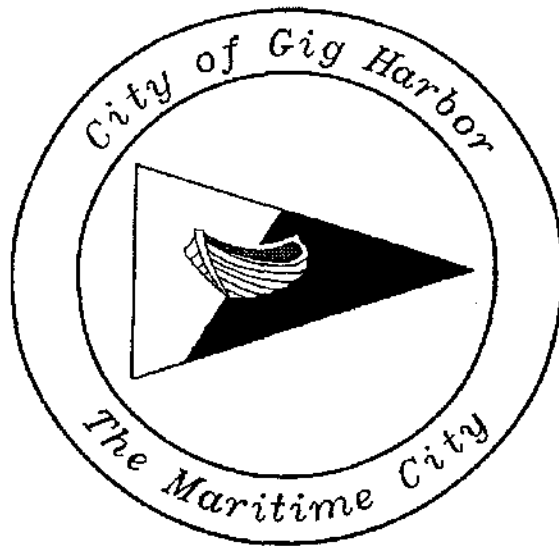


Gig Harbor City Council Meeting



November 9, 1998

7:00 P.M., CITY HALL COUNCIL CHAMBERS

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

November 9, 1998 - 7:00 p.m.

CALL TO ORDER:

PUBLIC HEARING:

1999 Proposed Budget

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 October 26, 1998 City Council meeting.
2. Correspondence / Proclamations – Informational.
Tacoma Art Museum – Invitation.
3. Approval of Payment of Bills for 11/09/98:
Checks #21266 through #21362 in the amount of \$47,906.44. (# 21265 void)
4. Approval of Payroll for October.
Checks #16552 through #16700 in the amount of \$255,342.18.
5. Liquor License Application (Amended) – Pinocchio's L.L.C.
6. Liquor License Renewals – J.T.'s Original Louisiana Bar-B-Que;
Bayview Grocery and Deli; Uddenberg's Thriftway #277.
7. Jerisich Park Dock Improvement Project – Contract Closure.

OLD BUSINESS:

1. Second Reading of Ordinance – Repeal of GHMC Chapter 5.04 Amusement Devices.
2. Second Reading of Ordinance – Levying General Property Taxes for 1999.
3. Second Reading of Ordinance – Amending Title 19 of the GHMC – Administration of Development Regulation.

NEW BUSINESS:

1. Peninsula School District's Proposal for the City to Adopt a School Impact Fee.
2. First Reading of Ordinance – 1999 Budget.
3. Request for Consideration to Annex (10% petition) - Norwegian Woods Subdivision.
4. Purchase of System Server.
5. Application for Chamber of Commerce Membership.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS:

STAFF REPORTS: None submitted.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Budget work session – Court, Administration, Finance, Planning, Police – 6:30 p.m., November 16, 1998, at City Hall.
2. Budget work session – Parks, Streets, Water, Sewer, Storm – 6:30 p.m., November 17, 1998, at City Hall.

ADJOURN:



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 *DR*
SUBJECT: PUBLIC HEARING - 1999 BUDGET
DATE: NOVEMBER 2, 1998

BACKGROUND

The total budget is \$19,075,501, an increase of \$1,418,247 (8%) over the 1998 budget. Total budgeted expenditures include budgeted expenditures of \$16,375,036, a 3% increase over 1998, and budgeted ending fund balance of \$2,340,464, a 68% increase over 1998.

Capital projects expenditures account for 41% (\$7,948,300) of total city expenditures. Some of the projects include the East/West Road Project (\$1,315,000), Rosedale Street Improvements (\$992,000), Kimball Drive Park and Ride (\$1,110,000) and Point Fosdick Drive Improvements (\$667,000).

Salaries and benefits account for 20% (\$3,765,675) of the city's overall budget. This represents an increase of \$401,628 (12%) over 1998. Approximately one-half of the increase is due to the planned addition of four positions in 1999. The additional positions are; an associate engineer, one and one-half FTE construction inspectors, one-half FTE public works clerk and a planning-building inspector. The other half reflects a 2.5% COLA increase for all employees and a 1.5% negotiated increase for members of the Police Officer's Guild.

Inter-fund transfers are \$2,022,000 or 11% of budget. The transfers include \$300,000, \$100,000, and \$125,000 from the General Fund to the 1997 L.T.G.O., Property Acquisition, and Street Operating Funds; \$660,000 and \$475,000 from the Capital Improvement and Capital Asset Funds to the Street Fund; and \$150,000 from the Water Fund to the Water Capital Asset Fund.

**Gig Harbor 1999 Budget Hearings
Proposed City Budget
PUBLIC NOTICE**

The Gig Harbor 1999 Preliminary Budget has been filed with the City Clerk. Citizens may review the Preliminary Budget at City Hall, Monday through Friday, 8:30 a.m. to 5:00 p.m. City Council will hear public comments on the proposed 1999 City Budget as outlined below at public hearings scheduled for 7:00 p.m., Monday, November 9 and Monday, November 23, 1998 in the City Council Chambers.

<u>FUND / DEPARTMENT</u>	<u>AMOUNT</u>
001 GENERAL GOVERNMENT	
01 NON-DEPARTMENTAL	\$708,100
02 LEGISLATIVE	30,150
03 MUNICIPAL COURT	297,430
04 ADMINISTRATIVE/FINANCIAL	550,988
06 POLICE	1,367,918
14 PLANNING / BUILDING	521,850
15 PARKS AND RECREATION	634,295
16 BUILDING	123,770
19 ENDING FUND BALANCE	<u>479,440</u>
001 TOTAL GENERAL FUND	4,713,941
101 STREET FUND	5,080,500
105 DRUG INVESTIGATION FUND	12,500
107 HOTEL-MOTEL FUND	60,500
109 PROPERTY ACQUISITION FUND	1,725,000
203 '87 GO BONDS - SEWER CONSTRUCTION	295,000
208 '97 LTGO BONDS	297,500
301 GENERAL GOVT. CAPITAL ASSETS	665,000
305 GENERAL GOVT. CAPITAL IMPROVEMENT	480,000
401 WATER OPERATING	891,500
402 SEWER OPERATING	933,037
407 UTILITY RESERVE	555,000
408 UTILITY BOND REDEMPTION FUND	898,500
410 SEWER CAPITAL CONSTRUCTION	893,500
411 STORM SEWER OPERATING	456,448
420 WATER CAPITAL ASSETS	1,115,000
605 LIGHTHOUSE MAINTENANCE TRUST	<u>2,575</u>
TOTAL ALL FUNDS	<u>\$19,075,501</u>

City of Gig Harbor, Mark Hoppen, City Administrator
 Posted October 30, 1998
 First Publication: November 4, 1998
 Second Publication: November 11, 1998

DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 26, 1998

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

CALL TO ORDER: 7:02 p.m.

PUBLIC HEARING:

Revenue Sources – 1999 General Fund Budget. Mayor Wilbert opened the public hearing at 7:03 p.m. Dave Rodenbach, Finance Director, gave an overview of the revenue sources for the projected 1999 General Fund Budget. He reported no expected increases in property taxes, but other revenues are expected to increase.

There were no public comments, and the public hearing was closed at 7:05 p.m.

CONSENT AGENDA:

1. Approval of the Minutes of the October 12, 1998 City Council meeting.
2. Correspondence/Proclamations - Informational
DNR – Thank you note.
3. Approval of Payment of Bills for 10/26/98:
Checks #21165 through #21264 in the amount of \$109,248.40.
4. Special Occasion Liquor License – St. Nicholas Church.

MOTION: Move to approve the consent agenda.
Young/Dick – unanimously approved.

OLD BUSINESS:

1. Fairway Estates Annexation – Resolution - Call for Public Hearing. Ray Gilmore, Planning Director, presented a certified petition for the Fairway Estates Annexation. He recommended setting a public hearing date of November 23rd.

MOTION: Move to adopt Resolution No. 525, setting the public hearing date of November 23 for the Fairway Estates Annexation.
Ekberg/Young – unanimously approved.

NEW BUSINESS:

1. Hearing Examiner Contract – McConnell Burke. Mark Hoppen presented the renewal of Hearing Examiner contract with Ron McConnell, which reflects a 1.5% increase.

MOTION: Move to accept contract with the hearing examiner, Ron McConnell, with the increase of 1.5%.
Picinich/Young – unanimously approved.

2. First Reading of Ordinance – Repeal of GHMC Chapter 5.04 Amusement Devices. Dave Rodenbach presented an ordinance for repeal of the amusement fee provision of the Gig Harbor Municipal Code. He explained that the best way to eliminate the amusement fee provision is to eliminate the entire Chapter 5.04, which refers to amusement devices. This ordinance will return for a second reading.

3. Sellers Street Improvement Project – Change Order # 1. Mark Hoppen presented the change order, which consists of reducing the road width by two feet, decreasing the pavement section, and eliminating survey-related work. This will reduce the contract amount by \$7,462.

MOTION: Move to authorize adoption of Change Order # 1, to the Sellers Street Improvement Project, (CSP No. 98-08).
Dick/Markovich – unanimously approved.

4. Jerisich Park Dock Project Closure – Change Order # 1. Mark Hoppen presented the change order, which reflects all costs and credit, as negotiated and agreed with the Contractor for contract closure.

MOTION: Move to adopt change order No. 1 to the Jerisich Park Dock Improvement Project.
Picinich/Owel – unanimously approved.

5. 38th Avenue Right-of-Way Dedication. Mark Hoppen presented this dedication, which facilitates the new bowling alley project. The City has received 50% appraised value for Parcel D, as a condition to the approved vacation. No hard evidence of environmental degradation was found and nothing was identified to justify additional investigation. Carol Morris, City Attorney pointed out that only the partners of the limited partnership have signed the agreement, and indicated that the spouses of the partners would also need to sign the agreement.

MOTION: Move to approve adoption of the Right-of-Way dedication agreement, with proviso that the spouses of the principals of the partnership sign as well.
Markovich/Picinich – unanimously approved.

6. First Reading of Ordinance – Levying General Property Taxes for 1999. Dave Rodenbach presented this ordinance setting the 1999 property tax levy. He explained that the assessed valuation is estimated to be up 43% over 1998. Tax revenues are projected to increase 6 % over 1998. This will return at the next meeting for a second reading.

7. Closed Record Appeal – appeal of Hearing Examiner’s decision by Harbor Condo Marina Association (SDP 97-03: Ross Shoreline Management Permit). Mayor Wilbert recused herself from the hearing, and turned the gavel over to Mayor pro-tem, Marilyn Owel. Council members were polled as to ex-parte contacts or appearance of fairness issues. Ekberg, Young, Dick, Picinich and Markovich all responded negatively. Councilmember Owel had discussion with one of the parties of record, Denise Schmidt, who was told she could not be making comments to the Councilmember, nor could the Councilmember respond to her. Councilmember Owel then asked if any member of the audience would like to challenge any council member on appearance-of-fairness or conflict-of interest grounds. There was no response from the audience.

MOTION: Move to forego argument on the closed record appeal.
Markovich/Picinich - Two in favor, Young, Ekberg, Dick against.
Motion failed.

Staff report was given by Ray Gilmore. The original hearing date of September 10, 1997, was continued indefinitely. He explained that there was a lack of timely notice given to the appellants, due to the fact that there was not a definite hearing date set at the time of the continuation. Staff recommended that the Council remand the application to the Hearing Examiner for an open record hearing in December, rather than sending it back to the State Shoreline Hearing Board, which could delay the decision.

MOTION: Move to forego argument on the closed record appeal.
Markovich/Picinich - four in favor, Young against. Motion passed.

MOTION: Move to remand the application to the Hearing Examiner for an open record hearing, which will be held December 16, 1998, 5:00 p.m. at Gig Harbor City Hall.
Picinich/Markovich - unanimously approved.

PUBLIC COMMENT/DISCUSSION:

Mayor Wilbert announced that she received a request by Jan Scheoenike of Tacoma Community College. She is the Public Awareness Coordinator for the Peninsula Basic Education Program (formerly Adult Literacy Program). She would like to make a 15 minute presentation to the Council regarding her program. She has requested the fourth Monday in January (January 25). The Council requested that the presentation begin at 6:45 p.m.

COUNCIL COMMENTS: None.

STAFF REPORTS:

1. Dave Rodenbach, Finance Director presented the Third Quarter Financial Report. He reported that revenues will be close to expectations. All departments within General Funds are within 75% of budget, except Non-Departmental. All funds look like they will be well within their expenditure limits. Cash balances are adequate in all funds.

2. Carol Morris, City Attorney requested to make a presentation which should have been under new business. It is an issue which needed to be presented immediately, or the opportunity for revenue would be lost. The Hotel/Motel Tax must be re-enacted by the City before January 1, 1999, or the revenue from the tax will be lost to Pierce County. The only action requested of the Council was a proposal to the Lodging Tax Advisory Committee, which must be acted on within 45 days. Jeff Taraday of Ogden, Murphy, Wallace, presented a draft Ordinance which would be forwarded to the Lodging Tax Advisory Committee, in which there is a choice of 4, 5, 6 or 7 percent hotel/motel tax.

MOTION: Move to send draft ordinance to the Advisory Committee for their consideration and advice as to appropriate tax to levy, so as not to overburden the hotel industry.
Dick/Picinich – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:04 p.m.
Ekberg/Markovich - unanimously approved.

Cassette recorder utilized:
Tape 507 Side A 036 - end.
Tape 507 Side B 000 - 346

Mayor

City Clerk

RECEIVED

NOV 4 - 1998

CITY OF GIG HARBOR

TACOMA  MUSEUM

November 3, 1998

The Honorable Gretchen Wilbert
Mayor
Gig Harbor City Hall
3105 Judson Street
Gig Harbor, WA 98335

Dear Mayor Wilbert,

Thank you for your consideration of our request to help fund the new Tacoma Art Museum.

In appreciation for your consideration we want to make sure that Gig Harbor residents have an opportunity to enjoy all that the Tacoma Art Museum has to offer from hands-on fun for the whole family in ArtWORKS to world-class exhibitions, like the upcoming *Our Nation's Colors: A Celebration of American Painting*. So, to welcome our neighbors across the bridge, we dedicate:

**Thursday, February 18, 1999 as
Gig Harbor Day at TAM**

For the entire day, Gig Harbor residents will be welcome as our guests. They simply sign-in at the Museum's front desk and will be free to enjoy all that TAM has to offer. We'll even have drawings for complimentary memberships and door prizes; and, we'll publicize *Gig Harbor Day* in your local paper as we draw closer to the date.

Tacoma Art Museum is excited to be the only western United States venue for *Our Nation's Colors: A Celebration of American Painting*. This superb collection of paintings from the Wichita Art Museum has never before toured and features works by Winslow Homer, Georgia O'Keeffe, Edward Hopper, Mary Cassatt, Stuart Davis, Jacob Lawrence, Thomas Eakins, and many more of the great names in twentieth century American art. The exhibition runs January 30 through March 28, 1999.

If you have any questions or suggestions, please contact Peter Straus, Marketing/Public Relations, at (253) 272-4258 ext. 3017.

Thank you for the opportunity to welcome your constituents to the Tacoma Art Museum.

Sincerely,



Chase W. Rynd
Executive Director



RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
 License Division - 1025 E. Union, P.O. Box 43075
 Olympia, WA 98504-3075
 (360) 664-0012

RECEIVED

DATE: 10/26/98

OCT 28 1998

TO: CITY OF GIG HARBOR

AMENDED

RE: ASSUMPTION
 From CUZZETTO, MICHAEL
 CUZZETTO, ROBERTA
 Dba GIG PUB AND GRILL

CITY OF GIG HARBOR

APPLICANTS:

PINOCCHIO'S L.L.C.

PINOCCHIO, ANTHONY JAMES
 06-23-51 573-82-7963
 PINOCCHIO, SCOTTI LYNN
 (Spouse) 01-02-62 526-71-3704

License: 358890 - 2E County: 27

Tradename: PINOCCHIO SEAFOOD & CHOWDER HOUSE
 Loc Addr: 3226 HARBORVIEW DR
 GIG HARBOR WA 98332

Mail Addr: 4066 CENTER STREET
 TACOMA WA 98409

Phone No.: 253-851-4711 ANTHONY JAMES PINOCCHIO

Privileges Applied For:
 SPIRITS/BR/WN REST LOUNGE -

As required by RCW 66.24.010(8), you are notified that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within **20 DAYS** from the date above, it will be assumed that you have no objection to the issuance of the license. **If additional time is required you must submit a written request for an extension of up to 20 days.** An extension of more than 20 days will be approved only under extraordinary circumstances.

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Do you approve of applicant ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? | <input type="checkbox"/> | <input type="checkbox"/> |

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 _____

Attention:

Enclosed is a listing of liquor licensees presently operating establishments in your jurisdiction whose licenses expire on JANUARY 31, 1999. Applications for renewal of these licenses for the upcoming year are at this time being forwarded to the current operators.

As provided in law, before the Washington State Liquor Control Board shall issue a license, notice regarding the application must be provided the chief executive officer of the incorporated city or town or the board of county commissioners if the location is outside the boundaries of an incorporated city or town.

Your comments and recommendations regarding the approval or disapproval for the enclosed listed licensees would be appreciated. If no response is received, it will be assumed that you have no objection to the reissuance of the license to the applicants and locations listed. In the event of disapproval of the applicant or the location or both, please identify by location and file number and submit a statement of all facts upon which such objections are based (please see RCW 66.24.010{8}). If you disapprove then the Board shall contemplate issuing said license, let us know if you desire a hearing before final action is taken.

In the event of an administrative hearing, you or your representative will be expected to present evidence in support of your objections to the renewal of the liquor license. The applicant would presumably want to present evidence in opposition to the objections and in support of the application. The final determination whether to grant or deny the license would be made by the Board after reviewing the record of the administrative hearing.

If applications for new licenses are received for persons other than those specified on the enclosed notices, or applications for transfer of licenses are received by the Board between now and JANUARY 31, 1999, your office will be notified on an individual case basis.

Your continued assistance and cooperation in these licensing matters is greatly appreciated by the Liquor Control Board.

LESTER C. DALRYMPLE, Supervisor
License Division
Enclosures

RECEIVED

NOV 4 - 1998

CITY OF GIG HARBOR

MAYOR OF GIG HARBOR
3105 JUDSON ST
GIG HARBOR

WA 983350000

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE:11/03/98

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
(BY ZIP CODE) FOR EXPIRATION DATE OF 19990131

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 JT'S ORIGINAL LOUISIANA BAR-B-	JT'S ORIGINAL LOUISIANA BAR-B-QUE 4116 HARBORVIEW DR GIG HARBOR WA 98332 0000	078469	BEER/WINE REST - BEER/WINE OFF PREMISES
2 NA, TONG SAN NA, YONG JA	BAYVIEW GROCERY AND DELI 8812 N HARBORVIEW DR GIG HARBOR WA 98335 0000	351392	GROCERY STORE
3 KKLD, INC.	UDDENBERG'S THRIFTWAY #277 3110 JUDSON AVE GIG HARBOR WA 98335 0000	362719	GROCERY STORE

RECEIVED

NOV 4 - 1998

CITY OF GIG HARBOR



STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD
1025 E Union • PO Box 43098 • Olympia WA 98504-3098 • (360) 664-0012

Notice to Local Authorities Regarding Procedure for Objecting to Liquor License Renewal

The attached list of liquor licensed premises in your jurisdiction will expire in approximately 60 days. The procedure for objecting to a license renewal is as follows:

- Fax or mail a letter detailing the reason(s) for your objection. **This letter must be received at least 15 days before the liquor license expires.**
- When your objection is received, our licensing staff will prepare a report for review by the Board. This report will include your letter of objection, a report from the Liquor Control Agent who covers the licensed premises, and a record of any past liquor violations. The Board will then decide to either renew the liquor license, or to proceed with non-renewal.
- If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The non-renewal of a liquor license may be contested under the provisions of the Administrative Procedure Act (as provided by RCW 66.08.150 and Chapter 35.05 RCW). Accordingly, the licensee may request a hearing before an administrative law judge. If a hearing is requested, you will be notified and required to present evidence at the hearing to support your recommendation. The Administrative Law Judge will consider the evidence, and issue an Initial Order for the Board's review. The Board has final authority to renew the liquor license, and will subsequently enter a Final Order announcing its decision.
- If the Board decides to renew the license over your objection, you may also request a hearing, following the aforementioned procedure.
- You or the licensee may appeal the Final Order of the Board to the superior court for judicial review (under Chapter 34.05 RCW).
- During the hearing and any subsequent appeal process, the licensee is issued a temporary operating permit for the liquor license until a final decision is made.

Please call me if you have any questions on this process. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Dalrymple".

Chuck Dalrymple
Manager, Licenses and Permits
Licensing and Regulation
(360) 753-6259
Fax (360) 753-2710

Attachment



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: JERISICH PARK DOCK IMPROVEMENT PROJECT
- CONTRACT CLOSURE
DATE: NOVEMBER 3, 1998

INTRODUCTION/BACKGROUND

On December 8, 1997, the Council awarded the contract for the Jerisich Park Dock Improvement project to Hurlen Construction Company, for the base bid amount of \$358,800. The work was determined substantially complete on June 2, 1998, and physically complete on October 5, 1998.

One change order has been issued for this project in the total amount of \$25,000.00, or approximately seven (7) percent of the original contract amount. Change Order No. 1 was approved by the Council on October 26, 1998 and executed on November 3, 1998.

In conjunction with Change Order No. 1, a Final Progress Estimate and Reconciliation of Quantities, and the Final Contract Voucher Certificate have been signed by the Contractor.

Council authorization is being requested to close the contract and accept the project through execution of the attached Final Contract Voucher Certificate.

ISSUES/FISCAL IMPACT

The original contract amount was \$358,800, plus Washington State sales tax. One change order has been executed bringing the total authorized contract amount to \$383,800, plus sales tax. The Interagency Committee for Outdoor Recreation (IAC), and the Washington State Parks and Recreation Commission have increased their funding levels by \$37,295 to \$194,295.

RECOMMENDATION

I recommend that Council approve execution of the attached Final Contract Voucher Certificate.



City of Gig Harbor. The "Maritime City"

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

FINAL CONTRACT VOUCHER CERTIFICATE

CONTRACTOR Hurlen Construction Company			
STREET ADDRESS PO Box 80945			
CITY Seattle	STATE WA	ZIP 98108	DATE 8/22/98

STATE PROJECT NO. IAC No. 96-1246D, St. Prks. & Rec. No. CVP97145-03	FEDERAL-AID PROJECT NO. N/A	OTHER
--	--------------------------------	-------

PROJECT: CITY OF GIG HARBOR JERISICH PARK DOCK IMPROVEMENT PROJECT

DATE WORK PHYSICALLY COMPLETED October 5, 1998	FINAL AMOUNT \$383,800.00
---	------------------------------

Contractor's Certification

I, the Undersigned, having first been duly sworn, certify that the attached Final Estimate and Reconciliation of Quantities is a proper charge for work performed and material furnished to the City of Gig Harbor for the above Project; that the same or any part thereof has not been paid; and that I am authorized to sign for the claimant (Contractor); that in connection with the work performed and to the best of my knowledge no loan, gratuity or gift of money in any form whatsoever has been extended to any employee of the City of Gig Harbor nor have I rented or purchased any equipment or materials from any employee of the City of Gig Harbor. I further certify that the attached Final Estimate and Reconciliation of Quantities is a true and correct statement showing all of the monies due me from the City of Gig Harbor under this contract; that I have carefully examined said Final Estimate and Reconciliation of Quantities and understand the same; and that I hereby release the City of Gig Harbor from any and all claims of whatsoever nature, which I may have arising out of the performance of said contract, which are not set forth in said Final Estimate and Reconciliation of Quantities. (See "Note" below)

X
(Contractor Authorized Signature Required)
Wil Clark
(Type Signature Here)

Subscribed and sworn to before me this 3 day of Nov, 1998

X notary public in and for the State of Washington,
residing at Seattle

City of Gig Harbor Certification

I certify the attached Final Estimate and Reconciliation of Quantities to be based upon actual measurements, and to be true and correct:

APPROVED Date 11/4/98

X
Project Manager - City Engineer

X
Public Works Director

Date of Acceptance _____

By X _____

NOTE: Contractor's claims, if any, must be included and the Contractor's Certification must be labeled indicating a claim attached.



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 *MHS*
SUBJECT: REPEAL OF GHMC CHAPTER 5.04 AMUSEMENT DEVICES
DATE: OCTOBER 28, 1998

INFORMATION/BACKGROUND

At the October 12, 1998, Council Meeting, Council unanimously approved a motion that an ordinance for the repeal of the amusement fee provision of the Gig Harbor Municipal Code be forwarded to the City Council for the meeting of October 26, 1998. The first reading of an ordinance to repeal the code provisions of GHMC Chapter 5.04 was submitted to Council on October 26.

POLICY CONSIDERATIONS

Eliminating the amusement fee provision is best accomplished by eliminating the entire GHMC Chapter 5.04. There appears to be no current or anticipated enforcement necessity for the tax and enforcement provisions of this long-standing local code.

FISCAL CONSIDERATIONS

The elimination of amusement fees in 1999 will likely result in the loss of slightly more than \$9000 in anticipated tax revenue to the city's General Fund.

RECOMMENDATION

This is the second reading of this ordinance. The ordinance can be passed as written or as amended at this reading.

0008.080.001
JBT/
10/19/98

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE REGULATION OF AMUSEMENT DEVICES, AND REPEALING THE AMUSEMENT LICENSE PROVISIONS CODIFIED IN CHAPTER 5.04 OF THE GIG HARBOR MUNICIPAL CODE AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, RCW 35A.82.020 authorizes cities to regulate certain types of business activity, and leaves to the discretion of cities whether or not to license or regulate certain types of businesses; and

WHEREAS, Chapter 5.04 of the Gig Harbor Municipal Code has imposed licensing provisions upon amusement devices; and

WHEREAS, the City Council finds it to be in the best interests of the City to cease regulation of amusement devices; now, therefore,

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

Section 1. Chapter 5.04 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. 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 CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

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

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 THE REGULATION OF AMUSEMENT DEVICES, AND REPEALING THE AMUSEMENT LICENSE PROVISIONS CODIFIED IN CHAPTER 5.04 OF THE GIG HARBOR MUNICIPAL CODE AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

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

DATED this _____ day of _____, 199__.

CITY CLERK, MOLLY TOWSLEE

Chapter 5.04

AMUSEMENT DEVICES¹

Sections:

- 5.04.010 Definitions.
- 5.04.020 Location, license requirements.
- 5.04.030 Amusement device licenses.
- 5.04.040 Existing operators and location owners.
- 5.04.050 License fee schedule – Revocation conditions.
- 5.04.060 Prohibited devices designated.
- 5.04.070 Violations designated – Penalties.

5.04.010 Definitions.

For the purposes of this chapter, words and phrases shall have the following meanings:

A. "Amusement device" means any machine or device designated to be operated or used for playing a game upon the insertion or payment of a coin, or trade check, or other thing of value, or upon payment of a fee, and which is based on skill and is played or operated only for amusement and entertainment of the player, but shall not mean or include any machine or device used exclusively for the vending of merchandise.

B. "Location owner" means any person who displays amusement devices and avails them to the public for use, play, or operation.

C. "Operator" means any person who leases or rents to or places with others any amusement device.

D. "Person" means and includes any individual, corporation, partnership or association. (Ord. 395 § 1, 1982).

5.04.020 Location, license requirements.

A. A location amusement device license shall be required for each place in which there is displayed, exhibited or exposed or permitted to be displayed, exhibited or exposed for purposes of use, play or operation, any amusement device which license shall indicate thereon the number of such devices which may be exhibited or displayed for use or play. Application for such license shall be made at Gig Harbor City Hall. A license shall be received before locating an amusement device.

B. Any holder of a location license may own any amusement device located at the place covered by such location license. But any such person who has an arrangement or understanding with any

other holder of a location license whereby exchanges or trades of amusement devices are made between such persons who, during any license period, transfers from one location to another any amusement device, shall be deemed to be an operator, and shall be required to have an amusement device license as provided in this chapter. (Ord. 395 § 2, 1982).

5.04.030 Amusement device licenses.

A. An amusement device license shall be required for any operator renting or placing with another for use or play, or for any person exhibiting for use or play, any amusement device. Application for such a license shall be made before operating an amusement device.

B. Such license shall not be transferable from one amusement device to another or from one person to another. Any amusement device license which shall be changed, mutilated, erased or in any manner defaced shall be void, and any amusement device which the same shall purport to license shall be deemed an unlicensed machine. (Ord. 395 § 3, 1982).

5.04.040 Existing operators and location owners.

Every operator of an amusement device, and every owner of a location where an amusement device is operated at the effective date of the ordinance codified in this chapter shall apply for the appropriate license within five business days after the effective date of said ordinance. Application shall be made at Gig Harbor City Hall. (Ord. 395 § 4, 1982).

5.04.050 License fee schedule – Revocation conditions.

A. The license fees for amusement devices, the location and operation thereof, shall be and are hereby fixed as follows:

1. Location amusement device license: For each location – \$10.00 per month for each amusement device, collected semiannually;

2. Amusement device license – \$200.00 per year.

B. Licenses shall be revoked for failure to pay the license fees.

C. License fees shall be paid in advance of operating or locating amusement devices. (Ord. 395 § 6, 1982).

5.04.060 Prohibited devices designated.

It is unlawful to sell, operate, or use or permit to be operated or used, or to process, exhibit or dis-

1. Prior legislation: Ord. 374.

play with intent that the same shall be sold, operated or used, any device wherein the element of chance or a combination of the elements of chance or skill is involved, or any other device customarily used for gambling, or which tends to promote or encourage gambling; and nothing contained in this chapter is intended to legalize or authorize the licensing or the operation of slot machines or other gambling devices or games. Devices defined in RCW 9.46.020(9) shall be deemed gambling devices. (Ord. 395 § 5, 1982).

5.04.070 Violations designated – Penalties.

It shall be the duty of all persons leasing, renting, placing or operating on location any amusement device to comply with the provisions of this chapter. Failure to comply shall be a violation of this chapter, and shall result in the assessment of one or all of the following penalties:

A. The amusement device operator or location owner acting in violation of this chapter shall be liable for and assessed a penalty by the city in the amount of \$5.00 a calendar day for each and every day of violation. The penalty assessed shall accumulate until the amusement device is removed from use by the public or until the date application for license is made.

B. In addition to the above, the city shall suspend the business license of the amusement device operator or location owner who does not pay the penalty assessed and apply for appropriate license within 30 calendar days after receiving written notice from the city.

C. A new business license shall not issue until the penalty assessed is paid in full and a new business license fee is paid.

D. A business license shall not be suspended under this chapter unless and until ordered by the city council at a regular meeting of the city council held at least 15 calendar days after sending written notice to the business owner of the date of the meeting at which the city council will consider the suspension of the business owner's license. (Ord. 395 § 7, 1982).

Chapter 5.06

COMMERCIAL/BUSINESS USE OF PUBLIC LANDS AND STRUCTURES

Sections:

5.06.010 Private use of public property.

5.06.010 Private use of public property.

A. When private use is made of any public land or public structures, such private use shall fully conform to the regulations set forth in this title.

B. Commercial/business uses of public land and structures, including streets and sidewalks, shall not be permitted except as follows:

1. In those limited instances where a business license is required for special occasions for a community promoted/sponsored festival or event. The issuance of a business license shall serve as authorization;

2. A business which uses a public sidewalk fronting the business establishment as part of the normal service of the business. Such use shall be reviewed and approved by the public works director and planning director if such use does not unreasonably restrict or limit pedestrian movement or circulation, does not present a traffic hazard and is allowed within the zoning district.

C. Commercial/business users or festival/special occasion sponsors shall obtain insurance, with limits, and coverages as required by the city administration. The city shall be named as additional insured in respect to all coverages. (Ord. 605 § 1, 1991).



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: NOVEMBER 2, 1998
SUBJECT: 1999 TAX LEVY ORDINANCE

INTRODUCTION

This is the second reading of an ordinance setting the 1999 property tax levy.

BACKGROUND

The preliminary assessed valuation for 1999 taxes is \$613,840,514. This is a 43% increase over 1998. Our 1998 property tax rate is \$1.6000 per thousand. Our best estimate of taxes available for 1999 is \$981,109. This represents an increase in tax revenues of 6% over 1998.

The ordinance also sets excess levy rates for outstanding voted general obligation bonds. Debt service for the 1987 GO Bonds for sewer plant construction is approximately \$100,000 in 1999 or \$0.1629 per thousand.

FINANCIAL

Property taxes are the second largest source of the City's General Fund revenues at approximately 14%.

RECOMMENDATION

Staff recommends adoption of this ordinance.

CITY OF GIG HARBOR

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1999.

WHEREAS, the City Council of the City of Gig Harbor attests that the City population is 6,350; and

WHEREAS, the City Council of the City of Gig Harbor have properly given notice of the public hearing held October 29, 1999 to consider the City's General Fund revenue sources for the 1999 calendar year, pursuant to RCW 84.55.120; and

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1999, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington **ORDAINS** as follows:

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1999, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$613,840,514. Taxes levied upon this value shall be:

The 1998 property tax for collection in 1999 is \$981,109 (the amount levied in 1997 for collection in 1998), plus an increase of \$292,092, which is an increase of 6%, plus an increase equal to the amount allowed under the new construction provisions of RCW 84.55.010.

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1998, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$613,840,514. Taxes levied upon this value shall be:

Approximately \$0.1630 per \$1000 assessed valuation, producing an estimated amount of \$100,000 for 1987 Sewer Construction General Obligation Bonds Debt Service.

Section 3. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/council and taxes hereby levied shall be collected and paid to the Finance Director of the City of Gig Harbor at the time and in a manner provided by the laws of the state of Washington for the collection of taxes.

Section 4. This ordinance shall be published in the official newspaper of the city, and shall take effect and be in full force five(5) days after the date of its publication.

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 __ day of __, 1998.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee
City Clerk

Filed with city clerk:
Passed by the city council:
Date published:
Date effective:



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: RAY GILMORE, PLANNING STAFF
SUBJ.: SECOND READING - ORDINANCE AMENDING TITLE 19 OF THE GIG HARBOR MUNICIPAL CODE (ADMINISTRATION OF DEVELOPMENT REGULATIONS).
DATE: NOVEMBER 5, 1998

Background/Summary

In 1996, the City adopted Title 19 to the Gig Harbor Municipal Code. Title 19 serves as the implementation of the Regulatory Reform Act of 1995, which governs permit processing administration of land use development applications. Since the adoption of Title 19, several amendments were made to the State Regulatory Reform Act. Additionally, staff discovered several errors within the ordinance which need to be corrected.

Since the first reading, staff has amended the section regarding posting notices. Posting of property for public hearings on Type III and IV applications is retained; the height of the posted notice is reduced from 7-9 feet to 5-6 feet.

Policy Issues

The amendments to Title 19 do not substantially change the content or effect of Title 19.

A letter from the Master Builders Association requested that pre-application conferences be an optional process. The current mandatory requirement for pre-application conferences was developed by legal counsel in the 1996 version. Prior to Title 19, pre-application conferences were an optional process and were encouraged. We have not had any complaints about the mandatory process, as all of our pre-application conferences to date have been by request. Legal Counsel has advised that the city cannot adopt requirements that prevent an applicant from submitting a development application and attempting to vest their project under the applicable codes. Consequently, staff is recommending that the pre-application conference be an optional process.

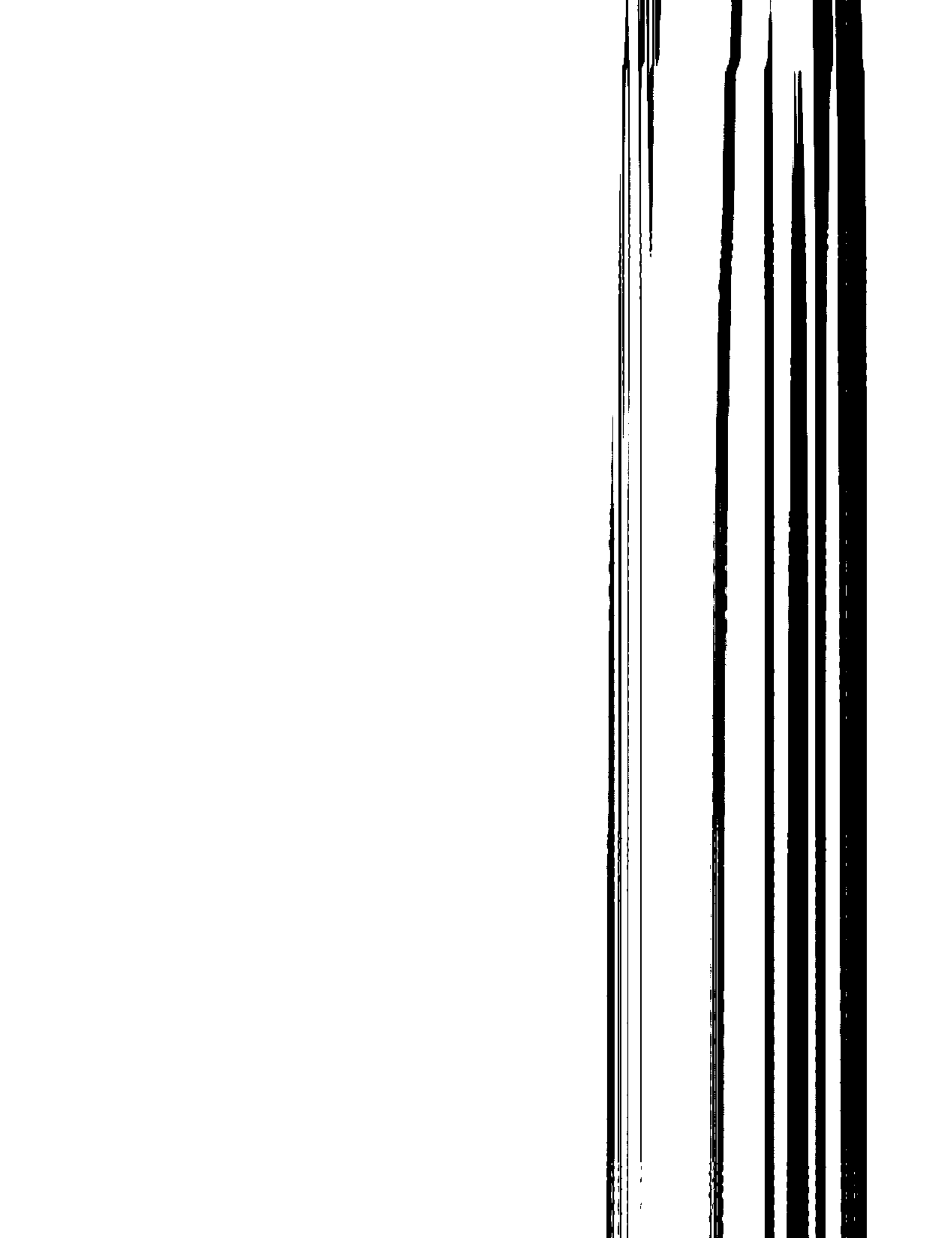
A draft revised section 19.02.001 pertaining to pre-application conferences is attached to this memo for your consideration. Incidentally, the city does not require an applicant or applicant's technical advisors to be present at a pre-application conference. It is strictly between staff, and the meeting is based upon the information supplied by the applicant.

Fiscal Impact

No fiscal impact is expected from the adoption of these amendments to Title 19.

Recommendation

This is the second and final reading of the ordinance. Staff recommends that Council adopt the amendments to Title 19, as revised.





Master Builders Association Of Pierce County

October 19, 1998

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

Dear Mayor Wilbert and Councilmembers:

I would like to take this opportunity to comment on behalf of the Master Builders Association (MBA) on the ordinance proposed to amend Title 19 of the GHMC. Section 19.02.001, as proposed, discusses a mandatory pre-application conference for Type III actions requiring a preliminary plat or site plan review and Type IV actions. I would propose an alternative clause that would allow applicants who believe the conference to be unnecessary to submit a written request to waive it. Such a request would be based on reasons such as the applicant's familiarity with the city's development regulations from former applications, the land proposed to be developed being unremarkable, the fact that the applicant has received approval on a similar permit from the city previously, and others that would make a pre-application conference unnecessary.

MBA of Pierce County supports the use of pre-application meetings between staff and applicants because it is a win-win process; the staff benefits from ensuring complete applications and clear communication with the applicant, thereby saving time and effort, and the applicant is able to save time and money by avoiding mistakes and only having to go through the processing procedure once per permit. However, there are times when the pre-application conference would be unnecessary due to the expertise and existing knowledge of the applicant or the realities of the application. In these situations, it would save the staff time to waive the conference and it would save the applicant the cost of having engineers meet with the city.

Thank you for your consideration of these comments.

Sincerely,

Tiffany Speir
Government Affairs Associate

3925 South Orchard Tacoma, WA 98466 (206) 564-8788 FAX (206) 564-8818



AFFILIATED WITH NATIONAL ASSOCIATION OF HOME BUILDERS AND THE BUILDING INDUSTRY ASSOCIATION OF WASHINGTON STATE

Cc: Bob Dick, Councilmember
Steven K. Ekberg, Councilmember
Nick Markovich, Councilmember
Marilyn Owel, Councilmember
John N. Picinich, Councilmember
Corbett Platt, Councilmember
Derek Young, Councilmember
Steve Bowman, Building Official
Ray Gilmore, Planning Director
Bob Camp, MBA LSC Chair

Draft Revision
Section 19.02.001 Optional Pre-application Conference

- A. ~~Applications~~ Prior to filing applications for project permit Type I actions involving structures 5,000 or more square or over, Type III and Type IV actions shall not be accepted by the director unless the applicant has requested III actions requiring a preliminary plat or site plan review and Type IV actions, the applicant may request a pre-application conference. The purpose of the pre-application conference is to acquaint the applicant with the requirements of the Gig Harbor Municipal Code.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE, ZONING AND PROJECT PERMIT PROCESSING, MAKING CHANGES TO REFLECT LEGISLATIVE AMENDMENTS TO THE REGULATORY REFORM ACT (CHAPTER 36.70B RCW) SINCE ITS ADOPTION, ESTABLISHING PROCEDURES FOR THE CONDUCT OF OPEN AND CLOSED RECORD HEARINGS, UPDATING THE MATRICES FOR TYPING OF PROJECT PERMIT APPLICATIONS TO INCLUDE WIRELESS COMMUNICATIONS FACILITIES APPLICATIONS, ADOPTING NEW THRESHOLD REQUIREMENTS FOR PRE-APPLICATION CONFERENCES, POSTING, AMENDING SECTIONS 19.01.002, 19.01.003, 19.01.004, 19.01.005, 19.01.006, 19.01.007, 19.02.001, 19.02.002, 19.02.003, 19.02.004, 19.02.005, 19.03.001, 19.03.002, 19.03.003, 19.04.001, 19.04.002, 19.05.002, 19.05.001, 19.05.004, 19.05.005, 19.05.006, 19.05.009, 19.06.001, 19.06.002, 19.06.003, 19.06.004 OF THE GIG HARBOR MUNICIPAL CODE, REPEALING SECTIONS 19.05.008, AND 19.06.005 AND ADDING NEW SECTIONS 19.05.008, 19.05.009 AND 19.06.005.

WHEREAS, revisions to state law require amendments and modifications to City Codes regulating permit processing; and

WHEREAS, revisions to certain sections of the land use permitting code are needed to correct typographical errors and omissions and to clarify meanings; and

WHEREAS, pursuant to WAC 365-195-820(2), the City has not sent copies of this ordinance to DCTED and other State Agencies because these regulations are merely procedural and ministerial; Now, Therefore,

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

Section 1. Section 19.01.002 of the Gig Harbor Municipal Code (GHMC) is hereby amended to read as follows:

19.01.002 Determination of proper procedure type.

A. ~~Determination by Director. The director of the community development department~~ Planning Director or his/her designee (hereinafter the "~~director~~" "Director") shall determine the proper procedure for all development applications. ~~If there is a question as to Questions concerning the appropriate type of procedure, the director shall resolve it~~ be resolved in favor of the higher numbered procedure type number.

B. Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or may be processed individually under each of the application procedures identified ~~by the code in GHMC Section 19.01.003.~~ The applicant may determine whether the application shall will be processed collectively or individually. ~~If the application is applications are processed under the individual procedure option~~ individually, the highest numbered type procedure ~~must be processed prior to the subsequent lower numbered procedure shall be undertaken first, followed by the other procedures in sequence from the highest numbered to the lowest.~~

C. Decisionmaker(s). Applications processed in accordance with subsection B of this section which have the same highest numbered procedure number, but are assigned to different hearing bodies, shall be heard collectively by the highest decisionmaker(s). ~~The city council is the highest, followed by the hearing examiner or planning commission; the City Council being the highest body, followed by the Hearing Examiner or Planning Commission,~~ as applicable, and then the ~~director~~ Director. Joint public hearings with other agencies shall be processed according to GHMC 19.01.004. (Ord. 711 § 1, 1996).

Section 2. GHMC Section 19.01.003 is hereby amended to read as follows:

19.01.003 Project permit application procedures.

A. Action Type.

PROCEDURE FOR PROJECT PERMIT APPLICATIONS (TYPE I - IV) LEGISLATIVE					
	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
Recommendation made by:	N/A	N/A	N/A	N/A	Planning Commission
Final decision made by:	<u>Admin. Director</u>	<u>Director</u>	Hearing Examiner	City Council	City Council
Notice of application:	No	No	Yes	Yes	No
Open record public hearing <u>or open record appeal of a final decision:</u>	No	Only if appealed, open record hearing before Hearing Examiner	Yes, before Hearing Examiner who renders final decision	No	Yes, before Planning Commission which makes recommendation to council
Closed record appeal/final decision:	No	No	Only if appealed, then before Council	Yes, before council to render final decision	Yes, or council could hold its own hearing
Judicial appeal:	Yes	Yes	Yes	Yes	Yes

B. Decisions.

TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
Permitted uses not requiring site plan review	Short plat	Preliminary plats; plat vacations and alterations	Final plats	Comp. plan amendments
Boundary line adjustments	Sign permits	Site plan / <u>binding plan/major amendments to site plan plans</u>		Development regulations
Minor amendments to PUD/PRD	Design review	CUP/general CUP, general variances, including sign permit variances, <u>and site specific rezones</u>		Zoning text amendments; <u>area wide</u> zoning map amendments
Special use permits	Land clearing/grading	Shoreline mgmt permits <u>substantial development, shoreline variance</u>		Annexations
Temporary construction trailers	Revisions to shoreline management permits	PRD/PUD and major amendments to PRD and PUD		
	Administrative variances	Amendment to height restriction area map		
	Administrative interpretations	Mobile/ manufactured home park or subdivision		
	Home occupation			

TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
	permit			
	Hardship variance, sign code			
	Modification to landscape plans			
	Minor amendment to PRD or PUD			

Section 3. GHMC Section 19.01.004 is hereby amended to read as follows:

19.01.004 Joint public hearings.

A. Administrator's Decision to Hold Joint Hearing. The ~~director~~ Director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C below are met.

B. Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

C. Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the ~~city, as long as~~ City, when:

1. The other agency is not expressly prohibited by statute from doing so;

2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in ~~statute, ordinance, or rule~~ statutes, ordinances, or rules;

3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the ~~local government~~ City hearing; ~~and or~~

4. The hearing is held within the geographic boundary of the ~~local government~~. (~~Ord. 711 § 1, 1996~~) City.

Section 4. GHMC Section 19.01.005(E) is hereby amended to read as follows:

19.01.005 Legislative decisions.

* * *

E. Implementation. ~~The city council's~~ City Council decision ~~shall be by ordinance or resolution and shall become effective by passage of an~~ on the effective date of the ordinance or resolution. (~~Ord. 711 § 1, 1996~~).

Section 5. GHMC Section 19.01.006 is hereby amended to read as follows:

19.01.006 Legislative enactments not restricted.

Nothing in this chapter or the permit processing procedures shall limit the authority of the ~~city council~~ City Council to make changes to the ~~city's~~ City's comprehensive plan, ~~or the City's development regulations~~ as part of ~~an~~ the annual revision process ~~or the city's development regulations~~. (~~Ord. 711 § 1, 1996~~).

Section 6. GHMC Section 19.01.007 is hereby amended to read as follows:

19.01.007 Exemptions from project permit application processing.

A. Whenever a permit or approval in the Gig Harbor Municipal Code has been designated as a Type I, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this title:

1. Landmark designations;
2. Street vacations;
3. Street use permits;
4. Impact fee decisions; and
5. Concurrency determinations.

B. Pursuant RCW 36.70B.140(2), building permits, boundary line adjustments or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA (Chapter 43.21C RCW and the city's City's SEPA/environmental policy ordinance, Chapter 18.04 GHMC), or permits/approvals for which environmental review has been completed in ~~connections~~ connection with other project permits, are excluded from the following procedures:

1. ~~Determination of completeness (GHMC 19.02.003(A));~~

~~2. Notice of application (GHMC 19.02.004) unless an open record hearing is allowed on the project permit decision;~~

3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing (GHMC 19.01.002(B));

4. Joint public hearings (GHMC 19.01.004);

5. Single report stating ~~that~~ all of the decisions and recommendations made as of the date of the report that do ~~no~~ not require an open public record hearing (GHMC 19.04.002(C));

6. Notice of decision (GHMC 19.05.008);

~~7. Completion of project review within any applicable time periods (including the 120 day permit processing time) (GHMC 19.05.008, 19.05.009). (Ord. 711 § 1, 1996).~~

Section 7. GHMC Section 19.02.001 is hereby amended to read as follows:

19.02.001 Pre-application conference.

A.—~~Applications~~ Prior to filing applications for project permit Type I actions involving structures 5,000 or more square or over, Type III and Type IV actions shall not be accepted by the director unless the applicant has requested III actions requiring a preliminary plat or site plan review and Type IV actions, the applicant shall request a pre-application conference. The purpose of the pre-application conference is to acquaint the applicant with the requirements of the Gig Harbor Municipal Code.

B. The conference shall be held within 45 28 days of the request.

C.—~~Within five~~ Five or more working days following the conference, the director Director shall provide the applicant with:

1. A form which lists the requirements for a completed application;
2. A general summary of the procedures to be used to process the application;
3. The references to the relevant code provisions or development standards which may apply to ~~the~~ approval of the application;
4. The ~~city's~~ City's design guidelines.

D.—~~It is impossible for the conference to be an exhaustive review of all potential issues. The~~ Neither the discussions at the conference or nor the information provided on the form sent by the city Director to the applicant under GHMC 19.02.001(C) shall not bind or prohibit the city's bind the Director in any manner or prevent the Director's future application or enforcement of all

applicable ~~law codes, ordinances and regulations.~~

E. Pre-application conferences for all other types of applications ~~is~~ are optional, and requests for conferences will be considered on a time-available basis by the ~~director.~~ (Ord. 711 § ~~1,~~ 1996) Director.

Section 8. GHMC Section 19.02.002 is hereby amended to read as follows:

19.02.002 ~~Development~~ Project permit application.

Applications for project permits shall be submitted ~~upon~~ on forms provided by the ~~director~~ Director. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:

- A. A completed project permit application form;
- B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;
- C. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
- D. The applicable fee;
- E. Evidence of adequate water supply as required by RCW 119.27.097; and
- F. Evidence of sewer availability. ~~(Ord. 711 § 1, 1996).~~

Section 9. GHMC Section 19.02.003 is hereby amended to read as follows:

19.02.003 Submission and acceptance of application.

A. Determination of Completeness. Within 28 days after receiving a project permit application, the ~~city~~ City shall mail or personally ~~provide a determination~~ 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. Identification of Other Agencies with Jurisdiction. To the extent known by the ~~city~~ City other agencies with jurisdiction over the project ~~permit application~~ shall be identified in the ~~city's determination required by GHMC 19.02.003(A)~~ Determination of Completeness.

C. Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in GHMC 19.02.002, ~~as well as~~ and the submission requirements ~~contained in~~ of the applicable development regulations. ~~This determination of completeness~~ The Determination of Completeness shall be made when the application is ~~sufficient for continued processing~~ sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The ~~city's determination of completeness~~ Director's Determination of Completeness shall not preclude the ~~city~~ from requesting Director's ability to request additional information or studies ~~either at the time of the notice of completeness or at some later time, if whenever new information is required, or where there are substantial changes in~~ are made to the proposed ~~action~~ project.

D. ~~Incomplete Application Procedure.~~ Applications.

1. ~~If~~ Whenever the applicant receives a determination from the ~~city~~ City that an application is not complete, the applicant shall have 90 days to submit the necessary information ~~to the city~~. Within 14 days after an applicant has submitted the requested additional information, the ~~city~~ shall ~~make the determination as described in GHMC 19.02.003(A)~~; Director shall make a Determination of Completeness and notify the applicant in the ~~same manner.~~ manner provided in subsection A of this paragraph 19.02.003.

2. If the applicant ~~either refuses in writing to submit additional information or does not submit the required additional information requested~~ within the 90-day period, the ~~director~~ Director shall make findings and issue a decision, according to the Type I procedure described in GHMC 19.01.003, that the application is has lapsed, ~~based upon the~~ for lack of information necessary to complete the review.

3. ~~In those situations where the director has made a determination~~ When the Director determines that an application has lapsed because the applicant has failed to submit the required information within the necessary time period, the applicant may request a refund of the application fee ~~unrelated to the city's determination of completeness remaining after the City's Determination of Completeness.~~

~~E. City's~~ E. Director's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the ~~city~~ Director does not provide a written determination to the applicant that the application is incomplete as provided in GHMC 19.02.003(A).

F. Date of Acceptance of Application. ~~When the project permit application is complete, the director~~ Project applications shall not be officially accepted until complete. When an application is found complete, the Director shall accept it and note the date of acceptance. ~~(Ord. 711 § 1, 1996).~~

Section 10. GHMC Section 19.02.004 is hereby amended to read as follows:

19.02.004 Notice of application.

A. Generally. A ~~notice of application shall issue on~~ Notice of Application shall be provided to all City departments and agencies with jurisdiction of all Type III and IV project permit applications.

~~B. SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision~~ Issuance of Notice of Application.

~~1. Within 14 days after the City has made a determination of completeness pursuant to GHMC Section 19.02.003, the Director shall issue a Notice of Application.~~

~~2. If any open record pre-decision hearing is required for the requested project permit(s), the Notice of Application shall be provided at least 15 days prior to the open record hearing.~~

~~C. Contents. The Notice of Application-~~

~~C. Contents. The notice of application shall include:~~

~~1. The date of submission of the initial application, the date of the notice of completion for and acceptance of the application, and the date of the -notice~~ Notice of application Application ;

~~2. A description of the proposed project action and a list of the project permits included requested in the application and, if applicable, a list of any studies requested under RCW 36.70A.440; 36.70B.070 or 36.70B.090;~~

~~3. The identification of other~~ 3. A description of other required permits not included in the application, to the extent known by the city City;

~~4. The identification~~ A description of existing environmental documents that evaluate the proposed project, and,

if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

5. A statement of setting forth: (a) the ~~limits of time for~~ the public comment period, which shall be not less than 14 nor more than 30 days following the date of ~~notice of application, and statements of~~ Notice of Application; (b) the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision ~~once made, on the application~~; and (c) and any appeal ~~rights~~ rights;

6. The date, time, place and type of hearing, if ~~applicable and a hearing has been~~ scheduled at when the date of ~~notice of the application~~ Notice of Application is issued;

7. A ~~statement~~ summary of the preliminary determination of consistency required by GHMC Section 19.04.001, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and ~~of consistency~~ as provided in Chapter 19.04 GHMC;

8. Any other information determined appropriate by the city Director such as the city's Director's threshold determination, if complete at the time of issuance of the notice of application.

~~D. Time Frame for Issuance of Notice of Application:~~

~~1. Within 14 days after the city has made a determination of completeness of a project permit application, the city shall issue a notice of application.~~

~~2. If any open record predecision hearing is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.~~

~~E. Public Comment on the Notice of Application. All public comments received on the notice of application must be received in the ~~department of planning and building~~ Department of Planning by 5:00 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile; provided that mailed comments received after the comment period has expired will not be accepted. Comments should be as specific as possible.~~

~~(Ord. 711 § 1, 1996) E. SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record pre-decision hearing is required.~~

Section 11. GHMC Section 19.02.005 is hereby amended to read as follows:

19.02.005 Referral and review of project permit applications.

Within 10 days of accepting a complete application, the ~~director~~ Director shall ~~do the following:~~

A. Transmit a copy of the application, or appropriate parts of the application, to each affected government agency and ~~city~~ City department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and ~~city~~ City departments shall have 15 days to comment on the application. The ~~referral~~ agency or ~~city~~ City department is presumed to have no comments if comments are not received within the ~~specified time~~ 15-day period. The ~~director~~ Director shall grant an extension of time only if the application involves unusual circumstances. ~~Any extension~~ Extensions shall only be for a maximum of three ~~additional~~ working days.

B. ~~If a Type III procedure is required, provide~~ Provide for notice and hearing as set forth in Chapter 19.03 GHMC, ~~(Ord. 711 § 1, 1996)~~ for Type III procedures.

Section 12. GHMC Section 19.03.001 is hereby amended to read as follows:

19.03.001 ~~Required public~~ Public notice of application.

A. In addition to the ~~notice~~ Notice of ~~application~~ Application for Type ~~III~~ III and Type IV project permits, the ~~city~~ Director shall also provide public notice of a Type III and Type IV project permit ~~application~~ applications by posting the property or by publication in the ~~city's~~ City's official newspaper.

1. Posting. Posting of the property for site specific proposals shall consist of one or more notice boards as follows:

a. A single notice board shall be placed by the applicant:

i. At the midpoint of the ~~site~~ street frontage fronting the site or as otherwise directed by the ~~city~~ Director for maximum visibility;

ii. Five feet inside the street property line, except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street ~~property~~ without approval of the ~~department~~ Director;

iii. So that the top of the notice board is between ~~seven~~ five to ~~nine~~ six feet above

grade; and

iv. Where it is completely visible to pedestrians.

b. Additional notice boards may be required when:

i. The site does not abut a public road;

ii. A large site abuts more than one public road; or

iii. The ~~director~~ Director determines that additional notice boards are necessary to provide adequate public notice.

c. Notice boards shall be:

i. Maintained in good condition by the applicant during the notice period;

ii. In place at least 30 days prior to the date of any hearing, ~~or~~ and at least 15 days prior to the end of any required comment period;

iii. Removed within 15 days after the end of the notice period.

d. Removal of the notice board prior to the end of the notice period ~~may~~ shall be cause for discontinuance of the department review until the

notice board is replaced and remains in place for the specified time period.

e. An affidavit of posting shall be submitted to the ~~director~~ Director by the applicant at least ten (10) days prior to the hearing or final comment date. ~~If the affidavits are an affidavit is~~ not filed as required, any scheduled hearing or date by which the public may comment on the application will shall be postponed ~~in order to allow~~ until there is compliance with ~~this~~ the notice requirement.

f. Notice boards shall be constructed and installed in accordance with specifications promulgated by the ~~department of community development~~ Director.

2. ~~Published Notice. Published notice shall include~~ Notice shall be published in the City's official newspaper or in a newspaper of general circulation, and shall contain at least the project location, description, type of permit(s) required, comment period dates, and a location where the complete application may be reviewed ~~in the city's official newspaper of general circulation in the general area where the proposal is located.~~

3. Shoreline Master Program (SMP) Permits.

a. ~~Methods of Providing SMP Notice. Notice of the application of a permit under the pur view of the city's shoreline master program (SMP) is given by at least one~~ City's Shoreline Master Program (SMP) shall be given by one or more of the following methods:

i. Mailing of the notice to ~~the latest~~ recorded real property owners as shown by

the records of the county assessor within at least 300 feet of the boundary of the property upon which the ~~substantial development is proposed~~ proposed project is to be built;

ii. Posting of the notice in a conspicuous manner, as determined by the Director, on the property upon which the project is to be constructed; or

iii. Any other manner deemed appropriate by the ~~city~~ Director to accomplish the objectives of reasonable notice to adjacent landowners and the public.

b. Content of SMP Notice. ~~The~~ SMP notices shall include:

i. A statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application ~~as expeditiously as possible after issuance of the decision, may submit the comments or requests for decisions to the city, may submit comments, or requests for the decision, to the Director~~ within 30 days of the last date the that notice is to be published pursuant to this subsection. The city shall forward, in a timely manner following issuance of the decision, a copy of the decision to each person who submits a request for the decision;

ii. Notice of the hearing shall include a ii.
A statement that any person may submit oral or written comments ~~on an~~

application at the hearing;

~~iii. The public comment period shall be 20 days. The notice shall state An explanation of the manner in which the public may obtain a copy of the city's decision on the application no later than two days following its issuance. (Ord. 711 § 1, 1996) after its issuance.~~

~~c. Public Comment Period. The public comment period shall be 20 days.~~

~~d. The Director shall mail or otherwise deliver a copy of the decision to each person who submits comments or a written request for the decisions.~~

Section 13. GHMC Section 19.03.002 is hereby amended to read as follows:

19.03.002 Optional public notice.

~~A. As optional methods of providing public notice of any project permits, the city~~ The Director, in his or her discretion, may:

1. Notify the public or private groups with known interest in a ~~certain~~ proposal or ~~in the~~ type of proposal ~~being considered~~;
2. ~~Notifying~~ Notify the news media;
3. ~~Placing~~ Place notices in appropriate regional or neighborhood newspapers or trade journals;

4. ~~Publishing~~ Publish notice in agency newsletters or ~~sending~~ send notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

5. ~~Mailing~~ Mail notice to neighboring property owners.

B. The city's Director's failure to provide the an optional notice, as described in this subsection, shall not be grounds for invalidation of any permit decision. (~~Ord. 711 § 1, 1996~~).

Section 14. GHMC Section 19.03.003 is hereby amended to read as follows:

19.03.003 Notice of public hearing.

A. Content of Notice of Public Hearing for All ~~Types~~ of Applications. The notice ~~given~~ of a public hearing required ~~in~~ by this chapter shall contain:

1. The name and address of the applicant ~~or~~ and the applicant's representative;

2. ~~Description of the affected property, which may be in the form of either~~ A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to a vicinity location or written description, other than a map or postal address, and a subdivision lot and block designation, but need not include a legal description;

3. The date, time and place of the hearing;

4. ~~A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address and a~~

~~subdivision lot and block designation;~~

- ~~5.~~ 5. The nature of the proposed use or development;

- ~~6 5.~~ 6 5. A statement that all interested persons may appear and provide testimony;

- ~~7 6.~~ 7 6. The sections of the code that are pertinent to the hearing procedure;

- ~~8. When 7.~~ 8. A statement explaining when information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;

- ~~9 8.~~ 9 8. The name of a ~~local government~~ City representative to contact and the telephone number where additional information may be obtained;

- ~~10. That 9.~~ 10. A statement that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and that copies will be provided at the ~~city's cost;~~ requestor's cost; and

- ~~11. That 10.~~ 11. A statement explaining that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and that copies will be provided at the ~~city's~~ requestor's cost.

B. Mailed Notice. Mailed notice of the public hearing shall be provided as follows:

1. Type I, Type II, and Type IV Actions. No public

notice is required because no public hearing is held, except ~~on~~ for an appeal of a Type II action.

2. Type III Actions. The ~~notice~~ Notice of the public hearing shall be mailed to:

- a. The applicant;
- b. All owners of property within 300 feet of the subject property;
- c. Any person who submits written or oral comments on an application-

d. For a plat alteration or a plat vacation pursuant to Chapter 16.07 GHMC. Notice shall be as provided in RCW 58.17.080 and 58.17.090.

3. Type III Preliminary Plat Actions. In addition to the notice provided for Type III actions above, notice for preliminary plats and proposed subdivisions, ~~additional notice shall be provided as follows~~ shall also include the following:

- a. Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of a any city or town, or which contemplates the use of the utilities any city or town utilities shall be given to the appropriate city or town authorities-;

b. Notice of the filing of a preliminary plat of a proposed ~~subdivisions located in a city or town and subdivision~~ adjoining the ~~municipal~~ boundaries thereof of Pierce County shall be given to the appropriate county officials.;

c. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation, ~~who must respond within 15 days of such notice.~~;

d. Special notice of the hearing shall be given to adjacent landowners by any ~~other method deemed reasonable method the city deems necessary by the~~ Director. Adjacent landowners are ~~the~~ owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under RCW 58.17.909(1)(b) shall be given to owners of real property located with 300 feet ~~of~~ from any portion of the boundaries of ~~such adjacently located the adjacent~~ parcels ~~of real property~~ owned by the owner of the real property ~~proposed~~ to be subdivided.

4. Type V Actions. For Type V legislative actions, the city City shall publish notice as described in GHMC ~~19.03.003(D)(2), and all other notice required by RCW 35A.12.160 19.03.003(A)~~ in the City's official newspaper.

5. General Procedure for Mailed Notice of Public Hearing.

a. The records of the Pierce County assessor's office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable county's real property tax records. The ~~director~~ Director shall ~~issue~~ cause to be issued a sworn certificate of mailing to all persons entitled to notice under this chapter. The ~~director~~ Director may provide notice to ~~other~~ persons other than those required to receive notice under the code.

b. All mailed public notices shall be deemed to have been ~~provided or~~ received on the date next business day following the day that the notice is deposited in the mail ~~or personally delivered,~~ whichever occurs first.

C. Procedure for Posted or Published Notice of Public Hearing.

1. Posted notice of the public hearing is required for all Type III and IV project permit applications. The posted notice shall be posted as required by GHMC 19.03.001 (A)(1).

2. Published notice is required for all Type III, IV and V procedures. ~~The published notice~~ Notice shall be published in the ~~city's~~ City's official newspaper.

D. Time and Cost of Notice of Public Hearing.

1. Notice shall be mailed, posted and first published not less than 10 nor more than 30 days prior to the hearing date. ~~Any posted notice~~ Posted notices shall be removed by the applicant within 15 days following the public hearing.

2. All costs associated with the public notice shall be borne by the applicant. ~~(Ord. 711 § 1, 1996).~~

Section 15. GHMC Section 19.04.001 is hereby amended to read as follows:

19.04.001 Determination of consistency.

A. Purpose. ~~When the city receives a~~ Consistency between a proposed project permit application, consistency ~~between the proposed project and the~~ applicable regulations and comprehensive plan ~~should~~ shall be determined through the process ~~in this chapter and the city's adopted SEPA ordinance, Chapter 18.04 GHMC described in this section.~~

B. Consistency. During project permit application review, the city Director shall determine whether ~~the items listed in this subsection are defined in~~ the development regulations applicable to the proposed project. ~~In or in~~ the absence of applicable development regulations, ~~the city shall determine whether the items listed in this subsection are defined in the city's adopted comprehensive plan. This determination of consistency shall include the City's comprehensive plan, address the following:~~

1. The type of land use permitted at the site, including uses that may be allowed ~~under certain circumstances~~, if the criteria for their approval have been satisfied; and
2. The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density; and
3. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, ~~if:~~

~~4. Whether~~ the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW; and

~~4. Character~~ ~~5.~~ The character of the proposed development, ~~such as~~ as authorized by development standards.

~~(Ord. 711 § 1, 1996) C.~~ Project Review. Project review by the Director and appropriate City staff shall identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts. During project review, neither the Director nor any other City reviewing body may re-examine alternatives or hear appeals on matters found consistent with development regulations and/or the comprehensive plan, except for issues of Code interpretation.

Section 16. GHMC Section 19.04.002 is hereby amended to read as follows:

19.04.002 Initial SEPA analysis.

~~A. The city shall also~~ In addition to the land use consistency review, the Director shall review the project permit application under the requirements of for consistency with the State Environmental Policy Act ("SEPA"), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and the city City environmental policy ordinance, Chapter 18.04 GHMC, and shall:

1. Determine whether ~~the~~ applicable regulations require studies ~~that to~~ adequately analyze all of the ~~project permit application's~~ proposed project's specific probable adverse environmental impacts;
2. Determine ~~if the~~ whether applicable regulations

require mitigation measures ~~that to~~ adequately address ~~such~~ identified environmental impacts; ~~and 3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures;~~

4 3. Provide prompt and coordinated review by other government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.

B. In its review of a project permit application, the ~~city may~~ Director shall determine ~~that~~ whether the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the ~~application~~ proposal.

C. If the ~~city~~ Director bases or conditions ~~its~~ his or her approval of the project permit application on compliance with the requirements or mitigation measures described in subsection A of this section, the ~~city~~ City shall not impose additional mitigation under SEPA during project review for the same adverse environmental impacts.

D. A comprehensive plan, development regulation or other applicable local, state or federal law provides adequate analysis of, and mitigation for, the specific adverse environmental impacts of ~~an application~~ a proposal when:

1. The impacts have been avoided or otherwise mitigated; or
2. The city has designated ~~as acceptable~~ in the plan,

regulation or law, that certain levels of service, land use designations, development standards or other land use planning required or conditions allowed by Chapter 36.70A RCW are acceptable.

E. ~~In its decision deciding~~ whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the city City plan or development regulation, or by the regulations or laws of another government agency, the Director shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the city Director shall base or condition its any project approval on compliance with these other existing rules or laws regulations.

F. Nothing in this section limits the authority of the city ~~in its review or mitigation of a Director in reviewing or mitigating the impacts of a proposed project~~ to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.

G. The city Director shall also review the application under Chapter 18.04 GHMC, the city environmental policy ordinance- (Ord. 711 § 1, 1996)- ; provided, that such review shall be coordinated with the underlying permit application review.

Section 17. GHMC Section 19.04.003(C), (D) and (E) are hereby amended to read as follows:

C. Limitations on Planned Actions. The city shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the city, and may limit a planned action to a time period identified in the environmental impact statement or this title.

Section 18 Section 17. GHMC Section 19.05.001 is hereby amended to read as follows:

19.05.001 General.

Public hearings on all Type II, III and V project permit applications shall be conducted in accordance with this chapter. ~~(Ord. 711 § 1, 1996)~~ Public hearings conducted by the City Hearing Examiner shall also be subject to the Hearing Examiner's rules.

Section 19. GHMC Section 19.05.002 is hereby amended to read as follows:

19.05.002 Responsibility of ~~director~~ the Director for hearing.

The ~~director~~ Director shall:

- A. Schedule ~~an application~~ project applications for review and public hearing;
- B. ~~Give~~ Provide the required notice;
- C. Prepare the staff report on the application, which shall be a single report ~~-stating which sets forth~~ all of the decisions made on the proposal as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record - ~~predecision pre-~~ decision hearing. The report shall ~~state~~ also describe any mitigation required or proposed under the City's development regulations or ~~the city's SEPA~~ SEPA authority ~~under SEPA~~. If the threshold determination, other than a determination of significance, has not been issued previously by the ~~city~~ City the report shall include or append this determination. ~~In the case of a~~ With Type I or II project permit ~~application~~ applications, this report may be the permit;
- D. Prepare the notice of decision, if required by the hearing body, ~~and/or~~ and mail a copy of the notice of decision to those ~~required~~ entitled by this code chapter to receive such the decision. ~~(Ord. 711 § 1, 1996).~~

Section 20. GHMC Section 19.05.004(C) is hereby amended to read as follows:

19.05.004 Ex parte communications.

* * *

~~C. If a member of C.~~ If the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:

1. All written communications received;
2. All written responses to the communications;
3. The substance of all oral communications received, and all responses made; and
4. The identity of each person from whom the ~~examiner~~ member received any ex parte communication.

The hearing body shall advise all parties that these matters have been placed on the record. Upon request made after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record. ~~(Ord. 711 § 1, 1996).~~

Section 21. GHMC Section 19.05.005(A) and (B) are hereby amended to read as follows:

19.05.005 Disqualification.

A. A member of the hearing body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified ~~may do so only by making~~ shall make full disclosure to the audience, ~~abstaining of the reason(s) for the disqualification,~~ abstain from voting on the proposal, ~~vacating the seat on the hearing body~~ and physically leaving leave the hearing.

B. If ~~all~~ enough members of the hearing body are disqualified, ~~so that a quorum cannot be achieved, then~~ all members present, after stating their reasons for disqualification, shall be requalified and deliberations shall proceed ~~to resolve the issues.~~

Section 22. GHMC Section 19.05.006 is hereby amended to read as follows:

19.05.006 Burden and nature of proof.

Except for Type V actions, the burden of proof is on the proponent. The project permit application must be supported by convincing proof that it conforms to the applicable elements of the city's development regulations, and comprehensive plan and. ~~The proponent must also prove that any significant adverse environmental impacts have been adequately addressed. (Ord. 711 §1, 1996)~~ mitigated.

Section 23. GHMC Section 19.05.007 is hereby amended to read as follows:

19.05.007 Order of proceedings.

The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

A. Before receiving information testimony and other evidence on the issue, the following shall be determined:

1. Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body ~~has the discretion to~~ may proceed or terminate the proceeding;

2. Any ~~abstentions or~~ member disqualifications shall be determined.

B. The presiding officer may take official notice of commonly known and accepted information ~~related to the issue~~, such as:

1. ~~A provision of any ordinance, resolution, rule~~ Ordinances, resolutions, rules, officially adopted development ~~standard or standards, and~~ state law;

2. ~~Other public~~ Public records and facts Judicially noticeable by law.

C. ~~Matters~~ Information officially noticed need not be ~~established by~~ proved by submission of formal evidence ~~and may~~ to be considered by the hearing body ~~in its determination~~. Parties requesting official notice of any information shall do so on the record. ~~However, the~~ The hearing body, however, may take notice of matters listed in subsection B of this section ~~if stated for the record. Any matter at any time. Any information~~ given official notice may be rebutted.

D. The hearing body may view the ~~area in dispute~~ proposed project site or planning area with or without notification to the parties, but shall ~~place~~ put into the record a statement setting forth the time, manner and circumstances of ~~such view on the record~~ the site visit.

E. Information shall be received from the staff and from proponents and opponents. The presiding officer may ~~approve or~~

~~deny a request from a person, in his or her discretion, permit persons attending the hearing to ask a question questions. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, approved questions will be asked of persons submitting testimony by the presiding officer will direct the question to the person submitting testimony.~~

F. When the presiding officer has closed the public hearing portion of the hearing, the hearing body ~~shall~~ may openly discuss the issue and may further question a the staff or any person submitting information ~~or the staff if opportunity for rebuttal is provided. (Ord. 711 § 1, 1996). An opportunity to present rebuttal shall be provided if new information is presented in the questioning. When all evidence has been presented and all questioning and rebuttal completed, the presiding officer shall officially close the record and end the hearing.~~

Section 24. GHMC Section 19.05.008 is hereby repealed and a new Section 19.05.008 is adopted to read as follows:

19.05.008 Decision.

A. Following the hearing procedure described in GHMC ~~19.04.007~~ 19.05.007, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse or, with the written consent of the applicant, which shall include a waiver of the statutory prohibition against two open record hearings, remand the decision that is on appeal for additional information.

B. The hearing body's written decision shall issue within 10 ~~days after the hearing on the project permit application. The notice of final decision shall issue within 120 days after the city notifies the applicant that the application is complete. The time frames set forth in this section and GHMC 19.04.009 shall apply to project permit applications filed on or after April 1, 1996~~ working days after close of record of the hearing and within 90 days of the opening of the hearing, unless a longer period is agreed to by the parties.

C. The city shall provide a notice of decision that also includes a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any. For Type II, III and IV project permits, the notice of decision on the issued permit shall contain the requirements set forth in GHMC 19.04.002(C).

D. The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

E. Notice of the decision shall be provided to the public as set forth in GHMC 19.03.003(B) (2)(a) and (B)(2)(c).

F. If the city is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision. (Ord. 711 § 1, 1996).

Section 25. A new section 19.05.009 of the Gig Harbor Municipal Code is hereby added to the GHMC amended to read as follows:

19.05.009 ~~Calculation of time periods for issuance of notice of final decision.~~ Notice of Final Decision.

~~A. In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete for purposes of calculating the time A. The Director shall issue a Notice of Final Decision within 120 days of the issuance of the Determination of Completeness pursuant to GHMC Section 19.02.003; provided, that the time period for issuance of a Notice of Final Decision on a preliminary plat shall be 90 days, for a final plat 30 days, and a short plat 30 days. The notice shall include the SEPA threshold determination for the proposal and a description of any available administrative appeals. For Type II, III and IV project permits, the Notice shall explain that affected property owners may request a change in property tax valuation notwithstanding any program of revaluation.~~

~~The Notice of Final Decision shall be mailed or otherwise delivered to the applicant, to any person who submitted comments on the application or requested a copy of the decision, and to the Pierce County Assessor.~~

~~B. In calculating the 120 day period for issuance of the ~~notice~~ Notice of final decision Final Decision, the following periods shall be excluded:~~

1. Any period during which the applicant has been requested by the ~~city~~ Director to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the ~~city~~ Director notifies the applicant of the need for additional information until the earlier of the date the ~~local government~~ Director determines ~~whether~~ that the additional information provided satisfies the request for information, or 14 days after the date the additional information has been is provided to the city;

2. If the ~~city~~ Director determines that the information

~~submitted by the applicant under GHMC 19.04.009(A)(1) is insufficient, it shall notify the applicant of the deficiencies and the procedures under GHMC 19.04.009(A)(1) shall apply as if a new request for studies had been made~~ is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in subsection A(1) above for calculating the exclusion period shall apply;

3. ~~Any period during which an environmental impact statement is being prepared following a determination of significance pursuant of Chapter 43.21C RCW, if the city by ordinance has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW and GHMC Title 18. The time period for preparation of an EIS shall be governed by GHMC Section 18.04.140(B) ;~~

4. ~~Any period for consideration and issuance of a decision for administrative appeals of project permits, which shall be not more than 90 days for open record appeals and 60 days for closed record appeals, unless a longer period is agreed to by the Director and the applicant; if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for consideration and decision on appeals shall not exceed;~~

~~i. Ninety days for an open record appeal hearing; and~~

~~ii. Sixty days for a closed record appeal.~~

~~The parties may agree to extend these time periods;~~

5. ~~Any extension of time mutually agreed upon to by the applicant Director and the local government; and~~

applicant.

B. The time limits established in this title do not apply if a project permit application:

1. Requires an amendment to the comprehensive plan or a development regulation;

2. Requires siting approval ~~of the siting~~ of an essential public facility as provided in RCW 36.70A.200; or

3. Is substantially revised by the applicant, in which case the time period shall start from the date ~~at which that a~~ Determination of Completeness for the revised application is issued by the Director pursuant to GHMC Section 19.02.003, the revised project application is determined to be complete under RCW 36.70A.440. (Ord. 711 § 1, 1996) 36.70B.070.

Section 26. GHMC Section 19.05.009 is hereby repealed.

Section 27. GHMC Section 19.06.001 is hereby amended to read as follows:

19.06.001 Appeals of decisions.

~~Project~~ The right of appeal for all project permit applications shall be appealable as provided in the framework and Type V land use decisions shall be as described in the matrix set forth in GHMC 19.01.003. (Ord. 711 § 1, 1996).

Section 28. GHMC Section 19.06.002 is hereby amended to read as follows:

19.06.002 Consolidated appeals.

~~A. All appeals of project permit application decisions, other than an appeal of determination appeals of determinations of significance ("DS"), and exempt permits and approvals under GHMC Section 19.01.007, shall be considered together in a consolidated appeal using the appeal procedure for the highest type permit application.~~

~~B. Appeals of environmental determinations under SEPA, Chapter 18.04 GHMC, shall proceed as provided in that chapter. (Ord. 711 § 1, 1996).~~

Section 29. GHMC Section 19.06.003 is hereby amended to read as follows:

19.06.003 Standing to initiate an administrative appeal.

A. Limited to Parties of Record. Only parties of record may ~~initiate file~~ an administrative appeal ~~of a Type II or III decision on a project permit application.~~

B. Definition. The term "parties of record," for the purposes of this chapter, shall mean:

1. The applicant;

2. Any person who testified at the open record public hearing on the application; and/or

3. Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters). - (Ord. 711 § 1, 1996).

Section 30. GHMC Section 19.06.004 is hereby amended to read as follows:

19.06.004 ~~Closed record decisions and appeals,~~ Appeals of recommendations and decisions.

~~A. Type II or III project permit~~ A. Permit decisions or recommendations. Appeals of ~~the a hearing body's recommendation or decision or recommendation on a Type II or III and~~ project permit application shall be governed by the following:

1. Standing. Only parties of record have standing to appeal the hearing body's decision.

2. Time to File. An appeal ~~of the hearing body's decision~~ must be filed within ~~14 calendar~~ 10 working days following of the issuance of the hearing body's written decision. Appeals may ~~shall~~ be delivered to the ~~planning department~~ Director by mail, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.

3. Computation of Time. For the purposes of computing the time for filing an appeal, the day the hearing body's decision is ~~rendered~~ issued shall not be ~~included.~~ counted. If the last day of the appeal period shall be included unless it is a Saturday, Sunday, a day or holiday designated by RCW 1.16.050 or by the city's ordinances as a legal holiday, then it also is excluded and the filing must be completed a city ordinance, then the appeal must be filed on the next business day (RCW 35A.21.080).

4. Content of Appeal. Appeals shall be in writing, be accompanied by ~~an~~ the required appeal fee, and contain the following information:

a. Appellant's name, address and phone

number;

b. ~~Appellant's~~ A statement describing ~~his or her~~ appellant's standing to appeal;

c. Identification of the application which is the subject of the appeal;

d. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;

~~e. The relief sought, including the specific nature and extent~~ e. The specific relief sought;

f. A statement that the appellant has read the appeal and believes the contents to be true, following by the appellant's signature.

5. Effect. The timely filing of an appeal shall stay the ~~effective date of the~~ hearing body's decision until such time as the appeal is ~~adjudicated by the council~~ concluded or withdrawn.

6. Notice of Appeal. The ~~director~~ Director shall provide ~~public~~ mailed notice of the appeal as ~~provided in GHMC 19.03.003(B)(2), (Ord. 711 § 1, 1996)~~ to all parties of record as defined in GHMC 19.06.003.

Section 31. GHMC Section 19.06.005 is hereby repealed ~~and a~~.

Section 32. A new Section 19.06.005 is hereby adopted added to the Gig Harbor Municipal Code, which shall read as follows:

19.06.005 Procedure for closed record decision/appeal.

A. Closed record appeals shall be on the record established at the hearing before the hearing body whose decision is appealed, which shall include: The written decision of the hearing body, a transcript or tape recording of the proceedings, and copies of any exhibits admitted into the record. No new testimony or other evidence will be accepted except: (1) New information that was unknown to the parties at the time of the hearing which could not reasonably have been discovered by the parties and is necessary for a just resolution of the appeal; and (2) relevant information that, in the opinion of the Council, was improperly excluded by the hearing body. Appellants who believe that information was improperly excluded must specifically request, in writing prior to the closed record appeal, that the information be made part of the record. The request shall describe the information excluded, its relevance to the issues appealed, the reason(s) that the information was excluded by the hearing body, and why the hearing body erred in excluding the information. No reference to excluded information shall be made in any presentation to the Council on the merits, written or oral, until the Council has determined that the information should be admitted.

1. Parties to the appeal may present written and/or oral arguments to the Council. Argument shall describe the particular errors committed by the hearing body, with specific references to the appeal record.

2. The hearing shall commence with a presentation by the Director, or the Director's designee, of the general background and the issues in dispute. After the Director's presentation, the appellant(s), then the other parties of record shall make their arguments. Council members may question any party concerning disputed issues, but shall not request information not in the record.

3. The Council may affirm, modify reverse or, upon written agreement by the applicant to waive the statutory prohibition against more than one open record and one closed record hearing, and , if needed, to waive the requirement for a decision within the time periods set forth in RCW 36.70B.090, remand the decision to the hearing

body for additional information.

B. Open record appeal hearings. An open record appeal hearing shall be conducted in the manner set forth in Chapter 19.05 GHMC.

Section 32. GHMC is hereby amended to add a new section 19.06.005 ~~19.06.005~~ 19.06.007 to read as follows:

19.06.005 Resubmission of application

Any permit application or other request for approval submitted pursuant to this Chapter that is denied shall not be resubmitted or accepted by the Director for reconsideration for a period of twelve months from the date of the last action by the City on the application or request unless, in the opinion of the Director, there has been a significant change in the application or a significant change in conditions related to the impacts of the proposed project.

Section 33. 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 34. 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 CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: October 12, 1998

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. _____

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 LAND USE, ZONING AND PROJECT PERMIT PROCESSING, MAKING CHANGES TO REFLECT LEGISLATIVE AMENDMENTS TO THE REGULATORY REFORM ACT, CHAPTER 36.70B RCW, SINCE ITS ADOPTION, ESTABLISHING PROCEDURES FOR THE CONDUCT OF OPEN AND CLOSED RECORD HEARINGS, UPDATING THE MATRICES FOR TYPING OF PROJECT PERMIT APPLICATIONS TO INCLUDE WIRELESS COMMUNICATIONS FACILITIES APPLICATIONS, ADOPTING NEW THRESHOLD REQUIREMENTS FOR PRE-APPLICATION CONFERENCES, POSTING, AMENDING SECTIONS 19.01.002, 19.01.003, 19.01.004, 19.01.005, 19.01.006, 19.01.007, 19.02.001, 19.02.002, 19.02.003, 19.02.004, 19.02.005, 19.03.001, 19.03.002, 19.03.003, 19.04.001, 19.04.002, 19.05.002, 19.05.001, 19.05.004, 19.05.005, 19.05.006, 19.05.009, 19.06.001, 19.06.002, 19.06.003, 19.06.004 OF THE GIG HARBOR MUNICIPAL CODE, REPEALING SECTIONS 19.05.008 AND 19.06.005 AND ADDING NEW SECTIONS 19.05.008 and 19.05.009 AND 19.06.005.

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

DATED this ____ day of _____, 1998.

CITY CLERK, MOLLY TOWSLEE



City of Gig Harbor. The "Maritime City"

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

TO: CITY COUNCIL MEMBERS AND MAYOR WILBERT
FROM: MARK HOPPEN, CITY ADMINISTRATOR
CAROL MORRIS, CITY ATTORNEY
DATE: NOVEMBER 2, 1998
RE: PENINSULA SCHOOL DISTRICT'S PROPOSAL FOR THE CITY TO ADOPT A SCHOOL IMPACT FEE

INFORMATION/BACKGROUND

In 1990, the Washington State Legislature adopted RCW 82.02.050 through 82.02.090, which allow cities to adopt ordinances imposing impact fees on new development for: (1) public streets and roads; (2) publicly owned parks, open space and recreational facilities; (3) school facilities; and (4) fire protection facilities in jurisdictions that are not part of a fire district. RCW 82.02.090(7). In 1994, Mark Hoppen asked the City Attorney to provide him with a draft school impact fee ordinance, which Mark forwarded to the Peninsula School District at the District's request.

On September 14, 1998, the District's attorney, Clark Davis, wrote to Mark, stating the District's interest in pursuing a school impact fee ordinance in Gig Harbor. His letter raised a number of issues for the Council to consider before the staff begins any negotiations with the District on the content of the ordinance.

POLICY ISSUES

The following issues were raised in Mr. Davis' letter:

- A. The District proposes to have the City collect the school impact fees from the developers. This would mean that City staff would be required to calculate the amount of the fee, accept the fee from the developers, create a special impact fee account (as required by RCW 82.02.070), and transfer the fee to the District.
- B. The District proposes that the City determine whether or not a developer is entitled to a credit of the school impact fee. This credit could be requested by a developer in a number of circumstances, such as the developer's "dedication of land for, improvement to or new construction of any school facilities provided by the developer." RCW 82.02.060(3). It would also mean that City staff would be involved in adjustments of the standard fee at the time the impact fee is imposed to ensure that the fees are imposed fairly. RCW 82.02.060(4).
- C. The District apparently proposes to have the City maintain the separate impact fee account required by RCW 82.02.070. The law also requires that an annual report be provided on the impact fee account, "showing the source and amount of all moneys collected, earned, or received and the [school] facilities that were financed in whole or in part by impact fees." *Id.*
- D. The District proposes that the City handle the administrative appeals of the school impact fee, as required by RCW 82.02.070(5).

E. The District proposes that the City handle refunds of the impact fees. Refunds may be requested by a developer or the property owner when the impact fee has been paid, but the District fails to expend or encumber the impact fees within six years of when the fees were paid. See RCW 82.02.080(1) for additional circumstances warranting a refund. If the fees haven't been spent or encumbered within the statutory time frames, notice must also be sent to the developer/property owners that they are entitled to a refund.

In response to Mr. Davis' letter, Carol Morris raised the issue whether the District would be willing to execute an indemnification and hold harmless agreement for the adoption and implementation of an impact fee program.

POLICY ANALYSIS

The staff seeks direction from the Council on these issues before participating in any further meetings with the District. We have had one meeting with Clark Davis and the District representatives, in which we immediately raised the indemnification and hold harmless agreement issue. The District was firm in their response that they are not willing to enter into such an agreement, and asserted that other jurisdictions, including Pierce County, have adopted school impact fee ordinances for their benefit without one. However, Carol Morris has negotiated agreements of this type for other jurisdictions, such as the City of Issaquah and the Issaquah School District.

While impact fee ordinances have been challenged in Washington, there are no reported cases on the subject of school impact fees involving the issues raised in this memo. Legal Counsel maintains that if a developer were to challenge a school impact fee adopted in a Gig Harbor ordinance for the benefit of the Peninsula School District, then it is likely that both the City and the District would be named as defendants in that lawsuit.

It is difficult to predict all of the claims a developer might bring against the City and District in a lawsuit challenging the fee, but we can draw analogy from other lawsuits challenging impact fees based on the same statutory authority. Carol is currently reviewing an appeal of a lawsuit (for AWC risk management) brought against a city for the imposition of its traffic impact fees (adopted under RCW 82.02.050 through 82.02.090), which the city lost at the Superior Court level. The basis for the lawsuit was the city's alleged unconstitutional and improperly imposed traffic impact fee. The developer claims that he is entitled to damages under chapter 64.40 RCW for the city's allegedly arbitrary and capricious behavior, damages under 42 U.S.C. § 1983 for violation of the developer's Constitutional rights (equal protection, substantive due process and for taking of private property without just compensation). Both chapter 64.40 RCW and 42 U.S.C. § 1988 allow the prevailing party to recover attorneys' fees and costs.

If the City does not have an indemnification and hold harmless agreement with the District, the City takes the risk that it may have to defend in a lawsuit using City money for attorneys' fees and costs. If a judgment is rendered against the City and the District, the City faces the possibility of having to

pay damages and the opposing party's attorneys' fees. Because we can't predict what fact pattern would arise or what claims would be brought in a lawsuit against the City and District, we can't determine whether or not the City would have insurance coverage to pay either the attorneys' fees or a damage award.

Clark Davis has asked to make a presentation to the Mayor and Council at the next regular Council meeting. He would like to state the District's position that an indemnification and hold harmless agreement between the City and District is unnecessary. This memo will also be sent to him so that he has the opportunity to provide a response.

STAFF RECOMMENDATION

The staff asks for direction on whether any discussions with the District and City should proceed without the District's agreement to negotiate an indemnification and hold harmless agreement for a school impact fee ordinance. It would make sense that the City be indemnified by the District, especially given the District's request that the City handle a large part of the implementation of the ordinance. A decision should be made on this issue before we engage in any additional negotiations as to the terms of the school impact fee ordinance. If we proceed without an indemnification agreement, the City, not the District, should have the final word on the terms of the ordinance, to ensure that the City believes that the ordinance conforms to all relevant statutes, constitutional provisions and applicable case law. Of course, this alone will not ensure that the District's implementation of the ordinance actually conforms with the ordinance or other applicable law.



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
SUBJECT: FIRST READING - 1999 BUDGET ORDINANCE
DATE: NOVEMBER 2, 1998

BACKGROUND

The total budget is \$19,075,501, an increase of \$1,418,247 (8%) over the 1998 budget. Total budgeted expenditures are made up of budgeted expenditures of \$16,375,036, a 3% increase over 1998, and budgeted ending fund balance of \$2,340,464, a 68% increase over 1998.

Capital projects expenditures account for 41% (\$7,948,300) of total city expenditures. Some of the projects include the East/West Road Project (\$1,315,000), Rosedale Street Improvements (\$992,000), Kimball Drive Park and Ride (\$1,110,000) and Point Fosdick Drive Improvements (\$667,000).

Salaries and benefits account for 20% (\$3,765,675) of the city's overall budget. This represents an increase of \$401,628 (12%) over 1998. The increase is largely due to the planned addition of four positions in 1999. The additional positions are an associate engineer, one and one-half FTE construction inspectors, one-half FTE public works clerk and a planning-building inspector. Also, the increase partly reflects a 2.5% COLA increase for all employees and a 1.5% negotiated increase for members of the Police Officer's Guild.

Inter-fund transfers are \$2,022,000 or 11% of budget. The transfers include \$300,000, \$100,000, and \$125,000 from the General Fund to the 1997 L.T.G.O., Property Acquisition, and Street Operating Funds; \$660,000 and \$475,000 from the Capital Improvement and Capital Asset Funds to the Street Fund; and \$150,000 from the Water Fund to the Water Capital Asset Fund.

RECOMMENDATION

Staff recommends adoption of the ordinance after the second reading.

**CITY OF GIG HARBOR
ORDINANCE NO. _____**

**AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG
HARBOR, WASHINGTON, FOR THE 1999 FISCAL YEAR.**

WHEREAS, the Mayor of the City of Gig Harbor, Washington completed and placed on file with the city clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1999 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 9 and November 23, 1998 at 7:00 p.m., in the Council Chambers in the City Hall for the purpose of making and adopting a budget for 1999 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the said city council did meet at the established time and place and did consider the matter of the 1999 proposed budget; and

WHEREAS, the 1999 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1999 and being sufficient to meet the various needs of Gig Harbor during 1999.

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1999 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning cash balances, for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 1999 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1999 as set forth below:

1999 BUDGET APPROPRIATIONS

<u>FUND / DEPARTMENT</u>	<u>AMOUNT</u>
001 GENERAL GOVERNMENT	
01 NON-DEPARTMENTAL	\$708,100
02 LEGISLATIVE	30,150
03 MUNICIPAL COURT	297,430
04 ADMINISTRATIVE/FINANCIAL	550,988
06 POLICE	1,367,918
14 PLANNING / BUILDING	521,850
15 PARKS AND RECREATION	634,295
16 BUILDING	123,770
19 ENDING FUND BALANCE	<u>479,440</u>
001 TOTAL GENERAL FUND	4,713,941
101 STREET FUND	5,080,500
105 DRUG INVESTIGATION FUND	12,500
107 HOTEL-MOTEL FUND	60,500
109 PROPERTY ACQUISITION FUND	1,725,000
203 '87 GO BONDS - SEWER CONSTRUCTION	295,000
208 '97 LTGO BONDS	297,500
301 GENERAL GOVT. CAPITAL ASSETS	665,000
305 GENERAL GOVT. CAPITAL IMPROVEMENT	480,000
401 WATER OPERATING	891,500
402 SEWER OPERATING	933,037
407 UTILITY RESERVE	555,000
408 UTILITY BOND REDEMPTION FUND	898,500
410 SEWER CAPITAL CONSTRUCTION	893,500
411 STORM SEWER OPERATING	456,448
420 WATER CAPITAL ASSETS	1,115,000
605 LIGHTHOUSE MAINTENANCE TRUST	<u>2,575</u>
TOTAL ALL FUNDS	<u>\$19,075,501</u>

Section 3. Attachment "A" is adopted as the 1999 personnel salary schedule.

Section 4. The city clerk is directed to transmit a certified copy of the 1999 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

Section 6. This ordinance shall be in force and take effect five (5) days after its publication according to law.

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 23th day of November, 1998.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee, City Clerk

Filed with city clerk:

Passed by the city council:

Date published:

Date effective:

ATTACHMENT "A"

1999 SALARY SCHEDULE

POSITION	RANGE	
	Minimum	Maximum
City Administrator	\$ 5,227	\$ 6,533
Public Works Director	4,614	5,767
Chief of Police	4,557	5,696
Finance Director	4,339	5,423
Planning Director	4,087	5,108
Police Lieutenant	4,047	5,058
Public Works Supervisor	3,712	4,640
Project Engineer	3,691	4,613
Police Sergeant	3,640	4,550
Fire Marshal/Building Official	3,560	4,450
Sewer Plant Supervisor	3,553	4,441
Associate Engineer	3,420	4,275
Foreman	3,165	3,956
Police Officer	3,165	3,956
Information System Specialist	3,060	3,825
Planning Associate	3,047	3,808
City Clerk	3,022	3,777
Construction Inspector	2,996	3,745
Sewer Plant Operator	2,950	3,687
Maintenance Worker	2,867	3,583
Planning / Building Inspector	2,774	3,467
Engineering Technician	2,666	3,332
Public Works Assistant	2,580	3,225
Court Administrator	2,491	3,113
Finance Technician	2,358	2,947
Planning-Building Assistant	2,358	2,947
Laborer	2,315	2,893
Court Clerk	2,259	2,823
Police Services Specialist	2,217	2,771
Administrative Receptionist	1,915	2,393
Public Works Clerk	\$ 1,915	\$ 2,393



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 STAFF
SUBJECT: REQUEST FOR CONSIDERATION TO ANNEX TO THE CITY (10%
PETITION) - NORWEGIAN WOODS SUBDIVISION
DATE: NOVEMBER 4, 1998

Background/Introduction

Attached for your consideration is a petition submitted by owners of real property within Norwegian Woods Subdivision. The petition bears the signatures of owners of not less than 10% of the assessed evaluation within the subdivision.

Policy Issues

RCW 35A.14.120 provides that prior to submitting a petition for annexation, the initiating party, who shall be the owners of not less than 10% of assessed evaluation within the area proposed for annexation, shall notify the legislative body of in writing of their intention to commence annexation proceedings. The legislative body shall set a date not less than 60 days from the submission of the petition for a meeting to determine whether the city will accept, modify or reject the petition, whether it shall require the simultaneous adoption of zoning for the area and whether it shall require the assumption of all or any portion of indeptebsness.

Norwegian Woods is within the City's UGA and is zoned R-1 (single family residential). If annexed, the subdivision will increase the City's population by approximately 40 persons.

Fiscal Impact

Should the Council accept the petition, an annexation report will be prepared by staff for consideration by the Council at the requisite public hearing on the proposed annexation. The report will include a fiscal impact analysis.

Recommendation

The Police Department has reported that the current "gap" along 46th Avenue NW presents traffic enforcement problems as this area is currently in the County's jurisdiction. This could be remedied if the area proposed for annexation is expanded to include the properties to the westerly

up to 46 Avenue NW (Skansie Avenue). This is a logical boundary and would close the "gap" that currently exists. As amended, additional signatures would need to be gathered for consideration of the modified petition. Staff recommends that parcels 1-049 and 1-005 be included in the petition. This would require a resubmital of the 10% petition to include the assessed evaluation of these two parcels. Additional signatures would be required to meet the minimum required 10% assessed evaluation.

Should Council accept the petition as presented, a public hearing will be scheduled for consideration of the required 60% petition. Prior to scheduling the hearing, the petition will be submitted to the Pierce County Auditor for certification.

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

The Honorable Mayor and City Council
City of Gig Harbor
P.O. Box 145
City of Gig Harbor, WA 98335

Dear Mayor and City Council:

The undersigned, who are the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, hereby advise the City Council of the City of Gig Harbor that it is the desire of the undersigned owners of the following area to commence annexation proceedings:

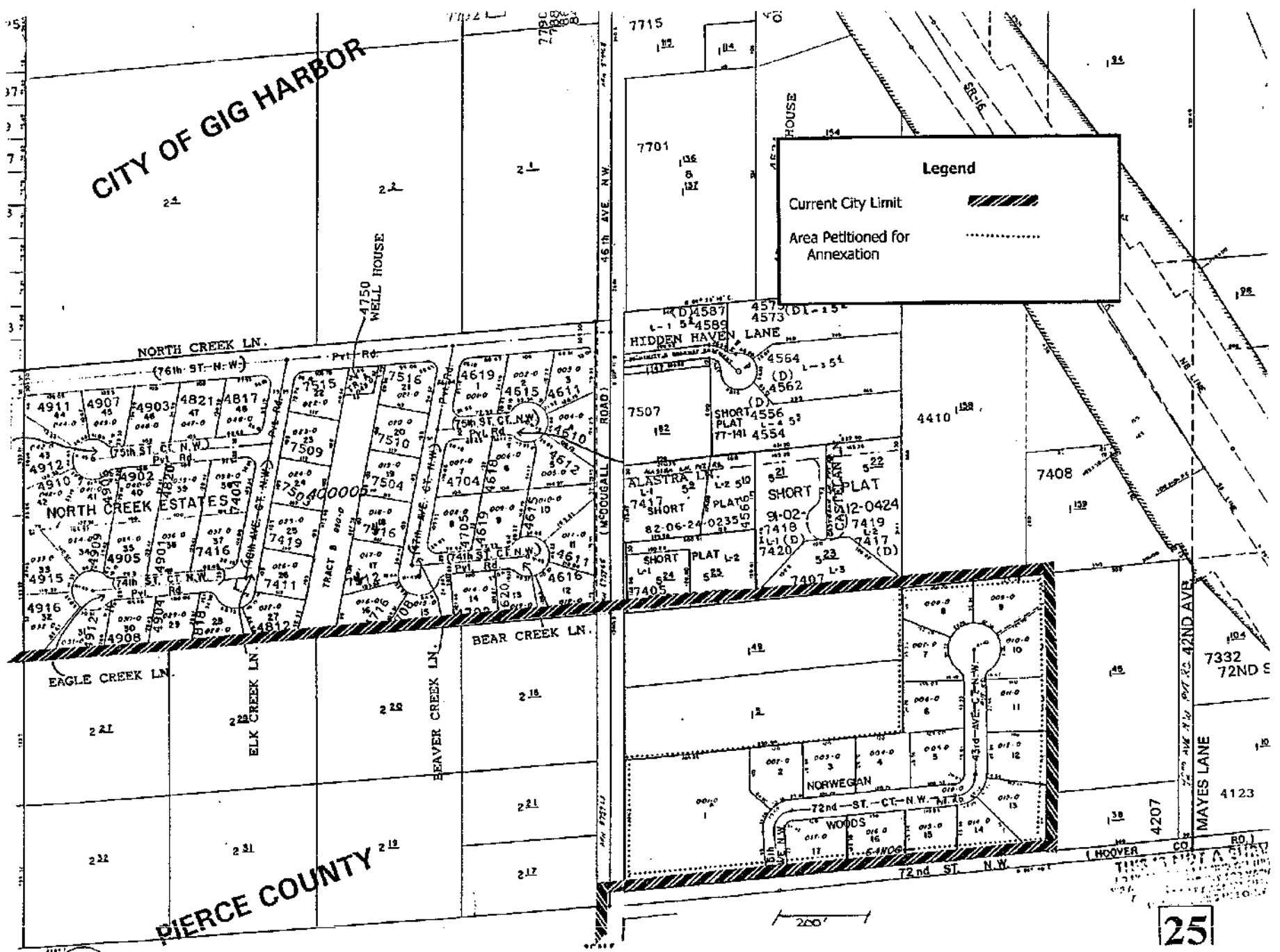
The property herein referred to is described on Exhibit "A" attached hereto and is depicted on Exhibit "B" further attached hereto.

It is requested that the City Council of the City of Gig Harbor set a date not later than sixty days after the filing of this request for a meeting with the undersigned to determine:

- (1) Whether the City Council will accept the proposed annexation;
- (2) Whether the City Council will require the adoption of zoning for the proposed area in substantial compliance with the Proposed Comprehensive Plan as adopted by City of Gig Harbor Ordinance 686; and
- (3) Whether the City Council will require the assumption of existing city indebtedness by the area to be annexed.

This page is one of a group of pages containing identical text material and is intended by the signers of this Notice of Intention to be presented and considered as one Notice of Intention and may be filed with other pages containing additional

CITY OF GIG HARBOR



PIERCE COUNTY

EXHIBIT "A"
LEGAL DESCRIPTION
NORWEGIAN WOODS ANNEXATION
ANX 98-02

Commencing at the southwest corner of the northeast quarter of Section 7, Township 21 North, Range 2 E. Wm., thence proceed easterly a distance of 960.4 feet; thence northerly a distance of 637.51 feet; thence westerly a distance of 304.7 feet; thence southerly a distance of 334.17 feet; thence westerly a distance of 630.86 feet; thence southerly a distance of 283.22 feet; inclusive of all right-of-way of 46th Avenue NE.



City of Gig Harbor. The "Maritime City"

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

To: MAYOR WILBERT AND CITY COUNCIL
From: KAY TRUITT *KT*
Date: November 1, 1998
Subject: PURCHASE OF SYSTEM SERVER

INTRODUCTION / BACKGROUND

This memo requests additional funds to meet objective #11 of the 1998 Administration Budget. The City of Gig Harbor has reached the capacity where it is no longer a "small" local area network. A small network consists of 10-15 concurrent/interactive connections. At any given time there are approximately 42 concurrent/interactive connections to our PC server. The City of Gig Harbor has gone beyond (beginning to rely on technology), to a finite dependency on server resources, applications and a dependable communications platform. Our current server does not have the capacity to support ANY growth in terms of improving access to the Internet or presence on the World Wide Web, including Email.

The City of Gig Harbor needs a true commodity server and a more standardized and robust platform. The acquisition of a new commodity server replaces our current PC turned into a server. Our old server will become a file and print server and provide a basis to maintain our legacy applications. The NT server will be our communications workhorse and applications/email server.

POLICY

The text of Item #11 is as follows:

Improve access to Internet and presence on World Wide Web. E-mail has become a very important method for interaction between staff, citizens, vendors, peers, regulatory agencies and other staff. A World Wide Web site is becoming critical for providing information to the public. As we begin to rely on this new technology, we will need a separate server and a faster, more reliable connection to the Internet. We will work with our Internet service provider and telephone company to determine the most effective solutions. \$6,000.

FINANCIAL

This request is for an additional \$1654.09 (includes tax/shipping), to meet item #11. Commodity Servers range in price from (\$5,000 – \$10,000 or more). Our purchase of a new server falls well within this range. I have provided three competitive bids to achieve the best quality and price possible. Prices include tax and shipping.

DELL	-	\$ 7,654.09
COMPAQ	-	\$10,030.00
GATEWAY	-	\$ 9,008.28

RECOMMENDATION

I recommend that Council motion to approve the expenditure of \$7,654.09.



QUOTATION

MS KAY TRUITT
CITY OF GIG HARBOR
3105 JUDSON ST
GIG HARBOR, WA 98335

November 2 1998

SKU #	QTY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
220-0433	1	Dell PowerEdge 2300 Base, 350MHz Processor, with 512K Cache	7,052.00	7,052.00
310-0016	1	Logitech System Mouse w/Driver Disks,Factory Install		
310-7002	1	Windows Spacesaver 104 Key Keyboard, Factory Install		
311-0430	1	Dell PowerEdge 2300, 350MHz, 512K, Second Processor, Factory Install		
311-0440	1	512MB RAM,4 DIMMs, for Dell PowerEdge 2300, Factory Install		
311-0446	1	1X6 Hot Pluggable Backplane for Dell PowerEdge 2300, Factory Install		
313-0264	1	14/32X SCSI CD-ROM, for Dell PowerEdge 2300, Black, Factory Install		
320-0056	1	UltraScan 1000HS, 17", Model D1025TM with 16.0" Viewable Image Size, Color Monitor		
340-0550	1	RAID 5 Hard Drive Config, for Dell PowerEdge 2300, Factory Install		

For your convenience, we have listed your sales representative,
your quote number and your customer number which will provide
you with faster service when you are ready to place your order.

Sales Representative:
CYNTHIA DONNELLAN

Prices and tax rates are subject to change.

Business and Personal Leasing provided by Dell Financial Services, an independent entity.
Leasing Documentation Fee \$55

Quote #: 22014526

Customer #: 6153548

DELL MARKETING L.P.
(800) 981-3355 EXT 67643

ONE DELL WAY, ROUND ROCK, TX 78682
(800) 433-9527 SALES REP FAX

REV-C



QUOTATION

MS KAY TRUITT
CITY OF GIG HARBOR
3105 JUDSON ST
GIG HARBOR, WA 98335

November 2 1998

SKU #	QTY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
340-0551	1	1.44MB Floppy Drive for Dell PowerEdge 2300, Factory Install		
340-0832	1	PowerEdge Expandable RAID Controller 2 (PERC2), Single Channel, for Dell PowerEdge 2300, Factory Install		
340-0929	1	4.5GB LVD SCSI Hard Drive for Dell PowerEdge 2300 Server, Factory Install		
340-0929	1	4.5GB LVD SCSI Hard Drive for Dell PowerEdge 2300 Server, Factory Install		
340-0929	1	4.5GB LVD SCSI Hard Drive for Dell PowerEdge 2300 Server, Factory Install		
365-1234	1	ReadyWare Factory Installation Service		
430-0008	1	Intel EtherExpress PRO 100/B PCI Ethernet Adapter, Factory Install		
430-2185	1	Microsoft NTS 4.0 on CD, 10 Client Access Licenses, OEM Packaging, US Version, Factory Install		
460-0792	1	TSR, PHILLIPS, PAUL (ID#5967)		

For your convenience, we have listed your sales representative, your quote number and your customer number which will provide you with faster service when you are ready to place your order.

Sales Representative:
CYNTHIA DONNELLAN

Quote #: 22014526

Customer #: 6153548

Prices and tax rates are subject to change.

Business and Personal Leasing provided by Dell Financial Services, an independent entity.
Leasing Documentation Fee \$55

DELL MARKETING L.P.
(800) 981-3355 EXT 67643

ONE DELL WAY, ROUND ROCK, TX 78682
(800) 433-9527 SALES REP FAX

mv-c



QUOTATION

MS KAY TRUITT
CITY OF GIG HARBOR
3105 JUDSON ST
GIG HARBOR, WA 98335

November 2 1998

SKU #	QTY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
900-2750	1	SelectCare, Next Business Day On-Site Service Contract, Initial Year, Wang	.00	.00
900-2752	1	SelectCare, Next Business Day On-Site Service Contract, 2 Year Extended, Wang	.00	.00

This quote is subject to the terms of the agreement signed by you and Dell, or absent such agreement, is subject to the applicable Dell standard terms of sale.

	SUB TOTAL	7,052.00
	TAX	567.09
	SHIPPING & HANDLING	35.00
	OTHER	.00
Thank you for calling Dell	TOTAL	\$7,654.09

For your convenience, we have listed your sales representative, your quote number and your customer number which will provide you with faster service when you are ready to place your order.

Sales Representative:
CYNTHIA DONNELLAN

Prices and tax rates are subject to change.

Business and Personal Leasing provided by Dell Financial Services, an independent entity.
Leasing Documentation Fee \$55

Quote #: 22014526

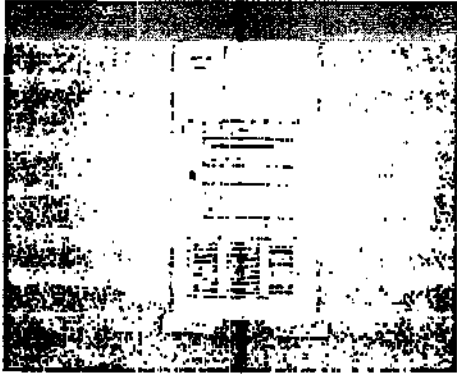
Customer #: 6153548

DELL MARKETING L.P.
(800) 981-3355 EXT 67643

ONE DELL WAY, ROUND ROCK, TX 78682
(800) 433-9527 SALES REP FAX

REV-C

Compaq DirectPlus



Compaq ProLiant 1600/350mhz PII

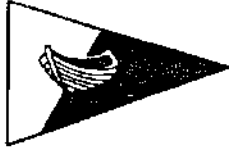
Total system price as configured: \$10,030.00
Lease Cost: \$323.97

System Components

- Pentium II 350Mhz 512K - Processor Option Upgrade
- 512MB ECC SDRAM Total Memory
- Compaq SMART-2SL Array Controller
- 4.3GB Pluggable Wide Ultra SCSI-3 Hard Drive
- 4.3GB Pluggable Wide Ultra SCSI-3 Hard Drive
- 4.3GB Pluggable Wide Ultra SCSI-3 Hard Drive
- 1.44MB Floppy Disk Drive
- Compaq V55 15" Monitor (13.7" viewable)
- 24X CD ROM Drive
- Netelligent 10/100 TX PCI UTP Controller
- SmartStart & Compaq Insight Manager
- 3-Year Limited Warranty

To print this page, choose "Print" from the "File" menu in your browser.
When finished printing close this "window" to return to Customize page

This configuration is presented for your convenience only. It is available for purchase by US customers who take delivery in the US. Compaq will not be responsible for typographical or other errors or omissions regarding prices or other information. Prices and configurations are subject to change without notice and do not include shipping charges or applicable taxes. All sales are subject to Compaq's Term and Conditions of Sale. Promotional offers and prices are for a limited time.



City of Gig Harbor. The "Maritime City"

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

TO: MAYOR WILBERT AND CITY COUNCIL *Members*
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: APPLICATION FOR CHAMBER OF COMMERCE
MEMBERSHIP
DATE: NOVEMBER 5, 1998

INFORMATION/BACKGROUND

The City is currently an honorary member of the Chamber of Commerce. As such, we participate in a limited manner in Chamber activities. Membership in the Chamber would entitle staff and elected officials to full participation and exchange of information with a major segment of the business community.

POLICY/FISCAL CONSIDERATIONS

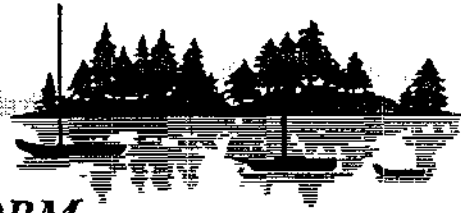
As a municipal corporation, the City of Gig Harbor is eligible for membership in the Chamber's Business/Professional category for businesses with 50 or more employees. The membership fees amount is currently \$475 annually.

RECOMMENDATION

Staff recommends that the City Council move to approve annual membership in the Gig Harbor/Peninsula Area Chamber of Commerce.

GIG HARBOR ✓ PENINSULA AREA
CHAMBER OF COMMERCE

3302 HARBORVIEW DR., STE. 2 GIG HARBOR, WA 98332 PHONE (253) 851-6865 FAX (253) 851-6881



MEMBERSHIP FORM

Business Name CITY OF GIG HARBOR
 Key Contact MARK HOPPEN, CITY ADMINISTRATOR
 Phone Number 851-8136 Fax Number 851-8563
 Mailing Address 3105 JUDSON ST. GIG HARBOR,
WA 98335
 Business Address (if different than above) —
 Type of Business MUNICIPAL CORPORATION (B-6)
 # of Employees 53 Email harbor@harbornet.com
 Amount paid \$475 Join date

Dues are payable in advance. Includes annual subscription to Chamber Newsletter; listing in Business Directory and website; advertising discounts; and much more!

Your Chamber investment is tax deductible as a business expense.

ANNUAL MEMBERSHIP DUES			
Type of Business	# of Employees	Dues Amount	Office Code
Business/Professional	1-2	\$145.00	B-1
	3-8	\$235.00	B-2
	9-13	\$315.00	B-3
	14-19	\$385.00	B-4
	20-49	\$435.00	B-5
	50 & over	\$475.00	B-6
Financial Institutions and Utilities	1-5	\$385.00	F/U-1
	6-10	\$725.00	F/U-2
	10 & over	\$1,105.00	F/U-3
Individual Members	59 & under	\$120.00	I
	60 & over	\$60.00	SC

Dues may be paid by check, VISA or Mastercard