

Gig Harbor City Council Meeting

**May 11, 2009
6:00 p.m.**



**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
May 11, 2009 – 5:30 p.m. (Note early start time)**

CALL TO ORDER:

EXECUTIVE SESSION: To discuss potential litigation per RCW 42.10.110 (1)(i).

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of Apr. 27, 2009.
2. Receive and File: a) Minutes of Council Worksession Apr. 20, 2009; b) Minutes of Council Worksessions Apr. 27, 2009; c) Recovery Act JAG Award; d) Finance Committee Minutes Apr. 20, 2009.
3. Kinship Caregiver Day Proclamation.
4. Liquor License: Application – Seven Seas Brewing.
5. Summer Sounds Contracts.
6. Administrative Services Agreement with Flex Plan Services, Inc.
7. Eddon Boat Remediation Project – Consultant Services Contract for a portion of the Institutional Control Plan Implementation / Anchor Environmental.
8. Approval of Payment of Bills for May 11, 2009: Checks #60868 through #60982 in the amount of \$513,686.82.
9. Approval of Payroll for the Month of April: Checks \$5418 through #5438 and direct deposit transactions in the total amount of \$356,618.15.

OLD BUSINESS:

1. First Reading of Ordinance – Establishing a Process for the Allocation of Limited Sewer Capacity.

NEW BUSINESS:

1. Public Hearing and First Reading of Ordinance – PCD/BP/ED Zoning Changes.
2. Public Hearing – Comprehensive Plan Docket.
3. First Reading of Ordinance – Sewer Exception Code Revision.
4. First Reading of Ordinance – Nuisance.
5. First Reading of Ordinance – Amending City Council Meeting Time.

STAFF REPORT:

PUBLIC COMMENT:

MAYOR'S REPORT / COUNCIL COMMENTS:

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wed. May 20th at 9:00 a.m.
2. KLM Veteran's Park Ribbon Cutting Ceremony – Wed. May 20th at 5:30 p.m.
3. Operations Committee – Thus. May 21st at 3:00 p.m.

4. **Boards & Commission Candidate Review – Tue. May 26th at 4:30 p.m. due to Memorial Day.**
5. **City Council - Tue. May 26th at 6:00 p.m. due to Memorial Day.**
6. Planning/Building Committee – Mon. Jun 1st at 5:15 p.m.
7. **City Council / Parks Commission Joint Meeting – Mon. Jun. 1st at 6:30 p.m.**

ADJOURN:

GIG HARBOR CITY COUNCIL MEETING OF APRIL 27, 2009

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Malich, Kadzik and Mayor Hunter. Councilmember Payne was absent.

CALL TO ORDER: 6:02 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of Apr. 13, 2009.
2. Receive and File: a) Minutes of City Council / Planning Commission Joint Worksession Mar. 16, 2009; b) GHPD 1st Quarter Report; c) Civic Center Loan Payback Report; d) Finance 1st Quarter Report; e) Water Rights.
3. Public Safety Testing Agreement Renewal.
4. Liquor Licenses: a) Special Occasion – Chamber of Commerce; b) Renewals: Anthony's; Kelly's Café; Tanglewood Grill; Olympic 76 Gas and Food Mart; and Bistro Satsuma.
5. Property Disposition Services Agreement.
6. Court Collections Contract Renewal.
7. Canterwood Improvements Project – Deductive Change Order No. 3 and Project Acceptance.
8. Wetland Review Consultant Services – Second Contract Amendment.
9. Eddon Boat Hazardous Material Removal – Consultant Services Contract/PSC Environmental Services, LLC.
10. Approval of Payment of Bills for April 27, 2009: Checks #60771 through #60867 in the amount of \$928,990.54.

MOTION: Move to adopt the Consent Agenda as presented.
Ekberg / Malich – unanimously approved.

OLD BUSINESS: None scheduled.

NEW BUSINESS:

1. First Reading of Ordinance – Establishing a Process for the Allocation of Limited Sewer Capacity. City Administrator Rob Karlinsey presented background information for this ordinance establishing a procedure for the allocation of limited sewer capacity made available through incremental improvements to the Wastewater Treatment Plant. He explained that after further discussion with the City Attorney, staff is not recommending this draft but asking for direction on three: 1) whether or not to limit the number of CRCs to issue; 2) whether or not to require an upfront deposit; and 3) terms for a sunset clause.

Planning Director Tom Dolan and Senior Planner Jennifer Kester discussed concerns with limiting the number of CRCs and how to handle the deposit funds.

Councilmember Young explained that the interest in limiting the CRCs was to prioritize redevelopment, infill and use changes as these result in a more immediate impact to the economy.

City Attorney Angela Belbeck responded that it would have to meet the “rational basis test” meaning a reasonable basis for any restrictions or preference given. If there is evidence that would show benefit to the city if certain types of development proceed, that information can be included in the ordinance.

Councilmember Ekberg commented that the Operations Committee spent a lot of time on these two topics looking for ways to encourage economic stimulus by finding ways to help projects ready to go move forward.

Councilmember Malich asked for the number of ERUs that are currently held by developers. Mr. Karlinsey estimated the number at 1,500, adding these reserved ERUs are another topic on whether they could be returned or exchanged for other development use.

Mayor Hunter continued the discussion of encouraging projects that are ready to proceed but don't have sewer capacity and to how to free up the reserved capacity from projects that aren't ready to build. He mentioned the financing cost of the Wastewater Treatment Plant Bonds and how it would be lessened by payment of hook-up fees.

Steve Lynn –Water to Wine, 9014 Peacock Hill Avenue. Mr. Lynn said that he has an application for two ERUs for a tenant improvement. He said that his project would stimulate the economy and benefit the city through retail taxes; if they have to wait behind someone wanting 100 or more ERUs this will further delay the project. He suggested that the ordinance move forward tonight with the recommended amendments. He then said from the Main Street perspective, this is an adaptive reuse to stimulate the economy. There are people sitting on the sidelines due to the lack of capacity who may not come forward if there are other projects in line that will take all 100 available ERUs. He said he thinks this is a good way to start.

Kristin Udem – Uptown Development, 4423 Pt. Fosdick Dr. NW #100-2. Ms. Udem agreed with what Mr. Lynn said. Uptown has vacant storefronts that have been pursued by restaurants but they cannot get the necessary ERUs. She voiced excitement that the Council was considering options, adding that it is important for the economic vitality of Uptown to fill these vacancies.

Councilmember Ekberg asked Ms. Udem how many ERUs they needed. Ms. Udem responded that she is assuming that one restaurant will require 15 ERUs, adding that they are waiting for the design before they know for sure.

Randy Boss – (no address given). Mr. Boss agreed that this is a great incentive package for new businesses that need the ERUs now. He recommended truncating the timeline and if businesses demonstrate a need. He said that some sort of deposit is also

a good idea to demonstrate commitment. He commented that setting a limit on ERUs is counter-productive if a project has the ability to move forward.

John Chadwell – Olympic Property Group, 4423 Point Fosdick Drive, Suite 302. Mr. Chadwell said that Olympic Property Group has an application in for 800+ ERUs. He voiced support of moving forward with certain projects that are ready to build, saying this is good economics. He then cautioned against unintended consequences voicing concern that ERUs could be issued to a small residential plat ahead of OPG. They could come in with an application and be processed through the Hearing Examiner whether they are ready to go or not; they could sit on those ERUs which seems unfair when OPG had to sign a waiver releasing the city from the statutory time requirements, and won't be allowed to go to the Hearing Examiner until the Treatment Plant Expansion is completed. He said that he is in favor of a stimulus for small projects to go ahead, but asked that other projects that are competitive to OPG's not be given an unfair advantage.

Mr. Chadwell was asked the number of ERUs they currently have reserved. He couldn't give the exact number for their business park project, but stressed that they weren't free. OPG put in a sewer line and invested in process permits and construction to obtain those ERUs. What is left is to pay the connection fees when the market allows for the properties to sell and a building permit is issued.

Mr. Karlinsey said that due to recent improvements made to the Treatment Plant approximately 100 ERUs are being freed up. Ms. Kester added that there are eight projects in queue that are asking for less than 100, and approximately 37 of the 100 could be allocated to these eight. She said that they include short-plats, small office buildings and tenant improvements.

Councilmember Young asked Mr. Chadwell if they would be willing to transfer or sell any of their ERUs to other projects. Mr. Chadwell responded yes, they would consider that option in order to let another project move forward *if* there is guarantee that capacity would be there when OPG projects are ready to proceed.

Mr. Karlinsey asked for Council direction including the rationale to support any action. Ms. Kester pointed out that any ERUs left after the 37 are allocated to tenant improvement projects would have to be given to the remaining projects.

Public Works Director David Stubchaer said that currently there aren't enough projects ready to take all 100 ERUs, but there are other tenant improvements that could be ready quickly.

After further discussion, Mr. Karlinsey clarified that staff will come back with an ordinance with the following criteria: a) no numerical limits; b) to allocate capacity for tenant improvements, change in use that require more capacity, and existing lots without capacity needing a building permit; c) 100% payment upfront; and d) a sunset clause for the payment portion when the clarifier is complete and a clause that the entire

ordinance sunsets when the Wastewater Treatment Plant Expansion Project is complete.

STAFF REPORT:

1. New Websites. Rob Karlinsey announced that the city's new website is up and running with the Marketing site to follow soon. He said that a presentation on the sites would be given at a later date.
2. Application to Amend Commercial Gross Floor Limitations in C-1 Zone. Jennifer Kester presented the background information for a zoning code text amendment to allow commercial structures of up to 165,000 square feet of commercial gross floor area in the C-1 zone provided a Conditional Use Permit is granted. She explained that the Planning and Building Committee reviewed the request and recommends an expedited review process at Council's discretion. The review would begin at the Planning Commission's second meeting in May, with a public hearing in June and final recommendation to Council before the Planning Commission begins work on the Comprehensive Plan Amendments and Shoreline Master Plan updates. She asked for Council direction on whether this should be reviewed by the Planning Commission and whether the expedited schedule is appropriate.

Tom Dolan said that applicant has agreed to fund additional noticing to get the word out to the public.

Councilmember Young voiced concern for an expedited review process for building sizes in Gig Harbor. He said that the city has spent a great deal of time on this issue beginning with the C-1 and B-2 zones on the Westside. He said it's been less than four years since the 65,000 square foot limit was reaffirmed. This took two years of citizen input and Council deliberation. He said that the city is behind on several things needing attention and this massive change shouldn't be wedged in to the Planning Commission's schedule.

Randy Boss – (no address given). Mr. Boss said that the Olympic Towne Center project has been "shovel ready" for two years, but due to the economy retail tenants are not willing to expand at this time. The plan has been to hold off until things turn around, but sitting on a 12 million dollar investment doesn't make sense. He explained that at one point the project included three large tenants; 50,000, 60,000 and 50,000 square feet buildings separated by the 20 foot requirement which together equals 160,000 square feet. He passed out photos of a 140,000 square foot Fred Meyer prototype, explaining that they are interested in locating at the Olympic Towne Center site. He described how the Fred Meyer could be constructed a 400 foot frontage as opposed to its current location that has over 800 feet of unbroken storefronts; QFC is over 900 square feet. He said that they would like to see the arbitrary 20' gap between buildings in the C-1 zone go away. Mr. Boss said that he remembers the contention surrounding the Wal-Mart proposal, and has talked to Fred Meyer about reducing their project size to 140,000 -150,000 square foot building with a garden section attached to the end. This would result in 30 million in construction costs, 200 full-time jobs, and the on-going retail

sales tax. He said as soon as they get an anchor tenant they are ready to go, adding that their “fall-back” was to build two national restaurants and a couple of retail building, but the restaurants won’t come until they know the anchor tenant. Another concern is blight at the undeveloped site; they don’t want to do anything objectionable. He said they would like full-scale public exposure of the proposed Fred Meyer at both the Planning Commission and City Council level. He mentioned that Fred Meyer is the kind of store that real people can shop and will be a great addition to the community. He asked Council to allow them the opportunity for the public to comment and then decide whether it comes back to Council for final approval.

Councilmember Franich asked the height of the project and if there is a request to increase the height in the C-1 zone. Mr. Boss said this project is about 25 feet high and yes, in January 2007, they submitted a text amendment to increase the height limitation in the C-1 zone. This was specific to a hotel that was interested in the Olympic Towne Center project. He said he thought this text amendment had died because the hotel project went away, but found out recently it is being heard in a couple of months. He stressed that they now have neither the need nor the desire for the 45 height limitation and would be happy to withdraw the text amendment. He said their desire isn’t to increase the mass, but to keep the mass within scale of the community; illustrated by the photos.

Councilmember Ekberg said that photos of a specific tenant and references to other shopping centers’ frontage aren’t appropriate; stressing that zoning should not be based upon a specific tenant. He said that the Planning Commission and public need adequate time to comment on this issue and it will take time to gather the necessary information; even with the additional public noticing this could go beyond the two meetings.

Tom Dolan responded that after the first of June the Planning Commission begins review on the Comprehensive Plan Amendments and if this goes over the two meetings, the proposal would have to be put on hiatus until February 2010. The other option would be for Council to take over the public process.

Councilmember Young said that the reason for the 65,000 square foot limit is because Gig Harbor didn’t want more strip malls and desires a more urban village feel. He said he would be happy to forward this to the Planning Commission if there weren’t so many other important things going on.

Mr. Boss mentioned that the project would also require a Conditional Use Permit. He then said that there is a small window of opportunity with the Planning Commission; if there is an outpouring of public objection at the public meetings Council could reject the text amendment. He said that the community is excited about having a full-service Fred Meyer in Gig Harbor and he would like them to have an opportunity to weigh in. He again said they would be willing to pay for advertising and the time with the Planning Commission and get this before the community.

Councilmember Conan said that the Planning and Building Committee had the same concerns with this moving too quickly. He mentioned the process to adopt the 65,000 square foot limit that began seven years ago, and said that he thinks the public sentiment is going to be about the same. He suggested allowing the public hearing now rather than dragging it out for another year; saying that the sentiment will be clear.

Councilmember Franich voiced concern that there's less than one month to get the message out and get people motivated to show up.

Councilmember Young pointed out that the last time the building size issue went through the Planning Commission process, people didn't notice until it came before Council and then the Council Chamber was full. Councilmember Conan disagreed, saying that that the Planning Commission meetings were also full.

Mr. Boss said he envisions a front page story in the Gateway announcing that a new Fred Meyer is proposed for Gig Harbor. He said that the litmus test will be at the first public hearing. He again mentioned the comments from people that "Uptown Shopping Center is great, but I don't shop there...I drive to the Fred Meyer in Port Orchard." He said this project would keep the construction sales tax, jobs and retail sales here in the community. He again asked Council to allow the public the opportunity to weigh in.

Councilmember Kadzik said that the Planning and Building Committee didn't feel that it should stop with them and should have the full Council input. He said that he agreed with Councilmember Conan that there isn't anything to lose by having the Planning Commission review this in the time allowed. He said they may not be able to make a decision, and in that case it can be pushed to next year.

Councilmember Franich agreed that it's worth a hearing, but a "just" hearing with time to consider this huge issue. An expedited timeline isn't a good idea.

Councilmember Young said this is a fundamental shift in the plan for the community who wanted development with a sense of place without more strip malls. He said this issue is going to take serious dialogue and should be moved to the end of the Planning Commission's work list. He said if the Commission has openings in their calendar there are plenty of things that need to be done. He gave warning for what could happen if this ends up with Council during the busy summer months when they are wrestling with massive budget issues.

Tom Dolan said he would need a motion if Council wanted to amend the Planning Commission work program to have them review this text amendment. No motion came forward.

3. Water Rights. Senior Engineer Jeff Langhelm said the city's Water Rights Attorney Tom Mortimer was going to talk about water service areas. He explained that there have been multiple requests the past few years to have the city assume water service areas from other purveyors. The reason is the city has a robust water service

and when developers need water and the other purveyor cannot provide, they turn to the city.

Tom Mortimer- 1325 4th Avenue, Seattle, WA 98101. Mr. Mortimer explained he would address the many issues and challenges associated with a jurisdiction being asked to assume a water service area. He gave an overview of procedural, policy and operational issues.

Mr. Mortimer responded to questions about the cost of assuming another water service and the terms of his contract. He said that he had looked specifically at the Stroh Water System because they have approached the city to assume part of their service area.

The discussion continued by Mr. Mortimer explaining that in addition to the operational issues such as the water deficit, the city must be judicious in how to proceed and be mindful of threats surrounding to a cloud over the legal validity of the unused quantities of municipal water rights. He said that some jurisdictions are proceeding to make beneficial use of their unused water while waiting for a Washington State Supreme Court decision that could come in summer 2010. He discussed the risk of moving ahead with acceptance of another service area.

Mr. Mortimer was asked about the Stroh's Water System. He said that he had a fair amount of information and described the proposal for the city to assume a portion of the Stroh System because they have inadequate fire flow to accommodate a proposed commercial project in their service area. He said he would return at the May 11th meeting for an Executive Session discussion.

Jeff Langhelm said that the request to assume the water service area had not been presented to the Operations Committee yet. He said that it is one of the upcoming Comprehensive Plan Amendments.

4. Nuisance Ordinance. Rob Karlinsey handed out the draft nuisance ordinance incorporating changes as a result of the Planning / Building Committee meeting. He said that he also included a copy of the Uniform Code for the Abatement of Dangerous Buildings referenced in the ordinance. This will be on the agenda for the May 11th Council meeting.

Councilmember Malich asked if the ordinance addresses historical structures. Mr. Karlinsey said that it does not. It would behoove the owner of an historical structure to keep it repaired.

Councilmember Franich said that he appreciates that the ordinance had been streamlined stating that these types of things should be strictly about public health and safety.

PUBLIC COMMENT: None.

MAYOR’S REPORT / COUNCIL COMMENTS:

Mayor Hunter commented that the Legislature treated Gig Harbor well. He then announced that the Volunteer Appreciation Ceremony preceding tonight’s Council Meeting was well attended. He announced that the recipient of the annual Volunteer of the Year Award went to Marilyn Recknagle and the Carol Gorman Memorial Volunteer of the Year Award for Outstanding Overall Service to Gig Harbor was posthumously awarded to Theresa Malich.

Councilmember Franich said that he saw Mayor Hunter pulling Scotchbroom at Eddon Boat Park during the Parks Appreciation Day. Mayor Hunter responded that he also attended the Arbor Day Celebration this Saturday.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Shoreline Master Program Update Stakeholder Committee: Wed. Apr. 29th at 4:00 p.m.
2. Planning / Building Committee: Mon. May 4th at 5:15 p.m.
3. Council / Design Review Board Joint Worksession: Mon. May 4th at 6:00 p.m.
4. Intergovernmental Affairs Committee: Mon. May 11th at 4:30 p.m.
5. City Council Meeting May 11th - **5:30 p.m.** (*note early start time*).
6. GH North Traffic Options Committee – Wednesday, May 20th, at 9:00 a.m.
7. KLM Veteran’s Park Ribbon Cutting Ceremony: Wed. May 20th at 5:30 p.m.
8. Operations Committee: Thu. May 21st at 3:00 p.m.
9. Boards and Commission Candidate Review: Tues. May 26th at 4:30 p.m.
10. City Council Meeting *Tues. May 26th* at 6:00 p.m. DUE TO MEMORIAL DAY.

ADJOURN TO WORKSTUDY SESSIONS:

1. Height Restriction Area.
2. 2009 Budget Update.

MOTION: Move to adjourn to two workstudy sessions at 6:38 p.m.

Franich / Conan – unanimously approved.

CD recorder utilized:
Tracks 1001 – 1034

Charles L. Hunter, Mayor

Molly Towslee, City Clerk

OUTLINE MINUTES

Consent Agenda 2a

City Council 2009 Workplan Workstudy Session

Date: April 20, 2009 Time: 5:30 PM Location: Comm Rm A&B Scribe: Molly Towslee

Members Present:

Mayor: Chuck Hunter

City Council: Steve Ekberg, Derek Young, Jim Franich, Paul Conan, Ken Malich, Tim Payne and Paul Kadzik.

Staff Present:

City Staff: Rob Karlinsey, Mike Davis, David Stubchaer, Steven Misiurak, Marco Malich, Tom Dolan, Jenn Kester, Kristin Moerler, Peter Katich, Dick Bower, Laureen Lund, and Molly Towslee.

Call to Order at 5:39 p.m.

Mayor Hunter introduced the session and announced that there is quite a bit of information to get through in three hours. He said that most items are self-explanatory, and Staff is hoping to come away with direction from Council on how to proceed.

Rob Karlinsey, City Administrator, explained that the distributed list of topics shows which staff person and Council Committee are assigned, when it is scheduled for completion, and notes on the project. He said that there are several topics needing further discussion and if Council has others, to please let him know.

The group worked through the list of topics by department.

The attached worksheet lists the topics presented for discussion. Any amendments resulting from the discussion are noted in red.

Meeting adjourned at 8:10 p.m.

CITY OF GIG HARBOR PROJECTS

Department	Topic	Staff Assigned	Committee or Budget	When	Notes
1 Administration/ Finance	Health Insurance Plan: Analysis of options and transition plan	Rob	Finance & Safety	August '09	Committee formed & in progress
2	Human Resources Projects such as the personnel policies re-write.	Rob/Scott S.	Finance & Safety	TBD	Low priority
3	Drug & Alcohol Testing Implementation	Rob/Scott S.	Finance & Safety	June 2009	
4	Flexible Spending Accounts	Rob	Finance & Safety	June 2009	per Guild contracts
5	Incremental Implementation of the Downtown Business Plan	Rob	Full Council	Ongoing	baby steps for now
6	Mainstreet Contribution & Involvement	Rob	Full Council	Year Round	
7	Economic Development Strategy: Work on this as time allows	Rob	Full Council	TBD	Low priority
8	State and Federal Funding, and State Legislative Lobbying	Rob	Intergov Affairs	Year Round	Extend Fed Lobbyist Beyond June?
9	Community survey: Implement strategy to improve on what we learned	Rob	Full Council	TBD	Low priority
10	Boys & Girls Club Agreement	Rob	Full Council	2010-11	\$150k in 2010; \$100k in 2011
11	Purchasing Policy	Dave R	Finance & Safety	2009	
12	2009 Budget Cuts & Monitoring	Dave R/Rob	Finance & Safety	2009-10	Report to Finance Committee on 4/20
13	Stutz Property Lease	Rob	Operations	2009?	
14	Senior Center Study - Still Needed??	Rob	Operations	2010	B&G Club plans to include a Sr. Ctr.
15	Pierce County Public Benefit Rating System - Monitor	Dawn	Full Council	Mar-Dec	
16	National Maritime Heritage Area - H	Dawn	Full Council	2009-10	
17	Historic district Boundaries and Architecture - H	Dawn	Full Council	2009-10	
18	Art Commission Work Plan/Meeting Frequency	Dawn	Full Council	2009	
19	PenMet/City Tax Overlap - Continue to Pursue?	Rob	Intergov Affairs	2010+	Verify PenMet maint. Re: Cushman Trail
20	New Revenue	Dave R.	Finance & Safety	Jun-09	Staff to research options, incl. B&O
21	Regular Council Meetings Start Time: 5:30 p.m.?	Molly	Full Council	May-09	Molly to Draft Ordinance
1 Building / Fire Safety	Master Plan	Dick	Full Council	2011-12	
2	Green Building / LEEDS and Low Impact Development	Dick	Plng & Bldg	On-going	Chngs in storm manual will address LID. Other deliverable(s)? Provide incentives, like density credits.
3	Fire Marshal - Arson Investigations Research	Dick	Full Council	July '09	
4	EOC Trailer and Supplies	Dick	Full Council	2010-2011	if budget allows or grants available
5	Earthquake Disaster Exercise	Dick	Finance & Safety	10/21/09	County-wide. PSD & FD5 involved.
1 Planning	Nuisance Code	Rob	Plng & Bldg	May 2009	Not a silver bullet
2	Shoreline Master Program Update	Peter	Plng & Bldg	2010-11	
3	Fee Discount/Waiver for Low Income Housing, incl. impact/conn. fees	Tom/Rob	Plng & Bldg	July 2009	Pursue
4	Development Agreements - Length, etc.	Angela	Plng & Bldg	June 2009	
5	Permit Application Expiration Ordinance	Tom	Plng & Bldg	July 2009	
6	Development agreement with OPG/GH North Visioning	Tom/Rob	Full Council	2009-10	Several issues to address; Ball currently in OPG court.
7	Civil Penalty Process	Tom	Plng & Bldg	2010	

Department	Topic	Staff Assigned	Committee or Budget	When	Notes	
8	Comprehensive Amendments	Jennifer/Tom	Full Council	2009		
9	Comp Plan Amendment Process Changes	Jennifer	Plng & Bldg	2009	Application deadline change?	
10	State-Mandated Comp Plan Update Due 12/1/11	Jennifer	Plng & Bldg	2010-11	Big project	
11	Permitting in the UGA	Jennifer/Rob	Plng & Bldg	2009-2011		
12	Design Review updates - trees, building sizes, etc.	Jennifer	Plng & Bldg	2010-11		
13	Misc. Text changes	Tom/Jennifer	Plng & Bldg	ongoing	Big workload item - see attached list	
14	Code enforcement cases	Tom	N/A	ongoing		
15	PROS Plan	Kristin	Operations	2009-10	Revised scope: "Yugo"	
16	City/County Coordination of Cross-Boundary Impacts.	Jennifer	Plng & Bldg	2010	Similar to #9 above	
17	Waterfront Millville Office Use	Jennifer	Plng & Bldg	2010	In process. Part of #11 above	
18	Annexation Sequencing Strategy	Tom	Plng & Bldg	2010		
19	Canterwood Annexation Analysis	Tom	Full Council	Sept 2009	Staff research & analysis due 8/09	
20	Setbacks and Fire Hazard	Tom/Dick	Plng & Bldg	2010	Monitor County Task Force	
21	Floor Area Ratios	Jennifer	Plng & Bldg	2010		
22	Cottage Housing	Tom	Plng & Bldg	2010-11		
23	Affordable Housing Policy	Tom	Plng & Bldg	2011		
24	View Basin Subarea Plan	Tom	Plng & Bldg	2011		
25	Parking Stall Widths	Tom	Operations	??	Include with holistic look at parking regs later	
1	Public Works Projects	Truck Weight Limits on Pioneer Way Ordinance:	Emily A.	Operations	Apr	Signage completion date: mid May
2		Sewer CRC Orderly Processing	Angela	Operations	May 2009	
3		Permit Extension in Exchange for Paying Connection Fees	David S.	Operations	May 2009	
4		Trip Transfer Ordinance	Angela	Operations	June 2009	
5		BB16 Latecomers Agreement	Angela	Operations	June 2009	
6		Street Vacations One-Time Blanket Waiver	Will H.	Operations	Spring 2010	Staff to check with Angela on simply removing the cloud.
7		Public Works Standards Updates	George F/Steve	Operations	2010	Perform work in-house
8		NPDES Phase II - Stormwater Manual Update	Jeff L.	Operations	Aug 09	
9		Thurston Lane Prescriptive Easement	Emily A.	Operations	Dec 2009	
10		50th Street Prescriptive Easement	Emily A.	Operations	Dec 2009	
11		50th Street Extension Design, Permitting, & Right-of-Way	Emily A.	Operations	Dec 2009	Staff to come back with proposal on how to fund remainder of design.
12		Traffic Impact Fees	Emily A.	Operations	2010	Delay to year-end
13		ADA Transition Plan	David S.	Operations	2010-11	
14		PenLight Proposal to amend Undergrounding Policy and Funding	David S.	Operations	TBD	
15		Sidewalk / Trails Inventory & Connections	Willy H.	Operations	2010	Include in PROS Plan
1	Street Capital	Road Rehabilitation	Jeff L.	100,000	Summer '09	slurry seal & dig-outs
2		BB16 Interim Improvement	McGraw	7,500,000	2009	Construct July 09. One-year duration.

Department	Topic	Staff Assigned	Committee or Budget	When	Notes
3	BB16 Long-Term Solution IJR	Emily A.	100,000	2009	w/consultant Lochner
4	38th Street Design (begin preliminary design only)	Steve M.	50,000	2nd half '09	if budget allows
5	Pioneer Planter Box	Jeff L.	150,000	April '09	construction underway
6	Uddenburg/Judson Crosswalk	David S.	TBD	May - July	Design in-house
7	Skansie / Jerisich Frontage Improvements	David S.	TBD	2009 or 2010	
8	Harborview Judson Master Plan Construction	Emily/Jeff	TBD	2011-2015	
Parks Capital					
1	Eddon Park Boat Building Restoration - H	McGraw/Dawn	869,522	June 2009	Funded via State Grant
2	Eddon Park Dock and Marine Railway - H	Steve M.	600,000	2011	\$243K State Grant
3	Eddon Boat ICP & Long-Term Monitoring - H	Steve M.	17k /yr	2009-2014	Not funded
4	KLM Veterans Memorial Park Restrooms & Shelter	M. Malich	90,000	Summer 2009	
5	Austin Estuary - H	Dawn	450,000	2011	\$450k grant recently awarded. Combine with Donkey Creek Daylighting design
6	Skansie Netshed Piling Repair/Replace - H	Mayor	51,000	2009	Late summer/fall, pending fish window
7	Cushman Trail Construction	McGraw	664,000	2009	
8	Future Parks Grants Requests - E.G. ALEA & Conserv. Futures	Dawn	TBD	2009-10	Wetland trail @ Wilkinson. Grant for Barn. "Anything that helps finish a park."
9	Skansie Maritime Pier Study	Peter	Full Council	Summer 2009	
10	Council Decision on Skansie Ad Hoc Committee Recommendations	Dawn	Full Council	After #9 above	
Sewer Capital					
1	WWTP Phase I Expansion	Steve M.	15,000,000	Mar-Dec 2010	
2	WWTP Marine Outfall Extension	Steve M.	7,500,000	2010	may happen sooner if state/fed \$ rec'd
3	Lift Station Upgrades	Steve M./Darrell	100,000	Ongoing	
4	Phase II Expansion Design	Steve M.	110,000	2010+	
5	Unsewered Areas Strategy	Jeff L.	TBD	2010+	Research smaller, high-tech Tx plants
Water Capital					
1	Crescent Creek Well Drilling	Jeff L.	200,000	Feb-May 09	
2	Crescent Creek Well Development	Jeff L.	'08 carryover	May-Dec 09	
3	GHN Well	Jeff L.	110,000	ongoing	permitting & design
4	Water Rights Advocate	Jeff L.	40,000	ongoing	
5	Reid & Hollycroft Intertie	M. Malich	25,000	Late Aug	Scope reduced - no street crossing \$5k
6	Stinson Water Main Replacement	Jeff L.	201,000	Apr-Nov 09	
7					
Stormwater Capital					
1	50th Street Culvert	Emily A.	275,000	2010+	Construction funding on-hold
2	Donkey Creek Daylighting	Steve M./Dawn	800,000	2010-12	Funded via Federal Grants

H = Historic Program Under CLG

OUTLINE MINUTES City Council Worksessions

Consent Agenda - 2b

Date: April 27, 2009 Time: 7:50 PM Location: Comm Rm A&B Scribe: Molly Towslee

Members Present:

Mayor: Chuck Hunter

City Council: Steve Ekberg, Derek Young, Jim Franich, Paul Conan, Ken Malich, and Paul Kadzik.

Staff Present: Rob Karlinsey, David Stubchaer, Tom Dolan, and Molly Towslee.

Call to Order at 7:50 p.m.

1) Height Restriction Ordinance. Tom Dolan, Planning Director, presented the background information for this ordinance which is a result of a private application submitted by Carl Halsan on behalf of Pioneer & Stinson, LLC to change the criteria for how properties could be removed from the height restriction area. Mr. Dolan further explained that Mr. Halsan has recently submitted a private application under the existing criteria to remove their property from the height restriction area. The hearing on the recently submitted application is scheduled for June 4th before the Hearing Examiner and any appeal of her decision would come before City Council. If the revised ordinance follows the normal procedure of two readings, it would not be in effect before the June 4th date hearing date.

Council asked the necessity of the ordinance if the applicant's project would already have been considered under the current code. Mr. Dolan responded that the application has gone through the Planning Commission process resulting in this draft ordinance as their recommendation to Council. Mr. Dolan also said it's a legislative matter and Council could decide that the code amendment is inappropriate. He added that the applicant would like a decision on withdrawal of their property from the Height Restriction Area before the Planning Commission considers their request for a Comp Plan Amendment so that the allowed structure height is clear to all.

After discussing several concerns and the intended outcome for amending the code, staff was directed to amend the ordinance to "beef up" the intent section to reflect that it is important to 1) protect views (both from the site and from adjacent properties); 2) preserve the historic height of structures within the Height Restriction Area; and 3) maintain the bulk and scale of buildings in the Height Restriction Area.

This worksession ended at 8:40 p.m. and the next worksession began.

Tracks 1002 – 1011.

Councilmembers Ekberg, Young, Franich and Malich left the meeting, as they had been presented with the information at a previous Finance Committee meeting. David Rodenbach, Finance Director, joined the meeting.

2) 2009 Budget Update. Rob Karlinsey used projected spreadsheets on a screen to share information on the first quarter of the 2009 Budget and how it compared with the projected numbers and the same figures from 2007 and 2008. He said that the information is approximately one month old and that David Rodenbach and staff will have further updates at the end of April.

Mr. Karlinsey presented a plan to balance the General Fund Budget in light of the lower-than-forecast revenue trends in the first quarter of 2009. The plan included additional cuts in department budgets, including cuts in travel/training, overtime, supplies, equipment, professional services, as well as salary savings from vacant positions. The plan also includes reducing the General Fund Transfer to the Park Development Fund for the following reasons:

1. Lower-than-expected bids on the Eddon Boat Building Remodel;
2. Fund the KLM Veteran's Park Restroom and Shelter from the 2008 Bond Issue; and
3. Cut benches at the Skatepark.

Mr. Karlinsey said that staff are still evaluating the Street Operating Fund and will most likely be recommending cuts to be discussed with Council in the near future.

Mr. Karlinsey then explained that everyone has worked to cut expenditures, which is reflected in the numbers, especially in overtime costs. He said that at the request and direction of the City Council, we are looking at ways to generate revenue as well.

The worksession ended at 9:17 p.m.

Track 1012



Internal Departmental Communication Gig Harbor Police Department

TO: City Council Members
FROM: Chief Mike Davis *MD*
SUBJ: Recovery Act JAG Award
DATE: April 22, 2009

We were recently advised by the Bureau of Justice Assistance Grant program (JAG) that \$11,322.00 in grant funds have been designated for our department as part of President Obama's Recovery Act stimulus plan. The JAG grants were allocated to local jurisdictions based on a formula of population and violent crime statistics.

The grant application requires a spending plan, budget summary and program description. Our spending plan includes upgrading our report room computers. These computers were designated to be replaced in last year's budget. Due to the budget shortfall last year we never did replace these four (4) computers. In addition, we are proposing to purchase seven (7) additional scanners and in-car printers for our SECTOR program. SECTOR is a new program where our police officers issue infractions and complete accident reports electronically inside their vehicles. The scanners are used to capture all the pertinent information from a barcode on a driver's license. The information is then used to automatically populate a traffic infraction. A copy of the ticket is then printed for the violator from the in car printer and the actual infraction is send electronically to the court system. This is an increased efficiency for both our staff and court staff.

One of the grant requirements is that the application be reviewed by our city council. Please review the attached application and forward your comments to me via my email at davism@cityofgigharbor.net.

BJA FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation - Microsoft Internet Explorer

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Back Search Favorites

Address: https://grants.ojp.usdoj.gov/gmsexternal/applicationReview.do

Google https://grants.ojp.usdoj.gov

Application Handbook

Overview

Applicant Information

Project Information

Budget and Program Attachments

Assurances and Certifications

Review SF 424

Submit Application

Help/Frequently Asked Questions

GMS Home

Log Off

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier
		April 21, 2009	
1. TYPE OF SUBMISSION		3. DATE RECEIVED BY STATE	State Application Identifier
Application Non-Construction		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name		Organizational Unit	
City of Gig Harbor		Gig Harbor Police Department	
Address		Name and telephone number of the person to be contacted on matters involving this application	
3510 Grandview Street Gig Harbor, Washington 98335-1214		Davis, Michael (253) 853-2420	
6. EMPLOYER IDENTIFICATION NUMBER (EIN)		7. TYPE OF APPLICANT	
91-6001435		Municipal	
8. TYPE OF APPLICATION		9. NAME OF FEDERAL AGENCY	
New		Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT	
NUMBER: 16.804 CFDA TITLE: 16.804 - Recovery Act - Justice Assistance Grants - Localities		Technology Upgrade Project	
12. AREAS AFFECTED BY PROJECT			
Gig Harbor Police Department			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF	
Start Date:	July 01, 2009	a. Applicant	
End Date:	September 01, 2009	b. Project	WA06
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
Federal	\$11,322		

Done Internet

https://grants.ojp.usdoj.gov - Certifications - Microsoft Internet Explorer

hi>U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20 (a):

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Done Internet

**CITY OF GIG HARBOR
COMMITTEE OUTLINE MINUTES**

Consent Agenda - 2d

City of Gig Harbor Finance and Safety Committee
(Council Committee Ekberg, Malich, and Young)

Date: April 20, 2009

Time: 4:00 p.m.

Location Executive Conf Room

Scribe: Jaci Auclair

Commission Members and Staff Present: Ken Malich, Derek Young, Steve Ekberg, Rob Karlinsey, Dave Rodenbach, and Jaci Auclair.

Absent:

Others Present: _____

Topic / Agenda Item	Main Points Discussed	Recommendation/Action Follow-up <i>(if needed)</i>
OLD BUSINESS		
None		
NEW BUSINESS		
1. Parks Use Insurance Requirement	City Administrator Rob Karlinsey discussed the need to increase liability insurance requirements under the special events ordinance to \$1 million in coverage for private users of city park facilities. Committee members agreed that while this requirement may discourage or be prohibitive for some users, the increased liability coverage is necessary to protect the city's interests.	Present ordinance to city council.
2. Civic Center Loan Payback Report	Finance Director David Rodenbach presented an accounting of funding	None at this time.

Topic / Agenda Item	Main Points Discussed	Recommendation/Action Follow-up (if needed)
	<p>sources and uses for the Eddon Boat Environmental Cleanup, including the amount due (\$1,073,901) on the Civic Center Debt Reserve loan. Repayment of this loan is currently short by \$97,403. Mr. Karlinsey commented that he originally thought this payment might be differed until 2010, however, the financial outlook for 2010 does not seem any more promising.</p> <p>Mr. Rodenbach suggested that council may decide to make repayment from a currently funded parks project. Committee members also considered the possible scenario of having a structured payback, i.e. over a three-year period.</p>	
<p>3. 1st Quarter Expense/Revenue Report / Year End Projections</p>	<p>Mr. Karlinsey presented a report on the current general fund shortfall. First, each revenue fund was discussed in detail, noting that the stall in construction is the main contributor to the shortage. Secondly, Mr. Karlinsey discussed expenses, noting that savings have been recognized through a reduction in overtime, travel/training, and supplies; however, additional cuts by each department were necessary to cover the shortfall, which resulted in over \$450,000 in savings.</p> <p>Following some discussion by committee members of other possible cost-saving</p>	<p>Councilmember Ekberg appreciated the proactive approach of reviewing the current status as early as the first quarter, and requested monthly updates from management.</p>

Next Meeting: June 16, 2008 at 4:00 p.m.

Topic / Agenda Item	Main Points Discussed	Recommendation/Action Follow-up (if needed)
	measures, Mr. Karlinsey indicated that this presentation will be given to the full council within the next few weeks. A policy decision by council will be needed in the event these trends continue.	
4. Flexible Spending Accounts	Mr. Karlinsey presented a comparison of Flexible Spending Account providers for the committee's review and noted that Flex-Plan Services is his recommendation at this time.	None at this time.
Meeting adjourned at 5:45 p.m.		

Next Meeting: June 16, 2008 at 4:00 p.m.

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, the family is the cornerstone of our communities, state and nation and children are the future of society; and

WHEREAS, the care, protection and nurturing of children has traditionally been the responsibility of biological parents with support from the community; and

WHEREAS, grandparents, uncles, aunts, cousins and siblings are stepping forward in ever-increasing numbers to assume full responsibility for children whose parents are unable or unwilling to appropriately parent; and

WHEREAS, these kin face day-to-day living challenges as well as emotional, financial and legal obstacles, often alone and without support; and

WHEREAS, their commitment to these children is to provide a healthy, safe and happy childhood; and

WHEREAS, the significance of the care and nurturing of these children by their kin deserves to be recognized;

NOW, THEREFORE, I, Charles L. Hunter, Mayor of the City of Gig Harbor, do proclaim May 20, 2009, as

KINSHIP CAREGIVER DAY

and invite all citizens of Gig Harbor to join me in the special observance being celebrated across our Country.

Charles L. Hunter, Mayor

Date

RECEIVED

MAR 30 2009

CITY OF GIG HARBOR

March 25, 2008

Mayor Chuck Hunter
City of Gig Harbor
3510 Grandview St
Gig Harbor, WA 98335

Dear Mayor Hunter:

I am writing this letter on behalf of the relative headed families in your community, requesting your city recognize Wednesday, May 20, 2009 as KINSHIP CAREGIVER DAY in your city. Governor Gregoire has issued and signed a state proclamation and I am enclosing a copy for your use. Most towns and cities in our county adopt the proclamation at a scheduled council meeting. I can arrange for a representative to attend a council meeting and receive the proclamation if you would like. I may be reached at 253-565-4484 ext 105 or emailed at edith@hopesparks.org with the date, time and location of the council meeting. Otherwise, when the proclamation is signed, please return it to me and we will display it at our annual conference.

Coincidentally, the Sixth Annual *WHO CARES? RELATIVES DO!* Conference will be held MAY 20, at Bethany Baptist Church, 713 South Hill Park Drive, Puyallup. Please consider this your personal invitation to attend.

I am sure you noticed there is a different agency name on the letterhead than in previous years. Child & Family Guidance Center has a NEW NAME. HopeSparks! Child & Family Guidance Center has been part of Pierce County since 1895 and will continue its mission of strengthening families without interruption. JUST A NEW NAME! Our staff, programs, telephone numbers, physical location and address are UNCHANGED. Pierce County Relatives Raising Children continues to be a very important HopeSparks program!

Thank you so much for supporting the kinship families in your community.

Sincerely,



Edith Owen, Coordinator
Pierce County Relatives Raising Children

NOTICE OF LIQUOR LICENSE APPLICATION



RETURN TO:

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

ML

TO: MOLLY TOWSLEE, CITY CLERK
RE: NEW APPLICATION

DATE: 4/29/09

UBI: 602-825-437-001-0002

License: 404873 - 6A County: 27
Tradename: 7 SEAS BREWING COMPANY
Loc Addr: 3207 57TH ST CT NW UNIT B
GIG HARBOR WA 98335
Mail Addr: 5806 41ST AVE CT NW
GIG HARBOR WA 98335-7106
Phone No.: 253-686-3703

APPLICANTS:
7 SEAS BREWING LLC
GUTERSON, TRAVIS R
1983-11-11
RUNION, MICHAEL A
1984-10-05

Privileges Applied For:
MICROBREWERY

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

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Do you approve of applicant ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken? | <input type="checkbox"/> | <input type="checkbox"/> |
| (See WAC 314-09-010 for information about this process) | | |
| 4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based. | | |

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE



Subject: Parks & Rec Concerts on the Park (Summer Sounds at Skansie)

Proposed Council Action: I recommend the Council approves the contracts as presented.

Dept. Origin: Operations

Prepared by: Marco Malich

Handwritten initials MM

For Agenda of: May 11th, 2009

Exhibits: referenced contracts

Initial & Date

Concurred by Mayor:

Handwritten: CLH 4/29/09

Approved by City Administrator:

Handwritten: POK 4/29/09

Approved as to form by City Atty:

Handwritten: approved by AB

Approved by Finance Director:

Handwritten: DR 4/28/09

Approved by Department Head:

Handwritten: DR 5/1/09

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and values: \$17,000, \$17,000, 0.

INFORMATION / BACKGROUND

Attached you will find 9 contracts for the 2009 Summer Sounds at Skansie Concert Series.

- List of 9 contracts with dates and budgeted amounts: Pacific Stage (\$3,240.00), Hannah Weeks (\$600.00), Jug of Punch (\$200.00), Beatniks (\$1,500.00), Aurora String Quartet (\$650.00), Seattle Women's Jazz Orchestra (\$600.00), The High Rollers (\$800.00), Dewgrass Bluegrass (\$500.00), Big Hand Colvin (\$500.00).

Corporate contributions collected (\$17,000) will cover staff expenses at events to include police, public works and marketing overtime. Also covered in corporate contributions are printing and publicity.

FISCAL CONSIDERATION

All of these contracts are budgeted in the 2009 General Fund, Parks budget, item 7.

BOARD OR COMMITTEE RECOMMENDATION

I recommend that the Council authorize and accept the contracts.

RECOMMENDATION / MOTION

Move to:

**CONTRACT FOR SUMMER CONCERT SERIES
PERFORMER AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and WKS Ent, LLC (dba Hannah Weeks), a Washington limited liability corporation, whose address is 22121 60th Dr NW Stanwood, WA 98292 (hereinafter the "Performer").

RECITALS

WHEREAS, the City wishes to engage the Performer to provide musical services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Performer agrees to perform such musical services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert on Tuesday, June 30th, 2009, with an expected audience of 500-600 persons. The concert will take place regardless of the weather, rain or shine.

The Performer agrees to provide musical services at the concert for the City on Tuesday, June 30th, 2009, between the hours of 6:30 p.m. to 8:00 p.m. Sound will be provided by Pacific Stage, Inc., under separate contract with the City. The Performer may begin set up for the concert at 4:00 p.m. on Tuesday, July 30th, 2009. The Performer's dress should be casual and reflect the weather. The City will provide water for the performers.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Performers will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Performer six hundred dollars and no cents (\$600.00), which shall be paid to WKS Ent, LLC by mail to the address set forth at the end of this contract, following the performance on Tuesday, July 30th, 2009. In order to facilitate payment the City requests that the Performer submit an invoice to the City 30 days prior to concert date.

III. Relationship of Parties

The Performer will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Performers or his employees, agents and sub-consultants. The Performer shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

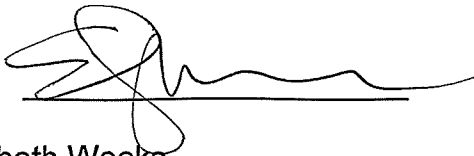
III. General Provisions.

Any assignment of this Contract by the Performer without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

The Performer is responsible for licensing of any copyrighted music.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2009.

By:



Elizabeth Weeks
WKS Ent, LLC
22121 60th Dr NW
Stanwood, WA 98292
425-327-1648

By:

THE CITY OF GIG HARBOR

Mayor

APPROVED AS TO FORM:



Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk

**CONTRACT FOR SUMMER CONCERT SERIES
PERFORMER AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Jamie Marshall, whose address is 15805 59th Ave Ct. E, Puyallup, WA 98375 (hereinafter the "Performer").

RECITALS

WHEREAS, the City wishes to engage the Performer to provide musical services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Performer agrees to perform such musical services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert on Tuesday, July 14th, 2009, with an expected audience of 300-400 persons. The concert will take place regardless of the weather, rain or shine.

The Performer agrees to provide musical services at the concert for the City on Tuesday, July 14th, 2009, between the hours of 6:30 p.m. to 8:00 p.m. Sound will be provided by Pacific Stage, Inc. under separate contract with the City. The Performer may begin set up for the concert at 4:00 p.m. on Tuesday, July 14th, 2009. The Performer's dress should be casual and reflect the weather. The City will provide water for the Performer.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Performers will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Performer two hundred dollars and no cents (\$200.00), which shall be paid to Jamie Marshall on Tuesday, July 14th, 2009, immediately following the performance. In order to facilitate payment the City requests that the Performer submit an invoice to the City 30 days prior to concert date.

III. Relationship of Parties

The Performer will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Performers or his employees, agents and sub-consultants. The Performer shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

III. General Provisions.

Any assignment of this Contract by the Performer without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

The Performer is responsible for licensing of any copyrighted music.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2009.

THE CITY OF GIG HARBOR

By: James Marshall

Jamie Marshall
15805 59th Ave Ct. E
Puyallup, WA 98375
253-377-7860

By: _____
Mayor

APPROVED AS TO FORM:

Amy Belton
Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk

**CONTRACT FOR SUMMER CONCERT SERIES
PERFORMER AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Machine Entertainment (dba The Beatniks), a Washington corporation, whose address is 2820 Thornkdyke Ave W., Seattle, WA 98199 (hereinafter the "Performer").

RECITALS

WHEREAS, the City wishes to engage the Performer to provide musical services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Performer agrees to perform such musical services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert on Tuesday, July 21st, 2009, with an expected audience of 500-600 persons. The concert will take place regardless of the weather, rain or shine.

The Performer agrees to provide musical services at the concert for the City on Tuesday, July 21st, 2009, between the hours of 6:30 p.m. to 8:00 p.m. Sound will be provided by Pacific Stage, Inc., under separate contract with the City. The Performer may begin set up for the concert at 4:00 p.m. on Tuesday, July 21st, 2009. The Performer's dress should be casual and reflect the weather. The City will provide water for the performers.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Performers will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Performer one thousand five hundred dollars and no cents (\$1,500.00), which shall be paid to The Beatniks by mail to the address set forth at the end of this contract, following the performance on Tuesday, July 21st, 2009. In order to facilitate payment the City requests that the Performer submit an invoice to the City 30 days prior to concert date.

III. Relationship of Parties

The Performer will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Performers or his employees, agents and sub-consultants. The Performer shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

III. General Provisions.

Any assignment of this Contract by the Performer without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

The Performer is responsible for licensing of any copyrighted music.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2009.

By: 
Dean Zelikovsky
Machine Entertainment
2820 Thorndyke Ave W
Seattle, WA 98199
206-448-1999

THE CITY OF GIG HARBOR

By: _____
Mayor

APPROVED AS TO FORM:



Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk

**CONTRACT FOR SUMMER CONCERT SERIES
PERFORMER AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Mary Manning, whose address is 9816 Jacobsen Lane, Gig Harbor, WA 98332 (hereinafter the "Performer").

RECITALS

WHEREAS, the City wishes to engage the Performer to provide musical services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Performer agrees to perform such musical services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert on Tuesday, July 28th, 2009, with an expected audience of 300-400 persons. The concert will take place regardless of the weather, rain or shine.

The Performer agrees to provide musical services at the concert for the City on Tuesday, July 28th, 2009, between the hours of 6:30 p.m. to 8:00 p.m. Sound will be provided by Pacific Stage, Inc. under separate contract with the City. The Performer may begin set up for the concert at 4:00 p.m. on Tuesday, July 28th, 2009. The Performer's dress should be casual and reflect the weather. The City will provide water for the Performer.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Performers will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Performer six hundred and fifty dollars and no cents (\$650.00), which shall be paid to Mary Manning on Tuesday, July 28th, 2009, immediately following the performance. In order to facilitate payment the City requests that the Performer submit an invoice to the City 30 days prior to concert date.

III. Relationship of Parties

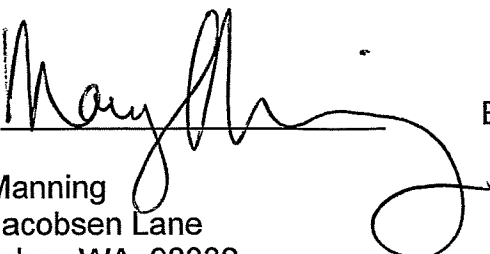
The Performer will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Performers or his employees, agents and sub-consultants. The Performer shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

III. General Provisions.

Any assignment of this Contract by the Performer without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

The Performer is responsible for licensing of any copyrighted music.

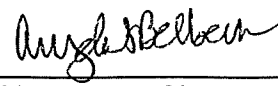
IN WITNESS WHEREOF, the parties have executed this Agreement on this 31 day of March, 2009.

By: 
Mary Manning
9816 Jacobsen Lane
Gig Harbor, WA 98332
253-853-5329

THE CITY OF GIG HARBOR

By: _____
Mayor

APPROVED AS TO FORM:



Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk

**CONTRACT FOR SUMMER CONCERT SERIES
PERFORMER AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and the Seattle Women's Jazz Orchestra, whose address is 945 NW 57th St, Seattle, WA 98107 (hereinafter the "Performer").

RECITALS

WHEREAS, the City wishes to engage the Performer to provide musical services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Performer agrees to perform such musical services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert on Tuesday, August 4th, 2009, with an expected audience of 500-600 persons. The concert will take place regardless of the weather, rain or shine.

The Performer agrees to provide musical services at the concert for the City on Tuesday, August 4th, 2009, between the hours of 6:30 p.m. to 8:00 p.m. Sound will be provided by Pacific Stage, Inc., under separate contract with the City. The Performer may begin set up for the concert at 4:00 p.m. on Tuesday, August 4th, 2009. The Performer's dress should be casual and reflect the weather. The City will provide water for the performers.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Performers will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Performer six hundred dollars and no cents (\$600.00), which shall be paid to Seattle Women's Jazz Orchestra by mail to the address set forth at the end of this contract, following the performance on Tuesday, August 4th, 2009. In order to facilitate payment the City requests that the Performer submit an invoice to the City 30 days prior to concert date.

III. Relationship of Parties


The Performer will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Performers or his employees, agents and sub-consultants. The Performer shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

III. General Provisions.

Any assignment of this Contract by the Performer without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

The Performer is responsible for licensing of any copyrighted music.

5th IN WITNESS WHEREOF, the parties have executed this Agreement on this APRIL day of _____, 2009.

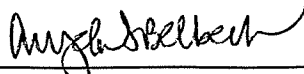
By:  _____

Carolyn Caster
Seattle Women's Jazz Orchestra
945 NW 57th St
Seattle WA 98107
206-675-8934

THE CITY OF GIG HARBOR

By: _____
Mayor

APPROVED AS TO FORM:



Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk

**CONTRACT FOR SUMMER CONCERT SERIES
PERFORMER AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Karl Ronning, whose address is 9517 Starlet Lane NW, Gig Harbor, WA 98335 (hereinafter the "Performer").

RECITALS

WHEREAS, the City wishes to engage the Performer to provide musical services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Performer agrees to perform such musical services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert on Tuesday, August 11th, 2009, with an expected audience of 300-400 persons. The concert will take place regardless of the weather, rain or shine.

The Performer agrees to provide musical services at the concert for the City on Tuesday, August 11th, 2009, between the hours of 6:30 p.m. to 8:00 p.m. Sound will be provided by Pacific Stage, Inc. under separate contract with the City. The Performer may begin set up for the concert at 4:00 p.m. on Tuesday, August 11th, 2009. The Performer's dress should be casual and reflect the weather. The City will provide water for the Performer.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Performers will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Performer eight hundred dollars and no cents (\$800.00), which shall be paid to Karl Ronning on Tuesday, August 11th, 2009, immediately following the performance. In order to facilitate payment the City requests that the Performer submit an invoice to the City 30 days prior to concert date.

III. Relationship of Parties

The Performer will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Performers or his employees, agents and sub-consultants. The Performer shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

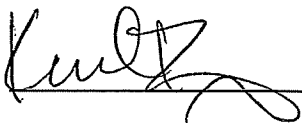
III. General Provisions.

Any assignment of this Contract by the Performer without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

The Performer is responsible for licensing of any copyrighted music.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2009.


THE CITY OF GIG HARBOR

By:  _____

Karl Ronning
9517 Starlet Lane NW
Gig Harbor, WA 98335
253-686-1524

By: _____
Mayor

APPROVED AS TO FORM:



Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk

**CONTRACT FOR SUMMER CONCERT SERIES
PERFORMER AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Gary Dewhirst, whose address is 13812 32nd Ave NW, Gig Harbor 98332 (hereinafter the "Performer").

RECITALS

WHEREAS, the City wishes to engage the Performer to provide musical services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Performer agrees to perform such musical services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert on Tuesday, August 18th, 2009, with an expected audience of 300-400 persons. The concert will take place regardless of the weather, rain or shine.

The Performer agrees to provide musical services at the concert for the City on Tuesday, August 18th, 2009, between the hours of 6:30 p.m. to 8:00 p.m. Sound will be provided by Pacific Stage, Inc. under separate contract with the City. The Performer may begin set up for the concert at 4:00 p.m. on Tuesday, August 18th, 2009. The Performer's dress should be casual and reflect the weather. The City will provide water for the Performer.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Performers will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Performer five hundred dollars and no cents (\$500.00), which shall be paid to Gary Dewhirst, Tuesday, August 18th, 2009, immediately following the performance. In order to facilitate payment the City requests that the Performer submit an invoice to the City 30 days prior to concert date.

III. Relationship of Parties

The Performer will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Performers or his employees, agents and sub-consultants. The Performer shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

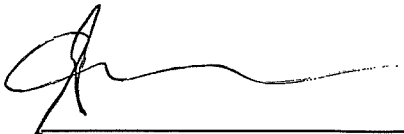
III. General Provisions.

Any assignment of this Contract by the Performer without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

The Performer is responsible for licensing of any copyrighted music.

IN WITNESS WHEREOF, the parties have executed this Agreement on this 28 day of March, 2009.

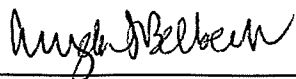
THE CITY OF GIG HARBOR

By: 

Gary Dewhirst
13812 32nd Ave NW
Gig Harbor, WA 98332
253-225-3389

By: _____
Mayor

APPROVED AS TO FORM:



Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk

**CONTRACT FOR SUMMER CONCERT SERIES
PERFORMER AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Jesse Savage, whose address is 9820 Harborview Place, Gig Harbor, WA 98332 (hereinafter the "Performer").

RECITALS

WHEREAS, the City wishes to engage the Performer to provide musical services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Performer agrees to perform such musical services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert on Tuesday, August 25th, 2009, with an expected audience of 300-400 persons. The concert will take place regardless of the weather, rain or shine.

The Performer agrees to provide musical services at the concert for the City on Tuesday, August 25th, 2009, between the hours of 6:30 p.m. to 8:00 p.m. Sound will be provided by Pacific Stage, Inc. under separate contract with the City. The Performer may begin set up for the concert at 4:00 p.m. on Tuesday, August 25th, 2009. The Performer's dress should be casual and reflect the weather. The City will provide water for the Performer.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Performers will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Performer five hundred dollars and no cents (\$500.00), which shall be paid to Jesse Savage, Tuesday, August 25th, 2009, immediately following the performance. In order to facilitate payment the City requests that the Performer submit an invoice to the City 30 days prior to concert date.

III. Relationship of Parties

The Performer will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Performers or his employees, agents and sub-consultants. The Performer shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

III. General Provisions.

Any assignment of this Contract by the Performer without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

The Performer is responsible for licensing of any copyrighted music.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2009.

THE CITY OF GIG HARBOR

By: Jesse P. Savage

Jesse Savage
9820 Harborview Place
Gig Harbor, WA 98332
253-851-6559

By: _____
Mayor

APPROVED AS TO FORM:

Amy K. Bellem
Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk

**CONTRACT FOR SUMMER CONCERT SERIES
CONTRACTOR AGREEMENT WITH GIG HARBOR**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and PACIFIC STAGE, INC., a Washington corporation, whose address is 703 S Cushing Street SW Olympia, WA 98502 (hereinafter the "Contractor").

RECITALS

WHEREAS, the City wishes to engage the Contractor to provide sound services, as part of the Gig Harbor 2009 Summer Concert Series; and

WHEREAS, the Contractor agrees to provide such services under the terms and conditions set forth in this Contract; and

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

I. Services and Date of Performance.

The City desires to hold an outdoor, family concert series on: June 30th, 2009, July 7th, 2009, July 14th, 2009, July 21st, 2009, July 28th, 2009, August 4th, 2009, August 11th, 2009, August 18th, 2009, August 25th, 2009, with an expected audience of 300-500 persons. The concert will take place regardless of the weather, rain or shine.

The Contractor agrees to provide sound services at the above listed concerts. Between the hours of 6:30 p.m. to 8:00 p.m, with set up anytime after 3pm.

The concert will take place at Skansie Brothers Park, a City-owned public park, located at 3207 Harborview Drive in Gig Harbor. The Contractor will be instructed where they should set up their equipment on the park property.

II. Payment

The City shall pay the Contractor Three Hundred Sixty Dollars and no cents (\$360.00) for each performance, which shall be paid to Pacific Stage, Inc. by mail to the address set forth at the end of this contract, following each specified performance listed in section I. Services and Date of Performance. In order to facilitate payment the City requests that the Contractor submit separate invoices for each performance to City 30 days prior to concert date(s).

III. Relationship of Parties

The Contractor will be solely and entirely responsible for his acts and for the acts of his agents, employees, representatives and sub-consultants in fulfilling this Contract. None of the benefits provided to City employees are available to the Contractors or his employees, agents and sub-consultants. The Contractor shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of this Contract.

III. General Provisions.

Any assignment of this Contract by the Contractor without the written consent of the City shall be void. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Contract.

IN WITNESS WHEREOF, the parties have executed this Agreement on this 13 day of April, 2009.

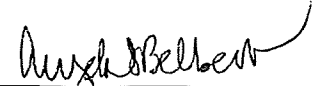
By: 

Dave Sederberg, President
Pacific Stage, Inc.
703 Cushing SW
Olympia, WA 98502
360-786-8883

THE CITY OF GIG HARBOR

By: _____
Mayor

APPROVED AS TO FORM:



Gig Harbor City Attorney

ATTEST:

Gig Harbor City Clerk



Subject: Administrative Services Agreement with Flex Plan Services, Inc.

Proposed Council Action:

Authorize the Mayor to sign an agreement for Administrative Services with Flex Plan Services, Inc. for administration of Section 125 health and dependent care flexible spending accounts.

Dept. Origin: Administration

Prepared by: Rob Karlinsey

For Agenda of: May 11, 2009
Exhibits: Agreement

Initial & Date

Concurred by Mayor: CLH 5/4

Approved by City Administrator: RJK 5/4
SCOTT SNYDER

Approved as to form by City Atty: VIA EMAIL

Approved by Finance Director: OR 5/5

Approved by Department Head: RJK 5/4

Expenditure	Amount	Appropriation
Required	See fiscal consideration below	Budgeted
		Required

INFORMATION / BACKGROUND

As a result of the recently approved agreements with the employee and supervisor guilds, the City agrees to allow employees to participate in pre-tax "flexible spending accounts" for health and dependent care expenses and also to allow employees who only insure themselves (i.e., no spouse or dependents enrolled) on the City's health insurance plan to receive cash back in return.

In order to meet these commitments, the City must set up a Section 125 benefits plan under Federal tax regulations. In the attached agreement, the City agrees to contract with Flex Plan Services, Inc. of Bellevue, WA to create the City's Section 125 plan document and to implement and administer the plan.

City staff selected Flex Plan Services, Inc. by contacting several companies who administer Section 125 plans. Flex Plan Services provided the best overall proposal for price, experience, location, and responsiveness. Of the providers contacted, Flex Plan is the only one headquartered in Washington State. In addition staff checked references of three Puget Sound cities served by Flex Plan Services (Bellevue, Mountlake Terrace, and Federal Way). All three references were very complimentary and satisfied with the company.

Fees: See fiscal consideration below.

Contract Term: The agreement will begin on June 1, 2009 and renew annually. At any time during the agreement, either party may terminate by providing 30 days notice.

What are Flexible Spending Accounts?

The Health Care Flexible Spending Account (FSA) is an employer sponsored benefit that enables employees to set aside pre-tax dollars out of their paycheck to pay for eligible health care expenses. Monies put into the plan avoid both Federal Income Tax and FICA.

Common eligible expenses are prescription and office visit co-pays; vision expense, dental work, orthodontia and expenses that are applied to medical plan deductibles. Expenses that are for one's general well-being, cosmetic in nature or not medically necessary are not eligible.

Dependent care flexible spending accounts follow the same pre-tax arrangement as health FSAs and are for expenses paid toward dependent care.

FISCAL CONSIDERATION

Flex Plan Services fees for services are included in Exhibit A, Fee Schedule, of this agreement. There is no initiation or plan set up fee. The annual employer fee is \$600 plus \$6 per plan participant. In addition, there is a monthly processing fee of \$5 per participating employee. Flex Plan Services charges \$1.10 per check or statement mailed; however, the City can require employees to use the convenient "Benny Card" which will avoid these costs. Flex Plan Services provides on-site, annual enrollment and "Benefits Fair" meetings at no charge, but the company will charge for additional meetings requested by the City.

Funding for these services will come several sources: 1) Savings from the City's avoidance of paying 1.45% FICA-Med on the FSA deductions of participating employees; 2) Health premium savings from employees who take advantage of the incentive to un-enroll their dependents; and 3) Health premium savings when the City switches to a less expensive health insurance plan in 2010.

BOARD OR COMMITTEE RECOMMENDATION

Staff briefly described the FSA plan administrator selection process to the Finance & Safety Committee on April 20, 2009.

RECOMMENDATION / MOTION

Move to: Authorize the Mayor to sign an agreement for Administrative Services with Flex Plan Services, Inc. for administration of Section 125 health and dependent care flexible spending accounts.

Karlinsey, Rob

From: W. Scott Snyder [ssnyder@omwlaw.com]
Sent: Monday, May 04, 2009 11:37 AM
To: Karlinsey, Rob
Cc: Brekke, Laurelyn; Gratzer, Linda
Subject: RE: Flex Plan Admin Agreement

Approved as to form--good negotiating!
Scott

W. Scott Snyder
Ogden Murphy Wallace P.L.L.C.
1601 Fifth Ave., Suite 2100
Seattle, WA 98101
ssnyder@omwlaw.com

206.447.7000
206.447.0215 (fax)

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From: Karlinsey, Rob [mailto:karlinseyr@cityofgigharbor.net]
Sent: Friday, May 01, 2009 4:43 PM
To: W. Scott Snyder
Cc: Brekke, Laurelyn; Gratzer, Linda
Subject: FW: Flex Plan Admin Agreement

Scott – see attached. The only change from what you saw earlier is 6.1 under Exhibit A, Fee Schedule—we're getting the cost of the first 3 on-site meetings waived for each year. Please let me know if this change is OK, and please give me your OK on the council bill that I sent earlier.

Thanks!

--Rob

From: Sarbandi, Darab [mailto:dsarbandi@Flex-Plan.com]
Sent: Friday, May 01, 2009 4:26 PM
To: Karlinsey, Rob
Cc: Crist, Heather
Subject:

Rob, I updated the admin agreement to reflect that we would not be charging the City for the first 3 meetings each year. Please see the attached. You will receive hard copies as part of your package of plan documents.



KNOWLEDGEABLE INNOVATIVE ESTAI

- [PARTICIPANT](#)
- [EMPLOYER](#)
- [BROKER](#)

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About Flex-Plan Services, Inc.

Flex-Plan Services, Inc. is the Northwest's preferred company for benefit administration. We pride ourselves on quality customer service, top of the line technology and ability to meet and exceed customer expectations.

[Home](#)

[Participant Info](#)

[Employer Info](#)

[Broker Info](#)

Flex-Plan provides comprehensive, low cost benefit administration for IRC Sec. 125 Cafeteria Plans, 401(k), Sec. 132 Transportation Fringe Benefits, COBRA Administration and Medical, Vision and Dental Reimbursement Plans. We administer services to more than 1300 employers covering more than 300,000 employees. Customer retention has been maintained at a healthy 98% for the last five years.

Information technology has been implemented both internally and externally in order to provide employers and their employees better service and benefits. Electronic eligibility and billing, employee self-service web enrollment, online claims status and account activity are all examples of our advanced automated workflow processes.

[Visit The Ideal Solutions](#)



[KnowledgeBase](#)

Technology and quality customer service have made Flex-Plan Services the preferred benefits administrator. Flex-Plan's primary goal is to provide a superior level of service and satisfaction to our customers and their participating employees.

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ADMINISTRATIVE SERVICES AGREEMENT

(For Sec 125 Cafeteria plan with Premium Conversion, and Health & Day Care Flexible Spending Accounts)

This Administrative Services Agreement ("**Agreement**") between Flex-Plan Services, Inc. ("**Flex-Plan**") and City of Gig Harbor ("**Company**"), effective June 1, 2009 specifies the services to be provided by Flex-Plan to Company, and to Company's enrolled eligible employees ("**Participants**"), in the ongoing administration of the Company's Benefit Plan (the "**Plan**") under I.R.C. Section 125 and the specified responsibilities of the Company.

The Company shall be the Plan Administrator, Sponsor, and Named Fiduciary, and Flex-Plan shall be the administrative firm which shall be engaged as an independent contractor in the performance of administrative services for the Plan.

NOW, THEREFORE, for good and valuable consideration, the parties agree that Flex-Plan will perform the following Services on behalf of Company pursuant to the terms of this Agreement, and the Company shall perform its responsibilities and make payments as described herein:

1. **RESPONSIBILITIES OF FLEX-PLAN.**

1.1 **PLAN DESIGN AND IMPLEMENTATION.** Flex-Plan shall:

- 1.1.1 Determine Plan provisions, contributions, options, specifications, subject to the direction and approval of Company;
- 1.1.2 Prepare the Standard Plan Document and the Standard Summary Plan Description to be submitted to the Company for customization or revision.
- 1.1.3 Determine processing and administration specifications.

1.2 **OPEN ENROLLMENT AND COMMUNICATION.** Flex-Plan shall:

- 1.2.1 Design, prepare and deliver to Company informational enrollment packets (Electronic version available as well as hard copy).
- 1.2.2 Provide and maintain on-line claim forms to Company or Participants.
- 1.2.3 Maintain operational toll-free telephone customer assistance (1-800-669-FLEX) for Participant and Company use, weekdays, 8 a.m. to 5 p.m. Pacific Time, excluding holidays.
- 1.2.4 Maintain operational web site information, for the benefit of Company and Participants, at: www.flex-plan.com.
- 1.2.5 Provide and maintain operational electronic format for enrollment data transfer to Company.

1.3 **PLAN PROCESSING AND ADMINISTRATION.** Flex-Plan shall:

- 1.3.1 Provide for distribution of reimbursement checks, and if requested by the Company to be distributed, account statements, according to applicable laws, rules and regulations. Such checks will be issued within two business days after the later of: (1) the scheduled processing date; or (2) the date that Flex-Plan receives back the contribution sheet from the Company;
- 1.3.2 Provide employer monthly reports to Company, including:

- 1.3.2.1. Contribution Eligibility Worksheet transmittal, which is delivered to the Company, subject to the timely return of the Employee Contribution Worksheet, and final version reconciled by the Company and returned to Flex-Plan;
- 1.3.2.2. Year to date Participant, and aggregate, account balances;
- 1.3.2.3. Disbursement register itemizing all reimbursements for each processing date;
- 1.3.3 Provide annual forfeiture report, for Participant funds that have been forfeited, within ninety (90) days after the Plan's claims run-out period has expired.

1.4 PLAN COMPLIANCE. Flex-Plan shall:

- 1.4.1 Prepare and propose to the Company all Plan Documents, and all amendments thereto, to be reviewed by the Company, approved or modified by the Company, and delivered back to Flex-Plan;
- 1.4.2 Prepare and propose to the Company the Summary Plan Description, and all amendments thereto, to be reviewed by the Company, approved or modified by the Company, and delivered back to Flex-Plan; then to be maintained by Flex-Plan, available in an electronic format;
- 1.4.3 Store and retain claims for eight (8) years after date of claim;
- 1.4.4 Perform claims substantiation and adjudication, including verification of date, service, and cost of service;
- 1.4.5 Perform annual Discrimination Testing. Testing is contingent upon the return of the Non-Discrimination Worksheet and will be conducted at no cost.

1.5 DIRECT DEPOSIT: Flex-Plan shall:

- 1.5.1 Create customized election forms for Participants;
- 1.5.2 Electronic Funds Transfer of reimbursement will be deposited into the individual Participant bank account within two business days after the later of: (1) the scheduled processing date; or (2) the date that Flex-Plan receives back the contribution sheet from the Company (see fee schedule in the attached Exhibit A).

1.6 ENROLLMENT MEETINGS & BENEFIT FAIRS.

- 1.6.1 Flex-Plan shall provide on-site enrollment meetings and attendance at benefit fairs, as reasonably requested by Company, for the fees and costs set forth in the attached Exhibit A.

1.7 CONTRACT COMPLIANCE.

- 1.7.1 Flex-Plan will comply with, and all deliverables provided by Flex-Plan to the Company or Participants under this Agreement shall comply with, all applicable codes, rules and regulations, including, but not limited to 26 USCS.

2. FEE SCHEDULE.

The Fee Schedule, of costs and fees to be paid by the Company to Flex-Plan, is attached hereto as Exhibit A.

3. RESPONSIBILITIES OF THE COMPANY.

3.1 PAYMENT.

Company will remit full payment to Flex-Plan of all billed costs and fees, pursuant to the terms of section 2 hereof and any attached exhibits, within thirty days after delivery to the Company of the monthly administrative invoice.

3.2 REPORTING.

The Company shall report all new Participants, and all changes in employment or Participant information, and all terminations of Participants from the Plan, and all unpaid Participant leaves of absence, on the same day of each such occurrence. The Company shall also verify contribution information, all year to date information, and Participant annual elections for each pay date. The Company shall also confirm the Contribution Eligibility Worksheet data. In the event that such occurrences are not timely reported or information not timely verified, and in the event that there are disbursements made by Flex-Plan that would not have been made if the occurrence had been timely reported, then the Company shall be responsible for such disbursements up to the annual election amount, and shall reimburse Flex-Plan therefore upon request by Flex-Plan. Company shall be responsible for all Participant deductions and Participant assets within its control, and shall apply those funds as described herein.

3.3 FUNDING. Terms are set forth in the attached Exhibit B.

3.4 REPORT RECONCILIATION.

Company shall reconcile Flex-Plan's Contribution Eligibility Worksheet against payroll deductions for each processing date. If the Company cannot or does not perform this responsibility, Flex-Plan may charge the rate described in the attached Exhibit A for reconciling employer provided payroll reports, as further described in section 3.2 herein.

3.5 ACTION ON DISCRIMINATORY PLAN.

Company shall initiate and timely complete appropriate action required in the event the Plan(s) become discriminatory.

3.6 FINAL DETERMINATIONS

Company shall determine all final benefit appeals, change in status determinations, and plan eligibility.

3.7 PLAN COMPLIANCE Company shall:

- 3.7.1 Ensure compliance with IRS Code, COBRA, HIPAA, ERISA and other applicable federal and state laws.
- 3.7.2 File any required tax or governmental returns, including, but not limited to, the 5500 or any applicable schedules.

4. ADVERTISING.

Flex-Plan may indicate in its marketing materials and proposals to other prospective customers that this Agreement has been awarded, and may describe the nature and objective(s) of this engagement. No such statements by, or materials of, Flex-Plan will disclose any Company confidential or proprietary information.

5. CONFIDENTIALITY.

Flex-Plan respects Company's and Participants' right to privacy. All Company data including, but not limited to, all Company Participant information related to Participants' names, salaries, wage information and healthcare expense data, are confidential and Flex-Plan covenants and agrees that it will not, directly or indirectly, use or disclose confidential data except as otherwise described herein, to Flex-Plan employees, on a need to know basis, as necessary to provide services to the Company and Participants as described herein. Further, Flex-Plan will maintain all information, medical or otherwise, in compliance with all applicable statutes, codes, and regulations, and as may be required by any governmental regulatory body or any duly constituted court.

6. **OWNERSHIP OF REPORTS AND DATA.**

All reports and data prepared by Flex-Plan, or prepared by Flex-Plan with input from the Company, pursuant hereto, provided that it is not confidential Participant data, remain the property of the Company. Flex-Plan will provide the Company with all data generated pursuant hereto, upon request of the Company, in electronic or printed format used in its administration procedures.

7. **TERM OF AGREEMENT.**

This Agreement will be effective commencing the date first written above, and shall continue for a period of one year thereafter or until the designated end of the first Plan Year, whichever shall first occur. In the absence of notice of termination by either party more than 30 days prior to the end of the initial term, or prior to the end of a successive term thereafter, then the term hereof shall automatically renew for an additional term of one year at the end of each successive one-year term.

Notwithstanding the foregoing, the term of this Agreement may be terminated by either party, at any time during the initial term or subsequent terms, upon 30 days prior notice from one party to the other. Upon termination of the term hereof, each of the parties agrees that it shall fully comply with the requirements hereof, and shall complete any then-required performance in a timely manner.

8. **INDEMNIFICATION:**

The Company shall defend, hold harmless, and indemnify Flex-Plan from and against any damages, liabilities, claims, costs, and expenses, including reasonable attorneys' fees, whether at arbitration, trial, on appeal, or in any regulatory proceeding (herein collectively "Claims") relating to the Company's default in performance of any of its duties in this Agreement, or related to the acts or omissions of the Company; provided, however, that the obligation to defend, indemnify, and hold harmless shall not apply to the extent such Claims result from the acts or omissions, including negligence or willful misconduct, of Flex-Plan.

9. **FORCE MAJEURE**

Neither party shall be liable for failure to perform under this Agreement if such failure to perform arises out of causes beyond the control and without the fault or negligence of the non-performing party. Such causes may include, but are not limited to, acts of God, war or other major upheaval, fires, floods, epidemics, quarantine restrictions, unusually severe weather, and failure or disruptions in utilities due to strike, labor disputes, or acts of nature. This provision shall become effective only if the party failing to perform notifies the other party within 72 hours of the extent and nature of the problem, limits delay in performance to that required by the event, and takes reasonable steps to minimize delays. This notice provision shall be effective unless failure to notify is beyond the control and without the fault or negligence of the non-performing party.

10. **MISCELLANEOUS.**

10.1 The attached Exhibits are hereby incorporated as though fully set forth herein.

10.2 This Agreement is the complete agreement of the parties hereto, and it supersedes all prior written or oral agreements, as to the subject matter contained herein.

10.3 This Agreement shall be governed by the laws of the state of Washington and any dispute arising out of this Agreement will be settled in any court of competent jurisdiction in King County, Washington.

"FLEX-PLAN"
FLEX-PLAN SERVICES, INC.

"COMPANY"
City of Gig Harbor

By: _____ Jim Aitken
Title: President
Date: 5/1/2009

By: _____
Title: _____
Date: _____

EXHIBIT A
FEE SCHEDULE

The Company shall pay to Flex-Plan the following fees and costs, for the services and products of Flex-Plan delivered pursuant hereto:

1. **Annual Fees:**
 - 1.1 For the Plan administration - \$600.00 annual fee.
 - 1.2 Per Participant, \$6.00 annual Flexible Spending Account ("FSA") enrollment fee per Participant.
2. **Monthly Processing Fees:** For processing and administration, the Company shall pay to Flex-Plan the following fees (\$50/month minimum):
 - 2.1 \$5.00 per month per FSA Participant (for Participants 1 – 100)
 - 2.2 \$4.00 per month per FSA Participant (for Participants 101 – 200)
 - 2.3 \$3.00 per month per FSA Participant (for Participants 201 and more)

\$50/month minimum applies to each of the following:

 - 2.4 General Purpose FSA
 - 2.5 Limited Purpose FSA
 - 2.6 Affiliate Employer FSA
3. **Mailing Fee:** \$1.10 per check/statement mailed.
4. **Summary Plan Description Fee:** \$3.50 per Summary Plan Description produced and provided to each participant. Provided only upon company request.
5. **Electronic Funds Transfer:**
 - 5.1 \$10.00 per returned item, from attempted deposit in Participant account.
6. **Enrollment Meetings and Benefit Fairs:** For on-site enrollment meetings and attendance at benefit fairs by Flex-Plan:
 - 6.1 Company shall pay to Flex-Plan \$75.00 per hour, or \$300.00 per eight-hour day, whichever is less; Fees for the first 3 enrollment meetings or benefit fairs each year will be waived.
 - 6.2 Air travel and lodging expenses shall be charged to the Company at Flex-Plan's cost;
 - 6.3 Automobile mileage is charged at \$.36/mile, plus \$37.50/hour driving travel time.
 - 6.4 Air travel time is charged as a full day cost, of \$300.00 per day.
7. **Report Reconciliation:** In the event that the Company does not, or cannot, perform the reconciliation of the Flex-Plan monthly report, as described in section 3.4 of the Agreement, then Flex-Plan will perform the reconciliation for \$75/hr., with a minimum of \$75.00 per report.
8. **Plan Termination Fees:** In the event Company terminates the Plan, Company shall pay to Flex-Plan the following fees:
 - 8.1 \$5.00 per check issued or direct deposit initiated.
9. **Plan Document Amendment Fee:** \$150 per mid plan year plan document amendment.

EXHIBIT B
CONTRIBUTION FUNDING

1. Participant contributions are due 10 business days after the pay date deduction.
2. In the event that Participant contributions are not timely received, then processing of payments shall not commence until contribution funds are received by Flex-Plan.
3. In the event that, at any time during the term hereof, or at the end of the term hereof, participant disbursements have exceeded the then-current participant contributions, then, upon notice from Flex-Plan to the Company, the Company shall, within fifteen (15) days after that date of notice, deliver to Flex-Plan an amount equal to that deficit.

EXHIBIT C
BENEFIT ("BENNY") CARD SERVICES

This Exhibit C, to that Administrative Services Agreement (the "**Agreement**") executed between City of Gig Harbor (the "**Company**") and Flex-Plan Services, Inc. ("**Flex-Plan**"), is made effective May 1, 2009, and is hereby incorporated into the Agreement, as though fully set forth therein.

By execution of this Exhibit C, the Company has elected to take advantage of, and Flex-Plan has agreed to supply the services of, the Flexible Spending Account charge card (the "**Benny Card**") as further described herein. This Exhibit specifies the services to be provided by Flex-Plan to Company, and to Company's enrolled eligible employees ("**Participants**"), in the use and administration of the Company's benefit card aspect ("**Benny Card Plan**") of the Company's Benefit Plan (the "**Plan**") under I.R.C. Section 125, for use of the Benny Card to pay for Eligible Health Care Flexible Spending Expenses, and further specifies the responsibilities of the Company.

1. RESPONSIBILITIES OF FLEX-PLAN.

1.1 PLAN DESIGN AND IMPLEMENTATION. Flex-Plan shall:

1.1.1 Determine Benny Card Plan provisions, options, specifications, subject to the direction and approval of Company;

1.1.2 Determine processing and administration specifications.

1.2 PLAN PROCESSING AND ADMINISTRATION. Flex-Plan shall:

1.2.1 Flex-Plan shall deliver to the Company enrollment materials, including a form for Participant execution that specifies that Participant shall use the Benny Card only for eligible purposes.

1.2.2 Deliver to the Participant a monthly summary by email on or about the first of each month. Said summary form will include all Benny Card swipes made in the previous month that require substantiation and will request that the Participant fax back to Flex-Plan the completed documentation form along with the receipt, bill or statement for the transaction. Upon receipt of the completed form and supporting receipt, bill or statement, retroactively review each charge on the Benny Card; determine the validity of each charge by the Participant on the Benny Card and then supply to the Participant by email the determination for the charges.

1.2.3 Provide for timely payment to the recipient bank the approved charges on the Benny Cards, subject to applicable laws, rules and regulations.

1.3 PLAN COMPLIANCE.

Flex-Plan shall perform claims substantiation and adjudication, as described, including verification of date, service, and cost of service.

2. RESPONSIBILITIES OF THE COMPANY.

2.1 ENROLLMENT.

Enrollment materials shall be delivered to Flex-Plan not less than 20 days prior to date of issuance of Benny Cards.

2.2 PAYMENT.

2.2.1 In the event that the Company receives notice from Flex-Plan that a Participant charge has been denied, and that a Participant has not timely delivered the denied amount to Flex-Plan, then the Company shall deliver a sum equal to the denied amount to Flex-Plan prior to the end of the plan year.

2.3 EMAIL ADDRESSES; WAIVER.

The Company shall deliver to Flex-Plan email addresses for all participants that have email. For the Participants that do not have email, the Company shall deliver to Flex-Plan the waiver form, which was supplied by Flex-Plan to the Company, signed by Participant, so that Flex-Plan can deliver the Participant's verification request(s) by email to the Company.

2.4 VERIFICATION REQUEST DELIVERY.

The Company will, for the Participants who do not have email, timely deliver the verification request received from Flex-Plan by email to the Participant for completion.

3. TERM OF AGREEMENT.

The Plan, and this Exhibit C, shall be effective during the term set forth in the Plan. Upon termination of the term thereof, each of the parties agrees that it shall fully comply with the requirements hereof, and shall complete any then-required performance in a timely manner.

4. FEE SCHEDULE FOR BENNY CARD SERVICES.

The Company shall pay to Flex-Plan the following fees and costs, for the services and products of Flex-Plan delivered pursuant to the terms of this Exhibit C, in addition to all fees and costs set forth in the Agreement.

4.1 CARD REPLACEMENT FEE

Participants will incur a Replacement Fee of \$10 for a lost, stolen, or replaced card. The Replacement Fee will be deducted from the Participant's Health Care FSA.

EXHIBIT D
GRACE PERIOD ADMINISTRATION FOR HEALTH CARE AND DAY CARE FLEXIBLE SPENDING
ACCOUNTS

This Exhibit D, to that Administrative Services Agreement (the "**Agreement**") executed between City of Gig Harbor (the "**Company**") and Flex-Plan Services, Inc. ("**Flex-Plan**"), is made effective as of May 1, 2009, and is hereby incorporated into the Agreement, as though fully set forth therein.

By execution of this Exhibit D, the Company has elected to take advantage of, and Flex-Plan has agreed to supply the services of, the IRS Notice 2005-42 Grace Period Administration (the "**Grace Period**") as further described herein. This Exhibit specifies the services to be provided by Flex-Plan to Company, and to Company's enrolled eligible employees ("**Participants**"), in the administration of the Company's Grace Period of the Company's Flexible Benefit Plan (the "**Plan**") under I.R.C. Section 125, for use of a Grace Period following the end of the plan year, and further specifies the responsibilities of the Company and Participant.

1. **RESPONSIBILITIES OF FLEX-PLAN.**

1.1 **DOCUMENTS.** Flex-Plan shall:

- 1.1.1 Provide Plan Document and Summary Plan Description which include Grace Period for Health Care Flexible Spending Account and Day Care Flexible Spending Account.
- 1.1.2 Provide a stand alone amendment for the Company's Plan Document (for amended plans only).
- 1.1.3 Provide a Summary of Material Modifications upon Company's request (for amended plans only).

1.2 **PLAN PROCESSING AND ADMINISTRATION.** Flex-Plan shall:

- 1.2.1 Process Health Care Flexible Spending Account and Day Care Flexible Spending Account claims up to the 15th day of the third month following the end of the plan year.
- 1.2.2 Adjudicate and process claims during the Grace Period against the prior year account and apply any remaining claim balance against the current year.
- 1.2.3 Adjust any claim and associated reimbursement, previously submitted and processed in accordance with Section 1.2.2 by the Participant, between different plan years at the Participant's request.

2. **TERM OF AGREEMENT.**

The Plan, and this Exhibit D, shall be effective during the term set forth in the Plan. Upon termination of the term thereof, each of the parties agrees that it shall fully comply with the requirements hereof, and shall complete any then-required performance in a timely manner.

3. **FEE SCHEDULE FOR GRACE PERIOD.**

The Company shall pay to Flex-Plan the following fees and costs, for the services and products of Flex-Plan delivered pursuant to the terms of this Exhibit D, in addition to all fees and costs set forth in the Agreement:

3.1 **ADJUSTMENT FEES.**

For account adjustments as described in Section 1.2.3, there will be a fee of \$65.00 per transaction.

3.2 **ADOPTION FEE.**

For adopting or removing the Grace Period in the middle of the plan year, there will be a cost to the company of \$200.00. There will be no fee if the Plan is amended for the following plan year at the Plan renewal.



Subject: Eddon Boat Remediation Project
Consultant Services Contract for a portion
of the Institutional Control Plan Implementation

Proposed Council Action: Authorize the
Mayor on behalf of the City Council to execute
the Consultant Services Contract with
Anchor QEA for \$3,391.00.

Dept. Origin: Public Works/Engineering

Prepared by: Stephen Misiurak, PE *SM*
City Engineer

For Agenda of: May 11, 2009

Exhibits: Consultant Services Contract
Scope and Fee

Initial & Date

Concurred by Mayor: *CLH 5/4/09*

Approved by City Administrator: *POK*

Approved as to form by City Atty: *approval via email 5/4/09*

Approved by Finance Director: *DF 5/6/09*

Approved by Department Head: *DS 5/6/09*

Expenditure	Amount	Appropriation	see Fiscal Conditions
Required \$3,391.00	Budgeted \$0.00	Required	below

INFORMATION / BACKGROUND

As a condition of the Agreed Order, the City is required to implement the Institutional Control Plan (ICP) upon the recently remediated Eddon Boat Park property. The final ICP is currently under review for approval by the Department of Ecology and approval is anticipated very soon.

The three components of the ICP consist of preparation of recordation of an environmental covenant across the property, publication of an internal standard operational control plan (SOP) for City staff and operations crew and fabrication and installation of upland and waterway signage.

This contract provides for completion of the SOP only at this time. In house staff will be completing the environmental restrictive covenant, along with the upland and waterway signage at this time.

The City will seek professional engineering services via a formal consultant selection process for completion of the required long term monitoring at the site.

FISCAL CONSIDERATION

Funding for this effort as discussed at the 4/27/09 City Council Budget Study Session, will be from savings realized on other 2009 Park Improvement Projects and the General Fund.

BOARD OR COMMITTEE RECOMMENDATION

None.

RECOMMENDATION / MOTION

Move to: Execute the Consultant Services Contract with Anchor QEA in the amount not to exceed \$3,391.00.

**CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
ANCHOR QEA**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (the "City"), and Anchor QEA, a corporation organized under the laws of the State of Washington (the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in 2009 Eddon Boat Remediation Project for the Institutional Control Plan Implementation and desires that the Consultant perform services necessary to provide the following consultation services; and

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work including any addenda thereto as of the effective date of this Agreement, all of which are attached hereto as **Exhibit A – Scope of Work and Cost Estimate**, and are incorporated by this reference as if fully set forth herein;

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

TERMS

1. **Retention of Consultant - Scope of Work.** The City hereby retains the Consultant to provide professional services as defined in this Agreement and as necessary to accomplish the scope of work attached hereto as **Exhibit A** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. **Payment.**

A. The City shall pay the Consultant an amount based on time and materials, not to exceed three thousand three hundred ninety-one dollars and no cents (\$3,391.00) for the services described in Section 1 herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. The Consultant's staff and billing rates shall be as described in **Exhibit A – Scope of Work and Cost Estimate**. The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit A** or bill at rates in excess of the hourly rates shown in **Exhibit A**, unless the parties agree to a modification of this Contract, pursuant to Section 18 herein.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within forty-five (45) days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

3. Relationship of Parties. The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or subconsultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or subconsultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or subconsultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and subconsultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

4. Duration of Work. The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. The parties agree that the work described in **Exhibit A** shall be completed by July 1, 2009; provided however, that additional time shall be granted by the City for excusable days or extra work.

5. Termination. The City reserves the right to terminate this Agreement at any time upon ten (10) days written notice to the Consultant. Any such notice shall be given to the address specified above. In the event that this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for all services performed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the notice to terminate. In the event that services of the Consultant are terminated by the City for fault on part of the Consultant, the amount to be paid shall be determined by the City with consideration given to the actual cost incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which would satisfactorily complete it to date of termination, whether that work is in a form or type which is usable to the City at the time of termination, the cost of the City of employing another firm to complete the work required, and the time which may be required to do so.

6. Non-Discrimination. The Consultant agrees not to discriminate against any customer, employee or applicant for employment, subcontractor, supplier or materialman, because of race, color, creed, religion, national origin, marital status, sex, sexual orientation, age or handicap, except for a bona fide occupational qualification. The Consultant understands that if it violates this provision, this Agreement may be terminated by the City and that the Consultant may be barred from performing any services for the City now or in the future.

7. Indemnification.

A. The Consultant agrees to hold harmless, indemnify and defend the City, its officers, agents, and employees, from and against any and all claims, losses, or liability, for injuries, sickness or death of persons, including employees of the Consultant, or damage to property, arising out of any willful misconduct or negligent act, error, or omission of the Consultant, its officers, agents, subconsultants or employees, in connection with the services required by this Agreement; provided, however, that:

1. The Consultant's obligations to indemnify, defend and hold harmless shall not extend to injuries, sickness, death or damage caused by or resulting from the sole willful misconduct or sole negligence of the City, its officers, agents or employees; and

2. The Consultant's obligations to indemnify, defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Consultant and the City, or of the Consultant and a third party other than an officer, agent, subconsultant or employee of the Consultant, shall apply only to the extent of the negligence or willful misconduct of the Consultant.

B. It is further specifically and expressly understood that the indemnification provided herein constitutes the consultant's waiver of immunity under industrial insurance, title 51 RCW, solely for the purposes of this indemnification. The parties further acknowledge that they have mutually negotiated this waiver. The consultant's waiver of immunity under the provisions of this section does not include, or extend to, any claims by the consultant's employees directly against the consultant.

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

8. Insurance.

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

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

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

C. The Consultant is responsible for the payment of any deductible or self-insured retention that is required by any of the Consultant's insurance. If the City is required to contribute to the deductible under any of the Consultant's insurance policies, the Contractor shall reimburse the City the full amount of the deductible within 10 working days of the City's deductible payment.

D. The City of Gig Harbor shall be named as an additional insured on the Consultant's commercial general liability policy. This additional insured endorsement shall be included with evidence of insurance in the form of a Certificate of Insurance for coverage necessary in Section B. The City reserves the right to receive a certified and complete copy of all of the Consultant's insurance policies upon request.

E. Under this Agreement, the Consultant's insurance shall be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage with respect to defense and indemnity of the City only and no other party. Additionally, the Consultant's commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.

F. The Consultant shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Gig Harbor at least 30 days in advance of any cancellation, suspension or material change in the Consultant's coverage.

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

10. Ownership and Use of Work Product. Any and all documents, drawings, reports, and other work product produced by the Consultant under this Agreement shall become the property of the City upon payment of the Consultant's fees and charges therefore. The City shall have the complete right to use and re-use such work product in any manner deemed appropriate by the City, provided, that use on any project other than that for which the work product is prepared shall be at the City's risk unless such use is agreed to by the Consultant.

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

12. Records. The Consultant shall keep all records related to this Agreement for a period of three years following completion of the work for which the Consultant is retained. The Consultant shall permit any authorized representative of the City, and any person authorized by the City for audit purposes, to inspect such records at all reasonable times during regular business hours of the Consultant. Upon request, the Consultant will provide the City with reproducible copies of any such records. The copies will be provided without cost if required to substantiate any billing of the Consultant, but the Consultant may charge the City for copies requested for any other purpose.

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

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

15. Resolution of Disputes and Governing Law.

A. 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 Engineer or Director of Operations and the City shall determine the term or provision's true intent or meaning. The City Engineer or Director of Operations shall also decide all

questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

B. If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Engineer or Public Works Director determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The prevailing party in any such litigation shall be entitled to recover its costs, including reasonable attorney's fees, in addition to any other award.

16. Written Notice. All notices required to be given by either party to the other under this Agreement shall be in writing and shall be given in person or by mail to the addresses set forth below. Notice by mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, addressed as provided in this paragraph.

CONSULTANT: Anchor QEA
ATTN: David Templeton
1423 Third Avenue, Suite 300
Seattle, WA 98101
(206) 287-9130

City of Gig Harbor
ATTN: Stephen Misiurak, P.E.
Public Works/Engineering
3510 Grandview Street
Gig Harbor, WA 98335
(253) 851-6170

17. Subcontracting or Assignment. The Consultant may not assign or subcontract any portion of the services to be provided under this Agreement without the express written consent of the City. Any subconsultants approved by the City at the outset of this Agreement, if any, are named on **Exhibit C** attached hereto and incorporated herein by this reference as if set forth in full.

18. Entire Agreement. This Agreement represents the entire integrated agreement between the City and the Consultant, superseding all prior negotiations, representations or agreements, written or oral. This Agreement may be modified, amended, or added to, only by written instrument properly signed by both parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement this _____ day of _____, 20_____.

CONSULTANT

CITY OF GIG HARBOR

By: [Signature]
Its: Partner

By: _____
Mayor Charles L. Hunter

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



Exhibit A

1423 Third Avenue, Suite 300
Seattle, Washington 98101
Phone 206.287.9130
Fax 206.287.9131

May 5, 2009

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

Re: Institutional Control Plan Implementation for the Eddon Boatyard Property Scope of Work and Cost Estimate

Anchor QEA Project Number: 040289-02

Dear Mr. Misiurak:

The purpose of this letter is to provide the City of Gig Harbor (City) with Anchor QEA's (Anchor) scope of work and cost estimate for the Institutional Control Plan (ICP) implementation at the Eddon Boatyard Property. Three Institutional Controls (ICs) are required per the Ecology approved ICP, they are: 1) prepare environmental covenant, 2) publication of controls, and 3) upland and waterway signage. Table 1 provides the cost for each task to complete the ICP.

The final environmental covenant has been written and included in the final ICP. This legal document has been approved by Ecology and needs to be signed by both the City and Ecology. Additional efforts, if any, for this task are not included in this cost estimate.

The proposed publication will be a Standard Operating Procedure (SOP). The cost to produce the SOP is listed in Table 1. The scope of this task includes:

- Document writing, organization, and review
- CAD map designs
- Document production time
- Ecology approval time

Exhibit A

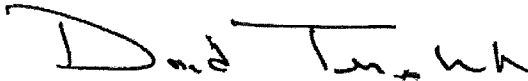
Table 1
Eddon IC Implementation Cost Estimate¹

Task	Cost
Publication of SOP	\$3,391
-Write Standard Operating Procedures	\$2,380
-Maps and document production	\$791
-Ecology approval time	\$220

Notes:
indicates cost of subtask

Please feel free to request a phone conference to discuss the assumptions behind the estimated costs.
Or contact me directly at (206) 903-3312 or dtempleton@anchorqea.com.

Sincerely,



David Templeton
Anchor QEA, LLC

cc: Joy Dunay, Anchor QEA, LLC



**Business of the City Council
City of Gig Harbor, WA**

Old Business - 1

Subject: First Reading of an Ordinance Establishing a Process for the Allocation of Limited Sewer Capacity.

Proposed Council Action: Review an Ordinance of the City Council of the City of Gig Harbor, Washington, relating to sewer capacity; establishing a process for the allocation of limited sewer capacity; amending section 19.10.015 of the Gig Harbor Municipal Code; providing for severability and an effective date, and consider approval at second reading.

Dept. Origin: Public Works
Prepared by: David Stubchaer
Public Works Director

For Agenda of: May 11, 2009

Exhibits: Ordinance

Initial & Date

Concurred by Mayor: *CLH 5/6*
Approved by City Administrator: *PKK 5/6*
Approved as to form by City Atty: *approv. via email*
Approved by Finance Director: *CR 5/6/09*
Approved by Department Head: *DB 5/5/09*

Expenditure	Amount	Appropriation
Required 0	Budgeted 0	Required 0

INFORMATION / BACKGROUND

The City adopted a concurrency ordinance for water, sewer, and transportation as Chapter 19.10 of the Gig Harbor Municipal Code. The concurrency ordinance allows for the administrative denial of any application for a water, sewer, or transportation concurrency certificate if there is no available capacity. In June of 2007 it was determined that the Waste Water Treatment Plant had reached capacity, which caused the City to begin denying applications for sewer concurrency.

As a way to allow for project permits to be processed even though sewer concurrency could not be granted, the City adopted an ordinance allowing an alternative procedure for processing project permit applications without sewer concurrency while the City undertakes improvements to the Waste Water Treatment Plant (WWTP) to expand capacity. However, the ordinance did not contemplate distribution of a limited number of sewer connections; rather it addressed when a large number of connections would be available when phase I of the WWTP expansion project was complete.

Through the construction of incremental improvements to the WWTP that have already been completed, the City anticipates that additional sewer capacity will be available prior to the full WWTP expansion project completion. The proposed ordinance establishes a procedure of the issuance of sewer concurrency reservation certificates (CRCs) for such additional sewer capacity.

One of the goals of this ordinance is to issue sewer CRCs to projects that will allow projects ready for construction to proceed in an expeditious manner, with the associated creation of jobs, fees, tax revenues, and to promote economic development. To help achieve these goals, priority will be given to projects that are ready to go, or can get ready to go in a short time frame. More details of the CRC issuance priority criteria can be found in Section 1.B.1. of the ordinance.

Also in support of the goals of this ordinance, and to help insure that CRCs are not issued and held indefinitely when sewer CRCs are in short supply, the applicant will be required to pay an upfront deposit prior to the issuance of a sewer CRC equal to the current connection fee. It is anticipated that an applicant will not pay the deposit if they do not wish to move forward with their project rather quickly.

As shown in Section 2 of the ordinance, the deposit requirement would sunset on October 1, 2009 unless extended by Council. It is anticipated that this clause would no longer be needed after this date because if a project has not put a deposit up for the issuance of a sewer CRC by this date, they will most likely not benefit from doing so at that time. This is because it is anticipated that a number of CRCs will become available at that time as a result of progress in the WWTP expansion project.

As also shown in Section 2 of the ordinance, all of Section 1.B. of the ordinance would sunset on May 31, 2010 with the sunset of the Alternative Sewer Concurrency processing ordinance (Ordinance No. 1114) and the completion of the WWTP expansion project. Section 1.B. of the ordinance is intended to be temporary to address the issuance of sewer CRCs when availability is limited to less than the demand. It is anticipated that there would be enough sewer capacity for the expected demand until additional WWTP improvements were completed and a revised operating permit obtained.

FISCAL CONSIDERATION

None.

BOARD OR COMMITTEE RECOMMENDATION

This issue was brought before the Operations & Public Projects (Ops) Committee on March 19, 2009. Various options were discussed. This issue was brought to Council on April 27th, 2009 and the attached proposed ordinance was revised based on comments and direction from Council from that meeting.

RECOMMENDATION / MOTION

Move to: Review an Ordinance of the City Council of the City of Gig Harbor, Washington, relating to sewer capacity; establishing a process for the allocation of limited sewer capacity; amending section 19.10.015 of the Gig Harbor Municipal Code; providing for severability and an effective date, and consider approval at second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SEWER CAPACITY; ESTABLISHING A TEMPORARY PROCESS FOR THE ALLOCATION OF LIMITED SEWER CAPACITY; AMENDING SECTION 19.10.015 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City adopted a concurrency ordinance for water, sewer and transportation at chapter 19.10 of the Gig Harbor Municipal Code; and

WHEREAS, the City's concurrency ordinance allows for the administrative denial of any application for a water, sewer or concurrency certificate if there is no available capacity; and

WHEREAS, the City's engineering consultants, Cosmopolitan Engineering Group, Inc., issued a memorandum dated June 8, 2007, on the status of the City's Waste Water Treatment Plant ("WWTP"), stating that the WWTP is at its maximum capacity for the maximum month and peak day flows; and

WHEREAS, a Technical Memorandum was prepared, submitted and approved by the Department of Ecology on September 23, 2007, which summarized the current WWTP deficiencies and provided an outline of the necessary plant improvements; and

WHEREAS, the City is currently working on the necessary improvements to the WWTP that will provide more operational capacity; and

WHEREAS, completion of the improvements that will provide additional capacity is scheduled for mid-to-late 2010, but the City cannot predict the exact date that additional capacity will be available; and

WHEREAS, the lack of capacity prevents the City from approving and reserving sewer concurrency certificates for certain comprehensive plan amendments, project permit applications or utility extension agreements; and

WHEREAS, the City adopted an ordinance allowing an alternative procedure for processing project permit applications without sewer concurrency while the City undertakes improvements to the WWTP; and

WHEREAS, under the alternative procedure, the City processes project permit applications up to the point that applications are ready for a final decision, and at that time places the project on a waitlist for a concurrency reservation certificate pending available sewer capacity; and

WHEREAS, the City anticipates that additional sewer capacity will be available prior to completion of the improvements to the WWTP due to permit revisions, withdrawals and minor system upgrades; and

WHEREAS, the City Council desires to establish a procedure for the issuance of sewer concurrency reservation certificates to allocate such additional sewer capacity; and

WHEREAS, due to the limited amount of additional capacity anticipated, the City Council desires to temporarily prioritize the issuance of sewer CRCs in a manner that will allow projects ready for construction to move forward in an expeditious manner; and

WHEREAS, allocating sewer CRCs to projects ready for construction will create jobs, generate fees and tax revenues for the City, and promote economic development; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on _____, 2009; and

WHEREAS, on _____, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Section 19.10.015 Amended. Section 19.10.015 of the Gig Harbor Municipal Code is hereby amended to read as follows:

19.10.015 Procedure for capacity reservation certificates.

A. After receipt of a complete application for a CRC, the director shall process the application in accordance with this chapter and issue the CRC or a denial letter.

B. The City made a prior determination that no sewer capacity is available until substantial improvements are completed at the City's Waste Water Treatment Plant, and established an interim process for alternative project permit processing under GHMC 19.02.035.

1. If additional sewer capacity becomes available prior to completion of the improvements to the Waste Water Treatment Plant, the director shall process requests for such additional sewer capacity in the following priority:

First, to applicants with complete building permit applications where the project is comprised of tenant improvements or single-family residential construction and where the applicant has completed the alternative project permit process to the point where the project is ready for final decision and placed on the waitlist referenced in GHMC 19.02.035(G), in the order placed on the waitlist;

Second, to applicants with complete building permit applications where the project is comprised of tenant improvements or single-family residential construction and where no additional land use approval is required, in the order that the accompanying sewer CRC application became complete;

Third, to remaining applicants who have completed the alternative project permit process to the point where the project is ready for final decision and placed on the waitlist referenced in GHMC 19.02.035(G), in the order placed on the waitlist;

Fourth, to applicants with complete project permit applications not identified above in the order that the accompanying sewer CRC application became complete.

2. In the event that an applicant requires more sewer capacity than available, the director shall inform the applicant that the sewer CRCs cannot be issued at that time. If the project is already on the waitlist referenced in GHMC 19.02.035(G), the project will retain its position on the waitlist. If an applicant on the waitlist is eligible to receive sewer CRCs under GHMC 19.10.015(B)(1) but declines the sewer CRCs when offered, the project will retain its position on the waitlist. New projects undergoing the alternative project permit process set forth in GHMC 19.02.035 will be placed on the waitlist in accordance with the provisions of GHMC 19.02.035.

3. Prior to the issuance of sewer CRCs under this section, the applicant shall pay a deposit for connection charges. The deposit shall be in the amount of the connection fee in effect on the date of issuance of the CRC. In the event the connection fee is greater at the time of connection, the applicant shall pay the difference prior to connection. If the applicant fails to connect to the system prior to expiration of the CRC, the applicant shall forfeit Five Hundred Dollars (\$500) of the deposit to cover the City's administrative and related expenses.

Section 2. Sunset clause. The provisions of GHMC 16.10.015(B)(3) shall automatically expire on October 1, 2009, unless extended by the City Council. The provisions in GHMC 16.10.015(B) shall automatically expire on May 31, 2010, unless extended by the City Council.

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

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

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ___ day of _____, 2009.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

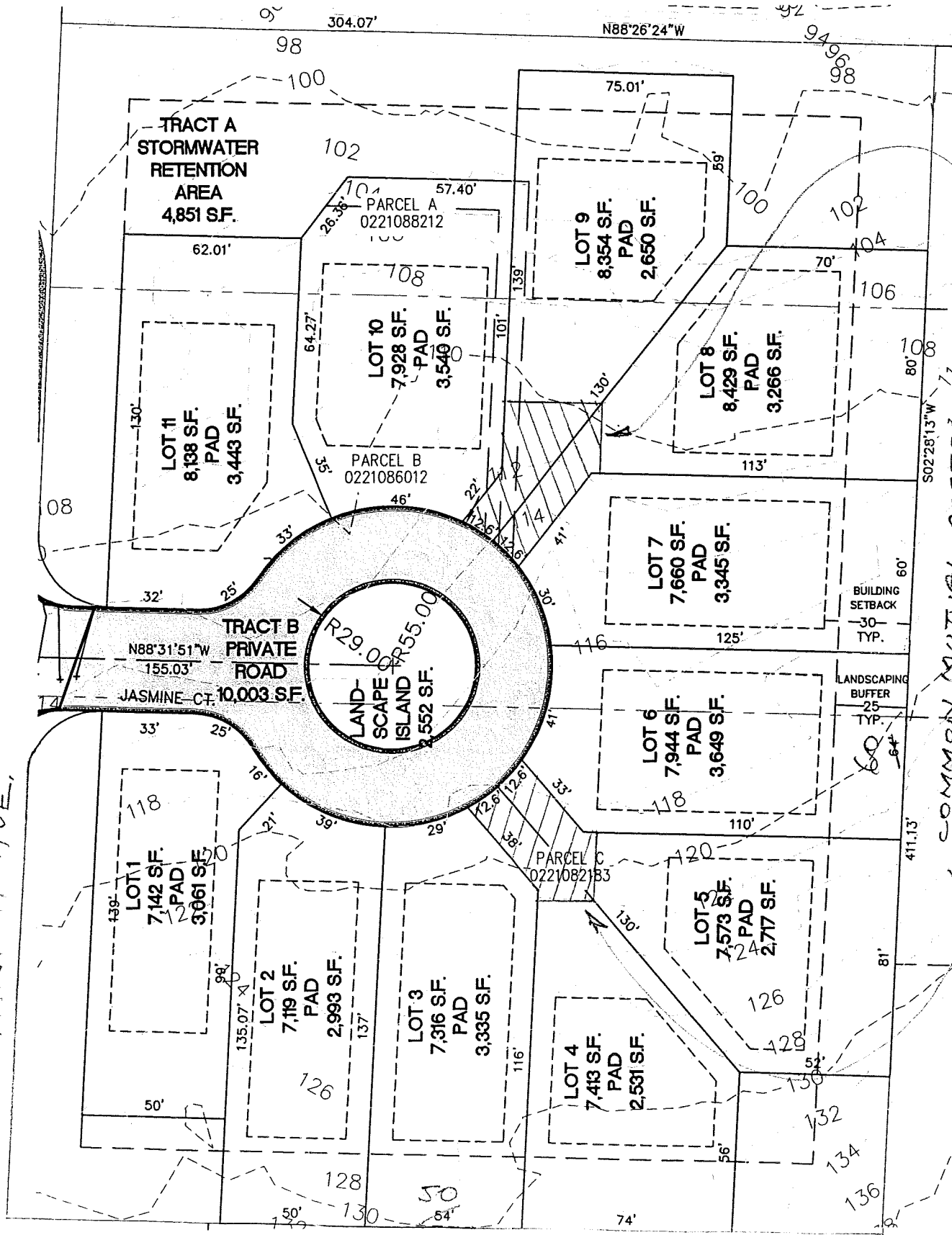
FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

05/11/09

Proposed Amendment to Ordinance Establishing a Process
For the Allocation of Limited Sewer Capacity

“Notwithstanding the above priority,
The Director shall have the authority to issue up to 5 CRCs for those projects that have a majority of CRC requirements already granted and available, and will be ready to proceed with construction within 6 months of the grant of the additional CRCs.”

STANIGH AVE.



COMMON MUTUAL ACCESS EASEMENTS
 JASMINE COURT
 05/10/09

Jasmike - Westsound Engineering

Craig
Baldwin

DECISION OF THE HEARING EXAMINER
CITY OF GIG HARBOR

(360)-876-3770

In the Matter of the Application of

Creative Custom Homes, LLC

PPLAT 07-0005

for Preliminary Plat Approval

Background

Creative Custom Homes, LLC, applied for preliminary plat approval for "Jasmine Preliminary Plat", the subdivision of 2.87 acres of land off of Stanich Avenue near its intersection with Short Street.

An open record public hearing was held on May 7, 2008. The exhibits listed at the end of this decision were admitted. The Community Development Department was represented by Stephanie Pawlawski, Associate Planner, and the Applicant was represented by Craig Baldwin, West Sound Engineering, Inc.

For the purpose of this decision, all section numbers refer to the Gig Harbor Municipal Code, unless otherwise indicated.

Based upon consideration of all the information in the record, including that presented at the public hearing, the following shall constitute the findings, conclusions and decision of the Hearing Examiner in this matter.

Findings of Fact

1. Creative Custom Homes, LLC ("Applicant") submitted an application for a preliminary plat to subdivide 2.87 acres of land, Parcel Nos. 0221082212, 0221086012 and 0221082183, at 5713 38th Avenue NW, in November 2005. The proposed plat would have 10 residential lots and a storm water and park tract.
2. The site fronts on Stanich Avenue, a minor local roadway. Two new roads, Stanich Loop Court and Farrague Lane, would be constructed and dedicated to serve the plat.
3. The subject property is zoned Single Family Residential (R-1). Property to the north is zoned DB, Downtown Business District with a post office and a shopping center with a QFC. To the east is a vacant, B-1, Neighborhood Commercial District and R-1, Single-Family Residential occupied by single-family residences. To the west, R-2, Medium-Density Residential district, with single-family residences.
4. The Comprehensive Plan designation for the site is Residential Low (RL) which encourages urban residential uses at the density of 4.0 dwelling units per acre. The proposal would be consistent with this designation.

PPLAT 07-0005

Page 1 of 8

Eric
(253)
208-0640

5. The proposed lots vary in size from 8,514 sq. ft. to 12,154 sq. ft., averaging 9,696 sq. ft. over the entire site. The density does not exceed the maximum allowed in the zone of 4 dwelling units per acre.
6. The preliminary site plan shows building footprints observing the required setbacks of 20 ft. in front for the house, 8 ft. on the sides and 30 ft. in the rear. The subject site is located within the Height Restriction Area so structures are limited to 16 ft. in height. Section 17.62.030. Compliance with the height limit is determined at the time of building permit review.
7. The site is currently wooded with many significant trees. It slopes down toward the north with less than 15 percent slopes in the direction of the proposed storm and park tract. There are no known critical areas on the site.
8. Section 17.78.060(B) requires a 25 ft. buffer around residential plats. The landscape plan shows the required buffer with plantings and 43 retained trees that would constitute the dense vegetative screen required by Section 17.78.060B(4).
9. Proposed Lot 1 at the northeast corner of the plat would be subject to the zone transition standards of Section 17.99.190 because it is in the R-1 zone bordering the DB zone. Those include limiting the building footprint to the average size of building footprints within 200 ft. in the adjoining zone and limiting the building height to the average height of the buildings in the adjoining zone.
10. The proposed development will connect to the City of Gig Harbor water and sewer systems. A Certificate of Water Availability for 10 Equivalent Residential Units for the preliminary plat has been approved. The plat also received approval for 10 Equivalent Residential Units for sewer as the current sewer system has capacity for the plat. New sewer lines are proposed. The sanitary sewer lines located within the public rights-of-ways will be owned and maintained by the City. The preliminary plat makes appropriate provision for potable water supplies and sanitary wastes.
11. Storm water runoff from the new streets will be to an underground vault at the north end in the stormwater tract. The preliminary plat makes appropriate provision for drainage ways.
12. When completed and occupied, the development is projected to generate ten vehicle trips in the PM peak hour. Because of the additional vehicle and pedestrian traffic that would be generated by the proposed development, the Operations and Engineering Division of the Department recommends that the applicant be required to install frontage improvements along the Stanich Avenue frontage. The new streets rights-of-way are to be 34 ft. in width with 22 ft. surfaced for travel lanes. They will be improved to meet City standards, including drainage and sidewalk. No on-street parking will be allowed.
13. The Building Official/Fire Marshal reviewed the preliminary plans and compiled a preliminary list of requirements for fire flow, fire hydrants, requirement for fire lane markings. With the recommended conditions the preliminary plat will meet standards.
14. The site is within the Peninsula School District. Payment of school impact fees as required by Ch. 19.12 will mitigate the impact on the school district.

15. Payment of park impact fees pursuant to Ch. 19.12 will mitigate the impact on parks and recreation caused by new demands from residents of the subdivision.
16. Pierce Transit did not request any additional transit shelters or stops.
17. The Department conducted administrative design review and determined that the specific requirements of the Design Manual would be met with conditions relating to fencing and preservation of landscaping. A Notice of Administrative Decision was issued April 22, 2008, and not appealed.
18. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued by the City for the proposal on February 29, 2008. The MDNS was not appealed. Conditions were imposed to mitigate impacts on cultural resources, from contaminated soils, and on water quality and the Department recommends that the conditions be attached to preliminary plat approval.
19. Public notice of the proposed action and public hearing was posted on the site on March 17, 2008 and mailed and published on April 15th.
20. Neighboring property owners described how the existing vegetation provides a sound buffer between their properties and the post office and QFC. The retention of vegetation in the required buffer is expected to preserve some of that function.
21. Several witnesses described the difficulties encountered when a vehicle attempts to turn into Stanich Avenue from either Grandview with the steep slope or from Pioneer into Lewis when a vehicle is waiting to pull into traffic from those roads. As described, the waiting car must back up to allow the car onto the street and traffic would be blocked during this maneuver. The problem would be exacerbated by the number of large construction vehicles needing to use those intersections during the development of the plat. The project engineer said that large equipment has been brought through those intersections in the past for individual projects. Stanich Avenue is under utilized according to the City's engineer who explained that, if necessary, the applicant would be required to offer a traffic control plan for the construction period that could include flaggers.
22. There was also concern expressed for potential damage to the "chip seal" surface of Stanich Avenue caused by the heavy construction vehicles. The City's engineer testified that the street has the capability of holding vehicles with legal loads and that the City maintenance crews would have to repair street damage that does occur.
23. Section 16.05.003 sets forth the following criteria for consideration by the Hearing Examiner on a preliminary plat application:
 - A. Whether the preliminary plat conforms to Chapter 16.08 GHMC, General requirements for subdivision approval;
 - B. If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. Whether the public interest will be served by the subdivision and dedication.

Conclusions

1. Section 16.05.002 authorizes the Hearing Examiner to make a final decision on a preliminary plat application.
2. Notice and hearing requirements were met.
3. The findings show that the proposed subdivision is in conformity with the zoning standards for R-1 and consistent with the Comprehensive Plan's intended use as required by Section 16.08.001A.
4. The proposed subdivision either includes provisions, or conditions should be imposed, that will assure provision for the open space, storm water drainage, streets, potable water, sanitary sewer, parks and recreation, schools, sidewalks and that some traffic impacts will be mitigated by the improvements required. As the findings show, traffic at the two intersections that create problems at times for residential traffic is going to be inconvenienced at times during development of the plat when large construction vehicles use the intersections. A condition should be imposed to address this likelihood.
5. Because the proposed subdivision and dedication of a public street, with appropriate conditions, will be consistent with the intent of the Comprehensive Plan and provides for the public health, safety and welfare, it will serve the public interest by adding housing and should be approved with the recommended conditions.

Decision

The Preliminary Plat received March 25, 2008, by the City is approved subject to the following conditions:

SEPA Mitigation.

- 1) An archaeologist must oversee and evaluate the proposed location of your project and complete a cultural resource report. Any exposure of historical sites will need to be reported to the Historic Preservation office immediately.
- 2) Site design should include protective measures to isolate or remove contaminated soils from public spaces, yards and children's play areas. Contaminated soils generated during site construction should be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (Chapter 173-350 WAC).
- 3) Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.
- 4) Proper disposal of construction debris must be on land in such a manner that debris cannot enter the natural stormwater drainage system or cause water

- quality degradation of state waters.
- 5) During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.
 - 6) Soils in stockpiles should be stabilized or protected with sediment-trapping measures to prevent soil loss. All exposed areas of final grade or areas that are not scheduled for work, whether at final grade or otherwise, shall not remain exposed and un-worked for more than 7 days.
 - 7) Provision should be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.
 - 8) The project may require coverage under a Construction Stormwater National Pollution Discharge Elimination System (NPDES) permit. If there is discharge to waters of the state before or during construction and clearing/grading and construction activities will disturb one or more acres of soil surface area, the permit is required and must be obtained before any construction activities start.

Design Review.

- 9) Tree protection fencing shall be installed per GHMC 17.78.050(E) and inspected prior to any development permitting.
- 10) Fencing, when proposed, shall comply with GHMC 17.99.340.
- 11) In areas where trees are within the perimeter buffer area, all measures shall be taken to preserve the significant vegetation.

Preliminary Plat

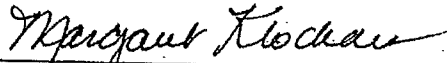
- 12) The applicant shall install frontage improvements along the Stanich Avenue roadway frontage. These improvements shall meet Figure 2-07B of the City's Public Works Standards. Stormwater runoff from these improvements shall be incorporated into the stormwater conveyance, treatment, and detention facilities located at the site for the proposed new impervious area.
- 13) The applicant shall provide to the City both a final record drawing and a final record survey of the proposed development, each in both Mylar format and digital format. These drawings shall be provided after the City accepts the construction improvements shown on the civil plans but prior to any certificate of occupancy for any single-family residences located on the plat. The digital format of the drawings shall be in AutoCAD version 2008 or older and include all improvements in the right of way and all stormwater, water, and sewer utilities. The horizontal datum shall be NAD 1983 HARN State Plane South FIPS 4602 feet, or as otherwise approved by the City. The vertical datum shall be NGVD 29, or as otherwise approved by the City.
- 14) Proposed water and sewer utility designs, stormwater facility designs, and

- roadway designs shall conform to the City's Public Works Standards and Stormwater Design Manual. These standards also address specific City design requirements such as restoration of the City right of way and traffic control.
- 15) Erosion shall be controlled throughout the construction of the project per the City's Public Works Standards and Stormwater Design Manual.
 - 16) City forces may remove any non-conforming traffic control device constructed within the City right of way. Any liability incurred by the City due to non-conformance by the applicant shall be transferred to the applicant.
 - 17) A road encroachment permit shall be acquired from the City prior to any construction within City right of way, including utility work, improvements to the curb, gutter, and sidewalk, roadway shoulders and ditches, and installation of culverts. All work within the City right of way shall conform to the City's Public Works Standards and Stormwater Design Manual.
 - 18) Permanent survey control monuments shall be placed to establish public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control. A minimum of two permanent survey control monuments shall be installed at locations determined by the City in accordance with the City's Public Works Standards and recorded with the Pierce County Auditor prior to final engineering approval of civil improvements.
 - 19) Irrigation, and maintenance of landscaping within the public right of way shall be the responsibility of the property owner(s) or its heirs or assigns.
 - 20) This approval does not relieve the Permittee from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Permittee.
 - 21) The final plat map shall note (where quoted) or delineate the following:
 - a. "WARNING: City of Gig Harbor has no responsibility to build, improve, maintain or otherwise service private roadways or driveways within, or providing access to, property described in this plat."
 - b. "Increased stormwater runoff from the road(s), building, driveway and parking areas shall not be directed to City infrastructure. Increased storm water runoff shall be retained/detained on site."
 - c. "Where seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted."
 - d. Delineate the access restrictions by showing a "NO ACCESS" strip, written and hatched, between the City approved access points along the frontage of Stanich Avenue.
 - e. Stormwater for runoff from buildings and parking surfaces shall be shown on individual building lots, including drywell sizing or storm drain connection points.
 - f. "This plat is subject to stormwater maintenance agreement recorded under Auditor's file number (enter AFN here)."
 - g. "Stormwater/Drainage easements are hereby granted for the installation,

inspection, and maintenance of utilities and drainage facilities as delineated on this plat map. No encroachment will be placed within the easements shown on the plat that may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the property owner(s) or its heirs or assigns, as noted under the stormwater maintenance agreement for the plat."

- 22) Fire lane locations and details must be on civil plans, and fire flow must be provided prior to Building Permit issuance.
- 23) The applicant shall submit a plan to address the potential hazard and traffic delay from conflict at the intersection of Grandview and Stanich between construction vehicles turning onto Stanich and vehicles attempting to turn onto Grandview.

Entered this 12th day of May, 2008


Margaret Klockars
Hearing Examiner

Concerning Further Review

There is no administrative appeal of the hearing examiner's decision. A request for reconsideration may be filed according to the procedures set forth in Ordinance No. 1073. If a request for reconsideration is filed, this may affect the deadline for filing judicial appeal (Chapter 36.70c RCW). Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

Parties of Record

Creative Custom Homes, LLC
3865 Center Street
Tacoma, WA 98409

Lee Desta
7425 Hill Avenue
Gig Harbor, WA 98335

Craig Baldwin
West Sound Engineering
217 SW Wilkins Drive SW
Port Orchard, Wa 98366

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

Russell and Lynne Bucy
7404 Forest Glen Court
Gig Harbor, WA 98335

Exhibits in the record:

1. Staff report dated 4/30/08
 - a. Preliminary Plat application, received 5/1/07
 - b. Public Works Variance denial letter, dated 2/12/08
 - c. Plan set, submitted 3/25/08
 - d. Administrative Design Review Decision, dated 4/22/08
 - e. Mitigated Determination of Nonsignificance, dated 2/29/08
 - f. Legal Notice of scheduled hearing
 - g. Affidavit of Posting for notice board on site, dated 3/17/08
 - h. Comment letter from Russell and Lynne Bucy
 - i. Preliminary engineering/operations approval, 4/28/08
 - j. Comment letter from Building Official/Fire Marshall dated 9/24/07
2. Comment from Lee Desta



Subject: Public Hearing and First Reading of Ordinance - ED and PCD-BP Intent and Allowed Uses (ZONE 08-0007)

Dept. Origin: Planning

Prepared by: Jennifer Kester Senior Planner (with signature)

For Agenda of: May 11, 2009

Exhibits: Draft Ordinance; Planning Commission Recommendation; Planning Commission Minutes Initial & Date

Proposed Council Action: Review the ordinance and provide direction to staff on the desired performance standards for restaurant uses in the ED and PCD-BP zones.

Concurred by Mayor: (signature) 5/6/09
Approved by City Administrator: (signature)
Approved as to form by City Atty: (signature) 5/4
Approved by Finance Director: N/A
Approved by Department Head: (signature) 5/6/09

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and values (0, 0, 0).

INFORMATION / BACKGROUND

The City Council asked the Planning Commission to review the intent statements of the Employment District (ED) and Planned Community Development Business Park (PCD-BP) zoning districts...

The Planning Commission held work study sessions on this text amendment on April 3rd, May 15th, June 6th, June 18th, June 30th, October 16th, November 6th and December 4th, 2008.

After the February 19, 2009 public hearing, the Planning Commission recommended changes to the ED and PCD-BP zones to attain Comprehensive Plan consistency.

- 1) Amend the intent statement of the Employment District (ED)
2) Amend the intent statement of the Planned Community Development Business Park district (PCD-BP)
3) Amend the allowed uses in the ED zone.
4) Amend the allowed uses in the PCD-BP zone.
5) Add definitions for "ancillary services" and "business services" and amend the definitions for "personal services" and "industrial, level 1"

At the Council and Planning Commission joint work-study session, the Council asked staff to suggest performance standards for restaurants which would limit their size and/or location in industrial zones. Suggested performance standards are included in the draft ordinance and have been highlighted in grey.

POLICY CONSIDERATIONS

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. There are no criteria for approval of a zoning text amendment, but the Council should generally consider whether the proposed amendment furthers the public health, safety and welfare, and whether the proposed amendment is consistent with the Gig Harbor Municipal Code, the Comprehensive Plan and the Growth Management Act (chapter 36.70A RCW). Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003).

Gig Harbor Comprehensive Plan:

From the Land Use Element of the Comprehensive Plan

Policy 2.2.3.a:

Employment Centers

Broadly defines an area that is intended to meet long-term employment needs of the community. Employment centers consist of the following:

- 1) *Wholesale distribution facilities*
- 2) *Manufacturing and assembly*
- 3) *Warehousing/storage*
- 4) *Business offices/business complexes*
- 5) *Medical facilities/hospitals*
- 6) *Telecommunication services*
- 7) *Transportation services and facilities*
- 8) *Conditional allowances of commercial facilities which are subordinate to and supportive of employment activities*

Policy 2.2.3.f.9:

Planned Community Development Business Park (PCD-BP) - *Provides for the location of high quality design development and operational standards for technology research and development facilities, light assembly, and warehousing, associated support service and retail uses, business and professional office uses, corporate headquarters and other supporting enterprises; is intended to be devoid of nuisance factors, hazards and potentially high public facility demands; and retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.*

Planning Commission Analysis:

The following is a synopsis of the issues discussed and reviewed by the Planning Commission:

Intent Statements of Zones: The Planning Commission feels it is inappropriate that the current intent statement of the ED and PCD-BP zones are identical: The zones implement different land use designations and policies and are located in areas of the City with different surrounding uses and constraints. In differentiating the zones, the Planning Commission feels that the ED zoning district is a more appropriate location for industrial

type uses given the intent of the Employment Center land use designation. Whereas, the Planning Commission feels the PCD-BP district is more suitable for business and professional office uses, with some light industry, given the PCD-BP's location within the greater planned community development area in Gig Harbor North.

Uses: For both zones, the Planning Commission feels the allowed uses need to be consistent with the revised intent statements and the policies in the Comprehensive Plan. In general, the Planning Commission feels that the school and residential type uses currently allowed in these zones are incompatible with the zones intent. However, the Planning Commission recognizes the need to allow new business services and ancillary services to support the allowed office and industrial uses. The Commission also feels that some supporting and complementary uses (restaurant and recreation) should be allowed in both zones provided they are not detrimental to the primary intent of the zone. Furthermore, the Planning Commission feels that heavier industrial uses (industrial level 2) are not appropriate for the PCD-BP zones given the location of these districts within the planned community development area. Finally, the Commission feels that retail uses, if subordinate to the principal use, should be allowed in order to support manufacturing and assembly businesses.

In specific, the following use changes are proposed for the ED district:

New Permitted Uses: Restaurant 1, product services level 2, marine boat sales 1

New Conditional Uses: Sales level 1, 2 and 3; automotive fuel-dispensing facilities; restaurant 2 and 3; marine boat sales 2; marine industrial

Changing from Permitted to Conditional Use: Clubs

New Prohibited Uses: Primary, secondary and higher educational schools; community recreation halls; parks.

New Performance standards: Independent living facilities, sales and restaurants

In specific, the following use changes are proposed for the PCD-BP district:

New Permitted Uses: Restaurant 1, lodging level 3

New Conditional Uses: Houses of religious worship; sales level 1; commercial child care; indoor and outdoor commercial recreation; commercial entertainment; automotive fuel-dispensing facilities; restaurant 2 and 3

Changing from Permitted to Conditional Use: Industrial level 1

New Prohibited Uses: Family day care providers; adult family homes; primary and secondary educational schools; industrial level 2.

New Performance standards: Sales and restaurants

Definitions: The Planning Commission wants to add an ancillary services use category to allow services in office buildings which are directed primarily to employees, such as cafeterias and day care centers. The Commission proposes that ancillary services be allowed in all zones which allow office uses. The Commission also felt that the personal services category should be broken up into two categories: one that focused on services to individuals and one for services to businesses. This would allow the city to allow services such as banks and postal services without allowing salons and laundromats.

ENVIRONMENTAL ANALYSIS

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) on August 6, 2008 for this non-project GMA action as per WAC 197-11-340(2). Due to comments

received, the City extended the comment period to January 2, 2009. The appeal period ended on January 9, 2009 and no appeals were filed.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

The Planning Commission is recommending approval of the proposed text amendments.

RECOMMENDATION / MOTION

Move to: Staff recommends the Council review the ordinance and provide direction to staff on the desired performance standards for restaurant uses in the ED and PCD-BP zones.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING NEW DEFINITIONS FOR ANCILLARY SERVICES AND BUSINESS SERVICES; AMENDING DEFINITIONS FOR INDUSTRIAL LEVEL 1 AND PERSONAL SERVICES; PROHIBITING PRIMARY, SECONDARY AND HIGHER EDUCATIONAL SCHOOLS, COMMUNITY RECREATION HALLS AND PARKS IN THE ED DISTRICT; ALLOWING RESTAURANT 1, PRODUCT SERVICES LEVEL 2 AND MARINE BOAT SALES LEVEL 1 USES IN THE ED DISTRICT; ALLOWING CLUBS, SALES LEVEL 1, 2 AND 3, AUTOMOTIVE FUEL-DISPENSING FACILITIES, RESTAURANT 2 AND 3, MARINE BOAT SALES LEVEL 2 AND MARINE INDUSTRIAL USES AS CONDITIONAL USES IN THE ED DISTRICT; ALLOWING INDEPENDENT LIVING FACILITIES IN THE ED DISTRICT ONLY WHEN IN COMBINATION WITH ASSISTED LIVING FACILITIES, SKILLED NURSING FACILITIES OR HOSPITALS; PROHIBITING FAMILY DAY CARE PROVIDERS, ADULT FAMILY HOMES, PRIMARY AND SECONDARY SCHOOLS, AND INDUSTRIAL LEVEL 2 USES IN THE PCD-BP DISTRICT; ALLOWING RESTAURANT 1 AND LODGING LEVEL 3 USES IN THE PCD-BP DISTRICT; ALLOWING HOUSES OF RELIGIOUS WORSHIP, SALES LEVEL 1, COMMERCIAL CHILD CARE, INDOOR AND OUTDOOR COMMERCIAL RECREATION, COMMERCIAL ENTERTAINMENT, AUTOMOTIVE FUEL-DISPENSING FACILITIES, RESTAURANT 2 AND 3, AND INDUSTRIAL LEVEL 1 USES AS CONDITIONAL USES IN THE PCD-BP DISTRICT; AMENDING THE INTENT STATEMENT OF THE ED DISTRICT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND DIFFERENTIATE THE DISTRICT FROM THE PCD-BP DISTRICT; AMENDING THE INTENT STATEMENT OF THE PCD-BP DISTRICT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND DIFFERENTIATE THE DISTRICT FROM THE ED DISTRICT; ADDING PERFORMANCE STANDARDS FOR SALES AND RESTAURANT USES IN THE ED DISTRICT AND PCD-BP DISTRICTS; AMENDING THE CATEGORY OF USES IN THE PCD-BP DISTRICT; ALLOWING BUSINESS SERVICES IN ALL DISTRICTS WHICH ALLOW PERSONAL SERVICES; AND ALLOWING ANCILLARY SERVICES IN ALL DISTRICTS WHICH ALLOW OFFICE USES; ADDING NEW SECTIONS 17.04.045 AND 17.04.201; AND AMENDING SECTIONS 17.04.424, 17.04.657, 17.14.020, 17.45.010, 17.45.040, 17.54.010, 17.54.025,

**17.54.030 OF THE GIG HARBOR MUNICIPAL CODE;
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the current intent statements of the Employment District (ED) and Planned Community Development Business Park (PCD-BP) zoning districts are nearly identical; however, the zones implement different land use designations and are located in areas of the City with different surrounding uses and constraints; and

WHEREAS, the city desires to amend the intent statements of the ED) and PCD-BP zoning districts to be consistent with the Comprehensive Plan and to differentiate the two zoning districts; and

WHEREAS, the ED zoning district is an appropriate location for industrial type uses given the intent of the Employment Center land use designation;

WHEREAS, the PCD-BP zoning district is more suitable for business and professional office uses, with some light industry, given the district's location within the greater planned community development area in Gig Harbor North; and

WHEREAS, the city desires to amend the uses allowed in the ED and PCD-BP zoning districts to be consistent with the Comprehensive Plan and new intent statements; and

WHEREAS, the city desires to allow a limited amount of supporting and complementary service, restaurant, and recreational uses in the ED and PCD-BP zoning districts to provide services to tenants and patrons and to allow off-peak use in the districts; and

WHEREAS, retail sales, if subordinate to the principal uses, would be beneficial in the ED and PCD-BP zoning districts to support manufacturing, assembly and light industrial uses; and

WHEREAS, the primary and secondary school uses currently allowed in the ED and PCD-BP zones are incompatible with the intent of the districts and corresponding land use designations and should be prohibited; and

WHEREAS, the city recognizes the need to allow new business services and ancillary services in the ED and PCD-BP zoning districts to support the allowed office and industrial uses; and

WHEREAS, the city desires to add an ancillary services use category to allow services in office buildings which are directed primarily to employees, such as cafeterias and day care centers; and

WHEREAS, the city desires to prohibit exterior signage for ancillary services in order to assure that the service is directed to employees rather than primary destination users or pass-by users; and

WHEREAS, the city desires to allow ancillary uses in all zones which allow office uses; and

WHEREAS, the current personal services use category includes uses for both individuals and businesses; and

WHEREAS, the city desires to have a separate use category for business related services and allow such use in all zones which allow personal services; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on August 6, 2008; and

WHEREAS, on August 6, 2008, a copy of this Ordinance was sent to the Washington Department of Community, Trade and Economic Development, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on February 19, 2009 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on _____, 2009; and

WHEREAS, on _____, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. A new Section 17.04.045 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.045 Ancillary services

"Ancillary Services" means services primarily for the employees of a primary permitted use. Examples of such uses include day care centers, cafeterias and exercise facilities for the benefit of the employees. Ancillary services shall not have exterior signage.

Section 2. A new Section 17.04.201 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.201 Business services

“Business services” means an establishment engaged in providing services to individuals, business and professional office uses. Examples of such uses include: postal services, financial institutions, photocopying and reproduction services, janitorial services, graphic design services, advertising services, data processing services, employment agencies.

Section 3. Section 17.04.424 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.424 Industrial, level 1

“Industrial, level 1” means the assembly, production, or storage of finished or semi-finished materials or components into a finished or semifinished product. Acceptable uses must have minimal nuisance factors such as, but not limited to, noise, light, glare, odors, particulate emissions and hazardous waste. Examples of acceptable uses include contractor’s office and/or shop, light assembly, light manufacturing, mailing and packaging facilities, warehousing, cinematography and video production facilities, research and development facilities, linen, diaper and similar supply services and laundry facilities.

Section 4. Section 17.04.657 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.657 Personal services.

“Personal services” means an establishment engaged in providing services involving nonmedical care of a person and/or his or her personal goods or apparel. Examples of such uses include: laundromats, drycleaners, barbers, hairstyling salons, spa services, photography studios, dance schools, karate schools, exercise facilities, ~~postal services, financial institutions, and photocopying services.~~

Section 5. Section 17.14.020 of the Gig Harbor Municipal Code is hereby amended, as last amended by ORD 1148, to read as follows:

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Dwelling, single-family	-	P	P	P	P	C	P	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, duplex	-	-	-	P	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, triplex	-	-	-	C	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, fourplex	-	-	-	C	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	-	-	P ¹⁴	P
Accessory apartment ¹	-	C	P	-	P	-	C	C	C	P ¹⁴	C	C	P ¹⁴	-	-	-	P	-	P ¹⁴	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P
Home occupation ²	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C ²²	-	-	-	-	-	P
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Religious worship, house of	-	C	P ⁵	C	P ⁵	C	C	C	C	P	-	C	P	C	-	-	-	C	-	P/C ¹⁵
Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-	-
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	P	-	-	-	P	P	-
Clubs	-	-	C	C	C	C	C	C	P	P	P	P	P	P	C	C ²¹	P	P	C	-
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Cemetery	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging, level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P
Lodging, level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging, level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	P	-	P
Personal services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
<u>Business services</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Professional services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Ancillary services	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P ¹⁶
Sales, level 1	-	-	-	-	-	-	C ^{7,8}	-	P	P	P	P	P	C ²³	-	-	P	C ²⁴	P ¹³	P
Sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²³	-	-	-	-	-	-
Sales, level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-	-	-
Sales, ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-
Commercial child care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	C	-	-
Recreation, indoor commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	C	-	P
Recreation, outdoor commercial	-	-	-	-	-	-	C	C	C	-	P ¹⁰	P	P	C	-	-	-	C	-	P
Entertainment, commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	C	-	P
Automotive fuel-dispensing facility	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Vehicle wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C ¹⁹	-	-	-
Animal clinic	-	-	-	-	-	-	-	-	P ⁹	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult entertainment facility ³	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	-	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	-	P	C ²⁴	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	-	-	-
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²³	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial, level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	P	C	P

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	-	-
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	P ¹¹	C	-	-	-
Wireless communication facility ⁴	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.

⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.

⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.

⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.

⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.

⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

⁹ Animal clinics shall have all activities conducted indoors in the DB district.

¹⁰ Drive-in theaters are not permitted in the B-2 district.

¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

¹⁴ Residential uses shall be located above a permitted business or commercial use.

¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.

¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.

¹⁹ Commercial parking lots in the WC district shall be related to shoreline uses.

²⁰ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

²¹ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

²² Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.

²³ See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.

²⁴ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.

Section 6. Section 17.45.010 of Gig Harbor Municipal Code Chapter 17.45 Employment District (ED) is hereby amended, to read as follows:

17.45.010 Intent.

The employment district is intended to enhance the city's economic base by providing suitable areas to support the employment needs of the community. The employment district provides for the location of high quality design development and operational standards for manufacturing, product processing, technology research and development facilities, light assembly, and warehousing, distribution, contractor's yards associated support service and retail uses, business and professional office uses services, corporate headquarters, medical facilities and other supporting enterprises and complementary educational and recreational uses which are not detrimental to the employment district. Limited retail, business and support services that serve the needs of the employment district tenants and patrons are allowed. The employment district is intended to be devoid of have limited nuisance factors and hazards and potentially high public facility demands. Retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.

Section 7. Section 17.45.040 of Gig Harbor Municipal Code Chapter 17.45 Employment District (ED) is hereby amended to add new subsections N and O, to read as follows:

17.45.040 Performance standards.

* * *

N. Sales. Sales, level 1 and level 2 and marine boat sales, level 2 uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use.

O. Restaurants. Restaurant 2 and 3 uses are limited to no more than 25 percent of the gross floor area of a building.

Section 8. Section 17.54.010 of Gig Harbor Municipal Code Chapter 17.54 Planned Community Development Business Park District (PCD-BP) is hereby amended, to read as follows:

17.54.010 Intent.

The business park district provides is intended to enhance the city's economic base by providing suitable locations within the planned community development area for the location of high quality design development and operational standards for business and professional offices, corporate headquarters, technology research and development facilities, light industry assembly and warehousing, associated support service and retail uses, business and professional office uses, corporate headquarters and other supporting enterprises and complementary educational, recreational and entertainment uses which are not

detrimental to the business park district. The district is not intended to support the general commercial needs of the community; however, limited retail, commercial and support services that serve the needs of the business park tenants and patrons are allowed. The business park district is intended to be compatible with adjoining neighborhoods and be devoid of nuisance factors and hazards and potentially high public facility demands. Retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.

Section 9. Section 17.54.025 of Gig Harbor Municipal Code Chapter 17.54 Planned Community Development Business Park District (PCD-BP) is hereby amended, to read as follows:

17.54.025 Category of uses.

A. Category I Uses.

- ~~1. Primary schools;~~
- ~~2. Secondary schools;~~
- ~~3. 1. Higher educational schools;~~
- ~~4. 2. Vocational/trade schools;~~
- ~~5. 3. Public/private services;~~
- ~~6. 4. Parks;~~
- ~~7. 5. Utilities;~~
- ~~8. 6. Industrial, level 1;~~
- ~~9. Industrial, level 2;~~
- ~~10. 7. Hospital;~~
- ~~11. 8. Community recreation hall;~~
- ~~12. 9. Clubs and lodges.~~
10. House of religious worship
11. Recreation, indoor commercial
12. Recreation, outdoor commercial
13. Entertainment, commercial
14. Automotive fuel-dispensing facility

B. Category II Uses.

- ~~1. Family child care;~~
- ~~2. Adult family home;~~
- ~~3. 1. Government administrative offices;~~
- ~~4. 2. Personal services;~~
- ~~5. 3. Professional services;~~
- ~~6. 4. Product services, level 1;~~
- ~~7. 5. Animal clinic;~~
- ~~8. 6. Ancillary sales~~
- ~~7. Lodging, level 3~~
8. Business services
9. Ancillary services
10. Sales, level 1

- 11. Commercial child care
- 12. Restaurant 1
- 13. Restaurant 2
- 14. Restaurant 3

Section 10. Section 17.54.030 of Gig Harbor Municipal Code Chapter 17.54 Planned Community Development Business Park District (PCD-BP) is hereby amended to add new subsections O and P, to read as follows:

17.54.030 Performance standards.

* * *

O. Sales, level 1. Sales, level 1, uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use.

P. Restaurants. Restaurant 2 and 3 uses are limited to no more than 25 percent of the gross floor area of a building.

Section 11. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 12. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ___ day of _____, 2009.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

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



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR PLANNING COMMISSION ZONE 08-0007

TO: Mayor Hunter and Members of the Council
FROM: Harris Atkins, Chair, Planning Commission
RE: ZONE 08-0007 - ED and PCD-BP Intent and Allowed Uses

The City Council asked the Planning Commission to review the intent statements of the Employment District (ED) and Planned Community Development Business Park (PCD-BP) zoning districts and the allowed uses within those zones to ensure that the intent and uses are consistent with each other.

The Planning Commission held work study sessions on this text amendment on April 3rd, May 15th, June 6th, June 18th, June 30th, October 16th, November 6th and December 4th, 2008. Work study sessions were also held on January 7th and 15th, 2009. A public hearing was held on June 30th, 2008 and on February 19, 2009.

After the February 19, 2009 public hearing, the Planning Commission recommended changes to the ED and PCD-BP zones to attain Comprehensive Plan consistency, including changes to the intent statements and allowed uses. The recommended changes are located at the end of this notice; the reasons for the recommendation are below.

Intent Statements of Zones: The Planning Commission feels it is inappropriate that the current intent statement of the ED and PCD-BP zones are identical: The zones implement different land use designations and policies and are located in areas of the City with different surrounding uses and constraints. In differentiating the zones, the Planning Commission feels that the ED zoning district is a more appropriate location for industrial type uses given the intent of the Employment Center land use designation. Whereas, the Planning Commission feels the PCD-BP district is more suitable for business and professional office uses, with some light industry, given the PCD-BP's location within the greater planned community development area in Gig Harbor North.

Uses: For both zones, the Planning Commission feels the allowed uses need to be consistent with the revised intent statements and the policies in the Comprehensive Plan. In general, the Planning Commission feels that the school and residential type uses currently allowed in these zones are incompatible with the zones intent.

However, the Planning Commission recognizes the need to allow new business services and ancillary services to support the allowed office and industrial uses. The Commission also feels that some supporting and complementary uses (restaurant and recreation) should be allowed in both zones provided they are not detrimental to the primary intent of the zone. Furthermore, the Planning Commission feels that heavier industrial uses (industrial level 2) are not appropriate for the PCD-BP zones given the location of these districts within the planned community development area. Finally, the Commission feels that retail uses, if subordinate to the principal use, should be allowed in order to support manufacturing and assembly businesses.

APPLICABLE COMPREHENSIVE PLAN POLICIES:

From the Land Use Element of the Comprehensive Plan

Policy 2.2.3.a:

Employment Centers

Broadly defines an area that is intended to meet long-term employment needs of the community. Employment centers consist of the following:

- 2) *Wholesale distribution facilities*
- 3) *Manufacturing and assembly*
- 4) *Warehousing/storage*
- 5) *Business offices/business complexes*
- 6) *Medical facilities/hospitals*
- 7) *Telecommunication services*
- 8) *Transportation services and facilities*
- 9) *Conditional allowances of commercial facilities which are subordinate to and supportive of employment activities*

Policy 2.2.3.f.9:

Planned Community Development Business Park (PCD-BP) - *Provides for the location of high quality design development and operational standards for technology research and development facilities, light assembly, and warehousing, associated support service and retail uses, business and professional office uses, corporate headquarters and other supporting enterprises; is intended to be devoid of nuisance factors, hazards and potentially high public facility demands; and retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.*

Harris Atkins, Chair
Planning Commission

HARRIS S. ATKINS

Date 4/16/2009

RECOMMENDED AMENDMENTS:

A. PROPOSED DEFINITIONS

17.04.657 Personal services.

“Personal services” means an establishment engaged in providing services involving nonmedical care of a person and/or his or her personal goods or apparel. Examples of such uses include: laundromats, drycleaners, barbers, hairstyling salons, spa services, photography studios, dance schools, karate schools, exercise facilities, postal services, financial institutions, and photocopying services.

17.04.201 Business services

“Business services” means an establishment engaged in providing services to individuals, business and professional office uses. Examples of such uses include: postal services, financial institutions, photocopying and reproduction services, janitorial services, graphic design services, advertising services, data processing services, employment agencies.

17.04.045 Ancillary services

“Ancillary Services” means services primarily for the employees of a primary permitted use. Examples of such uses include day care centers, cafeterias and exercise facilities for the benefit of the employees. Ancillary services shall not have exterior signage.

17.04.424 Industrial, level 1

“Industrial, level 1” means the assembly, production, or storage of finished or semi-finished materials or components into a finished or semifinished product. Acceptable uses must have minimal nuisance factors such as, but not limited to, noise, light, glare, odors, particulate emissions and hazardous waste. Examples of acceptable uses include contractor’s office and/or shop, light assembly, light manufacturing, mailing and packaging facilities, warehousing, cinematography and video production facilities, research and development facilities, linen, diaper and similar supply services and laundry facilities.

B. PROPOSED USE CHANGES

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WMI	WC	PCD-BP	PCD-NB	MUD
Uses																				
Dwelling, single-family	-	P	P	P	P	C	P	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, duplex	-	-	-	P	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, triplex	-	-	-	C	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P

	PI	R-1	RLD	R-2	RIMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Dwelling, fourplex	-	-	-	C	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	-	-	P ¹⁴	P
Accessory apartment ¹	-	C	P	-	P	-	C	C	C	P ¹⁴	C	C	P ¹⁴	-	-	-	P	-	P ¹⁴	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P
Home occupation ²	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C ²²	-	-	-	-	-	P
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Religious worship, house of	-	C	P ⁵	C	P ⁵	C	C	C	C	P	-	C	P	C	-	-	-	C	-	P/C ¹⁵
Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-	-
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	P	-	-	-	P	P	-
Clubs	-	-	C	C	C	C	C	C	P	P	P	P	P	P	C	C ²¹	P	P	C	-
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Cemetery	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging, level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P
Lodging, level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging, level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	P	-	P
Personal services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Business services	:-	:-	:-	:-	:-	:-	P	P	P	P	P	P	P	P	:-	P	P	P	P	P

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Professional services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Ancillary services	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P ¹⁶
Sales, level 1	-	-	-	-	-	-	C ^{7,8}	-	P	P	P	P	P	C ²³	-	-	P	C ²⁴	P ¹³	P
Sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²³	-	-	-	-	-	-
Sales, level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-	-	-
Sales, ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-
Commercial child care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	C	-	-
Recreation, indoor commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	C	-	P
Recreation, outdoor commercial	-	-	-	-	-	-	C	C	C	-	P ¹⁰	P	P	C	-	-	-	C	-	P
Entertainment, commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	C	-	P
Automotive fuel-dispensing facility	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Vehicle wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C ¹⁹	-	-	-
Animal clinic	-	-	-	-	-	-	-	-	P ⁹	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult entertainment facility ³	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	P	C	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	P	C	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	-	-	-
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²³	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial, level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	PC	-	P
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	-	-

Uses	PI	R-1	RLD	R-2	RIMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	P ¹¹	C	-	-	-
Wireless communication facility ⁴	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.

⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.

⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.

⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.

⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.

⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

⁹ Animal clinics shall have all activities conducted indoors in the DB district.

¹⁰ Drive-in theaters are not permitted in the B-2 district.

¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

¹⁴ Residential uses shall be located above a permitted business or commercial use.

¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.

¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.

¹⁹ Commercial parking lots in the WC district shall be related to shoreline uses.

²⁰ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

²¹ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

²² Independent living facilities conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.

²³ See GHMC Section 17.45.040(N) for specific performance standards of sales uses in the ED zone.

²⁴ See GHMC Section 17.54.030(O) for specific performance standards of sales uses in the PCD-BP zone.

C. PROPOSED ED CHAPTER CHANGES

Employment District (ED)

17.45.010 Intent.

The district is intended to enhance the city's economic base by providing suitable areas to support the employment needs of the community. The employment district provides for the location of high-quality design-development and operational standards for manufacturing, product processing, technology research and development facilities, light assembly, and warehousing, distribution, contractor's

~~yards associated support service and retail uses, business and professional office uses services, corporate headquarters, medical facilities and other supporting enterprises and complementary educational and recreational uses which are not detrimental to the employment district. Limited retail, business and support services that serve the needs of the employment district tenants and patrons are allowed. The employment district is intended to be devoid of have limited nuisance factors and hazards and potentially high public facility demands. Retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.~~

17.45.040 Performance standards. (ED)

* * *

N. Sales. Sales, level 1 and level 2 and marine boat sales, level 2 uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use.

D. PROPOSED PCD-BP CHAPTER CHANGES

Planned Community Development Business Park District (PCD-BP):

17.54.010 Intent.

~~The business park district provides is intended to enhance the city's economic base by providing suitable locations within the planned community development area for the location of high quality design development and operational standards for business and professional offices, corporate headquarters, technology research and development facilities, light industry assembly and warehousing, associated support service and retail uses, business and professional office uses, corporate headquarters and other supporting enterprises and complementary educational, recreational and entertainment uses which are not detrimental to the business park district. The district is not intended to support the general commercial needs of the community; however, limited retail, commercial and support services that serve the needs of the business park tenants and patrons are allowed. The business park district is intended to be compatible with adjoining neighborhoods and be devoid of nuisance factors and hazards and potentially high public facility demands. Retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.~~

17.54.025 Category of uses.

A. Category I Uses.

- ~~1. Primary schools;~~
- ~~2. Secondary schools;~~
- ~~3. 1. Higher educational schools;~~
- ~~4. 2. Vocational/trade schools;~~
- ~~5. 3. Public/private services;~~
- ~~6. 4. Parks;~~
- ~~7. 5. Utilities;~~

- ~~8.~~ 6. Industrial, level 1;
- ~~9.~~ Industrial, level 2;
- ~~10.~~ 7. Hospital;
- ~~11.~~ 8. Community recreation hall;
- ~~12.~~ 9. Clubs and lodges.
- 10. House of religious worship
- 11. Recreation, indoor commercial
- 12. Recreation, outdoor commercial
- 13. Entertainment, commercial
- 14. Automotive fuel-dispensing facility

B. Category II Uses.

- ~~1.~~ Family child care;
- ~~2.~~ Adult family home;
- ~~3.~~ 1. Government administrative offices;
- ~~4.~~ 2. Personal services;
- ~~5.~~ 3. Professional services;
- ~~6.~~ 4. Product services, level 1;
- ~~7.~~ 5. Animal clinic;
- ~~8.~~ 6. Ancillary sales
- 7. Lodging, level 3
- 8. Business services
- 9. Ancillary services
- 10. Sales, level 1
- 11. Commercial child care
- 12. Restaurant 1
- 13. Restaurant 2
- 14. Restaurant 3

17.54.030 Performance standards. (PCD-BP)

* * *

O. Sales, level 1. Sales, level 1, uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
April 3, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners Jim Pasin, Harris Atkins, Jeane Derebey and Joyce Ninen. Commissioners Theresa Malich, Jill Guernsey and Dick Allen were absent. Staff present: Jennifer Kester, and Stephanie Pawlawski.

CALL TO ORDER: 6:00 p.m.

APPROVAL OF MINUTES

In the minutes from March 6th, 2008 Planning Commissioner Joyce Ninen noted one typo on the last page, at the top second paragraph 5th line, says "is doesn't". It was also pointed out that on the previous page it should be Ms. Malich rather than "she".

MOTION: Move to approve minutes of March 6th, 2008 with the changes. Ninen/Derebey – Motion carried.

It was noted that the Commissioners present had been corrected in the minutes for March 20th, 2008. Ms. Derebey noted that on the 4th page 2nd paragraph the sentence beginning Mr. Dolan said, didn't make sense. It was decided to add the word areas. It was also noted on that on line 5 of the same page it should read original retail rather than retails. In the paragraph above number three where it says Mr. Atkins felt that there should be some mechanism for dealing with neighborhood transition issues it was decided to delete the phrase "when there is a problem".

MOTION: Move to approve the minutes of March 20th, 2008 with the changes mentioned. Pasin/Derebey – motion carried

1. Overview of text amendment to be reviewed during the second quarter of 2008.

Senior Planner Jennifer Kester passed out the new information for this quarter for the Planning Commission binders. She pointed out what was being reviewed and the staff reports for each. She went over each of the amendments and the elements of each.

Mr. Pasin asked if the vegetation amendment would receive some input from the Mayor since that was something that was important to him and asked how they were going to get some input from the DRB. Ms. Kester noted that she had asked the DRB for volunteers and there were some members that were interested and are aware of the schedule and that the meetings will begin in May. She also stated that the Mayor has given some input to staff and she could provide that to the Planning Commission.

Ms. Kester stated that the Quadrant development will be an example of our current standards for everyone to compare. She did note; however, that ordinarily there would need to be trees on the frontage of Borgen but they had found laminated root rot in the trees so they had to be removed and planted with another species. Discussion followed on the Harbor Crossing plat and it's greenbelt with Canterwood. Ms. Kester explained that Canterwood had cleared their own buffer and that is why it appears that there is no buffer. Ms. Derebey noted that there is a huge problem with beetles destroying trees.

Ms. Kester went on to say that new for this quarter is the height restriction area criteria amendment, which we will be having a work session on tonight. She noted that they will also be holding a public hearing on the gross floor area changes on April 17th. Ms. Derebey had a question about the RB-1 changes and if they could be split into two work study session. Ms. Kester agreed that it wasn't ready for a hearing but they could plan for an upcoming work study session. She also stated that they will be discussing the area wide rezone from MUD to the Mixed Use zone. Discussion continued on the process for the RB-1 amendments and that some of them may need comprehensive plan amendments as well.

Ms. Kester went on to say that the Planning Commission will have one more meeting before their joint meeting with the City Council on the 21st and that the Design Review Board will have a joint meeting with the City Council on another night. Mr. Pasin noted that the Design Review Board would like to discuss the issue of utilizing the hearing examiner for certain projects. Mr. Atkins stated that he would like to know how the new review process is working. Ms. Ninen asked about the update of the Shoreline Master Program. Ms. Kester said that we are about to begin interviewing consultants and when the consultant is selected they will provide a public participation plan. Ms. Kester explained the process and that the Planning Commission will be making a recommendation to the City Council regarding the Shoreline Master Program. The development of the plan will probably take around a year and a half.

**2. Carl Halsan, Halsan Frey LLC, P.O. Box 1447, Gig Harbor WA 98335 –
ZONE 07-0012 – Height Restriction Area Special Exception**

Ms. Kester stated that this was a private developer proposal to create a new section which would provide a special exception process where someone could apply to be exempt from the provisions of the height restriction area if their development would not affect another properties view. Staff is recommending an alternative amendment to the criteria for removal. She noted that staff has felt that perhaps the criteria is not meeting the chapter but have not had that tested by the Hearing Examiner. Ms. Kester stated that recently the owners of the property where the Shenandoah is stored have asked for a rezone back to R-1 and to be removed from the height restriction area because of the topography. She went on to say that it had gone to hearing and in the criteria it talks about views from the property not views across the property. It was approved by the Hearing Examiner because it met the intent of the chapter.

Ms. Ninen pointed out that the code states that the property itself should have a view rather than dealing with surrounding properties. Ms. Kester said that the applicant had acknowledged that the staff suggestion would work. Mr. Atkins asked why if it is a Type IV application, it went to the Hearing Examiner. Ms. Kester pointed out where it refers you to a Type III application and the table identifies it as a Type III. Planning staff made an interpretation and presented that to the Hearing Examiner. Mr. Atkins expressed that sometimes Hearing Examiners don't really deal well with issues that are subjective, so sometimes these height restriction and view issues are better decided by the City Council.

Ms Kester then went through what the applicant was proposing which was a new exception to the height restriction area. She stated that staff had a concern with just limiting it to properties within the height restriction area as there are properties that have views that are not within the height restriction area. She felt that if they wanted to adopt a special exception it should deal with adjacent properties being impacted rather than just those within the height restriction areas. Mr. Pasin said that if you use a term like adjacent, what happens if you are two lots away. Ms. Kester said we would have to write a definition of what adjacent is. Mr. Pasin asked why we would we want to provide exceptions to the height restriction area and Ms. Derebey agreed. Ms. Ninen said well perhaps that is why staff was suggesting that it be a change to the criteria rather than an exception so that if you are not impacting anyone else's views than perhaps you should be removed. Mr. Atkins agreed. Ms. Kester pointed out which properties were being considered for development that had begun this amendment. Mr. Pasin said that he felt that both properties were examples where they don't necessarily have a view because of the trees and when the trees come down other properties could potentially have a view. Ms. Kester said that whatever criteria we write it will be the burden of the applicant to show that it will not impact other properties views. Mr. Atkins asked what constitutes a view, is it a tiny sliver? Ms. Ninen asked about a possible legal definition of a view and Ms. Kester said she would look into it.

Ms. Kester said that the code does say it has to be a view of Gig Harbor Bay, Puget Sound or the Narrows. Discussion continued on that it should be any amount of a view. Mr. Pasin asked if a view of Gig Harbor Bay mean you need to actually see the body of water and expressed concern with messing with the height restriction area as it has worked pretty well. Ms. Kester stated that she anticipated other people exploring being removed from the height restriction area map since the decision on the Shenandoah property. Mr. Atkins asked for further clarification on the decision. Ms. Kester explained that it didn't restrict views from adjacent properties and met the intent of the comprehensive plan. She talked about the gradient of the land and Mr. Atkins asked why are we worried about the gradient and Ms. Kester said that she and Associate Planner Kristin Moerler had tried to figure it out and she believed it was because of the view potential on sloped land. Mr. Atkins said that he felt that if you say something has potential for a view then perhaps that is enough whether they have a slope or not. She stated that staff felt that Item D was perhaps not really necessary and that Item C was just extra protection. Mr. Atkins said that he felt that the Hearing Examiner was looking for black and white and didn't want to deal with subjectivity. Ms Derebey talked about

what is adjacent properties and what did that mean and suggested that perhaps it should say properties within the line of sight of the subject property. Ms. Kester asked how far the line of sight can go and how would a property owner figure that out. Mr. Atkins said that this particular area defines a right and we are talking about creating a privilege for someone and it is their burden to show that they deserve the privilege. Ms. Kester brought up the issue of what is "potentially possess" a view. What if the current development is one story but if they redevelop and make it two stories, potentially they could have a view. Mr. Pasin brought up the issue of views within the proposed development and possible loss of those views as well. He pointed out that the height restriction area just says that you have to stay within a certain height it doesn't say that you can't block someone's view. Mr. Pasin asked why we would want to let people get out of it. Ms. Ninen said that we are trying to make the criteria be in line with the intent and what Ms. Kester has written really strengthens the criteria. Ms. Ninen asked how the city would handle notifying the property owners within the line of sight. Ms. Kester said that was a good point because we would have to figure out how we could map that. Ms. Ninen said that line of sight was a good concept but would be difficult to manage. Ms. Kester said that this was something to think about since a number would just be arbitrary.

Mr. Pasin asked why we use the word area in Item B and Ms. Kester said that could be changed to say property. Ms. Kester then asked what the right gradient of slope was for Item C. Mr. Pasin said that he thought that it should remain at 5% and Mr. Atkins agreed. Mr. Atkins then brought up the exclusions and Ms. Kester explained through an illustration. He then asked if the phrase subject site should be changed to property requesting to be removed from height restriction area. Ms. Derebey agreed that subject site could be confusing. Ms. Kester agreed to check on that. Ms. Derebey asked why can't we say 5% or greater in a downhill slope? Mr. Pasin gave an example of a piece of property at the bottom of Soundview that if you were over by the Harbor Inn looking uphill you would be able to see Mt. Rainier across that piece of property at the bottom of Soundview. Ms. Kester said that in that case there is a grade change of at least 5%. Mr. Pasin said that he was still concerned with views within a parcel that is removed from the height restriction area. Ms. Kester said that she did see one loop hole within the language is that if there was an entire group of homeowners like Spinnaker Ridge and they all applied for every single one of their properties to be removed you get a large chunk of area removed from the height restriction area that might affect other properties and that might be where Item C would come into play. Ms. Kester verified that they don't really like the idea of an exception but rather to amend the map. Ms. Kester verified that with these changes they would be ready to go to hearing on this proposal. Mr. Atkins asked if they wanted to change the intent statement. Ms. Ninen asked if the height restriction area was going to be looked at during the view basin segment of the neighborhood design areas. Ms. Kester said that it may result in changes to the map. Ms. Kester also noted that there are no criteria for what to do to be included in the height restriction area. Ms. Derebey asked if it should say that the intent is not to restrict views or potential views. Ms. Ninen stated that she thought that it was a good place to put that statement. Discussion followed on some of the areas pending annexation that may need to be included in the height restriction area. Ms.

Kester said that she was not sure that it was necessary to say potential views. Ms. Derebey said that there are areas that are not in the view basin that may have a view.

Ms. Kester said that she would contact the applicant to see if he was willing to hold a hearing on the staff proposal rather than on both proposals. Ms. Kester said the next meeting will be a public hearing on this item.

3. Identification of any key areas of change to the land use map the Planning Commission wants to work on in this year's cycle.

Ms. Kester stated that the 3rd quarter is for the comprehensive plan amendments and explained the process. She noted that the council will be deciding which of the proposed comp plan amendments are worthy of taking forward. Mr. Atkins said that he had found three areas that he identified as needing change. Ms. Kester said that if they want to put something forward for change she needs to know which areas. Mr. Atkins said that the three areas he had were the Soundview area where it's residential medium and there is a lot of single family residential zoning, and further down Soundview there is an area that is residential low and the zoning is R-2. Ms. Kester stated that there are a couple of things to remember is that all land use map changes have to go through concurrency review and we have no sewer and some areas have traffic issues and she is not sure how it will work when we are doing an up designation in one area and down designating in another area. Mr. Atkins stated that he was worried about how this would affect buildable lands and Ms. Kester said the changes to a lower designation wouldn't necessarily affect buildable lands. In the area where we would be up designating it would create more housing capacity through buildable lands, what may be a concern of the council would be that if it's residential medium someone may want to rezone to RB-2. Ms. Kester explained how concurrency works in relation to zoning. Mr. Atkins asked isn't concurrency based on zoning rather than land use and Ms. Kester that yes, but in the case of up designating it may allow a more intense zone and the council is trying to pay more attention to land use designations to assure that the city has the infrastructure to handle the land use designation. Mr. Pasin asked about the mixed use area that they had discussed and would there need to be a change to the land use map and Ms. Kester did not believe that there would need to be a change to the land use map in order to implement the new MX zone. Mr. Pasin asked about a particular area within the Mixed Use Overlay and Ms. Kester displayed the map and clarified where the land use designations are located.

Ms. Derebey thought they should recommend to the council that they discuss the three areas along Soundview. Everyone agreed and Ms. Kester clarified that they wanted to recommend discussion but not necessarily action at this time.

**4. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 –
ZONE 08-0003 – Appropriateness of RB-1 zoning district locations and
allowed uses in the RB-1 zone.**

Mr. Atkins asked that everyone submit their thoughts on the RB-1 issue. Ms. Kester said that at the next meeting there will be three public hearings and hopefully at the end of the hearing we could get a recommendation to the City Council. She noted that the hearing starts at 7:00 and asked did they want to have another item during the work study session at 6:00. They agreed that they would discuss the upcoming meeting with the City Council and the RB-1 issue during the 6:00 work study session.

Ms. Ninen shared information she learned from an on-line class she took on the role of a Planning Commissioner. Ms. Kester stated that the city does have a budget for some of these classes if anyone else is interested. She distributed information on an upcoming Short Course on Planning being offered by Bonney Lake. Ms. Derebey asked about a possible lecture on Buildable Lands and Ms. Kester said she had spoken with Dan Cardwell from Pierce County and he had agreed that he could come talk to the Commission. Discussion continued on buildable lands and how they are calculated.

ADJOURNMENT

MOTION: Move to adjourn at 8:45 p.m. Derebey/Atkins – motion carried.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
May 15th, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners Joyce Ninen, Dick Allen, Theresa Malich, Jeane Derebey and Design Review Board member Rick Gagliano. Absent: Jim Pasin, Harris Atkins and Jill Guernsey. Staff Present: Tom Dolan, Jennifer Kester and Cindy Andrews

CALL TO ORDER: 6:15 pm

APPROVAL OF MINUTES:

MOTION: Move to table the minutes of April 3rd, 2008 and April 17, 2008 until the next meeting. Ninen / Derebey – motion carried.

WORK-STUDY SESSION

1. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor, WA 98335 –**
ZONE 08-0007 – ED and PCD-BP Intent and Allowed Uses

Senior Planner Jennifer Kester discussed the request by City Council that the Planning Commission review the intent statements of the ED and the PCD-BP zoning districts and confirm that the intent and uses would be consistent. Ms. Kester discussed the suggested changes proposed by Wade Perrow, a property owner in the ED and PCD-BP zones. Ms. Kester suggested discussing each item in order as it appeared on the matrix.

EMPLOYMENT DISTRICT (ED):

- a) **Schools: primary, secondary and higher:**

Commission members discussed schools, primary, secondary and higher agreeing that these schools should be prohibited. The Commission agreed a conditional use permit would be appropriate for vocational/trade schools.

- b) **Community recreation hall, clubs and parks:**

Ms. Kester discussed community recreation hall, clubs and parks suggesting that the use should be conditional. Mr. Gagliano asked why it could not be permitted outright. Ms. Kester explained that community recreation halls had the potential of producing high traffic volumes. Ms. Ninen agreed also pointing out possible nuisance factors associated with parks and recreation halls. Ms. Derebey pointed out that parks should not be located in the same vicinity as industrial areas and in areas where large trucks would travel. Ms. Derebey asked for the

definition of essential public facilities. Ms. Kester explained essential public facilities as uses that would be difficult to place in other zones such as group homes, jails and rehabilitation facilities. The Commission felt it was appropriate to prohibit community recreation halls and parks and require conditional use permits for clubs.

c) Living facilities independent, assisted, nursing facilities skilled and Hospitals:

Mr. Gagliano asked if the Hospital should be included in the ED zone. Ms. Kester pointed out that hospitals would create a lot of traffic. Ms. Derebey agreed that this would not be a good fit for a hospital. Ms. Ninen suggested removing living facilities independent and assisted, nursing facilities skilled and hospitals. Commission members agreed.

d) Utilities:

Mr. Gagliano asked about the zoning of the natural gas transfer station located off of Bujacich Rd. Ms. Kester explained the project had been permitted in Pierce County and had been annexed into city limits and currently zoned ED. Ms. Kester suggested keeping it as a conditional use. Commission members agreed

e) Lodging level 1,2 and 3:

Ms. Kester suggested it remain not allowed use.

f) Personal services, professional services and product services level 1 and 2:

Ms. Kester reviewed the uses pointing out that all of the uses currently would be permitted. Ms. Malich suggested removing personal services. Mr. Gagliano agreed. Ms. Kester suggested leaving professional services as permitted and the Commission agreed. The Commission felt that product services level 1 and 2 should be conditionally allowed, but felt that personal services was not in keeping with the intent of the zone and should be prohibited.

g) Sales level 1, 2 and 3:

Ms. Kester reviewed the uses, sales level 1 had been intended for general retail, and level 2 had been intended for car lot sales and level 3 for heavy equipment sales and rentals. Mr. Gagliano noted that the ED zone had been intended to be devoid of nuisance factors. Commission members discussed the definition of nuisance as well as farm equipment and bulk materials. Ms. Ninen disagreed with allowing level 2 and 3 explaining that car and heavy equipment sales would take up too much land not leaving enough room for a corporate headquarters. Mr. Gagliano disagreed suggesting that locating a corporate headquarters next to a prison may not be the best situation either. Ms. Ninen pointed out that none of the sales belonged in the ED as retail would be heavy in traffic and low on employees. Ms. Malich agreed sales should be left out of the ED zone. Mr. Gagliano suggested that C-1 would be a better fit for sales but expressed his concern that Gig Harbor had been limited on the amount of C-1 zoning. Ms. Kester responded pointing out all of the C-1 areas currently in Gig Harbor. Commission members agreed sales level 1, 2 and 3 would not be allowed in ED.

h) Ancillary sales:

Ms. Kester pointed out that Ancillary sales currently would be permitted. Commission members agreed.

i) Commercial child care:

Commission members discussed commercial child care. Ms. Kester explained that currently it would be a conditional use. Mr. Dolan clarified that the care facility could only serve the business that it had been permitted for. Mr. Gagliano questioned if the use would be appropriate. Ms. Derebey felt that it would be as long as it would be serving the employees of the facility only. Mr. Dolan agreed. Ms. Derebey suggested that it be conditional. Commission members agreed.

j) Recreational Indoor commercial, recreational outdoor commercial:

Ms. Kester noted currently the uses would not be allowed in the ED. Commission members agreed to remove both uses.

k) Entertainment commercial:

Commission members agreed not to allow in the ED zone

l) Automotive fuel-dispensing facility:

Commission agreed the use could be a conditional use.

m) Vehicle wash:

Commission members discussed the use agreeing to return later to determine if it would be appropriate in the ED.

n) Parking lot commercial:

Commission members agreed to leave as not an approved use.

o) Animal clinic:

Ms. Derebey pointed out that the use would be similar to professional services. Ms. Ninen agreed. Commission members agreed it should be a permitted use.

p) Kennel:

Ms. Ninen discussed the nuisance factors concerned that a kennel could be a problem. Mr. Gagliano felt that the employment factor would be a concern. Commission members agreed to leave the use out of the ED.

q) Adult Entertainment:

Commission members agreed to leave as is.

r) Marine boat sales, level 1 and level 2:

Commission agreed to leave marine boat sales as prohibited.

s) Ministorage:

Ms. Malich discussed their use by business for storage purposes. Mr. Gagliano felt the use should be kept as conditional. Ms. Ninen had been concerned with the large amount of land used small amount of employment. Mr. Gagliano also expressed concern with the low number of potential employees. Mr. Dolan pointed out that ministorage's would help support local business. Mr. Gagliano asked if the use could be called ministorage commercial. Mr. Dolan felt that a change to ministorage commercial would be difficult to enforce. Commission members agreed to leave as a conditional use.

t) Industrial level 1 and level 2:

Commission members agreed ok as permitted.

u) Wireless communication facilities:

Commission members agreed to leave as permitted.

v) Marine industrial:

Commission members agreed to leave as prohibited.

w) Accessory uses and structures:

Commission members agreed to leave as permitted.

PLANNED COMMUNITY DEVELOPMENT BUSINESS PARK DISTRICT (PCD-BP):

Ms. Kester discussed the intent and uses within the PCD-BP zone. Ms. Kester discussed the fact that the intent statements of the Ed and PCD-BP zones were almost identical and perhaps the Commission should amend the intent of the PCD-BP given its location and the vision of the Commission. Commission members discussed the area around the Canterwood and Borgen Blvd round-a-bout, the St. Anthony's hospital site, the proposed village center and the area around the Costco and YMCA.

a) Residential dwellings:

Commission members agreed residential uses would not be allowed in the PCD-BP zone.

b) Family day care / Adult family home:

Commission members agreed to prohibit these uses as they are related to single-family homes, which are not allowed.

c) Hospitals:

Commission members agreed ok to allow.

d) Schools primary, secondary, higher educational, vocational / trade:

Ms. Ninen and Ms. Derebey agreed only vocational schools should be allowed as a conditional use. All other schools should be prohibited.

e) Public / Private services:

Commission members agreed to leave as allowed.

f) Houses of religious worship:

Commission members agreed to allow as a conditional use.

g) Museum:

Commission members agreed not allowed.

h) Community recreation hall, clubs, parks:

Commission members agreed to leave as allowed

i) Essential public facilities, utilities, lodging:

Commission members agreed to leave as shown.

j) Personal Services:

Commission members agreed it should be prohibited.

k) Professional services:

Commission members agreed ok.

l) Product services level 1 and 2:

Ms. Kester asked if the Commission members felt that the uses should be allowed in the BP. Ms. Derebey and Ms. Ninen felt that level 1 should not be an allowed use. Mr. Gagliano suggested it could be a conditional use. Commission members agreed conditional use for level 1 and prohibit level 2.

m) Sales level 1, 2, 3 and Ancillary sales:

Commission members agreed to allow Ancillary sales but not sales level 1, 2, and 3.

n) Commercial child care:

Commission members agreed to allow as a conditional use.

o) Recreation Indoor / outdoor:

Commission members agreed to prohibit as shown.

p) Animal clinic / kennel:

Commission members agreed animal clinics could be allowed but should prohibit a kennel.

q) Restaurants 1, 2, and 3:

Commission members discussed restaurant use. Ms. Derebey felt that they should be an allowed use in the BP. Ms. Kester agreed that restaurant 1 could be allowed but not 2 and 3. Ms. Derebey asked why level 2 and 3 would be excluded. Ms. Kester explained that the intent

would be for a restaurant or deli to serve the employees of the business park but not to be a destination place for people. Commission members agreed restaurant level one should be a conditional use and prohibit for level 2 and 3.

r) Industrial level 1 and level 2:

Commission members agreed to allow industrial level 1 but prohibit industrial level 2.

2. City of Gig Harbor, 2510 Grandview Street, Gig Harbor, WA 98335:

Zone 08-0008 – Design Manual Standards for Bujacich Road/NW Industrial Neighborhood design area.

Ms. Kester discussed the design standards for the Bujacich road / NW Industrial area and the IBE exemption possibilities suggesting the possibility of creating new standards rather than exempting projects from the existing standards. Ms. Kester presented a power point presentation of business parks in the Puyallup and Sumner area as an example of what could be designed for Gig Harbor. Ms. Kester in her presentation addressed materials, windows details, cornice details, parapets, paint and scoring details, landscaping and berms for screening explaining that the buildings had been nicely designed and constructed for their uses. Commission members discussed the designs and the need for flexibility within the design standards to meet the needs of all types of business.

UPCOMING MEETINGS:

Next meeting June 5th at 6:00 pm, June 19th rescheduled to June 18th at 5:30 pm and July 3rd rescheduled to June 30th at 5:30 pm.

ADJOURNMENT:

MOTION: Move to adjourn at 8:40pm. Derebey / Ninen – motion carried

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
June 5, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners Dick Allen, Jill Guernsey, Jim Pasin, Harris Atkins, Jeane Derebey and Joyce Ninen. Design Review Board member Rick Gagliano. Commissioner Theresa Malich was absent. Staff present: Jennifer Kester, Tom Dolan and Diane Gagnon.

CALL TO ORDER: 6:00 p.m.

APPROVAL OF MINUTES

MOTION: Move to approve the minutes of April 3, 2008. Ninen/Allen – Motion carried.

It was noted by Commissioner Joyce Ninen that on page 3 in the last sentence in Item 2 of the April 17th minutes the “that” needed to be removed.

MOTION: Move to approve the minutes of April 17th with the noted correction. Ninen/Pasin – Motion carried.

Commissioner Ninen noted that in the May 15th minutes it neglects to mention that Commissioners Pasin, Guernsey and Atkins were absent. Additionally, she noted that on the 1st page there was an extra “e” in employment, on page 2 under Sales Level 1, 2 and 3 on the 4th line the word should be “discussed”. Ms. Ninen also noted that there was no adjournment time listed at the end of the minutes; however she believed it was approximately 8:40 p.m.

Commissioner Harris Atkins said that he hadn’t seen any further discussion of how the commission responded to Mr. Perrow’s proposal reflected in the minutes. Senior Planner Jennifer Kester said that it was more of an informal suggestion, not a formal application; therefore, there was not any further discussion.

Ms. Ninen reminded staff about the page numbering of the minutes and several commissioners that were absent stated informative the minutes were.

MOTION: Move to approve the minutes of May 15th with corrections. Ninen/Derebey – Motion passed with Mr. Pasin abstaining.

1. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335** – ZONE 08-0007 – ED and PCD-BP Intent and Allowed Uses

Senior Planner Jennifer Kester went over her memo on this topic. She discussed the need to differentiate between the ED and PCD-BP and the Planning Commission’s

desire to rewrite the intent statements of the two zones. She noted that she had provided copies of several cities codes on business park and employment districts. She had also pulled some design standards on light industrial buildings.

Mr. Pasin stated that he would like to hear everyone's vision of the two zones. She noted that she had sent a summary of what the Planning Commission had discussed, to some key stakeholders and invited them to comment and attend the meetings. She agreed that it might be good to start with each commissioner expressing their view of the zones. Mr. Atkins noted that it did seem that there had been some discussion at the last meeting on changing some of the uses. He noted that personal services were not allowed; however they seemed to be the same concept as having a deli. Ms. Kester explained that it had been discussed at the last meeting and there could be an ancillary type use of a gym but not a separate commercial gym.

Mr. Pasin asked why you wouldn't want to have a full restaurant or a gym in a large business park. Planning Director Tom Dolan said that it was decided that the primary intent of the zone was to bring employment uses and not several restaurants and also there may be more traffic with the retail type uses. Planning Commissioner Jeane Derebey said she also had questioned that but then had considered the other issues like it could turn into restaurant row. Mr. Pasin said perhaps his vision of a business park was different than some people. He saw multi story buildings with commercial on the bottom. Mr. Gagliano pointed out that they would have to define it so that they would not dominate the park. Mr. Pasin pointed out that there was still the issue of building size. Acting Chairman Harris Atkins said that his primary concern was that we not prohibit a company from having services for its employees. Commissioner Jill Guernsey noted that unless the company is supporting a day care they would need to take children whose parents don't necessarily work there. She cautioned against looking at them the same as restaurants. Mr. Dolan asked if they were suggesting that a full restaurant be allowed as long as it didn't exceed perhaps 10% of the building. Ms. Kester suggested that through the definition of professional office you could allow the ancillary use or perhaps making an ancillary use category with some restrictions. Ms. Guernsey said that she also liked the idea of limiting the size.

Ms. Kester asked Mr. Pasin about his vision of the PCD-BP zone; he said multiple story office buildings housing larger sized tenants, corporate headquarters or large law firms. Mr. Atkins agreed except he didn't see a restaurant in that building as a destination but rather for the use of the people in those buildings. Mr. Pasin used the office building on Kimball with Harbor Rock Café on the lower floor as an example and he felt that the Gig Harbor North environment would support it. Ms. Derebey said why not have a destination restaurant in the bottom floor of a business park building. Ms. Kester noted that it could be limited. Discussion followed on the need for several uses within the business park.

Mr. Pasin suggested that there could be a minimum square footage for the building in a business park. Mr. Gagliano suggested a floor area ratio.

Ms. Kester asked if the intent statement reflected these issues. She read the PCD-BP zone intent statement. She asked that they look at Poulsbo's business park zone. She read the intent statement from Poulsbo. She noted that it also said what it is not intended to do. Mr. Pasin said that he did not support not allowing general retail to support the general commercial needs since it is located in an area surrounded by residential and retail. Ms. Kester said that maybe then this is not the right zone for this area, rather than turning the BP into another commercial zone. Mr. Pasin said he was not in support of changing the designation of this area. He noted that if you build it appropriately people could live close to where they work. Mr. Atkins stated that they can't let the definition of the zone be driven by a specific piece of property. Ms. Kester noted that this was really the only piece of PCD-BP left. Mr. Atkins pointed out that our urban boundaries could change. Ms. Kester agreed that the zone needed to stand on its own. Ms. Ninen said that Poulsbo allowed restaurant uses in their Business Park zone. Mr. Gagliano pointed out Mill Creek's intent and that it seemed close to what they had been talking about. Ms. Derebey noted where it said that it was limited. Discussion followed on the several different versions. Ms. Derebey pointed out Lacey's as being close to what they needed and Ms. Kester said that yes, there were several performance standards that could be put in place. Mr. Gagliano directed everyone toward the Bainbridge Island intent statement and how different it was. Ms. Kester said it was much broader and Mr. Gagliano said it would be tough to legislate. Ms. Derebey said that she was surprised to see industrial uses in a business park; they belong in an industrial park. Mr. Pasin agreed that the more industrial uses belong in the ED. Discussion followed on the economic development of the city.

Ms. Kester summarized their comments. Mr. Atkins stated that he felt that there was a more basic question in that we have some specific areas and do we want to base our intent on what should happen here and here alone, ignoring the larger picture. Ms. Ninen asked if the property owners had an opinion. Eric from Olympic Property Group said that the more flexible the uses the more chances for economic development. Mr. Dolan said that one of the parcels has been sold to a church/performing arts center/community center along with a couple of small office buildings. He continued by saying that they have been advised that neither a church nor a performing arts center is an allowed use in the zone. Mr. Dolan asked if they wanted to open up the uses in the BP, leave it as a more standard BP zone or make it another zone. Ms. Derebey said that she felt that we needed to keep the BP zone. Ms. Kester said that she felt that she had some good input to start drafting some intent language. Ms. Guernsey said that her feeling was that while she didn't think only restaurant level one should be allowed it should be broader along with a floor area ratio or something and in terms of intent she said she like the statement in Poulsbo's intent. Mr. Gagliano asked should they require the restaurant to be part of a larger building. Ms. Kester said that there could be a footnote in a zone or a performance standard.

Ms. Ninen noted that she thought there should be some type of lodging in the area. Ms. Guernsey agreed but not necessarily in the BP. Discussion followed on the neighborhood center in Gig Harbor North.

Ms. Ninen brought up the idea of having a booth at the grand opening of Uptown to gather thoughts and ideas on the planning of the city.

Ms. Derebey said she would like to read all the different cities codes and look at some of their performance standards. Mr. Dolan said after everyone had had a chance to read it all to please e-mail Ms. Kester with parts that they really liked.

Ms. Kester said she would like to also look at the ED intent statement. She pointed out that the ED has the exact same intent statement as the BP. She also said that perhaps it's not devoid of nuisance factors. She asked if they wanted to allow some of the retail/restaurant uses in the ED. There was some agreement that restaurants be allowed.

Mr. Gagliano pointed out that they may want to remove light industrial and warehouse. Ms. Guernsey pointed out a sentence in the Dupont code and Ms. Kester read it aloud. Everyone liked it with some minor changes. Ms. Kester pointed out that Dupont had some different zones other than their industrial district. Mr. Pasin thought it worked. Ms. Derebey pointed out the list of nuisance factors they had listed and stated that she liked that description. Mr. Gagliano said that he felt that moderate nuisance factors were okay in this area, but wondered if restaurants were okay. Mr. Pasin said that this area is more blue collar and perhaps more likely to bring their lunch or utilize a deli.

Ms. Kester asked if industrial uses should be prohibited in the BP and everyone agreed. Eric from Olympic Property Group said that economics would not allow industrial uses to go in the BP. Discussion continued on the different uses and definitions. Ms. Kester suggested that perhaps the definition could be changed, or add a new definition of business services and everyone agreed. Everyone agreed to take Industrial Level One uses out of the BP zone.

2. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335** – ZONE 08-0008 – Design Manual standards for Bujacich Road/NW Industrial neighborhood design area

Ms. Kester noted that they had seen a slide show of some industrial buildings and that they had used landscaping and architectural embellishments to improve the look of the buildings. She noted that she had pulled Sumner and Bainbridge Island as an example. Mr. Gagliano said that last time they went over the list of industrial building exemptions it did seem that this area did lend itself to its own specific set of guidelines. He went on to say that although they may not want to write a specific set of guidelines for each neighborhood, this one might need it. Ms. Kester read the section out of the comprehensive plan on the neighborhood design area and the common set of features. Mr. Atkins noted that we don't need to reinvent the wheel; we could put together something as a starting point. Ms. Kester said that she did not really see a manual that she liked. Ms. Gagliano said that given that, maybe our own code was the best example. It was suggested that the members go through the design manual and mark the requirements to either eliminate, edit or modify certain code requirements for the

industrial neighborhood. Ms. Kester said that she could set that up and use the design manual checklist. Mr. Gagliano said that this would be very good practice for the other neighborhoods. He reminded the commission that the original goal was to cut back on the standards. Jeane also suggested taking that checklist and seeing if they could build a building that they liked. Mr. Atkins suggested that everyone do it individually and then go over it with the group at the next meeting. Ms. Kester pulled up a page from the design manual to demonstrate how they could mark it up for edit, delete, or keep.

Ms. Kester then went over the review process and Mr. Atkins suggested that if they decided to edit things then have a suggestion for what the edit should be.

UPCOMING MEETINGS

Ms. Kester went over the schedule for the rest of the second quarter. She reminded everyone that the meetings on June 18th and 30th are at 5:30. She noted that the 17th of July will be the beginning of comprehensive plan amendments. She noted that they could hold a public hearing on the 30th of June in order to forward some of this to council. She noted that probably the design piece was more likely to be after the comp plan amendments.

OTHER BUSINESS

Ms. Derebey distributed a table of everyone's comments on the RB-1 amendment. Mr. Atkins said he would like to finish RB-1 at the next meeting and then the ED/BP intent. Ms. Kester asked if they liked the idea of having a hearing on the 30th and everyone agreed.

Design Review Board member Rick Gagliano left at 8:20.

Ms. Ninen asked about having an information booth at Costco to get public input on what people would like to see in that area. Eric from Olympic Property Group offered that they had a lot of that information from their open house.

ADJOURNMENT

MOTION: Move to adjourn at 8:30 p.m. Derebey/Ninen – Motion carried

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
June 18, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners Theresa Malich, Dick Allen, Jill Guernsey, Jim Pasin, Harris Atkins, Jeane Derebey and Joyce Ninen. Design Review Board member Rick Gagliano. Staff present: Jennifer Kester, Tom Dolan and Diane Gagnon.

CALL TO ORDER: 6:00 p.m.

APPROVAL OF MINUTES

Discussion began on the minutes from June 5th, 2008. Several grammatical errors were noted and corrected.

MOTION: Move to adopt the minutes of June 5th, 2008 as amended.
Atkins/Malich – Motion carried.

1. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – ZONE 08-0003** – Appropriateness of RB-1 zoning district locations and allowed uses in the RB-1 zone. Senior Planner Jennifer Kester noted that per the matrix that Commissioner Jeane Derebey had provided the majority of the Planning Commission felt that a rezone may be appropriate for the following locations:

Purdy Dr and 144th
Sehmel Dr
Peacock Hill Ave and Ringold Ave
Stinson Ave
Grandview and Stinson, except for that area along Grandview
56th St and 38th Ave

Ms. Kester recommended that the next time this item is discussed she bring a map and they can have some more detailed discussion of how these areas should be rezoned. Additionally she suggested that they look at the uses in the RB1 zone for those areas that they decide to keep RB1. The next time we look at this will be after comprehensive plan updates at the end of 2008. She noted that at the joint Design Review Board/Council Meeting there was discussion that the Planning and Building Committee look at the work program again for some prioritization, so at the July 7th meeting they will look at the work program again. Commissioner Jim Pasin said he was disappointed at not being able to bring this to conclusion. Ms. Kester also noted that some of the rezones might require a Comprehensive Plan amendment which will take even longer. Commissioner Harris Atkins noted that they had discussed this at some length and asked if there were any areas that could be completed now. Mr. Pasin said that on the Stinson (old Spadoni) site there have been issues with its current zoning and projects wanting to go in. Ms. Ninen noted that this site really seems to be located in the wrong

place. Mr. Pasin said that he felt that the property owner wanted to do something more so if there were a rezone the site might be redeveloped. Ms. Kester suggested that perhaps they look at the uses and the Stinson site first. Mr. Pasin said that he would rather look at the zoning rather than the uses. Ms. Ninen asked if the comprehensive plan designation was Residential Medium and Ms. Kester said yes so it could be zoned R-3. It was decided to address Stinson first when the item is discussed at the next meeting.

2. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – ZONE 08-0007 – ED and PCD-BP Intent and Allowed Uses.

Ms. Kester noted that at the last meeting there had been discussion of what should be the intent of these two zones and how do we differentiate between the two. She pointed out that she had worked on an intent statement and Ms. Ninen had worked on the language as well. Ms. Kester went over her proposed intent statement for the ED. She stated that she wanted to know if they wanted some kind of a design statement to be in the intent statement. Mr. Gagliano suggested that it say it is intended to have limited nuisance factors and hazards and then in the PCD-BP the intent statement would say devoid of nuisance factors and hazards. Mr. Pasin said he had a problem with the statement about high public facility demands and reduce the demand for vehicular access. Ms. Kester said that her intent was to avoid something that would take a large amount of infrastructure, lots of traffic, water, etc. Mr. Pasin asked what if someone has 1000 employees, which may also have impact on the infrastructure. Mr. Atkins asked why have statements about what we don't want, and suggested they put a period after hazards since the uses will be controlled through the matrix. Ms. Kester asked how they would look at a zoning code text amendment for something not allowed when there is not a statement about what is discouraged. Mr. Gagliano suggested they remove the phrase "and to reduce the demand for vehicular access". Mr. Atkins said that lots of intent statements stated that the secondary uses are only there to support the primary use so perhaps they should strengthen the statement about that. Mr. Pasin suggested that it say, "limited business and support services are allowed that serve the needs of the employment district tenants and patrons". It was decided to end the sentence after the word "opportunities" and remove "and to reduce the demand for vehicular access". Discussion followed on the purpose of allowing contractor yards and Ms. Kester said that they are classified as an Industrial Level Two use and this is the only zone that allows them. Mr. Pasin suggested that the opening sentence should say the district is intended to contribute to the employment needs of the community and remove the phrase "long term". Mr. Gagliano said that he felt that long term indicated that this zone is intended to evolve over time. Everyone decided to remove the words "contribute" and "long term" so the sentence read "the district is intended to meet the employment needs of the community". Mr. Atkins suggested "The Employment District is intended to provide suitable areas to support the employment needs of the community". Mr. Gagliano asked about adding a statement regarding design and landscaping and asked if this intent statement would be used to write the mini design manual for this area. Ms. Kester said that the design manual will be neighborhood specific not zone specific and they had written statements for each of those neighborhoods. Mr. Atkins said that it

seems like whatever is needed to define our vision needs to be in this paragraph. Mr. Pasin pointed that within the community as a whole these things are promoted so why make the statement only in the ED zone. Mr. Gagliano agreed that this zone should not have any higher standards than any other area in the city. He suggested that there be space left to write something in this intent statement if they get through the design manual and find that they need more direction. Ms. Kester agreed that they could leave the sentence out then add something later if necessary. Ms. Derebey and Ms. Guernsey agreed that the sentence didn't belong.

They next discussed the intent statement for the PCD-BP. Ms. Kester went over her proposed intent statement. She noted that technology research and development facilities as stated in the intent statement may not be an allowed use any longer since they had removed Industrial Level One from the allowed uses in this zone. Ms. Guernsey said that it seemed that there needed to be more of a general intent sentence in the beginning. Ms. Kester read the Planned Community Development intent statement from the comprehensive plan. It was decided to just say professional offices and delete "services". Mr. Pasin asked Ms. Ninen why she had said "integrated grouping of small to medium size businesses". She said that she felt it was very visual and she liked business parks developed in that manner. Ms. Kester suggested removing small to medium. She said that in the performance standards of the zone there is language that would support that standard.

Ms. Guernsey suggested taking out technology research and development facilities. Ms. Derebey suggested just removing the word "development". Ms. Kester asked about the phrase "providing major employment opportunities in Gig Harbor". Ms. Ninen suggested adding a reference to the Planned Community Development within the statement. Ms. Kester said that originally the whole Planned Community Development area was all one zone and that within the Comprehensive Plan there are percentages of residential, commercial and employment. She suggested a sentence which read "the business park district is intended to provide employment opportunities within the planned community development area". Ms. Ninen suggested that it say "suitable areas" rather than "employment opportunities". Mr. Gagliano agreed that it should say "suitable areas". It was decided to change "to serve" to "that serve" and to move "are allowed" to the end of the sentence. Ms. Kester stated that only when someone needs a conditional use permit would the intent statement be used as guidance. Mr. Pasin said he didn't like the word "compatible". Ms. Guernsey said she didn't like "potentially high public facility demands". Everyone agreed to remove that statement. Ms. Guernsey suggested that it should say "compatible with adjoining residential uses". Ms. Kester displayed the criteria for approval of site plans. Mr. Pasin said that he had a problem with it saying compatible with a residential area and it was suggested that it say compatible with adjacent uses. Ms. Kester brought up the map and pointed out what was surrounding the PCD-BP area. Ms. Derebey asked what was wrong with being compatible with the residential area. Everyone agreed that since there was more than residential surrounding the area to say compatible with adjacent uses. It was decided to keep the phrase "retail uses are not encouraged in order to preserve this district for employment opportunities".

Discussion was held on the definition of personal service and business service. Ms. Kester explained the two definitions she was proposing. Mr. Pasin asked why they would want to exclude a barber from being in a business park. Mr. Gagliano asked if ancillary services would cover it. He noted that Mr. Pasin's statement seemed inconsistent with his earlier comment to want to attract large corporate employers. If the business park is filled with these types of uses then there will be no room for the uses intended. He also pointed out that there are other areas within the PCD that would allow for those types of uses. Ms. Malich suggested adding "such uses include but are not limited to" and everyone agreed that it was implied. Discussion followed on changing cleaning services to janitorial services. Ms. Guernsey asked about financial institutions and Ms. Kester pointed out that financial advisors were listed in professional services. She noted that at this time the PCD-BP does not allow drive throughs. Mr. Atkins suggested that financial institutions could be listed in personal services and business services. Ms. Guernsey said that she didn't feel that these services listed were necessarily only for support of businesses. It was decided to remove the word "support" and "primarily" and to add "individual".

Ancillary services were discussed next. It was decided that the statement about exterior signage shall have its own sentence stating, "ancillary services shall not have exterior signage". It was decided to delete "for the employees of an office building" since it was already stated in the earlier sentence. Ms. Derebey suggested adding the phrase "examples of such uses include" and everyone agreed. It was decided to put "for the benefit of the employees of an office building" back in to clarify. It was decided to add "primarily" and to change "primary" to "principal".

Mr. Gagliano asked if anyone had done their edits for the Design Manual and were they going to get to it tonight. He also asked if it was appropriate for other design review board members to come to the next meeting on the 30th and Ms. Kester cautioned that only one more member could attend in order to not have a quorum.

Rick Gagliano and Tom Dolan left at 8:00 pm.

Use and performance standards were discussed next. Ms. Kester went over the changes to the matrix. Ms. Guernsey suggested adding business services to the PI zone. Ms. Kester read the intent of the zone and then the discussion moved to why not allow the ancillary services. It was decided to not allow business services in the PI. Mr. Pasin asked why they were allowing a commercial child care center to be a conditional use when they had just allowed it as an ancillary use. It was decided to leave that issue for after the public hearing on June 30th in addition to a further discussion of restaurants and the performance standards.

ADJOURNMENT

MOTION: Move to adjourn at 8:25 p.m. Derebey/Atkins – Motion carried

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
June 30th, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners: Harris Atkins, Joyce Ninen, Dick Allen, Jim Pasin, Jill Guernsey
Jeanne Derebey arrived at 5:42 pm. Absent: Theresa Malich.
Design Review Board members – Rick Gagliano and John Jernejcic
Staff Present: Jennifer Kester and Cindy Andrews

CALL TO ORDER: 5:36 PM

APPROVAL OF MINUTES:

MOTION: Move to table the minutes of June 18th, 2008, until the meeting of July 17th, 2008 Pasin /Allen. – Motion passed.

WORK- STUDY SESSION

1. Arts Commission Presentation:

Arts Commission member Ron Carson discussed the arts commission survey providing a brief summary. Mr. Pasin discussed his concerns for placing too much art around the city. City Council members assured Mr. Pasin that all contracts would be approved by council members prior to the installation of any artwork.

**2. City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA:
Zone 08-0008 – Design Manual Standards for Bujacich Road / NW Industrial neighborhood design area.**

Senior Planner Jennifer Kester briefly reviewed the requirements currently applied to the nonresidential development in the Bujacich Road/ NW Industrial area. Ms. Kester noted each board member's response to the requirements on a spreadsheet and whether the board member wanted to keep, delete or edit the requirement. Ms. Kester suggested that members should e-mail to her any additional comments. Board members discussed IBE exemption, Enhancement Corridors, Zone Transition Buffering, Zone Transition Development, Alternative Zone Transition, Transit Stops, Natural Site Conditions and Secondary Walkways. Due to time concerns Ms. Kester stopped the discussion at Common Area Standards suggesting the board could resume at a later date.

**3. City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA:
Zone 08-0007 – ED and PCD-BP Intent and Allowed Uses.**

Ms. Kester discussed the proposed changes to the intent statements of the Employment District (ED) and the Planned Community Development-Business Park (PCD-BP) zone also discussing the proposed changes to the allowed uses and definitions and the inclusion of two new use categories, ancillary services and business services. Ms. Kester summarized the intended uses of the ED and the PCD-BP zones.

Board members having no questions Mr. Atkins called to order the public hearing

PUBLIC HEARING:

CALL TO ORDER - 7:02 PM.

1. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA**
ZONE 08-0007 – ED and PCD-BP intent and Allowed Uses.

Mr. Wade Perrow, 9119 N. Harborview Dr., Gig Harbor, WA 98335:

Mr. Perrow noted his letter of June 24th, 2008 addressing his concerns with changes to the ED and PCD-BP intent and allowed uses. Mr. Perrow discussed the removal of the language for retail uses and personal services from the ED zone suggesting new language could be added to read, limited **low traffic impact retail and personal services** following contractor's yards notation in 17.45.010 intent section. Mr. Perrow discussed changes to the land-use matrix suggesting Personal Services, Sales level 2 and 3 and Recreational Indoor Commercial should be conditional use and Product Services level 1 should be permitted in the Business Park zone.

Mr. Scott Wagner, 1024 54th St NW, Gig Harbor, WA 98335:

Mr. Wagner discussed his property in the ED zone describing the current uses and explaining his concern that the proposed changes would make the current uses non-conforming and rendering the building non leasable in the future. Ms. Derebey asked if changing the language to low impact development / low traffic would be a better solution. Mr. Wagner agreed; also suggesting low traffic would need to be defined.

Mr. John Lewis, 1944 Pacific Ave Suite 310, Tacoma, WA 98442

Mr. Lewis stated that towing business are not allowed in these zones and perhaps should be. He also asked that the height limit of 35 feet be increased. He is working with a client that would like to build a 65 foot high corporate park in the ED zones.

Ms. Glennis Casey, North Pacific Design,

Ms. Casey discussed ancillary uses stating that she felt that they should no longer be allowable uses. She also expressed her concern that the Planning Commission had failed to consider the Gig Harbor Community Plan developed by Pierce County and urged the board not to approve the changes. Ms. Derebey asked if low traffic would be a solution for her also asking for clarification as to what part of the changes she had concerns with. Ms. Casey responded that she had not been clear as to the distinction of uses allowed in the Business Park and the ED; she was concerned that annexed parcels could be too restricted.

Mr. Atkins – closes the public hearing. At 7:44 pm

Mr. Atkins asked for a list of the concerns that could be reviewed at the next meeting. Ms. Kester reminded Mr. Atkins that the next meeting on this topic could be in October. Mr. Atkins would like to give the concerns more consideration prior to making decisions. Ms. Derebey agreed. Ms. Kester agreed reiterating her concern that she could not be sure when the item would come before the board again.

Ms. Kester discussed the July 17th, work-study session summarizing the six city comprehensive plan amendments and the three private amendments that will be before the board and reviewed the schedule. Mr. Pasin thanked the public for their participation in the public hearing

ADJOURNMENT:

MOTION: Move to adjourn at 7:58 pm Atkins / Derebey – Motion passed.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
October 16, 2008
Gig Harbor Civic Center**

PRESENT: Commission members: Dick Allen- acting Chairman, Jill Guernsey, Jeane Derebey, Joyce Ninen and Jim Pasin. Absent: Commission members Harris Atkins and Theresa Malich

Staff: Tom Dolan

Guest Present: Wade Perrow, David Boe, Glynis Casey, Dale Pinney, John Chadwell, John Hogan and Kristin Udem.

CALL TO ORDER:

APPROVAL OF MINUTES:

Postpone the approval of the minutes from October 2nd as the minutes were not yet ready for review.

**City of Gig Harbor, 3510 Grandview Street, Gig Harbor, WA 98335 –
ZONE 08-0007 – ED AND PCD-BP Uses and Intent Statements.**

Planning Director Tom Dolan summarized the proposed changes discussed for the ED and PCD-BP zones and introduced property owners of the affected properties. Mr. Dolan asked the commission members how they would like to approach the discussion. Commission members suggested reviewing each topic individually and allowing the property owners the opportunity to be heard. Mr. Dolan agreed.

Mr. Dolan suggested beginning with the ED Zone and introduced Wade Perrow.

Zone 08-0007 ED and PCD-BP Uses and Intent Statements.

Mr. Wade Perrow began by thanking the Planning Commission members and Mr. Dolan for the opportunity to discuss his concerns. Mr. Perrow discussed his concerns for the proposed changes to personal services, product services level one and two, recreational indoor – outdoor, marine sales, marine boat sales – level one and two. He also expressed concern about conditional uses in general.

- **Personal services:** Currently the code allows for personal services and disagrees with the suggested removal.
- **Product Service Level One:** Currently a permitted use; again disagrees with the proposed removal.

- **Product Services Level Two:** Requests that it should be a permitted use; disagrees that it should remain as a conditional use.
- **Recreational- Indoor and Outdoor:** Currently a conditional uses disagreed that it should be removed completely from the zone.
- **Marine Sales, Marine Boat Sales- level 1 and level 2:** Currently not allowed use asking that it be an allowed use.
- **Conditional Use:** Expressed his concern with designating uses as conditional vs permitted and suggested removing the “conditional” category where ever possible and designating uses as “permitted”.

Commission members and Mr. Perrow discussed the proposed changes. Mr. Perrow was also concerned that the proposed changes in cases where previously permitted or conditional “uses” were removed or restricted (i.e. the “red” items and said they represented a “taking of rights”). Ms. Ninen asked for a review of the use and intent statement, revised on June 24th, 2008, noting that in the original intent statement retail uses had not been encouraged. Ms. Ninen pointed out that the Planning Commission had intended the ED zone to be considered a manufacturing, product processing use and would encourage similar uses. Mr. Dolan discussed uses that could be permitted as accessory to the permitted use. Mr. Perrow reiterated his concerns that the proposed changes would not work for his business parks. Mr. David Boe of Boe Architects discussed his concerns with size limitations and design requirements that could potentially limit the areas that would allow large warehouse type buildings to be constructed. Mr. Boe also discussed the need for flexibility of allowed uses pointing out that retail could be an accessory use to a cabinet making business. Ms. Derebey expressed her concerns with mixing uses such as a dance or karate studio operating in an industrial park.

Glynis Casey of Rush Construction discussed concerns of safety and incompatibility, asking if the city’s design manual would not already address these concerns. Ms. Derebey clarified, pointing out that the amendment had been directed towards buildings already constructed and determining the appropriate use for them.

Planning Commission members and property owners continued discussing building size, design, potential uses, marketability, accessory retail and permitted uses. Mr. Pasin discussed economics factors while Mr. Perrow discussed the importance of accessory uses. Planning Commission members and property owners discussed the intent and use within the ED zone, its limitations and proper application. Mr. Perrow discussed potential limitations imposed on business that would be deemed nonconforming due to the proposed changes. Mr. Boe discussed jurisdictions that allowed a wider variety of uses in a business park setting and noted their success. Ms. Guernsey discussed the removal of uses such as dance studios, karate schools and exercise facilities from personal services and placing them into a different category. Ms. Ninen suggested creating different levels of personal services. Mr. Perrow suggested removing the examples of personal services leaving the category up for interpretation. Commission members and property owners further discussed the

interpretation of personal services. Commission members discussed holding additional work study sessions on the amendment.

Commission members and property owners discussed the areas along Purdy Dr., included in the proposed changes to the ED and PCD-BP zone. Commission members and property owners discussed the appropriateness of Assisted Living Facility and Independent Living facility as apposed to commercial warehouse in these locations. Property owners pointed out that the location and the topography would make living facilities better suited for the property rather than the typical commercial warehouse facility. Property owners discussed proper zoning of the property and the close proximity to two schools. Commission members further discussed the concern of proper zoning, also pointing out the homes and business that currently surround the site. Mr. Dolan discussed the uses that should be included in the PCD-BP and introducing property owners Dale Pinney and John Chadwell for their presentation.

Mr. Pinney discussed the original intent of the PCD-BP zone and the proposed uses that he felt should be added to the zone; assisted living facilities, medical offices and hotels with associated restraints. Mr. Pinney continued to discuss the uses noting that the recent construction of the hospital had created a need for the proposed facilities to be in area. Commission members and Mr. Pinney continued to discuss intent of the zone, design of senior facilities and hotels. Mr. Pinney concluded that the addition of the hospital would make the proposed uses a good fit to the area.

Mr. Chadwell discussed the current language within the PCD-BP zone, suggesting that language directed towards allowed uses could be broad while language directed towards specific uses could directly specify the uses that would not be appropriate for the zone. Mr. Chadwell agreed that assisted living facilities, medical offices and hotels with associated restaurants would be good additions adding the he would also be in support of commercial child care. Commission members and property owners also discussed traffic concerns and stand alone restaurants.

Mr. Dolan noted that he would work towards a public meeting possibly for December.

Gateway Capital LLC., 5312 Pacific Hwy E., Fife, WA 98424 –
ZONE 08-0010- Joint Use Parking in Mixed Use Developments

Mr. Dolan summarized the proposed Joint Use Parking Amendment, discussing current requirements and pointing out uses that should be reviewed for changes. Applicant Kristin Udem discussed the intent of the proposed amendment, reviewing current parking requirements at the Uptown shopping center as an example. Commission members and property owners discussed current parking requirements, concerns with multiple ownerships, parking space proximity, employee parking and change of use.

Mr. Dolan asked direction from commission members regarding their next meeting. Ms. Guernsey would like to discuss what should be included in shared parking agreements. Ms. Ninen would like to discuss simplifying the regulations. Ms. Derebey

asked if the Harbor Plaza shopping center currently had a shared plan. Mr. Hogan explained that the plan would have been developed under Pierce County jurisdiction. Commission members and property owners discussed redevelopment of over developed and unused parking lots, buildings that redevelop, expand or change their use.

ADJOURNMENT

MOTION: Move to adjourn Derebey / Guernsey - Motion passed.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
November 6, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners: Harris Atkins, Joyce Ninen, Jeane Derebey, and Dick Allen. Commissioners Jill Guernsey, Jim Pasin and Theresa Malich were absent. Staff Present: Tom Dolan and Jennifer Kester. Guests present: Kristin Udem from Gateway Capital, Glynis Casey from North Pacific Design and Steve Lynn from the Gig Harbor Historic Waterfront Association.

CALL TO ORDER: Acting Chair Harris Atkins called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of October 2, 2008 with corrections. Allen / Derebey – Motion passed.

Commission discussed the change to action-only minutes. The Commission decided the following the items that should be included in action-only minutes:

- All actions taken
- For actions which votes are taken, identify the votes of individuals
- A summary of significant issues discussed and any future actions for the Commission or staff.

Board members agreed that the vice chair would summarize topics discussed.

1. CITY OF GIG HARBOR, 3510 GRANDVIEW STREET, GIG HARBOR WA 98335 – ZONE 08-0007 – ED and PCD-BP Uses and Intent Statements

The Planning Commission decided to further explore two alternative courses of action at upcoming meetings.

- A. Examine the feasibility of revising the existing land use matrix to resolve land owners concerns raised at the October 16, 2008 meeting (as reflected on the draft land use matrix provided by staff) and modifying the existing ED and PCD-BP intent statements accordingly to be compatible. This would include a line by line review of the existing, Commission proposed and landowner proposed uses for the ED and PCD-BP zone uses.
- B. Examine the feasibility of leaving the proposed ED and PCD-PB intent statements as is (or with minor modifications), applying that only to undeveloped areas and rezoning the properties where there are conflicts already on the ground to mixed-use (MUD) or another appropriate existing zone.

Future Actions:

- Staff to contact the principal property owner(s) of the land west of WA-16(that were not involved previously) for an input prior to 11/20 meeting.
- Staff to provide copies of the CD from the 10/16 meeting to PC members for review prior to the 11/20 meeting

2. **GATEWAY CAPITAL LLC, 5312 PACIFIC HWY E., FIFE, WA 98424-2602 – ZONE 08-0010 – Zoning Code Text Amendment to allow joint use parking in mixed use developments.**

The Commission reviewed and discussed the material provided by staff outlining various different shared parking models used by 9 different municipalities and a consultant's report on shared parking. The Planning Commission decided to pursue a recommendation to the City Council for the establishment of an ordinance to allow shared parking on a single site based on the Tacoma model (day and night time uses identified and 50% reduction for the lesser use) and in a form similar to the draft proposed by Gateway Capital LLC. The Tacoma model was less aggressive than Bainbridge Island and Bonney Lake where those cities allow a 50% reduction across the board.

The Commission identified the following future actions:

- Staff to develop a proposed text amendment based on the draft reviewed at the meeting.
- Staff to set a Public Hearing, preferably in the month of December

ADJOURNMENT

MOTION: Move to adjourn Ninen / Atkins – Motion carried.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
December 4, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners: Harris Atkins, Joyce Ninen, Jeane Derebey, Jill Guernsey and Dick Allen. Commissioner Jim Pasin was absent. Staff Present: Tom Dolan and Jennifer Kester. Guests present: John Chadwell from Harbor Hill, Carl Halsan from Halsan Frey and Sterling Griffin from SEG Entitlements.

CALL TO ORDER: Acting Chair Harris Atkins called the meeting to order at 5:05 p.m.

APPROVAL OF MINUTES:

Postponed approval of minutes for October 16th as the minutes were not yet ready for review.

MOTION: Move to approve the minutes of November 6, 2008 with corrections. Ninen / Allen – Motion passed.

Commission requested that a copy of the audio recording of the meeting be transmitted to them prior to the next regular meeting.

BYLAW REVISIONS

The Planning Commission reviewed the proposed amendments to their bylaws related to the change in meeting times.

Future Actions:

- Members to review amendments and be prepared to propose any other amendments at 12/18/08 meeting.
- Members to adopted revised bylaws at 1/7/09 meeting.

**CITY OF GIG HARBOR, 3510 GRANDVIEW STREET, GIG HARBOR WA 98335 –
ZONE 08-0007 – ED and PCD-BP Uses and Intent Statements**

Ms. Kester and Mr. Dolan summarized the history of the proposed amendment. Mr. Dolan relayed concerns expressed by the Chamber of Commerce regarding the potential increase in commercial uses in the ED and PCD-BP zones and the possible removal of all ED zoning. With the allowance for more commercial uses in industrial zones, the Chamber is concerned that property owners will develop their land with these new uses instead of with industrial uses; therefore, making it difficult for an industrial or research development facility to site on the peninsula. Currently, the City and its UGA contain the only industrially-zoned land on the peninsula.

As a major property owner of ED land on the Westside of the SR16, Sterling Griffin presented his proposal for allowed uses in the ED zone and those were incorporated into the comparison matrix. Mr. Griffin and his agent, Carl Halsan, excused themselves after the presentation.

The Planning Commission acknowledged that some land zoned ED was not appropriately zoned and a rezone to a mixed use district (e.g. MUD or RB-2) would be warranted, such as the ED zoned land near Purdy.

The Planning Commission decided to review the PCD-BP allowed uses first as John Chadwell from Harbor Hill was still present. The Commission conducted a line-by-line review of the uses on the matrix as they related to the PCD-BP district, making further recommendations. Mr. Chadwell participated in the discussion and answered questions from the Commissioners. The Commission decided to postpone its review of the ED allowed uses until the next meeting.

Future Actions:

- Staff to modify the proposed intent statement for the PCD-BP zone to reflect the use changes proposed at the 12/4 meeting.
- Staff to recommend ED properties to be rezoned to mixed use districts. Staff suggests that this action occur after the Commission makes their final recommendation on allowed uses.

UPCOMING MEETINGS

The Commission decided to hold a special meeting at 5pm on January 7, 2009 in lieu of the meeting on January 1, 2009.

ADJOURNMENT

MOTION: Move to adjourn at 7:29pm - Guernsey / Ninen – Motion carried.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
January 7th, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Vice Chair Harris Atkins, Jeane Derebey, Joyce Ninen
Jim Pasin, Jill Guernsey, and Dick Allen
Staff Present: Tom Dolan, Jennifer Kester and Cindy Andrews

CALL TO ORDER: Acting Chair Harris Atkins called the meeting to order at 5:07 p.m.

APPROVAL OF MINUTES:

MOTION: Move to table the minutes of October 16th, 2008 and December 4th, 2008 until the meeting of February 5th, 2009. Ninen/Derebey - Motion passed.

WORK STUDY SESSION:

1. ELECTION OF OFFICERS:

MOTION:

- a) Move to elect Harris Atkins to office of Chair. Guernsey / Ninen Motion passed.
- b) Move to elect Joyce Ninen to office of Vice Chair. Guernsey / Derebey Motion passed.

**2. 2.City of Gig Harbor, 3510 Grandview St., Gig Harbor, WA -
Zone 08-0007 – ED and PCD-BP intent and Allowed Uses**

Chair Harris Atkins reviewed the changes to the intent statement of PCD-BP. Mr. Allen discussed retail, asking if it had been entirely removed from the allowed uses in PCD-BP. Mr. Atkins responded, clarifying that retail would be allowed subject to restrictions. Mr. Pasin discussed ancillary sales. Ms. Kester clarified the intent of ancillary sales. Mr. Allen asked how the board would review real estate sales. Ms. Kester clarified real estate as professional services. Commissioners continued to discuss retail and ancillary sales along with the intent of PCD-BP and new definitions. Ms. Kester added the suggested language to the intent statement of PCD-BP: limited retail, commercial and support services. Mr. Atkins asked for board member comments and commissioners agreed to the changes to PCD-BP intent statement.

Gateway Capital LLC., 5312 Pacific Hwy E., Fife, WA -

Zone 08-0010 – Joint Use Parking in Mixed Use Developments

Ms. Kester summarized the applicant's proposal and the board member's proposed changes. Ms. Kester discussed day and evening uses, mixed use developments, binding site plans and uses that could not be placed into a day or evening category. Ms. Ninen discussed Harbor Hill LLC, John Chadwell's request to include the PCD-BP zone in the Joint Use Parking amendment. Ms. Kester suggested including the BP also, noting that the employment district should be included. Mr. Allen and Mr. Pasin agreed. Mr. Atkins stated that the board would recommend to City Council the inclusion of the PCD-BP and the employment district to the amendment. Commissioners discussed the benefits of shared parking: less asphalt and more open space. Mr. Dolan discussed the current shared parking policy, pointing out that currently the policy lacks the ability to reduce the amount of parking spaces allowed and he also discussed the potential for disputes between property owners if applied to multiple site plans. Ms. Kester agreed discussing the importance of binding site plans and site plans to assist with regulating the amendment. Commissioners further discussed the intent of day and evening use as it related to restaurants and coffee shops, the current regulations for shared parking for churches and the DB and WC zones. Mr. Dolan suggested language changes for day and evening use to night time and weekend uses.

Mr. Dolan called a recess prior to opening of the public hearing.

PUBLIC HEARING:

Gateway Capital LLC., 5312 Pacific Hwy E., Fife, WA 98424 –

Zone 08-0010 – Joint Use Parking in Mixed Use Developments.

Mr. Dolan reminded the commissioners that at the conclusion of the hearing they could postpone their decision until their next meeting or they could make their recommendation this evening to city council.

CALL TO ORDER:

Acting Chairman Harris Atkins opened the public hearing at 6:05 pm

Steve Lynn, representative for the Gig Harbor Historic Waterfront Association spoke in support of the amendment. Mr. Lynn believes the changes would be appropriate in response to changes within the community for more efficient development and positive impacts on the environment.

Kristin Udem, representative for Gateway Capital LLC., summarized the parking amendment, discussing parking and pedestrian efficiency as well as positive environmental impacts. Ms. Udem discussed the parking amendment currently in use by the City of Tacoma's, noting the similarities to the proposed amendment and pointing out its success. Ms. Udem discussed the definition of use as related to am and pm peak hours expressing her concern that restaurant use should remain a pm use; also adding that she felt that the final determination on use should be left up to the Planning Director. Ms. Udem agreed that the PCD-BP and the ED zoning districts should be included.

John Chadwell, Senior Project Manager for Harbor Hill LLC, spoke briefly in support of the proposed amendment; also agreeing that the PCD-BP and the ED zoning districts should be included.

Mr. John Hogan, Hogan Enterprises, spoke in favor of the amendment, discussing what he felt had been the most important piece of the amendment: the steps toward adjacent property owner inclusion into shared agreements. Mr. Hogan discussed the design manual standards and how the amendment would be a complement to the standards.

Mr. Atkins closed the public hearing, thanking Ms. Udem and Mr. Hogan for their research into the amendment. Mr. Pasin also thanked Ms. Udem and Mr. Hogan.

Mr. Atkins asked the commissioners if they would like to vote on the amendment. Ms. Derebey, Ms. Ninen replied yes. Ms. Guernsey spoke in support of parking reductions, shared parking, larger parking stalls but expressed concern regarding classifications of use. Ms. Derebey suggested setting the uses by the hours of operation. Mr. Dolan suggested a footnote that the applicants must demonstrate the use as day, night or neither. Ms. Guernsey, Mr. Allen, Mr. Pasin and Mr. Atkins agreed.

Commissioners discussed night time uses, section A -2 as proposed in 17.72.080 Joint Use of Required Parking Spaces for Mixed Use Developments. Commissioners discussed the uses listed and proposed, pointing out that not all proposed uses should be included. Commissioners specifically discussed commercial uses, suggesting language be included to remove commercial activity from the intent statement. Commissioners discussed section B. of 17.72.080 Change in Use, the language and intent. Ms. Guernsey reviewed the language of section A-1 and A-2 relating to daytime and nighttime use, suggesting new language: "For the purpose of this section the following uses may be included but are not limited to nighttime or daytime use," and ending with the phrase "as determined by the Planning Director." Mr. Dolan suggested adding a statement clarifying primary business hours as hours before 5:00 pm. Ms. Guernsey and Ms. Ninen disagreed. Mr. Atkins agreed with the idea that the applicant must demonstrate day or evening use and leave the final decision up to the Planning Director.

Ms. Evelyn Hogan, Hogan Enterprises, addressed the commissioners assuring them that the intent of the amendment had not been to draw in large chain restaurants but rather to create an environment suited for smaller independent restaurants. Ms. Hogan continued to discuss the intent of day and evening uses and would like to see language added in the intent statement that included the phrase: "But not limited to."

Mr. Dolan reviewed the proposed changes to 17.72.080 A-1, A-2 daytime and nighttime uses, noting that he felt comfortable that they could apply the intent to proposed restaurants. Ms. Guernsey asked to clarify primary or principal operating hours. Mr. Dolan responded principal operating hours. Mr. Lynn asked for clarification of the performance criteria related to principal operating hours. Ms. Ninen offered clarification. Mr. Atkins suggested that staff put together a draft for review at the next meeting.

MOTION:

Move to change page 2 section B, leaving section A-1 and A-2 as is and adding the three districts that were not initially included: PCD-BP, ED and MUD. Derebey/Pasin

Mr. Atkins asked for discussion from commissioners. Ms. Guernsey agreed with the motion with the exception of leaving section A-1 and A-2 as proposed.

MOTION:

Move to amend the motion to include changes to section A-1 and A-2, proposing changes to section A-1: Adding restaurants and allowing the Planning Director to determine the principal daytime operating hours. Proposed changes to Section 2: After restaurants, the Planning Director would determine the principal nighttime operating hours. Guernsey / Derebey – Motion passed.

Mr. Dolan stated that at draft would be available for the next planning commission meeting.

BY-LAWS:

Mr. Atkins suggested continuing with the By-laws and deferring the discussion on the ED intent and allowed uses until the next meeting. Mr. Dolan agreed.

Mr. Atkins reviewed the proposed changes to the By-Laws. Ms. Ninen proposed the following changes sections, page 2 section 3 Record of the Meeting - removing the word "taped" and inserting the language "recording media," on page 3 section 4 Notice of Meetings - in the sentence that reads "notice of all regular meetings" replace the word "postmarked" with the word "sent" and again in the sentence that reads "notice of all special meetings" replacing "postmarked" with "sent;" section 5 Attendance at Meetings - removing the language that states "notifies the chair at least 24 hours" and replacing it with "notifies the chair or planning staff of

the absence as soon as practical or possible.” Commissioners adjusted section 10. Adjournment - to state “adjournment of all meetings shall be 8:00 pm.” Ms. Guernsey recommended changes to page 4 section 1 the first sentence, removing the comma after committees, continuing in the last sentence, removing the phrase without its submission to the body, replacing with,” without approval of the planning commission.” Ms. Derebey disagreed, suggesting adding the language “Plan, Program or issue” to the last sentence.

Mr. Dolan stated that he would bring a draft version to the next meeting.

Mr. Atkins reviewed the items for discussion at the next meeting: Joint Use Parking, By-Laws and the Ed.

Mr. Dolan summarized the joint City Council and Planning / Building Committee meeting member’s discussion on underground structures, the gross floor area ordinance and parking in the WM and C-1 zones. Mr. Dolan also reviewed the Planning Commission work program for quarters 1-3 of 2009.

MOTION:

Move to adjourn at 7:43 pm. Ninen/Derebey – Motion carried

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
January 15, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Harris Atkins, Joyce Ninen, Jeane Derebey, Jill Guernsey, Jim Pasin and Dick Allen. Staff Present: Jennifer Kester and Peter Katich. Guests present: Kristin Udem, Gateway Capital, LLC

CALL TO ORDER: Chair Harris Atkins called the meeting to order at 5:10 p.m.

APPROVAL OF MINUTES:

Postponed approval of minutes for October 16th and January 7th as the minutes were not yet ready for review.

Commission requested that a copy of the audio recording of the January 7th meeting be transmitted to them prior to the next regular meeting.

BYLAW REVISIONS

MOTION: Move to approve the revisions to the Planning Commission Bylaws with grammatical and formatting corrections. Pasin / Ninen – **Motion passed.**

GATEWAY CAPITAL LLC, 5312 PACIFIC HWY E., FIFE, WA 98424-2602 –
ZONE 08-0010 – Zoning Code Text Amendment to allow joint use parking in mixed use developments.

Planning Commission reviewed the draft Planning Commission Recommendation to Council memo prepared by staff. The draft included Planning Commission's recommendation to the Council to approve the amendment.

MOTION: Move to approve the Planning Commission Recommendation to Council memo with a change in the section number for the proposed joint use provision in Chapter 17.72. Ninen / Derebey – **Motion passed.**

CITY OF GIG HARBOR, 3510 GRANDVIEW STREET, GIG HARBOR WA 98335 –
ZONE 08-0007 – ED and PCD-BP Uses and Intent Statements

The Commission conducted a line-by-line review of the uses on the matrix as they related to the ED district, making further recommendations.

Future Actions:

- Staff to modify the proposed intent statement for the ED zone to reflect the use changes proposed at the 1/15 meeting.

- Staff to prepare a comparison matrix for the public hearing which shows only the existing uses allowed in the ED and PCD-BP and allowed uses proposed by the Planning Commission
- Staff to schedule a public hearing on the proposed amendments at the earliest date available.

DISCUSSION ITEM - Potential Planning Commission-sponsored 2009 Comprehensive Plan amendments

The Commission discussed the need to formulate Commission-sponsored Comprehensive Plan amendments by February 27, 2009. The Commission identified RB-1 zoned properties and ED zoned properties in the Purdy area as areas for which Comprehensive Plan amendments might be appropriate.

Future Actions:

- Staff and commissioners to suggest possible amendments to the Comprehensive Plan Land Use map for further discussion at the February 5, 2009 meeting.

UPCOMING MEETINGS

The Commission will finalize their recommendation on ED and PCD-BP uses and intent and Commission-sponsored Comp Plan amendments in the month of February 2009. The Commission will review marina parking provisions and MUD Overlay/MX Zone implementation in the month of March 2009.

ADJOURNMENT

MOTION: Move to adjourn at 7:05pm - Pasin / Ninen – **Motion passed.**

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
Public Hearing
February 19th, 2009
Gig Harbor Civic Center**

PRESENT: Commission members: Chair Harris Atkins, Joyce Ninen, Jill Guernsey, Dick Allen and Jim Pasin. Absent: Jeane Derebey and Michael Fisher

STAFF PRESENT: Tom Dolan, Jennifer Kester and Cindy Andrews

CALL TO ORDER: at 5:00 pm

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of October 16th, 2008 as corrected.
Pasin / Ninen – Motion passed unanimously.

MOTION: Move to approve the minutes of February 5th, 2009.
Ninen / Pasin – Motion passed unanimously.

Potential Planning Commission sponsored 2009 Comprehensive Plan Amendments.

Ms. Kester updated Commission members on the expected 2009 Comprehensive Plan amendments and the Commission-sponsored RB-1 amendment stating that she felt there should be time to work on the RB-1 amendment as planned. Ms. Guernsey asked for an update on the Shoreline Master Program. Ms. Kester provided an update. Mr. Atkins discussed the Planning Commission's role for the proposed RB-1 amendment, suggesting that Commission members recommend City Council initiate the amendment and allow Council members to make the final decision on initiation. Mr. Pasin agreed. Mr. Atkins asked for an update on the Joint Use Parking Amendment (PL-ZONE-08-0010) that had recently been before the City Council. Ms. Kester provided an update on the amendment.

Mr. Atkins discussed the addition of Michael Fisher to the Planning Commission and the updated By-Laws. Ms. Kester responded, stating that the By-Laws could be forwarded to Commission members.

WORK STUDY SESSION.

1. **CITY OF GIG HARBOR, 3510 Grandview St., Gig Harbor, WA 98335**
ED and PCD-BP intent and allowed uses.

**Employment District (ED)
17.45.010 intent**

Ms. Kester provided a summary of revisions to the ED intent statement proposed by staff as noted in the January 26th, 2009 memo. Ms. Kester pointed out the addition of medical facilities, complimentary educational and recreational uses which are not detrimental, the exclusion of entertainment and the addition of limited retail. Ms. Kester also discussed the requested changes within the performance standards for ED relating to sales level 1 and 2 and marine boat sales stating; sales were allowed as an ancillary use provided they occupied no more than 25 percent of the building. Mr. Atkins discussed the statement "complimentary education and recreational uses which are not detrimental to the employment district". Mr. Atkins asked for a clarification of the word detrimental as it related to the statement. Ms. Kester explained the criteria used to determine detrimental, safety hazards or uses that would somehow limit or cause problems for the industrial areas. Ms. Guernsey suggested the following clarifying language: "which are not detrimental to the uses allowed in the employment district". Mr. Atkins suggested language changes could be made to the statement to make it clearer. Ms. Guernsey agreed with the original language. Ms. Ninen suggested other factors could be considered for evaluating detriment, such as design and aesthetic quality rather than a use itself or specifying uses that should not be allowed.

Performance Standards. (ED)
17.45.040

Ms. Kester discussed the language that had been added to the performance standards for ED related to principal use. Ms. Kester read the revised language: "uses are limited to ancillary uses of principal uses and no more than 25 percent of the gross floor area of the principal tenant use." Ms. Kester discussed the definition of principal uses. Ms. Ninen asked if there could be an ancillary use to a secondary use. Ms. Kester replied no. Mr. Pasin discussed retail sales. Mr. Atkins reminded the Commission members that originally the ED zone prohibited all retail sales and discussed the intent of the performance standard. Mr. Pasin expressed concern with limiting what a business could do. Ms. Kester explained that the attempt had been to prevent that zone from becoming a retail area. Mr. Pasin disagreed. Commission members continued to discuss the performance standards and principal use.

Planned Community Development Business Park District (PCD-BP)
17.54.010 Intent

Ms. Kester noted that no changes had been made to the PCD-BP intent statement since the January 19th meeting, category of uses had been updated and the performance standards would remain the same as those in the ED-Sales. Mr. Atkins asked Commission members for comments. Mr. Pasin discussed the definition of ancillary services concerned with the last sentence of the definition stating no exterior signage. Ms. Kester discussed ancillary services and signage, pointing out that the intent had been to provide a place for employees use and not for public use. She added that signage would create a destination for the public. Mr. Pasin disagreed, stating that removing signage from small businesses could be detrimental to them. Ms. Ninen felt that these types of business should be an extension of the primary business and not open to the general public. Mr. Atkins also felt that these services should be an extension of the primary business. Mr. Pasin pointed out that without signage it would be difficult for other business in the complex to know what services would be available within the complex. Ms. Kester discussed the 4700 Pt. Fosdick building as an example of a successful building with ancillary sales that have no exterior signage. Commission members continued to discuss exterior signage and its appropriateness in the definition. Ms. Kester agreed that typically signage would not be described in the definitions; however, it was appropriate for ancillary

services as was integral to the intent of the use. She suggested that such provision could be added to the sign code as well for clarity. Mr. Dolan noted that Commission members had made a valid point and if they believed that signs should be permitted for ancillary uses the Commission could discuss removing those provisions from the definitions. Mr. Atkins agreed, stating that Commission members would address the concern at a later time. Mr. Atkins discussed the use of the term "ancillary:" "ancillary use" in the performance standards and "ancillary sales" and "ancillary services" in the definitions. Mr. Atkins was concerned the multiple use of the word ancillary could be confusing. Ms. Kester suggested using the term subordinate in place of ancillary in the performance standards. Mr. Atkins asked Commission members and staff for any further discussion items. Mr. Dolan discussed the tentatively scheduled March 16th, 2009 joint City Council / Planning Commission meeting, asking Commission members to let him know if they have any items that they would like added to the agenda. Mr. Atkins asked that the discussion be put on the agenda for the first meeting in March.

PUBLIC HEARING

1. **CITY OF GIG HARBOR, 3510 Grandview St., Gig Harbor, WA 98335**
ED and PCD-BP intent and allowed uses.

CALL TO ORDER

Mr. Atkins opened the public hearing at 6:05 pm.

Ms. Kester presented her staff report summarizing the proposed changes to the intent statements and allowed uses.

Dale Pinney, First Western Development Services: Mr. Pinney agreed with most of the proposed changes for the BP zone. Mr. Pinney restated his belief that assisted living / nursing home facilities should be allowed as a conditional uses in the ED and PCD-BP zones

John Chadwell, Olympic Property Group: Mr. Chadwell thanked the Commission members for their work. Mr. Chadwell also agreed with the proposed changes, adding that he was happy churches were added as conditional uses, he supports the intent statement and the list of uses noted on the staff report.

Geno Grunberg: Mr. Grunberg discussed churches and performing arts centers stating that he also would like to see them included in the PCD-BP zones.

Mike Averill, Owner Lighthouse Marine: Mr. Averill discussed the potential relocation of Lighthouse Marine to a parcel located off of Sehmel Dr. that is currently in the process of annexation. Mr. Averill discussed his concerns with the current zoning and land use designation of the parcel. Mr. Dolan discussed the possibility of rezoning the property after annexation.

Wade Perrow, 9119 Harborview Dr Gig Harbor: Mr. Perrow thanked the Commission members and staff for including the property owners in the process, also commending them on their hard work. Mr. Perrow supports the proposed changes; however, he discussed his concern regarding the potential relocation of a "postal annex" or "carrier annex" to the ED zone. He asked if they would be an allowed use in the ED zone.

Jessica Williams, Boe Architects, 705 Pacific Ave: Ms. Williams discussed the potential development of a Performing Arts Center located in the PCD-BP off of Harbor Hill Dr. Ms. Williams thanked the Commission members for adding the use as conditional in the PCD-BP.

Mr. Atkins closed the public hearing at 6:22 pm.

Commissioners discussed the public comments for the proposed ED chapter changes. Commission members discussed the Performing Arts Center / Church as a conditional use in the BP with the church as the primary use and noted both would be allowed as a conditional use in the proposed amendment. Regarding Lighthouse Marine's potential relocation to the Sehmel property, Ms. Kester agreed the current comprehensive plan would support a rezone of the property to ED. Mr. Atkins would like to postpone discussion of Mr. Pinney's concern for the location of Assisted Living / Nursing Home facilities to a later date. Regarding postal annexes, Ms. Kester explained that they would be classified as a government agency or distribution center and that both of those uses would be allowed in the ED zone. Mr. Pasin asked about skilled care. Ms. Ninen pointed out that in an earlier discussion Commission members had agreed not to include skilled care in the BP zone as currently it would be available in the ED zone and other PCD zones. Ms. Guernsey agreed. Mr. Atkins asked if Commission members had been satisfied with the employment district intent statements. Commission members agreed.

Commission members discussed the performance standards for ED. Ms. Guernsey discussed the ED intent statement suggesting changes to the language regarding complimentary education to read, "Uses allowed in the employment district". Ms. Ninen preferred the current language, noting that as it currently reads it would not be tied to the use. Mr. Allen and Mr. Pasin also preferred the language as it is currently stated. Mr. Atkins discussed the language for ancillary. Ms. Kester suggested rephrasing the statement to read: "Sales level 1 and 2 and Marine Boat Sales, level 2 are allowed if subordinate to the principal use and occupy no more than 25 percent of the gross floor area of the principal tenant use." Ms. Ninen agreed. In regards to ancillary use, Mr. Pasin asked if could you have the manufacturing portion in one building and the secondary use in an adjoining building. Ms. Kester responded yes, as long as the use is operating as one tenant. Mr. Atkins discussed co-location of uses. Ms. Kester agreed co-location would be possible. Mr. Atkins asked Commission members for any further discussion. Commission members agreed to the proposed changes.

Commission members had no comments or changes to PCD-BP intent statements or Category of Uses. Ms. Kester reviewed the new language for the performance standards for the PCD-BP Sales Level One: "Sales level one uses are allowed if subordinate to the principal use and no more than 25 percent of the gross floor area of the principal tenant use."

MOTION: For recommendation of approval by the City Council of the changes that have been proposed for the ED and PCD-BP Uses and Intent Statements. Guernsey / Ninen – Motion passed unanimously.

OTHER BUSINESS:

Ms. Kester received Chairman Atkins signature on the Notice of Recommendation for the Marina Parking regulations.

Mr. Pasin commented on the good working relationship that members and staff enjoyed and thanked everyone for their hard work. Ms. Kester also thanked everyone for their hard work and updated Commission members on March meetings. Mr. Atkins asked for a follow up on Cottage Housing. Mr. Dolan responded that an adhoc committee had been formed and the Commission members should expect a draft ordinance and field trip later this year.

MOTION: Move to adjourn at 6:55 pm. Pasin / Ninen – Motion passed unanimously.

PURDY OFFICE BUILDING LLC
11024 54th Street Northwest
Gig Harbor, WA 98335

City of Gig Harbor
Mayor Hunter and Members of the Council
3510 Grandview Street
Gig Harbor, WA 98335

May 8, 2009

RE: Zone 08-0007 – ED Intent and Allowed Uses

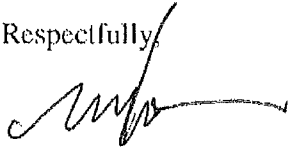
Dear Mayor Hunter and members of the Council,

I am writing this letter as a concerned property owner of a small commercial building located in the City of Gig Harbor's ED zone. The building is located on Pierce County Parcel Number 0122242000.

I have read the Notice Of Recommendation for Zone 08-0007. I support the recommendations of the City of Gig Harbor Planning Commission and want to commend them and your staff for their hard work.

I hope to see the Ordinance approved as written.

Respectfully,



Scott Wagner, Manager, Purdy office Building LLC

Phone (253) 225-1718 Email swagner@bdlanddevelopment.com



Subject: Public Hearing on 2009 Comprehensive Plan Amendment Docket

Proposed Council Action: Review and consider the proposed 2009 Comprehensive Plan amendments and decide which applications will be forwarded to the Planning Commission to be processed and which applications that will not be processed at this time.

Dept. Origin: Planning

Prepared by: Jennifer Kester
Senior Planner

For Agenda of: May 11, 2009

Exhibits: Application materials for comprehensive plan amendments

Initial & Date

Concurred by Mayor:

CLK 5/6/09

Approved by City Administrator:

ROK

Approved as to form by City Atty:

email 4/29

Approved by Finance Director:

N/A

Approved by Department Head:

TD 5/6/09

Expenditure		Amount		Appropriation	
Required	0	Budgeted	0	Required	0

INFORMATION / BACKGROUND

The Planning Department has docketed the proposed Comprehensive Plan amendments submitted for the 2009 review cycle. The submittal deadline for the 2009 review cycle was February 27, 2009. As required by Chapter 19.09, the Planning Department has reviewed each application and has determined that each application is complete. The City Council should now hold a public hearing and make a final decision on which amendments will proceed through the annual amendment process. The Council should separate the applications as to which applications will be forwarded to the Planning Commission to be processed from those applications that will not be processed at this time. The Council's findings and conclusions on how the applications will be processed during this annual amendment cycle will be incorporated into a resolution to be presented in a subsequent council meeting.

The 2009 Comprehensive Plan amendment cycle has twelve (12) applications on the docket. Nine (9) are sponsored by the City and three (3) are from private-party applicants. Four (4) are applications to amend land use designations. Below is a brief description of each application on the docket. The basic application materials for each amendment are attached.

- 1. COMP-09-0001: Water System Service Area Amendment,** The proposed Comprehensive Plan amendment, requested by North Pacific Design, Inc., would add one parcel along Wollochet Drive to City's Water Service Area.
- 2. COMP-09-0002: Parks, Recreation and Open Space Element,** the proposed Comprehensive Plan text amendment, requested by the Planning Department, would

remove the PROS Plan from the existing Comprehensive Plan. The current plan expires in May of 2009 and the updated plan is not expected until next year. Retaining an out of date PROS plan in the Comprehensive plan will create inconsistencies in the Capital Facilities Plan. The Growth Management Act does not require this element as it is an unfunded mandate.

3. **COMP-09-0003: Transportation Element**, the proposed Comprehensive Plan text amendment, requested by the Public Works Department, would create a general transportation improvement plan that will be the basis for the 6-year transportation improvement plan that is required to be updated every year separate from the Comprehensive Plan. Other minor amendments are included in this application.
4. **COMP-09-0004: Sunrise Enterprises Land Use Map Amendment**, the proposed land use map amendment, requested by Carl Halsan on behalf of Walter H. Smith, would change the land use designation of approximately 15.53 acres located along Burnham Drive NW and 112th Street NW, currently occupied by a contractor's yard, from Employment Center (EC) to Commercial Business (C/B)
5. **COMP-09-0005: Haven of Rest Land Use Map Amendment**, the proposed land use map amendment, requested by Haven of Rest, would change the land use designation of approximately 3.4 acres of property north of Rosedale Street from Residential Low (RL) to residential Medium. The applicant has also proposed entering into a development agreement with the City to limit the eventual rezoning of this property to the R-2 zone if the Comprehensive Plan amendment is approved.
6. **COMP-09-0006: RB-1 Area-Wide Land Use Map Amendments**, the Planning Commission has requested that the Council allow them to review the appropriateness of the land use designation at the following three locations with RB-1 zoning:
 - **Area 1:** The corner of Rosedale Street and Stinson Avenue. Currently zoned RB-1 with Residential Low and Residential Medium land use designations. Current uses include Dirtworks contractor's yard and a Century Tel building.
 - **Area 2:** The corner of 56th Street and 38th Avenue. Currently zoned RB-1 with Residential Low land use designation. Current uses include a gas station, preschool and medical offices.
 - **Area 3:** The corner of Peacock Hill Avenue and Ringold Street. Currently zoned RB-1 with Residential Low land use designation. The property is currently vacant; however, a preliminary plat has been approved for one of the parcels.
7. **COMP-09-0007: Stormwater Comprehensive Plan**, a proposed Comprehensive Plan text amendment, requested by the Public Works Department, to review the city's new Stormwater Comprehensive Plan for consistency with the Comprehensive Plan.
8. **COMP-09-0008: Wastewater Comprehensive Plan**, a proposed Comprehensive Plan text amendment, requested by the Public Works Department, to review the city's new Wastewater Comprehensive Plan for consistency with the Comprehensive Plan.

9. **COMP-09-0009: Water System Plan**, a proposed Comprehensive Plan text amendment, requested by the Public Works Department, to review the city's new Water System Plan for consistency with the Comprehensive Plan.
10. **COMP-09-0010: Capital Facilities Plan**, a proposed Comprehensive Plan text amendment, requested by the Public Works Department, for the annual update to capital facilities plan and project lists.
11. **COMP-09-0011: Utilities Element**, a proposed Comprehensive Plan text amendment, requested by the Public Works Department, to update the Utilities element to be consistent with the new Water System Plan.
12. **COMP-09-0012: 3700 Grandview Street Land Use Map Amendment**, a proposed land use map amendment, sponsored by the City Council and requested by MP8 LLC / PIONEER & STINSON LLC, to change the land use designation for 2 acres of property located at 3700 Grandview Street from a Residential Low (RL) designation to a Residential Medium (RM) designation, with an accompanying development agreement.

POLICY ANALYSIS

A. Selection Criteria. Before rendering a decision whether the individual comprehensive plan amendment proposal may be processed during any year, the city council shall consider all relevant facts, including the application materials, as well as the following items:

1. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan; and
2. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments. (GHMC 19.09.130)

B. Staff Recommendations. Staff believes that eleven of the twelve amendments should be forwarded onto the Planning Commission for processing in the 2009 cycle. Below is brief analysis of the amendments against the criteria in GHMC 19.09.030. Staff has grouped similar amendments together for purposes of analysis. Private-party sponsored amendments have been analyzed separately.

1. **COMP-09-0001: Water System Service Area Amendment.** This application would amend the new water system plan to expand the City's water service area to include a 3.69 acre, RB-2 zoned parcel along Wollochet Drive. The applicant would like to build a commercial development on the site. The staff is recommending that this amendment be processed in the 2009 cycle. The site is currently vacant and the existing water purveyor, Stroh's Water System, does not have any available ERUs to allocate the project. Without water, the site will remain undeveloped. While the staff is not recommending approval of this amendment at this time, the staff believes the lack of water from the current purveyor and the desire of the developer to build warrants a review of the City's current water service area boundaries.

2. **Infrastructure Elements and Functional Plans** (COMP-09-0002, COMP-09-0003, COMP-09-0007, COMP-09-0008, COMP-09-0009, COMP-09-0010, and COMP-09-0011). This group includes updates to the Parks, Recreation and Open Space Element; Transportation Element; Utilities Element; Capital Facilities Element; and updates to the City's water, stormwater and wastewater plans. Amendments to infrastructure elements and functional plans are necessary for the city to continue to provide infrastructure for current citizens and future growth. These must be updated on a regular basis to account for changing conditions in the City and provide concurrency for projects.

3. **COMP-09-0004: Sunrise Enterprises Land Use Map Amendment.** The applicant is requesting an amendment to the land use designation of 15.53 acres currently occupied by a contractor's yard, from Employment Center (EC) to Commercial Business (C/B). The property subject to this amendment was annexed to the City on April 6, 2009. The City zoning for the property is Employment District (ED). The previous County land use designation and zoning were Community Center (CC), a commercial designation/zone. The City adopted its pre-annexation land use designations for this area in the City's original Comprehensive Plan in 1994. This was prior to the development of Borgen Boulevard, Gig Harbor North retail, Harbor Hill Business Park, and St. Anthony Hospital and the land use designation change which allowed Costco. The staff believes that these changes in circumstances in the surrounding area and previous County designation/zoning warrant a review of the proposed amendment.

4. **COMP-09-0005: Haven of Rest Land Use Map Amendment.** Haven of Rest is requesting an amendment to the land use designation of approximately 3.4 acres of their property from Residential Low (RL) to Residential Medium (RM), with the eventual rezoning of the property to R-2. This property has been in the City since 1965; however, the majority of Haven of Rest's land abutting to this property was annexed to the City on February 23, 2009. In 2008, the City changed the land use designation of Haven of Rest's abutting property within the annexation area to RM. In addition, in 2008, the City added cemeteries as an allowed conditional use in the R-2 zone. The application materials do not indicate if Haven of Rest intends to expand the cemetery or sell the property if this amendment is approved. That staff believes the recent annexation, land use designation change of abutting properties and changes in allowed uses result in circumstances which warrant a review of the proposed amendment.

5. **COMP-09-0006: RB-1 Area-Wide Land Use Map Amendments.** The Planning Commission would like to review the appropriateness of the land use designation at the three locations with RB-1 zoning: Rosedale Street and Stinson Avenue, 56th Street and 38th Avenue and Peacock Avenue and Ringold Street. They have not proposed any land use designation for the three locations. They would like the opportunity to make a recommendation on the appropriate designation after public hearings. This amendment is the culmination of a multi-year process to review every RB-1 zoning district in the City and UGA to determine the appropriateness of the zoning. These three locations were identified as property with inconsistent land use designations given the current zoning and/or uses of the property and surrounding neighborhood. The staff is recommending that this amendment not be processed this year given the number of other land use amendments included in the cycle and the staff's current workload. The staff is

supportive of resolving these inconsistencies and believes that such should be done as part of the state-mandated GMA 2011 Comprehensive Plan review and revision.

6. **COMP-09-0012: 3700 Grandview Street Land Use Map Amendment.** A similar application was denied in the 2008 Comprehensive Plan review cycle due to inconsistency with the Comprehensive Plan and the surrounding neighborhood, a lack of opportunity for the Planning Commission to review the final version of the development agreement and the need to make a decision by the end of 2008. However, the City Council felt it was important that the public process continue and the Planning Commission see the most recent version of the proposed future development; therefore, the Council initiated this amendment for the 2009 cycle on February 23, 2009. The Council made the following motion:

Move for Council to initiate a Comprehensive Plan Amendment for 3700 Grandview Street through the 2009 process, this in no way is a Council recommendation, and this Comprehensive Plan Amendment will be treated and processed in the exact same manner as all other amendments of this year with no special consideration.
Passed 4-3.

While the City is the official applicant, the property owner has agreed to provide any necessary documentation for the application. The property owner would like a land use designation change from Residential Low (RL) to Residential Medium (RM) of two acres for the eventual rezone to RB-2. The owner is willing to limit the scope of any future development of the site through a development agreement as follows:

Tree Preservation: 38.4% retention on subject property; 41.4% retention on abutting R-1 zoning.

Buffering: 25 foot buffer planted with evergreen trees at a density that will achieve screening between the abutting R-1 zone and the residences along Butler Street.

Parking: 73 of the proposed 125 stalls to be in underground garages.

Building Size and Height: Two buildings proposed. The building along Stinson Avenue would not exceed 11,500 square feet on the first floor and 7,500 square feet on the second floor. The building along Pioneer would not exceed 14,000 square feet on the first floor and 9,000 square feet on the second floor. The second floors would be stepped-back from the first floor. The exposed building height would be limited to no more than 30 feet from any vantage point, if property is removed from the height restriction area. If the property remains in the height restriction area, the code allowed 16 feet would be met.

Setbacks: A 30 foot setback along Stinson and Grandview and a 25 - 40 foot setback along Pioneer Way.

ENVIRONMENTAL ANALYSIS

SEPA review will occur after the Council decides which comprehensive plan amendment applications will be forwarded to the Planning Commission.

FISCAL CONSIDERATION

None.

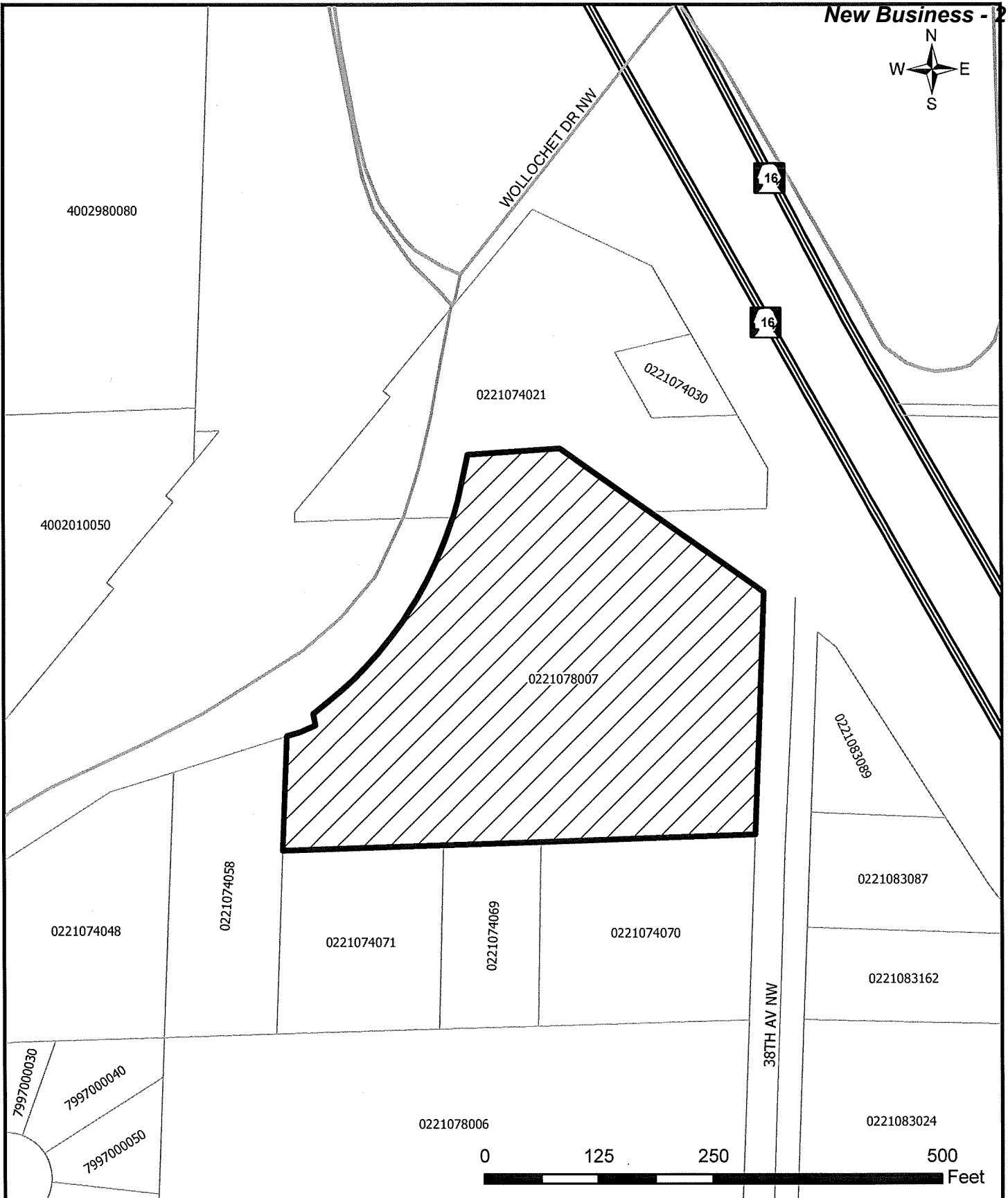
BOARD OR COMMITTEE RECOMMENDATION

None solicited. The Planning Commission will make a recommendation on those comprehensive plan amendment applications which the Council accepts and forwards to the Planning Commission for further processing.

RECOMMENDATION / MOTION

Motion: Move that all of the 2009 Comprehensive Plan Amendment applications be forwarded to the Planning Commission for further processing, according to code, with the exception of COMP 09-0006. Move that Application COMP 09-0006 be rejected for further processing during the 2009 cycle due to workload. Staff is directed to prepare a resolution reflecting these motions for the Council at the next Council meeting.

**Application COMP 09-0001:
Water System Service Area
Amendment**



Water Service Area Amendment COMP 09-0001

**Proposal for Water Comprehensive Plan
Map Amendment
For
City of Gig Harbor
Water Comprehensive Plan**

February 24, 2009

RECEIVED
CITY OF GIG HARBOR
FEB 24 2009
COMMUNITY
DEVELOPMENT

**Proposal for Water Comprehensive Plan
Map Amendment
For
City of Gig Harbor
Water Comprehensive Plan**

February 24, 2009

Subject Property:

Address: 6616 Wollochet DR. NW.
Gig Harbor, Washington 98335
Parcel No: 0221078007
Zoning: Residential/Business District RB-2
Land Use
Designation: Commercial/Business

Owner:

Wollochet Interchange Land LLC
Owner: Wollochet Interchange Land LLC
Address: 2727 Hollycroft, Suite 410
Gig Harbor, Washington 98335
Phone: (253) 858-3636

Applicant/Agent:

North Pacific Design, Inc.
Contact: Michael Desmarteau
Address: 2727 Hollycroft, Suite 410
Gig Harbor, Washington 98335
Phone: (253) 858-8204

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- Figure 1 – Existing Water Service Plan Map (partial)
- Figure 2 – Aerial Photo of Existing Site
- Figure 3 – Vicinity Map – NOT INCLUDED IN COUNCIL PACKET
- Figure 4 – Existing Site Topography – NOT INCLUDED IN COUNCIL PACKET
- Figure 5 – Future Development (Conceptual) – NOT INCLUDED IN COUNCIL PACKET

I. PROPOSED COMPREHENSIVE WATER PLAN AMENDMENT

This proposal request is for an amendment to the existing City of Gig Harbor Water Comprehensive Plan to allow a 3.69 acre property to be included in the City of Gig Harbor water service area. The property is currently undeveloped and located along Wollochet Drive near SR-16 in Gig Harbor, Washington. The parcel (parcel #0221078007) is located within the city limits becoming a part of the city under an annexation agreement effective in 1994.

The City of Gig Harbor water service area exists adjacent to the property along the west side at Wollochet Drive (see Figure 1). A city water main exists at the intersection of Wollochet Dr. and Wagner Way approximately 350 ft. south of the site. The city's water main would only be required to be extended approximately 350 ft. to service the site.

The current conceptual proposal for the property includes a multistory hotel and two single story restaurants. However, no reasonable development and use of the property can occur until an alternative water source can be provided. The site is currently in the Stroh Water Co. water service area which is currently at capacity and cannot provide adequate water service or fire flow to the property. It is for this reason this proposal seeks to include the property within the city of Gig Harbor water service area.

II. BACKGROUND SUMMARY

A. Historical Overview

The subject property of this proposal to be incorporate within the City of Gig Harbor water service area is located on the east side of Wollochet Dr. NW abutting to and immediately south of the SR-16 overpass. It is bound on the easterly portion of the site by 38th St. NW. (See Figure 2).

Historically the site was used as a borrow source for the Wollochet/SR-16 overpass. The site was also in consideration for a new community bowling alley to be constructed in the late 1990s. That was to replace the Gig Harbor Uddenberg bowling alley when its roof failed in the mid 1990s. The new bowling alley was to be a joint venture between Talmo, Inc and the Uddenberg family. At that time the City was working in cooperation with the developers considering the project as providing a special community service. Financial constraints prevented the project from moving forward.

The subject property falls within a water service area controlled by Stroh's Water Company. Stroh's water system (8-inch main) extends up 38th street to the east end of the site. As part of the proposed bowling alley project noted above, the previous property owner, Talmo, Inc. extended Stroh's water main across the property (12-inch pipe) to a point where an inter-connect could be made between Stroh's water system and the City of Gig Harbor's water system. The interconnection with the City's system was intended to provide the additional fire flow necessary to sprinkler and provide additional fire hydrants to the bowling alley project.

The inter-tie of the systems was to be with a roller valve, such that if either system had a major fire which resulted in a drop of water pressure below a certain point, the valve would open to allow additional fire flow from the other system. However as the project progressed, the City determined that rather than use of an inter-tie between the two systems, the City would provide fire flow only to two hydrants on the west side of the bowling alley site. Normal water service for the bowling alley would remain with Stroh's Water Company.

Today Stroh's Water Company cannot provide either domestic water service nor fire flow to the property. Stroh's water company has sold their remaining water connections to their system and would have to expand water rights and system capacity to meet water and fire service requirements to the site.

B. Description of Property

The subject property located at 6616 Wollochet Drive NW lies along the east side Wollochet Drive near SR16 in Gig Harbor, Washington. The property has a total of 3.69 acres as outlined on the attached Figure. The site is located within the City of Gig Harbor, becoming part of the City under an annexation agreement effective in June 1994.

The site is zoned Residential and Business District (RB-2) and is also under a concomitant agreement. The comprehensive plan designation is Commercial/Business. The property is visible from SR-16 although most of the site is set below the level of both Wollochet Drive and 38th St NW.

The future proposed use for the site is a multistory Hotel and two single story Restaurants (see Figure 3). These are highly desirable businesses within the local community, and this site provides an excellent central location and access from a main arterial and highway 16. The Hotel and Restaurants will require a conditional use permit application.

The primary access driveway would be from Wollochet Dr. NW; with a secondary access at the back of the site to 38th Ave. NW. The project would include approximately 265 parking stalls to support the uses. 40% of the parking will be sub-grade parking under the buildings, with the remainder to be surface parking with associated landscaping. The property is within the City of Gig Harbor sewer service area and a sewer stub was installed onto the property in preparation of the proposed bowling alley project noted above.

City water service, if granted under this proposed water comprehensive plan amendment would require extension of the City's water main from the intersection of Wollochet Dr. NW and Wagner Way to the site. This would require an approximately 350 feet main extension by the property owner.

III. PROPOSED AMENDMENT AND NARRATIVE

4a. The purpose of the proposed amendment.

The purpose of this proposed amendment is to allow inclusion of the subject property into the City of Gig Harbor Water Service Area. The property is currently adjacent to this area, but is served by the Stroh Water Company. The current purveyor has acknowledged that it does not have adequate water capacity to provide Fire Flow or ERU's to support development of the site.

4b. How the amendment is consistent with the Washington State Growth Management Act.

The proposal is consistent with the Washington State GMA planning goals and comprehensive plans for urban growth.

“RCW 36.70A.020

Planning goals.

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”

“RCW 36.70A.110

Comprehensive plans — Urban growth areas.

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.”

4c. How the amendment is consistent with the adopted countywide planning policies.

The proposal is consistent with the County-Wide planning policies relating to infrastructure and domestic water systems.

“19A.50.060 Infrastructure.

ECD Objective 5. Through tiering, the Transportation Improvement Program and the Capital Facilities Plan, assure that adequate infrastructure is provided to accommodate economic growth.

A. Develop a mechanism to coordinate the providers of water, sewer, power, natural gas, telecommunications, cable television, transportation systems, and other infrastructure.

D. Encourage the development of appropriate facilities for tourist use.

F. The Capital Facilities Plan should give priority to providing public facilities and services designated as commercial and industrial lands and identified in the Land Use Element and Objective 3 of this Element.”

“19A.90.070 Domestic Water Systems.

A. UT-Wa Objective 21. Promote reliable water service throughout Pierce County.

B. UT-Wa Objective 22. Ensure adequate water supplies for future growth.”

4d. How amendment furthers the purpose the City's comprehensive plan.

The proposal is supportive of the City comprehensive plan regarding the proposed future development of a well situated property near the highway which has been unsuccessful in attracting a suitable use until this proposal.

“GOAL 2.1: MANAGE URBAN GROWTH POTENTIALS

Maintain a realistic balance between the land's capability, suitable potential and the public's ability to provide urban level services.

2.1.2. Suitable Areas

a) As much as possible, allocate urban development onto lands which are suitable for urban use and which have the least social value in an undeveloped state.”

The proposal is in line with the City comprehensive plan goal to provide city water to properties within the urban area.

“GOAL 2.4: PROTECT AND MAINTAIN GROUNDWATER QUALITY AND QUANTITY USED FOR PUBLIC WATER SUPPLIES

Provide an adequate supply of potable water to the city residents and allocate sufficient resources to assure continued supply of groundwater in the future. Require new developments within the urban area to connect to city water as it becomes available for the area. Minimize the impact of on-site septic systems by requiring new development within the urban area to be served by city sewer.”

The proposal fits the City comprehensive plan directive to consolidate small water systems into the municipal water system.

“2.4.2. Adequate Wastewater Treatment and Potable Water Supplies

c) Coordinate with other agencies and water purveyors in developing a plan for the consolidation of small water systems within the urban growth area into the municipal water system.”

The proposal fits the City comprehensive plan objective to upgrade existing water systems to provide adequate fire protection to future developments.

“8.4.1. Upgrade and maintain a municipal water system which provides a high quality and quantity of potable water to residential, commercial and industrial users.

a) Provide for the upgrade of substandard water systems within the City limits to comply with City Fire Protection Codes.”

4e. How the amendment is internally consistent with City's comprehensive plan, as well as other adopted City plans and codes.

The proposal is consistent with the City comprehensive plan internal objectives as stated above, and also allows the development of a viable property along the Wollochet Dr Activity Center and current zoning objectives.

IV. ADDITIONAL CONSIDERATIONS AND CRITERIA

*19.09.130 Considerations for decision to initiate processing.
(From Gig Harbor Municipal Code).*

Before rendering a decision whether the individual comprehensive plan amendment proposal may be processed during any year, the city council shall consider all relevant facts, including the application materials, as well as the following items:

A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan.

The proposed amendment is based on the current City Water Service Plan, but does not take into account other amendments to the Water Service Plan currently under consideration. Since the previous comprehensive plan adoption the current water service provider, Stroh Water Co. has reached capacity and cannot provide adequate water service or fire flow to the property. The city's water system has been extended from 72nd Street down Wagner Way to the intersection of Wollochet Drive, and down the west side of Wollochet Drive toward Hunt St.

B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments. (Ord. 1075 § 1, 2007).

(See response to item A above).

*19.09.170 Criteria for approval.
(From Gig Harbor Municipal Code).*

Every applicant for a comprehensive plan amendment must demonstrate how each of the following criteria for approval has been satisfied in their application materials. The city council, in addition to the consideration of the conditions set forth in GHMC 19.09.130, shall make written findings regarding each application's consistency or inconsistency with each of the following criteria:

A. The proposed amendment meets concurrency requirements for transportation as specified in Chapter 19.10 GHMC.

Not Applicable – the proposal for amendment to the water service area has no affect on transportation requirements.

B. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services.

The water service area modification will impact the water utility only, without adverse impact to other public facilities or services. The Equivalent Residential Units required for this future proposed project would be in the range of 60 to 70 ERU's.

C. The proposed amendments will not result in overall residential capacities in the city or UGA that either exceed or fall below the projected need over the 20-year planning horizon; nor will the amendments result in densities that do not achieve development of at least four units per net acre of residentially designated land.

Not Applicable – a non-residential project is proposed.

D. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:

1. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments.

City water main extension to the property would be the responsibility of the property owner per city code. Current city water hookup fees would be approx \$1,100 per ERU providing funds for the city as well as user fees.

2. The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan.

Water main extension would be privately funded and would not be part of the city's capital facilities.

3. Needed infrastructure, facilities and services will be funded by the developer under the terms of a developer's agreement associated with this comprehensive plan amendment.

A developers agreement will be provided if or as required.

4. Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions.

Adequate infrastructure is currently in place along Wollochet Dr. NW. to provide water service to the project site.

5. Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met.

City water main is relatively accessible to the site. Requesting additional level of service for the property will be approximately 60 to 70 ERU's.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan.

The proposal is consistent with the City comprehensive plan objectives to provide city water to properties within the urban area, to consolidate small water systems into the municipal water system and to upgrade existing water systems to provide adequate fire protection to future developments.

F. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services.

The water service area modification will impact the water utility only, without adverse impact to other services, facilities or features.

G. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code.

Not Applicable – the subject parcel land use is not being redesignated as part of this proposal. Both zoning and use of the future project will be compatible with that allowed in the RB-2 zone as amended by the concomitant agreement.

H. The proposed amendment will not create a demand to change other land use designations of adjacent or surrounding properties, unless the change in land use designation for other properties is in the long-term interest of the community in general.

Not Applicable – the subject parcel land use is not being redesignated as part of this proposal.

I. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws.

The proposed amendment is consistent with the above referenced policies as listed in section III above.

J. The proposed effect of approval of any individual amendment will not have a cumulative adverse effect on the planning area. (Ord. 1075 § 1, 2007).

The proposed amendment would only affect the current City Water Service Plan to the limits previously stated, but would have no cumulative affect on other elements of the comprehensive plan.

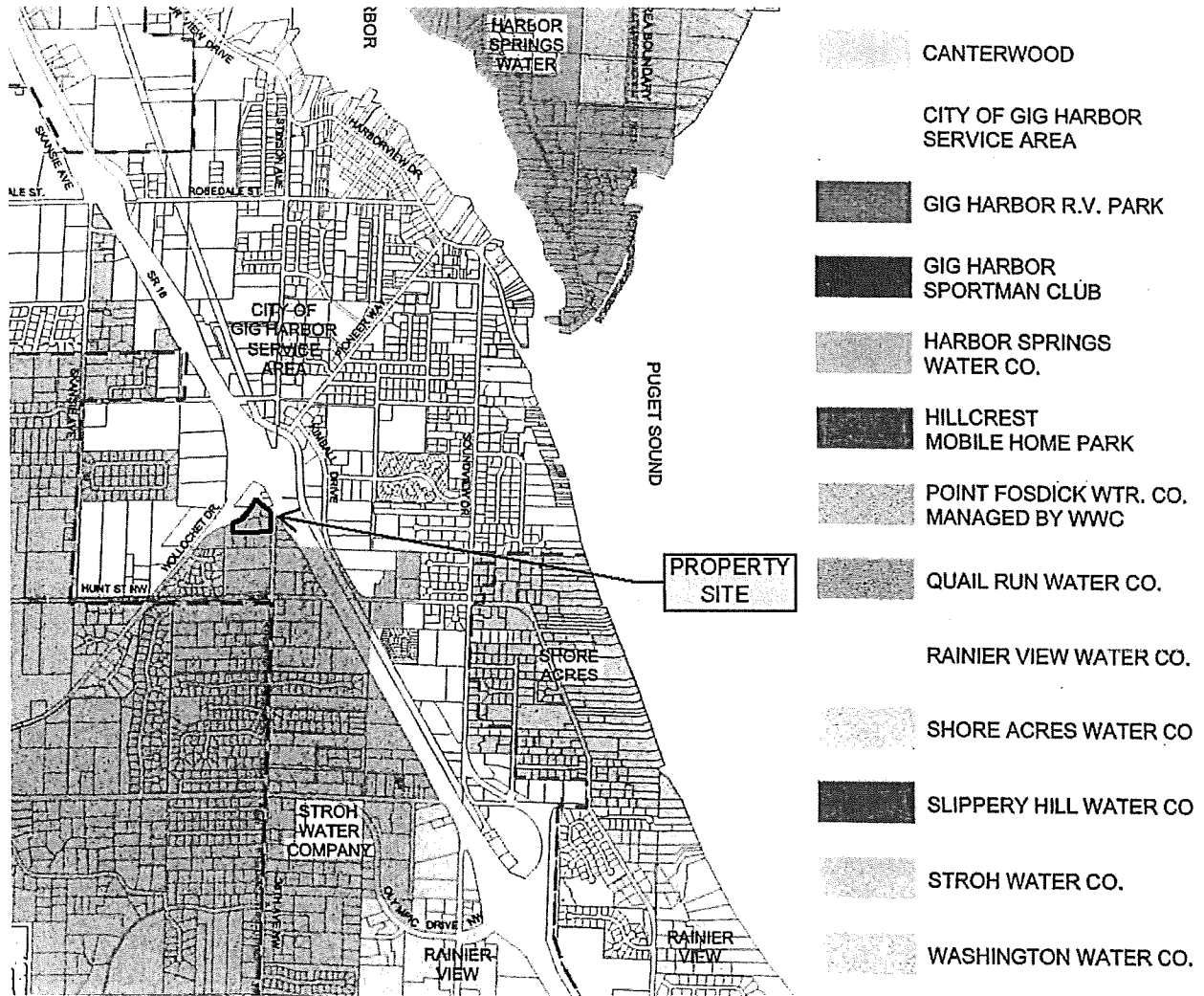


Figure 1. Existing Water Purveyor Service Area Map (Partial)

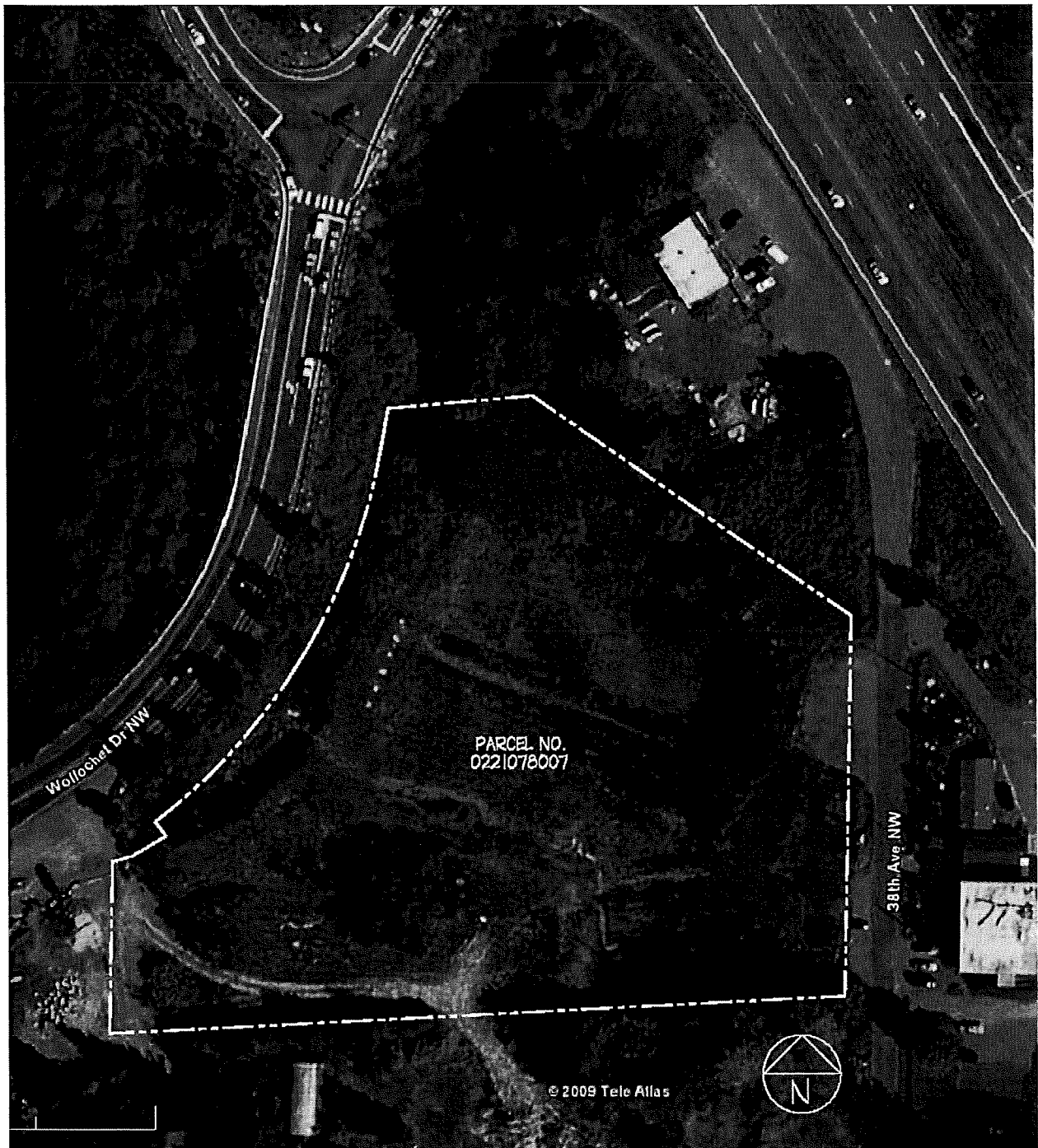


Figure 2. Aerial Photo of Site

**Application COMP 09-0002:
Parks, Recreation and Open Space
Element**

Written Statement of Application for: Removal of PROS Plan

A. Purpose of proposed amendment:

The proposed amendment will remove the expiring PROS plan from the City's Comprehensive Plan. The existing PROS plan was adopted in May of 2003 and will expire this May. Due to the age of the document it is no longer a relevant planning mechanism.

As a note the City is working to develop a new PROS plan in 2009. Staff anticipates having the new plan ready for City Council acceptance in January of 2010, to facilitate adopting the new plan into the Comprehensive Plan in the 2010 cycle. Elements of the Parks plan that have been adopted into the Capital Facilities element (Chapter 12) will be retained in the Comprehensive Plan.

B. The proposed amendment is consistent with the Washington State Growth Management Act:

The GMA Requirement for inclusion of a PROS plan in the City's Comp Plan is an unfunded mandate and therefore is not required until such time as State funding becomes available.

As the City is committed to having a PROS plan, a new plan is being developed (see above). Removal of the plan is appropriate as the existing plan expires in May of 2009. Elements of the Parks plan that have been adopted into the capital facilities element (Chapter 12) will be retained in the Comprehensive Plan.

C. The proposed amendment is consistent with the adopted Countywide planning policies:

Relevant aspects of the City's PROS plan are included (and will be maintained) in the City's Capital Facilities element (parks inventory, parks LOS standards, forecast of future needs, funding mechanisms, and capital improvement plans).

Removal of the plan from the Comp Plan will facilitate the City's preparation of a new PROS Plan for inclusion in the 2010 Comp Plan.

D. The proposed amendment furthers the purpose of the City's Comprehensive Plan:

The amendment will maintain the relevancy of the document as the plan proposed for removal was written in 2001 and adopted in 2003. The 6-year lifespan of the plan will expire this year, and thus will no longer be consistent with the intent of the Comp Plan as a planning document. The aspects of the Plan adopted into the Capital Facilities element represent the most up to date parks information and will be maintained.

E. The proposed amendment is internally consistent with the City's Comprehensive Plan:

The removal is intended to prevent any inconsistency as the City moves forward in developing a replacement plan.

F. The proposed amendment will meet transportation concurrency requirements under title 19 GHMC:

NOT APPLICABLE –Transportation Concurrency is not affected by proposed amendment.

G. Supplemental environmental review (if required by Planning Director):

NOT APPLICABLE –Planning Director has not requested supplemental environmental review or critical area review.

Comprehensive Plan Text Amendments Requirements:

- 1. The proposed element, chapter section and page number of the Comprehensive Plan to be amended:**

Chapter 10—affects all sections and pages within chapter 10

- 2. Proposed text changes:**

Proposed Amendment is a complete strike out of Chapter 10.

“Chapter 10” will be noted as a reserved chapter for Parks, Recreation and Open Space as it is anticipated that a new PROS plan will be ready for incorporation into the Comp Plan in 2010.

- 3. Traffic impact Analysis:**

Not Applicable

**Application COMP 09-0003:
Transportation Element**



COMMUNITY DEVELOPMENT DEPARTMENT

New Business - 2

RECEIVED
CITY OF GIG HARBOR
MAY 05 2009
COMMUNITY
DEVELOPMENT

Date: May 5, 2009
To: Jennifer Kester, Senior Planner
From: Emily Appleton, Senior Engineer *EA 5-5-09*
Subject: (PL-COMP-09-0003) 2009 Comprehensive Plan Amendment, Chapter 11, Transportation Element
-- Proposed Text Changes

Enclosed is a draft copy of the pages from Chapter 11, Transportation Element (December 2008 Revision) that contain the proposed text changes. The proposed amendment will update Chapter 11, Transportation Element as follows:

- Add a goal to incorporate a broad policy that utilizes the information provided in the "Harborview Drive and Judson Street Improvement Master Plan" dated February 3, 2009.

Please see Section 7, "Goals and Policies", under "Goal 11.1: Create an Effective Road and Sidewalk Network" on the enclosed page 11-60.

- Revise the 6-year and 20 year transportation improvement plans currently in the Comprehensive Plan to a more general transportation improvement plan separated into short and long range projects. The short range project list (and, potentially, also the long range project list, depending on future conditions) will provide the basis for the annually updated 6-year TIP, which occurs separately from Comprehensive Plan Amendments.

Please see Section 3, "Mobility Analysis", pages 11-32 through 11-38 and 11-43.

- Other minor amendments to correct inconsistencies that may be discovered during the preparation of the items described, above, or to address missing information that may be required to obtain PSRC certification for this amendment.

Please see Section 1, "Existing Conditions", paragraph entitled "Concurrency Ordinance" on the enclosed page 11-17.

Additional pages may need revision to incorporate minor amendments not yet discovered. Please contact me if you need additional information to process this proposal.

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New Business - 2
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MAY 05 2009
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DEVELOPMENT

- Pierce Transit

The projects proposed in the City of Gig Harbor or the UGA of the City are as follows:

Pierce County

- 36th Street NW (SR16 Trail Spur Connection). The project proposed to widen and construct 6 foot wide shoulders along both sides of 36th Ave. between 22nd Ave. and SR 16. The project will facilitate non-motorized access to the existing Cushman Trail and Scott Pierson Trail currently under construction.
- Jahn Avenue NW /32nd Street /22nd Avenue (SR 16 Trail Spur Connection). The project proposed to widen and construct 6 foot wide shoulders along both sides of the subject roadways. The project will facilitate non-motorized access to the existing Cushman Trail and Scott Pierson Trail currently under construction.

Pierce Transit

- Peninsula Park and Ride (Phase 1). This project is proposed in 2 phases. Phase 1 consists of constructing a new Park and Ride Lot in conjunction with the existing Kimball Drive Park and Ride facility and consists of a new parking lot facility proposed to accommodate 500 to 525 cars. Phase 1 will also include constructing a pedestrian bridge over SR16 to link the new facility with the existing facility located on Kimball Drive.
- Peninsula Park and Ride (Phase 2). The second phase of this project consists of the construction of a median in-line transit station on SR16 located approximately ¼ mile south of Pioneer Way/Wollochet Drive interchange.

Concurrency Ordinance

The City of Gig Harbor requires either the construction of or financial commitment for the construction of necessary transportation improvements from the private or public sector within six years of the impacts of a development. Methods for the City to monitor these commitments include:

- The City keeps a concurrency Traffic Model which tracks cumulatively the proposed development within the City. Utilizing the model, the City evaluates the available capacity and corresponding LOS at intersections throughout the City to determine if transportation concurrency is available for the proposed development. The City periodically updates the Traffic Model which includes calibrating to existing conditions and providing current information to document Transportation Capacity Availability.
- Monitoring intersections for compliance with the City's LOS Standard. The City of Gig Harbor LOS for intersections is LOS D; except for specified intersections in the Downtown Strategy Area and North Gig Harbor Study Area.

Short – Range Transportation Improvements Term (2013) Improvements

As discussed previously, Gig Harbor, as with all Washington State cities and counties, adopts annually a 6-year transportation improvement program (TIP) that addresses safety, mobility and system continuity issues that are either existing or expected within that 6-year window. As required by state law, the TIP is financially constrained to the revenue for capital improvements expected within that 6-year period from all possible sources (taxes, grants and fees). The financial analysis is provided later in this chapter.

Figure 11-9 illustrates the short-range transportation improvement roadway projects for in Gig Harbor's to meet acceptable levels of service to accomodate the short range growth forecast - 2009-2013 TIP. As shown in the previously presented tables, the short-range transportation improvement projects 2009-2013 TIP addresses the identified unacceptable LOS identified in the 2013 “No Build” scenario considering the special LOS standard applied in the “Downtown Strategy Area.” **Table 11-5** summarizes the 2009-2013 short range transportation improvement projects.

Long-Range (2028) Transportation Improvements

Long-range improvements to the roadway, bicycle and pedestrian system were identified both by examining level-of-service deficiencies and through inspection of the existing roadway system considering the expected development of Gig Harbor in realization of the land use element of this comprehensive plan. **Figure 11-10** presents the location and extent of the long-range improvements proposed to address projected level-of-service deficiencies and system continuity needs. **Table 11-6** describes and provides cost estimates for the long-range transportation improvements.

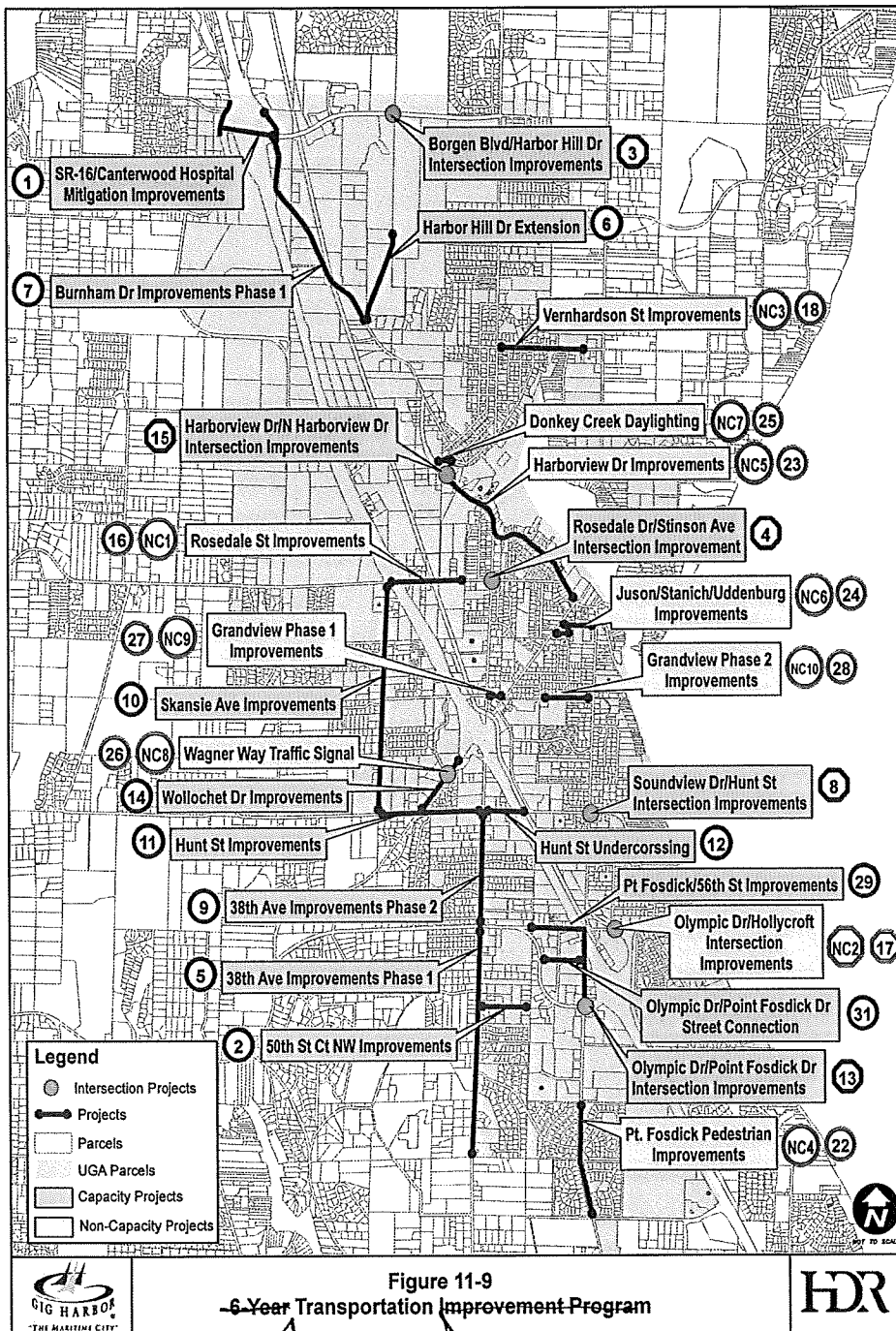


Figure 11-9
6-Year Transportation Improvement Program

Short Range Projects

**Table 11-5
Gig Harbor Short-Range Transportation Projects**

No.	Roadway	From	To	Project Description	Estimated Cost (Thousands \$)	Component	Year
1	SR-16/Borgen Blvd	Burnham Drive	Canterwood Blvd	Construct various short term roadway improvements to address concurrency as identified in the 2005 Final EIS for North Gig Harbor	\$11,000	Construction	2009
2	50th St. Ct. NW	Olympic Drive	38 th Street	Construct new 2-lane roadway with curb, gutter and sidewalks on both sides, illumination, storm water system	1,600	Construction	2009
3	Harbor Hill Drive / Borgen Blvd.		Intersection	Construct right-turn slip lane from EB Borgen Blvd to SB Harbor Hill Drive; Construct right-turn slip lane from NB Harbor Hill Drive to EB Borgen Blvd.	64	Engineering	2012-2014
					640	Construction	2012-2014
4	Rosedale Drive / Stinson Avenue		Intersection	Construct left-turn pocket on south leg of Stinson for left turns onto WB Rosedale Dr.; Construct right-turn only lane on north leg of Stinson to WB Rosedale	25	Engineering	2012-2014
					250	Construction	2012-2014
5	38 th Avenue	City Limits	56 th Street	Phase I improvements - Complete design & construction of 2-/3-lane section with left turn pockets, bicycle lanes, curbs & gutters on both sides, landscaped planter strips, sidewalk, storm sewer improvements, provisions for future lighting	890	Engineering	2009-2011
					8,900	Construction	2012-2014
6	Harbor Hill Drive	Terminus	Burnham Drive	Complete the extension of Harbor Hill Drive to Burnham Drive. Private funding.	1,000	Construction	2009-2010
7	Burnham Drive	Harbor Hill Drive Extension	SR 16 interchange	Phase I. Reconstruction, including minor widening, curbs, gutters, sidewalks, storm water improvements, landscaped planer strips and lighting.	1,000	Construction	2011
8	Soundview Drive / Hunt Street		Intersection	Construct new traffic signal at the intersection with associated left turn pockets	60	Engineering	2011
					600	Construction	2012-2014

Table 11-5 (Continued)
Gig Harbor Short-Range Transportation Projects

No.	Roadway	From	To	Project Description	Estimated Cost (Thousands \$)	Component	Year
9	38 th Avenue	56 th Street	Hunt Street	Phase II - Complete design & construction of 2-/3-lane section with left turn pockets, bicycle lanes, curbs & gutters on both sides, landscaped planter strips, sidewalk, storm sewer improvements, provisions for future lighting	480	Engineering	2009-2011
					4,800	Construction	2012-2014
10	Skansie Avenue	Rosedale Street	Hunt Street	Minor widening to provide curb, gutter, storm water improvements, bicycle lanes and sidewalks on both sides of street	860	Engineering	2010
					8,600	Construction	2011
11	Hunt Street	Skansie Avenue	38 th Street	Preliminary design of a 2-/3-lane section with median and/or left turn pockets, bicycle lanes, curbs, gutters, sidewalks and landscaped planter strip	480	Engineering	2012-2014
12	Hunt Street Undercrossing	Hunt Street	Kimball Street	Construct a new undercrossing connecting both sides of Hunt Street across SR-16	560	Engineering	2012-2014
					5,600	Construction	2012-2014
13	Olympic Drive / Point Fosdick Drive	Intersection	Intersection	Construct right-turn only lane on NB Pt. Fosdick Drive and construct a dedicated right-turn lane to SR-16 EB on-ramp	40	Engineering	2009
					400	Construction	2010
14	Wollochet Drive	Hunt Street	Approximately 220 feet from Hunt Street	Widen roadway on one side to provide for 11-foot lane. This project completes corridor improvements provided by development	60	Engineering	2010
					600	Construction	2012-2014
15	Harborview Drive / N. Harborview Drive	Intersection	Intersection	Construction new modern roundabout at the current location of the intersection	150	Engineering	2010
					1,500	Construction	2011

**Table 11-5 (Continued)
Gig Harbor Short-Range Transportation Projects**

No.	Roadway	From	To	Project Description	Estimated Cost (Thousands \$)	Component	Year
16	SR-16/Olympic Dr.		Intersection	Widen to provide exclusive right-turn lane on east approach. Convert one existing through-lane on east approach to shared through-left turn lane. Adjust signal phasing as required.	75	Engineering	2012- 2014
					750	Construction	2012- 2014
17	Burnham Dr./Harbor Hill Dr.		Intersection	Reconfigure intersection to a modern roundabout	200	Engineering	2010
					2000	Construction	2011
18	Rosedale St. / Skansie Av.		Intersection	Widen to provide left-turn lanes on east and west approaches	25	Engineering	2011
					250	Construction	2012- 2014
19 (NC1)	Rosedale St.	Skansie Av.	Shirley Av.	Minor widening to provide 2-through lanes, channelization, left-turn pockets, bicycle and sidewalks on both sides of street	340	Engineering	2010
					3400	Construction	2011
20 (NC2)	Olympic Drive / Hollycroft Street		Intersection	Convert existing 2-way traffic on spur street that connects Olympic Drive with Hollycroft Street in the SE quadrant of the intersection to one-way NB traffic. Angled parking to be added to spur to support the park to the SE of the spur.	2	Engineering	2012- 2014
					24	Construction	2012- 2014
21 (NC3)	Vernhardson St.	City Limits	Peacock Hill Av	Pavement restoration and/or overlay, storm sewer, curbs, gutters and sidewalk(s), bicycle lanes (east of N. Harborview Drive)	375	Engineering	2012- 2014
22 (NC4)	Pt. Fosdick Pedestrian Improvements	Harbor County Dr.	36th	Add sidewalk and bioswale along Point Fosdick Drive	100	Engineering	2010
					1000	Construction	2011

**Table 11-5 (Continued)
Gig Harbor Short-Range Transportation Projects**

No.	Roadway	From	To	Project Description	Estimated Cost (Thousands \$)	Component	Year
23 (NC5)	Harborview Drive	N. Harborview	Pioneer Dr.	Downtown beautification. Provide landscaping and pedestrian benches at key intersections	10	Engineering	2011
					90	Construction	2012-2014
24 (NC6)	Judson/ Stanich/ Uddenburg			Downtown beautification. Provide landscaping, pedestrian improvements, beautification, pavement rehabilitation	190	Engineering	2012-2014
					1900	Construction	2012-2014
25 (NC7)	Donkey Creek Daylighting	N. Harborview	Harborview Dr.	Street and bridge improvements.	1,845 205	Construction Engineering	2009-2010
26 (NC8)	Wagner Way Traffic Signal	Wagner Way	Wollochet Dr.	Traffic signal at Wollochet Dr and Wagner Way.	270 30	Construction Engineering	2008
27 (NC9)	Grandview Phase 1 Improvements	Stinson Ave.	Pioneer Way	Road, stormwater, and lighting improvements.	450 50	Construction Engineering	2010
28 (NC10)	Grandview Phase 2 Improvements	Soundview Dr.	McDonald Ave.	Road, stormwater, and lighting improvements.	774 86	Construction Engineering	2008-2009
29	Pt Fosdick/ 56 th Improvements	Pt. Fosdick Dr.	56 th St.	Sidewalk and roadway improvements.	3,600 400	Construction Engineering	2010
Estimated Cost Summary (in thousands)						Engineering	\$6,357
						Construction	\$56,077
						Total	\$62,434
<p><i>Note: The numbering of projects should not be considered fully indicative of the relative importance or timing of the projects. Projects are programmed based on known commitments and funding. Depending on future funding opportunities, higher number projects may be constructed sooner than lower number projects. Numbers 25 through 29 incorporated from the City's adopted transportation CIP with cost estimates provided by City staff.</i></p> <p><i>Source: "Proposed Six Year Transportation Improvement Program From 2009 to 2014" (Draft) City of Gig Harbor Washington, July 15, 2008</i></p>							

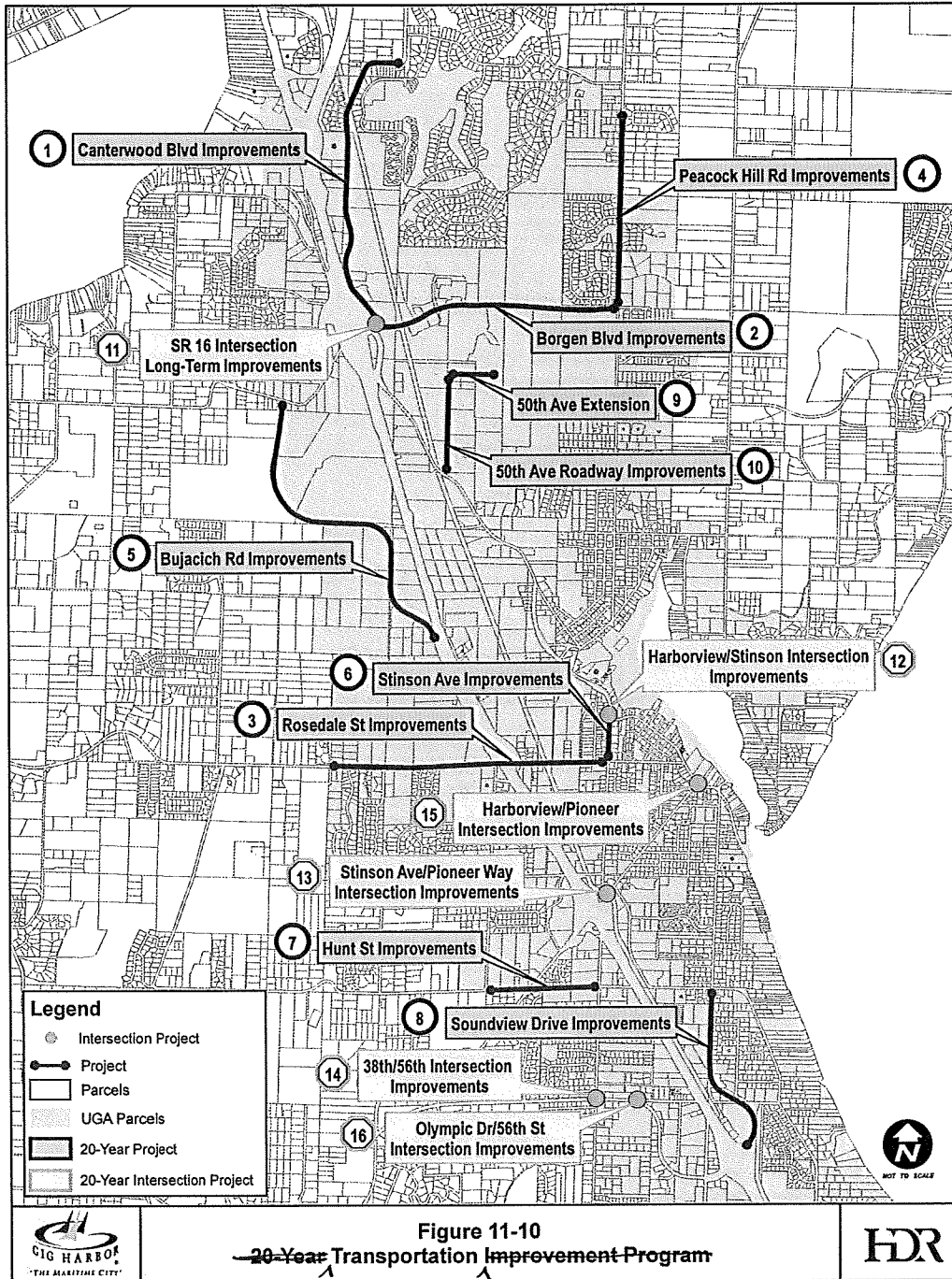


Figure 11-10
~~20-Year~~ Transportation Improvement Program
 Long-Range Projects

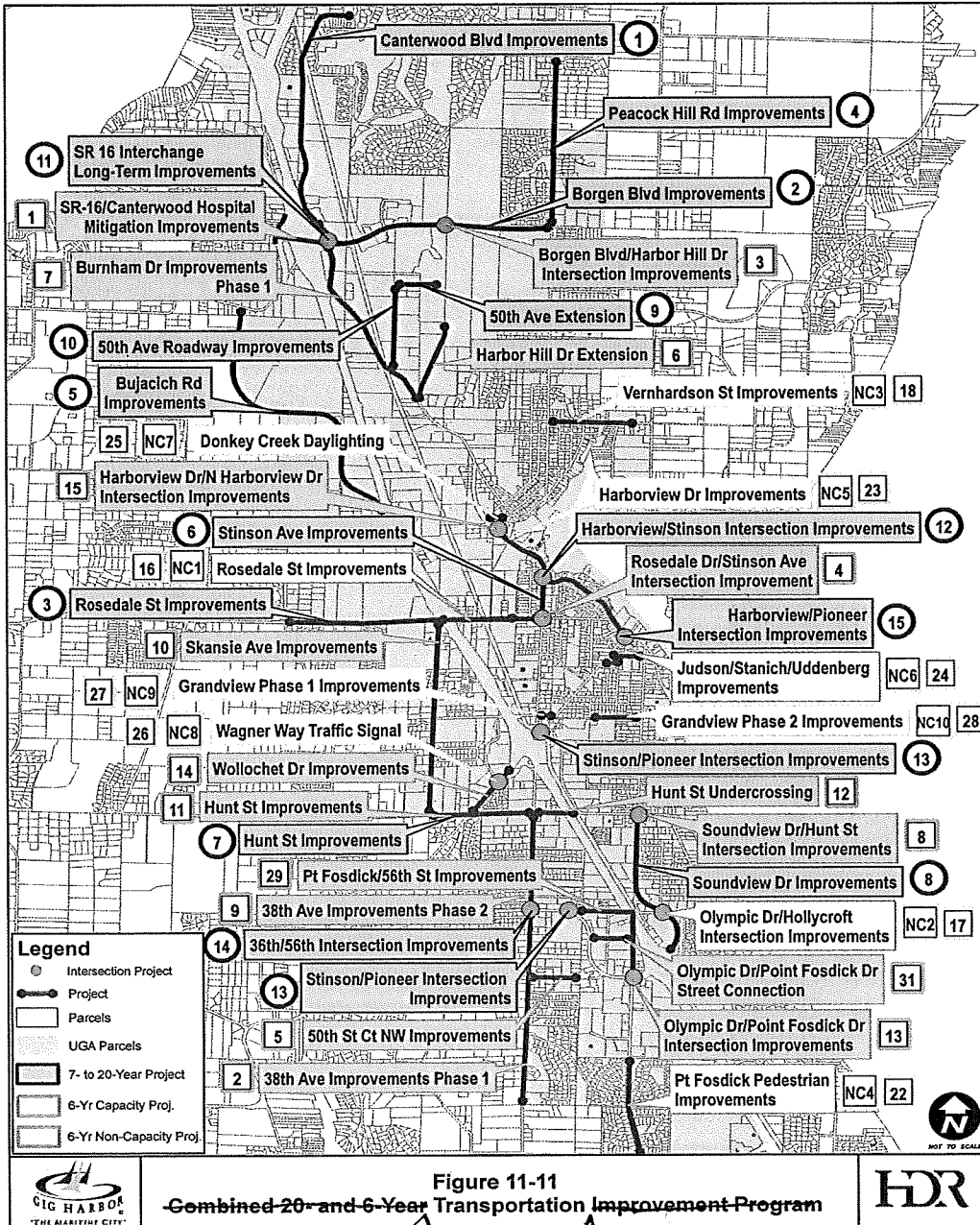


Figure 11-11
 Combined 20- and 6-Year Transportation Improvement Program

Short Range and Long Range Projects

SECTION 7. GOALS AND POLICIES

The transportation goals contained in this element are:

- Create an Effective Road and Sidewalk Network.
- Create an appropriate balance between transportation modes where each meets a different function to the greatest efficiency.
- Design and Construction Standards
- Level of Service Standards
- Air Quality

GOAL 11.1: CREATE AN EFFECTIVE ROAD AND SIDEWALK NETWORK.

The City of Gig Harbor shall plan for an effective road network system.

- Policy 11.1.1 Complete development of the arterial road grid serving the planning area.
- Policy 11.1.2 Develop a trans-highway connector across SR-16 at Hunt Street.
- Policy 11.1.3 Establish a functional classification system which defines each road's principal purpose and protects the road's viability.
- Policy 11.1.4 Develop an arterial and collector system which collects and distributes area traffic to SR-16.
- Policy 11.1.5 Define a collector road system which provides methods for transversing the neighborhoods, districts and other places within the area without overly congesting or depending on the arterial system or any single intersection.
- Policy 11.1.6 Establish effective right-of-way, pavement widths, shoulder requirements, curb-gutter-sidewalk standards for major arterials, collectors and local streets.
- Policy 11.1.7 Improve collector roads in the planning area to provide adequate capacity for present and future projected traffic loads, pedestrian and bicyclist activities.
- Policy 11.1.8 Work with downtown property owners to determine an effective parking plan.
- Policy 11.1.9 Provide planning and design assistance in establishing a local parking improvement district for the downtown area.
- Policy 11.1.10 Utilize the information provided in the “Harborview Drive and Judson Street Improvement Master Plan” dated February 3, 2009 as guidance for the development of transportation improvements in the area included in the plan.

GOAL 11.2: MODAL BALANCE

Create an appropriate balance between transportation modes where each meets a different function to the greatest efficiency.

- Policy 11.1.1 Work with Pierce Transit to satisfy local travel needs within the planning area, particularly between residential areas, the downtown and major commercial areas along SR-16.
- Policy 11.2.2 Work with Pierce Transit to locate Pierce Transit Park and Ride lots in areas which are accessible to transit routes and local residential collectors, but which do not unnecessarily congest major collectors or arterial roads or SR-16 interchanges.

**Application COMP 09-0004:
Sunrise Enterprises Land Use Map
Amendment**

<p>CITY OF GIG HARBOR APPLICATION</p>	<p>CITY USE ONLY</p>
<p><input type="checkbox"/> Comprehensive Plan Text Amendment <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment</p>	<p>Date Received: <u>Comp 09-0004</u> By: <u>Jennifer Cino</u> Receipt #: _____ By: _____ <u>Rec'd 2/27/09</u></p>
<p>Name of project / proposal: <u>SUNRISE ENTERPRISES BURNHAM DRIVE</u></p>	
<p>Applicant: <u>CARL HALSAN (AGENT)</u> (Name) <u>PO BOX 1447</u> <u>307-1922</u> Street Address Phone <u>GIG HARBOR, WA</u> <u>98335</u> City & State Zip</p>	<p>Property Location: Address: <u>11302 BURNHAM DRIVE</u> Section: <u>25</u> Township: <u>22N</u> Range: <u>1E</u> Assessor's Tax Parcel Number: <u>01-22-25-4076,</u> <u>4057, 4058, 4037, 4075, 4027 & 4038</u> <u>AND 01-22-36-1072</u> Full Legal Description (attach separate sheet if too long) <u>SEE ATTACHED</u> Acreage or Parcel Size <u>15.53 ACRES</u></p>
<p>Owner: <u>WALTER H. SMITH</u> (Name) <u>PO BOX 1272</u> <u>759-1673</u> Street Address Phone <u>GIG HARBOR, WA</u> <u>98335</u> City & State Zip</p>	<p>Utilities: 1. Water Supply (Name of Utility if applicable) a. Existing: <u>WASHINGTON WATER</u> b. Proposed: _____ 2. Sewage Disposal: (Name of Utility if applicable) a. Existing: <u>CITY OF GIG HARBOR</u> b. Proposed: _____ 3. ACCESS: (name of road or street from which access is or will be gained.) <u>BURNHAM & 112TH ST NW</u></p>
<p>(We): <u>WALTER H. SMITH</u> (Name) <u>Walter H Smith</u> <u>1-12-09</u> Signature Date</p>	
<p>I do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the herein described property and that the foregoing statements and answers are in all respects true and correct on my information and belief as to those matters, I believe it to be true.</p>	
<p>Current Comprehensive Plan Designation: <u>EMPLOYMENT CENTER</u> Requested Comprehensive Plan Designation: <u>COMMERCIAL BUSINESS</u></p>	
<p>Existing land use: Describe (or Illustrate separately) existing land use, including location of all existing structures and setbacks (in feet from property lines). <u>CONTRACTORS YARD & OFFICE BUILDINGS</u></p>	

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CITY OF GIG HARBOR
FEB 27 2009
COMMUNITY DEVELOPMENT

**SMITH COMMERCIAL BLOCK
2009 COMPREHENSIVE PLAN AMENDMENT**

Purpose of the Proposed Amendment

The proponent is asking that the designation of the subject property be changed from *Employment Center* to *Commercial Business*. This will allow the property to be rezoned to B-2 with future rezone applications to be submitted if the Comprehensive Plan Amendment is approved. This is the zoning of the property in the County, and has been since adoption of the Gig Harbor Community Plan. The property owners were assured by the City many years ago that upon annexation, the zoning would be consistent. They asked the City to change the Comprehensive Plan Designation and Zoning maps many years ago, when the property was still in the County, but were told by the City Attorney that the City will not change designations for property not in the City until after it is annexed.

Consistency with the Growth Management Act (GMA)

- Goal #1 encourages development in urban areas where adequate public facilities and services exist. All necessary public facilities and services are already located at the site.
- Goal #2 discourages sprawl. As the site is being used now, it is underutilized to a great extent. The property is in a commercial business area, with new similar type businesses to be developed in the immediate area. Approval would further the second goal.
- Goal #8 discourages the conversion of productive forest lands and agricultural lands to incompatible uses. The subject property is neither and its conversion to a more intense use will not be inconsistent with this goal.
- Goal #13 discourages the conversion of historic sites and structures. The subject site is not designated historic and has no historic structures.
- Section 14 of the Act requires public participation early and continuously. The public will be notified in the Gateway of the application. Immediate neighbors will receive mailed notification of the application. The Planning Commission and Council hearings will be open to the public.

Consistency with the County-Wide Planning Policies (CWPP)

- Economic Development and Employment Policy 5 requires the City to plan for sufficient economic growth and development to ensure an appropriate balance of land uses which will produce a sound financial posture given the fiscal/economic costs and benefits derived from different land uses.
- Economic Development and Employment Policy 6 requires the City to add diversity of economic opportunity and employment. Policy 6.1 promotes infill development to assist in maintaining a viable market. This site is a perfect infill site with more intense development surrounding it.
- Transportation Facilities and Strategies Policy 10.4 requires using land use regulations to increase the modal split between automobiles and other forms of

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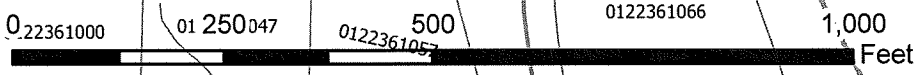
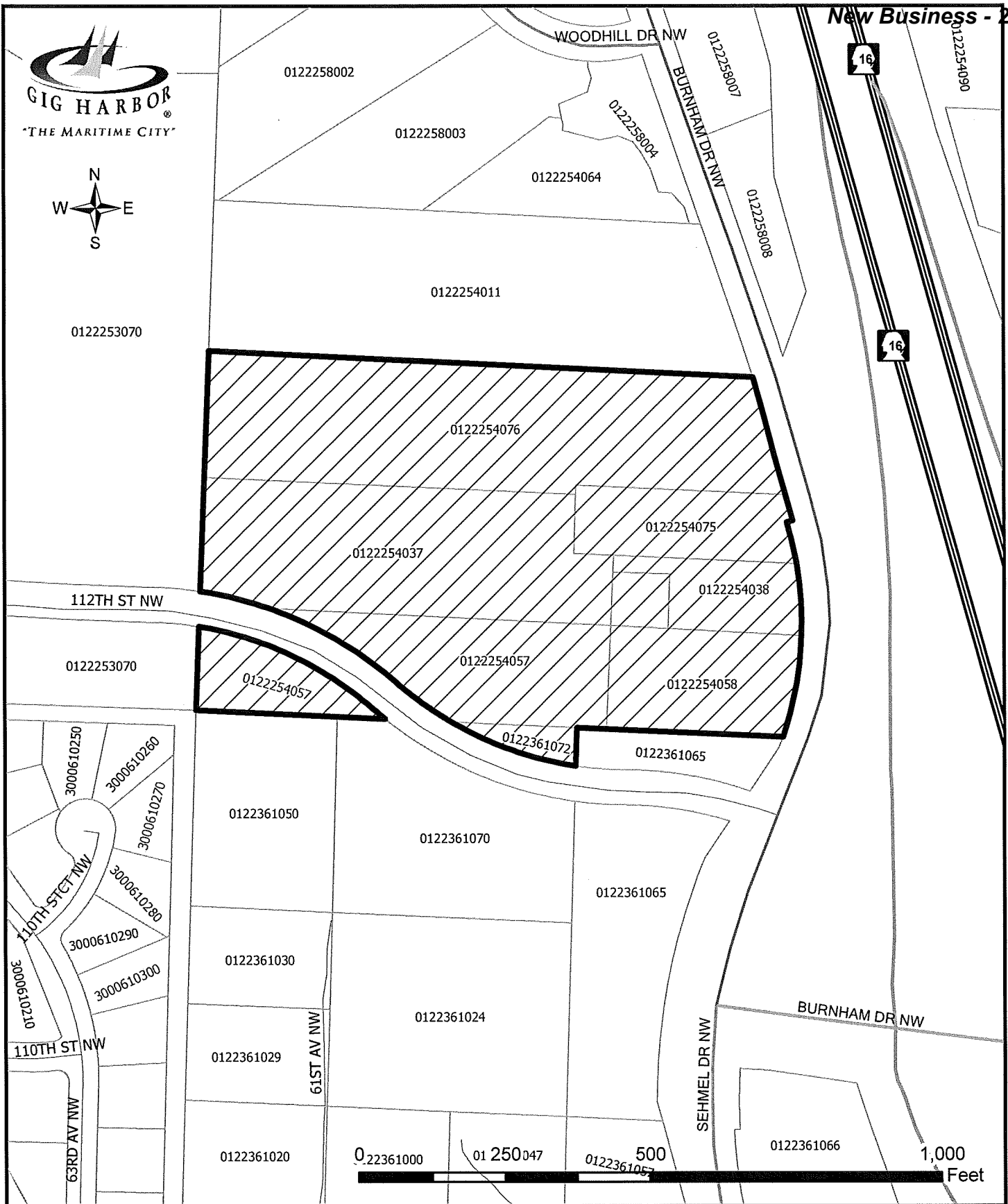
travel by allowing high densities in transit corridors and encouraging mixed use development.

Consistency with the City Comprehensive Plan

- Goal #1 of the Land Use element encourages higher density development in areas that pose the fewest environmental risks. This site has very few environmental constraints.
- Goal #2 of the Economic Development element encourages increased economic opportunities through property revitalization by redeveloping important vacant parcels and revitalizing older commercial and business districts with the City. This project will further this goal.

Concurrency

- Sewer is already provided to the site by the City
- Water is available from Washington Water
- Transportation facilities are all available in the immediate area. At the time of an actual project approval, further traffic system upgrades may be deemed necessary.



**COMP 09-0004 Sunrise Enterprises Land Use Amendment
Employment Center (EC) to Commercial/Business (CB)**

**Application COMP 09-0005:
Haven of Rest Land Use Map
Amendment**

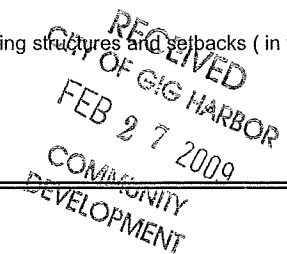
CITY OF GIG HARBOR APPLICATION	CITY USE ONLY
<input type="checkbox"/> Comprehensive Plan Text Amendment <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment	Date Received: <u>Camp 09-0005</u> By: <u>Jennifer / Cindy</u> Receipt #: <u>21000 2/27/09</u>

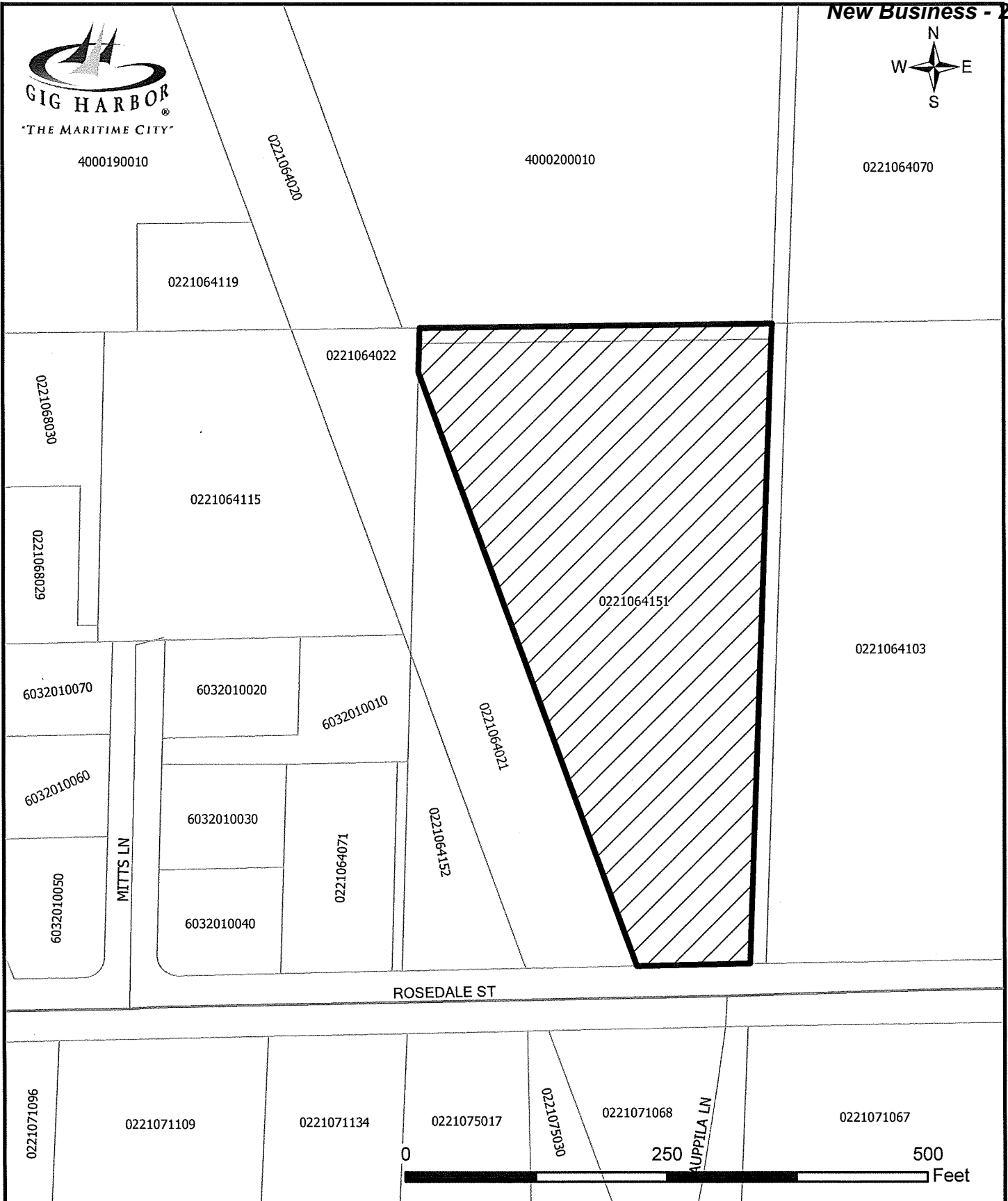
Name of project / proposal: HAVEN OF REST COMPREHENSIVE PLAN MAP AMENDMENT

Applicant: <u>ROBERT GLASS</u> <small>(Name)</small> <u>P.O. Box 156</u> <u>253-851-9991</u> <small>Street Address</small> <small>Phone</small> <u>GIG HARBOR WA 98335</u> <small>City & State</small> <small>Zip</small>	Property Location: Address: <u>4223 ROSEDALE STREET</u> <small>XXX MITTS LN</small> Section: <u>06</u> Township: <u>21</u> Range: <u>02</u> <small>06 21 02</small> Assessor's Tax Parcel Number: <u>0221064151</u> <u>0221064164</u> Full Legal Description (attach separate sheet if too long) <p style="text-align: center;"><u>SEE ATTACHED</u></p>
Owner: <u>HAVEN OF REST</u> <small>(Name)</small> <u>8503 16 HWY</u> <u>253-851-9991</u> <small>Street Address</small> <small>Phone</small> <u>GIG HARBOR WA 98335</u> <small>City & State</small> <small>Zip</small>	Acreage or Parcel Size <u>3.28 / 0.11</u> 0221064151 0221064164
I(We): <u>George R Nelson - Agent for Robert L. Glass</u> <small>(Name)</small> <u>George R Nelson</u> <u>2/27/09</u> <small>Signature</small> <small>Date</small>	Utilities: 1. Water Supply (Name of Utility if applicable) a. Existing: _____ b. Proposed: _____ 2. Sewage Disposal: (Name of Utility if applicable) a. Existing: _____ b. Proposed: _____ 3. Access: (name of road or street from which access is or will be gained.) <u>ROSEDALE STREET</u>

Current Comprehensive Plan Designation: RL - Residential Low Requested Comprehensive Plan Designation: RM - Residential Medium

Existing land use: Describe (or illustrate separately) existing land use, including location of all existing structures and setbacks (in feet) from property lines.





**COMP 09-0005 Haven of Rest Land Use Amendment
Residential Low (RL) to Residential Medium (RM)**



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CITY OF GIG HARBOR
APR 09 2009
COMMUNITY
DEVELOPMENT

April 9, 2009

City of Gig Harbor, Planning Department
Ms. Jennifer Kester, Senior Planner
3510 Grandview Street
Gig Harbor, WA 98335

**RE: COMP-09-0005 - Comprehensive Plan Map Amendment Resubmittal
Criteria to Grant: GMA, County, and City regulations and Code Consistency
Summary for Haven of Rest Cemetery.**

Dear Ms. Kester,

Enclosed please find the following in support of the Haven of Rest Comprehensive Plan Map Amendment resubmittal. As a part of our submittal, we are providing a written statement addressing the following:

19.09.130 Considerations for Decision to Initiate Processing

Before rendering a decision whether the individual comprehensive plan amendment proposal may be processed during any year, the city council shall consider all relevant facts, including the application materials, as well as the following items:

A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan;

Statement:

The area in which the subject property is located substantially changed due to the recent annexation and subsequent zoning change of the abutting and nearby parcels located directly north of the subject site.

Previously, as recent as 12/2007, the subject parcels were listed on the City of Gig Harbor Comprehensive Plan Land Use Map as Residential Low. After the 2/23/09 annexation, these parcels to the north were changed to Residential Medium as depicted on a map received from the City staff dated 2/25/09.

In viewing the Comprehensive Plan Land Use Map (and the Zoning Map received from City staff dated 2/25/09), it follows good planning practices to amend the map for the subject parcels from Residential Low to Residential Medium.

B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments. (Ord. 1075 § 1, 2007).

Statement:

The recent annexation and subsequent zoning change of the abutting and nearby parcels located directly north of the subject site is new information that was not

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available at the time during the initial comprehensive plan adoption process or was not considered during previous annual amendments.

We respectfully ask the City Council to consider the above listed items as a part of their approval decision for this individual Comprehensive Plan Map Amendment.

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April 9, 2009

City of Gig Harbor, Planning Department
Ms. Jennifer Kester, Senior Planner
3510 Grandview Street
Gig Harbor, WA 98335

RECEIVED
CITY OF GIG HARBOR
APR 09 2009
COMMUNITY
DEVELOPMENT

**RE: COMP-09-0005 - Comprehensive Plan Map Amendment Resubmittal
GMA, County, and City regulations and Code Consistency Summary
for Haven of Rest**

Dear Ms. Kester,

Enclosed please find the following documents in support of the Haven of Rest Comprehensive Plan Map Amendment resubmittal.

As a part of our submittal, we are providing a written statement addressing the following:

a) How the amendment is consistent with the Washington State Growth Management Act

Statement

The City of Gig Harbor adopted a revised GMA Comprehensive Plan in December 2004, with the most recent revision taking place in December 2007.

The requested amendment is consistent with the Washington State Growth Management Act (GMA) as the City of Gig Harbor has adopted a comprehensive plan that is consistent with the GMA. New development is encouraged to occur on infill sites within the Urban Growth Areas (UGA) and city limits. These subject parcels are within the Gig Harbor city limits and utilities are in place to support this comprehensive plan map amendment with a gross density increase of six dwelling units.

b) How the amendment is consistent with the adopted countywide planning policies

Statement:

Federal, State, and Local jurisdictions have agreements in place such as Interlocal Agreements and contracts in order to assure that land use practices within the area are consistent with planning policies across the jurisdictional boundaries.

Pierce County and the City of Gig Harbor have such agreements and contracts in place, empowering the City to govern by their adopted comprehensive plan and land use codes.

Gig Harbor is the regulating agency. Pierce County recognizes Gig Harbor as the jurisdiction with planning authority and therefore, the amendment is consistent with the adopted countywide planning policies.

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c) How the amendment furthers the purpose of the City's Comprehensive Plan

Statement:

The approval of the map amendment will further the purpose of the City's Comprehensive Plan by implementing the following goals, policies, and procedures:

Introduction

Concurrency

The Growth Management Act requires that public facilities and services necessary to serve new development at adopted levels of service must be available at the time of development. To be concurrent means that improvements or municipal service strategies are in place at the time of development, and, in the case of transportation facilities, that a financial commitment is in place to complete the improvements or strategies within six years.

Statement: The proposed map amendment, with the possibility of a gross increase of 6 dwelling units, will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, environmental features and will not place uncompensated burdens upon existing or planned services. It is anticipated that public facilities and services necessary to serve new development allowed through this comprehensive plan map amendment, at adopted levels of service, are currently in place and will continue to be in place at the time of future proposed development.

Housing Element

Projecting the Demand - Population Growth Target

Since the City adopted its Growth Management Comprehensive Plan in 1994, the City has grown by almost 80 percent, adding over 2,900 residents. Pierce County has allocated to the City an additional 4,120 residents by 2022 for a total population of 10,800, as part of the County's overall population forecast from Washington State Office of Financial Management. This is the population target for which the City is expected to plan.

Statement: This Comprehensive Plan Map Amendment provides for additional housing units within the UGA and city limits of Gig Harbor enabling the City to meet their future population allocation requirements.

Housing Element

Goal 5.8

Eliminate Incentives to Build Larger Homes than are needed for Typical Sized Households in Gig Harbor





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Policy 5.8.1

Attempt to minimize value of parcels designated for affordable housing to allow for smaller sized affordable units.

- a) Minimize per-unit parcel size by allowing increased density.

Statement: This Comprehensive Plan Map Amendment will allow for a subsequent redesignation from R-1 zoning to R-2 zoning increasing the density from 4du/ac to 6du/ac.

Land Use Element

Goal 2.3

Promote Community Diversity and Distinction and Increase Housing Opportunities

Policy 2.3.4

Residential Densities

- (a) Establish a range of residential densities which would accommodate a variety of housing types and tenures. Densities within the city and its urban area should range from a low of 4.0 dwelling units per acre to a maximum of 12.0 dwelling units per acre.

Statement: The current R-1 zoning allows 4 du/acre. The requested Comprehensive Plan Map Amendment for redesignation from RL to RM would allow for the subsequent rezone to R-2 allowing 6 du/ac, increasing the density within the city and its urban area.

- d) How the amendment is internally consistent with the City's Comprehensive plan, as well as other adopted City plans and codes.

Statement:

The map amendment (non-project action) is internally consistent with the City's Comprehensive Plan, as well as other adopted City plans and codes by allowing for future development that is consistent with a subsequent redesignation within the zoning code.

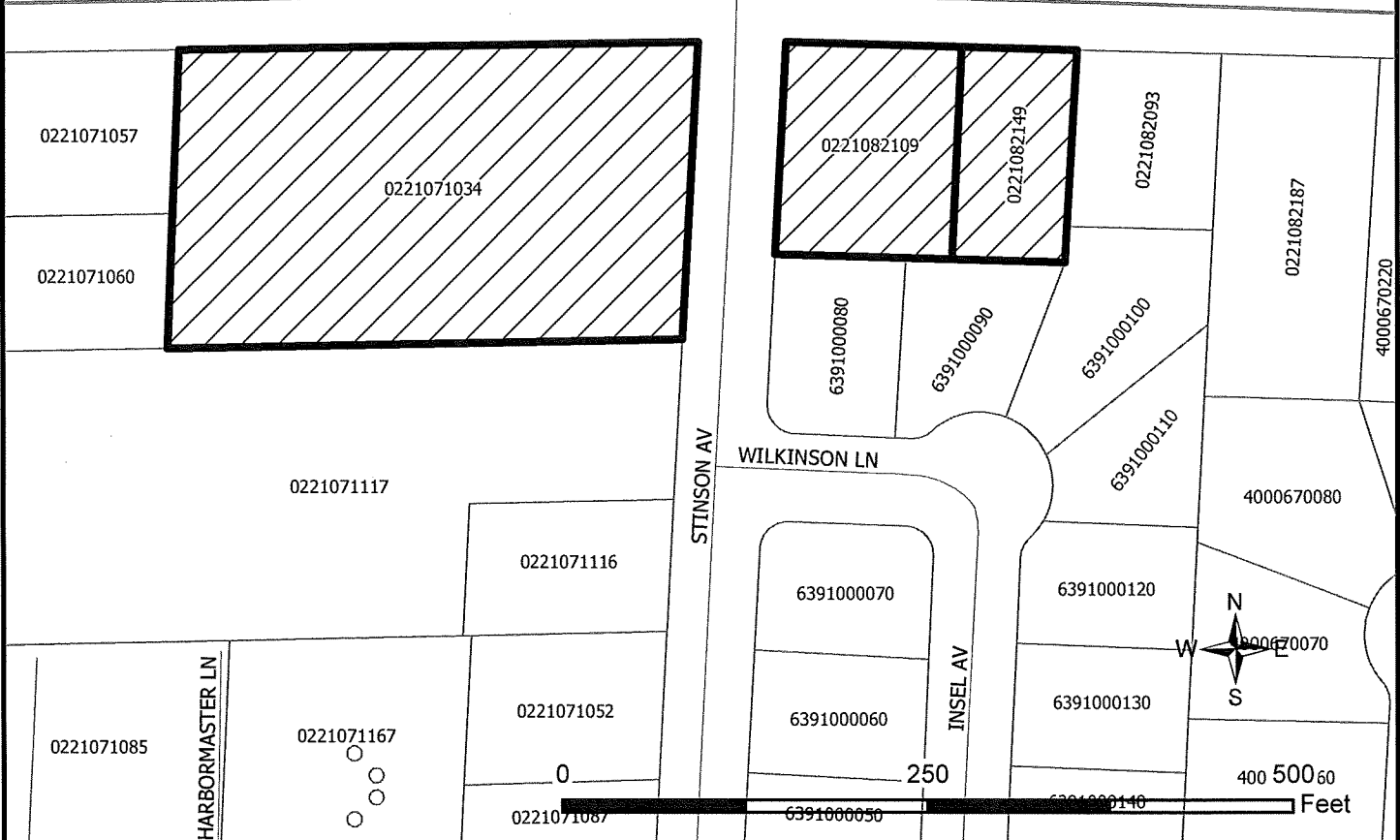
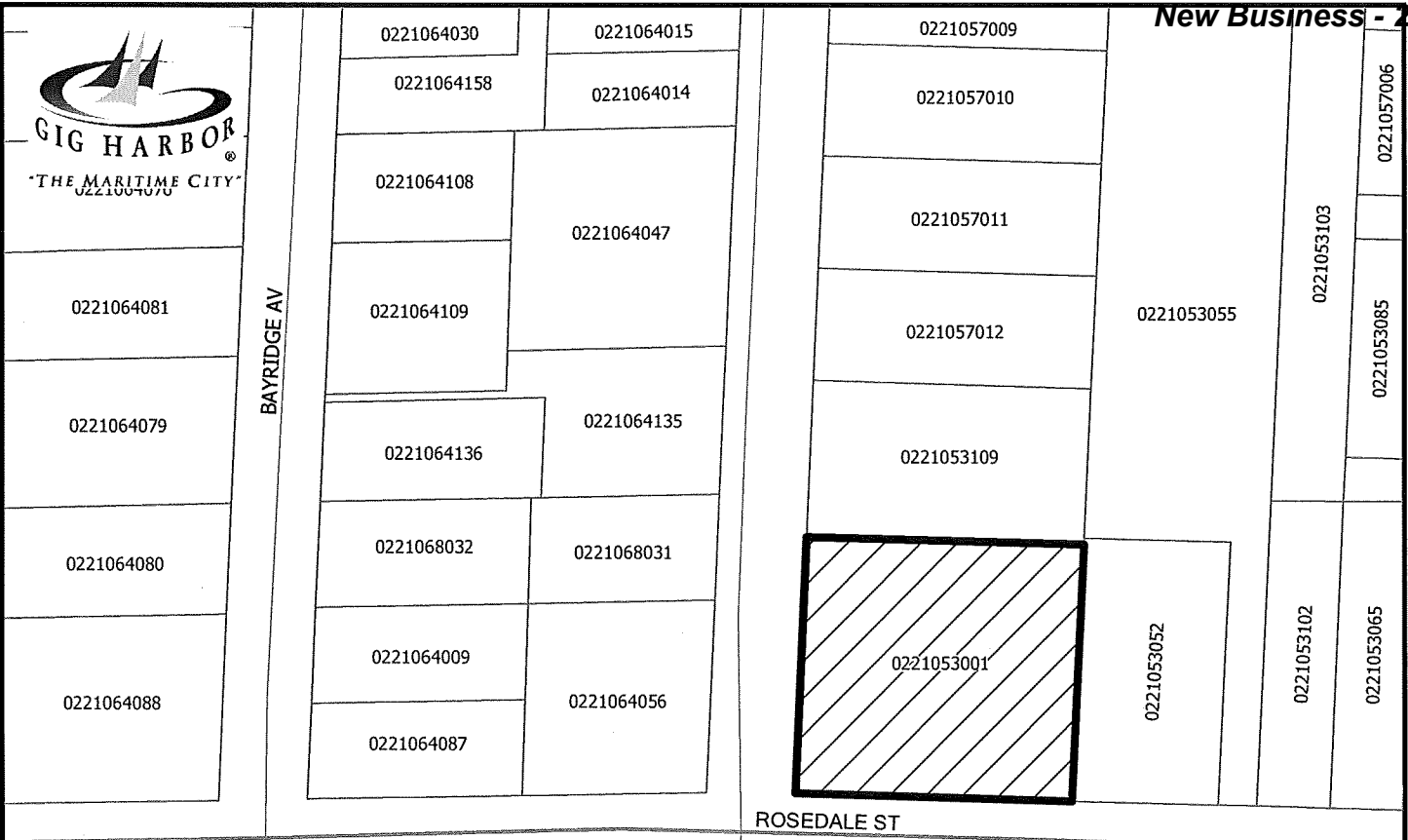
Please feel free to contact me at 253.627.4367 if you have questions with regards to the enclosed information

Sincerely-

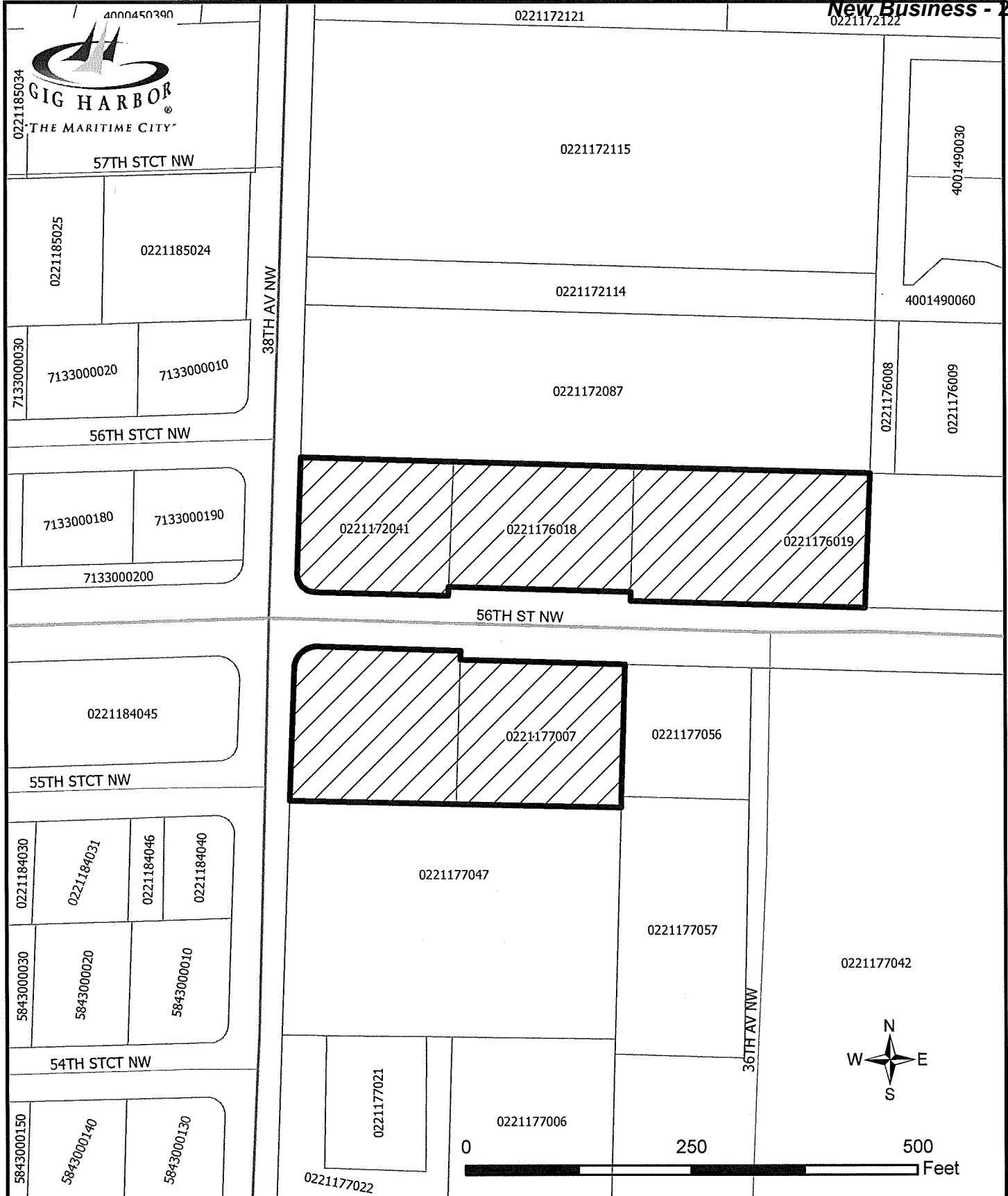
Carolyn M. Back
Land Use Planning, Associate Planner
BCRA



**Application COMP 09-0006:
RB-1 Area-Wide Land Use Map
Amendment**



**COMP 09-0006 RB-1 Area-Wide Land Use Amendment AREA 1
Currently Residential Low (RL) and Residential Medium (RM)**



**COMP 09-0006 RB-1 Area-Wide Land Use Amendment AREA 2
Currently Residential Low (RL)**



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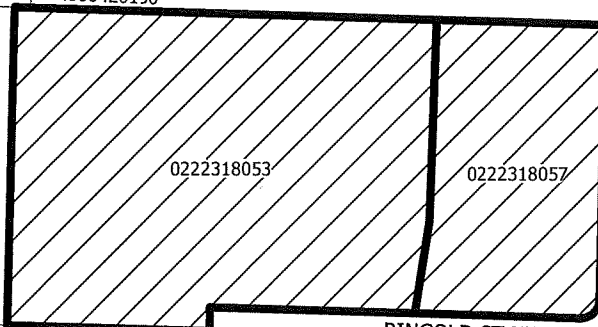
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WOODWORTH AV

RINGOLD ST NW

PEACOCK HILL AV NW

4355200140

4355200010

4355200130

4355200020

4355200120

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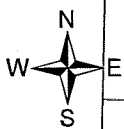
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250 500 Feet

COMP 09-0006 RB-1 Area-Wide Land Use Amendment AREA 3 Currently Residential Low (RL)

**Application COMP 09-0007:
Stormwater Comprehensive Plan**

Written Statement of Application for:

Revising Chapter 12 to reflect a new Stormwater Comprehensive Plan

A. Purpose of proposed amendment:

Amend the "Inventory and Analysis" section of Chapter 12 to reflect information provided in the City's new 2008 Stormwater Comprehensive Plan.

B. How is the proposed amendment consistent with the Washington State Growth Management Act?

This amendment is consistent with the Washington State Growth Management Act by protecting, through planning, the environment and enhancing the state's high quality of life, including air and water quality, and the availability of water.

C. How is the proposed amendment consistent with the adopted Countywide planning policies?

This amendment is consistent with Countywide Planning Policies by maintaining or enhancing water quality through control of runoff and best management practices (Section 25 of the Countywide Planning Policy on Natural Resources, Open Spaces and Protection of Environmentally-Sensitive Lands).

D. How does the proposed amendment further the purpose of the City's Comprehensive Plan?

This amendment is consistent with the City's Comprehensive Plan by meeting Goal 8.3 of the Comprehensive Plan.

E. How is the proposed amendment internally consistent with the City's Comprehensive Plan and other City plans and codes?

This amendment furthers the purpose of the City's Comprehensive Plan by planning for and providing adequate storm drainage facilities that manage and control stormwater runoff.

planning tool to ensure that all segments of the community are served according to their needs.

In addition to City-owned facilities, residents of the greater Gig Harbor community have access to facilities owned and operated by others. These include facilities associated with the Peninsula School District schools in and around the City, Pierce County's Peninsula Recreation Center and Randall Street Boat Launch, Tacoma's Madrona Links public golf course, and various private parks, including Canterwood Golf Course, sporting facilities, marinas, and boat landings. According to the Park, Recreation and Open Space Plan, all public and private agencies, and other public and private organizations owned 963.4 acres or about 80.3 acres for every 1,000 persons living within the City and its urban growth area in 2000. Therefore, while the City's level of service standards provides a guide for ensuring a minimum provision of park and recreation land, the actual capacity of all such facilities is significantly higher.

Proposed parks capital facility improvements are listed on Table 12.5

Stormwater System Facilities

Existing Facilities

The Puget Sound and in particular Gig Harbor, Henderson Bay, and Wollochet Bay are the receiving water bodies of the City of Gig Harbor's storm system. The storm system consists of catch basins, pipe, drainage ditches, natural streams such as Donkey Creek and McCormick Creek, wetlands, ponds, and stormwater detention and water quality facilities. The Operations and Maintenance Department is responsible for approximately 30 stormwater ponds, 1,650 catch basins, 12 miles of drainage ditches and over 33 miles of storm pipe. Annually these numbers will increase as development continues to occur. CIP projects are constructed and new areas are annexed by the City. With the approximately 45 miles of pipe and drainage ditches discharging to the receiving waters of the Puget Sound, which is habitat to various fish and wildlife such as Chinook, coho, steelhead, bald eagles and herons. It is important to protect and improve the water quality of the various water bodies in the City.

The objective of the City's stormwater operation and maintenance program is to assure that all the elements of the stormwater system are functioning properly to avoid any impacts to the environment and properties. The program includes operation and maintenance of storm systems being performed by many entities, including the City's Public Works Department, homeowners association, and property management companies. Scheduled maintenance tasks and inspections are regularly performed and are essential to the program. Major system problems are avoided when defects are identified and addressed in a timely manner.

The City of Gig Harbor is divided into six major drainage basins that drain the urban growth area. These are North/Donkey Creek, Gig Harbor, Bitter/Garr/Wollochet Creek, Gooch/McCormick Creek, Crescent Creek, and the Puget Sound. These basins drain to Gig Harbor, Wollochet Bay, and Henderson Bay. The storm drainage collection and conveyance system consists of typical components such as curb inlets, catch basins, piping ranging from 8-inch to 48-inch, open ditches, natural streams, wetlands, ponds, and stormwater detention and

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DEVELOPMENT

water quality ponds.

Level of Service

Through the Clean Water Act and other legislation at the federal level, the Washington State Department of Ecology has been delegated the authority to implement rules and regulations that meet the goals of the Clean Water Act. As part of these rules and regulations, the Department of Ecology issued the Western Washington Phase II Municipal Stormwater Permit (Permit) to the City of Gig Harbor in January 2007. The Permit authorizes the discharge of stormwater to surface waters and to ground waters of the State from Municipal Separate Storm Sewer System (MS4) owned or operated by the City of Gig Harbor. By being identified as a Permittee the City is required to satisfy many obligations during the five-year permit period.

The City has been proactive in satisfying the requirements of this Permit. In 2006, the City prepared a gap analysis comparing the existing City stormwater program to the Permit requirements. According to the gap analysis, public participation, City staff training and stormwater policies appear to be the areas that the City will need to focus their efforts. Other obligations required by the Permit include the development of a stormwater management program and development of an enforceable mechanism, such as an ordinance, controlling runoff from development and construction sites, including adoption of a new stormwater technical manual. The City's stormwater management program along with the City's stormwater-related ordinances establishes a level of service for both public and private development projects.

The Permit requirements are being phased in over the course of the life of the permit. At the end of the permit, or sooner if required by law, the City will likely be issued a new permit with new permit requirements that are additive to the existing permit requirements.

The role of federal, state, and local stormwater regulations is to provide minimum standards for the drainage and discharge of stormwater runoff. Specifically, the goal of these regulations is to reduce the damaging effects of increased runoff volumes to the natural environment as the land surface changes and to remove pollutants in the runoff.

Through the Clean Water Act and other legislation at the federal level, the states have been delegated the authority to implement rules and regulations that meet the goals of this legislation. The states, subsequently, have delegated some of this authority to the local agencies. The local agencies, in turn, enact development regulations to enforce the rules sent down by the state. Therefore, the level of service is represented by the regulations adopted and enforced by the City. The City of Gig Harbor has adopted the 1997 Kitsap County Stormwater Management Design Manual as the City of Gig Harbor Stormwater Management Design Manual. The manual outlines water quantity design criteria, water quality controls, erosion and sediment control practices, and site development.

Forecast of Future Needs

In connection with the preparation of the City's Stormwater Comprehensive Plan, storm system

modeling was performed at a planning level to identify system needs under future full build-out land use conditions. The City selected seven storm trunklines to be analyzed. These trunklines were selected based on known past conveyance and/or sedimentation problems and possible future system impacts due to development.

Recommended storm system improvements are identified in the Capital Improvement Plan of the Stormwater Comprehensive Plan and to meet the needs of the environment, future development and growth. In March 2008 the City initiated a Stormwater General Facility Charge for funding stormwater CIP projects.

The types of improvements identified and scheduled include capacity, facility and habitat projects. Capacity problems can also be resolved in many ways including increased facility sizing, pipe replacement, and flow control facilities. Onsite or regional facilities can reduce flows to minimize capacity impacts on the existing storm system. Regional facility locations should be considered as an alternative to pipe replacement. Storm system and habitat improvement projects identified in the CIP are based on the Staff's knowledge of the service area, past studies and the hydrologic/hydraulic system analysis.

~~The development of stormwater facilities is largely driven by developer improvements, although the City provides oversight and system upgrades to remedy capacity issues. Proposed storm and surface water capital facility improvements are listed on Table 12.5.~~

CAPITAL FACILITIES PROGRAM

A Capital Facilities Program (CFP) is a six-year plan for capital improvements that are supportive of the City's population and economic base as well as near-term (within six years) growth. Capital facilities are funded through several funding sources which can consist of a combination of local, state and federal tax revenues.

The Capital Facilities Program works in concert generally with the land-use element. In essence, the land use plan establishes the "community vision" while the capital facilities plan provides for the essential resources to attain that vision. An important linkage exists between the capital facilities plan, land-use and transportation elements of the plan. A variation (change) in one element (i.e. a change in land use or housing density) would significantly affect the other plan elements, particularly the capital facilities plan. It is this dynamic linkage that requires all elements of the plan to be internally consistent. Internal consistency of the plan's elements imparts a degree of control (checks and balances) for the successful implementation of the Comprehensive Plan. This is the concurrence mechanism that makes the plan work as intended.

The first year of the Capital Facilities Program will be converted to the annual capital budget, while the remaining five year program will provide long-term planning. It is important to note that only the expenditures and appropriations in the annual budget are binding financial commitments. Projections for the remaining five years are not binding and the capital projects recommended for future development may be altered or not developed due to cost or changed conditions and circumstances.

Definition of Capital Improvement

The Capital Facilities Element is concerned with needed improvements which are of relatively large scale, are generally non-recurring high cost and which may require financing over several years. The list of improvements is limited to major components in order to analyze development trends and impacts at a level of detail which is both manageable and reasonably accurate.

Smaller scale improvements of less than \$25,000 are addressed in the annual budget as they occur over time. For the purposes of capital facility planning, capital improvements are major projects, activities or maintenance, costing over \$25,000 and requiring the expenditure of public funds over and above annual operating expenses. They have a useful life of over ten years and result in an addition to the city's fixed assets and/or extend the life of the existing infrastructure. Capital improvements do not include items such as equipment or "rolling stock" or projects, activities or maintenance which cost less than \$25,000 or which regularly are not part of capital improvements.

Capital improvements may include the design, engineering, permitting and the environmental analysis of a capital project. Land acquisition, construction, major maintenance, site improvements, energy conservation projects, landscaping, initial furnishings and equipment may also be included.

Capital Facilities Needs Projections

The City Departments of Operations and Engineering, Planning-Building, Finance and Administration have identified various capital improvements and projects based upon recent surveys and planning programs authorized by the Gig Harbor City Council. Suggested revenue sources were also considered and compiled.

Currently, six capital facilities plans have been completed:

- City of Gig Harbor Water System Comprehensive Plan – Volumes 1 & 2 (June 2001), as amended by ordinance
- City of Gig Harbor Wastewater Comprehensive Plan (February, 2002), as amended by ordinance.
- City of Gig Harbor Wastewater Treatment Plan Improvements Engineering Report (April 2003)
- City of Gig Harbor Phase 1 Wastewater Treatment Plan Improvements Technical Memorandum (August 2007)
- City of Gig Harbor Stormwater Comprehensive Plan (April 2009 ~~February, 2001~~), as amended by ordinance
- City of Gig Harbor Park, Recreation & Open Space Plan (March 2001), as amended by ordinance

All the plans identify current system configurations and capacities and proposed financing for improvements, and are adopted by reference as part of this Comprehensive Plan.

**Application COMP 09-0008:
Wastewater Comprehensive Plan**

Written Statement of Application for:

Revising Chapter 12 to reflect a new Wastewater Comprehensive Plan

A. Purpose of proposed amendment:

Amend the "Wastewater Facilities" section of the "Inventory and Analysis" section of Chapter 12 to reflect information provided in the City's new 2008 Wastewater Comprehensive Plan.

B. How is the proposed amendment consistent with the Washington State Growth Management Act?

This amendment is consistent with the Washington State Growth Management Act by protecting, through planning, the environment and enhancing the state's high quality of life, including air and water quality, and the availability of water.

C. How is the proposed amendment consistent with the adopted Countywide planning policies?

This amendment is consistent with Countywide Planning Policies by providing public sanitary sewer service (Section 3.4 of the Countywide Planning Policy on Urban Growth Areas, Promotion of Contiguous and Orderly Development and Provision of Urban Services to Such Development).

D. How does the proposed amendment further the purpose of the City's Comprehensive Plan?

This amendment furthers the purpose of the City's Comprehensive Plan by meeting Goal 8.5 of the Comprehensive Plan.

E. How is the proposed amendment internally consistent with the City's Comprehensive Plan?

This amendment is consistent with the City's Comprehensive Plan by developing and implementing a sewer (wastewater) comprehensive plan that provides for capacity and timing of needed sewage infrastructure for a projected twenty-year growth period.

prioritize capital improvements for a longer period of time than the single budget year. Long range financial planning presents the opportunity to schedule capital projects so that the various steps in development logically follow one another respective to relative need, desirability and community benefit. In addition, the identification of adequate funding sources results in the prioritization of needs and allows the tradeoffs between funding sources to be evaluated explicitly. The Capital Facilities Plan will guide decision making to achieve the community goals as articulated in the Vision Statement of December, 1992.

INVENTORY AND ANALYSIS

The inventory provides information useful to the planning process. It also summarizes new capital improvement projects for the existing population, new capital improvement projects necessary to accommodate the growth projected through the year 2014 and the major repair, renovation or replacement of existing facilities.

Inventory of Existing Capital Facilities

Wastewater System Facilities

Existing Capital Facilities

The City's waste water treatment facility is located on five acres, west of Harborview Drive at its intersection with North Harborview Drive. The principal structure on the site consists of a 2,240 square feet building which houses the offices, testing lab and employee lunch room. The treatment facility consists of an activated sludge system which provides secondary level treatment of municipal sewage. After treatment, the effluent is discharged into Gig Harbor Bay via a submarine outfall pipe. The system was upgraded in 1996 to its present capacity of 1.6 MGD. The existing facility is very near actual capacity at historical month and peak flow of 1.1 MGD and 2.0 MGD, respectively. A proposed 2.4MGD expansion of the treatment plant is anticipated to provide sufficient capacity through the 20 year planning horizon.

A 2003 and a 2007 report by the Cosmopolitan Engineering Group, Inc analyzed the operation, maintenance, and capacity problems at the treatment plant, including odor and noise complaints. The report proposed a number of phased system improvements that have been incorporated in the wastewater capital improvement program.

The existing collection system serves a population of 6,820 and includes approximately 141,000 feet of gravity pipe, 27,000 feet of force main, 13 lift stations. Detailed descriptions of the existing sewer system, including location and hydraulic capacities, are found in the Gig Harbor Wastewater Comprehensive Plan (2002).

The downtown portion of the collection system was constructed under ULID No.1 in the mid-1970s. ULID No. 2 was constructed in the late 1980's to serve areas to the South of Gig Harbor, including portions of Soundview Drive, Harbor County Drive, Point Fosdick Gig Harbor Drive,

56th Street NW, 32nd Avenue, and Harborview Drive. ULID No. 3 was constructed in the early 1990's to connect the Gig Harbor collection system to points north including portions of Burnham Drive NW and 58th Avenue NW.

Gig Harbor's original collection system, constructed in 1974-1975, served the downtown area and an area south of downtown. The original system was called Utility Local Improvement District (ULID) #1 and included six lift stations. ULID #2 was constructed to the south of ULID #1 in 1988 to serve south Gig Harbor including portions of Soundview Drive, Harbor Country Drive, Point Fosdick Drive, and Olympic Drive. ULID #3 was constructed north of ULID #1 in 1992 to serve North Gig Harbor including the area along Burnham Drive north of Harborview Drive, the Washington State Women's Corrections Center off Bujacich Drive, and the Purdy area including the Peninsula School District campus in Purdy.

Further expansions of the City's collection system were built under development agreements and as mitigations conditions of proposed development through the state environmental policy act (SEPA) process. As of 2009 the City's collection system consisted of approximately 150,000 feet of gravity sewers, 32,000 feet of sewer force mains, and 15 lift stations.

The City's wastewater treatment plant (WWTP) is located on five acres, west of Harborview Drive at its intersection with North Harborview Drive. The original WWTP was brought online to provide secondary treatment of municipal sewage in 1975. The original WWTP had a design capacity of 0.45 million gallons per day (MGD) with an average organic loading of 700 lbs BOD₅/day. In 1988, the WWTP was expanded to treat 0.7 MGD and an average organic loading of 1,800 lbs BOD₅/day. The WWTP was expanded again in 1996 to treat 1.0 MGD and permitted to treat a capacity of 1.6 MGD and an average organic loading of 3,400 lbs BOD₅/day. In 2009 the City started construction of Phase I of additional improvements to the WWTP to expand the treatment capacity to the permitted capacity.

The WWTP consists of the following major components: influent flow meter, influent screens, screening press, aeration basins, blowers, secondary clarifiers, return activated sludge pumps, waste activated sludge pump, aerobic digester, digested sludge pumps, sludge dewatering centrifuge, chlorinators, chlorine contact tanks, dechlorination system, and effluent discharge pumps. Effluent from the WWTP is piped through an outfall that discharges in to Gig Harbor.

In addition to sewer service within the Gig Harbor UGA, the City of Gig Harbor owns, operates, and maintains a septic system for the Shorecrest Development along Ray Nash Drive NW Ray Nash Development, located about 5 miles west of the City. The Shorecrest septic system Ray Nash is a 12-unit development with an on-site septic system and pressurized drainfield. The City also maintains an on-site septic system for the Olympic Theater.

Level Of Service

The City introduced a requirement in May 2006 through Ordinance #1044 for most new development and redevelopment projects to request a portion of the treatment capacity at the City's wastewater treatment plant (WWTP) through the sewer capacity reservation certificate

(CRC) process. Since the WWTP has limited capacity to treat wastewater, the City identifies by way of the sewer CRC process those projects that the City's WWTP has adequate public wastewater facilities to treat.

In August 2007 the City released a statement indicating the City may not be able to grant any additional sewer CRCs until a planned expansion project at the WWTP is completed. Upon completion of design on Phase 1 expansion at the WWTP the City started construction of the design improvements in 2009 with the intent of providing additional treatment capacity.

Forecast of Future Needs

The City has used a demographics forecasting allocation model (DFAM) to forecast future population growth on undeveloped and underdeveloped parcels within the City's urban growth area (UGA). The primary input to the DFAM was a result of the City's Buildable Lands Analysis. The resulting population growth was then correlated to the generation of sewer flows to provide an estimate of the distribution of sewer flows throughout the City's UGA. These forecasted flows and descriptions of future wastewater needs are described further in the City's Wastewater Comprehensive Plan.

Future Wastewater Collection Needs

The City's collection system is planned at full build-out to expand to the limits of the UGA. The collection system has been divided into a total of 21 topographic basins, also known as sewer basins. At build-out each sewer basin will have one sewer pump station and a mixture of sewer gravity mains and sewer force mains. The design and construction of undeveloped and underdeveloped sewer basins may be financed by developers as conditions of SEPA or land use approval, and/or utility local improvement districts (ULIDs).

As noted above in the description of the existing capital facilities, the City's core area has an established sewer collection system. Some areas within the City's UGA are capable of having sewer flows conveyed through the use of gravity to existing sewer lift stations. However, in most areas the future development of the City's sewer collection system will occur in areas beyond the City's core area. These areas have a topographic low point where wastewater must be collected and pumped and may require construction of a new sewer pump station, also known as a lift station. Only one lift station shall be utilized in each sewer basin.

In situations where a new sewer lift station must be constructed two scenarios exist. The first scenario is where no lift station is located in the sewer basin. The proposed development activity shall design and construct a new lift station that will collect sewer flows from the proposed development and all future development upstream in the sewer basin.

The second scenario is where an existing lift station is already located in the sewer basin but the proposed development activity is located lower in elevation than the existing lift station. The proposed development activity shall design and construct a new lift station that will collect sewer flows from the existing lift station, the proposed development and all future development upstream in the sewer basin. The existing lift station would then be demolished.

Due to the likely potential for mechanical and electrical failures and the complications that arise when these failures occur, developments shall maximize gravity flows while minimizing the use of lift stations and grinder pumps.

Only developments lower in elevation than an existing lift station or gravity main AND lower in elevation that the path of sewer main construction may, upon approval of the Public Works Director, use grinder pumps in lieu of constructing a new lift station.

The City's Public Works Department provides continuous maintenance of the existing collection system. Future needs of the existing collection system are mostly limited to projects requiring rehabilitation of the lift stations. However, through the modeling of projected wastewater flows, no projects have been identified in the short term as necessary to increase the capacity of a gravity sewer main. Funding for the ongoing maintenance of the existing collection system, including rehabilitation of existing lift stations and replacement of existing sewer mains may be funded by utility connection fees and utility rates.

Specific facility improvements anticipated to accommodate the upcoming six year planning period are listed in Table 12.5.

Future Wastewater Treatment Plant Needs

To treat wastewater flows and waste load projections for the anticipated 20 year planning horizon the City will need to increase the permitted capacity of the treatment plant. With the construction of the Phase I improvements to the WWTP in 2009, the City anticipates the need for completing the design and construction of the Phase II WWP improvements and extending the marine portion of the wastewater outfall into Colvos Passage to receive approval on an increased wastewater discharge.

Reclaimed Water Investigation.

The State has identified reclaimed water as an important water resource management strategy that can offer benefits related to potable water supply, wastewater management, and environmental enhancement. The City has acknowledged the State's acceptance and promotion of reclaimed water as being a viable and important water resource management tool through the adoption of a comprehensive plan goal for the wastewater utility to explore options to create reclaimed water. Table 12.5 identifies an annual project for the study and investigation of wastewater reuse and reclaimed water.

In order to provide service to the urban growth area within 20 years, the City's sewer system of Gig Harbor will need to be extended its system into areas that currently do not have sewers. Collection system expansions will be financed by developer fees and/or utility local improvement districts (ULIDs), and maintained by the City. A conceptual plan for extending sewers into the unsewered parts of the city and urban growth area is included in the City's Wastewater Comprehensive Plan (2002). Individual basins in the unsewered areas were prioritized as 6-year or 20-year projects based on anticipated development.

The service area as configured in 1999 represented 2,270 equivalent residential units (ERUs). By 2019, this total is projected to reach 8,146 ERUs within the existing service area boundaries, with an additional 11,219 in the currently unsewered areas, for a system wide total of 19,365 ERUs. Specific facilities improvements required to accommodate the short term (6 year) and long term (20 year) growth are listed in Table 12.5.

With completion of the proposed treatment plant expansion and other proposed system improvements, no significant capacity issues are anticipated through the 2022 planning horizon.

Water System

Existing Capital Facilities

The City’s water system and service area are unique in that many residents within the City limits and the City’s UGA receive water service from adjacent water purveyors. Over 6,300 of the 12,113 people (52%) within the City’s UGA and over 500 people within the City limits receive water from water purveyors other than the City.

The City of Gig Harbor Water System was originally built in the late 1940's. The system has experienced considerable growth and served 1,391 connections and a service area population of 5,636 in 1999, including the Washington Corrections Center for Women and the Shore Acres Water System.

The City owns and draws water from six wells. The City’s wells have a combined capacity of 2,705 gallons per minute (GPM) and are exclusively groundwater wells.

Table 12.1 - Summary of Existing Source Supply

Well No.	Date Drilled	Capacity (GPM)	Depth (Ft.)	Status
1	1949	N/A	320	Abandoned
2	1962	330	121	In Use
3	1978	625	920	In Use
4	1988	230	443	In Use
5	1990	500	818	In Use
6	1991	1,000	600	In Use
7	N/A	N/A	393	Class B Well
8	1965	20	240	In Use

Source: City of Gig Harbor Water Facilities Inventory (WFI) Report, 1998; DOE Water Right Certificates

The City also has six storage facilities with a combined capacity of 4,550,000 gallons as shown in Table 12.2. Recently, a 2.4 million gallon storage reservoir was constructed in 2006. The tank was privately constructed as a condition of a pre-annexation agreement for Gig Harbor North. Upon completion, the facility was turned over to the City.

Table 12.2 - Summary of Existing Storage Facilities

element (i.e. a change in land use or housing density) would significantly affect the other plan elements, particularly the capital facilities plan. It is this dynamic linkage that requires all elements of the plan to be internally consistent. Internal consistency of the plan's elements imparts a degree of control (checks and balances) for the successful implementation of the Comprehensive Plan. This is the concurrence mechanism that makes the plan work as intended.

The first year of the Capital Facilities Program will be converted to the annual capital budget, while the remaining five year program will provide long-term planning. It is important to note that only the expenditures and appropriations in the annual budget are binding financial commitments. Projections for the remaining five years are not binding and the capital projects recommended for future development may be altered or not developed due to cost or changed conditions and circumstances.

Definition of Capital Improvement

The Capital Facilities Element is concerned with needed improvements which are of relatively large scale, are generally non-recurring high cost and which may require financing over several years. The list of improvements is limited to major components in order to analyze development trends and impacts at a level of detail which is both manageable and reasonably accurate.

Smaller scale improvements of less than \$25,000 are addressed in the annual budget as they occur over time. For the purposes of capital facility planning, capital improvements are major projects, activities or maintenance, costing over \$25,000 and requiring the expenditure of public funds over and above annual operating expenses. They have a useful life of over ten years and result in an addition to the city's fixed assets and/or extend the life of the existing infrastructure. Capital improvements do not include items such as equipment or "rolling stock" or projects, activities or maintenance which cost less than \$25,000 or which regularly are not part of capital improvements.

Capital improvements may include the design, engineering, permitting and the environmental analysis of a capital project. Land acquisition, construction, major maintenance, site improvements, energy conservation projects, landscaping, initial furnishings and equipment may also be included.

Capital Facilities Needs Projections

The City Departments of Operations and Engineering, Planning-Building, Finance and Administration have identified various capital improvements and projects based upon recent surveys and planning programs authorized by the Gig Harbor City Council. Suggested revenue sources were also considered and compiled.

Currently, six capital facilities plans have been completed:

- City of Gig Harbor Water System Comprehensive Plan – Volumes 1 & 2 (June 2001), as amended by ordinance
- City of Gig Harbor Wastewater Comprehensive Plan (~~April 2009~~ February, 2002), as

amended by ordinance.

- City of Gig Harbor Wastewater Treatment Plan Improvements Engineering Report (April 2003)
- City of Gig Harbor Phase 1 Wastewater Treatment Plan Improvements Technical Memorandum (August 2007)
- City of Gig Harbor Stormwater Comprehensive Plan (February, 2001), as amended by ordinance
- City of Gig Harbor Park, Recreation & Open Space Plan (March 2001), as amended by ordinance

All the plans identify current system configurations and capacities and proposed financing for improvements, and are adopted by reference as part of this Comprehensive Plan.

Prioritization of Projected Needs

The identified capital improvement needs listed were developed by the City Community Development Director, Finance Director, and the City Administrator. The following criteria were applied informally in developing the final listing of proposed projects:

Economics

- Potential for Financing
- Impact on Future Operating Budgets
- Benefit to Economy and Tax Base

Service Consideration

- Safety, Health and Welfare
- Environmental Impact
- Effect on Service Quality

Feasibility

- Legal Mandates
- Citizen Support
- 1992 Community Vision Survey

Consistency

- Goals and Objectives in Other Elements
- Linkage to Other Planned Projects
- Plans of Other Jurisdictions

Cost Estimates for Projected Needs

The majority of the cost estimates in this element are presented in 2000 dollars and were derived from various federal and state documents, published cost estimates, records of past expenditures and information from various private contractors.

**Application COMP 09-0009:
Water System Plan**

Written Statement of Application for:

Revising Chapter 12 to reflect a new Water System Plan

A. Purpose of proposed amendment:

Amend the "Inventory and Analysis" section of Chapter 12 to reflect information provided in the City's new 2008 Water System Plan.

B. How is the proposed amendment consistent with the Washington State Growth Management Act?

This amendment is consistent with the Washington State Growth Management Act by protecting, through planning, the environment and enhancing the state's high quality of life, including air and water quality, and the availability of water.

C. How is the proposed amendment consistent with the adopted Countywide planning policies?

This amendment is consistent with Countywide Planning Policies by providing public sanitary sewer service (Section 3.4 of the Countywide Planning Policy on Urban Growth Areas, Promotion of Contiguous and Orderly Development and Provision of Urban Services to Such Development).

D. How does the proposed amendment further the purpose of the City's Comprehensive Plan?

This amendment furthers the purpose of the City's Comprehensive Plan by meeting Goal 8.4 of the Comprehensive Plan.

E. How is the proposed amendment internally consistent with the City's Comprehensive Plan?

This amendment is consistent with the City's Comprehensive Plan by upgrading and maintaining a high quality and quantity of potable water to residential, commercial, and industrial users.

56th Street NW, 32nd Avenue, and Harborview Drive. ULID No. 3 was constructed in the early 1990's to connect the Gig Harbor collection system to points north including portions of Burnham Drive NW and 58th Avenue NW.

In addition to sewer service within the Gig Harbor UGA, the City of Gig Harbor maintains a septic system for the Ray Nash Development, located about 5 miles west of the City. Ray Nash is a 12-unit development with an on-site septic system and pressurized drainfield. The City also maintains an on-site septic system for the Olympic Theater.

Forecast of Future Needs

In order to provide service to the urban growth area within 20 years, the City of Gig Harbor will need to extend its system into areas that currently do not have sewers. Collection system expansions will be financed by developer fees and/or utility local improvement districts (ULIDs), and maintained by the City. A conceptual plan for extending sewers into the unsewered parts of the city and urban growth area is included in the City's Wastewater Comprehensive Plan (2002). Individual basins in the unsewered areas were prioritized as 6-year or 20-year projects based on anticipated development.

The service area as configured in 1999 represented 2,270 equivalent residential units (ERUs). By 2019, this total is projected to reach 8,146 ERUs within the existing service area boundaries, with an additional 11,219 in the currently unsewered areas, for a system-wide total of 19,365 ERUs. Specific facilities improvements required to accommodate the short-term (6-year) and long-term (20-year) growth are listed in Table 12.5.

With completion of the proposed treatment plant expansion and other proposed system improvements, no significant capacity issues are anticipated through the 2022 planning horizon.

Water System

Existing Capital Facilities

The City's of Gig Harbor Wwater Ssystem, and limited by its retail water service area (RWSA), is are unique in that many residents within the City limits and the City's UGA receive water service from adjacent water purveyors. Approximately 35% of the population within the City limits and City's UGA receives water from the City, and the remainder within the City limits and City's UGA receive water from other water purveyors or from private wells. Over 6,300 of the 12,113 people (52%) within the City's UGA and over 500 people within the City limits receive water from water purveyors other than the City.

The City of Gig Harbor Water System was originally built in the late 1940's. Today, the City's RWSA encompasses approximately 4.4 square miles with 1,927 service connections serving approximately 4,700 people. The City operates six groundwater wells that supply water to its water service customers, and has more than 37 miles of pipeline and six reservoirs located around the City. Summaries of the City's well source supply and storage facilities are provided

in Table 12.1 and Table 12.2, respectively, below. The City also provides wholesale water service to three customers outside the City’s RWSA, and has an emergency intertie with one purveyor. The system has experienced considerable growth and served 1,391 connections and a service area population of 5,636 in 1999, including the Washington Corrections Center for Women and the Shore Acres Water System.

The City owns and draws water from six wells. The City’s wells have a combined capacity of 2,705 gallons per minute (GPM) and are exclusively groundwater wells.

Table 12.1 - Summary of Well Existing Source Supply

Well No.	Date Drilled	Capacity (GPM)	Depth (Ft.)	Status
1	1949	120N/A	246 320	Inactive Abandoned
2	1962	280 330	116 121	Active-In Use
3	1978	750 625	745 920	Active-In Use
4	1988	200 230	399 443	Active-In Use
5	1990	543 500	705 818	Active-In Use
6	1991	975 1,000	566 600	Active-In Use
7	N/A	40 N/A	393	Inactive Class-B Well
8	1965	20	231 240	Active-In Use

Source: City of Gig Harbor Water Facilities Inventory (WFI) Report, 2008 1998; DOE Water Right Certificates

The City also has six storage facilities with a combined capacity of 4,550,000 gallons as shown in Table 12.2. Recently, a 2.4 million gallon storage reservoir was constructed in 2006. The tank was privately constructed as a condition of a pre-annexation agreement for Gig Harbor North. Upon completion, the facility was turned over to the City.

Table 12.2 - Summary of Existing Storage Facilities

Storage Facility	Associated with Well No.	Total Capacity (gallons)	Base Elevation (ft)	Overflow Elevation (ft)
East Tank	2	250,000	304	320
Harbor Heights Tanks ⁽¹⁾	4	500250,000	290	320
<u>Harbor Heights Tank 2</u>	<u>4</u>	<u>250,000</u>	<u>290</u>	<u>320</u>
Shurgard Tank	3	500590,000	339	450
Skansie Tank	5 & 6	1,000,000	338	450
Gig Harbor North Tank	None	2,300,000	301	450
Total		4,640550,000		

(1) There are two Harbor Heights tanks, each with a volume of 250,000 gallons.

Source: City of Gig Harbor 2009 Water System Comprehensive Plan

As with most municipalities, the City’s water distribution system has developed continuously as demands and the customer base have grown. This evolution has created a distribution system

comprised of pipes of various materials, sizes, and ages. Some areas of the City have pipe materials, sizes, and age that do not meet current construction standards or underperform. The City's distribution system is comprised primarily of six inch and eight inch pipe. Ten inch and twelve inch pipes are located mostly at reservoir and pump outlets in order to maximize flows to the distribution system. There is also a 16 inch main along Skansie Avenue that serves the City maintenance shops and the Washington Correctional Center for Women facility in the Purdy area of the City's UGA. Approximately five percent of the system consists of four inch pipe. The City is systematically replacing these undersized lines as budget allows. The City is also replacing older asbestos cement (AC) lines with ductile iron pipe as budget allows.

A detailed description of the existing water supply system may be found in the City of Gig Harbor Comprehensive Water System Plan (2001).

Forecast of Future Needs

The water use projections for the existing service area indicate an increase from 5,636 people in 2000 to 7,590 people in 2019. Projected populations for the City's new service area are estimated at an additional 4,650 people by 2019.

The City has used a demographics forecasting allocation model (DFAM) to forecast future population growth on undeveloped and underdeveloped parcels within the City's RWSA. The primary input to the DFAM was a result of the City's Buildable Lands Analysis. The resulting population growth was then correlated to the generation of water demands to provide an estimate of the water demands throughout the City's UGA. These forecasted water demands are described further in the City's Water System Plan

The City has used results of the DFAM and water system modeling to analyze future demands and the resulting impacts to the City's water supply, distribution system, and storage.

The City's planned water supply meets the short-term projected demands. However, it is the City's goal to meet the maximum day water demand with the largest source out of service. This increases the City's reliability and redundancy of their water supply system. Currently the City's water system cannot meet this goal. Therefore additional sources, including Well No. 9 (Gig Harbor North) and Well No. 10 (Crescent Creek) are planned to meet this goal.

The City's water distribution system is generally strong. The strong water system is, in part, due to the replacement of undersized pipes and the replacement of older asbestos cement (AC) water mains. As a result the programming is continued for systematic replacement of undersized pipes to meet minimum fire flows and replacing older AC water mains with either ductile iron pipe or polyvinyl chloride (PVC) pipe.

Analysis of the existing storage facilities indicates that the City can meet all of its storage needs through the 20-year planning horizon with existing facilities by nesting standby storage and fireflow storage. Consequently the City is not currently planning for additional storage facilities in the 20-year planning horizon. However, development in the Gig Harbor North area will

~~require additional storage to supply future connections in this area. The City plans to construct a 500,000 gallon, ground level steel tank near the existing maintenance shop on Skansie Avenue.~~

~~Planned improvements for the distribution system generally include AC pipe replacement and capacity upgrades to provide fireflow.~~

~~The City has recently been granted an additional water right of 1,000 gallons per minute, sufficient to serve about 2,547 additional equivalent residential units. With other planned water system improvements and programmatic measures, the City anticipates sufficient water supplies through 2019. Specific facilities improvements required to accommodate the upcoming six-year planning period short term (6 year) and long term (20 year) growth are listed in Table 12.5.~~

Parks and Recreation Facilities

Existing Facilities

The City has a number of public park facilities, providing a range of recreational opportunities. These facilities are listed in Table 12.3 and described in greater detail below.

Table 12.3. Existing Park Facilities

Facility	Size (Acres)	Location	Type of Recreation
City Park at Crescent Creek	5.8	Vernhardson Street	Active; Park, athletic facilities, play fields Passive; picnic area
Jerisich Dock	1.5	Rosedale Street at Harborview Drive	Moorage; water access; fishing
Grandview Forest Park	8.8	Grandview Drive	Passive; trail system
Old Ferry Landing	0.1	Harborview Drive, east end	Passive; view point
Donkey Creek Park	0.96 acre	Located at the intersecting parcel defined by Austin Street, Harborview Drive and North Harborview Drive	Passive; historical, scenic, nature area
Eddon Boat Park	2.9	Located at the intersection of Stinson and Harborview Drive.	Passive; historical.
Wilkinson's Homestead	16.3	Rosedale Street	Passive; Historical, walking trail
Tallman's Wetlands	16.0	Wollochet Drive NW	Passive; Trails
WWTP (Wastewater Treatment Plant)	9.3	Burnham Drive	Passive; walking trails Active; (proposed) hike, bike and horse trails
Wheeler Street ROW end	0.4	Vernhardson Street	Passive; beach access
Bogue Viewing Platform	0.4	North Harborview Drive	Passive; picnic area
Finholm Hillclimb	0.4	Fuller Street between Harbor Ride Middle School and the Northshore area.	Passive; walkway and viewing point
Dorotich Street ROW	0.4	West side of bay	Passive; Street End Park
Soundview Drive ROW	0.4	West side of bay	Passive; Public Access dock

The City Departments of Operations and Engineering, Planning-Building, Finance and Administration have identified various capital improvements and projects based upon recent surveys and planning programs authorized by the Gig Harbor City Council. Suggested revenue sources were also considered and compiled.

Currently, six capital facilities plans have been completed:

- City of Gig Harbor Water System ~~Comprehensive Plan – Volumes 1 & 2 (April 2009 June 2001)~~, as amended by ordinance
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All the plans identify current system configurations and capacities and proposed financing for improvements, and are adopted by reference as part of this Comprehensive Plan.

Prioritization of Projected Needs

The identified capital improvement needs listed were developed by the City Community Development Director, Finance Director, and the City Administrator. The following criteria were applied informally in developing the final listing of proposed projects:

Economics

- Potential for Financing
- Impact on Future Operating Budgets
- Benefit to Economy and Tax Base

Service Consideration

- Safety, Health and Welfare
- Environmental Impact
- Effect on Service Quality

Feasibility

- Legal Mandates
- Citizen Support
- 1992 Community Vision Survey

Consistency

**Application COMP 09-0010:
Capital Facilities Element**

Six Year Capital Improvement Program

PLAN IMPLEMENTATION AND MONITORING

Implementation

The six-year schedule of improvements shall be the mechanism the City will use to base its timing, location, projected cost and revenue sources for the capital improvements identified for implementation in the other comprehensive plan elements.

Monitoring and Evaluation

Monitoring and evaluation are essential to ensuring the effectiveness of the Capital Facilities Plan element. This element will be reviewed annually and amended to verify that fiscal resources are available to provide public facilities needed to support LOS standards and plan objectives. The annual review will include an examination of the following considerations in order to determine their continued appropriateness:

- a. Any corrections, updates and modifications concerning costs, revenue sources, acceptance of facilities pursuant to dedication which are consistent with this element, or to the date of construction of any facility enumerated in this element;
- b. The Capital Facilities Element's continued consistency with the other element of the plan and its support of the land use element;
- c. The priority assignment of existing public facility deficiencies;
- d. The City's progress in meeting needs determined to be existing deficiencies;
- e. The criteria used to evaluate capital improvement projects in order to ensure that projects are being ranked in their appropriate order or level of priority;
- f. The City's effectiveness in maintaining the adopted LOS standard and objectives achieved;
- g. The City's effectiveness in reviewing the impacts of plans of other state agencies that provide public facilities within the City's jurisdiction;
- h. The effectiveness of impact fees or fees assessed new development for improvement costs;
- i. Efforts made to secure grants or private funds, as available, to finance new capital improvements;
- j. The criteria used to evaluate proposed plan amendments and requests for new development or redevelopment;
- k. Capital improvements needed for the latter part of the planning period for updating the six-year schedule of improvements;
- j. Concurrency status.

Table 12.5 Capital Facilities Projects

Storm-Water System-Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
1	Update storm facilities mapping (\$30,000/yr)	Annually	\$18030,000	6-year	<u>Connection</u> <u>Fees/Utility Rates</u> <u>Local</u>

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
2	<u>Garr Creek Tributary Channel Erosion Study Hot Spot</u>	<u>2010</u> Annually	<u>\$30,000</u> 25,000	6-year	<u>Connection Fees/Utility Rates</u> Local
3	<u>38th Street Drainage Improvements - Hunt to Goodman</u>	<u>2011</u> 08- <u>2013</u> 09	<u>\$183,400</u> 1,000,000	6-year	TIB/Safe Routes to Schools/Local
4	Donkey Creek Daylighting	<u>2010</u> 09	\$1,200,000	6-year	State/Federal Salmon Recovery Grants/Earmarks
5	Donkey Creek Culvert under Harborview Drive	2014	\$500,000	6-year	State/Federal Salmon Recovery Grants/Earmarks
6	Annual Storm Culvert Replacement Program (\$50,000/yr)	2009-2014 3	<u>\$300</u> 250,000 /year	6-year	<u>Storm Water Utility Fees</u> <u>Connection Fees/Utility Rates</u>
7	50 th Street Box Culvert	<u>2008</u> 10	\$350,000	6-year	<u>Storm Water Utility Fees</u> <u>Connection Fees/Utility Rates</u>
8	<u>Quail Run Water Quality System Improvements</u> -Storm Comp Plan Update	<u>2010</u> 08	<u>\$15,000</u> 1,000,000	6-year	<u>Storm Water Utility Fees</u> <u>Connection Fees/Utility Rates</u>
9	Annual NPDES Implementation Expenses	<u>2009</u> 8- <u>2014</u>	\$100,000	6-year	<u>Storm Water Utility Fees</u> <u>Connection Fees/Utility Rates</u> /State Grant
10	Stormwater retention, wetland mitigation and detention for Burnham interchange improvements: — Potential properties in proximity to Burnham interchange.	2010	\$2,000,000	6-year	State/Federal Transportation Funding/Grant
10 101	Aquifer Re-charge - Spadoni Gravel Pit and adjacent property north of 96 th street between SR-16 and Burnham Drive.	<u>2011</u> 10	\$1,700,000	6-year	State/Federal Transportation Funding/Grant
11	<u>Burnham Drive/96th Street Culvert Replacement</u>	<u>2014</u>	<u>\$46,700</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
12	<u>Borgen Boulevard/Peacock Hill Avenue Culvert Replacement</u>	<u>2014</u>	<u>\$32,500</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
13	<u>102nd Street Court Culvert Replacement</u>	--	<u>\$20,000</u>	<u>6-year</u>	<u>Private Development</u>
14	<u>Burnham Drive/Harborview Drive Rock Spall Pad Construction</u>	--	<u>\$15,000</u>	<u>6-year</u>	<u>Private Development</u>
15	<u>101st Street Court Detention Pond Reconstruction</u>	--	<u>\$25,000</u>	<u>6-year</u>	<u>Private Development</u>

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
16	101 st Street Court Culvert Replacement	--	\$20,000	6-year	Private Development
	SubTotal		\$4,537,6008,155,000		

* Private property — costs to be borne by property owner or developer

Notes:

- Costs shown above are estimates and do not include such items as permitting costs, sales tax, right-of-way acquisition, utility relocations, trench dewatering, traffic control or other unforeseen complications.
- Private Development funding indicates the full cost for the project shall be borne by property owner(s) or developer(s).

(2) “Hot Spots” refers to the discretionary funds for emergencies and small projects that can be easily repaired or otherwise taken care of quickly

Water System Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
6-Year Water Capital Improvement Projects*					
1	Storm Tank Maintenance	2008-2010	\$500,000	6-year	Local Utility Fees &/or Revenue Bonds
2	Design Harborview/Stinson	2008	\$180,000	6-year	Local Utility Fees &/or Revenue Bonds
3	Design Harborview Water Main	2008	\$200,000	6-year	Local Utility Fees &/or Revenue Bonds
14	Asbestos Cement Water Line Replacement Program City-Wide (\$75,000/yr)	200908-201412	\$450340,000	6-year	Connection Fees/Utility Rates-Local Utility Fees &/or Revenue Bonds
25	Water Systems Upgrades (\$50,000/yr)	200908-201412	\$300278,000	6-year	Connection Fees/Utility Rates-Local Utility Fees &/or Revenue Bonds
36	Stinson Avenue Water Main Replacement Harborview/ Stinson 12” Upsize	2009	\$283,000 800,000	6-year	Connection Fees/Utility Rates-Local Utility Fees &/or Revenue Bonds
47	Harborview Drive Water Main Replacement – N. Harborview Dr. to Dorotich St.	2010-201109	\$1,250950,000	6-year	Development Mitigation/Connection Fees/Utility Rates Local Utility Fees &/or Revenue Bonds
8	Well No. 6	2009-2014	\$1,740,000	6-year	Local Utility Fees &/or Revenue Bonds
59	Water Rights Annual Advocate for /Permitting (\$4075,000/year)	200908-2012	\$160375,000	6-year	Connection Fees/Utility Rates-Local Utility Fees &/or Revenue Bonds
10	GIS Inventory	2008-2012	\$80,000	6-year	Local Utility Fees &/or

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
					Revenue Bonds
614	Gig Harbor North Well (#9) Permitting/Design	2008-2009-2011	\$2,000,000	6-year	SEPA Mitigation/Developers/Connection Fees/Utility Rates
712	Well No. 10	2008-2009	\$3150,000	6-year	SEPA Mitigation/Developers Utility Rates/Connection Fees
813	Harbor Hill Drive <u>Water Main Extension</u>	2009-2014	\$160,000	6-year	Development Mitigation/Connection Fees/Utility Rates Local Utility Fees, Revenue Bonds, &/or Developer Funded
914	Harborview Drive Dead End	201009-201114	\$405,000	6-year	Development Mitigation/Connection Fees/Utility Rates Local Utility Fees &/or Revenue Bonds
1015	Tarabochia Street <u>Water Main Replacement</u>	201209-2014	\$44,000 40,000	6-year	Connection Fees/Utility Rates Local Utility Fees &/or Revenue Bonds
1116	Grandview Street <u>Water Main Replacement</u>	201209-2014	\$59,000	6-year	Development Mitigation/Connection Fees/Utility Rates Local Utility Fees &/or Revenue Bonds
1217	96 th Street <u>Water Main Extension</u>	201409-2014	\$269,000	6-year	Development Mitigation/Connection Fees/Utility Rates Local Utility Fees, Revenue Bonds, &/or Developer Funded
1318	Woodworth Avenue <u>Water Main Replacement</u>	201309-2014	\$50,000	6-year	Connection Fees/Utility Rates Local Utility Fees &/or Revenue Bonds
1419	Shurgard East Tee and <u>Water Main Replacement</u>	201109-201214	\$52,000	6-year	Development Mitigation/Connection Fees/Utility Rates Local Utility Fees &/or Revenue Bonds
	SubTotal		\$5,832,000 8,628,000 *		
20-Year Water Capital Improvement Projects**					
1	Upgrade Perrow Well	2010-2030	\$92,000	20-year	Undetermined
2	500,000 Gallon Storage Tank	2010-2030	\$1,500,000	20-year	Undetermined
3	Shurgard Tank to Soundview	2010-2030	\$122,000	20-year	Undetermined
4	Pioneer Way	2010-2030	\$74,000	20-year	Undetermined
5	Reid & Hollycroft Intertie	2010-2030	\$3,000	20-year	Undetermined

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
6	Shore Acres Connection Improvements	2010-2030	\$56,000	20-year	Undetermined
7	Sehmel Drive Extension	2010-2030	\$543,000	20-year	Undetermined
8	Conjunctive Strategy	2010-2030	\$2,000,000	20-year	Undetermined
Subtotal		-	\$ 4,390,000 **	-	-

Note:

*Estimated costs are in year of project ** Estimated costs are in 2009 dollars

Wastewater System Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
6-Year Wastewater Capital Improvement Projects*					
Wastewater Treatment System					
1	Outfall Onshore Construction Phase I	2008	\$574,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
T12	Outfall Construction Marine Portion Phase II From GH Bay out to Puget Sound	2010-11	\$8,015,000,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Utility Rates
T23	WWTP Expansion Phase I	2009	\$10,833,949,000,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Utility Rates
T34	WWTP Expansion Phase II	2011-2012	\$8,210,000,6,000,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Utility Rates
T4	Reuse and Reclamation Studies (\$100,000/yr)	2009-2014	\$500,000	6-year	Connection Fees/Utility Rates
T5	Annual Replacement, Rehabilitation and Renewal	2009-2014	\$610,000	6-year	Connection Fees/Utility Rates
5	Lift Station 4 Replacement	2008-2011	\$1,250,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
6	N. Harborview Sewer	2010	\$1,000,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
7	Harborview Main Sewer Upsize/Replacement	2009	\$1,000,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
8	Odor Control	2008-2012	\$250,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
9	Reid Drive Lift Station Replace	2009	\$1,250,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
T610	Annual Water Quality Reporting	2008-2012 2009-2014	\$400,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
11	Annual Sewer Flow Metering Program	2008-2012	\$1,250,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
12	WWTP Centrifuge	2008	\$400,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
13	Lift Station-MCC Upgrades	2008-2012	\$2,500,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
14	Comprehensive Plan Completion	2008	\$75,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
15	Spadoni Gravel Pit and adjacent property north of 96 th street between SR 16 and Burnham Drive for Reclamation Purposes	2010	\$1,700,000	6-year	State and Federal Transportation Funding/Grant
	Wastewater Treatment Subtotal		\$28,568,949 35,649,000		
Wastewater Collection or System Expansions					
C1	West Side of Hwy 16 from Tacoma community College to Rosedale Street	2012	\$2,977,000	6-year	Developer-funded
C2	Gig Harbor North (West Side)	2010	\$2,535,000	6-year	Developer-funded
C3	Sehmel Drive	2013	\$1,949,000	6-year	Developer-funded
C4	Purdy Drive from Hwy 16 to Peninsula High School	2013	\$4,504,000	6-year	Developer-funded
C5	Hunt & Skansie Drainage Basin	2009	\$10,145,000	6-year	Developer-funded
C1	Lift Station 1 Improvements	2013	\$130,000	6-year	Connection Fees/Utility Rates
C2	Lift Station 3A Jockey Pump Replacement	2012	\$156,000	6-year	Connection Fees/Utility Rates
C3	Lift Station 4 Improvements	2011	\$2,910,000	6-year	Connection Fees/Utility Rates
C4	Lift Station 5 Improvements	2013	\$130,000	6-year	Connection Fees/Utility Rates
C5	Lift Station 6 Improvements	2009-2010	\$673,000	6-year	Connection Fees/Utility Rates
C6	Lift Station 7 Improvements	2010	\$203,000	6-year	Connection Fees/Utility Rates
C7	Lift Station 8 Improvements	2012	\$535,000	6-year	Connection Fees/Utility Rates
C8	Lift Station 9 Improvements	2013	\$127,000	6-year	Connection Fees/Utility Rates
C9	Lift Station 11 Improvements	2014	\$139,000	6-year	Connection Fees/Utility Rates
C10	Lift Station 12 Improvements	2011	\$1,695,000	6-year	Connection Fees/Utility Rates
C11	Lift Station 13 Improvements	2014	\$554,000	6-year	Connection Fees/Utility Rates
C12	Install Flow Meter at LS1	2010	\$29,000	6-year	Connection Fees/Utility Rates

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
C13	<u>Install Flow Meter at LS2</u>	<u>2011</u>	<u>\$31,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C14	<u>Install Flow Meter at LS3A</u>	<u>2014</u>	<u>\$38,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C15	<u>Install Flow Meter at LS4</u>	<u>2011</u>	<u>\$31,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C16	<u>Install Flow Meter at LS5</u>	<u>2013</u>	<u>\$36,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C17	<u>Install Flow Meter at LS6</u>	<u>2010</u>	<u>\$29,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C18	<u>Install Flow Meter at LS7</u>	<u>2010</u>	<u>\$29,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C19	<u>Install Flow Meter at LS8</u>	<u>2013</u>	<u>\$36,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C20	<u>Install Flow Meter at LS9</u>	<u>2013</u>	<u>\$36,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C21	<u>Install Flow Meter at LS10</u>	<u>2011</u>	<u>\$31,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C22	<u>Install Flow Meter at LS11</u>	<u>2014</u>	<u>\$38,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C23	<u>Install Flow Meter at LS12</u>	<u>2010</u>	<u>\$29,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C24	<u>Install Flow Meter at LS13</u>	<u>2014</u>	<u>\$38,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C25	<u>Install Flow Meter at LS14</u>	<u>2013</u>	<u>\$36,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C26	<u>Install Flow Meter at LS5</u>	<u>2013</u>	<u>\$36,000</u>	<u>6-year</u>	<u>Connection Fees/Utility Rates</u>
C27	<u>Install Future Lift Station 10A and Forcemain</u>	<u>2010</u>	<u>\$1,206,000</u>	<u>6-year</u>	<u>Developer Funded</u>
C28	<u>Install Future Lift Station 17A and Forcemain</u>	<u>2011</u>	<u>\$1,581,000</u>	<u>6-year</u>	<u>Developer Funded</u>
C29	<u>Install Future Lift Station 21A and Forcemain</u>	<u>2010</u>	<u>\$1,518,000</u>	<u>6-year</u>	<u>Developer Funded</u>
-	Subtotal		\$22,110,000		
Gravity Sewer Replacements					
E1	Harborview Drive from WWTP to Rosedale	2012	\$2,137,000	6-year	Capital reserves
E2	Rosedale Street from Hwy 16 to Shirley Avenue	2010	\$1,193,000	6-year	Capital reserves
E3	Harborview Drive from Rosedale to Soundview	2010	\$808,000	6-year	Capital reserves
E4	Soundview Drive from Harborview to Grandview	2009	\$972,000	6-year	Capital reserves
E5	Soundview Drive from Erickson to Olympic	2013	\$1,512,000	6-year	Capital reserves
	Wastewater Collection Subtotal		\$12,060,000 6,622,000		
Total 6-year			\$40,628,949 64,381,000		

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
20-Year Sewer Capital Improvement Projects**					
Collection System					
1	Harborview Drive to WWTP	2014-2028	\$4,000,000	20-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
2	Rosedale Drive Main Upsize	2010-2030	\$3,000,000	20-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
3	Soundview Dr Harborview to Grandview Main Upsize	2010-2030	\$3,000,000	20-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
4	Soundview Drive to Erickson Main Upsize	2010-2030	\$4,000,000	20-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
-	Subtotal	-	\$14,000,000	-	-
Gravity Sewer Replacements					
E6	Burnham Drive from Harborview Drive to 96th Street	2010-2030	\$456,000	20-year	Capital Reserves
E7	N. Harborview Dr. from Peacock Hill Ave. to L.S. #2	2010-2030	\$238,000	20-year	Capital Reserves
E8	45th Street and Easement East of Point Fosdick Drive	2010-2030	\$953,000	20-year	Capital Reserves
-	Subtotal	-	\$1,647,000	-	-
Lift Station and Force Main Improvements					
L4-1	Lift Station 4, Phase 1	2010-2030	\$1,121,000	20-year	
L4-2	Lift Station 4, Phase 2	2010-2030	\$295,000	20-year	
L8	Lift Station No.8	2010-2030	\$568,000	20-year	Capital Reserves
L3-2	Lift Station No. 3, Phase 2	2010-2030	\$162,000	20-year	Capital Reserves
L1	Lift Station No. 1	2010-2030	\$470,000	20-year	Capital Reserves
-	Subtotal	-	\$2,616,000	-	-
-	Total 20-year	-	\$18,263,000	-	-

* Estimated costs are in year of project
 ** Estimated costs are in 2009 dollars

Notes:

- (1) PWTF - Public Works Trust Fund
 - (2) SFR - State Revolving Fund.
- Estimated costs are based on dollars value in the estimated year of the project.

Park, Recreation & Open Space Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
1	City Park Improvements	ongoing		6 year	Grants/Local

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
	Park to 45 th Street Court)				
	Subtotal		\$20,331,000		

Notes:

- (1) CFP - Capital Facilities Program
- (2) GI Fee - Growth Impact Fee
- (3) Bond - Park, Recreation & Open Space Bond

Transportation Improvement Projects

Project No.	Project Name	Projected Start Year	Estimated Cost	Plan	Funding Source
1	SR-16/Borgen/Canterwood Hospital Mitigation Improvements	2009	\$11,000,000	6-Year	State/Local
2	50th St Ct NW Improvements	2009	\$1,600,000	6-Year	Local
3	Harbor Hill and Borgen Intersection Improvements	2013	\$704,000	6-Year	Local
4	Rosedale and Stinson Intersection Improvements	2013	\$275,000	6-Year	Local
5	38th Ave Improvements Phase 1	2009	\$9,790,000	6-Year	State/Local
6	Harbor Hill Drive Extension	2009	\$1,000,000	6-Year	Developer/Local
7	Burnham Dr Phase 1	2011	\$6,700,000	6-Year	Local
8	Soundview and Hunt Intersection Improvements	2012	\$660,000	6-Year	Local
9	38th Ave Improvements Phase 2	2009	\$5,280,000	6-Year	State/Local
10	Skansie Ave Improvements	2010	\$9,460,000	6-Year	Local
11	Hunt St	2014	\$480,000	6-Year	Local
12	Hunt St Undercrossing	2012	\$6,160,000	6-Year	Local
13	Olympic/Fosdick Intersection Improvements	2009	\$440,000	6-Year	Developer/Local
14	Wollochet Dr Improvements	2010	\$660,000	6-Year	Developer/Local
15	Harborview/N Harborview Intersection Improvements	2010	\$1,650,000	6-Year	Local
16	SR-16/Olympic Drive	2012	\$825,000	6-Year	Local
17	Burnham Dr/Harbor Hill Drive Intersection Improvements	2010	\$2,200,000	6-Year	Local
18	Rosedale St/Skansie Ave Intersection Improvements	2011	\$275,000	6-Year	Local
19	Rosedale St Improvements	2010	\$3,740,000	6-Year	State/Local
20	Olympic/Hollycroft Intersection Improvements	2013	\$26,000	6-Year	Local
21	Vernhardson St Improvements	2013	\$375,000	6-Year	Local
22	Point Fosdick Pedestrian Improvements	2010	\$1,100,000	6-Year	Local
23	Harborview Dr. Improvements from N.	2011	\$100,000	6-Year	Local

Project No.	Project Name	Projected Start Year	Estimated Cost	Plan	Funding Source
	Harborview Dr. to Pioneer Wy				
24	Judson/Stanich/Uddenberg Improvements	2012	\$2,090,000	6-Year	Local
25	Donkey Creek Daylighting Street and Bridge Improvements	2009	\$2,050,000	6-Year	Local
26	Wagner Way/Wollochet Drive Traffic Signal	2009	\$300,000	6-Year	Developer/Local
27	Grandview Drive Phase I from Stinson to Pioneer	2010	\$500,000	6-Year	Developer/Local
28	Grandview Drive Phase 2 from Soundview to McDonald	2009	\$860,000	6-Year	Local
29	Pt Fosdick/56th Street Improvements	2010	\$4,000,000	6-Year	State/Local
A	NEW 6 YR LIST WILL BE	PROVIDED	FOR	TRANSPORTATION	PROJECTS
	Subtotal 6-Year:		\$74,300,000		
30	Canterwood Boulevard from SR16 to 54th Ave	2020	\$ 8,000,000	20-Year	State/Local
31	Borgen Boulevard from Peacock Hill to Harbor Hill	2020	\$6,600,000	20-Year	Local
32	Rosedale Street from Stinson to 58th Ave	2020	\$5,500,000	20-Year	Local
33	Peacock Hill from Borgen to 127th Street	2020	\$4,100,000	20-Year	Local
34	Bujacich Road from Sehmel to 89th Street	2020	\$6,900,000	20-Year	Local
35	Stinson Ave from Rosedale to Harborview	2020	\$220,000	20-Year	Local
36	Hunt Street NW from Skansie Ave to 38th Ave	2020	\$2,300,000	20-Year	State/Local
37	Soundview Drive from SR16WB Ramp to Hunt Street NW	2020	\$700,000	20-Year	State/Local
38	New Road from 50th Ave to Harbor Hill Drive	2020	\$1,100,000	20-Year	Developer/Local
39	50th Ave from New Road to Burnham Drive	2020	\$2,300,000	20-Year	Developer/Local
40	SR16/Borgen/Burnham Interchange (Long Term Solution)	2020	\$56,000,000	20-Year	State/Local
41	Harborview Drive at Stinson Ave	2020	\$660,000	20-Year	Local
42	Stinson Ave at Pioneer Way	2020	\$330,000	20-Year	State/Local
43	38th Ave at 56th Street	2020	\$150,000	20-Year	Local
44	SR16/Olympic Drive	2020	\$440,000	20-Year	State/Local
	Subtotal 20-Year:		\$95,300,000		
45	96th Street SR16 Crossing	2030	\$8,000,000	Other	State/Local
46	Briarwood Lane Improvements	2015	\$500,000	Other	Local
47	Franklin Ave Improvements	2015	\$500,000	Other	Local
48	Street Connections - Point	2015	\$600,000	Other	Local

Project No.	Project Name	Projected Start Year	Estimated Cost	Plan	Funding Source
	Fosdick Area				
49	Crescent Valley Connector	2030	\$2,000,000	Other	Local
50	Downtown Parking Lot Design	2009	\$60,000	Other	Local
51	Downtown Parking Lot property acquisition	2009	n/a	Other	Local
52	Purchase land for ROW, stormwater improvements, wetland mitigation	2008	n/a	Other	Local
53	Public Works Operations Facility	2010	\$1,125,000	Other	Local
	Subtotal Other:		\$12,785,000		
	TOTAL:		\$182,385,000		

Summary of Proposed Parks Changes to Chapter 12 CAPITAL FACILITIES

Existing Facilities

Existing facilities edits Begin on Page 12-5 of 2008 Comprehensive Plan

Existing Facility information will be updated to reflect changes to the parks system since the last full update of the City’s park inventory. Edits will be made to both the facility table and park descriptions to reflect additional park and open space lands acquired by the City, park improvements and new parks. Corrections will also be made to reflect the size of parks where incorrectly noted, parks names will be reviewed for consistency (some parks are listed with different names on different lists), and removal of lands owned by the City which do not provide and are not planned to provide park or open space uses.

Full strike/underlines for the updates to the park inventory are included following this summary. Please be advised that edits are tentative at this time and are in the process of being revised by staff.

Park, Recreation and Open Space Projects

Park, Recreation and Open Space Project edits Begin on Page 12-31 of 2008 Comprehensive Plan and are located in Table 12.5.

Park project list will be updated to remove completed projects, revise project dates based on changes in City budget, and to update project numbers based on the removal of completed projects and any known re-prioritization.

Full strike/underlines for the updates to the park projects are included following this summary. Please be advised that edits are tentative at this time and are in the process of being revised by staff. In several places you will see (TBD) where an estimated cost needs to be determined.

Comments on proposed changes should be directed to Kristin Moerler, Associate Planner.

Parks and Recreation Facilities Edits

Existing Facilities

The City has a number of public park facilities, providing a range of recreational opportunities. These facilities are listed in Table 12.3 and described in greater detail below.

Table 12.3. Existing Park Facilities

Facility	Size (Acres)	Location	Type of Recreation
City Park at Crescent Creek	<u>9.85</u> .8	Vernhardson Street	Active; <u>Park, athletic facilities, play fields</u> Baseball Field, Tennis Court, Basketball Court, Sand Volleyball Courts, BMX Track and play structures Passive; picnic area with cooking facilities and shelter, viewing platforms, interpretive signage, open space
Jerisich Dock	1.5	Rosedale Street at Harborview Drive	Moorage; water access; fishing
Grandview Forest Park	8.8	Grandview Drive	Passive; trail system, open space
<u>Old Ferry Landing Harborview Drive Street End Park</u>	0.1	Harborview Drive, east end	Passive; view point
Donkey Creek Park	0.96 acre <u>1.3</u>	Located at the intersecting parcel defined by Austin Street, Harborview Drive and North Harborview Drive	Active: open field Passive; historical site, scenic, nature area with viewing platforms
Eddon Boat Park	2.9	Located at the intersection of Stinson and Harborview Drive.	Passive; historical.
Wilkinson's Homestead Farm Park	16.3	Rosedale Street	Passive; Historical, walking trail Active: <u>Community Garden</u>
<u>Adam Tallman's Wetlands Park</u>	16.0 <u>8.75</u>	Wollochet Drive NW	Passive; Trails
WWTP (Wastewater Treatment Plant)	9.3	Burnham Drive	Passive; walking trails open space Active; (proposed) hike, bike and horse trails
Wheeler Street ROW end	0.4	Vernhardson Street	Passive; (proposed) beach access, open space
Bogue Viewing Platform	0.4	North Harborview Drive	Passive; picnic area, shoreline view platform
<u>Finholm Hillelimb View Climb</u>	0.4	Fuller Street between Harbor Ride Middle School and the Northshore area.	Passive; walkway and viewing point
Dorotich Street ROW	0.4	West side of bay	Passive; Street End Park
Soundview Drive ROW end	0.4	West side of bay adjoining Tides Tavern	Passive; Public Access dock
Harborview Trail	1.4	Harborview Drive and North Harborview	Passive; bike and pedestrian trails
Bogue Building	0.04	3105 Judson Street	Passive; historical

Public Works/ Parks Yard	7.5	46 th Avenue NW	Passive; storage of parks equipment
City Hall/Civic Center	10.0	Grandview Drive adjacent to Grandview Forest Park	Active; athletic open fields, recreational courts, skate park, and play structures Passive; picnic area
Kenneth Leo Marvin Veterans Memorial Park	5.5	50 th Street near Olympic Drive.	Undeveloped—athletic fields under design and construction. Active: multi-purpose field, and play structures Passive: picnic area and open space
Skansie Brothers Park	2.0	Rosedale Street at Harborview Drive	Passive; historical, covered picnic area.
Austin Estuary Park	1.8	Located adjacent to Donkey Creek in the Northwest corner of the harbor.	Passive; historical, scenic, nature area Active: kayak launch area
Cushman Trail	(TBD)	Tacoma Power Utility Right of way	Active: Trail (portions existing and proposed)

City Park - this 5.8 9.8 acre property is located on Vernhardson Street on the east side of Crescent Creek. The eastern portion of the former Peninsula School District site has been park is improved with athletic facilities including a tennis court, basketball court, and youth baseball/softball field. The park’s active recreation has been expanded in recent years to include a BMX dirt bike course and a sand volleyball court accessed off of Crescent Valley Road. The City purchased the Rohr property in 2008 north of the existing park site for future development and open space preservation. Additional open space property was also acquired west of the stream through the County Conservation Futures program in 2008.

The western portion of the site conserves the banks, wetlands, and other natural areas adjacent to Crescent Creek. This portion of the site has been improved with a playground structure, picnic tables, viewing plat form, picnic shelter, restrooms, parking area and a pump house building.

Skansie Brothers Park/Jerisich Dock – this downtown waterfront property is located within the extended right of way of Rosedale Street NW on Harborview Drive and was expanded with the acquisition of the adjacent Skansie Brothers property. These waterfront parks are located adjacent to each other at 3207 and 3211 Harborview Drive respectively and have a total area of 3.5 (verify number) acres. The waterfront Jerisich Dock site has been developed with a flagpole, and monument for lost fishermen along Harborview Drive, and recreational pier. The acquisition of the Skansie Brothers property in XXX (find date) expanded the park to include a netshed and historic house which both stand south of Jerisich Dock.

Restrooms, picnic tables, and benches are provided on Jerisich’s 1,500 square foot pier supported deck overlooking the harbor and adjacent marinas. The deck provides gangplank access to a 352 foot long, 2,752 square foot pile supported fishing and boat moorage pier. The pier provides day-use boat moorage for 20 slips, access for kayaks and other hand-carry watercraft, and fishing. The pier is used on a first-come basis to capacity, particularly during summer weekends. The Skansie Brothers site has been developed with a covered pavilion with adjacent grass area that is utilized for seasonal public events. Long term plans for the site include possible adaptive re-use of the home and netshed, construction of a maritime pier and extension of the existing dock.

The pier was extended another 160 linear feet to the edge of the harborline in 1998. The

~~additional platform area provides day-use boat moorage and fishing access. A pay-per-use sanitary sewage pump-out station was constructed at the same time along with lighting fixtures along the floats.~~

~~Expansion of the pier is under review.~~

Grandview Forest Park - Grandview Forest Park – this 8.8 acre site is located on Grandview Drive adjacent to the ~~City Hall~~ Civic Center. The park site surrounds the city water storage towers on a hilltop overlooking the harbor and downtown district. The densely wooded site has been improved with ~~bark-covered~~ walking trails and paths that provide access to surrounding residential developments and the athletic fields located behind the school Civic Center complex. The park is accessed by vehicle from Grandview Drive onto an informal graveled parking area located adjacent to the water storage tanks on an extension of McDonald Avenue. Parking for this park is located on the Civic Center site.

Old Ferry Landing Harborview Drive Street End Park - this 1.0 acre site is located at the east end of Harborview Drive overlooking Point Defiance across the Narrows and Dalco passage. Portions of the original marine and ferry dock landing piles are visible from the end of the road right-of-way that extends into the tidelands. Site has been improved to include picnic facilities, parking and a shoreline view platform.

Donkey Creek Park – this ~~recently acquired 0.96~~ 1.3 acre property is located in the intersecting parcel defined by Austin Street, North Harborview Drive, and Old Burnham Drive. The site historically was the site of the includes the original wood structure that housed the Borgen lumber yard and hardware sales offices and displays, along with a number of out buildings and yard that stored lumber and other materials. The site is presently developed with a bathroom facility and open field.

The site is bisected by Donkey (North) Creek – a perennial stream that provides salmonoid habitat including an on-going hatchery operation located on the north bank adjacent to Harborview Drive. ~~Some of the lumber yard buildings and improvements extend into the buffer zone area that has recently been defined for salmon-bearing water corridors. Future plans for the property will need to restore an adequate natural buffer area along the creek while determining how best to establish an activity area on the site commensurate with the property’s strategic natural area, historical, and scenic. A viewing platform allows for visual stream access. Long term plans for the park include possible daylighting of Donkey Creek which would provide habitat improvements.~~

Wilkinson’s Homestead Farm Park - ~~Wilkinson’s Homestead~~— this 16.3 acre site is located on Rosedale Street adjacent to Tacoma City Light powerlines. ~~The site is being acquired from the heir of a previous property owner.~~ The property contains large wetlands, steep hillsides under the powerline corridor, the family homestead, barn, outbuildings, former holly orchard, and meadows. The site is accessed from a driveway off Rosedale Street and from the Cushman Trail.

Tallman’s Wetlands - this ~~16.0~~ 8.5 acre property is located on Wollochet Drive NW south of SR-16 ~~and outside of existing city limits.~~ The site contains significant wetlands that collects and filters stormwater runoff from the surrounding lands. ~~This portion of the property will be~~

~~conserved and provided with interpretive trails by the developer. This park was developed with interpretive trails and off street parking. The park was constructed and dedicated to the City by the developer of the Mallards Landing plat in accordance with the annexation agreement.~~

Wastewater Treatment Plant - the 9.3 acre wastewater treatment plant facility is located on the west side of Burnham Drive on North (Donkey) Creek. ~~The property was recently expanded to provide a buffer between the plant and uphill portions of the creek. While the principal use of the site is treatment of wastewater, the site includes preserved open space associated with Donkey Creek and wetlands. Future plans include providing access to the Cushman trail from Harborview.~~

~~A 33-acre portion of the expansion area may be developed to provide a trailhead connection to the overhead powerline property located parallel to SR 16. The powerline right-of-way could be improved to provide access to a multipurpose system of hike, bike, and horseback riding trails in this portion of the urban growth area.~~

Wheeler Street Right-of-Way (ROW) End - this 0.4 acre road right-of-way is located at the north end of the bay adjacent Crescent Creek in a quiet residential neighborhood. ~~The site provides beach access. This site is presently undeveloped and is dominated by invasive species.~~

Bogue Viewing Platform - this 0.4 acre harbor overlook is located on waterfront side of North Harborview Drive north of the intersection with Burnham Drive. The site has been improved with a pier supported, multilevel wood deck, picnic tables, benches, and planting. A sanitary sewer pump station is located with the park.

Finholm Hillelimb-View Climb - this 0.4 acre road right-of-way is located in Fuller Street extending between Harbor Ridge Middle School and the North shore business district. A wooden stairway system with overlook platforms, viewing areas, and benches has been developed between Franklin and Harborview Drive as a joint effort involving the Lions Club, volunteers and city materials.

~~**Dorotich Street (ROW)**— this 0.4 acre road right-of-way is located on the west side of the bay adjoining residential condominiums and some commercial waterfront facilities. A private access dock has been developed at Arabella’s Landing Marina that serves as the street end park.~~

~~**Soundview Drive ROW**— this 0.4 acre road right-of-way is located on the Westside of the bay adjoining Tides Tavern (the former Westside Grocery). The present and former owners maintain and provide a public access dock on the right-of-way for use of tavern patrons.~~

~~**Harborview Trail**— this 1.4 mile trail corridor is located within the public street right-of-way of Harborview Drive and North Harborview Drive. Additional road width was constructed (between curbs) to provide for painted on-road bike lanes on both sides of the roadway around the west and north shores of the harbor from Soundview Drive to Vernhardson/96th Street NW and City Park.~~

~~Curb gutters, sidewalks, and occasional planting and seating areas have been developed on both~~

sides of the roadway from Soundview Drive to Peacock Hill Road. Sidewalks have also been extended on Soundview Drive, Pioneer Way, Rosedale Street, Austin Street adjacent to North (Donkey) Creek, and Burnham Drive will include provisions for pedestrians and bicyclists. Limited improvements have been constructed on Peacock Hill.

Bogue Building—this 0.4 acre property and 1, 800 square foot building is located adjacent to old City Hall on Judson Street within the downtown district. The one story, wood frame building was previously used by the Gig Harbor Planning and Building Department and is now a volunteer center.

Public Works / Parks Yard—the 7.5 acre Public Works Yard is located north of Gig Harbor High School just west of 46th Street NW. The shop compound includes 3 buildings that provide 4,760 square feet, 2,304 square feet, and 1,800 square feet or 8,864 square feet in total of shop and storage space. Approximately 3,000 square feet of building or 0.52 acres of the site are used to store park equipment, materials, and plantings.

City Hall/Civic Center - this 10.0 acre site is located on Grandview Drive adjacent to Grandview Forest Park. The site currently contains City offices, multi-use athletic fields, playground, recreational courts, a skateboard court, a boulder rock climbing wall, and wooded picnic area.

Kenneth Leo Marvin Veteran’s Memorial Park – the “Westside” park is accessible from 50th Avenue. This park is a memorial park and includes a dual purpose baseball/soccer field, restrooms/picnic shelter, picnic facilities, big toy, nature trails and Memorial. Future plans for the park include additional play structures and nature trails

Eddon Boat Park – with the support of the community and funding raised through a bond levy, the City purchased ~~these parcels~~ the Eddon Boat facility at the intersection of Harborview and Stinson. The park currently includes a historic boat building dock and small brick house. ~~Once the tideland clean up is completed, The City plans to provide the open space parcel will be developed for passive recreational water access and restore the historic boat building will be restored for public access and maritime programming.~~

Austin Estuary – The estuary and upland tidelands will be preserved in connection with the Donkey Creek Restoration and Harbor History Museum project for passive recreational use. The park is located in the northwest corner of the harbor near the intersection of Harborview and North Harborview.

Cushman Trail – the current trail runs from 14th Avenue NW in the County north to 96th Street. Kimball Drive. In partnership with Pierce County, the City is planning to expand the existing trail to run further north along the power lines to Borgen Boulevard. Trailheads may be developed at the Wilkerson’s Farm Park, the Donkey Creek/Sewer Treatment Plant property, Burnham Drive and Borgen Boulevard. City trailhead facilities are located at Hollycroft and at Grandview. Future plans include expansion of the trail first to Borgen Boulevard (where another trailhead is planned) and then north to the Purdy Spit.

The County is the lead agency on this facility, long term the City and the county would like to develop the trail further so that it connects to the bike lanes of the New Gig Harbor Narrow’s Bridge and north to the Purdy Spit.

SIX-YEAR CAPITAL FACILITY PLAN

Table 12.5 Capital Facilities Projects

Park, Recreation & Open Space Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
1	City Park Improvements	ongoing		6 year	Grants/Local
2	City Skate Park Improvements	2008-2010	\$30,000	6-year	Local
3	GHPHS Museum Creek Easement	2008-2009 2012	\$400,000	6 year	Local
4	Gig Harbor North Park	2008-2012	\$3,000,000	6 year	Developer Mitigation/Impact
5	Jerisich Dock Moorage Extension	2008-2009 2010-2012	\$200,000	6 year	Fees/Grants/Donations
6	Cushman Trail Phase II Kimball to Borgen	2008-2009 2011	\$664,000 5,000,000	6 year	Local/County
7	Boys and Girls Club/ Senior Center	2009-2010-2011	\$150,000 250,000	6 year	Local
8	Pioneer Way Streetscape	2008-2012	\$127,000	6-year	Local
9	Austin Estuary Park	2008-2012	\$100,000 450,000	6 year	Local-RCO Grant
10	Skansie House Remodel	2010-2012	\$100,000 - \$300,000	6 year	PSRC Grant/Local
11	Skansie Netshed Repair and Restoration	2008-2010 2010-2012	\$450,000	6 year	Heritage Grant/Local
12	Wheeler Pocket Park-Street End	2009-2010	\$35,000	6 year	
13	Wilkinson Farm Barn Restoration	2009-2010- 2012	\$200,000	6 year	Heritage Barn Grant/Local Match
14	Wilkinson Farm Park	2010-2013	\$900,000	6 year	State IAC RCO Grant
15	WWTP/Cushman Trail Access	2008-2009 2010-2012	\$(TBD)	6 year	Local
16	Crescent Creek West Shore Acquisition	2008-2011	\$200,000	6-year	Grant/Local
17	Kenneth Leo Marvin Veterans Memorial Park Phase 2	2008-2015	\$(TBD)	6 year	IAC RCO Grant/Impact Fees/Local
18	Eddon Boatyard Building Restoration	2008	\$980,000	6-year	Heritage Grant
19	Eddon Boatyard Building Impervious Containment Barrier	2007	\$25,000	6-year	Heritage Grant/Local
20	Eddon Boat Park Development	2009-2010	\$2,000,000	6 year	Grants/ Local
21	Eddon Park Environmental Cleanup	2007-2008	\$2,000,000	6-year	Brownsfields Grants/ Harbor Cove Escrow Account
22	Taraboachia Public Parking Lot	2007-2008	\$30,000	6-year	Local
23	Maritime Pier – Dock Improvements	2008-2010	\$50,000	6 year	Local
30	Old Miller Property acquisition and development.	2009	\$360,000	6-year	Local/Impact Fees
31	Hoppen Property at the mouth of Crescent Creek.	2009-2014	\$250,000	6-year	Pierce County Conservation

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
					Futures/Local
32	Cushman Trail Extension North to Borgen Boulevard	2009-2010-2012	\$7,000,000	6 year	Pierce County Funds/Local
33	North/Donkey Creek Corridor. (Conservation Properties) Northwest of Donkey Creek Park along the Creek.	2010-2014	\$1,500,000	6 year	County Conservation Futures
34	Jerisich / Skansie Park Development	2009-2010	\$150,000	6 year	Local
35	Sand Volleyball Court @ Crescent Creek Park	2009	\$30,000	6 year	Private Funding/Local
36	Sewer Easement Trail (Veterans Park to 45 th Street Court)	2009-2014	\$300,000	6 year	Local
	Subtotal		\$20,331,000 (TBD)		

Notes:

- (1) CFP - Capital Facilities Program
- (2) GI Fee - Growth Impact Fee
- (3) Bond - Park, Recreation & Open Space Bond

**Application COMP 09-0011:
Utilities Element**

Written Statement of Application for:

Revising Goal 8.4.1 to reflect the City's new Water System Plan

A. Purpose of proposed amendment:

Amend Chapter 8, Goal 8.4.1 to reflect the City's new 2008 Water System Plan.

B. How is the proposed amendment consistent with the Washington State Growth Management Act?

This amendment is consistent with the Washington State Growth Management Act by protecting, through planning, the environment and enhancing the state's high quality of life, including air and water quality, and the availability of water.

C. The proposed amendment is consistent with the adopted Countywide planning policies:

This amendment is consistent with Countywide Planning Policies by providing adequate public domestic water supplies to the city and its urban growth areas (Countywide Planning Policy on Urban Growth Areas, Promotion of Contiguous and Orderly Development and Provision of Urban Services to Such Development).

D. The proposed amendment furthers the purpose of the City's Comprehensive Plan:

This amendment furthers the purpose of the City's Comprehensive Plan by meeting Goal 8.4 of the Comprehensive Plan.

E. The proposed amendment is internally consistent with the City's Comprehensive Plan:

This amendment is consistent with the City's Comprehensive Plan by upgrading and maintaining a high quality and quantity of potable water to residential, commercial, and industrial users.

Comprehensive Plan Text Amendments Requirements:

- 1. The proposed element, chapter section and page number of the Comprehensive Plan to be amended:**

Chapter 8, Goal 8.4.1(e), Page 8-4.

- 2. Proposed text changes:**

The proposed text changes are attached using strikeout/underline edits.

- 3. Traffic Impact Analysis:**

Not applicable.

8.4.1. Upgrade and maintain a-municipal water systems which provides a high quality and quantity of potable water to residential, commercial and industrial users.

- a) Provide for the upgrade of substandard water systems within the City limits to comply with City Fire Protection Codes.
- b) Require new projects and developments and substantial redevelopment of existing developments to participate in the upgrade of existing water systems to meet the latest City Fire Protection Code standards.
- c) Encourage water conservation through a variety of programs and incentives for residential and commercial users.
- d) Consider alternatives to water-consumptive landscaping and encourage the use of plant stock and irrigation systems which do not have intensive water-use demands.
- e) Implement the goals and objectives of the City of Gig Harbor's Comprehensive Water System Plan within the City's Water Service Area.

GOAL 8.5: OPERATE AND MAINTAIN AN EFFICIENT WASTE WATER TREATMENT FACILITY WHICH IS CAPABLE OF PROVIDING THE NEEDED SEWER CAPACITY FOR THE CITY AND ITS URBAN GROWTH AREA.

8.5.1. Increase the capacity and overall efficiency of the City of Gig Harbor waste water treatment facility by planning for phased expansion and improvements consistent with the City's capital facilities plan.

- a) Develop and implement the City of Gig Harbor Sewer Comprehensive Plan which provides for capacity and timing of needed sewage infrastructure for a projected twenty-year growth period.
- b) Provide sewer service to properties outside of the City limits, but within the urban area, consistent with adopted policies on sewer service extension requests.
- c) Require new residential and commercial development within City limits to connect to the City sewer system. Within the unincorporated area served, or to be served by city sewer within six years of the development date, require sewer connection if the development is within 200 feet of the city sewer line.
- d) Require existing residential and commercial development within 200 feet of a city sewer line to connect to city sewer if there is failure of on-site septic systems, as documented by the Tacoma-Pierce County Health Department.

**Application COMP 09-0012:
3700 Grandview Street Land Use Map
Amendment**

COMPREHENSIVE PLAN AMENDMENT
Pioneer & Stinson

Tree Preservation (20% Required)

	Mixed Use Area	Single Family Area
Existing Trees	268	128
Required to be Preserved	54	26
Proposal	103 (38.4%)	53 (41.4%)

Tree Plantings (none required)

- 25' wide buffer area between single family portion and existing residences along Butler to be planted with evergreen trees
- Density to be such that screening is achieved
- Mature height of planted to vegetation to be 16'

Setbacks

	Required	Proposed
Stinson Avenue	20'	30'
Grandview Drive	8'	30'
Pioneer Way	20'	25' – 40'

Parking (Mixed Use Area)

- Required Stalls – 124
- Proposed Stalls – 125
- **Underground Stalls – 73 (58.4% in underground garages)**

Development Agreement

- Property Owner to prepare and submit draft agreement to Staff and Planning Commission
- Term of Agreement can be as short or as long as Council desires
- Property Owners intend on moving as quickly as City will allow

Building Size and Height

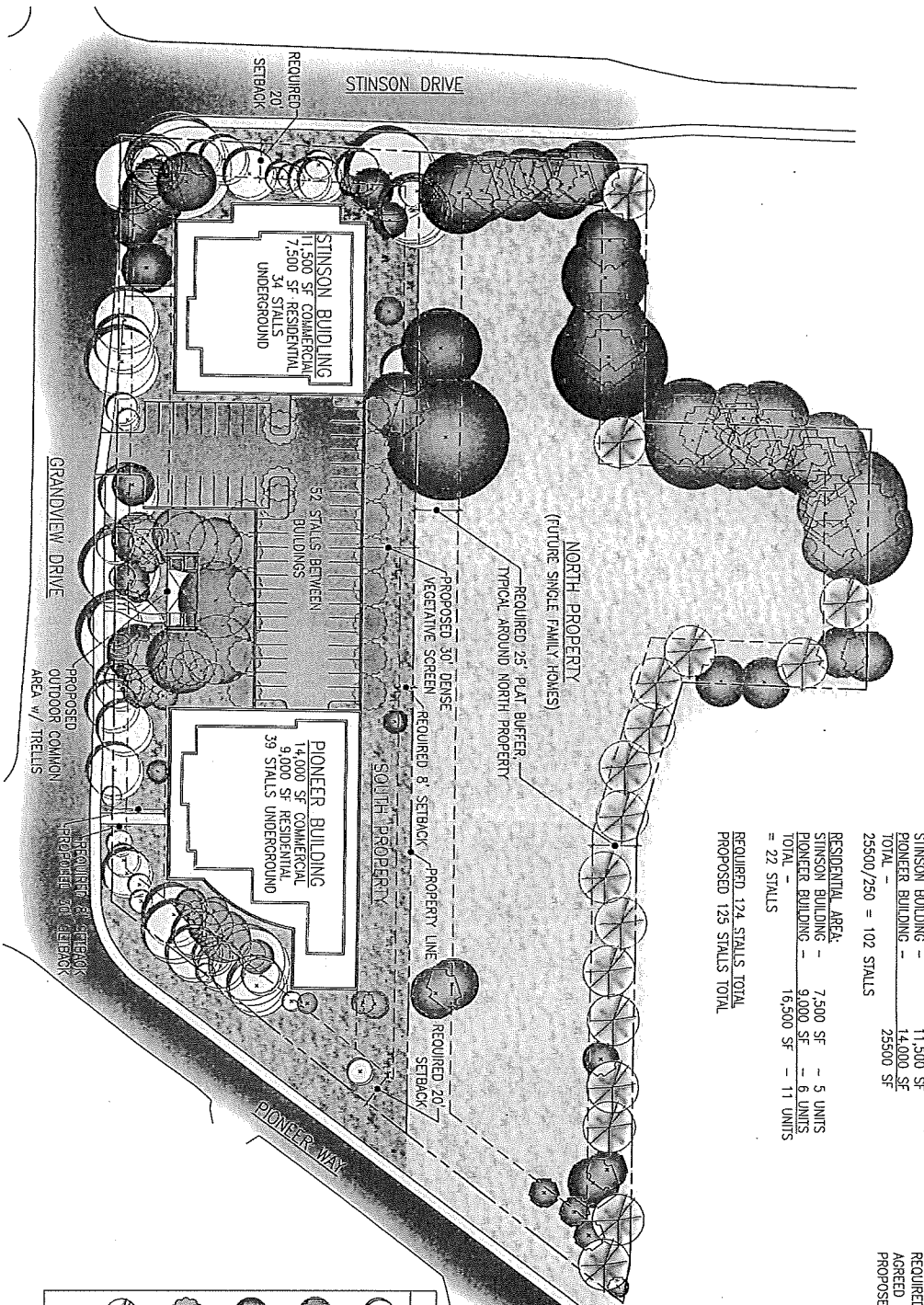
- Stinson Building not to exceed 11,500 first floor and 7,500 on second floor
- Pioneer Building not to exceed 14,000 first floor and 9,000 on second floor
- Height will be limited to no more than 30' exposed from any vantage point (if property is removed from Height Restriction Area); 16' or per Code if not
- Second Floor to “step-back” from first floor to achieve modulation effect and belie bulk

RECEIVED
CITY OF GIG HARBOR
FEB 27 2009
COMMUNITY
DEVELOPMENT



FEBRUARY 18, 2009

OVERALL SITE PLAN



PARKING CALCULATIONS:

RETAIL AREA	11,500 SF
STINSON BUILDING -	14,000 SF
PIONEER BUILDING -	25,500 SF
TOTAL -	25,500 / 250 = 102 STALLS
RESIDENTIAL AREA	
STINSON BUILDING -	7,500 SF = 5 UNITS
PIONEER BUILDING -	9,000 SF = 6 UNITS
TOTAL -	16,500 SF = 11 UNITS
	= 22 STALLS
REQUIRED 124 STALLS TOTAL	
PROPOSED 125 STALLS TOTAL	

TREE CALCULATIONS:

EXISTING	268	128
REQUIRED SAVED (20%)	54	26
AGREED SAVED (30%)	80	39
PROPOSED THIS PLAN	103	53

LEGEND

	TREE WITHIN SETBACK	TREE COUNT
EXISTING TREE WITHIN REQUIRED TO BE SAVED	56	
EXISTING TREE WITHIN PROPOSED TO BE SAVED	26	53
EXISTING TREE NOT IN SETBACK PROPOSED TO BE SAVED	21	
NEW TREE REQUIRED TO BE ADDED PER PARKING LANDSCAPE REQUIREMENTS	19 MIN.	
NEW EVERGREEN TREE TO BE ADDED IN PROPOSED NEW VEGETATIVE SCREEN AT NORTH PROPERTY LINE OF NORTH PROPERTY	17 MIN.	



RECEIVED
 CITY OF GRANDVIEW
 FEB 9 7 2009
 DEVELOPMENT

Pioneer Stinson LLC

February 26, 2009

Pioneer Stinson LLC
3720 Horsehead Bay
Gig Harbor, WA 98335

City of Gig Harbor
3510 Grandview
Gig Harbor, WA 98335

Attn: Jennifer

Pioneer Stinson LLC acknowledges and understands the City of Gig Harbor has initiated a city sponsored comp plan amendment on our property and we intend to work with the city and their employees to provide any necessary documentation.

If you have any questions please contact Carl Halsan of Halsan Frey, our Planner.

Sincerely,



Mike Paul
Partner, Pioneer Stinson LLC

RECEIVED
CITY OF GIG HARBOR
FEB 27 2009
COMMUNITY
DEVELOPMENT



UNAUTHORIZED VEHICLES
IMPOUNDED AT OWNERS
RISK & EXPENSE

BAYVIEW TOWING & COLLISION
1623 STON DR. N.W. GLEN HARBOR, WA.
(253) 858-6229

24 HOUR TOWING AND
ROAD SERVICE















Towslee, Molly

From: Dolan, Tom
Sent: Monday, May 11, 2009 11:27 AM
To: Towslee, Molly
Subject: FW: Rezone application of the 3700 Grandview property

FYI

Tom Dolan
Planning Director
City of Gig Harbor
3510 Grandview St.
Gig Harbor, WA 98335
253-853-7615 phone
253-858-6408 fax

From: Hunter, Chuck
Sent: Monday, May 11, 2009 11:05 AM
To: Karlinsey, Rob
Cc: Dolan, Tom
Subject: FW: Rezone application of the 3700 Grandview property

FYI

From: Dave and Cindy Storrar [mailto:davecin@centurytel.net]
Sent: Sunday, May 10, 2009 6:39 PM
To: Hunter, Chuck; Conan, Paul; Steve Ekberg; Franich, Jim; paulkadzik@comcast.net; Malich, Ken; Payne, Tim; Young, Derek
Subject: Rezone application of the 3700 Grandview property

City of Gig Harbor City Council:

This email is response to request for comments. Cindy and I have testified publicly at both a Planning hearing and a City Council meeting in opposition to the comprehensive plan amendment requesting a rezone for the 3700 Grandview property. The most recent plan has increased the vegetation buffer on Grandview and Pioneer Way as a trade off for allowing larger office buildings. To us, the trees are not the issue. The developers can leave the trees and limb them up higher than the buildings and we would be looking at their large office buildings through a forest of trunks. The council may be able to address that issue in the development agreement, but for some reason our gut feeling tells us not to trust the development group, as they have not been truly forthright through this process. This change is all about maximizing profit, not what is best for the neighborhood. We care about the feel of the surrounding area as a neighborhood and gateway to "one of the most picturesque small cities in America" (per the city's website). We continue to feel the proposed project is not the right fit for the neighborhood. If this zoning change is granted, it will set a precedent for all future developers to demand zoning changes that fit their vision (i.e. how much profit can be made on a piece of property), not whether it complies with the zoning restrictions or is consistent with the surrounding area. We are not against all zoning change requests, if all parties affected are in agreement, then a change is welcomed. However, in this project as proposed, we do not believe there is such a consensus. We feel the city should not grant the change in land use designation.

Sincerely,

Dave and Cindy Storrar
7305 Pioneer Way
Gig Harbor



Subject: First Reading of Ordinance – Sewer Exception Code Revision

Proposed Council Action:

Review two ordinance options for revising Section 13.28.100 Public Sanitary Sewer Hook-Up Requirements and Exceptions and consider approval of one ordinance option at second reading.

Dept. Origin: Public Works/Engineering

Prepared by: Steve Misiurak
City Engineer

For Agenda of: May 11, 2009

Exhibits: Proposed Ordinance and Existing Sewer Area Map

	Initial & Date
Concurred by Mayor:	<u>CLH 5/4/09</u>
Approved by City Administrator:	<u>RJK</u>
Approved as to form by City Atty:	<u>reviewed by A. Belbeck</u>
Approved by Finance Director:	<u>OR 5/5/09</u>
Approved by Department Head:	<u>DB 5/4/09</u>

Expenditure Required	\$0	Amount Budgeted	\$0	Appropriation Required	\$0
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INFORMATION / BACKGROUND

On May 11, 2002, the City Council passed Ordinance 911, which established a procedure for the City Engineer to approve an exception to the sewer hook-up requirements in Section 13.28.100 GHMC. The exception procedure in Ordinance 911 included, as one of the prerequisite conditions, that "the subject lot is not located in an area planned to be served by sanitary sewer, as shown in the most current version of the City's six year capital improvement plan and sewer comprehensive plan," (Section 2, p. 4 of Ordinance 911).

On March 27, 2006 the City Council passed Ordinance 1037, which again amended the requirements for sewer hook-ups in Section 13.28.100 GHMC. However, Ordinance 1037 deleted the prerequisite condition described above from the sewer hook-up exception process. After review of the documentation surrounding the adoption of Ordinance 1037 City Staff believe this deletion was inadvertent. City Staff recommends this condition be re-inserted to Section 13.28.100 GHMC as described on the attached ordinance.

Two versions of this ordinance are provided for review. The primary difference between the two versions of this ordinance is the proposed distance in Section 13.28.100(E)(1)(a) whereby a lot would be required to connect to city sewer. The two variations are as follows:

Option A: The subject lot is not abutting an existing public sanitary sewer.

Option B: The subject lot is not within 200 linear feet as measured from the nearest property line along the path of sewer main construction to an existing public sanitary sewer.

At the final reading council will be asked to approve one version of this ordinance.

FISCAL CONSIDERATION

None with this action.

BOARD OR COMMITTEE RECOMMENDATION

The draft ordinance was presented to the Operations and Public Project Committee at their October 2008 and March 19 meetings. Committee Members requested two versions of the ordinance and language revisions that have been incorporated into the two attached versions of the ordinance.

RECOMMENDATION / MOTION

Move to: Review two ordinance options for revising Section 13.28.100 Public Sanitary Sewer Hook-Up Requirements and Exceptions and consider approval of one ordinance option at second reading.

SEWER EXCEPTION (OPTION A)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE DISPOSAL OF SANITARY WASTE AND THE PROCEDURE TO OBTAIN AN EXCEPTION FROM THE REQUIREMENT TO HOOK-UP TO SEWER FOR NEW CONSTRUCTION; RE-INSERTING LANGUAGE THAT WAS INADVERTENTLY OMITTED IN THE ORDINANCE AMENDMENT PROCESS; REQUIRING THE PUBLIC WORKS DIRECTOR TO DETERMINE IF FOUR CIRCUMSTANCES EXIST BEFORE GRANTING AN EXCEPTION TO THE SEWER HOOK-UP REQUIREMENT, INCLUDING A DETERMINATION THAT THE LOT IS NOT IN AN AREA PLANNED TO BE SERVED BY CITY SEWER, AS SHOWN IN THE MOST RECENT COMPREHENSIVE SEWER PLAN, AMENDING SECTION 13.28.100 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, RCW 35.67.190 requires that property owners within the area served by the City's sewer system "shall be compelled to connect their private drains and sewers" to the City's system; and

WHEREAS, The City currently requires owners of new construction to obtain waste water and sanitary sewer hook-ups as set forth in GHMC Section 13.28.100; and

WHEREAS, on May 11, 2002, the City Council passed Ordinance 911, which established a procedure for the City Engineer to approve an exception to the sewer hook-up requirements in GHMC Section 13.28.100; and

WHEREAS, the exception procedure in Ordinance 911 included, as one of the prerequisite conditions, that "the subject lot is not located in an area planned to be served by sanitary sewer, as shown in the most current version of the City's six year capital improvement plan and sewer comprehensive plan," (Section 2, p. 4 of Ordinance

911); and

WHEREAS, on March 27, 2006 the City Council passed Ordinance 1037, which again amended the requirements for sewer hook-ups in GHMC Section 13.28.100, which deleted a prerequisite condition described above from the sewer hook-up exception process; and

WHEREAS, City Engineering staff recommends that this condition be inserted into GHMC 13.28.100; and

WHEREAS, after a review of the documentation surrounding the adoption of Ordinance 1037, the City believes this omission was inadvertent; and

WHEREAS, the City Council would like to re-insert the inadvertently omitted condition to GHMC Section 13.28.100; and

WHEREAS, the City SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA under WAC 197-11-800;

Now, Therefore,

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

Section 1. Section 13.28.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.28.100 Public sanitary sewer Hook-Up Requirements and Exceptions.

A. Definitions. For the purpose of this section, the words listed below shall have the following meanings:

1. *Human Occupancy* shall mean that the normally accepted use of the particular type of structure, building or home is living

quarters, a place of work, office, store, or any other place where people will spend time, including, but not limited to, restaurants, churches, schools, theaters, and parks.

2. *Building* shall mean any structure built for the support or enclosure of persons, animals, chattels, or property of any kind.
3. *Structure* shall mean a combination of materials that is constructed or erected, either on or under the ground, or that is attached to something having a permanent location on the ground, excluding residential fences, retaining walls, rockeries and similar improvements of a minor character the construction of which is not regulated by the building code of the city.

B. Requirements for New Construction. The owners of all new houses, buildings, structures, or other uses of property used for human occupancy shall be required to connect the improvements on their properties to a public sanitary sewer, except as provided in subsection E of this section.

C. Requirements for Existing Houses, Buildings, Structures or Uses. The owners of all existing houses, buildings, structures, or other uses of property used for human occupancy situated in the City and abutting on any street, alley, or easement, which are not currently connected to the City's public sanitary sewer system shall not be required to connect, unless (a) a Local Improvement District (LID) is formed for the purpose of providing sewer to the property, or (b) there is a health or safety hazard associated with the private sewer or on-site septic system. If either of these two situations exist, the property owner ~~will~~ shall be required to connect the property to the City's sewer system, and the City ~~shall~~ will provide the property owner written notice of the requirement to connect.

D. Requirements for Houses, Buildings, Structures, or Uses Newly Annexed to the City. Owners of houses, buildings, structures, or uses of property used for human occupancy that are newly annexed to the City shall be required to connect to the City's sewer system as provided in Subsection C of this section.

E. Exceptions.

1. The ~~City Engineer~~ Public Works Director may approve an exception to the requirements of this section to address the on-site sewer needs of new buildings and structures to be constructed on individual lots created prior to the Washington State Legislature's adoption of the Growth Management Act (chapter 36.70A RCW) on July 1, 1990, if all of the following limited circumstances exist:

a.. The subject lot is not abutting an existing public sanitary sewer.

~~a.~~ b. The subject lot in its current configuration was created prior to July 1, 1990, and

~~b.~~ c. The septic system to be constructed will serve no more than one single-family dwelling unit or no more than one building or no more than one structure on the lot meeting the criteria of this subsection; and,

d. The property owner shall record a notice against the lot, in a form approved by the City Attorney, providing notice to all subsequent purchasers that the city's approval of a septic system under these procedures will not affect the city's ability to enforce any of the requirements of this section or this chapter (including the requirement to connect to a public sanitary sewer in the future) against the lot at any time in the future, as long as the conditions described in that subsection exist.

2. Expiration of Exception, Appeals.

~~a. The City Engineer~~ Public Works Director's denial of an exception shall not be a final, appealable decision if the request for the exception is made prior to submission of a project permit application for construction of the building or structure on the lot. If a request is denied, a property owner may make a subsequent request for an exception at the time of submission of a project permit application for construction of a structure or building on the property, or at the time any circumstances pertinent to the criteria in this subsection substantially change.

b. If the request for the exception is made in conjunction with the submission of a project permit application for construction of the building or structure on the lot, the ~~City Engineer's~~ Public Works Director's decision may only be appealed together with (and/or following the procedures associated with) an appeal of the underlying project permit application.

~~c. The City Engineer's~~ The Public Works Director's granting of an exception that is not associated with a project permit application shall expire within one year if a project permit application is not submitted to the city. ~~The City Engineer's~~ The Public Works Director's granting of an exception associated with a project permit application shall expire concurrent with the underlying permit.

3. This procedure is exempt from the procedures in GHMC Title 19, pursuant to RCW 36.70B.140.

F. Penalties for Noncompliance. The City may implement the procedures set forth in GHMC Section 13.28.130 for a property owner's failure to comply with the requirements of this section. In the alternative or in addition to GHMC Section 13.28.130, the City may impose penalties on the property owner in an amount equal to the charge that would be made for sewer service if the property was connected to the sewer system, on the date required by this section. Pursuant to RCW 35.67.194, all penalties shall be considered revenues of the system.

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 a summary, consisting of the title.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor this XX day of April 2009

CITY OF GIG HARBOR

CHUCK HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By: _____
Angela S. Belbeck, CITY ATTORNEY

FILED WITH THE CITY CLERK: x/x/09
PASSED BY THE CITY COUNCIL: x/x/09
PUBLISHED: x/x/09
EFFECTIVE DATE: x/x/09
ORDINANCE NO: 11xx

SEWER EXCEPTION (OPTION B)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE DISPOSAL OF SANITARY WASTE AND THE PROCEDURE TO OBTAIN AN EXCEPTION FROM THE REQUIREMENT TO HOOK-UP TO SEWER FOR NEW CONSTRUCTION; RE-INSERTING LANGUAGE THAT WAS INADVERTENTLY OMITTED IN THE ORDINANCE AMENDMENT PROCESS; REQUIRING THE PUBLIC WORKS DIRECTOR TO DETERMINE IF FOUR CIRCUMSTANCES EXIST BEFORE GRANTING AN EXCEPTION TO THE SEWER HOOK-UP REQUIREMENT, INCLUDING A DETERMINATION THAT THE LOT IS NOT IN AN AREA PLANNED TO BE SERVED BY CITY SEWER, AS SHOWN IN THE MOST RECENT COMPREHENSIVE SEWER PLAN, AMENDING SECTION 13.28.100 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, RCW 35.67.190 requires that property owners within the area served by the City's sewer system "shall be compelled to connect their private drains and sewers" to the City's system; and

WHEREAS, The City currently requires owners of new construction to obtain waste water and sanitary sewer hook-ups as set forth in GHMC Section 13.28.100; and

WHEREAS, on May 11, 2002, the City Council passed Ordinance 911, which established a procedure for the City Engineer to approve an exception to the sewer hook-up requirements in GHMC Section 13.28.100; and

WHEREAS, the exception procedure in Ordinance 911 included, as one of the prerequisite conditions, that "the subject lot is not located in an area planned to be served by sanitary sewer, as shown in the most current version of the City's six year capital improvement plan and sewer comprehensive plan," (Section 2, p. 4 of Ordinance

911); and

WHEREAS, on March 27, 2006 the City Council passed Ordinance 1037, which again amended the requirements for sewer hook-ups in GHMC Section 13.28.100, which deleted a prerequisite condition described above from the sewer hook-up exception process; and

WHEREAS, City Engineering staff recommends that this condition be inserted into GHMC 13.28.100; and

WHEREAS, after a review of the documentation surrounding the adoption of Ordinance 1037, the City believes this omission was inadvertent; and

WHEREAS, the City Council would like to re-insert the inadvertently omitted condition to GHMC Section 13.28.100; and

WHEREAS, the City SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA under WAC 197-11-800;

Now, Therefore,

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

Section 1. Section 13.28.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.28.100 Public sanitary sewer Hook-Up Requirements and Exceptions.

A. Definitions. For the purpose of this section, the words listed below shall have the following meanings:

1. *Human Occupancy* shall mean that the normally accepted use of the particular type of structure, building or home is living

quarters, a place of work, office, store, or any other place where people will spend time, including, but not limited to, restaurants, churches, schools, theaters, and parks.

2. *Building* shall mean any structure built for the support or enclosure of persons, animals, chattels, or property of any kind.
3. *Structure* shall mean a combination of materials that is constructed or erected, either on or under the ground, or that is attached to something having a permanent location on the ground, excluding residential fences, retaining walls, rockeries and similar improvements of a minor character the construction of which is not regulated by the building code of the city.

B. Requirements for New Construction. The owners of all new houses, buildings, structures, or other uses of property used for human occupancy shall be required to connect the improvements on their properties to a public sanitary sewer, except as provided in subsection E of this section.

C. Requirements for Existing Houses, Buildings, Structures or Uses. The owners of all existing houses, buildings, structures, or other uses of property used for human occupancy situated in the City and abutting on any street, alley, or easement, which are not currently connected to the City's public sanitary sewer system shall not be required to connect, unless (a) a Local Improvement District (LID) is formed for the purpose of providing sewer to the property, or (b) there is a health or safety hazard associated with the private sewer or on-site septic system. If either of these two situations exist, the property owner ~~will~~shall be required to connect the property to the City's sewer system, and the City ~~shall~~will provide the property owner written notice of the requirement to connect.

D. Requirements for Houses, Buildings, Structures, or Uses Newly Annexed to the City. Owners of houses, buildings, structures, or uses of property used for human occupancy that are newly annexed to the City shall be required to connect to the City's sewer system as provided in Subsection C of this section.

E. Exceptions.

1. The ~~City Engineer~~ Public Works Director may approve an exception to the requirements of this section to address the on-site sewer needs of new buildings and structures to be constructed on individual lots created prior to the Washington State Legislature's adoption of the Growth Management Act (chapter 36.70A RCW) on July 1, 1990, if all of the following limited circumstances exist:

a. The subject lot is not within 200 linear feet as measured from the nearest property line along the path of sewer main construction to an existing public sanitary sewer; and

~~a.~~ b. The subject lot in its current configuration was created prior to July 1, 1990, and

~~b.~~ c. The septic system to be constructed will serve no more than one single-family dwelling unit or no more than one building or no more than one structure on the lot meeting the criteria of this subsection; and,

d. The property owner shall record a notice against the lot, in a form approved by the City Attorney, providing notice to all subsequent purchasers that the city's approval of a septic system under these procedures will not affect the city's ability to enforce any of the requirements of this section or this chapter (including the requirement to connect to a public sanitary sewer in the future) against the lot at any time in the future, as long as the conditions described in that subsection exist.

2. Expiration of Exception, Appeals.

~~a. The City Engineer~~ Public Works Director's denial of an exception shall not be a final, appealable decision if the request for the exception is made prior to submission of a project permit application for construction of the building or structure on the lot. If a request is denied, a property owner may make a subsequent request for an exception at the time of submission of a project permit application for construction of a structure or building on the property, or at the time any circumstances pertinent to the criteria in this subsection substantially change.

b. If the request for the exception is made in conjunction with the submission of a project permit application for construction of the building or structure on the lot, the ~~City Engineer's~~ Public Works Director's decision may only be appealed together with (and/or following the procedures associated with) an appeal of the underlying project permit application.

~~c. The City Engineer's~~ The Public Works Director's granting of an exception that is not associated with a project permit application shall expire within one year if a project permit application is not submitted to the city. ~~The City Engineer's~~ The Public Works Director's granting of an exception associated with a project permit application shall expire concurrent with the underlying permit.

3. This procedure is exempt from the procedures in GHMC Title

19, pursuant to RCW 36.70B.140.

F. Penalties for Noncompliance. The City may implement the procedures set forth in GHMC Section 13.28.130 for a property owner's failure to comply with the requirements of this section. In the alternative or in addition to GHMC Section 13.28.130, the City may impose penalties on the property owner in an amount equal to the charge that would be made for sewer service if the property was connected to the sewer system, on the date required by this section. Pursuant to RCW 35.67.194, all penalties shall be considered revenues of the system.

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 a summary, consisting of the title.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor this XX day of April 2009

CITY OF GIG HARBOR

CHUCK HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By: _____
Angela S. Belbeck, CITY ATTORNEY

FILED WITH THE CITY CLERK: x/x/09
PASSED BY THE CITY COUNCIL: x/x/09
PUBLISHED: x/x/09
EFFECTIVE DATE: x/x/09
ORDINANCE NO: 11xx



Subject: Nuisance Ordinance

Proposed Council Action:

First Reading of Ordinance

Dept. Origin: Administration

Prepared by: Rob Karlinsey

For Agenda of: May 11, 2009

Exhibits: Nuisance Ordinance

Initial & Date

Concurred by Mayor:

CUH 5/4/09

Approved by City Administrator:

RJK 5/1/09

Approved as to form by City Atty:

VIA EMAIL 5/1/09

Approved by Finance Director:

CP 5/1/09

Approved by Department Head:

TD 5/1/09

Expenditure	Amount	Appropriation
Required See fiscal consideration below	Budgeted \$0	Required \$0

INFORMATION / BACKGROUND

The City Council directed staff to draft a nuisance ordinance. The attached ordinance addresses dilapidated buildings, attractive nuisances, abandoned pits/holes, as well as trash and junk.

Enforcement of nuisance violations is outlined in the attached ordinance and follows the same enforcement procedure as the Junk Vehicle ordinance that the City Council adopted last year, with the exception of an added property lien provision.

FISCAL CONSIDERATION

The City will need to bear the costs of enforcing a nuisance violation, including city attorney and municipal court judge costs, appellate court fees, etc. In addition, the City may initially bear the cost for abatement (if a violation case arises to that level); however, the City also has the ability to attempt to recover those abatement costs from the violator. Lastly, fines for violating the ordinance could potentially offset some of the enforcement costs.

BOARD OR COMMITTEE RECOMMENDATION

At its April 22, 2009 meeting, the City Council's Planning & Building Committee reviewed the draft nuisance ordinance. The Committee's changes to the ordinance are incorporated into the version attached to this bill.

RECOMMENDATION / MOTION

Move to: No action necessary. First reading of ordinance.

Karlinsey, Rob

From: Angela S. Belbeck [abelbeck@omwlaw.com]
Sent: Friday, May 01, 2009 3:19 PM
To: Karlinsey, Rob
Cc: Towslee, Molly; Bower, Dick; Dolan, Tom
Subject: RE: Nuisance Ordinance and CB

Looks great. Let me know if you need anything further.
--Angela

From: Karlinsey, Rob [mailto:karlinseyr@cityofgigharbor.net]
Sent: Wednesday, April 29, 2009 11:45 AM
To: Angela S. Belbeck
Cc: Towslee, Molly; Bower, Dick; Dolan, Tom
Subject: Nuisance Ordinance and CB

Hi Angela – could you please review the attached council bill and also give one more look to the attached clean copy of the nuisance ordinance?

Thanks,

--Rob

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE GIG HARBOR MUNICIPAL CODE BY ENACTING A NEW CHAPTER 8.10 OF THE GIG HARBOR MUNICIPAL CODE DEFINING, REGULATING AND PROVIDING FOR THE ABATEMENT OF PUBLIC NUISANCES, REQUIRING THE MAINTENANCE OF REAL PROPERTY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, public nuisances are unsightly and unsanitary, create fire, safety and health hazards, interfere with the enjoyment of public and private property, degrade the character of neighborhoods, and have a detrimental effect on property values; and

WHEREAS, residents of the City of Gig Harbor have complained about public nuisances in their neighborhoods; and have requested that the city regulate and abate public nuisances within the city; and

WHEREAS, pursuant to RCW 35A.11.020 and RCW 35.23.440(10) the city has the power to declare what shall be deemed nuisances, to prevent, remove, and abate nuisances at the expense of the parties creating, causing, committing or maintaining nuisances, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same; Now, therefore,

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

Section 1. New Chapter 8.10. A new chapter 8.10 is hereby added to the Gig Harbor Municipal Code to read as follows:

Chapter 8.10

PUBLIC NUISANCES

Section 8.10.010 Purpose and construction.

The purpose of this chapter is to define, regulate and provide for the abatement of public nuisances; reduce fire, safety and health hazards; preserve and enhance the attractiveness of the city's neighborhoods; and protect property values within the city. This chapter is an exercise of the police power and is necessary for the health, safety and welfare of the city and to preserve and protect

the public peace. Therefore, the provisions of this Chapter shall be liberally construed for the accomplishment of such purposes.

Section 8.10.020 Definitions.

All terms used in this chapter shall have their common definition meaning. In addition to the common definition meaning, the terms used shall mean as follows:

*"Abate" means to repair, replace, remove, destroy or otherwise remedy a condition that violates this chapter.

* "Building materials" means lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing materials, cans of paint and similar materials.

* "Dilapidated" means a building that is generally in a deteriorated condition and meets two or more of the following conditions:

- Exterior wall(s) and/or siding having loose or rotting materials or showing holes or breaks.
- One or more windows that are missing glass or are boarded.
- Roof, stairs, porch, or building structure that is sagging, leaning, or in a state of collapse.
- At least 25% of a roof with missing shingles (or other roofing materials).
- Roof, wall, or any portion thereof with tarps, plastic sheeting, or other temporary materials intended to compensate for leakage; provided that said materials are attached for more than six months.
- Any building which is determined to be a dangerous building pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in the Gig Harbor Municipal Code.

* "Garbage" means waste food products, other organic waste products and packaging materials from food products.

* "Junk" means discarded, broken or disabled items, including, but not limited to, furniture, appliances, toys, vehicle parts, building materials, tools, machinery parts or other items that are not in functioning condition.

* "Person" means human beings of either sex as well as firms, partnerships, corporations, and all associations of human beings, whether acting by themselves or by a servant, agent or employee.

* "Premises" means any building, lot, parcel, real estate, land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

* "Public nuisance" means a thing, act, failure to act, occupation or use of property which (1) annoys, injures or endangers the comfort, repose, health or safety of the public; (2) unlawfully interferes with, obstructs, or renders dangerous for passage any stream, river, channel, public park, square, street, alley, highway or sidewalk; or (3) renders the public insecure in life or use of property. All of the conditions enumerated in Section 8.10.050, are "public nuisances"

* "Responsible party" means any person owning property, as shown on the real property records of Pierce County or on the last assessment role for taxes, and shall also mean any lessee, tenant or person having possession of the property. There may be more than one responsible party for a particular property.

* "Trash" includes, but is not limited to, used, discarded, torn or broken paper; plastic; glass; cardboard; packaging materials; small pieces of scrap metal; wire; pipe; stone; plaster; cement; office supplies; cosmetics; bottles; cans; jars; or boxes.

* "Yard waste" means any accumulation of leaves; trimmings from trees, brush and shrubs; cut grass and weeds; or garden waste.

Section 8.10.030 Duty to maintain real property.

Any person owning, leasing, renting, occupying or in charge of any real property in the city, including vacant lots, has a duty to maintain the property free from junk, trash, yard waste and any other nuisance as defined in this chapter, in order that such property shall not endanger the safety, health or welfare of the general public.

Section 8.10.040 Prohibited conduct.

It is a violation of this chapter for any person to permit, create, maintain or allow upon any premises, any of the acts or things declared to be public nuisances herein.

Section 8.10.050 Public nuisances declared.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, if such conditions are

able to be viewed from the public right-of-way, public property, or adjacent private property:

A. Any unfenced, uncovered, unguarded or abandoned pit, hole, excavation, well, septic tank, cesspool, pond, or swimming pool into which a child or other person could fall.

B. Attractive nuisances dangerous to children, including, but not limited to, abandoned, broken or neglected vehicles, boats, equipment and machinery; refrigerators, freezers or other insulated containers within which a child could suffocate; and abandoned, dilapidated or structurally unsound buildings.

C. The existence or accumulation of any trash, litter or inorganic waste, including used, broken, torn or discarded paper, cardboard, plastic, rags, empty bottles, cans, glass, plaster, barrels, boxes, crates, packing cases, construction debris, styrofoam, hay, straw, packing materials, scrap metal, wire, pipe, crockery, and plaster not in covered and enclosed receptacles.

D. The existence or accumulation of any junk, including broken, discarded, torn, or non-functional furniture, mattresses, bedding, appliances, toys, vehicle parts, or other articles of personal property.

E. The existence or accumulation of building material, lumber, salvage materials, scrap iron, tin and other metal, wire, stone, cement or brick which is unsightly and may be an attractive nuisance, provided that this subsection shall not apply if the materials are associated with an active building permit, or are neatly piled and screened from view from the public right of way or any neighboring property.

F. Any fence or structure which is sagging, leaning, fallen, or decayed; and is deemed a fire or safety hazard. Any building which is determined to be a dangerous building pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference in the Gig Harbor Municipal Code.

G. Any vacant building or accessory structure which is in a dilapidated condition.

Section 8.10.060 Abatement of public nuisance.

The responsible person or persons for any premises on which a nuisance as defined in Section 8.10.050 is found, shall abate such nuisance by removal, trimming, demolition, rehabilitation or repair.

Section 8.10.070 Enforcement.

A. The enforcement officer shall have the authority to enforce this chapter. The enforcement officer may call upon the building, fire, planning and community development or other appropriate city departments to assist in enforcement.

B. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public and not for the benefit of any particular person or class of persons.

C. It is the intent of this chapter to place the obligation of complying with its requirements upon the person owning, leasing, renting, or occupying the property upon which a nuisance is located.

D. No provision of or any term used in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

Section 8.10.080 Investigation and Notice of Violation.

A. Investigation. The enforcement officer shall investigate the premises which he/she reasonably believes does not comply with the standards and requirements of this chapter.

B. Notice of Violation. If, after investigation, the enforcement officer determines that the standards or requirements of this chapter have been violated, the enforcement officer shall serve a notice of violation upon the property owner, tenant, or other person responsible for the condition. The notice of violation shall contain the following information:

1. Name and address of the person(s) to whom the citation is issued;
2. The location of the subject property by address or other description sufficient for identification of the subject property;
3. A description of the public nuisance(s) present on the subject property;
4. A separate statement of each standard, code provision or requirement violated, and the reasons for which the city deems the condition of the property to constitute a public nuisance in violation of this chapter;

5. What corrective action, if any, is necessary to comply with the standards, code provisions or requirements;
6. A reasonable time for compliance;
7. A statement that if the person(s) to whom the notice of violation is issued fails to complete the corrective action by the date required, the city or its designee shall abate the public nuisance and will assess all costs of administration and abatement against the owner of the property upon which the public nuisance is located or otherwise attempt to collect such costs against the tenant or person(s) responsible for the violation;
8. A statement that the owner of the land on which the public nuisance is located may appear in person at the hearing and present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the public nuisance on the land, with his/her reasons for denial.

C. Service. The notice shall be served on the property owner and the tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the enforcement officer makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two consecutive weeks in the city's official newspaper; and
2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address as shown on the official Pierce County assessor's parcel data, or if unknown, to the address of the property involved in the proceedings.

D. Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Amendment. A notice or order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

F. Withdrawal. The city may choose to withdraw a notice of violation at any time without prejudice to the city's ability to reissue it if a certificate of compliance has not been obtained for the specific violations.

Section 8.10.090 Time to Comply.

A. Determination of Time. When calculating a reasonable time for compliance, the enforcement officer shall consider the following criteria:

1. The type and degree of violation cited in the notice;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action;
4. The complexity of the corrective action, including seasonal considerations; and
5. Any other circumstances beyond the control of the responsible party.

B. A copy of the notice may be recorded against the property with the Pierce County auditor. The enforcement officer may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.

Section 8.10.100 Hearing.

A. The property owner, tenant, or other person responsible for the violation may appeal the notice of violation by requesting such appeal of the notice, accompanied by the appropriate appeal fee, within 15 calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday, or federal or city holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request, the enforcement officer shall forward the request to the municipal court judge.

B. If a request for a hearing is received, a notice giving the time, location and date of the hearing shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the county assessor records and to the tenant or other person responsible for the violation.

C. The owner of the land on which the public nuisance is located may appear in person at the hearing or present a written statement for consideration, and deny responsibility for the presence of the nuisance, with the reasons for denial. If it is determined that the public nuisance was present on the property without the consent of the landowner and that the landowner has not acquiesced in its

presence, then the cost of removal shall not be assessed against the landowner.

- D. At or after the appeal hearing, the municipal court judge may:
1. Sustain the notice of violation and require that the public nuisance be abated at the request of the enforcement officer after a date certain;
 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, and/or determine that the owner of the property is not responsible for the costs of removal, pursuant to subsection C of this section.

Section 8.10.110 Municipal Court Order.

A. Unless mutually agreed to by the appellant and the court, the order of the court shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address as determined by the enforcement officer within 15 calendar days following the conclusion of testimony and hearings and the closing of the record.

B. Proof of service shall be made by a written declaration by the person effecting the service, declaring the time and date of service and the manner by which service was made.

C. The municipal court, in affirming the enforcement officer's notice of violation and abatement, may assess administrative costs or costs related to the abatement of the public nuisance. The court may also order the refund of hearings fees to parties deemed not responsible for the violation.

D. If it is determined at the hearing that the public nuisance was present on the property without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the municipal court's order shall not assess costs of administration or removal of the public nuisance against the property upon which the public nuisance is located or otherwise attempt to collect the cost from the landowner.

Section 8.10.120 Abatement - Costs.

A. Commencing 45 calendar days after service of the notice of violation and abatement, if no appeal had been filed, or 15 calendar

days after the issuance of an order from the municipal court resulting in authority to remove, the enforcement officer shall supervise the abatement of the public nuisance.

B. The city's costs related to abatement of the public nuisance may be collected from the property owner unless the public nuisance existed on the property without the property owner's consent or acquiescence. If the city's costs cannot be collected from the property owner, the city may collect those costs from the tenant or other person responsible for the violation.

Section 8.10.130 Civil Penalties.

A. In addition to any other sanction or remedial procedure which may be available, any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be subject to a cumulative civil penalty in the amount of \$100.00 per day for each violation from the date set for compliance until compliance with the order is achieved.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the city. The enforcement officer shall notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney shall, with the assistance of the enforcement officer, take appropriate action to collect the penalty.

Section 8.10.140 Additional Relief.

The enforcement officer may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this chapter when civil penalties are inadequate to effect compliance.

Section 8.10.150 Liens.

A. Generally. The City shall have a lien for any civil penalty imposed or for the cost of any abatement work done pursuant to this chapter, or both, against the real property on which the civil penalty was imposed or any of the abatement work was performed.

B. Priority. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens, except for state and county taxes.

C. Contents. The claim of lien shall contain the following:

1. The authority for imposing a civil penalty or proceeding to abate the violation, or both;

2. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;

3. A legal description of the property to be charged with the lien;

4. The name of the known or reputed owner, and, if not known, the fact shall be alleged; and

5. The amount, including lawful and reasonable costs, for which the lien is claimed.

6. Signed verification by the director or his/her authorized representative, under penalty of perjury under the laws of the State of Washington, that the declarant believes the claim is just.

D. Recording. The director shall cause a claim for lien to be filed for record in the Pierce County auditor's office within ninety days from the date the civil penalty is due or within ninety days from the date of completion of the abatement work performed pursuant to this chapter.

E. Duration. A lien created under this chapter shall be valid until the amount of money specified in the lien is paid in full.

F. Foreclosure. A lien created under this chapter may be foreclosed and enforced by a civil action in a court having jurisdiction. All persons who have legally filed claims or liens against the same property prior to commencement of the action shall be joined as parties, either as plaintiff or defendant. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

Section 2. Pending Actions. This ordinance shall not effect or abate any criminal prosecution or code enforcement action that is instigated or brought by or on behalf of the City prior to the effective date of this amendment. Such prosecution or enforcement actions shall continue unabated.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

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

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ____ day of _____, 2009.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck, City Attorney

FILED WITH THE CITY CLERK: 04/29/09
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:



Subject: Ordinance – Moving the City Council Meeting Time to 5:30 p.m.

Proposed Council Action:

Adopt this ordinance moving the City Council Meeting Time to 5:30 p.m. at its second reading.

Dept. Origin: Administration

Prepared by: Molly Towslee, City Clerk *mt*

For Agenda of: May 11, 2009

Exhibits: Ordinance

Initial & Date

Concurred by Mayor:

CLH 4/28/09

Approved by City Administrator:

PJK

Approved as to form by City Atty:

okay by A.B.

Approved by Finance Director:

DR 4/28/09

Approved by Department Head:

Expenditure	Amount	Appropriation
Required \$0	Budgeted \$0	Required \$0

INFORMATION / BACKGROUND

The City desires to cut costs wherever possible, and moving the City Council meeting time up by one-half hour will help to minimize Staff overtime, City Attorney and consultant fees. This ordinance will amend GHMC 2.04.010 and move the official meeting time from 6:00 p.m. to 5:30 p.m.

The Hearing Examiner, Planning Commission and Design Review Board meetings have all been moved to earlier in the day with no negative impact or comments from the public.

This time change will be revisited after a period of time to determine any impacts.

FISCAL CONSIDERATION

Starting the meetings one-half hour early may result in a cost savings of up to \$300.00 per meeting depending upon which staff members are present.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Adopt this ordinance moving the City Council Meeting Time to 5:30 p.m. at its second reading.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CITY COUNCIL MEETINGS, CHANGING THE TIME OF REGULAR CITY COUNCIL MEETINGS FROM 6:00 P.M. TO 5:30 P.M. ON THE SECOND AND FOURTH MONDAYS OF EACH MONTH, AMENDING GIG HARBOR MUNICIPAL CODE SECTION 2.04.010.

WHEREAS, the City Council wishes to change the time of its regular meetings from 6:00 p.m. to 5:30 p.m. to address economic concerns, to give consideration to technical professionals and city staff, and to more closely reflect other city commission and board meeting times; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of May 11th and May 27th, 2009; Now, Therefore,

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

Section 1. Section 2.04.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

2.04.010 Meeting day and time. The second and fourth Mondays of each an every month are declared to be and designated as the regular and official meeting days of the city council of the city and the meetings shall be conducted on such days commencing at ~~6:00~~ 5:30 p.m.; provided however, that in the event any of the regular and official meeting days fall upon a legal holiday, the regular and official meeting day shall be on the Tuesday following the second and fourth Monday of each month.

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

Section 3. Effective Date. This Ordinance shall take effect and be in full force on June 8, 2009, after publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 26th day of June, 2009.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
ANGELA BELBECK

FILED WITH THE CITY CLERK: 05/06/09
PASSED BY THE CITY COUNCIL: 05/26/09
PUBLISHED: 06/03/09
EFFECTIVE DATE: 06/08/09
ORDINANCE NO: _____