

Gig Harbor City Council Meeting

**April 25, 2005
7:00 p.m.**



"THE MARITIME CITY"

**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
April 25, 2005 - 7:00 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

PUBLIC HEARINGS:

1. Private Road Standards.
2. Reduced Roadway Widths.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of April 11, 2005.
2. Correspondence / Proclamations: a) National Public Works Week; b) National Safe Boating Week; c) Native Plant Appreciation Week.
3. Purchase Authorization – Speed Monitoring Trailer.
4. Amended Consultant Service Contract – Anchor Environmental, LLC.
5. Wastewater Treatment Plant Roof Repair – Contract Authorization.
6. Liquor License Assumptions: Thai Hut; Gig Harbor Chevron.
7. Approval of Payment of Bills for April 25, 2005:
Checks #46892 through #47017 in the amount of \$162,547.30.

OLD BUSINESS:

1. Third Reading of Ordinance - Regulating Landscaping and Building Sizes in Select Districts in the Height Restriction Area Prior to Lifting the Building Size Moratorium.
2. Second Reading of Ordinance – Terminating the Building Size Moratorium.
3. Consideration of Ordinance Extending the Building Size Moratorium.
4. Second Reading of Ordinance – Amending the Public Works Standards for Private Streets.
5. Second Reading of Ordinance – Prentice Avenue Street Vacation Request – Savlov.

NEW BUSINESS:

1. Resolution in Support of the Gig Harbor Peninsula Historical Society Museum Project.
2. First Reading of Ordinance – Reduced Roadway Width Standards.
3. Pierce County 2005 Comprehensive Plan Amendments – Initiated Applications.
4. First Reading of Ordinance – Accepting a Donation for the Purpose of Purchasing Equipment that will be used in Support of Senior Citizen Program.

STAFF REPORT:

1. Community Development - Incentives for Senior Housing.
2. Community Development – First Quarter 2005 Building Permit Data.
3. Community Development – Pump Station 2A Public Meeting.
4. Finance – First Quarter Financial Reports.

PUBLIC COMMENT:

COUNCIL COMMENTS / MAYOR'S REPORT:

ANNOUNCEMENT OF OTHER MEETINGS:

ADJOURN:

GIG HARBOR CITY COUNCIL MEETING OF APRIL 11, 2005

PRESENT: Councilmembers Young, Franich, Conan, Dick, Ruffo and Mayor Wilbert. Councilmembers Ekberg and Picinich were absent.

CALL TO ORDER: 7:05 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

1. Regulating Landscaping and Building Sizes in Select Districts in the Height Restriction Area Prior to Lifting the Building Size Moratorium (continuation). Mayor Wilbert opened the public hearing at 7:07 p.m. Steve Osguthorpe, Planning Manager, presented the background information for this public hearing and gave an overview of the changes made to the ordinance per Council direction at the last meeting. He explained that he brought back separate draft ordinances for the C-1 zone; one imposing a 35,000 s.f. limit as recommended by the Planning Commission and the other imposing a 6,000 s.f. limit as originally proposed by the Joint Committee. He said that in addition, he had contacted staff from the Historical Society to determine the timeline for submission of an application and building size needs. The Historical Society has indicated the need for a 20,000 s.f. structure and hopes to submit an application as soon as possible as they hope to open in June of 2007.

John Vance – 3503 Harborview Drive. Mr. Vance explained that he lives in half of a building with a 5,000 s.f. footprint, which would be out of compliance with either draft ordinance. He voiced concern that they would be unable to rebuild in the event their structure were to be destroyed.

Steve Osguthorpe addressed this, explaining that in the shoreline district, non-conforming structures are grandfathered and can continue to be maintained or retained, but they are unable to enlarge. He said that within the waterfront, non-conforming provisions are different than in other areas. If more than 75% of the value is destroyed, the structure cannot be rebuilt to the non-conforming status unless it is a single-family home and it is rebuilt within a 3-year period.

Mr. Vance said that most insurance policies are written to replace the existing structure, and the condominium owners would not be allowed to recoup the value of their homes if they are prevented from rebuilding to the current size. Mr. Osguthorpe explained that there may be other factors that contribute to the non-conforming status.

Mr. Vance said that the property owners are asking for the ability to maintain their homes in the event they are destroyed in a natural disaster. He added that none of the property owners had been contacted by the consultant who had put together the stakeholders report, and that this is the first any of them were made aware that they would not be grandfathered.

Dorothy Hunt – 3501 Harborview Drive. Ms. Hunt voiced her concern that they would not be able to rebuild if their home was destroyed. She said that they have lived here 11 years and love the harbor and would like the opportunity to maintain their home.

Joe Puratich – 3421 Harborview Drive. Mr. Puratich said that he would like to have their family property grandfathered in case of an earthquake or fire.

Dennis Reynolds, Law Firm of Davis Wright Tremain, Seattle. Mr. Reynolds said he represents two clients, Gig Harbor Marina and Arabella's Landing, who are not in favor of either draft. He asked that the Gig Harbor Design Manual be given a chance, stressing that the additional restrictions have significant impacts, especially on smaller lots. He said that downsizing to 2,000 s.f. is significant, and suggested that staff analyze the urban infill requirements of the GMA, the economic development requirements, and private property rights. He stressed that it is not simply the desire to preserve views. He said that it's not a bad thing to relocate the view from the street to something closer to the water, but it is a unique type of regulatory taking to ask the waterfront property owners to provide view easements for the public and upland property owners.

Charles Carlson – 3505 Harborview Drive. Mr. Carlson his home is considered a duplex, and is not yet non-conforming. He said that he is concerned that the ordinance is premature. He said that there are only four undeveloped properties along the Harborview waterfront and all the existing homes and structures have been built legally and with the expectation of peaceful enjoyment. If this is adopted without grandfather rights, the property owners would be denied this. He said that if the existing 34 condominium units were single-family dwellings, they would take up a lot more space. He continued to say that the ordinance does not address mixed use buildings. He then read off a list of properties, both commercial and residential, that would not be able to rebuild under the draft ordinances. He asked Council to reconsider and to enable these owners to be able to enjoy their property.

Clark Davis 7525 Pioneer Way, Suite 202. Mr. Davis spoke on behalf of the Harbor Condominium Association in partial opposition of both drafts. He said that in the absence of a grandfather clause the ordinance is unfair. People have purchased property and protected their homes with insurance with an expectation that they have protected their investment. In the event of a catastrophe, their 5000 s.f. home may be cut down to 2000 s.f., which is unfair to the extent that it constitutes a taking and is potentially unconstitutional. He said that as a matter of policy and fairness to the citizens who own property in this area; there should be, at a minimum, a grandfather provision in the ordinance. He continued to explain that Mr. Carlson had been told by staff that if their 5000 s.f. condo burned down, they would be required to get a variance to rebuild in the same configuration. Mr. Davis recommended adding language to the draft ordinance to read "In the event that any structure that is in conformity with this chapter prior to adoption of the present ordinance, but which does not conform to the requirements of the present ordinance, is subsequently damaged or destroyed, such structure may,

within three years of such damage or destruction, be fully restored to its prior size and configuration without limitation or condition.”

Councilmember Young asked if Mr. Davis is suggesting that a grandfather clause apply to use as well as size. Mr. Davis responded that his clients are affected by this ordinance with regards to rebuilding, and again recommended incorporating his suggested language. He then said that he is unsure of how this ordinance affects existing omnibus language of the statute. Councilmember Young asked whether a non-conforming use structure should be allowed to rebuild and continue the non-conforming use, and if there are other municipalities with similar provisions. Mr. Davis said that grandfather provisions of this nature are common.

Councilmember Young then asked Mr. Davis to address the issue of fairly regulating both developed and undeveloped lots, and if any regulation that potentially reduces the use of property constitutes a taking. Mr. Davis said that the important thing is to not reduce an existing use. Councilmember Dick pointed out that the only reason to regulate property is because the status quo isn't adequate. Mr. Davis responded that he has no issue with zoning in general and in fact, is an advocate of growth management. He offered to research the takings argument further, but said the point is that the ordinance restricts what you can do with your property after a catastrophe and you reduce the potential use of the property.

Councilmember Ruffo clarified that what Mr. Davis was asking for was for the current property owners to be able to make whole what they currently have in case of a disaster and stressed that he didn't understand why this was going beyond this one issue.

Linda Gair – 9301 North Harborview Drive. Ms. Gair voiced disappointment with Council's attitude on regulating vegetation in the view corridors. She said that when you insist on buffers, screening, maintaining significant vegetation, or reducing impervious surfaces, you are regulating vegetation. She suggested addressing this issue starting with vegetative and fence height restrictions on streetscapes and new projects in the view corridors. In addition, a Good Neighbor Campaign would encourage property owners to be mindful of their trees. She said that she agreed with the comment made by Councilmember Dick when he asked "Why regulate at all?" in response to the removal of most landscaping regulations at the last meeting.

Ms. Gair then said that the city is in danger of losing the historical character of downtown by not limiting the size of residential as well as commercial. The whole point of the meetings over the past several months is to preserve this character and views and she asked Council not to backtrack. She then voiced disappointment with Council comments about the qualifications for the Design Review Board and Planning Commission, adding that she felt insulted by the comments suggesting that only professionally trained people should serve. She stressed that the primary mission of these boards is to represent the people and to provide a system of checks and balances in the planning process. It is up to a paid staff to provide the technical support. Ms. Gair said that appointment to the boards should be based on commitment to the community

and to the design and planning process and that existing boards should have input in choosing new members. The members spend a great deal of time in giving a fair recommendation, but many times the recommendations are not taken into consideration. She said that there are instances, such as with the historical preservation ordinance, in which the Planning Commission and Design Review members are more qualified than Council.

Carlos Moravek – 3889 Harborview Drive. Mr. Moravek spoke against the ordinance. He explained that he lives in the Edgewater Condominiums, which would not be able to rebuild if it were destroyed. He said that this is unfair to those who bought homes with the understanding that they are within their legal right to have it replaced. He asked Council to consider being in the position of not being allowed to rebuild their own homes to its current size. He said that he had not been contacted by Perteet, and that more community input needs to be obtained before making such large restrictions.

Jenny Smith – 3889 No. Harborview Drive. Ms. Smith said that she is the secretary for the Edgewater Condos and also is against the ordinance. She said that they pay pretty good taxes, and they like living, walking and shopping downtown. She said that for their investment they would like to know that they are protected.

Robert Puratich – 3421 Harborview Drive. Mr. Puratich said that his family has resided and had a commercial fishing dock for 85 years. They have spent a lot of time and effort to stay in the harbor. He said that he would like to see a grandfather clause added to the ordinance.

Bill Boris 3519 Harborview Drive. Mr. Boris said he would like to echo the concerns from those who spoke earlier. He said he opposed Section 'B' of 17.48.045 and recommended adding an option 'C' to read: "If it is here it can be here." He asked that he is asking for more than a grandfather clause, but equal protection under the law. He said that four families live in a small area; a design that maximizes public view. He asked for creativity and sympathy; guidelines rather than rules; and aesthetics rather than building loss. He recommended letting the land dictate what is built without regulations forcing what can be done.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter commented that if you have two drafts of an ordinance, you are not ready to pass anything. He said that the original meetings did not concern the Harborview Drive view corridor, but the whole view basin. He asked that all zones in the view basin be included in a building size ordinance. He suggested that if a building is destroyed, it should be allowed to rebuild within its own footprint and envelope. He said that the addition of the floor area ratio is unnecessary, because you already have regulations for footprint, setbacks, and building separation. He then said that in discussions by the Joint Planning Committee, a 60,000 s.f. limit in the C-1 zone was never discussed. The 35,000 s.f. number was recommended to allow the Historical Society to build what they need. He asked that the Historical Society not be made to jump through hoops, as the project is good for the community.

Councilmembers discussed the other properties in the C-1 zone and the options available for the Historical Society that wouldn't affect the other properties.

Wade Perrow – 9119 No. Harborview Drive. Mr. Perrow said that Mr. Reynolds has a valid point. There is an extensive Design Manual and this effort attempts to legislate good taste. He said that many people are confused by the floor area ratio and agreed that it is unnecessary. It is just one more layer that would restrict what could be built. He said that you should determine what should be allowed in the Design Manual and then allow the Design Review Board and staff to work from the manual. He paraphrased David Boe, the architect who said that unless you are attempting to put gates at the top of the hill that says "Residential Only", you will limit the eclectic nature of the city. He asked Council not to pass something that would lead to someone not knowing which book to look at when they come to the counter.

Walt Smith PO Box 191. Mr. Smith, President of the Gig Harbor Peninsula Historical Society, spoke in favor draft 'A' as it pertains to the C-1 zone only. He said that they can work with the C-1 zoning as is, adding that it is tough enough to work with the current regulations if they have to contend with further zoning changes. Their goal is to be under construction by 2007, and a considerable amount of money needs to be raised. He said that this project will be a benefit to the community.

Carol Davis – 3312 Harborview Drive. Ms. Davis spoke to the landscaping standards in the view corridor. She agreed with the comment made by Councilmember Dick at the last meeting when he said that the whole point of regulation is to maintain view corridors. She stressed that if views are important to regulate in commercial zones, these views should also be regulated in residential zones. The waterfront is a public asset that should be developed in a manner that allows everyone to enjoy the views. It makes no sense to regulate the height of buildings, but allow someone to plant a row of trees that will grow to 50 feet. In addition, side yards should also have low landscaping regulations.

John Holmaas – 7524 Goodman Drive. Mr. Holmaas spoke on behalf of the Historical Society in support of the 35,000 s.f. maximum building size limit. He said that the property was purchased under the 65,000 s.f. limit, which is more than needed, but they cannot live with a reduction to 6,000 s.f. They also want to retain the C-1 zoning designation, as the P-1 designation will not work for their long-range purpose at that location.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich voiced concern that this ordinance creates more problems. He added that everything should be grandfathered. He said that the condominiums went through the process and if you should protect their what is there, not only on the waterfront, but all over. His then voiced concern with landscaping, explaining that you should not be able to block views with a row of trees. He then asked Council to adopt the 35,000 s.f. limit in the C-1 zone so that the Historical Society could build. He said that if you have a vacant lot on the waterfront, you are going to be penalized when the other owners have been allowed to build larger.

He said that until the three new buildings came along, everything was okay. He said you are working on creating a problem rather than enjoying what is here, and keeping what is here.

Bruce Gair – 9301 Harborview Dr. Mr. Gair, who served for eight years on the Planning Commission, said that he would be pleased to see all these people in the audience show up for the Planning Commission meetings. He said that there must be something done to change the process of notification in order to get more people to participate at the beginning level.

Jim Pasin – 2710 39th St. Mr. Pasin encouraged Council to accept the 35,000 s.f. limit in the C-1 zone to facilitate the Historical Society and to allow them to make a contribution to the community. To ask them to go through extraordinary processes would be an indication of the city's lack of support for such an activity in the community. Relative to the grandfathering, he reminded Council that over the last 10-12 years, there have been several near-disasters in the community, and yet the city has not yet added a grandfather clause to the zoning ordinance. He asked Council to direct staff to put language not only in this ordinance, but throughout the zoning code so that people can rebuild to their existing size.

Alan Bucholz – 8800 No. Harborview Drive. Mr. Bucholz, an architect, gave the background of the effort to design and obtain permits for a house for Jeff Bucholz. He described the configuration of the house; which is 2000 s.f. not counting the garage. This meets all the current setbacks, but if the city cuts this further, it minimizes the home. If you are going to put this much into a home, you would like to have some space. He asked for clarification on whether he would meet the regulations.

Steve Osguthorpe addressed this, explaining that he believes that he would fall under the 3,500 s.f. limit.

Bruce Steele – 6610 Sunnybay Road. Mr. Steele owns three lots on Harborview Drive. He said that he attended all the Planning Commission meetings to keep informed. He said that he can deal with the 3500 s.f. limit, but he is concerned with the floor area ratio, which he does not recall being before the Planning Commission for discussion. He said that if the FAR is adopted, he could only build a 1250 s.f. house on his properties, which is ridiculous.

Mr. Osguthorpe explained that the floor area ratio was in the initial draft recommendation that Council sent to the Joint Committee for comment. The Joint Committee agreed to take it out. At the last meeting Council asked to put it back in and it became part of the continued public hearing.

Mr. Steele stressed that he can live with all the other regulations but not this. Councilmember Young said that he misunderstood the implication on small lots when he asked that this return, adding that he would not request that it remain.

Beth Perrow – 9119 No. Harborview Drive. Ms. Perrow, Board of Directors for the Historical Museum, encouraged Council to adopt the 35,000 s.f. building size limit in the C-1 Zone. She said that funds are limited and she referred to the comment by Mr. Pasin that this is an opportunity for the city to show support of the museum.

Carl Halsan – 7218 North Creek Loop. Mr. Halsan echoed support for the Historical Society and whatever can be done to facilitate the process. He then discussed the grandfather issue and asked Council to keep in mind that there are other zones all over town in which this is also an issue.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton said that building sizes were the catalyst for this three-year process, but the ordinance in front of Council does not adequately address this. The goal was to maintain the characteristic scale of Gig Harbor. This means grandfathering what exists. Considering only the water-side of Harborview because it is legally defensible isn't what the community has asked for. She reminded Council that the Planning Commission and the Design Review Board were not in favor of the FAR, were in support of the 35,000 s.f. allowance for the Historical Society and were in support of grandfathering.

Doug Sorensen – 9409 No. Harborview Dr. Mr. Sorensen said that it was interesting that now people are asking for grandfathering, but the reason the ordinance are being changed are because there are buildings that are out of scope with the character of the city. He then said that he is in favor of grandfathering and not against change, but it is wrong to change the ordinance based on the reasons that have been heard and will not solve the view problem. He said that he disagreed that residential should be treated the same as commercial property. Waterfront homeowners pay taxes that helped purchase the park properties that provide views, but yet, these ordinance try and place the burden back on the residential owner.

There were no further comments, and the public hearing closed at 8:35 p.m. and the next public hearing opened.

2. Prentice Avenue Street Vacation Request - Savlov. John Vodopich, Community Development Director, gave a brief introduction. There were no comments, and the public hearing closed at 8:35 p.m.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of March 28, 2005.
2. Correspondence / Proclamations: a) Pierce County Heritage Month. b) Earth Week / Arbor Day.
3. Resolution In Support of Improving Water Resource Management.
4. Resolution No. 644 – Prentice Avenue Street Vacation Request – Boyd.
5. Resolution No. 645 – Declaring Support of Ft. Lewis and McChord AFB.
6. Appointments to Gig Harbor Arts Commission.

7. Elimination of the Washington Water Intertie at Prentice Avenue and Fennimore Street Intersection – Material Purchase Authorization.
8. Stinson Avenue Pedestrian Improvements Phase II – Contract Authorization.
9. Pavement Markings – Contract Authorization.
10. Skansie Brothers Residence Inventory of Contents - Consultant Services Contract.
11. Skansie Brothers Park Aquatic Lease Survey – Consultant Services Contract.
12. Liquor License Renewals: Albertsons; Anthony's of Gig Harbor; Tanglewood Grill; Bistro Satsuma.
13. Special Occasion Liquor License: Prison Pet Partnership Program.
14. Approval of Payment of Bills for April 11, 2005:
Checks #46755 through #46891 in the amount of \$426,078.73.
15. Approval of Payroll for the month of March:
Checks #3677 through #3724 in the amount of \$243,119.11.

Mayor Wilbert introduced Keith Folkerts, Kitsap County staff member, who has been involved with the Kitsap Peninsula water planning effort. Mr. Folkert presented background information on the resolution in support of improving water resource management.

Mayor Wilbert introduced the new members of the Gig Harbor Arts Commission, Karla Epperson, Dale Woock, Mary Rae Lund and Kit Kuhn and thanked them for accepting the appointment. She then introduced those members who were leaving the commission, adding that she had prepared a certificate of appreciation to be presented to Marion Ekberg, Robin Peterson, Danna Trent and Christopher Mathie.

MOTION: Move to approve the Consent Agenda as presented.
Ruffo / Young – unanimously approved.

Lita Dawn Stanton, Chair, said that Marion Ekberg and Robin Peterson served since the beginning of the GHAC in 2001, and Donna Trent joined the Commission in 2003. She gave an overview of what the group had accomplished since that time. She said that she looks forward to serving with the new commission members.

Donna Trent said that she had enjoyed serving, and introduced other current members of the Commission, Renee Christ and Betty Willis.

OLD BUSINESS:

1. Second Reading of Ordinance – Regulating Landscaping and Building Sizes in Select Districts in the Height Restriction Area Prior to Lifting the Building Size Moratorium.

Carol Morris, City Attorney, proposed a procedure for Council after hearing the testimony during the public hearing. She said that the moratorium will not terminate until Council terminates it by ordinance. She suggested that Council take an affirmative vote tonight to extend the moratorium until the next meeting, and another hearing can be scheduled. She advised Council not to discuss the issues of grandfathering and non-conformity. She said that she would further discuss this in Executive Session due to

possible litigation. At the next meeting, staff can bring back an ordinance that would terminate the moratorium, another that would continue the moratorium, and this current ordinance could come back for Council to make their decision. She added that the procedure proposed by Mr. Davis is totally unique in her experience, and she would like the opportunity to address this with Council.

Councilmember Ruffo stated that he is very interested in protecting the rights of property owners as well as maintaining what we have here. This will require a balance and he said that he would do what he thinks is right.

Councilmember Young explained that he is the one who asked to bring back the floor area ratio and he did not fully understand the impact on small properties. He asked that it be removed, as he has not intention of passing it with the FAR included. He then said that he suggested smaller building size limits in the C-1 zone for consistency around the harbor, but did not understand that there is a small amount of affected property not controlled by the Historical Society.

Councilmember Franich agreed that the floor area ratio could be problematic and should be stricken. He added that he thought there should be a 6,000 s.f. limit in the C-1 zone to maintain consistency. He said that there is a P-I process to address the specific need, stressing that he fully supports the Historical Society. He added that the Historical Society was able to obtain a rezone above Donkey Creek Park, but the project was not completed. If they are unable to raise the money for this project, the city will be stuck with a 35,000 s.f. limit in that area.

Steve Osguthorpe addressed this issue, explaining that it would not be helpful to simply rezone the property to P-I without also addressing the performance standards for this district and additional text amendments. It would require a Comp Plan amendment before the property could be rezoned, which may not be worth the long effort if a simple amendment to the performance based height exception would suffice. This could apply to a museum housing a large structure or something to that effect. This would not require a Comp Plan amendment.

Councilmember Franich said he would be in favor of making their road the easiest to achieve their goals.

Councilmember Young asked Council to keep in mind the restriction of vacant property. He explained that the financial hardship is just the same whether there is an existing structure or the property is vacant. Councilmember Ruffo responded that the community has lived with the existing structures and if someone puts something like what exists across the harbor in one of the vacant lots, it creates a whole different environment on this side. For that reason you need to treat them differently.

MOTION: Move to extend the moratorium until the next meeting and direct staff to bring an ordinance for consideration to extend the moratorium further.

Ruffo / Conan – unanimously approved.

Councilmember Young addressed the residential zones that had been omitted from the ordinance by directing staff to introduce this to the Planning Commission to determine the problem with building size limitations in the residential zones. If there aren't any regulations that prevent them currently, and it is desired to prevent "mega-houses" then the Planning Commission come back with recommendations.

Steve Osguthorpe explained that Alternative 'A' includes a 35,000 s.f. in the C-1 district, and asked Council to consider further findings to support this choice. He said that since he will not be here to follow through on this issue, he recommended holding off on this until completion of the charrette process. He asked that the time be taken to carefully define the charrette process in order to obtain the desired results.

Councilmember Franich said that he has appreciated working with Steve, and wished him good luck.

John Vodopich asked for direction. Councilmembers discussed their options and directed staff to bring back the ordinance for a third reading without the FAR language, add language to possibly address the grandfathering issues, and to change the C-1 square footage to 35,000 s.f. for consideration.

2. Second Reading of Ordinance – Amending the City's Procedures for Charging Private Applicants for the Costs Associated with EIS Preparation. Steve Osguthorpe gave a brief overview of this amendment.

Carl Halsan. Mr. Halsan voiced concern that with a comp plan amendment with multiple applications, some applications may require a complicated EIS, where others are simpler. There is a chance that one applicant would have to pay an unproportionate share of the cost. He asked that Council consider a way to pro-rate the cost.

Scott Wagner – PO Box 492. Mr. Wagner suggested bundling the less significant projects together to prevent this. Mr. Osguthorpe explained that the city could only submit amendments to the Comp Plan once a year, requiring that all amendments be processed together.

There was discussion on a method to determine pro-rata cost. Carol Morris, City Attorney, offered to draft language to amend the ordinance to address these concerns. She asked that Council move on to the next agenda item and return to approve the ordinance later in the meeting. They agreed.

3. Second Reading of Ordinance – Amending the Public Works Standards for Private Streets. John Vodopich presented information on this ordinance that amends Public Works Standards regarding the regulations for private streets fewer than 400 feet in length. He added that this is the first of two ordinances addressing "skinny streets." The second ordinance addressing public roads will be presented at the next meeting.

Scott Wagner – PO Box 492. Mr. Wagner commented that the requirements for the thickness of a private road intended to serve only 3-4 houses are the same for public streets. He said that this is expensive and he would like to see more reasonable standards for these private streets.

Jim Pasin – 2710 39th Street. Mr. Pasin voiced concern with the narrow streets with no parking lanes. He said that this creates a hazard for emergency vehicles and a nuisance for other neighbors. Under item B on page 4, the road shall be limited to less than 400 feet. He asked for clarification on the application in neighborhoods that may be annexed in the future. It was explained that this is strictly for new development.

Carl Halsan. Mr. Halsan voiced strong support for this amendment. He said that he can hardly wait for the new public road standards.

Wade Perrow. Mr. Perrow asked for clarification on the difference between public input and public hearing. He said that this was listed as a public hearing on the webpage, in the ordinance, and on the staff report, but not on the agenda. He said that there are two ordinances addressing road standards, and asked that Council not take action until the other ordinance has been brought forth. He agreed with Scott Wagner about the high level of standards for a low-level residential use. He then voiced concern with the 400 foot length limit, asking how you would enforce or interpret this. He handed out a letter showing four business parks that would not be able to add on to a private road if the private road standards are taken away, because the existing road would become non-conforming. He said that these examples illustrate that the ordinance is not ready to be adopted and asked that no action be taken until both ordinances are up for consideration.

Councilmembers further discussed the issues. The goal with these changes is to develop standards for narrow streets where applicable. Councilmembers agreed that the concerns brought up need to be addressed.

At this point in the meeting, Carol Morris read the language that she had prepared to insert into the ordinance in the second paragraph, page 3 amending the City's procedures for charging private applicants for the costs associated with EIS preparation. Steve Osguthorpe clarified what triggers an EIS process.

Eva Jacobsen – 5808 Reid Drive. Ms. Jacobsen said that she is a consultant with two of the applicants in the current comp plan amendment. She suggested that if there is a distribution for an EIS, it could be brought back to Council for approval to allow the proponents to speak. She then asked if any DS had been done in Gig Harbor. Mr. Osguthorpe explained DS's are rare, but some have been done. Ms. Jacobsen then commented that in other jurisdictions, consultants for the applicant have been allowed to help draft the EIS.

MOTION: Move to adopt Ordinance No. 994 amending the City's procedures for charging private applicants for the costs associated with EIS preparation as amended by the City Attorney.
Young / Ruffo – unanimously approved.

NEW BUSINESS:

1. Consideration of Ordinance – Terminating the Building Size Moratorium. This was discussed previously and will come back at the next meeting.

2. First Reading of Ordinance – Prentice Avenue Street Vacation Request – Savlov. John Vodopich presented this ordinance vacating a portion of Prentice Avenue between Peacock Hill Avenue and Woodworth Avenue. This will return for a second reading and adoption at the next meeting.

3. Resolution No. 646 – Establishing a Work Program for Processing Individual Comprehensive Plan Amendments in 2005. John Vodopich explained that Council previously adopted two resolutions addressing Comprehensive Plan updates for 2005. Initially, it was anticipated that review of the individual Comprehensive Plan amendments would occur in the first quarter of 2005. Unexpected delays in assessing the cumulative impacts of the proposed amendments and a revision to one application has precluded the issuance of an environmental threshold determination. This resolution revises the work program process, and eliminates the application for a map amendment for Canterwood Development. Mr. Vodopich answered questions on when he anticipated the amendments would be ready to process. He discussed the need for a codified process for dealing with proposed Comprehensive Plan amendments. Such a process will be developed and brought forward to Council for consideration.

Eva Jacobsen – 5808 Reid Drive. Ms. Jacobsen gave background information on the map amendment proposal. She read from a letter asking that Council not accept the amended Exhibit 'A' to the resolution and allows the Canterwood map amendment to move forward. She answered Council questions on the impact of not moving forward with the map amendment.

Councilmember Young asked for clarification on whether or not this a Comp Plan amendment was necessary. Mark Hoppen said that if they can comply with Chapter 13.34, they will be granted a utility extension. Ms. Jacobsen said that if there is an easier option, they would be happy to comply.

MOTION: Move to authorize the Mayor to sign the Resolution No. 646
Ruffo / Franich – unanimously approved.

STAFF REPORTS:

1. Community Development – Washington Survey and Rating Bureau Grading. Mr. Vodopich said that the city had received the excellent rating of Class 2 in Building Code Effectiveness Grading Schedule classification used by insurance carriers to determine local property insurance rates.

2. Community Development – Charrette Process. Mr. Vodopich presented information on a proposed schedule for initiating the charrette process.

Councilmember Franich stressed the importance of finding somebody local to do this. Councilmember discussed what qualifications are required to facilitate this process.

Rosanne Sachson – 3502 Harborview Drive. Ms. Sachson said that she had sent an e-mail with contact information on the communities that have gone through a charrette process and has a list of facilitators. She described the process, adding that it requires someone who is organized and can move through the process, and who understands land use. After the process, the citizens can know that they have been heard.

PUBLIC COMMENT:

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Young thanked Steve Osguthorpe for the years of service to the city. He said that he enjoyed working with, and had learned much from Steve, and wished him the best of luck. The other Councilmembers all agreed.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30.100(1)(i).

MOTION: Move to adjourn to Executive Session at 10:15 p.m. for approximately ten minutes.
Ruffo / Franich – unanimously approved.

MOTION: Move to return to regular session at 10:24 p.m.
Young / Franich – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 10:24 p.m.
Franich / Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 22.
Disc #2 Tracks 1 – 25.
Disc #3 Tracks 1 – 9.

Gretchen A. Wilbert, Mayor

Molly Towslee, City Clerk

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, I, Gretchen A. Wilbert, Mayor of the City of Gig Harbor, do proclaim the week of May 16th as

NATIONAL PUBLIC WORKS WEEK

And invite all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 25th day of April, 2005.

Gretchen A. Wilbert, Mayor

Date

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public;

NOW, THEREFORE, I, Gretchen A. Wilbert, Mayor of the City of Gig Harbor, do proclaim May 21-27, 2005, as

NATIONAL SAFE BOATING WEEK

and the start of the year-round effort to promote safe boating.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 9th day of May, 2005.

Gretchen A. Wilbert, Mayor

Date

**Bremerton Sail and Power Squadron
Lois Fetters, Public Relations Officer
7301 East Center St.
Port Orchard, WA 98366
(360) 871-8264**

MAR 16 2005

The Mayor of Gig Harbor
3510 Grandview St.
Gig Harbor, WA 98335

March 14, 2005

Your Honor,

The United States Power Squadron and the North American Safe Boating Campaign have named May 21-27, 2005 National Safe Boating Week. The emphasis this year is on getting people to wear their life jackets. As you can see by the statistic in the enclosed proclamation, this is a worthy goal.

We would appreciate your support in this endeavor by your Proclaiming May 21-27, 2005 National Safe Boating Week in your city and your support our the goals to "Boat Smart, Boat Safe, Wear It."

Thank you



Lois Fetters
Public Relations Officer
Bremerton Sail and Power Squadron

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, native plant species are an important part of Washington's heritage, providing important aesthetic, economic, and ecological contributions that make Washington a special place to live; and

WHEREAS, Washington enjoys an amazing diversity of over 3000 native plant species from rain forest plants on the Olympic peninsula to the desert species in Eastern Washington; and

WHEREAS, preserving native plant eco-systems is critical for the protection of birds, fish, and other wildlife, as well as water quality in Washington State; and

WHEREAS, over 350 of our native plant species are listed as rare by the state's Natural Heritage Program; and

WHEREAS, invasive species present a threat to sustaining of Washington's native plant ecosystems and the biodiversity that they enable;

NOW, THEREFORE, I, Gretchen A. Wilbert, Mayor of the City of Gig Harbor, do proclaim the week of May 1st – 7th, 2005 as

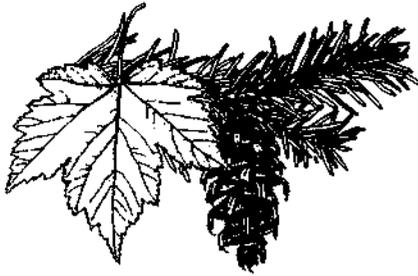
Native Plant Appreciation Week

in Gig Harbor, and I urge all citizens to join me in appreciating, enjoying, and celebrating our floral diversity by taking advantage of the opportunities of this week to learn more about our native plants, their habitats, and how to protect them. Take a native plant walk, visit a natural area, or become involved in a restoration project as we join together to celebrate this precious heritage.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 10th day of May, 2004.

Gretchen A. Wilbert, Mayor

Date



Washington Native Plant Society

Appreciate, Conserve, and Study Our Native Flora

6310 NE 74th Street, Suite 215E, Seattle, WA 98115
(206) 527-3210

March 30, 2005

Mayor Gretchen Wilbert and City Council
3510 Grandview St.
Gig Harbor, WA 98335

Dear Mayor Gretchen Wilbert and City Council,

The Washington Native Plant Society is happy to announce Governor Christine Gregoire has declared May 1st to May 7th, 2005 as Washington's second annual Native Plant Appreciation Week. Last year we were pleased that you joined us in proclaiming Native Plant Appreciation Week, recognizing the value native plants have to Washington. We invite your City to join us, once again, by proclaiming May 1st to May 7th as Native Plant Appreciation Week.

Background information on Native Plant Appreciation Week, a copy of the Governor's proclamation, and a generic proclamation that you may wish to use as a model are attached.

If you choose to join the state and other jurisdictions in proclaiming Native Plant Appreciation Week, please contact Catherine Hovanic at 1-888-288-8022 or wnps@wnps.org. Please indicate if you would like a WNPS member to receive the proclamation in person so that we can make arrangements.

Thank you in advance for your participation, and please feel free to contact me if you have any questions. You may also learn more about the Washington Native Plant Society on our Web site at www.wnps.org.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Hovanic".

Catherine E. Hovanic
Administrator





Washington Native Plant Society
 Appreciate, conserve and study our native plants and habitats

About WNPS

- Home
- Annual Reports
- ByLaws*
- Calendar
- Committees
- Contact WNPS
- Directors
- Goals
- History
- How to Donate
- Membership
- Policies

Activities

- Conservation
- Ecosystems
- Education
- Landscaping
- Native Plant Lists
- Publications
- Research

Local Chapters

- Field Trips
- Programs
- Plant Sales

Photo Gallery

Priorities

- Garry Oak
- Invasive Species
- Shrub Steppe

Programs

- Growing Wild
- Ivy Out
- WNPS Stewards

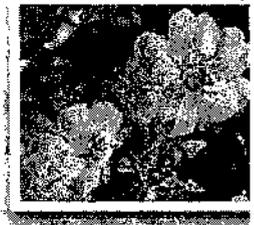
Resources

An Affiliate of



Earthshare of Washington

Native Plant
Appreciation Week
 May 1 - 7, 2005



- [Activities](#)
- [Conservation](#)
- [Plant Diversity](#)
- [Resources](#)
- [Hi](#)

What is Native Plant Appreciation Week?

Governor Gregoire has proclaimed May 1st through May 7th, 2005 as Native Plant Appreciation Week in Washington.

This week is intended to be a celebration of the amazing diversity of Washington's over 3000 native plant species that range from desert plants to rain forest species and of the native plant ecosystems that are so important to sustaining the quality of Washington's environment.

Want to g
 Participati
 NPAW Phc
 Winner



Phacelia linearis photographed by Donna Franklin. Copyright 2005. All rights reserved.

The *Native Plant Appreciation Week* is intended to encourage citizens to become involved in learning more about native plant species and their habitats and how they can help to protect them. It is an opportunity to encourage public involvement in everything from plant walks and visits to our natural areas to active involvement in habitat restoration projects.

Native Plant Appreciation Week is an opportunity for governmental

agencies, non-profit groups and environmental organizations to highlight their work in protecting native plant species and restoring native plant habitats. There is a great deal of extraordinary work being done that is not fully appreciated by the general public.

It is also an opportunity to increase public understanding of the critical role that our native plant ecosystems play in providing suitable habitat for birds, fish and other animals and in protecting water quality.

Finally, it is an opportunity to articulate the tremendous threat invasive exotic pests - insects, plant diseases and invasive

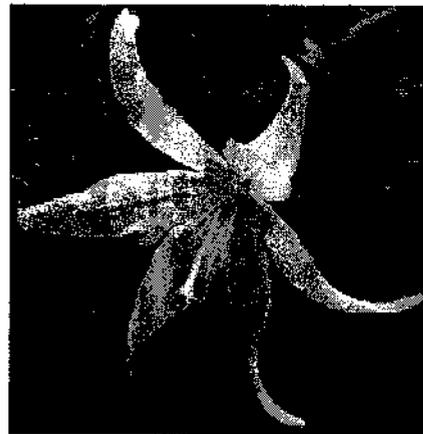
plant species - are to our native plants and ecosystems and the work being done in both the public and private sector to combat that threat.

Although it is an opportunity to educate, *Native Plant Appreciation Week* is primarily an opportunity to celebrate our native floral abundance, our amazing bio-diversity, and all the good work being done to protect and preserve it.

How can you and your organization participate?

Native Plant Appreciation Week is being designed to allow individuals and organizations to participate to whatever degree their organization's resources allow and their organization's goals support. It can range from highlighting your work on the website to events such as tours, public presentations or restoration projects. Cooperative activities between participants are also encouraged.

The Washington Native Plant Society has volunteered to provide a website where events scheduled for the week can be highlighted with links to other participating organizations' websites. That will be at www.wnps.org. If your agency policy allows, you may want to link to that website besides posting your own activities.



Erythronium montanum photographed by Donna Franklin. Copyright 2005. All rights reserved.

The week's activities are only limited by time and imagination.

What are some examples of kinds of activities that you might want to consider?

- Educational programs and lectures
- Field tours of native plant sites
- Visits to natural areas
- Volunteer opportunities for restoration projects or weed pulls
- Teacher or other training programs
- News releases or website information about your activities
- Distribution of educational brochures
- Joint activities with other participating groups

Who are some of the participating groups?

Last year we had the following groups participating. We hope they and others will join us again this year.

- Governor's Sustainability Coordinator
- Washington Native Plant Society

- Washington Audubon Society
- The Nature Conservancy
- Washington State Department of Agriculture
- Department of Natural Resources - Natural Heritage Program
- Washington State Department of Fish and Wildlife
- Washington State Noxious Weed Control Board
- County Noxious Weed Control Boards
- Department of General Administration
- Washington Parks and Recreation Commission
- Washington State Department of Ecology
- Evergreen State College
- Woodland Park Zoo
- University of Washington Herbarium
- University of Washington Rare Care Program
- U.S. Fish and Wildlife Service
- Kettle Range Conservation Group
- Whitman College
- Snohomish County Surface Water Management
- Fort Lewis
- City of Seattle Parks and Recreation
- Bastyr University
- Port Townsend Marine Science Center
- Jefferson Land Trust
- North Olympic Salmon Coalition
- Inside Passage Native Seeds
- Kul Kah Han Gardens
- Shore Road Nursery

Cities and Counties joined the Governor in proclaiming Native Plant Appreciation Week.

Last year, 38 cities and 3 counties also proclaimed Native Plant Appreciation Week.

Who do I contact for information or to participate?

Fred Weinmann, President
fredwcrx@aol.com

Or

Catherine Hovanic, Administrator
Washington Native Plant Society
6310 NE 74 th St., Ste 215 E
Seattle, WA 98115
206-527-3210
wnps@wnps.org

How do I submit information?

You can submit information by e-mail, phone, or online directly to the Washington Native Plant Society office which has volunteered to track the information at the addresses above. We realize that events will be developed right up to the kick off date. Please submit information as early as possible. Send to: wnps@wnps.org

THANK YOU FOR YOUR CONSIDERATION AND INVOLVEMENT.

* This linked document is a PDF file, and you'll need Acrobat Reader to display it. If you don't have the program, you may download it free from [Adobe](#).

Revised: March 24, 2005.
Copyright © 2005 Washington Native Plant Society. All rights reserved.
Contact: wnps@blarg.net



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEVE MISIURAK, P.E. *Stm*
CITY ENGINEER
SUBJECT: SPEED MONITORING TRAILER
- PURCHASE AUTHORIZATION
DATE: APRIL 25, 2005

INTRODUCTION/BACKGROUND

The 2005 Street Operating Budget provides for the purchase of a speed monitoring trailer to aid the Gig Harbor Police Department in developing a comprehensive traffic education and enforcement program. Specifications were drafted and three potential vendors were contacted resulting in the following bids:

Kustom Signals, Inc.	\$9,371.18
MPH Industries, Inc	\$8,121.32
North Cascade Industrial	\$7,925.74

Based on the price quotations received, the lowest responsive price quotation was from Kustom Signals Inc. in the amount of Nine Thousand Three Hundred and Seventy-one Dollars and Eighteen Cents (\$9,371.18), including retail sales tax. Kustom Signals, Inc. was the only bidder that met the minimum bid specification requirements. MPH Industries, Inc. and North Cascade Industrial did not comply with several of the minimum specifications including supplying a list of references, exceeding the maximum trailer weight and dimensions, utilizing a radar system that limits the ability to detect the speeds of traffic in both directions, and not complying with the specifications for the traffic statistical computer and software. Due to these discrepancies these bids were considered non-responsive.

FISCAL CONSIDERATIONS

This purchase is within the allocated \$11,000 that was anticipated in the adopted 2005 Budget, identified under the Street Operating Fund, Objective No. 6.

RECOMMENDATION

I recommend the Council authorize the purchase of the speed monitoring trailer to Kustom Signals, Inc. of Lenexa, Kansas as the lowest responsible respondent, in the amount of Nine Thousand Three Hundred Seventy-one Dollars and Eighteen Cents (\$9,371.18).



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEPHEN MISIURAK, P.E. SM
CITY ENGINEER
SUBJECT: AMENDED CONSULTANT SERVICES CONTRACT - ANCHOR
ENVIRONMENTAL, LLC
DATE: APRIL 25, 2005

INFORMATION/BACKGROUND

The City Council approved a consultant services contract with Anchor Environmental, LLC on December 13, 2004 in the amount of \$11,000.00 for the purposes of reviewing available information and preparing a sampling plan for the Eddon Boatyard property. A subsequent contract in the amount of \$52,710.00 was approved by Council authorizing Anchor to perform the initial site sampling, analysis, reporting, and preparation of a site clean-up cost estimate for a combined contract amount of \$63,721.00.

This contract amendment authorizes additional funds for Anchor Environmental to complete the following: work with the city to develop a cost effective conceptual remediation plan along with a regulatory and permitting strategy (including any required mitigation), a clear path forward for addressing environmental liabilities, enter into discussions with the Department of Ecology to implement regulatory strategy, and negotiate a Cleanup Action Plan and Consent Decree (if applicable) that supports a no further action determination from the Department of Ecology.

The terms of the Purchase and Sale Agreement stipulates the city must decide on the selection of an environmental consultant by April 18, 2005. During the last month, the City Engineer reviewed the list of qualifications of several environmental consultants from the city's Consultant Roster and determined Anchor Environmental to be the most qualified to perform this work. This was based upon several meetings with Anchor Environmental, several reference checks, a site visit to a recently completed EPA Superfund site, a review of their Statement of Qualifications, and their previous history and familiarity with this project.

The amendment provides for completion of Tasks 1 and 2 only. A later amendment for completion of Tasks 3 through 9 will be brought for Council approval at a future date.

FISCAL CONSIDERATIONS

Adequate funds exist for this amendment as a result of the passage of the bond measure in November 2004.

RECOMMENDATION

I recommend that Council authorize and amendment to the consultant services contract with Anchor Environmental, LLC to develop a cost effective conceptual remediation plan along with a regulatory and permitting strategy for the Eddon Boatyard property in an amount not to exceed Forty-Five Thousand Dollars (\$45,000.00).

**SECOND AMENDMENT TO CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
ANCHOR ENVIRONMENTAL, LLC**

THIS SECOND AMENDMENT is made to the AGREEMENT, dated December 13, 2004, and subsequent AMENDMENT #1, dated February 14, 2005, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Anchor Environmental, LLC, a limited liability corporation organized under the laws of the State of Washington, located and doing business at 1423 Third Avenue, Suite 300, Seattle, Washington 98101 (hereinafter the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in the environmental assessment and remediation services for the property commonly known as Eddon Boatyard and desires that the Consultant perform services necessary to provide the following consultation services.

WHEREAS, the Consultant agreed to perform the services, and the parties executed an Agreement on December 13, 2004, (hereinafter the "Agreement"); and

WHEREAS, the existing Agreement requires the parties to execute an amendment to the Agreement in order to modify the scope of work to be performed by the Consultant, or to exceed the amount of compensation paid by the City;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties in this Amendment as follows:

Section 1. Amendment to Scope of Work. Section I of the Agreement is amended to require the Consultant to perform all work described in **Exhibit A – Scope of Services**, attached to this Amendment, which Exhibit is incorporated herein as if fully set forth.

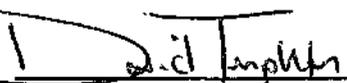
Section 2. Amendment to Compensation. Section II(A) of the Agreement is amended to require the City to pay compensation to the Consultant for the work described in **Exhibit A** to the Amendment in the amount of: Forty-five Thousand Dollars and Zero Cents (\$45,000.00). This Amendment shall not modify any other of the remaining terms and conditions in Section II, which shall be in effect and fully enforceable.

Section 3. Effectiveness of all Remaining Terms of Agreement. All of the remaining terms and conditions of the Agreement between the parties shall be in effect and be fully enforceable by the parties. The Agreement shall be incorporated herein as

if fully set forth, and become a part of the documents constituting the contract between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on this 18th day of April, 2005.

THE CITY OF GIG HARBOR

By: 
Its Principal

By: _____
Mayor

Notices to be sent to:

CONSULTANT
Anchor Environmental, LLC
Attn: David Templeton, Partner
1423 Third Avenue, Suite 300
Seattle, Washington 98101
(206) 287-9131

Stephen Misiurak, P.E.
City Engineer
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335
(253) 851-6170

APPROVED AS TO FORM:

City Attorney

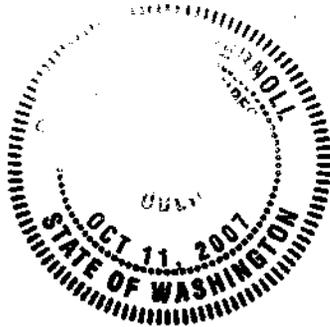
ATTEST:

City Clerk

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that David Templeton is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Partner of Anchor Environmental LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 4/19/05



Pamela S. Coppernoll

PAMELA S. COPPERNOLL

(print or type name)

NOTARY PUBLIC in and for the
State of Washington, residing at:

1318 144th St SE, Mill Creek WA 98012

My Commission expires: 10/11/2007



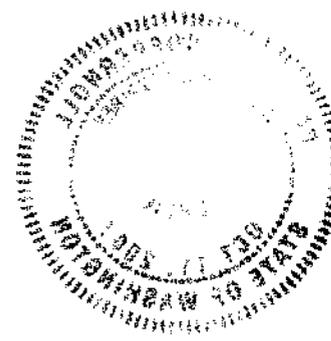
STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Gretchen A. Wilbert is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing at:

My Commission expires: _____





Anchor Environmental, L.L.C.
1423 3rd Avenue, Suite 300
Seattle, Washington 98101
Phone 206.287.9130
Fax 206.287.9131

Exhibit A

April 13, 2005

Mr. Steve Misiurak
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335

Mr. William Joyce
Salter Joyce Ziker, PLLC
1601 Fifth Avenue, Suite 2040
Seattle, WA 98101-1686

**Re: Exhibit A - Addendum Scope of Work
Environmental Assessment and Remediation Services
Eddon Boatyard Property**

Dear Mr. Misiurak and Mr. Joyce:

Over the last four months, Anchor Environmental L.L.C. (Anchor), to support a purchase, has assisted the City of Gig Harbor (City) with environmental assessment and remediation issues for the upland and sediment portions of the Eddon Boatyard Property located at 3711 Harborview Drive (the Property). We understand that the City has not selected a consultant for subsequent work associated with the Property. This letter re-emphasizes Anchor's interest in continued involvement with the City and presents our proposed addendum to our scope of work (Consultant Services Contract dated December 2004) to assist the City with regulatory closure for the upland and sediment portions of the Property. Anchor has previously provided the City a statement of our qualifications under separate cover and is on the appropriate City rosters.

Anchor has reviewed the amended purchase and sale agreement effective March 14th, 2005 (Amendment) and our proposed scope of work incorporates relevant elements of the Amendment and is designed to reach cost effective regulatory closure. We have also addressed possible future concerns raised by the seller and the Preliminary Assessment of Potential Environmental Remediation Costs prepared by Anchor (February 2005). With these objectives and considerations in mind, we have divided the remainder of this letter into the following sections:

1. Summary of Qualifications
2. Project Management
3. Scope of Work and Estimated Costs

Summary of Qualifications

Anchor is an environmental science and engineering consulting firm based in Seattle, with offices in Oregon, California, Pennsylvania, Mississippi, and Massachusetts, that specializes in waterfront projects. Our staff of over 70 includes sediment and soil remediation engineers and scientists, hydrogeologists, environmental planners, and landscape architects who have extensive national experience working on waterfront development and park projects. Anchor is unique in that it has specialized experience taking shoreline sediment remediation, habitat, and park development projects from the remedial investigation and feasibility study phase, through design and permitting, and into construction and monitoring. Anchor has proven its capability by managing shoreline and sediment investigation and remedial design teams that draw on local, site-specific expertise and experience. Anchor also supports our clients in property acquisition and insurance coverage matters.

In addition to our familiarity with the Property, we believe that our experience with these specific types of environmental issues, including boatyards and park development, is consistent with the City's needs. Anchor has previously provided the City a statement of our qualifications under separate cover and is on the appropriate City rosters. Additional information on Anchor can be found at www.anchorenv.com

Project Management

Through the implementation of our first two scopes of work, Anchor has demonstrated and is committed to the following project management elements:

- Pursuit of a cost effective strategy which achieves regulatory closure
- Completion of tasks on budget and on schedule
- Clear budget tracking and cost descriptions that meet the City's requirements
- Effective communication on all elements of the work

If at anytime we anticipate that the project conditions may change outside the scope of authorized cost estimates, Anchor will immediately discuss with the City.

Scope of Work and Estimated Costs

The following tasks are necessary to meet the City's obligations under the Amendment and would be funded by the "Remediation Account" to reach regulatory closure. Each task is necessary to negotiate, design, permit, construct (manage), and monitor a remedy that will support a no further action determination from Ecology (with appropriate limitations). Tasks associated with park design and development are not addressed within these tasks. Pending discussions with Ecology and permitting agencies, engineering evaluations, and implementation considerations (e.g., acceptance of thin-

layer capping, maintain a viable marine rail system, etc.), Anchor recommends that only Task 1 and Task 2 be initially authorized.

With this recommendation in mind, the following table also includes tasks and planning level budgets consistent with Anchor's February 2005 Preliminary Assessment of Potential Environmental Remediation Costs (Tables 4, 5a, and 5b from that document) though we recognize that actual costs will depend on discussions with Ecology and various permitting agencies. Tasks 7 and 8 do not include construction contractor costs, Ecology oversight costs, or consider contingency costs (see Tables 5a and 5b from the Preliminary Assessment).

Task	Description	Estimated Budget	Estimated Start Date	Comments
1	Project Management and Strategy Development	\$20,000	May 2005	Table 4 – Admin Costs ²
2	Meetings	\$25,000	May 2005	Table 4 – Admin Costs ²
3	Work Plans (If Necessary)	TBD	June 2005	\$5,000 ¹
4	Additional Field Investigations (If Necessary)	TBD	July 2005	\$90,000 ¹
5	Design	TBD	August 2005	\$90,000 ¹
6	Permitting	TBD	September 2005	\$40,000 ¹
7	Sediment Construction Management and Monitoring	TBD	September 2006	\$56,200 ¹
8	Upland Construction Management and Monitoring	TBD	September 2005	\$47,000 ¹
9	Long – Term Monitoring	TBD	-----	\$70,000 ¹

Notes:

¹ Tasks 3 – 9 - Estimated costs based on Tables 4 and 5 of the Preliminary Assessment of Potential Environmental Remediation Costs (Anchor 2005). These are for planning purposes only and will be finalized as discussions with Ecology and permitting agencies proceed.

² Estimated costs presented in Table 4 of the Preliminary Assessment of Potential Environmental Remediation Costs (Anchor 2005). Period of performance expected to be up to 2 years and will be billed on a time and materials basis.

As final budgets are established and authorized, these tasks will be completed on a time and material and not to exceed basis under our existing Consultant Services Agreement with the City (if selected, this letter would be a supplemental Exhibit A – Scope of Work). If the project conditions change outside the scope of this cost estimate, Anchor will work with you to re-scope the necessary project elements. Each of these tasks is discussed below.

Task 1 – Project Management and Strategy Development

This task includes project management and strategy development tasks through the permitting stage of the project. Activities include:

-
- Establish a cost tracking and billing system (in place) that meets the City's requirements and minimizes questions by the seller (e.g., transparent)
 - Support the pursuit of any viable grant or matching fund programs that would support environmental cleanup
 - Work with the City to develop a conceptual remediation plan, regulatory and permitting strategy (including any required mitigation), and clear path forward for addressing environmental liabilities (likely under the Ecology VCP)
 - Enter into discussions with Ecology to implement regulatory strategy
 - Obtain all required permits associated with environmental remediation activities
 - Negotiate a Cleanup Action Plan (CAP) and Consent Decree (if applicable) that supports a no further action determination from Ecology

Specific steps necessary to prepare for negotiations with Ecology and permitting agencies are:

1. Fine tune the regulatory strategy to support discussions with Ecology.
Key elements are:
 - a. Focus on regulatory approval and closure
 - b. Consider required engineering evaluations necessary to support and defend a cost effective remedy (e.g., capping over marine railway structure, use of thin-layer capping, etc.)
 - c. Develop a permitting strategy including the identification of potential mitigation options, if required
2. Presentation of existing information and proposed approach to Ecology VCP representatives.
 - a. Prepare data report (largely complete pending some re-formatting)
 - b. Support position that no additional investigation information is required
 - c. Include recommendation regarding bioassay and bioaccumulation testing
 - d. Set framework for a cleanup plan that is implementable
 - e. Set framework for permitting (e.g., avoid mitigation if possible)
3. Prepare documents that detail cleanup plans
4. Prepare permitting documents (e.g., JARPA)
5. Negotiate CAP and obtain all required permits

Task 2 – Meetings

This task sets aside a certain amount of time to allow for meetings with the City and/or Ecology (as well as other agencies) to discuss environmental issues. Our goal is to be efficient in the use of meetings at key points in the process to ensure that the project is moving forward as needed by the City and in such a way as to encourage efficient and timely decisions from Ecology. Depending on the ease of negotiations with Ecology there may not be a need to utilize this full budget presented above (time and materials, not to exceed).

Task 3 – Additional Work Plans - Reserved

Recognizing that our objective is not to perform any additional investigations, if through discussions with Ecology additional field sampling efforts are required, the existing Sampling and Analysis Plans (SAP) will be updated as necessary and submitted for Ecology approval as required. We have allowed for one round of review by the City, legal, and the Seller, one round of review by Ecology, and final production of 3 hard copies and 10 electronic versions (PDF on CD).

Task 4 – Additional Field Investigations - Reserved

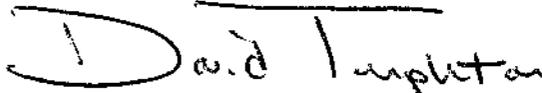
This task includes implementation of any required field investigations detailed in the Work Plans, including reporting.

Tasks 5 to 9 – Design through Construction - Reserved

These tasks are necessary to implement the negotiated, designed, and permitted remedy that will support a no further action determination from Ecology.

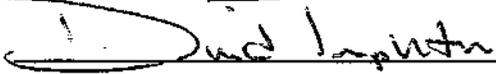
If this Scope of Work meets the City's needs, please sign and return one copy for our files. Please feel free to contact me (206) 287-9130 or dtempleton@anchorenv.com if you have any questions or would like additional information on this scope of work. Please let me know if you have any questions, or need any additional information.

Sincerely,



David Templeton
Partner
Anchor Environmental

ACCEPTED BY: _____



4-13-05

David Templeton, Partner
Anchor Environmental, L.L.C.

Date

Name: _____ Date: _____

Title: _____

City of Gig Harbor

cc: Mark Hoppen, City of Gig Harbor
Carl Stivers, Anchor Environmental, L.L.C.



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID BRERETON
DIRECTOR OF OPERATIONS
SUBJECT: WASTEWATER TREATMENT PLANT ROOF REPAIR
- CONTRACT AUTHORIZATION
DATE: APRIL 25, 2005

INTRODUCTION/BACKGROUND

On April 11, 2005, City Council authorized a contract for roof repair at the Wastewater Treatment Plant to Harcor, Inc., dba Cleo's Roofing in the amount of \$3,107.00, plus retail sales tax. Cleo's Roofing informed the city on April 19, 2005 that they have filed bankruptcy and are unable to honor their contract.

The second lowest price quotation was received from Peninsula Roofing, LLC. in the amount of \$4,638.00, a difference of \$1,531.00 from Cleo's Roofing quotation. The three contractors that originally responded with price quotations were:

Harcor, Inc., dba Cleo's Roofing	\$3,107.00
Peninsula Roofing, LLC	\$4,638.00
Cobra Roofing Services	\$5,054.00

ISSUES/FISCAL IMPACT

Routine maintenance of our buildings and structures was anticipated in the adopted 2005 Budget. Sufficient funds are available in the Sewer Operating fund for the Wastewater Treatment Plant maintenance and repair.

RECOMMENDATION

I recommend that Council authorize the contract for the Wastewater Treatment Plant to Peninsula Roofing, LLC. in the amount of Four Thousand Six Hundred Thirty-eight Dollars (\$4,638.00), plus retail sales tax.

**AGREEMENT FOR CONSTRUCTION SERVICES
BETWEEN GIG HARBOR AND
PENINSULA ROOFING, LLC**

THIS AGREEMENT, is made this _____ day of April, 2005, by and between the City of Gig Harbor (hereinafter the "City"), and Peninsula Roofing, LLC, a Washington limited liability company, located and doing business at 13041 Olympic Drive SE, Olalla, Washington 98359, (hereinafter "Contractor").

WHEREAS, the City desires to hire the Contractor to perform the work and agrees to perform such work under the terms set forth in this Agreement; and

WHEREAS, in the process of selection of the Contractor and award of this contract, the City has utilized the procedures in RCW 39.04.155(3);

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

I. Description of Work. The Contractor shall perform all work as described below, which is attached hereto and incorporated herein by this reference, in a workman-like manner according to standard construction practices. The work shall generally include the furnishing of all materials and labor necessary to repair by installing torchdown strips along the seams of the existing roof at the Wastewater Treatment Plant and apply a roof coating on the torchdown roofing. The Contractor shall not perform any additional services without the express permission of the City.

→ The main lower section of the PK

II. Payment.

A. The City shall pay the Contractor the total sum of Four Thousand Six Hundred Thirty-eight Dollars and No Cents (\$4,638.00), plus sales tax, for the services described in Section 1 herein. This is the maximum amount to be paid under this Agreement for these tasks, and shall not be exceeded without prior written authorization from the City in the form of a negotiated and executed change order.

B. After completion of the work, the City shall pay the full amount of an invoice within thirty (30) days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the Contractor of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

III. Relationship of Parties. The parties intend that an independent contractor - owner relationship will be created by this Agreement. As the Contractor is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or subcontractor of the Contractor shall be, or shall be deemed to be the employee, agent, representative or subcontractor of the City. In the performance of the work, the Contractor is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance and unemployment insurance, are available from the City to the employees, agents, representatives or subcontractors of the Contractor. The Contractor will be solely and

entirely responsible for its acts and for the acts of the Contractor's agents, employees, representatives and subcontractors during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Contractor performs hereunder.

IV. Duration of Work. The City and the Contractor agree that work will begin on the tasks described in Exhibit A immediately upon execution of this Agreement by both parties. The Contractor shall perform all work required by the Agreement on or before ~~April 15, 2005~~ ^{May 25, 2005} ^{AK}. The indemnification provisions of Section IX shall survive expiration of this Agreement.

V. Prevailing Wages. Wages paid by the Contractor shall be not less than the prevailing rate of wage in the same trade or occupation in Pierce County as determined by the industrial statistician of the State Department of Labor and Industries and effective as of the date of this contract. ^{as per conversation with Sonya}

Before any payment can be made, the Contractor and each subcontractor shall submit a "Statement of Intent to Pay Prevailing Wages" to the City, which has been approved by the State Department of Labor and Industries. Each voucher claim (invoice) submitted by the Contractor for payment of work shall have an "Affidavit of Wages Paid", which states that the prevailing wages have been paid in accordance with the pre-filed "Statement(s) of Intent to Pay Prevailing Wages".

VI. Waiver of Performance Bond and Retainage: Limited Public Works Process. As allowed in RCW 39.04.155(3) for limited public works projects, the City has waived the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW for the work described in Exhibit A.

VII. Termination.

A. Termination Upon City's Option. The City shall have the option to terminate this Agreement at any time. Termination shall be effective upon five (5) days written notice to the Contractor.

B. Termination for Cause. If the Contractor refuses or fails to complete the tasks described in Exhibit A, to complete such work by the deadline established in Section IV, or to complete such work in a manner satisfactory to the City, then the City may, by written notice to the Contractor, give notice of its intention to terminate this Agreement. On such notice, the Contractor shall have five (5) days to cure to the satisfaction of the City or its representative. If the Contractor fails to cure to the satisfaction of the City, the City shall send the Contractor a written termination letter which shall be effective upon deposit in the United States mail to the Contractor's address as stated below.

C. Excusable Delays. This Agreement shall not be terminated for the Contractor's inability to perform the work due to adverse weather conditions, holidays or mechanical failures which affect routine scheduling of work. The Contractor shall otherwise perform the work at appropriately spaced intervals on an as-needed basis.

D. Rights upon Termination. In the event of termination, the City shall only be responsible to pay for services satisfactorily performed by the Contractor to the effective date of termination, as described in a final invoice to the City.

VIII. Discrimination. In the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, the Contractor, its subcontractors or any person

acting on behalf of the Contractor shall not, by reason of race, religion, color, sex, national origin or the presence of any sensory, mental, or physical handicap, discriminate against any person who is qualified and available to perform the work to which the employment relates.

IX. Indemnification. The Contractor shall indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, and shall pay for all costs, including all legal costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. The City's inspection or acceptance of any of the Contractor's work when completed shall not be grounds to avoid any of these covenants of indemnification.

In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, agents and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONTRACTOR'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER.

The provisions of this section shall survive the expiration or termination of this Agreement.

X. Insurance.

A. The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Contractor's own work including the work of the Contractor's agents, representatives, employees, sub-consultants or sub-contractors.

B. Before beginning work on the project described in this Agreement, the Contractor shall provide evidence, in the form of a Certificate of Insurance, of the following insurance coverage and limits (at a minimum):

1. Business auto coverage for any auto no less than a \$1,000,000 each accident limit, and
2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$2,000,000 aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, and employers liability, and

C. The Contractor is responsible for the payment of any deductible or self-insured retention that is required by any of the Contractor's insurance. If the City is required to contribute to the deductible under any of the Contractor's insurance policies, the Contractor shall reimburse the City the full amount of the deductible.

D. The City of Gig Harbor shall be named as an additional insured on the Contractor's commercial general liability policy. This additional insured endorsement shall be included with evidence of insurance in the form of a

Certificate of Insurance for coverage necessary in Section B. The City reserves the right to receive a certified and complete copy of all of the Contractor's insurance policies.

- E. It is the intent of this contract for the Contractor's insurance to be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage in respect to the City. Additionally, the Contractor's commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.
- F. The Contractor shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Gig Harbor at least 30-days in advance of any cancellation, suspension or material change in the Contractor's coverage.

The Contractor shall procure and maintain for the duration of this Agreement, comprehensive general liability insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its employees, agents or subcontractors. The cost of such insurance shall be borne by the Contractor. The Contractor shall maintain limits on such insurance in the above specified amounts: The coverage shall contain no special limitations on the scope of protection afforded the City, its officials, officers, employees, agents, volunteers or representatives.

The Contractor agrees to provide the City with certificates of insurance evidencing the required coverage before the Contractor begins work under this Agreement. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City. The City reserves the right to require complete, certified copies of all required insurance policies at all times.

XI. Entire Agreement. The written provisions and terms of this Agreement, together with all exhibits attached hereto, all bids specifications and bid documents shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement.

XII. City's Right of Supervision. Even though the Contractor is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Contractor agrees to comply with all federal, state and municipal laws, rules and regulations that are now effective or become applicable within the terms of this Agreement to the Contractor's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

XIII. Work Performed at the Contractor's Risk. The Contractor shall take all precautions necessary and shall be responsible for the safety of its employees, agents and subcontractors in the performance of the work hereunder and shall utilize all protection

necessary for that purpose. All work shall be done at the Contractor's own risk, and the Contractor shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Contractor for use in connection with the work.

XIV. Warranties. The Contractor hereby warrants that it is fully licensed, bonded and insured to do business in the State of Washington as a general contractor. The Contractor will warranty the labor and installation of materials for a one (1) year warranty period.

XV. Modification. No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Contractor.

XVI. Assignment. Any assignment of this Agreement by the Contractor without the written consent of the City shall be void.

XVII. Written Notice. All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.

XVIII. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.

XIX. Resolution of Disputes. Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City, and the City shall determine the term or provisions' true intent or meaning. The City shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

If any dispute arises between the City and the Contractor under any of the provisions of this Agreement which cannot be resolved by the City's determination in a reasonable time, or if the Contractor does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be with the Pierce County Superior Court, Pierce County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The prevailing party shall be reimbursed by the other party for its costs, expenses, and reasonable attorney's fees incurred in any litigation arising out of the enforcement of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year above written.

PENINSULA ROOFING, LLC

By: Tim Ryker
Its Partner/Estimator

THE CITY OF GIG HARBOR

By: _____
Its Mayor

Notices should be sent to:

Peninsula Roofing, LLC
Attn: Gene Ryker
13041 Olympic Drive SE
Olalla, Washington 98359
(253) 857-4441

City of Gig Harbor
Attn: David Brereton
Director of Operations
3510 Grandview Street
Gig Harbor, Washington 98335

Approved as to form:

By: _____
City Attorney

Attest:

By: _____
Molly M. Towslee, City Clerk

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that GENE RYKER is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the OWNER of Peninsula Roofing, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 4/20/05



Sonia R. Billingsley
Notary Public in and for the
State of Washington,
Residing at PIERCE COUNTY
My appointment expires: 11/9/05

STATE OF WASHINGTON)
) ss.
COUNTY OF P I E R C E)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the **Mayor of the City of Gig Harbor**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

Notary Public in and for the
State of Washington,
Residing at: _____
My appointment expires: _____



PENINSULA ROOFING LLC

A Washington Limited Liability Company

13041 Olympic Dr. SE

Olalla, WA 98359

(253)857-4441 ~ (360)876-0304 ~ (206)780-5021 ~ Fax (253)857-4186

Lic.# PENINRL055BP

Job# GigHarbor031

PROPOSAL

03-11-05

City Of Gig Harbor Attn: Dave

Job Site: Waste Water Treatment Plant

858-6817

4216 Harbor View Dr

Fax 853-7597

ON THE MAIN LOWER SECTION OF THE PLANT ROOF WE WOULD:

- 1) Install torchdown strips along the seams of the existing roof.
- 2) Apply a roof coating on the torchdown roofing.....\$4,638.00 plus Sales Tax

This should keep the existing roof lasting another five years.

Peninsula Roofing LLC proposes to furnish labor and material to complete the above. Payable as follows: *Total Due upon completion of the job. (Unless signed special pre-arrangements have been made.)* We accept cash or check.

We also accept Visa, MasterCard. (Credit sales may require a surcharge)

Permits (if required) to be obtained by owner. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. All agreements contingent upon weather or delays beyond our control. We are fully licensed bonded and insured as required by the state and federal agencies. If it becomes necessary to effect collection, the undersigned agree(s) to pay all costs of collection including reasonable court costs and attorney fees.

Members signature

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL —

The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined

Signature _____ Date _____

NOTICE OF LIQUOR LICENSE APPLICATION



RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
License Division - 3000 Pacific, P.O. Box 43075
Olympia, WA 98504-3075
Customer Service: (360) 664-1600
Fax: (360) 753-2710
Website: www.liq.wa.gov
DATE: 4/11/05

TO: MOLLY TOWSLEE, CITY CLERK

RE: ASSUMPTION
From THAI HUT INC.
Dba THAI HUT THAI & ASIAN CUISINE

APPLICANTS: THAI HUT THAI CUISINE LLC
APR 19 2005

License: 078469 - 1U County: 27
UBI: 602-488-742-001-0001
Tradename: THAI HUT THAI & ASIAN CUISINE
Address: 4116 HARBORVIEW DR
GIG HARBOR WA 98332-1080

HIKES, SAEN SUK
1949-10-14

Phone No.: 253-858-8523 SAEN SUK HIKES

Privileges Applied For:
BEER/WINE REST - BEER/WINE

As required by RCW 66.24.010(8), the Liquor Control Board is notifying you that the above has applied for a liquor license. You have 20 days from the date of this notice to give your input on this application. If we do not receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you need information on SSN, contact our CHRI Desk at (360) 664-1724.

- 1. Do you approve of applicant?
2. Do you approve of location?
3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken?
4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based.

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE



NOTICE OF LIQUOR LICENSE APPLICATION

RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
License Division - 3000 Pacific, P.O. Box 43075
Olympia, WA 98504-3075
Customer Service: (360) 664-1600
Fax: (360) 753-2710
Website: www.liq.wa.gov
DATE: 4/11/05

TO: MOLLY TOWSLEE, CITY CLERK

RE: ASSUMPTION
From SNC INVESTMENTS, L.L.C.
Dbas GIG HARBOR CHEVRON

APPLICANTS:

APR 19 2005

TAE, MI CHA
1954-01-20

License: 072786 - 1U County: 27
UBI: 602-486-173-001-0001
Tradename: GIG HARBOR CHEVRON
Loc Addr: 5006 PT FOSDICK DR NW
GIG HARBOR WA 98335-1715
Mail Addr: 14385 SW JENKINS ST # 97
BEVERTON OR 97005-1194

Phone No.: 971-506-2665 MI TAE

Privileges Applied For:
GROCERY STORE - BEER/WINE

As required by RCW 66.24.010(8), the Liquor Control Board is notifying you that the above has applied for a liquor license. You have 20 days from the date of this notice to give your input on this application. If we do not receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you need information on SSN, contact our CHRI Desk at (360) 664-1724.

- 1. Do you approve of applicant?
2. Do you approve of location?
3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken?
4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based.

DATE SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: THIRD READING OF ORDINANCE REGULATING
LANDSCAPING AND BUILDING SIZES IN SELECT DISTRICTS
IN THE HEIGHT RESTRICTION AREA PRIOR TO LIFTING THE
BUILDING SIZE MORATORIUM
DATE: APRIL 25, 2005

INFORMATION/BACKGROUND

This item was presented to the City Council as a first reading and public hearing on March 28, 2005. At that meeting, the staff noted that proposed Building Size Standards for the Waterfront Residential (WR) district were unintentionally excluded from the ordinance that was circulated for public review. The staff presented a corrected ordinance at the meeting and asked the Council to continue the public hearing to the April 11, 2005 meeting to allow the public to comment on the corrected ordinance. The Council concurred, and also, after considerable discussion following public testimony, directed the staff to redraft the ordinance as follows:

1. Exclude all proposed side yard landscaping standards but retain regulation of hedges in a manner consistent with fence regulations.
2. Include the originally proposed floor area ratios (FAR's) in the waterfront districts.
3. Have alternative ordinances that have two options for building sizes in the C-1 district: One ordinance imposing a 35,000 square-foot limit as recommended by the Planning Commission; and one ordinance imposing a 6,000 square-foot limit as originally proposed by the Joint Committee. The Council then asked the staff to contact the museum to find out what their plans were for developing their site, both in terms of size of development and timing of development.

In response to directive #3, the staff drafted two ordinances reflecting two different building sizes: draft Ordinance "A" would impose a 35,000 square-foot limit in the Waterfront C-1 District; and draft Ordinance "B" would impose a 6,000 square-foot limit in that district. Additionally, the staff contacted Jennifer Kilmer, who stated that the plans have not yet been fully developed, but that the museum was making plans for a building between 19,000 and 20,000 square feet. She

further stated that they hoped to submit an application as soon as possible and concluded that the museum hopes to open in June 2007.

At the conclusion of the public hearing at the April 11, 2005 meeting, Council directed staff to bring a revised ordinance back for third reading at the April 25, 2005 meeting with the FAR provisions removed and establishment of a 35,000 square-foot limit in the Waterfront C-1 District.

Staff has revised the ordinance in accordance with Council direction to date.

FISCAL IMPACTS

There are no adverse fiscal impacts associated with this proposal.

RECOMMENDATION

If the Council desires to impose building size and landscaping limitations in waterfront areas, staff recommends adoption of this ordinance as presented.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING NEAR THE SHORELINE IN THE CITY'S HEIGHT RESTRICTION AREA, ADDING A NEW SECTION 17.04.409 DEFINING HABITABLE SPACE; ADDING A NEW SECTION 17.04.877 TO THE GIG HARBOR MUNICIPAL CODE (GHMC) DEFINING A WATERFRONT VIEW CORRIDOR FOR PURPOSES OF PROTECTING VIEWS FROM SPECIFIED PUBLIC RIGHTS OF WAY; ADOPTING A NEW SECTION 17.78.095 GHMC TO SUPPLEMENT LANDSCAPING STANDARDS IN THE WATERFRONT VIEW CORRIDOR; ADOPTING A NEW SECTION 17.04.408 GHMC DEFINING HEDGES; ADOPTING A NEW SECTION 17.31.075 GHMC ESTABLISHING BUILDING SIZE LIMITS IN THE DB DISTRICT; AMENDING GHMC SECTION 17.36.055 ESTABLISHING BUILDING SIZE LIMITS IN THE B-2 DISTRICTS LOCATED IN THE HEIGHT RESTRICTION AREA; AMENDING GHMC SECTION 17.40.055 TO REDUCE THE MAXIMUM BUILDING SIZE IN THE C-1 DISTRICT LOCATED IN THE HEIGHT RESTRICTION AREA; ADOPTING A NEW SECTION 17.46.045 GHMC TO ESTABLISH BUILDING SIZE LIMITS IN THE WR DISTRICT; AMENDING GHMC SECTION 17.48.040 TO PROVIDE A SPACING REQUIREMENT BETWEEN STRUCTURES AND ELIMINATE REFERENCE TO GROSS FLOOR AREA LIMITS IN THE WM DISTRICT; ADDING A NEW SECTION 17.48.045 TO THE GIG HARBOR MUNICIPAL CODE TO REDEFINE BUILDING SIZE LIMITS IN THE WM DISTRICT; ADOPTING A NEW SECTION 17.50.045 GHMC TO ESTABLISH MAXIMUM BUILDING SIZE LIMITS IN THE WC DISTRICT.

WHEREAS, a large portion of the City of Gig Harbor is characterized by views of Gig Harbor bay and the small scale buildings that reflect the historic development of the harbor basin.

WHEREAS, the City of Gig Harbor's Comprehensive Plan has the stated goal to "Preserve the character of those sites or districts which reflect the style of Gig Harbor's historical development" (Goal 3.13); and

WHEREAS, the City of Gig Harbor's Comprehensive Plan has the stated objectives to:

Develop guidelines which promote compatible development within designated areas. (Objective 3.13.2)

Consider standards which encourage building forms consistent with historic designs, (e.g., massing, roof styles and scale," (Objective 3.14.2)

Define and retain "small town" characteristics of historic business districts. (Objective 3.15.1); and

WHEREAS, the City of Gig Harbor's Comprehensive Plan has the stated goal to "Control vegetation to preserve significant views" (Goal 3.18); and

WHEREAS, the City of Gig Harbor has received numerous complaints from the public regarding large buildings recently built in the height restriction area, which have been found by many members of the public to be out of scale and character with the historic development patterns in the height restriction area; and

WHEREAS, in response to the public outcry over large buildings and view impacts in the height restriction area, the City proceeded as follows:

1. The City hired a consultant – Perteet Engineering – to explore the economic impacts of limiting building sizes throughout the City;
3. Perteet Engineering conducted public meetings and interviewed stakeholders to solicit input on the building size issue in order to formulate draft findings pertaining to limiting building sizes;
4. Perteet Engineering conducted public hearings on proposed code amendments pertaining to building size limitations;
5. The public comments at the public meetings and hearings addressed other concerns in addition to building size, including view protection and vegetation control;
6. On July 12, 2004, the Gig Harbor City Council passed Ordinance No. 965, imposing an immediate moratorium on the acceptance of applications for new development or certain types of re-development within the height restriction area as shown on the official height restriction map;
7. On September 13, 2004, the City Council passed Ordinance No. 968, which adopted findings and conclusions supporting the continued maintenance of the moratorium;
8. On November 8, 2004, the Gig Harbor City Council adopted ordinance 974 amending the City's Design Manual to, in part, (a) impose additional height limits on non-residential structures within the historic district portion of the view basin, (b) limit the use of tall vegetation in addressing buffering issues in the view basin, and (c) eliminate the allowance for additional height on primary structures in the view basin;
9. The City Council directed the Community Development Committee to discuss remaining and outstanding issues raised by the public at the public meetings and hearings and to draft recommendations for the full-council's consideration;
10. An outline of the Community Development Committee's proposed text amendments was presented to the City Council on January 10, 2004;

11. The City Council determined that additional time was needed to both allow planning commission and public review of the proposed text amendments and also to allow a 60-day review of the amendments by State agencies pursuant to RCW 36.70A.106;

12. The City Council passed ordinance No. 986 on January 10, 2005 extending the moratorium for an additional 90 days to allow time to proceed with the recommendations of the Community Development Committee, which the Council forwarded as a Council-initiated text amendment;

13. The City Council held a public hearing on the moratorium extension on February 14, 2005 pursuant to RCW 36.70A.390 and RCW 35A.63.220;

14. Joint work sessions between the City's Design Review Board and Planning Commission (hereafter referred to as the "joint committee) were held on February 10, 2005 and February 17, 2005 to consider the City Council's proposed text amendments. The joint committee discussed at length the importance of both view protection and retention of community character in terms of building size and building separation. The joint committee discussed existing view opportunities and reviewed information on existing building sizes in the historic district. The building size information considered by the joint committee provided information on the larger and more prominent buildings in the historic district, and the committee also considered the more numerous smaller buildings in the historic district. From the information provided, the joint committee determined that the Harbor Inn building located in WC district on Harborview Drive was representative of the average historic commercial building in terms of its footprint size (approximately 3000 square feet) and square footage as seen from the street level (approximately 6,000 square feet), and that the slope of the land in the WC district made possible additional and less visible square footage in a basement level of the Harbor Inn. The joint committee recognized that there were differences in the historic development patterns of each district located near or abutting the shoreline. The joint committee further recognized that the C-1 district abutting the shoreline was recently purchased by the Gig Harbor Historical Society, which has plans to develop a museum on the site that would be larger than the size limitations proposed by the City Council. The joint committee therefore determined that there should be no changes to the 65,000 square-foot building size limit in this district at this time. Additionally, the joint committee determined that in addition to the building size limits, existing setback provisions were sufficient to provide viewing opportunities from Harborview Drive and North Harborview Drive and no additional restrictions in setbacks or floor area restrictions (i.e., floor area ratio provisions) should be imposed. Finally, the joint committee determined that vegetation limitations along the shoreline would be difficult to administer.

15. The Planning Commission held a public hearing on the proposed text amendments on March 3, 2005 and after the hearing made a final recommendation to the City Council. As part of their recommendation, and in response to public input, the Planning Commission concurred with the recommendation of the joint committee but determined that vegetation restrictions were important to the protection of views and that the building size

limit in the C-1 zone should be reduced be approximately half (35,000 square feet) in order to be closer in line with the smaller building size limitations imposed elsewhere in near the shoreline; and

WHEREAS, the City of Gig Harbor desires to preserve and perpetuate the small scale of structures in the DB district that directly abuts waterfront districts; and

WHEREAS, the City of Gig Harbor desires to protect views of the harbor along the Harborview Drive and North Harborview Drive public rights-of-way for public enjoyment; and

WHEREAS, expansive building footprints and associated expansive and continuous roof forms can result in significant obstructions to views of the harbor as seen from Harborview Drive and North Harborview Drive public rights-of-way; and

WHEREAS, structures contained to smaller footprints require smaller, less expansive roof planes than more expansive footprint structures require and therefore have less impacts on views over the tops of structures; and

WHEREAS, limiting total floor area to a size that would be similar to the building size achievable by limiting the footprint size may result in a building with a wider footprint and a more expansive roof plane, but it would in that case result in a building of a lower height, thereby providing alternate but similarly effective ways of protecting views from Harborview Drive and North Harborview Drive; and

WHEREAS, views opportunities potentially created by required setbacks of structures can be impacted or lost as a result of fences and vegetation placed within view corridors; and

WHEREAS, large structures recently built in the non-residential zones within the harbor basin have adversely impacted the visual quality of the harbor basin because of their scale in relation to the historic structures that characterize the harbor basin; and

WHEREAS, the City Council has proposed amendments that are intended to protect views of the water from Harborview Drive and North Harborview Drive public rights-of-way by establishing said rights-of-way as a public waterfront view corridor and by limiting the amount of new vegetation that may limit views in said view corridor and by maintaining the small scale structures that characterize the historic structures in and near said corridor, which are also located in the City's historic district; and

WHEREAS, the City Council agrees with the joint committee's determination that in order to balance the need to protect and retain public views

of the harbor with the need to retain the historic development patterns within the view basin, it is necessary to vary the building size and separation requirements among the various districts near or abutting the shoreline, which includes the DB, WC, WR, WM, B-2 and C-1 districts abutting Harborview Drive and/or North Harborview Drive. Specifically, the Council finds that:

(a) The historic development pattern of the DB district includes small scaled buildings with little nor no separation between them (typical of most historic downtowns) and the visible portion of the Harbor Inn building as seen from the street (approximately 6,000 square feet) is an appropriate scale of building for the DB district;

(b) The historic development pattern of the WC district along North Harborview Drive in the Finholm Market area is also characterized by small scale buildings with little or no separation between them;

(c) The Harbor Inn building located in the WC district on Harborview Drive is representative of the historic structures in both the WC and DB district, but the slope of the land in the WC district makes it possible to have more square footage than structures in the DB district because the WC district's sloped topography provides opportunity for a basement level that would be largely unseen from the street level. Therefore, limiting the footprint of the building in the WC district as opposed to limiting the total square footage (as in the DB district) will provide opportunity for buildings at least as large as the 6,000 square foot buildings located across the street in the DB district, and for potentially larger buildings that would nonetheless be in scale with smaller 6,000 square foot buildings in the DB district, which has a generally level topography that does readily facilitate a basement level.

(d) Unlike the WC district located in the Finholm Market Area, the WC districts lying both north of the Stinson/Harborview Drive intersection and across the street from the DB district are not characterized by structures with no separation between them. Existing development patterns included wide areas of separation between structures. Because there is no historic development patterns of connected structures in these locations, and because existing development in these areas now provide some viewing opportunities between structures, it is appropriate to limit buildings in these areas to a size that respects the historic building sizes of the shoreline, but that also provides opportunity for views between structures.

(e) The WM and WR districts are characterized by smaller-scaled homes and neighborhood businesses than are found in the DB, WC, B-2 and C-1 districts in the view basin. The Council's initially proposed footprint limitations would ensure protection of both views and architectural character of WM and WR districts, but may be burdensome to businesses that require more square footage on a single level than 2,000 square feet. A 2,000 square foot footprint along with the Basic Structure Unit allowance defined in the City's Design Manual would allow a building of approximately 3,000 - 3,500 square feet of total space - depending on topography and the opportunity for a daylight basement, but only 2,000 square feet of floor area would be possible on a single level. Accordingly, both a 3,500 square-foot floor area maximum or a 2,000 square foot footprint

limitation would be appropriate for both protecting views and retaining an appropriate scale of building for these districts. Moreover, it makes sense to allow the property owner to choose between these two options because it will allow the owner to consider topographic advantages when determining how to develop his or her property.

WHEREAS, the proposed text amendments are consistent with the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed text amendment on January 27, 2005 pursuant to WAC 197-11-350; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on January 27, 2005, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on March 3, 2005, and made a recommendation of approval to the City Council, subject to amendments recommended by the Planning Commission as incorporated herein; and

WHEREAS, the City Council held legally advertised public hearings on the Ordinance on March 28 and April 11, 2005 during its regular City Council meetings; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of March 28; April 11; and April 25, 2005; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new Section 17.04.409 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.04.409 Habitable space.

"Habitable space" shall mean: a space in a building for living, sleeping, eating or cooking, and shall also include bathrooms, toilet rooms, closets, halls, storage rooms and utility rooms. Habitable space does not include attic areas that have no floors or finished interior walls.

Section 2. A new section 17.04.877 of the Gig Harbor Municipal Code is hereby adopted, to read as follows:

17.04.877 Waterfront View Corridor

"Waterfront view corridor" includes all parcels located between the shoreline of Gig Harbor bay and either Harborview Drive or North Harborview Drive, excluding parcels located north of or abutting Rust Street (originally named Walnut Street) as shown on the original Ardena Addition plat recorded on August 23, 1890.

Section 3. A new section 17.78.095 of the Gig Harbor Municipal Code is hereby adopted, to read as follows:

17.78.095 Waterfront View Corridor Landscaping

Within the Waterfront View Corridor, hedges shall conform to the height limits for fences defined in Chapter 17.99.

Section 4. A new Section 17.04.408 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.04.408 Hedge.

"Hedge" is a row of closely planted shrubs, bushes, or trees aligned in a linear fashion forming a screen, fence, or boundary.

Section 5. A new Section 17.31.075 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.31.075 Maximum gross floor area

In the DB district, the maximum gross floor area per building is 6,000 square feet. Multiple buildings on the same site shall be separated by a non-penetrated fire wall as defined in the International Fire Code except that a single 6-foot opening in the firewall separating structures is permissible provided that each structure has an outside customer entrance accessible to the street. Each structure shall be designed to stand independent of other structures on the site (i.e., the addition or removal of any one building on a site will not require structural attachments or modifications to any other building on the site.)

Section 6. Section 17.36.055 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.36.055 Maximum gross floor area

The maximum gross floor area per commercial structure is 35,000 square feet, except that in with the following exceptions:

1. In the Olympic Village Activity Center and the Westside General Business (B-2) district the maximum gross floor area per commercial structure is 65,000 square feet.
2. In the B-2 district abutting North Harborview Drive (the area commonly known as Finholm Market) the maximum gross floor area per building is 6,000 square feet. Multiple buildings on the same site shall be separated by a non-penetrated

fire wall as defined in the International Fire Code except that a single 6-foot opening in the firewall separating structures is permissible provided that each structure has an outside customer entrance accessible to the street. Each structure shall be designed to stand independent of other structures on the site (i.e., the addition or removal of any one building on a site will not require structural attachments or modifications to any other building on the site.)

3. In the B-2 district near the intersection of Harborview Drive and North Harborview Drive (the intersection commonly known as Borgen's Corner), the maximum gross floor area per building is 6,000 square feet with a minimum separation of 20 feet between buildings.

Section 7. Section 17.40.055 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.40.055 Maximum gross floor area

The maximum gross floor area per commercial structure is 65,000 square feet, except that in the C-1 district abutting Harborview Drive the maximum gross floor area per building is 35,000 square feet with a minimum separation of 20 feet between buildings.

Section 8. A new Section 17.46.045 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.46.045 Maximum building size.

Each structure in the WR district shall be limited in size according to one of the following options:

A. 3,500 square feet total size, including each story of a building (finished or unfinished) as defined in GHMC Section 17.04.750, and including all habitable space as defined in GHMC Section 17.04.409 with a finished ceiling height of 5 feet or greater, and including garages, carports, shops and similar work or storage rooms, and also including non-walled stand-alone structures such as pavilions and gazebos which are not incidental and secondary extensions of fully enclosed structures, but excluding covered decks and porches; or

B. A total footprint of 2000 square feet, which may be extended to accommodate a front porch or colonnade. The building footprint shall be measured from the outside edge of all exterior walls (including walls on cantilevered projections), posts, and columns, and shall not include eave overhangs of up to 24 inches or uncovered decks of up to 60 inches above grade. Within this footprint, all structures, including non-residential, are eligible for the height and massing allowed for Basic Structure Units (BSU's) as described under Section 3.14.02(1)(b) of chapter 17.99 GHMC.

Section 9. Section 17.48.040 of Exhibit A in Ordinance 982, is hereby amended to read as follows:

17.48.040 Development standards.

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-family Dwelling	Attached up to 4 units	Non-residential
A. Minimum lot area (sq. ft.) ¹	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²	20'	20'	20'
D. Minimum side yard	8'	10'	10'
E. Minimum rear yard	25'	25'	25'
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Density	4 dwelling units per acre		
I. Maximum gross floor area	N/A	N/A	3,500 sq. ft. per lot
<u>I. Separation between structures</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>

Section 10. A new Section 17.48.045 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.48.045 Maximum building size.

Each structure in the WM district shall be limited in size according to one of the following options:

A. 3,500 square feet total size, including each story of a building (finished or unfinished) as defined in GHMC Section 17.04.750, and including all habitable space as defined in GHMC Section 17.04.409 with a finished ceiling height of 5 feet or greater, and including garages, carports, shops and similar work or storage rooms, and also including non-walled stand-alone structures such as pavilions and gazebos which are not incidental and secondary extensions of fully enclosed structures, but excluding covered decks and porches; or

B. A total footprint of 2000 square feet, which may be extended to accommodate a front porch or colonnade. The building footprint shall be measured from the outside edge of all exterior walls (including walls on

cantilevered projections), posts, and columns, and shall not include eave overhangs of up to 24 inches or uncovered decks of up to 60 inches above grade. Within this footprint, all structures, including non-residential or multifamily structures, are eligible for the height and massing allowed for Basic Structure Units (BSU's) as described under Section 3.14.02(1)(b) of Chapter 17.99 GHMC.

Section 11. A new Section 17.50.045 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.50.045 Maximum building size

Each structure in the WC district shall be limited in size as follows:

1. In the WC district abutting the DB (downtown business) district, the maximum building footprint is 3,000 square feet. Multiple buildings on the same site shall have a minimum 20-foot separation between structures.
2. In the WC district abutting North Harborview Drive (the area commonly known as Finholm Market) the maximum building footprint is 3,000 square feet. Multiple buildings on the same site shall be separated by a non-penetrated fire wall as defined in the International Fire Code except that a single 6-foot opening in the firewall separating structures is permissible provided that each structure has an outside customer entrance accessible to the street. Each structure shall be designed to stand independent of other structures on the site (i.e., the addition or removal of any one building on a site will not require structural attachments or modifications to any other building on the site.)
3. In the WC district abutting Harborview Drive and lying north of the Stinson/Harborview Drive intersection (the area commonly known as Murphy's Landing), the maximum building footprint is 3,000 square feet. Multiple buildings on the same site shall have a minimum 20-foot separation between structures.

Section 12. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 13. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 25th day of April, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: _____

SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington

On April 25, 2005 the City Council of the City of Gig Harbor, Washington, approved Ordinance No. ____, the summary of text of which is as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING NEAR THE SHORELINE IN THE CITY'S HEIGHT RESTRICTION AREA, ADDING A NEW SECTION 17.04.409 DEFINING HABITABLE SPACE; ADDING A NEW SECTION 17.04.877 TO THE GIG HARBOR MUNICIPAL CODE (GHMC) DEFINING A WATERFRONT VIEW CORRIDOR FOR PURPOSES OF PROTECTING VIEWS FROM SPECIFIED PUBLIC RIGHTS OF WAY; ADOPTING A NEW SECTION 17.78.095 GHMC TO SUPPLEMENT LANDSCAPING STANDARDS IN THE WATERFRONT VIEW CORRIDOR; ADOPTING A NEW SECTION 17.04.408 GHMC DEFINING HEDGES; ADOPTING A NEW SECTION 17.31.075 GHMC ESTABLISHING BUILDING SIZE LIMITS IN THE DB DISTRICT; AMENDING GHMC SECTION 17.36.055 ESTABLISHING BUILDING SIZE LIMITS IN THE B-2 DISTRICTS LOCATED IN THE HEIGHT RESTRICTION AREA; AMENDING GHMC SECTION 17.40.055 TO REDUCE THE MAXIMUM BUILDING SIZE IN THE C-1 DISTRICT LOCATED IN THE HEIGHT RESTRICTION AREA; ADOPTING A NEW SECTION 17.46.045 GHMC TO ESTABLISH BUILDING SIZE LIMITS IN THE WR DISTRICT; AMENDING GHMC SECTION 17.48.040 TO PROVIDE A SPACING REQUIREMENT BETWEEN STRUCTURES AND ELIMINATE REFERENCE TO GROSS FLOOR AREA LIMITS IN THE WM DISTRICT; ADDING A NEW SECTION 17.48.045 TO THE GIG HARBOR MUNICIPAL CODE TO REDEFINE BUILDING SIZE LIMITS IN THE WM DISTRICT; ADOPTING A NEW SECTION 17.50.045 GHMC TO ESTABLISH MAXIMUM BUILDING SIZE LIMITS IN THE WC DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of April 25, 2005.

BY: _____
MOLLY M. TOWSLEE, CITY CLERK



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SECOND READING OF ORDINANCE TERMINATING THE
BUILDING SIZE MORATORIUM
DATE: APRIL 25, 2005

INFORMATION/BACKGROUND

Ordinance 965 imposing a 6-month Building Size Moratorium in the Height Restriction Area was adopted by the City Council on July 12, 2004. It was subsequently amended through Ordinances 968 and 979. The Moratorium was then extended for an additional 90 days under Ordinance 986, which stated that the Moratorium shall not terminate until 92 days after adoption. Ordinance 986 further stated that the Council shall make the decision to terminate the Moratorium by ordinance and that the termination shall not otherwise be presumed to have occurred.

The 92 days are up on April 12, 2005. An ordinance is therefore attached that terminates the Moratorium. The Moratorium would be effective five days after publication of a summary of the ordinance. The effective date would coincide with the effective date of the ordinance adopting the Building Size Development Standards, which is addressed under a separate agenda item for this meeting.

RECOMMENDATION

Inasmuch as development standards have been drafted (and presumably will be adopted) that address the larger concerns for which the Moratorium was imposed, the staff recommends that the Council approve the attached ordinance terminating the Building Size Moratorium. Because the Moratorium was adopted as an emergency measure on first reading, the staff recommends that this ordinance terminating the Moratorium likewise be adopted at this second reading.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE TERMINATION OF AN EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT OR CERTAIN TYPES OF RE-DEVELOPMENT IN THE CITY'S HEIGHT RESTRICTION AREA.

WHEREAS, on July 12, 2004, the Gig Harbor City Council passed Ordinance No. 965, imposing an immediate moratorium on the acceptance of applications for new development or certain types of re-development within the height restriction area as shown on the official height restriction map; and

WHEREAS, Ordinance No. 965 defined the permit applications that were exempt from the moratorium; and

WHEREAS, on September 13, 2004, the City Council passed Ordinance No. 968, which adopted findings and conclusions supporting the continued maintenance of the moratorium; and

WHEREAS, Ordinance 968 included definitions of the permit applications that were exempt from the moratorium; and

WHEREAS, Ordinance 979 further defined the exempt permit applications, amending Ordinances 965 and 968; and

WHEREAS, the purpose of the emergency moratorium was to allow the development of draft regulations to address the problems identified during the public hearings held by the Planning Commission on the issue; and

WHEREAS, on April 11, 2004, after a public hearing, the City Council reviewed an ordinance incorporating the code revisions proposed by the Planning Commission; and

WHEREAS, the moratorium imposed by the City in the above-referenced ordinances is not terminated until the City Council terminates the moratorium by formal action; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. The City Council hereby terminates the moratorium imposed by Ordinance 965 and all other ordinances amending such Ordinance.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor on this ___ day of April, 2005.

CITY OF GIG HARBOR

MAYOR GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

By: _____
Molly Towslee, City Clerk

APPROVED AS TO FORM:

By: _____
Carol A. Morris, City Attorney

FIRST READING: 4/11/05

DATE PASSED:

DATE OF PUBLICATION:

EFFECTIVE DATE:



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONSIDERATION OF ORDINANCE EXTENDING THE BUILDING SIZE
MORATORIUM
DATE: APRIL 25, 2005

INFORMATION/BACKGROUND

At the April 11, 2005 meeting, the City Council directed the staff to bring back a draft ordinance extending the Building Size Moratorium. The City Attorney has prepared such an ordinance for consideration by the Council. The City Attorney has noted that the ordinance, as drafted, has no findings as to why the moratorium is being extended. If approved by Council, the 'whereas' sections would have to be added, depending on what Council action is taken.

RECOMMENDATION

If the City Council decides to extend the Moratorium, it is recommended that the Council declare that an emergency exists necessitating that this ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CONTINUANCE OF AN EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT OR CERTAIN TYPES OF RE-DEVELOPMENT IN THE CITY'S HEIGHT RESTRICTION AREA, AS ADOPTED UNDER ORDINANCE 965 AND AS LATER AMENDED UNDER ORDINANCES 968 AND 979.

WHEREAS, on July 12, 2004, the Gig Harbor City Council passed Ordinance No. 965, imposing an immediate moratorium on the acceptance of applications for new development or certain types of re-development within the height restriction area as shown on the official height restriction map; and

WHEREAS, Ordinance No. 965 defined the permit applications that were exempt from the moratorium; and

WHEREAS, on September 13, 2004, the City Council passed Ordinance No. 968, which adopted findings and conclusions supporting the continued maintenance of the moratorium; and

WHEREAS, Ordinance 968 included definitions of the permit applications that were exempt from the moratorium; and

WHEREAS, Ordinance 979 further defined the exempt permit applications, amending Ordinances 965 and 968; and

WHEREAS, The City has developed text amendments that would address the impacts that buildings and other objects may have on both the character of the view basin and on views of the harbor; and

WHEREAS, additional time is needed to both allow planning commission and public review of the proposed text amendments; and

WHEREAS, on _____, after a public hearing, the City Council heard testimony on a ____-day extension of the moratorium to allow the City time to complete the work that began during the emergency moratorium; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Moratorium Extended. The City Council hereby extends the moratorium adopted under Ordinances 965, 968 and 979 for a period of ____ days.

Section 2. Extension Does Not Affect Provisions of Ordinances 965, 968 and 979. All provisions of Ordinances 965, 968 and 979 shall remain the same, and this Ordinance does not affect any provision of those Ordinances, except as specifically amended above.

Section 3. Duration of Moratorium. The moratorium currently in effect shall be extended by this Ordinance for another ____ days. As long as the City holds a public hearing on the moratorium and adopts findings and conclusions in support of the moratorium (as contemplated by Section 5 herein), the moratorium shall not terminate until six (6) months after the date of adoption. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 4. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of adoption, or before _____, 2004. The Council shall hold this hearing on _____, 2005. Immediately after the public

hearing, the City Council shall adopt findings of fact on the subject of this moratorium, and either justify its continued existence or cancel the moratorium.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of non-exempt development applications for property, such applications could become vested, prior to the time that the City adopts new regulations. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of a flood of development applications to the City in an attempt to vest rights under existing development regulations. This Ordinance does not affect any existing vested rights, nor will it prohibit all development in the City, because those property owners with exempt applications/permits and those with previously obtained approvals for development may proceed with processing.

Section 7. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 8. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth in Section 3, as long as it is approved

by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor, this ____ day of _____, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By: _____
CAROL A. MORRIS, CITY ATTORNEY

FIRST READING:
DATE PASSED:
DATE OF PUBLICATION:
EFFECTIVE DATE:

**SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington**

On _____, 2005 the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the summary of text of which is as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CONTINUANCE OF AN EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT OR CERTAIN TYPES OF RE-DEVELOPMENT IN THE CITY'S HEIGHT RESTRICTION AREA, AS ADOPTED UNDER ORDINANCE 965 AND AS LATER AMENDED UNDER ORDINANCES 968 AND 979.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of _____,
2005.

BY: _____
MOLLY M. TOWSLEE, CITY CLERK



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: GUS BRANDON GARCIA *[Signature]*
ASSOCIATE ENGINEER
SUBJECT: PUBLIC HEARING AND SECOND READING OF ORDINANCE
AMENDMENT TO ORDINANCE NO. 712 – AMENDING THE PUBLIC
WORKS STANDARDS FOR PRIVATE STREETS
DATE: APRIL 25, 2005

INTRODUCTION/BACKGROUND

The current Public Works Standards for Private Streets, Section 2B.070, permits the construction of a private street to serve unlimited dwelling units or businesses on one parcel configured as a Private Residential Development (PRD). In the situation of a large parcel, a long private street could result. In the case of a long private street on one parcel, the homeowners face repair and operation costs associated with the street that may be beyond their means to finance. Consequently a number of situations have arisen in which the city has been requested by the homeowners to accept private streets for ownership and operation, after the homeowners realize the repair and operation costs are beyond their means.

In response to these situations, staff has generated an amendment to Section 2B.070 of the Public Works Standards to allow for short private streets in developments meeting certain development standards.

The proposed ordinance has been reviewed and approved by the City Attorney.

RECOMMENDATION

I recommend the proposed ordinance, as presented, be approved by the City Council after this public hearing and at this second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY, AMENDING THE STANDARDS FOR PRIVATE STREETS TO LIMIT THE SITUATIONS IN WHICH PRIVATE STREETS MAY BE CONSTRUCTED, ESTABLISH THE DIMENSIONAL STANDARDS OF PRIVATE STREETS, DESCRIBE THE REQUIREMENTS FOR PRIVATE MAINTENANCE AND THE NEED FOR A MAINTENANCE AGREEMENT; REPEALING SECTION 2B.070 OF THE CITY'S PUBLIC WORKS STANDARDS, AS ADOPTED BY ORDINANCE NO. 712; AND ADOPTING A NEW SECTION 2B.070 TO THE CITY'S PUBLIC WORKS STANDARDS.

WHEREAS, the City adopted the Public Works Standards in Ordinance No. 712;
and

WHEREAS, the Public Works Standards include standards allowing for the construction of a private street if the street will not serve more than four dwelling units or businesses on separate parcels (Section 2B.070); and

WHEREAS, the Public Works Standards allow construction of a private street to serve unlimited dwelling units or businesses on one parcel as a planned unit development or planned residential development (Section 2B.070); and

WHEREAS, the City Council finds that public interest concerns are implicated when a private street is constructed to serve a number of dwelling units or businesses on separate parcels or one parcel, if the private street is very long, or if traffic circulation needs are not individually considered by the City, and

WHEREAS, the City Council finds that when a long private street is constructed on one parcel, the homeowners face repair and operation costs associated with the street that may be beyond their means to finance; and

WHEREAS, the City Council finds that there have been a number of situations in the City in which homeowners have asked the City Council to accept private streets for ownership and operation, after the homeowners realize that the repair and operation costs are beyond their means; and

WHEREAS, the City Council finds that it is in the public interest to allow short private streets in developments meeting certain criteria and as long as development standards are crafted to ensure that the repair and operation costs of the private street are manageable for the private street owners; and

WHEREAS, the City SEPA Responsible Official has determined that this ordinance is categorically exempt from SEPA under WAC 197.11.800(20); and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meeting of April 11, 2005 and April 25, 2005; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 2B.070 "Private Streets" of the City's Public Works Standards, as adopted by Ordinance No. 712, is hereby repealed.

Section 2. A new Section 2B.070 is hereby added to the City's Public Works Standards.

2B.070 PRIVATE STREETS.

See definition of private streets in Section 1.025.

A. Criteria for Allowing Private Streets.

1. Private streets will be allowed only if the City Engineer makes a determination that the private street is not needed for traffic circulation under the criteria set forth in this Section, the City's Public Works Standards and the Transportation Element of the City's Comprehensive Plan.

2. Private streets will not be allowed (a) when the street connects two public streets; and (b) when in conflict with the adopted arterial plan or street circulation plan, adopted in the City's Transportation Element of the Comprehensive Plan.

3. Private streets will be allowed within developments as long as they meet the following additional criteria: (a) structural sections shall consist of 4 inch crushed surfacing base course followed with 4 inch crushed surfacing top course followed by minimum 4 inches of asphalt concrete pavement all placed over "suitable" sub-grade compacted to 95%; (b) a non motorized access plan, approved by the City; (c) internal traffic calming measures or devices such as speed humps or traffic circles may be required; (d) minimum curb to curb width shall be twenty (20) feet; (e) 5 feet 6 inch sidewalk shall be required on each side of the street that is serving residence(s) and shall be consistent with the

approved non motorized plan; (f) parking shall be prohibited on both sides of the street; (g) the sidewalk and curb design must prevent parking upon the sidewalk; and (h) are constructed according to the drawing in Exhibit "A", which depicts the geometric roadway cross section for private streets.

"Figure 2-07A" is hereby incorporated by this reference.

B. Length of Private Streets. All private streets shall be limited in length to no more than four hundred (400) feet as measured along its centerline.

C. Maintenance. The City will not maintain private streets, signs or drainage improvements on private streets. As a condition of constructing a private street, the City will require that the owners of the private street enter into a private maintenance agreement between themselves describing their responsibilities and providing notice to subsequent purchasers that the City does not own or maintain the private street. The agreement must be on a form approved by the City Attorney and recorded with the Pierce County Auditor. The agreement shall contain the following specific terms: (1) the responsibilities of the individual owners for maintenance, repair and reconstruction of the private street; (2) maintenance methods; (3) standards of maintenance; (4) distribution of expenses; (5) remedies for noncompliance with the agreement; (6) exchange of right of use easements; and (7) the creation of a private street maintenance fund and the annual assessment.

D. Notice on Plat regarding Private Streets. Each development, plat or short plat with a private street shall contain a notice to the public/purchasers, which shall contain the following language: "The City of Gig Harbor has no responsibility to build, improve, maintain or otherwise serve any private streets providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to public street standards, and the City chooses to accept such private street for public ownership and maintenance."

E. Turnarounds. When three or more lots or dwelling units are served on a dead-end greater than one hundred and fifty feet (150) feet in length, a turnaround having an improved radius of forty-five (45) feet, or an equivalent, workable maneuvering area approved by the City Engineer, shall be provided at the end of the private street.

F. Utilities. All City utilities located within the plat, short plat or development shall be owned and maintained by the City. If the City owns utilities within the development and the development is served by a private road, then an easement shall be granted to the City over the road to access its utilities.

G. Signs. Private street signs with street designations shall be provided by the developer at the intersection of private streets with other private streets and public streets. Such signs shall meet the specifications in the City's Public Works

Standards, and in the case of intersections with public streets, shall either be located within the public right-of-way or within a separate maintenance easement. Maintenance and repair of such street signs shall be included in the maintenance agreement between the private property owners.

H. Bonds. All private streets shall be constructed prior to the time that the developer makes application for final plat approval. Bonds or other methods of assuring construction of improvements shall not be allowed for the future construction of private streets after final plat approval.

I. Construction. Private streets are the responsibility of the developer to construct to the requirements in the City's Public Works Standards. Upon completion of the required improvements, the developer will be required to submit a statement to the City warranting that the improvements have been completed in accordance with the adopted standards (2-year Maintenance Bond).

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ____ day of _____, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

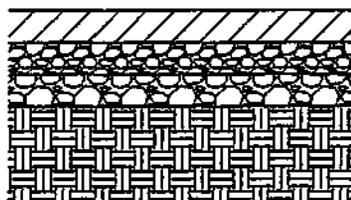
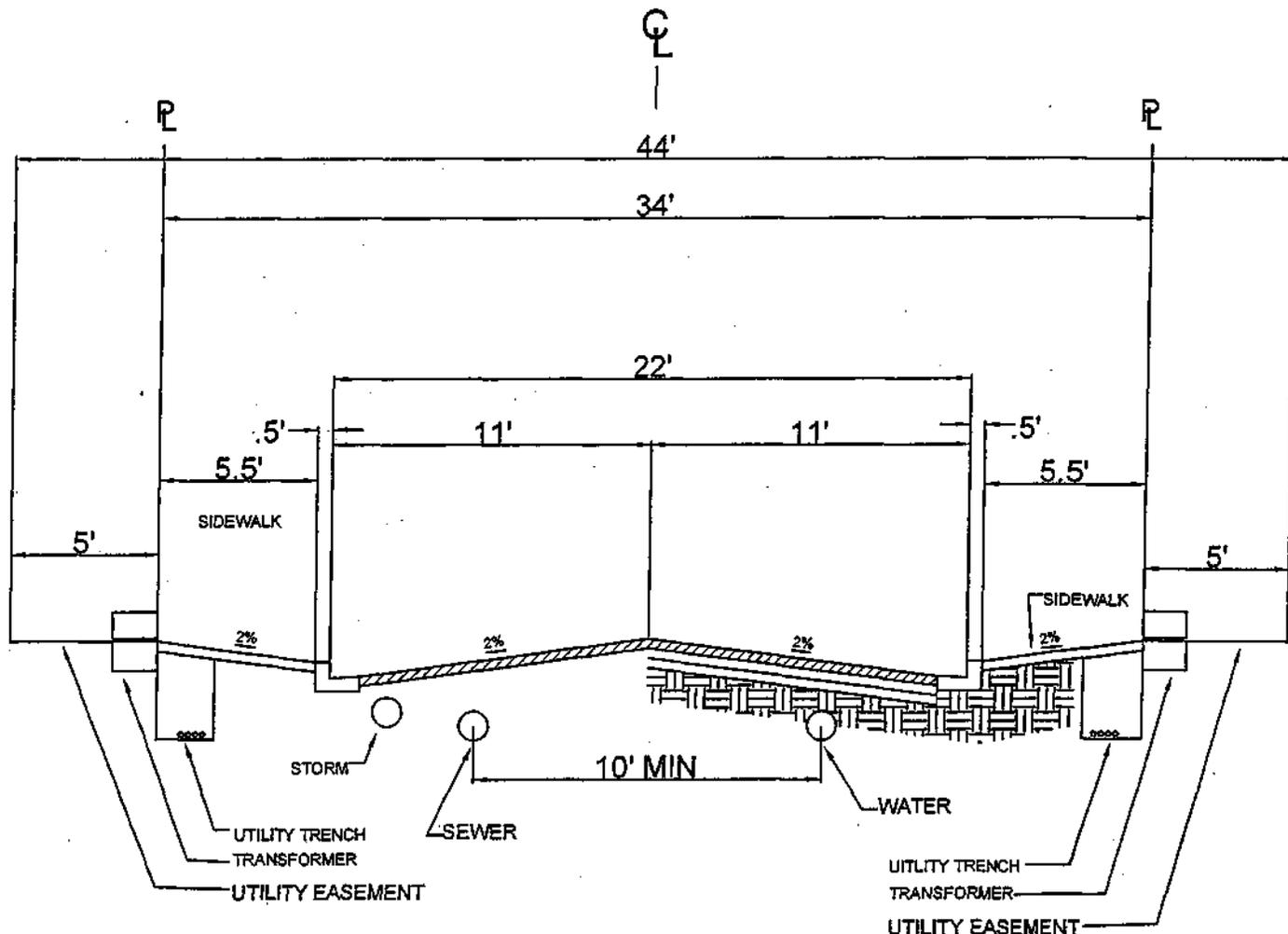
By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO. _____

EXHIBIT A



- .33' HOT MIX ASPHALT, WSDOT 5-04
- .33' CRUSHED SURFACING TOP COURSE, WSDOT 9-03.9(3)
- .33' CRUSHED SURFACING BASE COURSE, WSDOT 9-03.9(3)
- NATIVE MATERIAL ALLOWED IF ADEQUATE SOILS CONDITIONS EXIST, IF ACCEPTABLE SOILS ARE NOT PRESENT, MATERIALS CONFORMING TO WSDOT 9-03.10 SHALL BE USED.

NOTES:

1. On street parking prohibited
2. Maximum Center Line Length 400 feet
3. Deletion of Sidewalk on one side of street allowed if units are "sideloaded" or as permitted by the City Engineer
4. Vertical curb and gutter meeting FIG 2-16 required on both sides of street

CITY OF GIG HARBOR DEPARTMENT OF PUBLIC WORKS			
PRIVATE STREET			
APPROVED BY CITY ENGINEER _____		DATE <u>3/28/05</u>	
DWN GBG	CKD STM	DATE 11/2/04	FILE 2-07A

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On April 25, 2005, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY, AMENDING THE STANDARDS FOR PRIVATE STREETS TO LIMIT THE SITUATIONS IN WHICH PRIVATE STREETS MAY BE CONSTRUCTED, ESTABLISH THE DIMENSIONAL STANDARDS OF PRIVATE STREETS, DESCRIBE THE REQUIREMENTS FOR PRIVATE MAINTENANCE AND THE NEED FOR A MAINTENANCE AGREEMENT; REPEALING SECTION 2B.070 OF THE CITY'S PUBLIC WORKS STANDARDS, AS ADOPTED BY ORDINANCE NO. 712; AND ADOPTING A NEW SECTION 2B.070 TO THE CITY'S PUBLIC WORKS STANDARDS.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of April 25, 2005.

MOLLY TOWSLEE, CITY CLERK



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SECOND READING OF AN ORDINANCE - PRENTICE AVENUE
STREET VACATION REQUEST - SAVLOV
DATE: APRIL 25, 2004

INTRODUCTION/BACKGROUND

The city received a petition on February 17, 2005 from Mr. and Mrs. Steven Savlov, to vacate a portion of Prentice Avenue abutting their property as shown on exhibits A and B on the attached ordinance in accordance with GHMC 12.14.002C. On April 11, 2005, the City Council held a public hearing regarding the requested street vacation initiated by Mr. and Mrs. Savlov.

Specifically, the request is for the vacation of the portion of Prentice Avenue right-of-way currently held by the city, and abutting the eastern property frontage of parcel no. 9815-000-010. Prior research on this right-of-way has determined that this portion of Prentice Avenue was platted in Pierce County in 1888 and was not opened or improved by 1905, therefore it automatically was vacated by operation of law in 1896. The city's ability to open this portion of Prentice Avenue is barred by lapse of time and the city has no interest in the street. In order to ensure that this portion of Prentice Avenue is placed on tax rolls and the ownership is formally recorded, the property owner has requested that the city vacate the street under GHMC 12.14.

The right-of-way proposed for vacation along Prentice Avenue is surplus to the city's needs, and the city does not have any plans for improving the right-of-way proposed for vacation. The vacation request will not eliminate public access to any property.

FISCAL CONSIDERATIONS

The processing fee has been paid in accordance with GHMC 12.14.004.

RECOMMENDATIONS

I recommend that Council approve the ordinance as presented at this second reading.



PROPERTY
LOCATION

VICINITY MAP
PRENTICE AVE. STREET VACATION

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
GIG HARBOR, WASHINGTON, VACATING A PORTION
OF PRENTICE AVENUE, BETWEEN PEACOCK HILL
AVENUE AND WOODWORTH AVENUE.**

WHEREAS, the City has the authority to adopt a vacation ordinance to formally remove the cloud on the title of the referenced right-of-way area, but this street vacation ordinance does not affect the rights of anyone, including any rights the public may have acquired in the right-of-way since the street was vacated by operation of law; and

WHEREAS, the portion of Prentice Avenue subject to this vacation request was created in the Plat of the Woodworth's Addition, recorded in the records of Pierce County in 1891; and

WHEREAS, the referenced portion of street right-of-way has never been opened or improved as a public street; and

WHEREAS, the referenced portion of street right-of-way was located in Pierce County during the period of five years prior to 1909, and there is no evidence that it was used as a street during such period; and

WHEREAS, the City Council passed Resolution No. 642 initiating the procedure for the vacation of the referenced street and setting a hearing date; and

WHEREAS, after the required public notice had been given, the City Council conducted a public hearing on the matter on April 11, 2005, and at the conclusion of

such hearing determined that the aforementioned right-of-way vacated by operation of law and lapse of time; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. The City Council finds that the unopened portion of the platted Prentice Avenue right-of-way, lying between Peacock Hill Avenue and Woodworth Avenue, abutting the eastern property frontage of Parcel No. 9815-000-010, attached hereto as legally described in Exhibit A and incorporated by this reference and as shown as depicted on Exhibit B, has vacated by lapse of time and operation of law under the Laws of 1889-90, Chapter 19 (Relating to County Roads), Section 32, p. 603, as Amended By Laws of 1909, Chapter 90, Section 1, p. 189, repealed in 1936 by the Washington State Aid Highway Act (Laws of 1936, Chapter 187, p. 760).

Section 2. The City has the authority to adopt a vacation ordinance to formally remove the cloud on the title of the referenced right-of-way area, but this street vacation ordinance does not affect the rights of anyone, including any rights the public may have acquired in the right-of-way since the street was vacated by operation of law.

Section 3. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor.

Section 4. This ordinance shall take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor
this _____ day of _____, 2005.

CITY OF GIG HARBOR

By: _____
Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

By: _____
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney:

By: _____
Carol A. Morris

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

**SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington**

On _____, 2005 the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
GIG HARBOR, WASHINGTON, VACATING A PORTION
OF PRENTICE AVENUE, LYING WEST OF PEACOCK
HILL AVENUE AND EAST OF WOODWORTH AVENUE IN
GIG HARBOR, WASHINGTON.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of _____,
2005.

BY: _____
MOLLY M. TOWSLEE, CITY CLERK



T H O R N T O N
LAND SURVEYING, INC.

Exhibit A

8803 State Highway 16
PO Box 249
Gig Harbor, WA 98335
T 253 858 8106
F 253 858 7466
thorntonls.com

**PROPOSED
LEGAL DESCRIPTION**

**RIGHT-OF-WAY THAT WILL ATTACH BY OPERATION OF LAW TO SAVLOV ADJOINER FOLLOWING
VACATION OF A PORTION OF PRENTICE AVENUE, GIG HARBOR, WASHINGTON.**

**A PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST,
W.M., IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:**

**THAT PORTION OF THE EAST HALF OF PRENTICE AVENUE (FORMERLY CHESTER STREET) AS
DEPICTED ON THE PLAT OF WOODWORTH'S ADDITION TO GIG HARBOR, ACCORDING TO PLAT
THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 66, RECORDS OF PIERCE COUNTY,
WASHINGTON, LYING BETWEEN THE WESTERLY PRODUCTION OF THE SOUTH LINE OF THE
NORTH HALF OF LOT 3, BLOCK 1 OF SAID PLAT, AND THE WESTERLY PRODUCTION OF THE
NORTH LINE OF LOT 1 OF SAID BLOCK.**



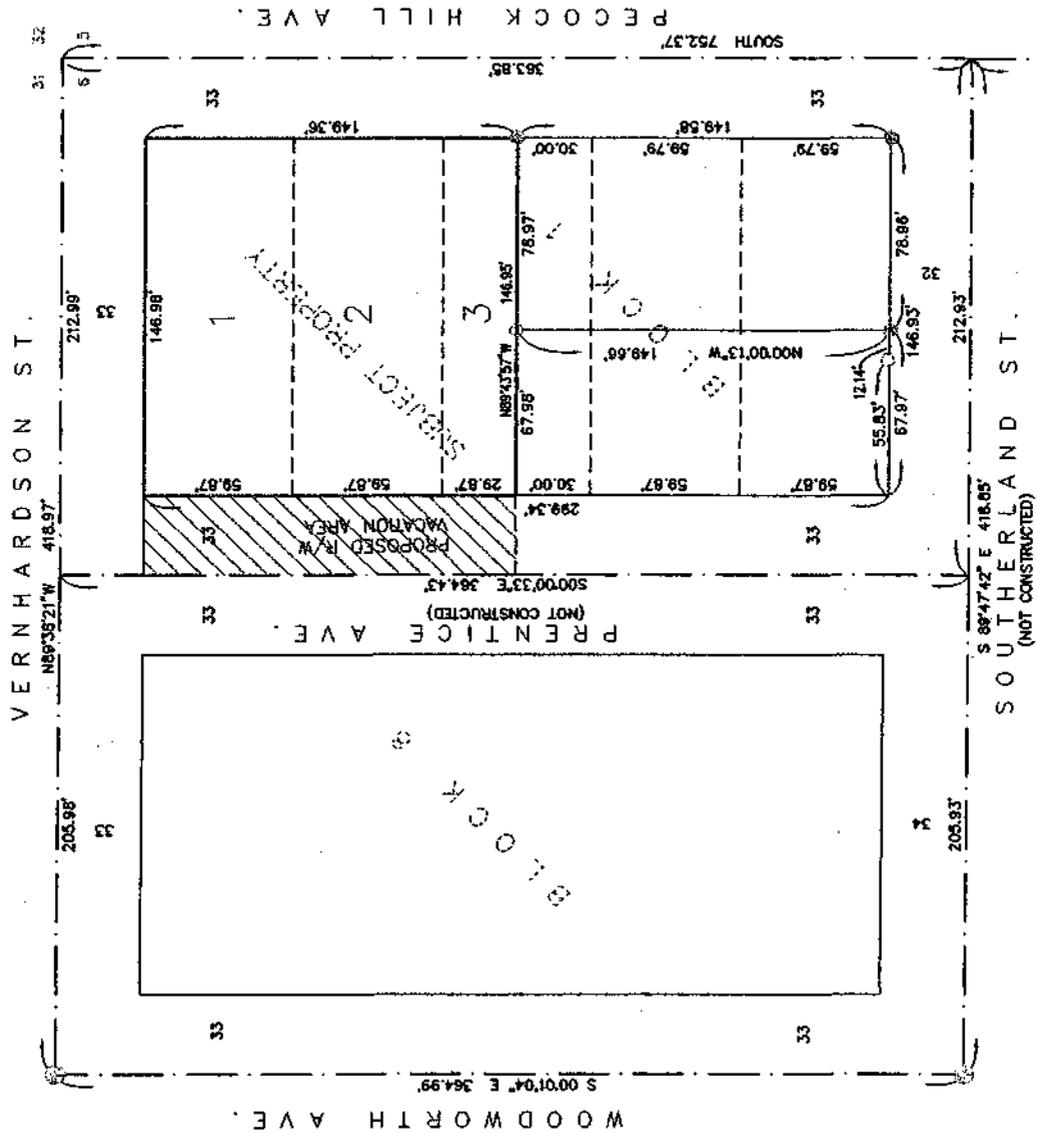
15 February 2005



THORNTON
LAND SURVEYING, INC.

Exhibit B

8803 State Highway 16
PO Box 249
Gig Harbor, WA 98335
T 253 858 8106
F 253 858 7466
thomtonis.com





COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: PARKS COMMITTEE MEMBERS EKBERG, PICINICH, AND RUFFO
SUBJECT: RESOLUTION IN SUPPORT OF THE GIG HARBOR
PENINSULA HISTORICAL SOCIETY MUSEUM PROJECT
DATE: APRIL 25, 2005

INFORMATION/BACKGROUND

The Gig Harbor Peninsula Historical Society is embarking on a project to develop a museum at the corner of Harborview Drive and North Harborview Drive. The City Council is supportive of these efforts and desires to express its support by resolution.

RECOMMENDATION

The Parks Committee recommends the resolution as presented.

**CITY OF GIG HARBOR
RESOLUTION NO. ___**

**A RESOLUTION IN SUPPORT OF THE GIG HARBOR
PENINSULA HISTORICAL SOCIETY MUSEUM PROJECT**

WHEREAS, the Gig Harbor Peninsula Historical Society (GPHS) proposes to develop a Heritage Center which will provide first-class exhibits and interpretative activities regarding the heritage of Gig Harbor; and

WHEREAS, GPHS has acquired property at the intersection of Harborview Drive and North Harborview Drive for the development of such a Heritage Center; and

WHEREAS, the proposed museum will be a major cultural asset and community center for the citizens of Gig Harbor, and

WHEREAS, the proposed museum will contribute significantly to the economy of Gig Harbor by attracting tourists to the area who will visit not only the museum but also the City's restaurants, shops, and lodging facilities, and

WHEREAS, the staff and Board of the GPHS have expressed a desire to work cooperatively with the City of Gig Harbor to create opportunities for greater viewing and public access to the waterfront at the head of the bay, and

WHEREAS, the staff and Board of the GPHS have expressed a desire to work cooperatively with the City of Gig Harbor to pursue restoration of the salmon-bearing Donkey Creek, which currently runs under the GPHS property, and

WHEREAS, the City Council is supportive of this endeavor and now desires to express support of the project;

NOW THEREFORE BE IT RESOLVED:

The Gig Harbor City Council hereby expresses its support of the efforts of the Gig Harbor Peninsula Historical Society (GPHS) to develop a Heritage Center at the intersection of Harborview Drive and North Harborview Drive.

BE IT FURTHER RESOLVED:

The Gig Harbor City Council hereby expresses its intention to explore opportunities to work cooperatively with the Gig Harbor Peninsula Historical Society (GPHS) to improve waterfront views and access at the head of the bay and restore Donkey Creek.

RESOLVED by the City Council this 25th day of April, 2005.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: GUS BRANDON GARCIA *Gus*
ASSOCIATE ENGINEER
SUBJECT: PUBLIC HEARING AND FIRST READING OF ORDINANCE AMENDING
ORDINANCE NO. 712 - PUBLIC WORKS STANDARDS FOR LOCAL
ACCESS STREETS – REDUCED ROADWAY WIDTHS
DATE: APRIL 25, 2005

INTRODUCTION/BACKGROUND

The current Public Works Standards for Right-of-Way Width, Section 2B.060, defines the geometric width for public roads by functional classification. "Local Access" streets (depicted in figure 2-07) and referred to in Section 2B.060 is currently required to have an overall right-of-way width of not less than 55 feet. In the situation of a typical residential parcel, a significant portion of the property is used to accommodate the current roadway cross section. City staff, at the direction of the Community Development Committee, has pursued alternative public roadway cross sections for use in residential developments commensurate with the Municipal Code and State Growth Management Act requirements to encourage urban densities. Staff met with the Community Development Committee on three separate occasions and presented the alternative roadway cross sections referred to as 2-07B and 2-07C in the proposed ordinance. A Public Forum was then conducted in which residents of the city and members of the development community were invited to provide comments on the proposed "Local Residential" street standards and cross section(s).

In response to these meetings, staff has generated an amendment to Section 2B.060 and Figure 2-07 of the Public Works Standards to allow for the use of reduced width public streets in residential developments.

The proposed ordinance has been reviewed and approved by the City Attorney.

RECOMMENDATION

I recommend that the proposed ordinance be adopted at the second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY, ELIMINATING THE CLASSIFICATION FOR PUBLIC LOCAL ACCESS STREETS, ADDING NEW CLASSIFICATIONS OF MAJOR LOCAL RESIDENTIAL AND MINOR LOCAL RESIDENTIAL STREETS, ESTABLISHING THE DIMENSIONAL STANDARDS FOR MAJOR AND MINOR LOCAL RESIDENTIAL STREETS, DELETING DRAWING 2-07 FROM CHAPTER 2 OF THE CITY'S PUBLIC WORKS STANDARDS, AS ADOPTED BY ORDINANCE NO. 712; AND ADOPTING 2 NEW DRAWINGS 2-07B AND 2-07C TO CHAPTER 2, ADDING A NEW SECTION 2B.015, AMENDING SECTION 2B.070 AND ADDING A NEW SECTION 2B.070A TO THE CITY'S PUBLIC WORKS STANDARDS.

WHEREAS, the City adopted the Public Works Standards in Ordinance No. 712; and

WHEREAS, in the Public Works Standards, the City Council established the Right of Way width of local access streets as 57 feet; and

WHEREAS, the City Council finds that there have been a number of situations in the City in which citizens and private developers have asked the City Engineer to build local residential streets to reduced roadway cross section widths; and

WHEREAS, the City Council and City Engineer recognize that the current cross sectional width described in Figure 2-07 of the Public Works Standards exceeds the transportation and pedestrian needs of a residential community; and

WHEREAS, the City Engineer has deemed that the proposed cross section(s) listed as 2-07(B) and 2-07(C) are functionally equivalent and do not reduce pedestrian or vehicular safety; and

WHEREAS, the City Council finds that it is in the public interest to allow local residential streets to be constructed to reduced roadway cross sections; and

WHEREAS, the City SEPA Responsible Official has determined that this ordinance is categorically exempt from SEPA under WAC 197.11.800(20); and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meeting of April 25, 2005; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new Section 2B.015 is hereby added to the City's Public Works Standards (as adopted in Ordinance 712) which shall read as follows:

Section 2B.015 Definitions:

- Local Residential Street (Major and Minor): Local residential streets are comprised of all roadways not specifically listed as a higher order roadway classifications such as, arterials, boulevards, and collectors as defined in the City of Gig Harbor Transportation Comprehensive Plan. The primary function of a local residential street is to provide access to abutting lands (parcels) and connections to higher order roadways (arterials, boulevards, and collectors). Local residential streets shall provide the lowest level of mobility, typically will not contain public transit stops, and service to through traffic shall be deliberately discouraged. Two classifications of Local residential streets shall be listed, (Major and Minor), with specific criteria for approval specifically listed in section 6 of this Ordinance.
- Access Control: The regulation of public access rights to and from properties (parcels) abutting public transportation facilities.

Section 2. Section 2B.070 of the Public Works Standards (as adopted by Ordinance 712) is hereby amended to read as follows:

2B.060 Right-of-Way.

Right-of-way is determined by the functional classification of a street. Boulevards shall have a right-of-way of not less than 90 feet. Arterials shall have a right-of-way of not less than 84 feet. Commercial collectors and industrial streets shall have a right-of-way of not less than 60 feet. Neighborhood collectors shall have a right-of-way of not less than 50 or 60 feet, depending on whether driveway access is allowed. See drawing details 2.02 through 2.06 for specific widths. ~~Local access streets shall have a right-of-way of not less than 55 feet.~~ Local residential streets shall have a right-of-way of not less than 42 feet for Major Local Residential Streets and 34 ' for Minor Local Residential Streets Right-of-way at "bulb" shall be increased accordingly.

Right-of-way requirements may be increased if additional lanes, pockets, transit lanes, bus loading zones, operational speed, bike lanes, utilities, schools or other factors are required as determined by the City Engineer.

Right-of-way shall be conveyed to the City on a recorded plat or by a right-of-way dedication deed.

Section 3. The "List of Drawings, Chapter 2 – Transportation" in the Public Works Standards (as adopted by Ordinance 712) is hereby amended to eliminate Figure 2-07 "local Access."

Section 4. The "List of Drawings, Chapter 2 – Transportation" in the Public Works Standards (as adopted by Ordinance 712) is hereby amended to add a new Drawing 2-07B, entitled: "Street Design Major Local Residential."

Section 5. The "List of Drawings, Chapter 2 – Transportation" in the Public Works Standards (as adopted by Ordinance 712) is hereby amended to add a new Drawing 2-07C, entitled: "Street Design Minor Local Residential."

Section 6. A new section 2B.070A is hereby added to the Public Works Standards (as adopted by Ordinance 712), which shall read as follows:

2. LOCAL RESIDENTIAL STREETS

A. Criteria for Allowing Major Local Residential Streets.

Major local residential streets shall interconnect with each other and with minor collectors and have a minimum level of access control. If a local residential street connects to a major collector, boulevard, or arterial. The street shall be classified as a major local residential street. High density and multi family residential projects shall be served by a major local residential street. In such developments, connectivity shall be a key design factor, although the internal flow shall be discontinuous to discourage cut-through traffic movement and excessive speed. On street parking on one side shall be required on all major local residential streets unless separate tract(s) are created within the plat for parking purposes. Drawing 2-07B depicts the geometric roadway cross section for a Major Local Residential Street.

B. Criteria for Allowing Minor Local Residential Streets.

Minor local residential streets shall interconnect with each other, major local residential streets and with minor collectors and have a minimum level of access control. Minor Local Residential Streets shall not provide access to higher order roadways (arterial, boulevards, and collectors). On street parking on Minor Local

Residential Roads is specifically prohibited. Drawing 2-07C depicts the geometric roadway cross section for a Minor Local Residential Street.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 8. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ____ day of _____, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On _____, 2005, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the main points of which are summarized by its title as follows:

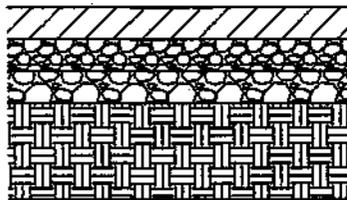
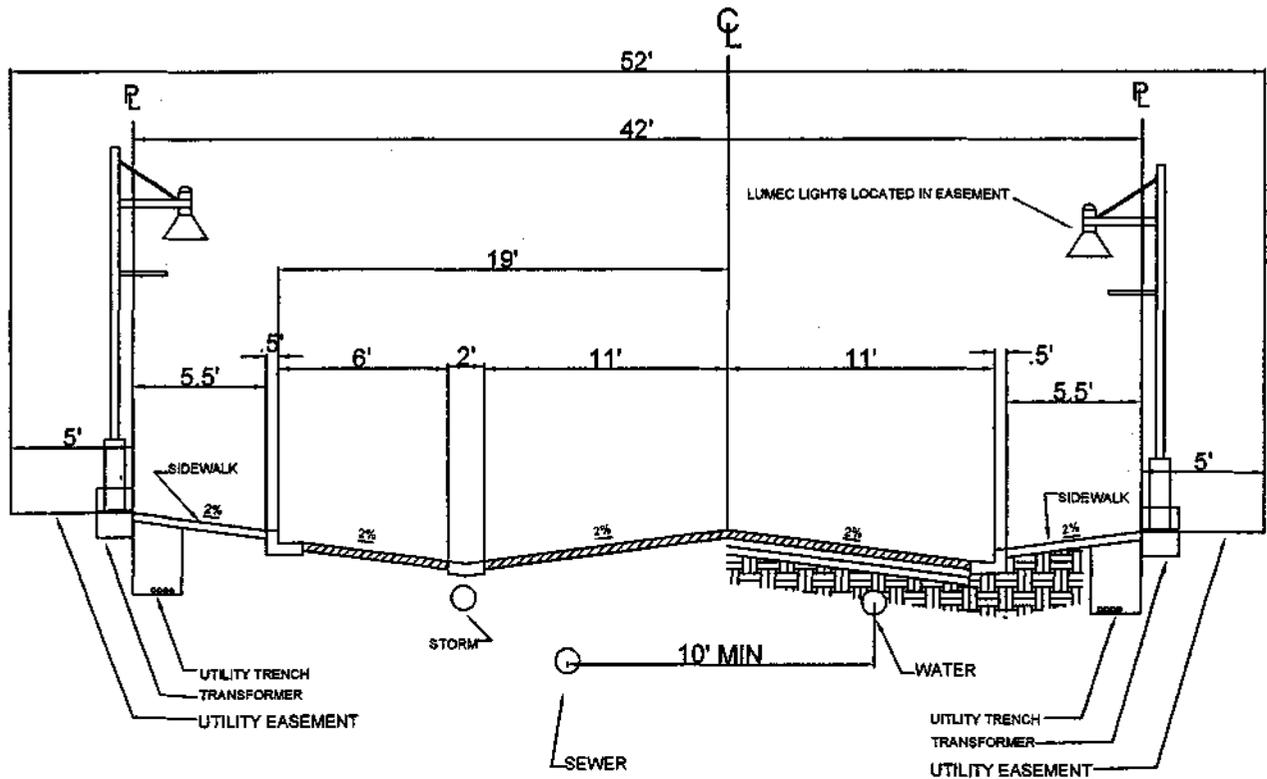
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY, AMENDING THE STANDARDS FOR PUBLIC LOCAL ACCESS TO REDUCE THE DIMENSIONAL STANDARDS FOR PUBLIC LOCAL ACCESS STREETS, DELETING FIGURE 2-07 OF THE CITY'S PUBLIC WORKS STANDARDS, AS ADOPTED BY ORDINANCE NO. 712; AND ADOPTING 2 NEW FIGURES 2-07B AND 2-07C TO THE CITY'S PUBLIC WORKS STANDARDS.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of _____, 2005.

MOLLY TOWSLEE, CITY CLERK

FIGURE 2-07B



- .33' HOT MIX ASPHALT, WSDOT 5-04
- .33' CRUSHED SURFACING TOP COURSE, WSDOT 9-03.9(3)
- .33' CRUSHED SURFACING BASE COURSE, WSDOT 9-03.9(3)
- NATIVE MATERIAL ALLOWED IF ADEQUATE SOILS CONDITIONS EXIST, IF ACCEPTABLE SOILS ARE NOT PRESENT, MATERIALS CONFORMING TO WSDOT 9-03.10 SHALL BE USED.

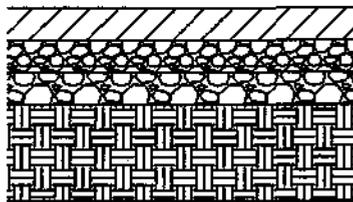
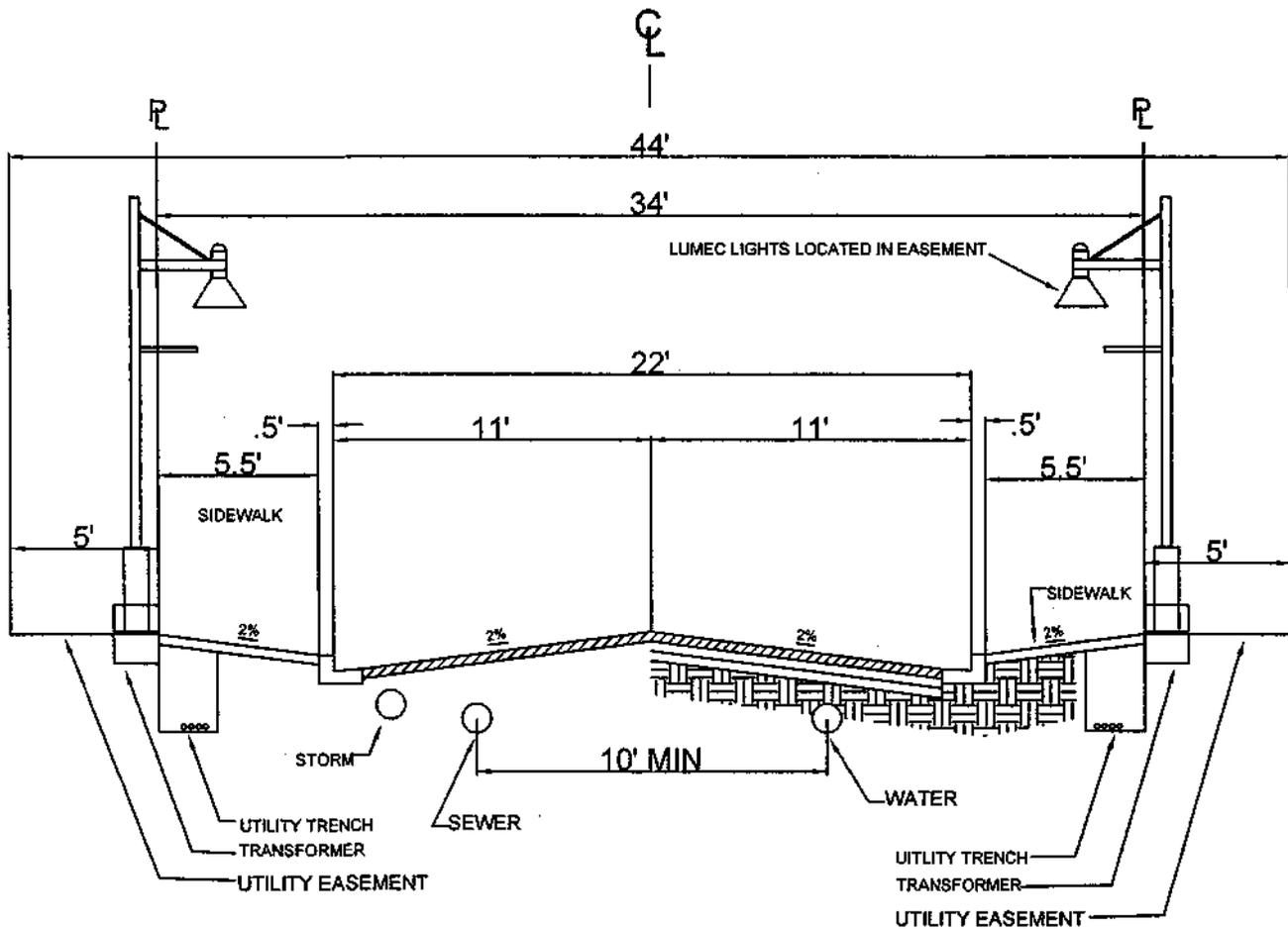
NOTES:

1. On street parking may be deleted if separate tract(s) are dedicated to parking within the plat
2. Traffic calming features may be required on residential roads connecting public arterials
3. Deletion of Sidewalk on one side of street allowed if units are "sideloaded" or as permitted by the City Engineer
4. Vertical curb and gutter meeting FIG 2-16 required on both sides of street
5. Decorative lumec ped lighting approved by the City required on both sides of the street spaced at 150' intervals

CITY OF GIG HARBOR DEPARTMENT OF PUBLIC WORKS			
STREET DESIGN MAJOR LOCAL RESIDENTIAL			
APPROVED BY CITY ENGINEER		DATE <u>11/3/04</u>	
DWN	GBG	CKD	STM
DATE <u>11/2/04</u>		FILE <u>2-07B</u>	

NTS

FIGURE 2-07C



- .33' HOT MIX ASPHALT, WSDOT 5-04
- .33' CRUSHED SURFACING TOP COURSE, WSDOT 9-03.9(3)
- .33' CRUSHED SURFACING BASE COURSE, WSDOT 9-03.9(3)
- NATIVE MATERIAL ALLOWED IF ADEQUATE SOILS CONDITIONS EXIST. IF ACCEPTABLE SOILS ARE NOT PRESENT, MATERIALS CONFORMING TO WSDOT 9-03.10 SHALL BE USED.

NOTES:

1. On street parking prohibited
2. Lumecc decorative street lights approved by the City required on both sides of the street at 150' intervals
3. Deletion of Sidewalk on one side of street allowed if residential units are "sideloaded"
4. Vertical curb and gutter meeting FIG 2-16 required on both sides of street

CITY OF GIG HARBOR DEPARTMENT OF PUBLIC WORKS			
STREET DESIGN MINOR LOCAL RESIDENTIAL			
APPROVED BY CITY ENGINEER		DATE 11/3/04	
DWN GBG	CKD STM	DATE 11/2/04	FILE 2-07C

NTS



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PIERCE COUNTY 2005 COMPREHENSIVE PLAN AMENDMENTS -
INITIATED APPLICATIONS
DATE: APRIL 25, 2005

BACKGROUND

Pierce County has begun the process of evaluating applications for 2005 amendments to the County Comprehensive Plan. We have been notified that four applications (three proponents) are in and around the City's Urban Growth Area. County staff has asked for City comment on these applications.

Provided for your consideration are maps and descriptions of each of the proposed amendments. Individual applicants have been notified of this meeting by city staff.

The City Council has previously deliberated the merits of initiating each of these applications in recent months.

- **Area-Wide Map Amendment M-21, Smith, Walt: Employment Center Designation (EC) and Community Employment (CE) Zone, Gig Harbor Area, Near the Burnham Drive Interchange at 112th St. NW**

This proposal is to redesignate 1 parcel on 20 acres from Moderate Density Single-Family (MSF) to the Employment Center Designation (EC) and Community Employment (CE) zone. The EC designation would permit a concentration of office parks, corporate office campuses, manufacturing, assembly, warehousing and other industrial development.

The CE zone would permit low to moderate intensity industrial activities, research activities, and/or office park development. The MSF designation permits a density of four to six dwelling units per acre.

At the January 10, 2005 City Council meeting, the Council requested that the County Executive initiate this application.

- **Area-Wide Map Amendment M-22, Mehl, Sternard & Buchanan: Employment Center Designation (EC) and Community Employment (CE) Zone, Gig Harbor Area, Between SR-16 & Burnham Dr. NW**

This proposal is to redesignate 2 parcels on 24 acres from Moderate Density Single-Family (MSF) to the Employment Center Designation (EC) and Community Employment (CE) zone. The EC designation would

permit a concentration of office parks, corporate office campuses, manufacturing, assembly, warehousing and other industrial development. The CE zone would permit low to moderate intensity industrial activities, research activities, and/or office park development. The MSF designation permits a density of four to six dwelling units per acre.

At the January 10, 2005 City Council meeting, the Council requested that the County Executive not initiate the application.

- **Urban Growth Area Amendment - U-10, Watland, Jay W.: Neighborhood Center (NC), Gig Harbor Area, Southeast Corner of Intersection of Pt. Fosdick Drive and 36th Street NW**

This proposal is to add one parcel on 12.6 acres to the City of Gig Harbor's Urban Growth Area, and to redesignate the affected property from Rural 10 (R10) with an Airport Overlay (AO) to Neighborhood Center (NC). The NC designation would permit a mix of small scale retail and service commercial and office development that serves the daily needs of residents within the immediate neighborhood. The R10 designation allows agricultural uses and residential uses at a density of one dwelling unit per ten acres with incentives to increase density to 2.5 dwelling units per ten acres. This amendment is associated with Text Amendment T-14.

Amendment T-14, Watland, Jay: Add Neighborhood Center Designation to Gig Harbor Peninsula Community Plan

This amendment adds Neighborhood Center (NC) as an allowed designation and zone in the Gig Harbor Peninsula Community Plan, with associated policies in the Community Plan and Comprehensive Plan. This amendment is associated with Urban Growth Area Amendment U-10.

At the February 14, 2005 City Council meeting it was noted that the Council had previously supported similar requests for this property during the 2001 and 2003 amendment processes. The City Council was supportive of the initiation of these applications at that meeting.

Staff has prepared a draft letter for Council consideration consistent with previous deliberations on these applications.

RECOMMENDATION

I recommend that Council direct staff to forward the attached letter to the Pierce County Council staff regarding these proposed amendments to the Pierce County Comprehensive Plan.

April 25, 2005

DRAFT

Pierce County
Department of Planning and Land Services
ATTN: C.E. "Chip" Vincent
2401 South 35th Street
Tacoma, WA 98409-7460

SUBJ: 2005 Pierce County Comprehensive Plan Amendment Process

Dear Mr. Vincent:

The Gig Harbor City Council has reviewed the four applications for amendments to the Pierce County comprehensive Plan identified in your letter of March 21, 2005. The Council considered these applications at the April 25, 2005 meeting and offers the following comments:

- **Area-Wide Map Amendment M-21, Smith, Walt: Employment Center Designation (EC) and Community Employment (CE) Zone**

The City Council is supportive of this application.

- **Area-Wide Map Amendment M-22, Mehl, Starnard & Buchanan: Employment Center Designation (EC) and Community Employment (CE) Zone**

The City Council was initially opposed the initiation of this application by the County Executive and remains opposed to this application. The Council is extremely concerned about the transportation related impacts associated with this application.

- **Urban Growth Area Amendment - U-10, Watland, Jay W.: Neighborhood Center (NC), Gig Harbor Area, Southeast Corner of Intersection of Pt. Fosdick Drive and 36th Street NW & Amendment T-14, Watland, Jay: Add Neighborhood Center Designation to Gig Harbor Peninsula Community Plan**

The City Council is supportive of these proposed amendments.

Thank you for allowing the City an opportunity to comments on these applications. If you have any questions or comments regarding this correspondence, please feel free to contact me. I can be reached by telephone at (253) 851-6170 or by E-mail at vodopichj@cityofgigharbor.net.

Sincerely,

John P. Vodopich, AICP
Community Development Director



Pierce County

Department of Planning and Land Services

CHUCK KLEEBERG
Director

2401 South 35th Street
Tacoma, Washington 98409-7460
(253) 798-7210 • FAX (253) 798-7425

March 21, 2005

Mayor Gretchen Wilbert
City of Gig Harbor
3510 Grandview
Gig Harbor, WA 98335

Dear Mayor Wilbert:

RE: Proposed Area-Wide Map Amendments and Urban Growth Area Amendments

Pierce County is in the process of reviewing proposed amendments to the County's Comprehensive Plan and we would appreciate any comments you may have. Amendments under consideration include Area-Wide Map Amendments, Urban Growth Area Amendments, Text Amendments, and Capital Facilities Amendments. We are transmitting information about all Area-Wide Map Amendments and Urban Growth Area Amendments. If approved, all Area-Wide Map Amendments and Urban Growth Area Amendments will result in the rezoning of affected properties.

Decisions on the proposed Amendments will be made using the following process:

- An integrated staff report and Draft Supplemental Environmental Impact Statement which evaluates the proposed amendment will be issued in May 2005;
- The Pierce County Planning Commission will begin hearings on proposed amendments on April 27, 2005, and forward recommendations to the County Council in July 2005; and
- The Pierce County Council will begin hearings on proposed amendments in August 2005, and make final decisions in the fall of 2005.

Enclosed you will find maps of the proposed Area-Wide Map Amendments and Urban Growth Area Amendments located within or adjacent to your Urban Growth Area (UGA). We have also provided a description of all the amendments being considered. In addition, one associated text amendment is also included in this transmittal. Amendments in your UGA include:

- M-21 Smith
- M-22 Mehl, Sternard, & Buchanan
- U-10 Watland
- T-14 Watland

RECEIVED

MAR 24 2005

CITY OF GIG HARBOR
OPERATIONS & ENGINEERING



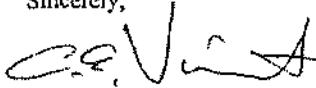
Printed on recycled paper

Mayor Gretchen Wilbert
City of Gig Harbor
March 21, 2005
Page 2

On April 27, 2005, the Planning Commission will begin Public Hearings regarding Plan Amendments. The Planning Commission schedule is enclosed. All scheduled meetings prior to final consideration are on Wednesday evenings at 7:00 p.m., at the Pierce County Annex, 2401 S. 35th St., Tacoma. Additional meetings will be scheduled if needed. You may testify before the Planning Commission when the amendment has been scheduled or you may provide written testimony. To keep updated on the Commission's schedule, please call (253) 798-4305 to hear a recorded message. The recording will be changed after every meeting (at least once per week).

If you have any questions, please call Advance Planning at 798-2785. Please forward any comments to Planning and Land Services, Room 228, 2401 South 35th Street, Tacoma, WA 98409.

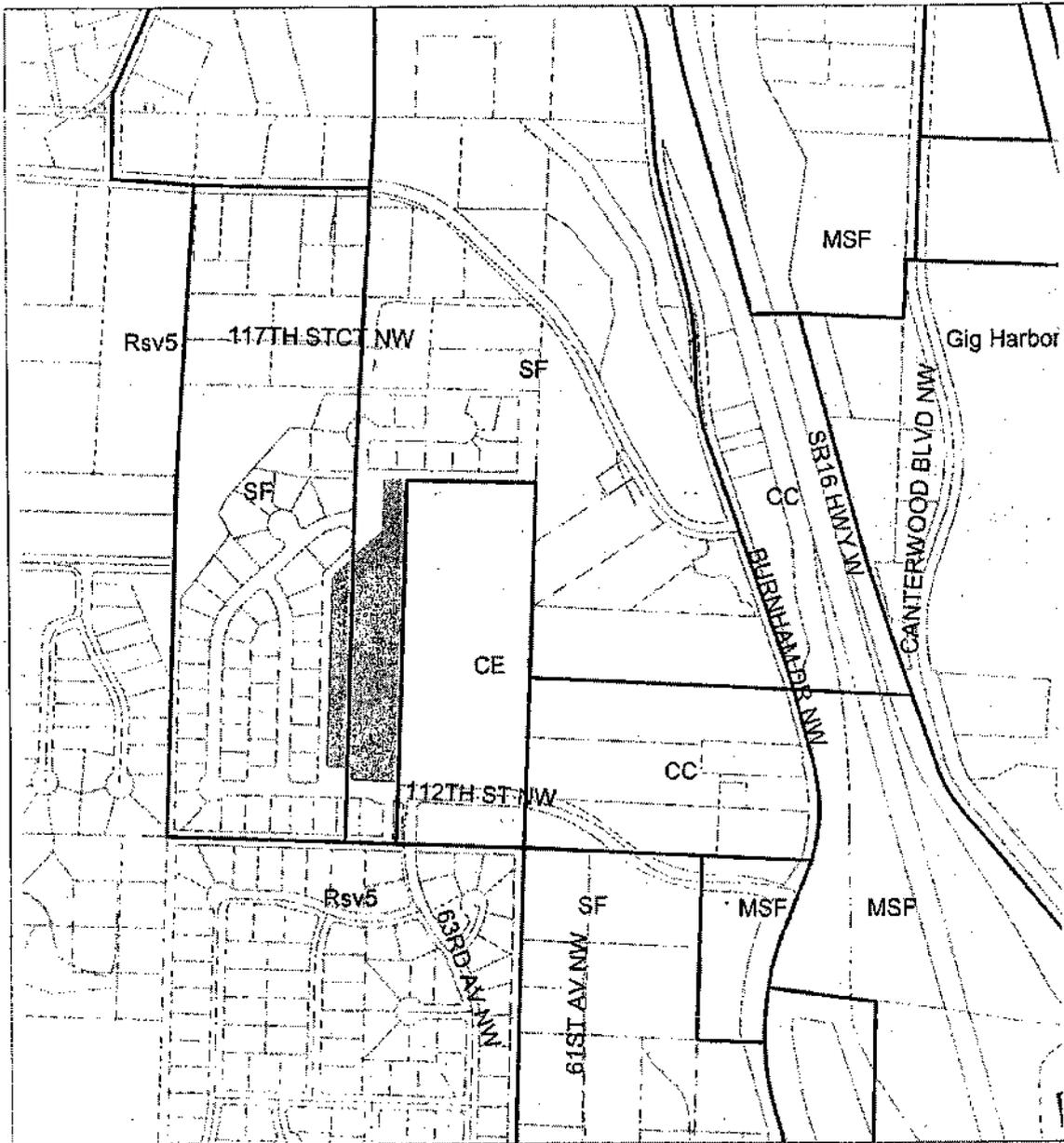
Sincerely,



C. E. "CHIP" VINCENT
Principal Planner, Advance Planning

CEV:ME:vll
FAWPFILES\LONG\2005AMEN\FORMS\NOTE\CITY.GH
Enclosures

cc: John Vodopich, Community Development Director
Amendment File



2005 PROPOSED AREA-WIDE MAP AMENDMENT

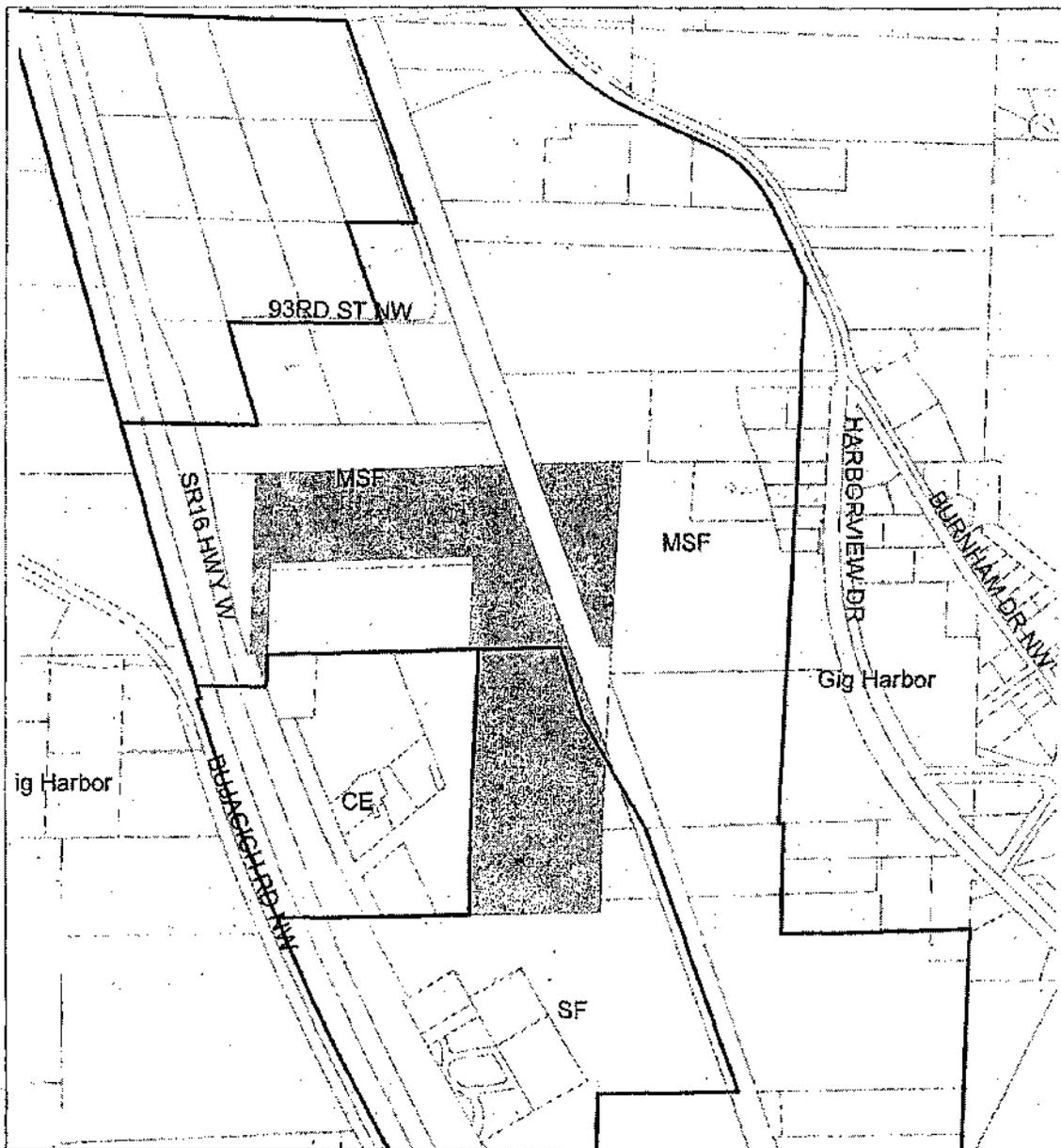
Amendment # M-21 Smith

Initiated by Pierce County Council

 Reclassify from MSF to EC/CE

Scale: 1:6,000
 Department of Planning & Land Services





2005 PROPOSED AREA-WIDE MAP AMENDMENT

Amendment # M-22 Mehl, Sternard & Buchanan

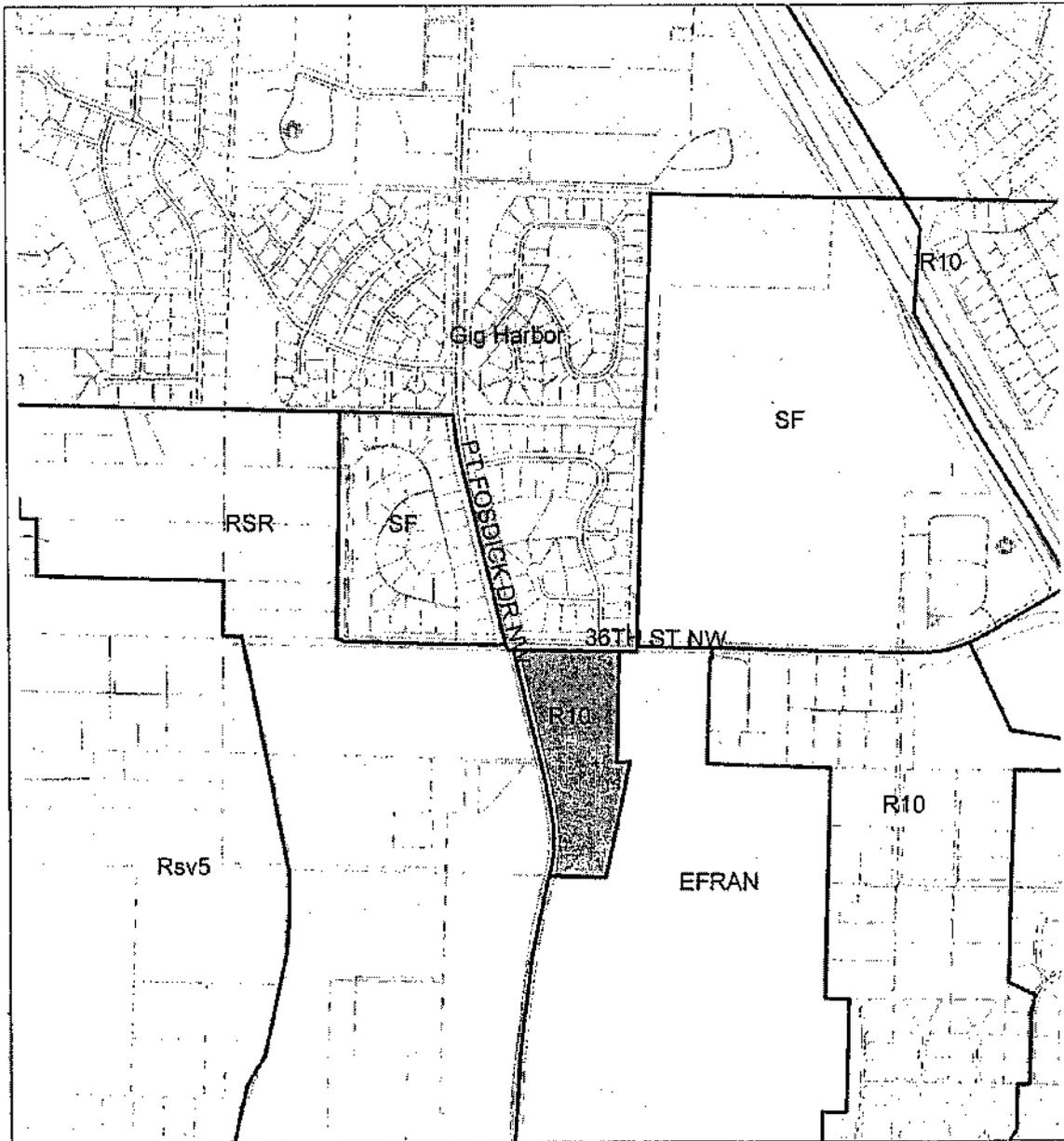
Initiated by Pierce County Council

 Reclassify from MSF to EC/CE

Scale: 1:6,000

Department of Planning & Land Services





2005 PROPOSED AREA-WIDE MAP AMENDMENT

Amendment # U-10 Watland

Initiated by Pierce County Council

 Proposed Urban Service Area Extension
R10 with Airport Overlay to NC

Scale: 1:9,600

Department of Planning & Land Services





"THE MARITIME CITY"

ADMINISTRATION

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH, FINANCE DIRECTOR *DR*
**SUBJECT: FIRST READING OF ORDINANCE - ACCEPTING A DONATION FOR
THE PURPOSE OF PURCHASING EQUIPMENT THAT WILL BE USED
IN SUPPORT OF SENIOR CITIZEN PROGRAMS**
DATE: APRIL 25, 2005

BACKGROUND

The Health Care Providers Council of Washington donated \$1,000.00 to the City to be used in support of senior citizen programs. In order to accept a donation, the City must pass an ordinance accepting the donation. This ordinance accepts the donation.

The donation has been receipted and placed in the General Fund.

RECOMMENDATION

Staff recommends adoption of the ordinance.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ACCEPTING A DONATION OF ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00) FOR THE PURPOSE OF PURCHASING EQUIPMENT THAT WILL BE USED IN SUPPORT OF SENIOR CITIZEN PROGRAMS

WHEREAS, pursuant to RCW 35.21.100, the City of Gig Harbor may accept any donations of money by ordinance, and may carry out the terms of the donation, if the same are within the powers granted to the City by law; and

WHEREAS, the City has received a check in the amount of One Thousand Dollars (\$1,000.00) from the Health Care Providers Council of Washington, to be used in support of senior citizen programs; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. **Acceptance of Donation.** The City Council hereby accepts the One Thousand Dollars (\$1,000.00) donation from the Health Care Providers Council of Washington to be used only to support senior citizen programs.

Section 2. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. **Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:



March 18, 2005

Health Care Providers of Pierce County
PO Box 64735
University Place, WA 98464-0735

Re: Donation to Gig Harbor Senior Center

Dear Senior Citizen Supporters:

Thank you for your generous contribution to the Gig Harbor senior citizens program. We are in great need of your contribution but are unable to cash the check because it is made out to the "Gig Harbor Senior Center" and such organization does not yet exist. If you would be so kind as to prepare a new check made out to the "City of Gig Harbor", I will ensure the proceeds are used entirely in support of the Gig Harbor senior citizens program.

At this time the planned use for your donation is to purchase equipment which will be used in support of the Senior Meals Site. The meal site is currently meeting at the Gig Harbor United Methodist Church, located at 7400 Pioneer Street in Gig Harbor. The meal program and equipment will move to the new Community Center when it is constructed.

Thank you again for your kindness. If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,


David Rodenbach
Finance Director
City of Gig Harbor

Bridgeport

Place

A Senior

Living Community

5250 Bridgeport Way W
University Place, WA 98467
(253) 565-1960
Fax (253) 565-1996

April 11, 2005



SOUNDCARE, INC.
Health Care Centers

David Rodenbach
Finance Director
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear David:

Enclosed you will find a check to replace the one we wrote for our donation to the Senior Center. If you have any questions please do not hesitate to call me.

Thank you,

Terry Voeller, Treasurer
Health Care Providers

HEALTH CARE PROVIDERS COUNCIL OF WASHINGTON		18-854 3138 1250 0217744861	1291
P.O. BOX 64735 UNIVERSITY PLACE, WA 98464-0735		DATE <u>4-10-05</u>	
PAY TO THE ORDER OF	<u>City of Gig Harbor</u>	\$ <u>1000.00</u>	
	<u>One Thousand & no/100</u>	DOLLARS	
	Wells Fargo Bank Northwest, N.A. 2624 North Pearl Tacoma, WA 98407 www.wellsfargo.com		
MEMO	<u>Senior Center</u>		NP
⑆ 2500854 7⑆0217744861⑆ 1291			

Member of Washington
Health Care Association and
American Health Care Association

www.soundcareinc.com



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STAFF REPORT - INCENTIVES FOR SENIOR HOUSING
DATE: APRIL 25, 2005

At the second reading of the Ordinance Making Assisted and Independent Living Facilities Count as Fractional Dwelling Units in Calculating Residential Density on February 28, 2005, Councilmember Young requested that staff bring back information on an incentive structure for affordable senior and assisted living facilities. Susanne Marten, of the Supportive Housing Association, was in attendance at that meeting and has provided the following information pertaining to incentives for senior housing:

Incentives for developers to create high quality yet affordable senior housing should begin with an educational approach on "Best Practices." We have builders who wish to build but are not aware of the design requirements for senior housing. Instead, they are focusing on building "stacking" structures that are not suitable for community living.

Specific fiscal incentives are available via the Housing Trust Fund and Washington State Finance Commission.

Again, to start the process I would suggest that Gig Harbor consider sponsoring a "Designer" series and invite interested developers, senior service affiliates, and consumers.

I would be pleased to assist you with implementing this approach.
Susanne Marten

Please let me know if you wish to pursue this issue further.



COMMUNITY DEVELOPMENT DEPARTMENT

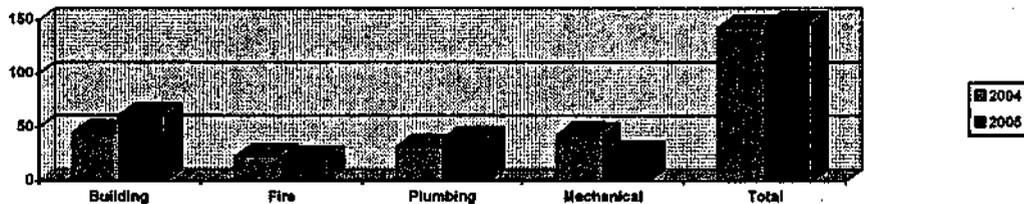
TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STAFF REPORT - FIRST QUARTER 2005 BUILDING PERMIT DATA
DATE: APRIL 25, 2005

Attached for your review is the Building division quarterly activity summary for the first quarter of 2005. Please feel free to contact Dick Bower, Building Official/Fire Marshal or myself should you have any comments or questions regarding this information.

**City of Gig Harbor
Building Division
Quarterly Activity Summary
1st Quarter 2005**

The following information provides a snapshot of building division activity for the first quarter of 2005 with a comparison to activity from the prior year. Changes rounded to the closest .5%.

PERMIT ACTIVITY

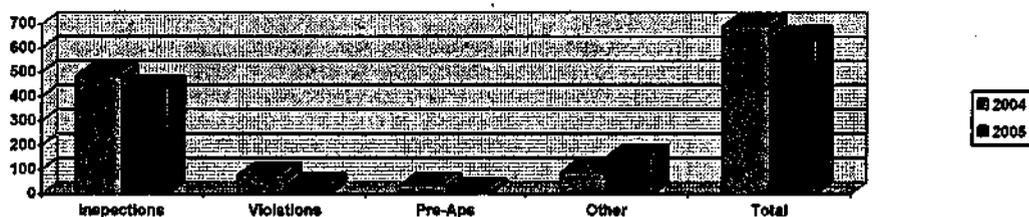


Type	04	05	% Increase
Building	45	61	35.5
Fire	23	21	(8)
Plumbing	32	39	22
Mechanical	43	26	(39)
Total	143	156	10.5

Permit types include all commercial and residential construction, including civil works structures such as retaining walls, detention vaults, water tanks and similar facilities. For each permit issued, plan review services at an average of 2 hours per plan are provided.

Fire permits include permits for sprinkler systems, fire alarm systems, commercial cooking suppression systems and similar fire protection and suppression equipment.

OTHER CONSTRUCTION SERVICES



Service	04	05	% Increase
Inspections	486	439	54
Violations	82	35	(57)
Pre-Application Conferences	36	15	(58)
Other	90	154	71
Total	694	643	(7)

Inspections include building, plumbing, mechanical, and fire code inspections for new and remodel construction. Figure does not include annual fire safety inspections, fire inspection

referrals, or fire marshal inspections performed to assure code compliance prior to business license issuance.

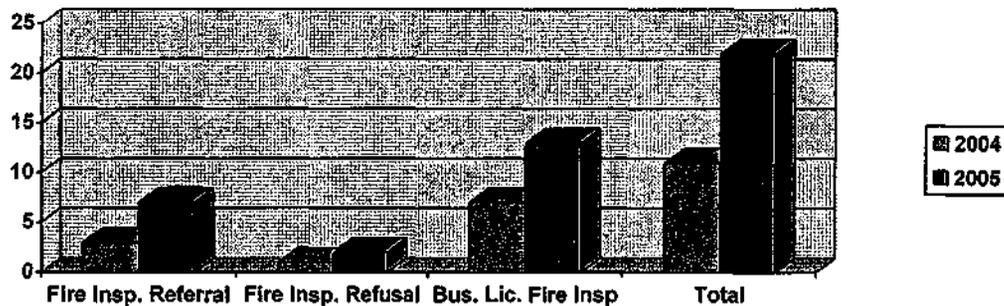
Violations include citizen complaints and staff generated investigations, and include those settled prior to issuance of a Notice of Violation as well as those resulting in legal enforcement action.

Pre-Application Conferences include those scheduled by the Planning division for discussion of general planning, zoning, public works and building requirements as well as those scheduled by the Building division for discussion of project specific fire and building code requirements.

The other category includes permits reviewed and issued over the counter through the City's Permit by Appointment program. Also included is staff member attendance at training programs.

Not included in any category are counter and phone consultations with members of the public on code and project related issues, administrative projects, and similar efforts.

FIRE PREVENTION SERVICES



Service	04	05	% Increase
Fire Inspection Referral	3	7	133
Fire Inspection Refusal	1	2	100
Fire Marshal Insp. For Bus. Lic.	7	13	86
TOTAL	11	22	100

Fire inspection referrals include annual fire safety inspections, done under contract by Fire District 5, which have not achieved voluntary compliance within the reinspection period. These are referred to the City fire marshal for legal enforcement action. The referral category also includes follow-up on deficiencies found during required annual inspections or fire protection systems performed by private contractors..

Fire inspection refusals include buildings and occupancies which have denied Fire District 5 personnel access for an annual fire safety inspection. These are referred to the City for documentation of the denial and consideration of enforcement action.

Fire marshal inspections for business license issuance are performed by the City fire marshal to assure compliance with GHMC Chapter 15.12 prior to approval of a business license.

SPECIAL SERVICES PROJECTS

Special services projects are those that due to their magnitude or technical difficulty have already, or are anticipated to, constitute extraordinary demands on staff time. These projects typically

result in numerous partial inspections, reinspections, and technically demanding plan reviews and inspections. The following list includes those projects that currently fall into this category.

Address	Permit Yr.	Special Services
3519 56 th St.	2002	MG, MTI's, MR
2727 Hollycroft	2002-04	MG, TM, MTI, MPI, MR
3010 Harborview	2004	MR, MPI
3312 Rosedale	2003	MTI, MR
3220-3320 Rosedale	2004	MPI, MR
7700 Skansie	2003	MPI, MR
MG – Medical gas systems MR – Multiple significant revisions MTI – Multiple tenant improvements MPI – Multiple partial inspections TM – Technical medical facility TMS- Technical mechanical systems or equipment		

Medical gas systems (MG) include systems providing oxygen, air, nitrous oxide and similar gases for inhalation therapy as well as air, nitrogen and oxygen systems for operating medical/dental instruments. Med gas systems require multiple inspections as well as coordination with medical gas certification contractors.

Multiple significant revisions (MR) includes projects that have undergone significant revisions to the civil plans and structural or fire resistive systems during construction. MR projects demand additional plan review, inspections and require considerable additional coordination between inspectors and contractors to facilitate project scheduling concerns.

Multiple tenant improvements (MTI) projects include projects in which tenant improvement work has been permitted during shell construction, and projects where shell and core projects are anticipated to result in numerous future tenant improvement permits. Concurrent shell and TI projects demand additional coordination between plan reviewers, inspectors,

Multiple partial inspections (MPI) denotes projects that, due to the type of construction or project scheduling concerns are afforded numerous partial inspections for typical single inspection phases. E.g. partial reinforcement inspections for concrete walls, wall board inspections by for fire resistive assemblies requiring multiple layers.

Technical medical facility (TM) projects involve medical treatment facilities where invasive procedures, anesthesia, and/or procedures involving complex medical equipment (MRI, CT, Dialysis, Endoscopy) are conducted.

Technical mechanical systems or equipment (TMS) denotes projects including smoke control systems, complex heating, ventilation and air conditioning systems, flammable and combustible vapor and dust conveying systems and similar systems of a complex or safety related nature.



TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH, FINANCE DIRECTOR *DR*
DATE: APRIL 25, 2005
SUBJECT: 1st QUARTER FINANCIAL REPORTS

The financial reports for the first quarter of 2005 are attached.

Total resources, including revenues and beginning cash balances for all funds, are 59% of the annual budget (as compared to 55% in 2004). Beginning fund balance for all funds in the current fiscal year was \$9,104,000. This is an increase of \$382,000 over 2004. Revenues, excluding cash balances, are 46% of budget. At first glance this appears rather high, but if we back out the Eddon Boat bond proceeds of \$3.5 million, revenues are at 24% of budget though the end of the 1st quarter. Expenditures, including \$3.75 million for the Eddon Boat property purchase are 35% of budget. If this purchase is backed out, expenditures are at 15% of the annual budget.

General Fund 1st quarter revenues (excluding beginning balance) are at 30% of budget mostly due to increased permit activity and a \$406,000 IAC grant for the Skansie Brothers Park property purchase that was budgeted for the prior year. Sales tax receipts for the quarter are slightly behind pace at 23% of budget.

General Fund expenditures are at 25% of budget. All General Fund departments are within first quarter budgeted expenditures.

Water and Sewer operating revenues are at 21% and Storm is at 19% of budget. Water, Sewer and Storm expenditures are at 22%, 19% and 12% of budget, respectively.

All funds have adequate cash on hand to meet upcoming obligations.

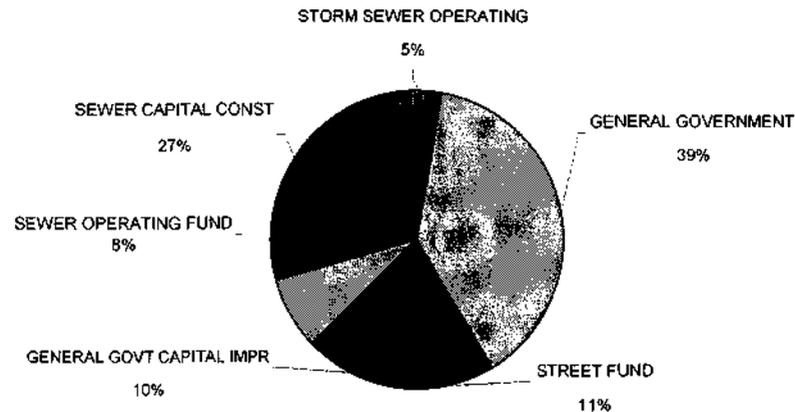
**CITY OF GIG HARBOR
CASH AND INVESTMENTS
YEAR TO DATE ACTIVITY
AS OF MARCH 31, 2005**

DESCRIPTION	BEGINNING BALANCE	REVENUES	EXPENDITURES	OTHER CHANGES	ENDING BALANCE
GENERAL GOVERNMENT	\$ 2,513,345	\$ 2,007,234	\$ 2,044,472	\$ (331,925)	\$ 2,144,183
STREET FUND	919,730	125,107	261,809	(180,311)	602,717
DRUG INVESTIGATION FUND	9,283	197	806	(869)	7,805
HOTEL-MOTEL FUND	266,288	36,972	45,056	(7,170)	251,033
PUBLIC ART CAPITAL PROJECTS	10,066	57	-	-	10,123
PARK ACQUISITION FUND	19,412	110	-	-	19,522
CIVIC CENTER DEBT RESERVE	1,321,310	704,661	-	-	2,025,971
91 GO BONDS & 97 LTGO BONDS	12,362	68	-	(304)	12,127
2000 NOTE REDEMPTION FUND	7,084	40	-	-	7,124
LID NO. 99-1 GUARANTY	81,521	463	-	-	81,984
GENERAL GOVT CAPITAL ASSETS	401,158	3,556,423	3,783,208	(7,218)	167,155
GENERAL GOVT CAPITAL IMPR	518,977	57,852	-	-	576,829
IMPACT FEE-TRUST AGENCY FUND	361,688	10,159	-	3,422	375,269
WATER OPERATING FUND	315,599	166,533	227,901	(56,662)	197,569
SEWER OPERATING FUND	347,984	345,485	241,441	(18,014)	434,014
UTILITY RESERVE	36,748	209	-	-	36,956
UTILITY BOND REDEMPTION	37,620	303	32,948	(178)	4,797
SEWER CAPITAL CONST	1,519,549	27,406	28,958	(10,514)	1,507,483
STORM SEWER OPERATING FUND	263,349	83,185	87,631	23,347	262,251
WATER CAPITAL ASSETS	139,954	135,279	394	(162,025)	112,814
LIGHTHOUSE MAINTENANCE TRUST	1,804	10	-	-	1,814
	<u>\$ 9,104,831</u>	<u>\$ 7,257,753</u>	<u>\$ 6,754,622</u>	<u>\$ (748,421)</u>	<u>\$ 8,859,541</u>

**COMPOSITION OF CASH AND INVESTMENTS
AS OF MARCH 31, 2005**

	MATURITY	RATE	BALANCE
CASH ON HAND			\$ 300
CASH IN BANK		0.9500%	259,265
LOCAL GOVERNMENT INVESTMENT POOL		2.0700%	6,299,976
FEDERAL HOME LOAN BANK	03/17/06	2.5500%	600,000
FEDERAL HOME LOAN BANK	11/27/06	3.2000%	500,000
FEDERAL HOME LOAN BANK	12/19/05	2.8100%	700,000
BANK OF AMERICA - CD	06/06/05	2.4600%	500,000
			<u>\$ 8,859,541</u>

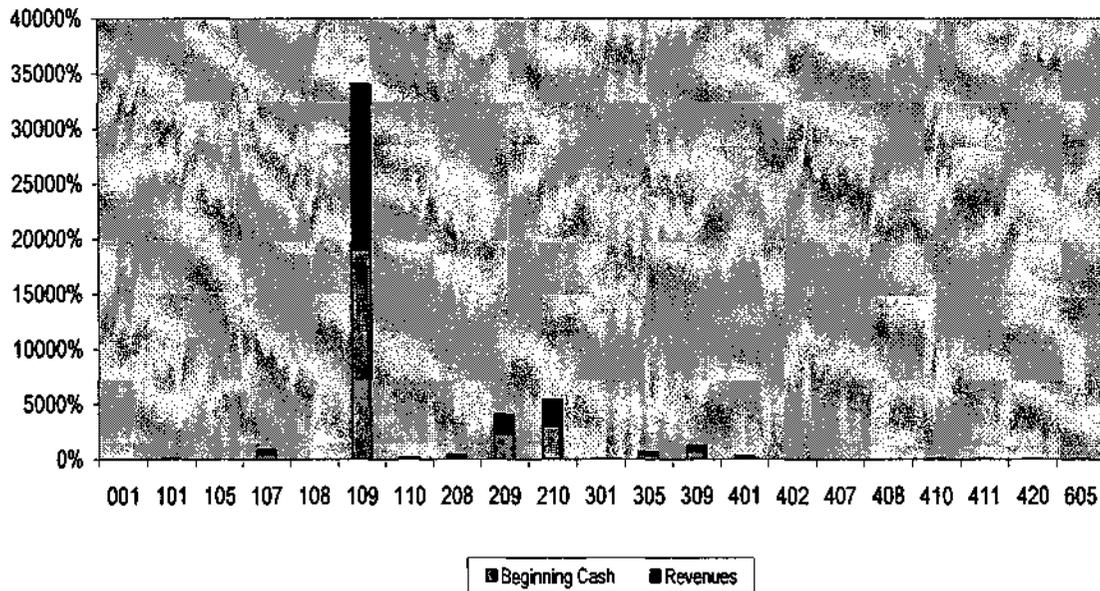
Ending Cash Balances By Fund



**CITY OF GIG HARBOR
YEAR-TO-DATE RESOURCE SUMMARY
AND COMPARISON TO BUDGET
AS OF MARCH 31, 2005**

DESCRIPTION	ESTIMATED RESOURCES	ACTUAL Y-T-D RESOURCES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
GENERAL GOVERNMENT	\$ 9,033,945	\$ 4,520,580	\$ 4,513,365	50%
STREET FUND	3,278,974	1,044,837	2,234,137	32%
DRUG INVESTIGATION FUND	9,251	9,479	(228)	102%
HOTEL-MOTEL FUND	496,665	303,260	193,405	61%
PUBLIC ART CAPITAL PROJECTS	40,250	10,123	30,127	25%
PARK ACQUISITION FUND	13,277	19,522	(6,245)	147%
CIVIC CENTER DEBT RESERVE	2,046,453	2,025,971	20,482	99%
91 GO BONDS & 97 LTGO BONDS	923,220	12,430	910,790	1%
2000 NOTE REDEMPTION FUND	111,072	7,124	103,948	6%
LID NO. 99-1 GUARANTY	83,052	81,984	1,068	99%
GENERAL GOVT CAPITAL ASSETS	4,054,291	3,957,581	96,710	98%
GENERAL GOVT CAPITAL IMPROVEMENT	670,177	576,829	93,348	86%
IMPACT FEE-TRUST AGENCY FUND	350,593	371,847	(21,254)	106%
WATER OPERATING	1,234,091	482,132	751,959	39%
SEWER OPERATING	1,942,334	693,468	1,248,866	36%
UTILITY RESERVE	132,937	36,956	95,981	28%
UTILITY BOND REDEMPTION FUND	351,625	37,923	313,702	11%
SEWER CAPITAL CONSTRUCTION	1,853,715	1,546,955	306,760	83%
STORM SEWER OPERATING	717,322	346,534	370,788	48%
WATER CAPITAL ASSETS	551,594	275,233	276,361	50%
LIGHTHOUSE MAINTENANCE TRUST	1,802	1,814	(12)	101%
	\$ 27,896,640	\$ 16,362,584	\$ 11,534,057	59%

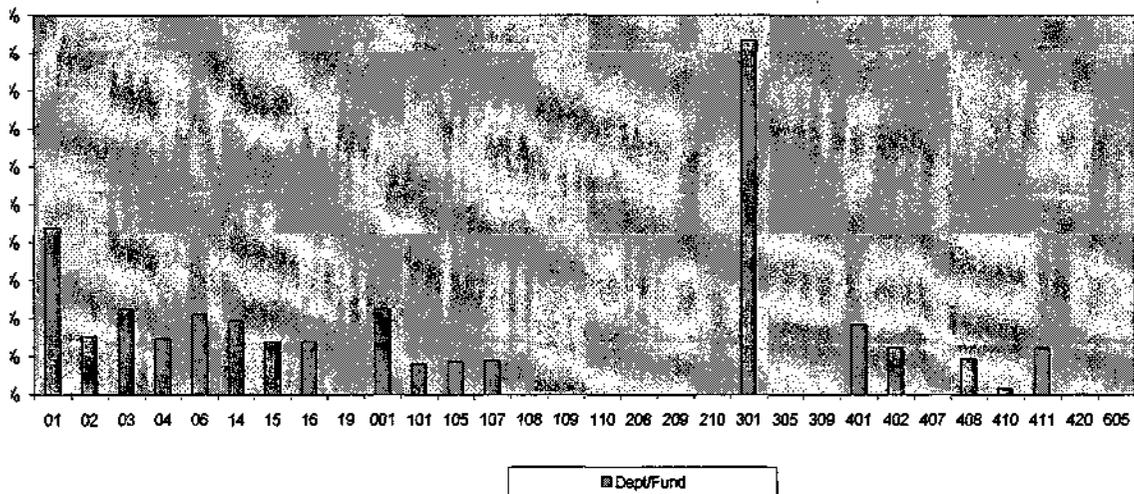
Resources as a Percentage of Annual Budget



**CITY OF GIG HARBOR
YEAR-TO-DATE EXPENDITURE SUMMARY
AND COMPARISON TO BUDGET
FOR PERIOD ENDING MARCH 31, 2005**

DESCRIPTION	ESTIMATED EXPENDITURES	ACTUAL Y-T-D EXPENDITURES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
GENERAL GOVERNMENT				
NON-DEPARTMENTAL	\$ 2,225,600	\$ 976,683	\$ 1,248,917	44%
LEGISLATIVE	31,600	4,850	26,750	15%
MUNICIPAL COURT	466,300	105,394	360,906	23%
ADMINISTRATIVE/FINANCIAL	742,500	109,367	633,133	15%
POLICE	2,006,950	426,156	1,580,794	21%
COMMUNITY DEVELOPMENT	1,218,450	237,011	981,439	19%
PARKS AND RECREATION	936,490	130,420	806,070	14%
BUILDING	391,900	54,591	337,309	14%
ENDING FUND BALANCE	1,014,155	-	1,014,155	
TOTAL GENERAL FUND	9,033,945	2,044,472	6,989,473	23%
STREET FUND	3,278,974	261,809	3,017,165	8%
DRUG INVESTIGATION FUND	9,251	806	8,445	9%
HOTEL-MOTEL FUND	496,665	45,056	451,609	9%
PUBLIC ART CAPITAL PROJECTS	40,250	-	40,250	
PARK ACQUISITION FUND	13,277	-	13,277	
CIVIC CENTER DEBT RESERVE	2,046,453	-	2,046,453	
91 GO BONDS & 97 LTGO BONDS	923,220	-	923,220	
2000 NOTE REDEMPTION FUND	111,072	-	111,072	
LID NO. 99-1 GUARANTY	83,052	-	83,052	
GENERAL GOVT CAPITAL ASSETS	4,054,291	3,783,208	271,083	93%
GENERAL GOVT CAPITAL IMPROVEMENT	670,177	-	670,177	
IMPACT FEE-TRUST AGENCY FUND	350,593	-	350,593	
WATER OPERATING	1,234,091	227,901	1,006,190	18%
SEWER OPERATING	1,942,334	241,441	1,700,893	12%
UTILITY RESERVE	132,937	-	132,937	
UTILITY BOND REDEMPTION FUND	351,625	32,948	318,677	9%
SEWER CAPITAL CONSTRUCTION	1,853,715	28,958	1,824,757	2%
STORM SEWER OPERATING	717,322	87,631	629,691	12%
WATER CAPITAL ASSETS	551,594	394	551,200	0%
LIGHTHOUSE MAINTENANCE TRUST	1,802	-	1,802	
	\$ 27,896,640	\$ 6,754,622	\$ 21,142,018	24%

Expenditures as a Percentage of Annual Budget



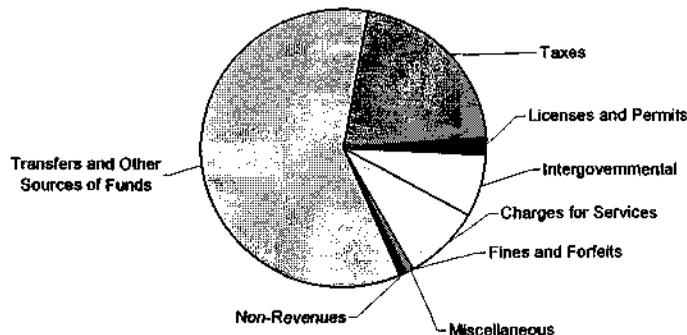
**CITY OF GIG HARBOR
YEAR-TO-DATE REVENUE SUMMARY
BY TYPE
FOR PERIOD ENDING MARCH 31, 2005**

<u>TYPE OF REVENUE</u>	<u>AMOUNT</u>
Taxes	\$ 1,534,130
Licenses and Permits	131,414
Intergovernmental	529,174
Charges for Services	641,480
Fines and Forfeits	15,301
Miscellaneous	52,640
Non-Revenues	53,614
Transfers and Other Sources of Funds	4,300,000
Total Revenues	7,257,753
Beginning Cash Balance	9,104,831
Total Resources	\$ 16,362,584

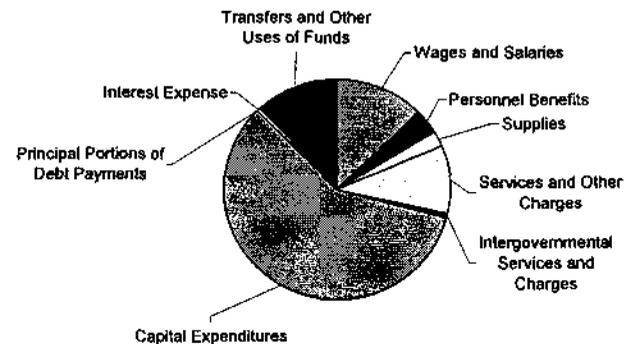
**CITY OF GIG HARBOR
YEAR-TO-DATE EXPENDITURE SUMMARY
BY TYPE
FOR PERIOD ENDING MARCH 31, 2005**

<u>TYPE OF EXPENDITURE</u>	<u>AMOUNT</u>
Wages and Salaries	\$ 856,386
Personnel Benefits	251,018
Supplies	147,243
Services and Other Charges	686,191
Intergovernmental Services and Charges	35,441
Capital Expenditures	3,939,595
Principal Portions of Debt Payments	-
Interest Expense	38,748
Transfers and Other Uses of Funds	800,000
Total Expenditures	6,754,622
Ending Cash Balance	8,859,541
Total Uses	\$ 15,614,164

Revenues by Type - All Funds



Expenditures by Type - All Funds



CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF MARCH 31, 2005

	SPECIAL REVENUE FUNDS											TOTAL SPECIAL REVENUE
	001 GENERAL GOVERNMENT	101 STREET	105 DRUG INVESTIGATION	107 HOTEL - MOTEL	108 PUBLIC ART PROJECTS	109 PARK ACQUIS RESERVE FUND	110 CIVIC CENTER DEBT RSRV	301 GENERAL GOVT CAPITAL ASSETS	305 GENERAL GOVT CAPITAL IMP	309 IMPACT FEE TRUST FUND	605 LIGHTHOUSE MAINTENANCE	
CASH	\$ 41,355	\$ 23,823	\$ 308	\$ 9,923	\$ 400	\$ 772	\$ 32,648	\$ 6,607	\$ 22,800	\$ 14,833	\$ 72	\$ 112,186
INVESTMENTS	2,102,814	578,894	7,496	241,111	9,723	18,750	1,993,323	160,548	554,029	360,436	1,742	3,926,052
RECEIVABLES	40,459	14,007	-	350	-	-	-	-	-	-	-	14,357
FIXED ASSETS	-	-	-	-	-	-	-	-	-	-	-	-
OTHER	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL ASSETS	2,184,627	616,724	7,805	251,383	10,123	19,522	2,025,971	167,155	576,829	375,269	1,814	4,052,595
LIABILITIES												
CURRENT	22,846	143,742	-	-	-	-	-	-	-	5,133	-	148,875
LONG TERM	25,612	7,413	-	-	-	-	-	-	-	-	-	7,413
TOTAL LIABILITIES	48,457	151,155	-	-	-	-	-	-	-	5,133	-	156,288
FUND BALANCE												
BEGINNING OF YEAR	2,173,408	602,271	8,414	259,468	10,066	19,412	1,321,310	393,940	518,977	359,977	1,804	3,495,638
Y-T-D REVENUES	2,007,234	125,107	197	36,972	57	110	704,661	3,556,423	57,852	10,159	10	4,491,548
Y-T-D EXPENDITURES	(2,044,472)	(261,809)	(806)	(45,056)	-	-	-	(3,783,208)	-	-	-	(4,090,879)
ENDING FUND BALANCE	2,136,170	465,569	7,805	251,383	10,123	19,522	2,025,971	167,155	576,829	370,136	1,814	3,896,307
TOTAL LIAB. & FUND BAL.	2,184,627	616,724	7,805	251,383	10,123	19,522	2,025,971	167,155	576,829	375,269	1,814	4,052,595

**CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF MARCH 31, 2005**

	208 91 GO BONDS SOUNDVIEW DR	209 2000 NOTE REDEMPTION	210 LID 99-1 GUARANTY	TOTAL DEBT SERVICE
CASH	\$ 479	\$ 282	\$ 3,241	\$ 4,001
INVESTMENTS	11,648	6,843	78,743	97,234
RECEIVABLES	1,287	-	-	1,287
FIXED ASSETS	-	-	-	-
OTHER	-	-	-	-
TOTAL ASSETS	13,414	7,124	81,984	102,522
LIABILITIES				
CURRENT	-	-	-	-
LONG TERM	-	-	-	-
TOTAL LIABILITIES	-	-	-	-
FUND BALANCE:				
BEGINNING OF YEAR	13,346	7,084	81,521	101,951
Y-T-D REVENUES	68	40	463	571
Y-T-D EXPENDITURES	-	-	-	-
ENDING FUND BALANCE	13,414	7,124	81,984	102,522
TOTAL LIAB. & FUND BAL.	\$ 13,414	\$ 7,124	\$ 81,984	\$ 102,522

CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF MARCH 31, 2005

	PROPRIETARY							TOTAL PROPRIETARY	TOTAL
	401 WATER OPERATING	402 SEWER OPERATING	407 UTILITY RESERVE	408 89 UTILITY BOND REDEMPTION	410 SEWER CAP. CONST.	411 STORM SEWER OPERATING	420 WATER CAP. ASSETS		
CASH	\$ 7,899	\$ 17,256	\$ 1,461	\$ 190	\$ 59,586	\$ 11,172	\$ 4,459	\$ 102,022	\$ 259,565
INVESTMENTS	189,664	416,763	35,496	4,607	1,447,898	271,095	108,355	2,473,677	8,599,976
RECEIVABLES	86,296	129,176	-	-	-	13,175	-	228,646	284,749
FIXED ASSETS	3,749,015	9,460,454	-	-	753,626	769,524	23	14,732,641	14,732,641
OTHER	-	-	-	-	-	-	-	-	-
TOTAL ASSETS	4,032,874	10,023,648	36,956	4,797	2,261,109	1,064,965	112,837	17,537,186	23,876,931
LIABILITIES									
CURRENT	(500)	-	-	257,561	858	2	56,317	314,239	485,960
LONG TERM	35,251	44,167	-	1,852,725	-	34,283	-	1,966,426	1,999,450
TOTAL LIABILITIES	34,751	44,167	-	2,110,287	858	34,285	56,317	2,280,665	2,485,410
FUND BALANCE:									
BEGINNING OF YEAR	4,059,490	9,875,438	36,748	(2,072,845)	2,261,803	1,035,125	(78,365)	15,117,394	20,888,391
Y-T-D REVENUES	166,533	345,485	209	303	27,406	83,185	135,279	758,399	7,257,753
Y-T-D EXPENDITURES	(227,901)	(241,441)	-	(32,948)	(28,958)	(87,631)	(394)	(619,272)	(6,754,622)
ENDING FUND BALANCE	3,998,123	9,979,482	36,956	(2,105,490)	2,260,251	1,030,680	56,519	15,256,522	21,391,521
TOTAL LIAB. & FUND BAL.	\$ 4,032,874	\$ 10,023,648	\$ 36,956	\$ 4,797	\$ 2,261,109	\$ 1,064,965	\$ 112,837	\$ 17,537,186	\$ 23,876,931

**CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
BY FUND TYPE
AS OF MARCH 31, 2005**

	GENERAL GOVERNMENT	SPECIAL REVENUE	DEBT SERVICE	TOTAL GOVERNMENTAL	PROPRIETARY	TOTAL ALL FUND TYPES
ASSETS						
CASH	\$ 41,355	\$ 112,186	\$ 4,001	\$ 157,543	\$ 102,022	\$ 259,565
INVESTMENTS	2,102,814	3,926,052	97,234	6,126,100	2,473,877	8,599,976
RECEIVABLES	40,459	14,357	1,287	56,103	228,646	284,749
FIXED ASSETS	-	-	-	-	14,732,641	14,732,641
OTHER	-	-	-	-	-	-
TOTAL ASSETS	2,184,627	4,052,595	102,522	6,339,745	17,537,186	23,876,931
LIABILITIES						
CURRENT	22,846	148,875	-	171,721	314,239	485,960
LONG TERM	25,612	7,413	-	33,024	1,966,426	1,999,450
TOTAL LIABILITIES	48,457	156,288	-	204,746	2,280,665	2,485,410
FUND BALANCE:						
BEGINNING OF YEAR	2,173,408	3,495,638	101,951	5,770,997	15,117,394	20,888,391
Y-T-D REVENUES	2,007,234	4,491,548	571	6,499,353	758,399	7,257,753
Y-T-D EXPENDITURES	(2,044,472)	(4,090,879)	-	(6,135,351)	(619,272)	(6,754,622)
ENDING FUND BALANCE	2,136,170	3,896,307	102,522	6,134,999	15,256,522	21,391,521
TOTAL LIAB. & FUND BAL.	\$ 2,184,627	\$ 4,052,595	\$ 102,522	\$ 6,339,745	\$ 17,537,186	\$ 23,876,931



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEPHEN MISURAK, P.E.
CITY ENGINEER
SUBJECT: STAFF REPORT – PUMP STATION 2A PROJECT
DATE: APRIL 25, 2005

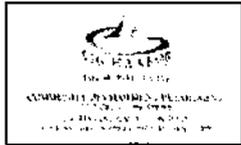
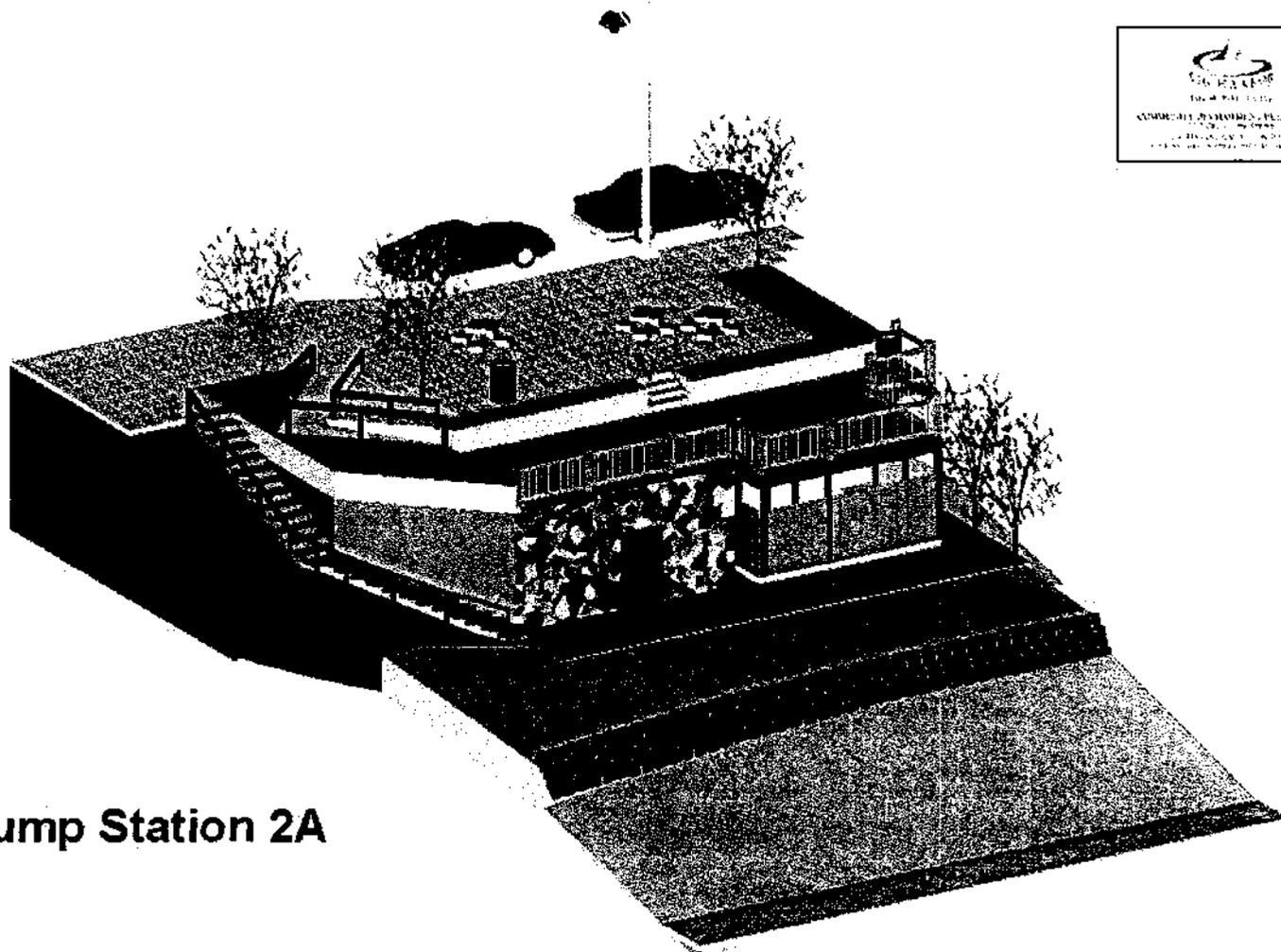
STAFF REPORT

City staff held a public meeting on April 13, 2005 at 6:30 p.m. in the Community Conference Room to discuss the Pump Station 2A Project. In an effort to notify the adjacent property owners, businesses and public about this project, the public meeting notification was posted on the city website and in the Peninsula Gateway newspaper. Additionally, a 20" x 30" informational sign was posted at the project site at the Bogue Viewing Platform on North Harborview Drive and 220 notices were mailed to the property owners and businesses along the project corridor. Members of the City Council, Planning Commission and Design Review Board were also notified of the public meeting.

Seven citizens attended the meeting as well as two city staff members and Project Manager and Inspector, Lewis Bud Whitaker. Mayor Gretchen Wilbert and Design Review Board member Chuck Hunter were also in attendance. City Engineer Steve Misiurak, opened the meeting and explained the scope of the project and asked those in attendance for any questions they may have. Mr. Whitaker assisted Mr. Misiurak in answering questions.

Questions were received from Mr. Hunter regarding landscaping, existing views and lighting. The Mayor asked about the possibility of salvaging the existing treated wood deck, the extent of the concrete hardscape and if the project has ADA access. The questions were answered to the satisfaction of all those in attendance.

The estimated project start date is July 2005 with an anticipated completion date of February 2006. Substantial traffic delays are not anticipated.



Pump Station 2A

Wade Perrow
P O Box 1728
Gig Harbor, WA 98335

(253) 853-2308 * (253) 851-6475 (Fax) * email: wade@wpconstruction.com

City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

April 22, 2005

Attn: City Council Members
RE: Private Road Standards and Ordinances

Dear Council Members:

Before you this evening is the second reading of the Private Road Ordinance, which remains unchanged from what was presented at the last meeting. Due to travel schedules, I am not able to attend the meeting this evening. Therefore, I am writing this letter expressing my continued concern regarding the ordinance. Items of concern are:

- 1) Length of a private road not greater than 400 feet in length
- 2) Private road standards requiring 4" asphalt, curb gutter and sidewalk section
- 3) Potential requirement by the city to have existing private roads removed and replaced to meet public work standards.

The city's Public Works Engineer, Gus Garcia, has been very helpful in sharing with me his interpretation of how the proposed ordinance will affect the projects identified in the letter I presented at the last meeting (copy attached). Mr. Garcia's comments have been very helpful and have led me to request the Council consider the impact the passage of this ordinance can and will have on the properties previously identified.

- 1) **Burnham Drive Commercial Park** – Mr. Garcia has suggested that the worse case scenario would be to improve a portion of the access road to public work standards to a point from which the roadway turns into a parking lot. My interpretation of this statement is: to remove the entire roadway from Burnham Drive to Building 6 and reconstruct it to city standards. This is not possible as buildings would be encroaching into the public right of way the city would be requesting under public road standards. Based on the suggested worst case scenario, *I would ask the Council not move on this ordinance until it has been evaluated so one knows the true scenario.*
- 2) **Northarbor Business Campus** – The suggesting is the Northarbor Business Campus private road standards could be mitigated by having the roadway dedicated as a public street to the city. Items that would make this not possible are the roadway sections do not meet the 4" asphalt requirement. The roadway was constructed to Pierce County standards which required 3" asphalt. Furthermore, the construction of the bridge in the business park may not fit into any existing Public Work Standards. *Given the uncertainty associated with further development within our business park, I would request that this matter be tabled until a clear answer is available.*
- 3) **P & T Properties, located at Hunt/Wollochet** – In the case of this particular property, the same concern expressed regarding the Burnham Drive Commercial Park. The worse case scenario suggested by the city's Public Works Department is the roadway that exists would have to be improved to Public Works standards to a point in which it turns into a parking lot. Where it begins as a parking lot and ends as a road, I am unclear. Once again, *I would ask that this matter be tabled until some degree of certainty can be identified. Given this property was annexed into the city under very specific comment and agreements that did not address roadways but certainly limited the use of the property.*

- 4) **Rustic Heights located behind Harbor Ridge Middle School** – Feedback from the Public Works Department has reduced my concern in the area of the proposed changes and I would feel comfortable with the new proposed public road standards being applicable to this site.

In summary, I would ask that this matter be tabled until such time as specific answers to specific questions can be clearly **identified in a fair way to protect** the property owner. To suggest that some of these projects may even have to go through future variances would mean demonstrating hardships, which once again can and would place undue burden on the property owner given the present allowed use.

Once again, I wish I could be in attendance at the meeting this evening. I ask that you consider continuing this matter until such time as verbiage protecting existing developments can take place.

Sincerely,

Wade Perrow

c: Gus Garcia
John Vodopich





