

# **Gig Harbor City Council Meeting**



**February 12, 2001  
7:00 p.m.**

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**February 12, 2001 - 7:00 p.m.**

**CALL TO ORDER:**

**PUBLIC HEARING:** PUD/PRD Ordinances.

**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 Meetings of January 22, 2001.
2. Correspondence / Proclamations: Gig Harbor Group Home.
3. Special Occasion Liquor License - Beta Sigma Phi.
4. Inflow and Infiltration Study - Consultant Services Contract.
5. Burnham Drive Waterline Project - Construction Participation Agreement.
6. Approval of Payment of Bills for February 12, 2001.  
Checks #31888 through #32070 in the amount of \$237,603.01. Voided Check #31893.
7. Approval of Payment of Payroll for January, 2001.  
Checks #555 through #604 in the amount of \$185,420.91.

**OLD BUSINESS:**

1. First Reading of Ordinance - Amendments to Section 17.90 - Planned Unit Developments.
2. Ordinance Extending Moratorium on Acceptance of PUD Applications.
3. Second Reading of Ordinance - Repealing Section 17.90 of the GHMC - Planned Unit Developments.
4. Second Reading of Ordinance - Amendments to the Planned Residential Development Ordinance.
5. Second Reading of Ordinance - Definitions - 17.04.
6. Second Reading of Ordinance - Amendments to Title 19 - Type IIIA Permits - PUD.
7. Second Reading of Ordinance - Amendment to Title 16 GHMC - Type IIIA Permits and Final Plat Extensions.
8. Continuance of Annexation Proceedings - 57<sup>th</sup> St. Ct. NW & 28<sup>th</sup> Ave. NW.
9. Notice of Intent to Commence Annexation Proceedings - 62<sup>nd</sup> Street Court NW.

**NEW BUSINESS:**

1. Pierce County Gig Harbor Peninsula Community Plan - Citizen Recommended Change.
2. First Reading of Ordinance - Arts Commission.
3. Annual Transportation Capacity Report - SCA Consulting Group.
4. First Reading of Ordinance - Amending Ordinance 858 - Stormwater Development Standards.
5. First Reading of Ordinance - Adding Chapter 12.17 to the Gig Harbor Municipal Code - Enforcement Procedures.
6. Resolution - Public Hearing for Street Dedication of Front Street.
7. First Reading of Ordinance - Definitions for Museum.
8. First Reading of Ordinance - Amendments to 17.15 - Museums and Recreation Halls.
9. First Reading of Ordinance - Establishing Zoning of Public Institutional Property.

10. First Reading of Ordinance - Easements for Fire Equipment Emergency Access and Maintenance of Fire Protection Systems.
11. First Reading of Ordinance - Skateboard Use.
12. Addition to the City of Gig Harbor Job Descriptions.
13. Land Use Hearing Examiner - Request for Proposal.
14. Agenda Protocol.
15. Council Committee Appointment and Mayor Pro Tem.

**STAFF REPORTS:**

**PUBLIC COMMENT:**

**COUNCIL COMMENTS / MAYOR'S REPORT:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

**EXECUTIVE SESSION:** For the purpose of discussing potential litigation per RCW 42.31.110(i).

**ADJOURN:**

## GIG HARBOR CITY COUNCIL MEETING OF JANUARY 22, 2001

**PRESENT:** Councilmembers Young, Pasin, Owel, Dick, Picinich, Ruffo and Mayor Wilbert. Councilmember Ekberg was absent.

**CALL TO ORDER:** 7:05 p.m.

### **PUBLIC HEARING:**

**PUD/PRD Ordinances.** Mayor Wilbert opened the public hearing at 7:05 p.m. John Vodopich, Planning Director, explained that staff had re-drafted the ordinances on PUDs/PRDs consistent with the recommendations from the Council at the worksession held on January 2<sup>nd</sup>. He added that this hearing was a continuation of the process to accept testimony on the amended ordinances.

**John Hogan - 5312 Pacific Highway East, Fife.** Mr. Hogan explained that he supports the PUD and has spent the last year researching public benefit resulting from PUDs. He said that if done responsibly, a PUD can encourage civic components beyond what normal zoning allows. He introduced Mr. Art Skolnik, architect and the first Washington State Historical Preservation Director, to give a presentation in support of PUDs.

**Art Skolnik - Snoqualmie, WA.** Mr. Skolnik gave a brief overview of his background. He talked about using a balance of cultural preservation and creative talent to get the best possible benefit in design. He gave a slide presentation using a variety of examples of creative open spaces to illustrate his point.

**Carl Halsan - PO Box 1447.** Mr. Halsan spoke of the importance of having the PUD in the code. He addressed several issues that he felt were still in need of consideration before passing the amended ordinance and answered Council's questions on those issues.

**Dave Morris - PO Box 401.** Mr. Morris spoke as representative of the Business Development Side of the Chamber of Commerce. He said that they support the recommendation to allow the Hearing Examiner to grant the initial approval, and endorse the continuation of the PUD process. He continued to recommend the initiation of code amendments to underlying zoning, stating that what exists is an inflexible restriction in the B2 zone.

**Walt Smith - 19216, Vaughn, WA.** Mr. Smith said that he thought what was being discussed were minor changes, and that a repeal of the PUD is not minor. He said that he supported the Chamber of Commerce's position, and had sent a letter in support of that position. He requested that Council not repeal the PUD and that it was important to move forward with changes to the B2 zoning.

**Paul Cyr - 4102 55<sup>th</sup> St. Ct. NW.** Mr. Cyr encouraged Council to keep the PUD process as an option for a creative development. He said that if Council was not happy with the ordinance, to

send it back to the Planning Commission and instruct them to hold additional hearings. He gave a history of past PUD efforts in the community as projects that have served the community well.

Councilmember Ruffo asked if anyone had comments on the PRD, as the only issue that seemed to arise was the PUD. No one responded. Councilmember Young asked for clarification from Carl Halsan regarding to net buildable acres.

John Vodopich addressed the presentation on public plazas and open space, and he reminded Council that the city's Design Review Manual requires commercial development to have these amenities as well as pedestrian connectivity. He said that if Council were to choose, a public art component could be added when the update to the manual took place this year. He then addressed Mr. Halsan's concerns, adding that these issues would be appropriate to address during the update to the Comprehensive Plan.

There were no further comments and the public hearing was closed at 7:40 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 January 8, 2001.
2. Correspondence / Proclamations:
  - a) Final Tacoma-Pierce County Solid Waste Management Plan.
3. Rosedale Street Light - Purchase Authorization.
4. Harborview Street Lights - Purchase Authorization.
5. 2001 Wastewater Outfall and NPDES Support Studies - Consultant Services Contract.
6. Sewer Outfall Extension - Consultant Services Contract.
7. Approval of Payment of Bills for January 22, 2001.  
Checks #31667 through #31887 in the amount of \$1,027,882.75.

**MOTION:** Move to approve the Consent Agenda as presented.  
Picinich/Ruffo - five voted in favor. Councilmember Owel abstained.

**OLD BUSINESS:**

1. First Reading of Ordinance - Repealing Section 17.90 of the GHMC - Planned Unit Developments. John Vodopich explained that this was the first reading of an ordinance repealing 17.90 of the code regarding Planned Unit Developments, as staff understood was Council's direction from the January 2<sup>nd</sup> worksession.

Councilmember Young said that he did not agree that Council's wishes were to repeal the PUD. He said he would have preferred that a draft ordinance amending the PUD be brought back. He said that Mr. Skolnik's presentation helped him with the concept of open spaces and the public benefit. Councilmember Picinich agreed with these comments.

Councilmember Ruffo disagreed and said he understood how staff interpreted the direction to have just one PRD ordinance. He said that flexibility and control were the two major issues, and that it may be necessary to retain an amended PUD. Councilmember Owel said that PUD zoning devices should allow creativity without utilizing overlays, which diminish the zoning code and the PUD itself. Mr. Vodopich and Ms. Iolavera asked for direction.

**MOTION:** Move to direct staff to consider the comments from the Public Hearing and to incorporate the information in a revised PUD ordinance to be brought back for consideration at the next meeting.  
Ruffo/Picinich - five voted in favor. Councilmember Dick voted against the motion.

Mr. Vodopich reminded Council that the moratorium on acceptance of PUD applications would expire on February 16<sup>th</sup>, and that the moratorium would have to be extended at the next meeting.

Councilmember Pasin asked if consideration on the PRD amendments could continue, so that it would not be affected by the moratorium. Staff responded affirmatively.

2. First Reading of Ordinance - Amendments to the Planned Residential Development Ordinance. John Vodopich presented this ordinance with an overview of the amendments. He recommended approval of the ordinance at the next reading.

Councilmember Dick commented on several concerns with the ordinance. Staff addressed these, as well as other concerns. Councilmember Pasin voiced concern with the concept of shared public space. Staff was asked for examples of how other cities have dealt with these spaces and the liability involved with these public spaces. This ordinance will return for a second reading at the next meeting.

3. First Reading of Ordinance - Definitions - 17.04. Mr. Vodopich explained that this ordinance amended the definition of impervious surface to be consistent with the public works definition, and to add a new definition of net buildable lands for calculating density credits in PUDs and PRDs. There were no comments on this ordinance which will return for a second reading at the next meeting.

4. First Reading of Ordinance - Amendments to Title 19 - Type IIIA Permits - PUD. John Vodopich introduced this ordinance pertaining to project permit processing, and open record public hearings on preliminary and final plats. This will return at the next meeting for a second reading.

5. First Reading of Ordinance - Amendment to Title 16 GHMC - Type IIIA Permits and Final Plat Extensions. John Vodopich changing the preliminary and final plat process to a Type IIIA permit and to allow for one-year extensions for final plats. Carol Morris asked Council to consider retaining the final decisions on final plats, as there is no public hearing. It was determined that there had not been a final plat come before Council in the past several years and Ms. Morris was asked for clarification of her recommendation. Councilmember Dick said that in

most jurisdictions final plat approval is done administratively, and not in a public session. He asked if the requirement could be delegated to the department and Mayor to sign off. Ms. Morris described the required legal process that requires that final plat approval be done at a public meeting that would authorize staff to make a decision that would then authorize the Mayor to sign the final plat. Council directed staff to come back with a recommendation on how to best handle this.

6. Notice of Intention to Commence Annexation Proceedings - 57<sup>th</sup> St. Ct. NW & 28<sup>th</sup> Ave. NW. John Vodopich presented information on this request. He explained that the parcels included in this annexation effort are part of a larger Soundview Plaza development proposal with which staff had been working. He said that it would be beneficial for the development to proceed entirely under the jurisdiction of the city, and recommended that Council accept this annexation as proposed, with the R-1 zoning designation and conditions. He discussed the letter he received from by Rush Construction to change the zoning to RB-2 on Parcel A, which constitutes the parking lot for the project.

Ther Jorgensen - North Pacific Design. Mr. Jorgensen said that he was representing Rush Construction. He explained that their intent for this parcel is a parking lot, and that if that use was allowed in a R-1 zone, they would withdraw their request for a rezone to RB-2.

Staff was directed to research the allowed use in an R-1 zone and to revise the legal description to include the adjoining streets and come back at the next meeting.

The Mayor announced a short break at 9:03 p.m. for approximately ten minutes. The meeting resumed at 9:15 p.m.

#### **NEW BUSINESS:**

1. Water Concurrency Ordinance. David Skinner, Public Works Director, explained that the ordinance passed in November of last year had a process error in which water reservation was not tied to any form of commitment, which created a speculative process. He said that this ordinance amends the transportation concurrency ordinance to reflect the need for water concurrency. He explained the need to approve this ordinance in one reading so that it becomes effective immediately.

**MOTION:** Move to adopt Ordinance No. 862 as presented.  
Dick/Picinich -

Staff answered Council's questions about the process. Mr. Skinner described amendments to language to address typographical errors in the ordinance and ask that this be reflected in the motion. Mr. Skinner addressed questions on the remaining capacity.

Tiffany Spier - Master Builders Association. Ms. Spier spoke in opposition to passage of the ordinance at this meeting as their association had not had the opportunity to review the document.

Mr. Skinner explained that he had contacted several developers, who approved of the efforts to implement water concurrency.

**RESTATED MOTION:** Move to adopt Ordinance No. 862 as amended, and to become effective immediately upon adoption.  
Dick/Picinich - unanimously approved.

2. Purchase Proposal - Cultural Arts Commission. Mark Hoppen, City Administrator, explained that when the new city Civic Center is constructed, the existing city hall would become an asset, which could be sold or leased. He presented this proposal from the Cultural Arts Commission for purchase or lease of the buildings. He introduced Shirley Tomasi from the Cultural Arts Commission.

Shirley Tomasi - 11107 Hallstrom Dr. Ms. Tomasi explained that this proposal was just to let the Council know that the Cultural Arts Commission was interested in the building if and when the decision to sell or lease the building came about. She explained that the Commission was looking for a permanent facility for their student art gallery.

3. Official Newspaper Bid. Mark Hoppen explained that at this time each year the city must obtain bids for the official city paper, and recommended

**MOTION:** Move to award the official newspaper status for the year 2001 to The Peninsula Gateway.  
Picinich/Ruffo - unanimously approved.

At this time, Mayor Wilbert explained that Councilmember Dick had requested to add a forth agenda item.

**MOTION:** Move to add an item to the agenda to discuss the appropriate position that we should take with regard to the bridge and the proposed legislation that is going on in the Legislature and I recommend that we add it to the agenda at this time.  
Dick/Owel -

Councilmember Owel said that she thought because it was in the minutes that it would be on the agenda and seconded the motion. No vote was necessary and it was placed as item number four under New Business.

4. Resolution - Narrows Bridge. Councilmember Dick explained that he had prepared a Resolution to express his concern, and what was discussed at the last Council meeting, about what would be the appropriate position for the Council take in regards to the bridge and the result of the court case. He read the resolution and spoke of his concerns. Mayor Wilbert offered to present the resolution, if passed, to the Transportation Committee of the Senate at their meeting tomorrow.



**MOTION:** Move to approve Resolution No. 562 as read.  
Dick/Owel -

Councilmember Ruffo said that he thought Councilmember Ekberg should be part of this decision, as it was a big issue. Councilmember Dick explained that it was important for the Council's opinion to be before the Legislature, and due to time constraints, it would be necessary to act at this meeting. He added that although the item was not listed on the agenda, it was recorded in the minutes that it would be brought back for consideration at this meeting.

Councilmember Ruffo voiced his concerns that the issue had not been adequately studied and that the ramifications of the bridge and the information that had come over the years needed further consideration, so an informed, rather than emotional decision could be made. He said that the public had not had an opportunity to comment on the resolution. He added that the bridge needed to be built and that delays would cause problems from a public safety and traffic standpoint. He said that he understood the issues of tolls and design, but that the bridge has to be built. He said that an option to be considered would be to work within a plan to help the public safety issues.

Councilmember Owel disagreed that it was an emotional decision, and supported the resolution. She said that the resolution does not commit the Council to any specific action, it simply reflects and confirms the community's concern with the tolls, which became apparent during the advisory vote.

Councilmember Young explained that although he was in favor of the bridge project and that he believed tolls were the only way to pay for the construction, he thought it was a dangerous precedent to craft law to fit a contract that had been previously signed. He said that government should not change law to facilitate contracts. He supported the resolution as written, and agreed that he too would like to hear from the public.

Councilmember Ruffo voiced his concern that if they continued with the resolution it would kill the project, and added that this was unacceptable.

Councilmember Dick stated that he also believed that the bridge was needed, and said that the issue brought forth in the resolution is that a contract was let unlawfully, and was unenforceable upon two grounds. He added that the statutes involved are quite general and affect not only the Narrows Bridge, but others as well.

Mayor Wilbert asked about the appropriateness of asking for public testimony with a motion on the table.

**MOTION:** Move to suspend the rules to allow the public to comment.  
Dick/Owel – unanimously approved.

David Morris – PO Box 401, Gig Harbor. Mr. Morris spoke on behalf of the Chamber of Commerce. He voiced concerns that this had come up so late in the evening without inclusion on

a published agenda. He said that at a minimum, it should have been announced earlier in the evening to alert the others in attendance. He spoke said that the Chamber had reaffirmed its position to affirm the timely construction of a second Narrows Bridge. He gave an overview of the rationale used by the Chamber for this support.

There were no further comments. Councilmember Owel called for the question.

**RESTATED MOTION:** Move to approve Resolution No. 562 as read.  
Dick/Owel -

Councilmember Ruffo said that he would like the record to show that this is politics and that is what is being played. There had been no chance to review the resolution.

Councilmember Picinich said that there were many issues he agreed with, adding that he thought the project was vital and necessary. He said he did not want to be in a position to kill the project, and that he agreed with the position of the Chamber. He said he could not make a good decision at this time to support the resolution.

David Skinner, Public Works Director, added that as a Transportation Engineer, he was disappointed with DOT as there was no option to allow the public to choose to avoid traffic by paying the toll on the new bridge, which would be two-way traffic. If a person chose not to pay the toll, they could use the existing bridge and suffer the consequences of congestion. He added that this option would also allow for emergency transportation. He said that from an engineering standpoint, not all alternatives had been exhausted. Mayor Wilbert agreed, and said that she also did not think that all the alternatives had been considered.

Councilmember Pasin said he would not like to act out of principle and consequently, lose the bridge that the community badly needs. He asked if the long-term, negative consequence of delays were worthwhile, simply out of principle. He said he would not like to take that chance.

Mark Hoppen asked Council to consider that the state had already spent tens of millions of dollars on the acquisition of property, easements and design costs. He added that he finds it hard to believe that the state would not move forward with construction of the bridge simply because the public/private partnership fails. He said that the state should hold itself to the same competitive bidding standards as its subordinate jurisdictions.

**RESTATED MOTION:** Move to approve Resolution No. 562 as read.  
Dick/Owel - a roll call vote was taken.

Councilmember Pasin - no. Councilmember Owel - yes. Councilmember Dick - yes.  
Councilmember Picinich - no. Councilmember Ruffo - no. Mayor Wilbert voted yes to break the tie. The motion to approve Resolution No. 562 was approved.

**STAFF REPORTS:**

1. 2000 Fourth Quarter Finance Report. David Rodenbach, Finance Director, presented the fourth quarter results. He said that all funds were within budget and offered to answer questions.
2. Gig Harbor Police Department - December Stats. No verbal report given.

**PUBLIC COMMENTS:**

Phyllis Olson – 5306 Old Stump Drive NW. Ms. Olson spoke briefly on the economic development in Gig Harbor. She gave her background as working in Tacoma the past several years for the Visitor and Convention Center, a retailer in Old Town and a co-founder of the Joe Carr Cabin Museum project. She said that the downtown business district in Gig Harbor needs a plan to help promote the area and suggested that they participate in the program for the Washington State Department of Community Trade and Economic Development for downtown revitalization.

**COUNCIL COMMENTS / MAYOR'S REPORT:**

Mayor Wilbert announced that there was an Arbor Day Committee being formed and events would be upcoming.

**ANNOUNCEMENT OF OTHER MEETINGS:**

Public Works Committee Meeting - date and time to be announced later. Mayor Wilbert suggested that the existing Public Works Committee members meet, as the new committees would not be formed until the next Council meeting.

**ADJOURN:**

**MOTION:** Move to adjourn at 10:12 p.m.  
Picinich/Young - unanimously approved.

Cassette recorder utilized.  
Tape 601 Side B 000 - end.  
Tape 602 Both Sides.  
Tape 603 Both Sides.  
Tape 604 Side A 000 - 358.

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Mayor

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City Clerk

# GIG HARBOR GROUP HOME, INC.

6823 Soundview Drive  
Gig Harbor, WA 98335

Phone (253) 851-3716  
Fax (253) 858-7723

RECEIVED

JAN 25 2001

January 25, 2001

Mayor Gretchen Wilbert  
3105 Judson St.  
Gig Harbor, WA. 98335

Dear Mayor,,

I'm writing this letter on behalf of Gig Harbor Group Home and Self Advocates of Washington. We are requesting your assistance in honoring the memory of a valued member of our community.

We have been saddened by the recent passing of George W. Livingston on January 15, 2001. George and his wife, Arveida, have been life long residents of Gig Harbor. Their family homesteaded in Gig Harbor and currently their children and grandchildren reside in the community.

The Livingston's have been an integral part of the development of the services for the disabled. These contributions include: Gig Harbor Group Home, Self Advocates of Washington, and Harbor Mobile Crew, were their disabled son Darren currently works.

In 1999 Arveida was honored as Pierce County Parent Coalition's "PARENT OF THE YEAR". The Livingston's have been an inspiration for others struggling with a disability.

We are asking for assistance from the City of Gig Harbor in creating a memorial for George. Our goal is to designate a park bench or comparable area that can be frequented by disabled members of our community. We are asking the City for direction and guidance in achieving this goal.

Please feel free to contact me at your convenience at The Gig Harbor Group Home. Thank you for your attention to this matter which means so much to us.

Sincerely,



Michele Sorensen  
Community Outreach Director

WASHINGTON STATE LIQUOR CONTROL BOARD-License Services  
 1025 E Union - P O Box 43075  
 Olympia WA 98504-3075

TO: MAYOR OF GIG HARBOR

February 2, 2001

SPECIAL OCCASION # 091794

BETA SIGMA PHI  
 420 42 AVE NW  
 HIG HARBOR, WA 98335

RECEIVED  
 FEB 5 2001  
 CITY OF GIG HARBOR

DATE: MARCH 18, 2001

TIME: 11AM TO 1PM

PLACE: WESLEY INN HOTEL - KIMBALL DR, GIG HARBOR

CONTACT: DONNA WISENBURG - 253-851-9610

SPECIAL OCCASION LICENSES

- \*  License to sell beer on a specified date for consumption at specific place.
- \*  License to sell wine on a specific date for consumption at a specific place.
- \*  Beer/Wine in unopened bottle or package in limited quantity for off premises consumption.
- \*  Spirituous liquor by the individual glass for consumption at a specific place.

If return of this notice is not received in this office within 20 days from the above date, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

1. Do you approve of applicant? YES\_\_\_ NO\_\_\_
2. Do you approve of location? YES\_\_\_ NO\_\_\_
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES\_\_\_ NO\_\_\_

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	YES___	NO___
LAW ENFORCEMENT	_____	YES___	NO___
HEALTH & SANITATION	_____	YES___	NO___
FIRE, BUILDING, ZONING	_____	YES___	NO___
OTHER:	_____	YES___	NO___

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

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



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: DAVID R. SKINNER, P.E., PUBLIC WORKS DIRECTOR**  
**SUBJECT: INFILTRATION AND INFLOW STUDY - CONSULTANT SERVICES CONTRACT**  
**DATE: FEBRUARY 6, 2001**

*DKS*

#### **INTRODUCTION/BACKGROUND**

An identified Sewer Objective in the 2001 Budget was to investigate and continue to monitor and develop methods for reducing the City's infiltration and inflow (I/I) amount with regards to the City's sewer system. Any reductions in the I/I amounts will have a direct correlation to the time until the next Wastewater Treatment Plant upgrade will be required.

Consultant services are needed to perform the necessary investigation, data collection, flow mapping, flow distribution model, and preparation of an Infiltration and Inflow Report. Of the firms considered for this work, David Evans and Associates, Inc. was selected based on their vast experience with sewer system I/I analysis, and the quality and expertise exhibited in past performance for the City. The City Attorney has reviewed and approved this agreement.

The scope of services to be provided include but are not limited to the following:

- Collect and Review Background Data
- Flow Mapping
- Smoke Testing together with City Staff
- Dye Testing
- Television Inspection
- Assessment of the Collection System and Flow Distribution
- Collection System Model/Flow Distribution
- Prepare and Finalize I/I Report

#### **FISCAL CONSIDERATIONS**

The Consultant Services Contract with David Evans and Associates for this study and report is in the amount of \$60,000.00. Funds are available for this work in the Sewer fund and was anticipated in the approved 2001 Budget.

#### **RECOMMENDATION**

I recommend that the Council authorize the execution of the Consultant Services Contract with David Evans and Associates to perform the necessary investigation data collection and the development of a report including recommendations for this work in the not-to-exceed amount of sixty thousand dollars and no cents (\$60,000.00).

**CONSULTANT SERVICES CONTRACT  
BETWEEN THE CITY OF GIG HARBOR AND  
DAVID EVANS AND ASSOCIATES, INC.**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and David Evans and Associates, Inc., a corporation organized under the laws of the State of Washington, located and doing business at 3700 Pacific Highway East, Suite 311, Tacoma, Washington 98424 (hereinafter the "Consultant").

**RECITALS**

WHEREAS, the City is presently engaged in the investigation and recommendation for the reduction of the City's infiltration and inflow amounts with regard to the City's sewer system, and desires that the Consultant perform services necessary to provide the following consultation services.

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work, dated February 6, 2001, including any addenda thereto as of the effective date of this agreement, all of which are attached hereto as **Exhibit A – Scope of Services**, and are incorporated by this reference as if fully set forth herein.

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 Consultant shall perform all work as described in **Exhibit A**.

**II. Payment**

A. The City shall pay the Consultant an amount based on time and materials, not to exceed Sixty thousand dollars and no cents (\$ 60,000.00) for the services described in Section I herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. PROVIDED, HOWEVER, the City reserves the right to direct the Consultant's compensated services under the time frame set forth in Section IV herein before reaching the maximum amount. The Consultant's staff and billing rates shall be as described in **Exhibit B – Schedule of Rates and Estimated Hours**. The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit B** or bill at rates in excess of the hourly rates shown in **Exhibit B**; unless the parties agree to a modification of this Contract, pursuant to Section XVIII herein.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within forty-five (45) days of receipt. If the City

objects to all or any portion of any invoice, it shall so notify the Consultant 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-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant 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 sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants 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 Consultant performs hereunder.

### **IV. Duration of Work**

The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. . The parties agree that the work described in **Exhibit A** shall be completed by December 31, 2001; provided however, that additional time shall be granted by the City for excusable days or extra work.

### **V. Termination**

A. Termination of Agreement. The City may terminate this Agreement, for public convenience, the Consultant's default, the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors, at any time prior to completion of the work described in **Exhibit A**. If delivered to one consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date stated in the City's notice, whichever is later.

B. Rights Upon Termination. In the event of termination, the City shall pay for all services satisfactorily performed by the Consultant to the effective date of termination, as described on a final invoice submitted to the City. Said amount shall not exceed the amount in Section II above. After termination, the City may take possession of all records and data within the Consultant's possession pertaining to this Agreement, which records and data may be used by the City without restriction. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise. Except in the situation where the Consultant has been terminated for public convenience, the Consultant shall be liable to the City for any additional costs



incurred by the City in the completion of the Scope of Work referenced as **Exhibit A** and as modified or amended prior to termination. "Additional Costs" shall mean all reasonable costs incurred by the City beyond the maximum contract price specified in Section II(A), above.

## **VI. Discrimination**

In the hiring of employees for the performance of work under this Agreement or any sub-contract hereunder, the Consultant, its subcontractors, or any person acting on behalf of such Consultant or sub-consultant shall not, by reason of race, religion, color, sex, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

## **VII. Indemnification**

The Consultant shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, 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 negligence of the City. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to avoid any of these covenants of indemnification.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, 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 Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'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 CONSULTANT'S WAIVER OF IMMUNITY UNDER THE PROVISIONS OF THIS SECTION DOES NOT INCLUDE, OR EXTEND TO, ANY CLAIMS BY THE CONSULTANT'S EMPLOYEES DIRECTLY AGAINST THE CONSULTANT.

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

## **VIII. Insurance**

A. The Consultant 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 Consultant's own work including the work of the Consultant's agents, representatives, employees, sub-consultants or sub-contractors.

B. Before beginning work on the project described in this Agreement, the Consultant 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
3. Professional Liability insurance with no less than \$1,000,000 claims made basis.

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

E. It is the intent of this contract for the Consultant'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 Consultant'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 Consultant 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 Consultant's coverage.

## **IX. Exchange of Information**

The City warrants the accuracy of any information supplied by it to the Consultant for the purpose of completion of the work under this Agreement. The parties agree that the Consultant will notify the City of any inaccuracies in the information provided by the City as may be discovered in the process of performing the work, and that the City is entitled to rely upon any information supplied by the Consultant which results as a product of this Agreement.

## **X. Ownership and Use of Records and Documents**

Original documents, drawings, designs and reports developed under this Agreement shall belong to and become the property of the City. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

## **XI. City's Right of Inspection**

Even though the Consultant 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 Consultant 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 Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

## **XII. Consultant to Maintain Records to Support Independent Contractor Status**

On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

## **XIII. Work Performed at the Consultant's Risk**

The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

## **XIV. 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.

## **XV. Resolution of Disputes and Governing Law**

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 Public Works Director and the City shall determine the term or provision's true intent or meaning. The City Public Works Director 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 Consultant under any of the provisions of this Agreement which cannot be resolved by the City Public Works Director's determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in 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 non-prevailing party in any action brought to enforce this Agreement shall pay the other parties' expenses and reasonable attorney's fees.

## **XVI. Written Notice**

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the agreement, unless notified to the contrary. Unless otherwise specified, any written notice hereunder shall become effective upon the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated below:

CONSULTANT  
Randy A. Anderson, P.E.  
David Evans and Associates, Inc.  
3700 Pacific Highway East, Suite 311  
Tacoma, Washington 98424  
(253) 922-9780

David R. Skinner, P.E.  
Director of Public Works  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, Washington 98335  
(253) 851-8145

## **XVII. Assignment**

Any assignment of this Agreement by the Consultant without the written consent of the City shall be void. If the City shall give its consent to any assignment, this paragraph shall continue in full force and effect and no further assignment shall be made without the City's consent.

## **XVIII. 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 Consultant.

**XIX. Entire Agreement**

The written provisions and terms of this Agreement, together with any Exhibits attached hereto, 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 or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and any Exhibits attached hereto, which may, or may not have been executed prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

CONSULTANT

CITY OF GIG HARBOR

By:   
Its Principal

By: \_\_\_\_\_  
Mayor

Notices to be sent to:

CONSULTANT  
Randy A. Anderson, P.E.  
David Evans and Associates, Inc.  
3700 Pacific Highway East, Suite 311  
Tacoma, Washington 98424  
(253) 922-9780

David R. Skinner, P.E.  
Director of Public Works  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, Washington 98335  
(253) 851-8145

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 Peter D. Gonzalez 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 Vice President of David Evans & Assoc., Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 2/6/01



RENEE K. KOHLER  
(print or type name)  
NOTARY PUBLIC in and for the  
State of Washington, residing at:  
King County  
My Commission expires:  
6/8/03

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: \_\_\_\_\_

# CITY OF GIG HARBOR INFLOW AND INFILTRATION STUDY

## EXHIBIT A SCOPE OF SERVICES

### WORK PLAN

Although this project will focus on completing an I/I Study and Analysis of a single basin, it is important to recognize that the analysis must take into account the larger collection and treatment facilities. The current peak flows utilize hydraulic capacity of all downstream components in the sewerage system, and treatment capacity at the wastewater treatment facility.

Existing background information and studies will benefit this project. Previously prepared facilities or master plans, technical analysis, land use planning documents and reports, including the March 2000 Wastewater Comprehensive Plan, will provide valuable insight and perspective. Although it will still be necessary to obtain additional field measurements and verifications of the existing system, the amount of field time required will be significantly reduced because of the availability of existing information.

To better understand the existing system, its operation, strengths, and deficiencies, specific work tasks will focus on gathering additional flow data and design information for the gravity collection system. This task will rely heavily on fieldwork, which will be completed through a joint effort between the City, DEA and Subconsultant Services.

### 1.0 DATA COLLECTION

#### 1.1 Collect and Review Background Data

Currently, there is considerable background data available on the City's sewerage system. As a first step in this process, DEA will meet with City representatives to collect additional Daily Monitoring Reports (DMRs), pump station records and logs, and any applicable archived plans for the gravity sewer system, pump stations and WWTF. In addition, City of Gig Harbor staff can provide historical and anecdotal information that will save time and provide valuable insight into the most cost-effective, long-term solutions to resolve the sewerage systems deficiencies and provide for future expansion or growth.

#### 1.2 Kick-Off Meeting with City Staff

After a review of the available background data has been completed, we propose a formal kickoff meeting with DEA and City staff. A draft project work plan and schedule will be prepared by DEA prior to this meeting and will be available as one discussion topic.

The meeting will identify and verify any key technical, regulatory, schedule and funding issues related to the project. DEA will record meeting minutes and distribute to all attendees. Comments and recommendations from this meeting will be incorporated to produce a final Project Work Plan. We recommend that additional meetings be held at the 50-percent completion



(after field data collection), 90-percent completion (Draft I/I Study), and for the presentation of the final report to City Council (four meetings total).

### **1.3 Collect Additional Field Data**

After a project work plan and schedule have been formalized, additional fieldwork will be completed to supplement that currently available on base maps, master plans, and in City records. Flow observations and measurements will be taken, including a combination of visual observations during storm events, and nighttime flow mapping. The following paragraphs summarize key data collection efforts.

#### ***a. Visual Reconnaissance/System Configuration***

The City has an existing base map of the sewer system. As part of any sewer rehabilitation or modification program, it is important to verify the operation and configuration of all significant components shown on the base map, and all components that could directly impact the proposed analysis. DEA engineers and technicians experienced in the design of sanitary sewer systems and rehabilitation methods will perform this work.

Visual reconnaissance will consist of physically verifying the configuration, and observing the amount of flow passing through key manholes in the collection system during a storm event. Observations will be completed during the daylight hours, with the primary intent to identify where surcharging is occurring, and whether or not flows at key manholes appear to be excessive for the amount of tributary area upstream from the manholes. Observations and notes will be taken by John Garlitz, P.E. or Don Whitehead, P.E. who has successfully utilized this approach in other I/I studies and analyses. This initial fieldwork provides a quick overview of the behavior of the collection system. Often it is possible to identify or confirm which areas of town are contributing significant amounts of I/I and which are not.

Limiting measurements at this step to visual observations from ground level allows a large area to be covered in a relatively short amount of time. The result is that a qualitative "snapshot" of the City's I/I is obtained. Subsequent inspections of problem areas after the rainfall event has tapered off will help to identify where infiltration is occurring and where inflow is a problem.

During the field reconnaissance stage of the project, DEA team members will complete a more detailed site visit and inventory of the existing collection system and treatment facilities down stream from the basin. The inventory will verify the configurations, capacities and operation. The engineer(s) involved with this evaluation will be experienced in the evaluation, design, and operation of sanitary sewerage system pump stations and treatment plants. DEA staff experience includes a number of specific projects retrofitting or constructing new pump stations and treatment facilities for collection systems with excessive I/I. Drawing on our experience, we will provide alternatives and insights for specific measures and design features and operational procedures that may be currently affected, or will be impacted in the future by excessive I/I.

***b. Flow Mapping***

The second form of measurement, and one of the most valuable tools for analyzing small collection systems or basins, is to perform "flow mapping" of the collection system during the late night and early morning hours when base flows are at a minimum. This involves sending three-person crew(s) out into the collection system and physically measuring the actual flow passing through key manholes during a storm event. By taking measurements during the hours when the majority of residents and businesses are asleep or closed, we can be reasonably assured that the flow present is the result of I/I and not base domestic sewage flow.

The flows are measured using a series of weirs, which fit into the pipes entering the manhole. When the measured flows are plotted on a map of the collection system, a very good "snapshot" is provided of the amount of I/I being contributed by various parts within the collection system. By using actual measurements, the amount of I/I can be quantified, providing a basis for deciding where additional smoke-testing and possibly dye-testing efforts should be concentrated.

Measurements will be taken in approximately 40 different manholes. Flow mapping will be completed by a crew consisting of DEA personnel and Subconsultant Services. Don Whitehead, P.E., will supervise this work. DEA's Subconsultant will provide staff experienced in confined space entry. We propose to complete flow mapping during wet weather and dry weather (two nights total) to allow us to better separate inflow from infiltration.

***c. Smoke Testing***

In most cases the most cost-effective reduction in I/I comes from removing inflow sources (storm sewers, area drains, roof drains, streams). A relatively small number of inflow sources, such as storm sewer cross connections or roof drains, can contribute a very large percentage of the total I/I. One of the most effective methods for identifying inflow sources is to smoke-and dye-test areas of the sanitary sewer collection system which have been identified as, or are suspected to be, heavy contributors of I/I.

Smoke testing if determined necessary will be performed by the City working with the Consultant, and will target those areas of the city suspected of having significant inflow sources. To be most effective at identifying faults in the collection system, smoke testing must be completed when the ground is extremely dry. Typically, this is during the months of July through September. When the ground is dry, a number of indirect inflow sources, such as leaking shallow pipelines, will also become evident. When the ground is wet, these faults are less likely to be detected. Smoke testing results will be documented by videotaping, with individual reports of each fault prepared. This information will be summarized on a city base map.

***d. Complete Dye Testing***

A second method for identifying direct connections of storm drainage to the sanitary sewer system is dye testing. The City will do this task working with the Consultant. This

technique uses water-soluble dye, which is poured into catch basins and private storm sewers suspected of being connected to the sanitary sewer. A sanitary sewer manhole downstream from the storm water structure is monitored. Dye appearing in the wastewater flow is evidence that there is a direct or indirect connection.

Dye testing is best applied after flow mapping and if possible smoke testing have been completed, since these two techniques will help to narrow down the areas where cross connections are most likely. In this sense it is a technique for refining and verifying the existence of problem areas. The results of this work will be summarized on the same base map used for the smoke testing results.

It is important to note that smoke testing and dye testing will identify many direct and indirect connections to the storm sewer system. However, not all connections will be identified. Some structures, such as trapped catch basins, will not indicate smoke even if they are connected. These procedures will identify some of the worst problems, but the City must recognize that removing infiltration and inflow is an ongoing process that must be continually monitored by City staff and maintenance crews.

*e. Television Inspection*

Our proposal includes minimal cleaning and televised inspection of the of the gravity sewer mainline. The television inspection work will be completed by our Subconsultant. Inspection will occur during high groundwater conditions and or storms of moderate intensity. This work will help to identify sections of pipe which are broken or have the potential for collapse. By completing this work when groundwater is high, and if possible during rainfall, we are also more likely to identify service laterals or mainline "faults" which are collecting large quantities of "rain-induced inflow" or ground water.

*f. Prepare Refined Flow Measurements*

The additional flow measurements obtained as part of the flow mapping and the smoke and dye testing will allow for a more accurate assessment of the magnitude and location of peak flows. Currently most of the reported effort to estimate current and projected peak flows has been for the peak flows experienced at the wastewater treatment facility.

It is very important to identify not only what (the magnitude of) peak flows will be, but what parts of the collection system will be impacted most severely. This is particularly important in collection systems, which experience surcharging. Surcharging in the collection system stores wastewater and delays its transport down to the lower reaches of the collection system. In addition, surcharging may in fact be reducing the overall amount of I/I which is entering the sewer system by preventing entry of I/I during the later stages of the storm. Removing the bottleneck by constructing a larger sewer in the upper end does not necessarily eliminate the problem. At the very least it just moves the peak flows down stream, and in the worst case, peak flows may increase. Nothing has been accomplished if surcharging and overflowing of manholes is moved to a different location.

## **2.0 REPORT PREPARATION**

### **2.1 Summarize Flow Mapping, Smoke Testing, Dye Testing Data**

The results of the flow mapping, smoke testing and dye testing will be summarized on a base map to provide a clear indication of where high flows and problems are occurring. These maps will then become exhibits for the Infiltration and Inflow Report. The process of presenting this information in a graphic summary form will often make it clear where problems are occurring, and frequently it becomes clearly apparent where corrective action is required.

### **2.2 Collection System Model/Flow Distribution**

The additional flow measurements obtained as part of the flow mapping, and the smoke or dye testing will allow for a more accurate assessment of the magnitude and location of peak flows. It is very important to identify not only the magnitude of the peak flows, but also what parts of the collection system will be impacted most severely.

An accurate assessment of the magnitude and location of peak flows is important in that it will provide the basis for sizing of future gravity sewer improvements, new pump station(s), and modifications and/or expansions to the WWTF. Given the size and configuration of the current system, we anticipate a spreadsheet-based model will be appropriate to describe current conditions and alternatives for future service and expansion. I/I measurements obtained in the flow mapping operations will serve as the basis for distributing the total amount of I/I to specific areas of the collection system within the basin.

### **2.3 Prepare Draft Infiltration and Inflow Report**

After the additional fieldwork has been collected, a Draft Infiltration and Inflow Report will be prepared and forwarded for review by City staff. The report will summarize the field data collected, estimated flows, flow distribution, specific problem areas identified or suspected, alternatives for repairs and rehabilitation, alternatives for reconfiguring if appropriate, a present worth cost effective analysis, and a preliminary capital improvement/repair program including cost estimates.

### **2.4 Review Draft I/I Report with City Staff**

After City staff have had the opportunity to review the Draft Infiltration and Inflow Report, a meeting will be scheduled to allow for comments and critique. The focus of the meeting will be to identify any specific concerns that have not been addressed in the draft report, and to determine the most appropriate method for resolution.

### **2.5 Prepare Final Report**

Final comments and concerns identified in the review meeting will be incorporated into the draft to produce a final Infiltration and Inflow Report. The final report will serve as a road map for future repair/rehabilitation work to be performed.

### **2.6 Submit Final Report to City Staff for Approval**

The revised Infiltration and Inflow Report will be submitted to City staff and presented to City Council for acceptance. In preparing this scope of work we have estimated that DEA professional

staff will be available to present or assist City staff in the presentation of the report to the City Council.

## **TEAM DESCRIPTIONS**

### **Project Team**

DEA will serve as the prime consultant for this project with Donald Whitehead, P.E. serving as principal-in-charge and project manager. He will be responsible for day-to-day management of the project, including coordination of the sub-contractor efforts. He will ensure that sufficient resources are available to complete the project on schedule and will provide overall review of the project deliverables. Mr. Whitehead has direct experience utilizing most of the sewer rehabilitation technologies currently being applied including: sliplining, cured in place pipe rehabilitation, directional drilling, and micro tunneling.

Mr. Whitehead will be assisted by John Garlitz, P.E. In addition to assisting in the overall coordination of the project, he will direct field data collection. Mr. Garlitz served as the Assistant Project Manager on the recently completed Sewer System Rehabilitation Project for the City of Independence, Oregon. He is experienced in all aspects of the analysis, design and construction for sewer system rehabilitation projects.

DEA will be assisted by a Subcontractor to do T.V. inspection, confined space entry, and assist DEA staff in obtaining and recording nighttime flow measurements during flow mapping operations.

## **EXCLUSIONS/CONDITIONS OF WORK**

The following exclusions or conditions of work shall prevail for this Scope of Work:

The City will perform all smoke testing and/ or dye testing for the project.

The City will assist the Consultant and/or it's Subconsultant with the television inspection and cleaning work as necessary to inspect the condition of the existing sewer systems.

The City will provide all traffic control needed for the project.

The City will provide the Consultant with all available mapping, data, or other documents as needed for the project at no expense to the Consultant.

Any additional meetings, presentations, or other work requested by the City will be done on a Time and Expense basis using the Consultants normal standard expenses and personnel rates.

GIGHARBORI&I-4

CITY OF GOSHAWK HARBOR  
INFLOW AND INFILTRATION STUDY

	PM	LEAD ENG	PE	PE	EIT	ACAD	ADMIN	DIRECT	
	R. Anderson	D. Whitehead	J. Garlitz	R. Attanasio		Tech		Cost	
<b>1.0 DATA COLLECTION</b>									
1.1 Collect and Review Background Data		2	8				2		
1.2 Kick-Off Meeting with City Staff	2	8					1		
1.3 Collect Additional Field Data									
a. Visual Reconnaissance/System Configuration		2	12			8			
b. Collect Additional Flow Measurements (Flow Mapping)		4	24		16		4	Subconsultant Services =	\$4,500
c. Complete Smoke Testing		2	8		24		2		
d. Complete Dye Testing							2		
e. Complete Television Inspection		2	16		16		2	Subconsultant Services =	\$12,604
f. Prepare Refined Flow Measurements		8	12		8		2		
<b>2.0 REPORT PREPARATION</b>									
2.1 Summarize Flow Mapping, Smoke Testing, Dye Testing Data		2	16		12		2		
2.2 Collection System Model and Flow Distribution			12	8					
2.3 Prepare Draft Preliminary Infiltration and Inflow Report									
a. Identify Specific Problem Areas		12	24			8	4		
b. Estimate Peak Flows		8	16						
c. Identify Recommended Repairs		4	16			8			
d. Complete Cost Effective Analysis		4	16				4		
e. Develop Repair Program & Cost Estimates		4	16		16	8	4		
2.4 Review Draft I/I Report with City Staff		8							
2.5 Prepare Final Report		4	24		16	8	8		
2.6 Submit Final Report to City Staff for Approval		8							
3.0 Project Administration, QA/QC	16	2					4		
<b>TOTAL HOURS</b>	18	84	220	8	108	40	41		
<b>HOURLY RATE</b>	\$115.00	\$110	\$85	\$105	\$66	\$60	\$48		
<b>TOTAL COST</b>	\$2,070	\$9,240	\$18,700	\$840	\$7,128	\$2,400	\$1,968		\$17,104

**TOTAL COST SUMMARY**

Engineering and Analysis \$42,346  
Sub-Contractor Services \$17,104

**EXPENSES**

Mileage @ \$.345 per mile \$450  
Reproduction---Direct Cost to the City \$50  
Postage/Express Mailing, Etc.--Direct Cost to the City \$50

Estimated Project Total \$60,000



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: DAVID R. SKINNER, P.E., PUBLIC WORKS DIRECTOR**  
**SUBJECT: BURNHAM DRIVE WATERLINE EXTENSION**  
**FUNDING AGREEMENT**  
**DATE: FEBRUARY 6, 2001**

#### **INTRODUCTION/BACKGROUND**

Last year, a budgeted objective in the City's water department was the construction of a 16-inch water main from the women's correctional facility, east, along 96<sup>th</sup> Street R/W, then north, along Burnham Drive, eventually connecting to the recently placed waterline near Borgen Boulevard. Due to permitting issues and development of funding agreements with private property owners, the construction of this project was delayed until this year.

In 1995, a private developer began the design of a water main extension from Bujacich Drive under SR-16 along the 96<sup>th</sup> Street alignment to the intersection with Burnham Drive. Due to associated costs of construction, the project was postponed. On May 23, 1995, the City Council amended the Water Comprehensive Plan to include the proposed waterline extension. Consistent with that Plan amendment, the City began numerous discussions of a cost sharing agreement with several property owners to construct the waterline extension. After much work, an agreement has been drafted and approved by the City Attorney between the City, and Logan International.

The Agreement provides for the City to construct the waterline and to contribute \$100,000 towards the cost of the improvements. Logan International will, as defined in the Agreement, contribute an estimated amount of \$348,000 dollars toward the construction and also be responsible for any and all costs exceeding the current estimate. Logan International will have the option to request the City to execute a Latecomer's Agreement for the purpose of reimbursing them for their pro rata fair share of the construction costs less the City's contribution.

#### **FISCAL CONSIDERATIONS**

This project was identified in the water-operating fund of the 2000 Annual Budget. Since this project was anticipated in 2000 but was not constructed, the funds allocated for this project remain in the City's water fund to provide for construction in this year. Execution of this Agreement will obligate the City to provide \$100,000 dollars toward the construction of the waterline project.

#### **RECOMMENDATION**

I recommend that the Council move and approve execution of the Agreement for Construction of Waterline Extension from Purdy Treatment Center to WPC Industrial Park, to establish the funding for the construction of the waterline as described above.

**AGREEMENT FOR CONSTRUCTION  
OF WATERLINE EXTENSION FROM  
PURDY TREATMENT CENTER TO WPC INDUSTRIAL PARK**

THIS AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2001, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"); and LOGAN INTERNATIONAL, a Washington corporation, n/k/a TriMaine Holdings, Inc. (hereinafter "Logan").

WHEREAS, the City's 1993 Water Comprehensive Plan depicts the extension of a watermain from the Purdy Treatment Center water storage facility to the WPC Industrial Park on Burnham Drive in Gig Harbor, Washington; and

WHEREAS, this alignment of the watermain extension is shown on Exhibit A to this Agreement, which is attached hereto and incorporated herein by this reference; and

WHEREAS, the City desires to construct the 16-inch watermain extension, which is approximately 5,578 feet in length from the Purdy Treatment Center water storage facility to the WPC Industrial Park on Burnham Drive, as shown in Exhibit A (hereinafter the "Watermain"); and

WHEREAS, Logan desires to have the Watermain constructed, and have agreed to contribute funds toward such construction, under the terms and conditions set forth herein; Now, Therefore,

In consideration of the mutual covenants contained herein, and to ensure that funds from Logan are available for the City's construction of such Watermain when needed by the City, the parties agree as follows:

Section 1. Contribution of Logan. The City Public Works Director has estimated the cost of the installation and construction of the Watermain, as defined in this Agreement and shown in Exhibit A, to be Four hundred forty eight thousand nine hundred dollars and no cents (\$448,900.00).

This is an estimate only, and all parties acknowledge that the actual costs relating to the construction of the Watermain may exceed this amount.

Logan agrees to pay and the Upfront Negotiated Contributions to the City, as shown on the Schedule of Contributions, attached hereto as Exhibit B and incorporated herein by this reference for the construction of the Watermain. Logan acknowledges that their pro rata share of costs may increase if the actual costs relating to the construction of the Watermain exceeds \$448,900.00. Logan agrees to pay the costs relating to any overage to the City.

Section 2. City's Contribution and City's Performance of the Public Work.

A. The City acknowledges that a portion of the construction of the Watermain will benefit the general public, and will fund the project in the amount of such benefit, to a maximum of \$100,000.00. The City shall not be required to contribute any funds exceeding this \$100,000.00, but



if the City chooses to do so, the parties shall execute a written amendment to this Agreement.

B. The parties acknowledge that the construction of the Watermain is a public work, as defined in RCW 39.04.010. Furthermore, the parties acknowledge that the City is required to follow various procedures to accomplish such public work, as set forth in State law and City ordinance. Nothing in this Agreement shall affect the City's ability to comply with all applicable public works procedures or any responsibilities under federal, state or local law. The City shall be responsible for performing all such procedures, including but not limited to, advertisement for bids, bid award, contract execution, contract management and acceptance of the public work. The Watermain and any other associated improvements constructed under this Agreement shall be dedicated to, owned by, operated and maintained by the City. Nothing in this Agreement shall create any ownership interest or other entitlement in the Watermain or other associated improvements to Logan.

Section 3. Deposit of Funds by Property Owners. The City shall establish an escrow account with a financial institution of the City's choice, in the amount of \$348,900.00, which represents the total contribution by Logan, as the costs related to the Watermain are estimated at the time this Agreement was executed. The conditions imposed on such escrow account are as follows:

A. Only the City shall be authorized to withdraw funds from the account. The City agrees to use such funds for the construction of the Watermain and associated improvements and administration of this Agreement, and for no other purpose.

B. The financial institution shall, upon the demand of the City, remit to the City within two days of such demand, the amount of funds requested by the Public Works Director for the Watermain and associated improvements. The financial institution agrees that it shall have no duty or right to evaluate the correctness or appropriateness of any such demand by the City, and shall not interplead, or in any manner delay payment of said funds to the City.

C. If the City receives bids and ultimately awards a contract to a contractor for the construction of the Watermain and associated improvements and the actual cost of the project is in excess of the amount set forth in Section 1 of this Agreement, Logan shall contribute the necessary funds to make up the deficiency. In addition, if, during or after construction, the cost estimate in Section 1 is less than the actual costs of construction of the Watermain and associated improvements, Logan shall contribute the necessary funds to the escrow account to make up the deficiency.

Section 4. Latecomers' Agreement. Logan may request up to one year from the project completion that the City execute a Latecomers' Agreement, for the purpose of reimbursing Logan for their pro rata fair share contribution of the Waterline construction. The Latecomers' Agreement shall be in substantially the form attached hereto as Exhibit C. The City specifically makes no representation in this Agreement that the pro rata share of the costs, as shown on Exhibit B, accurately reflect Logan's fair pro rata share, for purposes of reimbursement under the Latecomers' Agreement.

Section 5. Default.

A. Immediately after execution of this Agreement by all parties, Logan shall have thirty (30)

days to deposit their contributions (as shown in Exhibit B), into the City's escrow account. If the contributions are not deposited as required by this paragraph, the City may terminate this Agreement without liability, and all of the City's responsibilities hereunder shall be null and void.

B. After Logan deposit the necessary funds in the escrow account, and the City begins construction, the City may notify Logan in writing that additional funds must be deposited to cover the actual costs of construction of the Watermain and associated improvements. If the City provides such notice and Logan does not deposit such funds on or before twenty-one (21) days thereafter, the City may take any of the following actions:

1. Notify Logan in writing that additional funds must be deposited by a date certain, in order to prevent a breach of the Agreement. After this notice is provided, Logan may submit the additional funds into the account to eliminate the deficiency, regardless of whether the amount corresponds their pro rata share, as shown on Exhibit B.

2. If the additional funds are not deposited in the account by the deadline in the City's second notice, the City may elect any remedy available in law or equity for breach of this Agreement, including, but not limited to: (a) ceasing and abandoning work on the Waterline and associated improvements; (b) completing the work on the Waterline and associated improvements, and enforcing the terms of this Agreement in a subsequent legal action; (c) completing the work on the Waterline and associated improvements and refusing to execute a Latecomers' Agreement with Logan.

Section 6. Waiver. No waiver, alteration or modification of any of the provisions of this Agreement shall be binding on the parties unless in writing and signed by a duly authorized representative of the parties.

Section 7. Communications. All communications and notices required by this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary:

CITY OF GIG HARBOR  
David R. Skinner, P.E.  
3105 Judson Street  
Gig Harbor, WA 98335  
(253) 851-8145

LOGAN INTERNATIONAL  
Greg Elderkin  
PO Box 860  
Renton, WA 98055  
(425) 271-3550

Section 8. Successors Bound. All of the provisions, conditions and requirements of this Agreement shall be binding upon Logan and their assigns and successors, as if they were specifically mentioned herein.

**Section 9. Interpretation/Fees.** This Agreement shall be construed in accordance with the laws of the State of Washington, and jurisdiction of any resulting dispute shall be with the Pierce County Superior Court, Pierce County, Washington, or the U.S. District Court, Tacoma, Washington. The prevailing party in any legal action brought to enforce the terms of this Agreement shall be entitled to its reasonable attorneys' fees, costs and expert witness fees, including any fees and costs incurred on appeal.

**Section 10. Severability.** Any invalidity of any phrase, sentence or provision of this Agreement shall not affect the validity of any other phrase, sentence or provision.

**Section 11. Breach.** No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented.


**Section 12. Integration.** This Agreement, including its exhibits and all documents referenced herein, constitutes the entire agreement between the City and Logan, and supersedes all proposals, oral or written, between the parties on the subject.

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

CITY OF GIG HARBOR

LOGAN  
TriMaing Holding Inc.  
A Washington corporation

By \_\_\_\_\_  
Its Mayor

By   
Its \_\_\_\_\_

ATTEST:

Molly Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

Carol A. Morris \_\_\_\_\_

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 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(print or type name)  
NOTARY PUBLIC, State of Washington,  
residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

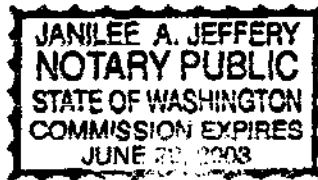
STATE OF WASHINGTON )

(LOGAN)

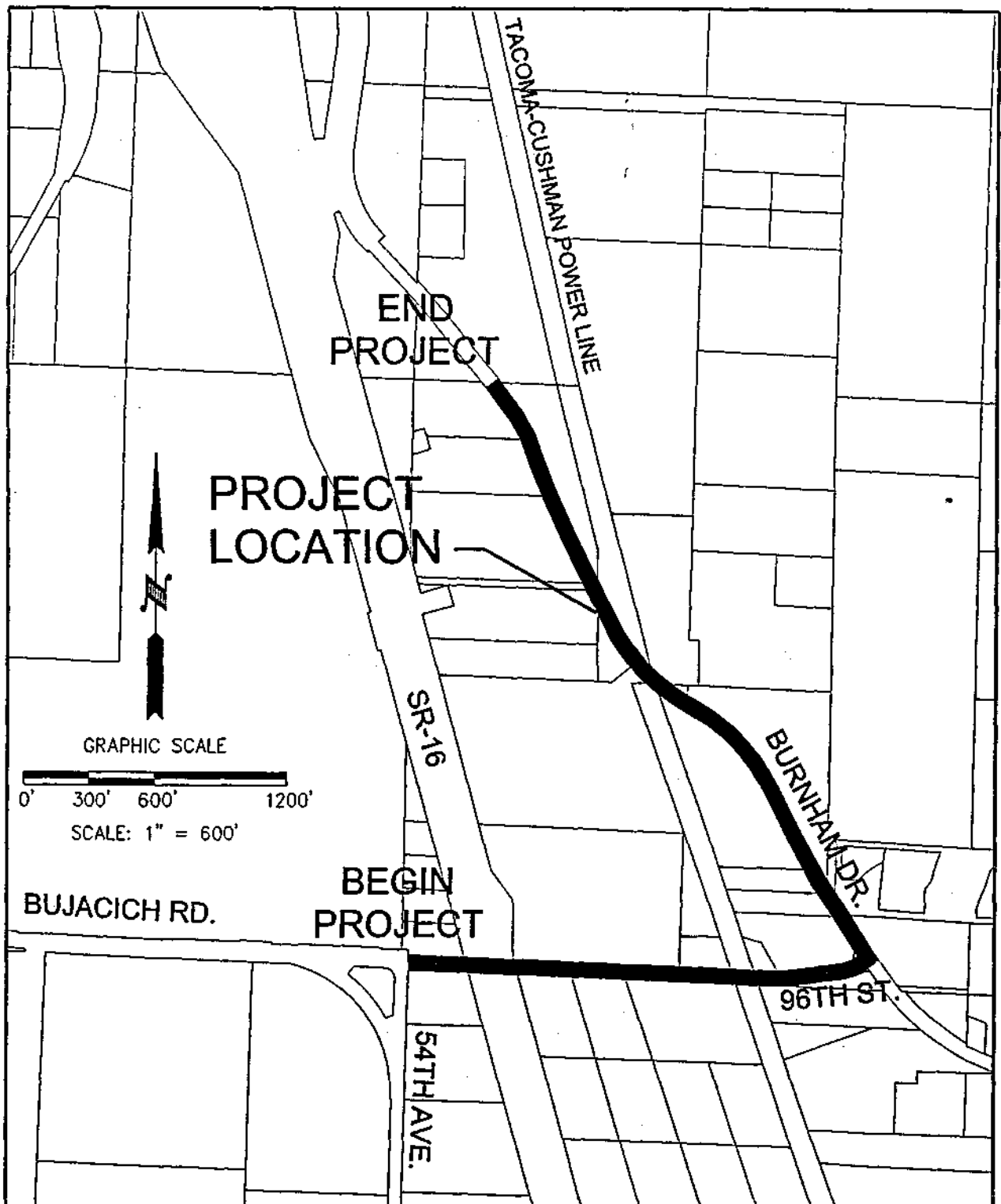
COUNTY OF King ) ss.

I certify that I know or have satisfactory evidence that Greg Elderkin 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 Agent of Logan Intermodal Corp Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 2-8-2001



Janilee A. Jeffery  
Janilee A. Jeffery  
(print or type name)  
NOTARY PUBLIC in and for the  
State of Washington, residing at:  
Auburn WA



**BURNHAM DR. WATER IMPROVEMENT PROJECT  
EXHIBIT "A"**

**AGREEMENT FOR CONSTRUCTION OF WATERLINE EXTENSION  
FROM PURDY WOMEN'S CORRECTIONAL CENTER  
TO WPC INDUSTRIAL PARK ON BURNHAM**

**EXHIBIT B – SCHEDULE OF CONTRIBUTIONS**

Estimate of cost: Purdy Women's Correctional Center Street to WPC Industrial Park

Estimated Cost: \$448,900 including applicable taxes  
Less City Participation: \$100,000  
Total borne by Logan: \$348,900

PROPERTY OWNER	UPFRONT NEGOTIATED CONTRIBUTION
Logan	\$348,900.00
<b>TOTAL</b>	<b>\$348,900.00</b>

After Recording Return To:  
File at the Request of:

Public Works Director  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

**LATECOMERS AGREEMENT FOR REIMBURSEMENT  
OF MUNICIPAL WATER AND SEWER**

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_ 2001,  
by and between \_\_\_\_\_  
\_\_\_\_\_ and the City of Gig Harbor, situate in  
Pierce County, Washington, the parties respectively referred to herein as "Owner" and "City".

WITNESSETH:

**R E C I T A L S**

1. The City owns and operates a water system within and adjacent to its limits; and
2. The Owner has constructed, under agreement with the City, pursuant to the Municipal Water and Sewer Facilities Act, RCW 35.91.010, *et seq.*, certain extensions to said system more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference, which additions are capable of serving areas now owned by the Owner; and
3. The area capable of being served by the extensions to said systems described in Exhibit "A", is herein referred to as the "benefited property," and is more particularly described in Exhibit "B", attached hereto and by this reference incorporated herein; and
4. The extensions to said system described in Exhibit "A" are located within the area served by the City and have not been accepted by the City for maintenance and operation; and
5. The cost of construction of the extensions described in Exhibit "A" under the provisions of said Municipal Water and Sewer Facilities Act amounts to \$ \_\_\_\_\_; and
6. The City has determined and the Owners have agreed that the area benefited by said extensions amounts to \_\_\_\_\_ lineal front feet of which \_\_\_\_\_ lineal front feet is directly attributable to the Owner and the remaining benefited property, resulting in a fair prorata share of the cost of construction of said extensions, to be collected from the owner or owners of any parcel benefited thereby, and who tap on or connect to said system of \$ \_\_\_\_\_ per lineal front foot; and



7. The City and Owner desire and intend by this Agreement to provide for collection of the fair prorata share of the cost of construction of said extensions from the owners of the benefited properties (as described on Exhibit "B") who did not contribute to the original cost thereof, under the provisions of the Municipal Water and Sewer Facilities Act, PROVIDED, that nothing contained herein shall be construed to affect or impair in any manner the right of the City to regulate the use of its said system of which the extensions described in Exhibit "A" shall become a part under the terms of this Agreement, pursuant to the provisions of any ordinance, resolution, or policy now or hereafter in effect. The imposition by the City of any such requirement shall not be deemed an impairment of this Agreement though it may be imposed in such a manner as to refuse service to an owner of the benefited property in order to secure compliance with such requirements of the City.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereafter set forth, it is agreed by and between the parties hereto as follows:

A. All of the recitals set forth above are adopted by the parties as material elements of this Agreement.

B. The Owner shall transfer title, free and clear of all encumbrances to the extensions described in Exhibit "A", by a Bill of Sale to be executed and delivered by Owner to the City upon acceptance of said extensions for maintenance by the City. This Bill of Sale shall contain the Owner's warranty that it has good title and the right to convey said extensions, that it will warrant and defend the City against the claim of interest therein asserted by any third person, that it will guarantee the workmanship and materials in said facility for a period of one year after the date of acceptance by the City and that it warrants said extensions to be fit for the use for which they are intended.

C. Owner further warrants that it is the owner in title absolute of the extensions described in Exhibit "A", that it has neither permitted or suffered any person or other entity to tap onto said extensions prior to the date of this Agreement; that the sum of \$\_\_\_\_\_ is a fair prorata charge to be assessed against the owner of each parcel within the benefited premises, as described in Exhibit "A", who subsequently tap on to or connect to said facility, and do further warrant that there are no persons, firms or corporations who have filed or have the right to file a lien against said extensions pursuant to the provisions of Title 60 of the Revised Code of Washington, other than those heretofore filed which have been satisfied. In the event that any lien or other claim against said extensions are asserted after conveyance to the City, (which Owner shall defend and save harmless the City from loss on account thereof), and in the event the City shall be put to any expense in defense of such claim or otherwise, then the City shall have a lien against any funds then or thereafter deposited with it pursuant to this Agreement.

D. In consideration of the conveyance of the extensions described in Exhibit "A", the City agrees to accept said extensions for maintenance as part of its facility, after inspection and

testing by the City Public Works Director and his recommendation of acceptance, and further agrees to collect from the owners of the realty benefited by said lien who have not heretofore contributed to the cost of construction thereof, and who subsequently tap onto or use the same, a fair prorata share of the cost of such construction based upon the sum of which unit charge shall be conclusively presumed to be a fair prorata charge against the benefited parcels. The City shall charge, in addition to its usual and ordinary charges made against persons applying for service from said facility and in addition to the amount agreed to be collected by the City in this paragraph, a sum equal to fifteen percent (15%) to be collected from owners or persons tapping onto said facility, which sum shall be used by the City to defray the cost of labor, bookkeeping, and accounting, pursuant to the terms of this Agreement.

E. The City shall pay to the Owner the sums agreed by it to be collected pursuant to the provisions of the preceding paragraph, within sixty (60) days after receipt thereof at the address of the Owner as set forth hereinafter or at such other addresses as the Owner shall provide by Certified Mail. If said payments are returned to the City unclaimed by the Owner or if the City is unable to locate the Owner after six (6) months, the City shall retain all sums then received and all future sums collected under this Agreement.

F. In the event of the assignment or transfer of the rights of the Owner voluntarily, involuntarily, or by operation of law, then the City shall pay all benefits accruing hereunder, after notice, to such successor of the Owner as the City, in its sole judgment, deems entitled to such benefits; and in the event conflicting demands are made upon the City for benefits accruing under this Agreement, then the City may, at its option, commence an action in interpleader joining any party claiming rights under this Agreement, or other parties which the City believes to be necessary or proper, and the City shall be discharged from further liability upon paying the person or persons whom any court having jurisdiction of such interpleader action shall determine, and in such action the City shall be entitled to recover its reasonable attorney's fees and cost, which fees and costs shall constitute a lien upon all funds accrued or accruing pursuant to this Agreement.

G. The City agrees not to allow an Owner or user of any benefited property as described in Exhibit "A" to tap onto said facility without such owner or user having first paid to the City a sum equal to the fair prorata charge hereinabove set forth.

H. In the event of any claims arising as a result of the acts or omissions of the City, its officers, officials, employees representatives and agents, in the performance of the services described in this Agreement, the Owner hereby agrees to release, indemnify, defend and hold the City, its officers, officials, employees, agents and representatives, harmless from any and all claims, costs, judgments, awards, attorneys' fees or liabilities to any person. In addition, the Owner hereby agrees to release, indemnify, defend and hold the City, its officers, officials, employees, agents and representatives, harmless from any and all claims, costs, judgments, awards, attorneys' fees or liabilities to any third persons asserting that the formula used to determine either the benefited properties or the amount of such benefit is in error or does not

amount to a fair prorata charge.

I. The City shall be entitled to rely, without any resulting liability to the City, on the provisions of this Agreement with respect to the fairness of the prorata charge herein provided, and upon the designation and description of the benefited properties set forth in Exhibit "B".

J. This Agreement shall become operative immediately after recording with the Auditor of each County in which any of the benefited lands are situated, at the expense of the Owner, and shall remain in full force and effect for a period of fifteen (15) years after the date of such recording, or until the Owner, or its successors or assigns, shall have been fully reimbursed as aforesaid, whichever event occurs earlier; provided, that in the event the additions described in Exhibit "A" or any portions thereof shall, during the term of this Agreement, be rendered useless by the redesign or reconstruction of a portion of the City's facility, such determination of uselessness to be in the absolute discretion of the City's Public Works Director, then the City's obligation to collect for the Owner of the tapping charges provided pursuant to this Agreement shall cease.

K. 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 Owner.

L. All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary.

City of Gig Harbor  
3105 Judson Street  
Attn: Public Works Dir.  
Gig Harbor, WA 98335

(Owner)  
\_\_\_\_\_  
\_\_\_\_\_

M. All of the provisions, conditions, regulations and requirements of this Agreement shall be binding upon the successors and assigns of the Owner, as if they were specifically mentioned herein.

N. This Agreement shall be construed in accordance with the laws of the State of Washington, and jurisdiction of any resulting dispute shall be in Pierce County Superior Court, Pierce County, Washington. The prevailing party in any legal action shall be entitled to all other remedies provided herein, and to all costs and expenses, including attorneys' fees, expert witness fees or other witness fees and any such fees and expenses incurred on appeal.

O. Any invalidity, in whole or in part, of any of the provisions of this Agreement shall not affect the validity of any other of its provisions.

P. No term or provision herein shall be deemed waived and no breach excused unless

such waiver or consent shall be in writing and signed by the party claimed to have waived or consented.

Q. This Agreement, including its exhibits and all documents referenced herein, constitutes the entire agreement between the City and the Owner, and supersedes all proposals, oral or written, between the parties on the subject.

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

CITY OF GIG HARBOR

OWNERS

By: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk, \_\_\_\_\_

APPROVED AS TO FORM  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF PIERCE )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ 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 \_\_\_\_\_ 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, State of Washington,  
Print Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF PIERCE )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ 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 \_\_\_\_\_ of \_\_\_\_\_, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC, State of Washington  
Print Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_



*City of Gig Harbor. The "Maritime City"*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: PATRICIA IOLAVERA, SENIOR PLANNER**  
**SUBJECT: FIRST READING OF NEW ORDINANCE RELATING TO PUD**  
**SECOND READING OF DRAFT ORDINANCES RELATING TO PRD**  
**AND RELATED CHANGES TO THE GIG HARBOR MUNICIPAL CODE,**  
**DATE: FEBRUARY 8, 2001**

#### **INFORMATION/BACKGROUND**

Please find enclosed for your consideration six (6) ordinances. Staff has responded to the discussion during the Council Meeting of January 22, 2001 and made changes accordingly. This includes changes to Titles 16, 17, & 19. Changes were made in accordance with your recommendations as outlined in the February 1, 2001 memo to Council from planning staff. Two ordinances are included regarding the PUD. One making modifications and one rescinding the ordinance.

#### **FISCAL CONSIDERATIONS**

The new administrative process is likely to eliminate some costs to the City in the form of legal fees by reducing the number of appeals.

#### **RECOMMENDATION**

Staff recommends approval of the PRD. Should Council desire further discussion on the PUD, staff recommends Council consider a work session to focus on that ordinance.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED UNIT DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR PRELIMINARY PUDS, FINAL PUDS, MAJOR AND MINOR AMENDMENTS TO PUDS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTION 17.90.010, 17.90.020, 17.90.030, 17.90.040, 17.90.050, 17.90.060, 17.90.070, 17.90.080 AND ADDING NEW SECTIONS 17.90.090, 17.90.100, 17.90.110 AND 17.90.120 TO THE GIG HARBOR MUNICIPAL CODE.

---

WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned unit development applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City's regulations for planned unit developments; and

WHEREAS, the Planning Commission held hearings on the planned unit development regulations on July 26, 2000 and August 2, 2000 ; and

WHEREAS, the Planning Commission recommended that the City Council amend the regulations for planned unit developments as set forth in this Ordinance; and

WHEREAS, the City's SEPA Responsible Official issued a determination of nonsignificance (DNS) relating to the adoption of this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000, after a public hearing;

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2001, after a public hearing; and

WHEREAS, the staff has made the recommended changes per the January 22, 2001 Council Meeting; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

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

Section 1. Section 17.90.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.010 Intent of the Planned Unit Development Zone ("PUD").**  
The intent of planned unit developments is to allow greater flexibility in the design of a development, more variety and diversification in the relationships between buildings, open spaces and uses, and to encourage the conservation and retention of historical and natural topographic features while meeting the goals, policies and objectives of the comprehensive plan. To accomplish this purpose, the underlying district regulations such as, but not limited to, minimum yards, density, uses and height and bulk of buildings may be varied, provided however, such variances shall not compromise the overall intent of the comprehensive plan nor significantly impact existing uses or create adverse environmental effects. A planned unit development may be allowed in any district. The intent of the PUD zone is to allow opportunity or more creative and imaginative commercial and business projects than generally possible under strict application of the zoning regulations in order that such projects may provide substantial additional benefit to the community. It is further intended to preserve unique or sensitive physical



features, such as steep slopes, views, retention of natural vegetation and to provide more open space, recreational amenities, and urban design amenities than would be available under conventional land development practices. Additionally, it is intended to promote more economical and efficient use of land and a unified design concept for commercial and business development.

Section 2. Section 17.90.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.020 Where PUDs are Permitted and Acceptable Parcel Characteristics.**

~~Approval of planned development. The city shall approve, approve with conditions, or disapprove proposed planned unit developments subject to the provisions of this chapter.~~

A. PUDs may be permitted in all districts zoned commercial and business.

B. In the Waterfront Commercial (WC), Downtown Business (DB), Residential Business I (RB- 1), and in adjacent zones, careful transition with existing development located at the perimeters of the zone must be provided.

C. PUDs shall not be allowed on any parcels less than two acres in size, excluding tidelands, unless one of the following findings are made, in addition to the criteria for preliminary PUD approval in this chapter:

1. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant reasonable use of the land by the use of a PUD; or

2. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a PUD.

Section 3. Section 17.90.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.030 Permit Application Procedures.** ~~Parcel characteristics. Planned unit developments shall be limited to a minimum site area of two acres. No planned unit development application shall be made for an area of less than two acres unless the city makes the following findings: A. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant equivalent use of the land by the use of a planned unit development; B. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned unit development; or C. The property is adjacent to or across the street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute~~

~~to the maintenance of the amenities and values of the neighboring planned unit development.~~

A. Type of Permit. A preliminary PUD application shall be processed according to the procedures set forth in Title 19 for Title IIIA project permit applications. Final PUD applications shall be processed according to the procedures in Title 19 for Type IV project permit applications.

B. Expiration of PUD. Within five (5) years of the date of the preliminary PUD approval, an application shall be submitted for final PUD approval, otherwise, the preliminary PUD approval shall expire. Construction on the project must commence within twelve (12) months from the date of the final approval; otherwise, preliminary PUD approval becomes null and void.

C. Concurrent Applications. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with a PUD, to the extent that procedural requirements allow simultaneous processing. If an applicant requests that a preliminary PUD be processed prior to the time a preliminary plat application is submitted, the preliminary PUD application shall not be considered to be vested, i.e., such application shall not be considered under the subdivision, zoning or other land use control ordinances in effect at the time the fully completed application for a preliminary PUD has been submitted to the City.

D. Phasing. If a proposed PUD is to be developed in phases, the entire PUD shall be portrayed in the preliminary PUD application, and each phase shall individually receive final PUD approval within the time periods established in subsection 17.90.030(B).

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PUD application. The Hearing Examiner shall be present at the Design Review Board hearings as necessary to ensure coordination of decisionmakers as allowed under chapter 19.01.022(C).

F. Extensions. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PRD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than one year and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless 50 percent or more of the on-site work has been completed.

Section 4. Section 17.90.040 of the Gig Harbor Municipal Code shall be amended to read

as follows:

**17.90.040 Contents of a Complete Preliminary PUD Application.**

~~Requirements. The use of a planned unit development shall be as follows: A. All roads shall be public roads and the configuration and design of such facilities shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works construction standards. Private roads within the PUD may be approved by the City if the following criteria are met: 1. Physical limitations of the site preclude the possibility of future linkage with existing public roads or proposed public roads which are a part of the city's adopted road or transportation plan; 2. The proposed street design, pedestrian access and layout represents a superior design which meets the objectives of the public works standards; 3. A direct and tangible benefit will accrue from the proposed street design. B. All provisions of vehicle parking shall be in designated parking areas:~~

~~C. Uses at variance with the underlying district shall be compatible with, and no more detrimental than, those uses specifically listed for a district.~~

~~D. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements: 1. The location, size and character of the common open space is suitable for the planned unit development; 2. The common open space is for preservation of natural flora and fauna, amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and number and type of dwellings provided; 3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space. 4. Land shown in the final development plan as common open space, and landscaping and/or plantings contained therein, shall be permanently maintained by and conveyed to one of the following: a. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state of Washington and shall adopt proposed articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these~~

~~eeovenants against any use are expressly reserved to the City as well as the owners.  
B. A public agency which agrees to maintain the common open space and any buildings or structures or other improvements which have been placed on it.~~

A. In addition to the applicable requirements of GHMC Section 19.02.002, complete application for preliminary PUD approval shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. A written description addressing the scope of the project, gross acreage, net buildable acreage calculations, the nature and size in gross floor area of each use, and the total amount of net buildable land in square feet to be covered by impervious surfaces;
4. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;
5. A topographic map delineating contours, existing and proposed, at two foot intervals and which locates and classifies existing streams, wetlands, steep slopes and other natural features and/or critical areas;
6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed general location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas.
7. A circulation plan drawn to a scale acceptable to the Public Works Director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights of way.
8. A general schematic layout for Utility, drainage and stormwater runoff plans;
9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant vegetation proposed to be retained;
10. A statement explaining how the proposed plan is consistent with and implements the City of Gig Harbor Comprehensive Plan, the designation under

the Comprehensive Plan, current zone classification, and desired zone classification;

11. A narrative describing how the proposal provides substantial additional benefit to the citizens of the City of Gig Harbor (the benefit accruing as a result of implementation of the PUD process as opposed to following the development standards of the underlying zone), and how it is proposed the additional amenities and benefits should apply to the percentage of additional density or gross floor area, or additional height being requested;

12. A complete application for design review as required by chapter 17.98.040.

13. A map of the area, with the area proposed for any rezone outlined in red; and

14. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditor's Office.

B. In addition to the applicable requirements of GHMC Section 19.02.002, a complete application for final PUD approval shall consist of the following information:

1. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditor's Office.

Section 5. Gig Harbor Municipal Code Section 17.90.050 is hereby amended to read as follows:

**17.90.050. Types of Uses Permitted. Findings.** ~~In approving the preliminary development plans, conditionally or otherwise, the hearing examiner shall first find that all of the following conditions exist: A. that the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to insure compatibility with and not inconsistent with the underlying district; B. That the site for the proposed use relates to streets, adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal; C. That the proposed use will have no significant adverse effect on existing uses or permitted uses; D. That the establishment, maintenance and/or conducting of the uses for which the development plan review is sought will not, under the~~

~~circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.~~

The following uses are permitted in a PUD:

A. Those primary, accessory and conditional uses permitted in the underlying zoning district;

B. Other commercial, business and residential uses may be located within the PUD, if a rezone application is submitted concurrently with the preliminary PUD application, and all of the following criteria are satisfied, in addition to the rezone criteria in chapter 17.100:

1. Such uses constitute ten (10) percent or less of the proposed project;
2. Such uses are an integral component of the planned unit development;
3. Such uses are compatible with any existing uses; and
4. Such uses are consistent with the Gig Harbor Comprehensive Plan for not only the use, but also any other element covered by the Comprehensive Plan, such as water, sewer and transportation facilities.

Section 6. Section 17.90.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.060 Development and Design Standards.** ~~The following information shall be submitted for review as a Type II application: 1. Environmental checklist or environmental impact statement, if required; 2. Twelve copies of a site plan drawn to scale and dimensioned, showing the existing topography at five foot contour intervals, the proposed layout of structures, off street parking and loading areas, landscape areas, pedestrian walks, driveways, ornamental lighting, screening, fences and walls; 3. Twelve copies of a landscape plan drawn to scale and dimensioned, showing the location of proposed landscape areas together with varieties and size of plant materials to be used, together with the method of maintenance. Also, other landscape features such as screening, fences, lighting and signing shall be indicated; 4. copies of architectural drawings or sketches drawn to scale, including floor plan and elevation indicating types of materials and colors to be used may be required; 5. A schedule showing the proposed time and sequence within which the applications for final approval of all chapters of the planned unit development are intended to be filed. B. within five years following the approval of the development plan, the applicant shall file with the city a final development plan containing in final form the information required in the preliminary plan. The city may extend the period up to a maximum of one year. If the city finds that the final development plan is consistent with the preliminary development plan approval, and that all conditions of the preliminary~~

development plan approval have been satisfied, it may approve the final development plan in total or in phases. C. In conditioning the approval of any planned unit development, the city may require adequate guarantees of compliance with the final development plan, all as approved as to form by the City attorney. Such guarantee may be in a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. In addition to the above, the City may, in the event of the applicant's failure to perform under the guarantees or other security, take steps necessary to ensure compliance, including the city's performance of the construction and/or maintenance at the applicant's cost in any manner provided by law.

A. The following performance standards of the underlying zoning district may be varied, subject to the criteria in this chapter, only as follows:

1. Lot area and Lot width: Lot area and lot width requirements may be reduced where the site plan is such that light, air and privacy are provided to the units in the PUD.
2. Setbacks: Structures located on the perimeter of the PUD shall be set back in accordance with the front yard setbacks of the underlying zoning district.
3. Impervious Surface Coverage: Impervious surface coverage of individual parcels may exceed the percentage of impervious surface coverage allowed in the underlying zone; provided, that overall impervious surface coverage of the PUD does not exceed the percentage permitted by the underlying zoning district.
4. Height: Building height may exceed the maximum permitted by code provided, that the design protects the views and privacy of properties inside and outside of the project, but in no case shall the maximum height exceed 45 feet, except that in B-2 and C-1 zones the height shall not exceed 60 feet for peaked roof buildings and 45 feet for buildings with flat roofs. Variances from the City Height Restriction Area Map, as adopted by chapter 17.62 GHMC, shall not be allowed. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PUD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height;
5. Gross Floor Area: The gross floor area in the underlying zone may be exceeded as provided in GHMC 17.90.090, as long as all of the criteria set forth in that section are satisfied.

B. The performance standards which may not be modified or altered in a PUD are:

1. Shoreline regulations when the property is located in an area under the jurisdiction of the Gig Harbor Shoreline Master Program;
2. Standards pertaining to development in environmentally sensitive areas;
3. Regulations pertaining to nonconforming uses;
4. Standards pertaining to screening around outdoor storage areas;
5. Total coverage by impervious surfaces;

6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map and Shoreline Master Program.

Section 7. Section 17.90.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.070 Criteria for Approval of Preliminary PUD Application.**

~~Amendments to a planned unit development. Amendments to a planned unit development may be authorized as follows: A. Minor amendments are Type I permit applications and shall be processed as established under GHMC Title 19 and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than five percent from the original. B. Major amendments are Type III permit applications and shall be processed as established under Title 19 GHMC. Major amendments are those which substantially change the character, basic site design, density, open space or other requirements and conditions of the final plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and approval of the City of such amendment.~~

A. Applicants for a preliminary PUD application shall demonstrate that, with the exception of the sections of the code from which the applicant intends to vary (as allowed by Section 17.90.060(A), the proposed PUD is able to satisfy all of the applicable code requirements, and is compatible with the surrounding properties. In addition, applicants must make the following showing:

1. Landscaping and site plans showing the location of proposed open space or parks, road layout and proposed buffering of buildings, parking, integrated pedestrian circulation, loading and storage areas, all approved under the Design Review process;
2. Identification of unique characteristics of the subject property proposed to be retained and how those characteristics qualify for gross floor area and/or height bonus under Section 17.90.090;
3. Identification of unique characteristics of the proposed use(s) that qualify for gross floor area and/or height bonus under Section 17.90.090;
4. The proposed relationship and arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PUD as approved through the Design Review process;
5. Measures proposed to mitigate visual impact of the PUD upon the surrounding



area approved through the Design Review process;

6. Identification of any extraordinary public improvements proposed for acceptance of ownership by the City in connection with the planned development and that qualify for the gross floor area and/or height bonus under Section 17.90.090;

7. Identification of any unique natural features of the property proposed for acceptance of ownership by the City for preservation, and that qualify for the gross floor area and/or height bonus under Section 17.90.090;

8. Identification of any proposed recreational opportunities in excess of those normally required of a subdivision and that qualify for the gross floor area and/or height bonus under Section 17.90.090.

B. In addition to the above, the PUD may only be approved if the City finds that all of the following criteria are satisfied:

1. The Director of Public Works and the decision maker finds that the site access, proposed on-site circulation and off-street parking meets all Public Works standards and makes adequate provision for roads, streets, alleys and other public ways. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed PUD and in the vicinity of the PUD;

2. The Director of Public Works and the decision maker finds that the PUD makes adequate provision for all public utilities, including, but not limited to, water, sewer, and storm water drainage. Water, sewer and storm water facilities, existing and proposed, are suitable and adequate to provide service within the proposed PUD and in the vicinity of the PUD;

3. The PUD is consistent with the Comprehensive Plan;

4. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

- a. placement, type or reduced bulk of structures, or
- b. interconnected usable open space, or
- c. recreational facilities, or
- d. other public facilities, or
- e. conservation of natural features, or
- f. aesthetic features and harmonious design, or
- g. energy efficient site design or building features, and

5. The PUD results in no greater burden on present and projected public utilities and services than would result from traditional development;

6. The Fire Marshal provides assurance that adequate provision has been made for fire protection;

7. The perimeter of the PUD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design;

8. One or more major circulation point(s) functionally connected to a public right-of-way as required by the Director of Public Works, or the Fire Marshal, or any other appropriate decision maker;

9. Open space within the PUD is an integrated part of the project rather than an isolated element of the project;

10. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity;

11. Each phase of the proposed PUD, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

A. If the PUD requires a rezone(s), such rezone(s) shall be approved before any action is taken on the preliminary PUD application.

Section 8. Section 17.90.090 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.90.080 Criteria for Approval of Final PUD Application.** ~~Duration of approval. Construction on the project must commence within 12 months from the date of the final approval; otherwise, the approval of the application becomes null and void.~~

A. Applicants for a final PUD application shall demonstrate that all of the following criteria have been satisfied:

1. All features and amenities approved in the preliminary PUD have been constructed, or a bond has been posted for such construction;

2. The City Public Works Director has documented that all conditions imposed on the preliminary PUD requiring Public Works Department approval have been constructed to the satisfaction of the Director;

3. The City Fire Marshal has documented that all conditions imposed on the preliminary PRD requiring Fire Code approval have been constructed (or per the Fire Marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the Fire Marshal.

4. The City Planning Director has documented that all conditions imposed on the preliminary PUD requiring Planning Department approval have been constructed to the satisfaction of the Director;

5. Findings must be made that the preliminary PUD (and/or preliminary plat or binding site plan) conforms to all terms of preliminary PUD approval, that the PUD meets the requirements of this chapter and all other applicable codes and state laws.

B. The applicant shall provide a bond or other financial assurance acceptable to the City Council to ensure that any improvements made in the common open space will be completed. The City shall release the bond or financial assurance when the improvements have been completed in accordance with the development plan.

C. As a condition of approval of the final PUD, and before any permits are issued for the property, the applicant shall submit to the City any covenants, deeds, and/or homeowners' association bylaws, or other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, and all other commonly owned and operated property. These documents shall be reviewed and approved as to form by the City Attorney to ensure that they comply with the requirements of this chapter prior to final PUD approval. Such documents and conveyances shall be recorded with the County Auditor as a condition of any final PUD approval.

Section 8. A new section 17.90.090 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**17.90.090 Maximum gross floor area bonus.**

The maximum gross floor area of the PUD may be increased over that permitted in the underlying zone as provided in this section, but only if: (1) consistent with the underlying comprehensive plan designation for the property; and (2) the increase will not exceed twenty-five (25) percent additional gross floor area, over that allowed in the underlying zone, except in General Business District (B-2) it shall be up to fifty (50) percent, and in Commercial District (C-1) it shall be thirty (30) percent. Such calculations shall be based on net buildable land. The maximum gross floor area bonus may only be allowed if the applicant demonstrates the following:

**A. Open Space.**

Open space must satisfy the standards in Section 17.90.100 for open space in order to be eligible for a density bonus. Such open space must be open to the general public.

1) Provision of open space exceeding by at least thirty percent (30%) the

minimum required under the Design Review Manual and proportional to the size of the development: ten percent (10%) increase;

- 2) Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to: an unregulated wetland, stream corridor, unique geological feature, substantial over story vegetation and which would not otherwise be preserved, etc.: ten percent (10%) increase;
- 3) Preservation of Scenic Vistas: Preservation of a scenic vista corridor(s) on-site and off-site and accessible to the general public: ten percent (10%) increase;
- 4) Provision of a Desirable Urban Amenity: Provision of an urban amenity that complements the proposed development and that exceed the requirements of the Design Manual for common space or plazas. Such amenity may include such things as a play area, public transit amenities, public restrooms, fountains or other comparable amenities identified by the applicant and city staff: ten percent (10%) increase;
- 5) Design of a storm water treatment system as an amenity: A stormwater treatment (retention/detention) facility that is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public: ten percent (10%) increase.

Section 10. A new section 17.90.100 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.100 Open Space. In order to qualify for a height or gross floor area bonus/increase, the applicant must demonstrate that all of the following open space performance standards are satisfied:

- A. Common open space shall not include public streets, private streets, driveways, parking areas or the required yards for buildings or structures; provided however, that up to thirty percent (30%) of the open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.
- B. Common open space areas may not be computed to include any submerged lands unless explicitly allowed in section 17.90.090(A)5.
- C. At least fifty percent (50%) of the common open space must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure.
- D. Common open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PUD.
- E. Common open space associated with density bonus' must be accessible to the general public.
- F. All common open space must be unique to the project, and not have been part

of a prior approval.

- G. Land shown in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
- a. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners.
  - b. A public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.

H. Common open space shall be suitably improved for its intended use, except when it contains natural features worthy of preservation which may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.

Section 11. A new section 17.90.110 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**17.90.110 Roads.** All roads in a PUD shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works Construction Standards for public roads.

Section 12. A new section 17.90.120 is hereby added to the Gig Harbor Municipal Code,

which shall read as follows:

**17.90.120 Minor and Major Amendments of the Final PUD.**

**A. Minor amendments.**

1. A minor amendment to the final PUD is a Type I permit application, and shall be processed as provided in Title 19 GHMC.

2. Minor amendments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the final PUD, nor the density of the development or the amount and quality of open space and landscaping.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a minor amendment shall consist of the All plan sheets or pages, or document sheets or pages to which reflect changes proposed, or that are affected by such changes.

**B. Major amendments.**

1. A major amendment to the final PUD is a Type III permit application, and shall be processed as provided in Title 19 GHMC.

2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the final PUD and site plan.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a major amendment shall consist of the following:

- a. A complete application packet as required under chapter 17.96.050.
- b. A complete application packet as required by chapter 17.98.040 and the Design Manual.
- c. An amended environmental checklist, and addendums to all environmental documents affected by the proposed change including the traffic impact analysis.

**C. Concurrent processing of applications. A minor PUD amendment application may be processed concurrent with a building permit application. If an application**

for a major amendment is submitted, no building or other permit associated with such major PUD amendment shall issue until all review proceedings required under GHMC Title 19 for the major PUD amendment are completed and all necessary approvals obtained.

Section 13. 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 14. 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 \_\_th day of \_\_\_\_\_, 2001.

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

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On \_\_\_\_\_, 2001, 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 LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED UNIT DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR PRELIMINARY PUDS, FINAL PUDS, MAJOR AND MINOR AMENDMENTS TO PUDS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTION 17.90.010, 17.90.020, 17.90.030, 17.90.040, 17.90.050, 17.90.060, 17.90.070, 17.90.080 AND ADDING NEW SECTIONS 17.90.090, 17.90.100, 17.90.110 AND 17.90.120 TO THE GIG HARBOR MUNICIPAL CODE.

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

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MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REPEALING CHAPTER 17.90 - PLANNED UNIT DEVELOPMENTS OF THE GIG HARBOR MUNICIPAL.

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WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned unit development applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City's regulations for planned unit developments; and

WHEREAS, the Planning Commission held hearings on the planned unit development regulations on July 26, 2000 and August 2, 2000 ; and

WHEREAS, the Planning Commission recommended that the City Council amend the regulations for planned unit developments as set forth in this Ordinance; and

WHEREAS, the City's SEPA Responsible Official issued a determination of nonsignificance (DNS) relating to the adoption of this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000, after a public hearing;

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2001, after a public hearing: Now, Therefore,

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

Section 1. Chapter 17.90.010 of the Gig Harbor Municipal Code is hereby rescinded.

Section 2. 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 \_\_\_th day of \_\_\_\_\_, 2001.

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 \_\_\_\_\_, 2001, 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 LAND USE AND ZONING, REPEALING CHAPTER 17.90 - PLANNED UNIT DEVELOPMENTS OF THE GIG HARBOR MUNICIPAL.**

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

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**MOLLY TOWSLEE, CITY CLERK**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR A PRELIMINARY AND FINAL PRD, MAJOR AND MINOR PRD AMENDMENTS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTIONS 17.89.010, 17.89.020, 17.89.030, 17.89.040, 17.89.050, 17.89.060, 17.89.070, 17.89.080, 17.89.090, 17.89.100, 17.89.110, AND 17.89.130, AND REPEALING SECTION 17.89.120 OF THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned residential development ("PRD") applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City's regulations for planned residential developments; and

WHEREAS, the Planning Commission held hearings on the planned residential development regulations on July 26, 2000 and August 2, 2000; and

WHEREAS, the City's SEPA Responsible Official issued a determination of nonsignificance relating to the adoption of this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000, after a public hearing;

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2001, after a public hearing; and

WHEREAS, the staff has made the recommended changes per the January 22, 2001 Council Meeting; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

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

Section 1. Section 17.89.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.010 Intent of the Planned Residential Zone ("PRD").  
The intent of the PRD zone is to ~~provide for greater site design and flexibility and, thus, allow opportunity for~~ more creative and imaginative residential projects than generally possible under ~~strict application of the conventional~~ zoning regulations in order that such projects may provide substantial additional benefit to the general community. It is further intended to preserve unique or sensitive physical features, such as steep slopes, public views, retention of natural vegetation and to provide more open space and recreational amenities, for residents of the development and the general public, than would be available under conventional land development practices. Additionally, it is intended to promote more economical and efficient use of land and a unified design concept for residential development.

Section 2. Section 17.89.020 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.89.020 Where PRD's are Permitted and Acceptable Parcel**

**Characteristics.** ~~Planned residential development may be permitted in the following zoning districts consistent with the development and design standards of this chapter:~~

A. PRDs may be permitted in all districts zoned residential; the Waterfront Millville (WM) and Waterfront Residential (WR) zones.

B. PRDs shall not be allowed on any parcels less than two acres in size, excluding tidelands, unless one of the following findings are made, in addition to the criteria for preliminary PRD approval in this chapter:

1. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant reasonable use of the land by the use of a PRD; or

2. The property or its neighborhood has an historical character of importance to the community that will be protected by use of a PRD.

Section 3. Section 17.89.030 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.89.030 Permit Application Procedures.** ~~Types of uses permitted. The following uses are permitted in a PRD zone: A. Single family detached dwellings and up to four unit attached structures in R-1 districts; B. All single-family and multifamily dwellings as defined in Chapter 17.04 GHMC in R-2 and R-3 Districts; C. Accessory uses; D. Uses that may be allowed by conditional use permits in the underlying zone subject to the requirements of Chapter 17.64 GHMC.~~

A. Type of Permit. A preliminary PRD application shall be processed according to the procedures set forth in Title 19 GHMC for Type IIIA project permit applications. Final PRD applications shall be processed according to the procedures in Title 19 GHMC for Type IIIA project permit applications.

B. Expiration of PRD. Within five (5) years of the date of the preliminary PRD approval, an application shall be submitted for final PRD approval, otherwise, the preliminary PRD approval shall expire.

C. Concurrent Applications. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with a PRD, to the extent that procedural requirements allow simultaneous processing. If an applicant requests that a preliminary PRD application be processed prior to the time a preliminary plat application is submitted, the preliminary PRD application shall not be considered to be vested, i.e., such application shall not be considered under the subdivision, zoning or other land use control ordinances in



effect at the time the fully completed application for a preliminary PRD has been submitted to the City.

D. Phasing. If a proposed PRD is to be developed in phases, the entire PRD shall be portrayed in the preliminary PRD application, and each phase shall individually receive final PRD approval within the time periods established in subsection 17.89.030(B).

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PRD application. The Hearing Examiner shall be present at the Design Review Board hearings as necessary to ensure coordination of decisionmakers as allowed under chapter 19.01.022(C).

F. Extensions. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PRD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than one year and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless 50 percent or more of the on-site work has been completed.

Section 4. Section 17.89.040 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.89.040. Contents of Complete PRD application.** ~~An application for approval of a PRD may be filed by a person having a legal interest in the property to be included in the PRD.~~

A. In addition to the applicable requirements of Section 19.02.002 GHMC, a complete application for preliminary PRD shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. A written description addressing the scope of the project, gross acreage, net buildable acreage calculations, the nature and size in gross floor area of each use, and the total amount of net buildable land in square feet to be covered by impervious surfaces;
4. A vicinity map showing site boundaries and existing roads and accesses within and

- bounding the site, as well as adjacent parcels and uses;
5. A topographic map delineating contours, existing and proposed, at two foot intervals and which locates and classifies existing streams, marshes wetlands, steep slopes and other natural features and/or critical areas;
  6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas.
  7. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights of way.
  8. Utility, drainage and stormwater runoff plans;
  9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant vegetation proposed to be retained;
  10. A statement explaining how the proposed PRD is consistent with and implements the City of Gig Harbor Comprehensive Plan, the designation under the Comprehensive Plan, current zone classification, and desired zone classification;
  11. A narrative describing how the proposed PRD provides substantial additional benefit to the citizens of the City of Gig Harbor (the benefit accruing as a result of implementation of the PRD process as opposed to following the development standards of the underlying zone) and how it is proposed the additional amenities and benefits should apply to the percentage of additional density and/or height, being requested; and
  12. A map of the area, with area proposed for rezone outlined in red.
  13. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditors Office.

B. In addition to the applicable requirements of GHMC Title 19.02.002, a complete application for final PRD approval shall consist of the following information:

- 1) Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditors Office.
14. A complete application for design review as required under chapter 17.98.040.

Section 5. Section 17.89.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.050 Types of Uses Permitted.** ~~Relationship of this chapter to other ordinance provisions. The lot size, width, setbacks, building and development coverage, height limits and other dimensional requirements of the underlying use district may be superseded.~~ **A. Platting Requirements.** 1. ~~when any parcel of land in a PRD is intended for sale or individual ownership, the platting~~

~~requirements of the Gig Harbor subdivision ordinance and applicable state laws pertaining to subdivisions shall be followed. 2. Applications for plat approval should be submitted and processed concurrently with an application for PRD approval. B. Public hearing required. Prior to the approval of a PRD, the hearing examiner shall hold a public hearing in accordance with the procedures of chapter 17.10 GHMC.~~

The following uses are permitted in a PRD:

A. Those primary, accessory and conditional uses permitted in the underlying zoning district;

B. Other residential, and low impact retail uses may be located within the PRD, if a rezone application is submitted concurrently with the preliminary PRD application, and all of the following criteria are satisfied, in addition to the rezone criteria in chapter 17.100:

1. Such uses constitute 10 percent or less of the proposed project;
2. Such uses are an integral component of the planned residential development;
3. Such uses are compatible with any existing residential uses; and
4. Such uses are consistent with the Gig Harbor Comprehensive Plan.

Section 6. Section 17.89.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.060**     Development and Design Standards.     ~~Minimum site area. The minimum site area for a PRD shall be two acres.~~

A. The performance standards of the underlying zoning district may be varied in a PRD, subject to the criteria in this chapter, only as follows:

1. Lot Area and Lot Width: Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided. Cluster housing is supported.
2. Setbacks: Structures located on the perimeter of the PRD shall be set back in accordance with the front yard setbacks of the underlying zone.
3. Impervious Surface Coverage: Impervious surface coverage of individual parcels may exceed the percentage of impervious surface coverage allowed in the underlying zone; provided, that overall impervious surface coverage of the PRD does not exceed the percentage permitted by the underlying zone.
4. Height: Building height may exceed the maximum permitted by code provided, that the project design protects the views and privacy of properties inside and outside of the project but in no case shall the maximum height exceed 35 feet in R-1 and R-2 districts. Variances from the height limits as provided in the City Height Restriction Area Map, as adopted by chapter 17.62 GHMC, shall not be allowed. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PRD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height.

B. The performance standards which may not be modified or altered in a PRD are:

1. Shoreline regulations when the property is located in an area under the jurisdiction of

- the Gig Harbor Shoreline Master Program;
2. Standards pertaining to development in environmentally sensitive areas;
  3. Regulations pertaining to nonconforming uses;
  4. Standards pertaining to screening around outdoor storage areas;
  5. Total coverage by impervious surface coverage; and
  6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map and Shoreline Master Program.

Section 7. Section 17.89.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.070 Criteria for Approval of Preliminary PRD Application. Procedure for approval of a planned residential development.** ~~A planned residential development is a Type III permit application for a preliminary plat approval and a Type IV permit application for a final plat approval. The following are the procedures for approval of a PRD project: A. The preliminary development plan shall be reviewed in accordance with the procedures of this chapter 17.89 GHMC, GHMC Title 16 and Title 19. The city shall not approve the PRD unless it is determined that the plan complies with the policies of the comprehensive plan, the requirements of this title, and the intent and provisions of this chapter. The city may develop terms and conditions of approval. The approved preliminary plan or subsequent revision thereto shall be binding as to the general intent and layout of roads, buildings, uses of land and open space. B. Within five years of the date of the preliminary development plan approval, the application shall submit a final development plan for the proposed development for approval by the city council. After finding that the final development plan has been completed in accordance with the provisions of the approved preliminary development plan, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the city council shall approve the final development plan, included thereon. The final development plan shall consist of a final plat, binding site plan or any combination thereof. C. If a proposed PRD is to be developed in phases, the entire project shall be portrayed on the preliminary development plan, and each phase shall individually receive final development plan review.~~

A. Applicants for a preliminary PRD application shall demonstrate that, with the exception of the sections of the code from which the applicant intends to vary (as allowed by Section 17.89.060), the proposed PRD satisfies all applicable code requirements, and is compatible with surrounding properties. In addition, applicants must make the following showing:

1. 1. Landscaping and site plans showing the location of proposed open space or parks, road layout and proposed buffering of buildings, parking, integrated pedestrian circulation, loading and storage areas, all approved under the Design

Review process:

2. Identification of unique characteristics of the subject property proposed to be retained and that how those characteristics qualify for gross floor area and/or height bonus under Section 17.89.090;
3. Identification of unique characteristics of the proposed use(s) how those characteristics qualify for gross floor area and/or height bonus;
4. The proposed schematic relationship and arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PRD approved under the Design Review process;
5. Measures proposed to mitigate visual impact of the PRD upon the surrounding area and approved under the Design Review process;
6. Identification of any extraordinary public improvements proposed for acceptance of ownership by the City in connection with the planned development and that qualify for the gross floor area and/or height bonus under Section 17.89.090;
7. Identification of any unique natural features of the property proposed for acceptance of ownership by the City for preservation, and that qualify for the gross floor area and/or height bonus under Section 17.89.090;
8. Identification of any unique historic or cultural features of the property and surrounding neighborhood proposed for acceptance of ownership by the City for preservation and that qualify for gross floor area and/or height bonus; and
9. Identification of any proposed recreational opportunities in excess of those normally required of a subdivision and a description of how they qualify for gross floor area and/or height bonus.

B. In addition to the above, the PRD may only be approved if the City finds that all of the following criteria are satisfied:

1. The Director of Public Works and the decision maker finds that the site access, proposed on site circulation and off-street parking meets all Public Works standards and makes adequate provision for roads, streets, alleys and other public ways. Streets and sidewalks, existing and proposed, must be suitable and adequate to carry anticipated traffic within the proposed PRD and in the vicinity of the PRD.
2. The Director of Public Works and the decision maker finds that the PRD makes adequate provision for all public utilities, including, but not limited to, water, sewer and storm water drainage. Water, sewer and storm water facilities, existing and proposed must be suitable and adequate to provide service within the proposed PRD and in the vicinity of the PRD;
3. The PRD is consistent with the Comprehensive Plan;
4. The PRD accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development, and benefiting the general public as well as the residents of the PRD. Net benefit to the City may be demonstrated by one or more of the

following:

- a. placement, type or reduced bulk of structures, or
  - b. interconnected usable open space, or
  - c. recreational facilities, or
  - d. other public facilities, or
  - e. conservation of natural features, or
  - f. aesthetic features and harmonious design, or
  - g. energy efficient site design or building features, and
5. The PRD results in no greater burden on present and projected public utilities and services than would result from traditional development;
6. The Fire Marshal and the decisionmaker finds that adequate provision has been made for fire protection;
7. The perimeter of the PRD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design;
8. One or more major circulation point(s) functionally connected to a public right-of-way as required by the Director of Public Works, or the Fire Marshal, or any other appropriate decision maker;
9. Open space within the PRD is an integrated part of the project rather than an isolated element of the PRD and is accessible to the general public;
10. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity;
11. Each phase of the proposed PRD, as it is planned to be completed, contains the required parking spaces, open space, roads, recreation space, utilities and utility area and landscaping necessary for creating and sustaining a desirable and stable environment.

C. If the PRD requires a rezone(s), such rezone(s) shall be approved before or concurrently with the PRD is approval.

Section 8. Section 17.89.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.080 Criteria for Approval of final PRD Application.** ~~Preliminary approval—Contents of application. Each application for a preliminary development plan approval shall contain the following information: A. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18; B. the title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant; C. A written~~

description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces; D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site; E. A topographic map delineating contours, existing and proposed, at five foot intervals and which locates existing streams, marshes, steep slopes and other natural features; F. Site plans drawn to a scale no smaller than one inch equals 30 feet showing the location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas; G. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the size and location of all driveways, streets and roads, parking and loading areas, and existing and proposed pedestrian circulation system; H. A utility, drainage and stormwater runoff plan; I. A plot plan of all proposed landscaping including the types of plants and screening to be used.

A. Applicants for a final PRD application shall demonstrate that all of the following criteria have been satisfied:

1. All features and amenities identified in the preliminary PRD have been constructed and/or are retained or improved.
2. The City Public Works Director has documented that all conditions imposed on the preliminary PRD requiring Public Works Department approval have been constructed or improved to the satisfaction of the Director;
3. The City Fire Marshal has documented that all conditions imposed on the preliminary PRD requiring Fire Code approval have been constructed (or per the Fire Marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the Fire Marshal.
4. The City Planning Director has documented that all conditions imposed on the preliminary PRD requiring Planning Department approval have been constructed to the satisfaction of the Director;
5. Findings must be made that the preliminary PRD (and or preliminary plat) conforms to all terms of preliminary PRD approval, and that the PRD meets the requirements of this chapter and all other applicable codes and state laws.

B. The applicant shall provide a bond or other financial assurance acceptable to the Hearing Examiner to ensure that any improvements made in the common open space will be completed. The City shall release the bond or financial assurance when the improvements have been completed in accordance with the preliminary PRD.

C. As a condition of approval of the final PRD, and before any permits are issued for the property, the applicant shall submit to the City any covenants, deeds and/or homeowners' association bylaws, or other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, and all other commonly owned and operated property. These documents shall be reviewed and approved as to form by the City Attorney to ensure that they comply with the requirements of this chapter prior to final PRD approval. Such documents and conveyances shall be recorded with the County

Auditor as a condition of any final PRD approval.

Section 9. Section 17.89.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.090 Roads. Development and design standards. In a PRD zone, the development and design standards are as follows: A. Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided; B. Building and development coverage of individual parcels may exceed the percentage permitted by the underlying zone; provided, that overall coverage of the project does not exceed the percentage permitted by the underlying zone; C. Building height may exceed the maximum permitted by ordinance, provided that the project design protects the views and privacy of properties inside and outside of the project but in no case shall the maximum height exceed 35 feet in R-1 and R-2 districts; D. Structures located on the perimeter of the PRD shall be set back in accordance with the front yard setbacks of the underlying zone; E. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PRD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height. All roads shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works Construction Standards for public roads.

Section 10. Section 17.89.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.100 Density Bonus. Increases in density over that permitted in the underlying zone are permitted as follows: The density may be increased in a PRD over that permitted in the underlying zone but only if: (1) consistent with the underlying comprehensive plan designation for the property; and (2) the density increase will not exceed 30 percent over the density allowed in the underlying zone. Density calculations shall be based on net buildable land. Density bonuses may be allowed only as follows:

A. Provisions for Open Space: as identified in

1. Satisfaction of the standards in Section 17.89.110 for open space; AND
2. Provision of open space exceeding by at least thirty percent (30%) of the minimum required by the Design Review Manual or the existing zoning code (which ever is greater); or at least 30 percent more than the level of service standards for open space and active recreational area in the Capital Facilities Element of the adopted Gig Harbor Comprehensive Plan: 10 percent increase;



B. Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to: an unregulated wetland, stream corridor, unique geological feature, substantial over story vegetation: 10 percent increase;

C. Preservation of Scenic Vistas: Preservation of a scenic vista corridor(s) within and off-site, and accessible to the general public rather than private property owners: 10 percent increase;

~~D. Unique landscaping throughout the project site: 10 percent;~~

~~E. Additional open space, one percent increase in density for each one percent increase in open space over the minimum required.~~

~~F. The total, allowable maximum density increase shall not exceed 30 percent.~~

D. Design of storm water treatment system as amenity: A stormwater treatment (retention/detention) facility is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public. 10 percent increase.

Section 11. Section 17.89.110 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.89.110 Open space.**

~~In a PRD zone, open space requirements are as follows: A. Common open space shall comprise at least 30 percent of the gross area of the PRD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by occupants of the development. Common open space shall not include public or private streets, driveways, parking areas or the required yards for buildings or structures; provided, however, that up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.~~

~~B. Common open space areas may not be computed to include any submerged lands. C. At least 50 percent of the common open space area must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure. D. Common open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PRD. E. The developer shall provide a bond or other financial assurance acceptable to the City Council that any improvements made in the common open space will be completed. The City shall release the bond or other assurance when the improvements have been completed in accordance with the development plan. F. Before approval of the final development plan may be granted, the developer shall submit to the city covenants, deeds and/or homeowner's association bylaws and other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and approved by the city attorney to insure that they comply with the requirements of this chapter prior to approval of the final development plan by the city. Such~~

~~documents and conveyances shall be recorded with the county auditor as a condition of any final development plan approval. G. All common open space shall be landscaped in accordance with the landscaping plat submitted by the applicant and approved by the city. Natural landscape features which are to be preserved, such as existing trees, drainage ways, etc., may be accepted as part of the landscaping plan.~~

In order to be approved, a preliminary PRD application must demonstrate that all of the following performance standards are satisfied:

- A. Common open space shall comprise at least 30 percent of the gross area of the PRD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by occupants of the development. Common open space shall not include public or private streets, driveways, parking areas or the required yards for buildings or structures: provided, however, that up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.
- B. No naturally submerged lands on site will be counted as open space unless explicitly allowed under §17.89.100 Density Bonus.
- C. At least 50 percent of the common open space area must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure.
- D. Common open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PRD.
- E. Common open space associated with density bonus' must be freely accessible to the general public, identified on the face of the plat, and clearly identified by on site signage.
- F. All common open space must be unique to the project, and not have been part of a prior approval.
- G. Land show in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
  - a. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be

considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners.

- b. A public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.

H. Common open space shall be suitably improved for its intended use, except when it contains natural features worthy of preservation which may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.

Section 12 . Section 17.89.120 of the Gig Harbor Municipal Code is hereby repealed.

Section 13 . Section 17.89.130 of the Gig Harbor Municipal Code is hereby renumbered to 17.89.120 and amended to read as follows:

**17.89.130 Minor and major amendments of the final PRD. ~~Plan.~~**

~~A. Minor amendments are a Type I permit application and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director.~~

A. Minor amendments.

1. A minor amendment to the final PRD is a Type I permit application and shall be processed as provided in Title 19 GHMC.

2. Minor amendments are those which may affect the precise dimensions or siting of building (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the final PRD, nor the density of the development or the amount and quality of open space and landscaping.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a minor amendment shall consist of the following:

- a. All plan sheets or pages, or document sheets or pages to which reflect changes proposed, or that are affected by such changes.

B. Major amendments.

1. Major amendments are Type III-A permit applications and shall be processed in accordance with GHMC Title 19.

2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the site

plan.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a major amendment shall consist of the following:

- a. A complete application packet as required under chapter 17.96.050.
- b. A complete application packet as required by chapter 17.98.040 and the Design Manual.
- c. An amended environmental checklist, and addendums to all environmental documents affected by the proposed change including the traffic impact analysis.

C. Concurrent processing of applications. A minor PRD application may be processed concurrent with a building permit application. If an application for a major amendment is submitted, no building or other permit associated with such major PRD amendment shall issue until all review proceedings required under GHMC Title 19 for a major PRD amendment are completed and all necessary approvals obtained.

~~When a change constitutes a major amendment, no building or other permit shall be issued until such review proceedings required by GHMC Title 19 are completed.~~

Section 14 . Section 17.89.140 of the Gig Harbor Municipal Code is hereby repealed.

Section 15 . 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 16 . 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  
\_\_th day of \_\_\_\_, 2001.

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

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On \_\_\_\_\_, 2001, 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 LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR A PRELIMINARY AND FINAL PRD, MAJOR AND MINOR PRD AMENDMENTS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTIONS 17.89.010, 17.89.020, 17.89.030, 17.89.040, 17.89.050, 17.89.060, 17.89.070, 17.89.080, 17.89.090, 17.89.100, 17.89.110, AND 17.89.130, AND REPEALING SECTION 17.89.120 OF THE GIG HARBOR MUNICIPAL CODE.

[INSERT TITLE]

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

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MOLLY TOWSLEE, CITY CLERK

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DEFINITION OF "IMPERVIOUS SURFACE" IN THE CITY ZONING CODE TO BE CONSISTENT WITH THE PUBLIC WORKS' DEFINITION OF "IMPERVIOUS SURFACE," AND ADDING A NEW DEFINITION OF "NET BUILDABLE LANDS" FOR USE IN CALCULATING DENSITY CREDITS IN PLANNED UNIT DEVELOPMENTS AND PLANNED RESIDENTIAL DEVELOPMENTS, AND ADDING A NEW DEFINITION OF "LOW IMPACT RETAIL" TO DESCRIBE ALLOWED RETAIL USES PLANNED RESIDENTIAL DEVELOPMENTS, AND ADDING A NEW DEFINITION OF "OPEN SPACE"; THEREBY ADDING NEW SECTIONS 17.04.128, 17.04.551 AND 17.04.632, AND AMENDING SECTION 17.04.420 OF THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, the City will soon adopt a new Storm Water Drainage Manual, and the definition of "impervious surface" is not consistent with the definition in the City's Zoning Code; and

WHEREAS, a definition of "net buildable lands" is necessary to calculate the density credits allowed a planned unit development or planned residential development; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held a public hearing to consider this Ordinance on July 26, 2000 and August 2, 2000 and recommended that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council at the Council Meeting of January 22, 2001 and requested a new definition for "open space" be written; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

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

Section 1. A new Section 17.04.128 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.128 Net Buildable Lands.** "Net Buildable Lands" means the gross land area measured in acres or square feet within the defined boundaries of the proposed project, less non-buildable land, such as wetlands or tidelands and other land, measured in acres and/or square feet, that by definition or ordinance cannot be built upon and is to be deducted from the gross buildable land area; plus density credits available. Land areas to be deducted from the gross buildable land area include unregulated wetlands, tidelands, wet creek beds, identified buffer areas along water bodies, and rights-of-way.

Section 2. Section 17.04.420 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.04.420 Impervious Surface.** "Impervious Surface" means a surface ~~practically incapable of being penetrated by water.~~ a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted sub-grade, packed earthen materials, and oiled, macadam or other



surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

Section 3. A new Section 17.04.551 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.551 Low Impact Retail:** retail uses that are compatible with, and targeted to, local residential consumers, and that reduce the hazards of local traffic by limiting the size of the building. Such stores or services may include pharmacies, bakeries and delicatessens or coffee shops, barbershops and beauty parlors, drycleaners, shoe repair, small commercial postal services, flower shops, and similar uses. Drive in establishments, such as gas stations or drive through restaurants do not meet this definition.

Section 4. A new Section 17.04.632 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.632 Open Space:** "Open space" means an area which is primarily open to the sky and which is permanently designated and recorded to remain primarily unimproved in public or private ownership. Open space serves to retain the visual, aesthetic, and functional qualities of the natural landscape, create buffers, provide a sense of visual relief from denser development, and may be characterized by undisturbed natural vegetation, or recreational type uses. Open space includes critical areas, wooded areas, parks, trails, privately owned nature reserves, etc. Open space does not include public or private streets, driveways, parking areas or the required yards for buildings or utility rights-of-way without recreational or aesthetic value.

Section 5. 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 5. 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 \_\_\_th day of \_\_\_\_\_, 2001.

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 \_\_\_\_\_, 2001, 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 LAND USE AND ZONING, AMENDING THE DEFINITION OF "IMPERVIOUS SURFACE" IN THE CITY ZONING CODE TO BE CONSISTENT WITH THE PUBLIC WORKS' DEFINITION OF "IMPERVIOUS SURFACE," AND ADDING A NEW DEFINITION OF "NET BUILDABLE LANDS" FOR USE IN CALCULATING DENSITY CREDITS IN PLANNED UNIT DEVELOPMENTS AND PLANNED RESIDENTIAL DEVELOPMENTS, AND ADDING A NEW DEFINITION OF "LOW IMPACT RETAIL" TO DESCRIBE ALLOWED RETAIL USES PLANNED RESIDENTIAL DEVELOPMENTS, AND ADDING A NEW DEFINITION OF "OPEN SPACE"; THEREBY ADDING NEW SECTIONS 17.04.128, 17.04.551 AND 17.04.632, AND AMENDING SECTION 17.04.420 OF THE GIG HARBOR MUNICIPAL CODE.

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

---

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PROJECT PERMIT PROCESSING, ADOPTING A NEW PROCEDURE FOR OPEN RECORD PUBLIC HEARINGS ON PRELIMINARY PLATS, PRELIMINARY PLANNED UNIT DEVELOPMENTS, AND PRELIMINARY PLANNED RESIDENTIAL DEVELOPMENTS, AMENDING SECTION 19.01.003 OF THE GIG HARBOR MUNICIPAL CODE; AND AMENDING 19.01.002(C) TO CLARIFY THAT NECESSARY CONCURRENT PUBLIC HEARINGS BE HELD WITH BOTH DECISION MAKERS PRESENT.

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WHEREAS, the City's project permit processing procedures currently provide that the open public record public hearing on preliminary plats, preliminary planned unit developments and preliminary planned residential developments is held by the Hearing Examiner; and

WHEREAS, the City's project permit processing procedures currently provide that the Examiner's decision is final, but may be appealed to the City Council; and

WHEREAS, the City Council desires to change the current permit processing procedure so that the open public record public hearing on these project permit applications is held by the City Council; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held a public hearing to consider this Ordinance on July 26, 2000 and August 2, 2000 and recommended that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000; and

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

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

Section 1. Section 19.01.002(C) of the Gig Harbor Municipal Code is hereby amended to read as follows:

Decisionmaker(s). Applications processed in accordance with subsection B of this section which have the same procedure number, but are assigned to different hearing bodies, shall be heard collectively by the highest decisionmaker; the city council being the highest body, followed by the hearing examiner or planning commission, as applicable, and then the director. Joint public hearings with other agencies shall be processed according to GHMC 19.01.004. Concurrent public hearings held with the Design Review Board and any other decisionmaker shall proceed with both decisionmakers present.

Section 2. Section 19.01.003 of the Gig Harbor Municipal Code is hereby amended to read as follows:

A. Action Type.

	PROCEDURE FOR PROJECT PERMIT APPLICATIONS (TYPE I – IV)					LEGISLATIVE
	TYPE I	TYPE II	TYPE III	TYPE III-A	TYPE IV	TYPE V
Recommendation made by:	N/A	N/A	N/A	N/A	N/A	Planning Commission
Final decision made by:	Director	Director	Hearing examiner	Hearing examiner	City Council	City Council
Notice of application:	No	No	Yes	Yes	Yes	No
Open record public hearing or open record appeal of a final decision:	No	Only if appealed, open record hearing before hearing examiner	Yes, before hearing examiner to render final decision	Yes, before hearing examiner to render final decision	No	Yes, before Planning Commission to make recommendation to Council.
Closed record appeal/ Final decision:	No	No	Only if appealed, then before Council	No	Yes, before Council to render final decision	Yes, or Council could hold its own hearing.
Judicial appeal:	Yes	Yes	Yes	Yes	Yes	Yes

B. Decisions.

TYPE I	TYPE II	TYPE III-A	TYPE III-A	TYPE IV	TYPE V
Permitted uses not requiring site plan review	Short plat	<del>Preliminary</del> plats; plat vacations and alterations	<u>Preliminary Plats</u>	Final plats	Comp. plan amendments
Boundary line adjustments	Sign permits	Site plan/major amendments to site plans	Preliminary PRD/PUD	Final PRD/PUD	Development regulations
Minor amendments to PUD/PRD	Design review	CUP, general variances, sign permit variances, and site specific rezones			Zoning text amendments; area-wide zoning map amendments
Special use permits	Land clearing/grading	Shoreline substantial development, shoreline variance			Annexations
Temporary construction trailers	Revisions to shoreline management permits	PRD/PUD and major amendments to PRD and PUD			
	Administrative variances	Amendment to height restriction area map			
	Administrative	Mobile/manufactured			

	interpretations	home park or subdivision		
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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 Council and approved by the Mayor of the City of Gig Harbor this \_\_\_th day of \_\_\_\_\_, 2001.

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 \_\_\_\_\_, 2001, 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 PROJECT PERMIT PROCESSING, ADOPTING A NEW PROCEDURE FOR OPEN RECORD PUBLIC HEARINGS ON PRELIMINARY PLATS, PRELIMINARY PLANNED UNIT DEVELOPMENTS, AND PRELIMINARY PLANNED RESIDENTIAL DEVELOPMENTS, AMENDING SECTION 19.01.003 OF THE GIG HARBOR MUNICIPAL CODE; AND AMENDING 19.01.002(C) TO CLARIFY THAT NECESSARY CONCURRENT PUBLIC HEARINGS BE HELD WITH BOTH DECISION MAKERS PRESENT.

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

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MOLLY TOWSLEE, CITY CLERK



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING RELATING TO PRELIMINARY AND FINAL PLATS; CHANGING SECTION 16.05.002 PRELIMINARY PLAT TO A TYPE III-A PERMIT APPLICATION; AND AMENDING SECTION 16.006.003 TO ALLOW ONE YEAR EXTENSIONS FOR FINAL PLATS.

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WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned unit development applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City's regulations for planned unit developments; and

WHEREAS, the Planning Commission held hearings on the planned unit development regulations on July 26, 2000 and August 2, 2000 ; and

WHEREAS, the Planning Commission recommended that the City Council amend the regulations for planned unit developments as set forth in this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2001, after a public hearing; and

WHEREAS, the staff has made the recommended changes per the January 22, 2001 Council Meeting; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

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

Section 1. Section 16.05.002 of the Gig Harbor Municipal Code is hereby amended to read as follows:

16.05.002 Type of application. A preliminary plat is a ~~Type III~~ Type III-A application. The hearing examiner makes a final decision, which is appealable to the ~~city council~~ the appropriate court.

Section 2. Section 16.06.002 of the Gig Harbor Municipal Code is hereby amended to read as follows:

16.06.002 Type of application. A final plat is a Type IV application. The City Council makes a final decision, which is appealable to the appropriate court.

Section 3. Section 16.06.003 of the Gig Harbor Municipal Code is hereby amended to read as follows:

16.06.003 Time frame for submission of final plat. A final plat meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the city for approval within five years of the date of preliminary plat approval. Pursuant to RCW 58.17.140 a single extension of time for the submission of a final plat may be requested for a period up to one year as long as the applicant submits the request in writing 30 days before the expiration date of the final plat. The applicant must comply with all application requirements under RCW 58.17.150.

Section 4. 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 5. 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 \_\_\_th day of \_\_\_\_\_, 2001.

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

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On \_\_\_\_\_, 2001, 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 LAND USE AND ZONING RELATING TO PRELIMINARY AND FINAL PLATS; CHANGING SECTION 16.05.002 PRELIMINARY PLAT TO A TYPE III-A PERMIT APPLICATION; AND AMENDING SECTION 16.006.003 TO ALLOW ONE YEAR EXTENSIONS FOR FINAL PLATS.

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

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MOLLY TOWSLEE, CITY CLERK



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: PATRICIA IOLAVERA, SENIOR PLANNER** *PI*  
**SUBJECT: PUBLIC HEARING AND FIRST READING ADOPTING FINDINGS AND**  
**FACTS FOR CONTINUING MORATORIUM ON PUDs AND PRDs**  
**DATE: FEBRUARY 8, 2001**

#### **BACKGROUND/INTRODUCTION**

Attached for Council's consideration are the draft Ordinance adopting Findings and Facts for the continuation of the moratorium on permit applications under 17.89 Planned Residential Development and 17.90 -- Planned Unit Development and of the Gig Harbor Municipal Code to June 11, 2001, or such date as the Council sees fit. We have held a public hearing this evening and Council may now adopt this Ordinance in one reading.

#### **POLICY ISSUES**

The moratorium will preclude the vesting of applications under chapters 17.89 and 17.90 of the Gig Harbor Municipal Code during the time those chapters are being reviewed.

#### **FISCAL IMPACT**

The proposed amendments would not have any fiscal impact respective to city revenues.

#### **RECOMMENDATION**

This is the first reading of the ordinance and a public hearing. If Council so directs, changes to the proposed ordinances may be considered for review at the next available Council meeting, or should there be no changes Council may adopt the ordinances in one reading.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING SECTION 2 OF ORDINANCE NO. 857 TO EXTEND THE MORATORIUM IMPOSED BY THE CITY OF GIG HARBOR UNDER RCW 36.70A.390 ON THE ACCEPTANCE OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS UNDER CHAPTER 17.90 GHMC AND PLANNED RESIDENTIAL DEVELOPMENTS UNDER CHAPTER 17.89 GHMC FROM FEBRUARY 16, 2001 UNTIL JUNE 11, 2001, DEFINING THE DEVELOPMENT APPLICATIONS SUBJECT TO THE MORATORIUM AND AFFIRMING THE EMERGENCY NATURE OF THE MORATORIUM IMPOSED ON MAY 8, 2000.**

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WHEREAS, on May 8, 2000, the City Council passed Ordinance No. 843, adopting an immediate moratorium on the acceptance of certain nonexempt development applications for property in the City; and

WHEREAS, RCW 36.70A.390 requires that the City hold a public hearing on the moratorium within 60 days of its adoption, and that the City Council adopt findings of fact and conclusions to justify the continued imposition of the moratorium; and

WHEREAS, on June 12, 2000, at a regular City Council meeting, the City Council held a public hearing on the moratorium and accepted testimony from all members of the public desiring to be heard; and

WHEREAS, on June 12, 2000, the City Council also deliberated on the issue whether to maintain the moratorium, and voted to continue the moratorium described above; and

WHEREAS, on July 10, 2000, the City Council passed Ordinance No. 846, which adopted findings of fact and conclusions supporting a six-month moratorium, as well as a work plan for the Planning Commission to follow in the development of amendments to the PUD and PRD chapters; and

WHEREAS, Ordinance No. stated that the City Council was required to terminate the moratorium through the passage of another ordinance; and

WHEREAS, on November 13, 2000, the City Council voted to continue the moratorium until December 31, 2000; and

WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 provide that a moratorium may be effective for a period of up to one year if a work plan is developed and that a six month moratorium may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made; and

WHEREAS, the Planning Commission developed a recommendation to the City Council in the form of amendments to the PRD and PUD chapters; and

WHEREAS, the City staff made certain changes to the recommendation to clarify procedure, and on November 13, 2000, the City Council voted to send the recommendations formulated by staff back to the Planning Commission for review;

WHEREAS, on November 16, 2000, the Planning Commission considered the staff recommendations, provided their approval of same and directed staff to send the recommendation to the City Council for a public hearing on December 11, 2000; and

WHEREAS, the City Council also scheduled a public hearing for the continuation of the moratorium, to be held on December 11, 2000; and

WHEREAS, on December 11, 2000, the City Council held a public hearing and considered whether to continue the moratorium; and

WHEREAS, on December 11, 2000, the City Council passed Ordinance No. 857 extending the moratorium until February 16, 2001; and

WHEREAS, the City Council has received additional public comment on the proposed planned unit development and planned residential ordinances, and desires to extend the moratorium to the full extent allowed under the law; Now, Therefore,

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

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

A. **“Exempt Development Permits”** shall include any planned unit development application or planned residential development application which was complete and submitted to the City on the effective date of Ordinance No. 843 or No. 846 or thereafter, or any planned unit development or planned residential development that has already received final approval by the City. In addition, “exempt development permits” include any other land use, subdivision or development approval that is not described as a “non-exempt development permit” in subsection “B” below.

B. **“Non-Exempt Development Permit”** shall include any planned unit development application or planned residential development application which was submitted to the City but was not complete on the effective date of Ordinance No. 843 or No. 846 or thereafter, as well as any planned unit development or planned residential development applications that are submitted to the City after that time.



Section 2. Extension of Moratorium. Section 3 of Ordinance No. 857 is amended to extend the moratorium until June 11, 2001. Under RCW 36.70A.390, the City Council may renew a moratorium "for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal." On December 11, 2000, the City Council held a public hearing as required by RCW 36.70A.390, but decided to extend the moratorium only to February 16, 2001. The City Council now desires to have additional time to consider the proposed ordinances for the planned unit development and planned residential development chapters in the City's Zoning Code. Pursuant to RCW 36.70A.390, the City may extend the moratorium until June 11, 2001 without holding another public hearing. Therefore, the City Council hereby continues the moratorium imposed on May 8, 2000, on the acceptance of all non-exempt development permit applications for property within the City, until June 11, 2001. The Council shall make the decision to terminate this moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

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, sentence, clause or phrase of this Ordinance.

Section 4. Declaration of Emergency. The City Council hereby declares that this Ordinance shall 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 a continuation of the moratorium on the City's acceptance of non-exempt development applications for property, such applications could become vested under regulations subject to imminent change by the City in its development regulation revision process. This Ordinance does not affect any vested

applications/permit and previously obtained approvals for development may proceed with processing or development, as the case may be.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Effective Date. This Ordinance shall take effect and be in full force immediately upon passage as set forth above.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this \_\_\_th day of February, 2001.

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

**SUMMARY OF ORDINANCE NO.**

of the City of Gig Harbor, Washington

---

On \_\_\_\_\_, 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 LAND USE AND ZONING, AMENDING SECTION 2 OF ORDINANCE NO. 857 TO EXTEND THE MORATORIUM IMPOSED BY THE CITY OF GIG HARBOR UNDER RCW 36.70A.390 ON THE ACCEPTANCE OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS UNDER CHAPTER 17.90 GHMC AND PLANNED RESIDENTIAL DEVELOPMENTS UNDER CHAPTER 17.89 GHMC FROM FEBRUARY 16, 2001 UNTIL JUNE 11, 2001, DEFINING THE DEVELOPMENT APPLICATIONS SUBJECT TO THE MORATORIUM AND AFFIRMING THE EMERGENCY NATURE OF THE MORATORIUM IMPOSED ON MAY 8, 2000**

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

---

MOLLY TOWSLEE, CITY CLERK



*City of Gig Harbor. The "Maritime City"*

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**DIRECTOR, PLANNING & BUILDING SERVICES**  
**SUBJECT: NOTICE OF INTENTION TO COMMENCE ANNEXATION**  
**PROCEEDINGS - THREE PARCELS LOCATED AT THE**  
**INTERSECTION OF 57<sup>th</sup> STREET COURT NW & 28<sup>th</sup> AVENUE NW**  
**DATE: FEBRUARY 12, 2001**

### **INFORMATION/BACKGROUND**

The City has received a 'Notice of Intention to Commence Annexation Proceedings' from property owners of more than the required ten percent (10%) assessed valuation of three contiguous parcels located at the intersection of 57<sup>th</sup> Street Court NW and 28<sup>th</sup> Avenue NW, just north of the Olympic Village Shopping Center. This request has been distributed to the City Administrator, the Chief of Police, the Public Works Director and the Finance Director for review and comment.

On January 22, 2001, the Council held a meeting with the initiating parties to determine whether the City would accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed, and whether it shall require the assumption of all or of any portion of existing city indebtedness by the area to be annexed.

Prior to the meeting with the Council on January 22<sup>nd</sup>, the applicant requested that the Council direct the Planning Commission to evaluate the appropriateness of designating one of the parcels RB-2. This request was based on the uncertainty of the permissibility of locating a parking lot in a R-1 zone. The January 22<sup>nd</sup> meeting was continued until February 12, 2001 in order to clarify this issue. The applicant has identified the Transitional Uses Chapter of the Gig Harbor Municipal Code (17.60) will allows for parking lots in R-1 zones on lots which abut nonresidential zones. The applicant has since withdrawn their request for a rezone and concurs with the staff recommendation for a R-1 designation of the subject properties (see attached letter dated January 25, 2001).

Additionally, the Council was concerned about the maintenance of the roads adjacent to the subject properties - 57<sup>th</sup> Street Court NW and 28<sup>th</sup> Avenue NW. Council requested that the City work with the applicant in developing legal descriptions of the portions of the aforementioned streets that would accompany this annexation request. A revised legal description has been prepared by the applicant to address this concern (see attached letter dated January 31, 2001).

## **POLICY CONSIDERATIONS**

The proponent has been working with City staff concerning the development of the property located to the south as a professional office complex. Annexation of these three lots would allow the development to proceed entirely under the jurisdiction of the City rather than being split between the City and the County. It is desirable from the City's standpoint to retain jurisdiction over all aspects of the proposed project.

## **FISCAL IMPACT**

Staff has not identified any fiscal impacts associated with this proposed annexation.

## **RECOMMENDATION**

Staff recommends that the Council accept the annexation of three contiguous parcels located at the intersection of 57<sup>th</sup> Street Court NW and 28<sup>th</sup> Avenue NW as proposed together with the simultaneous adoption of Single-Family Residential (R-1) zoning of the parcels subject to the following conditions:

- 1) The geographic boundaries of the annexation are modified to include those portions of 57<sup>th</sup> Street Court NW and 28<sup>th</sup> Avenue NW as described in a letter from Rush Construction Company, Inc. dated January 31, 2001.
- 2) The property owner(s) shall enter into a pre-annexation agreement with the Department of Public Works regarding the level of street improvements necessary to bring 57<sup>th</sup> Street Court NW up to City road standards within one-year of annexation.
- 3) The City shall require that the property owner(s) assume all of the existing indebtedness of the area being annexed.



**RUSH  
CONSTRUCTION  
COMPANY, INC.**

5715 Wollochet Dr. NW, Gig Harbor, WA 98335  
(253) 858-3636 • Fax (253) 858-3188

RECEIVED  
CITY OF GIG HARBOR  
JAN 26 2001  
PLANNING AND BUILDING

January 25, 2001

Mr. John Vodopich  
City of Gig Harbor  
3125 Judson Street  
Gig Harbor, WA 98335

RE: Request for Zoning Evaluation for Proposed Annexation

Dear John,

On January 22, 2001 I requested, by letter, to supplement to our "Notice of Intent to Commence Annexation Proceedings" application for three parcels of properties in the vicinity of 28<sup>th</sup> Ave. NE and 37<sup>th</sup> Street Court. This request was to exercise the provision in the GHMC 17.88.030 which allowed an applicant to request the City Council have the planning commission evaluate one of the parcels for RB-2 zoning. It was our understanding that a parking lot, in support of our Park Plaza building proposal, was not an allowed use in a R-1 zone, but would require a rezone to RB-2 zone to be consistent with our RB-2 rezone request for the Park Plaza building site lots.

At the January 22, 2001 council meeting, one of the council members questioned whether or not parking can be allowed in an R-1 zone. After subsequent review of the City's zoning ordinance, we have found a provision which does allow the subject lot to be used for our project parking under a R-1 zoning designation. This is provided in GHMC Chapter 17.60 Transitional Uses (copy of section attached).

Because of the allowed use for parking within a R-1 zone, we hereby withdraw our request for rezone of the subject parcel and concur with its R-1 designation after annexation.

If you have any questions, or if you need any additional information regarding this matter, please contact me at (253) 858-8204.

Sincerely,

Gordon Rush, President  
Rush Construction Co.

## Chapter 17.60

TRANSITIONAL USES<sup>1</sup>

## Sections:

17.60.010 Intent.

17.60.020 Permitted uses.

**17.60.010 Intent.**

To provide for uses of land at the borderlines between residential and other districts, which would not have an adverse effect on the uses in either district, but would serve as a more gradual transition to use changes. (Ord. 573 § 2, 1990).

**17.60.020 Permitted uses.**

A. In an R-1 zone, a lot which abuts on or is located across the street or alley from property in a nonresidential zone, may be used for:

1. Two-family dwellings, provided that such lot is at least 14,000 square feet in size;

2. A parking lot for a business within 100 feet of the lot, solely for the customers and employees of the business to which it is accessory, for the use of automobiles only, and provided that the entrance to the parking lot is at least 30 feet from the nearest residential lot, and the lot is landscaped and screened.

B. In R-2 zones, a lot adjacent to a nonresidential zone may be used for a parking lot for a business within 100 feet, if solely for cars for customers or employees, and provided that the parking lot entrance is at least 30 feet from the nearest residential lot, and the lot is landscaped and provided with a dense vegetative screen. (Ord. 573 §§ 2, 3, 1990).

<sup>1</sup> Prior legislation: Ord. 109A as amended by Ords. 109B and 360.

## Chapter 17.62

## HEIGHT RESTRICTION AREA

## Sections:

17.62.010 Intent.

17.62.020 Map adopted.

17.62.030 Standards.

17.62.040 Amendment to height restriction area map.

**17.62.010 Intent.**

The purpose of this height restriction area is to establish standards for those properties located inside the Gig Harbor view basin where decreased building height shall be required. This is intended to be a limitation on height so as not to restrict views from adjacent properties. (Ord. 710 § 58, 1996; Ord. 537 § 1, 1988).

**17.62.020 Map adopted.**

The standards of this chapter shall be imposed as an overlay zone shown on the city's official height restriction area map, which depicts the property subject to the height restrictions. The standards of this chapter are supplementary to the regulations contained in the underlying zones. (Ord. 710 § 59, 1996; Ord. 537 § 1, 1988).

**17.62.030 Standards.**

The maximum height for structures shall be 16 feet, except as otherwise may be provided in a planned unit development or a planned residential development. (Ord. 710 § 60, 1996; Ord. 537 § 1, 1988).

**17.62.040 Amendment to height restriction area map.**

Amendments to the height restriction area map are a Type IV permit procedure. The procedures established under Chapter 17.10 GHMC and GHMC Title 19 for the consideration of amendments to the zoning district map shall be followed for amendments to the height restriction area map. The criteria for approval shall be as follows:

A. That the request to amend the height restriction area map furthers the goals, policies and objectives of the comprehensive plan;

B. The property or area proposed for exclusion from the height restriction area map does not currently possess a view of Gig Harbor Bay, Mt. Rainier or the Puget Sound Narrows;

C. The gradient of the land within 100 feet of the property or area does not have a slope of five



5715 Wollochet Dr. NW, Gig Harbor, WA 98335  
(253) 858-3636 • Fax (253) 858-3188

January 31, 2001

Mr. John Vodopich, Director  
Planning & Building Services  
City of Gig Harbor  
3125 Judson St  
Gig Harbor, WA 98335

Subj: Legal Description of Proposed Annexation Area IVO 28<sup>th</sup> Ave NW & 57<sup>th</sup> Ct. NW.

Dear Mr. Vodopich:

As per your request and as requested by the City Council at the meeting of January 22<sup>nd</sup> we have modified the proposed annexation area in the vicinity of 28<sup>th</sup> Ave NW & 57<sup>th</sup> Ct NW to include those portions of 57<sup>th</sup> Ct NW and 28<sup>th</sup> Ave NW adjacent to the proposed annexation parcels. Our understanding is that currently the western half of 28<sup>th</sup> Ave NW adjacent to the proposed annexation parcels is already within the City of Gig Harbor boundaries. The proposed annexation area is described as follows, including the three parcels previously described in our Notice of Annexation request plus the portion of 57<sup>th</sup> Ct NW and 28<sup>th</sup> Ave NW to be added to the proposed annexation:

*A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:*

*THE WEST 472.00 FEET OF THE SOUTH 196.91 FEET OF LOT 24 OF SHORE ACRES, ACCORDING TO THE OFFICIAL PLAT THEREOF IN VOLUME 10 OF PLATS, PAGE 82, RECORDS OF PIERCE COUNTY. SITUATE IN PIERCE COUNTY, WASHINGTON.*

The total area of this proposed annexation is 1.9980 acres as follows:

Parcel A:	Parcel No.: 7580000530	0.6978 acres
Parcel B:	Parcel No.: 7580000523	0.3457 acres
Parcel C:	Parcel No.: 7580000524	0.3457 acres
57 <sup>th</sup> Ct NW:	Parcel No.: 7580000540 (portion of)	0.6088 acres
28 <sup>th</sup> Ave NW:	parcel No.: Not Applicable	0.1356 acres

Please let me know if this is adequate information to support the re-hearing of the Notice of Annexation for these properties.

Sincerely,

T. Patrick Allen, P.E.  
Project Engineer





*City of Gig Harbor. The "Maritime City"*

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**DIRECTOR, PLANNING & BUILDING SERVICES**  
**SUBJECT: NOTICE OF INTENTION TO COMMENCE ANNEXATION**  
**PROCEEDINGS - 62<sup>nd</sup> STREET COURT NW**  
**DATE: FEBRUARY 12, 2001**

### **INFORMATION/BACKGROUND**

The City has received a 'Notice of Intention to Commence Annexation Proceedings' from property owners of more than the required ten percent (10%) assessed valuation of four residential home sites located on 62<sup>nd</sup> Street Court NW (Attachment 1). The proponent's representative has also submitted a statement of interest for consideration (Attachment 2). The subject properties are located within the City's Urban Growth Area (UGA) and are adjacent and East of the existing City limits, which runs North/South along Soundview (Attachment 3). This request was distributed to the City Administrator, the Chief of Police, the Public Works Director and the Finance Director for review and comment.

The Council held the required meeting with the initiating parties to determine whether the City would accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of a proposed zoning regulation, and whether it shall require the assumption of all or of any portion of existing city indebtedness by the area to be annexed on December 11, 2000.

### **POLICY CONSIDERATIONS**

During the meeting on December 11, 2000, the Director of Public Works expressed concerns regarding the applicants comments of a possible drywell located along 62<sup>nd</sup> Street Court NW. New Washington State Department of Ecology rules require the City to investigate and annually report on the operation and maintenance of all drywells within the City. Since this could possibly impact the City financially, the Council directed staff to investigate the drywell system.

After a site visit and review of the Department of Ecology standards for drywells, it was determined that the system discussed by the applicant does not meet the standard for classification as a Stormwater drywell. Since this system does not require any maintenance or other financial burden to the City, the Department of Public Works no longer has any comments concerning this proposed annexation.

### **FISCAL CONSIDERATIONS**

From a financial perspective, the annexation is not significant. Property tax revenue to the City would likely increase by \$1,500.00 per year and there would be a 33% decrease in revenue from City utility charges to these properties. City sewer and water currently serves these four properties.

### **RECOMMENDATION**

Given that the concerns of the Department of Public Works have been addressed, staff recommends that the Council accept the annexation of the four parcels located along 62<sup>nd</sup> Street Court NW as proposed together with the simultaneous adoption of Single-Family Residential (R-1) zoning of the parcels subject to the following condition:

1. The City shall require that the property owner(s) assume all of the existing indebtedness of the area being annexed.

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

The Honorable Mayor and City Council  
City of Gig Harbor  
P.O. Box 145  
City of Gig Harbor, WA 98335

Dear Mayor and City Council:

The undersigned, who are the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, hereby advise the City Council of the City of Gig Harbor that it is the desire of the undersigned owners of the following area to commence annexation proceedings:

The property herein referred to is described on Exhibit "A" attached hereto and is depicted on Exhibit "B" further attached hereto.

It is requested that the City Council of the City of Gig Harbor set a date not later than sixty days after the filing of this request for a meeting with the undersigned to determine:

- (1) Whether the City Council will accept the proposed annexation;
- (2) Whether the City Council will require the adoption of zoning for the proposed area in substantial compliance with the Proposed Comprehensive Plan as adopted by City of Gig Harbor Ordinance 496; and
- (3) Whether the City Council will require the assumption of existing city indebtedness by the area to be annexed.

This page is one of a group of pages containing identical text material and is intended by the signers of this Notice of Intention to be presented and considered as one Notice of Intention and may be filed with other pages containing additional signatures which cumulatively may be considered as a single Notice of Intention.

Attachment 1



**ANNEXATION PETITION  
STATEMENT OF INTEREST**

The four property owners on 62nd Street Court NW, Gig Harbor are proposing annexation by the City of Gig Harbor. Sixty-second Street CT NW is a paved street owned by the four property owners and runs the length of the area proposed for annexation. All four residences along 62nd Street CT. NW are hooked up to the City's sewer and water systems. The proposed annexation area is contiguous to the city boundary of Sound View Drive and is located within the City's growth area boundary.

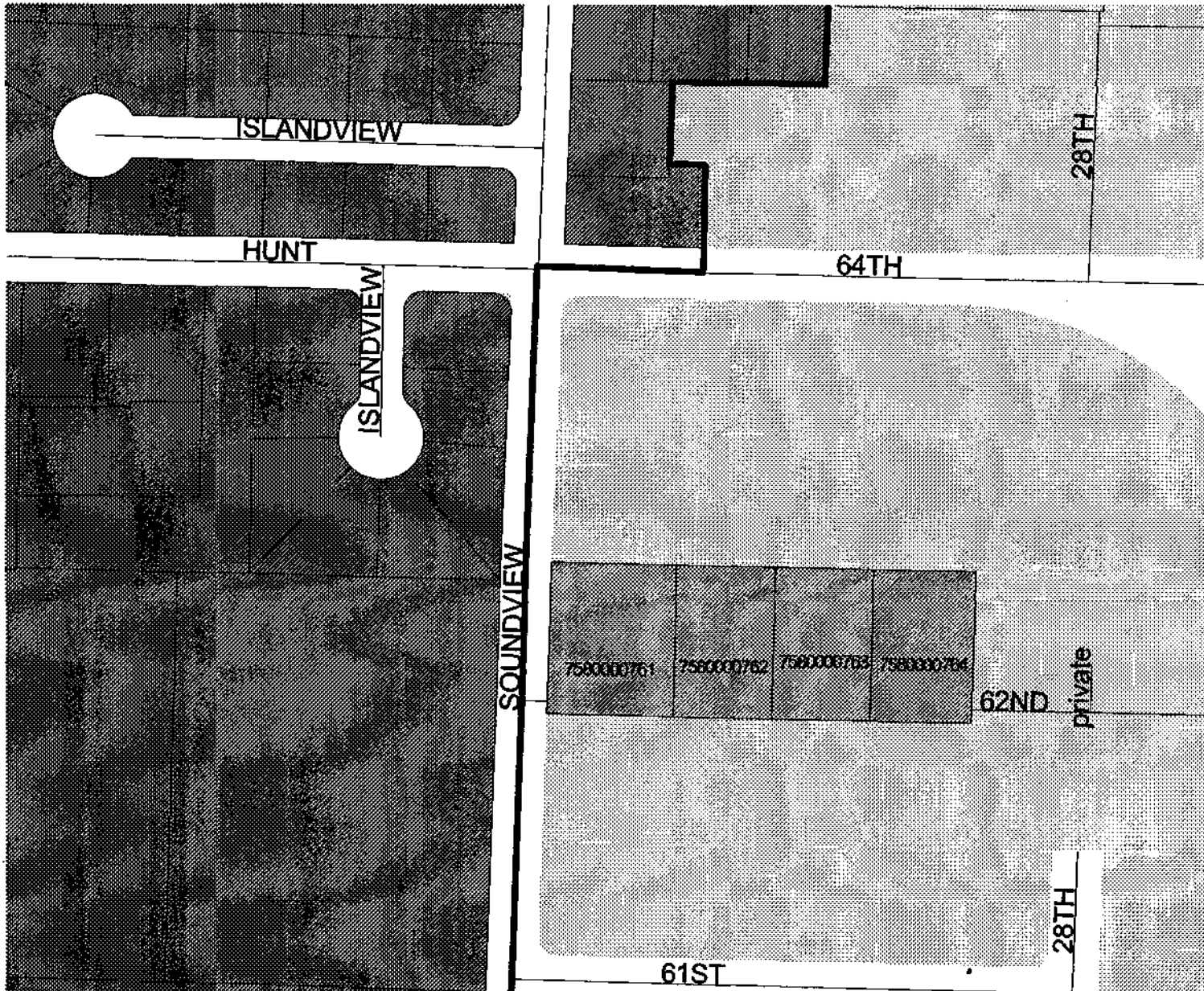
Annexation will allow us to become full participants in the day-to-day activities of the City of Gig Harbor. We currently consider ourselves residents of Gig Harbor and would like to be able to have a voice in what happens in "our" city.

Please contact Joe Mancuso, 2819 62nd Street CT. NW, Gig Harbor, WA 98335, 851-7716 if you need any additional information.

  
JOSEPH F. MANCUSO

Attachment 2

# Proposed 62nd Street Annexation



### Map Key

- Proposed Annexation
- City Limits
- Roads
- City Parcels
- County Parcels

62ND private



*City of Gig Harbor. The "Maritime City"*

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**DIRECTOR, PLANNING & BUILDING SERVICES**  
**SUBJECT: PIERCE COUNTY GIG HARBOR PENINSULA COMMUNITY PLAN -**  
**CITIZEN RECOMMENDED CHANGE**  
**DATE: FEBRUARY 12, 2001**

#### **INFORMATION/BACKGROUND**

As Council will recall, City Staff has been working closely with Pierce County Staff regarding the ongoing community planning effort being lead by the County for the Gig Harbor Peninsula Community. In particular, discussions have centered on ensuring consistency between the County's Community Plan and the City's Comprehensive Plan for the Urban Growth Area (UGA). In December 2000, Council authorized staff to submit a letter outlining City recommended changes to the UGA.

The City has recently received a letter from Mr. Jay Watland (attached) which outlines a request for support of a proposal to include property in the City's UGA. The subject property is approximately 12.6 acres in size and is located at the southeast corner of Point Fosdick Drive and 36<sup>th</sup> Street NW. Pierce County staff has indicated that this request would be more likely to receive favorable consideration if the City supports it. This request is time sensitive given that on February 13, 2001 the Pierce County Planning Commission will hold the second of two, public hearing's on the Community Plan.

#### **POLICY CONSIDERATIONS**

The City's Urban Growth Area (UGA) is that area which is likely to be developed at urban levels in the future and which can be annexed to the City. The subject property is the only privately held property at the southeast corner of Point Fosdick Drive and 36<sup>th</sup> Street NW. The properties immediately to the south and east are part of the Tacoma Narrows Airport held by the City of Tacoma. These properties are not likely to be developed in the future unless airport operations cease.

#### **FISACL IMPACT**

If this property were to be included in the City's Urban Growth Area (UGA) there would be no immediate fiscal impact to the City. Fiscal impacts, if any, would occur at the time of annexation to the City.

#### **RECOMMENDATION**

Staff is recommending that the Council move to support Mr. Watland's request to be included in the City's Urban Growth Area (UGA).

January 18, 2001

Gig Harbor City Council  
3105 Judson Street  
Gig Harbor, WA 98335

Dear Gig Harbor City Council Members:

My family and I are hopeful of having our property, which is situated in the southeast corner of Point Fosdick Drive and 36<sup>th</sup> Street NW, annexed into The City of Gig Harbor.

As you are aware, Pierce County begins a series of public hearings focused on the Peninsula area's future growth plans beginning January 24<sup>th</sup>, 2001. The County has indicated that before they will give serious consideration to our proposal to include this property in Gig Harbor's Urban Growth Area, we must first have the City's approval.

We ask that you consider our reasons for this request and endorse our proposal with a letter of support that I will present to Pierce County.

Though our property presently has a rural, R-5 designation, it is directly in the path of current and future development. The Tacoma Narrows Airport, the new Lighthouse Christian School, Madrona Links Golf Course and the residential development, Fairway Estates, border us. The City of Gig Harbor's southern boundary is 36<sup>th</sup> Street NW, which is also our 12.6 acre parcel's northern property line.

The surrounding area is made up of both residential and business development. This includes a golf course, an office complex, a shopping center, an airport, a fitness club, a new school and a number of residential developments. Our property is near the Tacoma Narrows Bridge and Highway 16. Combine these facts with the distinct possibility of a new Highway 16 on and off-ramp at 36<sup>th</sup> Street NW and there's a clear indication that our land is no longer rural in nature. A new traffic light that Gig Harbor negotiated with the State of Washington will be installed at the Point Fosdick Drive/36<sup>th</sup> Street NW intersection if and when the new Narrows Bridge is built. This too demonstrates that the anticipated volume of traffic passing our property will erase its rural nature. A proposed "Rural Airport Zone" which allows service oriented businesses such as restaurants to exist on land that borders ours also supports a change in zoning for our property.

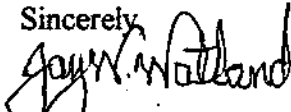
This land has been in our family since the mid 1950s. We've chosen to keep it as long as we have for a number of reasons not the least of which is that it's a beautiful piece of property that connects us to our past and to the community. We've also held this land as an investment and wish to plan for and protect our future development options. Pierce County's current zoning designation affords us few, if any, reasonable alternatives.



Our hope is that consideration will be given to the location of our property, the changes that have already occurred in the area and significant changes that are coming to Point Fosdick Drive and 36<sup>th</sup> Street NW. We ask only for fair and equal opportunity to develop our land in a manner that is consistent with similar properties in the neighborhood and with projected growth in the area. From the City's standpoint, I imagine that when services are eventually extended down 36<sup>th</sup> Street NW, serving both sides of the road will make sense and new tax revenue from development will belong to the City.

We believe that being a part of Gig Harbor's future will give us a reasonable development opportunity and, in turn, being a part of the City will benefit Gig Harbor as well.

Sincerely,

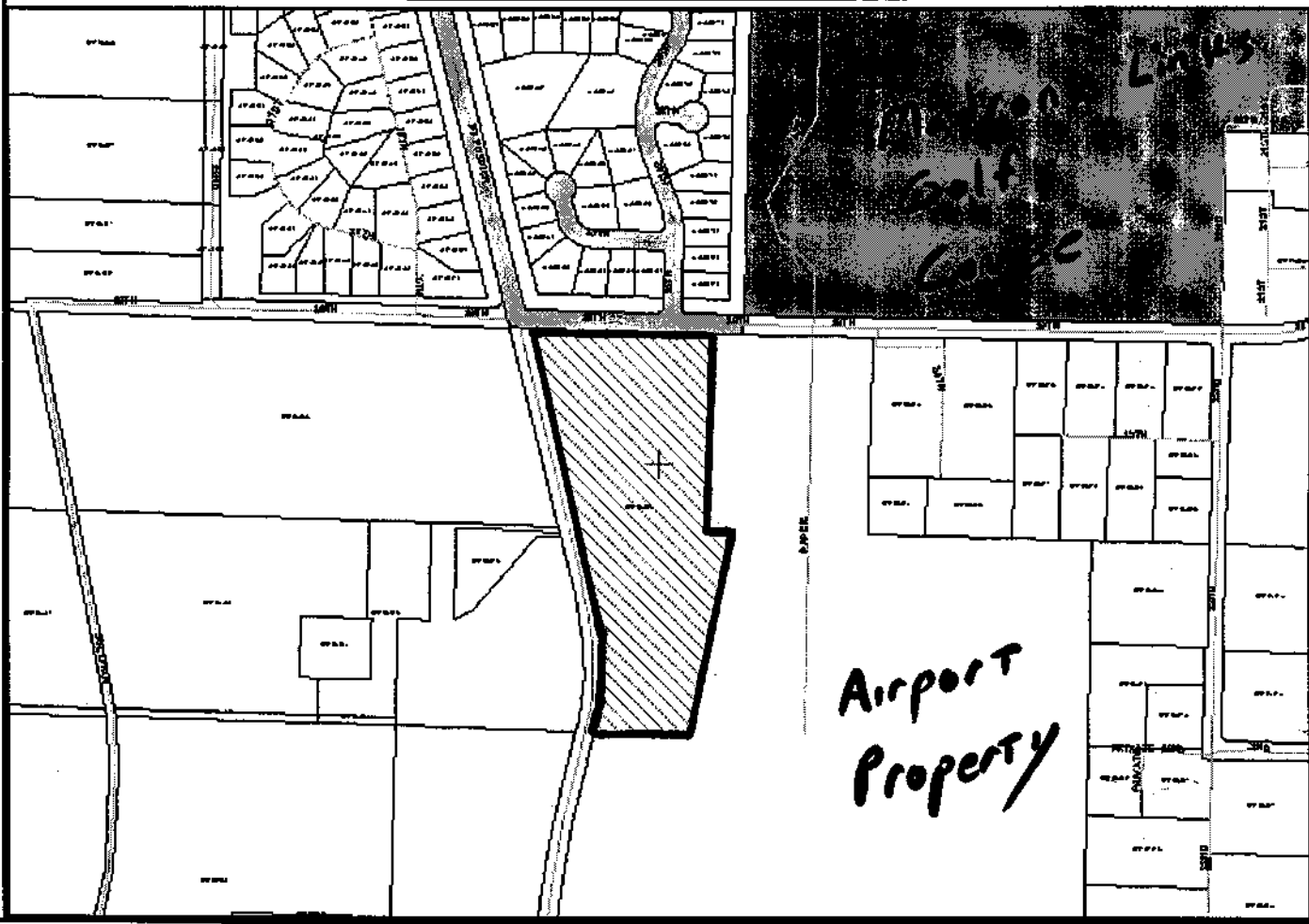


Jay W. Watland  
9610 85<sup>th</sup> Ave NW  
Gig Harbor, WA 98332  
851-6735



- Points of Interest ●
- Streets
- Major Highways
- Parks
- Property
- Cities
  - Cities
  - Pierce County

1 Inch = 0.14 miles  
Scale 1:8,758



**Tax Parcels Report**

Identify results for Tax Parcels.

Tax Parcel	Acres	Land Value	Improvement Value	Land Use	More Information	More Information
0221204023	12.6	182600	0	IDENTIFIES THOSE PARCELS OF LAND THAT ARE UNDEVELOPED. REF MANUAL	<a href="#">Click here for owner name and other Assessor-Treasurer information.</a>	<a href="#">Click here for Auditor recorded documents.</a>



*City of Gig Harbor. The "Maritime City"*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MHO*  
**SUBJECT: FIRST READING OF ORDINANCE - ARTS COMMISSION**  
**DATE: FEBRUARY 6, 2000**

**INFORMATION/BACKGROUND**

The attached ordinance articulates a process to develop and manage fine and performing arts-related proposals from the community to the Gig Harbor City Council. The Arts Commission is proposed to act as the city's representative, and to make recommendations to the Mayor and to the City Council, in connection with cultural and artistic endeavors involving the city.

This is the first reading of this ordinance.

**POLICY CONSIDERATIONS**

The Arts Commission will encourage, conduct, sponsor or co-sponsor public programs to further the development and public awareness of, and interest in, the fine and performing arts. The commission will provide recommendations to the Mayor and City Council in connection with cultural and artistic endeavors in which the city becomes involved. The commission will encourage donations, grants and other support to further expand the arts and cultural services and programs available to city citizens and members of the Gig Harbor community. The commission will also review and make recommendations to the City Council with respect to all public and private banner proposals that utilize city graphics. The commission will be charged to take other such action as the City Council may direct from time to time.

**FISCAL CONSIDERATIONS**

Arts Commission programs and operating expenses would be funded from the city General Fund, grants, donations and admission charges (if any). The Parks Department (an element of the Public Works Department) will be responsible for submitting its annual operating budgetary request to the City Administrator and Mayor.

**RECOMMENDATION**

Staff recommends approval of this ordinance after the second reading.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF GIG HARBOR,  
WASHINGTON, ENACTING A NEW CHAPTER 2.49 OF THE  
GIG HARBOR MUNICIPAL CODE CREATING AN ARTS  
COMMISSION.**

---

WHEREAS, the City of Gig Harbor has identified a need for an Arts Commission to encourage public programs to develop the fine and performing arts; and

WHEREAS, the Arts Commission will make recommendations to the Mayor and City Council in connection with cultural and artistic endeavors involving the city; and

WHEREAS, this Commission will act as the city's representative in connection with cultural and artistic endeavors involving the city; and

WHEREAS, the Commission will encourage donations, grants and other support to expand the arts in the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

Section 1. Section 2.49 of the Gig Harbor Municipal Code is hereby added to read as follows:

**Chapter 2.49  
ARTS COMMISSION**

**Sections:**

- 2.49.010 Commission established - Membership.**
- 2.49.020 Rules of procedure**
- 2.49.030 Authority of commissions.**
- 2.49.040 Meetings and staff services.**
- 2.49.050 Budget**

**2.49.010 Commission established — Membership**

A. The Gig Harbor Arts Commission, consisting of nine members appointed by the Mayor and confirmed by the vote of a majority of the members of the City Council, is established. The term of office shall be three years. Commission members shall be selected for staggered terms. Three Commissioners or their successors will serve a one,

two or the full three-year term based on the position. All subsequent appointments shall be for three years, or for the duration of an unexpired term in the case of an appointment to a vacancy. All Commission members' terms shall expire on March 31st and all successive terms shall commence on April 1st. No member shall serve more than two consecutive full terms of office.

B. Commission members shall be appointed upon the basis of demonstrated interest in, and knowledge and support of the arts. Members shall serve without salary or other compensation, provided that members shall be reimbursed for necessary expenses actually incurred with prior Administrative approval. Two Commissioners may be selected from the Community-at-large. Seven commissioners shall reside or work within the city limits at the time of appointment and throughout their terms of office.

C. Prior to appointing initial members and filling each vacancy in the membership of the commission, public notice of available positions shall be provided to the news media at least two weeks in advance of appointment. Applicants for vacant positions shall apply to the office of the Mayor.

#### **2.29.020 Rules of Procedure**

The commission shall adopt procedural rules governing the transaction of its business. The rules shall include provisions for the date, time and place of regular meetings of the commission. Provisions shall be made for maintaining minutes of commission meetings and records of all commission reports, conclusions and recommendations. The rules of procedure shall provide for the election of commission officers, which shall include a chairperson and vice chairperson who shall serve for at least one year. The rules of the commission shall provide that all commission meetings shall be open to the public and that notice of meetings shall comply with the Washington Open Public Meetings Act, to the extent proceedings of the commission are governed by such Act. The procedures shall address receipt and processing of citizen proposals and requests.

#### **2.49.030 Authority of commission.**

The Arts Commission is authorized to take the following actions:

A. On behalf of the city, to encourage, conduct, sponsor or cosponsor public programs to further the development and public awareness of, and interest in, the fine and performing arts;

B. To provide recommendations to the Mayor and City Council in connection with cultural and artistic endeavors and projects in which the city becomes involved and to act as a representative of the community in such matters;

C. To encourage donations, grants and other support to further expand the arts and cultural services and programs available to citizens of Gig Harbor and members of the Gig Harbor community;

D. To review and make recommendations to the City Council with respect to all public and private banner proposals that utilize City of Gig Harbor graphics.

E. To take such other actions as the City Council may direct from time to time.

**2.49.040 Meetings and staff services.**

A. The Arts Commission shall meet regularly at least once per month at a date, time and place to be established by the commission. Commission meetings shall be open to the public and written meeting minutes shall be maintained and made available to the public upon approval of the minutes by the commission.

B. The Parks Department shall be responsible for providing administrative and staff services for the commission and may assign Parks Department staff to provide services to the commission.

C. The commission shall make a report to the City Council at least annually.

**2.49.050 Budget**

Arts Commission programs and operating expenses shall be funded from the city General Fund, grants, donations and admission charges. The Parks Department shall be responsible for submitting the annual operating budget to the City Administrator and Mayor.

Section 2. 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. 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 M. TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_  
CAROL MORRIS, CITY ATTORNEY

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 \_\_\_\_\_, 2001 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 OF GIG HARBOR,  
WASHINGTON, ENACTING A NEW CHAPTER 2.49 OF THE  
GIG HARBOR MUNICIPAL CODE CREATING AN ARTS  
COMMISSION.**

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 \_\_\_\_\_,  
2001.

\_\_\_\_\_  
MOLLY M. TOWSLEE, CITY CLERK





*City of Gig Harbor. The "Maritime City"*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: DAVID R. SKINNER, P.E., PUBLIC WORKS DIRECTOR**  
**SUBJECT: ANNUAL TRANSPORTATION CAPACITY AVAILABILITY REPORT**  
**- REPORT PRESENTATION**  
**DATE: FEBRUARY 6, 2001**

*DRS*

**INTRODUCTION/BACKGROUND**

On December 11, 2000, Council authorized a contract with SCA Consulting Group to develop a Capacity Availability Report that would fulfill the reporting requirements of Gig Harbor Municipal Code (GHMC) 19.10 Concurrency Management. The report has been completed for the year 2000. Mr. Perry Shea, P.E., and Ms. Susan Graham from SCA Consulting Group are prepared to make a presentation of the report to the Council at this meeting.

The presentation will give a background of the Concurrency Ordinance and the current status of the roadways and intersections throughout the City as they relate to development activities from the year 2000. The presentation will conclude with recommendations on modifications to the City's current adopted LOS standard and the incorporation of traffic study guidelines for future traffic impact analyses.

**POLICY CONSIDERATIONS**

This report meets the reporting requirement in GHMC 19.10 Concurrency Management. No Council action is required.



*City of Gig Harbor. The "Maritime City"*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR AND CITY COUNCIL**  
**FROM: CAROL MORRIS, CITY ATTORNEY**  
**SUBJ: STORM WATER DRAINAGE CODE ENFORCEMENT PROCEDURES**  
**DATE: FEBRUARY 8, 2001**

#### **INTRODUCTION/BACKGROUND**

As you know, the City adopted a new Storm Water Drainage Code and Manual. The Code included enforcement procedures, which were adequate but did not describe the enforcement procedure in detail. The City has a standard enforcement procedure which is currently used in conjunction with the development codes (chapter 15.18 and 17.07 GHMC). For the sake of efficiency, one uniform enforcement procedure should be used.

In the first of the attached proposed ordinances, all references to enforcement procedures have been deleted and the reader is directed to the new enforcement procedure for Titles 12, 13 and 14. This new enforcement procedure is included in the second of the attached proposed ordinances, which is the same as the existing City enforcement procedure, with the exception of the officer charged to administer the code (the public works director).

#### **POLICY ISSUES**

None. The ordinances merely substitute one enforcement procedure for another. The newly adopted enforcement procedure is the City's current procedure, so there would be no change in the manner in which violations are enforced.

#### **RECOMMENDATION**

That the City Council vote to approve (in separate motions) the attached ordinances.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STORM WATER DRAINAGE AND MANAGEMENT, AMENDING ORDINANCE 858 WHICH ADOPTED STORM WATER DEVELOPMENT STANDARDS IN CHAPTER 14.20 OF THE GIG HARBOR MUNICIPAL CODE, ELIMINATING THE ENFORCMENT AND PENALTY PROVISIONS IN ORDER TO ALLOW THE CITY TO ENFORCE THE STORM WATER DRAINAGE STANDARDS THROUGH THE CITY'S STANDARD ENFORCEMENT PROCEDURES IN CHAPTER 12.17 GHMC; AMENDING SECTIONS 14.20.530, 14.20.560, 14.20.590, 14.20.630 OF EXHIBIT A TO ORDINANCE 858; AND REPEALING SECTIONS 14.20.090, 14.20.640, 14.20.650, 14.20.660, 14.20.670, 14.20.680, 14.20.690, 14.20.700, 14.20.710, 14.20.720, 14.20.730, 14.20.740 OF EXHIBIT A TO ORDINANCE NO. 858.**

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WHEREAS, on January 9, 2001, the City Council passed Ordinance No. 858, which adopted storm water drainage and management standards in Gig Harbor; and

WHEREAS, the procedures in Ordinance No. 858 relating to enforcement and the imposition of penalties was inconsistent with the City's current enforcement procedures; and

WHEREAS, the City Council desires to have consistent enforcement procedures in the Gig Harbor Municipal Code for violations of development codes and public works standards; and

WHEREAS, the adoption of this Ordinance has been determined to be exempt from the State Environmental Policy Act by the City's SEPA Responsible Official, pursuant to WAC 197-11-800(2); Now, Therefore,

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

Section 1. Section 14.20.090, "Severability," in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 2. Section 14.20.530, in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

**14.20.530 Maintenance Covenant Required for Privately Maintained Drainage Facilities.**

A. Prior to beneficial use of a development, the owner shall record a Storm Water Maintenance Covenant against the property that:

1. allows the City of Gig Harbor, its officials, employees or agents a non-exclusive right of entry onto those portions of the property immediately adjacent to the stormwater facilities for the purpose of inspection of the facilities. The covenant shall allow the City, but not require the City, to enter the property and repair any condition of the storm water facilities that, in the opinion of the Public Works Director, creates an immediate threat to public health, safety or public property and to charge the property owner for the related costs; and

2. requires the property owner to perform his/her own regular inspections and maintenance on the stormwater facilities, at the property owner's cost; and

3. is binding upon the property owner and the property owner's legal representatives, heirs and assigns, and is in a form approved by the City Attorney; and

4. is recorded against the property in the records of the Pierce County Auditor. Guarantees the City of Gig Harbor that the stormwater facilities shall be properly operated, maintained, and inspected. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the Pierce County Auditor.

B. The Director may require the owners of existing stormwater facilities for which the City of Gig Harbor has not previously accepted operation and maintenance responsibility, to record the Maintenance Covenant described above, or to request that the City of Gig Harbor accept operation and maintenance responsibility for the stormwater facilities subject to the requirements of this Code.

C. ~~Maintenance Covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the~~

subject stormwater facilities is accepted by the City of Gig Harbor. In order to terminate a Maintenance Covenant, the property owner and the City must execute the necessary documentation and record the same against the property. A property owner may not unilaterally terminate a Maintenance Covenant.

Section 3. Section 14.20.560, in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

**14.20.560 City Inspections of Privately Maintained Stormwater Facilities.**

A. The Director is authorized to develop an inspection program for privately owned and maintained stormwater facilities in the City of Gig Harbor. The purpose of this inspection program shall be to determine if said storm water facilities, conveyance structures, and water quality facilities are in good working order and are properly maintained, and to ensure that stormwater quality BMPs are in place and that non-point source pollution control is being implemented.

B. Whenever the provisions of this program are being implemented, or whenever there is cause to believe that a violation of this Code has been or is being committed, the inspector may take such enforcement action as set forth in chapter 12.17 of the Gig Harbor Municipal Code. ~~Is authorized to inspect during regular working hours and at other reasonable times any and all stormwater drainage facilities within the City of Gig Harbor to determine compliance with the provisions of this Code.~~

C. ~~Prior to making any inspections, the Director or his assignee shall follow the procedures delineated in Section 14.20.650.~~

Section 4. Section 14.20.590 of Exhibit A, adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

**14.20.590. Illicit Connections and Uses.** The stormwater system of the City, natural and artificial, may only be used to convey stormwater runoff. The stormwater system shall mean all natural and man-made systems that function together or independently to collect, store, purify, discharge, and convey stormwater. Included are all stormwater facilities as well as natural systems such as streams and creeks and all natural systems that convey, store, infiltrate, or divert stormwater. Violation of this section can result in enforcement action being taken by the City as provided in Chapter 12.17 GHMC. ~~prescribed in Section 14.20.670.~~

No person shall use the stormwater system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater. No person shall make or allow any connection to the stormwater system that could result in the discharge of polluting matter. Connections to the stormwater system from the interiors of structures are prohibited. Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and shall be eliminated.

Section 5. Section 14.20.630 in Exhibit A, as adopted by reference in Ordinance 858, is hereby amended to read as follows:

**14.20.630 Violations of this Code.** The placement, construction or installation of any structure, or the connection to a public storm drainage facility, or the discharge to a public drainage facility or any activity, including but not limited to grading, which violates the provisions of this Code shall be and the same is hereby declared to be unlawful and a public nuisance. The City may take enforcement action as set forth in Chapter 12.17 GHMC to ensure that any such activity, Code violation or property condition declared to be a public nuisance ceases and is abated through the use of civil or criminal penalties and Stop Work Orders, as well as any other remedies which are set forth in this Code, the Gig Harbor Municipal Code, or including any applicable ordinance or statute, including, but not limited to revocation of any permits. The choice of enforcement action taken and the severity of any penalty shall be determined as set forth in chapter 12.17 GHMC. Based on the nature of the violation, the damage or risk to the public or to public resources.

Section 6. Section 14.20.640 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 7. Section 14.20.650 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 8. Section 14.20.660 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 9. Section 14.20.670 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 10. Section 14.20.680 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 11. Section 14.20.690 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 12. Section 14.20.700 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 13. Section 14.20.710 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 14. Section 14.20.720 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 15. Section 14.20.730 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 16. Section 14.20.740 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 17. 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, sentence, clause or phrase of this Ordinance.

Section 18. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 19. Effective Date. This Ordinance shall take effect and be in full force five days after publication of the approved summary.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this  
\_\_th day of \_\_\_\_, 2001.

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: 2/8/01  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO:



SUMMARY OF ORDINANCE NO. \_\_\_\_\_

of the City of Gig Harbor, Washington

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On \_\_\_\_\_, 2001, 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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STORM WATER DRAINAGE AND MANAGEMENT, AMENDING ORDINANCE 858 WHICH ADOPTED STORM WATER DEVELOPMENT STANDARDS IN CHAPTER 14.20 OF THE GIG HARBOR MUNICIPAL CODE, ELIMINATING THE ENFORCMENT AND PENALTY PROVISIONS IN ORDER TO ALLOW THE CITY TO ENFORCE THE STORM WATER DRAINAGE STANDARDS THROUGH THE CITY'S STANDARD ENFORCEMENT PROCEDURES IN CHAPTER 12.17 GHMC; AMENDING SECTIONS 14.20.530, 14.20.560, 14.20.590, 14.20.630 OF EXHIBIT A TO ORDINANCE 858; AND REPEALING SECTIONS 14.20.090, 14.20.640, 14.20.650, 14.20.660, 14.20.670, 14.20.680, 14.20.690, 14.20.700, 14.20.710, 14.20.720, 14.20.730, 14.20.740 OF EXHIBIT A TO ORDINANCE NO. 858.**

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

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MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ENFORCEMENT OF THE CITY'S CODES RELATING TO STREETS, SIDEWALKS, PUBLIC WAYS, PUBLIC AND PRIVATE STORM WATER SYSTEMS AND FACILITIES, PUBLIC WORKS STANDARDS AND THE WATER AND SEWER CODES, ADDING A NEW CHAPTER 12.17 TO THE GIG HARBOR MUNICIPAL CODE, DESCRIBING VIOLATIONS, THE PROCEDURES FOR ENTRY ONTO PROPERTY FOR THE PURPOSE OF INSPECTIONS, ISSUANCE OF NOTICES OF VIOLATION, APPEALS OF NOTICES OF VIOLATION, PENALTIES AND COLLECTION OF PENALTIES.**

---

WHEREAS, the City Council desires to use a uniform procedure for the enforcement of its development codes and public works standards; and

WHEREAS, the adoption of this Ordinance has been determined to be exempt from the State Environmental Policy Act by the City's SEPA Responsible Official, pursuant to WAC 197-11-800(2); Now, Therefore,

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

Section 1. A new chapter 12.17 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**Chapter 12.17  
ENFORCEMENT**

**Sections:**

- 12.17.002      Violations.
- 12.17.004      Enforcement.
- 12.17.006      Investigation and notice of violation.

- 12.17.008 Time to comply.
- 12.17.010 Stop work order.
- 12.17.012 Emergency order.
- 12.17.014 Review by hearing examiner.
- 12.17.016 Civil penalty.
- 12.17.018 Criminal penalties.
- 12.17.020 Additional relief.

**12.17.002 Violations.**

A. It is a violation of GHMC Titles 12, 13 and/or 14 for any person to initiate, maintain or cause to be initiated or maintained the use of any structure, land or property within the City of Gig Harbor without first obtaining the permits or authorizations required for the use by the aforementioned codes.

B. It is a violation of GHMC Titles 12, 13 and/or 14 for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the City of Gig Harbor in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the aforementioned codes; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. In addition to the above, it is a violation of GHMC Titles 12, 13 and/or 14 to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with the aforementioned codes;
2. To misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization;
3. Fail to comply with any of the requirements of or violate any of the provisions of GHMC Titles 12, 13 and/or 14.

**12.17.004 Enforcement.**

A. The public works director has the authority to enforce this Chapter and Titles 12, 13 and/or 14 GHMC. The public works director may call upon the police, fire, building, planning or other appropriate city departments to assist in enforcement. As used in this chapter, "public works director" shall also mean his or her duly authorized representative.

B. Upon presentation of proper credentials, the public works director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building, facility, street, premises or right-of-way subject to the consent or warrant, in order to perform the duties imposed by GHMC Titles 12, 13 and/or

C. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of GHMC Titles 12, 13 and/or 14.

E. No provision of or any term used in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

**12.17.006 Investigation and notice of violation.**

A. Investigation. The public works director shall investigate any structure, activity, facility, street or use which the public works director reasonably believes does not comply with the standards and requirements of GHMC Titles 12, 13 and/or 14.

B. Notice of Violation. If after investigation the public works director determines that the standards or requirements of GHMC Titles 12, 13 and/or 14 have been violated, the public works director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall contain the following information:

1. A separate statement of each standard, code provision or requirement violated;
2. What corrective action, if any, is necessary to comply with the standards, code provision or requirements;
3. A reasonable time for compliance;
4. A statement that if the violation is not already subject to criminal prosecution, any subsequent violations may result in criminal prosecution as provided in GHMC 12.17.018.

C. Service. The notice shall be served on the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the planning director makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two consecutive weeks in the city's official newspaper; and
2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known, or if unknown, to the address of the property involved in the proceedings.

D. Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Other Actions May Be Taken. Nothing in this chapter shall be deemed to limit or preclude any action or proceeding pursuant to GHMC 12.17.010, 12.17.012, 12.17.016, 12.17.018, 12.17.020 or 12.17.022.

F. Optional Notice to Others. The public works director may mail, or cause to be delivered to all residential and/or nonresidential rental units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.

G. Amendment. A notice or order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

**12.17.008 Time to comply.**

A. Determination of Time. When calculating a reasonable time for compliance, the public works director shall consider the following criteria:

1. The type and degree of violation cited in the notice;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action;
4. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
5. Any other circumstances beyond the control of the responsible party.

B. Order Becomes Final Unless Appealed. Unless an appeal is filed with the public works director for hearing before the hearing examiner in accordance with GHMC 12.17.160, the notice of violation shall become the final order of the public works director. A copy of the notice shall be filed with the Pierce County auditor. The public works director may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.

**12.17.010 Stop work order.**

Whenever a continuing violation of this code will materially impair the public works director's ability to secure compliance with this code, or when the continuing violation threatens the health or safety of the public or damage to public property, the public works director may issue a stop work

order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this chapter.

**12.17.012 Emergency order.**

Whenever any use or activity in violation of GHMC Title 12, 13 and/or 14 threatens the health and safety of the occupants of the premises or any member of the public or damage to public property, the public works director may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety or public property be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this chapter.

Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the public works director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law.

**12.17.014 Review by hearing examiner.**

A. Notice of Violation (Criminal Penalties). There is no administrative appeal of a notice of violation issued pursuant to GHMC 12.17.006 for violations described in GHMC 12.17.018, which subject the violator to criminal prosecution and/or the imposition of criminal penalties.

B. Notice of Violation (Civil Penalties). Any person significantly affected by or interested in a notice of violation issued by the planning director pursuant to GHMC 12.17.006 for a violation of the codes in this title which subject the violator to civil prosecution may obtain an appeal of the notice by requesting such appeal within 15 calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or city holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request, the building official shall forward the request to the office of the hearing examiner, pursuant to Chapter 17.10 GHMC.

C. At or after the appeal hearing, the hearing examiner may:

1. Sustain the notice of violation;
2. Withdraw the notice of violation;
3. Continue the review to a date certain for receipt of additional information;
4. Modify the notice of violation, which may include an extension of the compliance date.

D. The hearing examiner shall issue a decision within 10 days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person(s) named on the

notice of violation, mailed to the complainant, if possible, and filed with the department of records and elections of Pierce County.

E. The decision of the hearing examiner shall be final, and no further administrative appeal may be filed. In order to appeal the decision of the hearing examiner, a person with standing to appeal must make application for a land use petition under Chapter 36.70C RCW within 21 days of the issuance of the examiner's decision.

**12.17.016 Civil penalty.**

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of this chapter or GHMC Titles 12, 13 and/or 14 shall be subject to a cumulative penalty in the amount of \$100.00 per day for each violation from the date set for compliance until compliance with the order is achieved.

B. The penalty imposed by this section shall be collected by civil action filed by the city attorney, and brought in the name of the city. The public works director shall notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney shall, with the assistance of the public works director, take appropriate action to collect the penalty.

C. The violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

**12.17.018 Criminal penalties.**

A. Any person violating or failing to comply with any of the provisions of GHMC Titles 12, 13 and/or 14 and who has had a judgment entered against him or her pursuant to GHMC 12.17.016 or its predecessors within the past five years shall be subject to criminal prosecution and upon conviction of a subsequent violation shall be fined in a sum not exceeding \$5,000 or be imprisoned for a term not exceeding one year or be both fined and imprisoned. Each day of noncompliance with any of the provisions of GHMC Title 12, 13 and/or 14 shall constitute a separate offense.

B. The above criminal penalty may also be imposed:

1. For any other violation of GHMC Titles 12, 13 and/or 14 for which corrective action is not possible; and

2. For any willful, intentional, or bad faith failure or refusal to comply with the standards or requirements of GHMC Title 12, 13 and/or 14.

**12.17.020 Additional relief.**

The public works director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of GHMC Title 12, 13 and/or 14 when civil or criminal penalties are inadequate to effect compliance.

Section 2. 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, sentence, clause or phrase of this Ordinance.

Section 3. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This Ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this \_\_\_th day of February, 2001.

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: 2/8/01  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE

SUMMARY OF ORDINANCE NO. \_\_\_\_\_

of the City of Gig Harbor, Washington

---

On \_\_\_\_\_, 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 ENFORCEMENT OF THE CITY'S CODES RELATING TO STREETS, SIDEWALKS, PUBLIC WAYS, PUBLIC AND PRIVATE STORM WATER SYSTEMS AND FACILITIES, PUBLIC WORKS STANDARDS AND THE WATER AND SEWER CODES, ADDING A NEW CHAPTER 12.17 TO THE GIG HARBOR MUNICIPAL CODE, DESCRIBING VIOLATIONS, THE PROCEDURES FOR ENTRY ONTO PROPERTY FOR THE PURPOSE OF INSPECTIONS, ISSUANCE OF NOTICES OF VIOLATION, APPEALS OF NOTICES OF VIOLATION, PENALTIES AND COLLECTION OF PENALTIES.**

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

APPROVED by the City Council at their meeting of \_\_\_\_\_.

---

MOLLY TOWSLEE, CITY CLERK



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: DAVID R. SKINNER, P.E., PUBLIC WORKS DIRECTOR**  
**SUBJECT: RESOLUTION FOR PUBLIC HEARING**  
**- FRONT STREET VACATION REQUEST**  
**DATE: FEBRUARY 6, 2001**

*DRS*

#### **INTRODUCTION/BACKGROUND**

In a February 17, 2000 letter from Mr. Glen Stenbak, owner of two-thirds of the abutting property, has petitioned the City to vacate portions of Front Street in accordance with GHMC 12.14.002C.

Specifically, the request is for the vacation of the north 30 feet of the Front Street right-of-way currently held by the City. Research on this right-of-way found that this portion of Front Street was platted in Pierce County in 1891 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 Front Street is barred by lapse of time and the City has no interest in the street. In order to ensure that this portion of Front Street 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 Front Street 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.

As defined in 12.14 GHMC a resolution must be passed by the Council setting a time and date for a public hearing on the proposed street vacation.

#### **FISCAL CONSIDERATIONS**

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

#### **RECOMMENDATIONS**

Staff recommends the Council pass this resolution specifying the time and date for the public hearing on the proposed street vacation of Front Street.

**CITY OF GIG HARBOR  
RESOLUTION NO \_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, TO INITIATE THE PROCEDURE FOR THE VACATION OF A PORTION OF FRONT STREET LYING NORTH OF AUSTIN STREET AND WEST OF BURNHAM DRIVE.

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WHEREAS, Mr. Glen Stenbak desires to initiate the procedure for the vacation of the portion of Front Street, originally created in the plat called Extension to the City of Gig harbor, recorded in 1891 in Book 6 of Plats at Page 74 in Pierce County, Washington.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington:

Section 1. A public hearing upon said street vacation shall be held in the council chambers of Gig Harbor City Hall on Monday, February 26, 2001, at 7:00 p.m., at which hearing all persons interested in said street vacation are invited to appear.

Section 2. The City Clerk is directed to post notices of the hearing in three public places and on the street to be vacated and to mail notices to all owners of any property abutting the portion of street to be vacated, pursuant to RCW 35.79.020.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

\_\_\_\_\_  
Molly Towslee, City Clerk

Passed by Council:



*City of Gig Harbor. The "Maritime City"*

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** PATRICIA IOLAVERA, SENIOR PLANNER  
**SUBJECT:** FIRST READING ADOPTING THREE ORDINANCES REGARDING  
THE PUBLIC INSTITUTIONAL ZONING DISTRICT  
**DATE:** FEBRUARY 8, 2001

#### **BACKGROUND/INTRODUCTION**

Per the instructions of Council and Resolution 556 which requested the Department of Planning and Building Services assist the Gig Harbor Historical Society in furthering the development of the new museum and cultural center, the Planning Commission and staff present the following three ordinances for approval. They include new definitions to clarify 'museum' as a use. Changes to the text of 17.15 which allows museum as a permitted use and rental hall as a permitted accessory use, and adopting hours of operation for such accessory uses. Included are necessary changes to the zoning of the "Borgen Property" and the seven parcels associated with the City's water treatment plant.

#### **POLICY ISSUES**

These changes are consistent with the City's uses of land as public institutional.

#### **FISCAL IMPACT**

The proposed amendments would not have any fiscal impact respective to city revenues.

#### **RECOMMENDATION**

This is the first reading of the ordinance. Staff recommends approval.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, DELETING THE DEFINITION OF "MUSEUM AND ART GALLERY" AND CREATING SEPARATE DEFINITIONS FOR "MUSEUM", "ART GALLERY", "NON PROFIT ORGANIZATION", AND "COMMUNITY RECREATION HALL" IN THE CITY ZONING CODE IN ORDER TO CLARIFY AND SUPPORT CHANGES BEING MADE UNDER SEPARATE ORDINANCE TO THE PUBLIC AND INSTITUTIONAL ZONE; AND THEREBY AMENDING SECTION 17.04.602, AND ADDING NEW SECTIONS 17.04.027, 17.04.085 AND 17.04.623, OF THE GIG HARBOR MUNICIPAL CODE.

---

WHEREAS, the City Council on July 10, 2000 passed Resolution 556 directing the Planning and Building Services Department to explore and pursue avenues by which the City might support the plans for the development of the new Museum at their proposed location; and

WHEREAS, the during work sessions on July 5<sup>th</sup> 2000, October 5, 2000, and November 16, 2000, the Planning Commission considered proposed changes to the municipal code that would acknowledge specific types of museums as public institutions; and

WHEREAS, the Planning Commission on those same dates considered amendment to the zoning map adding several parcels to the Public – Institutional zoning district; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held public hearings to consider this Ordinance on October 5, 2000 and November 2, 2000 and recommends that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

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

Section 1. A definition of "Community recreation hall" Section 17.04.027 the Gig Harbor Municipal Code, is hereby added as follows:

**17.04.602 Community Recreation Hall:** a facility provided by a non-profit organization or government agency, for the purposes of community gatherings, classes, meetings, etc. Such a facility may include a commercial grade kitchen.

Section 2. Section 17.04.085 of the Gig Harbor Municipal Code is hereby added, to read as follows:

**17.04.085 Art Gallery:** a room or series of rooms where works of art are exhibited.

Section 3. The definition of "Museum or Art Gallery" Section 17.04.602 the Gig Harbor Municipal Code, is hereby amended to read as follows:

**17.04.602 Museum or Art Gallery** ~~"Museum" or "art gallery" means a facility which displays artifacts or items of a historically important nature or which are culturally significant.~~ A museum is an institution owned and operated by a non-profit organization, tribal government, agency of local government, public facility district, or public

development authority for which the primary purpose is the procurement, preservation, study, and display of objects of lasting interest or value, and the interpretation of history, heritage, art, or culture. Such institutions may also include a museum store, food service, instruction rooms and assembly hall consistent with the mission and purpose of the institution.

Section 4. A new Section 17.04.623 “non-profit organization” is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.623 Non-profit organization:** Those organizations that have a 501(c)(3) IRS determination letter and a legally constituted board of trustees or directors, and which provide a public service.

Section 5. 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 5. 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 \_\_th day of \_\_\_\_\_, 2001.

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 \_\_\_\_\_, 2001, 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 LAND USE AND ZONING, DELETING THE DEFINITION OF "MUSEUM AND ART GALLERY" AND CREATING SEPARATE DEFINITIONS FOR "MUSEUM", "ART GALLERY", "NON PROFIT ORGANIZATION", AND "COMMUNITY RECREATION HALL" IN THE CITY ZONING CODE IN ORDER TO CLARIFY AND SUPPORT CHANGES BEING MADE UNDER SEPARATE ORDINANCE TO THE PUBLIC AND INSTITUTIONAL ZONE; AND THEREBY AMENDING SECTION 17.04.602, AND ADDING NEW SECTIONS 17.04.027, 17.04.085 AND 17.04.623, OF THE GIG HARBOR MUNICIPAL CODE.

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

---

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PUBLIC INSTITUTIONAL DISTRICT TO ALLOW MUSEUMS AS A PERMITTED USE, INCLUDING "RENTAL HALL" AS AN APPROVED ACCESSORY USE, AND ADDING RESTRICTIONS ON HOURS OF OPERATIONS FOR RENTAL HALLS AND COMMUNITY RECREATION HALLS, AMENDING SECTION 17.15.020, AND ADDING SECTION 17.15.100 OF THE GIG HARBOR MUNICIPAL CODE.

---

WHEREAS, the City Council on July 10, 2000 passed Resolution 556 directing the Planning and Building Services Department to explore and pursue avenues by which the City might support the plans for the development of the new Museum at their proposed location; and

WHEREAS, the during work sessions on July 5<sup>th</sup> 2000, October 5, 2000, and November 16, 2000, the Planning Commission considered proposed changes to the municipal code that would acknowledge specific types of museums as public institutions; and

WHEREAS, the Planning Commission on those same dates considered amendment to the zoning map adding several parcels to the Public – Institutional zoning district; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held public hearings to consider this Ordinance on October 5, 2000 and November 2, 2000 and recommends that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

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

Section 1. Section 17.15.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.15.020 Permitted uses.**

The following uses are permitted in a PI district:

- A. Government administrative facilities;
- B. Maintenance facilities and storage areas;
- C. Waste water treatment facilities, including biosolids treatment and composting facilities;
- D. Schools and related lands;
- E. Fire stations and related training facilities;
- F. Community recreation halls;
- G. Parks and open spaces for active or passive recreation or enjoyment.
- H. Museums.
- I. Rental hall facilities accessory to a permitted use.

Section 2. Section 17.15.100 of the Gig Harbor Municipal Code is hereby added, to read as follows:

**17.15.100 Hours of Operation**

The following uses, when located immediately adjacent to residential zones (R1, R2, and R3) shall be limited to operating between the hours of 6:00 a.m. and 10:00 p.m. Sunday through Thursday, and 6:00 a.m. and 11:00 p.m. Friday and Saturday.

- A. Rental Hall facilities accessory to a permitted use.
- B. Community recreation halls.

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 \_\_th day of \_\_\_\_\_, 2001.

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: \_\_\_\_\_

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_**

of the City of Gig Harbor, Washington

---

On \_\_\_\_\_, 2001, 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 LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PUBLIC INSTITUTIONAL DISTRICT TO ALLOW MUSEUMS AS A PERMITTED USE, INCLUDING "RENTAL HALL" AS AN APPROVED ACCESSORY USE, AND ADDING RESTRICTIONS ON HOURS OF OPERATIONS FOR RENTAL HALLS AND COMMUNITY RECREATION HALLS, AMENDING SECTION 17.15.020, AND ADDING SECTION 17.15.100 OF THE GIG HARBOR MUNICIPAL CODE.**

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

---

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING ZONING OF PUBLIC INSTITUTIONAL (PI) ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE CITY OF GIG HARBOR WATER TREATMENT FACILITY WHICH CONSISTS OF SEVEN (7) PARCELS, "THE BORGEN PROPERTY" WHICH CONSISTS OF THREE (3) PARCELS, AND ONE (1) PARCEL WHICH IS THE FUTURE HOME OF THE GIG HARBOR PENINSULA HISTORICAL SOCIETY.

---

WHEREAS, the City of Gig Harbor purchased the property commonly known as "The Borgen Property" which consists of three parcels zoned Commercial (C-1); and

WHEREAS, the City of Gig Harbor has for some years operated a water treatment plant on or adjacent to seven (7) parcels zoned Single Family Residential (R-1); and

WHEREAS, the Gig Harbor Peninsula Historical Society has purchased one parcel zoned Single Family Residential (R-1) for the purpose of constructing a new museum; and

WHEREAS, the City Council on July 10, 2000 passed Resolution 556 directing the Planning and Building Services Department to explore and pursue avenues by which the City might support the plans for the development of the new Museum at their proposed location; and

WHEREAS, the during work sessions on July 5<sup>th</sup> 2000, October 5, 2000, and November 16, 2000, the Planning Commission considered proposed changes to the municipal code that would acknowledge specific types of museums as public institutions; and

WHEREAS, the Planning Commission on those same dates considered amendment to the zoning map the above described parcels to the Public – Institutional zoning district; and

WHEREAS, the Department of Planning and Building have proposed the appropriate amendment to the land use map in the draft comprehensive plan; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held public hearings to consider this Ordinance on October 5, 2000 and November 2, 2000 and recommends that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and NOW, THEREFORE,

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

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

Section 1. The real property known as the location of the Gig Harbor Water Treatment Plant, consisting of seven (7) tax parcels zoned Single Family Residential (R1) (Tax Parcel ID numbers 0221064067, 0221064091, 0221064065, 0221068016, 0221068011, 0221068017, and 0221068009) owned by the City of Gig Harbor, and more particularly described in Exhibit A, attached hereto and fully incorporated herein by this reference, shall be, and it are hereby given, the following zoning classification, Public Institutional (PI). The Director of Planning and Building Services is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by this section.



Section 2. The real property known as the "Borgen Property", consisting of three (3) tax parcels zoned Commercial (C1) (Tax Parcel ID numbers 0221068010, 0221064027, and 4102000011) owned by the City of Gig Harbor, and more particularly described in Exhibit B, attached hereto and fully incorporated herein by this reference, shall be, and it are hereby given, the following zoning classification, Public Institutional (PI). The Director of Planning and Building Services is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by this section.

Section 3. The real property known as the future location of the Gig Harbor Peninsula Historical Society, consisting of one (1) tax parcel zoned Single Family Residential (R1) (Tax Parcel ID number 0221061060), owned by the Gig Harbor Peninsula Historical Society, and more particularly described in Exhibit C, attached hereto and fully incorporated herein by this reference, shall be, and it are hereby given, the following zoning classification, Public Institutional (PI). The Director of Planning and Building Services is hereby instructed to effectuate the necessary changes

Section 4. 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 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor  
this \_\_\_th day of \_\_\_\_\_, 2001.

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 \_\_\_\_\_, 2001, 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 OF GIG HARBOR, WASHINGTON, ESTABLISHING ZONING OF PUBLIC INSTITUTIONAL (PI) ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE CITY OF GIG HARBOR WATER TREATMENT FACILITY WHICH CONSISTS OF SEVEN (7) PARCELS, "THE BORGEN PROPERTY" WHICH CONSISTS OF THREE (3)

PARCELS, AND ONE (1) PARCEL WHICH IS THE FUTURE HOME OF THE  
GIG HARBOR PENINSULA HISTORICAL SOCIETY.

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

---

MOLLY TOWSLEE, CITY CLERK

**EXHIBIT A**  
**LEGAL DESCRIPTIONS OF PROPERTY REFERENCED IN SECTION 1 AND**  
**KNOWN AS THE GIG HARBOR WATER TREATMENT PLANT AND CONSISTING**  
**OF SEVEN (7) PARCELS OWNED BY THE CITY OF GIG HARBOR.**

1. 0221064067

THAT PART OF FULLY INSIDE TOWN OF GIG HARBOR BEG 788.35 FT N OF SE COR OF NW OF SE TH W 127 FT TH N 375.92 FT TO S LI OF RD TH E ALG RD TO W LI OF STATE RD 14 TH SELY ALG STATE RD 14 TO CENTER OF CREEK TH ALG CREEK TO E LI NW OF SE TH S TO BEG CYD TO TOWN OF GIG HARBOR

2. 0221064091

BEG 1163.87 FT N & 127 FT W OF SE COR OF NW OF SE TH W 184 FT TH SLY PAR WITH E LI OF SD SUBD 275 FT M/L TO S LIMITS OF GIG HARBOR TH E 184 FT TH N PAR WITH E LI OF SD SUBD 275 FT M/L TO BEG

3. 0221064065

THAT PART OF FULLY INSIDE TOWN OF GIG HARBOR BEG 330 FT N OF SE COR OF NW OF SE TH N 458.35 FT W 127 FT TH N 100 FT M/L TO S LIMITS OF GIG HARBOR TH W 184 FT TH N PAR WITH E LI OF SD SUBD 275 FT M/L TO S LI OF PRI RD TH W 15 FT TH S 120.5 FT TH W 1004 FT TO W LI OF NW OF SE TH S TO A PT 330 FT N OF SW COR OF SD SUBD TH E TO BEG LESS 2.18 AC T L C T LI INCL EASE FOR RD

4. 0221068016

THAT PART OF FULLY OUTSIDE OF TOWN OF GIG HARBOR BEG 788.35 FT N OF SE COR OF NW OF SE TH W 127 FT TH N 375.92 FT TO S LI OF RD TH E ALG RD TO W LI OF STATE RD 14 TH SELY ALG STATE RD 14 TO CENT OF CREEK TH ALG CREEK TO E LI NW OF SE TH S TO BEG

5. 0221068011

LOT 2 OF SHORT PLAT 79-365

6. 0221068017

L 2 OF SHORT PLAT 84-11-28-0295 IN NW OF SE 06-21-02E TOG/W EASE & RESTRICTIONS OF RECORD

7. 0221068009

LOT 1 OF SHORT PLAT 79-365 EXC THAT POR LY NELY OF HARBORVIEW DR EASE OF RECORD

**EXHIBIT B**  
**LEGAL DESCRIPTIONS OF PROPERTY REFERENCED IN SECTION 2 AND**  
**KNOWN AS THE "BORGEN PROPERTY" AND CONSISTING OF THREE (3)**  
**PARCELS OWNED BY THE CITY OF GIG HARBOR.**

1. 0221068010  
LOT 1 OF SHORT PLAT 79-365 EXC THAT POR LY NELY OF HARBORVIEW DR  
EASE OF RECORD
  
2. 0221064027  
THAT PART OF GOVT LOT 2 LY NELY OF STATE RD 14 & NWLY OF BURNHAM  
HUNT CO RD EXC PART FOR RD TO TOWN OF GIG HARBOR
  
3. 4102000011  
POR L 7 B 1 LY NWLY OF HARBORVIEW AVE IN GIG HARBOR EXC POR CYD TO  
TOWN OF GIG HARBOR & EXC COUNTY RDS & STATE HWY EASE OF RECORD  
SEG F 2690

**EXHIBIT C**

**LEGAL DESCRIPTIONS OF PROPERTY REFERENCED IN SECTION 3 AND  
KNOWN AS THE "BORGES PROPERTY" AND CONSISTING OF ONE (1) PARCEL  
OWNED BY THE GIG HARBOR PENINSULA HISTORICAL SOCIETY.**

1. 0221061060

BEG 633 FT S OF NE COR OF SW OF NE TH W PAR WITH N LI OF SD SUBD 115 FT  
TH N 200 FT TH W PAR WITH N LI OF SD SUBD 300 FT M/L TO ELY BDRY LI OF  
STATE RD # 14 TH SELY ALG SD ELY BDRY LI OF SD STATE RD 800 FT M/L TO A  
PT WHERE BDRY LI INTER E LI SD SW OF NE TH N ALG E LI SD SW OF NE TO  
BEG



*City of Gig Harbor. The "Maritime City"*

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: STEVE BOWMAN, BUILDING OFFICIAL/FIRE MARSHAL**  
**DATE: JANUARY 8, 2001**  
**SUBJECT: FIRST READING OF ORDINANCE REVISING GHMC TITLE 15.12 /  
EASEMENTS FOR FIRE EQUIPMENT EMERGENCY ACCESS &  
MAINTENANCE OF FIRE PROTECTION SYSTEMS**

**INTRODUCTION & BACKGROUND**

In response to a recommendation by the City Attorney, an ordinance was prepared to define when a recorded easement shall be required to allow access across private property by Fire Fighters and other personnel to use or maintain fire protection systems. The ordinance which is submitted for your consideration has been reviewed by Pierce County Fire District #5 and the City Attorney. All recommended amendments have been made to the ordinance.

**RECOMMENDATION:**

After due consideration, the ordinance be approved and after necessary amendments and second reading approved by the Gig Harbor City Council.

ORDINANCE NO. \_\_\_\_\_  
CITY OF GIG HARBOR, WASHINGTON

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO FIRE AND EMERGENCY VEHICLE ACCESS ASSOCIATED WITH NEW DEVELOPMENTS; REQUIRING PROPERTY OWNERS TO PROVIDE THE CITY WITH EXECUTED, RECORDABLE EASEMENTS WHERE EMERGENCY VEHICLES MUST ACCESS OVER PRIVATE PROPERTY AND REQUIRING EXECUTED, RECORDABLE EASEMENTS FROM PRIVATE PROPERTY OWNERS IN SITUATIONS WHERE WATER FACILITIES CROSS PRIVATE PROPERTY, FOR PURPOSES OF CITY FIRE FLOW MAINTENANCE; AMENDING SECTIONS 15.12.060, 15.12.080 AND 15.12.040 OF THE GIG HARBOR MUNICIPAL CODE.

---

WHEREAS, the City Council has determined that access should be provided and maintained to all properties within the City of Gig Harbor for fire fighting purposes; and

WHEREAS, the City Council has determined that access should be provided and maintained to fire protection systems on all properties within the City of Gig Harbor;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Section 15.12.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**15.12.060 Amendment to UFC Section 902.2.2.1.** Section 902.2.2.1 of the Uniform Fire Code is amended as follows:

902.2.2.1 Dimensions.

Fire apparatus roads shall have an unobstructed vehicle width of not less than 20 feet (6,096 mm) and an unobstructed vertical clearance of not less than 13 feet six inches (4,115 mm).

The minimum cleared vehicular roadway, driveway, or street width shall be 12 feet (3,658 mm) from shoulder to shoulder for one single-family residence. The minimum cleared vehicular roadway, driveway, or street width shall be 15 feet (4,572 mm) from shoulder to shoulder for one-



way traffic and 24 feet (7,315 mm) minimum driving surface for two-way traffic in all developments other than one single-family residence.

In those situations in which emergency vehicles must cross private property from a public right-of-way, the property owner shall grant an emergency vehicle access easement to the City of Gig Harbor and Pierce County Fire District No. 5 for such purposes. The form of the easement shall be approved by the City attorney and recorded against the property at the property owner's expense.

#### EXCEPTIONS:

1. Private roadways which serve less than 10 living units may be 20 feet (6,096 mm) in width from shoulder to shoulder for two-way traffic when the roadway serves only R-1 or R-3 occupancies as defined in the Uniform Building Code and the buildings and site improvements comply with the special hazards section of the currently adopted Uniform Fire Code.
2. Upon approval by the fire marshal, vertical clearance may be reduced, provided such reproduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.
3. The use of fire protection features to reduce the required fire apparatus access may be considered by the fire marshal if a review by the fire department indicates that the use of fire protection features would provide an equivalent fire protection to that which would be provided had the full fire apparatus access be provided in accordance with this code. A site plan and letter stating the proposed method of fire protection shall be submitted to the fire marshal and fire department. The fire department must indicate approval of the proposed method of fire protection or an alternate method to that proposed before the fire marshal may approve the alternate method of fire protection.

Vertical clearances or widths shall be increased when, in the opinion of the city of Gig Harbor fire marshal, vertical clearances or widths are not adequate to provide fire apparatus access.

Section 2. Section 15.12.080 of the Gig Harbor Municipal Code is amended to read as follows:

**15.12.080.** Section 903.3 of the Uniform Fire Code is amended to read as follows:

A. Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the City of Gig Harbor fire marshal shall use Appendix III-A of the Uniform Fire Code.

B. In those situations in which water is provided to private property from facilities located in the public-right-of way, but such water facilities must cross private property owned by third parties, the property owner shall obtain easement(s) in favor of the City of Gig Harbor, allowing the City access for maintenance of the fire flow system. The form of the easement shall be approved by the City Attorney and recorded against the property at the property owner's expense.

\* \* \*

Section 3. Section 15.12.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**15.12.040 Amendment to UFC Article 2.** Article 2 of the Uniform Fire Code is amended as follows:

\* \* \*

2(a). "Accessible" means capable of being reached safely and quickly for operation, maintenance, repair or inspection, without requiring the person performing any inspections, repair or maintenance to climb over or remove obstacles, or to resort to the use of portable access equipment.

2(b). "Building valuation data" means the Building Standards monthly publication issued by the International Conference of Building Officials.

\* \* \*

Section 4. 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. A summary of this Ordinance consisting of the title shall be published in the City's Official Newspaper, and shall take effect and be in full force five (5) days after the date of its publication.

PASSED BY THE GIG HARBOR CITY COUNCIL, GIG HARBOR, WASHINGTON,  
and APPROVED BY ITS MAYOR at a regular meeting of the Council held on this \_\_\_\_  
day of \_\_\_\_\_, 2000

\_\_\_\_\_  
GRETCHEN WILBERT, MAYOR

ATTEST:

\_\_\_\_\_  
Molly Towslee, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Carol A. Morris, City Attorney

Filed with the City Clerk: 12/5/00

Passed by the City Council:

Date published:

Date effective:

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

On \_\_\_\_\_, 2000 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 OF GIG HARBOR, WASHINGTON, RELATING TO FIRE AND EMERGENCY VEHICLE ACCESS ASSOCIATED WITH NEW DEVELOPMENTS; REQUIRING PROPERTY OWNERS TO PROVIDE THE CITY WITH EXECUTED, RECORDABLE EASEMENTS WHERE EMERGENCY VEHICLES MUST ACCESS OVER PRIVATE PROPERTY AND REQUIRING EXECUTED, RECORDABLE EASEMENTS FROM PRIVATE PROPERTY OWNERS IN SITUATIONS WHERE WATER FACILITIES CROSS PRIVATE PROPERTY, FOR PURPOSES OF CITY FIRE FLOW MAINTENANCE; AMENDING SECTIONS 15.12.060, 15.12.080 AND 15.12.040 OF THE GIG HARBOR MUNICIPAL CODE.**

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 \_\_\_\_\_,  
2000.

BY: \_\_\_\_\_  
Molly M. Towslee, City Clerk



*City of Gig Harbor. The "Maritime City"*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: CITY COUNCILMEMBERS**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MHS*  
**SUBJECT: FIRST READING OF ORDINANCE - SKATEBOARD USE**  
**DATE: FEBRUARY 7, 2001**

**INFORMATION/BACKGROUND**

The popularity of skateboards, scooters, roller skates and inline skates has increased their usage on city streets and in parks. The attached ordinance has been drafted to amend the current city code governing skateboard use on public property to include other similar means of transportation and/or recreation. This ordinance also sets specific rules for use of the skate park.

This ordinance has been reviewed and approved by Legal Counsel.

**RECOMMENDATION**

Adoption of the ordinance at its second reading.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SKATEBOARD USE ON ROADWAYS, SIDEWALKS AND PARKS, ESTABLISHING THE RULES FOR THE USE OF THE CITY'S SKATE PARK, DESCRIBING VIOLATIONS AND ESTABLISHING PENALTIES, REPEALING THE EXISTING CHAPTER 8.30 AND ADDING A NEW CHAPTER 8.30 TO THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, the City has a new Skate Park and desires to establish the rules for use of the Skate Park; and

WHEREAS, the City previously adopted rules relating to the use of skateboards on roadways and sidewalks, and wishes to clarify and incorporate such rules into general rules for the use of skateboards in the City; Now, Therefore,

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

Section 1. Section 8.30.010 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. Section 8.30.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. A new chapter 8.30 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**Chapter 8.30**  
**SKATEBOARDS, SCOOTERS, ROLLER SKATES/IN-LINE SKATES**  
**AND THE CITY'S SKATE PARK**

**8.30.010. Skateboards, Scooters and Roller Skates/In-Line Skates Prohibited in Certain City Streets.** No person upon roller skates/in-line skates, or riding in or by means of any coaster, skateboard, scooter or similar device, shall move, go or travel upon the roadway of any arterial street or

transit bus route, except while crossing such street at a crosswalk; or engage in any sport, amusement or exercise or play in the roadway of any such street.

**8.30.020. Use of Skateboards, Scooters and Roller Skates/In-line Skates on Sidewalks or Public Paths.** Every person using a skateboard, scooter or roller skates/in-line skates upon any sidewalk or public path shall use the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path, and condition of surface, and shall obey all traffic control devices. Every person using a skateboard, scooter or roller skates/blades shall yield the right-of-way to any pedestrian thereon. No motorized device except wheelchairs shall utilize sidewalks or public paths.

**8.30.030 Bicycles and Scooters Prohibited in Skate Park.** The City's Skate Park is designed for use by skate boards, in-line skates or similar non-motorized devices. No person shall position, use, operate, ride or move a bicycle or motorized vehicle on any portion of the concrete surface of the City's Skate Park.

**8.30.040 Hours of Use of Skate Park.** The City's Skate Park shall be closed from dusk to dawn. No person may ride, operate or move any type of vehicle, including but not limited to skateboards, in-line skates or similar non-motorized devices in the Skate Park during dusk to dawn.

**8.30.050 Alcohol Prohibited in Skate Park.** As prohibited by RCW 66.44.100 (adopted by reference in GHMC § 9.04.010), no person may consume liquor in the Skate Park, which is a public place. This section shall be prosecuted as set forth in Chapter 9.04 GHMC.

**8.30.060 Penalties.** It is unlawful for any person to violate or fail to comply with any of the provisions of this chapter. With the exception of Section 8.30.050, any person who shall have committed a violation of this chapter, upon a finding by the municipal court that such a violation has been committed, shall be subject to the civil infraction penalties as set forth in GHMC § 1.16.010.

**Section 4. Severability.** If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional,

such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 5. 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 \_\_\_th day of \_\_\_\_\_, 2001.

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

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On \_\_\_\_\_, 2001, 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**

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2001.

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**MOLLY TOWSLEE, CITY CLERK**



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO:** CITY COUNCILMEMBERS  
**FROM:** MARK HOPPEN, CITY ADMINISTRATOR *MH*  
**SUBJECT:** ADDITION TO JOB DESCRIPTIONS  
**DATE:** FEBRUARY 7, 2001

**INFORMATION/BACKGROUND**

Two new positions were created in the 2001 Budget. The attached job descriptions for the Information Systems Manager and Senior Planner formalize these additions.

**RECOMMENDATION**

A motion to include the attached job descriptions for Information Systems Manager and Senior Planner in the City of Gig Harbor Job Descriptions.

## SENIOR PLANNER

### Nature of Work

Plan, lead, coordinate, and participate in the activities and operations of the Planning and Building Services Department. Perform advanced level professional planning work in current or advanced planning; provide technical and functional supervision to professional and technical planning staff, and provide highly responsible and complex staff assistance to Planning Director.

Perform site design and architectural reviews and recommend conditions and/or alternatives to ensure projects are responsive to the emerging needs of the community and consistent with City policies. Serves as the Environmental Official, Shoreline Official, and primary staff liaison to the Design Commission. Serves as project manager for updating the land use policies and development of new ordinances. Under the direction of the Planning Director, serve as staff liaison to boards and commission, and inter-agency planning bodies.

### Control Over Work

Under the supervisory control of the Planning Director and within the framework of governing Federal, State, and local laws and policies established by the City Council, the incumbent will accomplish tasks related to an established planning program within the city as well as the tasks associated with the land use, building and environmental codes. General supervision will be exercised by the Planning Director for compliance with internal policies and procedures, quality of work, compatibility with city programs and policies.

### Essential Duties and Responsibilities

Research, analyze, develop and implement long-range, comprehensive plans and special studies, including code revision and amendments, topical elements and sub-area plans; prepare and administer grants.

Provide information to and coordinate with engineers, developers, architects, the general public and staff regarding the comprehensive plan, zoning and development codes, and all other City policies, regulations and procedures.

Accept and analyze development applications relative to complex commercial and large scale multi-family, public and quasi-public developments including: environmental review and issuance of threshold determinations; processing of shoreline permits; conditional use permits and variances; zoning and rezones; development agreements; comprehensive plan amendments, site plans and subdivisions. Prepare staff reports and conduct public hearings before the City Planning Commission and City Hearing Examiner.

Evaluate and interpret compatibility of complex proposals against applicable design codes, ordinances, community values and appearance criteria including the relationship of the proposal to site, adjoining area, landscape and site treatments, building architecture, lighting and signs.

Select design strategies and present alternative choices to the proposed site treatment, when appropriate, to achieve desired contextual relationships between the proposals and existing developments.

Coordinate assigned activities, which may include functional supervision of assigned staff; serve as project manager and supervisor to other participating staff, monitor workflow, review and evaluate work products, methods and procedures, meet with staff to identify and resolve problems.

As assigned by Planning Director, serves as liaison for and coordinates Department activities with those of other departments, outside agencies and organizations; ensure Certified Local Government requirements are met with respect to historic preservation activities.

Performs other duties as required by Planning Director.

#### Knowledge, Abilities, and Skills

Thorough knowledge of the principles, practices, and modern trends in public planning and the socio-economic and environmental aspects involved.

Comprehensive knowledge of the Washington State Shoreline Management Act, State Environmental Policy Act, Growth Management Act, and municipal land use, zoning, annexation, and subdivision statutes.

Computer skills, including word processing/data base software, GIS and graphics software, such as PowerPoint and Photoshop.

Knowledge of methods and techniques of effective technical report preparation and presentation.

Effectively communicate complex and technical concepts, orally and in writing.

Must be sensitive to the public process with an ability to work comfortably with citizen advisory commissions, elected officials, and ad-hoc citizen groups in a conference environment as well as in public assemblies and meetings.

Knowledge of principles of supervision, training, and performance evaluation.

A working knowledge of building construction and planning/design of larger scale commercial-type developments. An understanding of issues faced by architects, engineers, and developers.

Attendance at evening meetings is required

#### Physical Demands and Work Environment

Work is performed in an office or conference room setting as well as out-of-doors. A moderate amount of local traveling is involved in construction site visits and facility and area tours. The

incumbent is exposed to occasional inclement weather and normal transportation and construction activity, such as high noise levels, moving vehicles and machines, dust and mud, and traversing of exposed and sometimes insecure walkways and platforms. May wear protective clothing and equipment. Work requires some exertion such as climbing, walking over rough surfaces and loose material, crouching, bending, stopping, and reaching, and lifting of light to moderately heavy items. Work requires average physical agility and dexterity.

Minimum Qualifications

Graduation from an accredited four-year college or university with a degree in urban planning or related field, and experience in the principles of design, effective site planning and architectural design is essential. Requires a minimum of 2 years progressively responsible experience in duties related to the position.

## INFORMATION SYSTEMS MANAGER

### Nature of Work:

This is a highly technical, professional and administrative position in information technology and support. The employee occupying the position strategically directs the Information services planning, budgeting, purchasing, development, implementation and on-going support for all city departments.

Work involves project leadership and the development of innovative change processes. Responsibilities include the ability to communicate effectively and partner with lead department personnel. The employee performs as the City's technical liaison with vendors as well as with senior and technical staff external to the City.

The position includes supervision and training of any technical I.S. staff of a permanent, temporary and/or contractual basis. The position is responsible for the city computer network, user support services, and LAN/WAN infrastructure and services.

### Controls Over Work:

Under the general supervisory control of the City Administrator, and within the framework of governing state and local laws and policies established by the City Council, the incumbent exercises wide latitude and independence in the organization, direction, and control of all I.S. technology daily operations, support, and services.

Administrative control and delegation is exercised over I.S. subordinate staff. Responsibilities include training, building, and sustaining an effective I.S. support team.

Work is subject to periodic review for quality and timeliness of completed projects, for effective inter-departmental communications and project management, and for general reaction from lead department personnel as related to services performed and rendered.

### Essential Duties and Responsibilities:

Information Systems Support responsibilities include: systems performance and management, network design and integration, hardware and software acquisition, LAN/WAN configuration and interoperability, Internet WEB presence and system(s) enhancement on an enterprise platform.

Provides Information Systems support to all city departments and offices. Coordinates technical support, strategic planning, and training. Acts as technical liaison and performs as the purchasing agent for all computer-related purchases and acquisitions. Performs inter-department surplus of retired computer-related fixed assets.

Performs strategic budget development, provides recommendations, develops I.S. goals and objectives relating to and affecting all departments within the city organization as approved by the City Administrator.

Develops and maintains system documentation, plans and policies relating to internal and external network infrastructure and security.

Performs troubleshooting and diagnostic problem identification and resolution.

Is responsible for all installations of computer-related equipment and software. Facilitates hardware moves, changes, user account setup, security and configuration on a dynamic basis.

Develops training material or documentation to assist personnel, or performs research and provides course training opportunities to specific staff.

Develops, reviews and revises contracts, agreements and bid packages for all information systems related acquisitions and services.

Other duties as assigned by the City Administrator.

#### Knowledge, Abilities, and Skills

Extensive knowledge of network infrastructures on a LAN (local area network) to a WAN (wide area network) basis. A high-level of ability to troubleshoot and diagnose system related problems across a multi-protocol network platform.

Ability to identify and lead information system change processes within a local government, multi-department organization.

A demonstrated ability to communicate effectively with technical and non-technical staff.

Ability to negotiate and partner with a variety of government agencies, vendors and various levels of senior staff.

Specific knowledge of high-level programming languages and various database query tools.

Ability to work with a variety of diagnostic software tools and demonstrate knowledge of computer repair.

Knowledge of wiring schematics and punch-down diagrams for 10 base T & CAT 5 cabling.

Extensive knowledge of Ethernet frame types, multi-protocol networks & the OSI reference model schematics.

Specific knowledge of current industry trends and regulations in regards to licensing issues, software and operating systems trends, and hardware availability and standards.

Specific knowledge of various computer platform types such as, mainframe, mini-computer, PC and thin client hardware types.

Ability to develop concise technical documentation and diagrams.

Demonstrated knowledge of daily information systems operations to include specific knowledge of help desk functions, demands, requirements and politics.

Develop and maintain organization of all computer-related assets to include but not limited to confidential user information, network nodes, servers and security.

Ability to build and sustain an effective I.S. support team.

#### Physical Demands and Work Environment

Work is performed indoors. Some local travel is necessary to include remote site visits for diagnostics for various city departments. Must be able to lift and carry a short distance 50 lbs. Must be able to provide own transportation.

Walking, sitting, standing, bending and reaching is required. Must be able to perform mechanical and electronic equipment repair to computer-related assets. Must be able to work in confined spaces and climb ladders regularly.

Must be able, on occasion, to work off-hour assignments to perform such services as upgrades to help minimize staff interruptions and reduce non-productivity.

Exposure to adverse weather conditions is minimal.

#### Qualifications:

Minimum: A degree in computer science, engineering, business or an equivalent in education, certification and experience to include at least four years of information technology supervisory experience and 3 years related technical experience and support.





*City of Gig Harbor. The "Maritime City"*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: CITY COUNCILMEMBERS**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MA*  
**SUBJECT: ADDITION TO JOB DESCRIPTIONS**  
**DATE: FEBRUARY 7, 2001**

**INFORMATION/BACKGROUND**

Two new positions were created in the 2001 Budget. The attached job descriptions for the Information Systems Manager and Senior Planner formalize these additions.

**RECOMMENDATION**

A motion to include the attached job descriptions for Information Systems Manager and Senior Planner in the *City of Gig Harbor Job Descriptions*.

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### Minimum Qualifications

Graduation from an accredited four-year college or university with a degree in urban planning or related field, and experience in the principles of design, effective site planning and architectural design is essential. Requires a minimum of 2 years progressively responsible experience in duties related to the position.



*City of Gig Harbor. The "Maritime City"*

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**DIRECTOR, PLANNING & BUILDING SERVICES**  
**SUBJECT: LAND USE HEARING EXAMINER REQUEST FOR PROPOSALS (RFP)**  
**DATE: FEBRUARY 12, 2001**

**INFORMATION/BACKGROUND**

The Council, at the January 8, 2001 meeting, extended the current contract for professional Land Use Hearing Examiner services with Ron McConnell of McConnell/Burke, Inc. for a period of six-months. The purpose of this extension was, in part, to allow staff adequate time to prepare and release a request for proposals (RFP) to solicit Land Use Hearing Examiner Services for the City.

**RECOMMENDATION**

Staff is requesting that the Council authorize the release of the attached request for proposals (RFP) to solicit professional Land Use Hearing Examiner Services for the City.



**CITY OF GIG HARBOR**

**REQUEST FOR PROPOSALS**

**(RFP)**

**LAND USE HEARING EXAMINER SERVICES**

**February X, 2001**

**DRAFT – Request for Proposals (RFP) - Land Use Hearing Examiner Services**

# REQUEST FOR PROPOSALS (RFP)

Prepared by

**THE CITY OF GIG HARBOR, WASHINGTON**

Soliciting Proposals for

**LAND USE HEARING EXAMINER SERVICES**

## Section 1.0 - Introduction and General Information

### 1. Purpose.

This request for proposal (RFP) is intended to provide potential independent contractors with information to enable them to respond with proposals for providing professional Land Use Hearing Examiner services to the City of Gig Harbor for a period of one (1) year.

### 1.2 Description of the Position.

The Land Use Hearing Examiner conducts fair and impartial hearings on such matters as: land use and development permit and zoning applications, adequacy of environmental documents and decisions, and code enforcement appeals. At hearings, the Examiner regulates the conduct of the proceedings, rules on motions, administers oaths, and makes evidentiary and procedural rulings. The Land Use Hearing Examiner prepares timely written decisions and recommendations based upon the hearing record, Gig Harbor Municipal Codes, the Gig Harbor Comprehensive Plan, state and federal law and legal precedent.

### 1.3 Schedule of Events.

The schedule has been developed to allow the City of Gig Harbor to proceed in an orderly manner to consider all factors involved in reaching a decision as quickly as possible.

Release of RFP	<b>February X, 2001</b>
Proposal Submission Deadline	<b>(One Month Following Release Date)</b>
Interview Selected Vendors	<b>(Two Weeks Following Submission Deadline)</b>
Complete Final Selection	<b>(Week Following Interviews)</b>
Contract negotiations	<b>(Two Weeks Following Final Selection)</b>
Council approval of Contract	<b>June 11 or 25, 2001</b>

1.4 Proposal Submission.

Proposals must be in accordance with instructions, specifications and conditions stipulated in the RFP. **Proposals will be accepted until 4:30 P.M., Friday, X, 2001 at:**

City of Gig Harbor  
John P. Vodopich, AICP  
Director, Planning & Building Services  
3125 Judson Street  
Gig Harbor, WA 98335

1.5 Right to Reject Any and/or All Proposals.

The City of Gig Harbor reserves the right to reject any/or all proposals, to waive technicalities and/or information and accept any proposals deemed to be in its best interest.

**Section 2.0 - Objectives**

2.1. General.

The primary objectives of the City of Gig Harbor are to contract to provide professional Land Use Hearing Examiner services to the City of Gig Harbor as described in Section 1.2 and, as is required by law, issue decisions in a timely matter.

2.2. Minimum Qualifications.

Education

A Baccalaureate Degree in public administration, planning, environmental studies or related field is required; either a Masters Degree or a Juris Doctor degree together with a license to practice law in the State of Washington are desirable but not required.

Experience

Five (5) years of experience in land use and zoning law, preferably as a land use hearing examiner or as a land use attorney representing clients before administrative decision makers such as hearing examiners, city/county councils, boards of adjustment and/or planning commissions in the State of Washington.

2.3 Required Knowledge, Skills and Abilities.

Demonstrated ability to exercise good judgment when applying law to specific facts.

Must demonstrate knowledge of current land use and zoning law, as it applies to the types of applications to be heard by the land use hearing examiner.

Must have a thorough understanding of the Appearance of Fairness doctrine, procedures relating to constitutional due process and quasi-judicial hearings.

Ability to establish and maintain positive and effective control of hearing proceedings.

Ability to develop and maintain the respect of City staff, community groups, government officials and the general public.

Ability to read, interpret and explain complex factual and legal issues including procedure and reference materials.

Ability to write clearly and concisely.

Ability to operate personal computer is desirable.

#### 2.4 Typical Duties of the Land Use Hearing Examiner.

Examine pleadings, orders and other documents to prepare for hearings, or to resolve preliminary motions.

Develop rules for and conduct of orderly hearings to ensure fairness and due process; rule on the admissibility of evidence and requests to exclude testimony; question or examine parties and other witness to obtain or direct clarification of testimony.

Evaluate arguments presented by parties and study, analyze, and evaluate pleadings, evidence and briefs in preparation for decisions.

Understand, interpret and apply law to the facts in making decisions.

Analyze, synthesize and evaluate evidence to define issues and facts.

Assimilate and utilize technical subject matter.

Determine the probative value of evidence and competence of witnesses.

Determine when the record can be closed and when supplemental materials are needed.

Research applicable subject matter and legal precedents to determine applicability of laws to the subject matter when studying, analyzing, and evaluating pleadings, evidence and briefs.

Make independent decisions in a fair, impartial and prompt manner.

Present oral rulings decisively and clearly with little to no advance subject matter knowledge or notice. Explain rulings with fact, firmness and impartiality.

DRAFT – Request for Proposals (RFP) - Land Use Hearing Examiner Services

Elicit facts by examining lay and expert witnesses, and preside at and control conferences, hearings or meetings.

Speak clearly, concisely and understandably. Write clearly, concisely and convincingly.

Listen attentively and deal patiently, courteously, tactfully, firmly and impartially with competing parties when presiding at hearings, conferences and meetings.

Manage or control diverse situations and procedures so as to hear cases in complete but timely and efficient manner while ensuring due process.

Manage caseloads that include numerous short cases, as well as lengthy proceedings.

### **Section 3.0 - Requirements**

#### **3.1 Location of Operation.**

The vendor will provide Land Use Hearing Examiner services at the City of Gig Harbor, City Council Chambers located at 3105 Judson Street, Gig Harbor, Washington, or the City may designate such other locations as necessary.

#### **3.2 Dates, Days and Time of Operation.**

Public Hearings are held on the third Wednesday of each month beginning at 5:30 P.M. and usually do not exceed one meeting per month unless special circumstances arise. An alternative meeting date may be negotiated based on the vendor's availability and the availability of a meeting room. In 2000, the City of Gig Harbor Land Use Hearing Examiner held fourteen (14) meetings and heard twenty-three (23) land use cases. Of the twenty-three (23) cases, 3 took 2 or more meetings to hear.

#### **3.3 Service(s) and Equipment to be Provided by Vendor.**

Review application materials; conduct public hearings; and prepare written decisions consistent with applicable state and local laws and policies.

Visit the site at least once prior to the public hearing.

Provide own office space and equipment.

Provide own transportation to and from sites and hearings.

Provide secretarial services for preparing, issuing and distributing the written Findings, Conclusions and Decision including all necessary materials and equipment (paper, photocopying, word processing equipment).

3.4 Services and Equipment to be provided by the City.

Provide written staff report to the vendor no later than five (5) working days prior to the public hearing.

Responsible for public hearing notification.

Provide meeting room and recording equipment.

Provide reference materials necessary to conduct service including City codes and ordinances, comprehensive plan, other master plans, traffic studies, etc.

**Section 4.0 - Contract Provisions**

4.1 Contract to be Mutually Agreed Upon

A contract with the selected Land Use Hearing Examiner will be prepared as mutually agreed upon between the City and the vendor.

4.2 Contract to Define Responsibilities and Requirements

The contract will define vendor and City responsibilities and requirements as well as remuneration for the services provided.



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: AGENDA PROTOCOL**  
**DATE: FEBRUARY 6, 2000**

#### **INFORMATION/BACKGROUND**

Councilman Ruffo requested that "Agenda Protocol" be placed on the February 12, 2001, agenda. Consistent with City of Gig Harbor Municipal Code Section 2.04.030, this item was identified by Councilman Ruffo five or more working days prior to the agenda, and was included with this agenda. If this item had been requested to be placed on the agenda less than five working days prior to the meeting, then Mayor Wilbert would have been able to utilize her discretion whether to list this request on the agenda or not. Of course, any Gig Harbor City Council member would be able to make a motion to place "Agenda Protocol" on the agenda at the City Council Meeting. If the motion would receive a second and be approved by the Council, then the item would normally be placed at the end of New Business, unless the Council approved the motion *after* New Business, in which case the item could be placed on the agenda at any time prior to the motion to adjourn the meeting. The previous scenario depends on the condition that no public hearing would be required for this or any such matter.

Gig Harbor Municipal Code Chapter 2.04, attached, was probably initially crafted to provide Council members a clear, legitimate procedure for placing an item on the Council Agenda. Following this established procedure guarantees an orderly process, promotes staff awareness of Council needs, and enables informed public participation.

#### **POLICY CONSIDERATIONS**

Under 35A.12.160, the city is required to establish a procedure for notifying the public of upcoming hearings and the *preliminary* agenda for the forthcoming council meeting. The City of Gig Harbor has such procedures in place and observes them consistently.

While it may be necessary for the health, safety or welfare of city residents and patrons to place an item on the agenda without prior notice, such an action inevitably deprives some interested civic participants of the opportunity to participate in discussion with the Council. Nevertheless, nothing in our system of representative government, its laws and customs, indicates that a city council is required to facilitate public participation prior to the placement of an item such as "Agenda Protocol" on the City Council Meeting agenda.

#### **RECOMMENDATION**

Staff recommends that the public be proactively included in civic Council Meeting discussions whenever possible.

## Chapter 2.04

## CITY COUNCIL MEETINGS

## Sections:

- 2.04.010 Meeting day and time.
- 2.04.020 Study sessions.
- 2.04.030 Council meeting agendas.

**2.04.010 Meeting day and time.**

The second and fourth Mondays of each and every month are declared to be and designated as the regular and official meeting days of the city council of the city and the meetings shall be conducted on such days commencing at 7:00 p.m.; provided, however, that in the event any of the regular and official meeting days fall upon a legal holiday, the regular and official meeting day shall be on the Tuesday following the second and fourth Monday of each month. (Ord. 292, 1978; Ord. 123 § 1, 1969; Ord. 11A § 1, 1952; Ord. 11, 1947).

**2.04.020 Study sessions.**

The city council will meet in study session on the first Wednesday of each month at the hour of 7:30 p.m. (Ord. 301, 1978).

**2.04.030 Council meeting agendas.**

A. Preparation of Agenda. The regular and official city council meeting agendas shall be assembled by the city administrator and the mayor. Any one of the city's elected officials may place an item on the agenda as long as the item is submitted to the city administrator a minimum of five working days prior to the council meeting. Other parties desiring to place an item on the agenda shall submit the item to the city administrator or mayor at least five calendar days prior to the council meetings. The city administrator and the mayor shall solely determine whether items submitted by other parties shall appear on any city council agenda.

**B. Consent Agenda.**

1. Each agenda shall include a "consent agenda" in the order of business. When the city administrator and mayor determine that any item of business requires action by the council but is of a routine and noncontroversial nature, they may cause such item to be presented at a regular meeting of the council as part of a "consent agenda."

2. The reference material for all matters listed within the consent agenda shall be distributed to each member of the city council for their review prior to the meeting. Matters on such consent agenda shall be considered to be routine and may be enacted by a single motion of the council

with no separate discussion unless removed from the consent agenda as hereinafter provided.

3. If separate discussion of any consent agenda item is desired, that item may be removed from the consent agenda at the request of any individual council member. At the conclusion of passage of the consent agenda, those items removed at the request of any individual council member shall either be discussed and acted upon before proceeding to the next item of business on the agenda or shall be set to a later position on the agenda for that meeting.

4. Approval of the motion to approve the consent agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually. (Ord. 799 § 1, 1998; Ord. 570 § 1, 1990).





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**TO: CITY COUNCIL**  
**FROM: MAYOR GRETCHEN WILBERT** *GW*  
**SUBJECT: ADVISORY COMMITTEES / MAYOR PRO TEM**  
**DATE: FEBRUARY 8, 2001**

**INFORMATION/BACKGROUND**

At the first meeting in January, I invited Councilmembers to self-select the committees that may be of interest to them for the upcoming year. The following list is a result of that invitation.

Finance Committee:	Councilmembers Dick, Ekberg and Young (Councilmembers Picinich and Pasin as alternates)
Public Safety:	Councilmembers Picinich, Pasin, and Ekberg (Councilmember Dick as alternate)
Public Works:	Councilmembers Dick, Pasin, and Ekberg (Councilmembers Ruffo, Picinich and Owel as alternates)
Economic Development:	Councilmembers Picinich, Owel, and Young (Councilmember Pasin as alternate)
Land Use Planning:	Councilmembers Ruffo, Picinich and Pasin (Councilmembers Dick and Young as alternates)
Parks:	Councilmembers Ruffo, Owel and Young (Councilmember Ekberg as alternate)

The Public Safety Committee is required by OSHA to meet at least once a year. The others meet on an as-needed basis.

**MAYOR PRO-TEM**

A thank you is extended to Councilmember John Picinich for serving as Mayor Pro Tem during the year 2000. Appreciation goes also to Councilmember Steve Ekberg, who has agreed to accept the appointment of Mayor Pro Tem for the year 2001.

**RECOMMENDATION:**

A motion accepting these appointments for the Council Committees and Mayor Pro Tem.

# Capacity Availability Report

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## Gig Harbor, Washington

February 2001

DESIGN/BUILD • CIVIL AND TRANSPORTATION ENGINEERING • PLANNING • SURVEYING



**CAPACITY AVAILABILITY REPORT**

***Gig Harbor, Washington***

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**PREPARED FOR**

**Jurisdiction**                      City of Gig Harbor  
Public Works Department  
**Contact**                              Dave Skinner, P.E.  
Public Works Director  
(253) 851-8145

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**PREPARED BY**

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677 Woodland Square Loop SE  
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Principal  
  
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Planner

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SCA Project:                              00157  
File Number:                              f:\text\pfr00157

**I. Introduction**

The 1989 Growth Management Act required local jurisdictions to adopt and enforce concurrency ordinances. "Concurrency" means a policy of assuring that facilities needed to serve a project will be available at the time the project's impacts will be felt in the community. Concurrency is found in three forms: plats, transportation, and general policies. With regard to transportation policy, jurisdictions are required to prohibit development approval if the development would cause the level of service on a transportation facility to decline below the standards adopted in the Comprehensive Plan. This would hold true unless transportation improvements or strategies to accommodate the impacts of the development are in place at the time of the development or a financial commitment is in place to complete the improvement strategies within six years.

In 1999, the City of Gig Harbor adopted a Concurrency Management Chapter to its Municipal Code, which implemented the concurrency provisions of the Transportation Element of the Comprehensive Plan. The concurrency provisions established minimum standards to be applied to all developments in order to provide street capacity improvements to minimize traffic congestion on the streets and highways in the City.

**II. Definitions**

- A. Annual Capacity Availability Report: The report prepared each year to include available and reserved capacity for each public facility, and identifying those proposed and planned capital improvements for each public facility that will correct deficiencies or improve levels of service; a summary of development activity and summary of current levels of service and recommendations.
- B. Background Traffic: The volume of traffic that is projected to occur on the street system or through an intersection as of the anticipated date of completion of a development, but not including the traffic generated from such development.
- C. Capacity: The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
- D. Capacity, Available: Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed; or the difference between capacity and current demand ("Used Capacity").
- E. Capacity, Encumbered: A reduction in the available capacity resulting from issuance of a capacity reservation certificate, or what portion of the available capacity.
- F. Capacity Evaluation: The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in Chapter 19.10 or Chapter 19.12 GHMC.

- G. Capacity Reservation Certificate (CRC): A determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the CRC is issued and (2) the Director has reserved road capacity for an application for a period that corresponds to the respective developmental permit.
- H. Capacity, Reserved: Capacity which has been reserved through use of the capacity reservation certificate process in Chapter 19.10 GHMC
- I. Comprehensive Plan: The City of Gig Harbor Comprehensive Plan.
- J. Development or Development Activity: Any construction or expansion of a building, structure, or use, any change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the City.
- K. Director: The Director of Gig Harbor Public Works Department or his/her authorized designee.
- L. Level of Service: The capacity standard for traffic flow through a specified area as defined in the latest edition of the Highway Capacity Manual. The City of Gig Harbor has adopted a Level of Service Standards of LOS D for City streets and intersections.

### III. SUMMARY OF 2000 DEVELOPMENT ACTIVITY

The City processed 190 applications through December 15, 2000, and issued 168 permits. Table 1 includes only those permits for projects that generate new vehicle trips.

Type of Permit	Number Issued
New Single Family Residence	10
New Multifamily	7
New Commercial	10
Commercial Remodel	13
Total	40

If a proposed development will generate fifteen (15) or more PM Peak Hour trips, a traffic impact analysis (TIA) is required. Of the 40 projects listed above, four generated sufficient trips to necessitate a TIA. Per the city's Municipal Code, the Director of Public Works has the authority to determine if a proposed project will negatively impact the Level of Service on the city's road facilities. If a proposal is deemed concurrent with road facilities in place at the time of the application, a Capacity Reservation Certificate (CRC) is issued. Table 2 shows the Capacity Reservation Certificates issued in 2000.

Proposed Project	Total ADT
Sunshine Project	460
Les Schwab Tire Centers	295
St. Nicholas School	510
Papa Johns Pizza	174
Total CRCs	1439
CRCs assigned to 6-Year TIP Roadways	1121

Traffic Impact Analyses were conducted by licensed professional engineers for each of these projects. Analysis showed that the additional daily traffic from the proposals did not negatively impact the Level of Service on adjacent roadways, or that the impact could be mitigated through funded improvements.

#### IV. Concurrency

In 1999, Ordinance 818 added new chapter 19.10 to the Gig Harbor Municipal Code (GHMC). *Chapter 19.10 Concurrency Management* includes specific guidelines for annual reporting and monitoring of two capacity accounts, the **Available Capacity Account** and the **Reserved Capacity Account**. The 2000 Report marks the first year that the report has been prepared, and thus establishes baselines for both "accounts." The available and reserve capacities must be identified for roadways included in the Six-Year Transportation Plan. The capacity and reserves for all "unfunded" projects listed in the Six-Year TIP that are subject to the concurrency provisions of GMA are identified in **Table 3**. The Available Capacity Account is represented by the total in column F; the Reserved Capacity Account is represented by the total in column I. Column H is not completed at this time, as CRCs were not issued prior to 2000.

Available capacity for the roadway was calculated by subtracting the existing 2000 average daily traffic for that portion of the road from the total capacity of the roadway at LOS D.

#### Roadway Links

When a Capacity Reservation Certificate (CRC) has been issued for a development, capacity is withdrawn from the Available Capacity Account and transferred to the Reserved Capacity Account. Once a valid development permit is issued for a project with a CRC, the capacity continues to be reserved unless the development permit lapses or expires.

At the end of 2000, account totals were as follows:

Total Available Capacity	66,708
Total Capacity Reservations	1,121
Total Remaining Capacity:	65,587

**Table 3  
Roadway Available and Reserve Capacity for TIP Projects**

	A	B	C	D	E	F	G	H	I	J
TIP Priority #	Roadway	# Travel lanes	Existing Traffic (2000)	Total Capacity (ADT)*	Capacity at LOS D (.85)	Available Capacity (E-C)	2000 CRC Issued	Previous CRCs Issued**	Total Capacity Reservations (G+H)	Total Remaining Capacity (F-I)
6	38 <sup>th</sup> Avenue Improvements (Phase 1)	2	5,940	18,000	15,300	9,360	0	N/A	0	9,360
7	Harborview Drive Improvements	2	16,416	18,000	15,300	(1,116)	460	N/A	460	(1,576)
8	38 <sup>th</sup> Avenue Improvements (Phase 2)	2	5,940	18,000	15,300	9,360	0	N/A	0	9,360
9	Franklin Ave/Fuller St. Improvements (Phase 2)	2	N/A	18,000	15,300	-	0	N/A	0	-
10	Olympic Drive/56 <sup>th</sup> Street Improvements	2	16,200	18,000	15,300	(900)	295	N/A	295	(1,195)
11	Prentice Street Improvements	2	N/A	18,000	15,300	-	0	N/A	0	-
12	Bumham Drive Improvements	2	5,508	18,000	15,300	9,792	0	N/A	0	9,792

**Table 3**  
**Roadway Available and Reserve Capacity for TIP Projects**

	A	B	C	D	E	F	G	H	I	J
TIP Priority #	Roadway	# Travel lanes	Existing Traffic (2000)	Total Capacity (ADT)*	Capacity at LOS D (.85)	Available Capacity (E-C)	2000 CRC Issued	Previous CRCs Issued**	Total Capacity Reservations (G+H)	Total Remaining Capacity (F-I)
13	Briarwood Lane Improvements	2	N/A	18,000	15,300	-	0	N/A	0	-
14	Vernhardsen Street Improvements	2	7,344	18,000	15,300	7,956	0	N/A	0	7,956
15	Rosedale Street Improvements (Phase II)	2	7,668	18,000	15,300	7,632	192	N/A	192	7,440
16	Grandview Street Improvements	2	2,484	18,000	15,300	12,816	0	N/A	0	12,816
17	56 <sup>th</sup> Street/Pt Fosdick Drive Improvements	2	11,124	18,000	15,300	4,176	174	N/A	174	4,002
18	Rosedale Street Improvements (Phase 3)	2	7,668	18,000	15,300	7,632	0	N/A	0	7,632
19	Judson Street Improvements	2	N/A	18,000	15,300	-	0	N/A	0	-



Table 3 Roadway Available and Reserve Capacity for TIP Projects										
	A	B	C	D	E	F	G	H	I	J
TIP Priority #	Roadway	# Travel lanes	Existing Traffic (2000)	Total Capacity (ADT)*	Capacity at LOS D (.85)	Available Capacity (E-C)	2000 CRC Issued	Previous CRCs Issued**	Total Capacity Reservations (G+H)	Total Remaining Capacity (F-I)
20	Borgen Road Construction (Phase 2)	2	N/A	18,000	15,300	-	0	N/A	0	-
21	Crescent Valley Connector ***	0	N/A	0	0	-	0	N/A	0	-
22	North-South Connector ***	0	N/A	0	0	-	0	N/A	0	-
23	Hunt Street Xing of SR 16, Kimball Drive ***	0	N/A	0	0	-	0	N/A	0	-
24	38 <sup>th</sup> /Hunt Street ***	0	N/A	0	0	-	0	N/A	0	-
	<b>Total</b>					66,708	1,121		1,121	65,587

\*Based on an average of 9000 total daily vehicle trips per lane per direction

\*\* No CRCs were issued prior to 2000

\*\*\* No existing capacity; project represents construction of new roadway

g:\text\p\00157\capacity report Table 3.rtf)

Capacity analyses are described in terms of Level of Service (LOS). LOS is a qualitative term that describes the operating conditions a driver will experience while traveling on a particular street or highway during a specific time interval. It ranges from LOS A (little or no delay) to LOS F (long delays, congestion.) LOS for roadway links is determined by calculating a volume-to-capacity (V/C) ratio. The V/C ratio is developed by comparing roadway travel volumes to roadway capacity. Table 4 shows the relationship between LOS and V/C ratios.

Level of Service	Volume-to-Capacity Ratio City of Gig Harbor
A	≤0.60
B	0.61 to 0.70
C	0.71 to 0.80
D	0.81 to 0.90
E	0.91 to 1.00
F	> 1.00

Table 5 illustrates the LOS for the above projects listed in the TIP for existing conditions and with the CRC projects and associated ADTs in place:

A	B	C	D	E	F	G
Roadway	Existing Capacity *	Existing Traffic Volume (2000 ADT)	LOS Volume- to- Capacity ratio (C/B)	2000 CRC ADTs	Total Traffic Volume Including 2000 CRCs (C+E)	LOS Volume- to- Capacity ratio (with CRCs) (F/B)
38 <sup>th</sup> Avenue Improvements (Phase 1)	18,000	5,940	.33/LOS A	0	5,940	.33/LOS A
Harborview Drive Improvements	18,000	16,416	.91/LOS E	460	16,876	.93/LOS E
38 <sup>th</sup> Avenue Improvements (Phase 2)	18,000	5,940	.33/LOS A	0	5,940	.33/LOS A
Franklin Ave/Fuller St. Improvements (Phase 2)	18,000	N/A	N/A	0	N/A	N/A
Olympic Drive/56 <sup>th</sup> Street Improvements	18,000	16,200	.90/LOS D	295	16,495	.92/LOS E

**Table 5**  
**LOS With and Without 2000 CRCs for TIP Projects**

A	B	C	D	E	F	G
Roadway	Existing Capacity *	Existing Traffic Volume (2000 ADT)	LOS Volume-to-Capacity ratio (C/B)	2000 CRC ADTs	Total Traffic Volume Including 2000 CRCs (C+E)	LOS Volume-to-Capacity ratio (with CRCs) (F/B)
Prentice Street Improvements	18,000	N/A	N/A	0	N/A	N/A
Burnham Drive Improvements	18,000	5,508	.31/LOS A	0	5,508	.31/LOS A
Briarwood Lane Improvements	18,000	N/A	N/A	0	N/A	N/A
Vernhardsen Street Improvements	18,000	7,344	.41/LOS A	0	7,344	.41/LOS A
Rosedale Street Improvements	18,000	7,668	.43/LOS A	192	7,860	.44/LOS A
Grandview Street Improvements	18,000	2,484	.14/LOS A	0	2,484	.14/LOS A
56 <sup>th</sup> Street/Pt Fosdick Drive Improvements	18,000	11,124	.62/LOS B	174	11,298	.73/LOS B
Rosedale Street Improvements (Phase 3)	18,000	7,668	.43/LOS A	0	7,668	.43/LOS A
Judson Street Improvements	18,000	N/A	N/A	0	N/A	N/A
Borgen Road Construction (Phase 2)	18,000	N/A	N/A	0	N/A	N/A
Crescent Valley Connector**	0	N/A	N/A	0	N/A	N/A
North-South Connector**	0	N/A	N/A	0	N/A	N/A
Hunt Street Xing of SR 16, Kimball Drive**	0	N/A	N/A	0	N/A	N/A
38 <sup>th</sup> /Hunt Street**	0	N/A	N/A	0	N/A	N/A
*Based on an average of 9000 total daily vehicle trips per lane per direction.						
** No existing capacity; project represents construction of new roadway						

### Concurrency Intersections

**Table 6** provides the LOS for the intersections identified in the Transportation Comprehensive Plan. During the year 2000, several of these intersections were selected to assess the availability of capacity and the net effect the CRC projects would have on these facilities. Individual traffic studies were performed for each CRC project which identified their probable impacts. Based on the concurrency provisions, the City determined that sufficient capacity was available, and issued the Capacity Reservation Certificates.

The methodology used to assess traffic operations and capacity of unsignalized and signalized intersections is based on many variables, unlike the V/C calculations computed for the roadway links. Capacity analyses and LOS results for intersections are measured in terms of average vehicle delay in seconds. For signalized locations, the average vehicle delay is based on the signal phasing (i.e., signal timing and length of signal cycle), number of traffic lanes for each approach and the amount of traffic serving each leg of the intersection. The available capacity of the intersection is dependant on each of these variables and can change significantly when adjustments are made to the signal operation or when traffic patterns change. Because of these variables, available capacity and reserve capacity values are typically not computed for individual intersections, including unsignalized locations. For concurrency review, the evaluation of the intersections LOS is documented in the required traffic impact analysis report. The City uses this data to determine if sufficient capacity is available on a case-by-case basis.

The LOS results in **Table 6** show the baseline 2000 conditions and the projected service levels for the intersections impacted by new development activity over the past year.

	Existing 2000 LOS	2000 LOS with approved CRC projects
<b>Signalized Intersections</b>		
38 <sup>th</sup> Ave E/56 <sup>th</sup> NW	C	C
Olympic Dr/SR 16 NB Ramps	C*	
Olympic Dr/SR 16 SB Ramps	C*	
Pioneer Wy/Grandview St.	A*	
Pioneer Wy/SR 16 NB Ramps	D*	
Point Fosdick Dr/Olympic Dr.	D*	
Olympic/Hollycroft	C*	
Wollochet Dr./Hunt St.	B*	
<b>Unsignalized Intersections</b>		
36 <sup>th</sup> Ave/Point Fosdick Dr.	B	B
Valley Dr/Drummond Dr	B*	
Harborview Dr/North Harborview Dr	B	B
Harborview Dr/Pioneer Way	C	D

**Table 6**  
**PM Peak Hour Intersection Levels of Service**

	Existing 2000 LOS	2000 LOS with approved CRC projects
Harborview Dr/Stinson Ave	F	F
Hunt/Skansie	C*	
Peacock Hill Ave/North Harborview	A*	
Rosedale St/Skansie Ave.	B*	
Rosedale St/Stinson Ave	C*	
Soundview Dr/Hunt St.	B*	
Soundview Dr/Harborview Dr.	B	B
SR 16 NB Ramps/Burnham Dr.	A*	
SR 16 SB Ramps/Burnham Dr.	A*	
SR 16 SB Ramps/Wollochet Dr.	F*	
Stinson Ave/Grandview St.	C*	
*1998 LOS from Gig Harbor Transportation Plan.		

## V. RECOMMENDATIONS

As part of *Chapter 19.10.025 Annual Reporting and Monitoring*, the GHMC allows for recommendations or amendment to the CIP and annual budget, to LOS standards, or other amendments to the transportation element of the Comprehensive Plan. In review of the December 2000 Transportation Plan, the following recommendations have been identified:

### *Accept LOS F through downtown core*

Occasionally, it is preferable to accept a lower level of service standard on particular corridors than to add capacity lanes that change the nature of the corridor and the community. In downtown cores, where existing buildings are often built up to sidewalks, which encourages pedestrian usage, widening of roadways is not an option. In this environment, a local agency may choose to adopt LOS F for the roadways and intersections, while encouraging parking, transit, and other modes. In lieu of widening, adding signals, or otherwise changing the character of downtown Gig Harbor, the City should consider adopting LOS F.

### *Traffic study guidelines/ thresholds*

To assist in the completion of the Available/Reserve Capacity Annual Report, the City should consider establishing traffic study guidelines for completion of a Traffic Impact Analysis (TIA) report. This will improve consistency among reports, give clear direction to project proponents, and ensure that all necessary information is collected.

### *Amendment to Chapter 19.10 language and update requirements*

The City may want to consider amending language in portions of chapter 19.10, specifically as it refers to update requirements of the transportation demand model.

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