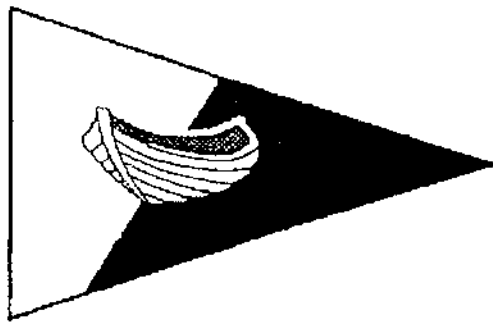


**GIG HARBOR  
CITY COUNCIL MEETING**



**SEPTEMBER 26, 1994**

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

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**September 26, 1994 - 7:00 p.m.**

**PUBLIC COMMENT/DISCUSSION:**

**PUBLIC HEARING:** Second Public Hearing for the Proposed Revised Comprehensive Plan.

**CALL TO ORDER:**

**APPROVAL OF MINUTES:**

**CORRESPONDENCE:**

**OLD BUSINESS:**

1. Resolution - Gig Harbor Interchange Annexation.

**NEW BUSINESS:**

1. Pioneer Intersection and Walkway Petition.
2. Liquor License Application - Second Request - Maritime Mart.
3. Liquor License Renewal - Hy-Iu-Hee-Hee.

**STAFF REPORTS:**

Ray Gilmore - Planning/Building Department.

**COUNCIL COMMENTS:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

**APPROVAL OF BILLS:**

**EXECUTIVE SESSION:**

**ADJOURN:**




City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

## MEMORANDUM

**TO:** Mayor Wilbert and City Council

**FROM:**  Ray Gilmore, Director, Planning Department-Building Department

**DATE:** September 21, 1994

**SUBJ.:** 2nd Public Hearing - Revised/Updated City of Gig Harbor Comprehensive Plan

---

This is the second of three public hearings scheduled for the revised comprehensive plan. Based upon the worksession with the Planning Commission on September, changes have been made to the comprehensive plan, per the Council's direction. These changes are shown below (new language in italics):

Page 10 - 11

### Mixed Use

Mixed Use is an area of commercial/*employment*, office and multifamily located along principle collector routes which link the downtown area with SR-16. Commercial/*employment* activity within a Mixed Use area caters to a customer base beyond the immediate surrounding neighborhoods due to its location along the collector routes. The individual commercial/*employment* activities or developments in these areas are not of a size or character to be considered "major" activity or traffic generating uses. Multifamily and office uses are allowed within the Mixed Use area to provide economic diversity and housing opportunities near transit routes and business activities. The desired allocation of land use within the Mixed Use designation is:

Commercial/ <i>Employment</i>	45% maximum
Professional Office	30% maximum
Multifamily	25% minimum

property. Properties or developments less than ten acres are limited to the uses as defined by the official zoning map of the City.

*Uses which have been approved by Pierce County prior to the adoption of this plan are considered legitimate conforming uses.*

Page 13

#### **14. Public Schools and Education**

- Coordinate with the Peninsula School District in a joint-planning process to consider capital facilities needs and requirements for school development and expansion, school site location decisions, joint use of playgrounds/recreational facilities, development of facility siting criteria and the development of a common data base for sharing.
- Coordinate with the Peninsula School District for the siting of new and expanded educational facilities within the urban growth area. Consider the School District's Master Facility Siting Plan and Process for location and development of new schools and to ensure the availability of essential urban services as needed or required.
- Encourage the development of a broad tax base through the appropriate land-use planning process for the siting and development of significant revenue generators such as new or expanded businesses and employment centers and retail sales/services.
- Consider the development and implementation of an impact fee schedule to offset the costs of new development on school district services. Adopt an Interlocal agreement with the Peninsula School District which defines a process and implementation of an impact fee collection and disbursement program.
- *Provide for safe pedestrian linkages between neighborhoods and schools.*

Page 81

**Harbor Green** is approximately ten acres of very dense forest located at one of the highest elevations in the City on Grandview Drive. Currently ~~undeveloped~~ *in its natural state*, it has the potential to ~~serve as a multipurpose park facility~~ *provide passive recreational opportunities in it's natural condition*. ~~Plans have been developed to consider the siting of a community center in the park, combined with a linear trail~~

system that connects the residential areas north of and along Grandview Drive with the commercial facilities along Kimball Drive.

Also, the comprehensive plan map is changed to reflect the additional five acres of commercial land in the Westside district.

The next worksession with the Planning Commission is unscheduled at this point, but will likely occur in late October or early November, following the receipt of comments from the State agencies.

## REGULAR GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 12, 1994

**PRESENT:** Councilmembers Stevens Taylor, Picinich, Ekberg, Markovich and Mayor Wilbert. Councilmember Platt came in at 7:20.

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

Richard Allen - 3603 Ross Avenue. Mr. Allen said he appreciated Council's deliberation and unanimous decision regarding the recent harborline issue. He said he was appalled that the Mayor had "carried two hats" to the hearing, one to forward Council's recommendation and one to present a personal opinion and present a petition from citizens that had yet to be circulated, that was in direct conflict with Council's recommendation. He said her decision to deliver both messages showed little respect for the council and the image of our community. He said the municipality of Gig Harbor once more appeared to be in a state of confusion and without direction.

Bob Frisbie - 9720 Woodworth Avenue. Mr. Frisbie stated his wish to give a brief report on the harborline meeting held Tuesday, September 6th. He said the Mayor read the letter stating Council's recommendation without emotion, then detailed her personal views with emotion. He said her views were diametrically opposed to the ones Council had sent her to represent. He questioned the ethics of this and advised that in future cases, if Council's opinion differed from the Mayor's, to send another representative to present their view.

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich stated that he felt that the Mayor had full right to do what she did and that she was entitled to her own opinion. He said he was appalled that Council had made a decision to send a letter that was not on the agenda and that every citizen was entitled to notice on something of this importance. He went on to give a history of how the Department of Natural Resources had chosen to allow construction to the outer harbor line, and of how past councils could have held to limiting it to the inner harbor line, but chose not to. He added that Council was here to represent and protect the citizens.

### **SPECIAL PRESENTATION:**

K.G.H.P. Update - Keith Stiles, Max Bice. Mr. Stiles introduced Max Bice, responsible for the technical aspects of the station, and Ray Zimmerman, head of the local Emergency Preparedness group, then gave a brief overview of the local station located at Peninsula High School. He used an overhead to show the existing system and the proposed upgrades that would help to serve the two peninsulas in the event of a major emergency. He thanked Peninsula Light for their support for the radio station. He added that currently there is a fund drive to raise an additional \$9,000 for upgrades and to keep the station on the air to prevent the program from losing their FCC licensing.

**CALL TO ORDER:** 7:24 p.m.

## APPROVAL OF MINUTES:

**MOTION:** Move approval of the minutes of the August 22, 1994 meeting as presented.  
Picinich/Stevens Taylor - unanimously approved, with Councilman Markovich abstaining.

## CORRESPONDENCE:

Mayor Wilbert announced that due to the volume of correspondence that she placed it all in the "To Read Basket" and urged Council to review it. She then read a letter from W.F.O.A. announcing that Tom Enlow, Finance Director, had been certified as a Professional Finance Officer for two years in a row. The second letter she introduced was from Jim French, Washington State Parks and Recreation Boating Programs Manager, to Chief Richards, regarding Gig Harbor's Boating Safety Program.

**OLD BUSINESS:** None.

## NEW BUSINESS:

1. Harbor Green Park - Professional Services Contract. Ben Yazici gave a brief overview of the project to develop the Harbor Green Park, including a Senior Center, and asked Council to approve a contract with Lyn Horn & Associates to complete a park design. Bill Reed, the architect who has been awarded the project to design the senior center, and Lyn Horn, were present to answer questions.

Jake Bujacich - 3607 Ross Avenue. Mr. Bujacich offered some history regarding when the land was deeded to the city. He stated there were 10 acres given for the community and after the water tower was built, approximately 9 acres are left. He said before proceeding with a community center, the staff should check the deed to make sure it is an appropriate use because the property was deeded for a park.

Mark Hoppen said he had researched that information through Dean Mullen, the city attorney at the time, and found the deed states that the property could be used for educational, recreational, or civic purposes.

Maryann Ekberg - 7411 Stinson. Ms. Ekberg stated how much she loved the park and has been thankful for its natural state. She added that there are several people that would like to see it remain that way and asked that before any decisions are made regarding the park that more community input be obtained. She asked that local people be put on a committee to work with the architect in developing the landscape plan.

Elmer Tripple - AARP. Mr. Tripple, representing the AARP and the Rotary Club Seniors, talked about the surveys that have been done on senior/community centers, and their importance. He added this area is lacking a community center of this type and stressed the importance of including a facility of this type at Harbor Green Park.

**MOTION:** Move we authorize the Mayor to execute a Professional Services Contract with Lyn Horn & Associates to complete a park design at Harbor Green Park for an amount not to exceed \$15,000, with the understanding that they will undertake a public testimony process before any work is commenced.

**AMENDMENT TO MOTION:**

In addition, the Public Works Director shall form a committee to work with the architect and staff to develop some conceptual plans to present to council.  
Ekberg/Picinich - unanimously approved.

2. Harborview Overlay Project - Professional Services Contract. Ben Yazici asked Council to authorize a professional services contract with Inca Engineers, Inc. to design the Harborview Overlay Project. He explained that because Inca currently has the contract to design the North Harborview Drive project, combining the two projects would be cost effective and allow greater project coordination, i.e. traffic control, writing of specifications, bonds, etc.

**MOTION:** Move we enter into a professional services contract with Inca Engineers, Inc. to complete the design of Harborview Drive Overlay project for \$16,934.18.  
Picinich/Platt - unanimously approved.

3. Resolution - Purchase of Big Boat Toy. Ben Yazici explained that due to the difficulty in receiving a competitive bid for the specific boat toy wanted for the park, he asked Council to approve this resolution permitting the purchase of the boat toy from Pacific Playground as a "sole source".

**MOTION:** Move we approve Resolution No. 426 as presented.  
Platt/Ekberg - unanimously approved.

4. Resolution - Tallman Annexation. Mark Hoppen explained that the Pierce County Boundary Review Board requires that an annexation proposal must be submitted within 180 days of passage of the city's Resolution accepting the annexation proposal. The resolution for the Tallman Annexation was passed by Council in December of 1993, and due to delays in preparing the concomitant agreement, the project was submitted to the Boundary Review Board within the last month. This delay placed the resolution outside the 180 day limitation. Therefore, the BRB asked that Council pass the same resolution accepting this annexation petition for resubmittal to their office. Council asked that the dates for the park plan be filled in. Carol Morris, legal counsel, also suggested inserting language into the Resolution confirming the agreement that the owner pay any costs associated with preparation and recording of this annexation. After these changes, the resolution will be brought back at the next meeting.

**MOTION:** Move we table the Resolution on the Tallman Annexation until the next meeting.  
Platt/Stevens Taylor - unanimously approved.



5. SPR 94-03 - Request for Site Plan Approval - Tynes. Mayor Wilbert, at legal counsel's prompting, asked if Council had any ex-parte contact with the applicant, if there was any appearance of fairness issues, or if there were any challenges from the audience in an appearance of fairness issue. There were no responses to any of the questions.

Steve Osguthorpe presented the request for site plan approval for an office building located at 7626 Pioneer Way. Mr. Bud Tynes, and Dave Freeman, architect for the project, were present to answer Council's questions.

**MOTION:** Move approval of Resolution No. 428 which adopts the finding, conclusions and recommendations of the Hearings Examiner and approves site plan 94-03.  
Markovich/Picinich -

**AMENDMENT TO MOTION:** That a copy of the environmental report be included in the report.

Carol Morris suggested language changes and the Mayor found several incorrect dates in the resolution. Discussion between the architect, staff and Council led to the deletion of the note regarding non-conforming materials in the fire flow lines on Pioneer Way.

**AMENDED MOTION:**

Move adoption of Resolution 428 which adopts the findings, conclusions and recommendations of the Hearings Examiner in his report dated August 26th, 1994, and that the resolution be modified in its form to delete the note under paragraph 4.i. and that furthermore, the date of the action be also modified to September 12th, 1994, and under the last page under paragraph vii, the 1994 UBC be changed to 1991 UBC as the 1994 has yet to be adopted, and to change the "shoulds" to "shalls", and that the applicant submit for the city's files a copy of the ecological assessment performed on the property.  
Markovich/Picinich - unanimously approved.

6. SDP 94-01 - Hearing Examiner Recommendation - Gernon. Mayor Wilbert again asked if Council had any ex-parte contact with the applicant, if there was any appearance of fairness issues, or if there were any challenges from the audience in an appearance of fairness issue. Councilman Picinich stated he had known the applicant, Steve Gernon, for approximately seven years, worked with him at Kopachuck Junior High and considered him a friend. He added that he did not feel this would influence his decision in the matter. There was no challenge from the audience regarding the appearance of fairness.

Steve Osguthorpe gave a history of the variance request for the site located below the bluff adjacent to Craig Lane and on the beach south of the old ferry landing. The applicant, Steve Gernon, addressed Council and staff regarding his concerns about meeting all the conditions of the mechanical, electrical, and plumbing listed in the Hearings Examiners findings due to the fact that they had no electricity or water available to the site. Ben Yazici offered to meet with the Gernons, their neighbors, and Peninsula Light Company to address these

issues and formulate a plan to bring sewer, water and power to these sites. The applicant agreed to this meeting and said he will explore several avenues to move toward a solution to meeting these conditions.

**MOTION:** Move we adopt Resolution No. 429 adopting the findings, conclusions and recommendations of the Hearing Examiner approving SDP 94-01 Mr. & Mrs. Gernon.  
Markovich/Ekberg - unanimously approved.

7. Special Occasion Liquor License - St. Nicholas Fall Harvest Festival. No action taken.

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

Mayor Wilbert said that the permitting process for a 200' dock extension at Jerisich Park had begun. She voiced concerns that extending the dock might interfere with boats trying to maneuver to the Pleasurecraft Marina gas dock and suggested exploring a lease to the south of the city dock instead of extending to the outer harbor line. Councilmembers instructed Ben to continue with the permitting process to extend the dock to the outer harbor line per the approved 1994 Budget Objective.

### **COUNCIL COMMENTS:**

Councilmember Stevens Taylor said she wanted to comment on the meeting that Mr. Frisbie and Mr. Allen had spoken about earlier in the meeting. She said this was the first she had been made aware of what occurred in that hearing and that she felt that when a motion is made to send a representative to present the Council's viewpoint, and when that person has a different agenda, it should be disclosed to council beforehand, so an additional representative can be sent. She added she had no problem with the Mayor speaking as an individual, but direction from Council was very clear that they wanted someone to go there to represent their position, as this was an appeal. She said she was disappointed and didn't appreciate the way it was handled. She added that she appreciated individuals for coming forward and asked that it be handled differently in the future.

Councilmember Markovich said that he seconded that, and that when he had heard what happened he was disappointed, insulted, and demeaned and could not believe the Mayor would not give the common or ethical courtesy to disclose to the council that she had an opposing viewpoint. He said the credibility of the Mayor diminished in his eyes, and had no idea that anything but the council's position was being presented at the hearing. He said he had heard this had happened once before with the Westside Annexation, and asked that next time the Mayor let Council know ahead of time if she has a opposing viewpoint other than the one she is being asked to present, so the Council can designate someone else to represent them.

Councilmember Picinich said that his decision to recommend extending the harbor line was strong and that he felt the Council's motion was strong when they made a recommendation to send the Mayor to represent their viewpoint. He said he was disappointed at what had happened because he pushed very hard to be fair in his decision and he felt we had lost the respect of the people of Gig Harbor, and not only the Council's viewpoint, but the people's viewpoint had been destroyed. He said he hoped that next time several people would attend. He later added that if a petition from

citizens had pressured her over Labor Day weekend, then he wished she would have contacted him to make him aware, so he could have done something different.

Steve Ekberg said he specifically made a motion to send the Mayor because she is in charge of carrying out policies made by the Council, on which a lot of time is spent in the public hearing process. He said there was no indication that the Mayor had a totally different opinion. He said that he agrees that she is entitled to speak her own opinion but added that as the Mayor carrying out the policies of Council she owes the common courtesy to alert council ahead of time when there is a difference of opinion.

Councilman Platt said he was just going to echo the comments made by the rest of the Council, and unfortunately, it was not the first time this had happened.

Mayor Wilbert said that a petition had been presented to her Labor Day Weekend and she was able to hold it off by telling the people she would present their view at the hearing. She said if Council would read the petition they would understand why she did what she did and still felt she was right.

She announced that she had before her another petition from citizens requesting that the walkway along Pioneer at Parker Station be restored to a sidewalk rather than parking, and that a crosswalk across Pioneer be placed at that site also.

**MOTION:** Move that if there's any consideration, forward this to the Public Works Director and have him report back at the next meeting.  
Ekberg/Stevens Taylor - unanimously approved.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Meeting with Peninsula Light re: Undergrounding Utilities - September 29, 1994, 7:00 p.m. at Peninsula Light postponed.
2. Pierce County Social Services Roundtable - October 3 and October 11th. Councilmember Stevens Taylor will attend.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of Warrants #12793 through #12887, in the amount of \$194,173.53.  
Platt/Ekberg - unanimously approved.

**APPROVAL OF PAYROLL:**

**MOTION:** Move approval of Payroll Warrants #10157 through #10274, in the amount of \$165,263.90.  
Platt/Ekberg - unanimously approved.

**EXECUTIVE SESSION:**

**MOTION:** Move to adjourn to Executive Session at 9:23 p.m. for the purpose of discussing legal matters and property acquisition for approximately 30 minutes.  
Picinich/Stevens Taylor - unanimously approved.

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

**ADJOURN:**

**MOTION:** Move to adjourn at 9:37 p.m.  
Platt/Picinich - unanimously approved.

Cassette recorder utilized.  
Tape 362 Side A 113 - end.  
Tape 362 Side B 000 - end.  
Tape 363 Side A 000 - end.  
Tape 363 Side B 000 - end.  
Tape 364 Side A 000 - end.  
Tape 364 Side B 000 - 186.

---

Mayor

---

City Administrator



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

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: RESOLUTION - GIG HARBOR INTERCHANGE ANNEXATION**  
**DATE: SEPTEMBER 22, 1994**

### **INTRODUCTION/BACKGROUND**

At the last council meeting, we brought the resolution for the Gig Harbor Interchange Annexation back to be passed again per request from Cindy Willis, Pierce County Boundary Review Board.

Council asked that the date of the parks completion be included, and Carol Morris asked that language contained in the Concomitant Agreement, pertaining to payment of costs of preparation and recording of this agreement, together with all reasonable costs incurred by the City, including the City's Attorney's fees, be included in the resolution.

These changes have been made and the resolution is before you again this evening for your approval.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR ACCEPTING THE ANNEXATION PETITION FOR THE AREA KNOWN AS THE GIG HARBOR INTERCHANGE (ANX 91-07) AND AS SUBMITTED BY PETITIONERS JAMES TALLMAN, ET.AL., AND ENTERS AN INTENT TO APPROVE AND REFERRING THE PETITION TO THE PIERCE COUNTY BOUNDARY REVIEW BOARD.

WHEREAS, on July 31, 1991, a petition for annexation of approximately 150 acres was submitted for the property; and,

WHEREAS, the petition which has been certified by the City Administrator as legally sufficient containing the signatures of not less than 60% of the owners of assessed evaluation and the legal description of the subject property are attached to this resolution as exhibit "A" and made a part hereto; and,

WHEREAS, such annexation proposal is within the Urban Area Boundary as defined in the Urban Area Agreement of September, 1987, between Pierce County and the City of Gig Harbor; and,

WHEREAS, such annexation proposal is within the future potential annexation area as defined by the City of Gig Harbor; and,

WHEREAS, on the 23rd of October, 1991, the City Council met with the initiating party during regular session of the Council; and,

WHEREAS, at that time the Council set forth the requirements placed on the petitioner wishing to annex as follows:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness;
2. The area shall be zoned as per the attached Exhibit "C".

WHEREAS, on May 18, 1992 a determination of non-significance was issued for the proposal, based upon a review of the environmental documents submitted by the petitioner, in accordance with the City of Gig Harbor Environmental Policy Ordinance, Title 18 of the Gig Harbor Municipal Code; and,

WHEREAS, at a public hearing of November 9th, 1992, the City Council considered the recommendation of the City Planning Commission on preannexation zoning for the area; and,

WHEREAS, following the public hearing on November 9, the City Council remanded the preannexation zoning to the Planning Commission for the development of a contract zoning agreement which would consider the following:

1. That they specifically address screening and buffers, not only between the properties, but also to properties across the street towards the waterfall business and any future development there.
2. That they specifically address development and ownership of the wetlands as it relates to wetlands directly and to how wetlands might be developed into a park.
3. Place emphasis on one and two, then establish uses for the parcels in the annexation.

WHEREAS, the Planning Commission, at open public meetings held on December 15, 1992; February 2, February 16, February 23, and March 2, 1993, recommended approval of the petition subject to certain conditions, including the execution and recording of an agreement with the City pertaining to the preannexation zoning of the property; imposing certain use and development restrictions in order to ameliorate the adverse impact of unrestricted use and development of property in the RB-2 zone; and

WHEREAS, the City Council, at a public hearing on November 8 and December 13 considered the concomitant agreement as recommended by the Planning Commission and, in consideration of testimony offered at the public hearings, does hereby declare its intent to authorize and approve said annexation, and to accept same as a part of the City of Gig Harbor; and,

WHEREAS, the City Council finds that the portion of the property to be annexed within the interchange area north of Wollochet Drive contains site characteristics and natural environmental constraints that make it unique and worthy of special land use considerations as reflected in the performance standards in the pre-annexation zoning concomitant agreement; and

WHEREAS, the City Council shall comply with the procedural requirements of RCW 35A.14 to the conclusion of this annexation.

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

Section 1. The City Council of the City of Gig Harbor does hereby declare its intent to authorize and approve the annexation and to accept the subject property as part of the City of Gig Harbor with the following requirements:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness.
2. The development of the land within the annexation area shall be consistent with the zoning concomitant agreement, which is attached as exhibit "B" and which

shall be filed as a covenant with the land so affected by the agreement.

3. As a condition of annexation by the City of Gig Harbor, the owner shall pay all costs of preparation and recording of this Agreement, together with all reasonable costs incurred by the City, including the City's Attorneys' fees.
4. The area shall be zoned as per the attached exhibit "C" and designated as within the height overlay district, subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code.
5. The wetlands and buffers as described in the attached exhibit "D" shall be established as a open space/conservation easement, developed as a public park and dedicated to the City of Gig Harbor.
6. Prior to adoption of the annexation by the City of Gig Harbor, the petitioners shall prepare a traffic impact study to assess transportation impacts on Wollochet Drive from Hunt Street to the interchange, the interchange area, Hunt Street, 46th Street NW and 72nd Street Nw. The traffic study shall be based upon the land use as approved by the City Council per this resolution and as adopted by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.

Section 2. The City Clerk of the City of Gig Harbor hereby declares the annexation petition contiguous with the boundaries of the City of Gig Harbor and said property which is more particularly described in the petition which is marked Exhibit "A" and which is made a part hereto.

The City Council does refer the petition and petitioner to the Pierce County Boundary Review Board for approval of the annexation and the City Council shall not take any further action on the annexation proposal until such time the Pierce County Boundary Review Board has completed its review of the notice of intent to annex.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the 26th day of September , 1994.

\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST:

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

Filed with City Clerk: 9/3/94

Passed by City Council: 9/26/94



July 6, 1994  
File #10431/1

EXHIBIT "A"

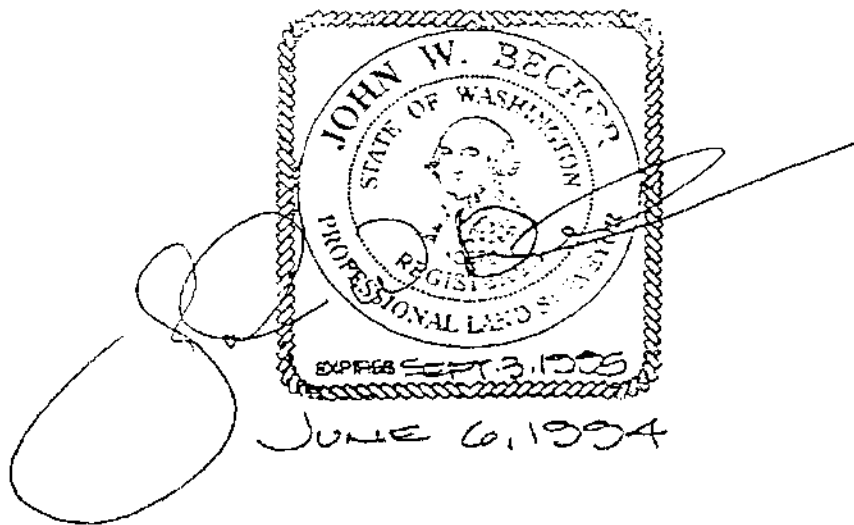
LEGAL DESCRIPTION FOR ANNEXATION

PORTIONS OF SECTIONS 7, 8 AND 18, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M.,  
PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY MARGIN OF HUNT STREET NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTHERLY LINE OF SAID SECTION 7, WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY MARGIN OF 46TH AVENUE NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THENCE NORTHERLY ALONG SAID PROLONGATION AND SAID WESTERLY RIGHT-OF-WAY MARGIN TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTHERLY RIGHT-OF-WAY MARGIN OF 72ND STREET NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 7; THENCE EASTERLY ALONG SAID LAST MENTIONED PROLONGATION AND SAID NORTHERLY RIGHT-OF-WAY MARGIN TO AN INTERSECTION WITH THE WESTERLY LINE OF LOT 7 OF THE PLAT OF GIG HARBOR ABANDONED MILITARY RESERVE IN SAID SECTION 7; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 7 TO THE WESTERLY RIGHT-OF-WAY MARGIN OF STATE ROUTE 16; THENCE NORTHWESTERLY ALONG SAID WESTERLY MARGIN TO A LINE 660 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 7; THENCE EASTERLY ALONG SAID 660 FOOT LINE TO THE EASTERLY LINE OF LOT 2 OF AFORESAID PLAT OF GIG HARBOR ABANDONED MILITARY RESERVE, IN SAID SECTION 7; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOTS 2 AND 3 AND/OR ITS WESTERLY PROLONGATION OF SAID PLAT IN SAID SECTION 7 TO THE EASTERLY RIGHT-OF-WAY MARGIN OF AFORESAID STATE ROUTE 16; THENCE SOUTHEASTERLY ALONG SAID EASTERLY MARGIN TO SAID NORTHERLY RIGHT-OF-WAY MARGIN OF 72ND STREET NORTHWEST; THENCE EASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY MARGIN TO THE EASTERLY MARGIN OF THE TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY, AS DESCRIBED IN QUITCLAIM DEED TO CITY OF TACOMA, RECORDED AS AUDITOR'S FILE NO. 8205070163 AND AS SHOWN HATCHED ON EXHIBIT "A" ATTACHED THERETO, BEING SHEETS 7 AND 9 OF 52 SHEETS OF THAT CERTAIN MAP OF DEFINITE LOCATION ENTITLED SR 16, NARROWS BRIDGE TO OLYMPIC DRIVE; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY MARGIN TO THE WESTERLY RIGHT-OF-WAY MARGIN OF STINSON AVENUE; THENCE NORTHEASTERLY IN A DIRECT LINE TO THE NORTHWESTERLY CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED UNDER AUDITOR'S FILE NO. 2883468; THENCE SOUTHEASTERLY ALONG

THE NORTHERLY LINE OF SAID PARCEL TO THE NORTHWESTERLY RIGHT-OF-WAY MARGIN OF PIONEER WAY; THENCE SOUTHEASTERLY IN A DIRECT LINE TO THE SOUTHEASTERLY RIGHT-OF-WAY MARGIN OF PIONEER WAY AT THE MOST NORTHWESTERLY CORNER OF LOT 1 OF GIG HARBOR SHORT PLAT, RECORDED UNDER AUDITOR'S FILE NO. 8402100196; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY MARGIN OF PIONEER WAY AS SHOWN ON SAID PLAT TO SAID EASTERLY MARGIN OF THE TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY AS SHOWN ON SHEET 9 OF SAID EXHIBIT "A"; THENCE SOUTHERLY ALONG THE EASTERLY MARGIN OF SAID TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY MARGIN OF KIMBALL DRIVE NORTHWEST, BEING A LINE PARALLEL AND/OR CONCENTRIC WITH AND DISTANT 30 FEET WESTERLY, MEASURED AT RIGHT ANGLES OR RADIALLY, FROM THE FR-3 CENTERLINE AS SHOWN ON SAID SHEET 9 OF EXHIBIT "A"; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY MARGIN TO THE NORTHERLY LINE OF LOT 10 OF AFORESAID PLAT OF GIG HARBOR MILITARY RESERVE, IN SAID SECTION 8; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOTS 10 AND 9 OF SAID PLAT IN SAID SECTION 8 TO THE NORTHWEST CORNER OF SAID LOT 9, BEING ALSO THE NORTHEAST CORNER OF LOT 16 OF SAID PLAT IN SAID SECTION 7; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 16 TO THE NORTHWEST CORNER THEREOF, BEING ALSO THE NORTHEAST CORNER OF LOT 4 OF SUNNYBRAE, RECORDED IN VOLUME 37 OF PLATS, AT PAGE 50, RECORDS OF SAID COUNTY; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOTS 4 THROUGH 1, INCLUSIVE, OF SAID SUNNYBRAE TO THE SOUTHEASTERLY RIGHT-OF-WAY MARGIN OF WOLLOCHET DRIVE NORTHWEST AS SHOWN ON SAID LAST MENTIONED PLAT; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY MARGIN AND ITS SOUTHWESTERLY PROLONGATION TO SAID SOUTHERLY RIGHT-OF-WAY MARGIN OF HUNT STREET NORTHWEST; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY MARGIN TO THE POINT OF BEGINNING. THE FOREGOING DESCRIBED ANNEXATION PARCEL BEING CONTIGUOUS ON ITS NORTH AND EAST SIDES WITH THE EXISTING CITY LIMITS OF GIG HARBOR.

Legals/#10431/1/MZ/df



After recording with the Pierce County Auditor, return to:  
Planning Director  
City of Gig Harbor  
P.O. Box 145  
Gig Harbor, Washington 98335

**Exhibit "B"**

**CONCOMITANT ZONING AGREEMENT  
FOR TALLMAN ANNEXATION (ANX 91-07)**

THIS AGREEMENT, executed this date in favor of the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and by the undersigned owners of the within-described property (herein called "Owners"):

W I T N E S S E T H:

WHEREAS, the Owners are persons owning a fee simple and/or having a substantial beneficial interest in the real property comprised of one hundred twenty (120) acres and legally described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property" hereinafter); and

WHEREAS, a petition (No. 91-07) has been filed to annex the property, and requesting pre-annexation zoning, pursuant to chapter 35A.14 RCW; and

WHEREAS, the City Council conducted a public hearing on November 9, 1992 on the petition to annex and preannexation zoning, and directed the City Planning Commission to develop and recommend a preannexation zoning agreement; and

WHEREAS, the Planning Commission, at open public meetings held on December 15, 1992; February 2, February 16, February 23, and March 2, 1993, recommended approval of the petition subject to certain conditions, including the execution and recording of an agreement with

erty; imposing certain use and  
impact of unrestricted use and

bargain and agree on behalf of

RB-2 zone, development of the  
g conditions and restrictions:

mit a site plan to the City for  
or parcel on the Property. In  
property shall also be submitted  
nd composition of the existing

ing buffers on the Property, and  
for the City's approval:

reen buffer is required on all

d twenty-five feet (25') wide.  
much as possible.

shall be visible from any public  
mpsters shall be screened from

rive. In addition to any other

the City pertaining to the preannexation zoning of the prop  
development restrictions in order to ameliorate the adverse  
development of property in the RB-2 zone;

NOW, THEREFORE, the Owners hereby covenant, t  
themselves, their heirs, successors and assigns as follows:

Section 1. Conditions. If the Property is rezoned to  
Property shall be accomplished in accordance with the followin

A. Plans and Surveys. The Owners agree to sub  
approval prior to the clearing of any lot, tract  
addition, a tree survey for required buffers on the  
to the City in order to document the nature a  
vegetation on the Property.

B. Buffers. The Owners agree to provide the follow  
to depict such buffers in the site plan submitted

1. A forty (40) foot dense vegetative sc  
boundaries with single family uses.
2. Along SR-16, a buffer shall be place  
Existing vegetation shall be retained as r
3. No mechanical or electrical equipment :  
right of way or adjacent residence. Du  
view.

C. Land Use Restrictions North of Wollochet D

applicable requirements of the Gig Harbor Municipal Code, the following land use restrictions shall apply to the area of the Property north of Wollochet Drive.

1. **Zoning Designation.** RB-2.
2. **Permitted Uses.** All uses otherwise permitted in a RB-2 zone shall be allowed, with the exception of multi-family dwellings.
3. **Conditional Uses.** All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met, with the exception of mini-warehousing. In addition, food stores and delicatessens may also be conditionally allowed, provided that:
  - (a) they are situated on the street level of nursing home(s), retirement center(s) or office building(s);
  - (b) they do not exceed a total of eight hundred (800) square feet in area;
  - (c) they do not contain any outside sales, storage or drive-in service;
  - (e) their hours of operation are limited to sixteen (16) hours per day.
4. **Signage.** Signage shall not be oriented toward the freeway; however signage may be oriented toward Wollochet Drive N.W., 46th Street N.W., Hunt Street, 72nd Street NW and any private roadway within this district.
5. **Design.** Minimum roof pitch shall be 4/12.
6. **Impervious Coverage.** Maximum impervious coverage shall be sixty

percent (60%) per site, which shall include buffers, but exclude wetlands.

7. **Outdoor Lighting.** Outdoor lighting shall be provided on the property only in accordance with GHMC Section 17.28.090(D).

D. Land Use Restrictions South of Wollochet Drive. In addition to any other applicable regulations of the Gig Harbor Municipal Code, the following land use restrictions shall apply to the Property south of Wollochet Drive.

1. **Zoning Designation.** RB-2.
2. **Permitted Uses.** All uses otherwise permitted in a RB-2 zone shall be permitted on the Property, with the exception of multi-family dwellings. In addition, nurseries and landscaping services shall be permitted outright on the Property.
3. **Conditional Uses.** All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met. In addition, the following uses may also be conditionally allowed:
  - a) Wholesale and Retail Sales where the business is conducted entirely within an enclosed structure;
  - b) Restaurants with associated lounges;
  - c) Gasoline Service Stations;
  - d) Food Stores and delicatessens, provided that:
    - (1) they are situated on the street level of nursing home(s), retirement center(s) or office building(s);
    - (2) they do not exceed a total of eight hundred (800) square

feet;

(3) they do not contain outside sales, storage or drive-in service;

(4) their hours of operation are limited to sixteen hours per day.

4. **Signage.** Signage shall be oriented so that it does not directly face SR-16, however, signage may be directly oriented toward Wollochet Drive N.W. or 38th Street N.W. and any private roadway within this district.
5. **Design.** Minimum roof pitch for all non-residential uses shall be 4/12. No mechanical or electrical equipment shall be visible from any public right of way or adjacent residence. Dumpsters shall be screened from view.
6. **Impervious Coverage.** Maximum impervious coverage is sixty percent (60%) per site, including buffers but excluding wetlands.
7. **Outdoor Lighting.** Outdoor lighting shall be provided on the Property only in accordance with GHMC Section 17.28.090(D).

E. Development of Wetlands on the Property.

1. **Wetland buffers.** The wetlands identified on the site as a Class III (Pierce County) wetlands shall be subject to a minimum fifty (50) foot buffer along the perimeters of the wetland, as designated in the Wetland Mitigation Plan approved by Pierce County. Wollochet Creek, which is a Type 3 water course as identified under the Department of Natural Resources Stream Typing Maps, shall be subject to a minimum buffer of thirty-five feet as measured from ordinary high water, per the City of Gig

Harbor Wetland Management Ordinance. The wetland and its associated buffer shall be identified and established as a conservation easement as a covenant running with the Property.

2. **Wetland Use.** The use of the wetlands and wetland buffers shall be limited to the following:

(a) Wells and necessary appurtenances as per Section 18.08.120 of the GHMC.

(b) Impervious trails and associated viewing platforms as per Section 18.08.120 of the GHMC. The development of a impervious trail along the perimeter of the wetland and within the buffer shall be developed as each adjoining parcel is developed.

(b) The placement of underground utilities, other utilities and access roads as per Section 18.08.120 of the GHMC.

3. **Parking areas.** A parking area sufficient to accommodate a minimum of eight (8) vehicles shall be developed in proximity to the wetlands. The parking area shall be clearly identified as "**Public Parking, Trail Access.**"

4. **Plans.** The plan titled Park Development Plan from Pac Tech Engineering and drawn to the scale of 1" = 50' and sealed on October 14, 1993, shall be recorded with this Agreement in the records of the Pierce County Auditor as a covenant running with the Property. A copy of the documents and proof of recording shall be submitted to the City prior to the submission of any application for development permits in the affected



area of the Property.

5. **Park Dedication.** The development of the park facilities shall be done in a phased manner by the respective property owner as each property is developed. Upon completion of the park, the facility will be dedicated to the city. It is acknowledged that the property, or portions of the property in the annexation area will be sold, and that the terms and conditions of this Agreement shall be binding upon the successive owners of the property. The owner of any portion of property designated in this Agreement as the future City park shall, at the same time as he or she develops the property, construct and install the necessary park facilities described herein. However, even if such property is not developed, each owner must construct and install the park facilities on that portion of the park located on his or her property so that completion and dedication of the park to the City occurs not later than ten years, December 13, 2003. The City shall have the right to require dedication of the unimproved park property at any time prior to that date, and to thereafter install the necessary facilities for completion.

- F. Transportation. Prior to adoption of the annexation by the City of Gig Harbor, the petitioners shall prepare a traffic impact study to assess transportation impacts on Wollochet Drive from Hunt Street to the interchange, the interchange area, Hunt Street, 46th Street NW and 72nd Street Nw. The traffic study shall be based upon the land use as approved by the City Council per this resolution and as adopted

by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.

Section 2. Binding Effect of Agreement. This Agreement shall be recorded in the records of the Pierce County Auditor, and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to the Owners of after-acquired title to the Property.

Section 3. Owners' Payment of Costs and Fees. The Owners shall pay all costs of preparation and recording of this Agreement, together with all reasonable costs incurred by the City, including the City's Attorneys' fees.

Section 4. Amendment. This Agreement may be amended or modified by agreement between the Owners and the City; Provided, that such amended agreement shall be approved by the legislative authority of the City by ordinance.

Section 5. Police Power. Nothing in this Agreement shall prevent the City Council from making such further amendment to its Comprehensive Plan, Zoning Ordinances or any other City code or ordinance as the City deems necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in the RB-2 zone, except as permitted by this agreement.

Section 6. Benefit of Covenant. This Agreement is made for the benefit of the City, and the City may institute and prosecute any proceeding at law or in equity to enforce this Agreement. If the City prevails in such proceeding, it shall be entitled to recover all costs and fees, including reasonable attorneys' fees.

Section 7. Payment of Costs and Recording Fees. The Owners agree to pay all costs of

recording this Agreement and its Exhibits, together with all reasonable costs incurred by the City in the preparation of this Agreement, including the City Attorneys' fees.

Section 8. Severability. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained; PROVIDED, however, that in the event that any section, paragraph, sentence, term or clause of this Agreement is found to conflict with applicable law, the City shall have the right to unilaterally modify this Agreement in order to ensure accomplishment of its purposes.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 1994.

OWNERS:

TALMO CORPORATION

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

\_\_\_\_\_  
(address)  
\_\_\_\_\_

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

\_\_\_\_\_  
(address)  
\_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

\_\_\_\_\_  
(address)  
\_\_\_\_\_

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

\_\_\_\_\_  
(address)  
\_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

**Exhibit "C"**

City of Gig Harbor Proposed Zoning  
ANX 91-07 (Gig Harbor Interchange)

**Exhibit "D"**

Park Development Plan

PLEASE SEE ATTACHED DRAWING





City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 143  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL  
FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS *BY*  
SUBJECT: **AUSTIN CHASE ESPRESSO STAND, PIONEER/JUDSON  
INTERSECTION**  
DATE: SEPTEMBER 20, 1994

---

### **INTRODUCTION**

The City Council, at their regular meeting directed the Public Works Director to review the petition regarding the traffic concerns at the Pioneer Way and Judson Street intersection area. The purpose of this memorandum to review our analysis and recommendation with you.

### **BACKGROUND/ISSUES**

The Austin Chase Coffee Company wanted to build an espresso stand at Bill Parker's car repair site at the intersections of Pioneer Way and Judson Street. After the permit process Austin Chase was granted a permit. As part of the permit conditions, Austin Chase was required to designate (9) nine parking stalls on site.

Austin Chase designated (9) nine parking stalls on the site. In addition, they striped the Pioneer Way and Judson Street frontages of the project to create additional parking spaces or to regulate the existing irregular parking situation. It is my understanding from our Planning Department that there was no requirement from the City to designate parking on the street for this project.

The car repair shop was utilizing the street frontage of the property as parking for customers. Although there was no officially striped parking stalls on Pioneer Way and Judson Street in front of the repair shop, there were cars parked there for the most of the day. The parking at this location was and is not illegal. There is no City Ordinance which restricts or limits parking at this location. Therefore, the repair shop's activities were perfectly within the City Codes. What Austin Chase did was to simply regulate the existing irregular parking conditions by striping the project frontage on both of these streets.

The petition is requesting we restore "the previous walking space" on Pioneer Way. The "previous walking space" is still there. I do not think Austin Chase destroyed any walking space on Pioneer Way. If anything, the station is improved with the newly designated parking stalls as the cars will park on designated spaces rather than all over everywhere. Perhaps the situation can be further improved if we provide a 5 or 6 foot wide pedestrian walkway, designated by a 4 inch white stripe

## **AUSTIN CHASE ESPRESSO STAND, PIONEER/JUDSON INTERSECTION**

**Page 2**

on both sides of the walkway on Pioneer Way as an interim solution. The ultimate solution for the pedestrian walkway is to build curbs, gutters and sidewalks. Since we have curbs, gutters and sidewalks on the other side of the street, I am quite sure this is not a priority for us when we still have some streets which do not have curbs, gutters and sidewalks on one side of the street.

The second part of the petition request is that we give permission to Austin Chase to place benches along with flower boxes at this location. I think this is a great idea. I called Austin Chase and told them if this is what they would like to do, it would be perfectly fine with the City as long as the proposed improvements do not adversely impact the pedestrian circulation in that area. The owner of Austin Chase also thinks this is a great idea. However, he is not in the financial position to undertake such a project when he is in the middle of trying to rebuild his burned down business at the Olympic Village Shopping Center.

The third part of the petition is requesting that we provide a pedestrian crosswalk on Pioneer Way at the Judson intersection area. Currently, there is a crosswalk on Judson Street at this intersection. This threeway intersection is stop controlled only at the Judson Street approach. It makes a lot of sense to provide a crosswalk where there is stop sign that stops the traffic. The Pioneer Way approach of this intersection is operating without stop signs. It does not make a lot of safety sense to provide a crosswalk where traffic is not expected to stop.

We have been very careful and conscientious to not install pedestrian crosswalks on uncontrolled intersections. Uncontrolled crosswalks tend to create a false sense of protection for pedestrians. As soon as a pedestrian steps onto the crosswalk, he/she assumes that motorists will automatically stop. Consequently, they become less cautious than if they were to just "jay walk" across the street.

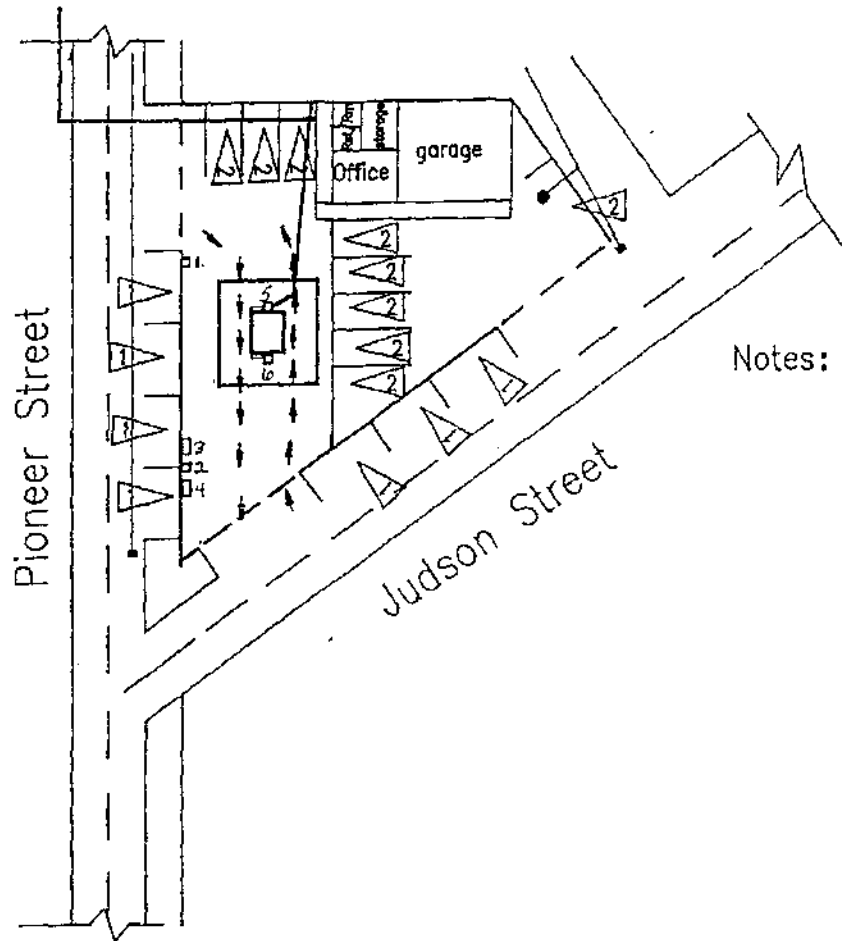
I have reviewed this request with the Police Chief also. He and I share the same opinion that very few pedestrians cross the Pioneer Way intersection and actually would be safer to "jay walk" to cross the street than to cross on an uncontrolled crosswalk.

### **FISCAL IMPACT**

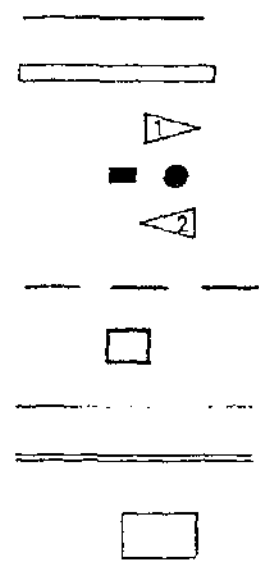
The re-striping of the parking area will be done by the Public Works Crew. This can be considered as street maintenance and operation. We have already budgeted sufficient funds in this category to complete this task without any negative impact to the City budget.

### **RECOMMENDATION**

I recommend a Council motion to authorize the Public Works Director to re-stripe the parking on Pioneer Way in the vicinity of the Judson Street intersection to create a painted walkway between the parking area and the right-of-way line on the east side of the street.



Notes:



Property line

Walk Way

On Street Parking

Storm Sewers

Off Street Parking

Driveway

Barista Coffee CO.

Partition barrier supplied by Parkers

Under Ground Power Line

Landscape Area

**APPROVED**  
City of Gig Harbor

Date: 8/11/93  
Signature: *[Handwritten Signature]*

RECEIVED  
AUG 11 1993  
CITY OF GIG HARBOR

TO: Gig Harbor City Council  
 Mayor Gretchen Wilbert  
 Mark Hoppen - City Administrator  
 Ray Gilmore - City Planner  
 Ben Yazici - Public Works Director

In the interest of the public health, safety and welfare of all pedestrians in the downtown business area and the economic health of downtown businesses, we the undersigned residents, business interests and visitors respectfully request:

The previous walking space be restored on Pioneer fronting the Billy Parker/Austin Chase location, and

that Austin Chase be granted permission to place benches along with the flower boxes, and

that the city provide an official pedestrian crosswalk on Pioneer at Judson.

Thank you for your consideration.

<u>NAME</u>	<u>ADDRESS</u>
Gary Liden	12420 118th Ave NW 9H 98329
Wendy Wimberly	10307 38th Ave Ct NW 6H 98332
Stacey Rasmussen	2727 79th Ave Ct NW Ct. H. 98335
Jessie C. Creger	900 Everett Pl SE T. Wa. 98366
Michelle Flentz	4313 Shore Dr Gig Harbor WA 98335
Kathy Lusher	3211 Horsehead Bay Dr. Gig Harbor WA 98335
Jillana Waag	4526 62nd St NW G. H. 98335
Charles Chadwell	7907 56th Ave Ct NW G.H. 98335
Faye Co	2809 12th Ave NW 6H 98335
Sandra L. Lusher	E18230 Hwy 3 Allyn, WA 98524

TO: Gig Harbor City Council  
 Mayor Gretchen Wilbert  
 Mark Hoppen - City Administrator  
 Ray Gilmore - City Planner  
 Ben Yazici - Public Works Director

In the interest of the public health, safety and welfare of all pedestrians in the downtown business area and the economic health of downtown businesses, we the undersigned residents, business interests and visitors respectfully request:

The previous walking space be restored on Pioneer fronting the Billy Parker/Austin Chase location, and

that Austin Chase be granted permission to place benches along with the flower boxes, and

that the city provide an official pedestrian crosswalk on Pioneer at Judson.

Thank you for your consideration.

<u>NAME</u>	<u>ADDRESS</u>
Margo Johnson	7408 Rosedale St. NW
Dr. Brantford	4222 68th St. Ch. NW
Jan [unclear]	5995 Sunview Dr
Rogero + Elaine Wells	6884 - Windlass Lane. G.H.
KAY + Bill HINES	6855 WINDLASS LANE G.H.
Nancy Henderson + Laurie	6885 Windlass Lane
Jim Lee	6876 Windlass Ln. Gig Harbor
Arthur R. Rully	6867 STARBOARD LANE Gig Harbor
Maeve Rully	6867 STARBOARD LANE Gig Harbor
Arnold + Gay Matthews	6883 STARBOARD LANE GIG HARBOR
Diane + Ted Sanford	6846 Windlass Lane Gig Harbor





TO: Gig Harbor City Council  
 Mayor Gretchen Wilbert  
 Mark Hoppen - City Administrator  
 Ray Gilmore - City Planner  
 Ben Yazici - Public Works Director

In the interest of the public health, safety and welfare of all pedestrians in the downtown business area and the economic health of downtown businesses, we the undersigned residents, business interests and visitors respectfully request:

The previous walking space be restored on Pioneer fronting the Billy Parker/Austin Chase location, and

that Austin Chase be granted permission to place benches along with the flower boxes, and

that the city provide an official pedestrian crosswalk on Pioneer at Judson.

Thank you for your consideration.

<u>NAME</u>	<u>ADDRESS</u>
<i>Sub Dawit</i>	1015 Adon Pl #306 Kailua, HI 96734
<i>Mam Sefeng</i>	2394 Halehale St. Hono. HI 96821
<i>Anthony Kobayashi</i>	3356 Kachiniani Hono. HI 96817
<i>Margie Rockwell</i>	4309 REID DR NW GIG HARBOR, WA 98335
<i>Ed M. Bartlett</i>	7408 Stanich Ave. " "
<i>Trudy Malloy</i>	7223 NE Wm. Boye Rd. Issaquah, WA 98342
<i>John J. Swearing</i>	
<i>Edward R. Bellin</i>	4116 105th St Ct NW GIG HARBOR 98335
<i>Paul Arthur</i>	7216 97th Ave NW Gig Harbor 98335
<i>Sharon Chaulin</i>	9620 PATEROCK (VIA) 98332





TO: Gig Harbor City Council  
 Mayor Gretchen Wilbert  
 Mark Hoppen - City Administrator  
 Ray Gilmore - City Planner  
 Ben Yazici - Public Works Director

In the interest of the public health, safety and welfare of all pedestrians in the downtown business area and the economic health of downtown businesses, we the undersigned residents, business interests and visitors respectfully request:

The previous walking space be restored on Pioneer fronting the Billy Parker/Austin Chase location, and

that Austin Chase be granted permission to place benches along with the flower boxes, and

that the city provide an official pedestrian crosswalk on Pioneer at Judson.

Thank you for your consideration.

<u>NAME</u>	<u>ADDRESS</u>
Alison Ackerman	7706 Chinoak Ave. 98339
Jenny Lopez	4010 58th St. Ct. N.W. 98335
Carolyn Mumpie	3028 East Bay Dr 98335
Wendy Vetter	11608 Woodbine Ln SW Tac. 98449
John Wald	7805 Pioneer Way 6th 98335
Inge K. Miller	7803 Pioneer G.H. 98335
Mickey Butchfield	2800 Harborview Dr. 8815 Harborview Dr.
Jenny Butchfield	3219 Harborview Dr.
Stan De Long	8915 N. Harborview Dr #101 98332
Carol De Long	8915 N. Harborview Dr. Gig/Har. 98332
Jonna Myer	8825 N Harborview Dr 8th 98332



TO: Gig Harbor City Council  
 Mayor Gretchen Wilbert  
 Mark Hoppen - City Administrator  
 Ray Gilmore - City Planner  
 Ben Yazici - Public Works Director

In the interest of the public health, safety and welfare of all pedestrians in the downtown business area and the economic health of downtown businesses, we the undersigned residents, business interests and visitors respectfully request:

The previous walking space be restored on Pioneer fronting the Billy Parker/Austin Chase location, and

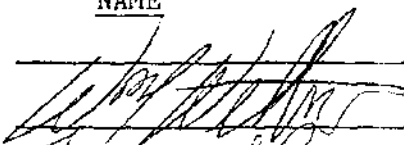
that Austin Chase be granted permission to place benches along with the flower boxes, and

that the city provide an official pedestrian crosswalk on Pioneer at Judson.

Thank you for your consideration.

NAME

ADDRESS

	8825 Anford Dr N #8-634
James L. Brown	7507 Skansie Ave GH
Walter L. Rongue	7509 Skansie Ave GH
Ed Walker	4314 68th St of NW
Kath. St. Just	14625 Englewood Dr. KPN GH



RETURN TO:

WASHINGTON STATE LIQUOR CONTROL BOARD

License Division - 1025 E. Union, P.O. Box 43075

Olympia, WA 98504-3075

(206) 664-0012

*2nd notice sent per your request as per phone call from Liquor Agent Roberts. 9/13/94*

TO: MAYOR OF GIG HARBOR

DATE: 9/14/94

RE: NEW APPLICATION

License: 078669 - 2E County: 27  
Tradename: MARITIME MART (CHEVRON)  
Loc Addr: 7102 STINSON  
GIG HARBOR WA 98325

APPLICANTS:

HAGEN & NELSON ENTERPRISES, INC.

HAGEN, DAVE JOHN

06-29-37 538-32-9385

NELSEN, RAYMOND WILLIAM

05-02-46 533-42-6046

Mail Addr: 10812 BRIDGEPORT WAY SW  
TACOMA WA 98499-3510

Phone No.: 206-582-8622

Classes Applied For:

- E Beer by bottle or package - off premises
- F Wine by bottle or package - off premises

Notice is given that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within 20 DAYS(10 days notice given for Class I) from the date above, it will be assumed that you have no objection to the issuance of the license. If additional time is required please advise.

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

OPTIONAL CHECK LIST:	EXPLANATION	YES	NO
LAW ENFORCEMENT		<input type="checkbox"/>	<input type="checkbox"/>
HEALTH & SANITATION		<input type="checkbox"/>	<input type="checkbox"/>
FIRE, BUILDING, ZONING		<input type="checkbox"/>	<input type="checkbox"/>
OTHER		<input type="checkbox"/>	<input type="checkbox"/>

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

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNER

Attention:

Enclosed is a listing of liquor licensees presently operating establishments in your jurisdiction whose licenses expire on NOVEMBER 30, 1994. Applications for renewal of these licenses for the upcoming year are at this time being forwarded to the current operators.

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

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

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

If applications for new licenses are received for persons other than those specified on the enclosed notices, or applications for transfer of licenses are received by the Board between now and NOVEMBER 30, 1994, your office will be notified on an individual case basis.

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

LESTER C. DALRYMPLE, Supervisor  
License Division  
Enclosures

MAYOR OF GIG HARBOR  
P.O. BOX 145  
GIG HARBOR

WA 983350145

C090080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 9/02/94

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR  
FOR EXPIRATION DATE OF 11/30/94

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	CLASSES
1 ISEMAN, INC.	HY-IU-HEE-HEE 4309 BURNHAM DR GIG HARBOR	367497	B C E F
	WA 98335 0000		