

GIG HARBOR CITY COUNCIL MEETING OF APRIL 26, 2004

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

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING: Mayor Wilbert explained that there would be public hearings on two proposed ordinances at which time the public would be allowed to speak. She said that due to the large amount of people who had signed up to speak, that it would be appreciated if each person's testimony be limited to five minutes. She opened the first public hearing at 7:05 p.m. and began taking public comment.

1. Regulating Bee-keeping.

Robert Stump – 5417 99th Ave NW. Mr. Stump agreed that every city should have a beekeeping ordinance, adding that in his 25 years of beekeeping, he has never had a complaint from neighbors regarding stings. He described the non-aggressive nature of honeybees. He said that the proposed ordinance is well-written, but is too restrictive on the number of bees per lot size. He said that if the ordinance were to model Pierce County's, there would no problem with having four colonies on ¼ acre. He stressed that Council should not rush into adoption of the ordinance as there has only been one complaint about beekeeping. He continued to explain that most people that are stung are stung by wasps, yellow-jackets and hornets, insects which can sting repeatedly, unlike the honeybee. He agreed that those who are allergic to stings are in danger of anaphylactic shock, and recommended that they carry an epi-pen or take the de-sensitizing treatments. He said that people in Tacoma, Seattle and Pierce County keep bees on balconies and other congested areas with no problems.

Erica Bowles – 3612 44th Ave. NW. Ms. Bowles said that honeybees are misunderstood, and listed several informative facts. Bees are efficient pollinators, and one-third of the foods we eat are a result of the work of bees. The native, wild-bee habitat is diminishing due to several factors, and gardeners are seeing the results in the reduction of crops. She said that most people cannot tell the difference in a honeybee or a yellow-jacket, hornet or wasp. She described the aggressive nature of these insects, adding that she had contacted local pest-management companies, and was told that yearly they receive hundreds of calls for service for yellow-jackets or wasps, but less than a dozen for honeybees. She continued to talk about the life purpose of the honeybee, which she described as a docile, hard-working creature. She said that bees forage up to five miles from the hive, so the 1-acre restriction won't restrict the bees to one site. The ideal situation is a flight-path out over a field or body of water, so a more reasonable approach would be to look at the property on a case by case basis to see if reasonable distance from property lines can be maintained. Ms. Bowles continued to describe working with the bees without protective clothing over the past four years, adding that she has never been stung. She said that bees forage a single crop and it is unlikely that they will fly into a yard to pollinate a hanging basket or plants around a deck. She closed by saying that beekeeping is not an eccentric hobby. She and her husband began with one hive in 1997, which eventually grew to four. Before being annexed into the city, this complied with the Pierce County ordinance. They have not kept hives since 2001 because of other priorities, but in the four years they kept bees, they were not aware of any problems or complaints. She concluded that they would like to keep bees again due to the beneficial aspects, adding that an overly restrictive bee ordinance, passed without full examination of the facts and risks involved, would

deny them the right to use their property to pursue this interest. She asked that Council model any ordinance on those cities and counties in close proximity to the city that already have one in place.

Howard Bowles - 3612 44th Ave. NW. Mr. Bowles spoke against the proposed beekeeping ordinance. He said that the draft is unjustifiably and unnecessarily restrictive and punitive. He said that he also questions the way the draft ordinance came about, as it does not reflect good public policy. He said that the government's power to regulate is a form of uncompensated taking. The regulation of the owner's use of property typically results in the enrichment or the elimination of one or more rights associated with the title to property. Assigning an absolute or relative value to each of these rights may be difficult, but not impossible, because a owner knows that when an activity is restricted, value has been lost. For this reason, the city should ensure that any imposed regulation is warranted and supported by facts. When he learned that the city was planning on regulating beekeeping, he talked to the city's staff and reviewed the files. He was surprised that there was no factual foundation to an ordinance to restrict property rights. He said that his concern with the lack of balanced information and narrow instructions to staff to draft an ordinance, led him to provide more information, which was given to Council on April 7th. Mr. Bowles said that he learned that the city has only had one verbal complaint about honeybees in seven years, and that the city has no data to conclude that honeybees have a negative impact on the residents or that beekeeping increases the occurrence of stinging incidents. There are no studies or data to support the one-acre lot size requirement. Other surrounding jurisdictions are far less restrictive and more supportive of beekeeping. He described the size regulations from Seattle, Tacoma, Bellevue, and Pierce County and asked why the City of Gig Harbor doesn't draw from the information from these other jurisdictions. Mr. Bowles explained that there are only 96 lots in the city would be qualified to keep bees as the ordinance is currently written. He asked, "If city is going to discriminate against property owners, shouldn't there be justification?" He concluded by saying that he supports the adoption of a ordinance that is balanced, and fair to the beekeeper as well as his neighbor. He respectfully requested that the city suspend further action until all interested parties can meet with staff to draft such a balanced ordinance.

David Ewert – 3614 44th St Ct NW. Mr. Ewert explained that he has appeared several times over the past few years regarding the keeping of bees in the city limits. He stated that he is allergic to bees, and has as many as 16 hives kept next to him on a ¼ acre lot. He said that he provided pictures of hives still present this February. He mentioned the 2003 death of a Gig Harbor man due to bee sting. He gave an overview of the recent draft ordinance that included the regulations of bees along with animals, which brought up concerns. He said that the new draft ordinances adopt beekeeping regulations in both Titles 6 and 17 of the code seem all-inclusive. He said that it seems fair that someone could keep bees if they have a one-acre plot, adding that it isn't necessary to have many hives on a ¼ acre lot if bees fly five miles. He closed by thanking the members of the City Council, and Mayor Wilbert, stressing that it is important to have some sort of reasonable regulations in the city.

Midi Ewert – 3614 44th St. Ct. NW. Ms. Ewert explained that they have been working on this for three years. She said that they live in Quail Run, where the lot size is small. She mentioned that she has been married to her husband for 37 years and doesn't want to lose him to a bee-sting. She also mentioned the obituary from August 10 for Daniel Rush, 40 years old, who died from complications from an allergic reaction to bee stings. She stressed that the article doesn't say yellow-jacket, but bee stings. She read on about Mr. Rush's life, explaining that his mother wasn't able to attend and speak at this meeting. Ms. Ewert continued to explain that they live next door to the Bowles and have counted sixteen boxes on their property line. They hired

Aspen Land Survey to have their property lines assessed. The bees have swarmed in their yard four times. It sounds like a freight train, and the swarm is as big as the panel behind Council. They have been held captive in their house, and it takes days to get rid of the bees. She said her daughter from Renton is allergic, and they are not sure about the grandsons. They are afraid to play T-ball in the yard for fear of stirring up something, and are afraid to mow because it will activate the hives. She said that their Lopi Stove has been full of dead bees. The bees have found dead bees in their bathroom. The family was unable to continue with Easter Dinner three years ago due to a bee. She said that they have talked to the neighbor, who is very well aware of the problem. She discussed the swarm of bees at the Harbor Inn on the front page of the Gateway. She stressed that their neighbor had sixteen bee boxes with 50,000 bees to a box. She said that the ordinance is wonderful, adding that the one acre requirement is sufficient to take care of the gardens as there are no crops grown here. Ms. Ewert said that she wants to be able to enjoy her property. She continued to say that she can't outrun a swarm of bees, the pets can't, and her small grandchildren can't. She said that she appreciates all the time and effort spent on this ordinance.

Jeff Feagin – 1130 Queets Drive, Fox Island. Mr. Feagin voiced his concerns with the rapidly changing community from rural to urban. He explained that beekeepers are responsible citizens and would like to have an ordinance that would reflect this responsibility, as well as allowing them to keep a number of hives. He recommended that Council hold action on this ordinance until more input could be gathered from the beekeeper fraternity here, as well as the concerns of others. He said that he would like to have an active beekeeping community in the area. He continued to give an overview of the life-cycle of bees and the work that they do. He explained that honeybees normally will not sting you. He sympathized with the lady that just spoke, but stressed that you can have bees walk on you without concern. He again asked Council to delay action and obtain more information.

Mr. Bowles corrected the statement that there are sixteen hives, explaining that there are four boxes per hive, for a total of four hives.

Marilyn Owel – 6844 Mail Sail Lane. Ms. Owel said that she was present to speak on behalf of Dave and Midi Ewert. She explained that she likes the ordinance, adding that one thing not well understood is that most states with an important agricultural economy have a bee regulation program that is quite stringent, and that applies to hobbyist as well. Most have restrictions on lot size and zoning. Most do allow beekeeping because they recognize the importance to the agricultural economy and the right to keep bees. However, the privilege to keep bees can be withdrawn under certain circumstances. This is when someone adjacent to a property where bees are kept has a medically documented life-threatening allergy. Ms. Owel stressed that it is the job of city government to protect the welfare of its citizens, and although honeybees are peaceful by nature, they can become agitated by vibrational noises or when they are in crowded circumstances. She said that allowing them to swarm three times in one year is not competent beekeeping and she did not understand why anyone would do that to their neighbor. Ms. Owel said that beekeeping is an important, peaceful and prominent hobby in many areas, and in the areas where it is enjoyed, they are regulated as to their transport, to their number, to water sources provided, and in many places, rules on how to change the flight path of bees by having tall fences. This is why bees can be kept on rooftops. She said that a person does not have to be allergic to beestings to die from a swarm attack. A swarm will overwhelm a child, or a pet. Most people don't have to be concerned about bees crawling on them; someone with a life-threatening allergy certainly does. Keeping bees in a confined, urban environment is incompatible with urban civilization, and the issue is with keeping bees where they can harm. The incidental bee is a hazard that an allergic person is alert to and learns to live with, but when

someone's window of salvation is less than four minutes, that incidental hazard changes to the overwhelmingly oppressive and pervasive. This is inexcusable to nurture that kind of situation. Ms. Owel concluded by saying that this is a fair ordinance that demands something of the individual with a complaint in the way of documentation and urged Council to pass the ordinance.

Margo Ulsch – 7401 Pioneer Way. Ms. Ulsch asked for clarification of 6.10 - Section D of the ordinance as it pertains to the inclusion of all other nests or colonies of stinging insects such as yellow jackets or wasps. She asked if people kept these kinds of wild insects. She then said that she once was terrified of bees but she became more tolerant when a renter placed a hive close by and she realized that they wouldn't sting her.

Carol Morris explained that this section pertains to a property owner's responsibility to abate the problem of these nests if there is a complaint. Ms. Morris said that the city would first contact the property owner to work with them, and only if the nuisance were not dealt with, would the city proceed with enforcement action. Ms. Ulsch then asked if anyone knew if it was a honeybee that had stung the man who dies. No one knew that answer.

There were no further comments on this beekeeping ordinance and the Mayor closed the hearing at 7:45 p.m. and opened the next public hearing.

2. Building Size Analysis. Steven Osguthorpe, Planning/Building Manager, explained that the city has five zones that have building size limitations adopted to preserve the character of certain areas of the city. In April of 2001, Council directed the Planning Commission to review these zones to determine how they were working and the esthetic and economic effects of the limitations. In 2002, the Planning Commission made a recommendation to make no changes to the existing limitations, but recommended adding limitations to seven additional zones. Council met with the Planning Commission to review these recommendations and directed Staff to obtain outside assistance in evaluating the building size issue due to the difficulty of the technical aspect of the limitations. Public meetings were held by the consultant, Perteet Engineering, in September and November of 2003, and a group of stakeholders, citizens, Council and staff met to discuss the comments received. In December, Perteet Engineering submitted findings and recommendations to the City Council based upon the information that they received. In January, 2004, Perteet finalized the report for the Building Size Analysis and presented this to the City Council. In February, Staff was directed to prepare a draft ordinance implementing these recommendations for review by the Planning Commission, who then made a recommendation to hold a public hearing before Council in April.

Mr. Osguthorpe used a PowerPoint presentation to give an overview of the recommendations outlined in the Building Size Analysis report prepared by Perteet Engineering.

Guy Hoppen 8402 Goodman Drive. Mr. Hoppen spoke on the waterfront property located between Stinson and Harborview. He said that although his concerns are concentrated on a small portion of the draft ordinance, he hopes that his concerns can be viewed in a broader shoreline planning context. He said that after reviewing the *Gig Harbor Comprehensive Plan* and the *Shoreline Master Program*, he came to the conclusion that the proposed zoning change from Waterfront Commercial to Waterfront Millville is a violation of the intent and spirit of both documents. He read from a portion of the comp plan that states that "our shoreline is a unique mix which varies from the historical fishing industry, the contemporary residential recreational marinas and the commercial shops and services that border or are proximal to the shoreline." Mr. Hoppen said that the document goes on to say that "many of the substantial shoreline

changes that have occurred in the past ten years and several of these changes have caused the community to reflect, reevaluate the quality, design, and appropriateness of shoreline development.” He said that because the statement was written in 1994, it is safe to assume that the cause for concern then were residential recreational marina in nature, which erased several historic fishing uses along the way. He said that residential recreational marina use is smothering the mix mentioned in the plan, and for the city to facilitate, in any manner, the removal of commercial shops or services or the historical fishing industry use from our shoreline is to ignore those mixed uses identified in the comprehensive plan. Mr. Hoppen then quoted from the *Gig Harbor Shoreline Master Program*, Overall Goals – “that the shorelines of the City of Gig Harbor support its fishing, boating and tourist industries as well as the residential community. Therefore, preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals.” He said that residential development marinas have been displacing waterfront commercial and fishing industry use for decades and we are dangerously close to facilitating the final eliminating of fishing industry use and the boating industry use which is represented by the property in question by removing the zoning designation of Waterfront Commercial, which is the most likely zone for the most diverse range of commercial waterfront use. He asked Council to consider the following issues prior to making a decision: Views will be negatively impacted. A zoning change will eliminate a century of public access to those waterfront properties. Rare waterfront commercial zoning will be lost forever. The adjacent waterfront property owners are opposed to the zoning change. He said that tailoring the zoning to a residential development proposal on a waterfront commercial property would conflict with the mixed use intent. He said that the rezone would alter a century of commercial character at Stinson and Harborview and turns a blind eye on what makes our town unique. He said that the Gig Harbor Planning Commission recommended that the proposed change not be approved, adding that as he has previously stated, he is adamantly opposed to the rezone for all the reasons that have been mentioned. He concluded by saying that the Pertee Engineering study devotes one sentence to the zoning change giving no rationale as why they recommend it, making the statement akin to a “bad rider on a congressional bill.” Mr. Hoppen concluded by saying that the waterfront balance and scale is at risk and we need to use whatever means available to encourage the retention of the identified shoreline uses that are being displaced.

John McMillan – 1809 Jacobsen Lane. Mr. McMillan explained that he strongly believes in preserving Gig Harbor’s historic shoreline as well as the historic scale and balance of its buildings, stressing that one of the most important considerations is the scale and balance of the buildings allowed. He said that he finds the zoning code difficult to understand in terms of scale and balance, even though he is an illustrator. He said that part of the shock of seeing a new building go up is the inability to visualize what is allowed in the zoning codes and how it compares to existing buildings. Mr. McMillan said that he has attempted to show scale in comparison and the visual impact that this has on the community with photo overlays, which he shared on the overhead projector. He continued to explain that the pressure to alter the historic character of Gig Harbor has never been greater, and much of what makes Gig Harbor unique and an attractive place to live and visit is quickly disappearing, referencing the larger buildings that have recently appeared. He said that now, upscale homes are proposed at the Eddon Boat Property at the expense of a large part of Gig Harbor’s historic waterfront. These changes are altering forever the character and scale of Gig Harbor. He suggested that the larger buildings could be restricted to areas outside the Gig Harbor Basin, and that we should stop thinking that bigger is better; consider ways to creatively maintain our historic scale and balance, while still allowing growth to take place. Mr. McMillan suggested using illustrations to show what could be built as a way to better understand the zoning codes as they apply to scale and balance with existing or adjacent buildings. He recommended that the illustrations include footprint and

height comparisons to existing structures so that Council, staff, and citizens can clearly see the differences that these zoning code changes impose. He said that it would be a small expense and effort considering that alterations to the character of Gig Harbor are forever.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter said that everyone likes Gig Harbor because of the basin, the amount of open space, the beautiful views and the small town complexion. He said that Perteet called it a “tale of two cities,” referring the downtown and the Westside. Mr. Hunter said that this ordinance goes against the atmosphere that is enjoyed today and urged Council to not be in a hurry. He suggested a moratorium on construction in the downtown basin until the concerns can be addressed. He then recommended separating the Gig Harbor View Basin from any action, and to separate any zoning changes from the building size ordinance, but to allow the 65,000 square feet to go forward in the Olympic Village and Westside areas. He suggested that Council form a group of citizens that actually represent the people who live and work in downtown Gig Harbor to study the remaining issues. Mr. Hunter used a matrix to illustrate his recommendations and described each recommendation. The first recommendation is to limit the building size footprint to 6000 square feet in downtown Gig Harbor or in the basin until more studies could be done. He pointed out that the rezone of the property on Rosedale Street would still allow the same 12,000 s.f. size construction as the BDR Building. He recommended reducing the B-1 zone to 6,000 s.f. per footprint; to reduce the B-2 zone to 6,000 s.f. in the basin; 6,000 s.f. in the C-1 zone in the basin; in the DB zone, stick with the 6,000 s.f. footprint; and in the waterfront, the 3,500 is okay. He said that the new Luengen Building has approximately a 8,000 s.f. footprint; Murphy’s Landing has probably a 10,000 or 11,000 s.f. footprint; the BDR Building has around 11,000 s.f.; the Skansie open shed and boatyard is about 10,000 s.f. of roof, so if you get up on the hill and look at the roof, the total roof is 10,000, stressing that 16,000 is gigantic. Mr. Hunter concluded by saying that if the downtown needs 16,000 s.f. to make the town center idea work, there are hard questions that need to be asked. Is the city going to condemn the property? Who will pay to fix up the buildings that remain? Can the merchants survive a lengthy construction process? Can the merchants afford to pay a much higher rent? What will be the ratio of open area and community/performing arts/convention center? How much non-rentable land that will cost against the rents? Are the taxpayers going to subsidize this idea? These are the questions that need to be asked. Mr. Hunter offered to answer any questions.

Councilmember Dick asked Mr. Hunter if it was his impression that the changes to the DB zone were to facilitate the acquisition of buildings by the city and to build the town center concept as a city project. He said that he didn’t think that there was anything that spoke to that issue, and that the changes are in anticipation the normal kinds of development, with a possibility of a performing arts center if that became a public project. Mr. Hunter responded that the town center concept is kind of a fad and some places, like University Place, think that it will save their area. All they have done is messed the deal up. He said that it is pretty hard to get a half a dozen owners to agree to a project. He used the drugstore located on ‘K’ Street where the little old building sits right in the middle of the bigger buildings because that guy didn’t want to sell. What are you going to do? Pay to fix those up? How do you divide the amount of money you are going to spend into the cost? Either charge the developer or increase the rents.

Councilmember Dick voiced his confusion at the concept that the public should condemn property. Councilmember Young stressed that there are no proposals by the city to do anything with this town center project. He explained that it is an idea to show what the property owners could do to make that area nicer, adding that it’s not going to happen any time soon.

Mr. Hunter replied that the city doesn't need a 16,000 s.f. building downtown. Councilmember Ekberg asked him if his intent was rather than to keep it as is it now with no limitations, if he wants a limitation, but lower than the one proposed in the draft ordinance. Mr. Hunter agreed.

Lita Dawn Stanton - 111 Raft Island. Ms. Stanton thanked Council for the decision to blanket Gig Harbor with the notice of this meeting. In addition, some pictures were circulated, which were just shown to Council, that translate the footprint numbers, which although, may not be perfectly accurate, are close enough for people to see what written reports don't show. Ms. Stanton asked three questions: Do we value the scale of our downtown? Will larger buildings in the Gig Harbor Basin improve our quality of life? How important is preserving our historic waterfront and view corridors? She explained that the Perteet study has been used to push these building sizes forward, referencing the document and all the things that building size limits cannot do such as preserving the city's character and view corridors. Ms. Stanton continued to say that the study suggests that design review can control the impact of oversized buildings. Gig Harbor North is cited as a successful example of this. She explained this worked in that area because it was a huge site and they were able to downsize the appearance of the large buildings because of the large, natural buffers and by placing comparatively smaller buildings along the frontage roads. She continued to say that the downtown is smaller and design review will not be in a position to downsize the appearance of anything. She discussed the BDR Building and asked whether the modulating the front worked, adding that she doubts that the people who live around it would agree. She said that larger buildings in such a small area will create an oversized, continuous wall of building, stressing that the water-side of the Russell Building, the BDR Building and the Luengen Building, are examples of why building size limits are necessary in Gig Harbor's view basin. She said that the design review is not a safety net.

Ms. Stanton discussed the trend to take downtowns and make them over, and trying to convince people that the economic viability depends on bigger buildings. She said that this premise will destroy the character of the downtown. She stressed that we are stewards of Gig Harbor, not land brokers. She said that it would be better to in-fill and replace aging buildings in a way that integrates the existing scale downtown and then discussed the size of the existing buildings. She asked that Council please not change zoning designations within the Gig Harbor Basin before the updated design manual is adopted this fall, as this could create opposing zone transition impacts and complications. She said to keep it simple by creating a Gig Harbor View Basin map for building sizes, because it would make regulations consistent and easier to understand, and easier to enforce. She said that she thinks that there are many who feel that if the community decides that the goal is to preserve the scale of the view basin, then the city ought to do it.

Councilmember Dick said that one of the issues contained in the Perteet study, and the source of the larger building sizes in the DB zone, is the concern that if the existing Thriftway and other shops in that mall were to burn, they couldn't be replicated because they wouldn't be consistent with a lower building size limitation. He asked Ms. Stanton to speak to this issue.

Ms. Stanton asked if it would be appropriate to plop a building double the size of the BDR Building where Thriftway is located. She said that you could create a 6,000 s.f. footprint and have common walls and achieve the same thing. Councilmember Dick asked her if she was aware that the square footage of those building is several times that amount, approximately 85,000 s.f. Ms. Stanton asked if would be realistic to combine 6,000 s.f. buildings and come up with a better result. Councilmember Dick said that the 65,000 s.f. number was intended to replicate what is there currently and to limit a lot of fairly small structures trying to replace the fairly good size structure that already exists. Ms. Stanton said that if you would take twice what

the Harbor Inn building or the Peninsula Hotel and rebuild, she thought that it would be consistent with the scale.

Councilmember Franich asked Ms. Stanton if there were other pictures with building comparisons that hadn't been shown. She explained that the pictures were taken by someone else and she did the overlay on PhotoShop and proceeded to give a description. The first is the Finholm Market with the BDR Building elevation plan superimposed. The second photo shows the Harbor Inn with the BDR Building superimposed. She said that currently, with no building size limitations, you could build that building. The third photo is of the Harbor Landing Mall with the BDR Building superimposed. The final photo illustrates the existing WC 16' limit and what could occur if the zone is changed to WM by increasing the height limitation to 24'.

David Bowe – 705 Pacific Avenue. Mr. Bowe explained that over the past fifteen years, he has had an opportunity to design buildings in Gig Harbor. He said that at the beginning of the meeting, the audience was asked to state whether they were in favor or opposed to this draft ordinance. He said that this ordinance has a lot in it, and voiced concern about the amount of information, the variety of zones, and the issues about the Westside. As an architect, he said that a 5,000 s.f. per structure limit doesn't address concerns with scale and structure. He said that you can put several 5,000 s.f. structures next to each other with firewalls; but to the general public, it looks like a 20,000 s.f. building. He said that in the Waterfront Commercial and Waterfront Residential zones, the 3,500 s.f. limit would be two-floors, and with the structural, mechanical, elevator requirements, you will not have a masonry building. The developers will say that they cannot afford the addition six inches around the perimeter of the building because it is tightened down too much. So the question is who is going to rent a 3,500 gross s.f. structure? He said that the reality is that if this limit is passed, developers will go residential and Gig Harbor will become a very nice Steilacoom and access to water and views and corridors and glimpses of the water will be blocked by security fences.

Jim Pasin – 3208 50th St. Ct. Mr. Pasin said that three years have passed since this process began. He said that if it is not passed right now, it will be difficult to do and the city will have to live with the consequences for a number of years. He recommended one of Chuck Hunter's suggestions to separate the process into a number of steps. He said that in working with the Design Review Manual, there are some transition zoning requirements that if not careful with some of the spot-zoning changes, you may create problems for the property owners and the adjoining properties. He asked Council to take a look at the Design Review Manual under the transition zones when making a decision. He voiced his concerns with the size limitations in the "R" zones. He said that currently in the "R" zones, there are uses available such as schools, libraries, and civic centers, but the limitation of 2,500 s.f. would eliminate those types of public facilities. In some of the commercial zones like the RB-2 and the B-2, the limitations on square footage would eliminate the ability to build hotels, motels, and other facilities that require larger footprints that are currently allowed under conditional uses. He concluded by voicing his disappointment in the qualification placed on the B-2 zone in the Olympic Center and Westside Business Center. He said that the increase to 65,000 s.f. is a must, but to exclude the ability to obtain additional footage for amenities in these two zones is prejudicial, stating that if it can be done in the "C" zone, R-2 zone, RB-2 zone, then why not the B-2 in the Westside and Olympic Center areas. He said that this is an opportunity to give consideration to these thoughts then thanked Council for moving ahead.

Matt Halvorsen – 13429 100 St. Ct. KPN. Mr. Halvorsen spoke as President of the Peninsula Neighborhood Association. He read a prepared document in which he asked that the public hearing be rescheduled to provide the public with an opportunity to review the new staff report,

and the redrafted ordinance, which has changed significantly since being made available to the public on April 22nd. He said that the rezones should be treated separately, stating that Sections 12 and Section 14 be eliminated because rezones have implications and considerations apart from building size, particularly, areas along the waterfront and should be reviewed in connection with the Shoreline Master Program. He said that additional Rezones have been added to the original draft ordinance that were not a part of the post card notice that was mailed on April 12, 2004, nor were they a part of the Planning Commission review during the work study session on February 19. He continued to say that rezones have a Planning Commission public hearing requirement (GHMC 19.04.005, B) which requires that the Planning Commission make recommendations to the City Council. The comments made by the Planning commission on February 19 were made during a work-study session, not public hearing, and they were comments only, not written recommendations to the City Council. Since that session was a work-study session and not a public hearing, public testimony was not required or solicited, and therefore, no public comment has been offered to the Planning Commission as a basis for recommendations.

Mr. Halvorsen then voiced concern with the Perteet Study. He asked how it came about to hire someone from Bellevue to come down here and tell us what our city should look like. He said that during his presentation, it sounded like Mr. Perteet had talked to grocery store people and no one else. He said that in the future, consultants that are like-minded with the citizens should be interviewed. Councilmember Young asked what other steps should be taken, as the city hired a consultant who interviewed several people and went through a process. Mr. Halvorsen replied that the city should interview someone with some of the same idealisms as Gig Harbor, because, although Mr. Perteet might be schooled in the art of city planning, it seems as though what he was relaying did not necessarily go with the mentality of most Gig Harbor people.

Councilmember Young asked Mr. Halvorsen if he thought Safeway should be allowed to rebuild at its current size if it were to burn down or if it should rebuild at the current 35,000 s.f. limits. Mr. Halvorsen said that he didn't think that 65,000 s.f. was abnormally huge for that area, but he thinks that Council needs to take a look at the overall plan and the ideas that have come up this evening. He added that people haven't had the time to review the new information in order to come to the appropriate conclusions.

Steve Osguthorpe spoke to the concern of the late additions to the ordinance. He explained that these changes proposed by the staff have not been reviewed through the SEPA process nor have they been submitted to the state for their 60-day review. If Council wishes to explore the additional recommendations, additional public comment would be required to meet the requirements.

Councilmember Ruffo asked Mr. Halvorsen if he was aware that there are currently no building size limitations, and if he was in support of limits if the process were to be slowed down to obtain the proper involvement. Mr. Halvorsen agreed with this statement.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich said that he is opposed to most of the proposed ordinance, and shocked at the list of twelve people that were interviewed. He said that they either had to be a commercial property owner or live out of town, as there isn't one person on the list that lives in the area that would be affected. He said that the only person on the list who lives here is Nick Tarabochia, who owns half of downtown. He continued to explain that he and his brother own waterfront property and voiced concern about the loss of the quaint little fishing village. He said that the "big boxes" being built on Rosedale Street remind him of a big cardboard box that kids play in. He said that if this is to continue, it is going to block a lot of

views and affect the people in Gig Harbor. He said that you can build a 65,000 or 75,000 s.f. building on the other side of the highway or up in the north where they won't block view, but when you start doing things like that in downtown Gig Harbor, you are ruining everything without talking to the citizens. He said that the only reason that all the people are here tonight is not because of the advertisement, but because a lot of good people went knocking on doors and showed people what was happening. He talked about how the plan for Gig Harbor was first designed. A bunch of people rode around in a car and looked at the views and put a 15 foot height restriction on the average grade of lot. Then in the 90s, it was changed to the 16 foot to the highest back elevation on the lot. Now, 24 feet is being proposed. He asked if the neighbors were contacted about the change in what could occur on the Wild Birds location, adding that none of the people living around there would have a view if this were to occur, which would devalue property. He asked Council to reconsider this, and not to hold a second reading of the ordinance as it is proposed.

Steve Osguthorpe explained that one issue has been raised several times, and that is the misperception about height in the Waterfront Millville zone. He said that in the current zoning code, there is an allowance for a building height for up to 24 feet. This has been in the code for a long time, but since the adoption of the design manual, that provision no longer applies, as there is a more restrictive height limit for that area. This is 18 feet with significant side-yard setbacks.

Councilmember Young asked if there were any other height restrictions in the draft ordinance, to which Mr. Osguthorpe replied "No. There is nothing in this ordinance that pertains to height whatsoever."

Tomi Kent Smith – 3414 Harborview Drive. Ms. Smith spoke against the ordinance. She explained that one of the failings of vision is that the people formulating the vision are not as objective as they should be, which seems to be apparent in the proposed ordinance. Ms. Smith recommended looking more closely at each of the zones before proceeding. She said that the majority of the people who she has spoken to are against increasing the downtown size. She stressed that the downtown area is for both tourism and for local use, but that the local use is far more important to the survival of the downtown. She said that tourists are attracted to the historic nature of a town rather than an over-built philosophy. She then addressed the plan for downtown, stating that she thought it was overly ambitious. She asked questions about who is going to find new premises for the displaced business owners currently occupying the spaces in and around this location? Who is going to pay for the relocation costs and the loss of business incomes? Who is going to pay for the difference in their lease payments during relocation and the much higher rents when construction is completed and they move back, or would they be allowed to move back to their former locations? She asked if this vision is for the betterment of Gig Harbor and its current businesses downtown or was it for visionaries to leave a mark in the history books? She also asked other questions about the future plans for the city, stressing that city should form an association of neighbors to respond to the proposal relative to the Gig Harbor Basin. She said that more work is needed. This should include more input from those who live and own property in Gig Harbor, and who want to see it experience stable and profitable growth as it progresses into the future.

Jim Tallman 13021 Pt. Richmond Drive. Mr. Tallman spoke in opposition of those portions of the ordinance that affect his properties. He said that he would submit his testimony to Council in writing.

Kit Kuhn – 3104 Shyleen / business at 3104 Harborview Drive. Mr. Kuhn said that he has had his business for sixteen years and lives here. He said that it would have been great if you would have involved the people who are here during the process that Jim Pasin said has been going on for three years. He voiced his concerns over the loss of view and access to the water and the proposed plan for downtown. He explained that most of the people that own property downtown could sell, but for the most part, they have stayed because they like it here and value what is important more than money. Mr. Kuhn stressed that he is opposed to this ordinance, but said that he does think that there should be limits; there needs to be development; and there needs to be growth. But, you have to involve all the players. He said that the twelve people interviewed in the Perteet study are people that have investment property or have something to gain. He passed out pictures of the 11,000 s.f. building behind the Maritime Inn. Explaining that the draft ordinance allows 16,000 s.f., which is 1/3 bigger than the building in the picture. He said that if this ordinance is passed, the only way that someone's going to be able to develop is by building higher or to buy about ten homes and build one building on all the lots. He said that if you want to give an accurate assessment of what could be built, you have to show what is possible with the existing code, and then what could be built with the changes. This has to be sent to the citizens, to the property owners, to the merchants, and to all the people who are going to live or work here. He said that he would also like to see an idea of what the city would look like with five to ten of these buildings using a terraced view of the harbor. He then pointed out that if this were to occur, it would destroy property values. He said that the code is written in a way that even Council has trouble understanding it. He said that he hoped that the information could be put in layman's terms so that it's not so confusing. Mr. Kuhn continued to say that if an existing building burns down, that they should be allowed to rebuild at the existing size. He said again that he agreed that limits should be in place and that there needs to be good development in downtown Gig Harbor. Just involve the people.

The Mayor reminded Mr. Kuhn that there are thirteen more people wishing to speak, so he agreed to finish up.

Mr. Kuhn said that the city is generated by revenue and that seems to be what is driving this ordinance. He explained that hundreds of people come into his store, then actually move here. He concluded by saying that he won't survive, nor are the other businesses, the years of construction or the huge rents that will happen if you do this kind of building. There's not going to be anyone here left to talk those people into moving here.

Bert Beneville – 3002 Soundview Court. Mr. Beneville explained that he did not understand where the idea came up to rezone the Gig Harbor Yacht Club. He said that the statement that the Gig Harbor Yacht Club is surrounded by residences is not true. In front is the Lighthouse Marine and Speedy Auto Glass. Next to them is Nick Jerkovich's home, but also a netshed from where he runs his fishing business. The lot above the club is unusable because of water concerns, and above that is a parking lot, CenturyTel and Spadoni Brothers across the street. He then said that the city wants to re-designate the property to RB-1 or R-1, and it is his understanding is that RB-1 is a transitional type of zone that buffers commercial and residential, which is fine, but why make it residential? If you do that, you are limiting the ability to do anything with the property, and devaluing the property by allowing only a 3,000 s.f. structure versus a 5,000 s.f. structure. If you pass the other zoning change that allows a bigger building where Wild Bird is located, you take away the view of the harbor. If you rezone all this waterfront property, you may double or triple the value it is today, but you diminish the value of the Gig Harbor Yacht Club property. He voiced concern that he received the notice of this meeting in the mail, but there wasn't any mention of rezoning the Gig Harbor Yacht Club. He happened to look it up on the internet and surprise, saw that the city was proposing to rezone the Yacht Club. The

Board of Directors was not notified, the Commodore was not notified, nobody was notified that this hearing was coming up or that the city was even thinking about rezoning the property. He asked the Council to first, forget the rezone of the Gig Harbor Yacht Property, and second, please give thought to the rezone of the downtown property that allows the big buildings. Keep it small.

Scott Wagner – PO Box 492. Mr. Wagner said that he is not in support of the ordinance. He said that the Perteet report has little value, explaining that he was one of the twelve interviewed, and that he wouldn't let them decide anything. He explained that he is in support of building size limitations in the downtown core as long as the current Thriftway building could still exist. He said that there are places that larger buildings are appropriate. He discussed spoke about the RB-2 zone on the west side of SR-16 at the Wollochet Interchange. He described all the utility improvements that had been constructed and dedicated to the city. Mr. Wagner continued to talk about the two large pieces of property, one of which they had an approved plan for a 42,000 s.f. bowling center, and which they still hope to do a similar project. He said that the way the ordinance is written with the 12,000 s.f. limitation, they would not be able to do so. The other piece of property is also freeway frontage, where they plan to put an assisted care retirement facility, which would require a 45,000 s.f. footprint. He said that people won't stay if you have to roll them in and out of multiple buildings for different activities. He asked that the ordinance be reviewed, taking public comment for the different areas. He stressed that the downtown core needs to be looked at carefully, and that the B-2 zones and the RB-2 zones on the freeway need to be looked at independently. He said that he doesn't know the answers, but he does know that the current ordinance is not the answer.

Bill Owel – 6844 Mainsail Lane. Mr. Owel said that the position has been pretty well stated by Bert Beneville, so he wouldn't take any more time.

Ella Mary Thorpe – 8020 Goodman Drive. Ms. Thorpe spoke against the rezone. She explained that she did not know about all this going on until she read it in Wednesday's Gateway. She said that she understood that 4500 postcards had been sent, but although she has a Gig Harbor mailing address, she does not live in what you people call Gig Harbor. She voiced her concern with Exhibit 'B' that has the four lots where Wild Birds used to be and on up towards Murphy's Landing. She said that she is curious as to setbacks, asking if those lots can be included clear out to low, low tide, and in regards to the setbacks, can you actually put the size houses that have been indicated in the rezone on those lots? She said that the Council hasn't really considered the "rest of us." While they may not vote for you, they sure spend their money here and go through the town to get anywhere.

Mayor Wilbert explained that action was taken previously to exclude the wetlands in the calculation of building size.

Roseanne Sachon – 3502 Harborview. Ms. Sachon explained that she moved here seventeen months ago from Beverly Hills. She said that she left Beverly Hills, because of exactly what is happening, or could happen here. She described her many years of community involvement on the General Plan Committee and the Residential Issues Committee in Beverly Hills, explaining that because they made big mistakes there, she warned the Gig Harbor Council back in January of 2003 to please be careful. She said that Beverly Hills was once a wonderful little community where people rode their bikes and everybody knew one another, but it was not this way any longer. She said that if you ask people why they moved here, it's for one thing; for the charm and wonderful way of life that reminds them of where they lived before and of how they grew up. She stressed that there are open spaces where these proposed large developments can go,

describing how she was impressed with how well Gig Harbor North had been done. She then addressed the parking concerns along Harborview Drive. She described the wonderful little villages in New England, explaining that they are busy year-round, because they have wonderful shops, good restaurants, things that will bring people in such as a good marketing department. She asked Council to please take these concerns under review and not do anything too quickly. She recommended talking to the people who live in the different areas to gain their perspective.

Linda Gair - 9301 North Harborview Drive / business at 7811 Pioneer Way. Ms. Gair, President of the Gig Harbor Waterfront Restaurant and Retail Association, spoke on their behalf. She said that the first question is "What's the goal?" She said that there has been much discussion concerning building sizes and proposed changes in the Gig Harbor View Basin, and they have seen Mark Hoppen's presentation of the possible ideas for the downtown core, adding that they weren't too impressed. She said that for the most part, they all agree that our downtown could use some enhancement, that the storefronts need spiffed up or remodeled, that parking solutions are a priority, and that they would welcome more retail capability and an assurance that our current retail spaces would remain retail. They do not want to see 16,000 s.f. buildings downtown. She continued to explain that some of those in the retail community have owned their businesses for over eighteen or more years, and have seen good times and not so good times. She said that they have contributed to the character of Gig Harbor, and have given back to the community many times over. She added that they may not generate the revenue that the strip-malls and Gig Harbor North do, but they are a big part of the draw that brings new growth into the harbor. She said that people want to live here because our beautiful harbor, the atmosphere, and the small-town humanness that Gig Harbor emotes. She explained that what is being proposed will ruin our beloved waterfront downtown, even if it were retail and pedestrian oriented. She said the increase in building size would require higher rents that our small business owners would be able to handle, opening the door for offices and chain stores. She said that changes of this magnitude affect all of Gig Harbor, and really should be put on a ballot for voters to settle, and that a handful of people should not decide our future. She said that several of the members are attending a conference in Tacoma next week on revitalizing downtowns, and this type of information is needed before making these quick-fix changes. She asked that Council table this proposal and set up more public round-tables.

Ms. Gair then said she would like to speak as a resident and a member of the DRB. She too was interviewed on that group of people, but not listened to. She said that those who serve on the Planning Commission and Design Review Board give countless hours weighing many sides of issues such as these. She said that although we may have different viewpoints, we come together to give our honest and well thought out recommendations and bring a great wealth of expertise to the table. She said that it is disturbing when our efforts are set aside and the city seeks outside consultants. She said that she agrees with the recommendation from the group that Lita Dawn and Chuck Hunter are representing, to not include the view basin in these changes. She said that she also agreed with the recommendation to not change the Waterfront Commercial to Waterfront Millville on Harborview, adding that this area could be a wonderful restaurant/retail park while still maintaining our heritage. She said that we don't need trophy homes or condos privatizing the harbor and blocking the public view to the water. She said that waterfront homes in Millville should have building and height restrictions. She addressed views, stressing that property owners are taxed on view property, and if the city is going to take the money, it should help protect the views. She concluded that the City of Gig Harbor should be for both tourism and for the local people. She said that newcomers can be good stewards and urged Council to listen to both.

Barbara Pearson – 7305 Soundview Drive #502. Ms. Pearson explained that the ambience of Gig Harbor is what she would like the Council to consider. She gave an overview of the history of Gig Harbor when the Jerisich's settled, up through the history of logging and mills along the waterfront, and through the fishing industry. She mentioned that back in the late 60's and early 70's, there were a lot of empty storefronts in Gig Harbor. Nine women opened shops, each with a dream. Eventually, there were no empty storefronts and an organization called DAGHLM, District Association of Lady Gig Harbor Merchants, was organized; the forerunner of the Downtown Merchants Association. She said that through those women's efforts, and through the Harbor Holidays celebrations, this town has seen an influx of tourism. She said that we like to see the tourists, but we would also like to see some parking. She continued to say that with the cooperation of Laureen Lund and the Gig Harbor Peninsula Historical Society, historic signs are being placed around the harbor. At times, there are people waiting in line to read the signs. We need to keep those historic views available to the public. She said that she is distressed at the size of buildings that are going up on the old Smircich property and the other on the corner of Peacock and North Harborview. She said that these are an insult to the older buildings in the area; they are too big and don't have architecture that blends in with our mix of old styles. She encouraged the Council to go ahead and reconsider this, think it through, and bring it back to the community to those of us who live in the Gig Harbor Basin and who use it every day.

John Skansi – 27710 SE 17th St., Sammamish. Mr. Skansie read from a prepared statement. He said that he is in favor of a fair plan to let tourism and growth develop naturally in the Gig Harbor community, but that the first priority must be to maintain the quality of life. He said that by working together to manage growth and tourism, we can have a win-win situation. He continued to say that the people of Gig Harbor expect the type of leadership from the City Council who will see the big picture and goals. The recent downtown proposal and the proposed ordinance is a poor vision of what the Gig Harbor community is all about. He said that we must always keep in mind the uniqueness of Gig Harbor, specifically, the downtown corridor. Please let this be a wake-up call. He repeated what was said earlier, that we become stewards of Gig Harbor, not just land brokers. It is time to move forward together with broad community vision and understanding of what Gig Harbor is, and the quality of life we all want to maintain. He said that the community is behind Jim Franich's, and the others outstanding efforts in the area of growth management and fiscal responsibility. He concluded by saying that the community support will grow as more people understand what is happening. He then thanked Council.

Rosemary Ross – 3315 Ross Street. Ms. Ross explained that Gig Harbor is a city in transition. There once was a time when it was truly a quaint fishing village, but those days are no longer with us. There are a few surviving fishing families, which is a very difficult thing to do in this day and age. Gig Harbor is now a city with a lot of tourists and people who have lived here a long, long time. Ms. Ross said that thanks to everyone else who has spoken tonight, most of her steam had been taken away, so she addressed one issue. She said that she is against the ordinance, but in favor of limiting the building sizes as much as possible, but not the way it is stated in the ordinance. She said that one issue that hasn't been discussed is where are you going to park these cars? We don't have adequate parking for the buildings we have right now, and it is difficult to drive through Gig Harbor and to find a parking space as it is. She reminded Council that it is their job to represent the people who live in Gig Harbor adding that she hopes that they remember that when making these decisions. She concluded by saying that the people are here because they trust Council to make decisions that will enhance their lifestyles, and thanked Council for listening.

Bruce Gair 9301 North Harborview Drive. Mr. Gair explained that he was present as a private citizen and not as a member of the Planning Commission, however, he wanted to explain the

source of the 16,000 s.f. limit. He said that it is a combination of the footprint starting at the old doll shop, Mary Bonneville's building, Johnny Gilich's building, Neptune Court, all the way back to include the used clothing places. That is 16,000 s.f., which is awfully big. He said that he volunteered to be one of the faithless twelve listed, and was promptly misquoted regarding a statement he made about a present Councilmember and his present landlord. He said that as a member of the Planning Commission he is glad that we will be taking another look. He recommended listening to all the comments, especially Chuck Hunter, Linda and Kit. He said that he fully agrees with their thoughts. He said that his only message other than the 16,000 s.f. is let's save the waterfront, let's save its access and please take care of our core and our heritage.

Randy Boss – (didn't give address). Mr. Boss said that he was present to speak on a specific issue. He said that if you took all the comments about the downtown area and removed these issues, the rest of the ordinance appears to be pretty safe. He repeated staff's comment that the PUD was taken out of the B-2 zoning because there was no need for additional bonus square footage on the Westside. He said that Gig Harbor North is done, Costco is going in and there are a couple of acre pads for some small retail, adding that the City of Gig Harbor has been very well served by the retail sales tax that has come in. Mr. Boss said that his specific comment on the B-2 is that he is very much in favor of the increase in the square footage size. With the build-out of Gig Harbor North, there is no retail left in the City of Gig Harbor other than the Westside. He requested Council to strike the language that on the Westside, the PUD process would not be allowed. He discussed the possibility of moving the proposed hospital to the west side of Gig Harbor, a 90,000 s.f. building, which would not be allowed unless the city were to leave the PUD process in place. By setting that cap at 65,000 s.f., you take away the possibility to use that capability to produce something imaginative. He referred to the testimony by Scott Wagner, adding that Brunswick has a new prototypical bowling alley now that is in the 70 – 80,000 s.f. range, but there would be no place to build if this cap were to be placed on the Westside. Mr. Boss said that his comments are specific to that part of the ordinance and asked Council, not to segregate this B-2 area by taking away the PUD process. He stressed that there have been no negative comments on that area tonight, and no one has said that 65 is too big, so hopefully, Council will take that into consideration during deliberation of the ordinance.

Mike Elwell – 9211 North Harborview Drive. Mr. Elwell explained that his home that is about 3,500 s.f. home on an acre and a third of land, with almost 200 feet of waterfront He said that if he understands this proposal, nobody could tear his house down and rebuild anything bigger than 3,500 s.f. building. He said that this property is five lots which could be put into three properties. Three properties with three houses of 3,500 would be a lot less desirable than one 5,000 s.f. house on that property. He said that he didn't see where this regulation is an improvement to the visibility to the water. He said that his neighbor, Bruce Gair, is five feet from my property line, asking if that is what the people would want to see in every case. He continued to say that behind him, there are houses that are about 8,000 s.f., and on the Goodman side of the harbor they go up to 12-15,000 s.f. He said that the ordinance should just be restricting some of the economic increase in the harbor.

Councilmember Ekberg asked for clarification. He said that it sounds like Mr. Elwell is not in favor of a limit of 3,500 s.f. on residences, but he is in favor of any of the other limitations that are being considered tonight. Mr. Elwell said that we would all hate to see the character of the town be lost, adding that he wished that we could move toward the concept that we are a maritime community. He said that we should not allow unrestricted architecture building boxes. Councilmember Ekberg asked again if Mr. Elwell is in favor of imposing limitations on the other uses in the downtown and the waterfront. Mr. Elwell responded that he is totally in favor of small

sizes but that it is unrealistic on housing. Councilmember Ekberg again asked Mr. Elwell if he would have a problem with someone with a 5,000 or 6,000 s.f. house, or if he would have a problem with a business of that size. Mr. Elwell said that the residences wouldn't be in the downtown area directly, except the one cluster of eight going down to an area of three.

Councilmember Dick said that he was confused, as he thought one reason for different versions of size regulations in the waterfront area was because of the concern that if there aren't limits, it could become a wall of buildings. If a wall of buildings threatens the maritime character of the waterfront, does it matter whether they are commercial or residential? Mr. Elwell responded that he thinks that sight lines, view lines of the water, and open spaces are crucial, but the city is limiting someone who might buy his piece of property to making that property split into three, instead of one person putting in one larger home. He said that he thought it would be detrimental to the plan because it would be cutting into the amount of walls against the water.

Councilmember Young asked if this same argument could be made for commercial structures. Mr. Elwell said absolutely, if there is open space. He said that he didn't have a problem with a commercial structure, but we want to see our harbor. We don't want another Russell Building putting up a skylight so you can't see the water. That is part of our public domain that we'd like to maintain.

Councilmember Young asked that if a Bill Gates type character was to build on our waterfront, regardless whether it a commercial structure or a house, isn't the end result the same? Mr. Elwell responded that if he could give us sight-lines to the water; but if you take the Russell Building, you keep it three feet above the walkways so that nobody can see the water for the entire section and then you allow nothing but an architectural concept of skylights to block the view from everybody from the water. That is not doing anything for the town.

Councilmember Young said that it sounds like the key is the sight lines that you provide rather than the size that is important. Mr. Elwell emphasized that sight lines are a major issue because we all want to see the water, we want to see our community and the tiering effect is very valid throughout the hub of the harbor. He said that you are going to limit it to 3,500 s.f. because you have a preconceived notion that this is as big as anybody should have for a home.

David Folsom – 1818 91st Street NW. Mr. Folsom said he would like to offer a practical suggestion. He said that when he has looked at the B-2 building zone, he saw that it is splattered all over the city. He said that some of these sites would not be appropriate for the 65,000 s.f. expansion. He recommended that the city should set a zone for this type of large building, and then pick the locations that make the most sense to locate the zone. Certainly the existing locations would be good candidates, because we don't have to worry about the neighboring areas. He said that he didn't think that we want to see a large supermarkets right along either side of Highway 16, and yet both of those areas have B-2 zones; one up from Olympic Village and the one at Wollochet. He asked Council to reconsider what the zoning needs to be for these large structures and set the zoning, then pick the locations.

Councilmember Dick explained that one concern is spot zoning and trying to figure out the areas where it is appropriate. Mr. Folsom said that the city needs to update the Comprehensive Plan and pick those locations where you see the need for future growth. This is what the planning process is all about.

Councilmember Ruffo asked Mr. Folsom if his references are all specifically for the B-2 zones. Mr. Folsom said that he used this as an example of different locations with the same zoning,

and where the city is wrestling with one problem. One clear set of rules won't apply in all the cases, so set the zoning to do the job that we need it to do, then pick the locations to fit the zone. That way we don't have to agonize whether all the B-2 areas are suitable for this type of thing.

Nick Jerkovich – 3710 Harborview Drive. Mr. Jerkovich explained that he was here to speak on moving the Millville line to the north. He said that he thought if he listened long enough, that he would understand, and yet, he still doesn't understand. He said that he lives closest to this rezoned, and isn't sure that he doesn't want it. He explained that all these people are so positive of what they want, and yet they don't live there, while I'm right there and I'm not sure that I don't want it to be brought into the Millville zone. If it only brings in eight homes, and if they are built within the guidelines of the city laws with height restrictions and setbacks and away from the road, I'm not sure if that wouldn't be better than having a restaurant that is open until two o'clock in the morning or shops that bring a lot of cars or congestion that would saturate that piece of property. Mr. Jerkovich said that you understand how congested that area is with the boat place, the glass place, and the parking problems, adding that there is a lot of congestion and near accidents almost every day. He said that eight nice homes that fit into our décor and our plans might be the best thing in that area. He explained that they never expected that property to stay empty. They knew something sooner or later would come there and that he thinks that we just need to look at what would suit the people that live there now, and what would do the best job. He said that we need to take our time and make sure that we get something that we aren't sorry for later on. He continued to say that he detests the buildings on Rosedale; the size of the buildings and the way that they look is an injustice. It ruined a good area. He also said that he does not like the building at the bottom of Peacock Hill. It doesn't fit in with our city or what we are looking to do for our city in the future. He said that he isn't sure which plan that he wants for the property across from him, but what he does want are homes to keep the congestion down and to keep the residential area, with corridors to view the water, people, kids and the whole works. He said that we don't need another big huge restaurant that's open until two in the morning and a big mess of cars where we don't have room.

Jean Gazabat – 10607 Crescent Valley Drive / business at 3101 Judson Street. Mr. Gazabat said that he has some basic questions that he didn't understand. He asked how the city could allow these changes when we still haven't addressed the smell from the sewer. He said that he didn't understand how no one is addressing the traffic. He said that we haven't addressed the parking. Our sidewalks are not wide enough. These are basic infrastructure questions and he doesn't know how we can be talking about enlarging the size of anything until we deal with what we have. It is a pure embarrassment to be by that sewer at least twice a day, especially at night when it hovers and it sits and it permeates the neighborhood. He said that he doesn't understand why the city doesn't address it. Most of all he is really disappointed, because we're talking about down zoning the Yacht Club but we're not talking about monetarily compensating them for the loss. He is embarrassed, again, to be in a city that is going to take somebody's zone without compensating them.

The Mayor thanked everyone for speaking and closed the public hearing at 10:19 p.m. and called a five minute recess.

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 April 12, 2004.

2. Correspondence / Proclamations: Proclamations: a) White Cane Days b) Kinship Caregiver Days c) National Public Works Week.
3. 2004 NPDES Permit Water Quality Monitoring Program Contract.
4. On-Call Development Review Professional Services Contract – Hammond Collier Wade Livingston.
5. On-Call Development Review Professional Services Contract – HDR, Inc.
6. Special Occasion Liquor License – Prison Pet Partnership Program.
7. Liquor License Application – The Rose of Gig Harbor.
8. Liquor License Discontinued – Marco’s Restaurant.
9. Approval of Payment of Bills for April 26, 2004.

Checks #43037 through #43148 in the amount of \$324,039.16.

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

OLD BUSINESS:

1. Reintroduction – First Reading of Ordinance – Regulating Beekeeping. Mr. Osguthorpe offered to address any questions. Council asked how staff had arrived at the one-acre requirement for beekeeping. Mr. Osguthorpe explained that one acre is more in line with what you find in a rural situation. We are now in an urban environment, and the one acre lot will lean toward a more rural area where this activity might be more prominent or appropriate. He said that he did not know how other jurisdictions arrived at a smaller lot size, nor has he seen the science behind that lot size.

Councilmember Dick asked staff to bring back comparison on the number of bees and lot sizes that is contained in ordinances from other jurisdictions. He said that he thought the nuisance approach, and dealing with reports on a case by case basis, would deal with one part of the problem. He said that he would like to see how other jurisdictions are handling the zoning issue.

Carol Morris, City Attorney, read from three ordinances. Pierce County has a parcel size requirement of 6,000 – 10,000 s.f. for two hives; 10,001 – 20,000 s.f. allows for four hives; 20,001 to 43,560 s.f., they allow ten hives. The City of Seattle allows no more than four hives, each with only one swarm, and shall be kept on lots less than 10,000 s.f. There are some restrictions on where they can be located on the property. Bellevue allows a maximum of four hives, each with one colony, lots of 15,000 s.f. or less. Maximum of fifteen hives, each with one colony on lots containing more than 15,000 s.f., but less than 35,000 s.f. Maximum of 25 hives, each with one colony, on lots containing 35,000 s.f. or more.

Councilmember asked for a crib sheet to help summarize this information. Councilmember Ruffo said that it seems that there are two issues; what is allowable on square footage basis and when is it a nuisance. He said that the nuisance piece is much more important than the zoning. He stressed the need to focus on that issue, but also asked to address what is allowable and at what point it becomes a nuisance.

Councilmember Franich said that he likes the aspect of a nuisance approach and he didn’t understand why we couldn’t allow less than an acre. If it becomes a nuisance, there is the ability to rectify the situation under the provision of the draft ordinance.

Councilmember Young said that the ordinance sets a behavior that is expected of the beekeeper and of the hive. If they are unable to control the bees at those levels, then you can take action. If you know what you are doing, it sounds like you can have smaller lots. If we allow

bees, and they swarm onto the neighbor's properties, it is unacceptable and action needs to be taken. There is a certain amount of property rights to maintain, but that part stops when bees swarm onto another's property. Obviously, you can't keep bees from Gig Harbor, but we should make it so that when there is an issue, we address it at that point. Councilmember Young said that he was impressed with the Pierce County ordinance because it sets a best practices standard and seems to have science and knowledge behind it.

Councilmember Conan agreed that he was more impressed with the Pierce County ordinance over the others, because it lays out how to properly maintain bees. He said that in order to implement a similar program, it is key to have the nuisance regulation in Title 6, so that if there is a problem, it is addressed immediately and there is a system in place to do so. He added that he thought everybody could agree to that. Everyone wants to see some sort of a nuisance clause so that they can feel like they are doing their part. He said that he thought the one-acre limit was a bit extreme and he would like to see something more in the line of the Pierce County ordinance with a smaller lot size but with distinct rules and regulations.

Councilmember Young asked for additional information from Pierce County on how they arrived at their calculations.

Councilmember Picinich asked for clarification of whether there are 50,000 bees in a colony or if there is any limits to how many bees are contained in a box. Mr. Bowles responded that the size of the colony depends upon the time of year, and Ms. Bowles said that a box is not a colony of bees. Bees increase their number in the summertime as they collect pollen. Typically they live in the bottom two boxes and store their honey in the other two boxes. The boxes are not completely occupied, and that is why you stack them. Councilmember Picinich said that his concern is that it becomes a health issue when someone is allergic to bees and there are 50,000 of them across from their yard. This is endangering the life of a citizen of Gig Harbor and so he supports the nuisance ordinance. Ms. Bowles responded that when she talked to the pest control people, she asked if a hive of 50,000 bees is any more risk to someone than if the hives were not there. The response was that someone allergic to bees is also allergic to other stinging insects, and they need to have a bee-sting kit available to them. Councilmember Picinich stressed that his concern is that someone is locked inside their house for hours because of these bees swarming.

Mr. Stump began to explain what the bees were doing, and a point of order was called. The Mayor said that the Council would not ask any more questions of the audience, but only of staff.

Councilmember asked staff to come back with more information from Pierce County on the acreage issue and to focus more on the nuisance piece. Mr. Osguthorpe clarified that Council wanted staff to pursue Title 6 amendment, but not the change to Title 17. Councilmember Conan said that they are also interested in the zoning issues identified by Pierce County. Mr. Osguthorpe clarified that the amendments to Title 6 includes the same approach that Pierce County used, but with different lot size numbers.

Councilmember Dick said that there are questions about lot size raised in the zoning. Councilmember Young clarified that this language is also contained in the nuisance ordinance, so you don't need to amend the Title 17 change if you adopt the Title 6 standards. Councilmember Ruffo stressed that we need to focus on one nuisance ordinance.

Carol Morris asked for clarification on the direction to focus on lot size in Title 6 ordinance, and whether Council wants to use the same numbers as Pierce County. Councilmember said

that they would like the background and also a recommendation. Ms. Morris stressed that Pierce County has no backup information as it was adopted over ten years ago, and staff doesn't have any scientific data themselves. She asked if a graph of what other jurisdictions have for lot sizes and number of bees allowed would suffice. Council agreed.

NEW BUSINESS:

1. First Reading of Ordinance – Building Size Analysis. Steve Osguthorpe introduced this first reading and offered to answer any questions. He addressed the concerns about the uses allowed in the Waterfront Millville verses the Waterfront Commercial, stating that the two uses are almost identical. Both uses allow residential and the Waterfront Millville allows boat manufacturing as an outright permitted use, whereas it is a conditional use in the Waterfront Commercial zone. So in terms of retaining a boating industry on the waterfront, the Waterfront Millville zone allows that use more readily than the Waterfront Commercial zone. He continued to explain that there is a provision in the zoning code under Waterfront Millville that states that when there is a conflict between the design manual and the zoning code, the design manual prevails. The current height limits would be applicable, 18 feet with significant side yard setbacks.

Councilmember Franich stressed that this is a critical piece of information because there is some misconception, as was shown in the previous pictures, that a building could be 24 feet high. Mr. Osguthorpe added that within the design manual, the sideyard setbacks are based on the width of the lot, whereas in the current zoning code standards, you can max out your sideyard setback to 8 feet. This would allow less sideyard setback and less height than what would be allowed in the Waterfront Millville zone portion of the code. He said that they recognize that this is confusing and it will be corrected with the design manual update.

Councilmember Ruffo said that when this process began, Council was focused on one thing only and he doesn't know what happened. The building size on the Westside was the issue three years ago and the fact that the Safeway's of the world couldn't compete with what is happening in Gig Harbor North. Now we have a whole city up in arms. We have to go back to the process, forget the substance, and talk about citizen involvement. Perhaps Mr. Hunter could be involved, and others who spoke this evening, in the process to move forward.

Councilmember Ekberg agreed that three years ago, this was started to look at just one issue and it has grown from there. He said that one of the things that came through loud and clear tonight is that the rezones do not belong in this ordinance and they need to be removed. Councilmember Ekberg said that the second thing that he has learned tonight is that the Mark Hoppen plan for the re-development of downtown Gig Harbor is the *Mark Hoppen Plan for the Redevelopment of Downtown Gig Harbor*, and all questions should be directed to him! He continued to say that he thought that Council could still move forward with the original task of addressing the B-2 on the Westside and Olympic Village at 65,000 s.f. with or without the PUD. Other Councilmember agreed. He continued to say that it appears that 95% are all on the same page to limit the size of buildings mainly in downtown Gig Harbor and to preserve what we have. Maybe 16,000 isn't the right number, but it is the starting of the process that we now need to fine-tune those as a separate entity.

Councilmember Ruffo said that he is a boater and he was shocked the first time he took his boat out the spring and saw what is happening in the city. He said that he agreed with all the comments that were made, adding that when you are out in the water you can really see the projects, and it is a problem. He said that he agreed that property owners have rights and there has to be a balance between these rights and what makes sense for the ambience, quaintness

and what we want to see the historic downtown area to be. He said that he is optimistic that we could work with developers to come up with something that makes sense.

Mayor Wilbert said that she had heard a recommendation to revisit the view basin and other issues separately. She asked when the design manual could be expected to be finished. Steve Osguthorpe responded that this would be in August.

Councilmember Picinich agreed that the biggest problems are the downtown business zone and the neighborhood commercial. He recommended going back to the general business, stating that he is in favor of the 65,000 s.f. limit, leaving in the PUD process for the Westside only.

Councilmember Franich talked about how the Westside can't compete with Gig Harbor North, and that if the Safeway or Thriftway buildings burn down they couldn't be rebuilt at the same size. He recommended making allowances to grandfather these in so that if they did burn down, they could rebuild to the previous size. That would be one way to alleviate those concerns. He said that he would probably be in favor of increasing the limit to 65,000 s.f. on the Westside and Olympic Village. He then addressed the Yacht Club, stressing that the area surrounding it is residential. The glass and marine repair is a conditional use and everywhere else is residential. He explained that this property was operated as a conditional use before the Yacht Club went in, at which time they came in for a rezone. Council granted a rezone at that time, but it doesn't mean that it shouldn't be changed back to residential, which is the character of the surrounding neighborhood. He said that per the comments that came from tonight's meeting, the 16,000 s.f. suggestion by Perteet should be a much smaller number. He said that he doesn't know how to proceed, as there has been so much effort put into this, and asked for direction from staff.

Mark Hoppen, City Administrator, recommended a workshop which the public can attend to address the issues. He referred to the comment by Councilmember Ruffo that this began three years ago as a much simpler issue. He said that three years ago, the city hadn't seen the market dictate the number of large office buildings all over town and the big push for growth. He said that some of the decisions made in 1995 seemed kind of innocuous at the time. For instance, putting a DB zone on the hill turned out to not be very innocuous at all. He reminded everyone that right now, single family residential and non-residential uses are not limited to size. Medium-density residential and non-residential uses are not limited. RB-2 and Downtown Business uses are not limited. Waterfront Residential has no limit and neither does Waterfront Commercial. He said that Chuck Hunter has a point.

Councilmember Ruffo said that he still thinks we should focus on the B2 zone on the Westside now and address the other concerns at a later date.

Councilmember Young explained that one of the things that the committee struggled with is that the zones don't seem to have much rhyme or reason, and they appear in places that they shouldn't. For instance, the Downtown Business zone extending over to Rosedale. He said that trying to lump together properties with different topography and characteristics into one zone, such as the Thriftway site and the downtown triangle core, was a concern. He said that everyone agrees that Thriftway should be allowed to rebuild in case of a fire, but these buildings are about 85,000 s.f. altogether, which is considered way too big for the rest of the downtown area. He said that all the zones need to be revisited to see if they are specific enough and then to see if they are in the right places. Mr. Hunter pointed out that the Finholm Marketplace shouldn't be zoned DB-2. Councilmember Young said that one of the things that bothers him is people complain about the Point Fosdick area in the same way. It's okay for the stores that are existing, but we don't want the same size buildings on the vacant lots. Maybe it shouldn't be the

same use. He asked why we try to hold on to these zones and then put building size limitations into those same zones. He then said that he wants to move forward with the Westside part.

Councilmember Young moved on to discuss the transition zones, setback requirements, and maximum lot coverages. He said that you still can't build what has been said could be built, or what the pictures have shown could be built, on the Finholm site. He agreed, though, that this should be removed from the ordinance for now just to be safe.

Councilmember Dick voiced his concern for how you can get people to talk about specifics. He said that thankfully, a lot of input has been received tonight. He said that there has been many meetings on this issue, but it has been difficult to convey what needed to be discussed, and to get the right information in order to move forward. He said that he hasn't heard anyone say "no limits in the downtown." But if the Council only addresses the Westside, the downtown area could be built out at the existing no-limit standards before anything can be decided on. He said that one possible way to proceed would be to impose a moratorium, an idea that he doesn't favor, as a way to obtain more information and to prevent a problem like the existing buildings. He commented that this Council didn't adopt the rules that allowed those buildings; they exist because we put off imposing the appropriate standards. He discussed the need for additional zones, the need to preserve the maritime character, the need to preserve the view of the water, and how to approach all these concerns. He said that in his opinion, there is an immediacy to dealing with the downtown corridor, even greater than the Westside. He said that he hopes that Council could move quickly.

Councilmember Ruffo commented that he did not intend on waiting long, and agreed that we need to move forward on the downtown. He said that it would be much easier to carve out the Westside portion and act on that now. The Mayor suggested scheduling weekly workshops.

Councilmember Ekberg agreed, stating that he had the same concerns as Councilmember Dick regarding the areas where there are no limits. He said that if it takes too long to put a limit in place, someone may go and buy five or six houses downtown, tear them down and build one big building, which no one wants to see.

Councilmember Franich said that one thing that isn't being addressed is the height issue and how it is measured. He said that he sees no rhyme nor reason to the existing code, because you can end up with a BDR Building that is 40 feet tall. If this problem could be fixed, it would go a long way to fixing the perception of mass, scale and all the things that people dislike about that building, and the others going up. Councilmember Ekberg asked if people would be happier if that were a one story building. Councilmember Franich said that they would be happier than with what was built. Councilmembers discussed whether it was actually height that was the issue, using the Russell Building as an example. Councilmember Franich said that the problem with the Russell Building is the perception from the water, as is the case with the Luengen Building, and those built on Rosedale Street.

Mark Hoppen asked Councilmember Franich if he was suggesting that it is not so much how we calculate height from the highest point of the buildable setback; it's not even the 27 foot wall plane at any one point; it is the total height of the structure as it steps down the hill that is something that hasn't been regulated. Councilmember Franich said that he agreed.

Councilmember Young said that if you look at any view charts or sight lines, they point down toward the harbor, and little time has been spent on the perspective of looking up from the water. He said that we are discovering the importance of that more and more. He also said that

the other thing to keep in mind is that you can't build a Novak Building or a Harbor Inn Building any more. The current codes and ADA requirements simply would not allow it. To have the same amount of small shop space, you would have to add at least 30% to accommodate today's regulations. To say we want the buildings to look like "Old Gig Harbor" is not realistic due to permitting issues such as the width of doorways, hallways, parking, and a requirement for an elevator for two-stories. That is the reason that the consultant was hired in order to address all these issues.

Councilmember Franich said that in 2004, 65,000 square feet is an average size for a grocery store. But what about five years from now when corporations dictate that 150,000 is the minimum size. Do we keep increasing the size limits? Councilmember Young responded that if that is what the market demands, the property owner will come and ask for the increase. He said that if Safeway were to burn, and they couldn't rebuild because of a size limitation, there will be ten times the number of people show up because they have lost a service. Everybody wants the quaint shops, but at the same time, they need the services. People come to Gig Harbor for the harbor, but they have to live too.

Councilmember Franich agreed, but said that he believes what goes on in the periphery of the core, does affect the core. Councilmember Young said yes, adding that we can't go back to the small butcher shop and bakery.

Councilmember Ekberg said that one reason for the struggle is that the Gig Harbor everyone likes wasn't developed by ordinance. It developed through those who came and built a house, built a netshed, built a business, had a grocery store, then a bigger grocery store, and then a Thriftway. We are all trying say that this is what we like, and asking how to preserve it by ordinance. What was created was done haphazardly and not by an ordinance. To try and put it into written form is a difficult task. He said that initially, he was against building size limitations downtown because of concerns that we would end up with a downtown Gig Harbor with all the same size buildings, because no one is going to build something smaller than what is allowed. Square footage may not be the best answer, but in the areas where there are no current limits, something needs to be done to make sure someone doesn't put together several lots and build something too large.

Councilmember Dick suggested revisiting the height issue. He also said that another issue is coming up with a design method that integrates a partial view toward the water so that you get places that it's still part of "us." You may be able to do away with building size limits if you were able to develop this method, but this has to be done at a later date. He agreed that even imperfect limits should be imposed now with an effort made to refine them later.

Steve Osguthorpe expressed an idea in response to Councilmember Ruffo's concerns. He said that because there is minimal debate on the proposal for the Westside / Olympic Village, if the PUD Standards are included back in or taken out, staff could separate this portion out for a second reading at the next meeting, as it is in the scope of what has been advertised. Then the workshops could begin on the rest of the items. Councilmember Young asked if there were any other areas where there was little concern, as the focus was on the waterfront and downtown business areas. He said that the residential zones received little attention. He said that he did agree with comments by Jim Pasin on the R-1 zone, but that these concerns could be addressed by exempting certain uses.

Mr. Osguthorpe explained that there is a Public Institution zone, and it may be more appropriate that if there is need for a school or library, to rezone a site. Councilmember Young said that

personally, he doesn't like that idea, because he doesn't like siting property for the school district to build schools.

Councilmember Dick asked for clarification on the notices that were sent to the state. Mr. Osguthorpe explained that everything in the ordinance was forwarded to the state except the recent staff recommended changes. He added that if limitations were changed, we would have to re-notify for that. Councilmember Dick then asked about using a moratorium as a device. Carol Morris said that she preferred not to discuss this during open session because it could prompt people to submit building permit applications.

Councilmember Ekberg asked if it would be appropriate to address residential business and downtown business in the view basin, which currently have no limits, and replace the 12,000 and 16,000 s.f. limit with an arbitrary number such as 5,000 s.f. and bring it back at the next meeting, or if it would be too much of a change. Mr. Osguthorpe said that this would be a substantial change that would trigger re-notification. Councilmember Young commented that it is not a site-specific change, asking why it would need to be noticed. Mr. Osguthorpe explained that it wouldn't be notification to a specific property owner, but to the general public.

Councilmember Ruffo brought the conversation back to focus on the B-2 zone. He said that the community has said that they would like to be more involved and he would like to involve them in the workshops. He said that he thought the issues with the B-2 area could be resolved between now and the next meeting by having specific discussions with staff. Councilmember Franich asked if he was in favor of the increase in size for B-2 areas other than the Westside and Olympic Village. Councilmember Ruffo responded that he didn't have enough specific information, but that he did not believe that the 35,000 s.f. limit was acceptable, and that he thought that the 65,000 s.f. sounded appropriate. He added that the 20,000 s.f. limit in other areas is debatable.

Councilmember Ekberg paraphrased that Council wants to pare down the ordinance to focus on the Westside and Olympic Village, and to go with the 65,000 s.f. limits, leaving the PUD option available. Councilmembers disagreed on whether they wanted to leave in the PUD option, and said that it should be debated. Mr. Osguthorpe pointed out that the PUD option would allow a potential increase of over the 65,000 s.f. limits.

Councilmember Young said that the committee recommended leaving the PUD option available, but not to allow an increase in building size. He added that there are other site plan tools that might be desirable. Councilmember Franich agreed that he liked the idea to limit the building size to 65,000 s.f. but to leave the other devices available.

Councilmembers recommended that staff come back with a second reading of the ordinance for the B-2 zone at Olympic Drive / Westside; and propose a schedule of worksessions to address the other issues, dealing with the Downtown Business District separately.

STAFF REPORTS:

Finance Department – Quarterly Report. No verbal report given.


PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS: None.

MOTION: Move to adjourn at 11:29 p.m.
Franich / Ruffo - unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 -- 15.
Disk #2 Tracks 1 - 6.
Disk #3 Tracks 1 -- 16
Disk #4 Tracks 1 - 4



Gretchen A. Wilbert, Mayor



Molly M. Towslee, City Clerk