

GIG HARBOR CITY COUNCIL MEETING

DECEMBER 9, 1991

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

Dec 23rd
Wade Perrow
Bob Frisbie
Mark Hopper

- 8.35 Ben 12. Harborview Drive overlay project request for time extension.
- 8.96 Ben 13. Change order for well #6.
- 8.46 Comm 14. Resolution regarding social security coverage.
- 8.41 Mayor 15. Agreement for Public Health Service.
- Ben 16. Amendment to Gray and Osborne contract.

*what have we paid?
what was budget?
for '92?*

8.47 Denay

DEPARTMENT MANAGERS' REPORTS:
1. Police: Monthly activity report.

MAYOR'S REPORT:
1. City Administrator review process.

*Cancel Dec 23rd
Council mtg*

ANNOUNCEMENTS:
1. Ceremony of oath of office for new councilmembers - December 27, 1991, 4 p.m., council chambers. The Honorable Charles Johnson, Justice of the Washington State Supreme Court, officiating.

APPROVAL OF PAYROLL:
Warrants #6450 through #6561, for \$127,371.65.

APPROVAL OF BILLS: Warrants #8119 through #8175, for \$20,159.63.

EXECUTIVE SESSION:
1. Noel claim.

ADJOURN:

<i>Health Services</i>	
	'90 5,700
	91 6,100
<i>Budget</i>	'92 16,800.

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
DECEMBER 9, 1991

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

PUBLIC HEARINGS: None scheduled.

APPROVAL OF MINUTES: Not available until 12/23/91.

CORRESPONDENCE:

- 7:05 Mayor 1. Tacoma/Pierce County Health Department report on shellfish in the south sound. ~~tabled~~

OLD BUSINESS:

- 7:10 Ray 1. Hearing Examiner report and recommendation on SDP91-02: Walt Williamson. ~~tabled~~

- 7:35 Ray 2. Hearing Examiner report and recommendation on SDP91-03: Lucca's Landing.

- 7:40 Council 3. 1992 Property Tax Levy Ordinance - 2nd reading. Ord #613

NEW BUSINESS:

- 7:41 Ben 1. Water utility extension request: Vonnegut.

- 7:45 Ben 2. Sewer connection request: Perkins.

- 7:58 Ray 3. Hearing Examiner report and recommendation on SDP91-04: Millville Marina.

- 8:02 Ray 4. Ordinance for annexation on ANX91-02: Rainwater/Higgins - 1st reading.

- 8:08 Ray 5. Ordinance for annexation on ANX91-06: Richardson - 1st reading.

- 8:05 Ray 6. Request for time extension - SPR89-14: Davenport. G.H. Hotel Approved

- 8:10 Ben 7. Gig Harbor North utility extension and capacity agreement.

- 8:15 Council 8. 1991 budget emergency ordinance.

- 8:17 Mayor 9. Ordinance establishing position of City Administrator - 1st reading.

- 8:20 Council 10. Resolution amending personnel policies - job descriptions. - update Resolution

- 8:30 Ben 11. Soundview Drive/Hunt Street design.



**TACOMA-PIERCE COUNTY
HEALTH DEPARTMENT**

ALFRED M. ALLEN, MD, MPH
Director of Health

November 22, 1991

The Honorable Gretchen Wilbert
Mayor of Gig Harbor
P.O. Box 145
Gig Harbor, WA 98335

Dear Mayor Wilbert:

The purpose of this letter is to thank you and your staff at Gig Harbor City Hall for the use of your refrigerator during the 1991 Paralytic Shellfish Poisoning (PSP) monitoring period. As in the past two years, citizen volunteers deposited shellfish samples in the Gig Harbor City Hall refrigerator every other week from March through October. These samples were collected from public shellfish beaches on the Longbranch Peninsula to protect the public from dangerous levels of PSP.

Enclosed is a copy of the Tacoma-Pierce County Health Department's 1991 PSP Annual Report for your information.

If you have any questions, please call Ray Hanowell, Environmental Health Specialist II, at 596-2845. Again, thank you for the use of your refrigerator.

Sincerely,

Jane Hedges
Section Manager
Water Resources Section
Environmental Health Division

JH:RH:cf

Enclosure

BOARD MEMBERS

KAREN VIALLE - Tacoma Mayor, Chair
JOE STORTINI - Pierce County Executive, Vice-Chair
PAUL E. MILLER - Tacoma Councilmember
CATHY PEARSALL-STIPEK - Pierce County Councilmember
BARBARA SKINNER - Pierce County Councilmember
DENNIS A. STRANIK - Pierce County Cities & Towns
M. JAMES WICKS, MD - Member-At-Large

RECEIVED

NOV 25 1991

CITY OF GIG HARBOR

1991 PSP ANNUAL REPORT

**Tacoma-Pierce County Health Department
Al Allen, Director of Health
November 1991**

For Information Contact:

**Water Resources Section
591-6553
Jane Hedges, Section Manager
Ray Hanowell, EHS II
Rich Dickerson, EHS I**

Introduction

Paralytic Shellfish Poisoning (PSP) is an illness caused by consuming shellfish containing large numbers of a certain toxin-producing marine plankton. The organism that carries the toxin is a small dinoflagellate that occurs naturally in marine water. Under ideal conditions, which usually occur in the late summer and fall, these organisms rapidly reproduce to create blooms. Shellfish such as clams, oysters, mussels, and scallops can ingest these organisms and, if the blooms are large enough, may contain enough of the toxin to be lethal to humans. The PSP toxin is one of the most potent neurotoxins known to man, being 1,000 times more potent than cyanide.

Symptoms of PSP usually begin with a tingling of the lips and tongue and may begin within minutes of ingestion. Depending on the amount of poison consumed, symptoms may progress to tingling of fingers and toes, loss of muscular coordination, and paralysis. If the paralysis affects breathing, and if medical care is not available, death can occur in three to twelve hours after eating the shellfish.

PSP has commonly been called "red tide". Actually this term is incorrect and misleading. Most outbreaks of PSP in Washington have occurred without any visible discoloration of the water. To complicate things, there are many harmless species of organisms which can cause discoloration. Hence, the color of the water gives no indication of PSP toxin levels. In addition, toxic shellfish do not look, taste, or smell different from non-toxic shellfish. The only reliable method for detecting the presence of PSP toxin is by laboratory test.

The Washington State Department of Health (DOH) coordinates the PSP testing program for recreational and commercial beaches. Each year the state laboratory tests thousands of shellfish samples collected by commercial growers, DOH staff, volunteers, and local health departments. Samples are collected and sent, either fresh or frozen, to the laboratory in Seattle, where they are processed and tested in mice. If the test results show greater than 80ug of toxin per 100g of shellfish tissue, the beach is closed. This information is then broadcast in press releases and/or added to the Red Tide Hotline number, 1-800-562-5632. The hotline number is a 24 hour recorded message that gives the most recent beach closures for Washington waters.

The Tacoma-Pierce County Health Department (TPCHD) has assisted with the DOH's PSP program in Pierce County for many years. During the spring, summer, and fall months the TPCHD collects shellfish samples, usually with assistance from volunteers, on a biweekly schedule and sends the samples to the Seattle laboratory. The program has fluctuated in size over the years due to budget constraints and lack of volunteers, ranging from only a "bare bones" emergency response program to a large sampling program that monitored 12 Pierce County beaches.

Methods

The 1991 PSP monitoring program began in late February and went until mid-October of 1991. The beaches sampled in 1991 were the same that were sampled the previous year except for the deletion of Stretch Island and the addition of Dash Point and Cutts Island. Figure 1 shows the locations of the five beaches sampled in 1991.

All samples were collected by volunteers organized through the efforts of Betsy Peabody of Adopt-A-Beach. Of the five sites that were sampled in 1991, three of the sites were sampled by volunteers who had assisted in 1990. The Sunrise Beach samples were again collected by Mr. and Mrs. Moller, the Herron Island samples were again collected by Mr. and Mrs. Clark, and the Penrose Point samples were again collected by Wendy Dolly.

The type of shellfish collected varied both by location and, for the Penrose and Dash Point sites, by week. The first six Penrose samples collected were butter clams or littleneck clams. After it was determined that the clams were below the action level, blue mussels were collected at the Penrose site. The Sunrise Beach samples were always butter clams, the Herron Island samples were always blue mussels, and the Cutts Island samples were always butter clams and littleneck clams.

As in years past, the Gig Harbor City Hall refrigerator was used as the drop-off site for the peninsula samples. The volunteers would leave samples in the refrigerator or the freezer at Gig Harbor City Hall and would call the TPCHD for pick-up. A TPCHD employee would then collect the samples at a convenient time, package and label the samples, and take the samples to the Greyhound Station in downtown Tacoma for shipping to the Seattle DOH Laboratory. The use of the Gig Harbor City Hall refrigerator greatly decreased the effort needed for sample transfer.

Results

A total of 43 shellfish samples were collected and sent to the State Laboratory during the 1991 sampling period. Sixteen of the samples were from Penrose State Park, twelve of the samples were from Sunrise Beach, seven were from Herron Island, four were from Cutts Island, three were from Dash Point and one was from the Steilacoom marina. An additional sample was collected at Sunrise Beach but was not sent to the laboratory due to a TPCHD error.

None of the 43 samples tested had toxin levels above the 80 ug/100g closure level. The sample with the highest toxin concentration (66 ug/100g) was a butter clam sample collected from Sunrise Beach in

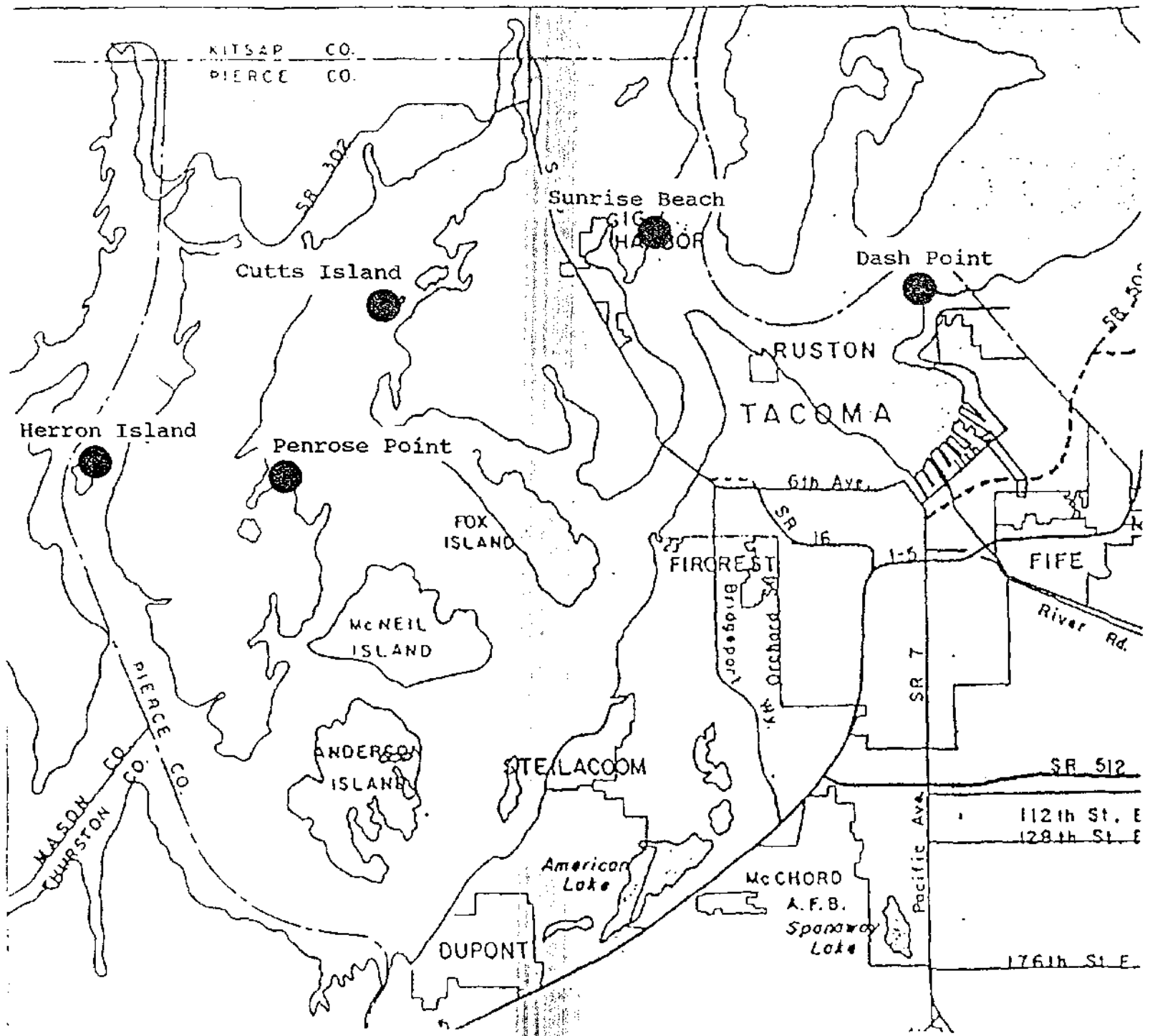


Figure 1. Location of Sample Sites for the 1991 PSP Monitoring Program

July 1991. Seventy-two percent of the samples (31 samples) had either no toxin present or toxin concentrations below the detectable limit.

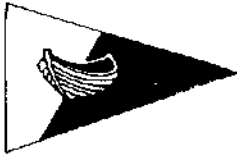
Butter clam-only closures from the 1990 fall PSP bloom in Carr Inlet and north Pierce County carried over through a portion of 1991. The butter clam closure for Pierce County north of the Narrows was lifted in early May 1991 and the butter clam closure for Burley Lagoon and Purdy was lifted in mid-September 1991.

Discussion

The incidence of PSP in Pierce County in 1991 differed greatly from what has been seen over the last few years in that no PSP blooms occurred either in north Pierce County or south of the Narrows. The only PSP closures in 1991 were carry-overs from the fall of 1990 and by mid-September 1991, no Pierce County beaches were closed due to PSP.

The reason(s) why PSP blooms did not occur this year in Pierce County (and were much less severe in King County) is not known. It is possible that the wet and cool weather conditions early in the summer played a role in limiting the population growth of the organism responsible for PSP. Whatever the reason, this year had the lowest incidence of PSP in Pierce County in over four years.

Other than the problem with the one destroyed sample from Sunrise Beach, the 1991 PSP program ran smoothly and was successful in supplementing the DOH's efforts to monitor PSP in Pierce County. This success can be attributed to the high level of commitment displayed by the volunteers, to the coordination efforts of Betsy Peabody and Adopt-A-Beach, and to the Gig Harbor City Hall staff for allowing the use of their refrigerator as a transfer site.



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

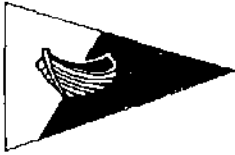
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: GIL ALVARADO, PLANNING/BUILDING ASSISTANT *GA*
RE: HEARING EXAMINER DECISION -- SDP 91-02/VAR 91-12
(Walter Williamson).
DATE: October 24, 1991

Walter Williamson has requested Shoreline Management Substantial Development permit and Variance approval for the development of 12,672 square feet of boat storage and office space. The site is located at 3117 Harborview Drive. Staff recommended approval of the Shoreline Management Substantial Development permit and Variance application in a report dated May 28, 1991.

The Hearing Examiner conducted a public hearing on this proposal June 19, 1991 and, in his reports of July 5 and August 29, 1991, approved the Shoreline Management Substantial Development permit and Variance application with conditions. A copy of the Examiner's findings, conclusions and recommendations is attached.

Attachments



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

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

October 29, 1991

Mr. Walt Williamson
6923 120th Street NW
Gig Harbor, WA 98335


Dear Mr. Williamson:

At its regular meeting on October 28th, City Council considered your application for a shoreline permit and site plan approval to reconstruct an office building and storage. Although no action was taken (at staff's request) to allow for completion of SEPA, the Council has requested that prior to consideration of this application, you provide for their regular meeting of December 9, the following items:

- 1) An inventory of all boats 44' or less and all boats greater than 45'.
- 2) The location and number of all parking spaces for the marina.
- 3) The location and number of all parking spaces for the other uses on the property.

Submission of this information in addition to the proposed exterior treatment of the new structure (type of siding, roofing, color scheme), is requested by December 4th, for scheduling of this item on December 9th. If you have any questions, please call.

Sincerely,


Ray P. Gilmore
Planning Director

cc: Gil Alvarado



GIG HARBOR MARINA

Gig Harbor Boat Yard, Inc.

Phone — 858-3535

P.O. Box 387 Gig Harbor, Washington 98335

December 2, 1991

City of Gig Harbor
Post Office Box 145
Gig Harbor, Washington 98335

Mr. Ray Gilmore--Planning Director

In response to the three items requested by the City Council as listed in your letter of October 29, 1991.

ITEM 1 -- Of our 113 moorage slips we find slip numbers A-31, A-35, A-37, A-49, A-51, A-53, A-57 and B-51 to be mooring vessels over 44 feet in length. All remaining slips are mooring vessels less than 44 feet in length. Although this count remains quite constant, it could vary with different vessels in the future. Recap shows that we have 105 boats under 44 feet and 8 over 44 feet in length.

ITEM 2 -- Please find attached, an explanatory drawing showing allocation of 106 standard parking slips. All will be re-striped with the completion of the proposed building.

ITEM 3 -- Displayed on the same drawing as Item 2. Please find also attached a perspective drawing of the building, material color charts and the design engineers letter.

Sincerely yours,

Walter W. Williamson
President

WWW:klm

Enclosures



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

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

October 29, 1991

Mr. Walt Williamson
6923 120th Street NW
Gig Harbor, WA 98335

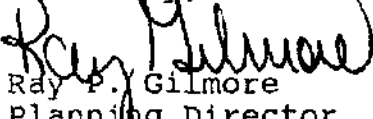
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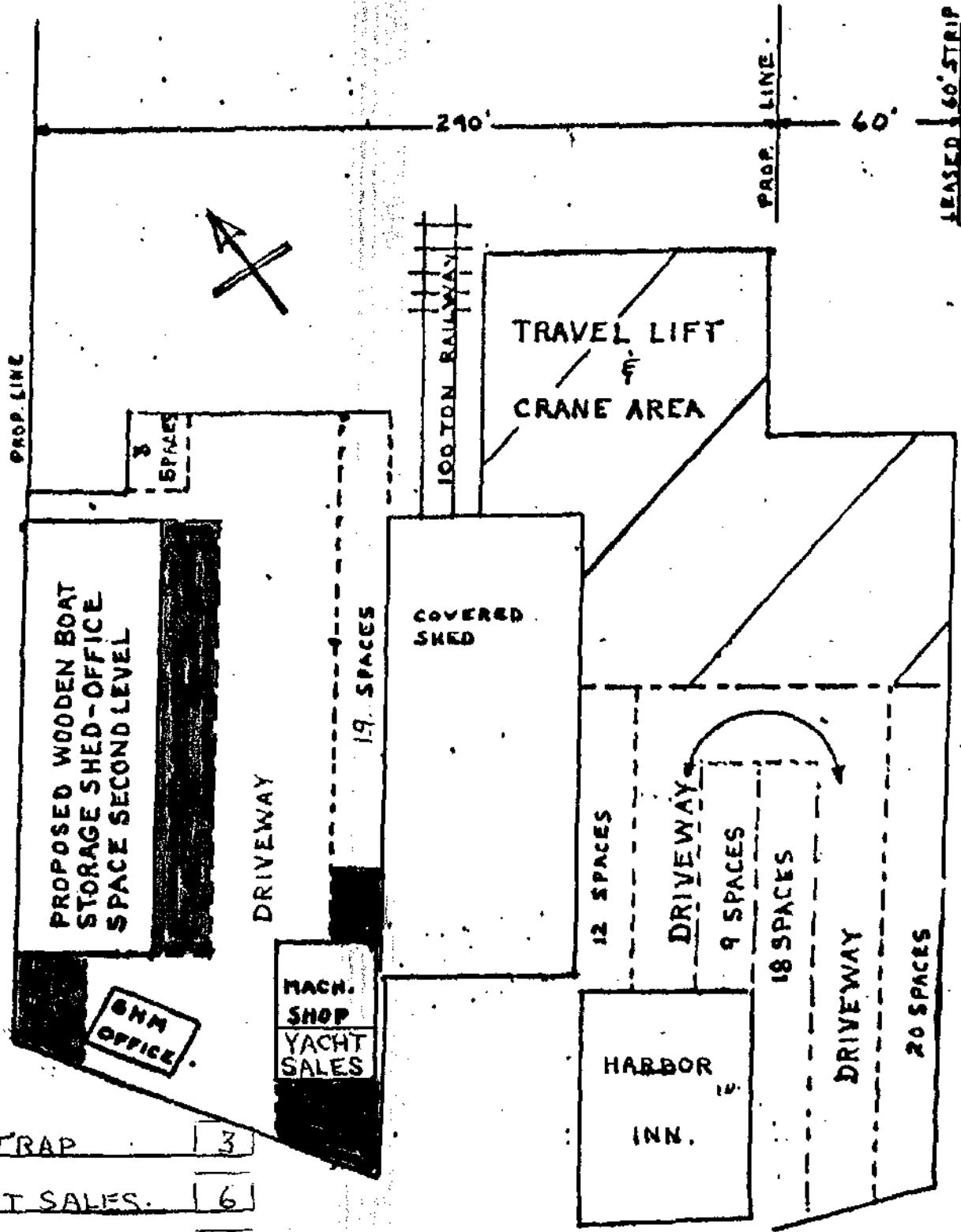
Sincerely,


Ray P. Gilmore
Planning Director

cc: Gil Alvarado

GIG HARBOR MARINA
 P. O. BOX 387
 GIG HARBOR, WA 98335-0387
 (206) 868-3535

GIG HARBOR MARINA
 VEHICLE PARKING
 106 STANDARD UNITS



■	FOX TRAP	3
■	YACHT SALES	6
■	PROPOSED BLDG	17
□	MARINA	80
TOTAL		106

SCALE 1" = 50'

DECEMBER 2, 1991

(206) 862-0197

CITY OF GIG HARBOR
BUILDING/PLANNING DEPARTMENTS
3105 JUDSON STREET
GIG HARBOR, WA. 98335

RE: NEW GIG HARBOR MARINA OFFICE AND DRY BOAT STORAGE FACILITY
BUILDING DESCRIPTION

TO WHOM IT MAY CONCERN:

THE BASIC BUILDING SHALL BE DESIGNED IN ACCORDANCE WITH THE UNIFORM BUILDING CODE, (U.B.C.) AND ALL OTHER APPLICABLE ORDINANCES AND REGULATIONS AS ADOPTED BY THE CITY OF GIG HARBOR.

THE BASIC STRUCTURE SHALL BE APPROXIMATELY 40'0" WIDE X 146'0" LONG WITH A MAXIMUM RIDGE HEIGHT OF 16'0" ABOVE GRADE ON THE HARBORVIEW DRIVE SIDE IN COMPLIANCE WITH THE CITY OF GIG HARBOR'S HEIGHT RESTRICTIONS. AS DEFINED BY THE (U.B.C.) THIS FACILITY WILL HAVE A, "B-2 OCCUPANCY CLASSIFICATION", AND WILL BE OF, "TYPE VN BUILDING CONSTRUCTION", WITH FIRE ASSEMBLIES AS REQUIRED.

THE PRIMARY FRAMING FOR THE STRUCTURE SHALL BE COMPRISED OF HEAVY TIMBER COLUMN ROWS ON CONCRETE FOUNDATIONS POSITIONED TO CREATE 18'0" WIDE BAY SPACINGS, IN CONJUNCTION WITH GLU-LAMINATED BEAMS UTILIZED AS SUPPORT MEMBERS FOR THE UPPER LEVEL TENANT IMPROVEMENT OFFICE FACILITIES FLOOR ASSEMBLY. IN ADDITION, THE FLOOR STRUCTURE IS TO FEATURE A CANTILEVERED 6'0" WIDE WALKWAY EXTENDING BEYOND THE BUILDING LINE ON THE SOUTHEAST AND NORTHEAST SIDES OF THE UPPER LEVEL FOR PEDESTRIAN CIRCULATION AND STAIRWAY POSITIONING FOR EXITING PURPOSES AND ACCESS TO GROUND LEVEL PARKING AREAS.

THE UPPER LEVEL OF THE FACILITY SHALL BE CONVENTIONALLY FRAMED AND DESIGNED TO MEET STATE ENERGY CODE REQUIREMENTS AS WELL AS PROVIDING OPTIMUM FLEXIBILITY FOR FUTURE TENANT IMPROVEMENT REQUIREMENTS. ALL EXTERIOR WINDOWS AND DOORS SHALL BE INSULATED, FIRE-RATED, (AS REQUIRED) AND POSITIONED TO MEET (U.B.C.) AND OWNER-TENANT REQUIREMENTS.

THE CONFIGURATION AND COMPOSITION OF THE ROOF STRUCTURE WILL BE A TERMINAL HIP PRE-ENGINEERED WOOD TRUSS SYSTEM WITH A 3:12 ROOF SLOPE. IN ADDITION, THIS ROOF SYSTEM WILL EXTEND PAST THE SOUTHEAST-NORTHEAST BUILDING LINES TO COVER THE PEDESTRIAN CONCOURSE BELOW.

LASTLY, THE EXTERIOR OF THE OFFICE FACILITY SHALL BE CLAD WITH PAINTED STEEL ROOF AND WALL PANEL SYSTEMS WITH NECESSARY TRIMS AND COMPONENTS TO HARMONIZE. PRELIMINARY COLOR SELECTIONS SHALL BE AS INDICATED BY SAMPLES INCLUDED WITH THIS SUBMITTAL. OBVIOUSLY, FINAL SELECTIONS ARE TO BE BASED ON PRODUCT AVAILABILITY AND BUDGETARY ALLOWANCES.

JOHN K. BASTIAN P.E.
Structural Engineer
P.O. Box 284
SUMNER, WASHINGTON 98390

DECEMBER 2, 1991

(206) 862-0197

CITY OF GIG HARBOR
PAGE 2

IN CONCLUSION, THE INTENT OF THE "NEW GIG HARBOR MARINA'S OFFICE
AND DRY BOAT STORAGE FACILITIES DESIGN CONCEPT AND COLOR SCHEMES",
IS TO HARMONIZE AND COMPLIMENT THE HARBOR'S SHORELINE FACADE.

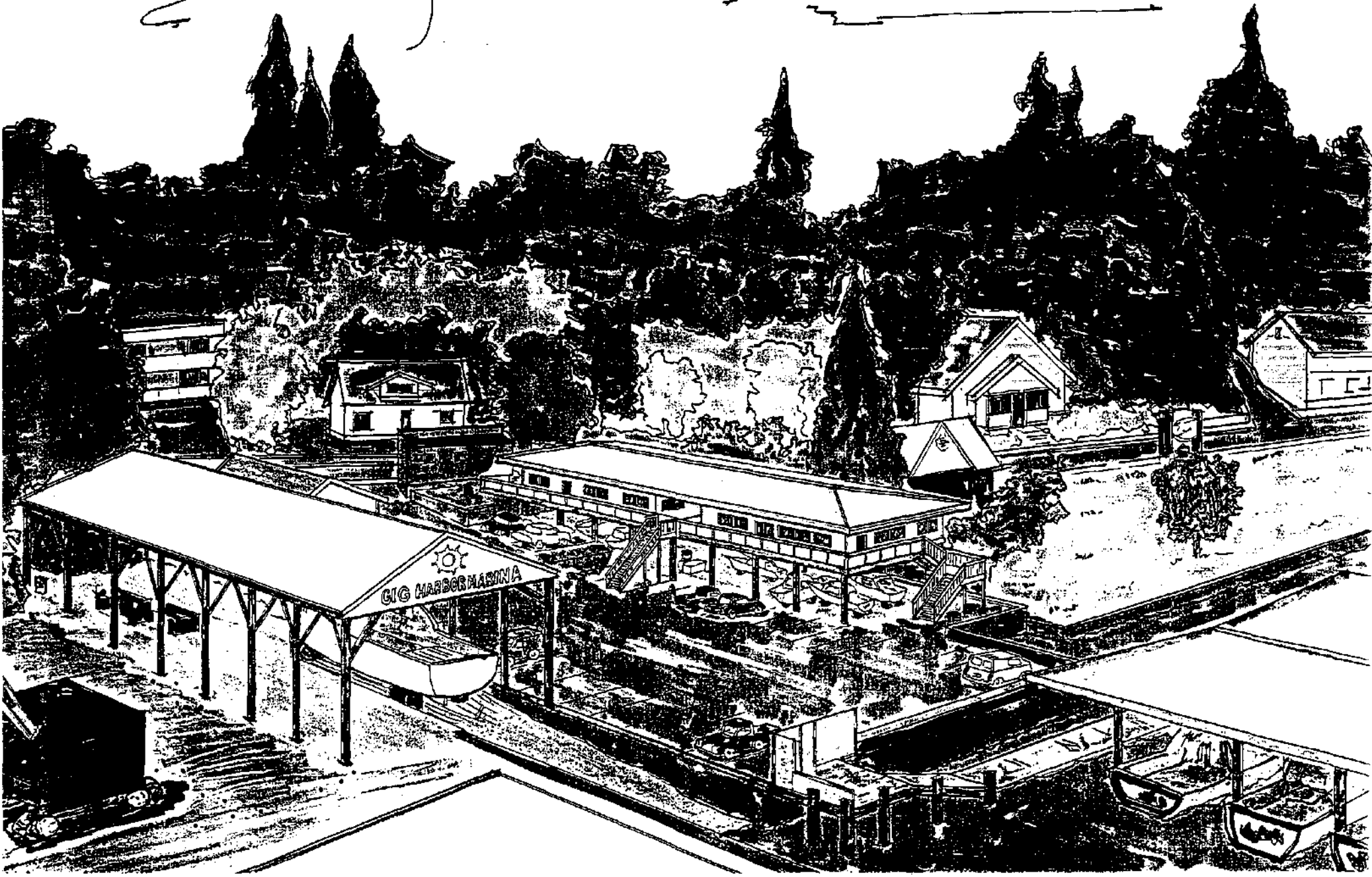
JOHN K. BASTIAN, P. E.
STRUCTURAL ENGINEER

JKB:JS

CC: FILE
WALT WILLIAMSON



GIG HARBOR MARINA OFFICE BUILDING



CITY OF GIG HARBOR
RESOLUTION No.

WHEREAS, Walter Williamson, has requested a Shoreline Management Substantial Development permit and variance approval for the demolition and reconstruction of 12,672 square feet of boat storage and office space located at 3117 Harborview Drive; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management Substantial Development permits and variances 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 May 28, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 19, 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 reports dated July 5 and August 29, 1991; and,

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

That the findings, conclusions and recommendations of the Hearing Examiner in his reports dated July 5 and August 29, 1991 are hereby adopted and the application for Shoreline Management Substantial Development permit and variance is granted subject to the following findings and conclusions:

- 1) A storm water drainage plan shall be submitted to the Public Works Department for review and approval. The storm drainage plan shall also include details providing for temporary erosion control during site preparation and construction. Storm drainage improvements, as required by the Public Works Department, shall be installed prior to occupancy of the building.
- 2) The proposal shall conform to the Gig Harbor Fire Code as recommended in the City Fire Marshal's report in Exhibit A.
- 3) The designated off-street parking spaces shall be striped and clearly visible.
- 4) The proposed structure shall not exceed the sixteen foot height limit as established under the district standards.
- 5) Construction on the project shall begin within twenty-four (24) months from the date of final council action in compliance with Section 17.96.070. Failure to start construction within the allotted time period shall render approvals null and void.
- 6) The applicant shall be prepared to furnish a bond or an assignment of funds to assure completion of improvements that are required by the City but remain incomplete after occupancy of the expanded facility is allowed. The amount of the bond or assigned funds is to equal 110% of a reputable contractor's bid for completion of the requirements. The bond or assignment of funds shall be valid for a period of two years from the date of construction. This requirement does not supercede the requirements for the posting of a construction and maintenance bond to comply with the Gig Harbor Municipal Code.
- 7) A side yard variance of five feet is granted and

Resolution No.
Page 3

the shoreline substantial development permit is approved subject to the conditions cited in my July 5, 1991 decision.

PASSED this 14th day of October, 1991.

ATTEST:

Gretchen A. Wilbert, Mayor

Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 10/10/91
Passed by City Council: 10/14/91

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 91-02

Administering Agency City of Gig Harbor

Date Received April 9, 1991

Approved _____ Denied _____

Date of Issuance _____

Date of Expiration _____

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

Walter Williamson (Gig Harbor Marina)

(name of applicant)

P.O. Box 387, Gig Harbor, WA 98335

(address)

to undertake the following development Construct 12,672 foot
structure for office space and upland boat storage in same location
as existing storage shed. Existing shed to be demolished.

upon the following property NW 1/4 of Section 8, Township 21N
(Section, Township, Range)

Range 2, E

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)




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

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: Mayor Wilbert and City Council
FROM:  Ray Gilmore
DATE: December 4, 1991
SUBJ.: SDP 91-03, Luca's Landing Request for Additional Moorage; Council Consideration of Public Access

At the previous Council meeting, there was discussion on whether or not the applicant's for the above referenced project should be required to provide public access to the water (i.e. trail or boardwalk) as a condition of shoreline permit approval. At that meeting, staff advised against imposing this requirement as it was not a consideration nor the subject of the public hearing before the hearing examiner. Additionally, staff did not believe that the City Shoreline Master Program imposed this requirement for marinas.

In reviewing the Master Program, it is clear that public access provisions must be made for non-water dependent commercial uses and residential developments. There is no requirement for additional public access provisions for marinas except in association with a non-water dependent commercial use. Consequently, imposing a shoreline public access provision for this development as a condition of approval is not advised nor recommended unless this matter is considered at a duly advertised public hearing.

December 1, 1991

RECEIVED

DEC 02 1991

CITY OF GIG HARBOR

To: City of Gig Harbor
Mayor and City Councilmembers
Planning Director

From: Richard B. Allen

Subject: Lucca's Landing - SDP 91-03 and SPR 91-04

By this letter I wish to comment on the City Council's inquiry regarding Lucca's Landing constructing a boardwalk across the fronting tidelands located at 3501 Harborview in a manner similar to the boardwalk located at Murphy's Landing. My comments are as follows:

1. Lucca's Landing will not construct the boardwalk nor give the property without compensation.
2. Murphy's Landing is not comparable to Lucca's Landing because:
 - a) The two are in different zones. Lucca's Landing is in Waterfront Millville and Murphy's Landing is in the next higher Waterfront Commercial zone which allows more dense property use/development.
 - b) Murphy's Landing installed the boardwalk because the Shoreline Master Program required public access and/or recreational opportunities in conjunction with the commercial use which was not water dependent.. Refer to page 14, "Commercial Development", Regulations paragraph 1 which reads....

"Commercial developments within the shoreline area which are not water dependent 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 a Shoreline Substantial Development Permit."

==> Because the apartments were not water dependent, Murphy's Landing had to install the boardwalk and temporary moorage facility.

CONCLUSION:

THE ACTIVITIES AT LUCCA'S LANDING ARE TOTALLY WATER DEPENDENT THEREFORE PARAGRAPH 2 B ABOVE DOES NOT APPLY AND THE CITY DOES NOT HAVE THE AUTHORITY TO REQUIRE LUCCA'S LANDING TO CONSTRUCT A BOARDWALK ACROSS THIS PROPERTY.

Sincerely,


Richard B. Allen



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: *GA* GIL ALVARADO, PLANNING/BUILDING ASSISTANT
RE: HEARING EXAMINER DECISION -- SDP 91-03/SPR 91-04
(Robert Frisbie and Richard Allan).
DATE: November 25, 1991

Robert Frisbie and Richard Allan have requested a Shoreline Management Substantial Development permit and Site Plan approval for the construction of five (5) additional moorage slips to the Lucca's Landing Marina. The site is located at 3521 Harborview Drive. Staff recommended approval of the Shoreline Management Substantial Development permit and Site Plan in a report dated September 18, 1991.

The Hearing Examiner conducted a public hearing on this proposal October 16, 1991 and, in his report of October 29, 1991, approved the Shoreline Management Substantial Development permit and Site Plan application with conditions. A resolution adopting the Examiner's findings, conclusions and recommendations is attached, along with shoreline permit.

Attachments

CITY OF GIG HARBOR
RESOLUTION No.

WHEREAS, Robert Frisbie and Richard Allan, have requested a Shoreline Management Substantial Development permit and Site Plan approval to allow the construction of five (5) additional moorage slips to the Lucca's Landing Marina located at 3521 Harborview Drive; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management Substantial Development permits and Site Plan applications and other 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 September 18, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on October 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 reports dated October 29, 1991; and,

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

That the findings, conclusions and recommendations of the Hearing Examiner in his reports dated October 29, 1991 are hereby adopted and the application for Shoreline Management Substantial Development permit and Site Plan approval is granted subject to the following findings and conclusions:

Resolution No.

Page 2

- 1) The proposal shall conform to the Gig Harbor Fire Code, as per the City Fire Marshal's recommendations within this report.
- 2) The designated off-street parking spaces shall be striped and clearly visible.
- 3) In accordance with Section 17.96.070, construction on the project must commence within twenty-four (24) months from the date of final council action. Failure to commence construction within the allotted time period shall render approval null and void.

PASSED this 14th day of October, 1991.

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 10/10/91
Passed by City Council: 10/14/91

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

APPLICANT: Robert Frisbie/Richard Allen
CASE NO.: SDP 91-03/SPR 91-04
APPLICATION: Request for a shoreline management substantial development permit and site plan approval to allow the construction of five (5) additional moorage slips to the Lucca's Landing Marina.

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 Frisbie/Allen application was opened at 5:09 p.m., October 16, 1991, in City Hall Gig Harbor, Washington, and closed at 5:20 pm. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

FINDINGS CONCLUSIONS AND RECOMMENDATION:

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

I. FINDINGS:

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

II. CONCLUSIONS:


A. The findings and conclusions prepared by the Planning Staff and set forth on pages 5 through 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 the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.

III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended the requested shoreline management substantial development permit and site plan be approved subject to the following conditions:

1. The proposal shall conform to the city of Gig Harbor Fire code, as per the City Fire Marshal's recommendations within this report.
2. The designated off-street parking spaces shall be striped and clearly visible.
3. In accordance with Section 17.96.070, construction on the project must commence within twenty-four (24) months from the date of final council action. Failure to commence construction within the allotted time period shall render approval null and void.

Dated this 29th day of October, 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 OCTOBER 16, 1991
HEARING ON THE
FRISBIE/ALLEN APPLICATION**

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing was: Gil Alvarado, representing the City of Gig Harbor, and Robert Frisbie, the applicant.

The following exhibit was offered and entered into the record:

A. Planning Staff's Advisory Report.

PARTIES OF RECORD:

Robert Frisbie and Richard Allen
9720 Woodworth Avenue
Gig Harbor, WA 98335

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 91-03/SPR 91-04

Administering Agency City of Gig Harbor

Date Received September 10, 1991

Approved _____ Denied _____

Date of Issuance _____

Date of Expiration _____

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

Robert Frisbie/Richard Allan
(name of applicant)

3521 Harborview Drive Gig Harbor, WA 98335
(address)

to undertake the following development _____

construct five (5) additional moorage slips to the Lucca's

Landing Marina, as per attachment Exhibit A.

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

Within Gig Harbor Bay and/or its associated
wetlands. The project will be within shorelines
(~~be/xxxxbe~~)

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 as per resolution # attached as Exhibit B

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)

CITY OF GIG HARBOR

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR COMMENCING JANUARY 1, 1992.

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1992, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property, and

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

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

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1992, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$223,012,725. Taxes levied upon this value shall be:

- a. approximately \$1.71 per \$1,000 assessed valuation, producing estimated revenue of \$381,240 for general government; and

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1992, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$220,000,000. Taxes levied upon this value shall be:

- a. approximately \$0.171 per \$1,000 assessed valuation, producing an estimated amount of \$38,100 for sewer general obligation; and

General Property Tax Ordinance
Page 2

- b. approximately \$0.029 per \$1,000 assessed valuation, producing an estimated amount of \$6,570 for fire protection facilities general obligation.
- c. approximately \$0.426 per \$1,000 assessed valuation, producing an estimated revenue of \$95,000 for the 1987 sewer bond redemption general obligation.

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

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 10th day of December 1990.

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/4/91
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: MAYOR WILBERT AND CITY COUNCILMEMBERS
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR *BY*
RE: WATER UTILITY EXTENSION REQUESTS
DATE: DECEMBER 4, 1991

We have received the attached letter from Ms. Raulin Vonnegut requesting water service to a single family home on Crescent Valley Drive, outside city limits.

Extending water service outside city limits is a council policy decision. From a technical standpoint, we are capable of providing water to this address.

If the council approves the request, Ms. Vonnegut will have to extend the main water line approximately 300 feet from the Vernhardson / Crescent Valley Drive intersection.

RECEIVED
NOV 4 1991
CITY OF GIG HARBOR

October 30, 1991

City Council
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

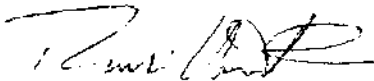
Dear City Council:

Per the attached letter from Mr. Ben Yazici and my letter of September 6th, I would like to request water utility extension to property indicated on the enclosed tax statement (see*).

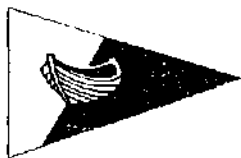
Also enclosed is a map not drawn to scale.

Thanks once again for your consideration and if additional information is needed please contact me at your convenience.

Sincerely,



Raulin Vonnegut
14808 Bandix Rd., S.E.
Olalla, WA 98359



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

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

September 17, 1991

Ms. Raulin Vonnegut
14808 Bandix Road S.E.
Ollalla, WA 98359

Dear Ms. Vonnegut:

This is in response to your letter dated September 6, 1991 regarding water utility extension outside the city limits.

I would like to remind you that, as I stated in my July 26, 1991 letter, the City Council must approve any outside water utility extension agreement. Before you spend any funds on the design of an extension, I strongly recommend that you send us a letter requesting water utility extension. Also send a vicinity map showing the subject property, city limits and closest city water line.

Please contact Ms. April Cutting, Engineering Assistant for the Public Works Department, at 851-8136 if you need any assistance in the preparation of the vicinity map.

Sincerely,

Ben Yazici, P.E.
Director of Public Works

cc: Mayor Cretchen Wilbert
Mike Wilson, City Administrator
April Cutting, Engineering Assistant

September 6, 1991

Gig Harbor City Council
City of Gig Harbor
P.O. Box 145
Gig Harbor, WA 98335

Dear City Council:

Per the attached letter from Mr. Ben Yazici I would appreciate your approval of city water for my property.

Per your instructions and recommendation I will hire a professional, licensed engineer to design the utility extension and complete a construction cost estimate.

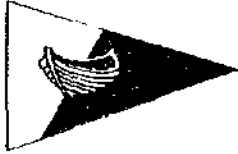
Also, I am prepared to pay approximately \$2000.00 for the water connection and would pay in advance if required to do so.

Thank you for your consideration, and if additional information is needed please contact me at your convenience.

I look forward to hearing from you.

Sincerely,

Raulin Vonnegut
14808 Bandix Rd., S.E.
Olalla, WA 98359



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

July 26, 1991

Mr. Paul Vonnegut
14808 Bondix Rd. S.E.
Ollalla, WA 98359

Dear Mr. Vonnegut:

This is in response to your letter requesting a cost estimate from the City for extending the water utility outside the city limits.

First of all, utility extensions outside the city limits require the City Council's approval. Assuming that the Council approves your request, you will then need to hire a professional, licensed engineer to design the utility extension and to complete a construction cost estimate.

Your water connection fee for the subject location would be approximately \$2,000.00.

Should you have any further questions, please do not hesitate to call.

Sincerely,

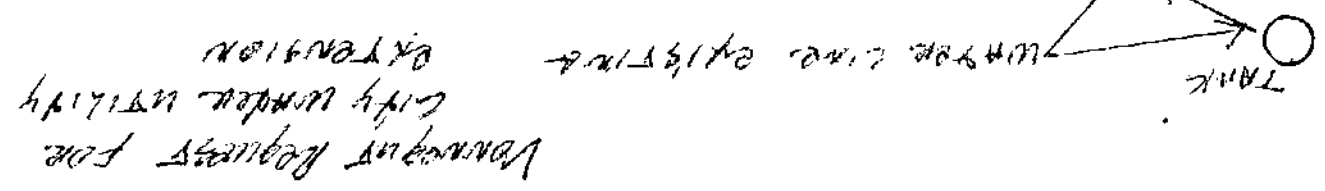
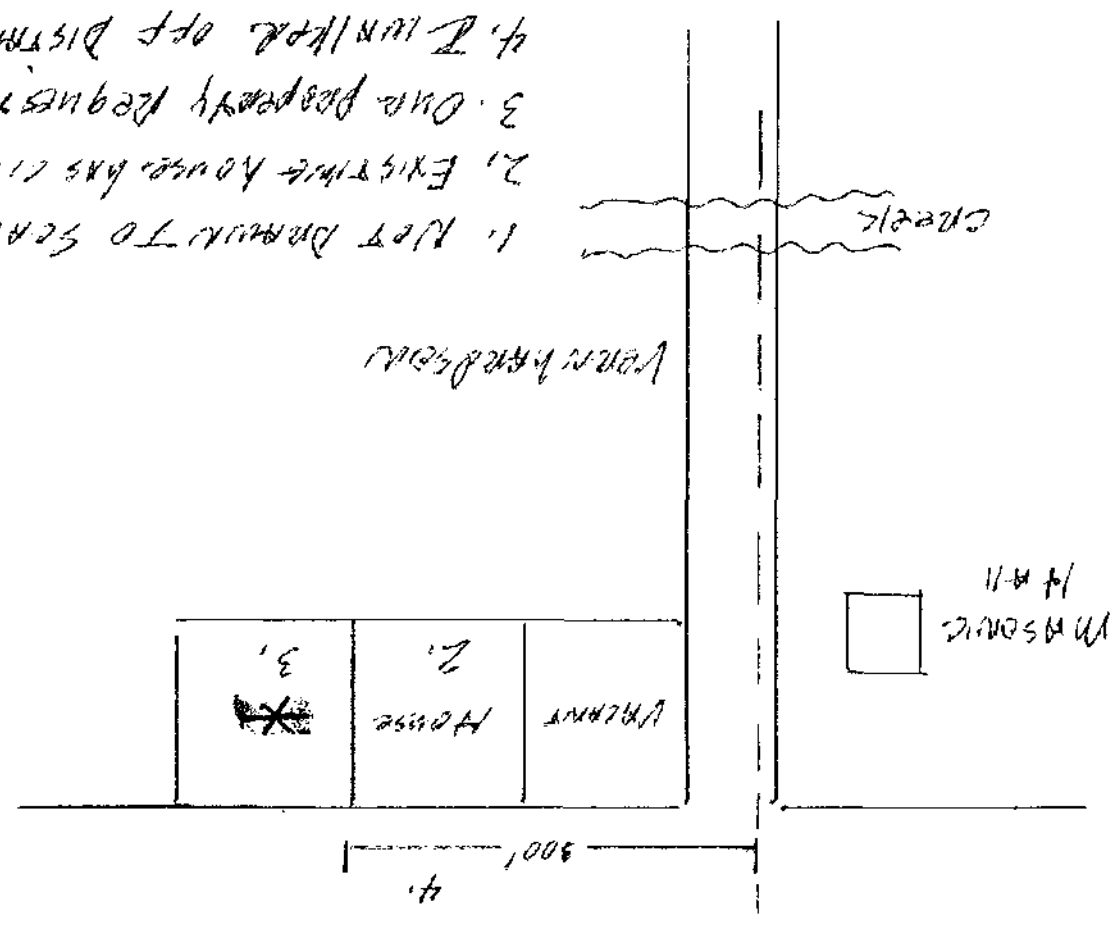
Ben Yazici, P.E.
Director of Public Works

BY/mmt

cc: Mayor Gretchen Wilbert
Mike Wilson, City Administrator

Submitted By: Benji Vannoy
 1400 Baudix Rd S.E.
 Ocala, FL
 98359

1. Not drawn to scale
2. Existing house has city water I think
3. Our property requesting water
4. I walked off distance as to where I thought the water line was - ± 300'



COMPANY WALL

PARCEL NUMBER

R 02-21-05-2-059

AREA CODE LEVY RATE SA

480.0 15.9643

TAXPAYER COPY

KEEP THIS PORTION FOR YOUR RECORDS

CR0016431 11

CAR-RT SORT ** RR02

02-21-05-2-059
VONNEGUT RAULIN N
JOHN E DONOHUE
14808 BANDIX RD
OLALLA WA 98359

LOCATION CRESCENT VALLEY DR NW

TAX DESCRIPTION

02-21-05-2-1
COM NE COR LOT 7-A GIG HARBOR MIL
RESERV TH W 25 FT TO WLY LI WROTE
RD & POB TH CONT W 208.71 FT TH S
208.71 FT TH E 208.71 FT TO WLY L
WROTEN RD TH N TO POB SEG F 1449

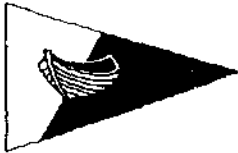
CURRENT VALUE DISTRIBUTION	
LAND VALUE	17,500
BUILDING/OTHER VALUE	0
LESS EXEMPT VALUE	0
TAXABLE VALUE	17,500
CURRENT TAX DISTRIBUTION	
STATE SCHOOL SUPPORT	61.94
LOCAL SCHOOL SUPPORT	93.90
COUNTY	27.12
CITY	.00
ROAD	39.30
PORT	6.07
FIRE &/OR EMS	36.27
METRO PARK	.00
LIBRARY	14.78
OTHER	.00

CURRENT TAX INFORMATION	
GENERAL TAX	279.38
NOXIOUS WEED	2.08
FOREST PROTECTION	
TOTAL CURRENT TAX	281.46
ADJUSTMENTS	
SENIOR/DISABLED EXEMPT	
NEW CONSTRUCTION EXEMPT	
SURFACE WATER MANAGEMENT	10.00
LATE FILING PENALTY	
TOTAL CURRENT TAX DUE	291.46

First half must be PAID or POSTMARKED by APRIL 30th or ENTIRE TAX BECOMES DELINQUENT with 12% ANNUAL INTEREST. Additional penalties will be added May 31 and November 30. Second half tax becomes delinquent after OCTOBER 31st. FULL AMOUNT MAY BE PAID APRIL 30th.

DELINQUENT TAX INFORMATION		
YEAR	INTEREST PENALTY TO APRIL 30	TAX
DELINQUENT TOTAL		
TOTAL CURRENT AND DELINQUENT		291.46

FOR DELINQUENT REAL PROPERTY TAX ON 1988 AND PRIOR YEARS, FORECLOSURE PROCEDURE WILL BEGIN AFTER APRIL 30TH.



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 COUNCILMEMBERS
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR *BY*
RE: SANITARY SEWER CONNECTION REQUEST
DATE: DECEMBER 4, 1991

Attached is a letter from Mr. Dan Perkins requesting sanitary sewer utility to 96th Street near the Women's Correction Center. The sewer line for the Correction Center crosses this property.

The proponent is planning on constructing either a warehouse or office buildings at this 30 x 100 feet lot. The existing sanitary sewer line is capable of transporting the additional flows from this property, and there is sufficient capacity at the sewer treatment plant to process this minimal amount of flow.

Recommendation

Allowing properties outside the city limits to connect the city sanitary system is a council policy decision. The council may approve or deny the request.



851-9144 -- Gig Harbor
272-2105 -- Tacoma
P. O. Box 481
Gig Harbor, WA 98335

November 20, 1991

Mr. Ben Yazici, P. E.
Director of Public Works
City of Gig Harbor
PO Box 145
Gig Harbor, Washington 98335

Dear Sir:

Thank you for your response to my letter of November 15.

Your second paragraph refers to my "request for an extension" of the Gig Harbor City sewer utility. That should certainly be less likely to be approved than a simple hook-up to a line already extended and passing through our property.

I do not know what will be built on this property. We intend to sell to a user for whom the site restrictions pose no problem. The buildable area being 30 feet X 100 feet.

With construction companies on either side and fronting on Hwy #16, it will surely attract someone as an office, garage or warehouse facility, certainly not as a residence. For that reason, not knowing how many "gallons per day" we are asking you to commit to, I feel certain that we would use a minimal amount. Daytime use of one bathroom with, at most, one sink, one toilet and one shower.

Please tell me what you are willing to allow us, and for how much money for the requested connection and how we may pay for it. Until the property is sold, we cannot say when a connection would be required. We will hope for the summer of 1992.

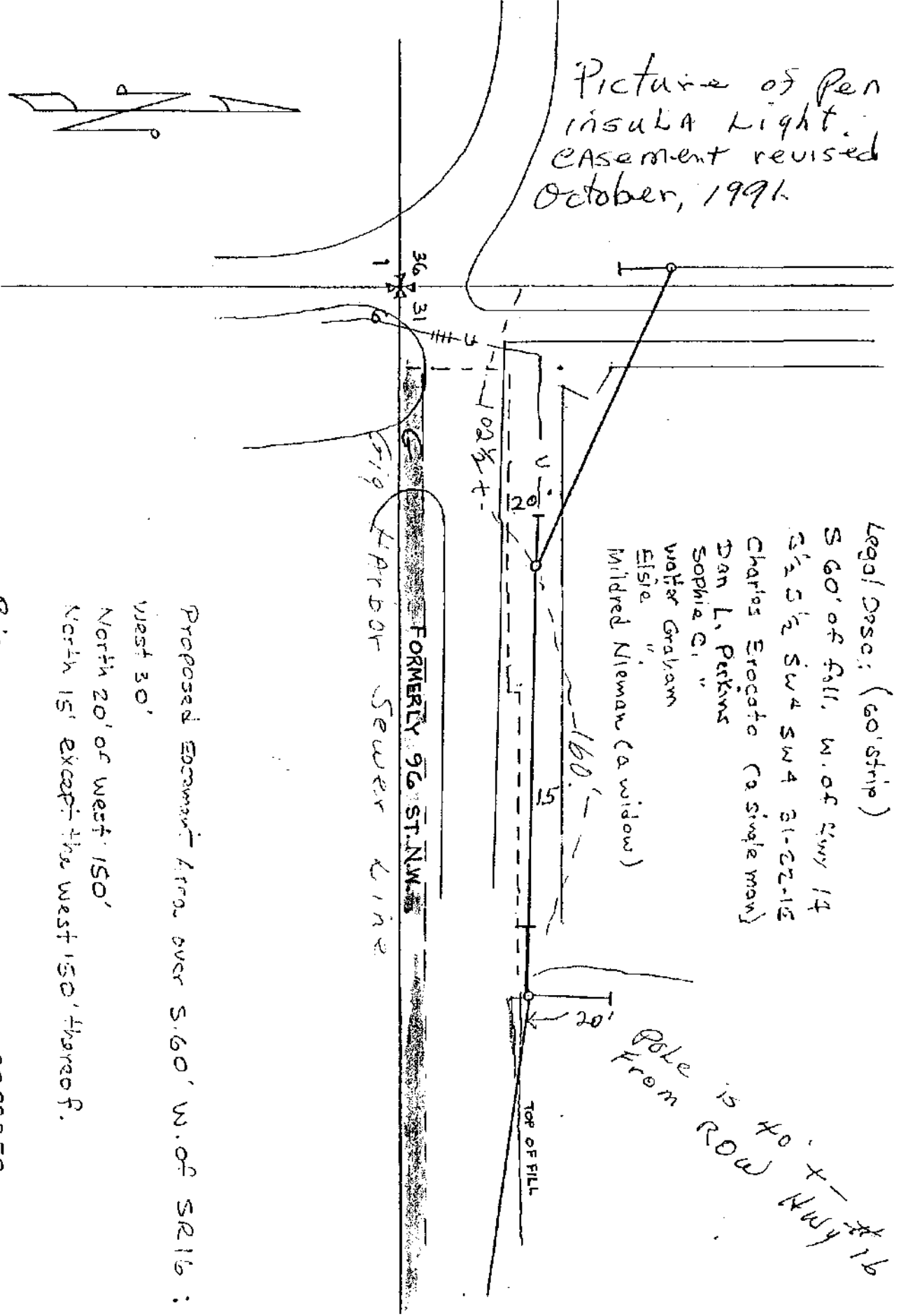
We very much appreciate your consideration.

Yours truly

Dan Perkins
Dan Perkins
Sky Realty, Inc

DP:lr

Picture of Peninsula Light.
 Easement revised
 October, 1996



Legal Desc: (60' strip)

- S 60' of fill, W. of City 14
- 2 1/2 S 1/2 SW 4 SW 4 31-22-1E
- Charles Erocato (a single man)
- Dan L. Perkins
- Sophie C. "
- Walter Graham
- Elsie "
- Mildred Nieman (a widow)

Pole is 40' x 19' from ROW

Proposed Easement Area over S. 60' W. of SR 15 :

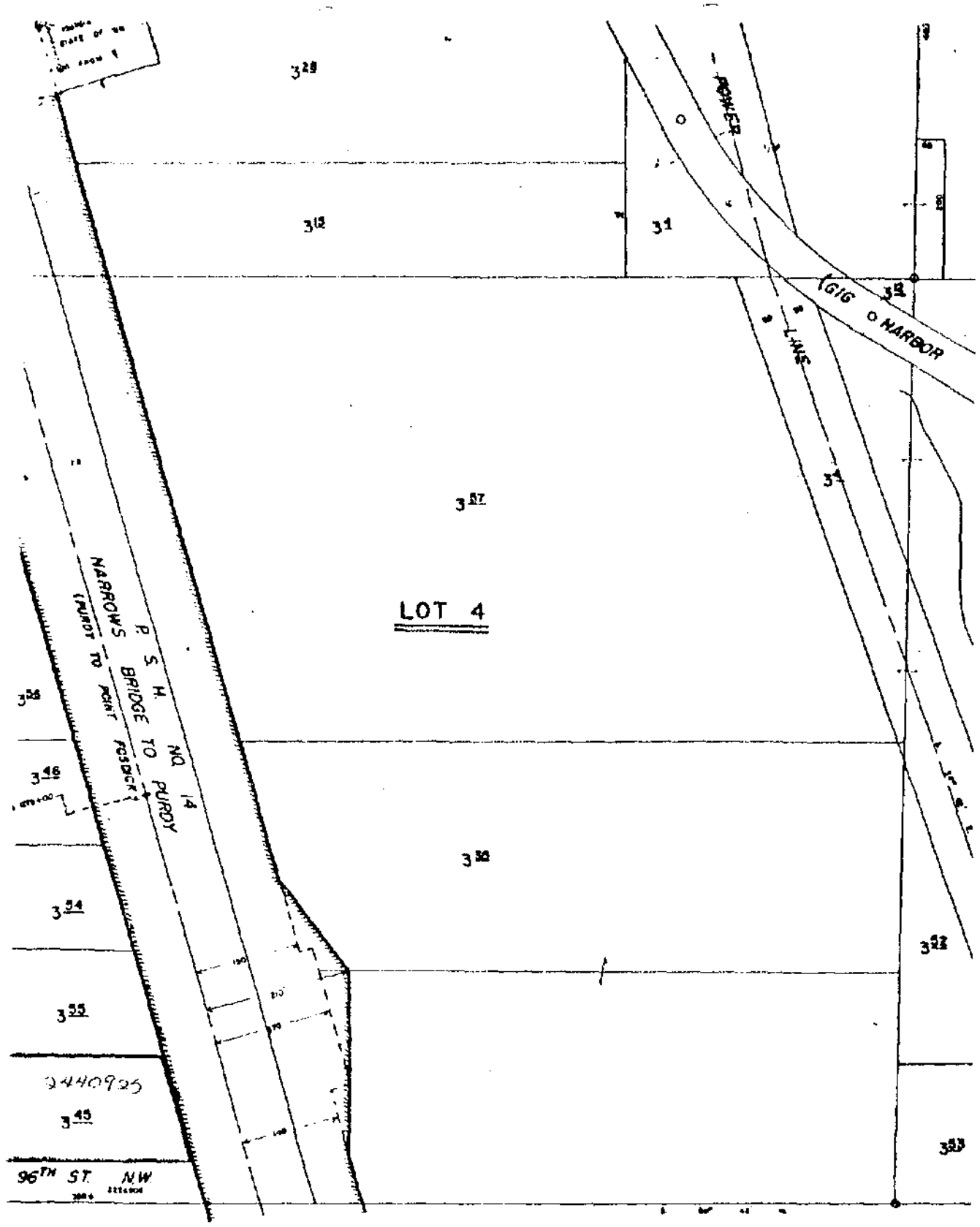
West 30'

North 20' of West 150'

North 15' except the West 150' thereof.

Repose PARAGRAPH "E" of case. 2288350.

SCALE: 1" = 50'



26 ST. VACATED April 28

COURTESY
OF FIRST AMERICAN TITLE

1111 1/2 ST. N.W. WASHINGTON, D.C. 20004
 This plat is based on the public report
 and is subject to the provisions of the
 District of Columbia Code, Title 22,
 Chapter 10, Section 1001, and the
 provisions of the District of Columbia
 Code, Title 22, Chapter 10, Section
 1002, and the provisions of the
 District of Columbia Code, Title 22,
 Chapter 10, Section 1003.

(1) 11 1/2 - 2

Shirley Jackson
 1200 20th St NW



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
RE: HEARING EXAMINER RECOMMENDATION - SDP 91-04/SPR 91-05
(Gerald Smith and Ronald Ray)
DATE: DECEMBER 4, 1991

Gerald Smith and Ronald Ray have requested a Shoreline Management Substantial Development permit and Site Plan approval for the construction of eight (8) additional moorage slips to the Millville Marina. The site is located at 3519 Harborview Drive. Staff recommended approval of the Shoreline Management Substantial Development permit and Site Plan in a report dated September 18, 1991.

The Hearing Examiner conducted a public hearing on this proposal October 16, 1991 and, in his report of October 30, 1991, recommended approval of the Shoreline Management Substantial Development permit and Site Plan application with conditions. A resolution adopting the Examiner's findings, conclusions and recommendations is attached, along with the shoreline permit form.

Attachments

CITY OF GIG HARBOR
RESOLUTION No.

WHEREAS, Gerald Smith and Ronald Ray have requested a Shoreline Management Substantial Development permit and Site Plan approval to allow the construction of eight (8) additional moorage slips to the Millville Marina located at 3519 Harborview Drive; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management Substantial Development permits and Site Plan applications and other 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 September 18, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on October 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 reports dated October 30, 1991; and,

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

That the findings, conclusions and recommendations of the Hearing Examiner in his reports dated October 30, 1991 are hereby adopted and the application for Shoreline Management Substantial Development permit and Site Plan approval is granted subject to the following findings and conclusions:

Resolution No.

Page 2

- 1) The proposal shall conform to the Gig Harbor Fire Code, as outlined by the City Fire Marshal's recommendations in Exhibit A.
- 2) In accordance with Section 17.96.050 (G), a circulation plan shall be submitted with a revised site plan in order to designate the off-street parking spaces that are provided for the marina. The revised site plan shall be submitted to the City prior to the issuance of any building permits for the proposal.
- 3) The sixteen off-street parking spaces shall be striped and clearly visible.
- 4) In accordance with Section 17.96.070, construction on the project shall commence within twenty-four (24) months from the date of final council action. Failure to commence construction within the allotted time period shall render approval null and void.

PASSED this 9th day of December, 1991.

Gretchen A. Wilbert, Mayor

ATTEST:

City Administrator/Clerk

Filed with City Clerk: 12/5/91
Passed by City Council: 12/9/91

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 91-04

Administering Agency City of Gig Harbor

Date Received August 30, 1991

Approved _____ Denied _____

Date of Issuance _____

Date of Expiration _____

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

Gerald Smith / Ronald Ray, 3519 Harborview Drive
(name of applicant)

Gig Harbor, WA 98335
(address)

to undertake the following development add eight (8) moorage slips
to existing marina (Millville Marina) as per attached plan.

upon the following property SW quarter of Section 5, Township 21 N,
(Section, Township, Range)

Range 2 E.W.M., Harbor lease area 2435.

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 NONE

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 _____

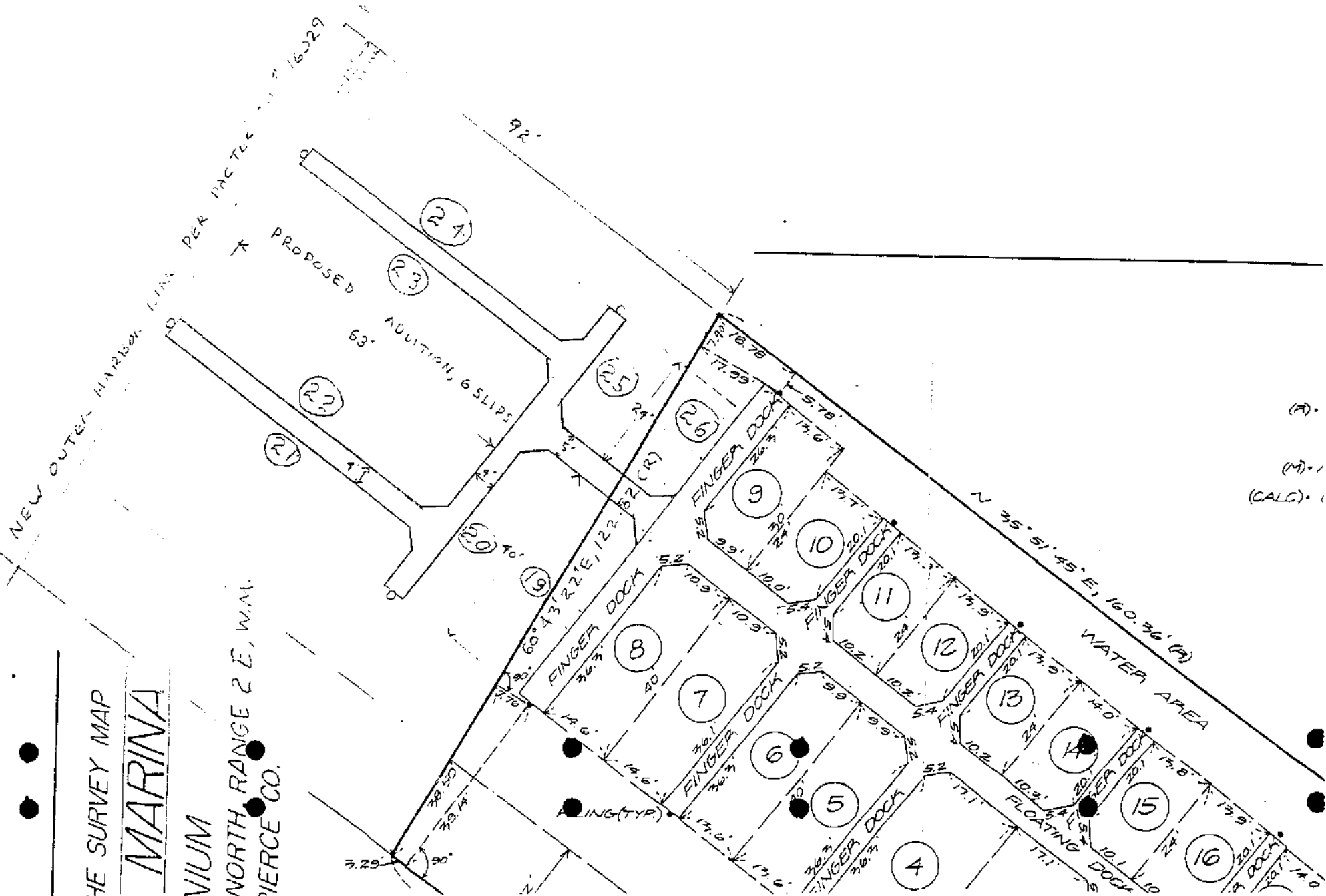
Approved _____ Denied _____

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)

MILLVILLE MARINA - ADDITIONAL MOORAGE



(A)
 (M)
 (CALC)

N 35° 51' 45" E, 160.36' (A)
 WATER AREA

FLOATING DOCK

PIPING (TYP)

ADDITION, 6 SLIPS

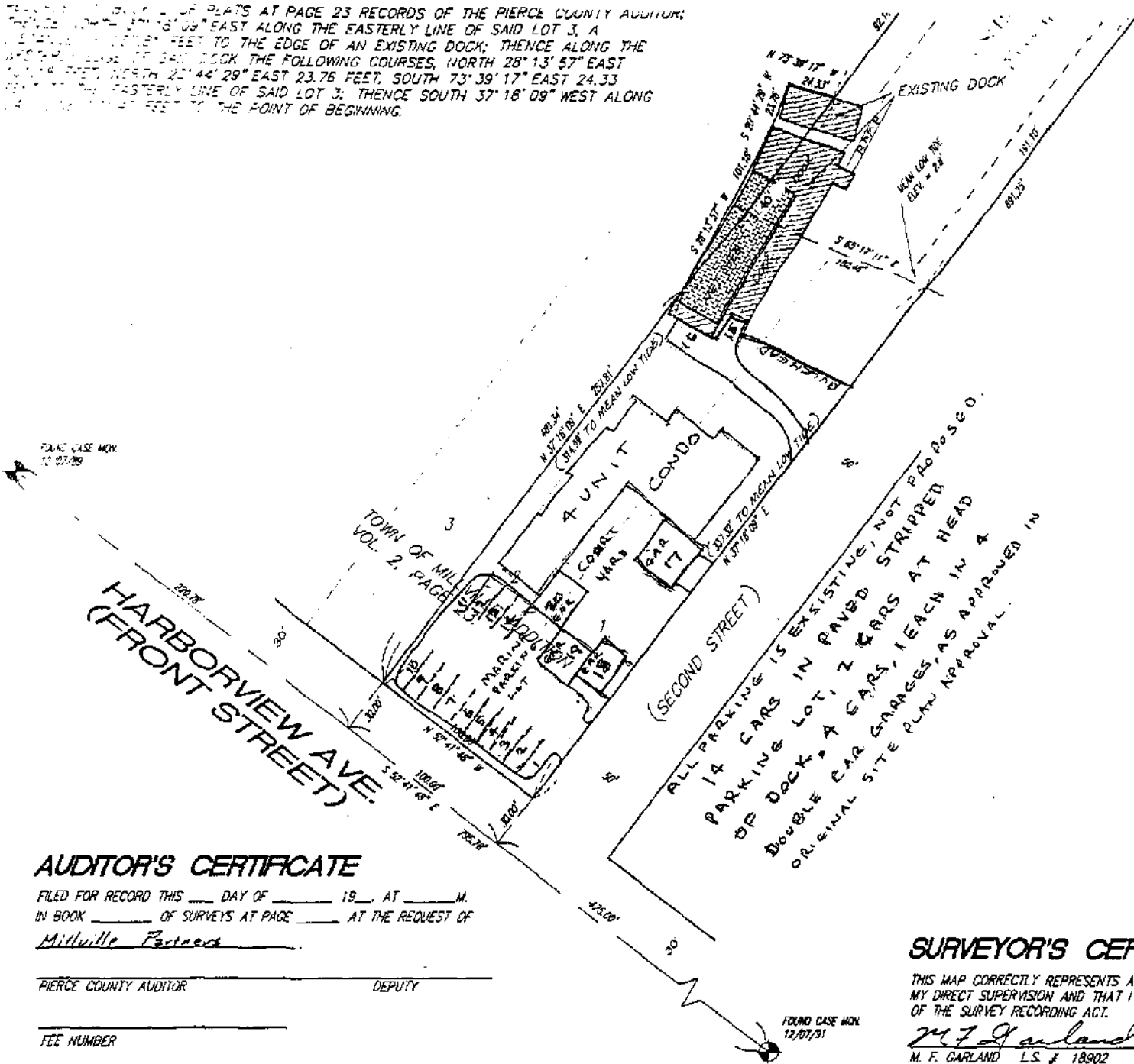
NEW OUTER HARBOUR LINE PER INCTEC 16-229

THE SURVEY MAP
 MILLVILLE MARINA

VIUM
 NORTH, RANGE 2 E, W.M.
 IERCE CO.

MILLVILLE MARINA - PARKING ALLOCATION

RECORDS OF PLATS AT PAGE 23 RECORDS OF THE PIERCE COUNTY AUDITOR;
 THENCE NORTH 28° 13' 57" EAST ALONG THE EASTERLY LINE OF SAID LOT 3, A
 DISTANCE OF 23.76 FEET TO THE EDGE OF AN EXISTING DOCK; THENCE ALONG THE
 WESTERLY LINE OF SAID DOCK THE FOLLOWING COURSES, NORTH 28° 13' 57" EAST
 23.76 FEET, NORTH 22° 44' 29" EAST 23.76 FEET, SOUTH 73° 39' 17" EAST 24.33
 FEET, THEN THE EASTERLY LINE OF SAID LOT 3; THENCE SOUTH 37° 18' 09" WEST ALONG
 THE EASTERLY LINE OF SAID LOT 3 TO THE POINT OF BEGINNING.



LEGAL DESCRIPTION

PARCEL "A"
 THAT PORTION OF THE HARBOR AREA AS SHOWN
 IN THE OFFICE OF THE COMMISSIONER OF PUBLIC
 LANDS AT OLYMPIA, WASHINGTON, INCLUDED IN A TR

COMMENCING AT THE SOUTHEAST CORNER OF SAID
 BLOCK 3, PLAT OF MILLVILLE, INCLUDING THE
 HARBOR LINE, AND SAID EASTERLY
 HARBOR LINE, AND THE TRUE POINT OF BEGINNING
 HARBOR LINE TO ITS INTERSECTION WITH THE EAST
 ALONG THE PRODUCED EASTERLY LINE OF SAID
 OUTER HARBOR LINE; THENCE WESTERLY ALONG
 LINE WHICH IS 22 FEET DISTANT WESTERLY AS
 OF SAID LOT 3; THENCE SOUTH 35° 51' 45" WEST
 THENCE SOUTH 28° 25' 09" WEST 26.12 FEET, M.
 EASTERLY ALONG THE INNER HARBOR LINE TO

PARCEL "B"
 THAT PORTION OF BLOCK C, GIG HARBOR TIDE
 COMMISSIONER OF PUBLIC LANDS AT OLYMPIA,

COMMENCING AT THE SOUTHEAST CORNER OF SAID
 NORTH 35° 51' 45" EAST ALONG THE EASTERLY
 TO A POINT ON THE LINE OF MEAN LOW TIDE
 CONTINUING THENCE NORTH 35° 51' 45" EAST AL
 LINE; THENCE NORTHWESTERLY ALONG THE INNER
 EXISTING DOCK, AND THENCE SOUTH 28° 25' 09"
 SOUTH 35° 51' 45" WEST TO A POINT ON THE L
 LINE OF MEAN LOW TIDE TO THE TRUE POINT C

THE ABOVE PARCEL B LEGAL DESCRIPTION IS IN
 INNER AND OUTER HARBOR LINES, PLEASE SEE

(NOTE: ADD 01' 26' 24" FROM LEGAL D
 TO MATCH DRAWING BEARINGS)



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____ 19____ AT _____ M.
 IN BOOK _____ OF SURVEYS AT PAGE _____ AT THE REQUEST OF
Millville Partners

PIERCE COUNTY AUDITOR _____ DEPUTY _____

FEE NUMBER _____

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER
 MY DIRECT SUPERVISION AND THAT IT CONFORMS WITH THE REQUIREMENTS
 OF THE SURVEY RECORDING ACT.

M. F. Garland 8/5/91
 M. F. GARLAND L.S. # 18902 DATE

12/07/91

property surveys which showed that the property boundary on the east side of the applicant's property varied depending on which survey is used.

- D. The applicant explained the parking layout on the site. He said there are 16 spaces in the parking lot which are available for the marina and said that owners of the Millville Marina Condominiums also have boats at the marina and have additional parking in their garages. He believed he would exceed the parking requirements if he were to be given credit for the condo owners who use the marina and have their cars in garages.

Staff said the number of parking stalls met the requirements of the zoning code, even if the condo owner's garage spaces are not included in the count. Staff also said that the applicant's survey information was relied on to determine the boundaries of the property.

II. CONCLUSIONS:

- A. The staff evaluation prepared by the Planning Staff and set forth on pages 5, 6 and 7 of the Planning Staff's Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner 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 proposed moorage extension meets the requirements of Section 17.76.020 (B) of the zoning code. That is, the proposed moorage is at least twelve feet from the side property lines. Proposed slip number 24, which is 63 feet in length is 24 feet from the applicant's east property line and proposed slip number 21 which is also 63 feet in length is approximately 30 feet from the applicant's west property line.
- C. The concern expressed by a neighboring property owner regarding the actual location of the eastern property line of the applicant's property is noted, but will not be resolved in this report.

The applicant in this case has submitted a site plan based upon a survey prepared by a licensed land surveyor. The adjacent property owner to the east submitted survey information into the record which did not agree with the survey information submitted by the applicants. In this case, the most recent survey information was submitted by the applicant. It is believed by the Examiner that City staff acted responsibly in processing the application based upon the information submitted by the applicant.

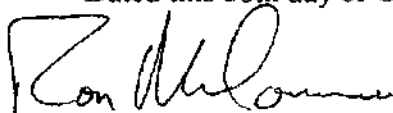
Property boundary disputes between property owners are civil matters which should be resolved between the property owners through mediation or through the courts.

III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended the requested shoreline management substantial development permit and site plan be approved subject to the following conditions:

1. The proposal shall conform to the City of Gig Harbor Fire Code, as outlined by the City Fire Marshal's recommendations in Exhibit A.
2. In accordance with Section 17.96050 (G) a circulation plan shall be submitted with a revised site plan in order to designate the off-street parking spaces that are to be provided for the marina. The revised Site Plan shall be submitted to the City of review and approval prior to the issuing of any building permits for the proposal.
3. The sixteen off-street parking spaces shall be striped and clearly visible.
4. In accordance with Section 17.96.070, construction on the project must commence within twenty-four (24) months from the date of final council action. Failure to commence construction within the allotted time period shall render approval null and void.

Dated this 30th day of October, 1991.



Ron McConnell
Hearing Examiner

RECONSIDERATION:

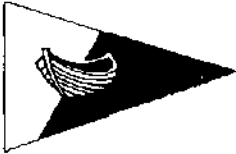
Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within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



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: *RG* Ray Gilmore
DATE: December 5, 1991
SUBJ.: Ordinances for the Adoption of Two Annexations :
ANX 91-02 (Higgins/Rainwater) and ANX 91-06
(Richardson). -- First Reading.

Attached for your consideration are two ordinances which adopt two annexations previously accepted by the City Council: ANX 91-02, approved July 22, 1991 (Res. 319) and ANX 91-06, approved September 9, 1991 (Res. 326). Both were approved by Council following a public hearing.

Both have been reviewed by the Pierce County Boundary Review Board and both have been waived from formal B.R.B. review.

This constitutes the first reading of the ordinances. The second and final readings are scheduled for the first Council meeting in January.

CITY OF GIG HARBOR

ORDINANCE NO.

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE CITY OF GIG HARBOR CERTAIN UNINCORPORATED TERRITORY LYING CONTIGUOUS TO THE CITY OF GIG HARBOR.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of certain real property as described in "Exhibit A" to this ordinance, and;

WHEREAS, the annexation of the property is a reasonable extension of the west city boundary in this area, and;

WHEREAS, the annexation proposal is consistent with the criteria for annexations in accordance with Chapter 36.93.180 as the property is bordered on the north by a public street (Rosedale Street), and;

WHEREAS, the proposed annexation is in compliance with the Urban Area Agreement as entered into between Pierce County and the City of Gig Harbor, and;

WHEREAS, the proposed zoning designation of R-1 (low density single family) is consistent with the City of Gig Harbor Comprehensive Plan which designates this planning area as urban low density residential, and,;

WHEREAS, the petitioners agree to assume their pro-rata share of the City's bonded indebtedness.

NOW, THEREFORE, the city council of the City of Gig Harbor ORDAINS as follows:

Section 1. The real property described in this ordinance as "Exhibit A" is hereby annexed into the City of Gig Harbor and is accorded a zoning designation of R-1 (low density single family residential).

Ordinance No.

Page 2

Section 2. This ordinance shall be in full force and take effect five (5) days after publication, according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council on this ___ day of _____, 1991.

Gretchen Wilbert, Mayor

ATTEST:

City Administrator

Filed with the City Clerk: 12/6/91
Passed by the City Council:
Date Published:
Effective Date:

EXHIBIT A

October 14, 1991
File #15685

LEGAL DESCRIPTION

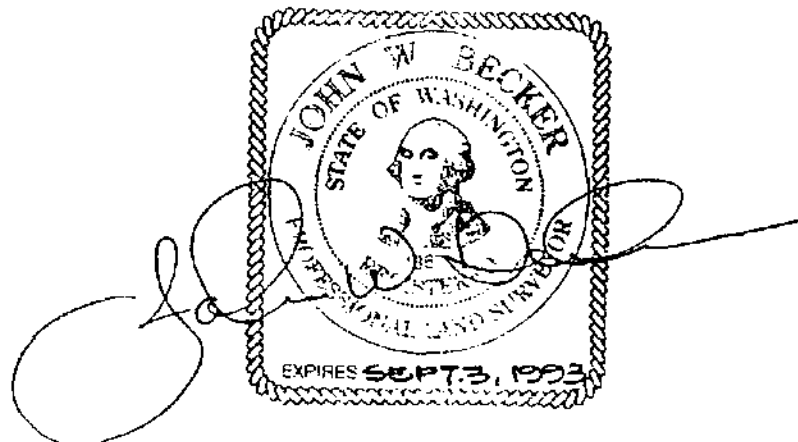
for

HIGGINS-RAINWATER ANNEXATION

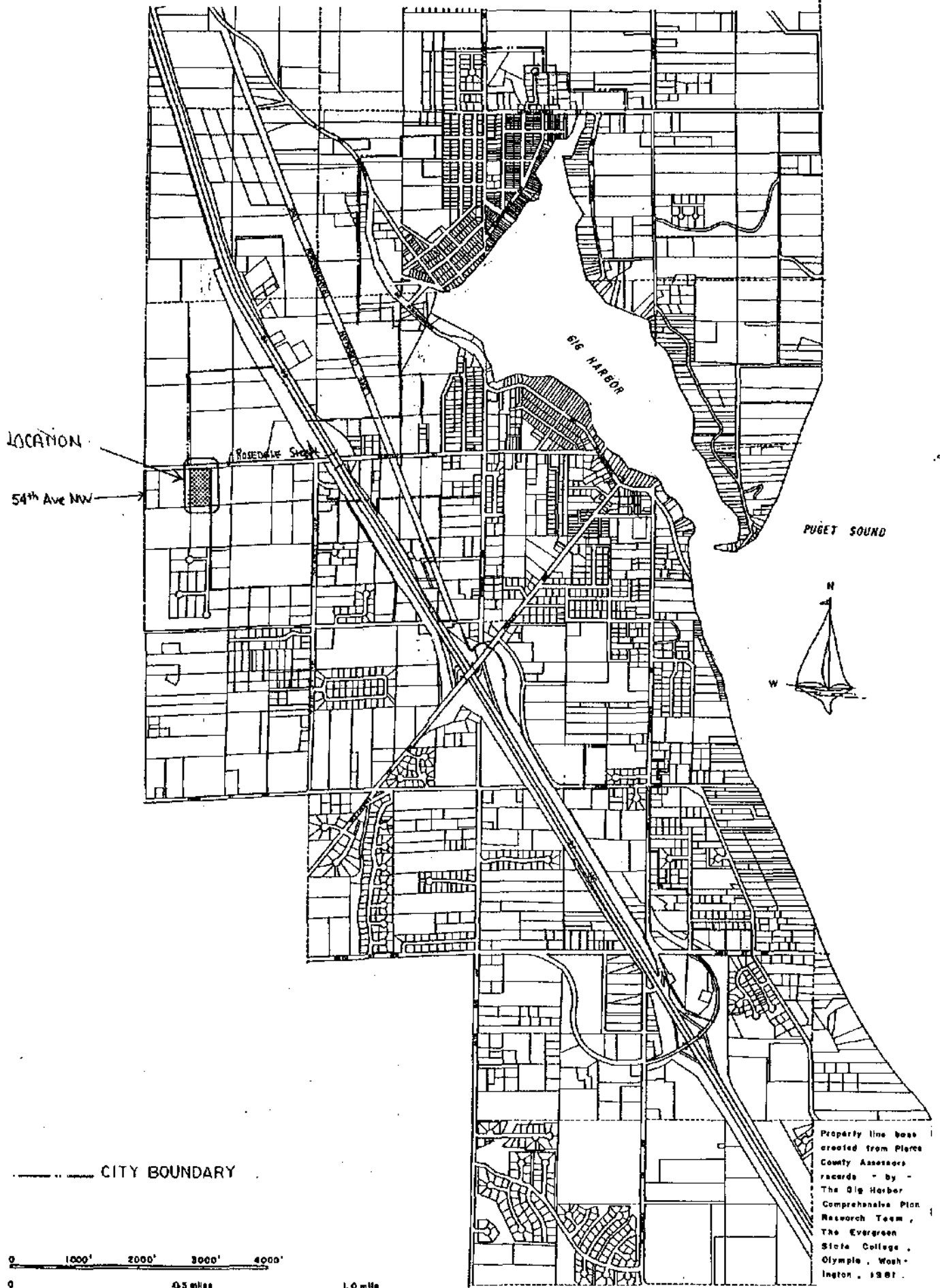
THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN.

TOGETHER WITH THAT PORTION OF THE SOUTH 30.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; THENCE EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION 670.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 1,530.00 FEET, MORE OR LESS, TO INTERSECT THE NORTH LINE OF THE SOUTH 1,530.00 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 6, AT A POINT 605.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER AND TERMINUS OF THIS LINE.



ANNEXATION 91-02 - HIGGINS/RAINWATER



LOCATION

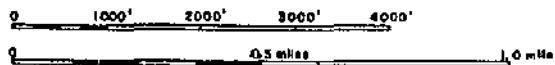
54th Ave NW

ROSEDALE STREET

GIG HARBOR

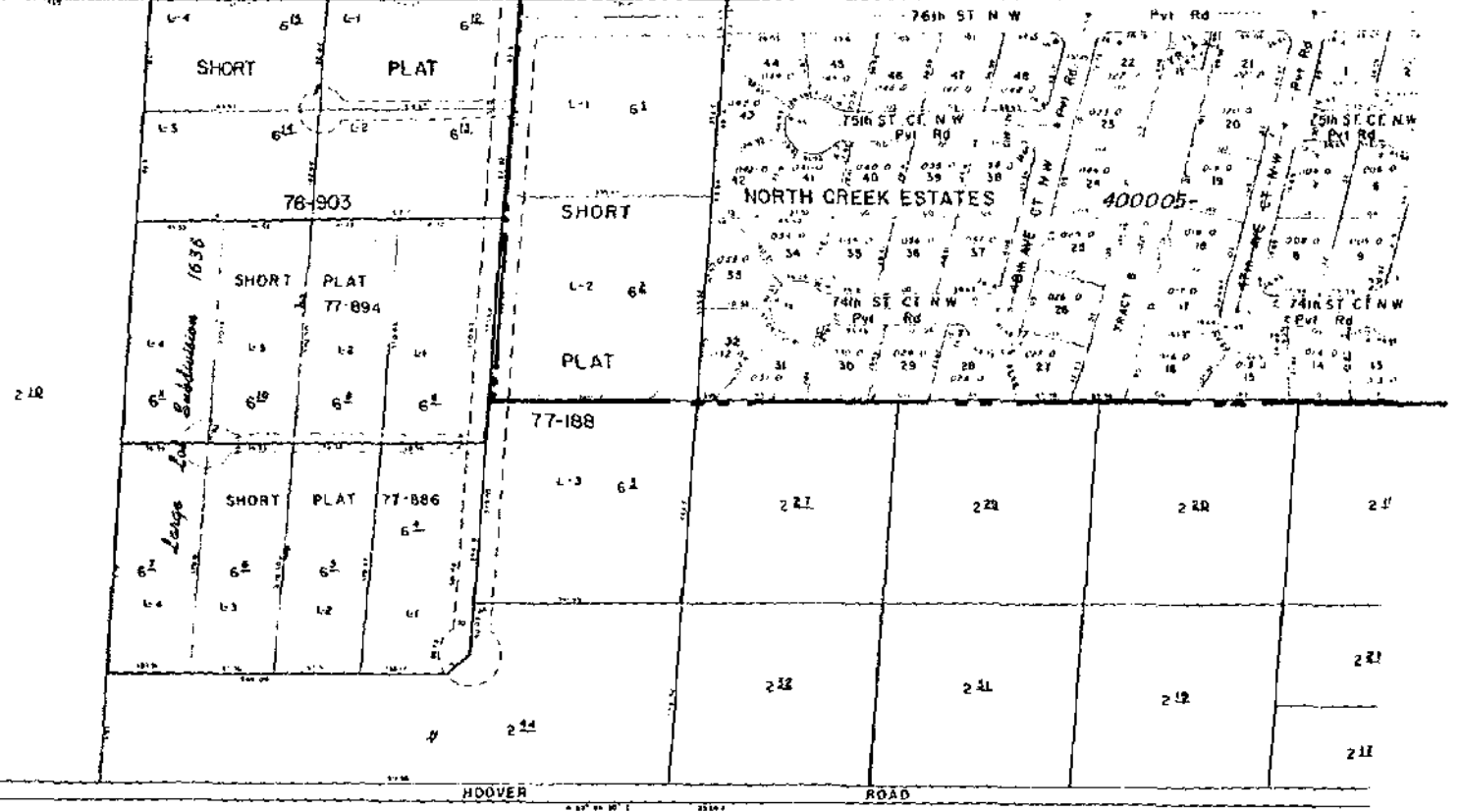
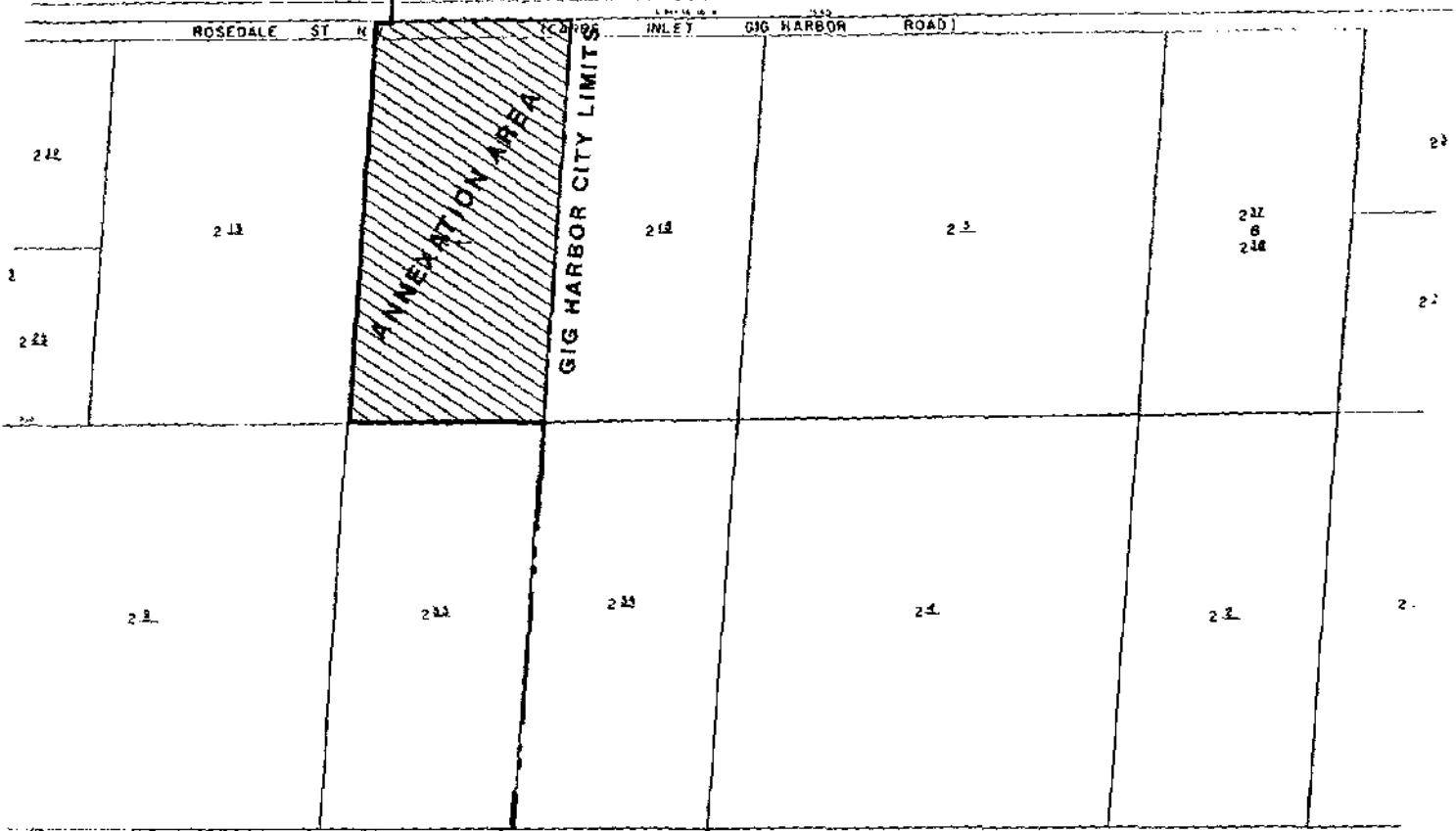
PUGET SOUND

CITY BOUNDARY



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

CITY OF GIG HARBOR AND VICINITY



NW 7 T 21 N R 2
 ROAD 3 SCHOOL 60 170 4

CITY OF GIG HARBOR

ORDINANCE NO.

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE CITY OF GIG HARBOR CERTAIN UNINCORPORATED TERRITORY LYING CONTIGUOUS TO THE CITY OF GIG HARBOR.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of certain real property as described in "Exhibit A" to this ordinance, and;

WHEREAS, the annexation of the property is a reasonable extension of the north city boundary in this area, and;

WHEREAS, the annexation proposal is consistent with the criteria for annexations in accordance with Chapter 36.93.180 as the property is accessed by a public street (Sutherland) and city utility services are immediately available to the east, and;

WHEREAS, the proposed annexation is in compliance with the Urban Area Agreement as entered into between Pierce County and the City of Gig Harbor, and;

WHEREAS, the proposed zoning designation of R-1 (low density single family) is consistent with the City of Gig Harbor Comprehensive Plan which designates this planning area as urban low density residential, and,;

WHEREAS, the petitioners agree to assume their pro-rata share of the City's bonded indebtedness.

NOW, THEREFORE, the city council of the City of Gig Harbor ORDAINS as follows:

Section 1. The real property described in this ordinance as "Exhibit A" is hereby annexed into the City of Gig Harbor and is accorded a zoning designation of R-1 (low density single family residential).

Ordinance No.
Page 2

Section 2. This ordinance shall be in full force and take effect five (5) days after publication, according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council on this ___ day of _____, 1991.

Gretchen Wilbert, Mayor

ATTEST:

City Administrator

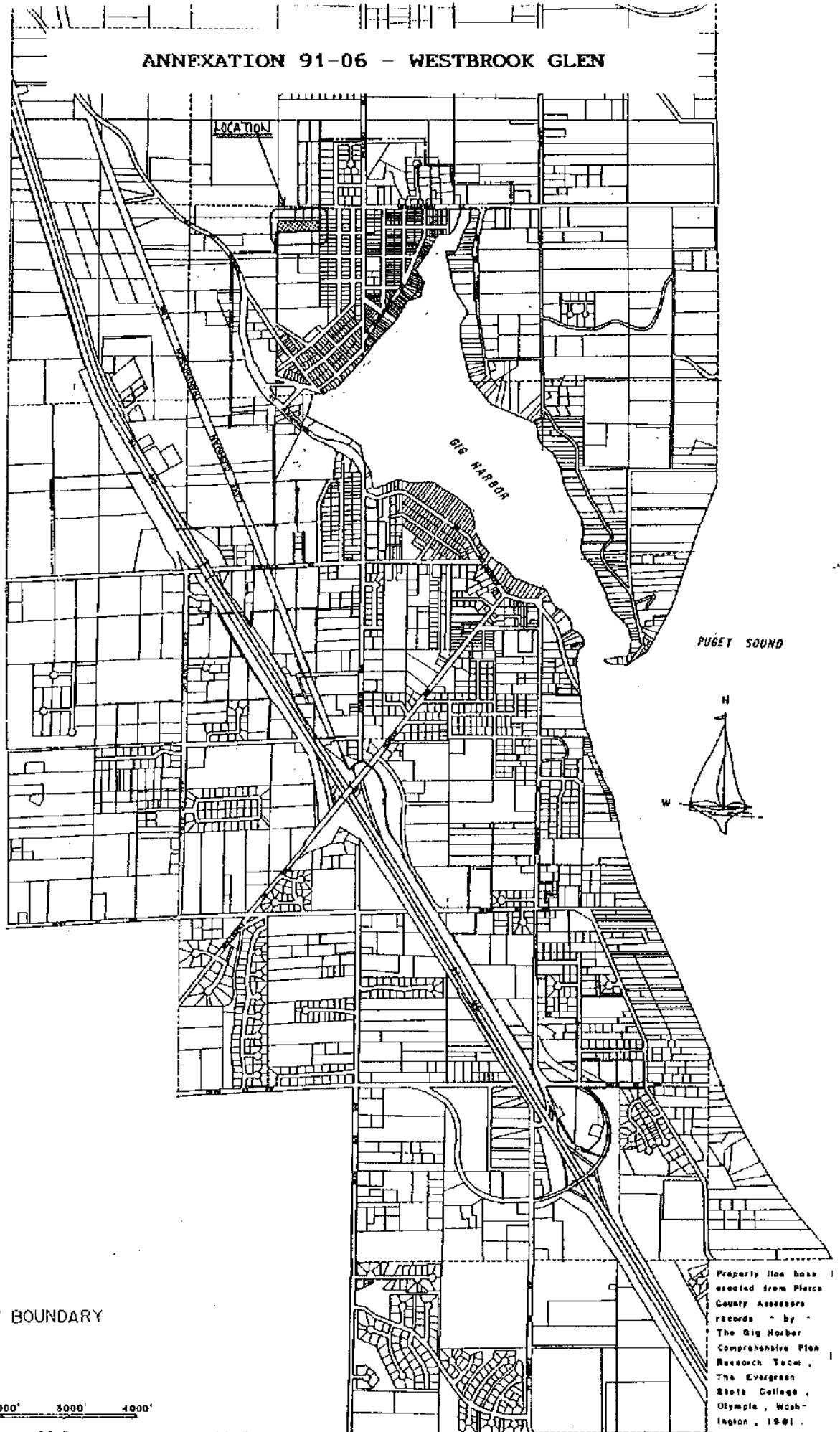
Filed with the City Clerk: 12/6/91
Passed by the City Council:
Date Published:
Effective Date:

EXHIBIT "A"

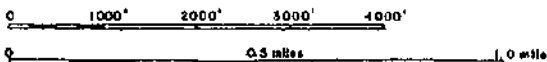
LEGAL DESCRIPTION

The South half of the North half of the North 10 acres of the West half of the Northeast Quarter of the Northeast Quarter of Section 6, Township 21 North, Range 2 East W.M.; EXCLUDING any portion within Woodworths' Addition to Gig Harbor, all in Pierce County, Washington.

ANNEXATION 91-06 - WESTBROOK GLEN

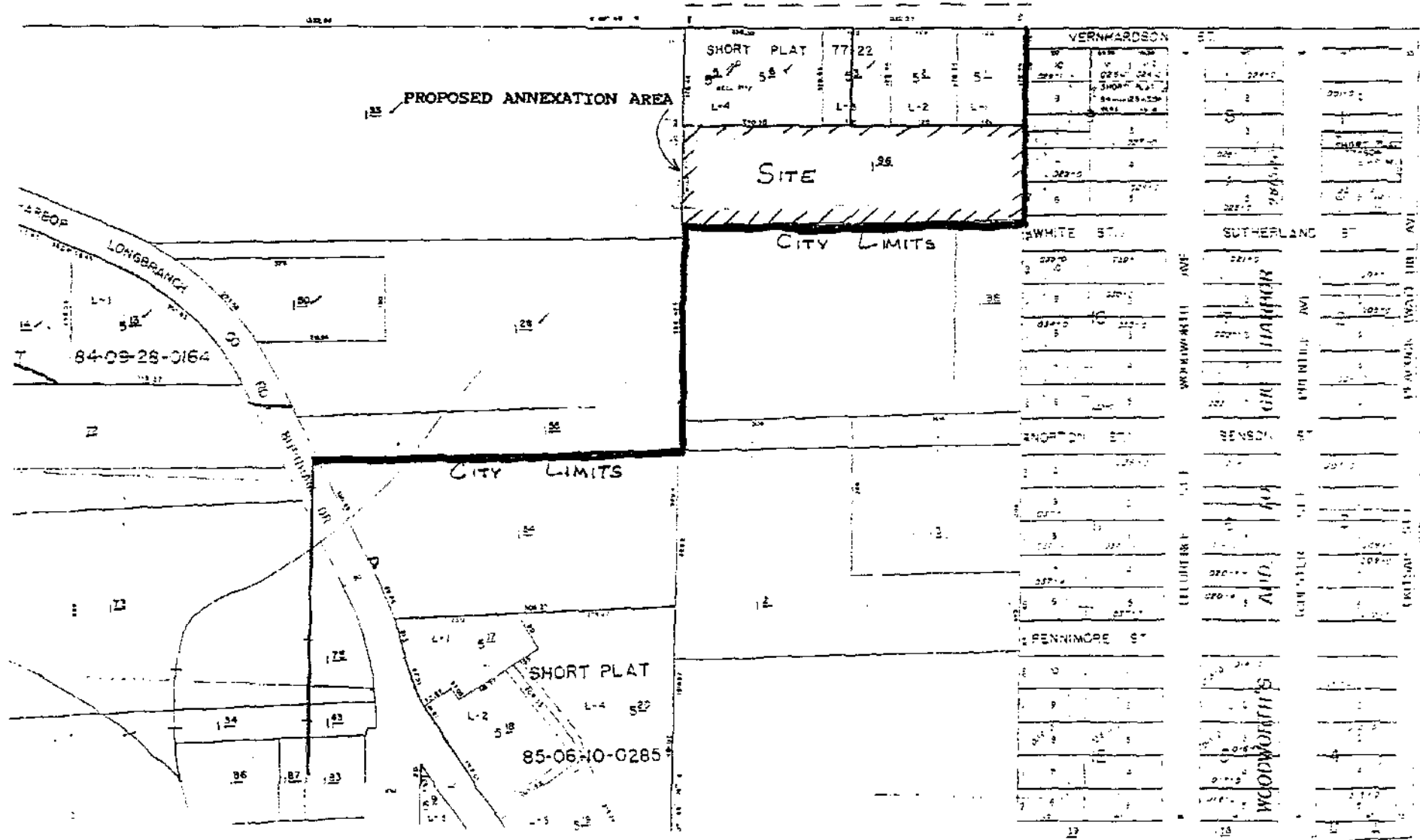


----- CITY BOUNDARY



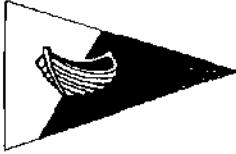
Property line base created from Pierce County Assessor records - by The Gig Harbor Comprehensive Plan Research Team, The Evergreen State College, Olympia, Wash., 1981.

CITY OF GIG HARBOR AND VICINITY




Block	Lot	Area	Owner	Address
VERHARDSON	1	0.25	...	...
	2	0.25	...	...
	3	0.25	...	...
	4	0.25	...	...
	5	0.25	...	...
	6	0.25	...	...
	7	0.25	...	...
	8	0.25	...	...
	9	0.25	...	...
	10	0.25	...	...
WHITE ST	1	0.25	...	...
	2	0.25	...	...
	3	0.25	...	...
	4	0.25	...	...
	5	0.25	...	...
	6	0.25	...	...
	7	0.25	...	...
	8	0.25	...	...
	9	0.25	...	...
	10	0.25	...	...
SUTHERLAND	1	0.25	...	...
	2	0.25	...	...
	3	0.25	...	...
	4	0.25	...	...
	5	0.25	...	...
	6	0.25	...	...
	7	0.25	...	...
	8	0.25	...	...
	9	0.25	...	...
	10	0.25	...	...
PENNINGTON	1	0.25
	2	0.25
	3	0.25
	4	0.25
	5	0.25
	6	0.25
	7	0.25
	8	0.25
	9	0.25
	10	0.25
WOODWORTH	1	0.25
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	3	0.25
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	7	0.25
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	10	0.25

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

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

TO: Mayor Wilbert and City Council
FROM:  Ray Gilmore
DATE: December 5, 1991
SUBJ.: Request for Time Extension -- SPR 89-13, Gig Harbor Hotel

Dennis Davenport has requested a one year time extension to a site plan approved on April 26, 1990. The site plan extension would be to April of 1993.

Staff does not have any objections to approving this request.

Dennis Davenport
Building & Developing
851-8527



7501 Artondale Dr. NW
Gig Harbor, WA 98335

TO: Gig Harbor City Council Members
Gilbert Alvarado, Planning Director

FROM: Dennis Davenport

DATE: October 7, 1991

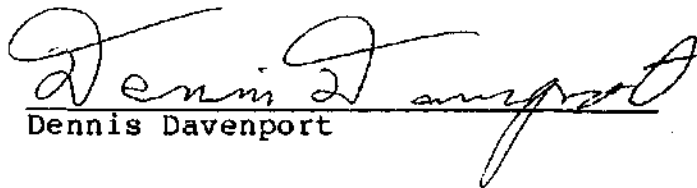
SUBJ: Hotel Project in Gig Harbor

Gentlemen:

This letter is in reference to my conversation with Gilbert Alvarado on September 5, 1991 regarding a review on Site Plan #SPR 89-13, approved on April 26, 1990 for a 95-unit hotel project at Erickson and Kimbell Streets in Gig Harbor.

The last year has been extremely difficult for financing this type of project. With the Persian Gulf War, the recession, troubled S&L's, and banking turnovers, I feel very confident that the market will improve in 1992. This is a well needed project for Gig Harbor and I would like to have a one (1) year extension granted to April 26, 1993.

Thank you for your consideration.


Dennis Davenport

RECEIVED

OCT 08 1991

CITY OF GIG HARBOR



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

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: MAYOR WILBERT AND COUNCILMEMBERS
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR *BYT*
RE: NORTH GIG HARBOR UTILITY EXTENSION
AND CAPACITY AGREEMENT
DATE: DECEMBER 4, 1991

The City Council on July 8, 1991 approved the sanitary sewer utility extension to north Gig Harbor properties. The subject property consists of 480 acres and owned by three parties; Thompson Properties Four, Tucci, and Pope Resources.

Since the property owners have not formed a partnership, joint venture or similar arrangement, they would like the city to execute three separate agreements. They are neither requesting increases in the capacity agreement of 28,000 gpd nor in the corresponding service area of 480 acres.

The following is the requested capacity allocation divided between the three properties:

1)	Thompson Properties Four	17,000 gpd
2)	Tucci	9,000 gpd
3)	Pope Resources	2,000 gpd
	Total	<u>28,000</u> gpd

Recommendation

The Public Works Director recommends a council motion to authorize staff to prepare three utility extension and capacity agreements for the Mayor's signature. The agreements should reflect the above totals for each properties.

Waddell Planning Services

November 27, 1991

Ben Yazici
Public Works Director
City of Gig Harbor
P.O. Box 145
Gig Harbor, Washington 98332

RE: Gig Harbor North Utility Extension and Capacity Agreement

Dear Ben:

I am writing on behalf of Thompson Properties Four, Tom Tucci and Pope Resources, the owners of the properties known as Gig Harbor North.

As you know, we submitted a request for a Utility Extension and Capacity Agreement on October 29, 1990. The request was formally approved by the City Council on July 8, 1991.

In our request, we asked that a total sewer capacity of 28,000 gallons per day be reserved in the following allotments:

Thompson Properties Four	18,000 gpd
Tom Tucci	<u>10,000</u>
Total	28,000 gpd

Within the past several weeks, we received a draft agreement from the City which was structured as a single document for Gig Harbor North and did not allocate specific capacity amounts to each property owner.

The three property owners who comprise Gig Harbor North have a continuing commitment to join together in planning for the entire 480 acres. However, the three parties are not joined in a documented partnership, joint venture or similar arrangement. For this reason, the three owners feel that it will be in the best interest of all parties if each of them enter into a separate Utility Extension and Capacity Agreement with the City.

We do not wish to increase our requested capacity nor do we wish to enlarge the area included in our original request. We would ask that three agreements be drafted for consideration by the City Council with the following capacity allocations:

Thompson Properties Four	17,000 gpd
Tucci	9,000
Pope Resources	<u>2,000</u>
Total	28,000 gpd

For your information in preparing the agreements, Thompson Properties Four ownership includes approximately 102 acres, Tucci includes approximately 58 acres and Pope Resources, approximately 320 acres. The total acreage is approximately 480 acres.

I am enclosing legal descriptions and a vicinity map for your use.

We are hopeful that this matter can be considered by the City Council at the earliest possible opportunity.

Thank you for your attention to this matter.

Sincerely,

David Cunningham, Pope Resources

Kathy Thompson & Steve Pulliam, Thompson Properties Four

Tom Tucci

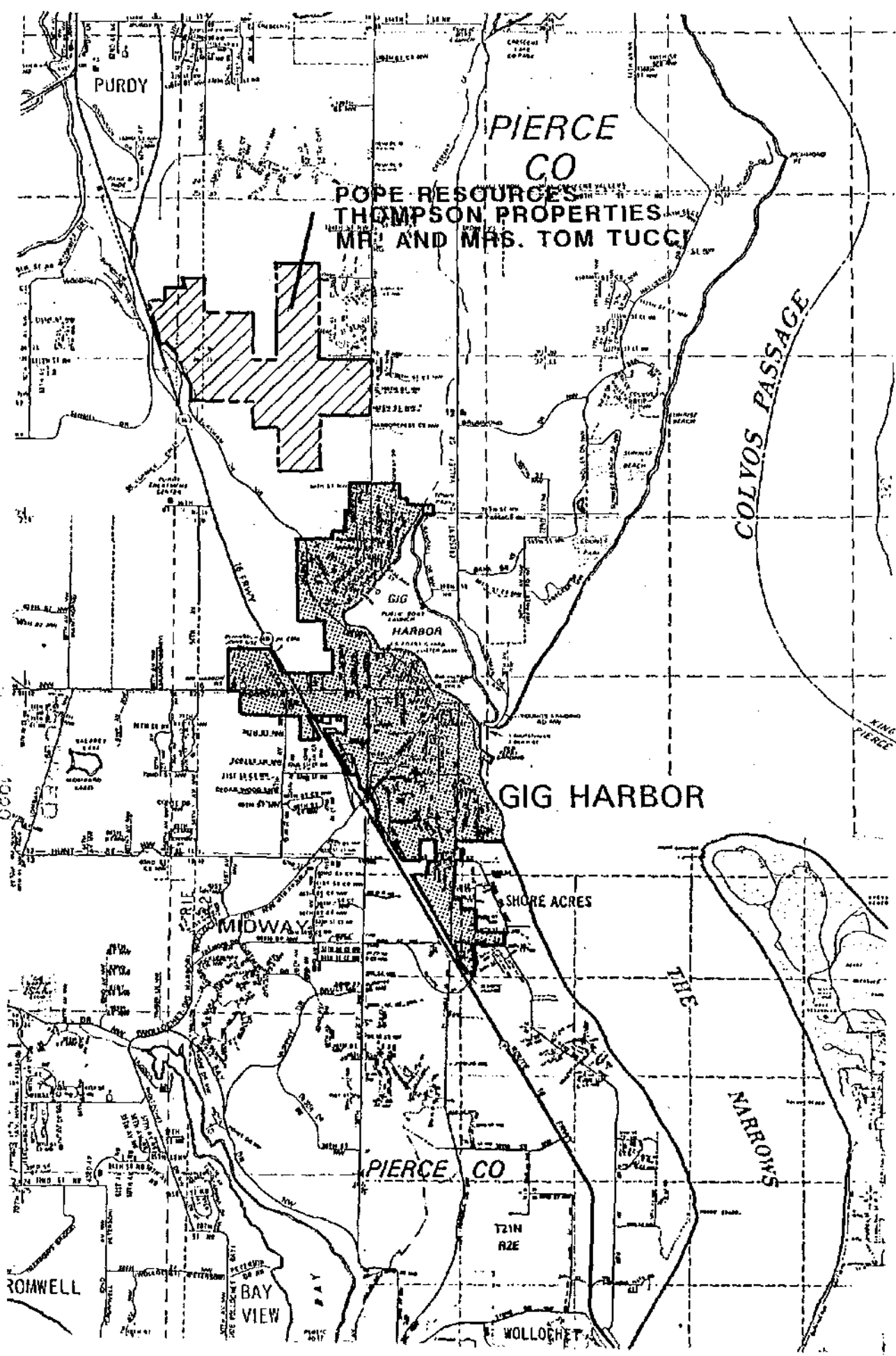
by:

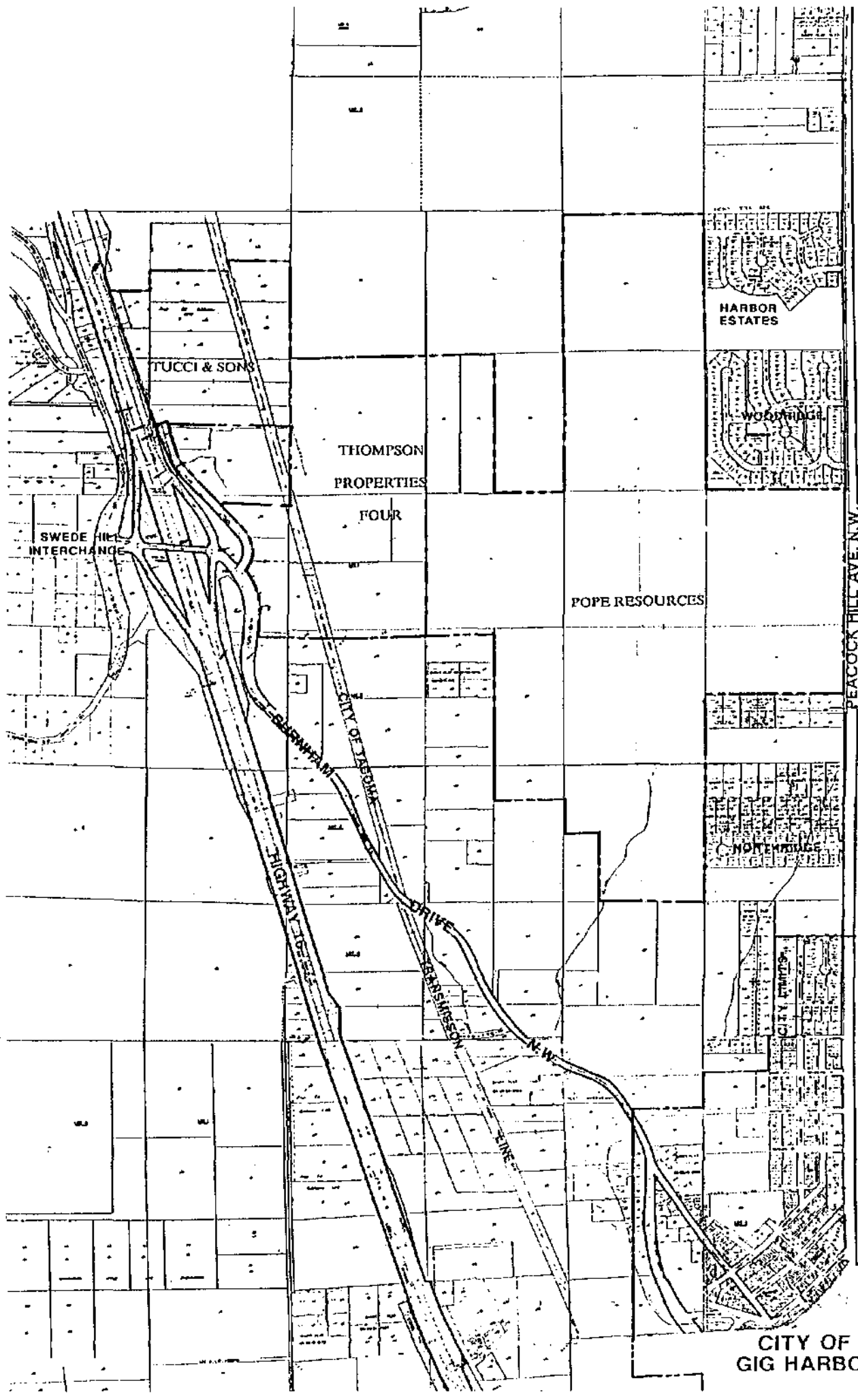


Greg Waddell

WADDELL PLANNING SERVICES

CANSON PAPER CO. 1989





TUCCI & SONS

THOMPSON
PROPERTIES
FOUR

POPE RESOURCES

SWEDE HILL
INTERCHANGE

CITY OF LEBANON
DRIVE

HIGHWAY 10
S.E. 1/4
N.W.

HARBOR
ESTATES

WOODHURST

NORTHVILLE

CITY PLANTS

CITY OF
GIG HARBOR

PEACOCK HILL AVE. N.W.

POPE RESOURCES

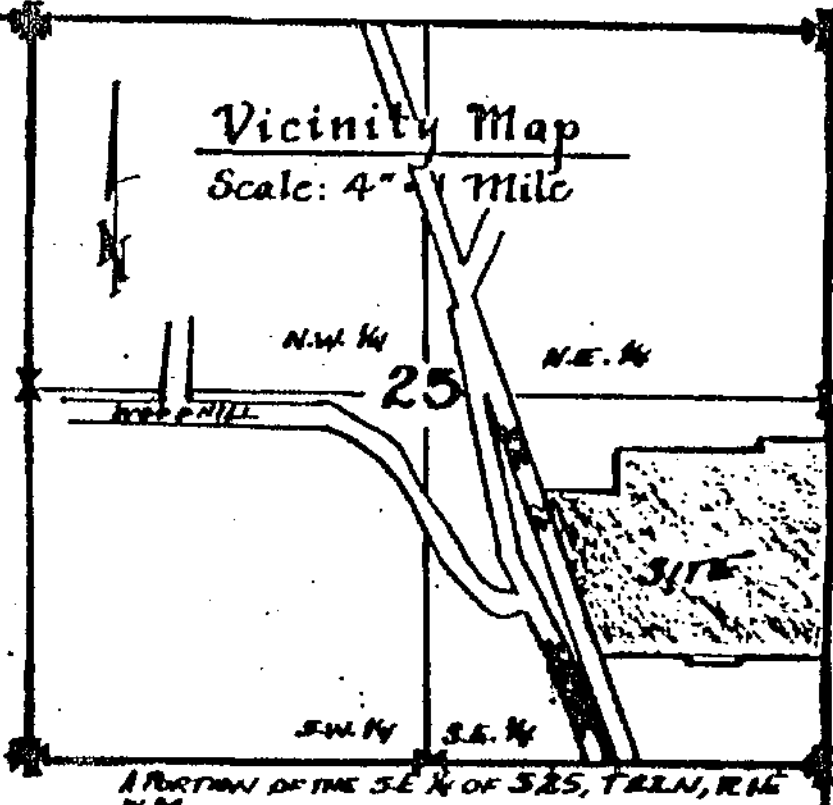
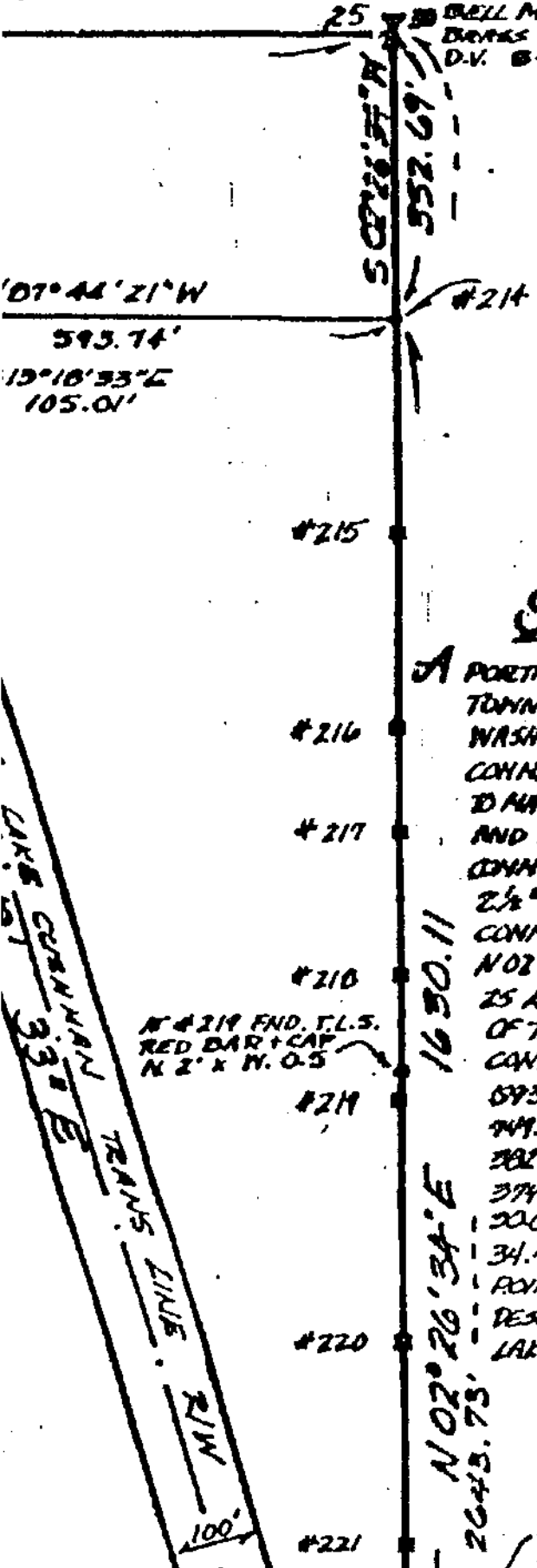
LEGAL DESCRIPTION FOR GIG HARBOR NORTH:

The Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 30;

The Northeast Quarter and the East Half of the Southeast Quarter of the Northwest Quarter; the Northeast Quarter, the Northwest Quarter, the Southwest Quarter, and the North Half of the Southeast Quarter of the Northeast Quarter; the Northwest Quarter of the Southeast Quarter of Section 31;

All within Township 22 North, Range 2 East, WM, Pierce County.

NOT AT PAGE TO PER
 CURR COURSE OF REC.
 V. THIS CREATES A
 RED RECORDED DISTANCE
 4 AND 5.



Vicinity Map
 Scale: 4" = 1 Mile

SURVEYED BOUNDARY DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 25 TOWNSHIP 22 NORTH, RANGE 1 EAST, N.M., PIERCE COUNTY, WASHINGTON. MORE SPECIFICALLY DESCRIBED AS FOLLOWS:
 COMMENCING AT A 2 1/2" BRASS DISC SET BY TACOMA LIGHT TO MARK THE QUADRE CORNER COMMON TO SECTIONS 25 AND 26; THENCE SOUTH 87° 30' 41" EAST ALONG THE LINE COMMON TO SECTIONS 25 AND 26, 2630.56 FEET TO A 2 1/2" BRASS DISC SET BY W.S.D.N.R. TO MARK THE CORNER COMMON TO SECTIONS 25, 30, 31 AND 26; THENCE N 02° 26' 34" E ALONG THE LINE COMMON TO SECTIONS 25 AND 30, 660.93' TO THE TRUE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUING N 02° 26' 34" E 1630.11; THENCE N 07° 44' 21" W, 593.74'; THENCE S 13° 10' 33" E, 105.01'; THENCE N 07° 44' 21" W 949.00'; THENCE S 02° 28' 11" N, 209.70'; THENCE N 07° 51' 11" W 282.81'; THENCE S 15° 31' 06" E 464.94'; THENCE S 41° 34' 57" E 374.02'; THENCE S 05° 34' 37" E, 533.10'; THENCE S 04° 25' 39" N 2000'; THENCE S 05° 34' 34" E, 188.04'; THENCE N 53° 55' 34" E 34.46'; THENCE S 05° 34' 34" E, 533.63' TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF THIS DESCRIPTION. EXCEPTING 258TH AVENUE NW AND TACOMA LAKE CUSHMAN TRANSMISSION LINE R.O.W.

TRUE POINT OF BEGINNING
 FOUND: 1/2" IRON PIPE, LOT BOARD
 N 68° 04' 02" W 0.11' SET
 METAL FRANK

THOMPSON PROPERTIES FOUR

Gig Harbor 12 Acres

The Northeast quarter of the Northeast quarter of Section 36, Township 22 North, Range 1 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT Primary State Highway No. 14.

ALSO EXCEPT that portion conveyed to the State of Washington for State Road No. 16 MP 8.34 to MP 18.87 Narrows Bridge to Olympic Drive, as described in Deed recorded under Auditor's No. 2397369.

ALSO EXCEPT Gig Harbor-Longbranch-Purdy-Kitsap County Road.

ALSO EXCEPT Sehmel County Road.

In Pierce County, Washington.

THOMPSON PROPERTIES FOUR

Gig Harbor 34 Acres

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

PARCEL "A":

The South half of the Northwest quarter of the Northwest quarter of Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT that portion thereof conveyed to the City of Tacoma for power transmission line by Warranty Deed recorded August 13, 1923 under Auditor's No. 678953.

PARCEL "B":

The North half of the Northwest quarter of the Northwest quarter of Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT the East half of the East half thereof.

ALSO EXCEPT the following described property:

Beginning at the Northwest corner of Section 31, Township 22 North, Range 2 East of the Willamette Meridian; thence East on the North line thereof, a distance of 54 feet; thence South $14^{\circ}49'$ East on the East line of that certain property conveyed to the City of Tacoma by Warranty Deed recorded July 14, 1923 under Auditor's No. 675775, a distance of 679 feet to the South line of the North half of the Northwest quarter of the Northwest quarter of said Section 31; thence West on said South line, a distance of 238 feet to the West line of said Section 31; thence North on said West line 666 feet to the point of beginning.

PARCEL "C":

The East half of the Northeast quarter of Government Lot 1 in Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

THOMPSON PROPERTIES FOUR

Gig Harbor 56.6 Acres

PARCEL "A":

The Southwest quarter of the Southwest quarter of Section 30, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT the following described property:

Beginning at the Southwest corner of Section 30, Township 22 North, Range 2 East of the Willamette Meridian, run thence North on Section line 792 feet; thence South $14^{\circ}49'$ East 819 feet to the South line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 30; thence West along the same, 209 feet to the point of beginning, conveyed to the City of Tacoma, by deed recorded under Auditor's No. 675729, records of Pierce County, Washington.

PARCEL "B":

The West half of the West half of the Southeast quarter of the Southwest quarter of Section 30, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

PARCEL "C":

The East half of the West half of the Southeast quarter of the Southwest quarter of Section 30, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.



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: CONSTANCE S. LEONARD, FINANCE OFFICER *CSL*
SUBJECT: 1991 BUDGET EMERGENCY
DATE: DECEMBER 4, 1991

Before the end of the fiscal year, it is necessary to do some housekeeping on the 1991 budget. Several items need to be addressed and appropriations made.

Municipal Court:

An additional appropriation needs to be made in order to cover costs for jail time. We have had several defendants who remained incarcerated for longer times than anticipated. This has increased the cost of charges from the jail facilities to our municipal court. The actual line item for jail costs is already \$6,000 over the original budget amount of \$5,500 with billings for November and December yet to be received. An additional appropriation of \$6,000 will be sufficient to cover these expenditures.

Legal Services:

The costs of Ogden, Murphy and Wallace have been greater than anticipated this year. As of November, we have exhausted our budget for legal services. The billing for November services (which has yet to be paid) is over \$5,000 and we have December services as well. An appropriation of \$10,000 will provide for these services adequately.

Hearings Examiner:

Due to more time required on the items that were presented before the hearings examiner, the budgeted amount for hearings examiner services needs to be increased. It is necessary to provide \$2,500 in additional appropriations for hearings examiner services.

Parks

An additional appropriation for \$20,000 is requested. Three areas are in need of funds. Operating supplies were underbudgeted by \$4,000. There was no appropriation made for utility services at the parks. The major item, was the cost of expanding the ballfield

at City Park. This was a budget item but the actual costs exceeded our estimates.

Risk Management

The premiums charged upon renewal of the policy were in excess of the amount budgeted.

Soundview Construction

This fund was not budgeted within the 1991 budget. The authorization of this emergency will appropriate monies for the receipt of bond funds and the construction of the project.

1987 General Obligation Bonds

Council action increased the amount of the property tax levy to be deposited into this fund. The 1991 budget document did not include this action.

Water Operating Fund

An additional appropriation of \$45,000 is requested. Operating supplies and public utility services have been higher than anticipated. The emergency water line breaks along Harborview Drive required more salaries and benefits due to increased amount of personnel time on the project and a contract for repair of than line and the damage caused by it.

RECOMMENDATION:

Council motion to adopt the ordinance to appropriate funds in the total amount \$1,022,160 to provide for these budget emergencies.

CITY OF GIG HARBOR
ORDINANCE NO. 614

AN ORDINANCE RELATING TO THE 1991 CITY BUDGET: ADOPTING A BUDGET EMERGENCY FOR GENERAL GOVERNMENT FUND (#001), RISK MANAGEMENT FUND (#103), SOUNDVIEW DRIVE CONSTRUCTION FUND (#108), 1987 GENERAL OBLIGATION BOND FUND (#203), AND WATER OPERATING FUND (#401)

WHEREAS, insufficient funds were appropriated to cover jail costs in municipal court services (#001.03), legal services (#001.05), hearings examiner services (#001.13), park ballfield improvements at City Park, park supplies and utilities services (#001.15) within General Government; and

WHEREAS, insufficient funds were appropriated to cover insurance premium payments in Risk Management Fund (#103); and

WHEREAS, the issuance of bonds for construction of Soundview Drive is a new project and there were no funds appropriated into Soundview Drive Construction Fund (#108); and

WHEREAS, the property tax revenues were increased in the 1987 General Obligation Bond Fund (#203); and

WHEREAS, the increased cost of supplies and utilities services, and repair of an emergency water line break along Harborview Drive in the Water Operating Fund (#401); and

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

Section 1.

- a. The General Government Fund, Municipal Court (#001.03) shall be increased by \$6,000 to provide for increased in the amount jail time necessary to carry out sentences.
- b. The General Government Fund, Legal (#001.05) shall be increased by \$10,000 to provide for increased legal expenses.
- c. The General Government Fund, Hearings Examiner (#001.13) be increased by \$2,500 to provide for increased time spent on hearings services.

- d. The General Government Fund, Parks (#001.15) be increased by \$20,000 to provide for increased supplies cost, increased utility expenses and higher costs than anticipated in expansion of the ballfield at City Park.
- e. The Risk Management Fund (#103) be increased by \$6,000 to provide for higher insurance premiums than anticipated.
- f. The Soundview Construction Fund (#108) is hereby created to account for the accumulation of revenues and the payment of expenses for the Soundview Drive Construction project, and \$915,000 shall be appropriated to receive bond proceeds and pay for the construction of the street project.
- g. Through Council action, the property tax levy for deposit into the 1987 General Obligation Bond Fund (#203) shall be increased by \$17,660.
- h. The Water Operating Fund (#401) shall be increased by \$45,000 to cover additional costs of the supplies, utility services, salaries and benefits associated with emergency water line breaks along Harborview Drive, and contracting for repair of the emergency water line breaks along Harborview Drive.

An appropriation totaling \$1,022,160 is hereby made as provided in Exhibit "A".

Section 2. This emergency ordinance shall be in full force and take effect five (5) days after its publication according to law.

Passed by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the council held on this ____ day of _____, 1991.

Gretchen A. Wilbert, Mayor

ATTEST:

City Administrator/Clerk

Filed with the city clerk: 12/2/91
Passed by the city council:
Date published:
Date effective:

EXHIBIT "A"
BUDGET EMERGENCY

Fund #001 - General Government

001.03 Municipal Court

Increase: Expenditure/Uses
512.500.51 Intgov'tal Professional Svcs \$6,000

001.05 Legal Services

Increase: Expenditure/Uses
515.200.41 Professional Services \$10,000

001.13 Hearings Examiner

Increase: Expenditure/Uses
558.600.41 Professional Services \$2,500

001.15 Parks

Increase: Expenditure/Uses
576.800.31 Operating Supplies \$4,000
.47 Public Utility Service 6,000
.62 Improvements Other than Bldg 10,000

001.19 Ending Fund Balance

Decrease: Expenditures/Uses
508.000.00 Ending Fund Balance \$38,500

Fund #103 - Risk Management

Increase: Expenditure/Use
514.760.46 Insurance \$6,000

Decrease: Expenditure/Use
508.000.00 Ending Fund Balance \$6,000

Fund #108 - Soundview Construction

<u>Increase:</u>	Revenues/Resources	
361.110	Investment Interest	\$15,000
391.100	G O Bond Proceeds	900,000

<u>Increase:</u>	Expenditures/Uses	
592.420.84	Debt Issue Costs	\$12,600
508.000.00	Ending Fund Balance	902,400

Fund #203 - 1987 General Obligation Bond Fund

<u>Increase:</u>	Revenues/Resources	
311.100	Real & Personal Property	\$17,660

<u>Increase:</u>	Expenditures/Uses	
508.000.00	Ending Fund Balance	\$17,660

Fund #401 - Water Operating

<u>Increase:</u>	Expenditures/Uses	
501.340.11	Salaries	\$8,000
.21	Benefits	2,000
.47	Public Utility Services	14,000
.62	Imp other than Bldgs	21,000

<u>Decrease:</u>	Expenditures/Uses	
508.000.00	Ending Fund Balance	\$45,000



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TO: CITY COUNCILMEMBERS
FROM: GRETCHEN WILBERT MAYOR
SUBJECT: ORDINANCE ESTABLISHING THE POSITION OF CITY
ADMINISTRATOR
DATE: DECEMBER 5, 1991

A search through the code book this past week looking for the duties and authority of the City Administrator brought to light the fact that we do not have at the present time, nor have we ever had, an ordinance in the city establishing a position of City Administrator. According to legal counsel, the statute requires an ordinance to establish the position.

Since I am advertising the position of City Administrator as one available to be filled, Mr. Wallace and I agreed we should have an ordinance establishing the position put before you for your consideration.

In the event you do not wish to consider this ordinance, I shall readvertize for a clerk/treasurer in accordance with the statute.