

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 9, 2004**

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

(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 3:24 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: Shawn Bunney, Barbara Gelman, Calvin Goings, Harold Moss, Terry Lee, Dick Muri, and Kevin Wimsett.

Council Staff Present: Anna Graham, Research Analyst; Steve Gross, Deputy Legal Counsel; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Michael Transue, Budget Consultant; and Tom Weber, Administrator for Research and Policy.

There were approximately 60 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 September 14, 2004, regular Council Meeting
 - 2. The minutes of the September 7, 2004, regular Council Meeting
- b. Action on Ordinances (refer, set date of hearing)
 - 1. PROPOSAL 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.

Sponsored by: Councilmembers Dick Muri, Terry Lee, and Kevin Wimsett

Contact person: Thomas Weber, 798-6067

DO PASS AS SUBSTITUTED RECOMMENDATION - PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE ON OCTOBER 26, 2004 - (Barbara Gelman, Chair; Dick Muri, Vice Chair; Shawn Bunney, Member; Calvin Goings, Member/excused; Terry Lee, Member)

*Suggested date of Council hearing: December 7, 2004

2. PROPOSAL NO. 2004-117, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2005 BUDGET BY DIRECTING CERTAIN COUNTY DEPARTMENTS, BOARDS, AND COMMISSIONS TO TAKE CERTAIN ACTIONS.

Sponsored by: Councilmembers Shawn Bunney, Calvin Goings, and Harold Moss

Contact person: Michael Transue, 798-7777

For referral to the Committee of the Whole

Suggested date of Council hearing: November 23, 2004

3. PROPOSAL NO. 2004-118, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2005 BUDGET BY AMENDING THE POWERS, DUTIES OR RESPONSIBILITIES OF CERTAIN PIERCE COUNTY DEPARTMENTS, BOARDS, OR COMMISSIONS; AND AMENDING TITLE(S) _____ AND _____ OF THE PIERCE COUNTY CODE (PCC) IN CONNECTION THEREWITH.

Sponsored by: Councilmembers Calvin Goings, Shawn Bunney, and Harold Moss

Contact person: Michael Transue, 798-7777

For referral to the Committee of the Whole

Suggested date of Council hearing: November 23, 2004

4. PROPOSAL NO. 2004-119, 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. OST2-04, STACY K. PIERCE TEJEL AND DAVID TEJEL SUBIRADA - McKENNA FLATS AREA; APPLICATION NO. OST3-04, NORRIS AND KATHLEEN CARVER - McKENNA FLATS AREA; APPLICATION NO. OST4-04, BARBARA ECHO - McKENNA FLATS AREA; APPLICATION NO. OST5-04, LINKEM FAMILY LLC -

McKENNA FLATS AREA; APPLICATION NO. OST6-04, DAVID W. AND DEBORAH C. TOWNSEND - McKENNA FLATS AREA; APPLICATION NO. OST7-04, RON AND YULI HARRISON - McKENNA FLATS AREA; APPLICATION NO. OST8-04, LARRY T. AND M. LOUISE WIER - McKENNA FLATS AREA; APPLICATION NO. OST9-04, PAUL J. AND LAURETTE D. BERGLUND - McKENNA FLATS AREA; AND APPLICATION NO. OST10-04, PETER R. AND ARLENE L. MERZ - McKENNA FLATS AREA)
Sponsored by: Councilmember Calvin Goings
Contact person: Chad Williams, 798-3683
For referral to the Community Development Committee

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

1. PROPOSAL NO. R2004-153, A RESOLUTION OF THE PIERCE COUNTY COUNCIL REQUESTING THE COUNTY EXECUTIVE TO CREATE A NEW JOB CLASSIFICATION FOR DEPUTY PROSECUTING ATTORNEYS, RECOGNIZING THAT THE JOB FUNCTIONS AND RESPONSIBILITIES OF PIERCE COUNTY DEPUTY PROSECUTING ATTORNEYS DIFFER FROM THOSE OF DEFENSE ATTORNEYS; URGING THE EXECUTIVE TO MOVE THE DEPUTY PROSECUTING ATTORNEYS TO A 40-HOUR WORK WEEK AND ADJUST SALARIES ACCORDINGLY; AND DECLARING THAT THE COUNCIL WILL EXAMINE THE COUNTY BUDGET REGARDING IMPLEMENTATION OF THIS RESOLUTION.

Sponsored by: Councilmembers Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, Dick Muri, and Kevin Wimsett

Contact person: Carolyn Pendle, 798-3631

For referral to the Public Safety and Human Services Committee

2. PROPOSAL NO. R2004-154, A RESOLUTION OF THE PIERCE COUNTY COUNCIL IMPLEMENTING THE 2005 BUDGET, DECLARING CERTAIN COUNTY POLICY AND/OR REQUESTING INFORMATION FROM AGENCIES OF COUNTY GOVERNMENT.

Sponsored by: Councilmembers Shawn Bunney, Calvin Goings, and Harold Moss

Contact person: Michael Transue, 798-7777

For referral to the Committee of the Whole

Suggested date of Council hearing: November 23, 2004

d. Other Items

1. Motion to certify the following Budget Certification, and instruct the Clerk of the Council to forward the Certification to the Pierce County Assessor-Treasurer's Office, pursuant to Revised Code of Washington (RCW) 84.52.020:

- Peninsula School District
- Puyallup School District

- Town of Steilacoom

Wimsett moved approval of the Consent Agenda; motion seconded as 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

PROPOSAL NO. R2004-152, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND EXECUTIVE PROCLAIMING THE WEEK OF NOVEMBER 15-19, 2004, TO BE "PIERCE COUNTY EMPLOYEE APPRECIATION AND RECOGNITION WEEK" IN PIERCE COUNTY, WASHINGTON.

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

Randy Roberts accepted the Proclamation and thanked the Council for its continued support of the program, and he provided information on the program.

Steve McClain recognized the Steering Committee members in the audience.

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. 2004-79s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING MAXIMUM SPEED LIMITS ON COUNTY ROADS; REPEALING PRIOR SPEED LIMIT ORDINANCE NO. 99-13s; REPEALING ORDINANCE NO. 2000-5s AND REPEALING ORDINANCE NO. 2001-103 WHICH AMENDED ORDINANCE NO. 99-13s WITH APPLICABLE REVISIONS; DIRECTING THE COUNTY ENGINEER TO PROPERLY IMPLEMENT THE MAXIMUM SPEED LIMITS THROUGH THE USE OF APPROPRIATE TRAFFIC CONTROL DEVICES; AND SETTING AN EFFECTIVE DATE OF DECEMBER 1, 2004.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on September 1, 2004. He explained the substitute proposal changes the effective date to November 1, 2004.

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Jim Ellison, County Traffic Engineer, explained the Proposal recommends lowering the speed limit to 35 mph at the intersection of Canyon Road and 176 Street, and increasing it to 40 mph on the Nisqually Road SW.

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

PROPOSAL NO. 2004-83, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING PORTIONS OF 176TH STREET EAST AND CANYON ROAD EAST LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 4 EAST, AND IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE FREDERICKSON AREA.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on September 21, 2004.

Ramario Chavez, Public Works and Utilities Department, explained the intent of the Proposal and stated the right-of-way is no longer needed for public purposes.

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

PROPOSAL NO. 2004-86, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PLACING THE PIHL BROTHERS BUILDING (PARCEL NO. 7060000160), LOCATED AT 101 SOUTH MERIDIAN, PUYALLUP, WASHINGTON, ON THE PIERCE COUNTY REGISTER OF HISTORIC PLACES; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Rules and Operations Committee on September 20, 2004.

Goings spoke in support of the Proposal and urged Council's adoption. He referenced the historic information contained in the Proposal.

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

PROPOSAL NO. 2004-87s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2004 AMENDMENTS TO THE PIERCE COUNTY COMPREHENSIVE PLAN AND PIERCE COUNTY DEVELOPMENT REGULATIONS, INCLUDING PIERCE COUNTY'S PERIODIC UPDATE TO THE COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS REQUIRED BY REVISED CODE OF WASHINGTON (RCW) 36.70A.130; AMENDING TITLE 18A OF THE PIERCE COUNTY CODE, "DEVELOPMENT REGULATIONS - ZONING," TITLE 18I, "DEVELOPMENT REGULATIONS - NATURAL RESOURCE LANDS," TITLE 19, "COMPREHENSIVE PLAN - HISTORY AND BACKGROUND," TITLE 19A, "COMPREHENSIVE PLAN," CHAPTER 19B.10, "GIG HARBOR PENINSULA COMMUNITY PLAN," CHAPTER 19B.40, "THE PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN," AND CHAPTER 19B.90, "THE SOUTH HILL COMMUNITY PLAN;" AMENDING TITLE 19D, "OTHER COMPREHENSIVE PLANNING DOCUMENTS" BY ADOPTING A NEW CHAPTER 19D.250, "PIERCE COUNTY BIODIVERSITY NETWORK ASSESSMENT;" AND AMENDING THE PIERCE COUNTY ZONING ATLAS; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

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

Staff Testimony

Graham provided a detailed description of the Proposal, stating the Council is to review, and revise if needed, the Comprehensive Plan and the associated development regulations to ensure the land use plans meet the requirements of the Growth Management Act. The review is to be revisited every seven years after December 1, 2004. The Proposal includes the recommendations received from the Planning Commission, the Land Use Advisory Commissions, the Farm Advisory Commission, and the Pierce County Regional Council. The Proposal was heard five times by the Community Development Committee, and received a do pass as substituted recommendation on October 13, 2004. Graham spoke to the public notice and public participation involved in the process. She stated a description of the Proposal was contained in newspaper advertisements, and numerous news articles on the issue were printed by the News Tribune and the Puyallup Herald.

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

Graham described the amendment items contained in the Amendment memo and she explained the agricultural finding.

Goings moved an oral amendment to strike the third bullet in its entirety from the Council Amendment No. 1, as well as the exact same language under Item 18, in 3B Findings; motion seconded.

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

Goings thanked the Councilmembers for their support on the amendment. He spoke to the document contained in the Proposal entitled Agricultural Resource Land Chronology. He thanked the City of Puyallup's Mayor, the Council and the Puyallup property owners for the compromise on Amendments 3A and 3B. The City of Puyallup will designate the entire Washington State University campus as a Public Facility District.

Lee thanked Councilmembers Goings and Bunney, and the Council staff for their work on the Proposal.

In response to Lee's questions, Graham spoke to parcels smaller than 5 acres and properties currently being farmed.

Bunney thanked Goings for his leadership and thanked the Council staff for their hard work on the Proposal. He spoke in support of the Proposal, and to the future of farmland preservation in the County.

Public Testimony on Council Amendment No. 1

The following offered testimony: John Palmer, City of Puyallup; Dick Carkner, Chairman of Pierce County Farmland Advisory Commission; Mark Bethune, City of Orting; Dave Enslow, City of Sumner; Val Oppenecker, Puyallup Chamber of Commerce; Denny Faker; Matt Hamilton (letter in Ordinance file); Wayne Carlson, AHBL (letter in Ordinance file); Bill Giddings; John Ernest Berry III; James Clark; David DeGroot; Larry Dacca (letter in Ordinance file); Jesseca Brand, 1000 Friends of Washington; David Owen; Tom Taylor; Tom Dickson, representing Robin Lee; Roxy Giddings; Dan Picha; Gary Gutherson, President, King-Pierce Counties Farm Bureau; and Carol Moon.

Goings and Bunney summarized the public comments, and responded to comments/questions addressed during testimony.

At the direction of Goings, Graham described the legal notice requirements and the information contained in the notices. Graham stated the Proposal was available on the Council's web page.

Councilmembers offered closing remarks regarding the Proposal.

In response to Gelman's question, Long addressed religious assemblies as it relates to the agricultural zone.

At the direction of Bunney, Ike Nwankwo, Washington State Department of Community, Trade and Economic Development, addressed religious assemblies. A copy of his letter is contained in the Ordinance file.

Council Amendment No. 1 passed on a voice vote.

Lee moved adoption of Council Amendment No. 2 on yellow; motion seconded. A copy of the amendment is identified as Attachment II to these minutes.

Staff Testimony

Graham explained the amendment would add Zoning Atlas pages to Exhibit J.

Goings clarified with Graham that the amendment did not make any changes other than necessary to implement action previously recommended by the Community Development Committee or by tonight's amendments; Graham concurred.

The Chair called for testimony on Council Amendment No. 2; there was no response.

The amendment passed on a voice vote.

Lee moved adoption of Council Amendment No. 3 on tan; motion seconded. A copy of the amendment is identified as Attachment III to these minutes.

Staff Testimony

Graham explained the amendment is technical in nature.

The Chair called for testimony on Council Amendment No. 3; there was no response.

The amendment passed on a voice vote.

Lee moved adoption of Council Amendment No. 4 on blue; motion seconded. A copy of the amendment is identified as Attachment IV to these minutes.

Staff Testimony

Graham explained the amendment deals with Code Title 19B in the Compliance package, the Tacoma Narrow Airport amendment, and corrects data information maps.

The Chair called for testimony on Council Amendment No. 4; there was no response.

The amendment passed on a voice vote.

Lee moved adoption of Council Amendment No. 5 on pink; motion seconded. A copy of the amendment is identified as Attachment V to these minutes.

Staff Testimony

Graham explained the amendment deals with Amendment No. 11, Limits on Urban Growth Expansions. In response to Lee's question, Graham stated the deadline for the next Plan amendment cycle is December 1, 2004.

Public Testimony on Council Amendment No. 5

Steve Ladd, City of Bonney Lake, on behalf of the Mayor, read a letter into the record opposing the adoption of the Comprehensive Plan Amendment No. 11. A copy of the letter is contained in the Ordinance file.

The amendment passed on a voice vote.

Lee moved adoption of Council Amendment No. 6 on salmon; motion seconded. A copy of the amendment is identified as Attachment VI to these minutes.

Staff Testimony

Graham explained the amendment denies the entire Amendment No. 7 and addresses Amendment No. 9.

The Chair called for testimony on Council Amendment No. 6; there was no response.

The amendment passed on a voice vote.

Graham suggested an oral amendment on Exhibit "B", page 7, 3.A.1., at the end of (1) after "070 C. to insert "or Comprehensive Plan Amendment process"; and on Item (2) after "types and yield." insert "Options for including parcels not meeting this criteria are provided in the community planning processes, see 19.A.30.070 C., or the Comprehensive Plan Amendment process." A copy of the amendment is attached to these minutes identified as Attachment VII.

Lee moved the amendment suggested by Graham; motion seconded.

In response to Goings' question, Graham concurred the amendment strictly allows opting in designations.

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

The amendment passed on a voice vote.

Public Testimony on the Proposal as Amended

Ike Nwankwo spoke to the Committee planning process, suggesting that parameters and guidelines be established for future recommendations.

Jerry Taylor spoke to the Rural Separator designation.

Goings responded to Taylor's comments, stating part of the proposal changes the density of the rural separator to 5 acre minimums, which meets the necessary requirements of the Growth Management Act.

Goings thanked George Walk, Government Relations, for working with the property owners, the Cities and the County. Also, he thanked Council staff and the staff of the Planning and Land Services Department for their work on the Proposal.

Chip Vincent, Planning and Land Services Department and the Environmental Official Designate for the County, stated he reviewed tonight's adopted Proposal amendments and found them to be consistent within the scope of the Environmental Review that has been reviewed under SEPA.

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

PROPOSAL NO. R2004-149, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPROVING THE "VIEW ROYAL WATER COMPREHENSIVE PLAN" DATED SEPTEMBER 2002 AS AN AMENDMENT TO VALLEY WATER DISTRICT'S WATER COMPREHENSIVE PLAN AS ADOPTED BY PIERCE COUNTY RESOLUTION NO. R2001-38.

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

Staff Testimony

Weber provided information on the Proposal, stating the County legislative authority must approve a bond for the Water District. The Proposal was not heard in Committee and was approved by the County's Water Programs.

Susan Clark, Public Works and Utilities Department - Water Programs, stated the Valley Water District recently purchased the View Royal water system, which operates within the Bonney Lake city limits and unincorporated Pierce County. The Plan is consistent with the Pierce County Coordinated Water System Plan and has been reviewed by the Waste Water Utility Manager and the Tacoma-Pierce County Health Department.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of six to zero (Moss was excused).

X. OTHER BUSINESS/ANNOUNCEMENTS - None

XI. GENERAL PUBLIC COMMENTS - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:15 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved