

# **Gig Harbor City Council Meeting**



**October 23, 2000  
7:00 p.m.**

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**October 23, 2000 - 7:00 p.m.**

**CALL TO ORDER:**

**PUBLIC HEARING:** Revenue Sources - 2001 General Fund Budget.

**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 October 9, 2000.
2. Correspondence / Proclamations:
  - a) American Rhododendron Society.
  - b) AWC - Imposition of State-mandated Shorelines Management Act Updates.
3. Liquor License Renewals:      Central 76 Station                      Fred Meyer Marketplace  
Harvester Restaurant              Olympic Village BP                      Uddenbergs Thriftway  
Water to Wine
4. Approval of Payment of Bills for October 23, 2000:  
    Checks #31057 through #31169 in the amount of \$158,149.48.

**OLD BUSINESS:**

1. Gig Harbor Civic Center - Schematic Design.
2. Recommendation from the Planning Commission - PUD/PRD.

**NEW BUSINESS:**

1. First Reading of Ordinance - Accepting Donation from Citizens Against Tolls.
2. First Reading of Ordinance - 2001 Tax Levy Ordinance.
3. Resolution Providing Credit Against LID No. 99-1 Final Assessments for GHN Impact Fee Payments.
4. First Reading of Ordinance - Franchise Agreement for Tacoma Power.
5. First Reading of Ordinance - Amendments to GHMC Chapter 17.100 Amendments - Site Specific Rezones.

**STAFF REPORTS:**

1. GHPD - September Stats.
2. Finance Department - Quarterly Report.

**PUBLIC COMMENT:**

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

Brigade Change of Command - Colonel John Custer.

**ANNOUNCEMENT OF OTHER MEETINGS:**

**EXECUTIVE SESSION:** For the purpose of discussing pending and potential litigation per RCW 42.31.110(i) and for the purpose of discussing personnel matters per RCW 42.30.140(4)(a). Action may be taken after the session.

**ADJOURN:**



City of Gig Harbor. The "Maritime City"

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: DAVID RODENBACH, FINANCE DIRECTOR** DR  
**DATE: OCTOBER 12, 2000**  
**SUBJECT: PUBLIC HEARING – REVENUE SOURCES - 2001 GENERAL FUND BUDGET**

### INTRODUCTION

Chapter 251, Laws of 1995 (RCW 84.55.120) requires a public hearing on revenue sources for the next year's general fund budget. The hearing must include considerations of possible increases in property tax revenues.

### General Fund Revenue Summary

Revenue Source	1999	2000 Estimated ending balances	2001 (preliminary)
Property Taxes	\$505,000	\$550,000	\$585,000
Sales Tax	2,261,000	2,500,000	2,600,000
Other Taxes	745,000	887,000	792,000
Licenses and Permits	242,000	326,000	230,000
Intergovernmental Revenues	249,000	170,000	140,000
Fines and Forfeits	124,000	92,000	125,000
Miscellaneous Revenues	207,000	247,000	204,000
<b>Total Revenues</b>	<b>4,333,000</b>	<b>4,772,000</b>	<b>4,676,000</b>
Beginning Fund Balance	1,220,000	1,901,000	1,212,000
<b>Total Resources</b>	<b>\$5,553,000</b>	<b>\$6,673,000</b>	<b>\$5,888,000</b>

DRAFT

**GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 9, 2000**

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

**CALL TO ORDER:** 7:02 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 September 25, 2000.
2. Correspondence / Proclamations: none.
3. Point Fosdick Improvement Project - Change Order No. 1.
4. Special Occasion Liquor License: St. Nicholas Knights of Columbus.
5. Liquor License Renewals: none.
6. Approval of Payroll for the month of September:  
Checks #339 through #396 in the amount of \$174,615.47.
7. Approval of Payment of Bills for October 9, 2000:  
Checks #30949 through #31056 in the amount of \$638,827.23.

Councilmember Bob Dick asked that item number three, Point Fosdick Improvement Project, be removed from the Consent Agenda, as he would have to recuse himself as a property owner in the affected area.

Councilmember Owel asked for a correction to the minutes to reflect that Councilmember Robinson was not present at the meeting of September 25<sup>th</sup>.

**MOTION:** Move to approve the Consent Agenda with item number three moved to New Business, and the correction to the minutes.  
Owel/Ekberg - unanimously approved.

**OLD BUSINESS:**

Councilmember Owel asked to modify the agenda to move item number three, Proposed Naming of Dedicated Park Land, to the beginning of New Business. She explained that Scott Wagner, the applicant, and his son, Jacob, were present, and that Jacob needed to get home to do homework.

**MOTION:** Move that we move item number three to the beginning of New Business.  
Owel/Picinich - unanimously approved.

1. Point Fosdick Improvement Project - Change Order No. 1. Councilmember Dick recused himself from this agenda item as a property owner affected by the change order. David Skinner

presented this change order allowing the contractor to re-landscape the area with natural vegetation as a result of the excavation outside the city right-of-way.

**MOTION:** Move to authorize execution of Change Order No.1 for the Point Fosdick Improvement Project in the amount of nine thousand seven hundred fifty two dollars and no cents.  
Picinich/Owel - unanimously approved.

**NEW BUSINESS:**

1. Proposed Official Naming of Dedicated Park Land at the Mallard's Landing Commercial Subdivision - Adam Tallman Nature Park. David Skinner, Public Works Director, presented this request from Scott Wagener to name the dedicated park at the Mallard's Landing Commercial Subdivision "Adam Tallman Nature Park." He explained that the city's code did not specifically address park dedication over two acres, but added that this request meets all conditions for a park under two acres. He recommended approval of this request.

**MOTION:** Move to approve the requested name for the new city park in the Mallard's Landing commercial subdivision as "*Adam Tallman Nature Park.*"  
Picinich/Ruffo - unanimously approved.

2. Consultant Service Contract - Utility General Facilities Charge Study. David Skinner presented this contract to provide an update to the water and sewer connection fees, categorized as a general facilities charge. He said that this study would allow the city to collect fees from new connections to help fund capital improvement facilities. Carol Morris, Legal Counsel, spoke in support of the rate change study.

**MOTION:** Move to authorize the execution of the Consultant Services Contract for engineering services between the City of Gig Harbor and Gray & Osborne, Inc., for the Water and Sewer Utility General Facilities Charge Study in the not-to-exceed amount of seventeen thousand fifty dollars and no cents.  
Ruffo/Picinich - unanimously approved.

3. Gig Harbor Civic Center - Architectural Contract. David Skinner explained that this was the Phase II contract with Burr Lawrence Rising & Bates for the design, bidding and construction architectural work for the new Civic Center. He said that he and Carol Morris had been working with the architects to make provisions to the contract. Carol Morris recommended approval of the contract with one change. She explained that the reference in the contract to attachment AIA Document A201 should be for definitions only, as substantial changes would be made to that document in the future. She asked for authorization to go through the contract and change each reference to that document to read "for definition purpose only." She said that the architects were agreeable to this provision.

**MOTION:** Move to approve and execute the Consultant Services Contract with Burr Lawrence Rising + Bates Architects, P.S. for the architectural design and construction services for Phase 2, in the amount not to exceed five

hundred forty-five thousand, one hundred eighty-four dollars and no cents, and excluding any reference to AIA Document A201.  
Ruffo/Young - unanimously approved.

4. Fire Marshal Inspection Agreement. Mark Hoppen, City Administrator, explained that one of the objectives of the budget this year was to explore the possibility of Fire Marshal inspections being performed by the Fire District. He gave an overview of the process over the past few months to develop procedures, and said that what was before Council for consideration was a proposal that would increase the level of service for fire inspections. He summarized the alternative of hiring additional city staff to do the inspections as compared to having a cooperative agreement with the Fire District. He introduced Steve Bowman, City Fire Marshal, and Penny Hulse and Eric Watson from Pierce County Fire District No. 5 to answer questions.

**MOTION:** Move to authorize the City Administrator and the City Attorney to draft an interlocal agreement for City Council consideration that would facilitate PCFPD #5 fire inspection services for the year 2001.  
Young/Picinich - unanimously approved.

**STAFF REPORTS:**

Mayor Wilbert welcomed the students from the H.A.L.L. program who were attending the Council meeting. She then introduced the new Planning Director, John Vodopich.

Pat Iolavera, Associate Planner, gave a report on the progress of the PUD/PRD work in the Planning Commission. She explained that revisions to the PUD portion were almost complete, and the recommendations from the Planning Commission would be coming before Council in the near future.

**COUNCIL COMMENTS / MAYORS REPORT:**

Mayor Wilbert said that a check from Citizens Against Tolls had come in today to help with the expenses for the appeal effort. She said that an ordinance would come back at the next meeting accepting the \$1500 donation.

**ANNOUNCEMENT OF OTHER MEETINGS:** None.

**EXECUTIVE SESSION:** For the purpose of discussing pending and potential litigation per RCW 42.31.110(i) and for the purpose of discussing personnel matters per RCW 42.30.140(4)(a).

**MOTION:** Move to adjourn to Executive Session at 8:47 p.m., for approximately forty minutes.  
Picinich/Ruffo - unanimously approved.

**MOTION:** Move to return to regular session at 9:17 p.m.  
Ekberg/Ruffo - unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:17 p.m.  
Ekberg/Ruffo - unanimously approved.

Cassette recorder utilized.  
Tape 590 Side A 251 - end.  
Tape 590 Side B 000 - end.  
Tape 591 Side A 000 - 019.

---

Mayor

---

City Clerk

RECEIVED

American Rhododendron Society  
Peninsula Chapter  
8806 Ray Nash Ct.  
Gig Harbor, Wa 98335  
October , 2000

OCT 10 2000

CITY OF GIG HARBOR

Ms. Gretchen Wilbert, Mayor  
3105 Judson St.  
Gig Harbor, Wa 98335

Dear Ms. Wilbert,

Thank you for your visit while the chapter was doing some cleanup work at the Finholm Hillclimb. We appreciate the recognition.

You mentioned two additional sites to consider plantings. One was opposite our planting at Borgen's Corner and the other was at the top of Soundview Dr. I visited both sites.

1. Borgen's Corner

The site is approximately 40' long and ranges from 5 to 12' across. There is a fireplug in the center. It is adjacent to the street, flat, and has a southerly exposure. There is no water.

Rhododendrons could be planted in this area and would make a nice counterpoint to the planting across the street. With a southerly exposure it would need a water supply for summers. I would think that would be no big problem with water already being available at the hydrant. Ground preparation would minimal with little grading and a bark mulch. My only concerns are maintaining fire hydrant access and future sidewalks.

2. Soundview Dr.

There are 2 sites that I reviewed. One is roughly egg shaped, directly in front of the veterinary office, and measures roughly 110' by 10 to 35' in width. It is mowed with a power pole, dogwood, and a lengthwise drainage swale on it. Its long axis is roughly north/south.

The second site was immediately across the street to the south and measure roughly 80' by 30' in depth. It was unmowed with scotch broom and a madronna on it. Its long axis was roughly east/west with a northerly frontage.

I was unsure as to which site you referred, but either would make a very nice and dramatic entrance to the city. Minimal grading would be needed. Ground preparation would include removal of competing vegetation and a bark mulch. As usual I would recommend irrigation for summer droughts.

These sites are of much more interest to me. They provide sites for several large "specimen-type" plants with room for accompanying plantings. I assume the necessary easements and access to the power lines are not limiting factors.



I believe the Peninsula Chapter of the ARS would most certainly like to be involved with these projects. We can offer technical advice on ground preparation, cultivar selection and procurement, and I believe both projects would be within our manpower limitations. We can work with other civic groups if there is interest. (Just a fleeting idea of public statuary at the Soundview site.) I will be glad to meet with you or you public works and parks people to discuss the ideas further. I can meet most Fridays.

Thank you for thinking of us and I am looking forward to continuing to work with the city.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Gary Becker', with a long horizontal flourish extending to the right.

W. Gary Becker  
Pres., Peninsula Chapter, ARS

October 10, 2000

RECEIVED

OCT 13 2000

CITY OF GIG HARBOR

Mayor Gretchen Wilbert  
City of Gig Harbor  
3105 Judson St  
Gig Harbor, WA 98335

Dear Mayor Wilbert:

On the eve of the expected late fall adoption of a new set of Shorelines Management Act (SMA) rules by the State Department of Ecology (DOE), at least one city is contemplating filing suit against the state for failure to provide any funding to support mandated local update responsibilities. The purposes of this letter are to update you on this matter and ask that your city consider supporting this potentially precedent-setting unfunded mandate lawsuit.

As you may be aware, DOE has developed a set of new Shorelines rules that when adopted, will require your city and 206 others across the state to review and update local Master Programs and associated regulations. DOE's own conservative estimate projects that it will cost cities and counties at least \$18.6 million to undertake this update. Under current law, your city and others would be required to update your local SMA Master Program within 2 years of rule adoption. Given the complexity and high public profile of this rule, we expect you will need to immediately commence work on your update.

This Association has participated in numerous task forces and advisory committees as this rule has evolved. Some within the city family oppose substantive portions of the proposed rule, while almost all cities object to imposition of state-mandated SMA updates without provision of funding. The Association has consistently supported efforts during the last two legislative sessions to fund your obligations and has officially requested that DOE refrain from adopting these Rules until funding is provided. Legislators are aware of our anticipated costs, but have been unwilling to provide funds.

For at least the last decade, this Association's top legislative priority has been to oppose unfunded mandates. In 1995, the citizens of Washington enacted Initiative 601 which contains a provision stating that *"after July 1, 1995, the legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any political subdivisions of the state unless the subdivision is fully reimbursed by the state for the costs of the new programs or increases in service levels."* (RCW

43.135.060(1)). It is our belief that the proposed unfunded SMA updates violate this provision.

In consulting with cities across the state on this issue, we are aware that many cities don't object to local Master Program updates and are concerned that any legitimate unfunded mandate challenge to this rule will be viewed by their citizens as detrimental to environmental stewardship. Clearly, any challenge of the SMA rule by a coalition of local governments will focus solely on the failure to fund. Interests within the business community are contemplating another suit focussing on the substance of the Rule.

The City of Chelan is currently considering taking the lead in the unfunded mandate suit. They, like many other cities, can't afford to undertake the update without financial support from the state. As a small city, they also don't have in-house legal staff and have already expended some funds to have an analysis of the issue prepared by their outside attorney.

We are respectfully asking that your city consider supporting Chelan's efforts in one of several ways. First, your city could join by name in the suit. In addition or alternatively, your city could provide funds to support their legal expenses, or the assistance of your own counsel to serve on a legal steering committee to assist in briefs and legal research to keep Chelan's expenses down.

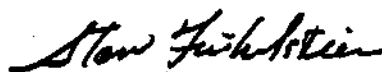
As the President and Executive Director of AWC, we believe that our membership will be best served by seizing the opportunity to challenge the State's obligation to fund their mandates, whether they be directly from the Legislature or via rules adopted by state agencies. The previously noted provisions of Initiative 601 must be taken seriously by the state and it appears, whether we like it or not, that an opportunity has arrived to test whether or not this provision means anything.

We appreciate your thoughtful consideration to this matter and request that you direct any questions or commitments to Stan.

Sincerely,



Dean Dossett, Mayor of Camas  
AWC President



Stan Finkelstein  
AWC Executive Director

DD,SF/DW:jb

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR  
(BY ZIP CODE) FOR EXPIRATION DATE OF 20001231

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 GIG HARBOR GASOLINE LLC	CENTRAL 76 3718 56TH ST GIG HARBOR WA 98335 0000	081604	GROCERY STORE - BEER/WINE
2 KU ACQUISITION CORPORATION	FRED MEYER MARKET PLACE 5500 OLYMPIC DR BLDG B GIG HARBOR WA 98335 0000	076448	GROCERY STORE - BEER/WINE
3 HARVESTER GIG HARBOR, INC.	HARVESTER RESTAURANT 5601 SOUNDVIEW DR GIG HARBOR WA 98335 0000	366707	SPIRITS/BR/WN REST LOUNGE +
4 OLYMPIC VILLAGE BP, INC.	OLYMPIC VILLAGE BP 5555 SOUNDVIEW DR NW GIG HARBOR WA 98335 0000	071544	GROCERY STORE - BEER/WINE
5 KKLD, INC.	UDDENBERG'S THRIFTWAY #277 3110 JUDSON AVE GIG HARBOR WA 98335 0000	362719	GROCERY STORE - BEER/WINE
6 CRAIG C. NELSEN ENTERPRISES, L	WATER TO WINE 3028 HARBORVIEW DR GIG HARBOR WA 98335 1962	082542	BEER/WINE SPECIALTY SHOP

RECEIVED  
OCT 11 2000  
CITY OF GIG HARBOR

Attention:

Enclosed is a listing of liquor licensees presently operating establishments in your jurisdiction whose licenses expire on DECEMBER 31, 2000. Applications for renewal of these licenses for the upcoming year are at this time being forwarded to the current operators.

As provided in law, before the Washington State Liquor Control Board shall issue a license, notice regarding the application must be provided the chief executive officer of the incorporated city or town or the board of county commissioners if the location is outside the boundaries of an incorporated city or town.

Your comments and recommendations regarding the approval or disapproval for the enclosed listed licensees would be appreciated. If no response is received, it will be assumed that you have no objection to the reissuance of the license to the applicants and locations listed. In the event of disapproval of the applicant or the location or both, please identify by location and file number and submit a statement of all facts upon which such objections are based (please see RCW 66.24.010{8}). If you disapprove then the Board shall contemplate issuing said license, let us know if you desire a hearing before final action is taken.

In the event of an administrative hearing, you or your representative will be expected to present evidence in support of your objections to the renewal of the liquor license. The applicant would presumably want to present evidence in opposition to the objections and in support of the application. The final determination whether to grant or deny the license would be made by the Board after reviewing the record of the administrative hearing.

If applications for new licenses are received for persons other than those specified on the enclosed notices, or applications for transfer of licenses are received by the Board between now and DECEMBER 31, 2000, your office will be notified on an individual case basis.

Your continued assistance and cooperation in these licensing matters is greatly appreciated by the Liquor Control Board.

LESTER C. DALRYMPLE, Supervisor  
License Division  
Enclosures

MAYOR OF GIG HARBOR  
3105 JUDSON ST  
GIG HARBOR

WA 983350000

RECEIVED

OCT 11 2000

CITY OF GIG HARBOR



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: CITY OF GIG HARBOR CIVIC CENTER**  
**- SCHEMATIC DESIGN PRESENTATION**  
**DATE: OCTOBER 18, 2000**

*DRS*

#### **INTRODUCTION/BACKGROUND**

On March 27, 2000, Council approved a Consultant Services Contract with Burr Lawrence Rising + Bates Architects, P.E. (BLR+B) to perform Phase 1 of the design.

Phase 1 developed the master project schedule, facilitated a thorough program review and confirmation process, and ultimately prepared the final architectural program and facility area summary. Phase 1 was completed with a presentation to the City Council and community on September 11, 2000, showing the committee's recommended facility plan.

On October 9, 2000, Council approved a Consultant Services Contract with BLR&B to perform Phase 2 of the Design of the Civic Center. A key element in the Phase 2 scope of work includes a presentation to, and approval by, the City Council of the Civic Center schematic design.

#### **RECOMMENDATION**

I recommend that the Council move and approve the schematic design for the Proposed Gig Harbor Civic Center as presented by the Architectural firm BLR&B and direct the same to move forward with the preparation of the bid documents necessary for advertisement of the construction of the Civic Center.



*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, ASSOCIATE PLANNER**  
**SUBJECT: PLANNING COMMISSION'S RECOMMENDATIONS AND REVISIONS**  
**OF THE PUD AND PRD ORDINANCES**  
**DATE: OCTOBER 18, 2000**

### **INFORMATION/BACKGROUND**

The Planning Commission, at the direction of the City Council, has examined Gig Harbor Municipal Code Chapters 17.89 – Planned Residential Development Zone (PRD), and 17.90 – Planned Unit Development. After receiving written and oral testimony at two public hearings, the Planning Commission held a series of work sessions to consider public testimony, to review PUD and PRD theory, history and ordinances from other communities, and to examine the GHMC in relation to PUDs, PRDs, and 'PUD type tools' being used elsewhere in Gig Harbor's zoning codes.

To summarize, the public testimony generally fell along two lines. (A copy of names of those testifying at public hearing and written testimony submitted, as well as tapes of testimony are available at the planning department). One line of thinking was that the City needs the PUD and PRD, that they are useful planning tools recognized in the Growth Management Act, some recognizing that the PUD chapter probably did need to be addressed as it was loosely written. The other viewpoint, very well represented, was that we should get rid of PUDs and PRDs, but if we did keep them, density should be based on net buildable land, rather than gross buildable land.

One particularly useful and thorough piece of information was submitted by Tiffany Speir of the Master Builders, who regularly attended the hearings and work sessions. Ms. Speir proposed that the PUD be discarded as written, but blended into the framework of the PRD, which was in relatively good order.

The Planning Commission decided to recommend that the City have both a PRD, to address residential development, and a PUD that would now address only commercial development (formerly it was used for both residential and commercial) and they would be separate ordinances. It was determined that the original PUD ordinance be scrapped and that the new PUD would be framed in much the same structure that the PRD was written. It is worth noting that the majority of cities have only residential planned unit developments (our PRD), and that commercial and industrial planned unit developments (our PUD) are somewhat unusual, as the tool was originally developed to address residential developments.

The new PUD is substantially different from the original. First both the ordinances now base total density on net buildable land, as opposed to gross buildable land. Thus density from a wetland, which cannot be built on in any event, cannot be transferred onto the dry buildable land. Additionally, increases in density are allowed in exchange for provision of amenities or protection of resources that would otherwise not be protected. Second, while the PRD always allowed 30% increase in density, the PUD had no limits and now is limited to 25% additional gross floor area.

Another notable change is in regard to the administrative process. The old PRD ordinance had a preliminary approval as a Type III permit which goes to the hearing examiner, then a final approval of Type IV to the City Council. Now both the PRD and PUD have a preliminary approval as a Type IV to City Council and final Type III approval (after design review) to the hearings examiner. This serves several purposes. First, if there are any rezoning issues they will be addressed by the legislative body at an early point in the process. If the project does not receive approval of the rezones, the developer, the City staff, the Design Review Board, or the Planning Commission will incur no further expense.

Should Council want to see more public input, they could change the preliminary approval to a Type V permit, which would provide for a public hearing before the Planning Commission, who would then make their recommendation to Council. This would create an early opportunity for public input, before the project has gotten years into development. This could further eliminate the appearance of back room deal making that accompanied the earlier PUD and undermined confidence in the planning department.

Finally, the Planning Commission identified zones in which they felt the PRD and PUD tools should apply. This eliminates much of the floating zone effect. Any housing types, or business types not allowed in the underlying zoning would now have to be approved by council in the preliminary approval of the PRD/PUD application.

The Planning Commission has worked very hard, putting in many hours beyond those they normally hold, in order to develop new ordinances in a timely way, and in keeping with public testimony. In order to honor the time frame originally outlined in the work plan, the Planning Commission now presents these draft ordinances to Council, with a recommendation that Council hold a public hearing on the drafts, and determine whether or not any changes need to be made. At that time, Council may institute changes itself, or remand the ordinances back to the Planning Commission for further work.

### **POLICY CONSIDERATIONS**

The Planning Staff feels the new ordinances have addressed the following policy concerns with Chapters 17.89 and 17.90.

- More precise language remedies problems of inconsistent administrative interpretation and the authority to require mitigation.



17.90 Planned Unit Developments contained overly vague language and lacked specificity, while the PRD was much more explicit. Now both ordinances provide clear direction to staff.

- Appearance of Backroom Deal Making

The new administrative process now places the authority for any significant changes to the underlying zoning in the hands of the legislative body, in an early and public process. This will help to build trust in government and staff.

- Chapters 17.89 and 17.90 are Out of Compliance with State Law.

The new administrative procedures, by providing a legislative process for rezoning, put the City back into compliance with State Law.

### **FISCAL CONSIDERATIONS**

The PUD and PRD processes, because of the degree of flexibility and variability involved, and the types of mitigations required, are not only administratively time consuming and costly but undermine any goal the developer and City may have for the provision of affordable housing. The new administrative procedures help reduce these costs for all concerned by breaking up the process so that basic approval is given before the project is fully designed and engineered, and by making it more public and hopefully, less contentious.

### **RECOMMENDATION**

The Planning Commission and staff request that the Mayor and City Council hold a public hearing on these draft ordinances, and decide whether to accept or amend them, or remand them back to the Planning Commission for further work.

## DRAFT

### PLANNING COMMISSION'S APPROVED DRAFT OF NEW CHAPTER 17.89 PLANNED RESIDENTIAL DEVELOPMENT

#### Chapter 17.89

#### PLANNED RESIDENTIAL DEVELOPMENT ZONE (PRD)

##### Sections:

- 17.89.010 Intent.
- 17.89.020 Where permitted.
- 17.89.030 Parcel Characteristics
- 17.89.030 040 Types of uses permitted.
- 17.89.040 050 Who may apply.
- 17.89.050 060 Relationship of this chapter to other ordinance provisions.
- 17.89.070 Procedure for approval of a planned residential development project.
- 17.89.080 Preliminary approval – Contents of application.
- 17.89.090 Density bonus.
- 17.89.100 Open space.
- 17.89.110 Roads
- 17.89.120 Expiration and extensions.
- 17.89.130 Minor and major amendments of the final plan.
- 17.89.140 Parties bound.

#### 17.89.010 Intent.

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 community. The criteria to be used in determining a proposed planned development's benefit to the community are listed in subsection 17.89.050. 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 and recreational 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 residential development. (Ord. 573 § 2, 1990).

#### 17.89.020 Where permitted.

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

- A. All residential zoning districts, except in Waterfront Millville (WM) and Waterfront Residential (WR).
- ~~B. Waterfront Residential (WR) and Waterfront Millville (WM). (Ord. 710 § 82, 1996; Ord. 573 § 2, 1990).~~

#### 17.89.030 Parcel characteristics.

Planned residential developments shall be limited to a minimum site area of two acres, excluding tidelands. No planned residential development application shall be approved for an area of less than two acres, excluding tidelands, 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 residential development; or
- B. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned residential development.

#### 17.89.040 Types of uses permitted.

The following uses are permitted in a PRD:

- A. Those uses permitted in the underlying zoning designation,

## DRAFT

B. Those accessory uses permitted in the underlying zoning;

C. Uses that may be allowed by conditional use permits in the underlying zoning subject to the requirements of Chapter 17.64 GHMC. (Ord. 710 § 83, 1996; Ord. 573 § 2, 1990).

D. Other residential, and low impact retail uses may be located within the residentially zoned planned residential development, if a request for a rezone is submitted concurrently with the PRD application, and if they meet the following criteria:

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 residential uses that are existing or which could be developed in the adjoining residentially zoned area.
4. Such uses are consistent with the Gig Harbor Comprehensive Plan.

17.89.050 Who may apply.

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. (Ord. 573 § 2, 1990).

17.89.060 Relationship of this chapter to other ordinance provisions.

A. Development and design standards.

In a PRD zone, the development and design standards are as follows:

1. Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided.
2. 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.
3. 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, or in any waterfront district.
4. Structures located on the perimeter of the PRD shall be set back in accordance with front yard setbacks of the underlying zone.
5. 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. (Ord. 573 § 2, 1990).
6. Approval by the Design Review Board shall be required after the preliminary approval, and prior to issuance of final approval.

B. Standards which may not be modified or altered 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. Impervious surface calculations.
6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map.

C. Basis for Approval of Alternative Development Standards. Approval of alternative development standards using the Planned Residential Development overlay zone differs from the variance procedure described in Chapter 17.66 of this title in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a planned residential development shall be based upon the criteria listed in this paragraph. In evaluating a planned development which proposes to modify the development standards of the underlying use zone, the city shall use the following criteria in making its findings:

1. The proposed planned development's compatibility with surrounding properties, especially related to:
  - a. Landscaping and buffering of buildings, parking, loading and storage areas.
  - b. Public safety.

## DRAFT

- c. Site access, on-site circulation and off-street parking.
  - d. Light and shadow impacts.
  - e. Generation of nuisance irritants such as noise smoke, dust, odor, glare, vibration or other undesirable impacts.
  - f. Architectural design of buildings approved by Design Review Board.
2. The unique characteristics of the subject property;
  3. The unique characteristics of the proposed use(s);
  4. The functional and aesthetic arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development;
  5. Visual impact of the planned development upon the surrounding area;
  6. Extraordinary public improvements proposed in connection with the planned development;
  7. Preservation of unique natural features of the property;
  8. Preservation of unique historic or cultural features of the property and surrounding neighborhood.
  9. Provision of recreational opportunities.

### D. 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~~ shall be submitted and processed concurrently with an application for PRD approval.
- E. 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 19.05 GHMC.

### 17.89.070 Procedure for approval of a planned residential development project.

A planned residential development is a Type IV permit application for a preliminary plat approval and a Type III 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~~, and GHMC Titles 16 and 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, use of land and open spaces.

B. Within five years of the date of the preliminary development plan approval, the applicant shall submit a final development plan for the proposed development for approval by the ~~City Council~~ hearing examiner. 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, design review has been completed, and that the interests of the city are fully protected, the ~~City Council shall~~ hearing examiner may approve the final development plan, accepting the dedications and easements which are included thereon. The final development plan shall consist of a final plat, binding site plan or any combination thereof.

C. If the applicant fails to apply for final approval for any reason within the time specified in Section 17.89.070(B), the preliminary development plan approval shall become void. All future permits shall be subject to the requirements of the underlying use zone unless a new application for a planned residential development is submitted and approved.

~~C-D.~~ 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. (Ord. 710 § 84, 1996; Ord. 573 § 2, 1990).

### 17.89.080 Preliminary approval – Contents of application.

Each application for 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;

## DRAFT

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, 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; (Impervious surfaces are those defined by the Washington State Department of Ecology in the Stormwater Management Manual for Western Washington, Volume I, Publication No. 99-11).

D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;

E. A topographic map delineating contours, existing and proposed, at five foot intervals and which locates and classifies existing streams, ~~marshes~~ wetlands, steep slopes and other natural features and/or critical areas;

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;

J. Any other information deemed pertinent by the city staff. (Ord. 573 § 2, 1990).

K. 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.

L. A narrative describing how the proposal provides substantial additional benefit to the citizens of the City of Gig Harbor.

M. A map of the area, with area proposed for rezone outlined in red.

### 17.89.90 Density bonus.

Increases in density over that permitted in the underlying zone are permitted as follows:

A. Provisions for open space, as identified in GHMC 17.89.110: 10 percent increase;

B. Preservation of a desirable natural feature such as, but not limited to, a ~~wetland~~, stream corridor, unique geological feature, substantial overstory vegetation, etc.: 10 percent increase;

C. Preservation of a scenic vista corridor(s) within and off-site: 10 percent increase;

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

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. (Ord. 573 § 2, 1990).

G. Density calculations shall be based on net buildable land. Buildable lands include all vacant, partially-used, and under-utilized parcels that are:

a. Designated for commercial, industrial, or residential use; and

b. Not constrained by critical areas in a way that limits development potential and makes new construction on a parcel unfeasible.

### 17.89.100 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.

## DRAFT

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 homeowners' 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 plan 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. (Ord. 573 § 2, 1990).

### 17.89.110 Roads

All roads shall be consistent with the adopted policies and standards of the city of Gig Harbor Public Works Construction Standards.

### 17.89.120 Expiration and extensions.

A. If a final development plan is not approved within five years of the date of preliminary development plan approval, and an extension of time has not been granted, the PRD approval shall expire.

B. 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 two years 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. (Ord. 710 § 85, 1996; Ord. 573 § 2, 1990).

### 17.89.130 Minor and major amendments of the final 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. 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 a Type III permit application. A major amendment is that which substantially changes 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 until such review proceedings required under GHMC Title 19 are completed. (Ord. 710 § 86, 1996; Ord. 573 § 2, 1990).

### 17.89.140 Parties bound.

Once the development plan is approved, all persons and parties, their successors, heirs or assigns, who own, have or will have, by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed PRD, shall be bound by the conditions of approval of the development and these shall be recorded as a covenant to any deed with the land. (Ord. 573 § 2, 1990).

## DRAFT

### PROPOSED NEW DEFINITIONS

Impervious Surfaces: 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 subgrade, 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. (from DOE Stormwater Management Manual for Western Washington, Publication No. 99-11).

Buildable Lands: All vacant, partially-used, and under-utilized parcels that are: (a) designated for commercial, industrial, or residential use; (b) not intended for public use; and (c) not constrained by critical areas in a way that limits development potential and makes new construction on a parcel unfeasible.

DRAFT

**PLANNING COMMISSION'S APPROVED DRAFT OF CHAPTER 17.90 PLANNED UNIT DEVELOPMENT.**

Chapter 17.90

PLANNED UNIT DEVELOPMENT ZONE (PUD)

Sections:

- 17.90.010 Intent.
- 17.90.020 Where permitted.
- 17.90.030 Parcel Characteristics
- 17.90.040 Types of uses permitted.
- 17.90.050 Who may apply.
- 17.90.060 Relationship of this chapter to other ordinance provisions.
- 17.90.070 Procedure for approval of a planned unit development project.
- 17.90.080 Preliminary approval – Contents of application.
- 17.90.090 Density bonus.
- 17.90.100 Open space.
- 17.90.110 Roads
- 17.90.120 Expiration and extensions.
- 17.90.130 Minor and major amendments of the final plan.
- 17.90.140 Parties bound.

17.90.010 Intent.

The intent of the PUD zone is to allow opportunity for more creative and imaginative commercial and business projects than generally possible under strict application of the conventional zoning regulations in order that such projects may provide substantial additional benefit to the community. The criteria to be used in determining a proposed planned development's benefit to the community are listed in subsection 17.90.050. 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 and recreational 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 development that is predominantly commercial, business in nature, but which may include some residential uses.

17.90.020 Where permitted.

Planned unit developments may be permitted in the following zoning districts consistent with the development and design standards of this chapter:

- A. All districts zoned commercial or business.
- B. In the Waterfront Business (WB), Downtown Business (DB), Residential Business 1 (RB1), Residential Business 2 (RB-2) proposed projects must respect the scale of existing development and in adjacent zones, with particularly careful transition at perimeters.

17.90.030 Parcel characteristics.

Planned unit developments shall be limited to a minimum site area of two acres, excluding tidelands below the OHWM. No planned unit development application shall be approved for an area of less than two acres, excluding tidelands below the OHWM, unless the city makes the following findings:

- A. An unusual physical, natural resource or topographical feature of importance exists on the buildable portion of 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; or
- B. The property or its neighborhood has a historical character of importance to the community, and said historical character will be protected and enhanced by use of a planned unit development.

17.90.040 Types of uses permitted.

The following uses are permitted in a PUD:

- A. Those uses permitted in the underlying zoning designation.
- B. Those accessory uses permitted in the underlying zoning;



## DRAFT

C. Uses that may be allowed by conditional use permits in the underlying zoning subject to the requirements of Chapter 17.64 GHMC. (Ord. 710 § 83, 1996; Ord. 573 § 2, 1990).

D. Other uses may be located within the planned unit development, if a request for a rezone is submitted concurrently with the PUD application, and if they meet the following criteria:

1. Such uses are an integral component of the planned unit development.
2. Such uses are compatible with any uses that are existing or which could be developed in adjoining zoned area, particularly when the existing or potential uses are residential.
3. Such uses are consistent with the Gig Harbor Comprehensive Plan.

17.90.050 Who may apply.

An application for approval of a PUD may be filed by a person having a legal interest in the property to be included in the PUD. (Ord. 573 § 2, 1990).

17.90.060 Relationship of this chapter to other ordinance provisions.

A. Development and design standards.

In a PUD zone, the development and design standards are as follows:

1. Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided.
2. Impervious 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. Calculations regarding such coverage shall be based on net buildable land.
3. Gross floor area allowed in the underlying zoning district may be exceeded by no more than 25 percent.
4. Structures located on the perimeter of the PUD shall be set back in accordance with setbacks of the underlying zone.
5. 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. (Ord. 573 § 2, 1990).
6. Approval by the Design Review Board shall be required after the preliminary approval, and prior to issuance of final approval.

B. Standards which may not be modified or altered 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. Impervious surface calculations.
6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map.

C. Basis for Approval of Alternative Development Standards. Approval of alternative development standards using the Planned Unit Development overlay zone differs from the variance procedure described in Chapter 17.66 of this title in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a planned unit development shall be based upon the criteria listed in this paragraph. In evaluating a planned development which proposes to modify the development standards of the underlying use zone, the city shall utilize the following criteria in making its findings:

1. The proposed planned development's compatibility with surrounding properties, especially related to:
  - a. Landscaping and buffering of buildings, parking, loading and storage areas,
  - b. Public safety,
  - c. Site access, on-site circulation and off-street parking.
  - d. Light and shadow impacts,
  - e. Generation of nuisance irritants such as noise smoke, dust, odor, glare, vibration or other undesirable impacts,

## DRAFT

- f. Architectural design of buildings approved by Design Review Board,
2. The unique characteristics of the subject property;
3. The unique characteristics of the proposed use(s);
4. The functional and aesthetic arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development;
5. Visual impact of the planned development upon the surrounding area;
6. Extraordinary public improvements proposed in connection with the planned development;
7. Preservation of unique natural features of the property;
8. Preservation of unique historic or cultural features of the property and surrounding neighborhood.
9. Provision of recreational opportunities.

### D. Platting Requirements.

1. When any parcel of land in a PUD 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 shall be submitted and processed concurrently with an application for PUD approval.

E. Public Hearing Required. Prior to the preliminary approval of a PUD, the city council shall hold a public hearing in accordance with the procedures of Chapter 19.05 GHMC.

### 17.90.070 Procedure for approval of a planned unit development project.

A planned unit development is a Type IV permit application for a preliminary plat approval and a Type III permit application for a final plat approval. The following are the procedures for approval of a PUD project:

A. The preliminary development plan shall be reviewed in accordance with the procedures of this chapter, and GHMC Titles 16 and 19. The city shall not approve the PUD 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, use of land and open spaces.

B. Within five years of the date of the preliminary development plan approval, the applicant shall submit a final development plan for the proposed development for approval by the hearing examiner. 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 hearing examiner may approve the final development plan, accepting the dedications and easements which are included thereon. The final development plan shall consist of a final plat, binding site plan or any combination thereof.

C. If the applicant fails to apply for final approval for any reason within the time specified in Section 17.90.070(B), the preliminary development plan approval shall become void. All future permits shall be subject to the requirements of the underlying use zone unless a new application for a planned unit development is submitted and approved.

D. If a proposed PUD 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. (Ord. 710 § 84, 1996; Ord. 573 § 2, 1990).

### 17.90.080 Preliminary approval – Contents of application.

Each application for 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, 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

## DRAFT

in square feet to be covered by impervious surfaces; (Impervious surfaces are those defined by the Washington State Department of Ecology in the Stormwater Management Manual for Western Washington, Volume I, Publication No. 99-11).

- D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;
- E. A topographic map delineating contours, existing and proposed, at five foot intervals and which locates and classifies existing streams, wetlands, steep slopes and other natural features and/or critical areas;
- 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;
- J. Any other information deemed pertinent by the city staff. (Ord. 573 § 2, 1990).
- K. 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.
- L. A narrative describing how the proposal provides substantial additional benefit to the citizens of the City of Gig Harbor.
- M. A map of the area, with area proposed for rezone outlined in red.
- N. An application for any related rezones, or comprehensive plan amendments, if required..

### 17.90.90 Density bonus.

Increases in gross floor area over that permitted in the underlying zone are permitted as follows:

- A. Provisions for open space, as identified in GHMC 17.90.110: 10 percent increase;
- B. Preservation of a desirable natural feature such as, but not limited to, a stream corridor, unique geological feature, substantial over-story vegetation, etc., but excluding wetlands and their buffers: 10 percent increase;
- C. Preservation of a scenic vista corridor(s) within and off-site: 10 percent increase;
- D. Unique landscaping throughout the project site: 10 percent increase;
- E. Additional open space; one percent increase in density for each one percent increase in open space over the minimum required;
- F. Provision of street trees, other public amenities including restrooms, fountains etc., beyond those required: up to 10 percent increase;
- G. The total, allowable maximum density increase shall not exceed 25 percent.
- H. Density calculations shall be based on net buildable land. Buildable lands suitable for a PUD include all vacant, partially-used, and under-utilized parcels that are:
  - 1. designated for commercial, business or industrial use.
  - 2. not constrained by critical areas in a way that limits development potential and makes new construction on a parcel unfeasible.

### 17.90.100 Open space.

In a PUD zone, open space requirements are as follows:

- A. Common open space shall comprise at least 30 percent of the gross area of the PUD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by the public.
- B. 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.
- C. Common open space areas may not be computed to include any submerged lands.
- D. 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.
- E. Common open space may contain such structures and improvements as are necessary and appropriate for out-of-doors enjoyment of people.

## DRAFT

F. 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.

G. Before approval of the final development plan may be granted, the developer shall submit to the city covenants, deeds and/or property owner'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.

H. All common open space shall be landscaped in accordance with the landscaping plan 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. (Ord. 573 § 2, 1990).

### 17.90.110 Roads

All roads shall be consistent with the adopted policies and standards of the city of Gig Harbor Public Works Construction Standards.

### 17.90.120 Expiration and extensions.

A. If a final development plan is not approved within five years of the date of preliminary development plan approval, and an extension of time has not been granted, the PUD approval shall expire.

B. 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 PUD 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 two years and the PUD 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. (Ord. 710 § 85, 1996; Ord. 573 § 2, 1990).

### 17.90.130 Minor and major amendments of the final 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. 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 a Type III permit application. A major amendment is that which substantially changes 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 until such review proceedings required under GHMC Title 19 are completed. (Ord. 710 § 86, 1996; Ord. 573 § 2, 1990).

### 17.90.140 Parties bound.

Once the development plan is approved, all persons and parties, their successors, heirs or assigns, who own, have or will have, by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed PUD, shall be bound by the conditions of approval of the development and these shall be recorded as a covenant to any deed with the land. (Ord. 573 § 2, 1990).

## PROPOSED NEW DEFINITIONS

**Impervious Surfaces:** 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,

## DRAFT

walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted subgrade, 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. (from DOE Stormwater Management Manual for Western Washington, Publication No. 99-11).

**Buildable Lands:** All vacant, partially-used, and under-utilized parcels that are: (a) designated for commercial, industrial, or residential use; (b) not intended for public use; and (c) not constrained by critical areas in a way that limits development potential and makes new construction on a parcel unfeasible.



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

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

**TO: MAYOR WILBERT AND CITY COUNCIL.**  
**FROM: DAVID RODENBACH, FINANCE DIRECTOR** DR  
**DATE: OCTOBER 9, 2000**  
**SUBJECT: FIRST READING - ORDINANCE ACCEPTING A DONATION FROM  
THE CITIZENS AGAINST TOLLS FOR THE PURPOSE OF ASSISTING  
WITH EXPENSES ASSOCIATED WITH THE APPEAL OF THE  
NARROWS BRIDGE FEIS.**

#### **BACKGROUND**

Citizens Against Tolls has donated \$1,500.00 to the City to assist with expenses incurred by the City in its appeal of the Tacoma Narrows Bridge FEIS. In order to accept a donation, the City must pass an ordinance accepting the donation and terms and conditions. This ordinance accepts the donation. Through September, the City has spent \$7,500 on this appeal.

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

#### **RECOMMENDATION**

Staff recommends adoption of the ordinance upon second reading.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ACCEPTING A DONATION OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) FROM CITIZENS AGAINST TOLLS AS A CONTRIBUTION TO ASSIST WITH EXPENSES ASSOCIATED WITH THE APPEAL OF THE STATE ROUTE 16/TACOMA NARROWS BRIDGE FEIS.**

---

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

WHEREAS, the City has received cash in the amount of one thousand five hundred dollars (\$1500.00) from Citizens Against Tolls, to be used to assist the City with expenses associated with the appeal of the State Route 16/Narrows Bridge FEIS; now, therefore,

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

Section 1. **Acceptance of Donation.** The City Council hereby accepts the one thousand five hundred dollar (\$1500.00) donation from the Citizens Against Tolls.

Section 2. **Finance Director to Receipt Funds.** The Finance Director shall deposit the donation in the City's General Fund, and shall earmark the funds to be used for the purposes described in this ordinance.

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

APPROVED:

---

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

---

CITY CLERK, MOLLY TOWSLEE

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





# Citizens Against Tolls

RECEIVED

OCT 09 2000

CITY OF GIG HARBOR

PO Box 2322 Gig Harbor WA 98335  
(253) 857-2287 www.harbornet.com/cat

Mayor Wilbert and Council members,

October 8, 2000

Please find enclosed \$1,500.00 donated for the City of Gig Harbor expenses associated with the appeal of the State Route 16 / Tacoma Narrows Bridge EIS filed in Federal Court.

As promised, Citizens Against Tolls will engage in fundraising to share the financial burden incurred by city residents. All donations designated for city appeal costs will be consolidated and periodically transferred to the city.

Thank you for challenging the State Department of Transportation for their inadequate EIS. Thank you, too, for protecting the interests of local citizens.

Sincerely,

Michael Biskey,  
Treasurer, Citizens Against Tolls

CITIZENS AGAINST TOLLS P.O. BOX 2322 GIG HARBOR WA 98335		Date <u>8 Oct 2000</u>	115 19-57/1250 147
Pay to the Order of	<u>CITY OF GIG HARBOR</u>	\$ <u>1500.00</u>	
	<u>FIFTEEN HUNDRED AND 00/100</u>	Dollars	
For			
KeyBank National Association Gig Harbor, WA 98335 1-800-KEY2YOU		⑆ 125000574⑆ 471471005085⑈ 0115	



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

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: DAVID RODENBACH, FINANCE DIRECTOR**  
**DATE: OCTOBER 12, 2000**  
**SUBJECT: 2001 TAX LEVY ORDINANCE**

**INTRODUCTION**

This is the first reading of an ordinance setting the 2001 property tax levy.

**BACKGROUND**

The preliminary assessed valuation for 2001 taxes is \$739,480,888. This is a 6.8% increase over 2000. Our best estimate of taxes available for 2001 is \$1,170,033. At this levy amount our 2001 property tax rate will be \$1.5822 per thousand dollars of assessed valuation. These figures are based upon preliminary numbers, provided by the Pierce County Assessor-Treasurer and are subject to change.

This year we do not need to levy taxes to provide debt service for the 1987 sewer plant construction GO Bonds. In 2000 this levy was \$15,000 or \$0.0219 per thousand dollars of assessed valuation.

**FINANCIAL**

Property taxes are approximately 13% of 2000 General Fund budget and 66% of the Street Fund operating budget.

**RECOMMENDATION**

Staff recommends adoption of the ordinance after second reading..

**CITY OF GIG HARBOR**

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2001.**

**WHEREAS**, the City Council of the City of Gig Harbor attests that the City population is 6,575; and

**WHEREAS**, the City Council of the City of Gig Harbor have properly given notice of the public hearing held October 23, 2000 to consider the City's General Fund revenue sources for the 2001 calendar year, pursuant to RCW 84.55.120; and

**WHEREAS**, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 2001, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property,

**NOW, THEREFORE**, the City Council of the City of Gig Harbor, Washington **ORDAINS** as follows:

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 2001, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$739,480,888. Taxes levied upon this value shall be:

The 2000 property tax for collection in 2001 is \$1,170,033 which is an increase of \$78,331 and 6% over highest levy since 1985 or previous, in addition to that resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property.

Section 2. This ordinance shall be certified by the city clerk to the clerk of the board of county council and taxes hereby levied shall be collected and paid to the Finance Director of the City of Gig Harbor at the time and in a manner provided by the laws of the state of Washington for the collection of taxes.

Section 3. This ordinance shall be published in the official newspaper of the city, and shall take effect and be in full force five(5) days after the date of its publication.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its

Mayor at a regular meeting of the council held on this \_\_ day of \_\_, 2000.

---

Gretchen A. Wilbert, Mayor

ATTEST:

---

Molly Towslee  
City Clerk

Filed with city clerk:

Passed by the city council:

Date published:

Date effective:



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

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: DAVID RODENBACH, FINANCE DIRECTOR** DR  
**DATE: OCTOBER 17, 2000**  
**SUBJECT: RESOLUTION PROVIDING CREDIT AGAINST LID NO. 99-1 FINAL ASSESSMENTS FOR GIG HARBOR NORTH IMPACT FEE PAYMENTS**

### **INTRODUCTION**

This is a resolution that will allow impact fees paid by LID No. 99-1 participants to be credited against final assessments. The intent of the impact fee ordinance was to provide such a credit, however; the way the ordinance is worded the procedure exists for LID payments to be credited toward impact fees with no mention of a procedure for impact fees to be credited towards LID special assessments.

This resolution allows the City to collect the impact fees in accordance with the City's impact fee ordinance, and, at such time when final assessments are known, use that portion of the impact fees to satisfy that property owner's assessment.

### **FINANCIAL**

The estimated funding provided by the LID is \$1.65 million. At this time, two participants (Target and Albertson's) are expected to apply for building permits prior to the determination of final assessment amounts. These building permits will trigger collection of transportation impact fees. The expected transportation fees for both projects are expected to exceed final assessments.

### **RECOMMENDATION**

Staff recommends the City Council pass this resolution.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF GIG HARBOR PROVIDING  
FOR THE CREDIT OF CERTAIN IMPACT AGAINST LID  
ASSESSMENTS FOR LID NO. 99-1.**

---

WHEREAS, both the City's impact fee ordinance and the state law affecting LID's allows the City to consider impact fees as a credit against special assessments under an LID (RCW 82.02.060(4), 35.43.186); and

WHEREAS, the City desires to allow the property owners a credit under the special assessment and/or impact fee in order to ensure the impact fees are imposed fairly; and

WHEREAS, the City Council of the City of Gig Harbor adopted Ordinance No. 828 on December 15, 1999 imposing transportation and park impact fees on new developments to provide funding for the developments' proportionate share of improvements; and

WHEREAS, the City Council adopted Ordinance No. 833 on December 13, 1999 creating Local Improvement District No. 99-1 ("LID No. 99-1") to finance the construction and installation of street and drainage improvements in the East-West Road area of the City; and

WHEREAS, some property owners in LID No. 99-1 are expected to apply for building permits prior to the time that the assessment roll for LID No. 99-1 is confirmed;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1:

If a developer that owns property in LID No. 99-1 pays an impact fee imposed pursuant to Ordinance No. 828 prior to the time that the final assessment roll for LID No. 99-1 is confirmed, the portion of the impact fee attributable to the improvements to be constructed in LID No. 99-1 shall be credited against the assessment to be levied on that developer's property in LID No. 99-1. If a developer that owns property in LID No. 99-1 applies for a building permit prior to the confirmation of the roll, the Public Works Director and Finance Director are hereby authorized and directed to determine the amount of the impact fee attributable to improvements to be constructed in LID No. 99-1 and to provide to the developer a certificate as to the amount that will be credited against the assessment to be levied in LID No. 99-1. If the final assessment exceeds the impact fee credit, the property owner shall be required to pay the difference. The property owner shall have the right to pay the difference in the same manner as other property owners in LID No. 99-1 are permitted to pay their assessments.

The City Council hereby directs the Finance Director to mail a copy of this resolution to all property owners within LID No. 99-1.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,  
at a Regular Meeting thereof this \_\_\_\_ day of October, 2000.

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Molly M. Towslee, City Clerk

FILED WITH THE CITY CLERK: 10/17/00  
PASSED BY THE CITY COUNCIL:



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: FIRST READING OF ORDINANCE**  
- **FRANCHISE AGREEMENT**  
- **TACOMA POWER**  
**DATE: OCTOBER 18, 2000**

#### **INTRODUCTION/BACKGROUND**

Tacoma Power has high-tension utility lines (Cushman Power Line), within City limits, that cross City rights-of-way. Tacoma Power has requested a franchise agreement to address these crossings. These specific locations are:

Soundview Drive; Olympic Drive; Hollycroft Street; 28<sup>th</sup> Avenue; Rosedale Street; and the intersection of Pioneer Way/Stinson Avenue.

RCW 35A.47.040 authorizes code cities to issue non-exclusive franchises for use of public streets and rights-of-way.

#### **POLICY CONSIDERATIONS**

RCW 35.21.860 does not allow the City to impose franchise fees on the light and power business. Tacoma Power has agreed to grant certain easements without a fee of any kind to the City in exchange for the City's grant of this franchise.

#### **FISCAL CONSIDERATIONS**

No fiscal impacts to the City as a result of this agreement.

#### **RECOMMENDATION**

Staff recommends the proposed ordinance, as presented or as amended, be approved by the City Council at the second reading.



Tacoma Power

Date 10-11

City of Gig Harbor, Public Works

Date 10/16

**DRAFT**

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, GRANTING TO CITY OF TACOMA, DEPARTMENT OF UTILITIES, LIGHT DIVISION (D. B. A. TACOMA POWER), A WASHINGTON MUNICIPAL CORPORATION PROVIDING POWER SERVICE WITHIN THE STATE OF WASHINGTON BUT OUTSIDE THE CITY LIMITS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO USE AND OCCUPY CERTAIN STREETS, AVENUES, ROADS, ALLEYS, LANES AND OTHER PUBLIC RIGHTS-OF-WAY IN THE CITY OF GIG HARBOR, WASHINGTON, FOR A PERIOD OF FIFTY YEARS, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, REPAIRING, AND RENEWING POWER LINES AND APPURTENANCES WITHIN AND THROUGH THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, RCW 35A.47.040 authorizes code cities to issue non-exclusive franchises for use of public street and rights-of-way, and

WHEREAS, RCW 35.21.860 does not allow the City of Gig Harbor to impose franchise fees on the light and power business; and

WHEREAS, City of Tacoma, Department of Utilities, Light Division (d. b. a. Tacoma Power) has agreed to grant certain easements to the City in exchange for the City's grant of this franchise without a fee of any kind; and

WHEREAS, this ordinance has been introduced more than five (5) days prior to its passage by the City Council, and

WHEREAS, this ordinance has been submitted to the City Attorney and has received at least a majority vote of the entire City Council at a regular meeting, now, therefore

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

Section 1. Rights Granted. The right is hereby granted to TACOMA POWER (hereinafter referred to as the "Grantee") to lay, construct, extend, maintain, repair, renew, operate and replace power transmission and communications lines and appurtenances under, over, along and/or across the following streets within the incorporated limits, or as they may hereafter be changed, of the City of Gig Harbor:

Soundview Drive; Olympic Drive; Hollycroft Street; 28<sup>th</sup> Avenue; Rosedale Street; and the intersection of Pioneer Way/Stinson Avenue,

for the purpose of therein installing, hanging, laying, constructing, extending, maintaining, renewing, replacing, operate and repairing power transmission and communications lines and all appurtenances thereto and accessories used and/or useful for the transmission of power within and through the present or future territorial limits of the City of Gig Harbor, Washington (hereinafter referred to as the "City"), for the term of fifty (50)-years from and after the effective date of this ordinance, except as hereinafter provided. At the end of the fifty (50)-year period this franchise shall be reviewed by both parties and considered for renewal. The City of Gig Harbor agrees to not unreasonably withhold such franchise renewal provided the purpose of the franchise has not substantially changed. If the City of Gig Harbor does not grant another fifty (50)-year franchise to Tacoma Power within one (1)-year from the end of the fifty (50)-year term then both parties acknowledge and agree that the subject easements granted to the City of Gig Harbor pursuant hereto shall automatically terminate.

Section 2. City's Reservation of Rights. Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances, and permit requirements regulating the performance of the conditions of this franchise, including any valid ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to control by appropriate regulations the location, elevation, manner of construction and maintenance of any power facilities of the Grantee, and the Grantee shall promptly conform with all such regulations, and permit requirements, unless compliance would cause the Grantee to violate other requirements of law.

Section 3. Approval of Plans. Prior to construction of any of the electrical transmission and communications lines, poles, conduits, and appurtenant electrical equipment in the area described in Section 1 herein, the Grantee shall submit to the Public Works Director, in triplicate, plans drawn to an accurate scale, showing the exact location, character, position, dimensions, depth and height of the work to be done. The plans shall accurately depict the relative position and location of all lines, facilities and appurtenances to be constructed, hung, laid, re-laid, installed, replaced, repaired, connected or disconnected, in the existing street, or public right-of-way. All streets and public right-of-way denoted thereon shall be designated by their name and number and the local improvements therein such as roadway pavement, shoulders, sidewalks, curbs, gutters, ditches, driveways, parking strips, telephone or electric distribution poles, conduits, storm, gas or water pipes as may exist on the ground or area above sought to be occupied shall be outlined.

In the construction proposed by the Grantee, all materials and equipment shall be of the first class type and kind. The exact class and type to be used shall be shown on the plans, as will the equipment to be used and the mode of safeguarding and facilitating the public traffic during construction. The manner of excavation, construction installation, backfill and temporary structures (such as traffic turnouts, road obstructions, etc.) shall meet with the approval of, pass all requirements of, and be constructed under the supervision of the Director. Prior to approval of any work under this franchise, the Director may require such

modifications or changes, as he deems necessary to properly protect the public in the use of the public places, and may fix the time or times within and during which such work shall be done.

The Grantee shall submit an encroachment permit to the City prior to work within the City's right-of-way.

Section 4. Requirement for Work in Public Rights-of-Way. Whenever the Grantee shall excavate in any public right-of-way for the purpose of installation, construction, repair, maintenance or relocation of its power facilities, it shall apply to the City for a permit to do so and, in addition, shall give written notice to the City at least ten (10) working days notice of intent to commence work on main lines in the right-of-way, unless such notice is waived by the Public Works Director. In no case shall any work commence within any public right-of-way without a permit, except as otherwise provided in this franchise ordinance.

During any period of relocation, installation, construction or maintenance, all surface structures, if any, shall be erected and used in such places and positions within said public right-of-ways and other public properties so as to interfere as little as possible with the free passage of traffic and the free use of adjoining property, and the Grantee shall at all times post and maintain proper barricades and comply with all applicable regulations during such period of construction as required by the ordinances of the City or the laws of the State of Washington, including RCW 39.04.180 for the construction of trench safety systems.

If the Grantee shall at any time plan to make excavations in any area covered by this franchise and as described in this Section, the Grantee shall afford the City, upon receipt of a written request to do so, an opportunity to share such excavation, PROVIDED THAT:

- A. Installation of any lines is compatible with all federal, state and local regulations and Grantee's construction standards;
- B. Such joint use shall not unreasonably delay the Grantee's work;
- C. Such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties;
- D. The Grantee may deny such request for safety reasons.

Section 5. Protection of the Public Health, Safety and Property. Whenever an accident, faulty operation, excavation, fill or other condition associated with the construction, installation, maintenance or repair of the facilities authorized under this franchise has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining street or public place, or endangers the public, an adjoining public place or street utilities or City property, the Director may direct the Grantee, at its own expense, to take

actions to protect the public, adjacent public places, City property and street utilities, and may require compliance within a prescribed time.

In the event that the Grantee fails or refuses to take the actions directed promptly, or fails to fully comply with such directions given by the Director, or if emergency conditions exist which require immediate action, the City may enter upon the property and take such actions as are necessary to protect the public, the adjacent streets, or street utilities, or to maintain the lateral support thereof, including placing of temporary shoring, backfilling, alteration of drainage patterns and any other actions reasonable necessary to decrease the possibility of earth movement, or actions regarded as necessary safety precautions; and the Grantee shall be liable to the City for the costs thereof.

Section 6. Records. The Grantee shall at all times keep complete records showing the relative location and size of all power lines heretofore installed in the City, and showing the relative location of all gates, gauges, and other service construction. Such records shall be kept current by the Grantee, who shall provide as-builts to the City after this franchise is granted, and if the City permits additional installations, then immediately after construction is complete.

Upon the City's request for information on the location of Grantee's power lines or other facilities prior to the designing of rights-of-way improvements or other City improvements, the Grantee shall respond with the information on the Grantee's facilities no later than two (2) business days after the receipt of the request, unless otherwise agreed by the parties in writing. The City, as excavator, shall have the right to receive compensation for all costs damages or other expenses incurred by the City if the Grantee does not accurately locate its facilities as required by this section and in accordance with RCW 19.122.030. In addition, nothing in this section limits the City's ability to obtain damages from the Grantee under the circumstances described in chapter 19.122 RCW, and the City may also otherwise obtain recovery for its damages, costs, fees and expenses as provided by law.

Section 7. Recovery of Costs. The Grantee shall be responsible for all permit fees associated with activities undertaken through the authority granted in this franchise ordinance or under the laws of the City. When the City incurs costs and expenses for review, inspection or supervision of activities undertaken through the authority granted in this franchise or any ordinances relating to the subject for which a fee is not established, the Grantee shall pay such costs and expenses directly to the City.

Section 8. Restoration. The Grantee shall, after installation, construction, relocation, maintenance or repair of its facilities within the franchise area, restore the surface of the right-of-way to at least the same condition the property was in immediately prior to any such installation, construction, relocation, maintenance or repair. The Public Works Director shall have final approval of the condition of such streets after restoration or repair. All concrete encased monuments, which have been disturbed or displaced by such work, shall be

restored pursuant to all federal, state and local standards and specifications. The Grantee agrees to promptly complete all restoration work and to promptly repair any damage caused by such work to the affected area at its sole cost and expense.

Section 9. Indemnification. The Grantee hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers, officials, employees, agents and representatives from any and all claims, costs, judgments, awards or liability to any person, including claims by the Grantee's own employees to which the Grantee might otherwise be immune under Title 51 RCW, arising from injury or death of any person or damage to property of which the acts or omissions of the Grantee, its officers or employees in performing this franchise are the proximate cause.

The Grantee further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers, officials, employees, agents and representatives from any and all claims, costs, judgments, awards or liability to any person including claims by the Grantee's own employees, including those claims to which the Grantee might otherwise be immune under Title 51 RCW, arising against the City (1) solely by virtue of the City's ownership or control of the rights-of-way; (2) by virtue of the Grantee's exercise of the rights granted herein; or (3) by virtue of the City's permitting the Grantee's use of the City's rights-of-way; which claims are based upon the City's inspection or lack of inspection of work performed by the Grantee, its employees, agents officers or representatives, in connection with the work authorized on the City's property or property over which the City has control, pursuant to this franchise or pursuant to any other permit or approval issued in connection with this franchise.

This covenant of indemnification shall include, but not be limited by this reference, claims against the City arising as a result of negligent acts or omissions of the Grantee, its employees, officers, representatives or agents in barricading, instituting trench safety systems or providing other adequate warnings of any excavation, construction or work in any public right-of-way in the performance of the work or services permitted under this franchise.

Inspection or acceptance by the City of any work performed by the Grantee at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims, which are not reduced to a suit, and any claims which may be compromised prior to the culmination of any litigation or the institution of any litigation.

In the event that the Grantee refuses the tender of defense in any suit or claim, said tender having been made pursuant to the indemnification clauses contained herein, and said refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter) to have been a wrongful refusal on the part of the Grantee, then the Grantee shall pay all of the City's costs of defense of the action, including

all reasonable expert witness fees and reasonable attorneys' fees and the reasonable costs of the City, including reasonable attorneys' fee for recovering under this indemnification clause.

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 Grantee and the City, its officers, employees and agents, the Grantee's liability hereunder shall be only to the extent of the Grantee's negligence. It is further specifically and expressly understood that the indemnification provided herein covers claims by the Grantee's own employees from which the Grantee might otherwise be immune under Title 51 RCW, and this waiver has been mutually negotiated by the parties.

Section 10. Bond. The City will not require that Grantee post a bond for the faithful performance of the terms and conditions of this franchise because all of the Grantees facilities are constructed and in place at this time and no new improvements are to be constructed under this franchise which would require bonding.

Section 11. Relocation. Since this franchise is for a major electrical transmission line, the typical relocation requirements are not applicable. Anytime the Grantor desires a relocation for its own governmental needs, the Grantee shall be notified of this request. The Grantee will only relocated its facilities covered by this franchise if a mutually agreeable reimbursement arrangement is made for all costs.

The Grantee may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise the Grantee in writing if one or more of the alternatives is suitable to accommodate the work, which would otherwise necessitate relocation of the facilities. If so requested by the City, the Grantee shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by the Grantee full and fair consideration. In the event, the City ultimately determines that there is no other reasonable alternative, the Grantee shall relocate its facilities as otherwise provided in this section, provided that mutually agreeable cost reimbursement commitment is made.

The provisions of this section shall in no manner preclude or restrict the Grantee from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person or entity other than the City, where the facilities to be constructed by said person or entity are not or will not become City-owned, operated or maintained facilities, provided that such arrangements do not unduly delay a City construction project.

Section 12. Non-Exclusive Franchise Grant. This franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any of said streets, avenues, alleys or public rights-of-way of every type and description. Such franchise shall in no way prevent

or prohibit the City from using any of said roads, streets or public rights-of-way, or affect the City's jurisdiction over them or any part of them, and the City shall retain power to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new rights-of-way of every type and description.

Section 13. Forfeiture and Revocation. If the Grantee willfully violates or fails to comply with any of the provisions of this franchise, or through willful misconduct or gross negligence fails to heed or comply with any notice given the Grantee by the City under the provisions of this franchise, then the Grantee shall, at the election of the City Council, forfeit all rights conferred hereunder and this franchise may be revoked or annulled by the Council after a hearing held upon at least thirty (30) days notice to the Grantee. Prior to or at the hearing, the Grantee may request a reasonable time within which to remedy the default.

The City may elect, in lieu of the above and without any prejudice to any of its other legal rights and remedies, to obtain an order from the superior court having jurisdiction compelling the Grantee to comply with the provisions of this ordinance, and to recover damages, costs and attorney's fees incurred by the City by reason of the Grantee's failure to comply.

In addition to any other remedy provided herein, the City reserves the right to pursue any legal remedy to compel or force the Grantee to comply with the terms of this franchise, and the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a forfeiture or revocation for breach of the conditions herein.

Section 14. Insurance. The Grantee shall procure and maintain for the duration of this franchise, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to the Grantee, its officials, employees and representatives. The Grantee shall provide a copy of such insurance policy to the City for its inspection prior to the adoption of this franchise ordinance.

Before beginning work on the project described in this Agreement, the Grantee 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.
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 employer's liability.

Any deductibles or self-insured retention's must be declared to and approved by the City. Payment of deductible or self-insured retention's shall be the sole responsibility of the Grantee.

The insurance policy obtained by the Grantee shall name the City, its officers, officials, employees, and volunteers, as additional insureds with regard to activities performed by or on behalf of the Grantee. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees, or volunteers. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. The Grantee's insurance shall be primary insurance as respects the City, its officers, officials, employees or volunteers. Any insurance maintained by the City, its officers, officials, employees and volunteers shall be in excess of the Grantee's insurance and shall not contribute with it. The insurance policy or policies required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice, by certified mail, return receipt requested, has been given to the City. Any failure to comply with the reporting provisions of the policies required herein shall not affect coverage provided to the City, its officers, officials, employees or volunteers.

Section 15. Assignment. This agreement may not be assigned or transferred without the prior, written approval of the City. The Grantee shall provide prompt, written notice to the City of any such proposed assignment. All of the provisions, conditions, regulations and requirements contained in this franchise ordinance shall be binding upon the successors and assigns of the Grantee, and all privileges of the Grantee shall inure to the successors and assigns as if they were mentioned herein.

Section 16. Abandonment of Facilities. Any plan for abandonment of any of Grantee's power lines or facilities installed under this franchise or any of its predecessors must be submitted to the City for its written consent. The City Public Works Director shall review the plan for abandonment prior to commencement of any work, and all necessary permits must be obtained prior to such work. The provisions of this Section shall survive the expiration, revocation or termination of this franchise ordinance.

Section 17. Modification. The City and the Grantee hereby reserve the right to alter, amend or modify the terms and conditions of this franchise upon written agreement of both parties to such alteration, amendment or modification.

Section 18. Integration. The written provisions and terms of this franchise ordinance shall supersede all prior verbal statements of either party, and any prior franchise ordinance between the parties. Such statements or prior franchise ordinances shall not be effective or be construed as entering into, forming a part of, or altering in any manner whatsoever, this Agreement.



Section 19. Street Vacations. This section will only become operative in those instances where the street vacation is subject to the City's street vacation ordinance, and not in those situations where the street has been vacated by lapse of time and operation of law. The City may have occasion to vacate certain streets, public ways or areas that have Grantee's lines and facilities located thereon. City agrees to exert reasonable good faith efforts to reserve an easement for Grantee's lines and facilities when a street, public way or area is vacated. If it is not feasible for City to reserve an easement for Grantee's line(s) and facilities, the proponents of the vacation shall be required (by City) as part of land use or other permitting approvals, to reimburse Grantee all costs to relocated said line(s) and facilities, as allowed by law.

Section 20. Notice. Any notice or information required or permitted to be given to the parties under this franchise agreement may be sent to the following addresses unless otherwise specified:

City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335  
Attn: City Administrator

Tacoma Power  
3628 South 35<sup>th</sup> Street  
Tacoma, WA 98409  
Attn: Real Estate Mgr.

Section 21. Binding Effect. All of the provisions, conditions, regulations and requirements contained in this franchise ordinance shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of the Grantee and all privileges, as well as all obligations and liabilities of the Grantee shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever the Grantee is mentioned herein.

Section 22. Compliance with Law. The Grantee, its subcontractors, employees and any person acting on behalf of the Grantee shall keep him/herself fully informed of all federal and state laws, and all municipal ordinances and regulations which in any manner affect the work or performance of the work authorized under this franchise ordinance, and regulations, whether or not such laws, ordinances or regulations are mentioned herein, and shall indemnify the city, its officers, officials, agents employees or representatives against any claim or liability arising from or based upon the violation of any such laws and regulations.

Section 23. Survival. All of the provisions, conditions, and requirements of Sections 5, 6, 3, 9, 16, , shall survive the City's franchise to the Grantee for the use of the areas mentioned in Section 1 herein, and any renewals or extensions thereof.

Section 24. Severability. If any section, sentence, clause or phrase of this franchise 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 franchise ordinance. In the event that any of the provisions of this franchise are held to be invalid by a court of

competent jurisdiction, the parties reserve the right to renegotiate the grant of franchise and may amend, repeal, add, replace or modify any other provision of this franchise, or may terminate this franchise.

Section 25. Acceptance. This franchise is granted upon the express condition that the Grantee, within thirty (30) days after the adoption of this ordinance, shall file with the Clerk of the City a written acceptance of the same, and when so accepted by the Grantee shall constitute a contract between the City and Grantee for all of the uses, services and purposes herein set forth.

Section 26. Early Termination. Notwithstanding anything to the contrary herein, in the event that the Grantee obtains sufficient superior property rights to the real estate that is subject of this franchise (for its transmission facilities), all provisions of this franchise shall automatically terminate as of the date such property rights are received. Thereafter the Grantee agrees to cooperate in good faith with the City, to negotiate (if necessary), mutually agreeable use rights for the City's streets and Grantee's transmission line facilities.

Section 27. Effective Date. This Ordinance shall take effect after at least one publication in the City's official newspaper, and after the \_\_\_\_\_ of \_\_\_\_\_ 2000, a period consisting of thirty days after the Franchise Agreement is approved by City Council, as long as the Grantee has submitted an acceptance as required by Section 24 above.

PASSED BY THE COUNCIL OF THE CITY OF GIG HARBOR,  
WASHINGTON, AND APPROVED BY ITS MAYOR AT A REGULAR MEETING OF  
SAID COUNCIL HELD ON THIS \_\_\_\_\_ OF \_\_\_\_\_, 2000.

APPROVED:

\_\_\_\_\_  
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
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 the \_\_\_\_ day of \_\_\_\_\_, 2000, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, GRANTING TO TACOMA POWER AND LIGHT, A WASHINGTON MUNICIPAL CORPORATION POWER SERVICE WITHIN THE STATE OF WASHINGTON, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO USE AND OCCUPY CERTAIN STREETS, AVENUES, ROADS, ALLEYS, LANES AND OTHER PUBLIC RIGHTS-OF-WAY IN THE CITY OF GIG HARBOR, WASHINGTON, FOR A PERIOD OF FIFTY YEARS, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, REPAIRING, AND RENEWING POWER LINES AND APPURTENANCES WITHIN AND THROUGH THE CITY OF GIG HARBOR, WASHINGTON.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN



*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, ASSOCIATE PLANNER**  
**CAROL MORRIS, CITY ATTORNEY**  
**SUBJECT: FIRST READING OF AN ORDINANCE REVISING GHMC CHAPTER**  
**17.100 – AMENDMENTS, REGARDING SITE SPECIFIC REZONES**  
**DATE: OCTOBER 18, 2000**

#### **INFORMATION/BACKGROUND**

The City Attorney submitted an amendment to Chapter 17.100 – Amendments that would bring the GHMC into compliance with recent Supreme Court decisions regarding site specific rezones. Planning staff made further changes to address inconsistencies between Title 19, which identifies site specific rezones as Type III permits and area wide rezones as Type V permits. Sections I and II were written by planning staff and Section III by the City Attorney. The Planning Commission held a hearing on this issue October 5, 2000.

#### **POLICY CONSIDERATIONS**

GHMC 19.01.003(B) Project permit application framework: Decisions states that site specific rezones are a Type III permit and area wide rezones are a Type V rezone. Changes to GHMC 17.100 clarify that there are two types and what they are.

#### **FISCAL CONSIDERATIONS**

There is no cost to the City involved in these changes, other than to reduce our liability.

#### **RECOMMENDATION**

Planning Staff and the Planning Commission recommend adoption of this ordinance.

DRAFT

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING NEW CRITERIA TO THE GENERAL CRITERIA FOR THE APPROVAL OF ZONING DISTRICT MAP AMENDMENTS, AS REQUIRED BY A RECENT DECISION OF THE WASHINGTON STATE SUPREME COURT, REPEALING THE REQUIREMENT THAT ZONING CODE TEXT AMENDMENTS FOLLOW GENERAL MAP AMENDMENT CRITERIA; REPEALING SECTION 17.100.040 AND AMENDING SECTION 17.100.035 OF THE GIG HARBOR MUNICIPAL CODE.**

---

WHEREAS, the City has adopted certain criteria for the approval of site specific rezones to the Official Zoning Map, or “zoning district map amendments;” and

WHEREAS, in Citizens for Mount Vernon v. City of Mount Vernon, 133 Wn.2d 861, 947 P.2d 1208 (1997) the Washington Supreme Court articulated the criteria for approval of site specific rezones, but not all of these criteria are included in the City’s Zoning Code; and

WHEREAS, Section 17.100.010 should be amended to distinguish the site specific rezones as Type III permit applications and those for area wide rezones as Type V permit applications in accordance with GHMC Chapter 19.01.003; and

WHEREAS, Section 17.100.025 should be amended to clarify that area wide rezones will be seen by the planning commission by June 4<sup>th</sup>, but that site specific rezones will be processed as Type III permits in accordance with GHMC Chapter 19.02; and

WHEREAS, Section 17.100.040 inappropriately requires that the City consider the general criteria for amending the Zoning District Map when making changes to the text of the Zoning Code; and

WHEREAS, the City Attorney drafted an ordinance for the Planning Commission's consideration at a public hearing; and

WHEREAS, the Planning Commission held a hearing on the ordinance on \_\_\_\_\_, 2000, and recommended that the City Council adopt the ordinance; and

WHEREAS, pursuant to RCW 36.70A.106, the City Planning staff sent a copy of this ordinance to the Washington State Department of Trade and Community Development at least sixty (60) days prior to final adoption; and

WHEREAS, the City Council considered the ordinance during its regular meeting on \_\_\_\_\_, 2000;

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

Section 1. Section 17.100.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.100.010 Authority to amend.** Whenever the public health, safety, general welfare, modifications to the comprehensive plan or good zoning practice requires, the city council may amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts in conformity with the comprehensive plan. Site specific rezones are a Type III permit application and area wide rezones are a Type V permit application and shall be processed in accordance with GHMC Chapter 19.02.

Section 2. Section 17.100.025 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.100.025 Citizen suggestions for zoning code update.** Prior to June 1<sup>st</sup> of each year, the planning commission will review any interested citizens' staff members' or the hearing examiner's request of any text or area wide zoning district map adjustment received. The planning commission may, at its discretion, consider such request and, if deemed to be in furtherance of the goals and policies of the comprehensive plan and in the public's health, safety and general welfare, may conduct a public hearing on any text or map adjustments it deems appropriate. The planning commission's recommendation to the city council will be considered in accordance with the procedures established in GHMC 17.100.050 (Ord. 710 sec. 98, 1996).

Section 3. Section 17.100.035 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.100.035 General Criteria for Zoning District Map Amendment.** ~~Requests for amending the zoning district designation of an area or the zoning code text shall be based on the following criteria: Applications for amendments to Zoning District Map (which include, but are not limited to site specific rezones) may only be approved if all of the following criteria are satisfied:~~

A. ~~That~~ The application request for the Zoning District Map reclassification or zoning code text change amendment is must be consistent with and further the goals, policies and objectives of the comprehensive plan;

B. ~~That~~ The requested application for the Zoning District classification or zoning code text change amendment will must further or bear a substantial relationship to the public's health, safety and general welfare;

C. ~~That~~ No substantial detrimental effect shall will be caused by the granting of the requested reclassification application for the or amendment; and

D. The proponents of the application have the burden of proof in demonstrating that conditions have changed since the original zoning or original designation for the property on the Zoning District Map.

Section 4. Section 17.100.040 of the Gig Harbor Municipal Code is hereby repealed.

Section 5. As required by RCW 36.70A.106(2), a copy of this Ordinance will be sent to the Washington Department of Trade and Community Development, within ten (10) days after final adoption.

Section 6. 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 7. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an ordinance summary, consisting of the title.



PASSED by the Council and approved by the Mayor of the City of Gig Harbor this \_\_\_th day of \_\_\_\_\_, 2000.

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.



City of Gig Harbor Police Dept.  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-2236

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MITCH BARKER, CHIEF OF POLICE**  
**SUBJECT: SEPTEMBER INFORMATION FROM PD**  
**DATE: OCTOBER 16, 2000**

The September 2000 activity statistics are attached for your review.

The Reserves volunteered 251 hours in September. In addition to patrol assignments they worked security at Gig Harbor High School and provided court transports.

The Marine Services Unit logged 21.3 hours in September. This included patrol hours (19.8), administrative duties (1 hour) and maintenance time (1/2 hour). The unit issued 2 citations, conducted 4 safety inspections, provided one boater assist and responded to 3 boating complaints. The boat has now been removed from the water but can be placed back in service in case of an emergency.

Five officers worked a total of 72.25 hours of bicycle patrol in September. The focus for these patrols was the skate park but also included Gig Harbor HS and other locations in the city. The bike patrol issued 12 citations including tickets for Negligent Driving, Minor in Possession of Tobacco and no seat belt usage.



City of Gig Harbor Police Dept.  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-2236

## GIG HARBOR POLICE DEPARTMENT

### MONTHLY ACTIVITY REPORT

September 2000

	<u>Sept</u> <u>2000</u>	<u>YTD</u> <u>2000</u>	<u>YTD</u> <u>1999</u>	<u>%chg to</u>
CALLS FOR SERVICE	426	3823	3653	+ 4
CRIMINAL TRAFFIC	13	124	174	- 28
TRAFFIC INFRACTIONS	70	597	791	- 24
DUI ARRESTS	8	54	45	+ 20
FELONY ARRESTS	5	55	58	- 5
MISDEMEANOR ARRESTS	25	219	195	+ 12
WARRANT ARRESTS	3	46	85	- 45
CASE REPORTS	103	1018	989	+ 3
REPORTABLE VEHICLE ACCIDENTS	18	166	130	+ 27



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

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: DAVID RODENBACH, FINANCE DIRECTOR**  
**DATE: OCTOBER 13, 2000**  
**SUBJECT: THIRD QUARTER FINANCIAL REPORT**

The quarterly financial reports for the third quarter of 2000 are attached.

Total resources, including all revenues and beginning cash balances, are at 76% of the annual budget. Total revenues, excluding cash balances, are at 60% of the annual budget while total expenditures are at 46%.

General Fund revenues (excluding beginning balance) are ahead of pace at 86% of budget (as compared with 80% last year). Sales tax receipts at 83% of budget. At this time it appears that sales tax revenues will exceed our budget of \$2.27 million and come in at about \$2.5 million. Through September, license and permit revenues were \$312,000 (154% of budget). The bulk of this can be attributed to building permits and plan checking fees. At this time, it appears the General Fund will meet or exceed total budgeted revenues for 2000.

General Fund expenditures are at 68% of budget. All departments, except for Parks (75%) have spent less than 70% of budgeted expenditures.

Street Operating Fund revenues are 35% and expenditures 36% of budget. Through September we have spent \$765,000 and \$415,000 on the East-West Road and Point Fosdick construction projects.

Water and Sewer revenues are 70% and 72% of budget. Water expenditures are 56% of budget while Sewer expenditures are 58%. Both Water and Sewer are expected to approach budgeted revenues by year-end. It appears we should be well within our expenditure budget for both the Water and Sewer Funds. Storm Sewer revenues and expenditures are 73% and 37% of budget.

Cash balances are adequate in all funds. Investments outside the State Treasurer's Pool are unchanged from last quarter.

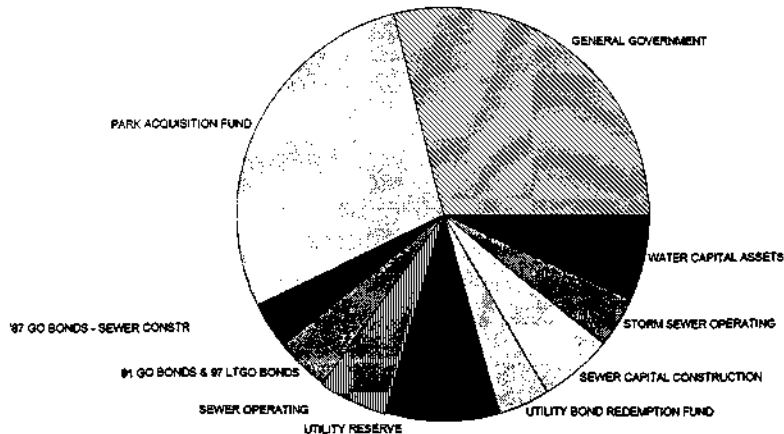
**CITY OF GIG HARBOR  
CASH AND INVESTMENTS  
YEAR TO DATE ACTIVITY  
AS OF SEPTEMBER 30, 2000**

FUND NO.	DESCRIPTION	BEGINNING BALANCE	REVENUES	EXPENDITURES	OTHER CHANGES	ENDING BALANCE
001	GENERAL GOVERNMENT	\$2,085,706	\$3,598,031	\$3,707,458	(\$96,414)	\$1,879,865
101	STREET FUND	279,334	1,991,741	2,110,409	(16,873)	143,793
105	DRUG INVESTIGATION FUND	15,174	3,319	5,701	(375)	12,417
107	HOTEL-MOTEL FUND	151,185	126,942	106,503	-	171,624
109	PARK ACQUISITION FUND	1,573,492	324,415	69,145	(1,680)	1,827,082
203	'87 GO BONDS - SEWER CONSTR	227,521	19,614	8,678	(65)	238,392
208	91 GO BONDS & 97 LTGO BONDS	25,430	286,797	36,503	(143)	275,582
301	GENERAL GOVT CAPITAL ASSETS	130,034	109,774	78,046	-	161,761
305	GENERAL GOVT CAPITAL IMPRVMENT	505,316	122,806	500,000	-	128,122
401	WATER OPERATING	242,086	556,482	546,827	(82,032)	169,709
402	SEWER OPERATING	325,808	753,178	723,198	(13,707)	342,081
407	UTILITY RESERVE	558,759	33,495	-	-	592,254
408	UTILITY BOND REDEMPTION FUND	320,607	376,798	423,420	(11,712)	262,273
410	SEWER CAPITAL CONSTRUCTION	606,502	125,893	127,451	(232,435)	372,509
411	STORM SEWER OPERATING	109,816	301,188	201,587	45,156	254,573
420	WATER CAPITAL ASSETS	690,146	72,212	323,721	(1,848)	436,789
605	LIGHTHOUSE MAINTENANCE TRUST	1,667	76	-	-	1,743
631	MUNICIPAL COURT	7,057	53,647	53,647	(7,057)	0
801	CLEARING CLAIMS	-	-	-	-	-
		<u>\$7,855,640</u>	<u>\$8,856,408</u>	<u>\$9,022,294</u>	<u>(\$419,185)</u>	<u>\$7,270,568</u>

**COMPOSITION OF CASH AND INVESTMENTS  
AS OF SEPTEMBER 30, 2000**

	MATURITY	RATE	BALANCE
CASH ON HAND			\$300
CASH IN BANK		1.490%	226,580
RESTRICTED CASH		1.490%	121,749
LOCAL GOVERNMENT INVESTMENT POOL		6.463%	6,021,939
FEDERAL HOME LOAN BANK	11/26/2002	5.755%	100,000
FEDERAL HOME LOAN BANK	09/10/2003	6.060%	300,000
FEDERAL HOME LOAN MTG CORP CPN	03/08/2004	6.300%	300,000
FEDERAL NATL MTG ASSN MED TERM NOTE	03/12/2004	6.000%	200,000
			<u>\$7,270,568</u>

**Ending Cash Balances By Fund**

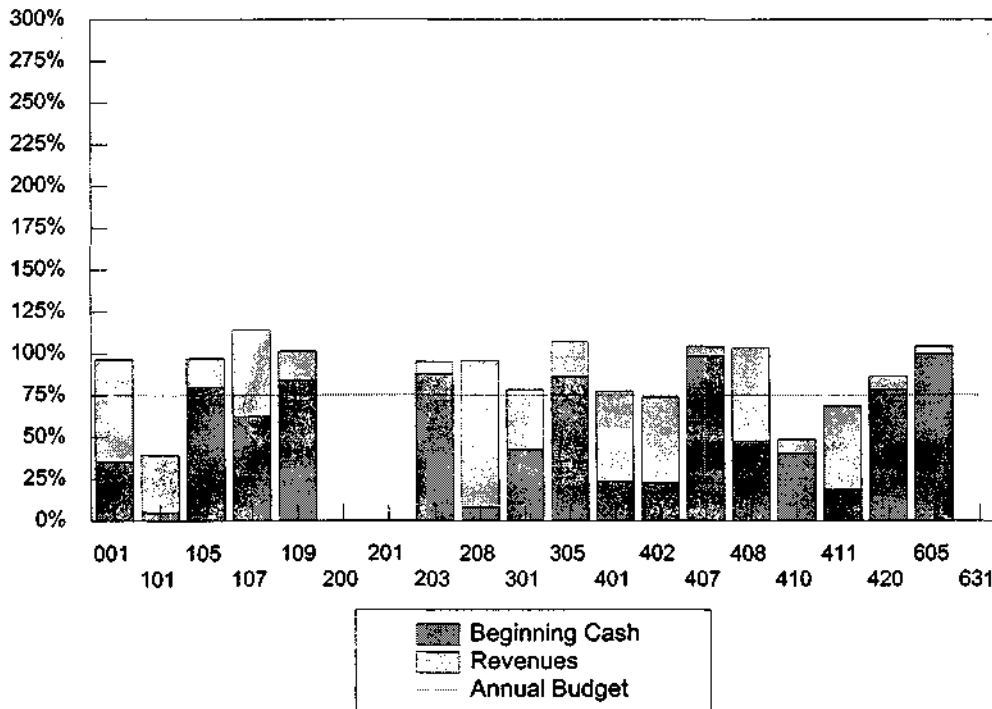


Smaller balances are excluded from chart

**CITY OF GIG HARBOR  
YEAR-TO-DATE RESOURCE SUMMARY  
AND COMPARISON TO BUDGET  
FOR PERIOD ENDING SEPTEMBER 30, 2000**

FUND NO.	DESCRIPTION	ESTIMATED RESOURCES	ACTUAL Y-T-D RESOURCES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
001	GENERAL GOVERNMENT	\$5,898,579	\$5,683,737	\$214,842	96.36%
101	STREET FUND	5,766,002	2,271,075	3,494,927	39.39%
105	DRUG INVESTIGATION FUND	19,020	18,493	527	97.23%
107	HOTEL-MOTEL FUND	243,450	278,127	(34,677)	114.24%
109	PARK ACQUISITION FUND	1,869,288	1,897,908	(28,620)	101.53%
203	'87 GO BONDS - SEWER CONSTR	260,072	247,135	12,937	95.03%
208	91 GO BONDS & 97 LTGO BONDS	326,108	312,227	13,881	95.74%
301	GENERAL GOVT CAPITAL ASSETS	306,370	239,808	66,562	78.27%
305	GENERAL GOVT CAPITAL IMPROVEMENT	586,739	628,122	(41,383)	107.05%
401	WATER OPERATING	1,031,409	798,568	232,841	77.42%
402	SEWER OPERATING	1,462,315	1,078,986	383,329	73.79%
407	UTILITY RESERVE	568,495	592,254	(23,759)	104.18%
408	UTILITY BOND REDEMPTION FUND	675,074	697,405	(22,331)	103.31%
410	SEWER CAPITAL CONSTRUCTION	1,507,398	732,395	775,003	48.59%
411	STORM SEWER OPERATING	599,664	411,004	188,660	68.54%
420	WATER CAPITAL ASSETS	882,934	762,358	120,576	86.34%
605	LIGHTHOUSE MAINTENANCE TRUST	1,670	1,743	(73)	104.36%
631	MUNICIPAL COURT	-	60,704	(60,704)	NA
		<b>\$22,004,587</b>	<b>\$16,712,048</b>	<b>\$5,292,539</b>	<b>75.95%</b>

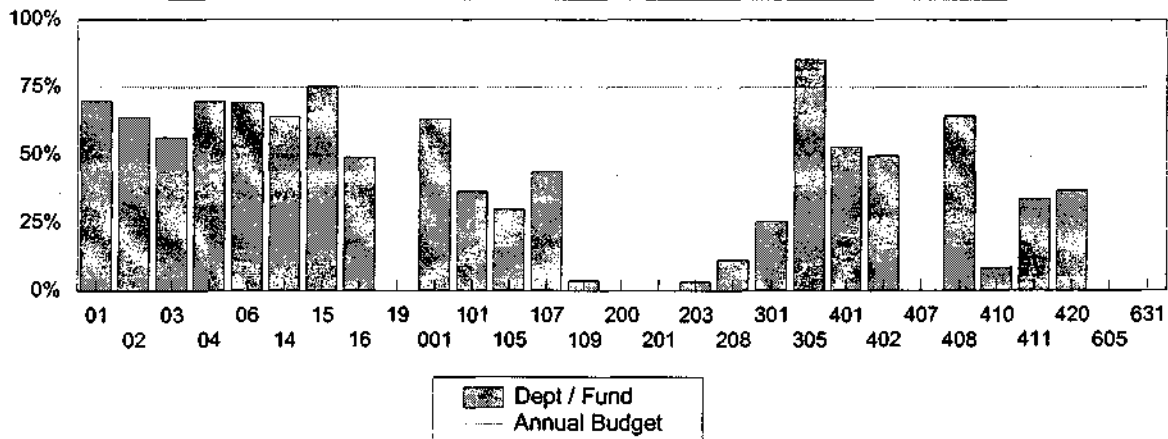
**Resources as a Percentage of Annual Budget**



**CITY OF GIG HARBOR  
YEAR-TO-DATE EXPENDITURE SUMMARY  
AND COMPARISON TO BUDGET  
FOR PERIOD ENDING SEPTEMBER 30, 2000**

FUND NO.	DESCRIPTION	ESTIMATED EXPENDITURES	ACTUAL Y-T-D EXPENDITURES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
001	GENERAL GOVERNMENT				
01	NON-DEPARTMENTAL	\$1,784,100	\$1,247,078	\$537,022	69.90%
02	LEGISLATIVE	29,750	19,002	10,748	63.87%
03	MUNICIPAL COURT	292,250	164,721	127,529	56.36%
04	ADMINISTRATIVE/FINANCIAL	697,865	487,011	210,854	69.79%
06	POLICE	1,421,480	987,512	433,968	69.47%
14	COMMUNITY DEVELOPMENT	578,982	371,585	207,397	64.18%
15	PARKS AND RECREATION	536,700	404,855	131,845	75.43%
16	BUILDING	111,400	54,466	56,934	48.89%
19	ENDING FUND BALANCE	446,052	-	446,052	-
001	TOTAL GENERAL FUND	5,898,579	3,736,230	2,162,349	63.34%
101	STREET FUND	5,766,002	2,110,460	3,655,542	36.60%
105	DRUG INVESTIGATION FUND	19,020	5,701	13,319	29.97%
107	HOTEL-MOTEL FUND	243,450	106,503	136,947	43.75%
109	PARK ACQUISITION FUND	1,869,288	69,145	1,800,143	3.70%
203	'87 GO BONDS - SEWER CONSTR	260,072	8,678	251,395	3.34%
208	91 GO BONDS & 97 LTGO BONDS	326,108	36,503	289,606	11.19%
301	GENERAL GOVT CAPITAL ASSETS	306,370	78,046	228,324	25.47%
305	GENERAL GOVT CAPITAL IMPROVEMENT	586,739	500,000	86,739	85.22%
401	WATER OPERATING	1,031,409	546,836	484,573	53.02%
402	SEWER OPERATING	1,462,315	723,371	738,944	49.47%
407	UTILITY RESERVE	568,495	-	568,495	-
408	UTILITY BOND REDEMPTION FUND	675,074	435,132	239,942	64.46%
410	SEWER CAPITAL CONSTRUCTION	1,507,398	127,451	1,379,947	8.46%
411	STORM SEWER OPERATING	599,664	201,593	398,071	33.62%
420	WATER CAPITAL ASSETS	882,934	323,721	559,213	36.66%
605	LIGHTHOUSE MAINTENANCE TRUST	1,670	-	1,670	-
631	MUNICIPAL COURT	-	53,647	(53,647)	NA
		<b>\$22,004,587</b>	<b>\$9,063,015</b>	<b>\$12,941,572</b>	<b>41.19%</b>

**Expenditures as a Percentage of Annual Budget**



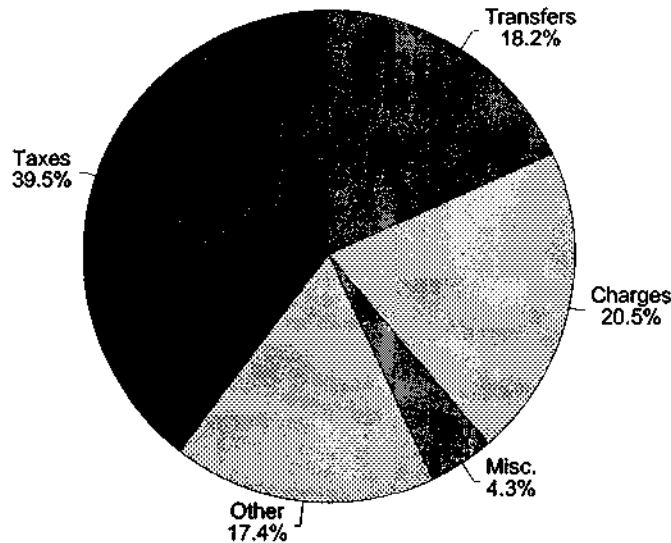
**CITY OF GIG HARBOR  
YEAR-TO-DATE REVENUE SUMMARY  
BY TYPE  
FOR PERIOD ENDING SEPTEMBER 30, 2000**

<u>TYPE OF REVENUE</u>	<u>AMOUNT</u>
Taxes	\$3,499,757
Licenses and Permits	315,586
Intergovernmental	744,771
Charges for Services	1,819,935
Fines and Forfeits	69,157
Miscellaneous	378,918
Non-Revenues	413,676
Transfers and Other Sources of Funds	1,614,607
<b>Total Revenues</b>	<b>8,856,408</b>
Beginning Cash Balance	7,855,640
<b>Total Resources</b>	<b>\$16,712,048</b>

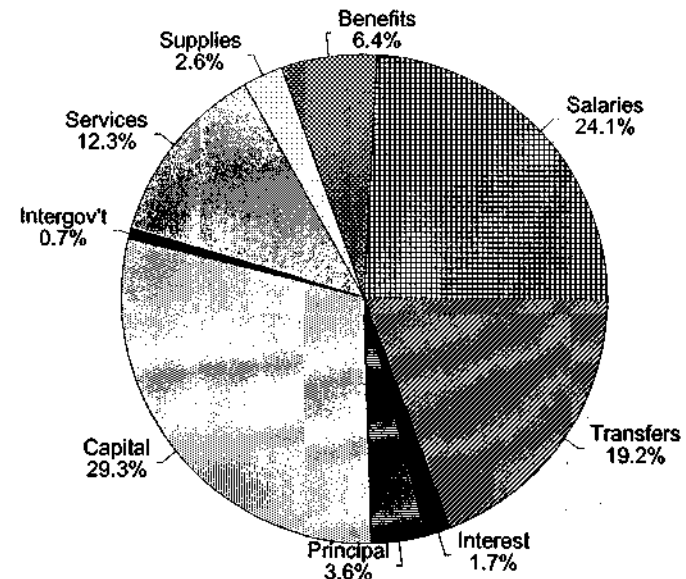
**CITY OF GIG HARBOR  
YEAR-TO-DATE EXPENDITURE SUMMARY  
BY TYPE  
FOR PERIOD ENDING SEPTEMBER 30, 2000**

<u>TYPE OF EXPENDITURE</u>	<u>AMOUNT</u>
Wages and Salaries	\$2,184,567
Personnel Benefits	579,554
Supplies	239,607
Services and Other Charges	1,116,238
Intergovernmental Services and Charges	67,164
Capital Expenditures	2,655,424
Principal Portions of Debt Payments	325,518
Interest Expense	154,794
Transfers and Other Uses of Funds	1,740,149
<b>Total Expenditures</b>	<b>9,063,015</b>
Ending Cash Balance	7,270,568
<b>Total Uses</b>	<b>\$16,333,583</b>

**Revenues by Type - All Funds**



**Expenditures by Type - All Funds**





CITY OF GIG HARBOR  
STATEMENT OF FINANCIAL POSITION  
AS OF SEPTEMBER 30, 2000

	SPECIAL REVENUE FUNDS								TOTAL SPECIAL REVENUE
	001 GENERAL GOVERNMENT	101 STREET	105 DRUG INVESTIGATION	107 HOTEL - MOTEL	109 PARK ACQUISITION	301 GENERAL GOVT CAPITAL ASSETS	305 GENERAL GOVT CAPITAL IMP	605 LIGHTHOUSE MAINTENANCE	
CASH	\$115,281	\$71,657	\$450	\$6,223	\$55,374	\$5,866	\$4,646	\$63	\$144,279
INVESTMENTS	1,764,584	72,136	11,967	165,401	1,771,708	155,896	123,476	1,680	2,302,263
RECEIVABLES	39,314	27,649	-	-	-	-	-	-	27,649
FIXED ASSETS	-	-	-	-	-	-	-	-	-
OTHER	-	-	-	-	-	-	-	-	-
<b>TOTAL ASSETS</b>	<b>1,919,179</b>	<b>171,442</b>	<b>12,417</b>	<b>171,624</b>	<b>1,827,082</b>	<b>161,761</b>	<b>128,122</b>	<b>1,743</b>	<b>2,474,191</b>
<b>LIABILITIES</b>									
CURRENT	8,338	3,000	-	-	-	-	-	-	3,000
LONG TERM	18,762	18,762	-	-	-	-	-	-	18,762
<b>TOTAL LIABILITIES</b>	<b>27,100</b>	<b>21,762</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>21,762</b>
<b>FUND BALANCE:</b>									
BEGINNING OF YEAR	2,001,507	217,912	14,799	151,185	1,571,812	130,034	505,316	1,667	2,592,724
Y-T-D REVENUES	3,598,031	2,042,176	3,319	126,942	324,415	109,774	122,806	76	2,729,508
Y-T-D EXPENDITURES	(3,707,458)	(2,110,409)	(5,701)	(106,503)	(69,145)	(78,046)	(500,000)	-	(2,869,804)
<b>ENDING FUND BALANCE</b>	<b>1,892,079</b>	<b>149,679</b>	<b>12,417</b>	<b>171,624</b>	<b>1,827,082</b>	<b>161,761</b>	<b>128,122</b>	<b>1,743</b>	<b>2,452,429</b>
<b>TOTAL LIAB. &amp; FUND BAL.</b>	<b>\$1,919,179</b>	<b>\$171,442</b>	<b>\$12,417</b>	<b>\$171,624</b>	<b>\$1,827,082</b>	<b>\$161,761</b>	<b>\$128,122</b>	<b>\$1,743</b>	<b>\$2,474,191</b>

**CITY OF GIG HARBOR  
STATEMENT OF FINANCIAL POSITION  
AS OF SEPTEMBER 30, 2000**

	DEBT SERVICE		TOTAL DEBT SERVICE
	203 87 GO BONDS SEWER CONST	208 91 GO BONDS SOUNDVIEW DR	
CASH	\$8,644	\$9,993	\$18,637
INVESTMENTS	229,747	265,589	495,336
RECEIVABLES	5,469	-	5,469
FIXED ASSETS	-	-	-
OTHER	-	-	-
<b>TOTAL ASSETS</b>	<b>243,861</b>	<b>275,582</b>	<b>519,443</b>
LIABILITIES			
CURRENT	-	-	-
LONG TERM	3,711	-	3,711
<b>TOTAL LIABILITIES</b>	<b>3,711</b>	<b>-</b>	<b>3,711</b>
FUND BALANCE:			
BEGINNING OF YEAR	229,213	25,287	254,501
Y-T-D REVENUES	19,614	286,797	306,411
Y-T-D EXPENDITURES	(8,678)	(36,503)	(45,180)
<b>ENDING FUND BALANCE</b>	<b>240,149</b>	<b>275,582</b>	<b>515,731</b>
<b>TOTAL LIAB. &amp; FUND BAL.</b>	<b>\$243,861</b>	<b>\$275,582</b>	<b>\$519,443</b>

**CITY OF GIG HARBOR  
STATEMENT OF FINANCIAL POSITION  
AS OF SEPTEMBER 30, 2000**

PROPRIETARY

	401 WATER OPERATING	402 SEWER OPERATING	407 UTILITY RESERVE	408 89 UTILITY BOND REDEMPTION	410 SEWER CAP. CONST.	411 STORM SEWER OPERATING	420 WATER CAP. ASSETS	TOTAL PROPRIETARY
CASH	\$6,250	\$12,501	\$3,345	\$9,510	\$13,508	\$9,231	\$16,086	\$70,431
INVESTMENTS	163,459	329,580	588,908	252,763	359,002	245,341	420,704	2,359,757
RECEIVABLES	146,856	114,876	9,195	1,160,612	370	51,859	-	1,483,769
FIXED ASSETS	1,946,052	8,936,083	-	-	169,811	586,103	198,331	11,836,379
OTHER	-	-	-	7,443	-	-	-	7,443
<b>TOTAL ASSETS</b>	<b>2,262,617</b>	<b>9,393,040</b>	<b>601,449</b>	<b>1,430,328</b>	<b>542,690</b>	<b>892,534</b>	<b>635,121</b>	<b>15,757,778</b>
<b>LIABILITIES</b>								
CURRENT	750	723,333	-	390,834	-	-	-	1,114,917
LONG TERM	36,555	15,044	-	2,012,973	-	13,251	-	2,077,823
<b>TOTAL LIABILITIES</b>	<b>37,305</b>	<b>738,377</b>	<b>-</b>	<b>2,403,806</b>	<b>-</b>	<b>13,251</b>	<b>-</b>	<b>3,192,740</b>
<b>FUND BALANCE:</b>								
BEGINNING OF YEAR	2,215,658	8,624,683	567,953	(555,130)	544,249	779,682	886,630	13,063,724
Y-T-D REVENUES	556,482	753,178	33,495	5,072	125,893	301,188	72,212	1,847,519
Y-T-D EXPENDITURES	(546,827)	(723,198)	-	(423,420)	(127,451)	(201,587)	(323,721)	(2,346,205)
<b>ENDING FUND BALANCE</b>	<b>2,225,313</b>	<b>8,654,662</b>	<b>601,449</b>	<b>(973,479)</b>	<b>542,690</b>	<b>879,283</b>	<b>635,121</b>	<b>12,565,038</b>
<b>TOTAL LIAB. &amp; FUND BAL.</b>	<b>\$2,262,617</b>	<b>\$9,393,040</b>	<b>\$601,449</b>	<b>\$1,430,328</b>	<b>\$542,690</b>	<b>\$892,534</b>	<b>\$635,121</b>	<b>\$15,757,778</b>

CITY OF GIG HARBOR  
STATEMENT OF FINANCIAL POSITION  
AS OF SEPTEMBER 30, 2000

	FIDUCIARY	ACCOUNT GROUPS		
	631 MUNICIPAL COURT	820 GENERAL FIXED ASSET GROUP	900 GENERAL L-T DEBT GROUP	TOTAL ACCOUNT GROUPS
CASH	-	-	-	-
INVESTMENTS	-	-	-	-
RECEIVABLES	-	-	-	-
FIXED ASSETS	-	8,907,739	-	8,907,739
OTHER	-	-	2,083,311	2,083,311
<b>TOTAL ASSETS</b>	-	<b>8,907,739</b>	<b>2,083,311</b>	<b>10,991,050</b>
<b>LIABILITIES</b>				
CURRENT	-	-	-	-
LONG TERM	-	-	2,083,311	2,083,311
<b>TOTAL LIABILITIES</b>	-	-	<b>2,083,311</b>	<b>2,083,311</b>
<b>FUND BALANCE:</b>				
BEGINNING OF YEAR	-	8,907,739	-	8,907,739
Y-T-D REVENUES	53,647			-
Y-T-D EXPENDITURES	(53,647)			-
<b>ENDING FUND BALANCE</b>	-	<b>8,907,739</b>	-	<b>8,907,739</b>
<b>TOTAL LIAB. &amp; FUND BAL.</b>	-	<b>\$8,907,739</b>	<b>\$2,083,311</b>	<b>\$10,991,050</b>

CITY OF GIG HARBOR  
STATEMENT OF FINANCIAL POSITION  
BY FUND TYPE  
AS OF SEPTEMBER 30, 2000

	GENERAL GOVERNMENT	SPECIAL REVENUE	DEBT SERVICE	TOTAL GOVERNMENTAL	PROPRIETARY	FIDUCIARY	ACCOUNT GROUPS	TOTAL ALL FUND TYPES
<b>ASSETS</b>								
CASH	\$115,281	\$144,279	\$18,637	\$278,198	\$70,431	-	-	\$348,629
INVESTMENTS	1,764,584	2,302,263	495,336	4,562,183	2,359,757	-	-	6,921,939
RECEIVABLES	39,314	27,649	5,469	72,432	1,483,769	-	-	1,556,201
FIXED ASSETS	-	-	-	-	11,836,379	-	8,907,739	20,744,119
OTHER	-	-	-	-	7,443	-	2,083,311	2,090,753
<b>TOTAL ASSETS</b>	<b>1,919,179</b>	<b>2,474,191</b>	<b>519,443</b>	<b>4,912,813</b>	<b>15,757,778</b>	<b>-</b>	<b>10,991,050</b>	<b>31,661,641</b>
<b>LIABILITIES</b>								
CURRENT	8,338	3,000	-	11,338	1,114,917	-	-	1,126,255
LONG TERM	18,762	18,762	3,711	41,236	2,077,823	-	2,083,311	4,202,369
<b>TOTAL LIABILITIES</b>	<b>27,100</b>	<b>21,762</b>	<b>3,711</b>	<b>52,573</b>	<b>3,192,740</b>	<b>-</b>	<b>2,083,311</b>	<b>5,328,624</b>
<b>FUND BALANCE:</b>								
BEGINNING OF YEAR	2,001,507	2,592,724	254,501	4,848,732	13,063,724	-	8,907,739	26,820,195
Y-T-D REVENUES	3,598,031	2,729,508	306,411	6,633,950	1,847,519	53,647	-	8,535,115
Y-T-D EXPENDITURES	(3,707,458)	(2,869,804)	(45,180)	(6,622,442)	(2,346,205)	(53,647)	-	(9,022,294)
<b>ENDING FUND BALANCE</b>	<b>1,892,079</b>	<b>2,452,429</b>	<b>515,731</b>	<b>4,860,239</b>	<b>12,565,038</b>	<b>-</b>	<b>8,907,739</b>	<b>26,333,017</b>
<b>TOTAL LIAB. &amp; FUND BAL.</b>	<b>\$1,919,179</b>	<b>\$2,474,191</b>	<b>\$519,443</b>	<b>\$4,912,813</b>	<b>\$15,757,778</b>	<b>-</b>	<b>\$10,991,050</b>	<b>\$31,661,641</b>



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

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

**TO: CITY COUNCILMEMBERS**  
**FROM: MAYOR GRETCHEN WILBERT**  
**SUBJECT: BRIGADE CHANGE OF COMMAND - COLONEL JOHN M. CUSTER**  
**DATE: OCTOBER 18, 2000**

Just as we were really enjoying our new relationship with General Hill's soldier of the 201<sup>st</sup> Military Intelligence, Brigade Col. John Custer, who was assigned to be our community connector, someone has decided he should relinquish his command to another.

We are all invited to the ceremony to greet LTC(P) William M. Canian as he steps into the role of Gig Harbor's Community Connector with the Fort Lewis military on November 8<sup>th</sup> at 10:00 a.m. at Jensen Gymnasium.

Please let our office know if you plan to attend. We need to RSVP by 10/26.

Two More Events at Fort Lewis:

The gift of a 35' Douglas fir will be cut in a ceremony on November 28<sup>th</sup>. Col. Custer is inviting us to a Holiday Tree Cutting Luncheon in his home at 12:00 noon. From the luncheon, we will travel in Fort Lewis Protocol vans to participate in the tree cutting. The ceremony will continue as the tree is loaded and transported to Gig Harbor.

LTG and Mrs. Hill are inviting the city leaders to the Annual Christmas Concert and Reception on December 12<sup>th</sup>. The Reception will be held from 6:00 p.m. to 7:30 p.m. The concert is scheduled from 7:30 p.m. to 9:00 p.m. Col. Custer says "Beautiful concert with great food too!"

Again, if you wish to attend either of these events, please call City Hall and let us know so that we can respond to their invitation as soon as possible.

*The soldiers of the  
201st Military Intelligence Brigade  
cordially invite you to attend the  
Brigade Change of Command Ceremony*

*at which*

*Colonel John M. Custer  
will relinquish command to  
LTC(P) William M. Caniano.*

*On Wednesday, the Eighth of November*

*At ten o'clock*

*Jensen Gymnasium*

*Fort Lewis, Washington*

*Reception to follow at the Fort Lewis Officers Club*

*Said Up  
9/22/00*  
RSVP by 26 October, 2000  
Phone: (253) 967-4621  
DSN: 357-4621  
Email: johnsondm@lewis.army.mil

*Military: Duty Uniform  
Civilian: Casual*