

# **Gig Harbor City Council Meeting**

**April 8, 2013  
5:30 p.m.**



**AMENDED AGENDA FOR  
GIG HARBOR CITY COUNCIL MEETING  
April 8, 2013**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE: CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

1. Approval of City Council Minutes Mar. 25, 2013.
2. Liquor License Action: a) Application: Tobacco Harbor; b) Application: Devoted Kiss Café; c) Discontinued: Premium Wine and Liquor Northwest;
3. Receive and File: a) Planning Commission Minutes: Dec. 6, 2012, Jan. 17, 2013, and Feb. 7, 2013; b) Planning/Building Committee Minutes: Mar 4, 2013; c) Downtown Planning and Visioning Committee: Jan 30, 2013, Feb 19, 2013, and Feb. 27, 2013; d) Lodging Tax Advisory Committee Minutes Jan 10, 2013.
4. Resolution No. 925 – IT Surplus Equipment.
5. Approval of Payment of Bills Apr. 8, 2013: Checks #72134 through #72268 in the amount of \$832,698.91.
6. Approval of Payroll for the month of March: Checks#6937 through #6958 and direct deposits in the amount of \$342,174.44.

**SWEARING IN CEREMONIES:** Lieutenant Kelly Busey and Sergeant Matt Dougil.

**OLD BUSINESS:**

1. 2013 Comprehensive Plan Amendment Docket.

**NEW BUSINESS:**

1. Public Hearing and Resolution No. 926 Purdy Urban Growth Area Development Standards.
2. Public Hearing and Resolution No. 927 - Cushman Trail Cottages Annexation.

**STAFF REPORT:**

**PUBLIC COMMENT:**

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

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Operations Committee: Thu. Apr 18<sup>th</sup> at 3:00 p.m.
2. Boards and Candidate Review: Mon. Apr. 22<sup>nd</sup> at 4:30 p.m.

**EXECUTIVE SESSION:** To discuss property acquisition per RCW 42.30.110(1)(b).

**~~ADJOURN TO WORKSTUDY SESSION: Lift Stations.~~ RETURN TO REGULAR SESSION:**

**ADJOURN:**

**MINUTES OF GIG HARBOR CITY COUNCIL MEETING – March 25, 2013**

**PRESENT:** Councilmembers Young, Guernsey, Perrow, Malich, and Kadzik.  
Councilmember Ekberg served as Mayor Pro Tem and Councilmember Payne was absent.

**CALL TO ORDER:** 5:32 p.m.

**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

1. Approval of City Council Minutes Mar. 11, 2013.
2. Liquor License Action: a) Renewals: Morso, St. Anthony Hospital, Gig Harbor Yacht Club, The Green Turtle, Happy at the Bay Teriyaki, Harbor Greens, Gig Harbor Farmers Market, Maritime Inn, Greenhouse Restaurant, Gig Harbor Farmers Market at Uptown; b) New amended application: Netshed No. 9; c) Gourmet Burger Shop.
3. Receive and File: a) Parks Commission Minutes Feb. 13, 2013; b) Tacoma Narrows Airport Advisory Commission Minutes Jan. 10, 2013.
4. Correspondence / Proclamations: a) Pierce County Reads; b) Parks Appreciation Day;
5. Re-appointments to Gig Harbor Arts Commission.
6. 2013 Natural Yard Care Workshops – Interagency Agreement with Tacoma-Pierce County Health Department.
7. Second Reading of Ordinance No. 1260 – Extension of Interim Regulations – Medical Cannabis Collective Gardens.
8. Second Reading of Ordinance No. 1261 – Amendments to Fireworks Stand Permits.
9. Buffer Zone Protection Plan Grant Agreement – Washington State Military Dept.
10. Resolution No. 923 – Amendments to Flexible Spending Account.
11. Wollochet/Wagner Way Traffic Signal – Consultant Services Contract/WH Pacific.
12. Approval of Payment of Bills Mar. 25, 2013: Checks #72041 through #72133 in the amount of \$1,245,991.79.

**MOTION:** Move to adopt the Consent Agenda as presented.  
**Guernsey / Perrow** – unanimously approved.

**SWEARING IN CEREMONY:** Sergeant Fred Douglas.

Chief Mike Davis gave an overview of Sergeant Douglas's background, describing him as a reliable, professional, trusted, and respected officer. Mayor Pro Tem Ekberg administered the oath of office, and Sergeant Douglas's wife Debbie and daughter Leila came forward to pin on his badge. Chief Davis presented him with a certificate of promotion.

**PRESENTATIONS:**

1. Pierce County Reads – Presentation of Proclamation. Mayor Pro Tem Ekberg presented the signed proclamation to Neel Parikh, Executive Director of the Pierce County Library. Ms. Parikh announced that this year's book choice is *The Paris Wife*. She passed out packets of information on the Friends of The Library and applications for a library card and

2. Pierce County Library Annual Report. Executive Director Neel Parikh presented background information on the Gig Harbor Branch, and the changes that have occurred over the past couple of years. She described the services offered to Gig Harbor and the surrounding area, and what to look forward to in the future. Ms. Parikh stressed the high usage of this branch and the effort to maintain the level of service with budget restraints.

3. Proclamation for Parks Appreciation Day – Rahna Lovrovich. Mayor Pro Tem Ekberg presented the signed proclamation to Ms. Lovrovich who thanked Council for recognizing the volunteers and importance of a parks program.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

1. Public Hearing – 2013 Comprehensive Plan Amendment Docket. Senior Planner Lindsey Sehmel presented the information on two applications for amendments to the 2013 Comprehensive Plan. She explained that one is a private-party application requesting to amend the current land use designation of 2.79 acres located at 11102 Burnham Drive from the current Residential medium to Commercial/Business. The second application is a city-sponsored text amendment to incorporate the adopted Harbor Vision into the Comprehensive Plan and develop implementing policies.

Planning Director Jennifer Kester responded to Council questions for clarification of the definition of Commercial Business.

Mayor Pro Tem Ekberg opened the public hearing at 5:55 p.m., explaining that testimony would be accepted for the first application: Burnham Hill Commercial Center Comprehensive Plan Land Use Map Amendment; and then second: Harbor Vision Text Amendment.

William Palmer, PO Box 6, Port Orchard, WA. Mr. Palmer, Land Use Planning Consultant, asked Council to consider the change in conditions which occurred with the annexation of this property several years ago. The property abuts a commercial use contract storage yard and has potential of a wider business use than what is allowed in the R-2B zone. He said that they are seeking the type of use that would cater to automotive uses such as a convenience store. He explained that we are not here to evaluate the use or zoning at this time, but a proposal that is compatible with the type of use established across 112<sup>th</sup>. He said that this piece of property is uniquely situated adjacent to Burnham Drive and looks right into the freeway access, and so it is well served by freeway access as well as road access. The site is also adjacent to another

arterial, 112<sup>th</sup>. Mr. Palmer said that they believe this is a worthy Comprehensive Plan amendment and asked if there were any questions.

Councilmember Young asked Mr. Palmer to clarify his statement about the annexation changing the conditions. Mr. Palmer responded that before the annexation, the site adjacent to the north was not zoned for commercial use even though it had a commercial use on it. When it was annexed, the Comprehensive Plan designation changed to allow commercial use on that site; so they are saying that is a changed condition as well as the availability of water and sewer facilities.

Amy Janson – 11610 64<sup>th</sup> Ave. NW. Ms. Janson said she and her four children live in Horizon West and she is the President of the Homeowners Association. She talked about the many kids that go up and down 112<sup>th</sup> right where they are proposing this commercial business. She described the two family developments with school buses and tons of children playing, and said that a commercially zoned convenience mart is the last thing she would want in her neighborhood. The traffic at the roundabout is a snarl now and so any type of commercial business will only make it worse, she said. Developer Walt Smith put two, hundred-plus family-friendly communities just north of this proposal for a commercial building, which she said would be a huge mistake. She also said that her husband, who works in law enforcement, says that 99% of the activity that takes place in the wee hours at a mini-mart is drug deals; so if you want to see drug deals at this site go ahead and allow the commercial property. She said that she doesn't want this type of use at the base of her development as it would be a disservice to and would cause huge problems for these neighborhoods. She said she speaks for her neighbors and her mom-friends. She added that she already sees people stopping in the woods at that section and she doesn't know what they are doing but she can't image what type of activity would occur with a commercial building. She asked Council to think about those things.

Mary Smith – 11015 61<sup>st</sup> Ave NW. Ms. Smith explained that her property is the three acres adjacent to the proposed amendment. She said that at two community meetings, the developer presented a proposal that included a gas station, a coffee shop, a convenience store, a car wash, and a 20,000 square foot office building on that strip of land. Ms. Smith said she opposes that density. She then said she is not against development of an office building or other types of appropriate uses for that location. She said she agrees with the comments about the children playing and said that she can see the people parking there. She continued to say that the proposed convenience store would bring gasoline tanker trucks and deliveries all hours of the night and the possibility of fuel and carwash runoff into the creek. It would attract more traffic to an already troublesome intersection that serves the people from Rosedale and Henderson Bay trying to access Highway 16. She pointed out that the plan doesn't show all the housing developments that will be affected. This may involve a complete redesign of the Burnham / Sehmel intersection if they are successful in a commercial rezone, she added. She explained that the Walt Smith site was grandfathered, and that Gig Harbor North and Borgen Boulevard are designed to handle this kind of traffic. She urged Council to consider the environmental impact as well as the community impact of this

proposed change in zoning. She talked about the seasonal creek and wetland that runs along her property adjacent to their property that has wildlife and other factors, saying these are things to consider as well; not just traffic impacts. She ended by saying it will also affect traffic heading up to the prison. Ms. Smith answered questions regarding the location of her property.

Greg Radam – Henderson Bay Estates. Mr. Radam said that he understands and likes development but he can also speak to what others have said about the traffic and the influence on children riding bikes in this area. He asked Council to make sure you are thinking logically about the impact to the traffic at this busy intersection.

There were no further comments from the public on the Burnham Hill Commercial Center Comprehensive Plan Land Use Map Amendment. Mayor Pro Tem Ekberg asked if anyone wished to speak on the second application, Harbor Vision. No one came forward and the public hearing closed at 6:10 p.m.

Planning Director Kester described the process to address density and traffic concerns with a zoning re-designation. She explained that some traffic generations have been given from the applicant for the highest and best use for the Residential Medium designation and for the Commercial designation. These will be reviewed by the city engineers and will likely go through a traffic model run. If this application moves forward the results can then be considered by the Planning Commission and become considered as part of the SEPA process. If the recommendation is to continue this forward, the rezone and project specific site plan review may be consolidated and any necessary traffic improvements will be determined. She further explained that Council's action tonight is to determine whether or not this application meets the criteria for a zoning re-designation.

Councilmember Young explained that in the past, his mind has been changed by the results of a project going before the Planning Commission. He said that he sees problems with this application; he is reluctant to stop it from going to the Planning Commission for deeper analysis.

Councilmember Kadzik agreed. He said that if this is allowed to move forward for Planning Commission review it is not the final word; it is just the first step before it comes back to Council.

Councilmember Guernsey said that the law doesn't allow community displeasure as the basis to deny a project approval. She said that although she appreciates the concerns, none are a deal-breaker to not allow this to move forward to Planning Commission review. She encouraged the speakers to consider expert testimony in regards to the traffic concerns.

Councilmember Malich said that he disagreed and that the question is whether we want commercial sprawl to move to that side of the freeway. He asked if we want development to migrate to that side of the road because it's convenient to the

interchange and the property can't think of another use but a gas station or convenience store to be located next to an interchange. He said that it may make logical sense, but we have to look at the issue of allowing the spread of commercial development and the pressure it caused the single family residents living there. Another concern is that adjacent property owners will be tempted to sell out to be commercially developed, causing a chain reaction. He said that he is not in favor of the proposal and we should not pass it on.

Councilmember Kadzik said that he made a good point. Councilmember Malich continued to say that this should have been considered when the gravel pit was zoned commercial, then added that the Planning Commission should take a look at the whole interchange.

Ms. Kester gave the history of the zoning designation of the property to the north of the proposal. She said that under Pierce County it was designated as Activity Center; the city's previous land use designation for the contractor's yard was Employment Center. When that area was annexed, Walt Smith asked for a comp plan land use change to Commercial Business to match the actual use on the property. It was intended to correct the land use maps not updated during the pre-annexation period.

Councilmember Kadzik said he would like table action to the next meeting to allow a site visit and to obtain more information from the Planning Department about the surrounding area.

**MOTION:** Move to table this agenda item until the next meeting of April 8, 2013.  
**Kadzik / Malich** – unanimously approved.

2. Resolution No. 924 – Canterwood Sewer Utility Extension Agreement. Public Works Director Jeff Langhelm presented the background information for this request for two connections in a residential plat.

**MOTION:** Move to adopt Resolution No. 924 for a Sewer Utility Extension Agreement with Canterwood Development Company.  
**Kadzik / Malich** – unanimously approved.

3. Marine Outfall Inspection – Consultant Services Contract Amendment. Public Works Director Jeff Langhelm presented this amendment that would allow an inspection of the outfall to make sure it's operating as designed and prior to the expiration of the contractor's maintenance bond in July. He explained that this was last done when the as-builts were developed. He said it is costly due to the difficulty in navigating the underwater remote device outside the harbor.

**MOTION:** Move to authorize the Mayor to request the city Administrator and Human Resource Analyst to begin a search for a full time Building Inspector.  
**Guernsey / Young** – unanimously approved.

**STAFF REPORT:** None.

**PUBLIC COMMENT:**

Amy Janson – 11610 64<sup>th</sup> Ave. NW asked about the requirement to notify property owners within 300 feet of a zoning action and why her neighborhood didn't receive notification.

Ms. Kester responded that the neighbors within 300 feet were notified, but both Henderson Bay and Horizon West neighborhoods are beyond the 300 foot radius. She added that notice was provided in the newspaper and on the site. If it goes to the Planning Commission the intent is for the notification area to be expanded. She responded that if a flyer was handed out to someone in Henderson Bay Estates it would have come from a private party. She said that if people provide their address and e-mail then they will be notified of future action on this proposal.

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

Mayor Pro Tem Ekberg announced that the Transportation Improvement Board website has a photo of City Engineer Steve Misiurak and himself cutting the ribbon on the Olympic / 56<sup>th</sup> project. He said that they were impressed that the project came in ahead of schedule and under budget.

Councilmember Malich commented that a couple of the links on the website agenda wouldn't work for him. He asked if there was a way to check this in the future. He then said he was in Washington D.C. and presented the city's request for ownership of the sand spit to Senator Kilmer and Cantwell.

Councilmember Kadzik challenged Councilmembers and members of the audience to volunteer to water the hanging flower baskets during the summer months. He recognized Councilmember Perrow for doing it last year.

Councilmember Guernsey announced that she and Chief Davis had a good experience during the Chamber Legislative Day last week where they met with the Governor and several legislators to discuss budget issues.

Councilmember Young said he will be attending an all-day Pierce Transit Workstudy on Friday to finalize cuts, and asked Councilmembers to forward any comments before then. He said he is going to suggest that they hire a consultant to help them to identify areas of savings.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Parks Commission: Wed. Apr 3<sup>rd</sup> at 5:30 p.m.
2. Intergovernmental Affairs: Mon. Apr 8<sup>th</sup> at 4:30 p.m.
3. Operations Committee: Thu. Apr 18<sup>th</sup> at 3:00 p.m.
4. Planning/Building Committee: Mon. May 6<sup>th</sup> at 5:30 p.m.

**ADJOURN:**

**MOTION:** Move to adjourn at 6:39 p.m.  
**Kadzik / Malich** – unanimously approved.

CD recorder utilized: Tracks 1002 – 1026

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Charles L. Hunter, Mayor

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Molly Towslee, City Clerk



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

TO: MOLLY TOWSLEE, CITY CLERK

DATE: 3/26/13

RE: NEW APPLICATION

UBI: 603-286-187-001-0001

License: 410944 - 1U County: 27

Tradename: TOBACCO HARBOR

Address: 5114 POINT FOSDICK DR NW STE H

GIG HARBOR

WA 98335-1734

APPLICANTS:

I.T. INVESTMENTS (U.S.) LTD

LEE, SUN BAI

1948-03-19

Phone No.: 253-858-0758 THOMAS LEE

Privileges Applied For:

GROCERY STORE - BEER/WINE

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?.....<br>(See WAC 314-09-010 for information about this process) | <input type="checkbox"/> | <input type="checkbox"/> |
| 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



NOTICE OF LIQUOR LICENSE APPLICATION

Consent Agenda - 2b

Page 1 of 1

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

Handwritten initials 'dyg'

TO: MOLLY TOWSLEE, CITY CLERK
RE: NEW APPLICATION

DATE: 3/26/13

UBI: 603-149-140-001-0002

License: 083974 - 1U County: 27
Tradename: DEVOTED KISS CAFE
Address: 8809 N HARBORVIEW DR Ste 203
GIG HARBOR WA 98332-2189

APPLICANTS:

VETO, LLC

BOYER, ANIFA D
1961-03-20

BOYER, DAVID W
1956-09-19

DENGLER, RICHARD D
1984-08-04

MCGAHAN, CHRISTINA D
1979-10-13

Phone No.: 253-439-9809 CHRISTINA MCGAHAN

Privileges Applied For:
BEER/WINE REST - BEER/WINE

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.

- 1. Do you approve of applicant ?
2. Do you approve of location ?
3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken?
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



**Washington State**  
**Liquor Control Board**

Licensing and Regulation  
PO Box 43098, 3000 Pacific Ave SE  
Olympia WA 98504-3098  
Phone – (360) 664-1600  
Fax – (360) 753-2710

March 25, 2013

Mayor of Gig Harbor

This is to notify you that:

PREMIUM WINE & LIQUOR - NORTHWEST  
3123 56TH ST NW #18  
GIG HARBOR, WA 98335  
LICENSE #409188 - 1U  
UBI 603-202-125-001-0004

discontinued sales and service of liquor at the above location on March 22, 2013.

This is for your information and records.

Merwil Guzman  
Special Licenses & Permits  
Licensing & Regulation  
360-664-1616

cc: Tacoma Enforcement  
File

**City of Gig Harbor Planning Commission  
Work Study Session and Public Hearing  
Council Chambers  
December 6, 2012  
5:00 pm**

**PRESENT:** Rick Gagliano, Reid Ekberg, Jim Pasin, Harris Atkins, Craig Baldwin and Bill Coughlin.

**STAFF PRESENT:** Staff: Tom Dolan and Jennifer Kester

**Approval of Minutes:** October 4<sup>th</sup>, November 1<sup>st</sup>, November 15<sup>th</sup>

**MOTION:** Move to approve the minutes of October 4, 2012. Pasin/Coughlin – Motion carried.

**MOTION:** Move to approve the minutes of November 1<sup>st</sup>, 2012. Pasin/Coughlin – Motion carried.

It was decided to take 5 minutes to review the minutes of November 15, 2012. Mr. Atkins asked about the 3 discussion items that are referenced as not being discussed and what they were. Ms. Kester stated that they had not discussed mechanical equipment and elevators, requiring variation in building height along the street and how height allowances affects the pedestrian experience. Mr. Gagliano suggested that it should say it was decided to finish this topic at the next meeting and everyone agreed with that language. Mr. Pasin asked that the wording on the last page be changed to state that he asked for comments about flat roof design. Mr. Gagliano said that he wanted to clarify that he had suggested elimination of the basic structure requirement only in the DB and WC zone and asked to strike “and everyone agreed”.

**MOTION:** Move to approve the minutes of November 15, 2012 as amended. Gagliano/Pasin – Motion carried.

**Work Study Session – 5:00 p.m.**

**Downtown Building Height Amendments** – Building Height – Consider height increase allowances for buildings in the View Basin (up to 2 stories).

Ms. Kester asked that they looked at the packet she had provided and confirm that she had accurately summarized the decisions made. Mr. Atkins went through each of the items and asked if everyone agreed with the conclusions. Discussion was held on the items and explanations given on how the conclusions were reached for those members who were not in attendance. Mr. Gagliano went over how they arrived at the 26'-28' suggestion for the height limit. It was decided to go with 26' to avoid trying to squeeze three stories into 28'. The commission decided to further discuss allowing for additional height for pitched roofs at the next meeting.

Ms. Kester noted that she had added the B-2 zone to the consideration per notes from the last meeting and the commission decided to keep it DB and WC until they heard comments from the public hearing.

Discussion was held on only allowing 2 stories along the street face and 32' on the downhill side. Mr. Pasin emphasized the importance of having the same height on both sides of the street. It was decided to continue this discussion when they could draw scenarios and visualize it more accurately at the next meeting. Ms. Kester also recommended that the measurement could be taken from the parkway in order to include other streets than Harborview. Discussion followed on what this would do to the streetscape and other possibilities for where you would measure from.

Chairman Atkins called a 5 minutes recess prior to the public hearing.

### **Public Hearing – 6:00 p.m.**

Chairman Atkins reconvened the meeting and Ms. Kester introduced the two topics for the public hearing. Ms. Kester noted that she had received written comments from both David Boe and Debra Ross. Chairman Atkins opened the public hearing at 6:00 p.m.

**Downtown Building Size Amendments** – Both of the following amendments would apply to the Downtown Business (DB) zoning district and the Waterfront Commercial (WC) zoning district that abuts the DB district.

1. **Additional Interior Gross Floor Area:** For existing buildings, additional gross floor area may be added and the total gross floor area may exceed the maximum allowed by the zoning district provided that the additional gross floor area to be added is interior to the building and does not enlarge or expand the existing building footprint. Roof modifications to accommodate the increase in interior gross floor area are allowed provided the roof modifications do not exceed the maximum building height allowed in the underlying zone.
2. **Remodeling and Rebuilding Nonconforming Buildings:** Nonconforming buildings can be remodeled or torn down and rebuilt to the same or smaller configuration. Non-historic registry eligible buildings must meet the Design Manual requirements to the extent possible (materials, windows, color etc.) All work on historic registry eligible or registered nonconforming buildings must meet the requirements of GHMC 17.99.580 Preservation of historic structures, no matter the age of the building.

**David Boe, Boe Architects, 705 Pacific Ave., Tacoma WA** – Mr. Boe noted that the city's comprehensive plan asked for these types of incentives and was really happy to see these amendments being proposed. He stated he had worked on several projects in the harbor. He stated that the only comment he had was regarding the building height. He also noted that there are other tweaks that could be done to get a better design result on a challenging site. He said he was

addressing item #1. He said that when you are looking at a building you want to make the integrity of the building complete. He noted if the height is already nonconforming then you should not exceed the existing height of the building rather than using a site related height measurement. He emphasized the need for any building modifications to stay within the existing building height and character. He said that he felt that item #2 made sense and agreed with being able to rebuild something that is nonconforming.

Ms. Kester summarized Debra Ross's letter to the commission. She stated that her main comment was that she would like to see the amendments apply to the WM zone as well.

Mr. Atkins closed the public hearing at 6:10 p.m.

The commission discussed the comments received and Mr. Pasin noted that he did feel that more discussion was needed on whether or not to include the WM zone as Ms. Ross has suggested. Mr. Dolan proposed that both the suggestions of Ms. Ross and Mr. Boe be discussed at the next meeting. Ms. Kester stated that in reference to Mr. Boe's comments, she would like to clarify that the commission had discussed the roof accommodation and whether they should be allowed to stay within the top of the ridge line no matter the underlying height allowance. It was her recollection was that because it was difficult to determine on a broad basis how allowing roof modifications above the height limits may affect views, the issue of height limit should be discussed separately. She noted that the Planning commission has since discussed recommending adjusting the height allowance to 26' or 28'.

### **Other Business**

Discussion of upcoming meetings – December 20<sup>th</sup> and January 3<sup>rd</sup>.

### **Adjournment**

Move to adjourn at 6:25 p.m. Gagliano/Baldwin – Motion carried.

City of Gig Harbor Planning Commission  
Work Study Session  
Planning and Building Conference Room  
January 17, 2013  
5:00 pm

**PRESENT:** Rick Gagliano, Jim Pasin, Harris Atkins, Craig Baldwin and Bill Coughlin.  
Reid Ekberg was absent

**STAFF PRESENT:** Staff: Jennifer Kester and Lita Dawn Stanton

**ELECTION OF OFFICERS:**

**MOTION:** Move to nominate Harris Atkins as Chair and Jim Pasin as Vice Chair for 2013. Coughlin/Gagliano – Motion carried.

Ms. Kester went over the upcoming calendar of meetings and the appointment of a permanent liaison to the Design Review Board.

**MOTION:** Move to designate Rick Gagliano as the Planning Commission representative on the Design Review Board – Pasin/Gagliano – Motion carried.

**APPROVAL OF MINUTES:**

**MOTION:** Move to approve the minutes of December 6th, 2012. Pasin/Coughlin – Motion carried.

**Work Study Session – 5:00 p.m.**

**Downtown Building Size Amendments** – Planning Commission recommendation on the following amendments:

1. **Additional Interior Gross Floor Area:** For existing buildings, additional gross floor area may be added and the total gross floor area may exceed the maximum allowed by the zoning district provided that the additional gross floor area to be added is interior to the building and does not enlarge or expand the existing building footprint. Roof modifications to accommodate the increase in interior gross floor area are allowed provided the roof modifications do not exceed the maximum building height allowed in the underlying zone.
2. **Remodeling and Rebuilding Nonconforming Buildings:** Nonconforming buildings can be remodeled or torn down and rebuilt to the same or smaller configuration. Non-historic registry eligible buildings must meet the Design Manual requirements to the extent possible (materials, windows, color etc.) All work on historic registry eligible or registered nonconforming buildings must meet the

requirements of GHMC 17.99.580 Preservation of historic structures, no matter the age of the building.

Both amendments would apply to the Downtown Business (DB) zoning district and the Waterfront Commercial (WC) zoning district that abuts the DB district.

Discussion was held on various possible applications of these amendments. Ms. Kester went over how non-conforming review is done currently.

**MOTION:** Move to approve the amendments and authorize Chairman Harris Atkins to sign the recommendation to City Council. Pasin/Gagliano – Motion passed unanimously.

**Downtown Building Height Amendments** – Consider height increase allowances for buildings in the View Basin (up to 2 stories).

Ms. Kester distributed illustrations and previously discussed options regarding the proposed height allowances. Mr. Atkins suggested that they discuss where height is measured. Ms. Kester explained how it is measured currently and what had been discussed previously as options. Mr. Pasin made a recommendation that it be measured at the street. Discussion followed on what that might look like at certain heights along the street face. Ms. Kester summarized the commission's thoughts by saying that it sounded like 32' was too tall and that 26' or 27' was more realistic along Harborview. Mr. Gagliano suggested that perhaps they use the church as a marker and nothing be built that is taller than the church at the bottom of Pioneer. Mr. Pasin emphasized the importance of allowing the development of the commercial property along Judson. Ms. Kester suggested that they could maintain the 18' height limit with an exception that all buildings in the subject area can be two stories up to 26' as measured at the building footprint. The Planning Commission showed interest in this approach. Mr. Coughlin asked if they were trying to encourage mixed use and everyone agreed that they weren't encouraging any one thing. Mr. Atkins noted that it can't hurt to encourage residential.

Ms. Kester discussed the Maritime Support Committee meeting that a person from IGA grocers attended and noted that they had explained their analysis related to the viability of a store in the old Thriftway. He had stated that the biggest issue was there is still a large grocery store that is a competition and if Fred Meyer moved then the viability of a downtown store would increase. Ms. Kester asked about whether city regulations were a problem or if there weren't enough people. The IGA representative said he didn't believe that either of those issues were the problem, that it was the competition with other grocery stores.

Mr. Atkins went through the issues that they needed to have resolved before going to public hearing. He stated that they know that they want two story buildings, but the question is where and how we measure height.

Ms. Kester illustrated where the edge of the Downtown Business zone was and discussion was held on different sites and how a height increase would affect them. Mr. Gagliano suggested that they mock up 26' buildings in Google earth to get a sense of what the streetscape would look like. Mr. Atkins stated that a visual that showed 26' buildings where they probably wouldn't happen, might just scare everyone. Ms. Kester noted that there still are building size limitations. Discussion continued while drawing over the visuals.

Ms. Kester went over the upcoming schedule and possible dates for a public hearing. She noted that they would be able to have another meeting before the hearing. The next meeting would be February 7<sup>th</sup> and the public hearing on the 21<sup>st</sup> of February. Mr. Atkins noted that they would be proposing two stories in DB and WC that abuts DB, but the question still remained how you measure height. Mr. Atkins suggested that they just start the discussion with 26' measured as we currently measure, as a proposal and listen to what everyone has to say. Mr. Gagliano suggested that they invite the architects on the Design Review Board to the February 7<sup>th</sup> meeting. Other options were discussed for how to measure the downhill versus the uphill and incentivizing a gable.

### **Other Business**

Discussion of upcoming meetings – February 7<sup>th</sup> and February 21<sup>st</sup>.

Mr. Atkins noted that there are Downtown Visioning Committee will be meeting two more times before going to the City Council. They will be developing a frame work of how this vision statement will come before the Planning Commission in March. Ms. Kester stated that they will be placing the vision statement in the Comprehensive Plan and then developing policies to implement the vision.

### **Adjournment**

Move to adjourn at 7:02 p.m. Gagliano/Baldwin – Motion carried.

**City of Gig Harbor Planning Commission  
Work Study Session  
Planning and Building Conference Room  
February 7, 2013  
5:00 pm**

**PRESENT:** Rick Gagliano, Jim Pasin, Harris Atkins, Craig Baldwin, Bill Coughlin, Reid Ekberg, Darrin Filand and David Fisher

**STAFF PRESENT:** Staff: Jennifer Kester

Chairman Harris Atkins thanked Mr. Filand and Mr. Fisher from the Design Review Board for joining them.

**APPROVAL OF MINUTES:**

**MOTION:** Move to approve the minutes of January 17, 2013. Pasin/Gagliano – Motion carried.

**Work Study Session – 5:00 p.m.**

**Downtown Building Height Amendments** – Consider outright allowing a 2 story building, as measured from the building footprint, in the Downtown Business (DB) District and Waterfront Commercial (WC) District abutting the DB.

Ms. Kester went over the history of these items and what the Planning Commission had discussed to date. Mr. Filand asked about what the goal was in allowing the additional height. He also cautioned about allowances for mechanical units. Mr. Pasin asked if 26' was enough. Mr. Fisher said he thought that it was tight but can be done. Mr. Gagliano suggested that Ms. Kester go over the other "common sense amendments" that were being done. Discussion was held on the different areas where these amendments should apply and the 6000 square foot gross floor area limitation. Mr. Pasin brought up the issue of economics and would these allowances pencil out for people. They then talked about parking and whether changes would have to be made to parking regulations at some point. Ms. Kester asked if there was a desire by the commission to tackle the gross floor area and parking issue along with the height issue. Mr. Fisher noted that parking can be self regulating because tenants will not move into a building if they don't have parking. Ms. Kester stated that the City Council will be allowing larger developers to enter into a development agreement to allow for more gross floor area, etc.

More discussion was held on different scenarios regarding added height in the downtown and Mr. Filand did some illustrations, using Google Sketch Up, of what certain buildings would look like if they were taller. Mr. Gagliano stated that it seemed they had decided to go ahead with the height and leave the floor area and parking issue alone for now but wondered how they would present the height issue to the public. Ms.

Kester made some suggestions and Mr. Fisher suggested that they provide information on the current regulations for parking and gross floor area also.

Commissioners discussed building size and using an incentivized process for increased size and/or height.

Ms. Kester asked if they wanted to go forward with a public hearing for a 27' height allowance or should it wait until we deal with parking and building size. Mr. Pasin said that he felt they should go ahead with the proposed height increase. Mr. Gagliano agreed. Mr. Baldwin agreed that they should go forward with the 27' foot proposal and they might hear some good input on all the topics. Mr. Coughlin and Mr. Ekberg also agreed that they move ahead. Ms. Kester clarified the starting point for how the 27' feet would be measured as at the footprint. Everyone agreed. She asked if they wanted to require Design Review and the commission said no. Ms. Kester asked where they wanted it to apply. Most members wanted DB and WC abutting DB. Mr. Gagliano felt that it shouldn't be the entire downtown. Mr. Atkins pointed out that this is just a starting point; they might change their mind after hearing the public comment. Consensus was reached to include the entire DB and WC abutting DB.

They took a poll to determine if they wanted to actually hold a public hearing or an open house. It was decided to hold a combination of the two, an open house followed by a public hearing. Discussion was held on what type of graphics should be presented at the meeting.

Ms. Kester then went over the schedule, noting that March 21<sup>st</sup> would be the best option in order to provide the best public notice and to perhaps have the new Senior Planner in attendance. It was agreed to hold the public hearing on March 21<sup>st</sup>.

**Residential Building Height along Harborview and North Harborview Drive** – Consider where height should be measured for residential buildings along Harborview and North Harborview Drive to allow for the retention of the historic residential character of that streetscape.

It was decided to discuss this item at the next meeting.

Mr. Atkins announced the appointment of Pam Peterson to the Planning Commission and stated that she will probably be joining the commission at the next meeting on February 21st.

MOTION: Move to adjourn. Baldwin/Coughlin – Motion carried.



CITY OF GIG HARBOR  
PLANNING AND BUILDING  
COMMITTEE MEETING - MINUTES

**DATE of MEETING:** March 4, 2013

**TIME:** 5:30 pm

**LOCATION:** Planning/Building Conference Room

**MEMBERS PRESENT:** Councilmembers Kadzik, Perrow and Guernsey  
Planning Commissioners Harris Atkins and Jim Pasin

**STAFF PRESENT:** Senior Planner Jennifer Kester

**SCRIBE:** Diane McBane

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**1. Height of Residential Buildings along Harborview and North Harborview**

Ms. Kester illustrated on the whiteboard what had been identified as a common sense amendment and noted that this issue had previously been brought before the committee back in January. She explained what had changed in the proposal since the last meeting and asked the committee if they wanted the commission to consider raising the height of residential buildings to 27' on the waterward side of this area. She expressed concern with adding this issue to the visioning process as it may illicit a negative response. Mr. Pasin noted that most of the existing homes along this area are already above 18'. Discussion was held on what height was gained by just measuring the 18' from the property line rather than the setback. Ms. Kester noted that they had spoken with the Mayor about this proposal and he didn't feel that the increase to 27' was within the realm of the common sense amendments. Mr. Kadzik said he felt that common sense was make a usable second story achievable and that he didn't think that was 18' or 27'. Ms. Kester noted that writing language to achieve that would take additional time and wondered if it would take time away from the visioning process. Mr. Pasin asked if the issue could be addressed in the fall instead of right now. Ms. Kester said yes, it could be postponed. Mr. Kadzik stated that he felt that was a good idea. Ms. Guernsey felt that they should do something that would prevent the "house in a hole" situation. Ms. Kester said that moving the setback would be the solution for that. Mr. Kadzik said he

would support that. Ms. Kester then went over the various options, measure height at property line for residential uses on the water side of Harborview and North Harborview, move setbacks closer to property line and the third is to increase 18' height limit. Ms. Guernsey said she would say do the first two as a common sense amendment and then put number three on the schedule for the future. Mr. Atkins asked what the objective was behind number three and everyone said livable space. Mr. Kadzik suggested that perhaps it should apply to other areas. Mr. Kadzik and Mr. Perrow agreed with Ms. Guernsey's suggestion to move forward with the first two options and pursue the third option at a later date.

## **2. Development Agreements for Downtown – Developer Guidance**

Ms. Kester explained that she was looking to formulate some guidance for developers as to what they should prepare in order to come before the City Council with a development agreement. Ms. Guernsey said she would like to see drawings. Mr. Kadzik said he would want to see their wish list communicated via a drawing. Ms. Kester asked if there should be public outreach at that point and it was decided that would be done at a later date.

## **3. Interim Food Truck Regulations**

Ms. Kester stated that staff was developing a definition of a food truck and putting together a process for site plan review in certain zones. She distributed copies of the zoning matrix and asked which zones they wanted to allow food trucks. She stated that under today's definitions she would consider them a Restaurant Level Two. The committee decided that anywhere that Restaurant Level Twos were allowed, food trucks should be allowed. It was decided that they should be allowed in RB-2 and they should be outright allowed. Additionally, food trucks should be allowed in ED and PCD-BP. Ms. Kester went over some of the other regulations being considered for food trucks. Ms. Guernsey said she felt that they should be a licensed vehicle or trailer.

After a short discussion about schedules, the meeting was adjourned.

**City of Gig Harbor  
Downtown Planning and Vision Committee  
January 30, 2013  
4:00 p.m.  
Planning and Building Conference Room**

**PRESENT:** Jill Guernsey, Jennifer Kester, Dawn Stanton, Harris Atkins, David Fisher and Paul Kadzik

**GENERAL BUSINESS**

Ms. Kester went over the upcoming Council meeting and the proposal to amend the comprehensive plan to include the vision developed by this committee.

Ms. Guernsey spoke about the next steps and about the idea of developing neighborhoods. She distributed a matrix that Harris Atkins had put together and suggested that perhaps they could identify these neighborhoods and the points within the vision that might apply to them.

Mr. Atkins spoke about the discussion at the Planning Commission and went over some of the questions they had. Further discussion was held on the different neighborhoods and public perception of those neighborhoods.

Ms. Kester clarified that the goal was to identify some rough neighborhoods for the City Council meeting of March 11<sup>th</sup> with perhaps some descriptive explanations of the vision and how it relates to those neighborhoods. Discussion followed on different ways to delineate the neighborhoods. The Committee started drawing lines between different neighborhoods and talked about names. Ms. Kester said she would take this map they had developed, format it and get it out to the committee.

Schedule was discussed and it was decided to hold another meeting on the 19<sup>th</sup> of February.

The meeting was adjourned at approximately 5:00 p.m.

**City of Gig Harbor  
Downtown Planning and Vision Committee  
February 19, 2013  
4:00 p.m.  
Planning and Building Conference Room**

**PRESENT:** Jill Guernsey, Jennifer Kester, Tom Dolan, Dawn Stanton and Harris Atkins

**GENERAL BUSINESS**

Ms. Kester went over the upcoming schedule and what would happen at each meeting. She asked if anyone had anything more to add to the map and suggested that they move forward to developing the matrix. Discussion was held on the points within the vision, which areas people felt were applicable and how policies could be developed.

Ms. Kester asked that everyone get any additional comments to her over the next week in order to get everyone's input. She suggested that they highlight the vision statement for those items that need further explanation. They went through the vision statement and picked out phrases.

Discussion followed on the terms within the Shoreline Master Program and how to tie the two sets of visions together. Ms. Kester said she would compile everyone's comments to bring back at the next meeting.

Ms. Kester noted that the Gig Harbor Historic Waterfront Association is changing their name and wanted to discuss whether the committee still wanted to call the area the vision applies to "The Harbor". Everyone agreed that it should stay "The Harbor" as the boundary is different and the goals are different. She noted that the next meeting is the 27<sup>th</sup> and they will talk about taking the vision to the Cottesmore Public Affairs Forum.

**City of Gig Harbor**  
**Downtown Planning and Vision Committee**  
**February 27, 2013**  
**4:00 p.m.**  
**Planning and Building Conference Room**

**PRESENT:** Jill Guernsey, Ken Malich, David Fisher, Paul Kadzik, Jennifer Kester, Dawn Stanton and Harris Atkins

**GENERAL BUSINESS**

Ms. Kester noted that they were preparing for the docket hearing which has been moved to March 25<sup>th</sup> rather than the 11<sup>th</sup>. She stated that the goal was to have an agreed upon matrix where the vision statement is broken up with each portion rated by the committee. She passed out the matrix as had been developed so far. She suggested that they go through the matrix, one statement at a time and decide on the numbers. They decided to approach the statements that had the most mixed numbers. They went over each neighborhood as it related to the statements and assigned an importance rating to each.

Ms. Kester said she would compile all the numbers and put it into a format for a presentation to council. Discussion was held on the best way to present the information. It was decided that they would not hold another meeting, Ms. Kester would just send out the information and everyone could send any comments back to her.

Mr. Atkins expressed concern with maintaining consistency with the branding efforts of the Waterfront Association. Ms. Guernsey and Mr. Kadzik said that they felt that the Waterfront Association's effort was more about marketing.

The meeting was adjourned.

GIG HARBOR LODGING TAX ADVISORY COMMITTEE

MEETING MINUTES

JANUARY 10, 2013

Present: Sue Braaten, Mona Sarrenson, Kathy Franklin, Jannae Mitton, Warren Zimmerman, Mary DesMarais, Sue Loiland

Not Present: Derek Young, Tom Drohan

Guests: Denny Richards, Lindsey Munson

The quarterly meeting of the Gig Harbor Lodging Tax Advisory Committee was called to order by Marketing Director Laureen Lund in the absence of Chair Derek Young at 8:50 a.m.

Laureen announced the departure of Karen Scott from the Marketing Department. Karen has taken a full-time position in the Engineering Department. An announcement will be made shortly on Karen's replacement. Laureen encouraged the committee to send Karen a note of thanks for her years of service in the marketing efforts.

Laureen asked for input regarding the billboard advertising that was done in 2012. Laureen felt that was not a good return on the investment and is considering not doing billboard advertising in 2013. Laureen thinks putting additional money towards the Belo T.V. and Online ads is a more trackable campaign. Discussion followed. Everyone agreed. Laureen suggested the billboards could be looked at again mid-year, depending on budget.

Sue Loiland told the committee she was leaving her position as Executive Director of the Harbor History Museum and therefore was withdrawing her nomination for the Lodging Tax Advisory Committee. Everyone wished her well.

Laureen presented the other two nominations – Warren Zimmerman and Mary DesMarais. Laureen reminded the committee that these positions are “at-large” and are not required to be filled by representatives from any certain organization. Laureen also pointed out that Warren and Mary represent two valuable organizations and would continue to be assets to the committee should they be re-appointed. Laureen asked for a motion to accept these two nominees. So moved by Jannae Mitton. Seconded by Kathy Franklin. Motion passed. The nominees will be recommended to the Boards & Commissions Committee and then the City Council in February.

Regarding the opening that remains upon Sue Loiland's withdrawal Laureen will reissue a call for interested parties.

Discussion followed on things going on in the community.

It was requested that the April meeting be moved out one week due to Peninsula School District's spring break. The next meeting will be Thursday April 11<sup>th</sup> at 8:45 a.m.

Meeting was adjourned at 9:45am.

Respectfully submitted

Laureen Lund



Business of the City Council  
City of Gig Harbor, WA

**Subject: Resolution – Surplus Equipment**

**Dept. Origin:** Information Services

**Proposed Council Action:**

**Prepared by:** Heidi Othman

Adopt Resolution No. 925  
Surplusing the city-owned equipment.

**For Agenda of:** April 8, 2013  
**Exhibits:**

Initial & Date

**Concurred by Mayor:**

*He* 3/27/13

**Approved by City Administrator:**

*R* 4/2/13

**Approved as to form by City Atty:**

**Approved by Finance Director:**

*DR* 3/27/13

**Approved by Department Head:**

*[Signature]* 3/27/13

Expenditure	Amount	Appropriation
Required \$0	Budgeted \$0	Required \$0

**INFORMATION / BACKGROUND**

The city has a surplus of antiquated equipment which needs to be properly disposed. This surplus occurred due to the replacement of outdated equipment.

**FISCAL CONSIDERATION**

The surplus equipment will be sold to either a recycling center or charity organization to be refurbished and reused.

**BOARD OR COMMITTEE RECOMMENDATION**

N/A

**RECOMMENDATION / MOTION**

**Move to:** Adopt Resolution No. 917 surplusing this city-owned equipment.

RESOLUTION NO. 925

A RESOLUTION OF THE CITY OF GIG HARBOR  
DECLARING CITY EQUIPMENT SURPLUS AND ELIGIBLE  
FOR SALE.

**WHEREAS**, the Gig Harbor City Council has determined that city-owned equipment is surplus to the City's equipment needs and has been or is in need of being replaced with new equipment; and

**NOW, THEREFORE**, the City Council of the City of Gig Harbor hereby resolves as follows.

To declare as surplus:

EQUIPMENT	Quantity	SERIAL #	Assesst #.
Gateway E-4200  Dell Optiplex 280 Dell Optiplex 745 Dell Optiplex GX520 Dell Optiplex GX270 Dell Optiplex GX520 Sell Optiplex GX520	1  1 1 1 1 1	007205418  FS6VT61 5pwlpc1 Hsnkm91 6mpdx31 Btqcf91 Ckpcms1	  01222 01459 01331 01101 01316 01280
<u><b>Miscellaneous Items:</b></u>  Magic Spin Hard Drive  Lanier Recorder LCT-5	  1  1	  P07434001427  237267	  01434  00763

	<b>Printers</b> HPLJ 2015d Savin 2513f-A2446 Epson LQ-570e HP5610-AIO HPOJ G85	1 1 1 1 1	Cnb9b04503 H92-28902927 Ccby122859 Cn732de251 C6735-0007	01675 01072 00993 01499 00925
	Damaged Keyboards Damaged Speaker Dead UPS's  Miscellaneous box of cables and wires	13 2 15		

PASSED ON THIS 8th day of April, 2013

APPROVED:

\_\_\_\_\_  
MAYOR CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

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

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO.

**Subject:** 2013 Comprehensive Plan Amendment Docket

**Proposed Council Action:** Review and consider the proposed 2013 Comprehensive Plan amendments and decide which applications will be forwarded to the Planning Commission to be processed and which applications will not be processed at this time.

**Dept. Origin:** Planning

**Prepared by:** Lindsey Sehmel  
Senior Planner



**For Agenda of:** April 8, 2013

**Exhibits:** Application materials for comprehensive plan amendments

Initial & Date

**Concurred by Mayor:**

*See 4/3/13*

**Approved by City Administrator:**

*R 4/1/13*

**Approved as to form by City Atty:**

*via email 3/15/13*

**Approved by Finance Director:**

**Approved by Department Head:**

*XK 3/29/13*

Expenditure	Amount	Appropriation
Required 0	Budgeted 0	Required 0

**INFORMATION / BACKGROUND**

The Planning Department has docketed the proposed Comprehensive Plan amendments submitted for the 2013 review cycle. The submittal deadline for the 2013 review cycle was October 31, 2012. 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 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 2013 Comprehensive Plan amendment cycle has two applications on the docket. One is sponsored by the City and one is from private-party applicants. The private-party application is a request to amend a land use designation. Below is a brief description of each application on the docket. The basic application materials for each amendment are attached.

A public hearing was held on the two items March 25, 2013.

- 1. PL-COMP-13-0001: Burnham Hill Commercial Center Comprehensive Plan Land Use Map Amendment.** A proposed land use map amendment, submitted by John Park of Hungsung LLC, to change the land use designation of a 2.79 acre parcel located at 11102 Burnham Drive, Gig Harbor, WA from a Residential Medium (RM) designation to a Commercial/Business (C/B) designation.

2. **PL-COMP-13-0002: Harbor Vision.** A city-sponsored Comprehensive Plan text amendment to incorporate the adopted Harbor Vision into the Comprehensive Plan and develop implementing policies.

After the March 25<sup>th</sup> Public Hearing on the 2013 Comprehensive Plan docket, City Council requested additional information be provided prior to their final deliberation. Staff has provided the additional information in the attached exhibit.

## **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; and
3. For amendments that have been considered within the last three years, whether there has been a change in circumstances that makes reconsideration of the proposed amendment now appropriate. (GHMC 19.09.130)

**B. Staff Recommendations.** Staff believes that all amendments should be forwarded onto the Planning Commission for processing in the 2013 cycle. Staff has included a brief analysis of the amendments against the criteria in GHMC 19.09.130.

1. **PL-COMP-13-0001: Burnham Hill Commercial Center Comprehensive Plan Land Use Map Amendment.** A proposed land use map amendment, submitted by John Park of Hungsung LLC, to change the land use designation of a 2.79 acre parcel located at 11102 Burnham Drive, Gig Harbor, WA from a Residential Medium (RM) designation to a Commercial/Business (C/B) designation. The C/B designation can be implemented by the B-1, B-2, C-1, and DB zones.

Expansion of the Commercial/Business (C/B) designation may be appropriate for this area near the intersection of Burnham and Sehmel Drive. The subject property was annexed into the City of Gig Harbor within the last three years. At the time it was in Pierce County's jurisdiction the County had classified it Medium Density Residential and included it within Gig Harbor's UGA Boundary. Reflecting the County's Plan classification Gig Harbor also designated it Residential Medium, the closest category to what Pierce County had shown it to be. The subject property is zoned RB-2 recognizing that it can be served by infrastructure more easily than properties to the west or south that are designated Residential Low and zoned R-1. It should also be noted that the properties directly to the north of the subject property were designated Commercial/Business. It may be appropriate to change the designation to C/B as additional commercial services on the west side of the interchange could be beneficial to the community. The subject application has not been reviewed in previous annual cycles.

2. **PL-COMP-13-0002: Harbor Vision.** A city-sponsored Comprehensive Plan text amendment to incorporate the adopted Harbor Vision into the Comprehensive Plan and develop implementing policies. Staff believes these additional policies are necessary for the city to establish a vision to address future growth downtown in a desirable manner. Such updates are needed on a regular basis to account for changing conditions in the City.

**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 2013 Comprehensive Plan Amendment applications be forwarded to the Planning Commission for further processing.



DEVELOPMENT SERVICES

TO: CITY COUNCIL  
FROM: LINDSEY SEHMEL, SENIOR PLANNER  
SUBJECT: 2013 COMP PLAN DOCKET – ADDITIONAL INFORMATION  
DATE: MARCH 28, 2013

LS

**Overview:**

After the March 25<sup>th</sup> Public Hearing on the 2013 Comprehensive Plan docket, City Council requested additional information be provided prior to their final deliberation. Staff has provided the additional information in the attached packet. The Council Bill for April 8<sup>th</sup> will be updated as well. Information provided includes:

- Overview map of adjoining properties with current land use designation
- Additional application materials including; site proposals, utility analysis, general site information (topography, aerial, adjacent uses).
- Historical context of land use and zoning designations (Pierce County and Gig Harbor) of the site and adjacent parcels to the north (contractors yard).
- Below are excerpts from the City's Comprehensive Plan detailing the current (RM) and proposed (C/B) designations and implementing zones.

**Related City comprehensive plan designations and implementing zones:**

Residential: Provides primarily for residential uses and facilities that would ordinarily be associated with or closely linked to residential uses and neighborhoods. Two density ranges are defined for residential: RL (urban residential low density, 4.0 dwelling units per acre) and RM (urban residential moderate density, 4.0-12.0. dwelling units per acres.)

In residential-medium designations, conditional allowance may be provided for professional offices or businesses which would not significantly impact the character of residential neighborhoods. The intensity of the non-residential use should be compatible with the adjacent residential areas. Such conditional allowance shall be established under the appropriate land use or zoning category of the development regulations and standards.

Use natural buffers or innovative site design as mitigation techniques to minimize operational impacts of non-residential uses and to serve as natural drainage ways.

*Generalized list of implementing zones for RM:*

- R-2 – Medium Density Residential
- R-3 – Multiple Family Residential
- RB-1 – Residential and Business District 1
- RB-2 – Residential and Business District 2

Commercial/Business: Provides primarily retail and wholesale facilities, including service and sales. Where appropriate, mixed-use (residential with commercial) may be permitted through a planned unit development process. Commercial-business activities consist of the following:

1. Retail sales and services
2. Business and professional offices
3. Mini-warehousing

Commercial areas which border residential designations or uses should use available natural features as boundaries.

1. Natural features should serve as buffers, which may consist of standing timber, streams or drainage swales.
2. A minimum buffer width should be 30 feet.
3. The density and depth of the buffer should be proportional to the intensity of the use.

*Generalized list of implementing zones for C/B:*

- *B-1 – Neighborhood Commercial District*
- *B-2 – General Business District*
- *RB-2 – Residential and Business District 2*
- *C-1 – Commercial District*
- *DB – Downtown Business District*

**Historical Information:**

**Subject Parcel:**

Gig Harbor – Pre-annexation land use & zoning designation – 2001- ORD No. 921

The subject property (tax id# 0122361065) changed land use designation under Ord No. 921 from Commercial/Business to Residential Medium. The implementing zone of RB-2 remained the same. This land use designation coincided with the Pierce County Gig Harbor Peninsula Community Plan adopted by Pierce County Ordinance No. 2001-44s2.

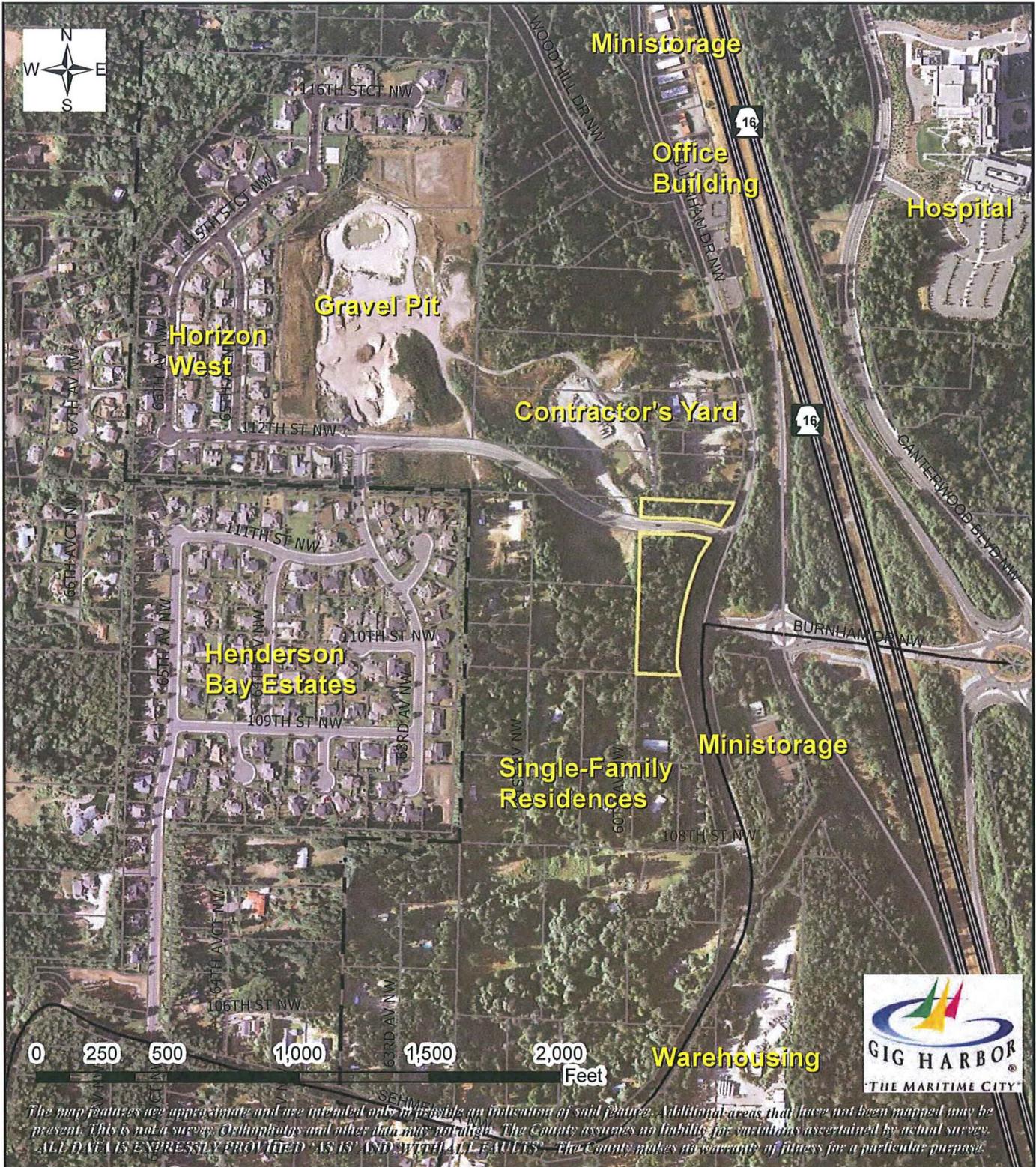
Gig Harbor – Annexation of Sehmel/Burnham – 2009 – ORD No. 1156

The City of Gig Harbor processed the annexation for the area and applied the pre-annexation land use and zoning designations. Reflects above reference to ORD No. 921.

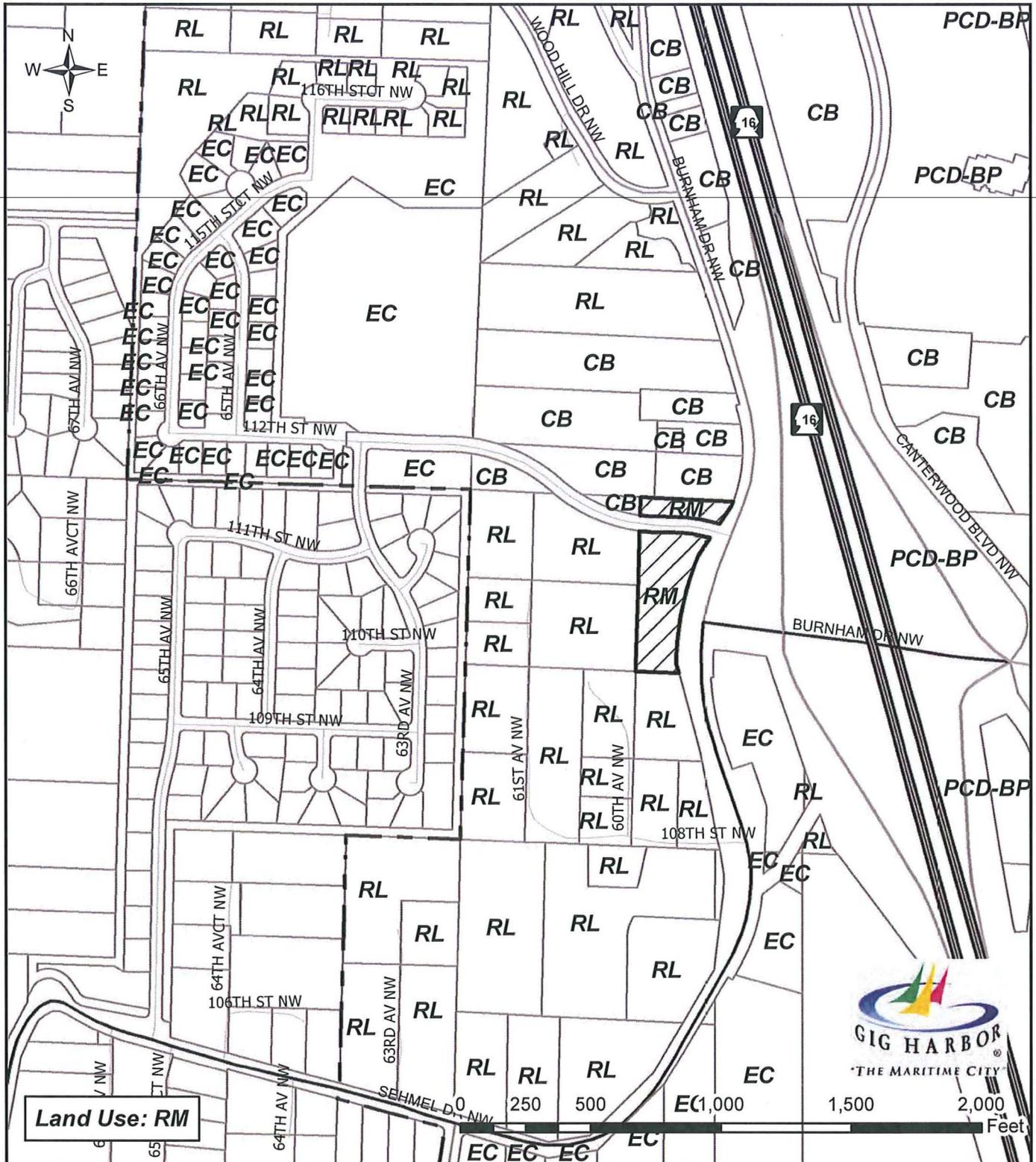
**Property North of Subject Parcel:**

Gig Harbor – Comprehensive Plan Amendment – 2009 – ORD No. 1181

During the 2009 Comprehensive Plan Amendment cycle, the city received and processed a private request to change the land use designation on a portion of the gravel mine (Smith property) that abuts Burnham Drive NW from Employment Center to Commercial/Business (COMP-09-0004). This request was to align the properties previous designation of Community Commercial under the County's jurisdiction with a compatible designation of the City's, which was analyzed to be Commercial/Business.



**PL-COMP-13-0001 Burnham Hill Commercial Center  
Residential Medium (RM) to Commercial/Business (C/B)**



**PL-COMP-13-0001 Burnham Hill Commercial Center  
Residential Medium (RM) to Commercial/Business (C/B)**

**PROPOSED  
BURNHAM HILL COMMERCIAL CENTER  
COMPREHENSIVE PLAN AMENDMENT  
RESIDENTIAL MEDIUM TO COMMERCIAL / BUSINESS**

**DESCRIPTION OF PROPOSED AMENDMENT & INTENDED SITE USE:**

**PURPOSE OF THE PROPOSED AMENDMENT:**

The proposed Comprehensive Plan Amendment change from Residential Medium to Commercial / Business is to allow the possibility that certain retail uses might be located on the Hutchens / PLEMMONS, INC property that are now excluded within the Residential Medium's RB-2 Zone. The existing comprehensive plan classification for the Hutchens / PLEMMONS, INC property is distinctive in that it is singularly classified Residential Medium and Zoned RB-2. No other property in the immediate vicinity has that Plan Classification and Zoning. This property immediately abuts on the north property that is Classified Commercial / Business and is Zoned Employment District. Across from the site on the east and south side of Burnham Drive is property Classified and Zoned Employment District.

Residential Medium while primarily a residential classification is distinguished from single-family residential classified areas in that it allows professional office development along with residential. The primacy of professional office uses is indicated by the requirement for it to be on the ground floor and residences are to be located on the second and third floors. Professional offices are not the only commercial uses that can occupy the first floor, level 1 sales (retail uses) and even level 1 restaurant uses can occupy space on the main floor. The combination of the use allowances in an RB-2 Zone are comparable and only moderately less intense than land uses that might be placed on this site with a Business 2 or even an Employment District Zone.

Automotive fuel dispensing is not allowed in an RB-2 Zone, but is allowed in a B-2 Zone and conditionally allowed in an Employment District (ED) Zone. The applicant for this proposed amendment along with the concurrence of the property owners believe there is a need and a market for a convenience store with gas pumps to be located on the subject property. Because there are no such facilities on the west side of SR - 16 between Purdy and Wollochet Drive, there is an untapped market - especially in consideration of the residential subdivision just west of the site and even the residential subdivisions found on the east side of SR-

16. The only fuel facilities to be found on the east side of the freeway are those of Costco's. While residents in the greater area can access Costco's fuel station, membership in that organization is required. No such exclusions would be required for the kind of convenience store and gas pumps as the applicant has in mind.

#### **HOW THE AMENDMENT IS CONSISTENT WITH THE WASHINGTON STATE GROWTH MANAGEMENT ACT:**

The basic premise of GMA or goal of same is that the more intense and dense types of development are to be forced to occur in Urban Areas, Urban Growth Areas (UGA) or Local Areas of More Intense Rural Development (LAMIRDS). All other development is considered Rural. The subject property is located not in a Rural area, not in a LAMIRD, and not even in a UGA. It is "urban" designated by virtue of the fact it lies within the City limits of Gig Harbor.

The existing Residential Medium Comprehensive Plan Classification can only be employed in an Urban Area, a UGA or a LAMIRD. It can not be used to classify property in a Rural Area. Since the issue manifest in this proposed Comprehensive Plan Amendment is a change of one intense zone to another, the GMA delegates the compliance decision-making to the City of Gig Harbor. Clearly any urban type development is by definition consistent with GMA. The only so-called "compliance issue" to be addressed is whether or not the proposed reclassification is in keeping with the provisions of Gig Harbor's Comprehensive Plan.

#### **HOW THE AMENDMENT IS CONSISTENT WITH THE ADOPTED COUNTYWIDE PLANNING POLICIES:**

Like the consideration of compliance with GMA, compliance with County-wide Planning Policies is a similar analysis. Essentially these policies are a follow-on to what is required in GMA to force the most dense and most intense types of land uses to be placed in Urban Areas, i.e. Cities or UGAs. Each municipality and Pierce County for that matter must develop plans for their jurisdiction that both embrace and implement the County-wide Planning Policies. Gig Harbor's Comprehensive Plan has already met the intent of those policies and of course has adopted a GMA compliant plan.

The essential question here goes to the issue of whether or not there is anything about the proposed change from Residential Medium that would cause Gig Harbor's Comprehensive Plan to become "non-compliant" with either GMA or the County-wide Planning Policies. The simple answer is no. The proposed plan change does not expand either the City limit or UGA boundary, so there is no issue to be assessed as to whether Gig Harbor has the capability to extend City Services beyond either its limits or the limits of the UGA.

Both GMA and the County-wide Planning Policies dictate that lands found within the City limits are to be served by Gig Harbor and that their "concurrency" planning requirements under GMA stipulate the necessity of Gig Harbor to provide utility, police, fire, emergency and hospital services for all properties within the city limits and those lands included in Gig Harbor's UGA. Regarding the latter, it is sometimes the case that Pierce County Services can serve those areas until such time as the property is annexed into the City and then it becomes the City of Gig Harbor's responsibility. A recent Growth Management Hearings Board case in Kitsap County has dictated the efficacy of the above GMA compliance requirement statements about Kitsap County's and by extension Gig Harbor's responsibilities.

There are many policies found in the County-wide Planning Policies that might have some relevance to the proposed Comprehensive Plan Amendment. The most germane seems to be Economic Policy Ec-5 which states:

*"The County and each municipality in the County, shall plan for sufficient economic growth and development to ensure an appropriate balance of land uses which will produce sound financial position given the fiscal/economic costs and benefits derived from different land uses by:*

- 5.1 ensuring that the land use element of each Comprehensive Plan allows for an appropriate mix and balance of uses;*
- 5.2 reducing inefficient, sprawling development patterns;*
- 5.3 reducing transportation demand;*
- 5.4 coordinating the provision of public facilities and services and/or insuring that new development supports the cost of public facility and service expansions made necessary by such development;*
- 5.5 promoting development in areas with existing available public facility capacity;*
- 5.6 encouraging joint public/private development as appropriate;*
- 5.7 concentrating a significant amount of economic growth in designated centers;*
- 5.8 ensuring the efficient flow of people, goods, services, and information in and connecting designated centers [See the Centers policies in the Urban Growth Area sections]."*

The proposed plan amendment by virtue of the fact it would amend only a plan designation within the City Limits complies with this policy statement together with its sub parts. With regard to sub paragraph 5.3, local destination trip reduction is a benefit of this proposed amendment as the residents in the area would not have to travel in excess of a mile to two miles to get either goods or services, they can shop and buy fuel for their vehicles in their immediate neighborhood.

**HOW THE AMENDMENT FURTHERS THE PURPOSE OF THE CITY'S  
COMPREHENSIVE PLAN:**

The purpose of Gig Harbor's Comprehensive Plan is manifest in the four foundational Goals enumerated in the Introduction to the Plan.

1. *Identify existing and potential roles which the City may elect to assume within the City and the surrounding urban growth area.*
2. *Determine the social, physical and economic implications involved with each role.*
3. *Determine which roles and attendant social, physical and economic relationships are most advantageous to the City.*
4. *Develop and implement the necessary public programs and policies needed to accomplish the primary objective.*

To one extent or another all of these goals have already been achieved when the Comprehensive Plan and Implementing Ordinances were adopted. The present Comprehensive Plan Classification of Residential Medium as it applies to the subject property can be said to represent the fulfillment of those goals, but only in the context of the entire City Limits and City's UGA. Yet each year and specifically every five years (as required by GMA) the City must reassess its Comprehensive Plan to determine the extent to which it is still an effective guide to achieve the growth and development objectives manifest in the plan. Upon making such reviews, some changes to the plan may be made that might better able the City to meet its goals even though the plan as adopted was judged to be a suitable way for the objectives of the City to be met over the course of a twenty-year period.

Goal 2 bears further comment. One of the challenges each city (and counties too) must make is whether the land use allocations made in their plans will produce enough revenue to offset the cost of providing services. It is well understood that residential development, even waterfront residential development or lower density multi-family residential does not produce enough revenue from property taxes to allow a city like Gig Harbor to provide the services it is obligated to make available to its citizens. The fact that the City has responsibility to make allowance for housing that is affordable to median income households as well as low and moderate income families is an even greater challenge in light of what it costs to pay for city services.

There are only two land use types that generate more revenue than what it costs for the City of Gig Harbor to provide in service costs – commercial and industrial development. Commercial development brings in two primary revenue sources that a city needs – higher property taxes based on land values and sales tax revenue. Industrial may or may not be valued as high as commercial land, but business who locate in industrial property provide employment and those people employed there spend their wages locally in most cases and that creates tax revenues that help support cities like Gig Harbor.

The proposed comprehensive plan change from Residential Medium to Commercial / Business promotes the type of land use that has a revenue advantage to the City.

**HOW THE AMENDMENT IS INTERNALLY CONSISTENT WITH CITY'S COMPREHENSIVE PLAN AS WELL AS OTHER ADOPTED CITY PLANS AND CODES:**

Internal consistency has to be judged in the context of the range of land use options provided for in the City's Comprehensive Plan, the size of the City and the size of the City's UGA. In this case the proposed Comprehensive Plan change affects only a very small portion of the city and if approved would not materially change the amount of area designated Residential Medium, which is included in the Cities overall assumptions for how much land is required to be devoted to that land use category. The subject property can rightly be viewed as somewhat of an "orphan" piece as it is the only Residential Medium allocation on the west side of SR - 16 north of Rosedale.

The contextual land use allocation for the City in this location means that this property, which is singularly classified Residential Medium and which abuts property classified as Commercial / Business and lies in close proximity to Employment Center classified property is more appropriately classified in one of these two categories.

As Residential Medium permits both professional office and multi-family residential in a range of 8 - 12 dwelling units per acre, this site along with other Residential Medium classified properties have concurrency requirements associated with Gig Harbor's compliance with GMA. These requirements would indicate this site is already in the capacity service plans for in this case sanitary sewer service. Washington Water Company is the service provider in this area for public Water. The proposed amendment change from Residential Medium to Commercial / Business does not substantially alter the City's capacity allocations for Residential Medium properties versus that for Commercial / Business classified sites. According to the Wastewater Comprehensive Plan, the City has capacity in its existing system and wastewater treatment plant to accommodate expected growth within the UGA for the next twenty years and with some modifications until the year 2050.

**CRITERIA FOR INITIATION OF AN APPLICATION CONTAINED IN GHMC 19.09.130 AND THE CRITERIA FOR APPROVAL OF AN AMENDMENT CONTAINED IN GHMC 19.09.170:**

Criteria Found in GHMC 19.09.130 -

**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; and**

The subject property was annexed to the City of Gig Harbor within the last three years. At the time it was in Pierce County's jurisdiction the County had classified it Medium Density Residential and included it within Gig Harbor's UGA boundary. Reflecting the County's Plan classification Gig Harbor also designated it Residential Medium, the closest category to what Pierce County had shown it to be. While the County's Medium Density Plan classification had a broader application in the vicinity of this site. Gig Harbor opted for a Residential Low classification for all but the Hutchens / PLEMONNS, LLC property. Residential Low areas do not require sanitary sewer to be developed.

The subject property now classified as Residential Medium is distinguished from the surrounding Residential Low properties as it can be served by sanitary sewer more easily and more economically than properties to the west or south that are designated Residential Low. This fact alone qualifies the property to be considered separate from those with the Residential Low classification.

A second factor that has materially changed the environment for why the subject property is a candidate for a Comprehensive Plan amendment is the advent of the annexation of this and surrounding property to the City of Gig Harbor. When the annexation was finally approved in 2010 the property immediately north of this site was classified Commercial / Business and rezoned to Employment District. While in the jurisdiction of Pierce County it was classified Activity Center with a Mineral Resource Overlay. Gig Harbor does not have a similar Plan Classification and in recognition of the historic activity of the property owned by Walt and Norma Smith, it was a logical decision to apply the Commercial / Business Plan Classification to their site and Zone it Employment District.

The decision made by Gig Harbor for the Walt and Norma Smith property provided the closest transition from a County Plan Classification to Gig Harbor's. However the Hutchens / PLEMONNS, LLC's property attributes were not fully explored at that time. For example, Gig Harbor's Residential Medium and corresponding RB-2 Zoning is not pure allocation of residential or even multi-family to an other wise single-family residential area to the west and south of the site. Some commercial uses are permitted in this land use classification and zoning. The question unaddressed in Gig Harbor's 2010 Comprehensive Plan update is what the expanded commercial use possibilities might be for the subject property.

**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; and**

The premise of this amendment is not an argument that the overall assumptions upon which the comprehensive plan is based are no longer valid. The proposed amendment does raise the issue that for the subject property there is more than one potential use that could be considered for this property than that reflected in the 2010 Comprehensive Plan update. It has been noted in answer to other questions that this property was treated singularly in a manner distinct from other properties in the immediate vicinity. Thus a change affecting this one parcel does not represent an argument that the base assumptions in the Comprehensive Plan are no longer valid. Rather, the proposed change is within the scope of the Comprehensive Plan's allowance for growth and development that is categorized "urban" and represents the opportunity for the City to augment the tax base of the City by allowing a greater range of commercial uses to be placed on this site than is true of the existing Plan Classification (Residential Medium). In this economic climate there are very few if any cities that cannot afford to enhance their tax base. This is especially true in an instance when a Commercial / Business Land Use Classification does not adversely affect the assumptions the City has made for those areas allocated for residential development.

**C. For amendments that have been considered within the last three years, whether there has been a change in circumstances that makes reconsideration of the proposed amendment now appropriate.**

This question is not applicable as no prior Comprehensive Plan Amendment application has been made by either the applicant or property owner.

**Criteria Found in GHMC 19.09.170 -**

**A. The proposed amendment will further and be consistent with the goals, policies and objectives of the comprehensive plan; and**  
To a large extent this question has already been answered in previous discussions. Specifically the question of "HOW THE AMENDMENT FURTHERS THE PURPOSE OF THE CITY'S COMPREHENSIVE PLAN:" was answered by quoting the four goals the City chose to pursue over the course of the next twenty years. The of the four goals are aptly characterized as "awareness" objectives whereby the City determines what it has as a City resource and how the City will conduct business in light of a greater understanding of its role in the life and times of Gig Harbor. Only Goal Number 4 implies that the City (as in city government) will take an active role to implement programs to achieve the City's "Prime Objective." The "Prime Objective" is really a platitude that the City will "plan for the future while maintaining the same quality of life" as exists in 2010.

Given the fact the other three goals are "awareness" goals then the real objective of the City's Comprehensive Plan is to allow growth and development to occur within the City without the increased population or conversions of undeveloped lands to some sort of use changing the "quality of life" in Gig Harbor. Realistically this is an impossible objective and could only be made if the entire population of the City had the same definition of what constitutes Gig Harbor's "quality of life." There are no two opinions of "quality of life" held by the citizens of Gig Harbor that are the same and even if there could be such agreement, new people coming to Gig Harbor could have a vastly different set of ideas about what represents "quality of life."

When the City's Comprehensive Plan is examined in total, there are many policies to be considered. The prior discussion referenced above contains a discussion of Goal No. 2 and essentially indicated that a change in the Comprehensive Plan from Residential Medium to Commercial / Business would have a beneficial effect in that development in this plan classification (Commercial / Business) would produce a greater amount of revenue to help offset City expenses.

**B. The proposed amendment is consistent with the Growth Management Act, the County Wide Planning Policies and agreements, and/or other state or local laws; and**

These two compliance issues have previously been addressed. The proposed Comprehensive Plan change, because it affects only one parcel within the City limits of Gig Harbor and in an area with other commercial / industrial uses is consistent with GMA and the County Wide Planning Policies and agreements.

**C. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect transportation facilities and other public facilities and services such as parks, police, fire, emergency medical services and governmental services; and**

The subject property lies within Washington Water Company's service area and there are water mains in close proximity to the site for that connection to be made. Their service plans include the subject property. The City of Gig Harbor's Waste Water Comprehensive Plan indicates there is capacity in the City's system to accommodate growth and development within the City limits and the UGA until 2050. A connection to the City's sewer system can be found about 300 feet north of the site. From there the sewage is fed into Lift Station A-12 and it then is pumped across the freeway to a sewer main that ultimately wends its way southeast to the treatment plan.

City's resources (as well as those of other special interest governments) to provide for its citizens. Even if one stipulated the possibility that one incremental change was proffered for City approval every year for ten years (twice the time allotted under GMA for a substantive reassessment of the City's Comprehensive Plan), it is unlikely the City could find reason to prove such incremental changes constitute a "wholesale" change in the plan.

In this instance, the proposed change from Residential Medium to Commercial / Business would allow the applicant and/or property owner to take advantage of a wider range of commercial uses to be placed on the subject property. The range of uses is well identified in the City's Zoning Ordinance and the Zoning Ordinance regulations. In turn the Zoning Ordinance is a means of implementing the Comprehensive Plan. Therefore there is a presumption that the uses allowed in the Zoning Ordinance are those for which the City is prepared to serve.

The "fail safe" assessment to address specific impacts comes at the time of site plan or conditional use review and approval. It is at this time the general becomes specific and the impacts on service provision can be better analyzed. Another "fail safe" in the use approval process is the ability of the City to apply conditions of approval and to require that site use development proposals be accompanied by "concurrency" provisions. "Concurrency" is a GMA term that stipulates the developer has to pay for needed infrastructure improvements or at least the developer's fair share. "Concurrency" requirements involve more than just the provision of utility and road system improvements.

**D. The proposed amendment advances the public interest.**

"Public interest" is in reality a nebulous term that can be defined in a wide variety of ways. Also, it is subject to individual interpretation. If one looks to the "prime objective" of the City as the means by which Gig Harbor defines "public interest," then it is "to develop and implement the necessary public programs and policies needed to accomplish the primary objective" (Emphasis added). So what are those "necessary public programs and policies?" In the context of the City's Comprehensive Plan, it is GMA compliance. While seemingly a crass interpretation of the objective it is to exert controls on growth and development so that people are "packed and stacked" in urban areas to include UGAs. According to this mythology it is easier and possibly more cost effective to provide public services to meet the people's need for such services.

Supposedly exerting controls on how people live will minimize the public's cost to provide services the municipalities, counties, and the state are obligated to supply. So in a GMA compliant plan if the more intensive land uses are to be placed there as well as the greater majority of the expected population growth it follows that

the preferred place for residential, commercial and industrial development to be placed is within a city's or a city's UGA boundary. It also follows that comprehensive plan amendments that increase the housing densities, commercial development options, increases in the variety of commercial use allowances, uses that promote the expanded tax base or increase employment opportunities such as is true with industrial development – all of these types of plan provisions are judged to be GMA compliant. Cities approving such amendments are therefore “furthering the public interest.”

In the instance of this proposed Comprehensive Plan Amendment, the applicant believes there is both a need for a convenience store (greater in size than 800 square feet), a fueling station with car wash in addition to the other kinds of professional office and retail activities that might otherwise be placed in an RB-2 Zone. The location of this site if developed in a manner similar to what is shown in the attached graphics would provide a “convenience” in the neighborhood and also to the traveling public on SR-16. Clearly providing for an unmet need in an area such as this does promote the public interest and indeed furthers the City's ability to “accomplish the prime objective.”



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November 28, 2012

Mr. John Parks  
HUNGSUNG, LLC  
12422 - 58th Avenue NW  
Gig Harbor, Washington 98332

RECEIVED BY  
NOV 30 2012  
CITY OF GIG HARBOR

Re: **Burnham Hill Commercial Center  
Water & Sewer Demands**

**Contour Project # 12-128**

Dear Mr. Parks,

We have been asked to estimate the average daily sewer and water demands for two alternate development proposals for parcel 0122361085, which is located at the southwest corner of Burnham Drive and 112<sup>th</sup> Street NW. A mixed-use development proposal and a fully commercial development proposal have been prepared by William Palmer Consultants and serve as the basis of this review. The following table summarizes the two proposals and average daily water and sewer demands as recommended in the Department of Health's *Water System Design Manual* (August 2008) and the Department of Ecology's *Criteria for Sewage Works Design* (December 2009), respectively, in gallons per day (GPD).

**Table 1: Components of Development**

DEVELOPMENT	USE	QUANTITY	UNIT WATER DEMAND	UNIT SEWER DEMAND
Mixed-Use	Professional Office	32 employees	15 GPD per employee	15 GPD per employee
	Residential	30 units	400 GPD per residence	400 GPD per residence
Commercial	Retail	19,486 SF	400 GPD per toilet	200-300 GPD per 1,000 SF floor space
	Coffee Shop	2,003 SF	350 GPD per 1,000 SF	350 GPD per 1,000 SF
	Fuel Station & Convenience Store	978 vehicles	10 GPD per vehicle	10 GPD per vehicle
	Carwash	7 vehicles	8 GPD per vehicle (80 GPD used; 90% recycled)	8 GPD per vehicle (80 GPD used; 90% recycled)

Water demand for the residential uses is estimated based on the correlation between annual rainfall and water usage in Appendix D of the *Water System Design Manual* for an average annual rainfall of 40 inches. It has also been anticipated that, although the demand for the 1,976 square-foot convenience store could be estimated as a separate use, that the sewer and water demand in the store would primarily be from customers that are using the fuel pumps and, therefore, demand was estimated solely on the number of vehicles at the pumps.

The following table summarizes the demands that are expected based on the water and sewer design manuals:

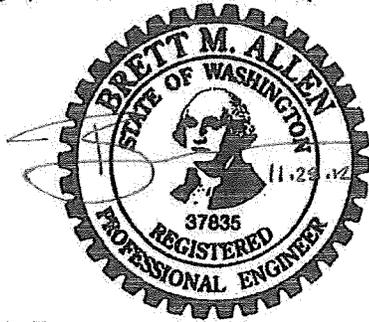
**Table 2: Water & Sewer Demands**

<u>DEVELOPMENT</u>	<u>USE</u>	<u>WATER DEMAND</u>	<u>SEWER DEMAND</u>
Mixed-Use	Professional Office	480 GPD	480 GPD
	Residential	12,000 GPD	12,000 GPD
	<b>TOTAL:</b>	<b>12,480 GPD</b>	<b>12,480 GPD</b>
Commercial	Retail	5,850 GPD	5,850 GPD
	Coffee Shop	700 GPD	700 GPD
	Fuel Station & Convenience Store	9,780 GPD	9,780 GPD
	Carwash	56 GPD	56 GPD
	<b>TOTAL:</b>	<b>16,386 GPD</b>	<b>16,386 GPD</b>

This is a preliminary analysis accomplished for this project based on empirical data. It is our recommendation that future demand analysis for the possible fuel station/car wash be compared to actual data of a similar facility to best estimate the water and sewer demands. From the data provided, it is expected that the commercial use would require approximately 30% more demand than that of the mixed-use development option.

If you have any questions or comments, please feel free to call us at your convenience.

Sincerely,



Brett M. Allen, P.E.  
**Contour Engineering, LLC**  
 3309 56<sup>th</sup> Street NW, Suite 106  
 Gig Harbor, Washington 98335

Email Cc: William Palmer, W.M. PALMER CONSULTANTS



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(4 0122361024 1101)  
SMITH MARY E  
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(5 0122361047 1101)  
MATTERN JIM L & ALTA M  
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(6 0122361057 1155)  
BRENTIN PEGGY L  
10913 60TH AVE NW  
GIG HARBOR, WA, 98332-8504

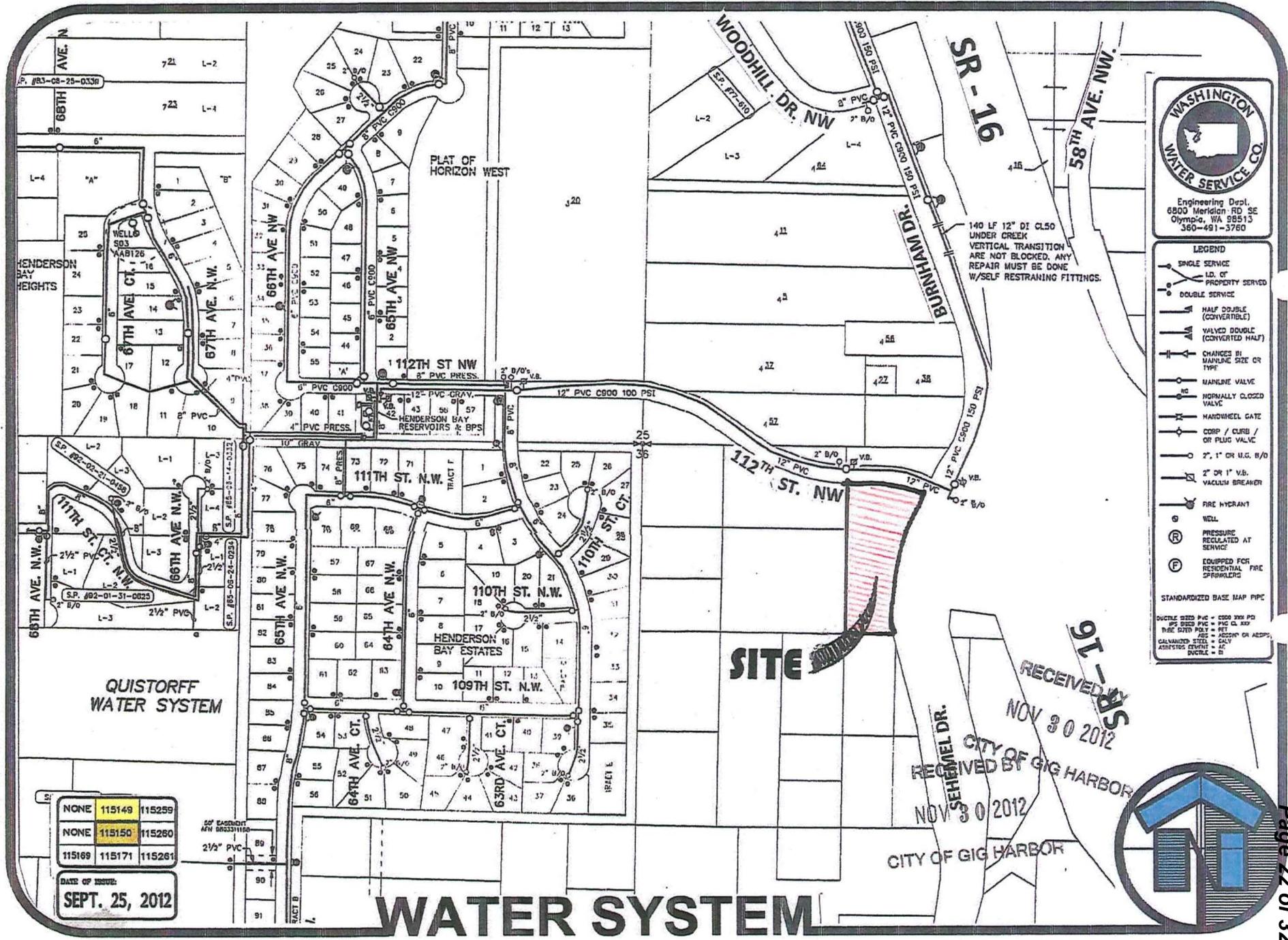
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HUTCHENS DOUGLAS & TERESA & PLEMMONS  
INC  
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KENT, WA, 98032-7408

(8 0122361065 9100)  
HUTCHENS DOUGLAS & TERESA & PLEMMONS  
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GIG HARBOR, WA, 98335-3272



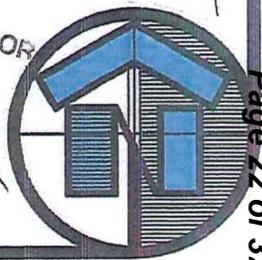
Engineering Dept.  
6800 Meridian Rd. SE  
Olympia, WA 98513  
360-491-3760

- LEGEND**
- SINGLE SERVICE
  - LD. OF PROPERTY SERVED
  - DOUBLE SERVICE
  - HALF DOUBLE (CONVERTIBLE)
  - VALVED DOUBLE (CONVERTED HALF)
  - CHANGES IN MAINLINE SIZE OR TYPE
  - MAINLINE VALVE
  - NORMALLY CLOSED VALVE
  - HANDWHEEL GATE
  - CORP / CURB / OR PLUG VALVE
  - 2", 1" OR U.S. B/O
  - 2" OR 1" V.B. VACUUM BREAKER
  - FIRE HYDRANT
  - WELL
  - PRESSURE REGULATED AT SERVICE
  - EQUIPPED FOR RESIDENTIAL FIRE SPRINKLING
- STANDARDIZED BASE MAP P/PC  
DUPLICATE SIZES: P/PC = 6000 INCH P/PC  
P/PC = 6000 P/PC = P/PC CL. 400  
P/PC = 6000 P/PC = P/PC  
CALVANIZED STEEL = CALV  
ASTROLOG STEEL = AST  
DUPLICATE = D

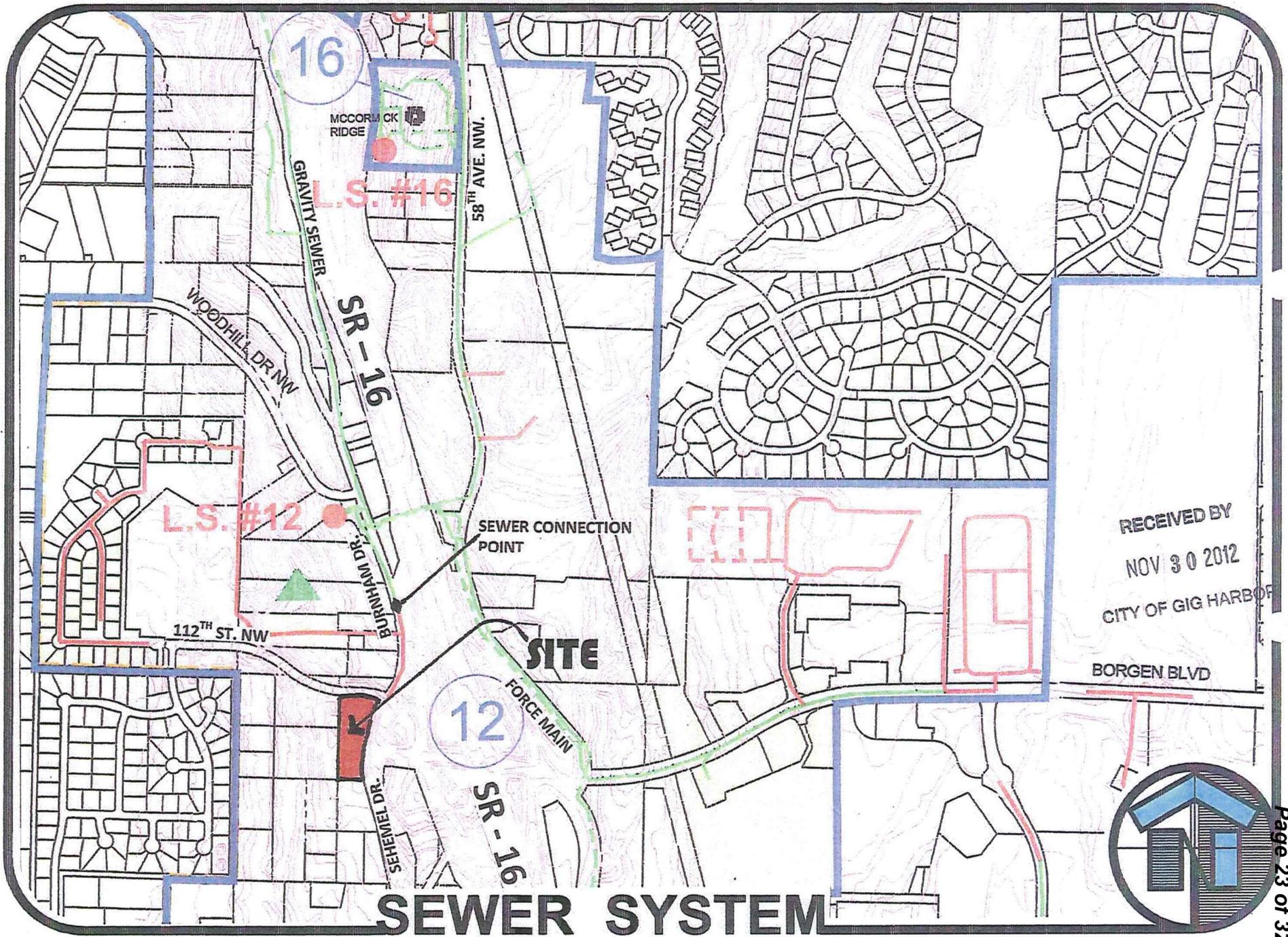
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DATE OF ISSUE:  
**SEPT. 25, 2012**

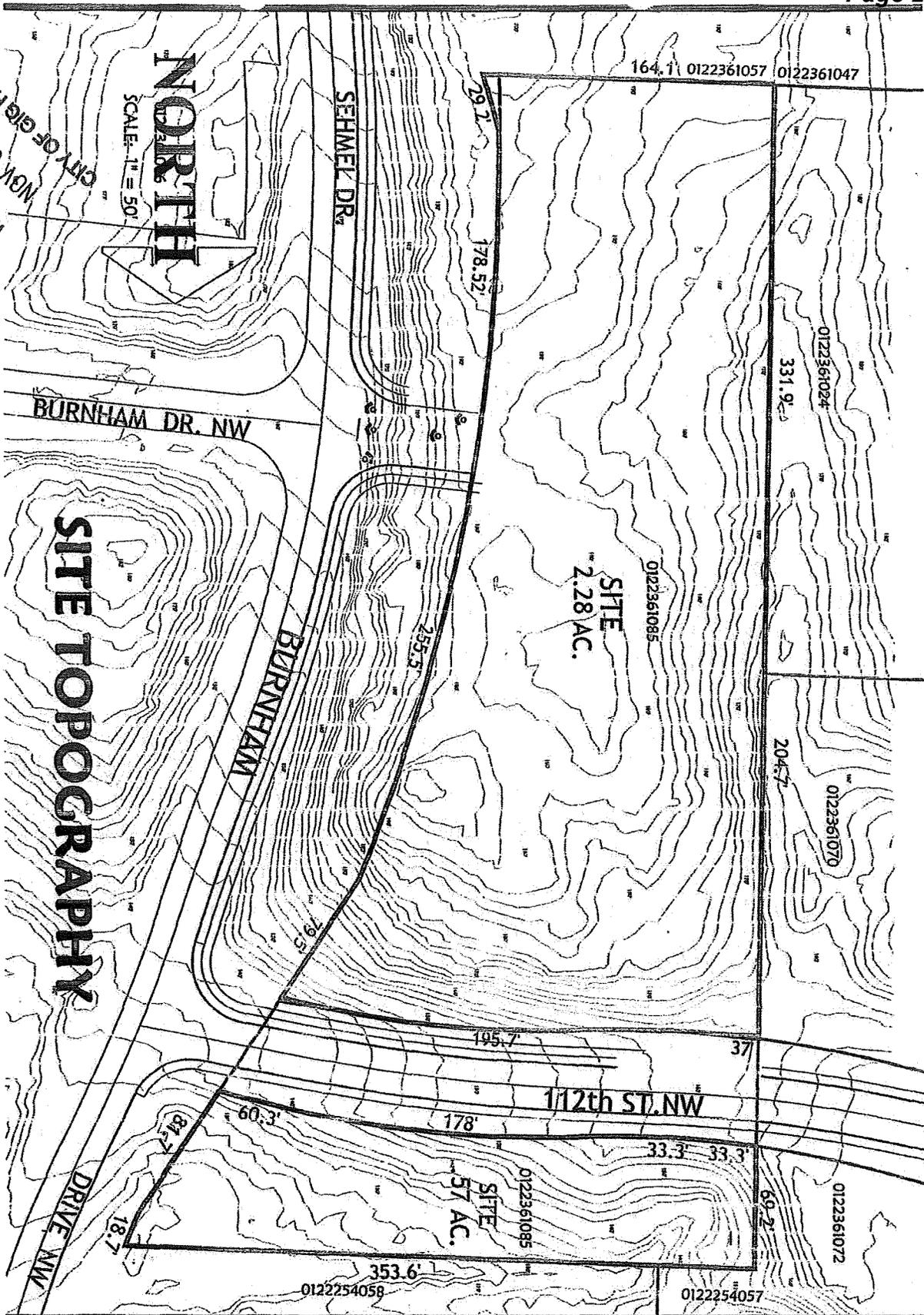
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# WATER SYSTEM



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NGA 30 2012  
CITY OF GREY HARBOR



**SITE TOPOGRAPHY**

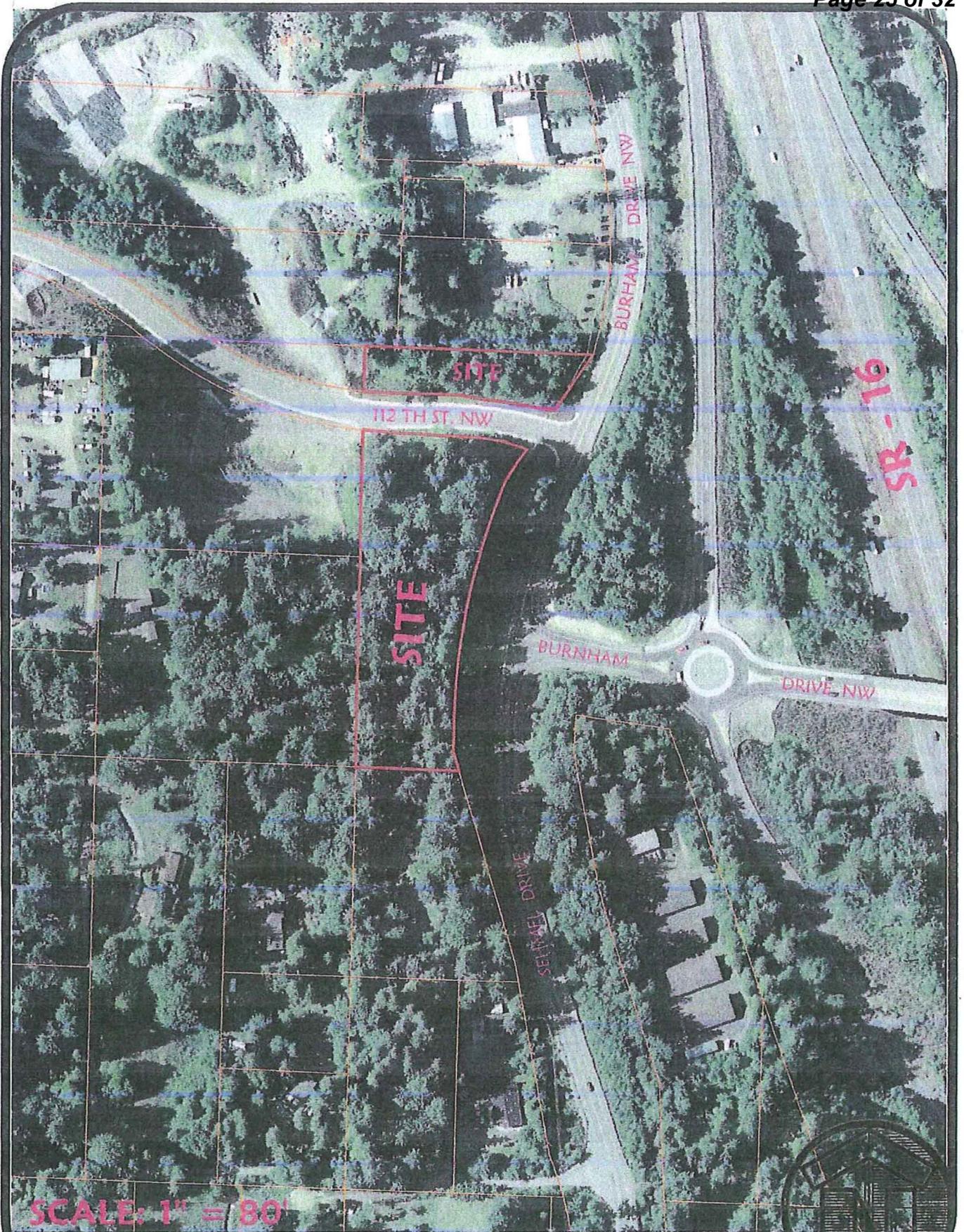
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**WINN PALMER CONSULTANTS**  
1000 1st St. N  
Seattle, WA 98109  
Phone: 206.465.1100  
Fax: 206.465.1101

**CLIENT:**  
HUNGIN, LLC  
586 Ave. NW  
C/O Harbor  
WA 98332

**PROJECT:**  
BURNAM HILL COMMERCIAL CENTER  
COMPREHENSIVE PLAN AMENDMENT

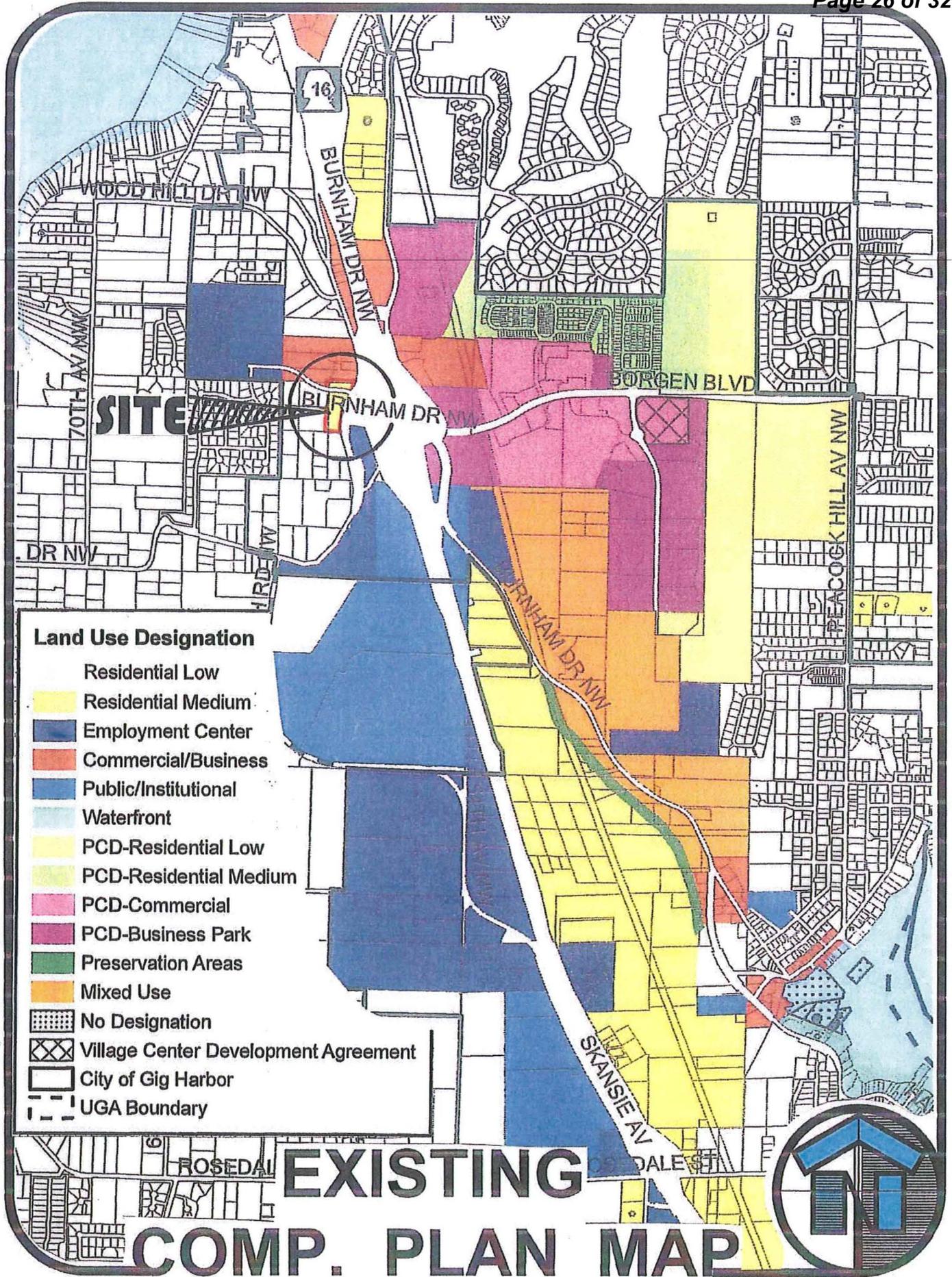
<b>DATE:</b>	April 2, 2012
<b>REVISION:</b>	
<b>CHANGED BY:</b>	Site Brady
<b>DATE:</b>	4-20-12
<b>EVMS:</b>	7/22-12



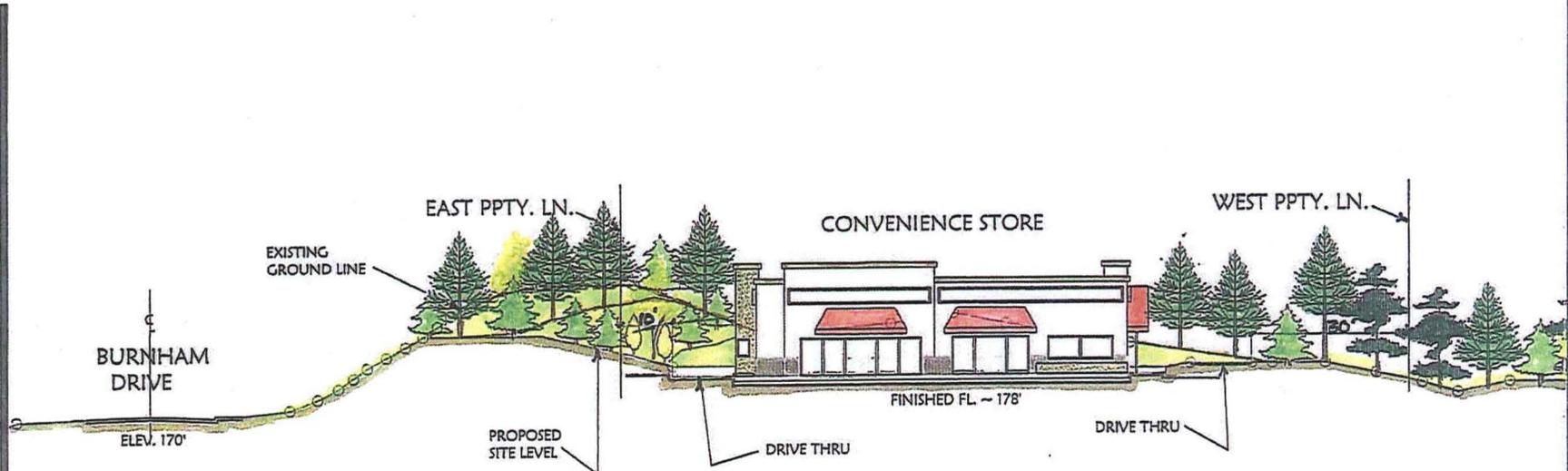
SCALE: 1" = 80'

# VICINITY MAP

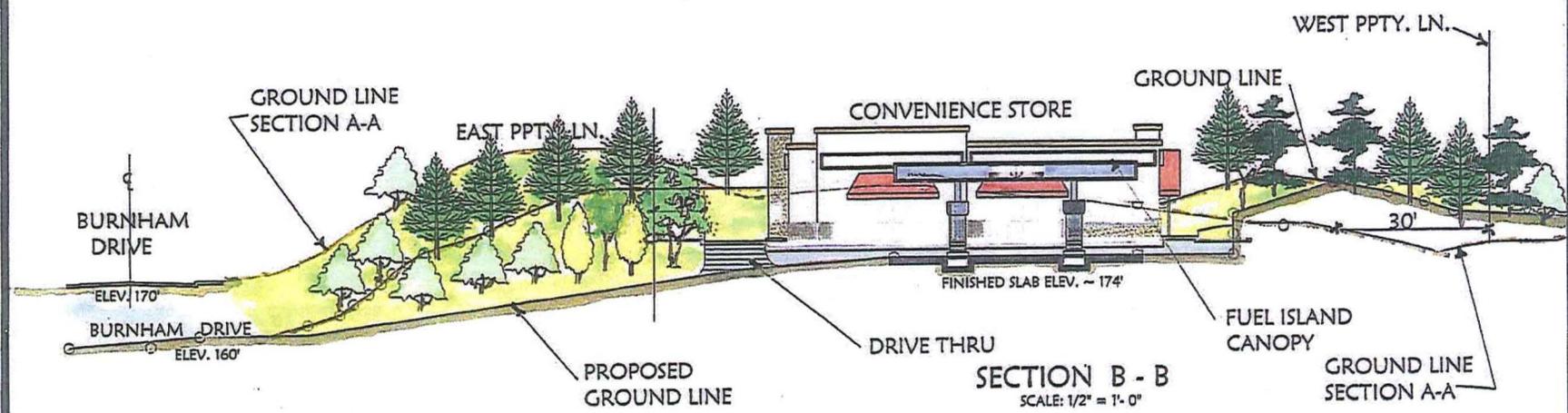








**SECTION A - A**  
SCALE: 1/2" = 1'-0"



**SECTION B - B**  
SCALE: 1/2" = 1'-0"

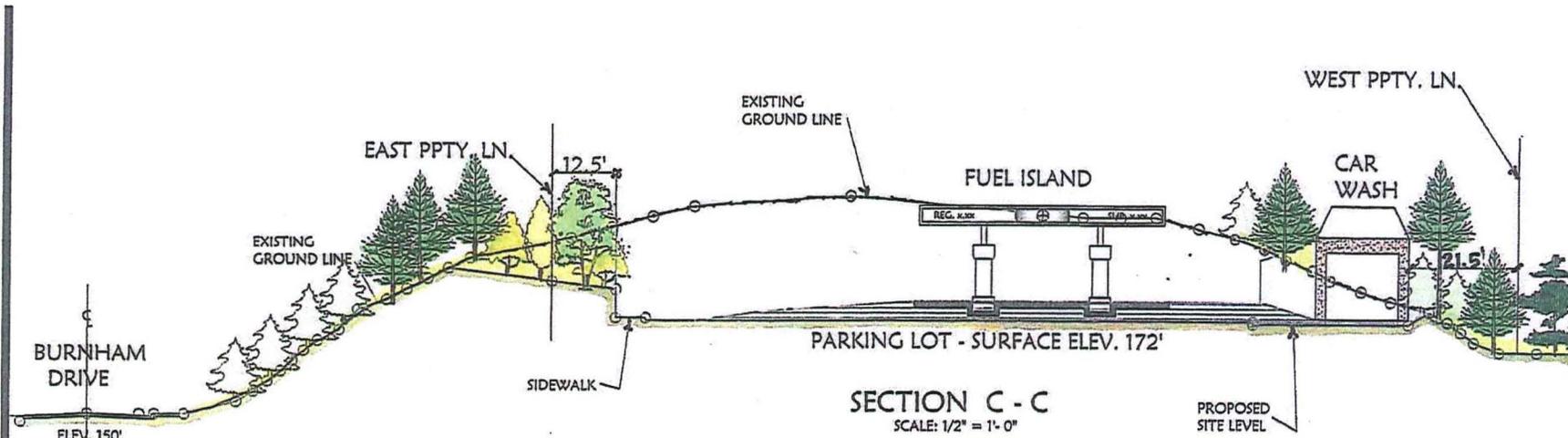
<b>DATE:</b>	
July 10, 2012	
<b>REVISIONS:</b>	
<b>CHANGE</b>	<b>DATE</b>

**PROJECT:**  
BURNHAM HILL  
COMMERCIAL CENTER

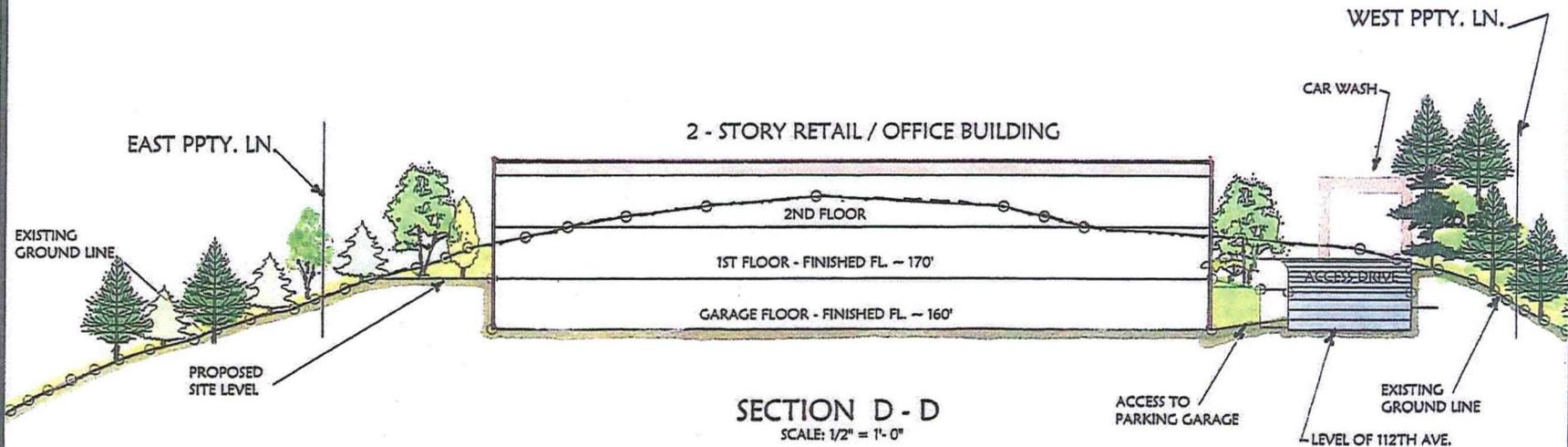
**CLIENT:**  
HUNGSUNG, LLC  
12422  
58th Avenue NW  
Cig Harbor,  
Wa. 98332

W.M. PALMER  
CONSULTANTS  
In  
Planning &  
Design  
P.O. BOX 6  
PACIFIC CREST, WASH. 98287  
TEL: (360) 738-3333  
FAX: (360) 738-3333  
WWW.PALMERCONSULTANTS.COM

<b>JOB NO.</b>
12 - 0401
<b>PAGE</b>



**SECTION C - C**  
SCALE: 1/2" = 1'-0"



**SECTION D - D**  
SCALE: 1/2" = 1'-0"

DATE:

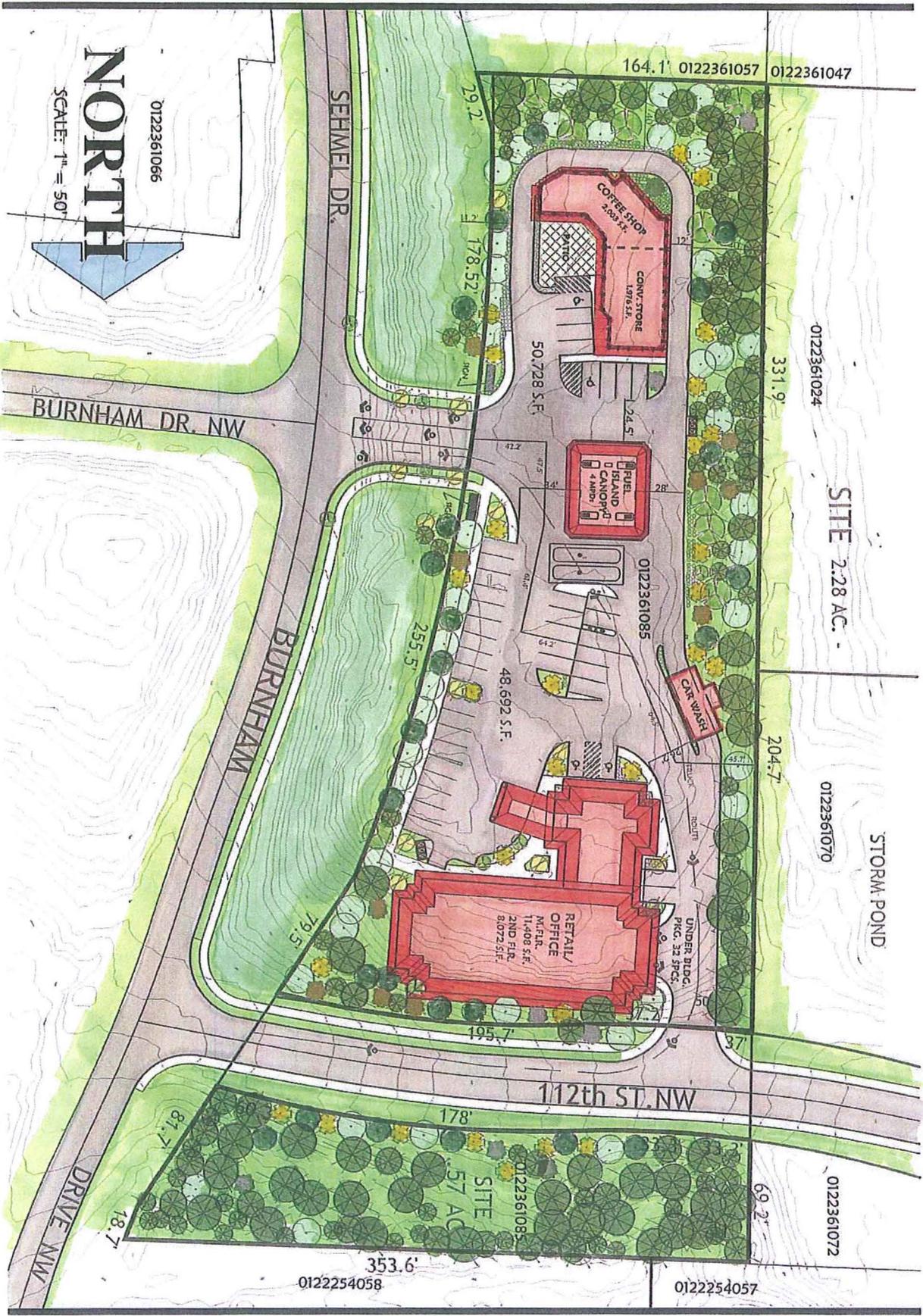
REVISIONS:	
CHANGE	DATE

PROJECT: **BURNHAM HILL COMMERCIAL CENTER**

CLIENT:  
HUNGSUNG, LLC  
12422  
58th Avenue NW  
Cly Harbor,  
Wa. 98332

W.M. PALMER  
CONSULTANTS  
In  
Planning &  
Design

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PAGE



**NORTH**  
SCALE: 1" = 50'

SITE 2.28 AC.

STORM POND

PROJECT:  
BURNHAM HILL COMMERCIAL CENTER  
COMPREHENSIVE PLAN AMENDMENT

DATE:	April 2, 2012
REVISIONS:	
CHANGE DATE	
Site Bindings	4-20-12
Elevations	7-12-12
DRIVE-THRU	10-19-12

CLIENT:  
HUNGSIN, LLC  
58th Ave. NW  
Cler Harbor  
WA 98332

WINNER  
PALMER'S  
CONSULTANTS  
Planning & Design  
10000 1st Ave. NW  
Seattle, WA 98148  
Tel: 206.441.1111  
Fax: 206.441.1112

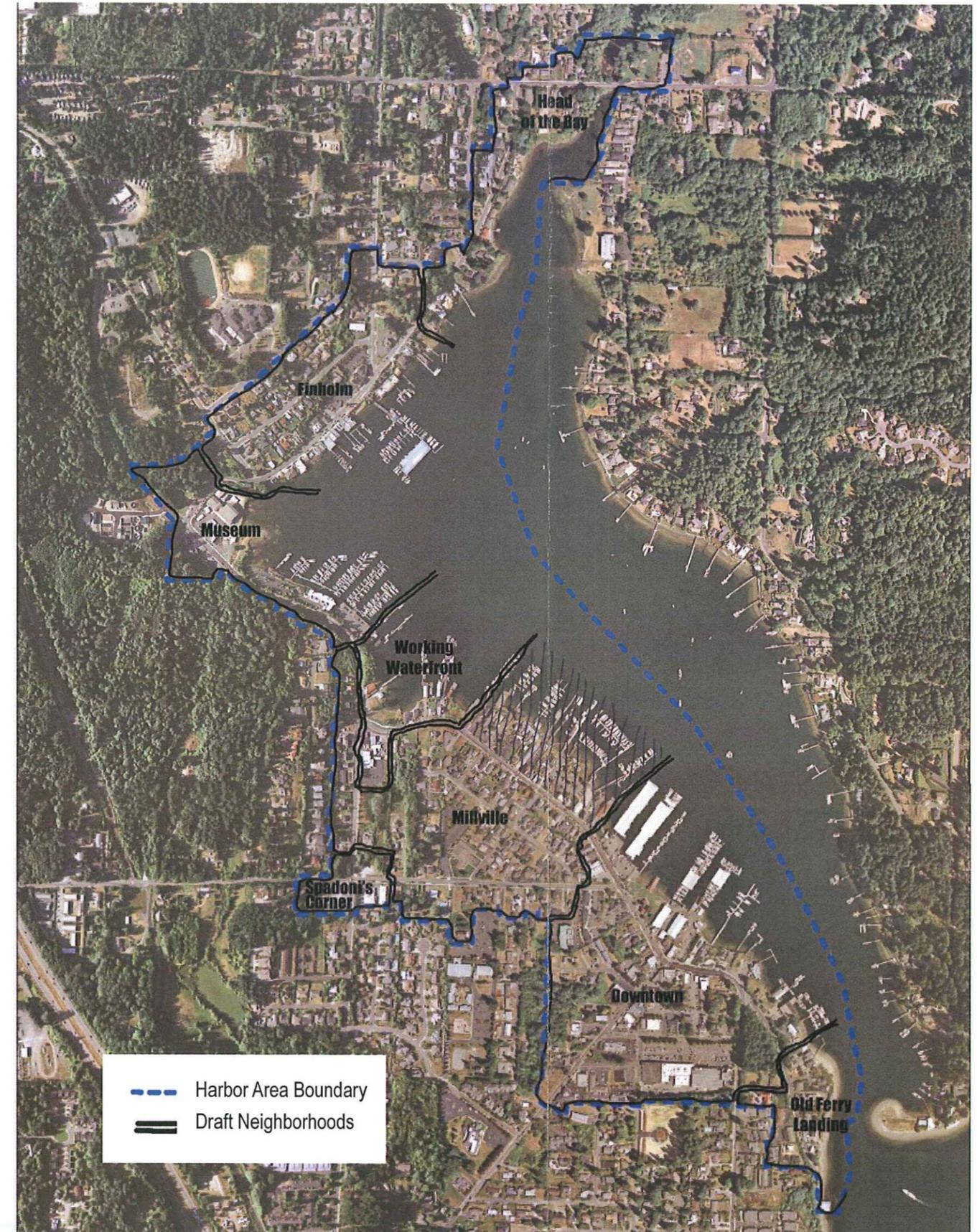
JOB NO.	12-0402
PAGE	30 of 32

# The Harbor

Shaped by our maritime heritage, the Harbor is a reflection of our past and the foundation for our future. The Harbor is:

- A vibrant place where residents, visitors and boaters enjoy a walkable waterfront, picturesque views, and the natural environment.
- A place that celebrates and perpetuates the character and traditions of a working waterfront and preserves historic neighborhoods.
- A place that supports and values local retail shops and services.
- A place that provides services for recreational and commercial boating.

The Harbor is a place where people live, work, play, shop and explore.



The Harbor Vision - Neighborhoods Matrix

RATE FOR FUTURE PLANNING (1 to 5)  
1 = Not important to the neighborhood  
5 = Extremely important to the neighborhood

Neighborhoods	Head of the Bay	Finholm	Museum	Working Waterfront	Milville	Spadoni's Corner	Downtown	Old Ferry Landing
A vibrant place where visitors and boaters enjoy a walkable waterfront.	4	5	5	5	5	1	5	4
A vibrant place where visitors and boaters enjoy picturesque views.	5	5	5	5	5	2	5	5
A vibrant place where visitors and boaters enjoy the natural environment.	5	3	5	4	3	1	3	5
A place that celebrates and perpetuates the character and traditions of a working waterfront.	1	3	5	5	3	1	4	2
A place that celebrates and preserves historic neighborhoods.	2	5	4	5	5	2	5	3
A place that values local shops and services.	2	5	4	3	4	5	5	1
A place that provides services for recreational and commercial boating.	1	5	4	5	5	1	4	1
A place where people live, work, play, shop and explore.	2	5	5	4	4	5	5	1

*"Natural Environment" meaning habitat, water quality, trees & vegetation and the need to enhance existing*

*Rated based on "Future Potential"*

*"Marine" related services*

*Statements requested by GHHWA & Chamber*

*Rated based on promotion of "live, work & shop" in same neighborhood*

*Neighborhood includes Residential and Commercial areas*

**From:** [Mary E. Smith](#)  
**To:** [Payne, Tim](#); [Ekberg, Steve](#); [Young, Derek](#); [Guernsey, Jill](#); [Malich, Ken](#); [Perrow, Michael](#); [paulkadzik@comcast.net](#); [Towslee, Molly](#)  
**Subject:** Please reconsider PL-COMP-13-001: Burnham Hill Commercial Center  
**Date:** Saturday, April 06, 2013 4:57:48 PM

---

RE: PL-COMP-13-001: Burnham Hill Commercial Center

Hello City Council Members,

I am sending you this letter to urge you to vote against granting the approval to move forward in the rezoning of the property located at 11102 Burnham Drive NW, Gig Harbor, WA from the existing Residential Medium (RM) designation to a Commercial/Business (C/B) designation.

I was one of three citizens who spoke at the March 25, 2013, public hearing. I am the woman who shared the proposed site plan map, illustrating a **gas station, car wash, convenience store, coffee shop AND 20,000 sq. ft. two- or three-story office building with egress and ingress at Burnham Drive AND onto the quiet 112th Street NW** leading to two single-family housing developments.

We do not need to develop every inch of Gig Harbor! The down-turn in the economy forced people to take a good hard look at what was really important to them - family and quality of life. Let's take our time and do some soul-searching and investigating of whether or not this type of development will benefit the area or damage it forever. Just because Walt Smith was able to get his property rezoned many years ago, doesn't mean the property owners on the rest of this hillside should follow suit. Please be responsible leaders and don't rush this through.

MY HISTORY: I grew up in Gig Harbor, graduating from Peninsula High School and have lived on the adjoining property since 1986. I have nothing against wisely designed developments - I LOVE not having to go into Tacoma for everything! I have raised two children here, attended planning meetings, been an active fundraiser for many local parks, charitable organizations, the Gig Harbor Lighthouse and have watched the creation/commercialization of the Borgen Blvd and the Gig Harbor North/Harbor Hill take place. That area was a huge forest, as you know, and a very well-planned community. It has grown into a bustling shopping center providing local jobs, with single-family/multi-family housing thoughtfully integrated. The original plan was to keep the majority of commercial growth on that side of the highway, so it could be carefully designed and controlled.

I CARE about Gig Harbor!

By granting approval for this project to move forward, you will be opening the floodgate for every property owner on the opposite side of the highway (Sehmel and Burnham) to seek rezoning approval for a hodgepodge of commercial uses that may result in another South Hill - Puyallup or worse. I own three acres overlooking this property in question - imagine what I could cram onto my property if this area goes commercial!

Seriously, if this rezoning proposal is approved, it could change the whole Sehmel Drive hillside that is now occupied by many single-family homes into another commercial area that the CofGH would not be able to control for fear of litigation from property owners wishing to cash in on the opportunities.

If this commercial building project is approved, it will affect the neighboring properties by bringing more traffic and crime to this quiet neighborhood, not to mention destroying the natural beauty of the area. There are also environmental concerns that would affect McCormick Creek and the small seasonal creek that sits very close to the property lines of this project. School kids walk up and down the hill safely right now but with a dwindling police force due to department cutbacks, how can the City patrol and enforce the laws in so many different annexed areas?

There is also an office building already sitting on Burnham Drive, 1/8 mile from this property (next to

Keller Williams across from the former Active Construction building) that has not been fully leased since it was built years ago. We do not need more LARGE empty office buildings.

We also do NOT need a gas station on that side of the highway when it would make more sense to put it where all the traffic is already congregating up on Borgen Blvd. There are two stations in Purdy, one at Costco on Harbor Hill and two at the next City Center interchange. It will NOT be for convenience; it will be for the profits of greedy developers who do NOT care about the area's future generations. They don't travel the roundabouts at rush hour everyday and have no care for our citizen's safety.

We need to retain our residential property in order to continue to attract the individuals and families that make Gig Harbor what it is today - a great place to live, retire and raise a family. Our community will suffer if we continue to allow outside developers (Doug Hutchins owns the property that HUNGSUNG LLC will develop) to destroy "our home".

PLEASE, we have enough commercial areas to service the needs of the community for a long time to come. What we need is YOUR help. I think it is time to stop and think about the long-time, current AND future residents and not be so eager to approve a project that will have a devastating affect on the quality of life in the Swede Hill area.

Respectfully submitted,

Mary E. Smith, neighboring property owner  
11015 61st Ave NW  
Gig Harbor, WA 98332  
253-370-8730



Subject: Public Hearing and Resolution - Commercial Building Size and Height in Purdy UGA

Proposed Council Action: Hold public hearing, consider testimony, and pass resolution

Dept. Origin: Planning

Prepared by: Jennifer Kester Planning Director (with signature)

For Agenda of: April 8, 2013

Exhibits: Resolution

Initial & Date

Concurred by Mayor: (signature) 4/2/13
Approved by City Administrator: (signature) 4/1/13
Approved as to form by City Atty: email 3/25/13
Approved by Finance Director: N/A
Approved by Department Head: (signature) 3/25/13

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

INFORMATION / BACKGROUND

Enclosed for your consideration is a resolution showing support for a Pierce County process to increase the maximum building height to 35 feet and maximum building size to 10,000 square feet for the commercial area in Purdy.

In late 2012, Pierce County approached the City about potential amendments to development regulations in the City's Purdy area UGA. An applicant had expressed interest in constructing a two-story commercial building in Purdy and that two story structure would not be permitted under the existing height and gross floor area limitation for the Purdy area.

Previously, the City designated the commercially developed property adjacent to Henderson Bay and Burley Lagoon in Purdy with the pre-annexation zoning of "Waterfront Commercial" and Pierce County zoning regulations were established that are generally consistent with that "Waterfront Commercial" pre-annexation zoning district.

The Pierce County height limit established for the Purdy commercial area is 16 feet which is consistent with the City of Gig Harbor's "Waterfront Commercial District. The Pierce County gross floor area maximum for that area is 5,000 square feet which is 1,000 square feet less than allowed within the City of Gig Harbor's "Waterfront Commercial District.

City staff believes there are substantial differences in circumstances between the Purdy commercial area and the City of Gig Harbor Waterfront Commercial District including but not limited to views from adjacent residential neighborhoods, location within an Historic District Overlay and the presence of historical structures.

The factors that make it appropriate for a 16 foot height limit and 6,000 square foot gross floor area limit within the Waterfront Commercial District in the City of Gig Harbor do not appear to be present within the commercial area of Purdy.

Therefore, staff believes it is reasonable to consider supporting Pierce County's amendments which increase the building height maximum to 35 feet and the building size maximum to 10,000 square feet in the Purdy commercial area. However, as the City has not conducted a visioning exercise with the property owners and residents of Purdy and the County has not conducted such since the late 1990s when the Gig Harbor Peninsula Plan was developed, the City notified property owners in Purdy of this resolution and is asking for testimony at a public hearing.

**FISCAL CONSIDERATION**

None

**BOARD OR COMMITTEE RECOMMENDATION**

The Planning and Building Committee directed staff to prepare a resolution of support at their meeting of January 7, 2013.

**RECOMMENDATION / MOTION**

Hold public hearing and consider testimony

**Move to:** Pass resolution

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF GIG HARBOR, SUPPORTING THE INCREASE OF PERMITTED STRUCTURE HEIGHTS TO 35 FEET AND BUILDING SIZE TO 10,000 SQUARE FEET IN THE PURDY COMMERCIAL AREA WHICH IS LOCATED IN UNINCORPORATED PIERCE COUNTY BUT WITHIN THE CITY OF GIG HARBOR'S URBAN GROWTH AREA AND RECOMMENDING THAT THE PIERCE COUNTY COUNCIL CONDUCT AN APPROPRIATE PUBLIC PROCESS TO CONSIDER THE INCREASES.**

---

WHEREAS, Pierce County, in conformance with the State of Washington's Growth Management Act, established urban growth areas that were associated with all cities within Pierce County; and

WHEREAS, to provide consistency when the urban growth areas are annexed, Pierce County established zoning regulations within the urban growth areas that were consistent with the adjacent City's zoning regulations; and

WHEREAS the urban growth area for the City of Gig Harbor included the area north of the City commonly known as Purdy; and

WHEREAS, the City designated the commercially developed property adjacent to Henderson Bay and Burley Lagoon in Purdy with the pre-annexation zoning of "Waterfront Commercial" and Pierce County zoning regulations were established that are consistent with that "Waterfront Commercial" pre-annexation zoning district; and

WHEREAS, the height limit established for the Purdy commercial area is 16 feet which is consistent with the City of Gig Harbor's "Waterfront Commercial District"; and

WHEREAS, the gross floor area maximum established for the Purdy commercial area is 5,000 square feet which is 1,000 square feet less than allowed within the City of Gig Harbor's "Waterfront Commercial District"; and

WHEREAS, there are substantial differences in circumstances between the Purdy commercial area and the City of Gig Harbor Waterfront Commercial District including but not limited to views from adjacent residential neighborhoods, location within an Historic District Overlay and the presence of historical structures; and

WHEREAS, the factors that make it appropriate for a 16 foot height limit and 6,000 square foot gross floor area limit within the Waterfront Commercial District in the City of Gig Harbor do not appear to be present within the commercial area of Purdy; and

WHEREAS, a potential applicant has expressed interest in constructing a two story commercial building in the commercial area of Purdy and that two story structure would not be permitted under the existing height and gross floor area limitation for the district; and

WHEREAS, on April 8, 2013, the City Council held a public hearing on the resolution; now, therefore,

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

Section 1. The Gig Harbor City Council hereby acknowledges that there are substantial differences in circumstances between the Purdy commercial area and the Waterfront Commercial Districts abutting Gig Harbor Bay. The circumstances such as established views, historic structures and a Historic District Overlay make it appropriate to have a 16 foot height limitation in the Waterfront Commercial District within the City. These circumstances do not appear to be present within the Purdy commercial district. In light of the clear differences between the City of Gig Harbor Waterfront Commercial District and the Purdy commercial area it is appropriate to examine whether the 16 foot height limitation and 6,000 square foot gross floor area maximum in Purdy is correct. If after an appropriate public process, the Pierce County Council finds that it is reasonable to increase the height for structures up to 35 feet and gross floor area up to 10,000 square feet within the Purdy Commercial Area, the City of Gig Harbor would have no objections.

RESOLVED by the City Council this 8<sup>th</sup> day of April, 2013.

APPROVED:

\_\_\_\_\_  
MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO.



## WESTERN OYSTER PROPERTIES, LLC

April 8, 2013

Subject: Public Hearing – Proposed Changes to Purdy Urban Growth Area Development Standards  
(Res. No. 926)

Dear honorable Mayor Hunter and Gig Harbor City Council Members:

I am writing on behalf of Western Oyster Properties, LLC. We own tideland in Burley Lagoon and upland property within the Purdy commercial area that is under consideration by the Gig Harbor City Council and Pierce County to make changes to the development regulations. The changes include an increase in the building height from 16 feet to 35 feet and gross floor area from 5,000 to 10,000 square feet according to proposed resolution no. 926.

I will not be able to attend the public hearing on April 8<sup>th</sup> and have provided this letter as written testimony for your consideration in-lieu-of testimony in person. I am the manager of Western Oyster Properties. We own property within the Purdy commercial area and also tideland in Burley Lagoon. I am a civil engineer by education and profession for the past 25 years. I've worked for municipalities throughout my career and have focused primarily on stormwater, wastewater, and transportation. I've been the City Engineer for a city near Seattle over the past 14 years in a development services department and have extensive experience in municipal engineering and private development review. I also have experience in urban planning and zoning.

### Background

Our family has been in the shellfish farming business since the 1930s starting in the Sammish Bay area near Bellingham until the outbreak of World War II. Following the war, my grandparents and father continued farming shellfish and eventually began farming in Burley Lagoon. My father has been farming there since 1952. Since then, we have seen the impacts of growth in the area similar to Gig Harbor and throughout the Puget Sound region. SR-16 was improved in the 1970s, single family residential development increased near and upstream of Burley Lagoon, and the commercial area grew. This rapid growth impacted our shellfish farm directly. We began experiencing problems with non-point source pollution in the mid to late 1970s. This pollution came from roadway and highway runoff, failing septic systems, and improper cattle management where fecal contamination from waste flowed into streams tributary to the lagoon. This pollution has caused partial and complete closures of Burley Lagoon to harvesting of shellfish over the years. Although we have seen some improvements to water quality in the lagoon, the lagoon is still impacted by non-point source pollution and we continue to be concerned.

### Potential Environmental Impacts

We understand that commercial development is needed to meet the needs of the growing community and we want to be a good neighbor. To that end, we do not object to the resolution under consideration by the City Council. However, we request that you ensure that either the resolution is

amended to include requirements to control stormwater and wastewater impacts to Burley Lagoon from the commercial area or ensure that Gig Harbor's and Pierce County's current stormwater and wastewater regulations adequately address this. We believe this is necessary because the proposed changes to the development regulations will allow an intensification of use of the commercial area (including our upland property). Such an intensification will likely increase vehicle traffic, parking demand, and use of the site. This would increase the amount of pollutants carried by stormwater runoff from vehicles including oils, heavy metals from brake linings and tires, and dissolved copper and dissolved zinc. Without proper treatment, this runoff will directly impact shellfish and other sea life in the lagoon. Recent research from NOAA indicates that these dissolved metals can impact the olfactory senses of salmonids. Additionally, the intensification of development could result in fecal coliform seeping into the bay from septic drainfields unless developments are connected to the sewer that is available in this commercial area.

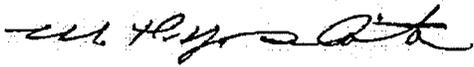
Our Request

We do not oppose the proposed resolution provided that wastewater and stormwater generated from the area are managed properly. To that end, we would like to ensure that development in the commercial area requires:

1. Connection to the sewer system and decommissioning of all existing septic systems and drainfields.
2. Treatment of stormwater runoff from all pollution generating impervious surfaces (i.e. paved driveways and parking areas).

Thank you for the opportunity to express our thoughts on the proposed resolution.

Sincerely,



M. Patrick Yamashita, PE  
Manager  
Western Oyster Properties, LLC



Business of the City Council  
City of Gig Harbor, WA

**Subject:** Public Hearing and Resolution –  
Cushman Trail Cottages Annexation  
PL-ANX-12-0001

**Proposed Council Action:**

Hold public hearing and after consideration, adopt Resolution to proceed with the Notice of Intention to annex the area described in Exhibit A and graphically depicted in Exhibit B of resolution, subject to Boundary Review Board approval.

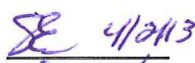
**Dept. Origin:** Planning Department

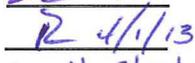
**Prepared by:** Lindsey Sehmel   
Senior Planner

**For Agenda of:** April 8, 2013

**Exhibits:** Resolution w/ Exhibits

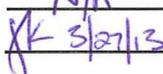
Initial & Date

**Concurred by Mayor:**  4/8/13

**Approved by City Administrator:**  4/1/13

**Approved as to form by City Atty:** email 3/27/13

**Approved by Finance Director:** N/A

**Approved by Department Head:**  3/27/13

Expenditure	Amount	Appropriation	
Required \$0	Budgeted \$0	Required	\$0

**INFORMATION / BACKGROUND**

The City has received a Notice of Intention to Commence Annexation Proceedings for the Cushman Trail Cottages Annexation. The proposed annexation consists of approximately 5 acres located east of Canterwood BLVD and approximately 400 feet south of 122<sup>nd</sup> Street NW, contiguous to city limits, and within the City's Urban Growth Area (UGA).

The Council met with the initiating parties on November 26, 2012 and:

1. Accepted the geographic area as proposed for consideration of annexation;
2. Required simultaneous adoption of the zoning for the proposed area with the property being zoned R-1 upon annexation;
3. Required assumption the proportionate indebtedness by the area to be annexed.

With these conditions established at the public meeting, the City Council authorized the circulation of a formal petition in the proposed annexation area. The City received the complete petition on December 24, 2012 signed by 100% of the affected property owners. The Pierce County Assessor-Treasurer's office issued a certification of sufficiency on March 5, 2013. Following a public hearing and an appeal period under the jurisdiction of the BRB, the City Council can adopt an ordinance – on first reading - enacting this annexation.

In addition to a review by Pierce County's Boundary Review authorities, the request for annexation was previously distributed to the Chief of Police, Public Works Superintendent, City Engineer, Building Official/Fire Marshal, Finance Director, and Pierce County Fire District #5 for review and comment. No objections to the proposed annexation were received.

### **STAFF ANALYSIS**

The Boundary Review Board is guided by RCW 36.93.180 in reviewing proposed annexations and is directed towards State objectives. These objectives, listed below, are also worthy of consideration by the Council in determining the appropriateness of this annexation, especially in light of the possible appeal of an approved annexation. Staff has reviewed the applicable objectives and believes the proposed annexation is consistent with their intent.

### **Objectives of boundary review board. (RCW 36.93.180)**

The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;
- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- (3) Creation and preservation of logical service areas;
- (4) Prevention of abnormally irregular boundaries;
- (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
- (6) Dissolution of inactive special purpose districts;
- (7) Adjustment of impractical boundaries;
- (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and
- (9) Protection of agricultural and rural lands which are designated for long-term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

### **Additional Considerations**

The pre-annexation zoning established for the properties is "R-1". The applicants have indicated that if the annexation is approved, a request to develop the site with a "cottage style" development will be submitted to the City.

### **BOARD OR COMMITTEE RECOMMENDATION**

None

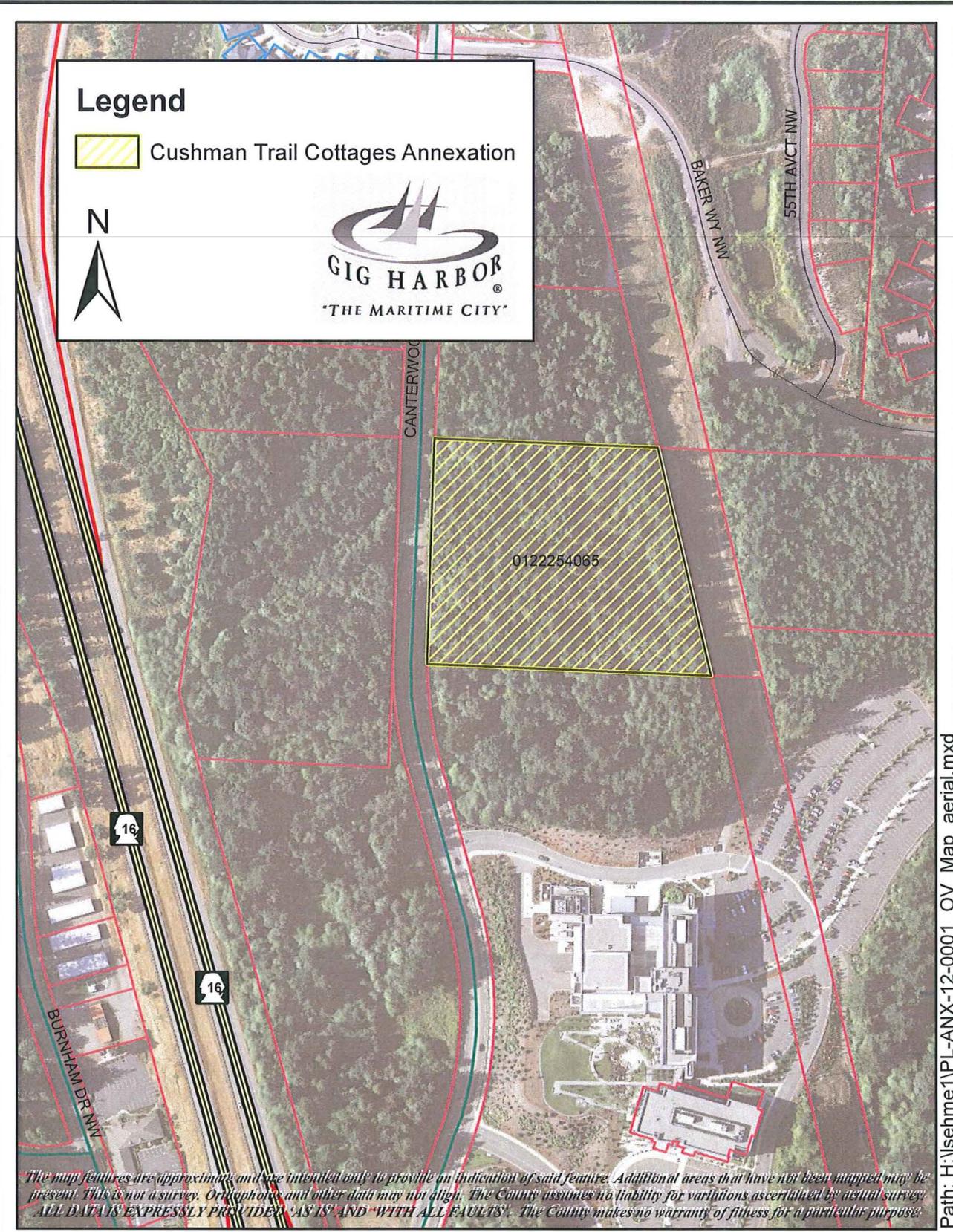
**RECOMMENDATION / MOTION**

**Move to:**

**Adopt Resolution No. \_\_\_\_\_**, proceeding with the Notice of Intention to annex the area described in Exhibit A and graphically depicted in Exhibit B, subject to conditions attached to the Notice of Intent and subject to Boundary Review Board approval.

**NOTE ATTACHED EXHIBITS IN RESOLUTION:**

- A. Attached Legal Description**
- B. Map of Boundaries**



**For information purposes only**  
**PL-ANX-12-0001: Cushman Trail Cottages**  
**Annexation Request**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION, 1) PROVIDING THE CITY COUNCIL'S ACCEPTANCE OF THE ANNEXATION PETITION FOR APPROXIMATELY 5 ACRES OF PROPERTY LOCATED EAST OF CANTERWOOD BLVD AND APPROXIMATELY 400 FEET SOUTH OF 122<sup>ND</sup> STREET NW, WITHIN THE CITY'S URBAN GROWTH AREA, LOCATED IN PIERCE COUNTY, 2) DECLARING THE CITY COUNCIL'S INTENT TO ADOPT PROPOSED ZONING REGULATIONS FOR THE ANNEXATION AREA, AND, 3) REFERRING THE PETITION FOR ANNEXATION TO THE PIERCE COUNTY BOUNDARY REVIEW BOARD.**

---

WHEREAS, a Notice of Intent signed by the owners of not less than ten percent (10%) of the proposed Cushman Trail Cottages annexation area totaling approximately 5 acres was submitted to the City on October 31, 2012; and

WHEREAS the City Council met with the initiators of the petition on November 26, 2012 and voted (Guernsey/Malich, 6-0) to authorize the circulation of the annexation petition subject to certain conditions including: requirement that the property owners assume all of the existing indebtedness of the area being annexed, and simultaneous adoption of pre-annexation zoning of Single Family Residential (R-1); and

WHEREAS, on December 24, 2012, a petition for annexation of the property described and graphically depicted on Exhibit A and Exhibit B signed by 100% of the affected property owners was received by the City; and

WHEREAS, on March 5, 2013, the Pierce County office of the Assessor-Treasurer certified the signatures on the petition for annexation of the property described and graphically depicted on Exhibit A and Exhibit B; and

WHEREAS, the property described and graphically depicted on and Exhibit A and Exhibit B is within the Urban Growth Area as established by Pierce County and included in the Comprehensive Plans of both the County and the City of Gig Harbor; and

WHEREAS, the City of Gig Harbor Comprehensive Plan, last amended in November, 2012, established the land use map designation for this area as Residential Low, along with pertinent goals and objectives, to guide the development of the annexation area over the next twenty years; and

WHEREAS, the proposed pre-annexation zoning of Single Family Residential (R-1) applied to the property described and graphically depicted on Exhibit A and Exhibit B is consistent with the City of Gig Harbor Comprehensive Land Use Plan; and

WHEREAS, on \_\_\_\_\_, the City Council, following a public hearing on the annexation petition, voted to declare its intent to authorize and approve the annexation and the proposed pre-annexation zoning of Single Family Residential (R-1), subject to Boundary Review Board approval; now, therefore,

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

Section 1. The Gig Harbor City Council hereby declares its intent to authorize and approve the annexation of approximately 5 acres of property located east of Canterwood BLVD and approximately 400 feet south of 122nd Street NW, adjacent to the existing City limits, located in Pierce County, as described and graphically depicted on Exhibit A and Exhibit B, attached hereto, as part of the City of Gig Harbor, contingent upon compliance with the following conditions:

- A. Pursuant to the terms of the annexation petition, the approximately 5 acres of property depicted on Exhibits A and Exhibit B, shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation; and
- B. All property within the area described and graphically depicted on Exhibit A and Exhibit B shall be zoned Single Family Residential (R-1), in accordance with the Gig Harbor Municipal Code, Title 17.

Section 2. The Gig Harbor City Clerk hereby declares the property described and graphically depicted on Exhibit A and Exhibit B, which is the subject of the annexation petition, to be contiguous with the boundaries of the City of Gig Harbor.

Section 3. The City Council hereby authorizes the Mayor to submit all necessary documentation to the Pierce County Boundary Review Board in order to gain approval for the annexation provided in this Resolution. The City Council shall not take any further action on the annexation proposal until such time as the Pierce County Boundary Review Board has completed its review of the Notice of Intent to Annex.

RESOLVED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO:

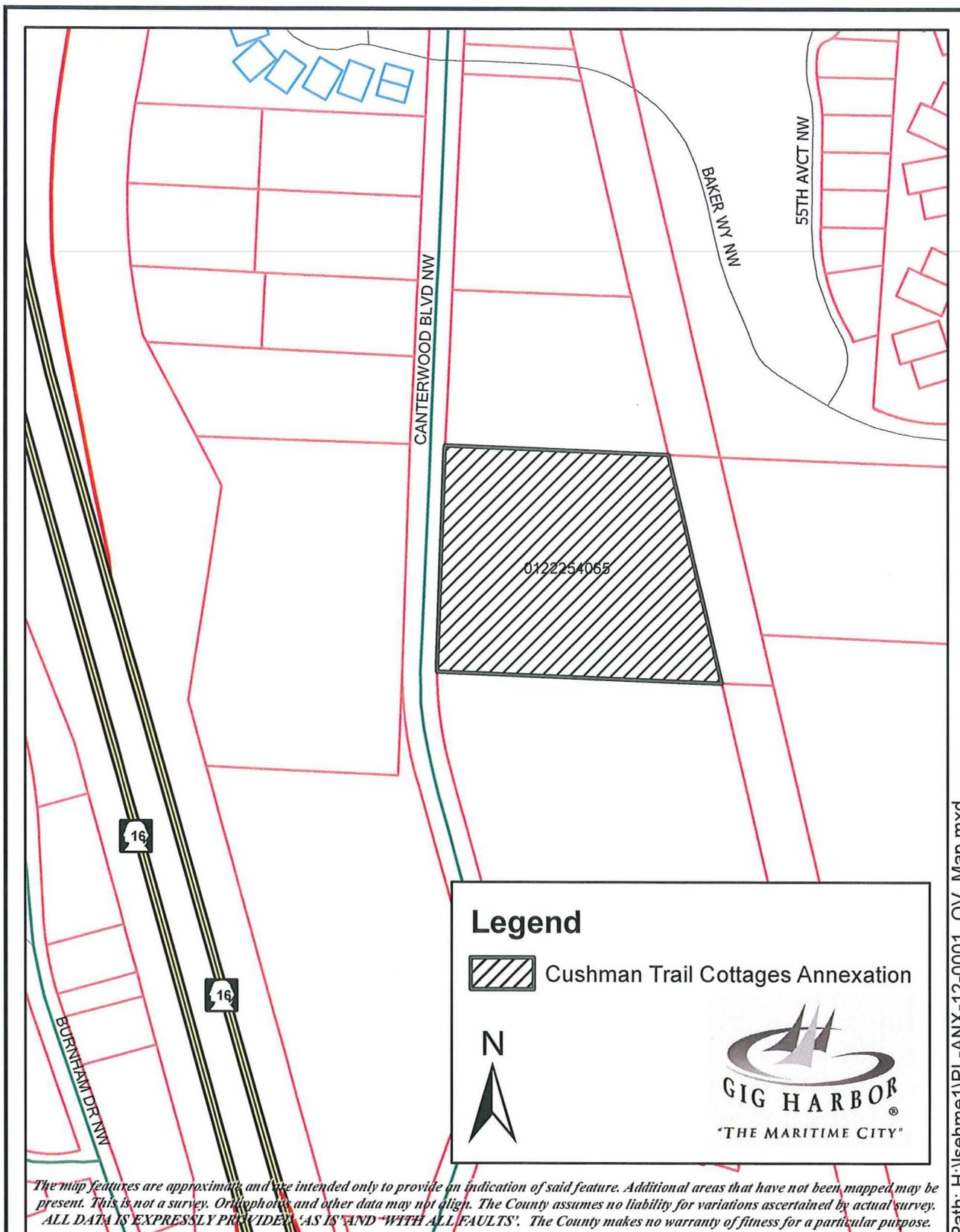
**“EXHIBIT A”**

**Legal Description**

**Cushman Trail Cottages Annexation**

Tax Id # 0122254065

**LOT ONE (1) OF PIERCE COUNTY LARGE LOT SUBDIVISION AS RECORDED ON NOVEMBER 29,  
1979 IN BOOK 30 OF SURVEYS AT PAGE 70 UNDER RECORDING No. 2970, EXCEPT  
CANTERWOOD BLVD NW PER AFN 9401110663**



*The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.*

Path: H:\sehme\PL-ANX-12-0001\_OV\_Map.mxd

**"EXHIBIT B"**  
**PL-ANX-12-0001: Cushman Trail Cottages  
Annexation Request**