

Gig Harbor City Council Meeting

**December 9, 2002
7:00 p.m.**



**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
December 9, 2002 - 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 25, 2002.
2. Correspondence/Proclamations: a) Letter from Jonathan Schlaudraff
3. Appointment of Mayor Pro Tem for 2003.
4. Pump Station 2A Replacement – Contract Amendment #1.
5. Olympic Drive/56th Street Project – Contract Amendment #1.
6. Liquor License Assumption – Fred Meyer Marketplace.
7. Approval of Payment of Bills for December 9, 2002.
Checks #38590 through # in the amount of \$.
8. Approval of Payroll for the Month of November:
Checks #2191 through #2243 and direct deposit entries in the amount of \$208,210.64.

OLD BUSINESS:

1. Second Reading of Ordinance – 2001 Comprehensive Plan Amendments.
2. Second Reading of Ordinance – Providing for extension of the LID No. 99-1 Bond.
3. Second Reading of Ordinance – Civic Center Revised Hours of Operation.

NEW BUSINESS:

1. Resolution – Replacing the Shared Leave Section of the Personnel Regulations.
2. Shurgard Reservoir Tank Repainting Project Award.
3. Grandview Street Improvement Project CSP-0025, Change Order No. 2.

STAFF REPORTS:

John Vodopich, Community Development Director - Shoreline Master Program Process.

PUBLIC COMMENT:

COUNCIL COMMENTS / MAYOR'S REPORT:

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing litigation per RCW 42.30110(i).

ADJOURN:

GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 25, 2002

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

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE

Mayor Wilbert welcomed Colonel Schumacher, the city's new liaison with Ft. Lewis.

PUBLIC HEARING:

1. 2003 Proposed Budget. Mayor Wilbert opened the public hearing at 7:03 p.m. David Rodenbach, Finance Director, explained that there was one change in the ordinance since the last public hearing regarding the Harborview Street End Viewpoint. He addressed Councilmember Franich's concerns on the expenditure of the funds.

Mayor Wilbert then asked the audience for comments. As there were none, she closed this public hearing and opened the next at 7:08 p.m.

2. 2001 Comprehensive Plan Amendments – John Vodopich, Community Development Director, explained that this was the second public hearing on the 2001 Comprehensive Plan amendments. He said that this evening's hearing was for applications 01-01; 01-02; 01-05; 01-06; 01-07, and 01-11. He explained that the map delineated where the applications lie in relation to the city, and then gave an overview of each application.

John explained that applications 01-01 and 01-02 were both submitted by Ken Uddenberg, for property located at the corner of Pioneer and Grandview, which are presently designated as Residential-Low. He added that the application was requesting Residential-Medium density with the intent to pursue a rezone to construct a professional office building. He said that both staff and the Planning Commission recommend approval. The Planning Commission recommended additional language under the Planning Unit Boundary of the Comp Plan and asked that the proponent enter into a development agreement prior to conducting construction. He said that after review with the City Attorney, staff is recommending approval of the application, but without the added language or the requirement for a development agreement.

Application 01-05 was submitted by Burnham Construction, LLC for the Northharbor Business Campus for a change from the mixed-use designation to an employment center designation. He said that the justification for this request is that the existing uses at this site are more consistent with the employment center designation. He added that both the Planning Commission and staff recommended approval of this change.

John continued with application 01-06, from Burnham Construction, LLC, for the Burnham Drive Commercial Park. He said that this is a similar request for an

employment center designation.

Application 01-07, Kaltnic-Baerg, is for a change from residential-low to residential-medium in the 5400 block of 36th Avenue NW. He said that the applicant is asking for the change for the purpose of constructing town homes on the site. He said that after review by the Planning Commission, it was recommended that the application be denied given the proximity of the established single-family residential development, inconsistencies with the Comprehensive Plan policies, and the fact that the city has typically utilized residential-medium designation as a zoning buffer for more intensely developed properties.

He said that application 01-11 was discussed at the last meeting and is Councilmember Owel's recommendation for low-impact development guidelines. He said that a recent Growth Management Hearings Board case states that when a Comprehensive Plan change that requires development regulations is proposed, they need to come at the same time.

John reminded Council that this ordinance would return at the December 9th Council Meeting for a second reading. The Mayor opened the hearing for public comment.

Les Wilson – 3719 53rd St. NW. Mr. Wilson explained that his property was adjacent to the property in application 01-07, adding that this proposal was turned down last year under a different address of 36th Avenue. He said that the applicant was requesting a change in density to construct nine structures, and that he is adamantly opposed to this. He said he had submitted 30 signatures opposing this proposal. He talked about concerns with traffic, and then said he would like to know what is proposed to be built on the site. John explained that no applications had been submitted, but the applicant had indicated the desire to build town homes on the site. Mr. Wilson said that he saw no reason to have apartment buildings in the middle of a residential development.

Mrs. Wilson said that this change would give the developer the ability to put nine structures with up to four units in each, totaling 36 units. She said that this would cause a tremendous impact on the traffic and surrounding properties. She said that the area residents were opposed to this amendment. She then asked if the people were notified of this public hearing.

John explained that if the change were made, the implementing zoning would be R-2, which has a density range of 6-7.8 dwelling units per acre, which would not allow 36 units. He then answered Councilmember Owel's questions regarding noticing requirements. He said that only legal notification in the newspaper is required, but that his department mailed notices to all adjoining property owners within 300 feet due to the site-specific nature of the amendments.

Geoff Moore – 9216 Randall Drive. Mr. Moore explained that he was representing the proponent for amendment 01-07 and passed out an aerial photo of the area. He explained that they would like reconsideration of the recommendation by the Planning

Commission to deny this request. He explained that in June of 1975, prior to the city annexing the property, the County applied a mixed-use designation to this area, and that is how the area has developed. He said that he thought the Planning Commission had taken an overly simplistic look at the zoning map without considering the surrounding area. He pointed out that the property to the east was apartments, the property to the north had a gas station and a day-care, and directly across the street from that are professional offices. He discussed Patterson's Market across from the gas station to the west, adding that categorizing this area as all single-family residential is incorrect. He stressed that the requested Comprehensive Plan change does not grant the ability to build anything, but allows the property owners to come back to the city with a proposal. He added that the utilities were already in place. He said that they would like the opportunity to have an architect design town homes to be brought to the city for consideration.

Paul Kaltnic – 4732 Old Stump Drive. Mr. Kaltnic explained that he and Dick Berg have owned the property for many years and were originally involved with the apartments constructed to the rear of this property. He said that they retained this property on the basis that at a later date they would develop it into apartments. He said that due to other factors nothing had been done, and then the property was annexed into the city. He said that the nature of the location and the kind of property lends itself to a well-situated, multi-family, low-density project, or even a small office building. He said that they would like the opportunity to follow through on this plan, adding that whatever they decide will be in good taste and representative of the kind of projects that he and Dr. Berg had been involved with over the years.

Councilmember Franich asked Mr. Moore to characterize the existing structures surrounding the property. Mr. Moore talked about a small office, duplexes, and single-family homes.

Monty L. Laughlin – 3617 53rd St. NW. Mr. Laughlin explained that he lives south of the proposed property in 01-07. He said that he has been a resident there and owned property there for 37 years. He talked about the apartments directly north of him, stating that they have had nothing but problems since these were constructed. He discussed the vandalism and trespassing that has occurred over the years, stressing that he does not want any more apartments north or west of his property. He said that he has submitted a letter stating his concerns with the environmental impact statement on the property. He concluded by saying he was in favor of the property zoning to be single-family residential.

Paul Miller – 917 Pacific Avenue, Tacoma. Mr. Miller explained that he couldn't make the last public hearing, but wanted to speak on amendment 01-10, which includes four parcels designed to conform to the county boundary. He said that his four parcels adjacent to the existing employment center within the current UGA. He said that he received no notice when the county made changes to the Gig Harbor plan, and consequently, those four parcels were removed. He said that the four parcels are part of the overall employment-center development and the only road access is the one off

54th Avenue, which dead-ends at these four parcels. He said that it would be unlikely that someone would develop rural housing if they would have to drive through an industrial or commercial area. He said that the County Council has agreed to sponsor an amendment to the Comprehensive Plan to put those four parcels back into the UGA, and asked that the City of Gig Harbor hold off on those parcels until the county has a chance to act on this after the first of the year.

Ken Uddenberg – 45 Raft Island Blvd. Mr. Uddenberg gave an overview of the letter he submitted for consideration regarding application 01-01 and 01-02. He said that this amendment was a culmination of nearly 4-1/2 years of studies, public hearings, and deliberation by the Planning Commission. He said that the staff report prepared by John Vodopich adequately summarizes the rationale for the recommendation of approval. He talked about the corner of Pioneer Way and Grandview Street as a gateway to the city, adding that transforming the two properties from the deteriorating rental properties into professional offices, would make a significant improvement to the area. He said that the attached photos were intended to help visualize the improvement that could result. He said that the property on Grandview had been operated as a daycare since the 1980s under a conditional use permit, and that the current use has a greater impact than what would result from a professional office of the same size. He asked for support of the Planning Commission's recommendation for approval of these two applications.

John Vodopich explained that staff had prepared a wetland map and more information regarding the property in response to the request from Paul Miller. He reminded Council that they were not taking action at this meeting.

Councilmember Ruffo explained that he knew both owners of the property, and that he has discussed this issue with them. He asked if it would be appropriate for him to abstain from further discussion. Carol Morris, City Attorney, explained that because it is a legislative issue, Councilmembers could talk to anyone about this with no problems.

There were no further comments and the public hearing was closed at 7:52 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 12, 2002.
2. Correspondence/Proclamations: a) Proclamation – Drunk/Drugged Driving Prevention.
3. Tax Discovery Audit Service – Consultant Services Contract.
4. Pierce County Franchise Agreement – Gig Harbor Waterlines in County Right-of-Way.
5. Gig Harbor Civic Center – Easement Agreement.
6. Employees' and Supervisory Employees' Guild Contracts.
7. Canterwood Sewer Request.
8. Liquor License Application – Happy at the Bay.
9. Liquor License – Change in Corporate Officers – Hy-Iu-Hee-Hee
10. Approval of Payment of Bills for November 25, 2002.
Checks #38461 through #38589 in the amount of \$238,167.78.

MOTION: Move to approve the consent agenda as presented.
Young/Ruffo – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Adopting the 2003 Budget. David Rodenbach, Finance Director, explained that the only change to the ordinance is the attachment A, Salary Schedule.

Councilmember Franich said that he had a meeting with a number of the members of the Maritime Pier Committee and proposed a change in the language to the goal for the Maritime Pier.

MOTION: Move to make amendments to language in the Parks and Recreation portion of the Budget, Narrative of Goals to read "Identify an appropriate location for the development of a Maritime Pier with possible waterfront access for recreational activities."
Franich/Owel – unanimously approved.

MOTION: Move to adopt Ordinance No. 919 adopting the 2003 Budget as amended.
Ekberg/Ruffo – unanimously approved.

2. Second Reading of Ordinance – Adopting the Amendments to the States Uniform Codes, the State Energy, Ventilation, and Air Quality Codes. John Vodopich presented this ordinance that would bring the city's building codes into consistency with the local state amendments. He introduced Dick Bower, Building Official, to answer questions. Dick explained that these code amendments were not remarkable and would present no costly increases to the building industry.

MOTION: Move to adopt Ordinance No. 920.
Young/Dick – unanimously approved.

3. First Reading of Ordinance (continuation) – 2001 Comprehensive Plan Amendments. John Vodopich explained that this was a first reading and second public hearing, and that this would return at the December 9th meeting.

Councilmember Ruffo asked for clarification on voting on the amendments. He said that there are specific items that might require more discussion or additional study. He was assured that a motion could be made to discuss any application separately. Councilmember Ruffo said that the specific application recommended denial by the Planning Commission might deserve additional study, due to the difficulty. He said that because there was two weeks until the next meeting, some Councilmembers might want to visit the site to see if the proposal is consistent with the surrounding neighborhood.

Councilmember Young said that he lives in the Forest Grove Apartments, and is familiar with the site. He said that all the property that is more intensely developed is several lots to the north of the proposed 01-07, with the only exception being the apartments, which has a large buffer area. He added that the apartments would not be obtrusive to a low-density residential development on the Kaltnic property, but it is the only abutting property that isn't currently zoned R-1. If it were changed to medium-density, it would basically be an island. He added that everything else constructed such as the gas station and Patterson's, was done so under the County's general zoning and everything else is low-density.

Councilmember Franich asked for clarification of the definition of "dwelling unit." He then asked if there had been consideration by the Planning Commission for the "creeping" of commercial property on Grandview or further down Pioneer. John addressed both questions. He said that there had been consideration not only in the Grandview/Pioneer area, but other transitional areas, which led to the recommended language amendments. He said that this was addressed in his staff report, and that the language would be considered as a Comprehensive Plan Amendment Plan application at a later date. Councilmember Ekberg pointed out that this was the original reason for the creation of the RB-1 zoning designation. He said that he also was concerned with the creeping of commercial into residential.

Councilmember Young asked about the Pierce County cycle of amendments to their Comp Plan in response to the request by Paul Miller. John stressed that anyone interested could make application for changes to the Pierce County plan up until early December for the 2003 changes. Carol Morris said that the Growth Management Act says that the city has to be consistent with the county on the Urban Growth Boundary, but if Council wished to wait on this particular application until the next cycle to see what the County was going to do, it would have an error on the city map until that time. John explained that the intent is to make all the amendments to the Urban Growth Area to match what Pierce County had adopted in March.

Councilmember Dick recommended that the city stay consistent with the county's map to minimize confusion. Other Councilmembers agreed, and Paul Miller was urged to move forward with his recommendation to Pierce County for an amendment.

NEW BUSINESS:

1. First Reading of Ordinance – Providing for extension of the LID No. 99-1 Bond.

David Rodenbach explained that this is an extension of the bond due date of December 19th. He said that the project is now complete, however, the LID assessment process will take additional time to complete. He said that the rate in this offer is substantially lower than the per diem rate if it were to be paid off late, and recommended approval at the second reading.

2. First Reading of Ordinance – Revised Hours of Operation. Molly Towslee, City Clerk, explained that this ordinance was housekeeping in nature, and would amend the city code to more accurately reflect the hours of operation and the name of the new

Civic Center. This will return for a second reading at the next meeting.

STAFF REPORTS:

Gig Harbor Police Department – October Stats. No verbal report given.

PUBLIC COMMENT:

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Franich commented about signage on the new Civic Center and the lack of mention of city services. Mark Hoppen explained that the issue is signage on the street and described how this will be remedied with additional signage on Pioneer and Grandview. John Vodopich added that lighting on the main sign will be resolved with the contractor.

Councilmember Franich then voiced concerns with the safety of the design of bicycle lanes on Borgen Boulevard. Mark said that he would have the City Engineer take a look at the design.

Councilmember Ruffo commented that other round-a-bouts in other parts of the world rarely have more than one travel lane designation. He asked if it would better serve the traffic to make this change at Borgen Boulevard. Mark explained that the line is a recent addition, and the design originally called for one large, single lane with options. He quoted recent DOT statistics on intersections and the surprising decrease in collisions, especially those resulting in injury or death. He said that there is strong evidence that round-a-bouts are safe, and the issue of the divided lanes may need further study.

ANNOUNCEMENT OF OTHER MEETINGS: None.

EXECUTIVE SESSION: None required.

ADJOURN:

MOTION: Move to adjourn at 8:17 p.m.
Ekberg/Young - unanimously approved.

Cassette recorder utilized:
Tape 666 – Side B 240 - end.
Tape 667 – Both Sides.

Derek Young, Mayor Pro Tem

City Clerk

RECEIVED

DEC 02 2002

CITY OF GIG HARBOR

Honorable Mayor Gretchen Wilbert

I feel that Gig Harbor is a great growing community with its new City Hall and shopping center. I think this new shopping center with Albertsons would be a perfect place for a Cosco and would add greatly to the community, and if the toll goes up on the bridge people would rather stay and spend their money in Gig Harbor.

Another thing that would improve the quality of life in Gig Harbor would be to extend the bike trail that now runs from the Narrows Bridge to Olympic Village all the way to the new shopping center at Burnham Dr.. I find it difficult as a 14-year-old to get around the area unless someone can drive me.

If these matters come before you would you please consider my concerns.

Sincerely,

Jonathan Schlaudraff

Jonathan Schlaudraff
Star Scout, Boy Scout Troop 212
13306 91st Av. Ct. N.W.
Gig Harbor, WA 98329



"THE MARITIME CITY"

3510 GRANDVIEW STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136 • WWW.CITYOFGIGHARBOR.NET

TO: CITY COUNCIL
FROM: MAYOR GRETCHEN WILBERT
SUBJECT: MAYOR PRO TEM FOR 2003
DATE: DECEMBER 2, 2002

INFORMATION/BACKGROUND

At the second regular meeting in January of each year, the GHMC calls upon the members of the City Council to elect a mayor pro tempore, who in case of the absence of the Mayor, performs the duties of Mayor. I would like to do this at the December meeting, as I may not be present at the second meeting of January.

I would like to thank Councilmember Derek Young for serving as Mayor Pro Tem during 2002, and recommend that Councilmember Bob Dick be elected to Mayor Pro Tem for this upcoming year.

RECOMMENDATION

A motion to approve the election of Bob Dick to Mayor Pro Tempo rare for the year 2003.



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COMMUNITY DEVELOPMENT DEPARTMENT
3510 GRANDVIEW STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-6170 • WWW.CITYOFGIGHARBOR.NET

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONSULTANT SERVICES CONTRACT, AMENDMENT NO. 1
- SEWAGE PUMP STATION 2A CSSP-0201
DATE: DECEMBER 9, 2002

INTRODUCTION/BACKGROUND

On April 22, 2002, the Council approved a Consultant Services Contract with Earth Tech, Inc. in the amount of \$62,580.00 to provide final engineering design services for the replacement Sewage Pump Station 2A.

Additional consultant services, in the estimated amount of \$15,000.00 is required due to revisions in the final Pump Station site selection process, the inclusion of additional outfall structures and appurtenances, additional coordination meetings, and the inclusion of additional pump station mechanical equipment. The attachment summarizes the breakdown of the additional services.

Council approval is requested to execute a contract amendment to the Consultant Services Contract with Earth Tech, Inc. for the additional engineering design services.

FISCAL CONSIDERATIONS

The approved Consultant Services Contract with Earth Tech, Inc. for engineering design services is in the amount of \$62,580.00. Amendment No. 1 for additional engineering design services is in the amount of \$15,000.00, for a total amended contract amount not to exceed \$77,580.00. This project is funded through the 2002 sewer-operating fund and adequate funds exist to accommodate the proposed amendment.

RECOMMENDATION

I recommend that Council authorize execution of Amendment No. 1 to the Consultant Services Contract with Earth Tech, Inc. for additional engineering design services for the Sewage Pump Station 2A, in an amount not to exceed fifteen thousand dollars and no cents (\$15,000.00).

**AMENDMENT TO CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
EARTH TECH, 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 Earth Tech, Inc., a corporation organized under the laws of the State of Washington, located and doing business at 10800 NE 8th Street, Bellevue, Washington 98004 (hereinafter the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in the design of the Pump Station 2A Replacement 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 Work. Section I of the Agreement is amended to require the Consultant to perform all work described in **Exhibit A – Labor Budget Estimate**, 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 A** to the Amendment in the amount of: Fifteen thousand dollars and no cents (\$15,000.00). 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 February 28, 2003; 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 _____, 2002.

THE CITY OF GIG HARBOR

By: 
Its Principal 12.04.02

By: _____
Mayor

Notices to be sent to:

CONSULTANT
Kris Guttormsen, P.E.
Earth Tech, Inc.
10800 NE 8th Street, 7th Floor
Bellevue, Washington 98004
(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 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: _____

Exhibit A

E

LABOR BUDGET ESTIMATE

SEWAGE PUMP STATION NO. 2 REPLACEMENT - CITY OF GIG HARBOR

Project Mngr.:

Kris Guttormsen

Date:

26-Nov-2002

Description	Name Salary	Project Manager Guttormsen \$45.70		Structural Engineer KC Chen \$41.13		CAD Tech Team \$25.60		Word Processor Spradlin \$18.00		Total	
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
1 Site Selection Report Revisions		9	\$411		\$0		\$0		\$0	9	\$411
2 Coordination Meeting with Cosmopolitan in Gig Harbor		4	\$183		\$0		\$0		\$0	4	\$183
3 Coordination Meeting with Cosmopolitan in Tacoma		4	\$183		\$0		\$0		\$0	4	\$183
4 Coordination w/Cosmopolitan by phone/fax/e-mail		8	\$366		\$0		\$0		\$0	8	\$366
5 Revisions to Site Plan for Outfall		12	\$548		\$0	6	\$154		\$0	18	\$702
6 Drawing Coordination		4	\$183		\$0	4	\$102		\$0	8	\$285
7 Addition of Grinder		12	\$548	6	\$247	8	\$205	1	\$18	27	\$1,018
8 Coordination with ECS re/Grinder		2	\$91							2	\$91
9 Extension of Outfall @ WWTP Site		6	\$274		\$0		\$0		\$0	6	\$274
10 Unit Price Bid Proposal		12	\$548		\$0		\$0	2	\$36	14	\$584
			\$0		\$0		\$0		\$0	0	\$0
			\$0		\$0		\$0		\$0	0	\$0
			\$0		\$0		\$0		\$0	0	\$0
			\$0		\$0		\$0		\$0	0	\$0
			\$0		\$0		\$0		\$0	0	\$0
			\$0		\$0		\$0		\$0	0	\$0
			\$0		\$0		\$0		\$0	0	\$0
			\$0		\$0		\$0		\$0	0	\$0
Total Hours		73		6		18		3			
Total Direct Cost/Raw Salary Cost			\$3,336		\$247		\$461		\$54		\$4,098
Indirect Costs @ 160.98%			\$5,370		\$397		\$742		\$87		\$6,596
Subtotal			\$8,707		\$644		\$1,203		\$141		\$10,694
Profit @ 15%			\$1,306		\$97		\$180		\$21		\$1,604
Total Labor			\$10,013		\$741		\$1,383		\$162		\$12,298
Direct Expenses											\$123
Contingency											\$2,579
Total Amendment Amount											\$15,000



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COMMUNITY DEVELOPMENT DEPARTMENT
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TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONSULTANT SERVICES CONTRACT AMENDMENT NO. 1
OLYMPIC DRIVE/56TH STREET IMPROVEMENT PROJECT CSP-0133
DATE: DECEMBER 9, 2002

INTRODUCTION/BACKGROUND

On May 28, 2002, the City Council approved a consultant services contract for the final design for the above-mentioned project to the engineering firm of David Evans and Associates, Inc. (DEA), in the amount of \$187,573.45.

DEA is nearing completion on the final design for this project. Recently it was identified that a proposed office building site improvements would conflict with the proposed roadway's underground storm drain detention and conveyance system. The City's roadway construction of this project has been delayed beyond 2003. Consequently, it is anticipated the building office improvements will occur in advance of the City's roadway construction. It is necessary to redesign several key roadway facilities as a result of the construction roadway improvement schedule. The scope of the redesign efforts are shown in Attachment 1 and were unidentifiable at the time the original scope of services for final design was developed.

This amendment also provides for the design services for the inclusion of approximately 600 feet of 8-inch sanitary sewer line within Olympic Drive. This sewer line would remain non-operational in the immediate future but would be placed into service at the time nearby development occurs. In order to minimize future impacts to the traveling public and minimize the amount of trench patches, it is highly recommended to construct the sewer line concurrently during roadway construction.

An additional line item for project contingencies is included in this amendment should it be required.

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 \$187,573.45. Amendment No. 1, in the amount of \$19,336.00, revises the total contract with DEA to \$206,909.45. Sufficient funds are available within the 2002 street-operating fund to cover this amendment.

MAYOR WILBERT AND CITY COUNCIL

December 9, 2002

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RECOMMENDATION

I recommend that the Council authorize execution of Amendment No. 1 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 nineteen thousand three hundred sixty six dollars and no cents (\$19,336.00).

**AMENDMENT 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 design of the Olympic Drive/56th 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 Work. Section I of the Agreement is amended to require the Consultant to perform all work described in **Attachment 1 – Supplement #1 Scope of Work**, 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 **Attachment 2** to the Amendment in the amount of: Nineteen thousand three hundred thirty-six dollars and no cents (\$19,336.00). This Amendment shall not modify any other of the remaining terms and conditions in Section II, which shall be in effect and fully enforceable.

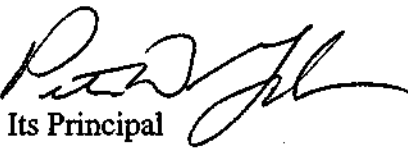
Section 3. Amendment to Duration of Work. The City and the Consultant agree that work will begin on the tasks described in **Attachment 1** immediately upon execution of this Agreement. The parties agree that the work described in **Attachment 1** shall be completed by February 28, 2003; provided however, 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 _____, 2002.

THE CITY OF GIG HARBOR

By:


Its Principal

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 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: _____

Attachment 1
56th Street NW and Olympic Drive NW
Supplement #1 Scope of Work

1. Plan Revisions for Robinson/Savage office

DEA shall modify the 90 percent drawings to incorporate the proposed site plan for the Robinson/Savage Office Development. It is assumed that the office development will be constructed prior to the roadway improvements, therefore DEA shall modify the existing conditions to include the proposed office development. There will be some changes to the items of work and plans on every drawing sheet which shows the proposed office development. The most significant change will be made to the drainage plans. DEA shall redesign the detention tanks and water quality treatment for Basins A and B to avoid impacting the Robinson/Savage site. It is assumed that the location of the detention structures will need to be moved, grades adjusted, pipe connections redesigned, and calculations revised. For this task DEA will:

- Modify base plan from design drawings
- Modify site preparation plan
- Modify roadway plan/profile
- Modify drainage plan/profile/details/calculations
- Modify TESC/Illumination/Signing and Channelization plans
- Modify right of way plan
- Revise quantities based on the above modifications
- Revise up to 4 special provisions based on the above modifications

2. Sewer Main Extension from 10+00 to 16+00

DEA shall extend a dry sewer main in 56th Street NW in accordance with the Sewer Comprehensive Plan from approximate station 10+00 to station 16+00. DEA shall design the alignment, profile, and lateral connections to each property. The laterals will extend to the right of way only. The sewer will not be connected as part of this project. For this task DEA will:

- Design and draft sewer main and laterals on drainage plan
- Design and draft sewer profile
- Review and coordinate with the city
- Calculate additional quantities for the sewer
- Prepare additional special provisions related to the sewer construction and payment

3. Contingency Work (Authorized by the City)

This task is for additional services that may be requested and authorized by the city.

Attachment 2
56th Street NW and Olympic Drive NW
Supplement #1 Estimated Hours and Fee

Work Element	Sr Eng / Survey Mgr	Proj Eng	Civil Designer	CADD Tech	Traffic Designer	Sr. Traffic Engineer	Survey Crew	Admin Support	DEA Total
Rate	\$129.00	\$82.15	\$71.30	\$63.00	\$80.00	\$108.50	\$125.00	\$45.00	
	Total Hours	Total Hours	Total Hours	Total Hours	Total Hours	Total Hours	Total Hours	Total Hours	Total Hours
1. Plan Revisions for Robinson/Savage Office									
Modify base plan from design drawings		4.0		8.0					12.0
Modify site preparation plan	1.0	4.0		4.0					9.0
Modify roadway plan/profile	1.0	4.0		4.0					9.0
Modify drainage plan/profile/details/calculations	4.0	24.0		16.0					44.0
Modify TESC/Illumination/Signing/Channelization plans	2.0	4.0		8.0	4.0	2.0			20.0
Modify right of way plan	2.0	4.0		6.0		1.0			13.0
Revise quantities	1.0	4.0	4.0					2.0	11.0
Revise special provisions	2.0							2.0	4.0
TOTAL ESTIMATED HOURS	13.0	48.0	4.0	46.0	4.0	3.0	0.0	4.0	122.0
TOTAL LABOR	\$1,677.00	\$3,943.20	\$285.20	\$2,898.00	\$320.00	\$325.50	\$0.00	\$180.00	\$9,628.90
2. Sewer Main Extension from 10+00 to 16+00									
Design and draft sewer main and laterals on drainage plan	4.0	8.0		8.0					20.0
Design and draft sewer profile	2.0	8.0		8.0					18.0
Review and coordinate with city	4.0	4.0							8.0
Calculate additional quantities	1.0	4.0	2.0					2.0	9.0
Prepare additional special provisions	4.0							2.0	6.0
TOTAL ESTIMATED HOURS	15.0	24.0	2.0	16.0	0.0	0.0	0.0	4.0	61.0
TOTAL LABOR	\$1,935.00	\$1,971.60	\$142.60	\$1,008.00	\$0.00	\$0.00	\$0.00	\$180.00	\$5,237.20
3. Contingency Work (Authorized by City)									
Expenses									
Reprographics/copying expense									\$500.00
PROJECT TOTAL									\$19,366



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
DATE: 11/22/02

TO: CITY OF GIG HARBOR

AMENDED

RE: ASSUMPTION
From KU ACQUISITION CORPORATION
DbA FRED MEYER MARKET PLACE

APPLICANTS:

FRED MEYER STORES, INC.

License: 076448 - 1J County: 27
UBI: 602-225-793-001-0001
Tradename: FRED MEYER MARKETPLACE
Loc Addr: 5500 OLYMPIC DR STE B
GIG HARBOR WA 98335-1489

WEBB, DARRELL D
1958-02-19 540-80-1196
DEATHERAGE, DAVID W
1959-08-10 500-72-5746
HELDMAN, PAUL W
1951-08-11 296-40-9696

Mail Addr: PO BOX 42121
PORTLAND OR 97242-0121

Phone No.: 253-858-3630 PAUL HELDMAN

Privileges Applied For:
GROCERY STORE - 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.

- 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 DESIGNER



"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT
3510 GRANDVIEW STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-6170 • WWW.CITYOFGIGHARBOR.NET

TO: MAYOR WILBERT AND CITY COUNCILMEMBERS
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SECOND READING OF AN ORDINANCE REGARDING THE 2001
COMPREHENSIVE PLAN AMENDMENTS
DATE: DECEMBER 9, 2002

INTRODUCTION/BACKGROUND

This is the second reading of two Ordinances regarding the 2001 Comprehensive Plan Amendments. The first public hearing was held on November 12, 2002 and concerned updates to the Water System Plan, the Transportation Plan, the Storm Water Plan, the Wastewater Plan and the 2001 Comprehensive Plan Amendment Application #01-10. A second public hearing was held on November 25, 2002 and concerned the 2001 Comprehensive Plan Amendment Applications #01-01, #01-02, #01-05, #01-06, #01-07, and #01-11.

A staff report dated November 25, 2002; on this 'package' of 2001 Comprehensive Plan Amendments has been included in this packet and is specifically referenced in the Ordinance's.

POLICY CONSIDERATIONS

The City is required by the Washington State Growth Management Act (GMA) to prepare a Comprehensive Plan, which includes required utilities and transportation elements. Further, the City is required to consider suggested changes or amendments to the City's Comprehensive Plan, but may not amend the Comprehensive Plan more than once a year. The City has not amended the Comprehensive Plan in the year 2002.

FISCAL CONSIDERATIONS

The Comprehensive Land Use Plan is utilized for 20-year planning purposes. As such, the adoption amendments to the Plan itself will not have any direct fiscal impacts.

RECOMMENDATION

I recommend that Council move approval of the two Ordinances as presented.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY'S COMPREHENSIVE LAND USE PLAN: (1) ADOPTING THE JUNE 2001 CITY OF GIG HARBOR WATER SYSTEM COMPREHENSIVE PLAN AND INCORPORATING IT IN THE UTILITIES ELEMENT; (2) ADOPTING THE 2002 GIG HARBOR TRANSPORTION UPDATE AND INCOPORATING IT IN THE TRANSPORTATION ELEMENT; (3) ADOPTING THE FEBRUARY 2002 WASTEWATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (4) ADOPTING THE MARCH 2001 STORM WATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (5) CHANGING THE LAND USE DESIGNATIONS ON THE FOLLOWING PARCELS: (A) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .42 ACRES AT 7201 PIONEER WAY; (B) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .29 ACRES AT 3519 GRANDVIEW STREET; (C) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 20 ACRES AT 9600 - 44TH AVENUE N.W.; (D) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 14 ACRES AT 10421 BURNHAM DRIVE; AND (6) CORRECTING MAPPING ERRORS IN THE COMPREHENSIVE LAND USE PLAN MAP TO BE CONSISTENT WITH PIERCE COUNTY'S DESIGNATION OF THE CITY'S URBAN GROWTH BOUNDARIES.

WHEREAS, the City of Gig Harbor plans under the Growth Management Act (chapter 36.70A RCW); and

WHEREAS, the Act requires the City to adopt a Comprehensive Plan; and

WHEREAS, the Act requires that the Comprehensive Plan include a utilities element, consisting of the general location and capacity of all existing and proposed utilities (RCW 36.70A.070); and

WHEREAS, the Act requires that the Comprehensive Plan include a transportation element with all of the sub elements identified in RCW 36.70A.070(6); and

WHEREAS, the City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with transportation and utilities elements); and

WHEREAS, the City is required to consider suggested changes or amendments to the City's Comprehensive Plan (RCW 36.70A.470), but the City may not amend the Comprehensive Plan more than once a year (RCW 36.70A.130); and

WHEREAS, the City is required to provide public notice and public hearing for any amendments to the Comprehensive Plan and any elements thereto (RCW 36.70A.035, RCW 36.70A.130); and

WHEREAS, the City's SEPA Responsible Official has issued a Determination of Non-Significance with regard to the proposed adoption of the elements to amend the City's Comprehensive Plan, as well as the remaining amendments; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Office of Community Development on November 5, 2002, pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor Planning Commission held a work study session the comprehensive plan amendments to the Land Use Map and the text on May 3, 2001; and

WHEREAS, the Planning Commission held public hearings on the comprehensive plan amendments to the Land Use Map and the text on May 31, 2001 and June 21, 2001; and

WHEREAS, the Planning Commission held a work study session on the comprehensive plan amendments to the Land Use Map and the text to deliberate and formulate a recommendation to City Council on July 25, 2001 and August 8, 2001; and

WHEREAS, on November 12, 2002 and November 25, 2002, the Gig Harbor City Council held public hearings to consider the comprehensive plan amendments; and

WHEREAS, on December 9, 2002, during the regular City Council meeting, the City Council deliberated and voted on the comprehensive plan amendments; Now, Therefore,
THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS
FOLLOWS:

Section 1. Water System Plan. The City Council hereby adopts the June 2001 Water System Comprehensive Plan (Exhibit A hereto), by reference, as if the same were fully set forth herein. The City Council hereby adopts the June 2001 Water System Comprehensive Plan (Exhibit A) by reference as part of the utilities element of the City's Comprehensive Plan.

Section 2. Transportation Update. The City Council hereby adopts the 2002 Gig Harbor Transportation Update, (Exhibit B) by reference, as if the same were fully set forth herein. The City Council hereby adopts the 2002 Gig Harbor Transportation Update (Exhibit B) as part of the transportation element of the City's Comprehensive Plan.

Section 3. Storm Water Plan. The City Council hereby adopts the March 2001 City of Gig Harbor Storm Water Comprehensive Plan (Exhibit C hereto) by reference, as if the same were fully set forth herein. The City Council hereby adopts the March 2001 City of Gig Harbor Storm Water Comprehensive Plan (Exhibit C) as part of the utilities element of the City's Comprehensive Plan.

Section 4. Wastewater Plan. The City Council hereby adopts the February 2002 City of Gig Harbor Wastewater Comprehensive Plan (Exhibit D hereto) by reference, as if the same were fully set forth herein. The City Council hereby adopts the February 2002 City of Gig Harbor Wastewater Comprehensive Plan (Exhibit D) as part of the utilities element of the City's Comprehensive Plan.

Section 5. Comprehensive Land Use Map and Plan Text Amendments.

A. **Notice.** The City Clerk confirmed that public notice of the public hearings held by the City Council on the following applications was provided.

B. **Hearing Procedure.** The City Council's consideration of the comprehensive land use map and plan text amendments is a legislative act. The Appearance of Fairness doctrine does not apply.

C. **Testimony.** The following persons testified on the applications:

1. Paul Citidester – Opposed to application #01-10 and voiced his concern that he and other property owners had not been notified that the city made the recommendation to remove the property in area 10 from the city's UGA when the process began in December 2000.

2. Chuck Howe - Opposed to area 16 in application #01-10 and asked for clarification on the amount of times area 16 had been rejected. He voiced concerns about the density and ingress/egress to this property.

3. Andrea Mitchell – Explained that she owned 30 acres in area 10 (application #01-10) and that she agreed with Paul Citidester about lack of notification of what had happened and how it affects the ability to develop her property, as well as others on her road.

4. Judy Vasconceles – Said she owns duplexes one block from area 8 (application #01-10) and asked how this would affect her property.

5. Clark Davis – Representing the homeowners association for Henderson Bay Heights. The group does not oppose the recommendations for area 4 (application #01-10), but asked for clarification of what parcels will be affected by the change and clarification on the split zoning of one parcel adjacent to the neighborhood.

6. Diane Clifford – The Henderson Bay Heights homeowners' organization spoke with Mr. Davis because of their concerns about that one parcel. She said that the notification was somewhat unclear.

7. Carl Halsan – Representing the property owner for area 4 (application #01-10). He asked for clarification on the notification that went out regarding the employment center designation and showed Council an approved subdivision plan, adding that the property owner didn't want homes in an industrial zoned area. They would like the line to follow the plat boundary line, which won't happen until next summer when the plat is recorded.

8. Paul Cyr – Representing Fred Paulson. Asked for reconsideration for community commercial zoning for area 16 (application #01-10), as was supported by Council last year in the form of a staff recommendation to the Planning Commission. He added that the request failed at the county level.

9. Howard Hawley – Asked about the residential low-density designation in area 11 (application #01-10). He said he was also present to lobby the city for sidewalks on 38th.

10. Nicky Mosier – Asked about annexing to the city and hooking up homes in area 11 (application #01-10) to the city sewer system. Also asked about ownership of streets after an annexation.

11. Marilyn Naylor – Asked if the annexation of her neighborhood (area 11, application #01-10) would happen in 2003.

12. Florence - She asked if she did not want her property to become commercial, (in area 6, application #01-10), what could be done. She said that two of the three property owners do not want the change, and they are concerned that the third party would be able to get the zoning changes.

13. Jim Patton - Gray & Osborne, explained that the Wastewater Comprehensive Plan was written over several years, and is the first phase for these improvements. He said that the next stage is the Facilities Plan, drafted by EarthTech Engineers, which is currently under review by the city. He added that he was not familiar with the provision in their plan to deal with the odor concerns.

14. David Skinner - The Shea Group, explained that there are both long-term and short-term plans to handle the sewer odor. He said that communication with the public could be addressed with Mark Hoppen.

15. Paul Miller – Requested that area 9, application #01-10 be included in the UGA.

16. Ken Uddenburg – Supported applications #01-01 and #01-02.

D. Applications.

1. 01-01 Uddenburg Application. (.42 acres at 7201 Pioneer Way, Gig Harbor)

From the present Residential Low designation to a Residential Medium designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Uddenburg application No. 01-01, by reference.

2. 01-02 Uddenburg Application (.29 acres at 3519 Grandview Street, Gig

Harbor) From the present Residential Low designation to a Residential Medium designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Uddenburg application No. 01-02, by reference.

3. **01-05 Burnham Construction, LLC** (20 acres at 9600 44th Avenue NW, Gig Harbor) From the present Mixed Use designation to an Employment Center designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Burnham Construction, LLC application No. 01-05, by reference.

4. **01-06 Burnham Construction, LLC** (14 acres at 10421 Burnham Drive, Gig Harbor) From the present Mixed Use designation to an Employment Center designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Burnham Construction, LLC application No. 01-06, by reference.

5. **01-10 City of Gig Harbor** (Consistency with Pierce County Gig Harbor Peninsula Community Plan). This is an application for changes to be made in the City's Comprehensive Plan to be consistent with the Urban Growth Area as adopted by Pierce County in the Pierce County Gig Harbor Peninsula Community Plan (Pierce County Ordinance No. 2001-44s2), and involves fourteen (14) changes to the City's Comprehensive Plan Map. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the City of Gig Harbor application No. 01-10, by reference.

Section 6. Transmittal to State. The City Community Development Director is directed to forward a copy of this Ordinance, together with all of the exhibits, to the Washington State

Office of Community Development within ten days of adoption, pursuant to RCW 36.70A.106.

Section 7. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 8. 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 Council and approved by the Mayor of the City of Gig Harbor this ___th day of _____, 2002.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

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

SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington

On _____, the City Council of the City of Gig Harbor, Washington, approved Ordinance No., the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY'S COMPREHENSIVE LAND USE PLAN: (1) ADOPTING THE JUNE 2001 CITY OF GIG HARBOR WATER SYSTEM COMPREHENSIVE PLAN AND INCORPORATING IT IN THE UTILITIES ELEMENT; (2) ADOPTING THE 2002 GIG HARBOR TRANSPORTION UPDATE AND INCOPORATING IT IN THE TRANSPORTATION ELEMENT; (3) ADOPTING THE FEBRUARY 2002 WASTEWATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (4) ADOPTING THE MARCH 2001 STORM WATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (5) CHANGING THE LAND USE DESIGNATIONS ON THE FOLLOWING PARCELS: (A) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .42 ACRES AT 7201 PIONEER WAY; (B) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .29 ACRES AT 3519 GRANDVIEW STREET; (C) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 20 ACRES AT 9600 - 44TH AVENUE N.W.; (D) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 14 ACRES AT 10421 BURNHAM DRIVE; AND (6) CORRECTING MAPPING ERRORS IN THE COMPREHENSIVE LAND USE PLAN MAP TO BE CONSISTENT WITH PIERCE COUNTY'S DESIGNATION OF THE CITY'S URBAN GROWTH BOUNDARIES.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of _____.

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, DENYING CERTAIN AMENDMENTS TO THE CITY'S COMPREHENSIVE LAND USE PLAN FOR A CHANGE IN THE LAND USE DESIGNATION OF RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR 1.66 ACRES OF PROPERTY AT 5429 - 36TH AVENUE NW AND FOR A TEXT AMENDMENT REQUIRING THE USE OF LOW IMPACT DEVELOPMENT GUIDELINES FOR PROPERTIES CONSTRAINED BY CRITICAL AREAS.

WHEREAS, the City of Gig Harbor plans under the Growth Management Act (chapter 36.70A RCW); and

WHEREAS, the Act requires the City to adopt a Comprehensive Plan; and

WHEREAS, the City is required to consider suggested changes or amendments to the City's Comprehensive Plan (RCW 36.70A.470), but the City may not amend the Comprehensive Plan more than once a year (RCW 36.70A.130); and

WHEREAS, the City is required to provide public notice and public hearing for any amendments to the Comprehensive Plan and any elements thereto (RCW 36.70A.035, RCW 36.70A.130); and

WHEREAS, the City's SEPA Responsible Official has issued a Determination of Non-Significance with regard to the proposed adoption of the applications to amend the City's Comprehensive Plan, as well as the proposed utilities comprehensive plans; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Office of Community Development on November 5, 2002, pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor Planning Commission held a work study session the comprehensive plan amendments to the Land Use Map and the text on May 3, 2001; and

WHEREAS, the Planning Commission held public hearings on the comprehensive plan amendments to the Land Use Map and the text on May 31, 2001 and June 21, 2001; and

WHEREAS, the Planning Commission held a work study session on the comprehensive plan amendments to the Land Use Map and the text to deliberate and formulate a recommendation to City Council on July 25, 2001 and August 8, 2001; and

WHEREAS, on November 12, 2002 and November 25, 2002, the Gig Harbor City Council held public hearings to consider the comprehensive plan amendments; and

WHEREAS, on December 9, 2002, during the regular City Council meeting, the City Council deliberated and voted on the comprehensive plan amendments; Now, Therefore,

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

Section 1. Comprehensive Land Use Map and Plan Text Amendments.

A. **Notice.** The City Clerk confirmed that public notice of the public hearings held by the City Council on the following applications was provided.

B. **Hearing Procedure.** The City Council's consideration of the comprehensive land use map and plan text amendments is a legislative act. The Appearance of Fairness doctrine does not apply.

C. **Testimony.** The following persons testified on the applications described in this Ordinance:

1. Les Wilson (11-25-02), 3719 – 53rd Street N.W. Mr. Wilson is opposed to application 01-07, and has gathered 30 signatures from others in opposition. Mr. Wilson's

position is based on his concerns about how the proposed change would impact the surrounding single family residential neighborhood, including traffic increases. Both Mr. Wilson and his wife testified as to their belief that approval of application 01-07 would allow the property owner to develop the property with nine structures with four dwelling units in each structure. In response, John Vodopich, Gig Harbor Community Development Director, stated that the property owner had not submitted any application for development of the property but has stated that he plans to construct townhomes on the property. If the comprehensive plan amendment were approved, the implementing zoning would be R-2, allowing a density of 6-7.8 dwelling units per acre, and this would not allow the property owner to construct 36 dwelling units.

2. Geoff Moore (11-25-02) 9216 Randall Drive. Mr. Moore represents the applicant for the proposed 01-07 comprehensive plan amendment. Mr. Moore stated his belief that the Planning Commission's recommendation of denial of the application was based on an overly simplistic review of the City's Zoning Map, without adequate consideration of the surrounding development. According to Mr. Moore, the property to the east of the subject site has been developed with apartments, the property to the north has a gas station and day-care, and directly across the street from the northerly property are professional offices. Mr. Moore also pointed out that Patterson's Market is located across from the gas station to the west. Based on these uses, Mr. Moore stated that it is incorrect to categorize this area as all single-family residential. He also noted that the comprehensive plan amendment does not allow the property owner to build anything, but only allows the owner to come back to the City with a proposal, which would be reviewed under the City's procedures. Finally, he noted that the utilities were already in place for the proposed development.

3. Paul Kaltnic (11-25-02) 4732 Old Stump Drive. Mr. Kaltnic, is one of the applicants for comprehensive plan amendment 01-07. Mr. Kaltnic stated that the property lends itself to a well-situated, multi-family, low-density project, or even a small office building. He testified that whatever type development is proposed will be in good taste and representative of the kinds of projects that he and the other applicant, Dick Berg, have been involved with over the years.

4. Monty L. Laughlin (11-25-02) 3617 – 53rd St. N.W. Mr. Laughlin lives south of the property subject to comprehensive plan amendment application 01-07. He stated that he has been a resident there and owned property in that location for 37 years. Mr. Laughlin is opposed to approval of 01-07 because of his experience with the apartment buildings located directly north of his property, which has included trespassing and vandalism.

D. Applications.

1. **01-07 Kaltnick/Baerg** (1.66 acres at 5429 36th Avenue NW, Gig Harbor)

From the present Residential Low designation to a Residential Medium designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to deny this application. The Council notes that although the property owner's representative has testified that the subject site is surrounded by either apartment buildings or commercial uses, the properties with these developments/uses are actually located several parcels to the north of the subject site – not directly adjacent to the subject site. The only exception is the apartment buildings which have been constructed to the east of the site. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Kaltnick/Baerg application No. 01-07, by reference.

2. **01-11 Council Member Owel** (Textual Amendment) A proposed a textual amendment to the Land Use Open Space/Preservation Areas goal requiring the use of 'low impact development' (LID) guidelines and standards for properties constrained by critical areas. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to deny this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Council Member Owel application No. 01-11, by reference.

Section 2. Transmittal to State. The City Community Development Director is directed to forward a copy of this Ordinance, together with all of the exhibits, to the Washington State Office of Community Development within ten days of adoption, pursuant to RCW 36.70A.106.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 4. 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 Council and approved by the Mayor of the City of Gig Harbor this
__th day of _____, 2002.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

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

SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington

On _____, the City Council of the City of Gig Harbor, Washington, approved Ordinance No., the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, DENYING CERTAIN AMENDMENTS TO THE CITY'S COMPREHENSIVE LAND USE PLAN FOR A CHANGE IN THE LAND USE DESIGNATION OF RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR 1.66 ACRES OF PROPERTY AT 5429 - 36TH AVENUE NW AND FOR A TEXT AMENDMENT REQUIRING THE USE OF LOW IMPACT DEVELOPMENT GUIDELINES FOR PROPERTIES CONSTRAINED BY CRITICAL AREAS.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of _____.

MOLLY TOWSLEE, CITY CLERK



"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT

3510 GRANDVIEW STREET

GIG HARBOR, WASHINGTON 98335

(253) 851-6170 • WWW.CITYOFGIGHARBOR.NET

**STAFF REPORT TO THE CITY COUNCIL
2001 COMPREHENSIVE PLAN AMENDMENTS
NOVEMBER 25, 2002**

I. IDENTIFICATION OF COMPREHENSIVE PLAN AMENDMENTS.

- A. 01-01 Uddenberg Application (.42 acres at 7201 Pioneer Way, Gig Harbor) from Residential Low to Residential Medium;
- B. 01-02 Uddenberg Application (.29 acres at 3519 Grandview, Gig Harbor) from Residential Low to Residential Medium;
- C. 01-05 Burnham Construction, LLC Application (20 acres at 9600 – 44th Avenue N.W., Gig Harbor) from Mixed Use to Employment Center;
- D. 01-06 Burnham Construction, LLC Application (14 acres at 10421 Burnham Drive, Gig Harbor) from Mixed Use to Employment Center;
- E. 01-07 Kaltnic-Baerg Application (1.66 acres at 5429 – 36th Avenue N.W., Gig Harbor) from Residential Low to Residential Medium;
- F. 01-10 Changes to Land Use Plan Map to Correct Urban Growth Area Designations given to property by Pierce County; and
- G. 01-11 Council Member Owel Application, text amendment to Land Use Element, page 14;
- H. Amendment of the Transportation Element of the Comprehensive Land Use Plan to include the 2002 Gig Harbor Transportation Update;
- I. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the March 2001 City of Gig Harbor Storm Water Comprehensive Plan;
- J. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the February 2002 City of Gig Harbor Wastewater Comprehensive Plan; and
- K. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the June 2001 City of Gig Harbor Water System Comprehensive Plan.

II. SEPA REVIEW.

For the comprehensive plan amendments identified in A through G above, the City issued a Determination of Non-Significance on August 29, 2002. On October 16, 2002, the City issued a Mitigated Determination of Non-Significance, which included SEPA review on all of the comprehensive plan amendments listed above. There were no appeals filed.

III. APPLICABLE DEFINITIONS.

A. Residential. The following is the definition for Residential land use designation in the City's Comprehensive Plan:

Provides primarily for residential uses and facilities that would ordinarily be associated with or closely linked to residential uses and neighborhoods. Two density ranges are defined for residential: RL (urban residential low density, 3.0-4.0 dwelling units per acre) and RM (urban residential moderate density, 4.0-12.0 dwelling units per acre).

In residential-medium designations, conditional allowance may be provided for professional offices or businesses which would not significantly impact the character of residential neighborhoods. The intensity of the non-residential use shall be established under the appropriate land use or zoning category of the development regulations and standards.

Use natural buffers or innovative site design as mitigation techniques to minimize operation impacts of non-residential uses and to serve as natural drainage ways.

B. Mixed Use. The following is the definition for the Mixed Use land use designation in the City's Comprehensive Plan:

Mixed Use is an area of commercial/employment, office and multifamily located along principal collector routes which link the downtown area with SR-16. Commercial/employment activity within a Mixed Use area caters to a customer base beyond the immediate surrounding neighborhoods due to its location along the collector routes. The individual commercial/employment activities or developments in these areas are not of a size or character to be considered "major" activity or traffic generating uses. Multi-family and office uses are allowed within the Mixed Use area to provide economic diversity and housing opportunities near transit routes and business activities. The desired allocation of land use within the Mixed Use designation is:

Commercial/Employment	45% maximum
Professional Office	30% maximum
Multifamily	25% minimum

Parcels or developments ten acres or greater in area may use the defined allocation regardless of the underlying zoning code designation of the property. Properties or developments less than ten acres are limited to the uses as defined by the official zoning map of the City. Uses which have been approved by Pierce County prior to the adoption of this plan are considered legitimate conforming uses.

C. Commercial/Business. The following is the definition for Commercial/Business land use designation in the City's Comprehensive Plan:

Provides 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; mini-warehousing. Commercial areas which border residential designations or uses should use available natural features as boundaries. Natural features should serve as buffers, which may consist of standing timber, streams or drainage swales; a minimum buffer width should be 30 feet; and the density and depth of the buffer should be proportional to the intensity of the use.

D. Employment Center. The following is the definition for the Employment Center land use designation in the City's Comprehensive Plan:

Broadly defines an area that is intended to meet long-term employment needs of the community. Employment centers consist of the following: wholesale distribution facilities; manufacturing and assembly; warehousing/storage; business offices/business complexes; medical facilities/hospitals; telecommunication services; transportation services and facilities. Conditional allowances of commercial facilities which are subordinate to and supportive of employment activities.

IV. INDIVIDUAL APPLICATIONS.

A. **01-01 Uddenberg, from Residential Low to Residential Medium (0.42 acres at 7201 Pioneer Way, Gig Harbor)**

Existing Development: single-family home.

Existing Zoning: Single-Family Residential (R-1).

Existing Density: 3.0 to 4.0 dwelling units per acre.

Existing Neighborhood: The site is bounded by properties designated Residential Low to the north and east. A comprehensive plan amendment has also been submitted by Mr. Uddenberg to change the comprehensive plan land use designation of a property located to the east from Residential Low to Residential Medium (#01-02). Property located to the south is designated Commercial /Business and property located to the west is designated Residential Low. Properties to the north, east and west are developed with existing single-family residences. The Gig Harbor Civic Center is located southeast of the subject site. Properties located to the southwest of the subject site are developed with commercial and professional offices.

Proposed Development: The applicant has indicated his intent to pursue a site-specific rezone of this property to a Residential and Business District (RB-1) zone for the purposes of constructing a professional office building on this site. Professional offices are a permitted use in the RB-1 zone.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Residential Medium comprehensive plan designation is consistent with the Residential and Business District (RB-1) zone. It is likely that if the comprehensive plan amendment is granted, the applicant will submit a site-specific rezone application to RB-1. In order to re-develop the property with a professional office development, a site-specific rezone would have to be granted. In order for the site-specific rezone to be granted, a finding of consistency with the comprehensive plan must be made. The Residential Medium comprehensive plan designation is consistent with the implementing Residential and Business District (RB-1) zone.

Proposed Density: 3.0 dwelling units per acre (RB-1 Zone).

Proposed Comprehensive Land Use Designation's Effect on City Water: Adequate water supply exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Sewer: Adequate sewer capacity exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Streets:

Undetermined, traffic impacts will be assessed and appropriate mitigation measures, if any, will be imposed at time of development application. The City's SEPA analysis reviewed the traffic impacts of this proposal and more in-depth analysis will be performed at the time another application is submitted for the property, including a site-specific rezone application.

Application is consistent with the following Comprehensive Plan policies: Given the change in the overall character of the general neighborhood, the proposed change from Residential Low to Residential Medium is consistent with the Comprehensive Plan policy 20. Planning Unit Boundaries (Land Use Chapter, page 15) which calls for defining planning units which are based upon like land uses and activities; delineation of planning unit boundaries using natural features, roads or other physical improvements; the identification of critical transition areas or points of conflict with adjacent or incompatible planning units; and resolution of conflict or compatibility issues through a neighborhood planning process and employ transitional uses for consideration in future development reviews.

Rationale for Applicant's Request to Change Comprehensive Land Use Designation:

The character of the existing neighborhood is such that fairly intensive uses exist on the intersection of Pioneer and Grandview. The subject property is located at the intersection of these two streets. The applicant has expressed difficulty renting the existing home at market value because of the noise levels and traffic volumes located at this location. Additionally, with the development of the Gig Harbor Civic Center on a southwesterly parcel, there is increased non-residential activity in the neighborhood.

Staff Analysis: The Comprehensive Plan provides that "the intensity of the non-residential use should be compatible with the adjacent residential area." Here, a property owner is asking for a new land use designation that reflects the fact that the neighborhood is no longer primarily single-family residential. Given that the majority of the adjacent land use designations are non-residential, and that there may be some negative impacts of these non-residential uses on the existing single-family residential use (such as increased non-residential activity in the area), the Staff recommends that the Comprehensive Plan land use designation be changed to Residential Medium. The property has become

transitional in nature and is best suited for a Residential Medium designation, which would conditionally allow for professional offices or businesses that would not significantly affect the character of existing residential neighborhoods. The intended site-specific rezone to RB-1 would allow for all uses permitted in the R-1 district; bed and breakfast establishments; professional offices and personal services; publicly owned parks and playgrounds; temporary buildings for and during construction; uses which complement or facilitate permitted uses such as parking facilities or public plazas; pharmacies solely incidental to medical offices; family day care; and adult family homes.

Planning Commission Recommendation: The Planning Commission recommended that the application be approved, subject to the property owner entering into a development agreement with the City to ensure that adequate buffer areas were provided for the adjoining residential areas. The Planning Commission also recommended a textual amendment to address transitional areas such as these. The Planning Commission recommended the inclusion of the following language in the Land Use Chapter of the Comprehensive Plan, Section 20. Planning Unit Boundaries, page 15:

- Transition areas between established residential neighborhoods and commercial development should be carefully evaluated prior to amending planning unit boundaries (land use designations). Consideration will be given to ensuring compatibility of uses, adequacy of buffering existing residential uses, and provisions for appropriate design, scale, and landscaping.
- Transition areas are intended to serve as a buffer between high intensity commercial and lower density residential uses. Implementing regulations and restrictions will serve to protect and preserve residential uses while permitting business uses characterized principally by professional and consultive services or executive and administrative offices, which are compatible with single-family residential development. To this extent, nonresidential structures should be limited in total gross floor area per lot in order to minimize the impact of bulk and scale to residential neighborhoods.
- The intent of the aforementioned items is to minimize encroachment of commercial development into established residential neighborhoods through the use of development agreements. As such, site-specific applications for amending planning unit boundaries (land use designations) shall be considered on an individual case-by-case basis.

The Comprehensive Plan provides: "use natural buffers or innovative site design as mitigation techniques to minimize operational impacts of non-residential uses and to serve as natural drainage ways." The City Attorney has noted that this additional language as proposed cannot be considered in the analysis of the Uddenberg amendment application because it is not currently included in the City's Comprehensive Plan. The Planning Commission's recommended additional language to address transitional areas will need to be reviewed and processed as a comprehensive plan amendment during a future Comprehensive Plan Amendment cycle.

Staff Recommendation to Council: Staff recommends that the Council adopt this Comprehensive Plan Amendment, without the requirement for a development agreement.

If the Council adopts Comprehensive Plan amendment application No. 01-02, the only property that would possibly benefit from a development agreement requiring a buffer would be the property to the west. At this time, the subject property is developed with a single-family residential home. No buffer is needed between an existing single family home and another existing single-family home. Development agreements must be limited in time. If the City executes a development agreement with Mr. Uddenberg requiring the installation of a buffer, and the term of the agreement passes before Mr. Uddenberg demolishes the existing house and proposes a re-development of the site, the development agreement will accomplish nothing.

If there is no development agreement, the comprehensive plan amendment is approved and the property owner demolishes the existing single-family home on the site, he will have to apply for new development permits in order to develop the property. If the property owner does not apply for a site-specific rezone, and decides to develop the property as residential consistent with the existing zoning, there probably will not be a need for a buffer (because there will not be a need to buffer residential uses from residential uses). If the property owner applies for a site-specific rezone, the City can consider whether the site-specific rezone should include a condition requiring "natural buffers or innovative site design as mitigation techniques to minimize the operational impacts of non-residential uses." If the project includes "innovative site design," no development agreement or natural buffer is required by the comprehensive plan.

B. 01-02 Uddenberg, from Residential Low to Residential Medium (0.29 acres at 3519 Grandview)

Existing Development: single-family home.

Existing Zoning: Single-Family Residential (R-1).

Existing Density: 3.0 to 4.0 dwelling units per acre.

Existing Neighborhood: The site is bounded by properties designated Residential Low to the north and east. A comprehensive plan amendment has also been submitted by Mr. Uddenberg to change the comprehensive plan land use designation of a property located to the west from Residential Low to Residential Medium (#01-01). Property located to the south is designated Commercial /Business and property located to the west is designated Residential Low. Properties to the north, east and west are developed with existing single-family residences. The Gig Harbor Civic Center is located southeast of the subject site. Properties located to the southwest of the subject site are developed with commercial and professional offices.

Proposed Development: The applicant has indicated his intent to pursue a site-specific rezone of this property to a Residential and Business District (RB-1) zone for the purposes of constructing a professional office building on this site. Professional offices are a permitted use in the RB-1 zone.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Residential Medium comprehensive plan designation is consistent with the Residential and Business District (RB-1) zone. It is likely that if the comprehensive plan amendment is granted, the applicant will submit a site-specific rezone application to

RB-1. In order to re-develop the property with a professional office development, a site-specific rezone would have to be granted. In order for the site-specific rezone to be granted, a finding of consistency with the comprehensive plan must be made. The Residential Medium comprehensive plan designation is consistent with the implementing Residential and Business District (RB-1) zone.

Proposed Density: 3.0 dwelling units per acre (RB-1 Zone).

Proposed Comprehensive Land Use Designation's Effect on City Water: Adequate water supply exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Sewer: Adequate sewer capacity exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Streets:

Undetermined, traffic impacts will be assessed and appropriate mitigation measures, if any, will be imposed at time of development application. The City's SEPA analysis reviewed the traffic impacts of this proposal and more in-depth analysis will be performed at the time another application is submitted for the property, including a site-specific rezone application.

Application is consistent with the following Comprehensive Plan policies: Given the change in the overall character of the general neighborhood, the proposed change from Residential Low to Residential Medium is consistent with the Comprehensive Plan policy 20. Planning Unit Boundaries (Land Use Chapter, page 15) which calls for defining planning units which are based upon like land uses and activities; delineation of planning unit boundaries using natural features, roads or other physical improvements; the identification of critical transition areas or points of conflict with adjacent or incompatible planning units; and resolution of conflict or compatibility issues through a neighborhood planning process and employ transitional uses for consideration in future development reviews.

Rationale for Applicant's Request to Change Comprehensive Land Use Designation:

The character of the existing neighborhood is such that fairly intensive uses exist on the intersection of Pioneer and Grandview. The subject property is located in close proximity of the intersection these two streets. The applicant has expressed difficulty renting the existing home at market value because of the noise levels and traffic volumes located at this location. Additionally, with the development of the Gig Harbor Civic Center on a southwesterly parcel, there is increased non-residential activity in the neighborhood.

Staff Analysis: The Comprehensive Plan provides that "the intensity of the non-residential use should be compatible with the adjacent residential area." Here, a property owner is asking for a new land use designation that reflects the fact that the neighborhood is no longer primarily single-family residential. Given that the majority of the adjacent land use designations are non-residential, and that there may be some negative impacts of these non-residential uses on the existing single-family residential use (such as increased non-residential activity in the area), the Staff recommends that the Comprehensive Plan land use designation be changed to Residential Medium. The property has become transitional in nature and is best suited for a Residential Medium designation, which would conditionally allow for professional offices or businesses that would not significantly affect the character of existing residential neighborhoods.

Planning Commission Recommendation: The Planning Commission recommended that the application be approved, subject to the property owner entering into a development agreement with the City to ensure that adequate buffer areas were provided for the adjoining residential areas. The Planning Commission also recommended a textual amendment to address transitional areas such as these. The Planning Commission recommended the inclusion of the following language in the Land Use Chapter of the Comprehensive Plan, Section 20. Planning Unit Boundaries, page15:

- Transition areas between established residential neighborhoods and commercial development should be carefully evaluated prior to amending planning unit boundaries (land use designations). Consideration will be given to ensuring compatibility of uses, adequacy of buffering existing residential uses, and provisions for appropriate design, scale, and landscaping.
- Transition areas are intended to serve as a buffer between high intensity commercial and lower density residential uses. Implementing regulations and restrictions will serve to protect and preserve residential uses while permitting business uses characterized principally by professional and consultive services or executive and administrative offices, which are compatible with single-family residential development. To this extent, nonresidential structures should be limited in total gross floor area per lot in order to minimize the impact of bulk and scale to residential neighborhoods.
- The intent of the aforementioned items is to minimize encroachment of commercial development into established residential neighborhoods through the use of development agreements. As such, site-specific applications for amending planning unit boundaries (land use designations) shall be considered on an individual case-by-case basis.

The Comprehensive Plan provides: “use natural buffers or innovative site design as mitigation techniques to minimize operational impacts of non-residential uses and to serve as natural drainage ways.” The City Attorney has noted that this additional language as proposed cannot be considered in the analysis of the Uddenberg amendment application because it is not currently included in the City’s Comprehensive Plan. The Planning Commission’s recommended additional language to address transitional areas will need to be reviewed and processed as a comprehensive plan amendment during a future Comprehensive Plan Amendment cycle.

Staff Recommendation to Council: Staff recommends that the Council adopt this Comprehensive Plan Amendment, without the requirement for a development agreement. If the Council adopts Comprehensive Plan amendment application No. 01-01, the only property that would possibly benefit from a development agreement requiring a buffer would be the property to the west. At this time, the subject property is developed with a single-family residential home. No buffer is needed between an existing single family home and another existing single-family home. Development agreements must be limited in time. If the City executes a development agreement with Mr. Uddenberg requiring the installation of a buffer, and the term of the agreement passes before Mr.

Uddenberg demolishes the existing house and proposes a re-development of the site, the development agreement will accomplish nothing.

If there is no development agreement, the comprehensive plan amendment is approved and the property owner demolishes the existing single-family home on the site, he will have to apply for new development permits in order to develop the property. If the property owner does not apply for a site-specific rezone, and decides to develop the property as residential consistent with the existing zoning, there probably will not be a need for a buffer (because there will not be a need to buffer residential uses from residential uses). If the property owner applies for a site-specific rezone, the City can consider whether the site-specific rezone should include a condition requiring "natural buffers or innovative site design as mitigation techniques to minimize the operational impacts of non-residential uses." If the project includes "innovative site design," no development agreement or natural buffer is required by the comprehensive plan.

C. 01-05 Burnham Construction, LLC from Mixed Use to Employment Center (20 acres at 9600 – 44th Avenue N.W)

Existing development: Northharbor Business Campus, which includes a mix of tenants with a variety of uses such as Tolt Technologies (manufacturing, processing, shipping/receiving, office and warehouse) and NuHealth (manufacturing, processing, shipping/receiving, office and warehouse). The existing development contains eleven lots on the 20-acre site. Three of the eleven lots have been built upon. The remaining nine vacant lots total approximately 6.2 acres.

Existing zoning: Residential and Business (RB-2) with a Mixed Use Overlay (MUD)

Existing Neighborhood: The site is bounded by property designated Single Family Residential (R-1) with a Mixed Use Overlay (MUD) and Planned Community Development Low Density Residential (PCD-RLD) on the north; by Residential and Business (RB-2) with Mixed Use Overlay (MUD) to the south; Residential and Business (RB-2) and Single-Family Residential (R-1) both with the Mixed Use Overlay District (MUD) on the west; and Single-Family Residential (R-1) on the east.

Proposed Development: No change in uses or existing development proposed. However, a site-specific rezone to an Employment District (ED) zone would be necessary to fully implement the change in Comprehensive Plan land use designation.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Employment Center comprehensive plan designation is consistent with the Employment District (ED) zone. It is likely that if the comprehensive plan amendment is granted, the applicant will submit an application for a rezone to ED for the property. This will allow the applicant to develop the remaining 6.2 acres of undeveloped property with the uses set forth in Gig Harbor Municipal Code section 15.45.020.

Proposed Land Use Designation's Effect on City Water: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation's Effect on City Sewer: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation's Effect on City Streets: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation is Consistent with the Following Comprehensive Plan policies: Given the types of uses existing on the site, the proposed change from Mixed Use to Employment Center is consistent with the Comprehensive Plan policy 9. Generalized Land Uses Categories which indicates that Employment Centers consist of the following: wholesale distribution facilities; manufacturing and assembly; warehousing/storage; business offices/business complexes; medical facilities/hospitals; telecommunication services; transportation services and facilities.

Rationale for Applicant's Request to Change Comprehensive Land Use Designation: The approval and partial construction of the Northharbor Business Campus was completed prior to annexation of the property, following the adoption of the City's 1994 Comprehensive Plan. This request is to correct a mapping inconsistency created by the annexation of the property in that the City's 1994 Comprehensive Plan designated the site as Mixed Use and did not reflect existing development that had already begun to occur on-site.

Staff Recommendation: The existing uses on the property are more in keeping with those described in the Employment Center designation, rather than the Mixed Use designation. For example, there are wholesale distribution facilities, manufacturing and assembly facilities, and warehousing/storage facilities existing on-site, all of which are uses allowed in the Employment Center land use designation.

In contrast, the existing uses on the property are not consistent with the Mixed Use land use designation because there is no commercial/employment; professional offices, nor any multifamily development on-site. The Mixed Use designation requires a 25% minimum multifamily use, and allows a maximum of 45% commercial/employment and 30% of professional office uses.

Planning Commission Recommendation: The Planning Commission recommended approval of this request, in light of the existing development on the property.

Staff Recommendation to Council: Staff recommends that the Council approve the land use designation amendment, given the consistency of the existing development on the property with the types of uses allowed in the Employment Center designation.

D. 01-06 Burnham Construction, LLC from Mixed Use to Employment Center (14 acres at 10421 Burnham Drive)

Existing development: The existing development on-site at the Burnham Drive Commercial Park includes a mix of tenants with a variety of uses such as IES Incorporated (Warehousing, Shipping/Receiving), Swissray Medical (Manufacturing, Warehousing, Shipping/Receiving), Construction NW (Office, Storage), Environmental Chemical Solutions (Wholesale Sales, Shipping/Receiving), ServPro (Office, Storage) A/D Electric (Office, Warehousing, Shipping/Receiving), Hawk International

(Warehousing, Shipping/Receiving), and Wade Perrow Construction (Office, Storage). The property has been fully built out.

Existing Zoning: Residential and Business (RB-2) with a Mixed Use Overlay (MUD)

Existing Neighborhood: The site is bounded by property designated Planned Community Development Business Park (PCD-BP) on the north; by Medium Density Residential (R-2) to the south; Single-Family Residential (R-1) with the Mixed Use Overlay District (MUD) on the east; and Residential and Business (RB-2) with the Mixed Use Overlay (MUD) to the west.

Proposed Development: No change in uses or existing development proposed.

However, a site-specific rezone to an Employment District (ED) zone would be necessary to fully implement the change in Comprehensive Plan land use designation.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Employment Center comprehensive plan designation is consistent with the Employment District (ED) zone. It is likely that if the comprehensive plan amendment is granted, the applicant will submit an application for a rezone to ED for the property. This will allow the applicant to re-develop the property with the uses set forth in Gig Harbor Municipal Code section 15.45.020.

Proposed Land Use Designation's Effect on City Water: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation's Effect on City Sewer: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation's Effect on City Streets: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation is Consistent with the Following Comprehensive Plan policies: Given the types of uses existing on the site, the proposed change from Mixed Use to Employment Center is consistent with the Comprehensive Plan policy 9.

Generalized Land Uses Categories which indicates that Employment Centers consist of the following: wholesale distribution facilities; manufacturing and assembly; warehousing/storage; business offices/business complexes; medical facilities/hospitals; telecommunication services; transportation services and facilities.

Rationale for Applicant's Request to Change Comprehensive Land Use Designation:

The approval and partial construction of the Burnham Drive Commercial Park was completed prior to annexation of the property, following the adoption of the City's 1994 Comprehensive Plan. This request is to correct a mapping inconsistency created by the annexation of the property in that the City's 1994 Comprehensive Plan designated the site as Mixed Use and did not reflect existing development that had already begun to occur on-site.

Staff Recommendation: The existing uses on the property are more in keeping with those described in the Employment Center designation, rather than the Mixed Use designation. For example, there are wholesale distribution facilities, manufacturing and assembly facilities, and warehousing/storage facilities existing on-site, all of which are uses allowed in the Employment Center land use designation.

In contrast, the existing uses on the property are not consistent with the Mixed Use land use designation because there is no commercial/employment or any multifamily development on-site. The Mixed Use designation requires a 25% minimum multifamily use, and allows a maximum of 45% commercial/employment and 30% of professional office uses.

Planning Commission Recommendation: The Planning Commission recommended approval of this request, in light of the existing development on the property.

Staff Recommendation to Council: Staff recommends that the Council approve the land use designation amendment, given the consistency of the existing development on the property with the types of uses allowed in the Employment Center designation.

E. **01-07 Kaltnic-Baerg from Residential Low to Residential Medium (1.66 acres at 5429 36th Avenue N.W.)**

Existing Development: Vacant.

Existing Zoning: Single Family Residential (R-1).

Existing Density: 3.0 to 4.0 dwellings per acre.

Existing Neighborhood: The adjacent parcels of property are zoned as follows: north (Single Family Residential R-1); south (Single Family Residential R-1); east (Residential and Business RB-2); and west (Reserve 5, unincorporated Pierce County outside of the City of Gig Harbor Urban Growth Area (UGA), allows 1 dwelling unit per 5 acres). Existing single-family residential uses are located to the north, south and west. An existing apartment complex is located to the east of the site.

Proposed Development: The applicant's has indicated their intent to pursue a site-specific rezone of this property to a moderate density zone for the purposes of constructing town homes and flats on this site.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Residential Medium comprehensive plan amendment is consistent with the Medium-Density Residential (R-2) zone, allowing the uses described in Gig Harbor Municipal Code section 17.20.020. It is likely that if the comprehensive plan amendment is granted, the applicant will submit and application for a rezone to R-2 for the property. The Residential and Business District (RB-1) zone, allowing the uses described in Gig Harbor Municipal Code section 17.28.020 is also consistent with the Residential Medium comprehensive plan designation.

Proposed Density: 6.0 to 7.8 dwelling units per acre (R-2 Zone).

Proposed Comprehensive Land Use Designation's Effect on City Water: Adequate water supply exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Sewer: Adequate sewer capacity exists for the proposed change in land use designation. However, according to the SEPA DNS (Determination of Non-Significance) issued on August 29, 2002 by the City's SEPA Responsible Official, sewer infrastructure currently does not extend to 38th Avenue N.W. (the street on which the subject site fronts), according to the City's Public Works records. Future extension of sewer infrastructure along 38th Avenue

N.W. is identified on the six-year sewer capital improvement program as a development funded improvement.

Proposed Comprehensive Land Use Designation's Effect on City Streets:

Undetermined, traffic impacts will be assessed and appropriate mitigation measures, if any, will be imposed at time of development application. The applicant has indicated that based on data from the ITE Trip Generation Manual, the a.m. and p.m. peak hour would add one additional trip to the adjacent street system. Any additional transportation impacts that could result from the proposed development will be addressed at the time land use or building permit applications are submitted to the City. The City's SEPA analysis reviewed the traffic impacts of this proposal and more in-depth analysis will be performed at the time another application is submitted for the property, including a site-specific rezone application.

Application is Inconsistent with the following Comprehensive Plan policies: The Comprehensive Plan indicates that higher densities (8.0 to 12.0 units per acre) should be encouraged in developments which provide substantial open space or buffer areas within the development; have natural site characteristics suitable for higher intensity residential development; and would not significantly impact established single-family residential neighborhoods (Policy 13. Residential Densities, page 12).

Rationale for Applicant's Request to Change Comprehensive Land Use Plan

Designation: The applicant has indicated that development options have been evaluated and that the request in change in land use designation from Residential Low to Residential Medium is to allow for future development of the site. The applicant indicates that the change in designation is supported by the Comprehensive Plan goal of identifying and retaining those parcels with the fewest environmental constraints for high density and/or affordable housing development. (Comprehensive Plan, Housing, 1. (e), Page 53).

Staff Analysis: The site in question is bound by single-family residential uses to the north, south and west. The City has previously utilized the Residential Medium designation and corresponding zoning as a buffer between more intense uses and residential neighborhoods. The application of a Residential Medium designation in this location would not be appropriate given the existing residential uses located to the north, south, and west.

Planning Commission Recommendation: The Planning Commission recommended denial of this application and expressed concerns about the inappropriateness of locating medium density residential in an area characterized by existing single-family development.

Staff Recommendation to Council: Staff recommends that Council deny this Comprehensive Plan Amendment given the proximity of established single-family residential development; inconsistencies with adopted Comprehensive Plan policies; and that the City has typically utilized the Residential Medium designation and corresponding zoning as a buffer between more intense uses and residential neighborhoods which has not been demonstrated to be the case in this instance.

F. 01-10 Gig Harbor/Pierce County Gig Harbor Peninsula Community Plan.

Description of Amendment: On March 12, 2002, Pierce County adopted the Gig Harbor Peninsula Community Plan as a component of the Pierce County Comprehensive Plan (Pierce County Ordinance No. 2001-44s2). During the development of the Community Plan, City staff worked closely with Pierce County staff to ensure consistency between the County's Plan and the City's Comprehensive Plan for the Urban Growth Area (UGA). As part of the review internal inconsistencies have been identified between the City Zoning Map and Comprehensive Plan Land Use Map. Additionally, areas have been identified that are heavily constrained by wetland systems and others that involve apparent mapping errors. This action by Pierce County amended the Urban Growth Area boundary for the City. The following is a listing of those changes that were made to the UGA:

1. Change Residential Low comprehensive plan designation to Employment Center comprehensive plan designation. This area is developed with the County road shop, Purdy Topsoil & Gravel and the Peninsula Light shop. It is currently designated as Residential Low and zoned R-1. The Comprehensive Plan designation and zoning is not reflective of the actual land uses in this area. This change would apply to the area shown on Area 1 Map, which includes parcel #'s 0122241048, 0122241018, 0122241002, 0122243084, 0122244086, 0122244062, 0122244017, and 0122244072.
2. Change Residential Low Comprehensive Plan designation to Residential Medium. This area is zoned as R-2. The current Comprehensive Plan designation is not reflective of the actual zoning of the land. This change would apply to the area shown on Area 2 Map, which includes parcel #'s 0122251020, 0122255006, 0122255005, 0122255004, 0122255001, 0122255003, 0122255002, 0122255032, 0122251032, and 0122254062.
3. Change Commercial/Business Comprehensive Pan designation to Residential Medium in the area shown on Area 3 Map. This area is designated as Commercial/Business in the Comprehensive Plan and zoned as Employment District and RB-2. The change would apply to parcel # 01222361065.
4. Expand Employment Center designation that covers the east portion of parcel # 0122253020 to include the entire parcel. (The west portion of the parcel is currently designated Residential Low). This change would avoid the problem of split-zoned parcels (which was an apparent mapping error). Also, expand Employment Center designation and UGA boundary to include parcel #'s 0122253008 & 0122253019. (See Area 4 Map). These parcels are designated within the City's UGA by Pierce County. This change would resolve the inconsistency between the City and County maps.
5. Delete from UGA the area shown on Area 5 Map, which includes the following parcels:

Parcel #'s 3000610220, 300061001, 03000610250, 3000610260, 3000610950, 3000610230, 3000610020, 3000610270, 3000610240, 3000610280,

3000610290, 3000610030, 3000610050, 3000610040, 3000610060,
3000610300, 3000610200, 3000610190, 3000610210, 3000610070,
3000610180, 3000610310, 3000610080, 3000610170, 3000610320,
3000610150, 3000610140, 3000610160, 3000610090, 3000610330,
3000610110, 3000610120, 3000610130, 3000610100, 3000610340,
3000610470, 3000610350, 3000610410, 3000610390, 3000610460,
3000610400, 3000610160, 3000610090, 3000610330, 3000610110,
3000610120, 3000610130, 3000610100, 3000610340,
3000610470, 3000610350, 3000610410, 3000610390, 3000610460,
3000610400, 3000610420, 3000610370, 3000610450, 3000610430,
3000610440, 3000610360, 3000610960, 3000610380.

The existing UGA boundary splits the Henderson Bay Estates and several parcels located to the South. This correction would create a more logical boundary in light of the existing pattern of land subdivisions (See Area 5 Map).

6. Change Residential Low Comprehensive Plan designation to Employment Center on parcel #'s 0122361006, 0122361008, 0122361009 & 0122361013 (See Area 6 Map).
7. Change Residential Low Comprehensive Plan designation to Residential Medium. This area is zoned as RB-2 (Residential Business). The proposed Comprehensive Plan change would correct the inconsistency between the Comprehensive Plan and Zoning map. This change would apply to parcel #'s 0222312008, 0222313022 & 0222313009 (see Area 7 Map).
8. Change Residential Low Comprehensive Plan designation to Residential Medium. The area is developed with duplexes and is zoned R-2. The proposed change would eliminate the inconsistency between the Comprehensive Plan and zoning designations. The change would apply to parcel #'s 4348000051, 0222327024, 4348000011, 0222327009, and 0222327010 (See Area 8 Map).
9. Delete from the UGA parcel #'s 0121011020, 0121011019, 0121011021 & 0121011022. The area is heavily constrained by wetland systems and is not suitable for urban levels of development. (See Area 9 Map).
10. Delete from the UGA parcel #'s 4348000051, 0222327024, 4348000011, 0222327009, and 0222327010. The area is heavily constrained by wetland systems and is not suitable for urban levels of development (See Area 10 Map).
11. Expand UGA to include the following list of parcels and designate said parcels as Residential Low on the City's Comprehensive Plan map. (See Area 11 Map). The area is developed at urban levels and is experiencing on-site septic system failures and would appropriately be within the UGA.

Parcel #'s 0221181067, 0221181074, 0221185031, 0221185030, 0221185029,
0221185028, 0221185022, 0221185023, 0221181013, 0221185039,
0221185040, 0221181015, 0221185041, 0221185009, 0221185008,
0221181065, 0221185019, 0221185020, 0221185021, 0221185012,
0221185013, 0221185035, 0221185038, 0221185036, 0221185037,
6913000210, 6913000230, 6913000220, 6913000200, 6913000190,

6913000140, 6913000150, 6913000170, 6913000180, 6913000160, 6913000130, 6913000010, 6913000020, 6913000240, 6913000040, 6913000030, 6913000050, 6913000120, 6913000100, 6913000060, 6913000090, 6913000070, 6913000080, 6913000110, 9263000010, 9263000090, 9263000050, 9263000060, 9263000070, 0221181043, 9263000080, 9263000040, 9263000030, 9263000020, 4000450440, 4000450400, 9263000130, 9263000150, 9263000140, 9263000170, 9263000160, 9263000111, 9263000180, 9263000120, 0221181055, 9263000101, 4000450410, 4000450030, 4000450020, 4000450040, 4000450050, 4000450060, 4000450070, 4000450080, 4000450090, 4000450100, 400045010, 4000450120, 4000450110, 4000450130, 4000450430, 4000450450, 4000450140, 4000450380, 4000450340, 4000450370, 4000450360, 4000450350, 4000450390, 4000450240, 4000450250, 4000450230, 4000450420, 4000450330, 4000450150, 4000450260, 4000450220, 0221185003, 4000450320, 0221185034, 0221185033, 4000450160, 0221185032, 4000450310, 4000450270, 4000450170, 4000450210, 0221185024, 0221185025, 0221185026, 0221185014, 0221185027, 4000450300, 4000450280, 4000450180, 4000450290, 4000450200, 4000450190, 7133000010, 7133000020, 7133000030, 7133000040, 7133000050, 7133000060, 7133000070, 7133000080, 7133000090, 7133000100, 7133000210, 7133000190, 7133000180, 7133000170, 7133000160, 7133000150, 7133000140, 7133000130, 7133000120, 7133000110, and 7133000200.

12. Expand UGA to include the parcels in the following list and designate said parcels as Residential Low on the City's Comprehensive Plan map. (See Area 12 Map). The County-adopted UGA boundary in this area is different than that which is depicted on the 1994 City Comprehensive land Use Map. The proposed change would correct this inconstancy.

Parcel #'s 4001400170, 4001400160, 4001400150, 4001400140, 4001400120, 4001400130, 4001400110, 4001400180, 4001400210, 4001400220, 4001400100, 4001400500, 4001400200, 4001400190, 4001400230, 4001400240, 4001400090, 4001400250, 4001400490, 4001400080, 4001400430, 4001400260, 4001400420, 4001400070, 4001400440, 4001400270, 4001400060, 4001400410, 4001400450, 4001400280, 4001400510, 4001400400, 4001400460, 4001400050, 4001400470, 4001400390, 4001400290, 4001400040, 4001400380, 4001400480, 4001400370, 4001400360, 4001400030, 4001400300, 4001400020, 4001400520, 4001400310, 4001400320, 4001400350, 4001400340, 4001400330, and 4001400010.

13. Expand UGA to include parcel #'s 0221213057, 0221204032, 0221213055, 0221213054 and designate said parcels as Residential Low on the City's Comprehensive Plan map. (See Area 13 Map).
14. Include in the City's UGA parcel #0222192002 and designate as Residential Low. (See Area 14 Map). This property was placed within the City's UGA by Pierce County in 1997 (Amendment U-4, Canterwood Division 12) but has not been

formally included on the City Land Use Map. The change would correct the inconsistency between the City's and the County's UGA maps.

15. Include in the City's UGA parcel #0221204023 and give a Comprehensive Plan land use designation of Residential Low. (See Area 15 Map). Mr. Jay W. Watland, owner of the property, requested this change. The proposal requests a change to the Pierce County comprehensive plan, for property located in Pierce County. The City has no jurisdiction to approve the request for a change to the Pierce County comprehensive plan.
16. Change Comprehensive Plan designation from Residential Low to Commercial/Business. Mr. Paul Cyr is requesting the change in behalf of the property owner, Fred Paulson. The change is proposed in anticipation of the County approving a change from the County's existing Moderate Single Family (MSF) designation to Community Center (CC). The change would include parcel #'s 0122243001, 01222430009 & 0122243045. (See Area 16 Map). The proposal requests a change to the Pierce County comprehensive plan, for property located in Pierce County. The City has no jurisdiction to approve the request for a change to the Pierce County comprehensive plan.

Staff Analysis: The City's Comprehensive Plan Land Use Map is inconsistent with the adopted Pierce County designation of the Urban Growth Area. The City is required to conform its map to the UGA designation made by Pierce County; these amendments are merely to make the necessary changes to the City's Comprehensive Land Use map as already amended by Pierce County. Pierce County did not approve proposals 15 and 16 listed above.

Planning Commission Recommendation: The Planning Commission recommended approval of the correction of the inconsistencies 1 through 14 as listed above.

The Planning Commission recommended denial of requests 15 and 16 as listed above agreeing with Pierce County's action.

Staff Recommendation to Council: Staff recommends that Council approve changes 1 through 14 as listed above. The proposals described in 15 and 16 are requests for changes to the Pierce County comprehensive plan, for property located in Pierce County. The City has no jurisdiction to approve requests for changes to the Pierce County comprehensive plan.

G. 01-11 Council Member Owel - Text Amendment.

Description of Amendment: Gig Harbor Council Member Owel has proposed a text amendment to the Land Use Element, Page 14, second bullet, Goal #17, Critical Areas, Open Space /Preservation Areas. Specifically, the following addition has been proposed:

Restrict or limit development or construction within open space/preservation areas but provide a wide variety of special incentives

and performance standards to allow increased usage or density on suitable property, which may contain these limitations. Require Low Impact Development (LID) guidelines and standards on properties that contain critical areas, designated open space, or those areas identified as environmentally sensitive or most susceptible to impacts from surface water runoff.

Staff Recommendation: When this application was being considered by the Planning Commission, Staff recommended approval of the Council Member Owel Comprehensive Plan Text Amendment #01-11 together with a further recommendation that funds be allocated in the 2002 Department of Planning & Building Services Budget specifically for the purposes of researching and developing Low Impact Development guidelines and necessary Municipal Code amendments for the City of Gig Harbor.

Planning Commission Recommendation: The Planning Commission recommended approval of this request.

Staff Analysis: The City Attorney has reviewed this application and provided the following analysis:

An amendment has been proposed to the City's Comprehensive Plan, requiring that the City adopt Low Impact Development guidelines "on properties that contain critical areas, designated open spaces, or those areas identified as environmentally sensitive or most susceptible to impacts from surface water runoff." There are no proposed Low Impact Development guidelines to accompany this proposed amendment.

The timing of the City's adoption of comprehensive plan amendments is governed by RCW 36.70A.130, which prohibits the City from adopting comprehensive plan amendments more than once a year (with certain listed exceptions). However, that statute also provides that "all proposals shall be considered by the governing body concurrently so that the cumulative effect of the various proposals can be ascertained." RCW 36.70A.130(2)(b). There are a number of new decisions from the Growth Boards interpreting this language, and the Boards have now ruled that proposals requiring both development regulation and comprehensive plan amendments require concurrent consideration to maintain consistency (under the Growth Management Act, specifically, RCW 36.70A.040). See, McVittie v. Snohomish County, (McVittie V), CPSGMHB 00-3-0016, FDO (April 12, 2001), at 7, note 3. Therefore, the City Council should not adopt the proposed text amendment at this time. Low Impact guidelines and standards should first be developed and presented with this text amendment for concurrent consideration.

If the comprehensive plan amendment were adopted now, it also could not be enforced, because there are no accompanying Low Impact Development guidelines or standards. However, it could cause some confusion, given that consistency with the comprehensive plan is a criterion for approval of a number

of applications. If the City adopts the comprehensive plan amendment now, and there are no Low Impact Development guidelines, an applicant will not be able to demonstrate consistency with the comprehensive plan as to this criterion.

Staff Recommendation to Council: In light of the analysis by the City Attorney, staff recommends that Council deny this Comprehensive Plan Amendment. Low Impact Development (LID) guidelines and standards should first be developed and presented with this text amendment for concurrent consideration during a future Comprehensive Plan Amendment cycle.

H. Amendment of the Transportation Element of the Comprehensive Land Use Plan to include the March 2002 Gig Harbor Transportation Plan Update.

Description of Amendment: The Washington State Growth Management Act (GMA) requires that the Comprehensive Plan include a transportation element that implements, and is consistent with, the land use element.. The City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with a transportation element). The City has recently engaged a consulting firm to aid in the formation of an update to the adopted Transportation Plan.

Staff Recommendation to Council: Staff recommends that the Council adopt the March 2002 Gig Harbor Transportation Plan Update by reference and further adopt the March 2002 Gig Harbor Transportation Plan Update as part of the transportation element of the City's Comprehensive Plan.

I. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the March 2001 City of Gig Harbor Storm Water Comprehensive Plan.

Description of Amendment: The Washington State Growth Management Act (GMA) requires that the Comprehensive Plan include a utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities. The City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with a utilities element). The City last adopted a Storm Water Master Plan in November 1987 and has recently engaged a consulting firm to aid in the formation of an update to the adopted Storm Water Master Plan.

Staff Recommendation to Council: Staff recommends that the Council adopt the March 2001 City of Gig Harbor Storm Water Comprehensive Plan by reference and further adopt the March 2001 City of Gig Harbor Storm Water Comprehensive Plan as part of the utilities element of the City's Comprehensive Plan.

J. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the February 2002 City of Gig Harbor Wastewater Comprehensive Plan.

Description of Amendment: The Washington State Growth Management Act (GMA) requires that the Comprehensive Plan include a utilities element consisting of the general

location, proposed location, and capacity of all existing and proposed utilities. The City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with a utilities element). The City last adopted a Comprehensive Sewer Plan in December 1993 (Resolution No. 402) and has recently engaged a consulting firm to aid in the formation of an update to the adopted Comprehensive Sewer Plan.

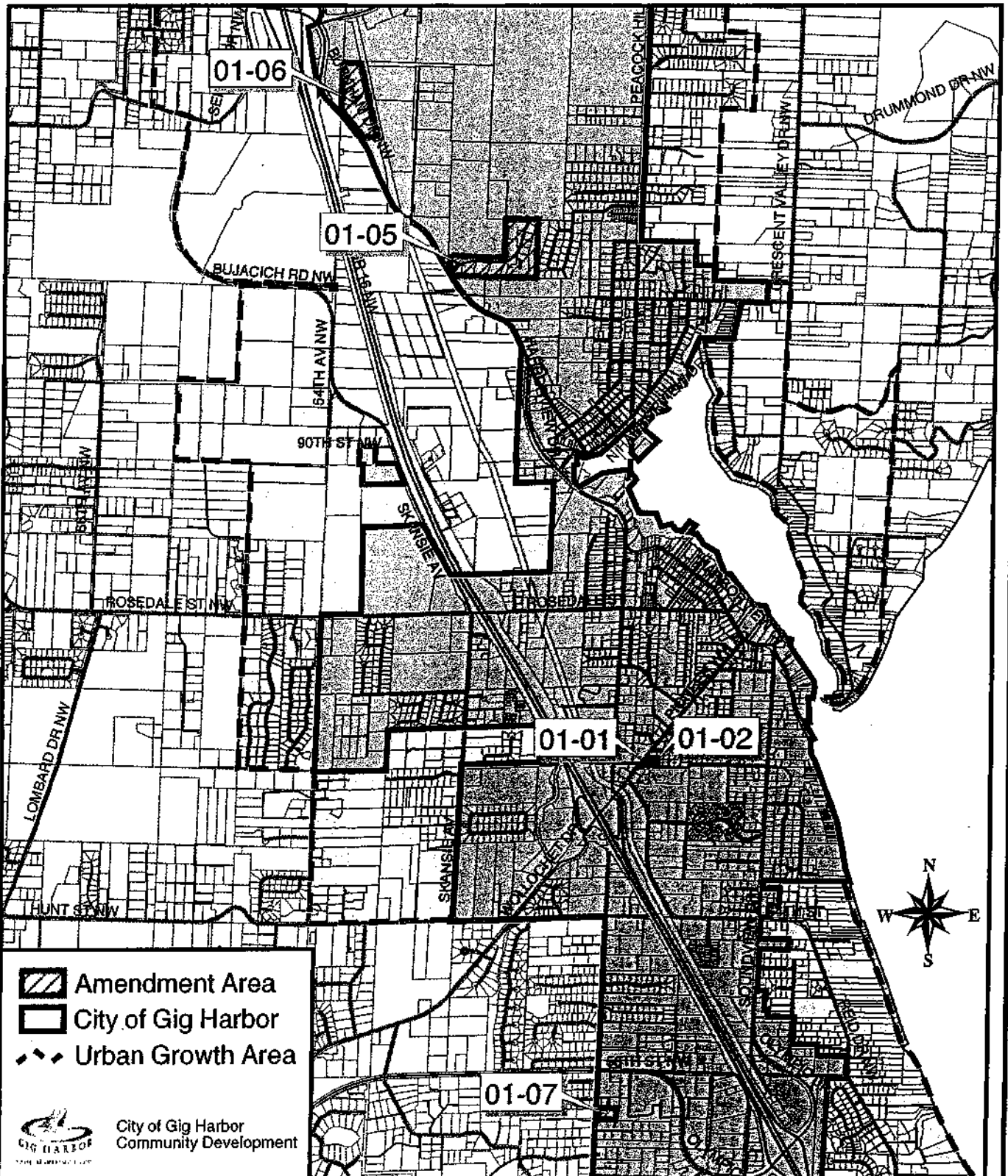
Staff Recommendation to Council: Staff recommends that the Council adopt the February 2002 City of Gig Harbor Waste Water Comprehensive Plan by reference and further adopt the February 2002 City of Gig Harbor Waste Water Comprehensive Plan as part of the utilities element of the City's Comprehensive Plan.

K. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the June 2001 City of Gig Harbor Water System Comprehensive Plan.

Description of Amendment: The Washington State Growth Management Act (GMA) requires that the Comprehensive Plan include a utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities. The City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with a utilities element). The City last adopted a Comprehensive Water System Plan in December 1993 (Resolution No. 401) and has recently engaged a consulting firm to aid in the formation of an update to the adopted Comprehensive Water System Plan.

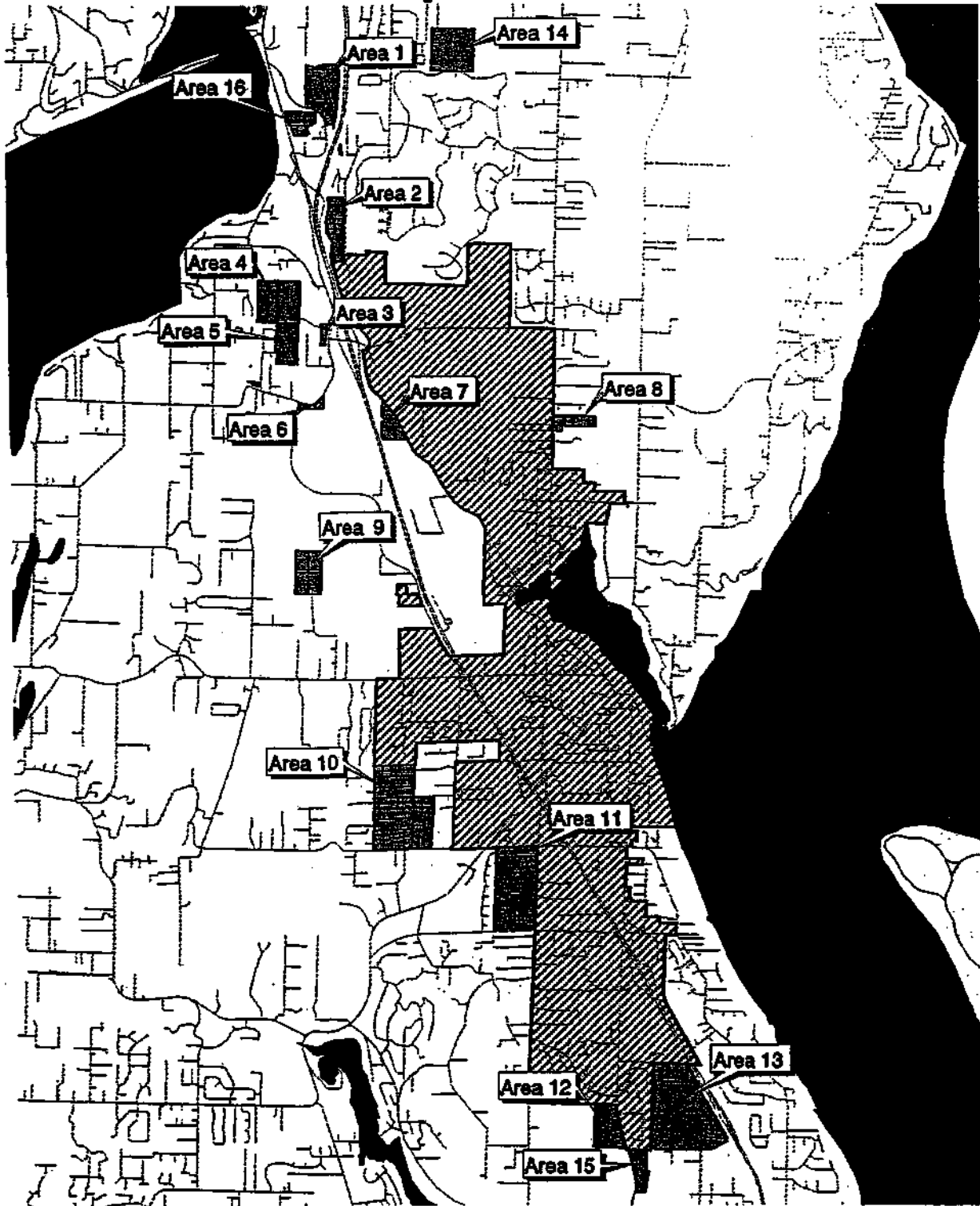
Staff Recommendation to Council: Staff recommends that the Council adopt the March 2001 City of Gig Harbor Storm Water Comprehensive Plan by reference and further adopt the June 2001 City of Gig Harbor Water System Comprehensive Plan as part of the utilities element of the City's Comprehensive Plan.

City of Gig Harbor Comprehensive Plan Amendments #01-01, #01-02, #01-05, #01-06 and #01-07



City of Gig Harbor
Community Development

Comprehensive Plan Amendment Map 01-10



**City of Gig Harbor
Planning Department**



"THE MARITIME CITY"

3510 GRANDVIEW STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136 • WWW.CITYOFGIGHARBOR.NET

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH, FINANCE DIRECTOR *DR*
DATE: DECEMBER 2, 2002
**SUBJECT: SECOND READING - ORDINANCE PROVIDING FOR EXTENSION OF
THE LOCAL IMPROVEMENT DISTRICT NO. 99-1 BOND
ANTICIPATION NOTE.**

BACKGROUND

Ordinance No. 850 authorized issuance of a Local Improvement District No. 99-1 Bond Anticipation Note in the amount of \$1,200,000. The Note had a 15-month maturity and carried an interest rate of 4.93%. The original note was due December 19, 2001. The due date of the note was extended to December 19, 2002. This ordinance authorizes a 12 month extension of the due date.

FISCAL CONSIDERATIONS

The note will be refunded with LID special assessments to benefited property. The project is now complete, however, the LID assessment process will take us beyond the December 19, 2002 due date of the current note.

The total amount of the bond anticipation note is \$1,200,000. The note carries a fixed interest rate of 1.88% and is due in 12 months.

RECOMMENDATION

Staff recommends adoption of the ordinance.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON
AMENDING ORDINANCE NO. 850, AS AMENDED, TO REFLECT
THE EXTENSION OF THE MATURITY AND THE CHANGE IN
INTEREST RATE OF THE CITY'S LIMITED GENERAL
OBLIGATION BOND ANTICIPATION NOTE, 2000.**

WHEREAS, the City Council of the City of Gig Harbor, Washington (the "City") adopted Ordinance No. 850 on September 11, 2000 providing for the issuance of the City's Limited General Obligation Bond Anticipation Note, 2000 in the aggregate principal amount of not to exceed \$1,200,000 (the "Note") to finance the commencement of certain improvements in Local Improvement District No. 99-1 of the City; and

WHEREAS, the City issued the Note to KeyBank National Association (the "Bank") having a maturity date of December 19, 2001; and

WHEREAS, the Note was extended to December 19, 2002, pursuant to an offer from the Bank dated November 23, 2001 and Resolution No. 896, adopted by the City on December 10, 2001, amending Resolution No. 850; and

WHEREAS, the City has received an offer from the Bank further extending the maturity date and changing the interest rate of the Note; and

WHEREAS, it is in the best interest of the City to accept the Bank's offer of extension and change in interest rate;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment of Ordinance No. 850, as amended. Section 2 of Ordinance No. 850, as amended by Ordinance No. 896, is hereby further amended to read as follows (additions are underscored, and deletions are stricken through):

Section 2. Authorization of the Note. For the purpose of providing interim financing of the Improvements pending their completion and the issuance of the Bonds, the Council hereby authorizes the issuance and sale of a limited general obligation bond anticipation note in the aggregate principal amount of \$1,200,000 to the Bank under the terms and conditions set forth in the Bank's commitment letter dated July 5, 2000 as supplemented on November 23, 2001 [~~and on November 12, 2002~~] (the "Note"). The Note shall be designated as the "City of Gig Harbor, Washington Limited General Obligation Bond Anticipation Note, 2000," shall be dated as of the Closing Date, shall be issued in fully registered form in the denomination of \$1,200,000, shall bear interest at a per annum rate of 4.93% from the Closing Date through December 18, 2001, [~~and~~] at a per annum rate of 2.20% from December 19, 2001 [~~through December 18, 2002,~~ and at a per annum rate of 1.88%] through maturity of the Note, payable at maturity and shall mature [~~27~~][39] months from the Closing Date, unless the maturity date is extended by the Bank. Interest on the Note shall be calculated on the basis of a year of 365 days and the actual number of days elapsed.

Section 2. Bank Proposal. The City hereby approves and accepts the Bank Proposal of November 12, 2002 and authorizes the fee specified therein.

Section 3. Confirmation of Ordinance 850, as amended. Ordinance No. 850, as amended by Ordinance 896 and as further amended by this amendatory ordinance is hereby ratified and confirmed.

Section 4. Authorization of City Officials. The City Administrator and Finance Director are authorized to deliver a new Note to the Bank reflecting the terms of this amendatory ordinance.

Section 5. Effective Date. This ordinance shall be in effect five days after its publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, at a regular meeting held this 25th day of November, 2002.

CITY OF GIG HARBOR, WASHINGTON

Mayor

ATTEST:

City Clerk

First Reading: November 25, 2001
Dated Passed: December __, 2001
Date of Publication: December __, 2001
Effective Date: December __, 2001

Elizabeth Savage
Vice President
Southern Puget Sound District



KeyBank
Corporate Banking
Mailcode WA-31-01-0214
1101 Pacific Avenue
Post Office Box 11500
Tacoma, WA 98411-5500

November 12, 2002

Dave Rodenbach, Financial Director
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Tel: 253 305-7379
Fax: 253 305-7917

Re: Renewal of \$1,200,000 General Obligation Bond

Dear Mr. Rodenbach:

KeyBank National Association is pleased to provide its commitment for a 12-month renewal of the City of Gig Harbor's Bond Anticipation Note 2000. Terms of the commitment are presented below for your review and consideration.

FACILITY A

BORROWER:	City of Gig Harbor
SUMMARY OF FACILITY:	Bond Anticipation Note
AMOUNT:	\$1,200,000.00
MATURITY:	December 19, 2003
PURPOSE OF LOAN:	Renewal of existing note
INTEREST RATE:	Floating rate option: a) variable rate based on 30-, 60-, or 90-day LIBOR. Based on today's 1.40% 90-day LIBOR rate, bank-qualified pricing indicates an initial rate of 1.66% = (L+1.15%)* 65%. Actual initial rate to be determined as of closing date. Fixed rate option: b) indicative 12 month fixed rate as of today is 1.88%. Actual fixed rate to be determined as of closing date.
FEES:	\$1,200.00 renewal fee plus all out-of-pocket costs incurred by Bank in connection with this loan
INTEREST PAYMENTS:	Interest due at maturity
PREPAYMENT:	Prepayment permitted on any LIBOR reset date without penalty, or if fixed rate option is selected, prepayment permitted at any time without penalty
SECURITY:	General Obligation Pledge

CONDITIONS PRECEDENT:

Receipt of legal opinion as to "qualified tax-exempt" status, receipt of legal opinion or other binding document to confirm limited tax general obligation pledge, and receipt of resolution designating Bond as a "tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code. Outstanding interest, fees and costs are due at time of renewal.

DOCUMENTATION:

All Loan documents shall be in a form satisfactory to Bank and Bank's counsel and shall consist of such agreements, instruments, and documents as the Bank or its counsel shall deem advisable.

ORAL AGREEMENTS OR ORAL COMMITMENTS TO LOAN MONEY, EXTEND CREDIT, OR TO FORBEAR FROM ENFORCING REPAYMENT OF A DEBT ARE NOT ENFORCEABLE UNDER WASHINGTON STATE LAW.

Please sign and return a copy of this commitment if KeyBank's commitment for renewal is acceptable to the City of Gig Harbor. I understand counsel for the City of Gig Harbor shall provide the amendment documentation for bank review. Thank you for the opportunity to be of service. We look forward to working with you.

KEY BANK NATIONAL ASSOCIATION


Liz Savage
Vice President
Tacoma Corporate Banking

Commitment for Renewal accepted on this _____ day of November 2002

By: _____
City of Gig Harbor
Borrower's Tax Identification Number: 34-0797057



'THE MARITIME CITY'

3510 GRANDVIEW STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136 • WWW.CITYOFGIGHARBOR.NET

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MOLLY TOWSLEE, CITY CLERK *MT*
SUBJECT: SECOND READING OF ORDINANCE – CIVIC CENTER HOURS
DATE: DECEMBER 2, 2002

INFORMATION/BACKGROUND

Chapter 2.08 of the Municipal Code lists City Hall business hours as 8:30 a.m. to 5:00 p.m., but City Hall opens it's doors at 8:00 a.m. to better serve the community.

This ordinance is housekeeping in nature and amends the code to better reflect the hours of operation, and the new name of the facility, Gig Harbor Civic Center.

RECOMMENDATION

Move to adopt this ordinance at its second reading.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, ESTABLISHING REVISED BUSINESS HOURS
FOR THE GIG HARBOR CIVIC CENTER.**

WHEREAS, City Hall is open for business from 8:00 a.m. to 5:00 p.m. Monday through Friday to serve the community; and

WHEREAS, Section 2.08.010 lists the business hours as 8:30 a.m. to 5:00 p.m.;
and

WHEREAS, The new facility is appropriately called Gig Harbor Civic Center;

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

Section 1. Section 2.08.010 of the City of Gig Harbor Municipal Code is hereby amended to read as follows:

2.08.010 City business hours. The Civic Center shall be open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday of each and every week, except designated holidays.

Section 2. Effective Date. This ordinance shall take effect and be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the Council of the City of Gig Harbor, this ___ day of December, 2002.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 11/20/2002
PASSED BY THE CITY COUNCIL:
DATE PUBLISHED:
DATE EFFECTIVE:

**SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington**

On _____, 2002, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, ESTABLISHING NEW BUSINESS HOURS FOR
THE GIG HARBOR CIVIC CENTER.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of _____, 2002.

BY: _____
Molly M. Towslee, City Clerk



"THE MARITIME CITY"

3510 GRANDVIEW STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136 • WWW.CITYOFGIGHARBOR.NET

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: RESOLUTION – REPLACING THE SHARED LEAVE SECTION OF THE CITY OF GIG HARBOR PERSONNEL REGULATIONS
DATE: DECEMBER 2, 2002

BACKGROUND

Current personnel regulations allow employees to extend their accrued vacation time to any employee. This benefit allows the city to retain employees even though they may use all their accrued vacation or sick leave during a prolonged illness. The shared leave policy was used 3 times in the last 5 years, with a total of 133 days donated in these instances.

POLICY CONSIDERATIONS

The current program was created to permit city employees, at no significant increased cost to the city of providing leave, to come to the aid of fellow city employees through an accrued vacation leave sharing process. This proposed change allows the sharing of sick leave in addition to vacation leave.

The State of Washington, Pierce County, Bonney Lake, Puyallup and University Place are government agencies that have a vacation and sick leave sharing policy.

FISCAL CONSIDERATIONS

The benefits offered will not be a significant additional cost to the City. Currently, employees, after 5 years of service, may cash out 25 percent of their unused sick leave balance upon separation of service. The city's sick leave buy-out liability as of December 31, 2001 was \$133,000 and spread over 30 employees. This policy change is not expected to affect this balance significantly.

RECOMMENDATION

Staff recommends the City Council approve this resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON, REPLACING THE PROVISIONS OF THE CITY OF GIG HARBOR PERSONNEL REGULATIONS EMPLOYEE BENEFITS SECTION T. SHARED LEAVE, IN ORDER TO PROVIDE FOR A LIMITED EXPANSION OF THE PROGRAM, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Gig Harbor has an established shared leave program in order to provide for the transfer of accrued vacation leave benefits from one employee to another who has suffered a catastrophic illness and has exhausted his or her leave benefits; and

WHEREAS, the City Council believes it to be in the public interest, and the best interests of its employees, to expand the program to permit the use and transfer of sick leave from one employee to another for a catastrophic illness, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
RESOLVE AS FOLLOWS:

Section 1. Shared Leave Program.

A. Intent. The purpose of shared leave is to permit city employees, at no additional employee cost to the city other than the administrative cost of administering the program, to come to the aid of a fellow employee who is suffering from illness, injury, impairment, physical or mental conditions which has caused, or is likely to cause, the employee to take leave without pay or to terminate his or her employment.

B. The City Administrator may permit an employee to receive shared leave under this section if:

1. The employee suffers from an illness, injury, impairment or physical or mental condition, which has caused, or is likely to cause, the employee to go on leave without pay or to terminate his or her employment with the city.

2. The employee has depleted or will shortly deplete his or her total of accrued vacation, sick leave, compensatory time, holiday time, and/or other paid leave.

3. Prior to a request to use of shared leave, the employee has abided by the sick leave policy.

4. The employee has diligently pursued and is found to be ineligible for state industrial insurance benefits or such benefits have been exhausted.

5. Use of shared leave will not significantly increase the city's costs except for those costs which would otherwise be incurred in the administration of this program and which would otherwise be incurred by the employee's department.

C. The City Administrator shall determine the amount of shared leave, if any, which an employee may receive under this ordinance. The employee shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time that the employee can reasonably be expected to be absent due to the condition. Shared leave cannot be used to extend the absence of the employee beyond the post-leave time prescribed by State Statute, the applicable labor agreement, or city policy.

D. Shared leave shall be funded through voluntary transfers of accrued vacation and/or sick leave from other city employees to the employee approved for a shared leave. Co-workers who donate leave must retain a reasonable amount of accrued vacation and sick leave to protect them from a wage loss due to illness or injury and to enjoy a reasonable vacation period. All donations shall be voluntary. The department director shall determine that no significant increase in city costs will occur as a result of the transfer of leave.

E. While an employee is on shared leave, he or she will continue to be classified as a city employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave.

1. All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.

2. The employee's salary rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not

limited to state industrial insurance or any other benefit received as a result of payments by the city to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

F. Leave shall be transferred on a dollar-for-dollar basis. The value of the leave shall be determined at the current hourly wage of the transferor and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

G. The Finance Director shall be responsible for computing values of donated leave and shared leave, and shall also be responsible for adjusting the accrued leave balances to show the transferred leave. Records of all leave time transferred shall be maintained in the event any unused time is returned at a later date.

H. The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. The department director shall determine when shared leave is no longer needed. To the extent administratively feasible, the unused leave shall be returned on a pro-rata basis.

I. The City Administrator shall monitor the use of shared leave to insure equivalent treatment for all employees of the city. Inappropriate use or treatment of the shared leave provision may result in cancellation of the donated leave or use of shared leave.

Section 2. Ratification and Confirmation All acts consistent with and prior to the effective date of this Resolution-are hereby ratified and confirmed.

Section 3. Effective Date. This Resolution shall be effective the _____ day of _____, 2002.

APPROVED:

MAYOR GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. Scott Snyder

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
RESOLUTION NO. _____



"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT
3510 GRANDVIEW STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-6170 • WWW.CITYOFGIGHARBOR.NET

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SHURGARD RESERVOIR TANK REPAINTING
PROJECT AWARD
DATE: DECEMBER 9, 2002

INTRODUCTION/BACKGROUND

An identified water operating objective in the 2002 budget is for the interior sand blasting, exterior pressure washing, and complete tank repainting of the City's 500,000-gallon Shurgard steel water tank.

The City recently contacted five steel tank painting contractors from the small works roster and requested price quotations for the above-mentioned work. Two proposals were received by the city.

<u>Vendors</u>	<u>Total (Including retail sales tax)</u>
Western Industrial, Inc.	\$110,535.48
Todd Robinson Painting, Inc.	\$119,637.00

The apparent low respondent is Western Industrial, Inc. in the amount of one hundred ten thousand five hundred thirty-five dollars and forty eight cents (\$110,535.48) and includes retail sales tax. Upon receipt of the quotations, City staff contacted Western Industrial, Inc. to verify the accuracy of their proposal. Western Industrial, Inc. omitted the cost in their proposal of providing a performance and payment bond for the work. Their submitted quotation (\$108,942) has been revised to reflect the cost of the bond, in the additional amount of \$1,593.48.

ISSUES/FISCAL IMPACT

While the low respondent exceeds the original budgeted amount of \$75,000 for this project, sufficient funds are available in the water-operating fund to cover the cost of this project.

RECOMMENDATION

I recommend that Council authorize the award and execution of the contract for the Shurgard Reservoir Tank Repainting to Western Industrial, Inc. in the amount of one hundred ten thousand five hundred thirty-five dollars and forty eight cents (\$110,535.48) and includes retail sales tax.



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TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: GRANDVIEW STREET IMPROVEMENT PROJECT, CSP-0025
- CHANGE ORDER NO. 2
DATE: DECEMBER 9, 2002

INTRODUCTION/BACKGROUND

In May 2002 City Council awarded a construction contract to RV Associates, Inc. for the Grandview Street Improvement Project in the amount of \$241,787.35. Change Order No. 1 was ratified by City Council on June 24, 2002, in the amount of \$52,670.05 and authorized additional elective work portions to be completed under the roadway improvement project. Change Order No. 2, in the amount of \$12,004.36 provides compensation for additional directed City work which was not identified under the original scope of work. The change order is summarized as follows:

• Civic Center driveway approach paving work and related construction	\$4,642.06
• Additional curb & gutter	\$980.56
• Grandview Pedestrian Push Botton Modifications	\$3,134.56
• Borgen Blvd. Power Line Road Access Modifications	\$5,014.08
• Less Miscellaneous Bid Credits	<u>(\$1,769.90)</u>
 Total	 \$12,004.36

The City will retrieve the additional cost of the Civic Center work (\$4,642.06) under a future deductive Civic Center Project change order.

POLICY/FISCAL CONSIDERATIONS

This change order will increase the contract amount by \$12,004.36 to reflect a revised contract amount of \$306,462.21 and includes retail sales tax. The revised project total cost is well below the City authorized project budget of \$403,000.

RECOMMENDATION

I recommend Council authorize execution of Change Order No. 2 for the Grandview Street Improvement Project in the amount of twelve thousand four dollars and thirty six cents (\$12,004.36), including retail sales tax.



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MEMORANDUM

To: John Vodopich

From: Richard M. Sepler, AICP - Madrona Planning & Development Services
David Graves, AICP - Madrona Planning & Development Services

Subject: Shoreline Master Program - Process

Date: December 4, 2002

Based on yesterday's meeting with the SMP Committee, the following is our assessment of their proposed direction for the SMP preparation and adoption process. Initially, Committee members expressed concerns about moving forward without clear direction from the Department of Ecology and with the SMP rules still in flux. However, the Committee was unanimous in their opinion that there are significant opportunities within Gig Harbor for redevelopment that should be addressed through the preparation of an updated SMP.

Based on the Committee's initial concerns, three alternative paths were explored:

1. Wait for Ecology to promulgate new rules and then move forward with the SMP preparation and adoption process;
2. Move forward with SMP preparation and adoption process, with the assumption that the new rules adopted by Ecology will be very similar to those invalidated, with the problematic provisions removed; or
3. Proceed with the SMP preparation and adoption process, but allow additional time to gather more information, enhance public involvement and insure broader input. This might also allow time for Ecology to develop and provide better-defined guidance on the preparation of updated SMP's.

After significant discussion of the pros and cons of each path, the Committee identified Path No. 3 as their preferred option, with finite limits on the timing for gathering additional information, input and involvement, and identifying key parties with which to hold round table discussions for additional input. The Committee would hold two round table discussion meetings. The initial roundtable would be with marina owners. The second meeting would be with representatives of the marine trades community. The purpose of these meetings would be to discuss the applicable provisions of the SMP in a non-adversarial setting and to identify and potentially address concerns and limit the potential for conflict later on in the adoption process. These meetings would be facilitated by Madrona to provide a more successful and open discussion. An additional focus group with East Gig Harbor residents was also suggested, but may be more useful once the second draft of the SMP is prepared (a second community-wide open house has been proposed). A questionnaire mailed to East Gig Harbor residents was suggested as a cost-effective means of gathering additional residential input at this stage.

While the two roundtable meetings are being arranged, work on the SMP can continue. Ecology has raised questions regarding the scope and depth of the inventory, which can be addressed at this time. In addition, Committee work on draft shoreline designations and the Shoreline Designation Map can proceed. Holding the suggested meetings and potentially sending out questionnaires to gather additional information from the residential community will likely add six to eight weeks to the SMP preparation and adoption process.

Costs associated with the additional meetings are also not expected to be significant. It is anticipated that each meeting, including preparation and post-meeting summary would take ten (10) hours, at a cost of \$855.00. Preparation of a questionnaire, reviewing the responses and collating them would take eight (8) hours, at a cost of \$684.00. An additional community wide open house would take ten (10) hours to facilitate, at a cost of \$855.00. Total additional cost to the City of Gig Harbor for all additional planning activities would be \$3,249.00. The anticipated costs are summarized in the table below.

	HOURS	RATE	COST
Meeting with marina owners; Prepare revision to draft SMP sections	10	\$85.50/hr	\$855.00
Meeting with marine industry representatives; Prepare revision to draft SMP sections	10	\$85.50/hr	\$855.00
Questionnaire to residential interests; Prepare and analyze results	8	\$85.50/hr	\$684.00
Additional Public Open House	10	\$85.50/hr	\$855.00
		TOTAL	\$ 3,249.00

Please contact me directly should you have questions.