

**MINUTES
PIERCE COUNTY COUNCIL MEETING
OCTOBER 19, 2004**

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COURTROOM 100
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 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: Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, Dick Muri, and Kevin Wimsett; Shawn Bunney arrived after roll call.

Council Staff Present: Steve Gross, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Legal Counsel; Carolyn Pendle, Research Analyst; Hugh Taylor, Research Analyst; Michael Transue; Budget Consultant; and Tom Weber, Administrator/Research & Policy.

There were approximately 25 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

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

1. PROPOSAL NO. 2004-78, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE CHAPTER 1.22, "PIERCE COUNTY HEARING EXAMINER CODE," AND

CHAPTER 2.45, "LAND USE ADVISORY COMMISSIONS," TO ADDRESS THE CONSIDERATION OF LAND USE ADVISORY COMMISSION RECOMMENDATIONS AND COMMUNITY PLANS IN THE HEARING EXAMINER'S DECISION-MAKING PROCESS.

Sponsored by: Councilmember Calvin Goings

Contact person: Anna Graham, 798-6253

DO PASS RECOMMENDATION - COMMUNITY DEVELOPMENT COMMITTEE ON SEPTEMBER 13, 2004 - (Calvin Goings, Chair; Terry Lee, Vice Chair; Harold Moss, Member/excused; Dick Muri, Member; Kevin Wimsett, Member)

Suggested date of Council hearing: November 30, 2004

2. PROPOSAL NO. 2004-94, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO SCHOOL IMPACT FEES; INCREASING THE MAXIMUM FEE OBLIGATION IN 2005 AND 2006; SUSPENDING THE COST OF LIVING ADJUSTMENTS FOR 2005 AND 2006; AMENDING SECTIONS 4A.30.020 D. AND 4A.30.030 OF THE PIERCE COUNTY CODE (PCC); DESIGNATING THE COUNTY EXECUTIVE TO REVIEW SCHOOL IMPACT FEE CALCULATIONS ANNUALLY AS THEY ARE SUBMITTED WITH SCHOOL DISTRICT CAPITAL FACILITY PLANS; AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmembers Calvin Goings, Terry Lee, and Kevin Wimsett

Contact person: Carolyn Pendle, 798-3631

For referral to the Community Development Committee

Suggested date of Council hearing: November 23, 2004

3. PROPOSAL NO. 2004-95, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE SECTIONS 2.05.040, 2.05.060, 2.05.070, 2.05.080, 2.05.090, 2.05.100, 2.05.105, 2.05.110, 2.05.120, AND 2.05.130 OF THE PIERCE COUNTY CODE CHAPTER 2.05, PLANNING AND LAND SERVICES DEPARTMENT FEES; INCREASING DEVELOPMENT FEES TO SUPPORT DIRECTIONS PACKAGE AND OTHER SERVICES PRESENTLY BEING PERFORMED WITHOUT A FEE; AND SETTING AN EFFECTIVE DATE.

Sponsored by: Councilmember Harold Moss

Contact persons: Kelly Bergh, 798-3143, and Michael Transue, 798-7777

For referral to the Committee of the Whole

Suggested date of Council hearing: November 23, 2004

4. PROPOSAL NO. 2004-98, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING WAGE ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.
Sponsored by: Councilmember Terry Lee
Contact persons: Joe Carrillo, 798-6690, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004
5. PROPOSAL NO. 2004-100, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 13.13.085 OF THE PIERCE COUNTY CODE BY ESTABLISHING NEW RATES AND CHARGES FOR THE AVAILABILITY AND FURNISHING OF SANITARY SEWER SERVICE; AND SETTING AN EFFECTIVE DATE.
Sponsored by: Councilmember Harold Moss
Contact persons: Tony Tipton, 798-4250, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004
6. PROPOSAL NO. 2004-101, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.114.070 OF THE PIERCE COUNTY CODE BY ADJUSTING THE PROCESSING FEE FOR OPEN SPACE LAND AND TIMBER LAND APPLICATIONS.
Sponsored by: Councilmember Harold Moss
Contact persons: Tami Johnson, 798-3134, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004
7. PROPOSAL NO. 2004-102, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.04.170 OF THE PIERCE COUNTY CODE, ASSESSOR-TREASURER FEES, BY DELETING FEES FOR PRODUCTS AND SERVICES NO LONGER AVAILABLE; INCREASING FEES FOR COPIES AND MAPS; ESTABLISHING A NEW FEE SCHEDULE FOR COPIES OF ELECTRONIC RECORDS AND SERVICES PROVIDED BY THE ASSESSOR-TREASURER'S OFFICE; AND SETTING AN EFFECTIVE DATE.
Sponsored by: Councilmember Harold Moss
Contact persons: Tami Johnson, 798-3134, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23,

2004

8. PROPOSAL NO. 2004-103, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 14.20 OF THE PIERCE COUNTY CODE "PARKS AND RECREATION SERVICES FEES", BY AMENDING FEE SCHEDULES, ADDING NEW FEES FOR PARKS AND RECREATION ACTIVITIES AND FACILITIES; AND ESTABLISHING AN EFFECTIVE DATE FOR THE NEW FEES.
Sponsored by: Councilmember Harold Moss
Contact persons: Janel Krilich, 798-4008, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004
9. PROPOSAL NO. 2004-104, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 8.92 OF THE PIERCE COUNTY CODE, "DISPOSITION OF THE REMAINS OF INDIGENT DECEDENTS", ALLOWING THE DEPARTMENT OF THE MEDICAL EXAMINER TO ACCEPT ADMINISTRATIVE RESPONSIBILITY FOR THE IMPLEMENTATION OF SAID CHAPTER.
Sponsored by: Councilmember Terry Lee
Contact persons: John D. Howard, 798-6494, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004
10. PROPOSAL NO. 2004-105, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 2.05 OF THE PIERCE COUNTY CODE, PLANNING AND LAND SERVICES DEPARTMENT FEES, BY CREATING AN ASSESSOR-TREASURER DEPARTMENT FEE FOR REVIEWING VARIOUS LAND USE APPLICATIONS.
Sponsored by: Councilmember Harold Moss
Contact persons: Tami Johnson, 798-3134, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004
11. PROPOSAL NO. 2004-108, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 14.20.050 OF THE PIERCE COUNTY CODE, "GOLF COURSE FEES", BY AMENDING PARTICIPANT FEE SCHEDULES AT FORT STEILACOOM AND LAKE SPANAWAY GOLF COURSES; AND ESTABLISHING AN EFFECTIVE DATE.
Sponsored by: Councilmember Harold Moss
Contact persons: Janel Krilich, 798-4008, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004

12. PROPOSAL NO. 2004-109, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 97-110S; AUTHORIZING AN INCREASE IN THE SERVICE FEE FOR THE PRESENTMENT OF EX-PARTE ORDERS BY THE CLERK OF THE SUPERIOR COURT FROM \$30.00 TO \$40.00 AND OTHER SERVICES ON A FEE BASIS; AND SETTING AN EFFECTIVE DATE.
Sponsored by Councilmember Harold Moss
Contact persons: Kevin Stock, 798-6886, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004
13. PROPOSAL NO. 2004-110, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 93-73, WHICH ESTABLISHED AND AUTHORIZED THE COLLECTION OF A SURCHARGE UPON DOMESTIC RELATION MATTERS TO PROVIDE BUDGETARY FUNDING FOR A COURTHOUSE FACILITATOR PROGRAM TO ASSIST PRO SE LITIGANTS; IMPOSING A \$10.00 USER FEE ON ALL COURTHOUSE FACILITATOR PROGRAM REQUESTS RECEIVED RELATING TO CASES FILED UNDER TITLE 26 RCW; AND SETTING AN EFFECTIVE DATE.
Sponsored by: Councilmember Harold Moss
Contact persons: Kevin Stock, 798-6886, and Michael Transue, 798-7777
For referral to the Committee of the Whole
Suggested date of Council hearing: November 23, 2004
14. PROPOSAL NO. 2004-92, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING YEAR 2004 AMENDMENTS TO THE CAPITAL FACILITIES ELEMENT OF THE PIERCE COUNTY COMPREHENSIVE PLAN; AMENDING TITLE 19E OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES - SIX YEAR FINANCING PLAN; AMENDING CHAPTER 19A.100 OF THE PIERCE COUNTY CODE, CAPITAL FACILITIES ELEMENT; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmember Calvin Goings
Contact person: Hugh Taylor, 798-3665
Suggested date of Council hearing: November 23, 2004
15. PROPOSAL NO. 2004-99, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2005-2010 TRANSPORTATION IMPROVEMENT PROGRAM AND 2005-2018 FOURTEEN-YEAR FERRY PROGRAM, PURSUANT TO REVISED CODE OF WASHINGTON SECTIONS 36.81.121, 36.81.122, 36.81.130, AND 36.54.015, AND WASHINGTON ADMINISTRATIVE CODE 136, CHAPTERS 15 AND 16; FINDING THAT EACH PROJECT CONTAINED IN THE PLAN IS A PUBLIC NECESSITY; AUTHORIZING THE PROSECUTING ATTORNEY TO COMMENCE

CONDEMNATION PROCEEDINGS TO ACQUIRE REAL PROPERTY FOR ONLY THOSE CAPITAL IMPROVEMENT PROJECTS CONTAINED IN THE DOCUMENT FOR EXPENDITURE OF FUNDS IN 2005; AND ADOPTING FINDINGS OF FACT. (ANNUAL ROAD PROGRAM, SIX-YEAR ROAD PROGRAM, AND THE FOURTEEN-YEAR FERRY PROGRAM)

Sponsored by: Councilmember Shawn Bunney

Contact person: Hugh Taylor, 798-3665

For referral to the Economic and Infrastructure Development Committee

Suggested date of Council hearing: November 23, 2004

16. PROPOSAL NO. 2004-106, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL SETTING THE 2005 AD VALOREM TAX LEVIES FOR PIERCE COUNTY FOR LEVY IN 2004 AND COLLECTION IN 2005.

Sponsored by: Councilmember Terry Lee

Contact persons: Mary Schmidtke, 798-7512, and Michael Transue, 798-7777

For referral to the Committee of the Whole

Suggested date of Council hearing: November 23, 2004

17. PROPOSAL NO. 2004-107, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE ANNUAL BUDGET OF PIERCE COUNTY FOR THE FISCAL YEAR 2005.

Sponsored by: Councilmember Terry Lee

Contact persons: Mary Schmidtke, 798-7512, and Michael Transue, 798-7777

For referral to the Committee of the Whole

Suggested date of Council hearing: November 23, 2004

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

1. PROPOSAL NO. R2004-136, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ACKNOWLEDGING RECEIPT OF THE CITIZENS ADVISORY BOARD'S RECOMMENDATIONS FOR FUNDING THE PURCHASE OF CONSERVATION FUTURES PROPERTIES; AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO NEGOTIATE THE PURCHASE OF CONSERVATION FUTURES PROPERTIES; AND REQUESTING THE PIERCE COUNTY EXECUTIVE TO DEVELOP A BONDING PROPOSAL BY APRIL 1, 2005, FOR THE PURCHASE THEREOF.

Sponsored by: Councilmember Calvin Goings

Contact person: Hugh Taylor, 798-3665

For referral to the Community Development Committee
To be heard in the Community Development Committee on November 1, 2004

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2. PROPOSAL NO. R2004-147, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING THE PROCESS FOR AMENDING THE PIERCE COUNTY CODE, CHAPTER 18A.35, DEVELOPMENT STANDARDS, AND TITLE 18B, DEVELOPMENT REGULATIONS-SIGNS; TO MODIFY THE BULK STANDARDS TO PROVIDE MORE FLEXIBILITY FOR DEVIATIONS BASED ON PROJECT DESIGN AND TO EXEMPT LIMITED MENU READER BOARDS FOR DRIVE THROUGH RESTAURANTS; REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT TO DEVELOP THE AMENDMENTS AND CONDUCT THE NECESSARY ENVIRONMENTAL REVIEW; REFERRING THESE AMENDMENTS TO THE PLANNING COMMISSION AND LAND USE ADVISORY COMMISSIONS; AND SETTING A DATE FOR THE PLANNING COMMISSION TO SUBMIT ITS REPORT AND RECOMMENDATION TO THE COUNCIL.
Sponsored by: Councilmember Calvin Goings
Contact person: Anna Graham, 798-6253
For referral to the Community Development Committee
To be heard in the Community Development Committee on November 1, 2004
Suggested date of Council hearing: November 30, 2004

d. Other Items

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY

1. Presentation of the 2005 Pierce County Budget - John Ladenburg, County Executive.

Ladenburg highlighted budget items contained in the 2005 budget book. The 2005 total budget for All Funds is \$802 million. In response to Gelman's question, Ladenburg commented on prevention programs and the tracking of those services.

Moss thanked the Executive for the presentation and for his working relationship with the Council.

Goings thanked Michael Transue, Budget Consultant; and Pat Kenney, Budget Director, for their work on the 2005 budget.

2. A message from the Executive transmitting the following Ordinance, which was approved and signed on October 4, 2004, was read into the record:

ORDINANCE NO. 2004-62, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE DISSOLUTION OF DRAINAGE DISTRICT NO. 11, PURSUANT TO REVISED CODE OF WASHINGTON 85.38.225, LOCATED IN A PORTION OF THE CITY OF SUMNER AND UNINCORPORATED PIERCE COUNTY.

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

VIII. ORDINANCES

PROPOSAL NO. 2004-56s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); AMENDING TITLE 17A OF THE PIERCE COUNTY CODE, "CONSTRUCTION AND INFRASTRUCTURE REGULATIONS-SITE DEVELOPMENT AND STORMWATER DRAINAGE"; AMENDING THE PIERCE COUNTY STORMWATER MANAGEMENT AND SITE DEVELOPMENT MANUAL ADOPTED THROUGH ORDINANCE NO. 96-46s2, AS AMENDED; AMENDING TITLE 17B, "CONSTRUCTION AND INFRASTRUCTURE REGULATIONS-ROAD AND BRIDGE DESIGN"; REPEALING TITLE 18E; ADOPTING CHAPTERS 18E.10, "GENERAL PROVISIONS," 18E.20, "USE AND ACTIVITY REGULATIONS," 18E.30, "WETLANDS," 18E.40, "REGULATED FISH AND WILDLIFE SPECIES AND HABITAT CONSERVATION AREAS," 18E.110, "EROSION HAZARD AREAS," AND 18E.120, "GRAPHICS AND FIGURES FOR TITLE 18E," FOR A NEW TITLE 18E, "DEVELOPMENT REGULATIONS-CRITICAL AREAS," CREATED AS AN ELEMENT OF THE DIRECTIONS PACKAGE; ADOPTING CRITICAL AREAS ATLAS MAPS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Taylor stated the Proposal is one of three proposals that collectively makeup the Directions Package. He provided information on the Directions Package and explained the makeup of the three Directions Package Proposals. Proposal No. 2004-56s relates to fish and wildlife habitat; Proposal No. 2004-57s relates to mitigation or response to natural hazards; and Proposal No. 2004-58s relates to the components needed to regulate the Directions Package. He noted all three Proposals received a do pass as substituted recommendation by the Community Development Committee on September 13, 2004.

Debby Hyde stated she was available for questions.

Wimsett moved Council Amendment No. 1 on the banana paper; motion seconded. A copy of the amendment is identified as Attachment I to these minutes.

Hyde provided an explanation of the amendment. In response to Lee's question, she concurred there were 90 additional Findings that supported this Proposal on previously adopted amendments.

Public Testimony

The following spoke to Council Amendment No. 1:

Don Williams; Jeffrey Thomas, Director of Puyallup Tribe Fish & Wildlife Program; and Alton McDonald.

At the direction of the Chair, Taylor addressed concerns expressed during testimony.

Taylor stated the Committee and Council amendments have been reviewed by the County's environmental official.

The amendment passed on a voice vote.

The chair called for testimony on the amended proposal.

Public Testimony

The following spoke to the amended proposal:

Don Williams; Catherine Rudolph, Tacoma-Pierce County Association of Realtors; Leslie Rose, Citizens for a Healthy Bay; Jessica Brand, 1000 Friends of Washington; Ivy Sager-Rosenthal, People for Puget Sound; Jeffrey Thomas, Puyallup Tribe; Bryan Flint, Tacoma Audubon Society; Marvin Sundstrom (handout in Ordinance file); Dave McHugh; Tiffany Speir, Master Builders Association of Pierce County; and Alton McDonald.

Gelman thanked the Council staff and Councilmember Goings for their work on the Directions Package.

At the direction of the Chair, Taylor and Hyde responded to testimony regarding fiscal impact, marine shorelines, and consultations with the Puyallup Tribe. Taylor provided October 26, 2004, as the date when capital facilities will be heard in the Community Development Committee.

Bunney responded to Mr. Sundstrom's testimony regarding

property rights.

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

PROPOSAL NO. 2004-57s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); REPEALING TITLE 18E OF THE PIERCE COUNTY CODE; ADOPTING CHAPTERS 18E.50, "AQUIFER RECHARGE AND WELLHEAD PROTECTION AREAS," 18E.60, "VOLCANIC HAZARD AREAS," 18E.70, "FLOOD HAZARD AREAS," 18E.80, "LANDSLIDE HAZARD AREAS," 18E.90, "SEISMIC (EARTHQUAKE) HAZARD AREAS," AND 18E.100, "MINE HAZARD AREAS" FOR A NEW TITLE 18E, "DEVELOPMENT REGULATIONS-CRITICAL AREAS," CREATED AS AN ELEMENT OF THE DIRECTIONS PACKAGE; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Taylor provided information on the Proposal, stating the Proposal relates to the mitigation of natural hazards. Taylor explained the amendments that were adopted during the Committee process and stated that today's amendment is technical in nature. Taylor stated the amendments have been reviewed by the environmental official and have been determined to be within the scope of the environmental review throughout the Directions Package.

Wimsett moved to adopt Council Amendment No. 1 on the aqua paper; motion seconded. A copy of the amendment is identified as Attachment II to these minutes.

Hyde explained the amendment.

The Chair called for testimony on Council Amendment No. 1; there was no response.

The amendment passed on a voice vote.

Taylor suggested an oral amendment on Ordinance page 10 of 12, line 6, to insert today's date in the blank.

Wimsett moved Taylor's suggested amendment; motion seconded.

The Chair called for public testimony on the amendment; there was no response.

The oral amendment passed on a voice vote.

The Chair called for testimony on the amended proposal.

Public Testimony

Rodney McLean, McChord Industrial Park, spoke to the table contained on Ordinance page 472.

Taylor clarified the aquifer recharge table for McLean.

Lee thanked Hyde for working with the City of Edgewood on the proposal issue.

The Proposal passed as amended on a roll call vote of six to zero (Gelman was excused).

PROPOSAL NO. 2004-58s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A PORTION OF THE COMPREHENSIVE REGULATORY PACKAGE KNOWN AS "DIRECTIONS FOR PROTECTING AND RESTORING HABITAT" (DIRECTIONS); AMENDING TITLE 18 OF THE PIERCE COUNTY CODE, "DEVELOPMENT REGULATIONS-GENERAL PROVISIONS"; AMENDING TITLE 18A, "PIERCE COUNTY DEVELOPMENT REGULATIONS-ZONING"; AMENDING TITLE 18B, "DEVELOPMENT REGULATIONS-SIGNS"; AMENDING TITLE 18D, "DEVELOPMENT REGULATIONS-ENVIRONMENTAL"; REPEALING THE EXISTING TITLE 18H AND ADOPTING A NEW TITLE 18H, "DEVELOPMENT REGULATIONS-FOREST PRACTICES AND TREE CONSERVATION"; AMENDING TITLE 18I, "DEVELOPMENT REGULATIONS-NATURAL RESOURCE LANDS"; AMENDING TITLE 18J, "DEVELOPMENT REGULATIONS-DESIGN STANDARDS AND GUIDELINES"; REPEALING THE IMPERVIOUS COVER AND VEGETATION RETENTION STANDARDS IN THE PARKLAND-SPANAWAY-MIDLAND, GIG HARBOR PENINSULA, FREDERICKSON, AND SOUTH HILL COMMUNITY PLAN IMPLEMENTING REGULATIONS IN SECTIONS 18A.35.020, 18J.30.050, 18J.40.060, 18J.50.040 AND 18J.60.050, CONSISTENT WITH SUNSET PROVISIONS; SETTING AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Taylor provided information on the Proposal, stating the legislation changes zoning standards. He suggested an oral amendment to insert today's date in the blank on Ordinance page 11 of 14 at line 15.

Wimsett moved Council Amendment No. 1 on the tangerine paper and the oral amendment suggested by Taylor; motion seconded. A

copy of the amendment is identified as Attachment III to these minutes.

Taylor explained the changes contained in the amendment memo, stating the majority of the amendments deal with native vegetation retention.

The Chair called for testimony on the amendment.

Public Testimony

Jeffrey Thomas spoke to Items 1 and 5 of the amendment memo.

Lee called a point of order to allow Taylor to respond to Thomas' remarks regarding forest practices.

Taylor explained Class IV general forest practices approval, and in response to Thomas' remarks he recommended that the Council disregard Item 1 on the amendment memo.

Taylor stated the amendments have been reviewed by the environmental official and have been found to be within the scope of the environmental review throughout the Directions Package.

At the direction of Lee and there being no objection from Council, Thomas was allowed to continue his testimony on forest practice approval.

Wimsett moved an oral amendment to remove Item 1 from Council Amendment No. 1; motion seconded.

The Chair called for testimony on the amendment; there was no response. The oral amendment passed.

The Chair called for the testimony on the amended amendment; there was no response. The amended amendment passed.

Public Testimony

The following spoke to the amended proposal: Rodney McLean; Rudy Fyles, Puyallup School District (a copy of his letter is contained in the Ordinance file); James Hansen, Bethel School District; Marvin Sundstrom; Bryan Flint; Don Williams; and Jeffrey Thomas.

At the direction of the Chair, Taylor spoke to testimony regarding tree conservation requirements and right of entry agreements.

In response to Sundstrom's testimony, Goings requested that Sundstrom submit a letter to Council addressing his fabrication concerns.

Goings commended Hyde, Taylor, the Planning and Land Services Department staff, the citizens, the associations, and the Council for their work on the Directions Package Ordinances.

In response to Thomas' testimony, Taylor suggested an oral amendment on page 9 of 43, lines 20 and 25-1/2, to strike the word "permit" and insert the word "approval."

Wimsett moved the amendment suggested by Taylor; motion seconded.

The Chair called for testimony on the amendment; there was no response. The oral amendment passed.

Councilmembers Bunney, Lee and Moss expressed their appreciation for the hard work provided by staff, Hyde and the Council on the Directions package.

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

IX. RESOLUTIONS

PROPOSAL NO. R2004-143, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SETTING THE DATE OF AN EVENING COUNCIL MEETING IN COUNCIL DISTRICT NO. 2 FOR TUESDAY, NOVEMBER 30, 2004, AT 5:00 P.M., IN THE PUYALLUP LIBRARY, 324 SOUTH MERIDIAN, PUYALLUP, WASHINGTON.

Wimsett 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. R2004-146, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REFERRING PROPOSAL NO. 2004-97, "AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RELATED TO ACCESSORY USES AND STRUCTURES; PROVIDING A SUNSET DATE FOR NONCONFORMING USE OF MOTOR TRACKS OF DECEMBER 1, 2004; ADOPTING FINDINGS OF FACT; AND AMENDING SUBSECTION 18A.25.300E OF THE PIERCE COUNTY CODE IN CONNECTION THEREWITH", TO THE PIERCE COUNTY PLANNING COMMISSION AND REQUESTING THAT THE COMMISSION PLACE THE PROPOSAL ON THEIR OCTOBER 26, 2004, CALENDAR.

Wimsett moved adoption; motion seconded. The Clerk read the

title into the record.

Staff Testimony

Long stated the Proposal refers Proposal No. 2004-97 to the Planning Commission for placement on their October 26, 2004, agenda. The Proposal will be heard in Committee on November 1, 2004, and the Council hearing will be November 2, 2004.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Wimsett moved to amend the title of Proposal No. 2004-96 that was introduced on the October 12, 2004, Council Agenda, to reflect the correct code number, and instruct staff to amend the October 25-29, 2004, Council Meeting Schedule, to reflect this change:

PROPOSAL NO. 2004-96, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER ~~9.26~~ 10.26 OF THE PIERCE COUNTY CODE ENTITLED "OFF-ROAD VEHICLES" RELATING TO THE REGULATION OF OFF-ROAD VEHICLES; AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

The Clerk read the Proposal title into the record.

The motion passed on a voice vote.

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 5:45 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

Pierce County Council Meeting
October 19, 2004

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