

Gig Harbor City Council Meeting



October 11, 1999

WORKSESSION ON IMPACT FEE ORDINANCE

Prior to Regular Council Meeting
5:30 p.m. - City Council Chambers

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

October 11, 1999

CALL TO ORDER:

SPECIAL PRESENTATION: I-695 and It's Possible Effects on Pierce Transit.
Jean Jackman, PIO, Pierce Transit

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 the September 27, 1999, City Council Meeting.
2. Correspondence / Proclamations:
 - a) Pierce Transit - Amendment to Bylaws.
 - b) WSDOT - Letter in Support of the Roundabout.
 - c) Thank you from Capt. Blake - H.M. Endeavor Foundation.
3. Approval of Payment of Bills for October 11, 1999:
Checks # 23412 through #23519 in the amount of \$387,407.98.
4. Approval of additional Payroll for August (processed in September):
Checks #18824 and #18825; in the amount of \$379.72.
5. Approval of Payroll for September:
Checks #18827 through #18974 in the amount of \$289,399.80.
6. Special Occasion Liquor License - Knights of Columbus.
7. Liquor License Renewals: Water to Wine; Fred Meyer Marketplace; Harvester Restaurant; and Olympic Village BP.

OLD BUSINESS:

1. Second Reading of Ordinance - Parks and Transportation Impact Fees.

NEW BUSINESS:

1. Amendment to Municipal Court Judge Employment Agreement.
2. Hearing Examiner Contract.
3. Bid Award - WWTP SCADA Control System Upgrade.
4. Resolution to Form an Local Improvement District for the Construction of the East-West Road.
5. First Reading of Ordinance - Eliminating Administrative Appeal.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS:

STAFF REPORTS:

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing pending and potential litigation per RCW 42.30.110(i). Action may be taken.

ADJOURN:

DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 27, 1999

PRESENT: Councilmembers Ekberg, Young, Platt, Owel, Dick, Picinich, and Mayor Wilbert. Councilmember Markovich was absent.

CALL TO ORDER: 7:04 p.m.

PUBLIC HEARING: First Reading of Ordinance on Impact Fees.

Mayor Wilbert opened the public hearing on the Ordinance on Impact Fees at 7:05 p.m. Mark Hoppen, City Administrator, explained that this was the re-introduction of the ordinance to adopt impact fees for parks and transportation. He gave an overview of the difference in the ordinance, which includes a 75% reduction in the fee schedule for transportation. He said that the level of support from new development is at 12.5% of the overall project cost of the new capacity in the new capacity project list. The remainder of the projects would be funded by the public. This level of support tends to be close to SEPA mitigation transportation support. The public was invited to address their concerns.

Marie Sullivan - Executive Director of the Chamber of Commerce. Ms. Sullivan thanked Council for the workshop process utilized during the adoption of the Concurrency Ordinance and urged that the same format for the adoption of an Impact Fee Ordinance.

John Rose - Olympic Resource Management. Mr. Rose said that he echoed Ms. Sullivan's comments. He added that the workshop process was a positive one and although it took additional time, it was a worthwhile effort. He urged Council to use the same process for the Impact Fees.

Steve Luengen - Peninsula Yacht Basin, 8913 North Harborview Drive. Mr. Luengen said that he would like to see the involvement of the business community in the process. He said that he has questions and thought that the workshop format would be beneficial to all.

Scott Wagner - Talmo, Inc. Mr. Wagner said that he would appreciate the chance to work through the Impact Fee Ordinance the same way that the Concurrency Ordinance was handled.

Tiffany Speir - Master Builders Association. Ms. Speir submitted a letter to Council and said that she looked forward to the workshops. She also said that workshops are the way to handle the Impact Fee Ordinance as the process worked well with the Concurrency Ordinance. She asked for clarification for a reference in Section 19C of the ordinance that states that if impact fees do not sufficiently mitigate something, there may be SEPA fees as well. She asked how that worked with statutory law which says you couldn't have both. Mayor Wilbert said that this would be addressed in the workshop.

Scott Miller - Cromwell Beach Drive. Mr. Miller said he looked forward to Impact Fee meetings. He said that in Section 14, 5-D, that he felt the language was vague and problematic and said that this is one item he would like to see worked with during the workshop.

Walt Smith. Mr. Smith commended both staff and Council for the movement that has taken place on both concurrency and impact fees and encouraged the workshop, which would well serve the community.

Wade Perrow - 9119 North Harborview Drive. Mr. Perrow suggested that during the workshop process that projects on the Six-Year TIP that are eligible for partial funding through impact fees be identified and prioritized. He added that this information should be taken into consideration during the budget process so that everyone is given the opportunity to consider the collection aspect.

The public hearing was closed at 7:15 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 the September 13, 1999, City Council Meeting.
2. Correspondence / Proclamations:
 - a) The Spirit of 2000 Committee - Visit of the HMS Endeavor.
 - b) Dept. of Corrections - Invitation to a Public Service Day and Tour.
 - c) Tacoma Art Museum - Request for Funds.
3. Copier Maintenance Contract.
4. Pt. Fosdick Drive Consultant Services Contract - Amendment No. 1.
5. Approval of Payment of Bills for September 27, 1999:
Checks # 23314 through #23411 in the amount of \$292,788.22.

MOTION: Move to approve the Consent Agenda as presented.
Ekberg/Owel - unanimously approved.

OLD BUSINESS:

1. Agreement for On-Line Access G.I.S. - Pierce County. Kay Truitt, Information Systems Specialist, explained that at Council's request, she had brought several people to address different aspects of the G.I.S. system. She introduced the speakers and which aspect they would be covering. She then gave an overview of the system costs and annual fees.

Art Seely, Pierce County GIS. Mr. Seely explained which cities were currently utilizing GIS systems to assist them in zoning, land use, utilities, permitting, maps, shoreline inventory and wetlands coverage. He added that this was just a small percentage of the power that GIS provides. He said that cities that have tried a stand-alone system have expended a great deal of money to get the system up and running, but haven't been successful in keeping the system current due to staffing and cost issues. He gave an overview of the Countyview Software and how different departments and agencies can

utilize the same information. He answered Council's questions about the proportionate costs, ownership of data and how "rights" can be assigned to data for confidentiality issues.

Mitch Barker, Chief of Police. Chief Barker explained that the public safety portion of the GIS system was small but critical. He said that what it is being used for currently is only the "tip of the iceberg" for what it will do in the future. He said that purchasing the system would be timed well with the expansion of the computers in the police cars. He introduced Ed Reed and explained that he saw this presentation about three weeks ago when it was given for law enforcement and fire, which was quite impressive.

Ed Reed, Program Manager for Pierce County Department of Emergency Management. Mr. Reed explained that he would be talking about a pre-planning template developed using the GIS system that would give current information about schools located within the county to assist police and fire when they respond to an incident. He said that the template would provide critical information. He used the incident at Columbine to demonstrate how a system like the one being designed in Pierce County could have helped the coordination efforts. He gave a presentation showing the school template and described the information that would be contained for each location.

David Skinner, Public Works Engineer. Mr. Skinner explained how the GIS system would benefit the Public Works Department with readily available, integrated information. He talked about how the design tools would allow for project planning, traffic impact modeling, flood plain identification and assist with critical information necessary for grant writing. He added that it would take a great deal of staff time to develop with the level of service information to predict future needs without the GIS system.

Ray Gilmore, Planning Director. Mr. Gilmore explained that the information would be extremely valuable in assisting his department, especially to develop the buildable lands inventory required by state and federal statutes. He talked about the integration of permit tracking software currently being utilized and the GIS system and the maps that could be generated. He said that as the data base builds, the information will be far more valuable than is currently imagined. He added that any citizen could use the information, saving a great deal of time. He gave an overview of other instances in which the system would assist his department.

Councilmember Owel asked Carol Morris, Legal Counsel, for her comments on the contract. Ms. Morris said that the Pierce County staff had tried very hard to accommodate her concerns about the agreement. She added that the major concern was one of liability and the language that she thought was inconsistent has disappeared. She said that if the city were to follow the confidentiality procedure contained in 'Exhibit 'D', her other major concern would be addressed.

Staff members addressed other questions from Council regarding the system.

MOTION: Move we authorize the Mayor to sign the agreement for on-line access with Pierce County G.I.S.
Ekberg/Owel - Councilmember Dick withdrew himself from acting on the motion as an employee of Pierce County. Four member voted in favor, Councilmember Platt voted against the motion.

2. Second Reading of Ordinance - Donation from NW Snowboards to Skateboard Park. Dave Rodenbach, Finance Director, presented the second reading of this ordinance accepting a donation of \$500 from NW Snowboards and recommended approval.

MOTION: Move for adoption of Ordinance No. 825.
Picinich/Ekberg - unanimously approved.

3. Second Reading of Ordinance - Reducing Bingo and Raffles Tax. Dave Rodenbach presented this second reading of an ordinance. He explained that this would reduce the bingo and raffle tax from 10% to 5% to match state code as result of the 1999 State Legislature. He said that the financial impact from the reduction would be minimal. He said that only one organization submitted the tax returns relative to this tax. Councilmember Young recommended that the tax be abolished altogether and asked that this be revisited in the future.

MOTION: Move we adopt Ordinance No. 826.
Ekberg/Owel - unanimously approved.

Mayor Wilbert announced a short recess at 8:45 p.m. Council reconvened at 8:52 p.m.

NEW BUSINESS:

1. Blevins Property Acquisition. Mark Hoppen explained that in May, Council directed staff to work toward the acquisition of the 6,098 square foot parcel at the end of the old ferry landing. He said that an agreement had been reached with the Blevins to purchase the property for \$36,588, about half of the assessed market value. He added that the Level I environmental assessment had been completed.

Kathy Bunger - resident of the Harborview Beach Community. Ms. Bunger mentioned the informational packet submitted by Nick Tarabochia, who owns a commercial fishing netshed on the beach, and couldn't be present at the meeting. She said that the majority of the members of the beach community have serious concerns about the city purchase of this property. She said that they were happy to be involved with the planning meetings for the the proposed viewpoint at the end of the ferry landing, but that there had been no involvement by the residents that would be affected by this property purchase. She added that their concerns pertain to liability issues due to people believing that they might be able to walk to the Narrows Bridge and back after the property is purchased. She said that this is not physically possible. People who attempt to do this have to cut across her

deck to get back to the landing due to the tides. She said that her property is not for public use.

Councilmember Ekberg said that he was in favor of purchasing of the property, but not for people to walk to the Narrows. He said that these concerns would be heard at future meetings about developing this site. He said that by buying the property it would give the city the flexibility to meet some of the concerns of the neighbors by having more space to do what is desired. Carol Morris made suggested amendments to the purchase agreement to include the price, title insurance and a current closing date. Mayor Wilbert said that the city would work with the residents to address their concerns and manage the policing of the area.

MOTION: Move to approve the hazardous materials inspection and add Legal Counsel's amendments to the agreement.
Ekberg/Owel - unanimously approved.

Councilmember Young asked for clarification on the proposed use of the property. Wes Hill explained that the property was necessary to properly build a retaining wall on the south side of the view end to deal with exposed bank. Mark Hoppen spoke of the desire to make an environment more pleasing for pedestrian use by adding access to the water.

MOTION: Move to authorize the approval of the contract as amended.
Ekberg/Owel - unanimously approved.

2. First Reading of Ordinance - Parks and Transportation Impact Fees. Mark Hoppen explained that Carol Morris would speak to the changes in the ordinance since the last time it came before Council. Ms. Morris gave an overview of the changes relating to determination of a credit for impact fees and non-transferable credits. She explained that page 12, Section 13 spoke directly to Wade Perrow's concerns about the Six-year Transportation Plan, and stressed that impact fees can be the sole source of a funding for a particular project so the city would want to consider this during the budget process. She then addressed the request to "tighten up" the language on page 14, subsection B, and explained that this language is taken verbatim from statute RCW 82.02.070 subsection 3. She recommended leaving it as is because case law will be developing on the statute. She said that Tiffany Speir had brought up the issue about SEPA repeatedly and suggested amendments to the language on page 18, Section 19 to reference statute.

Councilmembers discussed dates to hold a worksession on the ordinance. It was discussed to hold the first session on October 4th. Carol Morris explained that she couldn't attend on the 4th. Mayor Wilbert asked if there were any further public comments.

Tiffany Speir. Ms. Spear asked if it would be possible to postpone the worksession until the 18th rather than the 4th.

Scott Wagner. Mr. Wagner explained that the Chamber was holding a meeting to address the ordinance on the 5th, and asked that the meeting be held after that.

John Rose. Mr. Rose asked to delay the meeting until after the Chamber's meeting to obtain the best input.

After further discussion the following motion was made.

MOTION: Move to hold the worksession at 5:30 p.m. before our regular meeting on October 11th to discuss the Impact Fees Ordinance.
Dick/Picinich - unanimously approved.

3. Street Name Change - "Wagner Way." Ray Gilmore, Planning Director, presented this request to rename 41st Avenue to Wagner Way. He introduced Scott Wagner, who gave a history of the Wagner name.

MOTION: Move to accept staff's recommendation to change the name of 41st Avenue to Wagner Way.
Owel/Picinich - unanimously approved.

4. First Reading of Ordinance - Variances from Public Works Standards. Wes Hill presented this ordinance adopting an administrative procedure that would allow for consideration of variance from the public works standards. He explained that there are instances where variance provisions would allow the department to resolve issues administratively rather than through legislative measures. Councilmember Dick asked that there be a provision added that there would be notice provided to the Council previous to these administrative decisions to allow for comment. Several options were discussed and staff was instructed to make amendments and bring it back for consideration.

5. Newpark Terrace - Sanitary Sewer Maintenance. Wes Hill presented this maintenance agreement executed by the current owner/developer to address the GHMC requirements relative to mutual maintenance and access of a private sewer system that connects with the city's system and to indemnify the city from costs incident to construction.

MOTION: Move to authorize execution of the Sanitary Sewer Facilities Maintenance Agreement and Restrictive Covenant for Newpark Terrace.
Young/Owel - unanimously approved.

6. Street Sweeper Purchase. Wes Hill presented this request to replace the city's current street sweeper with a newer, more effective model.

MOTION: Move to authorize purchase of a Johnston 4000 street sweeper from Pacific Utility Equipment Company under the State of Oregon Department of Administrative Services, in the amount of \$122,093.00, plus state sales tax and administrative fee for the Office of State Procurement, and to authorize the execution of a change order in the amount of \$6,845 for

safety and functional features for a revised total price of \$128,938.00 plus state sales tax and administrative fee for the Office of State Procurement.
Dick/Picinich - unanimously approved.

7. Generator Purchase for Wastewater Treatment Plant. Wes Hill presented this request to approve the purchase of a back-up generator for the Wastewater Treatment Plant to replace the existing undersized and problematic generator.

MOTION: Move to approve the purchase of an Onan 800 KW emergency generator under Office of State Procurement Contract No. 04899, in the amount of \$139,046.78, including state sales tax.
Picinich/Owel - unanimously approved.

PUBLIC COMMENT/DISCUSSION: None.

COUNCIL COMMENTS: None.

STAFF REPORT:

Chief Mitch Barker, Gig Harbor Police Department - August Statistics. Chief Barker answered questions about the report.

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing pending and potential litigation per RCW 42.30.110(i) and for property acquisition per RCW 42.30.110(b). Action may be taken.

MOTION: Move to adjourn to executive session at 10:06 p.m. for approximately fifteen minutes.
Picinich/Ekberg - unanimously approved.

MOTION: Move to return to regular session at 10:30 p.m.
Platt/Ekberg - unanimously approved.

MOTION: Move that we pay Silas Nelsen and Ms. Smith \$250 each after they sign release and covenant not to sue.
Picinich/Young - five voted in favor. Councilmember Ekberg voted against the motion.

ADJOURN:

MOTION: Move to adjourn at p.m. 10:32.
Ekberg/Platt -- unanimously approved.

Cassette recorder utilized.
Tape 543 Side A 222 - end.
Tape 543 Side B 000 - end.
Tape 544 Both sides.
Tape 545 Both sides.

Mayor

City Clerk



October 4, 1999

Molly Towslee, City Clerk
City of Gig Harbor
3105 Judson St.
Gig Harbor, WA 98335

Dear Ms. Towslee:

Pierce Transit is proposing to amend its bylaws. It is a requirement to notify all jurisdictions within the Pierce Transit service area of any proposed bylaw changes. Please consider this as notification of Pierce Transit's intent to amend its bylaws.

Enclosed is a complete copy of Pierce Transit's bylaws with the proposed changes italicized. Please note sections: 2.04.020, 2.08.060, 2.08.080, 2.20.050, and 2.28.070.

Any written comments on the proposed changes should be forwarded to me by November 2, 1999. This will allow the Board of Commissioners time to review comments before final action is taken on November 8, 1999.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Byers".

Sandy Byers, CMC
Executive Assistant/Clerk of the Board

Enclosure

cc: Board of Commissioners
Don S. Monroe, Executive Director

PIERCE TRANSIT BYLAWS

Chapters:

<u>2.04</u>	<u>Membership</u>
<u>2.08</u>	<u>Meetings</u>
<u>2.12</u>	<u>Chairperson</u>
<u>2.16</u>	<u>Vice-Chairperson</u>
<u>2.20</u>	<u>Clerk of the Board</u>
<u>2.24</u>	<u>Appointed Positions</u>
<u>2.28</u>	<u>General Provisions</u>

Chapter 2.04--MEMBERSHIP

Sections:

2.04.010	Offices.
2.04.020	Members of the board of commissioners.

2.04.010 Offices. The principal office of Pierce Transit as of November 19, 1987, shall be located at 3701 96th Street S.W., Tacoma, Washington 98499. Pierce Transit may have such other offices, within Pierce County as the board of commissioners may determine from time to time. (Res. 82-120 §1; Res. 84-098 §1(Ex. I(part)))

2.04.020 Members of the board of commissioners.

A. The board of commissioners (hereinafter referred to as the board) shall consist of ~~seven~~ *nine* members who are selected as follows:

1. Three members selected by the city council of the city of Tacoma;
2. One member selected by the city council of the city of Lakewood;
3. ~~Two~~ *Three* members selected by the Pierce County Government;
4. *One member selected by the city councils of the cities of Puyallup and University*

Place, rotating between the two jurisdictions;

5.4. One member selected by the representatives of city and town councils of the remaining cities and towns within the boundary of Pierce Transit.

a. Pierce Transit shall request the city and town councils to nominate a representative to the board of commissioners of Pierce Transit. The request for nomination shall be sent on the second Wednesday in February. The nomination deadline shall be the fourth Wednesday in March.

b. The list of prospective nominees shall be mailed to the ~~fourteen~~ *twelve* town and city councils for a vote on the fourth Friday in March. The city and town councils shall have until May 1st to return the ballots.

c. The ballots shall be accompanied by a certified copy of the council resolution or motion. The clerk of the board of Pierce Transit shall count the ballots and announce the results of the balloting to the board of commissioners.

d. A plurality of ballots cast shall determine the winner.

e. In the event of a tie, the city and town councils shall have an additional thirty days to reconsider. The ballot procedure will be repeated until a winner is selected by a plurality vote.

B. All members of the Pierce Transit board must be elected officials of the jurisdiction they represent.

C. The members of the board of Pierce Transit shall be selected in the following manner and shall serve the following terms: members shall be selected to serve a three-year term. One representative of the city of Tacoma shall be selected to the board each year. ~~The two Pierce County government terms shall be staggered so that neither term shall expire in the same calendar year.~~ *One representative of the Pierce County Government shall be selected to the board each year.* All members shall serve a term of three years, with the relative balance of the city of Tacoma representatives preserved thereby. Each member shall hold office until the expiration of the term for which he/she is elected and until his/her successor has been selected and properly qualified.

An exception to the three-year term as provided in this chapter shall be the first two terms of the Puyallup/University Place representatives, which shall each consist of two years, rotating between the two municipalities. After the first two two-year terms, the term shall be for three years as provided by this chapter.

D. The members shall be selected on or before the first of May. (Res. 79-1 (part); Res. 82-120 §2; Res. 84-098 §1 (Ex. I (part)); Res. 86-082 (Ex. I (Part)))

Chapter 2.08--MEETINGS

Sections:

2.08.010	Regular.
2.08.020	Special.
2.08.030	Quorum.
2.08.040	Chairperson.
2.08.050	Voting.
2.08.060	Order of business.
2.08.070	Conduct.
2.08.080	Authority decisions.
2.08.090	Responsibilities.
2.08.100	Compensation.

2.08.010 Regular. The regular meetings of the board of Pierce Transit shall be held at 3701 96th Street S.W., Tacoma, Washington, at the hour of 5 p.m. on the second and fourth Mondays of each month. However, the board may designate an alternative regular meeting location and/or an alternative regular meeting date whenever the board finds it in the best interests of Pierce Transit. (Res. 82-120 §3(a); Res. 84-098 §1(Ex. I(part)); Res. 85-099 §1; Res. 87-024 §1(Ex. I); Res. 90-028 §1; Res. 91-007 §1)

2.08.020 Special. Special meetings of the board may be called by the chairperson. A majority of the members of the board of Pierce Transit may call a meeting by signing a request that same be called and delivering the request to the clerk of the board who shall forthwith give notice to the public and members of the board of the time and place of the meeting which notice shall be given not less than 24 hours before the time specified for such meeting and such request. (Res. 82-120 §3(b); Res. 84-098 §1(Ex. I(part)))

2.08.030 Quorum. At all meetings of the board a majority of the members of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by resolution. (Res. 82-120 §3(c); Res. 84-098 §1(Ex. I(part)))

2.08.040 Chairperson. The chairperson shall preside at all meetings of the board. In the event of his/her absence from any meeting, the vice-chairperson shall perform the duties of the chairperson, as outlined in Section 4b3 of these bylaws. Absence is defined as the chairperson being unable or unwilling to conduct the duties and business of the position of chairperson. (Res. 82-120 §3(d); Res. 84-098 §1(Ex. I(part)))

2.08.050 Voting. All members in attendance, including the chairperson, at board meetings shall vote on matters brought before the authority (unless excused by a majority of members in attendance). Motions drawing a tie vote shall be deemed lost. All votes taken shall be by voice vote unless a roll call is requested by a member of the board present at the meeting. (Res. 82-120 §3(e); Res. 84-098 §1(Ex. I (part)))

2.08.060 Order of business. The order of business at board meetings shall be the following, except whereby, upon a majority vote, the order of business may be suspended:

- A. Call to order;
- B. Roll call;
- C. Approval of minutes;
- D. Approval of vouchers;
- E. Public comment;
- F. Public hearings;
- G. Presentations;
- H. Consent agenda;
- I. Regular agenda;
- J. Miscellaneous board ~~measures and proposals~~ items;
- K. Miscellaneous staff ~~measures and proposals~~ items;
- L. Executive session;
- M. Adjournment.

The clerk of the board may alter the order of business for a particular board meeting for purposes of efficiency or to accommodate special needs of board members, staff or the public upon direction of, or with the approval of, the chairperson or executive director. (Res. 82-120 §3(f); Res. 84-098 §1 (Ex. I(part)))

2.08.070 Conduct. Robert's Rules of Order Newly Revised shall govern the conduct of board meetings except where in conflict with these bylaws or other resolution of the board. (Res. 82-120 §3(g); Res. 84-098 §1(Ex. I(part)))

2.08.080 Authority decisions. A majority vote of the members at a meeting at which a quorum is present shall be the act of the authority. The majority vote must have at least three affirmative votes ~~in order~~ *if only five members are present or if only five members, regardless of the total numbers present, vote affirmatively or negatively for an authority act to be*

an authority decision unless a greater number is required by law or by the bylaws. (Res. 82-120 §3 (h); Res. 84-098 §1(Ex. I (part)))

2.08.090 Responsibilities. The board shall be responsible for conducting the legislative business of Pierce Transit. The board shall also review periodically the staff administration of Pierce Transit. Nothing in these bylaws is intended to limit the general powers of the board of Pierce Transit pursuant to Chapter 36.57A RCW or hereinafter amended. (Res. 82-120 §3(i); Res. 84-098 §1(Ex. I(part)))

2.08.100 Compensation. Each board member shall be entitled to the maximum per diem compensation as set forth in RCW 36.57A.050, as enacted or hereafter amended, unless a different amount is established by resolution of the board. Each board member shall be compensated under the following circumstances:

1. For attending a regular or special meeting as defined under Pierce Transit Code Sections 2.08.010 and 2.08.020, respectively.

2. For performing prescribed duties approved by the chairperson. (Res. 90-147; Res. 90-047; Res. 87-149)

Chapter 2.12--CHAIRPERSON

Sections:

- 2.12.010 Election.
- 2.12.020 Term.
- 2.12.030 Duties.

2.12.010 Election. The chairperson shall be a member of the board elected by the members by majority vote at a regular or special meeting of the board. (Res. 82-120 §4(a)(1); Res. 84-098 §1(Ex. I(part)))

2.12.020 Term. The chairperson shall be elected from among the members at a first meeting in June of each year. In the event of a vacancy, the members will elect a new chairperson at the next regular meeting. A board member shall not serve as chairperson for more than two consecutive one-year terms, effective May 1983. (Res. 82-120 §4(a) (2); Res. 84-098 §1(Ex. I(part)))

2.12.030 Duties. In addition to the powers and duties granted by these bylaws, the chairperson shall have such other powers and duties as shall be prescribed by law or by resolution of the board. (Res. 82-120 §4(a) (3); Res. 84-098 §1(Ex. I(part)))

Chapter 2.16--VICE-CHAIRPERSON

Sections:

- 2.16.010 Election.
- 2.16.020 Term.
- 2.16.030 Duties.

2.16.010 Election. The vice-chairperson shall be a member of the board elected by the members by majority vote at a regular or special meeting of the board. (Res. 82-120 §4(b) (1); Res. 84-098 §1(Ex. I(part)))

2.16.020 Term. The vice-chairperson shall be elected from among the members at the first meeting in June of each year. In the event of a vacancy, the members will elect a new vice-chairperson at the next regular meeting. A board member shall not serve as vice-chairperson for more than two consecutive one-year terms, effective May 1983. (Res. 82-120 §4(b) (2); Res. 84-098 §1(Ex. I(part)))

2.16.030 Duties. In addition to the powers and duties granted by these bylaws, the vice-chairperson shall have such other powers and duties as shall be prescribed by law or by resolution of the board. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions upon the chairperson. The vice-chairperson shall perform other duties as may be assigned to him/her by the chairperson or by the board of commissioners. (Res. 82-120 §4(b) (3); Res. 84-098 §1(Ex. I(part)))

Chapter 2.20--CLERK OF THE BOARD

Sections:

- 2.20.010 Appointment.
- 2.20.020 Duties.
- 2.20.030 Minutes.
- 2.20.040 Resolutions.
- 2.20.050 Other legal documents.

2.20.010 Appointment. The board of commissioners and the executive director shall appoint a clerk of the board who shall have such power and perform such duties as prescribed by law, or action of the board. (Res. 82-120 §8(a); Res. 84-098 §1(Ex. I(part)))

2.20.020 Duties.

A. The clerk of the board serves as a liaison between the board and Pierce Transit staff. The clerk of the board shall respond to requests from members of the board. The clerk of the board, in addition to his/her other duties shall be responsible for documenting compensation paid to the board in accordance with "Meeting Compensation Guidelines" as approved by the board. The clerk of the board shall also be responsible for keeping the minutes, resolutions of the board, and all other legal documents. Such records shall be kept at the principal office of the authority and shall be made available for inspection by the public in accordance with state law.

B. The clerk of the board is designated as the employee responsible for distribution of all American Public Transit Association governing board committee communications to members of the board of Pierce Transit. (Res. 82-96 §1; Res. 82-120 §8(b); Res. 84-098 §1(Ex. I(part)))

2.20.030 Minutes.

A. The clerk of the board shall cause to be recorded electronically all of the regular and special Pierce Transit board meetings and shall maintain these recordings for such period of time as may be required by applicable state laws and regulations.

B. At the conclusion of each regular or special meeting of the Pierce Transit board, the clerk of the board shall cause the minutes to be prepared in a brief and concise manner, which minutes shall contain an accurate resume of the board's official action with reference to all matters properly before it.

C. Minutes of board meetings shall be mailed to each member of the board following each meeting. The official copy for each meeting shall be signed by the chairperson and clerk of the board and shall become part of the permanent records file. (Res. 82-120 §8(c); Res. 84-098 §1(Ex. I (part)))

2.20.040 Resolutions. The clerk of the board shall cause resolutions to be prepared as documentation of certain board action. Resolutions are signed by the board chairperson and the clerk of the board and are made a part of the permanent records file. (Res. 82-120 §8(d); Res. 84-098 §1(Ex. I(part)))

2.20.050 Other legal documents. All written contractual obligations of Pierce Transit, including, but not limited to, contracts, leases, and assignments are to be referenced by the clerk of the board and made part of the ~~permanent record files~~ *agency record files, which shall be maintained as required by law.* (Res. 82-120 §8(e); Res. 84-098 §1(Ex. I (part)))

Chapter 2.24--APPOINTED POSITIONS

Sections:

- 2.24.010 Executive director.
- 2.24.020 Legal counsel.
- 2.24.030 Committees.

2.24.010 Executive director. The board shall appoint an executive director who shall be responsible for the administrative functions of Pierce Transit and who shall have such power and perform such duties as shall be prescribed by law and action of the board. (Res. 82-120 §5; Res. 84-098 §1(Ex. I(part)))

2.24.020 Legal counsel. The board may appoint legal counsel as necessary. (Res. 82-120 §6; Res. 84-098 §1(Ex. I (part)))

2.24.030 Committees. Committees of the board shall be created from time to time by act of the board as needed to facilitate the conduct of business. Except where a motion is adopted with respect to a particular committee specifying a different method of appointment, the chairperson shall make the appointments to such committees. Terms of the committees should coincide with the term of the chairperson. (Res. 82-120 §7; Res. 84-098 §1(Ex. I(part)))

Chapter 2.28--GENERAL PROVISIONS

Sections:

- 2.28.010 Contracts.
- 2.28.020 Warrants.
- 2.28.030 Notes.
- 2.28.040 Deposits.

- 2.28.050 Gifts.
- 2.28.060 Resolutions.
- 2.28.070 Amendments.

2.28.010 Contracts. The board may authorize any officer or officers, agent or agents of Pierce Transit, in addition to the officers so authorized by resolution, to enter into any contract or execute and deliver any instrument in the name of and on behalf of Pierce Transit, and such authorization may be general or may be confined to specific instances. (Res. 82-120 §9 (a); Res. 84-098 §1(Ex. I (part)))

2.28.020 Warrants. All disbursements of Pierce Transit shall be by warrant drawn by the director of finance and administration auditor or as otherwise directed by law. All requests for warrants shall be signed as directed by board resolution. (Res. 82-120 §9 (b); Res. 84-098 §1(Ex. I (part)))

2.28.030 Notes. All notes or other evidence of indebtedness, including bills, issued or incurred in the name of Pierce Transit, shall be signed by such officer, member, agent or employee of Pierce Transit, and in such manner as shall from time to time to be determined by resolution of the board. (Res. 82-120 §9 (c); Res. 84-098 §1(Ex. I(part)))

2.28.040 Deposits. All funds of Pierce Transit shall be deposited in the appropriate funds established by resolution. The director of finance and administration shall be custodian of the funds and is, subject to approval by resolution of the board, authorized to invest such funds in the manner provided by law. (Res. 82-120 §9 (d); Res. 84-098 §1(Ex. I(part)))

2.28.050 Gifts. The board may accept on behalf of Pierce Transit any contribution, gift, bequest, or devise, for any purpose of Pierce Transit. (Res. 82-120 §9(e); Res. 84-098 §1(Ex. I(part)))

2.28.060 Resolutions. The vote on all formal resolutions of the board shall be recorded in the minutes, and each such resolution shall be signed by the chairperson and the clerk of the board. (Res. 82-120 §10; Res. 84-098 §1(Ex. I(part)))

2.28.070 Amendments. These bylaws may be added to or changed by an affirmative vote of ~~four~~ five members in attendance at any board meeting where a 30-day written notice of such meeting has been sent to all legislative bodies within the jurisdiction of Pierce Transit. The 30-day written notice shall advise all of the legislative bodies within the boundaries of Pierce Transit of the proposed changes which are to be considered. (Res. 82-120 §11; Res. 84-098 §1(Ex. I (part)))



**Washington State
Department of Transportation**

Sid Morrison
Secretary of Transportation

Olympic Region Headquarters
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia, WA 98504-7440

(360) 357-2600
Fax (360) 357-2601

September 27, 1999

RECEIVED

SEP 30 1999

CITY OF GIG HARBOR

The Honorable Gretchen Wilbert
Mayor, City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Dear Mayor Wilbert:

The Washington State Department of Transportation (WSDOT) fully supports the City of Gig Harbor's project to construct a roundabout at the Burnham Drive location. We believe that this project will provide the roadway improvements necessary to allow the City to successfully develop this corridor.

In our view, this project offers significant benefits to the public both locally and state-wide. For this location, we expect the proposed roundabout to perform well when compared to other "traditional" intersection improvements. This project also offers the transportation community the opportunity to further develop knowledge and skills in the design and operation of this relatively new intersection concept. The WSDOT currently has two roundabouts in operation, and several others in various stages of design. We believe the use of roundabouts will continue to expand as we look for new cost effective ways to improve our transportation system.

Sincerely,

Gary Demich
Fol Olympic Region Administrator

GFD:jaa

cc: Wes Hill, Public Works Director
Mike Horton, WSDOT

Endeavour Bark

27th September 1999

Dear *Mr. [unclear]*,

On behalf of H.M. Bark Endeavour Foundation I would like to thank the City of Gig Harbor and yourself for the support shown to "Endeavour" and her crew whilst in port.

Your city welcomed "Endeavour" which is greatly appreciated and it is only with the assistance of groups like yourselves that "Endeavour" can continue to sail as a living museum and open to the public around the world to help educate people about the history of Captain Cook and his ship.

Keeping an authentic replica going requires a lot of hard work and support from all involved and your community has shown both of these characteristics.

Once again thank you for your contribution and hopefully one day we will be back to Gig Harbor.

Yours sincerely



Captain Chris Blake

Master - H.M. Bark Endeavour

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

RECEIVED

SEP 30 1999

TO: MAYOR OF GIG HARBOR
September 27, 1999 CITY OF GIG HARBOR
SPECIAL OCCASION # 090826

KNIGHTS OF COLUMBUS
3510 ROSEDALE ST NW
GIG HARBOR WA 98335

DATE: OCTOBER 24, 1999 TIME: 1 PM TO 7 PM

PLACE: OLD ST. NICHOLAS CHURCH, 3510 ROSEDALE ST NW, GIG HARBOR

CONTACT: JAMES MOERGELI 253-265-8566

SPECIAL OCCASION LICENSES

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

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

- 1. Do you approve of applicant? YES__ NO__
- 2. Do you approve of location? YES__ NO__
- 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES__ NO__

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

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

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

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE:10/04/99

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
(BY ZIP CODE) FOR EXPIRATION DATE OF 19991231

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 CRAIG C. NELSEN ENTERPRISES, L	WATER TO WINE 8811 N HARBORVIEW DR STE B1 GIG HARBOR WA 98332 0000	081567	BEER/WINE SPECIALTY SHOP
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

RECEIVED

OCT 7 1999

CITY OF GIG HARBOR



STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD
1025 E Union • PO Box 43098 • Olympia WA 98504-3098 • (360) 664-0012

Notice to Local Authorities Regarding Procedure for Objecting to Liquor License Renewal

The attached list of liquor licensed premises in your jurisdiction will expire in approximately 60 days. The procedure for objecting to a license renewal is as follows:

- Fax or mail a letter detailing the reason(s) for your objection. **This letter must be received at least 15 days before the liquor license expires.**
- When your objection is received, our licensing staff will prepare a report for review by the Board. This report will include your letter of objection, a report from the Liquor Control Agent who covers the licensed premises, and a record of any past liquor violations. The Board will then decide to either renew the liquor license, or to proceed with non-renewal.
- If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The non-renewal of a liquor license may be contested under the provisions of the Administrative Procedure Act (as provided by RCW 66.08.150 and Chapter 35.05 RCW). Accordingly, the licensee may request a hearing before an administrative law judge. If a hearing is requested, you will be notified and required to present evidence at the hearing to support your recommendation. The Administrative Law Judge will consider the evidence, and issue an Initial Order for the Board's review. The Board has final authority to renew the liquor license, and will subsequently enter a Final Order announcing its decision.
- If the Board decides to renew the license over your objection, you may also request a hearing, following the aforementioned procedure.
- You or the licensee may appeal the Final Order of the Board to the superior court for judicial review (under Chapter 34.05 RCW).
- During the hearing and any subsequent appeal process, the licensee is issued a temporary operating permit for the liquor license until a final decision is made.

Please call me if you have any questions on this process. Thank you.

Sincerely,

Chuck Dalrymple
Chuck Dalrymple
Manager, Licenses and Permits
Licensing and Regulation

Fax (360) 753-2710

Attachment



City of Gig Harbor. The "Maritime City"

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: PARKS AND TRANSPORTATION IMPACT FEES ORDINANCE
DATE: OCTOBER 5, 1999

INFORMATION/BACKGROUND

In order to ensure that adequate transportation and parks facilities can be provided at established levels of service to serve new growth and development, this ordinance is presented to establish transportation and park impact fees as statutorily enabled by the Growth Management Act and the State Environmental Policy Act. This ordinance is consistent with city comprehensive plans for transportation and parks, and creates the means to ensure that new development bears a proportionate share of the capital costs of off-site parks and transportation facilities. Also, this ordinance ensures that the city will pay its fair share of these capital costs, and provides for the equitable collection of these fees.

POLICY CONSIDERATIONS

Consistent with the prior comparison study of the proposed transportation fee schedule, staff recommends that Council consider a uniform reduction of the rate. The attached transportation impact fee schedule reflects this adjustment. Such a reduction means that a greater share of the cost of new capacity will be born by existing taxpayers than was initially proposed by the city's consultants.

FISCAL CONSIDERATIONS

Payment of impact fees are proposed to be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit. A developer may elect to postpone payment of the impact fees for each lot within a subdivision until the issuance of a building permit for each lot.

RECOMMENDATION

Staff recommends that this ordinance be adopted after the second reading during October.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRANSPORTATION AND PARK IMPACT FEES, AUTHORIZING THE IMPOSITION OF IMPACT FEES ON NEW DEVELOPMENT TO PROVIDE FUNDING FOR THE DEVELOPMENT'S PROPORTIONATE SHARE OF OFF-SITE OR SYSTEM IMPROVEMENTS REASONABLY RELATED TO THE NEW DEVELOPMENT; DESCRIBING THE METHOD FOR THE CALCULATION OF THE FEES; REFUNDS OF THE FEE, AND PROVIDING FOR AN ADMINISTRATIVE APPEAL OF THE FEE; ADDING A NEW CHAPTER 19.12 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council of the City of Gig Harbor intends that adequate parks and transportation facilities be provided to serve new growth and development, and

WHEREAS, in order that new parks and transportation facilities are available when needed, the Council has determined that the cost of the parks and transportation facilities must be shared by the public and the private sectors, and the proportionate share of the expense of new parks and transportation facilities necessitated by new development shall be borne by developers through the City's imposition of impact fees, and

WHEREAS, such impact fees shall be calculated, imposed and collected by the City pursuant to procedures and criteria set forth in this ordinance, NOW, THEREFORE,

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

Section 1. Short Title. This ordinance shall be known and may be cited as the "Gig Harbor Impact Fee Ordinance" and shall comprise a new Chapter 19.12 in Title 19 of the Gig Harbor Municipal Code.

Section 2. Authority and Purpose.

A. This ordinance is enacted pursuant to the City's police powers, the Growth Management Act as codified in Chapter 82.02 of the Revised Code of Washington (RCW), Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA) Chapter 42.21C RCW.

B. The purpose of this ordinance is to:

1. Develop a program consistent with the Gig Harbor Parks Open Space and Recreation Plan, 6-Year Road Plan and the City's Comprehensive Plan (parks and transportation elements), and Capital Improvement Plan, for joint public and private financing of park and transportation facility improvements necessitated in whole or in part by development in the City;
2. To ensure adequate levels of service within the City;
3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off-site parks and transportation facilities reasonably related to new development, in order to maintain adopted levels of park service and maintain adopted levels of service on the City's transportation facilities;
4. Ensure that the City pays its fair share of the capital cost of parks and transportation facilities necessitated by public use of the parks and roadway system;
and
5. Ensure fair collection and administration of such impact fees.

C. The provisions of this ordinance shall be liberally construed to effectively

carry out its purpose in the interest of the public health, safety and welfare.

Section 3. Applicability.

A. The requirements of this ordinance apply to all development as defined in Ordinance No. 817, Chapter 19.14 of the Gig Harbor Municipal Code.

B. Mitigation of impacts on parks and transportation facilities located in jurisdictions outside the City will be required when:

1. The other affected jurisdiction has reviewed the development's impact under its adopted impact fee/mitigation regulations and has recommended to the City that there be a requirement to mitigate the impact; and

2. There is an interlocal agreement between the City and the affected jurisdiction specifically addressing impact identification and mitigation.

Section 4. Geographic Scope. The boundaries within which impact fees shall be charged and collected are coextensive with the corporate City limits, and shall include all unincorporated areas annexed to the City on and after the effective date of this ordinance. After the adoption of interlocal agreements with other local and regional governments, the geographic boundaries may be expanded consistent therewith.

Section 5. Definitions. For the purposes of this ordinance, the terms used in this ordinance shall have the meanings as set forth in chapter 19.14, unless the context clearly indicates otherwise.

Section 6. Imposition of Impact Fees.

A. The Approving Authority is hereby authorized to impose impact fees on new Development.

B. Impact fees may be required pursuant to the Impact Fee Schedule adopted through to the process described in Section 1.3 of this ordinance, or mitigation may be provided through: 1) the purchase, installation and/or improvement of park and transportation facilities pursuant to Section 9(C) dedication of land pursuant to Section 9(C) of this ordinance.

C. Impact Fees:

1. Shall only be imposed for park and transportation facilities that are reasonably related to the impacts of new Development;
2. Shall not exceed a proportionate share of the costs of park and transportation facilities that are reasonably related to new Development;
3. Shall be used for park and transportation facilities that will reasonably benefit the new Development;
4. Shall not be used to correct existing deficiencies;
5. Shall not be imposed to mitigate the same off-site park and transportation facility impacts that are being mitigated pursuant to any other law;
6. Shall not be collected for improvements to state/county park and transportation facilities unless the state/county requests such improvements and an agreement to collect such fees has been executed between the state/county and the City;
7. Shall not be collected for improvements to park and transportation facilities in other municipalities unless the affected municipality requests such improvement and an interlocal agreement has been executed between the City and the affected municipality for collection of such fees;
8. Shall not be collected for any Development approved prior to the date

of adoption of this ordinance unless changes or modifications in the Development requiring City approval are subsequently proposed which result in greater direct impacts on park and transportation facilities than were considered when the Development was first approved; and

9. Shall be collected only once for each Development, unless changes or modifications to the Development are proposed which result in greater direct impacts on park and transportation facilities than were considered when the Development was first permitted.

10. May be imposed for system improvement costs previously incurred by the City, to the extent that new growth and development will be served by the previously constructed improvements, and provided that such fee shall not be imposed to make up for any system improvement deficiencies.

Section 7. Approval of Development. Prior to approving or permitting a Development, an Approving Authority shall consult with the Director concerning mitigation of a Development's impacts.

Section 8. Fee Schedules and Establishment of Service.

A. Impact Fee Schedules setting forth the amount of the Impact Fees to be paid by Development are listed in Appendix 'B' for Roads and Appendix 'C' for parks, attached hereto and incorporated herein by this reference. Administrative fees to be paid as part of the Impact Fee program are also included in the Fee Schedules.

B. For the purpose of this ordinance, the entire City shall be considered one Service Area.

Section 9. Calculation of Impact Fees.

A. The Director shall calculate the Impact Fees set forth in Appendix B, more specifically described in the Gig Harbor 6-Year Road Plan and the Parks Open Space and Recreation Plan, which:

1. Determines the standard fee for similar types of Development, which shall be reasonably related to each Development's proportionate share of the cost of the Projects described in Appendix 'A', and for parks shall be calculated as set forth in Appendix 'C'.

2. Reduces the proportionate share by applying the benefit factors described in subsection B of this section.

B. In calculating proportionate share, the Director shall:

1. Identify all park and transportation facilities that will be impacted by users from each Development.

2. Identify when the capacity of a park or transportation facility has been fully utilized;

3. Update the data as often as practicable, but at least annually;

4. Estimate the cost of constructing the Projects in Appendix 'A' for roads as of the time they are placed on the List, and the cost of maintaining the city's level of park service as shown on Appendix 'D' and then update the cost estimates at least annually, considering the:

a. Availability of other means of funding park and transportation facility improvements;

b. Cost of existing park and transportation facility improvements; and

- c. Methods by which park and transportation facility improvements were financed;

5. Update the fee collected against a Project which has already been completed, through an advancement of City funds, at a rate, determined annually, which is equivalent to the City's return on its investments.

C. The Director shall reduce the calculated proportionate share by giving credit for the following benefit factors:

1. The purchase, installation and/or improvement of park and transportation facilities, if:

- a. the facilities are located on land owned by the City, Pierce County, a school district or a special district; and
- b. a designated public owner is responsible for permanent, continuing maintenance and operation of the facilities; and
- c. the Director determines that the facilities correspond to the type(s) of park and transportation facilities being impacted by the Development as determined pursuant to this ordinance; and
- d. the Director determines, after consultation with the County, school district or special purpose district, as applicable, and an analysis of supply and demand data, the Parks Open Space and Recreation Plan, the 6-Year Road Plan and any applicable Pierce County park and transportation plan, that the proposed park and transportation facility improvements better meet the City's need for park and transportation facilities than would payment of funds to mitigate the park and transportation impacts of the Development.

2. The credit against the Impact Fee shall be equal to the fair market value of the purchase, installation and/or improvement.

3. Any applicable benefit factors as described in RCW 82.02.060, that are demonstrated by the applicant not to have been included in the calculation of the impact fee.

4. A developer of a planned residential development or mobile home park may receive credit only for park and transportation facilities provided in addition to those normally required under SEPA for such developments pursuant to Chapter 18.04 GHCM.

5. When the Director has agreed to a developer's proposal to satisfy some or all of the Impact Fee through the purchase, installation and/or improvement of park and transportation facilities, the developer shall prepare and submit a facility improvement plan to the Director for approval prior to recordation of a plat or short plat for subdivisions, and prior to issuance of a building permit for all other developments.

6. In the determination of credit toward the impact fee, the Director shall also consider the extent to which the proposed dedication or conveyance meets the following criteria:

- a. The land should result in an integral element of the Gig Harbor Park/Road System;
- b. The land is suitable for future park and/or transportation facilities;
- c. The land is of an appropriate size and of an acceptable configuration;
- d. The land has public access via a public street or an easement of an equivalent width and accessibility;
- e. The land is located in or near areas designated by the City or County for park, trail on land use plans for recreation purposes;
- f. The land provides linkage between Pierce County and/or other publicly-owned recreation or transportation properties;

- g. The land has been surveyed or adequately marked with survey monuments, or otherwise readily distinguishable from adjacent privately-owned property;
- h. The land has no known physical problems associated with it, such as the presence of hazardous waste, drainage, erosion, or flooding problems which the Director determines would cause inordinate demands on public resources for maintenance and operation;
- i. The land has no known safety hazards;
- j. The developer is able to provide documentation, as nearly as practicable, of the land's compliance with the criteria of this subsection, and of clear title; and
- k. The developer is able to provide and fund a long-term method, acceptable to the Director, for the management and maintenance of the land, if applicable.

7. The amount of credit determined pursuant to this subsection C shall be credited proportionately among all the units in the Development, and the Impact Fee for each unit for which a permit or approval is applied shall be reduced accordingly.

8. Applicants may not request that an impact fee credit be provided for a proposed Development based upon taxes, user fees, assessments, improvements, payments or other benefit factors applicable to property that is not included within the proposed Development.

~~9. Applicants shall receive credit against the impact fee equal to the amount of an LID assessment paid for transportation-related facilities identified by the Director as increasing transportation system capacity.~~

Section 10. Variation from Impact Fee Schedule. If a developer submits information demonstrating a significant difference between the age, social, activity or interest characteristics of the population of a proposed subdivision or Development and the data used to calculate the Impact

Fee Schedule, the Director may allow a special calculation of the Impact Fee requirements for the subdivision or Development to be prepared by the Developer's consultant; at the Developer's cost; provided, however, that the Director shall have prior approval of the qualifications and methodology of the Developer's consultant in making such calculation, and any time period mandated by statute or ordinance for the Approving Authority's decision on the subdivision or Development shall not include the time spent in preparing the special calculation. Whether the Director accepts the data provided by the special calculation shall be at the Director's discretion.

Section 11. Payment of Fees.

A. All developers shall pay an Impact Fee in accordance with the provisions of this ordinance at the time that the applicable development permit is ready for issuance. The Fee paid shall be the amount in effect as of the date of the permit issuance.

B. The Impact Fee, as initially calculated for a development permit, shall be recalculated at the time of issuance if the Development is modified or conditioned in such a way as to alter park and transportation impacts for the Development.

C. A developer may obtain a preliminary determination of the Impact Fee before application for a development permit, by paying the administrative fee and providing the Director with the information needed for processing.

Section 12. Time of Payment of Impact Fees.

A. Payment of any required Impact Fees shall be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit; Provided, however, that for subdivisions, as defined in chapter 19.14 GHMC, the developer may elect to postpone payment of the Impact Fees for each lot within the subdivision until issuance of a building

permit for each lot. The election to postpone payment shall be noted by a covenant placed on the face of the recorded plat or short plat and included in the deed for each affected lot within the subdivision.

B. When a subdivision or Development is conditioned upon the dedication of land, or the purchase, installation or improvement of park and transportation facilities, a final plat or short plat shall not be recorded, and a building permit shall not be issued for other development until:

1. The Director has determined in writing that any land to be dedicated is shown on the face of the final plat or short plat, or a deed conveying the land to the City, Pierce County, a school district or special purpose district, as appropriate, has been recorded with the Pierce County Auditor; and

2. The Director has determined in writing, after consultation with the designated public owner responsible for permanent, continuing maintenance and operation of the facilities, that the developer has satisfactorily undertaken, or guaranteed to undertake in a manner acceptable to the Director, any required purchase, installation or improvement of park and transportation facilities.

Section 13. Project List.

A. The Director shall annually review the City's Parks Open Space and Recreation Plan, the Six-Year Parks Improvement Plan, the Six-Year Road Plan and the Projects listed in Appendix A and B and shall:

1. Identify each Project in the Comprehensive Plan that is Growth-Related and the proportion of each such Project that is Growth-Related;

2. Forecast the total monies available from taxes and other public sources for park and transportation improvements for the next six (6) years;

3. Update the population, building activity and demand and supply data for park and transportation facilities and the Impact Fee Schedule for the next six (6) year period.

4. Calculate the amount of Impact Fees already paid; and

5. Identify those Comprehensive Plan projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The Director shall use this information to prepare an annual Draft Amendment to the fee schedule. A draft amendment to Exhibits 'A' and 'D', which shall comprise:

1. The Projects on the Comprehensive Plan that are Growth-Related and that should be funded with forecast public monies and the Impact Fees already paid; and

2. The Projects already built or funded pursuant to this ordinance whose performance capacity has not been fully utilized.

C. The Council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall by separate ordinance establish the annual Project List by adopting, with or without modification, the Director's Draft Amendment.

D. Once a Project is placed on Appendix 'A', or the City amends its level of park service in Appendix 'D' a fee shall be imposed on every Development that impacts the Project until the Project is removed from the List by one of the following means:

1. The Council by ordinance removes the Project from Appendix 'A' and/or 'D', in which case the fees already collected will be refunded if necessary to ensure

that Impact Fees remain reasonably related to the park and transportation impacts of Development that have paid an Impact Fee; provided that a refund shall not be necessary if the Council transfers the Fees to the budget of another Project that the Council determines will mitigate essentially the same park and transportation impacts; or

2. The capacity created by the Project has been fully utilized, in which case the Director shall administratively remove the Project from the Project List.

Section 14. Funding of Projects.

A. An Impact Fee trust and agency fund is hereby created. The Director shall be the fund manager. Impact fees shall be placed in appropriate deposit accounts within the Impact Fee fund.

B. The Impact Fees paid to the City shall be held and disbursed as follows:

1. The Fees collected for each Project shall be placed in a deposit account within the Impact Fee fund;

2. When the Council appropriates Capital Improvement Project (CIP) funds for a Project on the Project List, the Fees held in the Impact Fee fund shall be transferred to the CIP fund. The non-Impact Fee monies appropriated for the Project shall comprise both the public share of the Project cost and an advancement of that portion of the private share that has not yet been collected in Impact Fees;

3. The first money spent by the Director on a Project after a Council appropriation shall be deemed to be the Fees from the Impact Fee fund;

4. Fees collected after a Project has been fully funded by means of one or more Council appropriations shall constitute reimbursement to the City of the funds

advanced for the private share of the Project. The public monies made available by such reimbursement shall be used to pay the public share of other Projects.

5. All interest earned on Impact Fees paid shall be retained in the account and expended for the purpose or purposes for which the Impact Fees were imposed.

C. Projects shall be funded by a balance between Impact Fees and public funds, and shall not be funded solely by Impact Fees.

D. Impact Fees shall be expended or encumbered for a permissible use within six (6) years of receipt, unless there exists an extraordinary or compelling reason for Fees to be held longer than six (6) years. The Director may recommend to the Council that the City hold Fees beyond six (6) years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the Council.

E. The Director shall prepare an annual report on the Impact Fee account showing the source and amount of all monies collected, earned or received and projects that were financed in whole or in part by Impact Fees.

Section 15. Use and Disposition of Dedicated Land. All land dedicated or conveyed pursuant to this ordinance shall be set aside for development of park and transportation facilities. The City and Pierce County, any school district or special purpose district to which land is dedicated or conveyed pursuant to this ordinance, shall make every effort to use, develop and maintain land dedicated or conveyed for park and transportation facilities.

In the event that use of any such dedicated land is determined by the Director or Pierce County, any school district or special purpose district to be infeasible for development of park and transportation facilities, the dedicated land may be sold or traded for another parcel of land in

the City, subject to the requirements of state law and City ordinances. The proceeds from such a sale shall be used to acquire land or develop park and transportation facilities in the City.

Section 16. Refunds.

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which Impact Fees were paid, and the developer shows that no impact has resulted. However, the administrative fee shall not be refunded.

B. In the event that Impact Fees must be refunded for any reason, they shall be refunded with interest earned to the Owners as they appear of record with the Pierce County Assessor at the time of refund.

C. When the City seeks to terminate any or all Impact Fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the City, but must be expended on Projects on the City's adopted plans. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

Section 17. Exemption or Reduction for Low-Income Housing.

A. Public housing agencies or private non-profit housing developers participating in publicly-sponsored or subsidized housing programs may apply for exemptions from the Impact Fee requirements. The Director shall review proposed developments of low-income

housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule. If the Director determines that a proposed Development of low-income housing satisfies the adopted criteria, such Development shall be exempted from the requirement to pay an Impact Fee.

B. Private developers who dedicate residential units for occupancy by low-income households may apply to the Director for reductions in Impact Fees. If the Director determines that the developer's program for low-income occupancy of housing units satisfy the adopted criteria, the Director shall reduce the calculated Impact Fee for the Development so that the developer does not pay an impact fee for those units dedicated for low-income household occupancy.

C. The amount of the Impact Fee not collected from low-income Development shall be paid from public funds other than Impact Fee accounts.

D. The Director is hereby instructed and authorized to adopt administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low-income households by public housing agencies or private non-profit housing developers participating in publicly-sponsored or subsidized housing programs;

2. Encourage the construction in private developments of housing units for low-income households that are in addition to units required by another housing program or development condition;

3. Ensure that housing that qualifies as "low income" meets appropriate standards regarding household income, rent levels or sale prices, location, number of units and development size;

4. Ensure that developers who obtain an exemption from or reduction from Impact Fees will in fact build the proposed low income housing and make it available to low income households for a minimum of fifteen (15) years;

5. Implement an exemption plan whereby payment of the Impact Fee is deferred for low income housing and forgiven over a fifteen (15) year period.

Section 18. Appeals.

A. A developer may appeal the amount of the Impact Fee to the Hearing Examiner, who shall conduct a hearing on the appeal and appeal shall be consolidated with any appeal of the underlying permit. The developer shall bear the burden of proving:

1. That the Director committed error in calculating the developer's proportionate share, as determined by an individual fee calculation, or, if relevant, as set forth in the Impact Fee Schedule, or in granting credit for the benefit factors; or

2. That the Director based his determination upon incorrect data.

B. An appeal must be filed with the Director within ten (10) calendar days of the Director's issuance of his/her final decision shall be regarding the fee amount. In order to obtain an appealable final decision, the developer must:

1. Request in writing a meeting to review the fee amount with the Director's staff. The Director's staff shall consider any studies and data submitted by the developer seeking to adjust the amount of the fee; and

2. Request in writing reconsideration by the Director or his/her designee of an adverse decision by staff. The request for reconsideration shall state in detail the grounds for the request. The Director or his designee shall issue a final, appealable decision

within ten (10) working days of receiving a request for reconsideration unless the Director or his/her designee determines that a meeting with the developer is needed to properly consider the request, in which case the meeting shall be held within ten (10) working days of receipt of the request and a final decision issued within ten (10) working days of the meeting.

C. Appeals from the decision of the Hearing Examiner shall be to the City Council, pursuant to the provisions of Gig Harbor Municipal Code Chapter 19.05 GHMC.

Section 19. Relationship to SEPA.

~~A. All Development shall be subject to environmental review pursuant to SEPA and other applicable City ordinances and regulations.~~

~~B. Payment of the Impact Fee shall constitute satisfactory mitigation of those park and transportation impacts related to the specific improvements identified on the Project List (Appendix 'A' and Appendix 'D').~~

~~C. Further mitigation in addition to the Impact Fee shall be required if adverse impacts appropriate for mitigation pursuant to SEPA are identified that are not adequately mitigated by an Impact Fee.~~

A. As provided in RCW 82.02.100, a person required to pay a fee pursuant to RCW 43.21C.060 for system improvements shall not be required to pay an impact fee under this ordinance for those same system improvements.

~~D. B.~~ Nothing in this ordinance shall be construed to limit the City's authority to deny development permits when a proposal would result in probable significant adverse impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient

to mitigate the identified impact.

Section 20. Park and Transportation Facility Requirements in Adjoining Municipalities/Districts. Level of service requirements and demand standards different than those provided in the Gig Harbor Comprehensive Park Plan shall be applied to park and recreation facility impacts in adjoining municipalities/districts if such different standards are provided in an interlocal agreement between the City and the affected municipality. Otherwise, the standards contained in the Gig Harbor Comprehensive Plan shall apply to park and transportation impacts in adjoining jurisdictions.

Section 21. Necessity of Compliance. A development permit issued after the effective date of this ordinance shall be null and void if issued without substantial compliance with this ordinance by the Director, the Department and the Approving Authority.

Section 22. Severability. If any part of this ordinance is found to be invalid, that finding shall not affect the validity of any remaining part of this ordinance.

Section 23. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 2/4/99
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 _____, 1999, 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, RELATING TO TRANSPORTATION AND PARK IMPACT FEES, AUTHORIZING THE IMPOSITION OF IMPACT FEES ON NEW DEVELOPMENT TO PROVIDE FUNDING FOR THE DEVELOPMENT'S PROPORTIONATE SHARE OF OFF-SITE OR SYSTEM IMPROVEMENTS REASONABLY RELATED TO THE NEW DEVELOPMENT; DESCRIBING THE METHOD FOR THE CALCULATION OF THE FEES; REFUNDS OF THE FEE, AND PROVIDING FOR AN ADMINISTRATIVE APPEAL OF THE FEE; ADDING A NEW CHAPTER 19.12 TO THE GIG HARBOR MUNICIPAL CODE.

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

DATED this _____ day of _____, 1999.

CITY CLERK, MOLLY TOWSLEE

Rate Schedule / Transportation

Appendix 'A' / Transportation

TIP #	Project Description	Year Scheduled	Estimated Total Project Cost	Total Grants / Other Participation					Total Grants	City Participation	% of Total Project Cost	% Added for Increase Capacity	Formula to determine Capacity	Developer Participation	
				Pierce County Participation	Federal Participation	% of Total Project Cost	State Grants (UATA, TIB, TIA, Ect.)	% of Total Project Cost						Developer Participation	% of Total Project Cost
1	EAST-WEST (BORGEN) ROAD CONSTRUCTION (Ph 1) - Swede Hill Interchange (SR-16) to Peacock Hill Ave	1999	\$2,950,000	\$824,000	0	0.0%	\$0	0.0%	\$824,000	\$503,000	17.1%	100%		\$1,523,000	51.6%
4	POINT FOSDICK DRIVE IMPROVEMENTS (Ph 1) - 1,000-ft. South of Olympic Dr. to 44th Street	1999	\$667,000	\$0	0	0.0%	\$462,000	72.3%	\$462,000	\$55,000	8.2%	39%	(0.5x0.39)x0.667	\$130,005	19.5%
11	POINT FOSDICK DRIVE IMPROVEMENTS (Ph 2) - 44th Street to City Limits	2001-2002	\$545,000	\$0	355,926	65.3%	\$0	0.0%	\$355,926	\$55,549	10.2%	49%	(0.5x0.49)x0.545	\$133,525	24.5%
12	OLYMPIC DRIVE/56th STREET IMPROVEMENTS - 950-ft. west of Point Fosdick Drive to 38th Avenue	2001-2002	\$1,341,000	\$0	875,774	65.3%	\$80,000	6.0%	\$955,774	\$56,681	4.2%	39%	(0.5x0.49)x1.34	\$320,545	24.5%
19	56th ST / PT FOSDICK DR IMPROVEMENTS - Olympic Drive to Olympic Drive	2003-2004	\$1,182,000	\$0	771,935	65.3%	\$36,000	3.0%	\$807,935	\$84,475	7.1%	40%	(0.5x0.49)x1.182	\$289,500	24.5%
22	EAST-WEST (BORGEN) ROAD CONSTR. (Ph 2) - Swede Hill Interchange (SR-16) to W of Woodridge	2003-2004	\$4,050,000	\$0	1,751,625	43.3%	\$150,000	3.7%	\$1,901,625	\$123,375	3.0%	100%	(0.5x1.0)x4.05	\$2,025,000	50.0%
23	CRESCENT VALLEY CONNECTOR - Peacock Hill Avenue to Crescent Valley Road	2003-2004	\$4,300,000	\$0	1,859,750	43.3%	\$0	0.0%	\$1,859,750	\$290,250	6.8%	100%	(0.5x1.0)x4.3	\$2,150,000	50.0%
25	NORTH-SOUTH CONNECTOR - East-West Road to Peacock Hill Avenue	2000-2001	\$150,000	\$0	0	0.0%	\$0	0.0%	\$0	\$75,000	50.0%	100%	(0.5x1.0)x0.15	\$75,000	50.0%
26	HUNT STREET CROSSING - Kimball Drive to 38th Ave	2003-2004	\$11,800,000	\$0	5,103,500	43.3%	\$398,100	3.4%	\$5,501,600	\$390,400	3.4%	100%	(0.5x1.0)x11.8	\$5,900,000	50.0%
TOTAL			\$28,985,000	\$824,000	\$10,718,509		\$1,146,100		\$12,608,608	\$1,641,731				\$12,654,725	

Appendix 'B'
Transportation

Impact Fee Rate Schedule

ITE Code	ITE Land Use Category	Trip Rate (1)	% New Trips (2)	Peak Hour Factor (3)	Net New Trips Per Unit of Measure	Impact Fee Per Unit @ \$ 108.22 Per Trip
110	Light Industrial	3.49	100%	1.33	4.64 1,000 sq. ft.	\$ 0.50 per square foot
140	Manufacturing	1.93	100%	1.84	3.55 1,000 sq. ft.	0.38 per square foot
151	Mini-warehouse	1.30	100%	0.95	1.24 1,000 sq. ft.	0.13 per square foot
210	Single Family House	4.78	100%	1.00	4.78 dwelling	517.30 per dwelling unit
220	Apartment	3.24	100%	0.92	2.98 dwelling	322.50 per dwelling unit
230	Condominium	2.93	100%	0.89	2.61 dwelling	282.46 per dwelling unit
240	Mobile Home	2.41	100%	1.14	2.75 dwelling	297.61 per dwelling unit
250	Retirement Community	1.16	100%	0.90	1.04 dwelling	112.55 per dwelling unit
310	Hotel	4.35	100%	0.83	3.61 room	390.68 per room
320	Motel	5.10	100%	0.56	2.86 room	309.52 per room
420	Marina	1.48	100%	0.61	0.90 berth	97.40 per berth
430	Golf Course	4.17	100%	0.44	1.83 acre	198.05 per acre
444	Movie Theater	11.96	100%	1.88	22.48 1,000 sq. ft.	2.43 per square foot
492	Racquet Club	8.57	100%	0.98	8.40 1,000 sq. ft.	0.91 per square foot
530	High School	5.45	100%	1.68	9.16 1,000 sq. ft.	0.99 per square foot
560	Church	4.66	100%	0.73	3.40 1,000 sq. ft.	0.37 per square foot
610	Hospital	8.39	100%	0.59	4.95 1,000 sq. ft.	0.54 per square foot
620	Nursing Home	1.30	100%	0.62	0.81 bed	87.66 per bed
710	Office 10,000 Sq. Ft.	12.30	100%	1.31	16.11 1,000 sq. ft.	1.74 per square foot
710	Office 50,000 Sq. Ft.	8.29	100%	1.28	10.61 1,000 sq. ft.	1.15 per square foot
710	Office 100,000 Sq. Ft.	7.02	100%	1.26	8.85 1,000 sq. ft.	0.96 per square foot
720	Medical Office	17.09	100%	1.13	19.31 1,000 sq. ft.	2.09 per square foot
820	Retail 10,000 Sq. Ft.	83.80	49%	0.85	34.90 1,000 sq. ft.	3.78 per square foot
820	Retail 50,000 Sq. Ft.	45.83	48%	0.87	19.14 1,000 sq. ft.	2.07 per square foot
820	Retail 100,000 Sq. Ft.	35.34	74%	0.88	23.01 1,000 sq. ft.	2.49 per square foot
820	Retail 200,000 Sq. Ft.	27.25	74%	0.88	17.75 1,000 sq. ft.	1.92 per square foot
832	Restaurant: sit-down	102.68	52%	0.72	38.44 1,000 sq. ft.	4.16 per square foot
833	Fast Food, No Drive-up	393.11	52%	0.51	104.25 1,000 sq. ft.	11.28 per square foot
844	Service Station	150.18	27%	0.48	19.46 pump	2,106.00 per pump
850	Supermarket	88.80	49%	0.82	35.68 1,000 sq. ft.	3.86 per square foot
851	Convenience Market - 24 Hr.	369.00	31%	0.69	78.93 1,000 sq. ft.	8.54 per square foot
860	Wholesale Warehousing	3.37	100%	0.29	0.98 1,000 sq. ft.	0.11 per square foot
911	Bank/Savings: Walk-in	70.31	30%	1.17	24.68 1,000 sq. ft.	2.67 per square foot
912	Bank/Savings: Drive-in	132.61	30%	1.56	62.06 1,000 sq. ft.	\$ 6.72 per square foot

(1) ITE Rate divided by 2.

(2) Eliminates pass-by trips.

(3) Adjustment factor to convert average daily trips to peak hour equivalent.

Appendix 'C' Parks

RATE SCHEDULE

Based on the 50% assessment identified in "Note (3)" of Appendix 'C-2' (p. 143 City of Gig Harbor Parks, Recreation and Open Space Plan) of this ordinance, the Park Impact Fee is set at \$1500 per dwelling unit.

Appendix 'D' / Parks

Capital improvement program 1996-2002

Agency/Department: Gig Harbor Public Works Department

Address: 3105 Judson Street

City, zip code: Gig Harbor, Washington 98335

Phone: 206.851.8145 Fax: 206.851.8563 County: Pierce County

Prt	Project site	Lvl	Act	Item	Funds	Unit	Unit Cost	Qty	Qty Cost
CONSERVANCY/RESOURCE PARKS									
high	Wilkinson Wetlands	lcl	acq	acquire/accept donation	GMA/SEPA	acres	\$31,250.00	16.0	\$500,000
			dvp	trail-class 4 w/o services	GMA/SEPA	miles	\$37,651.00	0.5	\$18,826
			dvp	trailhead w/parking/sanican	GMA/SEPA	stall	\$2,440.27	15	\$36,604
moderate	WWTP	lcl	dvp	trail-class 3 w/o services		miles	\$48,485.00	0.25	\$11,621
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	10	\$65,494
low	Scofield Property	rgl	acq	acquire upland site		acres	\$1,038,728.00	1.1	\$1,190,000
			acq	acquire tidelands		acres	\$5,000.00	10.0	\$50,000
			dvp	trail-class 4 w/o services		miles	\$37,651.00	0.25	\$9,413
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	15	\$98,242
low	Acquire Tallman's Wetl	lcl	acq	acquire wetlands site	SEPA	acres	\$31,250.00	0.0	\$0
			dvp	trail-class 4 w/o services		miles	\$37,651.00	0	\$0
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	0	\$0
									\$1,980,199

RESOURCE PARKS									
high	City Park	lcl	acq	acquire adjacent property		acres	\$75,757.00	2.0	\$150,262
			dvp	trail-class 5 w/o services		miles	\$14,359.00	0.25	\$3,590
high	City Park Extension	lcl	acq	acquire east of Wheeler Street		acres	\$100,000.00	1.1	\$110,000
high	Gig Harbor Marine Park	rgl	plan	master plan harbor use		plan	\$50,000.00	1	\$50,000
high	Jarisch Park	rgl	dvp	dock extension/vessel pump-out		sq ft	\$32.00	1050	\$33,600
			acq	acquire Skansie property		acres	\$1,168,668.67	1.5	\$1,750,000
			dvp	restore net shed		sq ft	\$50.00	3752	\$187,600
			dvp	develop picnic facilities		table	\$3,400.00	5	\$17,000
low	WWTP	lcl	acq	acquire adjacent properties		acre	\$8,240.00	11.5	\$94,760
low	Wheeler Street-end	lcl	dvp	picnic facilities w/o services		table	\$3,400.00	0	\$0
									\$2,398,812

TRAIL SYSTEMS									
high	Harbor Ferry Landing	rgl	dvp	view platform w/access		sq ft	\$350.00	240	\$204,000
high/mod	Harbor Ridge MS	lcl	dvp	trail-multi w/o services		miles	\$189,450.00	0.05	\$3,611
			dvp	overlook platform w/picnic		sq ft	\$50.00	200	\$10,000
low/mod	Harbor Heights	lcl	dvp	trail-multi w/o services		miles	\$189,450.00	0.14	\$25,834
			dvp	overlook w/picnic		sq ft	\$32.00	200	\$6,400
low	Lagoon/Narrows Trail	rgl	acq	trail use rights		plan	\$15,000.00	1	\$15,000
			dvp	trail-multi w/o svcs-UGA		miles	\$87,447.00	5.5	\$478,984
			dvp	trailhead w/parking/sanican		stall	\$2,440.27	30	\$73,208
mod/high	SR-16 Mtn Bike Trail	lcl	dvp	mtn bike 1-w/o svcs UGA		miles	\$14,683.00	1.8	\$26,696
low	Pioneer/Harborview Pla	lcl	dvp	streetscape		sq ft	\$12.00	12,000	\$144,000
low	Water Trailheads	rgl	acq	water trailhead w/svcs		site	\$22,304.00	0.5	\$11,152
									\$1,001,825

ATHLETIC FIELDS									
high	City Park	lcl	acq	acquire adjacent property		acres	\$25,000.00	11.9	\$297,521
high	Gig Harbor North	lcl	acq	acquire community park site	SEPA	acres	\$0.00	20	\$0
high	Tallman Park	lcl	acq	acquire community park site	SEPA	acres	\$0.00	20	\$0
high	Skateboard Court	lcl	dvp	develop skateboard facility		each	\$50,000.00	1	\$50,000
high	Harbor Ridge MS	rgl	plan	master plan site rcn uses		plan	\$15,000.00	1	\$15,000
high	Henderson AU/PLC	rgl	plan	master plan site rcn uses		plan	\$25,000.00	1	\$25,000
high	GHPSD school sites	lcl	plan	master plan site rcn uses		plan	\$15,000.00	1	\$15,000
									\$402,521

COMMUNITY/RECREATION CENTER									
high	CLC/Henderson Alt	rgl	plan	master plan facilities		plan	\$50,000.00	1	\$50,000
high	Harbor Ridge MS	rgl	plan	master plan facilities		plan	\$10,000.00	1	\$10,000
			dvp	renovate building		sq ft	\$25.00	3000	\$75,000
mod	City Park	lcl	acq	acquire Mason's Building		each	\$50,000.00	1	\$50,000
									\$185,000

TOTAL \$5,968,417



City of Gig Harbor. The "Maritime City"

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: AMENDMENT TO MUNICIPAL COURT JUDGE EMPLOYMENT AGREEMENT
DATE: OCTOBER 6, 1999

INFORMATION/BACKGROUND

RCW 69.50.505 authorizes police departments to seize certain items which are the fruits or instrumentalities of drug sales. The statute further allows forfeiture of these items following a prescribed process, including a hearing in contested cases. The chief law enforcement officer may sit as the hearing official or may designate another person to perform that function. These hearings require the examiner to make findings of both fact and law and therefore require more expertise than I possess.

Our current Municipal Judge, Michael Dunn, has been designated by the Chief of Police as the hearing examiner for these civil proceedings. Judge Dunn has agreed to perform these hearings and our legal counsel recommended that the existing employment agreement for Mr. Dunn be amended. A copy of the amended contract is attached.

FISCAL IMPACTS

The rate for hearing civil forfeiture cases is \$125 per hour. This would be paid from the Drug Asset account.

RECOMMENDATION

Staff recommends that the Council authorize the Mayor to approve the amended employment agreement for Michael Dunn. Legal Counsel concurs and has prepared the amended contract.

**FIRST AMENDMENT TO MUNICIPAL COURT JUDGE
EMPLOYMENT AGREEMENT**

The parties.

The parties to this First Amendment to the Municipal Court Judge Employment Agreement (hereinafter the "First Amendment") are Michael A. Dunn, hereinafter referred to as "Judge," and the City of Gig Harbor, hereinafter referred to as the "City."

Purpose.

The purpose of this First Amendment is to amend the terms of the agreement between the parties, as established in the Municipal Court Judge Employment Agreement, executed on January 25, 1999 (hereinafter referred to as the "Agreement").

Agreement.

The parties hereto agree that the Agreement shall be modified as follows:

Section 1. Section B, "Compensation" of the Agreement shall be modified to read as follows:

2. Compensation. The City shall compensate the Judge for conducting municipal court cases and civil forfeiture hearings (conducted pursuant to RCW 69.50.505) for the City of Gig Harbor as follows:
 1. The monthly salary for municipal court cases shall be \$1700 for general administrative time, jury and non-jury trials and hearings, occasional in-custody arraignments, regular Tuesday court calendars, and related activities not specified herein;
 2. The hourly rate for civil forfeiture hearings shall be One Hundred Twenty-Five Dollars (\$125.00);
 3. Long distance telephone expenses shall be documented and reimbursed by the City to a limit of \$15.00 per month.
 4. The City will annually budget up to fifteen (15) hours of judicial training for the Judge.

The Judge shall submit monthly payment invoices to the City after such services have been performed. The City shall pay the full amount of the invoice within thirty (30) days of the receipt.

Section 2. Section H, "Nonexclusive Contract" of the Agreement shall be modified to read as follows:

H. Nonexclusive contract. This shall be a nonexclusive contract. The City reserves the right to appoint additional judges, to contract for additional court services in the future, to assign the responsibility for civil forfeiture hearings to other qualified persons, or to terminate this agreement for the purpose of filling the position by election (as required by RCW 3.50.055). Nothing herein shall be interpreted to prohibit such future appointment, reassignment of civil forfeiture hearings, or restrict the City's decision to increase the position to full-time, which could trigger the provisions of RCW 3.50.055. Nothing in this Agreement shall guarantee renewal of this Agreement, its level of payment, nor the level of cases forwarded to the Judge for future years, regardless of whether the Judge shall be within the terms of his appointment. In the event of such future appointments, the City reserves the right to renegotiate any and all provisions of this Agreement for future contract terms.

Section 3. All of the remaining provisions of the Agreement shall not be affected by this First Amendment, and shall remain in full force until termination as provided in Section G of the Agreement.

DATED this ___ day of October, 1999.

CITY OF GIG HARBOR

JUDGE

By _____
Its Mayor

By _____
Michael A. Dunn

ATTEST:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney



City of Gig Harbor. The "Maritime City"

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: HEARING EXAMINER CONTRACT
DATE: OCTOBER 4, 1999

INFORMATION/BACKGROUND

Attached is the proposed Hearing Examiner contract for 2000. Ron McConnell, our current Hearing Examiner, has requested a \$2.70 per hour rate increase in his standard fee, from \$99.30 to \$102 per hour. Additionally, an increase in the secretarial services rate is requested from \$39.85 to \$40.80. In both cases the increase is approximately 2.7%. The rate for travel reimbursement has increased from \$.315 to \$.325 per mile.

CONTRACTURAL ISSUES

This contract defines the Hearing Examiner duties as those duties which are defined by city code and Washington state statute. The agreement clarifies the employment relationship of the Hearing Examiner to the city. The agreement was approved as to form by the legal counsel previously.

RECOMMENDATION

Staff recommends approval of this contract as presented.

Planning and Hearing Examiner Services

McConnell/Burke, Incorporated

10604 N.E. 38th Place Suite 227 Kirkland, WA 98033 (425) 827-6550 FAX: 889-0730 mcbinc@halcyon.com

September 24, 1999

Mark Hoppen
City Administrator
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Dear Mark:

The 1999 hourly rate McConnell/Burke, Inc. is paid for Hearing Examiner services is \$99.30 per hour for Hearing Examiner and \$39.85 per hour for secretarial services. We propose to raise those fees to \$102.00 per hour for the Hearing Examiner and \$40.80 per hour for secretarial services beginning January 1, 2000. This reflects approximately a 2.7% cost of living adjustment.

I would be happy to discuss this proposal with you at your convenience. Once signed, please return a copy to us for our files. Thank you.

Sincerely,



Ron McConnell, AICP
Vice President

RM/jmd
cc: Ray Gilmore

RECEIVED
CITY OF GIG HARBOR

SEP 27 1999

PLANNING AND HEARING
SERVICES

**CONTRACT FOR PROFESSIONAL SERVICES
CITY OF GIG HARBOR
HEARING EXAMINER**

WHEREAS, the City of Gig Harbor has created the position of Land Use Hearing Examiner under Gig Harbor Municipal Code (GHMC);

WHEREAS, the City wishes to contract with a person meeting the requirements set forth in GHMC for the position of Hearing Examiner, under the terms and conditions set forth in that chapter; and

WHEREAS, said individual will be responsible for the duties of Hearing Examiner described in GHMC; NOW, THEREFORE,

In consideration of the mutual benefits to be derived by the parties herein, the parties agree as follows:

1. Duties. The Hearing Examiner shall be responsible for carrying out all of the duties set forth in GHMC, and all other actions reasonable necessary to fulfill the obligations of the position, as established by state statute or City ordinance. The provisions of RCW 35A.63.170 are incorporated by this reference as if fully set forth herein. In addition, the Hearing Examiner shall prepare monthly reports on or before the 15th day of each month for the preceding month which shall document his hours of service and his travel, photocopying, mailing, and telephone expenses incurred in the performance of duties under this Agreement.
2. Compensation.
 - A. The Hearing Examiner shall provide services to the City at an hourly rate of ONE HUNDRED AND TWO (\$102.00) for performance of the duties described herein. The City agrees to compensate the Examiner at the above rate based on a minimum of TWO AND HALF (2.5) hours for each public hearing, meeting, and/or site visit conducted in Gig Harbor.
 - B. The City shall reimburse the Examiner for his travel to and from Gig Harbor and the Examiner's regular place of employment at THIRTY TWO POINT 5 CENTS (\$.325) per mile. In addition, the City shall reimburse the Examiner for secretarial services a rate of FORTY DOLLARS AND EIGHTY CENTS (\$40.80) dollars per hour. The city shall also reimburse the examiner for his costs involved in photocopying, mailing, and telephone expenses incurred in the performance of his duties as Examiner.
 - C. The Examiner shall receive annual performance evaluations from the City Administrator and/or Planning Director annually.

3. Term. This Agreement shall be effective upon execution, and shall run through DECEMBER 31, 2000.

4. Examiners Pro Tem. In the event of a conflict or disqualification or when in the discretion of the Hearing Examiner or regular Examiner Pro Tem, the use of an Examiner Pro Tem is required, the Mayor shall appoint a temporary Examiner Pro Tem to hear cases.

5. Billing and Payment. The City shall make (monthly) payments to the Examiner, within 45 days of receipt of his report described in Section 1 herein.

6. Employee Status. The employment relations of the Examiner shall be governed by this Agreement. The Examiner is an independent contractor providing professional services to the City pursuant to this Agreement. The Examiner maintains other professional offices, and provides professional services to clients other than the City of Gig Harbor. As such, the Examiner is not an employee of the City, and shall be responsible for the payment of federal income tax and other taxes, fees or charges from the compensation paid to the Examiner by the City. The Examiner shall not be entitled to any benefits provided to City employees and specifically shall not be entitled to sick leave, vacation, overtime, compensatory time or any other benefit not specifically addressed and provided for by this Agreement. The Examiner shall be subject to the rules of conduct of the relevant personnel policies of the City of Gig Harbor, RCW 35A.42.020 and RCW 35A.42.050, as the same now exists or may hereafter be amended.

7. Conflict of Interest. It is acknowledged that the Examiner will provide work and services for other clients in the course of their business. The Examiner agrees not to perform such services for other clients where a conflict of interest or other violation may exist.

8. Rules of Procedure. The Examiner shall be responsible for recommending rules of proceedings before the City Hearing Examiner, which rules shall be adopted by Council resolution. In addition, the Examiner shall be responsible for recommending necessary changes to those ruled

9. Indemnification. The Examiner agrees to indemnify, defend and hold the City harmless for any and all claims or liabilities of any nature which arise from any action of the Examiner that is outside the scope of his official duties, as described in this Agreement, GHMC, RCW 35A.42.020 and RCW 35A.42.050.

10. Nonexclusive contract. This shall be a nonexclusive contract. The City reserves the right to appoint additional Hearing Examiners and to contract for additional services in the future. Nothing herein shall be interpreted to prohibit such future appointments nor to guarantee renewal of this Agreement, its level of payment, nor the level of cases forwarded to the Examiner in future years. The City reserves the right to renegotiate any and all provisions of this Agreement for future contract terms.

11. Integration. The written provisions and terms of this Agreement shall supersede all prior verbal statements of any officer or representative of the City, or any prior agreements between the parties, and such statements or prior agreements shall not be effective or be construed as entering into, forming a part of, or altering this Agreement in any way.

12. Renewal. This Agreement shall be renewable by the City by giving THIRTY (30) days written notice prior to the conclusion of the contract term. Failure to do so will terminate the Agreement. Renewal shall be effective upon written acknowledgment and renewal by the Examiner.

13. Termination. This Agreement may be terminated by the City for the Examiner's misconduct, failure to complete the duties described under this Agreement and in GHMC, or within the time frames specified therein, or for his failure to complete such work in a manner satisfactory to the City. In the event of termination, the City shall pay for all services satisfactorily performed by the Examiner to the effective date of termination, as described in his final report submitted to the City. Upon termination, the City may take possession of all records and documents in the Examiner's possession pertaining to this Agreement.

14. Resolution of Disputes. Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City, and the City shall determine the term or provision's true intent or meaning. If any dispute arises between the City and the Examiner which cannot be resolved by the City's determination in a reasonable period of time, or if the Examiner does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be within the Pierce County Superior Court in Pierce County, Washington. The prevailing party shall be reimbursed by the other party for its costs, expenses and reasonable attorney fees incurred in any litigation arising out of the enforcement of this Agreement.

15. Waiver. The failure of either party to insist upon strict performance of any of the provisions of this Agreement shall not be construed to be a waiver or relinquishment of said Agreement provision, and the same shall remain in full force and effect.

16. Severability. In the event that any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full force and effect.

17. Notice. Notice given pursuant to this Agreement shall be given in writing to the parties as follows:

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

EXAMINER: Ron McConnell
EXAMINER PRO TEM: Robert Burke
10604 N.E. 38th Place, Suite 227
Kirkland, WA 98033

DATED this _____ day of _____, 1999.

CITY OF GIG HARBOR



HEARING EXAMINER

BY: _____

Its _____

APPROVED FOR FORM:

City Attorney



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: WES HILL, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: WWTP SCADA AND PROCESS CONTROL SYSTEM UPGRADE - BID
AWARD
DATE: OCTOBER 7, 1999

INTRODUCTION/BACKGROUND

The vendor for various components of the control system at the wastewater treatment plant advised that several elements of the control system installed prior to the recent upgrade are not Year 2000 compliant. Some of these components are eighteen years old, and have proven increasingly difficult to maintain due to lack of spare parts, outdated technology and/or program logic, and limited vendor support.

The City's electrical engineering consultant Casne Engineering, Inc., developed contract plans and specifications for updating the control system. In response to an advertisements for bids, three bid proposals were received. The results including state sales tax are summarized below:

Systems Interface, Inc.	\$33,933.60
Custom Controls Corporation	\$35,937.00
Technical Systems, Inc.	\$41,523.17

All bidders submitted the required Year 2000 (Y2K) Compliance Certification. The lowest bid proposal received was from Systems Interface, Inc., in the amount of thirty-three thousand nine hundred thirty-three dollars and sixty cents (\$33,933.60), including state sales tax. All of the responding companies are qualified to perform the work.

ISSUES/FISCAL IMPACT

The low bid is within six (6) % of the Engineer's estimate of \$32,058. Funds are available for the work.

RECOMMENDATION

I recommend Council authorize award and execution of the contract for the Wastewater Treatment Plant SCADA and Control System Upgrade (City Project No. 99007) to Systems Interface, Inc., as the lowest responsible bidder, for their bid proposal amount of thirty-one thousand four hundred twenty dollars and no cents (\$31,420.00), plus state sales tax.



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
DATE: OCTOBER 6, 1999
**SUBJECT: RESOLUTION TO FORM A LOCAL IMPROVEMENT DISTRICT FOR
THE CONSTRUCTION OF THE EAST-WEST ROAD**

INTRODUCTION

This resolution declares the intent of the City Council to form a local improvement district (LID) for construction of the East-West Road, and sets a date for the formation hearing.

The formation hearing will be held November 8, 1999.

FINANCIAL

Road design and construction costs in excess of the City and Pierce County combined commitment of \$1.85 million will be funded through the LID. At this time those costs are estimated to be \$1.65 million.

The City has applied for a grant for this project. If the grant is awarded at an amount that will cover the costs in excess of the original \$1,600,000 City/County commitment, the LID will supplement the grant funding as necessary. The results of the grant application are expected in November. The LID is proposed as a safety net to ensure that a lack of funding does not hold up construction of the road.

RECOMMENDATION

Staff recommends passage of this resolution.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DECLARING THE INTENTION OF THE COUNCIL TO ORDER THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS WITHIN THE BOUNDARIES OF SAID PROPOSED LOCAL IMPROVEMENT DISTRICT; SETTING FORTH THE NATURE AND TERRITORIAL EXTENT OF SUCH PROPOSED IMPROVEMENTS; DESCRIBING THE BOUNDARIES THEREOF; AND FIXING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE FORMATION OF THE PROPOSED LOCAL DISTRICT.

WHEREAS, the City Council of the City of Gig Harbor, Washington (herein referred to as the "City"), has determined that it is necessary to provide for additions and betterments to a portion of the system of streets for the City in the Gig Harbor North area of the City; and

WHEREAS, the City now desires to proceed with the carrying out of said improvements and to establish a local improvement district in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, as follows:

Section 1. It is the intention of the Council to order the improvement of the area shown on Exhibit A attached hereto and incorporated herein by this reference, by the acquisition, design, construction and installation of the following improvements:

Phase 1 will construct a single lane roundabout intersection connecting the proposed East – West Road, Canterwood Boulevard, Burnham Drive, the northbound ramps to and from State Route 16. The remainder of the Phase 1 project will provide two travel lanes, storm drainage improvements (incl. Stormwater detention and water quality facilities), and curb, gutter, planter strips, and a sidewalk on the south side extending east from the roundabout to Peacock Hill Avenue. Additional improvements include wetland mitigation, and provisions for lighting and underground utilities. Anticipated features for the Phase 2 fully developed street section include a landscaped median with left-turn pockets, architectural lighting, water, sanitary sewer, storm sewer, and a bicycle lane, curb, gutter and sidewalk on each side.

Section 2. The City shall acquire by gift, purchase, franchise, lease or condemnation all property, both real and personal, or any interest therein and all rights-of-way, franchises, permits and easements which may be found necessary to acquire, construct, and install the above-described improvements.

Section 3. It is hereby further provided that the hereinbefore authorized plan of improvements shall be subject to such changes as to details of said plan, not affecting the service to be provided by the plan of improvements, as shall be authorized by the Council either prior to or during the actual course of construction.

Section 4. The cost of improvements described in Section 1 and costs of interim notes and bonds shall be assessed against the property specifically benefited by such improvements, on the basis of the amount of the special benefits to such property. The assessments shall be for the sole purpose of payment into such local improvement district bond fund as may be specified by the City Council for the payment of local improvement district bonds to be issued in part to defray the costs of such improvements.

Section 5. All persons who may desire to object to such improvements and the formation of a local improvement district are hereby notified to appear and present such objections at the meeting of the City Council to be held in the Council Chambers of the City Hall at Gig Harbor, Washington, at 3105 Judson Street on November 8, 1999, which time and place are hereby fixed for hearing all matters relating to said proposed improvements and all objections thereto and for determining the method of payment of said improvements. The City Clerk is hereby directed to give notice of said hearing by publication of this resolution in at least two consecutive issues of a newspaper of general circulation within the proposed improvement district, with the date of the first publication to be at least 15 days prior to the date of said hearing, and to mail a notice of such hearing setting forth the nature of the proposed improvements, the total estimated cost, the estimated benefits of improvements to the particular lot, tract or parcel of land, the time and date of said hearing, at least 15 days before the date thereof, to each owner or reputed owner of any lot, tract, parcel of land, or other property specially benefited by said improvements, at the address shown on the tax rolls of the County Assessor.

RESOLVED this ____ day of _____, 1999.

APPROVED:

GRETCHEN A. WILBERT, MAYOR

ATTEST/AUTHENTICATED:

MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 10/6/99
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

EXHIBIT A

LEGAL DESCRIPTION FOR PROPOSED LID:

The North half, East half of the Southeast quarter, North 80 feet of that portion of the North half of the Southwest quarter lying easterly of Lake Cushman Tacoma Power Line right-of-way together with the North 60 feet of the North 333 feet of the West half of the Southeast quarter, and the North 60 feet of the North 330 feet as measured along the West line of that portion of the Southwest of the Northwest line Northerly and Easterly of Gig Harbor Burnham Drive and Westerly of Lake Cushman Tacoma Power Line right-of-way, of the Northwest quarter of Section 31.

EXCEPT a tract of land bounded and described as follows:

Beginning at the Northwest corner of SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE W.M.;

Running thence-East 54 feet;

Thence South 14 degrees 49 feet East 679 feet to the South line of the North half of the Northwest quarter of the Northwest quarter of said Section 31;

Thence-West 238 feet to the Section line;

Thence North along the same 666 feet to the beginning containing 2.23 acres.

TOGETHER WITH the perpetual right to slash and keep slashed all "danger" trees within a distance of 200 feet from the East line of the above described tract. "Danger" trees being those of such height that in falling might damage the poles or wires erected and maintained on the said tract.

The North half, Southwest quarter, and North half of the Southeast quarter; of the Northeast quarter of Section 31.

The Northeast quarter, the Southeast quarter, the Northwest quarter, and the East half of the Southwest quarter; of the Northwest quarter of the Southeast quarter of Section 31.

The North half of the Northeast quarter of the Northeast quarter of the Southwest quarter of Section 31.

The West half of the Southeast quarter; the South half of the Southwest quarter of Section 30. All within TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY.

EXCEPT the following described property:

Beginning at the Southwest corner of SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE W.M., run, thence North on Section line 792 feet;

Thence South 14 degrees 49 minutes East 819 feet to the South line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 30;

Thence West along the same, 209 feet to the beginning, conveyed to the City of Tacoma by Deed recorded under Recording No. 675729, records of Pierce County, Washington.

That portion East of Canterwood Blvd. and Burnham Drive within the East half of the Northeast quarter of the Northeast quarter of Section 36 within TOWNSHIP 22 NORTH, RANGE 1 EAST, W.M., PIERCE COUNTY. EXCEPT that portion conveyed to the State of Washington Road No. 16 MP 8.34 to MP 18.87 Narrows Bridge to Olympic Drive, as described in Deed for State recorded under Recording No. 2397369. Also EXEPT Canterwood Boulevard - Burnham Drive City Streets.

EXHIBIT B

NOTICE OF ADOPTION OF RESOLUTION OF INTENTION TO CREATE AND NOTICE OF HEARING ON CREATION OF LOCAL IMPROVEMENT DISTRICT

YOU ARE NOTIFIED that on October 11, 1999, the City Council of Gig Harbor, Washington (the "District") adopted Resolution No. ___ declaring its intention to create a local improvement district ("LID") and to order the construction of certain improvements within said LID. The boundaries of the pro-posed LID are as set forth in that resolution.

The proposed improvements consist of the following:

Phase 1 will construct a single lane roundabout intersection connecting the proposed East - West Road, Canterwood Boulevard, Burnham Drive, the northbound ramps to and from State Route 16. The remainder of the Phase 1 project will provide two travel lanes, storm drainage improvements (incl. Stormwater detention and water quality facilities), and curb, gutter, planter strips, and a sidewalk on the south side extending east from the roundabout to Peacock Hill Avenue. Additional improvements include wetland mitigation, and provisions for lighting and underground utilities. Anticipated features for the Phase 2 fully developed street section include a landscaped median with left-turn pockets, architectural lighting, water, sanitary sewer, storm sewer, and a bicycle lane, curb, gutter and sidewalk on each side.

The estimated cost of these improvements, and other expenses in connection with the improvements, is \$3,500,000, of which 47 % shall be paid by special assessments levied against the property within the proposed LID specifically benefited by the proposed improvements. Actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

You are notified that a meeting of the City Council will be held at City Hall, City Council Chambers, 3105 Judson Street, Gig Harbor, at 7:00 p.m., on November 8, 1999, which time and place are fixed for hearing all matters relating to such formation and improvements and for determining the method of payment thereof. Persons desiring to object to the improvements and the formation of the proposed LID may appear at the hearing to state their views.

The estimated amount of the cost and expense of such improvements to be borne by and assessed against the described lot, tract or parcel of land located in Gig Harbor, Washington, of which you are the owner or reputed owner as shown on the tax rolls of the Pierce County Assessor, is as stated below.

City Clerk

Name of Owner:

Legal Description of Property:

Estimated Amount of Assessment

Against the Foregoing Property:

CLERK'S CERTIFICATE

[CITY SEAL]

I, the undersigned, the duly chosen, qualified and acting clerk of, Washington (the "City"), and keeper of the records of the City Council (the "Council") DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Resolution No. (the "Resolution") of the Council as finally adopted at a meeting of the Council held on the 11 day of October, 1999, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of October, 1999.

City Clerk



City of Gig Harbor. The "Maritime City"

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEVE BOWMAN, BUILDING OFFICIAL/FIRE MARSHAL
DATE: OCTOBER 7, 1999
SUBJECT: ORDINANCE ELIMINATING ADMINISTRATIVE APPEAL

INTRODUCTION & BACKGROUND

An ordinance has been prepared for your consideration to eliminate the administrative appeal of any notice of violation issued for a violation of the State Building Code as adopted by the City in Title 15 GHMC (which includes the fire code and plumbing code) and which subjects the violator to criminal prosecution.

RECOMMENDATION:

After due consideration, the City Council adopt this ordinance and direct the City Clerk to have the ordinance summary published.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CODE ENFORCEMENT, ELIMINATING THE ADMINISTRATIVE APPEAL OF ANY NOTICE OF VIOLATION ISSUED FOR A VIOLATION OF THE STATE BUILDING CODE AS ADOPTED BY THE CITY IN TITLE 15 GHMC (WHICH INCLUDES THE FIRE CODE AND PLUMBING CODE) AND WHICH SUBJECTS THE VIOLATOR TO CRIMINAL PROSECUTION; AMENDING SECTION 15.18.014 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the State has required that the City adopt and enforce the state building code, which consists of the codes enumerated in RCW 19.27.031; and

WHEREAS, the City has adopted the codes set forth in RCW 19.27.031 by reference, together with certain local amendments, in Title 15 of the Gig Harbor Municipal Code; and

WHEREAS, violations of certain codes included in the state building code subject the violator to criminal prosecution; and

WHEREAS, the City has adopted an enforcement procedure in chapter 15.18 of the Gig Harbor Municipal Code; and

WHEREAS, the first stage of an enforcement action brought under chapter 15.18 GHMC is the City's issuance of a Notice of Violation; and

WHEREAS, the City is not required to provide for administrative appeals of its code enforcement actions; and

WHEREAS, the City Council desires to eliminate any administrative appeal of a Notice of Violation for violation of the codes included in Title 15 which subject the violator to criminal prosecution; and

WHEREAS, the City Council also desires to clarify the fact that there is no additional administrative appeal beyond the appeal to the Hearing Examiner of a Notice of Violation for violation of the codes included in Title 15 which subject the violator to civil prosecution; Now, therefore,

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

Section 1. Section 15.18.014 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.014 Review by hearing examiner.

A. Notice of Violation (criminal penalties). There is no administrative appeal of a notice of violation issued pursuant to GHMC § 15.18.006 for a violation of the codes in this Title which subject the violator to criminal prosecution.

B. Notice of Violation (civil penalties). Any person significantly affected by or interested in a notice of violation issued by the building official pursuant to GHMC 15.18.006 for a violation of the codes in this Title which subject the violator to civil prosecution may obtain an appeal of the notice by requesting such appeal within fifteen (15) calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or city holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request, the building official shall forward the request to the office of the hearing examiner, pursuant to Chapter 17.10 GHMC.

B C. At or after the appeal hearing, the hearing examiner may:

1. Sustain the notice of violation;
2. Withdraw the notice of violation;

3. Continue the review to a date certain for receipt of additional information;

4. Modify the notice of violation, which may include an extension of the compliance date.

C.D. The hearing examiner shall issue a decision within ten (10) days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person(s) named on the notice of violation, mailed to the complainant, if possible, and filed with the department of records and elections of Pierce County.

~~D E. The decision of the hearing examiner shall be final and conclusive, and no further administrative appeal may be filed. In order to appeal the decision of the hearing examiner, a person with standing to appeal a decision imposing criminal penalties must appeal to the appropriate court with jurisdiction, and In order to appeal the decision of the hearing examiner, a person with standing to appeal a decision imposing civil penalties must make application for a land use petition under Chapter 36.70C RCW within 21 days of the issuance of the examiner's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.~~

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

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

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this
__th day of ____, 1999.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

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

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 199__, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CODE ENFORCEMENT, ELIMINATING THE ADMINISTRATIVE APPEAL OF ANY NOTICE OF VIOLATION ISSUED FOR ANY VIOLATION OF THE STATE BUILDING CODE ADOPTED BY THE CITY OF GIG HARBOR(WHICH INCLUDES THE FIRE CODE AND PLUMBING CODE), AND WHICH SUBJECTS THE VIOLATOR TO CRIMINAL PROSECUTION; AMENDING SECTION 15.18.014 OF THE GIG HARBOR MUNICIPAL CODE.

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

APPROVED by the City Council at their meeting of _____, 1999.

~~LYNNE PERKINS, TOWN CLERK~~

Memo

To: Walt Smith
From: Carl Halsan
CC: Dave Morris
Date: October 11, 1999
Re: Gig Harbor Impact Fee Ordinance

Generally, I think you have covered the issues that need to be addressed by the City Council before they adopt the ordinance. However there are some other systemic problems that I see, but first, lets get the facts straight:

1. The "Geographic Scope" is defined as the entire city and future annexed areas (Section 4), and
2. The purpose of the Ordinance is to ensure adequate levels of service (Section 2.B.2), and
3. Impact fees shall only be imposed for facilities reasonably related to the impacts of new Development (Section 6.C.1), and
4. Impact fees shall not exceed a proportionate share of the costs of facilities that are reasonably related to new Development (Section 6.C.2), and
5. Impact fees shall be used for facilities that will reasonably benefit the new Development (Section 6.C.3), and
6. Impact fees shall not be used to correct existing deficiencies (Section 6.C.4), and
7. Impact fees shall not be imposed to mitigate the same facility impacts that are being mitigated pursuant to any other law (Section 6.C.5), and
8. Impact fees may be imposed for previous system improvement costs (Section 6.C.10).

Problems:

1. New Development in the south end of town will be paying impact fees for facilities in the north end of town (Prentice Street Improvements; project #11 in the TIP). This would be in violation of Section 6.C.1, 2, and 3.
2. New Development could pay twice for the same project, once under SEPA and again under the Impact Fee Ordinance. Even though the Ordinance prohibits this in one place (Section 6.C.5) it allows it in another (Section 19.C). The only way to avoid this problem is for the Director to inform a developer which facility improvements his impact fee dollars are going to.
3. New Development could end up paying money into a fund to correct existing deficiencies even though such is prohibited by the Ordinance (Section 6.C.4). Neither the parks plan nor the TIP identify projects as "existing deficiencies" or not. Thus, the payer of the impact fee doesn't know.
4. New Development could pay impact fees for system improvements that have already paid for, even though there is no benefit to the new Development. Again, a violation of Section 6.C.1, 2, and 3.

Solutions

1. The City should be broken down into smaller zones based on planned facility improvements, so that there is a clear correlation between New Development and impact fees collected. Each facility improvement could have a "benefit district" assigned to it and then impact fees would be collected from new Development within the district for the planned improvement.
2. Both the parks plan and TIP should identify which, if any, facility improvements are to correct existing deficiencies.
3. When the Director collects impact fees from a developer, he should identify which projects the monies are to be spent on, so that there is some accountability.

10/11/99

To: Whom this may concern

From: Business Development Committee--Gig Harbor Peninsula Area Chamber of Commerce

RE: Draft--background & preliminary concerns on Impact Fees

**BUSINESS DEVELOPMENT COMMITTEE
TACKLES IMPACT FEE ORDINANCE**

The City of Gig Harbor is now considering an "impact fee" ordinance. Under the Washington State Growth Management Act (GMA) cities are authorized to fund capital facilities such as public roads and parks with what is known as "impact fees." The Chamber of Commerce has a number of concerns about this ordinance as currently proposed.

Impact fees are intended to be assessed on new development in order to pay for a portion of the costs of certain capital facilities. The fees may be collected for impacts that are "reasonably related" to the new development. They may also be collected to finance "system improvements" that will "reasonably benefit" the new development. Unlike State Environmental Policy Act (SEPA) mitigation measures, these new impact fees are not limited to on-site project level improvements. In addition, they can be collected to pay for the "administration" costs of collection. And they can be expanded to address cumulative impacts and off-site system wide impacts.

All cities must provide a balance of funding between impact fees and other sources of public funds for system improvements--and cannot rely solely on impact fees for such improvements. Also, cities have flexibility in determining appropriate impact fee requirements. In summary, the following limitations are intended to apply to the imposition of impact fees:

1. Impact fees must be used for system improvements that are "reasonably related to the development" and that will "reasonably benefit" the development.

facilities plan element of a comprehensive land use plan.

3. The fees must generally be spent or allocated within six years of receipt.

4. Impact fees can be used to fund only public facilities that are designed to provide service to the City itself--and not for a specific project or development.

Impact fees are essentially taxes--and not a form of land use regulation. The primary purpose of such fees is to raise revenue. Some examples of proposed transportation impact fees are as follows:

Single family home—	\$517 per house
Motel-----	\$310 per room
Convenience Market (3,000 sq. Ft.)	\$26,000
Bank w/drive in (5,000 sq. Ft.)	\$34,000
Nursing home-----fee per bed ---	\$88.00
Gas station-----fee per pump—	\$2,106

In addition to the proposed transportation impact fees, the following Park Fee is proposed, which would apply to new residential construction only:
Park Fee per dwelling unit-----\$1,500

And, in addition to transportation and park fees, the City may collect “administration fees” presumably to cover the costs of administering the ordinance.

The challenge for the Gig Harbor Peninsula Area Chamber of Commerce is to insure to the extent possible that the City imposes these impact, park, and administration fees in a reasonable and legally defensible manner, and that any ordinance passed on this complex issue is clear and predictable as to what is required of the applicant as well as the City. At this time, the Chambers Business Development Committee has a number of concerns, which include the following:

1. **DOUBLE CHARGE/CREDITS:** The applicant should not be “double charged” both SEPA mitigation and also City impact fees. There must be a provision for “credits” from one fee requirement to the other. Section 19, pg.18 does adequately address this concern.

2. **ADMINISTRATION:** Throughout the ordinance, there is a consistent

requirement for the Director (of Public Works) and/or his designee or staff--to perform an enormous quantity of tasks, such as: consulting, identifying data, estimating costs, calculating proportionate shares of fees, determining what is being impacted, considering conveyance criteria, using discretion while performing calculations, determining what is acceptable, annually reviewing plans, preparing annual reports, adopting rules, handling appeals, issuing decisions etc. etc. The Director and his tasks are mentioned some 30 times in the draft ordinance. Has the City performed an analysis of the administrative "impacts" of the proposed "impact" fee ordinance? What assurance does the City Council and the applicants have that the City can effectively and efficiently manage this ordinance? And, if the applicant will be burdened with administrative costs and fees--there must be strict accountability of the cost/benefit/efficiency of the administration process.

3. GEOGRAPHIC SCOPE: Section 4 (pg.3) of the draft ordinance says that impact fees shall be charged and collected within boundaries that are "coextensive" with the City limits. And, that the boundaries may be expanded after adoption of interlocal agreements with the County. We have concerns that even the existing city limits may be too broad an area, and that it may be difficult to prove that a development on one side of town is "reasonably related" to a traffic improvement or a park on the other side of town. This problem can only be compounded if the city has some vague ability to expand the boundaries without annexation.

4. RETROACTIVE FEE COLLECTION: The ordinance provides (Sec. 6C10pg.5) that fees may be imposed for "system improvement costs previously incurred by the City" etc. etc. We are concerned about the vagueness of determining and administering this kind of language.

5. EXCESSIVE PARK FEE; Appendix "C" proposes that the Park impact fee is set at \$1,500 per dwelling unit. This is in addition, of course, to the \$517 fee per dwelling unit proposed for transportation impacts. In comparison to other jurisdictions, the proposed \$1,500 is out of line. We feel that this fee needs to be reduced to a range of \$500 to \$750 per dwelling unit in order to be equitable and in line with other

jurisdictions.

The proposed Transportation and Park Impact Fee Ordinance and its attached rate schedules represent a significant improvement over early drafts. However, the Chamber feels very confident that additional improvements to this proposal need to be made, for the benefit of both future applicants as well as the City.

Memo

To: Walt Smith
From: Carl Halsan
CC: Dave Morris
Date: October 11, 1999
Re: Gig Harbor Impact Fee Ordinance

Generally, I think you have covered the issues that need to be addressed by the City Council before they adopt the ordinance. However there are some other systemic problems that I see, but first, lets get the facts straight:

1. The "Geographic Scope" is defined as the entire city and future annexed areas (Section 4), and
2. The purpose of the Ordinance is to ensure adequate levels of service (Section 2.B.2), and
3. Impact fees shall only be imposed for facilities reasonably related to the impacts of new Development (Section 6.C.1), and
4. Impact fees shall not exceed a proportionate share of the costs of facilities that are reasonably related to new Development (Section 6.C.2), and
5. Impact fees shall be used for facilities that will reasonably benefit the new Development (Section 6.C.3), and
6. Impact fees shall not be used to correct existing deficiencies (Section 6.C.4), and
7. Impact fees shall not be imposed to mitigate the same facility impacts that are being mitigated pursuant to any other law (Section 6.C.5), and
8. Impact fees may be imposed for previous system improvement costs (Section 6.C.10).

Problems:

1. New Development in the south end of town will be paying impact fees for facilities in the north end of town (Prentice Street Improvements: project #11 in the TIP). This would be in violation of Section 6.C.1, 2, and 3.
2. New Development could pay twice for the same project, once under SEPA and again under the Impact Fee Ordinance. Even though the Ordinance prohibits this in one place (Section 6.C.5) it allows it in another (Section 19.C). The only way to avoid this problem is for the Director to inform a developer which facility improvements his impact fee dollars are going to.
3. New Development could end up paying money into a fund to correct existing deficiencies even though such is prohibited by the Ordinance (Section 6.C.4). Neither the parks plan nor the TIP identify projects as "existing deficiencies" or not. Thus, the payer of the impact fee doesn't know.
4. New Development could pay impact fees for system improvements that have already paid for, even though there is no benefit to the new Development. Again, a violation of Section 6.C.1, 2, and 3.

Solutions

1. The City should be broken down into smaller zones based on planned facility improvements, so that there is a clear correlation between New Development and impact fees collected. Each facility improvement could have a "benefit district" assigned to it and then impact fees would be collected from new Development within the district for the planned improvement.
2. Both the parks plan and TIP should identify which, if any, facility improvements are to correct existing deficiencies.
3. When the Director collects impact fees from a developer, he should identify which projects the monies are to be spent on, so that there is some accountability.

Scott Wagner
PO Box 492
Gig Harbor, WA 98335

City of Gig Harbor Mayor and Council
3105 Judson Street
Gig Harbor, WA 98335

October 15, 1999

Dear Madam Mayor and Members of the City Council,

I attended the Impact Fee Workshop, Monday, October 11, 1999. The Workshop ended before I had a chance to voice my thoughts, concerns, and questions. This letter represents, a probably more organized version of the thoughts, concerns, and questions I wanted to voice at the meeting.

I believe the raising of money for parks is the most important thing we can do. Our children are our future. We must do everything in our power to see that they are put into an environment of positive influence. We must give children a safe and supervised place to play, learn, and grow. When we do not give our children safe and supervised places to play, they have a much higher chance of getting into trouble. Kids in trouble put a huge burden on the whole community.

As a side note, I believe the City should focus its limited resources on building park facilities in central core areas that allow for good supervision, not on dead end streets. Citizens, nonprofit organizations, and business will benefit so much from a park on the Borgen site. I applaud your decision to purchase this property. Now lets get the park built.

I am in support of a Park Impact Fee. I believe the fee should be a moderate fee that does not put an undo burden on the last people to move to Gig Harbor. We must remember that all who have moved to Gig Harbor to date have not paid any Impact Fee and are most certainly a part of the problem. It is not right that we close the gate after we get in.

I believe park development funds should come from a public private partnership. Private parties are much more inclined to donate to public projects if they do not feel overly burdened in other areas. I believe the public funds should come from a moderate Park Impact Fee in conjunction with a Park Bond. There are many areas in the country where public private partnership strategies have completed outstanding projects that would otherwise not have been possible.

Now to the Traffic Impact Fees. Just because they are allowed by law does not make them the right or the best thing to do for our city. I strongly believe that a Traffic Impact Fee is the wrong thing to do. I see a staff along with their consultants that are in full support of this. One question I have is, how many of these experts that are directing the council to approve this have actually visualized a project, purchased a million dollar property, designed a project, taken out a multi-million dollar loan, signed a personal financial guarantee, and then developed a successful project? If they do not have this experience, I hope you will take the time to listen to people in the community who have.

At the meeting we were told that the Traffic Impact Fee would bring in approximately the same amount of money as the current SEPA mitigation. This in many cases is not correct. I will give you a very possible scenario where this is not accurate.

If the feeder road to a site is not up to city standards, the developer must bring the road up to city standards. If the road is not on the 6-year plan there is no credit against the impact fee.

If the SEPA mitigation items are not on the 6-year plan, the developer must make the recommended improvements, again getting no credit against the impact fee.

Now, the developer is still made to pay the impact fee. A developer in this situation will have great difficulty ever getting the project built. The developer gets to pay to bring feeder streets up to city standards, pay for SEPA mitigation, and to pay the Impact Fee. This paying three times can happen, is not right, and will force development in a direction that is not the best for Gig Harbor or the Key Peninsula as a whole.

You, as our elected officials must weigh the positives and negatives of this issue and make the best decision for the public. I believe that by making the development environment more expensive, complicated, and difficult, you will force development to happen outside of the city. This causes a loss of tax dollars, the loss of services, the loss of jobs, the loss of SEPA mitigation, an overall loss that can never be fully recovered from.

For the reasons I have listed, I strongly urge you to support the Park Impact Fee and to leave SEPA mitigation as the source of funds for road improvements. Roads alone do not make a successful community, we need goods and services along the roads. We must create a development friendly environment that brings private investors into our community.

Please contact me with any questions or comments.

Sincerely,



Scott Wagner

**TRAFFIC IMPACT FEE
EXAMPLES**

TYPE OF IMPROVEMENT	PROPOSED IMPROVEMENT PROJECT COSTS	SEPA MITIGATION	% OF PROJECT COST	TRAFFIC IMPACT FEE	% OF PROJECT COST	% OF TIF INCREASE
RETAIL DEVELOPMENT 40,000 SQUARE FEET	\$1,273,088	\$50,923	4.00%	\$82,800	6.50%	2.50%
OFFICE DEVELOPMENT 20,000 SQUARE FEET OFFICE BLDG	\$2,835,952	\$37,731	1.33%	\$23,000	0.81%	-0.52%
OFFICE DEVELOPMENT 15,500 SQUARE FEET OFFICE BLDG	\$233,000	\$11,951	5.13%	\$17,825	7.65%	2.52%
RESIDENTIAL DEVELOPMENT 50 SINGLE FAMILY HOMES	\$299,322	\$17,206	5.75%	\$25,865	8.64%	2.89%
RESIDENTIAL DEVELOPMENT 1 SINGLE FAMILY HOME	\$150,000	N/A	0.00%	\$517	0.34%	0.34%



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October 25, 1999

Mayor Wilbert and City Council Members
Gig Harbor City Hall
3105 Judson St.
Gig Harbor, WA 98335

Dear Mayor Gilbert and Council Members:

This letter is to comment on the latest draft of the proposed transportation and park impact fee ordinance for the City of Gig Harbor. It is also to express MBA's appreciation for the continued attention the City Council and staff have dedicated to this ordinance throughout 1999, and in particular, at the recent public workshops held in addition to the regular council meetings.

First, we would like to express MBA's support for the corrections and clarifications added to the ordinance's language at Section 4 (Geographic Scope), Section 18 (Appeals), and Section 19 (Relationship to SEPA). If the ordinance is adopted, the public as well as city staff will be better able to work within the impact fee structure with the new language.

In the latest version of the ordinance, there is new language added in Section 11 regarding vesting. Section 11(A)(3) limits the time an applicant has to pay a certain impact fee amount to five years after the preliminary plat, short plat, or final plat application is determined to be complete. After this time, the applicant would have to pay the current impact fee amount. Please remove the limiting language for short plats. Under Washington state vesting law (both statutory and case law), there is no time limit on short plats' vesting; the five year limit does not apply, and the ordinance violates state law. There is currently no support in the law for creating a five year time limit on short plats for any development regulation, including impact fees.

At the October 18th public workshop, the proposed administrative fee was removed from the ordinance. Please remove the last sentence in Section 16 (A) which refers to the administrative fee.

The ordinance sets the park impact fee at \$1500 per single family dwelling. This amount has been taken from the 1996 City of Gig Harbor Parks, Recreation and Open Space Plan. In that plan, the consultants drafted four alternative funding schemes to fund the city's 6 Year Park Capital Improvement Program, each with a different impact fee schedule. The city has since selected the alternative that funds the park program with a 50% impact fee contribution (which translates to roughly \$1500 per single family home). Staff have indicated that one reason this was done is that this is the highest amount the city can charge to impact fees under state law. Certainly this is not the reason a fee should be set at any amount. The state legislature authorized local governments to utilize impact fees as a funding mechanism to ensure new development paid for impacts *reasonably related* to that development on infrastructure – not to collect as much as possible without regard to the intent behind the fees.

During the negotiations and workshops concerning the ordinance, staff have referred to the consultant's recommended impact fee levels in the Parks Plan. On page 142, the Parks Plan states that, based on the 1995-2001 Parks Capital Improvement Program, if the city were to charge new development an impact fee assessed at 50% of the Existing Level of Service (ELOS) standard and a parks and recreation bond was passed at 81% of the PLOS, "the city would not be able to realize the full extent of the proposed level of service (PLOS) enhancements desired within the next 6 year programming period." Under the next alternative listed, if the city assessed an impact fee set at 25% of the ELOS standard *and* "a modest park and recreation bond" was approved at 41% of the PLOS rather than the 81% bond in the preceding alternative, "the city would not be able to realize very much of the proposed level-of-service (PLOS) enhancements outlined within the next 6 year programming period."

Under both of these alternatives, the city would have enough funds to not only continue the existing level of service for parks within Gig Harbor, but also to realize a portion of the proposed level of service. However, impact fees must be dedicated *solely* to ^{Maintain} preserving the existing level of service within a jurisdiction – none of these fees can be used to meet proposed level of service standards. If the 25% assessment is enough to maintain the ELOS and also help realize the PLOS, then there is absolutely no reason why the 50% assessment should be considered by the Council. In fact, the impact fee should be lower than the 25% proposed level to ensure that new development is only paying for ELOS improvements.

In addition, the PLOS should be entirely financially supported by general obligation bonds, property taxes, user fees, and even private sponsorship programs. One should remember that those property owners paying an impact fee when they purchase a home also contribute to PLOS enhancements through the property taxes they pay. Again, the PLOS can *not* be funded by impact fees, and should have no bearing on the determination of impact fee levels. Bonds and other broad based funding techniques are the mechanisms to bring the PLOS to fruition – if the city's population want to.

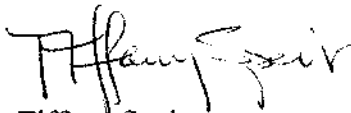
MBA has made comparisons to other jurisdictions' park impact fees in previous correspondence, and I refer you to those figures. In short, the \$1500 fee is much higher than anything in Pierce County, and would place yet another burden on the price of new housing in Gig Harbor. According to the city's own Comprehensive Plan, over half of the city's current residents would not be able to purchase a new home in Gig Harbor, even without the proposed transportation and

park fees. At current proposed levels, these fees would add over \$2,000 to an applicant's cost per home at the time of permit issuance. This would be multiplied by several times due to carrying costs and have a significant effect on the final price of every new home built in the city. In this regard, it is MBA's position that the park impact fee, if assessed at all, should be no more than \$400 per dwelling unit.

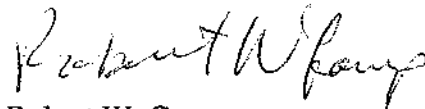
It is a goal of the MBA to ensure our parks are funded to a level necessary to meet the city's 6 year capital improvement schedule. However, we strongly believe that impact fees are not a long term solution to funding such programs. While we will always work for the elimination of such fees, we will also always remain at the table to keep open communications and suggest alternative funding sources. Please consider eliminating impact fees as a funding mechanism in Gig Harbor. If you do implement them, please adopt an amount that is fair to all your constituents – present and future – and preserves the affordable housing priority under Washington's Growth Management Act.

Thank you for your consideration of these comments. We will be available at tonight's meeting and any future meetings regarding this issue if you have any questions.

Sincerely,



Tiffany Speir
Government Affairs Associate



Robert W. Camp
MBA Legislative Strategy Committee Chair

cc: Bob Dick, Council Member
Steven K. Ekberg, Council Member
Nick Markovich, Council Member
Marilyn Owel, Council Member
John N. Picinich, Council Member
Corbett Platt, Council Member
Derek Young, Council Member
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