

# **GIG HARBOR CITY COUNCIL MEETING**



**April 8, 1996**

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



**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**April 8, 1996 - 7:00 p.m.**

**PUBLIC COMMENT/DISCUSSION:**

**SPECIAL PRESENTATION:** Bill Lokey, Pierce County Emergency Management.

**PUBLIC HEARING:** Moratorium on Adult Entertainment.

**CALL TO ORDER:**

**APPROVAL OF MINUTES:**

**CORRESPONDENCE:**

1. WSDOT - Approval of Certification Acceptance.

**OLD BUSINESS:**

1. Continued Imposition of One-Year Moratorium on Adult Entertainment.
2. Second Reading - Ordinance to Segregate ULID No. 2 Assessments.
3. Second Reading - Ordinance Establishing New Sewer Customer Class.

**NEW BUSINESS:**

1. Sister City Dues Request.
2. Confirmation of Assignments to Council Committees.
3. Hearing Examiner Recommendation - Alastra Lane PUD, SUB 94-02 - Amendment to Revise Buffer - Landscaping Standards.
4. Special Occasion Liquor License - Discovery Elementary P.T.O.

**COUNCIL COMMENTS:**

**STAFF REPORTS:**

**APPROVAL OF BILLS:**

**APPROVAL OF PAYROLL:**

**EXECUTIVE SESSION:** None Scheduled

**ADJOURN:**





*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: COUNCILMEMBERS AND MARK HOPPEN, CITY ADMINISTRATOR**  
**FROM: MAYOR GRETCHEN WILBERT**  
**SUBJECT: EMERGENCY MANAGEMENT FOR THE CITY OF GIG HARBOR**  
**DATE: APRIL 1, 1996**

At the March 25th council meeting, Bill Lokey, the Director of Pierce County Emergency Management, presented introductory comments on the services available to the City. He delivered a summary for Council and staff consideration, and staff was given a contract for consideration.

At the April 8th council meeting, Mr. Lokey will give an in-depth 30 minute presentation of those services. At a future date, Council will have the opportunity to consider contracting for specified services with Pierce County at 60¢ per population, or approximately \$2,400 annually.

At a future council meeting, staff will report on the City's preparations to date, and make a recommendation to contract with Pierce County or plan by ourselves. Council will be informed of the geological predictions for our area and receive a report from the City's Neighborhood Coordinator, John Miller.

The organizational chart of agency responsibility is being updated, and the E.O. C. (Emergency Operations Center) at the Bujacich Road/Swede Hill Fire Station is under construction at this time. A great deal has already been planned and accomplished since the beginning of the coordinated effort four years ago, and these efforts will continue.



## CITY OF GIG HARBOR PRESENTATION SUMMARY

### ISSUE: Emergency Management

Prepared by William Lokey, Director, Pierce County Department of Emergency Management

Under Washington State law (RCW 38.52), every county, city and town is directed to establish an emergency management program. The amount of local commitment (i.e. size and scope of the program) is a discretionary policy decision each respective political jurisdiction must make. Under the law (RCW 38.52) and state administrative codes (WAC 118-30) there are three options for a political jurisdiction to be in compliance with the requirements of establishing an emergency management program.

1. Do it themselves. By local ordinance establish a program, appropriate funds for it, develop a budget, hire a director and staff, etc.
2. Form a "local organization for emergency management" where the chief executives of two or more jurisdictions form the organization as outlined in RCW 38.52.070, decide upon a fair contribution from each, develop a budget, hire a director and staff, etc.
3. Contract for emergency management services from an existing approved program where the specifics of services are outlined in a contract, mutually agreeable to both parties.

The first step in the process is for a jurisdiction to decide that they want to do something with regard to emergency management in the first place. This decision may be based upon statutory requirements, disaster potential for the area, disaster history in the area, public pressure or possibly other reasons. Historically in Washington State the reasons have been as varied as the structure of emergency management throughout the state.

If a jurisdiction decides it wants to have an emergency management program, the next step is to decide what is the most efficient and effective of the above ways to do it. Also, the structure of the program within a local jurisdiction is permissive, subject to local government discretion. Emergency management offices in Washington are found as separate departments, as well as within law enforcement, fire service, public works, communications, administrative services, planning, and transportation departments.

In Pierce County government, the Department of Emergency Management is a separate department within the Public Safety branch. DEM has five divisions including Emergency Management, the Fire Prevention Bureau, the E9-1-1 Administration, the EMS Administration, and Radio Communications. We contract with the City of Tacoma and ten other cities and towns,



including Fife, Sumner, Bonney Lake, Steilacoom, Milton, Orting, Dupont, Fircrest, University Place, and Eatonville. At this time, Puyallup and Buckley have their own programs.

For the smaller cities and towns, the current contract price is \$.60 per capita. This may increase in the future as the economic impact of incorporations is determined. The goal is to have some parity between what the cities and towns pay and the per capita contribution from the unincorporated county.

The Pierce County Emergency Management Program focuses on four primary areas: **emergency public education** to help citizens become more self sufficient and able to take care of themselves and their neighbors, **training** to help policy makers and responders have the necessary skills they may need to solve problems in disasters, **planning** to help guide organizational and individual actions in disaster preparedness, response and recovery, and **building interagency cooperation** to improve coordinated preparedness, response and recovery efforts.

The areas where our contract cities want program emphasis are covered in the "Scope of Work" section of each respective contract. (Sample Scope of Work attached) In some of our communities, the effort has been toward public education, in others, the effort has been in training. It has varied for each community. Our recommended first task is the development of a local emergency ordinance to cover such policy issues as emergency authority, chain of command, succession and delegation of emergency powers and emergency purchasing. Each city or town also is asked to designate a lead person as a point of contact for program development and ongoing work.

It is important to note that under the terms of the contract, Pierce County does not assume any command and control authority over any city personnel, facilities or equipment. Under the law, this is totally a city or town responsibility. County assistance is also supplemental to the efforts of the city in disaster response. Our goal is to develop the city or town's capability to take care of its own needs to the maximum extent possible should a disaster occur.

Under the terms of the contract we are also able to assist with emergency management administrative issues, such as registration and documentation requirements for the use of volunteers (emergency workers as outlined in RCW 38.52 and WAC 118-04), the reporting and Community Right to Know requirements of the Emergency Planning and Community Right to Know Act of 1986 (EPCRA)(as outlined in WAC 118-40) , the planning requirements of the Oil Pollution Act of 1990 (OPA-90) if needed, and application requirements for federal disaster relief such as after the Inaugural Day Windstorm of 1993 or the Floods of 1996..

Pierce County has made a strong commitment to Emergency Management. The Department itself is a recognized state and national leader in emergency public education, training, emergency planning, EPCRA and OPA-90 issues, and urban search and rescue. We feel we could provide the citizens of Gig Harbor with the most cost effective option for a quality emergency management program.

## Attachment A

Work Elements of the contract between \_\_\_\_\_ and Pierce County Department of Emergency Management.

1. Public Education
  - a. Provide 1 training session for public officials
  - b. Provide two public meetings on general emergency preparedness
2. Training
  - a. Identify disaster training needs for public employees
  - b. Coordinate and develop 1994 training schedule
  - c. Deliver identified training classes
3. Planning
  - a. Review existing disaster plans and procedures
  - b. Update community disaster plan
  - c. Develop plans and checklists for departments
  - d. Develop checklists for Mayor, etc.
  - e. Develop EOC procedures
4. Policy
  - a. Review current City Codes and policies
  - b. Make recommendations as needed for succession of authority, chain of command, delegation of emergency powers, emergency expenditures and other emergency powers.
5. Exercises
  - a. Develop a tabletop exercise for city officials
  - b. Develop a field exercise.



## AGREEMENT FOR EMERGENCY MANAGEMENT

THIS AGREEMENT is made and entered into by and between PIERCE COUNTY, a political subdivision of the State of Washington, (hereinafter referred to as "County") and the CITY OF GIG HARBOR, a municipal corporation of the State of Washington, (hereinafter referred to as "City")

WHEREAS, County has established an Emergency Management Plan pursuant to the provisions of Chapter 38.52 of the Revised Code of Washington; and

WHEREAS, County and City believe it to be in the best interests of their citizens that County and City share and coordinate services in the event of an emergency situation; NOW THEREFORE,

### IT IS HEREBY AGREED AS FOLLOWS:

1. Purpose. It is the purpose of this agreement to provide an economical mechanism to provide for the common defense and protect the public peace, health, and safety and to preserve the lives and property of the people of the signatory jurisdictions against the existing and increasing possibility of the occurrence of major emergencies or disasters, either man-made or from natural causes.

2. Duration. The duration of this agreement shall be that period commencing on the 1st day of \_\_\_\_\_ and terminating at midnight on the 31st day of December, 1996, unless this agreement is sooner extended or terminated in accordance with the terms hereof.

3. Definitions. As used in this agreement, the following definitions will apply.

A. "Emergency Management" or "Comprehensive Emergency Management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergency and disasters, and aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress.

B. "Emergency or Disaster" shall mean an event or set of circumstances which: (a) demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences or (b) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

4. Services. County shall provide emergency management services as outlined in Chapter 38.52 RCW in accordance with the provisions of said chapter and as defined herein during the term of this agreement.

5. Compensation. City shall pay County upon execution of this agreement the sum of \$.60 per capita per year for all services rendered under the terms of this agreement, using population figures from the "Population Trends for Washington State" publication of the State Office of Financial Management. Pierce County shall perform all services required by its Emergency Management Plan and/or Chapter 38.52 RCW. Nothing herein shall prevent County from making a claim for additional compensation in the event of an actual emergency or disaster as authorized by Chapter 38.52 RCW.

6. Termination. Either party may terminate this agreement upon ninety (90) days written notice to the other party. Notices and other communications shall be transmitted in writing by U.S. Mail, postage prepaid, addressed to the parties as follows:

If to Pierce County, to: Pierce County, Office of the Executive  
930 Tacoma Avenue South, Room 737  
Tacoma, WA 98402-2102

If to City of Gig Harbor: Office of the Mayor  
PO Box 145  
Gig Harbor, WA 98335

7. Renewal. This agreement may be renewed for successive one year terms upon the mutual agreement of the parties as signified by a Memorandum of Renewal signed by the duly authorized representatives of each of the parties.

8. Hold Harmless and Indemnification. Each party shall defend, indemnify and hold harmless the other from liability or any claim, demand or suit arising because of said parties negligence. Each party shall promptly notify the other of any such claim.

9. General. Neither party may assign or transfer this contract or any rights or obligations hereunder without the prior written consent of the other party. This contract constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all previous negotiations, proposals, commitments, writings, and understandings of any nature whatsoever. Any changes to this contract requested by either party may only be affected if mutually agreed upon in writing by duly authorized representatives of the parties hereto.

Failure by either party at any time to require performance by the other party or to claim a breach of any provision of this contract shall not be construed as affecting any subsequent breach or the right to require performance with respect thereto or to claim a breach with respect thereto.

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

IN WITNESS WHEREOF, the parties hereto have caused this contract to be duly executed, such parties acting by their representatives being thereunto duly authorized.  
Date this \_\_\_ day of \_\_\_\_\_, 19\_\_.

**PIERCE COUNTY**

**CITY OF GIG HARBOR**

By \_\_\_\_\_  
William M. Lokey                      Date  
Director of Emergency Management

By \_\_\_\_\_  
Gretchen Wilbert                      Date  
Mayor, City of Gig Harbor

By \_\_\_\_\_  
Deputy Prosecuting Attorney      Date  
(As to form only)

Attest:  
By \_\_\_\_\_  
Date

By \_\_\_\_\_  
Patrick Kenney                      Date  
Executive Director of Administration

Recommended:  
By \_\_\_\_\_  
Date

By \_\_\_\_\_  
Andrew Neiditz                      Date  
Executive Director of Public Safety

Approved As To Form  
By \_\_\_\_\_  
Date

By \_\_\_\_\_  
Doug Sutherland                      Date  
Pierce County Executive  
(\$ 50,000 or more)



## REGULAR GIG HARBOR CITY COUNCIL MEETING OF MARCH 25, 1996

**PRESENT:** Councilmembers Picinich, Owel, Ekberg, Platt, Markovich and Mayor Wilbert.

**PUBLIC COMMENT / DISCUSSION:** None.

**SPECIAL PRESENTATION:** Bill Lokey, Pierce County Emergency Management.

Mayor Wilbert introduced Bill Lokey, Director of the Pierce County Emergency Management Program. Mr. Lokey gave a brief history of the Emergency Management program and explained that under Washington State Law, cities, counties, and towns have a requirement to have a emergency plan in place. He said that EMS focuses on public education, training, planning, and building interagency cooperation. He handed out a draft scope of work and explained that if the City chooses to contract with PCEM, that it could help guide the City through the maze of Federal and State requirements, but it would not relieve the requirement to be prepared. He encouraged the City to get organized. Mayor Wilbert asked Mr. Lokey to return at a later date and to bring back the contract for Council's review.

**CALL TO ORDER:** 7:19 p.m.

### **APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the March 11, 1996 meeting as presented.  
Picinich/Platt - unanimously approved.

### **CORRESPONDENCE:**

1. AWC - Transportation Revenue Increase - Request for Projects. Mayor Wilbert asked if any Councilmember had recommendations beyond the City's Six-Year Transportation plan that could be submitted to AWC.
2. Pierce County Fire District No. 5 - Emergency Operations Center. Mayor Wilbert introduced this letter from PCFD No. 5 introducing their new Emergency Operations Center.
3. Harbor Heights Elementary - D.A.R.E. Mayor Wilbert gave an overview of this letter from staff at Harbor Heights Elementary praising the D.A.R.E. program and asking that the City keep the program active.
4. Junior Daffodil Festival - Kathryn Alvord. Mayor Wilbert talked about what a fine effort this festival and parade was in involving the young people in the area and encouraged everyone to attend.
5. Viacom Cable - Temporary Restraining Order. Mayor Wilbert said that as she receives correspondence regarding the regulation of the cable company, she would include it for Council's information.

6. United Way - Olympic Torch Relay - Rachel Ashabraner. Mayor Wilbert announced that Rachel Ashabraner, daughter of former employee, Karin Ashabraner, had been chose to carry the Olympic torch during a portion of the relay coming through Gig Harbor, and encouraged the public to support Rachael during her portion of the relay.

**OLD BUSINESS:**

1. Westside Annexation Petition - Request For Consideration. Ray Gilmore gave a history of the annexation and described the petition and election options for annexation. He explained the requirements for each option and gave a summation of the process. He introduced the memo from Jim Haney, Ogden Murphy Wallace, which contains an in-depth explanation of the election method of annexation, and a sample resolution. Ray advised the Council that they had two options to discuss; the acceptance of the 10% petition for annexation, or rejection of that petition, and utilization of the election method.

Councilman Picinich stated he was ready to move forward and make a motion. Carol Morris, legal counsel, advised Council to discuss the annexation petition and take action to accept or reject it before moving ahead to discuss the election method.

Burt Talcott - 2720 42nd St NW. Mr. Talcott thanked Council for the opportunity to speak and present the annexation petition. He gave a history of the annexation process over the past nine years and the recent developments that led to the renewed efforts. He said that the business owners were reluctant to begin another annexation effort without the support of the residential areas, and so an organized petition drive began to show the residents' support. He said they are genuinely interested in promoting the annexation because they feel it is in the best interest of all involved. He encouraged Council to accept their petition or exercise their option to deny the petition and to call for an election, and added that the residents would like the election to be done by mail.

Linda Gair - 5001 38th Ave. NW - Ms. Gair introduced herself as the owner of two businesses in the downtown Gig Harbor area, and a resident of the proposed annexation area. She said that the annexation was for the greater good of the area and urged Council to move ahead.

**MOTION:** Move we reject the petition method for annexation.  
Picinich/Ekberg - unanimously approved.

**MOTION:** Move to approve Resolution No. 466 initiating a process in calling for an election to be held in the territory proposed for annexation known as the Westside Annexation area.  
Picinich/Owel -

**AMENDED MOTION:** Move to amend the motion to include language to request the election be done by the mail method.  
Ekberg/Picinich -

Ray Gilmore addressed Mr. Haney's memo to council, regarding pre-annexation zoning. He said this was the only point made by Mr. Haney that had not been addressed in the resolution. He added that it was his recommendation to include simultaneous adoption of zoning for the area upon annexation as part of the resolution. Carol Morris advised that if Council wished this to be included, the resolution would have to be brought back with a change to include the acceptance of pre-annexation zoning designations with the proposed zoning attached as an Exhibit 'A'. Councilmember Markovich asked when the UGA zoning would be available. Ms. Morris explained that she had asked that the map be removed from the Council packet because it was an ordinance adopting the map without the actual zoning ordinance itself. Ray added that an ordinance on zoning would require a public hearing.

Councilmember Markovich asked if it were decided to include pre-annexation zoning with the resolution, if there would be enough time for the public hearing process. Mr. Gilmore explained that by law, at least two hearings, thirty days apart, would be required on a pre-annexation zoning review, and there was sufficient time to do that.

Councilmember Picinich asked if there would be any negative consequences by leaving the pre-annexation zoning out of the resolution. Mr. Gilmore explained that there wouldn't be any problem with passing the resolution without the pre-annexation zoning, because the City has a comprehensive plan for the area, and that the zoning itself would be an implementation of the Comprehensive Plan. He said that if the pre-annexation zoning was not included, due to the required public hearings, we would be receiving public testimony and input on the appropriateness of the zoning designations. Ms. Morris explained that the difference is that when you adopt pre-annexation zoning in the proposition, the people would be voting on zoning along with the annexation. If not included, the Council will be making the decision on the zoning independent of the annexation process through the public hearing process.

**RESTATED AMENDMENT:** Move to amend the motion to include language to request the election be done by the mail method.  
Ekberg/Picinich - unanimously approved.

**RESTATED MOTION:** Move to approve Resolution No. 466 initiating a process which calls for an election to be held in the territory proposed for annexation known as the Westside Annexation area, requesting the election be done by the mail method.  
Picinich/Owel - unanimously approved.

2. Second Reading - Ordinance to Correct 1996 Salary Schedule. Tom Enlow introduced the second reading of this ordinance to correct the salary schedule for 1996 and recommended council adopt the ordinance.

**MOTION:** Move to adopt Ordinance No. 717.  
Markovich/Ekberg - unanimously approved.

**NEW BUSINESS:**

1. First Reading - Ordinance to Segregate ULID No. 2 Assessments. Tom Enlow introduced this ordinance to support a request to segregate ULID No. 2 assessments on property owned by Ottie Ladd. He added that the parcels have previously been segregated for property tax purposes, and that Mr. Ladd was seeking a simpler method of distributing property costs to his tenants. This agenda item will return at the next council meeting for a second reading.
2. North Harbor Business Park Utility Request. Mark Hoppen introduced this request for 30 ERU's sewer and two water hookups, possibly leading to 18 in the future, on property just north of the City on Burnham Drive. He explained that the project is currently approved for septic drainfield and commercial water flow from construction of a water tank. He added that he had a letter from surrounding residents in Avalon Woods requesting that the water connection be allowed as to prevent the construction of the water tank.

Councilmember Ekberg asked if the City Staff had reviewed all the plans for compliance with City Standards. Mr. Hoppen assured Councilmembers that the plan had been reviewed to fulfill City requirements per an approved Pierce County Site Plan.

Carol Morris explained that the language under 12a of the contract had been suggested by the applicant's attorney and that he had subsequently requested to add additional wording to include the Pierce County Hearing Examiner's decisions of August 18, 1992 to be added as an Exhibit to this paragraph.

Councilmember Ekberg asked if the project, if located within city limits, would meet all the City's standards. Mr. Gilmore said that within the mixed zone designation, it not only meets, but exceeds the city's standards under the current zoning. Mark Hoppen referred to section 15 of the contract and deferred to Wes Hill to explain the relative improvements. Mr. Hill gave an overview of the improvements that would be provided by the project that conform to the City of Gig Harbor Public Works Standards.

**MOTION:** Move we approve the utility extension as requested with addendum suggested by legal counsel.  
Markovich/Picinich - Councilmembers Picinich and Markovich voted in favor. Councilmembers Owel, Platt, and Ekberg voted against the motion.

Mayor Wilbert asked that this item come back for review, and Mr. Hoppen explained that it could only return for consideration at the request and motion of one of the dissenting voters. Carol Morris said it could also be brought back if the applicant amends their application.

Councilmember Owel said she would reconsider her decision, but was concerned with the language in Section 12a regarding the seven year term agreement. Councilmember Markovich explained that this language guaranteed the developer some certainty to be able to build to the same regulations that they have been approved for at this time. He added it was not an unreasonable request.



Councilman Platt said he would be willing to reconsider if the applicant would submit an annexation petition. Mr. Gilmore explained that they already were part of the Gig Harbor North Annexation, and that they could not submit their own. Councilman Platt then asked what the vesting period with Pierce County for their final site plan. Carol Morris suggested a motion be brought forth before any other discussion occur.

**MOTION:** Move for reconsideration.  
Owel/Picinich - unanimously approved.

Wade Perrow - 9119 No. Harborview Drive. Mr. Perrow said that the business park has a binding site plan from Pierce County, and added that he is assured and granted protection by the City's Comprehensive Plan, passed in October of 1994, that says any vested site plan from the County will be an outright permitted use in the city. He pointed out several amenities that were designed into the project and added that the permits are waiting for a decision to be made on obtaining water. He said that water could be obtained by constructing an approved, 56' high water tank, with water provided by Harbor Water. He added that the sewer line serving the Pope Resources property, runs right through the business campus. He explained that it would be far less expensive to build a water tank rather than running the water line from the Women's Correction Center, and added that \$20,000 had been spent in engineering the water line, while working with the Public Works Director, to reroute the line and rewrite the City's Water Comprehensive Plan to facilitate the North Gig Harbor annexation area. He said he is not asking the city for a ULID, but plans on turning the water line over to the city upon completion, hoping for latecomer's fees.

Councilmember Ekberg said that other than his historical reluctance to extend utilities outside city limits, his main concern is that a proposed development will not conform to city standards. He added that the additional information that this project has shown that there are areas that are more restrictive than the city would require. He asked that the applicant and the city work together on the project to make sure the project would be conforming. Mr. Perrow assured him he had been working closely with City Staff.

Carol Morris asked if Mr. Perrow knew when the site plan with the County would expire. Mr. Perrow said he believed it was a binding site plan with no date of expiration, and that with each application for a building permit, they were required to comply with the current County requirements. He added they would begin construction of building number 8 & 9 this summer.

Mayor Wilbert said she appreciated the 200' buffer and how the applicants had worked with the surrounding property owners while designing the project. Mr. Holmaas, the other project applicant, answered questions regarding the sound level testing that had been performed. He added that both adjoining neighbors were in favor of the project.

Dick Allen - 3603 Ross Avenue. Mr. Allen asked when storm water improvements could be expected. He said that North Creek had been negatively affected by runoff from the property during the winter storms. Mr. Perrow answered that several properties contributed

to the problem. He added that the two retention ponds included in his project were designed to meet requirements to handle stormwater, along with the paving and storm drains. He said the area had been planted with seed, but not all of it had germinated.

**MOTION:** Move we approve the utility extension as requested with addendum suggested by legal counsel.  
Markovich/Picinich - unanimously approved.

3. First Reading - Ordinance Establishing New Sewer Customer Class. Tom Enlow introduced this ordinance establishing a new customer class for community systems using flow meters and providing changes in the sewer rates. This will return at the next council meeting for a second reading.
4. Resolution Supporting Sports Field Acquisition. Mark Hoppen presented this resolution formalizing the City's support in the effort between Pierce County and Mr. Jim Tallman to develop a ballfield within city limits. He introduced Paul Cyr, who represents Mr. Tallman, to answer any questions.

Paul Cyr, representative for Jim Tallman. Mr. Cyr said the County was very appreciative of the letter of support that had been sent, but that they were requesting a more formal form of support. He encourage Council to pass the resolution and offered to deliver the signed resolution to the County. He added that the intent of the project was that Mr. Tallman would develop the complex at his expense and exchange the appraised value of the property and improvements for county surplus properties, which had yet to be determined.

**MOTION:** Move to approve Resolution No. 467.  
Picinich/Markovich - unanimously approved.

**MAYOR'S REPORT:** Invitation from Department of Defense. Mayor Wilbert gave a report on the invitation to fly to Scott Air Force Base in Illinois in a C-141. She offered her reserved place to any Councilmember who would be interested.

**COUNCIL COMMENTS:** None.

**STAFF REPORT:**

Mark Hoppen passed out the results from two-months advertising for a Hearing Examiner. He and requested an extension of the current Hearing Examiner's contract to allow for review of the applications.

**MOTION:** Move to extend the current Hearing Examiner's contract for three more months.  
Ekberg/Markovich - unanimously approved.

**ANNOUNCEMENT OF OTHER MEETINGS:** None.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of checks #15651 through #15713 in the amount of \$53,092.29.  
Owel/Ekberg - unanimously approved.

**EXECUTIVE SESSION:**

**MOTION:** Move to adjourn to Executive Session at 8:40 for the purpose of discussion litigation issues, property acquisition and property disposition for approximately 30 minutes.  
Picinich/Platt - unanimously approved.

**MOTION:** Move to return to regular session.  
Picinich/Platt - unanimously approved.

**MOTION:** Move we direct the City Attorney to draw up a purchase of sale agreement between the City and the Chamber of Commerce, to include a public use clause, to be brought back for consideration.  
Ekberg/Owel -four voted in favor. Councilmember Markovich recused himself from this item.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:13.  
Owel/Platt- unanimously approved.

Cassette recorder utilized.  
Tape 418 Side B 000 - end.  
Tape 419 - Both Sides.  
Tape 420 Side A 000 -end.  
Tape 420 Side B 000 - 240.

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Mayor

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City Administrator





**Washington State  
Department of Transportation**

**Sid Morrison**  
Secretary of Transportation

RECEIVED

MAR 27 1996

Transportation Building  
P.O. Box 47300  
Olympia, WA 98504-7300  
CITY OF GIG HARBOR

March 22, 1996

The Honorable Gretchen Wilbert  
Mayor, city of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335-5136

City of Gig Harbor  
Approval of Certification  
Acceptance

Dear Mayor Wilbert:

The Certification Acceptance Committee has completed its evaluation of the qualifications, experience, and knowledge of the City's engineering staff. We are pleased to advise you that effective March 12, 1996, your agency has been granted CA status for the administration of your next requested Federal-aid project.

Please pay particular attention to following the Local Agency Guidelines for developing and administering FHWA funded projects. The guidelines contain the required procedures that must be followed to ensure full Federal participation in your projects.

In accordance with your CA Agreement, your project will be subject to a Project Management Review by the WSDOT TransAid Service Center at the completion of the project.

Your Regional TransAid Office will also assist the City in the development and administration of the project through meetings and periodic documentation reviews. Should you require any assistance, please do not hesitate to contact your Regional TransAid Engineer.

Sincerely,

**DENNIS B. INGHAM**  
Assistant Secretary  
TransAid

DBI:ds

cc: Wes Hill, DPW  
Bob Holcomb, Olympic Region, 7440





P L L C . A T T O R N E Y S A T L A W

2100 Westlake Center Tower • 1601 Fifth Avenue • Seattle, WA 98101-1686 • (206) 437-7000 • Fax (206) 447-0215

## MEMORANDUM

DATE: April 3, 1996

TO: Gig Harbor Mayor and City Council

FROM: Carol Morris, City Attorney

RE: Public Hearing on Adult Entertainment Moratorium

**BACKGROUND**

On February 7, 1996, the Gig Harbor City Council imposed a moratorium on adult entertainment uses and businesses in the City. This moratorium prevents anyone from obtaining a business license or a permit to construct/use any building for an adult entertainment purposes. ("Adult entertainment business" and "adult entertainment use" was defined in the original moratorium ordinance passed by the Council.)

On February 29, 1996, the City Planning Commission adopted a work plan to develop an adult entertainment ordinance during the moratorium period. This work plan was sent to the Council for review in a memo from the City Attorney dated March 1, 1996.

**STATUTORY AUTHORITY**

The City's moratorium was imposed by ordinance at a public meeting. Pursuant to RCW 36.70A.390, if the City imposes a moratorium without holding a public hearing, the City must hold such public hearing within sixty days after adoption of the moratorium. The public hearing is required regardless of whether the planning commission has submitted its work plan.

The moratorium can be effective for "not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such longer period." RCW 36.70A.390. The City's moratorium was adopted for a one year period, in contemplation of the Planning Commission's establishment of a work plan.

Memorandum to Gig Harbor City Council  
April 3, 1996  
Page 2

### PUBLIC HEARING

At the public hearing, the City Council will hear testimony from the public and members of the staff regarding the need for a moratorium and the secondary effects of adult entertainment businesses and uses. The purpose of the public hearing is not to determine whether certain secondary effects actually occur, if they are proper subjects of regulation, or the type and manner of regulation. Rather, the Council will only make findings of fact which demonstrate the need for the moratorium based upon the cited secondary effects of adult entertainment businesses and uses.

### POLICY CONSIDERATIONS

Because the moratorium has been enacted for the purpose of studying the secondary effects of adult entertainment businesses/uses, to determine whether an ordinance regulating them should be adopted, and the type of regulations to be adopted, there are no policy issues to consider at this time.

### RECOMMENDATION

City staff recommends that the Council take the following action:

- (1) open the public hearing;
- (2) take testimony from the City staff and public;
- (3) close the public hearing;
- (4) deliberate on the issue whether evidence has been presented to support the continued imposition of the moratorium;
- (5) consider the draft ordinance in the Council packet and determine whether the draft ordinance contains sufficient findings of fact to support the Council's decision;
- (6) if the Council decides to continue the moratorium and the draft ordinance is approved (as is or with changes), the Council should move for the adoption of the ordinance.

As you know, GHMC Section 1.08.020(B) allows the Council to take action on an ordinance on the day of its introduction upon the affirmative vote of a majority plus one of the whole membership of the Council. The ordinance imposing the moratorium was adopted on February 7, 1996, and the sixty day window for adoption of the findings of fact on the moratorium will expire on April 8, 1996.

Therefore, the Council must adopt findings of fact on or before April 8, 1996, by either making such findings in a motion or by adopting the ordinance under GHMC Section 1.08.020(B). If



Memorandum to Gig Harbor City Council  
April 3, 1996  
Page 3

the findings of fact are adopted by motion, the draft ordinance should be referenced, and the draft ordinance could then be adopted at the next Council meeting.

ALTERNATIVE ACTION

The Council could decide not to continue the moratorium. Under these circumstances, the Council would not need to adopt findings of fact. A motion would be made to discontinue the moratorium, which would be effective immediately after an affirmative vote. An ordinance discontinuing the moratorium and directing the planning commission to cease any further work under its established work plan would be submitted to the Council for review at the next Council meeting.

CAM128534.1M/F0008.150.035

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF A ONE-YEAR MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR USE PERMITS, BUILDING PERMITS AND LICENSES FOR ADULT ENTERTAINMENT USES AND BUSINESSES, AS REQUIRED BY RCW 36.70A.390.**

WHEREAS, on February 12, 1996, the City Council imposed a one-year moratorium on the City's acceptance and approval of applications for use permits, building permits and licenses for adult entertainment uses and businesses, all as provided in Ordinance 714; and

WHEREAS, RCW 36.70A.390 requires that the City Council hold a public hearing on the moratorium within 60 days of its adoption, and that immediately thereafter, the City Council must adopt findings of fact to justify the continued imposition of the moratorium;

WHEREAS, on April 8, 1996, the City Council held a public hearing on the adult entertainment moratorium during which time it heard testimony from City staff; now, therefore,

BE IT ORDAINED by the City Council of the City of Gig Harbor, Washington as follows:

Section 1. As required by RCW 36.70A.390, the City Council hereby adopts the following findings of fact to support the continued imposition of the City's one-year moratorium on the acceptance and approval of applications for adult entertainment businesses and licenses, all as provided in Ordinance No.714.

A. Secondary Effects of Adult Entertainment Businesses and Uses. The City Council is not aware of the operation of any adult entertainment use or business in the City of Gig Harbor, however, other cities in the United States have found that adult entertainment businesses and uses in their jurisdictions have secondary land use impacts which necessitated the adoption of regulatory ordinances to ameliorate the deleterious effects of these types of uses or businesses. These cities have documented the following non-exhaustive list of secondary land use impacts associated with adult entertainment uses and businesses:

1. Incidence of Crime.

- a) increase in property crimes such as robberies;
- b) increase in crimes against the person such as rapes;
- c) adult businesses require more police response and protection,

thereby reducing the availability of police services to other areas of the city;

d) increase in other types of crimes.

2. Impacts on Property Values.

a) adult businesses cause "blight;"

b) adult businesses cause skid-row effect;

c) residents or shoppers in the city will move or shop elsewhere if adult entertainment uses are allowed to locate in close proximity to residential uses, churches, parks, schools and other public facilities;

d) location of adult entertainment uses in close proximity to residential uses, churches, parks, schools and other public facilities will reduce retail trade to commercial uses in the vicinity, reducing tax revenues to the City;

e) increased traffic;

f) patrons of adult businesses are undesirable;

g) excessive noise associated with adult businesses;

h) litter associated with adult businesses;

I) exposure and visibility of adult businesses to school-age children is detrimental to quality of residential life;

D) adult businesses adversely affect the family orientation of a neighborhood;

j) location of adult businesses within walking distance of churches and other religious facilities will have an adverse effect upon the ministry of such churches and will discourage attendance at such churches;

k) location of adult businesses on the main commercial thoroughfares of the City gives an impression of legitimacy to, and causes a loss of sensitivity to the adverse effect of pornography upon children,

established family relations, respect for the marital relationship and the concept of non-aggressive consensual sexual relations;

- l) location of adult businesses in close proximity to residential uses, churches, parks, schools and other public facilities will cause a degradation of the community standard of morality, because pornographic material has a degrading effect upon the relationship between spouses.

The City Council finds that because the above secondary land use impacts have been associated with adult entertainment businesses and uses in other cities, there is sufficient reason for the Council to believe that these impacts may also accompany the operation of any adult entertainment business or use in the City of Gig Harbor. Therefore, the Council finds the imposition of a moratorium for the purpose of studying these secondary land use impacts and the manner in which the uses and businesses should be regulated is necessary now, before any adult entertainment use or business either locates or attempts to operate in the City.

- B. Existing City Ordinances. At the present time, the City's ordinances do not specifically address the siting or operation of adult entertainment businesses or uses. As a result, if an adult entertainment business were to attempt to locate or operate in the City of Gig Harbor, the City's existing regulations would not adequately address the above secondary land use impacts, which other cities have found to be associated with the business or use. The City Council finds that in the interests of the public health, safety and welfare, there is a need to study these businesses and uses, and to determine the appropriate manner of regulating any secondary impacts.
- C. Need to Preserve the Status Quo. Since there is a possibility that an adult entertainment business or use could attempt to locate or operate within the City before the City has adequate time to study and adopt the appropriate regulations, the moratorium is necessary to preserve the status quo. The City Council finds that the proper time to develop and adopt adult entertainment regulations is prior to the location and operation of an adult entertainment business or use in the City, so that any vested rights will not be affected.

Section 2. On February 12, 1996, the City Council adopted Ordinance No. 714, which required that the Planning Commission develop a work plan for the development of proposed regulations for adult entertainment uses and adult entertainment businesses. On February 29, 1996, the Planning Commission agreed on a work plan, which is described in the memo to the Gig Harbor City Council from the City Attorney, dated March 1, 1996, and attached hereto as Exhibit A. The City Council hereby accepts the Planning Commission's work plan.

Section 3 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4 - Effective Date. This ordinance shall take effect and be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the Council of the City of Gig Harbor, this day of \_\_\_\_\_, 1996.

APPROVED:

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

\_\_\_\_\_  
MARK E. HOPPEN  
City Administrator/Clerk

Filed with City Clerk: 3/18/96

Passed by City Council:

Date Published:

Date Effective:

SUMMARY OF ORDINANCE NO. \_\_\_\_\_

of the City of Gig Harbor, Washington

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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, ADOPTING FINDINGS OF FACT TO JUSTIFY THE CONTINUED IMPOSITION OF A ONE-YEAR MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR USE PERMITS, BUILDING PERMITS AND LICENSES FOR ADULT ENTERTAINMENT USES AND BUSINESSES, AS REQUIRED BY RCW 36.70A.390.

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

DATED this \_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN

MEMORANDUM

DATE: March 1, 1996  
TO: Gig Harbor City Council  
FROM: Carol Morris, City Attorney  
RE: Proposed Adult Entertainment Ordinance

On February 29, 1996, the Gig Harbor Planning Commission agreed upon the following work plan to develop an adult entertainment ordinance during the moratorium period (2-7-96 until 3-7-97):

- A. Meeting of August 1, 1996: Informational presentation by the City Attorney on concentration, dispersion and separation requirements for adult entertainment zoning ordinances. Additional information on effectiveness of adult entertainment business license ordinances. Copies of adult entertainment business studies performed by other cities will be distributed to the planning commission members to read before the next session.
- B. Meeting of August 15, 1996: Informational presentation by the Police Chief on the secondary land use impacts of adult entertainment businesses on urban life.
- C. Meeting of September 5, 1996: Advance notice of this meeting should be provided to churches, schools, chamber of commerce, other community organizations. Public hearing to allow public testimony on the secondary land use impacts of adult entertainment businesses.
- D. Meeting of September 19, 1996: Informational presentation by the Planning Director to demonstrate the available land in Gig Harbor under various zoning schemes: concentration of adult businesses in one area; dispersal throughout the entire City so that one area is not "blighted;" separation requirements imposing distance limitations between adult entertainment businesses and sensitive uses.
- E. Meeting of October 3, 1996: Meeting to discuss draft ordinance(s), and make recommendation to City Council.

Memorandum to Gig Harbor City Council  
March 1, 1996  
Page 2

After completion of the above steps, the Planning Commission's recommendation and draft ordinance will be forwarded to the City Council for action.

cc: Mark Hoppen, Administrator  
Ray Gilmore, Planning Director  
Mitch Barker, Police Chief

CAM125655.1M/F0008.150.035





*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: TOM ENLOW**  
**DATE: March 14, 1996**  
**SUBJECT: ORDINANCE TO SEGREGATE ULID NO. 2 ASSESSMENTS**

## **INTRODUCTION**

Ottie Ladd, the owner of the property where Harbor Market, Kentucky Fried Chicken, Minit Lube and Parker Paint are located has requested a segregation of the ULID No. 2 assessments on that property. Currently Minit Lube, Parker Paint and the rear portion of Harbor Market and Kentucky Fried Chicken are on one parcel and the remainder of Harbor Market and Kentucky Fried Chicken are on another. Mr. Ladd has segregated the parcels for property tax purposes in a manner consistent with the use of the property and requests a segregation of the ULID No. 2 assessments on the same basis.

RCW 35.44.410 grants the Council the power to make such segregations when the property has been sold in part or subdivided, but states that no segregation need be made if doing so would jeopardize the security of associated ULID bonds. In this case, no ownership change is contemplated. Mr. Ladd is seeking a simpler and more justifiable method of distributing property costs to his tenants.

## **RECOMMENDATION**

Staff recommends adoption of the ordinance at its second reading.

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON APPROVING THE SEGREGATION OF ASSESSMENTS WITHIN UTILITY LOCAL IMPROVEMENT DISTRICT NO. 2.

WHEREAS, the City Council of the City of Gig Harbor, Washington (the "City") confirmed the assessment roll for Utility Local Improvement District No. 2 adopted Ordinance No. 564, passed September 25, 1989; and

WHEREAS, since the confirmation of the assessment roll for ULID No. 2, parcels numbered 022117-4-040 and 022117-4-031, have been segregated for tax purposes into parcels numbered 022117-8-068, 022117-8-069, 022117-8-072 and 022117-8-073; and

WHEREAS, the owner of the property included within ULID No. 2 has requested that the assessments levied therein be segregated in accordance with the current platting and use of the property; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON DOES ORDAIN, as follows:

Section 1.     Findings. The following findings are hereby made in consideration of the parcels identified on Exhibit A attached hereto and identified in the final assessment roll for ULID No. 2 as Parcel Nos. 022117-4-031 and 022117-4-040 ("Existing Parcels").

1.     The Existing Parcels have been developed and connected to the city sewer system.
2.     The Existing Parcels have been segregated for tax purposes by the owner in a manner consistent with the usage of the properties into Parcel Nos. 022117-8-068, 022117-8-069, 022117-8-072 and 022117-8-073 as shown in Exhibit B.
3.     The balance of the original assessments shall be segregated on the same basis of square footage and front footage that was used for levying the assessments on the Existing Parcels as shown in Exhibit C.
4.     The total of the segregated assessments for Parcels 022117-8-068, 022117-8-069, 022117-8-072 and 022117-8-073 is equal to the original assessments on the Existing Parcels.
5.     The security of the lien of the assessments shall not, as a result of the proposed segregation, be jeopardized as to reduce the security of the bonds previously issued by the City to finance the improvements within ULID No. 2.

Section 2.     Determinations.     Based on the foregoing findings, the segregation of assessments

as set forth on Exhibit C is hereby approved, and the City Treasurer is hereby ordered to make a segregation on the original assessment roll as directed in this ordinance.

Section 3. Effective Date. 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 \_\_\_ day of \_\_\_, 1996.

APPROVED:

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

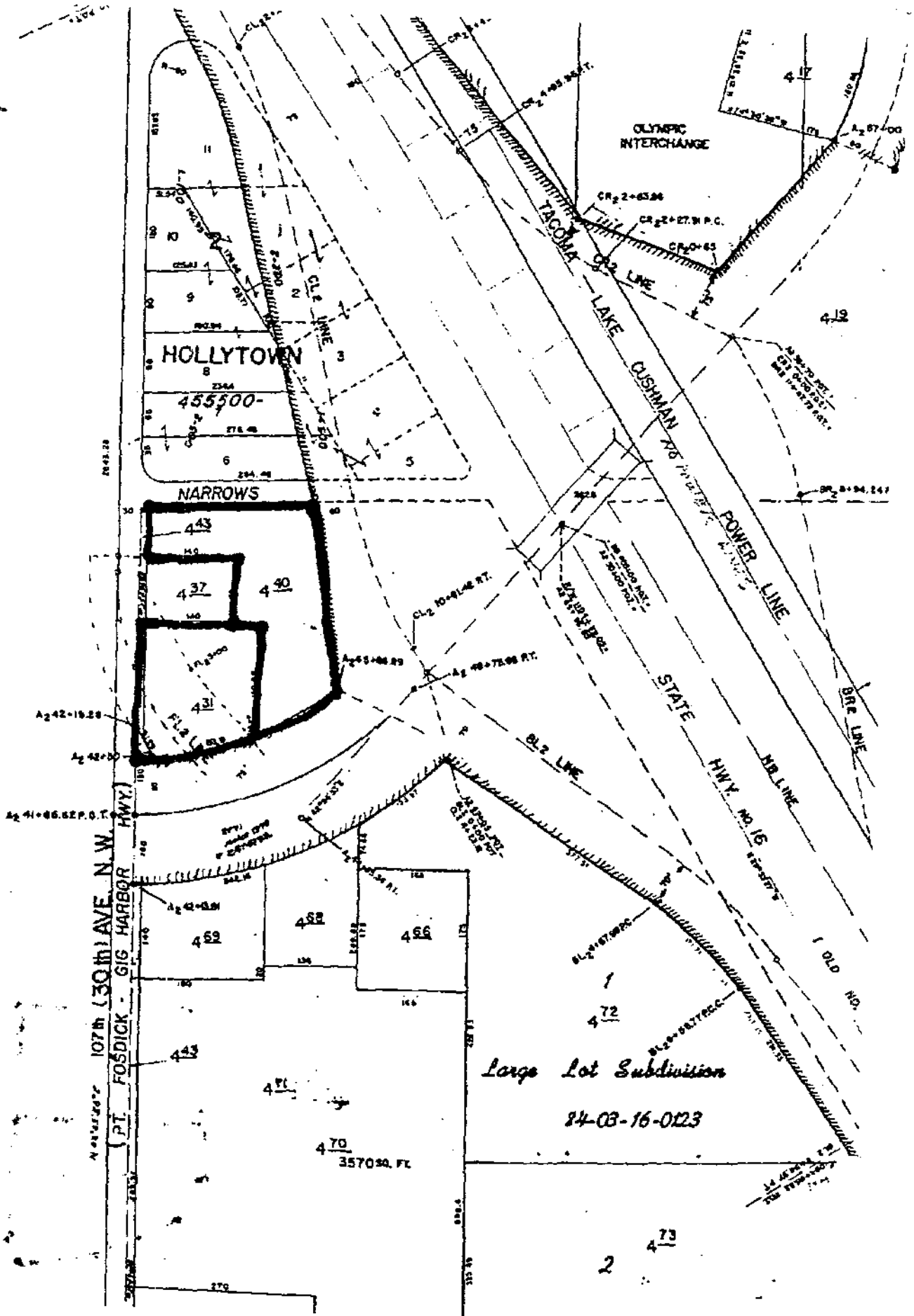
ATTEST:

\_\_\_\_\_  
Mark Hoppen  
City Administrator/Clerk

Filed with city clerk:            March 13, 1996  
Passed by the city council:  
Date published:  
Date effective:

EXHIBIT A

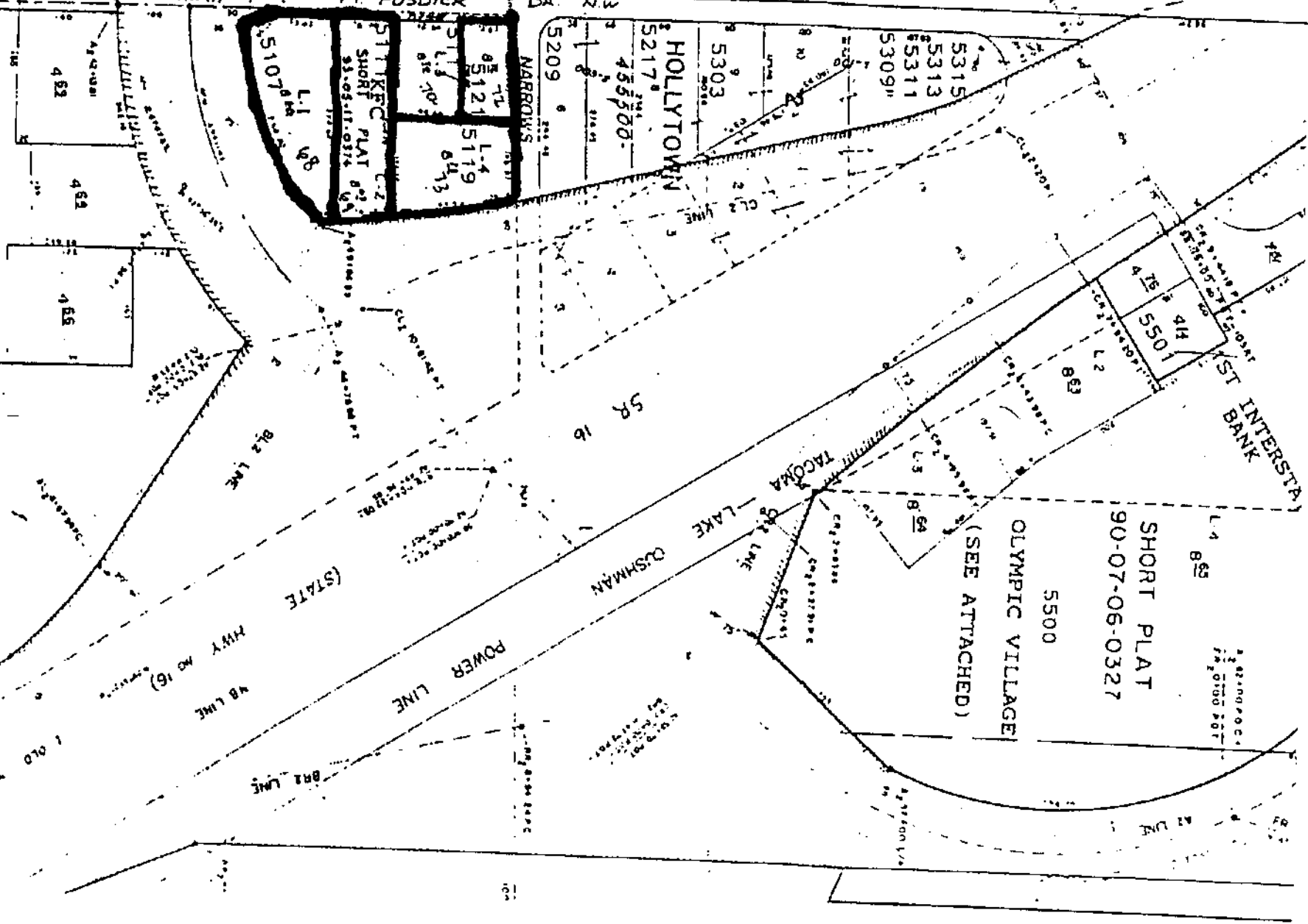
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30th (AVE. N.W.)  
(GIG HARBOR HWY.)

PT FOSDICK DA. N.W.



**EXHIBIT "C"**  
**PROPOSED ULID#2 ASSESSMENT SEGREGATION - OTTIE LADD PROPERTIES**

| ORIGINAL ASSESSMENT |               |                |                 |                  |                     |                 |
|---------------------|---------------|----------------|-----------------|------------------|---------------------|-----------------|
| PARCEL #            | FRONT FOOTAGE | SQUARE FOOTAGE | FRONT FT CHARGE | SQUARE FT CHARGE | ORIGINAL ASSESSMENT | CURRENT BALANCE |
| 022117-4-031        | 185           | 28,314         | 6,412.97        | 3,537.10         | 9,950.07            | 4,975.03        |
| 022117-4-040        | 75            | 44,431         | 2,599.86        | 5,550.52         | 8,150.38            | 4,075.19        |
| TOTAL               | 260           | 72,745         | 9,012.83        | 9,087.62         | 18,100.45           | 9,050.22        |

| PROPOSED SEGREGATION |               |                |                 |                  |                     |                 |
|----------------------|---------------|----------------|-----------------|------------------|---------------------|-----------------|
| LOT #                | FRONT FOOTAGE | SQUARE FOOTAGE | FRONT FT CHARGE | SQUARE FT CHARGE | ORIGINAL ASSESSMENT | CURRENT BALANCE |
| 022117-8-068         | 93            | 24,180         | 3,442.27        | 2,904.52         | 6,346.79            | 3,173.40        |
| 022117-8-069         | 78            | 21,600         | 2,887.07        | 2,594.61         | 5,481.68            | 2,740.84        |
| 022117-8-072         | 72.5          | 9,425          | 2,683.49        | 1,132.14         | 3,815.63            | 1,907.81        |
| 022117-8-073         |               | 20,449         | 0.00            | 2,456.35         | 2,456.35            | 1,228.17        |
| TOTAL                | 243.5         | 75,654         | 9,012.83        | 9,087.62         | 18,100.45           | 9,050.22        |



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3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: TOM ENLOW**  
**DATE: March 19, 1996**  
**SUBJECT: ORDINANCE ESTABLISHING NEW SEWER CUSTOMER CLASS**

## **INTRODUCTION**

Our sewer rates are currently based on water usage, for customers with water meters, flat rates for customers without water meters and flat rates for two specific community systems. We now have a new community system, Canterwood, which will be billed based on flow-meter readings. There may be other similar systems in the future.

The minimum rate per billing unit is identical to the non-metered rate. Additional usage will be billed at the same rate as metered customers.

This ordinance also clarifies the procedure for increasing the sewer connection fee when a property's use changes or increases. For example, when a restaurant increases its seating or a single-family property adds a dwelling unit.

## **RECOMMENDATION**

Staff recommends adoption of the ordinance at its second reading.

**CITY OF GIG HARBOR**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON RELATING TO THE MUNICIPAL SEWER SYSTEM: PROVIDING CHANGES IN THE SEWER RATES; ESTABLISHING A NEW CUSTOMER CLASS; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary to change certain sewer service rates and charges and to establish a new customer class to maintain a systematic and equitable rate schedule;

**NOW, THEREFORE**, the City Council of the City of Gig Harbor, Washington, **DO ORDAIN AS FOLLOWS:**

Section 1. Section 13.32.025 of the Gig Harbor Municipal Code is hereby added as follows:

13.32.025 Sewer Rates - Community systems using flow meters. The monthly sewer service rates for community systems basing billing on sewer flow meters shall be set at the following amounts:

| Customer Class           | Customer Base Charge (per month) | Commodity Charge (per ccf) | Minimum Charge (per month) |
|--------------------------|----------------------------------|----------------------------|----------------------------|
| Residential              | \$4.62                           | \$2.03                     | \$18.83                    |
| Multi-Family Residential | 2.72                             | 2.03                       | 14.90                      |
| Commercial               | 8.66                             | 2.03                       | 39.11                      |

Section 2. Section 13.32.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.32.030 Outside sewer service. Sewer service extended outside the city limits shall be charged at 1.5 times the city rates established in GHMC 13.32.010, and 13.32.020 and 13.32.025.

Section 3. Section 13.32.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.32.020 Non-metered uses. Until a water meter has been installed to measure water flow by a residential unit, multi-residential building, or commercial facility, the sewer service charge for each unmetered unit/facility shall be as follows:



| <u>Non-metered<br/>Customer Class</u> | <u>Monthly Charge</u>                |
|---------------------------------------|--------------------------------------|
| Residential                           | \$18.83 <del>18.87</del> /unit       |
| Multi-family residential              | 14.90 <del>14.85</del> /living unit  |
| Commercial                            | 39.11 <del>38.99</del> /billing unit |

**Section 4.** Section 13.32.065 of the Gig Harbor Municipal Code is hereby added as follows:  
13.32.065 Connection fees - changes in class of service or ERU assignment. When a change occurs which would place the customer in a different class of service or change the ERU assignment from that on which connection fees have been paid, an additional connection fee shall be charged. The additional fee shall be the difference between the connection fee, calculated at the current rates, based on the current class of service and ERU assignment, at the current rates, and the connection fee, calculated at the current rates, based on the class of service and ERU assignment on which connection fees have already been paid. The following examples illustrate changes in class of service or ERU assignment:

- 1) A residence adding an additional dwelling unit would change from the single-family dwelling class with 1 ERU to the multi-family dwelling class with 2 ERU's;
- 2) An elementary school's population increasing by 54 students would increase its ERU assignment by one;
- 3) A "quality restaurant" adding 16 additional seats would increase its ERU assignment by two;
- 4) A commercial property adding 4800 sq. ft. additional floor space would increase its ERU assignment by three.

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

**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

Sewer Rate Ordinance #  
Page 3

APPROVED:

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Gretchen A. Wilbert, Mayor

ATTEST:

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Mark E. Hoppen  
City Administrator/Clerk

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



*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: COUNCILMEMBERS**  
**FROM: MAYOR GRETCHEN WILBERT**  
**SUBJ: REQUEST TO CONTINUE THE SISTER CITY AFFILIATION**  
**DATE: APRIL 1, 1996**

### **INTRODUCTION**

It has been a "good year - bad year" for the Sister City Program. The most disappointing happening was that the teacher in charge of the project, Capt. Nick Adams, was transferred from Discovery Elementary to Vaugh Elementary at the beginning of the 1995-96 school year. The students and parents have carried on valiantly.

You will hear about a penny drive for the hospital treating the children injured in the earthquake on the northern part of Sakhalin Island, the letters received from pen pals, and a continuing communication in cultural exchange.

Last year, the parents raised the \$130 membership dues requested by Sister Cities International. This year, the students are asking for our assistance in the continuation of the program.

### **RECOMMENDATION**

I recommend that the City pay the \$130 annual dues to assist with the Sister Cities program between the City of Gig Harbor and the City of Poronysk in the Sakhalin Islands, Russia.



March 15, 1996

Honorary Chairman-The President of the United States

Invoice No: 11458 '96

Mr. Nick Adams  
Chairman  
Gig Harbor Sister Cities  
4905 Rosedale Street  
Gig Harbor , Washington 98332

cc:

Please notify SCI if this invoice should be directed to another person or address

**ANNUAL MEMBERSHIP DUES FOR ONE YEAR PERIOD**

For membership in the Town Affiliation Association  
and for all services provided under that membership  
for the period of

**April 1996 - March 1997**

payment due

**April 14, 1996**

*Services will be discontinued  
on delinquent accounts of 60 days or more.*

**Total Due**

**\$ 130**

Please return a copy of the invoice with your check

Your Membership ID Number is:

**11458 WA**





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3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: PLANNING STAFF**  
**DATE: APRIL 8, 1996**  
**SUBJECT: SUB 94-02 (PUD) -- David Fisher - Alastra Court PUD - Request for PUD amendment to revise buffer landscaping requirements, for a one year extension on the PUD expiration date, and for preliminary plat approval for project located at approximately 4410 Alastra Lane.**

#### **INTRODUCTION/BACKGROUND**

On March 14, 1995, the City Council approved a PUD consisting of 29 units on a parcel accessed off of Alastra Lane. The Council's approval was contingent upon specific conditions pertaining to retention of buffer area landscaping. One condition of approval stated that:

"All trees within 10 feet of the rear property lines and which have a trunk diameter of 6 inches or more shall be surveyed, flagged, and recorded with the Planning Department prior to commencement of major excavation. Each tree lost due to disturbance or root damage during construction shall be replaced with two fir trees, minimum 6 foot tall. Existing trees will be considered lost or damaged if excavation occurs within the drip line of the tree's canopy. This will result in significant root damage, thereby threatening the health of the tree over the long term."

This condition was based upon the expectation that disturbance would not occur beyond 10 feet of the rear property line of each unit except for an area near the entrance of the project which would be used for a storm water retention pond. The retention pond was shown on the plan approved by the Council, but final engineering plans for the project indicate that the pond will encompass an area significantly larger than that approved by the City Council. The larger pond area will result in disturbance and/or removal of existing vegetation within the 50 foot buffer area adjacent to the duplexes on the west.

An additional condition of approval included the following:

Construction on the project must commence within 12 months from the date of Council Action on the PUD; otherwise, the approval of the application becomes null and void (GHMC Section 17.90.080). Prior to the 12 month construction commencement deadline, and prior to permit issuance, the applicant shall apply for and receive preliminary plat approval. The preliminary plat shall conform to the design and layout of the approved PUD and shall be consistent with GHMC Section 16.16.

## **REQUEST**

To compensate for the disturbance in the buffer area, the applicant proposes to install a solid line of evergreen trees and shrubs to screen the development from the duplexes. Additionally, the applicant requests a one year extension date in which to begin construction of the project. Finally, the applicant requests preliminary plat approval of the planned unit development. It should be noted that the requests for preliminary plat approval and a one year extension were submitted prior to the one year deadline.

## **POLICY**

Chapter 17.90 (GHMC) outlines the review procedures for planned unit developments. This stated intent for planned units developments is as follows:

"The intent of planned unit developments is to allow and make possible greater variety and diversification in the relationships between buildings, open spaces and uses, and to encourage the conservation and retention of historical and natural topographic features while meeting the purposes and objectives of the comprehensive plan. To accomplish this purpose, the underlying district regulations such as, but not limited to, setback lines, density, uses, and height and bulk of buildings may be varied; provided, however, such variances shall not conflict with the comprehensive plan and existing uses, nor create adverse environmental effects. A planned unit development may be allow in any district."

Chapter 17.90.080 has been recently changed as follows:

**17.90.080 Duration of approval.** Construction on the project must commence within 12 months from the date of final ~~council action~~ approval; otherwise, the approval of the application becomes null and void.

## **RECOMMENDATION**

The Hearing Examiner is recommending approval of the requested buffer amendment, time extension and the preliminary plat, subject to the same conditions recommended by the staff. The recommendations are based upon two separate applications and are therefore contained in two separate reports. Copies of the Hearing Examiner and staff reports for the preliminary plat and also for the requested buffer amendment/time extension are enclosed for the Council's review. Additionally, a draft resolution granting approval for each of the above requests is included for the Council's consideration.

**CITY OF GIG HARBOR  
RESOLUTION \_\_\_\_\_**

**WHEREAS**, David Fisher, representing Rush Construction, has requested preliminary plat approval for a 28 lot planned unit development subdivision (sub 94-02) on approximately 5 acres located at the end of Alastra Lane and abutting SR-16; and,

**WHEREAS**, the City Council granted PUD approval for said subdivision on March 14, 1994 as per Resolution # 440; and,

**WHEREAS**, GHMC Section 16.04.020 stipulates (in part) that no person, firm or corporation may alter or revise the boundary lines of any property or partition, or divide for separate ownership any land, or proposing to make, or having made a plat or subdivision of land containing four or more lots without first complying with all code prescribed rules and regulations for subdivisions; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of subdivisions; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the preliminary plat, in a staff report dated September 13, 1995; and,

**WHEREAS**, the applicant has requested a one year time extension and also a revision to buffer area requirements as stated in Resolution #440 granting approval of the PUD; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the requested time extension and buffer amendment in a staff report dated February 21, 1996; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application for preliminary plat approval on September 13, 1995 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application for the requested landscape buffer amendment and time extension on February 21, 1996 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner is recommending approval of the requested amendment subject to the findings and conditions stipulated in his report dated March 5, 1996; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner is recommending approval of the preliminary plat subject to the findings and conditions stipulated in his report dated September 15, 1995;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated September 15, 1995 and in his report dated March 5, 1996 are hereby adopted by reference and the project is approved, subject to the following conditions:

1. The final plat shall substantially conform to the approved Alastra Court PUD (Resolution #440 as amended hereby) and with GHMC Section 17.28.
2. All utility easements as indicated on the plat shall be extended through the interior portion of the parcel. Utility easements shall not be extended through perimeter area buffers.
3. The applicant shall work with the staff in identifying which of the larger significant trees may be saved by designing the detention pond around the trees (e.g., using "bottlenecks") and as recommended by a certified arborist.
4. A solid vegetative screen shall be provided along the west side of the project in all locations where the buffer area is disturbed. Additional trees and bushes shall be dispersed through out the disturbed portion of the buffer area to assimilate natural growth patterns of trees and understory and to soften the rigid line of trees along the property line. Alternatively, the applicant may stagger the trees and bushes at the property line to assimilate a more natural growth pattern, provided that effective screening is maintained. Prior to permit issuance, a final landscape plan of the disturbed portion of the buffer area shall be submitted to and approved by the planning staff.
5. All original conditions of approval shall apply, except for allowances to encroach into the buffer area for detention pond purposes only.
6. Construction on the PUD shall commence by no later than April 8, 1997. Otherwise, approval for the project will become null and void.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 8th day of April, 1996.

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 1/26/96  
Passed by City Council: 4/8/96



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

---

**APPLICANT:** David Fisher

**CASE NO.:** SUB 94-02 (PUD)

**LOCATION:** Approximately 4410 Alastra Lane

**APPLICATION:** Request for PUD amendment to revise buffer landscaping requirements and for one year extension of PUD expiration date.

**SUMMARY OF RECOMMENDATIONS:**

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

**PUBLIC HEARING:**

After reviewing the official file which included the Community Development Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Fisher application was opened at 5:24 p.m., February 21, 1996, in the City Hall, Gig Harbor, Washington, and closed at 5:27 pm. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the meeting. A verbatim recording of the hearing is available in the Planning Department.

**HEARING COMMENTS:**

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

From the City:

Steve Osguthorpe explained the reason for the request, entered the staff report into the record and recommended approval with conditions.

From the Applicant:

David Fisher said he concurred with the staff recommendations.

From the Community:

None.

**WRITTEN COMMENTS:**

None.

Hearing Examiner Recommendation  
Case No.: SUB 94-02 (PUD)  
Page 2

### **BACKGROUND INFORMATION:**

On November 16, 1994, a public hearing was held before the Hearing Examiner on a proposed PUD consisting of 29 units on a parcel accessed off of Alastra Lane. After considering all public input, the Hearing Examiner recommended approval of the PUD in his report dated January 5, 1995. Alastra Court PUD was approved by the City Council on March 14, 1995 with specific conditions pertaining to retention of buffer area landscaping. One condition of approval stated that "All trees within 10 feet of the rear property lines and which have a trunk diameter of 6 inches or more shall be surveyed, flagged and recorded with the Planning Department prior to commencement of major excavation. Each tree lost due to disturbance or root damage during construction shall be replaced with two fir trees, minimum 6 feet tall. Existing trees will be considered lost or damaged if excavation occurs within the drip line of the tree's canopy. This will result in significant damage, thereby threatening the health of the tree over the long term". This condition was based upon the expectation that disturbance would not occur beyond 10 feet of the rear property line of each unit except for an area near the entrance of the project which would be used for a storm weather retention pond. The retention pond was shown on the plan approved by the Council, but final engineering plans for the project indicate that the pond will encompass an area significant larger than that approved by the City Council. The larger pond area will result in disturbance and/or removal of existing vegetation within the 50 foot buffer area adjacent to the duplexes on the west. To compensate for the disturbance the applicant proposes to install a solid line of evergreen trees and shrubs to screen the development from the duplexes.

### **FINDINGS, CONCLUSIONS AND DECISION:**

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

#### **A. FINDINGS:**

1. City staff walked the site with the project engineer, Kent Stepan. A site analysis revealed that the area proposed for the enlarged retention pond has some significant vegetation but it is more sparse than it initially appeared. Much of the apparent density is from lower shrubs and thickets at the edge of the property along the north side of the buffer. The south side of the buffer has little (if any) understory. In fact, existing vegetation along the south side of the buffer would provide no screening between the project and the duplexes south of Alastra Lane. It appeared that the understory has been cleared, which enlarges the apparent size of the duplex's back yard. Select larger trees provide shading in this area without dense understory.
2. There are some larger trees in the area by the proposed detention pond which staff believes will add to the character of the buffer and which might be retained by narrowing the detention pond in certain areas. Staff was concerned, however, that the stability of the trees may be affected due to a change in drainage patterns around the base of the trees. Staff recommended that a certified arborist be retained to determine the visibility of retaining some of the larger trees near the detention pond.

## Hearing Examiner Recommendation

Case No.: SUB 94-02 (PUD)

Page 3

3. Since the original approval date for this PUD, no changes have occurred in the area or in zoning code requirements which would affect this project. All findings as stated in the staff reports dated November 16, 1994 and February 15, 1995 therefore continue to apply.

**B. CONCLUSIONS:**

1. If approved as conditioned below, the vegetation in the buffer near the detention pond will provide a more effective screen than would the existing vegetation.
2. If approved as conditioned below, the project will provide a level of design control and screening which might not otherwise be achieved through single family development.
3. The parcel is not an appropriate location for single family development because of its location between the freeway and existing multi-family housing.
4. Because there have been no changes in site conditions or zoning regulations since the original approval date which would affect this proposal, the request for a one year time extension is reasonable.

**C. RECOMMENDATION:**

Based upon the foregoing findings of fact and conclusions, it is recommended that the modified buffer area and requested one year time extension be approved, subject to the following conditions:


1. The applicant shall work with the staff and a certified arborist in identifying which of the larger significant trees may be saved by designing the detention pond around the trees (e.g., using "bottlenecks").
2. A solid vegetative screen shall be provided along the west side of the project in all locations where the buffer area is disturbed. Additional trees and bushes shall be dispersed throughout the disturbed portion of the buffer area to assimilate natural growth patterns of trees and understory and to soften the rigid line of trees along the property line. Alternatively, the applicant may stagger the trees and bushes at the property line to assimilate a more natural growth pattern, provided that effective screening is maintained. Prior to permit issuance, a final landscape plan of the disturbed portion of the buffer area shall be submitted to and approved by the planning staff.
3. All original conditions of approval shall apply, except for allowances to encroach into the buffer area for detention pond purposes only; and
4. Construction on the PUD shall commence by no later than March 14, 1997. Otherwise, approval for the project will become null and void.

Hearing Examiner Recommendation

Case No.: SUB 94-02 (PUD)

Page 4

Dated this 5th day of March, 1996.

  
Ron McConnell  
Hearing Examiner

**RECONSIDERATION:**

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors of new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

**COUNCIL ACTION:**

Any application requiring action by the City Council shall be taken by the adoption of a resolution or ordinance by the Council. When taking any such final action, the Council shall make and enter Findings of Fact from the record and conclusions therefrom which support its action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance or rezone of property, the ordinance shall not be placed on the council's agenda until all conditions, restrictions, or modifications which may have been stipulated by the Council have been accomplished or provisions for compliance made to the satisfaction of the Council.

The action of the Council, approving, modifying, or reversing a decision of the Examiner, shall be final and conclusive, unless within twenty (20) business days from the date of the Council action an aggrieved party of record applies for a Writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action taken.

**EXHIBIT:**

The following exhibit was offered and entered into the record:

- A. Staff Report, with attached buffer plans

Hearing Examiner Recommendation  
Case No.: SUB 94-02 (PUD)  
Page 5

**PARTIES OF RECORD: (\*from December 21, 1994 and February 15, 1995 Hearings).**

David Fisher  
5715 Wollochet Drive, #2A  
Gig Harbor, WA 98332

Bill Zawlocki\*  
7323 46th Avenue  
Gig Harbor, WA 98335

Rush Construction\*  
5715 Wollochet Drive  
Gig Harbor, WA 98335

Doug Price\*  
7411 Soundview Drive #1  
Gig Harbor, WA 98335

Kent Stepan\*  
4610 Salmon Creek Lane  
Gig Harbor, WA 98335

Ken Price\*  
4562 Hidden Haven Lane  
Gig Harbor, WA 98335

Jeff Crowder\*  
4405 72nd Street Court N.W.  
Gig Harbor, WA 98335

Al Muehlebruch\*  
7321 43rd Avenue Court N.W.  
Gig Harbor, WA 98335

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

---

**APPLICANT:** David Fisher

**CASE NO.:** SUB 94-02 (PUD)

**LOCATION:** 4410 Alastra Lane

**APPLICATION:** Request for preliminary plat approval of a previously approved planned unit development consisting of 28 single family lots and common open space.

**SUMMARY OF RECOMMENDATIONS:**

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

**PUBLIC HEARING:**

After reviewing the official file which included the Community Development Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Fisher application was opened at 5:42 p.m., September 13, 1995, in the City Hall, Gig Harbor, Washington, and closed at 5:45 pm. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the meeting. A verbatim recording of the hearing is available in the Planning Department.

**HEARING COMMENTS:**

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

**From the City:**

Steve Osguthorpe submitted the staff advisory report into the record.

**From the Applicant:**

David Fisher concurred with the conditions recommended by staff but responded to a request for an easement from Peninsula Light Company. He said he wanted the easements to be located in the front yards and requested that they be 5 feet in width instead of 10 feet as requested by the Peninsula Light Company. He said the 2 1/2 foot side easement on each property is acceptable.

**From the Community:**

No one from the general public spoke at the hearing.

Case No. SUB 94-02

Page 2

**Response from the City:**

Steve Osguthorpe indicated he had no problem with the applicant's request to locate a 5 foot wide easement in the front yards.

**WRITTEN COMMENTS:**

No written comments were submitted by members of the general public.

**FINDINGS, CONCLUSIONS AND DECISION:**

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

**A. FINDINGS:**

1. The information contained on Parts I through VII of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.

**B. CONCLUSIONS:**


1. If approved subject to the conditions listed below, the subject plat will make appropriate provisions for the public health, safety and general welfare and for drainage, streets, sidewalks, water supply and sanitary wastes. It will also serve the public use and interest.

**C. RECOMMENDATION:**

Based upon the foregoing findings of fact and conclusions, it is recommended that the requested preliminary plat be approved, subject to the following conditions:

1. The final plat shall substantially conform to the approved Alastra Court PUD and with GHMC Section 17.28.
2. All utility easements as indicated on the plat shall be extended through the interior portion of the parcel. Utility easements shall not be extended through perimeter area buffers.

Dated this 15th day of September, 1995.

  
Ron McConnell  
Hearing Examiner

Case No. SUB 94-02

Page 3

**RECONSIDERATION:**

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors of new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

**COUNCIL ACTION:**

Any application requiring action by the City Council shall be taken by the adoption of a resolution or ordinance by the Council. When taking any such final action, the Council shall make and enter Findings of Fact from the record and conclusions therefrom which support its action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance or rezone of property, the ordinance shall not be placed on the council's agenda until all conditions, restrictions, or modifications which may have been stipulated by the Council have been accomplished or provisions for compliance made to the satisfaction of the Council.

The action of the Council, approving, modifying, or reversing a decision of the Examiner, shall be final and conclusive, unless within twenty (20) business days from the date of the Council action an aggrieved party of record applies for a Writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action taken.

**MINUTES OF THE HEARING ON THE APPLICATION:**

Ron McConnell was the Hearing Examiner for this matter. Participating in the hearing was Steve Osguthorpe, representing the City of Gig Harbor, and David Fisher, the applicant.

The following exhibit was offered and entered into the record:

A. Staff advisory report

**PARTIES OF RECORD:**

David Fisher  
5715 Wollochet Drive, #2A  
Gig Harbor, WA 98335

Rush Construction  
5715 Wollochet Drive  
Gig Harbor, WA 98335





*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** February 21, 1996

**RE:** SUB 94-02 (PUD) -- David Fisher - Alastra Court PUD - Request for PUD amendment to revise buffer landscaping requirements and for a one year extension on the PUD expiration date for project located at approximately 4410 Alastra Lane.

---

**I. BACKGROUND INFORMATION**

On November 16, 1994 a public hearing was held before the Hearing Examiner on a proposed PUD consisting of 29 units on a parcel accessed off of Alastra Lane. After considering all public input, the Hearing Examiner recommended approval of the PUD in his report dated January 5, 1995. Alastra Court PUD was approved by the City Council on March 14, 1995 with specific conditions pertaining to retention of buffer area landscaping. One condition of approval stated that "All trees within 10 feet of the rear property lines and which have a trunk diameter of 6 inches or more shall be surveyed, flagged, and recorded with the Planning Department prior to commencement of major excavation. Each tree lost due to disturbance or root damage during construction shall be replaced with two fir trees, minimum 6 foot tall.. Existing trees will be considered lost or damaged if excavation occurs within the drip line of the tree's canopy. This will result in significant root damage, thereby threatening the health of the tree over the long term." This condition was based upon the expectation that disturbance would not occur beyond 10 feet of the rear property line of each unit except for an area near the entrance of the project which would be used for a storm water retention pond. The retention pond was shown on the plan approved by the Council, but final engineering plans for the project indicate that the pond will encompass an area significantly larger than that approved by the City Council. The larger pond area will result in disturbance and/or removal of existing vegetation within the 50 foot buffer area adjacent to the duplexes on the west. To compensate for the disturbance, the applicant proposes to install a solid line of evergreen trees and shrubs to screen the development from the duplexes.

## **II. STAFF ANALYSIS**

The staff has walked the site with Mr. Kent Stepan who is the engineer for the project. A site analysis revealed that the area proposed for the enlarged retention pond has some significant vegetation but it is more sparse than it initially appears. Much of the apparent density is from lower shrubs and thickets at the edge of the property along the north side of the buffer. The south side of the buffer has little (if any) understory. In fact, existing vegetation along the south side of the buffer would provide no screening between the project and the duplexes south of Alastra Lane. It appears that the understory has been cleared, which enlarges the apparent size of the duplex's back yard. Select larger trees provide shading in this area without dense understory.

There are some larger trees which the staff believes add to the character of the buffer and which might be retained by incorporating bottle necks into the detention pond. However, this may affect the trees' stability due to a change in drainage patterns around the base of the trees. A certified arborist might provide better insight on the viability of retaining some of the larger trees.

## **III. FINDINGS**

The staff finds as follows:

1. Regardless of the level of disturbance in the west buffer area, the vegetation proposed by the applicant in exchange for retention pond encroachment would provide more effective screening than the existing vegetation would otherwise provide.
2. Even with the changes to the buffer area, the project will provide a level of design control and screening which might not otherwise be achieved through single family development
3. The parcel is not an appropriate location for single family development because of its juxtaposition between the freeway and existing multi-family housing.
4. Since the original approval date for this PUD, no changes have occurred in the area or in zoning code requirements which would affect this project. All findings as stated in the staff reports dated November 16, 1994 and February 15, 1995 therefore apply.

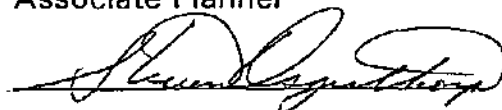
5. Because there have been no changes in site conditions or zoning regulations since the original approval date which would affect this proposal, the request for a one year time extension is reasonable.

#### **IV. STAFF RECOMMENDATION**

Based upon the analysis and findings listed above, the Staff concludes that the project is consistent with zoning code requirements and recommends approval of the modified buffer area and the requested one year time extension, subject to the following condition:

1. The applicant shall work with the staff in identifying which of the larger significant trees may be saved by designing the detention pond around the trees (e.g., using "bottlenecks") and as recommended by a certified arborist.
2. A solid vegetative screen shall be provided along the west side of the project in all locations where the buffer area is disturbed. Additional trees and bushes shall be dispersed through out the disturbed portion of the buffer area to assimilate natural growth patterns of trees and understory and to soften the rigid line of trees along the property line. Alternatively, the applicant may stagger the trees and bushes at the property line to assimilate a more natural growth pattern, provided that effective screening is maintained. Prior to permit issuance, a final landscape plan of the disturbed portion of the buffer area shall be submitted to and approved by the planning staff.
3. All original conditions of approval shall apply, except for allowances to encroach into the buffer area for detention pond purposes only.
4. Construction on the PUD shall commence by no later than March 14, 1997. Otherwise, approval for the project will become null and void.

Project Planner: Steve Osguthorpe, AICP  
Associate Planner



Date 2-16-96



City of Gig Harbor. The "Maritime City."  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** September 13 1995

**RE:** SUB 94-02 (PUD) -- David Fisher - Request for preliminary plat approval of planned unit development consisting of 28 single family lots and common space at 4410 Alastra Lane.

---

**I. GENERAL INFORMATION**

**APPLICANT:** David Fisher  
5715 Wollochet Drive #2A  
Gig Harbor, WA 98335  
Telephone: (206) 858-8204

**OWNER:** Rush Construction  
5715 Wollochet Drive  
Gig Harbor, WA 98335

**AGENT:** David Fisher  
5715 Wollochet Drive #2A  
Gig Harbor, WA 98335

**II. PROPERTY DESCRIPTION**

1. **Location:** Approximately 4410 Alastra Lane  
Assessor's Parcel #02-21-07-1-047 & 107
2. **Site Area/Acreage:** 5.0 acres

3. **Natural Site Characteristics:**

- i. **Soil Type:** Harstine gravelly sandy loam
- ii. **Slope:** between approx. 14 & 25 %
- iii. **Drainage:** westerly
- iv. **Vegetation:** forested with fir, alder, and natural understory

No wetlands or critical areas are known to exist on the site.

4. **Zoning:**

- i. **Subject parcel:** R-1 (single family)
- ii. **Adjacent zoning and land use:**
  - North:** RB-2 (residential/business)
  - South:** Residential development (County)
  - East:** Freeway right-of-way
  - West:** R-1 (zoned single family but developed with duplexes).

5. **Utilities/road access:** The parcel is accessed off of Alastra Lane which is a private road accessed off of Skansie Avenue. The parcel is proposed to be served by City sewer and water.

**III. APPLICABLE LAND-USE POLICIES/CODES**

1. **Comprehensive Plan:** The comprehensive plan designates this area as low urban residential. Other pertinent sections of the comprehensive plan were described in the staff report for the original PUD application and are not pertinent to this application. Issues pertaining to the appropriateness of this use as defined in the Comprehensive Plan were evaluated under the PUD review process.

2. **Zoning Ordinance:** Chapter 17.90 (GHMC) outlines the review procedures for planned unit developments. The PUD has already been reviewed under these standards and need not be reiterated herein.

3. **Subdivision Ordinance:** Chapter 16.16 of the GHMC states that preliminary plats shall include the following:

A. Identification and description:

1. Proposed name of the plat,
2. Name and address of the developer,
3. Name, address and seal of registered engineer and/or land surveyor who prepared the plat drawings,
4. Location of the land to be platted by section, township and range and legal description as shown in the records of the county auditor of Pierce County,
5. No named streets shall not duplicate others within city.
6. Land use classification as established by zoning ordinances;

B. Delineation of existing conditions:

1. A vicinity map drawn to a scale of 400 feet to the inch showing the tract to be subdivided, the proposed streets and adjacent and existing connecting streets,
2. A map showing the relative location of all lots and tracts contiguous to the proposed subdivision plan and the names and addresses of the owners of these lots and tracts as shown by the record of the auditor of the county,
3. A map showing existing monuments of record which will be used in the plat survey,
4. A map shall be prepared showing topography with contour intervals of five feet or less, referenced to the United States Coast and Geodetic Survey datum,
5. A map showing existing easements within the tract,
6. A map showing the outline of all existing buildings within the tract and their relationship to proposed lot lines;

C. Delineation of proposed conditions:

1. Layout and dimensions of lots with each lot identified by number or by number and block,
2. Indication of all land areas to be used for purposes other than residential building sites. The nature, conditions and limitations of such uses shall be indicated,
3. Permanent cased survey monuments shall be indicated as specified by the city engineer,
4. Layout and dimensions and profiles of proposed streets, alleys, footpaths and easements,
5. Storm water drainage system.

#### **IV. BACKGROUND INFORMATION:**

Alastra Court PUD was approved by the City Council on March 14, 1995 but did not formally receive preliminary plat approval. According to the conditions of approval for Alastra Court

PUD, a preliminary plat must be submitted and approved prior to commencement of construction and commencement of construction must begin within one year of PUD approval. The design and layout of the project has, therefore, already been reviewed and approved by the City. The preliminary plat must therefore substantially conform to the design approved by the City Council.

#### V. REQUEST/PROJECT DESCRIPTION:

The current request is for preliminary plat approval for Alastra Court PUD. The preliminary plat, as submitted, substantially conforms to the approved PUD design except for a minor modification to the site configuration on the southeast corner of the site (nearest the Mayes residence). This corner was originally designed to include a portion of the adjacent site which lies north of the existing Mayes house. The preliminary plat has been modified to include a portion of the site on the west side of the house instead. This does not change the size of the site as originally approved under the PUD. However, it pulls in more of the fire easement which serves the PUD; it preserves more existing natural vegetation; and makes better use of both parcels than the previous configuration. Other minor modifications include the relocation of sidewalks to the opposite side of the street in some portions of the PUD and the elimination of a sidewalk which bisects the opens park space in the center of the project in favor of a sidewalk which traverses the perimeter of the open park space. A copy of the approval PUD plat and the proposed preliminary plat are attached along with the resolution approving the PUD.

#### VI. PUBLIC NOTICE & INPUT:

The property was posted and legal notice was sent to the Peninsula Gateway and to property owners within 300 feet. To date, no formal public input has been received.

#### VII. ANALYSIS:

1. Planning Staff. Except for the changes described under Request/Project Description (above), the planning staff finds that the PUD substantially conforms to the PUD as approved by the City Council on March 14, 1995. Changes as described do not alter the general character of the PUD and appear reasonable.

The format of the plat, in conjunction with information submitted with the initial PUD application, is generally consistent with code requirements except that additional information will be required on the final plat as per GHMC Section 16.28.

2. Public Works Department. No additional comments - refer to original PUD approval.
3. Building Official/Fire Marshall. No additional comments - refer to original PUD approval.

4. SEPA Responsible Official: The SEPA Responsible Official issued a determination of non-significance on November 28, 1994 in conjunction with the original PUD proposal.
5. Peninsula Light Company: A letter was received from the Peninsula Light Company on August 23, 1995 requesting that the plat include an easement provision for Peninsula Light Company, Telephone Utilities of Washington, Inc., Viacom Cablevision and Washington Natural Gas Company. The requested easement would be upon all private roadways within the development, the exterior 10 feet of the front and rear boundary lines, and the exterior 2.5 feet of the side boundary lines of all lots; and the exterior 10 feet of the property abutting private or public roadways within the plat. The easement would limit all permanent utility services to underground service exclusively.

The staff agrees that utility easements are necessary but does not believe that there is any reason to run the easements along the back side of parcels. Each single family parcel has direct private street access where it is expected utilities will be concentrated. Excavation for utilities along the back side of the lots could further impact the natural vegetation behind each lot which the PUD concept attempts to preserve. For the same reason, the staff is not supportive of utility easements being extended around the perimeter of the entire PUD site. To minimize disturbance of buffer areas, all utilities should be extended through Alastra Lane and extended through the interior portion of the parcel.

#### VIII. RECOMMENDATION:

The Staff recommends that the Hearing Examiner forward to the City Council a recommendation to approve the preliminary plat for the approved PUD subject to the following conditions:

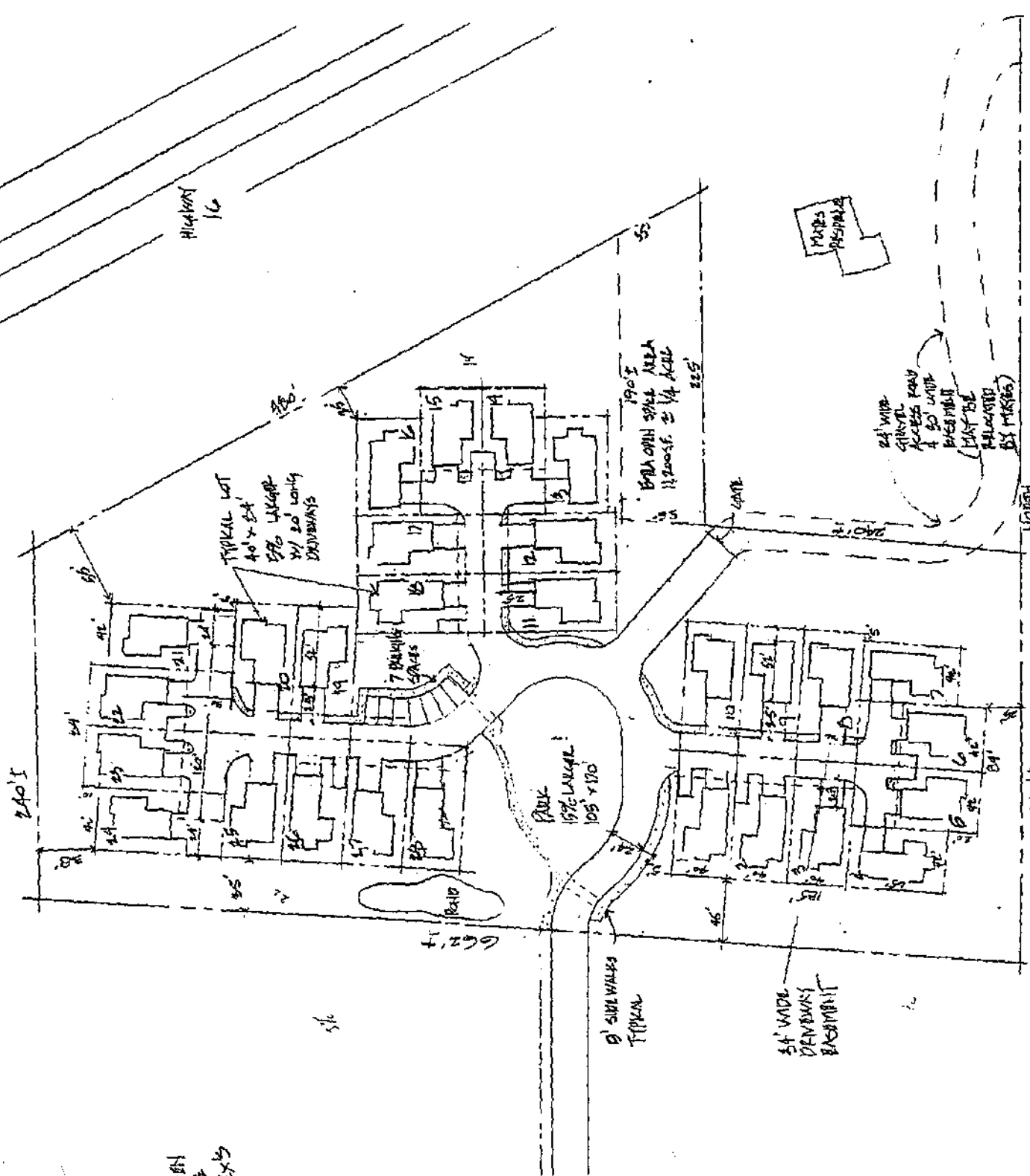
1. The final plat shall substantially conform to the approved Alastra Court PUD and with GHMC Section 17.28.
2. All utility easements as indicated on the plat shall be extended through the interior portion of the parcel. Utility easements shall not be extended through perimeter area buffers.

Project Planner: Steve Osguthorpe, AICP  
Associate Planner



Date: Aug 31, 1995





**REVISED ALASTRA COURT SITE PLAN**

- SITE AREA: 217,000 SF + 11,000 SF = 228,000
- DEVELOPED SITE AREA: 114,500 SF @ 60% FORDS, HOUSE SITES / YARDS ETC.
- OPEN SPACE AREA: 114,500 SF (50%)
- 6.2 DENSITY PER ACRE IN LINE OF S.B.D./M44
- 11% IMPROVISH IN DENSITY

*Revised - reflecting changes recommended in Staff Report*

- PARKING**
- OFF STREET PRIVATE SPACES - 107
  - INCLUDES GARAGE SPACE
  - OFF STREET GUEST PARKING - 7
  - TOTAL PARKING SPACES 114

OF 4:1 PER DWELLING

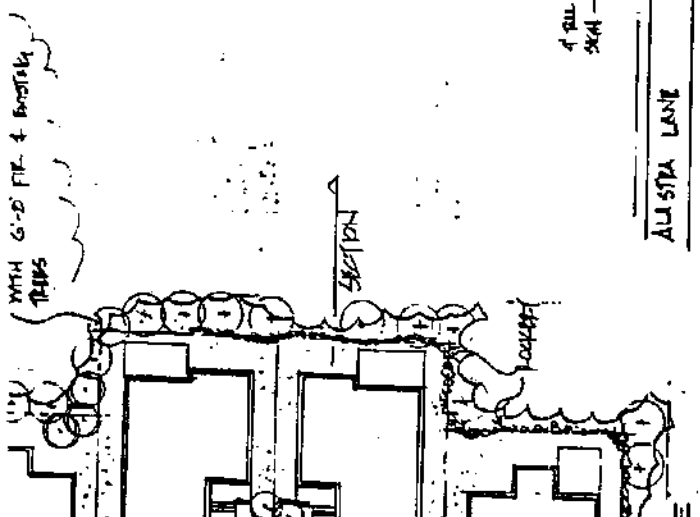
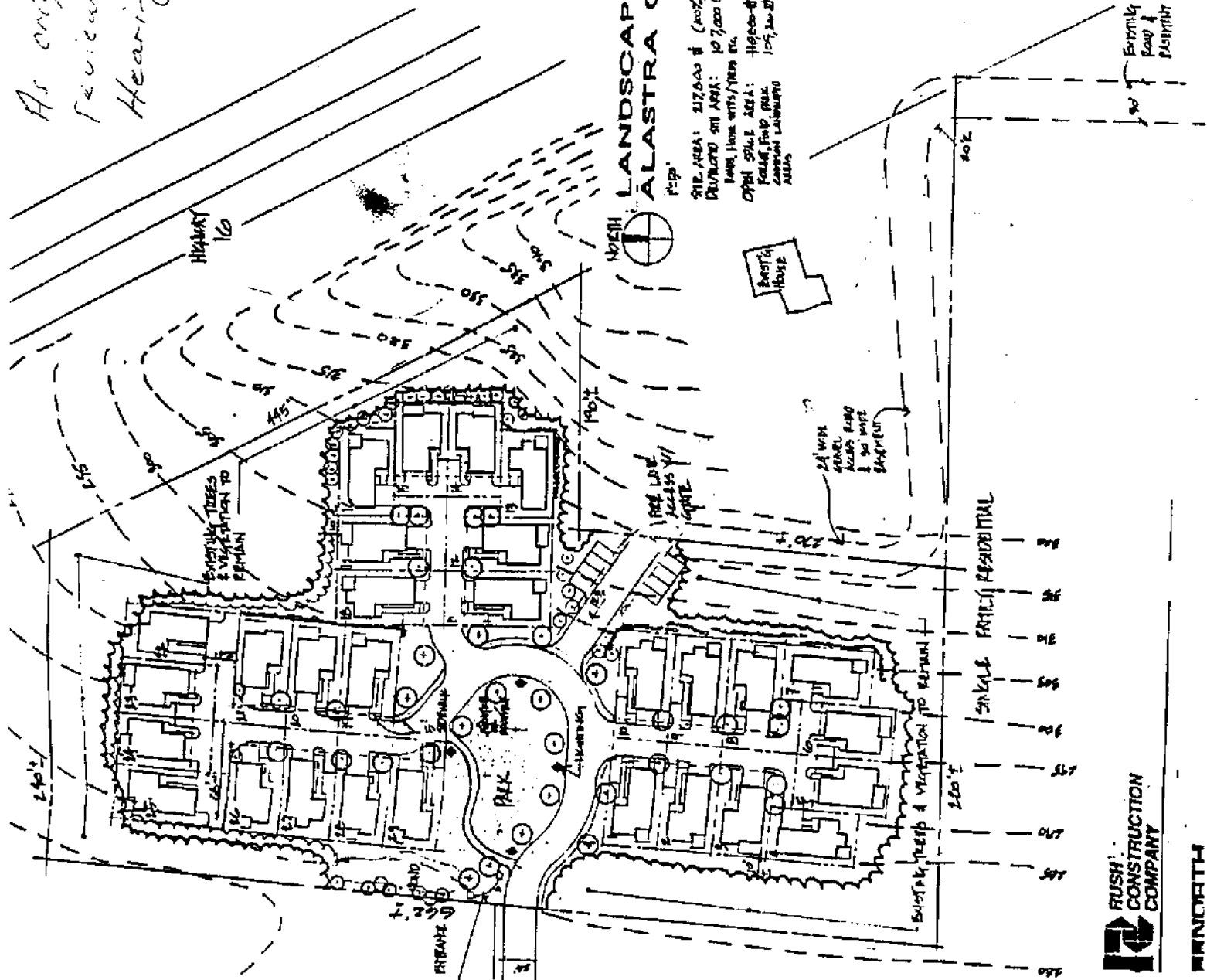
DEN  
18  
8x5

As originally reviewed by Hearing Examiner

LANDSCAPE SITE PLAN  
ALASTRA COURT

Site Area: 21,000 sq ft (20%)  
 Developed Site Area: 10,700 sq ft (49%)  
 Open Space Area: 10,300 sq ft (49%)  
 Total Site Area: 21,000 sq ft (100%)

REVISION 1/54



**RUSH CONSTRUCTION COMPANY**

**BRANDT**

SCALE FAMILY RESIDENTIAL

SIZE SECTION

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DIPLOMA

(REVISAL ETC.)

**CITY OF GIG HARBOR  
RESOLUTION NO. 440**

**WHEREAS**, David Fisher, Representing Rush Construction, has requested approval for a planned unit development (PUD) for the construction of 29 residential units at approximately 4410 Alastra Lane; and,

**WHEREAS**, the Gig Harbor City Council has adopted guidelines for the reviewing of planned unit developments as outlined in GHMC section 17.90; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the PUD, in a staff report dated November 16, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on December 21, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said PUD in his report dated January 5, 1995; and,

**WHEREAS**, the City Council, during its regular meeting of January 23, 1995 reviewed the proposed PUD and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council remanded the proposal back to the Hearing Examiner to consider parking and density related issues; and

**WHEREAS**, the proposal was revised by increasing the parcel size and reducing the density which provided a more traditional parking arrangement for single family houses; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted another public hearing on the revised site plan on February 15, 1995 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions on the revised PUD site plan in his report dated March 2, 1995; and

**WHEREAS**, the City Council has determined that the PUD and the recommendation of the Hearing Examiner are consistent with City codes and policies regulating Planned Unit Developments; and

**WHEREAS**, the City Council has determined that the development would provide significant public benefits including an affordable housing alternative within City limits consistent with the Housing Element of the City's Comprehensive Plan, retention of 50 percent open space, and a design which promotes pride of ownership in higher density housing, in exchange for the increased density and other code exceptions as defined on the site plan and elevation drawings;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated January 5, 1995 and the Hearing Examiner's report of March 2, 1995, are hereby adopted and the Planned Unit Development is approved subject to the following conditions:

1. Fire flow must be provided to within 300 FT of each entrance to each parcel in accordance with the Section 10.401, 1991 Uniform Fire Code
2. Required fire hydrants and access must be provided as per the Uniform Fire Code and as approved by the Fire Marshall.
3. The hammer head turn-a-rounds which are at the ends of roadways over 150 FT from public roadways must remain accessible. The roadways and turn-a-rounds must be identified as fire lanes.
4. The project shall conform to section 2B.070 of the Public Works Standards referring to private streets, including the provision of a 24 foot roadway and curbs gutters and sidewalks on one side of the street as approved by the Public Works Department.
5. Water and sewer must come from Skansie. Minimum grade from 76th Street must be maintained for the sewer line. No inside or outside drops will be allowed. Water might be looped with the PTI Waterline, depending upon the fire flow requirements. The adjacent duplexes may hook into the proposed sewer line subject to approval by the Director of Public Works and subject to a connection fee in an amount to be approved by the Director of Public Works.
6. The entire roadway must be overlaid along Skansie and 76th Street wherever the sewer line is installed.
7. Maintenance of all privately owned PUD common areas and the landscaping and/or plantings contained therein, shall be permanently maintained by a home owners association. The association shall be established and incorporated prior to final plat approval. A copy of the association's bylaws shall be submitted with the final plat and shall include, at a minimum, the following authorities and responsibilities:
  - A. The enforcement of covenants imposed by the landowner or developer.
  - B. The levying and collection of assessments against all lots to accomplish the association's responsibilities.
  - C. The collection of delinquent assessments through the courts.
  - D. The letting of contracts to build, maintain and manage common facilities.
8. A final landscaping plan for the common areas within the plat shall be submitted to and approved by the Planning Department prior to permit issuance. The plan shall include, (a) provisions for a mechanical irrigation system in the central common green area, and


- (b) the plant size and species used to re-vegetate the disturbed portion of the perimeter buffer. Landscaping shall be consistent with all zoning code requirements and shall be installed prior to occupancy of the last 6 units.
9. (c) All trees within 10 feet of the rear property lines and which have a trunk diameter of 6 inches or more shall be surveyed, flagged, and recorded with the Planning Department prior to commencement of major excavation. Each tree lost due to disturbance or root damage during construction shall be replaced with two fir trees, minimum 6 foot tall. Existing trees will be considered lost or damaged if excavation occurs within the drip line of the tree's canopy. This will result in significant root damage, thereby threatening the health of the tree over the long term.
  10. Strict limits of disturbance shall be complied with on this project, This will require preliminary identification of the proposed area of disturbance for staff inspection and approval, then installation of a protective barricade before major excavation begins. The barricade should be visually and functionally significant (e.g. a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber).
  11. In lieu of construction of required improvements prior to final plat approval, a bond equal to an amount of 120% of the contractors bid for all improvements required under the preliminary plat and PUD approval shall be posted with the City. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the plat with the Pierce County auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements to City standards within the time specified shall result in the City's foreclosure of the bond. Upon foreclosure, the City shall construct, or may contract to construct and complete, the installation of the required improvements.
  12. Prior to building permit issuance a grading and drainage plan, including provisions for storm water collection and retention, shall be submitted to the Public Works Department for review and approval.
  13. Construction on the project must commence within 12 months from the date of Council Action on the PUD; otherwise, the approval of the application becomes null and void (GHMC Section 17.90.080). Prior to the 12 month construction commencement deadline, and prior to permit issuance, the applicant shall apply for preliminary plat approval. The preliminary plat shall conform to the design and layout of the approved PUD and shall be consistent with GHMC Section 16.16.
  14. The design of structures and landscaping on the property shall be consistent with the approved PUD and architectural designs. These shall be recorded with the Pierce County Auditor's office either as an attachment to the plat or as a separate recording. If recorded separately, the plat shall reference the recording number. Minor design and dimension alterations which do not alter the general scale, character, or intensity of development as shown on the recorded documents may be approved jointly by the Planning Director and owner or homeowner's association. Major amendments shall be approved only through City-adopted amendment processes for PUD's and the joint approval of all owners of the

property.

15. In conjunction with preliminary plat approval by the City Council, drawings of utilities and roadway details shall be submitted to and approved by the Public Works Department.
16. Prior to or in conjunction with the preliminary plat approval, the PUD portion of the site (as illustrated) and the single family residence portion of the site shall be formally platted as separate parcels.
17. The PUD shall include a 30-foot fire access easement across the parcel proposed for the existing house and which is to be platted as a separate parcel from the PUD. The easement shall be improved with a minimum 24-foot traversable surface wherever two-way traffic is involved, and a minimum 15-foot wide traversable surface for one-way traffic. One-way traffic shall be established beyond the point of driveway access to the existing residence, i.e., if the easement is used for normal residential purposes, it shall be considered two-way. Any portion of the fire access which is 15% or greater slope shall be paved with asphalt.
18. Prior to final plat approval, a six foot high solid wood fence shall be constructed along the west property line and along the westernmost 280 feet of the south property line.
19. Pursuant to GHMC section 17.90.060.C, within three (3) years of PUD approval, the applicant shall file with the City Council a final subdivision plat for the PUD.
20. The landscaping plan submitted as required in Condition 8 of the January 5, 1995 Hearing Examiner's decision shall also maximize the amount of landscaping placed adjacent to the water line located in the buffer area.
21. Sidewalks shall be located on the east (uphill) side of the roadway only.
22. Units 22 and 23 shall be located far enough back from the sidewalk to accommodate a 20-foot distance between the garage and the street pavement.
23. Units 8 - 10 and 19 - 20 shall be located far enough back from the sidewalk to accommodate a 20 foot distance between the garage and the inside edge of the sidewalk.
24. To avoid a decrease in the minimum of 50% open space, the number of parking spaces in the community parking lots shall be reduced an equivalent amount.

**RESOLVED** 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 13th day of March, 1995.

APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Mark E. Hoppen', written over a horizontal line.

Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 1/17/95

Passed by City Council: 3/14/95





RECEIVED

MAR 22 1996

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

TO: MAYOR OF GIG HARBOR

3-19-96

SPECIAL OCCASION #072046

CLASS: GJ

DISCOVERY ELEMENTARY P.T.O.  
4905 ROSEDALE ST  
GIG HARBOR, WA

DATE/TIME: MAY 11, 1996 5PM TO 12AM

PLACE: GIG HARBOR YACHT CLUB

CONTACT: ELIZABETH KATICH 858-3304

PLEASE RETURN ONE COPY TO THE LIQUOR CONTROL BOARD

SPECIAL OCCASION LICENSES

- \* G - License to sell beer on a specified date for consumption at specific place.
- \* J \_\_\_ License to sell wine on a specific date for consumption at a specific place.  
\_\_\_ Wine in unopened bottle or package in limited quantity for off premises consumption.
- \* K - Spirituous liquor by the individual glass for consumption at a specific place.
- \* I - Class I, to class H licensed restaurant to sell spirituous liquor by the glass, beer and wine to members and guests of a society or organization away from its premises.
- \* I - Annual license for added locations for special events (Class H only)

If return of this notice is not received in this office within 20 days (10 days notice given for Class I) from the date above, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

1. Do you approve of applicant? YES\_\_ NO\_\_
2. Do you approve of location? YES\_\_ NO\_\_
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES\_\_ NO\_\_

| OPTIONAL CHECK LIST    | EXPLANATION | YES__ NO__ |
|------------------------|-------------|------------|
| LAW ENFORCEMENT        | _____       | YES__ NO__ |
| HEALTH & SANITATION    | _____       | YES__ NO__ |
| FIRE, BUILDING, ZONING | _____       | YES__ NO__ |
| OTHER:                 | _____       | YES__ NO__ |

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DBSIGNEE





MITCH BARKER  
Chief of Police

City of Gig Harbor Police Dept.  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-2236

GIG HARBOR POLICE DEPARTMENT

MONTHLY ACTIVITY REPORT

MARCH 1996

|                                 | <u>MAR</u><br><u>1996</u> | <u>YTD</u><br><u>1996</u> | <u>YTD</u><br><u>1995</u> | <u>%chg to</u><br><u>1995</u> |
|---------------------------------|---------------------------|---------------------------|---------------------------|-------------------------------|
| CALLS FOR SERVICE               | <u>278</u>                | <u>725</u>                | <u>931</u>                | <u>- 22</u>                   |
| CRIMINAL TRAFFIC                | <u>11</u>                 | <u>48</u>                 | <u>53</u>                 | <u>- 9</u>                    |
| TRAFFIC INFRACTIONS             | <u>36</u>                 | <u>151</u>                | <u>190</u>                | <u>- 20</u>                   |
| DUI ARRESTS                     | <u>3</u>                  | <u>10</u>                 | <u>11</u>                 | <u>- 9</u>                    |
| FELONY ARRESTS                  | <u>6</u>                  | <u>8</u>                  | <u>13</u>                 | <u>- 38</u>                   |
| MISDEMEANOR ARRESTS             | <u>10</u>                 | <u>37</u>                 | <u>45</u>                 | <u>- 21</u>                   |
| WARRANT ARRESTS                 | <u>1</u>                  | <u>16</u>                 | <u>20</u>                 | <u>- 20</u>                   |
| CASE REPORTS                    | <u>79</u>                 | <u>208</u>                | <u>200</u>                | <u>+ 4</u>                    |
| REPORTABLE VEHICLE<br>ACCIDENTS | <u>11</u>                 | <u>30</u>                 | <u>23</u>                 | <u>+ 30</u>                   |



GN

**PHILLIPS  
McCULLOUGH  
WILSON  
HILL &  
FIKSO**  
A PROFESSIONAL  
SERVICE CORPORATION

LAW OFFICES

JOHN C. McCULLOUGH

MARKET PLACE TOWER  
SUITE 1130  
2025 FIRST AVENUE  
SEATTLE, WASHINGTON  
98121-2100  
(206)448-1818  
FAX: (206)448-3444

January 8, 1996

Hand Delivered

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

Re: Proposed Zoning Code Amendment  
Limiting Store Size in Commercial Zones

Dear Mayor Wilbert and Council Members:

We are writing on behalf of Wal-Mart Stores, Inc. ("Wal-Mart") to provide comments on the ordinance presently pending before the Gig Harbor City Council that would, among other things, limit the maximum retail store size in commercial zones in the city to 65,000 square feet. We are writing to urge you not to adopt this proposed new zoning restriction.

The site Wal-Mart has identified for location of its store on Point Fosdick Road is located in the City of Gig Harbor's urban growth area, in a community center identified in the new Pierce County Comprehensive Plan, and adjacent to substantial existing commercial uses. One of the factors important to selection of this site was its urban location, and so it is expected that this property, and the commercial area around it, will one day be annexed into the City of Gig Harbor.

Wal-Mart looks forward to annexation to the City, just as the city has identified this area as appropriate for its future expansion. Such annexation would bring the full range of municipal services to existing urbanized area, while at the same time allowing the City to share more broadly in the fiscal benefits of the Olympic Drive commercial area.

In anticipation of such annexation, we are writing to emphasize that the City's proposed zoning regulations should be fairly and uniformly administered. The proposed square footage limitation appears unwarranted, inconsistent with existing development, and may not be applied uniformly throughout the City.

1. The Comprehensive Plan. The City's new Comprehensive Plan focuses on the location of "high density/intensity urban development" into areas like Olympic Drive (Land Use Element Goal #1) and promotes the development of land within the urban growth area to reflect "efficient operation of market forces (Land Use Element Goal #3). These goals reflect the Plan's additional theme of job creation and economic development: the objective of the City's development regulations should be to help create employment opportunities within the local economy, even where such actions may require the waiver of certain land use performance standards. The proposed square footage limitation, however, adopts an approach precisely opposite that suggested by the Plan: instead of creating flexibility in development standards to promote economic development and job creation, this amendment would impose a significant new restriction on future growth.
2. Existing Development. The area in and around the proposed Point Fosdick site is already characterized by large-scale retail and commercial development. The Harbor Plaza Center, west of the proposed site, includes an existing QFC store and is developed with 143,000 square feet of retail use. Immediately north of the proposed site is Point Fosdick Square, including an existing Safeway store, which includes a total of 61,000 square feet of retail development. Further north and across SR 16 is the Olympic Village Shopping Center, which is developed with 110,000 square feet of floor area.

The existing commercial and retail development in the area, in other words, is of a scale that well exceeds the proposed square footage limitation. While no single store within the centers itself exceeds the proposed square footage limitation, each of these centers operates as an integrated whole, and offers retail shopping development at a scale up to twice that of the proposed square footage limitation. For this portion of the City's UGA, the proposed square footage limitation would be inconsistent and incompatible with existing development.

3. Uniformity. While the proposed square footage limitation would, following annexation, be applied to the Olympic Drive area, as well as other existing incorporated portions of the City, we note that the City is currently in the process of negotiating the terms of pre-annexation zoning for the proposed north annexation area that do not include a similar square footage limitation. A copy of the current proposed draft of these pre-annexation zoning regulations for the north annexation area is attached for

reference. These regulations would allow retail and commercial development of any size to occur in the north annexation area, and would not limit single-store size to 65,000 square feet. This creates a situation in which the City's proposed square footage limitation would not be administered uniformly throughout the jurisdiction, and could easily lead to the anomalous result that a single retail store exceeding 65,000 square feet in size could be built only in one area of the City. (Which, ironically, is an area different from the existing developed highway commercial area in the City's UGA -- the Olympic Interchange area.)

Such discriminatory application of the square footage standard only underscores the point made above, that such a limitation would not be consistent with the Comprehensive Plan. In addition, it raises substantial questions about the purpose and fairness of the proposed regulation.

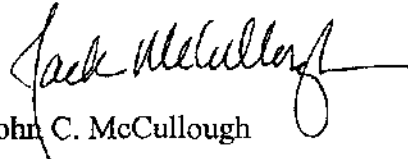
4. Fairness. The current existence of substantial retail and commercial development that, taken together, already well exceed the proposed square footage limitation raises a significant question about the need for or advisability of the square footage limitation. There is nothing in the City's record to answer these questions, and as noted above, the City's reluctance to impose similar limitations on its pending annexation area suggests that those answers do not exist. There is no reason to treat a store that is 70,000 square feet or larger differently from one that is 65,000 square feet in size, particularly when nearby retail developments exceed 100,000 square feet in floor area. There is no basis in the public welfare for limiting the size of individual stores, any more than there is in limiting the size of integrated shopping centers. Yet the City's proposed development regulations seek to do one and not the other.

In other words, there is no public welfare justification for the proposed limitation. Its application would unfairly inhibit the small group of retailers that build stores larger than 65,000 square feet, while otherwise imposing no limitations on the size or scale of overall retail development in the City.

The Honorable Gretchen Wilbert  
January 8, 1996  
Page 4

For these reasons, we urge the City Council not to adopt the proposed square footage limitation. At the same time, Wal-Mart looks forward to the development of its store on Point Fosdick Drive and to its future annexation to the City of Gig Harbor.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. McCullough". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John C. McCullough

JCM:ch

cc: Wal-Mart Stores, Inc.



*1/20 10:20 AM*  
*2/17*

GIG HARBOR NORTH ANNEXATION  
AREA  
PROPOSED ZONING DISTRICT  
REGULATIONS

PLANNING COMMISSION  
RECOMMENDATION  
November 14, 1995



**Chapter 17. . . .**  
**Planned Community Development**  
**Residential Low Density (RLD)**

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**17. . . . Intent**

Provide for well designed residential developments which are located to minimize adverse effects on the environment or sensitive natural areas.

Provide clustering of dwelling units to protect important natural features and amenities, limit the costs of development and public service costs and to maintain, enhance and complement the natural beauty of the Gig Harbor community.

Allow unique and innovative residential development concepts that will provide for unconventional neighborhoods, provide affordable housing for a wide range of income levels, maintain or enhance community linkages and associations with other neighborhoods, and to allow village and traditional neighborhood forms.

**17. . . . Permitted Uses**

1. Single family detached and attached dwellings
2. Manufactured homes of 1,000 square feet minimum per unit in developments approved for manufactured homes.
3. Accessory apartments subject to the criteria established in the definition.
2. Parks, Open Space and Community Recreational Facilities.
3. Family day care facilities within a residence serving up to twelve children.
4. Group Homes and Adult Family Homes
5. K-12 Educational facilities.
6. Houses of religious worship and related uses on parcels not greater than five acres.
7. Home Businesses, consistent with the Zoning Code.
8. Public facilities

**17. . . . Conditional Uses**

1. Commercial Family Day Care facilities.

**17. . . . Performance Standards**

A. Density

Maximum base density is 4 dwelling units per gross acre. Additional density may be allowed using either of the following options:

1. Bonus Density Option  
A bonus density of up to of up to 30% over the base may be permitted, based upon the following allocations:
  - a. 30% of the development site is common open space,

which must be contiguous or larger than 1 acre in area (+5%).

b. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use map (+10%).

c. A minimum 35% of the required common open space is improved as an active recreational area (+10%). Active recreational areas shall include, but not be limited to:

- 1) Clearly defined athletic fields and/or activity courts.
- 2) Recreation Center or Community Facility.

d. Additional common open space is provided between the development and adjacent residential zones, uses or developments (+5% bonus maximum at a ratio of 1% density bonus per 5% open space increase).

2. **Density Credit Transfers**

A transfer of density credits may be applied from one residential district within the PCD district to the RLD District up to a maximum of 7 dwelling units per acre. Density credit transfers shall be as provided for in the density credit transfer section. Density credit transfers may be used in conjunction with bonus density options to achieve the maximum allowable density of 7 dwelling units per acre.

B. **General**

1. Maximum density is 4 dwelling units per structure in attached single family dwellings.

2. Each unit must have individual private yards or courts enclosed by a wall, berm or dense landscaping.

3. Easements shall be required for all zero lot-line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

4. Minimum Yards (from the property line)

|       |  |
|-------|--|
| Front | 15 feet  |
| Side  | 5 feet. At least 20 feet is required on the opposite side of a lot having a zero lot line. |

Rear 15 feet

5. Minimum lot area

The minimum lot size is 10,000 square feet for divisions of land of four or less lots. A minimum parcel size is not specified for divisions of land of five or more lots.

6. Minimum Lot Width

Minimum lot width is 0.7% of the lot area, in lineal feet.

7. Maximum Height

The maximum height is 35 feet.

8. Maximum Lot Area Coverage

45%, excluding residential driveways, private walkways and similar impervious surfaces.

9. Landscaping

Landscaping shall comply with the requirements of Section 17.78.

10. Design

All residential structures of four or more attached units and all non-residential structures shall comply with the standards of the City of Gig Harbor design guidelines.

11. Circulation/Roads/Streets

Residential development which provide pedestrian linkages to and within common open space trails systems may be waived from the provisions of public sidewalks curbs and gutters within the residential development, in whole or in part, upon approval of the Public Works Director.

12. Signage

Signage must comply with the requirements of Chapter 17.80 of the GHMC.

17. \_\_\_  
**Planned Community Development  
Residential Medium Density (RMD)**

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**17. \_\_\_ Intent**

Provide for greater population densities to facilitate high quality affordable housing, a greater range of lifestyles and income levels. Provide for the efficient delivery of public services and to increase residents accessibility to employment, transportation and shopping. Serve as a buffer and transition area between more intensively developed areas and lower density residential areas.

**17. \_\_\_ Permitted Uses**

1. Single family detached and attached dwellings.
2. Manufactured homes of 1,000 square feet minimum per unit in developments approved for manufactured homes.
3. Multifamily attached units.
4. Parks, Open Space and Community Recreational Facilities.
5. Family day care facilities within a residence serving 12 or fewer children.
6. Group Homes, consistent with state law.
7. K-12 Educational facilities
8. Houses of religious worship and related uses on parcels not greater than five acres.
9. Home Businesses, consistent with the Zoning Code.
10. Public facilities
11. Accessory apartments subject to the criteria established in the definition.

**17. \_\_\_ Conditional Uses**

1. Commercial Family Day Care facilities.

**17. \_\_\_ Performance Standards**

**A. Density**

The minimum base density is 8 dwelling units per acre. Additional density may be allowed using either of the following options:

**1. Bonus Density Option**

A bonus density of up to of up to 30% over the base may be permitted, based upon the following allocations:

a. 30% of the development site is common open space, which must be contiguous or greater than larger than 1 acre in area (+5%).

b. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use

map (+10%).

c. A minimum 35% of the required common open space is improved as an active recreational area (+10%). Active recreational areas shall include, but not be limited to:

- 1) Clearly defined athletic fields and/or activity courts.
- 2) Recreation Center or Community Facility.

d. Additional common open space is provided between the development and adjacent residential zones, uses or developments (+5% bonus maximum at a ratio of 1% density bonus per 5% open space increase).

## 2. Density Credit Transfers

A transfer of density credits may be applied from one residential district within the PCD to the Residential Medium District up to a maximum of 16 dwelling units per acre. Density credit transfers shall be as provided for in the density credit transfer section. Density credit transfers may be used in conjunction with bonus density options to achieve the maximum allowable density of 16 dwelling units per acre.

## B. General

1. Single family attached units must have individual private yards or courts enclosed by a wall, berm or dense landscaping. Easements shall be required for all zero lot-line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

### 2. Minimum Yards (from the property line)

|       |          |
|-------|----------|
| Front | 10 feet  |
| Side  | 30 feet. |
| Rear  | 30 feet. |

### 3. Maximum Height

The maximum height is 45 feet.

### 4. Maximum Lot Area Coverage

65%, excluding driveways, private walkways and similar impervious surfaces.

### 5. Landscaping

Landscaping shall comply with the requirements of Section 17.78.

### 6. Circulation/Roads/Streets

Residential development which provide pedestrian linkages to and within common open space trails systems may be waived from the provisions of public sidewalks curbs and gutters within the residential development, in whole or in part, upon approval of the Public Works Director.

7. Design

All residential structures of four or more attached units and all non-residential structures shall comply with the standards of the City of Gig Harbor design guidelines.

8. Signage

Signage must comply with the requirements of Chapter 17.80 of the GHMC.

17. . .  
**Planned Community Development  
Commercial**

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**17. . . Intent**

Provides for the location of businesses serving shoppers and patrons on a wider basis as distinguished from a neighborhood area. Encourages urban development. Encourages attractive natural appearing development and landscaping. Promotes a quality visual environment by establishing standards for the design, size and shape of buildings that create an attractive business climate. Where appropriate, residential uses should be located above commercial uses.

**17. . . Permitted Uses**

1. Retail and wholesale sales and service
2. Business and professional offices and services, including government offices.
3. Medical complex facilities
4. Nursing and convalescent homes
5. Retirement complexes
6. Hotels and motels
7. Nurseries
8. Commercial recreation
9. Automobile service stations and repair, including car wash facilities
10. Restaurants, including drive-through establishments, cocktail lounges and taverns
11. Banks and financial institutions
12. Public facilities
13. Convention/conference center facilities
14. Performing arts centers
15. Museums and art galleries
16. Churches
17. Public and private schools
18. Trails, open space, community centers
19. Residential located above retail facilities.
20. Mini-storage facilities

**17. . . Performance Standards**

1. Yard Requirements  
The following minimums (in feet) apply:



| Contiguous Parcel Situation | Lot Width | Front | Side | Rear | Street Frontage |
|-----------------------------|-----------|-------|------|------|-----------------|
| Commercial/Commercial       | 75        | 20    | 05   | 20   | 20              |
| Commercial/Residential      | 75        | 20    | 30   | 30   | 20              |

2. Landscaping

All uses shall conform to the landscaping requirements established in Section 17.78. All required yards shall be landscaped in accordance with the landscaping requirements of Section 17.78.

3. Lot area

There is no minimum lot area for this district.

4. Height

Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height. Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. The building height shall be determined as defined in Section 17.04.160 of the GHMC. The maximum building height shall also be limited by the city building and fire codes. Definitions within the city building and fire codes shall be used to determine height for compliance with the applicable building and fire code.

5. Lot coverage

There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.

6. Off-Street Parking

Off-street parking and loading areas meeting the requirements of Section 17.72 shall be provided.

7. Exterior Mechanical Devices

All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public right-of-way.

8. Outdoor Storage of Materials

Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.

9. Outdoor Lighting

Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source. Such lighting shall be shielded so that

direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

10. Trash Receptacles

Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

11. Design

All residential structures of four or more attached units and all non-residential structures shall comply with the standards of the City of Gig Harbor design guidelines.

12. Signage

Signage must comply with the requirements of Chapter 17.80 of the GHMC.

17. . .  
**Planned Community Development  
Business Park**

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**17. . . Intent**

The Business Park District Provides for the location of high quality design development and operational standards for technology research and development facilities, light assembly and warehousing, associated support service and retail uses, business and professional office uses, corporate headquarters and other supporting enterprises. The Business Park District is intended to be devoid of nuisance factors, hazards and potentially high public facility demands. Retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.

**17. . . Permitted Uses**

1. Research and development facilities
2. Light assembly and warehousing
3. Light manufacturing
4. Service and retail uses which support and are ancillary to the primary uses allowed in the Business Park district.
5. Professional offices and corporate headquarters
6. Distribution facilities
7. Vocational, trade and business schools
8. Book and magazine publishing and printing
9. Financial and Investment Institutions
10. Commercial Photography, cinematography and video productions facilities
11. Reprographic, computer, courier services, mail and packaging facilities.
12. Trails, open space, community centers
13. Schools, public and private.
14. Public facilities

**17. . . Performance Standards**

All uses in the Business Park zone shall be regulated by the following performance standards:

1. General

Uses which create a risk of hazardous waste spills must provide hazardous waste containment provisions that meet health and environmental regulations to prevent air, ground and surface water contamination.

2. Setbacks

No structure shall be closer than 150 feet to any residential zone or development or closer

than 50 feet to any street or property line. Parking shall not be located any closer than 30 feet to a property line.

3. Open Space

A minimum of 20% of the site, excluding setbacks, shall remain in open space, with either retained natural vegetation or new landscaping.

4. Landscaping

All uses shall conform to the landscaping requirements established in Section 17.78. All required yards shall be landscaped in accordance with the landscaping requirements of Section 17.78.

5. Lot area

There is no minimum lot area for this district.

6. Height

Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height. Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. The building height shall be calculated as defined in Section 17.04.160 of the GHMC. The maximum building height shall also be limited by the city building and fire codes. Definitions within the city building and fire codes shall be used to determine height for compliance with the applicable building and fire code.

7. Lot coverage

There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.

8. Off-Street Parking

Off-street parking and loading areas meeting the requirements of Section 17.72 shall be provided.

9. Exterior Mechanical Devices

All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public right-of-way.

10. Outdoor Storage of Materials

Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.

11. Outdoor Lighting

Within one hundred feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting

or light projection above the horizontal plan is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

**12. Trash Receptacles**

Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

**13. Design**

All residential structures of four or more attached units and all non-residential structures shall comply with the standards of the City of Gig Harbor design guidelines.

**14. Signage**

Signage must comply with the requirements of Chapter 17.80 of the GHMC.

17. . . .  
**Planned Community Development  
Neighborhood Business**

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**17. . . . Intent**

The intent of the Neighborhood Business District (NBD) is to provide for businesses serving the everyday needs of neighboring residents. The NBD is limited in overall site area and availability of uses and is not intended to provide regional retail facilities. The NBD implements the goals and policies of the Gig Harbor Comprehensive Plan in providing retail and service uses that are easily accessible to local residents.

**17. . . . Permitted Uses**

Retail uses primarily service residential areas and having less than 7,500 square feet of floor space per business. Those uses include, but are not limited to:

1. Banks
2. Grocery stores
3. Delicatessens
4. Drug stores
5. Bakeries
6. Gift shops
7. Hardware stores
8. Shoe repair
9. Barber and beauty shops
10. Laundry/dry cleaning
11. Flower shops
12. Restaurants, except drive-in/drive-thru
13. Business/professional offices
14. Public facilities
15. Gasoline dispensing
16. Residential above permitted business use
17. Trails, open space, community centers
18. Public facilities

**Performance Standards**

**1. General**

All uses in the Neighborhood Business zone are subject to the following conditions:

- All business, service, or repair must be conducted within an enclosed building except for outside restaurant sitting, flower and plant display and fruit/vegetable

stands appurtenant to a grocery store.

- Any goods produced in the neighborhood business zone shall be sold on the premises where produced.
- Processes, equipment and goods shall not emit odor, dust, smoke, cinders, gas, noise, vibrations, or waste which would be unreasonably affect adjacent residential area.

The Neighborhood Business Districts shall not be greater than 3 acres in total land area nor may an NBD be located within one mile of any other NBD.

2. Hours of Operation

The following hours of operation apply:

| Facility                                   | Hours of Operation |
|--|--------------------|
| Gasoline Dispensing with Convenience Store | 6:00am - 10:00pm   |
| Grocery Stores                             | 6:00am - 10:00pm   |
| Delicatessens                              | 6:00am - 10:00pm   |

3. Yard Requirements

Minimum yard requirements are as follows:

| <u>Contiguous Parcel Situation</u> | <u>Minimum Lot Width</u> | <u>Front</u> | <u>Side</u> | <u>Rear</u> | <u>Street Frontage</u> |
|------------------------------------|--------------------------|--------------|-------------|-------------|------------------------|
| Commercial/Commercial              | 75                       | 10           | 0           | 20          | 20                     |
| Commercial/Residential             | 75                       | 20           | 30          | 30          | 20                     |

The side yard must be at least 20 feet plus 10 feet for each story above two. Except when adjacent to a residential use or zone, the side yard must be at least 30 feet plus 10 feet for each story above two.

4. Height

Maximum height is 35 feet for all structures.

5. Lot area

No minimum lot size is specified except as required to accommodate landscaping and open space requirements.

6. Lot coverage  
A maximum lot coverage is not specified except as needed to meet setback and open space requirements.
7. Off-Street Parking  
Off-street parking and loading areas meeting the requirements of Section 17.72 shall be provided.
8. Exterior Mechanical Devices  
All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public right-of-way.
9. Outdoor Storage of Materials  
Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.
10. Outdoor Lighting  
Within one hundred feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plan is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.
11. Trash Receptacles  
Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.
12. Design  
All residential structures of four or more attached units and all non-residential structures shall comply with the standards of the City of Gig Harbor design guidelines.
13. Signage  
Signage must comply with the requirements of Chapter 17.80 of the GHMC.



17.       
**Planned Community Development  
Transfer of Density Credits Option**

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**17.      Intent**

The intent of the density credit transfer option is to permit greater flexibility in the allocation of residential density within a Planned Community Development designation without exceeding the maximum density buildout as planned for. The density transfer credit option may provide for higher densities in areas posing the fewest environmental constraints and which also have available access to public transportation. To this end, desired goals of the density credit transfer option are to:

1. Protect areas identified as having environmentally sensitive areas or features by minimizing or avoiding impacts associated with residential development.
2. Supply quality affordable housing while providing access opportunities to local employment areas.
3. Promote more efficient provision of public services.
4. Locate higher density residential development in areas which are capable of supporting more intense uses.

**17.      Applicability**

Density credit transfers are limited to the Planned Community designation and the Mixed Use designation of the City of Gig Harbor Comprehensive Plan (Nov., 1994). Density credit transfers may be applied from one residential district to another residential district. A density credit consists of one residential dwelling unit.

Property which is constrained by critical areas or wetlands as defined under the Gig Harbor Municipal Code shall receive full density credit for those portions of the site which are undevelopable.

Density credits may be transferred in whole or in fractions. Development rights associated with a density credit are considered real property and are subject to any legal requirements as applicable to other real property.

**17.      Procedure**

An owner of real property within the Planned Community District residential low or residential

medium may apply for a density credit transfer either as a donor or receiver of the density credit. A donor relinquishes density from property under the donor's ownership to the receiver's property. The receiver of density credits may apply the increased density to land under the receiver's ownership, consistent with the City of Gig Harbor Comprehensive Plan and the City Zoning Code. The following process applies to the transfer and receipt of density credits:

The applicant must submit documentation to the City which provides the following:

1. The location, site area and specific development right(s) permitted under the Comprehensive Plan and Zoning Code which the property owner proposes to transfer, the base density, inclusive of previously transferred density, and the resultant change in density on the donor's property.
2. The location and site area of the land to which the density credit is transferred to, including the projected density credit resulting from the transfer, the base density and the resultant change in density on the receiver's property.

Upon receipt of the completed application for density credit transfer, the Planning-Building Department shall review the density credit transfer proposal to assure that it is consistent with the Planned Community Development district designation to which it applies and the general density as stated.

Upon approval of the Planning Department, the applicant/property owner shall file with the Pierce County Auditor a legally sufficient document which effectively accomplishes the following:

1. A covenant on the lands affected by the density credit transfer which contains deed restrictions reflecting the transfer and its resultant conditions to private ownership and future development of the land.
2. A deed for the development rights so affected shall be assigned an Assessor's tax parcel number, including a legal description of the real property from which density credits are to be donated from and a legal description of the real property to which such density credits are to be transferred to.

A copy of the executed legal instrument, bearing the Pierce County Auditor's file number, shall be provided to the Planning Department prior to the issuance of any development permit for the affected properties.

**17. . . .**  
**Mixed Use District Overlay**  
(Applies to the Burnham Drive Corridor)

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**17. . . . Intent**

The intent of the mixed use zone is to provide flexibility in promoting the development of an integrated multi-use district which permits a variety of residential types and compatible businesses in close proximity to each other.

Development standards and design guidelines assure site development that is sensitive to critical lands and will provide the flexibility necessary to accommodate changing land use patterns and conditions.

Projects should be designed to assure that early development does not foreclose options for later projects and that new and different uses can be added without jeopardizing uses already established or planned for.

**17. . . . Permitted Uses**

1. Residential dwellings, attached/detached.
2. Retirement communities/complexes.
3. Professional Business Offices and Services
4. Retail Sales and Service
5. Group Homes, consistent with state law.
6. Commercial Recreation
7. Hotels and Motels, including restaurants and conference facilities.
8. Light Manufacturing and Assembly
9. Automobile and boat repair where the repairs are conducted within enclosed buildings or in a location that is not visible for public right-of-way and adjacent properties.
10. Public facilities.
11. Churches and related uses on parcels less than ten acres.

**17. . . . Conditional Uses**

1. Churches and related uses on parcels greater than ten acres.

**17. . . . Site Development and Performance Standards**

**A. Minimum Development Parcel Size**

To promote efficient and compatible groupings of uses within a Mixed Use District, the following minimum development parcel sizes shall apply:

1. No parcel less than 10 acres shall be developed with residential uses, except where the parcel is contiguous to a developed or planned residential area.
2. No parcel less than 10 acres shall be developed with commercial or business uses, except where the parcel is contiguous to a developed or planned business or commercial area.
3. Where phased development is proposed for a parcel of 10 acres or greater and where the first phase is less than 10 acres, the remaining portion of the parcel reserved for future development shall be committed to residential or commercial uses.
4. Where residential and non-residential uses are developed on the same parcel or site, the parcel size requirements may be waived where it is found that the intent of the mixed use zone is otherwise met.

#### **B. Density**

1. Maximum residential density is 4 dwelling units per acre. Minimum parcel size is not specified. Bonus densities of up to 30% over the base may be permitted, based upon the following allocations:

- a) 30% of the development site is common open space, which must be contiguous to greater than 1 acre in area (+5%).
- b) A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use map (+10%).
- c) A minimum 35% of the required common open space is improved as an active recreational area (+10%). Active recreational areas shall include, but not be limited to:
  - a. Clearly defined athletic fields and/or activity courts.
  - b. Recreation Center or Community Facility.

Additional common open space is provided between the development and adjacent residential zones, uses or developments

(+5% bonus maximum at a ratio of 1% density bonus per 5% open space increase).

### **C. General**

1. The Maximum residential density is 4 dwelling units per structure in townhouse or zero lot-line developments.
2. Each unit must have individual private yards or courts enclosed by a wall, berm or dense landscaping.
3. Townhouse units adjacent to a single family residence within the same development shall have a front yard equal to or exceeding the single family dwelling and a minimum side yard of 25 feet if adjacent to a single family lot.
4. Easements shall be required for all zero lot-line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

### **D. Separation of Uses/Transition Buffers**

To assure that different land uses are adequately separated, the following transition buffers and setbacks shall be used:

#### **1. Buffers Separating New Businesses from Existing Residential Uses**

Where adjacent property is developed or planned for residential use, a business or commercial use must meet the following standards:

- i. A minimum 35 feet setback from any property shared with a residential site.
- ii. Landscaping forming a dense vegetative screen or retention of existing native vegetation within required buffer areas equal to the minimum setback.
- iii. No parking shall occur within a required buffer.

#### **2. Buffers Separating New Residential Use from Existing Commercial Uses**

Where adjacent property is developed or planned for commercial use, a residential use must meet the following standards:

- i. A minimum 35 feet setback from any property shared with a commercial site.

- ii. Landscaping forming a dense vegetative screen or retention of existing native vegetation within required buffer areas equal to the minimum setback.

**3. Buffers Separating Multi-family Dwellings from Existing Single Family Dwellings**

Where adjacent property is developed or planned for single-family residential use, a multifamily residential development must meet the following standards:

- i. A minimum setback of 25 feet from all street right-of-ways common to both uses.
- ii. A minimum setback of at least 25 feet from any property line shared with a single family use
- iii. Landscaping within required buffer areas equal to minimum width of the buffer.

Parking areas shall not occupy the required buffer area.

**4. Buffers Separating Single Family Dwellings from Existing Multi-Family Dwellings**

Where adjacent property is developed or planned for single-family residential use, a multifamily residential development must meet the following standards:

- i. A minimum setback of 25 feet from all street right-of-ways common to both uses.
- ii. A minimum setback of at least 25 feet from any property line shared with a single family use
- iii. Landscaping within required buffer areas equal to minimum width of the buffer.

**F) Commitment of Lands to Specified Uses**

The owner of any property desiring to develop a mixed use development within the Mixed Use Overlay shall file with the City of Gig Harbor a Pre-Commitment Statement confirming that certain lands are planned for a particular land use category. The Pre-Commitment Statement shall also be filed with the Pierce County Auditor as a covenant to the land affected and a copy of the Statement with the Auditors file number affixed shall be filed with the city prior to any authorization of any use on the property. Such statements shall be valid for a period not to exceed three years from the date of filing with the City unless:

- 1. A valid preliminary plat or site plan application is filed within that period, or;

2. The statement is withdrawn by the property owner, contract purchaser or authorized agent of either.

### **G) Mixed Use Occupancies**

Residential units and retail business or office uses shall be permitted within the same structure, subject to the following standards:

1. The non-residential use must have access by way of a business arterial and shall front directly on an adjacent sidewalk or pedestrian walkway, or on a front or side yard from which vehicles are excluded.
2. Where a business or residential portion of the building is located on different floors, business uses shall occupy the floors below the residential uses.
3. Business and residential portions of a building must be separated by soundproof walls, floors, equipment, utilities or other suitable architectural features or appurtenances.
4. Allocation of uses shall be consistent with the City of Gig Harbor Comprehensive Plan.

### **H) Performance Standards**

#### 1. Minimum Yards (from the property line)

Front 15 feet

Side 5 feet. At least 20 feet is required on the opposite side of a lot having a zero lot line.

Rear 15 feet

#### 2. Maximum Height

The maximum height is 35 feet.

#### 3. Maximum Lot Area Coverage

45%, excluding driveways, private walkways and similar impervious surfaces.

#### 4. Landscaping

Landscaping shall comply with the requirements of Section 17.78.

#### 5. Exterior Mechanical Devices

All HVAC equipment, pumps, heaters and other mechanical devices shall be

screened from view from all public right-of-way.

6. Outdoor Storage of Materials

Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.

7. Outdoor Lighting

Within one hundred feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plan is prohibited between midnight and sunrise. *Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.*

8. Trash Receptacles

Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

9. Design

All residential structures of four or more attached units and all non-residential structures shall comply with the standards of the City of Gig Harbor design guidelines.

10. Signage

Signage must comply with the requirements of Chapter 17.80 of the GHMC.



appendix d

City of Gig Harbor  
Gig Harbor North Land Use  
Matrix

### Gig Harbor North Land Use Matrix

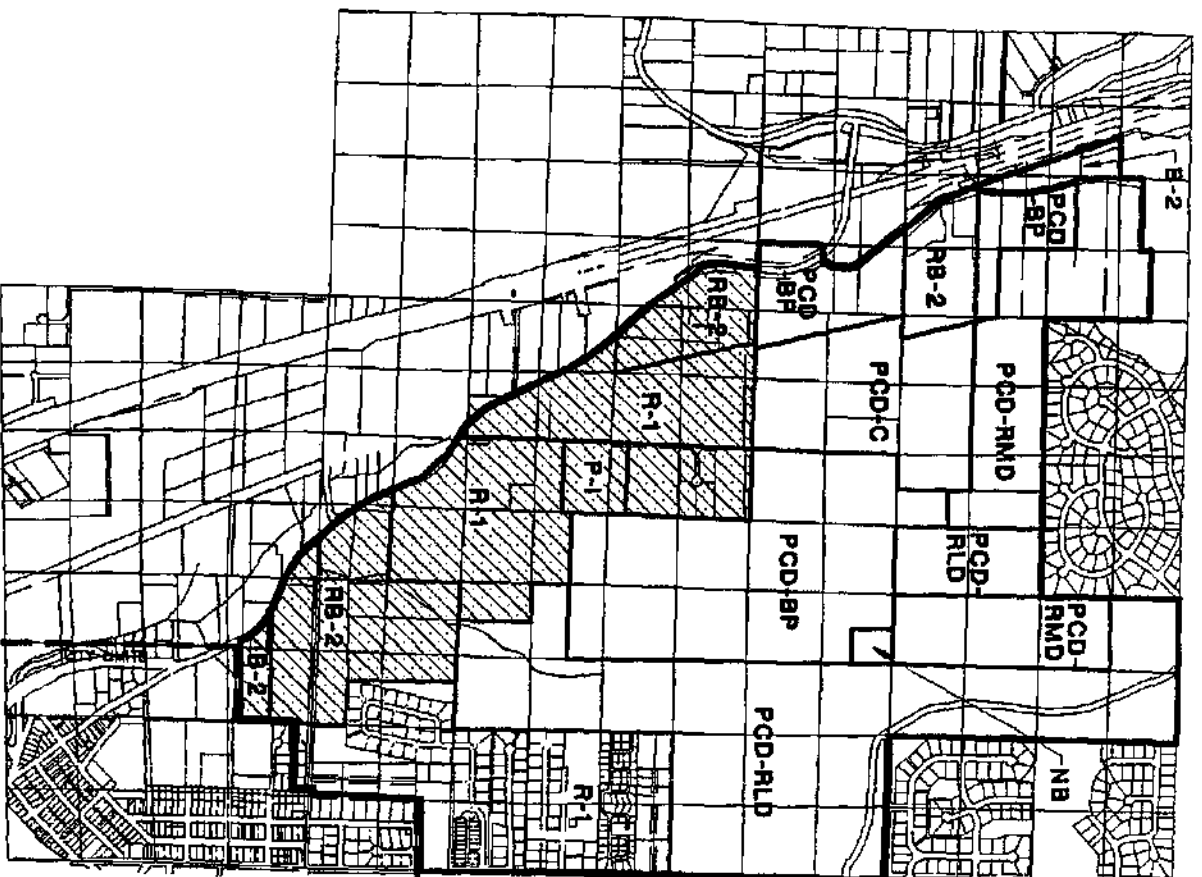
(P = permitted use; C = conditional use; N = not permitted; \* = limitations apply, refer to zoning code)  
 This matrix serves only as a general guide. For a specific use determination, please consult with Planning-Building Staff.

| Zoning District         |     |     |       |    |      |     |
|-------------------------|-----|-----|-------|----|------|-----|
| Land Use                | RLD | RMD | COMM. | BP | MUDO | NBD |
| Auto/Boat Repair        |     |     |       |    | P*   |     |
| Bakery                  |     |     | P     |    | P    | P*  |
| Bank                    |     |     | P     |    |      | P   |
| Business/Prof. Office   |     |     | P     | P  | P    | P   |
| Car Wash                |     |     | P     |    |      |     |
| Child Care Commercial   | C   | C   |       |    |      |     |
| Child Family Day Care   | P*  | P*  | P     |    | C*   |     |
| Churches                | P*  | P*  | P     |    | C*   |     |
| Coctail Lounges/Taverns |     |     | P     |    |      |     |
| Commercial Recreation   |     |     | P     |    | P    |     |
| Computer services       |     |     |       | P  |      |     |
| Convention Centers      |     |     | P     |    |      |     |
| Corporate Offices       |     |     |       | P  |      |     |
| Courier/Mail/Packaging  |     |     |       | P  |      |     |
| Delicatessens           |     |     | P     |    |      | P   |
| Distribution            |     |     |       | P  |      |     |
| Financial Institutions  |     |     |       | P  |      |     |
| Govt. Offices           |     |     | P     | P  |      |     |
| Group\Adult Family Home | P   | P   |       |    | P    |     |
| Home Businesses         | P*  | P*  |       |    |      |     |
| Hotel/Motel             |     |     | P     |    | P    |     |
| Laundry/Dry Cleaners    |     |     | P     |    |      | P   |
| Light Assembly          |     |     |       | P  |      |     |
| Light Manufacturing     |     |     |       | P  | P    |     |
| Medical facilities      |     |     | P     |    |      |     |

| Zoning District              |     |     |       |    |      |     |
|------------------------------|-----|-----|-------|----|------|-----|
| Land Use                     | RLD | RMD | COMM. | BP | MUDO | NBD |
| Mini-storage                 |     |     | P     |    |      |     |
| Museum/Art Gallery           |     |     | P     |    |      |     |
| Nurseries                    |     |     | P     |    |      |     |
| Nursing homes                |     |     | P     |    |      |     |
| Park/Community Recreation    | P   | P   |       |    |      |     |
| Performing Arts              |     |     | P     |    |      |     |
| Photography                  |     |     |       | P  |      |     |
| Public Facilities            | P*  | P*  | P     |    | C    | P*  |
| Publishing/Printing          |     |     |       | P  |      |     |
| Reprographics                |     |     |       | P  |      |     |
| Research/Develop             |     |     |       | P  |      |     |
| Residential - above comm.    |     |     | P     |    |      | P   |
| Residential - Multifamily    |     | P   |       |    | P    |     |
| Residential - Single Family  | P   | P   |       |    | P    |     |
| Residential - Manufactured   | P*  | P*  |       |    |      |     |
| Residential - Accessory Apt. | P*  | P*  |       |    |      |     |
| Restaurants                  |     |     | P     |    |      | P*  |
| Retail sales & service       |     |     | P     | p* | P    | P*  |
| Retirement homes             |     |     | P     |    | P    |     |
| Schools - K-12               | P   | P   | P     |    |      |     |
| Schools - Vocational/Trade   |     |     | P     | P  |      |     |
| Service Stations             |     |     | P     |    |      | P   |
| Trails & Community Center    |     |     | P     | P  |      | P   |
| Warehousing                  |     |     |       | P  |      |     |
| Wholesale Sales              |     |     | P     |    |      |     |

appendix e

City of Gig Harbor  
Proposed Zoning District Map  
Gig Harbor North Annexation Area



**LEGEND:**

R-1

SINGLE FAMILY, LOW DENSITY  
(UP TO 4 DU PER ACRE)

R-2

MEDIUM DENSITY RESIDENTIAL  
(UP TO 8 DU PER ACRE)

B-2

RETAIL, SALES AND SERVICE

PCD-RLD

RESIDENTIAL, LOW DENSITY (4 TO 8 DU PER ACRE)  
SPECIAL COMPREHENSIVE

PCD-RMD

RESIDENTIAL, MEDIUM DENSITY (4 TO 8 DU PER ACRE)  
SPECIAL COMPREHENSIVE

PCD-C

PLANNED COMMUNITY  
SPECIAL COMPREHENSIVE

PCD-BP

BUSINESS PARK

PCD-NB

NEIGHBORHOOD BUSINESS  
(3 TO 5 ACRES)

Area Use Overlay District

Area Use Overlay District

**CITY OF GIG HARBOR  
GIG HARBOR NORTH  
GENERALIZED LAND USE MAP**



appendix f

City of Gig Harbor  
Draft Annexation Agreement  
Gig Harbor North

10/27/95 DRAFT

Recorded at the request of \_\_\_\_\_  
After recording return to:

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

**PREANNEXATION AGREEMENT  
FOR  
GIG HARBOR NORTH**

THIS AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 1995, by and between the CITY OF GIG HARBOR, a non-charter, optional municipal code city organized under the laws of the State of Washington (the "City"); Pope Resources, a Washington United ~~Delaware~~ Limited Partnership ("Pope"); Tucci and Sons, Inc., a Washington ~~Delaware~~ corporation ("Tucci"); and ~~Dolan International Corporation, a Washington Corporation ("Dolan")~~ (collectively "the Owners").

**RECITALS**

A. The City has the authority under the laws of the State of Washington to enact laws and enter into agreements to promote the health, safety and welfare of its citizens and thereby control the use and development of property within its jurisdiction, and to undertake the annexation of contiguous property located outside of its boundaries pursuant to Ch. 35A.14 RCW.

B. The Owners hereby warrant that they are the owners of certain real property situated in unincorporated Pierce County, Washington, part of a geographic area commonly referred to as Gig Harbor North, located contiguous to the city limits of Gig Harbor. The property owned by the owners herein is more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property").

C. In 1991, the Owners initiated an inquiry with the City about the City's interest in annexing the Gig Harbor North area, including, but not limited to the Property. The City indicated an interest and a willingness to entertain such an annexation, so long as the annexed properties were developed under the City's applicable Comprehensive Plan designations and development regulations. Thereafter, the Owners and other property owners in the Gig Harbor North community submitted to the City a notice of Intention to Commence Annexation Proceedings.

D. On July 8, 1991, the City Council made a motion to accept the proposed Gig Harbor North annexation in concept and authorized the initiators thereof to circulate an annexation petition. In that resolution, the City directed the preparation and adoption of proposed zoning regulations and Comprehensive Plan designations for the area, to become effective coincidental with annexation.

E. On May 5, 1993, the Owners and other owners of property in the Gig Harbor North community submitted to the City a petition for annexation of the Gig Harbor North area signed by the owners of more than sixty percent (60%) of the assessed valuation of the property to be annexed, and such petition for annexation is pending before the City Council.

F. On \_\_\_\_\_, in accordance with Resolution ~~Ordinance~~ No. ~~(to be adopted)~~, the City Council has adopted zoning and development regulations and Comprehensive Plan designations for the Owner's Property.

G. The parties now wish to enter into this Agreement as contemplated by Resolution ~~Ordinance~~ No. ~~(to be adopted)~~ in order to set forth in greater detail the provisions contemplated by such resolution with respect to the annexation of the Property.

H. Draft and Final Environmental Impact Statements were issued by the City concerning the annexation and development of Gig Harbor North on ~~October 7, 1992~~ and ~~February 24, 1993~~ respectively.



NOW, THEREFORE, in consideration of the premises of this Agreement and the mutual covenants and agreements contained herein, as well as other valuable consideration, receipt of which is hereby acknowledged, the parties hereby covenant and agree as follows:

### AGREEMENTS

1. Support of Annexation. The Owners hereby agree to support the Gig Harbor North annexation before the City Council as such annexation is proposed in ~~Resolution Ordinance~~ No. \_\_\_\_\_, as further defined in this Agreement and described in the annexation petition for the Gig Harbor North area submitted to the City.

2. Administration of Development Approvals Applied For After Gig Harbor North Annexation. Any application by the Owners for a land use or building permit or zoning approval including, but not limited to, preliminary plat approvals, final plat approvals, clearing, grading, building or other permits, binding site plans, etc., for the Owners' Property shall be made to the City after the effective date of the annexation. All such applications shall be reviewed and processed by the City under the terms of all applicable Gig Harbor Municipal Codes, regulations, resolutions, ordinance provisions which relate to development and this Agreement.

3. Public Facilities.

A. Water Transmission Main and Storage Tank.

(i) The Owners agree to provide water storage and transmission facilities sufficient in size and design to accommodate the demands of development of the Property. The City agrees to provide, consistent with its regulations and ordinances in place at the time of demand, water supply and water facilities which, in conjunction with these facilities provided by the Owner, will be sufficient to serve the Property.

(ii) The facilities to serve the property are an effective 1,500,000-gallon water storage tank and major water transmission line 16 inches in diameter. This 1.5-million-gallon storage tank is going to be capable of providing a maximum of 3,000 gallons per minute for a duration of 3 hours. If any development proposal necessitates a higher fire flow, building modifications will be made to offset the higher fire flow requirements. The City agrees that if these facilities are not now consistent with the City's Comprehensive Plan (as such policies relate to water facilities) it shall make any clarifications and/or amendments to the Plan at the next annual comprehensive plan amendment as necessary to ensure Plan consistency. The Owners agree to construct these facilities to be financed through Developer Extension Agreements pursuant to chapters 35.91 and 35.72 RCW, or in the alternative, the Developers agree not to protest the formation of one or more LID for the facilities, which the City may create at the Owners' request as set forth in the City's codes, ordinances and applicable state law. *The Owners shall be entitled to the capacity in the 1.5 million gallon water storage tank, if constructed solely at the Owner's cost, and shall be permitted to develop their respective parcels to the extent that such capacity would support.*

(iii) *The Owners agree not to protest in the formation of an LID to finance construction of more expansive water facilities serving the Property and the surrounding area, which shall be defined as follows: a 2.3-million-gallon water storage tank, capable of providing a maximum of 3,000 gallons per minute for a duration of three (3) hours; provided that (1) the owner's assessment for the LID is based upon the special benefit, if any, accruing to the owner's property, as described in chapter 35.44 RCW; and (2) the LID is formed before they construct the facilities described in Section 3(A)(iii) above.*

*Construction of water transmission and storage facilities as necessary to serve the development on the Property, or portion actually proposed to be developed from time to time shall occur before issuance of any building permit for the Property, or portion thereof.*

**B. Road Construction Improvements.**

(i) East-West Road. The parties contemplate that a road will be built from Swede Hill east in accordance with the specifications and plans incorporated into a document entitled "City of Gig Harbor and Pierce County -- ~~Gig Harbor North Annexation~~ Swede Hill Corridor," and a document between the same parties to this Agreement, entitled "~~to be added as a later date~~." The first document describes the relationship between the City and Pierce County for the funding and construction of the Swede Hill transportation facility. The second document describes the relationship between Pope, ~~Logan~~, and the City (dated ~~to be added~~) for the Owner's contribution of Right-of-Way for the Swede Hill transportation facilities, and the City's construction of same. The City shall consider the Owner's dedication of the Right-of-Way as mitigation for the transportation impacts of the development of the Property, all as set forth in the document dated \_\_\_\_\_.

~~The Owners acknowledge that construction of a two lane arterial road with bike lane, curbs, gutters and sidewalks on one side, a paved shoulder on the other side, and appropriate utility lines within the section of the roadway and 100 feet right of way width from Peacock Hill Avenue at 112th Street to SR 16 at Swede Hill Interchange will be necessary to meet the future needs associated with the Gig Harbor annexation. In order to meet such need, the Owners agree to either (a) construct the road improvements described above under a contract with the City pursuant to chapter 35.72 RCW, which allows the Owners to obtain partial reimbursement of a portion of the costs of the project from other property owners and the City, or (b) not protest an LID formed to finance the construction of the road improvements described above. The City agrees to participate in the LID or in a street construction project under contract pursuant to chapter 35.72 RCW in an amount up to Four Hundred Thousand Dollars (\$400,000). The owners shall dedicate the necessary property for the roadway, as identified in Exhibit 'B', which dedication shall occur at time of annexation.~~

(ii) Peacock Connection. The City also intends to develop an associated, second arterial road extending northwesterly from the East-West Road to Peacock Hill Avenue north of 112th Street. This roadway will ~~be planned to~~ be located within the boundaries of the parcels identified on Exhibit \_\_\_\_\_, with the exact location to be determined

by the Owners and City Engineer. The City shall have twelve months after execution of this Agreement to conduct a preliminary feasibility study for construction of this road in this location. One of the owners currently retains an ~~easement for this road, which may facilitate the construction of this road,~~ which is more particularly described ~~in the attached Easement marked Exhibit~~ incorporated herein by this reference. The owner agrees not to sell, transfer or convey this easement to any third party during this twelve month period while the City conducts such study. If the study reveals feasibility at a cost satisfactory to the City, the Owners agree to dedicate a right of way which corresponds with this easement for construction of this road. The Owners will construct a segment of the road within the right of way to use as local access to serve a portion of the Property. The Owners shall only be obligated to improve the road as determined by the City Traffic Engineer to serve development on the ~~its~~ Property and such improvement dedication and/or construction ~~shall~~ be viewed by the City as mitigation for the adverse impacts of the proposed development of the property, at the time ~~a building permit is submitted~~ ~~(of a preliminary plat application FOR THE PLATING OF ENTIRE PROPERTY?)~~. Any expense to widen, extend or improve the road beyond a two-lane road which is improved to a width of thirty-six feet maximum from curb to curb, and which is improved with gutters, curbs and sidewalks on both sides of the street shall be borne by the City.

The City shall not prohibit the installation of driveways which intersect this two-lane road ~~on the preliminary plat submitted by the applicants~~ ~~within~~ ~~\_\_\_\_\_~~ years after execution of this Agreement, as long as such driveways are consistent with the Public Works standards and development applications ~~depecting such driveways are submitted to the City by~~ ~~\_\_\_\_\_~~, 199~~\_\_\_\_\_~~, ~~relative to the instance and safety~~.

### C. Parks.

(i) Background. The Gig Harbor Comprehensive Plan defines the City's existing level of service standard for park and recreation facilities. ~~The Plan further requires that park and recreation facilities be provided by owners to address future demand.~~

(ii) Dedication of Parks or Payment of Fees Upon Submission of Applications. Because no development applications have yet been submitted to the City for

review, the City cannot accurately forecast the demand for park and recreation facilities first within property set forth in Exhibit \_\_\_\_ in the Gig Harbor North annexation area. Owners hereby agree, consistent with the Plan, and any other applicable City ordinances or codes, to dedicate (or fund) ~~in any fees in lieu of dedication or to provide~~ park land and recreation facilities at the ratio per population, or at the level-of-service standard in force ~~effect~~ by the City at the time any development application is submitted to the City. Alternatively, if the City has adopted a park impact fee ordinance at the time any development application has been ~~is~~ submitted, Owners agree to any applicable ~~per the adopted~~ park impact fee.

~~Dedication is selected, then~~ Such dedication shall be made of the property, or portions of the property, shown on the map attached hereto as Exhibit \_\_\_\_\_. For every development application submitted by the Owners which requires park mitigation, the Owners shall dedicate property within the area shown on Exhibit \_\_\_\_ and set aside for a park. ~~The parties agree to execute a right of first refusal with the City for the City's purchase of the property shown on Exhibit \_\_\_\_\_, which may be exercised in the period between the ninth annual anniversary date of this Agreement until the expiration of this Agreement 10 years after the anniversary date of this Agreement.~~ Whatever property remains in the area ~~depicted in Exhibit \_\_\_\_\_~~ during the ten years after the date of execution of this Agreement may be purchased by the City under a Right of First Refusal.

#### D. Trails.

~~(i) It is the Owners' intent to incrementally develop an integrated trail system for the benefit of pedestrians and cyclists. The objectives of such a system are:~~

~~(a) To reduce the number of internal automobile trips and associated impacts;~~

~~(b) To provide a safe, efficient, and pleasant alternative to automobile circulation;~~

~~(c) To encourage walking, running, and bicycling as recreational activities integral to the lifestyle of the Gig Harbor community;~~

~~(d) To enhance an overall system of recreational open space by providing non-motorized linkages throughout the property and to destination points such as residential neighborhoods, schools, parks, and commercial nodes.~~

~~(ii) In undertaking the development of a trail system, the following design guidelines will be employed:~~

~~(a) Trails will be looped and interconnected. Private and public trail segments will be coordinated to help, rather than hinder, their respective functions;~~

~~(b) Gradients for pedestrian/bicycle routes will be kept as minimal as possible. If, on primary pedestrian corridors, gradients are exceptionally steep, alternative routes for the physically impaired will be explored;~~

~~(c) All trails will be constructed with an all-weather surface, the specifics of which will be determined in accordance with usage, terrain, location, soils, and other relevant factors;~~

~~(d) All trails will be crowned or otherwise provided with adequate drainage;~~

~~(e) Clearing will be kept to a minimum recognizing that adjacent and overhanging foliage will be removed;~~

~~(f) Wherever practical, trails will be physically separated from roadways;~~

~~(g) Intersections with roadways will be provided with appropriate signage, crossings, signals, and other mechanisms in order to maximize safety;~~

~~(h) Trails will be provided with adequate signage indicating appropriate use, directional information, distances, etc. Signs will be coordinated with other development project graphics;~~

~~(i) Trails will be aligned and graded to be interesting and as aesthetically attractive as possible;~~

~~(j) Where appropriate, resting or viewing opportunities will be provided along the trails.~~

~~(ii) The preliminary trail plan, and all design guidelines described above for development of the trail plan, shown on Exhibit \_\_\_\_\_ shall be consistent with the City of Gig Harbor Park and Recreation element of the City's Comprehensive Plan, at the time such trail plan is implemented.~~

~~(i) Any trails associated with the development of the Owners' property shall be designed and shall be consistent with the adopted City of Gig Harbor Park Comprehensive Plan trail element in effect at the time of application. Dedication of the trails to the City shall occur as provided in the City's park improvement ordinance, or any other future regulation, or in effect at the time a development application for the property is submitted.~~

**E. Conveyance of Infrastructure.**

The Owners agree to convey to the City any water transmission mains, water storage tanks, or any other type of water facilities and roadways constructed by them as described in this Agreement upon construction, approval and the City's acceptance of the same. Such conveyance shall occur at no additional cost to the City. As a prerequisite to such conveyance and acceptance, the Owners will furnish to the City the following:

(i) As built plans or drawings prepared by a Professional Engineer licensed in the State of Washington;

(ii) Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;

(iii) A bill of sale form approved by the City Attorney; and,

(iv) A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the Public Works Director, ensuring that the facilities described

*in this Agreement will remain free from defects in workmanship and materials for a period of two (2) years.*

**F. Utility Connection Charges.**

*The Owners agree to pay the applicable charges as a condition of connecting to the City utility system at the rate schedule in effect at the City at the time the Owner actually requests to connect its Property to the system.*

**G. Latecomer and Waivers of LID Formation Provisions.**

(i) *The City may form a Local Improvement District for the construction and installation of the improvements described in this Agreement. In lieu of the formation of LIDs to fund the improvements, the Owners may construct the improvements, and the City may authorize the same, pursuant to reimbursement or latecomer's agreements as described in Chapters 35.91 and 35.72 RCW.*

(ii) *Owners agree to sign a petition for the formation of an LID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his/her/its attorney-in-fact to sign a petition in the event Owner fails or refuses to do so. With full understanding of Owner's right to protest an LID or ULID to construct the improvements described in this Agreement, Owner agrees to participate in such LID or ULID and to waive his right to protest formation of the same. The Owners shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court.*

**H. Land Use.** *The City's Comprehensive Plan, as adopted in 1994, contemplates the adoption of certain zoning districts for Owners' property.*



The City agrees to amend the City Zoning Ordinance, Title 17 of the Gig Harbor Municipal Code, to include these new districts in implementing the Planned Community designation of the City of Gig Harbor Comprehensive Plan, which include:

*PCD Residential Low Density  
 PCD Residential Medium Density  
 PCD Commercial  
 PCD Neighborhood Commercial  
 PCD Business Park  
 PCD Density Credits Transfer Option*

Said ~~zoning~~ districts provide standards solely for permitted and conditional uses within the PCD designation, the text of which is contained in Exhibit \_\_\_\_ attached hereto and incorporated herein by this reference. A map showing the application of these zoning districts on the Owners' property is attached hereto as Exhibit \_\_\_\_.

~~Said zoning districts shall remain unchanged for a period not to exceed five (5) years from the date of this agreement. Subsequent to five years from the date of this agreement, should the City initiate any amendment to the development regulations applicable to any district within the PCD designation, it shall provide timely notice to the affected property owners prior to conducting any public hearing on such change, as described in Gig Harbor Municipal Zoning Code Title 19, or the current version of the Zoning Code relating to such notice in effect at the time the amendment is proposed.~~

I. Administrative Provisions.

(i) The City agrees that this Agreement will be executed simultaneously with the City Council's approval of the Gig Harbor North annexation.

(ii) The Owner's Property is the only property expressly subject to the Agreement, and this Agreement shall not be binding with regard to other real property which may be annexed simultaneously with the Owners' Property as part of the Gig Harbor North annexation, pursuant to City Resolution ~~Ordinance~~ No. \_\_\_\_\_. Nevertheless, the effect

of the City's annexation is to subject all property in the Gig Harbor North annexation area to the City's zoning, land use and building laws, ordinances, policies, rules and regulations, and the City may enact ordinances so providing, consistent with its 1994 Comprehensive Plan (or as such plan may be amended).

(iii) This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.

(iv) ~~With the exception of the provisions in Section H herein,~~ This Agreement shall be effective for a period of ten (10) years after execution of this Agreement by both parties. Time is of the essence of this Agreement and of every provision hereof.

(v) In case of any breach of this Agreement, the non-defaulting party shall be entitled to maintain an action for damages, specific performance, or any other remedy afforded at law or in equity. If such action is brought to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs and expenses.

(vi) This Agreement shall be governed by the laws of the State of Washington.

(vii) The rights and obligations of the Owners under this Agreement are assignable.

(viii) This Agreement can only be amended by a written agreement signed by a duly authorized representative of the City and the Owners.

(ix) This Agreement shall be filed for recording with the Pierce County Auditor's Office at the expense of the Owners and shall constitute a covenant running with the

land described in Exhibit \_\_\_\_\_, and shall be binding upon the owners, heirs and their heirs, assigns and legal representatives.

~~Notwithstanding the language in section 8 herein, the City hereby reserves the right to impose new or different regulations applicable to the property, to the extent required by a serious threat to public health and safety.~~

(x) The captions in this Agreement are inserted for reference only and shall not be construed to expand, limit or otherwise modify the terms and conditions of this Agreement.

(xi) If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby.

CITY OF GIG HARBOR:

OWNERS:

By \_\_\_\_\_  
Its

\_\_\_\_\_

Dated:

Dated:

STATE OF WASHINGTON        )  
   ) ss.  
 COUNTY OF PIERCE         )

*I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of the CITY OF GIG HARBOR, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.*

*DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1995.*

*(Type or Print Name)  
 NOTARY PUBLIC for the State  
 of Washington, residing at*

*My commission expires*

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF PIERCE )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of the \_\_\_\_\_, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

(Type or Print Name)  
NOTARY PUBLIC for the State  
of Washington, residing at

My commission expires

CAM112790.3