

## **GIG HARBOR CITY COUNCIL MEETING OF AUGUST 11, 2003**

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

**CALL TO ORDER:** 7:09 p.m.

### **PLEDGE OF ALLEGIANCE**

**SWEARING IN CEREMONY:** Officer Fred Douglas

Chief Mitch Barker explained that Officer Douglas had originally been hired in 1997 and was an outstanding five-year employee. Officer Douglas then served as an officer in his hometown in Arkansas for one year. He recently returned to Gig Harbor and was hired back to the department.

The Mayor then performed the ceremony.

### **PUBLIC HEARINGS:**

1. Development Agreement with Olympic Property Group. John Vodopich, Community Development Director, presented the second of two public hearings on this agreement for a ten-acre 'village-center' proposal for the Gig Harbor North area. He said that the comment period for the SEPA determination expired today and that two comments had been received. The first was a letter from Phil Canter and the second, a letter from the Department of Ecology. Neither letters necessitate changes to the agreement. He explained that the second public hearing was required due to the addition of language to address building height, required building variation design along the street-scape, and the requirement to include the "village green" into the project.

The Mayor opened this public hearing at 7:13 p.m.

Bertha Stevenson – 8708 State Hwy 302 NW. Ms. Stevenson said that it was her opinion that the citizens need Costco over here. When the bridge is done, it will be too expensive to go to Tacoma to shop at Costco. She said that we need more shopping here due to the traffic congestion on the bridge and in Bremerton. She asked that Council consider this proposal.

John Vodopich clarified that the city does not have an application pending for Costco, and what is before Council is the Development Agreement for the ten-acre 'village-center' proposal and a twenty-five acre Comprehensive Plan amendment request for additional commercial area in the Gig Harbor North vicinity. He agreed that there is conjecture that this may lead to a Costco, but stressed that there is no application at this time.

Jan McMullen – 6318 23<sup>rd</sup> St. NW. Ms. McMullen said that she recognized that Costco isn't specifically mentioned, but the letter from Jon Rose mentions Costco negotiations, so she wanted to comment that if Costco were to come to Gig Harbor it would bring economic prosperity, it would help to diversify the business base, and it would add tax revenue. She added that Costco would be a good neighbor and would provide convenience for the citizens. She said that the bridge tolls will have a negative affect on family budgets, and encouraging cost-affective shopping on this side will help to offset these impacts. She concluded by saying that the location of this type of business outside the downtown area will help to preserve the picturesque quality of Gig Harbor.

Jon Rose – 19245 10<sup>th</sup> Ave NE, Poulsbo, Washington. Mr. Rose said that Olympic Property Group endorses the changes in the Development Agreement and offered to answer any questions. He addressed Councilmember Picinich's question regarding the letter stating that OPG would not work with Wal-Mart or Fred Meyers as potential businesses in this area in order to address citizen concerns.

Jen Zeren – PO Box 166, Wauna. Ms. Zeren said that she was disappointed because the Gateway newspaper said that this meeting was about Costco. She said that several people decided to come to speak based on this information. She added that the city needed to get everything that they could on this side.

Councilmember Ekberg stressed again that this public hearing was on a ten-acre development agreement between the City of Gig Harbor and the Olympic Property Group.

Roger Mosiman – 11402 40<sup>th</sup> Ave Ct. NW. Mr. Mosiman said that the Gateway said that this meeting was about Costco, and citizens assume that this is true. He said that he understands that the reason that a Costco is being pursued is to increase the city's tax base then asked why the city needed more. He added that Gig Harbor is a quaint, fun place to visit and live, and with this proposed increase of commercial all this will be lost. He said that the rezone is for the "big boys" and that the needs of the little businesses and investors were being ignored. He said that an increase in people and traffic would be horrific. He continued to name existing stores around town, stressing that the city didn't need any more large commercial retail. He said that perhaps what was needed was a new town called "Gig Harbor North."

Ann Nerrin – 11211 – 35<sup>th</sup> Ave Ct. Ms. Nerrin stated that she is happy to be in Gig Harbor, and hopes that the city will retain it's quaintness and charm. She explained that she had spoken before about the increase in commercial area and her grave concerns for the increase in traffic. She asked Council to think about what would happen if an ambulance going to the new hospital gets hung up on Costco traffic. She pointed out that everyone is drooling for the increase in taxes; then added that the existing stores bring in plenty. She asked that the city settle for the existing development rather than changing the quality of life.

There were no further public comments, and the Mayor closed the public hearing at 7:18 p.m. and opened the second public hearing.

2. Ordinance Amending Design Review Procedures. Steve Osguthorpe, Planning / Building Manager, introduced the proposed changes to Chapter 17.98 of the city code which defines the design review process. He said that along with several housekeeping changes, there were a couple of significant changes; first to change the title of “design variances” to “design exceptions”; and second, to make the Design Review Board a recommending body verses a decision-making body.

Steve explained that the purpose of changing the name of design variances to design exceptions is to avoid confusing design variances with general variances that are regulated under a different chapter.

He continued to explain that the more substantive change to this chapter is changing the Design Review Board to a recommending body only. This would make the Hearing Examiner the decision maker. He said that this has become necessary because the current procedures do not allow open dialogue with the applicant during the review process unless there is a public hearing, which the Design Review Board is not authorized to hold. He added that this would mainly affect the review process for single-family development, which are currently subject only to staff review.

Steve said that no public comments or appeals had been received on the Environmental Review or DNS for these amendments. He offered to answer questions.

Steven then addressed Councilmember Owel’s request for clarification of the appeal procedures for the Hearing Examiner.

Greg Hoeksema – 9105 Peacock Hill Avenue. Dr. Hoeksema voiced his concerns about changing the DRB to a recommending body. He said that the Hearing Examiner is an attorney who considers the technical and legal aspects of a variance and may not have a vested interest in the results of a decision. He said that the DRB is comprised on members of the community who have a vested interest in maintaining the ambiance of Gig Harbor. He urged Council to strike this amendment to the ordinance. He said that his legal counsel has advised him that there is opportunity for communication between an applicant and the DRB. He added that with the construction of the bridge, more money and interest will be flowing into Gig Harbor, which reinforces the need to maintain architectural control of construction of the downtown historic areas.

Councilmember Dick explained that the reason for the amendment is to avoid the limitation of a single public hearing and to work around the 120-day limitation to process an application. Carol Morris, Legal Counsel, agreed with this, and further defined the process currently in place. She explained that the amendments allow the DRB to hold a public meeting to obtain information from the applicants; they then will make a recommendation that can be considered by the Hearing Examiner in an open, public hearing. This allows the communication that the DRB desires, in a forum that allows

them to take as much time and obtain as much information as they want to make a decision.

Dr. Hoeksema said that it was the city attorney's interpretation that forbids the exchange of information, and other city attorneys don't agree with this interpretation. He said that it is worth taking the extra time to preserve the beautiful village.

Councilmember Dick stressed that the city is still bound to the requirement to make a decision within the 120-day limitation resulting from regulatory reform. Councilmember Owel said that she shared some of Dr. Hoeksema's concerns, but the process issues need to be taken up with the State Legislature.

Dr. Hoeksema invited Council to seek outside legal counsel in interpreting of how this process can better work before making the proposed amendments. He said that he is unsettled by the changes he has seen in Gig Harbor in the two years that he has lived here and that the Design Review process is part of the reason that he moved here and invested in a beautiful home on the waterfront.

Steve Osguthorpe added that under the proposed changes, property owners within 300 feet would be notified of a project under Design Review. This currently is not required, and it would give an opportunity for the neighbors to comment on a project.

Dave Morris – Mr. Morris voiced concern with projects in the city's Urban Growth Area. He said that he would like to see amendments would allow more time and attention to interface with the applicant and the city to avoid confusion. He recommended that the city and county staff meet to determine clearly which jurisdiction has the lead on a project to streamline the process.

Steve Osguthorpe explained that the city is aware of the challenges and is currently working toward making the process easier. He said that city recently held a permit processing workshop and the issue of projects that must meet dual guidelines was discussed.

Steve continued to say that he discussed concerns with the term "Design Allowances" with Carol Morris. They determined that this is confusing and recommended that the text be amended to read "Design Review Criteria" for clarification.

The public hearing was closed at 7:47 p.m.

**CONSENT AGENDA:**

*These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.*

1. Approval of the Minutes of City Council Meeting of July 28, 2003.
2. Correspondence / Proclamations: Letter from AWC.
3. Vernhardson Street Pedestrian Improvement Project – Bid Award.

4. Vernhardson Street Pedestrian Improvement Project - Construction Survey Services.
5. Vernhardson Street Pedestrian Improvement Project – Geotechnical Materials Testing.
6. Grandview Forest Park Tank Repainting Project – Inspection Services.
7. Building Size Analysis - Consultant Services Contract.
8. 56th / Pt. Fosdick Drive Project – Consultant Services Contract Amendment No. 1.
9. 56<sup>th</sup> / Olympic Drive Project – Agreement for Dedication of Right of Way and Wetland Easement.
10. Pay Rate for Lateral Hire Police Officer.
11. Liquor License Application: Judson Street Café.
12. Approval of Payment of Bills for July 28, 2003.  
Checks #40831 through #40946 in the amount of \$437,224.88.
13. Approval of Payroll for the month of July:  
Checks #2664 through #2736 and direct deposits entries in the amount of \$254,881.23.

Councilmember Ekberg asked to amend to the minutes to reflect the correct vote on the Uddenberg Rezone.

**MOTION:** Move to approve the consent agenda with amendments to the minutes as discussed.  
Picinich / Ruffo – unanimously approved.

### **OLD BUSINESS:**

1. Response to Nerin Letter. Mark Hoppen, City Administrator, explained that he had responded to the letter at the Mayor’s request. He added that the response is lengthy and had been included in the Council Packet and on the back table for review.
2. Resolution - Adopting the Development Agreement with Olympic Property Group. John Vodopich presented this resolution to adopt the Development Agreement that had been the subject of two public hearings and offered to answer questions.

John addressed Councilmember Young’s questions regarding the height of the buildings and whether these amendments would preclude underground parking garages.

**MOTION:** Move to adopt Resolution No. 613 adopting the Development Agreement with Olympic Property Group.  
Picinich / Ekberg – unanimously approved.

3. Continued Second Reading of Ordinance - Annual Comprehensive Plan Amendments. John Vodopich gave an overview of the process that this ordinance has been through to amend the city’s Comprehensive Plan. He explained that final draft of

the ordinance reflects the action taken at the last meeting, and that three additional actions were required before final adoption of the amendments.

**MOTION:** Move to approve the amended Comprehensive Plan amendment application #02-01R, Olympic Property Group.  
Picinich / Ekberg –

Councilmember Young gave an explanation of the reasons he both supported and had concerns with this application.

Councilmember Owel explained that she too had mixed feelings about expanding the commercial area, but with the construction of the bridge, the citizen's opinions and focus have changed. She added that she has heard a clear request for added services.

Councilmember Dick commented on the difficulty in keeping the small-town ambience while supplying services. He added that the city has taken substantial steps to keep transportation issues at the forefront with the passing of the concurrency ordinance and voiced confidence in the review process to help avoid problems.

Mayor Wilbert interjected that she and Mark Hoppen were working with Pierce Transit for a "townaround" bus system to help address transportation issues.

**RESTATED MOTION:** Move to approve the amended Comprehensive Plan amendment application #02-01R, Olympic Property Group.  
Picinich / Ekberg – unanimously approved.

**MOTION:** Move to approve the modified Planning Commission recommendation on the Comprehensive Plan amendment application #03-01.  
Picinich / Dick – unanimously approved.

**MOTION:** Move to adopt Ordinance No. 933.  
Picinich / Dick – unanimously approved.

4. Second Reading of Ordinance - LID 99-01 Final Assessment Roll. Dave Rodenbach, Finance Director, presented the second reading of the Final Assessment Roll for LID 99-01.

**MOTION:** Move the adoption of Ordinance No. 934.  
Dick / Ekberg – unanimously approved.

5. Second Reading of Ordinance - Increasing Monthly Sewer Rates. Dave Rodenbach presented this second reading of an ordinance increasing monthly sewer rate. He said that he had updated information on other city rates for comparison. He said that the increase will fund the city's depreciation on the sewer utility system.

**MOTION:** Move to adopt Ordinance No. 935.  
Ekberg / Picinich – unanimously approved.

6. Second Reading of Ordinance - Increasing Monthly Water Rates. Dave then presented the second reading increasing monthly water rates. He said that there were no changes from the last reading.

**MOTION:** Move to adopt Ordinance No. 936.  
Dick / Picinich – unanimously approved.

7. Second Reading of Ordinance - Proposed Amendments to GHMC Chapter 17.72.030(F) – Parking Standards and 17.04.640 – Public Parking. Steve Osguthorpe gave a brief overview of this ordinance, clarified the difference in the two amendments and gave examples on when they apply.

**MOTION:** Move to adopt Ordinance No. 937.  
Young / Dick –

Councilmember Ekberg offered an amendment to this motion to vote on the two amendments separately.

**AMENDED MOTION:** Move to delete Section One of the Ordinance, which reduces the amount of parking requirements for houses of worship.  
Ekberg / Picinich –

Councilmember Ekberg voiced his concerns that because churches are allowed in R-1, the spill-over parking would negatively affect the neighbors and might allow for an increase in size of existing facilities due to the decreased parking requirements. Further discussion took place regarding the reduced parking requirements.

**RESTATED AMENDMENT:** Move to delete Section One of the Ordinance, which reduces the amount of parking requirements for houses of worship.  
Ekberg / Picinich – a roll call vote was taken.

Ekberg – yes; Young – no; Owel – no; Dick – no; Picinich – yes.  
The amendment failed 3 – 2.

**ORIGINAL MOTION:** Move to adopt Ordinance No. 937.  
Young / Dick – unanimously approved.

8. Second Reading of Ordinance - Annexing Property Owned by the City (ANX 03-05). John Vodopich presented this ordinance to annex city-owned property behind the Masonic Lodge.

Joe Hoots – 2602 64<sup>th</sup> St. NW. Mr. Hoots said that the Masonic organization would be a good neighbor, and is in favor of positive things for the youth.

John Vodopich explained that one of the Parks Budget Objective is the creation of a BMX dirt track located behind the Masonic Temple.

Carl Peterson – 8404 40<sup>th</sup> Street. Mr. Peterson asked why the Masonic Temple had not been invited to join in the annexation. Councilmember Dick explained that the authority of a city to annex its own property must be done separately. He said that if the Masonic property would like to be annex, the city would be happy to entertain an application.

**MOTION:** Move to adopt Ordinance No. 938.  
Young / Ekberg – unanimously approved.

9. Revised Legal Description - Hazen Annexation (ANX 03-02). John Vodopich explained that on June 23<sup>rd</sup> Council met with the applicants and took action to modify the annexation to include five additional parcels to prevent an irregular boundary. He recommended approval of the revised legal description reflecting these changes.

**MOTION:** Move to accept the correction to the legal description for the Hazen Annexation.  
Dick / Picinich – unanimously approved.

### **NEW BUSINESS:**

1. First Reading of Ordinance – Amending Design Review Procedures – GHMC 17.98. This item was discussed during the public hearing earlier in the meeting, and Steve Osguthorpe said that he would incorporate the changes that had been discussed before the second reading. Councilmember Dick asked if it would be possible to have an applicant sign a waiver to the 120-day process and public hearing limits if they chose to go through the Design Review Process. Steve explained that applicants are currently required to sign a waiver to the 120-day limit, but that does not excuse the one, open public hearing limitation.

Carol Morris offered to put together a short memo addressing the state statutes before the next meeting.

Councilmember Young stressed that the law is extremely clear, but the process needs to be practical. The Design Review Board would like to encourage more to go through the process, but that won't happen until the process becomes easier.

2. First Reading of Ordinance - Amending Section 13.34.060 Utility Extensions. Carol Morris explained that this ordinance reinstates the condition that an applicant requesting outside utility extension sign an agreement not to protest annexation. She said that Councilmember Dick had recommended an amendment to add language that would grant the city irrevocable power of attorney to sign a petition for annexation property when the city chooses to do so.



Carol clarified that this agreement would be recorded and would run with the property. This will return at the next meeting for a second reading.

3. Notice of Intention - Northwest Gig Harbor Employment Center Annexation (ANX 03-04). John Vodopich explained that he had received a Notice of Intention to Commence Annexation for approximately 226 acres south of the Purdy Women's Correction Facility. He recommended setting a date of September 8, 2003 to meet with the initiating parties to commence annexation proceedings. He answered questions regarding the properties included in the request, adding that issues with a small area outside the Urban Growth Area should be resolved before the September 8<sup>th</sup> meeting.

**MOTION:** Move to set September 8<sup>th</sup> to meet with the initiating parties to commence annexation proceedings.  
Young / Picinich – unanimously approved.

### **STAFF REPORTS:**

Skatepark and BMX Use Profile. Mark Hoppen explained that Tyler Bergstrom and Aaron Jorgensen had requested City Council to consider allowing BMX bikes to share the skatepark, and gave an overview of the results of the data that had been gathered from other skateparks. He said that 80% of the skateparks in Washington have policies similar to the one in Gig Harbor. Mark continued to explain that that Bellingham and Ellensburg initially allowed BMX bikes, but later changed their policy stating that accidents and injury resulted as a result of the joint use. He said that Redmond had done a national sampling before determining not to allow BMX bikes to use their park. Mark shared that creating separate hours or days for skateboards and for BMX bikes would create a need for regular supervision. Councilmembers agreed that this is a safety issue.

### **PUBLIC COMMENT:**

Robert Menzel – 3842 Snyder Lane. Mr. Menzel voiced concerns over the construction of the office building off Tarabochia.

Midi Everett – 3614 44<sup>th</sup> St. Ct. NW. Ms. Everett explained that she was before Council again after two years requesting that the city look into regulating bees within city limits. She said that both her husband and daughter are very allergic to bee stings, and her neighbor has sixteen bee boxes adjacent to her property, which have swarmed her back yard on more than one occasion. She said that her attempts in reasoning with the owner of the property have been to no avail.

Councilmembers recommended that staff bring back an ordinance that would address bees and other dangerous animals.

**COUNCIL COMMENTS / MAYOR'S REPORT:** None.

**EXECUTIVE SESSION:** For the purpose of discussing pending litigation per RCW 42.30.110(1)(i).

The City Attorney declared that an Executive Session was not needed at this time.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:30 p.m.  
Picinich / Dick – unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1 – 15  
Disc #2 Tracks 1 – 9  
Disc #3 Tracks 1 - 4

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Gretchen Wilbert, Mayor

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Molly Towslee, City Clerk