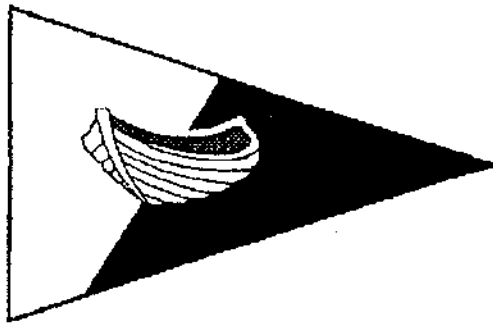


**GIG HARBOR  
CITY COUNCIL MEETING**



**NOVEMBER 14, 1994**

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

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

**November 14, 1994 - 7:00 p.m.**

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

#### **PUBLIC HEARING:**

1. Revised Comprehensive Plan.
2. 1995 Proposed Budget.

#### **CALL TO ORDER:**

#### **APPROVAL OF MINUTES:**

#### **PROCLAMATIONS:**

1. American Education Week.
2. Free Enterprise Week.

#### **CORRESPONDENCE:**

#### **OLD BUSINESS:**

1. Second Reading - Budget Amendment Ordinance.
2. Second Reading - '95 Property Tax Ordinance.

#### **NEW BUSINESS:**

1. Insurance Report from Bratrud Middleton - Steve Feltus.
2. Hearing Examiner's Recommendation - Rezone, Site Plan, Shoreline Permit - Coulter.
3. Harbormaster Lane Utility Easement Width Reduction.
4. Hearing Examiner's Recommendation - City of Gig Harbor Public Works (SDP94-02).
5. Sewer Extension Request - Hific Center, James Pasin.
6. First Reading - 1995 Proposed Budget Ordinance.
7. Superior Court Juror Prescreening Contract.
8. Allied Credit Company Contract.
9. Amendment to Public Works Standards.
10. Resolution Authorizing the P.W. Director to Approve Construction Change Orders.
11. Transportation Improvement Board Grant.
12. Modifications to the Right-of-Way Ordinance.
13. Special Occasion Liquor Licenses - Para Transit, Active Construction, Peninsula Light, and Gig Harbor Fishermen.

#### **COUNCIL COMMENTS:**

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

Budget Worksession - November 21, 1994 - 7:00 p.m.

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

#### **APPROVAL OF PAYROLL:**

**EXECUTIVE SESSION:** Negotiation Matters and Property Acquisition.


#### **ADJOURN:**



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:  Ray Gilmore

DATE: November 9, 1994

SUBJ.: Revised Comprehensive Plan - Response to Comments Received from State Agencies; Recommended Revisions and Draft Resolution for Adoption

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I have attached letters received from state agencies which reviewed and commented on the City's draft comprehensive plan. Comments were received from The Department of Community, Trade and Economic Development, The Puget Sound Water Quality Authority and the Washington Department of Transportation. Staff responses to the comments follows.

Staff is recommending a few minor changes to the plan, respective to the comments received. These changes are attached and shown as redline text to the respective pages of the Comprehensive Plan.

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### **Response to DCTED's Comments on the Comprehensive Plan**

#### **Water Supply**

The Comprehensive Plan referenced the 1993 Comprehensive Water Plan in the Utilities Section (pg 70) and the Capital Facilities Section (pgs. 80 and 83) and included a detailed table in the appendix on costs for required water system projects to the year 2000 (6-YEAR CIP). The 1993 Comprehensive Water Plan provides a detailed analysis and planning program for the provision of potable water to the year 2020. The Water Plan has been approved by the State Department of Health and the Department of Ecology. If *absolutely* necessary, the 1993 Water Plan could be integrated with the Comprehensive Plan.

**Housing Element**

The comprehensive plan does not specifically identify any lands within the city or its urban growth areas as suitable for certain housing types based upon income. The policies are broad enough to include a wide range of housing types. Staff feels that the market is the key controlling force in determining the location of housing types for all range of income levels. The role of the Comprehensive Plan is to assure that constraints to affordable housing for a wide range of incomes are minimized. Specific standards which will guide the location and the type of housing will be developed and implemented through the zoning code/development code. Page 53 of the comprehensive plan identifies several goals and policies which encourage a wide range of housing affordability. Goals on pages 54 through 56 repeat the theme of housing affordability, including incentives, infrastructure costs reduction measures, permit processing time and minimizing indirect housing costs.

**Show Location and Amount of Public Lands**

The only significant utility corridor is the Tacoma-Lake Cushman right-of-way and this can be so stated in the Utility Element. Staff does not believe it necessary to show the existing utility right-of-way on another map. The major transportation corridor is SR-16, which is identified in the transportation plan element. Sewage treatment facilities are identified by location in the Capital Facilities element, along with other city owned public lands. The Peninsula School district would have to identify its proposed school locations, based upon its capital facilities plan.

**County Wide Planning Policies - How will the unincorporated UGA be serviced?**

The provisions of services to the UGA can and will be addressed in the City/County Planning Area Agreement. The joint planning and service agreement with Pierce County can be an effective implementation tool. Specific timing (or phasing) of city services for development's in the UGA will be addressed in a concurrency management ordinance.

**Greenbelt and Open Space Areas.**

These are addressed on page 14 and are identified on the critical areas map.

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**Response to PSWQA Comments**

Concerns Expressed in Letter:

1. Inclusion of the Puget Sound Plan is not a requirement of the GMA. The Comprehensive Plan establishes goals and policies that meet many of the objectives of the Puget Sound Plan. If the Puget Sound plan is referenced as part of the implementation of the Comp Plan, the City is obligated to develop the necessary regulatory framework and standards to implement the Puget Sound Plan.

2. The City has a Wetlands Management Ordinance that was adopted as part of its GMA requirements.
3. The language suggested may be incorporated into the listed elements of the comprehensive plan.
4. The environmental impact statement for the revised comprehensive plan contains such an analysis and it is based on the proposed revised comprehensive plan. More detailed policies and standards for critical natural areas are established in the City's Critical Areas Ordinance.
5. Staff does not see the relevancy of incorporating this into the Comprehensive Plan at this point. The issue is covered in the City's Shoreline Master Program.
6. This item is covered at the end of the PSWQA detailed comments (Page 76, Policy 1-3).

PSWQA Detailed Comments

<u>Page</u>	<u>Policy</u>	<u>Comment/Response</u>
6	4	Included on page 6
6	Add	Included
8,9	9	Acknowledged. No change.
10	9	Wetlands are designated as environmentally sensitive areas per the Title 18 of the GHMC. Page 14 of the Comp Plan has been amended to identify these areas as worthy of preservation due to their unique environmental characteristics. The Parks and Recreation Element (Goal #1) describes specific areas within the City and the UGA as suitable for preservation or inclusion into open space or preservation programs.
12	13A.	The City is not obligated to adopt the PSWQA Stormwater Guidelines under GMA. It is not known what the cost would be of implementing this program. The City has standards addressing its stormwater

		system and these may be updated in the future.
14	17-19	Noted. Environment element covers these concerns.
35	Add	Performance standards (per wetlands or critical areas ordinance) can be reviewed at a future date.
35	1-5	No net loss of wetlands is a priority component of the Wetlands Management Ordinance.
36	6	On-site septic systems are not a preferred sewage disposal option in the City's UGA. Per the policies of the Growth Management Act, urban services (i.e. sewer) shall be provided in urban areas.
37	16	Acknowledged.
39	23	The City is not obligated to adopt the PSWQA Stormwater Guidelines under GMA. The City has standards addressing stormwater system. The subject may be addressed at a future update of the Comprehensive Plan.
39	24	Acknowledged.
69	4	The City is not obligated to adopt the PSWQA Stormwater Guidelines under GMA. The City has standards addressing stormwater systems. The subject may be addressed at a future update of the Comprehensive Plan.
73	2	Acknowledged.
74	3	Acknowledged for both comments.
76	1-3	Acknowledged. This can be included as either a part of the Design components or

as part of the Parks Plan.

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### **Response to Comments from the Department of Transportation**

The Washington Department of Transportation (WSDOT) submitted an extensive list of comments, supplemented by a letter from Craig Stone of the Office of Urban Mobility in Seattle. The letter and comment list has been reviewed by the Public Works Director and Planning Director and our response follows:

#### Letter of 9/27/94 from Craig Stone

<u>Page/Pgh</u>	<u>Response</u>
1, 3	The City does not set the level of service standards for WSDOT. The City is not avoiding this and it is WSDOT's responsibility to inform us of what LOS it deems appropriate for the City's UGA. If state facilities are out of concurrency (and 60% of the facilities within the City's UGA are not concurrent with the City's LOS of "D"), it is the WSDOT's responsibility to determine the mechanism it wants to use to fund the necessary improvements to bring these facilities up to the City's LOS. If WSDOT wants the City to assume the management of WSDOT's facilities within the UGA, WSDOT will need to enter into an agreement with the City and assign the authority and the State funds to the City to manage WSDOT facilities. Staff does not believe that this is what WSDOT intended.
1, 4	Staff agrees that the same LOS should be applied. WSDOT's comment is noted.
2, 2	The comment on rural highways at an "objective" LOS of C is not applicable to the City's UGA. Two out of the three interchanges in the UGA are operating at LOS E or worse.
2, 3	The inclusion of the comment on SEPA and "one-stop" permit processing is not relevant to the review of the Transportation Element. The

comment is more applicable to the state legislature to amend SEPA and other mandatory land use and planning enabling laws.

3, 3

The City has been working with Pierce County and WSDOT on the identification of transportation facilities and funding plans. The City's direct role in the Olympic Interchange project (in securing grants to carry this project forward) is one example of this involvement.

Comment List

Response to "No's"

Inventory

The Transportation Element includes a comprehensive and detailed discussion on existing conditions throughout the City and its UGA. The existing conditions does not offer an analysis on air and water transportation simply because there are not any established air and water system currently existing within the City and it's UGA. The plan does contain a comprehensive discussion of recommended improvements that involve marine, parking, transit and non-motorized improvements.

LOS Standards

The City is not in the business of establishing a LOS for WSDOT facilities. The City will work with WSDOT to develop an agreeable mechanism to use in formulating LOS's. Incidentally, SR-302 is not included in the revised UGA so any further reference or discussion on that subject is moot.

Utilities

The comment that there is no mention of coordination of public utilities and transportation with each other seems irrelevant as the City currently has a franchise agreement with all of the utilities for working in City right-of-way.

Concurrency

The Transportation Plan and the Capital Facilities plan are internally consistent. The LOS of D is not conceptual and has been revised accordingly in the Capital Facilities element.

Freight

The Transportation Plan does not address the movement of freight as it assumed that freight



carriers will utilize existing and proposed transportation system. The GMA does not require that this be addressed but it may be considered during a future update.

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## **Map Adjustments**

### Urban Growth Area

Based upon meetings with Pierce County in the development of a joint planning area agreement, the size of the City's proposed urban growth area became a topic of discussion. Under the Growth Management Act, the County (not the City) determines the size of the UGA. The County is obligated by law to use only the projected population figures for the Office of Financial Management. How the population is "disaggregated" is left up to the County and the cities within.

As previously discussed, the size of the supportable urban growth area is based upon several factors, but the most basic for consideration under UGA is:

1. The anticipated population
2. The proposed land use.
3. The infrastructure available (or which can be reasonably available) for the projected growth period.
4. The density which would be realized for the population expected.

A criticism of most UGA's is that many of them are so large that they perpetuate the sprawl which the Growth Management Act is intended to contain and manage. The perceived problem with the City of Gig Harbor's proposed UGA is not that it perpetuates low-density sprawl (the net density would have been 4 - 5 du/acre), but that it was sized to accommodate an ultimate population that was anticipated to the year 2020 or even 2030. Under GMA, only the population anticipated to the year 2012 may be considered. Therefore, the staff agreed to adjust the boundaries to accommodate the anticipated 2012 population for the UGA at a net residential density of approximately 4.2 - 4.4 dwelling units per acre. The revised UGA is approximately 2500 acres smaller than the original proposed UGA and essentially eliminates the Purdy/Canterwood area and a substantial portion of East Gig Harbor. This does not effect our general capacity analysis and, under the proposed provisions of the Joint Planning Agreement, the City would retain its role and influence in those selected unincorporated areas outside of the UGA.

### Land Use Map Adjustment

Staff proposes two minor adjustments to the land use map. One change applies to several small parcels adjacent to the Corrections Facility. These parcels are shown as "Public Institutional" and, in keeping with the intent to maintain an employment center where there are few environmental constraints, staff recommends that these parcels be redesignated to "Employment". The second change involves amending approximately 8 acres east of and adjacent to SR-16 immediately north of Rosedale Street from low density residential to medium density residential. This is in keeping with the original intent to allow limited business and professional offices where residential is also permitted.

### **Staff Recommendation**

Following public comment at this final hearing, the Council may entertain any revisions to the plan text or maps based upon the testimony received. If necessary, a final worksession with the Planning Commission, prior to the November 28, may be scheduled. At the November 28 meeting, staff will present a resolution with findings and conclusions for adoption of the revised comprehensive plan.

- To the best degree possible, allocate high density/intensity urban development onto lands which are capable of supporting urban uses and which pose the fewest environmental risks.

**2. Suitable Areas**

- As much as possible, allocate urban development onto lands which are suitable for urban use and which have the least social value in an undeveloped state.
- To the extent feasible and necessary, locate high intensity urban uses away from sites which have significant archaeological, historical, cultural or special social significance.

**3. Serviceable Areas**

- Allocate urban uses onto capable, suitable lands which can be provided roads, sewer, water, storm drainage and other basic urban utilities and transportation facilities.

**4. Urban Growth Area**

- Define and delineate boundaries between those areas which are capable of being provided efficient urban level services over the next twenty years and those areas which should remain rural or are not capable of being provided urban level services. To this extent, the City of Gig Harbor has identified an urban growth area of 3900 acres of unincorporated land surrounding the city and which is also defined in the Appendix maps.
- Allocate sufficient land within the urban growth area to allow efficient operation of market forces ~~within and~~ and to account for areas which have environmental limitations to building construction such as wetlands, steep slopes, geologically hazardous areas and critical fish and wildlife habitat.
- At a minimum, review the urban growth area boundary every five years. As appropriate, make adjustments which account for projected population rate changes, adjustments in available service capacity, changes which reflect community desires or goals and, ~~or~~ which promote sound and reasonable land use development patterns. In reviewing revisions to the urban growth boundary, consideration should be given to the potential impacts on environmentally sensitive areas.

**5. Growth Management Priorities**

- Determine the developable acreage within the urban area and determine population or land use holding capacities and service requirements of the proposed urban growth area.
- Provide sufficient land area to accommodate a projected population of approximately 15,000 - 18,000 within the defined urban growth area over the next twenty years at an average net residential density of four to four and one-half dwelling units per acre.

#### 6. Urban Growth Tiers

- Define and delineate urban area growth-tiers which provide for urban level service allocation based upon the City's capability to provide the service apportioned over a twenty year period through six-year capital facilities planning.
- Establish priorities between those areas in order to plan for and provide orderly and reasonable extension of services and to ensure proper timing of acceptable development.

### **GOAL: DEFINE IDENTITY AND CREATE COMMUNITY BASED URBAN FORM.**

Define a pattern of urban development which is recognizable, provides an identity and reflects local values and opportunities.

#### 7. Urban Form

- Create a recognizable urban pattern which distinguishes between urban and rural and which establishes a harmonious relationship between the natural and the built environment.
- Emphasize and protect area differences in architecture, visual character and physical features which make each part of the urban form unique and valuable.
- Define a variegated form which incorporates the newer, linear suburban types of development along SR-16 with the older, historical development pattern of the downtown area.

#### 8. Neighborhood Planning Areas

- Define and protect the integrity of small planning areas, particularly residential neighborhoods, which have common boundaries, uses

**15. Aquifer Recharge Area and Site Suitability**

- Avoid siting industry or uses which pose a great potential for groundwater contamination in those areas which are considered as critical aquifer recharge areas.
- Employ innovative urban design through flexible performance standards to permit increased structure height with decreased impervious coverage to maintain and enhance groundwater recharge.

**16. Adequate Wastewater Treatment and Potable Water Supplies**

- Provide for the expansion of the City's wastewater treatment plant to accommodate anticipated twenty-year growth within the urban growth area to minimize or avoid the potential impact to groundwater supplies from on-site septic systems.
- Discourage the continued use of sub-surface sewage disposal (on-site septic systems) within the urban growth area and encourage new developments to connect to the City sewer system.
- Coordinate with other agencies and water purveyors in developing a plan for the consolidation of small water systems within the urban growth area into the municipal water system.

**GOAL: OPEN SPACE/PRESERVATION AREAS**

Define and designate natural features which have inherent development constraints or unique environmental characteristics as areas suitable for open space or preservation areas and provide special incentives or programs to preserve these areas in their natural state.

**17. Critical Areas**

- Designate the following critical areas as open space or preservation areas:
  - Slopes in excess of twenty-five (25) percent.
  - Sidewalls, ravines and bluffs.
  - Wetlands and wetland buffers.
- Restrict or limit development or construction within open space/preservation areas but provide a wide variety of special incentives and performance standards to allow increased useage or density on suitable property which may contain these limitations.
- Encourage landowners who have land containing critical areas to

**Transmission lines** are electrical lines of extremely high voltage and are used to transmit electrical power from a source to a distribution system. The primary distribution system on the Gig Harbor Peninsula consists of the City of Tacoma Lake Cushman transmission lines. Generally, the right-of-way for the transmission lines lies just east of SR-16 and extends from the Narrows Bridge to Burley Lagoon, which it crosses in a north westerly direction to the Key Peninsula.

**Distribution and feeder lines** are of a lower voltage than transmission lines and are used to distribute electricity to retail end-users.

**GOAL: COORDINATE WITH UTILITY PROVIDERS FOR THE LOCATION OF NEW UTILITY SERVICES**

**1. Location**

- W Locate utility lines within existing right-of-way corridors and provide for sufficient right-of-way in new developments to accommodate anticipated utility improvements.
- W Provide for the maintenance of transmission line rights-of-way in a manner which is sensitive to the natural environment while providing the required level of maintenance service.
- W Provide for the location of electric utility substations and service areas within the city and urban area in such a manner so as to avoid the elimination of natural vegetated screens or buffers and to provide sufficient setback from existing uses to minimize conflicts.
- W Ensure the compatibility of local utility installations and development with adjacent land uses which is aesthetically pleasing and economically reasonable.

**2. Installation**

- W Encourage all new utility distribution and service lines serving new subdivisions and developments to be located underground.
- W Require that all utility providers operating within the City of Gig Harbor and the City urban area to coordinate with the City on major road realignment or construction projects for the installation of the appropriate conduits or service lines for the eventual undergrounding of aerial feeder and service lines.
- W Coordinate with the utility providers for the co-location of new public

Harborview Drive.

## **LEVEL OF SERVICE STANDARDS**

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The following Level of Service Standards (LOS) shall be utilized by the City in evaluating the impacts of new development or redevelopment upon public facility provisions:

1. Community Parks:

7.1 gross acres of general open space per 1,000 population.

1.5 gross acres of active recreational area per 1,000 population.

2. Transportation/Circulation:

Adopted Level of Service for all major access streets during peak hour shall be an LOS of "D". Refer to the Transportation Element.

3. Sanitary Sewer:

174 gallons per HOUSEHOLD per day

4. Potable Water:

231 gallons per HOUSEHOLD per day

## **PLAN IMPLEMENTATION AND MONITORING**

### **Implementation**

The six-year schedule of improvements shall be the mechanism the City will use to base its timing, location, projected cost and revenue sources for the capital improvements identified for implementation in the other comprehensive plan elements.

Tables II through V list the capital improvement projects by facility type, indicates which projects are needed to correct existing deficiencies and provides estimates of project costs by year. Projects which exceed available target revenues are not included at this time. As additional revenues become available, these projects will be incorporated for implementation. Projects with costs less than \$25,000 and not related to LOS standards are excluded. Priority is given to projects which correct existing deficiencies.

**City of Gig Harbor City Council**  
**Resolution \_\_\_\_\_**

**FINDINGS OF FACT AND CONCLUSIONS**  
**CITY OF GIG HARBOR CITY COUNCIL**  
**REVISED CITY OF GIG HARBOR COMPREHENSIVE PLAN**

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The City of Gig Harbor City Council enters the following Findings of Fact relating to the revised City of Gig Harbor Comprehensive Plan:

**Findings of Fact**

- . The State legislature did find in 1990 that uncoordinated and unplanned growth together with a lack of common goals toward land conservation, pose a threat to the environment to the public health, safety and welfare and to sustainable economic development.
- . The State of Washington adopted the Growth Management Act of 1990 which requires that all counties and municipalities within those counties which have experienced a growth of greater than ten percent between 1980 and 1990 to prepare comprehensive plans
- . Since the last update and revision of the Comprehensive Plan in 1986, the City of Gig Harbor has experienced a relatively high growth rate, as has the rest of the Puget Sound region.
- . With a 1992 population of 3600 (Washington State Office of Financial Management), the City has grown by an annual average rate of 6.1% between 1986 and 1992, which includes in-migration and annexations. The growth rate has moderated between 1989 and 1994 to a rate of 3.5% per year.
- . The Comprehensive Plan includes an urban growth area of approximately 6,800 acres, inclusive of the City's current 1205 acres.
- . The urban growth area was initially adopted by the City Council as an urban planning area prior to the adoption of the Growth Management Act in 1990 and was modified by the Planning Commission and Council in April of 1992 and submitted to Pierce County as the preferred Interim Urban Growth Area pursuant to the Growth Management Act.
- . The Interim Urban Growth Area adopted by the City Council in April of 1992 serves as the basis for the urban planning area considered by the City of Gig Harbor Planning

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Commission.

The City of Gig Harbor, in an independent analysis of population trends and projections prepared by Consoler Townsend and Associates, determined that the City and its proposed urban growth area would grow to 20273 by the year 2010 (City of Gig Harbor Comprehensive Sewer Plan, September 1993). This represents a projected increase of 114% over the twenty year period from 1990 - 2000, or approximately 5.7% per year average.

The Pierce County Regional Council, in conjunction with the Puget Sound Regional Council using the Pierce County twenty-year population forecast from the State Office of Financial Management, has projected an official population of 16870 for the urban growth area, inclusive of the current city limit, to the year 2014. This represents an increase of 58% over the next twenty years, or approximately 2.9% per year average.

The Planning Commission did convene a special public meeting on December 8 of 1992 to conduct an urban design visioning forum to survey the community's preferences on a variety of community land use and design issues.

Public notice on the urban design visioning forum was provided in November of 1992 by mail to owners of real property of record as established by the Pierce County Assessor Real Property Assessment rolls for the City of Gig Harbor.

The tabulated results of the City of Gig Harbor Urban Design Visioning Project of December of 1992 has been utilized by the Planning Commission as a guide in the development of the City of Gig Harbor's Comprehensive Plan Update.

The City Planning Commission has conducted 28 public meetings over a two-year period at Gig Harbor City Hall in the development of the revised and updated Comprehensive Plan, which includes 2 "open house" public meetings and 2 public hearings.

Prior to the "open house" public meetings in April of 1994, a public notice was mailed to all utility rate payers and owners of real property within the City of Gig Harbor and those properties outside of the City but within the urban planning area which receive city utility services.

Public notice was also provided by publication of a legal notice in the official gazette, *The Peninsula Gateway*, in the April 6 "Public Meetings Calendar", by legal notice in the May 13 and 25 editions and by legal notice in the July 6 and July 13 editions.

- . Public hearings on the draft revised comprehensive plan were conducted by the Planning Commission on May 31, 1994 and July 20, 1994 at 7:00pm in the Council Meeting at Gig Harbor City Hall.
- . A public hearing on the draft Transportation Plan was conducted by the Planning Commission on April 19, 1994 at 7:00pm in Gig Harbor City Hall.
- . Testimony and comment on the revised comprehensive plan has been received by 13 citizens.
- . The Planning Commission responded to each comment received and, where deemed reasonable, appropriate and within the public's health, safety and welfare, the comments were incorporated into the appropriate element of the revised comprehensive plan.
- . The Comprehensive Plan submitted to the City Council consists of eleven elements, six of which are required by the Growth Management Act (Land use, Housing, Capital Facilities, Utilities, Transportation and Essential Public Facilities) and five of which are optional (Community Design, Economic Development, Environment, Shoreline Management and Parks and Recreation).
- . A draft programmatic environmental impact statement which assesses the probable environmental impacts of the proposed plan (a moderate density scenario) and two plan alternatives (no-action and high density) has been prepared and will be issued on August 17, 1994 for a thirty day review and comment period.
- . The Planning Commission conducted a final worksession on the Comprehensive Plan on August 9, 1994, at which meeting the Planning Commission did consider and adopt findings of fact and conclusions in support of the revised and updated City of Gig Harbor Comprehensive Plan.
- . The Planning Staff has reviewed the draft plan respective to the Notice of Intent to Adopt checklist as required by the State Department of Trade, Economic and Community Development and finds that the plan meets the requirements established therein.
- . The Planning Commission finds the plan consistent with the Pierce County County Wide Planning Policies of June 30, 1992, and is consistent with the Puget Sound Multi-County Planning Policies.
- . The City Council conducted public hearings on August 22, September 26 and

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November 14, 1994 on the revised Comprehensive Plan and a worksession with the City Planning Commission on September 20, 1994.

Based upon the three public hearings, the worksession with the Planning Commission and recommendations by staff on comments received from Pierce County and State Agencies, several adjustments were made to the Land Use map, inclusive of a revised Urban Growth Area, and the text of the Comprehensive Plan.

### Conclusions

The revised comprehensive plan reflects the community's vision of retaining the small town "village atmosphere" of the Gig Harbor Basin while responsibly planning for a variety of housing types and densities, employment opportunities, public facilities within the City and the urban growth area.

The urban growth area as proposed provides for sufficient land to accommodate the next twenty years of growth while minimizing constraints to market factors to promote affordability of land and housing.

The revised comprehensive plan will:

Designate adequate land for the type of uses anticipated and planned to occur over the next 20 year planning period.

Provide policy direction in establishing a variety of housing alternatives consistent with changing demographics, incomes and preferences.

Identify ways to merge private development and public spaces into a visually cohesive and functional setting.

Articulate the role of architecture in the community's identity.

Provide direction on identifying and preserving the City's historic structures, character, and village-like atmosphere many residents and visitors find so appealing

- . Assure that the zoning code and other appropriate development codes consider the contribution of both the natural and man-made elements on the overall visual quality of the City.
- . Promote diverse economic opportunities for all citizens
- . Ensure that economic growth remain within the capacities of the natural resources, public services and public facilities
- . Allow for sufficient economic growth and development to ensure an appropriate balance of land uses which will produce a sound financial base for the community.
- . Provide both the private and public sector with the information necessary to promote economic development while respecting the constraints of the environment.
- . Preserve environmentally and visually sensitive areas by providing policy direction for development proposed within these areas.
- . Encourage development of the waterfront in a manner which respects its environmental constraints and historic resources
- . Promote coordination between the City and other utility and service providers.
- . Encourage conservation of resources by providing general policies on conversion to cost effective alternate technologies, providing innovative siting guidelines, and encourage residential subdivision which provide energy conservation features.
- . Facilitate provision of an adequate supply of high quality potable water and an adequate capacity of the city waste water treatment plant.
- . Identify suitable locations for essential public facilities which pose a minimal level of impact on the community.
- . Provide a six-year schedule of improvements which shall be the

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mechanism the City will use to base its timing, location, projected cost and revenue sources for the capital improvements identified for implementation in the other comprehensive plan elements.

Ensure that public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

4. The revised City of Gig Harbor Comprehensive Plan is consistent with the requirements of the State of Washington Growth Management Act and is in the public's health, safety, welfare and interest.

**THEREFORE, BE IT RESOLVED,** that the Gig Harbor City Council, in consideration of the Findings and Conclusions herein, hereby adopts the revised City of Gig Harbor Comprehensive Plan.

Date this \_\_\_\_\_ day of November, 1994.

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Gretchen A. Wilbert, Mayor

ATTEST:

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Mark Hoppen  
City Administrator

Filed with City Clerk: 11/9/94  
Passed by the City Council: 11/9/94

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STATE OF WASHINGTON  
DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT  
*906 Columbia St. SW • PO Box 48300 • Olympia, Washington 98504-8300 • (206) 753-2200*

October 14, 1991

The Honorable Ray Gilmore  
Mayor, City of Gig Harbor  
P.O. Box 145  
Gig Harbor, Washington 98335

Dear Mayor Gilmore:

Thank you for sending us your draft comprehensive plan for the City of Gig Harbor. We recognize the substantial investment of time, energy, and resources which this document represents.

This package contains comments, concerns, and recommendations provided through the state review process. The detailed Growth Management Plan Review Checklist from our department has also been sent to your planner, Ray Gilmore. In addition, we would like to commend you here on some outstanding items in your plan and let you know our primary concerns.

We especially like the following:

- The goals and policies for community design to enhance Gig Harbor's future livability.
- The housing goal to encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential housing types and to encourage preservation of existing housing stock.
- How you emphasized in your Goals and Policies section of the Plan the need for concurrency between capital facilities funding and development approval.
- The shorefront management, economic development and parks and recreation elements.
- Maps which clearly delineate the proposed expanded Urban Growth Area.



- The parameters established in the Plan for the UGA's development.
- The urban growth tier concept referred to in the land use element.
- The housing affordability analysis in the housing element.

We feel your plan lacks completeness or consistency with the Growth Management Act in the following ways:

- The plan does not show if its water supply will meet its projected growth over the next twenty years. If the existing water rights are not adequate, the city should contact the Department of Ecology to update its water permit.
- The housing element needs to include an identification of sufficient land for housing, including but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, group homes and foster care facilities.
- The plan also needs to show the location and amount of public land available for utility corridors, transportation corridors, sewage treatment facilities, stormwater management facilities, schools, and other public uses.
- Reference to the county-wide policies should be made more explicit in the narrative section of the capital facilities and utilities elements, particularly pertaining to how the unincorporated Urban Growth Area will be serviced.
- The Plan could identify locations for greenbelt and open space areas within the UGA(s).

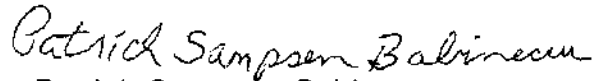
As part of the review process, notice of the pending adoption of your plan was sent to other interested state agencies. These agencies recognize the significance of local comprehensive plans in Washington and have a commitment to assist local governments. Several of them have provided comments which I am passing on to you. You may contact the agencies individually for more information. A copy of your adopted plan should also be sent to each responding agency.

Congratulations to you, your planning board, staff, and participating citizens for the good work your plan embodies. If you have any questions or concerns about our

THE HONORABLE RAY GILMORE  
OCTOBER 14, 1994  
PAGE THREE

Congratulations to you, your planning board, staff, and participating citizens for the good work your plan embodies. If you have any questions or concerns about our comments or any other growth management issues, please call Ike Nwankwome at (206) 586-9118 or me at (206) 586-8983. We look forward to receiving your final plan, and extend our continued support to Gig Harbor in achieving the goals of growth management.

Sincerely,



Patrick Sampson Babineau  
Growth Management Planner  
Growth Management Services

PSB/clo  
Enclosures

cc: Department of Ecology  
Department of Transportation  
Puget Sound Water Quality Authority





STATE OF WASHINGTON

## PUGET SOUND WATER QUALITY AUTHORITY

PO Box 40900 • Olympia, Washington 98504-0900 • (206) 407-7300

October 4, 1994

Ray Gilmore, Planning Director  
City of Gig Harbor  
PO Box 145  
Gig Harbor, WA 98335

Dear Mr. Gilmore:

Thank you for the opportunity to provide comments on the City of Gig Harbor's *Revised Comprehensive Plan: Planning Commission Recommendation Revised Draft* dated August 1994. Enclosed you will find our agency comments that respond to the 60-day state review notice and which relate to water quality and resource protection issues within the context of the *Puget Sound Water Quality Management Plan*. We applaud the city for the Plan's goals and policies which reflect a strong commitment by the residents of Gig Harbor to preserve the marine character of the harbor and to improve the quality of life in their city.

We are particularly pleased to see the strong emphasis on preservation of parks, open space, wetlands and buffers, and the number of options for achieving this, which is highly consistent with the goals of the Puget Sound Plan. We also commend the city for integrating the Shoreline Master program with the comprehensive plan.

Following is a list of our strongest concerns:

1. The Authority recommends that local implementation of the *Puget Sound Water Quality Management Plan* be coordinated with local growth management planning. This avoids duplication of effort and brings water quality issues into local land use decision-making. The goal of the Puget Sound Plan is "to restore and protect the biological health and diversity of Puget Sound, by preserving and restoring wetlands and aquatic habitats, preventing increases in the introduction of pollutants to the Sound and its watersheds, and reducing and ultimately eliminating harm from the entry of pollutants to the waters, sediments, and shorelines of Puget Sound. In seeking to achieve this goal, ... local ... governments shall take into consideration the net environmental effect of their decisions in order to minimize the transfer of pollutants from one environmental medium to another." To better achieve this, we recommend that language be added either in the land use or environment elements relating to implementation of the Puget Sound Plan goal.
2. The Puget Sound Plan requests that local governments establish wetlands protection programs, in order to "ensure that in the short term there is no net loss of wetlands function

and acreage, and in the long term there is a measurable gain of wetlands function and acreage in the local planning area." (Puget Sound Plan element W-2.1) Language should be added to either the Environment or Land Use elements regarding this goal.

3. We are pleased to see that the comprehensive plan does contain policies on stormwater, primarily in the capital facilities element. However, to achieve better consistency with the Puget Sound stormwater program, language should be added as appropriate in the capital facilities, environment and land use elements relating to the Puget Sound stormwater program goal, which is "to protect shellfish beds, fish habitat, and other resources; to prevent the contamination of sediments from urban runoff and combined sewer overflows; and to achieve standards for water and sediment quality by reducing and eventually eliminating harm from pollutant discharges from stormwater and CSO's throughout Puget Sound."

4. In order to better understand the relationship between the land and potential impacts on Puget Sound and its drainages, the land use element should contain a physical land use analysis which includes a characterization of tributaries, surface waters, wetlands and other critical areas, shoreline habitat, fish spawning areas and any environmental constraints that may warrant special concern in a particular area.

Other concerns and suggestions:

5. The City of Gig Harbor currently is working with the Puget Soundkeepers Alliance on a PIE grant from our agency to help the local marina operators develop and implement specific pollution prevention measures such as pumpouts and recycling of oil and other hazardous wastes. We would like to see the City incorporate this new program into the comprehensive plan, probably in the Environment element. This would help implement the marinas and recreational boaters program of the Puget Sound Plan.

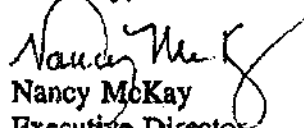
6. The addition of interpretive signs about the value of the harbor's water quality and natural resources to the Land Use or Community Design elements would help enhance the public's understanding of why it is important to protect Puget Sound, and be consistent with the education goals for the Plan.

The attached detailed comments on the plan summarize some of the most important water quality related policies and recommend several policy suggestions and additions. You may receive similar comments from other state agencies. While we do not anticipate any discrepancies, we are working through the Department of Community, Trade and Economic Development to ensure that the state provides coordinated comments.

Thank you for the opportunity to participate in your growth management process. We appreciate your fine work on this project and the efforts of all those who have contributed to the visioning and planning process.

If you have any questions or need additional information, please call Kathy Minsch of my staff at scan 407-7320.

Sincerely,

  
Nancy McKay  
Executive Director

cc: Sharon Hope, DCTED

Enclosures

bc:

V. Piccolo - PSWQA  
H. Adelman - Ecology



**Washington State  
Department of Transportation**

**Sid Morrison**  
Secretary of Transportation

**Office of Urban Mobility**  
401 Second Avenue South, Suite 307  
Seattle, WA 98104-2862

(206) 464-5878 /SCAN 576-5878  
Fax (206) 464-6084

September 27, 1994

Ray Gilmore, Planning Director  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

**WSDOT Review Comments for  
Gig Harbor's Revised Comprehensive  
Plan of August, 1994**

Dear Mr. Gilmore:

We have reviewed the City's Revised Comprehensive Plan and the Transportation Plan Final Report and are providing comments via this letter and the attached checklist.

We would like to applaud your efforts to provide for a jobs - housing balance for your city. The importance of this balance will be reflected in less infrastructure demand, i.e. capacity on SR16 to provide for work trips.

**LOS and Concurrency**

LOS standards for State facilities have not been set by the city. This avoidance of State facilities as it relates to Level of Service Standards and concurrency is not intended under the Growth Management Act. Having state facilities out of concurrency creates the inability to mitigate traffic impacts caused by local land use decisions. This increases WSDOT's dependence on SEPA and complicates the development review process. In short WSDOT requests the inclusion of all state transportation facilities (SR16, SR302, and SR302 spur) in Gig Harbor's concurrency ordinance.

It is essential that WSDOT and local jurisdictions adopt the same standards on state transportation facilities for planning and investment purposes. Substitute House Bill 1928 (Signed into law by Governor Lowry on March 30,

1994) requires the PSRC to establish LOS standards at a minimum for all state highways and ferry routes in the region. These standards are to be jointly established between the PSRC and WSDOT. In this case the city will work collaboratively with WSDOT through the PSRC to adopt standards on state facilities.

WSDOT has set service objectives of LOS C on rural highways and is committed to mitigate congestion on urban highways in cooperation with local and regional jurisdictions when the peak period level of service falls below LOS D. These are objectives not standards. WSDOT is interested in using these service objectives as a diagnostic tool to identify where in the system deficiencies are and changes in demand are occurring over time. These objectives are not intended to lock the state and local agencies into investment decisions under concurrency.

This suggests that the inclusion of state facilities in local concurrency management systems could help to facilitate the development process by allowing WSDOT to forgo mitigation through SEPA. This concept applies to more than just state owned transportation facilities. Local governments could also be using concurrency as a basis for a "one-stop" development review process. Having only one mitigation process for transportation impacts would most likely be less time consuming and cumbersome than having to deal with local impacts through concurrency and state impacts through SEPA.

The ability for a common threshold in order to evaluate developer proposals across jurisdictional boundaries would be of regional benefit. The ability to track trips related to development and to capture mitigations outside of your city could provide equitable mitigation to all affected jurisdictions.

### **Access Management**

Controlling points of access along state routes is a major concern to WSDOT. This is because access management directly affects the preservation of through capacity for regional travel. Particularly important to WSDOT is the provision of local zoning to control and guide development on a corridor basis. WSDOT investment in a particular state route is often in response to goals which are inter-regional or state-wide in nature.

In a more general sense access management is an issue along all state facilities. WAC 468-52-040 "Access Control Classification System and

Standards" designates five functional classifications for all state routes. The routes which access management is most critical are SR302 and SR302 Spur. For these facilities WSDOT is interested in working closely with the city to ensure that the criteria upon which the access classification was based is maintained. These criteria include access density and land use.

Figure 1

GIG HARBOR - PROJECT LIST through 2013	WSDOT INTERIM FINAL SYSTEMS PLAN PROJECTS
SR16 HOV from I-5 to Kitsap Co. Line	IN
SR16 Olympic Drive I/C improvements	Project currently funded
SR16 Wollochet Dr. I/C improvements	IN However different solution
SR16 Burnham Dr. I/C improvements	IN
SR16, Half I/C @ Rosedale	IN
SR16 I/C @ 144th	NOT IN
SR16 Overcrossing @ Hunt St.	NOT IN

Figure 1 indicates that the majority of projects indicated as recommended projects through 2013 in the city's *Transportation Plan* are included in the WSDOT's Systems Plan. The inclusion of a project in the Systems Plan does not indicate that the project will be funded within the 20 year horizon.

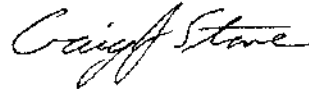
WSDOT is currently working on funding allocations for projects in the region and will be able to determine where financial commitments are possible after this process is complete. It is the intent of WSDOT to have near term funding reflect the interests and priorities of the county. This goal will be achievable to the extent that resources permit the regional travel mandates of WSDOT to be simultaneously supported. It is critical that WSDOT, the City of Gig Harbor, and the Pierce County Regional Council (PCRC) work closely together between now and December to identify specific projects and funding scenarios. This will enable the interests of the city and the region to be addressed in the financially constrained Systems Plan which is to be adopted by the Transportation Commission in December.

Particular interest exists as the City implements its plan via development regulations. Thresholds by which developments would be required to complete traffic impact analysis, access control measures, and overall transportation system management are issues the Department requests the

Mr. Gilmore  
September 27, 1994  
Page 4

opportunity to participate in. If you have any questions please call me at (206) 464-6017 or Pasco Bakotich of my staff at 464-5378.

Sincerely,



CRAIG J. STONE  
GMA/Systems Planning Supervisor

CJS/pb3  
Enclosures

cc: Gary F. Demich - Olympic Regional Administrator  
Renee Montgelas - Director Office of Urban Mobility  
Sean O'Day - Planning and Programming Service Center  
Sharon Hope - Department of Community, Trade and Economic  
Development  
Project File



DATE OF REVIEW: September 20, 1994

## WSDOT REVIEW OF LOCAL COMPREHENSIVE PLANS

Documents Reviewed:     •Gig Harbor Revised Comprehensive Plan, Planning Commission Draft ,August 1994  
                                  •Gig Harbor Transportation Plan Final Report, August 12, 1994

### Consistency with GMA Requirements:

#### Mandatory Elements

Yes                   Were land use assumptions used in estimating travel?

COMMENTS: Both the Pierce County Transportation Plan computer model and the Draft Gig Harbor Comprehensive Plan were used in estimating future travel.

Does the inventory of transportation facilities and services include all transportation modes?

No

COMMENTS: The inventory includes roadways, highways and transit. Not included in the inventory but included in chapter 5 of the Transportation Plan are: parking, marine, pedestrian and bicycle travel.

No                   Have LOS standards been established for all arterials (including state highways) and transit routes?

COMMENTS: SR302 and SR302 SPUR are within the identified Interim Urban Growth Area Boundary (IUGAB) but have been excluded from the planning document. No LOS Standard has been included for transit.

No                   Is a deficiency analysis included in the plan and an action strategy to address the identified deficiencies?

COMMENTS: The deficiency analysis is incomplete due to roadway facilities (SR302 and SR302 Spur) that have been omitted from the IUGAB. No analysis exists for transit and needs to be included in the City's Transportation Element.

**Yes** Is there a multi-year financial plan based on the needs identified which will serve as the basis of the six year street road and transit plan?

COMMENTS: However, since transit is not represented in the transportation element beyond a small discussion, it is unclear as to the effect transit may have on transportation demand in the future. As transit service becomes more available and site design for development more "transit friendly" the impacts may be substantial.

Internal Consistency

**Yes** Is the transportation element consistent with the land use element?

COMMENTS: These elements appear to be consistent. More emphasis and discussion is needed to include the effects of enhanced transit in the area.

**Yes** Is the transportation element coordinated with the capital facilities element?

COMMENTS: However, as the deficiency analysis is updated to include all State facilities within the IUGAB, and transit examined to a fuller degree, the Capital Facilities Plan will change to reflect these areas. Also the Capital Facilities Element does not specify which agencies and correspondingly how much money is required from each agency for each of the listed projects.

**No** Have the public utilities and transportation elements been coordinated with each other (i.e. right of way sharing or other means)?

COMMENTS: No mention of coordination exists in either document noted above.

External Consistency

YES Is the plan consistent with the transportation provisions adopted in the County Wide Planning Policies?

COMMENTS: The provisions appears to be consistent. More discussion is needed to clearly compare LOS Standards between the City and the County.

No Does the plan address state transportation facilities?

COMMENTS: Not all state facilities (SR302 and SR302 SPUR) have been addressed in this plan.

No If within an RTPO, is the local comprehensive plan consistent with the Regional Transportation Plan?

COMMENTS: Until the RTPO, Puget Sound Regional Council (PSRC), completes the update of the Metropolitan Transportation Plan (MTP), a review for consistency is not possible. It is anticipated the updated MTP will be available in the early 1995 time frame. A review will be completed at that time.

No Are the LOS standards regionally coordinated and consistent with adjacent jurisdictions?

COMMENTS: A thorough discussion regarding consistency between the City and the County in regard to LOS standards needs to be included in this document. The differences between link analysis based upon a peak hour and a screenline analysis based upon a 3-hour period needs to be fully discussed.

No Are the LOS standards consistent with WSDOT service objectives for state transportation facilities

COMMENTS: Not all State facilities are included in the city's discussion.

Concurrency

No Does the plan provide for strategies to insure that identified transportation facilities required by development meet the concurrency requirements?

COMMENTS: Concurrency is not addressed in either document. This issue must be addressed beyond a "conceptual point" as noted in the Revised Comprehensive Plan, Capital Facilities Element, Level of Service Standards.

State Transportation Policy Issues:

Yes Does the comprehensive plan consider the preservation of the existing local, regional and state transportation system?

COMMENTS: The City notes in Chapter 5 of the Transportation Plan the recommended transportation improvements including emphasis on TSM and TDM projects.

No Does the comprehensive plan address the movement of freight?

COMMENTS: No mention of freight movement is included in these plans.

Yes Does the comprehensive plan emphasize moving people and goods rather than vehicles?

COMMENTS: The emphasis of arterial HOV and the support of WSDOT HOV program on SR16 is noted in the plan. The city needs more emphasis placed on transit use including site design, expansion of transit service in the area, and incentives to bring about these types of changes.

Yes Have alternatives to the single occupancy vehicle been considered in the plan?

COMMENTS: The recommended project list includes many TSM and TDM treatments. These treatments are not reflected in the Capital Facilities Plan. The addition of more transit service could

greatly reduce the dependence on the single occupant vehicle and needs to be more thoroughly addressed in the transportation element.

Yes Are Transportation Demand Management and Transportation System Management adequately considered in lieu of capacity expansion?

COMMENTS: Both TDM and TSM are noted as "Recommended Transportation Improvements" however, the 6-year road program included in the appendix does not show any money being spent on these type of treatments.

Yes & No Does the plan address transportation issues and facilities of state wide significance and regional significance (consistency with statewide plans)?

COMMENTS: Most discussion in the reviewed documents focus on the TDM and TSM types of solutions. However the "Recommended Transportation Plan" of Table 5-1 indicates new access points to SR16. This additional access is not consistent with regional and statewide issues of significance.

No Are the transportation related impacts to air and water quality addressed?

COMMENTS: No discussion of these impacts is included in either document.

**REGULAR GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 24, 1994**

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

**PUBLIC COMMENT / DISCUSSION:** None.

**CALL TO ORDER:** 7:07 p.m.

**APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the October 10, 1994 meeting as presented.  
Picinich/Markovich - unanimously approved.

**CORRESPONDENCE:**

Letter from Wollochet Heights Community Club pledging support for the proposed construction of a Senior Center.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

1. Resolution - Commute Trip Reduction. Mark Hoppen explained the purpose of this Resolution removing the City of Gig Harbor as an affected jurisdiction in connection to the Commute Trip Reduction program.

**MOTION:** Move to approve Resolution No. 430 with spelling correction.  
Stevens Taylor - Ekberg - unanimously approved.

2. Proposed Modifications to Personnel Manual. Mark Hoppen presented the first reading of the Resolution adopting changes to the city's personnel manual. He explained he would like Councilmembers to take some time to review the document and make comments. This item will return at the next Council Meeting.
3. HEX Recommendation - PUD 94-01 Nilsson/Clark. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query.

Steve Osguthorpe presented this request for approval of a 14 unit planned unit development located at 7502 Pioneer Way. He explained the proposal included the dedication of a public road which would connect Pioneer Way with Edwards Street. He gave a brief overview of

the Hearing Examiner's decisions and recommendations and answered questions.

Carol Morris, legal counsel, commented on item 15 of the recommendations in the Hearing Examiners report. She said if the Hearing Examiner wanted to incorporate evidence presented at a Public Hearing indicating a left turn lane is necessary in this project, the Examiner should have put it in as a requirement, not as a future possible need, to minimize legal liability. She recommended that this condition be eliminated from the conditions. Ben Yazici stated that there was no documented need for a left turn lane at that location per the traffic study done by the applicant. Councilman Picinich stated there may be a need for this lane when Edwards and Pioneer are connected. Ms. Morris stated a requirement must be based upon an actual need created by a project, not a possibility.

Ken Clark - Clark Land Office. Mr. Clark said the applicant would be more than willing to work with the Staff to determine the need and feasibility of a left turn lane off Pioneer Way, even if it were not a requirement. Councilman Markovich said this was a very generous offer and it would be nice to have this convenience to help ease congestion on Pioneer.

Councilmember Stevens Taylor asked Mr. Clark about the parking and playground issues raised by the Methodist Church. Mr. Clark explained that they were working closely with the Church and staff on these issues. Mr. Yazici said he suggested adding an additional three feet to the roadway, allowing for an 8 foot parking lane on one side of the travel lanes. Mr. Clark stated the developer would be willing to include this in the project.

Mayor Wilbert asked about the Hearing Examiner's recommendation to eliminate the pedestrian path from the project because an adjacent property owner was concerned with privacy. Councilmembers commented that they felt the walking path was a desirable amenity and that screening should be up to the adjacent property owner. Mr. Clark said they would design the path to be as far away from this person's house as possible, and would be willing to provide some landscape screening along the path in that area.

Mayor Wilbert voiced her concerns that the project name, "Chapel Hill Condominiums" would cause confusion with the Chapel Hill Presbyterian Church located on Rosedale. Mr. Clark said the developer would propose other names for Council's review if necessary.

**MOTION:** Move we adopt Resolution No. 431 with the change in language suggested by legal counsel to Recommendation #14 regarding the left turn lane, and striking number #13 eliminating the pedestrian pathway, and replacing it with language pertaining to the addition of a parking lane on the new street. Picinich/Stevens Taylor - unanimously approved.

4. SDP 94-03 - Percival Construction (Duplex). Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query.

Steve Osguthorpe presented this request for a shoreline substantial development permit to add a second floor addition to an existing single family residence, resulting in a duplex, located at 8715 No. Harborview Drive. He added this addition would cause no site disturbance or change in existing site conditions. There were no questions or comments.

**MOTION:** Move approval of the project as presented.  
Platt/Stevens Taylor - unanimously approved.

**MOTION:** Move approval of Resolution No. 432 adopting the findings, conclusions and recommendations of the Hearing Examiner and approving the applicant's application for a shorelines substantial permit.  
Markovich/Stevens Taylor - unanimously approved.

5. Budget Amendment Ordinance. Mark Hoppen presented the first reading of this budget amendment ordinance for adjusting the revenues and expenditures to account for changes. He gave a brief overview of these changes and answered questions. This ordinance will return for a second reading at the next council meeting.
6. First Reading - '95 Property Tax Ordinance. Mark Hoppen presented the first reading of the 1995 tax levy ordinance required by Pierce County. This ordinance will return at the next Council Meeting for its second reading.
7. Presentation of '95 Proposed Budget. Mark Hoppen presented the proposed budget and explained the changes from the last few years' process. He encouraged Councilmembers to examine the goals as they express a vision for the future.
8. Liquor License Renewal - Bayview Grocery & Deli. No action taken.

#### **STAFF REPORTS:**

Planning/Building Department - Ray Gilmore passed out copies of a memo he sent to Ben Yazici and one to the Planning Commission regarding comments on the Gig Harbor North Annexation Agreement. He asked for Council's direction for the Planning Commission on how involved they would like the commission to be with issues other than land use in connection with this annexation. Councilmembers discussed that land use issues cannot be separated from transportation impacts, financial impacts, or any other facets of future development of this annexation. They asked Mr. Gilmore to direct the Commission to address all land use issues involved with this annexation project, including transportation impact and financial analysis.

Mr. Gilmore then passed out copies of a letter from the Department of Community Development on the city's Comp Plan. He said that staff would be working on these comments and that he would have the document ready for Council's review by the November 14th meeting. He said he would like to see the Comp Plan finalized by that date, but because the EIS process had been delayed, it might be closer to the 28th before becoming finalized.



Finance Department. Tom Enlow gave a brief overview of the quarterly report and answered questions. He added that since the addition of a half-time person to his staff, the Finance Clerk was able to prepare the report for the first time.

Public Works Department. Ben Yazici read several comments from citizens regarding the effort to enforce the right-of-way ordinance. He asked if Council would consider revisiting the ordinance to make it work better. He explained that in its current format, if the ordinance wasn't accomplishing what it was intended to do. Councilmembers agreed that the Public Works Committee would examine the ordinance for possible changes.

Mr. Yazici gave a progress report on the Wastewater Treatment Plant Expansion Project. He explained that due to incorrect as-built plans, there had been delays and he asked Council if he could bring a resolution to Council giving him the authority to approve change orders up to a certain amount to prevent any further delays in construction. This resolution will be back at a future meeting.

MAYOR'S REPORT: Mayor Wilbert gave a brief report on some of the community activities occurring in the city, and asked councilmembers to consider participating in some of the activities.

COUNCIL COMMENTS: None.

ANNOUNCEMENT OF OTHER MEETINGS:

Mayor Wilbert announced that she, along with Mark Hoppen and staff, had scheduled a meeting with Doug Sutherland, County Executive.

EXECUTIVE SESSION:

**MOTION:** Move we go into Executive Session for the purpose of discussing Property Acquisition and Negotiations at 8:30.  
Picinich/Stevens Taylor - unanimously approved.

**MOTION:** Move we return to regular session at 9:00.  
Platt/Stevens Taylor - unanimously approved.

APPROVAL OF BILLS:

**MOTION:** Move approval of Warrants #13015 through #13104, in the amount of \$175,237.04.  
Platt/Ekberg - unanimously approved.

ADJOURN:

**MOTION:** Move to adjourn at 9:05 p.m.  
Platt/Picinich - unanimously approved.

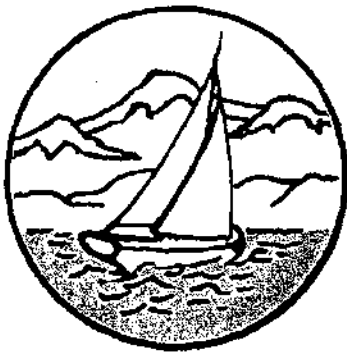
Cassette recorder utilized.  
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Tape 366 Side B 000 - end.  
Tape 367 Side A 000 - end.  
Tape 367 Side B 000 - 321.

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Mayor

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City Administrator



# PENINSULA SCHOOL DISTRICT

14015-62nd Ave. N.W. Gig Harbor, WA. 98332

RECEIVED 2050 57-6171

OCT 18 1994

CITY OF GIG HARBOR

## MEMORANDUM

October 14, 1994

To: Gretchen Wilbert, Mayor of Gig Harbor

From: Dr. Mark Mitrovich, Superintendent

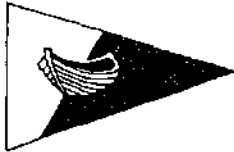
Re: ***American Education Week - November 13-19, 1994***

The celebration of *American Education Week* was established in 1921 for the purpose of increasing the understanding and appreciation of public education. In Peninsula schools, we encourage parents and non-parents to visit schools and to build civic and community pride in our schools and students all year long. *American Education Week* gives us an additional opportunity to invite our community to celebrate with us.

This year's *American Education Week* theme is **Building the Future, One Student at a Time**. Schools need the support and guidance of our community in laying the foundation for building the future. Schools cannot do the job alone. It takes the whole community to educate and nourish a child into a productive citizen.

I not only invite you to visit our schools at any time, but I invite you to join us in the celebration of *American Education Week*. Some suggestions for participating range from visiting your neighborhood school, to including the *American Education Week* announcement in your advertisement to honoring a student, teacher or principal or partnering with a teacher to "teach" for a day. I am sure you have many other ideas as well. I have enclosed a sample proclamation and camera ready logo if you are interested.

Thanks for your continued interest and support.



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

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

November 4, 1994

Dr. Mark Mitrovich, Superintendent  
Peninsula School District #401  
14015 62nd Avenue NW  
Gig Harbor, WA 98332

Re: American Education Week

Dear Dr. Mitrovich:

It is with a great deal of pleasure I join with you in celebration of American Education Week.

The theme "Building the Future, One Student at a Time" is a most appropriate objective during this era of the 1990's. Highlighting and nurturing the talents within each student is the sincere desire of every dedicated teacher and administrator. The goal is to encourage each student to continue throughout a lifetime to reach for the total development of the student's potential.

A proclamation proclaiming November 13th through November 19th as American Education Week will be presented to the City Council at our November 14th council meeting.

If you, or a representative of the School District, would like to be present at the presentation, please call Molly at 851-8136. The council meeting commences at 7:00 p.m.

Sincerely,

Gretchen A. Wilbert  
Mayor

# PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, American public education serves as the foundation for a democratic society; and

WHEREAS, public education has been recognized as a fundamental public good for well over a century; and

WHEREAS, the public schools collectively remain one of our most vital institutions; and

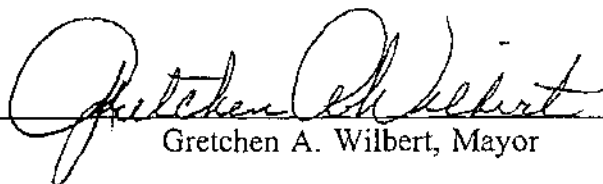
WHEREAS, the public schools have enabled our diverse population to work and live together in a free society; and

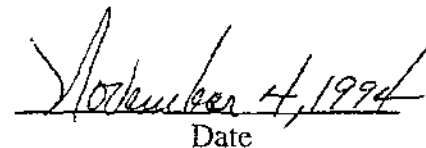
WHEREAS, schools play a vital role in building the future-one student at a time,

NOW, THEREFORE, I, Gretchen A. Wilbert, Mayor of the City of Gig Harbor, do hereby proclaim November 13-19, 1994

**AMERICAN EDUCATION WEEK**

*BUILDING THE FUTURE, ONE STUDENT AT A TIME*

  
Gretchen A. Wilbert, Mayor

  
Date

# PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, this nation was founded more than 200 years ago with its economic principles based upon free enterprise; and

WHEREAS, every citizen is entitled to the rights and freedoms designated by the Constitution, such as the right to free enterprise; and

WHEREAS, the system of free enterprise has offered unlimited opportunities and motivation to all citizens, regardless of individual economic status; and

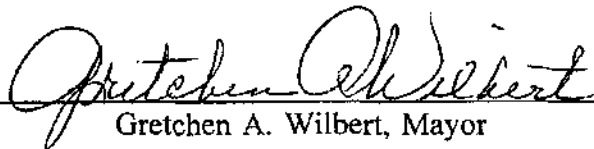
WHEREAS, free enterprise has fostered rapid technological advancement and high productivity in consumer goods, which have benefited all countries; and

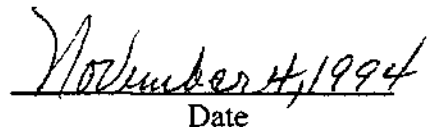
WHEREAS, this fundamental American ideal is as important today as it was when our country was founded;

NOW, THEREFORE, I, Gretchen A. Wilbert, Mayor of Gig Harbor, do hereby proclaim the week of November 7th through the 14th, 1994,

## **FREE ENTERPRISE WEEK**

in the City of Gig Harbor, and I urge all citizens to join me and DECA Groups across the state in promoting the importance of this system.

  
Gretchen A. Wilbert, Mayor

  
Date



*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: TOM ENLOW**  
**SUBJECT: 1994 BUDGET AMENDMENT ORDINANCE**  
**DATE: November 7, 1994**

### **INTRODUCTION**

This is the second reading of an ordinance to amend the 1994 budget and authorize additional interfund transfers.

### **BACKGROUND**

This amendment is needed to respond to changes in circumstances since the budget was adopted last year and to correct oversights in the budget.

#### General Government Fund - Non-Departmental \$150,000

This increase reflects a transfer to Streets. We originally budgeted transfers from the General Government Capital Assets Fund and the General Government Capital Improvements Fund (capital reserve funds) of \$75,000 each to Streets in order to cover an expected shortfall on the North Harborview and Harborview projects. By the time the budget was finalized, we expected to receive grants to cover the entire projects, but still needed the transfers for general operations and maintenance. Unfortunately, monies in the capital reserve funds are restricted to certain capital improvements and may not be used for general operations and maintenance. This adjustment has no effect on the city as a whole since it increases the capital reserve balances and reduces the General Government Fund balance by the same amount.

#### General Government Fund - Administration/Finance and Community Development \$2000

The increase of \$1000 in each of these departments is for the purchase of a computer for the Administrative Receptionist (Diane Gagnon) shared by the departments. Diane has been using one surplus computer for data entry and word processing work and another to maintain the building inspection schedule. The delay in switching between programs on one of existing computers was unacceptable for responding to scheduling requests. Using two computers is acceptable while Diane is located upstairs. However, in order to perform her Planning reception duties properly, Diane has moved to the Public Works/Planning reception area downstairs. Rather than force two surplus computers into the limited space until 1995, we are requesting a new one now.

General Government Fund - Police - \$15,000 When I prepared a salary worksheet to assist department heads with their 1994 budgets I overlooked one of the police benefits that amounted to about \$15,000 for 1994. The worksheet has been corrected for the 1995 budget.

General Government Fund - Revenue - \$167,000 In order to maintain a balanced budget, budgeted revenues must be increased by the same amount as expenditures. Since our actual

beginning cash balance was \$683,238 and we budgeted it to be \$350,000, we will adjust the budgeted beginning cash balance to \$517,000.

'89 Utility Bond Redemption Fund - \$3,200,000 This amendment recognizes the \$2,995,000 ULID#3 and refunding bond issue approved by the council in July. The receipt of the bond proceeds is offset by a disbursement to the refunding escrow account of \$1,561,799, a transfer to the ULID#3 construction fund of nearly \$1,500,000 for payment of the \$1,800,000 Bond Anticipation Note, and the payment of about \$62,000 for bond issuance costs. The remaining increase to budgeted revenues reflects the receipt of the school district's full ULID#3 assessment.

ULID#3 Construction Fund - \$2,100,000 This fund was not budgeted in 1994 because construction was expected to be completed in 1993. The budget amount represents the receipt of the transfer from the '89 Utility Bond Redemption Fund and the beginning cash balance on the revenue side and expenditures of \$1,876,500 for payment of the Bond Anticipation Note with interest plus final construction and administration costs, including retainage.

Water Capital Assets - \$5,000 The only expenditures budgeted in this fund this year were for transfers to debt funds and for state taxes on connection fees. (Beginning July 1993, there is a B&O tax on connection fees.) Since we have received 176% of our budgeted connection fee revenue, our budget for connection fee taxes needs to be increased.

#### **FINANCIAL IMPACT**

In the General Fund, the substitution of a \$150,000 transfer from General Fund reserves instead of the capital improvement funds has no real impact on the city as a whole. The remaining \$17,000 authorizes expenditures which could reduce the ending cash reserve, but is considered necessary to conduct city business.

The amendments in the '89 Utility Bond Redemption Fund and the ULID#3 Construction Fund merely recognize ordinances and contracts already approved by the council.

The Water Capital Asset amendment allows the city to comply with state law and recognizes revenues which exceeded our expectation.

#### **RECOMMENDATION**

Staff recommends approval of the attached ordinance.



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

**AN ORDINANCE AMENDING THE 1994 BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON.**

**WHEREAS**, adjustments to the 1994 annual appropriations are necessary to conduct city business,

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

Section 1.

The annual appropriations in the departments and funds listed below shall be increased to the amounts shown:

<u>Fund/Dept.</u>	<u>Original Appropriations</u>	<u>Amendment</u>	<u>Amended Appropriations</u>
001-General Government			
01-Non-Departmental	323,450	150,000	473,450
04-Admin/Finance	282,023	1,000	283,023
06-Police	749,107	15,000	764,107
14-Community Dev.	251,715	1,000	252,715
001-Total General Gov't.	2,219,338	167,000	2,386,338
408-'89 Utility Bond Redemption	410,583	3,200,000	3,610,583
414-ULID#3 Construction	0	2,100,000	2,100,000
420-Water Capital Assets	75,000	5,000	80,000

Section 2.

The following interfund transfers are within 1994 appropriations, as amended above, and are hereby authorized:

<u>Originating Fund</u>	<u>Receiving Fund</u>	<u>Amount</u>
001-General Government	101-Street Maintenance	150,000
408-'89 Utility Bond	414-ULID#3 Construction	1,500,000

Section 3. This ordinance shall be in force and take effect five(5) days after its publication according to law.

Washington, and approved  
is \_\_\_\_ day of November,

**PASSED** by the City Council of the City of Gig Harbor, W  
by its Mayor at a regular meeting of the council held on the  
1994.

\_\_\_\_\_  
ilbert, Mayor

\_\_\_\_\_  
Gretchen A. W

ATTEST:

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

Filed with city clerk: 10/13/94  
Passed by the city council:  
Date published:  
Date effective:



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**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: TOM ENLOW**  
**DATE: November 7, 1994**  
**SUBJECT: 1995 TAX LEVY ORDINANCE**

### **INTRODUCTION**

This is the second reading of the 1995 tax levy ordinance.

### **BACKGROUND**

We are required to file this ordinance with the county by November 15, 1994 even though the county may not send us the information on which to base the calculations until sometime in December. The preliminary assessed valuation for 1995 taxes is \$325,960,487. Applying the 106% limit formula results in an estimated general levy of \$1.612 per thousand or \$525,442. Assessed valuation increased 13.5% over the previous year, including \$12,741,888 of new construction. The estimated property tax revenue is a 10.4% increase and the rate per thousand is a 2.7% decrease from 1994.

In order to receive the maximum amount of taxes under the 106% limit without final valuation information, the county assessor's office recommends requesting well over the amount we expect to receive. Therefore, this ordinance is based on a 1995 property tax rate of \$1.8407 per thousand raising \$600,000 in taxes. Our 1995 budget will be based on the most accurate information available at the time it is passed, currently \$525,442.

The ordinance also sets excess levy rates for outstanding voted general obligation bonds. By the end of 1994 the 1978 GO Bonds for the public works building will be paid off. By the end of 1995 the 1975 GO Bonds for sewer construction will be paid off. Cash balances and the remaining 1994 property taxes will fund the final payments on these bonds.

The final payment on the 1978 GO Bonds for fire will be made in 1997. Property taxes of \$2500 (\$0.0077 per thousand) in 1995, along with the current cash balance will pay the remaining maturities of those bonds.

Debt service for the 1987 GO Bonds for sewer plant construction is approximately \$140,000 in 1995 or \$0.4295 per thousand.

### **FINANCIAL**

Property taxes are the second largest source of the city's general revenues at approximately 20%.

### **RECOMMENDATION**

Staff recommends adoption of the ordinance.

**CITY OF GIG HARBOR**

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1995.**

**WHEREAS**, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1995, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property, and

**WHEREAS**, it is the duty of the City Council to certify to the board of county commissioners/council estimates of the amounts to be raised by taxation on the assessed valuation of property in the city,

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

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1995, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$325,960,487. Taxes levied upon this value shall be:

- a. approximately \$1.8407 per \$1,000 assessed valuation, producing estimated revenue of \$600,000 for general government, or the maximum allowable by law; and

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1995, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$325,960,487. Taxes levied upon this value shall be:

- a. approximately \$0.0077 per \$1000 assessed valuation, producing an estimated amount of \$2,500 for 1978 fire protection facilities general obligation.
- b. approximately \$0.4295 per \$1000 assessed valuation, producing an estimated amount of \$140,000 for 1987 sewer construction general obligation.

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

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

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this \_\_ day of \_\_\_\_, 1994.

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Gretchen A. Wilbert, Mayor

ATTEST:

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Mark Hoppen  
City Administrator/Clerk

Filed with city clerk: 10/17/94

Passed by the city council:

Date published:

Date effective:



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**TO: MAYOR WILBERT, CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MH*  
**SUBJECT: INSURANCE RECOMMENDATION/STEVE FELTUS, BROKER**  
**DATE: NOVEMBER 9, 1994**

#### **INFORMATION/BACKGROUND**

Our insurance broker, Mr. Steve Feltus of Bratrud Middleton Insurance, has collaborated with Mr. Jim McDonald, AWC Insurance Services Manager, to compare the best emerging option on the current market, PRISM (Reliance Insurance Company) against the best municipal insurance pool option for a city the size of Gig Harbor, AWC-RMSA. Also listed in the comparative data is WCIA insurance which serves many large and medium sized cities in a state-wide insurance pool. This comparison resulted from the previous Council instruction to our broker to return to Council in November with a coverage comparison and recommendation. Mr. Feltus has returned with two viable alternatives, both of which offer lower premiums than our current coverage.

Mr. Jim McDonald of AWC-RMSA will be available to answer any of your questions.

#### **POLICY CONSIDERATIONS**

AWC insurance is a pool which requires city participation, but does not necessitate the services of our current broker. PRISM is a commercial program which would utilize our current broker. The attorney firm for AWC insurance is Ogden, Murphy, Wallace.

#### **FISCAL CONSIDERATIONS**

The AWC proposal (for \$5 million in coverage) is \$49,014.39. Covering the three year insurance tail would cost an additional \$16,189.13 for a total of \$65,189.13. The proposed PRISM (Reliance) coverage cost (for \$5 million in coverage) is \$61,278, which covers the three year tail and the cost of the three year tail. The city's current premium for the year with coverage through the Hartford and Scottsdale Insurance is \$86,610.

#### **RECOMMENDATIONS**

Select the most cost effective insurance option which provides suitable coverage and policy management.



November 9, 1994

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

**RE: Insurance Summary**

Dear Mark:

As you directed me to do I faxed a copy of the evaluation of the WCIA, AWC-RMSA and Prism's Reliance Program to Jim McDonald of AWC. I have talked to him by phone. He has reviewed the evaluation and had some changes. He was to get the changes to me prior to 11/9. I called this a.m. and he won't be able to get them out until at least 11/10.

The evaluation and recommendation for change is as provided. You have the original copies of the AWC proposals including the 3 year General Liability Tail coverage. Jim McDonald makes a couple of points for observation:

1. AWC General Liability has no aggregate limit. Each claim has full \$5 million coverage limit.
2. AWC proposal at \$65,000 includes the 3 year tail. He would anticipate the cost to reduce next year when it would not be charged.

The Prism Program positive points:

1. Commercial insurance product - not assessable.
2. City is free to change year to year. Not locked into a program for the contract period plus one year.
3. Anticipated costs for 1995 would not include the cost of a 3 year tail.

Sincerely,

  
Stephen Feltus  
Vice President

SF:mkm

EVALUATION CRITERIA	WCIA	AWC-RMSA	RELIANCE INSURANCE CO.
1. Pool or Company Profile	Established 1981 73 Cities +10 Inter-local Agencies Gig Harbor's Population in the low-range of members Selective approval of members based on good risk management practices (several Cities have been denied membership)	Established 1989 56 Cities with only 10 over 5,000 population Gig Harbor would be a typical member The AWC pool has never declined membership to any City	Established 1800's Selective Underwriting Company Over 100 Northwest Municipal Accounts
2. Limits of Coverage	\$5 Million per Occurrence No aggregate for \$1 Million losses \$12 Million aggregate for losses over \$1 Million	\$5 Million per Occurrence No aggregate	\$1,000,000 to \$20,000,000
3. Coverage Exclusions			
- Personal Actions	Included	Included with reservations	Included
- Wrongful Termination	Included	Included with reservations	Included
- Sexual Harassment	Included	Included with reservations	Included
- Pollution	Included with reservations	Excluded	Excluded
- Arbitrary/Capricious Land Use Decisions	Included	Included	Included
- Inverse Condemnation	Included with reservations	Excluded	Excluded
- Earthquake	Included	Included	Included
4. Deductibles			
- Liability	0	0	0
- Property	\$5,000 per occur.	0	\$1,000
- Auto Liability	0	0	0
- Auto Physical	\$1,000 per occur.	0	Various
- Earthquake	0	0	5%



<p>5. Financial Strength</p>	<p>\$40 Million in assets to fund \$13 Million in Liabilities, \$10 Million Surplus Funded at 98% confidence level Does not currently purchase re-insurance, however this decision is made by the members on an annual basis Meets GASB 10 Directive from State auditors office</p> <p>Is Assessable Not subject to State insurance Commissioners Examination</p> <p>Reviewed by State auditor GASB 10 Directive</p>	<p>\$2.7 Million in assets, \$1.2 Million in liabilities, \$1.5 Million in surplus Funded at 90% confidence level AWC-RMSA purposes re-insurance for losses over \$300,000 and stop loss coverage from the National League of Cities which has \$59 Million in assets and \$18 Million in surplus Meets GASB 10 Directive from State auditors office</p> <p>Is Assessable Not subject to State Insurance Commissioners Examination</p> <p>Reviewed by State auditor GASB 10 Directive</p>	<p>Over \$1,000,000,000 writings A rating by AM Best Rating by S&amp;P 100% Confidence level meets standards of all 50 State Insurance Departments Policy Holders Surplus</p> <p>Reviewed by Independent auditors By 50 State Insurance Departments By Independent assessment firms: AM Best Standard &amp; Poor</p>
<p>6. Premium Stability</p>	<p>Insulated from commercial insurance market swings because no commercial insurance is purchased. A proven assessment formula and \$4.9 Million annual investment income is used to subsidize rates. Rates are guaranteed not to vary by more than +25% or - 20% in any year.</p>	<p>Somewhat insulated from market swings, however purchasing re-insurance and stop loss coverage causes some reactivity. No guarantee on rate fluctuations.</p>	<p>Commercial Insurer. No Guarantee on rate fluctuations.</p>

<p>7. Loss Control Svc's.</p>	<p>WCIA employs 10 full-time employees all of whom are devoted to enhancing the loss control efforts of members. WCIA loss control services include intensive on-site training both standard and customized upon request of the member. Regional training, in addition to the training to the training that is available through Association of Washington Cities. Risk management consultation with Department Heads. Contract RFP and bid document review. On-site inspections. Consultation on Personnel matters. A Pre-defense program which is designed to position the City effective prior to pending litigation. Risk Management manual, newsletter and videos. In addition the WCIA is preparing a compact of agreement with members that will include scheduled, mandatory, aggressive training program and an inspection program. All of these services are provided free to members and fall within a \$1.4 Million annual administrative budget of WCIA.</p>	<p>The RMSA sponsors 1 to 2 free registrations at trainings sponsored by AWC. This training is available regardless of membership in the RMSA (valued at approx. \$1,000). In addition, AWC offers City work sessions and on-site inspections. They offer risk management consultation and contract review. The AWC loss control services are provided by 3.5 administrative staff members and a \$450,000 budget.</p>	<p>A national loss control program. Employs hundreds of specialists Regional and local training. Consultation &amp; Contract review. Broker Services locally working for City, not company or pool. Access to all National insurer resources.</p>
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<p>8. Local (City) Control</p> <ul style="list-style-type: none"> <li>- Payment of City Claims</li> <li>- City's Premium Rates</li> </ul>	<p>Wishes of member weigh heavily in the executive board determination.</p> <p>Assessment formula is based on worker hours and loss history.</p> <p>Members as a whole vote on and determine the type of exposures that will be assumed. Members decide and selectively approve only members who have good risk management practices and commitment to training.</p>	<p>Wishes of the member are weighed heavily in executive board decisions, however, Executive Board is made up of the AWC Board of Directors not the RMSA members.</p> <p>Assessment formula is based on population, worker hours and loss history. Gig Harbor would be a typical city on the AWC pool. If the AWC-RMSA determined it had under-funded its reserves and it needed to reassess its members, Gig Harbor would likely take a portion of the assessment increase.</p> <p>The AWC Board of Directors determines with whom risk is shared, but the AWC-RMSA has never declined membership to any City.</p> <p>The City has <u>no</u> control over types of insured risks of with whom risk is shared.</p>	<p>Brokers Services provide individual decision making to the City</p> <p>Claims Payments handled by Professionals, Staffed in local area Programed by Municipal risk class in Northwest</p> <p>Non Assessable</p>
<p>9. Claim Payment Philosophy</p>			<p>Fair, Fast Friendly</p>
<p>10. Under State Insurance Commissioner Regulation</p>	<p>No</p>	<p>No</p>	<p>Yes</p>

November 2, 1994

## ALTERNATIVE PROPOSAL FOR CITY OF GIG HARBOR

Reliance Insurance Company through PRISM. PRISM is a wholesaler of Municipal Insurance entities starting in Oregon and expanded to Nevada, Idaho, Montana, Utah, Wyoming, Washington and Alaska. Washington is the last state entered due to the very stiff criteria and filing regulations of the Washington State Insurance Commission.

The quotation is in accordance with the following terms and conditions:

### General Liability:

General Aggregate Limit	\$ 2,000,000
BI/PD Each Occurrence Limit	\$ 1,000,000
Deductible Applicable to BI/PD	\$ 0
Personal Injury Limit	\$ 1,000,000
Fire Legal Liability Limit	\$ 50,000
Medical Expense Limit	\$ 5,000
Law Enforcement Endorsement	\$ 1,000,000
Law Enforcement Deductible	\$ 2,500
Stop Gap	\$ 1,000,000

### Special Coverage Extensions:

- Intentional Acts to protect persons or property
- Employees/Volunteers as Additional Insureds
- Host Liquor Liability
- Contractual Liability
- Sewer Backup
- Non-Owned Watercraft
- Discrimination/Civil Rights
- Emergency Medical Technicians
- 3 year Tail on current Hartford Claims Made

**Important Exclusions:**

Pollution Liability  
Asbestos Liability  
Employment Practices Liability  
Failure to Supply

**Annual General Liability Premium** \$ 22,008

**Automobile Liability:**

Combined Single Limit for BI & PD \$ 1,000,000  
Uninsured/Underinsured Motorist \$ 1,000,000  
Medical Payments Each Person \$ 5,000  
Statutory Personal Injury Protection Included  
Non-Owned and Hired Auto Included  
Temporary Substitute Auto Included

**Automobile Physical Damage:**

Autos per schedule on application  
Comprehensive Deductible \$ 250  
Specified Perils \$ 250  
Collision \$ 500  
Valuation at time of Loss ACV

**Annual Automobile Premium** \$ 13,825

**Property Coverages:**

Building and Contents - Special Form Valuation	\$ 6,141,540
Scheduled Equipment Valuation	Replacement \$ 44,100
Scheduled Articles	ACV \$ 0
EDP Hardware	\$ 50,000
Media/Software	\$ 25,000
Accounts Receivable	\$ 25,000
Valuable Papers	\$ 25,000
Extra Expense - Blanket	\$ 20,000
Money & Securities In & Out	\$ 10,000
Employee Dishonesty Bond	\$ 100,000
Personal Effects	\$ 10,000
Demolition Cost	\$ 25,000
Increased Cost of Construction	\$ 25,000
Newly Acquired Buildings	\$ 1,000,000
Newly Acquired Personal Property	\$ 500,000
Deductible	\$ 1,000
Boiler & Machinery - Comprehensive Coverage	\$ 6,141,540
Deductible	\$ 1,000

**Special Conditions:**

Does not require building at same location.  
Coinsurance does not apply to Architect Fees.  
Contents includes Personal Property of Others.  
Newly acquired property up to 90 days.  
Water/Sewer Backup is covered peril.

**Annual Property Premium:** \$ 8122

**Public Officials E & O**

Per Occurrence Limit	\$ 1,000,000
Aggregate Limit	\$ 1,000,000
Deductible	\$ 1,000
Coverage Form	Claims Made
Prior Acts	2 Years
<b>Annual Public Officials Premium</b>	<b>\$ 2327</b>
<b>Following Form Excess:</b>	<b>\$ 4,000,000</b>
<b>Annual Premium for Excess</b>	<b>\$ 8487</b>
<b>Earthquake</b>	<b>\$ 5,000,000</b>
Deductible - 5%	
<b>Annual Premium for Earthquake</b>	<b>\$ 6509</b>
<b>TOTAL PROPOSED PREMIUM</b>	<b>\$ 61,278</b>

**Recommendations:**

1. Change from PENCO/Hartford Program December 1st.
2. Meet with all Departments for a thorough review of all potential General Liability and Public Officials Liability incidents. Put Hartford on written notice of any and all incidents.
3. Accept Commercial Insurance / Reliance offer:
  1. It is competitive both in price and coverage.
  2. It is non-assessable.



August 22, 1994

Mr. Steve Feltus  
Bratrud Middleton Insurance  
P.O. Box 11205  
Tacoma, WA 98411-0205

RE: City of Gig Harbor Account

Dear Mr. Feltus:

Enclosed is an adjusted comparison between Gig Harbor's current coverages and the coverages offered through the AWC RMSA. On a separate sheet I included quotes for the city that represent the entire AWC RMSA package with different layers of liability with no Prior Acts. Listed below are quotes that reflect the entire AWC RMSA package with different layers of liability plus Prior Acts. We can offer Prior Acts for three years back from the date Gig Harbor joins the AWC RMSA.

AWC RMSA Package  
(Property, Liability, and Prior Acts)

\$1 million	\$2 million	\$3 million	\$4 million	\$5 million
\$39,914.00	\$43,745.74	\$46,618.55	\$48,295.94	\$49,014.39
+ 13,171.62(P)	+ 14,436.09(P)	+ 15,384.45(P)	+ 15,937.66(P)	+ 16,174.74(P)
-----	-----	-----	-----	-----
\$53,085.62	\$58,181.83	\$62,004.00	\$64,233.60	\$65,189.13

In order to bind Prior Acts, the Mayor and the City Attorney will have to sign and return the enclosed letter.

If you have any questions, please do not hesitate to contact Jim McDonald or me at (206) 753-4137.

Sincerely,

Jerry Spears  
Insurance Services Analyst

/js

cc: Mark Hoppen, City of Gig Harbor  
Gig Harbor file



## Quotes for the City of Gig Harbor Calendar Year 1994

\$1 million - \$39,914.00

\$2 million - \$43,745.74

\$3 million - \$46,619.55

\$4 million - \$48,295.94

\$5 million - \$49,014.39

Please note the different quotes listed above are for the entire insurance package offered through the AWC RMSA including PROPERTY, BOILER & MACHINERY, EMPLOYEE FIDELITY, AND ALL LINES OF LIABILITY INCLUDING GENERAL LIABILITY, PUBLIC OFFICIALS ERRORS AND OMISSIONS, AUTO LIABILITY, AND LAW ENFORCEMENT LIABILITY. All coverages through the AWC RMSA are occurrence based. The different layers listed above reflect different levels of liability coverage that the city can select. The city can choose from \$1 million per occurrence to \$5 million occurrence. If the City of Gig Harbor joined the program this year, we would pro-rate the assessment to reflect the starting date.



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

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## MEMORANDUM

**TO:** Mayor Wilbert and City Council

**FROM:** Planning Staff

**DATE:** November 14, 1994

**RE:** REZ 94-01/SPR 94-04 & SDP 94-04 -- Esther Coulter - shoreline permit, contract rezone & site plan allowing four-plex condominium at 9509 Franklin Avenue (between Franklin Avenue and No. Harborview Drive)

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Esther Coulter, represented by Jim Widrig, is requesting approval of a contract rezone for a parcel located at 9509 Franklin Avenue. The parcel fronts on both Franklin and Harborview Drive. It is currently split between two zoning districts including an R-1 (single family) zone on the upper portion of the site and a B-2 (general business) zone on the lower portion. The owner is requesting to rezone the entire parcel to an R-3 contract zone which will allow development of a four-plex condominium. Two of the condominiums would be accessed from Franklin Avenue with the remaining two from North Harborview Drive. In addition, a surface parking lot on the lower portion of the site is proposed that would be accessed off of North Harborview Drive. The lot would include significant berms and landscaping around the perimeter and include grass-block pavers to provide greenery within the parking lot.

In conjunction with the requested rezone, the applicant applied for and received a variance allowing a reduction in the minimum parcel size required for a rezone. As part of the contract rezone, the owner is submitting a site plan which indicates the design and details of the proposed four-plex. The application therefore involves site plan approval. Finally, because the development is within 200 feet of the shoreline, a shoreline substantial development permit is being requested.

The Hearing Examiner is recommending approval of the proposed rezone, site plan and shoreline permit subject to all conditions recommended by the Staff. One of the conditions of approval requires that the ordinance adopting the rezone not be approved until the property owner files with the City Council for approval of a final condominium plat which reflects the approved site plan and which contains or references the information required as part of the site plan approval and this contract (condition of approval #7, Hearing Examiner's Report). The staff has therefore drafted a resolution approving the proposed site plan which is contingent upon a final

condominium plat being filed with and approved by the City, at which time the City will adopt by ordinance the contract rezone.

The following documents are enclosed for your review and consideration:

- Staff reports and recommendations to Hearing Examiner.
- Hearing Examiner reports and recommendations to City Council.
- Shoreline permit application.
- Site plan and elevations of proposed development.
- Draft resolution approving requested shoreline permit.
- Draft resolution approving requested site plan.



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GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** October 19, 1994

**RE:** REZ 94-01/SPR 94-04 -- Esther Coulter - request for approval of contract rezone from R-1 to R-3 for parcel located at 9509 Franklin Avenue (between Franklin Avenue and No. Harborview Drive)

---

**I. GENERAL INFORMATION**

**APPLICANT:** Esther Coulter  
9123 No. Harborview Drive  
Gig Harbor, WA 98335  
Telephone: 858-2177

**OWNER:** (same)

**AGENT:** James Widrig, Architect  
P.O. Box 1275  
Gig Harbor, WA 98335  
Telephone: 265-2473

**II. PROPERTY DESCRIPTION**

1. **Location:** 9009 Franklin Avenue  
Tax assessor's parcel #02-21-06-1-016
2. **Site Area/Acreage:** 0.50 acres

3. Natural Site Characteristics:

- i. **Soil Type:** Harstine gravelly sandy loam
- ii. **Slope:** Approx. 13%
- iii. **Drainage:** Southerly toward No. Harborview Drive
- iv. **Vegetation:** Lower portion - cleared  
upper portion - dense willow

4. Zoning:

- i. **Subject parcel:**  
Lower portion - B-2 (general business)  
Upper portion - R-1 (single family)
- ii. **Adjacent zoning and land use:**
  - North:** R-1 with multiple family complex
  - South:** B-2 with Peninsula Yacht Basin across street
  - East:** R-1 upper portion with single family house  
B-2 lower portion - vacant
  - West:** R-1 upper portion with duplex structure  
B-2 lower portion with parking lot

5. Utilities/road access:

The parcel is served by City sewer and water and is accessed off Franklin Street and No. Harborview Drive - both City streets.

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

- 1. **Comprehensive Plan:** The comprehensive plan designates this area as low urban residential and as commercial business
- 2. **Zoning Ordinance:** The zoning code states the following intents for each specified zone designation:

**R-1** - An R-1 district is intended to provide for low density, single-family residential development for certain community services and facilities while preserving the character of the existing single-family residential areas.

**B-2** - 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.

R-3 - An R-3 district is intended to provide areas suitable for multiple-family dwellings and to serve as a buffer and transition between more intensively developed areas and residential properties of a lower density. An R-3 district is suitable in areas which are served by municipal services and in areas readily accessible to freeway access.

Section 17.100.050 states the following determinations to be made by the City Council in approving amendments to a zoning designation:

The city council shall consider a recommendation for change in the boundary of a district or any other recommendation proposing a change in this title together with the report of the planning director and the hearing examiner or planning commission at the city council's next regular meeting after the receipt of such report, and if, from the facts presented by the findings of the report, it is determined that the public health, safety and general welfare would be preserved, and change or amendment is in keeping with the spirit and intent of the comprehensive plan, the city council, by ordinance, shall approve such amendment, supplemental change or reclassification.

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

The subject parcel is located between Franklin Street and North Harborview Drive. The this is a single lot, it is split between two zoning designations including R-1 on the upper portion and B-2 on the lower portion. This is the only known parcel which is split by two zoning districts. This has caused confusion as to how the parcel should be developed. The lot is currently vacant but the lower portion has been used as parking for Peninsula Yacht basin. There is apparently no formal agreement to provide Yacht Basin parking.

The zoning of the parcel is R-1 but development around the parcel is mixed. There is a single family house on the east side, a duplex on the west side, and an eight-plex to the north on Franklin Avenue. There is also a commercial parking lot next door on North Harborview Drive with the Yacht basin and condominiums located across the street.

#### **V. REQUEST/PROJECT DESCRIPTION:**

The current request is to rezone the entire parcel from its R-1 and B-2 designations to an R-3-Contract zone. In conjunction with the rezone, the applicant is requesting site plan approval for a four unit condominium and an 11-space parking lot on the site. Each unit would have its own double car garage, leaving the parking lot for surplus or commercial parking. Two lower level units would have garage access through the parking lot on North Harborview Drive; the two upper level units would have garage access from Franklin Street.

In conjunction with the requested rezone, the applicant is submitting a separate application for

a Substantial Development Shoreline Permit and also an application for a variance from the minimum two acres required for rezones. The applicant has submitted the following statement (shown in italics) in support of the requested rezone and site plan:

*The applicant seeks an R-3 zoning in lieu of the existing split R-2/B-2 to allow a four unit condominium complex to be located on the upper or westerly portion of the property and an off-street parking area for 11 cars located on the lower or easterly portion. Two units would be accessed from above on Franklin Ave. and two units would be accessed from the lower N. Harborview Drive. The two garages for the lower units would be bermed and landscaped, the roofs serving as terraces for the units above. The project will comply with the development standards for an R-3 zone for lot area, width, setbacks, impervious cover, street frontage and maximum height of buildings.*

*The applicant proposes the additional conditions:*

- 1. Except for the parking, the proposal would exclude all other permitted or conditional uses as listed in the Zoning Code.*
- 2. The lower parking lot will be depressed approximately four feet average below the existing grade and the perimeter will be bermed and landscaped to minimize impacts from N. Harborview and to preserve sight lines from Peacock Hill Ave. entering N. Harborview Dr.*
- 3. The project is submitted for Site Plan Review as part of the Rezone process to allow architectural design concerns to be addressed concurrently with land use issues.*
- 4. The owner intends to enter into a mutually agreeable resolution to the encroachment of N. Harborview Dr. into the subject property.*

### **REASONS FOR REZONE**

*The rezoning of the property would conform to the stated intent of this zone "An R-3 district is intended to provide areas suitable for multi-family dwellings and to serve as a buffer and transition between more intensively developed areas and residential properties of a lower intensity." (See map - Harbor Land Use Districts)*

*The existing split zone seems inappropriate for the property, given its size and location. It may have been suitable for the property to the south, and the plats (Harbor, Fullers & Prentice Addition) were so designated in part because the existing topography required that commercial uses be on N. Harborview and residential above on Franklin Ave. However, the property at the north end of this district flattens out, making a contiguous development feasible. Given the current off-street parking requirements, the B-2 area is not large enough to support a substantial retail commercial structure. It could however, allow a service facility such as a Mini-Lube. A rezone that restricts this area to off-street parking from the marina would ensure a low volume seasonal use with most activities on the week-ends and would help protect an existing residential area from possible distracting activities and noise from commercial use, especially during*

*evening hours. The project is consistent with the Comprehensive Plan in that it provides for housing choices, helps define an urban pattern with a pedestrian oriented downtown and provides a transitional land use. It would comply with the Table 6, Implementation Tasks, Land Use, 6. "Increase the number of zoning districts to account for special commercial and residential areas, and to reflect the special design and development needs of old Gig Harbor."*

#### **PROJECT MANAGEMENT**

*The project will be restricted to residential uses, owner occupied, be governed and maintained by a homeowners association and regulated by current Washington State Condominium Laws. It will be built in one phase and the design, scale, detail and materials are intended to reflect the character of a typical Northwest residential neighborhood.*

#### **VI. PUBLIC NOTICE:**

The Property was posted and legal notice was mailed to property owners within 300 feet and was published in the Peninsula Gateway on October 5, 1994. To date, no formal public input has been received on this application.

#### **VII. ANALYSIS:**

As stated earlier, there are no other known parcels which are split between two zoning designations. This situation implies that the parcel will be developed with two different uses. This could be done by either developing the entire lot with separate uses under one ownership, or by short platting the property into two lots. In either situation, there would be ample opportunity to develop a single family house on the upper lot, but this may not be consistent with the multi-family housing already built on adjacent lots. It would also leave a rather small lot in the B-2 zone. To be precise, it would leave 9900 square feet of lot area in the B-2 area, less 3000 square feet for code required buffering adjacent to the R-1 zone, less 543 square feet of the lot encroached upon by the City street and sidewalk, for a developable area of 5457 square feet. This would accommodate a reasonable sized structure but without an actual attempt to develop a site plan consistent with the existing parameters, it is difficult to determine if parking could be reasonably provided for. The staff doubts that the B-2 portion could accommodate something like a quick-lube which the applicant wants could happen without the requested rezone, although that would certainly be possible if additional property was purchased. Quick-lubes are permitted uses in the B-2 zone.

The subject parcel's proximity to the corner of North Harborview and Peacock Hill Avenue renders it significant in terms of the area's visual character. Under its current zoning classification, the parcel could certainly be developed in a pleasing manner. In terms of the overall streetscape and the area's visual draw for customers, the staff believes that a well designed building would serve the public better than the best designed parking lot. Short of more



stringent design guidelines, there is no assurance that it would be anything more than a glass-front box set back of a *poorly* designed parking lot. In short, the staff is supportive of the proposed contract rezone and site plan because (a) it provides more surety in building and landscape design, (b) it allows a structure on the upper portion of the lot which is consistent with contiguous development, (c) it resolves problems associated with two zones on one lot, (d) it retains some of the parking currently available, and (e) it would be consistent with the Comprehensive Plan's stated intent for the R-3 zone to serve as a transition buffer between more and less intense land uses.

One item that will require more detailing is the landscape plan. A preliminary landscape plan has been submitted, but it does not indicate plant species and does not include an irrigation plan. Moreover, it is not clear from the plans how the berms will be built. The berms indicated along the street fronts have more the appearance of raised planters than berms. A slope-faced berm along the street frontage may have a more natural appearance and would be more consistent with the landscaping for the Scott House (Hair Solution) on the opposite corner. This would not prevent a retaining wall on the back side of the berm abutting the parking area.

To assure that the contract rezone is carried out as planned over the long run, the staff will be recommending that an approved contract for rezone, condominium plat/site plan and all referenced information thereon be filed with the Pierce County auditor's office and that major amendments be subject to the mutual consent of the City and the owner(s) of the property through the normal zoning amendment process.

Additional Staff and/or agency comments are as follows:

1. Building Official:

Please consider the following as my comments to the site plan for the project stated above:

- A. Fire flow must be provided to within 150 FT of each portion of the building in accordance with the Section 10.401, 1991 Uniform Fire Code

Note: City of Gig Harbor Fire flow is presently available on Peacock Hill and N. Harborview Drive.

- B. Fire flow must be provided to the building in accordance with the Section 10.401, 1991 Uniform Fire Code (See Appendix III-A & B):

REQUIRED FIRE FLOW (Table A-III-A-1):

Note: 13,100 SQFT Type V-N Building requires Fire Flow of 3,000 gpm at 20 psi for a 3 hour duration

13,100 SQFT Type V-1HR Building requires Fire Flow of 2,500 gpm at 20 psi for 2 hour duration

Note: Old fire flow test of the hydrant on North Harborview Dr. indicates available fire flow to be 2670 gpm at 20 psi

REQUIRED NUMBER OF HYDRANTS (Table A-III-B-1):

Note: 3,000 gpm Fire Flow requires 3 hydrants at 400 FT Spacing within 225 FT of the Road

2,500 gpm Fire Flow requires 3 hydrant at 450 FT Spacing within 225 FT of the Road

- C. Access around the building must be provided to within 150 FT of all portions of the building in accordance with Chapter 10, 1991 Uniform Fire Code.

Note: If access and fire flow as stated above may not be provided, an auto-fire sprinkler system or another alternate method of construction may be proposed for approval.

- D. Access must be provided to all areas of both floors in accordance with the Washington State Standards for Access. Access must also be provided in accordance with the Federal ADA Standards. All units must conform to a type-B unit in accordance with the Washington State Standards for Access.

- E. Emergency exiting must be provided in accordance with Chapters 31 & 33, 1991 Uniform Building Code.

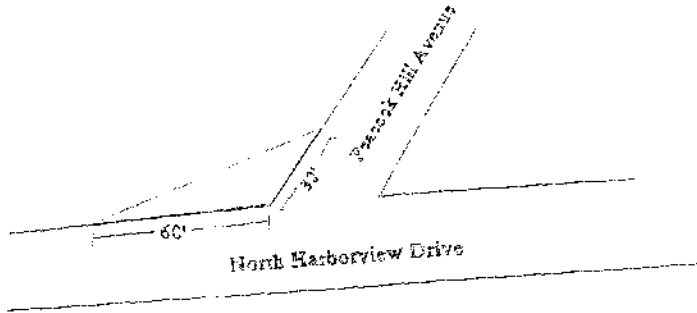
Note: The exit stairway will require an area for evacuation assistance in accordance with Section 3104, 1991 UBC as revised by the Washington State Building Code Council.

- F. One hour fire rated separation walls and floor/ceiling assemblies will be required between each living unit in accordance with Chapter 12, 1991 Uniform Building Code (UBC) as amended by the Washington State Building Code Council (WSBCC). If a property line will be defined between the living units which will create two duplexes, two separate One Hour Fire Rated Walls will be required (one for each living unit).

- G. A complete plan review will be completed upon submittal of plans for a building permit.

2. Public Works: The Public Works Department is currently working on a street improvement project for North Harborview Drive which will include new curbs gutters and sidewalks along the applicant's side of the street. There is a historical encroachment of the existing sidewalk onto the applicant's property. The Public Works Department is

anxious to have this encroachment shown on a platted easement and is willing to install all public improvements typically required for site plan approval in exchange for a platted easement on the applicant's property. The easement would encompass the area of a triangle measuring 30 feet up Peacock Hill Avenue and 60 feet along North Harborview drive, with the apex of the triangle on the property corner nearest the street intersection as show on the following illustration:



3. SEPA Responsible Official: The SEPA Responsible Official issued a Determination of Non-significance on September 20, 1994.

### **VIII. FINDINGS AND CONCLUSIONS:**

Based upon a site inspection and the analysis contained in Part VII of this report, the Staff finds as follows:

1. The proposed contract rezone would provide more surety in building and landscape design than the strict application of the R-1/B-2 zoning designation.
2. The proposed four-plex on the upper portion of the lot would be consistent with contiguous development in terms of use and scale.
3. The proposed rezone would resolves problems associated with two zones on one lot.
4. The proposed site plan would permanently retain some of the parking already used by off-site businesses.
5. The proposed rezone and site plan would preserve the public health, safety and general welfare, and would be in keeping with the spirit and intent of the comprehensive plan.

**IX. RECOMMENDATION:**

The staff recommends that the Hearing Examiner forward a positive recommendation to the City Council on the requested contract rezone and site plan, 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 conditions and restrictions:

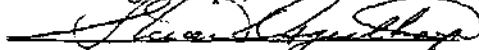
1. Except for the parking lot and four-plex as shown on the approved site plan and landscape plan, no other uses or structures shall be allowed on the subject site.
2. All structures on the site shall conform to the following regulations:
  - (a). Fire flow must be provided in accordance with Uniform 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 this report).
6. 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.
7. 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.
8. 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.
9. All landscaped areas shall include a mechanical irrigation system.
10. 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.
11. 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.

12. Prior to building permit issuance a grading and drainage plan, including provisions for storm water collection and retention, shall be submitted to the Public Works Department for review and approval.

Project Planner: Steve Osguthorpe, Associate Planner

  
Date: 10-17-94



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**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff *S.O.*  
**DATE:** October 19, 1994

**RE:** SDP 94-04 -- Esther Coulter - request for approval of shoreline substantial development permit allowing construction of four-plex and parking lot at 9509 Franklin Avenue (between Franklin Avenue and No. Harborview Drive)

---

**I. GENERAL INFORMATION**

**APPLICANT:** Esther Coulter  
9123 No. Harborview Drive  
Gig Harbor, WA 98335  
Telephone: 858-2177

**OWNER:** (same)

**AGENT:** James Widrig, Architect  
P.O. Box 1275  
Gig Harbor, WA 98335  
Telephone: 265-2473

**II. PROPERTY DESCRIPTION**

- Location:** 9509 Franklin Avenue  
Tax assessor's parcel #02-21-06-1-016

2. **Site Area/Acreage:** 0.50 acres

3. **Natural Site Characteristics:**

- i. **Soil Type:** Harstine gravelly sandy loam
- ii. **Slope:** Approx. 13%
- iii. **Drainage:** Southerly toward No. Harborview Drive
- iv. **Vegetation:** Lower portion - cleared  
upper portion - dense willow

4. **Zoning:**

- i. **Subject parcel:**  
Lower portion - B-2 (general business)  
Upper portion - R-1 (single family)
- ii. **Adjacent zoning and land use:**
  - North:** R-1 with multiple family complex
  - South:** B-2 with Peninsula Yacht Basin across street
  - East:** R-1 upper portion with single family house  
B-2 lower portion - vacant
  - West:** R-1 upper portion with duplex structure  
B-2 lower portion with parking lot

5. **Utilities/road access:**

The parcel is served by City sewer and water and is accessed off Franklin Street and No. Harborview Drive - both City streets.

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

1. **Shoreline Master Program**

The Shoreline Master Program states that the shoreline area includes the water itself, all lands covered by the water and all lands extending 200 feet landward of Ordinary High Water Mark (OHWM) and associated wetlands (pg. 3-4)

A permit is required for any development in the shoreline area of the City which has a fair market value of over \$2,500 unless exempt. Multi-family housing is not exempt by the Shoreline Master Program.



Section 3.13 of Shoreline Master Program states the following policies relating to parking:

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

Section 3.15 of Shoreline Master Program states the following policies relating to residential development:

1. Subdivisions and multi-family developments should be encouraged to provide for public contact with the water.
2. Residences should not extend into the water, thereby diminishing surface water area and restricting movement over the surface of the water and tidal areas.
3. Multiple family developments should cluster residential structures to help preserve views and vistas and a maximum amount of open space.
4. Over-water residential living other than on watercraft should not be permitted.

2. **Comprehensive Plan:** The comprehensive plan designates this area as low urban residential and as commercial business

3. **Zoning Ordinance:** The zoning code states the following intents for each specified zone designation:

**R-1** - An R-1 district is intended to provide for low density, single-family residential development for certain community services and facilities while preserving the character of the existing single-family residential areas.

**B-2** - 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.

**R-3** - An R-3 district is intended to provide areas suitable for multiple-family dwellings and to serve as a buffer and transition between more intensively developed areas and residential properties of a lower density. An R-3 district is suitable in areas which are served by municipal services and in areas readily accessible to freeway access.

**IV. BACKGROUND INFORMATION:**

The subject parcel is located between Franklin Street and North Harborview Drive. This is a single lot, it is split between two zoning designations including R-1 on the upper portion and B-2 on the lower portion. This is the only known parcel which is split by two zoning districts. This has caused confusion as to how the parcel should be developed. The lot is currently vacant but the lower portion has been used as parking for Peninsula Yacht basin. There is apparently no formal agreement to provide Yacht Basin parking.

The zoning of the parcel is R-1 but development around the parcel is mixed. There is a single family house on the east side, a duplex on the west side, and an eight-plex to the north on Franklin Avenue. There is also a commercial parking lot next door on North Harborview Drive with the Yacht basin and condominiums located across the street.

**V. REQUEST/PROJECT DESCRIPTION:**

The current request is for approval of a substantial development permit allowing construction of a four unit condominium and an 11-space parking lot on the site. Each unit would have its own double car garage, leaving the parking lot for surplus or commercial parking. Two lower level units would have garage access through the parking lot on North Harborview Drive; the two upper level units would have garage access from Franklin Street.

In conjunction with the requested shoreline permit, the applicant is submitting a separate application for a contract rezone from the existing split zone of R-1 and B-2 to an R-3 designation. In addition, a variance from the minimum two acres required for rezones is being separately applied for.

Although the site is not on the shoreline side of North Harborview Drive, it is within 200 feet of the ordinary high water mark and is therefore regulated by the Shoreline Master Program.

#### **VI. PUBLIC NOTICE:**

The Property was posted and legal notice was mailed to property owners within 300 feet and was published in the Peninsula Gateway on October 5, 1994. To date, no formal public input has been received on this application.

#### **VII. ANALYSIS:**

The staff has identified no impacts to the shoreline of Gig Harbor related to this development. The parcel is on the uphill side of the road which eliminates any concern over visual or physical access to the shoreline and the proposed parking is screened by landscaped berms. The staff therefore believes that the project conforms to the stated goals and policies relating to housing development and parking in the Shoreline Master Program.

Additional Staff and/or agency comments are as follows:

1. Building Official: The building official's comments pertained to typical building and fire code requirements and were addressed in the staff's report on the concurrent application for site plan review. His comments are therefore not included in this report.
2. Public Works: All Public Works comments pertain to items associated with site plan review and were addressed in the staff's report on the concurrent application for site plan review. Public Works comments are therefore not included in this report.
3. SEPA Responsible Official: The SEPA Responsible Official issued a Determination of Non-significance on September 20, 1994.

#### **VIII. FINDINGS AND CONCLUSIONS:**

Based upon a site inspection and the analysis contained in Part VII of this report, the Staff finds that the proposed development meets the general goals and policies for development of the

shoreline as stated in Sections 33.13 and 3.15 of the Shoreline Master Program and in other general applicable sections of the Shoreline Master Program.

**IX. RECOMMENDATION:**

The staff recommends that the Hearing Examiner forward a positive recommendation to the City Council on the requested substantial development shoreline permit.

Project Planner: Steve Osguthorpe, Associate Planner



Date: 10-17-99

CITY OF GIG HARBOR  
HEARING EXAMINER  
FINDINGS CONCLUSIONS AND RECOMMENDATION

**APPLICANT:** Esther Coulter

**CASE NO.:** REZ 94-01/SPR 94-04

**LOCATION:** 9509 Franklin Avenue (between Franklin Avenue and North Harborview Drive)

**APPLICATION:** Request for contract rezone and site plan approval to allow construction of a four unit condominium and parking lot.

**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 Coulter application was opened at 5:11 p.m., October 19, 1994, in the City Hall, Gig Harbor, Washington, and closed at 5:47 p.m. The hearing was held concurrently with the hearing on file numbers VAR 94-09 and SDP 94-04. 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.

**TESTIMONY:**

From the City:

Steve Osguthorpe, Associate Planner, reviewed the staff report. (Exhibit A).

From the Applicant:

James Widrig, Architect, reviewed what uses would be allowed at the present time and submitted an analysis of the property to illustrate how the property could now be used (Exhibit C). He then reviewed the proposed condominium project and said it would provide a transition which complies with the comprehensive plan.

From the Community:

Esther Wood, the neighbor to the north of the subject property, said she had concerns relating to the location of the common property line, the soil conditions in the area which may require a retaining wall for stability, surface water runoff problems which already exist in the neighborhood, possible loss of privacy if there are windows on the north side of the proposed condominium and possible loss of views if trees are planted.

Marilyn Owel, neighbor, said she is not opposed to the project. She said she didn't see this proposal as a high traffic generator and felt low density neighborhoods often generated more traffic

than condominiums because they tend to be populated by active families instead of retired or semi-retired couples who would most likely live in the proposed condominium. She also felt this proposal would be better than a traffic generating business which could locate on part of the subject site now.

Bill Reed, neighbor, said he is in favor of the project and said the design of the project is high quality work. He questioned whether or not the proposed parking will be used for yacht basin parking as it is now.

Kelly Martin, neighbor, spoke in favor of the proposed development. He felt it would be consistent with the surroundings and would make a good transition. He said the site is now a mess and this would not only be an improvement, but would put the question of an unwelcome business on the site to rest.

Wade Perrow, neighbor, spoke in favor of the proposal and said it is commendable that the Coulters have left the front part of the property for parking.

Questions:

In addition to the testimony offered, several questions were asked from the audience.

Response from the Applicant:

James Widrig, answered many of the questions which were raised during the hearing.

Written Comments:

Sharon Williams and William Coughlin, neighbors, wrote a letter in opposition to the proposal (Exhibit B). They opposed the project for the following reasons:

1. They are concerned about impact on property values, and
2. Traffic on Franklin Avenue is already on the rise as a result of increased volumes on Harborview. This proposed change will just add to an increasing problem.

## **FINDINGS CONCLUSIONS AND RECOMMENDATION:**

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

### **I. FINDINGS:**

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

### **II. CONCLUSIONS:**

- A. The information prepared by the Community Development Staff and contained in Section VIII of the Community Development Staff's Advisory Report accurately set forth the conclusions of the Hearing Examiner and by this reference is adopted as the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.

### III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the requested contract rezone and site plan be approved subject to the condition that a formal legal contract be submitted to the City's legal counsel for review and approval. Said contract shall follow 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 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 entering North Harborview Drive 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 of 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 on North Harborview Drive, 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 this report).
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 owner's association. If common facilities are to be maintained by a home owner's 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. Plant species shall be chosen to ensure proper buffering, but not impair views from nearby properties.
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.

Dated this 27th day of October, 1994.



Ron McConnell  
Hearing Examiner

#### **RECOMMENDATION:**

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

#### **COUNCIL ACTION:**

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

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

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

**MINUTES OF THE OCTOBER 19, 1994  
HEARING ON THE COULTER  
APPLICATION FOR REZONE AND SITE PLAN APPROVAL**

Ron McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Steve Osguthorpe representing the City of Gig Harbor; James Widrig, representing the applicant; and Esther Wood, Marilyn Owel, Bill Reed, Kelly Martin and Wade Perow.

The following exhibit was offered and entered into the record:

- A. Planning Staff's Advisory Report, with attachments.
- B. Letter from Sharon Williams and William Coughlin, received October 19, 1994.
- C. Zoning Analysis of the Site
- D. Photo of the Site

**PARTIES OF RECORD:**

Esther Coulter  
9123 North Harborview Drive  
Gig Harbor, WA 98335

James Widrig, Architect  
P.O. Box 1275  
Gig Harbor, WA 98335

Sharon Williams and William Coughlin  
8904 Franklin Avenue  
Gig Harbor, WA 98335

Wade Perow  
9119 North Harborview  
Gig Harbor, WA 98335

Kelly Martin  
9008 Franklin Avenue  
Gig Harbor, WA 98335

Esther Wood  
9014 Peacock  
Gig Harbor, WA 98335

Marilyn Owel  
8823 Franklin Avenue  
Gig Harbor, WA 98335

Bill Reed  
8801 Franklin Avenue  
Gig Harbor, WA 98335

Chuck Summer  
8915 Franklin Avenue  
Gig Harbor, WA 98335

CITY OF GIG HARBOR  
HEARING EXAMINER  
FINDINGS CONCLUSIONS AND RECOMMENDATION

**APPLICANT:** Esther Coulter

**CASE NO.:** SDP 94-04

**LOCATION:** 9509 Franklin Avenue (between Franklin Avenue and North Harborview Drive)

**APPLICATION:** Request for approval of a Shoreline Substantial Development permit to allow construction of a four unit condominium and a parking lot.

**SUMMARY OF RECOMMENDATIONS:**

Staff Recommendation: Approve  
Hearing Examiner Recommendation: Approve

**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 Coulter application was opened at 5:11 p.m., October 19, 1994, in the City Hall, Gig Harbor, Washington, and closed at 5:47 p.m. The hearing was held concurrently with the hearing on file numbers VAR 94-09, REZ 94-01 and SPR 94-04. 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.

**TESTIMONY**

From the City:

Steve Osguthorpe, Associate Planner, reviewed the staff report. (Exhibit A).

From the Applicant:

James Widrig, Architect, reviewed what uses would be allowed at the present time and submitted an analysis of the property to illustrate how the property could now be used (Exhibit C). He then reviewed the proposed condominium project and said it would provide a transition which complies with the comprehensive plan.

From the Community:

Esther Wood, the neighbor to the north of the subject property, said she had concerns relating to the location of the common property line, the soil conditions in the area which may require a retaining wall for stability, surface water runoff problems which already exist in the neighborhood, possible loss of privacy if there are windows on the north side of the proposed condominium and possible loss of views if trees are planted.

Marilyn Owel, neighbor, said she is not opposed to the project. She said she didn't see this proposal as a high traffic generator and felt low density neighborhoods often generated more traffic

than condominiums because they tend to be populated by active families instead of retired or semi-retired couples who would most likely live in the proposed condominium. She also felt this proposal would be better than a traffic generating business which could locate on part of the subject site now.

Bill Reed, neighbor, said he is in favor of the project and said the design of the project is high quality work. He questioned whether or not the proposed parking will be used for yacht basin parking as it is now.

Kelly Martin, neighbor, spoke in favor of the proposed development. He felt it would be consistent with the surroundings and would make a good transition. He said the site is now a mess and this would not only be an improvement, but would put the question of an unwelcome business on the site to rest.

Wade Perrow, neighbor, spoke in favor of the proposal and said it is commendable that the Coulters have left the front part of the property for parking.

#### Questions:

In addition to the testimony offered, several questions were asked from the audience.

#### Response from the Applicant:

James Widrig, answered many of the questions which were raised during the hearing.

#### Written Comments:

Sharon Williams and William Coughlin, neighbors, wrote a letter in opposition to the proposal (Exhibit B). They opposed the project for the following reasons:

1. They are concerned about impact on property values, and
2. Traffic on Franklin Avenue is already on the rise as a result of increased volumes on Harborview. This proposed change will just add to an increasing problem.

### **FINDINGS CONCLUSIONS AND RECOMMENDATION:**

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

#### I. FINDINGS:

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

#### II. CONCLUSIONS:

- A. The information prepared by the Community Development Staff and contained in Section VIII of the Community Development Staff's Advisory Report accurately set forth the conclusions of the Hearing Examiner and by this reference is adopted as the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.

**III. RECOMMENDATION:**

Based upon the foregoing findings of fact and conclusions, it is recommended that the requested Shoreline Substantial Development permit be approved.

Dated this 27th day of October, 1994.



Ron McConnell  
Hearing Examiner

**RECOMMENDATION:**

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

**COUNCIL ACTION:**

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

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

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

**MINUTES OF THE OCTOBER 19, 1994  
HEARING ON THE COULTER  
APPLICATION FOR A SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

Ron McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Steve Osguthorpe representing the City of Gig Harbor; James Widrig, representing the applicant; and Esther Wood, Marilyn Owel, Bill Reed, Kelly Martin and Wade Perow.

The following exhibit was offered and entered into the record:

A. Planning Staff's Advisory Report, with attachments.

**PARTIES OF RECORD:**

Esther Coulter  
9123 North Harborview Drive  
Gig Harbor, WA 98335

James Widrig, Architect  
P.O. Box 1275  
Gig Harbor, WA 98335

Sharon Williams and William Coughlin  
8904 Franklin Avenue  
Gig Harbor, WA 98335

Wade Perow  
9119 North Harborview  
Gig Harbor, WA 98335

Kelly Martin  
9008 Franklin Avenue  
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Esther Wood  
9014 Peacock  
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8823 Franklin Avenue  
Gig Harbor, WA 98335

Bill Reed  
8801 Franklin Avenue  
Gig Harbor, WA 98335

Chuck Summer  
8915 Franklin Avenue  
Gig Harbor, WA 98335

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

**A RESOLUTION GIVING CONDITIONAL APPROVAL OF A CONDOMINIUM SITE PLAN CONTINGENT UPON A REZONE FROM R-1 & B-2 TO R-3 CONTRACT, FOR A PARCEL LOCATED AT 9515 NORTH HARBORVIEW DRIVE.**

**WHEREAS**, Esther Coulter has requested a rezone from R-1 and B-2 to R-3 contract at 9509 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 which are stated as follows:

1. The proposed contract rezone would provide more surety in building and landscape design than the strict application of the R-1/B-2 zoning designation.
  2. The proposed four-plex on the upper portion of the lot would be consistent with contiguous development in terms of use and scale.
  3. The proposed rezone would resolve problems associated with two zones on one lot.
  4. The proposed site plan would permanently retain some of the parking already used by off-site businesses.
  5. The proposed rezone and site plan would preserve the public health, safety and general welfare, and would be in keeping with the spirit and intent of the comprehensive plan;
- 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.

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

Section 1. That the site plan for the proposed condominium and parking lot located at 9505 Franklin Avenue is approved subject to the following conditions:

1. Building permits for development pertaining to this site plan shall not be issued until the City Council adopts by ordinance a rezone of the property from R-1 & B-2 to the proposed R-3 contract zone.
2. Prior to approval of the rezone by ordinance, a formal legal contract shall be submitted to the City's legal counsel for review and approval which contains the additional conditions and restrictions stated in the Hearing Examiner's report dated October 27, 1994 and as stated above.
3. Prior to approval of the rezone by ordinance, 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 proposed contract. All referenced information not contained directly on the plat shall be recorded with the Pierce County auditor's office.
4. Pursuant to GHMC Section 17.96.070, site plan approval is valid for a period of two years unless an extension of approval, not to exceed two years, is granted by the City Council. A request for extension must be submitted to the City prior to expiration of site plan approval. Failure to meet site plan deadlines will resolve the City from complying with the terms of the proposed contract rezone and the parcel's current zoning designation will remain unchanged.

**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 14th day of November, 1994.

---

Gretchen A. Wilbert, Mayor

ATTEST:

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Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 11/09/94  
Ordinance Adopted:  
Date Published:  
Effective Date:

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

**WHEREAS**, Esther Coulter has requested approval of a shoreline substantial development permit to allow construction of a four-plex condominium near the shoreline at 9509 Franklin Avenue; and

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

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended approval of the shoreline permit in a staff report dated October 19, 1994; and,

**WHEREAS**, a public hearing was held on October 19, 1994 with the Hearing examiner to accept public input relating to this request; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended approval of the application in his report dated October 27, 1994;

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

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated October 27, 1994 are hereby adopted and the application for a Shoreline Management Substantial Development permit is **APPROVED**.

**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 14th day of November, 1994.

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

ATTEST:

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



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

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

CITY OF GIG HARBOR  
SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT  
CONDITIONAL USE, VARIANCE PERMIT

- Substantial Development
- Conditional Use
- Variance

Application No: SDP 94-04

Date Received: August 29, 1994

Approved: XXX

Denied:

Date of Issuance: November 14, 1994

Date of Expiration: November 14, 1999

Pursuant to RCW 90.58, a permit is hereby **granted**/denied to:

Esther Coulter (represented by James Widrig)  
9123 North Harborview Drive  
Gig Harbor, WA 98335

To undertake the following development:

Build a four-plex condominium and a surface parking lot.

Upon the following property:

9509 Franklin Avenue, Assessor's parcel #02-21-06-1-016

On the Gig Harbor Bay Shoreline and/or its associated wetlands. The project will not be within shorelines of Statewide Significance per RCW 90.58.030 and is within an Urban environment designation.

Development pursuant to this permit shall be undertaken subject to the following terms and conditions:

(No conditions of approval applied. No impacts are expected)

This permit is granted pursuant to the Shoreline Management Act of 1972 and the City of Gig Harbor 1994 Shoreline Master Program. Nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act, RCW 90.58.

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

Construction pursuant to this permit will not begin and is not authorized until thirty (30) days from the date of filing with the Department of Ecology as defined under RCW 90.58.140(6) or until all review proceedings initiated within thirty (30) days from the date of such filing have terminated, except as provided in RCW 90.58.140 (5)(a-c).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor, City of Gig Harbor

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A  
CONDITIONAL USE OR VARIANCE PERMIT.**

Date received: \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

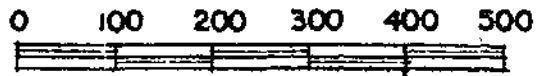
Development shall be undertaken pursuant to the following additional terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

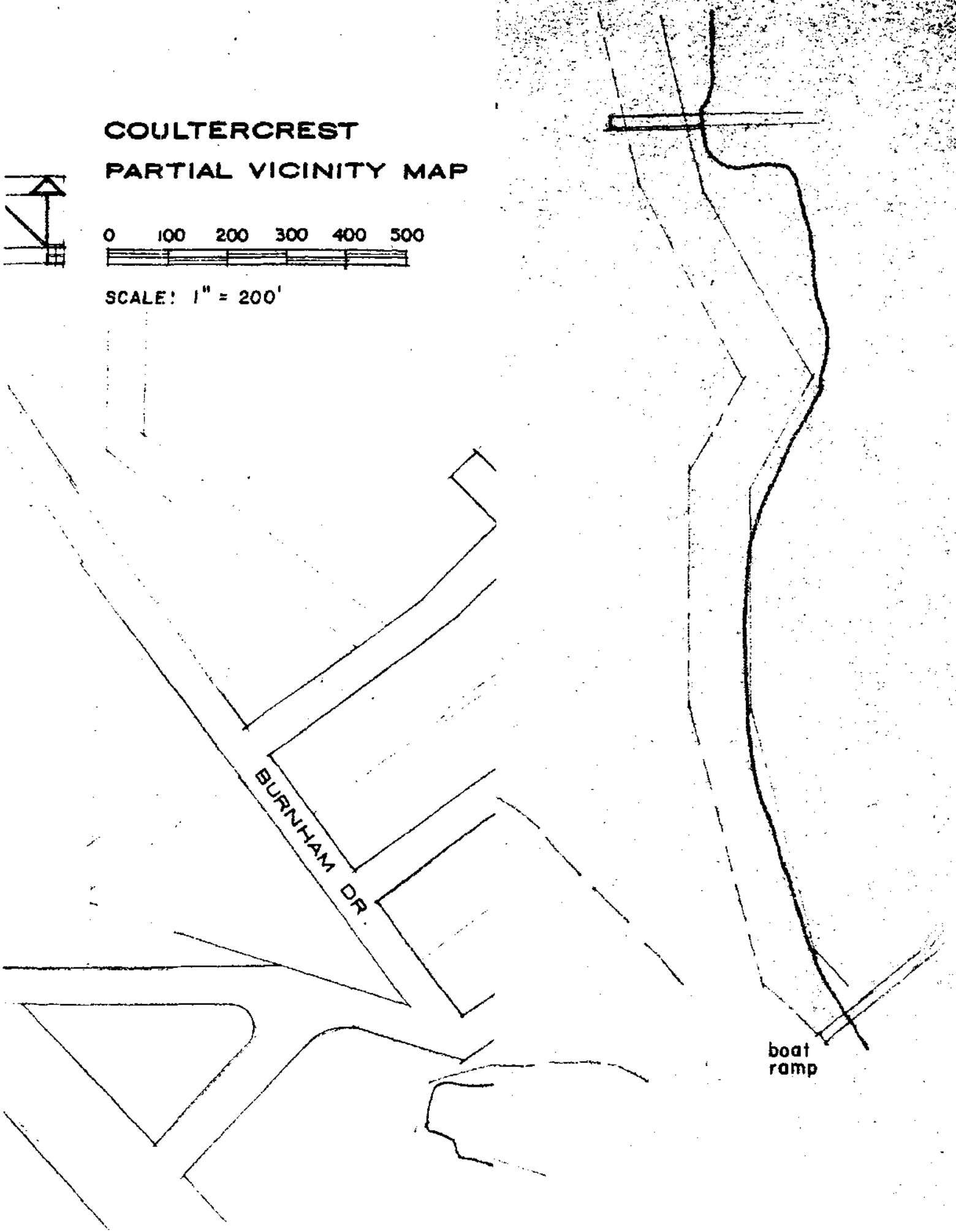
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Department Official

# COULTERCREST PARTIAL VICINITY MAP



SCALE: 1" = 200'





*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: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BY*  
**SUBJECT: HARBORMASTER LANE UTILITY EASEMENT WIDTH REDUCTION**  
**DATE: NOVEMBER 3, 1994**

## **INTRODUCTION**

The City owns a 60 ft. utility easement at the end of Harbormaster Lane. We were requested by Mr. Steve Davies, who owns property at this site, to reduce the easement width to 30 ft. In return, Mr. Davies will overlay Harbormaster Lane from Stinson Avenue to the end of Harbormaster Lane. The Public Works Standards requires 20 ft. width for the utility easements. The requested easement reduction is consistent with our standards and the requestee is providing a public benefit by overlaying the street in exchange.

The purpose of this memorandum is to receive your approval in this matter and obtain your authorization for the Public Works Director to sign the necessary easement documents.

## **BACKGROUND/ISSUES**

Harbormaster Lane is a private road. As shown on the attached diagram, Mr. Davies owns property at the end of this street. The City owns a 60 ft. utility easement (not a road easement,) at Mr. Davies' property. Mr. Davies' partner applied for a short plat. In his application he requested that we reduce our utility easement width from 60 ft. to 30 ft. I suggested to the applicant that he provide a public benefit for the reduction on easement width. This benefit is shown now by the applicant agreeing to overlay Harbormaster Lane from Stinson Avenue to his property. This proposal will significantly improve Harbormaster Lane.

## **POLICY ISSUES**

The Public Works Standards require a 15 ft. easement for a single utility and a 20 ft easement for more than one utility. The reduction of the easement width is, therefore, consistent with the current standards that we utilize. The property behind the Mr. Davies' property will have access directly from Rosedale Street. Therefore, it will not be land locked. Furthermore, since this is a utility easement, we cannot allow that property owner to get secondary access from Mr. Davies' property.

## **FISCAL IMPACT**

Reducing the existing easement width from 60 ft. to 30 ft. has no financial impact on the City.

## **RECOMMENDATION**

I recommend a Council motion to authorize the Public Works Director to sign the necessary easement documents for reducing the City owned, 60 ft. wide utility easement width to 30 ft. on Harbormaster Lane.



AFTER RECORDING RETURN TO:  
The City of Gig Harbor  
Attn: Public Works Director  
P.O. Box 145  
Gig Harbor, WA 98335

### PARTIAL EASEMENT RELEASE AGREEMENT

This Partial Easement Release Agreement (the "Agreement") is made this 14th day of November, 1994 by and between the City of Gig Harbor, a Washington municipal corporation (the "City" hereinafter), and Steve Davies and Stan Moshier, as the owners of the within described property (the "Owners" herein), whose address is 1901 65th Ave. W. Suite 200, Tacoma, WA 98466.

### RECITALS

WHEREAS, the Owners are the owners of a fee or substantial beneficial interest in the property legally described in Exhibit A, which is attached hereto and by this reference incorporated herein; and

WHEREAS, pursuant to a certain Easement, dated January 22, 1974, recorded in the Office of the Pierce County Auditor under Recording No. 2536670 (hereinafter the "Easement"), the City was granted a sixty foot wide easement by the Owners (or their predecessors in interest in the property described in Exhibit A) for the construction, reconstruction, maintenance, repair and operation of an underground sewer line in the property described in the Easement; and

WHEREAS, in order to complete a development on their property, the Owners have requested a reduction in the size of this Easement; and

WHEREAS, in consideration for the City's agreement to reduce the size of the underground sewer easement from sixty to thirty feet, the Owners have agreed to overlay Harbormaster Lane from Stinson Avenue to their property located at the west end of Harbormaster Lane; and

WHEREAS, the City's present utility construction standards only require that a fifteen foot easement be obtained for present-day underground sewer line construction, which area is also sufficient to allow reconstruction and repair work on any existing underground sewer line;

WHEREAS, the City has agreed to reduce the size of the underground sewer easement which is legally described in the Easement from sixty to thirty feet in exchange for the consideration offered by the Owners; and the parties desire to execute an agreement for this purpose;

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, the City and co-owners Steve Davies and Stan Moshier agree as follows:

**T E R M S**

Section 1. Vacation of a Portion of the Easement. The City hereby releases, vacates and extinguishes that portion of the underground sewer easement described in the Easement, which lies outside of the property legally described in Exhibit B, attached hereto and by this reference incorporated herein, and quitclaims to Steve Davies and Stan Moshier all of the City's rights, title or interest in said portion.

Section 2. Easement Retained by the City. The City hereby retains the perpetual easement described in Exhibit B, for the purpose of constructing, reconstructing, maintaining, improving, repairing, and operating an underground sewer line, under the Owner's property. Owners hereby affirm the grant of the easement to the City for the above-described purposes, as the easement is described in Exhibit B.

Section 3. The Owners hereby agree to overlay with asphalt Harbormaster Lane from Stinson Avenue to their property located at the west end of Harbormaster Lane., in exchange for the City's reduction of the size of the previously granted easement.

Section 4. Binding Nature of Agreement. This Agreement shall be recorded in the office of the Pierce County Auditor and shall run with the property. This Agreement and all of its provisions shall extend to and be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, legal representatives, successors, assigns and beneficiaries.

Section 5. Construction, Disputes. This Agreement shall be construed in accordance with the laws of the State of Washington. The venue of any dispute arising out of this Agreement shall be with the Pierce County Superior Court, Pierce County, Washington.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first above written.

**OWNERS**

**CITY OF GIG HARBOR**

By \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

By \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that

\_\_\_\_\_ and \_\_\_\_\_ are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

NOTARY PUBLIC

My appointment expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

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

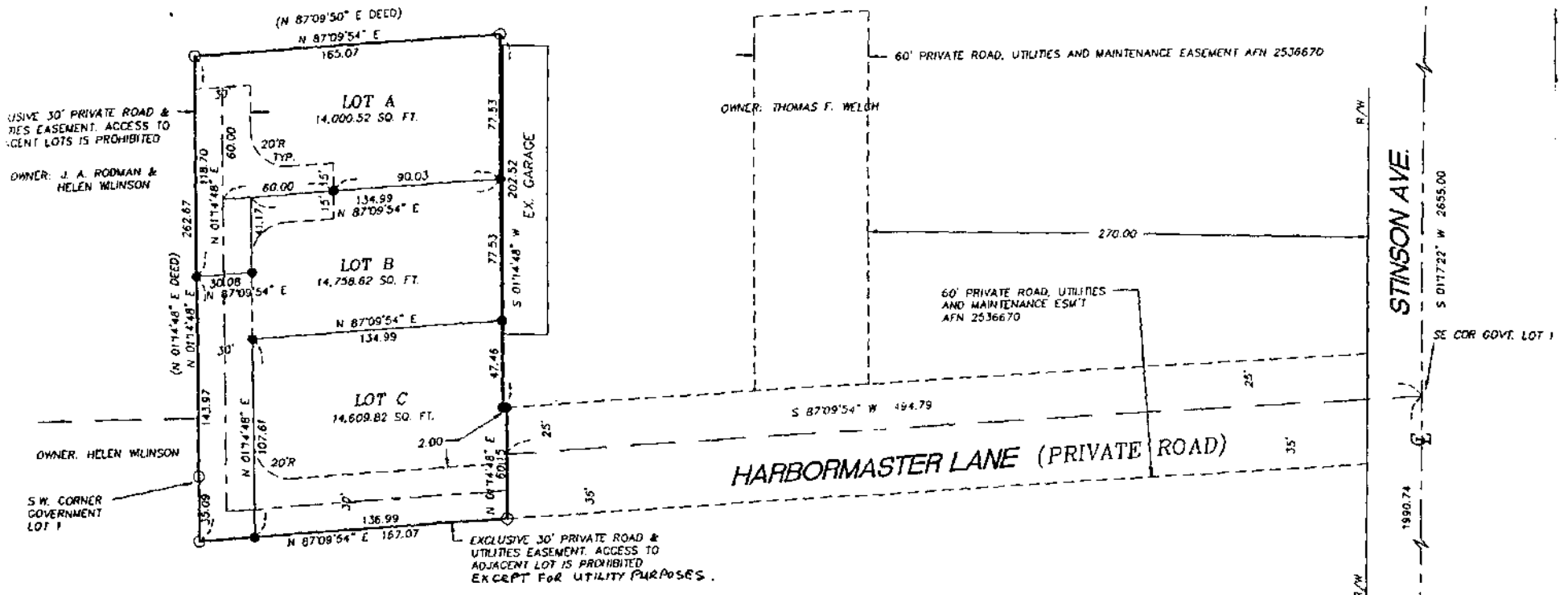
DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

NOTARY PUBLIC

My appointment expires: \_\_\_\_\_




E. 1/4 COR SEC 7  
 FND BRASS MON.  
 VISIED 2-24-94



*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:  Ray Gilmore

DATE: November 9, 1994

SUBJ.: Hearing Examiner Recommendation -- SDP94-02, City of Gig Harbor  
Department of Public Works (Jerisich Park Dock Expansion)

---

Attached is the City Hearing Examiner's findings, conclusions and recommendation for the conditional approval of a shoreline permit application for the City Department of Public Works. The proposal is for the expansion of the transient moorage dock at Jerisich Park out to the outer harbor line. Three conditions of approval are recommended.

The Examiner also approved a variance from the minimum parking standards of the zoning code, based upon the findings as recommended by staff. The variance has not been appealed.

Documents pertinent to Council's review are attached.

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

---

**WHEREAS**, the City of Gig Harbor Department of Public Works has requested a shoreline management substantial development permit to construct a 200 foot addition to the Jerisich Park dock and a variance from the minimum parking standards of the zoning code; and,

**WHEREAS**, in a report dated October 12, 1994, to the City of Gig Harbor Hearing Examiner, the Planning Director has recommended conditional approval of the shoreline management permit and approval of the variance; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner, in his report of findings and conclusions dated November 2, 1994, has approved the variance from the parking standards of the zoning code and has recommended approval of the shoreline permit to the City Council; and,

**WHEREAS**, the City of Gig Harbor City Council has adopted Ordinance #489 which established guidelines for the review of shoreline management permits before the City Hearing Examiner.

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

That the findings and conclusions of the City Hearing Examiner are adopted and the shoreline substantial development permit 94-02 is **APPROVED**, subject to the conditions so stated by the Hearing Examiner and as included in the shoreline permit.

PASSED this 14th day of November, 1994.

---

Gretchen A. Wilbert, Mayor

ATTEST:

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Mark Hoppen  
City Administrator

Filed with City Clerk: 11/9/94  
Passed by City Council: 11/9/94

CITY OF GIG HARBOR  
SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT  
CONDITIONAL USE, VARIANCE PERMIT

- Substantial Development
- Conditional Use
- Variance

Application No.: SDP 94-02

Date Received: August 15, 1994

Approved: XXX

Denied:

Date of Issuance: November 28, 1994

Date of Expiration: November 28, 1999

Pursuant to RCW 90.58, a permit is hereby granted/denied to:

City of Gig Harbor Department of Public Works  
3105 Judson Street  
Gig Harbor, WA 98335

To undertake the following development:

Extend existing public dock a maximum of 200 feet to the D.N.R. outer harbor line, per the attached plans.

Upon the following property:

Within Gig Harbor Bay and/or its associated wetlands. The project will be within shorelines of Statewide Significance per RCW 90.50.030 and is within an URBAN environment designation.

Development pursuant to this permit shall be undertaken subject to the following terms and conditions:

1. The applicant shall comply with the terms and conditions of the State of Washington Department of Fish and Wildlife hydraulic projects approval.
2. Disposal of any construction debris on land must be done in such a manner that debris cannot enter Gig Harbor Bay or cause water quality degradation of state waters. Construction debris shall be disposed of away from the water's edge, outside of the shoreline management jurisdiction.
3. The applicant shall make a concerted effort to accommodate parking on at least one side of Rosedale Street when Rosedale Street is improved.

This permit is granted pursuant to the Shoreline Management Act of 1972 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act, RCW 90.58.

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

Construction pursuant to this permit will not begin and is not authorized until thirty (30) days from the date of filing with the Department of Ecology as defined under RCW 90.58.140(6) or until all review proceedings initiated within thirty (30) days from the date of such filing have terminated, except as provided in RCW 90.58.140 (5)(a-c).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor, City of Gig Harbor

---

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN  
REGARD TO A CONDITIONAL USE OR VARIANCE PERMIT.**

Date received: \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Development shall be undertaken pursuant to the following additional terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_



---

Date

---

Signature of Authorized Department Official

CITY OF GIG HARBOR  
HEARING EXAMINER  
FINDINGS CONCLUSIONS AND RECOMMENDATION

---

**APPLICANT:** City of Gig Harbor Dept. of Public Works  
**CASE NO.:** SDP 94-02/VAR 94-08  
**LOCATION:** Jerisch Park, located at the Rosedale street end.  
**APPLICATION:** Request for a shoreline development permit to extend the Jerisch Park dock by approximately 200 feet (or out to the outer DNR Harbor Line, whichever is further); and a request for a variance from the minimum standards of the zoning code as it relates to parking. The dock extension is to accommodate additional transient moorage.

**SUMMARY OF RECOMMENDATIONS:**

Planning Staff Recommendation: Approve with conditions.  
Hearing Examiner Recommendation: Approve with conditions.

**PUBLIC HEARING:**

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the City of Gig Harbor application was opened at 5:50 p.m., October 19, 1994, in City Hall, Gig Harbor, Washington, and closed at 6:25 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the hearing. A verbatim recording of the hearing is available in the Planning Department.

**TESTIMONY**

**From the City:**

**Ray Gilmore, Planning Director,** reviewed the staff report and submitted an aerial photograph into the record (Exhibits A & C).

**Ben Yazicik, Public Works Director,** reviewed the history of the park and discussed the current proposal. He said on-street parking will serve the needs of the facility since it only provides transient moorage. He noted that the purpose of this dock is different from nearby docks that provide for permanent moorage and live-aboards. He said the existing dock is about 190 feet long and will accommodate approximately 20 boats, depending on boat lengths. He felt the proposed expansion would allow approximately 15 more boats to moor at the dock. He indicated that the City already has an HPA permit in hand.

**From the Community:**

**Richard (Skip) Williams, owner of Pleasurecraft Marina,** said people will park on the street or in adjacent private lots and go out for a day with boaters who use the Jerisch Park Dock. He felt that Rosedale should be widened to provide additional parking. He said that he is not against the extension of the dock, but wants more parking to be provided. He appreciated the modification made by the City that places the "L" on the other side of the dock, thereby allowing continued access to his dock.

**Jerry Crutchfield** said he likes the idea of parking on Rosedale. He noted that he owns the marina next door and is already impacted by the current lack of parking. He said he likes the idea of the extension, but felt more parking should be provided. He also felt the City should provide moored boats with electrical service and a sanitary pump-out facility on the dock. He said adding these services would make public moorage rates equal to private rates.

**Response from the City:**

**Ben Yazici , Public Works Director,** said the City plans to apply for a grant from the Department of Ecology that would provide half of the funds necessary for a pump-out facility. He noted the City would need to provide the other half of the necessary funds. He estimated the total cost of the pump-out facility to be about \$25,000. He also noted that Rosedale is intended to be improved in 1996, but he felt it would be difficult to widen Rosedale to accommodate parking due to the existing retaining wall. He said there may not be enough room for parking.

**Written Comments:**

**Richard (Skip) Williams, owner of Pleasurecraft Marina,** wrote a letter (Exhibit B) that reiterated the concerns he expressed verbally at the hearing.

**FINDINGS CONCLUSIONS AND RECOMMENDATION:**

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

**I. FINDINGS:**

- A. The information contained in Parts I and II on pages 1 to 9 of the Planning's Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.
- B. The Hydraulic Project Approval issued by the Washington State Department of Fish and Wildlife listed 15 conditions of approval (Attachment to Exhibit A).
- C. The Washington State Department of Ecology reviewed the proposal and expressed 5 concerns related to construction of the project (Attachment to Exhibit A).

- A. The conclusions prepared by the Planning Staff and contained in Part III on pages 9 to 11 of the Planning Staff's Advisory Report accurately set forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.
- B. Several of the concerns listed in the Department of Ecology letter are also listed as conditions in the Hydraulic Project Approval by the Department of Fish and Wildlife.
- C. The concern voiced by neighboring property owners regarding the need for additional parking is reasonable. Even if parking can only be accommodated on one side of Rosedale when Rosedale is improved, that would help alleviate parking shortages that tend to occur in summer time.

### III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the requested Shoreline Management Substantial Development Permit and Zoning Variance be approved, subject to the following conditions:

- A. The applicant shall comply with the terms and conditions of the State of Washington Department of Fish and Wildlife hydraulic projects approval.
- B. Disposal of any construction debris on land must be done in such a manner that debris cannot enter Gig Harbor Bay or cause water quality degradation of state waters. Construction debris shall be disposed of away from the water's edge, outside of the shoreline management jurisdiction.
- C. The applicant shall make a concerted effort to accommodate parking on at least one side of Rosedale when Rosedale is improved.

Dated this 2nd day of November, 1994.



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.

**MINUTES OF THE October 19, 1994,  
HEARING OF THE City of Gig Harbor  
APPLICATION**

Ron McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Ray Gilmore and Ben Yazici, representing the City of Gig Harbor, and interested parties Richard (Skip) Williams and Jerry Crutchfield.

**EXHIBITS:**

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report, with attachments
- B. Letter from Richard (Skip) Williams, dated 9/2/94
- C. Photographs of the site

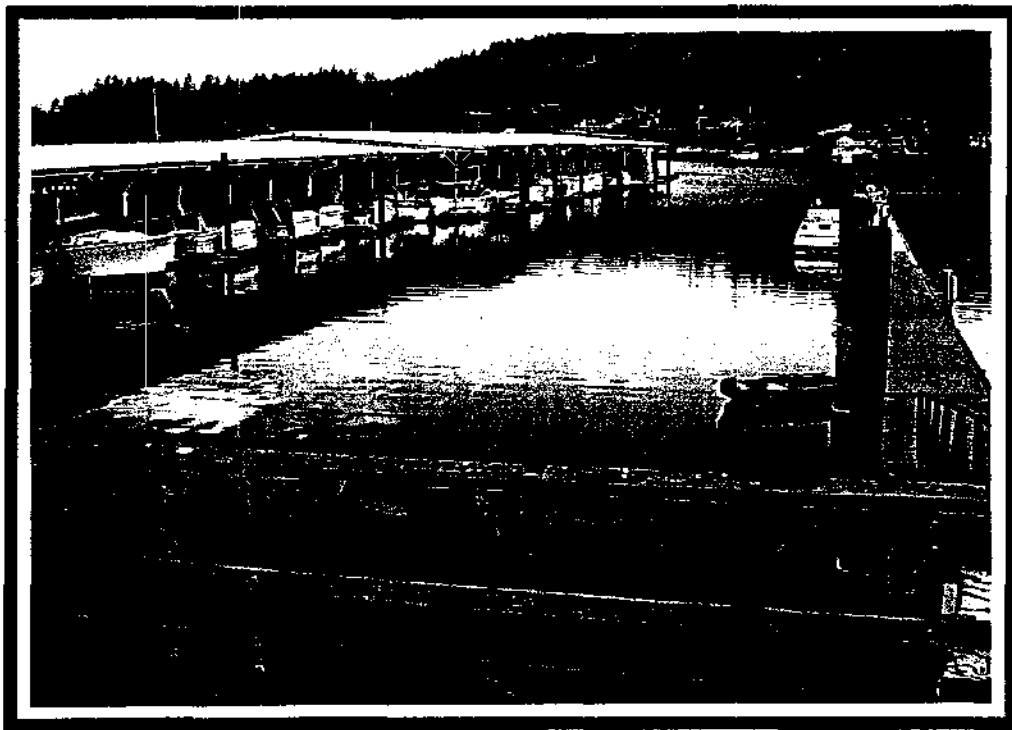
**PARTIES OF RECORD:**

Ben Yazici, Director of Public Works  
City of Gig Harbor  
P.O. Box 145  
Gig Harbor, WA 98335

Richard "Skip" Williams  
3215 Harborview Drive  
Gig Harbor, WA 98335

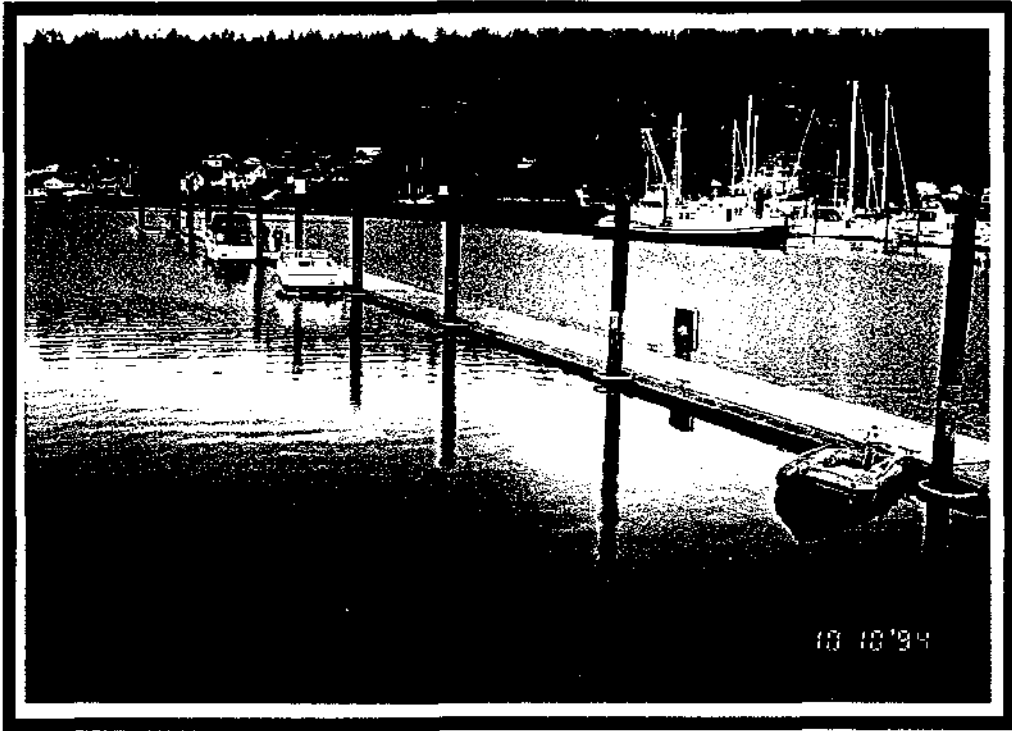
Jerry Crutchfield  
2800 Harborview Drive  
Gig Harbor, WA 98335

City of Gig Harbor Department of Public Works: SDP 94-02  
Jerisich Park Dock Addition.

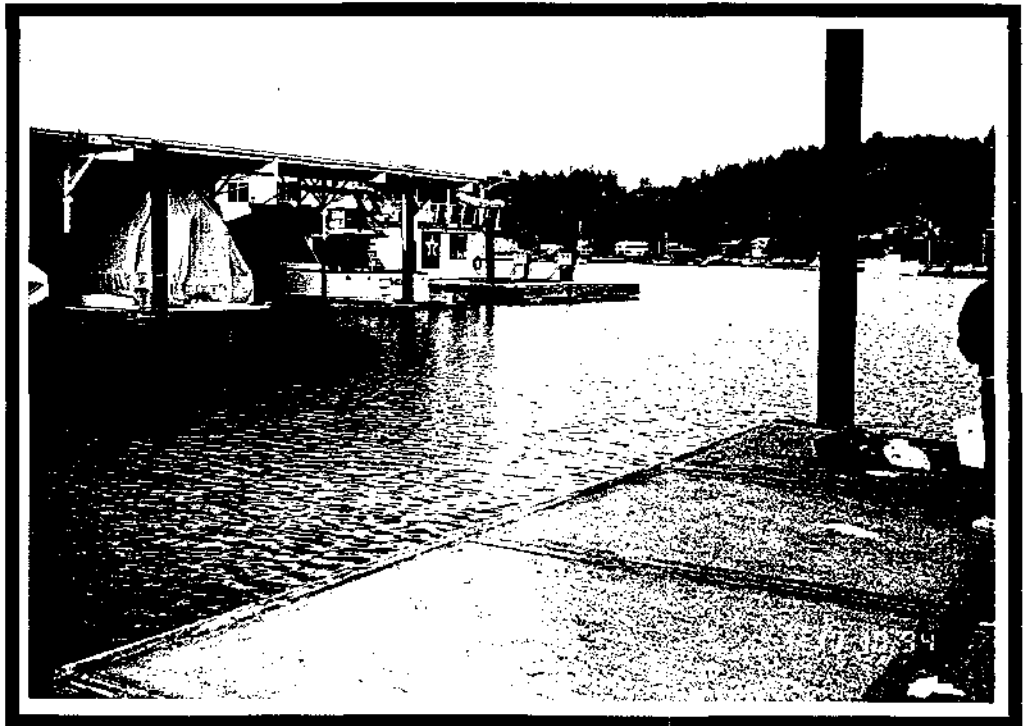


Jerisich Park dock and Pleasure Craft Marina.

City of Gig Harbor Department of Public Works: SDP 94-02  
Jerisich Park Dock Addition.

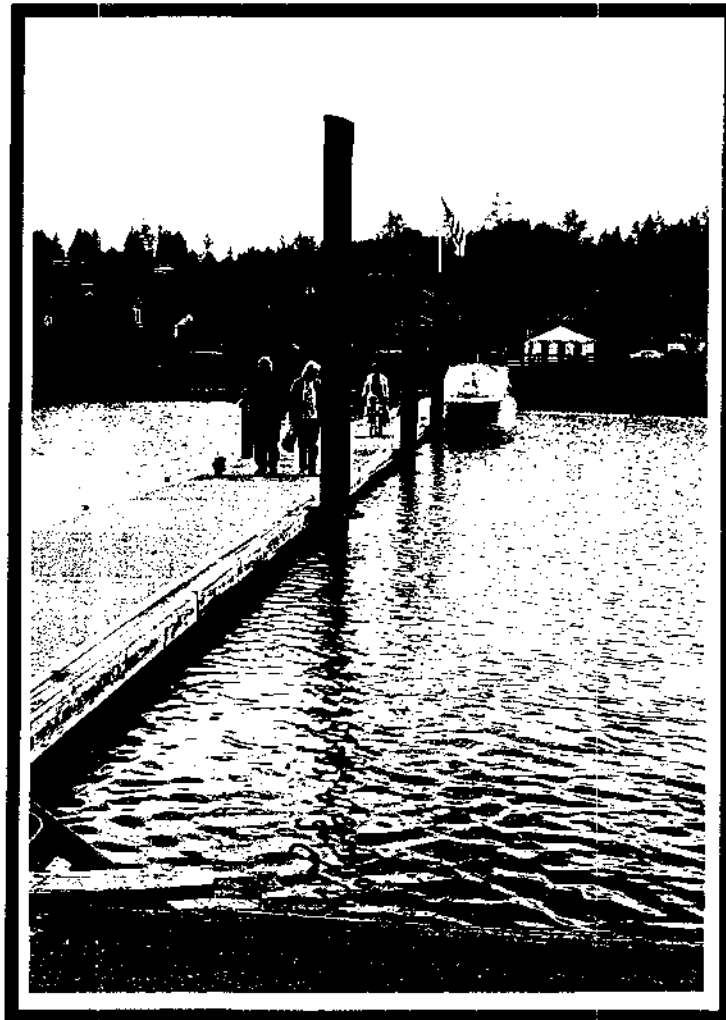


Jerisich Park dock.



Jerisich Park dock, view toward Pleasurecraft Marina.

City of Gig Harbor Department of Public Works: SDP 94-02  
Jerisich Park Dock Addition.



Jerisich Park dock, view toward the shoreline.





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

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

City of Gig Harbor Dept. of Public Works  
Jerisich Park Dock Expansion  
(SDP 94-02/VAR 94-08)

OCTOBER 12, 1994

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**PART I: GENERAL INFORMATION**

**A. APPLICANT:**

City of Gig Harbor Dept. of Public Works  
P.O. Box 145/3105 Judson Street  
Gig Harbor, WA 98335

**B. OWNER:**

Same as Above

**C. AGENT:**

N/A

**D. REQUEST:**

Shoreline development permit to expand the Jerisich Park dock by approximately 200 feet ( or out to the outer DNR Harbor Line, whichever is the applicable) to accommodate transient moorage. Improvements would specifically consist of:

- Drive new pilings (10).
- Add 160 foot dock extension.
- Relocate existing float to the end of the modified dock.

**E. PROPERTY DESCRIPTION:**

**1. Location:**

The property is the Jerisich Park Drive, located at the Rosedale street-end, which is within a portion of the NW 1/4 of Section 8, Township 21N, Range 2 E.

2. Site Area/Acreage:

The total site area is approximately 2.0 acres, of which an additional 0.09 acres would consist of the new dock extension.

3. Physical Characteristics:

The existing facility consists of a public park in the uplands with picnic tables, a view platform, restrooms and a dock for transient moorage.

F. HISTORY OF THE SITE -

The park facility consisting of a 180 foot-long dock, was constructed in the 70's (ref. Corps permit notice 071-OYB-1-004021). In 1985, the City Council, on a recommendation from the Planning Commission, approved the extension of the dock an additional 232 feet to allow additional boater access. In 1988, another shoreline permit was approved for the construction of the deck/platform and restrooms.

G. SURROUNDING LAND-USE/ZONING DESIGNATION:

The entire project area has a mix of residential and commercial along the route. The majority of commercial activity is located south east of the dock, along the bay side of Harborview Drive and within the downtown area (Harborview Drive and Judson Street). Residential uses dominate the upland (west) side of Harborview Drive.

H. UTILITIES/ROAD ACCESS:

Access is provided by way of Harborview Drive, and, for vessels, by way of Gig Harbor Bay..

I. PUBLIC NOTICE:

Public notice was provided as follows:

- Published twice in Peninsula Gateway:  
August 31 and September 7, 1994.
- Mailed to property owners of record within 300 feet of the site:  
October 10, 1994
- Posted in three conspicuous places in the vicinity of the property:

October 10, 1994.

## PART II: ANALYSIS

### A. AGENCY REVIEW:

1. Building Official/Fire Marshal  
Will coordinate with public works staff and P.C. Fire District #5 for compliance with City Fire Codes, as appropriate.
2. Department of Ecology - Letter of September 7, 1994.
  - A. The proposed project must be consistent with the City's Shoreline Master Program.
  - B. The City should contact the U.S. Army Corps of Engineers in Seattle regarding permit information.
  - C. Disposal of construction debris cannot enter Gig Harbor Bay or cause water quality degradation of State waters.
  - D. All piling and lumber treated with creosote or other protective material shall be completely dry before use in or near the waterway. DOE discourages the use of timber treated with protective materials. Where feasible, the use of pilings made from recycled plastic, steel, concrete or other material is recommended.
  - E. Work in Gig Harbor Bay shall be done so as to minimize turbidity, erosion and other water quality impacts.
3. Washington Department of Fish and Wildlife -  

H.P.A permit issued for project on September 21, 1994

### Other Correspondence Received

- A. From Pleasurecraft Marina, letter of September 2, 1994:
  1. Any extension of the dock beyond there fuel dock will create problems with the south approach.
  2. Totally opposed to the city's intent to keep the "L" on the end of the dock on my side of the public dock. Wants the "L" on the south side.
  3. Parking is a problem. People who use the dock park on my private parking lot. It is well-posted, but people ignore the signs.

## B. APPLICABLE LAND-USE POLICIES/CODES

### 1. Comprehensive Plan:

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

#### Shoreline Management

- A) Goal, page 35 -- Protect Natural Quality: Preserve and protect the unique, interdependent relationship between the water, land and cultural heritage.
- B) Goal, page 36 -- Mixed Use Waterfront: Retain a mixed-use waterfront including those fishing, boating, tourist and residential uses which provide the shoreline's unique appeal.
- C) 2. Pleasure Boating and Marinas (Page 36)  
Permit uncovered moorage and encourage the development of temporary docking facilities for visiting boats.
- D) 5. Recreation (Page 36)  
Create a mixture of active and passive public facilities that do not intrude on the natural features of the shoreline.

### 2. Zoning Ordinance:

The existing facility is located partly within a WM (Waterfront Millville, Section 17.46) and WC (Waterfront Commercial, Section 17.50). Public parks and shoreline access as well as moorage facilities are permitted in both zoning designations.

Respective to boat moorage, Section 17.76 requires the following:

- A. The approval of the City Engineer as to structural stability and safety.
- B. Moorage on private property must be at least 12 feet from a side property line.
- C. Fences or other obstruction to the view from adjacent properties or the street shall not be permitted.
- D. Parking for activities related to watercraft shall be provided with the following ratio of off-street automobile parking spaces to moorage:
  - 1. Moorage/slip less than 45 feet, one space for every two berths
  - 2. Moorage/slip 45 feet or longer, one space for every berth.
  - 3. All moorage facilities shall provide a minimum of two parking spaces.

Because the proposal consists of a public moorage facility and is not proposing to provide off-street parking, a variance from the minimum standards of the zoning code is required in order for the project to proceed. The criteria for a variance are as follows:

Section 17.66.030, General Variance Criteria. The Hearing Examiner has the authority to grant a variance from the requirements of this title. Before any variance can be granted, the Examiner shall make the following findings:

1. The proposed variance does not amount to a rezone nor authorize any use not allowed in the district
2. There are special conditions and circumstances applicable to the property such as size, shape, topography or location, not applicable to land in the same district and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this ordinance.
3. That the special circumstances and conditions do not result from the actions of the applicant.
4. The granting of the variance will not constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and zone.
5. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.
6. The variance is the minimum necessary that will make possible the reasonable use of the land.

The Department of Public Works Response (memo of October 11, 1994) to the criteria is as follows:

1. The proposed variance does not amount to a rezone nor authorize any use not allowed in the district.

**The proposed variance does not amount to a rezone as the use proposed is consistent with the zoning code and is a permitted use within the defined zoning districts.**

2. There are special conditions and circumstances applicable to the property such as size, shape, topography or location, not applicable to land in the same district and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this ordinance.

**The property consists of a public transient moorage facility. The City does not**

have an off-street parking lot at this location but does, by function and role, provide public on-street parking along Harborview Drive. The use of on-street public parking to accommodate uses at Jerisich Park is considered reasonable and appropriate. Additionally, the size of the city owned property at Jerisich Park precludes any design or accommodation for off-street parking, due to its limited area and its proximity to Gig Harbor Bay. Other nearby or adjacent properties with more extensive moorage facilities provide off-street parking, but these commercial facilities are oriented to permanent and liveaboard craft. The public moorage at Jerisich Park does not accommodate permanent moorage or liveaboards and is oriented strictly to transient temporary moorage, which would reasonably preclude the need for any extensive off-street parking.

3. That the special circumstances and conditions do not result from the actions of the applicant.

The special circumstance attributable to the need for the variance is the public nature of the facility and the fact that it caters strictly to transient moorage. The applicant proposes to provide additional transient moorage and to rely upon city owned on-street parking to accommodate any parking needs as may be required. It is the City's opinion that use by transient moorage does not generate any significant amounts of automobile traffic for this small of a facility. It is worth noting that the City of Gig Harbor Shoreline Master Program does not require off-street parking for public moorage facilities.

4. The granting of the variance will not constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and zone.

The granting of the variance does not constitute a grant of special privilege. This is the **ONLY** public moorage facility on Gig Harbor Bay and it does not share the same level of intensity, use or function as nearby commercial moorage facilities. As Jerisich Park is a street-end park, parking is essentially accommodated on-site utilizing the existing public right-of-way of Harborview Drive.

5. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.

The granting of the variance will not be materially detrimental to the public welfare. It, in fact, is in the public's interest to provide much needed transient public moorage in the harbor as the demand has warranted. The granting of the variance will not be injurious to property or improvements in the vicinity and zone in which the property is located as a result of the scale and function of the moorage facilities at Jerisich Park.

6. The variance is the minimum necessary that will make possible the reasonable use of the land.

**The variance is considered the minimum necessary to continue to meet the transient public moorage needs of this portion of south Puget Sound. With very little exception, there are very few public transient moorage facilities in the urbanized areas between Gig Harbor Bay and Olympia.**

### **City of Gig Harbor Shoreline Master Program**

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

#### **Part 2: Goal Statements**

1. Character  
The Shorelines of the City of Gig Harbor support its fishing, boating and tourist activities as well as the residential community. Therefore, preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals.
6. Pleasure Boating and Marinas  
Permit uncovered moorage and the development of temporary docking facilities for visiting vessels while retaining the open surface water area for watercraft circulation.
9. Recreation and Public Use  
Maximize use of publicly owned shoreline locations and to provide for additional public access.

#### **Part 3.01: Overall Statements Applicable to All Use Activities in the Shoreline Area (pertinent to this proposal)**

4. New structures should not dominate the shoreline in terms of size, use, location or appearance.
5. Shoreline developments should provide visual access to the water
6. All developments should be designed to minimize their adverse effect on surrounding areas.
7. Sites undergoing development shall be landscaped consistent with the City Zoning Code
8. No new and/or additional covered moorage shall be allowed on or over the surface waters within the City of Gig Harbor.

#### **Part 3.11 Marinas, Moorage Facilities, Piers, Docks and Floats**

Marinas and moorage facilities provide commercial moorage, launching, storage for watercraft, including services, supplies, parking and other supporting activities. Due to the commercial

nature of marina activities, marinas should also be consistent with policies and regulations for commercial development.

**GOALS:** Piers, Floats and Moorage should meet the overall goals of this Master Program as well as conform to the goals for Recreation (Section 3.14).

**Policies (as pertinent to this proposal):**

1. Marina developments should be designed and constructed to minimize interference with views.
2. Marina developments should be designed and constructed to minimize interference with public use of the surface of the waters and should not extend beyond the outer harbor line.
3. Marinas should be designed to provide vessel access consistent with the established private property and state lease land boundaries.
4. Marinas should be constructed to minimize harmful effects to the water quality or the aquatic life and habitat.

**REGULATIONS(as pertinent to the proposal):**

1. Marinas shall be designed, built and operated so that no part of a pier or float or moored watercraft extends waterward of the outer harbor line at any time.
2. All authorized piers and floats shall be for the purpose of conducting water related or water-dependent activities.

### **Section 3.14 Recreation**

**POLICIES:**

1. Existing shoreline areas such as street ends should be planned and developed.
2. Development of recreational facilities should enhance the natural character of an area while providing, where appropriate, for both active and passive forms of recreation.
3. Each recreational use should be consistent with the physical ability of the shoreline and water body to support such use.
4. Views should be retained wherever possible to provide for public enjoyment of views.

**REGULATIONS:**

2. Public recreational piers designed for temporary day use may be used for overnight moorage.
3. Development of waterfront street ends owned by the City of Gig Harbor for



recreational use shall provide, where appropriate, for passive forms of recreation.

### **Shoreline Management Act (RCW 90.58)**

The Shoreline Management Act provides the legal basis of the goals and objectives of all local shoreline master programs. The Shoreline Management Act finds that:

"In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interest of the state and people generally..."

"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers and other improvements facilitating public access to shorelines of the state..."

The existing dock is also located on a Shoreline of Statewide Significance (RCW 90.58.030 (2)(e)(ii)(E)(iii)) and the following general guidelines (RCW 90.58.020), in order of preference, are stated:

- A. Preserve and protect the state-wide interest over local interest.
- B. Preserve the natural character of the shoreline.
- C. Result in long-term over short-term benefit.
- D. Protect the resources and ecology of the shorelines.
- E. Increase public access to publicly owned areas of the shorelines.
- F. Increase recreational opportunities for the public in the shoreline.
- G. Provide for any other development as defined in RCW 90.58.100 deemed appropriate or necessary.

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

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

1. Public moorage is a permitted use in the Waterfront Commercial and Millville zones.
2. The City of Gig Harbor Shoreline Master Program states that:
  - i. Existing shoreline areas such as street ends should be planned and developed.
  - ii. Development of recreational facilities should enhance the natural character of an area while providing, where appropriate, for both active and passive forms of recreation.
  - iii. Each recreational use should be consistent with the physical ability of

the shoreline and water body to support such use.

- iv. Recreation and Public Use: Maximize use of publicly owned shoreline locations and to provide for additional public access.
  - v. Character: The Shorelines of the City of Gig Harbor support its fishing, boating and tourist activities as well as the residential community. Therefore, preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals.
3. Jerisich Park has been used for transient public moorage since the 1970's and has been the subject of a dock expansion in 1985/1986.
  4. The demand for public access and moorage along the shorelines of South Puget Sound has increased substantially over the past 10-20 years. Gig Harbor provides one of the few urban public transient moorage facilities in South Sound.
  5. Increasing public opportunities to access and enjoy the waters of Puget Sound is a basic goal of the Shoreline Management Act (RCW 90.58.020). The proposed expansion of the marina will increase the opportunities for the boating and non-boating public to access and utilize the waters of the state.
  6. The site is a street-end park and, as such, utilizes existing public right-of-way to accommodate on-site parking.
  7. The proposal meets all of the criteria for a variance from the parking standards of the city Zoning Code as follows:
    - A. The proposed variance does not amount to a rezone as the use proposed is consistent with the zoning code and is a permitted use within the defined zoning districts.
    - B. The property consists of a public transient moorage facility. The City does not have an off-street parking lot at this location but does, by function and role, provide public on-street parking along Harborview Drive. The use of on-street public parking to accommodate uses at Jerisich Park is considered reasonable and appropriate. Additionally, the size of the city owned property at Jerisich Park precludes any design or accommodation for off-street parking, due to its limited area and its proximity to Gig Harbor Bay. Other nearby or adjacent properties with more extensive moorage facilities provide off-street parking, but these commercial facilities are oriented to permanent and liveaboard craft. The public moorage at Jerisich Park does not accommodate permanent moorage or liveaboards and is oriented strictly to transient temporary moorage, which would reasonably preclude the need for any extensive off-street parking.

- C. The special circumstance attributable to the need for the variance is the public nature of the facility and the fact that it caters strictly to transient moorage. The applicant proposes to provide additional transient moorage and to rely upon city owned on-street parking to accommodate any parking needs as may be required. It is the City's opinion that use by transient moorage does not generate any significant amounts of automobile traffic for this small of a facility. It is worth noting that the City of Gig Harbor Shoreline Master Program does not require off-street parking for public moorage facilities.
  - D. The granting of the variance does not constitute a grant of special privilege. This is the ONLY public moorage facility on Gig Harbor Bay and it does not share the same level of intensity, use or function as nearby commercial moorage facilities. As Jerisich Park is a street-end park, parking is essentially accommodated on-site utilizing the existing public right-of-way of Harborview Drive.
  - E. The granting of the variance will not be materially detrimental to the public welfare. It, in fact, is in the public's interest to provide much needed transient public moorage in the harbor as the demand has warranted. The granting of the variance will not be injurious to property or improvements in the vicinity and zone in which the property is located as a result of the scale and function of the moorage facilities at Jerisich Park.
  - F. The variance is considered the minimum necessary to continue to meet the transient public moorage needs of this portion of south Puget Sound. With very little exception, there are very few public transient moorage facilities in the urbanized areas between Gig Harbor Bay and Olympia.
- 8. The proposal is consistent with the applicable sections of the City of Gig Harbor Comprehensive Plan.
  - 9. The SEPA responsible official determined that the proposal would not have a significant impact upon the quality of the environment and issued an environmental determination of non-significance on August 24, 1994, pursuant to WAC 197-11-340(2).

#### PART IV: RECOMMENDATION


Based upon the findings presented in Section III, staff recommends the following:

- 1. That the request for the zoning variance be **APPROVED**.
- 2. That the request for the Shoreline Management Substantial Development Permit be recommended for **APPROVAL** by the Gig Harbor City Council, subject to the

following conditions:

- I. The applicant shall comply with the terms and conditions of the State of Washington Department of Fish and Wildlife hydraulic projects approval.
- II. Disposal of any construction debris on land must be done in such a manner that debris cannot enter Gig Harbor Bay or cause water quality degradation of state waters. Construction debris shall be disposed of away from the waters edge, outside of the shoreline management jurisdiction.

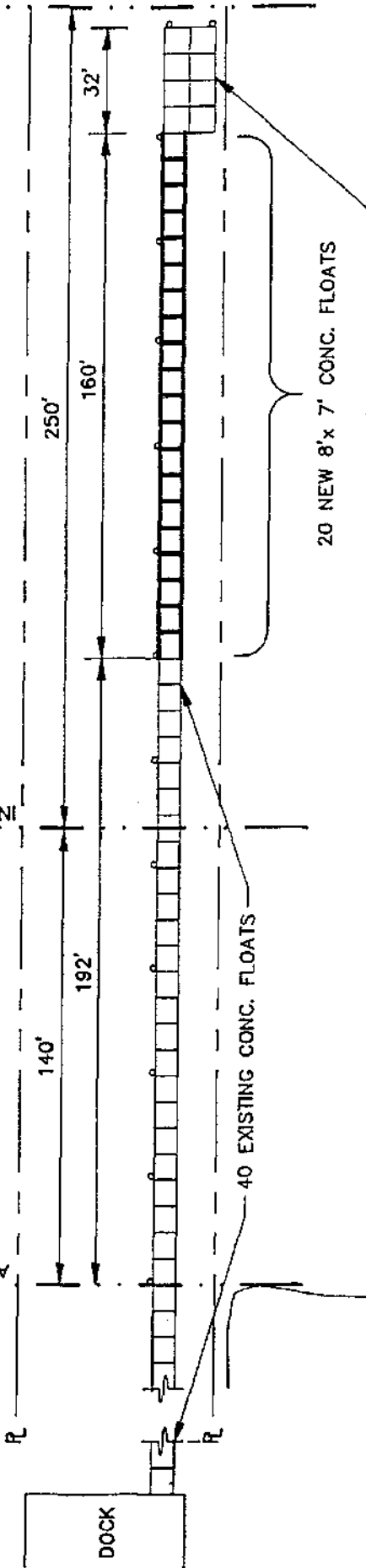
Documents pertinent to the Hearing Examiner's review are attached.

Staff report prepared by: Ray Gilmore, Planning Director  
DATE: October 12, 1994 

OUTER HARBOR LINE

INNER HARBOR LINE

APPROXIMATE MLLW



20 NEW 8'x7' CONC. FLOATS

REMOVE EXISTING  
PILINGS AND  
RELOCATE  
EXISTING FLOATS

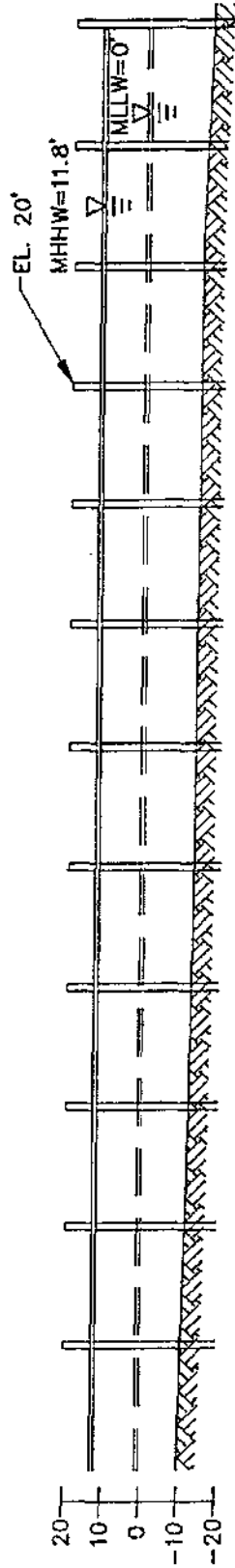
40 EXISTING CONC. FLOATS

DOCK



PLAN

SCALE: 1" = 50'



PROFILE

SCALE: 1" = 50'

CITY OF GIG HARBOR  
DEPARTMENT OF PUBLIC WORKS

# PROPOSED FLOAT EXTENSION AND PILES

APPROVED BY *Ken Lajoie* DATE 8/15/94  
CITY ENGINEER

DWN	WJH	CKD	BBY	DATE	9/22/94	FILE	PW-9426
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REF LAYTON & SELL INC. 4/12/85



*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 MEMBERS**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MH*  
**SUBJECT: PASIN/ULID #2 SEWER CONNECTION**  
**DATE: OCTOBER 31, 1994**

### **INTRODUCTION**

Mr. James Pasin has requested six ERUs of sewer capacity for property within ULID#2. The capacity commitment payment of \$1650 per ERU will result in the connection fee total of \$9900. The property to be connected is known as the HIFIC Center, an existing development. The connection will replace an existing septic drainfield, which is failing. This property has been assessed for ULID #2.

### **BACKGROUND/ISSUES**

This sewer extension, while outside city limits, is within the previously assessed improvement district boundaries of ULID #2. This property has been paying assessments for the ULID since October, 1989. As per city ordinance, the attached contract reflects the various land use stipulations, public works standards, and annexation provisions which the city has indicated should apply to all utility extensions outside the city limits. The area is already served by the Olympic Mall water company with whom the city participates in a joint urban area service agreement under the authority of the State Department of Health. If this sewer extension was within the city's agreed water service area, then we would require water extension as well as sewer.

### **POLICY ISSUES**

Continued extensions of sewer into this service area (and any areas outside city limits but within the Urban Growth Area) should be predicated on the conclusion of a timely, satisfactory joint planning agreement between Pierce County and the City of Gig Harbor. This agreement should preserve the on-going integrity of utility extension agreements and protect the purposes for which these extensions have been made. The city staff is currently making progress with Pierce County staff toward the presentation to the County Council and to the City Council of such an agreement.

### **FISCAL IMPACT**

Extensions from the ULID #2 service area, fiscally speaking, have the same effect on the city as any outside extension which connects into ULID #1. The 1.5 outside multiplier on the rate is in effect.

### **RECOMMENDATION**

Staffs recommends approval of the contract as presented for 6 ERUs.

WHEN RECORDED RETURN TO:  
City of Gig Harbor  
Administrative Assistant  
P.O. Box 145  
Gig Harbor, WA 98335

UTILITY EXTENSION, CAPACITY AGREEMENT  
AND AGREEMENT WAIVING RIGHT TO PROTEST LID

THIS AGREEMENT is entered into on this 14th day of November, 1994, between the City of Gig Harbor, Washington, hereinafter referred to as the "City", and James Pasin, hereinafter referred to as "the Owner".

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit "A" attached hereto and incorporated herein by this reference as though set forth in full, and

WHEREAS, the Owner's property is not currently within the City limits of the City, and

WHEREAS, the Owner desires to connect to the City water and sewer utility system, hereinafter referred to as "the utility," and is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal code, as now enacted or hereinafter amended, NOW, THEREFORE,

FOR AND IN CONSIDERATION OF the mutual benefits and conditions hereinafter contained, the parties agree as follows:

1. Warranty of Title. The Owner warrants that he/she is the Owner of the property described in Exhibit "A" and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on 50th Street Court N.W. (street or right-of-way) at the following location:

3206 50th St. Court N.W., Gig Harbor, Washington

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City standards and according to plans approved by the City's Public Works Director. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service and hereby reserves to the Owner the right to discharge to the City's sewerage system (6 ERUs) gallons per day average flow. These capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by the Owner of any facilities comprising the City sewerage system. The City agrees

to reserve to the Owner this capacity for a period of 12 months ending on November 13, 1995, provided this agreement is signed and payment for sewer capacity is commitment received within 45 days after City Council approval of extending sewer capacity to the Owner's property. Sewer capacity shall not be committed beyond a three year period.

5. Capacity Commitment Payment. The Owner agrees to pay the City the sum of \$500.00 to reserve the above specified time in accordance with the schedule set forth below.

Commitment period	Percent (%) of Connection Fee	
One year	Five percent	( 5%)
Two years	Ten percent	(10%)
Three years	Fifteen percent	(15%)

In no event, however, shall the Owner pay the City less than five hundred dollars (\$500) for commitment for sewer reserve capacity. In the event the Owner has not made connection to the City's utility system by the date set forth above, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

In the event the Pierce County Boundary Review Board should not approve extension of the City's sewer system prior to the extension of the commitment period, the Owner shall be entitled to a full refund (without interest) from the City of the capacity agreement.

6. Extension of Commitment Period. In the event the Owner chooses to permanently reserve sewer capacity by paying the entire connection fee for the number of equivalent residential units desired to be reserved before the expiration date set forth above, the Owner shall be responsible for paying each year for the sewer utility system's depreciation based on the following formula: (Owner's reserved capacity divided by the total plant capacity times the annual budgeted depreciation of the sewer facilities.)

7. Permits - Easements. Owner shall secure and obtain, at Owner's sole cost and expense any necessary permits, easements and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including the Pierce County Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor Public Works Department.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of water or sewer main lines, pump stations, wells, and/or other city required capital facilities, the Owner agrees to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:



- A. As built plans or drawings in a form acceptable to the City Public Works Department;
- B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;
- C. A bill of sale in a form approved by the City Attorney; and
- D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Public Works Director, ensuring that the facilities will remain free from defects in workmanship and materials for a period of 2 year(s).

9. Connection Charges. The Owner agrees to pay the connection charges, in addition to any costs of construction as a condition of connecting to the City utility system at the rate schedules applicable at the time the Owner requests to actually connect his property to the system. Any commitment payment that has not been forfeited shall be applied to the City's connection charges. Should the Owner not initially connect 100% of the Sewer Capacity Commitment, the Capacity Commitment payment shall be credited on a pro-rated percentage basis to the connection charges as they are levied.

10. Service Charges. In addition to the charges for connection, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist, which is presently at 150% the rate charged to customers inside city limits, or as they may be hereafter amended or modified.

11. Annexation. Owner understands that annexation of the property described on Exhibit "A" to the City will result in the following consequences:

- A. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
- B. City of Gig Harbor ordinances, resolutions, rules and regulations will begin to apply to the property upon the effective date of annexation;
- C. Governmental services, such as police, fire and utility service, will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
- D. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;
- E. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and

- F. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit A as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit "A" is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

12. Land Use. The Owner agrees that any development or redevelopment of the property described on Exhibit "A" shall meet the following conditions after execution of Agreement:

- A. The use of the property will be restricted to uses allowed in the following City zoning district at the time of development or redevelopment. (Check One):

<input type="checkbox"/>	Single Family Residential	<input type="checkbox"/>	Multiple Family Residential
<input checked="" type="checkbox"/>	Commercial	<input type="checkbox"/>	Industrial
<input type="checkbox"/>	Business		

- B. The development or redevelopment shall comply with all requirements of the City Comprehensive Land Use Plan, Zoning Code and Building Regulations for similar zoned development or redevelopment in effect in the City at the time of such development or redevelopment. The intent of this section is that future annexation of the property to the City of Gig Harbor shall result in a development which does conform to City standards.

13. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above described property. If the extension is for sewer service, the lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.280, all as now enacted or hereafter amended. If the extension is for water service, the lien shall be as provided in RCW 35.21.290 and enforced as provided in RCW 35.21.300, all as currently enacted or hereafter amended.

14. Termination for Non-Compliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right to terminate utility service to the Owner's property in addition to any other remedies available to it.

15. Waiver of Right to Protest LID. Owner acknowledges that the entire property legally described in Exhibit "A" would be specially benefited by the following improvements to the utility (specify): None.

Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so.

With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

16. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

17. Covenant. This agreement shall be recorded with the Pierce County Auditor and shall constitute a covenant running with the land described on Exhibit "A", and shall be binding on the Owner, his/her heirs, successors and assigns. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

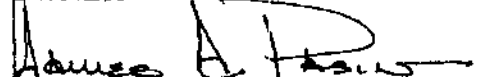
18. Attorney's Fees. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement.

DATED this 14th day of November, 1994.

CITY OF GIG HARBOR

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

OWNER



Name: JAMES A. PASIN

Title: OWNER

ATTEST/AUTHENTICATED:

---

City Clerk, Mark Hoppen

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

STATE OF WASHINGTON        )  
                                          ) ss.  
COUNTY OF PIERCE         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1994, before me personally appeared \_\_\_\_\_, to me known to be the individual described in and who executed the foregoing and acknowledged that \_\_\_\_\_ signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS THEREOF, I have hereto set my hand and affixed by official seal the day and year first above written.

\_\_\_\_\_  
NOTARY PUBLIC for the State  
of Washington, residing at  
\_\_\_\_\_  
My commission expires \_\_\_\_\_

STATE OF WASHINGTON        )  
                                          )ss:  
COUNTY OF PIERCE         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1994, before me personally appeared Mayor and City Clerk of the municipal corporation described in and that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

IN WITNESS THEREOF, I have hereto set my hand and affixed by official seal the day and year first above written.

\_\_\_\_\_  
NOTARY PUBLIC for the State  
of Washington, residing at  
\_\_\_\_\_  
My commission expires \_\_\_\_\_

**BASIC SEWER SYSTEM HOOK-UP CHARGES**

ZONE A	ZONE B,C,D	ALL OTHER		Fee
\$ 670.00	\$ 1,650.00	\$ 2,320.00	\$ _____ .00	\$ _____ .00

(Zone A=ULID#1, Zone B=ULID#2, Zone C=ULID#3, Zone D=other area within city limits)

**CALCULATION**

Commercial = ( 1 ERU / 1200sf ) x ( 6 ) = 6 / TOTAL ERU  
 Class of Service Assignment Total Number

\$ 1,650 .00 X 6 = \$ 9,900 .00  
 Basic Hook-up Chg. Total ERU Total Hook-Up Chg.

**SPECIAL CHARGES:**

Check (X)	Type of Fee (1)	Fee
	Encroachment Permit Application & Fee	\$ 15.00
	Sewer Stub Inspection Fee	\$ 125.00
	House Stub Inspection Fee (\$25 in city / \$37.50 out)	\$
	As-Built Plans Deposit (Refundable)	\$ 150.00
	<del>Rate Consent Agreement Fee</del>	\$

Note: (1) Single Family Residence only (See Public Works Department for Multi-Family and Commercial)

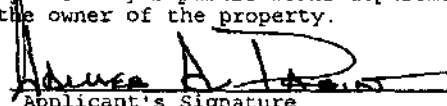
**TOTAL SEWER SYSTEM FEES PAID:** \$ \_\_\_\_\_

Application is hereby made by the undersigned property owner or his agent for all water and/or sewer service required or used for any purpose at the above property address for which I agree to pay in advance and in accordance with existing ordinances and regulations of the city. Following estimated charges, the exact charges will be determined and are payable immediately upon completion of the installation.

I further agree that all rates and charges for water, sewer and/or storm service to the above property shall be paid in accordance with the existing ordinances and regulations of the city or any ordinances or regulations adopted hereafter. I agree to comply with the water, sewer and storm drainage service existing ordinances/regulations of the city or any such ordinances/regulations adopted hereafter.

I understand that the city will use all reasonable effort to maintain uninterrupted service, but reserves the right to terminate the water and/or sewer service at any time without notice for repairs, extensions, non payment of rates or any other appropriate reason and assumes no liability for any damage as a result of interruption of service from any cause whatsoever.

I understand that the city shall maintain ownership in such water meters installed by the city and the city shall be responsible for providing reasonable and normal maintenance to such meters. Damage to meters, boxes, and fittings will be repaired by the city's public works department. The cost of such repair work shall be borne by the contractor or the owner of the property.

  
 Applicant's Signature 11/14/94  
Date

**TO BE COMPLETED BY STAFF ONLY**

Receipt No.	Fees Paid	Date	Received By

**REVIEWED BY:**

Building	P.W Director	P.W. Supervisor	Utility



City of Gig Harbor. The "Maritime City."

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

CITY OF GIG HARBOR - UTILITIES SERVICE APPLICATION

Application No. \_\_\_\_\_, Parcel No. 02-21-17-7-019

Applicant JAMES A. PASIN, Date 11/14/94

Mailing Address 3206 50th St. Ct. NW Gig Harbor, WA 98335

STORM WATER CALCULATION

Impervious Area (Sq.Ft.)	Calculation	Units

Connection/Service ADDRESS OR LOCATION: \_\_\_\_\_

Subdivision \_\_\_\_\_, Lot No. \_\_\_\_\_

Date of Hook-Up \_\_\_\_\_, Meter No. \_\_\_\_\_, Size \_\_\_\_\_, Rate \_\_\_\_\_

Account No. \_\_\_\_\_, Meter Location \_\_\_\_\_

WATER SYSTEM HOOK-UP & METER INSTALLATION CHARGES:

Check (X)	Meter Size	Capacity Factor(s)	Hook-Up Fee (1)	Meter Charge	Total Fees
	3/4"	1.0	\$1,160.00	\$300.00	\$ 1,460.00
	1"	1.6	\$1,930.00	\$350.00	\$ 2,280.00
	1-1/2"	3.33	\$3,855.00	(2) \$	\$
	2"	5.33	\$6,165.00	(2) \$	\$
	Over 2"	(3)	(3)\$	(3) \$	\$

WATER SYSTEM HOOK-UP & METER INSTALLATION CHARGE: \$ \_\_\_\_\_

OTHER CHARGES: (See Note 2)

Street Boring	\$ 10.00 / Foot		\$
Open Street Cut	\$ 20.00 / Foot		\$
Refundable As-Built Plan Deposit			\$
			\$
			\$

Notes:

- (1) If project is outside the city limits, the hook-up fee is (1.5) times that shown above.
- (2) Time & Material Plus 10%
- (3) Negotiable

October 17, 1994

Mark E. Hoppen  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

Subject: Sewer hook-up - 3206 - 50th Street Ct. N.W., Gig Harbor

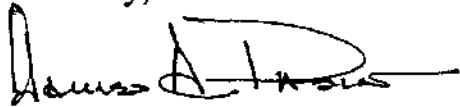
Dear Mr. Hoppen;

Pursuant to our conversation this date we are formally requesting to hook-up to the City of Gig Harbor sewers for the following parcel:

Owner Name:	James Pasin
Parcel Number:	02211 7-7-019
Street Address:	3206 - 50th Street Ct. N.W., Gig Harbor County of Pierce, Washington
Assessment:	LID NO. - 99902 Assessment No. 1033
ERU'S:	6

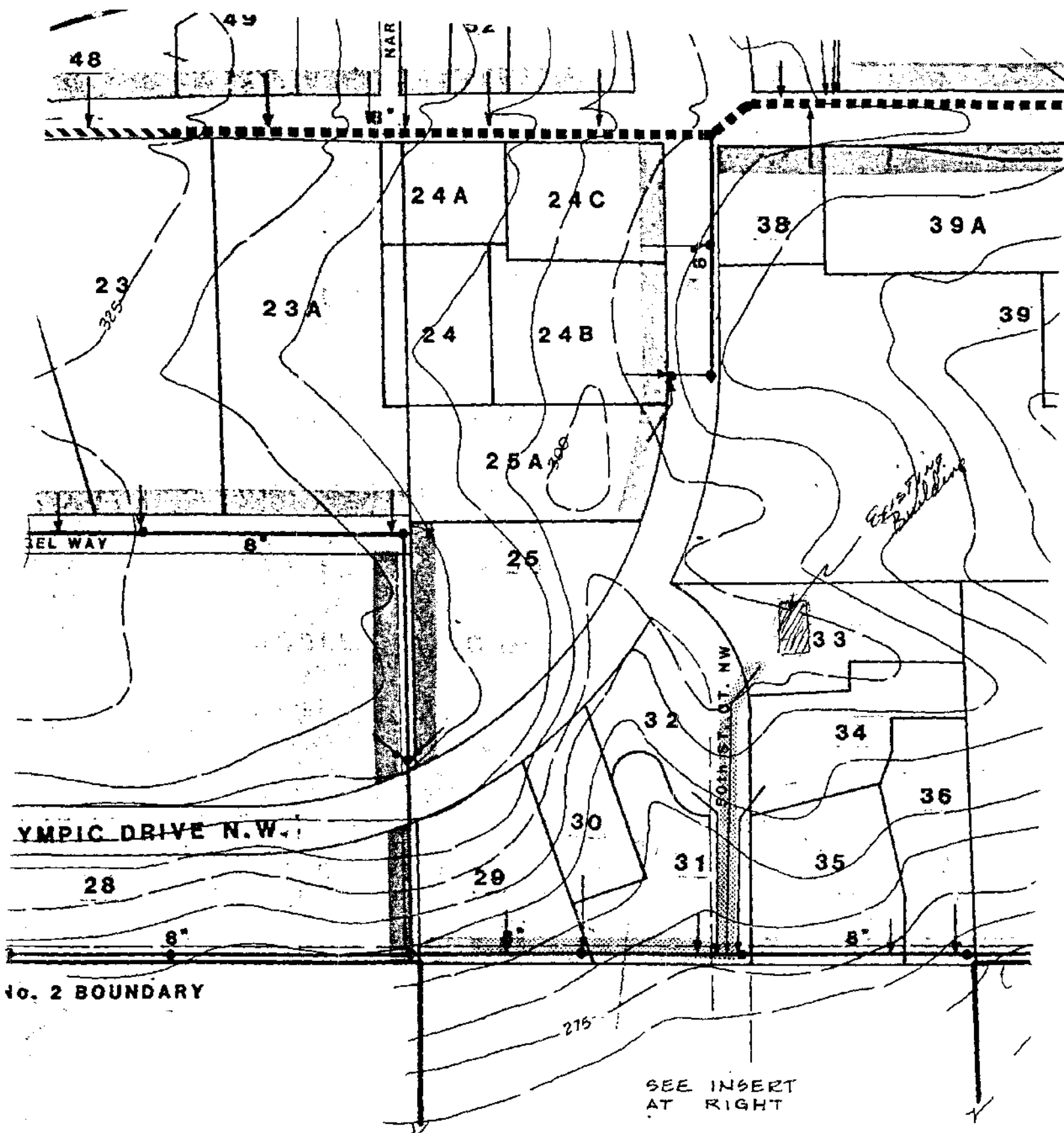
Our understanding is that the Council meets every second and fourth Monday. We are currently having problems with the existing drain field and would appreciate anything that can be done to expedite our request.

Sincerely,



James Pasin

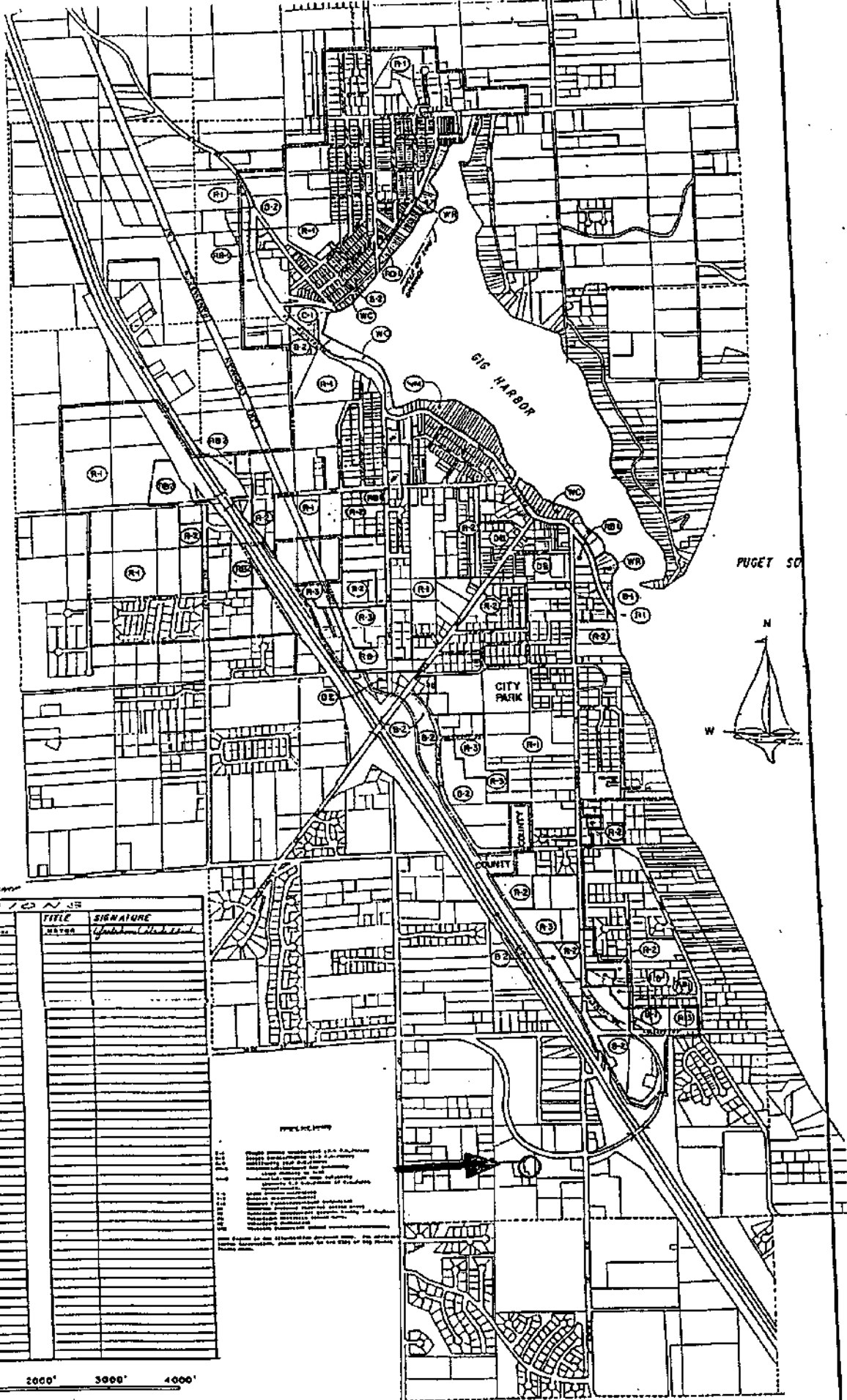




SEE INSERT  
AT RIGHT

Sheet A  
Scale = 1" = 200'

6502 = 1



AS APPROVED BY THE BOARD OF SUPERVISORS

REVISION		TITLE	SIGNATURE
1	DATE		
2	DESCRIPTION		
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EXPLANATION

1. ZONING BOUNDARIES

2. CITY PARK

3. PUGET SOUND

4. GIG HARBOR

5. CITY PARK

6. PUGET SOUND

7. GIG HARBOR

8. CITY PARK

9. PUGET SOUND

10. GIG HARBOR

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45. PUGET SOUND

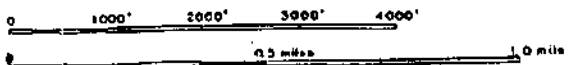
46. GIG HARBOR

47. CITY PARK

48. PUGET SOUND

49. GIG HARBOR

50. CITY PARK



**CITY OF GIG HARBOR AND VICINITY  
ZONING BOUNDARIES(3/11/91)**



*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: TOM ENLOW**  
**SUBJECT: 1995 BUDGET ORDINANCE**  
**DATE: NOVEMBER 8, 1994**

### **INTRODUCTION**

This is the first reading of the 1995 budget ordinance.

### **BACKGROUND**

This ordinance reflects the financial aspects of the goals and objectives described in preliminary budget document.

The total budget of \$12,254,447 is \$1,926,898 (18.6%) higher than the original 1994 budget (and \$3,545,102 less than the amended 1994 budget, assuming passage of the budget amendment ordinance tonight). Excluding estimated ending cash balances and interfund transfers from both years, the increase is \$853,024 (8.3%) over 1994.

Overall comparisons are not particularly valuable given the variety of activities in the different funds in different years. Following are general analyses of the larger variances from the 1994 budget. More detailed discussions are found in the preliminary budget document.

The General Fund is budgeted to increase \$731,021 (32%). \$513,114 is attributable to an increase in transfers and estimated ending cash balances. The largest portion of the remaining \$217,907 increase (9.8%) reflects park projects planned for 1995.

The Street Fund is only \$19,586 higher than 1994. The Harborview/North Harborview improvement project was fully budgeted in 1994 although the majority of construction will be completed in 1995. The total project is over \$1,000,000. Federal and State grants will pay for all but an estimated \$150,000.

The Water Fund is budgeted to increase \$122,043 (24%). The increase in revenue is due to the anticipated addition of the Purdy Correction Facility as a customer in early 1995 and an expected beginning cash balance of \$50,000. The Correction Facility will be a major new water customer, utilizing some of the excess capacity of our water system without a significant increase in cost. We are recommending that the Water Fund's good fortune be shared with its customers in terms of a 5% rate decrease in 1995. The remaining additional resources will be used for a variety of maintenance and improvement projects, some of which have been postponed in previous years due to a lack of funds. A \$60,000 transfer to Water Capital Assets is budgeted to establish a reserve for future maintenance and improvement projects and for retirement of debt.

The Sewer Fund is budgeted to increase \$246,124 (34.5%). An increase in the estimated beginning cash balance accounts for most of the additional resources. No rate increase is

requested for 1995. Most of the increase (\$200,000) is budgeted to be transferred to the Sewer Capital Construction Fund as a reserve for maintenance and improvement projects and for retirement of debt.

The Utility Bond Redemption Fund is budgeted to increase \$227,000 (53%). This reflects the first year of assessment collections and bond payments for ULID #3.

The Sewer Capital Construction Fund is budgeted to increase \$379,000. Like the Street Fund, the majority of the expenditures relate to one major project which was budgeted, but not completed, in 1994. The increase reflects the addition of a \$250,000 biosolid composting / mixing facility and a contingency for the treatment plant expansion project.

The Water Capital Assets Fund is budgeted to increase \$128,000 (171%) due to a high level of connection fees leaving a larger than expected beginning cash balance and due to the budgeted transfer from the Water Fund. Most of the increase is expected to be retained as a reserve.

The only change, so far, to the proposed 1995 budget is a reallocation of Public Works payroll. The reallocation resulted in an increase of \$6,000 to the General Fund Parks Dept., \$8,000 to the General Fund Building Dept., \$26,631 to the Street Fund, \$7,401 to the Sewer Fund, \$9,466 to the Storm Sewer Fund and a decrease of \$63,498 to the Water Fund.

#### **RECOMMENDATION**

Staff recommends discussion of the goals and objectives, resources and expenditures with appropriate staff members prior to and during the work session on November 21st. Any necessary changes can be incorporated into the budget document and ordinance for adoption on November 28th.

**CITY OF GIG HARBOR**

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

**AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON, FOR THE 1995 FISCAL YEAR.**

**WHEREAS**, the Mayor of the City of Gig Harbor, Washington completed and placed on file with the city administrator/clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1995 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 14 and November 28, 1994 at 7:00 p.m., in the Council Chambers in the City Hall for the purpose of making and adopting a budget for 1995 and giving taxpayers an opportunity to be heard on the budget; and

**WHEREAS**, the said city council did meet at the established time and place and did consider the matter of the 1995 proposed budget; and

**WHEREAS**, the 1995 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1995 and being sufficient to meet the various needs of Gig Harbor during 1995.

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

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1995 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning cash balances for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 1995 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1995 as set forth below:

**CITY OF GIG HARBOR  
1995 BUDGET APPROPRIATIONS**

<u>FUND / DEPARTMENT</u>	<u>AMOUNT</u>
001 GENERAL GOVERNMENT	
01 NON-DEPARTMENTAL	\$438,303
02 LEGISLATIVE	16,500
03 MUNICIPAL COURT	200,366
04 ADMINISTRATIVE/FINANCIAL	297,360
06 POLICE	785,655
14 COMMUNITY DEVELOPMENT	244,320
15 PARKS AND RECREATION	370,078
16 BUILDING	52,650
19 ENDING FUND BALANCE	<u>545,127</u>
001 TOTAL GENERAL FUND	2,950,359
101 STREET FUND	1,764,086
105 DRUG INVESTIGATION FUND	15,000
107 HOTEL-MOTEL FUND	2,200
200 '78 GO BONDS - FIRE	17,900
201 '75 GO BONDS - SEWER	41,625
203 '87 GO BONDS - SEWER CONSTRUCTION	618,000
208 '91 GO BONDS - SOUNDVIEW DRIVE	99,500
301 GENERAL GOVT. CAPITAL ASSETS	400,000
305 GENERAL GOVT. CAPITAL IMPROVEMENT	207,000
401 WATER OPERATING	628,645
402 SEWER OPERATING	958,790
407 UTILITY RESERVE	445,000
408 UTILITY BOND REDEMPTION FUND	653,000
410 SEWER CAPITAL CONSTRUCTION	3,000,851
411 STORM SEWER OPERATING	169,395
413 ADV. REFUNDING BOND REDEMPTION	76,146
420 WATER CAPITAL ASSETS	203,000
605 LIGHTHOUSE MAINTENANCE TRUST	<u>3,950</u>
TOTAL ALL FUNDS	<u>\$12,254,447</u>

**1995 Budget Ordinance**

**Page 3**

Section 3. Attachment "A" is adopted as the 1995 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1995 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

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

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 28nd day of November, 1994.

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Gretchen A. Wilbert, Mayor

ATTEST:

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Mark Hoppen  
City Administrator/Clerk

Filed with city clerk: 11/7/94  
Passed by the city council:  
Date published:  
Date effective:

ATTACHMENT "A"  
1995 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$4,564	\$5,706
Public Works Director	4,087	5,109
Chief of Police	3,867	4,833
Planning Director	3,603	4,503
Finance Director	3,476	4,344
Police Lieutenant	3,321	4,152
Police Sergeant	2,969	3,713
Public Works Supervisor	3,196	3,995
Sewer Plant Supervisor	3,059	3,823
Fire Marshal/Building Official	*2,830	*3,538
Construction Inspector	*2,565	*3,206
Associate Planner	*2,559	*3,199
Police Officer	*2,491	*3,114
Sewer Plant Operator	*2,526	*3,158
Equipment Operator	*2,500	*3,125
Maintenance Worker	*2,340	*2,925
Engineering Technician	*2,281	*2,851
Administrative Assistant	2,287	2,859
Court Administrator	*2,132	*2,665
Laborer	*1,982	*2,477
Court Clerk	*1,933	*2,416
Police Clerk	*1,854	*2,318
Accounting Clerk	*1,943	*2,429
Utility Clerk	*1,943	*2,429
Office Clerk	*1,685	*2,106
Assistant Municipal Court Clerk	*1,750	*2,187
Administrative Receptionist	*1,639	*2,049

Note: Salaries marked with "\*" are under negotiation and have not yet been adjusted for 1995.





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

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GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT, CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MHP*  
**SUBJECT: SUPERIOR COURT JUROR PROVISION CONTRACT**  
**DATE: NOVEMBER 11, 1994**

#### **INFORMATION/BACKGROUND**

Previously, the Superior Court has provided the city with jurors at no cost to the city. This practice is about to change on January 1, 1995. After this date, Superior Court Jury Administration will be requiring reimbursement from all county municipalities for pre-qualifying jurors. The amount they will require for service covers the cost of the questionnaire forms printed; the postage to mail the form from court to juror candidates and back again; and the bulk of the labor expense to prepare, send and screen the questionnaires.

#### **FISCAL CONSIDERATIONS**

It should definitely be more economical to reimburse the county juror operation, sharing the expense of the forms and personnel costs with other courts, than to absorb the full cost of this process through the operation of our own court.

#### **RECOMMENDATION**

Staff recommends approval of the agreement.

**Estimated cost for providing pre-qualified jurors for:  
Gig Harbor Municipal Court**

Forms	\$0.21	Labor = \$11.50 per hour @ 3 min. processing per qualification questionnaire
Postage	\$0.46	
Labor	\$0.58	
<b>Total</b>	<b>\$1.25</b>	

1993 Mailed	1993 Qualified	1993 Yield
800	320	40.0%

1994 Request	1994 To Mail	1994 \$ Estimate	20% Yield	30% Yield	40% Yield	50% Yield	60% Yield
50	125	\$256.25	\$412.50	\$308.33	\$256.25	\$225.00	\$204.17
100	250	\$412.50	\$725.00	\$516.67	\$412.50	\$350.00	\$308.33
200	500	\$725.00	\$1,350.00	\$933.33	\$725.00	\$600.00	\$516.67
300	750	\$1,037.50	\$1,975.00	\$1,350.00	\$1,037.50	\$850.00	\$725.00
400	1000	\$1,350.00	\$2,600.00	\$1,766.67	\$1,350.00	\$1,100.00	\$933.33
500	1250	\$1,662.50	\$3,225.00	\$2,183.33	\$1,662.50	\$1,350.00	\$1,141.67
750	1875	\$2,443.75	\$4,787.50	\$3,225.00	\$2,443.75	\$1,975.00	\$1,662.50
1000	2500	\$3,225.00	\$6,350.00	\$4,266.67	\$3,225.00	\$2,600.00	\$2,183.33
1250	3125	\$4,006.25	\$7,912.50	\$5,308.33	\$4,006.25	\$3,225.00	\$2,704.17
1500	3750	\$4,787.50	\$9,475.00	\$6,350.00	\$4,787.50	\$3,850.00	\$3,225.00

## AGREEMENT

THIS AGREEMENT MADE AND ENTERED INTO by and between the City of Gig Harbor (City), the Municipal Court of Gig Harbor (Municipal Court), Pierce County (County), and the Superior Court of Washington in Pierce County (Superior Court).

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

WHEREAS City and City Court desire to utilize the services of County and Superior Court in providing a list of pre-qualified jurors for Municipal Court use;

WHEREAS County and Superior Court agree to provide the desired services on the terms and conditions hereinafter set forth:

### IT IS MUTUALLY AGREED AS FOLLOWS:

(1) County and Superior Court will provide to City Court a sufficient number of pre-qualified jurors as determined by City Court on an annual basis.

(2) That Superior Court will provide the necessary jurors drawn in the same manner, procedure, and methods as done by and for Superior Court with the exception that all jurors will be drawn based upon zip codes in the locale of the City Court. Superior Court will mail to each juror drawn a pre-qualification questionnaire and upon return of the questionnaire to Superior Court, Superior Court will determine whether each juror meets the criteria for qualification as a juror in Washington State.

(3) That City will pay County a fee in the sum of \$100.00 per year plus an additional \$1.25 dollars for each juror pre-qualification questionnaire mailed on behalf of City Court by Superior Court. This is reimbursement for computer maintenance, data processing supplies and forms, postage and labor expenses incurred by Superior Court on behalf of City Court.

(4) The total number of pre-qualification questionnaires mailed will be determined by Superior Court based upon the number of pre-qualification questionnaires historically required to yield the number of pre-qualified jurors requested by City Court as contained in paragraph (1).

(5) Superior Court shall furnish City and City Court an itemized statement listing the number of jurors mailed questionnaires, the number of questionnaires returned as "undeliverable," and the number of non-qualified questionnaires returned to Superior Court.

(6) This agreement shall remain in effect from September 1, 1994 until August 31, 1995. Thereafter, the parties may renew this Agreement for one year terms beginning September 1 and ending August 31 until the Agreement is terminated. The City shall give notice of intent to renew at least sixty (60) days prior to the termination date.

(7) Either party may terminate this Agreement by giving written notice of not less than ninety (90) days to the other party.

(8) That upon non-renewal or termination of the Agreement by either party, Superior Court will furnish to City Court on September 1 of each year a list prospective jurors drawn in the same manner, procedure, and methods as done by and for Superior Court with the exception that all jurors for City Court will be drawn based upon zip codes in the locale of the City Court.

IN WITNESS WHEREOF, the parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**MUNICIPALITY**

**PIERCE COUNTY**

\_\_\_\_\_  
Court Administrator                      Date

\_\_\_\_\_  
Department Director                      Date

\_\_\_\_\_  
City Attorney                              Date

\_\_\_\_\_  
Prosecuting Attorney                      Date

\_\_\_\_\_  
City Executive                              Date

\_\_\_\_\_  
Budget and Finance                      Date



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(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: ALLIED CREDIT AGREEMENT**  
**DATE: NOVEMBER 7, 1994**

#### **INTRODUCTION/BACKGROUND**

Currently, we turn over uncollected bills owed the City of Gig Harbor Municipal Court to Allied Credit Companies for collection. This company adds 50% to the bill, and then returns 100% of any collected bill to the City of Gig Harbor, keeping 33 1/3% of the collection for the company. The company says that recovery rates might eventually exceed 50% of referrals. For the City of Gig Harbor they prognosticate a 45% recovery rate compared to an industry-wide recovery rate of 19%.

#### **POLICY CONSIDERATIONS**

We have not had an agreement in the past with this company. It is reasonable to have an agreement that defines the kind of service we can expect. (The Auditor thinks so too.) The city's legal counsel has reviewed and approved the agreement.

#### **FISCAL CONSIDERATIONS**

Currently, the City of Gig Harbor's actual recovery rate is nearly 36%, whereas other municipal courts in the area average about 30%.

#### **RECOMMENDATION**

Staff recommends that Council approve this agreement as presented.

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## PROPOSAL

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Allied Credit possesses the *personnel, technology, and experience* to serve the professional collection needs of Gig Harbor Municipal Court. Our business philosophy is to maximize recoveries within a framework sensitive to the debtor's financial circumstances. Our ability to balance the financial needs of government and debtors has resulted in eventual recovery rates exceeding 50% of referrals.

Allied Credit's greatest asset is its people and the experience they bring to our organization. Our collectors are supported by an experienced operations support staff and a complete legal department, including an in-house attorney, providing us with the ability to bring legal actions all across the region. Trust accounting, supervised by our in-house Certified Public Accountant, is insulated from the collection staff to assure proper segregation of financial accounting duties.

Allied Credit's staff comprises the most experienced court collection team in the Northwest. We have been engaged in court collections since 1984. Our experience providing collection services for approximately 80 district and municipal Courts has established Allied Credit as the agency of choice of courts throughout Washington. Additionally, our experience with large regional and national clients, such as the State of Washington, Washington State Dental Association and national credit card issuers has contributed to our ability to process large volumes of referrals efficiently and accurately.

The experience of Allied Credit's principals and management team are unparalleled in the Northwest region. Jack Kerstetter, President, has 27 years experience in the collection industry and has worked with counties and Courts longer than any other agency owner in the State of Washington. Terry Schmitz, Executive Vice-President, is responsible for marketing, customer service, and quality control. His career in marketing, credit and collections spans 30 years. Kevin Underwood, a graduate of the University of Washington and the University of Puget Sound Law School with honors, is Vice-President of Legal Affairs and holds an appointment as an Assistant Attorney General. Mr. Underwood serves as judge *pro tem* for Kitsap County District Court and Port Orchard and Gig Harbor Municipal Courts and frequently lectures other credit professionals on the Fair Debt Collection Practices Act. Crandell McCutcheon, CPA, is Allied Credit's Chief Financial Officer and corporate Treasurer. A graduate of the University of Washington and the University of Puget Sound, Mr. McCutcheon is responsible for all corporate financial affairs and the security of client trust funds.

Noel Perez, Vice-President Operations, is responsible for standardizing account handling procedures throughout the Allied Credit organization. Ms. Perez is also responsible for researching new technologies and middle management audit and review. Kathleen Rouser, President, Allied Credit Court Recovery Division, is responsible for the implementation and application of computer technologies for county and court clients. Missy Snow Regional Manager, is responsible for marketing, customer service, and quality control for our Western Washington operations.

Our computer and telecommunications equipment have the capacity to service virtually an unlimited number of accounts. Combined with our predictive dialing equipment, on-line skiptracing, existing large data base, and automatic notice, letter, and report generation, the court will realize immediate recovery of delinquent accounts. Columbia Ultimate Business Systems (CUBS) software is considered to be the best in the collection industry. The level of our technological sophistication enables our collectors to recover referred amounts in strict conformity within the guidelines of the court and federal and state law. Our collection program can be tailored to the specific needs of the court, and allows unlimited debtor contact methods to be used.

Allied Credit has provided over four decades of effective and efficient collection services since 1951. We currently employ 83 people in our Spokane, Tacoma, Port Orchard, Portland, and Coeur d'Alene offices. The San Jose, California office employs 65 people and our Canadian affiliate employs 32 people. Our corporate headquarters are located at 4255 SE Mile Hill Drive, Port Orchard, Washington. Allied Credit's current account inventory is 1,900,000 accounts amounting to \$705,000,000 with an additional 27,000 accounts and \$16,500,000 with our affiliated offices in Canada.

## **ALLIED CREDIT COMPANIES**

Our People Make The Difference

### **COLLECTION SERVICES AGREEMENT**

THIS CONTRACT, is made and entered into between Gig Harbor Municipal Court, hereinafter called "Client," and ALLIED CREDIT COMPANIES, a corporation organized under the laws of the State of Washington, hereinafter called "ACC."

#### **WITNESSETH:**

That in consideration of the payments, covenants and agreements hereinafter mentioned and attached and a part of this contract to be made and performed by the parties hereto, the parties hereto covenant and agree as follows:

I. **WORK TO BE PERFORMED:** ACC shall do all work and furnish all equipment, labor, and materials necessary to collect unpaid fines, penalties, costs, assessments and forfeitures for accounts referred for collection by Client. ACC shall provide all forms and postage as required.

II. **TIME OF COMMENCEMENT OF CONTRACT AND DURATION:** The work to be performed under this Contract shall begin immediately after execution of this Contract by both parties. The Contract shall be effective for 36 months thereafter.

III. **TERMINATION:** The Client shall have the option to terminate this Agreement at any time. Termination shall be effective upon thirty (30) days written notice to ACC.

If ACC refuses or fails to complete the work described in Section I, or to complete such work in a manner satisfactory to the Client, then the Client may, by written notice to ACC, give notice of its intention to terminate this agreement. On such notice, ACC shall have ten days to cure to the satisfaction of the Client. If ACC fails to cure to the satisfaction of the Client, then the Client may send a written termination letter to ACC which shall be effective upon deposit in the United States mail to ACC's address as stated below.

In the event of termination, the Client shall only be responsible to pay ACC's fee for services performed to the date of termination, as described in the final report to the client.

IV. **FEE SCHEDULE:** Client shall pay ACC for performance of the work described in and required by this Contract as follows:

Upon placement of an account by Client with ACC, client will assess court costs pursuant to RCW 3.02.045 in the amount of 50% of the balance of the account. ACC will charge a fee of 33-1/3% of the funds collected, resulting in a 100% payback of the original account balance.

V. REMITTANCE AND REPORTS: Funds collected by ACC shall be paid to Client on or before the fifteenth (15) day of each month for collections made the preceding month. ACC shall retain its fee and remit to Client only the Client's portion of collected amounts. ACC shall supply sufficient documentation with monthly payment to allow independent verification of total amounts collected and calculations of appropriate fees withheld. In the event additional reports are deemed necessary in the future, ACC will cooperate with Client to provide necessary reports. Client may audit ACC's reports pertaining to accounts referred for collection upon reasonable advance notice.

VI. INDEMNIFICATION: ACC agrees and covenants to indemnify, defend and save harmless Client and its officers, agents, and employees against and from any loss, damage, costs, charges, expense, liability, claims, demands, or judgements, of whatsoever kind or nature, whether to persons or property arising wholly or partially out of acts, omissions, or default on the part of ACC, its subcontractors and/or employees, except only such injury or damage as shall have been caused by or resulted from the negligence of Client.

VII. ACC shall obtain and keep in force continuously during the term of the contract comprehensive general liability insurance coverage in the amount of at least One Million Dollars (\$1,000,000.00).

VIII. ASSIGNMENTS: Neither party to this agreement shall assign this agreement, nor any interest, right, or responsibility arising herein, without the written consent of the other party; provided that ACC can, in the ordinary course of business, forward accounts to out-of-area collection agencies when deemed necessary by ACC for effective collection.

IX. NONDISCRIMINATION. ACC, in its collection efforts, will not discriminate against any debtor on the basis of race, color, creed, religion, sex or national origin. ACC will comply with the requirements of the Americans with Disabilities Act of 1992, and all regulations interpreting or enforcing said Act.

X. COMPLIANCE WITH LAW. ACC agrees to comply with all federal, state and municipal laws, ordinances, rules and regulations applicable to ACC's business, equipment and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

XI. COLLECTION AGENCY LICENSE. ACC hereby warrants that it has obtained all necessary licenses, bonding or has satisfied all other legal requirements prerequisite to operating a collection agency in the State of Washington, or performing the work described herein, and that all such licenses, bonding, etc. shall be maintained by ACC for the duration of this Contract.

XII. MODIFICATION. No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the parties.

XIII. NOTICE. All communications regarding this Contract shall be sent to the parties at the addresses listed herein, unless notified to the contrary.



XIV. WAIVER. The failure of the Client to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.

XV. RESOLUTION OF DISPUTES. Should any dispute, misunderstanding or conflict arise as to the interpretation of the terms and conditions of this Contract which cannot be resolved between the parties in a reasonable time, jurisdiction of any resulting litigation shall be in Pierce County Superior Court, Pierce County, Washington. The prevailing party in any such litigation shall be reimbursed by the other party for its costs, expenses and reasonable attorney's fees incurred.

XVI. INTERPRETATION. This Contract shall be governed by and construed in accordance with the laws of the State of Washington.

XVII. This Agreement constitutes the entire understanding between ACC and the Client regarding the terms and conditions of collection services provided by ACC.

IN WITNESS WHEREOF, the parties hereto have executed this contract at \_\_\_\_\_, on the date last written below.

(CITY AND STATE)

ALLIED CREDIT COMPANIES

CLIENT: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_



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: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BBY*  
**SUBJECT: AMENDMENT TO PUBLIC WORKS STANDARDS**  
**DATE: NOVEMBER 8, 1994**

## **INTRODUCTION**

In the past, the City Council has expressed concerns over the Public Works requirements for curbs, gutters and sidewalks for side streets where the City has no intention of building continuous sidewalks on those streets. The Council's primary concern was that, if the City does not plan to build curbs, gutters and sidewalks on these streets, then does it make sense to have a property owner build discontinuous improvements on a neighborhood street that has no prospect of other improvements.

We just completed our Comprehensive Transportation Plan. We know that on various local access streets throughout the city we are not proposing to build curbs, gutters, and sidewalks. Therefore, I am bringing the attached Resolution for your consideration to exempt some local access streets from the curb, gutter and sidewalk requirements.

## **BACKGROUND/ISSUES**

The Public Works Standards requires every short plat to build curbs, gutters and sidewalks. This particular requirement works well on streets where we have plans to build such improvements. Although individual property owners were required to build discontinuous curbs, gutters, and sidewalks, the City projects eventually connected them. A good example of this is Soundview Drive or Harborview Drive.

However, this policy did not appear to work as well on local access streets where we have no plans to build continuous improvements, i.e. Shirley Avenue, Stanich Avenue, and Bayridge Avenue. It just does not make sense to have a private property owner build 100 ft long curbs, gutters and sidewalks when we know that we just simply have no plans to build such improvements on local access streets.

## **FISCAL IMPACT**

The approval of the attached resolution for exemption to the Public Works Standards will have no negative financial impact upon the City.

## **RECOMMENDATION**

I recommend a Council motion to approve the attached resolution exempting various City Streets from the curb, gutter, and sidewalk requirements of the Public Works Standards.

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

A RESOLUTION OF THE CITY COUNCIL OF THE GIG HARBOR CITY, WASHINGTON, MAKING CERTAIN CHANGES TO THE PUBLIC WORKS STANDARDS ADOPTED BY THE CITY OF GIG HARBOR UNDER RESOLUTION NO. 403.

WHEREAS, on January 24, 1994, the City Council adopted the Public Works Standards for the City of Gig Harbor under Resolution No. 403, and

WHEREAS, the Public Works Standards are applicable to all development projects within the City, and to all development projects located within the City's service areas, annexation areas, or planning areas to the extent that the City has the authority to impose such standards;

WHEREAS, the City Council has determined that because the City's Six-Year Transportation Plan and the Comprehensive Transportation Plan do not show any curb, gutter, and sidewalk improvements on certain city streets, the City's Public Works Standards for construction of curbs, gutters, and sidewalks should not apply to certain identified streets located in the City of Gig Harbor, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The following streets are exempt from the requirements set forth in the Transportation Section of the Public Works Standards adopted in Resolution No. 403 for the construction of curbs, gutters and sidewalks:

- |                    |                      |                     |
|--------------------|----------------------|---------------------|
| 1. Bayridge Avenue | 2. Shirley Avenue    | 3. Woodworth Avenue |
| 4. Sellers Street  | 5. Rust Street.      | 6. Ross Avenue      |
| 7. Novak Street    | 8. Tarabochia Street | 9. Shyleen Street   |
| 10. Lewis Street   | 11. Stanich Avenue   | 12. Rainier Avenue  |
| 13. Ryan Street    |                      |                     |

RESOLVED by the City Council this \_\_\_\_th day of November, 1994.

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

ATTEST:

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

Filed with City Clerk: 11/8/94

Passed by City Council:



*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: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BY*  
**SUBJECT: AUTHORIZING PUBLIC WORKS DIRECTOR FOR CONSTRUCTION  
CHANGE ORDER APPROVAL**  
**DATE: NOVEMBER 9, 1994**

### **INTRODUCTION**

The current City Policy requires the Public Works Director to obtain approval from the City Council for any construction change orders. There are certain change orders which require the Director to make decisions at the time the change is occurring. It is a potentially significant liability for the City to stop the work activity of the contractor until receiving Council approval for the change orders. In order to eliminate this potential liability, I need the City Council's authorization to approve certain change orders prior to Council's authorization without disrupting the contractor's work activity.

The purpose of this memorandum is to receive your authorization for the Public Works Director to approve construction change orders contingent upon the condition that the change order amount does not exceed 0.5 % of the total contract amount.

### **BACKGROUND/ISSUES**

We are in the middle of the major construction projects. Currently, the Waste Water Treatment Plant is under construction. Next year we will have initiated North Harborview Drive, Harborview Drive, Kimball Drive and Pioneer Way projects. At one point next year, all of these projects will be under construction at the same time.

Managing this many construction projects with only two staff members ( Public Works Director and the Construction Inspector), we need to be able to make some quick and sound decisions on change order matters.

In the past, we have run into situations where quick decisions need to be made, primarily on under ground work, where we encounter unanticipated construction conditions. For example, the wastewater treatment plant contractor was excavating the new primary clarifier location and discovered that the pipe had been constructed two feet shallower than our records indicated. This was an unanticipated construction condition requiring a prompt, prudent, cost-saving decision. Since we could not relocate the new clarifier for lack of possible new locations, I had to make the decision to authorize the contractor to lower the pipe. The cost of lowering this pipe was less than \$1,000. The cost of holding the contractor, its entire crew and equipment until I received Council's authorization, could be in multiples of this number.

## **POLICY ISSUES**

We have been very fortunate during the last five years to complete every construction project well within the budgeted amounts. We are proud of this record and will continue to strive to keep this record alive for the upcoming construction projects. We will continue to look for positive change orders for every construction projects to offset the negative change orders and to complete the project within budget.

I will collect the change orders and present them to the City Council monthly, or as they occur, to obtain approval. All change orders will be reviewed with the City Council at least one time before the project completion.

## **FISCAL IMPACT**

Authorizing the Public Works Director to make approval decision son construction change orders will have positive and negative impacts on the City. Those impacts will be discussed at the time they are reviewed with the City Council.

## **RECOMMENDATION**

Staff recommends that Council motion to approve the attached resolution which amends the Public Works Director job description by authorizing the Director to make construction change order approval decisions, prior to the City Council's approval, which cost up to 5% of the construction contract amount.

## DIRECTOR OF PUBLIC WORKS

### Nature of Work

This is highly responsible administrative, professional, and technical management work. The employee occupying the position has the responsibility for planning, organizing, directing, and coordinating activities of the various units of the Public Works Department. Services include the construction, maintenance, and repair of city streets and storm drains; buildings, parks and grounds maintenance; water and sewer systems maintenance and repair; and operations of a sewage treatment plant.

Work involves developing and implementing major departmental policies, planning and executing both short- and long-range programs and coordinating departmental activities with other city departments and private or civic organizations. The incumbent will develop effective working relationships with both administrative and program officials to ensure cooperation and efficient operation of city government.

This position also includes the selection, training, evaluation, and termination of personnel under the incumbent's direction.

### Controls Over Work

Under the general supervisory control of the City Administrator, and within the framework of governing state and local laws and policies established by the City Council, the incumbent exercises wide latitude and independence in the organization, direction, and control of department personnel and their work activities. Administrative control is exercised over a moderate number of professional, technical, skilled and unskilled employees through one or more subordinate supervisors. Day-to-day activities are monitored by the City Administrator for compliance with established internal policies and procedures and to assure inter-municipal coordination and cooperation. Work is subject to review for quality and timeliness of completed projects, effectiveness of personnel and programs management, and general reaction of the public to the services rendered.

### Essential Duties and Responsibilities

Responsible for approving construction change orders up to 0.5% of contract amount prior to the City Council's approval.

Plans and implements a comprehensive Public Works program for the city; integrates public works programs and activities with other City, County, State, and Federal departments and/or agencies.

Plans and directs the activities of all assigned personnel through one or more subordinate supervisors; and formulates and enforces department rules, regulations, work methods and procedures.

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

A RESOLUTION OF THE CITY COUNCIL OF THE GIG HARBOR CITY, WASHINGTON, ADDING AN ESSENTIAL DUTY TO THE JOB DESCRIPTION OF THE DIRECTOR OF PUBLIC WORKS ALLOWING FOR THE APPROVAL OF CONSTRUCTION CHANGE ORDERS UP TO 0.5% OF THE CONTRACT AMOUNT.

WHEREAS, during certain construction projects instances arise that required timely change order decisions, and

WHEREAS, the Public Works Director has the ability to make these decisions to prevent expensive delays in construction; and

WHEREAS, the City Council meets only twice monthly which does not allow for decisions to be made in a timely manner, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The following addition to the job description for the Public Works Director shall be included:

Essential Duties and Responsibilities

Responsible for approving construction change orders up to 0.5% of contract amount prior to the City Council's approval.

RESOLVED by the City Council this \_\_\_th day of November, 1994.

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

ATTEST:

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

Filed with City Clerk: 11/9/94

Passed by City Council:



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

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8186

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BBJ*  
**SUBJECT: TRANSPORTATION IMPROVEMENT ACCOUNT (TIA) GRANT**  
**DATE: NOVEMBER 8, 1994**

## **INTRODUCTION**

I am pleased to inform you that our request for the Harborview Drive project grant has been approved by the Transportation Improvement Account. The purpose of this memorandum is to receive your authorization for the Mayor to sign the grant document.

## **BACKGROUND/ISSUES**

We applied for Federal Grants for overlaying Harborview Drive from North Harborview Drive to Dorotich Street. Our application was approved for \$187,000 in Federal Grant money, which required \$29,160 in local, matching funds. Earlier this year, we received \$17,301 in Federal Expenditures authorizing the design of this project. The local matching funds for this amount is \$2,699. We then applied to the Transportation Improvement Account (TIA) to fund the City's share of this project cost. They sent us the enclosed letter stating that TIA approved our request.

In order to receive the TIA funds for the project, I need you to authorize the Mayor to sign the TIA Project Agreement. As soon as the agreement is fully executed, we will start receiving the funds.

## **POLICY ISSUES**

We have been very fortunate to receive as much federal and state assistance as we have so far for various street projects. Without this financial help, we simply could not do the projects as we do not have the resources.

We will continue to actively pursue any grant opportunities that are available to the City of Gig Harbor, as we desperately need them to improve our transportation infrastructure which is long overdue for improvements.

## **FISCAL IMPACT**

Although the amount of the grant is only \$2,699, it is \$2,699 more in our street department fund. With this grant, we do not have to spend \$2,699 from our street department for this project. Therefore, it has a direct positive impact to the City budget.

## **RECOMMENDATION**

I recommend a Council motion to authorize the Mayor to sign the TIA Project Agreement for the Harborview Drive Overlay project, for City to receive \$2,699 in grant money.





State of Washington

**Transportation Improvement Board**

Post Office Box 40901

Olympia, Washington 98504-0901

(206) 753-7198 SCAN 234-7196

October 28, 1994

Mr. Ben Yazici  
Public Works Director  
City of Gig Harbor  
Post Office Box 145  
Gig Harbor, WA 98335

TIA/ISTEA Match Project  
TIB No. 9P-0490(102)-1  
Harborview Drive  
Dorotich Street to North Harborview Drive  
City of Gig Harbor

Dear Mr. Yazici:

We are pleased to advise you that the Transportation Improvement Board (TIB) has authorized financial assistance for the above-referenced project from the Transportation Improvement Account (TIA). The TIA/ISTEA matching funds authorized for the **design phase** are **\$2,699**. The effective date of the authorization is September 16, 1994. TIA funding for this phase of the project does not constitute a commitment of TIA funds for future phases.

Please sign the two enclosed project agreements and return them to the TIB office by November 18, 1994. The agency is required to certify compliance with the Clean Air Act. After execution by the Executive Director, a copy will be forwarded to you.

We look forward to working with you. If you have any questions, please call Bob Moorhead, TIA Project Engineer, at (206)705-7593.

Sincerely,

A handwritten signature in black ink that reads "Rod Diemert".

Rod Diemert  
TIA Program Engineer

RLD:krj  
Enclosures

cc: Bob Holcomb FA#STPUL-3327(002)  
Accounting



**Transportation Improvement Account / ISTE A Matching Funds  
Project Agreement for Design Proposal**

Lead Agency <b>City of Gig Harbor</b>	
Project Number <b>9P-0490(102)-1</b>	Authority Number <b>9441089P</b>
Project Title & Description <b>Harborview Drive Dorotich Street to North Harborview Drive</b>	
Total Amount Authorized <b>\$2,699</b>	Authorization to Proceed Effective From <b>September 16, 1994</b>

IN CONSIDERATION of the allocation by the Transportation Improvement Board of Transportation Improvement Account (TIA) matching funds to the project and in the amount set out above, the agency hereby agrees that as condition precedent to payment of any TIA matching funds allocated at any time to the above referenced project, it accepts and will comply with the terms of this agreement, including the terms and conditions set forth in RCW 47.26; the applicable rules and regulations of the Transportation Improvement Board, and all representations made to the Transportation Improvement Board upon which the fund allocation was based; all of which are familiar to and within the knowledge of the agency and incorporated herein and made a part of this agreement, although not attached. The officer of the agency, by the signature below hereby certifies on behalf of the agency that federal, state, and local funds represented to be committed to the project will be available as necessary to implement the projected development of the project as set forth in the Federal Aid Project Prospectus, acknowledges that funds hereby authorized are for the development of the design proposal as defined by Chapter 167, Laws of 1988.

Projects in clean air non-attainment areas are subject to air quality conformity requirements as specified in RCW 70.94. The lead agency certifies that the project meets all applicable Clean Air Act requirements.

IN CONSIDERATION of the promises and performance of the stated conditions by the agency, the Transportation Improvement Board hereby agrees to reimburse the agency from TIA matching funds allocated, and not otherwise, for its reimbursable costs during the above referenced quarter year not to exceed the amount specified. Such obligation to reimburse TIA matching funds extends only to project costs incurred after the date of the Board's allocation of funds and authorization to proceed with the project.

**LEAD AGENCY**

**TRANSPORTATION IMPROVEMENT BOARD**

\_\_\_\_\_  
*Signature of Chairman/Mayor*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Executive Director*

\_\_\_\_\_  
*Date*



**Washington State  
Department of Transportation**  
Sid Morrison  
Secretary of Transportation

Transportation Building  
P.O. Box 47300  
Olympia, WA 98504-7300

September 26, 1994

Mr. Ben Yazici  
Public Works Director  
P. O. Box 145  
Gig Harbor, WA 98335

City of Gig Harbor  
Harborview Drive Overlay  
STPUL-3327(002)  
**FUND AUTHORIZATION**

Dear Mr. Yazici:

We have received FHWA fund authorization, effective September 16, 1994, for this project as follows:

<b>PHASE</b>	<b>TOTAL</b>	<b>FEDERAL SHARE</b>
Preliminary Engineering	\$20,000	\$17,301

In addition, categorical exclusion determination has been approved.

Enclosed for your information and file is a fully executed copy of Local Agency Agreement LA-2613 between the state and your agency. Also enclosed is a pre-printed Progress Bill form for the referenced project. Please forward this form to the person handling billings.

Federal funds for this project are limited by your regional STP project selection agency to \$30,000. All costs beyond those in the latest executed agreement are the sole responsibility of your agency.

Upon receipt of your certification of Right of Way, notification that the project is ready for advertisement and a supplement to the Local Agency Agreement which includes construction funds, the construction phase of this project will be considered for funding.

You may proceed with the administration of this project in accordance with your WSDOT approved Limited-Certification Acceptance agreement.

Sincerely,

WAYNE T. GRUEN, PE  
Deputy Assistant Secretary  
TransAid

WTG:ch  
Enclosure  
cc: Bob Holcomb, Olympic Region /7440

Agency CITY OF GIG HARBOR

Address P.O. Box 145  
Gig Harbor, WA 98335

Project No. STPUL-3327(002)

Agreement No. LA 2613

For Headquarters WSDOT use only.

The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) Office of Management and Budget Circulars A-102 and A-128, (4) the policies and procedures promulgated by the Washington State Department of Transportation, and (5) the federal aid project agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line s, column 3, without written authority by the State, subject to the approval of the Federal Highway Administration. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

**Project Description**

Name Harborview Drive Overlay Project Length 3,800 ft  
Termini Between Dorotich Street and North Harborview Drive

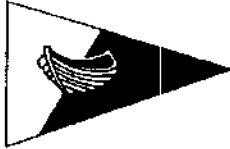
**Description of Work**

The existing pavement will be rehabilitated. The damaged pavement areas will be removed. Various construction methods will be evaluated for the prevention of reflective cracking. The roadway, first, will be pre-leveled as required. The pavement will then be overlaid with Asphalt Concrete Pavement. All of the existing manholes, utility valves, and monuments will be adjusted within the limits of the project.

Type of Work	Estimate of Funding		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated Federal Funds
PE			
a. Agency work	2,700	364	2,336
b. Other <u>Consultant</u>	16,800	2,268	14,532
c. State services	500	67	433
d. Total PE cost estimate (a+b+c)	20,000 ✓	2,699 ✓	17,301 ✓
Right of Way			
e. Agency work			
f. Other			
g. State services			
h. Total R/W cost estimate (e+f+g)			
Construction			
i. Contract			
j. Other			
k. Other			
l. Other			
m. Total contract costs (i+j+k+l)			
Construction Engineering			
n. Agency			
o. Other			
p. State forces			
q. Total construction engineering (n+o+p)			
r. Total construction cost Estimate (m+q)			
s. Total cost estimate of the project (d+h+r)	20,000 ✓	2,699 ✓	17,301 ✓

\*Federal participation in construction engineering (q) is limited to 15 percent of the total contract costs (line m, column 3).

The federal aid participation rate in this project will be determined by the Federal Government. The parties expect that it will be 86.5 percent; however, it is understood that the rate may vary. The Local Agency agrees that this agreement is entered into without relying upon any representation by the state made outside of this contract, or contained herein, as to what the federal participation rate will be. It further agrees that it will not condition any future actions with respect to the project covered by this agreement upon past, current, or future representations as to the federal participation rate. The dollar amount of federal participation cannot exceed the amount shown in line s, column 3. All costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.



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

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GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *ben*  
**SUBJECT: AMENDMENT TO RIGHT-OF-WAY USE ORDINANCE**  
**DATE: NOVEMBER 9, 1994**

## **INTRODUCTION**

The Public Works Department has started implementing the right-of-way use ordinance. We sent letters to affected property owners and requested them to obtain a permit. We have had an overwhelming, negative response from the property owners due to this ordinance. We shared these comments with the Public Works Committee. The Committee reached an agreement to amend the ordinance.

The purpose of this memorandum is to review the proposed amendment to the Ordinance and obtain your approval for the amendment at the second reading of the ordinance.

## **BACKGROUND/ISSUES**

The Council passed the right-of-way use ordinance in October 1993. Since then we have issued approximately 10 permits for fences and commercial use of the right-of-way. Last month we started listing all properties on arterial streets that are affected by this ordinance. Our intention was to address the arterial streets first, then to focus on local access streets.

We sent letters to approximately fifty property owners and asked to them to obtain a permit from the City. Property owners that have retaining walls on the City right-of-way complained about the fact that their retaining walls benefit the City as much as their own property. Their argument is that if they remove their retaining walls, the City would then have to build another to retain dirt and prevent objects from rolling into traffic lanes.

The Public Works Committee met on this issue and were in agreement that the original intent of the ordinance was to regulate fences and the use of public right-of-way for commercial purposes. We have modified the ordinance to reflect that original intent.

## **FISCAL IMPACT**

Amending the existing right-of-way use ordinance has no financial impact on the City.

## **RECOMMENDATION**

Staff recommends a Council motion to approve the attached ordinance which amends the existing right-of-way use ordinance to limit the right of use permit requirement to fences, scaffolding or objects for commercial uses at its second reading.

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING ORDINANCE NO. 653 ESTABLISHING A PROCEDURE FOR APPLICATION AND ISSUANCE OF RIGHT-OF-WAY USE PERMITS.

WHEREAS, Ordinance No. 653 was adopted to established a procedure for issuance of right-of-way use permits; and

WHEREAS, Section 12.02.010 Permit Required of this Ordinance required a right-of-way permit for property owners with existing retaining walls constructed to preserve and protect the city right-of-way as well as private properties; and

WHEREAS, this portion of the ordinance is found to place an unnecessary burden upon certain property owners;

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

Section 1. Language in the City of Gig Harbor Municipal Code, Chapter 12.02.010, is hereby amended to read as follows:

12.02.010 Permit Required. No person shall use any public right-of-way, street, sidewalk, or other public place without a right-of-way use permit. The term "use" means to construct, erect, place or maintain in, on, over or under any public right-of-way, street, sidewalk or other similar public place, any building, fence, retaining wall, structure, and scaffolding for residential and commercial uses, or objects for commercial uses, in such a way as to obstruct a public parking strip, sidewalk, street or right-of-way within the City.

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

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

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

BY: \_\_\_\_\_

ATTEST:

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

Filed with City Clerk: 11/09/94  
Passed by City Council:  
Date Published:  
Date Effective:

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

TO: MAYOR OF GIG HARBOR

11-4-94

SPECIAL OCCASION #351502

CLASS I FOR: PARA TRANSIT

NEVILLES SHORELINE  
8827 N HARBORVIEW  
GIG HARBOR WA

DATE/TIME: DECEMBER 10, 1994 6PM TO 2AM

PLACE: GIG HARBOR YACHT CLUB

PLEASE RETURN ONE COPY TO THE LIQUOR CONTROL BOARD

SPECIAL OCCASION LICENSES

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

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

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

OPTIONAL CHECK LIST	EXPLANATION	YES ___ NO ___
LAW ENFORCEMENT	_____	YES ___ NO ___
HEALTH & SANITATION	_____	YES ___ NO ___
FIRE, BUILDING, ZONING	_____	YES ___ NO ___
OTHER:	_____	YES ___ NO ___

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

\_\_\_\_\_  
DATE

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

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

TO: MAYOR OF GIG HARBOR

11-4-94

SPECIAL OCCASION #351502

CLASS I FOR: ACTIVE CONSTRUCTION

NEVILLES SHORELINE  
8827 N HARBORVIEW  
GIG HARBOR WA

DATE/TIME: DECEMBER 3, 1994 6PM TO 2AM

PLACE: GIG HARBOR YACHT CLUB

CONTACT: WALT SMITH 851-4696

PLEASE RETURN ONE COPY TO THE LIQUOR CONTROL BOARD

SPECIAL OCCASION LICENSES

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

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

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

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

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

\_\_\_\_\_  
DATE

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



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

TO: MAYOR OF GIG HARBOR

11-4-94

SPECIAL OCCASION #351502

CLASS I FOR: PENINSULA LIGHT CO

NEVILLES SHORELINE  
8827 N HARBORVIEW  
GIG HARBOR, WA

DATE/TIME: DECEMBER 17, 1994 6PM TO 2AM

PLACE: GIG HARBOR YACHT CLUB

CONTACT: JIM NYGARD 857-5956

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

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DATE

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SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

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TO: MAYOR OF GIG HARBOR

11-4-94

SPECIAL OCCASION #351502

CLASS I FOR: GIG HARBOR FISHERMEN

NEVILLES SHORELINE  
8827 N HARBORVIEW  
GIG HARBOR, WA

DATE/TIME: DECEMBER 16, 1994 6PM TO 2AM

PLACE: GIG HARBOR YACHT CLUB

CONTACT: JOHN JERKOVICH 851-3527

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

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SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE