

GIG HARBOR CITY COUNCIL MEETING

JUNE 8, 1992

7:00 p.m., City Hall Council Chambers



AGENDA FOR GIG HARBOR CITY COUNCIL MEETING  
JUNE 8, 1992

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

PUBLIC HEARINGS: None scheduled.

APPROVAL OF MINUTES:

CORRESPONDENCE: None scheduled.

OLD BUSINESS:

1. Request to Extend/Eliminate Expiration Date, Wetland Ordinance - 1st reading.

NEW BUSINESS:

1. Presentation by IES Associates on Wetlands Mapping Project/Recommendation of Planning Commission.
2. Interlocal agreement - Peninsula School District.
3. Hearing Examiner report and recommendation on SPR92-03: Foursquare Church.
4. Hearing Examiner report and recommendation on SUB91-04: Pepperwood Preliminary Plat.
5. Stinson Avenue storm drainage improvements contract award.
6. Ordinance amending fee schedule ordinance - 1st reading.
7. Selection of underwriter for ULID #3 bonds.
8. Special occasion liquor license - Neville's Shoreline.
9. Renewal of liquor licenses.

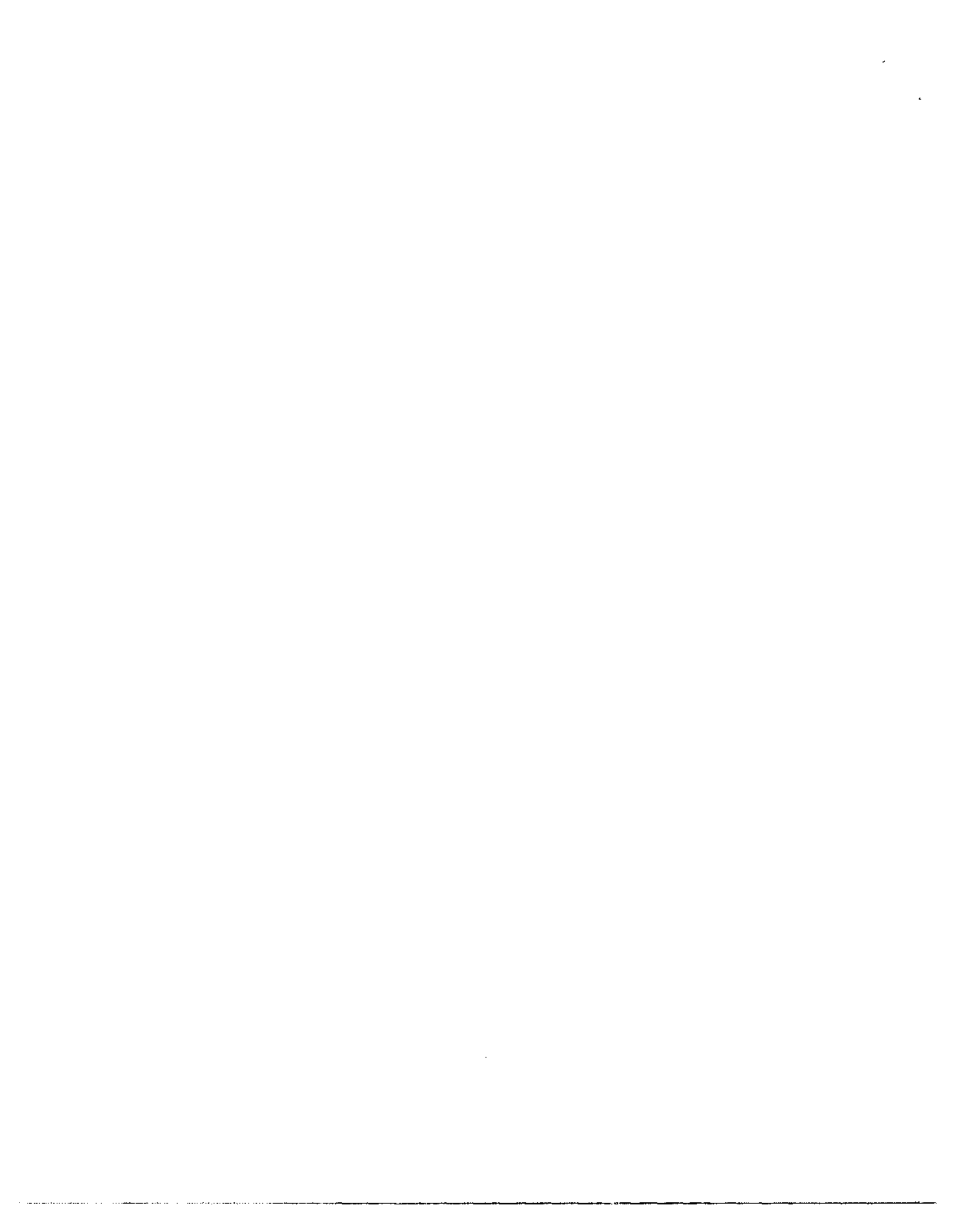
DEPARTMENT MANAGERS' REPORTS:

1. Police.

COUNCIL COMMITTEE REPORTS: None scheduled.

MAYOR'S REPORT:

1. Growth management update.



ANNOUNCEMENTS OF OTHER MEETINGS:

1. Council workshop on county-wide planning policies, June 15, 7:00 p.m.
2. AWC Convention - June 16-19, Bellevue.
3. Pierce County Planning Commission meeting, June 17, 7:00 p.m.

APPROVAL OF PAYROLL:

Warrants #7074 through 7179 in the amount of \$153,584.50.

APPROVAL OF BILLS:

Warrants #        through #        in the amount of \$

EXECUTIVE SESSION:

1. Claims.

ADJOURN:



REGULAR GIG HARBOR MEETING OF MAY 26, 1992

PRESENT: Councilmembers Frisbie, Stevens-Taylor, Platt, Markovich, and Mayor Wilbert.

ABSENT: Councilmember English.

PUBLIC COMMENT/DISCUSSION: None scheduled.

CALL TO ORDER: 7:05 p.m.

PUBLIC HEARINGS:

1. ANX92-01: City shop property - 2nd reading.  
Planning Director Ray Gilmore presented the ordinance for consideration and provided information regarding the annexation of the property..

There was no public comment.

MOTION: To adopt Ordinance #624.  
Frisbie/Stevens-Taylor - unanimously approved.

MINUTES:

MOTION: To approve the minutes of the meeting of May 11, 1992 as corrected.  
Frisbie/Platt - unanimously approved.

CORRESPONDENCE:

1. FCC notice of granting license for radio service.
2. Letter from Viacom Cable describing theft of cable service.
3. Letter from DNR regarding relocating established harbor area.  
Council heard comments from Paul Gustafson, Dick Allen, Ron Ray, John Paglia, and Terry Donahue regarding the relocation of harbor lines.

OLD BUSINESS:

1. Ordinance adopting RCW 46.61.517 regarding refusal to submit to breath test - 2nd reading.

MOTION: To adopt Ordinance #625.  
Markovich/Stevens-Taylor - unanimously approved.

NEW BUSINESS:

1. Hearing Examiner report and recommendation on SDP92-01:  
Haub Bros. Trust Enterprises.

Mr. Gilmore provided information on the proposal. Councilmember Markovich suggested the applicant provide verification of compliance with appropriate authority regarding remediation of contaminated materials.

MOTION: To accept the report of the Hearing Examiner and approve Resolution #355.  
Markovich/Frisbie - unanimously approved.

2. Hearing Examiner report and recommendation on SDP92-02:  
MCI Development Marina.

Mr. Gilmore presented the report and explained that the applicants were re-applying for the shoreline permit as the previous one had expired.

Jim Richardson, agent for the applicant, Terry Donahue, applicant's attorney, and John Kerr, applicant, each provided information regarding the development proposal.

John Paglia and Paul Gustafson presented comments relative to shoreline development.

MOTION: To accept the Hearing Examiner's report and approve Resolution #356 except re-write condition #1 to read:

"The stormwater plan shall be consistent with the design standards of the City Department of Public Works for on-site stormwater retention and release."

Markovich/Frisbie - unanimously approved.

Councilmember Frisbie suggested several "friendly amendments" to the motion which were:

Include with condition #5, that the project as presented on the site plan dated 7/28/88 must fit within the "pre-Mel Garland" outer harbor line.

The public access pier and view platform as designated on the site plan, or as modified by requirement of the Department of Fisheries through the HPA processs, shall be constructed prior to occupancy.



Sidewalks, curbs, and gutters as depicted on the site plan of 7/28/88 shall be constructed prior to occupancy.

All dumpsters shall be screened from public view as required per 17.48.090 of the zoning code.

The council unanimously approved the addition of the above friendly amendments to the original motion.

3. Request to Extend/Eliminate Expiration Date, Wetland Ordinance - 1st reading.

Mr. Gilmore explained the need for the request. The Wetland Areas map will be presented at the council meeting of June 8, 1992.

4. Request from Rainier View Water Company to sell water system.

Public Works Director Ben Yazici explained that he had received a request from Rainier View Water Company to sell their water system in the Westside area. Rainier View would not suggest a price for the system until the council expresses an interest in it.

Staff was directed to contact Rainier View to obtain as much information regarding the system as possible and bring that information back in September.

5. Change order request to Pioneer and Stinson overlay projects.

Mr. Yazici explained the request for a change order to the Tucci and Sons contract.

MOTION: To authorize staff to execute a change order with Tucci and Sons to build curbs, gutter, sidewalks, and install storm drainage on Pioneer Way at a price not to exceed \$83,795.39.  
Markovich/Frisbie - approved by a vote of 3 - 0 with Platt abstaining.

6. Special occasion liquor license - Peninsula School District Retirement Club.

No action taken.

DEPARTMENT MANAGERS' REPORTS:

1. Public Works.

Mr. Yazici provided council with information regarding various public works projects.

COUNCIL COMMITTEE REPORTS: None scheduled.

MAYOR'S REPORT:

1. Upcoming community events.  
Mayor Wilbert provided information on summer activities.
2. Draft planning policies.  
Mayor Wilbert presented each councilmember with a copy of the county's draft policies.

BILLS:

MOTION: To approve warrants #8924 through #8975 less #8928, in the amount of \$157,258.87.  
Platt/Frisbie - unanimously approved.

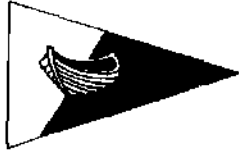
ADJOURN:

MOTION: To adjourn at 9:15 p.m.  
Frisbie/Platt - unanimously approved.

Cassette recorder utilized.  
Tape #277 Side B 380 - end  
Tape #278 Both sides  
Tape #279 Side A 000 - 307.


\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator



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

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

TO: Mayor Wilbert and City Council  
FROM:  Ray Gilmore  
DATE: June 2, 1992  
SUBJ.: Request to Extend/Eliminate Expiration Date,  
Wetland Ordinance-- 2nd Reading of Ordinance

Attached is the amendment to Section 4 of Ordinance 611 which would extend the "expiration date" of the ordinance to August 31, 1992. This should allow sufficient time for the Council to complete its review of the wetland maps, the Planning Commission recommendations and to conduct a public hearing prior to final action on the maps and the ordinance.

Council's favorable consideration is requested.

CITY OF GIG HARBOR  
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING ORDINANCE NO. 611, SECTION 4, TO REVISE THE EXPIRATION DATE OF THE ORDINANCE FROM JUNE 15, 1992 TO AUGUST 31, 1992.

WHEREAS, the City of Gig Harbor adopted Ordinance No. 611 on November 12, 1991; and,

WHEREAS, Section 4 of Ordinance No. 611 provided that upon the completion of wetlands mapping for the City, and upon further review by the planning commission and city council, the ordinance would be revised and its current form would expire no later than June 15, 1992; and,

WHEREAS, the City retained a consultant to delineate, identify and classify wetlands within the City, which has been accomplished as of May 1, 1992; and,

WHEREAS, for the Planning Commission to conduct a public hearing and worksession and City Council to complete its review of the mapping project and revisions to the ordinance would require additional time beyond the June 15 deadline; and,

WHEREAS, a revised expiration date of at least two months is reasonable to complete the review.

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

Section 1            Section 4 of Ordinance 611 is hereby amended as follows:

This ordinance shall take effect and be in full force five (5) days after the publication. Upon completion of the mapping of wetlands within the current city boundary, this ordinance will be reviewed by the Planning Commission and City Council and revised as appropriate. The ordinance, in this current form, will expire no later than ~~June 15~~ August 31, 1992.

Wetland Ordinance Time Extension  
page 2

Gretchen Wilbert

ATTEST:

Mark E. Hoppen  
City Administrator

Filed with City Clerk:  
Passed by City Council:  
Date Published:  
Date Effective:





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3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: Mayor Wilbert and City Council  
FROM: *RB* Planning Commission/Ray Gilmore  
DATE: June 3, 1992  
SUBJ.: Proposed Wetland Maps/Revisions to Wetland  
Management Ordinance.

Rex Van Wormer of I.E.S. Associates will be attending the regular session on Monday to give a presentation on the City's wetland mapping project. This will be an opportunity for Councilmembers and the general public to acquaint themselves with the subject. Mr. Van Wormer will be available, of course, to answer any questions concerning wetlands.

The Planning Commission has reviewed the proposed wetland maps for the city of Gig Harbor and, following its public hearing of May 19 and a worksession of May 28, has recommended adoption of these maps as a part of the Wetland Management Ordinance.

The staff and the Planning Commission discussed, at great length, several aspects of the ordinance relevant to the technical requirements for delineation (field identification and verification), buffers, minimum functional size (threshold for exemption), wetland categories, and replacement ratios (for altered or loss wetlands). Based upon the testimony received and the independent review of the Planning Commission, the Council is requested to consider findings and recommendations as follows:

Minimum Functional Size Threshold

As stated in the Wetland Report by I.E.S. Associates, the Type IV wetlands identified are "marginal". That is the majority of them identified are associated with development, and have been modified. Some are head-waters of short seeps which percolates into the ground, limiting the overall size and influence. Due to the very small size of one Type IV on Bayview Drive, and what appears to be of limited value, the planning commission considered increasing the wetland size threshold for Type IV wetlands as a consideration of reducing the technical burden on the affected property owners. However, based upon the proposed wetland maps,

the properties which have this wetland would still have buildable areas within the current "envelopes". Two properties on Stinson (north of Rosedale) have a Type IV wetland which, according to I.E.S., has functional value as a "surface water purifier". These two properties could be affected in terms of buildable area, but the ordinance is flexible enough to permit some latitude in site development. Amending the threshold size, therefore, does not appear justified.

#### Buffers

Much discussed and debated during the development of the ordinance, this appears to be the most controversial issue. Arguments have been raised that support or refute the scientific rationale for buffers. Compared to other ordinances, the city's wetland buffers are rather conservative. Additionally, there are provisions within the ordinance (18.08.110) that allow for the alteration of buffers upon the submittal of a mitigation plan. The planning commission does not recommend amending the buffer widths but suggests reviewing the mitigation plan requirements (18.08.150, pgs 21-24) to determine if this section should be simplified or reduced. This should be undertaken as part of the interim ordinance's two-year administration and review period.

#### Categories

Currently, the ordinance has five categories: four wetland types and the fifth category for streams. Based upon the mapping study, the categories should be reduced to four by the elimination of Category I wetlands. It is extremely doubtful that a category I would be found within the current urban area. It is recommended that Category I be deleted and that the remaining categories be redesignated (Category II becomes Category I, etc.).

#### Replacement Ratios

No changes recommended at this time.

#### Field Identification of Wetlands

The only requirement for field identification of a wetland boundary ("flagging") is found in section 18.08.070 which requires this to be done prior to submittal of a wetland analysis report. This should,



of course, be required if the category of wetland is not known. However, because the mapping study has classified all of the wetlands within the city and several immediately adjacent to, we may want to require boundary delineation of these classified wetlands upon the submittal of a development application for the site. This would require the services of a wetland specialist and a surveyor.

The following revisions to the ordinance are recommended:

Section 18.08.070

Prior to the submittal of a wetlands analysis report or the development of a lot which has a classified wetland as identified on the City Wetland Map, boundaries of wetlands 2,500 square feet or more shall be staked and flagged by a wetland specialist and surveyed by a licensed professional surveyor....

Section 18.08.090 A.

Delete second sentence, replace as follows: A wetlands analysis report is not required for those wetlands mapped and classified per the City of Gig Harbor wetlands map. A wetlands analysis report is required with all annexation petitions and land-use applications for properties which do not have wetlands mapped and classified per the City of Gig Harbor wetlands map.

[ Intent is to eliminate requirement for wetland analysis reports for properties which have been mapped and classified by the City.]

Section 18.08.090 B.

Add at end of sentence: "...., except as provided in Section A. preceding.

[ Intent is to maintain consistency with preceding subsection A.]

Section 18.08.230

Add: 3. Areas which have been designated as wetlands per the City of Gig Harbor Wetlands Inventory and Maps of May 1992.

Summary

The maps as prepared by I.E.S. Associates should be adopted as an official City of Gig Harbor Wetlands Map and that the ordinance be amended to reflect the above changes as recommended by the Planning Commission. An ordinance adopting the maps and the proposed changes will be introduced at the next regular meeting of June 22.



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 Council members  
From: Mark Hoppen, City Administrator *MH*  
Subject: Interlocal Agreement - Peninsula School District  
Date: 6/5/92

Attached is a proposed interlocal agreement with the Peninsula School District which results from the Sewer Utility Extension Agreement authorized September 18, 1991. The agreement defines the terms of our construction relationship with the District and describes the procedure for providing reimbursement to the District in the event of latecomer sewer hook-ups.

The agreement before you is the product of interaction between representatives of the City of Gig Harbor and of the Peninsula School District, as well as on-going interaction between respective counsels with the input of city and school staff members.

I have included at the outset of the agreement a letter from school district counsel, Mary Urback, which indicates the districts unwillingness to indemnify the City of Gig Harbor for concurrent liability, despite our request that they do so.

Please note the city's right to charge the school district a five percent equivalent fee for the administrative costs of the latecomers agreement, as well as adding a five percent addition to each latecomer fee to be used for the same purpose (see 4.4.5, 4.4.6, p.5).

Another issue is our need to inspect the construction and maintain this addition to our system, insuring compliance with city standards. It would seem that the Purdy lift station should be included in this requirement (see 1.2.1, p.3). Moreover, the city should be compensated for these activities at current city rates. Staff recommends that we do not accept this addition to the the system without these provisions.

**Recommendation:**

Move to approve the ratification of the agreement, subject to provision for inspection of construction and for maintenance of the addition to our system, including the Purdy Lift Station, and subject to standard charges to the Peninsula School District at current City of Gig Harbor rates for inspection and maintenance.

## VANDEBERG &amp; JOHNSON

A PROFESSIONAL SERVICE CORPORATION

1800 FIRST INTERSTATE PLAZA  
1701 PACIFIC AVENUE  
P.O. BOX 1315  
TACOMA, WASHINGTON 98401-1315  
(206) 383-3761 (TACOMA)  
(206) 858-8057 (SEATTLE)  
FACSIMILE: (206) 383-6377

MARK R. PATTERSON  
GARY W. ROSS  
H. ANDREW SALLER, JR.  
MICHAEL T. TURNBULL  
MARY J. URBAGA  
ELVIN J. VANDERBEEK  
JAMES H. VERELLEN  
G. BERRIN WALKER  
JULIE M. WEBER/WATSON

DARREL B. ADDINGTON  
JAMES H. BUSH  
WILLIAM A. BOYD  
H. FRANK CRAWFORD  
RICHARD A. FINNIDAN  
CLIFFORD B. FOSTER, JR.  
HAROLD T. HARTINGER  
JOANNE HENRY  
MAAR A. HOOD  
W. ROGER JOHNSON  
JAMES A. KRUEGER, JR.  
GEROME F. MORGAN  
JOHN L. NICHOLS

May 28, 1992

OF COUNSEL  
ROBERT M. KANE, MS.

**TRANSMITTED VIA FACSIMILE - 206-447-0215**

Mr. Wayne D. Tanaka  
Ogden Murphy Wallace  
2100 Westlake Center Tower  
1601 5th Avenue  
Seattle, WA 98101

**RE: Proposed Interlocal Cooperative Agreement Between  
Peninsula School District and City of Gig Harbor**

Dear Wayne:

I have had an opportunity to review with the School District your latest round of revisions. In that regard, I have revised the proposed Interlocal Agreement as you requested in the following respects: paragraph 1.2.1, paragraph 1.2.6, paragraph 2, and paragraph 3. The District will agree to pay for any additional capacity up to the 30,000 gallons per day should they exercise the right of first refusal.

However, with respect to your change requested under paragraph 4.5, I cannot recommend adding the word "solely." I do not want to place the District in a situation where an action involves concurrent wrongful conduct and the City makes an argument under the Agreement that the District must indemnify the City because the action was not "solely" related to the City's conduct, notwithstanding there was actual concurrent liability. Your requested addition is unreasonable and more importantly, contrary to public policy (RCW 4.24.115), in that the District cannot indemnify the City for its wrongful conduct even if it occurs in a concurrent situation.

I trust that we have now reached final agreement and that the attached Agreement is indeed the final Agreement which can be presented to the City Council at the June 8th meeting. The District's Board of Directors meets on June 11th which would then allow ratification of the Agreement the week of June 8th.

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Mr. Wayne D. Tanaka  
May 28, 1992  
Page 2

I will forward to you an original document for execution following your review. I look forward to hearing from you at your earliest convenience. Thank you for your continued cooperation in this matter.

Very truly yours,



MARY J. UREBACK

MJU/ha  
1290.00015

Enclosure

cc: Dr. John Armenia (Via Facsimile - 206-857-3575)

**INTERLOCAL COOPERATIVE AGREEMENT  
FOR CONSTRUCTION OF A SANITARY SEWER AND REIMBURSEMENT  
FOR LATECOMERS BETWEEN CITY OF GIG HARBOR AND  
PENINSULA SCHOOL DISTRICT NO. 401**

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1992, by and between the City of Gig Harbor, a municipal corporation (the "City") and Peninsula School District No. 401, a municipal corporation (the "District").

**I. RECITALS**

WHEREAS, the City entered into a Sewer Utility Extension Agreement with the District on September 18, 1991 to extend sewer utility service to certain District property in the Purdy area and more particularly described on Exhibit 1 attached hereto ("the District's property"); and

WHEREAS, the City adopted Ordinance No. 617 on January 27, 1992 to create Utility Local Improvement District No. 3 (the "ULID") for the purpose of funding sanitary sewer improvements in unincorporated Pierce County, north of the City of Gig Harbor which, in part, will benefit the District; and

WHEREAS, the sanitary sewer to be extended to the District's property in the Purdy area will be paid in part by the City through the ULID and in part by the District under the terms and conditions set forth herein; and

WHEREAS, the sanitary sewer to be extended to the District's property will in part benefit other property owners within the Purdy Community and therefore, the District desires and the City is willing to enter into an agreement under the terms set forth below to allow the District to recover its costs for the construction of a portion of the sanitary sewer system from such other benefitted property owners; and

WHEREAS, the District and the City are authorized to enter into a cooperative agreement in accordance with the terms and conditions set forth herein pursuant to RCW ch. 39.34, the Interlocal Cooperation Act; and

WHEREAS, it is in the best interest of both the City and the District to enter into this agreement for construction and reimbursement of a sanitary sewer system which benefits the Purdy community as well as the District.

## II. AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and benefits herein, the parties agree as follows:

### 1. Construction of Sanitary Sewer System.

#### 1.1 City Responsibility.

1.1.1 Except as set forth under paragraph 1.2.1 below, the City shall construct a sanitary sewer system consisting of the Purdy sanitary sewer and the sanitary sewer improvements under the ULID ("the sanitary sewer system") which shall be extended to the District's property. The City shall comply with all statutory public bid processes in the construction of the sanitary sewer system.

1.1.2 The City shall provide the District with copies of all construction and bid documents prior to submittal for construction bids and the District shall be entitled to suggest reasonable revisions in a timely manner to those documents which relate to or affect the District's use of the sanitary sewer system or which relate to or affect the District's responsibility under this agreement as set forth under paragraph 1.2 below. The City shall provide the District with a copy of all executed construction contracts for the sanitary sewer system.

1.1.3 The City shall segregate all costs and expenses of construction of the sanitary sewer system which shall be paid by the District under this agreement. The City shall provide the District with all documents supporting such costs and expenses.

1.1.4 In the event of a material change in the scope of the sanitary sewer system which relates to the District's use of the sanitary sewer system or which relates to the District's responsibility set forth under paragraph 1.2 below or affects the District's potential use of the sanitary sewer system, the City shall promptly communicate with the District and any such changes in the sanitary sewer system shall be made with the approval of the District. In all other events and during the course of construction of the sanitary sewer system, the City shall communicate with the District when reasonably necessary.

1.1.5 Except as set forth below under paragraph 1.2.5, the costs of construction of the sanitary sewer system shall be paid by the City in accordance with the requirements of the ULID.

*right to inspect.*

**1.2 District Responsibility.**

1.2.1 The District shall construct to City standards that portion of the Purdy sanitary sewer known as Phase I, consisting of 1000 feet of force main along State Highway 302 between the proposed Purdy sewage lift station and Burnham Drive (excluding the Purdy sewage lift station itself).

(?)

1.2.2 In the event of a material change in the scope of the Purdy sanitary sewer system known as Phase I which relates to the City's responsibility to construct the Purdy sanitary sewer system known as Phase II or the sanitary sewer system under the ULID or which relates to the City's responsibility set forth under paragraph 1.1 above, the District shall promptly communicate with the City and any such changes in Phase I of the Purdy sanitary sewer system shall be made with the approval of the City. In all other events and during the course of construction of Phase I of the Purdy sanitary sewer system, the District shall communicate with the City when reasonably necessary.

1.2.3 The District shall be solely responsible for administration and all costs and expenses associated with construction of Phase I of the Purdy sanitary sewer.

1.2.4 Construction of Phase I of the Purdy sanitary sewer by the District shall be completed by no later than completion of the sanitary sewer system by the City.

1.2.5 The District shall pay to the City the cost of construction of: 1) the District's share of Phase II of the Purdy sanitary sewer as set forth on Exhibit 2 attached hereto and 2) the "Purdy Community" portion of the ULID as set forth on Exhibit 2 attached hereto.

1.2.6 Following completion of Phase I of the Purdy sanitary sewer system and acceptance by the City, the District shall dedicate all improvements under Phase I to the City.

2. Completion Date of Sanitary Sewer System. The entire sanitary sewer system under this Agreement shall be completed by no later than July 15, 1993 and the system shall be available for use by the District and operational to carry raw sewage from the District's property to the city's sewage treatment plant by no later than July 15, 1993; provided; however, in the event the sanitary sewer system is not completed by and available for use by the District by July 15, 1993, as the sole remedy to the District, the City authorizes the District to make an interim connection to the existing 10 inch sewer line under Burnham Drive. The District shall be allowed to maintain such connection until the sanitary sewer system under this Agreement is operational to carry raw



sewage from the District's property to the City's sewage treatment plant.

3. Sanitary Sewer System Use Guaranty. The City acknowledges that the sanitary sewer system to be extended to the District's property shall have capacity in excess of 30,000 gallons per day (gpd) allocated to meet the District's sanitary sewer needs. The District is paying in accordance with paragraph 1.2, a proportionate share of the costs of the ULID sewer system and the Purdy portion of the system in an amount equivalent to 101,000 gallons per day capacity. The City hereby warrants that the sanitary sewer system shall be available for use by the District, as needed, in its discretion, at a capacity level of 30,000 gallons per day until July 9, 1994; provided; however, for a thirteen year period thereafter, prior to the sale of any excess capacity, the City shall first offer such capacity up to 30,000 gallons per day to the District. The District shall have the right to elect to use any such capacity up to a total of 30,000 gallons per day, inclusive of the capacity utilized by the District at the time of initial connection to the sanitary sewer system, provided, the District pays to the City all costs and fees associated with such use. The District's election hereunder shall be made in writing to the City within ten (10) days from the date of actual receipt of notice from the City.

4. Latecomer Reimbursement. The City shall reimburse the District for costs incurred by the District (set forth under paragraph 1.2.5) for construction of a portion of the sanitary sewer system in accordance with the following terms and conditions:

4.1 Term. The City shall reimburse the District for said costs for a period of fifteen (15) years, commencing from the date of completion and acceptance of the entire sanitary sewer system by the City.

4.2 Notice. The City shall notify the District of entitlement of reimbursement under this Agreement within fifteen (15) days of the date of application for sanitary sewer service by a user within the contributory area described below. The City shall reimburse the District in accordance with this Agreement within sixty (60) days of receipt of the required funds as described herein from the sanitary sewer applicant.

4.3 Contributory Area. Any property within that area described on Exhibit 3 attached hereto which will use the Purdy Sewage Lift Station shall be subject to latecomer fees payable to the City and reimbursable to the District as governed by this Agreement. The contributory area may be expanded only upon mutual agreement in writing between the City and District.

#### 4.4 AMOUNT OF REIMBURSEMENT.

4.4.1 The costs subject to reimbursement to the District are costs charged to the "Purdy community" as shown on Exhibit 2 attached hereto for illustrative purposes.

4.4.2 The daily flow which the Purdy Community shall be responsible for is 71,000 gallons per day and the costs associated therewith is estimated at the time of execution of the Agreement to be \$588,225. The actual costs of construction of the sanitary sewer system shall be reconciled at the time of completion of construction.

4.4.3 Upon completion of construction and compilation of all costs associated with the city and District's construction of the sanitary sewer system in accordance with this Agreement, the City's Director of Public Works shall promptly prepare a final cost breakdown substantially similar to Exhibit 2 based upon the actual costs of construction. This final cost breakdown shall be a part of and incorporated into this Agreement by Addendum executed by the City and District which shall be recorded promptly following determination of the actual costs of construction.

4.4.4 Any applicant seeking to connect to the sanitary sewer system shall pay a latecomer fee to the City, to be reimbursed to the District under this Agreement, according to the following formula:

$$\text{Fee} = \frac{\text{flow from new connection (gpd)}}{71,000 \text{ gpd}} \times \text{Total Cost to "Purdy Community"}$$

The total cost to the "Purdy Community" will be the final amount as shown on the final cost breakdown of construction of the sanitary sewer system.

4.4.5 The City shall have the right to assess a five percent (5%) administrative fee which cost shall be added to the latecomer fee determined under this Agreement and shall be paid by the applicant at the time of application for connection to the sanitary sewer system.

4.4.6 The District shall pay the City an amount equivalent to five percent (5%) of the latecomer fee collected by the City for administration of the latecomer reimbursement obligations under this Agreement.

4.5 Indemnification. The District shall indemnify, defend and hold the City harmless in any claim, demand, lawsuit or in any action arising from or relating to latecomer fees under this Agreement, except any claim, demand, lawsuit or any action arising

from or relating to any intentional or negligent act, event, occurrence or omission by the City in the adoption, administration or collection of latecomer fees under this Agreement.

## 5. Miscellaneous.

5.1 Jurisdiction/Venue. This Agreement is made with reference to and is intended to be construed in accordance with the laws of the state of Washington. Venue shall be in Pierce County, Washington.

5.2 Successors in Interest. This Agreement shall be binding upon and inure to the benefit of the successors, heirs, and assigns of the parties.

5.3 Time is of the Essence. Time is of the essence under this Agreement.

5.4 Construction. This Agreement shall not be construed more favorably to one party over another, notwithstanding the fact one party, or its attorney, may have been more responsible for the preparation of the document.

5.5 Attorney's Fees. In the event that any party hereto retains an attorney to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs incurred in any proceeding including both trial and appellate courts or fees and costs incurred without suit.

5.6 Amendment. No modification, amendment, addition to or changes to this Agreement shall be valid or enforceable unless in writing and signed by all parties.

5.7 Waiver. No failure on the part of any party to exercise, and no delay in exercising, any rights hereunder shall operate as a waiver thereof; nor shall any waiver or acceptance of a partial, single or delayed performance of any term or condition of this Agreement operate as a continuing waiver or a waiver of any subsequent breach thereof.

5.8 Effective Date of Agreement. The Agreement shall be effective upon the later of the date this Agreement is approved and ratified by the Board of Directors of the District or the City Council. Each party shall provide the other party with a copy of such resolution approving this Agreement.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date and year first above written.

CITY OF GIG HARBOR

PENINSULA SCHOOL DISTRICT  
NO. 401

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Tom R. Hulst  
Its: Superintendent

Attest: \_\_\_\_\_  
City Administrator/Clerk

STATE OF WASHINGTON )  
County of Pierce ) ss.

On this day personally appeared before me \_\_\_\_\_ and \_\_\_\_\_, to me known to be the Mayor and the \_\_\_\_\_ of the City of Gig Harbor, 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 was authorized to execute said instrument on behalf of said municipal corporation.

GIVEN under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 1992.

NOTARY PUBLIC in and for the State  
of Washington, residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF WASHINGTON )  
                              ) ss.  
County of Pierce        )

On this day personally appeared before me TOM R. HULST, to me known to be the Superintendent of Peninsula School District No. 401, 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 was authorized to execute said instrument on behalf of said municipal corporation.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State  
of Washington, residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**GIG HARBOR COMMUNITY DEVELOPMENT  
STAFF REPORT**

**TO: CITY COUNCIL**  
**FROM: PLANNING STAFF**  
**DATE: JUNE 8, 1992**

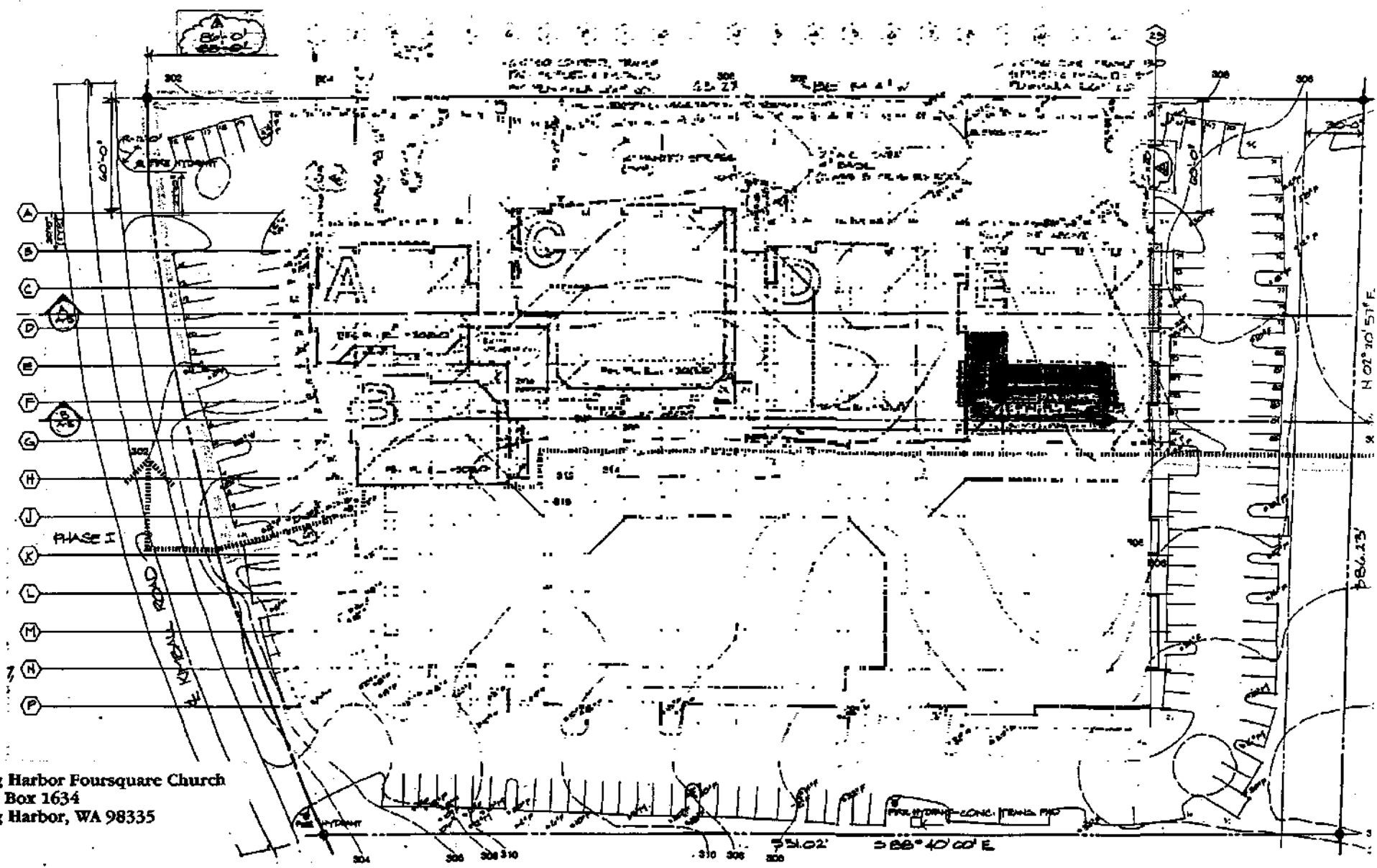
**RE: SITE PLAN REVIEW FOR CHANGE OF OCCUPANCY ALLOWING  
CHURCH SERVICES AT THE WOODS CENTER - 6677 KIMBALL  
DRIVE**

=====

Chris Bayer, Pastor of the Gig Harbor Foursquare Church is requesting site plan approval allowing a change of occupancy for an existing structure located in The Woods office/retail complex at 6677 Kimball Drive. While the site plan will remain essentially unchanged, site plan review is required because the proposed use represents a change of occupancy as defined under the Uniform Building Code (as per Section 17.96.020.D of the City's Zoning Ordinance).

The Staff's primary concern with this application has been the required parking for the proposed occupancy increase. However, the Staff believes that use of the structure for church services will be opposite regular business hours and will not conflict with the parking needs of other tenants within the complex. Accordingly, the Planning Staff and the Hearing Examiner are recommending conditioned approval of the proposed site plan. The Staff Report to the Hearing Examiner and the Hearing Examiner's report and recommendation to the City Council are attached.

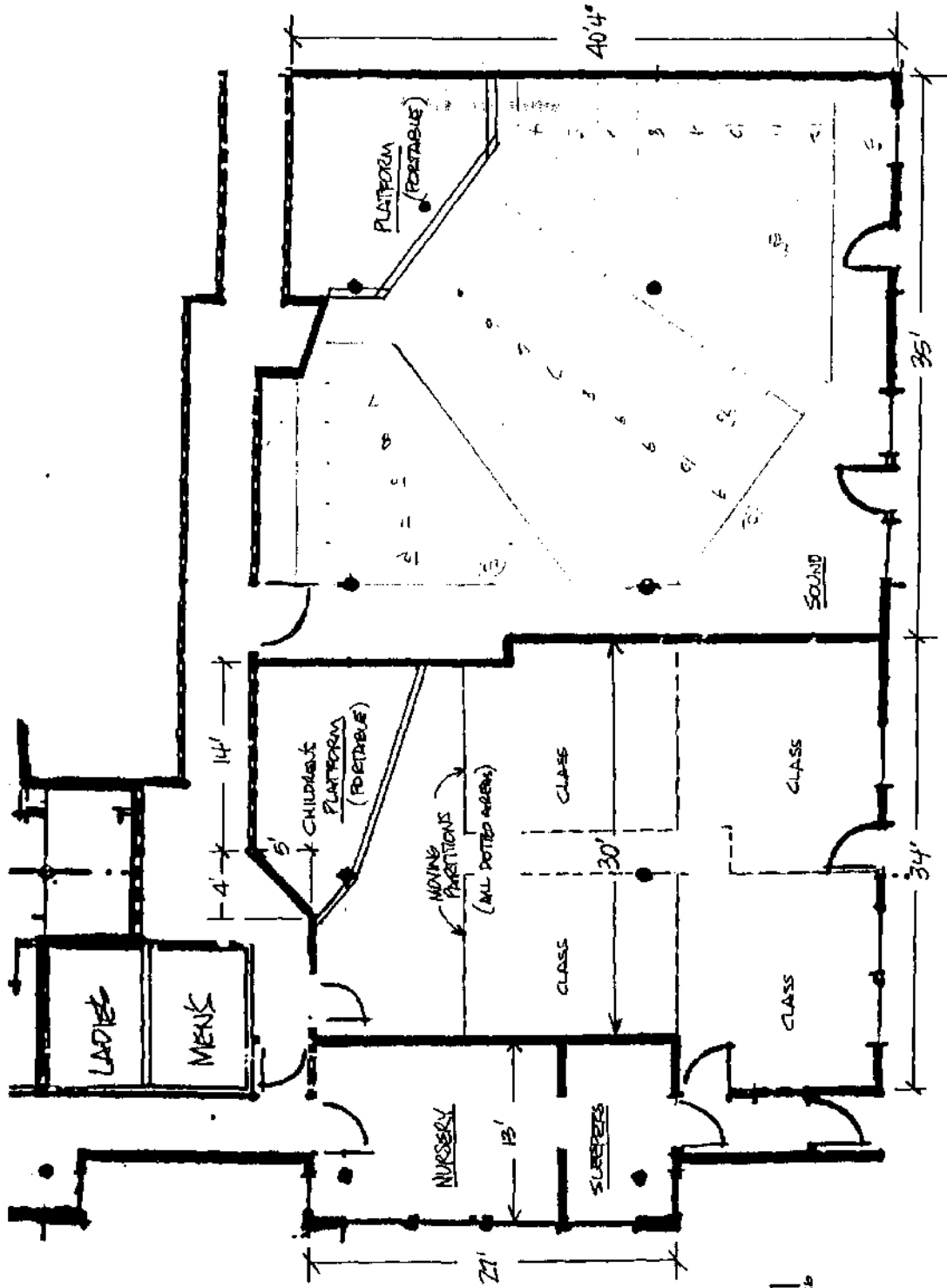
TYPICAL SECTION THROUGH PARKING  
NO SCALE



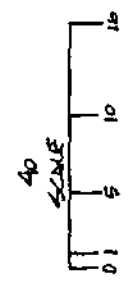
Gig Harbor Foursquare Church  
PO Box 1634  
Gig Harbor, WA 98335



AS SCALE



616 HARBOR  
PROFESSIONAL CENTER  
(PROPOSED - WOOD)



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

---

**APPLICANT:** Gig Harbor Foursquare Church

**CASE NO.:** CUP 92-01, SPR 92-03

**APPLICATION:** Request for conditional use and site plan approval to allow an existing building at 6677 Kimball Drive (The Woods) to be used for church services.

**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 Foursquare Church application was opened at 5:02 p.m., May 20, 1992, in City Hall Gig Harbor, Washington, and closed at 5:16 pm. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

**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 on pages 1 through 4 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. Pastor Chris Bayer who spoke on behalf of the church said that The Woods was intended to be used more for offices and less for retail in the future. He said he felt the church would be compatible with the other uses in the complex and didn't see any potential conflicts if the church is used on Saturday. He also said he has talked with the Public Works Director and understood that the traffic study referred to in the staff report could be done in house, by the City.

- C. Two women who occupied space in The Woods spoke from the audience and said they saw no problem if the church were to be allowed to be used on Saturday in addition to Sunday.
- D. Staff indicated that one possible way to allow the church to use the facility on Saturday would be to modify staff condition #2 to allow the church to be used on Monday through Saturday with further condition that Saturday use be monitored and reviewed on an annual basis. He also offered language to modify staff condition #5 to remove the requirement that an outside consultant conduct the traffic study.

## II. CONCLUSIONS:


- A. If approved subject to the conditions listed below, the application will meet the criteria specified in Section 17.64 and 17.96 of the Zoning Code regarding Conditional Uses and Site Plans.

## III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the requested Conditional Use and Site Plan be approved, subject to the following conditions:

1. Prior to permit issuance, the Building Official/Fire Marshal shall determine that the structure conforms to all fire code and occupancy requirements.
2. No full assemblies shall be permitted during normal commercial business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Smaller gathering of up to 20 people may be permitted during commercial business hours. The church may be used for full assemblies on Saturdays and Sundays. However, if parking conflicts with other tenants in The Woods and becomes a problem on Saturdays, the City reserves the right to have the Monday through Friday restrictions apply to Saturday as well.
3. The applicant shall obtain sign permits prior to installation of any regulated signage.
4. Required connection fees for water and sewer shall be paid as determined by the Public Works Department.
5. Prior to permit issuance, the public works department shall determine the adequacy of the existing road network to accommodate potential traffic increases. Such determination shall be based upon a traffic study as approved by the Public Works Director.

Dated this 26th day of May, 1992.

  
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 this action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance for 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 rejecting a decision of the Examiner, shall be final and conclusive, unless within twenty (20) days from the date of the Council action an aggrieved party or person applies for a writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action.

**MINUTES OF THE MAY 20, 1992  
HEARING ON THE GIG HARBOR FOURSQUARE CHURCH  
APPLICATION**

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing was: Steve Osguthorpe, representing the City of Gig Harbor; and Pastor Chris Bayer, representing Gig Harbor Foursquare Church.

The following exhibits was offered and entered into the record:

A. Planning Staff's Advisory Report.

**PARTIES OF RECORD:**

Pastor Chris Bayer  
P.O. Box 1634  
Gig Harbor, WA 98335

Terry Owen  
633 N. Mildred  
Tacoma, WA 98406

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** May 20, 1992

**RE:** CUP 92-01, SPR 92-03 : Gig Harbor Foursquare Church -- request for conditional use and site plan approval allowing use of existing facility at 6677 Kimball Drive (The Woods) for church services.

=====

**I. GENERAL INFORMATION**

**APPLICANT:** Gig Harbor Foursquare Church  
P.O. Box 1634  
Gig Harbor, Washington 98335

**OWNER:** Terry B. Owen  
633 N. Mildred  
Tacoma, Washington 98406

**AGENT:** Pastor Chris Bayer

**II. PROPERTY DESCRIPTION**

1. **Location:** 6677 Kimball Drive
2. **Site Area/Acreage:** 2.64 acres
3. **Natural Site Characteristics:**
  - i. **Soil Type:** Harstine gravelly sandy loam
  - ii. **Slope:** level
  - iii. **Drainage:** storm drainage for existing asphalt paving
  - iv. **Vegetation:** Subject area is asphalt paved

4. **Zoning:**
  - i. **Subject parcel:** B-2 (General Business District)
  - ii. **Adjacent zoning and land use:**
    - North: B-2 (Fire station)
    - South: B-2 (General Business)
    - East: R-3 (Multi-family residential)
    - West: B-2
5. **Utilities/Road Access:** Access is off of Kimball Drive. The parcel is served by all utilities including city sewer.

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

1. **Comprehensive Plan:**
2. **Zoning Ordinance:** Churches are not a permitted use in the B-2 zone, nor are they specifically mentioned as a ;conditional use. However, the code states that uses not specifically mentioned and which are consistent with the intent of the B-2 district may be allowed (Section 17.36.040). The Planning Staff has determined that the use may be appropriate in that the hours of operation are typically opposite the business hours of most commercial operations, e.g., Sunday and evening church services - weekday business hours.

Section 17.96.020 states that site plan review is required for any change of use or occupancy of any existing building or development as defined per the Uniform Building Code.

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

The Woods retail center is located at 6677 Kimball Drive on the east side of the road next to the fire station. The center consists of four buildings with mixed uses of retail, office, and civic services including the Circuit Court. The rear building has a large space which previously used as a learning center for reading. The space is approximately 3000 square feet.

**V. REQUEST/PROJECT DESCRIPTION:**

The current request is for conditional use approval and site plan approval allowing use of the site for church services. Conditional use is required because the use is not stated in the Code as a permitted use in the B-2 zone, and site plan approval is required because the use represents a change of occupancy by UBC standards. (Specifically, occupancy for more than 50 people as proposed with this application is considered a public assembly). The actual site plan will remain largely unchanged except for possible relocation of a fire hydrant.

It is anticipated that the church will use the existing parking on the site. There are 130 spaces on the site which could be utilized by the Church. According the parking requirements of the City's zoning ordinance, at total of 61 spaces would be required, based upon the assembly area's maximum occupancy of 245 people. Code requires one space for every four possible seats in the auditorium or assembly room (Section 17.72.030 F).

**VI. APPLICANT'S COMMENTS:**

The applicant, Pastor Chris Bayer, states that the Gig Harbor Foursquare Church has a present congregation of about 100 people. The church anticipates growth and is looking for space to accommodate approximately 175 people. Pastor Bayer believes that the space at The Woods will fill this need for his church while providing a valuable asset to the community. Pastor Bayer states that the owner of The Woods, Terry Owens, is positive about the church moving into his building, believing that there should be no conflicts between church use and existing businesses due to opposite hours of operation.

**VII. PUBLIC NOTICE:**

Public notice was provided as follows:

Published in Peninsula Gateway: May 4, 1992  
Mailed to property owners of record within 300 feet of the site: May 6, 1992  
Posted in three conspicuous locations in the vicinity of the site: May 20, 1992

As of May 13, 1992 the Staff has received no public comments on this proposal:



**VIII. STAFF REVIEW:**

The Planning Staff is comfortable with this proposal believing the proposed use represents an efficient use of a facility which would otherwise sit vacant on Sunday's and during the evenings. This is both a cost effective and environmentally sound alternative to building a new structure which might sit vacant during most of the week. To assure that there are no conflicts, however, the Staff will be recommending that the church may hold no full assemblies during the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday.

Additional Staff and/or Agency comments are as follows:

1. Building Official: The Building Official comments reflected standard building code requirements. Compliance with these will be required during the building permit process.
2. Public Works Director: The Public Works Director has indicated that connection fees for water and sewer may need to be revised. In addition, due to the expected increase in traffic generation, a traffic study by a licensed traffic engineer will be required.
3. SEPA Responsible Official: The SEPA Responsible Official has determined that this proposal is exempt from further SEPA review as per WAC 197-11-800(6)(b).

**IX. FINDINGS AND RECOMMENDATION**

The Planning Staff anticipates no negative impacts with this proposal and believes that the existing parking is sufficient for this purpose. The Staff therefore recommends approval subject to the following conditions.

**Conditions of Approval:**

1. Prior to permit issuance, the Building Official/Fire Marshal shall determine that the structure conforms to all fire code and occupancy requirements.

2. No full assemblies shall be permitted during normal commercial business hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. Smaller gatherings of up to 20 people may be permitted during commercial business hours.
3. The applicant shall obtain sign permits prior to installation of any regulated signage.
4. Required connection fees for water and sewer shall be paid as determined by the Public Works Department.
5. Prior to permit issuance, the public works department shall determine the adequacy of the existing road network to accommodate potential traffic increases. Such determination shall be based upon a traffic study (to be provided by the applicant) by a licensed traffic engineer.

Project Planner:  Steve Osguthorpe, Associate Planner

Date: May 22, 1992

**CITY OF GIG HARBOR**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, Chris Bayer, Pastor of the Gig Harbor Foursquare Church, has requested site plan approval for a change of occupancy which allows church services in the existing Woods Center structure located at 6677 Kimball Drive; and,

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

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditoinal approval of the project, in a staff report dated May 20, 1992; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on May 20, 1992 to accept public comment on the application; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated May 26, 1992;

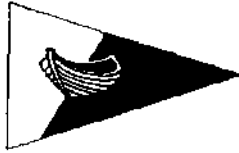
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions, and recommendations of the Hearing Examiner in his report dated May 26, 1992 are hereby adopted and the site plan is approved subject to the following conditions:

1. Prior to permit issuance, the Building Official/Fire Marshal shall determine that the structure conforms to all fire code and occupancy requirements.
2. No full assemblies shall be permitted during normal commercial business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Smaller gatherings of up to 20 people may be permitted during commercial business hours. The church may

be used for full assemblies on Saturdays and Sundays. However, if parking conflicts with other tenants in The Woods and becomes a problem on Saturdays, the City reserves the right to have the Monday through Friday restriction apply to Saturday as well.

3. The applicant shall obtain sign permits prior to installation of any regulated signage.
4. Required connection fees for water and sewer shall be paid as determined by the Public Works Department.
5. Prior to permit issuance, the Public Works Department shall determine the adequacy of the existing road network to accommodate potential traffic increases. Such determination shall be based upon a traffic study as approved by the Public Works Director.



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, Planning Director  
DATE: June 3, 1992  
SUBJ.: Hearing Examiner Recommendation -- SUB 91-04,  
Preliminary Plat, Pepperwood Subdivision

Attached for your consideration is the hearing examiner's report and recommendation for conditional approval of the above referenced preliminary plat. The project consists of a residential subdivision of 28 lots on approximately 9.8 acres.

The hearing examiner has recommended approval subject to the following conditions:

1. In accordance with the requirements of the City of Gig Harbor fire codes, the following must be provided:
  - A. Fire equipment access must be provided by a twenty four foot wide paved road. The cul-de-sac serving lots 14 through 24 must have a minimum radius of 45 feet.
  - B. Fire hydrants and eight-inch water mains shall be provided to serve the subdivision.
  - C. Fire hydrants and water mains must conform to Gig Harbor Public Works Department and Fire Marshal requirements and fire flow must conform to 1974 ISO Guide.
  - D. The public road designation must conform to the City Street Name Ordinance.
2. A storm water management plan shall be submitted to the Department of Public Works for review. Any improvements required to mitigate storm water runoff shall be installed as per the requirements of the City of Gig Harbor prior to final plat approval.
3. Water and sewer lines must be separated by ten (10) feet of horizontal separation. Final

detailed plans for stormwater retention, sewer and water, as prepared by a licensed engineer (Washington State) shall be required for review and approval prior to final plat approval. All required improvements shall be installed in accordance with the approved plans.

4. A clearing and grading plan shall be submitted to the city prior to any site clearing or construction. The plan shall include provisions for temporary erosion control and dust abatement. Trees which are volunteered be retained as vegetative buffers shall be identified on the plan and clearly marked on the site. No grading shall be allowed within ten feet of the designated buffer areas.
5. 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 lots to accomplish the association's responsibilities.
  - C. The collection of delinquent assessments through the courts.
  - D. The letting of contracts to build, maintain and manage common facilities.
6. The applicant shall comply with the street alignment and associated improvements in the Rosedale Street right-of-way, subject to the necessary permits and approval by the City of Gig Harbor, as follows:
  - A. The entrance to the subdivision and entrance to the High School shall align and necessary modifications made to the traffic signal.
  - B. Sidewalks, curbs and gutters shall be installed along the Rosedale Street frontage of the proposed subdivision in

addition to the storm drainage improvements according to City of Gig Harbor standards.

7. The minimum yards required by the zoning code shall either be delineated on all lots or shall be clearly stated on the final plat.
8. All minimum improvements as required in accordance with the City of Gig Harbor Subdivision Code (Title 16) shall be installed prior to final plat approval.
9. In lieu of construction of required improvements prior to final plat approval, a bond equal to an amount of 120% of a contractors bid for all improvements required under the preliminary plat approval shall be posted with the city. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the plat with the Pierce County auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements 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.
10. Pursuant to R.C.W. 58.17.140, a final plat for the subdivision shall be filed within three (3) years of the preliminary approval date.
11. The applicant shall modify the subject plat to provide a ten foot natural vegetative buffer on the west and east perimeters of the plat and along the Rosedale Street right-of-way.

A resolution and documents pertinent to your review are attached.

**CITY OF GIG HARBOR  
RESOLUTION No.**

**WHEREAS**, William Higgins, through his agent Pac-Tech Engineering, has requested a preliminary plat approval for a 28-lot subdivision (SUB 91-04) on approximately 9.5 acres located south of Rosedale Street, opposite Gig Harbor High School; and,

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

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated February 11, 1992; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner (Pro-tem) conducted a public hearing on the application on February 19, 1992 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner (Pro-tem) has made specific findings and conclusions and has recommended conditional approval of the application in his report dated May 20, 1992; and,

**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 reports dated May 20, 1992 are hereby APPROVED, subject to the following conditions:

1. In accordance with the requirements of the City of Gig Harbor fire codes, the following must be provided:
  - A. Fire equipment access must be provided by a twenty four foot wide paved road. The cul-de-sac serving lots 14 through 24 must have a minimum radius of 45 feet.
  - B. Fire hydrants and eight-inch water mains shall be provided to serve the subdivision.
  - C. Fire hydrants and water mains must conform to Gig Harbor Public Works Department and Fire Marshal requirements and fire flow must



conform to 1974 ISO Guide.

D. The public road designation must conform to the City Street Name Ordinance.

2. A storm water management plan shall be submitted to the Department of Public Works for review. Any improvements required to mitigate storm water runoff shall be installed as per the requirements of the City of Gig Harbor prior to final plat approval.
3. Water and sewer lines must be separated by ten (10) feet of horizontal separation. Final detailed plans for stormwater retention, sewer and water, as prepared by a licensed engineer (Washington State) shall be required for review and approval prior to final plat approval. All required improvements shall be installed in accordance with the approved plans.
4. A clearing and grading plan shall be submitted to the city prior to any site clearing or construction. The plan shall include provisions for temporary erosion control and dust abatement. Trees which are volunteered be retained as vegetative buffers shall be identified on the plan and clearly marked on the site. No grading shall be allowed within ten feet of the designated buffer areas.
5. 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 lots to accomplish the association's responsibilities.
  - C. The collection of delinquent assessments through the courts.
  - D. The letting of contracts to build, maintain and manage common facilities.

6. The applicant shall comply with the street alignment and associated improvements in the Rosedale Street right-of-way, subject to the necessary permits and approval by the City of Gig Harbor, as follows:
  - A. The entrance to the subdivision and entrance to the High School shall align and necessary modifications made to the traffic signal.
  - B. Sidewalks, curbs and gutters shall be installed along the Rosedale Street frontage of the proposed subdivision in addition to the storm drainage improvements according to City of Gig Harbor standards.
7. The minimum yards required by the zoning code shall either be delineated on all lots or shall be clearly stated on the final plat.
8. All minimum improvements as required in accordance with the City of Gig Harbor Subdivision Code (Title 16) shall be installed prior to final plat approval.
9. In lieu of construction of required improvements prior to final plat approval, a bond equal to an amount of 120% of a contractors bid for all improvements required under the preliminary plat approval shall be posted with the city. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the plat with the Pierce County auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements 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.
10. Pursuant to R.C.W. 58.17.140, a final plat for the subdivision shall be filed within three (3) years of the preliminary approval date.
11. The applicant shall modify the subject plat to

Page 4

provide a ten foot natural vegetative buffer on  
the west and east perimeters of the plat and along  
the Rosedale Street right-of-way.

PASSED this 8th day of June, 1992.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark E. Hoppen, City Administrator

Filed with City Clerk: 1/23/92  
Passed by City Council: 1/27/92

MAY 26 92

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

---

**APPLICANT:** William Higgins

**CASE NO.:** SUB 91-04

**APPLICATION:** Preliminary plat approval for a 28-lot subdivision on 9.5 acres for single-family residences named Pepperwood.

**SUMMARY OF RECOMMENDATIONS:**

Planning Staff Recommendation: Approval with conditions  
Hearing Examiner Recommendation: Approval with conditions

**PUBLIC HEARING:**

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner Pro-tem conducted a public hearing on the application. The hearing on the William Higgins application was opened at 5:05 p.m., February 19, 1992, in City Hall Gig Harbor, Washington, and closed at 5:50 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

**FINDINGS CONCLUSIONS AND RECOMMENDATION:**

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

**I. FINDINGS:**

- A. The information contained on pages 1, 2, 3, 4, and 5 of the Planning Staff's Advisory Report (Hearing Examiner Exhibit 1) is found by the Hearing Examiner Pro-tem to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner Pro-tem's findings of fact. A copy of said report is available in the Planning Department.
- B. Geoff Moore, Director of Planning, PAC-TECH, 2601 South 35th Street, Tacoma, WA 98409 testified representing the Applicant as follows:
  1. Mr. Moore noted that the Applicant, William Higgins is in the audience but Ms. Rainwater is ill and unable to attend the hearing;
  2. Mr. Moore submitted two documents for the record which included an ozlid print of an aerial photograph of the area around the subject site which was marked Exhibit 2 for the

- record. A traffic report prepared by Heath and Associates was submitted and marked Exhibit 3 for the record;
3. The single-family subdivision will have utilities connected with utilities of the Gig Harbor Heights subdivision to the south of the subject subdivision;
  4. Mr. Moore indicated that the Applicant has a problem with the language of Condition 9 of the Part IV: RECOMMENDATION of the Staff Report. The Applicant's representative has not been able to gain access to the property to the east to determine the distance to the wetland to the east. The aerial print of the subject site and vicinity was submitted to verify the distance the wetland to the east. (The subject property was not accurately delineated on the print submitted.) Mr. Moore indicated the distance to the wetland from the property proximity is 100 feet. (The Planning Staff indicated that a wetland survey of the site is not required and that the wetland off-site to the east is part of the City's jurisdiction and the only wetland regulated in the vicinity of the subject site.)
  5. Mr. Moore requested that the hearing remain open administratively to allow time for the City Staff to review of the documents submitted at the hearing.
  6. Mr. Moore indicated that there would "probably" be a home owners association for the proposed subdivision in response to an inquiry on the subject.
- C. Tom Morfee, Executive Director of the Peninsula Neighborhood Association (PNA), P.O. Box 507, Gig Harbor testified as follows:
1. Mr. Morfee indicated that he is present at the hearing to gather information and that he has not had time to walk the site;
  2. He expressed concerns about the process related to SEPA review and the time remaining to submit comments. (The City Staff indicated that the SEPA comment period is open and will remain open until Sunday, February 23. Comments must be postmarked not later than Sunday.)
  3. Mr. Morfee noted that the subject site is across from the school with substantial vehicular and pedestrian traffic. He also noted that under SEPA Rules, WAC 197-11-444 Elements of the environment, *Vehicular traffic* and *Traffic hazards* are considered elements of the environment. Mr. Morfee indicated that he will comment on these and other subjects prior to the deadline for SEPA comments;
  4. Mr. Morfee indicated that he and PNA had the following additional concerns about the proposed subdivision:
    - a. Measurements to the wetlands from the proposed subdivision should be taken on the ground and not from aerial photographs;

- b. Quality and quantity of storm water run-off from the proposed subdivision to wetlands;
- c. Excessive storm water run-off from the proposed subdivision, especially where slopes exceed fifteen percent as indicated;
- d. Site clearing affect when density of three dwelling units per acre will probably require clearing eighty to ninety percent of the site;
- e. Site clearing is difficult to control. PNA recommends that site clearing be controlled as in the County where the developer is required to retain all vegetation except that cleared for streets, drives and building footprints. This retention of vegetation on the lots created allows future home owners a choice of vegetation for residential landscaping;

D. Connie Dean, 6603 Lombard Drive, Gig Harbor, testified to the following:

- 1. Ms. Dean is concerned about the use of an aerial photograph dating back to 1985 for measuring wetlands as nearby wetlands may not show in the photograph;
- 2. According to maps, the proposed subdivision drains to the Wollochet Creek-Artondale Creek Watershed which runs from above Rosedale to Gig Harbor Bay and will affect the quality of the receiving waters;
- 3. The City does not require vegetated buffers so there is no natural protection provided by vegetation retained to absorb rainfall.

E. Brooke Kauppila, 7770 Kauppila Lane, Gig Harbor, testified to the following:

- 1. Drainage from the proposed site is toward Chapel Hill then toward the harbor;
- 2. Ms. Kauppila drives a school bus and noted that morning traffic exiting from the high school has great difficulty with access to Rosedale Street NW. She also inquired whether turning lanes will be provided near the proposed subdivision;
- 3. Ms. Kauppila testified that the proposed subdivision contains more development than is necessary. She noted that there is wildlife in the area including raccoons and eagles and that wildlife should be allowed to roam and she urged retention of natural areas within the subdivision for wildlife.

F. Chris Knudson, 7228 46th Avenue NW, Gig Harbor testified to the following:

- 1. Ms. Knudson lives behind the proposed development and is concerned about storm water run-off. The subdivision she lives in had flooding problems when North Creek Estates developed. The proposed development is above and will drain toward North Creek Estates, the origin of drainage problems. There was two feet of water over the road. A stream that conveys storm water from the proposed subdivision drains to a pond on the property that is causing the problem down stream. Ms. Knudson request the City and developer look at the downstream problem.

2. Ms. Knudson also expressed concern for the amount of clearing required for the subdivision and is concerned that it will contribute to the storm drainage problem.
- G. Geoff Moore testified in response to concerns in the previous testimony as follows:
1. PAC-TECH has qualified personnel on staff to conduct wetland studies. He requested that the hearing remain open administratively for two weeks from today to allow for additional submissions addressing wetlands and traffic concerns;
  2. He indicated that the owners of the property to the east will be contacted again to request access to the wetlands for measurement to the proposed site. He noted that measurements from aerial photographs is an accepted practice. He will attempt to obtain later dated photographs for this purpose if he is unable to gain access from the adjoining property owner.
  3. Mr. Moore noted that the proposed subdivision conforms to the City's Comprehensive Plan adopted in 1986 and complies with recent regulations adopted by the City.
- H. The hearing is to be held open administratively until March 4, 1992 to allow the Applicant and interested parties testifying in this hearing to submit written testimony in response to documents submitted at the hearing and to address issues raised in the hearing.
- I. A traffic report titled "Pepperwood Residential Plat Traffic Analysis" prepared by PAC-TECH Engineering Inc. and dated February 1992 was submitted by Geoff Moore at the hearing. The report was marked Exhibit #3 for the record. The following are findings are contained in the report:
1. Paragraph IV. E. states in part "a left turn pocket would not be warranted at the project (Pepperwood Subdivision) entrance" and "widening and striping for a left turn pocket does exist as part of the recent Gig Harbor High School project".
  2. Section V. Conclusions and Mitigation Measures includes the following statement "As proposed the project should not create a significant increase in traffic congestion to the local area intersections most influenced by the project's traffic".
- J. A report titled "PROXIMITY OF WETLANDS TO PEPPERWOOD SHORT PLAT" concerning wetlands on properties adjacent to the subject site to was submitted for the record during the time the hearing was held open administratively. The wetlands report was marked Exhibit 4. The report was prepared by PAC-TECH Engineering, Inc., 2601 South 35th, Suite 200, Tacoma. A summary of the report includes the following items:
1. A wetland exist on the property to the west of the subject site that has been classified Category III under City ordinance. This wetland is within approximately thirty-five (35) feet of the west property line of the subject site. A Category III wetland requires a fifty foot buffer under the City of Gig Harbor sensitive areas ordinance. The required

- fifty foot buffer would include part of the area along the west property line of the subject site.
2. There are two smaller wetlands off-site but near the east property line of the subject site. These wetlands have been designated "Potential Wetland A" (northerly) and "Potential Wetland B" (southerly). Both wetlands are designated as probable Category IV wetlands. Category IV wetlands are exempt from the City's wetland regulations.
  3. A large wetland exist to the east approximately seventy feet away from the east property line. This larger wetland has been designated as a Category III wetland. As noted in Subparagraph 3 above, a Category III wetland required a fifty foot buffer, which in this case, would not include any portion of the subject site.
- K. A memorandum to the file prepared by the Hearing Examiner Pro-tem dated March 17, 1992, marked Exhibit #4 for the record included the following information:
1. The traffic report submitted at the public hearing (Exhibit #3) would have to be reviewed by the appropriate City Staff for recommendations;
  2. The "subject case will be completed upon receipt of recommendations of the City Staff on the traffic report submitted at the hearing".
- L. The Hearing Examiner Pro-tem received a letter from Ben Yazici, the City's Director of Public Works, dated May 13, 1992, addressed to the Applicant's representative and marked Exhibit #6 for the record. The Director's comments include the following information:
1. The Director concurred with the sight distance analysis of the for the proposed driveway location;
  2. The Director stated that the proposed driveway does not appear to be in alignment with the Gig Harbor High School's driveway signalized intersection on Rosedale Street.
  3. The non-alignment of the proposed driveway and the School's driveway may cause traffic safety and operation problems at that location;
  4. The Director recommended that the Pepperwood Subdivision driveway be aligned with the school's driveway and the necessary modifications be made to the existing traffic signal;
  5. The Director offered to facilitate discussions between the Applicant's representatives and the School District if it would be easier to relocate the School's entrance rather than the entrance of the subject proposed subdivision;
  6. The Director indicated that he believes the School District would require the Applicant to pay cost of relocating the School's driveway.



7. The Applicant should install curbs, gutters and sidewalks in addition to storm drainage improvements along the entire frontage on Rosedale Street in compliance with City standards.
- M. A memorandum from Ray Gilmore, Planning Director, dated May 14, 1992 was marked Exhibit #7 for the record. The memorandum included the following two additional recommended conditions based on the information contained in Exhibit #6. The Planning Director recommended conditions for approval in addition to the conditions recommended in the initial Planning Staff's Advisory Report, "Exhibit 1". Additional recommendations include the he following:
1. Entrance to the subdivision and entrance to the High School must be aligned and necessary modifications must be made to the existing traffic signal.
  2. Sidewalks, curbs and gutters must be installed along the Rosedale Street frontage of the subdivision in addition to storm drainage improvements.
- N. A memorandum from Ray Gilmore, Planning Director, dated May 18, 1992 was marked Exhibit #8 for the record. The memorandum addressed the information in "Exhibit #4", "Proximity of Wetlands to Pepperwood Short Plat" report. Information contained in the memorandum includes the following:
1. The wetlands described in the wetland report are not on the subject property lying to the east and west of the property;
  2. The wetlands near the subject property are classified as Type III wetlands that require a minimum fifty foot buffer;
  3. The Rose Lake wetland is within forty feet of the proposed Pepperwood subdivision. The Applicant's proposal to modify the plat to provide a ten foot natural vegetative buffer on the west and east perimeters is acceptable and should be made a condition of approval;
  4. Unrelated to the wetland issue, the Applicant is proposing a ten foot vegetative strip along Rosedale Street. The buffer along Rosedale Street was proposed in testimony by the Applicant's representative at the public hearing to mitigate impacts along Rosedale. Requirement of this buffer should be made a condition of approval of the plat.

## II. CONCLUSIONS:

- A. The conclusions prepared by the Planning Staff and set forth on pages 5, 6 and 7 of the Planning Staff's Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner Pro-tem and by this reference are adopted as a portion of the Hearing

Examiner Pro-tem's conclusions. A copy of said report is available in the Planning Department.

- B. The conclusions of the Public Work Director's letter, Exhibit 6, and the Planning Director's memorandum, Exhibit 7 accurately set forth a portion of the conclusions of the Hearing Examiner Pro-tem and by this reference are adopted as a portion of the Hearing Examiner Pro-tem's conclusions.
- C. The Planning Director's review of the wetland report, Exhibit 4, and the conclusions of his memorandum, Exhibit 8 accurately set forth a portion of the conclusions of the Hearing Examiner Pro-tem and are adopted as a portion of the Hearing Examiner Pro-tem's conclusions.

### III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, the requested approval of the Preliminary Plat of Pepperwood Subdivision is recommended for APPROVAL subject to the following conditions:

- A. The following shall be provided according to the requirements of the City of Gig Harbor fire codes:
  - 1. Fire equipment access shall be provided by a twenty four foot wide paved road. The cul-de-sac serving lots 14 through 24 must have a minimum radius of forty-five (45) feet;
  - 2. Fire hydrants and eight-inch water mains shall be provided to serve the subdivision;
  - 3. Fire hydrants and water mains shall conform to Gig Harbor Public Works Department and Fire Marshal requirements and fire flow must conform to 1974 ISO Guide.
- B. A storm water management plan shall be submitted to the Department of Public Works for review. Improvements required to mitigate storm water run-off shall be installed according to the requirements of the City of Gig Harbor prior to final plat approval.
- C. Water and sewer lines shall be separated by ten (10) feet of horizontal separation. Final detailed plans for stormwater retention, sewer and water shall be prepared by an engineer licensed by Washington State, and those plans shall be reviewed for approval by the City prior to final plat approval. Required improvements shall be installed according to approved plans.
- D. A clearing and grading plan shall be submitted to and approved by the City prior to any site clear or construction. The plan shall include provisions for temporary erosion control and dust abatement. Trees which are volunteered to be retained as vegetated buffers shall be identified on the plan and clearly marked at the site. No grading shall occur within ten feet of the designated buffer areas.

- E. If common facilities are to be maintained by a homeowners association, the association shall be established and incorporated prior to final plat approval. A copy of the association's bylaws shall be submitted with the final plan and shall include, at a minimum, the following authorities and responsibilities:
  - 1. The enforcement of covenants imposed by the landowner or developer;
  - 2. The levying and collection of assessments against all lots to accomplish the association's responsibilities;
  - 3. The collection of delinquent assessments through the courts;
  - 4. The letting of contracts to build, maintain and manage facilities.
- F. The Applicant shall comply with street alignment and associated improvements in the Rosedale Street right-of-way, subject to the necessary permits and approvals required by the City of Gig Harbor Code, as follows:
  - 1. Entrance to the subject subdivision and entrance to the High School shall align and necessary modifications shall be made to the existing traffic signal;
  - 2. Sidewalk, curbs and gutters shall be installed along the Rosedale Street frontage of the proposed subdivision in addition to the storm drainage improvements according to City of Gig Harbor standards.
- G. The minimum yards required by the zoning code shall either be delineated on all lots or shall be clearly stated on the final plat.
- H. All minimum improvements as required in accordance with the City of Gig Harbor Subdivision Code (Title 16) shall be installed prior to final plat approval.
- I. In lieu of construction of required improvements prior to final plat approval, a bond equal to an amount of 120% of a valid bid submitted by a contractor acceptable to the City of Gig Harbor for all improvements required under the preliminary plat approval shall be posted with the City. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the plat with the Pierce County Auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements to City standards within the time specified shall result in the City's foreclosure of the bond. Upon foreclosure, the City shall construct, or may contract to construct and complete, the installation of the required improvements.
- J. A final plat for the subject subdivision shall be filed within three (3) years of preliminary approval in compliance with R.C.W. 58.17.140.
- K. The Applicant shall modify the subject plat to provide a ten foot natural vegetative buffer on the west and east perimeters of the proposed plat.

- L. The Applicant shall modify the plat to provide a ten foot vegetative strip along the Rosedale Street right-of-way.

Dated this 20th day of May, 1992.



Joe Wallis  
Hearing Examiner Pro-tem

**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 this action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance for 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 rejecting a decision of the Examiner, shall be final and conclusive, unless within twenty (20) days from the date of the Council action an aggrieved party or person applies for a writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action.

**MINUTES OF THE FEBRUARY 19, 1992  
HEARING ON THE HIGGINS  
APPLICATION**

E. Joseph Wallis was the Hearing Examiner Pro-tem for this matter. Participating in the hearing was: Ray Gilmore, representing the City of Gig Harbor.

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory report ozlid Print of "PRELIMINARY PLAT - PEPPERWOOD dated 3-7-91 with handwritten notation "Exhibit 1" in the lower right hand corner of the print.
- B. Ozlid Print of Aerial Photograph with a numerical identification in the lower right corner of the print as follows: 7-21-2E, 1985 and a handwritten notation "Exhibit 2".
- C. "Pepperwood Residential Plat Traffic Analysis", dated February 1992 with a handwritten notation "Exhibit 3" in the lower right hand corner of the cover page.
- D. "Proximity of Wetlands to Pepperwood Short Plat", dated February 28, 1992 with a handwritten notation "Exhibit 4" in the lower right hand cover page.
- E. A memorandum dated March 17, 1992 from the Hearing Examiner Pro-tem concerning staff review of "Pepperwood Residential Plat Traffic Analysis", Exhibit 3 with handwritten notation "Exhibit 5" in the lower right hand corner of the memorandum.
- F. A letter dated May 13, 1992 from the Director of Public Works of the City of Gig Harbor containing comments and recommendations for the subject subdivision with handwritten notation "Exhibit 6" in the lower right hand corner of the letter.
- G. A memorandum dated May 14, 1992 from the Planning Director of the City of Gig Harbor containing recommendations resulting from the Traffic Analysis (Exhibit 3) review by the Director of Public Works (Exhibit 6) with handwritten notation "Exhibit 7" in the lower right hand corner of the memorandum.
- H. A memorandum dated May 18, 1992 from the Planning Director of the City of Gig Harbor containing a review and recommendation of a report concerning the wetlands near the subject proposed subdivision with handwritten notation "Exhibit 8" in the lower right hand corner.

**PARTIES OF RECORD:**

William Higgins  
12303 Meridian South, #300  
Puyallup, WA 98373

Geoff Moore,  
PAC-Tech Engineering  
2601 South 35th Street  
Tacoma, WA 98409

Thomas Morfee,  
Executive Director  
Peninsula Neighborhood Association  
P.O. Box 507  
Gig Harbor, WA 98335

Connie Dean  
6603 Lombard Drive NW  
Gig Harbor, WA 98335

Brooke Kauppila  
7770 Kauppila Lane  
Gig Harbor, WA 98335

Chris Knudsen  
7228 46th Avenue NW  
Gig Harbor, WA 98335



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 COUNCILMEMBERS  
FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS *BY*  
DATE: JUNE 5, 1992  
SUBJECT: STINSON AVENUE STORM DRAINAGE PROJECT  
CONTRACT AWARD

The bid opening for the Stinson Avenue Storm Drainage Project was held today at 2:00 p.m. Two contractors participated in the bidding process, and the bid results are as follows:

<u>Name</u>	<u>Bid Amount</u>
Spadoni Brothers	\$ 51,468.00
Tucci & Sons	\$ 59,142.40

Spadoni Brothers is the apparent low bidder for this project and the bid amount is well within the budgeted amount of \$130,000.00.

#### RECOMMENDATION

I recommend a council motion to authorize the Mayor to sign a contract with Spadoni Brothers to build the Stinson Avenue Storm Drainage Project for up to \$51,468.00.







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

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

TO: MAYOR AND CITY COUNCIL  
FROM: *SB* STEVE BOWMAN, BUILDING OFFICIAL/FIRE MARSHAL  
RE: RADON TEST KIT FEE ORDINANCE  
DATE: JUNE 8, 1992

During the 1992 legislative session, legislation (SSB-6386) transferring responsibility for delivery of radon monitoring devices from builders to building inspectors was approved by the legislature and signed by the governor (1992 Session Laws, chapter 132) enacting a new section to chapter 19.27 RCW. It is appropriate to require sufficient fees to cover the supplying of the radon monitoring devices.

The Gig Harbor Building Code Advisory Board recommended approval of the proposed ordinance during their meeting on June 4, 1992. Pierce County Building Department has adopted a similar ordinance. The City Attorney is reviewing a draft of the adopting ordinance and will be submitting comments for consideration prior to the second reading.

**RECOMMENDATIONS:**

The Mayor and City Council adopt the proposed ordinance as recommended by the Gig Harbor Building Code Advisory Board after the second reading of the ordinance and inclusion of any required revisions.

CITY OF GIG HARBOR

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

AN ORDINANCE relating to the Uniform Building Code and the collection of fees for the cost of supplying radon monitoring kits amending Chapters 3.4 of the Official Code of the City of Gig Harbor by adding thereto a new sub-section, to be known and designated as Sub-Section 3.040.010 (S).

The City Council of the City of Gig Harbor, Washington DO ORDAIN as follows:

Section 1. That Chapter 3.4 of the City Code of the City of Gig Harbor is hereby amended by the addition thereto of a new sub-section, to be known and designated as Sub-Section 3.40.010 (S), reading as follows:

3.40.010 (S) RADON TESTING

S. Radon Testing. The applicant for a building permit to construct a new single family or multi-family building within the City of Gig Harbor shall pay fifteen dollars (\$15.00) for each living unit to cover the cost of supplying the owner of each new living unit a three-month etched track radon measuring device in accordance with a new section to chapter 19.27 RCW.

Section 2. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

Section 4. This Ordinance shall take effect and be in full force on the first day of July, 1992.

**PASSED** by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the \_\_\_ day of \_\_\_\_\_, 1992.

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

**ATTEST:**

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

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

## **MEASUREMENT DEVICE SUPPLIER STATE-WIDE CONTRACT**

WABO has initiated efforts to select a "lowest bidder" supplier of radon measurement devices that all local jurisdictions throughout the state can use. Jurisdictions would order the measurement devices directly from the supplier and pay the supplier on a purchase order or any other approved basis. Working with the State of Washington Office of Procurement, the Washington State Energy Office, the State of Washington Department of Health and the Association of Washington Cities, bid specifications for a state general purposes contract have been developed and a pre-bid conference is scheduled for May 29, 1992. The bid opening date is scheduled for June 16, 1992 and selection of the winning bidder and issuance of a contract will be shortly after that. As quickly as it is legally possible, WABO (AWC, WSEO and the Municipal Research Council) will be getting information out to local jurisdictions regarding the specific supplier selected to provide the measurement devices along with information on how and where to order devices.

## **INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT**

Local jurisdictions wishing to take advantage of the radon measurement device state contract, when purchasing their devices, must have signed a formal agreement (Intergovernmental Cooperative Purchasing Agreement) with the Office of State Procurement. To verify whether or not your local jurisdiction has signed such an agreement and is eligible to take advantage of this new contract, check with those in your jurisdiction responsible for purchasing for the jurisdiction. If no such agreement currently exists and your jurisdiction wants to pursue one, contact the Office of State Procurement "Help Desk" at (206) 586-7647 or scan 234-7647.

BP:nds

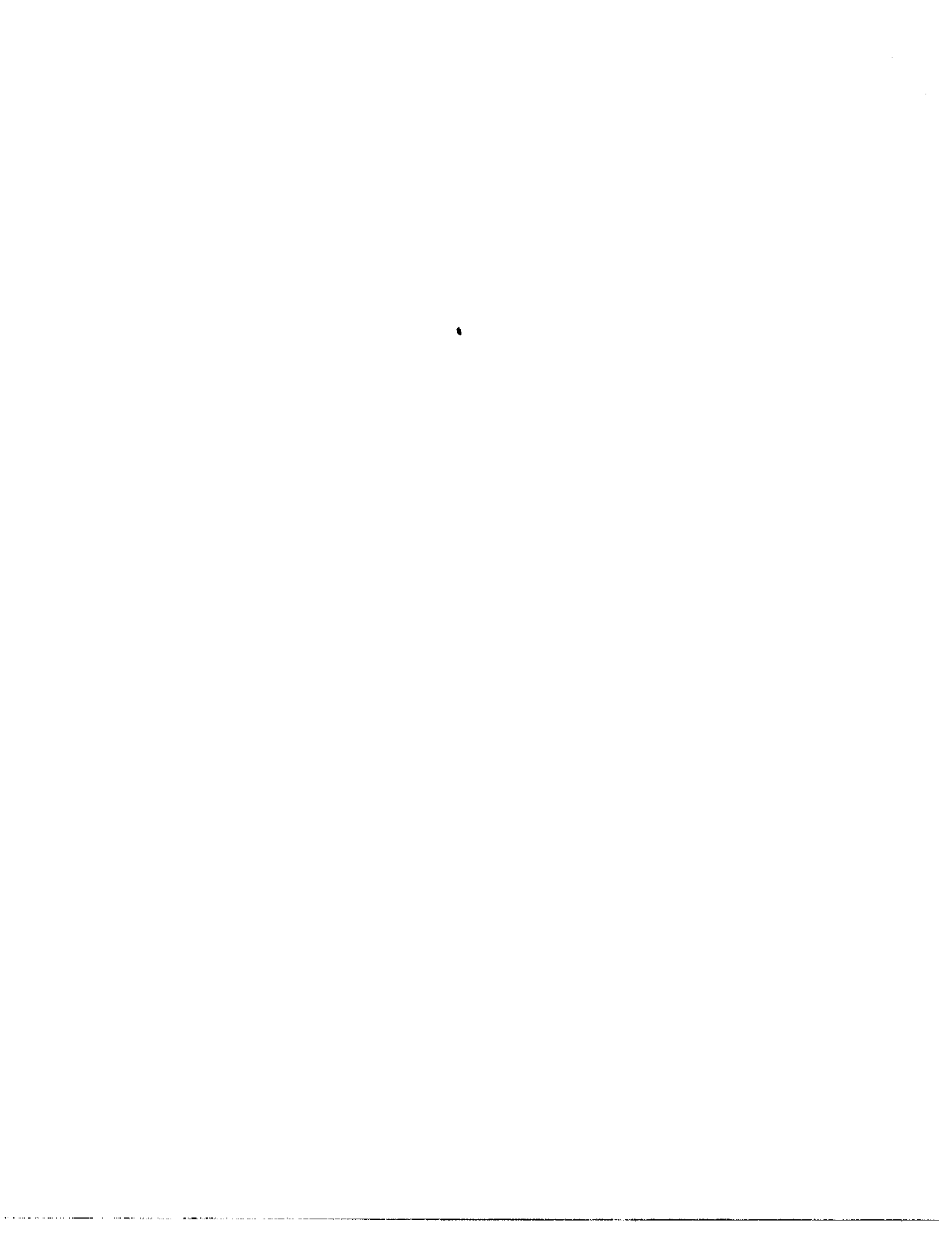
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BP:nds



**MEMORANDUM**

**TO: Mayor Wilbert  
Council members**

**FROM: Tom Enlow**

**DATE: June 5, 1992**

**SUBJECT: Selection of Underwriter for ULID 3 Bonds**

We have requested proposals from 3 underwriters to act as underwriter/advisor on the Bond Anticipation Note and subsequent ULID bonds for the financing of the ULID 3 sewer improvements. So far we have received two.

	Estimated Underwriting Discount	
	18 Month BAN	20 Year Bonds
Dain Bosworth	.4% - .5%	1.4% - 1.7%
Piper Jaffray	.5%	1.6% - 1.8%

The actual spread will depend on the specifics of the issue, which haven't yet been finalized.

Both firms have estimated the BAN interest rate to be close to 4% and the bonds to be around 7.25%.

Both of these firms, and the individuals assigned, come highly recommended by Cynthia Weed, our Bond Counsel.

Fred Eoff, at Piper Jaffray, has underwritten bonds for the City previously and has a great deal of ULID experience.

Dave Trageser, at Dain Bosworth, also has considerable experience in Public Finance and has been very accessible and helpful during my research of financing for this project.

Cynthia Weed has stated that costs will be virtually identical with any of the major underwriters and recommends that we choose the person who we feel we could best work with.







TO: MAYOR OF GIG HARBOR

DATE: 5-26-92

RE: SPECIAL OCCASION #351502

NEVILLES SHORELINE  
8827 N HARBORVIEW DR  
GIG HARBOR, WA

CLASS I FOR: RETIRMENT GROUP

DATE: JUNE 12, 1992

TIME: 6PM TO 2AM

PLACE: GIG HARBOR YACHT CLUB, 8209 STINSON AVE., GIG HARBOR, WA

CONTACT: LINDA DAHLIN 588-3417

RETAIL LICENSES

- A - Restaurant or dining place - Beer on premises.
- B - Tavern - Beer on premises.
- C - Wine on premises.
- D - Beer by open bottle only - on premises.
- E - Beer by bottle or package - off premises.
- F - Wine by bottle or package - off premises.
- H - Spirituous liquor by individual glass and/or beer and wine on premises
- L - Spirituous liquor by individual glass and/or beer and wine on premises  
for non profit arts organization during performances.
- P - Gift delivery service or florist with wine.

SPECIAL OCCASION LICENSES

- G - License to sell beer on a specified date for consumption at specific place.
- I - Annual added locations for special events (Class H only).
- 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.

NON-RETAIL LICENSES

- N1-Manufacturers, except Distiller, Breweries and Wineries
- N2-Distillers License
- N3-Distiller's License (Commercial Chemist)
- N4-Distiller's License (Fruit and/or Wine).
- N5-Liquor Importer
- NS-Ship Chandler - Duty Free Exporter
- B1-Domestic Brewers
- B2-Beer Wholesaler
- B3-Beer Certificate of Approval in state.
- B4-Beer Importer
- W1-Domestic Winery.
- W2-Wine Wholesaler
- W3-Wine Importer
- W4-Wine certificate of approval in state
- W5-Bonded Wine Warehouse
- W6-Growers License - to sell wine in bulk.

PERMITS

- Class 4 - Annual Permit
- Class 11 - Bed & Breakfast.

CCI

- CCI 1 - Interstate Common Carrier

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

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

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

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based. See RCW 66.24.010(8)

DATE \_\_\_\_\_ SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE \_\_\_\_\_



LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR  
FOR EXPIRATION DATE OF 8/31/92

	LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	CLASSES
1	TWETEN, DELMER L TWETEN, GLORIA R	HARVESTER RESTAURANT WEST 5601 SOUNDVIEW DR GIG HARBOR WA 98335 0000	366707	H
2	ANDRADE'S, INC.	PUERTO VALLARTA - GIG HARBOR #2 4225 HARBORVIEW DR GIG HARBOR WA 98335 0000	364637	H
3	PENDRAGON MANAGEMENT CO., A PA WYVERN RESTAURANTS, INC. CAROL M VINUM MICHAEL MC GIMPSEY MICHELLE MC GIMPSEY	ROUND TABLE PIZZA 5500 OLYMPIC DR BLDG H GIG HARBOR WA 98335 0000	076725	A C





DENNIS RICHARDS  
Chief of Police

City of Gig Harbor Police Dept.  
3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-2236

MONTHLY POLICE ACTIVITY REPORT

    MAY    

DATE: 06-01-92

	<u>    MAY    </u>	<u>    YTD    </u>	<u>    YTD    </u>	<u>%CHG TO</u>
	<u>  1992  </u>	<u>  1992  </u>	<u>  1991  </u>	<u>  1991  </u>
CALLS FOR SERVICE	<u>  257  </u>	<u> 1171 </u>	<u>  937  </u>	<u>  +  25  </u>
CRIMINAL TRAFFIC	<u>   32  </u>	<u>  120  </u>	<u>   86  </u>	<u>  +  39  </u>
TRAFFIC INFRACTIONS	<u>   59  </u>	<u>  428  </u>	<u>  467  </u>	<u>  -   8  </u>
DWI ARRESTS	<u>    7  </u>	<u>   22  </u>	<u>   21  </u>	<u>  +   5  </u>
FELONY ARRESTS	<u>    6  </u>	<u>   27  </u>	<u>   31  </u>	<u>  -  12  </u>
MISDEMEANOR ARRESTS	<u>   26  </u>	<u>   79  </u>	<u>   60  </u>	<u>  +  31  </u>
WARRANT ARRESTS	<u>    5  </u>	<u>   33  </u>	<u>   42  </u>	<u>  +  21  </u>

CASE REPORTS FOR MAY 1992

6933 - WARRANT	6988 - TRESPASS
6934 - MOTOR VEHICLE THEFT	6989 - OBSTRUCTING/STOLEN PLATES
6935 - FOUND PROPERTY	6990 - INDECENT LIBERTIES
6936 - VOID	6991 - HIT & RUN
6937 - STOLEN LICENSE PLATES	6992 - MINOR IN POSSESSION
6938 - VEHICLE IMPOUND	6993 - ASSAULT
6939 - CHILD MOLEST	6994 - MIP/NARCOTIC PARA
6940 - ASSAULT/WEAPONS VIO.	6995 - THEFT 1
6941 - THEFT 3	6996 - DWI
6942 - BURGLARY 2	6997 - SUSPICIOUS CIRCUMSTANCES
6943 - ACCIDENT	6998 - OUTSIDE AGENCY ASSIST
6944 - WARRANT	6999 - THEFT 3
6945 - MALICIOUS MISCHIEF	7000 - VANDALISM
6946 - DWLS/IMPOUND	7001 - VANDALISM
6947 - ASSAULT 4	7002 - VEHICLE PROWL
6948 - THEFT 2	7003 - VANDALISM
6949 - ACCIDENT	7004 - BURGLARY
6950 - THEFT 3	7005 - ACCIDENT/AGENCY ASSIST
6951 - THEFT 1/CHECK FRAUD	7006 - DWI
6952 - WARRANTS	7007 - POSS STOLEN PROPERTY
6953 - BURGLARY	7008 - GAS RUNOUT
6954 - THEFT 3	7009 - DWI
6955 - DOMESTIC ASSAULT	7010 - BURGLARY
6956 - MAL MISCHIEF/THEFT 3	7011 - TRESPASS
6957 - THEFT 3	7012 - VEHICLE IMPOUND
6958 - VEHICLE PROWL	7013 - THEFT 3
6959 - DWI	7014 - THEFT 3
6960 - VEHICLE PROWL	7015 - ACCIDENT
6961 - VEHICLE PROWL	7016 - VEHICLE PROWL 2
6962 - MINOR IN POSSESSION	7017 - NATURAL DEATH
6963 - ANIMAL ABANDONMENT	7018 - VIO RESTRAIN ORDER
6964 - VEHICLE PROWL	7019 - TRESPASS
6965 - VEHICLE PROWL	7020 - VEHICLE PROWL
6966 - DWI/FTA	7021 - VEHICLE PROWL
6967 - ACCIDENT	7022 - VEHICLE PROWL
6968 - CIVIL	7023 - VEHICLE PROWL
6969 - RUNAWAY RECOVERY	7024 - MALICIOUS MISCHIEF
6970 - VEHICLE PROWL	7025 - VANDALISM
6971 - WARRANTS	7026 - THEFT
6972 - BURGLARY	7027 - HIT & RUN
6973 - VEHICLE PROWL	7028 - VEHICLE PROWL
6974 - HARASSING CALLS	7029 - PHONE THREATS
6975 - DWI/WARRANT	7030 - THEFT 3
6976 - ACCIDENT	7031 - WARRANT
6977 - NARCOTICS	7032 - VEHICLE IMPOUND
6978 - WARRANT	7033 - ALTERED PLATES
6979 - BURGLARY	7034 - MINOR IN POSSESSION
6980 - THEFT 3	
6981 - NARCOTICS	
6982 - ASSAULT	
6983 - THEFT 1	
6984 - DWI	
6985 - UIBC/PROTECTION ORDER	
6986 - UIBC	
6987 - BURGLARY	

**SPECIAL MEETING AGENDA  
PIERCE COUNTY PLANNING COMMISSION**

Wednesday, June 17, 1992, 7:00 P.M.

2401 So. 35th St., Tacoma, Planning Public Meeting Room

RECEIVED

JUN 4 1992

CITY OF GIG HARBOR

**I. CALL TO ORDER**

**II. PUBLIC HEARING**

Countywide Growth Management Policies. The Countywide Planning Policy Steering Committee has developed a set of growth management policies to guide the governmental jurisdictions within Pierce County in developing their comprehensive plans, required under the Growth Management Act. The coordination of growth management plans between cities, towns, and the unincorporated portion of the county is required by the Growth Management Act. The Countywide Growth Management Policies address such issues as: 1) the siting of regional public facilities (correctional facilities, landfills, etc.), 2) coordination of transportation policies and facilities, 3) annexation by incorporated cities and towns, 4) dealing with agricultural lands, open space, recreation areas, etc., 5) how to determine Urban Growth Areas, 6) and other issues with countywide implications.

Contact person: Mike Cooley, Principal Planner, 591-7233

**III. ADJOURNMENT**

