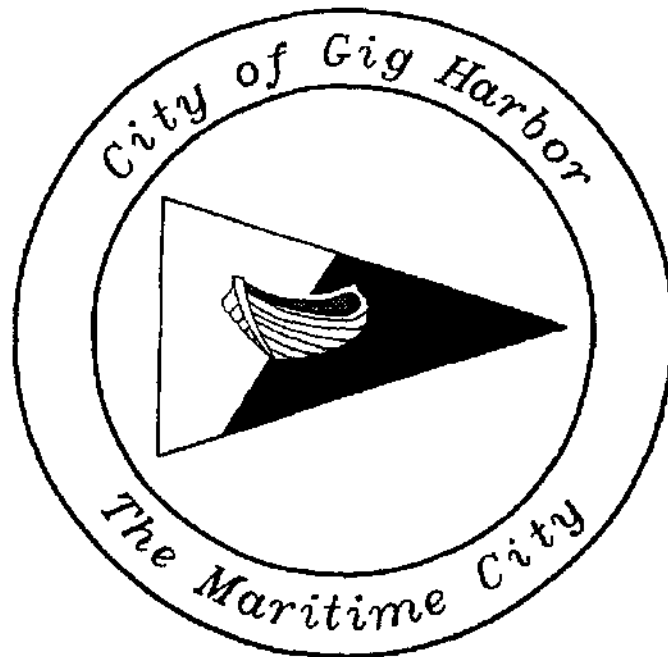


Gig Harbor City Council Meeting



March 8, 1999



AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

March 8, 1999 - 7:00 p.m.

CALL TO ORDER:

SECOND PUBLIC HEARING:

Concurrency Ordinance; Transportation and Parks Impact Fees Ordinance; and Definitions Ordinance.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of the February 22, 1999, City Council meeting.
2. Correspondence / Proclamations:
3. Approval of Payment of Bills for March 8, 1999:
Checks #22057 through #22134 in the amount of \$89,868.51.
4. Approval of Payroll for the month of February:
Check #17797 through #17937 in the amount of \$273,127.84.
5. Liquor License Application Withdrawn:
Maritime Chandlery
6. Special Occasion Liquor License – Gig Harbor Navy League Council.

OLD BUSINESS:

1. Third Reading of Ordinance – Concurrency.
2. Third Reading of Ordinance – Transportation and Parks Impact Fees.
3. Third Reading of Ordinance – Definitions.

NEW BUSINESS:

1. Correction to Resolution No. 520 Forming a LID for the East-West Road.
2. Resolution – Findings, Facts and Conclusions – SDP 97-07; Ancich/Tarabochia.
3. Renewal of Contract – Pierce County Department of Emergency Management.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS:

STAFF REPORTS:

EXECUTIVE SESSION: For the purpose of discussing pending and prospective litigation per RCW 42.30.110(i).

ADJOURN:

construction. He added that this tax was grossly disproportionate and would stop all growth in Gig Harbor. He voiced concerns that it was a direct threat to his business, as well as contractors and financial institutes. He used the Kimball Drive project as a past example of poor handling of projects by the Public Works Department. He then added that it was not a realistic ordinance.

Lois Eyrse – Representing the Chamber of Commerce. Ms. Eyrse voiced concerns on the excessive nature of the fees in the impact fee ordinance and utilized examples. She encouraged the Council to table the ordinance until an Ad Hoc committee could be formed to study the impacts and ramifications on the city.

Trent Jonas – 6708 Rainier Avenue. Mr. Jonas explained that as a loan officer for Rainier Bank, his concerns were in the area of financing for commercial real estate loans. He said he was concerned about the magnitude of the proposed fees and the impacts on new construction. He said the impact fees would raise the up-front equity requirement because banks would not finance these fees. He said that these additional fees would curtail construction of owner-occupied buildings which is not in the best interest of the city.

Shirley Tomasi – 11107 Hallstrom Drive NW. Ms. Tomasi said she thought that time should be taken to develop a group of people to determine how to use tax dollars in the community, and to plan what the community would look like in 20 years.

Paul Cyr – 4102 55th St. Ct. NW. Mr. Cyr appealed to the Council and their “reasonableness.” He said that the last time there was this amount of interest in an issue was the sign code, which was solved by the help of many. He recommended setting up an Advisory Committee to develop the ordinance and to implement the impact fees.

Jim Pasin – 3206 50th St. Ct. NW. Mr. Pasin spoke of his concerns regarding the processing time and the ability to reserve the capacity for up to three years adding that most large projects could take longer. He also said he was concerned with a few statements contained in the impact fee ordinance, particularly the definition of “proportionate share.”

Robert Home -17115 7th Ave. KPN. Mr. Home explained that he was the elected representative for Gig Harbor of the Board of Directors of the Tacoma/Pierce County Association of Realtors. He said he was before Council to present the official Association position on impact fees. He said that affordable housing is one of their most important legislative issues, and that a study shows that the levy of impact fees early on in the development process can increase the cost of the home by two or three times the impact fee. He said the Association doesn’t object to the impact fees, only the timing of collection and recommended that the fees be levied at the time of sale of the building or at the final inspection of the building.

Scott Wagner – 6507 27th Ave. NW. Mr. Wagner said he had run a couple of models from current projects and gave an overview of the fees that would have been imposed if the ordinance had been in place. He added that he approved of the basic concept of the ordinance, but he had questions on what triggers the vesting of a project. He proposed that the implementation procedure and how the fee scheduled was developed be reviewed prior to approval.

DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 22, 1999

PRESENT: Councilmembers Ekberg, Young, Platt, Owel, Dick, Picinich, and Mayor Wilbert. Councilmember Markovich was absent.

CALL TO ORDER: 7:06 p.m.

PUBLIC HEARING: Concurrency Ordinance; Transportation and Parks Impact Fees Ordinance; and Definitions Ordinance.

Mayor Wilbert opened the Public Hearing on these ordinances and asked Carol Morris, Legal Counsel, to give an introduction.

Ms. Morris explained that law requires the concurrency ordinance with regards to transportation facilities. She added that the Growth Management Act prohibits any development unless concurrency on roads is obtained and gave a brief description of the process. She described the Transportation Impact Fee Ordinance as an ordinance authorized under the Growth Management Act that allows the city to impose impact fees on new development for impacts that are reasonably related to new growth in the city. She gave an overview of the provisions and procedures of the ordinance.

Mayor Wilbert asked that people signed up to speak limit their comments to three minutes.

John Holmaas – 7524 Goodman Drive NW. Mr. Holmaas spoke to the park portion of the proposed impact fee ordinance. He explained that he is an Ad Hoc member of the Parks Open Space Committee and complimented the Council's efforts to fund parks. He explained that because the city was currently updating the Comprehensive Parks Plan, that the ordinance should be postponed for one year due to the substantial changes to the plan. He recommended that all interested parties meet to develop a good impact fee ordinance for the community.

John Rose – Olympic Property Group – PO Box 1780, Poulsbo, Washington 98370. Mr. Rose explained that he did not dispute the need for an impact fee ordinance, but voiced concerns about some of the language and asked that action be tabled while these issues were dealt with.

John Keegan – Pope Resources. Mr. Keegan said he had been asked by Pope Resources to review these ordinances. He passed out a letter with his comments outlined. He said that he thought the proposed impact fee ordinance was a good start, but because impact fees were such a complex field, there were numerous legal and social difficulties. He offered to help the city to make this a better ordinance. He highlighted the points in his letter regarding both the Impact Fee and Concurrency ordinances.

Dave Freeman, Snodgrass Freeman Associates, 18517 87th St. KPN, Vaughn. Mr. Freeman said that the traffic problems belong to the entire community and should not be corrected by new

multiplying effect, which results in driving the house payment up. The second reason is the city will not participate in fees born by the homebuyer. The third reason is that impact fees are designed, in part, to reduce local taxes, however, existing homeowners will find their property values increasing due to the affect of impact fees in surrounding new construction. He asked Council to consider collecting the fees as late in the process as possible.

Tiffany Spear – 3925 So. Orchard, Tacoma. Ms. Spear said that she was representing Master Builders Association. She explained that two letters had been submitted to the Council outlining their concerns. She asked that Council postpone adopting the ordinances until a committee comprised of staff, business interest, and citizens could be formed to look at this issue and until everyone is satisfied that it is workable and realistic.

Jerry Dinndorf – 3975 So. Orchard, Tacoma. Mr. Dinndorf said he was the Director of Government Affairs for Master Builders. He also asked that Council postpone action to allow the various interested parties to work on a committee to create an ordinance that is legal and would withstand public scrutiny. He voiced concerns over such issues as the level of service being applied; whether an inventory of existing deficiencies had been done; and what areas were included in the fee calculations. He volunteered the association's participation in helping to draft the ordinance.

Scott Miller – 6602 Cromwell Beach Drive. Mr. Miller voiced concerns regarding the lack of provisions for those already contributing land and money toward street improvements; the timing of the collection of fees; accumulative fees caused by permitting regulations; and the amount of single family resident fees.

D. D. Stolp – 8010 56th St. NW. Mr. Stolp spoke in favor of parks impact fees and suggested that they be implemented sooner rather than later. He added that he has lived all over the country and has had the opportunity to see what impact fees have accomplished. He gave an example of how he revisited a former residence fifteen years later, and described how the value of the property increased over the years due to the requirements imposed at the time of development.

Tom Morfee – PNA, 3803 Harborview Drive. Mr. Morfee explained that the current citizens have born the impacts from development in the past without compensation or mitigation. He added that the Growth Management Act was adopted in 1991, allowing for the adoption of impact fees. He said that the city was already late in adopting these fees and that Council should adopt the fee schedule as soon as possible. He talked about the quiet tax revolt from members of the community who are tired of paying for the cost of development. He said that the organization does not support the formation of an Ad Hoc committee and added that this is an issue for the Planning Commission. He commented that collecting the fees late in the construction has led to a large default rate in Pierce County.

Helen Nupp – 9229 66th Ave NW. Ms. Nupp said she had lived on the Peninsula since 1968 and that is past time that Gig Harbor passed an impact fee to support transportation and parks. She also asked that a school impact fee be developed shortly. She added that taxpayers are concerned with the current level of taxes and the proposed toll on the bridge. She said it is time for the

Torrey Lystra – 12903 Pt. Richmond Drive. Mr. Lystra said he is an advocate for parks and congratulated the Council for their effort. He said he was concerned with where the funds were to be obtained for the development of parks and recommended that a balanced committee be formed as soon as possible to develop the ordinance.

Wade Perrow – 9119 No. Harborview. Mr. Perrow passed out a letter and said he wanted to go on record as supporting the Impact Fee Ordinance. He said that the approach needs to be fair and equitable. He spoke about his family's donation of soccer fields and how the effort came not from impact fees, but from the heart. He recommended forming a committee to review methods to handle growth rather than relying solely upon impact fees. He read his letter regarding his confusion over the inclusion of the Hunt Street Crossing at 38th project in the Impact Fees Ordinance project listing, adding that included was a letter he received from the Planning Director and Mayor stating that property located in this immediate area, which would become a major arterial, has been designated as rural. He said that this created a conflict. He said he hoped the Council would realize the benefits of impact fees, but only collect what is reasonable, applicable and realistic.

Walt Smith – PO Box 191, Gig Harbor. Mr. Smith said that the Growth Management Act is a cruel hoax on small cities, as it mandates increased densities without providing any funding mechanisms. He added that it pits the citizens against the government. He said he hadn't had a chance to do adequate research, but he checked with the City of Redmond and that the impact fees in the city of Redmond were substantially different, in some cases, three or four times lower than the ones presently proposed by the city. He used the Sign Code and Westside Business District as examples as the city working with the community to resolve issues in the past, and recommended that the ordinances be tabled for an adequate time until a committee could be formed to work out the differences.

Marie Sullivan – 3706 135th St. NW. Ms. Sullivan, Executive Director of the Chamber of Commerce, said that she echoed the concerns voiced this evening and encouraged Council to take time on the impact fees. She offered to form a task force with the Chamber, the city and interested parties to work together to make sure that when the ordinance is enacted, it is easily enforced and equitable.

Mel Wick – 5209 Pt. Fosdick Drive, Suite 103. Mr. Wick explained that he was the Chairman of the Peninsula Area Pierce County Advisory committee for the Pierce County Transportation Plan completed in 1992. He called attention to the discrepancies between Pierce County's and the city's figures on estimated costs and traffic counts for the Hunt / 38th Street crossing project. He recommended that the ordinance be revisited for whether this is really a viable project and reminded Council that in 1992 the city was opposed to this project. He offered to serve on a committee for the impact fee ordinance.

Mike Flynn – 8627 1st St. NW. Mr. Flynn introduced himself as the president-elect of the Pierce County Association of Realtors and chair of the committee for government affairs. He stated three good reasons for collecting the impact fees at the end of the process. The first is due to the

Young, of Henderson & Young, who developed the traffic impact fee schedule under contract with KJS and Associates, would be available for the March 22nd Council meeting to give a presentation and answer questions on the rate schedule. A recommendation was made that a Council workshop could be scheduled to discuss the concerns and then a final decision could be postponed until after the March 22nd meeting and all information had been considered.

MOTION: Move to table the Concurrency and Definitions Ordinances until the 8th and table the Impact Fees Ordinance until the 22nd, which will also be a public hearing.
Young/Owel –

Councilmember Ekberg said he would like to be able to accept testimony on the Impact Fees Ordinance at the meeting of the 8th in addition to the others.

AMENDED MOTION: Move to table all three ordinances until the 8th.
Ekberg/Owel – unanimously approved.

2. Second Reading of Ordinance – Transportation and Parks Impact Fees. Discussed under the previous agenda item.
3. Second Reading of Ordinance – Definitions. Discussed previously.

NEW BUSINESS:

1. Resolution - Building Code Advisory Board / Term of Office. Ray Gilmore, Planning Director, explained that two members of the BCAB terms had expired. He requested that they be reappointed for a term of one year.

MOTION: Move to approve Resolution No. 527.
Picinich/Ekberg – unanimously approved.

2. Consultant Services Contract – Special Benefits Analysis. Dave Rodenbach, Finance Director, explained that the purpose of this analysis was to ensure that recommended LID assessments for the East-West Road project will be equal or less than the special benefit to a particular parcel, and that each assessment is fair and in proportion to the special benefit derived by that parcel and other parcels in the LID project. He added that the contract amount of \$47,400 would be included in the LID.

John Rose – Olympic Property Group. Mr. Rose spoke on behalf of the private partners in the East-West Road project. He added that representatives from Logan International, The Bingham Family Trust, and Albertson's Corporation were present. He said they understood what was being presented and why, but were concerned with the timing and mechanics of the LID sequence. He added that the second area of concern was the ability of the private partners to fund 100% of the shortfall. He called attention to the hard work and progress that had taken place between the private partners and staff.

development community to pay their fair share and urged Council to pass a reasonable and responsible impact fee and then to enforce it.

Jim Stephens – 8005 58th Ave. Mr. Stephens said a lot of his concerns had already been voiced. He added he just recently heard about the proposed ordinance and that he didn't feel that proper notification had been sent out. He requested that the ordinance be tabled until such time that the public can be properly notified.

Councilmember Ekberg asked if proper notification procedures had been followed. Mark Hoppen, City Administration, assured him that by law, it had.

Carol Morris asked to go over the information presented this evening that she felt was erroneous, as she didn't want Council or the audience to believe that there were provisions in the ordinance that are incorrect or inconsistent with the law. She addressed points listed in a letter by Mr. Keegan regarding the lack of provisions for credit; the requirement to collect all of the fees at one point in time; the broadness of the certain definitions; provision for reservation of capacity in advance; the legality of a hold-back of a percentage of the reservation fee; and the apparent confusing of the concurrency and impact fee ordinance provisions.

Mr. Miller spoke again about reference to provisions for those contributing land to road improvements. Ms. Morris offered to discuss this issue with him at a later time.

Mayor Wilbert closed the public hearing on these issues at 8:24 p.m. and asked for a short five-minute recess. The meeting resumed at 8:34.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of the February 8, 1999, City Council meeting.
2. Correspondence / Proclamations:
 - a. Letter from Brandon Culbert regarding the ballfield project.
3. Approval of Payment of Bills for February 1999:
Checks #21953 through #22056 in the amount of \$172,514.06.
4. Liquor License Application:
Gig Harbor Gasoline

MOTION: Move to approve the consent agenda as presented.
Young/Owel - unanimously approved. Councilmember Ekberg abstained.

OLD BUSINESS:

1. Second Reading of Ordinance – Concurrency. Mark Hoppen explained that the next step would be for Council to review the concerns that had come forward in this public hearing. Councilmembers agreed that it would be best to address the comments, but to act expeditiously. Staff was asked to compile the information presented to identify the areas of concern and to bring it back at the next meeting. Mr. Hoppen added that Randy

when he had come to past Council meetings, and that Jake had invited him to visit his dock. He added that he had advised Jake to deal with staff. He added that he could be impartial in any decisions. Carol Morris said he could be allowed to remain.

Mayor Wilbert asked if any members of the audience had any appearance of fairness issues with any Councilmembers. There was no reply to the question.

Ray Gilmore gave a brief overview of the history of the appeal. He explained that Mr. Bob Frisbie is requesting that Council modify the Hearing Examiner's decision to provide for specific dimensions to clearly identify the distance from the exiting pilings to the sidelines and outer harbor line. The second appeal issue is to amend the two-year time provision to 30 days to bring the development. Ray then explained that there was another issue, which was not addressed in the appeal, that is a concern of staff, regarding the time limit set by the Hearing Examiner to remove a house barge moored at the facility.

Mayor Wilbert invited the appellant and applicant to speak and asked them to limit their comments to ten minutes.

Bob Frisbie – 9720 Woodworth Avenue. Mr. Frisbie said he has two issues that he has appealed. He gave an overview of the two issues, one, requiring the applicant to add the dimensions to the drawing; and second, allowing the applicant 24 months to come into compliance. He added that these applicants are informed and have consistently owned this property for generations, and that two years on top of the 17 years of non-compliance is wrong.

Mark Anderson – 4201 Steven St., Tacoma. Mr. Anderson said he was speaking on behalf of the applicants. Mr. Anderson said that in the last two years he had seen a great deal of commitment to make the process work. He added that the appellant is asking for punitive measures to be taken against the applicant for past acts, and that any punitive measures in this forum would be a violation of due process and easily challenged. He said that the applicant does not want to challenge the process, but would like to move forward and obtain the permit and develop the property in a business-like manner. He addressed Mr. Frisbie's concerns, stressing that two years is not an unreasonable time to acquire parking, and adding that they may not need the full two years. He discussed the past legal action pertaining to this piece of property and the survey map. He said to produce another set of drawings would be an unnecessary, additional cost. He talked about the improvements that will need to be made to bring the property into compliance with the Hearing Examiners recommendations and finalized by asking that the Hearing Examiner's decision be upheld.

Ray Gilmore discussed the eviction process for a house barge. The Hearing Examiner recommended removal by January 15, 1999, but due to the appeal, the eviction had been delayed. He said that it would be up to the Council to determine the date that compliance should commence. He added that the owner had refused to remove the barge, which may

John Keegan Mr. Keegan voiced concerns with Section E under the Scope of Work, which says that the supporting data will not be included with the report. He suggested changing this to include the data so as to determine how the consultant arrived at the results. He then spoke about the resolution to form the LID and said that it was premature to start that process because it may interfere with the pending TIB application. He added his concern that the consultant wouldn't be able to determine the boundaries in time for the notification of the property owners before the March 22nd hearing.

After discussion regarding these concerns, the timing of the completion of the road, and the risk involved with postponing the LID, the following motion was made.

MOTION: Move to approve the Consultant Services Contract for a special benefits analysis, deleting Section E in Exhibit A in the Scope of Work.
Young/Picinich – unanimously approved.

3. Resolution to Form a Local Improvement District – East/West Road. Dave Rodenbach presented this resolution declaring intent to form an LID to fund construction of the East-West Road. He added that the target date for the public hearing and first reading of the ordinance forming the LID is March 22nd.

Scott Miller – 6602 Cromwell Beach Drive. Mr. Miller cautioned that March 22nd is also the date for the public hearing on impact fees and asked if it might be “too much to tackle.”

Councilmember Dick asked about the clarity of the legal description. Mr. Rodenbach explained that it had been approved as adequate for the notification process by bond counsel and that the legals would be accurate for the actual LID ordinance.

MOTION: Move adoption of Resolution No. 528 for the Local Improvement District for the construction of the East-West Road.
Platt/Young – unanimously approved.

4. Closed Record Appeal of Hearing Examiner Decision – SDP 97-07; Ancich / Tarabochia. Mayor Wilbert opened this closed record hearing, gave an overview of the reason for the appeal and read the rules pertaining to the hearing procedures. She asked if any Councilmembers had any appearance of fairness issues or conflicts of interests to disclose.

Councilmember Picinich disclosed that he had conversations with Jake Bujacich and Nick Tarabochia in regards to the parking situation and the movement of the barge. Carol Morris recommended that Councilmember Picinich recuse himself from the hearing procedure. Councilmember left the council chambers at this time.

Councilmember Ekberg disclosed that he had also had a conversation with Jake Bujacich

Dock.

MOTION: Move to authorize the purchase of the treated timber in the amount of eight thousand two hundred sixty dollars and forty-nine cents (\$8,260.49).

Young/Ekberg – unanimously approved.

7. Consultant Services Contract – Pump Station Three Replacements. Wes Hill explained that the current pump is under-sized for the design of the Wastewater Treatment Plant. He added that it had been scheduled for replacement, and it had been determined that it would be better to move it to another location. He recommended the approval of the Consultant Services Contract for engineering services with Earth Tech, Inc.

MOTION: Move to approve execution of the Consultant Services Contract with Earth Tech, Inc., in an amount not to exceed eighty-five thousand three hundred seventy-two dollars and no cents (\$85,372.00).

Young/Owel – unanimously approved.

8. Consultant Services Contract – Engineering Study / NPDES Permit. Wes Hill explained that the city's NPDES permit stipulate that the city perform an engineering study to evaluate discharge alternatives, including the extension of the outfall. He gave an overview of the process to select a firm to perform the work and recommended approval of the Consultant Services Contract with Earth Tech.

MOTION: Move to approval of the Consultant Services Contract with Earth Tech in an amount not to exceed fifty-three thousand nine hundred forty-eight dollars and no cents (\$53,948.00).

Young/Owel – unanimously approved.

PUBLIC COMMENT/DISCUSSION: None.

COUNCIL COMMENTS: None.

STAFF REPORTS:

GHPD – Statistics for the month of January. No verbal report given.

ADJOURN:

MOTION: Move to adjourn at 10:40 p.m.

Platt/Picinich – unanimously approved.

Cassette recorder utilized
Tape 515 Side B 080 – end.
Tape 516 Both Sides.

result in a rather lengthy process. Carol Morris said that this was a separate issue to be considered after the Council made a decision on the appeal.

Mayor Wilbert closed the hearing at 9:59 p.m.

Councilmembers discussed the issues of the appeal and determined that the appellant had not been able to bear the burden of proof that the Hearing Examiner's recommendations were inadequate. The applicant was then encouraged to avoid procrastination in bringing the project into compliance.

MOTION: Move we affirm the Hearing Examiner decision and deny the appeal, and direct staff to bring back a resolution for Council's consideration stating the findings, facts, and conclusions supporting the decision.
Dick/Ekberg – unanimously approved.

Ray Gilmore said that it was determined that a letter from the applicant's attorney had been sent to the owner of the barge informing him that he had until February 15, 1999 to vacate due to a miscommunication of the proper date. He asked for direction from Council on when to begin civil penalty action against the property owner and against the barge owner.

Nick Tarabochia – 2788 No. Harborview Drive. Mr. Tarabochia said they had instituted an eviction notice and lawful detainer to the barge owner, who has the desire to leave as soon as he can secure moorage at a different marina. He said that the hearing date on the eviction was scheduled for around March 3rd to show cause. Ray Gilmore requested a copy of the eviction notice.

A decision on this item will be delayed until the next meeting to determine the action taken at the hearing. Carol Morris said she would prepare a recommendation on this.

5. Amendment to Consultant Services Contract – HWA Geosciences Inc. Wes Hill, Public Works Director, presented this amendment to the contract to include additional geotechnical investigation of the round-a-bout site and to provide alternative solutions for constructing the fill and retaining wall.

MOTION: Move to approve execution of the Supplemental Agreement to the Consultant Services Contract executed January 25, 1999 with HWA GeoSciences, Inc. in an amount not to exceed eleven thousand eight hundred thirty-one dollars and no cents (\$11,831.00).
Young/Owel – unanimously approved.

Councilmember Picinich returned to the Council Chambers at this time.

6. Purchase Authorization – Jerisich Park Dock Decking. Wes Hill requested approval for purchase decking materials to replace deteriorated decking and handrail at the Jerisich



Tape 517 Both Sides.
Tape 518 Side A 000 – end.
Tape 518 Side B 000 – 296.

Mayor

City Clerk

RECEIVED

WASHINGTON STATE LIQUOR CONTROL BOARD-License Services
1025 E Union - P O Box 43075
Olympia WA 98504-3075

FEB 22 1999
CITY OF GIG HARBOR

TO: MAYOR OF GIG HARBOR

February 18, 1999

SPECIAL OCCASION # 090202

GIG HARBOR NAVY LEAGUE COUNCIL
PO BOX 791
GIG HARBOR WA 98335

DATE: MARCH 26, 1999

TIME: 6 PM TO MIDNIGHT

PLACE: WESLEY INN BANQUET HALL, 6575 KIMBALL DR., GIG HARBOR

CONTACT: JACQUELINE SMITH 253-265-8666

SPECIAL OCCASION LICENSES

- * License to sell beer on a specified date for consumption at specific place.
- * License to sell wine on a specific date for consumption at a specific place.
- * Beer/Wine in unopened bottle or package in limited quantity for off premises consumption.
- * Spirituous liquor by the individual glass for consumption at a specific place.

If return of this notice is not received in this office within 20 days from the above date, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

1. Do you approve of applicant? YES___ NO___
2. Do you approve of location? YES___ NO___
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES___ NO___

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>		
LAW ENFORCEMENT	_____	YES___	NO___
HEALTH & SANITATION	_____	YES___	NO___
FIRE, BUILDING, ZONING	_____	YES___	NO___
OTHER:	_____	YES___	NO___

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE



RECEIVED

MAR 1 - 1998

STATE OF WASHINGTON

WASHINGTON STATE LIQUOR CONTROL BOARD CITY OF GIG HARBOR

1025 E Union • PO Box 43075 • Olympia WA 98504-3075 • (360) 753-6262

February 25, 1999

MARITIME CHANDLERY LLC

2115 95TH ST CT SW
GIG HARBOR, WA 98332-9587

RE: MARITIME CHANDLERY
3313 HARBORVIEW DR STE 200
GIG HARBOR, WA 98335-
License No. 081341-2F
UBI# 601 870 088 001 0001

TYPE OF LIQUOR APPLICATION: NEW APPLICATION -GROCERY STORE - BEER/WINE

REASON FOR REFUND: WITHDRAWN

FEE SUBMITTED TO LIQUOR CONTROL BOARD.	\$150.00
FEE REQUIRED FOR LIQUOR LICENSE.	\$
LIQUOR LICENSE APPLICATION PROCESSING FEE.	\$75.00
AMOUNT OF REFUND DUE	\$75.00

cc: TACOMA REGIONAL OFFICE
BREMERTON ENFORCEMENT
MAYOR OF GIG HARBOR
FILE



ORDINANCE NO. __

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DEVELOPMENT AND TRANSPORTATION IMPACTS, IMPLEMENTING THE CONCURRENCY PROVISIONS OF THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AS REQUIRED BY RCW 36.70A.070(6), DESCRIBING THE PROCEDURE FOR THE CITY PUBLIC WORKS DIRECTOR'S EVALUATION OF CONCURRENCY OF THE CITY'S ROAD FACILITIES WITH PROPOSED DEVELOPMENT IN LIGHT OF ADOPTED LEVELS OF SERVICE, DESCRIBING THE PROCEDURE FOR ISSUANCE OF CAPACITY RESERVATION CERTIFICATES, ESTABLISHING THE PROCESS FOR DENIALS, CONCURRENCY RESOLUTIONS AND APPEALS, ESTABLISHING CAPACITY ACCOUNTS, REQUIRING SEMI-ANNUAL REPORTING AND MONITORING OF ROAD CAPACITY AS PART OF THE ANNUAL UPDATE OF THE CITY'S SIX-YEAR TRANSPORTATION PLAN, AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AND ADOPTING A NEW CHAPTER 19.10 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Growth Management Act requires that the City adopt and enforce ordinances "which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development" (RCW 36.70A.070(6)); and

WHEREAS, "concurrent with development," for the purposes of the above statute, means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)); Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: CONCURRENCY ORDINANCE – THIRD READING
DATE: MARCH 3, 1999

INFORMATION/BACKGROUND

The Growth Management Act requires that the City adopt and enforce ordinances “which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the Transportation Element of the City’s Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.” (RCW 36.70A.070(6)). Moreover, “concurrent with development,” for the purposes of the statute means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

This proposed ordinance implements the state statute by implementing the concurrency provisions of the Transportation Element of the City’s Comprehensive Plan. The state requires that at a minimum the city adopt a concurrency regulation for transportation.

POLICY CONSIDERATIONS

This ordinance is necessary to remain grant-eligible for road projects. A concurrency ordinance is not being suggested for parks, but residential developments are slated to be subject to parks impact fees. Parks need not be identified in the concurrency ordinance in order to implement a parks impact fee.

FISCAL CONSIDERATIONS

The reduction of the originally proposed number of accounts for tracking the various reservation accounts throughout the developmental process to two accounts, the “available capacity account” and the “reserved capacity account” has made it possible to implement this ordinance with existing staff.

The capacity commitment fee is an option to reserve capacity for a given period of time: one, two, or three years. Once the transportation impact fee is paid within the duration of the commitment period, then the commitment fee would be credited against the total impact fee payment.

RECOMMENDATION

Staff recommends that this ordinance be adopted as soon as possible after the second reading.

Right of Way Permit
Single family remodeling
with no change of use
Single family building permit

19.10.004. Capacity Evaluation Required for Change of Use. Except for development exempt under GHMC 19.10.003, any development activity, as defined in the definition section of this Chapter, shall require a capacity evaluation in accordance with this Chapter.

A. Increased Impact on Road Facilities. If a change of use will have a greater impact on road facilities than the previous use as determined by the Director based on review of information submitted by the Developer, and such supplemental information as available, a CRC shall be required for the net increase only, provided that the Developer shall provide reasonably sufficient evidence that the previous use has been actively maintained on the site during the five (5) year period prior to the date of application for the capacity evaluation.

B. Decreased Impact on Road Facilities. If a change of use will have an equal or lesser impact on road facilities than the previous use as determined by the Director based on review of information submitted by the Developer, etc., a CRC will not be required.

C. No Capacity Credit. If no use existed on the site for the five (5) year period prior to the date of application, no capacity credit shall be issued pursuant to this section.

D. Demolition or Termination of Use. In the case of a demolition or termination of an existing use or structure, the capacity evaluation for future redevelopment shall be based upon the net increase of the impact for the new or proposed land use as compared to the land use existing prior to demolition, provided that such credit is utilized through a CRC, within five (5) years of the date of the issuance of the demolition permit.

19.10.005 All Capacity Determinations Exempt from Project Permit Processing. The determinations made by the Director pursuant to the authority in this Chapter shall be exempt from project permit processing procedures, as described in GHMC Title 19, except that the appeal procedures of GHMC Title 19 shall apply pursuant to Part VIII of this chapter. The City's processing of capacity determinations and resolving capacity disputes involves a different review procedure due to the necessity to perform continual monitoring of facility and service needs, to ensure continual funding of facility improvements, and to develop annual updates to the transportation of the comprehensive plan.

II. LEVEL OF SERVICE STANDARDS

19.10.006. Introduction. The concept of concurrency is based on the maintenance of specified levels of service with respect to road facilities. Concurrency describes the situation in which road facilities are available when the impacts of development occur, or within six (6) years from the time of development. (See, WAC 365-195-210, definition of "available public facilities.") The City has designated levels of service for road facilities in its transportation comprehensive plan:

Section 1. A new chapter 19.10 is hereby added to the Gig Harbor Municipal Code,

which shall read as follows:

CHAPTER 19.10 CONCURRENCY MANAGEMENT

I. OVERVIEW AND EXEMPTIONS

19.10.001. **Purpose.** The purpose of this Chapter is to implement the concurrency provisions of the Transportation Element of the City's Comprehensive Plan, in accordance with RCW 36.70A.070(6)(e), consistent with WAC 365-195-510 and 365-195-835. No development permit shall be issued except in accordance with this Chapter, which shall be cited as the Concurrency Management Ordinance.

19.10.002. **Authority.** The Director of Public Works, or his/her designee, shall be responsible for implementing and enforcing the Concurrency Management Ordinance.

19.10.003. **Exempt Development.**

A. Development Permit issued prior to Effective Date of this Chapter. All construction or change in use initiated pursuant to a development permit issued prior to the effective date of this Chapter shall be exempt from the requirements of this Chapter, PROVIDED, however, that no development permit shall be extended except in conformance with this Chapter. If the City determines that a previously issued development permit has lapsed or expired, pursuant to the applicable development regulations, then no subsequent development permit shall be issued except in accordance with this Chapter.

B. De Minimis Development. After the effective date of this Chapter, no development activity (as defined in the definition section of this Chapter) shall be exempt from the requirements of this Chapter unless specifically exempted below in subsection C.

C. Exempt Permits. The following types of permits are exempt from the Capacity Reservation Certificate (CRC) process because they do not create additional long-term and/or impacts on road facilities :

- | | |
|--------------------------------|-------------------------|
| Administrative interpretations | Plumbing permit |
| Sign permit | Electrical permit |
| Street vacation | Mechanical permit |
| Demolition permit | Excavation permit |
| Street Use Permit | Sewer connection permit |
| Interior alterations | Driveway or street |
| with no change of use | access permit |
| Excavation/clearing permits | |
| Grading permits | Hydrant use permit |

zoning map amendment (rezone) which, if approved, would increase the intensity or density of permitted development. As part of that capacity evaluation, the Director shall determine whether capacity is available to serve both the extent and density of development which would result from the zoning/comprehensive plan amendment. The capacity evaluation shall be submitted as part of the staff report and shall be considered by the City in determining the appropriateness of the comprehensive plan or zoning amendment.

IV. SUBMISSION AND ACCEPTANCE OF APPLICATION

19.10.010. Application for Capacity Evaluation. (1) An application for a CRC and the application for the underlying development permit, shall be accompanied by the requisite fee, as determined by City Council Resolution. The CRC application may be submitted prior to the development permit application if the developer wishes to assess available capacity before proceeding with the development permit. An applicant for a CRC shall submit the following information to the Director, on a form provided by the Director:

- A. Date of submittal.
- B. Developer's name, address and telephone number.
- C. Legal description of property prepared by a licensed surveyor/engineer and assessor's parcel number.
- D. Proposed use(s) by land use category, square feet and number of units.
- E. Phasing information by proposed uses, square feet and number of units, if applicable.
- F. Existing use of property.
- G. Acreage of property.
- H. Proposed site design information, if applicable.
- I. Whether sewer and potable water capacity has been previously reserved.
- J. Traffic report prepared by a professional traffic engineer;
- K. Written consent of the property owner, if different from the developer;
- L. Proposed allocation of capacity by legal description, if applicable.

(2) Even if the traffic report is based on an estimation of impact, the applicant will still be bound by its estimation of impact, and any upward deviation from the estimated traffic impact shall require at least one of the following: a finding that the additional concurrency sought by the developer through a revised application is available to be reserved by the project; mitigation of the additional impact under SEPA; revocation of the CRC.

19.10.011. Submission and acceptance of an application for a CRC.

A. Determination of Completeness. Within 28 days after receiving an application for a CRC, the City shall mail or personally deliver to the applicant a determination which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

B. Additional Information. An application for a CRC is complete for purposes of this section when it meets the submission requirements in GHMC 19.10.010. The Determination of

- A. to conform to RCW 47.80.030 for transportation facilities subject to regional transportation plans;
- B. to reflect realistic expectations consistent with the achievement of growth aims;
- C. for road facilities according to WAC 365-195-325; and
- D. to prohibit development if concurrency for road facilities is not achieved (RCW 36.70A.070), and if sufficient public and/or private funding cannot be found, land use assumptions in the City's Comprehensive Plan will be reassessed to ensure that level of service standards will be met, or level of service standards will be adjusted.

19.10.007. Level of Service Standards. Level of Service (LOS) is the established minimum capacity of road facilities that must be provided per unit of demand or other appropriate measure of need, as mandated by Chapter 36.70A RCW. LOS standards shall be used to determine if road services are adequate to support a development's impact. The City's established LOS for roads within the city limits shall be as shown in the Transportation Element of the City's Comprehensive Plan.

19.10.008. Effect of LOS Standards. The Director shall use the LOS standards set forth in the Transportation Element of the City's Comprehensive Plan to make concurrency evaluations as part of the review of any application for a CRC issued pursuant to this Chapter.

III. CAPACITY EVALUATIONS

19.10.009. Capacity Evaluations Required Prior to Issuance of CRC.

A. **When the Requirements of this Chapter Apply.** A capacity evaluation shall be required either in conjunction with or prior to the City's consideration of any development permit depending on the time that the applications are filed, unless specifically exempted by this Chapter. The Director shall utilize the standards and requirements set forth in Part V to conduct a capacity evaluation, prior to issuance of a CRC. In addition to the standards set forth in Part V, and specifically in GHMC 19.10.012, the Director may also utilize the standards set forth in state law or the Washington Administrative Code, or such other rules regarding concurrency which may be established from time to time by administrative rule. In cases where LOS standards do not apply, the Director shall have the authority to utilize other factors in preparing capacity evaluations to include, but not be limited to, independent LOS analysis.

B. **Capacity Reservation Certificates.** A CRC will not be issued except after a capacity evaluation performed pursuant to this Part V, indicating that capacity is available in all applicable road facilities.

19.10.0091. Capacity Evaluations Required for Rezone Applications or Comprehensive Plan Amendments Requesting an Increase in Extent or Density of Development. A capacity evaluation shall be required as part of any application for a comprehensive plan amendment or

3. calculation of the available capacity for the proposed development;
4. calculation of the impact on the capacity of the proposed development, minus the effects of any mitigation provided by the applicant; and
5. comparison of available capacity with project impacts.

B. The Director shall determine if the capacity on the City's road facilities, less the capacity which is reserved can be provided while meeting the level of service performance standards set forth in the City's Comprehensive Plan, and, if so, shall provide the applicant with a CRC.

C. In order to determine concurrency for the purposes of issuance of a CRC, the Director shall make the determination described in Subsections (1)(a) through (e) above. The Director may deem the development concurrent with road facilities, with the condition that the necessary facilities shall be available when the impacts of the development occur or shall be guaranteed to be available through a financial commitment in an enforceable development agreement.

D. If the Director determines that the proposed development will cause the LOS of a road facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, and improvements or strategies to accommodate the impacts of development are not planned to be made concurrent with development, a CRC and the underlying development permit, if such an application has been made, shall be denied, pursuant to GHMC Section 19.10.018 and any other provisions of Title 19 that may be applicable to denial of the underlying development permit. Applicants may then appeal pursuant to Part VIII of this chapter.

VI. PRELIMINARY CAPACITY RESERVATION CERTIFICATES (PCRCs)

19.10.013. Purpose of Preliminary Capacity Reservation Certificate. A PCRC is a determination by the Director that: (1) the proposed development activity or development phase will be concurrent with the applicable road facilities at the time the PCRC is issued; and (2) the Director has reserved road facility capacity for this application for a period of one hundred twenty (120) days, or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as applicant submits a completed application within 120 days of receiving the PCRC. In no event shall a developer reserve a greater amount of capacity than that necessary to serve the maximum amount of development permitted on the site under its current zoning classification.

19.10.014. Procedure for Preliminary Capacity Reservation Certificates. Within ninety (90) days after receipt of an application for a CRC, the Director shall process the application, in accordance with this Chapter, and issue the CRC or a Denial Letter. Preliminary CRCs shall expire within 120 days of issuance, unless applicant submits a completed application within the 120-day period. If a timely application is submitted, then the Preliminary CRC stays in effect until decision made on the underlying application. If an application is submitted before a PCRC issues then the Director may issue a Final CRC or a Denial Letter at the same time as the SEPA threshold determination, if applicable, and otherwise, at the time a final decision issues on the underlying development permit.

Completeness shall be made when the application is sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The Director's Determination of Completeness shall not preclude the Director's ability to request additional information or studies whenever new information is required, or substantial changes are made to the proposed project.

C. Incomplete Applications.

1. Whenever the applicant receives a determination from the City that an application is not complete, the applicant shall have 90 days to submit the necessary information. Within 14 days after an applicant has submitted the requested additional information, the Director shall make a Determination of Completeness and notify the applicant in the manner provided in subsection A of this section.
2. If the applicant does not submit the additional information requested within the 90-day period, the Director shall make findings and issue a decision that the application has lapsed for lack of information necessary to complete the review, and the applicant may request a refund of the application fee remaining after the City's Determination of Completeness.

D. Director's Failure to Provide Determination of Completeness. An application for a CRC shall be deemed complete under this section if the Director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (A) of this section.

E. Date of Acceptance of Application. An application for a CRC shall not be officially accepted until complete. When an application is determined complete, the Director shall accept it and note the date of acceptance.

V. PROCEDURE FOR DETERMINING CAPACITY

19.10.012. Method of Capacity Evaluation for Road Facilities.

A. In performing the concurrency evaluation for road facilities, and to prepare the CRC, the Director shall determine whether a proposed development can be accommodated within the existing or planned capacity of road facilities. This may involve one or more of the following:

1. a determination of anticipated total capacity at the time the impacts of development occur;
2. calculation of how much of that capacity will be used by existing developments and other planned developments at the time the impacts of development occur;

capacity for the use of other developments. Requesting a Certificate of Occupancy before expiration of the Final CRC shall only convert the reserved capacity to used capacity if the building inspector finds that the project actually conforms with applicable codes.

B. **Extensions.** The developer may request one extension of not more than twelve (12) months up to thirty days before the expiration date of the Final CRC. Any extension shall be contingent upon payment of an additional reservation fee as set forth in GHMC 19.10.023. The Director shall determine whether an extension is warranted, based on the following criteria:

1. Size of the development and the amount of capacity requested. A limit may be imposed on the amount of capacity that may be extended;
2. Phasing;
3. Location of the project;
4. Capacity available within the service area;
5. Reasons for requesting the reservation time period extension; and
6. Whether the developer exercised good faith in attempting to complete the project and acquire a certificate of occupancy.

Any unused capacity for a specific yearly time frame may be carried forward into the next yearly time frame within the time constraints of the Final CRC. No unused capacity may be carried forward beyond the duration of the certificate or any subsequent extension.

19.10.023. Final Capacity Reservation Fees.

A. **Time for Payment.** Prior to issuance of a Final CRC, or any renewal thereof, the developer shall be required to pay the reservation fee as a condition of capacity reservation. A reservation fee equivalent to thirty-three percent (33%) of the transportation impact fees for the development activity shall be required to reserve capacity for up to one (1) year; sixty-six percent (66%) shall be required to reserve capacity for two (2) years and one hundred percent (100%) shall be required to reserve capacity for up to three (3) years.

The developer shall pay any remaining impact fees at the time of and as condition of, receiving a building permit. The developer shall be required to pay all impact fees pursuant to the impact fee schedule in effect at the time the building permit is issued.

B. **Refund of Reservation Fee.** Reservation fees shall be refundable, subject to a charge for the City's administrative costs and as set forth in this paragraph. The City shall refund ninety percent (90%) of the reservation fee if the capacity was reserved for 12 months or less. The City shall refund eighty percent (80%) of the reservation fee for a two year reservation period; and seventy percent (70%) for a three year reservation period.

19.10.015. Reservation Period. In order to continue to reserve capacity until issuance of the Certificate of Occupancy for the development activity, the developer must obtain a Final CRC.

19.10.016. Use of Reserved Capacity. When a valid development permit is issued for a project possessing a PCRC, the PCRC shall be converted to a Final CRC, which shall continue to reserve the capacity unless the development permit lapses or expires without the issuance of a Certificate of Occupancy.

19.10.017. Transfer of Reserved Capacity. Reserved capacity shall not be sold or transferred to property not included in the legal description provided by the developer in the application for a CRC. However, if the developer submits a development permit application for a project possessing a PCRC, the developer may, as part of such application, designate the amount of capacity allocated to portions of the property, such as lots, blocks, parcels, or tracts included in the application. Capacity may be reassigned or allocated within the boundaries of the original reservation certificate by application to the Director. At no time may capacity or any certificate be sold or transferred to another party or entity to real property not described in the original application.

19.10.018. Denial Letter. If the Director determines that one or more road facilities are not concurrent, the Director shall issue a denial letter, which shall advise the developer that capacity is not available. If the developer is not the property owner, the Denial Letter shall also be sent to the property owner. At a minimum, the Denial Letter shall identify the application and include the following information: (1) the level of the deficiency on the road facilities, if known; and (2) the options available to the applicant of submitting a development application without a PCRC, or obtaining a PCRC by agreeing to construct the necessary facilities at the applicant's own cost. The developer shall have one hundred twenty (120) calendar days from the issuance of a Denial Letter to submit a development application and, if necessary, appeal both the Denial Letter and the development permit denial pursuant to Part VIII of this chapter.

VII. FINAL CAPACITY RESERVATION CERTIFICATE (FCRC)

19.10.020. Purpose. The purpose of the Final CRC process is to allow property owners and developers the assurance that capacity is reserved for a particular project for a limited amount of time while development occurs, and to provide a higher degree of certainty during the construction financing process.

19.10.021. Reservation Time Period. The Final CRC shall allow the applicant to reserve road facility capacity for one, two or three years. A specific quantity of capacity must be requested for each individual year of the reservation time frame. Capacity shall be reserved based on the standards and criteria for Capacity Evaluations identified in this Chapter. The Final CRC will allow the applicant to utilize the capacity only during the period of time specified on the Certificate.

19.10.022. Expiration and Extensions of Time.

A. Expiration. If a Certificate of Occupancy has not been requested during the time frame set forth in the Final CRC, the Director shall convert the reserved capacity to available

19.10.042. Annual Reporting and Monitoring. The Director is responsible for completion of an Annual Capacity Availability Report. This report shall evaluate reserved capacity and permitted development activity for the previous twelve month period, and determine existing conditions with regard to available capacity for road facilities. The evaluation shall report on capacity used for the previous period and capacity available for the Six-Year Capital Facilities Element of the City's Comprehensive Plan and the Six-year Transportation Plan, for road facilities, based upon LOS standards. Forecasts shall be based on the most recently updated schedule of capital improvements, growth projections, public road facility inventories, and revenue projections and shall, at a minimum, include:

- A. A summary of development activity;
- B. The status of each Capacity Account;
- C. The Six-year Transportation Plan;
- D. Actual capacity of selected street segments and intersections, and current LOS; and
- E. Recommendations on amendments to CIP and annual budget, to LOS standards, or other amendments to the transportation element of or to the Comprehensive Plan.

The findings of the Annual Capacity Availability Report shall be considered by the Council in preparing the annual update to the Capital Improvement Element, any proposed amendments to the CIP and Six-year TIP, and shall be used in the review of development permits and capacity evaluations during the next period.

Based upon the analysis included in the Annual Capacity Availability Report, the Director shall recommend to the City Council each year, any necessary amendments to the CIP, TIP and Comprehensive Plan. The Director shall also report on the status of all capacity accounts when public hearings for Comprehensive Plan amendments are heard.

19.10.043. Road LOS Monitoring and Modeling.

A. The City shall monitor Level of Service standards through an annual update of the Six Year Transportation Plan which will add data reflecting development permits issued and trip allocations reserved. The City's Traffic Demand Model will be recalibrated annually based on traffic count information, obtained from at a minimum, the City's Public Works Department.

B. On January 1 of each year, a new trip allocation shall be assigned for each Traffic Analysis Zone, based on the results from the Traffic Demand Model used by the City, to ensure that the City is achieving the adopted LOS standards described in this Chapter and the transportation element of the Comprehensive Plan.

C. Amendments to the Trip Allocation Program that exceed the 100% annual trip allocation for any given year shall require an amendment to the Comprehensive Plan. Monitoring and modeling shall be required and must include anticipated capital improvements, growth projections, and all reserved and available capacity.

VIII. APPEALS OF CONCURRENCY DETERMINATION

19.10.030. Concurrency Determination to be Appealed with Underlying Permit. Any appeal of a concurrency determination shall be brought concurrently with an appeal of the underlying development permit. The appeal procedure shall correspond with the procedure mandated for the underlying permit by Title 19 GHMC. There will be no appeal of a concurrency determination unless and until the applicant submits an application for the underlying development permit and the City has made a final decision to approve or deny the permit.

19.10.031. Notice of Concurrency Determination. Notice of the concurrency determination shall be given to the public together with, and in the same manner as, that provided for the underlying development permit's SEPA threshold determination, unless the project is exempt from SEPA, in which case notice shall be given in the same manner without any accompanying threshold determination.

19.10.032. Time limit to bring appeal. The time limit to appeal the concurrency determination shall be the same time limit provided by Title 19 to appeal the SEPA threshold determination on the underlying development permit. In the event that no threshold determination is required, the appeal shall be brought within 15 days after issuance of a final decision on the underlying development permit. [How are we going to get the appeal in an open record hearing?]

IX. CONCURRENCY ADMINISTRATION

19.10.040. Purpose and Procedure. The purpose of this Part is to describe the process for administering the Concurrency Ordinance. Capacity accounts will be established, to allow capacity to be transferred to various categories in the application process. Capacity refers to the ability or availability of road facilities to accommodate users, expressed in an appropriate unit of measure, such as LOS for road facilities. Available capacity represents a specific amount of capacity that may be reserved by or committed to future users of road facilities.

19.10.041. Capacity Classifications. There are hereby established two capacity accounts, to be utilized by the Director in the implementation of this Chapter. These accounts are:

- A. the **Available Capacity account**; and
- B. the **Reserved Capacity account**;

Capacity is withdrawn from the available capacity account and deposited into a reserved capacity account when a PCRC is issued; and remains in the reserved capacity account when a Final CRC is issued. Once the proposed development is constructed and an occupancy permit is issued, the capacity is considered "used." Each capacity account of available or reserved capacity will experience withdrawals on a regular basis. Only the Director may transfer capacity between accounts. [NOTE: Shouldn't these accounts reflect the amount of capacity in each traffic analysis zone? Do the separate accounts need to be set forth in the ordinance?]

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the ___ day of _____, 199__, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DEVELOPMENT AND TRANSPORTATION IMPACTS, IMPLEMENTING THE CONCURRENCY PROVISIONS OF THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AS REQUIRED BY RCW 36.70A.070(6), DESCRIBING THE PROCEDURE FOR THE CITY PUBLIC WORKS DIRECTOR'S EVALUATION OF CONCURRENCY OF THE CITY'S ROAD FACILITIES WITH PROPOSED DEVELOPMENT IN LIGHT OF ADOPTED LEVELS OF SERVICE, DESCRIBING THE PROCEDURE FOR ISSUANCE OF CAPACITY RESERVATION CERTIFICATES, ESTABLISHING THE PROCESS FOR DENIALS, CONCURRENCY RESOLUTIONS AND APPEALS, ESTABLISHING CAPACITY ACCOUNTS, REQUIRING SEMI-ANNUAL REPORTING AND MONITORING OF ROAD CAPACITY, AS PART OF THE ANNUAL UPDATE OF THE CITY'S SIX-YEAR TRANSPORTATION PLAN, AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AND ADOPTING A NEW CHAPTER 19.10 TO THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 199__.

CITY ADMINISTRATOR, MARK HOPPEN

Section 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 2/4/99
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

Transportation Impact Fee Analysis

ITE Code	ITE Land Use Category	25% of Impact Fee Per Unit @		# of units	Gig Harbor		Gig Harbor 25% Impact fee	Redmond (downtown)	Redmond (average)	Olympia	Enumclaw	Tumwater	Mount Vernon
		\$ 432.89	Per Trip		Initially Proposed	40% Impact fee							
110	Light Industrial	\$ 0.50	per square foot	50,000	\$ 100,430.22	\$ 40,172.09	\$ 25,107.56	\$ 118,000.00	\$ 93,357.14	\$ 80,500.00	\$ 28,500.00	\$ 18,904.00	
140	Manufacturing	0.38	per square foot	100,000	153,675.55	61,470.22	38,418.89	238,000.00	186,714.29	161,000.00	57,000.00	21,128.00	
151	Mini-warehouse	0.13	per square foot	50,000	28,839.11	10,735.64	6,709.78	89,000.00	69,428.57		28,500.00	7,228.00	
210	Single Family House	517.30	per dwelling unit	1	2,069.21	827.68	517.30	1,671.00	1,314.27	1,135.00	3,681.00	978.66	2,442.00
220	Apartment	322.50	per dwelling unit	4	5,160.04	2,084.01	1,290.01	4,218.28	3,357.22	2,542.00	9,700.00	2,490.88	6,448.00
230	Condominium	282.48	per dwelling unit	4	4,519.36	1,807.74	1,129.94	4,218.28	3,357.22	2,542.00	9,700.00	2,288.48	6,448.00
240	Mobile Home	297.61	per dwelling unit	1	1,180.44	476.18	297.61			629.00	3,581.00		2,442.00
250	Retirement Community	112.55	per dwelling unit	20	9,004.09	3,601.64	2,251.02	7,413.20	5,766.51	5,040.00	3,581.00		1,512.00
310	Hotel	390.68	per room	65	101,577.38	40,630.95	25,394.34	84,817.85	65,972.96	57,590.00	\$ 1.13 per sq. foot	13,010.40	
320	Motel	308.82	per room	65	80,474.04	32,169.82	20,116.51	84,817.85	65,972.96	57,590.00	\$ 1.13 per sq. foot	13,010.40	
420	Marina	97.40	per berth	50	19,480.00	7,782.00	4,870.00			8,500.00		7,228.00	
430	Golf Course	188.05	per acre	75	69,414.00	23,785.50	14,853.50					\$3,778.20 per hole	
444	Movie Theater	2.43	per square foot	50,000	496,567.11	194,626.84	121,641.78	\$17,589.59 per screen	\$13,589.59 per screen	\$11,953 per screen	28,500.00	\$44.48 per seat	
492	Racquet Club	0.91	per square foot	70,000	254,538.67	101,815.47	63,634.67	399 per member	\$78 per member	95,900.00	39,900.00	28,022.40	
560	Church	0.37	per square foot	70,000	103,027.58	41,211.02	25,756.89	88,200.00	68,000.00	60,200.00	39,900.00	21,795.20	
610	Hospital	0.54	per square foot	65,000	139,282.00	56,712.90	34,820.50	122,850.00	100,471.43	87,750.00	37,050.00		
620	Nursing Home	67.66	per bed	50	17,532.00	7,012.80	4,383.00	11,252.50	8,980.83	7,850.00	\$ 1.13 per sq. foot	12,788.00	
710	Office	0.98	per square foot	100,000	393,106.88	153,242.67	96,778.67	362,000.00	288,142.86	246,000.00	57,000.00	60,048.00	124,000.00
720	Medical Office	2.09	per square foot	10,000	83,590.84	33,436.34	20,897.71	69,400.00	54,014.29	47,200.00	5,700.00	12,454.40	
820	Retail	1.92	per square foot	200,000	1,538,756.55	614,702.22	384,188.89	546,000.00	424,867.14	370,000.00	226,000.00	155,680.00	148,800.00
832	Restaurant - sit-down	4.16	per square foot	10,000	166,402.49	66,561.00	41,600.62	98,500.00	76,171.43	66,900.00	11,300.00	6,894.40	
833	Fast Food, No Drive-up	11.28	per square foot	5,000	225,643.33	90,257.33	56,410.83	88,350.00	67,242.86	58,690.00	5,850.00	9,285.20	
844	Service Station	2,106.00	per pump	8	67,392.14	26,956.88	16,848.04	39,040.00	30,388.09	26,520.00	\$ 1.13 per sq. foot	978.56	
850	Supermarket	3.88	per square foot	100,000	1,544,547.55	617,810.02	398,136.89	770,000.00	603,666.67	523,000.00	113,000.00	52,264.00	
851	Convenience Market - 24 Hr.	8.54	per square foot	10,000	341,679.20	136,671.68	85,419.80	148,800.00	112,742.86	100,900.00	11,300.00	8,228.80	
860	Wholesale Warehousing	0.11	per square foot	50,000	21,211.56	8,484.62	5,302.89				28,500.00	13,344.00	
911	Bank/Savings - Walk-in	2.67	per square foot	20,000	213,673.95	85,469.58	53,418.49			133,800.00	22,800.00	18,459.20	
912	Bank/Savings - Drive-in	\$ 6.72	per square foot	20,000	\$ 537,301.69	\$ 214,920.67	\$ 134,325.42	\$ 478,600.00	\$ 372,514.29	\$ 262,200.00	\$ 22,600.00	\$ 34,894.40	



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: PARKS AND TRANSPORTATION IMPACT FEES
ORDINANCE – THIRD READING
DATE: MARCH 3, 1999

INFORMATION/BACKGROUND

In order to ensure that adequate transportation and parks facilities can be provided at established levels of service to serve new growth and development, this ordinance is presented to establish transportation and park impact fees as statutorily enabled by the Growth Management Act and the State Environmental Policy Act. This ordinance is consistent with city comprehensive plans for transportation and parks, and creates the means to ensure that new development bears a proportionate share of the capital costs of off-site parks and transportation facilities. Also, this ordinance ensures that the city will pay its fair share of these capital costs, and provides for the equitable collection of these fees.

POLICY CONSIDERATIONS

Staff has completed a comparison study of the proposed fee schedule (attached) and recommends that Council consider a uniform reduction of the rate schedule from 60%-75% in order to conform more closely to those rates charged in the comparison jurisdictions. Such a reduction means that a greater share of the cost of new capacity will be born by existing taxpayers than was initially proposed by the city's consultants.

Also, staff has included an indication of the conceivable points of impact fee collection.

Staff strongly recommends that Council select a time of collection that ensures collection of all impact fees.

This packet contains a portion of the recent parks study that is valid plus-or-minus 10%. The data reflect on citizen attitudes toward a parks impact fee (and on citizen willingness to pay for a certain amount of bonded indebtedness for park amenities).

FISCAL CONSIDERATIONS

Payment of impact fees are proposed to be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit. A developer may elect to postpone payment of the impact fees for each lot within a subdivision until the issuance of a building permit for each lot.

RECOMMENDATION

Staff recommends that this ordinance be adopted as soon as possible after the second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRANSPORTATION AND PARK IMPACT FEES, AUTHORIZING THE IMPOSITION OF IMPACT FEES ON NEW DEVELOPMENT TO PROVIDE FUNDING FOR THE DEVELOPMENT'S PROPORTIONATE SHARE OF OFF-SITE OR SYSTEM IMPROVEMENTS REASONABLY RELATED TO THE NEW DEVELOPMENT; DESCRIBING THE METHOD FOR THE CALCULATION OF THE FEES; REFUNDS OF THE FEE, AND PROVIDING FOR AN ADMINISTRATIVE APPEAL OF THE FEE; ADDING A NEW CHAPTER 19.12 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council of the City of Gig Harbor intends that adequate parks and transportation facilities be provided to serve new growth and development, and

WHEREAS, in order that new parks and transportation facilities are available when needed, the Council has determined that the cost of the parks and transportation facilities must be shared by the public and the private sectors, and the proportionate share of the expense of new parks and transportation facilities necessitated by new development shall be borne by developers through the City's imposition of impact fees, and

WHEREAS, such impact fees shall be calculated, imposed and collected by the City pursuant to procedures and criteria set forth in this ordinance, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Short Title. This ordinance shall be known and may be cited as the "Gig Harbor Impact Fee Ordinance" and shall comprise a new Chapter 19.12 in Title 19 of the Gig Harbor Municipal Code.

Timing

Conceivable Points of Impact Fee Collection

- > After Preliminary Plat and prior to Final Plat.
- > At Building Permit Application.
- > 1/2 fee at application.
1/2 fee at permit issuance.
- > At Final Plat or Short Plat.
Prior to issuance of a building permit.
Subdivisions at building permit issuance per lot.
- > At building permit issuance per lot.
- > At closing.
- > At the point of occupancy.

yes 17%	no 63%	don't know 20%
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The existing inventory of city park and recreational facilities provided within city neighborhood areas is estimated to be worth about \$1,200 per person or \$3,000 for an average single family house - meaning this amount must be paid by someone to compensate for the impact generated on parks by each new person or house added to the inventory if the city is to maintain the same standards for park, recreation, and open space facilities. Given this fact, how would you rate the following methods for dealing with the impact on parks of further development on a scale of 1 to 5 where 1 is the worst idea and 5 is the best idea?

	poor / excellent					
	1	2	3	4	5	
74. Lower standards - for the number of present and future park facilities?	58%	18%	16%	3%	3%	
75. Collect a growth impact fee - from new housing projects to pay for park improvements within residential neighborhoods?	10%	4%	7%	16%	63%	
76. Use city tax revenues - to acquire and develop park facilities to offset population impacts?	10%	9%	39%	26%	16%	

77. If a residential development growth impact fee were to be collected for new housing projects, what amount of this cost would you recommend be charged for every new single family house to be developed in the city?

100%=\$3,000	75%=\$2,250	50%=\$1,500	25%=\$750	10%=\$300	0%=\$0
30%	9%	28%	13%	8%	8%

General obligation bonds

Growth impact fees can not be used to pay for the expansion or improvement of currently needed park and recreation facilities to better serve existing residents. Growth fees can only be collected to pay for the development of additional facilities that will provide for additional population growth. Projects that improve or develop the existing park and recreation system that benefit existing residents must be financed by other methods, including the possible use of voter approved bonds.

78. If a park and recreation bond were to be put on the ballot, how much, if anything, would your household be willing to pay per year for additional neighborhood park and recreation improvements that would benefit existing city residents?

\$150.13 amount per year

Joint venture opportunities

Besides Gig Harbor - the school district, athletic leagues, and a variety of other public and private agencies own and operate park and recreational facilities within the city's recreational service area. On a scale of 1 to 5 where 1 is the poorest idea and 5 is the best idea, how would you rate joint venture projects with the following agencies?

	poor / excellent					
	1	2	3	4	5	
79. <u>Development</u> <u>With school district</u> - for the development of playgrounds and athletic fields at school sites?	6%	7%	20%	17%	46%	

Section 3. Applicability.

A. The requirements of this ordinance apply to all development as defined in Ordinance No. __, Chapter 19.14 of the Gig Harbor Municipal Code.

B. Mitigation of impacts on parks and transportation facilities located in jurisdictions outside the City will be required when:

1. The other affected jurisdiction has reviewed the development's impact under its adopted impact fee/mitigation regulations and has recommended to the City that there be a requirement to mitigate the impact; and

2. There is an interlocal agreement between the City and the affected jurisdiction specifically addressing impact identification and mitigation.

Section 4. Geographic Scope. The boundaries within which impact fees shall be charged and collected are coextensive with the corporate City limits, and shall include all unincorporated areas annexed to the City on and after the effective date of this ordinance. After the adoption of interlocal agreements with other local and regional governments, the geographic boundaries may be expanded consistent therewith.

Section 5. Definitions. For the purposes of this ordinance, the terms used in this ordinance shall have the meanings as set forth in chapter 19.14, unless the context clearly indicates otherwise.

Section 6. Imposition of Impact Fees.

A. The Approving Authority is hereby authorized to impose impact fees on new Development.

B. Impact fees may be required pursuant to the Impact Fee Schedule adopted through to the process described in Section 1.3 of this ordinance, or mitigation may be provided

Section 2. Authority and Purpose.

A. This ordinance is enacted pursuant to the City's police powers, the Growth Management Act as codified in Chapter 82.02 of the Revised Code of Washington (RCW), Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA) Chapter 42.21C RCW.

B. The purpose of this ordinance is to:

1. Develop a program consistent with the Gig Harbor Parks Open Space and Recreation Plan, 6-Year Road Plan and the City's Comprehensive Plan (parks and transportation elements), and Capital Improvement Plan, for joint public and private financing of park and transportation facility improvements necessitated in whole or in part by development in the City;

2. To ensure adequate levels of service within the City;

3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off-site parks and transportation facilities reasonably related to new development, in order to maintain adopted levels of park service and maintain adopted levels of service on the City's transportation facilities;

4. Ensure that the City pays its fair share of the capital cost of parks and transportation facilities necessitated by public use of the parks and roadway system;
and

5. Ensure fair collection and administration of such impact fees.

C. The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.

9. Shall be collected only once for each Development, unless changes or modifications to the Development are proposed which result in greater direct impacts on park and transportation facilities than were considered when the Development was first permitted.

10. May be imposed for system improvement costs previously incurred by the City, to the extent that new growth and development will be served by the previously constructed improvements, and provided that such fee shall not be imposed to make up for any system improvement deficiencies.

Section 7. Approval of Development. Prior to approving or permitting a Development, an Approving Authority shall consult with the Director concerning mitigation of a Development's impacts.

Section 8. Fee Schedules and Establishment of Service.

A. Impact Fee Schedules setting forth the amount of the Impact Fees to be paid by Development are listed in Appendix 'B' for Roads and Appendix 'C' for parks, attached hereto and incorporated herein by this reference. Administrative fees to be paid as part of the Impact Fee program are also included in the Fee Schedules.

B. For the purpose of this ordinance, the entire City shall be considered one Service Area.

Section 9. Calculation of Impact Fees.

A. The Director shall calculate the Impact Fees set forth in Appendix B, more specifically described in the Gig Harbor 6-Year Road Plan and the Parks Open Space and Recreation Plan, which:

1. Determines the standard fee for similar types of Development, which shall be

through: 1) the purchase, installation and/or improvement of park and transportation facilities pursuant to Section 9(C) dedication of land pursuant to Section 9(C) of this ordinance.

C. Impact Fees:

1. Shall only be imposed for park and transportation facilities that are reasonably related to the impacts of new Development;
2. Shall not exceed a proportionate share of the costs of park and transportation facilities that are reasonably related to new Development;
3. Shall be used for park and transportation facilities that will reasonably benefit the new Development;
4. Shall not be used to correct existing deficiencies;
5. Shall not be imposed to mitigate the same off-site park and transportation facility impacts that are being mitigated pursuant to any other law;
6. Shall not be collected for improvements to state/county park and transportation facilities unless the state/county requests such improvements and an agreement to collect such fees has been executed between the state/county and the City;
7. Shall not be collected for improvements to park and transportation facilities in other municipalities unless the affected municipality requests such improvement and an interlocal agreement has been executed between the City and the affected municipality for collection of such fees;
8. Shall not be collected for any Development approved prior to the date of adoption of this ordinance unless changes or modifications in the Development requiring City approval are subsequently proposed which result in greater direct impacts on park and transportation facilities than were considered when the Development was first approved; and

for the following benefit factors:

1. The purchase, installation and/or improvement of park and transportation facilities, if:

- a. the facilities are located on land owned by the City, Pierce County, a school district or a special district; and
- b. a designated public owner is responsible for permanent, continuing maintenance and operation of the facilities; and
- c. the Director determines that the facilities correspond to the type(s) of park and transportation facilities being impacted by the Development as determined pursuant to this ordinance; and
- d. the Director determines, after consultation with the County, school district or special purpose district, as applicable, and an analysis of supply and demand data, the Parks Open Space and Recreation Plan, the 6-Year Road Plan and any applicable Pierce County park and transportation plan, that the proposed park and transportation facility improvements better meet the City's need for park and transportation facilities than would payment of funds to mitigate the park and transportation impacts of the Development.

2. The credit against the Impact Fee shall be equal to the fair market value of the purchase, installation and/or improvement.

3. A developer of a planned residential development or mobile home park may receive credit only for park and transportation facilities provided in addition to those normally required under SEPA for such developments pursuant to Chapter 18.04 GHCM.

4. When the Director has agreed to a developer's proposal to satisfy some or all of the Impact Fee through the purchase, installation and/or improvement of park and transportation facilities, the developer shall prepare and submit a facility improvement plan to the Director for approval prior to recordation of a plat or short plat for subdivisions, and prior to issuance of a

reasonably related to each Development's proportionate share of the cost of the Projects described in Appendix 'A', and for parks shall be calculated as set forth in Appendix 'C'.

2. Reduces the proportionate share by applying the benefit factors described in subsection B of this section.

B. In calculating proportionate share, the Director shall:

1. Identify all park and transportation facilities that will be impacted by users from each Development.

2. Identify when the capacity of a park or transportation facility has been fully utilized;

3. Update the data as often as practicable, but at least annually;

4. Estimate the cost of constructing the Projects in Appendix 'A' for roads as of the time they are placed on the List, and the cost of maintaining the city's level of park service as shown on Appendix 'D' and then update the cost estimates at least annually, considering the:

a. Availability of other means of funding park and transportation facility improvements;

b. Cost of existing park and transportation facility improvements; and

c. Methods by which park and transportation facility improvements were financed;

5. Update the fee collected against a Project which has already been completed, through an advancement of City funds, at a rate, determined annually, which is equivalent to the City's return on its investments.

C. The Director shall reduce the calculated proportionate share by giving credit

The amount of credit determined pursuant to subsection C above shall be credited proportionately among all the units in the Development, and the Impact Fee for each unit for which a permit or approval is applied shall be reduced accordingly.

Section 10. Variation from Impact Fee Schedule. If a developer submits information demonstrating a significant difference between the age, social, activity or interest characteristics of the population of a proposed subdivision or Development and the data used to calculate the Impact Fee Schedule, the Director may allow a special calculation of the Impact Fee requirements for the subdivision or Development to be prepared by the Developer's consultant; at the Developer's cost; provided, however, that the Director shall have prior approval of the qualifications and methodology of the Developer's consultant in making such calculation, and any time period mandated by statute or ordinance for the Approving Authority's decision on the subdivision or Development shall not include the time spent in preparing the special calculation. Whether the Director accepts the data provided by the special calculation shall be at the Director's discretion.

Section 11. Payment of Fees.

A. All developers shall pay an Impact Fee in accordance with the provisions of this ordinance at the time that the applicable development permit is ready for issuance. The Fee paid shall be the amount in effect as of the date of the permit issuance.

B. The Impact Fee, as initially calculated for a development permit, shall be recalculated at the time of issuance if the Development is modified or conditioned in such a way as to alter park and transportation impacts for the Development.

C. A developer may obtain a preliminary determination of the Impact Fee before application for a development permit, by paying the administrative fee and providing the Director with the information needed for processing.

building permit for all other developments.

5. In the determination of credit toward the impact fee, the Director shall also consider the extent to which the proposed dedication or conveyance meets the following criteria:

- a. The land should result in an integral element of the Gig Harbor Park/Road System;
- b. The land is suitable for future park and/or transportation facilities;
- c. The land is of an appropriate size and of an acceptable configuration;
- d. The land has public access via a public street or an easement of an equivalent width and accessibility;
- e. The land is located in or near areas designated by the City or County for park, trail or land use plans for recreation purposes;
- f. The land provides linkage between Pierce County and/or other publicly-owned recreation or transportation properties;
- g. The land has been surveyed or adequately marked with survey monuments, or otherwise readily distinguishable from adjacent privately-owned property;
- h. The land has no known physical problems associated with it, such as the presence of hazardous waste, drainage, erosion, or flooding problems which the Director determines would cause inordinate demands on public resources for maintenance and operation;
- i. The land has no known safety hazards;
- j. The developer is able to provide documentation, as nearly as practicable, of the land's compliance with the criteria of this subsection, and of clear title; and
- k. The developer is able to provide and fund a long-term method, acceptable to the Director, for the management and maintenance of the land, if applicable.

Section 13. Project List.

A. The Director shall annually review the City's Parks Open Space and Recreation Plan, the Six-Year Parks Improvement Plan, the Six-Year Road Plan and the Projects listed in Appendix A and B and shall:

1. Identify each Project in the Comprehensive Plan that is Growth-Related and the proportion of each such Project that is Growth-Related;
2. Forecast the total monies available from taxes and other public sources for park and transportation improvements for the next six (6) years;
3. Update the population, building activity and demand and supply data for park and transportation facilities and the Impact Fee Schedule for the next six (6) year period.
4. Calculate the amount of Impact Fees already paid; and
5. Identify those Comprehensive Plan projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The Director shall use this information to prepare an annual Draft Amendment to the fee schedule. A draft amendment to Exhibits 'A' and 'D', which shall comprise:

1. The Projects on the Comprehensive Plan that are Growth-Related and that should be funded with forecast public monies and the Impact Fees already paid; and
2. The Projects already built or funded pursuant to this ordinance whose performance capacity has not been fully utilized.

C. The Council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall by separate ordinance establish the annual Project List by adopting, with or without modification, the Director's Draft Amendment.

Section 12. Time of Payment of Impact Fees.

A. Payment of any required Impact Fees shall be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit; Provided, however, that for subdivisions, as defined in chapter 19.14 GHMC, the developer may elect to postpone payment of the Impact Fees for each lot within the subdivision until issuance of a building permit for each lot. The election to postpone payment shall be noted by a covenant placed on the face of the recorded plat or short plat and included in the deed for each affected lot within the subdivision.

B. When a subdivision or Development is conditioned upon the dedication of land, or the purchase, installation or improvement of park and transportation facilities, a final plat or short plat shall not be recorded, and a building permit shall not be issued for other development until:

1. The Director has determined in writing that any land to be dedicated is shown on the face of the final plat or short plat, or a deed conveying the land to the City, Pierce County, a school district or special purpose district, as appropriate, has been recorded with the Pierce County Auditor; and

2. The Director has determined in writing, after consultation with the designated public owner responsible for permanent, continuing maintenance and operation of the facilities, that the developer has satisfactorily undertaken, or guaranteed to undertake in a manner acceptable to the Director, any required purchase, installation or improvement of park and transportation facilities.

3. The first money spent by the Director on a Project after a Council appropriation shall be deemed to be the Fees from the Impact Fee fund;

4. Fees collected after a Project has been fully funded by means of one or more Council appropriations shall constitute reimbursement to the City of the funds advanced for the private share of the Project. The public monies made available by such reimbursement shall be used to pay the public share of other Projects.

5. All interest earned on Impact Fees paid shall be retained in the account and expended for the purpose or purposes for which the Impact Fees were imposed.

C. Projects shall be funded by a balance between Impact Fees and public funds, and shall not be funded solely by Impact Fees.

D. Impact Fees shall be expended or encumbered for a permissible use within six (6) years of receipt, unless there exists an extraordinary or compelling reason for Fees to be held longer than six (6) years. The Director may recommend to the Council that the City hold Fees beyond six (6) years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the Council.

E. The Director shall prepare an annual report on the Impact Fee account showing the source and amount of all monies collected, earned or received and projects that were financed in whole or in part by Impact Fees.

Section 15. Use and Disposition of Dedicated Land. All land dedicated or conveyed pursuant to this ordinance shall be set aside for development of park and transportation facilities. The City and Pierce County, any school district or special purpose district to which land is dedicated or conveyed pursuant to this ordinance, shall make every effort to use, develop and maintain land dedicated or conveyed for park and transportation facilities.

D. Once a Project is placed on Appendix 'A', or the City amends its level of park service in Appendix 'D' a fee shall be imposed on every Development that impacts the Project until the Project is removed from the List by one of the following means:

1. The Council by ordinance removes the Project from Appendix 'A' and/or 'D', in which case the fees already collected will be refunded if necessary to ensure that Impact Fees remain reasonably related to the park and transportation impacts of Development that have paid an Impact Fee; provided that a refund shall not be necessary if the Council transfers the Fees to the budget of another Project that the Council determines will mitigate essentially the same park and transportation impacts; or

2. The capacity created by the Project has been fully utilized, in which case the Director shall administratively remove the Project from the Project List.

Section 14. Funding of Projects.

A. An Impact Fee trust and agency fund is hereby created. The Director shall be the fund manager. Impact fees shall be placed in appropriate deposit accounts within the Impact Fee fund.

B. The Impact Fees paid to the City shall be held and disbursed as follows:

1. The Fees collected for each Project shall be placed in a deposit account within the Impact Fee fund;

2. When the Council appropriates Capital Improvement Project (CIP) funds for a Project on the Project List, the Fees held in the Impact Fee fund shall be transferred to the CIP fund. The non-Impact Fee monies appropriated for the Project shall comprise both the public share of the Project cost and an advancement of that portion of the private share that has not yet been collected in Impact Fees;

in publicly-sponsored or subsidized housing programs may apply for exemptions from the Impact Fee requirements. The Director shall review proposed developments of low-income housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule. If the Director determines that a proposed Development of low-income housing satisfies the adopted criteria, such Development shall be exempted from the requirement to pay an Impact Fee.

B. Private developers who dedicate residential units for occupancy by low-income households may apply to the Director for reductions in Impact Fees. If the Director determines that the developer's program for low-income occupancy of housing units satisfy the adopted criteria, the Director shall reduce the calculated Impact Fee for the Development so that the developer does not pay an impact fee for those units dedicated for low-income household occupancy.

C. The amount of the Impact Fee not collected from low-income Development shall be paid from public funds other than Impact Fee accounts.

D. The Director is hereby instructed and authorized to adopt administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low-income households by public housing agencies or private non-profit housing developers participating in publicly-sponsored or subsidized housing programs;

2. Encourage the construction in private developments of housing units for low-income households that are in addition to units required by another housing program or development condition;

3. Ensure that housing that qualifies as "low income" meets appropriate standards regarding household income, rent levels or sale prices, location, number of units and development size;

In the event that use of any such dedicated land is determined by the Director or Pierce County, any school district or special purpose district to be infeasible for development of park and transportation facilities, the dedicated land may be sold or traded for another parcel of land in the City, subject to the requirements of state law and City ordinances. The proceeds from such a sale shall be used to acquire land or develop park and transportation facilities in the City.

Section 16. Refunds.

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which Impact Fees were paid, and the developer shows that no impact has resulted. However, the administrative fee shall not be refunded.

B. In the event that Impact Fees must be refunded for any reason, they shall be refunded with interest earned to the Owners as they appear of record with the Pierce County Assessor at the time of refund.

C. When the City seeks to terminate any or all Impact Fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the City, but must be expended on Projects on the City's adopted plans. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

Section 17. Exemption or Reduction for Low-Income Housing.

A. Public housing agencies or private non-profit housing developers participating

or his/her designee determines that a meeting with the developer is needed to properly consider the request, in which case the meeting shall be held within ten (10) working days of receipt of the request and a final decision issued within ten (10) working days of the meeting.

C. Appeals from the decision of the Hearing Examiner shall be to the City Council, pursuant to the provisions of Gig Harbor Municipal Code Chapter 19.05 GHMC.

Section 19. Relationship to SEPA.

A. All Development shall be subject to environmental review pursuant to SEPA and other applicable City ordinances and regulations.

B. Payment of the Impact Fee shall constitute satisfactory mitigation of those park and transportation impacts related to the specific improvements identified on the Project List (Appendix 'A' and Appendix 'D').

C. Further mitigation in addition to the Impact Fee shall be required if adverse impacts appropriate for mitigation pursuant to SEPA are identified that are not adequately mitigated by an Impact Fee.

D. Nothing in this ordinance shall be construed to limit the City's authority to deny development permits when a proposal would result in probable significant adverse impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.

Section 20. Park and Transportation Facility Requirements in Adjoining Municipalities/Districts. Level of service requirements and demand standards different than those provided in the Gig Harbor Comprehensive Park Plan shall be applied to park and recreation facility impacts in adjoining municipalities/districts if such different standards are provided in an interlocal

4. Ensure that developers who obtain an exemption from or reduction from Impact Fees will in fact build the proposed low income housing and make it available to low income households for a minimum of fifteen (15) years;

5. Implement an exemption plan whereby payment of the Impact Fee is deferred for low income housing and forgiven over a fifteen (15) year period.

Section 18. Appeals.

A. A developer may appeal the amount of the Impact Fee to the Hearing Examiner, who shall conduct a hearing on the appeal and appeal shall be consolidated with any appeal of the underlying permit. The developer shall bear the burden of proving:

1. That the Director committed error in calculating the developer's proportionate share, as determined by an individual fee calculation, or, if relevant, as set forth in the Impact Fee Schedule, or in granting credit for the benefit factors; or

2. That the Director based his determination upon incorrect data.

B. An appeal must be filed with the Director within ten (10) calendar days of the Director's issuance of his/her final decision shall be regarding the fee amount. In order to obtain an appealable final decision, the developer must:

1. Request in writing a meeting to review the fee amount with the Director's staff. The Director's staff shall consider any studies and data submitted by the developer seeking to adjust the amount of the fee; and

2. Request in writing reconsideration by the Director or his/her designee of an adverse decision by staff. The request for reconsideration shall state in detail the grounds for the request. The Director or his designee shall issue a final, appealable decision within ten (10) working days of receiving a request for reconsideration unless the Director

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On the ____ day of _____, 1999, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRANSPORTATION AND PARK IMPACT FEES, AUTHORIZING THE IMPOSITION OF IMPACT FEES ON NEW DEVELOPMENT TO PROVIDE FUNDING FOR THE DEVELOPMENT'S PROPORTIONATE SHARE OF OFF-SITE OR SYSTEM IMPROVEMENTS REASONABLY RELATED TO THE NEW DEVELOPMENT; DESCRIBING THE METHOD FOR THE CALCULATION OF THE FEES; REFUNDS OF THE FEE, AND PROVIDING FOR AN ADMINISTRATIVE APPEAL OF THE FEE; ADDING A NEW CHAPTER 19.12 TO THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 1999.

CITY CLERK, MOLLY TOWSLEE

agreement between the City and the affected municipality. Otherwise, the standards contained in the Gig Harbor Comprehensive Plan shall apply to park and transportation impacts in adjoining jurisdictions.

Section 21. Necessity of Compliance. A development permit issued after the effective date of this ordinance shall be null and void if issued without substantial compliance with this ordinance by the Director, the Department and the Approving Authority.

Section 22. Severability. If any part of this ordinance is found to be invalid, that finding shall not affect the validity of any remaining part of this ordinance.

Section 23. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 2/4/99
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

Appendix 'A-2' / Transportation
RATE SCHEDULE

Capacity Cost per Growth Trip

Total Cost of Added Road Capacity	\$	12,554,725
+ Total Growth Trips in UGA		27,753
Capacity Cost per Growth Trip	\$	452.37

Adjustment for Payment of Gas Tax

Average Trip Length (miles)		5.43
+ Average Miles per Gallon (fleet)		20.73
Gallons of Gas per trip		0.261939219
x Gas Tax per Gallon (municipal share)	\$	0.02652
City Gas Tax per Trip	\$	0.006946366
x Days per Year		365
City Gas Tax per Year per Trip Generated	\$	2.54
x Multiplier (30 years 5% NPV)		15.37
City Gas Taxes Paid by New Development (present value)	\$	38.97
x Portion Used by City for New Capacity for Growth		50%
City Gas Taxes per Trip Credited Against Impact fee	\$	19.48

Net Capacity Cost per Growth Trip

Capacity Cost per Growth Trip	\$	452.37
- City Gas Taxes per Trip Credited Against Impact Fee	\$	19.48
Net Capacity Cost per Growth Trip	\$	432.89

Appendix 'A' / Transportation

Appendix 'A'
Rate Schedule / Transportation

TP #	Project Description	Year	Est. Project Cost	Local Participation	State Participation	Federal Participation	Other	Total Grants	Total Cost	Local %	State %	Federal %	Other %	Total %	Project Capacity	Developer Project Participation	State %
1	EAST WEST (BORGEN) ROAD CONSTRUCTION (Ph. 1) - Swede Hill Interchange (SR-16) to Peacock Hill Ave	1999	\$2,950,000	\$824,000	0	0	\$0	\$824,000	\$3,774,000	21.8%	0.0%	0.0%	0.0%	21.8%			
4	POINT FOSCOCK DRIVE IMPROVEMENTS (Ph. 1) - 1,000 ft. South of Olympic Dr. to 44th Street	1999	\$567,000	\$0	0	0	\$482,000	\$482,000	\$1,049,000	0.0%	45.9%	0.0%	0.0%	45.9%			
11	POINT FOSCOCK DRIVE IMPROVEMENTS (Ph. 2) - 44th Street to City Limits	2001-2002	\$545,000	\$0	365,926	0	\$0	\$365,926	\$910,926	0.0%	40.2%	0.0%	0.0%	40.2%			
12	OLYMPIC DRIVE/66th STREET IMPROVEMENTS - 950 ft. west of Point Foscock Drive to 28th Avenue	2001-2002	\$1,341,000	\$0	\$76,774	0	\$80,000	\$955,774	\$2,296,774	0.0%	6.4%	0.0%	0.0%	6.4%			
19	56th ST / PT FOSCOCK DR IMPROVEMENTS - Olympic Drive to Olympic Drive	2003-2004	\$1,182,000	\$0	771,935	0	\$36,000	\$807,935	\$1,989,935	0.0%	65.3%	0.0%	0.0%	65.3%			
22	EAST WEST (BORGEN) ROAD CONSTR. (Ph. 2) - Swede Hill Interchange (SR-16) to W. of Vondridge	2003-2004	\$4,050,000	\$0	1,761,625	0	\$150,000	\$1,911,625	\$5,961,625	0.0%	43.3%	0.0%	0.0%	43.3%			
23	CRESCENT VALLEY CONNECTOR - Peacock Hill Avenue to Crescent Valley Road	2003-2004	\$4,300,000	\$0	1,859,750	0	\$0	\$1,859,750	\$6,159,750	0.0%	43.3%	0.0%	0.0%	43.3%			
25	NORTH-SOUTH CONNECTOR - East-West Road to Peacock Hill Avenue	2003-2004	\$150,000	\$0	0	0	\$0	\$0	\$150,000	0.0%	0.0%	0.0%	0.0%	0.0%			
26	HUNT STREET CROSSING - Kimball Drive to 38th Ave	2003-2004	\$11,800,000	\$0	5,103,500	0	\$398,100	\$5,501,600	\$17,301,600	0.0%	43.3%	0.0%	0.0%	43.3%			
TOTAL			\$28,850,000	\$824,000	\$19,700,500	\$0	\$1,746,100	\$21,470,600	\$50,320,600	2.8%	43.3%	0.0%	0.0%	46.1%			

Appendix 'C'/ Parks

RATE SCHEDULE

Based on the 50% assessment identified in "Note (3)" of Appendix 'C-2' (p. 143 ,City of Gig Harbor Parks, Recreation and Open Space Plan) of this ordinance, the Park Impact Fee is set at \$1500 per dwelling unit.

RATE SCHEDULE

Appendix 'B' / Transportation

Impact Fee Rate Schedule

ITE Code	ITE Land Use Category	Trip Rate (1)	% New Trips (2)	Peak Hour Factor (3)	Net New Trips Per Unit of Measure	Impact Fee Per Unit @ \$ 432.89 Per Trip
110	Light Industrial	3.49	100%	1.33	4.64 1,000 sq. ft.	\$ 2.01 per square foot
140	Manufacturing	1.93	100%	1.84	3.55 1,000 sq. ft.	1.54 per square foot
151	Mini-warehouse	1.30	100%	0.95	1.24 1,000 sq. ft.	0.54 per square foot
210	Single Family House	4.78	100%	1.00	4.78 dwelling	2,069.21 per dwelling unit
220	Apartment	3.24	100%	0.92	2.98 dwelling	1,290.01 per dwelling unit
230	Condominium	2.93	100%	0.89	2.61 dwelling	1,129.84 per dwelling unit
240	Mobile Home	2.41	100%	1.14	2.75 dwelling	1,190.44 per dwelling unit
250	Retirement Community	1.16	100%	0.90	1.04 dwelling	450.20 per dwelling unit
310	Hotel	4.35	100%	0.83	3.61 room	1,562.73 per room
320	Motel	5.10	100%	0.56	2.86 room	1,238.06 per room
420	Marina	1.48	100%	0.61	0.90 berth	389.60 per berth
430	Golf Course	4.17	100%	0.44	1.83 acre	792.19 per acre
444	Movie Theater	11.96	100%	1.88	22.48 1,000 sq. ft.	9.73 per square foot
492	Racquet Club	8.57	100%	0.98	8.40 1,000 sq. ft.	3.64 per square foot
530	High School	5.45	100%	1.68	9.16 1,000 sq. ft.	3.97 per square foot
560	Church	4.66	100%	0.73	3.40 1,000 sq. ft.	1.47 per square foot
610	Hospital	8.39	100%	0.59	4.95 1,000 sq. ft.	2.14 per square foot
620	Nursing Home	1.30	100%	0.62	0.81 bed	350.64 per bed
710	Office 10,000 Sq. Ft.	12.30	100%	1.31	16.11 1,000 sq. ft.	6.97 per square foot
710	Office 50,000 Sq. Ft.	8.29	100%	1.28	10.61 1,000 sq. ft.	4.59 per square foot
710	Office 100,000 Sq. Ft.	7.02	100%	1.26	8.85 1,000 sq. ft.	3.83 per square foot
720	Medical Office	17.09	100%	1.13	19.31 1,000 sq. ft.	8.36 per square foot
820	Retail 10,000 Sq. Ft.	83.80	49%	0.85	34.90 1,000 sq. ft.	15.11 per square foot
820	Retail 50,000 Sq. Ft.	45.83	48%	0.87	19.14 1,000 sq. ft.	8.29 per square foot
820	Retail 100,000 Sq. Ft.	35.34	74%	0.88	23.01 1,000 sq. ft.	9.96 per square foot
820	Retail 200,000 Sq. Ft.	27.25	74%	0.88	17.75 1,000 sq. ft.	7.68 per square foot
832	Restaurant: sit-down	102.68	52%	0.72	38.44 1,000 sq. ft.	16.64 per square foot
833	Fast Food, No Drive-up	393.11	52%	0.51	104.25 1,000 sq. ft.	45.13 per square foot
844	Service Station	150.18	27%	0.48	19.46 pump	8,424.02 per pump
850	Supermarket	88.80	49%	0.82	35.68 1,000 sq. ft.	15.45 per square foot
851	Convenience Market - 24 Hr.	369.00	31%	0.69	78.93 1,000 sq. ft.	34.17 per square foot
860	Wholesale Warehousing	3.37	100%	0.29	0.98 1,000 sq. ft.	0.42 per square foot
911	Bank/Savings: Walk-in	70.31	30%	1.17	24.68 1,000 sq. ft.	10.68 per square foot
912	Bank/Savings: Drive-in	132.61	30%	1.56	62.06 1,000 sq. ft.	\$ 26.87 per square foot

- (1) ITE Rate divided by 2
- (2) Eliminates pass-by trips

Appendix 'D' / Parks

Capital improvement program 1996-2002

Agency/Department: Gig Harbor Public Works Department
 Address: 3105 Judson Street
 City, zip code: Gig Harbor, Washington 98335
 Phone: 206.851.8145 Fax: 206.851.8563 County: Pierce County

Pty	Project site	Lvl	Act	Item	Funds	Unit	Unit Cost	Qty	Qty Cost
CONSERVANCY/RESOURCE PARKS									
high	Wilkinson Wetlands	lcl	acq	acquire/accept donation	GMA/SEPA	acres	\$31,250.00	16.0	\$500,000
			dvp	trail-class 4 w/o services	GMA/SEPA	miles	\$37,851.00	0.5	\$18,826
			dvp	trailhead w/parking/sanican	GMA/SEPA	stall	\$2,440.27	15	\$36,604
moderate	WWTP	lcl	dvp	trail-class 3 w/o services		miles	\$46,485.00	0.25	\$11,621
			dvp	trailhead w/parking/restrooms		stall	\$8,549.43	10	\$85,494
low	Scofield Property	rgl	acq	acquire upland site		acres	\$1,038,728.00	1.1	\$1,190,000
			acq	acquire tidelands		acres	\$5,000.00	10.0	\$50,000
			dvp	trail-class 4 w/o services		miles	\$37,651.00	0.25	\$9,413
			dvp	trailhead w/parking/restrooms		stall	\$8,549.43	15	\$98,242
low	Acquire Tallman's Wetl	lcl	acq	acquire wetlands site	SEPA	acres	\$31,250.00	0.0	\$0
			dvp	trail-class 4 w/o services		miles	\$37,651.00	0	\$0
			dvp	trailhead w/parking/restrooms		stall	\$8,549.43	0	\$0
									\$1,980,199

RESOURCE PARKS

high	City Park	lcl	acq	acquire adjacent property		acres	\$75,757.00	2.0	\$150,262
			dvp	trail-class 5 w/o services		miles	\$14,359.00	0.25	\$3,590
high	City Park Extension	lcl	acq	acquire east of Wheeler Street		acres	\$100,000.00	1.1	\$110,000
high	Gig Harbor Marine Park	rgl	plan	master plan harbor use		plan	\$50,000.00	1	\$50,000
high	Jerisich Park	rgl	dvp	dock extension/vessel pump-out		sq ft	\$32.00	1050	\$33,600
			acq	acquire Skansie property		acres	\$1,168,668.87	1.5	\$1,750,000
			dvp	restore net shed		sq ft	\$50.00	3752	\$187,600
			dvp	develop picnic facilities		table	\$3,400.00	5	\$17,000
low	WWTP	lcl	acq	acquire adjacent properties		acre	\$8,240.00	11.5	\$94,760
low	Wheeler Street-end	lcl	dvp	picnic facilities w/o services		table	\$3,400.00	0	\$0
									\$2,398,812

TRAIL SYSTEMS

high	Harbor Ferry Landing	rgl	dvp	view platform w/access		sq ft	\$850.00	240	\$204,000
high/mod	Harbor Ridge MS	lcl	dvp	trail-multi w/o services		miles	\$189,450.00	0.05	\$8,611
			dvp	overlook platform w/picnic		sq ft	\$50.00	200	\$10,000
low/mod	Harbor Heights	lcl	dvp	trail-multi w/o services		miles	\$189,450.00	0.14	\$25,834
			dvp	overlook w/picnic		sq ft	\$32.00	200	\$6,400
low	Lagoon/Narrows Trail	rgl	acq	trail use rights		plan	\$15,000.00	1	\$15,000
			dvp	trail-multi w/o svcs-UGA		miles	\$87,447.00	5.5	\$476,984
			dvp	trailhead w/parking/sanican		stall	\$2,440.27	30	\$73,208
mod/high	SR-16 Mtn Bike Trail	lcl	dvp	mtn bike 1-w/o svcs UGA		miles	\$14,683.00	1.8	\$26,886
low	Pioneer/Harborview Pla	lcl	dvp	streetscape		sq ft	\$12.00	12,000	\$144,000
low	Water Trailheads	rgl	acq	water trailhead w/svcs		site	\$22,304.00	0.5	\$11,152
									\$1,001,885

ATHLETIC FIELDS

high	City Park	lcl	acq	acquire adjacent property		acres	\$25,000.00	11.9	\$297,521
high	Gig Harbor North	lcl	acq	acquire community park site	SEPA	acres	\$0.00	20	\$0
high	Tallman Park	lcl	acq	acquire community park site	SEPA	acres	\$0.00	20	\$0
high	Skateboard Court	lcl	dvp	develop skateboard facility		each	\$50,000.00	1	\$50,000
high	Harbor Ridge MS	rgl	plan	master plan site rcn uses		plan	\$15,000.00	1	\$15,000
high	Henderson Alt/PLC	rgl	plan	master plan site rcn uses		plan	\$25,000.00	1	\$25,000
high	GHPSD school sites	lcl	plan	master plan site rcn uses		plan	\$15,000.00	1	\$15,000
									\$402,521

COMMUNITY/RECREATION CENTER

high	CLO/Henderson Alt	rgl	plan	master plan facilities		plan	\$50,000.00	1	\$50,000
high	Harbor Ridge MS	rgl	plan	master plan facilities		plan	\$10,000.00	1	\$10,000
			dvp	renovate building		sq ft	\$25.00	3000	\$75,000
mod	City Park	lcl	acq	acquire Mason's Building		each	\$50,000.00	1	\$50,000
									\$185,000

TOTAL

\$5,968,417

Appendix 'C-2' / Parks

Financial strategies 1996-2002 (city facilities within city limits)

	Alternative 1 75 percent (1) Growth Impt Fee w/\$.0075 bond	Alternative 2 50 percent Growth Impt Fee w/\$.0050 bond	Alternative 3 25 percent Growth Impt Fee w/\$.0025 bond	Alternative 4 0 percent Growth Impt Fee w/\$.0000 bond
ELOS/PLOS standard projections				
Renovations and repairs	(\$150,000)	(\$150,000)	(\$150,000)	(\$150,000)
ELOS city facilities growth impact 1996-2002	(\$1,042,208)	(\$1,042,208)	(\$1,042,208)	(\$1,042,208)
SUBTOTAL	(\$1,192,208)	(\$1,192,208)	(\$1,192,208)	(\$1,192,208)
PLOS city facility proposals				
TOTAL EXPENDITURES	(\$3,204,070)	(\$3,204,070)	(\$3,204,070)	(\$3,204,070)

Proposed revenues

GENERAL FUND TRENDS (1989-1995)	Ave expnd	Allocate	Inflate				
General Funds	\$29,875	100.0%	11.5%	\$239,131			
Real Estate Excise Tax (REET-CIP)	\$23,913	100.0%	13.5%	\$201,596			
IAC, ALEA, ISTE A	\$9,810	100.0%	5.0%	\$66,724			
SEPA mitigations (2)	\$12,000	0.0%	0.0%	\$0			
CUMULATIVE TOTAL CITY GENERAL FUND REVENUES				\$507,450	\$507,450	\$507,450	\$507,450

GROWTH IMPACT FEE - CITYWIDE COLLECTIONS

Additional population 1996-2002	3.5%	855			
ELOS growth impact/person (3)		\$1,218.96			
Assessment rate		75.0%	50.0%	25.0%	0.0%
TOTAL GROWTH IMPACT FEES		\$781,658	\$521,105	\$260,553	\$0
CUMULATIVE TOTAL GENERAL FUNDS+GROWTH IMPACT FEES		\$1,289,108	\$1,028,556	\$768,003	\$507,450

PARK, RECREATION & OPEN SPACE OBLIGATION BONDS

Park and open space facility debt capacity (7.5% of assessed)				
Assessed valuation 1995	\$325,960,487			
Assessed rate per \$1.00 valuation (4)	\$0.0075	\$0.0050	\$0.0025	\$0.0000
REVENUE GENERATED FROM BOND	\$2,444,704	\$1,829,802	\$814,901	\$0
CUMULATIVE TOTAL GENERAL FUNDS+GROWTH IMPACT+BOND	\$3,733,812	\$2,858,358	\$1,582,904	\$507,450

DIFFERENCE BETWEEN PROPOSED EXPENDITURES AND REVENUES	\$529,742	(\$545,712)	(\$1,621,166)	(\$2,696,620)
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Note:

- (1) GMA does not allow growth requirements to be financed 100% with growth impact fees.
- (2) If GMA impact fee provisions are used, SEPA mitigations may no longer be used to obtain in-lieu payments for park land and/or facilities (RCW 82.02.100).
- (3) Average number of persons per dwelling unit is 2.47 meaning growth impact fee/dwelling unit would be:
\$3,044.26 at 100% assessment, \$2,283.20 at 75% assessment, \$1,522.13 at 50% assessment, and \$761.07 at 25% assessment.
- (4) Under alternative 1, a \$0.0075 bond assessment per \$1.00 valuation (equals \$750 for a \$100,000 house) would require an annual payment of \$89.43 (for a \$100,000 house) if the bond were financed at 6.75 percent for a 10 year period.
Similarly, the annual cost would be \$46.28 under alternative 2, \$23.14 under alternative 3, and \$0.00 under alternative 4.

ORDINANCE No. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MHH*
SUBJECT: DEFINITIONS FOR CONCURRENCY AND IMPACT FEE
ORDINANCES – THIRD READING
DATE: MARCH 3, 1999

INFORMATION/BACKGROUND

The Concurrency Ordinance and Transportation and Parks Impact Fee Ordinance proposed for first reading along with this ordinance require supporting definitions. This ordinance has been crafted by Legal Counsel to meet this need.

RECOMMENDATION

Staff recommends that this ordinance be passed at the same reading as the other two ordinances.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

11. "Capacity Reservation Certificate:" (final "FCRC") means a capacity reservation certificate that allows a developer to reserve road facility capacity for one, two or three years.

12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

15. "City:" The City of Gig Harbor, Washington.

16. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

17. "Concurrent with Development:" means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six (6) years. See RCW 36.70A.090(6).

18. "Council:" the City Council of the City of Gig Harbor.

19. "County:" Pierce County, Washington.

20. "Dedication:" Conveyance of land to the City for public facility purposes by deed, other instrument of conveyance or by dedication, on a duly filed and recorded plat or short plat.

21. "Demand management strategies:" Strategies aimed at changing travel behavior rather than at expanding or improving the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies and telecommuting.

DEFINITIONS

Rev. February 17, 1999

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

32. "Financial commitment:" Those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

33. "Growth-Related:" A Development Activity as defined herein that increases the level of service of a public facility.

34. "Impact Fee:" The amount of money determined necessary by the City and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities proportionate to the development's share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

35. "Impact Fee Account(s)" or "Account(s):" The account(s) established for each type of public facilities for which impact fees are collected. The Accounts shall be established pursuant to Section 8 of this title, and comply with the requirements of RCW 82.02.070.

36. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees.

37. "Interest:" The interest rate earned by the City for the impact fee account, if not otherwise defined.

38. "Interlocal Agreement" or "Agreement:" The transportation impact fee interlocal agreement by and between the City and the County, and the transportation impact fee interlocal agreement by and between the City and the State concerning the collection and allocation of road impact fees as authorized in Sections 4 and 5 herein, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this title.

39. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

40. "Owner:" The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

41. "Previous Use:" (a) The use existing on the site when a capacity evaluation is sought; or (b) The most recent use on the site, within the five (5) year period prior to the date of application.

22. "Department:" The Public Works Department of the City of Gig Harbor.
23. "Developer:" Any person or entity who makes application or receives a development permit or approval for any development activity as defined herein.
24. "Development Activity" or "Development:" Any construction or expansion of a building, structure, or use; any change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the City.
25. "Development Agreement:" The agreements authorized in RCW 36.70B.210 and Concurrency Resolution Agreements, as described in chapter 19.10 of the Gig Harbor Municipal Code Sections.
26. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes of the City's Concurrency Ordinance, shall include applications for amendments to the City's comprehensive plan which request an increase in the extent or density of development on the subject property.
27. "Director:" The Director of the Gig Harbor Public Works Department or his/her authorized designee.
28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
31. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

53. "Traffic Analysis Zone:" The minimum geographic unit used for traffic analysis .

54. "Transportation Primary Impact Area:" A geographically determined area that delineates the impacted area of a deficient roadway link.

55. "Transportation level of service standards:" A measure which describes the operational condition of the travel stream and acceptable adequacy requirement.

56. "Transportation Management Area:" A geographically determined area that contains compact urban development patterns where a dense roadway network and extensive mass transit services are in place. The performance of these areas shall be based on the percentage of lane miles meeting the adopted LOS standards as described in this Ordinance.

57. "Traffic Demand Model:" Describes the simulation through computer modeling of vehicle trip ends assigned on the roadway network.

58. "Trip Allocation Program:" The program established to meter trip ends to new development annually by Service Area and traffic analysis zone to ensure that the City is maintaining adopted LOS standards.

59. "Trip End:" A single or one-directional vehicle movement.

60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and publication of a summary, as required by law.

APPROVED:

Mayor Gretchen A. Wilbert

42. "Project:" A System Improvement, selected by the Gig Harbor City Council for joint private and public funding pursuant to this ordinance and which appears on the Project List.

43. "Project Improvements:" Site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the Council shall be considered a project improvement.

44. "Project List:" The list of Projects described in the City's annual and 6-Year Capital Improvement Program and as developed pursuant to the City's impact fee ordinance.

45. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

46. "Road:" A right-of-way which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

47. "Road facilities:" Includes public facilities related to land transportation.

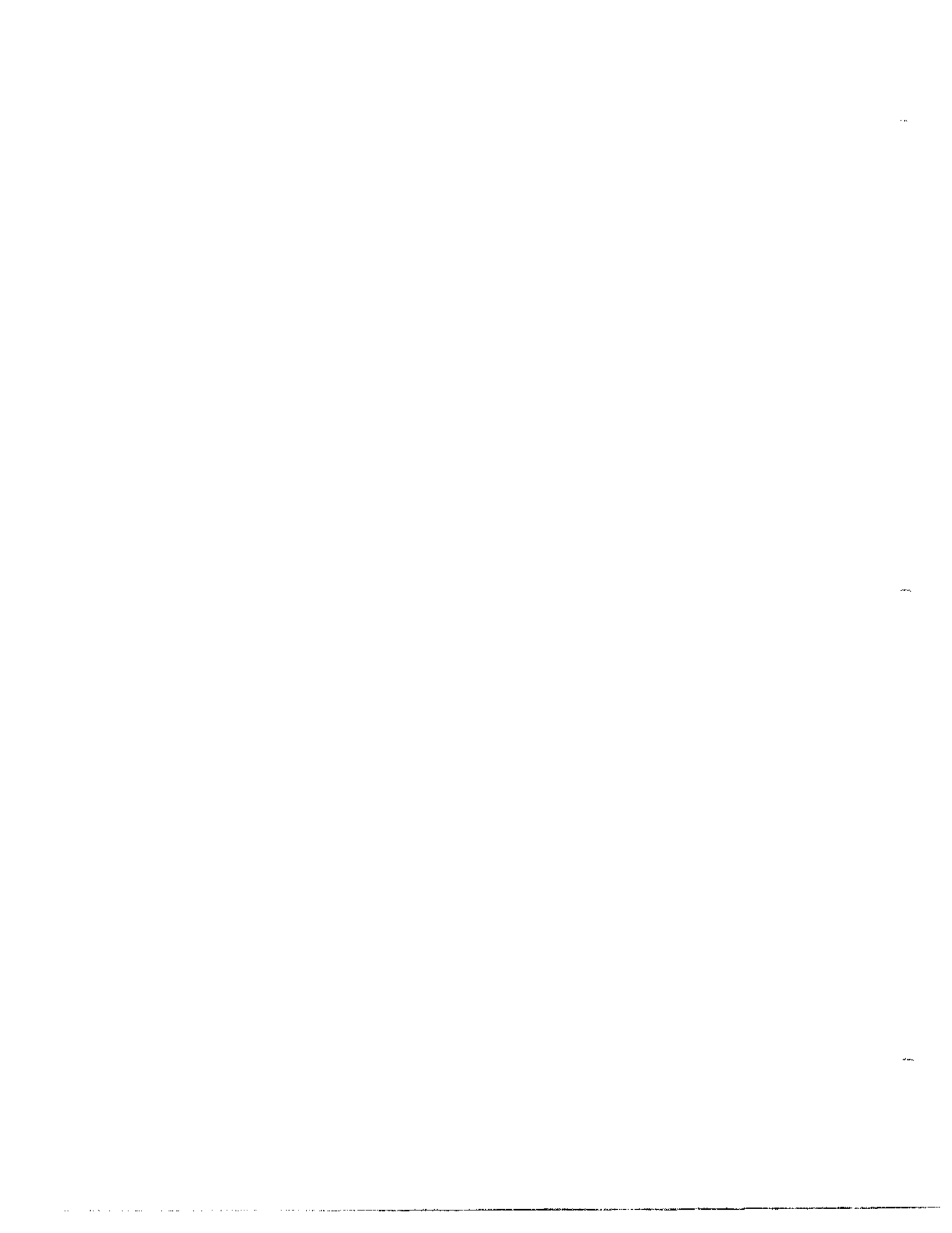
48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

49. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

50. "State:" The State of Washington.

51. "Subdivision:" All subdivisions as defined in Gig Harbor Municipal Code Title 16, and all short subdivisions as defined in Title 16, which are subject to SEPA, Chapter 42.21C RCW and the Gig Harbor SEPA Ordinance, Title 18.

52. "System Improvements:" Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements.



ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

**FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DECLARING THE INTENTION OF THE COUNCIL TO ORDER THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS WITHIN THE BOUNDARIES OF SAID PROPOSED LOCAL IMPROVEMENT DISTRICT; SETTING FORTH THE NATURE AND TERRITORIAL EXTENT OF SUCH PROPOSED IMPROVEMENTS; DESCRIBING THE BOUNDARIES THEREOF; AND FIXING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE FORMATION OF THE PROPOSED LOCAL DISTRICT.

WHEREAS, the City Council of the City of Gig Harbor, Washington (herein referred to as the "City"), has determined that it is necessary to provide for additions and betterments to a portion of the system of streets for the City in the Gig Harbor North area of the City; and

WHEREAS, the City now desires to proceed with the carrying out of said improvements and to establish a local improvement district in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, as follows:

Section 1. It is the intention of the Council to order the improvement of the area shown on Exhibit A attached hereto and incorporated herein by this reference, by the acquisition, design, construction and installation of the following improvements:

Phase 1 will construct a single lane roundabout intersection connecting the proposed East - West Road, Canterwood Boulevard, Burnham Drive, the northbound ramps to and from State Route 16. The remainder of the Phase 1 project will provide two travel lanes, storm drainage improvements (incl. Stormwater detention and water quality facilities), and curb, gutter, planter strips, and a sidewalk on the south side extending east from the roundabout to Peacock Hill Avenue. Additional improvements include wetland mitigation, and provisions for lighting and underground utilities. Anticipated features for the Phase 2 fully developed street section include a landscaped median with left-turn pockets, architectural lighting, water, sanitary sewer, storm sewer, and a bicycle lane, curb, gutter and sidewalk on each side.

Section 2. The City shall acquire by gift, purchase, franchise, lease or condemnation all property, both real and personal, or any interest therein and all rights-of-way, franchises, permits and easements which may be found necessary to acquire, construct, and install the above-described improvements.



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH
DATE: MARCH 1, 1999
**SUBJECT: CORRECTION TO RESOLUTION NO. 528 FORMING A LOCAL
IMPROVEMENT DISTRICT FOR THE CONSTRUCTION OF THE
EAST-WEST ROAD**

INTRODUCTION

This resolution amends resolution 528, which declares the intent of the City Council to form a local improvement district (LID) for construction of the East-West Road, and sets a date for the formation hearing.

The amendment is to the legal description for the proposed LID. The amended legal description specifically excludes State, City and Tacoma Public Utility rights-of-way.

FINANCIAL

There is no financial impact.

RECOMMENDATION

Staff recommends passage of this resolution.

EXHIBIT A

LEGAL DESCRIPTION FOR PROPOSED LID:

The North half of the Northeast quarter; the East quarter, and the North half of the Northwest quarter of the Northwest quarter of Section 31.

EXCEPT a tract of land bounded and described as follows:

Beginning at the Northwest corner of SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE W.M.;
Running thence East 54 feet;
Thence South 14 degrees 49 feet East 679 feet to the South line of the North half of the Northwest quarter of the Northwest quarter of said Section 31;
Thence West 238 feet to the Section line;
Thence North along the same 666 feet to the beginning containing 2.23 acres.

TOGETHER WITH the perpetual right to slash and keep slashed all "danger" trees within a distance of 200 feet from the East line of the above described tract. "Danger" trees being those of such height that in falling might damage the poles or wires erected and maintained on the said tract.

The Southwest quarter of the Southeast quarter; the South half of the Southwest quarter of Section 30. All within TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., PIERCE COUNTY.

EXCEPT the following described property:

Beginning at the Southwest corner of SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE W.M., run, thence North on Section line 7792 feet;
Thence South 14 degrees 49 minutes East 819 feet to the South line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 30;
Thence West along the same, 209 feet to the beginning, conveyed to the City of Tacoma by Deed recorded under Recording No. 675729, records of Pierce County, Washington.

The East half of the Northeast quarter of the Northeast quarter of Section 36 within TOWNSHIP 22 NORTH, RANGE 1 EAST, W.M., PIERCE COUNTY. EXCEPT that portion conveyed to the State of Washington for State Road No. 16 MP 8.34 to MP 18.87 Narrows Bridge to Olympic Drive, as described in Deed recorded under Recording No. 2397369. Also EXEPT Canterwood Boulevard – Burnham Drive City Streets.

Section 3. It is hereby further provided that the hereinbefore authorized plan of improvements shall be subject to such changes as to details of said plan, not affecting the service to be provided by the plan of improvements, as shall be authorized by the Council either prior to or during the actual course of construction.

Section 4. The cost of improvements described in Section 1 and costs of interim notes and bonds shall be assessed against the property specifically benefited by such improvements, on the basis of the amount of the special benefits to such property. The assessments shall be for the sole purpose of payment into such local improvement district bond fund as may be specified by the City Council for the payment of local improvement district bonds to be issued in part to defray the costs of such improvements.

Section 5. All persons who may desire to object to such improvements and the formation of a local improvement district are hereby notified to appear and present such objections at the meeting of the City Council to be held in the Council Chambers of the City Hall at Gig Harbor, Washington, at 3105 Judson Street on March 22, 1999, which time and place are hereby fixed for hearing all matters relating to said proposed improvements and all objections thereto and for determining the method of payment of said improvements. The City Clerk is hereby directed to give notice of said hearing by publication of this resolution in at least two consecutive issues of a newspaper of general circulation within the proposed improvement district, with the date of the first publication to be at least 15 days prior to the date of said hearing, and to mail a notice of such hearing setting forth the nature of the proposed improvements, the total estimated cost, the estimated benefits of improvements to the particular lot, tract or parcel of land, the time and date of said hearing, at least 15 days before the date thereof, to each owner or reputed owner of any lot, tract, parcel of land, or other property specially benefited by said improvements, at the address shown on the tax rolls of the County Assessor.

RESOLVED this ____ day of _____, 1999.

APPROVED:

GRETCHEN A. WILBERT, MAYOR

ATTEST/AUTHENTICATED:

MOLLY M. TOWSLEE, CITY CLERK

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY:

BY: _____
CAROL A. MORRIS

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

EXHIBIT B

NOTICE OF ADOPTION OF RESOLUTION OF INTENTION TO CREATE AND NOTICE OF HEARING ON CREATION OF LOCAL IMPROVEMENT DISTRICT

YOU ARE NOTIFIED that on February 22, 1999, the City Council of Gig Harbor, Washington (the "District"), adopted Resolution No. _____ declaring its intention to create a local improvement district ("LID") and to order the construction of certain improvements within said LID. The boundaries of the pro-posed LID are as set forth in that resolution.

The proposed improvements consist of the following:

Phase 1 will construct a single lane roundabout intersection connecting the proposed East - West Road, Canterwood Boulevard, Burnham Drive, the northbound ramps to and from State Route 16. The remainder of the Phase 1 project will provide two travel lanes, storm drainage improvements (incl. Stormwater detention and water quality facilities), and curb, gutter, planter strips, and a sidewalk on the south side extending east from the roundabout to Peacock Hill Avenue. Additional improvements include wetland mitigation, and provisions for lighting and underground utilities. Anticipated features for the Phase 2 fully developed street section include a landscaped median with left-turn pockets, architectural lighting, water, sanitary sewer, storm sewer, and a bicycle lane, curb, gutter and sidewalk on each side.

The estimated cost of these improvements, and other expenses in connection with the improvements, is \$2,800,000, of which 43 % shall be paid by special assessments levied against the property within the proposed LID specifically benefited by the proposed improvements. Actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

You are notified that a meeting of the City Council will be held at City Hall, City Council Chambers, 3105 Judson Street, Gig Harbor, at 7:00 p.m., on March 22, 1999, which time and place are fixed for hearing all matters relating to such formation and improvements and for determining the method of payment thereof. Persons desiring to object to the improvements and the formation of the proposed LID may appear at the hearing to state their views.

The estimated amount of the cost and expense of such improvements to be borne by and assessed against the described lot, tract or parcel of land located in Gig Harbor, Washington, of which you are the owner or reputed owner as shown on the tax rolls of the Pierce County Assessor, is as stated below.

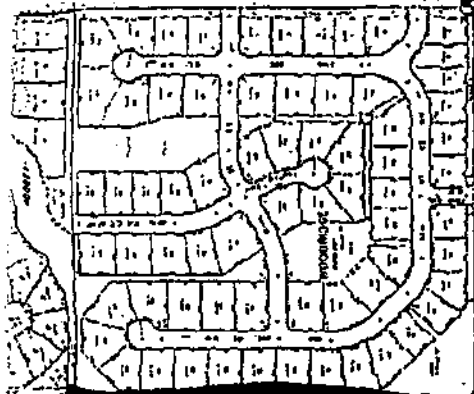
City Clerk

Name of Owner:

Legal Description of Property:

Estimated Amount of Assessment
Against the Foregoing Property:

PEACOCK HILL AVE N.W.



POPE RESOURCES

0222304000

"F" ALIGNMENT

0222311000

POPE RESOURCES

0222311001

POPE RESOURCES

0222303002
BINGHAM

0222303004
BALLINGER CORP

0222303006
BALLINGER CORP

0222312000 X

POPE RESOURCES

BALLINGER
CORP

0222303001

0222312000
BALLINGER CORP

0222312002
BALLINGER
CORP

0222312004
TRONA CITY LIGHT

RGE 1E
RGE 2E

TWP 22 N

0222303000
BALLINGER CORP

SR 16

(8)



CLERK'S CERTIFICATE

[CITY SEAL)

I, the undersigned, the duly chosen, qualified and acting clerk of, Washington (the "City"), and keeper of the records of the City Council (the "Council") DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Resolution No. (the "Resolution") of the Council as finally adopted at a meeting of the Council held on the 22 day of February, 1999, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of February, 1999.

City Clerk

**CITY OF GIG HARBOR
RESOLUTION _____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING, WITH CONDITIONS, THE SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (SDP 97-07) SOUGHT BY MRS. ROSE TARABOCHIA, FOR THE AUTHORIZATION OF THE PLACEMENT OF FLOATS, A FLOATING MAINTENANCE SHED ON A BARGE AND PROVIDING REQUIRED OFF-STREET PARKING FOR A MOORAGE FACILITY LOCATED AT 3615 HARBORVIEW DRIVE, GIG HARBOR, WASHINGTON.

WHEREAS, Mrs. Rose Tarabochia applied for a shoreline management substantial development permit to authorize the placement of moorage floats including the use of a barge with a building constructed on it used as a floating maintenance shed, the provision of moorage for non-commercial fishing craft, and provision of off-street parking to accommodate the numbers and types of vessels moored at the facility and the uses on the site; and,

WHEREAS, at a hearing conducted by the City of Gig Harbor Hearing Examiner on October 21, 1998, several people spoke in opposition to the proposal; and

WHEREAS, the public hearing was continued to December 16, 1998 to allow the applicant sufficient time to produce additional information as requested by the Examiner at the October 21 meeting; and,

WHEREAS, on, December 28, 1998, the Gig Harbor Hearing Examiner approved the application for the substantial development permit, with conditions, and further limiting the effective time of the permit for a period of two years from the date of filing with the Department of Ecology; and,

WHEREAS, Mr. Robert Frisbie, a party of record in this matter, submitted a timely and proper appeal of the decision on January 11, 1999; and,

WHEREAS, Mr. Frisbie's appeal was based on two issues:

- 1. The Council should require that the applicant's survey provide specific dimensions clearly identifying the distance from existing pilings to the westerly and easterly side lines as well as the distance from the existing piling to the outer harbor line.**
- 2. The Council should amend the two year time provision of the Examiner to thirty calendar days to bring the development into compliance with the conditions of the permit, as so stated by the Examiner.**

WHEREAS, on February 22, 1999, the City Council conducted a closed record hearing to consider the appeal filed by Mr. Frisbie; and,

WHEREAS, after hearing the oral argument and council deliberation, the Council voted to deny the appeal.

FACTS



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: PLANNING-BUILDING DEPT., RAY GILMORE
SUBJECT: CLOSED RECORD APPEAL – APPEAL OF HEARING EXAMINER
DECISION, SDP97-07 (ANCICH-TARABOCHIA)—RESOLUTION
AFFIRMING HEARING EXAMINER'S DECISION
DATE: MARCH 3, 1999

BACKGROUND/INTRODUCTION

Council conducted a closed record hearing on the above referenced application at its last meeting on February 22, 1999. Following the closed record hearing, Council directed staff to prepare a resolution affirming the decision of the Gig Harbor Hearing Examiner.

RECOMMENDATION

Staff submits for Council's consideration and approval a resolution affirming the findings and conclusions of the Gig Harbor Hearing Examiner on application SDP 97-07.

EXHIBIT "A"



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

**STAFF REPORT
ENVIRONMENTAL EVALUATION AND
REPORT TO THE HEARING EXAMINER**

SDP 97-07

Ancich-Tarabochia Marina

Authorize Placement of Floats and Use of Barge as A Moorage/Maintenance Facility

PART I: GENERAL INFORMATION

APPLICANT:

Mrs. Rose Tarabochia
8021 Shirley Avenue
Gig Harbor, WA 98335
PH: 253-858-2085

A. OWNER:

Same as above

B. AGENT:

Mr. Mark Anderson
Madden, Poliak, MacDougal and Williamson
1001 Fourth Avenue, Suite 2800
Seattle, WA 98154
PH: 206-621-1011

C. REQUEST:

The proposal is to authorize the placement of moorage floats added over the past 20 years without benefit of a shoreline management substantial development permit. This includes the use of a barge with a building constructed on it used as a floating maintenance shed, the provision of moorage for non-commercial fishing craft, and provision of off-street parking to accommodate the numbers and types of vessels moored at the facility and the uses on the site.

E. PROPERTY DESCRIPTION:

1. Location:

The City Council incorporates by reference the facts set forth in the Staff Report of October 14, 1998 (attached as Exhibit "A"), the addendum to the Staff Report dated October 19, 1998 (attached as Exhibit "B") and the Hearing Examiner's Findings, Conclusions and Decision of December 28, 1998 (attached as Exhibit "C").

FINDINGS AND CONCLUSIONS

1. With regard to the first issue raised by Mr. Frisbie, applications for a shoreline management substantial development permit do not a survey encompassing the scope or detail of information as requested by Mr. Frisbie in his appeal.
2. With regard to the second issue, the two-year effective time period for the shoreline permit was recommended by the staff and approved by the Gig Harbor Hearing Examiner and is a reasonable amount of time for the applicant to comply with the provisions and conditions of the shoreline permit granted.
3. The decision of the Gig Harbor Hearing Examiner includes reasonable and appropriate conditions to ensure that this facility is in compliance with the applicable provisions of the City of Gig Harbor Shoreline Master Program.
4. The appellant has failed to demonstrate that the Hearing Examiner erred in his decision, respective to the two issues raised in the appeal.
5. The findings, conclusions and decision of the City of Gig Harbor Hearing Examiner are supported by substantial evidence in the administrative record and the permit for the shoreline management substantial development permit SDP97-07 should issue.
6. The decision of the Gig Harbor Hearing Examiner in his report dated December 28, 1998, is hereby affirmed.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 8th day of March, 1999.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee
City Clerk

Filed with City Clerk: 02/19/99
Passed by City Council: 03/08/99

The SEPA responsible official issued a determination of non-significance on March 20, 1998. The determination was made after a review of the completed application and environmental checklist for the proposal.

PART II: ANALYSIS

BACKGROUND/HISTORY OF THE PROPOSAL

The facility has been in operation prior to the establishment of the shoreline management act and the City of Gig Harbor's shoreline master program. In 1976, the property owners applied for a shoreline management substantial development permit to install piling and a float for moorage purposes. On January 10, 1977, the City Council conducted a public hearing on the proposal to install 2 piling and a float measuring approximately 135 feet in length. This facility had been constructed in 1971 without benefit of an U.S. Army Corps of Engineers permit or a shoreline management substantial development permit. The Council approved a permit to install two piling but limited the length of the float to approximately 63 feet.

The Council's decision was appealed to the State Shoreline Hearing Board. On June 22, 1977, the Shoreline Hearing Board ruled in favor of the City and affirmed the decision of the City Council (SHB No. 77-7). The order also upheld the authority of the city to limit the type of vessels that use the facility although the shoreline permit approved by the city did not bear any condition limiting the types of vessels.

In 1981, the owner placed a large barge as a tie-up for several watercrafts. The City notified the owners that a shoreline management substantial development permit would be required to use the barge in this fashion. The file shows that no further action was taken by the city.

Since 1981, several floats have been added to the facility, in addition to the barge being used as a moorage float. These additional floats and moorage are the subject of this shoreline permit application.

A. AGENCY REVIEW:

1. Building Official/Fire Marshal

Proposal will require a building permit and must comply with all applicable building and fire codes of the city of Gig Harbor. A copy of the Building Official's memo of February 4, 1998, and June 18, 1998 (response to parking plan) is attached to this report.

2. Public Works Department

Response of May 21, 1998 - No public works concerns.

Harborview Drive, Assessor's Tax Parcel Number 02-21-05-3-113, which is within a portion of the SW 1/4 of Section 5, Township 21 North, Range 2 East WM.

2. Site Area/Acreage:

The upland ownership is 6970 square feet. The private tidelands ownership is 6534 square feet. State owned lease lands is stated as 45,046 square feet. Over water coverage of existing floats and the barge is estimated at 9820 square feet.

3. Physical Characteristics:

The site has a single-family residence on the upland parcel. The net shed houses a small office for a telecommunications facility. The subject facility used to provide moorage for the U.S. Coast Guard up to 1989. The U.S. Coast Guard also occupied a portion of the net-shed and the residence located on the uplands of the property for office space. A portion of the existing pier situated on private tidelands is located on the private property to the East. This condition has existed prior to the adoption of the City's Shoreline Master Program.

F. SURROUNDING LAND-USE/ZONING DESIGNATION:

The area is intensely developed with commercial marinas dominating the shoreline within 1000 feet of the site on both sides of the subject property. Adjacent land use and structures consist of the following:

East: Commercial fishing net shed on private tidelands and moorage for commercial fishing boats.

West: Commercial marina and net shed; upland contains a residence and associated parking for the moorage facility

G. UTILITIES/ROAD ACCESS:

Access is provided by way Harborview Drive.

H. PUBLIC NOTICE

Public notice was provided as required pursuant to Section 19.03.003 as follows:

- ◆ Publish legal notice in the Peninsula Gateway on September 16 and 23, 1998, notice of public hearing.
- ◆ Mailed to property owners of record within three hundred feet of the site on September 22, 1998.
- ◆ Posted on site in two conspicuous locations on October 6, 1998, by the applicant.

I. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT

The City of Gig Harbor Comprehensive Plan designates the area as Waterfront. Pertinent goals and policies are as follows:

Shoreline Management, pages 71-72

- A) Goal - Protect Natural Quality: Preserve and protect the unique, interdependent relationship between the water, land and cultural heritage.
- B) Goal - Mixed Use Waterfront: Preserve the commercial fishing fleet as a significant and cultural resource. Retain a mixed-use waterfront including those fishing, boating, tourist and residential uses which provide the shoreline's unique appeal.
- C) Goal - Protect Water Quality. Define and regulate the design and operation of water-oriented activities.
- D) Goal - Quality Urban Development. Create an accessible and visible waterfront and shoreline including the development of public beaches, fishing and boating docks, picnic and passive overlooks and viewpoints.

2. City of Gig Harbor Zoning Ordinance (Title 17)

The area is designated as Waterfront Millville (WM). The intent of the WM district is to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium-density residential, marine-dependent and marine-related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged. The waterfront district is also considered as part of the Historic District under the City's Design Manual.

Because the entire project is within the shoreline management act jurisdiction, the policies and regulations of the City Shoreline Master Program would apply. Where there is a conflict between the Master Program and the Zoning Code, the Master Program would prevail. The zoning code standards would apply in those instances where the Master Program does not provide any standards.

Applicable Sections of the Zoning Code:

17.48.020 Permitted uses.

The following uses shall be permitted in the WM district:

- A. Single-family and two-family (duplex) structures;**
- B. Marinas and boat launch facilities;**
- C. Boat repair and sales facilities;**

3. State Agency Review

A. Department of Ecology

- ◆ Letter of February 24, 1998 from Abbe White (attached): Comments are general and address discharge of sediment laden runoff or pollutants; alternatives to creosote piling; containment of oil, hydraulic fluids, fuels, etc from construction; protection of utility lines; types of dumpsters.
- ◆ Letter of March 30, 1998 from Abbe White (attached): Proposal is difficult to evaluate; difficult to tell if the entire facility is already in existence or if portions are yet to be constructed; proposed project must be consistent with the applicable policies and regulations of the Shoreline Master Program.

4. Department of Natural Resources, Aquatic Lands

Letter of September 29, 1998, Kathy Marshall, Land Manager: Proponent's tideland and harbor area lease has expired; before an aquatic lease renewal can be processed, the lessees must provide additional information (see letter for details); aware of a house barge at the facility - house barges and residential uses are not allowed on state-owned lease lands and must be removed.

5. Department of Fish and Wildlife

No comments received.

6. Public Comment Received

Several letters were received from Mr. Richard Allen, 3306 Ross Avenue, Gig Harbor. These letters are attached to this report and are summarized as follows:

- ◆ Letter of October 7, 1997 to DNR - Comment on survey, improvements on site
- ◆ Letter of October 12, 1997 - DNR Lease lands, survey.
- ◆ Letter of October 22, 1997 to DNR- Comment on survey, lease area; encroachment on to adjacent private tidelands.
- ◆ Letter of April 4, 1998 - Comment on SEPA checklist in reponse to SEPA determination notice
- ◆ Letter of September 8, 1998 - Response to notice of application, deficiencies on site plans submitted.

B. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan:

location or appearance. Shoreline developments should provide visual access to the water.

3. After completion of a shoreline project, cleared and disturbed areas should be restored to its pre-project condition. If the previous condition had a negative effect on the shoreline environment, landscaping or other improvements may be required, including maintenance, so that the site will be compatible with adjacent natural terrain. The City Council may require landscaping or other improvements to make the site compatible with other properties.

4. All developments should be designed to minimize their adverse effect on surrounding areas.

5. The estuarine areas of Crescent Valley Creek as designated in the City of Gig Harbor Wetlands Map of May, 1992 and the intertidal area at the mouth of Donkey Creek, should receive special consideration due to their potential as aquatic habitats.

6. All shoreline developments should be assessed by the City of Gig Harbor with special attention given to their cumulative effects on the character, mass, height, scale and balance of the City.

7. All applicants for shoreline management permits or request for exemptions shall comply with any applicable requirements of the Washington State Department of Fisheries and Wildlife, the Department of Natural Resources and the U.S. Army Corps of Engineers, as applicable.

Section 3.11 Moorage and Marinas

Marinas and moorage facilities provide commercial moorage, launching, storage for watercraft, including services, supplies, parking and other supporting activities. Due to the commercial nature of marina activities, marinas should also be consistent with Policies and Regulations under Commercial Development.

GOALS: Marina users should meet the Overall Goals of this Master Program as well as conform to the goals for Pleasure Boating and Marinas and Commercial Areas and Shopping.

POLICIES:

1. Marina developments should be designed and constructed to minimize interference with views.

- D. Marine-related sales;
- E. Boat construction, not to exceed one boat per calendar year;
- F. Public park and access facilities;
- G. Professional offices;**
- H. Wholesale and retail sales of fisheries products for human consumption;
- I. Live bait sales;
- J. Piers, docks, wharves and associated buildings;**
- K. Commercial fishing net sheds.**

17.48.070 Parking and loading facilities.

Parking and loading facilities on private property shall be provided in accordance with the requirements of Chapter 17.72 GHMC, **except that where there are properties serving multiple uses, parking shall be provided for the combined total of the individual uses.**

3. City of Gig Harbor Shoreline Master Program

The following sections of the City of Gig Harbor Shoreline Master Program are applicable to this project:

Part 2: Overall Goal Statements

1. Character

The Shorelines of the City of Gig Harbor support its fishing, boating and tourist activities as well as the residential community. Therefore, preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals.

Goals Particular to Certain Uses

6. Pleasure Boating and Marinas

To permit uncovered moorage and the development of temporary docking facilities for visiting vessels, while retaining the open surface water area for watercraft circulation.

Environment Designation: Urban

Section 3.01 - Overall Statements Applicable to All Uses Within the Shoreline

POLICIES

1. New structures should not dominate the shoreline in terms of size, use,

value of the remaining fleet is recognized as a very important component of the cultural and community environment. The City's Visioning Report of 1992 clearly showed that the community places a very high value on preserving the physical, aesthetic and social components which comprise the fishing industry and its fleet. Preservation of the fishing character of the City is a primary consideration in evaluating the effects of a shoreline proposal.

GOALS: Preserve the fishing industry by providing development standards that reflect the needs of the fishing industry.

Encourage the retention and redevelopment of waterfront parcels which provide a substantial and direct contribution to the commercial fishing industry.

Minimize the pressure to convert waterfront property to non-commercial fishing uses.

Encourage development of moorage and dock facilities consistent with current and future needs.

POLICIES:

- 1) Moorage facilities and marinas which provide moorage space for active commercial fishing or support vessels should be allocated an upland parking ratio which does not impose a hardship on the commercial fishing industry or the respective moorage facility. Active fishing vessels are those which have a current commercial license issued by the appropriate state or regional authority.
- 2) Developments which are water-dependent and directly supportive of the commercial fishing industry such as net sheds and loading docks, should be permitted waterward of ordinary high water.
- 3) Overwater parking should not be permitted, except for temporary loading and unloading of commercial fishing gear or fisheries products.
- 4) Commercial sales and services directly related to or supportive of the commercial fishing industry should be permitted, consistent with the underlying zoning regulation applicable to the site.
- 5) Public-private joint moorage facilities for commercial fishing and recreational vessels should be encouraged in locations which are appropriate and capable of supporting such a facility.

2. Marinas should be designed so that they will have minimum interference with public use of the surface of the water and should not extend beyond the Outer Harbor Line.
3. Marinas should be designed to provide vessel access consistent with the established private property and state lease land boundaries.
4. Marinas should be located and constructed so that they minimize harmful effects to the water quality or the aquatic life and habitat.
5. Piers and floats should be designed so that they will have minimum interference with the public use of the water's surface and access along the water's edge.
6. Piers and floats should be designed to accommodate a wide range of uses wherever feasible.
7. Adjoining waterfront property owners should be encouraged to share a common pier or float.
8. Where liveaboard vessels are moored, provision should be made to transfer waste discharges from vessels to a permitted or approved wastewater treatment facility.

Section 3.05 COMMERCIAL DEVELOPMENT

Those uses which are involved in wholesale and retail trade, business, or professions, along with accessory activities such as services, storage, and parking. **For uses such as marinas, piers, industries, the commercial fishing industry and parking, see Policies and Regulations for the appropriate use activity category.**

GOALS: Commercial uses should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial areas and Shopping

Section 3.06 COMMERCIAL FISHING INDUSTRY

The commercial fishing industry consists of the vessels, the moorage facilities and the upland facilities and structures which provide direct support to the industry. It is the historical backbone of the Gig Harbor community and its waterfront environment and has been the focus of the city's development since its incorporation in 1946. In recent times, the fishing industry has experienced a marked decline due to a variety of social, environmental and economic factors, locally, regionally and globally. Although the fishing fleets in Gig Harbor are small in comparison to the fleet of two decades ago, the

property is continuously provided

- b) Proof of active license for commercial fishing vessels or an active contract for commercial fishing boat tenders shall be provided to the City to qualify for this exemption initially. The City may request from the applicant or subsequent assignee in future years that the applicant affirm within thirty (30) calendar days of written request by the City the status of each active commercial fishing vessel on the site by providing copies of the appropriate license or contract.
 - c) Development activities associated with pleasure craft or other non active commercial fishing vessels shall comply with the other relevant sections of this Shoreline Master Program including but not limited to Section 3.13, Parking.
- 2) Developments which are water-dependent and directly supportive of commercial fishing activities may be permitted waterward of ordinary high water, subject to a conditional use permit and the public access requirements of Section 3.05 and providing that the use or structure is permitted in the underlying zoning district for the site.
 - 3) The sale of processed or semi-processed commercial fish products at moorage facilities which accommodate commercial fishing vessels is permitted, consistent with the underlying zoning code district for the site and applicable health codes of the State.

Marinas, Piers and Docks. (§ 3.11)

- 2. The applicant shall be responsible for obtaining all other necessary state and federal permits for marina development.
- 3. Automobile parking shall be provided by the marina developer at the following ratios:
 - A. One space for every two berths of moorage less than forty-five feet in length.
 - B. One space for every berth of moorage forty-five feet or greater.

The balance of parking shall be provided as described in Section 3.13 and the requirements of the applicable underlying zoning district.

Section 3.13 - PARKING

Those facilities for temporary storage of automobiles accessory to primary activities such as commercial, marinas, multi-family residential, and recreational uses (except loading and unloading of vehicles).

GOALS: Parking uses should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial Uses and Shopping.

POLICIES:

1. Parking facilities should not extend over the surface of Gig Harbor nor interfere with any views to or from the water's surface.
2. Parking should not be located any further than four hundred feet from the activity.
3. All parking facilities should be appropriately screened, landscaped, and maintained so as not to have detrimental aesthetic effects on their surroundings.
4. Surface drainage from parking facilities should not adversely affect the water quality of Gig Harbor.
5. Parking lot surfaces should be constructed to minimize erosion and siltation of materials into Gig Harbor Bay.
6. Common parking areas are encouraged between uses.

USE ACTIVITY REGULATIONS

Commercial Fishing Industry (§ 3.06)

- 1) New or existing marinas or moorage facilities which provide moorage and support facilities for active commercial fishing vessels shall be exempt from the parking requirements of Section 3.13 for those active commercial fishing vessels which have active license or a contract from the previous fishing season or the next fishing season, provided the following requirements are met:
 - a) One load/unloading parking space on the applicant's

share of the facility shall cease to be used at such time as some or all of the leased parking is lost or no longer available for use by the moorage facility. The covenant shall run with the land and be filed with the Pierce County Auditor.

PART III: FINDINGS AND CONCLUSIONS

Based upon the analysis in Section II of this report, staff recommends that the Hearing Examiner find as follows:

1. The proposed facility as a marina is a permitted use within a Waterfront Millville District (§17.48.020 of the Gig Harbor Municipal Code).
2. The proposal is to authorize the placement of floats and a barge, which is used as a floating maintenance facility and a moorage float.
3. A portion of the site has also been, and is being used, as a general boat repair facility. Boat repair is a permitted use in the WM district. Parking requirements are not specifically defined for a general boat repair facility (where boats other than those moored at the marina are repaired).
4. Under the provisions of §17.72.030(S), the Planning Director may determine the parking requirements for a use not specifically addressed in Chapter 17.72
5. An office for West Tel Communications is also located on the site, in the net shed. This is a one person operation and would require one parking space (for the employee). The business was established in 1993.
6. Based upon information submitted with the application, a total of 11 parking spaces are available on the applicant's property.
7. Based upon the number and type of boats identified as being moored at the facility, a total of 6 parking spaces are required, plus one load/unload area (for the commercial fishing boats). Based upon the other uses (residential and office) on the property, an additional 3 parking spaces are required. The total number of parking spaces required, based upon the information provided, is 10.
8. The Building Official has stated that the City Fire Code requires a minimum 24 feet wide access and a hammer-head turnaround if the facility requiring protection is more than 150 feet from a public road-way. The width of vehicular access on the site is 15 feet (which excludes the parking strip). Consequently, those parking spaces identified along the east side of the driveway could not be used for parking. Additionally, other provisions of the City of Gig Harbor Fire Code are applicable to

Marinas shall be designed, built, and operated so that no part of a pier or float or moored watercraft extends waterward of the outer harbor line at any time.

8. All authorized piers and floats shall be for the purpose of conducting water related or water-dependent activities.

Residential Uses (§ 3.15)

3. Residential facilities floating on or constructed over the water, including floating homes, and other than watercraft shall not be allowed on the waters under the jurisdiction of the City of Gig Harbor.

Residential use of vessels shall comply with the requirements of Section 3.11.

Parking (§3.20)

1. Parking facilities shall be designed, screened, and landscaped in accordance with the landscaping standards for the underlying zoning district to minimize adverse effects on the shoreline area of the City of Gig Harbor.
2. Pedestrian access walkways shall be provided between upland parking areas and the site which they serve.
3. Parking facilities for boat trailers shall be by Conditional Use Permit.
4. Parking over the water surface shall be prohibited.
5. Primary purpose commercial parking lots shall be prohibited from the shoreline areas.
6. Parking areas shall be surfaced with asphalt or concrete. Grasscrete or other similar hard surface may be utilized for a portion of the parking area as determined by the Public Works Director.
7. Parking shall not be located any further than four hundred feet from the activity and should preferably be located on the upland side of Harborview Drive.
* * *
9. Parking may be provided on lease property, so long as the owner of the moorage facility files a covenant between the property owner/applicant and the moorage facility owner to the City, providing that the portioned

1. The applicant shall submit a complete application for a building permit for all improvements subject of this shoreline permit application within 120 days of the Department of Ecology's date of filing of the shoreline permit. The building permit application shall include all requirements for demonstrating compliance with the Uniform Fire Code and include a detailed off-street parking plan meeting all applicable city code requirements.
2. The use of the site for boat repair shall be included as part of the allocation for parking for the facility. Off-street parking for the boat repair portion of the site is not specifically addressed in the zoning code. Respective to §17.72.030(S), the Planning Director may determine the appropriate requirement. Based upon a site analysis and the activity associated with the boat repair facility, a minimum of 5 off-street parking spaces must be provided. The off-street parking plan must address these 5 parking spaces.
3. The off-street parking plan shall provide a minimum of 15 parking spaces meeting the requirements of §17.72 GHMC and the City of Gig Harbor Uniform Fire Code for access provisions. These parking spaces are to be clearly delineated on the site(s).
4. Required off-street parking shall be made available on the site or within 400 feet of the site. An agreement for shared parking shall be for a minimum term of ten years and shall be filed as a covenant running with the land where the parking is located. If off-street parking within 400 feet of the property is to be provided, the parking agreement must be filed with the City within the two year time period specified for the shoreline management permit.
5. If the required off-street parking cannot or is not provided, as required, the applicant must reduce the number of uses or boats moored at the facility to meet the parking requirements.
6. Applicant shall provide verification of compliance with applicable state licenses and permits including HPA approval and DNR lease approval.
7. Within two years of the date of filing, the applicant shall have constructed/installed all required improvements as approved by the City under the provisions of Title 15 GHMC.
8. No vessel, float, pier or dock shall be moored within 12 feet of any adjoining private or public property line. This requirement may be waived if the affected adjoining

this proposal.

9. Several of the structures on the marina (floats and sheds) have been installed/constructed without City of Gig Harbor building permit approval.
10. Comments have been received that off-street parking is not sufficient to accommodate the number and variety of uses conducted on the site. Particular concern has focused on the use of a part of the facility for a general boat repair facility. The parking demand has been due to the number of employees who do boat repair work at the marina.
11. A portion of the pier and floats extends over the property line to the east. This encroachment has existed for the past 30 years. The Shoreline Master Program requires a minimum 12 foot setback for all structures (floats, piers, docks) and vessels from adjacent property lines. This may be waived if an agreement is entered into between the adjoining property owners for a reduced set-back, said agreement filed as a covenant.
12. Notices on the public hearing to parties of record within 300 feet of the site were mailed on September 22, 1998.
13. The property was posted in two locations by the applicant on October 6, 1998.
14. Legal notice was published twice in the Peninsula Gateway on September 16 and 23, 1998.
15. The SEPA Responsible Official issued an environmental determination of nonsignificance (DNS) for this project proposal on May 12, 1997. This was based upon a review of the completed environmental checklist and other documents submitted with the application. No adverse impacts have been identified as a result of this proposal.

PART IV: RECOMMENDATION

Based upon the findings in Section III of this report, staff recommends that SDP 97-07 be approved, subject to the following conditions:

The terms of this shoreline permit shall be effective immediately upon notice of the date of filing with the Department of Ecology. Within two years of the date of filing of this permit with the Department of Ecology, the applicant shall accomplish the following:

EXHIBIT "B"



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: City Hearing Examiner
Applicant
Applicant's Authorized Agent

FROM: Ray Gilmore, Director

DATE: October 19, 1998

SUBJ.: Supplemental Report - SDP 97-07

Staff has discovered several omissions in the original staff report that address the SMP requirements for moorage and marinas and parking lot landscaping. Specifically, on page 12 of the report, two regulations from the SMP, Chapter 3.11, were inadvertently cut from the staff report. These are as follows:

Regulation #7 : All moorage, wharves, piers, floats and vessels moored at marina facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. Location closer than twelve feet from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be filed with the Pierce County Auditor as a covenant with the land. The intent of this regulation is to provide a minimum ingress/egress of twenty-four (24)feet.

Regulation #9: Where moorage is offered in new, expanded or renovated existing marinas, pump-out, holding and/or treatment facilities shall be provided for sewage contained on boats and/or vessels. Such facilities shall be located so as to be conveniently accessible to all boats. The responsibility for the adequate and approved collection and disposal of marina originated sewage, solid waste and petroleum waste lies with the marina operator.

Compliance with regulation #7 is reflected in the recommended conditions (condition # 8). Compliance with regulation #9 may be addressed as an additional condition to the permit, requiring the provision of a sewage pump-out facility.

Respective to landscaping, the SMP (Chapter 3.20, Regulation 1) requires landscaping for parking areas, consistent with the applicable chapter of the Zoning Code (Chapter

property owner enters into an agreement with the applicant to allow a reduced setback. For public property, the agreement may constitute the lease agreement with the Department of Natural Resources. For the adjacent private property, the agreement shall be established as a covenant running with the land and shall be filed with the Pierce County Auditor within the effective time period for this shoreline permit.

9. To qualify for the parking exemption for commercial fishing vessels, proof of active license for commercial fishing vessels or an active contract for commercial fishing boat tenders shall be provided to the City within the time period specified for the shoreline management permit.

Documents pertinent to the Hearing Examiner's review are attached.

Staff report prepared by: Ray Gilmore, Director, Planning and Building Services

October 14, 1998
DATE:

DEC 29 1998

PLANNING AND BUILDING
SERVICES

**CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND DECISION**

APPLICANT: Rose Tarabochia

CASE NO.: SDP 97-07

LOCATION: Harborview Drive, Assessor's Tax Parcel Number 02-21-05-3-113, which is within a portion of the SW ¼ of Section 5, Township 21 North, Range 2 East WM.

APPLICATION: The proposal is to allow the placement of moorage floats added over the past 20 years without benefit of a shoreline management substantial development permit. This includes the use of a barge with a building constructed on it used as a floating maintenance shed, the provision of moorage for non-commercial fishing craft, and provision of off-street parking to accommodate the numbers and types of vessels moored at the facility and the uses on the site.

SUMMARY OF RECOMMENDATION AND DECISION:

Staff Recommendation: Approve with conditions

Hearing Examiner Decision: Approve with conditions

PUBLIC HEARING:

After reviewing the official file which included the Community Development Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Ancich-Tarabochia Marina application was opened at 5:38 p.m., October 21, 1998, in the City Hall, Gig Harbor, Washington, and at 7:03 p.m. was continued to December 16, 1998. The hearing was reopened at 5:00 p.m. on December 16, 1998 and was closed at 5:50 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Planning Department.

HEARING TESTIMONY:

The following is a summary of the testimony offered at the public hearing:

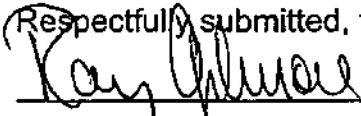
From the City:

Ray Gilmore, Planning Director, reviewed the staff advisory report and the supplemental report. He said the issue goes back over 20 years and much of what exists on the site now was not approved by the City.

17.78). Consequently, staff is recommending two additional conditions to the shoreline permit:

1. A sewage pump-out facility shall be provided for the marina. A plan for the pump out facility shall be submitted for the Public Works Department for its approval and shall be installed within the two-year time limit of the shoreline permit.
2. A parking area landscape plan which meets the requirements of Chapter 17.78 shall be submitted with the building permit application. Landscaping shall be installed within the two year time limit of the shoreline permit.

Respectfully submitted, this date.



Ray Gilmore
October 19, 1998

- Cleanup of the dock is in progress.
- Parking is the single biggest issue in obtaining the permit and the applicant is eliminating the repair facility and is considering renting nearby parking spaces.
- The uses shown on the aerial photo have already been substantially reduced and the applicants plan to do what they are supposed to do under the City Code and Shoreline Master Program.

From the Community:

Jake Bujacich submitted three photos of site and surrounding area (Exhibit H) and said:

- The Modoc was brought in a couple of years ago and now has as many as four boats alongside.
- Boat repair is being done on the site and as many as nine employees are working on boats at any one time.
- The employees are parking on the street.
- He is concerned about on-street parking of RVs, trailers, etc. (shown on Exhibit H) which is related to the boat repair facility
- He doesn't believe they should get two years to close down the boat repair facility.
- Parking for the office space on site should go by square footage of the office space, not the number of employees in the office space at this time.

Rich Vanberg said he concurred with Jake Bujacich and also said:

- The house on the property is rented and also has a number of vehicles.
- Sometimes the people in the house park behind the house in designated parking for other uses on site and sometimes they park on the street for days at a time.
- The City should not wait for two years to have this to be corrected.

Richard Allen submitted new letters (Exhibits F & K) and summarized his most recent written comments. He listed several alleged violations of the existing permit and said:

- There has been a disregard for the required 12' setbacks.
- Ecological concerns have been disregarded.
- There is insufficient parking on site. He calculated 15 spaces are needed.
- The current lack of off-street parking results in on-street parking by the applicants' employees and blocked driveways of nearby residents.
- The permit needs to be definitive in regards to the uses allowed at/on/over the site along with the number of parking spaces required and the number of parking spaces being supplied.
- There should be a deterrent to discourage future violations of the permit, namely a bond.

From the Applicant:

Mark Anderson, Attorney for the Applicant, said the applicants realize they need to come up to speed and will comply with the conditions recommended by staff. He also said:

- The applicants want to maintain floats for moorage and a barge for storage and moorage, not a boat repair on the property.
- Relative to the concerns expressed by DOE:
 - Concerns over creosote apply to improvements to be made in the future, however, nothing is planned to be built at this time.
 - Concerns over the floating maintenance shed will be addressed as the applicants plan to phase out boat repairs.
- Relative to the issues with DNR:
 - The applicant is trying to resolve the lease issue and expects to resolve it within several months.
 - The property lines shown are based on an older survey. According to re-surveys the floats may have strayed onto other properties.
 - The house barge and over water residential uses will be eliminated, and the applicant has asked the owner of the house barge to remove the house barge from the marina by January 15, 1999.
- Relative to concerns expressed by Richard Allen:
 - The applicant will try to satisfy all of Mr. Allen's concerns.
 - All administrative requirements will be met.
 - It is acknowledged that uses are tied to available parking and the curtailing of the use of the boat repair facility and the house barge will help with parking.
- Relative to concerns expressed by the Fire Marshall:
 - Fire safety issues will be resolved.
 - The survey map doesn't include improvements to the property.
 - The office which exists on the property has been there for the past nine years and has just one employee. No additional employees are expected.
 - The survey drawing shows 12' setbacks.
 - He would propose that the applicant provide data points and that everything be measured from the data points.
 - Only one boat (which requires inside work) is being repaired now. That type of repair work will cease once repair of this boat is completed.

- If a new use is proposed in the office building, then a business license will be required and if parking is not available it could not comply with the code requirements and it would be denied.

CORRESPONDENCE:

Correspondence was received from the following members of the general public:

Dick Allen, Exhibits A-6,A-7, A-8, A-9,A-10, F & K

Bob Frisbie, Exhibits G & L

FINDINGS, CONCLUSIONS AND DECISION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

A. FINDINGS & CONCLUSIONS:

1. The information contained in Sections I, II & III of the Planning Staff Advisory Report (Hearing Examiner Exhibit A), as modified by the Supplemental Report (Hearing Examiner Exhibit C), is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings and conclusions. A copy of said report is available in the Planning Department.
2. While a number of issues were raised during the hearing relative to alleged code violations at the subject site, the staff advisory report (which is adopted above) focuses on the application for a new shoreline substantial development permit to bring the subject moorage facility into compliance with the Shoreline Master Program. This report will not address alleged code violations.
3. A critical issue which is also addressed in the staff advisory report and was addressed through testimony and correspondence offered at the hearing is the issue of off-street parking for the various uses on the site. It is clear from the testimony and exhibits presented that parking is a key issue to be examined. After reviewing the file the Examiner concurs with the parking analysis found in Exhibit L and believes that a total of eleven (11) spaces should be required for the uses which the applicant has indicated will remain on the site. This number assumes the existing house barge and the boat repair facility will be removed from the site.

Bob Frisbie submitted Exhibits G & L and summarized his written comments and said:

- The applicants thoroughly understand all of the issues and rules.
- All parking spaces must be cumulative. No parking is allowed over the water and only five parking spaces are available on site.
- The application should be turned down as it doesn't meet the parking requirements. He believes 11 parking spaces should be required.
- The landscape plan should be submitted with the application to be considered at the public hearing.
- The applicants have not submitted a surveyor's wet stamped drawing detailing the water area to be leased from the state. Furthermore, the surveyor has not included all of the needed information. An accurate survey would provide a basis for future potential code enforcement actions.
- It would be appropriate to condition the permit such that approvals sought under this application be restricted to SMP 3.11 setbacks from the boundary/survey lines described in the applicants' 1997 lease with DNR.
- The Modoc could not legally moor there if plans had been drawn properly.
- There should be a number of conditions required of the applicants (See Exhibits G & L).

Response from the Applicant:

Mark Anderson responded and said that:

- By the end of December there will be no more boat repair taking place on the site.
- The applicant will comply with the concerns identified by Mr. Allen.
- A more comprehensive parking review will be done.
- He acknowledged that the record is clear relative to non-compliance and the applicant will work towards meeting each of the requirements.
- There have been deficiencies in the application and necessary documents will be supplied in order to obtain a permit.
- This hearing is not a code enforcement hearing and should not be treated as one.

Response from the City:

Ray Gilmore, responded and said that:

- The barge is currently being used as a moorage float and noted that parking will be required for vessels moored to the barge.
- The use of any structure over the water which is not water dependent or water related is a non-conforming use.

7. Within two years of the date of filing, the applicant shall have constructed/installed all required improvements as approved by the City under the provisions of Title 15 GHMC.
8. No vessel, float, pier or dock shall be moored within 12 feet of any adjoining private or public property line. This requirement may be waived if the affected adjoining property owner enters into an agreement with the applicant to allow a reduced setback. For public property, the agreement may constitute the lease agreement with the Department of Natural Resources. For the adjacent private property, the agreement shall be established as a covenant running with the land and shall be filed with the Pierce County Auditor within the effective time period for this shoreline permit.
9. To qualify for the parking exemption for commercial fishing vessels, proof of active license for commercial fishing vessels or an active contract for commercial fishing boat tenders shall be provided to the City within the time period specified for the shoreline management permit.
10. A sewage pump-out facility shall be provided for the marina. A plan for the pump out facility shall be submitted for the Public Works Department for its approval and shall be installed within the two-year time limit of the shoreline permit.
11. A parking area landscape plan which meets the requirements of Chapter 17.78 shall be submitted with the building permit application. Landscaping shall be installed within the two year time limit of the shoreline permit.
12. The house barge shall be removed from the site no later than January 15, 1999.

Dated this 28th day of December, 1998.



Ron McConnell
Hearing Examiner

APPEAL OF EXAMINER'S DECISION:

Any party of record who feels aggrieved by the Examiner's decision may submit an appeal in writing to the Gig Harbor Planning Department within (14) calendar days from the date the final decision of the Examiner is rendered.

Such appeal shall be submitted in accordance with Chapter 19.06 GHMC.

4. If approved as conditioned below, it is believed the proposal will comply with the provisions of the Shoreline Master Program and the Gig Harbor Municipal Code.

B. DECISION:

Based upon the foregoing findings of fact and conclusions, the requested Shoreline Substantial Development is approved, subject to the following conditions:

The terms of this shoreline permit shall be effective immediately upon notice of the date of filing with the Department of Ecology. Within two years of the date of filing of this permit with the Department of Ecology, the applicant shall accomplish the following:

1. The applicant shall submit a complete application for a building permit for all improvements subject of this shoreline permit application within 120 days of the Department of Ecology's date of filing of the shoreline permit. The building permit application shall include all requirements for demonstrating compliance with the Uniform Fire Code and include a detailed off-street parking plan meeting all applicable city code requirements. Along with the application for a building permit the applicant shall submit a complete site plan which complies with the provisions of Section 4.07.A of the City of Gig Harbor Shoreline Master Program.
2. The use of the barge on the site for boat repair shall cease upon completion of the repairs of the boat currently being worked on, and in no case shall barge be used for boat repairs beyond January 31, 1999.
3. The off-street parking plan shall provide a minimum of eleven (11) parking spaces meeting the requirements of §17.72 GHMC and shall meet the City of Gig Harbor Uniform Fire Code for access provisions. These parking spaces are to be clearly delineated on the site(s).
4. Required off-street parking shall be made available on the site or within 400 feet of the site. An agreement for shared parking shall be for a minimum term of ten years and shall be filed as a covenant running with the land where the parking is located. If off-street parking within 400 feet of the property is to be provided, the parking agreement must be filed with the City within the two year time period specified for the shoreline management permit.
5. If the required off-street parking cannot or is not provided, as required, the applicant must reduce the number of uses or boats moored at the facility to meet the parking requirements.
6. The applicant shall provide verification of compliance with applicable state licenses and permits including HPA approval and DNR lease approval.

3. Parking plan.
 4. Plan and elevation.
 5. Plan with lease area.
- J. Proposed Tidelands Lease Renewal Map.
- K. Letter from Dick Allen, dated 12/16/98, with attachments.
1. Memo from Steve Bowman, dated 6/18/98.
 2. Memo from Steve Bowman, dated 2/4/98.
 3. Letter from DNR, dated 10/15/97.
- L. Letter from Bob Frisbie, dated 12/16/98.

PARTIES OF RECORD:

Rose Tarabochia
8021 Shirley Ave.
Gig Harbor, WA 98335

Mark Anderson
Madden, Pliak, MacDougal & Williamson
1001 Fourth Ave., Suite 2800
Seattle, WA 98154

Jack Bujacich
3607 Ross Ave.
Gig Harbor, WA 98335

Rich Vanberg
3616 Harborview Dr.
Gig Harbor, WA 98335

Richard B. Allen
3603 Ross Ave.
Gig Harbor, WA 98335

Robert G. Frisbie
9720 Woodworth Ave.
Gig Harbor, WA 98332

Planning Department

EXHIBITS:

The following exhibits were offered and entered into the record:

- A. Staff advisory report, with 10 attachments.
 - 1. Memo from Steve Bowman, dated 2/4/98
 - 2. Memo from Steve Bowman, dated 6/18/98
 - 3. Letter from Abbe White, DOE, dated 3/30/98.
 - 4. Letter from Abbe White, DOE, dated 2/24/98, with an attachment.
 - 5. Letter from Kathy Marshall, DNR, dated 9/29/98.
 - 6. Letter from Richard B. Allen, dated 4/4/98.
 - 7. Letter from Richard B. Allen, dated 9/8/98.
 - 8. Letter from Richard B. Allen, dated 10/7/98.
 - 9. Letter from Richard B. Allen, dated 10/12/98.
 - 10. Letter from Richard B. Allen, dated 10/22/98.
- B. Application, with 5 attachments.
 - 1. Environmental Checklist.
 - 2. Gig Harbor Bay Vicinity Map.
 - 3. Revision 1 to Application dated 8/4/97.
 - 4. Record of Survey.
 - 5. Utility Plan.
- C. Memo from Ray Gilmore, (supplemental staff report) dated 10/19/98.
- D. Six photos of the site submitted by Ray Gilmore.
- E. Site Plans: 1976 request/1977 approved plan/1998 configuration.
- F. Letter from Dick Allen, dated 10/21/98.
 - 1. Shoreline Hearings Board Findings, Conclusions and Order on SHB #77-7, dated 6/22/77, with attachments.
 - 2. Pierce County Superior Court Order dismissing the petition for review, dated 8/4/78.
 - 3. Pierce County Superior Court satisfaction of judgment, dated 1/21/82.
 - 4. Notice of Violation, dated 7/23/97.
 - 5. Assessor records.
 - 6. Memo from Steve Bowman, dated 6/18/98, with attachment from the UFC.
 - 7. Public Works Standard 2B.140.6.
 - 8. Business card for Paul Ancich.
- G. Letter from Bob Frisbie, dated 10/21/98, with attachments.
 - 1. Parking plan for Ancich - Tarabochia dock.
 - 2. Ancich - Tarabochia dock plan.
 - 3. Aerial photo of subject dock and vicinity.
- H. Three photos of the site and area submitted by Jake Bujacich.
- I. Letter from Mark Anderson, dated 11/19/98, with attachments.
 - 1. Letter from Mark Anderson, dated 11/18/98.
 - 2. Plan with moored watercraft.



Pierce County

Department of Emergency Management
Office of the Director

STEVEN C. BAILEY
Dirac

901 Tacoma Avenue South, Suite 300
Tacoma, Washington 98402-2101
(253) 798-6595 • FAX (253) 798-3307

March 3, 1999

Mark Hoppen, City Administrator
City of Gig Harbor
3105 Judson St.
Gig Harbor, WA 98335

Dear Mr. Hoppen:

Enclosed are three copies of the Memorandum of Renewal for the 1999 contract for Emergency Management services.

The addition of a two month extension is included and has been reviewed with Carol Morris, Attorney by telephone. We trust that this meets with your approval.

Please have all appropriate city officials sign the agreement and return it to me as soon as possible for the County signatures. I will return your original upon completion.

Thank you for your continued support and assistance.

Sincerely,

A handwritten signature in cursive script that reads "Steven C. Bailey".

Steven C. Bailey, Director

SB/esr
attachment





City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: 1999 RENEWAL - PIERCE COUNTY EMS
DATE: MARCH 3, 1999

INFORMATION/BACKGROUND

In 1997 and 1998, the city agreed to pay Pierce County \$.60 per capita for emergency services under Chapter 38.52 RCW. This arrangement satisfied the city's statutorily recommended obligation for emergency management services within the jurisdiction. The county's ability to make claim for additional compensation, subsequent to an emergency, exists regardless of this renewal.

FISCAL CONSIDERATIONS

Pierce County will be using the current state population figure to calculate the yearly fee (Gig Harbor population 6350) and proposes to increase the per capita rate to \$.62. Consequently, the cost to the city in 1999 will be \$3937.

Also, this agreement makes available an additional \$5000 to Pierce County Emergency Management to develop a model neighborhood preparedness program in one of the city's existing neighborhoods, which will enable the neighborhood to be self-sufficient for a minimum of three days following a major disaster. Later, this model will be replicable throughout the city. This objective, authorized in the 1999 City Budget (see attached #13), is part of a Pierce County effort to develop fully prepared model neighborhoods in four differing jurisdictions throughout Pierce County in 1999.

Mr. Steve Bailey, Director of Pierce County Emergency Management, will be available at the Council Meeting to answer any questions about the memorandum.

RECOMMENDATION

Staff recommends approval of the renewal memorandum, making the renewal retroactive to January 1, at a population count of 6350.

ATTACHMENT "A"

City Of Gig Harbor

1999 Emergency Management Work Plan

1. Full participation in a "Year 2000" hazard tabletop exercise scheduled for the spring of 1999.
2. Assist in the establishment of a neighborhood emergency preparedness program, designed to enable neighborhoods to be self-sufficient for a minimum of three days following a major disaster.
3. Provide three public education presentations on emergency preparedness issues.
4. Provide training for Gig Harbor's EOC Staff as appropriate.
5. Provide training and education programs for officials as necessary.
6. Provide full 24 hour a day Duty Officer coverage for Emergency Management issues.
7. Activate the County Emergency Operations Center in support of an EOC activation or the declaration of an emergency in either City, or in support of any emergency incident that requires multi-agency response coordination.

MEMORANDUM OF RENEWAL

The "Agreement for Emergency Management" signed in 1996 by Pierce County and the City of Gig Harbor is hereby renewed effective 1 January, 1999, and terminating at midnight on the 28th day of February, 2000, or terminating at midnight on the 31st day of December, 1999, if a contract/renewal is in place for the year 2000 prior to the 28th day of February, 2000, whichever occurs first.

The agreement is renewed in its entirety with the exception of Paragraph 5 which is amended to read as follows:

5. ~~Compensation~~. City shall pay County upon execution of this agreement the sum of \$0.62 per capita per year for all services rendered under the terms of this agreement, using population figures from the "Population Trends for Washington State" publication of the State Office of Financial Management for 1999. Payment for the two months of the year 2000 may be preempted by a new contract/renewal in place prior to January 1, 2000. If contract/renewal is not in place at that time, the City shall pay County in January, 2000, for pro-rata annual portion at a rate set by County standards from "CPI" and "Population Trends for Washington State" for all services rendered under the terms of this agreement for the two month period. City shall pay County upon execution of this agreement the additional sum of \$5,000 for Item 2., Attachment A for 1999. Pierce County shall perform all services required by its Emergency Management Plan and/or Chapter 38.52 RCW and Attachment "A" 1999 Emergency Management Work Plan. Nothing herein shall prevent County from making a claim for additional compensation in the event of an actual emergency or disaster as authorized by Chapter 38.52 RCW.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be duly executed, such parties acting by their representatives being thereunto duly authorized. Dated this ___ day of _____, ____.

PIERCE COUNTY

CITY OF GIG HARBOR

By _____ Date _____
Steven C. Bailey
Director of Emergency Management

By _____ Date _____
Gretchen A. Wilbert
City of Gig Harbor Mayor

By _____ Date _____
Prosecuting Attorney (as to form only)

Attest:

By _____ Date _____
Patrick Kenney
Executive Director of Administration

By _____ Date _____
Mark E. Hoppen
City Administrator

By _____ Date _____
Charles Robbins
Executive Director of Public Safety

Approved As To Form

By _____ Date _____
Doug Sutherland
Pierce County Executive

By _____ Date _____
Carol Morris
City Attorney





Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE BOISE CHARLOTTE HONOLULU LOS ANGELES NEW YORK
 PORTLAND RICHLAND SAN FRANCISCO SEATTLE WASHINGTON, D.C. SHANGHAI

JOHN E. KEEGAN
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 johnkeegan@dwt.com

2600 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WA 98101-1688

TEL (206) 622-3150
 FAX (206) 628-7699
 www.dwt.com

February 22, 1999

Gretchen A. Wilbert, Mayor
 Members of the City Council
 City of Gig Harbor
 3105 Judson Street
 Gig Harbor, WA 98335

Re: Impact Fee and Concurrency Ordinances

Dear Mayor Wilbert and Members of the Council:

I am writing on behalf of Pope Resources to comment on the proposed transportation impact fee and concurrency ordinances. Generally, although the ordinances represent a good start, we believe there are numerous areas where the ordinances can be improved in a way to make them both consistent with applicable state law as well as more workable for the City of Gig Harbor and those numerous property owners and developers who will be impacted by the ordinances.

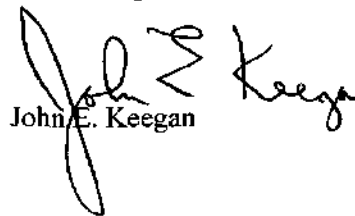
We strongly recommend that the ordinances not be passed in their current form. Instead, we invite City staff and the Council to engage in further work sessions with interested and affected members of the public to address the concerns which remain with the ordinances. Certainly, Pope Resources would be willing to participate in such an effort.

I have attached to this letter, in outline form, the areas of our major concerns. We have been unable, in the short period of time available for review of the ordinances, to propose specific language which we think would cure the identified problems.

Thank you for your consideration of our comments and we look forward to working further with the City to address this very complex and important topic of impact fees and concurrency.

Sincerely,

Davis Wright Tremaine LLP


 John E. Keegan

Enclosure

cc: Greg McCarry
 Jon Rose



**POPE RESOURCES' COMMENTS ON
GIG HARBOR PROPOSED IMPACT FEE
AND CONCURRENCY ORDINANCES**

As currently drafted, the transportation impact fee and concurrency ordinances have the following major problems:

Transportation Impact Fee Ordinance.

1. No credit is allowed for construction or dedication of right-of-way for a road project that provides access to a development. GMA requires such credit and proportionality where a project benefits any non-project users. See § 19.____.070.G.

2. Adjustment of fee schedule only for past and future taxes paid by property owners is inconsistent with GMA, which requires adjustment for user fees, debt service payments and other payments pro-ratable to the particular system improvement. See § 19.____.080.

3. Property owner payment of fees should not be required until issuance of building permits. Payment at time of preliminary plat approval and as a pre-condition to appealing the amount of the fees is both unrealistic and unfair. See §§ 19.____.050 and .090.

4. Refund provisions should be expanded to allow refund when any transportation improvement project for which fees were collected is terminated or reduced in scope. See § 19.____.120.F.

5. Impact fees may apparently still be assessed for some transportation projects through SEPA. This is wrong. SEPA does not authorize impact fees. All impact fees must be governed by and assessed through the impact fee ordinance. See § 19.____.150.

6. Definitions of "impact fee" and "proportionate share" are too broad and do not take into account the proportionality and individuation required by GMA and applicable court decisions. See ¶¶ 36 and 47 of definitions.

Concurrency Ordinance.

1. The commencement event for running of six year concurrency period is vague. See ¶ 4 of definitions and § 19.10.006.

2. No provision is made for the reservation of capacity in advance of a development permit application. See § 19.10.009 and ¶ 11 of definitions.

3. The time period for reservation of capacity (for one, two, or three years) is too short for a complex, multi-phased development. See § 19.10.021.



4. The payment schedule requiring a one-third, two-thirds, and full payment of the impact fees to reserve capacity for a one-year, two-year and three-year time period respectively is too steep and ignores the realities of development financing. See § 19.10.023.A.

5. The amount of impact fees owed should be determined at the time a project vests and not when the building permit is issued. See § 19.10.023.B.

6. The holdback of 10-30% of the reservation fee in the event of a refund is illegal under RCW 82.02.020 and the GMA if it exceeds the City's actual administrative costs.

7. City must allow immediate appeal of any concurrency determination which denies capacity to the project proponent. See § 19.10.030 and .032.



LAND DEVELOPERS IMPACT TAX
February 22, 1999
Gig Harbor City Hall

ISSUE:

Institute a Land Developers Impact Tax to be used for the benefit of City of Gig Harbor parks and transportation development projects.

RECOMMENDATION:

Establish a committee to review diverse options prior to immediate implementation of an Impact Tax.

Convene the committee within two weeks. Advise recommendations to the Gig Harbor City Council within one month from date of appointment.

CONSIDERATIONS FOR COMMITTEE REVIEW:

If an Impact Tax is not instituted, then mandate the creation of park and or transportation areas, or a monetary contribution to parks and or transportation, with each development project. Selection would depend on proximity of parks or transportation access available in the area.

Create positions on the Gig Harbor Planning Commission for Cultural Art Commission, Park, Development, and Transportation representatives. The objective is to incorporate these organizations and or business recommendations in the initial planning stages. Thus, consideration would be given to growth management while developing quality community living.

Example: First floor business, second floor residence, close access to park, where art programs may be provided, and transportation facilities.

Shirley Tomasi

Gig Harbor Key Peninsula
Cultural Arts Commission
Executive Director

Peninsula Parks and Recreation
Commissioner

GH Peninsula Historical Society
Board Member

City of Gig Harbor
Hotel/Motel Tax Committee Member



Scott Wagner
6507 27th Avenue Northwest
Gig Harbor, WA 98335

City of Gig Harbor Mayor Wilbert And City Council
3105 Judson Street
Gig Harbor, WA 98335

February 19, 1999

RE: Concurrency Ordinance - Parks And Transportation Impact Fees Ordinance

Dear Mayor And City Council,

The purpose of this letter is to let you know how upset I am that you are considering the Concurrency Ordinance, that was first read February 1, 1999 and the Parks And Transportation Impact Fees Ordinance, that was also first read February 1, 1999, as written. The passing of these ordinances will have a devastating and long lasting effect on the progress and growth of the City of Gig Harbor and the surrounding area.

I personally have experience in working in jurisdictions that have had impact fees in place. I can tell you when I have seen them be successful and when I have seen them be unsuccessful. I can tell you when I have seen impact fees help control growth and when I have seen them force growth to go in a horrible direction. I can tell when I have seen cities prosper because of impact fees and when I have seen cities go stagnant because of these same fees.

RCW 36.70A.070, concerning mandatory elements of comprehensive plans, states, "A comprehensive plan shall be adopted and amended with public participation." I do not believe these ordinances, associated with the comprehensive plan, were written with the necessary public participation. I would be happy at any time to share my experiences with you. I would like to help insure that when ordinances of this type are proposed, that they have a positive affect on the City.

Below is a list of questions, and concerns:

1. Who is actually behind the passing of these ordinances?
2. Do they have experience developing property in cities of our size that have instituted impact fees?
3. Has anyone looked at the effect these ordinances will have on specific developments within our City?
4. Has anyone looked at what will happen to the local property owners of limited means who will not be able to afford these additional fees?
5. Who will be responsible when growth is forced to go just outside the City limits and is done in a less desirable fashion than it would have been done if it had been done within the City limits?
6. Who will be responsible for all of the trips citizens will have to make outside of the City because goods and services are not available locally?

Please remember that there is a silent majority out here that are against these type of ordinances and the long term negative affect they would have on our community. Promoting controlled growth and doing City improvements with the increased tax revenues is a better way in the long run. The citizens have given you a big responsibility concerning the future of their City, please vote no to these ordinances as written.

Sincerely,


Scott Wagner



John W. Holmaas

Post Office Box 206
Gig Harbor, WA 98335

February 22, 1999

Mayor Wilbert and City Council Members
Gig Harbor City Hall
3105 Judson St
Gig Harbor, WA 98335

Dear Mayor Wilbert and Council Members:

As an "ad hoc" member of your Parks and Open Space Committee I applaud and encourage your desire to fund park projects within the City.

However, I find it inconsistent to propose funding based on the 1996-2002 planning process which is now being updated by the Parks and Open Space Advisory Committee. It is my belief that many of the projects suggested in the prior plan may or may not be include in the forthcoming plan and the priorities of the items may be substantially altered ... for example:

Scofield property ... was considered ... now may not be
Price was \$1,190,000 ... now maybe \$50,000 for an easement

Trail system ... Tacoma City Light appears to have nixed a paved trail
Letter dated December 7, 1998.
Price was \$550,000 ... may not be able to use as proposed

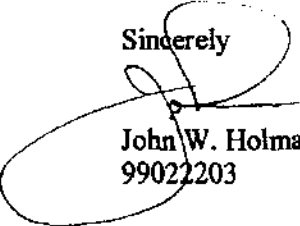
Regarding the transportation plan ...
Nearly ½ of the plan is contained in the Hunt Street overpass ...
How is the cost/benefit ratio for this project

Recommendation ...

- 1) Table this impact fee proposals for 1 year.
- 2) Develop an advisory committee including:
AGC, Board of Realtors, Chamber of Commerce, Etc

To work with the City to develop impact fees that can be endorsed by these groups as having a favorable cost/benefit to our community.

Sincerely



John W. Holmaas
99022203



Wade Perrow
P O Box 1728
Glg Harbor, WA 98335

City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

February 22, 1999

ATT: Council Members
RE: Proposed ordinance relating to transportation
and park impact fees.

Dear Council Members:

I am aware that coming before you for consideration is a proposed ordinance regarding transportation and park impact fees. Impact fees of course are a form of taxation, no different than sales tax or property tax. The method of collection is just somewhat different.

The ordinance, and specifically the inclusion of items within this ordinance relating to Appendix 'A' Rate Schedule / Transportation and Appendix 'B' - Transportation is difficult to understand and comprehend. Specifically I reference Appendix 'A', the last project, item #26, Hunt Street Crossing from Kimball to 38th. Your impact fee schedule is suggesting a need for close to \$6 million in impact fees for this connection. I question if this should or should not be included as a viable project. The ordinance being considered tonight considers it to be such and calculations for collecting impact fees are based on this project.

Attached you will find a copy of a letter signed by the Mayor and Planning Director which states *"The City is currently updating its comprehensive plan, particularly as it relates to sewer, water, transportation and parks."* These are the comments made suggesting that the property located just two blocks from this major overpass should be continued to be looked at as a rural residential environment.

What confuses me is that on one hand the City is saying it is a done deal, we need to collect impact fees for it. On the other hand, I received notification that property located on this major arterial should continue to be rural.

Maybe I get confused easily; but I would appreciate help in answering the simple question: **Which comes first, the Comprehensive Plan or the impact fees.** Your answer will be of great interest to me since it appears, based on the letter I received regarding the property at Hunt and 38th, the Comprehensive Plan is not finalized but your ordinance indicates it is. Somewhere I am not really getting the same answer, am I?

I thank you for your consideration and hope that as a Council you will realize the benefits of impact fees but only collect what is reasonable, applicable and realistic.

Sincerely,



Wade Perrow

bw





A NATURAL RESOURCE CORPORATION

P.O. BOX 492, GIG HARBOR, WA 98335 (253) 858-8444
(253) 858-8448 FAX

February 22, 1999

Honorable Mayor Gretchen Wilbert
Members of the City Council
3105 Judson Street
Gig Harbor, WA 98335

Honorable Mayor and Council:

This letter will register our opposition to the general text and rate schedule of this proposed ordinance.

First, the whole rate schedule as it applies to various use categories is exorbitantly high, and puts undeveloped land and it's owners into an unfair competitive position with already developed lands.

To assess this impact fee against new construction is totally unfair to undeveloped land owners, while already developed properties share the benefits derived from the funds assessed.

Looking at commercial properties, one must consider the cost of the property, the planning and design costs (very high due to Gig Harbor Design manual requirements) construction costs, site specific improvements, furniture fixtures and equipment. When all this is put together, and impact fees are added, it puts these projects anywhere from 15% to 20% higher than those already in place.

An example would be using office space: Land and building costs average \$110.00 to \$125.00 per square foot. Adding roughly \$7.00 a foot to this makes the cost very uncompetitive with existing space.

Extreme inequities exist in restaurants, banks, fast food, retail space, and nursing homes. Commercial development provides services to people, jobs, and a low maintenance tax base for taxes, meaning that police, fire and emergency needs are far less than residential requirements.

Since everyone benefits from the improvements scheduled to be done with the impact money, then everyone should pay, and the equitable way to achieve funding should come through a tax based method.

Presently development under resolution No. 311 has been working, whereby site specific improvements are required of each specific project to make them comply, with standards set forth by the City.



A very specific threat exists to us whereby our Wollochet corridor property already has park requirements, and a park plan in place that requires a park to be built as the land is developed. If these impact fees are levied against this same property, on top of the already impending costs, it most certainly will stop any future development of this property, and is an extreme hardship on the owners.


A great number of problems and inequity's exist in the present draft of this concurrency ordinance that must be modified to be a fair and equitable ordinance.

The City needs taxes to carry on its business. An ordinance therefor should not be passed that will STOP development of property and be detrimental to the land owners who pay the taxes.

We appreciate your consideration towards making the changes needed to be fair and equitable to the property owners involved.

Thank you.

Respectfully yours,


JAMES O. TALLMAN





PROJECT: City TIP # 26 Hunt Street Crossing

P-22 Evaluation sheet and technical evaluation criteria is from:

**Pierce County Transportation Plan
Focus Area recommendations
Evaluation notebook February 29, 1992**

Priority Listing is from:

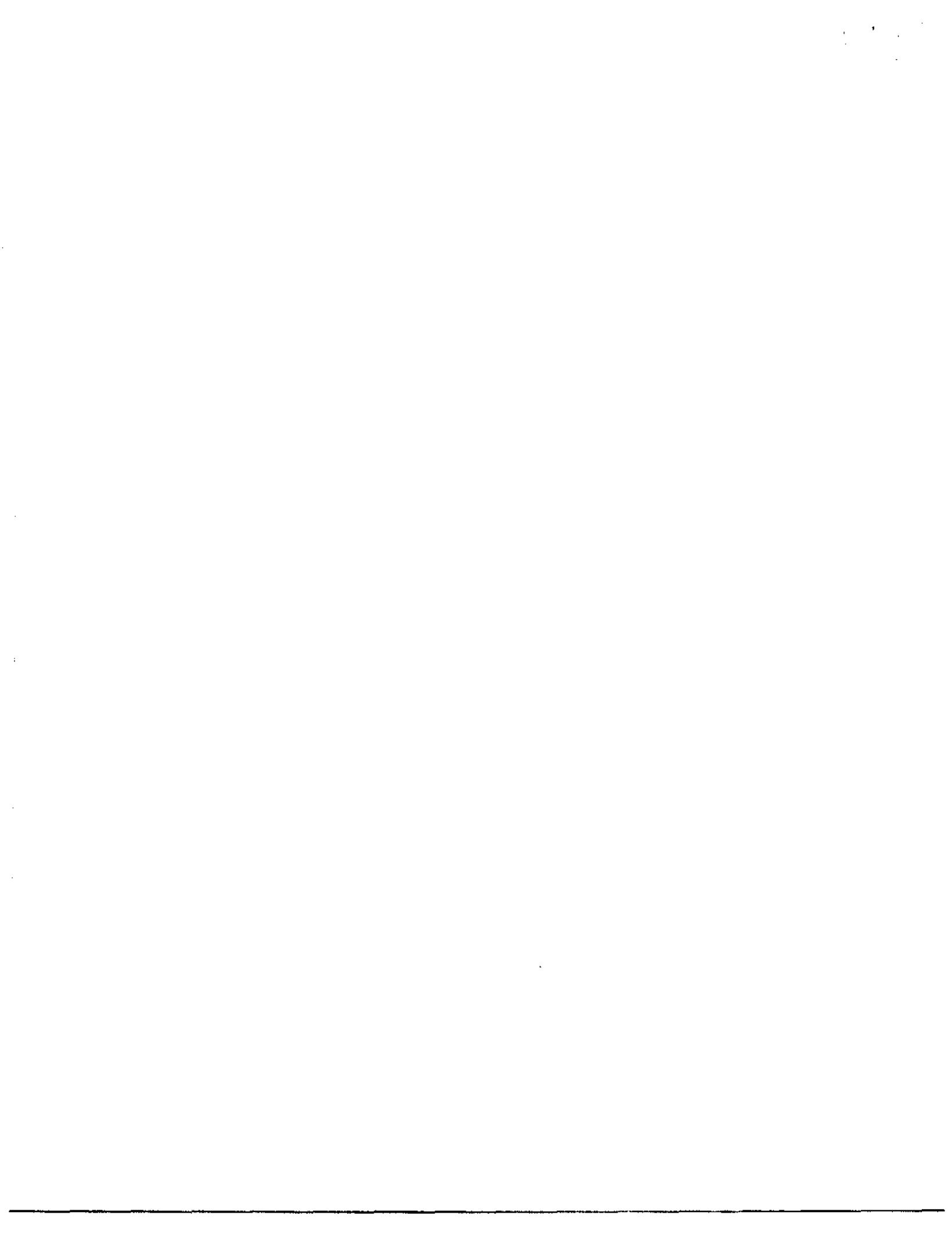
**Pierce County Transportation Plan
Effective December 28, 1992**



Projects are mapped in the Summary in the front pocket of this document.
An alphabetical listing of projects is contained in Appendix A.

Table 5-7 Low Priority Projects (continued)

PCTP Project #	Project Name	Project Limits	Proposed Improvement
M37	"C" Street S/Broadway	112th Street S to Garfield Street S	Restripe to 4 lanes.
N7	96th Avenue E	32nd Street E to Valley Avenue E	New arterial.
N9	25th Street E	86th Avenue E to 94th Avenue E	New arterial.
N12	Milton Way—Porter Way	SR 99 to SR 161	Widen.
N25	96th Street E	Fruitland Avenue E to SR 7	Realign from Golden Given Road E to 24th Avenue E. Improve intersections.
N27	52nd Street E	Pioneer Way E to 66th Avenue E	Provide shoulders.
N29	Chrisella Road E/Milwaukee Avenue E	36th Street E to Puyallup City Limits	Improve intersections and alignment. Minor widening.
N32	68th Avenue E	Tacoma City Limits to 12th Street E	Improve intersections. Minor widening.
N33	Edgewood Drive E/48th Street E	122nd Avenue E to West Valley Hwy. E	Improve alignment. Minor widening.
N35	25th Street E	Freeman Road E to 86th Avenue E	Improve alignment and shoulders.
P3B	186th Avenue KPN	Herron Road KPN to Whiteman Road KPS	New arterial.
P7	74th Street KPN	Crescent Beach Road KPN to Lackey Road KPN	New arterial.
P8	64th Street KPS	Whiteman Road KPS to Key Peninsula Hwy. KPS	New arterial.
P14	Whitmore Drive NW Extension	78th Avenue NW to Lombard Drive NW	New arterial.
P16	32nd Street NW	62nd Avenue NW to Wollochet Drive NW	New arterial.
P20B	150th Avenue KPN Extension	SR 302 to proposed Kitsap County Line Connector	New arterial; extend north to proposed Kitsap County Line Connector (C6).
P20C	118th Avenue NW Extension	SR 302 to proposed Kitsap County Line Connector	Improve existing arterial and extend north to proposed Kitsap County Line Connector (C6).
P22	Hunt Street NW/SR 16 Overpass	Hunt Street NW/SR 16	Construct overpass.
P24	144th Street NW 160th Street NW Corridor	Wright-Bliss Road KPN to 94th Avenue NW	New arterial.
P25	Burnham Drive NW to Vernhardssen Avenue NW/Crescent Valley Drive NW	Burnham Drive NW to Hallstrom Drive NW	New arterials.



Area Name: PENINSULA
 Project Type:
 PCTP Project #: P22
 PROJECT NAME: SR 16 AT HUNT ST.
 Project Limits:
 Proposed Improvement: NEW OVERPASS

CRITERION	IMPACT	DETAILS & COMMENTS
Safety		Diverts traffic from Pioneer I/C.
System Completeness		Improves E/W traffic across SR 16. Reduces volumes (min) on Olympic I/C. Secondary arterial.
Economic Feasibility		\$3.3M
Capacity		Good
Planning Integration		SR 16 study WSDOT did not recommend.
Cost Effectiveness		2.00
Encouragement of Transit/HOV		Potential
No. of People Affected		3,000 ADT
Technical Feasibility		Structure, ROW
Fund Leveraging Ability		
Environmental Considerations		Neighborhood impacts.
Community Support		Strong opposition.
Multijurisdictional Project		
Economic Development Impact		
Unique Factors		City of Gig Harbor strongly opposes



It should be noted that some of the FAACs added or modified projects after the technical evaluations were completed, and new evaluation sheets for those projects are not yet available. The projects include S23, S24, and S34 in the South Focus area, and P3A, P3B, P9A, P9B and P38C in the Peninsula.

TECHNICAL EVALUATION CRITERIA

The technical criteria used to evaluate the road improvement project alternatives were defined by Policy 59 of the *Pierce County Transportation Plan Policy Document* (June 1990). However, since Policy 59 does not specifically the measures for each of the evaluation criteria, County and consultant staff developed the following definitions and measures, and applied them to the alternative road improvement projects developed by the FAACs.

Full circle, half-circle, and open circle symbols were used to indicate how well each project performed under a given criterion. A full circle generally indicates a highly positive effect, whereas a half circle indicates a neutral effect and an open circle indicates a negative effect.

1. Safety

Will the project physically improve a high-accident frequency intersection or reduce traffic volume at such an intersection?

- Project improves a 10+ accidents per year intersection
- Project improves a 4 to 10 accidents per year intersection
- Project improves a less than 4 accident per year intersection

Note: Accident frequencies are based on 1988-90 experience on county roads.

2. Transportation System Completeness

Does the project provide a key connection or improvement in the county's freeway/arterial system of roads?

- Project provides key connection in state highway or county major arterial system
- Project provides an important link or improvement to the county secondary system
- Project provides some improvement to the local or collection street system



3. Economic Feasibility

What does the project cost?

- Project costs under \$500,000
- Project costs between \$500,000 and \$5,000,000
- Project costs over \$5,000,000

Note: Project cost is calculated in current dollars, and includes construction, right-of-way, and engineering. Costs are planning level estimates only.

4. Capacity

Does the project provide adequate traffic capacity to meet year 2000 travel demand?

- Project provides for good level of service (green plot)
- Project provides adequate level of service (orange plot)
- Project provides poor level of service (red plot)

Note: Information is based on EMME/2 assignment outputs.

5. Planning Integration

Is the project consistent with the land use/transportation plans of the jurisdictions and agencies affected by it?

- Project is compatible with land use/transportation plans
- Project does not conflict with land use/transportation plans
- Project conflicts with land use/transportation plans

6. Cost Effectiveness

How cost effective is the project measured in terms of vehicle miles of travel per dollar of project cost?

$$\text{Cost-Effectiveness Index} = \frac{\text{VMT}}{\text{project cost}} = \frac{\text{length in feet} \times \text{new ADT}}{5.28 \times \text{cost in } \$}$$

- Cost-effectiveness index is greater than 10
- Cost-effectiveness index is between 1.0 and 10
- Cost-effectiveness index is less than 1.0

Note: For a new facility, the total ADT is used; for an expansion of an existing facility, the increase in ADT is used if known; for an improvement to an existing facility, the total ADT is used.



7. Encourage Alternatives to Single Occupant Vehicles

How effective is the project in providing facilities for transit and high occupant vehicles?

- Project includes specific transit/HOV features
- Project can be adapted for transit/HOV use when needed
- Project has no potential for transit/HOV use

8. Number of People Affected

How many people (number of vehicles) will use the project on an average weekday in the year 2000?

- Usage range is more than 20,000 ADT
- Usage range is 10,000 to 20,000 ADT
- Usage range is less than 10,000 ADT

9. Technical Feasibility

Does the project require the solution of extraordinary technical problems involving soils, slopes, structures, or right-of-way?

- No major technical problems involved
- Only one major technical problems
- Two or more major technical problems

10. Leverage Added Funds

Can the project compete well for non-county public or private funds?

- Project includes highly competitive features
- Project has some competitive features
- Project is not competitive for any grant program and total cost must come from county sources



11. Natural/Built Environment

Is the project expected to have a significant adverse effect on key components of the environment- wetlands, steep slopes, residential/commercial areas?

- Project has minimum environmental impacts
- Project has one or two significant impacts
- Project has significant impact on three or more components

For each project, specific impacts should be noted.

12. Community Support

What support does the project have from the community?

- Project has the specific support of a large segment of the community
- Project has mixed support and opposition (typical rating)
- Project is strongly opposed

Note: Community reactions should be characterized by specific points of support and opposition.

13. Multijurisdictional

Does the project need the cooperation of two or more jurisdictions or agencies in order to be implemented?

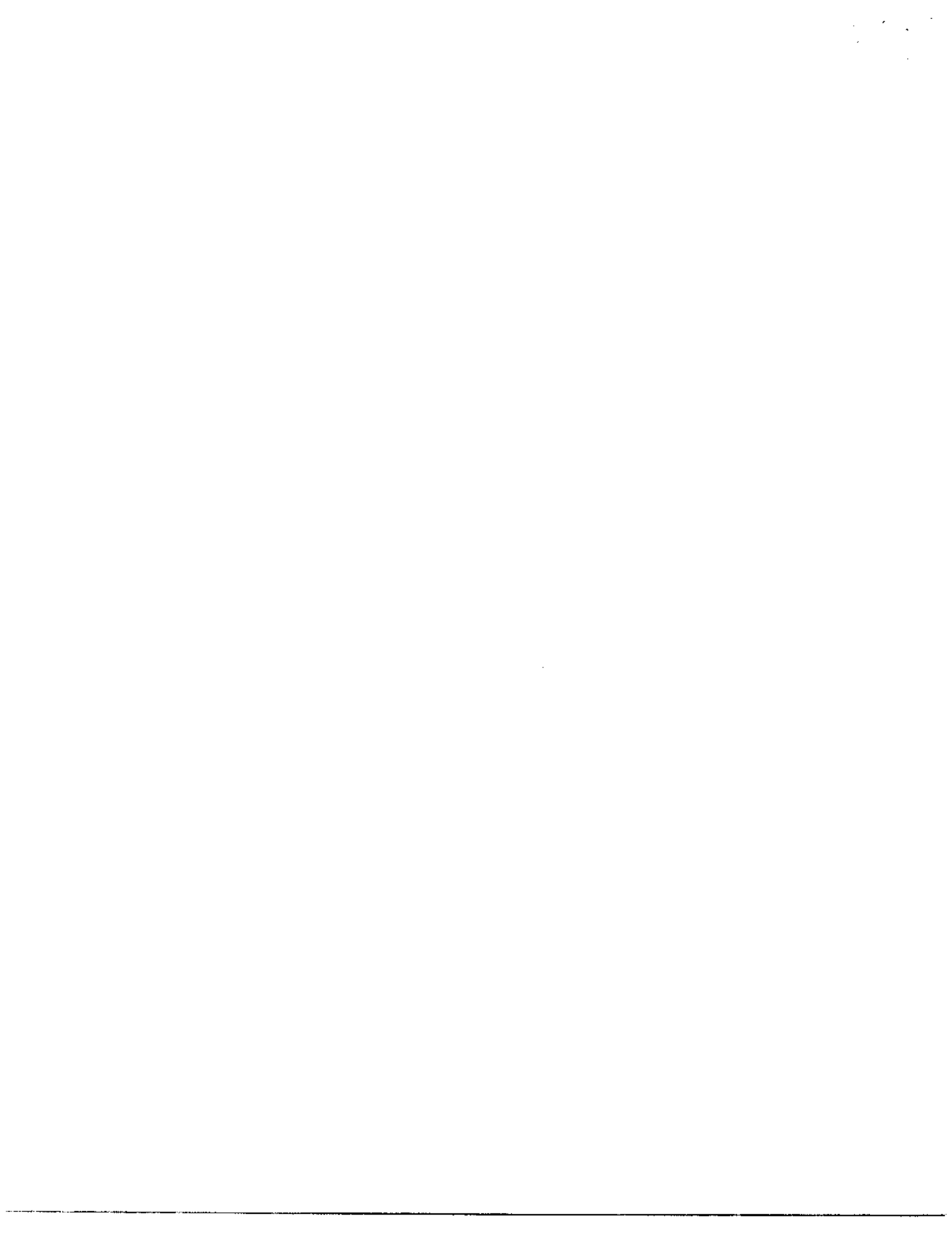
- Yes, the project is multijurisdictional
- No, the project is not multijurisdictional

Note the agencies to be involved. Rating symbols are not used.

14. Impact on Economic Development

Does the project support economic development?

- Project is a key component of a targeted economic area
- Project supports general economic development
- Project does not support general economic development



15. Unique Features

Does the project have one or more special features not considered above that may make it much more or less desirable?

- Project has positive features
- Project has negative features

Unique features should be noted, but are not characterized as positive or negative; symbols are not used.

City of Gig Harbor
3105 Judson St.
Gig Harbor, WA 98335

Dear Council Members,

I was chairman of the Peninsula Area Pierce County Citizen Advisory committee for the Pierce County Transportation Plan that was completed in 1992.

While I oppose any transportation impact fee I will let others address that point.

I would like you to review Appendix "A" of the proposed ordinance specifically TIP # 26 Hunt Street overpass. This project represents 47% of the dollars requested in the ordinance. Yet in the County plan this was a low priority project with only a 3.3 million dollar cost estimate. Why is the city's estimate 11.8 million dollars? If we can't get many federal dollars for the Narrows Bridge how do we expect the Federal Government to pay 50% for this low priority project?

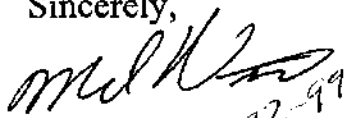
The County's transportation model estimated an average daily traffic count of only 3000 vehicles in the year 2000. There has not been any significant development around Hunt Street that would indicate that there is a greater demand for this project now than there was in 1992.

Please note that in 1992 according to the project evaluation sheet the city was "strongly opposed" to this project, in fact as I remember of all our public hearings I don't remember anyone coming forward to support this project.

With one very questionable project making up 47% of the requested money amount I would suggest that the council should send this ordinance and traffic plan back to staff and obtain much more realistic information on each project and its true need.

This ordinance if passed as presented will have a profound economic effect on development in our community and therefore should be reviewed very carefully before adoption.

Sincerely,


Mel Wick 2-22-99





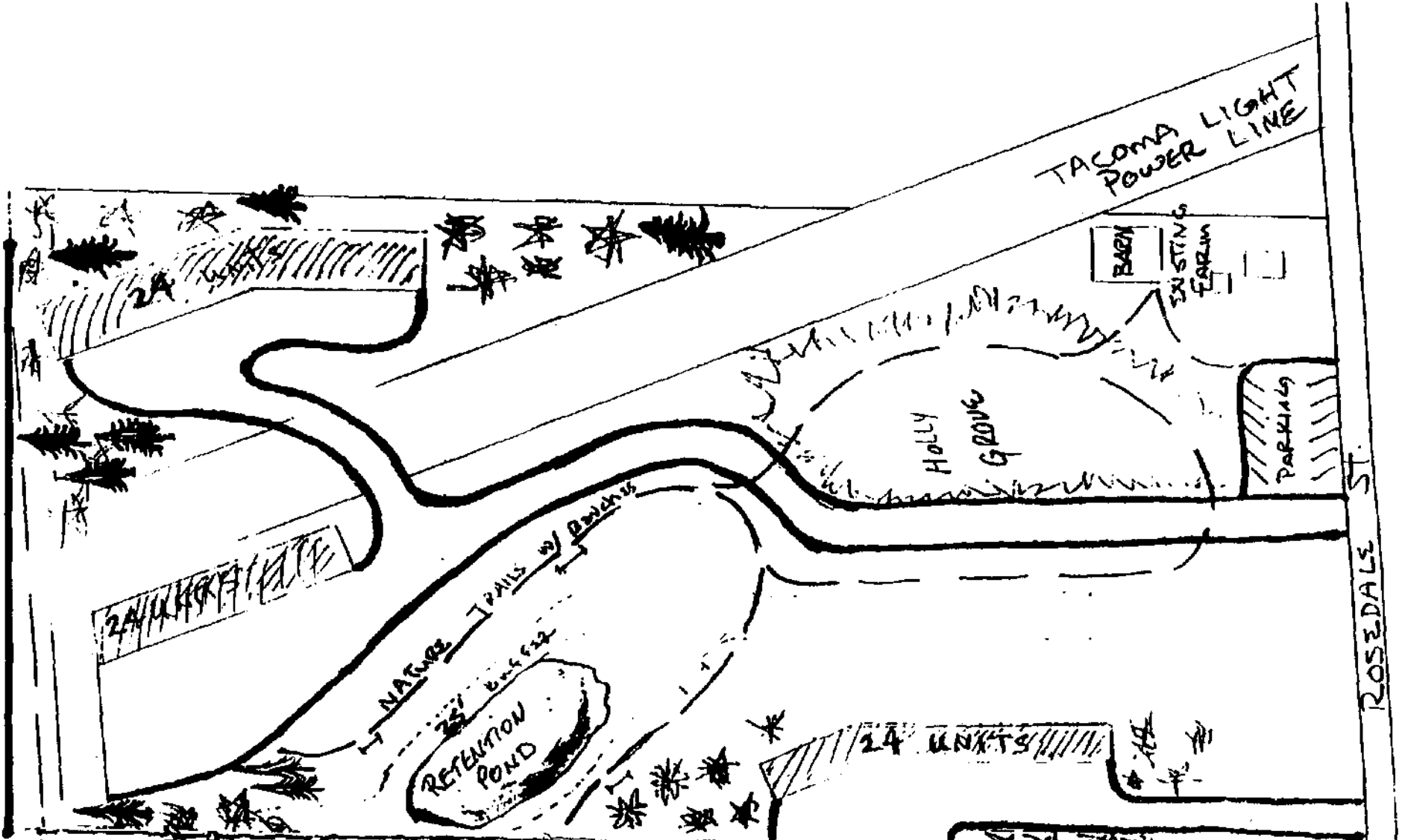
THE WILKINSON PROPERTY & CULTURAL CENTER
BUSINESS PLAN

FEBRUARY 11, 1999

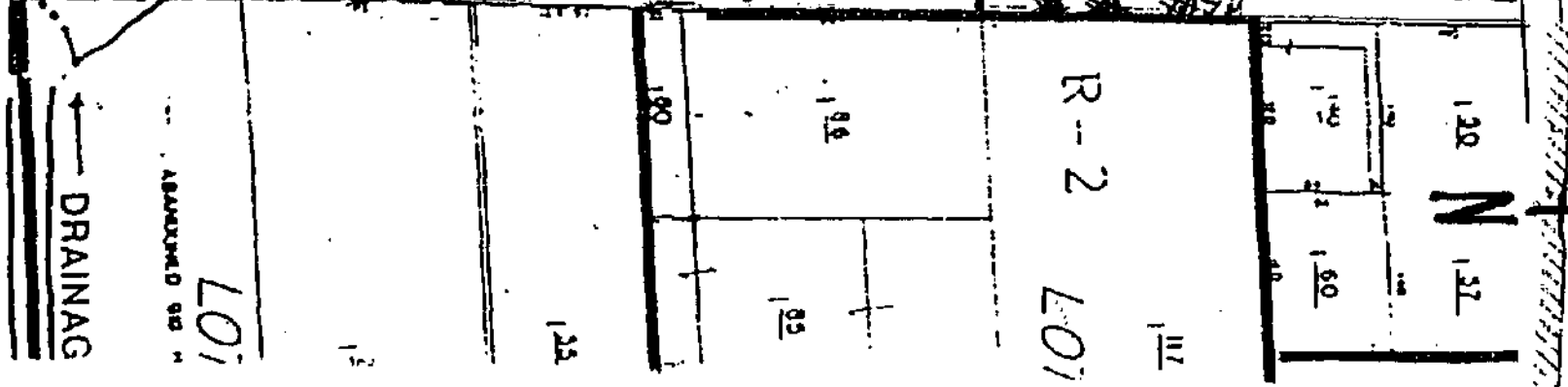
PREPARED BY

DARRELL P. RODMAN
10511 Bliss Cochran Road KPN
Gig Harbor, WA 98329
(253) 884-4300

THE WILKINSON PROPERTY



ROSEDALE ST.



DRAINAGE

ASSUMED 93'

L-01

R-2

L-01

N

1.90

1.87

1.90

1.60

1.99

1.95

1.90

1.92

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I. THE WILKINSON PROPERTY AND ITS PURPOSE.

A. BACKGROUND SUMMARY

The Wilkinson Property has a long tradition as a farmland within the Gig Harbor Community. The properties have belonged to the Wilkinson family since the early 1900's. In approximately 1906, the family implemented a logging operation on a portion of the property to produce lumber for a barn which was erected by the family in 1915 and followed this with a house and outbuildings in the 1920's. The barn and house still stand on the property today and are in excellent condition.

The Wilkinson Property, from that time on, became a family operated dairy and vegetable farm. The farm produced livestock, milk, cream, butter, corn, potatoes, beets, peas, beans, squash and berries along with other varieties of vegetables. A variety of hay was planted and harvested for the livestock. Also, a variety of apple trees planted throughout the property yielded crops that provided tree sweetened apples for fresh apple pies and homemade cider the community so anxiously desired. The holly orchard provided the seasonal wreaths and holly clippings to the community which provided additional income for the family.

The farm continued its farming tradition for approximately seventy years, until Vivian Wilkinson passed away. After Vivian's death and since 1970, Helen Wilkinson has carried on as the custodian and operator of the family farm. Due to her age and inability to operate the farm by herself, she maintained only those farming operations she was capable of performing.

Since 1970, the property has continued to produce hay which has always been harvested for local livestock. From 1955 and to the present, the hay has been and continues to be sold to the local farmers and harvested by local farmers.

Because of the obvious expansion of the community and surrounding areas, Mr. Rodman has found the need to develop a comprehensive Business Plan for the future of the property. The resulting Business Plan provides the Wilkinson Property with a clear understanding of:

- How the Wilkinson Property will benefit the community.
- How it will be managed on an ongoing basis.
- How the Property will be funded, purchased or the possible combination of the two for the purpose of ongoing operation.

Section I of the plan provides background information and a relatively broad overview of the entire project. Potential uses of the Wilkinson Property are developed and the factors that will determine the success of the project are defined.

B. PHILOSOPHY AND MISSION

In October, 1998, Helen Wilkinson passed away and left the entire property to her nephew, Darrell P. Rodman. Mr. Rodman is desiring to implement his long standing dream to develop Senior Housing throughout the upper land portion. By utilizing the upper land approximately 76 Senior Housing units could be brought into the community. These units would be architecturally designed as to enhance the historical theme of the existing farm. Mr. Rodman's vision is to utilize the existing farm house for a Bed and Breakfast facility which carries the theme of an urban farm further. The barn would be expanded into a Historical Museum and facilities would be added to the property to house a Performing Arts Academy and Community Hall. The property would be further enhanced with flower gardens, vegetable and herbal gardens placed throughout the holly orchard. Paths and walkways will weave throughout the property surrounding the existing pond and designed so as to institute a natural park like setting.

The Wilkinson Property is located within the Gig Harbor City limits, not far from the central part of the Harbor. The harbor area is now bustling with marinas, shops, restaurants and other services. The farm now faces a new generation of residents and their needs. Mr. Rodman looks to the future with the idea of recycling the property to meet the ever-changing lifestyle of those new generations, but Mr. Rodman faces this change with an eye to the Wilkinson past and all of the history of which the Wilkinson family farm has been a part. Whatever Mr. Rodman decides to do with the property in the future will always be in keeping with the family's tradition of being vital and productive members of the community.

Predicated on a thorough analysis of the specific use of the property, five major areas are presented in the form of detailed findings. The areas are:

- Senior Housing
- House
- Barn
- Grounds
- Park (including the Pond)

The mission of the Wilkinson Property is:

“To preserve, maintain, and operate the historic Wilkinson Property through the use and preservation of the house, barn, outbuildings and pond in a way to serve the greater community by providing a variety of services and programs such as a Bed and Breakfast, Wedding/Reception Facilities, Museum, Performing Arts Center and Community Hall while utilizing the outer land for development of senior housing.”

To implement the mission, Mr. Rodman shall seek the support of the citizens of Gig Harbor and the City of Gig Harbor to undertake a cooperative viable plan which will focus on the development of the lower farm land and programs, finance and administration of those programs and facilities, while allowing Mr. Rodman to develop the upper portion with Senior Housing.

C. THE ORGANIZATION

Over the years, Mr. Rodman has envisioned a facility on the Wilkinson Property to promote the history and way of life not only of the Wilkinson's, but of others within the community as well. Mr. Rodman pledges to investigate and pursue all practical avenues which maintain the Wilkinson Property as a place of history and beauty within the community and shall promote the use of the various buildings and attributes of the property for the betterment of the community.

Mr. Rodman is seeking assistance from those who are most interested in providing a "glance into the past" for those within the community and other areas as well. Mr. Rodman is presently advised by Michael Lee, a successful entrepreneur and interested historian in Federal Way, Washington; Shirley Tomasi, a prominent cultural arts activist within the City of Gig Harbor; Shirley Coffin, a prominent Performing Arts activist and teacher also of Gig Harbor; and Preston Will, a concerned citizen and father also of Gig Harbor.

D. LOCATION

The Wilkinson Property is located at 4118 Rosedale St., Gig Harbor, WA 98335, on the south side of Rosedale Street just up the hill from Stinson Avenue. The house, barn, outbuildings, and holly orchard set on the front five acres toward the west side of the property. The remaining twelve acres of pasture land is located to the south and east.

Easily accessible, this quiet residential farm is within walking distance from downtown Gig Harbor. This site is available to the community from both nearby towns of Gig Harbor and additional tourists from other nearby towns and major cities such as Tacoma, Seattle, Bremerton and many other areas located around the Puget Sound regions within a sixty-mile radius. The calming effect of the farm grounds with its flowers, fragrance and old history charm offer ideal serenity to those who seek this pristine yet rustic setting.

E. WILKINSON PROPERTY OFFERINGS

The Wilkinson Property will offer a variety of ways for the community at large to enjoy while sustaining this historical ambiance. These events will be overseen by administrative management and will include but will not be limited to:

Bed and Breakfast	Senior Housing
Weddings and Receptions	Public Arts Exhibits
Memorials	Crafts Shows and Teaching Events
Family Reunions	Performing Arts Academy
Fine Arts Classes	- Dance, Vocal, Instrumental
Cultural Events	- Staging, Children's Theater
Retreats	- Performances
Cultural Heritage Center	- Instructional
Museum	- Technical
	- Educational

Programs such as these will give the community the pride, knowledge and satisfaction of preserving the rich historical integrity of this historic property and farm.

F. KEY FACTORS INFLUENCING SUCCESS

The historic structures located on the Wilkinson Property are a community treasure of tremendous intangible value. Through development, Mr. Rodman shall seek to preserve these structures and its grounds as a community landmark and make them available for people to enjoy for years to come. The factors and property offerings aforementioned under WILINSON PROPERTY OFFERINGS have become apparent as to the need and the likelihood of success for this undertaking.

DEMONSTRATED DESIRE -

Community Members: Many individuals from this community as well as the surrounding communities have demonstrated the desire and the responsibility necessary to maintain these buildings. Many of these people have been aware of this family farm and would like their children and friends to have the same opportunity.

FINANCIAL SOUNDNESS -

Ownership: The farm parcels are owned at this time by Darrell P. Rodman. Financing avenues regarding a "free and clear" property are innumerable, i.e. State and Federal funds for Senior Housing, Grants for the Arts, Historical Society funding, private sector funding, and fee usage charges, to name a few.

Operating Funds: As stated above, there will be a variety of events on the Wilkinson Property to generate income for maintenance and preservation of the property. Many people from the local community and surrounding communities have expressed interest in holding their special events on the property. The addition of a Bed and Breakfast will help to increase flexibility and profits for the property.

II. THE MARKET

The overall market strategy for the Wilkinson Property is to establish this facility as a center for historic services, as well as an array of quality programs well-suited to the needs of the greater community. This effort stands out among other "similar services" with its historic ambiance, beautiful and rustic locale and its great accessibility to the community at large. It has undoubtedly found its unique niche as a signature landmark for Gig Harbor and the surrounding communities.

A. MARKET SIZE AND COMPOSITION

The Wilkinson Property will primarily serve a 50 mile radius, including all or portions of surrounding counties. The total population of this service area will be determined upon further and more extensive study.

Meeting and Retreat Center: Weddings, Receptions and Memorials

The market for group retreats, weddings, receptions or a memorial will also include the secondary target locations of Gig Harbor, Key Center, Tacoma, and Port Orchard, as well as community and regional markets. The targeted population markets include:

- Bed and Breakfast
- Businesses (Local and Regional)
- Chambers of Commerce
- Cultural Organizations
- School Districts, Colleges and Universities

Cultural Programming

Marketing studies have shown that 70-80% of cultural programming center's visitors are drawn from a 10 mile radius, which for the Wilkinson Property includes Gig Harbor and the primary target communities of Rosedale, Arletta, Kopachuck, Wollochet and Artondale. The composition of this important target market includes:

School age children	Choral Groups
Families with children	Dance Academies
Teachers and schools	Youth Orchestras
Home School Groups	Art League/Guilds
Cultural Organizations	Quilting Associations
Historical Societies	Photography Clubs
Community Organizations	Literary Groups
Service Groups	Garden Clubs
Artistic Groups	Senior Citizen Services
Arts Education Seminars	Theater Groups
Historical Societies	Temporary Exhibits

B. MARKET TRENDS AND NEEDS

Gig Harbor has evolved from a small isolated rural community to a growing city. While the Wilkinson Property has retained a portion of its community history and identity, the population growth, along with the City's access to outside entertainment and diversions, has diluted the once strong community focus.

The community to be served and enriched by the Wilkinson Property is in need of a cultural center of this type. This center that Mr. Rodman seeks is one with an administrative organization which has the outreach capability for a greater variety of cultural and social programming and supports coordination of community events through partnerships and improved networking.

Gig Harbor residents require space for meetings, social programs, and day retreats. Throughout the area there is a growing trend of awareness for the arts as an integral part of the community, reportedly demonstrated through increased support of the Gig Harbor - Key Peninsula Cultural Arts programs, and the invitation for its collaboration with the Gig Harbor Peninsula Historical Society's planned "Heritage and Arts Center". According to the director of the Cultural Arts Commission, local government, business, education, and community organizations are beginning to focus on the arts with greater support, interest and investment.

C. MARKET DISTRIBUTION

Initial marketing goals to meet these objectives include:

1. Establishing and maintaining the Wilkinson Property's identity, historic image and social position in Gig Harbor.
2. Educate and create awareness of the unique programming potential within a multipurpose community center.
3. Effectively market and advertise the Wilkinson Property, heritage center, museum, exhibits, programs, and special events in all geographical target areas.

D. PLANNED PRODUCT OFFERINGS

Advertising and Promotional avenues:

Area newspapers	Online Web site
Chamber of Commerce	Publicity brochures
Local phone directories	Historical Tabloids
Bed & Breakfast directories	Travel and Destination Agencies

1. SPECIAL CELEBRATIONS

The Wilkinson Property's availability for rental will be publicized through local media and other organizational newsletters. The community will be aware of the property's identity and greater availability as a rental for the following:

Weddings and Receptions	Memorials
Family Reunions	Picnics and celebrations
Day retreats	Organization Meetings
Arts Exhibits & Classes	Cultural Events

2. MUSIC CONSERVATORY

The Wilkinson Property has potential as a successful and desired location for lessons and recitals. On an expanded scale, this usage will depend on the demand from private music instructors in need of a location for lessons, recitals and public performances. Recommended strategies:

- Personal contact with private instructors
- Contact with public school and church instructors
- Invitations for independent instructors to hold first recitals free of cost
- Newsletter, related periodicals
- Advertisement in Gig Harbor Cultural Arts Commission newsletter and local paper

3. PERFORMING ARTS ACADEMY

The Wilkinson Property is a desired location for a Performance Theater. The community also has a high demand for a children's theater, acting lessons and showcasing their talents. Strategies would combine with those of the music conservatory.

4. ART EXHIBITS, CRAFT SHOWS & BAZARS

The Wilkinson Property lends itself well to art displays and small exhibit areas. The rental availability for exhibits of visual art and craft shows will be advertised through:

Contacts through the Gig Harbor Key Peninsula Cultural Arts Commission
Various Cultural Arts newsletters
Mailings to arts studios, arts and crafts classes
Artisan/Craftsman mailing lists (i.e. Farmers Market listings, local organizations)

E. COMPETITION

This section provides listings by geographical area of facilities and/or organizations that provide products similar to those planned for the Wilkinson Property.

Others in Primary Area:

Rosedale Community Center
Arletta Community Hall
Raft Island Recreation/Retreat Center
Gig Harbor Grange

Gig Harbor:

Gig Harbor Key Peninsula Historical Society
The Heritage and Art Center (future)
The Meadow-Amphitheater and Dinner Theater
Gig Harbor Chapel Hill Presbyterian Church-stage
Gig Harbor United Methodist Church-Communities Programs
Encore! Theater-Gig Harbor Academy of Performing Arts
Gig Harbor Yacht Club

Key Peninsula:

Key Peninsula Historical Society
Key Peninsula Civic Center

Region:

Community festivals/events
Church and school based programs

CAPACITY RESERVATION FEES

BACKGROUND FACTS

Gig Harbor is contemplating a system to reserve transportation capacity through the purchase of Capacity Reservation Certificates (CRCs). Developer (D) must have a certificate stating that capacity exists for the project. D gets a preliminary certificate from the city, and then a final certificate on or before the development permit is issued. The certificate can be for 1 - 3 years, depending on how much D pays- one year if D pays 33% of the impact fee, two years if D pays 67%, and three years if D pays 100% of the impact fee.

The link between CRC and Impact fee is interesting. The CRC fee is discussed in a different ordinance from impact fees, and would appear to be a different fee, but the CRC is directly linked to the impact fee. The CRC is calculated as a percentage of the impact fee. The CRC fee is due before an impact fee is paid. The CRC fee is not fully refundable if the development does not take place. However, if a development is built, payment of the CRC reduces the impact fee by the amount of the CRC fee paid.

If the development does not occur in the one to three year window, the city retains 3.3%, 13.3%, or 30% of the impact fee, depending on whether the cancellation occurs one, two, or three years after the CRC issued. Logically speaking, the true CRC fee is this non refundable portion of the impact fee, plus the time value of being forced to pay a portion of the impact fee in advance.

Why? In the event that a project is built, the developer would have to pay the impact fee, and therefore the only "penalty" or added cost due to the CRC regimen is the cost of paying the impact fee 'early'. (before it is required by applicable law). If the project is not built, there is no

impact, and therefore no impact fee. But, the CRC ordinance provides that a portion of the impact fee, between 3.3% and 30%, will not be refunded. This is the "CRC penalty."

ISSUE

Whether a city can charge a "capacity reservation fee", when this fee is from 33% to 100% of a project's impact fee, must be paid with a development permit application, and a portion of which is not refundable if the project is cancelled.

The question is whether the CRC fee is legal. The first hurdle is constitutional. If the city attempts to argue that the CRC fee is anything but a portion of the impact fee, there is a good chance that it will not satisfy a substantive due process challenge. Assuming that the fee is an impact fee, it must be specifically permitted under RCW 82.02.020. GMA Impact fees are permitted under RCW 82.02.050 - .090. Transportation Impact fees are permitted under RCW 39.92. If it is a GMA impact fee, there additional limitations. If it is a Transportation Impact Fee, the fee must satisfy the specific limitations of RCW 39.92. Finally, there are provisions for voluntary agreements.

A. CONSTITUTIONAL ISSUES

Although important, a constitutional challenge is not necessary unless the city considers the CRC fee to be different from the impact fee. Constitutional issues will be considered later.

B. PERMISSIBLE FEES

Cities may not charge any tax, fee, or charge to develop property, unless specifically authorized by the legislature. RCW 82.02.020. If a condition imposed on a development is a tax, fee, or charge, either direct or indirect, then it is invalid unless it falls under one of the exceptions specified in RCW 82.02.020. *View Ridge Park Associates v. Mountlake Terrace*, 67 Wn.App. 588, 839 P.2d 343 (1992), reconsideration denied, review denied 121 Wn.2d 1016, 854

P.2d 42. If it is not a tax, fee, or charge, then it is valid unless it is not within the municipality's police powers. *Id.* The statute provides a blanket prohibition on any tax, fee, or charge, unless there is an express statutory authorization. *Henderson Homes, Inc., v. City of Bothell*, 124 Wn.2d 240, 247.

Impact fees authorized by the GMA are permitted as specified in RCW 82.02.050 - 090., and transportation fees are permitted as pursuant to RCW 39.92. RCW 82.02.020

Gig Harbor is imposing a portion of the impact fee to reserve the right to develop. They must meet the statutory requirements.

1. GMA authorized impact fees. (RCW 82.02.050-090).

GMA impact fees may only be imposed for system improvements that are reasonably related to the new development. They cannot exceed the proportionate share of those improvements, and the funding must balance impact fees and public funds. RCW 82.02.050(3)(a)-(b). Impact fees must be used for system improvements that will benefit the new development. RCW 82.02.050(3)(c). GMA impact fees can be collected and spent only for public facilities that which are addressed by a capital facilities plan element of a GMA comprehensive plan.

The Capacity Reservation fee is paid when the developer requests a capacity evaluation. GHMC 19.10.010(1). Since the mere filing of an application does not create an impact, and the evaluation does not create a public facility, the CRC reservation fee is probably not a valid fee. The obvious solution is to charge the impact fee when the development permit is issued.

An impact fees ordinance must specify the system improvements which are required, and the amount of fee required for each system improvement. RCW 82.02.060. Since GHMC 19.10 does not address these issues, imposition of an impact fee in this statute will be prohibited.


Other provisions of 82.02.050-090 are violated by this ordinance. Of course, Gig Harbor will argue that the concurrency ordinance is not an impact fee ordinance, and that GHMC 91.12 adheres to the GMA impact fee provisions. This is precisely the point: unless Gig Harbor is willing to remove the link between the CRC fee and the impact fee, the concurrency ordinance will be required to satisfy the same legislative rigor as any other impact fee ordinance.

2. Transportation Impact Fees (RCW 39.92)

3. Voluntary Agreements (RCW 82.02.020)

Impact Fee Matrix

Fax to Jon Rose
 Olympic Resource
 Management
 360/697-1156

Name of City	Imposes transportation fees to pay for new development?	If no transportation, do they use SEPA? What is the cost?	Imposes park fees on development within city limits?	If not, how do they fund parks? Bonds? What rate?
Port Townsend City Planner (360) 379-3208 x1123	No	Yes, based on impact	No	Parks & Rec x1166
Langley (360) 221-4245	No	Yes \$140 2 hr plus \$70/hr consulting	No	General Fund
Poulsbo (360) 779-3006	Yes based on size of the project and number of trips (\$44/trip)		Yes Facility on site-no fee Fee in levy Business-10 or more, \$88 per employee \$500 per single family	
Leavenworth City Hall (509) 548-6275				
Edmonds City Hall (425) 771-0245	No	Engineering makes up fees 	No	General Fund
Port Orchard (360) 876-4991	No	Yes \$145 SEPA check list review	No	City Budget
Bremerton (360) 478-5275	No	Yes	No	General Fun, Bonds
Silverdale Kitsap County (360) 698-3133	Yes, \$40 residential		Yes, impact fee for roads	
Snohomish (360) 568-3115	No	At present, do not access any mitigation fees. May in future for parks	No	
Snoqualmie City Hall, Planning (425) 888-1555	Yes Building permit		No	

Impact Fee Matrix

Name of City	Imposes transportation fees to pay for new development?	If no transportation, do they use SEPA? What is the cost?	Imposes park fees on development within city limits?	If not, how do they fund parks? Bonds? What rate?
La Conner (360) 466-3125	No	Yes \$150 plus consulting fee	No	Park & Port fund, lease out tides for docks
Long Beach (360) 642-4421	No	Yes, \$100	No	General Fund
Aberdeen (360) 537-3226	No	Yes, when required by law	No	General Fund
Sequim (360) 683-4908	No	Yes, varies	No	General Fund
Anacortes (360) 293-1900	Yes \$400 for single family doubles for multi		Yes \$615 for single family doubles for multi	



Master Builders Association of Pierce County

RECEIVED

MAR 22 1999

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Jeff Hill
Vice President/Treasurer
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Transmitted via facsimile

Mayor Wilbert and City Council Members
Gig Harbor City Hall
3105 Judson St.
Gig Harbor, WA 98335

March 19, 1999

Dear Mayor Wilbert and Council Members:

I would like to thank Council Members Derek Young and Steven Eckberg and city staff members Mark Hoppen, Wes Hill, and Dave Rodenbach for meeting with the Gig Harbor Chamber of Commerce and interested members of the business community on March 2nd and 10th for the purpose of discussing the proposed transportation and park impact fee and concurrency ordinances. Open dialogue between a government and its constituency is essential to good relations and a common vision of the future.

We were heartened to hear that city staff and council members are willing to lower the proposed transportation impact fee by a significant margin. However, MBA is opposed to any impact fees, and thus renews its request that the Council not adopt a transportation fee at all. If Gig Harbor does adopt this fee, it will be the first jurisdiction in Pierce County with a transportation impact fee. MBA requests that the city seriously consider continuing to utilize traditional, broad-based funding mechanisms to pay for its road improvements.

Gig Harbor is currently updating its City Comprehensive Plan, its Park Comprehensive Plan, and its Transportation Comprehensive Plan. Rather than adopting the fees currently proposed, it is more logical to postpone the discussion of any impact fees until these updates are complete. Under the GMA, transportation impact fees must be related to the capital facilities plan. Park impact fees must be based on projects forecasted in the current comprehensive plan. To impose impact fees based on comprehensive plans that were drafted three and five years ago is irresponsible.

Attached is an analysis of the concurrency ordinance, and in particular the provision that provides for capacity reservation certificates to be paid for with a percentage of a project's impact fee. Because impact fees are limited by state law in scope and purpose as well as time of payment, it is inappropriate to collect a portion of the fees to reserve capacity in the road system up to three years before a project is even begun.

The city's proposed park impact fee, set at \$1500 for single family residences, is too high, especially when compared to surrounding jurisdictions' fees. The unincorporated Pierce County fee is \$250 per single family residence – 1/6 of Gig Harbor's proposal! Other cities are below half of what the city is proposing. MBA recognizes the need for community and regional parks; they enhance the quality of life for everyone. However, by adding \$1500 to the price of a new home, in addition to other impact fees, the city is forcing the price of a new home up beyond what many new homebuyers can pay. Gig Harbor's Comprehensive Plan highlights the need for more affordable housing within its boundaries; these fees will do nothing to meet that need. Please consider lowering the proposed park impact fee to an amount consistent with other nearby jurisdictions.

MBA will be participating in the upcoming workshops on the concurrency and impact fee ordinances, and we look forward to the opportunity for continuing a fruitful dialogue with city staff and council members. We appreciate the city's willingness to spend extra time requested by the public to resolve issues before passing the ordinances.

Thank you for your consideration of these comments.

Sincerely,



Tiffany Speir
Government Affairs Associate

enc.

cc: Bob Dick, Council Member
Steven K. Ekberg, Council Member
Nick Markovich, Council Member
Marilyn Owel, Council Member
John N. Picinich, Council Member
Corbett Platt, Council Member
Derek Young, Council Member
Mark Hoppen, City Administrator
Ray Gilmore, Planning Director
Bob Camp, MBA LSC Chair

To: City of Gig Harbor Mayor and City Council

From: Scott Wagner

Date: March 8, 1999

Over the past couple of weeks I have reviewed the Parks and Transportation Impact Fees Ordinance and the Concurrency Ordinance. I have had the opportunity to discuss these ordinances with members of the City Council and with members of staff. After all of the review and all of the discussions, I am certain of one thing: that no one involved, including myself, has a complete understanding of what these ordinances say, how they work and what long term effects these documents will have on the community.

Here's just one example of how confusing and subjective the verbiage is:

Under Section 6. Of the Transportation and Park Impact Fees Ordinance, Number C. Impact Fees, and I quote, "(Impact Fees) May be imposed for system improvement costs previously incurred by the City, to the extent that new growth and development will be served by the previously constructed improvements, and provided that such fee shall not be imposed to make up for any system improvement deficiencies."

What does this mean? Does this mean that funds collected can be used for anything? Does this mean the City can pay itself back for a 10 year old sewer improvement?

The stated definition of, quote, "system improvement" is "Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements."

Does this mean that monies collected for parks can be used for a new dump truck?

I would like to make it clear that I support the Parks Impact Fee. My concerns are directed at the Transportation Impact Fee and the Concurrency Ordinance. Although I recognize the legal need, I cannot support them as written.

I'm unaware of any community members being involved in the creation of these documents. Unless you include the expertise, experience and insight of those citizens who will be most effected, the City will never gain the support necessary to make these ordinances successful.

The bottom line is that City Council cannot rely on staff alone when adopting an ordinance of this magnitude. There are citizens with experience that must be a part of this dialog in order to guarantee an ordinance that reflects the needs of the community not solely the perceived needs of City Staff.

To give you an idea of what people are thinking, last week in about 10 minutes 20 people signed this request that the City put together a task force to study these ordinances. The 20 included architects, accountants, secretaries, housewives, developers and bowlers. I respectfully submit it for your review. Thank you.

Concerned Citizens of Gig Harbor for Logical Controlled Growth
PO Box 492
Gig Harbor, WA 98335

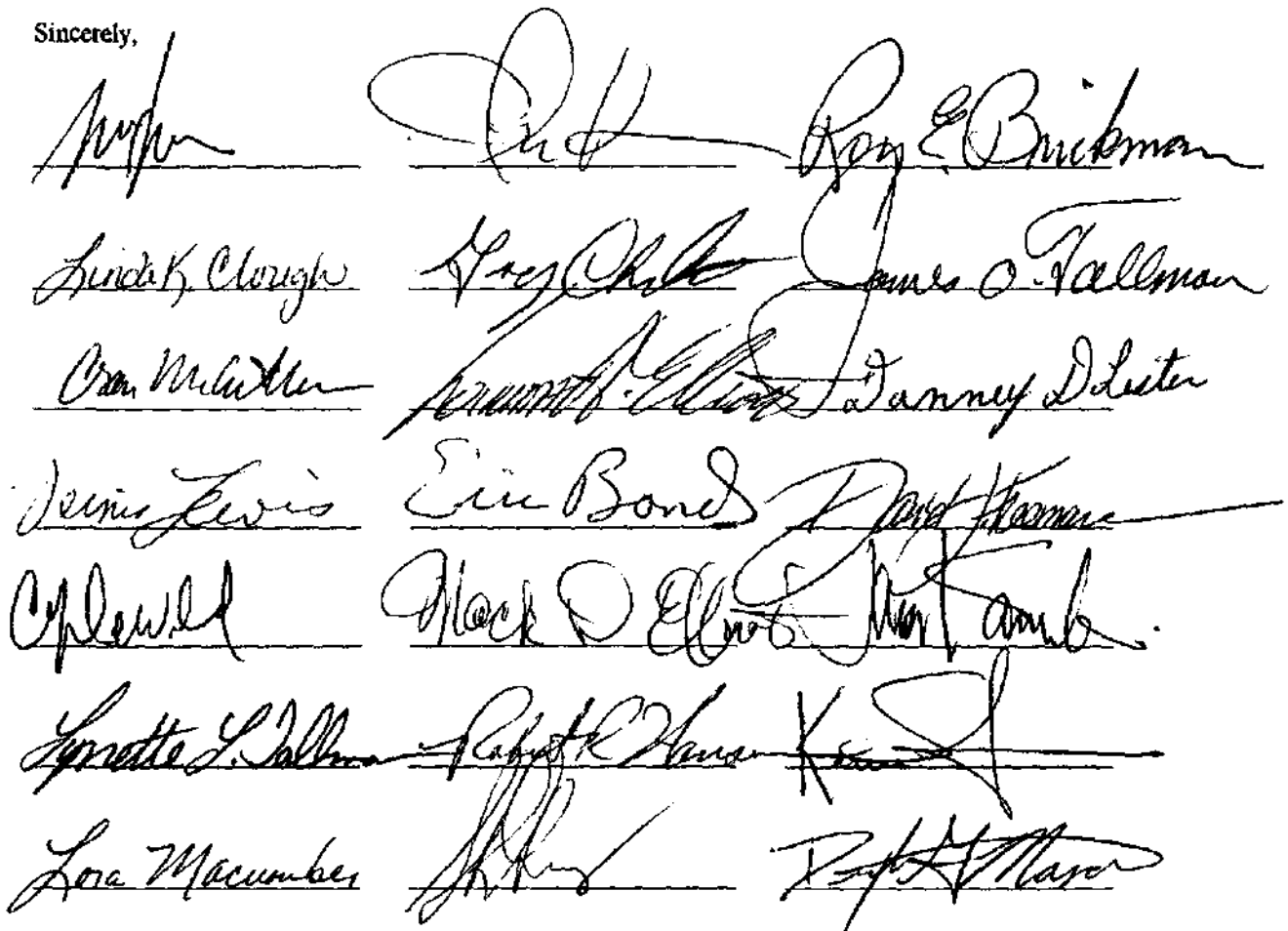
March 5, 1999

Dear Mayor and City Council,

We are sending this letter as concerned citizens of Gig Harbor. After reviewing the proposed Parks and Transportation Impact Fees Ordinance and the Concurrency Ordinance, we have many concerns. We want to be 100% sure that all of you have a complete understanding of these ordinances, a complete understanding of how they will be implemented, and a complete understanding of what their effect will be on short term and long term growth in the City of Gig Harbor and in the surrounding area.

At the City Council Meeting on February 22, 1999, many of the people who spoke requested the City open up a dialog with representatives of the community. A dialogue where community members, staff, and council can sit down and work together to gain a complete understanding of these Ordinances and their effects before they are implemented. We strongly urge you to make this happen before either of these ordinances is past.

Sincerely,

A collection of handwritten signatures on a grid of lines. The signatures are arranged in approximately six rows and three columns. The names are written in cursive and include: Row 1: [Signature], [Signature], Roy E. Brickman; Row 2: Linda K. Clough, Greg Clark, James O. Tallman; Row 3: [Signature], [Signature], Tammy DeLester; Row 4: Dennis Lewis, Eric Bond, David [Signature]; Row 5: [Signature], Mack O. [Signature], [Signature]; Row 6: [Signature], [Signature], [Signature]; Row 7: [Signature], [Signature], [Signature].



A NATURAL RESOURCE CORPORATION

P.O. BOX 492, GIG HARBOR, WA 98335 (253) 858-8444
(253) 858-8448 FAX

March 8, 1999

Honorable Mayor Gretchen Wilbert
Members of the City Council
City Staff
3105 Judson Street
Gig Harbor, WA 98335

Re: Proposed Impact fee Ordinance and Concurrency Management Ordinance

Honorable Mayor, Council & Staff,

The issues involved in the above proposed ordinances are far too complicated and involved for you to act on them and pass them into law until a number of concerns and questions are answered. These ordinances, as written, are very unfair to some and beneficial to others, depending on where one owns property.

There are clearly zones that are affected differently by these ordinances if passed as now proposed. I will explain our own situation on how we would be affected unfairly compared to others.

About 2 years ago, we were annexed to the City known as the Tallman annexation that affected land West of Hwy. 16 and both sides of Wollochet Drive. The use of these lands require City sewer, water and streets, none of which is furnished by the City. Any development of these lands also requires us to construct park improvements and deed the City approx. 19 acres of land for park purposes.

None of the targeted road improvement projects that are on the City's plans are for these lands. These improvements must be engineered, funded and constructed by us before we can develop the land. To assess this land with a Traffic Impact Fee is grossly unfair when compared to other commercial lands that already have these services. Also, we are required to make offsite Street Improvements identified by Traffic Studies increasing development costs dramatically which must be passed onto the consumer.

For us to pay all these costs and then be assessed impact fees beyond this is not right when those moneys are not helping our land.





We understand there may be credits allowed for some work but this poses one of the questions yet unanswered.

There clearly are many areas that need answers and considerations before any Fee Schedule is put into ordinance form;

Some of these areas needing clarification and attention are as follows:

1. Areas or zones of the City must be identified and treated differently as they all differ greatly in infrastructure in place, or if the infrastructure is to be provided by the City as a result of the fees or not.
2. Exemptions and credits must be clarified as to how they work and are they equitable.
3. Concurrency ordinance draft is unclear in text as to how it can work fairly to the parties affected.
4. Many areas of the proposed ordinances may be left up to Public Works or Planning Officials to deal with at their discretion and clear simple appeal processes must be in place to deal with unreasonable and unfair determinations by city staff.

These proposed ordinances have progressed far to fast and without adequate input by those affected. This process must be slowed down and involve those affected and become fair and equitable.

We request that a steering committee be formed made up of city staff and land owners to work out the many, many unfair, unclear and inequitable parts of these draft ordinances.

Thank you.

Talmo, Inc.



James O. Tallman
President





MEMORANDUM

TO: Gig Harbor City Council

From: Christopher DeWald
8620 Warren Dr. NW Gig Harbor, WA. 98335

Subject: Impact Fees and Concurrency

My name is Chris DeWald. I'd like to express my concerns about the pending concurrency and impact fee ordinance. Conceptually, the idea of an established formula for assessing a fair share of infrastructure costs to a proposed development is good, and I think this opinion is shared by the local business community as well as open space advocates. The challenge is to write an ordinance that is unambiguous, eliminates subjectivity, and to ensure that it functions within the existing framework of real estate development.

People need to understand this legislation effects not only real estate developers, but also many others including architects, engineers, general contractors, subcontractors, suppliers and construction workers, as well as innumerable jobs which are created by the business operators who set up in the new facilities. We are also talking about fostering independence as a community. Providing amenities locally associated with convenience and quality of life in our community. Real estate development has become an extremely complex process, and if we throw up more obstacles we are likely to lose valuable, worthwhile projects to less restrictive jurisdictions.

The proposal to reduce impact fees to 25% of the original proposal helps mitigate the economic concerns, but there remain numerous areas that warrant further study and discussion among interested parties and those who are familiar with the proposed ordinance, to ensure its successful implementation.

I have prepared a specific list of issues that should be addressed prior to finalizing this ordinance. I would like to request that the City Council set up a committee consisting of representatives from the Council, City Staff, the Business Community, and Environmental Groups, to further study and develop language which addresses these specific issues as well as other issues that have been presented though this public hearing process.

Thank You.

Concurrency/Impact Fees
Specific Concerns

A. Concurrency

- 19.10.003A What is a development permit? Talmo has not received a development permit for Memory Lanes or Mallards Landings however these developments have been under way for some time.
- 19.10.003C At what number of lots or units does a single-family development become subject to impact fees/concurrency. Any subdivision?
- 19.10.006 What about developments that involve planning beyond a 6 year road plan? The current complexity of development forces most projects outside this window.
- 19.10.006D Does this section suggest that all development will be prohibited if the City is unable to fund its 6 year comprehensive plan. How can that be?
- 19.10.009A With reference to the last sentence- what does independent mean? Outside evaluation by a registered PE?
- 19.10.010
- 19.10.012C Refers to subsections(1)(a) through (e) above. What is this reference?
What does this mean? Could the Director grant concurrency, but then withdraw it at a later date if expected facilities were not available? This could cause significant financial losses.
- 19.10.14 90 days seems too long to process an application for a CRC.
- 19.10.21 Three years is not an adequate period of time for reserving capacity for reasons stated above concerning the time required to put developments together.
- 19.10.023A The reservation fees seem very high and could amount to a significant amount of money. Could they be reduced? There should be some language concerning interest. What about the City's ability to use the non-refundable portion of the fee immediately for 6 year plan projects or other?
- 19.10.023B Define the City's administrative fee or put a limit on it.
- 19.10.32 15 days for an appeal should be increased
- 19.10.40 Available capacity accounts should be set up for various development zones.
- 19.10.43 What is the traffic analysis zones?

B. Impact Fees

Section 6, C, 3 Should be tied to the projects identified in the cities 6 year plan.

Section 6, C, 8 What constitutes a prior approved development? Sight plan approval, clearing & grading permit, foundation permit, etc.?

Section 6,C, 9 Finish the paragraph.

Section 6,C,10 Please explain this. Does this mean that the City can go back after completing a review and approval of a development, its corresponding mitigation and come up with new charges. This can't be. You can't overturn a previous ruling. If this is legal, there must be some statute of limitation or this is a perpetual encumbrance.

Section 8,B The entire city should not be considered one service area. In fill development in areas where the infrastructure is already in place should be treated differently than areas of brand new development which have a greater impact.

Section 9,A,2 Should this refer to subsection C?

Section 9,B,5 Please explain this? Does "Update the fee collected" actually mean adjust the actual cost of construction to today's dollars?

Section 9,C,1 Should more definitely provide credit against impact for improvements to public roads/parks specifically required as part of the development. It should not be a debatable issue, only the value of the credit should be debatable.

Section 9,C,5,k This seems unreasonable to expect a private party to fund long term maintenance of a dedicated public park or transportation facility.

Section 14,D This section should be modified. There can not be a vehicle that allows extension beyond 6 years. There are always compelling reasons.

Section 18 Suggest a more expeditious appeal process via industry board similar to the Building Code Advisory Board

Section 19,C What does this mean? As explained to me, this section should be revised to include only non-transportation SEPA issues. But then what if SEPA transportation mitigation exceeds that calculated by an impact fee schedule?

Section 21 Is this legal? This says that an approval is void if some one later determines that Director was incorrect in his evaluation.

March 5, 1999

Mark Hoppen
City Manager
City of Gig Harbor
P.O. Box 145
Gig Harbor, Washington 98335

Re: Proposed Transportation Impact Fees

Dear Mark:

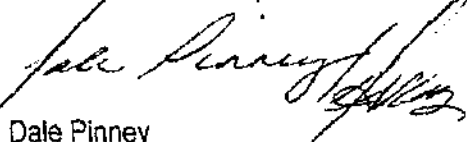
First Western Development Services, Inc. has reviewed the recently proposed City Ordinance for Transportation Impact Fees. Based on our review we have determined that the proposed fees are excessive.

First Western Development Services, Inc. surveyed multiple cities and counties in Western Washington to determine the value of fees assessed in other areas. Attached is a table that shows the results of this survey. As shown by our study, the proposed Gig Harbor fees are 5 times higher than the average cost in other areas. It should be noted that many cities that were surveyed had no impact fee system at all.

We understand that the City Council will be holding additional hearings on this subject, hopefully these hearings will result in a significant reduction in the impact fees.

Sincerely,

First Western Development Services, Inc.



Dale Pinney
Project Manager

DP: dakb

cc: Don Barker, Albertson's, Inc.
Scott Nelson, Target Stores, Inc.
Frank Weiss, Weiss Company

**TRANSPORTATION IMPACT FEES FOR CITIES AND COUNTIES
IN WESTERN WASHINGTON**

Area	Cost	Unit	50 K Supermarket 2,565 ADT 150 PHT	100 K Retail 3,825 ADT 210 PHT	Total Fee
Pierce Co.	No Fee; pay to improve impacted facilities				
Kitsap Co.	No Fee; pay to improve impacted facilities				
Kent	\$1,580.00	PHT	237,000	331,800	568,800
Everett	\$ 900.00	PHT	135,000	189,000	324,000
Marysville	\$ 823.00	PHT	123,450	172,830	296,280
Burlington	\$ 126.00	PHT	18,900	26,460	45,360
Puyallup	No Fee; pay to improve impacted facilities				
Maple Valley	\$ 807.00	PHT	121,000	169,470	290,470
Olympia	S \$ 5.94	SF	297,000		
	R \$ 2.74	SF		274,000	571,000
Bellevue	\$ 825.00	PHT	123,750	173,250	297,000
Snoqualmie	\$ 0.05	SF	2,500	5,000	7,500
Enumclaw	\$ 1.13	SF	56,500	113,000	169,500
Gig Harbor	S \$ 15.45	SF	772,500		
	R \$ 9.96	SF		996,000	1,768,500

Average cost of impact fees for a 50,000 sqft Grocery store and 100,000 sqft Retailer	\$ 285,545.00 (\$ 1.90 / sf)
Impact fees for same development in Gig Harbor	\$ 1,768,500.00 (\$11.79 / sf)
Difference	\$ 1,482,955.00 (\$ 9.89 / sf)



March 8, 1999

Mayor Wilbert and City Council
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

RE: Concurrency and Impact Fee Ordinances

Honorable Mayor and City Council,

On behalf of Pope Resources we are pleased to continue providing constructive input on the draft Impact Fee and Concurrency Ordinances. Enclosed, please find the following exhibits:

1. Gig Harbor Park Impact Fees - Comparison of Other Jurisdictions
2. Letter from John Keegan of March 8, 1999
3. Proposed Amendments to Concurrency Ordinance
4. Letter from Alison Moss of February 24, 1999
5. Letter from Alison Moss of March 4, 1999

We reiterate our support for the City's efforts to adopt Impact Fee and Concurrency Ordinances. However, as a review of the enclosed documents reveals, there are a number of issues that remain to be resolved. In light of the continued questions, we request you postpone final adoption until staff and representatives of the business community have had a chance to meet and develop a comprehensive and complimentary understanding of the issues.

Following are several comments which augment the above described exhibits.

I. Concurrency Ordinance

- A. Prior Agreements. The ordinance does not formally speak to prior agreements pertinent to concurrency issues. The Gig Harbor North Pre-annexation Agreement and associated road and park agreements should be recognized by inserting language that prior agreements will be recognized.

- Amend the language as specified in Exhibit 3.

- B. Reservation of Capacity – Time Frames and Development Agreement Provisions. The provisions allowing for reservation of capacity does not recognize the unique situation of large, multi-phase developments. It is in the interest of all stakeholders that such properties be processed on a master planned basis; not approved piecemeal.

Pope Resources properties could take up to 5 years to go through preliminary approval and another 15 years to build out. As such, the existing reservation clause will not allow any capacity reservation to survive even the preliminary approval stage.

To respond to this concern, we request the following:

- Extend the reservation time frames per the language in Exhibit 3.
- Provision the use of Development Agreements as detailed in Exhibit 3

- C. Eliminate Potential Inconsistencies with Impact Fee Ordinance. Contrary to the prior testimony of others, the Concurrency Ordinance has language linking it to the Impact Fee Ordinance. In order to eliminate confusion and potential inconsistencies, we request you:

- Modify the ordinance as specified in Exhibit 3.

II. Impact Fee Ordinance

- A. Transportation Impact Fees. We understand the City is considering a reduction in the amount of the fees. We support the prior testimony of other members of the business community regarding this issue.



B. Park Impact Fees. A study of comparable park impact fees is included in Exhibit 1. As noted, the currently proposed park impact fee is significantly higher than most jurisdictions. In fact, none of the other jurisdictions are as high. We request you:

- Reduce the fees to a more reasonable level.

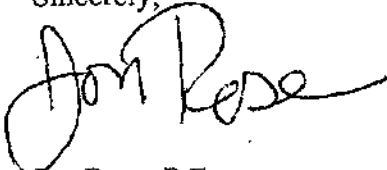
C. Prior Agreements. The ordinance does not formally speak to prior agreements pertinent to impact fee issues. The Gig Harbor North Pre-annexation Agreement and associated road and park agreements should be recognized by inserting language that prior agreements will be recognized.

- Please add a new section to the ordinance:

Prior Commitments or Agreements Any City commitments or agreements regarding road or park fees made prior to the effective date of this ordinance shall not be affected by this ordinance.

We thank you for this continued opportunity to provide constructive input into these important documents.

Sincerely,



Jon Rose, P.E.
Project Manager

C: Greg McCarry - Olympic Resource Management
John Keegan - Davis, Wright, Tremaine

| | | | | | | | | | | | | | | | | | | | | |

Gig Harbor Park Impact Fees - Comparison of Other Jurisdictions

8-Mar-99

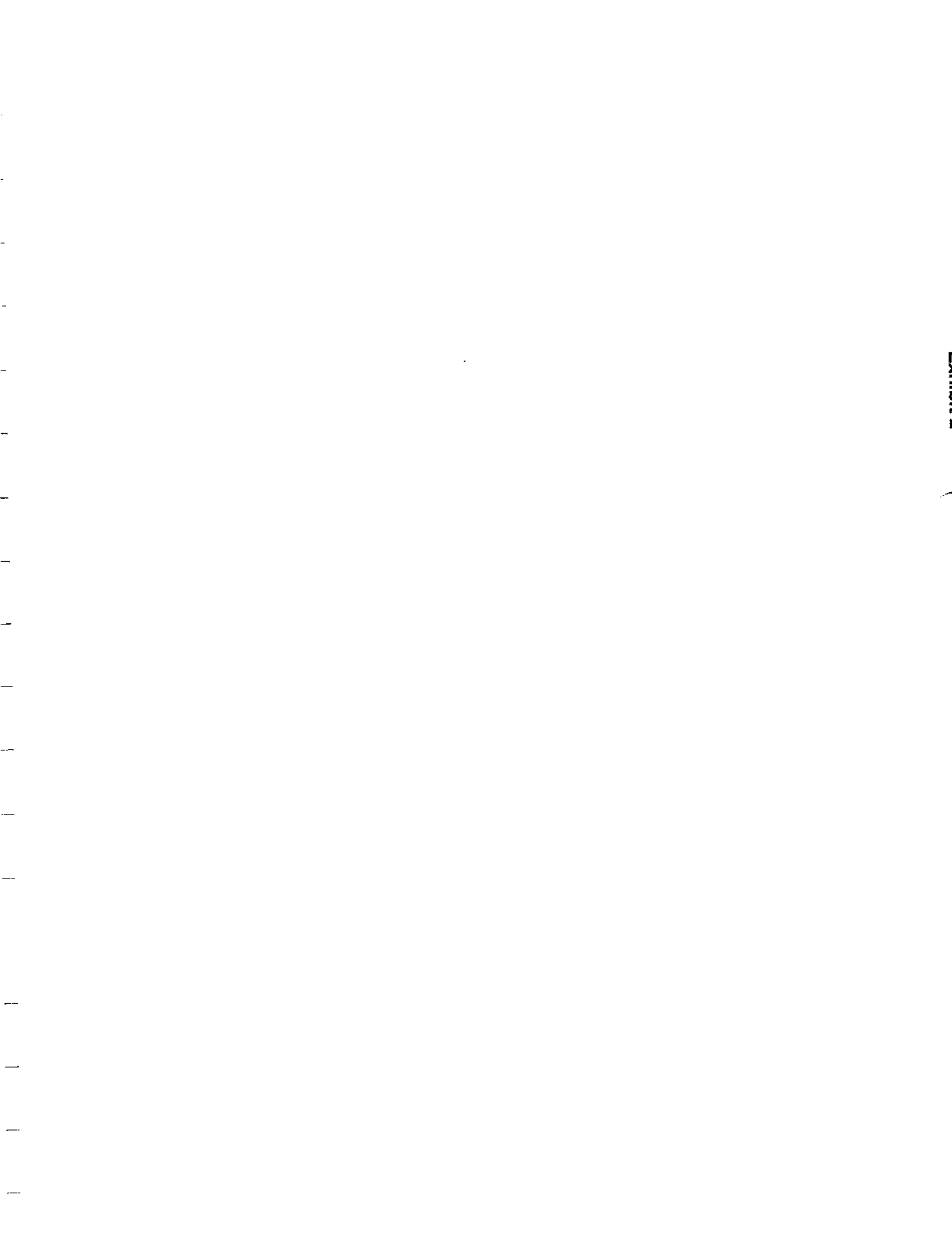
<u>County/City</u>	<u>Park Impact Fee</u>
<u>Kitsap County</u>	\$491 SF
Bainbridge Island	None
Bremerton	None
Port Orchard	None
Poulsbo	500/unit
<u>Pierce County</u>	\$250 SF/ \$125 MF
<i>Buckley</i>	<i>\$447 SF/ \$300 MF</i>
<i>Eatonville</i>	<i>\$400 SF/ \$400 MF</i>
Fife	None
Milton	None
Puyallup	\$491 SF \$323 MF
Lakewood	None
Tacoma	None
University Place	\$322 SF/ \$231 MF
<u>Other Locations</u>	
<i>Burlington</i>	<i>\$250 SF/ \$250 MF</i>
<i>Duval</i>	<i>\$1,000 SF/ \$1,000 MF</i>
Enumclaw	None
<i>Gold Bar</i>	<i>\$628 SF/ \$427 MF</i>
Maple Valley	None
Marysville	\$200 SF/ \$100 MF
<i>Mount Vernon</i>	<i>\$855 SF/ \$789 MF</i>
<i>Mukilteo</i>	<i>\$1,300 SF/ \$1,300 MF</i>
<i>North Bend</i>	<i>\$591 SF/ \$415 MF</i>
<i>Oak Harbor</i>	<i>\$ 669 SF/ \$431 MF</i>
Olympia	\$1,455 SF/ \$1,035 MF
<i>Redmond</i>	<i>\$1,408 SF/ \$1,126 MF</i>
<i>Tumwater</i>	<i>\$564 SF/ \$372 MF</i>

Legend

SF = Single family residential

MR = Multifamily residential

Italic = Information received from but not verified from the Municipal Research Center, Seattle





Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE BOISE CHARLOTTE HONOLULU LOS ANGELES NEW YORK
 PORTLAND RICHLAND SAN FRANCISCO SEATTLE WASHINGTON, D.C. SHANGHAI

JOHN KEEGAN
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 johnkeegan@dwt.com

2600 CENTURY SQUARE
 1501 FOURTH AVENUE
 SEATTLE, WA 98101-1688

TEL (206) 622-3150
 FAX (206) 628-7699
 www.dwt.com

MEMORANDUM

TO: Greg McCarry
 Jon Rose

FROM: John E. Keegan

DATE: March 8, 1999

RE: Gig Harbor Concurrency and Impact Fee Ordinances

These are my comments on the City's proposed concurrency and impact fee ordinances. I have focused particularly on those provisions that could affect a complex, multi-phase development on your 320-acre ownership in Gig Harbor.

Concurrency Ordinance (2/22/99 Version).

1. Definition of Concurrency. Concurrency describes the situation in which road facilities are available when the impacts of development occur or within 6 years "from the time of development." The problem is that neither the Growth Management Act ("GMA") (see RCW 36.70A.070(6)(b)) or the Gig Harbor definitions ordinance (see paragraph 4) clearly defines the moment in the "development" process when such 6-year period should begin. As drafted, someone could interpret "the time of development" to mean the time of a "development permit," which could be as early as a rezone approval or a preliminary plat approval, instead of "development activity," which is the commencement of construction or expansion of a building. See ¶¶ 24 and 25 of definition ordinance. I recommend that the commencement of the 6-year concurrency period start no earlier than the commencement of construction of any permitted buildings.

2. Reservation of Capacity in Advance of Development Permit Application. As drafted, the concurrency ordinance would allow an application for a Capacity Reservation Certificate ("CRC") to be made in advance of development, but the Preliminary CRC issued in

that situation would only be good for 120 days (§ 19.10.013). This very limited pre-application window is crippling to a property owner in Pope Resources' situation with a large holding and with no immediate plans for development, but with a concern for reserving capacity for the eventual development. Nothing in the GMA prevents the City from allowing capacity determinations and reservations to occur a longer period in advance of the development permit applications. GMA is concerned with impacts after the development, not with planning which would reserve road capacity well in advance of the permit applications. There are several ways that this problem could be dealt with in the proposed ordinances. One way would be to allow Capacity Reservation Certificates to be issued in conjunction with a development agreement under RCW 36.70B.210, a statutory provision that was intended for complex, multi-phased developments such as the Pope Resource's situation. It should be pointed out that the current arrangement that the City is attempting to negotiate with property owners for financing East-West Road could not be accomplished under the proposed concurrency ordinance because the 120 day requirement for filing permit applications could not be met by Pope Resources nor would the 1, 2 or 3 year reservation of capacity be long enough to allow Pope Resources to benefit from its financial commitment to the East-West Road.

3. Time Period for Reservation of Capacity is Too Short. The proposed ordinance would allow an applicant, once a Final CRC is issued, to reserve road facility capacity for 1, 2, or 3 years. § 19.10.021. This can be extended for no more than 12 months by making application to the Director of Public Works. § 19.10.022.B. These limited time periods for reservation of capacity are not even adequate for the normal, simple residential plat, which state law allows the developer up to 5 years to finalize. RCW 58.17.140. Development of Pope Resource's 320 acres could easily require 10 to 15 years. I recommend that the current 3 year reservation period be extended to 6 years as a matter of course for all development (this coincides with the 6-year concurrency period) and that longer reservations be allowed for multi-phase development that is subject to a development agreement under RCW 36.70B.210.

4. Reservation Payment Schedule. The proposed ordinance provides that when capacity is reserved pursuant to a Final CRC, the developer pay a reservation fee equivalent to 33% of the transportation impact fees for a 1 year reservation, 66% for a 2 year reservation and 100% for a 3 year reservation. § 19.10.023.A. These are very steep reservation fees for a very short period of time and are being paid at a very early stage in the permit approval process. This Final CRC determination could be made, for example, at the time of a preliminary plat approval requiring that 100% of the fees be paid in order to reserve the capacity for 3 years, with the risk that the plat would not even be finalized prior to the running of the time period. I question whether any impact fee payments should be paid at the time of the Final CRC. The purpose of the concurrency ordinance is not to collect the impact fees, but only to assure that there is adequate capacity for the proposed development. The timing of payment for transportation impact fees is a subject that should be covered in the impact fee ordinance. Section 19.10.023 of the concurrency ordinance contradicts Section 12.A of the proposed impact fee ordinance, which allows fees to be paid at the time of issuance of the building permit. I believe that the only fee that should be paid to obtain a Final CRC is the administrative fee to cover the City's cost of processing the CRC application. Proposed § 19.10.023 should be dropped altogether.

5. Refund of Reservation Fees. The proposed ordinance provides that if for any reason the reservation fees shall become refundable (for example, the developer drops the underlying project), the refund is subject to a City holdback of 10% of the reservation fee if the capacity was reserved for 12 months or less, 20% if reserved for 2 years, and 30% if reserved for a 3 year period. Again, I recommend that this concept of paying a reservation fee be deleted and that payment of impact fees be provided for in the impact fee ordinance. In any event, the GMA provides that "a developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted." RCW 82.02.080(3). There is no provision for any city holdback. Another provision of state law authorizes cities to collect "reasonable fees from an applicant" for "processing applications, inspecting and reviewing plans," but these fees are only to cover the City's actual costs for such processing. The proposed 10, 20 and 30% holdbacks would likely exceed the actual costs of processing.

6. Appeal for Denial of Concurrency. The proposed ordinance does not allow an appeal of the concurrency determination "unless and until the applicant submits an application for the underlying development permit and the City has made a final decision to approve or deny the permit." § 19.10.030. This is too limiting. If there is going to be a procedure for allowing concurrency determinations in advance of a permit application, which there is under § 19.10.013-.018, there should be the opportunity to appeal a denial. As currently drafted, if an applicant applied for a CRC in advance of a development permit application and was denied the CRC, that applicant would have to then submit a completed application for the underlying permit within 120 days of receiving the denial letter before being able to make an appeal, and then only after the decision on the underlying development permit application. This seems like a needless and unnecessary expense for both the City and the applicant. It would be better to allow any dispute over the denial of concurrency to be decided in advance of the underlying permit application.

Transportation and Park Impact Fee Ordinance (2/22/99 version).

The February 22, 1999 version of this ordinance made available to the public at the City Council meeting is considerably different than the transportation impact fee ordinance that I previously reviewed. Of course, one of the most important features of the impact fee ordinance is the rate schedule, which I am unable to comment upon without the benefit of the studies used to develop the project costs, public and private participation percentages, available capacity, and other features of the schedule. As was pointed out at the City Council hearing on February 22, the rates are relatively high. My additional comments follow:

1. Fee Impositions Must Be Based Upon Express Fee Authority. Section 2.A of the ordinance says that it is adopted pursuant to the City's police powers as well as the state subdivision statute and the State Environmental Policy Act. The only authority for imposing impact fees among the various authorities mentioned in Section 2.A is the Growth Management Act, RCW 82.02.050-.090. Again, in Section 19, the proposed ordinance states that all development shall be subject to environmental review pursuant to SEPA and that further mitigations may be required under SEPA. See Section 19.A and C. Mitigation pursuant to SEPA should be addressed under the City's SEPA ordinance, not in the impact fee ordinance. There is the implication in the provisions of the ordinance cited that the City might also be

contemplating the assessment of impact fees under SEPA for projects not listed in the 6-year Road Plan and 6-year Parks, Open Space and Recreation Plan.

2. Adjustments to the Cost of Public Facilities in Determining Proportionate Share. Section 9.B of the ordinance lists several factors that will be taken into account in calculating proportionate share. Left off the list is the following mandatory adjustment in the proportionate share required under GMA:

An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement.

RCW 82.02.060(1)(b).

The impact fee schedule contains a credit for City gas taxes paid but no provision is made for property, excise or other taxes or for user fees, debt service payments, LID special assessments and other payments that might be proratable to the particular system improvements.

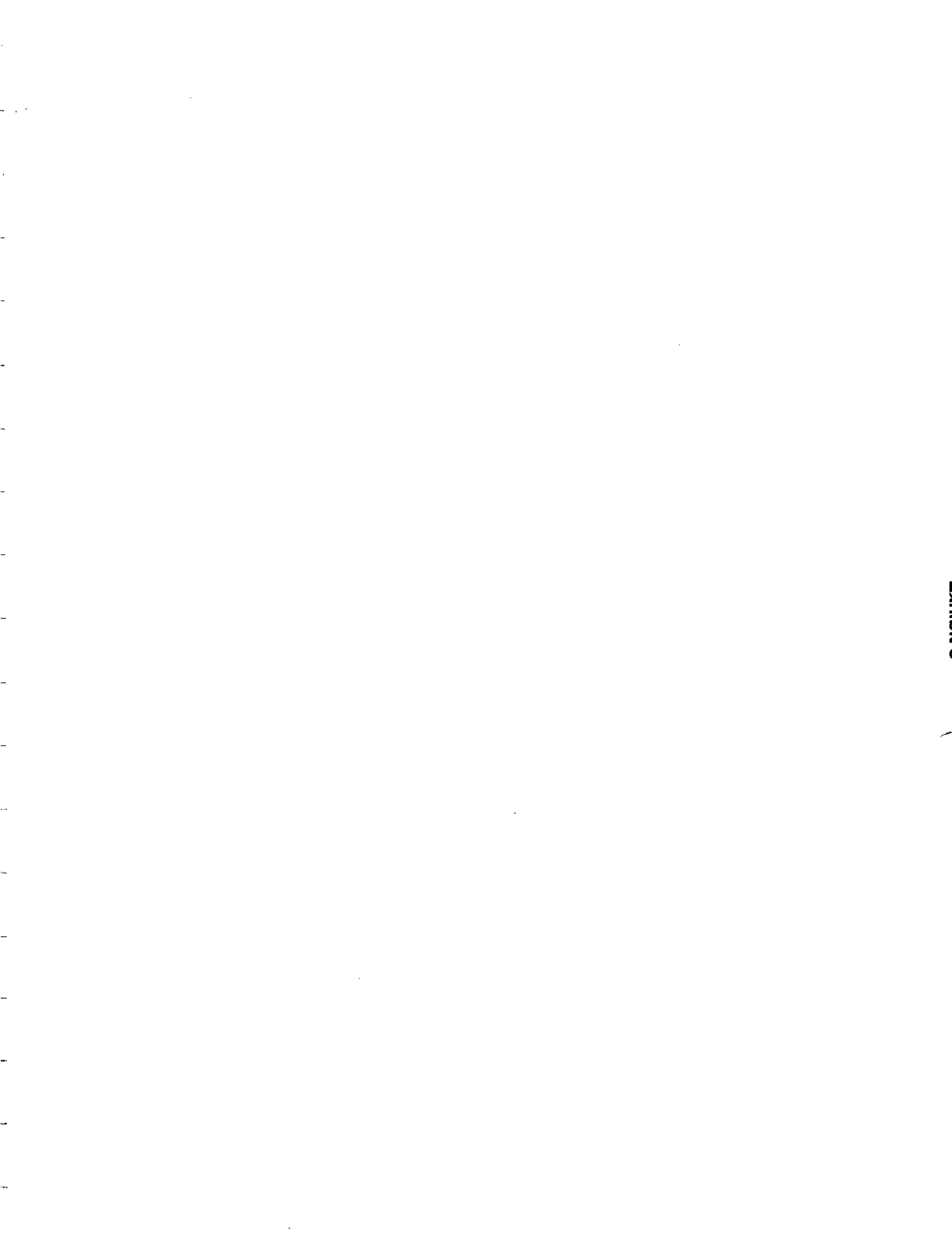
3. Developer-Provided Park and Transportation Facilities. The provisions in Section 9.C of the ordinance allow the director to give credit for park and transportation facilities purchased or installed by the applicant. This is good and something required by the GMA as well as various exaction cases. I think, however, that this section is too limiting as drafted. For example, it should not require in every case that the facilities be located on land that is publicly owned and publicly maintained if such facilities otherwise fulfill an appropriate park and transportation function. Credit should not be limited only to those facilities provided over and above "those normally required under SEPA for such developments." See Section 9.C.3. The laundry list of criteria in Section 9.C.5 is also probably more detailed than necessary.

4. Consideration of Developer Studies. Section 10 of the ordinance provides for a variation from the impact fee schedule for a very limited set of circumstances, *i.e.* there is a significant difference between the age and interest characteristics of the population of a proposed subdivision. The GMA requires the City to make adjustments to the standard impact fee schedule "to consider unusual circumstances in specific cases to insure that impact fees are imposed fairly" and requires "consideration of studies and data submitted by the developer to adjust the amount of the fee." RCW 82.02.060(4) and (5). Section 10 should be broadened in accordance with the GMA.

5. Timing of Payment for Impact Fees. This version of the ordinance is much different than the earlier version and states that payment of any required impact fees shall be made prior to the issuance of a building permit and allows the developer, even in the case of subdivisions, to postpone the payment of the impact fees for each lot until issuance of a building permit for each lot. Section 12.A. This makes sense and should be supported. It will avoid the necessity of financing or expanding the equity contribution for a project to cover such fees. However, Section 11.A should be amended to be consistent with Section 12.A and the phrase

which says that impact fees will be paid "at the time the applicable development permit is ready for issuance" should be deleted. A "development permit," by the City's proposed definition, could include a subdivision, PUD or site plan approval, as well as an amendment to the City Comprehensive Plan or a rezone. See paragraph 26 of definitions ordinance.

6. Funding of Projects. It appears that Section 14 of the ordinance allows impact fees, regardless of which project they are paid towards, to be spent on any project on the list. This is a problem under the GMA, which requires that such fees "be used for system improvements that will reasonably benefit the new development." RCW 82.02.050(3)(c). Section 14 appears to treat all projects as fungible and allows the Council each year to sweep all monies from the impact fee fund to the CIP fund and spent on whatever projects are being developed in the coming year. I recommend that separate accounting be kept for each project to make sure that the funds paid by developers are spent on projects reasonably related to their development. GMA requires such an approach.



**POPE RESOURCES'
PROPOSED AMENDMENTS TO GIG HARBOR
CONCURRENCY ORDINANCE**

1. In order to make the concurrency ordinance work for large, multi-phase projects, the following amendments are required:

A. Amend Section 19.10.009.A to read:

When the Requirements of this Chapter Apply. A capacity evaluation shall be required either in conjunction with or prior to the City's consideration of any development permit depending on the time that the applications are filed, or in conjunction with a development agreement pursuant to RCW 36.70B.170, unless specifically exempted by this Chapter. The Director shall utilize the standards and requirements set forth in Part V to conduct a capacity evaluation, prior to issuance of a CRC. In addition to the standards set forth in Part V, and specifically in GHMC 19.10.012, the Director may also utilize the standards set forth in state law or the Washington Administrative Code, or such other rules regarding concurrency which may be established from time to time by administrative rule. In cases where LOS standards do not apply, the Director shall have the authority to utilize other factors in preparing capacity evaluations to include, but not be limited to, independent LOS analysis.

B. Amend Section 19.10.013 to read:

Purpose of Preliminary Capacity Reservation Certificate. A PCRC is a determination by the Director that: (1) the proposed development activity or development phase will be concurrent with the applicable road facilities at the time the PCRC is issued; and (2) the Director has reserved road facility capacity for this application for a period of one hundred twenty (120) days, or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as applicant submits a completed application within 120 days of receiving the PCRC; provided, that in the case of a proposed project that is subject to a development agreement pursuant to RCW 36.70B.170 there is no requirement to obtain a PCRC. In no event shall a developer reserve a greater amount of capacity than that necessary to serve the maximum amount of development permitted on the site under its current zoning classification.

C. Amend Section 19.10.021 to read:

Reservation Time Period. The Final CRC shall allow the applicant to reserve road facility capacity for ~~one, two or three~~ six years or such longer period of time as is specified in a development agreement pursuant to RCW 36.70B.170. A specific quantity of capacity must be requested for each individual year of the reservation time frame. Capacity shall be reserved based on the standards and criteria for Capacity Evaluations identified in this Chapter. The Final CRC will allow the applicant to utilize the capacity only during the period of time specified on the Certificate.

2. In order to leave the timing and amount of impact fees paid a subject to be covered exclusively by the impact fee ordinance and in order to avoid any inconsistencies between such ordinances, the following amendment is required.

A. Delete Section 19.10.023 in its entirety.

3. In order to protect the integrity of prior City commitments relating to road capacity, the following new section should be added to the ordinance:

A. Prior Commitments or Agreements Any City commitments or agreements regarding road capacity made prior to the effective date of this ordinance shall not be affected by this ordinance.

DEARBORN & MOSS P.L.L.C.**MEMORANDUM**

A Professional Limited Liability Company

February 24, 1999

TO: Walt Smith

FROM: Alison Moss

RE: Gig Harbor Impact Fee Ordinance

I have reviewed the draft parks and road impact fee ordinance which you provided me and offer the following comments.

POTENTIAL INCONSISTENCIES WITH GMA REQUIREMENTS**1. No Linkage to Comprehensive Plan Capital Facilities Element.**

Impact fees may only be imposed for capital facilities identified in the City's Comp Plan Capital Facilities Plan Element. RCW 82.02.050(4); 82.02.070(2). For brevity I will refer to this Element as the CFP.

The draft ordinance does not appear to link the capital facilities for which an impact fee may be charged to the CFP. Rather, it seeks to impose fees for those improvements described in the Gig Harbor Six-Year Road Plan and the Parks and Open Space and Recreation Plan. Ordinance §§9.A, 13.A. It, thus, does not comply with the GMA. Further, while these other plans may form the basis for the CFP, they do not necessarily comply with the requirements for the CFP, including, among others, the requirements that the CFP be fully funded (for at least 6 years). RCW 36.70A.070(3).

> Ordinance § 9.C requires elaborate findings in order for the City to give a developer credit against the standard impact fees for a dedication or improvement. This analysis should not be necessary. If the improvement or dedication is identified in the CFP, it should be credited against the impact fee. RCW 82.02.060(3).

2. Is Growth Related to Approval of Narrows Bridge Planned for in Adopted Comp Plan?

The GMA requires that the Comp Plan be internally consistent. RCW 36.70A.070. Thus, the CFP must be consistent with the Land Use Element and the population projections upon which it is based. Indeed, the GMA expressly requires that all Elements be consistent with the Future Land Use Map. RCW 36.70A.070. It is my understanding that the rationale for the Ordinance is that the new Narrows Bridge will create more growth in Gig Harbor. In order for the City to impose impact fees for this anticipated growth, the growth must already be projected in the Land Use and Capital Facilities Elements of the Comp Plan and accommodated in the Future Land Use Map.

Memorandum to Walt Smith
 February 26, 1999
 Page 2

Assuming that Gig Harbor adopted its Comp Plan before the vote on the Narrows Bridge, its Comp Plan may not have been based on the now expected growth. If that is the case, it must amend each affected Element of its Comp Plan to address the now projected growth, before imposing impact fees.

> Ordinance § 9.B.2 requires the Director to identify when the capacity of a park or transportation facility has been fully utilized. Why? The capital facilities needed to accommodate growth are supposed to be identified in the CFP.

3. Is Growth Related to Approval of Narrows Bridge Consistent with OFM Population Projections?

The Comp Plan must be based on the population projections made for Pierce County by the Office of Financial Management (OFM). RCW 36.70A.110(2). The Pierce County Regional Council (PCRC) allocated the OFM projection among the County and its cities. In order to amend its Comp Plan to accommodate the now projected growth, that projected growth must be within population allocated to Gig Harbor by the PCRC.

4. Has City Demonstrated Full Financing and Has it Adopted Levels of Service?

The City's CFP must: (a) demonstrate that it can finance those the capital facilities needed to accommodate the projected growth within projected funding capacities; and (b) clearly identify the public funding sources. If it cannot finance its CFP, it must either change its level of service or its Land Use Element (i.e. its growth projections) so that it can. RCW 36.70A.070(3).

> Has the City demonstrated that it can fully fund the capital facilities for which it wishes to charge impact fees? If not, it does not comply with the GMA.

> Has the City adopted levels of service for parks and roads? If not, it does not comply with the GMA.

> Are the adopted levels of service reasonable given the cost of the capital facilities the City now believes it needs?

5. Has City Identified Deficiencies and a Plan to Correct Them Within Reasonable Time?

To adopt impact fees, the City must identify existing deficiencies, i.e. those existing capital facilities that do not satisfy the adopted level of service standard or those new capital facilities needed to serve existing development at the adopted levels of service. RCW 82.02.050(4)(a). It must also identify the means by which these deficiencies will be eliminated over a reasonable period of time.

> Has the City identified these deficiencies? The specific deficiencies are not discernable for the Ordinance; nor is the means by which they will be eliminated. If they are substantial, it may call into question the reasonableness of the adopted level of service. Further, the greater the deficiencies, the lesser will be the public funds available to spend on capital projects to

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 February 26, 1999
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accommodate new growth, as the deficiencies must be corrected with public funds. RCW 82.02.060(7).

6. Approach to Adjustments Too Limited.

RCW 82.020.060(4) and (5) allow the city to include a process for adjusting the impact fee to consider unusual circumstances in the specific case to ensure that the fee is imposed fairly and require it to provide a process or considering studies and data submitted by the developer to adjust the amount of the fee, respectively. RCW 82.02.070(5) requires that the City provide an administrative appeals process. As the appeal process is in .070 and the requirement to consider the developer's studies is in .060, I have always understood them to be separate requirements - that is, the requirement to consider studies cannot be satisfied by providing an appeal.

Ordinance § 10 arguably carries out the RCW 82.020.060(4), although it seems to be limited to age-restricted housing. I can find no provision incorporating a pre-appeal consideration of the developer's studies.

7. Approach to Service Areas inconsistent.

The GMA requires that an impact fee ordinance establish "one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development." RCW 82.02.060(6). Ordinance §8.B establishes the entire City as one service area. Yet, Ordinance §9.B then requires the Director to identify all park and transportation facilities that will be impacted by users from each development. This doesn't make sense and does not seem consistent with RCW 82.02.060(6).

8. Growth Related vs. Necessitated by New Development.

The GMA authorizes impact fees for capital facilities "necessitated by new development." The Ordinance uses the term "Growth Related," which it does not define. Ordinance § 13. Is "Growth Related" intended to mean something different than "necessitated by new development"? If so, it is not consistent with the GMA. If not, why use the term used in the GMA?

9. Adjustments for Past or Future Payments.

RCW 82.02.060(1)(b) requires that there be an adjustment for past or future payments made or reasonably anticipated to be made by new development.

> The only adjustment which appears to have been considered is the City's portion of the gas tax - and the assumption is that each trip averages 5 miles. A transportation consultant should review the reasonableness of this assumption, especially given the apparent link to the Narrows Bridge.

> Are there other payments, which should be considered which, have historically been used to fund these kinds of improvement, such as real estate tax? MVET? Open space?

Memorandum to Walt Smith
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RELATIONSHIP TO SEPA

A potentially significant issue is the relationship to SEPA. Ordinance §19.C allows additional mitigation under SEPA if the City determines that the impact fees do not adequately mitigate impacts. If the City has complied with the GMA, then by definition, the fee should mitigate any capacity impacts, as all capacity improvements must be identified in the CFP and be fully funded. SEPA mitigation would be appropriate only for site-specific non-capacity improvements, such as tapers into driveways.

PROJECTS OUTSIDE OF GIG HARBOR

Ordinance §320 attempts to impose "the standards contained in the Gig Harbor Comprehensive Plan on impacts in adjoining jurisdictions." The City obviously has no authority over projects in adjoining jurisdictions absent an interlocal agreement. This provision may be here to try to require projects needing City services to comply with its "standards."

OTHER ISSUES

1. What is the amount of the administrative fee and why does the city believe it is necessary? Ordinance §8.A.
2. Why must the Approving Authority consult with the Director "concerning mitigation of a development's impacts"? Ordinance §7. Isn't impact mitigation the purpose of the fees?
3. How will the parks fees relate to on-site recreation and open space requirements?
4. The Ordinance seeks to put off the final calculation of the fee until permit issuance. Thus, the amount could change substantially from the time of application to the time of permit issuance, potentially affecting project viability. Ordinance §§ 11 and 12.
5. Ordinance § 12.B, deferring recording of a plat until required dedication or improvement of park or transportation facilities occurs, does not belong in an impact fee ordinance.
6. The appeals section requires an applicant to require reconsideration before appealing. Why? Ordinance 18.B.2.

Memorandum to Walt Smith
February 26, 1999
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PROPOSED IMPACT FEES

1. Must show how the facilities were historically funded. RCW 82.02.060(1)(e). This can help evaluate the reasonable ness of the fee.
2. Must have a balance between public and private funds. RCW 82.02.050(2).
3. Appendix B, the rate schedule for trips, assumes most uses have no pass-by trips (by using 100% of the trips). A transportation consultant should review these assumptions.
4. What is the peak hour factor in Appendix B? It appears to increase the number of peak hour trips for some uses above 100%.
5. How does the author arrive at the impact fee in Appendix B from the previous columns, all of which address trip generation, not the cost of the transportation projects?
6. The parks fee schedule appears to include renovation and repair, which are not capacity adding and cannot be supported through impact fees. See Appendix C and C-2.



DEARBORN & MOSS P.L.L.C.**MEMORANDUM**

A Professional Limited Liability Company

March 4, 1999

TO: Walt Smith

FROM: Alison Moss *Alison*RE: Gig Harbor Definitions and Concurrency Ordinances

I have reviewed the draft Definitions Ordinance (which applies to the Impacts Fee and Concurrency Ordinances) and the draft Concurrency Ordinance, primarily to determine whether they resolve any of the impact fee issues discussed in my February 26 memo to you. Each major comment I offered on Impact Fee ordinance is addressed below. Following that, I have provided comments on the Definitions and Concurrency Ordinances.

POTENTIAL INCONSISTENCIES OF IMPACT FEE ORDINANCE WITH GMA REQUIREMENTS

1. No Linkage to Comprehensive Plan Capital Facilities Element.
Not resolved for impact fees – the concurrency ordinance does seem to be appropriately linked to the City's Comp Plan Capital Facilities and Transportation Elements.
2. Is Growth Related to Approval of Narrows Bridge Planned for in Adopted Comp Plan?
Not resolved.
3. Is Growth Related to Approval of Narrows Bridge Consistent with OFM Population Projections?
Not resolved.
4. Has City Demonstrated Full Financing and Has it Adopted Levels of Service?
The Concurrency Ordinance states that the City has adopted transportation levels of service in its Comp Plan. It does not address parks. The other issues in my February 26 memo remain.
5. Has City Identified Deficiencies and a Plan to Correct Them Within Reasonable Time?
Not resolved.
6. Approach to Adjustments Too Limited.
Not resolved.
7. Approach to Service Areas inconsistent.
As explained in my February 26 memo, the GMA requires that an impact fee ordinance

Memorandum to Walt Smith

March 4, 1999

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establish "one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development." RCW 82.02.060(6). The Impact Fee Ordinance §8.B establishes the entire City as one service area; yet, in §9.B it requires the Director to identify all park and transportation facilities that will be impacted by users from each development. This seems both internally inconsistent and inconsistent with RCW 82.02.060(6).

The Definitions and Concurrency Ordinances add further confusion to the approach. In § 51, the Definitions Ordinance defines service areas generically, whereas they are defined as the entire City in the Impact Fee Ordinance. The Definitions Ordinance also defines traffic analysis zone and transportation primary impact area, but these terms do not appear to be used.

8. Growth Related vs. Necessitated by New Development.

Not resolved. As explained in my February 26 memo, the GMA authorizes impact fees for capital facilities "necessitated by new development." The Impact Fee Ordinance uses the term "Growth Related," which is defined in the Definitions Ordinance as "a development activity as defined herein that increases the level of service of a public facility." I can't say I understand the intent of this definition, but it seems to mean something different than "necessitated by new development" and, is thus, not consistent with the GMA. Impact Fee Ordinance § 13; Definitions Ordinance §35.

9. Adjustments for Past or Future Payments.

Not resolved.

RELATIONSHIP TO SEPA

Not resolved.

PROJECTS OUTSIDE OF GIG HARBOR

Not resolved, although the Definitions Ordinance suggests in § 40 that the City either has entered into or intends to enter into interlocal agreements with the County and the State.

OTHER IMPACT FEE ISSUES

None of the following are resolved.

1. What is the amount of the administrative fee and why does the city believe it is necessary? Ordinance §8.A.
2. Why must the Approving Authority consult with the Director "concerning mitigation of a development's impacts"? Ordinance §7. Isn't impact mitigation the purpose of the fees?
3. How will the parks fees relate to on-site recreation and open space requirements?

Memorandum to Walt Smith

March 4, 1999

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4. The Ordinance seeks to put off the final calculation of the fee until permit issuance. Thus, the amount could change substantially from the time of application to the time of permit issuance, potentially affecting project viability. Ordinance §§ 11 and 12.
5. Ordinance § 12.B, deferring recording of a plat until required dedication or improvement of park or transportation facilities occurs, does not belong in an impact fee ordinance.
6. The appeals section requires an applicant to require reconsideration before appealing. Why? Ordinance 18.B 2.

COMMENTS ON DEFINITIONS ORDINANCE

1. Capacity, Committed. Why is this limited "to specific public facilities."? Shouldn't it refer to capacity in specific public facilities which have been reserved to or used by development?
2. Capacity, vested. This refers to a "concurrency agreement," a term which does not appear to be used in the Concurrency Ordinance.
3. Development Agreement. This refers to a "Concurrency Resolution Agreements," a term which does not appear to be used in the Concurrency Ordinance.
4. Existing Use. Why is this limited to a building permit? What about other vested and issued permits?

COMMENTS ON CONCURRENCY ORDINANCE

1. Section 19.10.003.A. This section eliminates vesting for purposes of concurrency.
2. Section 19.10.003.C. This section exempts Single Family residences from concurrency. Although many jurisdictions exempt single family residences from a variety of regulations, the effect is to allow these uses to consume available capacity and to shift the burden to other uses. The exemption presents a policy issue.
3. Sections 19.10.006 and 19.10.012.D. Section 19.10.006 requires transportation concurrency "... within 6 years from the time of development." Section 19.10.012.D simply refers to "concurrent with development." To be consistent with RCW 36.70A.020(12) both should require concurrency within 6 years of the time a development is available for occupancy and use. For certain kinds of projects, such as preliminary plats, which may not be occupied for many years, this difference can be significant.
4. Section 19.10.009. In what circumstances would LOS standards not apply?

Memorandum to Walt Smith

March 4, 1999

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5. Section 19.10.010.C. Why must the legal description be prepared by a licensed survey/engineer?
6. Section 19.10.010.I. Why is a traffic report required? The City has a traffic demand model.
7. Section 19.10.011. This section should refer to failure by the Director to make a written determination pursuant to either A (within 28 days of the original application submittal) or C (within 14 days of submittal of information in response to an incompleteness determination).
8. Section 19.10.021. The capacity reservation should be consistent with the permit duration. For example, an applicant has five years to comply with the terms of approval of a preliminary plat. Loss of the concurrency determination and capacity reservation in the third year effectively reduces this time period to 3 years. It could also affect project financing.
9. Section 19.10.023.A. This section requires payment of a substantial portion of the impact fee in order to reserve capacity. I am not aware of any other jurisdiction that requires payment of transportation impact fees to reserve capacity. This is a significant policy question.

Reservation for three years requires payment of 100% of the impact fee. Payment of the entire fee should lock in the concurrency determination for as long as the application is valid.

10. Section 19.10.023.B. This section charges an "administrative fee" to refund the impact fees if the project does not proceed. While it may be legitimate to charge a modest fee, the proposed approach seems flawed. First, the Impact Fee Ordinance already imposes an administrative fee. Second, the fee is a percentage of the impact fee, which Chapter 82.02 RCW requires be refunded in full with interest. Third, the fee should be related to the City's actual cost of administration. It does not appear to be. The fee is 3.3% of the impact fee if the reservation was for one year; 13.2% of the impact fee if the reservation was for two years; and 30% of the impact fee if the reservation was for three years.
11. Section 19.10.030. Most jurisdictions require a concurrency certificate as part of a complete application. If Gig Harbor does this as well, the appeal of a concurrency denial obviously cannot be combined with the appeal of the underlying application, as there is no complete underlying application. Further, even if a concurrency determination is not a requirement of a complete application, an applicant is not likely to proceed with a costly permit process if concurrency has been denied. Therefore,

Memorandum to Walt Smith

March 4, 1999

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the denial should be appealable in advance of processing of and action on the underlying permit.

12. Section 19.10.031. The notice provision for applications which are exempt from SEPA may need to be clarified. As drafted, the notice must be "in the same manner [as the SEPA threshold determination];" yet there is no SEPA threshold determination if the project is exempt from SEPA.
13. Section 19.10.042. It would be helpful for the annual monitoring to compare projected and actual development activity.



**FIRST WESTERN
DEVELOPMENT SERVICES, INC.**

Development & Project Management

RECEIVED

MAR 9 - 1999

CITY OF GIG HARBOR

March 5, 1999

Mark Hoppen
City Manager
City of Gig Harbor
P.O. Box 145
Gig Harbor, Washington 98335

Re: Proposed Transportation Impact Fees

Dear Mark:

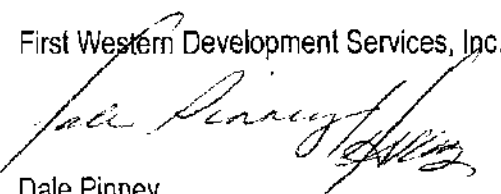
First Western Development Services, Inc. has reviewed the recently proposed City Ordinance for Transportation Impact Fees. Based on our review we have determined that the proposed fees are excessive.

First Western Development Services, Inc. surveyed multiple cities and counties in Western Washington to determine the value of fees assessed in other areas. Attached is a table that shows the results of this survey. As shown by our study, the proposed Gig Harbor fees are 5 times higher than the average cost in other areas. It should be noted that many cities that were surveyed had no impact fee system at all.

We understand that the City Council will be holding additional hearings on this subject, hopefully these hearings will result in a significant reduction in the impact fees.

Sincerely,

First Western Development Services, Inc.



Dale Pinney
Project Manager

DP: dakb

cc: Don Barker, Albertson's, Inc.
Scott Nelson, Target Stores, Inc.
Frank Weiss, Weiss Company

**TRANSPORTATION IMPACT FEES FOR CITIES AND COUNTIES
IN WESTERN WASHINGTON**

Area	Cost	Unit	50 K Supermarket 2,565 ADT 150 PHT	100 K Retail 3,825 ADT 210 PHT	Total Fee
Pierce Co.	No Fee; pay to improve impacted facilities				
Kitsap Co.	No Fee; pay to improve impacted facilities				
Kent	\$1,580.00	PHT	237,000	331,800	568,800
Everett	\$ 900.00	PHT	135,000	189,000	324,000
Marysville	\$ 823.00	PHT	123,450	172,830	296,280
Burlington	\$ 126.00	PHT	18,900	26,460	45,360
Puyallup	No Fee; pay to improve impacted facilities				
Maple Valley	\$ 807.00	PHT	121,000	169,470	290,470
Olympia	S \$ 5.94	SF	297,000		
	R \$ 2.74	SF		274,000	571,000
Bellevue	\$ 825.00	PHT	123,750	173,250	297,000
Snoqualmie	\$ 0.05	SF	2,500	5,000	7,500
Enumclaw	\$ 1.13	SF	56,500	113,000	169,500
Gig Harbor	S \$ 15.45	SF	772,500		
	R \$ 9.96	SF		996,000	1,768,500

Average cost of impact fees for a 50,000 sqft Grocery store and 100,000 sqft Retailer	\$ 285,545.00 (\$ 1.90 / sf)
Impact fees for same development in Gig Harbor	\$ 1,768,500.00 (\$11.79 / sf)
Difference	\$ 1,482,955.00 (\$ 9.89 / sf)

MBA Master Builders Association Of Pierce County

FAX

Date: February 5, 1999
 Number of pages including cover sheet: 5

To: Mayor Wilbert
City Councilmembers
Mark Hoppen, Ray Gilmore
 Fax: 851-8563
 Phone: 851-8136
 CC:

From: Tiffany Speir
Government Affairs Associate
 Phone: 253-564-8788
 Fax: 253-564-8818
 E-mail: mbagov@whyweb.com

REMARKS: Urgent For your review Reply ASAP Please comment

Copies of this letter will be sent to those on the cc list via regular mail. Thank you.

If there are any problems with this facsimile, please contact Tiffany at 253-564-8788.



Master Builders Association of Pierce County

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Transmitted via facsimile

Mayor Wilbert and City Councilmembers
Gig Harbor City Hall
3105 Judson St.
Gig Harbor, WA 98335

February 5, 1999

Dear Mayor Wilbert and Councilmembers:

This letter is to comment on the proposed transportation and park impact fees and the accompanying concurrency ordinance being considered by Gig Harbor.

The Master Builders Association (MBA) and our state and national affiliates are opposed to all impact fees. Such fees are a recent addition to local government funding options and are being used more and more to fund public improvements that traditionally have been paid for by all members of the public.

First, impact fees raise the price of homes and eliminate homebuyers in this area from the market; for every \$1,000 increase in a home price, 1/2% of prospective homebuyers can no longer qualify for a home loan. It is a mandatory goal in state, county, and local comprehensive plans to provide affordable housing for all economic segments of the population; impact fees contradict this goal. As discussed below, the issue of affordable housing is critical in Gig Harbor.

Second, impact fees are meant to pay for "new growth" -- namely, people moving in from outside of a community -- and its impacts on the infrastructure. However, in Pierce County, a significant portion of those buying new homes are first time home buyers from within the community and people who are moving up into a larger home as their families grow. These buyers are required to pay impact fees along with the new members of the community even if they have paid taxes and helped fund infrastructure for years.

Third, when impact fees are used they increase the price of new homes. This in turn raises taxes on existing homes because the tax assessment valuation process considers the sale prices and values of surrounding properties. Everyone in Gig Harbor -- not just new growth -- could see an increase in their property tax due to impact fees.

Gig Harbor's City Comprehensive Plan discusses the current shortage of affordable housing in the city and the need to ensure that both existing and new homes are attainable for Gig Harbor's residents. Adopted in 1994, before impact

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fees had been considered as a funding mechanism, the Plan's Housing Element states:

It is evident . . . that most single family homes are unaffordable to more than half of Gig Harbor's current population. . . . Unless future annexation areas accommodate enough multi-family or high density units to bring the mix of housing types into balance with household incomes, a significant shortage of affordable housing is expected.

City of Gig Harbor Comprehensive Plan, pp. 51-52. The Plan continues:

"This [housing] shortage may be even more profound under county-wide planning policies which require that each municipality provide for its fair share of the County's affordable housing needs." *Id.* at 52. In response to the County-wide fair share housing allocations, the Plan includes a goal to "[r]equire new subdivisions or developments to provide a 'fair-share' allocation of affordable housing within the subdivision or residential developments." *Id.* How can this goal be implemented when the city is proposing to directly increase the price of a house by almost \$3600 through impact fees?

Of particular concern to the MBA is the proposed transportation impact fee, the first such fee proposed in Pierce County. Roads, along with schools, are a public facility used consistently by everyone in a community, not just new development. There is little justification (or legal basis) to impose a transportation impact fee when there is not a strong nexus between the payor (here, new development) and the user (here, potentially anyone). In addition, builders are already responsible for building subdivision streets and, where necessary, making improvements to surrounding public streets to handle the increased traffic flows from the subdivision. To demand a \$2069 impact fee in addition to current requirements would place too much of a burden on new homebuyers, who would ultimately be responsible to pay it. Gig Harbor's goal of providing more affordable housing would be cut off at the knees. A traditional, broad-based funding source paid by all members of the community should be used to pay for transportation improvements.

The park impact fee has been proposed at \$1500. This fee is far above the park impact fee charged by Pierce County (\$250 per single family unit and \$125 per multi-family unit) and exceeds those charged by cities within the county. I have attached a copy of a 1997 Association of Washington Cities Survey for your consideration: the average city fee per single family unit across the state is \$775; it is approximately \$650 per multi-family unit. The amount of regional and state park space, paid for in part by impact fees assessed against builders by the County, that is currently usable and in development in the Gig Harbor area alleviates to an extent the need for local park space. It also raises a question of fundamental fairness; why should builders be forced to pay additional impact fees for Gig Harbor parks when they have already done so?

As has been demonstrated in other jurisdictions with impact fees, the amount of money that could be collected from impact fees in Gig Harbor for park acquisition and improvements would be small in relation to total costs; a different funding scheme that

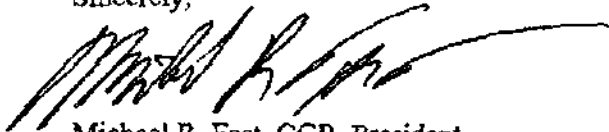
growth for Gig Harbor (and the accompanying revenues from impact fees) may not materialize. This will affect not only park funding, but the economy of the city as a whole. Growth brings new employees, employers, business, and taxes to a community.

The City Comprehensive Plan states that Gig Harbor should "[a]ssure that impact fees are assessed to encourage affordable housing rather than hinder it." *City of Gig Harbor Comprehensive Plan*, pg. 52. The proposed park and transportation impact fees, set at a total of approximately \$3600, will hinder affordable housing. Development costs for builders will be raised by not only the cost of each fee itself but also by the associated carrying costs. Builders, by financial necessity, will have to pass the increase on to new homebuyers. Higher new home prices will affect existing home prices as well, and everyone in the city will feel the effects of these fees. This situation must be avoided if affordable housing is to be found in Gig Harbor.

Because these ordinances have not been available for the public to study in detail before the scheduled first reading on February 8th, MBA would like to request that the council postpone taking any action for at least one month. All parties involved need the opportunity to examine what has been proposed, ask whatever questions they may have, and offer suggestions if appropriate. The effects of all of these ordinances (especially the transportation impact fee and concurrency ordinances) need to be carefully considered by the Council as well as those who will be required to pay the fees before they are adopted.

MBA hopes that you and the Council think through all arguments for and against impact fees with an open mind before imposing them. Thank you for your consideration of these comments.

Sincerely,



Michael R. Fast, CGR, President

enc.

- cc: Bob Dick, Councilmember
- Steven K. Ekberg, Councilmember
- Nick Markovich, Councilmember
- Marilyn Owel, Councilmember
- John N. Picinich, Councilmember
- Corbett Platt, Councilmember
- Derek Young, Councilmember
- Mark Hoppen, City Administrator
- Ray Gilmore, Planning Director
- Bob Camp, MBA LSC Chair

AMMENT 3

City of University Place
Park Impact Fee Discussion

1997 AWC Impact Fee Survey Responses

City Name	Population	County	Single Family		Multi Family		Non-Residential	
			Rate	Per	Rate	Per	Rate	Per
Buckley	3,920	Pierce	\$ 447	unit	\$ 300	unit	\$ -	
Burlington	5,445	Skagit	\$ 250	unit	\$ 250	unit	\$ 200	1,000 s.f.
Camas	9,550	Clark	\$ 2,290	unit	\$ 1,717	unit	\$ -	
Duvall	3,813	King	\$ 1,000	unit	\$ 1,000	unit	\$ -	
Eilensburg	13,600	Kittitas	\$ 613	unit	\$ 525	unit	\$ -	
Ephrata	5,945	Grant	\$ 25	unit	\$ -	unit	\$ -	
Ferndale	7,235	Whatcom	\$ 664	unit	\$ 405	unit	\$ -	
Gold Bar	1,520	Snohomish	\$ 628	unit	\$ 427	unit	\$ -	
La Center	1,171	Clark	\$ 698	SFR	\$ 654	unit	\$ -	
Lynden	8,085	Whatcom	\$ 400	unit	\$ 2,314	unit	\$ 0.20	s.f.
Mt. Vernon	22,280	Skagit	\$ 855	unit	\$ 789	unit	\$ -	
Olympia	38,650	Thurston	\$ 1,455	unit	\$ 1,035	unit	\$ -	
Poulsbo	6,175	Kitsap	\$ 500	unit	\$ 500	unit	\$ 88	employee
Puyallup	29,490	Pierce	\$ 481	unit	\$ 323	unit	\$ -	
Redmond	42,230	King	\$ 1,478	unit	\$ 936	unit	\$ -	
Ridgefield	1,732	Clark	\$ 1,408	unit	\$ 1,126	unit	\$ -	
Sedro-Woolley	7,650	Skagit	\$ 250	unit	\$ 250	unit	\$ -	
Vancouver	127,900	Clark	\$ 667	unit	\$ 614	unit	\$ -	
Washougal	7,575	Clark	\$ 600	unit	\$ 480	unit	\$ -	
Pierce County	674,300		\$ 480	unit	\$ 125	unit	\$ -	

250

180

GMA Impact Fees for Transportation Facilities

This table only lists cities and towns that 1) are required or choose to plan under 36.70A.040 (since only they are authorized to impose impact fees per RCW 81.02.050); and 2) provided a survey response.

blank = City has not adopted a GMA transportation facilities impact fee ordinance.

City	Single Family	Multi-Family	Non Residential
Algona			
Anacortes	\$400 per pk hr trip	\$400 per pk hr trip	\$400 per pk hr trip
Arlington			
Auburn			
Bainbridge Island			
Battle Ground			
Beaux Arts Village			
Bellevue	\$750 per unit	\$409 per unit	\$856 per trip
Benton City			
Black Diamond			
Bonney Lake			
Bremerton			
Buckley			
Burlington	\$35 per pk hr trip	\$35 per pk hr trip	\$35 per pk hr trip
Carnation			
Cashmere			
Centralia			
Chelan			
Cle Elum			
College Place			
Colville			
Conlee City			
Coulee Dam			
Coupeville			
Creston			
Dayton			
Deer Park			
Des Moines			
DuPont			
Duvall	\$2710 per unit		\$2682 per pm pk hr
East Wenatchee			
Eatonville			
Electric City			
Ellensburg			
Entiat			
Enumclaw	\$2610 per unit	\$1740 per unit	\$2 per sq. ft. comm.
Ephrata			
Everett			
Federal Way			
Fircrest			
Forks			
George			
Gig Harbor			
Gold Bar	\$537.6 per trip	\$364 per trip	\$56 per trip

GMA Impact Fees for Transportation Facilities

This table only lists cities and towns that 1) are required or choose to plan under 36.70A.040 (since only they are authorized to impose impact fees per RCW 82.02.050); and 2) provided a survey response.

blank = City has not adopted a GMA transportation facilities impact fee ordinance.

City	Single Family	Multi Family	Non Residential
Grand Coulee			
Granger			
Granite Falls			
Hamilton			
Harrah			
Hartline			
Hunts Point			
Ilwaco			
Index			
Issaquah			
Kettle Falls			
Kirkland			
Krupp			
La Center	\$2248 per SFR	\$1551 per unit	
La Conner			
Lacey			
Lake Forest Park			
Lakewood			
Langley			
Leavenworth			
Long Beach			
Mabton			
Maple Valley			
Medical Lake			
Medina			
Mercer Island			
Mesa			
Mill Creek			
Millwood			
Morton			
Mossyrock			
Mount Vernon	\$2442 per unit	\$1612 per unit	\$124 per trip
Moxee			
Mukilteo			
Nespelem			
Nooksack			
Normandy Park			
North Bend			
Oak Harbor			
Ording			
Pacific			
Pasco			
Pe Ell			
Port Orchard			

GMA Impact Fees for Transportation Facilities

This table only lists cities and towns that 1) are required or choose to plan under 36.78A.040 (since only they are authorized to impose impact fees per RCW 82.02.030); and 2) provided a survey response.

blank = City has not adopted a GMA transportation facilities impact fee ordinance.

City	Single Family	Multi Family	Non Residential
Port Townsend			
Prosser			
Puyallup			
Quincy			
Redmond	\$967 per unit	\$628 per unit	\$1.42 per sq.ft.g.f.a
Ridgefield	\$1913 per unit	\$1099 per unit	
Reckford			
Roslyn			
Roy			
Royal City			
Seattle			
Seah			
Sequim			
Shelton			
Shoreline			
Snohomish			
Snoqualmie			
South Bend			
South Cle Elum			
South Prairie			
Spangle			
Starwood	\$800	\$760	
Starbuck			
Sultan	\$1628 per lot		
Tiction			
Toledo			
Toppenish			
Tukwila			
Tumwater	\$978.56 per unit	\$622.72 per unit	
Union Gap			
University Place			
Vader			
Waitsburg			
Warden			
Washougal	\$775.43 per unit	\$445.3 per unit	\$767.7 per unit
Wenatchee			
Waverly			
Weatoheo			
Winlock			
Woodinville			
Yakima			
Yarrow Point			
Yelm	\$757.5 per unit	\$750 per pm peak trip	\$750 per pm peak trip

GMA Impact Fees for Park Facilities

This table only lists cities and towns that 1) are required or choose to plan under 36.78A.040 (since only they are authorized to impose impact fees per RCW 62.02.059); and 2) provided a survey response.

blank = City has not adopted a GMA park impact fee ordinance.

City	Single Family	Multi Family	Non Residential
Algona			
Anacortes			
Arlington			
Auburn			
Bainbridge Island			
Battle Ground			
Beaux Arts Village			
Bellevue			
Benton City			
Black Diamond			
Bonney Lake			
Bremerton			
Buckley	\$447 per unit	\$300 per unit	
Burlington	\$250 per unit	\$250 per unit	\$200 per 1000 s.f.
Camation			
Cashmere			
Centralia			
Chehalis			
Cle Elum			
College Place			
Colville			
Coulee City			
Coulee Dam			
Coupeville			
Creston			
Dayton			
Deer Park			
Des Moines			
DuPont			
Duvall	\$1000 per unit	\$1000 per unit	
East Wenatchee			
Estoville	\$400 per unit	\$400 per unit	
Electric City			
Ellensburg	\$612.5 per unit	\$525 per unit	
Enfist			
Evanslaw			
Ephrata			
Everett			
Federal Way			
Fincrest			
Forks			
George			
Gig Harbor			
Gold Bar	\$628 per unit	\$427 per unit	

GMA Impact Fees for Park Facilities

This table only lists cities and towns that 1) are required or choose to plan under 36.70A.040 (since only they are authorized to impose impact fees per RCW 82.02.050); and 2) provided a survey response.

blank = City has not adopted a GMA park impact fee ordinance.

City	Single Family	Multi Family	Non Residential
Grand Coulee			
Granger			
Granite Falls			
Hamilton			
Harrish			
Hartline			
Hunts Point			
Ilwaco			
Index			
Isaquah			
Kettle Falls			
Kirkland			
Krupp			
La Center	\$698 per SFR	\$554 per unit	
La Conner			
Lacey			
Lake Forest Park			
Lakewood			
Langley			
Leavenworth			
Long Beach			
Mabton			
Maple Valley			
Medical Lake			
Medina			
Mercer Island			
Mesa			
Mill Creek			
Millwood			
Morton			
Mossyrock			
Mount Vernon	\$855 per unit	\$789 per unit	\$0
Mouss			
Mukiltco	\$1300 per SFR	\$1300 per unit	
Naselle			
Nooksack			
Normandy Park			
North Bend	\$591 per home	\$415 per home	\$476 per mobile home
Oak Harbor	\$669 per dwelling	\$431 per dwelling	
Orting			
Pacific			
Pasco			
Pe Ell			
Port Orchard			

GMA Impact Fees for Park Facilities

This table only lists cities and towns that 1) are required or choose to plan under 36.70A.040 (since only they are authorized to impose impact fees per RCW 82.02.050); and 2) provided a survey response.

Blank = City has not adopted a GMA park impact fee ordinance.

City	Single Family	Multi Family	Non Residential
Port Townsend			
Prosser			
Puyallup	\$491 per unit	\$323 per unit	
Quincy			
Redmond	\$1478 per unit	\$936 per unit	\$165 per 1,000 sq.ft.
Ridgolfield	\$1408 per unit	\$1126 per unit	
Rockford			
Roslyn			
Roy			
Royal City			
Seattle			
Setah			
Sequim			
Shelton			
Shoreline			
Snohomish			
Snoqualmie			
South Bend			
South Cle Elum			
South Prairie			
Spangle			
Stanwood	\$640.8	\$640.8	
Starbuck			
Sultan			
Tiction			
Toledo			
Toppenish			
Tukwila			
Tumwater	\$563.68 per unit	\$371.65 per unit	
Union Gap			
University Place			
Vader			
Waitsburg			
Warden			
Washougal	\$600 per unit	\$480 per unit	
Waterville			
Waverly			
Wenatchee			
Winlock			
Woodinville			
Yakima			
Yarrow Point			
Yelm			

GMA Impact Fees for School Facilities

This table only lists cities and towns that 1) are required or choose to plan under 36.70A.040 (since only they are authorized to impose impact fees per RCW 82.02.050); and 2) provided a survey response.

blank - City has not adopted a GMA school facilities impact fee ordinance.

City	Single Family	Multi Family	Non Residential
Algona			
Anacortes			
Arlington			
Auburn			
Bainbridge Island	\$3030 per SFR	\$820 per unit	
Battle Ground			
Beaux Arts Village			
Bellevue			
Bevton City			
Black Diamond			
Boaney Lake			
Bremerton			
Burkley	\$1425 per unit	\$750 per unit	
Durlington	\$2652 per unit	\$2629 per unit	
Carnation			
Cashmere			
Centralia			
Chehalis			
Cle Elum			
College Place			
Colville			
Coulee City			
Coulee Dam			
Coupeville			
Creston			
Dayton			
Deer Park			
Des Moines			
DuPont			
Duvall	\$973 per unit	\$111 per unit	
East Wenatchee			
Fallonville	\$1425 per unit	\$750 per unit	
Electric City			
Ellensburg			
Entiat			
Enumclaw	\$2096 per unit	\$1357 per unit	
Ephrata			
Everett			
Federal Way			
Fircrest			
Forks			
George			
King Harbor			
Gold Bar	\$1760 per unit	\$1257 per unit	

ORDINANCE No. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning.

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

11. "Capacity Reservation Certificate:" (final "FCRC") means a capacity reservation certificate that allows a developer to reserve road facility capacity for one, two or three years.

12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

15. "City:" The City of Gig Harbor, Washington.

16. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

17. "Concurrent with Development:" means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six (6) years. See RCW 36.70A.090(6).

18. "Council:" the City Council of the City of Gig Harbor.

19. "County:" Pierce County, Washington.

20. "Dedication:" Conveyance of land to the City for public facility purposes by deed, other instrument of conveyance or by dedication, on a duly filed and recorded plat or short plat.

21. "Demand management strategies:" Strategies aimed at changing travel behavior rather than at expanding or improving the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies and telecommuting.

22. "Department:" The Public Works Department of the City of Gig Harbor.
23. "Developer:" Any person or entity who makes application or receives a development permit or approval for any development activity as defined herein.
24. "Development Activity" or "Development:" Any construction or expansion of a building, structure, or use; any change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the City.
25. "Development Agreement:" The agreements authorized in RCW 36.70B.210 and Concurrency Resolution Agreements, as described in chapter 19.10 of the Gig Harbor Municipal Code Sections.
26. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes of the City's Concurrency Ordinance, shall include applications for amendments to the City's comprehensive plan which request an increase in the extent or density of development on the subject property.
27. "Director:" The Director of the Gig Harbor Public Works Department or his/her authorized designee.
28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
31. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

32. "Financial commitment:" Those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

33. "Growth-Related:" A Development Activity as defined herein that increases the level of service of a public facility.

34. "Impact Fee:" The amount of money determined necessary by the City and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities proportionate to the development's share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

35. "Impact Fee Account(s)" or "Account(s):" The account(s) established for each type of public facilities for which impact fees are collected. The Accounts shall be established pursuant to Section 8 of this title, and comply with the requirements of RCW 82.02.070.

36. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees

37. "Interest:" The interest rate earned by the City for the impact fee account, if not otherwise defined.

38. "Interlocal Agreement" or "Agreement:" The transportation impact fee interlocal agreement by and between the City and the County, and the transportation impact fee interlocal agreement by and between the City and the State concerning the collection and allocation of road impact fees as authorized in Sections 4 and 5 herein, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this title.

39. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

40. "Owner:" The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

41. "Previous Use:" (a) The use existing on the site when a capacity evaluation is sought; or (b) The most recent use on the site, within the five (5) year period prior to the date of application.

42. "Project:" A System Improvement, selected by the Gig Harbor City Council for joint private and public funding pursuant to this ordinance and which appears on the Project List.

43. "Project Improvements:" Site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the Council shall be considered a project improvement.

44. "Project List:" The list of Projects described in the City's annual and 6-Year Capital Improvement Program and as developed pursuant to the City's impact fee ordinance.

45. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

46. "Road:" A right-of-way which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

47. "Road facilities:" Includes public facilities related to land transportation.

48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

49. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

50. "State:" The State of Washington.

51. "Subdivision:" All subdivisions as defined in Gig Harbor Municipal Code Title 16, and all short subdivisions as defined in Title 16, which are subject to SEPA, Chapter 42.21C RCW and the Gig Harbor SEPA Ordinance, Title 18.

52. "System Improvements:" Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements.

53. "Traffic Analysis Zone:" The minimum geographic unit used for traffic analysis .

54. "Transportation Primary Impact Area:" A geographically determined area that delineates the impacted area of a deficient roadway link.

55. "Transportation level of service standards:" Aa measure which describes the operational condition of the travel stream and acceptable adequacy requirement.

56. "Transportation Management Area:" A geographically determined area that contains compact urban development patterns where a dense roadway network and extensive mass transit services are in place. The performance of these areas shall be based on the percentage of lane miles meeting the adopted LOS standards as described in this Ordinance.

57. "Traffic Demand Model:" Describes the simulation through computer modeling of vehicle trip ends assigned on the roadway network.

58. "Trip Allocation Program:" The program established to meter trip ends to new development annually by Service Area and traffic analysis zone to ensure that the City is maintaining adopted LOS standards.

59. "Trip End:" A single or one-directional vehicle movement.

60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and publication of a summary, as required by law.

APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning.

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

11. "Capacity Reservation Certificate:" (final "FCRC") means a capacity reservation certificate that allows a developer to reserve road facility capacity for one, two or three years.

12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

15. "City:" The City of Gig Harbor, Washington.

16. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

17. "Concurrent with Development:" means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six (6) years. See RCW 36.70A.090(6).

18. "Council:" *the City Council of the City of Gig Harbor.*

19. "County:" Pierce County, Washington.

20. "Dedication:" Conveyance of land to the City for public facility purposes by deed, other instrument of conveyance or by dedication, on a duly filed and recorded plat or short plat.

21. "Demand management strategies:" Strategies aimed at changing travel behavior rather than at expanding or improving the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies and telecommuting.

22. "Department:" The Public Works Department of the City of Gig Harbor.
23. "Developer:" Any person or entity who makes application or receives a development permit or approval for any development activity as defined herein.
24. "Development Activity" or "Development:" Any construction or expansion of a building, structure, or use; any change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the City.
25. "Development Agreement:" The agreements authorized in RCW 36.70B.210 and Concurrency Resolution Agreements, as described in chapter 19.10 of the Gig Harbor Municipal Code Sections.
26. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes of the City's Concurrency Ordinance, shall include applications for amendments to the City's comprehensive plan which request an increase in the extent or density of development on the subject property.
27. "Director:" The Director of the Gig Harbor Public Works Department or his/her authorized designee.
28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
31. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

32. "Financial commitment:" Those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

33. "Growth-Related:" A Development Activity as defined herein that increases the level of service of a public facility.

34. "Impact Fee:" The amount of money determined necessary by the City and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities proportionate to the development's share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

35. "Impact Fee Account(s)" or "Account(s):" The account(s) established for each type of public facilities for which impact fees are collected. The Accounts shall be established pursuant to Section 8 of this title, and comply with the requirements of RCW 82.02.070.

36. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees

37. "Interest:" The interest rate earned by the City for the impact fee account, if not otherwise defined.

38. "Interlocal Agreement" or "Agreement:" The transportation impact fee interlocal agreement by and between the City and the County, and the transportation impact fee interlocal agreement by and between the City and the State concerning the collection and allocation of road impact fees as authorized in Sections 4 and 5 herein, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this title.

39. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

40. "Owner:" The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

41. "Previous Use:" (a) The use existing on the site when a capacity evaluation is sought; or (b) The most recent use on the site, within the five (5) year period prior to the date of application.

42. "Project:" A System Improvement, selected by the Gig Harbor City Council for joint private and public funding pursuant to this ordinance and which appears on the Project List.

43. "Project Improvements:" Site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the Council shall be considered a project improvement.

44. "Project List:" The list of Projects described in the City's annual and 6-Year Capital Improvement Program and as developed pursuant to the City's impact fee ordinance.

45. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

46. "Road:" A right-of-way which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

47. "Road facilities:" Includes public facilities related to land transportation.

48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

49. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

50. "State:" The State of Washington.

51. "Subdivision:" All subdivisions as defined in Gig Harbor Municipal Code Title 16, and all short subdivisions as defined in Title 16, which are subject to SEPA, Chapter 42.21C RCW and the Gig Harbor SEPA Ordinance, Title 18.

52. "System Improvements:" Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements.

53. "Traffic Analysis Zone:" The minimum geographic unit used for traffic analysis .

54. "Transportation Primary Impact Area:" A geographically determined area that delineates the impacted area of a deficient roadway link.

55. "Transportation level of service standards:" Aa measure which describes the operational condition of the travel stream and acceptable adequacy requirement.

56. "Transportation Management Area:" A geographically determined area that contains compact urban development patterns where a dense roadway network and extensive mass transit services are in place. The performance of these areas shall be based on the percentage of lane miles meeting the adopted LOS standards as described in this Ordinance.

57. "Traffic Demand Model:" Describes the simulation through computer modeling of vehicle trip ends assigned on the roadway network.

58. "Trip Allocation Program:" The program established to meter trip ends to new development annually by Service Area and traffic analysis zone to ensure that the City is maintaining adopted LOS standards.

59. "Trip End:" A single or one-directional vehicle movement.

60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

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APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

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ORDINANCE No. _____

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WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

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Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.

2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.

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6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").

7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.

8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.

9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

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12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

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Mayor Gretchen A. Wilbert

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28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
31. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

32. "Financial commitment:" Those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

33. "Growth-Related:" A Development Activity as defined herein that increases the level of service of a public facility.

34. "Impact Fee:" The amount of money determined necessary by the City and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities proportionate to the development's share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

35. "Impact Fee Account(s)" or "Account(s):" The account(s) established for each type of public facilities for which impact fees are collected. The Accounts shall be established pursuant to Section 8 of this title, and comply with the requirements of RCW 82.02.070.

36. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees

37. "Interest:" The interest rate earned by the City for the impact fee account, if not otherwise defined.

38. "Interlocal Agreement" or "Agreement:" The transportation impact fee interlocal agreement by and between the City and the County, and the transportation impact fee interlocal agreement by and between the City and the State concerning the collection and allocation of road impact fees as authorized in Sections 4 and 5 herein, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this title.

39. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

40. "Owner:" The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

41. "Previous Use:" (a) The use existing on the site when a capacity evaluation is sought; or (b) The most recent use on the site, within the five (5) year period prior to the date of application.

42. "Project:" A System Improvement, selected by the Gig Harbor City Council for joint private and public funding pursuant to this ordinance and which appears on the Project List.

43. "Project Improvements:" Site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the Council shall be considered a project improvement.

44. "Project List:" The list of Projects described in the City's annual and 6-Year Capital Improvement Program and as developed pursuant to the City's impact fee ordinance.

45. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

46. "Road:" A right-of-way which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

47. "Road facilities:" Includes public facilities related to land transportation.

48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

49. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

50. "State:" The State of Washington.

51. "Subdivision:" All subdivisions as defined in Gig Harbor Municipal Code Title 16, and all short subdivisions as defined in Title 16, which are subject to SEPA. Chapter 42.21C RCW and the Gig Harbor SEPA Ordinance, Title 18.

52. "System Improvements:" Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements.

53. "Traffic Analysis Zone:" The minimum geographic unit used for traffic analysis .

54. "Transportation Primary Impact Area:" A geographically determined area that delineates the impacted area of a deficient roadway link.

55. "Transportation level of service standards:" Aa measure which describes the operational condition of the travel stream and acceptable adequacy requirement.

56. "Transportation Management Area:" A geographically determined area that contains compact urban development patterns where a dense roadway network and extensive mass transit services are in place. The performance of these areas shall be based on the percentage of lane miles meeting the adopted LOS standards as described in this Ordinance.

57. "Traffic Demand Model:" Describes the simulation through computer modeling of vehicle trip ends assigned on the roadway network.

58. "Trip Allocation Program:" The program established to meter trip ends to new development annually by Service Area and traffic analysis zone to ensure that the City is maintaining adopted LOS standards.

59. "Trip End:" A single or one-directional vehicle movement.

60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and publication of a summary, as required by law.

APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning.

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

11. "Capacity Reservation Certificate:" (final "FCRC") means a capacity reservation certificate that allows a developer to reserve road facility capacity for one, two or three years.

12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

15. "City:" The City of Gig Harbor, Washington.

16. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

17. "Concurrent with Development:" means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six (6) years. See RCW 36.70A.090(6).

18. "Council:" the City Council of the City of Gig Harbor.

19. "County:" Pierce County, Washington.

20. "Dedication:" Conveyance of land to the City for public facility purposes by deed, other instrument of conveyance or by dedication, on a duly filed and recorded plat or short plat.

21. "Demand management strategies:" Strategies aimed at changing travel behavior rather than at expanding or improving the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies and telecommuting.

22. "Department:" The Public Works Department of the City of Gig Harbor.
23. "Developer:" Any person or entity who makes application or receives a development permit or approval for any development activity as defined herein.
24. "Development Activity" or "Development:" Any construction or expansion of a building, structure, or use; any change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the City.
25. "Development Agreement:" The agreements authorized in RCW 36.70B.210 and Concurrency Resolution Agreements, as described in chapter 19.10 of the Gig Harbor Municipal Code Sections.
26. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes of the City's Concurrency Ordinance, shall include applications for amendments to the City's comprehensive plan which request an increase in the extent or density of development on the subject property.
27. "Director:" The Director of the Gig Harbor Public Works Department or his/her authorized designee.
28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
31. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

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39. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

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45. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

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47. "Road facilities:" Includes public facilities related to land transportation.

48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

49. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

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58. "Trip Allocation Program:" The program established to meter trip ends to new development annually by Service Area and traffic analysis zone to ensure that the City is maintaining adopted LOS standards.

59. "Trip End:" A single or one-directional vehicle movement.

60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and publication of a summary, as required by law.

APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
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ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning.

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

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13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

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Mayor Gretchen A. Wilbert

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WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning.

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

11. "Capacity Reservation Certificate:" (final "FCRC") means a capacity reservation certificate that allows a developer to reserve road facility capacity for one, two or three years.

12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

15. "City:" The City of Gig Harbor, Washington.

16. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

17. "Concurrent with Development:" means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six (6) years. See RCW 36.70A.090(6).

18. "Council:" the City Council of the City of Gig Harbor.

19. "County:" Pierce County, Washington.

20. "Dedication:" Conveyance of land to the City for public facility purposes by deed, other instrument of conveyance or by dedication, on a duly filed and recorded plat or short plat.

21. "Demand management strategies:" Strategies aimed at changing travel behavior rather than at expanding or improving the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies and telecommuting.

22. "Department:" The Public Works Department of the City of Gig Harbor.
23. "Developer:" Any person or entity who makes application or receives a development permit or approval for any development activity as defined herein.
24. "Development Activity" or "Development:" Any construction or expansion of a building, structure, or use; any change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the City.
25. "Development Agreement:" The agreements authorized in RCW 36.70B.210 and Concurrency Resolution Agreements, as described in chapter 19.10 of the Gig Harbor Municipal Code Sections.
26. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes of the City's Concurrency Ordinance, shall include applications for amendments to the City's comprehensive plan which request an increase in the extent or density of development on the subject property.
27. "Director:" The Director of the Gig Harbor Public Works Department or his/her authorized designee.
28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
31. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

32. "Financial commitment:" Those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

33. "Growth-Related:" A Development Activity as defined herein that increases the level of service of a public facility.

34. "Impact Fee:" The amount of money determined necessary by the City and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities proportionate to the development's share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

35. "Impact Fee Account(s)" or "Account(s):" The account(s) established for each type of public facilities for which impact fees are collected. The Accounts shall be established pursuant to Section 8 of this title, and comply with the requirements of RCW 82.02.070.

36. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees.

37. "Interest:" The interest rate earned by the City for the impact fee account, if not otherwise defined.

38. "Interlocal Agreement" or "Agreement:" The transportation impact fee interlocal agreement by and between the City and the County, and the transportation impact fee interlocal agreement by and between the City and the State concerning the collection and allocation of road impact fees as authorized in Sections 4 and 5 herein, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this title.

39. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

40. "Owner:" The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

41. "Previous Use:" (a) The use existing on the site when a capacity evaluation is sought; or (b) The most recent use on the site, within the five (5) year period prior to the date of application.

42. "Project:" A System Improvement, selected by the Gig Harbor City Council for joint private and public funding pursuant to this ordinance and which appears on the Project List.

43. "Project Improvements:" Site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the Council shall be considered a project improvement.

44. "Project List:" The list of Projects described in the City's annual and 6-Year Capital Improvement Program and as developed pursuant to the City's impact fee ordinance.

45. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

46. "Road:" A right-of-way which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

47. "Road facilities:" Includes public facilities related to land transportation.

48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

49. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

50. "State:" The State of Washington.

51. "Subdivision:" All subdivisions as defined in Gig Harbor Municipal Code Title 16, and all short subdivisions as defined in Title 16, which are subject to SEPA, Chapter 42.21C RCW and the Gig Harbor SEPA Ordinance, Title 18.

52. "System Improvements:" Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements.

53. "Traffic Analysis Zone:" The minimum geographic unit used for traffic analysis .

54. "Transportation Primary Impact Area:" A geographically determined area that delineates the impacted area of a deficient roadway link.

55. "Transportation level of service standards:" Aa measure which describes the operational condition of the travel stream and acceptable adequacy requirement.

56. "Transportation Management Area:" A geographically determined area that contains compact urban development patterns where a dense roadway network and extensive mass transit services are in place. The performance of these areas shall be based on the percentage of lane miles meeting the adopted LOS standards as described in this Ordinance.

57. "Traffic Demand Model:" Describes the simulation through computer modeling of vehicle trip ends assigned on the roadway network.

58. "Trip Allocation Program:" The program established to meter trip ends to new development annually by Service Area and traffic analysis zone to ensure that the City is maintaining adopted LOS standards.

59. "Trip End:" A single or one-directional vehicle movement.

60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and publication of a summary, as required by law.

APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

ORDINANCE No. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.

2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.

4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.

5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.

6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").

7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.

8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.

9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

11. "Capacity Reservation Certificate:" (final "FCRC") means a capacity reservation certificate that allows a developer to reserve road facility capacity for one, two or three years.

12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

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28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
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48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

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Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

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APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
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ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

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36. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees

37. "Interest:" The interest rate earned by the City for the impact fee account, if not otherwise defined.

38. "Interlocal Agreement" or "Agreement:" The transportation impact fee interlocal agreement by and between the City and the County, and the transportation impact fee interlocal agreement by and between the City and the State concerning the collection and allocation of road impact fees as authorized in Sections 4 and 5 herein, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this title.

39. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

40. "Owner:" The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

41. "Previous Use:" (a) The use existing on the site when a capacity evaluation is sought; or (b) The most recent use on the site, within the five (5) year period prior to the date of application.

42. "Project:" A System Improvement, selected by the Gig Harbor City Council for joint private and public funding pursuant to this ordinance and which appears on the Project List.

43. "Project Improvements:" Site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the Council shall be considered a project improvement.

44. "Project List:" The list of Projects described in the City's annual and 6-Year Capital Improvement Program and as developed pursuant to the City's impact fee ordinance.

45. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

46. "Road:" A right-of-way which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

47. "Road facilities:" Includes public facilities related to land transportation.

48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

49. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

50. "State:" The State of Washington.

51. "Subdivision:" All subdivisions as defined in Gig Harbor Municipal Code Title 16, and all short subdivisions as defined in Title 16, which are subject to SEPA, Chapter 42.21C RCW and the Gig Harbor SEPA Ordinance, Title 18.

52. "System Improvements:" Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements.

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56. "Transportation Management Area:" A geographically determined area that contains compact urban development patterns where a dense roadway network and extensive mass transit services are in place. The performance of these areas shall be based on the percentage of lane miles meeting the adopted LOS standards as described in this Ordinance.

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59. "Trip End:" A single or one-directional vehicle movement.

60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and publication of a summary, as required by law.

APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.10 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

11. "Capacity Reservation Certificate:" (final "FCRC") means a capacity reservation certificate that allows a developer to reserve road facility capacity for one, two or three years.

12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

15. "City:" The City of Gig Harbor, Washington.

16. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

17. "Concurrent with Development:" means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six (6) years. See RCW 36.70A.090(6).

18. "Council:" the City Council of the City of Gig Harbor.

19. "County:" Pierce County, Washington.

20. "Dedication:" Conveyance of land to the City for public facility purposes by deed, other instrument of conveyance or by dedication, on a duly filed and recorded plat or short plat.

21. "Demand management strategies:" Strategies aimed at changing travel behavior rather than at expanding or improving the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies and telecommuting.

22. "Department:" The Public Works Department of the City of Gig Harbor.
23. "Developer:" Any person or entity who makes application or receives a development permit or approval for any development activity as defined herein.
24. "Development Activity" or "Development:" Any construction or expansion of a building, structure, or use; any change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the City.
25. "Development Agreement:" The agreements authorized in RCW 36.70B.210 and Concurrency Resolution Agreements, as described in chapter 19.10 of the Gig Harbor Municipal Code Sections.
26. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes of the City's Concurrency Ordinance, shall include applications for amendments to the City's comprehensive plan which request an increase in the extent or density of development on the subject property.
27. "Director:" The Director of the Gig Harbor Public Works Department or his/her authorized designee.
28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
31. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

32. "Financial commitment:" Those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

33. "Growth-Related:" A Development Activity as defined herein that increases the level of service of a public facility.

34. "Impact Fee:" The amount of money determined necessary by the City and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities proportionate to the development's share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

35. "Impact Fee Account(s)" or "Account(s):" The account(s) established for each type of public facilities for which impact fees are collected. The Accounts shall be established pursuant to Section 8 of this title, and comply with the requirements of RCW 82.02.070.

36. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees

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48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

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60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

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APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

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FILED WITH THE CITY CLERK:
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ORDINANCE No. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

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Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

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Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning.

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

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14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

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APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

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7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

11. "Capacity Reservation Certificate:" (final "FCRC") means a capacity reservation certificate that allows a developer to reserve road facility capacity for one, two or three years.

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13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

15. "City:" The City of Gig Harbor, Washington.

16. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

17. "Concurrent with Development:" means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six (6) years. See RCW 36.70A.090(6).

18. "Council:" the City Council of the City of Gig Harbor.

19. "County:" Pierce County, Washington.

20. "Dedication:" Conveyance of land to the City for public facility purposes by deed, other instrument of conveyance or by dedication, on a duly filed and recorded plat or short plat.

21. "Demand management strategies:" Strategies aimed at changing travel behavior rather than at expanding or improving the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies and telecommuting.

22. "Department:" The Public Works Department of the City of Gig Harbor.
23. "Developer:" Any person or entity who makes application or receives a development permit or approval for any development activity as defined herein.
24. "Development Activity" or "Development:" Any construction or expansion of a building, structure, or use; any change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the City.
25. "Development Agreement:" The agreements authorized in RCW 36.70B.210 and Concurrency Resolution Agreements, as described in chapter 19.10 of the Gig Harbor Municipal Code Sections.
26. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes of the City's Concurrency Ordinance, shall include applications for amendments to the City's comprehensive plan which request an increase in the extent or density of development on the subject property.
27. "Director:" The Director of the Gig Harbor Public Works Department or his/her authorized designee.
28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
31. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

32. "Financial commitment:" Those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

33. "Growth-Related:" A Development Activity as defined herein that increases the level of service of a public facility.

34. "Impact Fee:" The amount of money determined necessary by the City and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities proportionate to the development's share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

35. "Impact Fee Account(s)" or "Account(s):" The account(s) established for each type of public facilities for which impact fees are collected. The Accounts shall be established pursuant to Section 8 of this title, and comply with the requirements of RCW 82.02.070.

36. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees

37. "Interest:" The interest rate earned by the City for the impact fee account, if not otherwise defined.

38. "Interlocal Agreement" or "Agreement:" The transportation impact fee interlocal agreement by and between the City and the County, and the transportation impact fee interlocal agreement by and between the City and the State concerning the collection and allocation of road impact fees as authorized in Sections 4 and 5 herein, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this title.

39. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

40. "Owner:" The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

41. "Previous Use:" (a) The use existing on the site when a capacity evaluation is sought; or (b) The most recent use on the site, within the five (5) year period prior to the date of application.

42. "Project:" A System Improvement, selected by the Gig Harbor City Council for joint private and public funding pursuant to this ordinance and which appears on the Project List.

43. "Project Improvements:" Site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the Council shall be considered a project improvement.

44. "Project List:" The list of Projects described in the City's annual and 6-Year Capital Improvement Program and as developed pursuant to the City's impact fee ordinance.

45. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

46. "Road:" A right-of-way which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

47. "Road facilities:" Includes public facilities related to land transportation.

48. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

49. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

50. "State:" The State of Washington.

51. "Subdivision:" All subdivisions as defined in Gig Harbor Municipal Code Title 16, and all short subdivisions as defined in Title 16, which are subject to SEPA, Chapter 42.21C RCW and the Gig Harbor SEPA Ordinance, Title 18.

52. "System Improvements:" Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements.

53. "Traffic Analysis Zone:" The minimum geographic unit used for traffic analysis .

54. "Transportation Primary Impact Area:" A geographically determined area that delineates the impacted area of a deficient roadway link.

55. "Transportation level of service standards:" A measure which describes the operational condition of the travel stream and acceptable adequacy requirement.

56. "Transportation Management Area:" A geographically determined area that contains compact urban development patterns where a dense roadway network and extensive mass transit services are in place. The performance of these areas shall be based on the percentage of lane miles meeting the adopted LOS standards as described in this Ordinance.

57. "Traffic Demand Model:" Describes the simulation through computer modeling of vehicle trip ends assigned on the roadway network.

58. "Trip Allocation Program:" The program established to meter trip ends to new development annually by Service Area and traffic analysis zone to ensure that the City is maintaining adopted LOS standards.

59. "Trip End:" A single or one-directional vehicle movement.

60. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and publication of a summary, as required by law.

APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF
RELATING TO CONCURRENCY AND
SETTING FORTH THE DEFINITIONS TO
BOTH THE CITY'S CONCURRENCY
(CHAPTER 19.10 GHMC) AND THE TR
IMPACT FEE ORDINANCE (CHAPTER
ADDING A NEW CHAPTER 19.14 TO THE
MUNICIPAL CODE.

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on 3/11/99*

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning.

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Reserved:" Capacity which has been reserved through use of the capacity reservation certificate process in chapter 19.10 GHMC.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity reservation certificate or that portion of the available capacity.
9. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12 GHMC.

10. "Capacity Reservation Certificate:" (preliminary "PCRC") means a determination made by the Director that (1) a proposed development activity or development phase will be concurrent with the applicable facilities at the time the PCRC is issued; and (2) the Director has reserved road capacity for an application for a period of 120 days or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as the applicant submits a completed application within 120 days of receiving the PCRC.

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12. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

13. "Capital Facilities Plan:" The capital facilities plan element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

14. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

15. "City:" The City of Gig Harbor, Washington.

16. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

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28. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.
29. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.
30. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.
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APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

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