

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
JANUARY 18, 2005**

930 TACOMA AVENUE SOUTH, ROOM 1045  
TACOMA, WASHINGTON 98402  
(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018  
[www.co.pierce.wa.us/council](http://www.co.pierce.wa.us/council)

**(Note: These minutes are not verbatim. Recorded tapes are available upon request.)**

**I. CALL TO ORDER**

The regular meeting of the Pierce County Council was called to order at 3:00 p.m. by Chair Bunney.

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

The pledge was led by Bunney; followed by a Moment of Silence in tribute to our men and women in the Military.

**III. ROLL CALL**

Councilmembers Present: Shawn Bunney, Roger Bush, Timothy M. Farrell, Barbara Gelman; Dick Muri, and Terry Lee; Calvin Goings arrived after roll call.

Council Staff Present: Patty Face, Deputy Clerk; Denise Johnson, Clerk of the Council; Steve Gross, Deputy Legal Counsel; Susan Long, Legal Counsel; Susan Matthew, Councilmember Assistant; and Tom Weber, Administrator/Research & Policy.

There were two visitors present.

**IV. APPROVAL OF AGENDA**

Lee moved approval of the Agenda; motion seconded and passed on a voice vote.

The motion passed on a voice vote.

**V. CONSENT AGENDA**

Lee moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of seven to zero.

- a. Approval of Minutes
  1. The minutes of the December 7, 2004, District 3 Council Meeting
  
- b. Action on Ordinances (refer, set date of hearing)
  1. PROPOSAL NO. 2004-133, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 17C.10 OF THE PIERCE COUNTY CODE, " ADMINISTRATIVE PROVISIONS FOR THE CONSTRUCTION CODES", BY ADOPTING A NEW SECTION 17C.10.145, "ACCESS TO PUBLIC OR PRIVATE ROAD".  
Sponsored by: Councilmember Terry Lee  
Contact person: Gordon Aleshire, 798-2753  
For referral to the Community Development Committee
  
  2. PROPOSAL NO. 2004-135, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO STROH'S WATER COMPANY, INC., FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.  
Sponsored by: Councilmember Shawn Bunney  
Contact person: Jerry West, 798-3687  
For referral to the Economic and Infrastructure Development Committee
  
  3. PROPOSAL NO. 2004-136, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 280TH STREET EAST AND 114TH AVENUE EAST LOCATED IN THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE GRAHAM AREA.  
Sponsored by: Councilmember Shawn Bunney  
Contact person: Jerry West, 798-3687  
For referral to the Economic and Infrastructure Development Committee
  
  4. PROPOSAL NO. 2004-137, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF AN APPLICATION FOR OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS39-04, BOB VAN SLYKE - GRAHAM AREA; APPLICATION NO. OS40-04, GEORGE AND MARJORIE PASERO - WILKESON AREA; APPLICATION NO. OS43-04, STEPHEN AND KATHLEEN REED - GIG HARBOR AREA; AND APPLICATION NO. OS45-04, MILTON AND JACQUELINE HOLLINGSWORTH - EATONVILLE AREA)  
Sponsored by: Councilmember Terry Lee

Contact person: Chad Williams, 798-3683  
For referral to the Community Development Committee  
Suggested date of Council hearing: March 1, 2005

5. PROPOSAL NO. 2004-138, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF APPLICATIONS FOR TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST36-04, CHARLES AND KATHRYN REID - WILLOW LAKE AREA; APPLICATION NO. OST37-04, JAMES HODGEBLOOM AND CHERYL HOVDA - HIGHLAND MEADOWS AREA; APPLICATION NO. OST38-04, JASON J. AND TAWNY J. BURNS - WILLOW LAKE AREA; APPLICATION NO. OST41-04, JEREMY AND KENDRA MARROQUIN - HIGHLAND MEADOWS AREA; APPLICATION NO. OST42-04, JOHN AND ROBIN BURK - WILLOW LAKE AREA)  
Sponsored by: Councilmember Terry Lee  
Contact person: Chad Williams, 798-3683  
For referral to the Community Development Committee  
Suggested date of Council hearing: March 1, 2005

- c. Action on Resolutions (refer, set date of hearing)
  1. PROPOSAL NO. R2005-2, A RESOLUTION OF THE PIERCE COUNTY COUNCIL URGING THE 2005 WASHINGTON STATE LEGISLATURE TO SUPPORT FULL STATE FUNDING OF DEPENDENCY INDIGENT DEFENSE AND ADDITIONAL FUNDING SUPPORT FOR CRIMINAL INDIGENT DEFENSE, AS RECOMMENDED BY THE PIERCE COUNTY CRIMINAL JUSTICE TASK FORCE.  
Sponsored by: Councilmembers Barbara Gelman, and Dick Muri  
Contact person: Carolyn Pendle, 798-3631  
For referral to the Public Safety and Human Services Committee  
To be heard in the Public Safety and Human Services Committee on January 25, 2005  
Suggested date of Council hearing: February 1, 2005

d. Other Items

#### **VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY**

- a. A message from the Executive transmitting the following Ordinances, which were approved and signed on December 16, 2004, was read into the record:

ORDINANCE NO. 2004-24s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING PORTIONS OF SNELLSTROM-BUSH COUNTY ROAD AND 78TH AVENUE EAST LOCATED IN SECTION 17, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE GRAHAM AREA.

ORDINANCE NO. 2004-43, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO THE CITY OF TACOMA, DEPARTMENT OF PUBLIC UTILITIES, LIGHT DIVISION, FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

ORDINANCE NO. 2004-72s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO FIREARMS PROHIBITED OR RESTRICTED AREAS, AMENDING SECTIONS 9.32.010, 9.32.070, AND 9.32.080, ADOPTING NEW SECTIONS 9.32.075 AND 9.32.076 TO ADD REQUIREMENTS; AND ADOPTING A NEW CHAPTER 2.79 OF THE PIERCE COUNTY CODE TO CREATE A PIERCE COUNTY FIREARMS ADVISORY COMMISSION.

ORDINANCE NO. R2004-112s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE PIERCE COUNTY CODE (PCC), CHAPTER 2.97, "CONSERVATION FUTURES FUND ALLOCATION AND SELECTION CRITERIA", CHAPTER 2.114, "CURRENT USE ASSESSMENT ADMINISTRATIVE PROCEDURES", TITLE 19 APPENDIX A, "GLOSSARY", AND CHAPTER 19D.170, "PIERCE COUNTY OPEN SPACE PRIORITIES"; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

ORDINANCE NO. 2004-120, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2003-103s; DELETING TEXT AMENDMENT T-8 AND MAP AMENDMENT M-12, AND RELATED FINDINGS OF FACT; IN RESPONSE TO A FINAL DECISION AND ORDER OF THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD IN "ORTON FARMS ET AL. V. PIERCE COUNTY, CASE NO. 04-3-0007c".

ORDINANCE NO. 2004-122, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 3.96 OF THE PIERCE COUNTY CODE, "DEFERRED COMPENSATION", TO COMPLY WITH SECTION 457 OF THE INTERNAL REVENUE CODE.

ORDINANCE NO. 2004-124, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATING TO TAXATION AND IMPOSING AN EXCISE TAX ON TIMBER HARVESTED FROM PRIVATE LANDS AND FROM PUBLIC LANDS, PHASED-IN OVER TEN YEARS, AND CREDITED AGAINST THE STATE TAX; AMENDING CHAPTER 4.08 OF THE PIERCE COUNTY CODE, "HARVESTERS OF TIMBER - EXCISE TAX"; AUTHORIZING THE EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE STATE OF WASHINGTON, DEPARTMENT OF REVENUE, REGARDING THE ADMINISTRATION AND COLLECTION OF SAID TAX; AND ESTABLISHING A JANUARY 1, 2005, EFFECTIVE DATE.

ORDINANCE NO. 2004-129, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING INTERIM LOT SIZE LIMITATIONS FOR RURAL RESIDENTIAL ZONE CLASSIFICATIONS AS INTERIM AMENDMENTS TO TITLE 18A, DEVELOPMENT REGULATIONS-ZONING, TO PREVENT THE ESTABLISHMENT OF RESIDENTIAL DENSITIES OUTSIDE OF URBAN GROWTH AREAS GREATER THAN THAT ALLOWED UNDER THE PIERCE COUNTY COMPREHENSIVE PLAN AND THE GROWTH MANAGEMENT ACT THROUGH THE USE OF A BOUNDARY LINE ADJUSTMENT PROCEDURE; REQUIRING A REVIEW HEARING ON THIS ORDINANCE WITHIN SIXTY DAYS; SETTING AN EFFECTIVE DATE; ADOPTING FINDINGS OF FACT; AND DECLARING AN EMERGENCY.

**VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS**

**PROPOSAL NO. R2004-175, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE GRAHAM ADVISORY COMMISSION. (JEFFERY HARMIER)**

Lee moved adoption; motion seconded. The Clerk read the title into the record.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

**PROPOSAL NO. R2004-176, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REMOVAL OF ONE EXISTING MEMBER AND APPOINTMENT OF ONE NEW MEMBER TO THE MID-COUNTY ADVISORY COMMISSION. (RUSS BEDNORZ)**

Lee moved adoption; motion seconded. The Clerk read the title into the record.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

**PROPOSAL NO. R2004-177, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF THREE NEW MEMBERS AND THE REAPPOINTMENT OF ONE MEMBER TO THE AGING AND LONG TERM CARE ADVISORY BOARD. (DONNA MILLER, MARGARET BATTSON, MARGARET SWEASY, AND DONNA PHILLIPS)**

Lee moved adoption; motion seconded. The Clerk read the title into the record.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of seven to zero.

#### VIII. ORDINANCES

**PROPOSAL NO. 2004-128s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2004-87s TO MAKE TECHNICAL MAP CORRECTIONS; CORRECTING AN INADVERTENT OVERSIGHT BY SPECIFYING THE REDESIGNATION AND REZONING OF CERTAIN PARCELS ZONED AGRICULTURE TO THE SURROUNDING DESIGNATIONS AND ZONES CONSISTENT WITH THE AGRICULTURE POLICIES ADOPTED IN THE ORDINANCE AND MAKING OTHER TECHNICAL MAP AND ZONING ATLAS CORRECTIONS; AND SETTING AN EFFECTIVE DATE.**

Lee moved adoption; motion seconded. The Clerk read the title into the record.

#### Staff Testimony

Graham explained the Proposal will correct the maps contained in Ordinance No. 2004-87s and rezone certain parcels from agricultural to rural separator. She explained how the technical errors were found in the Ordinance. In response to Gelman's question, Graham explained how Map T20N-R04 affects the rural separator as a whole. In response to Lee's question, Graham spoke to the effect of tax designations.

The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of seven to zero.

**IX. RESOLUTIONS - None**

**X. OTHER BUSINESS/ANNOUNCEMENTS - None**

The Chair announced the conclusion of the televised portion of the business meeting.

**XI. GENERAL PUBLIC COMMENTS - None**

**XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:15 p.m.

Attest:

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Denise D. Johnson, Clerk of the Council

Approved:

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Shawn Bunney, Council Chair

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Date Approved