

# **Gig Harbor City Council Meeting**

**December 8, 2003  
7:00 p.m.**



**"THE MARITIME CITY"**

**AGENDA FOR  
GIG HARBOR CITY COUNCIL MEETING  
December 8, 2003 - 7:00 p.m.**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

*These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.*

1. Approval of the Minutes of City Council Meeting of November 24, 2003.
2. Correspondence: letters from: Association of Washington Cities, Department of the Army, and Comcast.
3. Contract Amendment No. 2 – 56<sup>th</sup> Street / Olympic Drive Street Improvement Project.
4. Stormwater Facilities Maintenance Agreement – 3519 56<sup>th</sup> Street Professionals LLC.
5. Liquor License Applications: The Green Turtle, Isamira Gourmet Cheese & Wine.
6. Liquor License Renewals: Gourmet Essentials, Harbor Arco AM/PM, Harbor Inn.
7. Approval of Payment of Bills for December 8, 2003.  
Checks #41854 through #41939 in the amount of \$1,382,851.66.
8. Approval of payroll for the month of November.  
Checks #2914 through #2959 and direct deposit entries in the amount of \$231,055.80.

**OLD BUSINESS:**

1. Second Reading of Ordinance (continued) – Zoning Text Amendments to Allow Structural Changes to Non-Conforming Signs.
2. Second Reading of Ordinance – Hollycroft Rezone (REZ 00-01).

**NEW BUSINESS:**

1. Building Size Analysis Presentation – Final Report.
2. Resolution – Adopting an Employee and Volunteer Recognition Program.

**STAFF REPORT:**

GHPD –October Stats.

**PUBLIC COMMENT:**

**COUNCIL COMMENTS / MAYOR'S REPORT:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

**EXECUTIVE SESSION:** For the purpose of discussing pending litigation per RCW 42.30.110(1)(i).

**ADJOURN:**

## GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 24, 2003

**PRESENT:** Councilmembers Ekberg, Young, Franich, Owel, Dick, Picinich, Ruffo and Mayor Wilbert.

**CALL TO ORDER:** 7:03 p.m.

**PLEDGE OF ALLEGIANCE:** Led by Fircrest Boy Scout Troop #47.

### **PUBLIC HEARING:**

1. 2004 Proposed Budget. Mayor Wilbert opened the public hearing at 7:05 p.m.

David Rodenbach, Finance Director, presented information on the proposed budget for the upcoming year and offered to answer questions. There were no comments or questions, and the Mayor closed this public hearing at 7:07 p.m. and opened the public hearing on the next agenda item.

2. Deleting Reference to Signs in the Non-conforming Use Chapter. Steve Osguthorpe, Planning Director, presented information on this ordinance that amends the Gig Harbor Municipal Code Section 17.68.070 by eliminating the reference to signs in this section. Steve explained that the reason for eliminating the reference to signs in this section is that nonconforming signs are already addressed within the sign code itself.

There were no comments or questions, and the Mayor closed this public hearing at 7:09 p.m. and opened the public hearing on the next agenda item.

3. Calculation of Density in Residential Zones. Steve Osguthorpe presented the background for this ordinance that amends the definition of alleys, and replaces the definition of net buildable lands with a separate section of the code that is intended to clarify how residential density is determined in all zones of the city. He explained that the proposed amendments do not change the way the city currently calculates density, but clarifies the existing language for future projects. Steve suggested other minor language changes in the ordinance before the next reading and addressed questions from Councilmembers.

Steve explained that the Growth Management Hearings Board has determined that the city can calculate the net density verses gross. He added that there were comments at the Planning Commission public hearing voicing concerns that utilizing this definition affects potential density on a site. The Planning Commission agreed that a more direct way to approach the concerns is an amendment to the code to increase density rather than changing the method to calculate the density. In addition, the Planning Commission wanted to make sure that the calculation for housing density excludes any sensitive area that you currently cannot build on such as wetlands or buffers.

John Vodopich reinforced that these amendments do not change the manner in which staff has been interpreting the calculation of density. He added that the issue of the exclusion of tidelands in the calculation of density was recently appealed up to the level of the Hearing Examiner, who upheld staff's interpretation.

Theo Gideon – PO Box 1913, Tacoma, WA 98401. Mr. Gideon passed out a letter and spoke on behalf of Master Builders Association regarding the concern associated with the inclusion of buffers adjacent to critical areas in the net density calculation. He asked Council to consider the issue of the associated buffers and to consider a mechanism for compromise to achieve the densities that are zoned in a particular area.

Ther Jorgenson – 6010 Wollochet Drive, Gig Harbor, 98335. Mr. Jorgenson spoke on behalf of North Pacific Design and Rush Development Company. He passed out a letter regarding that addresses their concerns. First, Mr. Jorgenson recommended that staff further define ravine sidewalls due to the potential reduction in the calculation of buildable land. He continued to address the deduction of public right of ways and accesses in calculating density. He said that the city's residential wide-road requirements significantly impact the calculations. Finally, Mr. Jorgenson recommended that the buffers associated with wetlands be included when calculating density.

Scott Wagner – PO Box 492, Gig Harbor, WA 98335. Mr. Wagner handed out information on three scenarios for Council to review. He said that he attended the public hearing of the Planning Commission and that he felt there are several changes being made that should be given consideration. He explained that his main concern is the calculation of net buildable lands, and asked to be able to count the buffers in the calculation.

John Chadwell – Olympic Property Group, 19245 10<sup>th</sup> Ave NW, Poulsbo, WA, 98370. Mr. Chadwell explained briefly that their concern is that the stricter guidelines in calculating net buildable lands will result in problems meeting the objectives of the Growth Management Act for residential land. He added that when their property was annexed into the city, the EIS and other documents relied on the density being based on gross acreage and this could create a significant difference.

There were no further comments and Mayor Wilbert closed the public hearing at 7:41 p.m.

**CONSENT AGENDA:**

*These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.*

1. Approval of the Minutes of City Council Meeting of November 10, 2003.
2. Correspondence: GHHS Service Leadership Class.
3. Certificate of Need Support Letter.
4. Appointment to Gig Harbor Arts Commission.
5. WWTP In-Channel Fine Screen Equipment Purchase Authorization.

6. Approval of Payment of Bills for November 24, 2003.  
Checks #41729 through #41853 in the amount of \$307,809.26

Councilmember Dick asked that item number three be moved to the last item under New Business in order to make amendments to the letter.

**MOTION:** Move to approve the consent agenda as amended.  
Ruffo/Franich – unanimously approved.

**OLD BUSINESS:**

1. Second Reading of Ordinance – Authorizing the Issuance and Sale of a Local Improvement District No. 99-1 Bond. David Rodenbach explained that this is the second reading of the ordinance to authorize the issuance and sale of bonds for the LID No. 99-1. He explained that Cynthia Weed, Preston Gates & Ellis, and Dave Trageser, Bank of American Security, were present to answer questions.

Mr. Trageser explained that this is a twelve-year, long-term fixed rate financing for the LID with a rate of 4.53%. He said that he expects a closing next week.

**MOTION:** Move to adopt Ordinance No. 945 authorizing the issuance and sale of a Local Improvement District No. 99-1 Bond.  
Young / Ruffo - unanimously approved.

4. Second Reading of Ordinance – Providing for the Issuance and Sale of a Water and Sewer Revenue and Refunding Bond. David Rodenbach explained that this bond will refund the current outstanding balance for the 1994 Water / Sewer Revenue Refunding Bonds.

Mr. Trageser explained that this is a ten-year, fixed-rate financing with a 3.89%, a little lower than the LID because the maturity date is shorter and the security better. He explained that the city would be saving about \$8000 by retiring a portion of the 1994 bonds.

**MOTION:** Move to adopt Ordinance No. 946 authorizing providing for the issuance and sale of a Water and Sewer Revenue and Refunding Bond.  
Picinich / Franich - unanimously approved.

3. Second Reading of Ordinance – 2004 Proposed Budget. David Rodenbach said that he had no changes from the information presented during the public hearing.

Councilmember Ruffo pointed out that this budget is substantially lower than the 2003 Budget. Councilmember Franich proposed a change to the objective for sidewalk replacement on Harborview between Stinson and Dorotich to move the repair to the

stretch between Rosedale and Dorotich as this is closer to the downtown corridor and is more in need of attention.

Councilmember Ekberg recommended eliminating the work Dorotich to allow for more flexibility.

**MOTION:** Move to adopt Ordinance No. 947 adopting the 2004 Budget.  
Ruffo / Picinich - unanimously approved.

4. Second Reading or Ordinance – Zoning Text Amendments to Allow Structural Changes to Non-Conforming Signs. Steve Osguthorpe explained that this is the second reading of three alternate draft ordinances proposed by Courtesy Ford addressing non-conforming signs. He said that the additional information requested by Council at the last meeting had been included in the packet for review. He said that Mr. Settle, legal representative for Courtesy Ford, feels that Council may be amenable to another draft ordinance that would address his client's concerns as well as the city's concerns identified at the last meeting. Steve suggested that this item be continued until the next meeting, which would give sufficient time for the two parties to draft changes to the ordinance that addresses the concerns of both parties.

**MOTION:** Move to continue this second reading until the next council meeting.  
Ekberg / Ruffo – unanimously approved.

**NEW BUSINESS:**

1. Resolution – Peninsula Recreation Center Field Development. Mark Hoppen, City Administrator, presented this resolution for the development of an Interlocal agreement to participate in the extra costs related to lighting requirements and the porous subsurface for the artificial turf field project at Gig Harbor High School. Mr. Hoppen explained that current city standards do not allow light standards over 35 feet in height, and the scenario for the field improvements require lights as high as 60 to 80 feet high. This will require a textual amendment to the zoning code to allow these field light heights that will be coming before Council for review. In addition, staff is recommending shoebox field lighting standards to minimize the impact of the lighting and to protect the surrounding properties, including the Gig Harbor Bay basin. These lights are much more expensive and would result in an increase of \$300,000 more than what was allocated for the field improvements.

Mr. Hoppen continued to explain that the city should participate because the school district doesn't have the funds, and the county has already offered \$120,000 towards the difference in cost. The resolution itself does not conclude the process, but allows the parties involved to move forward with an agreement that will provide some security until the legislative process on the zoning changes is concluded.

Councilmember Dick discussed the ability of the city to participate in the project because of the benefit to the citizens through the added use of athletic fields after

school hours, and asked for assurance that the agreement would spell out these public uses that will be made available in exchange for the participation by the city.

Mr. Hoppen explained that the Interlocal will be clearly defined, as the increased public use of school athletic fields has already been demonstrated at the Peninsula High School fields. He gave a more detailed account of the lighting configurations and the necessity for the height of the lighting standards to assure that the field meets competitive standards and assures safety. Mr. Hoppen said that because the increased use of this field late into the night, it would be prudent to adhere to the highest standard to control the lighting.

Terry Lee – Pierce County Council Representative. Councilmember Lee said that he was before City Council to ask for support for the improved lighting scheme at the Gig Harbor High School Athletic Field. He said that the county had budgeted two millions dollars for the two high school field improvements. He discussed the success of the Peninsula High School Field project, adding that he expects the same level of use for the Gig Harbor High School fields. He explained that lighting is critical to the success of the improvements and that he agrees that the design standards imposed by the city illustrate the concern for the quality of life of the citizens. Councilmember Lee said that Pierce County has budget constraints, but he has been able to obtain a budget amendment proviso approved to add additional \$100,000 to be applied to field lighting improvements, and the \$20,000 set aside for after-school programs would also be reallocated to the lighting improvements. He asked for Council support to move forward, together, to provide this community project.

Jill Guernsey, Peninsula School District Board of Directors. Ms. Guernsey thanked Councilmember Derek Young and City Administrator Mark Hoppen for their support in this partnership between Pierce County, Peninsula School District and the City of Gig Harbor. She introduced the members of the audience who were present to show support of this proposal.

Betty Ringlee, 11313 67<sup>th</sup> Ave NW, Gig Harbor, WA. Ms. Ringlee, Peninsula School District Board of Directors, said that she spoke on behalf of her constituency. She explained that back in the late 70s, there was discussion of a joint project on this site, as they saw the benefit of a shared-project to benefit the both the students and adult citizens of Gig Harbor. She spoke of the importance of adult recreation on this side of the bridge. She explained that as stewards of the school district properties, they are willing to work on these partnerships and welcome the public to use these properties.

Bob Connelly – 3889 Harborview Drive, #106. Mr. Connelly is the Assistant Superintendent for learning and teaching at Peninsula School District. Mr. Connelly explained that he also works with the athletic director and gave statistics in regards to the increased use of the Peninsula High School field since completion of the improvement project in September. He said that in 2002, the school estimated 80 hours of community use. In this quarter alone, community use has increased to over 300 hours, and they anticipate that figure will increase to over 1200 hours as a result of the

field improvements. He concluded that the improvements to the Gig Harbor High School fields will result in the same increased activity.

Councilmember Franich asked to add language to the resolution that the city would only give the money after approval of the amendments to the zoning code regarding the height of the light standards. Councilmembers explained that this is a foregone conclusion and the change in language would not be necessary.

Councilmember Franich said that he thought this is a project that would benefit the residents, but was concerned with the negative impact on the residents that live close to the school. He said that he would have like to have seen the process go through a public hearing process. He then asked what would be required to make sure that 80 foot lighting wouldn't be allowed anywhere else.

Mark Hoppen recommended reading Jennifer Sitts' update of the Planning Commission discussion and action regarding the legislation that will come before Council relating to structures that can exceed our current height limitations. He said that the field lighting scheme, along with a very limited amount of other public structures such as a water tank, would have its own particular section that will be addressed in the ordinance that will be before Council for review.

Councilmember Young explained that he had attended the meeting between the school district, the county and the city in which the issue was discussed. He said that he felt that this is a reasonable solution and that it would be reckless to build the field without the appropriate lighting scheme, allowing it to serve as a park function. He said it was wise for the school not to provide funding, as it is being developed as a park. He said that he agrees with Mark Hoppen that the city should participate in funding the \$300,000 budget shortfall and to include the porous asphalt in the project.

Carol Morris pointed out that in Section 3, it states that "the not-to-exceed lighting cost expenditure will be allocated from the budget," and suggested that Council add "that the Interlocal agreement is approved by the City Council and the not-to-exceed lighting expenditure of \$120,000 will be allocated from the City of Gig Harbor 2004 Park Development Fund - 109." In the second sentence, she recommended to add the same thing, "If the Interlocal agreement is approved by the City Council, the not-to-exceed porous asphalt expenditure of \$60,000 will be allocated from the City of Gig Harbor 2004 Property Acquisition Fund."

**MOTION:** Move to adopt Resolution No. 618 as amended by the City Attorney.  
Young / Picinich – six voted in favor. Councilmember Franich voted no.

The Mayor announced a ten minute break. The meeting resumed at 8:43 p.m.



2. First Reading of Ordinance – Hollycroft Rezone (REZ 00-01). John Vodopich, Community Development Director, presented this proposed rezone from B-1 to RB-2 to allow for professional offices. He said that the rezone was approved by the Hearing Examiner in March of 2001 for approximately 2.4 acres of property at the intersection of Hollycroft and Olympic Drive. This will return for a second reading at the next meeting.

3. First Reading of Ordinance - Deleting Reference to Signs in the Non-conforming Use Chapter. Steve Osguthorpe explained that this is a housekeeping item and offered to answer questions. This will return at the next meeting for a second reading.

4. First Reading of Ordinance - Calculation of Density in Residential Zones. Steve Osguthorpe explained that this is another housekeeping item and that he had covered the issues under the public hearing.

Councilmember Ekberg asked if the city has an inventory of the wetlands that are located in the unbuilt, R-1 zones. Steve said that there is an old inventory that doesn't include the Westside or Gig Harbor North. He said that there very few large wetland areas remaining. Steve explained that it is not a problem as far as GMA is concerned nor as far as the environment is concerned because the city has wetland regulations. The only difference is that if wetlands are not included in the definition of net-buildable lands then there will be a tighter development pattern around the wetland. The Planning Commission was more inclined to ensure a more even pattern to the development.

Councilmember Ruffo voiced his confusion over the disparity that this is viewed as a housekeeping item verses what was heard during public comment. Steve explained that the city is already implementing the current definition of net-buildable lands and some of the confusion was brought to light with the current appeal. Another reason for the confusion is the strike-out, underline portion of the new section, and stressed that the whole section is new language for clarification of those things that already exist in code and not changes.

Councilmember Young asked for clarification for why the Planning Commission didn't want density clustering around wetland when this is encouraged in other parts of the code. Steve explained that it is more of a preference of what the city desires as far as the density of development patterns. The PRD zoning does allow for increased density if you apply certain standards such as significant buffering. Councilmember Young continued to voice his concern about the exclusion of buffers and roads in the calculations.

Councilmember Dick said he was uncertain of how you would address a situation in which a property is largely encumbered by wetlands. Steve explained that this was an item of discussion by the Planning Commission which caused them to lean toward the exclusion of buffers, because if you did have that situation, then it could end up with a large number of units being placed on a very small piece of property to get the density

they sought. Although rare, it is a possibility. Councilmember Young suggested running a "worst-case-scenario" to determine what would happen.

John Vodopich said that they would run some examples before the second reading. Councilmember Dick asked him to also prepare an inventory of the properties that this might apply.

Steve explained that the minimum lot size requirement had been eliminated to allow flexibility and creativity in developing a plat. He suggested that the minimum lot size requirement be reinstated in the R-1 zone as one possible way to address these concerns. Councilmember Dick discussed the trade-off that is allowed in the PRD that isn't possible in the other zones.

Councilmembers Franich and Ruffo said that they would like more information regarding the use of buffers.

Scott Wagner – PO Box 492, Gig Harbor. Mr. Wagner described a scenario of property with a wetland and asked that Council consider eliminating the inclusion of the sensitive area buffers in the calculation of density.

5. Notice of Intention to Commence Annexation Proceedings – Michaelson (ANX-03-06). John Vodopich presented this notice of intent to annex approximately 8.6 acres located east of 27<sup>th</sup> Avenue and north of 64<sup>th</sup>. He explained that Council is required to meet with the initiating parties within 60 days of the request to determine whether they wish to accept, reject, or modify the proposed annexation, whether they will require the simultaneous adoption of the zoning for the proposed area in compliance with the Comprehensive Plan, and whether the city will require the assumption of all or any portion of indebtedness by the area to be annexed.

Sandy Kursey – 6515 27<sup>th</sup> Ave NW. Ms. Kursey spoke in favor of the annexation and explained that that they believed they were part of the Hazen annexation effort.

**MOTION:** Move that accept the notice of the intent to commence annexation and further authorize the circulation of the petition to annex the subject property subject to the conditions outlined in the staff report. Owel / Ruffo – unanimously approved.

6. Resolution – Re-appointments to the Building Code Advisory Board. John Vodopich presented this request to re-appoint three members, Charles Hunter, Kenneth Snodgrass, and Jeff Stroud to four year terms on the BCAB.

**MOTION:** Move to adopt Resolution No. 619 for the re-appointments to the Building Code Advisory Board. Ruffo / Owel - unanimously approved.

7. Extension of Closing Date – Hific Six Associates. Mark Hoppen presented this request to extend the closing date for the property on the Westside to December 15, 2003.

**MOTION:** Move to approve the extension.  
Ruffo / Picinich – unanimously approved.

8. Certificate of Need Support Letter. Mark Hoppen explained that this letter mirrors a letter already submitted by the Chamber of Commerce.

Councilmembers discussed making amendments to the letter before it is sent. The words “for a hospital in our community” be added after the word proposal to acknowledge what the law requires. The Mayor asked that the language “across the Narrows Bridge” be added to the first paragraph.

**MOTION:** Move to amend the letter to include the changes as discussed.  
Dick / Ekberg – unanimously approved.

**STAFF REPORTS:** None scheduled.

**COUNCIL COMMENTS / MAYOR'S REPORT:**

Councilmember Young explained that he had served as the alternate representative on the Pierce County Regional Council, and that the Mayor asked if he would be primary. He asked if any other Councilmember would be interested in serving in that capacity. Councilmembers deferred the honor to Councilmember Young.

**PUBLIC COMMENT:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

**EXECUTIVE SESSION:** For the purpose of discussing property acquisition per RCW 42.30.110(1)(b) and potential litigation per RCW 42.30.110(1)(i).

**MOTION:** Move to adjourn to Executive Session for approximately thirty minutes at 9:20 p.m. for the purpose of discussion pending litigation.  
Franich / Picinich - unanimously approved.

**MOTION:** Move to return to regular session at 9:50 p.m.  
Ruffo / Owel – unanimously approved.

**MOTION:** Move to adjourn at 9:50 p.m.  
Ruffo / Ekberg – unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1 – 15.  
Disc #2 Tracks 1 – 8.

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Gretchen Wilbert, Mayor

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Molly Towslee, City Clerk



ASSOCIATION OF  
WASHINGTON CITIES

Employee  
Benefit Trust

■  
Risk  
Management  
Service Agency

■  
Drug &  
Alcohol Testing  
Consortium

1076 Franklin St. SE  
Olympia, WA 98501-1346

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Toll Free: 1-800-562-8981

Fax: 360-753-0148

Website: [www.awcnet.org](http://www.awcnet.org)

November 26, 2003

Molly Towslee  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

**RE: Loss Control Grant Reimbursement**

Dear Molly:

Thank you for your participation in the Loss Control Grant program. We hope that the new and safer sidewalks are appreciated by the citizens of the City of Gig Harbor.

I have enclosed check #4550 for \$1,000.00 as reimbursement of the full grant amount that was awarded to the City of Gig Harbor. Thank you for meeting the requested deadlines in such a timely fashion. Let me know if you have any questions or concerns.

Sincerely,

Fred Crumley,  
Loss Control Specialist

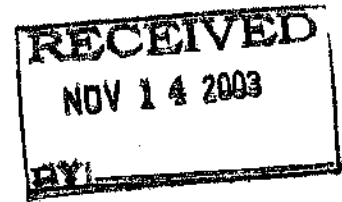
FC\blm

Encl.

c: Loss Control Grants 2003



COMMUNITY DEVELOPMENT DEPARTMENT



November 13, 2003

**COPY**

Fred Crumley, MS, ARM  
AWC  
1076 Franklin Street S.E.  
Olympia, WA 98501

SUBJECT: 7806 Pioneer Way Sidewalk Replacement  
- Request for reimbursement

*red*  
Dear Mr. Crumley:

We have completed the concrete sidewalk replacement located at 7806 Pioneer Way on October 24, 2003. We would like to request for reimbursement of the grant money that we were approved to receive after the project is complete. Please see attached itemized list of expenses incurred.

If you have any questions, please contact my office at (253) 851-6170.

Sincerely,

David Brereton  
Director of Operations

*OK to pay \$1000<sup>00</sup>  
city of Gig Harbor*

*443d*

*Fred*

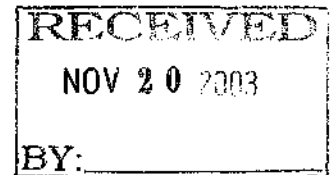
*11-2-03*



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, I CORPS AND FORT LEWIS  
BOX 339500  
FORT LEWIS WA 98433-9500

18 NOV 2003



Office of Public Works

The Honorable Gretchen Wilbert  
Mayor, City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

Dear Mayor Wilbert:

The Executive Summary of our Five Year Sustainability Implementation Plan is now complete and available to the public at <http://www.lewis.army.mil/publicworks/>. As you may recall, we launched our Installation Sustainability Program with a workshop in February 2002. During that event we set strategic 25-year goals for Fort Lewis. It is with these long-term goals in mind that we have developed our Sustainability Implementation Plan. This plan maps out the short-term objectives needed to accomplish our goals, sets a timetable for their achievement and identifies the required resources.

Our plan is a 'living document', changing as we acquire new information and technology, and taking advantage of opportunities that fit our goals. It will be revised and republished periodically.

We recognize there are many state and federal agencies, along with private organizations and corporations in Washington State that have helped to lay the foundation of the sustainability movement in the Pacific Northwest. Together we can make great strides leading the implementation of significant changes that will move our State toward improving our environment, our economy and our quality of life. We look forward to continuing our work in preserving the military mission and improving the quality of life for future generations of Washingtonians.

Thank you for your continued support of our Armed Forces and Fort Lewis.

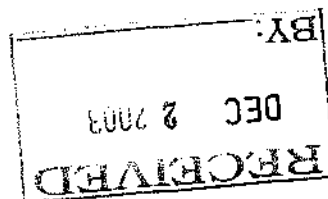
Sincerely,

M. K. Stephenson  
Colonel, US Army  
Garrison Commander



Comcast Cable Communications, Inc.  
2316 So. State Street  
Tacoma, WA 98405  
Tel: 253.503.8000  
Fax: 253.503.8100

November 25, 2003



City of Gig Harbor  
Mayor Gretchen Wilbert  
3510 Grandview Street  
Gig Harbor, WA 98335

**Dear Mayor Wilbert,**

Thank you for taking the time to participate in this year's "Season's Greetings" video project. Hopefully you will have the chance to see your holiday message on any one of these 25 different channels: BRAVO, CNBC, VH1, COMEDY CENTRAL, ESPN, ESPN 2, CNN, FOX SPORTS NW, FOOD NETWORK, FX, FOX NEWS, USA, MTV, A&E, LIFETIME, TNT, DISCOVERY, HEADLINE NEWS, HISTORY CHANNEL, TBS, THE LEARNING CHANNEL, CARTOON NETWORK, NICKELODEON, TNN and COMCAST COMMUNITY TV CH. 29/76. The "Season's Greetings" messages will air between Thanksgiving and New Year's Day.

We have provided you with a videotape of all the "Season's Greetings" done this year. We know you'll enjoy watching yourself, as well as other leaders in the community.

Sincerely,

Ed Hauge  
Community TV Manager





"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: JOHN P. VODOPICH, AICP**  
**COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: CONSULTANT SERVICES CONTRACT AMENDMENT NO. 2**  
**OLYMPIC DRIVE/56<sup>TH</sup> STREET IMPROVEMENT PROJECT CSP-0133**  
**DATE: DECEMBER 8, 2003**

**INTRODUCTION/BACKGROUND**

On May 13, 2002, the City Council approved a consultant services contract for the final design of the Olympic Drive/56<sup>th</sup> Street improvements to the engineering firm of David Evans and Associates, Inc. (DEA), in the amount of \$187,573.45. On December 9, 2002, the City Council authorized an amendment to the consultant contract in the amount of \$19,336.00, revising the contract total amount to \$206,909.45.

Amendment No. 2 provides for the consultant reimbursement for the following City-directed design revisions and additional design services required in order to bring the plans, specifications, and estimate to final completion.

**Roadway Section Change for 56<sup>th</sup> and Olympic Drive \$3,225.47**

The original roadway section established by the City was revised to reduce construction costs.

**Establishing Design Traffic Parameters \$5,325.80**

The original traffic report and design criteria was revised to develop a project that would match available construction funds with anticipated traffic volumes.

**Addition of Bicycle Lanes on 56<sup>th</sup> Street NW \$1,604.25**

Per the City's request, the roadway section for 56<sup>th</sup> Street NW was changed to add bicycle lanes.

**Roadway Section Change for 38<sup>th</sup> Avenue NW \$1,587.20**

The original roadway section was changed halfway through the project in order to minimize the impacts to the adjacent property owners, to keep the anticipated work within the existing right of way, and minimize the project construction costs.

**Extending the Project Limits for 38<sup>th</sup> Avenue NW \$2,210.30**

The results of the revised traffic study required the project design limits to be extended along 38<sup>th</sup> Avenue in order to accommodate the turning movements from 38<sup>th</sup> onto Olympic Drive.

**Retaining Wall Design Change and Additional Wall Design \$1,140.80**

The originally specified rock face walls were changed to keystone walls in order to minimize the additional right-of-way acquisition.

**Storm Drainage Modifications \$5,046.80**

Additional conveyance design was completed to allow flow from an existing detention system to go through the projects storm system rather than discharge from the existing location.

Drainage revisions were also completed from the 38<sup>th</sup> Ave. system and incorporated into the City's drainage system. Additional time and effort was spent coordinating with the nearby proposed Robinson/Savage and Olympic Terrace developments.

**Contingency**

**\$7,500.00**

A line item is included for future plan and specification revisions to account for adjacent developmental improvements within and alongside the right of way.

**Reimbursable Expenses**

**\$500.00**

Expenses related to other agency fees, reprographics, and mileage.

**Total**

**\$28,140.62**

Supporting documentation is available within the City Engineering design files.

Council approval is requested to execute a contract amendment to the engineering services contract with David Evans and Associates, Inc.

**FISCAL CONSIDERATIONS**

The consultant services contract with DEA for engineering services is currently in the amount of \$206,909.45. Amendment No. 2, in the amount of \$28,140.62, revises the total contract amount with DEA to \$235,050.07. Sufficient funds are available within the 2003 Street Operating Fund to cover this amendment.

**RECOMMENDATION**

I recommend that the Council authorize execution of Amendment No. 2 to the consultant services contract for additional final design services between the City of Gig Harbor and David Evans and Associates, Inc. in the not-to-exceed amount of twenty-eight thousand one hundred forty dollars and sixty-two cents (\$28,140.62).

**AMENDMENT NO. 2 TO CONSULTANT SERVICES CONTRACT  
BETWEEN THE CITY OF GIG HARBOR AND  
DAVID EVANS AND ASSOCIATES, INC.**

THIS AMENDMENT is made to the AGREEMENT, dated May 13, 2002, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and David Evans and Associates, Inc., a corporation organized under the laws of the State of Washington, located and doing business at 3700 Pacific Highway East, Suite 311, Tacoma, Washington 98424 (hereinafter the "Consultant").

**RECITALS**

WHEREAS, the City is presently engaged in the final design of the Olympic Drive/56<sup>th</sup> Street Improvement Project and desires that the Consultant perform services necessary to provide the following consultation services.

WHEREAS, the Consultant agreed to perform the services, and the parties executed an Agreement on May 13, 2002 (hereinafter the "Agreement"); and

WHEREAS, the existing Agreement requires the parties to execute an amendment to the Agreement in order to modify the scope of work to be performed by the Consultant, or to exceed the amount of compensation paid by the City;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties in this Amendment as follows:

**Section 1. Amendment to Scope of Services.** Section I of the Agreement is amended to require the Consultant to perform all work described in **Exhibit A Scope of Services**, attached to this Amendment, which Attachment is incorporated herein as if fully set forth.

**Section 2. Amendment to Compensation.** Section II(A) of the Agreement is amended to require the City to pay compensation to the Consultant for the work described in **Exhibit B** to the Amendment in the amount of: Twenty-eight thousand one hundred forty dollars and sixty-two cents (\$28,140.62). This Amendment shall not modify any other of the remaining terms and conditions in Section II, which shall be in effect and fully enforceable.

**Section 3. Amendment to Duration of Work.** The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. The parties agree that the work described in **Exhibit A** shall be completed by December 31, 2004; provided however, that additional time shall be granted by the City for excusable days or extra work.

**Section 4. Effectiveness of all Remaining Terms of Agreement.** All of the remaining terms and conditions of the Agreement between the parties shall be in effect and be fully

enforceable by the parties. The Agreement shall be incorporated herein as if fully set forth, and become a part of the documents constituting the contract between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

THE CITY OF GIG HARBOR

By: Randy Anderson  
Its Principal  
SR. ASSOCIATE  
12/08/03

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

Notices to be sent to:

CONSULTANT  
Randy Anderson, P.E., Engineering Manager  
David Evans and Associates, Inc.  
3700 Pacific Highway East, Suite 311  
Tacoma, Washington 98424  
(253) 922-9780

Stephen Misiurak, P.E., City Engineer  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, Washington 98335  
(253) 851-6170

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

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

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

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

\_\_\_\_\_

\_\_\_\_\_  
(print or type name)  
NOTARY PUBLIC in and for the  
State of Washington, residing at:  
\_\_\_\_\_

My Commission expires: \_\_\_\_\_

STATE OF WASHINGTON        )  
  ) ss.  
COUNTY OF PIERCE         )

I certify that I know or have satisfactory evidence that Gretchen A. Wilbert is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

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

\_\_\_\_\_

\_\_\_\_\_  
(print or type name)  
NOTARY PUBLIC in and for the  
State of Washington, residing at:

\_\_\_\_\_  
My Commission expires: \_\_\_\_\_

**CITY OF GIG HARBOR**

**EXHIBIT A—SCOPE OF SERVICES  
for**

**PLAN REVISIONS AND ADDITIONAL WORK DONE  
for**

**56<sup>TH</sup> STREET NW/OLYMPIC DRIVE NW**

**from**

**38<sup>TH</sup> STREET NW**

**to**

**50<sup>TH</sup> STREET COURT NW**

David Evans and Associates, Inc. (DEA) is pleased to provide this Scope of Services to the City of Gig Harbor (City). Exhibit A describes the Scope of Services that has been or will be performed by DEA for this project. Exhibit B is the schedule of rates and estimated hours for this work.

This Scope of Services will provide for making revisions to the plans as directed by the City Engineer. Development work on property adjacent to the project has occurred since the plans were completed and submitted to the City that impact the project. Changes to the plans, project specification, and engineer's estimate need to be made to reflect these projects. These changes will reflect new driveways, drainage systems and connections revisions, and similar changes in the project plans before the project goes out to the public bidding process.

Additional work was also done for the project while it was in the design and development process. This work is outlined in a previous memorandum sent to the City dated April 22, 2003. Design work on the project continued to accommodate the City's schedule and efforts to obtain TIB funding for the project. Under the TIB rating system, municipalities with complete plans ready to go to bid receive additional points and are more likely to have their project funded than municipalities without completed plans.

The project involves the widening and improvement of approximately 3,600 lineal feet of 56<sup>th</sup> Street NW/Olympic Drive NW. Design work included the intersections of 38<sup>th</sup> Street NW and 56<sup>th</sup> Street NW, 56<sup>th</sup> Street NW and Olympic Drive NW, and Olympic Drive NW and 50<sup>th</sup> Street Court NW.

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Project design criteria will follow the American Association of State and Highway Transportation Officials (AASHTO), the Washington State Department of Transportation (WSDOT) Design Manual, Standard Plans, and Standard Specifications for Road, Bridge, and Municipal Construction, and the City of Gig Harbor Public Works Standards as guidelines for the development of the project. Project design followed the parameters established in the Design Report prepared by DEA and approved by the City Engineer for the project.

### **TASK 1 - PLAN REVISIONS AND UPDATE WORK**

For this project task, DEA will:

- Revise the plans, project specifications, and engineer's estimate to reflect new development work that has occurred adjacent to the project. These plan revisions will reflect new driveways, drainage systems or connections revisions, sidewalk revisions, or similar work. This work will be done at the direction of the City Engineer and will be done on a time and expense basis.
- Delete the bicycle lanes on 56<sup>th</sup> Street NW and revise the roadway section for this road and revise the roadway section for this road.

### **TASK 2 - ADDITIONAL WORK DONE FOR THE PROJECT**

This task involves work that was previously done for the project that was not included in the project's original scope of work.

- Additional work done for the project is outlined in a memorandum to the City Engineer and dated April 22, 2003. The cost for this additional work is \$ ~~20,140.62~~

### **ADDITIONAL SCOPE OF WORK OPTIONS**

DEA has the in-house expertise and will be available to perform additional services in connection with the project at the request of the City. These services include additional survey work, civil and traffic engineering design, environmental and permitting work, preparation of easements or other legal descriptions and documents, right-of-way acquisition, public involvement, and construction surveying support.

### **SERVICES PROVIDED BY THE CITY**

The City will:

- Obtain permission to access onto adjoining private properties.
  - Provide all available as-built utility plans, road and storm drainage plans, or other engineering plans to DEA.
  - Provide all available maps, plans, deeds, and other documents not available from other sources to DEA.
  - Provide current design standards and criteria in published form and in electronic format if needed by DEA.
  - Provide all standards details needed for the project in electronic format compatible with AutoCAD 2000.
-



- Provide current storm drainage standards and criteria in published form and in electronic format if needed by DEA.
- Perform all needed environmental and permitting work for the project and obtain all needed permits for the project.
- Provide DEA with applicable utility permit and franchise information as needed to facilitate this project.
- Review all submittals made to the City within 10 working days and return them to DEA with written comments regarding needed changes or revisions.
- Provide DEA with a copy of their standard specifications, special provisions, bid sheet, and engineer's estimate of a recent previous project in electronic format.

#### **REIMBURSABLES AND PAYMENT**

- Fees payable to various agencies for copies of legal documents obtained during the research phase of the project.
- Fees for reprographics, postage, and express mailing.
- Mileage
- Fees for the additional plan revision work will be on a time and expense basis. The detailed work will be done as directed by the City Engineer either by written or verbal direction.

#### **PROJECT COMPLETION**

DEA is available to begin work on the task of updating or revising the plans within 10 working days after notification from the City Engineer. The time it takes to complete the work will be dependent on the size and complexity of the change and will be negotiated with the City Engineer when the work request is submitted to DEA

DAVID EVANS AND ASSOCIATES, INC.  
 3700 PACIFIC HIGHWAY EAST  
 TACOMA, WA 98424

CITY OF GIG HARBOR  
 56TH STREET NW/OLYMPIC DRIVE NW  
 EXHIBIT B  
 SCHEDULE OF RATES AND ESTIMATED HOURS

	Project Manager	Project Engineer	Civil Designer	CADD Technician	Accounting Manager	Administrative Assistant	Task Sums
	\$ 129.00	\$ 82.15	\$ 71.30	\$ 63.00	\$ 70.00	\$ 45.00	
<b>TASK 1---PLAN REVISION AND UPDATE WORK</b>							
Revise plans, project specifications, and engineer's estimate, eliminate bicycle lanes and perform other work as directed by the City Engineer. This work will be done on a time and expense basis.							
Estimated cost.							\$ 7,500.00
<b>TASK 2---ADDITIONAL WORK DONE FOR THE PROJECT</b>							
Work done for the project that was not in the original scope of work. See April 22, 2003 memorandum for a detailed list of work items completed and task cost.							
							\$ 20,140.62
<b>REIMBURSABLES</b>							
Fees to other agencies							\$ 200.00
Fees for reprographics, postage, and express mailing							\$ 100.00
Mileage at \$.36 per mile							\$ 100.00
							\$ 100.00
<b>TOTAL PROJECT COST</b>							\$ 28,140.62

Higher rates have been used for estimating. Actual rate of person doing the work will be used for billing purposes.

GIGHARBOREXTRAWORK 2  
 RAA 9/30/03



COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FM: JOHN P. VODOPICH, AICP**  
**RE: COMMUNITY DEVELOPMENT DIRECTOR**  
**STORM WATER FACILITIES MAINTENANCE AGREEMENT BETWEEN**  
**THE CITY OF GIG HARBOR AND 3519 56<sup>TH</sup> STREET**  
**PROFESSIONALS L.L.C.**  
**DATE: DECEMBER 8, 2003**

**INTRODUCTION/BACKGROUND**

In accordance with the City's Stormwater Design Manual, private on-site stormwater collection and detention facilities were constructed with 3519 56<sup>th</sup> St. Professionals L.L.C. As specified in Section 14.20.530, Gig Harbor Municipal Code (GHMC), a maintenance covenant is required for all privately maintained drainage facilities, as well as a requirement that the covenant be recorded with the property. This allows the City a nonexclusive right of entry onto those portions of the property immediately adjacent to the stormwater facilities for the purpose of inspection of the facilities, and further requires that the property owner perform his/her own regular inspection and maintenance of the facilities at the property owner's expense.

The City's enclosed Storm Water Facilities Maintenance Agreement and Restrictive Covenant has been drafted and approved by Carol Morris, City Attorney.

Council approval of the enclosed agreements is requested.

**FISCAL CONSIDERATIONS**

No funds will be expended for the acquisition of the described covenant.

**RECOMMENDATION**

I recommend that City Council approve this Stormwater Facilities Maintenance Agreement between the City of Gig Harbor and 3519 56<sup>th</sup> St. Professionals L.L.C.

## STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT

This Storm Water Facilities Maintenance Agreement and Restrictive Covenant is made this 19<sup>TH</sup> day of NOVEMBER, 2003, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and 3519 56<sup>TH</sup> ST. PROFESSIONALS, LLC residing at 5715 WOLLOCHET ST. NW GIG HARBOR, WA. 98335 (hereinafter "Owner").

### RECITALS

WHEREAS, Owner is the owner of fee title or a substantial beneficial interest in certain real property located in Gig Harbor, Washington, commonly described as 3519-56<sup>TH</sup> ST. NW, (hereinafter the "Property") and legally described in Exhibit A, which is attached hereto and incorporated herein by this reference; and

WHEREAS, in connection with the Owner's proposed development of the Property, the City has required and the Owner has agreed to construct a storm water collection and detention system; and

WHEREAS, such drainage system is described and shown on a construction drawing prepared by the engineering firm of NORTH PACIFIC DESIGN, INC. on SEPT. 3<sup>RD</sup>, 2003 (hereinafter the "Drainage System Drawing"), for the Owner's Property, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, as a condition of project approval and/or as a condition of the City's utilization of the Owner's storm drainage system, the parties have entered into this Maintenance Agreement and Restrictive Covenant, in order to ensure that the drainage system will be constructed and maintained in accordance with the approved plans and the City's development standards;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the City hereby agree as follows:

## TERMS

Section 1. Construction and Maintenance. Owner agrees to construct and maintain a drainage system on its Property, as shown on the Drainage System Drawing, **Exhibit B**. The drainage system shall be maintained and preserved by the Owner until such time as the City, its successors or assigns, agree that the system should be altered in some manner or eliminated.

Section 2. No Removal. No part of the drainage system shall be dismantled, revised, altered or removed, except as necessary for maintenance, repair or replacement.

Section 3. Access. The City shall have the right to ingress and egress over those portions of the Property described in **Exhibit A** in order to access the drainage system for inspection and to reasonably monitor the system for performance, operational flows or defects.

Section 4. Repairs, Failure of Owner to Maintain. If the City determines that maintenance or repair work is required to be performed on the system, the City Engineer or his/her designee shall give notice to the Owner of the noted deficiency. The Engineer shall also set a reasonable time in which the Owner shall perform such work. If the repair or maintenance required by the Engineer is not completed within the time set by the Engineer, the City may perform the required maintenance and/or repair. Written notice will be sent to the Owner, stating the City's intention to perform such repair or maintenance, and such work will not commence until at least 15 days after such notice is mailed, except in situations of emergency. If, within the sole discretion of the Engineer, there exists an imminent or present danger to the system, the City's facilities or the public health and safety, such 15 day period will be waived and maintenance and/or repair work will begin immediately.

Section 5. Cost of Repairs and/or Maintenance. The Owner shall assume all responsibility for the cost of any maintenance and for repairs to the drainage system. Such responsibility shall include reimbursement to the City within 30 days after the City mails an invoice to the Owner for any work performed by the City. Overdue payments will require payment of interest by the Owner at the current legal rate as liquidated damages.

Section 6. Notice to City of Repairs and/or Maintenance. The Owner is hereby required to obtain written approval from the City Engineer prior to filling, piping, cutting or removing vegetation (except in routine landscape maintenance) in open vegetated drainage facilities (such as swales, channels, ditches, ponds, etc.), or performing any alterations or modifications to the drainage system.

Section 7. Rights Subject to Permits and Approvals. The rights granted herein are subject to permits and approvals granted by the City affecting the Property subject to this Maintenance Agreement and Covenant.

Section 8. Terms Run with the Property. The terms of this Maintenance Agreement and Covenant are intended to be and shall constitute a covenant running with the Property and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

Section 9. Notice. All notices required or permitted hereunder shall be in writing and shall either be delivered in person or sent by certified U.S. Mail, return-receipt requested, and shall be deemed delivered on the sooner of actual receipt of three (3) days after deposit in the mail, postage prepaid, addressed to the City or the Owner at the addresses set forth below:

To the City:  
City Engineer  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

To the Owner:  
3519-56TH ST. PROFESSIONALS, LLC  
5715 WOLLDCHET DR. NW  
GIG HARBOR, WA. 98335

Section 10. Severability. Any invalidity, in whole or in part, of any provision of this Maintenance Agreement and Covenant shall not affect the validity of any other provision.

Section 11. Waiver. No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented.

Section 12. Governing Law, Disputes. Jurisdiction of any dispute over this Maintenance Agreement and Covenant shall be solely with Pierce County Superior Court, Pierce County, Washington. This Maintenance Agreement and Covenant shall be interpreted under the laws of the State of Washington. The prevailing party in any litigation arising out of this Maintenance Agreement and Covenant shall be entitled to its reasonable attorneys' fees, costs, expenses and expert witness fees.

Section 13. Integration. This Maintenance Agreement and Covenant constitutes the entire agreement between the parties on this subject matter, and supersedes all prior discussions, negotiations, and all other agreements on the same subject matter, whether oral or written.

IN WITNESS WHEREOF, the parties have caused this Maintenance Agreement and Covenant to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

**THE CITY OF GIG HARBOR**

**OWNER**

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

By: Joseph Borden  
Print Name: Joseph Borden

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF PIERCE )

I certify that I know or have satisfactory evidence that JOSEPH BORDEAUX is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the MEMBER of 3519-51<sup>ST</sup> ST PROFESSIONALS, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 11/19/03



Cyrena Westenhaver  
Notary Public in and for the  
State of Washington,  
Title: NOTARY PUBLIC  
My appointment expires: 7/17/06



STATE OF WASHINGTON        )  
  ) ss.  
COUNTY OF P I E R C E        )

I certify that I know or have satisfactory evidence that Gretchen A. Wilbert is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

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

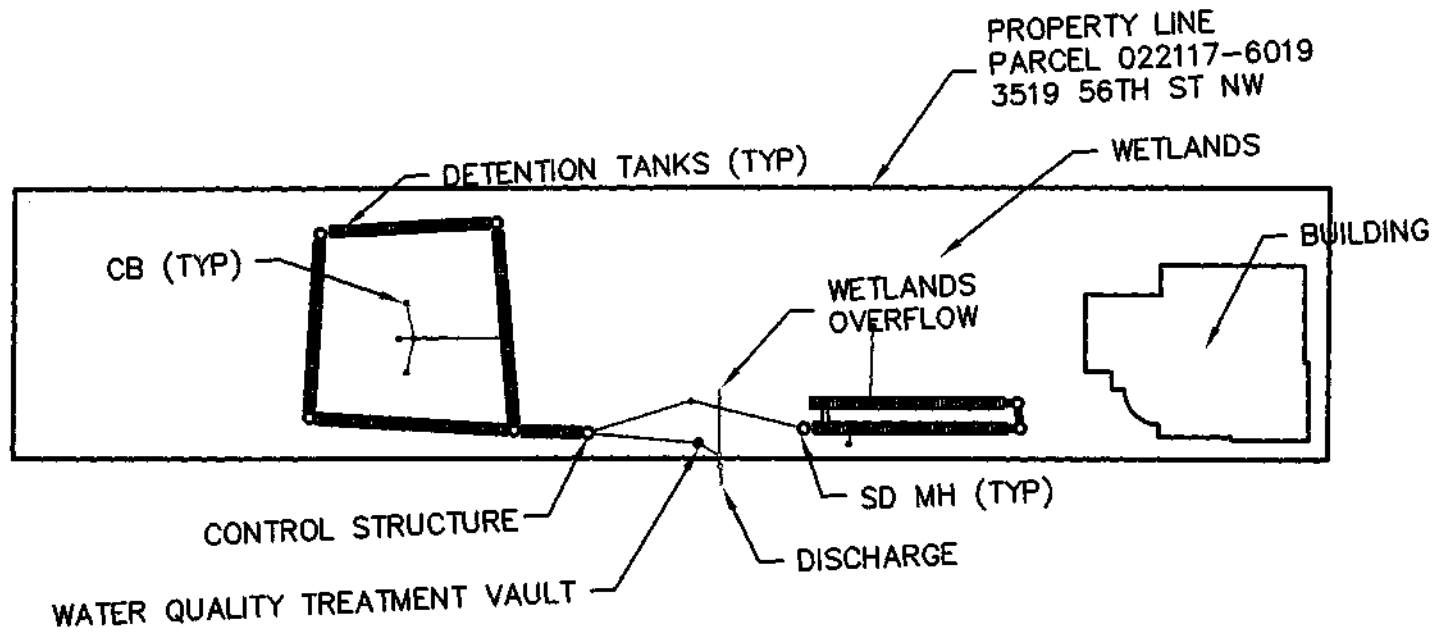
\_\_\_\_\_  
Notary Public in and for the  
State of Washington,  
Title: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

EXHIBIT A

LOT 2 of PEIRCE COUNTY SHORT PLAT NO. 8211150277, according to Plat  
Recorded November 15, 1982, in Pierce County, Washington.

Situate in the County of Pierce, State of Washington.

Assessor's Property Tax Parcel #022117-601-9



SCALE 1" = 100'



NOTICE OF LIQUOR LICENSE APPLICATION

RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
License Division - 3000 Pacific, P.O. Box 43075
Olympia, WA 98504-3075
Customer Service: (360) 664-1600
Fax: (360) 753-2710
Website: www.liq.wa.gov

TO: CITY OF GIG HARBOR
RE: NEW APPLICATION

DATE: 11/21/03

UBI: 602-129-878-001-0001

License: 078190 - 1J County: 27
Tradename: THE GREEN TURTLE
Address: 2905 HARBORVIEW DR
GIG HARBOR WA 98335-1910

APPLICANTS:
THE GREEN TURTLE LLC
GLENN JR, NOLAN F
1962-08-07
GLENN, KYONG SUE
1962-11-03

Phone No.: 253-851-3167 NOLAN GLENN JR

Privileges Applied For:
BEER/WINE REST - BEER/WINE

As required by RCW 66.24.010(8), the Liquor Control Board is notifying you that the above has applied for a liquor license. You have 20 days from the date of this notice to give your input on this application. If we do not receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you need information on SSN, contact our CHRI Desk at (360) 664-1724.

- 1. Do you approve of applicant?
2. Do you approve of location?
3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken?
4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based.

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



NOTICE OF LIQUOR LICENSE APPLICATION

RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
License Division - 3000 Pacific, P.O. Box 43075, Olympia, WA 98504-3075
Customer Service: (360) 664-1600
Fax: (360) 753-2710
Website: www.liq.wa.gov

TO: CITY OF GIG HARBOR
RE: NEW APPLICATION

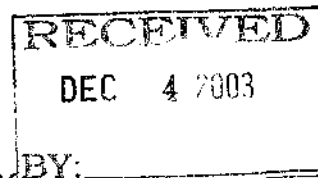
DATE: 12/02/03

UBI: 602-167-434-001-0003

License: 085944 - 1J County: 27
Tradename: ISAMIRA GOURMET CHEESE & WINE
Address: 3313 HARBORVIEW DR
GIG HARBOR WA 98335-2126

APPLICANTS:

NOZAWA, DEBRA KAY 1961-10-06
NOZAWA, RANDALL G
(Spouse) 1958-01-20



Phone No.: 253-225-2537 DEBRA NOZAWA

Privileges Applied For:
BEER/WINE REST - WINE

As required by RCW 66.24.010(8), the Liquor Control Board is notifying you that the above has applied for a liquor license. You have 20 days from the date of this notice to give your input on this application. If we do not receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you need information on SSN, contact our CHRI Desk at (360) 664-1724.

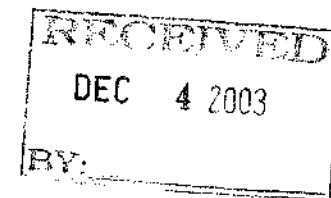
- 1. Do you approve of applicant?
2. Do you approve of location?
3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken?
4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based.

DATE

SIGNATURE OF MAYOR,CITY MANAGER,COUNTY COMMISSIONERS OR DESIGNEE

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR  
(BY ZIP CODE) FOR EXPIRATION DATE OF 20040331

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 GOURMET ESSENTIALS, INCORPORAT	GOURMET ESSENTIALS 5500 OLYMPIC DR NW #1-102 GIG HARBOR WA 98335 0000	078110	GROCERY STORE - BEER/WINE
2 PARK, JOHN M PARK, WAN CHA	HARBOR ARCO AM/PM MART 5119 OLYMPIC DR W GIG HARBOR WA 98335 0000	080805	GROCERY STORE - BEER/WINE
3 DROHAN CORPORATION	HARBOR INN RESTAURANT 3111 HARBORVIEW DR GIG HARBOR WA 98335 0000	359834	SPIRITS/BR/WN REST LOUNGE +





COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: STEVE OSGUTHORPE, AICP** *SO.*  
**PLANNING & BUILDING MANAGER**  
**SUBJECT: REVISED ORDINANCE AMENDING GHMC SECTION 17.80.130, TO**  
**ALLOW STRUCTURAL CHANGES TO NONCONFORMING SIGNS.**  
**ZONING TEXT AMENDMENT #03-08**  
**DATE: DECEMBER 8, 2003**

**INFORMATION/BACKGROUND**

At the continued second reading of three proposed ordinances proposed by Courtesy Ford amending the City's nonconforming sign provisions, the Council agreed to postpone further discussion to allow both the staff and the applicant time to develop a revised ordinance that would address both the specific needs of Courtesy Ford as expressed during the public hearing before the Council and also the concerns addressed in the staff report to the Council over the original three proposals.

The staff therefore met with the applicant's attorney, Mr. Dick Settle, and developed an ordinance that includes provisions that the staff believes are more consistent with adopted goals, policies and regulations of the City, and which also includes provisions that would meet the needs of Courtesy Ford. There were some issues, however, that the staff and the applicant did not agree upon. The ordinance is therefore drafted to show mutually agreeable language, and also language specifically proposed by either the staff or Mr. Settle. Accordingly, changes that Courtesy Ford is proposing that are not supported by staff are identified in bold text with a dotted underline. Changes that staff has proposed that are not acceptable to Ford are identified by a shaded background. Differences between the staff and the applicant pertained to (1) the number of freestanding signs to be removed in order to qualify for changes to an existing sign, (2) the specific conditions for changing a nonconforming sign.

The staff's full proposal includes amendments would provide three options to make structural alterations to one nonconforming freestanding sign of the owners choosing, but in a manner that significantly reduces other non-conformities related to the sign or the property. These options are shown on the attached illustrations. The first option allows the owner to make any changes that do not increase the height, sign area or mass and bulk of the sign and sign supporting structure. Under this option, Ford would not be able to add their proposed shroud around the pole because the shroud would increase the overall mass of the sign by more than two-fold.

The second option would allow an increase in the overall mass (and therefore allow Ford's proposed pole shroud) if the nonconforming height and sign area were reduced by 50%. This option would result in a lower sign than currently exists, but still tall enough to provide Ford with a sign that would be highly visible from the freeway. (The lower sign might be even more visible than the existing Ford sign which, from certain vantage points, is blocked by the existing Chevrolet signs).

The third option would allow an increase in overall mass (thereby allowing Ford's pole shroud), provided that the sign height and sign area not be increased, and provided that the property frontage be landscaped as per current landscaping requirements. This option is significant because many existing sites in the C-1 zone do not comply with current landscaping requirements. There may therefore be no open, unobstructed areas near the road that would provide visibility of the 8-foot freestanding signs otherwise allowed in those areas. This is the case with both the Ford and Chevrolet sites in Gig Harbor. Both sites have cars parked right up to and within the right-of-way, leaving no opportunity to view low profile signage. Because their existing signs are not low profile, there are no incentives to install landscaping for visibility purposes. While the required landscaping proposed in the revised ordinance would not be necessary for increased visibility of Ford's sign, it would help to soften the visual impacts associated with the increased size of the sign structure with the added shroud. It would also provide an incentive to bring landscaping closer to conformance with current codes.

Mr. Settle has indicated that none of the three options in the staff's proposal are acceptable to Courtesy Ford. First, Ford is not willing to install a new sign face on the existing sign pole that does not also include a shroud around the sign pole. Second, Ford is not willing to reduce the nonconformity by 50% in order to allow the shroud because that would make their sign lower than the Chevrolet signs. Finally, Ford is not willing to install landscaping along the property frontage in order to have the shroud and the full-height sign because they claim that, as lessee, they have no right to tear up the asphalt and construct the landscape area.

Mr. Settle also indicates that his client is not willing to remove all remaining nonconforming signs as a condition of changing their primary pole sign. He states that his client must have two free-standing signs – one to identify the dealership and the other to identify their "pre-owned cars". Accordingly, their proposal includes the ability to both retain and structurally alter two free-standing signs.

Finally, Mr. Settle has indicated that his client is not willing to conform to the color, sign graphics, materials and illumination requirements of the current sign code. His proposed changes therefore delete this section.

The revised ordinance includes one other change that was not part of Courtesy Ford's original proposal. It includes the elimination of the provision that allows the Design Review Board (DRB) to deem a nonconforming sign as conforming if it met certain design criteria. This provision was originally adopted when the City adopted its



amortization provision. However, with the amortization provision being eliminated, there is no longer a need for the provision allowing the DRB to deem signs as conforming.

Regarding provision that would apply to changing nonconforming signs. It should be noted that these provision would only apply to signs that are legally nonconforming. It is not clear at this point how many of Ford's existing free-standing signs are legal. The staff is aware of changes to existing signage that occurred without permits when the business name was changed to Courtesy Ford and which may have triggered removal of the non-conforming signs. There has also been an expansion of the site coverage that might have triggered removal of existing signs, depending upon when the expansion occurred and whether it was approved by Pierce County prior to annexation. The staff will have to do further investigation of this issue before issuing any permits under the proposed new language.

### **POLICY CONSIDERATIONS**

Applicable land use policies and codes are as follows:

#### **a. Comprehensive plan:**

The City of Gig Harbor Comprehensive Plan Community Design Element includes the following goals and policies that relate to the proposed amendments:

Pg. 30        **SIGNAGE AND ILLUMINATION SUBSECTION.** Signs have become one of the more visual components of modern urban landscapes and are of primary concern to business owners. Clear and effective signage is essential to the operation of businesses and can facilitate vehicular and pedestrian activities. However, signage can also be the greatest contributor to visual clutter and blight. Large, garish signs designed as "attention getters" are neither necessary nor desirable in Gig Harbor's small town setting.

Pg. 34 – **GOAL: RESTRICT USE OF OFF PREMISE SIGNS –Objective # 2 –**  
Avoid signs designed for distant viewing.

#### **b. Zoning Code:**

Chapter 17.80 of the Gig Harbor Municipal Code regulates signs. Section 17.80.130 Nonconforming signs provides a mechanism by which the owner of a non-conforming sign may make modest changes to their sign. Changes to a sign face must conform to the city's restrictions for color, sign graphics, materials, and illumination. Signs must be brought into full compliance with the City's sign code if the owner seeks to change the structure supporting, holding, or surrounding the sign. These provisions were adopted in 1998 when the City decided to remove the amortization clause for non-conforming signs.

#### **c. Design Manual**

Both the Design Manual and the Comprehensive Plan designate SR-16 as an enhancement corridor. Page 40 of the Design Manual states that:

Development within 300 feet of SR-16 and within 100 feet of Burnham Drive ROW must either be screened or conform to all design criteria if required screening cannot be achieved within 3 years. The purpose of enhancement corridors is to maintain the scenic beauty which characterizes highway travel across the peninsula, to maintain a more distinct city "edge", to assure a stronger sense of arrival at visual interchange and activity nodes, and to provide visual separation between districts.

### **ENVIRONMENTAL ANALYSIS**

A SEPA threshold Determination of Nonsignificance (DNS) was issued for the proposed amendments on August 27, 2003. Notice of the SEPA threshold determination was sent to agencies with jurisdiction and was published in the Peninsula Gateway on September 3, 2003. The deadline for appealing the determination was September 17, 2003. No appeals have been filed and, to date, no public comments have been submitted. The public was allowed to comment on the SEPA determination at the public hearing before the Planning Commission. A copy of the DNS was included in the November 11<sup>th</sup> Council packet. The SEPA Responsible Official has determined that the revised ordinance is within the scope of the original three proposed ordinances and therefore requires no additional SEPA action or review.

### **FISCAL IMPACTS**

No significant fiscal impacts are expected with the proposed revised ordinance.

### **RECOMMENDATION**

The staff believes that the language mutually agreeable to the staff and Courtesy Ford addresses many of the concerns expressed in the staff report on Ford's previous three alternative ordinances. However, some language specifically proposed by Courtesy Ford is too limited in its application. For example, if Chevrolet were to come in and ask to change both their primary and used car sale signs, they could not qualify for changes under Ford's proposed revisions. The staff's proposed language may be more universally applied to other business than Courtesy Ford's suggested language; it would provide Ford with an opportunity to retain highly visible signage; it would reduce the more obvious signage nonconformities; and it would potentially reduce existing landscaping nonconformities.

**The staff recommends that the Council direct the staff to schedule a public hearing before either the Planning Commission or the City Council to consider both options in the proposed revised ordinance.**

### **Attachments**

Revised Ordinance

Photo of existing Ford sign as seen from SR-16

Option 1 Photo showing new Ford Sign on existing pole (no shroud)

Option 2 Photo showing proposed Ford sign (with shroud) with a 50% reduction of nonconformity.

Option 3 Photo showing Ford's proposed sign (full height with shroud) with landscaping.

Photo showing Ford's proposed sign (full height with shroud) and with no other requirements.

Photo showing signage and landscaping as required under current code provisions.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE SIGN CODE TO ESTABLISH CRITERIA FOR CITY APPROVALS TO CHANGES OF CERTAIN TYPES OF NONCONFORMING SIGNS AND TO ELIMINATE THE PROCEDURE FOR DESIGN ALLOWANCES TO DEEM EXISTING ILLEGAL NONCONFORMING SIGNS LEGALLY CONFORMING BY THE DESIGN REVIEW BOARD; AMENDING GIG HARBOR MUNICIPAL CODE SECTION 17.80.130.**

---

WHEREAS, three alternative amendments to GHMC Section 17.80.130 were proposed to allow changes to certain non-conforming signs by Courtesy Ford, which owns a local business within the City; and

WHEREAS, the amendments were incorporated into an ordinance draft dated November 24, 2003; and

WHEREAS, the Gig Harbor Comprehensive Plan encourages both the removal of non-conforming signage and the retention of local businesses;

WHEREAS, the City's SEPA Responsible Official issued a determination of non-significance for this draft of the ordinance on August 27, 2003;

WHEREAS, notice of the SEPA threshold determination was sent to agencies with jurisdiction and was published in the Peninsula Gateway on September 3, 2003, and no appeal was filed; and

WHEREAS, public notice was provided for a Planning Commission work session on September 4, 2003, a Planning Commission hearing on October 2, 2003, and a City Council hearing on October 27, 2003, all for the consideration of this draft of the ordinance; and

WHEREAS, the City Planning Commission held a work session on September 4, 2003 on this draft of the ordinance; and

WHEREAS, the City Planning Commission held a public hearing on October 2, 2003, and heard public testimony, but did not make a recommendation to the City Council due to lack of support for the proposed amendments, which lack of support was confirmed at their October 16, 2003 meeting; and

WHEREAS, the City Council considered this draft of the ordinance during its regular City Council meeting of October 27, 2003; and

WHEREAS, the City staff report to the Council identified various concerns for each of the proposals; and

WHEREAS, the Council directed the staff to provide additional information regarding other nonconforming signs throughout the City and moved to continue the second reading of the ordinance to allow the staff and the applicant time to bring back a revised ordinance that addressed the concerns expressed by the applicant at the Council's public hearing and also to more closely conform to existing codes and policies relating to signage in the City; and

WHEREAS, the City Planning Department worked to develop a revised ordinance, and in the process, realized that GHMC Section 17.80.130(E) should be repealed for reasons unrelated to the code amendment proposed by Courtesy Ford; and

WHEREAS, as background for the repeal of GHMC Section 17.80.130(E), the following facts are relevant: (1) the City amended the sign code in 1998 to eliminate an amortization clause that would have required all nonconforming signs to be removed after notification from the City; (2) this 1988 amendment neglected to eliminate a provision that allowed the DRB to deem non-conforming signs as conforming so that they would not have to be removed under the eliminated amortization clause; (3) there is no need to retain provisions that allow the DRB to deem nonconforming signs as conforming and the revised ordinance therefore deletes said provisions; and

WHEREAS, the City's SEPA Responsible Official has determined that the revised ordinance is within the scope of the original three alternatives submitted by the applicant and therefore does not require additional SEPA notice or action; and further determines that elimination of a procedure for review of signs is exempt from SEPA review under WAC 197-11-800(20); and

WHEREAS, a revised ordinance dated December 8, 2003 was submitted for the Council's review at their December 8, 2003 meeting incorporating the above proposed revisions; and

WHEREAS, at the City Council's regular meeting on December 8, 2003, the Council [directed staff to place the revised ordinance on the Planning Commission's calendar for a public hearing, or directed staff to schedule a public hearing on the revised ordinance, which public hearing would be held by the City Council]; and

WHEREAS, public notice was provided in the Peninsula Gateway on \_\_\_\_\_ for a City Council hearing on \_\_\_\_\_; and

WHEREAS, the City Council held a public hearing on the proposed revised ordinance during its regular City Council meeting of \_\_\_\_\_; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.80.130 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**GHMC 17.80.130 Nonconforming signs.**

A. A sign is legally nonconforming if it is out of conformance with this code, and:

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the city or county which was effective at the time of sign installation, and a valid permit for such sign exists; or
2. The sign was erected prior to January 1, 1992.

B. A sign must be brought into compliance with the requirements of this code unless it conforms to subsection (A) of this section.

C. Changes to the sign face and sign graphics may be made to a legally nonconforming sign provided that the City has not approved a change of the sign under the provisions of subsection (D)3, except that such changes must conform to this code as to colors, sign graphics, materials, and illumination. A permit for such changes must be obtained.

D. A legal nonconforming sign shall be brought into compliance with this chapter or shall be removed if:

1. The sign is abandoned;
2. The sign is damaged in excess of 50 percent of its replacement value, unless said destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;
3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair, except that changes to the sign structure supporting, holding, or surrounding no more than two one nonconforming freestanding signs sign (the retained signs sign) may be made, without bringing the retained signs sign into compliance with this chapter and without removal, if:

- a. The property owner or lessee selects and removes two or more other nonconforming signs, which shall include at least one all additional nonconforming freestanding sign signs on the premises for each retained freestanding sign; and
- b. Changes to the sign structure supporting, holding, or surrounding the retained signs sign would not increase the height or sign area of the overall retained signs sign and sign support structures structure; and
- c. On premises where there are two retained freestanding signs, the height of one of the signs shall not exceed eight feet and shall have the characteristics of a monument sign rather than a pole sign, as described in GHMC 17.80.130(E)(2)(b); and
- c. Changes to the structure supporting, holding, or surrounding the retained sign would not increase the overall mass or bulk of the retained sign and retained sign support structure, unless (a) the existing nonconforming height and area of the retained sign is reduced by at least 50 percent, or (b) all landscaping required under Section 17.78.070 and 17.78.080 is installed along the subject site's property frontage abutting the street; and
- d. Landscaping is installed at the base of the retained signs sign as specified under GHMC Section 17.80.090 and 17.80.100; and
- e. The City has not previously approved a change of the sign under the provisions of this section; and
- f. The changed sign face conforms to all colors, sign graphics, materials and illumination requirements of Chapter 17.80.

4. The tenant space(s) to which the sign applies is undergoing an expansion or renovation which increases the size of the tenant space floor area or site coverage area by 20 percent or more, ~~unless the sign is brought into conformance under the provisions of subsection (E) of this section;~~

5. The building to which the sign applies is demolished.

~~E. An owner of a nonconforming sign may, under the provisions of GHMC 17.80.140, request the design review board (DRB) to approve a design allowance deeming the sign conforming if the DRB makes all findings of fact specified for the following sign types:~~

~~1. Signs Attached to Buildings.~~

- ~~a. The sign is not a dominant feature on a blank wall, but is positioned within architectural features of a building specifically designed and intended for signage, such as parapets, sign bands, or fascias, or is positioned between other architectural features such as doors, windows or projections which provide architectural relief and detailing.~~
- ~~b. The sign is smaller than the architectural space the sign fits within so as to leave wall reveal around all sides of the sign.~~
- ~~c. The sign face conforms to all restrictions on background illumination and sign color.~~
- ~~d. The sign is consistent with the intent and general scope of the sign code and design manual standards.~~

~~2. Freestanding Signs.~~

- ~~a. The sign has design features which reflect design elements of surrounding structures, or the sign is incorporated into a landscaped area with large and mature plantings which provide a backdrop to the sign and which are at least as tall as the sign.~~
- ~~b. The sign has the characteristics of a monument sign rather than a pole sign (e.g., the base of the sign support where it meets the ground is at least as wide as the sign face).~~
- ~~c. The sign is consistent with the intent and general scope of the city's sign code and design manual standards. (Ord. 788 § 13, 1998).~~

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.



PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this \_\_\_ day of \_\_\_\_\_, 200\_\_.

CITY OF GIG HARBOR

\_\_\_\_\_  
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

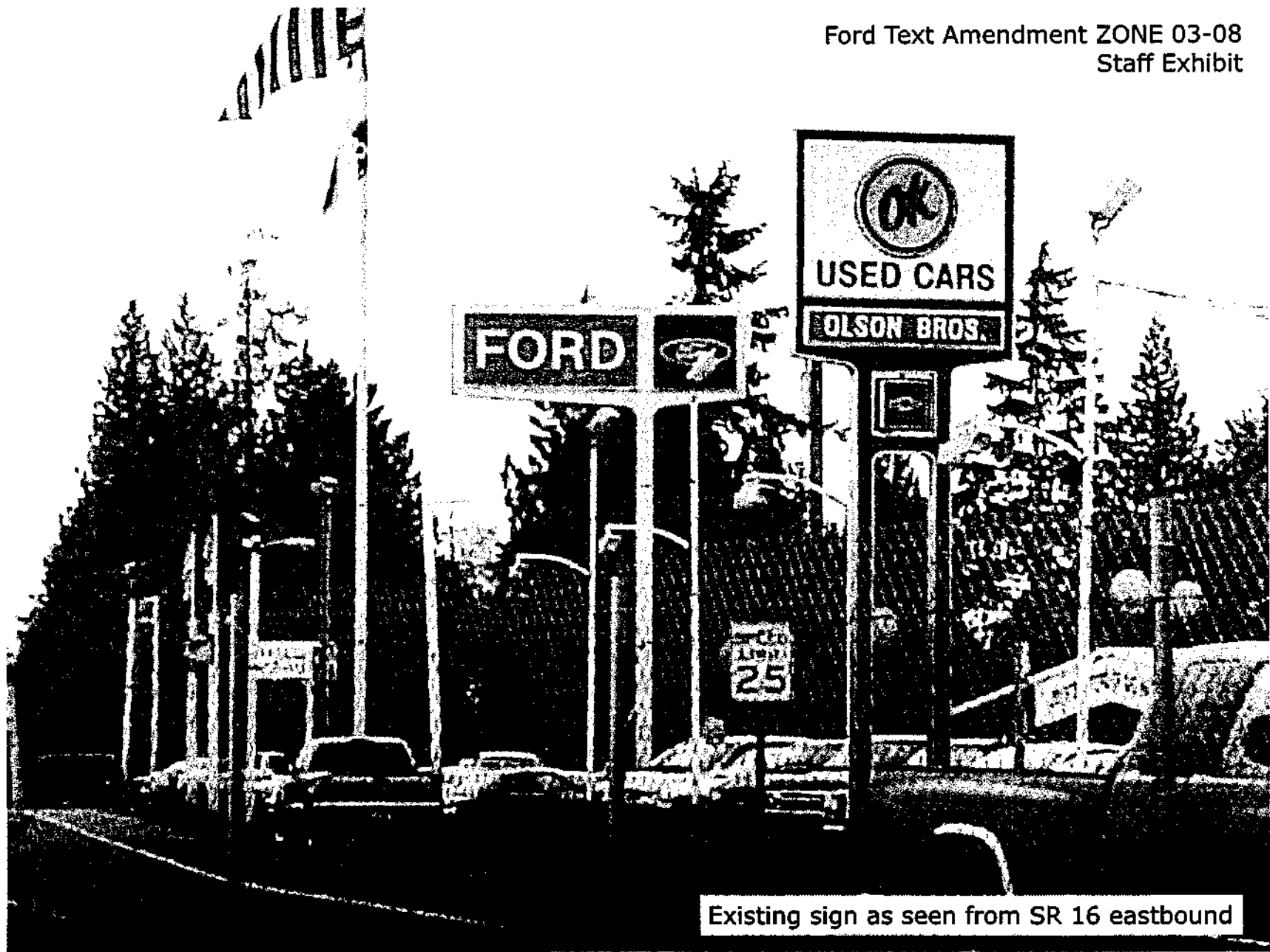
By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

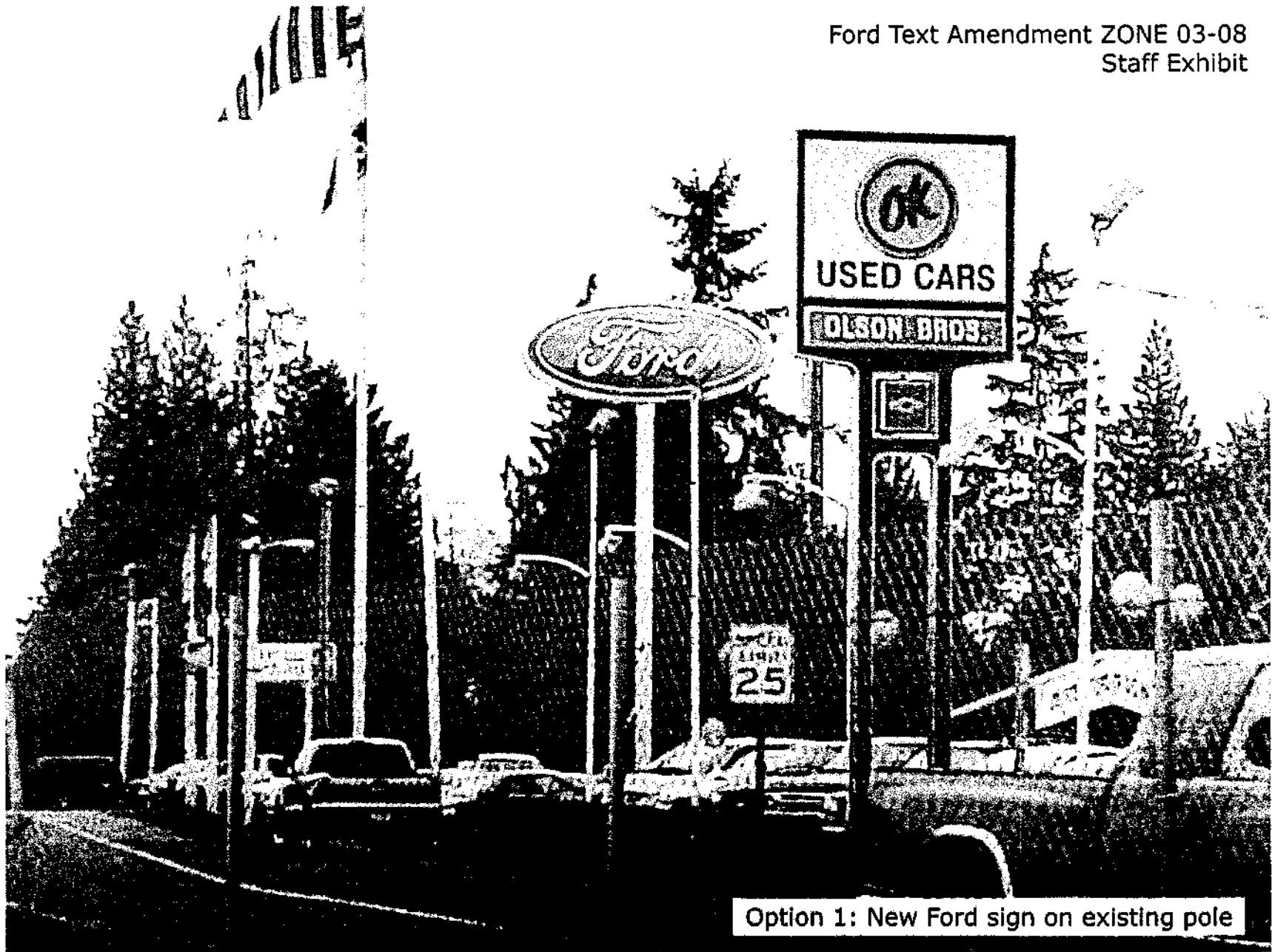
FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: \_\_\_\_\_

Ford Text Amendment ZONE 03-08  
Staff Exhibit



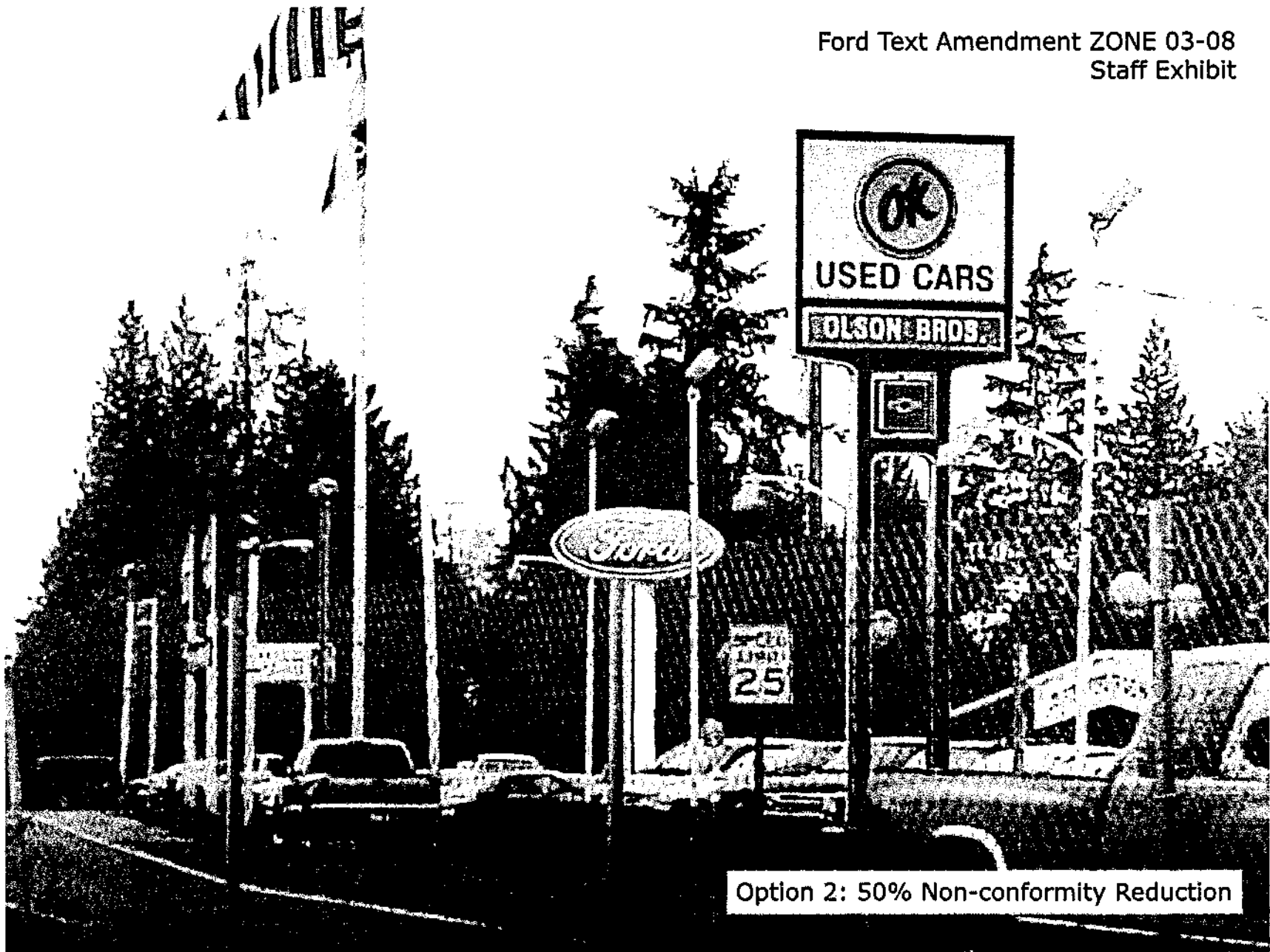
Existing sign as seen from SR 16 eastbound

Ford Text Amendment ZONE 03-08  
Staff Exhibit

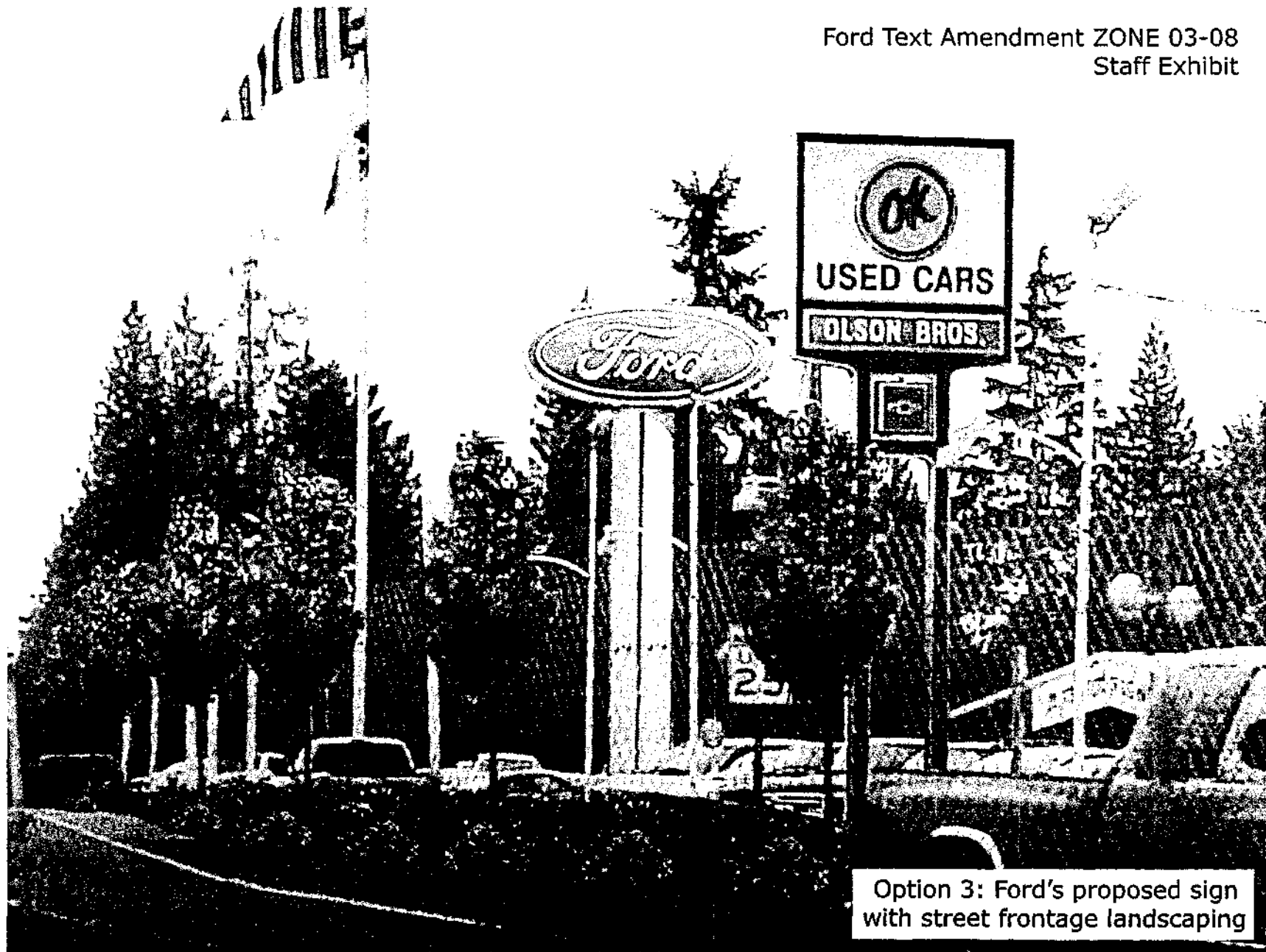


Option 1: New Ford sign on existing pole

Ford Text Amendment ZONE 03-08  
Staff Exhibit

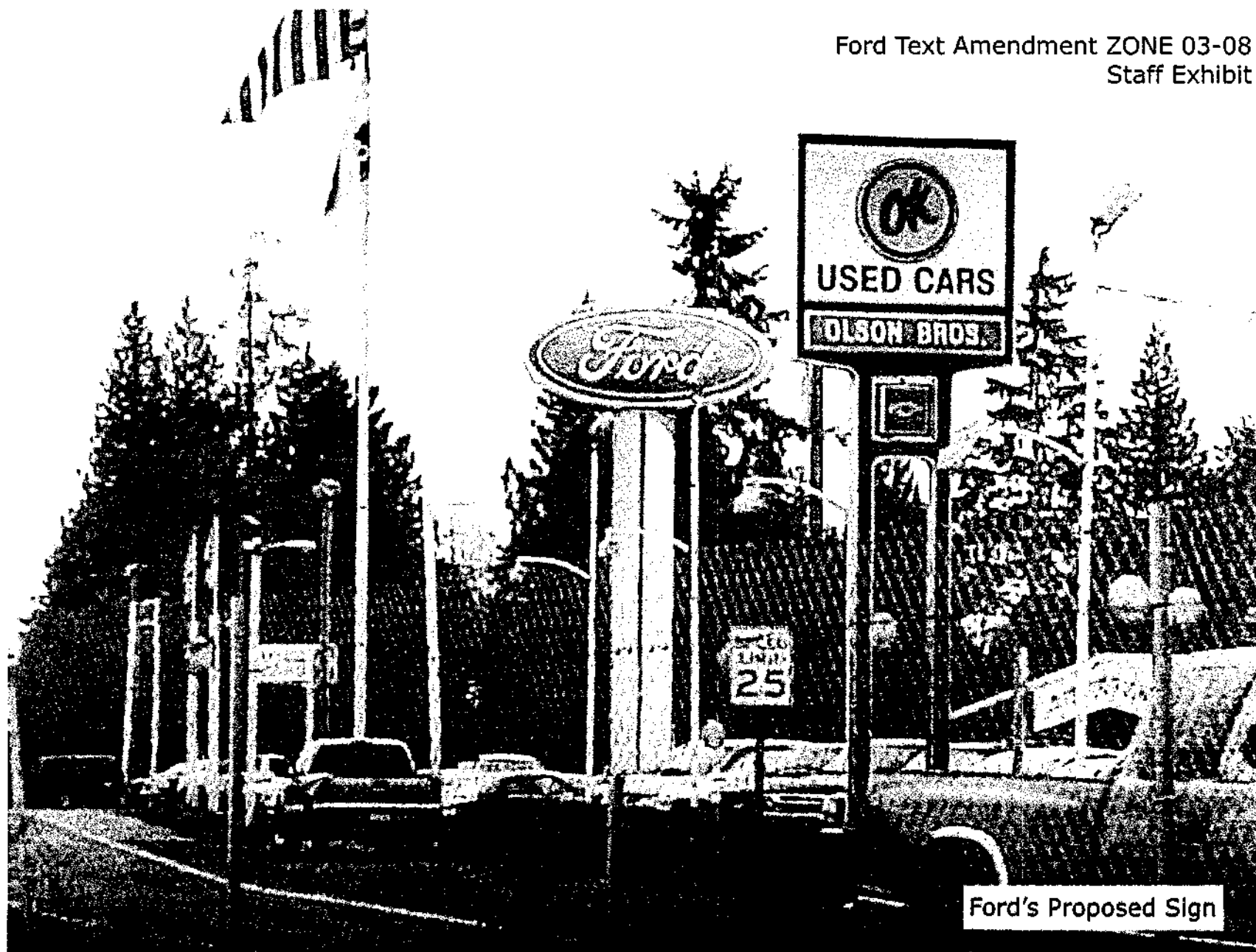


Option 2: 50% Non-conformity Reduction

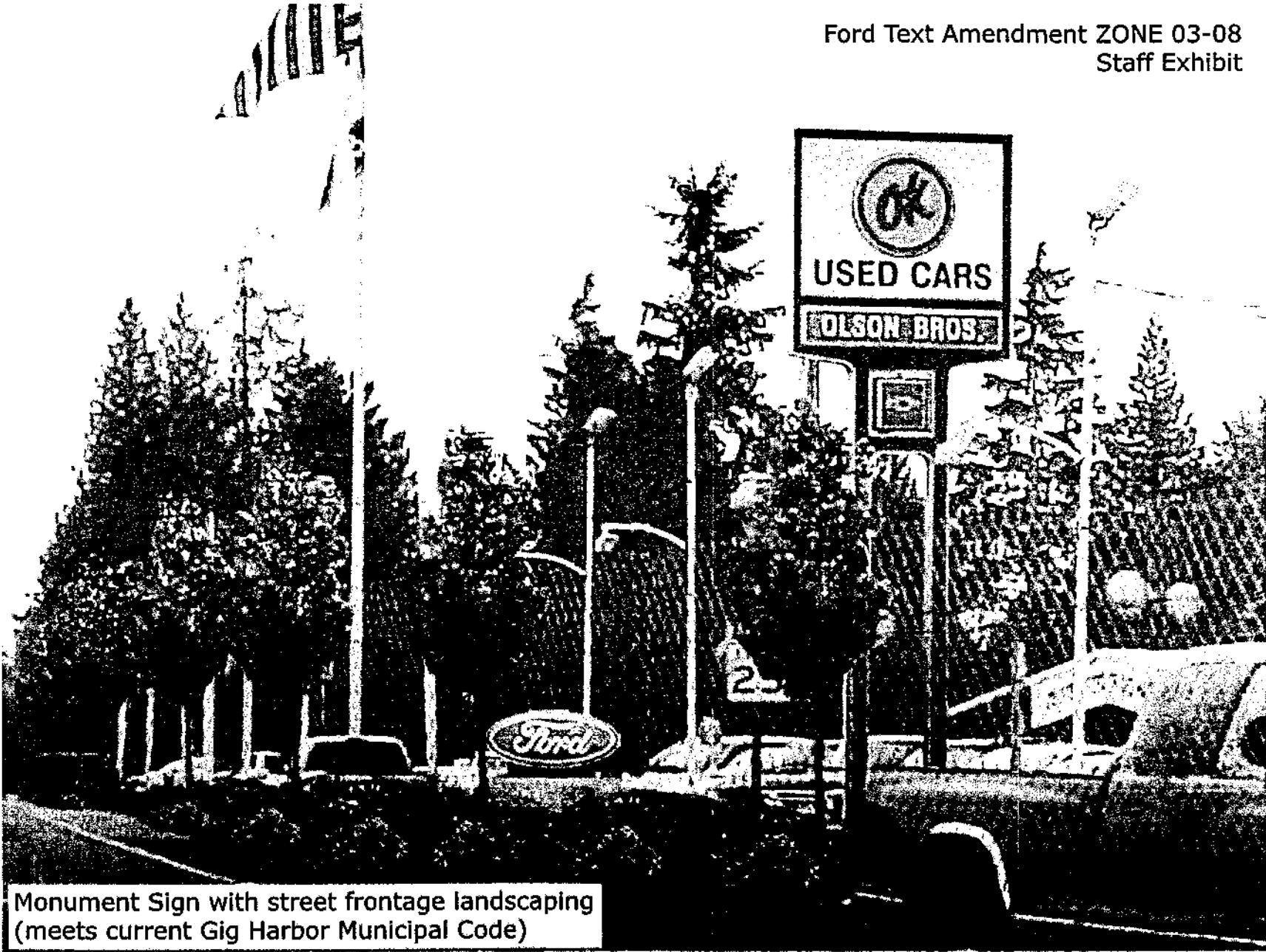


Option 3: Ford's proposed sign  
with street frontage landscaping

Ford Text Amendment ZONE 03-08  
Staff Exhibit



Ford's Proposed Sign



Monument Sign with street frontage landscaping  
(meets current Gig Harbor Municipal Code)



COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCILMEMBERS**  
**FROM: STEVE OSGUTHORPE, AICP** *SO*  
**PLANNING & BUILDING MANAGER**  
**SUBJECT: SECOND READING OF ORDINANCE – HOLLYCROFT REZONE**  
**- REZ 00- 01**  
**DATE: DECEMBER 8, 2003**

**INTRODUCTION/BACKGROUND**

During the early part of 2001, Hollycroft LLC submitted a request to rezone two parcels totaling 2.4 acres from B-1 to RB-2. The B-1 zone imposes a maximum building size limit of 5,000 square feet and does not allow professional office. The purpose of the rezone was to allow construction of two (two-story) office buildings of 34,000 square feet each for professional office use.

The rezone was approved by the hearing examiner on March 29, 2001. However, because of staff oversight, an ordinance adopting the rezone was never forwarded to the City Council to make it effective. This oversight was only recently discovered, and prior to this discovery permits were issued under the assumption that the rezone process had been completed. Moreover, the owner and developer of the property proceeded with the expectation of a certificate of occupancy being issued by the end of December 2003. The staff is therefore trying to expedite completion of the rezone in an attempt to meet the owner's deadline.

To effectuate the rezone, it must now be adopted by ordinance. A draft ordinance approving the rezone is attached for the Council's consideration.

**POLICY CONSIDERATIONS**

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

**a. Comprehensive plan:**

The City of Gig Harbor Comprehensive Plan Land Use Map designates the site as Commercial/Business. Page 9 of the Land Use Element of the Comp Plan states that this land use designation provides for "primarily retail and wholesale facilities, including service and sales. Where appropriate, mixed-use (residential with



commercial) may be permitted through a planned unit development process. Commercial/business activities consist of the following: Retail sales and services; business and professional offices; and mini-warehousing.”

**b. Zoning Code:**

Permitted and conditional uses in the proposed RB-2 designation are defined in Sections 17.30.020 and 17.30.030. Professional offices and personal services are among the more intensive permitted uses in the zone.

The Gig Harbor Municipal Code specifies general criteria for the approval of zoning district map amendments, including, but not limited to site specific rezones (17.100.035). These criteria include the following:

- A. The application for the Zoning District Map amendment must be consistent with and further the goals, policies and objectives of the comprehensive plan;
- B. The application for the Zoning District amendment must further or bear a substantial relationship to the public health, safety and general welfare;
- C. No substantial detrimental effect will be caused by the granting of the application for amendment; and
- D. The proponents of the application have the burden of proof in demonstrating that the conditions have changed since the original zoning or original designation for the property on the Zoning District Map.

**c. Design Manual:**

The proposed RB-2 designation would be a more intense zone than the abutting R-1 & R-3 residential zones. Accordingly, the transition zone standards defined on pages 24 – 26 of the Design Manual would apply. The transition zone standards are intended to assure compatibility between unlike uses through buffering and/or innovative design techniques that ensure compatibility in mass, scale and architecture and that provide a higher level of parking lot design.

**2. REZONE APPROVAL POLICIES/CODES**

Site-specific rezones are considered a Type III application, which are approvable by the Hearing Examiner as per GHMC 19.01.003(A). Rezones must be adopted by ordinance as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC.

**FISCAL IMPACTS**

There are no adverse fiscal impacts associated with this rezone. It is expected that development allowed in the RB-2 zone would generate additional jobs within the City.

**RECOMMENDATION**

The staff recommends that the Council adopt the attached ordinance effectuating approval of the rezone.

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

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REZONING 2.4 ACRES FROM B-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT TO A RB-2 (RESIDENTIAL AND BUSINESS) ZONING DISTRICT, LOCATED AT 2727 HOLLYCROFT STREET, ASSESSOR'S PARCEL NUMBERS 7580000513 & 7580000514.**

**WHEREAS**, Hollycroft LLC/North Pacific Design owns two contiguous parcels located at 2727 Hollycroft Street, ASSESSOR'S PARCEL NUMBERS 7580000513 & 7580000514; and

**WHEREAS**, The land use designation of the subject parcels, as defined in the City's comprehensive plan, is commercial/business; and

**WHEREAS**, RCW 36.70A.545 requires consistency between comprehensive plans and development regulations; and

**WHEREAS**, the commercial/business comprehensive plan land use designation anticipates professional offices or businesses; and

**WHEREAS**, Hollycroft LLC/North Pacific Design submitted an application for a rezone of both properties from B-1 (neighborhood commercial) to RB-2 (residential business), which allows professional offices as a permitted use; and

**WHEREAS**, a SEPA threshold mitigated determination of non-significance (MDNS) for the proposed rezone was issued on January 24, 2001; and

**WHEREAS**, the SEPA threshold decision was not appealed; and

**WHEREAS**, the proposed rezone is a Type III action as defined in GHMC 19.01.003(B) for site-specific rezones; and

**WHEREAS**, A final decision for a Type III application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

**WHEREAS**, a public hearing on the proposed rezone was held before the Hearing Examiner on March 21, 2001; and

**WHEREAS**, the Hearing Examiner approved the proposed rezone in his decision dated March 29, 2001; and

**WHEREAS**, rezones must be adopted by ordinance as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC; and

**WHEREAS**, the City Council considered this Ordinance during its regular City Council meeting of December 8, 2003;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:**

Section 1. The real property located at 2727 Hollycroft Street, ASSESSOR'S PARCEL NUMBERS 7580000513 & 7580000514, legally described as Lot 1 and Lot 2 of Short Plat 80-297 in the SW ¼, of the NE ¼ of Section 17, Township 21 North, Range 2 East, W.M., situated in Pierce County, Washington, as shown on Exhibit "A", is hereby rezoned from B-1 (neighborhood commercial) to RB-2 (residential business).

Section 2. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by this section.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this \_\_\_ day of \_\_\_\_\_, 2003.

CITY OF GIG HARBOR

\_\_\_\_\_  
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

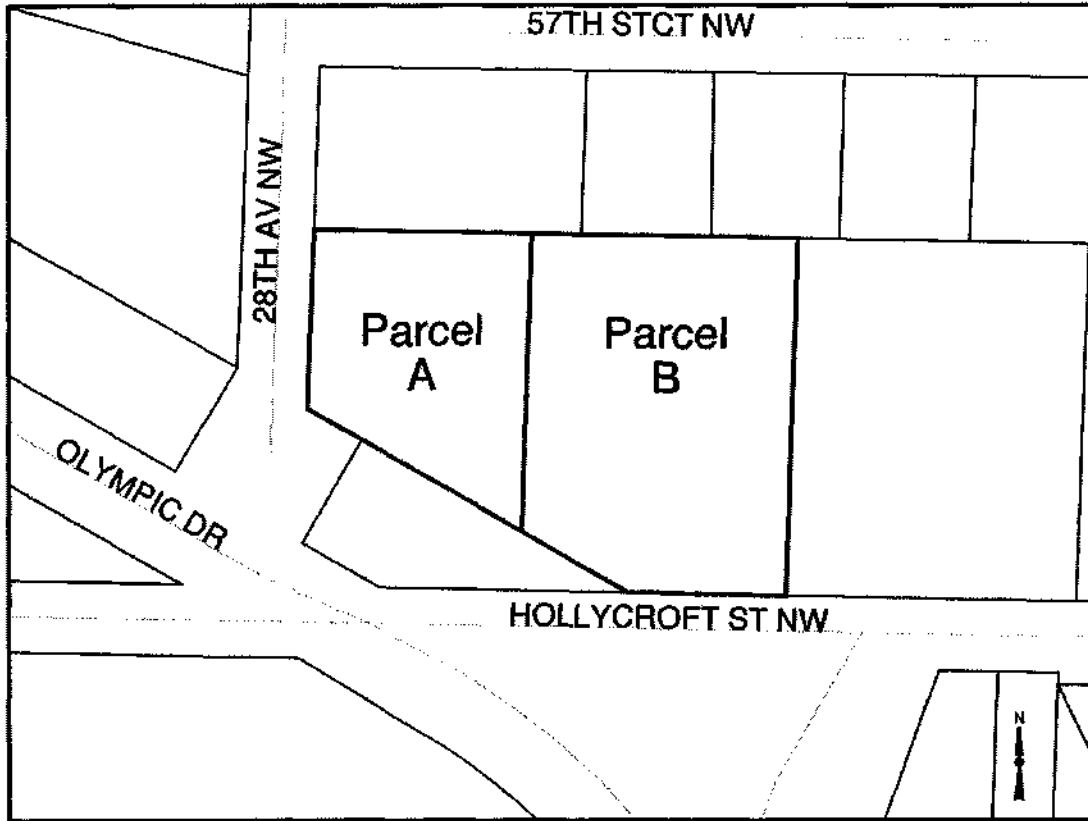
APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: \_\_\_\_\_

# Exhibit "A"

Ordinance \_\_\_\_\_



Parcel A:  
ATR Parcel #7580000513

Parcel B:  
ATR Parcel #7580000514

Parcel A and B Address:  
2727 Hollycroft Street

Parcel A and B Legal Description:  
Lot 1 and Lot 2 of Short Plat 80-297 in the SW ¼, of the NE ¼ of Section 17,  
Township 21 North, Range 2 East, W.M., situated in Pierce County, Washington.



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS  
FROM: JOHN P. VODOPICH, AICP  
COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: BUILDING SIZE ANALYSIS PRESENTATION – FINAL REPORT  
DATE: DECEMBER 8, 2003

**INFORMATION/BACKGROUND**

A 2003 Planning Budget Objective called for a 'Building Size Analysis':

***Building size analysis.** Solicit professional consultant services for the purposes of conducting a comprehensive review of the issue of building sizes limitations. Such a review would take in to consideration the local environment, and economics, and result in a written report/presentation that would outline alternatives and recommendations for consideration. \$25,000 December*

In August 2003, the Council approved a consultant services contract with Perteet Engineering, Inc. for the Building Size Analysis project.

Attached are the consultant/task force recommendations on the building size limits. This summarizes the existing limits, the Planning Commission proposed limits and the recommendations of the task force. These recommendations are made after extensive interviews, two public comment meetings, and serious, well considered deliberations by the task force.

The project is complete and the consultant will be presenting the written report outlining alternatives and recommendations for consideration by the Council.

**RECOMMENDATION**

No action is needed at this time. However, if the Council is desirous of implementing any of the alternatives outlined in the report, direction to staff would be appropriate.

## Building Size Limitations: Task Force Recommendations

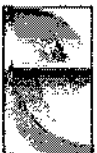
12-1-2003

### Zones with Existing Size Limits

Zone	Existing Standard	Recommended Standard	Other Recommendations/Comments
RB-1	5 ksf per lot	5 ksf per <i>structure</i>	Review of available lots indicated that the size limit seriously reduced development ratio for the parcel size. The recommendation intends to preclude replatting of oversized lots (based on the existing size limit and allowable coverage standards) and provide for coordinated development.
B-1	5 ksf per lot	10 ksf per <i>structure</i>	Review of available lots (1) indicated that the size limit seriously reduced development ratio for the parcel size
B-2	35 ksf per structure	65 ksf per structure	The revised structure size limit is intended to provide for contemporary community groceries. Any planned development bonuses are to be applied to overall site development capacity and should not be applied to increasing the building size.
C-1	65 ksf per structure	No change	
WM	3.5 ksf per lot	No change	

### Zones with Size Limits Proposed by Planning Commission

Zone	Proposed Standard	Recommended Standard	Other Recommendations/ Comments
WR	3.5 ksf per <i>structure</i>	No change	
R-1	3.5 ksf per <i>structure</i>	No change	
R-2	3.5 ksf per <i>structure</i>	No change	
R-3	3.5 ksf per <i>structure</i>	<i>No limit</i>	Intention is to allow nursing homes/retirement homes in a zone that allows multifamily structures. Other setbacks/height/coverage standards still apply.
RB-2	12 ksf per <i>structure</i>	12 ksf/ <i>footprint</i>	RB-2 lots are generally larger, with capability to provide buffer from other uses. The proposed 12ksf/structure limit would preclude most office development, as well as multifloor buildings due to ADA, emergency egress and other circulation requirements. The recommended standard allows development that has greater leasing flexibility and large enough floorplates to provide vertical circulation in commercial structures
WC	3.5 ksf per <i>structure</i>	No change	The existing WC zone in the area of the waterfront north of the existing WM zone should be changed to WM
DB	16 ksf <i>footprint</i>	16 ksf footprint*	*with ability to increase footprint to maximum coverage, if the ground floor is dedicated to pedestrian oriented uses (i.e., restaurant, retail, services, etc.)







"THE MARITIME CITY"

ADMINISTRATION

**TO: MAYOR WILBERT AND CITY COUNCILMEMBERS**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *Mark*  
**SUBJECT: RECOGNITION AWARDS**  
**DATE: DECEMBER 3, 2003**

**INFORMATION/BACKGROUND**

There are times when it is appropriate to recognize the contribution of employees and volunteers with a token of the city's appreciation. Following the state guidelines set forth in RCW 41.60.150 will allow the city to establish recognition policies that would not be considered extravagant by community standards.

**RECOMMENDATION**

A motion to add a section to the Gig Harbor Personnel Policies to establish a recognition program.

**CITY OF GIG HARBOR  
RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF GIG HARBOR ESTABLISHING A  
RECOGNITION PROGRAM AND ADDING A NEW SECTION TO THE  
PERSONNEL POLICIES.**

---

WHEREAS, the current City of Gig Harbor Personnel Regulations has no provision for the City to pay for special recognition awards or ceremonies; and

WHEREAS, there are times when it is appropriate to recognize the contribution of employees and volunteers with a token of the city's appreciation; and

WHEREAS, policy should be included in the Personnel Regulations to facilitate the recognition awards and ceremonies;

NOW THEREFORE, BE IT RESOLVED by the City Council as follows:

Section V. RECOGNITION AWARDS shall be added under the Employment Benefits section of the Gig Harbor Personnel Regulations to read as follows:

- V. The City of Gig Harbor encourages recognition activities that provide employees and volunteers a meaningful experience, but would not be considered extravagant by community standards. Recognition awards or ceremonies shall follow the standards outlined in RCW 41.60.150, Recognition Awards.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR  
this \_\_\_<sup>th</sup> day of December , 2003.

APPROVED:

\_\_\_\_\_  
GRETCHEN A. WILBERT, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 12/3/03  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO.

computing a retirement allowance under any public retirement system of this state. [1982 c 167 § 10.]

**Severability—1982 c 167:** See note following RCW 41.60.015.

**41.60.150 Recognition awards.** Other than suggestion awards and incentive pay unit awards, agencies shall have the authority to recognize employees, either individually or as a class, for accomplishments including outstanding achievements, safety performance, longevity, outstanding public service, or service as employee suggestion evaluators and implementors. Recognition awards may not exceed two hundred dollars in value per award. Such awards may include, but not be limited to, cash or such items as pen and desk sets, plaques, pins, framed certificates, clocks, and calculators. Award costs shall be paid by the agency giving the award. [2000 c 139 § 2; 1999 c 50 § 10; 1989 c 56 § 5; 1985 c 114 § 7.]

**Effective date—1989 c 56:** See note following RCW 41.60.041.

**Effective date—1985 c 114:** See note following RCW 41.60.015.

**41.60.160 Persons ineligible for awards.** No award may be made under this chapter to any elected state official or state agency director. [1993 c 467 § 7; 1987 c 387 § 8.]

**Effective date—1993 c 467:** See note following RCW 41.60.010.

**41.60.910 Severability—1975-'76 2nd ex.s. c 122.** If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1975-'76 2nd ex.s. c 122 § 9.]

**41.60.911 Effective dates—1987 c 387.** This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987, except section 10 of this act which shall take effect immediately. [1987 c 387 § 11.]

## Chapter 41.64

### PERSONNEL APPEALS BOARD

#### Sections

41.64.010	Personnel appeals board—Created—Membership—Definitions.
41.64.020	Removal of members—Hearing.
41.64.030	Compensation of members—Travel expenses—Disclosure of financial affairs.
41.64.040	Election of chairperson—Biennial meetings.
41.64.050	Executive secretary—Appointment of assistants.
41.64.060	Location of principal office—Hearings—Procedure.
41.64.070	Journal of official actions.
41.64.080	Employee appeals—Hearings examiners.
41.64.090	Employee appeals—Jurisdiction.
41.64.100	Employee appeals—Hearing—Decision to be rendered within ninety days, exceptions.
41.64.110	Employee appeals—Hearing—Procedure—Official record.
41.64.120	Employee appeals—Findings of fact, conclusions of law, order—Notice to employee and employing agency.
41.64.130	Employee appeals—Review by superior court—Grounds—Notice, service—Certified transcript.
41.64.140	Employee appeals—Review by superior court—Procedure—Appellate review.
41.64.910	Severability—1981 c 311.

[Title 41 RCW—page 302]

#### 41.64.010 Personnel appeals board—Created—Membership—Definitions. (Effective until July 1, 2006.)

(1) There is hereby created a "personnel appeals board," hereinafter in this chapter referred to as the "board," which shall consist of three members to be appointed by the governor, subject to confirmation by the senate. The first board shall be appointed within thirty days after May 19, 1981, for terms of two, four, and six years. Thereafter, appointments shall be made for six-year terms. A vacancy shall be filled by appointment by the governor for the unexpired term in which the vacancy exists. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Members may be reappointed to the board for successive terms. Persons appointed to the board shall be qualified by experience and training in the field of administrative procedures and merit principles. Such members:

(a) May not hold any other employment with the state;

(b) May not during the terms to which they are appointed be or become candidates for public office, hold any other public office or trust, engage in any occupation or business which interferes, or is inconsistent, with their duties as members of the board, serve on or under any committee of any political party, and may not have been officers of a political party for a period of one year immediately prior to their appointment; and

(c) May not for a period of one year after the termination of their membership on the board, act in a representative capacity before the board on any matter.

(2) Unless the context clearly indicates otherwise, the following definitions apply to this chapter:

(a) "Agency" means any agency as defined in RCW 41.06.020;

(b) For appeals filed on or after July 1, 1981, under RCW 41.64.090, "board" or "personnel appeals board" means the personnel appeals board created by subsection (1) of this section;

(c) For purposes of RCW 41.64.080 through 41.64.140 for appeals filed before July 1, 1981, under RCW 41.06.170, as it existed prior to or after May 19, 1981, "board" or "personnel appeals board" means the \*state personnel board created by RCW 41.06.110. [1981 c 311 § 1.]

\*Reviser's note: Powers, duties, and functions of the higher education personnel board and the state personnel board were transferred to the Washington personnel resources board by 1993 c 281 §§ 1 through 7.

#### 41.64.020 Removal of members—Hearing. (Effective until July 1, 2006.)

Any member of the board may be removed for incapacity, incompetence, neglect of duty, malfeasance, or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time and the procedure for the hearing, which shall be public. The decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal disqualifies such member for reappointment. [1981 c 311 § 3.]



"THE MARITIME CITY"

POLICE DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MITCH BARKER, CHIEF OF POLICE** *MB*  
**SUBJECT: OCTOBER INFORMATION FROM PD**  
**DATE: NOVEMBER 24, 2003**

The October activity statistics are attached for your review.

Our five Reserve Officers provided 199 hours of service in October. The time was split between patrol duties, training, and traffic control for the Halloween event.

The bike unit logged 4 hours in October. This was all spent at the Halloween event on Harborview.

The patrol boat has been removed from the water for the season and therefore the MSU only logged three hours, all for maintenance.

## GIG HARBOR POLICE DEPARTMENT

### MONTHLY ACTIVITY REPORT

#### OCT 2003

	<u>OCT</u> <u>2003</u>	<u>YTD</u> <u>2003</u>	<u>YTD</u> <u>2002</u>	<u>% chg</u>
CALLS FOR SERVICE	472	4922	4850	1%
SECONDARY OFFICER ASSIST	57	638	688	-4%
CRIMINAL TRAFFIC	4	88	112	-21%
TRAFFIC INFRACTIONS	55	753	666	13%
DUI ARRESTS	1	40	54	-26%
FELONY ARRESTS	7	61	70	-13%
WARRANT ARRESTS	8	62	67	-7%
MISDEMEANOR ARRESTS	21	215	175	23%
CASE REPORTS	102	1125	1020	13%
REPORTABLE VEHICLE ACCIDENTS	24	156	154	1%