

GIG HARBOR CITY COUNCIL MEETING

FEBRUARY 25, 1991

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING OF:
FEBRUARY 25, 1991

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

APPROVAL OF MINUTES: (February 11, 1991)

ACTION ITEMS:

OLD BUSINESS:

- Ray* 1. Review of Tacoma-Pierce County Solid Waste Management Plan.
- Ray* 2. Zoning Code and Zoning District Map Ordinance - 2nd Reading.
- Ray* 3. Brewer Late-Comer's Agreement. (*cancel - table until next meeting*)
- Ray* 4. Discussion of Soundview Drive Improvements.

NEW BUSINESS:

- Ray* 1. Peninsula School District Request for Sewer Utility Service
- Ray* 2. Urban Area Agreement With Pierce County.
- Ray* 3. SPR 90-12/VAR 90-15 Gig Harbor Car Wash. (Hearing Examiner Recommendation).
- Ray* 4. SDP 90-05/VAR 90-16 Yu Residence. (Hearing Examiner Recommendation).
- Ray* 5. SDP-90-04/SPR 90-10: MCI Development (Hearing Examiner Recommendation).
- Ray* 6. Request for Consideration of Annexation (10% Petition) - Rosedale
- Ray* 7. Request for Consideration of Annexation (10% Petition) -Hoover Road.

ANNOUNCEMENT OF OTHER MEETINGS:

APPROVAL OF BILLS:

EXECUTIVE SESSION:

ADJOURN:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 11, 1991

PRESENT: Councilmembers Davis, English, Hoppen and Perrow.
Mayor Wilbert and Councilmember Frisbie, Absent

In the absence of Mayor Wilbert and Mayor Pro Tem Frisbie, City Administrator Michael Wilson, as City Clerk, convened the meeting to order and conveyed the first order of business, that of selecting an interim Mayor Pro Tem, to the Council for nominations.

MOTION: To appoint Councilwoman Davis as interim Mayor Pro Tem. English/Hoppen.
Unanimous.

Councilwoman Davis, serving as interim Mayor Pro Tem, opened the meeting to Public Comment/
Discussion.

PUBLIC COMMENT\DISCUSSION: Bob Grant, 3609 Rosedale and Mark Rogala, 3603 Rosedale, wished to address the Late-Comer's Agreement scheduled at Item 1 under Old Business. It was agreed they would address it when it came up; Dick Allen, 3603 Ross Avenue, wished to address the proposed zoning code ordinance.

CALL TO ORDER: The meeting was called to order at 7:05 P.M.

PUBLIC HEARINGS:

1. Planning Commission Recommendations and First Reading on Ordinance repealing and/or amending portions of Chapter 17 and enacting a new chapter to Chapter 17 of the Gig Harbor Municipal Code.

Planning Director, Ray Gilmore, presented the background of the proposed ordinance, explained the changes to the zoning map and presented the Planning Commission's Findings and Recommendations.

The issue was opened to Public Hearing at 7:15 P.M.

Dick Allen stated his property, just north of Rosedale and west of Mitts Lane, was not desirable residential property and should not be zoned as such. He felt that it is appropriately zoned as a commercial area, and, in general, he was satisfied with the zoning at B-2.

Councilman Perrow stated that at the second reading of this ordinance, he intended to recommend that the section relating to height restrictions, and reading as follows: ". . . the maximum building height is 16 feet except as provided under Section 17.62, the maximum building height shall be increased to a maximum of 28 feet if two additional water view/access opportunities are provided. . ." be changed to reflect a height limitation of 24-feet. In addition, under the section establishing the four criteria defining water view/access opportunities, Perrow intends to recommend that criterion #4 require that the pitch of the roof be equal to or steeper than 2 to 1, but not greater than 1 to 1; and to add a fifth criterion, requiring all projects be subject to site plan review process according to 17.96; and, at Page 6, under 5A, change 90% to 80% (Tape 219A, 170-281).

No further comments. First reading completed.

APPEALS: There were no appeals scheduled.

APPROVAL OF MINUTES: (January 14, 1991; January 28, 1991).

MOTION: To approve the Minutes of January 28, 1991.
English/Hoppen. Motion carried. Unanimous.

MOTION: To approve the Minutes of January 14, 1991.
English/Hoppen. Motion carried. Unanimous.

CORRESPONDENCE:

The letter from Richard T. Kennedy, the Western Division representative at-large to the Association of Washington Cities (AWC) was noted and acknowledged by the Council.

ACTION ITEMS:

OLD BUSINESS:

1. Late-Comer's Agreement - John Brewer.

City Administrator Wilson presented the background information and explained the agreement and the assessments. Both Bob Grant and Mark Rogala, the benefitting property owners of the sewer extension, voiced dissatisfaction that they had no voice in the bidding process for this project and questioned the costs. John Brewer presented his point of view, stating he had done what was requested of him

in extending the line beyond his own personal requirements. Ben Yazici and Administrator Wilson addressed the issues of costs and time lapse, and suggested that this be tabled until the parties involved had an opportunity for a fuller discussion.

MOTION: To accept the late-comer's agreement as written. Perrow.

MOTION WITHDRAWN.

MOTION: To table until next council meeting. Hoppen/Perrow. Motion carried, 2-1. Perrow opposed.

1. Urban Area Agreement with Pierce County.

City Administrator Wilson explained the revisions to the agreement and the new "urban area, future city boundaries" map. Councilman Perrow asked if the item could be tabled since not all councilmembers were present.

MOTION: To table the Urban Area Agreement with Pierce County until the next council meeting, after the discussion of sewer extension to Peninsula School District takes place. English/Perrow. Motion carried. Unanimous.

NEW BUSINESS:

1. Official Naming of the Former Gig Harbor Library.

MOTION: To officially name the former Gig Harbor Library building, the "Bogue Building". Perrow/English. Motion carried. Unanimous.

2. New Street Names for "The Ridge".

MOTION: To accept the Peninsula Historical Society recommendation and name the two private lanes within the "The Ridge" condominium complex, Spadoni Lane and Snyder Lane. English/Perrow. Motion carried. Unanimous.

3. Request for Time Extension (Paul Gustafson,
Dorotich Marina.

Planning Director Gilmore gave the background information and presented the Resolution for a one-year time extension on Shoreline Development Permit 85-02.

Public Works Director, Ben Yazici, addressed the issue of the required sidewalk improvements.

MOTION: To adopt Resolution 306 with the following change:

"That construction of sidewalks, curbs and gutters fronting Harborview Drive (as required per SDP 85-02) begin immediately, and if substantial progress has not been made by March 19, 1991, the City has the right to take the work over at cost to the property owner to assure timely completion." Perrow/English.
Motion carried. Unanimous.

DEPARTMENT MANAGERS REPORTS:

1. Police Department - Monthly Statistics.

Mike Wilson, reporting for Chief Richards, informed the Council the Police Department is participating with the Peninsula School District on a crisis intervention project. Monthly statistics noted.

2. Public Works.

Public Works Director, Ben Yazici, reported that the Stinson Avenue construction project is scheduled to begin in April and should be completed about June or July. He also reported the appointment of Marco Malich to the new Maintenance Worker position.

MAYOR'S REPORT:

1. Update on Growth Possibilities at the Washington Correction Center for Women (W.C.C.W)

Noted.

COMMITTEE REPORTS: There were no committee reports.

ANNOUNCEMENT OF OTHER MEETINGS:

Mayor Pro Tem Davis announced the next Gig Harbor City Council Meeting would be held February 25, 1991.

APPROVAL OF BILLS:

MOTION: To approve bills (claim warrant numbers 6801 through 6847) in the amount of \$35,921.38. English/Perrow. Motion carried. Unanimous.

APPROVAL OF PAYROLL:

MOTION: To approve the January payroll (claim warrant numbers 5312 through 5421) in the amount of \$137,267.93. English\Perrow. Motion carried. Unanimous.

EXECUTIVE SESSION:

MOTION: To move to adjourn to Executive Session. English\Hoppen.

MOTION: To return to regular session for consideration of the Allmer Claim. Perrow/Hoppen. Unanimous.

REGULAR SESSION:

MOTION: To deny the claim for damages submitted by Doris Allmer. Perrow/English. Unanimous.

MOTION: To return to Executive Session. Perrow/Hoppen. Unanimous.

EXECUTIVE SESSION:

MOTION: To return to Regular Session. English/Hoppen. Unanimous.

ADJOURN:

MOTION: To adjourn. Hoppen/English. Unanimous.

Adjourned at 8:45 P.M. (Tapes 219,220)

APPROVED:

Sammie Davis, Mayor Pro Tem (Interim)

Date



City of Gig Harbor. The "Maritime City."

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

TO: Mayor Wilbert and City Council
FROM: Michael R. Wilson, City Administrator *M:ls*
SUBJECT: Solid Waste Management Plan
DATE: February 22, 1991

A few days ago we submitted to your attention the Tacoma-Pierce County Solid Waste Management Plan. As indicated earlier, a public meeting would be scheduled at the next city council meeting (February 25) to take public comment on the plan amendments.

Ms. Sally Sherrard, Pierce County Utilites Department, will be in attendance to discuss the amendments and answer any questions relative to the waste management plan.

CITY OF GIG HARBOR

ORDINANCE NO. 598

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CERTAIN CHAPTERS OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE HAVING TO DO WITH THE ZONING CODE, ENACTING A NEW CHAPTER TO TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE, AMENDING A PORTION OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE AND AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF GIG HARBOR AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor City Council directed the City of Gig Harbor Planning Commission to conduct subarea meetings throughout the City in the furtherance of the refinement and implementation of the City of Gig Harbor Comprehensive Plan of 1986, and;

WHEREAS, the City of Gig Harbor Planning Commission conducted numerous work sessions in 1989 and 1990, four subarea meetings in April and May of 1990, a public hearing on June 19, 1990 and three work sessions in July and August of 1990 regarding proposed changes to Title 17 of the City of Gig Harbor Municipal Code in respect to text amendments and revisions to the zoning district map, and;

WHEREAS, the City of Gig Harbor Planning Commission in its Findings, Conclusions and Recommendations of August 1990 to the City Council did recommend twenty-eight changes to the zoning district map, two amendments to the Comprehensive Plan map and four revisions to the zoning code text, Title 17 of the City of Gig Harbor Municipal Code, and;

WHEREAS, upon referral by the Mayor for public comment, the Planning Commission conducted one additional public hearing on January 29, 1991, for consideration of changes to the zoning code text and map as proposed by Council, and;

WHEREAS, the City Council has considered the findings, conclusions and recommendations of the Planning Commission in its report of February 7, 1991, and;

WHEREAS, the adoption of the revised zoning code and zoning district map furthers the goals and objectives of the 1986 City of Gig Harbor Comprehensive Plan and promotes the public's health, safety and welfare,

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

Section 1. The following chapters of Title 17 of the Gig Harbor Municipal Code are hereby repealed: 17.44 (Waterfront District 1), 17.48 (Waterfront District 2), 17.52 (Waterfront District 3) and 17.56 (General Services).

SECTION 2. The following chapters are hereby enacted:

CHAPTER 17.48

WATERFRONT MILLVILLE (WM)

SECTIONS

- 17.48.010 Intent
- 17.48.020 Permitted Uses
- 17.48.030 Conditional Uses
- 17.48.035 Hours of Operation
- 17.48.037 Prohibited Uses
- 17.48.040 Development Standards
- 17.48.050 Site Plans
- 17.48.060 Maximum Height
- 17.48.070 Parking and Loading Requirements
- 17.48.080 Signs
- 17.48.090 Performance Standards

17.48.010 Intent

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium density

residential, marine dependent and marine related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged.

17.48.020 Permitted Uses

1. Single family and two-family (duplex) structures.
2. Marinas and boat launch facilities.
3. Boat Repair and sales facilities
4. Marine related sales.
5. Delicatessens.
6. Public park and access facilities.
7. Professional offices.
8. Wholesale and retail sales of fisheries products for human consumption.
9. Live bait sales.
10. Piers, docks, wharfs and associated buildings.
11. Commercial fishing net sheds.

Refer to amend #1

17.48.030 Conditional Uses

Subject to the standards and procedures for conditional uses as set forth in Section 17.64, the following uses may be authorized in this district:

1. ^{dup}Triplex and ^{dup}fourplex residential structures.
2. Yacht Clubs.
3. Bed and Breakfasts.
4. Public utilities and services.
5. Boat construction, not to exceed one boat per calendar year.
6. Coffee houses, not to exceed 1,000 square feet in total size.

Refer to amend #2

17.48.035 Hours of Operation

The following uses shall be limited to operating between the hours of 7:00 am to 7:00 P.M., daily:

1. Sales.
2. Delicatessens.
3. Boat construction.
4. Coffee houses.

17.48.037 Prohibited Uses

The following uses are prohibited in this district:

1. Outdoor public telephones.

17.48.040 Development Standards

	Single Family	Multi-family (duplex-fourplex)	Non-Res.
1. Min. lot area	12,000	15,000-21,000	12,000
2. Min. lot width	70'	100'	100'
3. Min. front setback	20'	20'	20'
4. Min. rear and/or side yard abutting Tidelands	0	0	0
5. Min. int. side setback	8'	8'	10'
6. Min. street side setback	10'	10'	10'
7. Max. Impervious coverage	50%	55%	70%
8. An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective. Recognizing the existence of such parcels, the development standards are adjusted to grant relief as to minimum lot size and minimum lot width only.			

17.48.050 Site Plans

Before a building permit will be issued in a WM zone, the site plan review process specified in Chapter 17.96 shall be followed. Residential projects containing three or fewer dwelling units are exempt from this provision.

17.48.060 Height

The maximum building height is 16 feet, except as provided for under Section 17.62.

17.48.070 Parking and Loading Facilities

Parking and loading facilities on private property shall be provided in accordance with the requirements of Section 17.72, except that where there are properties serving multiple uses, parking shall be provided for the combined total of the individual uses.

17.48.080 Signs

All signs shall comply with the provisions of Section 17.80.

17.48.090 Performance Standards

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title and/or by conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets. Fishing related equipment is exempt from this standard.
4. Outdoor Lighting: Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the

horizontal plane is prohibited between midnight and sunrise. (Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.)

Section 3. The following chapters of the Gig Harbor Municipal Code are modified as follows:

...

17.04 Definitions

...

17.04.265 Coffee House - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

17.04.268 Delicatessen - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

...

17.12.010 Districts Established

- ~~K. Waterfront Residential District (W-1) WR~~
- ~~L. Waterfront Millville Use District A (W-2) WM~~
- ~~M. Waterfront Commercial Use District B (W-3) WC~~
- ~~N. General Service Use District (GS)~~

17.32.045 Impervious Coverage

The maximum impervious coverage in a B-1 district shall be 70 percent.

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17.32.050 Front Yard

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Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.060 Rear Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.070 Side Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

...

17.46.040 Development Standards (Waterfront Residential)

	—Single	7000-	less than	Duplex	Non-
	—Family	12,000	7,000		Res.
4. Minimum Rear Yard Setback if Tidelands Not Owned	20'	20'	15'	20'	30'
5. Minimum Rear and/or Side Yard Setback to Owned-Abutting Tidelands.	0	0	0	0	0

...

17.50.020 Permitted Uses (Waterfront Commerical)

- 9. Restaurants, taverns and lounges
- 10. Professional Offices
- 11. Residential, up to a fourplex
- 12. General Retail Sales

...

17.50.030 Conditional Uses

- ~~1. Residential development, up to a fourplex.~~
- 2.1. Guest accommodations
- 3.2. Public facilities
- 4.2. Parking lots for related shoreline uses
- ~~5.4. Restaurants, taverns and lounges.~~
- 6.5. Processing of fisheries products for off-premise human consumption.
- 7.6. Boat construction

...

17.50.040 Performance Standards

10A. Maximum impervious lot coverage may be increased upon execution of a written agreement with the City of Gig Harbor and the property owner and provided further that the agreement is filed with the County Auditor as a covenant with the land, when the development provides for water view opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

	<u>Maximum Imp. Coverage</u>	<u>Number of Waterview Access</u>
	<u>Opportunities</u>	
a.	<u>50/55/70</u>	<u>-0-</u>
b.	<u>+10%</u>	<u>1</u>
c.	<u>+10%</u>	<u>2</u>
d.	<u>+10%</u>	<u>3</u>

10B. Waterview / Harbor Access Opportunities

- 1. Waterview opportunity, by means of public view corridors measuring twenty frontage feet along the Street or twenty percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public right-of-ways. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view

corridors except where required by the City Building Code. Shrubbery in view corridors shall not exceed a height of three feet and trees shall have no branches lower than ten feet above the level of the frontage sidewalk. A waiver on tree branch height may be granted by the City Council for a defined growth period.

- ii. Water view opportunity, by means of a five-foot wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.
- iii. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be fifty (50) square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.
- iv. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the fishing pier.
- v. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the small boat landing.
- vi. Harbor access opportunity, by means of a public transient moorage for up to two, thirty (30) foot

boats and which must have a minimum water

depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of one hundred (100) feet.

...

17.68.040 Non-Conforming Structures

...

- B. Should such nonconforming structure or nonconforming portion of a structure be damaged to less than fifty (50%) percent of its replacement cost by any means, it may be replaced to its original dimensions, and this shall occur within one (1) year of the time of damage, or not at all. The reconstruction shall comply with all applicable building codes in force at the time of replacement and Section 17.68.090.

...

- G. Nonconforming structures may be altered in external appearance with the approval of the City Council so long as there is no enlargement of any dimensions.

...

17.68.090 Non-conforming Uses in Waterfront Districts

When a structure or premise has a nonconforming use status and it is damaged with a loss greater than fifty (50%) percent of the replacement costs at the time of destruction, the owner shall provide a minimum of one water view/harbor access opportunity, as defined pursuant to Section 17.48.090 (5A or 5B), as part of the reconstruction of the non-conforming use or structure.

...

17.40.065 Commercial District Minimum Requirements and Performance Standards Along the Waterfront.

Commercial districts along the waterfront, between the City right of way and the Gig Harbor Bay shoreline, shall comply with the minimum requirements and performance standards of the Waterfront Commercial (WC) district, Sections 17.46.040, 050, 060, 070, and 080.

Section 4. The official zoning district map for the City of Gig Harbor is hereby modified as indicated on the attached Exhibit "A".

Section 5. Those properties in the City of Gig Harbor so affected by zoning district changes established under this ordinance shall not be considered for any additional zoning district change for a period of twelve (12) months from the date of adoption of this ordinance, pursuant to Section 17.100.020 (D).

Section 6. If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the Council held on this 25th day of February, 1991.

Gretchen S. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with the City Clerk: 02/07/91
Passed by City Council:
Date published:
Date effective:



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: Michael Wilson, City Administrator
FROM: Ben Yazici, Public Works Director *BY*
DATE: February 25, 1991
SUBJECT: Late Comers Agreement - John Brewer

I met with the affected property owners, Mr. John Brewer, Mr. Robert Grant and Mrs. Marcia Rogala, to discuss the subject latecomers agreement. As you know, two property owners had raised some concerns regarding the \$3,045 total reimbursable cost of the agreement.

Mr. Brewer is now willing to deduct \$900.00 engineering cost from the total \$8,299.20 cost of reimbursable expense. The new cost is \$7,399.20. The total reimbursable expense will then be \$2,715.50, which is \$330 less than the regional estimate of \$3,045. All affected parties are agreed on this number.

We will continue to work with Mr. Grant and Mrs. Rogala and assist them to connect to the City sewer.



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: Michael R. Wilson, City Administrator
SUBJECT: Latecomer's Agreement-John Brewer
DATE: January 25, 1991

M.R.W.

Attached is a latecomer's agreement for the extension of sewer utility service to property owned by Mr. John Brewer and other contributory property. Although the utility extension portion of the agreement does not apply to Mr. Brewer's case since he is located within the city limits, this agreement form is being used because of the latecomer's provision within the agreement.

This matter was brought before the city council in April, 1989 for consideration; however, it was tabled and had never been rescheduled for a hearing. With the extension of this sewer line, there are two property owners affected by this utility extension who would be responsible for paying their proportionate share of the cost (half each) of the sewer line extension, in addition to the cost of connecting to the system. As noted in the attached agreement, the total cost to be reimbursed is \$3,045.80.

As required by state law, whenever the cost of any sewer improvement is to be assessed against the owners of real estate, a hearing must be conducted in order for the property owner's to review the engineer's estimates and comment to the city council. The estimate/cost that was prepared does reflect a pro-rata share due from such sewer utility improvements. Such notification has been provided to the affected property owners.

UTILITY EXTENSION AND CAPACITY AGREEMENT

THIS AGREEMENT is entered into on this _____ day of _____, 19____, between the City of Gig Harbor, Washington, hereinafter referred to as "the City" and Mr. John Brewer, hereinafter referred to as "the Owner".

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

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

WHEREAS, the Owner desires to connect to the City sewer utility system, hereinafter referred to as "the utility" and the City is willing to allow connection only upon certain terms and conditions in accord with City Resolutions 164 and 173, as now enacted or hereinafter amended, NOW, THEREFORE,

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

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

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

between manholes #3-34 and 3-35.

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

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service and hereby

reserves to the Owner the right to discharge to the City's sewerage system N/A gallons per day average flow. It is understood that these capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by the Owner of any facilities comprising the City sewerage system. The City agrees to reserve to the Owner this capacity for a period of months ending on N/A , provided this agreement is signed and payment for sewer capacity commitment received within 45 days after city council approval of extending sewer capacity to the Owner's property.

5. Commitment Payment. The Owner agrees to pay the City N/A dollars (\$) to reserve sewer capacity for the period of time established above in Section 4 in accordance with the rate structure set forth below:

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

Sewer capacity shall not be committed by the city to an Owner beyond a three year period.

In no event, however, shall the Owner pay the City less than five hundred dollars (\$500) for commitment for sewer reserve capacity. In the event the Owner has not made connection to the City's utility system by the date established in Section 4, such capacity commitment shall be released by the City and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

In the event the Pierce County Boundary Review Board should not approve the City extending sewer utility service to the Owner or the Owner's property is annexed to the City prior to the expiration of the commitment period as set forth above, the Owner shall be entitled to a full refund from the City of his/her capacity commitment payment.

6. Connection Charges. As a condition of connecting to the City utility system, the Owner agrees to pay connection charges at the rate schedule applicable at the time the Owner requests to actually connect his property to the sewer utility system, in addition to any costs of construction. Any commitment payment that has not been forfeited shall be applied to the City's connection charge(s).

7. Service Charges. In addition to the charges for connection, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the City limits as such rates exist, or as they may be hereafter adjusted.

8. Intervening Properties. In the event Owner's property lies more than one-quarter mile from the point at which connection to the City's utility system is to be made, and prior to any connection to the City utility system being allowed, Owner shall secure participation in, and connection to, the extended line from all intervening property owners located within 200 feet of the extended line through an agreement between the City and such intervening property owners with mutually agreeable terms and conditions for connecting to the system.

9. Permits - Easements. Owner shall secure and obtain, at Owner's sole cost and expense, any necessary permits, easements and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by Pierce County or other jurisdictions.

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

A. As built plans or drawings in a form acceptable to the City Public Works Director;

B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such main line by the City, in a form approved by the City Attorney;

C. A bill of sale in a form approved by the City Attorney; and

D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Public Works Director, ensuring that the main line and/or other capital facilities will remain free from defects in workmanship and materials for a period of N/A years.

11. Annexation. The Owner agrees to sign a petition for annexation to the City of the property described on Exhibit "A" as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees that the City may execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and that the signature of the Owner on this agreement shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. This agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexation.

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

a. The use of the property will be restricted to (check one):

- Single Family
- Commercial
- Industrial
- Multiple Family

- b. The development or redevelopment shall comply with all requirements of the City comprehensive land use plan, zoning code and building regulations for similar development or redevelopment in effect at the time of such development or redevelopment. The intent of this section is that future annexation of the property to the City of Gig Harbor shall not result in a development which does not conform to City standards.

13. Other Terms and Conditions. The Owner agrees to abide by and comply with other terms and conditions that the City has established as set forth below:

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

15. Late-Comer Reimbursement. The City agrees to provide reimbursement payment(s) to the Owner for the costs incurred in the installation of certain of the required water and sewerage improvements all in accordance with the following terms:

- a. Term:

The duty to reimburse shall extend for ten (10) years from the date the engineering plans for the extension work have been approved by the City and thereupon shall terminate.

b. Notice:

It shall be the responsibility of the Owner to provide the City with notice of entitlement of reimbursement before the City will be obligated for disbursement of late-comer reimbursement monies.

c. Amount:

The amount subject to reimbursement shall equal the actual provable cost of the following components of construction:

- i) The costs of sewerage or water improvements installed within the city limits extending from the existing city sewerage or water systems to the Owner's property identified above in Section 2.
- ii) The costs of sewerage or water construction within the state right-of-way.
- iii) The cost associated with added sizes of sewerage or water facilities which are above the minimums required to adequately serve the needs of the subject properties and listed uses as determined by the City. Owners shall provide invoices of actual expense to the City for approval prior to establishment of the amounts subject to reimbursement. The cost shall be determined upon final acceptance by the City.
- iv) Lines and equipment to be subject to late-comer reimbursement shall be identified as such on as-built plans submitted to the City.

d. Contributory Area:

Reimbursement payments shall be required prior to actual connection of water or sewer service to any property located within the "contributory area" as outlined in the drawing marked Exhibit "B" for water and Exhibit "C" for sewer, both of which are attached hereto and fully incorporated herein by this reference.

e. Amount of Reimbursement:

Reimbursement shall be on an acreage basis in accordance with the results of the application of the following formula:

$$\begin{array}{rcl} \text{No. of Acres} & & \text{Amount to be} \\ \text{to be Connected} & = & \text{Reimbursed} \\ \hline \text{Total Acres Within} & & \text{Total Cost of} \\ \text{Contributory Area} & & \text{Reimbursable Expense} \end{array}$$

The City shall assess a five percent (5%) administrative fee for maintaining late-comer reimbursement records and files which shall be deducted from the amount(s) reimbursed to the Owner. Reimbursement may be deferred by the City until the total of all sums due Owners at any one time is at least One Hundred Dollars (\$100.00).

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

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

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

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

CITY OF GIG HARBOR

OWNER

Mayor

ATTEST:

City Administrator/Clerk

APPROVED AS TO FORM:

City Attorney

ACKNOWLEDGMENT

STATE OF WASHINGTON)
)ss:
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ signed this instrument and acknowledged it to be (his/her) free and voluntary act for the purposes mentioned in this instrument.

DATED this _____ day of _____, 19__.

NOTARY PUBLIC for the state
of Washington residing at

My commission expires _____.

STATE OF WASHINGTON)
)ss:
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ signed this instrument, on oath stated that _____ (he/she) _____ was authorized to execute the instrument and acknowledged it as the _____ (title) of _____ (name of party on behalf of whom instrument was executed) to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED this _____ day of _____, 19__.

NOTARY PUBLIC for the state
of Washington residing at

My commission expires _____.

ACCEPTED by the City of Gig Harbor this _____
day of _____, 19__.

Mayor

SCHEDULE A

Amount of Insurance: \$ 85000.00

Order No.: 8833187

Premium: \$ 440.00

Date of Policy: December 15, 1988 at 4:30 P.M.

1. Name of Insured:

John A. Brewer and Shirley A. Brewer, husband and wife

2. The estate or interest in the land described herein and which is covered by this policy is fee simple and is at Date of Policy vested in:

THE NAMED INSURED

3. The land referred to in this policy is situated in the State of Washington, County of PIERCE and described as follows:

Lots 1 through 4 of Pierce County Short Plat 78-940, according to the plat recorded in Volume 31 of Short Plats at page 77, records of Pierce County;

Situate in the County of Pierce, State of Washington.

3/6/89

John Brewer

EXHIBIT "C" -SUPPLEMENT

Amount of Reimbursement

1. Number of acres to be connected:
.516 acres = 0.516

2. Number of acres within contributory area:
1.406 Acres = 1.406

3. Total cost of reimbursable expense:
\$7,399.00

4. Cost to be reimbursed:
\$2,715.50

MARSH TITLE COMPANY

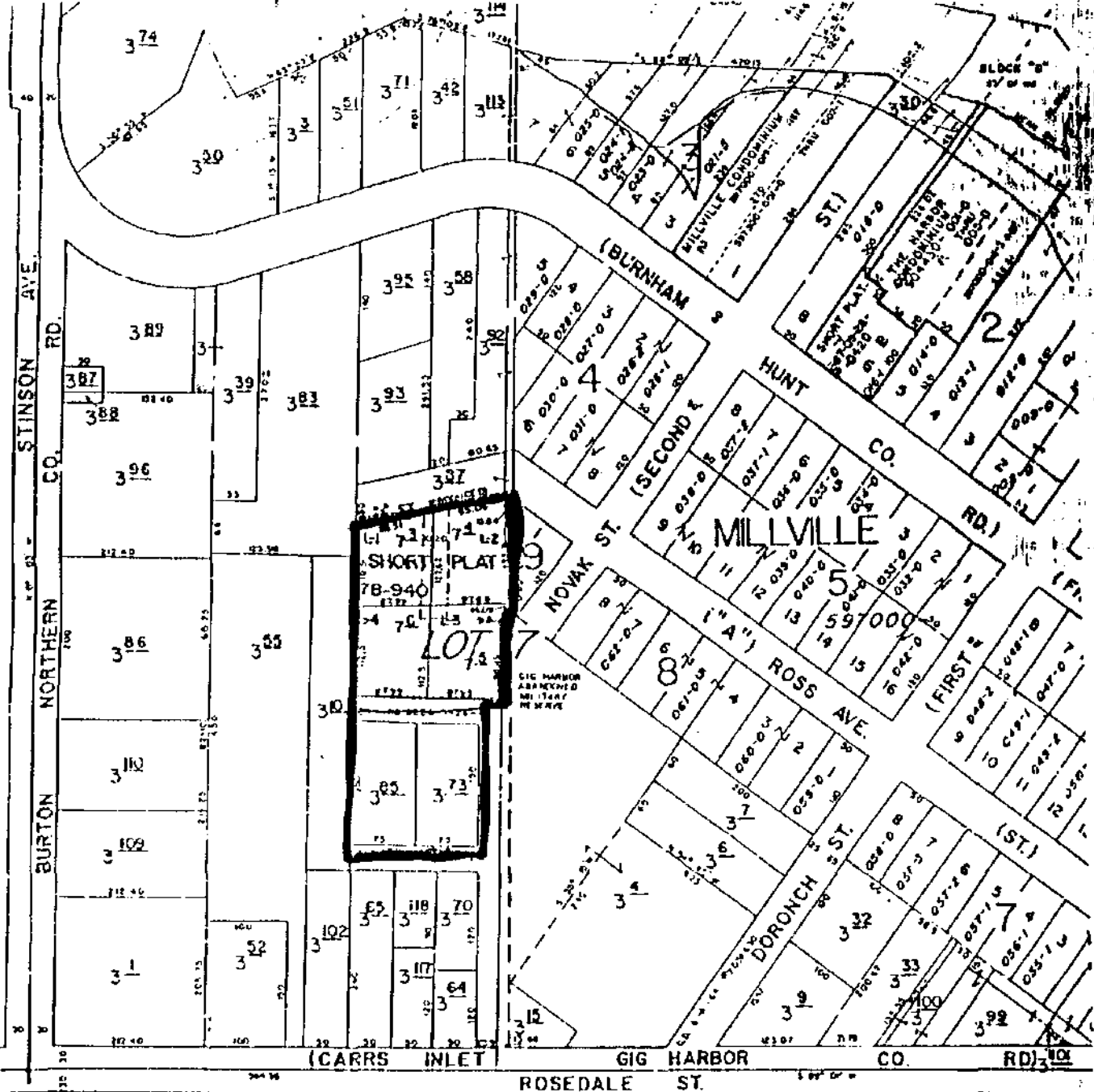
AMERICAN SAVINGS CENTER • 3RD FLOOR
 820 A STREET • TACOMA, WASHINGTON 98402
 TELEPHONE (206) 383-1031

THIS SKETCH IS PROVIDED AS A COURTESY FOR THE SOLE PURPOSE OF ASSISTING
 IN LOCATING THE SUBJECT PROPERTY AND NO LIABILITY IS ASSUMED FOR
 INACCURACIES WITHIN THE SKETCH. REFERENCE SHOULD BE MADE TO A SURVEY
 FOR FURTHER INFORMATION.

ORDER NO. 8833187 CUSTOMER NO. _____ VOL. _____ PAGE _____

SECTION 505 TOWNSHIP ZI RANGE 2E

John Brewer
 3/6/99



D 47NDTANS



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: Michael R. Wilson, City Administrator *Mike*
SUBJECT: Soundview Drive Improvements
DATE: February 22, 1991

Ben Yazici has provided the attached material which sets forth the options available for the reconstruction of Soundview Drive. We conducted a public meeting in December to discuss the concerns and interests of the residents on Soundview relative to how Soundview should be improved. From this meeting, we receive a considerable amount of constructive comments and have formed some opinions as to how to proceed.

In comparing the options that there is a 28% cost savings by choosing option "C" over options "A" or "B". You will note, however, that the life expectancy of "A" or "B" is 35%-45% greater than option "C". The life expectancy of the various street improvement options which Ben described in his memo is based on the city not performing any preventative maintenance work on Soundview. The cost and timing of performing such maintenance to preserve a newly reconstructed street are critical factors in determining the ultimate improvement costs and life expectancy of the street. Consistent with Ben's recommendation, I would also recommend pursuing option "C" since it appears to be the most cost-effective approach when comparing initial cost and cost of maintenance (overlay in eight to nine years in order to extend the life expectancy).

From a funding perspective, we have four options: 1) applying for a "Public Works Trust Fund" low interest loan through DCD (requires a minimum 10% match), 2) bond finance, in addition to current cash, and 3) form a local improvement district (LID), and 4) a combination of the above. In order to be eligible for the trust fund loan, the city must have adopted a five year capital plan for streets, water, sewer, and storm drainage. Although we have a storm drainage plan (prepared in 1987 by URS), the city council has never adopted the plan which would need to be done in order to qualify for the trust fund loan.

If there was interest in pursuing funding through the establishment of an LID, we would need to determine such property within a particular district which is benefiting from this street improvement. It is clear that the benefactors of the Soundview Drive improvements would not just be the residents of Soundview, but would be the entire residential population of the city since this road serves as a major arterial to our city. If an LID was to be considered which would merely encompass the properties abutting Soundview, then it would need to be determined as to what percentage of the cost of the Soundview improvements such property owners would be responsible for paying (10%, 15%, 20%). The most practical alternative is to issue bonds obligating repayment from the general government and street funds. It is an excellent time to bond such projects due to the low interest rate (approximately 6.5% for "A" rated bonds). Below is an assessment of the cost and financing for option "C":

I. Project Cost

Construction, design	\$1,070,000
Less 1991 budgeted expense (design)	<65,000>
	<u>1,005,000</u>

II. Financing

Cash: \$105,000 - 1992 budget

Amount Financed: \$935,000

Term of Financing: 15 years

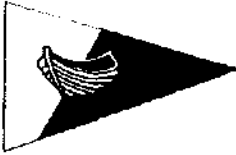
Debt Service Schedule:

<u>Principal</u>	<u>Coupon Rate</u>	<u>Interest</u>	<u>Total Debt Service</u>
40,000	6.5%	60,775	100,775
40,000	6.5%	58,175	98,175
40,000	6.5%	55,575	95,575
50,000	6.5%	52,975	102,975
50,000	6.5%	49,725	99,725
50,000	6.5%	46,475	96,475
60,000	6.5%	42,575	102,640
60,000	6.5%	39,325	98,740

Mayor Wilbert and City Council
Soundview Drive Improvements
Page 3

65,000	6.5%	35,425	100,425
70,000	6.5%	31,200	101,200
75,000	6.5%	26,650	101,650
80,000	6.5%	21,775	101,775
85,000	6.5%	16,575	101,575
85,000	6.5%	11,050	96,050
<u>85,000</u>	6.5%	5,525	90,525
935,000			

I have structured the debt service so that the total annual debt payments would not exceed \$103,000, which appears to be an amount we can handle after examining our revenue base and traditional expenditures. Unless our revenue base should expand faster (such as annexation of commercial areas like the Westside Business District) than our expenditures in the foreseeable future, however, we will be hard pressed to pursue other significant street construction or other capital construction projects in the near future. In other words, this project to reconstruct Soundview is a major long-term financial commitment to the city.



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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: BEN YAZICI, PUBLIC WORKS DIRECTOR *BY*

DATE: FEBRUARY 21, 1991

SUBJECT: SOUNDVIEW DRIVE IMPROVEMENTS

I am sorry to inform you that we have been notified by the Transportation Improvement Board (TIB) that state funds will not be available for the Soundview Drive Project. As you know, during the preparation of the 6-Year Transportation Improvement Plan in August, 1990, we developed a three lane roadway section with a bike lane, curbs, gutters and sidewalks on both sides of the street. The cost of this project was \$1,370,000. We requested \$770,000 in state funds to complete the project, with \$600,000 in city funds.

Among 32 small city applications, in which we compete, our project was rated 16. The Transportation Improvement Board funded only three projects from Snohomish, King and Pierce counties, for a total of \$785,000.

In December, 1990, the staff held a public meeting with the Soundview Drive residents. At that meeting, residents requested that street parking provisions be provided and expressed their concerns regarding the speeding on Soundview Drive. The residents also made positive comments for sidewalks and the storm drainage provisions.

Since building this project with only city funds is beyond the city's financial capabilities, we have developed additional alternatives for your consideration.

ALTERNATIVE "A" AND "B"

Both these alternatives have similar roadway sections. The only difference is that Alternative B includes a bike lane and Alternative A does not. Both alternatives include curbs, gutters, sidewalks and enclosed storm drainage systems on both sides of the street. The removal and replacement of the existing pavement is also included in both alternatives.

The costs of alternatives A and B are \$1,300,000 and \$1,370,000, respectively. The life expectancy of both alternatives is 16 to 19 years.

ALTERNATIVE "C"

This alternative includes curbs, gutters, sidewalks and enclosed storm drainage on both sides of the street. The only difference between this alternative and Alternative B is the way in which the pavement issue is addressed. Instead of pavement removal, a three inch asphalt overlay on top of the existing pavement is being proposed. The primary concern with this type of pavement rehabilitation technique is the "reflective cracking". The thermal expansion and contraction of the cement concrete pavement creates lateral movement (shear stress) under asphalt pavement, especially at the slab joint locations. Over time, this force breaks the asphalt pavement and reflects the cement joint location. This pavement failure mode is called "reflective cracking". In order to substantially delay the reflective cracking, a material called "petromat" must be used in between the asphalt and the cement pavements. Staff will be available at the Council meeting to answer any questions you may have regarding the application and use of this product.

The cost of this alternative is \$1,070,000. The life expectancy is 11 to 14 years with reflective cracks appearing after the 7th or 8th year.

ALTERNATIVE "D"

This alternative proposes to build a three lane roadway section by overlaying and widening the existing pavement. It includes curbs, gutters and sidewalks on one side of the street. Rolled edge curb will be provided on the other side to control storm drainage. An enclosed storm drainage system will be constructed on both sides of the street.

The cost of this alternative is \$860,000. The life expectancy is 11 to 14 years, with reflective cracks appearing after the 7th or 8th year.

ALTERNATIVE "E"

This alternative proposes to remove and replace the existing Portland Cement concrete pavement with 24' wide asphalt concrete pavement.

The cost of this alternative is \$480,000, and the life expectancy is 16 to 19 years.

RECOMMENDATION

Staff recommends a Council motion to select Alternative C or D as the preferred alternative. Both alternatives address the poor storm drainage conditions, the lack of traffic capacity and provide pedestrian facilities, as do alternatives A and B, but at a lessor cost to the City.

The residents' concerns regarding the parking and speeding can be addressed through a careful design process. For example, the street parking can be provided by replacing the continuous left turn lane, with left turn lane pockets only, at the intersections and utilizing the space in between the intersections for parking. Traffic islands can be utilized to address the speeding problem.



State of Washington

Transportation Improvement Board

Transportation Building KF-01
Olympia, Washington 98504
(206) 753-7198 SCAN 234-7198

February 13, 1991

Mr. Ben Yazici
Public Works Director
City of Gig Harbor
Post Office Box 145
Gig Harbor, WA 98335

Transportation Improvement Project
Soundview Drive
Harborview Drive to SR 16 (56th Avenue)
City of Gig Harbor

Dear Mr. Yazici:

The Transportation Improvement Board reviewed the FY 1991 Program Priority Array at its meeting on January 18, 1991. The Board selected projects to be funded from the Priority Array. Your project was considered, but did not rate high enough to be within the funding range.

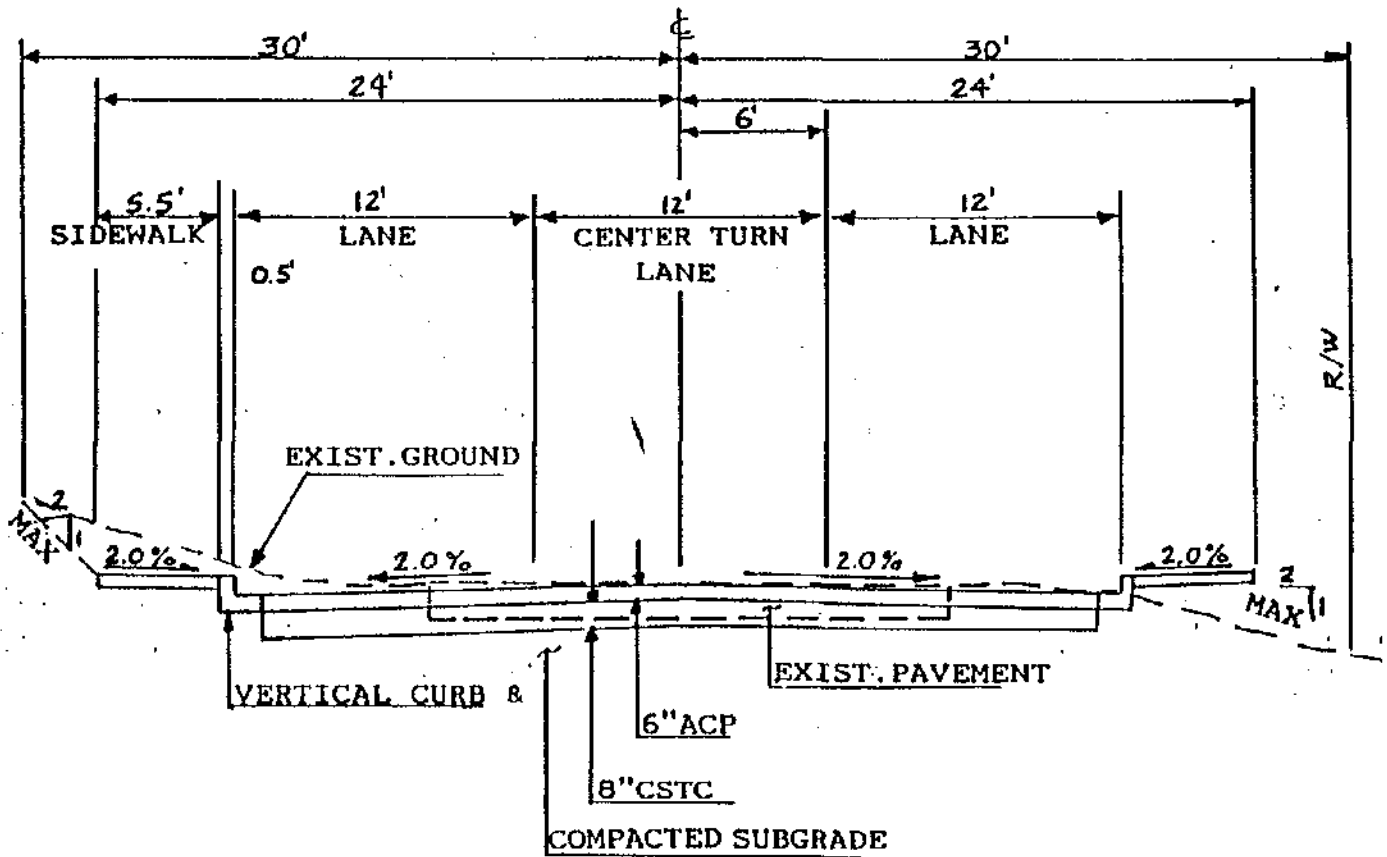
The Board will begin accepting applications for the next funding program in January 1992. To assist agencies with application submittal, the TIB staff will conduct workshops around the state in May. The workshops will deal with The Transportation Improvement Account and Urban Arterial Trust Account programs. If you have any questions, please call the TIB office at 1-800-562-6345 or (206)586-1291.

Sincerely,


Jerry M. Fay, P.E.
Executive Director

JMF:js

SOUNDVIEW DRIVE IMPROVEMENTS



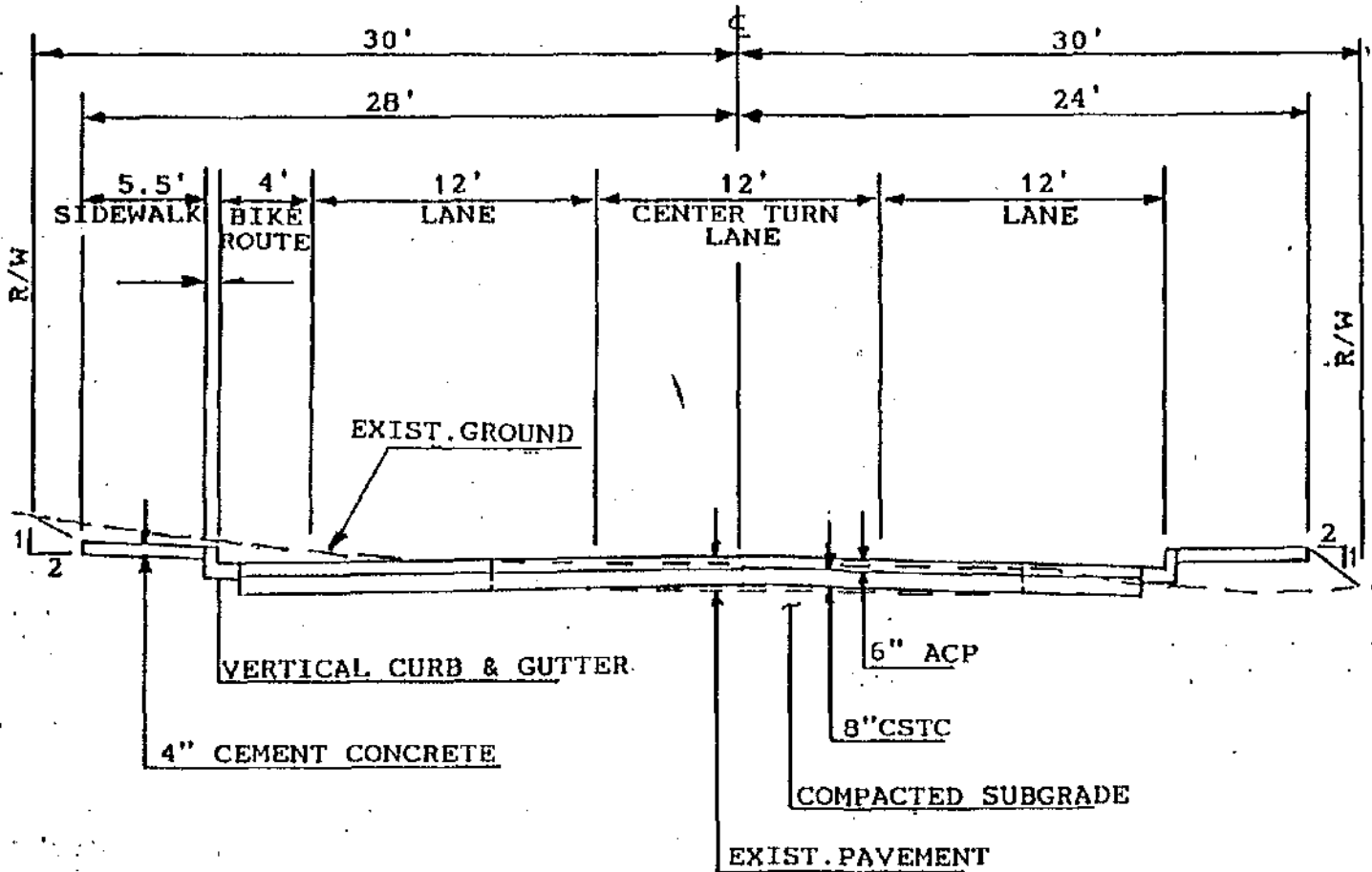
TYPICAL SECTION

CITY OF GIG HARBOR

PUBLIC WORKS
DEPARTMENT

ALTERNATIVE "A"

SOUNDVIEW DRIVE IMPROVEMENTS



TYPICAL SECTION

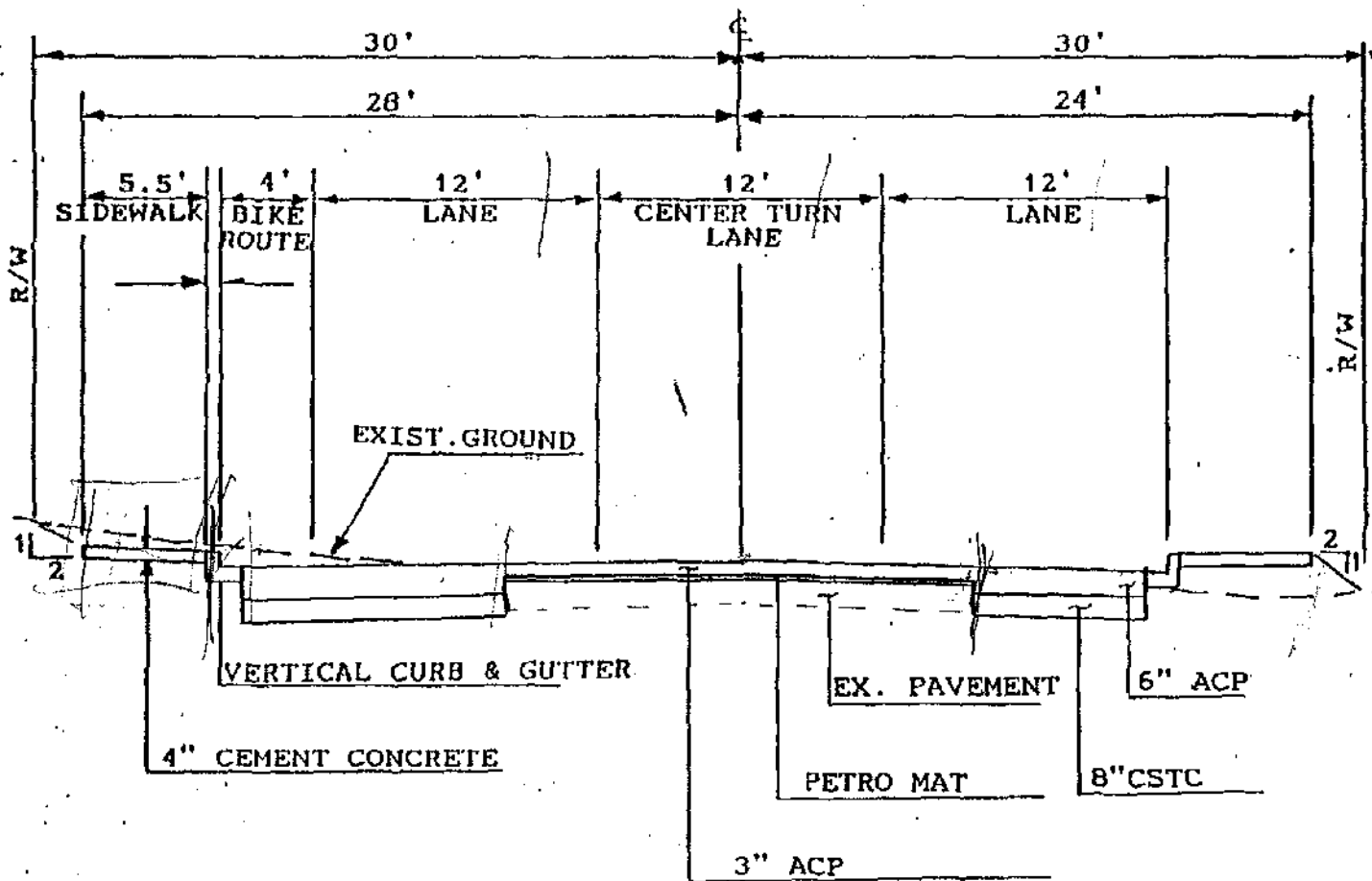
CITY OF GIG HARBOR

PUBLIC WORKS
DEPARTMENT

ALTERNATIVE "B"

SOUNDVIEW DRIVE

IMPROVEMENTS



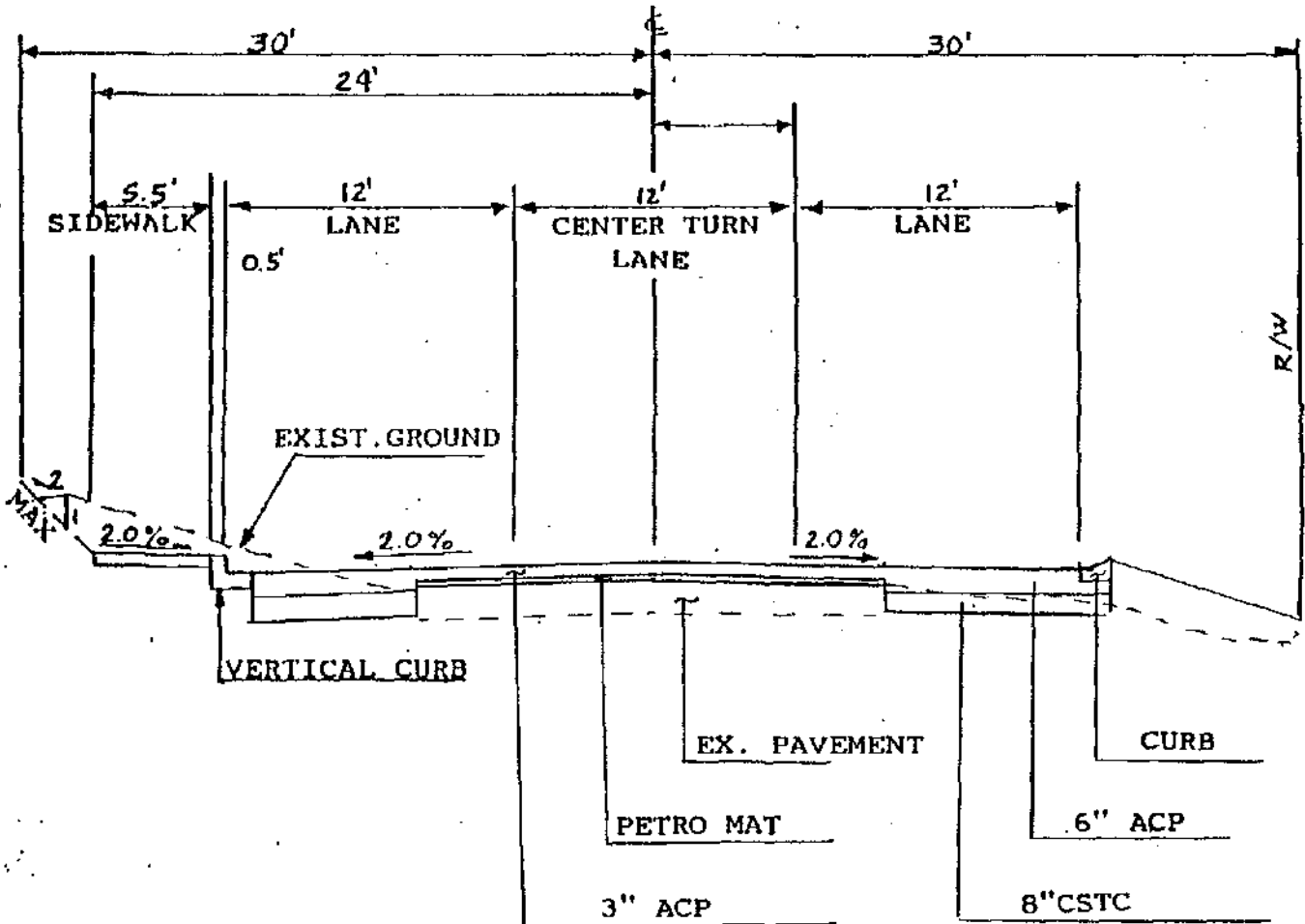
TYPICAL SECTION

CITY OF GIG HARBOR

PUBLIC WORKS
DEPARTMENT

ALTERNATIVE "C"

SOUNDVIEW DRIVE IMPROVEMENTS



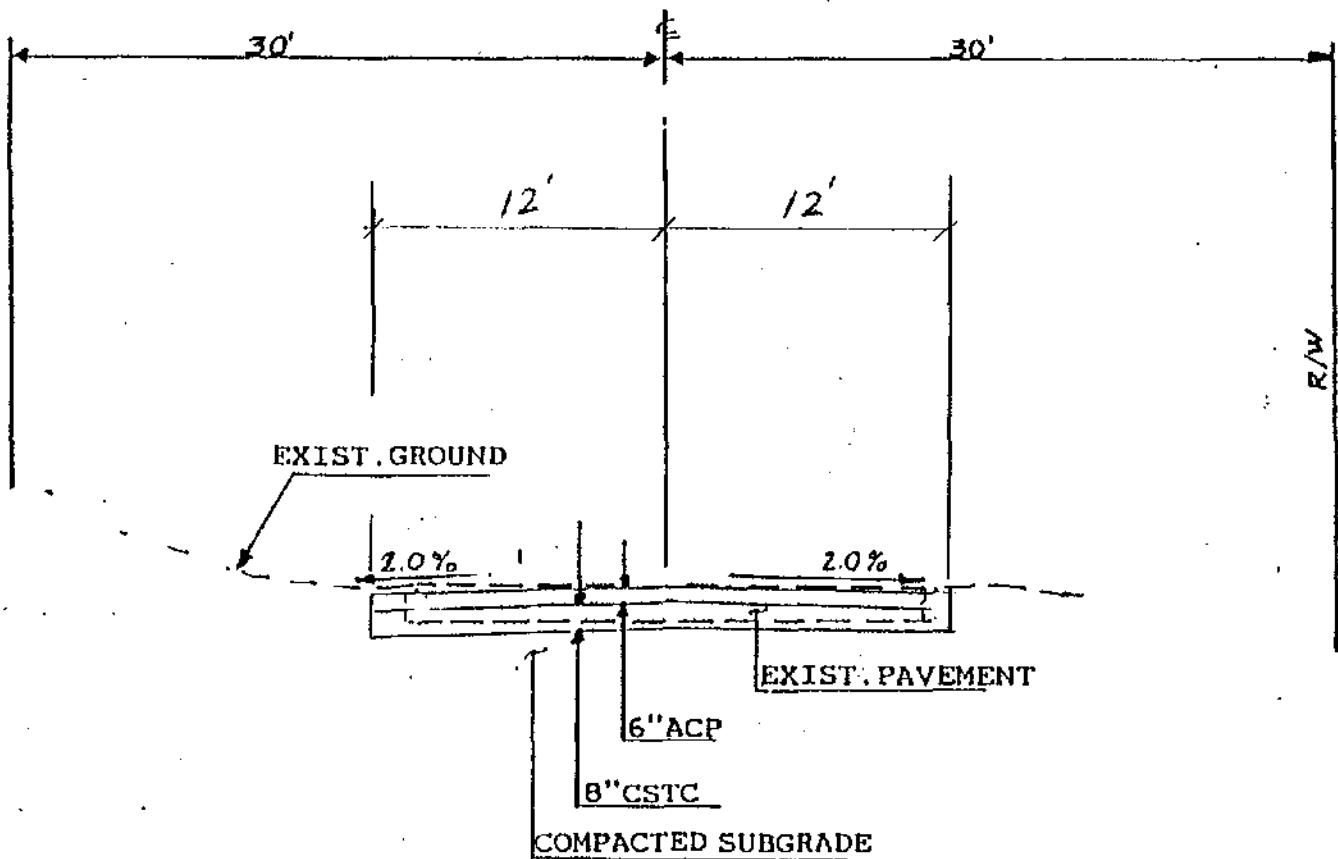
TYPICAL SECTION

CITY OF GIG HARBOR

PUBLIC WORKS
DEPARTMENT

ALTERNATIVE "D"

SOUNDVIEW DRIVE IMPROVEMENTS



TYPICAL SECTION

CITY OF GIG HARBOR

PUBLIC WORKS
DEPARTMENT

ALTERNATIVE "E"



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: Michael R. Wilson, City Administrator *Wilson*
SUBJECT: Peninsula School District Request for Sewer Service
DATE: February 22, 1991

You will find attached a request from the Peninsula School District for the extension of sewer utility service to Peninsula High School, Purdy Elementary, the school district administration building and the bus transit facilities at the Purdy campus.

We have been working with the school district over the last four months to identify and address their utility needs. In addition, we have asked the school district to approach the Purdy community to solicit input relative to the city extending its services to this location and the possibility of the school district property being annexed to the city.

It is clear that these facilities are in need of sewer utility service in order to expand their facilities. Due to the poor condition of the various on-site septic systems, the existing facilities are in need of sewer service in order to avoid future environmental problems.

With the city's present effort to expand the sewer treatment plant, we will be able to handle the school district's present and future capacity needs. Although the school district's location is presently just outside the "future potential city boundaries" and service area, it would be practical and logical to extend the service to this property irregardless if the city decides to amend the boundary line to incorporate this area.

Considering the above reasons, I would recommend your approval of the extension of sewer service to the school property through the execution of a standard utility extension agreement.



PENINSULA SCHOOL DISTRICT

14015-62nd Ave. N.W. Gig Harbor, WA. 98335

RECEIVED (206) 857-6171

FEB 22 1991

CITY OF GIG HARBOR

February 21, 1991

The Mayor and the City Council
of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Dear Mayor Wilbert and City Council Members:


Peninsula School District requests sanitary service from the City of Gig Harbor for its Purdy campus site, which includes the Educational Service Center (ESC) and Transportation and Maintenance Facilities, Purdy Elementary School, Peninsula High School and Henderson Bay High School.

Projected occupancy of this site is as follows: ESC 60; Transportation Facility 87 full-time, 14 part time; Maintenance facility 20; Purdy Elementary School 580 students, 38 full-time staff and 25 part-time staff; Peninsula High School 1400 students, 85 full-time staff and 13 part-time staff. The total combined facility will generate approximately 38,000 gallons per day by 1996.

We desire a sanitary sewer system to support the conservation efforts in our Burley Lagoon Sensitive Environmental area. We will be available at your February 25th meeting to answer questions regarding need and the planning process.

Thank you for your consideration of this request.

Sincerely,


Dr. John W. Armenia
Deputy Superintendent

JWA:eb1
c:\swr-gh



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: Michael R. Wilson, City Administrator *MWR*
SUBJECT: Pierce County-Gig Harbor Urban Area Agreement
DATE: February 8, 1991

You will find attached a copy of a revised Pierce County-Gig Harbor Urban Area Agreement which contains a new "urban area, future city boundaries" map and some minor text changes referring to the adoption of this new map.

In May, 1990, the city council adopted a new map to the urban area agreement which modified our annexation area and changed the map's identification to "future potential city boundary". The urban area agreement, however, was not modified to consolidate the two maps referenced which included: Exhibit "A" - Urban Area map, and Exhibit "B" - Annexation Area map. Due to the expansion of our "future potential city boundaries" as identified by the city council last May and the lack of need for two maps in the agreement, we are proposing the adoption of only one map ("Urban Area, Future Potential City Boundaries") and the related changes noted in the attached agreement.

Secondly, there are two changes to this urban area map for your review and consideration. The first is to adjust the boundary line further to the west in the area between the Purdy Correction Center and Gig Harbor High School. This minor line adjustment is being proposed for two reasons: 1) request from property owners in the area who are interested in pursuing annexation, and 2) interest to conform the urban area boundaries with parcel's legal boundaries, rather than bisecting certain parcels which presently exists within the current urban area map.

The other boundary change proposed is to incorporate that section of property to the west of of SR 16 which encompasses the Peninsula School District property. This change is being requested due to the interest of the school district to have city services (particularly sewer utility service) which may necessitate the school district pursuing annexation to the city some time in the future. Such future annexation of this property makes sense to the school district from a service and cost-of-service perspective. The school district has had dialogue with the Purdy community to make certain that the "future potential"

annexation of the school district property to the City of Gig Harbor would not be threatening to the Purdy community. It is our understanding that the school district did not face any negative reaction relative to their interest in pursuing utility services from the City of Gig Harbor and the possibility of annexation to the city.

Updating the urban area agreement and attached map at this time is necessary in order to provide clear direction to those property owners who desire to seek annexation to the city in the near future. We will communicate to Pierce County that this process of updating the Urban Area Agreement and map are not intended to pre-exempt or interfere with the process of setting urban growth areas as now required under HB 2929. Although having the city already go through an extensive examination of our urban area will certainly be beneficial in meeting HB 2929 objectives, the changes to our Urban Area Agreement should not be confused as having prematurely accomplished the objectives of HB 2929 relative to setting such urban growth boundaries.

PIERCE COUNTY/GIG HARBOR

URBAN AREA AGREEMENT

WHEREAS, Pierce County (hereinafter referred to as "the County") and the City of Gig Harbor (hereinafter referred to as "Gig Harbor") each possess authority derived from State legislation to plan for and regulate uses of land and the environmental impacts arising therefrom within their respective jurisdictions, and by law must consider the impacts of governmental actions upon adjacent jurisdictions; and,

WHEREAS, pursuant to RCW Chapter 39.34, the "Interlocal Cooperation Act", the County and Gig Harbor as public agencies are authorized to enter into an agreement for cooperative action to regulate land use;

WHEREAS, the County and Gig Harbor hereby establish and adopt the area designated on the attached map, labeled "Exhibit A", as the official Gig Harbor Urban Area; and,

WHEREAS, the County and Gig Harbor want to enter into an agreement to deal with impacts arising from anticipated growth within the Urban Area; and

WHEREAS, the County's and Gig Harbor's purposes for comprehensive planning in the Urban Area, pursuant to Chapter 36.70 Revised Code of Washington, are the following:

- A. Guide and regulate the physical development of the Urban Area;
- B. assure the highest standards of environment for living, and the operation of commerce, industry, agriculture, and recreation; and,
- C. assure maximum economics and to conserve the highest degree of public health, safety, and welfare.

NOW, THEREFORE, the County and Gig Harbor agree as follows:

1. General Agreement

- A. This agreement shall apply to all unincorporated land within the "Urban Area, Future Potential City

Boundaries" as shown on the attached map, labeled "Exhibit A" and adopted herein by reference;

- B. The County Comprehensive Land Use Plan shall apply to all portions of the Urban Area as long as they remain unincorporated. The County shall retain authority and responsibility for all land-use regulations, hearings and decisions; however, Gig Harbor shall have the right to review, submit written comments, and have such comments entered into record prior to any final decisions reached by the County.
- C. The County shall ensure that all land-use actions and development requests are reviewed in accordance with this agreement, and the policies and requirements of the County Plan and Zoning Ordinance. The County shall also consider the policies of Gig Harbor's Comprehensive Plan, particularly those aspects of the Plan dealing with land use, annexation, circulation, public facilities, and natural resources.

2. Annexation.

Gig Harbor agrees to annex property in accordance with its established annexation policy contained in Resolution Numbers 164 and 171, dated November 8, 1982 and June 13, 1983, respectively, and the Gig Harbor Comprehensive Plan, dated November 10, 1986, and within the established Annexation Area. ~~The Annexation Area is shown on the attached map labeled "Exhibit B" and adopted herein by reference.~~ "Urban Area, Future Potential City Boundaries".

Proposals to annex property beyond the established Urban Area boundary in "Exhibit ~~B~~-A" shall be considered requests for an amendment to this agreement. Therefore, the proposals must follow the procedure described herein for review (Section 8).

The County and Gig Harbor agree to review annexations of significant size or economic impact for consideration of negotiating a mutual funding agreement, similar to the June 4, 1984 Agreement for the Willows Annexation to Puyallup. Either party may raise the issue at any time prior to final action by the Boundary Review Board. The Willows Annexation

Agreement will be used as a model for future agreements, through the terms of any subsequent agreements may differ.

The County agrees to review annexation proposals in accordance with this agreement and consideration of the County's annexation policy contained in Ordinance No. 87-94. The County and Gig Harbor acknowledge that certain proposed annexations may conflict with the county's annexation policy, and agree to discuss and resolve those conflicts prior to final action by the Boundary Review Board.

3. Approval of Application Under This Agreement.

- A. To obtain approval for any of the following requests, an applicant shall file a request with the County Planning and Development Department. Pierce County regulations define these requests:
1. Subdivision
 2. Planned Development
 3. Rezone
 4. Major Amendment
 5. Conditional Use Permit
 6. Shoreline Permit
 7. Site Plan Review
 8. Amendments to the Zoning Text
 10. Capital Improvement Projects and Programs.
 11. Amendments to the Shoreline Management Plans.
- B. Within ten (10) days after acceptance of the above request(s) pertaining to any on-residential property or residential property in excess of five (5) acres, the County shall provide Gig Harbor with a copy of such request. The request will also be accompanied by a copy of the SEPA checklist, scoping document, and/or Environmental Impact Statements. Gig Harbor shall notify the County within 15 days of receipt if any proposed action on the request is found to be lacking. If any proposed action is found to be inconsistent with Gig Harbor's adopted plans, policies, or development standards, or comprehensive plans under consideration, the City shall notify the county in writing and shall:

1. Identify those portions of the proposed action which are inconsistent with adopted plans, policies or development standards, or comprehensive plans under consideration; and,
2. indicate whether Gig Harbor would object; not object; or not object with conditions.

The County shall review, consider and enter into the record written comments submitted by Gig Harbor on the requests prior to the County reaching final determination on such requests.

4. Appeal.

Within the Urban Area, either Gig Harbor or an aggrieved party, as defined by County Ordinance, may appeal the County's decision. Such appeal shall be made in accordance with the County's regulations.

5. Further Agreements.

The County and Gig Harbor will use this agreement as the basis for any negotiations addressing issues within the area of impact.

6. Costs of Performing Agreement.

The County and Gig Harbor shall each be responsible for their own costs incurred pursuant to this agreement. Both agree to make sufficient personnel and time available to meet their obligations.

7. Administration of Agreement.

The responsibility for administering this agreement shall rest jointly with the Director of the County Planning and Development Department and the Planning Director of the City of Gig Harbor.

8. Biennial Review.

The County and Gig Harbor shall review the Urban Area Agreement every two years. Such review may also be held at any other time upon the request of either the County or Gig Harbor.

9. Duration/Termination.

This agreement shall continue in effect until terminated in writing, signed by either the County or Gig Harbor, sixty (60) days after notice is received from the notifying party.

DATED this _____ day of _____, 1991.

PIERCE COUNTY

CITY OF GIG HARBOR

Joe Stortini
Pierce County Executive

Gretchen S. Wilbert, Mayor
City of Gig Harbor

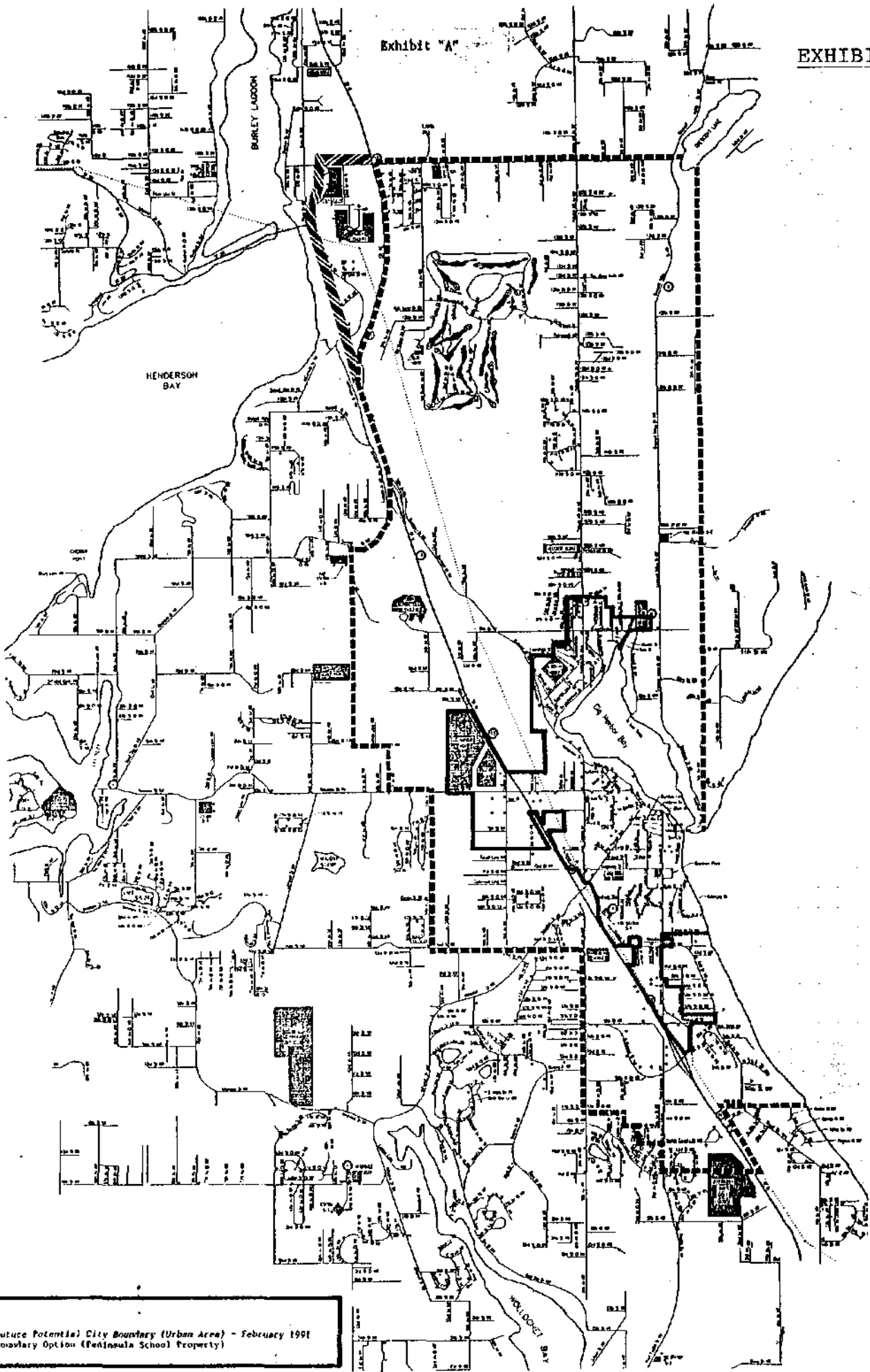
ATTEST:

Michael R. Wilson
City Administrator/Clerk
City of Gig Harbor

APPROVED AS TO FORM:

Exhibit "A"

EXHIBIT A



LEGEND
 - - - - - Future Potential City Boundary (Urban Area) - February 1991
 _____ Boundary Option (Peninsula School Property)



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: GIL ALVARADO
RE: HEARING EXAMINER RECOMMENDATION -- SPR 90-12/VAR
90-15 (SNODGRASS FREEMAN).
DATE: FEBRUARY 21, 1991

Snodgrass - Freeman Associates have requested approval of a site plan revision for the addition of an auto detail shop and have also requested a variance from the minimum yards of the B-2 district to permit construction within the yards.

The Hearing Examiner conducted a public hearing on this proposal January 16, 1991 and, in his report of February 13, 1991, has recommended approval of the application, subject to three conditions. A copy of the Examiner's findings, conclusions and recommendations is attached. A Resolution adopting the Examiner's recommendation is also included.

Attachments

CITY OF GIG HARBOR
RESOLUTION No.

WHEREAS, Phil Arenson, P.B.A., Inc. has requested site plan approval for the development of 1,248 square feet of commercial space on property located at the southeast corner of Erickson Street and Kimball Drive; and,

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

WHEREAS, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated December 4, 1990; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on January 16, 1991 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of in his report dated February 13, 1991.

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 February 13, 1991 is adopted and the application for a site plan is granted subject to the following conditions:

1. The proposed auto detail shop shall be constructed with concrete block and shall have no openings except on the west side.
2. The proposed building shall be located no closer than 15 feet from the rear property line and plans

shall be submitted to the City for review and approval to insure that the existing 15 foot wide buffer is not damaged. If any of the existing buffer is damaged during construction, it shall be replaced subject to a plan approved by the City.

3. The proposed building shall be painted a neutral color and shall have no lights visible from the east side of the building.

PASSED this 25th day of February, 1991.

Gretchen S. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk:
Passed by City Council:

RECEIVED

FEB 13 91

CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS CONCLUSIONS AND RECOMMENDATION

APPLICANT: Snodgrass - Freeman Associates

CASE NO.: VAR 90-15/SPR 90-12

APPLICATION: Revise a previously approved site plan to permit construction of a 1,248 square foot auto detail shop; and provide an additional vacuum cleaner for patrons. The request is also for a variance to allow the auto detail shop to be located within fifteen feet of the rear property line, where the zoning code requires a thirty foot rear yard setback.

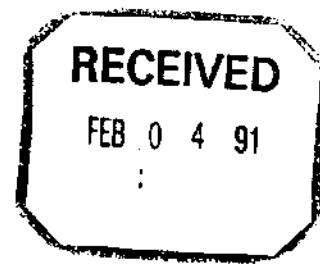
SUMMARY OF RECOMMENDATIONS:

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 Snodgrass - Freeman Associates application was opened at 7:36 p.m., November 21, 1990, in City Hall Gig Harbor, Washington, and at 7:58 it was continued to December 19, 1990 as the applicant wanted a setback variance in addition to the site plan review which had been applied for and advertised. The December 19, 1990 hearing was postponed to January 16, 1991 due to snow. The hearing was reopened at 6:23 p.m., January 16, 1991 and was closed at 6:45 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearings are available in the Planning Department.



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

APPLICANT: Snodgrass - Freeman Associates

CASE NO.: VAR 90-15

APPLICATION: Variance to allow construction of a 1,248 square foot auto detail shop within fifteen feet of the rear property line, where the zoning code requires a thirty foot rear yard setback.

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 Snodgrass - Freeman Associates application was opened at 7:36 p.m., November 21, 1990, in City Hall Gig Harbor, Washington, and at 7:58 it was continued to December 19, 1990 as the applicant wanted a setback variance in addition to the site plan review which had been applied for and advertised. The December 19, 1990 hearing was postponed to January 16, 1991 due to snow. The hearing was reopened at 6:23 p.m., January 16, 1991 and was closed at 6:45 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearings are 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 to 4 of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) and pages 1 to 5 of the revised Staff Advisory Report (Hearing Examiner Exhibit B) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as the Hearing Examiner's findings of fact. A copy of said reports are available in the Planning Department.
- B.** At the hearing, the applicant's architect reviewed the history of the zoning and development of the subject property and of the adjacent property. He said the proposed building would be:
 - 1. Similar in height to the existing car wash,
 - 2. Constructed either of concrete block or metal,
 - 3. Painted a color similar to the existing car wash,
 - 4. Oriented to the west towards the car wash, with a solid wall towards the east.
- C.** The owner of the property said the building will be approximately 50 feet wide across the rear. He said the building would block much of the noise and the glare from the existing car wash. He also said there are no plans to light the rear (east side) of the building. He said that the building would not encroach into the existing landscape area. He suggested that if a 20 foot setback was required (rather than the 15 foot requested) there would be a 5 foot strip between the building and the retaining wall where debris and leaves would be likely to collect. He also said a 15 foot setback would allow cars extra area for movement.

- D. A representative of a neighboring property owner wrote a letter objecting to the request to reduce the setback from 20 feet to 15 feet. He expressed concern that the reduced setback would exaggerate the problems of noise, glare and the like for the tenants in the adjacent multifamily complex. He said if such a reduction is approved he would recommend that an 8 foot high, sight obscuring fence be constructed to mitigate the impact.
- E. Staff said an adequate turning radius is 40 feet and said a 40 foot radius would exist if a 20 foot setback is required. Staff recommended that the application be approved with the condition that a 20 foot setback be required.

II. CONCLUSIONS:

- A. The staff evaluation prepared by the Planning Staff and set forth on pages 4 and 5 of the Planning Staff's Advisory Report and on pages 5 to 7 of the revised Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions. A copy of said reports are available in the Planning Department.
- B. After reviewing the plan and after visiting the site, I believe that a concrete block building sited 15 feet from the rear property line would allow the most reasonable use of the property for the owner and would not impact the adjacent multifamily project if properly conditioned.

A concrete block building would help reduce the noise more than a metal building. In addition, if no openings except to the west are allowed then the noise impact on nearby properties should be minimal.

I agree with the owner that a 20 foot setback would potentially create a five foot strip which would in all probability serve as an area to collect leaves and debris and would offer little if any practical benefit to neighboring properties.

III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, the requested site plan and variance should be approved subject to the following conditions:

1. The proposed auto detail shop shall be constructed with concrete block and shall have no openings except on the west side.
2. The proposed building shall be located no closer than 15 feet from the rear property line and plans shall be submitted to the City for review and approval to insure that the existing 15 foot wide buffer is not damaged. If any of the existing buffer is damaged during construction, it shall be replaced subject to a plan approved by the City.
3. The proposed building shall be painted a neutral color and shall have no lights visible from the east side of the building.

Dated this 30th day of January, 1991.



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 NOVEMBER 21, 1990 AND JANUARY 16, 1991

HEARING ON THE SNODGRASS - FREEMAN

APPLICATION

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing were Ray Gilmore and Gil Alvarado, representing the City of Gig Harbor, and Dave Freeman, representing the owner; and Phil Arenson, the owner.

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report.
- B. Revised Staff Advisory Report.
- C. Letter from Ray Gilmore to Dave Freeman, dated November 27, 1990.
- D. Letter from Len Brannon of Shelter Resources, Inc., dated January 7, 1991.

PARTIES OF RECORD:

Phil Arenson, P.B.A., Inc.
103 Raft Island
Gig Harbor, WA 98335

Len Brannon, President
Shelter Resources, Inc.
Building 3, Suite #213
300 - 120th N.E.
Bellevue, WA 98005

Dave Freeman
Snodgrass-Freeman Associates
3206 50th St. Ct. N.W.
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 CITY COUNCIL
FROM: GIL ALVARADO
RE: HEARING EXAMINER RECOMMENDATION -- SDP 90-05/VAR
90-16 (Amy Tsen Wen Yu).
DATE: FEBRUARY 21, 1991

The Hearing Examiner for the City of Gig Harbor has issued a report in respect to the above referenced application for a variance permit and shoreline development variance permit for a proposed single-family residence on North Harborview Drive. The proposal consists of a substantial remodel and the construction of an addition to a single family dwelling, a portion of which is located over the tidelands of Gig Harbor Bay.

In his findings, conclusion and recommendation of February 14, 1991, the Examiner has recommended to the City Council that the subject variance be approved and the shoreline development variance be denied. A copy of the Examiner's findings and conclusions are attached for your consideration, along with the shoreline permit and Resolution adopting the Examiner's Recommendations.

Attachments

CITY OF GIG HARBOR
RESOLUTION No.

WHEREAS, Amy Tsen Wen Yu Inc. has requested permit for shoreline variance for the reconstruction of an existing over-the-water single-family residence on property located at 9109 N. Harborview Drive; and,

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

WHEREAS, the Planning Department for the City of Gig Harbor has recommended denial of the project, in a staff report dated December 28, 1990; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on January 30, 1991 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended denial of in his report dated January 30, 1991.

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

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated January 30, 1991 is adopted and the application for a shoreline variance permit be denied.

PASSED this 25th day of February, 1991.

Gretchen S. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk:
Passed by City Council:

CITY OF GIG HARBOR
SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT,
CONDITIONAL USE, OR VARIANCE

- Substantial Development Permit
 Conditional Use
 Variance

Application No. SDP 90-05

Administering Agency _____

Date Received December 12, 1990

Approved _____ Denied xx

Date of Issuance _____

Date of Expiration _____

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

Amy tsen Wen Yu
(name of applicant)

9109 North Harborview
(address)

to undertake the following development : reconstruct and remodel
a single-family residence of which a portion involves over-the-water
construction.

upon the following property NW 1/4 Section 5, T21N, R2E
(Section, Township, Range)

Within Gig Harbor Bay and/or its associated
wetlands. The project will not be within shorelines
(be/not be)

of statewide significance (RCW 90.58.030). The project will
be located within an urban designation.
(environment)

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

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.68.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR OS NOT AUTHORIZED UNTIL THIRTY DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCS 90.58.140(5)(a)(b)(c).

(Date) Mayor, City of Gig Harbor

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

Date received by the department _____

Approved _____ Denied _____

This conditional use/variance permit is approved/denied by the department pursuant to chapter 90.58 RCW.

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

(Date) (Signature of Authorized Department Official)

RECEIVED

FEB 1 4 91

CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS CONCLUSIONS AND RECOMMENDATION

APPLICANT: Amy Tsen Wen Yu
CASE NO.: VAR 90-16/SDP 90-05
APPLICATION: Variance to allow construction of an attached garage within fifteen feet of the front yard setback, where zoning codes require a twenty-five foot front yard setback.
Shoreline variance to allow over-the-water construction of an addition to the current residence.

SUMMARY OF RECOMMENDATIONS:

Planning Staff Recommendation: Approve VAR 90-16/Deny SDP 90-05

Hearing Examiner Recommendation: Approve VAR 90-16/Deny SDP 90-05

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 Yu application was opened at 5:05 p.m., January 29, 1991, in City Hall Gig Harbor, Washington, and closed at 5:58 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, 2, 3, 4 and 5 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 part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.

B. The applicants testified at the hearing that:

1. The property has an old net shed which has been changed into a cottage over the years.
2. They can block more of the view corridor and build on more greenspace if they build in accordance with the code. They would prefer to remodel what has been there since 1920 and not expand onto the yard area to the north of the existing house.
3. They are actually scaling back a non-conforming building. They just want one story over the water rather than retain the two stories which are there now.
4. They need a variance to be able to have an adequate sized house. They are not proposing to extend further over the water than what is already there.
5. Approval of this shoreline variance would just preserve what is there.

C. Staff responded that the applicants are not preserving but are rather reconstructing what is there. He said that the foundation of the proposed reconstructed house would be elevated four feet.

D. The owner of the adjacent property to the west testified that:

1. The burden of proof is on the applicants to show why a variance should be granted.
2. Non-conforming buildings should be phased out, not be allowed to be reconstructed.
3. Practical difficulties must relate to the land itself and not to the applicant's desires. This is a self-created hardship and does not meet the requirements for approval.
4. The Shoreline Management Program addresses houses, but does not address free standing garages, or garages which are additions to old houses. Therefore, a free standing garage or a garage which is an addition to an existing house in the shoreline area may not be permitted.
5. The existing improvements block his view to the north. When he bought his property, he figured the non-conforming portion of the existing house would someday be removed, not reconstructed.
6. The original net shed is water dependent and needs to be located over the water. Houses are not water dependent and do not need to be located over the water.

II. CONCLUSIONS:

- A. The staff evaluation prepared by the Planning Staff and set forth on pages 5 to 7 of the Planning Staff's Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.**

- B. Staff is correct in its analysis of the case. The application does meet the criteria for a zoning variance. However, the application does not meet the criteria for a shoreline variance. This would be a substantial modification to a non-conforming building and the modification should comply with codes which exist today.
- C. The Examiner believes the intent of the Council was to allow garages to be an accessory use to a single family house even if it is not clearly stipulated in the Shoreline Master Program.

III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that VAR 90-16 be APPROVED and that SDP 90-05 be DENIED.

Dated this 13th day of February, 1991.


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 JANUARY 29, 1991
HEARING ON THE
YU APPLICATION**

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Gil Alvarado, representing the City of Gig Harbor; Doug Blumenthal and Amy Tsen Wen Yu, the applicants; and John Paglia, owner of the adjacent property to the west.

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report.
- B. Plan
- C. WAC 173-16-060 (8)(d)

PARTIES OF RECORD:

Amy Tsen Wen Yu
Doug Blumenthal
9109 North Harborview Drive
Gig Harbor, WA 98335

John Paglia
705 South 9th
Tacoma, WA



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 DEPARTMENT
SUBJECT: HEARING EXAMINER REPORT AND RECOMMENDATION; MCI
DEVELOPMENT (SDP 90-04 AND SPR 90-10).
DATE: FEBRUARY 21, 1991

Attached for your consideration is the City of Gig Harbor Hearing Examiner's report of February 4, 1991 with his findings, conclusions and recommendation regarding the above referenced application. The applicant proposes to develop a 3,179 square foot restaurant with "shared" parking on property at 3315 Harborview Drive (Conan Marina).

Following two public hearings on the proposal, the Examiner has recommended to the City Council that the subject request be denied. A resolution and shoreline permit affirming the Examiner's recommendation, including additional documents pertinent to your review, are attached.

Attachments

CITY OF GIG HARBOR

RESOLUTION

WHEREAS, Mr. John Kerr (M.C.I. Development) has requested a shoreline management substantial development permit (SDP 90-04) and site plan approval (SPR 90-10) to construct a 3,179 square foot restaurant at 3315 Harborview Drive, including parking for 31 vehicles, using adjacent property to serve as part of the parking area; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance No.489 which establishes guidelines for the review of site plans and other land use issues; and,

WHEREAS, the Planning Director has recommended denial of the project in a report issued November 15, 1990 and supplemental report of December 17, 1990; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on November 21, 1990 and on January 16, 1991 to accept public comment on the proposal; and,

WHEREAS, the Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended denial in his report dated February 4, 1991.

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 of February 4, 1991, are hereby adopted and the shoreline substantial development permit SDP 90-04 and site plan SPR 90-10 are denied.

Gretchen S. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 2/21/91
Passed by City Council: 2/21/91

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

APPLICANT: MCI Development

CASE NO.: SDP 90-04/SPR 90-10

APPLICATION: Shoreline substantial development permit and site plan approval to construct a 3,179 square foot building which would house a 1,550 square foot restaurant and a 1,,500 square foot space which would be used for marina storage space for the restaurant. The proposal would also include a dining terrace and 31 off street parking spaces.

SUMMARY OF RECOMMENDATIONS:

Planning Staff Recommendation: Deny

Hearing Examiner Recommendation: Deny

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 MCI Development application was opened at 6:30 p.m., November 21, 1990, in City Hall Gig Harbor, Washington, and at 7:08 pm was continued to December 19, 1990 to allow the applicant time to modify his plans. The December 19, 1990 hearing was postponed to January 16, 1991 due to snow. The hearing was reopened at 5:12 p.m. on January 16, 1991 and was closed at 6:22 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 now makes and enters the following:

I. FINDINGS:

- A. The information contained on pages 1 through 5 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 part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.

- B. Staff indicated at the hearing that the proposed restaurant has 23 fewer spaces than is required. He said staff determined that 54 parking spaces are required and he said only 31 had been proposed. He said further that the Dorotich Marina site plan would need to be modified in order to use the two grasscrete areas for additional parking for this proposal.
- C. The applicant's representative testified at the hearing that the proposed building would house a restaurant, marina office, public restrooms and storage space for the restaurant and marina. He said he believed only 25 spaces should be required for the restaurant and that 31 were being proposed. He said the applicant had purchased the Dorotich Marina property and will use the excess parking on that site to provide additional parking for the restaurant. He said 56 spaces exist at the Dorotich property and only 43 spaces are required. Therefore he said there is an excess of 13 spaces over what should be required. He said his reading of the ordinance requires one parking space per 200 square feet of floor area.

He also said the Gillich net shed on the property will no longer be used, but may be modified to provide a public viewing area. He also said the public would be able to enjoy the waterfront from the restaurant and dining terrace.

- C. The applicant's attorney submitted a hearing brief (Exhibit I) which addressed the issue of vesting. He said at the hearing that the subject application was submitted on September 5, 1990 and said that the new zoning code had not yet been adopted and therefore could not be used to calculate parking requirements in this case. He said you can't change the rules after an application has been filed.
- D. Staff responded that the new zoning code had been in effect since April 2, 1990 and the Section 17.72.030 (11) of the code requires one off-street parking space for every three seats based upon the maximum seating capacity as determined by the Uniform Building Code. He said further that the City Building Official determined that the Uniform Building Code allocates 15 square feet of space per person. He said that was the basis for determining the number of required parking spaces.
- E. Concerns expressed by citizens and by an attorney representing two citizens included the following:

1. The City is working on a new zone for this area and the new zone may not allow restaurants. This application should be tabled pending the outcome of the work now in progress.
 2. Private homes are located across the street from the proposed restaurant and they will be negatively impacted by noise, odors, traffic and car lights if the application is approved.
 3. The proposed restaurant does not appear to have enough parking and no reduction to parking standards should be allowed.
 4. Seating on the proposed dining terrace should be considered in the parking ratio.
 5. The proposed restaurant may add to the traffic and traffic safety problems in this area. If the restaurant is approved, a left turn lane should be required in front of the property on Harborview Drive.
 6. A restaurant is not a water dependent use.
 7. The applicants should not be able to use parking spaces which have already been committed for the Dorotich marina.
 8. The need for parking should be reviewed for both lunch and dinner crowds due to the possible differences in vehicle occupancy.
 9. The area is not just a business area. People live in the area too and if a restaurant is approved the residents may have to cope with loss of privacy caused by inconsiderate restaurant patrons.
 10. The operating hours of the restaurant are unknown.
- F. The applicant's representative and attorney responded to comments raised by citizens and by staff. They indicated that:
1. The parking lot will be ten times the size of the building if it is designed in accordance with the UBC interpretation.
 2. Shoreline policies are just that; they are policies.
 3. The proposed marina is water dependent and the proposed restaurant is water related and would allow people to have access to the water.

4. This proposal would provide more parking than most businesses in town.
 5. The City did not request a traffic study for this project. Therefore, it is believed the City staff did not see traffic as an issue.
 6. No one has shown any evidence that traffic accidents would increase or that the level of service at the intersection would be affected.
- G. Planning staff responded that no public access is shown on the proposal. Only patrons of the restaurant would get access to view the water. He also said that the parking requirement of the code were not met.

II. CONCLUSIONS:

- A. The staff evaluation prepared by the Planning Staff and set forth on page 5 of the Planning Staff's Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.
- B. The Examiner concurs with the applicants' representative and the applicants' attorney that the subject application should be reviewed against regulations which were in effect when the application was filed. It appears, however, the applicant's representative was using an outdated copy of the zoning code when he calculated the parking requirements for the proposed restaurant. In addition, the hearing brief submitted by the applicant's attorney which addressed the vesting issue was also based on an outdated code. The staff reading of the code is correct. The language is very clear with respect to the requirements and it is also very clear that the proposed restaurant does not meet the parking requirements. If the Dorotich Marina property does have spaces in excess of the requirements those spaces could be used for other businesses in the area, but in this case it is clear there are not enough spaces to make up the deficit.

When parking is calculated for the restaurant it is believed the occupant load area should include the dining terrace as well as the restaurant itself. No floor plans were submitted which show clearly how the proposed building would be used. Therefore, the City should take a conservative approach and insure adequate parking will be provided. In this case, the staff recommendation for 54 parking spaces (Exhibit I) is reasonable.

C. If the proposed restaurant is approved, it should make provisions for a public viewing area near that water since it is not a water dependent. Other water oriented restaurants in Gig Harbor precede the adoption of the Shoreline Master Program. The only know exception is the Rib Tickler which is located within 200 feet of the water, but is not located at the waters edge as is proposed in this instance. Therefore, none of the existing restaurants are believed to be in any way precedent setting in this case.

III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, the requested shoreline substantial development permit and site plan should be denied..

Dated this 4th day of February, 1991.

A handwritten signature in cursive script, appearing to read "Ron McConnell".

Ron McConnell
Hearing Examiner

RECONSIDERATION:

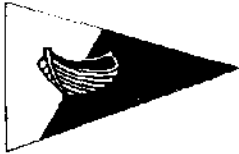
Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within 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.



City of Gig Harbor. The "Maritime City."
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: Ron McConnell
FROM:  Ray Gilmore
RE: SDP 90-04 (Bayview Marina Restaurant) -- Proposed parking allocation.
DATE: December 17, 1990

I have reviewed the revised site plan narrative on the proposed parking allocation for the Bayview Marina project. Based upon the information submitted, there is a shortfall of 23 parking spaces for the proposed restaurant.

The applicant bases parking on a suggested occupancy of 93 seats. As I previously stated in the staff report of November 15, the zoning code bases the parking ratio requirement on the maximum occupancy of the structure as determined by the UBC occupancy ratio of 15 square feet per person. At a total of 2445 square feet of dining area (which must include the balcony), the restaurant has a potential occupancy of 163 persons, which, at one parking space for every three seats, requires 54 parking spaces. The applicant proposes only 31. Therefore, the project is not consistent with the requirements of the zoning code.

If the applicant desires to limit the seating to 93, then the applicant must revise the site plan to show a restaurant of 1395 square feet of dining area, including the balcony. It is not the planning staff's desire to force a design that could potentially cram restaurant patrons into too small of a space. It could be the applicant's desire to offer a dining arrangement at a much higher seat to floor ratio. Nonetheless, the zoning code is implicitly clear as to how the parking requirement must be met. The applicant's assumption that the size of the restaurant is determined by available parking is incorrect. The opposite of this is valid - that is, the size of the restaurant (and maximum potential occupancy) determines the required parking. Simply stating or agreeing to an intended maximum occupancy is not an acceptable method of determining the required parking.

In respect to combining parking with the Dorotich Marina to the north, the original plan approved required 50 parking spaces for the number and size of berths proposed. In reviewing the approved revised plans for the marina, there is a total of 53 marked parking spaces for the marina. There are two areas with a grasscrete surface which could be

used for parking, but these areas are not defined as parking areas. Furthermore, the zoning code (Sec. 17.72.020 (5)) requires that all off-street parking areas consist of a concrete or asphalt surface. The Dorotich Marina site plan would have to be modified to show the grasscrete areas as off-street parking stalls, and this would have to be accomplished prior to a recommendation on the Bayview Marina proposal. Until this is accomplished, staff cannot enter a recommendation for approval of the Bayview Marina project.

c: James Richardson, S.D. and D.
John Kerr, MCI Development

CITY OF GIG HARBOR
SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT,
CONDITIONAL USE, OR VARIANCE

- Substantial Development Permit
 Conditional Use
 Variance

Application No. SDP 90-04

Administering Agency City of Gig Harbor

Date Received September 14, 1990

Approved _____ Denied _____

Date of Issuance _____

Date of Expiration _____

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

MCI Development, Inc. (Mr. John Kerr)
(name of applicant)

4021 Firdrona Drive, Gig Harbor, WA 98335
(address)

to undertake the following development Construct 3,179
square foot restaurant and associated parking.

upon the following property SW 1/4, Section 5, Township 21
(Section, Township, Range)

North, Range 2 East, W.M.

Within Gig Harbor Bay and/or its associated
wetlands. The project will not be within shorelines
(~~be~~/not be)

of statewide significance (RCW 90.58.030). The project will
be located within an urban designation.
(environment)

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

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.68.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCS 90.58.140(5)(a)(b)(c).

(Date) Mayor, City of Gig Harbor

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

Date received by the department _____

Approved _____ Denied _____

This conditional use/variance permit is approved/denied by the department pursuant to chapter 90.58 RCW.

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

(Date) (Signature of Authorized Department Official)

STAFF REPORT
ENVIRONMENTAL EVALUATION AND REPORT
TO THE HEARING EXAMINER

SDP90-04/SPR90-10: M.C.I. Development, Bayview Marina

PART I: GENERAL INFORMATION

- A. APPLICANT:
MCI Development
4021 Firdrona Drive
Gig Harbor, WA 98335
Ph: 858-7006
- B. OWNER:
Same as above
- C. AGENT:
James Richardson
8811 North Harborview Drive
Gig Harbor, WA 98335
Ph: 851-6451
- D. REQUEST:
Shoreline substantial development permit and site plan approval to construct 3179 square feet of restaurant and provide off-street parking for sixteen vehicles.
- E. PROPERTY DESCRIPTION:
1. Location:
Property is located at 3315 Harborview Drive, which is within a portion of the SW 1/4 of Section 5, Township 21N, Range 2 E. The property is further described as assessor's tax parcel number 5970000-003-0.
 2. Site Area/Acreage:
The area affected consists of approximately 14,738 square feet.
 3. Physical Characteristics:
The site borders the shoreline of Gig Harbor Bay and is also the location of an eighteen slip marina currently under construction (SDP 88-04, Ed Conan). The property exhibits a

grade of approximately 5-8% toward the northeast and does not show any indications of geologic instability. Normal erosive conditions are exhibited at the land-shore interface and shoreline protection structures are present.

F. SURROUNDING LAND-USE/ZONING DESIGNATIONS:

North: Recreational-Commercial, zoned W-1
East: Shoreline of Gig Harbor, designated urban.
South: Commercial, zoned W-1.
West: Residential, zoned R-1 and W-1.

G. UTILITIES/ROAD ACCESS:

Access is provided by Harborview Drive; sewer and water provided by the City of Gig Harbor.

H. PUBLIC NOTICE:

Public notice was provided as follows:

Published in the Peninsula Gateway on October 10 and 17, 1990.

Mailed to property owners of record within 300 feet of the site on November 9, 1990.

Posted in three conspicuous places in the vicinity of the property on November 13, 1990.

PART II: ANALYSIS

A. Agency Review:

1) Building Official/Fire Marshal

24 foot all-weather roadway required; 15 foot wide clear access to pier required; fire hydrants with 8 inch mains within 150 feet of all portions of the building required and all fire hydrants and mains must conform to GHPWD and Fire Marshal requirements; fire flow test will be required; exterior fire wall protection required if building will be within 20 feet of the property line or within 40 feet of other structures; complete review of all will be made upon submittal of complete plans.

2) Public Works Department

Storm drainage for the additional parking area must be reviewed by GHPWD; this area currently experiences a severe parking shortage. Parking

must be accommodated on-site.

B. Applicable Land-Use Policies and Codes

1) Comprehensive Plan:

The area is designated waterfront per the City's Comprehensive Plan of 1986. Water related and water dependent uses are considered appropriate to this area and the proposed moorage extension is consistent with the general goals and policies of the Plan. Specifically, the plan encourages a mixed-use waterfront with water-oriented activities.

2) Zoning Code:

The area is designated W-1 (Waterfront) per the City of Gig Harbor Zoning Code.

Section 17.44.010 states that the purpose of this district is to maintain the recreational and water-oriented character of the waterfront.

Section 17.44.020(I) permits restaurants and cocktail lounges.

Section 17.44.040 requires a minimum front yard of twenty-five feet.

Section 17.44.060 requires a minimum side yard of ten feet.

Section 17.72.030 (11) requires off-street parking for restaurants at a ratio of one space for every three seats, based upon the maximum seating capacity as determined under the Uniform Building Code.

3) Shoreline Master Program

Use Activity

Commercial Activities, pages 14 and 15.

1. Commercial users shall be water dependent or provide an opportunity for a substantial number of the public to enjoy the shoreline location.
2. Commercial users should generally minimize their activities along the water's edge.

3. Commercial developments should locate in areas where similar types of development already exist so as to encourage shared parking to increase opportunities for pedestrians to enjoy movement between clusters of commercial activity.
4. Within each type of commercial activity, diverse types of uses should be encouraged.
5. All commercial developments should be encouraged to incorporate public access and/or recreational opportunities into the design of their establishments.

Regulations:

1. Commercial development within the shoreline area which are not water dependant shall provide for public access and/or recreational opportunities in conjunction with the commercial use. These activities may include, but are not limited to, public piers, fishing piers, pedestrian pathways, viewing areas and temporary moorage facilities. Such activities shall not interfere with the primary commercial use and shall in no way endanger public safety. A plan for development of public access and/or recreational opportunities shall be submitted along with the application for the shoreline substantial development permit.
2. Length, width, height and bulk of commercial structures shall be limited to the minimum dimensions necessary to conduct the proposed activity.
3. All commercial structures on the shorelines within the Town of Gig Harbor shall adhere to the Town's zoning and building ordinances.
4. No over-water commercial structures shall be allowed on the shoreline within the Town of Gig Harbor, except those uses which necessarily depend upon an overwater location. Such uses shall be required to

obtain a conditional use permit.

Part III: FINDINGS AND CONCLUSIONS

Based upon a site inspection and the analysis in Section II of this report, staff finds as follows:

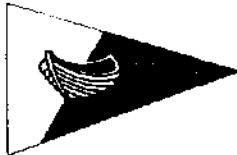
- 1) In accordance with Section 17.44.020(I), the proposed restaurant is a permitted use.
- 2) Based upon a floor area of 3,995 square feet (including dining terrace), excluding approximately 1,000 square feet for kitchen and storage, the available floor area for patrons is presumed at 2,995 square feet. Based upon the Uniform Building Code, this type of facility would have a maximum seating capacity of 200, based upon the UBC allocation of 15 square feet per person. At one off-street parking space for every three seats, a total of 66 parking spaces would be required, pursuant to Section 17.72.030(11). The proposal does not meet this requirement and has a deficiency of 51 parking spaces. The proposed allocation of 6 spaces for vessels moored at the marina is in error and should be 9 spaces.
- 3) The proposed restaurant is not a water dependent use and, as such, must either provide for public access or a recreational activity associated with the commercial use, such as public piers, fishing piers, pedestrian pathways, viewing areas and temporary moorage facilities. The proposal, as designed, does not provide for any of these. A modification to the site plan to incorporate anyone of these provisions could fulfill this requirement.
- 4) With the above noted exceptions, in all other respects, the proposal appears to be consistent with the City of Gig Harbor Shoreline Master Program as the facility is of a length, width, height and bulk so as to be the minimum dimensions necessary to conduct the proposed activity on the site.

Staff Report to the Hearing Examiner
SDP90-04/SPR90-10 - MCI Development
Page 6

PART IV: RECOMMENDATION

Based upon the preceding analysis in Section III of this report, staff recommends that the hearing examiner deny the proposal.

Staff report prepared by: Ray Gilmore, Planning Director
Date: Nov 15, 1990



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
SUBJ.: REQUEST FOR CONSIDERATION/NOTICE OF INTENTION TO
COMMENCE ANNEXATION PROCEEDINGS --
HIGGINS/RAINWATER, ROSEDALE STREET
DATE: FEBRUARY 20, 1990

Attached for your consideration is a notice of intent to petition for annexation submitted by Ms. Patricia Rainwater and bearing the signatures of no less than ten percent of the owners of assessed evaluation for the area described on the attached map.

The petitioner has requested that the 5 acre parcel, which is located immediately west of the City limits south of Rosedale Street, be considered as a single family residential district. The area is within the urban area of the City of Gig Harbor and is included within the future potential annexation area for the City. The site is undeveloped and is predominantly forested with second growth. The area is bounded on the north by Rosedale Street, on the east by undeveloped forested property, on the south by North Creek Estates subdivision, and on the west by undeveloped property which is dominated by a wetlands.

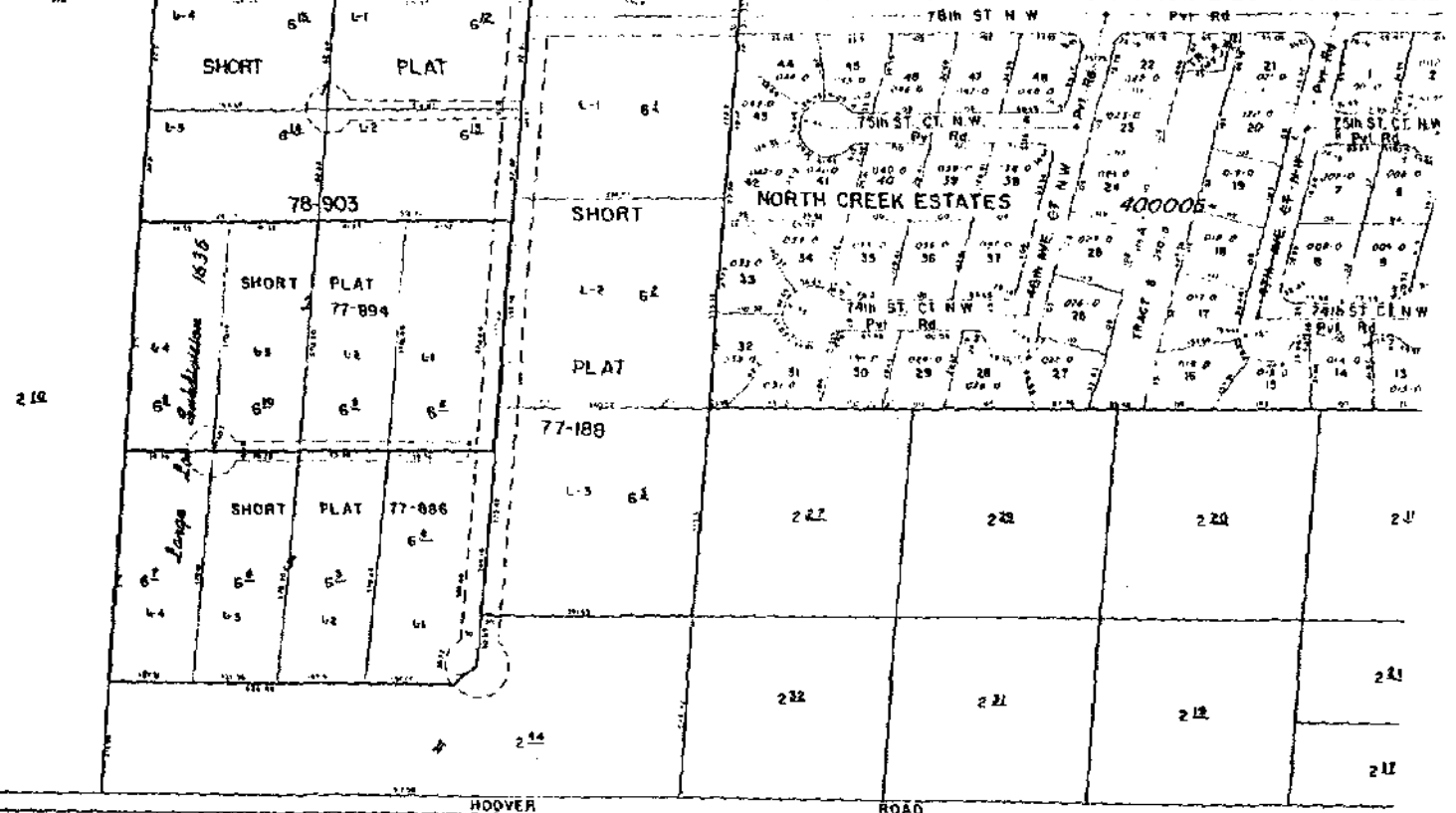
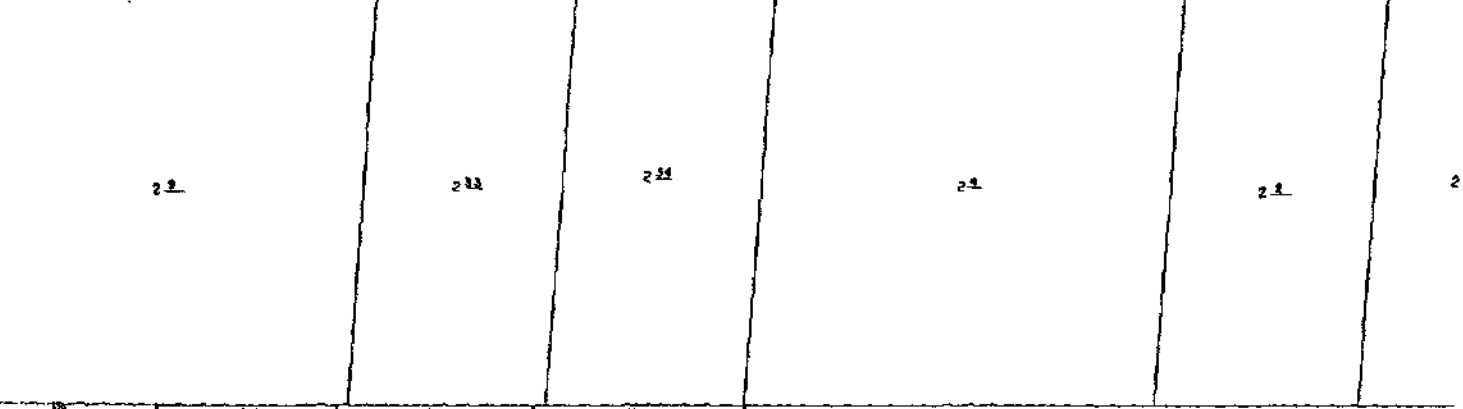
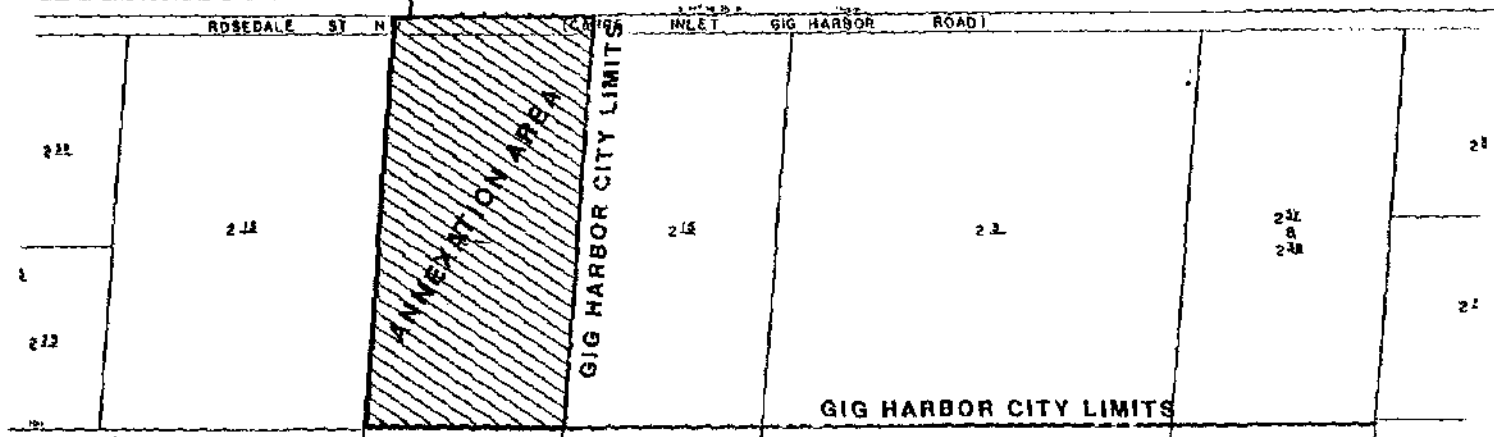
Although the Council has previously accepted small lot annexations (the last one consisting of the Tarabochia property), staff does not consider this an efficient method in processing annexation requests. City annexation policy adopted pursuant to Resolution 171 states that, "The city prefers large area annexations to ensure that capital improvements can be better planned and financed. However, the City will consider small area annexations where special circumstances exist. No special circumstance has been shown in this case other than to "even up" the City boundary. Staff recommends that the requested annexation boundary be extended to the west up to 54th Avenue NW, which would include the three parcels immediately adjacent to the proposed site. This would provide a more logical extension

Annexation Intention - Rosedale Street
Councilmembers - 2/25/91
Page 2

of the western boundary. Also, the ten acre parcel immediately to the south (parcel 02-21-07-2-009) should also be included as this would even up the boundary between another pending annexation (Hoover Road) and North Creek Estates.

If accepted by the Council as recommended by staff, the revised petition for annexation should include the requirement for the assumption of existing city indebtedness on a pro-rata basis and that the area to be annexed would assume an R-1 (single family residential) designation. Upon submission of the 60% petition for annexation and completion of the environmental review for the proposal, a public hearing on the annexation will be scheduled.

Attachments



NW 7 T 21 N R 2

ROAD 5 SCHOOL 408

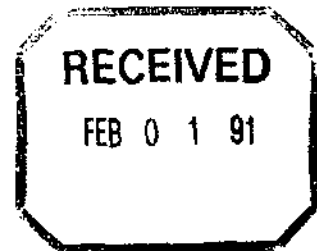


PAC-TECH Engineering, Inc.

Engineers / Planners / Surveyors

February 1, 1991
File #15456

Mr. Ray Gilmore
City of Gig Harbor
P.O. Box 145
Gig Harbor, WA 98335



Reference: Higgins Annexation Application

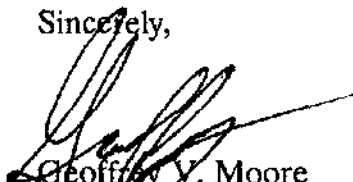
Dear Ray,

Attached you will find our annexation application for the Higgins property located on Rosedale Street N.W.. The application includes the ten percent Notice of Intent petition and supporting documentation you requested. As you will see from review of the maps enclosed, approval of the annexation will square up an existing city boundary and provide for a logical extension of the current city limits.

In addition, the council is asked to note that the ownership is a total of ten acres in size and the easterly five acres are already within the current Gig Harbor City limits. This application will allow for inclusion of the entire ownership within the city and the owners intend to develop the property (pursuant to the existing R-1 Zoning) for a single family subdivision.

I would hope that this matter could be scheduled for review by the City Council in February and look forward to making a brief presentation to them on this matter.

Sincerely,



Geoffrey V. Moore
Director of Planning

GVM/rga

Enclosure

c: William Higgins

NOTICE OF INTENT
TO PETITION FOR ANNEXATION

CITY COUNCIL

CITY OF GIG HARBOR, WASHINGTON

The undersigned, being the owner of not less than ten percent in value of the hereafter described property according to the assessed value thereof for general taxation, hereby notified the City Council of the City of Gig Harbor, pursuant to R.C.W. 35A.14.120 of its intention to commence proceedings to annex those certain premises legally described in Exhibit "A" annexed to this notice.

DATED this 26th day of December, 1990.

Patricia R Rainwater

022107-2000

335

GIG HARBOR CITY LIMITS

ANNEX

TO GIGHARBOR. ORD. # 82

ROSEDALE ST. N. W. (CARRS - INLET GIG HARBOR CO. RD.) ROSEDALE ST. N. W. (CARRS INLET GIG HARBOR ROAD)

213

RAINWATER PROPERTY

215

23

GIG HARBOR CITY LIMITS

233

234

24

022107-2-000	RAINWATER CO EMMY & PAT	9600	SR9			30,900
22-07-21-02	# 12211 S STEELE TACOMA WA 98444		480.0	4.75	\$471.60	\$30,900
	# 5100 BLOCK OF ROSEDALE ST					
	W 1/2 OF NE OF NW OF NW SEG E 6937					

76th ST - N W

L-4

615

L-1

612

124 05

235

05

105

115

125

135

145

LEGAL DESCRIPTION

THE WEST HALF ($\frac{1}{2}$) OF THE NORTHEAST QUARTER ($\frac{1}{4}$) OF THE NORTHWEST QUARTER ($\frac{1}{4}$) OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN.

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

The Honorable Mayor and City Council
City of Gig Harbor
P. O. Box 145
City of Gig Harbor, WA. 98335

Dear Mayor and City Council:

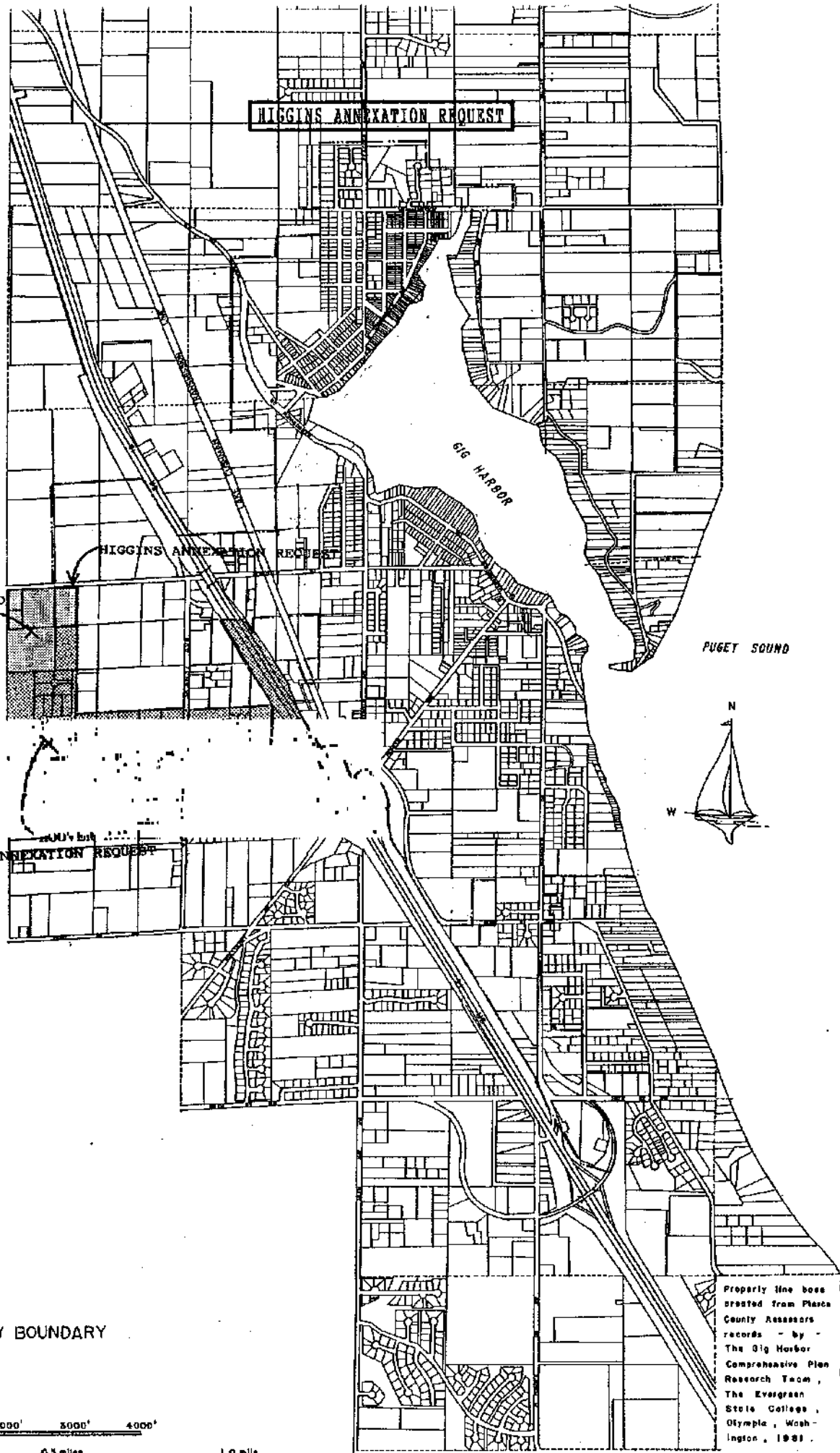
The undersigned, who are the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, hereby advise the City Council of the City of Gig Harbor that it is the desire of the undersigned owners of the following area to commence annexation proceedings:

The property herein referred to is described on Exhibit "A" attached hereto and is depicted on Exhibit "B" further attached hereto.

It is requested that the City Council of the City of Gig Harbor set a date not later than sixty days after the filing of this request for a meeting with the undersigned to determine:

- (1) Whether the City Council will accept the proposed annexation;
- (2) Whether the City Council will require the adoption of zoning for the proposed area in substantial compliance with the Proposed Comprehensive Plan as adopted by City of Gig Harbor Ordinance 496; and
- (3) Whether the City Council will require the assumption of existing city indebtedness by the area to be annexed.

This page is one of a group of pages containing identical text material and is intended by the signers of this Notice of Intention to be presented and considered as one Notice of Intention and may be filed with other pages containing additional signatures which cumulatively may be considered as a single Notice of Intention.



HIGGINS ANNEXATION REQUEST

GIG HARBOR

PUGET SOUND

HIGGINS ANNEXATION REQUEST

AREA RECOMMENDED FOR INCLUSION

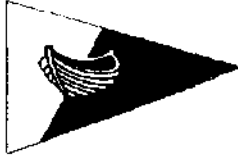
ANNEXATION REQUEST

--- CITY BOUNDARY



Property line base created from Pierce County Assessor records - by - The Gig Harbor Comprehensive Plan Research Team, The Evergreen State College, Olympia, Washington, 1981.

CITY OF GIG HARBOR AND VICINITY



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
SUBJ.: REQUEST FOR CONSIDERATION/NOTICE OF INTENTION TO
COMMENCE ANNEXATION PROCEEDINGS -- HOOVER ROAD
ANNEXATION REQUEST
DATE: FEBRUARY 22, 1991

Attached for your consideration is a notice of intent to petition for annexation submitted by property owners in the Hoover Road area west of SR-16, and bearing the signatures of no less than ten percent of the owners of assessed evaluation for the area described on the attached map.

The petitioners have requested that the approximately 100+ acres, which would include two subdivisions and several short plats, be annexed as a single family residential district. The area is within the urban area of the City of Gig Harbor and is included within the future potential annexation area for the City. The majority of the area is developing into single family residential, with a small number of duplex development. The area is bounded on the north by North Creek Estates subdivision (annexed 12-25-90), on the east by SR-16, on the south by Cedarcrest subdivision/Cedar Wood Lane, and on the west by 54th Avenue NW, extended.

In reviewing the boundaries of the proposed annexation area, staff notes that an unincorporated "island" consisting of three five acre parcels south of Rosedale Street would be created. Although this "island" could be annexed by the City under the provisions of RCW 35A.14.295 at some future date, staff believes that the proposed annexation presents a reasonable and logical opportunity to include those parcels at this time. This would require amending the legal description and the map to include the properties and expanding the request for consideration petition to compensate for the increased evaluation that would be created.

If accepted by the Council, the petition for annexation should include the requirement for the assumption of existing city indebtedness on a pro-rata basis and that the area to be annexed would assume an R-1 (single family residential) designation. Upon submission of the 60% petition for annexation, the revised legal description and map if appropriate and completion of the environmental review for the proposal, a public hearing and the reading of the ordinance for adoption of the annexation will be scheduled.

Attachments

10% ANNEXATION PETITION

to

THE CITY OF GIG HARBOR, WASHINGTON

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF GIG HARBOR, WASHINGTON.

We, the undersigned, being the owners of not less than ten percent (10%) of the assessed value of the real property herein described and lying contiguous to the City of Gig Harbor, Washington, do hereby petition that such territory be annexed to the City of Gig Harbor under the provisions of Chapter 128, Laws of 1945 (RCW 35.13.125, et seq), and any such amendments thereto, of the State of Washington.

The territory proposed to be annexed is located within Pierce County, Washington, the boundaries of which are outlined on the official Assessors' map accompanying this petition. The complete legal description of the annexation area is also attached.

We would ask that the City Council of the City of Gig Harbor would accept the proposed annexation, and also determine that:

- 1) The area proposed to be annexed is adequately covered by the City's adopted Comprehensive Land Use Plan.
- 2) The area proposed to be annexed would be brought into the City under the existing R-1 zoning classification.
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The petitioners subscribing hereto agree that all property within the territory sought to be annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Gig Harbor, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation.

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The undersigned have read the above text and prayer of petition and consents to the filing of other pages hereof to be considered as part of this petition.

Signature and Address of Petitioner	Assessor Parcel Number	Legal Description
1) O O or Town Inc. BY _____ sec. 22450 Graham P.O. Box 309 Tacoma WA 98401	02-21-07-4-000 02-21-07-4666	See A Harbor Exhibit "A"
2) _____	_____	_____
3) _____	_____	_____

10% ANNEXATION PETITION

to

THE CITY OF GIG HARBOR, WASHINGTON

**TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF GIG HARBOR, WASHINGTON.**

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<u>Signature and Address of Petitioner</u>	<u>Assessor Parcel Number</u>	<u>Legal Description</u>
1) <u>R. E. Whitley</u>	<u>022107-6-012</u>	<u>See attached</u>
✓ <u>Shirley R. Whitley</u>	<u>022107-6-013</u>	<u>listing.</u>
2) _____	<u>022107-6-014</u>	_____
_____	<u>022107-6-015</u>	_____
3) <u>John L. McCune</u>	_____	_____
✓ <u>Mac Jewell McCune</u>	_____	_____

10% ANNEXATION PETITION

to

THE CITY OF GIG HARBOR, WASHINGTON

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Signature and Address of Petitioner	Assessor Parcel Number	Legal Description
1) 	022107-6-004	SEE ATTACHED
Deane L. Cron	022107-6-005	LISTING
2) _____	022107-6-006	_____
_____	022107-6-007	_____
_____	_____	_____
3) _____	_____	_____
_____	_____	_____

10% ANNEXATION PETITION

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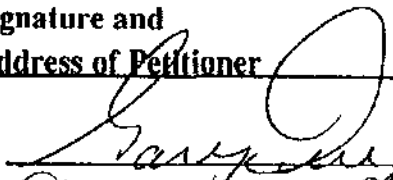
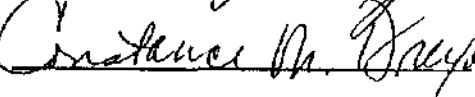
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Signature and	Address of Petitioner	Assessor Parcel Number	Legal Description
1)		022107-6-008	
		022107-6-009	
		022107-6-010	
2)		022107-6-011	
3)			

10% ANNEXATION PETITION

to

THE CITY OF GIG HARBOR, WASHINGTON

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<u>Signature and Address of Petitioner</u>	<u>Assessor Parcel Number</u>	<u>Legal Description</u>
✓ 1) <u>R.E. Whitley</u>	<u>022-107-6-003</u>	<u>NOT ON LISTING</u>
<u>Shirley R. Whitley</u>		
2) _____	_____	_____
_____	_____	_____
3) _____	_____	_____
_____	_____	_____

10% ANNEXATION PETITION

to

THE CITY OF GIG HARBOR, WASHINGTON

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Signature and Address of Petitioner	Assessor Parcel Number	Legal Description
1) <i>[Signature]</i>	922107-0-001	NOT ON LISTING
<i>Jacquelyn Jones</i>		
2) _____	_____	_____
_____	_____	_____
3) _____	_____	_____
_____	_____	_____

10% ANNEXATION PETITION

to

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OF THE CITY OF GIG HARBOR, WASHINGTON.**

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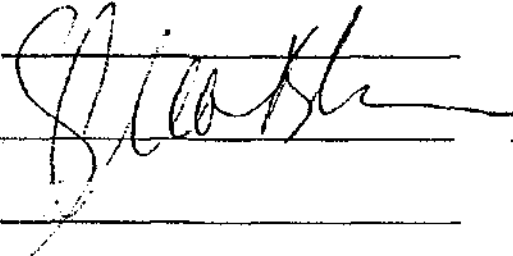
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Signature and

Address of Petitioner	Assessor Parcel Number	Legal Description
1) 	0221072018	7300 46th AVE. NW O.H.
2) 		
3)		

60% ANNEXATION PETITION

to

THE CITY OF GIG HARBOR, WASHINGTON

**TO THE HONORABLE MAYOR AND CITY COUNCIL,
OF THE CITY OF GIG HARBOR, WASHINGTON.**

We, the undersigned, being the owners of not less than seventy-five percent (75%) of the assessed value of the real property herein described and lying contiguous to the City of Gig Harbor, Washington, do hereby petition that such territory be annexed to the City of Gig Harbor under the provisions of Chapter 128, Laws of 1945 (RCW 35A.14.120, et seq), and any such amendments thereto, of the State of Washington.

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The City Council of the City of Gig Harbor met with the initiating parties at the June 27, 1988 Council meeting and did determine that the City would accept the proposed annexation. At said meeting the City Council did also determine that:

1) The area proposed to be annexed is adequately covered by the City's adopted Comprehensive Land Use Plan.

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4) The environmental determination of non-significance issued by the City on August 3, 1988 adequately addresses the environmental significance of the proposed annexation as required under the State Environmental Policy Act and the City Environmental Ordinance.

Wherefore the undersigned petition the Honorable City Council and ask:

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60% ANNEXATION PETITION

to

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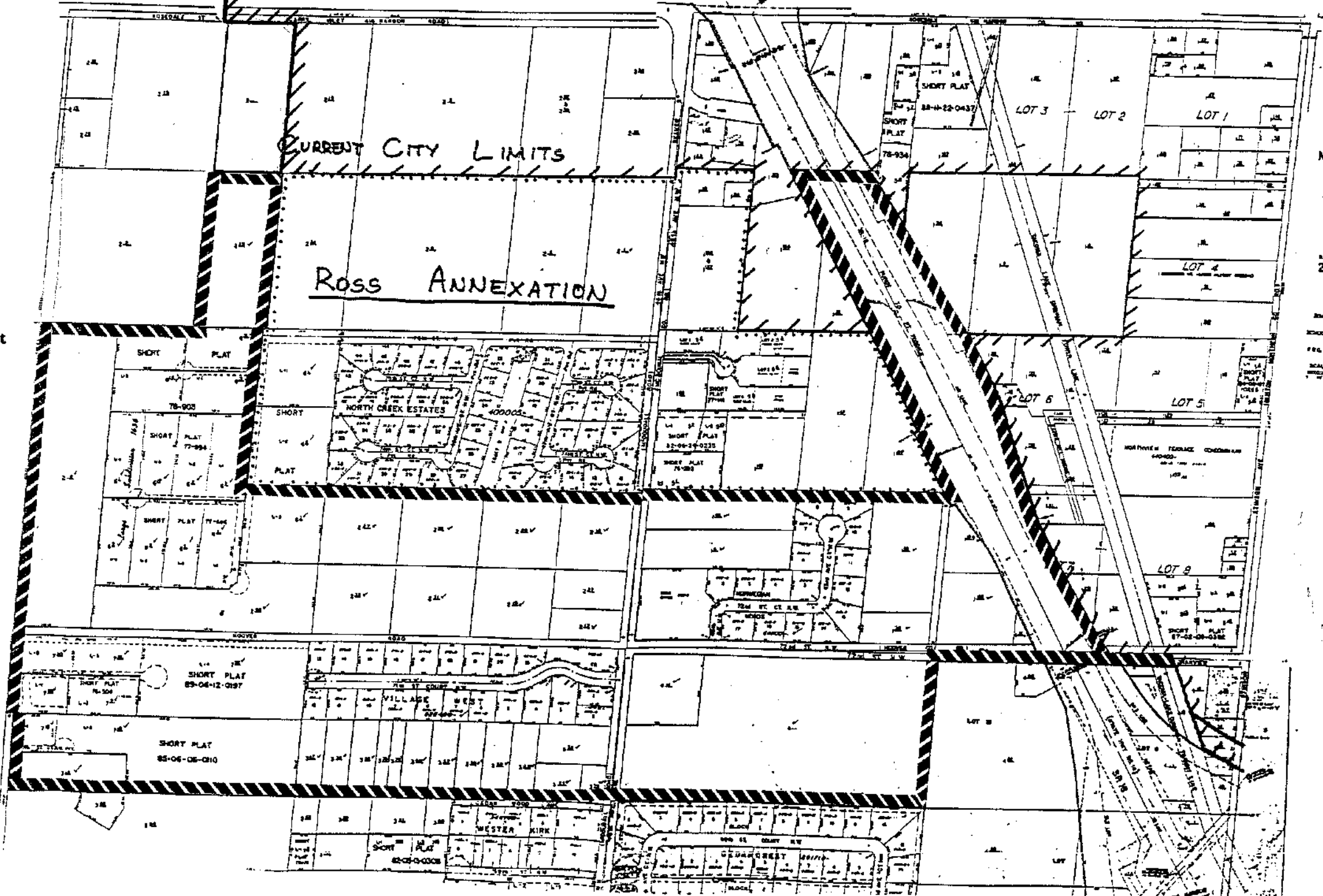
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<u>Signature and Address of Petitioner</u>	<u>Assessor Parcel Number</u>	<u>Legal Description</u>
1) <u><i>Genneth R. Flynn</i></u> <u><i>Jannine L. Johnson</i></u> <u>3620 SW 102</u> <u>SEATTLE, WA 98146</u>	926400-016-0 926400-017-0	Lots 16 & 17, plat of Village West.

Hoover Road Annexation

to the City of Gig Harbor

1 inch = 400 feet



SECTION
NE-7
TOWNSHIP
21N
BLANK
2E
ROAD 1
SCALE
1" = 400'