

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
MAY 23, 2000**

Milton City Hall  
1000 Laurel Street  
Milton, Washington 98354

(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018

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

**I. CALL TO ORDER**

The District No. 2 meeting of the Pierce County Council was called to order at 6:30 p.m. by Chair Casada.

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

The pledge was led by Casada.

**III. ROLL CALL**

Councilmembers Present: Karen S. Biskey, Wendell Brown, Sarah Casada, Ken Madsen, Harold Moss, Pat O'Malley, and Jan Shabro.

Council Staff Present: Shawn Bunney, Research Analyst; Susan Long, Legal Counsel; Gerri Rainwater, Administrator/Clerks & Operations; and Tom Weber, Administrator/Research & Policy.

There were approximately 28 visitors present.

Casada explained this meeting was being held to satisfy a requirement of the Pierce County Charter that each District conduct a District meeting in the evening each year. This meeting will fulfill the Charter requirement for District No. 2. Casada introduced Councilmembers, Staff, and special guests. Casada thanked the Mayor of Milton and City Councilmembers for the use of the City Hall for this District meeting.

**IV. APPROVAL OF AGENDA**

Brown moved approval of the Agenda; motion seconded and passed.

**V. CONSENT AGENDA**

- a. Approval of Minutes
- b. Action on Ordinances (refer, set date of hearing)
  - 1. PROPOSAL NO. 2000-33, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE TITLE

18A, THE PIERCE COUNTY DEVELOPMENT REGULATIONS - ZONING, TO IMPLEMENT AMENDMENTS MADE TO THE COMPREHENSIVE PLAN BY ORDINANCE NO. 99-93S2 FOR MAP AMENDMENT NO. M-7, 72ND AND WALLER ROAD, AND TEXT AMENDMENT

NO. T-14, RURAL AREA OF MORE INTENSIVE DEVELOPMENT; ADDRESSING

THE FINDING OF FACT NO. 31 FOR URBAN GROWTH AREA AMENDMENT NO. U-6, JASMER; AMENDING THE PIERCE COUNTY ZONING ATLAS; AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmember Pat O'Malley

Contact person: Mike Erkkinen, 798-7205

DO PASS AS AMENDED RECOMMENDATION - PLANNING COMMITTEE (Pat O'Malley, Chair; Karen S. Biskey, Vice Chair/excused; Wendell Brown; Ken Madsen; Harold Moss)

Suggested date of Council hearing: June 20, 2000

- c. Action on Resolutions (refer, set date of hearing)
- d. Other Items

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

**VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY - None**

**VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS - None**

**VIII. ORDINANCES**

**PROPOSAL NO. 2000-3, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 162ND STREET SOUTH, WHICH IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE SPANAWAY AREA.**

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

Staff Testimony

Jennifer Andres, Public Works and Utilities Department, stated this proposed vacation involves an 80-foot right-of-way that was dedicated to Pierce County in 1890. The entire 80 feet is not needed, so the Department supports the request to vacate a portion back to the abutting property owner. In response to Shabro's question, Andres stated all costs have been paid by the applicant.

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

**PROPOSAL NO. 2000-6, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, AND RANGE 4 EAST, OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS(T)2-99, PHIL ANTUSH AND HENRIETTA MOREY - EATONVILLE AREA)**

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

Staff Testimony

Airyang Julia Park, Planning and Land Services Department, provided a Staff report on this application for 18 acres of Timber Land Classification, which is to be transferred from Forest Land Classification. She stated the Forest Management permit has been submitted and approved, and the application has been reviewed and approved by the Planning Commission and the Council's Planning Committee with a do pass recommendation.

Brown moved adoption of an amendment as follows: on page 2 of 4 of the Ordinance, at line 20, insert the date April 6, 2000 in the blank; and on page 2 of 2 of Exhibit "B," at line 14, insert the date May 23, 2000 in the blank; motion seconded and passed.

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

**PROPOSAL NO. 2000-7, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, AND RANGE 4 EAST, OF THE**

**WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS(T)12-99, JAMES E. AND AUDREA M. WORTHINGTON - EATONVILLE AREA)**

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

Staff Testimony

Park stated this Proposal has been reviewed by the Planning Commission and the Council's Planning Committee, and has received a do pass recommendation.

Brown moved adoption of an amendment as follows: on page 2 of 4 of the Ordinance, at line 20, insert the date April 6, 2000 in the blank; and on page 2 of 2 of Exhibit "B," at line 13, insert the date May 23, 2000 in the blank; motion seconded and passed.

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

**PROPOSAL NO. 2000-8S, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 18 NORTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS13-99, DOUGLAS THOMSON - SPANAWAY AREA)**

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

Staff Testimony

Park stated the Open Space Classification being requested in the Ordinance was considered under the Public Benefit Rating System, which was applied in the review of the application. She stated the application contained adequate points to allow authorization. She stated the application received approval from the Planning Commission and the Council's Planning Committee with a do pass recommendation. In response to Madsen's question, Park stated Muck Creek that runs through this property is a Type 2 stream, and she outlined the meaning of a Type 2 stream.

Brown moved adoption of an amendment as follows: on page 2 of 4 of the Ordinance, at line 16, insert the date April 6, 2000 in the blank; and on page 2 of 2 of Exhibit "B," at

line 13, insert the date May 23, 2000 in the blank; motion seconded and passed.

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

**PROPOSAL NO. 2000-12, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, AND RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS(T)14-99, MICHAEL H. BELNAP - EATONVILLE AREA)**

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

Staff Testimony

Park stated the site of this application is eligible to receive Timber Land Classification. She state the Timber Management Plan has been submitted and approved. The application has been reviewed by the Planning Commission and the Council's Planning Committee with a do pass recommendation.

Brown moved adoption of an amendment as follows: on page 2 of 4 of the Ordinance, at line 19, insert the date April 6, 2000 in the blank; on Exhibit "B," at line 22, delete 16.84 and insert 16.24; on page 2 of Exhibit "B," at line 5, insert the date May 23, 2000 in the blank; and on page 2 of Exhibit "B," at line 6, delete 16.84 and insert 16.24; motion seconded and passed.

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

**PROPOSAL NO. 2000-13, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS15-99, SHEILA K. HERRON - GIG HARBOR AREA)**

Brown moved that this Proposal be re-referred to the Planning Committee and continued to a date certain of June 20, 2000, for a Council hearing; motion seconded and

passed.

**PROPOSAL NO. 2000-14, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 19 NORTH, AND RANGE 6 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS(T)16-99, CARL AND MARGARET KEHRET - CARONADO AREA)**

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

Staff Testimony

Park stated this Proposal had been reviewed and approved by the Planning Commission and the Council's Planning Committee with a do pass recommendation. The Timber Management Plan has been submitted and approved.

Brown moved adoption of an amendment as follows: on page 2 of 4 of the Ordinance, at line 19, insert the date April 6, 2000 in the blank; insert a new page 2 to Exhibit "A," replacing the existing map; and on page 2 of 2 of Exhibit "B," insert the date May 23, 2000 in the blank; motion seconded and passed.

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

**PROPOSAL NO. 2000-20S, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NONEXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO METROMEDIA FIBER NETWORK SERVICES, INC. FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST AND AUTHORIZING THE EXECUTIVE TO ENTER INTO THE AGREEMENT; 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; AND PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE TELECOMMUNICATIONS FRANCHISE.**

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

Staff Testimony

Bunney provided an overview of the 10-year franchise, stating an amendment is required to include trench design drawings and a map showing the service area. Bunney stated

the map and drawings have been included in the Ordinance file. Brown moved the amendment, which passed unanimously.

In response to Casada's question as to whether or not this franchise conforms with the Model Telecommunications Ordinance, Bunney stated it meets the criteria. In response to Brown's question as to why the term of the franchise is 10 years rather than the standard five years, Bunney provided an explanation of the merits of allowing a 10-year franchise in this instance, and that it is consistent with other franchises that have been approved.

Jim Greenfield and Tom Brewster responded to questions of Councilmembers regarding Metromedia Fiber Network Services, Inc., stating it is an international company that operates worldwide. Brewster responded to O'Malley's questions regarding the trench design.

#### Public Testimony

Leonard Sanderson referred to page 3 of 3 of the franchise in Exhibit "A" regarding gross revenues, asking for an explanation of what revenues were expected from this franchise.

Bunney responded that the franchise only pertains to the unincorporated area of Pierce County.

The Proposal passed as amended on a roll call vote of seven to zero.

**IX. RESOLUTIONS - None**

**X. OTHER BUSINESS/ANNOUNCEMENTS**

Casada stated Sheriff French will be making a presentation on methamphetamine (meth) labs in Pierce County immediately following adjournment of the District Council meeting.

**XI. GENERAL PUBLIC COMMENTS**

**XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:40 p.m. (Presentation on Meth Labs in Pierce County - Pierce County Sheriff's Department and City of Milton Police Department.)

Attest:

Clerk of the Council

Approved:

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Council Chair

Date Approved

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