

**City of Gig Harbor Planning Commission  
Minutes of Work-Study Session and Public Hearing  
SPECIAL MEETING  
July 30, 2009  
Gig Harbor Civic Center**

**PRESENT:** Commissioners: Joyce Ninen, Jill Guernsey, Jim Pasin, Jeane Derebey and Dick Allen. Commissioner Harris Atkins and Michael Fisher were absent.  
Staff Present: Jennifer Kester, Peter Katich, Jeff Langhelm and Diane Gagnon.

**CALL TO ORDER:** Acting Chair Joyce Ninen called the meeting to order at 5:00 p.m.

**APPROVAL OF MINUTES:**

**MOTION:** Move to table the minutes of May 21st, 2009 until the next meeting. Derebey/Pasin. Motion passed unanimously.

**5:00 WORK STUDY SESSION**

- 1. North Pacific Design, 2727 Hollycroft Street, Suite 410, Gig Harbor, WA 98335** - (COMP 09-0001) – Wollochet Water System Service Area Amendment

Senior Engineer Jeff Langhelm gave some background on water system service areas and plans. He stated that plans are required for Class A water systems which include the City of Gig Harbor and the other purveyors. Within the plans there are items that are required, most important to planning are the population projection requirements. Mr. Langhelm further explained that water service areas are identified within the water system plan and also within Pierce County's coordinated water system plan. Mr. Pasin asked about the term flow and how it is measured. He answered that in most cases it is gallons per day which can be converted into ERUs. Mr. Langhelm stated that fire flow requirements are measured in gallons per minute.

Mr. Allen asked about the significance of the water system boundary. Mr. Langhelm stated that once a boundary has been established there is a duty to serve.

Michael Desmarteau from North Pacific Design then gave an explanation of their application. He stated they are in the early design phase of the site knowing that they must achieve this comprehensive plan amendment first. However, they have preliminary plans for a hotel and restaurants. He stated that right now it is a weed infested hole and Stroh's Water has acknowledged that they cannot serve the parcel. He felt that it would be a benefit to the city to develop this parcel. Mr. Pasin asked if they would be paying for the infrastructure and he answered that yes he understood that was the case; however, they had some questions about the costs.

Thair Jorgenson with North Pacific Design. He stated that this site was originally owned by the Talmo Company and was going to be developed as a bowling alley. He noted that there had been some partnering with the city at that time in an effort to achieve fire flow. He referred them to the color maps that they had distributed and noted that this property is at the very tip of Stroh's water service area and is surrounded by the City's water system and is the only substantial piece of property that is undeveloped. Stroh's has no further connection so there is no water availability for this property. He noted where the City's 12 inch water main exists and that it is very accessible. Mr. Pasin asked if Stroh's has agreed to this property being moved out of their water system and Mr. Jorgenson said that his verbal conversations indicated that yes, they were supportive. Senior Planner Jennifer Kester asked if they are trying to procure more water rights and Mr. Jorgenson said that he understood that they had but for other areas. Mr. Pasin asked what had happened to the concept of Stroh's providing domestic water and the city providing fire flow and Mr. Jorgensen said that was an agreement with the bowling alley and wouldn't apply to them. In addition, Stroh's no longer has enough capacity to even serve domestic water. Mr. Pasin asked if they had purchased the property knowing that they didn't have water and Mr. Jorgensen said that his client at the time of purchase was proposing an office building and Stroh's water had enough ERUs at that time.

Mr. Jorgenson went over the recommendations on the staff report and stated that they were in agreement on the first two items and on the third where the city asks for water rights he stated that they are not a water purveyor and can't extend those rights and Stroh's doesn't have them to give. Mr. Langhelm explained that the intent was to get the water rights from Stroh's transferred to the City of Gig Harbor. He further explained that by expanding the City's service area without increasing their water rights it decreases the proportionate share of water rights and that at this time the City does not have adequate water rights for build-out. Mr. Langhelm also noted that this condition was added after discussion with the City Council. He then stated that Stroh's is a non-municipal municipal water supplier and the City is a municipal municipal water supplier and the Stroh's water rights may go away in 2010 due to a Supreme Court case pending at the moment. Mr. Pasin asked how many ERUs are needed for this property. Mr. Langhelm estimated 40-50 ERUs. Ms. Derebey asked how we can require transfer of water rights when the applicant doesn't have any water rights. Mr. Langhelm said he could rephrase the condition to make it clear that the water rights would come from Stroh's Water not the applicant. Ms. Guernsey stated that it seemed that you would still have the same problem. Ms. Derebey asked how they can give them to us when they don't have them for the development. Mr. Pasin asked how we get to the point of the City not being able to perform and Mr. Langhelm said that the City is trying to obtain additional rights. Mr. Pasin then asked if they could hear from a representative of Stroh's. Kurt Rothenberg from Stroh's stated that they have a finite number of water rights and they have committed virtually all the water rights that they have unless they expire. He noted that their engineers have been working on getting more water rights since the 1990's. Mr. Pasin asked about their willingness to give up this service area and he said they were fine with it.

Senior Planner Jennifer Kester reminded the commission what they needed to consider with this application. Mr. Pasin said that he would not want to move something forward that can't be achieved.

Acting Chair Joyce Ninen called a five minute recess at 5:55 p.m.

The meeting was called to order at 6:00 p.m.

### **Public Hearing**

Acting Chair Joyce Ninen opened the public hearing at 6:00 p.m.

Thair Jorgensen, North Pacific Design, 2727 Hollycroft, Suite 410, Gig Harbor – Mr. Jorgensen went over their proposal and asked that the Planning Commission consider their request. He noted that this situation is unusual in that usually water purveyors won't give up water service area but in this case it cannot be serviced. Ms. Ninen asked if they had approached other water purveyors and he said that he had approached Washington Water; however they are in the same situation of not having enough water rights.

Michael Desmarteau, North Pacific Design, 2727 Hollycroft, Suite 410 Gig Harbor – Mr. Desmarteau expressed appreciation for the commission's consideration and the difficult position they are in. He stated that he felt that the development of this parcel would benefit the city.

Paul Cyr, Barghausen Engineers – Mr. Cyr spoke in support of their proposal and noted that perhaps using the 200 gallon per day calculation may free up some additional water rights within the city and he felt that the development of this parcel would benefit the city.

Acting Chair Joyce Ninen closed the public hearing on the first item at 6:08 p.m.

### **Work-Study Session**

#### **2. Barghausen Consulting Engineers, 18215 72<sup>nd</sup> Avenue South, Kent, WA 98032 (COMP 09-0013) – Stroh's Water System Service Area Amendment (**TAB 10**)**

Ms. Kester identified the area for this proposal on the map and noted that Stroh's has indicated that they can provide domestic water service to this parcel but cannot provide fire flow. Ms. Guernsey asked if a parcel can have two water purveyors. Mr. Langhelm stated that they would have to ask the question of the Department of Health. Paul Cyr said that the only example he was aware of was when Stroh's had provided some temporary hook-ups. Mr. Cyr said that fire-flow only was an option but not a requirement of the proposal. Ms. Kester read aloud the letter from Stroh's regarding their desire to not transfer the water rights currently designated to this property.

Mr. Langhelm stated that there are two parcels once served by Stroh's across the street from the proposal. A boundary line adjustment created a situation where one parcel was being served by two water purveyors and the City has agreed to serve that parcel.

Ms. Guernsey asked if a parcel was within our water service area would we serve it even if it was to the detriment of others. Mr. Langhelm said yes, because we have planned for it. Mr. Langhelm then explained how they plan for expected water use.

Paul Cyr distributed a map to the Planning Commission. He noted that there are several water purveyors within the Gig Harbor area. Mr. Cyr stated that the project includes the Stroh property and United Rental on Hunt and Kimball which have been there since 1950. He continued by saying that the Stroh family is proposing to keep the two existing buildings and develop a new building providing expanded service in the farm and garden area. He noted that there is storm sewer and a 12" water line in Hunt that is the city's water line. He stated that they are requesting a change in the service area and Stroh's water is willing to give up this area to the city. Mr. Cyr said they would need about 6 ERUs so they believed it would be a minor impact. He discussed fire flow requirements and stated that they can be mitigated. He stated that this water rights issue came from an attorney who pointed out some court cases to the City Council and noted that the city had never asked for this before. Mr. Cyr said that typically water purveyors negotiate for these water rights; and, for the city to request as a condition that a partner in water rights gives up its water rights so that the city can benefit without compensation he felt would lead to distrust with other water purveyors. He suggested that they recommend the council delete condition 3. He stated that the current 6" line under Highway 16 will not provide enough fire flow. Ms. Ninen asked about the parcels on east side of Highway 16 and Mr. Cyr said they are already served by the city.

Ms. Ninen asked Ms. Kester if the city is providing domestic water and fire flow and we change the boundary can the city do that without having the water rights. Ms. Kester said no, we would need to have the water rights. Ms. Kester explained that if we expand our water service area our pot of available water rights will be diminished.

### **Public Hearing**

Acting Chair Joyce Ninen opened the public hearing at 6:44 p.m.

Paul Cyr, Barghausen Engineering – Mr. Cyr stated that there were two options; one is fire flow only and if the commission were to adopt that request from the applicant there would be no water rights transferred or given. If it is domestic and fire flow then our letter stands and we would like to keep the water rights within the Stroh system.

Thair Jorgenson, North Pacific Design – Mr. Jorgenson spoke in support of the proposal. He noted that the comprehensive plan is the place to take a look at this and redraw these lines. He stated that he didn't believe that it is the intent of growth management to isolate a piece of property and not service it. He went on to say that he didn't know what the connection fees were but he was sure it was a lot of money and

thought that it was a significant benefit to the city. He pointed out that there will need to be additional water rights granted anyway within the city and these properties are ready to be developed now.

Acting Chair Joyce Ninen closed the public hearing at 6:47 p.m.

Ms. Ninen stated that she would like to get a better understanding of how water rights are awarded and also find out how the department of health would feel about two purveyors providing service to one project.

Mr. Langhelm stated that there have been many new procedures implemented since our first water system plan in 2000, the 2003 Municipal Water Law and the Coordinated Water System Plan within Pierce County. He noted that previously agreements between water purveyors were allowed to be informal and that is no longer the case, now there is a duty to serve. Mr. Langhelm stated that the recommendations were provided to you as the protector of the water system and the parcels within the service area not necessarily the city as a whole. Mr. Langhelm said that he could provide them with the more current water system map as a separate pdf.

Ms. Guernsey moved to approve the amendments minus condition number 3. Ms. Ninen pointed out that these items are still on our agenda at the next meeting and Ms. Guernsey withdrew her motion.

Ms. Guernsey noted that the idea behind growth management is that properties within our Urban Growth Area will be served and treated as urban areas, especially when you are within the city we should try to do what we can. She stated that she had a problem with the idea of water rights having to be transferred. She stated that the city has based their numbers on what might occur and here we have properties that will develop and she didn't agree with transferring water rights.

## **ADJOURNMENT**

**MOTION:** Move to adjourn at 7:00 p.m. Guernsey/Pasin. Motion carried unanimously.