

MINUTES
PIERCE COUNTY COUNCIL MEETING
JUNE 1, 2004

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TACOMA, WASHINGTON 98402
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(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 3:05 p.m. by Chair Moss.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

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

III. ROLL CALL

Councilmembers Present: Calvin Goings, Terry Lee, Harold Moss, Dick Muri, and Kevin Wimsett. Councilmembers Shawn Bunney and Barbara Gelman were excused.

Council Staff Present: Patty Face, Deputy Clerk of the Council; Anna Graham, Research Analyst; Steve Gross, Deputy Legal Counsel; Susan Long, Administrator for Legal and Operations; Leslie Swalley, Councilmember Assistant; Hugh Taylor, Research Analyst; Thomas Weber, Administrator for Research and Policy; and Victoria Woodards, Councilmember Assistant

There were approximately 27 visitors present.

IV. APPROVAL OF AGENDA

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

V. CONSENT AGENDA

- a. Approval of Minutes
 1. The minutes of the May 25, 2004, Special Council Meeting.

b. Action on Ordinances (refer, set date of hearing)

1. PROPOSAL NO. 2004-31, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 18J.10.050 OF THE PIERCE COUNTY CODE (PCC) "APPROVALS REQUIRED" AND CHAPTER 18J.30 PCC "PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN AREA - DESIGN STANDARDS AND GUIDELINES", TO MODIFY STANDARDS FOR COMMERCIAL DEVELOPMENT AND REDEVELOPMENT IN THE PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN AREA; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmember Barbara Gelman

Contact person: Sean Gaffney, 798-2724

DO PASS RECOMMENDATION - COMMUNITY DEVELOPMENT COMMITTEE ON MAY 10, 2004 - (Calvin Goings, Chair; Terry Lee, Vice Chair; Harold Moss, Member/excused; Dick Muri, Member; Kevin Wimsett, Member)

Suggested date of Council hearing: June 29, 2004

2. PROPOSAL NO. 2004-42, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO EMAN NETWORKS, 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.

Sponsored by: Councilmember Shawn Bunney

Contact person: Hudson Stansbury, 798-7477

For referral to the Economic and Infrastructure Development Committee

3. PROPOSAL 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.

Sponsored by: Councilmember Shawn Bunney

Contact person: Hudson Stansbury, 798-7477
For referral to the Economic and Infrastructure
Development Committee

4. PROPOSAL NO. 2004-44, 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. OS17-03, MILES SAND AND GRAVEL CO. - ROY AREA)
Sponsored by: Councilmember Calvin Goings
Contact person: Chad Williams, 798-3683
For referral to the Community Development Committee
To be heard by the Community Development Committee on June 7, 2004
Suggested date of Council hearing: June 29, 2004
5. PROPOSAL NO. 2004-45, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF SPANAWAY LOOP ROAD SOUTH RIGHT-OF-WAY IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE SPANAWAY AREA.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
For referral to the Economic and Infrastructure Development Committee
6. PROPOSAL NO. 2004-46, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO KAPOWSIN WATER DISTRICT, 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
7. PROPOSAL NO. 2004-47, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2. OF ORDINANCE NO. 96-87, WHICH VACATED A PORTION OF 18TH AVENUE NORTHWEST IN SECTION 33, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN THE GIG HARBOR AREA, TO CORRECT THE LEGAL DESCRIPTION CONTAINED THEREIN.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
For referral to the Economic and Infrastructure Development Committee

8. PROPOSAL NO. 2004-48, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING PORTIONS OF 204TH STREET EAST LOCATED IN SECTION 6, 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

9. PROPOSAL NO. 2004-49, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 14.20.040 OF THE PIERCE COUNTY CODE, "FACILITIES USE FEES", BY AMENDING PARK FACILITIES FEE SCHEDULES AFFECTING THE NORTH LAKE TAPPS PARK; AND ESTABLISHING AN EFFECTIVE DATE FOR THE NEW FEES.
Sponsored by: Councilmember Shawn Bunney
Contact person: Anna Graham, 798-6253
For referral to the Rules and Operations Committee
Suggested date of Council hearing: June 29, 2004

c. Action on Resolutions (refer, set date of hearing)

1. PROPOSAL NO. R2004-82, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENTION AND THE PUBLIC NECESSITY TO ESTABLISH AN ALIGNMENT FOR A NEW COUNTY ROAD THAT WOULD PROVIDE A CONNECTION BETWEEN THE SOUTHERN END OF THE BONNEY LAKE/CASCADIA PLATEAU AND THE CITY OF ORTING; AND DIRECTING THE COUNTY ENGINEER TO REPORT UPON SUCH PROJECT IN CONJUNCTION WITH THE REPORT CALLED FOR BY RESOLUTION NO. R2001-80.
Sponsored by: Councilmember Shawn Bunney
Contact person: Steve Gross, 798-7579
For referral to the Economic and Infrastructure Development Committee
To be heard by the Economic and Infrastructure Development Committee on June 15, 2004
Suggested date of Council hearing: July 6, 2004

d. Other Items

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

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

1. A message from the Executive transmitting the following Ordinances, which were approved and signed on May 18, 2004, was read into the record:

ORDINANCE NO. 2004-8, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO SANFORD AVENUE COMMUNITY CLUB, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

ORDINANCE NO. 2004-10, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO SYLVIA LAKE WATER SUPPLY, INC., FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

ORDINANCE NO. 2004-11, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO RIVIERA COMMUNITY CLUB FOR LOCATION OF WATER LINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

ORDINANCE NO. 2004-13, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 18A.25.150 F. OF THE PIERCE COUNTY CODE, "RURAL ZONE CLASSIFICATIONS AND USE TABLES" TO ALLOW REGIONAL PARKS AS AN OUTRIGHT PERMITTED USE IN RURAL ACTIVITY CENTERS (RAC) ZONED CLASSIFICATIONS.

ORDINANCE NO. 2004-15, 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. OST1-03, BRUCE AND KORRICE PEDERSON - TULE LAKE/McKENNA AREA; APPLICATION NO. OST3-03, WILLIAM AND CATHERINE HAINER - TULE LAKE/McKENNA AREA; APPLICATION NO. OST5-03, MICHAEL AND KRISTIN YAMADA - TULE LAKE/McKENNA AREA; APPLICATION NO. OST7-03, PHILLIP AND ANGELA APONTE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST8-03 - DON AND HWA KIM - SILVER LAKE AREA; APPLICATION NO. OST9-03, DAE KYUNG AND MAL SOON RHEE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST10-03, DANIEL AND CONNIE BUCHIGNANI - TULE LAKE/McKENNA AREA; APPLICATION NO. OST11-03, MATTHEW BRONOSKE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST12-03, PAUL AND JEANINE JORDAN - SILVER LAKE AREA)

ORDINANCE NO. 2004-21, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH COUNCIL 2, WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, LOCAL 3752 - CORRECTIONS AND DETENTION UNIT; AND AMENDING THE PIERCE COUNTY CLASSIFICATION PLAN.

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

1. Presentation of Lifetime Achievement Award to Elaine McNally, Director of District Court Probation

Judge Heller, on behalf of the District Court Judges, presented the Lifetime Achievement Award to McNally for her contributions and achievements to District Court Probation.

Heller highlighted McNally's career accomplishments and thanked her for her dedicated service to the County.

McNally thanked the Judges and Council for the recognition and support.

Lee commended McNally for her years of service.

Moss thanked McNally for her service to the County.

VIII. ORDINANCES

PROPOSAL NO. 2004-22, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING A LAND LEASE/SUBLEASE AGREEMENT FOR REAL PROPERTY AT THE PIERCE COUNTY STEILACOOM FERRY LANDING WITH THE WASHINGTON STATE DEPARTMENT OF CORRECTIONS AND DEPARTMENT OF SOCIAL AND HEALTH SERVICES; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID LEASE/SUBLEASE.

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

Gross briefed Councilmembers on the Proposal.

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

PROPOSAL NO. 2004-26s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 18J.17 OF THE PIERCE COUNTY CODE (PCC), "SMALL LOT DESIGN STANDARDS", AMENDING SECTION 18J.10.030, "DEFINITIONS," SECTION 18J.50.070, "SMALL LOT DESIGN," AND SECTION 18A.35.020, "DESIGN AND DENSITY"; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Graham stated the Proposal received a do pass as substituted recommendation from the Community Development Committee on April 26, 2004.

Graham provided a Proposal overview, and stated it does not rezone any property to a higher density. The Proposal will implement decisions that were made in the South Hill Community Plan, where a new high-density single family designation was created.

Vincent, Planning and Land Services, briefed Councilmembers on the Proposal, and he acknowledged the Urban Design Task Force members for their work on the Proposal.

Bill Kreager, Principal, Mithun Architect Group, provided a PowerPoint presentation on site design, lot standards, architectural features, and landscape design elements, of the Proposal.

Goings stated that the Proposal would help densities function and look better.

Lee commented that the Proposal is encouraging.

Public Testimony

Matt Hamilton stated his concerns for single family housing encroachment by small lot zoning densities.

Michael Nelson stated his reservations about street parking being limited to one side of the road, and the densities not being high enough.

Ms. Williams stated her concerns about small lot subdividing, mandated paint colors on homes, and safety concerns related to single side street parking.

Dennis Clark testified in support of the Proposal for its compromise and balance.

Bryan Flint, Tahoma Audubon Society, testified in support of the Proposal, and thanked Chip Vincent for his work on the Proposal.

Wayne Wienholz, Urban Design Task Force Member, and Pierce County Fire Marshall, testified in support of the Proposal.

Carl Halsan, Urban Design Task Force Member, testified in support of the Proposal.

Tiffany Speir, Master Builders Association, testified in support, stating the Proposal would accomplish what the Growth Management Act is intended to do.

Mr. McClann testified and stated concerns regarding urban sprawl and expressed the need for public transportation to be tied to higher densities.

Councilmember Comments

Goings cited Northwest Landing as an example of a tested and proven high-density development. He clarified that paint colors are not mandated, but encouraged, and that additional and increased public transit routes are being developed in the County.

Moss commended Vincent and Task Force Members for their efforts.

The Proposal passed on a roll call vote of four to zero.

PROPOSAL NO. 2004-30s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING REVISIONS TO THE CONSTRUCTION AND INFRASTRUCTURE REGULATIONS - BUILDING AND FIRE CODES, TITLE 17C OF THE PIERCE COUNTY CODE, TO COMPLY WITH STATE REQUIREMENTS AND AMENDING RELATED FEES; REPEALING CHAPTER 17C.20, "UNIFORM BUILDING CODE", AND CHAPTER 17C.60, "UNIFORM FIRE CODE"; ADOPTING NEW CHAPTERS 17C.20, "INTERNATIONAL BUILDING CODE", CHAPTER 17C.60, "INTERNATIONAL FIRE CODE", AND CHAPTER 17C.90, "INTERNATIONAL RESIDENTIAL CODE"; AMENDING CHAPTER 17C.10, "UNIFORM CONSTRUCTION CODES", CHAPTER 17C.30, "ENERGY CODES", CHAPTER 17C.40, "VENTILATION AND INDOOR AIR QUALITY CODE", CHAPTER 17C.50, "UNIFORM PLUMBING CODE", CHAPTER 17C.70, "UNIFORM MECHANICAL CODE", AND CHAPTER 17C.80, "UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS"; AMENDING SECTION 2.05.040, "BUILDING CONSTRUCTION FEES"; AND SETTING AN EFFECTIVE DATE.

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

Taylor stated the Proposal received a do pass as substituted recommendation in the Community Development Committee on May 10, 2004, and provided an overview.

Wimsett moved Council Amendment No. 1 on the blue; motion seconded. A copy of this amendment is contained with these minutes. Taylor explained the technical amendment is to correct minor errors.

The Chair called for testimony on the amendment; there was no response. The amendment passed on a voice vote.

Gordon Aleshire, Planning and Land Services Department, stated the Proposal adopts state mandated construction codes, and the majority of amendments are administrative in nature.

The Chair called for public testimony.

Public Testimony

Wayne Wienholz, Pierce County Fire Marshall, testified in support of the Proposal and explained that a new fee will be charged on all residential and commercial plans. The new fee proceeds will support a new Plans Examiner in the Fire Prevention Bureau. The Proposal also provides the Fire Marshall with the authority to approve alternate 24-foot wide gravel emergency accesses in some scenarios.

Tiffany Speir, Master Builders Association, testified in support of the Proposal. She thanked Gordon Aleshire for his work on the Proposal.

Wayne Wienholz, Secretary of the Pierce County Fire Chiefs' Association, testified in support of the Proposal.

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

PROPOSAL NO. 2004-35, 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. OST13-03, LARRY AND SUSAN BARZMAN - TULE LAKE/McKENNA AREA; APPLICATION NO. OST15-03, JOHN AND LAURA PACE - TULE LAKE/McKENNA AREA; APPLICATION NO. OST16-03, GORDON AND JOAN SHEPRO - TULE LAKE/McKENNA AREA;

APPLICATION NO. OST20-03, CHAD AND SONYA TAYLOR - TULE LAKE/McKENNA AREA; APPLICATION NO. OST21-03, DONNA KRYSIAK - ROY AREA; APPLICATION NO. OST22-03 - ERICKSON LOGGING, INC. - EATONVILLE AREA; APPLICATION NO. OST23-03, MICHAEL AND JANET DETRAY - EATONVILLE AREA; APPLICATION NO. OST24-03, DARROL IVERSON - EATONVILLE AREA; APPLICATION NO. OST25-03, JONATHAN AND MARGARET KARNES - TULE LAKE/McKENNA AREA)

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

Gross briefed Councilmembers on the Proposal.

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

IX. RESOLUTIONS

PROPOSAL NO. R2004-77, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE CHAIR OF THE PIERCE COUNTY COUNCIL TO ENTER INTO AN AGREEMENT FOR PERSONAL SERVICES OF THE PIERCE COUNTY HEARING EXAMINER FOR AN 18-MONTH TERM FROM JULY 1, 2004, THROUGH DECEMBER 31, 2005; AND AUTHORIZING THE DIRECTOR OF BUDGET AND FINANCE TO DISBURSE EXPENDITURES FROM THE SPECIAL PROJECTS BUDGET.

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

Weber briefed Councilmembers on the Proposal and responded to Councilmember questions.

Public Testimony

Robert Hill testified and expressed his concerns regarding the Proposal.

Steve Causseaux thanked Councilmembers for the opportunity to serve as the Hearings Examiner.

Lee thanked Causseaux for his many years of service.

The Proposal was adopted on a roll call vote of four to zero.

X. OTHER BUSINESS/ANNOUNCEMENTS - None

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

XI. GENERAL PUBLIC COMMENTS

1. Michael Nelson expressed concerns regarding public comment.
2. Robert Hill expressed concerns regarding public comment and spoke to detention center concerns.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:42 p.m.

Attest:

Patricia L. Face, Deputy Clerk of the Council

Approved:

Harold G. Moss, Council Chair

Date Approved

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