

**RESOLUTION NO. 945**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING THE FINAL PLAT AND FINAL PRD FOR DIVISION S9 OF HARBOR HILL, LOCATED SOUTH OF BORGEN BLVD. AND NORTH OF THE NORTHARBOR BUSINESS PARK; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER 0222311009, AND CITY OF GIG HARBOR FILE NO. PL-FPLAT-13-0002 AND PL-FPRD-13-0002**

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WHEREAS, on December 30, 2010, the City of Gig Harbor Hearing Examiner conditionally granted preliminary plat and preliminary planned residential development (PRD) approval to Harbor Hill, located north and south of Borgen Blvd. and east of the Harbor Hill Business Park and the Ridge at Gig Harbor Subdivision; and

WHEREAS, on October 8, 2010, the City Council approved a Development Agreement for Harbor Hill providing for 20 years of vesting, phased development and allowing certain deviations from the code; and

WHEREAS, Division S9 is an approved phase of the Harbor Hill Preliminary Plat and PRD located south of Borgen Blvd. and north of the Northharbor Business Park, a portion of Pierce County Assessor-Treasurer Parcel Number 0222311009, containing 79 single family residential lots and associated infrastructure; and

WHEREAS, on November 26, 2012 the City Council approved Amendments to the Development Agreement allowing the Planning Director to approve modifications to the Preliminary Plat and PRD Approvals; and

WHEREAS, after preliminary plat approval, the applicant submitted and received approval on August 22, 2012 for Clearing and Grading Plans for the S9 division of the plat/PRD; and

WHEREAS, on August 2, 2013 the Planning Director approved modifications to the Harbor Hill Preliminary Plat and PRD which included changes to the wetland mitigation related to wetland impacts contained within the S9 division; and

WHEREAS, after approval of the revised Preliminary Plat and PRD, the applicant received approval on August 2, 2013 for Civil Plans documenting the requirements for constructing the S9 division of the plat/PRD; and

WHEREAS, the applicant has posted performance bonds for the public and private infrastructure required in the preliminary plat/PRD approval for the S9 Division; and

WHEREAS, street names being utilized in Harbor Hill Division S9 was previously approved by the City on October 14, 2013; and

WHEREAS, an application for final plat and final PRD approval was submitted to the City on October 23, 2013; and

WHEREAS, the applications submitted for final plat and final PRD approval were deemed to be complete on October 23, 2013; and

WHEREAS, the proposed final plat/PRD were circulated to the appropriate departments of the City for review; and

WHEREAS, the City requested revisions on November 1, 2013 clarifying documents to be submitted prior to Council review and requesting revisions to the final plat/PRD drawing; and

WHEREAS, the applicant submitted the requested documents and revisions on November 5, 2013; and

WHEREAS, the City requested revisions on November 15, 2013 clarifying documents to be submitted prior to Council review and requesting revisions to the final plat/PRD drawing; and

WHEREAS, the applicant submitted the requested documents and revisions on November 19, 2013; and

WHEREAS, the final corrected drawings of the proposed final plat/PRD and requested documents were circulated to the appropriate departments of the City and recommendations for approval were obtained; and

WHEREAS, the proposed plat certificate has been reviewed by the City Attorney and all certificates of completion as required by GHMC Section 16.06.001 have been received; and

WHEREAS, the City Council reviewed the application for the final plat at its regular meeting of November 25, 2013; Now, Therefore,

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

Section 1. Findings

A. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 16.06.005, the Harbor Hill Division S9 subdivision, subject to the conditions imposed in Section 2:

1. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;

2. Conforms to all terms of the preliminary plat and preliminary PRD approvals; and a performance bond has been accepted in lieu of construction of the required and uncompleted improvements and
3. Conforms to all terms of the Development Agreement approval; and
4. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 16 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

B. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 17.89.080, the Harbor Hill Division S9 Final PRD, subject to the conditions imposed in Section 2:

1. Provides all features and amenities identified in the preliminary PRD;
2. Complies with the conditions of approval required by the City Engineer;
3. Complies with all conditions of approval required by the Fire Marshal;
4. Complies with all conditions of approval required by the Planning Director and a performance bond has been accepted in lieu of construction for required landscaping and amenities contained within Division S9;
5. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 17 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

Section 2. Approval; Conditions

The City Council hereby approves Harbor Hill Division S9 Final Plat and Final PRD, File Nos. PL-FPLAT-13-0002 and PL-FPRD-13-0002, subject to the following conditions:

1. The landscape and PRD improvements contained in Division S9 and the wetland mitigation work required for impacts associated with the construction of Sentinel Way (and bonded for under surety #754968S and #754679S respectively) shall be completed by the applicant and accepted by the City within the timelines established within the bonds unless an extension is granted by the Planning Director; and
2. The infrastructure contained in the S9 division, detailed in Civil Permit EN-12-0069 (and bonded for under surety # 754667S) shall be completed by the applicant and accepted by the City on or before December 31, 2013 unless an extension is granted at the sole discretion of the City Engineer related to weather or other unavoidable construction delays; and
3. The applicant shall maintain control of the on-site construction limits until such time as the infrastructure improvements are completed in its entirety and accepted by the City. "Control of the on-site construction limits" is understood to mean that use of the improvements and access to and from the limits of construction is restricted by the applicant at the applicant's sole discretion and liability for use of the construction site and improvements lies solely and completely with the applicant; and
4. No certificate of occupancy for any building permit within this Division will be issued unless all the infrastructure improvements have been completed in its entirety and accepted by the City, notwithstanding possible future written agreements; and

5. The applicant shall provide to the City all the required documents to complete the stormwater easement and maintenance agreement for the bypass storm line crossing across the adjacent City owned parcel, prior to final plat recordation. Furthermore, final acceptance of the bypass storm line shall not be granted until the final document has been recorded; and
6. The applicant shall provide all necessary documents to vacate the Sanitary Sewer Easement established under Auditor File Number 200605230979 to the City on or before December 31, 2013; and
7. Amendments 1 and 2 to the Harbor Hill Residential CCRs, By-Laws, and Article of Incorporation shall be recorded with the county auditor prior to the recording of the final plat/PRD.

Section 3. The City Council directs the Mayor and all other appropriate City officials to inscribe and execute the City's written approval on the face of the plat.

Section 4. The City shall record the final plat with the County Auditor, at the expense of the applicant, after all inspections and approvals, and after all fees, charges and assessments due the City resulting from the subdivision development have been paid in full.

RESOLVED this 25<sup>th</sup> day of November, 2013.

APPROVED:

  
CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:



MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY

BY:   
Angela G. Summerfield

FILED WITH THE CITY CLERK: 11/20/13  
PASSED BY THE CITY COUNCIL: 11/25/13  
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