

ORDINANCE NO. 999

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY, AMENDING THE STANDARDS FOR PRIVATE STREETS TO LIMIT THE SITUATIONS IN WHICH PRIVATE STREETS MAY BE CONSTRUCTED, ESTABLISH THE DIMENSIONAL STANDARDS OF PRIVATE STREETS, DESCRIBE THE REQUIREMENTS FOR PRIVATE MAINTENANCE AND THE NEED FOR A MAINTENANCE AGREEMENT; REPEALING SECTION 2B.070 OF THE CITY'S PUBLIC WORKS STANDARDS, AS ADOPTED BY ORDINANCE NO. 712; AND ADOPTING A NEW SECTION 2B.070 TO THE CITY'S PUBLIC WORKS STANDARDS.

WHEREAS, the City adopted the Public Works Standards in Ordinance No. 712;
and

WHEREAS, the Public Works Standards include standards allowing for the construction of a private street if the street will not serve more than four dwelling units or businesses on separate parcels (Section 2B.070); and

WHEREAS, the Public Works Standards allow construction of a private street to serve unlimited dwelling units or businesses on one parcel as a planned unit development or planned residential development (Section 2B.070); and

WHEREAS, the City Council finds that public interest concerns are implicated when a private street is constructed to serve a number of dwelling units or businesses on separate parcels or one parcel, if the private street is very long, or if traffic circulation needs are not individually considered by the City, and

WHEREAS, the City Council finds that when a long private street is constructed on one parcel, the homeowners face repair and operation costs associated with the street that may be beyond their means to finance; and

WHEREAS, the City Council finds that there have been a number of situations in the City in which homeowners have asked the City Council to accept private streets for ownership and operation, after the homeowners realize that the repair and operation costs are beyond their means; and

WHEREAS, the City Council finds that it is in the public interest to allow short private streets in developments meeting certain criteria and as long as development standards are crafted to ensure that the repair and operation costs of the private street are manageable for the private street owners; and

WHEREAS, the City SEPA Responsible Official has determined that this ordinance is categorically exempt from SEPA under WAC 197.11.800(20); and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meeting of April 11, 2005 and April 25, 2005; Now, Therefore,

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

Section 1. Section 2B.070 "Private Streets" of the City's Public Works Standards, as adopted by Ordinance No. 712, is hereby repealed.

Section 2. A new Section 2B.070 is hereby added to the City's Public Works Standards.

2B.070 PRIVATE STREETS.

See definition of private streets in Section 1.025.

A. Criteria for Allowing Private Streets.

1. Private streets will be allowed only if the City Engineer makes a determination that the private street is not needed for traffic circulation under the criteria set forth in this Section, the City's Public Works Standards and the Transportation Element of the City's Comprehensive Plan.

2. Private streets will not be allowed (a) when the street connects two public streets; and (b) when in conflict with the adopted arterial plan or street circulation plan, adopted in the City's Transportation Element of the Comprehensive Plan.

3. Private streets will be allowed within developments as long as they meet the following additional criteria: (a) structural sections shall consist of 4 inch crushed surfacing base course followed with 4 inch crushed surfacing top course followed by minimum 4 inches of asphalt concrete pavement all placed over "suitable" sub-grade compacted to 95%; (b) a non motorized access plan, approved by the City; (c) internal traffic calming measures or devices such as speed humps or traffic circles may be required; (d) minimum curb to curb width shall be twenty-two (22) feet; (e) 5 feet 6 inch sidewalk shall be required on each side of the street that is serving residence(s) and shall be consistent with the

approved non motorized plan; (f) parking shall be prohibited on both sides of the street; (g) the sidewalk and curb design must prevent parking upon the sidewalk; and (h) are constructed according to the drawing in Exhibit "A", which depicts the geometric roadway cross section for private streets.

"Figure 2-07A" is hereby incorporated by this reference.

B. Length of Private Streets. All private streets shall be limited in length to no more than four hundred (400) feet as measured along its centerline.

C. Maintenance. The City will not maintain private streets, signs or drainage improvements on private streets. As a condition of constructing a private street, the City will require that the owners of the private street enter into a private maintenance agreement between themselves describing their responsibilities and providing notice to subsequent purchasers that the City does not own or maintain the private street. The agreement must be on a form approved by the City Attorney and recorded with the Pierce County Auditor. The agreement shall contain the following specific terms: (1) the responsibilities of the individual owners for maintenance, repair and reconstruction of the private street; (2) maintenance methods; (3) standards of maintenance; (4) distribution of expenses; (5) remedies for noncompliance with the agreement; (6) exchange of right of use easements; and (7) the creation of a private street maintenance fund and the annual assessment.

D. Notice on Plat regarding Private Streets. Each development, plat or short plat with a private street shall contain a notice to the public/purchasers, which shall contain the following language: "The City of Gig Harbor has no responsibility to build, improve, maintain or otherwise serve any private streets providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to public street standards, and the City chooses to accept such private street for public ownership and maintenance."

E. Turnarounds. When three or more lots or dwelling units are served on a dead-end greater than one hundred and fifty feet (150) feet in length, a turnaround having an improved radius of forty-five (45) feet, or an equivalent, workable maneuvering area approved by the City Engineer, shall be provided at the end of the private street.

F. Utilities. All City utilities located within the plat, short plat or development shall be owned and maintained by the City. If the City owns utilities within the development and the development is served by a private road, then an easement shall be granted to the City over the road to access its utilities.

G. Signs. Private street signs with street designations shall be provided by the developer at the intersection of private streets with other private streets and public streets. Such signs shall meet the specifications in the City's Public Works

Standards, and in the case of intersections with public streets, shall either be located within the public right-of-way or within a separate maintenance easement. Maintenance and repair of such street signs shall be included in the maintenance agreement between the private property owners.

H. Bonds. All private streets shall be constructed prior to the time that the developer makes application for final plat approval. Bonds or other methods of assuring construction of improvements shall not be allowed for the future construction of private streets after final plat approval.

I. Construction. Private streets are the responsibility of the developer to construct to the requirements in the City's Public Works Standards. Upon completion of the required improvements, the developer will be required to submit a statement to the City warranting that the improvements have been completed in accordance with the adopted standards (2-year Maintenance Bond).

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

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

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 9th day of May, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

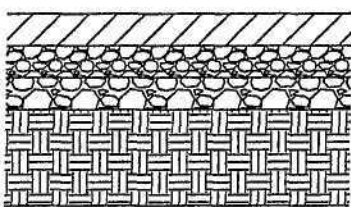
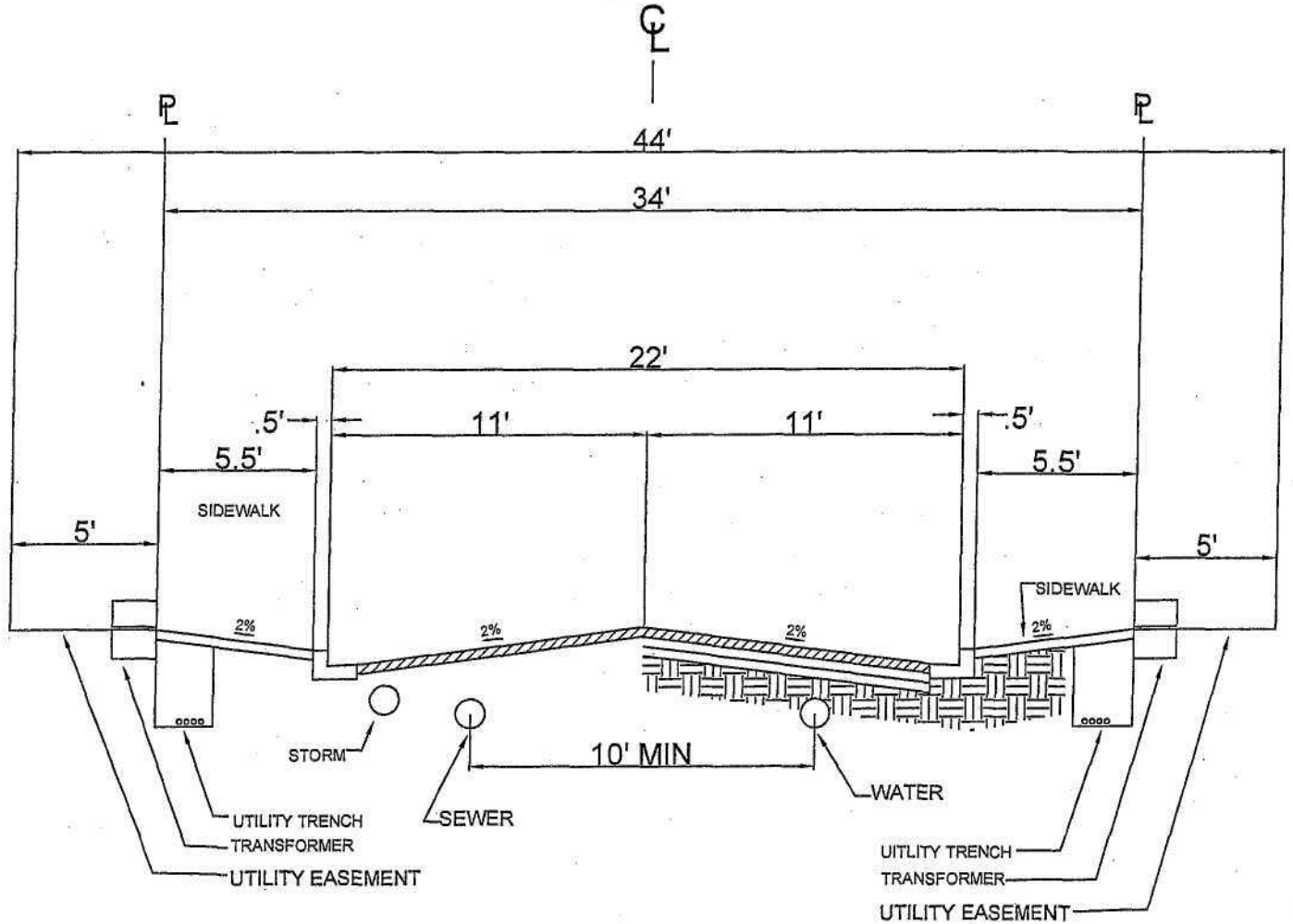
By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 4/6/05
PASSED BY THE CITY COUNCIL: 5/9/05
PUBLISHED: 5/18/05
EFFECTIVE DATE: 5/23/05
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EXHIBIT A



- .33' HOT MIX ASPHALT, WSDOT 5-04
- .33' CRUSHED SURFACING TOP COURSE, WSDOT 9-03.9(3)
- .33' CRUSHED SURFACING BASE COURSE, WSDOT 9-03.9(3)
- NATIVE MATERIAL ALLOWED IF ADEQUATE SOILS CONDITIONS EXIST, IF ACCEPTABLE SOILS ARE NOT PRESENT, MATERIALS CONFORMING TO WSDOT 9-03.10 SHALL BE USED.

NOTES:

1. On street parking prohibited
2. Maximum Center Line Length 400 feet
3. Deletion of Sidewalk on one side of street allowed if units are "sideloaded" or as permitted by the City Engineer
4. Vertical curb and gutter meeting FIG 2-16 required on both sides of street

CITY OF GIG HARBOR DEPARTMENT OF PUBLIC WORKS			
PRIVATE STREET			
APPROVED BY CITY ENGINEER		DATE 3/28/05	
DWN GBG	CKD STM	DATE 11/2/04	FILE 2-07A