 Proposed Budget. David Rodenbach said that he had nothing to add from the public hearing, and offered to answer questions. This will return for a second reading at the next meeting.

Councilmember Franich proposed an amendment to the Building Operations Fund to include an ADA accessible entry-way to the front of the Civic Center. Councilmembers supported this amendment and John Vodopich said that he would obtain a quote to do this.

2. First Reading of Ordinance – Amendment to the Planned Community Development Residential Medium Density (PCD-RMD) Zone Performance Standards. Steve Osguthorpe explained that this ordinance pertains to a residential-medium development zone in the Gig Harbor North area. He gave an overview of contradictory provisions that currently exist and which this ordinance was drafted to address. He explained Carl Halsan has proposed a text amendment that would provide a minimum-based density of five and a maximum of eight dwelling units per acre. With that change, a developer would have a range to work with in order to calculate bonus densities.

Mr. Osguthorpe said that in addition, this proposal would provide an allowance for a single-family plat to apply the impervious coverage provision for the entire site rather

than a parcel-by-parcel basis. The final provision would reduce the buffering requirement on abutting residential developments. He stressed that the setbacks have been addressed in the update of the Design Manual, and recommended striking Section Two from the ordinance.

Councilmember Dick recommended an amendment to the language to clarify the buffering requirements. Mr. Osguthorpe then addressed Council questions on setbacks and impervious coverage. He recommended that if Council wished to see a development using these types of standards, that Poulsbo Place or Northwest Landing in DuPont are two examples.

Councilmember Franich voiced concern that this type of development would not fit the character of Gig Harbor. Councilmembers pointed out that the alternative to this is apartment buildings. This will return for a second reading at the next meeting.

3. First Reading of Ordinance – Clarifying Maximum House Size for Building Moratorium. Steve Osguthorpe explained that when Council adopted a building size moratorium, a 3,500 s.f. limit was specified which included garages in the measurable building size. Covered decks, carports and porches were not discussed, and when this came up in a recent application, staff relied upon the definition of building in the code that includes these things. Because of the inclusion of these spaces, a recent application exceeded the 3,500 s.f. limit. At the last meeting and staff was directed to amend the language to be more specific to this issue for Council consideration. He gave an overview of the amended language and offered to answer questions.

Councilmembers discussed the definition of a carport as opposed to a garage. They further discussed the option to leave the language in the moratorium as is; to leave the language as is, but increasing the building size limitation to 4,000 s.f.; or to include the amended language drafted by staff.

Councilmember Ekberg discussed which option would meet the intent of the moratorium. Councilmember Ruffo suggested that staff amend the ordinance to increase the limit to 4,000 s.f., but to leave the rest of the language alone. Councilmember Picinich said that he would rather see it increased to 4,500 s.f. Councilmember Dick pointed out that the purpose of the moratorium is to prevent the character of the neighborhood from changing until some agreed consistency can be established.

Steve Osguthorpe offered to find the square footage of some of the homes along the waterfront and bring this information back.

Rosanne Sachson – 3502 Harborview Drive. Ms. Sachson asked Council to pull into any of the parking lots on the water side and look across the harbor to see what size those houses are. She said that the city could end up with those same kinds of problems if we aren't careful. She then thanked the Mayor and Councilmember Dick, Steve Osguthorpe and members of the audience for attending the Washington Trust

event. She said that two videos were shown about this problem happening nationwide. She offered these videos so that Council can see what is going on and some solutions that are being used. She then suggested that the moratorium could be extended to allow more time for what lies ahead to consider building size and rooflines.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler thanked Councilmember Young for bringing this issue forward. She then suggested that Council accept the recommendation for 3500 s.f. limit for enclosed space, excluding overhangs for outside patios. She said that she has a small carport that should also be excluded. She explained that she believes that the 3500 limit is intended for enclosed space, and asked that the exclusion be adopted until the moratorium is over.

Doug Sorensen - 9409 North Harborview Drive. Mr. Sorensen said that there aren't any lots big enough on the waterfront to build a 4000 s.f. house. He spoke in favor of the comments made by Ms. Sadler. He said that the original recommendation by Mr. Vodopich was for "living space," but now everything has been included in that. He suggested that Council either accept the amendment or to just include 3500 s.f. of living space only.

Linda Peterson – (no address given). Ms. Peterson said that she has sold real estate here for 19 years and has seen the harbor grow, stressing that having a good standard is a move in the right direction. She said she was surprised at the difficulty in arriving at a decision. She said that having an interpretation of "living space" that is different than every one else's will make the staff's job more difficult. She said that the moratorium is good, because people coming in are going to want to change things, and you can't control people's taste but you can control views by limiting the living space and garage size. She said that you shouldn't include decks or carports as you can see through these and they don't affect views. She said that you have to be clear on the definition of living space.

Councilmember Franich left the meeting at this time.

#### **STAFF REPORTS:**

1. Steve Osguthorpe, Planning/Building Manager – Appointment of a Design Review Procedures Committee. Mr. Osguthorpe gave an overview of the recommended appointment of a Design Review Procedures Committee to include Councilmembers Conan and Franich, and the City Attorney, Carol Morris. Chairman of the DRB, Chuck Hunter, offered to serve along with Lita Dawn Stanton. Mr. Osguthorpe said that he thought it would be appropriate to add one more Councilmember. He said that the committee was scheduled to meet on November 15<sup>th</sup>, November 29<sup>th</sup>, and December 6<sup>th</sup>, but that Councilmember Conan has requested that the November 15<sup>th</sup> meeting be moved to the 16<sup>th</sup> due to a scheduling conflict.

Councilmember Ekberg asked if any thought had been given to include a member from the general public. Councilmember Young offered to serve, and after further



discussion, it was decided to leave the committee with three Councilmembers, two DRB members, and staff.

2. Chief Davis - GHPD October Stats. No verbal report given.

**PUBLIC COMMENT:**

Mayor Wilbert introduced Doug McDonald, a retired teacher from Peninsula High School, who was involved with the building of the replica of the Gig for the 1987-88 Centennial Celebration. Mr. McDonald explained that with the passage of the bond to purchase the Eddon Boat Property, there is an opportunity to store the Gig here for educational and public use. He offered to put together a viewing of the video tapes of the process to build the Gig.

Doug Sorensen - 9409 North Harborview Drive. Mr. Sorensen asked Council to tell him how wide a house can be legally built in the historic district on two 25' lots. Carol Morris cautioned Council that they are not authorized to give code interpretations. Mr. Sorensen then answered that a five foot building could be constructed. He said that many lots in the historical district are 25' and 50' wide and do not meet the requirements to build nor is there the ability to combine lots. He explained that he would have to go through the variance process in order to be able to build on his property.

Mr. Sorensen continued to say that he had been asked to put together a text amendment for Title 16, and when he did, the City Attorney said she could not recommend approval. Mr. Sorensen read a section from Chapter 16.03.003, stressing that no one on the waterfront could ever meet the requirement of this section. The other issue is the difference between a lot of record and a parcel and which the city uses for calculation. He asked Council to consider a study of the problems in the code and to find a solution.

Ms. Morris advised Mr. Sorensen to talk to staff to determine the best way to make an application for a text amendment with assistance from a personal attorney. Mr. Sorensen said that because several citizens are affected by this problem, and because it was brought about with past changes in zoning, it should be up to the city to step forward and make the text change. He again asked if Council would be able to schedule a worksession to address these concerns.

Councilmember Young said that he would look into this.

Robert Winskill – 3805 Harborview Drive. Mr. Winskill, tenant of the Eddon Boat Shop, offered his congratulations to the Council and staff on the passing of the bond to purchase the property. He said that there will be lots of issues to be resolved and extended an offer for everyone to come down and have a look around the property.

Mayor Wilbert announced that the Ad Hoc Committee for the Eddon Boat Property, comprised of John McMillan, Lita Dawn Stanton, Chuck Hunter, Guy Hoppen, and

Councilmember Ekberg, have volunteered to serve, and will begin to set a schedule for meeting times.

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


Councilmember Dick asked that staff bring back suggestions for any amendments necessary to the newly adopted Design Manual or performance standards that can accommodate the school district. Mr. Hoppen said that a change to the performance standards would be the most likely manner in which to approach this.

**ANNOUNCEMENT OF OTHER MEETINGS:**

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

- MOTION:** Move to adjourn to Executive Session at 10:09 p.m. for approximately thirty minutes for the purpose of discussing pending litigation.  
Picinich / Conan - unanimously approved.
- MOTION:** Move to return to regular session at 10:37 p.m.  
Young / Picinich – unanimously approved.
- MOTION:** Move to adjourn at 10: 37 p.m.  
Picinich / Young – unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1 – 14.  
Disc #2 Tracks 1 – 16.  
Disc #3 Tracks 1 – 7.

  
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Gretchen A. Wilbert, Mayor

  
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Molly Towslee, City Clerk