

**MINUTES
PIERCE COUNTY COUNCIL MEETING
NOVEMBER 18, 2003**

930 TACOMA AVENUE SOUTH, ROOM 1045
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 3:15 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 to our men and women in the Military.

III. ROLL CALL

Councilmembers Present: Paul Bocchi, Shawn Bunney, Barbara Gelman, Calvin Goings, Terry Lee, Harold Moss, and Kevin Wimsett.

Council Staff Present: Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Tom Weber, Administrator for Research and Policy; Carolyn Pendle, Research Analyst; Anna Graham; Research Analyst; Steve Gross, Deputy Legal Counsel; Cathy Sala, Committee Clerk; Anne McKay, Operations Clerk; Chris Gruit, Councilmember Assistant; and Victoria Woodards, Councilmember Assistant.

There were approximately 90 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. 2003-127, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 8.88.170 OF THE

Pierce County Council Meeting
November 18, 2003

PIERCE COUNTY CODE, "RECKLESS OPERATION"; AND ADOPTING A NEW SECTION 8.88.165 OF THE PIERCE COUNTY CODE, "NEGLIGENT OPERATION".

Sponsored by: Councilmembers Terry Lee, Shawn Bunney, and Barbara Gelman

Contact persons: Jerry Lawrence at 798-4954 and Thomas Weber at 798-6067

For referral to the Public Safety & Human Services Committee

2. PROPOSAL NO. 2003-128, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 8.88.360 OF THE PIERCE COUNTY CODE, "PERSONAL WATERCRAFT."

Sponsored by: Councilmembers Terry Lee, Shawn Bunney, and Barbara Gelman

Contact persons: Jerry Lawrence at 798-4954 and Thomas Weber at 798-6067

For referral to the Public Safety & Human Services Committee

3. PROPOSAL NO. 2003-129, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL, DECLARING THE PROPERTY LOCATED AT 11709 WOODLAND AVENUE EAST AS SURPLUS, AND APPROVING THE EXCHANGE OF REAL PROPERTY NEGOTIATED BETWEEN PIERCE COUNTY PUBLIC WORKS AND UTILITIES DEPARTMENT, WATER PROGRAMS DIVISION, AND HENRIETTA R. PAZ FOR PROPERTY LOCATED AT 11715 WOODLAND AVENUE EAST, PIERCE COUNTY, WASHINGTON; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE AGREEMENT TO EXCHANGE REAL PROPERTY.

Sponsored by: Councilmember Kevin Wimsett

Contact person: Damon DeRosa, 798-6157

For referral to the Rules & Operations Committee

4. Proposal No. 2003-130, 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 120 - GENERAL UNIT; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

Sponsored by: Councilmember: Harold Moss

Contact person: Joe Carrillo, 798-6690

For referral to the Rules & Operations Committee

Suggested date of Council hearing: December 9, 2003

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

1. PROPOSAL NO. R2003-139, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING THE PROCESS FOR A SPECIAL

COMPREHENSIVE PLAN AMENDMENT CYCLE TO ADDRESS THE REQUIREMENTS OF REVISED CODE OF WASHINGTON (RCW) 36.70A.130(4) FOR A COMPLIANCE REVIEW; IDENTIFYING COMPONENTS OF THE AMENDMENT CYCLE; ESTABLISHING A PUBLIC PARTICIPATION PROCESS; REQUESTING THE PLANNING AND LAND SERVICES DEPARTMENT TO CONDUCT THE NECESSARY EVALUATION AND ANALYSES, PREPARE NEEDED AMENDMENTS, AND PROVIDE APPROPRIATE ENVIRONMENTAL DOCUMENTATION PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT; AND REQUESTING THAT RECOMMENDATIONS OF THE PLANNING COMMISSION AND LAND USE ADVISORY COMMISSIONS BE SUBMITTED TO THE COUNTY COUNCIL BY AUGUST 15, 2004.
Sponsored by: Councilmember Calvin Goings
Contact person: Anna Graham, 798-6253
For referral to the Committee of the Whole

d. Other Items

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

Wimsett moved to recognize Councilmember Paul Bocchi for his appointment and service to Council District No. 6; motion seconded.

After Councilmembers' supportive remarks, Bocchi commented on his experiences on the Council and commented that he has no regrets. On behalf of the Council, Moss presented a gift to Bocchi.

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

Wimsett moved to advance to Section X., OTHER BUSINESS/ANNOUNCEMENTS; motion seconded and passed.

X. OTHER BUSINESS/ANNOUNCEMENTS

1. Presentation on Webcasting of Pierce County Council Meetings -- Marc Pease, Rainier Communications Commission, and John Franish, Director of Boys & Girls Club of South Puget Sound. Council meetings will be live worldwide via the Internet starting with today's meeting broadcast.

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

PROPOSAL NO. R2003-136, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE EXISTING MEMBER TO THE PIERCE

Pierce County Council Meeting
November 18, 2003

COUNTY LANDMARKS COMMISSION. (JILL BARKLEY)

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 six to zero (Goings, excused).

PROPOSAL NO. R2003-137, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE EXISTING MEMBER AND THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY COMMUNITY DEVELOPMENT CORPORATION BOARD OF DIRECTORS. (MICHAEL RABSTOFF AND PAT A. BREWER)

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 six to zero (Goings, excused).

VIII. ORDINANCES

PROPOSAL NO. 2003-91s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING A LAND LEASE AGREEMENT FOR REAL PROPERTY AT THE PIERCE COUNTY AIRPORT--THUN FIELD WITH THUN HANGARS ASSOCIATION; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID LEASE.

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

Staff Testimony

Thomas Ballard, County Engineer, Public Works & Utilities Department, explained the purpose of the Proposal. The Department and County Executive recommend approval of the Proposal.

Wimsett moved an oral amendment to page 3 of 13, Item 10, in the first blank insert December 1, and in the second blank insert November 30, 2053; motion seconded.

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

Pierce County Council Meeting
November 18, 2003

PROPOSAL NO. 2003-95, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 5.24.030 A. OF THE PIERCE COUNTY CODE (PCC), "LICENSE REQUIREMENTS - GENERALLY" TO EXEMPT LICENSED VETERINARIANS FROM THE REQUIREMENTS OF CHAPTER 5.24 PCC, RELATING TO KENNELS, GROOMING PARLORS, AND PET SHOPS.

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

Staff Testimony

Pendle provided information on current Pierce County Code 5.24 and explained the intent of the Proposal. Pendle stated the Humane Society submitted a letter supporting the Proposal.

Bunney spoke in support of 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. 2003-98, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING AN AMENDMENT TO A LAND LEASE AGREEMENT FOR REAL PROPERTY AT THE PIERCE COUNTY AIRPORT--THUN FIELD WITH HANGAR, INC.; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID AMENDMENT TO LEASE AGREEMENT.

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

Staff Testimony

Ballard provided information on the Proposal, stating the amendment will expand the square footage and increase the base grants. The Department and the County Executive support the Proposal.

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

Wimsett moved to advance to Item 5. on the Agenda; motion seconded and passed.

PROPOSAL NO. 2003-113, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 11.02.040 AND 11.02.050 OF THE PIERCE COUNTY CODE TO CREATE AN EXEMPTION FOR TIMBER AND FOREST LANDS FROM SURFACE

WATER MANAGEMENT SERVICE CHARGES; TO CREATE A MINIMUM 10 PERCENT CREDIT FOR SITES WITH A RAINWATER HARVEST SYSTEM; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Harold Smelt, Pierce County Water Programs, provided information on the Proposal, stating the Proposal will bring Pierce County Code back into compliance with State law. He explained the provisions of Senate Bill 2088 regarding timber and forest land.

Long pointed out a blank on page 3 of 3; in response, Smelt clarified the timeline for submitting credit applications.

Wimsett moved to insert December 15 in the blank on page 3 of 3, line 2; motion seconded.

The Chair called for public testimony on the amendment; there was no response. The amendment 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. 2003-103s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2003 AMENDMENTS TO THE PIERCE COUNTY COMPREHENSIVE PLAN; AMENDING TITLE 19, TITLE 19A, AND TITLE 19D OF THE PIERCE COUNTY CODE, PIERCE COUNTY COMPREHENSIVE PLAN; 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 explained what the Proposal would represent if passed, and provided background information on the Comprehensive Plan amendment cycle. The Proposal contains amendments approved by the Council's Planning and Environment Committee.

Wimsett moved adoption of Council Amendment No. 1 on blue; motion seconded. A copy of the amendment is included with these minutes as Attachment I.

Staff Testimony

Graham explained that the amendment adds additional Findings to the Proposal.

Goings stated there will be no rural urban growth boundary changes.

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

Wimsett moved adoption of Council Amendment No. 2 on bright yellow; motion seconded. A copy of the amendment is included with these minutes as Attachment II.

Staff Testimony

Graham explained the amendment involves Findings for Bonney Lake Urban Growth Area, and a U-8 map change. She explained the bulleted items listed on the Amendment memo.

Bunney explained his reason for proposing the amendment.

Public Testimony

Mayor Bob Young, City of Bonney Lake, spoke in support of the U-8 amendment.

Bruce Lachney, Planning Commission Member, commented on the Fennel Creek Corridor amendment and farm preservation.

Tim Trohimovich, Planning Director of 1,000 Friends of Washington, spoke in opposition to the amendment. A copy of his handout is contained in the Ordinance file.

Marian Betzer spoke to the amendment in regards to the Fennel Creek Corridor.

Ike Nwankwo, Washington State Community Trade & Economic Development, spoke in opposition to the Urban Growth Area expansion of Bonney Lake. The state hasn't had an opportunity to review the amendment.

Louisa Smith spoke in support of the amendment, urging the Council to approve the recommendation.

Bob Leedy, City of Bonney Lake, responded to Nwankwo's comments, stating Bonney Lake is aware of the State's concern, and will work to address the concerns.

Kirk Kirkland, Friends of Pierce County, spoke in opposition to the amendment.

Roy Corn spoke in opposition to the amendment.

Sally Morrow spoke in opposition to the amendment.

Dale Washam spoke in opposition to passing the amendment.

Dan Neyens spoke in opposition to the amendment.

Scott Corliss spoke in support of the amendment.

Mike Quigg spoke in support of the amendment.

Carl Halson spoke in support of the amendment.

Steve Berman, Chairman of the Bonney Lake Planning Commission, spoke in support of the amendment.

Moss asked Graham if the specifics of what will be allowed in the area will be addressed in the future, and if numerous meetings regarding the regulations will be held for public input. Graham concurred.

The amendment passed on a voice vote.

Wimsett moved approval of Council Amendment No. 3 on lime green; motion seconded. A copy of the amendment is included with these minutes as Attachment III.

Staff Testimony

Graham explained the intent of amendment to Rural Farm designation by outlining the Amendment memo.

Bunney, amendment co-sponsor, spoke to the issue of farmland being preserved, and urged the Council to pass the amendment.

Goings, amendment co-sponsor, thanked Bruce Lachney, Dave Enslow, and Councilmember Bunney for their work on the issue, and spoke to the major issues of the amendment.

Public Testimony

Tim Trohimovich spoke in support of the amendment, and expressed concern with five-acre densities.

Roxy Giddings spoke to keeping farmland. Graham responded to her question regarding all Rural Separators being in Rural Farm designation.

Dave Enslow, City of Sumner Councilmember, spoke in support of the amendment.

Kirk Kirkland spoke in support of the amendment, and thanked Goings and Bunney for their work on the issue.

Dick Carkner, Chair of Pierce County Farm Advisory Commission, spoke in support of the amendment, and urged Council's passing of the amendment.

Ike Nwankwo spoke to the October 22, 2003, letter sent to the County on the issue, and explained concerns regarding the Proposal. He appreciates the public hearing process.

David Schroedel spoke in support of the amendment, and commended Bunney for obtaining input from the farmers.

Lee commented that the Council is trying to preserve and protect existing and future farmlands.

Bocchi asked the Council and public to continue the process in farmland preservation.

Wimsett thanked Bunney and Goings for their work on the issue to protect farming in Pierce County, and complimented the Planning & Environment Committee for getting through the Comprehensive Plan cycle.

The amendment passed.

Wimsett moved Council Amendment No. 4 on orange; motion seconded. A copy of the amendment is included with these minutes as Attachment IV.

Lee, amendment co-sponsor, explained the reason he proposed the amendment, and provided background information on the Proposal. He commented on the Watland amendment.

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

At 5:40 p.m. the meeting recessed; at 5:50 p.m. the meeting reconvened.

Moss offered to withdraw Council Amendment No. 5 on pink. There were no objections; the amendment was withdrawn.

Wimsett moved Council Amendment No. 6 on gray; motion seconded. A copy of the amendment is included with these minutes as Attachment V.

Goings provided background on the U-2A amendment, and spoke to the petition the Council received regarding U-2A, by clarifying what area is affected by the amendment.

Public Testimony

Beverly Ernst expressed concern that the U-2A map did not properly reflect the proposed area, and she spoke in support of the amendment.

Ann Coon discussed stormwater runoff flooding problems in the Clarks Creek area, and spoke in opposition to the amendment.

Dennis Parlari asked for clarification on the property being affected.

Tim Trohimovich spoke in support of the amendment.

Brian Flint, Tahoma Audubon Society, spoke in support of the amendment.

Elizabeth McKercher spoke in support of the amendment.

The amendment passed.

Wimsett moved approval of Council Amendment No. 7 on lilac; motion seconded. A copy of the amendment is included with these minutes as Attachment VI.

Staff Testimony

Graham explained the technical amendment regarding T-10 water availability.

Public Testimony

Bill Giddings asked why the removal of the required water availability letter at the time of submission is a technical amendment. Graham clarified that the amendment makes it consistent with Amendment No. 3, which was passed at Committee level. This is to be addressed in the Development Regulations.

Goings commented the amendment carries out the Committee intent regarding T-10.

Kirk Kirkland asked for clarification on the intent of the amendment.

Chip Vincent, Planning and Land Services, explained the reason for the water availability letter and why it's been proposed to be eliminated. The issue will be addressed in the Development Regulations.

Lee stated the public will have an opportunity to address water availability letters during the Development Regulations process.

Tiffany Speir, Master Builders Association, stated the amendment is a clean-up issue, and details need to be worked out on the issue of water availability letters.

Roxy Giddings expressed concern with the lack of water in new home developments.

The amendment passed.

The Chair called for testimony on the Proposal as amended.

Public Testimony

Bill Giddings spoke in opposition to Map Amendment M-7.

Richard Linbo spoke in support of the Proposal.

David Artis spoke in opposition to Map Amendments M-3 and M-4. However, he supports the King's Manor and Christ the King Lutheran Church amendments.

Bill Bentley expressed concerns with M-3 amendment.

Nell Batker read a letter opposing the M-4 amendment, excluding the King's Manor parcel. A copy of the letter is contained in the Ordinance file.

Scott McElhiney spoke in opposition to the M-3 amendment.

Brian McCabe spoke to the T-8 amendment.

Roxy Giddings spoke in opposition to the M-4, M-5 and M-7 amendments.

Fred Kleton spoke in support of the amendments.

Cindy Beckett spoke in opposition to the M-3 and M-4 amendments.

Bob Henkel spoke in opposition to the Midland Comprehensive Plan being changed.

Francis Huber spoke to the M-3 amendment.

Mollie Huber spoke to the M-3 amendment.

Steve Burnham spoke in opposition to the T-8 amendment.

Tiffany Speir spoke to the T-8 amendment, requesting that an accurate soil survey be done.

Vincent addressed issues raised during the amendment review: buildable lands within the urban growth boundary and vested land applications being considered for expansion of the City's urban growth boundary.

Graham clarified that the Proposal will not reclassify the 68,000 acres to rural farm, it will only reclassify those in the Alderton-McMillin area and the Riverside Park portion of Summit-Waller. Expansion to the rest of the County and a soil survey will be addressed later in another process.

Goings stated what is being done in the T-8 area will be done County-wide next year as part of the compliance review of the entire Comprehensive Plan.

Tim Trohimovich spoke in support to the Urban Growth boundaries not being expanded, and requested that the Dunning Family Agricultural Limited Partnership lands and Buttes be postponed.

Wayne Carlson spoke in support of the M-10 amendments, specifically, the Buttes property, and urged the Council to adopt the substitute Proposal.

Carol Magmore spoke in opposition to the U-9 Amendment.

William Noland, Deputy Superintendent of Sumner School District, spoke in support of the U-9 amendment.

Brian Flint, Tacoma Audubon Society, thanked Bocchi, Council and Planning and Land Services staff for working on the Proposal and the agriculture amendments. He spoke in opposition to the increased pressure on wetlands in the Midland area. In regards to M-4, he relayed the message that King's Manor supports not having more commercial area maps.

David Schroedel spoke in support of the M-10 amendment, specifically, the Buttes amendment.

Goings thanked the Planning and Environment Committee staff and the Planning and Land Services Department staff for their work on the Proposal. He asked that the U-2A petitioners be included as part of the interested parties for the compliance review process.

In response to Goings' question, Vincent stated he reviewed all the amendments and found them to be within the scope of the State Environmental Policy Act.

Councilmembers Lee, Moss and Gelman thanked Goings for his leadership on the Planning and Environment Committee and for his work on the Plan.

The Chair called for the vote; the Proposal passed as amended a roll call vote of seven to zero.

IX. RESOLUTIONS

PROPOSAL NO. R2003-138, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SETTING THE DATE OF AN EVENING COUNCIL MEETING IN COUNCIL DISTRICT NO. 1 FOR TUESDAY, DECEMBER 2, 2003, AT 5:00 P.M., IN THE CITY OF SUMNER COUNCIL CHAMBERS, 1104 MAPLE STREET, SUMNER, 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.

XII. GENERAL PUBLIC COMMENTS

1. Dale Washam expressed concerns with the Conservation District's new \$5.00 tax and with the brochure mailed by Goings.
2. Bob Henkel spoke to a recent article printed in The News Tribune regarding the sales tax increase and the Health Department's budget.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:15 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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