

# **GIG HARBOR CITY COUNCIL MEETING**



**July 22, 1996**

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



## **AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**

**July 22, 1996 - 7:00 p.m.**

### **PUBLIC COMMENT/DISCUSSION:**

**PUBLIC HEARINGS:** Washington Natural Gas Franchise Agreement

### **CALL TO ORDER:**

### **APPROVAL OF MINUTES:**

### **CORRESPONDENCE / PROCLAMATIONS:**

Proclamation - Maritime History Week.

### **OLD BUSINESS:**

1. Third Reading of Ordinance - Preannexation Zoning for UGA.
2. Draft Parks and Recreation Plan.
3. Second Reading of Ordinance - Coulter Rezone (REZ 94-01).
4. Second Reading of Ordinance - Washington Natural Gas Franchise.
5. Second Reading of Ordinance - Amendment to GHMC - Cabarets.

### **NEW BUSINESS:**

1. First Reading of Ordinance - Planning Commission Recommendation, Revision to Section 17.96.020 (Site Plan Review)
2. Hearing Examiner Recommendation, SPR 95-13, Getty Office Building, 6565 Kimball Drive; Resolution for Approval.
3. Planning Commission Recommendation, Draft Design Review Manual for the City of Gig Harbor.
4. Liquor License Renewals - Captain's Terrace; Emerald Star; Hunan Garden; Kinza Teriyaki; The Captain's Keep; and The Green Turtle.

**MAYOR'S REPORT:** 50th Anniversary Celebration - Selection of Art for City Hall.

### **COUNCIL COMMENTS:**

### **STAFF REPORTS:**

1. Chief Barker - Police Department.
2. Mark Hoppen - Mid Year Report / Departmental Objectives.

### **ANNOUNCEMENTS OF OTHER MEETINGS:**

### **APPROVAL OF BILLS:**

**EXECUTIVE SESSION:** None.

### **ADJOURN:**



## REGULAR GIG HARBOR CITY COUNCIL MEETING OF JULY 8, 1996

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

**PUBLIC COMMENT / DISCUSSION:** None.

**CALL TO ORDER:** 7:04 p.m.

### **APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the June 24, 1996 meeting with corrections. Picinich/Owel - unanimously approved.

### **CORRESPONDENCE / PROCLAMATIONS:**

1. WFOA - Distinguished Budget Award. Mayor Wilbert introduced Tom Enlow, Finance Director, who explained that the Washington Finance Officer's Association had recently adopted the national criteria for budget awards and that he was pleased that the City's 1996 budget won this award with the more stringent requirements.
2. Viacom Cable - Transfer of Control to TCI. Mayor Wilbert explained that this letter was just informational.
3. Letter from Richard Freshley - Council Chambers. Mayor Wilbert introduced this letter suggesting that the podium be moved to allow the speaker to be heard by the audience as well as the Councilmembers. Councilmember Picinich added that the acoustics in the room are poor and asked staff to look into a more suitable sound system for the room in the next budgetary year.
4. Letter from Larry Storset. Mayor Wilbert introduced this letter from Larry Storset announcing that he had enjoyed his term on the Planning Commission which was ended in June. She added that the process to choose someone to fill the position would begin shortly.

### **OLD BUSINESS:**

1. Second Reading of Ordinance - Coulter Rezone (REZ 94-01). Ray Gilmore asked that this item be tabled until the July 22nd meeting, as Councilmember Owel would be recusing herself from the item, which would not leave a quorum to vote.

**MOTION:** Move to table this item until the July 22nd regular Council meeting. Ekberg/Picinich - unanimously approved.

2. Second Reading of Ordinance - Amendment to GHMC, Chapter 15.12, Responsibility for Fire Investigations. Ray Gilmore introduced the second reading of this ordinance revising

the municipal code to reflect changes made after the adoption of Senate Bill 6403, delegating the responsibility for fire investigations within the City of Gig Harbor to the Pierce County Fire District #5 Fire Chief.

**MOTION:** Move to approve Ordinance No. 728.  
Ekberg/Owel - unanimously approved.

3. First Reading of Ordinance - Repeal of Chapter 5.20 of the GHMC - Taxicabs. Mark Hoppen introduced the second reading of this ordinance and recommend adoption.

**MOTION:** Move to approve Ordinance No. 729.  
Owel/Ekberg - unanimously approved.

4. Emergency Management Agreement. Mark Hoppen introduced this agreement with Pierce County to provide Emergency Management services for \$.60 per person. He added that this fee would be pro-rated. Carol Morris mentioned that she had found a few typographical errors in the contract which were listed in a memo. Mark Hoppen spoke briefly about the Employee Emergency Handbook that had been developed and explained that it had been reviewed by all the employees and Pierce County Emergency Management for comments.

**MOTION:** Move we accept the contract with corrections suggested by legal counsel.  
Picinich/Owel - unanimously approved.

5. Chamber of Commerce - Counter Proposal. Mark Hoppen gave an overview of the options that had been proposed by the Chamber of Commerce for the purchase of the Bogue Building.

**MOTION:** Move this item be tabled until it could be discussed in Executive Session.  
Ekberg/Owel - unanimously approved.

#### **NEW BUSINESS:**

1. Washington Natural Gas Franchise - First Reading. Mark Hoppen introduced this franchise between the City and Washington Natural Gas to run gas lines in City easements. He explained that negotiating the terms of the contract had been difficult and had taken several years because of reorganization within WNG. He added that this proposed franchise would be printed in the local paper and would come back at the next council meeting for a public hearing and second reading.
2. Amendment to GHMC - Cabarets. Chief Mitch Barker explained that the current code incorrectly refers to the wrong chapter in reference to noise. He added that this was a housekeeping ordinance that would change the code to correctly refer to Chapter 9.34, Crimes Relating to Public Peace. This ordinance will return for a second reading at the next council meeting.

3. Community Forest Grant Agreement. Mayor Wilbert introduced Tish Carr, representing the Department of Natural Resources and thanked her for her assistance during the process. Ms. Carr gave a brief overview of the \$2,000 Urban Forest grant approval recently received by the City. Ms. Carr added that the hardest part of the program is applying for the grant, which had already been done. She said the State was anxiously awaiting the signed agreements.

**MOTION:** Move we authorize the Mayor to sign the Community Forest Grant Agreement.

Picinich/Ekberg - unanimously approved.

4. Liquor License Assumption - WB Scotts to Spiros Pizza & Pasta. No action taken.

### **MAYOR'S REPORT:**

50th Anniversary "Selection of Art" Mayor Wilbert explained that several local artists had submitted artwork to be considered for purchase for the foyer at City Hall. She added that donations from the public would purchase the artwork in commemoration of the City's 50th Anniversary. She asked that Councilmembers review the paintings, and that a choice be made at the next Council meeting.

**COUNCIL COMMENTS:** Councilmember Picinich gave a report on the Gig Harbor / Key Peninsula Coalition Network. He said he had been attending meetings two times a week over the last few months. He added that the group was a non-profit organization that was going strong and that there was a lot of support from the community.

### **STAFF REPORT:**

1. Employee Emergency Handbook. Mark Hoppen presented this under the Emergency Management Agreement agenda item.
2. Quarterly Report. Tom Enlow passed out the quarterly report, adding that the quarterly ending fund balances were as expected or a little better. He gave a brief report on the department expenditures, and added that a budget amendment would be necessary to remove the revenues and expenditures anticipated for the Westside Annexation, which would be delayed.
3. Westside Annexation. Mark Hoppen said that the Boundary Review Board had a submission from property owners requesting further review and a public hearing, which could extend the time frame an additional 120 days, placing it past the November election deadline. Ray Gilmore said he would be obtaining more information which he would share at a later date.

### **ANNOUNCEMENT OF OTHER MEETINGS:**

1. Gig Harbor Key Peninsula Coalition Network - Wednesday, July 10th, 7:00 p.m. at the Peninsula School District Administration Building.
2. Puget Sound Regional Council - General Assembly Meeting, July 11th.

Mayor Wilbert said this meeting's agenda would contain the resolution for the Metropolitan Transportation Plan that includes the third runway at SEATAC Airport. She asked for direction from Council on how they would like her to vote on the third runway issue at SEATAC. Councilmember Owel said she would be against the third runway. Councilmember Ekberg said he was in favor of the runway because it's obviously the only place in the region to have an airport and it needs the additional runway to be able to handle the traffic. Councilmember Picinich said he is against the third runway, and that areas like Bremerton or Olympia could handle the traffic. He added that he would not like to see the Mayor go to the meeting and cast a vote that did not reflect the wishes of all the Council, and asked legal counsel if it would be appropriate to make a motion. Carol Morris answered that if Council was going to give direction on how to vote it should be done by motion.

**MOTION:** Move we send Mayor Wilbert to the General Assembly Meeting with the understanding she is speaking for the Council, and that she vote no for the *third runway*.  
Picinich/Owel -

Councilmember Ekberg mentioned that because this was not an agenda item, no presentation had been given, each of the Councilmembers have their own opinions, and there was not the correct forum to discuss the issue, that the Mayor should not go forth as an official representative for the city. He added that if each member wanted to go to the meeting and voice their own individual opinion, that would be appropriate.

**MOTION:** Move to table the motion.  
Ekberg/ no second was made.

Councilman Picinich withdrew his original motion.

#### **APPROVAL OF BILLS:**

**MOTION:** Move approval of checks #116171 through #16241 in the amount of \$62,034.65.  
Owel/Ekberg - unanimously approved.



**APPROVAL OF PAYROLL:**

**MOTION:** Move approval of June payroll checks #12743 through #12870 in the amount of \$189,435.05.  
Owel/Ekberg - unanimously approved.

**EXECUTIVE SESSION:** For the purpose of discussing a property sale.

**MOTION:** Move to adjourn to executive session at 8:10 p.m. for the purpose of discussing a property sale for approximately 20 minutes.  
Picinich/Ekberg - unanimously approved.

**MOTION:** Move to return to regular session at 8:25 p.m.  
Owel/Ekberg - unanimously approved.

**MOTION:** Move that we reject the offer from the Chamber of Commerce and that we go back with the original offer and stipulate the fact that the Chamber has a 30 day period in which to reply to our offer with the corrections made that the City would provide title insurance, share the cost of escrow and add the financing condition, paragraph 19.  
Picinich/Ekberg - unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:30 p.m.  
Owel/Picinich - unanimously approved.

Cassette recorder utilized.  
Tape 432 - Side A 025 - end.  
Tape 432 - Side B 000 - end.  
Tape 433 - Side A 000 - 129.

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Mayor

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City Administrator



# PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, the City of Gig Harbor is known as the Maritime City and

WHEREAS, the City of Gig Harbor is celebrating the history of her heritage and

WHEREAS, a most important part of that heritage revolves around seamanship, and boat building and

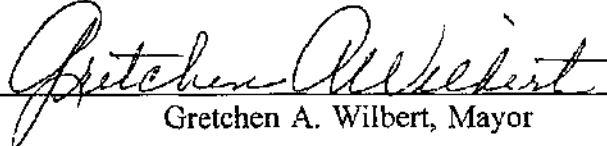
WHEREAS, the educational activity carried on by the Maritime School Sea Explorers of Station 555 is essential in perpetuating the skills and discipline needed to survive at sea and

WHEREAS, the Sea Explorers are bringing to Gig Harbor handcrafted replicas of the first gig of Captain Wilkes to enter Gig Harbor Bay in 1841.

NOW THEREFORE, in honor of all mariners young and old, and the heritage passed onto us all, I Gretchen Wilbert, Mayor of the City of Gig Harbor, do proclaim the week of July 21st through July 27th as

## MARITIME HISTORY WEEK

dedicated to the ever continuing process of hard work, dedication and learning.

  
Gretchen A. Wilbert, Mayor

  
Date





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

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

**TO:** ~~Ray Gilmore~~ **MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM:** ~~Ray Gilmore~~ **Ray Gilmore, Director, Planning-Building Department**  
**DATE:** **July 17, 1996**  
**SUBJECT:** **Proposed Preannexation Zoning Map for the Urban Growth Area;  
Amendments to zoning code text and proposed Gig Harbor North zoning  
map; first reading (reintroduction) of draft ordinance on preannexation  
zoning map.**

### **INTRODUCTION**

The Planning Commission's proposal on a preannexation zoning map for the city's UGA was introduced to the Council at its May 13 regular meeting date. Since three regular meeting dates have passed since the ordinance was originally introduced, the ordinance must be reintroduced as a first reading. No additional public testimony is required.

The Planning Commission's recommendation would also require adjustments to the proposed zoning standards for the Gig Harbor North Annexation for the mixed use district and the proposed zoning district map for Gig Harbor North. The proposed UGA zoning map and draft ordinance are attached.

### **POLICY ISSUES**

The proposed zoning map for the UGA addresses several policy areas:

1. It establishes a zoning plan consistent with the City's Comprehensive Land Use Plan for annexations as they occur and eliminates the requirements that each annexation be subject to separate zoning plans.
2. It implements city zoning standards, Title 17 of the GHMC, concurrently with annexation for those areas in the UGA.
3. It serves to articulate the city's contractual requirements for utility service extension agreements outside the city limits by providing a basis (through the respective zoning designation) for contract performance. It does not automatically rezone any property in the UGA that receives city utility services by contract.
4. Through the application of No.1 and 2, it consolidates the annexation and preannexation zoning process more efficiently.
5. With adjustments to the code and portions of the Gig Harbor North annexation area, it serves to "fine-tune" land use performance standards.

Because the Gig Harbor North annexation is still in progress and is not effective until the Council adopts an ordinance, proposed map changes to this area must be deferred until the appropriate time after the annexation is approved by the Pierce County Boundary Review Board. Nonetheless, the report to the B.R.B. will include the City's intention to adopt the proposed adjustments.

The Planning Commission has recommended, in addition to the UGA map, that the following revisions be incorporated in the respective Gig Harbor North annexation documents:

1. Amend Mixed Use Overlay district to include "Warehousing and storage" as a permitted use.
2. Amend the zoning designation for the property owned by Performance Circle (formerly North-by Northwest) from the current proposed R-1 to RB-1.
3. Amend the Avalon Woods "zero lot-line" development at the entrance to Avalon Woods from the current proposed R-1 to R-2.

With the exception of Mr. Walt Smith's and Mr. Del Stutz's comments, comments received at the May 13th and June 24th Council meeting are essentially the same as received at the Planning Commission's public hearing. Review and analysis of these comments have been previously provided and is also attached with this memo as a table.

#### **FISCAL IMPACT**

By adoption of the UGA zoning map, the potential fiscal impact to the city is reduced by eliminating the need for future administrative processes which are duplicative.

#### **RECOMMENDATION**

This is the first reading of the reintroduction of the ordinance. Following discussion and deliberation, Council may adopt at this first reading on a majority vote plus one of the whole membership of the council (Section 1.08.020 (B)).

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A CITY PREANNEXATION ZONING MAP FOR THE CITY OF GIG HARBOR URBAN GROWTH AREA AND APPLYING CITY ZONING DESIGNATIONS ON PROPERTY SO AFFECTED UPON THE ANNEXATION OF THE AREA .**

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WHEREAS, the City of Gig Harbor considers it to be in the public's interest to apply city zoning designations to the Urban Growth Area (UGA) outside of the city boundary which are consistent with the City of Gig Harbor Comprehensive Plan of 1994; and,

WHEREAS, the City of Gig Harbor zoning map for the UGA establishes a zoning plan for annexations as they occur and eliminates the requirements that each annexation be subject to a separate preannexation zoning procedure; and,

WHEREAS, the City of Gig Harbor preannexation zoning district map for the UGA does not automatically rezone any property in the UGA that receives city utility services by contract and that this can only occur as part of an annexation in accordance with the procedures established in RCW 35A.14; and,

WHEREAS, pursuant to RCW 35A.14.330 and.340, the City Council held two public hearings, not less than 30 days apart, on proposed preannexation zoning designations for the area; and,

WHEREAS, after taking public testimony during the two required public hearings, the City Council decided to adopt pre-annexation zoning designations established by this ordinance.

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

Section 1. Pre-Annexation Zoning Established. Pursuant to RCW35A.14.330 and .340, the following pre-annexation zoning designations are hereby established as provided as follows:

Residential

R-1 (Chapter 17.16)                      Single family  
Map areas 1, 10, 15, 16, 17, 19, 21, 23, 27, 33, 34.

R-2 (Chapter 17.20)                      Single family/duplex  
Map areas 3, 26, 28, 29, 32.

R-3 (Chapter 17.24)                      Multifamily  
Map areas 6

Residential Business

RB-1 (Chapter 17.28) Low density residential with low intensity business  
uses  
Map areas 9, 11, 22, 30.

RB-2 (Chapter 17.30) Medium density residential with moderate intensity  
business uses  
Map areas 2, 5, 7, 12, 14, 24, 31.

Commercial Business

B-2 (Chapter 17.36)                      General retail and wholesale sales and  
service.  
Map areas 4, 13.

C-1 (Chapter 17.40)                      Retail, wholesale, light manufacturing  
Map area 8.



Employment

ED (Chapter 17.45)  
Map areas 18 and 25

Processing and manufacturing; limited retail

Public Institutional

PI (Chapter 17.15)  
Map area 20

Public facilities

Section 2. Preannexation Zoning Map Adopted. A zoning map for the City of Gig Harbor Urban Growth Area, hereby referenced as Exhibit "A", attached, is hereby adopted.

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

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

APPROVED:

\_\_\_\_\_  
MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: May 13, 1996

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. \_\_\_\_

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

of the City of Gig Harbor, Washington

On the \_\_\_\_\_ day of \_\_\_\_\_, 1996, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A CITY PREANNEXATION ZONING MAP FOR THE CITY OF GIG HARBOR URBAN GROWTH AREA AND APPLYING CITY ZONING DESIGNATIONS ON PROPERTY SO AFFECTED UPON THE ANNEXATION OF THE AREA.**

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

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

**REVIEW AND ANALYSIS OF COMMENTS RECEIVED ON PROPOSED  
PREANNEXATION ZONING MAP**

Comment	Response
<b>Comments from May 13, 1996 Council Meeting</b>	
<p>#1 <u>Matthew Sweeney</u>. Mr. Sweeney introduced himself as the attorney representing the Garrisons and the Torrens. He said he had passed out a letter and materials for Council's review on the previous Friday. He said that Ms. Garrison and Mr. Torrens own property along Sehmel Drive that have been designated as RB-1 in the proposed zoning map. He added that they are requesting that the property be delineated as half RB-2 and half ED where it borders the PI designated property, to reflect what the area is currently being utilized for.</p>	<p>Comments previously considered by Planning Commission. Amending to ED would require a comprehensive plan amendment.</p>
<p>#2 <u>Paul Cyr - 55th St. Ct. NW</u>. Mr. Cyr said he was representing a number of clients. He read from the Planning Commission Resolution and the staff report of 5/8/96 regarding obtaining city services without annexation. He asked where the policy exists articulating obtaining these utilities. Mr. Hoppen explained that the City has an ordinance in effect describing the requirements, and added that the ordinance had been acknowledged in a settlement agreement between Pierce County and the City of Gig Harbor regarding the entire Urban Growth Area. Mr. Cyr said that a public process should occur to educate the residents who live in those areas, of the terms of the agreement. He added that he concurred with several of the recommendations, but requested that the area where the community college was located on Hunt Street be changed to a more commercial designation, along with the Stroh property north of Hunt Street which he said should be a B-2 designation. He finalized by saying it appeared that the Planning Commission was favoring residential designations zoning over business.</p>	<p>Previously considered by Planning Commission.</p>
<p>#3 <u>Jack Bujacich - 3607 Ross Avenue</u>. Mr. Bujacich asked why the central area of the map had no designation. Mr. Gilmore explained that the area was being considered under the Gig Harbor North hearings, already held, and were pending.</p>	<p>No response required.</p>
<p>#4 <u>Joe Loya - PO Box 04</u>. Mr. Loya said he was representing the Performance Circle, and thanked the Planning Commission for designating the area where the "Meadow" is located as RB-1, as they are still considering a performing arts center to be located at that site. He requested that a performing arts center be specifically added to the text for the RB-1 designation.</p>	<p>Previously considered by Planning Commission</p>

**REVIEW AND ANALYSIS OF COMMENTS RECEIVED ON PROPOSED  
PREANNEXATION ZONING MAP**

<p>#5 <u>Walt Smith - PO Box 191</u>. Mr. Smith passed out a letter to Council, asking for an amendment to the text for the ED designation on his property. He said that when he started his project, the Gig Harbor Comp Plan required a 60- 40 open space relationship to impervious coverage. He said the current figures would only leave approximately 26% of the property to develop, and added that he thought this was an oversight. He offered to work with Planning Staff and Council and to come back at the June meeting with a proper presentation.</p>	<p>New issue. Would require Planning Commission consideration and recommendation.</p>
<p>#6 <u>John Holmaas - 7524 Goodman Drive</u>. Mr. Holmaas asked for reconsideration of the zoning designation for the Northharbor Business Campus on Burnham Drive. He said that other zoning would be more appropriate than the RB-1 designation.</p>	<p>Previously considered by Planning Commission</p>
<p>#7 <u>Tom Torrens - PO Box 1741</u>. Mr. Torrens asked for clarification on his property. He said that when he contracted with the City for water, he understood the property to be zoned commercial by the county, but now it was being zoned RB-1. His concerns that when the bank appraised his property, the lower density designation would affect the value of the property. He added he would like to see the zoning changed to ED.</p>	<p>Land use request previously considered by Planning Commission. A change to ED would require an amendment to the Comprehensive Plan.</p>
<p><b>Comments from June 24th Council Meeting</b></p>	
<p>#1 <u>Walt Smith PO Box 191, Gig Harbor</u>. Mr. Smith spoke about the proposed Employment District zoning classification and how it limits development. He asked that this designation be remanded back to the Planning Commission for a text amendment to this designation.</p>	<p>See previous comment.</p>
<p>#2 <u>Mike Scannel - 9424 Milton Avenue</u>. Mr. Scannel said he had been asked by Doug Howe to speak to Council regarding the Employment District zoning designation. He said that the setbacks are too restrictive and asked that this be remanded back to the Planning Commission for reconsideration.</p>	<p>Same issue as above.</p>

**REVIEW AND ANALYSIS OF COMMENTS RECEIVED ON PROPOSED  
PREANNEXATION ZONING MAP**

<p><u>#3 Del Stutz - 3003 Harborview Drive.</u> Mr. Stutz said he purchased his property on Burnham Drive under Pierce County's zoning in anticipation of future business growth in the area. He said that he just found that the zoning for his property under this proposal would be residential, which he felt was incompatible with the Sportsmen's Club across the road. He asked that reconsideration be given to this area to be changed to C-1. Mr. Gilmore explained that the area in question was in the mixed-use zone in the Comprehensive Plan, and that a change to C-1 would require an amendment to the Comp Plan.</p>	<p><b>Would require review/recommendation by the Planning Commission.</b></p>
<p><u>#4 Paul Cyr - 4102 55th St. Ct. NW</u> - Mr. Cyr again asked for reconsideration on the proposed zoning for the Stroh properties on Hunt by the Community College and by the Medical Center. Both properties are currently proposed to be RB-2 and the property owners would like it to be designated to B-2.</p>	<p><b>Previously considered by Planning Commission</b></p>

**GENERAL DESCRIPTION OF THE AREAS SUBJECT TO THE PROPOSED  
CITY OF GIG HARBOR PREANNEXATION (UGA) ZONING**

<b>Area</b>	<b>Zoning</b>	<b>Description</b>
1	R-1	Quail Run, Quail Park, Quail Estates, subdivisions east of and adjacent to 38th Avenue NW
2	RB-2	Harbor Country Estates Apartments
3	R-2	Quiet Forest Park Condos/Peninsula Christian/PC Library
4	B-2	Harbor Plaza/Point Fosdick Square/Gas Stn/Movie Theater
5	RB-2	Point Fosdick Medical Center
6	R-3	Retirement Village
7	RB-2	Hific Center/Forest Grove Apts/Olympic Prof. Park/Vet
8	C-1	Automobile dealerships/Lumbermen's/Cimmaron, et.al.
9	RB-1	Intersection of 38th Ave. and 56th St; Daycare/Medical Office
10	R-1	Britanny Place/Woodlane/Mobile Home Park/Church.
11	RB-1	Vacant parcel east of Peninsula Baptist Church
12	RB-2	Tacoma Community College area, soccer field, mini-storage complex, "Scrubbles" business.
13	B-2	Stroh's Feed Store and adjacent property, south of Hunt St.
14	RB-2	Stroh's Property, north of Hunt St.
15	R-1	Sunnybrae Subdivision
16	R-1	Between Hunt Street NW and North Creek estates, including Norwegian Woods subdivision
17	R-1	Rosewood subdivision, north to Employment District
18	ED	City shop north to Corrections Center (excludes City Shop)
19	R-1	Pierce County addition to the UGA (Nov 1994)
20	PI	Purdy Corrections Facility
21	R-1	Northwest of Corrections Center

**GENERAL DESCRIPTION OF THE AREAS SUBJECT TO THE PROPOSED  
CITY OF GIG HARBOR PREANNEXATION (UGA) ZONING**

22	RB-1	Garrison/Torrens Ownerships south of Sehmel Road
23	R-1	Residential area north of Sehmel Road, west of SR-16
24	RB-2	Garrison/Torrens property, Swede Hill Interchange
25	ED	Walt Smith property/Active Construction site
26	B-2	Realty One, et.al, between Burnham Drive NW and SR-16
27	R-2	East of Canterwood Blvd, west of Canterwood development.
28	R-1	Canterwood and subdivisions along Peacock Hill Ave.
29	R-2	Harborcrest Duplexes and Avalon Woods Condos
30	RB-1	Performance Circle Outdoor Theater/Restaurant
31	RB-2	Conan Fuel/Cardlock Station
32	R-2	Between SR-16 and Burnham
33	R-1	East Gig Harbor
34	R-1	Shore Acres/Reid Road/Rushmore





R 1 E

2 E

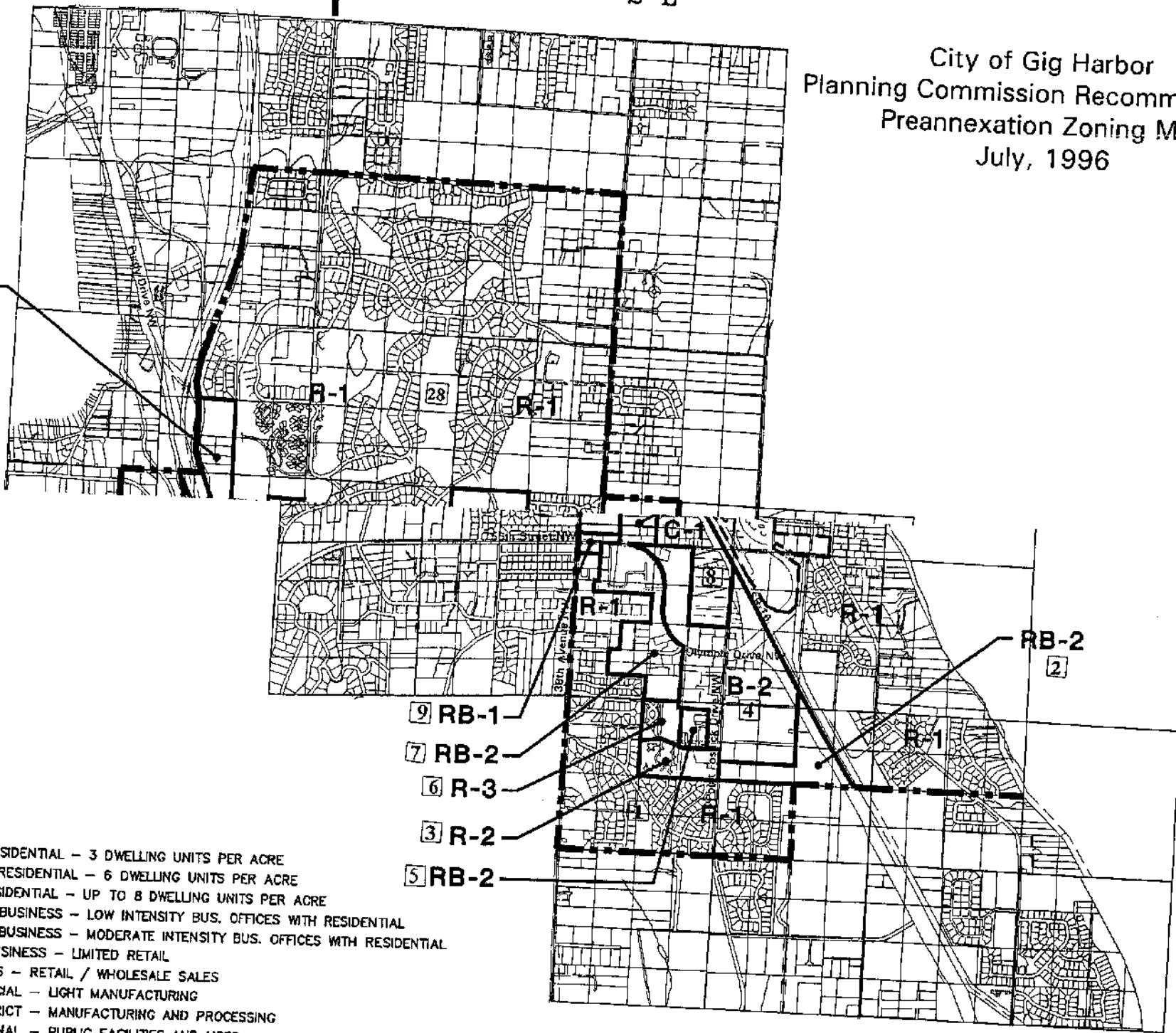
City of Gig Harbor  
 Planning Commission Recommendation  
 Preannexation Zoning Map  
 July, 1996

R-2  
 27



LEGEND:

- 1 SINGLE FAMILY RESIDENTIAL - 3 DWELLING UNITS PER ACRE
- 2 MEDIUM-DENSITY RESIDENTIAL - 6 DWELLING UNITS PER ACRE
- 3 MULTI-FAMILY RESIDENTIAL - UP TO 8 DWELLING UNITS PER ACRE
- 3-1 RESIDENTIAL AND BUSINESS - LOW INTENSITY BUS. OFFICES WITH RESIDENTIAL
- 3-2 RESIDENTIAL AND BUSINESS - MODERATE INTENSITY BUS. OFFICES WITH RESIDENTIAL
- 1 NEIGHBORHOOD BUSINESS - LIMITED RETAIL
- 2 GENERAL BUSINESS - RETAIL / WHOLESALE SALES
- 1 GENERAL COMMERCIAL - LIGHT MANUFACTURING
- 0 EMPLOYMENT DISTRICT - MANUFACTURING AND PROCESSING
- 0 PUBLIC-INSTITUTIONAL - PUBLIC FACILITIES AND USES



- 9 RB-1
- 7 RB-2
- 6 R-3
- 3 R-2
- 5 RB-2

RB-2  
 2





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

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

**TO: MAYOR WILBERT AND THE GIG HARBOR CITY COUNCIL**  
**FROM: Ray Gilmore, Director, Planning-Building Department**  
**DATE: July 17, 1996**  
**SUBJECT: Planning Commission Recommendation - Parks and Recreation Plan, Revision to Parks and Recreation Element of the Gig Harbor Comprehensive Plan.**

### **INTRODUCTION**

Attached for your review is the Planning Commission's recommendation on the draft Parks and Recreation Plan for the City of Gig Harbor. The draft plan is an amendment to the City of Gig Harbor Comprehensive Plan Parks and Recreation Element. The Planning Commission conducted the public hearing on this proposal on March 21, 1996 and a follow-up worksession on April 4, 1996. Additionally, copies of the draft Plan were submitted to various local and state agencies for their review and comment.

### **POLICY ISSUES**

The Parks and Recreation Plan consist of several "sub-elements", as follows:

- A. Existing Conditions
  - i. Community setting
  - ii. Environments
  - iii. Parks and Recreation Facilities
- B. Opportunities
- C. Land and Facility Demand
- D. Finances
- E. A public Opinion Survey
- F. Goals and Objectives
- G. Strategies
- H. Development Plan Elements
- I. Implementation Program

The plan identifies several strategies the city may choose to employ in the financing , management and development of various park and recreation programs. Tom Beckwith, Beckwith Consulting Group, will be available at this meeting to address any questions the Council may have.

At the public hearing on June 24, comments were provided by two citizens:

Brook Kaupila, Rosedale Avenue - requested that horse trails not be deleted from the parks and recreation plan

Paul Cyr - requested that the Tallman property at the intersection of Hunt and 46th Avenue NW be included as ballfields.

Also included are comments previously received from two agencies of interest, specifically the Department of Natural Resources and Pierce County Planning and Land Services. Based upon these comments, adjustments to the final document may be considered, as appropriate.

### **FISCAL IMPACT**

There would be a marked fiscal impact from the adoption and implementation of the revised plan, but the amount would depend upon several factors:

- A. The adopted level of service (LOS) for parks facilities and improvements;
- B. The proportionate share of any impact fee that may be adopted;
- C. The financing strategy adopted;
- D. The number and degree of recreation facilities included within the plan.

A detailed financial analysis is presented in the Finance section (beginning on page 129) of the draft Parks and Recreation Plan.

### **RECOMMENDATION**

The proposed Parks and Recreation Plan is an amendment to the City of Gig Harbor Comprehensive Plan. As State law limits comprehensive plan revisions to not more than once per year and considering that some additional adjustments to the Comprehensive Plan will be required this fall, staff recommends that adoption of an ordinance be deferred. Council may use this opportunity to make adjustments to the revised plan so that a final version may be prepared and submitted for printing.



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

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

June 12, 1996

Mayor Wilbert and the Gig Harbor City Council  
Gig Harbor City Hall  
Gig Harbor, WA

Dear Mayor Wilbert and City Council:


The Planning Commission submits for your consideration a draft Parks and Recreation Plan. The draft plan is a complete revision to the current Parks and Recreation Element of the Gig Harbor Comprehensive Plan of 1994. It is the product of several worksessions conducted by a technical advisory committee, the Planning Commission and staff.

A public hearing on the draft plan was conducted on March 21, 1996. One person testified on the draft plan and that testimony centered on including a youth oriented skateboard park in the parks plan. Since that hearing, the Planning Commission conducted one final worksession. Based upon the public hearing and the Planning Commission's independent review and analysis, the Planning Commission recommends that the Council consider the following adjustments to the Parks Plan:

1. Include the changes as recommended by the Public Works Director- letter to Beckwith Consulting Group, attached.
2. Delete horsetrails and campgrounds in the urban area.
3. Consider the inclusion of a skateboard park or park program. This could consist of a dedicated skate board park or use of existing parking lots as part of community parks program.
4. Combine the tables on pages 35-36 and page 119 into one table.
5. Acquisition of neighborhood parks out in the UGA (example, rights-of-way as use of pocket parks, marginal properties ((along Burnham Drive as an example)); street end parks are a good example.)

With these adjustments the Planning Commission believes that this Parks and Recreation Plan provides reasonable and attainable goals for a balanced community parks program over the next twenty years.

Sincerely,

  
Carl Halsah  
Chairman,  
City Planning Commission



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

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

**Erratum**

**City of Gig Harbor  
Parks, Recreation and Open Space Plan  
March 21, 1996**

---

The following changes and/or additions to the draft Parks, Recreation and Open Space Plan are hereby incorporated:

1. Cover pages:  
City Council: Replace Jeanne Stevens Taylor with Marilyn Owel.  
Planning Commission: add Carol Davis.  
City Staff: add Wes Hill, Public Works Director; revise to show Ben Yazici as former Public Works Director.
2. All maps are revised to include the 200 acres of the Gig Harbor Interchange annexation area (between 46th Avenue NW and SR-16). These maps are found on the following pages:  
3; 15; 34; 87; 89; 95; 167; 173; 179; 189; 209; 215
3. Wildlife Habitat map, page 15, shall include a legend which states that the map is based upon U.S.D.A. Pierce County Soils Maps for the Gig Harbor Peninsula (1979).
4. Page 34 and 35, Burnham Drive ball-field is privately owned.
5. Page 40. Burnham Drive ballfield will not be acquired by the city. It will be privately owned.
6. Page 44.  
Peacock Hill Roadend is not owned by the city and is not public right-of-way.  
Dorotich Street Roadend - the public access dock is privately owned.
7. Delete "Stanich". The street is Novak Street. Novak Street-end park is deleted from the inventory.
8. Delete "Peacock Hill street-end".
9. Page 163. Delete last paragraph under "Recreational programs".
10. Page 166. Revise to read as follows:  
4) Critical Area Ordinance - this action designates critical environmental areas as a special performance in the city's environmental policy codes. The designations identify... *the remainder as is.*

11. Page 245, map legend should show that the Henderson Bay School is a potential acquisition by the city as a community civic center.
12. Page 248, Henderson Bay Alternative School site is a potential community civic center subject to purchase by the City of Gig Harbor from the Peninsula School district.



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

**RECEIVED**

**MAY 23 1996**

**CITY OF GIG HARBOR**  
JENNIFER M. BELCHER  
Environmental Programs  
KALEEN COTTINGHAM  
Supervisor

May 21, 1996

Wesley Hill Director, Department of Public Works  
Ray Gilmore, Director of Planning and Building  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98355

RE: Request for Comments - Draft Parks, Recreation and Open Space Plan for the City of Gig Harbor and Urban Growth Area, Dated January 10, 1996

Dear Gentlemen:

Thank you for giving the Department of Natural Resources (DNR) the opportunity to comment on the January 10, 1996, City of Gig Harbor Draft Parks, Recreation and Open Space Plan. The City has done a good job preparing a well thought out plan. We appreciate the emphasis put on working with the various landowners, including the DNR, rather than just planning without regard to the needs of the landowner.

DNR does request some corrections be made to the plan with respect to the state's property as depicted on the "Public Land Ownership" map on page 95.

DNR ownership in the vicinity of the Purdy Women's Correctional Center (Section 36, Township 22 North, Range 1 East) is smaller than depicted on the map. Attachment 1 shows the last three remaining parcels (B, C, and D) that we still own. The land west of Bujacich Drive, as well as the isolated parcel to the north, was sold between 1987 and 1992 to private parties and should not be shown as state ownership.

DNR no longer owns the small parcel in Section 21, Township 21 North, Range 2 East, next to the Madrona Links Golf Course. This parcel was sold in 1994 to a private party.

**SOUTH PUGET SOUND REGION**

28329 SE 448TH ST ■ PO BOX 68 ■ ENUMCLAW, WA 98022-0068 ■ FAX: (360) 825-1672 ■ TTY: (360) 825-6381 ■ TEL: (360) 825-1631

Equal Opportunity/Affirmative Action Employer



RECYCLED PAPER



Wesley Hill and Ray Gilmore

Page 2

May 21, 1996

DNR requests that you remove from the map the isolated parcel at the very top of the page. Although we do own this piece, this parcel is physically separated from and outside of the planning area covered by this draft and appears to have been included only because it is state land. The focus of the draft doesn't cover shoreline or upland opportunities that far to the north, but rather concentrates on the opportunities close to Gig Harbor. This parcel more appropriately belongs to a regional or county plan, but not in the City plan.

DNR also requests some changes be made to the text with respect to our property (parcels B, C, and D) in the vicinity of the Correction Center. Some background explanation is necessary for you to have a complete picture of the future of our lands.

Over six years ago, DNR initiated work on the Purdy Master Plan for our ownership in Section 36. The participants who helped us design the Master Plan were: Pierce County, Peninsula Neighborhood Association, Peninsula School District, Pierce County Fire District No. 5 and the Department of Corrections (DOC). The Master Plan was designed to accomplish the following objectives:

1. Be consistent and compliant with all pertinent land use and zoning regulations of Pierce County and the Gig Harbor Peninsula Area, regardless of the eventual owner.
2. Allow the DNR to dispose of all its trust ownership in this specific area because of the increasing difficulty to effectively manage these properties for the trust beneficiaries.
3. Enable the DNR to avoid becoming a de facto park.
4. Provide all the participants something they wanted, which ultimately gained a consensus of support for the plan.

The implementation of this Master Plan is currently half completed with parcel B, C, and D left to be disposed of as follows:

1. Parcel B - This parcel (22 acres) may soon be sold to Pierce County for park purposes if they can solve the funding issue for the purchase. If the county is unsuccessful, then the parcel will be sold at public auction. This transaction fulfills the Master Plan intent for production of income for the trust.

Wesley Hill and Ray Gilmore

Page 3

May 21, 1996

2. Parcel C - The present trust designation for this parcel (112 acres) of Common School will be exchanged for a designation of State Forest Board Transfer which will then allow the land to be reconveyed back to Pierce County for park purposes at no cost. This transaction fulfills the Master Plan intent for park development.
3. Parcel D - This parcel (72 acres) will be completely used by DOC for the correctional center and isn't available for other uses.

Based on this background and the future plans for the property, the text on page 93 in the paragraph titled Washington State Department of Natural Resources (DNR) timber lands must be changed to reflect the following:

1. The land isn't timber land and isn't managed by DNR for timber purposes. Parcel B is development land that will be sold. Parcel C is park land destined for Pierce County. Parcel D is institutional land retained by DNR and not available for other uses.
2. We currently own about 206 acres. Once the transactions are completed, we will own only 72 acres committed to DOC use.
3. DNR is not the agency to work with for potential trail opportunities in the future. Pierce County will be the majority owner of the park land with the possibility of a private owner of parcel B.

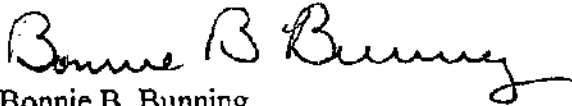
The text on page 166 and 170 under Proposed Conservancy Actions, (paragraph 5) Swede Hill resource land zoning designation is in error. The City of Gig Harbor Comprehensive Plan Generalized Land Use map, adopted November 28, 1994, depicts the correct zoning designations of Residential Low, Public/Institutional, and Mixed Use worked out between the city and DNR during the development of the comprehensive plan. These designations are appropriate for the current and future planned uses of the property. If Pierce County acquires parcel B, then the zoning on that parcel may change. In any case, a zoning designation of timber land is not appropriate as the land is not managed by DNR for timber. Paragraph 5 should be eliminated.

Wesley Hill and Ray Gilmore  
Page 4  
May 21, 1996

The text on page 194 (paragraph 6), page 210 (paragraph 3), and page 217 (paragraph 8) is all the same and needs correction. The reference to DNR forest lands should be eliminated. Depending on the explanation given on page 93, a more appropriate reference would be that "... the trail may continue ... across the future Pierce County park land to the ...".

Thank you for the opportunity to comment. If my staff can be of assistance, please call Dave Kiehle at (360) 825-1631.

Sincerely,

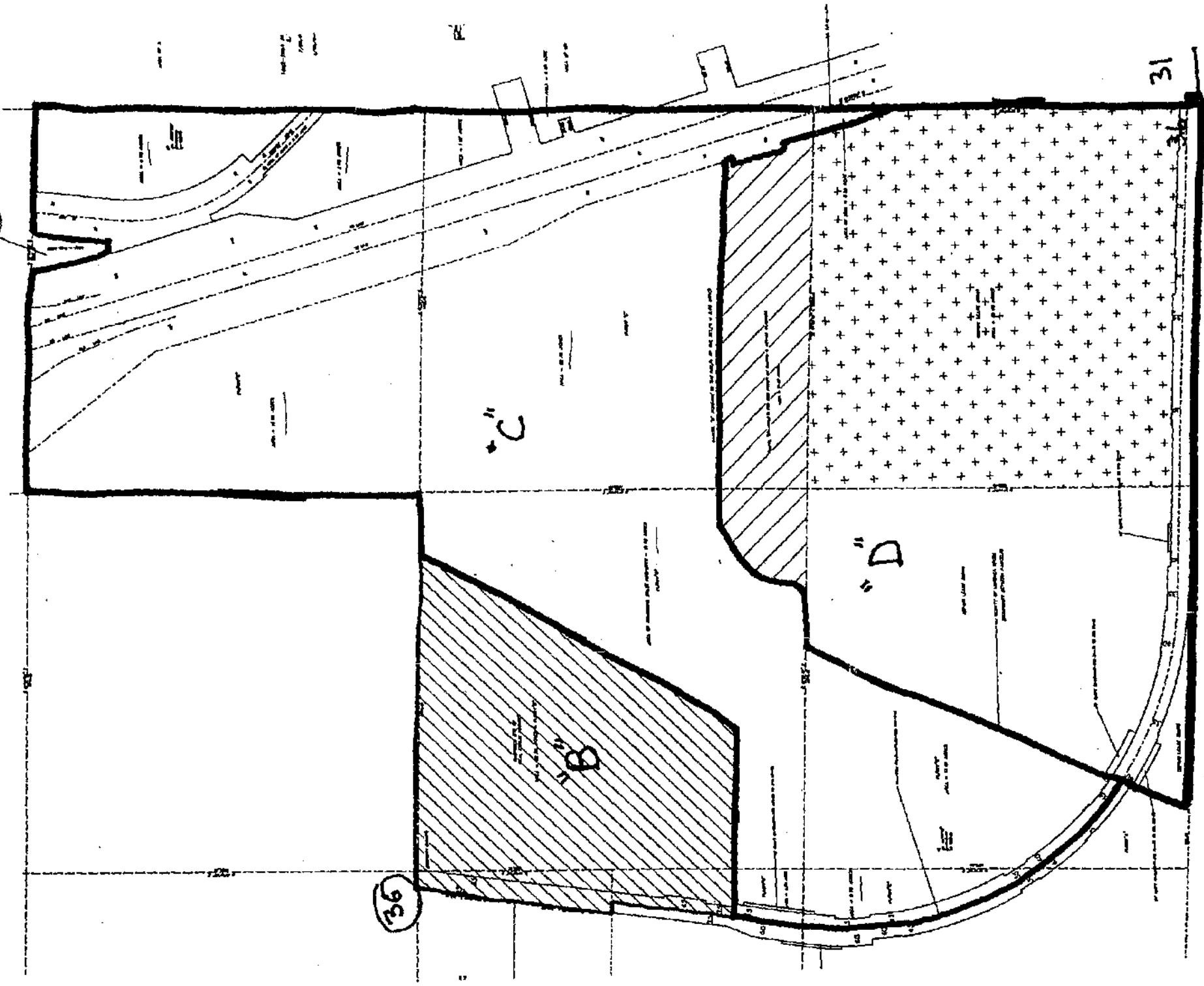


Bonnie B. Bunning  
Region Manager

BBB/dkb  
MAY96.70

Enclosure

Property 6"



36

31

16



Pierce County

Department of Planning and Land Services

2401 South 35th Street  
Tacoma, Washington 98409-7460  
(206) 591-7200 • FAX (206) 591-3131

DEBORA A. HYDE  
Director

June 3, 1996

RECEIVED  
JUN 05 1996  
CITY OF GIG HARBOR

Mr. Ray Gilmore  
Planning Director  
3105 Judson Street  
Gig Harbor, WA 98335

RE: Review comments on the City of Gig Harbor Park, Recreation & Open Space Plan,  
dated January 10, 1996.

Dear Mr. Gilmore: *Ray*

We have had the opportunity to review the proposed City of Gig Harbor Park, Recreation & Open Space Plan and have a few comments to offer on the document. The City is to be commended for addressing open space in such a detailed manner. Please consider the following comments.

Pierce County has recently completed a Peninsula Parks and Open Space Plan. We are unsure of the consistency between the Peninsula Plan and the City Plan. We suggest that you coordinate with John Ortgiesen of the Pierce County Parks and Recreation Department so that both plans are compatible with each other.

Page 8 The plan identifies the 1995 population for Pierce County as 648,113. According to Susan Clark, Associate Planner, this figure should be 660,200.

Page 79 The plan identifies Pierce County park facilities located within the Gig Harbor Urban Growth Area (UGA). The listing of County parks should be evaluated by the Pierce County Parks Department for accuracy.

Page 85 The plan references the Pierce County Department of Planning & Community Development (5th paragraph). The correct title throughout the document shall be Pierce County Department of Planning & Land Services (PALS).

Page 86 The plan identifies physical attributes which serve as a constraint to development (this may correlate to critical areas). This list does not address aquifer recharge. Again, this is an incorrect title as stated above.

Page 92 The plan references the Pierce County Department of Planning & Natural Resource Management (3rd paragraph). The correct title of the Department during the years between 1978-1983 was the Pierce County Department of Planning & Development.



Mr. Ray Gilmore  
June 3, 1996  
Page 2

- Page 92      The plan identifies a road right-of-way owned by the Washington State Department of Transportation (WSDOT) as a potential multipurpose trail (starting with the 8th paragraph). The Pierce County Parks Department should evaluate to determine if this proposed trail aligns with any identified Pierce County multipurpose trail in this area.
- Page 93      The plan lists several roads (4th paragraph) including Schmel Drive NW. Is the correct road name Schmel Drive NW?
- Page 140     (7th paragraph) "Where appropriate, maintenance and operation funds for facilities that are impacted by urban growth area, regional, and tourist users should be reimbursed or provided by Pierce County subject to the pending resolution of an interlocal agreement on planning and services". While this is an interesting concept I am not sure what the feasibility is for it actually happening.
- Page 144     **1995-2001 capital improvement program financial strategies - Urban Growth Area (UGA)** assumes that the City and the County reach an agreement on the Existing Level of Service (ELOS) and a Proposed Level of Service (PLOS).
- Page 160     Coordinating activities This paragraph states that the City of Gig Harbor should provide central information and coordination services for park and recreation activities within the Gig Harbor UGA (unincorporated Pierce County). Both the City and the County would have to outline this in some type of service provider agreement and/or joint plan (interlocal agreement and/or coordinated park and recreational facilities plan for the Gig Harbor urban growth area).
- Page 167     It may be helpful to show the two proposed zones (critical area zoning overlay and Swede Hill resource land zoning designation) on the Resource Conservancy Map. In addition, the word Conservancy is misspelled.
- Page 178     **Proposed Multipurpose Trails** The Pierce County Parks Department should evaluate to determine if this proposed trail aligns with the identified Pierce County multipurpose trail in this area.
- Page 252     Adopt plan for urban growth area The proposed coordinated park and recreational facilities plan for the Gig Harbor urban growth area, once adopted, would also serve as an amendment to the capital facilities elements of both the Gig Harbor and Pierce County Comprehensive Plans.

Throughout the planning document several references are made to the ELOS and PLOS. These figures appear to be higher than what is identified in the Pierce County Comprehensive Plan. It should be noted that the Pierce County Capital Facilities Plan Element would have to be amended, perhaps through adoption of the above noted joint planning document, prior to the effective date of an interlocal agreement to implement the

Mr. Ray Gilmore  
June 3, 1996  
Page 3

increased LOS standards. In addition, the plan should emphasize that the City must coordinate with the County so that mutual agreement on the policy issues can be achieved in the UGA.

The Pierce County Parks Department is also reviewing this document for further comments. The comments contained in this memorandum plus any additional comments generated by the Parks Department may be integrated into one letter prior to transmittal to the City of Gig Harbor.

Sincerely,



C.E. "CHIP" VINCENT  
Principal Planner, Advance Planning

KR:CEV:dlh

F:\WPFILES\LONG\GHPARK.LTR

cc: Grant Griffin, Senior Planner, Pierce County Parks and Recreation







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

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

## MEMORANDUM

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: PLANNING STAFF**  
**DATE: JULY 2, 1996**  
**RE: REZ 94-01 -- ESTHER COULTER - CONTRACT REZONE AT 9009 FRANKLIN AVENUE (BETWEEN FRANKLIN AVENUE AND NO. HARBORVIEW DRIVE); SECOND READING OF ORDINANCE**

### INTRODUCTION/BACKGROUND

Esther Coulter requested approval of a contract rezone for a parcel located at 9009 Franklin Avenue. Preliminary approval of the concomitant rezone was approved by the City Council on November 14, 1994 subject to several conditions. One of the conditions stipulated that the official zoning map shall not be approved until the property owner shall file with the City Council for approval and record with the Pierce County auditor's office a final condominium plat for the parcel which reflects the approved site plan and which contains or references the information required as part of the site plan approval and the rezone contract. It was discovered however, that under Washington law, final condominium plats are based upon as-built drawings. A final plat could not, therefore, be recorded until after the project was completed. To meet the intent of the requirement for plat recordation prior to rezoning, a binding site plan was recorded with all the information which was to be included on the condominium plat. Another condition of approval required that a formal legal contract be submitted to the City's legal counsel for review and approval. A contract was submitted which was reviewed and approved as to form by Carol Morris, signed by the Mayor and is ready for recordation.

### REQUEST

All conditions of approval for rezone have been complied with and the applicant is now requesting final rezone approval.

### RECOMMENDATION

A draft ordinance approving the rezone is attached for the Council's consideration and includes a copy of the Coultercrest Concomitant Zoning Agreement. On the advise of legal counsel, minor changes have been incorporated. This is the second and final reading of the ordinance. Following adoption, the agreement will be filed with the Pierce County Auditor. The staff recommends approval of the ordinance as drafted.

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

**AN ORDINANCE TO AMEND THE CITY'S ZONING MAP BY REZONING FROM R-1 and B-2 TO R-3-CONTRACT A PARCEL OF LAND LOCATED AT 9009 FRANKLIN AVENUE, SUBJECT TO THE RECORDATION OF A CONCOMITANT ZONING AGREEMENT, WHICH SHALL GOVERN DEVELOPMENT OF THE PROPERTY.**

---

**WHEREAS**, Esther Coulter has requested a rezone from R-1 and B-2 to R-3 contract at 9009 Franklin Avenue (REZ 94-01/SPR 94-04); and

**WHEREAS**, a public hearing was held on October 19, 1994 at which time public input was received from numerous property owners within the vicinity of the subject site expressing support of the proposed rezone/site plan; and

**WHEREAS**, the Hearing Examiner recommended approval of the requested rezone\site plan as stated in his report dated October 27, 1994; and

**WHEREAS**, the Gig Harbor City Council has reviewed the record of the Hearing Examiner's decision at its regular session of November 14, 1994; and

**WHEREAS**, the Council agrees with the findings and conclusions of the Hearing Examiner as stated in his report for REZ 94-01/SPR 94-04 dated October 27, 1994 which refers to the staff report dated October 19, 1994; and,

**WHEREAS**, the Hearing Examiner has recommended conditions of approval for the proposed contract rezone subject to the condition that a formal legal contract be submitted to the City's legal counsel for review and approval and which contains the following additional conditions and restrictions:

1. Except for the parking lot and four-plex as shown on the approved site plan and landscape plan, no other uses or structures shall be allowed on the subject site.
2. All structures on the site shall conform to the following regulations:
  - (a) Fire flow must be provided in accordance with Uniform Fire Codes applicable at the time of building permit issuance.
  - (b) Access must be provided to all areas of both floors in accordance with the Washington State Standards for Access applicable at the time of building permit issuance. Access must also be provided in accordance with the Federal ADA Standards applicable at the time of building permit issuance.

- (c) Emergency exiting must be provided in accordance with Uniform Building Codes applicable at the time of building permit issuance.
  - (d) Fire rated separation walls and floor/ceiling assemblies will be required between each living unit in accordance with Uniform Building Codes applicable at the time of building permit issuance.
  - (e) A complete plan review will be done upon submittal of plans for building permit.
3. The lower parking lot will be at a level approximately 4 feet below natural grade (as existing prior to excavation) concealed behind berms around the perimeter of the premises, the berms being approximately 4 feet above the parking lot level. The perimeter berm and landscaping shall be designed to preserve sight lines from Peacock Hill Ave. entering N. Harborview Dr. as approved by the Public Works Department.
  4. Use, development and design of structures and landscaping on the property shall be consistent with the approved site plan and architectural designs ( to be included as labeled exhibits in the contract), provided that minor design and dimension alterations which do not alter the general scale, character, or intensity of development 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 zoning designation and the joint approval of all owners of the property.
  5. In exchange for installation of curbs, gutters and sidewalks normally required as part of site plan approval, the owner of the subject parcel shall include on the recorded plat an easement to the City allowing curbs, gutters, sidewalks and roadways (which have historically existed on the site) across an area of a triangle measuring 30 feet up Peacock Hill Avenue and 60 feet along North Harborview Drive, with the apex of the triangle being on the property corner nearest the street  
  
intersection (as illustrated in Section VII.2 of the staff report dated October 19, 1994).
  6. Normal half street improvements shall be installed in accordance with code requirements along the property frontage on Franklin Avenue.
  7. An ordinance amending the official zoning map shall not be approved until the property owner shall file with the City Council for approval and record with the Pierce County auditor's office a final condominium plat for the parcel which reflects the approved site plan and which contains or references the information required as part of the site plan approval and this contract. All referenced information not contained directly on the plat shall be recorded with the Pierce County auditor's office.
  8. Maintenance of all privately owned common facilities on the site shall be the responsibility of the developer, owner or a home owners association. If common facilities are to be 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 units 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.
9. Prior to finalization of the plat, a final landscape plan shall be submitted to and approved by the planning staff which specifies plant species and which conforms to all landscaping requirements of the zoning code.
10. All landscaped areas shall include a mechanical irrigation system.
11. The landscape plan shall include specifications on the berm design. The berm shall be a sloped berm on the street side and shall include sufficient ground cover to prevent erosion from water run-off onto the sidewalk.
12. Prior to issuance of final occupancy, all required improvements and landscaping shall be constructed and installed. In lieu of construction or installation of required improvements, a bond equal to an amount of 120% of the contractors bid for all required improvements shall be posted with the City. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months. Required improvements shall be installed within twelve months of final occupancy permit issuance. Failure to construct or install the required improvements within the time specified to City standards 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.
13. 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; and,

**WHEREAS**, condition number 7 above states (in part) that the official zoning map shall not be approved until the property owner shall file with the City Council for approval and record with the Pierce County auditor's office a final condominium plat for the parcel which reflects the approved site plan and which contains or references the information required as part of the site plan approval and this contract.

**WHEREAS**, a binding site plan containing all required information stipulated in condition number 7 above was recorded (A.F.N. 9603270463) in lieu of a final condominium plat because a final condominium plat cannot be recorded until after the project is completed and because the project cannot be completed until the rezone is approved; and

**WHEREAS**, a formal legal contract as per the attached copy was submitted to the City's legal counsel for review and approval and is ready for recordation at the Pierce County Auditor's Office ; and

**WHEREAS**, all other conditions of approval have been complied with;

**NOW, THEREFORE**, the City Council of the City of Gig Harbor, Washington, **ORDAINS** that the following described property be rezoned from R-1 (single family) and B-2 (general business) to R-3-Contract (Multi-family residential - contract), subject to the recordation of a concomitant zoning agreement which shall govern development of the property:

DESCRIPTION-PER STATUTORY WARRANTY DEED A.F.N. 8802020363;  
BEGINNING AT THE SOUTHEAST CORNER OF LOT SIX (6), PRENTICE ADDITION TO GIG HARBOR, EXTENDING THENCE NORTH 43 DEGREES WEST, ALONG THE EASTERLY LINE OF SAID LOT SIX AND THE EASTERLY LINE OF LOT FIVE (5) IN THE SAME ADDITION, A DISTANCE OF 227.28 FEET, TO THE NORTHEAST CORNER OF SAID LOT 5, IN SAID ADDITION; THENCE NORTH 44 DEGREES 27 MINUTES 55 SECONDS EAST A DISTANCE OF 100 FEET; THENCE SOUTH 43 DEGREES EAST, ON A LINE PARALLEL WITH THE EASTERLY BOUNDARY LINES OF SAID LOTS 5 AND 6 OF SAID PRENTICE ADDITION, A DISTANCE OF 157.48 FEET TO THE INTERSECTION OF SAID LINE WITH THE WESTERN BOUNDARY OF Section 17.72.030(M)SKAGIT STREET; THENCE SOUTH ALONG THE WESTERN BOUNDARY LINE OF SKAGIT STREET A DISTANCE OF APPROXIMATELY 46.22 FEET TO THE INTERSECTION OF SAID LINE WITH THE NORTHERLY BOUNDARY LINE OF FRONT STREET; THENCE SOUTHWESTERLY ALONG THE NORTH BOUNDARY LINE OF FRONT STREET A DISTANCE OF APPROXIMATELY 60.53 FEET TO THE PLACE OF BEGINNING.

The concomitant zoning agreement is attached hereto as Exhibit A, and is incorporated herein by this reference.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 1996

\_\_\_\_\_  
GRETCHEN A. WILBERT, MAYOR

ATTEST:

\_\_\_\_\_  
Mark E. Hoppen, City Administrator

Filed with City Clerk: June 19, 1996  
Ordinance Adopted:  
Date Published:  
Effective Date:

Recorded at the Request of, and  
after Recording Return to:

Planning Director  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, Washington 98335

## CONCOMITANT ZONING AGREEMENT

THIS AGREEMENT is entered into by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Esther Coulter, a single individual (hereinafter the "Owner").

### W I T N E S S E T H:

WHEREAS, the Owner is a person owning a fee simple or having a substantial beneficial interest in the real property commonly described as 9009 Franklin Avenue in Gig Harbor, which is legally described in Exhibit A, attached hereto and by this reference incorporated herein (hereinafter the "Property"); and

WHEREAS, the Owner applied to the City for site plan approval and a rezone from R-1 and B-2 zoning designations to a R-3 zone with a concomitant zoning agreement (REZ 94-01SPR 94-04); and

WHEREAS, the Gig Harbor Hearing Examiner held a public hearing on the application on October 19, 1994, and recommended conditional approval of the application in his decision of October 27, 1995; and


WHEREAS, the Gig Harbor City Council reviewed the recommendation of the Hearing Examiner at a regular public meeting, and decided to conditionally approve the application in Resolution No. 433, dated November 14, 1995; and

WHEREAS, one of the conditions of the Council's approval is the Owner's execution of a concomitant zoning agreement to be recorded against the property, which imposed certain use and development restrictions designed to ameliorate the adverse impact of unrestricted use and development of the Property in the R-3 zone;

NOW, THEREFORE, the Owner hereby covenants, bargains and agrees on behalf of herself, her heirs, successors, legal representatives and assigns as follows:

Section 1. If the Property is rezoned to R-3 zoning designation, development of the Property shall be accomplished in accordance with the following conditions and restrictions:

- A. Except for the parking lot and four-plex as shown on the approved site plan and landscape plan, no other uses or structures shall be allowed on the Property.
- B. All structures on the Property shall conform to the following regulations:
  - 1. Fire flow must be provided in accordance with Uniform Fire codes applicable at the time of building permit issuance.
  - 2. Access must be provided to all areas of both floors in accordance with Washington State Standards for Access applicable at the time of building permit issuance. Access must also be provided in accordance with Federal ADA Standards applicable at the time of building permit issuance.
  - 3. Emergency exiting must be provided in accordance with the Uniform Building Codes applicable at the time of building permit issuance.
  - 4. Fire rated separation walls and floor/ceiling assemblies will be required between each living unit in accordance with Uniform Building Codes applicable at the time of building permit issuance.
  - 5. A complete plan review will be done upon submittal of plans for building permit.
- C. The lower parking lot will be a level approximately four feet below natural grade (as existing prior to excavation) concealed between berms around the perimeter of the premises, the berms being approximately four feet above the parking lot level. The perimeter berm and landscaping shall be designed to preserve sight lines from Peacock Hill Avenue entering North Harborview Drive as approved by the Public Works Director.
- D. Use, development and design of structures and landscaping on the Property shall be consistent with the approved site plan and architectural designs (which are attached hereto as Exhibits B through \_\_\_), provided that minor design and dimension alterations which do not alter the general scale, character, or intensity of the development may be approved jointly by the Planning Director and Owner or homeowners' association. Major amendments shall be approved only through City-adopted amendment processes for zoning designation and the joint approval of all owners of the Property.

- E. In exchange for installation of curbs, gutters and sidewalks normally required as part of site plan approval, the Owner shall include on the recorded plat an easement to the City allowing curbs, gutters, sidewalks and roadways (which have historically existed on the site) across an area of a triangle measuring 30 feet up Peacock Hill Avenue and 60 feet along North Harborview Drive, with the apex of the triangle being on the property corner nearest the street intersection (as illustrated in Section VII(2) of the staff report dated October 19, 1994).
- F. Normal half street improvements shall be installed in accordance with code requirements along the Property frontage on Franklin Avenue.
- G. An ordinance amending the official zoning map shall not be approved until the Owner shall file with the City Council for approval, and record with the Pierce County Auditor's office, a final condominium plat for the parcel which reflects the approved site plan and which contains or references the information required as part of the site plan approval and this contract. All referenced information not contained directly on the plat shall be recorded with the Pierce County Auditor's office.
- H. Maintenance of all privately owned common facilities on the Property shall be the responsibility of the Owner or a homeowners' association. If common facilities are to be maintained by a homeowners' 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:
1. The enforcement of covenants imposed by the landowner or developer.
  2. The levying and collection of assessments against all units to accomplish the association's responsibilities.
  3. The collection of delinquent assessments through the courts.
  4. The letting of contracts to build, maintain and manage common facilities.
- I. Prior to finalization of the plat, a final landscape plan shall be submitted to and approved by the planning staff which specifies plant species and which conforms to all landscaping requirements of the zoning code. Plant species shall be chosen to ensure proper buffering, but not impair views from nearby properties.
- J. All landscaped areas shall include a mechanical irrigation system. 



- K. The landscape plan shall include specifications on the berm design. The berm shall be a sloped berm on the street side and shall include sufficient ground cover to prevent erosion from water run-off onto the sidewalk.
- L. Prior to issuance of final occupancy, all required improvements and landscaping shall be constructed and installed. In lieu of construction or installation of required improvements, a bond equal to an amount of 120% of the contractor's bid for all required improvements shall be posted with the City. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months. Required improvements shall be installed within twelve months of final occupancy permit issuance. Failure to construct or install the required improvements within the time specified to City standards 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.
- M. 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.

Section 2. This contract shall be recorded in the records of the Pierce County Auditor and the covenants and promises hereof shall be deemed to attach and run with the Property, and shall be binding on the Owner, her heirs, assigns, successors and legal representatives.

Section 3. This contract may be amended or modified by agreement between the Owner and the City; provided that the amended contract shall be approved by the City Council by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendment to its Zoning Code, Comprehensive Plan or other development regulations as the Council may deem necessary in the interests of public health and safety.

Section 4. It is further expressly agreed that in the event any covenant, condition or restriction hereinabove contained or any portion thereof is determined by a court of competent jurisdiction to be invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained.

Section 5. The Owners shall pay all costs of recording of this contract.

Section 6. The prevailing party in any litigation brought to enforce this Agreement shall be entitled to its reasonable costs and reasonable attorneys' fees in such litigation.

DATED THIS 25<sup>th</sup> day of June, 1996.

CITY OF GIG HARBOR

OWNER

By: Gretchen Allwell  
Its Mayor

By: Esther L. Coulter  
Its \_\_\_\_\_

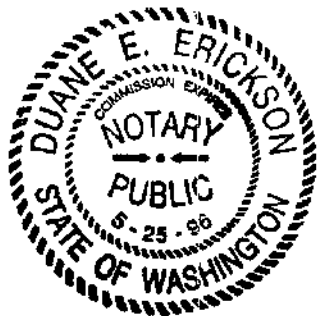
APPROVED AS TO FORM:

[Signature]  
City Attorney

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF PIERCE )

I certify that I know or have satisfactory evidence that Esther Coulter, is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 8/13/96



[Signature]  
Duane E. Erickson  
(print or type name)  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at: [Address]  
My Commission expires: 5/23/96

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF PIERCE        )

I certify that I know or have satisfactory evidence that Gretchen A. Wilbert 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 Mayor 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: 6/25/96

Molly M. Towslee

Molly M. Towslee  
(print or type name)

NOTARY PUBLIC in and for the  
State of Washington, residing

at: Gig Harbor

My Commission expires: 12/2/99





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

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

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** MARK HOPPEN, CITY ADMINISTRATOR *MHA*  
**SUBJECT:** WASHINGTON NATURAL GAS FRANCHISE  
**DATE:** JULY 16, 1996

#### **INFORMATION/BACKGROUND**

The city's franchise agreement with Washington Natural Gas has needed renewal for several years. Negotiating the renewal of the 25 year franchise has proven difficult because Washington Natural Gas has been in a reorganizational upheaval - good-willed but loosely coupled for day-to-day business - nearly impossible to contact with respect to this long-term agreement. Recently, the gas company agreed to the city's last negotiating draft of the agreement, enabling staff to bring this agreement to Council for signature. Attorney David L. Johnson of Washington Natural Gas Company should be thanked for his effort to conclude the franchise agreement.

#### **POLICY CONSIDERATIONS**

The agreement before Council protects city interests with respect to its easements and traffic considerations, guaranteeing proper notice, prior permitting, compliance with city standards, as-built documentation upon request, reimbursement for emergencies, and right-of-way restoration.

#### **FISCAL CONSIDERATIONS**

Fiscal considerations are addressed in Section 6. Recovery of Costs. Washington Natural Gas agrees to pay a fee for the drafting and filing of the attached agreement and related work. Further, the company will pay city permit fees, as well as any fees for city inspection, review, or supervision activities under the franchise. Also, the agreement contemplates reimbursement to the city for extraordinary expenses which involve gas company facilities and which are incurred by the city in the course of protecting life and property.

#### **RECOMMENDATION**

Staff recommends that Council direct the Mayor to sign the franchise agreement on behalf of the city and forward the agreement to Washington Natural Gas for compliance with Section 21. Acceptance of the agreement.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, GRANTING TO WASHINGTON NATURAL GAS COMPANY, A WASHINGTON CORPORATION, AND A PUBLIC UTILITY SELLING AND DISTRIBUTING GAS WITHIN THE STATE OF WASHINGTON, THE RIGHT AND FRANCHISE TO USE AND OCCUPY THE STREETS, AVENUES, ROADS, ALLEYS, LANES AND OTHER PUBLIC RIGHTS-OF-WAY IN THE CITY OF GIG HARBOR, WASHINGTON, FOR A PERIOD OF TWENTY-FIVE YEARS, FOR CONSTRUCTING, MAINTAINING, REPAIRING, RENEWING AND OPERATING A GAS DISTRIBUTION SYSTEM AND ACCESSORIES WITHIN AND THROUGH THE CITY OF GIG HARBOR, WASHINGTON.

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WHEREAS, RCW 35A.47.040 authorizes code cities to issue non-exclusive franchises for use of public street and rights-of-way, and

WHEREAS, this ordinance has been introduced more than five (5) days prior to its passage by the City Council, and

WHEREAS, this ordinance has been submitted to the City Attorney and has received at least a majority vote of the entire City Council at a regular meeting, now, therefore

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

Section 1. Rights Granted. The right is hereby granted to WASHINGTON NATURAL GAS COMPANY (hereinafter referred to as the "Grantee") to lay, construct, extend, maintain, repair, renew and replace gas pipes, gas mains and accessories under, along and/or across any and all streets, avenues, roads, alleys and other rights-of-way in the City for the purpose of therein laying, constructing, extending, maintaining, renewing, replacing and repairing mains and pipes and all appurtenances thereto and accessories used and/or useful for the transmission, sale and

distribution of gas within and through the present or future territorial limits of the City of Gig Harbor, Washington (hereinafter referred to as the "City"), for the term of twenty-five years from and after the effective date of this ordinance, except as hereinafter provided.

Section 2. City's Reservation of Rights. Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this franchise, including any valid ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to control by appropriate regulations the location, elevation, manner of construction and maintenance of any gas facilities of the Grantee, and the Grantee shall promptly conform with all such regulations, unless compliance would cause the Grantee to violate other requirements of law.

In the event that franchise, state or other applicable laws should change during the franchise term, which permit the City to impose franchise fees or exercise other regulatory authority over the Grantee, then Grantee agrees to negotiate with the City, upon the City's request, for an amendment of this franchise to provide for the inclusion of a franchise fee or the City's exercise of such regulatory authority. If the parties fail to reach agreement in these negotiations after one month, the City may elect to terminate this franchise.

Section 3. Requirement for Work in Public Rights-of-Way. Whenever the Grantee shall excavate in any public right-of-way for the purpose of installation, construction, repair, maintenance or relocation of its gas facilities, it shall apply to the City for a permit to do so and, in addition, shall give the City at least ten (10) working days notice of intent to commence work on main lines in the right-of-way, and five (5) working days notice of intent to commence work on all

other lines in the right-of-way, unless such notice is waived by the Public Works Director. In no case shall any work commence within any public right-of-way without a permit, except as otherwise provided in this franchise ordinance.

During any period of relocation, installation, construction or maintenance, all surface structures, if any, shall be erected and used in such places and positions within said public right-of-ways and other public properties so as to interfere as little as possible with the free passage of traffic and the free use of adjoining property, and the Grantee shall at all times post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City or the laws of the State of Washington, including RCW 39.04.180 for the construction of trench safety systems.

If the Grantee shall at any time plan to make excavations in any area covered by this franchise and as described in this Section, the Grantee shall afford the City, upon receipt of a written request to do so, an opportunity to share such excavation, PROVIDED THAT:

- A. Installation of any lines is compatible with all federal, state and local regulations and Grantee's construction standards;
- B. Such joint use shall not unreasonably delay the Grantee's work;
- C. Such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties;
- D. The Grantee may deny such request for safety reasons.

Section 4. Emergency Work -- Permit Waiver. In the event of any emergency in which any of the Grantee's facilities located in or under any street breaks or is damaged, or if the Grantee's construction area is otherwise in such a condition as to immediately endanger the property, life, health or safety of any individual, the Grantee shall immediately take the proper emergency



measures to repair its facilities, to cure or remedy the dangerous conditions for the protection of property, life, health or safety of individuals without first applying for and obtaining a permit as required by this franchise. However, this shall not relieve the Grantee from the requirement of obtaining any permits necessary for this purpose, and the Grantee shall apply for all such permits not later than the next succeeding day during which the Gig Harbor City Hall is open for business.

Section 5. Records. the Grantee shall at all times keep complete records showing the relative location and size of all gas lines heretofore laid in the City, and showing the relative location of all gates, gauges, and other service construction. Such records shall be kept current by the Grantee, who shall provide as-builts to the City after construction is complete.

Upon the City's request for information on the location of Grantee's gas lines or other facilities prior to the designing of rights-of-way improvements or other City improvements, the Grantee shall respond with the information on both the horizontal and vertical depth location of the Grantee's facilities no later than two (2) business days after the receipt of the request, unless otherwise agreed by the parties in writing. The City, as excavator, shall have the right to receive compensation from the Grantee for all costs incurred if the Grantee does not accurately locate its facilities as required by this section and in accordance with RCW 19.122.030. Such compensation shall be paid by the Grantee to the City within thirty (30) days after receipt of an invoice.

Section 6. Recovery of Costs. The Grantee shall pay a filing fee for the City's administrative costs in drafting and processing this franchise agreement and all work related thereto. The Grantee shall further be responsible for all permit fees associated with activities undertaken through the authority granted in this franchise ordinance or under the laws of the City. When the City incurs costs and expenses for review, inspection or supervision of activities undertaken through

the authority granted in this franchise or any ordinances relating to the subject for which a fee is not established, the Grantee shall pay such costs and expenses directly to the City.

In addition, the Grantee shall promptly reimburse the City for any and all extraordinary costs the City reasonably incurs in response to any emergency involving the Grantee's facilities, except to the extent that the emergency results from the negligence of the City. For the purpose of this section, "extraordinary costs" are those reasonable and necessary costs incurred by the City in the course of protecting life and property that exceed the normal and usual expenses anticipated for police and fire protection, emergency services and public works. These shall include, but not be limited to, overtime for public employees, unusual fuel consumption requirements, any loss or damage to publicly owned equipment, and the purchase or lease of any special equipment or services required to protect the public during the emergency. In the event that the City reasonably incurs extraordinary costs in response to any emergency involving the Grantee's facilities which results from the negligence of any third party and/or the Grantee, the Grantee shall promptly reimburse the City for such costs within thirty (30) days after receipt of an invoice from the City.

Section 7. Restoration. The Grantee shall, after installation, construction, relocation, maintenance or repair of its facilities within the franchise area, restore the surface of the right-of-way to at least the same condition the property was in immediately prior to any such installation, construction, relocation, maintenance or repair. The Public Works Director shall have final approval of the condition of such streets after restoration or repair. All concrete encased monuments which have been disturbed or displaced by such work shall be restored pursuant to all federal, state and local standards and specifications. The Grantee agrees to promptly complete all restoration work

and to promptly repair any damage caused by such work to the affected area at its sole cost and expense.

Section 8. Indemnification. The Grantee hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers, officials, employees, agents and representatives from any and all claims, costs, judgments, awards or liability to any person, including claims by the Grantee's own employees to which the Grantee might otherwise be immune under Title 51 RCW, arising from injury or death of any person or damage to property of which the negligent acts or omissions of the Grantee, its officers or employees in performing this franchise are the proximate cause.

The Grantee further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers, officials, employees, agents and representatives from any and all claims, costs, judgments, awards or liability to any person including claims by the Grantee's own employees, including those claims to which the Grantee might otherwise be immune under Title 51 RCW, arising against the City (1) solely by virtue of the City's ownership or control of the rights-of-way; (2) by virtue of the Grantee's exercise of the rights granted herein; or (3) by virtue of the City's permitting the Grantee's use of the City's rights-of-way; which claims are based upon the City's inspection or lack of inspection of work performed by the Grantee, its employees, agents officers or representatives, in connection with the work authorized on the City's property or property over which the City has control, pursuant to this franchise or pursuant to any other permit or approval issued in connection with this franchise.

This covenant of indemnification shall include, but not be limited by this reference, claims against the City arising as a result of negligent acts or omissions of the Grantee, its

employees, officers, representatives or agents in barricading, instituting trench safety systems or providing other adequate warnings of any excavation, construction or work in any public right-of-way in the performance of the work or services permitted under this franchise.

Inspection or acceptance by the City of any work performed by the Grantee at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims which are not reduced to a suit and any claims which may be compromised prior to the culmination of any litigation or the institution of any litigation.

In the event that the Grantee refuses the tender of defense in any suit or claim, said tender having been made pursuant to the indemnification clauses contained herein, and said refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter) to have been a wrongful refusal on the part of the Grantee, then the Grantee shall pay all of the City's costs of defense of the action, including all reasonable expert witness fees and reasonable attorneys' fees and the reasonable costs of the City, including reasonable attorneys' fee for recovering under this indemnification clause.

In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Grantee and the City, its officers, employees and agents, the Grantee's liability hereunder shall be only to the extent of the Grantee's negligence. It is further specifically and expressly understood that the indemnification provided herein covers claims by the Grantee's own employees from which the Grantee might otherwise be immune under Title 51 RCW, and this waiver has been mutually negotiated by the parties.

Section 9. Bond. Before undertaking any of the work, installation, improvements, construction, repair, relocation or maintenance authorized by this franchise, the Grantee shall, upon request of the City, furnish a bond executed by the Grantee and a corporate surety authorized to do surety business in the State of Washington, in a sum to be set and approved by the Director of Public Works as sufficient to ensure performance of the Grantee's obligations under this franchise. The bond shall be conditioned so that the Grantee shall observe all of the covenants, terms and conditions and faithfully perform all of the obligations of this franchise, and to erect or replace any defective work or materials discovered in the replacement of the City's streets or property within a period of two years from the date of the replacement and acceptance of such repaired streets by the City.

Section 10. Relocation. The Grantee agrees and covenants at its sole cost and expense, to protect, support, temporarily disconnect, relocate or remove from any street any of its installations, including abandoned facilities when so required by the City by reason of traffic conditions or public safety, dedications of new rights-of-way and the establishment and improvement thereof, widening and improvement of existing rights-of-way, street vacations, freeway construction, change or establishment of street grade, or the construction of any public improvement or structure by any governmental entity acting in a governmental capacity, provided that the Grantee shall in all cases have the privilege to temporarily bypass, in the authorized portion of the same street upon approval by the City, any section of pipeline required to be temporarily disconnected or removed.

If the City determines that the project necessitates the relocation of the Grantee's then existing facilities, the City shall:

- A. At least sixty days (60) days prior to the commencement of such improvement project, provide the Grantee with written notice requiring such relocation;

- B. Provide the Grantee with copies of pertinent portions of the plans and specifications for such improvement project and a proposed location for the Grantee's facilities so that the Grantee may relocate its facilities in other City right-of-way in order to accommodate such improvement project; and
- C. After receipt of such notice and such plans and specifications, the Grantee shall complete relocation of its facilities at no charge or expense to the City so as to accommodate the improvement project at least five (5) days prior to commencement of the project.

The Grantee may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise the Grantee in writing if one or more of the alternatives is suitable to accommodate the work which would otherwise necessitate relocation of the facilities. If so requested by the City, the Grantee shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by the Grantee full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, the Grantee shall relocate its facilities as otherwise provided in this section.

The provisions of this section shall in no manner preclude or restrict the Grantee from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person or entity other than the City, where the facilities to be constructed by said person or entity are not or will not become City-owned, operated or maintained facilities, provided that such arrangements do not unduly delay a City construction project.

Section 11. Non-Exclusive Franchise Grant. This franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any of said streets, avenues, alleys or public rights-of-way of every type and description. Such franchise shall in no way prevent or

prohibit the City from using any of said roads, streets or public rights-of-way, or affect the City's jurisdiction over them or any part of them, and the City shall retain power to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new rights-of-way of every type and description.

Section 12. Forfeiture and Revocation. If the Grantee willfully violates or fails to comply with any of the provisions of this franchise, or through willful misconduct or gross negligence fails to heed or comply with any notice given the Grantee by the City under the provisions of this franchise, then the Grantee shall, at the election of the City Council, forfeit all rights conferred hereunder and this franchise may be revoked or annulled by the Council after a hearing held upon at least thirty (30) days notice to the Grantee. Prior to or at the hearing, the Grantee may request a reasonable time within which to remedy the default.

The City may elect, in lieu of the above and without any prejudice to any of its other legal rights and remedies, to obtain an order from the superior court having jurisdiction compelling the Grantee to comply with the provisions of this ordinance, and to recover damages and costs incurred by the City by reason of the Grantee's failure to comply.

In addition to any other remedy provided herein, the City reserves the right to pursue any legal remedy to compel or force the Grantee to comply with the terms of this franchise, and the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a forfeiture or revocation for breach of the conditions herein.

Section 13. Insurance. The Grantee shall procure and maintain for the duration of this franchise, insurance against claims for injuries to persons or damages to property which may

arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to the Grantee, its officials, employees and representatives. The Grantee shall provide a copy of such insurance policy to the City for its inspection prior to the adoption of this franchise ordinance.

Any deductibles or self-insured retentions must be declared to and approved by the City. Payment of deductible or self-insured retentions shall be the sole responsibility of the Grantee.

The insurance policy obtained by the Grantee shall name the City, its officers, officials, employees, and volunteers, as additional insureds with regard to activities performed by or on behalf of the Grantee. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees, or volunteers. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. The Grantee's insurance shall be primary insurance as respects the City, its officers, officials, employees or volunteers. Any insurance maintained by the City, its officers, officials, employees and volunteers shall be in excess of the Grantee's insurance and shall not contribute with it. The insurance policy or policies required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice, by certified mail, return receipt requested, has been given to the City. Any failure to comply with the reporting provisions of the policies required herein shall not affect coverage provided to the City, its officers, officials, employees or volunteers.



Section 14. Assignment. This agreement may not be assigned or transferred without the prior, written approval of the City. The Grantee shall provide prompt, written notice to the City of any such proposed assignment.

Section 15. Abandonment of Facilities. Any plan for abandonment of any of Grantee's gas lines or facilities installed under this franchise or any of its predecessors must be submitted to the City for its written consent. The City Public Works Director shall review the plan for abandonment prior to commencement of any work, and all necessary permits must be obtained prior to such work. The provisions of this Section shall survive the expiration, revocation or termination of this franchise ordinance.

Section 16. Modification. The City and the Grantee hereby reserve the right to alter, amend or modify the terms and conditions of this franchise upon written agreement of both parties to such alteration, amendment or modification.

Section 17. Integration. The written provisions and terms of this franchise ordinance shall supersede all prior verbal statements of either party, and any prior franchise ordinance between the parties. Such statements or prior franchise ordinances shall not be effective or be construed as entering into, forming a part of, or altering in any manner whatsoever, this Agreement.

Section 18. Notice. Any notice or information required or permitted to be given to the parties under this franchise agreement may be sent to the following addresses unless otherwise

specified: City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335  
Attn: City Administrator

Washington Natural Gas Company  
815 Mercer Street  
Seattle, WA 98109  
Attn: \_\_\_\_\_

Section 19. Binding Effect. All of the provisions, conditions, regulations and requirements contained in this franchise ordinance shall further be binding upon the heirs,

successors, executors, administrators, legal representatives and assigns of the Grantee and all privileges, as well as all obligations and liabilities of the Grantee shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever the Grantee is mentioned herein.

Section 20. Severability. If any section, sentence, clause or phrase of this franchise ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this franchise ordinance. In the event that any of the provisions of this franchise are held to be invalid by a court of competent jurisdiction, the parties reserve the right to renegotiate the grant of franchise and may amend, repeal, add, replace or modify any other provision of this franchise, or may terminate this franchise.

Section 21. Acceptance. This franchise is granted upon the express condition that the Grantee, within thirty (30) days after the adoption of this ordinance, shall file with the Clerk of the City a written acceptance of the same, and when so accepted by the Grantee shall constitute a contract between the City and Grantee for all of the uses, services and purposes herein set forth.

Section 22. Effective Date. This Ordinance shall take effect after at least one publication in the City's official newspaper, and after the \_\_\_\_ of \_\_\_\_\_, 1996, a period consisting of thirty days after the Franchise Agreement is approved by City Council, as long as the Grantee has submitted an acceptance as required by Section 21 above.

PASSED BY THE COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,  
AND APPROVED BY ITS MAYOR AT A REGULAR MEETING OF SAID COUNCIL HELD  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1996.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 7/1/96  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_





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

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: AMENDMENT TO GHMC - CABARETS**  
**DATE: JULY 2, 1996**

**INFORMATION/BACKGROUND**

Chapter 4.25.040 (F) of the Gig Harbor Municipal Code has an incorrect reference to Chapter 9.24 of the GHMC. Chapter 9.24 is reserved for Parks and is not currently in use. The correct reference should be Chapter 9.34, Crimes Relating to Public Peace.

If an enforcement issue should arise, this reference should be corrected.

**RECOMMENDATION**

Staff recommend that Council approve the attached ordinance at its second reading.

**CITY OF GIG HARBOR  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, MAKING A CLEAN-UP  
AMENDMENT TO THE LICENSING REQUIREMENTS FOR CABARETS,  
AMENDING SECTION 5.24.040(F) TO CORRECTLY REFERENCE  
CHAPTER 9.34 OF THE GIG HARBOR MUNICIPAL CODE.**

---

WHEREAS, Section 5.24.040 (F), of the Gig Harbor Municipal Code states that every applicant for a cabaret license shall be subject to the requirements set forth in Chapter 9.24 GHMC; and

WHEREAS, Chapter 9.24 of the GHMC is an erroneous reference; and

WHEREAS, GHMC Section 5.24.040(F) should have referenced Chapter 9.34 GHMC, Crimes Relating to Public Peace;

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

Section 1. Section 5.24.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**5.24.040 Licensing prohibited.** No cabaret License shall be issued to:

\* \* \*

F. In addition to the foregoing, every applicant for a cabaret license shall be subject to the requirements set forth in Chapter ~~9.24~~ 9.34 GHMC.

Section 2. This ordinance shall take effect and be in full force five days after publication.

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

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Gretchen A. Wilbert, Mayor

ATTEST:

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Mark E. Hoppen  
City Administrator/Clerk

Filed with city clerk: 7/2/96  
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: MAYOR WILBERT AND CITY COUNCIL  
FROM: Planning Staff *[Signature]*  
DATE: July 17, 1996  
SUBJ.: Planning Commission Recommendation - Proposed Amendment to  
Section 17.96.020 (D), Site Plan Review; First Reading of Ordinance

### **INTRODUCTION/SUMMARY**

The City Council requested that the Planning Commission draft an amendment to Section 17.96.020 which would waive the requirements for site plan review in those situations where an existing building is proposed for a use that is permitted under the zoning code. Because this is a text amendment to the code, the Planning Commission is required to have at least one public hearing on the matter prior to submitting a recommendation to the Council for its consideration.

A public hearing on the draft ordinance was conducted on July 11, 1996. One person spoke in favor of the proposed amendment.

### **POLICY ISSUES**

Section 17.96.020 of the Gig Harbor Municipal Code states as follows:

#### **Applicability**

A. Site plan review and approval shall be required prior to issuance of a building permit when provided under this chapter.

B. Site plan review and approval shall be required for all new nonresidential uses for the location of any building or multifamily development in which more than two dwelling units would be contained, and shall apply throughout the city. Planned unit developments and divisions of land of four lots or less are exempted from review.

C. The expansion of a building or development exceeding 20 percent of the existing floor or site area, or any 1,000-square-foot addition thereto, whichever is the lesser.

*D. The change of use or occupancy of any existing building or development as defined per the Uniform Building Code.*

Subsection D requires site plan review for any proposed use that requires a change of occupancy permit (under the Uniform Building Code), regardless of whether the use is permitted, outright or conditional. Site plan review requires a public hearing before the City Hearing Examiner and is subject to the notification requirements for public hearings. under Title 19 of the Gig Harbor Municipal Code. A "change of occupancy" as stated is not a change in tenant but a change in the type of class/code rating under the Uniform Building and Fire Code of the city.

Following the public hearing, the Planning Commission voted unanimously to delete section 17.96.020(D) and to modify subsections A, B, and C of this section to improve the clarity and to remove potential ambiguity in the existing language. As modified, the remaining sections of 17.96.020 provide sufficient criteria for site plan review without compromising any performance standards of the code.

As a consequence of the proposed changes, a change in occupancy permit (per the Uniform Building Code) would require a building permit and would still need to meet the zoning code requirements even though site plan review is not required. For permitted uses, this usually is a relatively straight forward administrative review. If the use is conditionally allowed within a district, it would require a public hearing before the hearing examiner and would be subject to the conditional use permit criteria. All other city codes would apply to the use.

The draft revision to section 17.96.020 with the Planning Commission's findings, in ordinance format, is attached.

#### **ENVIRONMENTAL ANALYSIS**

Because the proposed change is an administrative procedure, an environmental analysis under WAC 197-11 and Chapter 43.21C is not required.

#### **FISCAL IMPACT**

The fiscal impact to the department and the city is negligible. Based upon historical accounts, the loss in direct revenue amounts to approximately \$2,400 over five years.

#### **RECOMMENDATION**

This is the first reading of the ordinance. Staff recommends that the Council accept the Planning Commission's recommendation and adopt the proposed ordinance at the first reading. A public hearing by the Council is not required per Section 19.01.005(C).

**ORDINANCE NO. \_\_**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING SECTION 17.96.020 OF THE GIG HARBOR MUNICIPAL CODE TO DELETE THE REQUIREMENTS FOR CHANGES OF OCCUPANCY UNDER THE UNIFORM BUILDING CODE.

WHEREAS, the Gig Harbor City Council finds that site plan review should be required where there is a substantial and material change to a building or site; and

WHEREAS, the current requirement for site plan review when there is a change in occupancy as defined under the Uniform Building Code is onerous and cumbersome and serves no functional purpose in furthering the public's health, safety, welfare and interest; and,

WHEREAS, sufficient performance standards are contained within the city land use codes which provide remedy for administrative review of projects which do not have any substantial impacts to surrounding properties and uses ; now, therefore,

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

Section 1. Section 17.96.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

Applicability.~~A~~. Site plan review and approval shall be required prior to issuance of a building permit when provided under this chapter. Site

plan review shall be required for the following:

~~A.B. Site plan review and approval shall be required for All new nonresidential uses for the location of any building or any multifamily development in which more than two dwelling units would be contained, and shall apply throughout the city. Planned unit developments and divisions of land of into four lots or less are exempted from review.~~

~~B.C. The expansion of any building or development as defined in Section 17.96.020 (A) exceeding 20 percent of the existing floor or site area, or any 1,000-square-foot addition or increase in impervious coverage thereto, whichever is the lesser.~~

~~D. The change of use or occupancy of any existing building or development as defined per the Uniform Building Code.~~

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

Section 3 Declaration of Adoption on a First Reading. The City Council hereby declares that it is in the public health, interest and welfare that this ordinance take effect immediately upon passage by a unanimous vote of a majority of members of the City Council, plus one, of the whole membership of the Council and that the same not be subject to referendum.

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

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY

FILED WITH THE CITY CLERK: July 17, 1996  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.

**SUMMARY OF ORDINANCE NO.**

of the City of Gig Harbor, Washington

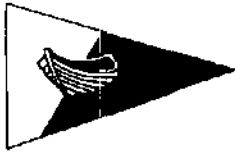
On the \_\_\_\_ day of, 199\_\_, the City Council of the City of Gig Harbor, passed Ordinance No.\_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING SECTION 17.96.020 TO DELETE THE REQUIREMENTS FOR SITE PLAN REVIEW WHERE A CHANGE OF OCCUPANCY UNDER THE UNIFORM BUILDING CODE IS REQUIRED

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

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

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



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

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: Planning Staff**  
**DATE: July 12, 1996**  
**SUBJ.: Hearing Examiner Recommendation - SPR 95-13, Kimball Drive  
Business Complex (Richard Getty)**

### **Introduction/Summary of the Proposal**

Mr. Richard Getty has submitted an application for site plan approval for the development of 61,000 square feet of professional office space to be located at 6565 Kimball Drive, north of the medical center. The proposal consists of two buildings which would be built in two phases over the next three years.

The proposal was subject to a public hearing before the Gig Harbor Hearing Examiner on February 21, 1996. No public opposition was expressed at the hearing. Attached for your review and consideration is the hearing examiner's report of 20 March 1996, with findings and conclusions regarding the above referenced application. The hearing examiner has recommended approval of the application for site plan review, subject to several conditions of approval for the proposal.

Staff has prepared a resolution in support of the examiner's decision and recommendation. Additional supportive documents are attached for your consideration.

### **Council Action**

Any application requiring action by the city council shall be taken by the adoption of a resolution 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 such action. The city council may adopt all or portions of the examiner's findings and conclusions. The action of the council, approving, modifying, or rejecting a decision of the examiner, shall be final and conclusive, unless within 21 days from the date of the council action a party of record requests review before the superior court of Washington for Pierce County.

**CITY OF GIG HARBOR  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, Snodgrass-Freeman Architects have submitted, in behalf of Richard Getty, an application for site plan approval for the construction of 61,000 square feet of office buildings to be constructed in two structures in two phases over a three year period; and,

**WHEREAS**, the proposal includes off-street parking for 216 vehicles; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management permits and site plans; and,

**WHEREAS**, a public hearing was held on February 21, 1996 by the city Hearing examiner to accept public input relating to this request; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended approval of the site plan in a report dated February 8, 1996; and,

**WHEREAS**, in order to allow sufficient review of the traffic study submitted to the Public Works Department by the applicant, the hearing was administratively continued for two weeks; and,

**WHEREAS**, the Hearing Examiner findings and conclusions are as stated in the report of March 20, 1996, , pages 3 through 8, and which is attached hereto; and,

**WHEREAS**, the hearing examiner, in his report of March 20, 1996, recommended that the application for site plan review be approved, subject to conditions.

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

The application for a site plan is approved, subject to the following conditions:

1. Prior to issuance of the building permit, the applicant shall submit a final landscape plan which is consistent with the minimum landscaping standards of chapter 17.78. The All landscaping shall be installed prior to issuance of a final occupancy permit or an assignment of funds may be submitted to the City equal to 110% of the cost of the required landscaping. Landscaping not installed within one year of occupancy shall result in the city's foreclosure on the assignment of funds.
2. Areas of native vegetation which are designated as landscape or buffer areas shall be subject to a ten (10) foot wide no-construction zone and shall be protected by a temporary perimeter fence. Clearing, grading or contour alteration is not



permitted within this no-construction area unless a qualified arborist provides written documentation that proposed construction activity within the 10 foot set-back will not harm nor existing vegetation within the designated landscape or buffer area.

3. Sidewalks curbs, and gutters shall be required along the property street frontage of Kimball Drive.
4. Prior to a decision by the Examiner on this application, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.
5. The project shall conform to all building and fire code requirements as stated in the Building Official/Fire Marshall's report on this project application.
6. Parking shall comply with the parking and loading standards of Chapter 17.72 for business and professional office (one parking space for 300 square feet of floor area)
7. The use of the structures shall be limited to professional office and business as defined in chapter 17.04. The purpose of this condition is to assure that the uses within the buildings do not exceed the zoning code parking requirements.
8. A two-phase construction plan is proposed for this project. Construction for phase one must commence within two years of the approval of the site plan. In reliance upon the application submitted, phase two must be completed by no later than December 31, 1998. The applicant is advised that vesting does not occur until a complete building permit application is submitted for the proposed structures.
9. All work within public right-of-way shall be subject to the bonding requirements in Section 1.090 of the Public Works Construction Standards. No building permit shall be issued until all public improvements are completed and final acceptance granted or, with the approval of the Public Works Director, a performance bond is posted with the city in an amount equal to 100% of the cost of the public works improvements. A maintenance bond in an amount equal to 15% of the total cost of the improvements shall be posted with the city and it shall be active for a period of two years after job completion.
10. The driveway location at Kimball Drive shall be adjusted to align approximately with the existing or revised driveway entrance to the Pierce Transit Park and Ride facility as reviewed by this department.

11. A storm drainage report shall be prepared by a Professional Engineer for review and approval by the Department of Public Works. Prior to issuance of a Certificate of Occupancy, storm drainage requirements which are consistent with the approved storm drainage report shall be constructed.
12. The applicant shall participate in, or at a minimum, provide a construction and maintenance easement for the purpose of signalization at the driveway-Kimball Drive intersection (in conjunction with the City and Pierce Transit/others).
13. Prior to issuance of a Certificate of Occupancy, the applicant shall construct a 15 foot minimum width secondary access from the site to the developed section of McDonald Avenue. The secondary access shall be designed primarily as a pedestrian corridor with sufficient structural capacity for emergency vehicles. Design and construction shall be subject to the review and approval of the Planning and Public Works Departments.

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.

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

ATTEST:

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

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

---

**APPLICANT:** Snodgrass-Freeman Architects

**CASE NO.:** SPR 95-13

**LOCATION:** Approximately 6565 Kimball Drive

**APPLICATION:** Request for site approval to allow construction of two, two-story office buildings in two phases on 5 acres. Total combined square footage of the buildings is 61,000 square feet. Provide 216 parking spaces.

**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 Snodgrass-Freeman application was opened 5:04 p.m., February 21, 1996, in the City Hall, Gig Harbor, Washington, and closed for oral testimony at 5:19 p.m. The hearing was held open administratively for two weeks to allow time for the Public Works Department to complete a review of the project. 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:

Ray Gilmore, Planning Director, reviewed the staff report (Exhibit A) and recommended approval of the application with eleven conditions.

From the Applicant:

Dave Freeman, Agent for the Owner, said:

- One building is proposed to be located forward on the site with parking behind the building and at an angle on the site. This will reduce the visual impact of the required parking.

- The applicant is offering to provide a five foot wide paved pedestrian access across the site from the McDonald Street right-of-way to the adjacent clinic.
- The plan will be modified to install a hammerhead turnaround.
- Fire/emergency access will be provided by opening McDonald Street.
- As part of Phase 2 he proposed that a gate with a Knox Box be installed rather than the opticon controlled gate noted in Exhibit A by the Building Official/Fire Marshall.
- The applicant wants the ability to recover some of the costs of improving McDonald Street through a late-comer agreement.

**From the Community:**

Pete Norman said he was involved in developing the adjacent clinic and said he was in favor of the proposed project.

**WRITTEN COMMENTS:**

The applicant's agent wrote in Exhibit B that:

We are in receipt of your Staff Report dated February 8, 1996 and are in substantial agreement with the exception of **Part II Analysis, Agency Review Item J:**

The gate road which inter-ties McDonald Avenue to this site must have an opticon controlled gate which is approved by Fire District No. 5. The roadbed on McDonald must be improved to allow for all weather use. The extension from the existing paved roadbed may be of gravel based with gravel surface.

Discussions held at the time of our pre-filing conference indicted a solid offer to provide a steel swing bar vehicle access gate with a Knox Box at the juncture of this property and the 30 foot wide roadway easement for McDonald Street.

We believe requiring an automatic (electric gate, motor, etc., activated by an expensive opticon control is unwarranted, especially when standard fire department procedure can be addressed with the Knox box and manual gate system.

The improvements to McDonald Street, if required as part of this SPR should be shared equally by this project and property owners to the east and west of McDonald. This is the only equitable method, since their properties would be unduly enriched by requiring only Mr. Getty to pay the cost of this improvement.

Finally, the gate requirement and the road are associated only with Phase II of this project.

The applicant's agent also submitted Exhibit E which responded to the review comments and recommendations of the Public Works Director.

## **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 applicant has requested approval of a site plan to allow construction of a two phase office project. The first phase would consist of a 25,000 square foot office building with 132 parking stalls where 83 stalls are required. The second phase would consist of a 36,000 square foot office building with 216 parking stalls where 203 stalls are required. Each phase would have its own storm water detention pond. A 30 foot wide landscape buffer would be provided along the property lines which abut residential zones.
2. The subject property is approximately 217,800 square feet in size.
3. Section 17.96.030.B of the Gig Harbor Municipal Code (GHMC) indicates the hearing examiner shall consider the approval of site plans with specific attention to the following:
  - a. Compatibility with the city's comprehensive plan;
  - b. Compatibility with the surrounding buildings occupancy and use factors; and
  - c. All relevant statutory codes, regulations, ordinances and compliance with the same.
4. The Comprehensive Plan designates the area as commercial business. This designation is for areas which are intended to provide primarily retail and wholesale facilities, including service and sales. Commercial business activities include business and professional offices.

Page 9 of the plan includes the following guidance:

- Commercial areas which border residential designations or uses should use available natural features as boundaries.
- Natural features should serve as buffers, which may consist of standing timber, streams or drainage swales.
- A minimum buffer width should be 30 feet.
- The density and depth of the buffer should be proportional to the intensity of the use.

The comprehensive plan also identifies a portion of the property fronting Kimball Drive as being within a Freeway Enhancement Corridor (within 300 feet of SR-16). The following sections are pertinent:

Page 21 of the plan includes the following:

Goal: Enhance the City's sense of place by preserving prominently visible parcels for aesthetically pleasing development.

Designate enhancement zones. Designate visually sensitive areas for highly visible or prominent parcels including corners, entry corridors, highway and freeway corridors, view termination points, etc. Development of these parcels would require increased landscaping, a higher level of design review for structures, and prohibition (or increased screening) of visually distracting appurtenances such as gas pumps, satellite dishes, storage racks, mechanical equipment, etc.

Page 58 of the plan includes the following:

Goal: Develop a sound fiscal base

Help market local socio-economic resources to increase employment opportunities, develop office and industrial park properties, and provide the City with a sound tax base.

Job Creation

- Help create employment opportunities within the local economy, particularly for residents who now commute across the Tacoma Narrows Bridge to work. Participate with other public agencies and private interests in marketing projects, labor force training programs, and other efforts to attract new businesses to Pierce County and Gig Harbor Peninsula area.
- Determine a reasonable jobs-to-housing balance by coordinating land use and development policies to help achieve the designated balance of adequate affordable housing near employment centers.

5. The property is zoned B-2, which is a high intensity retail business district. The following sections of chapter 17.36 of the GHMC are pertinent:

17.36.010 Intent.

The purpose of the B-2 district is to provide areas that offer a wide range of consumer goods and services. It is further intended to group buildings and business establishments in a manner that creates convenient, attractive and safe development. The products and services shall primarily be for sale on the premises only. All business shall be conducted within enclosed building, except for approved outdoor storage, display and dining areas.

17.36.020 Permitted uses.

The following uses and structures are permitted in a B-2 district:

- B. Business and professional offices;

17.36.050 Site Plans

Before a building permit will be issued, the site plan review process as specified in Chapter 17.96 GHMC shall be followed.

17.36.060 Minimum building setback requirements.

- A. Front Yard: 20 feet

- B. Rear Yard: 20 feet

- C. Side Yard

1. Interior yards, 5 feet
2. Flanking street, 10 feet

- D. Any yard abutting residential development, 30 feet with dense vegetative screening.

17.36.070 Maximum impervious coverage.

In a B-2 district, the maximum impervious coverage is 70 percent.

17.36.080 Maximum height of structures.

In a B-2 district, the maximum height is 35 feet, except as provided for under Chapter 17.62 GHMC, height restriction area.

17.36.090 Parking

In a B-2 district, parking on private property shall be provided in connection with any permitted or conditional use as specified in Chapter 17.72 GHMC. Because the proposed use is business/professional office, the required parking allocations one parking space for every 300 square feet of floor area (gross).

17.36.100 Signs

In a B-2 district, signs may be allowed in conjunction with any permitted use and are subject to the provisions of Chapter 17.80 GHMC.

17.36.110 Loading facilities

In a B-2 district, off-street loading facilities shall be provided in accordance with the provisions of Chapter 17.72 GHMC. For business/professional offices, the parking requirement is one parking space for every 300 square feet of gross floor area and one loading berth for every 25,000 square feet of floor area.

17.36.120 Performance Standards

In a B-2 district, performance standards are as follows:

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
- B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles. Receptive to chapter 17.78 (Landscaping), Section 17.78.070, 17.78.080 and 17.78.090 are pertinent to this project.
- C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
- D. Outdoor Lighting. Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlight shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Such lighting shall be shielded so that the 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.
- E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complimentary to building design and materials.



6. Surrounding buildings' occupancy and use factors include the following:
  - North: A vacant lot, then the Woods Business Complex
  - South: Medical Facility
  - East: Medium density single family (unincorporated Pierce County)
  - West: Pierce County Transit Park and Ride (across Kimball Drive).
7. The applicant submitted a preliminary site plan, schematic design plans and a preliminary planting plan for review by the city. Those plans are attachments to Exhibit A.
8. Review comments by the Building Official/Fire Marshall, Public Works Department and the Planning Department along with summary comments from the State Department of Transportation are found in Section II of Exhibit A and Exhibit D. Exhibit D also discussed a number of design issues which are beyond the scope of this report.
9. Exhibit E is the applicant's agent response to conditions proposed by the Public Works Director in Exhibit D. The applicant's agent generally concurred with the recommended conditions, however, he asked for clarification on several points.
10. No one from the general public wrote in opposition to the subject request. One person spoke in favor of the subject request.

**B. CONCLUSIONS:**

1. The proposed office use on the subject site is consistent with the comprehensive plan.
2. The proposal will be compatible with the surrounding buildings' occupancy and use factors. The proposed office building will have a significant landscape buffer adjacent to the lower density residential uses and its design will be compatible with nearby higher density residential and business uses.
3. If approved subject to the conditions listed below, the proposal will comply with relevant codes and ordinances. For example, the proposal:
  - a. Meets all setback, height and coverage requirements as established in Chapter 17.36.
  - b. Is generally consistent with the landscaping and screening requirements of the code, Chapter 17.78. A final landscape plan should be required prior to issuance of a building permit.
  - c. Meets the parking standards of Chapter 17.72 of the GHMC. The code required parking is 203 spaces. The number of spaces proposed is 216.

- d. Meets the criteria for approval of a site plan, per Chapter 17.96 in that the plan is compatible with the city's comprehensive plan, it is compatible with the surrounding buildings occupancy and use factors and meets other relevant statutory codes, regulations and ordinances, if it is approved, as conditioned below.
4. Concerns raised at the hearing by the applicant's agent regarding an opticon controlled gate and a late comer agreement should be addressed to the Building Official/Fire Marshall and the Public Works Director respectively. In addition, requests for clarification expressed in Exhibit E should be addressed by the Public Works Director.

C. RECOMMENDATION:

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

1. Prior to issuance of a building permit, the applicant shall submit a final landscape plan which is consistent with the minimum landscaping standards of Chapter 17.78. All landscaping shall be installed prior to issuance of a final occupancy permit or as an alternative an assignment of funds may be submitted to the City equal to 110% of the cost of the required landscaping. If an assignment of funds is submitted, then landscaping must be installed within one year of occupancy. Failure to do so shall result in the city's foreclosure on the assignment of funds.
2. Areas of native vegetation which are designated as landscape or buffer areas shall be subject to a ten (10) foot wide no-construction zone and shall be protected by a temporary perimeter fence. Clearing, grading or contour alteration is not permitted within this no-construction area unless a qualified arborist provides written documentation that proposed construction activity within the 10 foot setback will not harm nor existing vegetation within the designated landscape or buffer area.
3. Prior to issuance of a building permit, a master sign plan shall be submitted for review and approval. The master sign plan shall identify to the Planning Staff the type, size and location of signage allocated to each tenant space (consistent with current sign code regulations) and shall include details on how the signs will be designed so as to assure unity in the building's overall signage.
4. The project shall conform to all building and fire code requirements as stated in the Building Official/Fire Marshall's report on this project application.
5. Parking shall comply with the parking and loading standards of Chapter 17.72 for business and professional office (one parking space for 300 square feet of floor area).
6. The use of the structures shall be limited to professional office and business as defined in Section 17.04.680. The purpose of this condition is to assure that the uses within the buildings do not exceed the zoning code parking requirements.

7. A two-phase construction plan is proposed for this project. Construction for phase one must commence within two years of the approval of the site plan. In reliance upon the application submitted, phase two must be completed by no later than December 31, 1998. The applicant is advised that vesting does not occur until a complete building permit application is submitted for the proposed structures.
8. A storm water management plan must be prepared by a licensed professional engineer and submitted to the Department of Public Works for review. Upon the approval of a storm water management plan, the applicant shall install the required improvements prior to the issuance of a certificate of occupancy.
9. All work within public right-of-way shall be subject to the bonding requirements in Section 1.090 of the Public Works Construction Standards. No building permit shall be issued until all public improvements are completed and final acceptance granted or, with the approval of the Public Works Director, a performance bond is posted with the city in an amount equal to 100% of the cost of the public works improvements. A maintenance bond in an amount equal to 15% of the total cost of the improvement shall be posted with the city and it shall be active for a period of two years after job completion.
10. Prior to issuance of a certificate of occupancy the applicant shall complete construction of half-width improvements along Kimball Drive including left turn lane, transitions, bike lane, curbs, gutters, sidewalks, and street lighting in accordance with City Design Standards (or equivalent contribution of the street improvement project being developed jointly by Pierce County Transit, City of Gig Harbor and others).
11. The driveway location at Kimball Drive shall be adjusted to align approximately with the existing or revised driveway entrance to the Pierce Transit Park and Ride facility as reviewed by this department.
12. A storm drainage report shall be prepared by a Professional Engineer for review and approval by the Department of Public Works. Prior to issuance of a Certificate of Occupancy storm drainage requirements which are consistent with the approved storm drainage report shall be constructed.
13. The applicant shall participate in, or at a minimum, provide a construction and maintenance easement for the purpose of signalization at the driveway-Kimball Drive intersection (in conjunction with the City and Pierce Transit/others).

14. Prior to issuance of a Certificate of Occupancy, the applicant shall construct a 15 ft minimum width secondary access from the site to the developed section of McDonald Avenue. The secondary access shall be designed primarily as a pedestrian corridor with sufficient structural capacity for emergency vehicles. Design and construction shall be subject to the review and approval by the Planning and Public Works Departments.

Dated this 20th 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.



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

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

**STAFF REPORT  
ENVIRONMENTAL EVALUATION AND  
REPORT TO THE HEARING EXAMINER  
SPR 95-13 - Getty Office Buildings  
February 8, 1996**

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**PART I: GENERAL INFORMATION**

**A. APPLICANT:**

Snodgrass-Freeman Architects  
7700 Pioneer Way, #200  
Gig Harbor, WA 98335  
PH: (206) 851-8383

**B. OWNER:**

Richard Getty  
930 Broadway  
Tacoma, WA 98402

**C. AGENT:**

Snodgrass-Freeman Architects  
7700 Pioneer Way, #200  
Gig Harbor, WA 98335  
PH: (206) 851-8383

**D. REQUEST:**

Construct two, two-story office buildings in two phases on 5 acres. Total combined square footage of the buildings is 61,000 square feet. Provide 216 parking spaces.

**E. PROPERTY DESCRIPTION:**

1. Location:

The property is located at approximately 6565 Kimball Drive, which is within a portion of the SW 1/4 of Section 8 Township 21N, Range 2 E.

2. Site Area/Acreage:

The total site area is approximately 217,800 square feet in area

east of Kimball Drive. The property does not have shoreline frontage or access. Current impervious coverage is approximately 0%. Proposed Impervious coverage is approximately 57%.

3. Physical Characteristics:

The site is currently used for the storage of flat-bed truck trailers (Stroh's Feed). The site is flat, with a maximum slope of 2-5%. No environmentally sensitive areas have been identified on the site.

F. SURROUNDING LAND-USE/ZONING DESIGNATION:

The entire project area is commercial along this portion of Kimball Drive and is zoned B-2 to the north, west and south. The area to the east is in unincorporated Pierce County and is zoned as medium single family. Commercial uses border the property to the north (The Woods Business Complex) and a medical facility borders the property on the south. Pierce County Transit Park and Ride lies west of the site, across Kimball Drive. The nearest residential development is Soundview Court, located approximately 300-350 feet north of the property.

G. UTILITIES/ROAD ACCESS:

Access is provided by way of Kimball Drive, bordering the property on the west. McDonald Street right-of-way borders the center of the property on the north property line.

H. PUBLIC NOTICE:

Public notice was provided as follows:

- Published in Peninsula Gateway: February 7, 1996.
- Mailed to property owners of record within 300 feet of the site: February 9, 1996.
- Posted in three conspicuous places in the vicinity of the property: February 12, 1996.

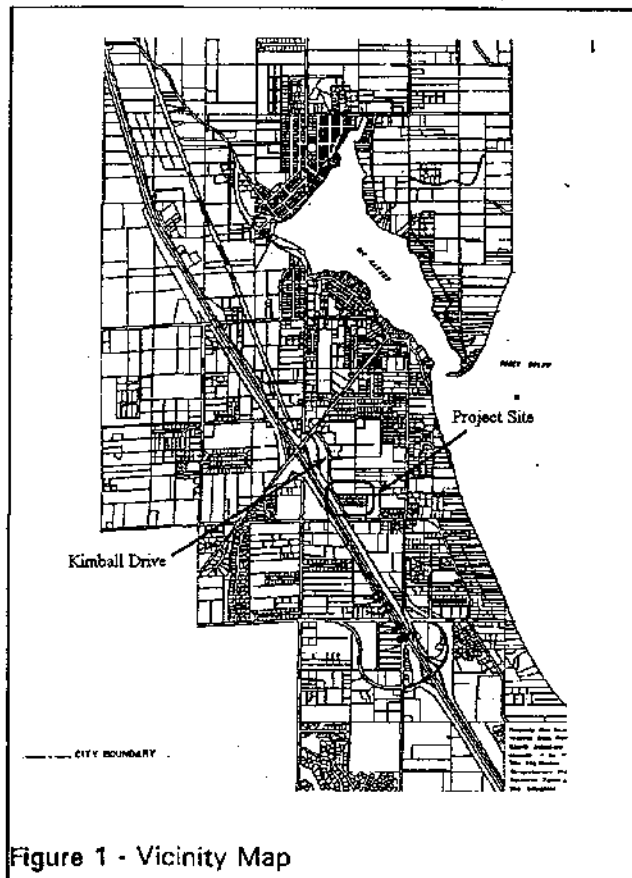


Figure 1 - Vicinity Map

## PART II: ANALYSIS

### A. AGENCY REVIEW:

#### 1. Building Official/Fire Marshal

A detailed letter of January 11, 1996 was submitted. The following comments have been noted:

- A. The site plan indicates restricted access around the buildings due to landscaping and retaining wall on the northwest side of building A. The landscaping must be designed to allow fire fighters' access around each building.
- B. Fire flow volume will be required dependant upon the building type of construction. See Appendix Table No. A-III-A-1, 1994 UBC. The required fire flow for a Type III-One Hour fire resistive building of 18,000 sqft area is 2,000 gpm at 20 psi. for 2 hours minimum duration. Fire Flow is presently available on Kimball Drive. Volume of fire flow may not be adequate for Building B. The fire flow system may need to be looped by tying into both the Kimball Drive water main and the water main on McDonald Ave.
- C. A fire alarm system will be required for a building with an auto-fire sprinkler system. An approved fire alarm system will be required in accordance with Section 1007.2.4, 1994 UFC or the codes and standards effective at the time of application for a building permit.
- D. A Knox Box with a master key will be required for access to the building. Location must be approved by the Gig Harbor Fire Marshal. Order the Knox box from Pierce County Fire District No. 5.
- E. Provide van accessible parking stalls and required signage in accordance with the WA State Regulations for Making Buildings Accessible.
- F. The maximum floor area for a B-2 Occupancy (Offices) or an M Occupancy (Retail/Merchandise) Type III-One Hour building is 18,000 sq.ft. An area separation wall or an auto-fire sprinkler system will be required.
- G. The occupancy group must be established to allow for determining code requirements. A "B Occ." and an "M Occ." have different fire protection & exiting requirements. A "B Occ." is a building used for offices. An "M Occ." is a building used for retail/merchandise purposes.

- H. Mechanical ventilation will be required to each room in accordance with Chapter 1200, 1994 UBC. Fresh air will be required to each room.
- I. Make the entire building accessible to the handicapped in accordance with Chapter 11, 1994 UBC as amended by the WA State Building Code Council.
- J. The gated road which inter-ties McDonald Ave. to this site must have an opticon controlled gate which is approved by Fire District No.5. The roadbed on McDonald must be improved to allow for all weather use. The extension from the existing paved roadbed may be of a gravel base with gravel surface.
- K. The fire hydrant which is shown on the northwest side of the main entrance to the site must be relocated to the southeast side of the main entrance. All other fire hydrants must be placed such that they are within 150 feet of all portions of each building. Measurements to verify compliance must be made along a normal path of travel. Grade changes and obstructions must be considered (patios, retaining walls, landscaping, etc.).
- L. Accessible parking stalls must be provided in accordance with Table No. 11-F, 1994 Uniform Building Code Amendments to the Regulations for Barrier-Free Facilities. Phase One will require 5 accessible stalls (One of which must be van accessible). Phase Two will require an additional two accessible stalls (One of which must be van accessible). Passenger Loading Zones must conform to Section 1108 WAC 51-30-1108. Provide an accessible route of travel on one side. The Loading Zone may not have a slope which exceeds 1 vertical in 48 horizontal.

The Fire Marshal has also stated that the dead-end on the west side of building 2 (phase 2) must be reconfigured to a turnaround if this serves as the secondary access. This would result in the removal of at least six parking spaces to accommodate the turnaround. Alternatives include undergrounding the storm detention system to develop either a turnaround or thru-road connecting with the medical clinic on the south.

A complete plan review will be completed upon submittal of plans for a building permit. This list of comments is not intended to be all inclusive. It is hoped that these comments will give the applicant some guidance in what may be required by City and State Codes.



2. Gig Harbor Public Works Department

A. Sidewalks, curbs and gutters shall be installed along the frontage street (Kimball Drive), consistent with the standards of the Public Works Construction Standards Manual.

Additional comments specific to traffic impact mitigation based upon the traffic study prepared by Chris Brown and Associates will be forwarded to the applicant and the examiner prior to the hearing for review and response.

3. Washington Department of Ecology

No comments received on the SEPA DNS as of the date of this report.

4. Washington Department of Transportation - Letter of January 31, 1996 (attached) - Comments regarding storm water runoff, advertising and signs respective to the State Scenic Vistas Act of 1971, and noise attenuation.

Other Correspondence Received

NONE.

B. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan:

The Comprehensive Plan (1994) identifies this area as commercial business. The following sections are pertinent:

Page 9

Provides primarily retail and wholesale facilities, including service and sales. Commercial uses which border residential designations or uses should use available natural features as boundaries.

- Natural features should serve as buffers, which may consist of standing timber, streams or drainage swales.
- A minimum buffer width should be 30 feet.
- The density and depth of the buffer should be proportional to the intensity of the use.

The comprehensive plan also identifies a portion of the property fronting Kimball Drive as being within a Freeway Enhancement Corridor (within 300 feet of SR-16). The following sections are pertinent:

Page 21

**Goal: Enhance the City's sense of place by preserving prominently visible parcels for aesthetically pleasing development**

3. Designate enhancement zones. Designate visually sensitive areas for highly visible or prominent parcels including corners, entry corridors, highway and freeway corridors, view termination points, etc. Development of these parcels would require increased landscaping, a higher level of design review for structures, and prohibition (or increased screening) of visually distracting appurtenances such as gas pumps, satellite dishes, storage racks, mechanical equipment, etc.

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**GOAL: DEVELOP A SOUND FISCAL BASE**

Help market local socio-economic resources to increase employment opportunities, develop office and industrial park properties, and provide the City with a sound tax base.

1. Job creation

- ▶ Help create employment opportunities within the local economy, particularly for residents who now commute across the Tacoma Narrows Bridge to work. Participate with other public agencies and private interests in marketing projects, labor force training programs, and other efforts to attract new businesses to Pierce County and Gig Harbor Peninsula area.
- ▶ Determine a reasonable jobs-to-housing balance by coordinating land use and development policies to help achieve the designated balance of adequate affordable housing near employment centers.

2. Zoning Ordinance:

The property is zoned B-2, which is a high intensity retail-business district. The following section of chapter 17.36 of the GHMC are pertinent:

**17.36.010 Intent.**

The purpose of the B-2 district is to provide areas that offer a wide range of consumer goods and services. It is further intended to group buildings and business establishments in a manner that creates convenient, attractive and safe development. The products and services shall primarily be for sale on the premises only. All business shall be conducted within enclosed building, except for approved outdoor storage, display and dining areas.

**17.36.020 Permitted uses.**

The following uses and structures are permitted in a B-2 district:

- A. Retail and wholesale sales, excluding motorized vehicles, trailers and boats;
- B. Business and professional offices;
- C. Banks and other financial institutions;
- D. Restaurants, cocktail and associated lounges and taverns (indoor dining - no drive-through);
- E. Commercial recreation, excluding drive-in theaters;
- F. Gasoline service stations and car washes; and
- G. Personal and professional services.

**17.36.030 Conditional uses.**

Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in a B-2 district:

- A. Utilities and public service uses such as libraries, electrical substations, water storage facilities, etc.;
- B. Light manufacturing and assembly;
- C. Mini-warehouses;
- D. Recreational buildings and community centers;
- E. Drive-in restaurants; and
- F. Radio and television transmission towers.

**17.36.040 Other uses.**

Other uses similar to either permitted or conditional uses which are consistent with the intent of the B-2 district may be allowed. The determination of consistency and classification of use whether permitted or conditional shall be made by the planning director.

**17.36.050 Site plans.**

Before a building permit will be issued, the site plan review process as specified in Chapter 17.96 GHMC shall be followed.

**17.36.060 Minimum building setback requirements.**

- A. Front yard: 20 feet;
- B. Rear yard: 20 feet;
- C. Side Yard.
  - 1. Interior yards, 5 feet,
  - 2. Flanking street, 10 feet;
- D. Any yard abutting residential development, 30 feet with dense vegetative screening.

**17.36.070 Maximum impervious coverage.**

In a B-2 district, the maximum impervious coverage is 70 percent.

**17.36.080 Maximum height of structures.**

In a B-2 district, the maximum height is 35 feet, except as provided for under Chapter 17.62 GHMC, height restriction area.

**17.36.090 Parking.**

In a B-2 district, parking on private property shall be provided in connection with any permitted or conditional use as specified in Chapter 17.72 GHMC. Because the proposed use is business/professional office, the required parking allocation is one parking space for every 300 square feet of floor area (gross).

**17.36.100 Signs.**

In a B-2 district, signs may be allowed in conjunction with any permitted use and are subject to the provisions of Chapter 17.80 GHMC.

**17.36.110 Loading facilities.**

In a B-2 district, off-street loading facilities shall be provided in accordance with the provisions of Chapter 17.72 GHMC. For business/professional offices, the parking requirement is one parking space for every 300 square feet of gross floor area and one loading berth for every 25,000 square feet of floor area.

**17.36.120 Performance standards.**

In a B-2 district, performance standards are as follows:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles. **Respective to chapter 17.78 (Landscaping), Sections 17.78.070, 17.78.080 and 17.78.090 are pertinent to this project.**

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

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

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

### **PART III: FINDINGS AND CONCLUSIONS**

Several issues have surfaced during the review of the site plan which need to be addressed:

1. City Fire Marshal: Lack of a turnaround west of Building No 2 (phase 2) which meets the requirements of the City Fire Code. The alternative is to provide a thru-road which connects to the medical clinic to the south or to property to the east. This will need to be resolved prior to issuance of a building permit for phase two. In no case shall the required turnaround result in reduced landscaping area or required parking for the project site.
2. The need for a pedestrian link from the medical building to the south, across the applicant's property, to tie in with the McDonald Street right-of-way. This issue is of importance to the city for future park and open space planning purposes and is not proposed to be resolved through this site plan process. Nonetheless, the city believes that some consideration and accommodation be accorded during this application review, addressable by establishing easements for pedestrian linkage.

The Planning staff finds as follows:

The proposal to construct two, two-story office buildings with a total floor area of 61,000 square feet is consistent with Title 17 of the GHMC as follows:

1. It meets the minimum site requirements for yards, height, and impervious coverage per chapter 17.36.
2. It is generally consistent with the landscaping and screening requirements of the code, chapter 17.78. A final landscape plan is required prior to issuance of a building permit.
3. It meets the parking standards of Chapter 17.72 of the GHMC. The code required parking is 203 spaces. The number of spaces proposed is 216.
4. It meets the criteria for approval of a site plan, per chapter 17.96 in that the plan is compatible with the city's comprehensive plan, it is compatible with the surrounding buildings' occupancy and use factors and meets other

relevant statutory codes, regulations and ordinances, as conditioned under part IV of this report.

5. The proposal is consistent with the City of Gig Harbor Comprehensive Plan for the sections referenced in Part II of this report.

#### **PART IV: RECOMMENDATION**

Based upon the analysis in Part II and the Findings and Conclusions in Part III of this report, staff recommends approval of the site plan, subject to the following conditions:

1. Prior to issuance of the building permit, the applicant shall submit a final landscape plan which is consistent with the minimum landscaping standards of chapter 17.78. The All landscaping shall be installed prior to issuance of a final occupancy permit or an assignment of funds may be submitted to the City equal to 110% of the cost of the required landscaping. Landscaping not installed within one year of occupancy shall result in the city's foreclosure on the assignment of funds.
2. Areas of native vegetation which are designated as landscape or buffer areas shall be subject to a ten (10) foot wide no-construction zone and shall be protected by a temporary perimeter fence. Clearing, grading or contour alteration is not permitted within this no-construction area unless a qualified arborist provides written documentation that proposed construction activity within the 10 foot set-back will not harm nor existing vegetation within the designated landscape or buffer area.
3. Sidewalks curbs, and gutters shall be required along the property street frontage of Kimball Drive.
4. Prior to a decision by the Examiner on this application, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.
5. The project shall conform to all building and fire code requirements as stated in the Building Official/Fire Marshall's report on this project application.
6. Parking shall comply with the parking and loading standards of Chapter 17.72 for business and professional office (one parking space for 300 square feet of floor area)

7. The use of the structures shall be limited to professional office and business as defined in chapter 17.04. The purpose of this condition is to assure that the uses within the buildings do not exceed the zoning code parking requirements.
8. A two-phase construction plan is proposed for this project. Construction for phase one must commence within two years of the approval of the site plan. In reliance upon the application submitted, phase two must be completed by no later than December 31, 1998. The applicant is advised that vesting does not occur until a complete building permit application is submitted for the proposed structures.
9. A storm water management plan must be prepared by a licensed professional engineer and submitted to the Department of Public Works for review. Upon the approval of a storm water management plan, the applicant shall install the required improvements prior to the issuance of a certificate of occupancy.
10. All work within public right-of-way shall be subject to the bonding requirements in Section 1.090 of the Public Works Construction Standards. No building permit shall be issued until all public improvements are completed and final acceptance granted or, with the approval of the Public Works Director, a performance bond is posted with the city in an amount equal to 100% of the cost of the public works improvements. A maintenance bond in an amount equal to 15% of the total cost of the improvements shall be posted with the city and it shall be active for a period of two years after job completion.

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

 Staff report prepared by: Ray Gilmore, Planning Director  
DATE: February 15, 1996

CITY OF GIG HARBOR  
GENERAL APPLICATION

Conditional Use Permit    Variance    Site Plan Review  
 Planned Unit Development    Rezone    Administrative Appeal

CITY USE ONLY

Case Number SAR 95-13

Date Received 12-8-95

By [Signature]

Receipt # 33090 By [Signature]  
775.00

Name of project/proposal \_\_\_\_\_

**A. Agent**  
Snodgrass Freeman Associates  
(name)  
7700 Pioneer Way #200      851-8383  
(street address)      (telephone)  
Gig Harbor, Wa 98335  
(city & state)      (zip)

**Owner**  
Richard Getty  
(name)  
930 Broadway      383-2858  
(street address)      (telephone)  
Tacoma, Wa 98402  
(city & state)      (zip)

**Owner Signature**  
[Signature]  
(signature)      (date)

do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the herein described property and that the foregoing statements and answers are in all respects true and correct on my information and belief as to those matters, I believe it to be true.

**Property location**  
Property Address Not known at this time  
Section 8 Township 21 Range 02  
Assessor's Parcel Number 022108-3145

**Full Legal Description** (attach separate sheet if too long)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Utilities**

1. Water Supply: (Name of Utility, if applicable)  
a. Existing: \_\_\_\_\_  
b. Proposed: City of Gig Harbor

2. Sewage Disposal: (Name of Utility, if applicable)  
a. Existing: \_\_\_\_\_  
b. Proposed: City of Gig Harbor

**Property Information:**

Existing Zoning Designation: B-2      Wetlands on site? NO      Slopes exceeding 15%? NO

**Existing land use:** Describe (or illustrate separately) existing land use, including location of all existing structures and setbacks (in feet) from property lines.  
The site is used to park trucks and trailers for Stroh's Feed and Garden Store.



ENVIRONMENTAL CHECKLIST

- 1. Proponent (c): Richard Getty  
Address: 930 Broadway  
Tacoma, Wa 98402  
Phone: (206) 383-2858
  
- 2. Representative: Snodgrass Freeman, AIA  
Address: 7700 Pioneer Way #200  
Gig Harbor, Wa 98335  
Phone: (206) 851-8383
  
- 3. Property Address or location (e): Section 8,  
Township 8, Range 2 East
  
- 4. 1/4 S/T/R (d): 08-21-02
  
- 5. Tax Parcel # (g): 022108-3145
  
- 6. Total Acres: 4.67
  
- 7. Permit Type: Site Plan Approval
  
- 8. Zoning: B-2
  
- 9. Shoreline Environment: N/A
  
- 10. Water Body: N/A

\*\*\*\*\* OFFICIAL USE ONLY \*\*\*\*\*

SEPA # (a): \_\_\_\_\_

Case # (b): \_\_\_\_\_

Related Cases: \_\_\_\_\_

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Submittal: Complete \_\_\_\_\_ Incomplete \_\_\_\_\_

Information Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Proposal (d): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\* OFFICIAL USE ONLY \*\*\*\*\*

- 11. Brief Description of the proposal and Project Name: Kimball Park Professional  
Offices is a two building commercial office building  
campus located on 4.67 acre site north of the Fransiscan  
Health Care Facility.
  
- 12. Estimated Completion Date: Phase one - December '96, Phase Two - 1998
  
- 13. List of all Permits, Licenses or Government Approvals Required for the Proposal (federal, state and local -- including rezones):  
Site plan approval & Building Permit thru City of Gig Harbor.
  
- 14. Do you have any plans for future additions, expansion or further activity related to or connected with this proposal? If yes, explain:  
None beyond the two phases mentioned above.
  
- 15. Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:  
No
  
- 16. Proposed timing or schedule (including phasing, if applicable): Phase one complete December  
1996, Phase two complete 1998.
  
- 17. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.  
None

I. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

- b. What is the steepest slope on the site (approximate percent slope)?

The site has been graded flat except for the eastern side which slopes at the property line, approximately 30% slope.

- c. What general types of soils are found on the site (for example, clay, sand gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Soils are sandy gravel in nature.

- d. Are there surface indicators or history of unstable soils in the immediate vicinity? If so, describe.

None.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Limited amounts of grading required to accomplish the construction of the two buildings and associated landscaped areas.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Minor erosion is possible, construction siltation/erosion control measures will be employed to prevent damage to offsite properties, or natural areas.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Impervious coverage is proposed at 61.69%.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Erosion control measures including siltation fences and the channeling of runoff through filtration berms will be employed during construction.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

During construction; minor amounts of dust and construction noise. At the completion of the project; only moderate to low amounts of automobile exhaust is anticipated.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

During construction; water tankers will be used to control dust during the dry summer construction periods. No measures will be used to control automobile exhaust emissions.

3. Water

a. Surface

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

None.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

None.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

None.

- (5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

No.

- (6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Storm water will be conveyed off-site to city storm sewers.

b. Ground

- (1) Will ground water be withdrawn, or will water be discharge to ground water? Give general description, purpose, and approximate quantities if known.

No.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals ...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the systems(s) are expected to serve.

None.

c. Water Runoff (including stormwater)

- (1) Describe the source of runoff (including stormwater) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Storm water will be collected and conveyed off-site to the city storm sewers.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

No

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

None, other than the current or best storm water practices in effect at the time of application for a building permit.

4. Plants

- a. Check or circle types of vegetation found on the site:

Deciduous tree: alder, maple, aspen, other  
 Evergreen Tree: fir, cedar, pine, other  
 Shrubs  
 Grass  
 Pasture  
 Crop or grain  
 Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other  
 Water plants: water lily, eelgrass, milfoil, other  
 Other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

Vegetation and tree cover located along the northern property line, located outside of parking lots and buildings.

- c. List threatened or endangered species known to be on or near the site.

None

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The proposal will use the City's landscape guidelines for B-2 zoned properties for buffer, parking lot and perimeter landscaping.

5. Animals

- a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk  heron  eagle  songbirds  other

Mammals: deer  bear  elk  beaver  other

Fish: bass  salmon  trout  herring  shellfish  other

- b. List any threatened or endangered species known to be on or near the site.

None

- c. Is the site part of a migration route? If so, explain.

No

- d. Proposed measures to preserve or enhance wildlife, if any:

None

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electricity and natural gas will be used for lighting, power and gas for heating of the office buildings.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Energy design standards for this project will comply with the 1991 Washington State Residential Energy Code. The architecture will employ a roof system with large overhangs to shield windows from excessive solar gain.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

None.

- (1) Describe special emergency services that might be required.

Police, fire.

- (2) Proposed Measures to reduce or control environmental health hazards, if any:

None required or proposed.

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

- (2) What types and level of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Minor traffic noise is expected at peak traffic periods 7:30 to 8:30 a.m., 11:30 to 12:30 a.m., and 4:30 to 5:30 p.m. during work week.

(3) Proposed measures to reduce or control noise impacts, if any:

The design employs a thickly landscaped parking lot interior and roadway areas, in addition to perimeter and landscape buffers ranging from five to thirty feet in width.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

Used for truck sand trailer storage.

b. Has the site been used for agriculture? If so, describe.

No recent agricultural use is evident.

c. Describe any structures on the site.

None.

d. Will any structures be demolished? If so, what?

No.

e. What is the current zoning classification of the site?

B-2

f. What is the current comprehensive plan designation of the site?

Business.

g. If applicable, what is the current Shoreline Master Program designation of the site?

N/A

h. Has any part of the site been classified an "environmentally sensitive" area? If so, specify.

No

- i. Approximately how many people would reside or work in the completed project?

150

- j. Approximately how many people would the completed project displace?

None

- k. Proposed measures to avoid or reduce displacement impacts, if any?

None

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The site will be developed following current City Zoning B-2.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high-, middle-, or low-income housing.

None

- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle-, or low-income housing.

None

- c. Proposed measures to reduce or control housing impacts, if any:

None

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Building height is projected at 34'-0" with the exterior surfaces comprised of horizontal wood siding, masonry and concrete.

- b. What views in the immediate vicinity would be altered or obstructed?

None



- c. Proposed measures to reduce or control aesthetic impacts, if any:

Design a structure with strong lines, graceful roof planes and accented window panels.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Parking lot lighting on 30' poles will use a cut-off type of fixture to eliminate off-site glare.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No views will be affected in a negative way either by light or glare.

- c. What existing off-site sources of light or glare may affect your proposal?

None

- d. Proposed measures to reduce or control light and glare impacts, if any:

None

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

None

- b. Would the proposed project displace any existing recreational uses? If so, describe.

None

- c. Proposed measures to reduce or control impacts on recreation including recreation opportunities to be provided by the project or applicant, if any:

Walking paths will be provided through buffer areas on the north and east edges of the site.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

None

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Limited increases in fire and police protection will be required. Limited impact to schools from new families.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities

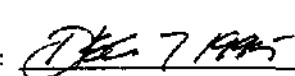
- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

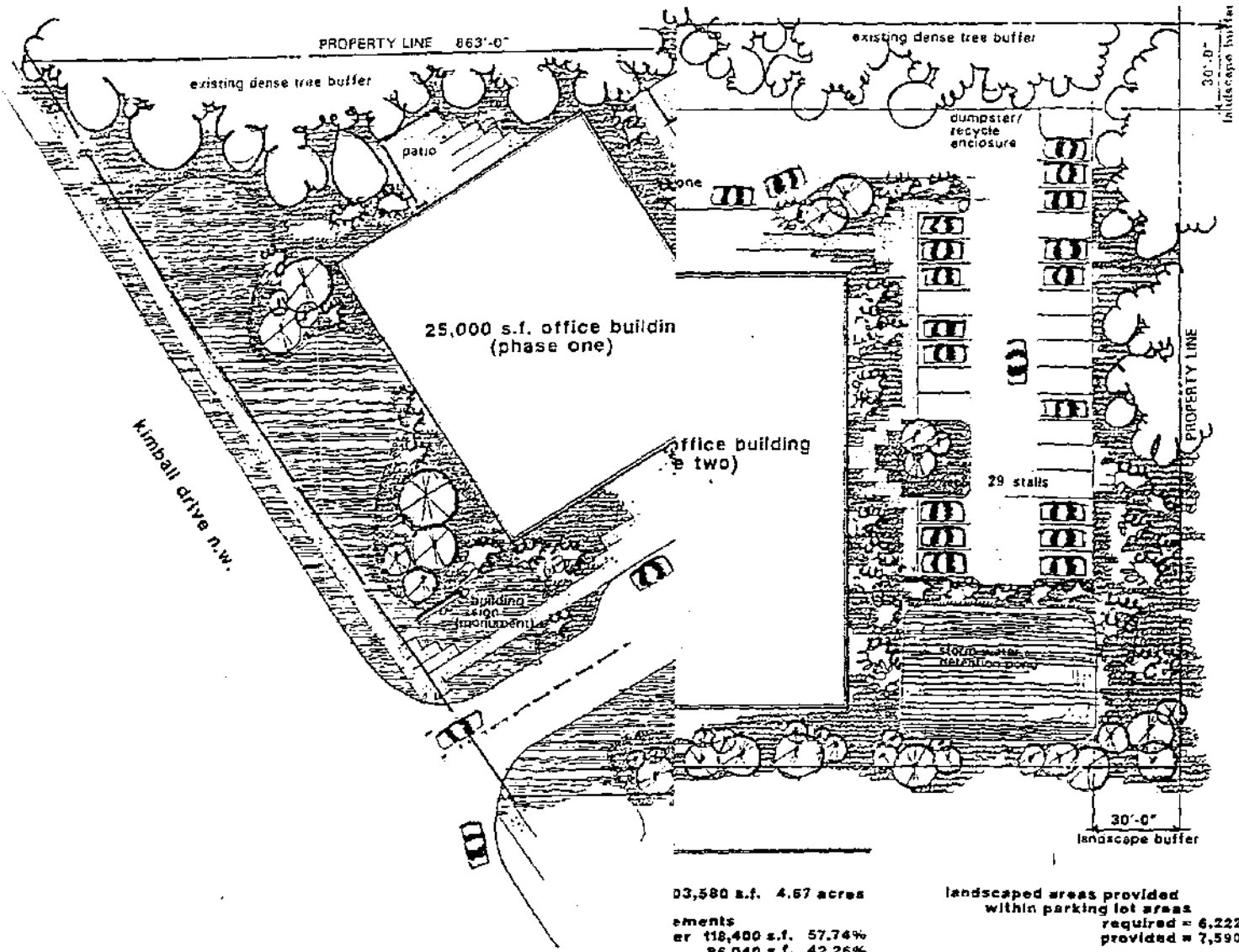
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Electricity - Peninsula Light  
 Natural Gas - Washington Natural Gas  
 Water - City of Gig Harbor  
 Refuse - American Disposal Co., Inc.  
 Telephone - PTI      SIGNATURE      Sanitary - City Sewer

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Date Submitted: 

Signature: 



103,580 s.f. 4.67 acres  
 118,400 s.f. 57.74%  
 86,040 s.f. 42.26%

landscaped area provided  
 within parking lot areas  
 required = 6,222 s.f.  
 provided = 7,590 s.f.

3 stalls (phase one)  
 300 = 83 stalls  
 provided 132 stalls  
 3 stalls (phase one + phase two)  
 required = 203 stalls  
 provided 216 stalls

**SEA** AND GRASS FREEMAN ASSOCIATES, LLC  
 ARCHITECTURE  
 PLANNING  
 CONSULTING

7700 Pacific Hwy #200  
 Gig Harbor, WA 98343  
 (206) 831-4000 Fax: (206) 831-4004

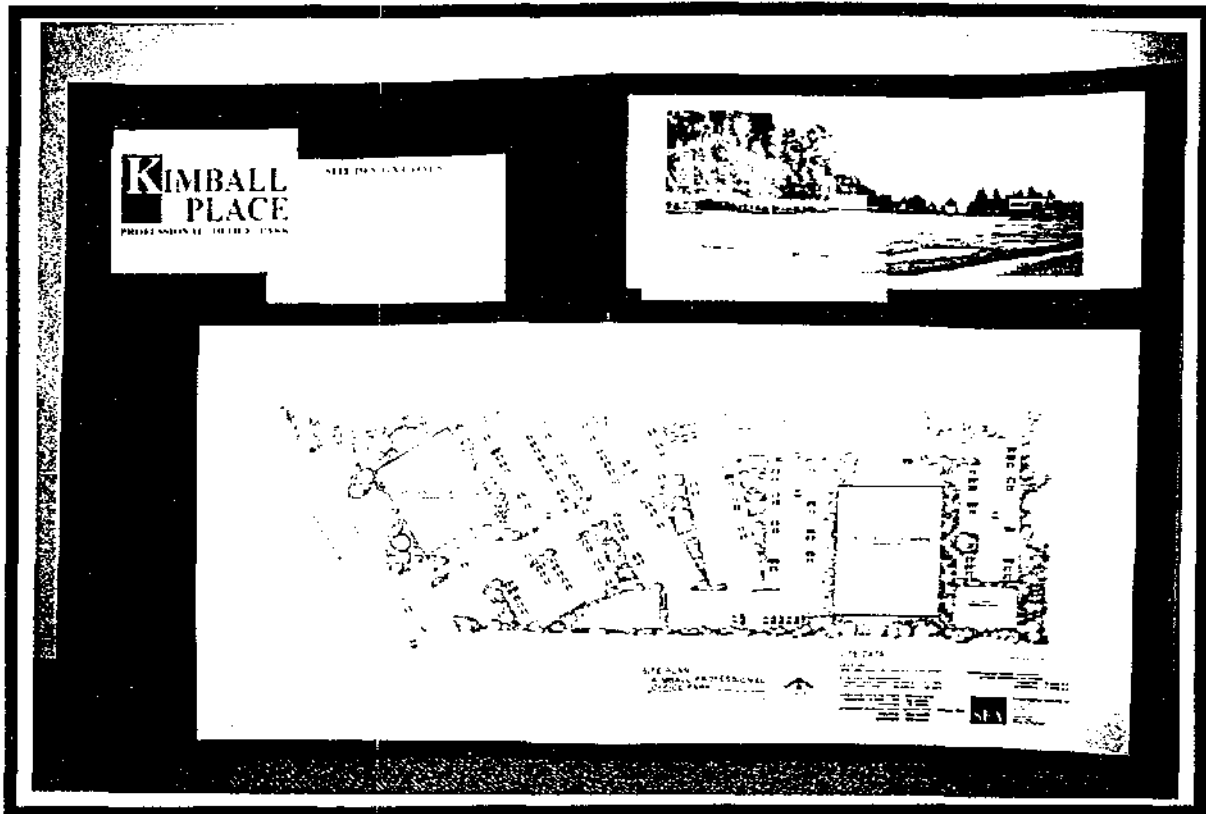
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 JAN 25 1996  
 CITY OF GIG HARBOR





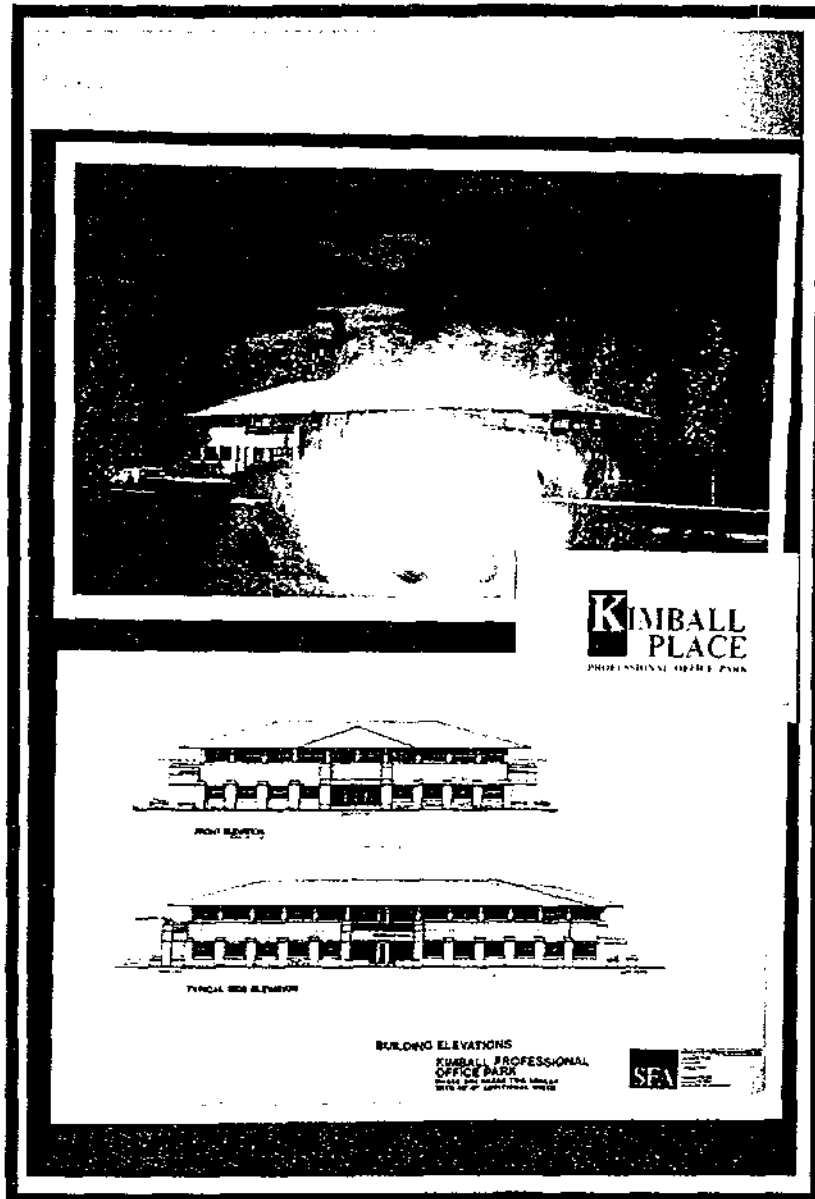
SPR 95-13 -- Richard Getty, Office Buildings, 6565  
Kimball Drive

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1 Exhibit "A", site plan.

SPR 95-13 -- Richard Getty, Office Buildings, 6565  
Kimball Drive



2 Exhibit "A", elevation detail.







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

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

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: PLANNING STAFF** *S.O.*  
**DATE: JULY 22, 1996**  
**SUBJECT: INTRODUCTION OF DRAFT-4 DESIGN MANUAL & ASSOCIATED CODE AMENDMENTS**

### **INTRODUCTION/BACKGROUND**

The Council previously received Draft 3 of the proposed design manual. This was not the final draft presented at the public hearing on June 13th. Prior to the public hearing, the Planning Commission held two worksessions which resulted in various changes to the manual which then went to the Hearing as Draft 4. After the public hearing, the Planning Commission held another worksession to discuss input received at the hearing. As a result, the Planning Commission and staff have prepared a memo which addresses the concerns expressed by the public and which outlines changes recommended by the Commission to both the design manual and Chapter's 2.21 and 17.78 of the Gig Harbor Municipal Code.

A copy of the Design Manual Draft 4 and also the proposed code changes (Exhibit "A") are attached for the Council's review, along with a copy of the Planning Commission's memo and recommendation.

After the Planning Commission prepared its recommendation to the City Council, the staff received additional input from Carol Morris regarding the language proposed to be incorporated in the Gig Harbor Municipal Code. Carol suggested that the design variance and appeal process be clarified, that the denial criteria be modified to avoid legal challenges, and also recommended several "housekeeping" revisions. The staff has therefore prepared another draft of Chapter's 2.21 and 17.78 (attached as Exhibit "B") which incorporates both Carol's and the Planning Commission's recommendations. Most changes are more technical than substantive. The more significant changes include the elimination of all but one denial criteria.

### **POLICY**

According to GHMC Section 19.01.005, a public hearing on the design manual must be held by the planning commission who then makes a recommendation to the City Council. However, the City Council may opt to hold its own public hearing as per Section 19.01.005(C). Because of required changes to the denial criteria, Carol has indicated that another public hearing is necessary.

### **RECOMMENDATION**

The purpose of the July 22nd meeting is to introduce the proposed manual and associated code amendments to the Council and to submit the Planning Commission's recommendation on the proposal. A public hearing and the first reading of an ordinance adopting the manual is scheduled for August 12, 1996. A second reading is tentatively schedule for August 26, 1996