

Gig Harbor City Council Meeting



**February 26, 2001
7:00 p.m.**

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
February 26, 2001 - 7:00 p.m.

CALL TO ORDER:

PUBLIC HEARINGS:

1. PUD/PRD Ordinances.
2. Vacation of Front Street.

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 Meetings of February 12, 2001.
2. Correspondence / Proclamations:
 - a) Proclamation - National Records and Information Management Week.
 - b) Contribution to Flag Program - American Legion.
3. Liquor License - Change of Location: The Keeping Room, Candles & Wine Etc.
4. Special Occasion Liquor License: GHHS Sports Boosters.
5. Burnham Drive Water Main Extension Project Construction Survey and Staking - Consultant Services Contract.
6. Chlorine Analyzer - Purchase Authorization.
7. Well No. 3 Control Panel - Purchase Authorization.
8. Approval of Payment of Bills for February 26, 2001.
Checks #32071 through #32224 in the amount of \$237,642.11.

OLD BUSINESS:

1. Second Reading of Ordinance - Amendments to Section 17.90 - Planned Unit Developments.
2. Third Reading of Ordinance - Repealing Section 17.90 of the GHMC - Planned Unit Developments.
3. Third Reading of Ordinance - Amendments to the Planned Residential Development Ordinance.
4. Second Reading of Ordinance - Amendment to Title 16 GHMC - Type IIIA Permits and Final Plat Extensions.
5. First Reading of Ordinance - Vacation of Front Street.
6. Second Reading of Ordinance - Amending Ordinance 858 - Stormwater Development Standards.
7. Second Reading of Ordinance - Adding Chapter 12.17 to the Gig Harbor Municipal Code - Enforcement Procedures.
8. Second Reading of Ordinance - Definitions for Museum.
9. Second Reading of Ordinance - Amendments to 17.15 - Museums and Recreation Halls.
10. Second Reading of Ordinance - Establishing Zoning of Public Institutional Property.
11. Second Reading of Ordinance - Easements for Fire Equipment Emergency Access and Maintenance of Fire Protection Systems.
12. Second Reading of Ordinance - Skateboard Use.
13. Second Reading of Ordinance - Arts Commission.

NEW BUSINESS:

1. Employment Agreement - City Prosecutor.

STAFF REPORTS: None scheduled.

PUBLIC COMMENT:

COUNCIL COMMENTS / MAYOR'S REPORT: Nominations to the Zoo/Trek Authority Board.

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.31.110(i).

ADJOURN:

GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 12, 2001

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

CALL TO ORDER: 7:10 p.m.

PUBLIC HEARING:

1. **PUD/PRD Ordinances.** Mayor Wilbert separated the public hearings on these ordinances. She opened the public hearing on the PUD ordinance at 7:10 p.m.

John Vodopich, Planning Director, explained that this was a public hearing on the revised PUD ordinance. He then recommended that any action on the extension on the moratorium, agenda item number two, be delayed until action on the other readings took place.

David Folsom - 3160 Anne Marie Court. Mr. Folsom said that he had just received a copy of the revised PUD ordinance, and hadn't had the time to do an adequate review. He voiced several concerns with the amendments, and said that due to the significant changes to the ordinance, Council should not to take action until the public had further time to review the documents.

John Mayer - 7512 Stanich. Mr. Mayer spoke about the PUD's impact on neighboring properties. He added that a PUD was a way around the existing zoning. He said that the code should be specific enough to protect surrounding property owners as well as the developers.

John Hogan - 4709 Pt. Fosdick. Mr. Hogan said that he had not had the time to fully analyze the document. He said that he was pleased with the amendments and spoke in favor of the revised the PUD ordinance.

Walt Smith - 11302 Burnham Drive. Mr. Smith also asked that action not be taken on the PUD ordinance until there had been an adequate time for review. He spoke in favor of the flexibility for increase in height and size, but said that more could be done.

Mayor Wilbert closed the public hearing on revisions to the PUD ordinance at 7:24 p.m. and opened the public hearing on the PRD ordinance.

John Vodopich explained that revisions had been made to the ordinance since the last reading at Council's direction to incorporate a definition of open space to clarify the use and to include a requirement that all roads must be built to city standards and be designated as public roads.

No one signed up to speak on this item and the Mayor closed the public hearing at 7: 26 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 Meetings of January 22, 2001.
2. Correspondence / Proclamations: Gig Harbor Group Home.
3. Special Occasion Liquor License - Beta Sigma Phi.
4. Inflow and Infiltration Study - Consultant Services Contract.
5. Burnham Drive Waterline Project - Construction Participation Agreement.
6. Approval of Payment of Bills for February 12, 2001.
Checks #31888 through #32070 in the amount of \$237,603.01. Voided Check #31893.
7. Approval of Payment of Payroll for January, 2001.
Checks #555 through #604 in the amount of \$185,420.91.

MOTION: Move to approve the Consent Agenda, with corrections to the minutes of 1/22/01.
Picinich/Ruffo - unanimously approved.

OLD BUSINESS:

1. First Reading of Ordinance - Amendments to Section 17.90 - Planned Unit Developments. John Vodopich presented this first reading of a revised ordinance relating to Planned Unit Developments. He recommended a study-session if further consideration on the proposed amendments was required. Councilmembers asked questions and voiced their concerns with the amendments and the comments made during the public hearing.

MOTION: Move that we schedule a work study-session on the PUD amendments.
Picinich/Ruffo -

John Vodopich asked that action on this motion be delayed until a decision on whether to repeal the PUD ordinance, agenda item number three, had been considered. After discussion the following amendment to the motion was made.

AMENDED MOTION: Move to amend the motion to have a second public hearing on revisions to the PUD ordinance and then schedule a worksession if required.
Owel/Ruffo - Five Councilmembers voted in favor.
Councilmembers Ekberg and Young voted against the motion. The motion carried 5 - 2.

2. Second Reading of Ordinance - Repealing Section 17.90 of the GHMC - Planned Unit Developments. Mr. Vodopich presented this ordinance and answered Council's questions.

MOTION: Move that the ordinance to repeal the PUD will be held over to the next meeting.

Dick/Ruffo - Five Councilmembers voted in favor. Councilmembers Ekberg and Young voted against the motion. The motion carried 5 - 2.

3. Second Reading of Ordinance - Amendments to the Planned Residential Development Ordinance. John Vodopich introduced this second reading of an ordinance amending the Planned Residential Development code.

MOTION: Move to adopt Ordinance No. 863.
Ekberg/Owel -

Councilmember Pasin voiced concern on the gross floor areas section of the ordinance. Pat Iolavera explained that this language was to help staff calculate the percentage and to clarify the application. Amendments to the ordinance were recommended to change "gross floor area" to "density" throughout the document to clarify that this pertains to residential rather than commercial development. Councilmember Dick recommended further language changes for clarification to the open space section. Carol Morris, Legal Counsel, explained that these reflected substantial changes to the ordinance, requiring another reading before action could be taken.

Councilmember Ekberg withdrew his motion. Councilmember Owel withdrew her second to the motion.

4. Second Reading of Ordinance - Definitions - 17.04. John Vodopich presented this ordinance relating to include several definitions to Section 17.04 of the Gig Harbor Municipal Code and recommended approval of this ordinance.

MOTION: Move to adopt Ordinance No. 863.
Picinich/Ruffo - unanimously approved.

5. Second Reading of Ordinance - Amendments to Title 19 - Type IIIA Permits - PUD. John Vodopich presented this ordinance amending Title 19 to clarify that PUDs/PRDs are a Type III permit. He answered Council's questions. An typographical error on the table contained in the ordinance was discussed.

MOTION: Move to adopt Ordinance No. 864 with corrections to the table.
Dick/Picinich - unanimously approved.

6. Second Reading of Ordinance - Amendment to Title 16 GHMC - Type IIIA Permits and Final Plat Extensions. John Vodopich presented this ordinance for amendments to Title 16. He said that at the advise of legal counsel, he asked that action on this be continued to the next meeting due to changes in Section 3.

MOTION: Move to continue this ordinance to the next meeting.
Dick/Picinich - unanimously approved.

7. Ordinance Extending Moratorium on Acceptance of PUD Applications. John Vodopich explained that this ordinance would continue the moratorium on acceptance of PUD applications until June 11th to allow for further consideration of the PUD ordinance. Carol Morris explained that the moratorium could be abolished earlier than that date by ordinance.

MOTION: Move to adopt Ordinance No. 865.
Dick/Picinich - Six voted in favor. Councilmember Young voted against the motion. The motion carried 6 - 1.

8. Continuance of Annexation Proceedings - 57th St. Ct. NW & 28th Ave. NW. John Vodopich addressed both agenda items eight and nine in this presentation. He explained that staff had prepared a map that identified the areas commencing the annexation process marked. He said that in addition, the map showed six other properties, in which the owners had recently approached the city requesting to be included in the annexation. He advised Council that these properties were identified on the map, as it was within Council's authority to accept, reject or modify the boundaries of any annexation coming before them.

Mr. Vodopich explained that staff had worked with the proponents of the 57th St. Ct. NW and 28th Ave. NW to modify the legal description at Council's direction at the last meeting. He recommended that Council accept the annexation of the these three parcels together with the adoption of the R-1 zoning, subject to several conditions. Condition number one is that the geographic boundaries of the annexation be modified to include those portions of 57th St. Ct. NW and 28th Avenue NW as described in a letter from North Pacific Design, dated February 6, 2001. The second condition is that the property owner(s) shall enter into a pre-annexation agreement with the Department of Public Works regarding the level of street improvements necessary to bring 57th Street Court NW up to City road standards within one-year of annexation. The third condition is that the City shall require that the property owner(s) assume all of the existing indebtedness of the area being annexed.

MOTION: Move that we approve the circulation of the petition to annex three parcels located at the intersection of 57th Street Court NW and 28th Avenue NW, subject to the three conditions previously read by staff.
Dick/Ekberg - unanimously approved.

9. Notice of Intent to Commence Annexation Proceedings - 62nd Street Court NW. John Vodopich presented this annexation effort and explained that this had come before Council in December, at which time concerns over drywells along the driveway were brought up. He added that the issue had been addressed, and were of no concern to the Public Works Department. He recommended that Council accept the submission of the 60% petition for the annexation of these four parcels subject to one condition, that the owners assume all existing indebtedness of the of area being annexed.

Joe Mancuso - 62nd St. Ct. NW. Mr. Mancuso voiced full support of the annexation.

MOTION: Move that we accept the annexation petition for the four parcels with the condition that the city would require that the owners assume all existing indebtedness of the of area being annexed.
Picinich/Ruffo - unanimously approved.

NEW BUSINESS:

1. Pierce County Gig Harbor Peninsula Community Plan - Citizen Recommended Change. John Vodopich presented a request from Mr. Jay Watland for his property located on Point Fosdick Drive to be included in the City's Urban Growth Area in the upcoming community planning effort with Pierce County.

Jay Watland - 9610 85th Ave NW. Mr. Watland offered to answer any questions that might arise. He gave a description of the bordering properties and added that his was one of the few remaining properties along Pt. Fosdick that remained undeveloped. He explained that the plan for the property was to be developed as single-family residential.

MOTION: Move we support Mr. Watland's request to be included in the city's UGA.
Ruffo/Picinich - unanimously approved.

2. First Reading or Ordinance - Arts Commission. Mark Hoppen, City Administrator, presented this ordinance to form an Arts Commission to address the process to develop and manage fine and performing arts-related proposals in the city.

Councilmember Ekberg had to leave the Council Chambers at this time, at 8:30 p.m.

Shirley Tomasi - 11107 Hallstrom Drive NW. Ms. Tomasi spoke in support of the formation of the formation of an Arts Commission as a vehicle to partner with the city to facilitate the arts.

Comments from Council were favorable. This ordinance will return for a second reading at the next meeting.

3. Annual Transportation Capacity Report - SCA Consulting Group. David Skinner, Public Works Director, explained that 2000 was the first time that the city had planned under the Concurrency Ordinance, which included a requirement to prepare an annual report of concurrency. He introduced Perry Shea and Susan Graham from SCA Consulting Group to make a brief presentation on the report and answer any questions.

Mayor Wilbert asked that Agenda Item 11 be moved to this point, as there were young people in the audience who had waited to speak on the Skatepark Ordinance.

4. First Reading of Ordinance - Skateboard Use. Mark Hoppen explained that this was a housekeeping ordinance to update the enforcement ability at the Skatepark expressing the position relative to BMX bikes, which are damaging the surface of the finish of the Skatepark. He addressed several Council's questions.

Ryan McGlone - 5426 99th Ave. NW. Mr. McGlone explained that he was a BMX bike rider, that that he disagreed that the bikes damage the surface of the park, and said that he thought that the bikes should be allowed to share the park. He talked about other parks, the number of local riders and safety issues. He said that he was willing to serve on a committee to develop a plan to build a future BMX bike park.

Derek Felt - 8520 David Day Road Mr. Felt said that the bikes co-exist with the skaters safely, and that the worst injuries were caused by collisions between scooters and skaters, and skaters with little experience. He agreed that it would be good for the bikers to be able to use the park.

Dominick Serka - 7322 38th Street. Mr. Circa said that there were ways to mitigate damage to the surface by requiring "park-specific" pegs with aluminum end caps, or the ends could be taped. He said that all users of the park, not just bikes, will damage the surface.

The Mayor announced a short recess at 9:40 p.m. The meeting resumed at 9:50 p.m.

5. First Reading of Ordinance - Amending Ordinance 858 - Stormwater Development Standards. Carol Morris explained that this ordinance amends one previously passed to reflect the city's current enforcement procedures. She added that there were two ordinances for consideration, one to amend the stormwater drainage code to reference the current enforcement procedure, which is outlined in the second ordinance adopting a new chapter 12.17, which follows as the next agenda item. These both will return for a second reading at the next meeting.

6. First Reading of Ordinance - Adding Chapter 12.17 to the Gig Harbor Municipal Code - Enforcement Procedures. This was addressed during the previous agenda item.

7. Resolution - Public Hearing for Street Vacation of Front Street. Mr. Skinner explained that this was a request to vacate Front Street, between Austin and Burnham Drive. He added that this street contains no improvements and that research indicates that because improvements were not completed within five years of the establishment, ownership is relinquished back to the property owners. He said that this resolution is to set the public hearing for a first reading of an ordinance to vacate the street.

MOTION: Move to adopt Resolution No. 563, setting the public hearing for February 26, 2001.
Owel/Picinich - unanimously approved.

8. First Reading of Ordinance - Definitions for Museum. Mr. Vodopich addressed the next three agenda items in this presentation. He explained that this is the first reading of three ordinances as they pertain to the Gig Harbor Historical Society. He added that staff had been working closely with the Historical Society to facilitate the new location of the museum on the property located just north of the Borgen Property. He explained that the first ordinance was to add new definitions for a community recreation hall, art gallery, museum, and non-profit organization. He said that the second ordinance was to include public institutional museum and rental-hall facilities as an accessory to a permitted use, and to outline hours of operation. The

final ordinance is to re-zone the property as public intuitional. He recommended adoption of these three ordinances when they return for a second reading at the next meeting.

9. First Reading of Ordinance - Amendments to 17.15 - Museums and Recreation Halls. This was addressed previously.

10. First Reading of Ordinance - Establishing Zoning of Public Institutional Property. This was addressed previously.

11. First Reading of Ordinance - Easements for Fire Equipment Emergency Access and Maintenance of Fire Protection Systems. Mr. Vodopich presented this ordinance with proposed amendments to Title 15 recommended by legal counsel to clarify when recorded easements were required to allow access across private property for fire district personnel. He added that the previous concerns raised by Public Works had been addressed and recommended approval of the ordinance at its second reading.

12. Addition to the City of Gig Harbor Job Descriptions. Mark Hoppen explained that in the 2001 Budget, the Senior Planner and Information Systems Manager positions were approved and these job descriptions reflect the addition of these descriptions.

MOTION: Move to add the positions of Senior Planner and Information Systems Manager to the *Gig Harbor Job Descriptions*.
Ruffo/Owel - unanimously approved.

13. Land Use Hearing Examiner - Request for Proposal. Mr. Vodopich explained that in January the Council moved to approve the contract extension with McConnell Burke for professional hearing examiner services through the month of June, and directed staff to prepare a Request for Proposal for the services. He asked for direction on the minimum qualifications and whether or not the hearing examiner should be an attorney.

MOTION: Move to amend the Education section of the RFP to read "A Juris Doctor degree together with a license to practice law in the State of Washington and to approve the release of the RFP."
Picinich/Owel - five voted in favor. Councilmember Ruffo voted against the motion.

14. Agenda Protocol. Mark Hoppen explained that Councilmember Ruffo had asked that this issue be placed on the agenda to clarify the process by which an item can be placed on the agenda. Councilmember Ruffo explained that he wanted to address this to avoid any action by Council of a non-emergency nature, and to allow the public to respond. Mr. Hoppen explained that Council can add an item to the agenda at any time. Councilmembers discussed several issues in regards to how the agenda is prepared and in regards to the lack of time to review and amend the agenda before the meeting. It was decided that if a Councilmember wished to add an agenda item on the evening of a Council Meeting, it would be done at the beginning of the

meeting. Staff was requested that staff have draft agenda titles available for review the previous Wednesday before the Council meeting to allow more time for review.

15. Council Committee Appointment and Mayor Pro Tem. Mayor Wilbert presented her recommendations for the Advisory Committees for 2001.

MOTION: Move to approve the recommendation for the Council Committee Appointments for 2001.
Ruffo/Young - unanimously approved.

STAFF REPORTS: None scheduled.

PUBLIC COMMENTS: None.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert reported on several pieces of correspondence. She gave a presentation on the Mosquito Fleet invited Council to go along for a boat ride on Wednesday, February 21, from the Shoreline Restaurant to Thea Foss Waterway, and Thursday, February 22nd to Olympia and back.

ANNOUNCEMENT OF OTHER MEETINGS:

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.31.110(i).

MOTION: Move to adjourn to executive session at 10:47 p.m. for approximately 10 minutes.
Picinich/Ruffo - unanimously approved.

MOTION: Move to return to regular session at 10:56 p.m.
Ruffo/Picinich - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 11:01 p.m.
Ruffo/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 604 Side A 359 - end.
Tape 604 Side B 000 - end.
Tape 605 Both Sides.
Tape 606 Both Sides.
Tape 607 Side A 000 - end.
Tape 607 Side B 000 - 236.

Mayor

City Clerk

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, the management of records and information is critical to every business, organization and government agency in facing the complexities of competition, customer service and globalization; and

WHEREAS, technologies for storing information are expanding the amounts of information that can be acquired, with increased longevity; and

WHEREAS, the need to use information to create value and plan strategically is a driving force in today's world; and


WHEREAS, control of records and information is necessary for reduction of risk and liability as well as for compliance with global standards; and

WHEREAS, the citizens of the City of Gig Harbor should recognize the important service performed by records and information professionals;

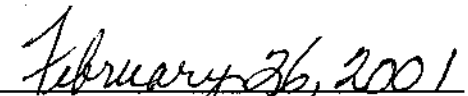
NOW, THEREFORE, I, Gretchen Wilbert, Mayor of the City of Gig Harbor, do hereby declare April 1st through 7th, 2001 as,

NATIONAL RECORDS AND INFORMATION MANAGEMENT WEEK

in the City of Gig Harbor, and I encourage all citizens to recognize this event.



Gretchen A. Wilbert, Mayor



Date



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

February 20, 2001

American Legion Post 236
Mr. Ben Millikan, Financial Officer
15061 Peacock Hill Road
Olalla, WA 98359-9527

Re: Flag Display on City of Gig Harbor Streets

Dear Mr.  Millikan:

Enclosed is the city's check for \$250 for reimbursement for new flags and maintenance of your flag display along the streets of Gig Harbor.

Each year we look forward to the display that reflects the American tradition while promoting tourism for our downtown business district during the summer months.

Thank you and your Legion for taking on this worthwhile project.

Sincerely,



Gretchen A. Wilbert
Mayor, City of Gig Harbor

Donald A. Van Horn, Post 236 Flag Committee
Gig Harbor American Legion
(253) 857-5420

February 16, 2001 ✓

Mayor Gretchen Wilbert
City of Gig Harbor
Gig Harbor, WA 98335

Dear Mayor Wilbert:

I am writing to request that the city of Gig Harbor again donate its annual \$250.00 contribution towards the purchase of U.S. Flags and accessories. As you know, the flags have a short life span and their renewal is costly.

In the past, our Legion Post has put the flags up on the main streets of Gig Harbor during the month of April and then removes them after Veteran's Day in November.

Our Post appreciates your financial contribution for this worthwhile project.

Please make the check payable to Gig Harbor American Legion, and mail to the following address:

Financial Officer Benjamin Millikan
15061 Peacock Hill Rd SE
Olalla, WA 98359

If you have any questions, please feel free to contact me at (253) 857-5420 or my E mail address: historydonjuan@yahoo.com.

Sincerely,

Donald A. Van Horn

Donald A. Van Horn, Post 236 Flag Committee
Gig Harbor American Legion



RETURN TO:

WASHINGTON STATE LIQUOR CONTROL BOARD
License Division - 3000 Pacific, P.O. Box 43075
Olympia, WA 98504-3075
(360) 664-1600

RECEIVED

TO: CITY OF GIG HARBOR

FEB - 9 2001

DATE: 2/07/01

RE: CHANGE OF LOCATION APPLICATION

CITY OF GIG HARBOR

from THE KEEPING ROOM, CANDLES & WINE ETC.

3106 HARBORVIEW

GIG HARBOR

WA 98335

APPLICANTS:

THE CAPTAIN'S MATE, INC.

License: 357737 - 1J County: 27

UBI: 601-493-563-001-0002

Tradename: THE KEEPING ROOM, CANDLES & WINE ETC.

New Loc: 3306 HARBORVIEW DR

GIG HARBOR

WA 98332-2126

GAIR, LINDA HULTNER

1944-11-28 553-76-1737

GAIR, BRUCE OTTO

1927-08-12 201-20-5222

Mail: 9301 N HARBORVIEW DR

GIG HARBOR

WA 98332-2158

Phone No.: 253) 858-9170 BRUCE GAIR

Privileges Applied For:

BEER/WINE SPECIALTY SHOP

As required by RCW 66.24.010(8), you are notified that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within 20 DAYS from the date above, it will be assumed that you have no objection to the issuance of the license. If additional time is required you must submit a written request for an extension of up to 20 days. An extension of more than 20 days will be approved only under extraordinary circumstances.

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

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

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

WASHINGTON STATE LIQUOR CONTROL BOARD-License Services
1025 E Union - P O Box 43075
Olympia WA 98504-3075

RECEIVED

TO: MAYOR OF GIG HARBOR

February 16, 2001

FEB 20 2001

SPECIAL OCCASION # 368424

CITY OF GIG HARBOR

GIG HARBOR HIGH SCHOOL SPORTS BOOSTERS
5101 ROSEDALE ST. N
GIG HARBOR, WA 98335

DATE: APRIL 7, 2001

TIME: 5:30PM TO 11PM

PLACE: GIG HARBOR YACHT CLUB - 8209 STINSON AVE, GIG HARBOR

CONTACT: PATRICIA WILLIS - 253-549-4153

SPECIAL OCCASION LICENSES

- * License to sell beer on a specified date for consumption at specific place.
- * License to sell wine on a specific date for consumption at a specific place.
- * Beer/Wine in unopened bottle or package in limited quantity for off premises consumption.
- * Spirituous liquor by the individual glass for consumption at a specific place.

If return of this notice is not received in this office within 20 days from the above date, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

1. Do you approve of applicant? YES__ NO__
2. Do you approve of location? YES__ NO__
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES__ NO__

OPTIONAL CHECK LIST

EXPLANATION

| | | |
|------------------------|-------|------------|
| LAW ENFORCEMENT | _____ | YES__ NO__ |
| HEALTH & SANITATION | _____ | YES__ NO__ |
| FIRE, BUILDING, ZONING | _____ | YES__ NO__ |
| OTHER: | _____ | YES__ NO__ |

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

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



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: DAVID R. SKINNER, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: CONSULTANT SERVICES CONTRACT
BURNAHM DRIVE WATER MAIN EXTENSION PROJECT -
CONSTRUCTION SURVEY SERVICES
DATE: FEBRUARY 21, 2001

INTRODUCTION/BACKGROUND

Last year, a budgeted objective in the City's water department was the construction of a 16-inch water main from the women's correction facility, east, along 96th Street R/W, then north, along Burnham Drive, eventually connecting to the recently placed waterline near Borgen Boulevard. Due to permitting issues and the development of funding agreements with private property owners, the construction of this project was delayed until this year. During construction of this project, survey staking and related work is needed to establish vertical and horizontal pipeline alignment, and other information necessary to construct the new water main.

After reviewing the Consultant Services Roster and evaluation of materials submitted for review, the engineering-survey firm of David Evans and Associates, Inc. was selected as the most qualified to perform the work. Their selection was based on their understanding of the project, familiarity with the area, and extensive municipal survey experience.

The scope of this work includes establishing survey control, construction surveying along the pipeline alignment, and other project survey related tasks.

POLICY CONSIDERATIONS

David Evans and Associates, Inc. is able to meet all of the City's standard insurance provisions for professional services contracts.

FISCAL CONSIDERATIONS

This project was identified in the water-operating fund of the 2000 Annual Budget. Since this project was anticipated in 2000 but was not constructed, the funds allocated for this project remain in the City's water fund to provide for construction in this year.

RECOMMENDATION

I recommend that the Council move and approve execution of the Consultant Services Contract with David Evans and Associates, Inc. for survey work in the amount not to exceed eighteen thousand eight hundred and eighty seven dollars and eighteen cents (\$18,087.18).

**CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
DAVID EVANS AND ASSOCIATES, INC.**

THIS AGREEMENT is made 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 construction survey staking for the Burnham Drive Water Main Extension Project, CWP-9911, and desires that the Consultant perform services necessary to provide the following consultation services.

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work, dated February 20, 2001, including any addenda thereto as of the effective date of this agreement, all of which are attached hereto as **Exhibit A – Scope of Services**, and are incorporated by this reference as if fully set forth herein.

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

I. Description of Work

The Consultant shall perform all work as described in **Exhibit A**.

II. Payment

A. The City shall pay the Consultant an amount based on time and materials, not to exceed Eighteen thousand eighty-seven dollars and eighteen cents (\$18,087.18) for the services described in Section I herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. PROVIDED, HOWEVER, the City reserves the right to direct the Consultant's compensated services under the time frame set forth in Section IV herein before reaching the maximum amount. The Consultant's staff and billing rates shall be as described in **Exhibit B – Schedule of Rates and Estimated Hours**. The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit B** or bill at rates in excess of the hourly rates shown in **Exhibit B**; unless the parties agree to a modification of this Contract, pursuant to Section XVIII herein.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within forty-five (45) days of receipt. If the City

objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

III. Relationship of Parties

The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

IV. Duration of Work

The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. . The parties agree that the work described in **Exhibit A** shall be completed by December 31, 2001; provided however, that additional time shall be granted by the City for excusable days or extra work.

V. Termination

A. Termination of Agreement. The City may terminate this Agreement, for public convenience, the Consultant's default, the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors, at any time prior to completion of the work described in **Exhibit A**. If delivered to one consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date stated in the City's notice, whichever is later.

B. Rights Upon Termination. In the event of termination, the City shall pay for all services satisfactorily performed by the Consultant to the effective date of termination, as described on a final invoice submitted to the City. Said amount shall not exceed the amount in Section II above. After termination, the City may take possession of all records and data within the Consultant's possession pertaining to this Agreement, which records and data may be used by the City without restriction. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise. Except in the situation where the Consultant has been terminated for public convenience, the Consultant shall be liable to the City for any additional costs

incurred by the City in the completion of the Scope of Work referenced as **Exhibit A** and as modified or amended prior to termination. "Additional Costs" shall mean all reasonable costs incurred by the City beyond the maximum contract price specified in Section II(A), above.

VI. Discrimination

In the hiring of employees for the performance of work under this Agreement or any sub-contract hereunder, the Consultant, its subcontractors, or any person acting on behalf of such Consultant or sub-consultant shall not, by reason of race, religion, color, sex, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

VII. Indemnification

The Consultant shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the negligence of the City. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to avoid any of these covenants of indemnification.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER. THE CONSULTANT'S WAIVER OF IMMUNITY UNDER THE PROVISIONS OF THIS SECTION DOES NOT INCLUDE, OR EXTEND TO, ANY CLAIMS BY THE CONSULTANT'S EMPLOYEES DIRECTLY AGAINST THE CONSULTANT.

The provisions of this section shall survive the expiration or termination of this Agreement.

VIII. Insurance

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Consultant's own work including the work of the Consultant's agents, representatives, employees, sub-consultants or sub-contractors.

B. Before beginning work on the project described in this Agreement, the Consultant shall provide evidence, in the form of a Certificate of Insurance, of the following insurance coverage and limits (at a minimum):

1. Business auto coverage for any auto no less than a \$1,000,000 each accident limit, and
2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$2,000,000 aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, and employers liability, and
3. Professional Liability insurance with no less than \$1,000,000 claims made basis.

C. The Consultant is responsible for the payment of any deductible or self-insured retention that is required by any of the Consultant's insurance. If the City is required to contribute to the deductible under any of the Consultant's insurance policies, the Contractor shall reimburse the City the full amount of the deductible.

D. The City of Gig Harbor shall be named as an additional insured on the Consultant's commercial general liability policy. This additional insured endorsement shall be included with evidence of insurance in the form of a Certificate of Insurance for coverage necessary in Section B. The City reserves the right to receive a certified and complete copy of all of the Consultant's insurance policies.

E. It is the intent of this contract for the Consultant's insurance to be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage in respect to the City. Additionally, the Consultant's commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.

F. The Consultant shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Gig Harbor at least 30-days in advance of any cancellation, suspension or material change in the Consultant's coverage.

IX. Exchange of Information

The City warrants the accuracy of any information supplied by it to the Consultant for the purpose of completion of the work under this Agreement. The parties agree that the Consultant will notify the City of any inaccuracies in the information provided by the City as may be discovered in the process of performing the work, and that the City is entitled to rely upon any information supplied by the Consultant which results as a product of this Agreement.

X. Ownership and Use of Records and Documents

Original documents, drawings, designs and reports developed under this Agreement shall belong to and become the property of the City. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

XI. City's Right of Inspection

Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

XII. Consultant to Maintain Records to Support Independent Contractor Status

On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.

XIII. Work Performed at the Consultant's Risk

The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

XIV. Non-Waiver of Breach

The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

XV. Resolution of Disputes and Governing Law

Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Public Works Director and the City shall determine the term or provision's true intent or meaning. The City Public Works Director shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Public Works Director's determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The non-prevailing party in any action brought to enforce this Agreement shall pay the other parties' expenses and reasonable attorney's fees.

XVI. Written Notice

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the agreement, unless notified to the contrary. Unless otherwise specified, any written notice hereunder shall become effective upon the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated below:

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

David R. Skinner, P.E.
Director of Public Works
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98335
(253) 851-8145

XVII. Assignment

Any assignment of this Agreement by the Consultant without the written consent of the City shall be void. If the City shall give its consent to any assignment, this paragraph shall continue in full force and effect and no further assignment shall be made without the City's consent.

XVIII. Modification

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

XIX. Entire Agreement

The written provisions and terms of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, this Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and any Exhibits attached hereto, which may or may not have been executed prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2001.

CONSULTANT

CITY OF GIG HARBOR

By: 
Its Principal

By:
Mayor

Notices to be sent to:
CONSULTANT
Randy A. Anderson, P.E.
David Evans and Associates, Inc.
3700 Pacific Highway East, Suite 311
Tacoma, Washington 98424
(253) 922-9780

David R. Skinner, P.E.
Director of Public Works
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98335
(253) 851-8145

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:

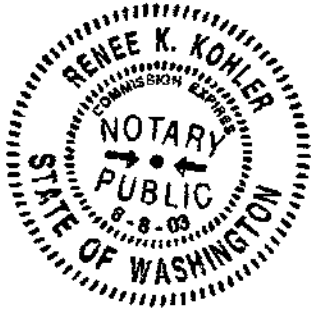
My Commission expires: _____

STATE OF WASHINGTON)
)
COUNTY OF PIERCE) ss.
)

I certify that I know or have satisfactory evidence that Leticia D. Angeles 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 VICE PRESIDENT of DAVID EVANS & ASSOC. ~~INC.~~ Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 2/21/01

Renee K. Kohler



RENEE K. KOHLER
(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing at:
King County
My Commission expires: 6/8/03

CITY OF GIG HARBOR
BURNHAM DRIVE NW WATER LINE EXTENSION
BUJACICH DRIVE NW TO BURNHAM DRIVE NW

CSP 9911

EXHIBIT A

SCOPE OF SERVICES

David Evans and Associates, Inc. (DEA) is pleased to provide this Scope of Services to the City of Gig Harbor for construction survey work for the Burnham Drive NW Water Line Extension Project.

In general, this project involves providing construction survey staking for approximately 6670 Lineal Feet of water line, a retaining wall, minor storm drainage work, a jacked casing under SR-16, and staking for the project's temporary erosion control system. The road centerline information used by ESM Consulting Engineers, L.L.C. in the project Contract Documents for Burnham Drive Water Line Extension, CSP 9911, and dated February 2001 will be used by DEA for center of road alignment and all construction staking will be taken from this provided alignment data.

The project tasks for this Scope of Services are as follows:

TASK 1---PROJECT MANAGEMENT

- Provide project administration and coordination for the project.
- Provide project updates to the city on the status of the work being done as necessary or requested by the city.
- Prepare and submit monthly invoices to the City of Gig Harbor. If requested by the city the invoice will include a summary of the work accomplished during the billing period and the individuals who worked on the project. The invoices will show labor and expenses correlated to the task numbers included therein.
- Provide internal quality control review throughout the construction survey process.

TASK 2---ESTABLISH HORIZONTAL AND VERTICAL CONTROL FOR THE PROJECT

- Research existing control information and records to establish basis of survey.
- Determine and accept the subdivision corners and other existing survey data.
- Run a horizontal control traverse.
- Run a vertical control network for the project.

TASK 3---ESTABLISH HORIZONTAL ALIGNMENT OF 96TH STREET NW

- Establish an initial control line for 96th Street NW using approved project plans for the basis of that information.
- Stake location of water line along 96th Street NW. Stake horizontal and vertical location of water line every 100 lineal feet and all vertical or horizontal bends in the line.

TASK 4---ESTABLISH HORIZONTAL ALIGNMENT OF BURNHAM DRIVE NW

- Establish an initial control line for Burnham Drive NW using approved project plans for the basis of that information.
- Stake location of water line along Burnham Drive NW. Stake horizontal and vertical location of water line every 100 lineal feet and all vertical or horizontal bends in the line.

TASK 5---STAKE STORM DRAINAGE SYSTEM

- Stake storm drainage structures as per plans.
- Stake storm drainage pipe system as per plans.

TASK 6---STAKE ULTRABLOCK WALL

- Provide one set of offset construction stakes for the Ultrablock wall which will be approximately 180 lineal feet in length.
- Provide one set of finished grade stakes for the area behind the Ultrablock wall

TASK 7---JACKING WORK UNDER SR-16

- Provide control points for the contractor's use in jacking a steel casing under SR-16.

ADDITIONAL SERVICES

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

SERVICES PROVIDED BY THE CITY

- The city will obtain permission to access onto adjoining private properties or on easement areas or rights- of-way not belonging to the City of Gig Harbor.
- The city will provide all available as-built utility plans, road and storm drainage plans, or other engineering plans to DEA. The plans for this project will be provided to DEA in electronic format. The city will provide survey control information used by ESM Consulting Engineers, LLC for the development of the project plans. The

provided centerline alignment information for Burnham Drive NW and 96th Street NW will be used by DEA to establish the location of the water line in the field.

- The city and/or the contractor will be responsible for locating all utilities for the project.
- The city will provide DEA with any plan change information three (3) business days prior to the request to have that particular item field staked. However, DEA will make every reasonable effort to minimize that time to allow the contractor's work to proceed without delay.
- The city will provide all needed traffic control for DEA's survey effort.
- The city will have the contractor provide a "line of sight" for all survey work. This includes initial brush and vegetation clearing and moving any obstructions that would impair DEA's survey work..

CONDITIONS OR EXCLUSIONS OF WORK

- DEA will use the existing road alignment information developed in the project plans as the basis for all construction staking work done on this project. DEA assumes no responsibility for the correctness or accuracy of this information.
- DEA has not included any construction survey work for the unsuitable removal work..
- All construction staking is on a one-time basis only. Re-staking work will be done on a time and expense basis.
- No property survey work or staking of right-of-way lines that will require the filing of a Record of Survey will be done as part of this project. If so requested by the city, property corners or right-of-way corners can be set and will be done on a time and expense basis.
- All requests for construction survey work will be presented to DEA through the city not less than three (3) business days before completed staking of the requested item is required.
- DEA will lay out and set construction stakes, offset stakes, or hubs needed to do the construction work. The contractor shall be fully responsible for all data, dimensions, elevations, and data measured or taken from these provided stakes or hubs.
- DEA will not be involved with construction staking for the temporary erosion control facilities for the project.

REIMBURSABLES

- Fees for reprographics and postage.
- Mileage

PROJECT SCHEDULE

DEA is available to begin work within 48 hours after written authorization of this Scope of Work is received.

CITY OF GIG HARBOR
 BURNHAM DRIVE NW WATER MAIN EXTENSION
 EXHIBIT B
 SCHEDULE OF RATES AND ESTIMATED HOURS

| | Project Manager | Administrative Support | Professional Land Surveyor | Survey Technician | 2-Person Survey Crew | Task Sums And Expenses |
|---|--------------------|---------------------------|-------------------------------|----------------------|-------------------------|---------------------------|
| TASK 1--PROJECT MANAGEMENT | | | | | | |
| Project Administration and Coordination | 3 | 2 | | | | |
| Status Updates | 2 | | | | | |
| Prepare and Sub-mit Invoices | 2 | 2 | | | | |
| QA/QC | 3 | | 8 | | | |
| TASK 2--ESTABLISH HORIZONTAL/VERTICAL CONTROL FOR PROJECT | | | | | | |
| Research Control Information and Records | | | 4 | | | |
| Determine and Accept Sub-Division Corners/Other Data | | | 4 | | | |
| Run Horizontal Control Traverse | | | | 6 | 18 | |
| Run Vertical Control Network | | | | 2 | 8 | |
| TASK 3--ESTABLISH HORIZONTAL ALIGNMENT OF 96TH STREET NW | | | | | | |
| Establish Control Line | | | | 8 | | |
| Field Stake w/Point Every 100 LF | | | | | 20 | |
| Stake Hydrants, Valves, Etc. | | | | 1 | 2 | |
| TASK 4--ESTABLISH HORIZONTAL ALIGNMENT OF BURNHAM DRIVE NW | | | | | | |
| Establish Control Line | | | | 8 | | |
| Field Stake w/Point Every 100 LF | | | | | 28 | |
| Stake Hydrants, Valves, Etc. | | | | 1 | 2 | |
| TASK 5--STAKE STORM DRAINAGE SYSTEM | | | | | | |
| Stake Storm Drainage Structure | | | | 4 | 3 | |
| Stake Storm Drainage Pipe System | | | | | 5 | |
| TASK 6--STAKE ULTRABLOCK WALL | | | | | | |
| Stake 180 Lineal Feet of Ultrablock Wall (w/Offsets) | | | | 2 | 5 | |
| Stake Finished Grade Behind Wall | | | | | 3 | |
| TASK 7--JACKING WORK UNDER SR-16 | | | | | | |
| Set Control for Contractor for Jacking Work Under SR-16 | | | | | 4 | |
| Total Estimated Hours | 10 | 4 | 16 | 32 | 96 | |
| Rate | \$ 36.00 | \$ 20.50 | \$ 30.00 | \$ 24.20 | \$ 40.50 | |
| Direct Labor | 360.00 | 82.00 | 480.00 | 774.40 | 3,888.00 | \$ 5,584.40 |
| Total Direct Labor Salary Costs | | | | | | \$ 5,584.40 |
| Indirect Labor Costs (1.7697) | | | | | | \$ 9,882.71 |
| Total Labor Cost | | | | | | \$ 15,467.11 |
| Fixed Fee @ 15% | | | | | | \$ 2,320.07 |
| Labor Fee | | | | | | \$ 17,787.18 |
| EXPENSES | | | | | | |
| Mileage at \$.325 per mile | | | | | | \$ 200.00 |
| Subconsultants (if needed) @ 1.1 | | | | | | |
| Reprographics/Photo Expenses | | | | | | \$ 100.00 |
| | | | | | | \$ 18,087.18 |



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: DAVID R. SKINNER, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: PURCHASE AUTHORIZATION - CHLORINE ANALYZER
DATE: FEBRUARY 21, 2001

DRS

INTRODUCTION/BACKGROUND

Last year, a budgeted objective in the City's water department was the purchase of a chlorine monitoring and basic telemetry system at the well sites. The chlorine monitors are Phase 1 of our remote monitoring and telemetry system for the City wells and storage reservoirs. These monitors will automatically activate an alarm in the event of any equipment failure in the chlorination system utilizing a radio frequency to a control center located at the Public Works Shop.

Price quotations for the chlorine monitoring system were obtained from three vendors in accordance with the City's Small Works Roster process for the purchase of materials (Resolution 411). The price quotations are summarized below:

| <u>Vendors</u> | <u>Total</u> |
|---------------------------------|--|
| | (not including sales tax and shipping) |
| TMG Services, Inc. | \$ 9,460.00 |
| Capital Controls Company, Inc.. | \$ 9,489.15 |
| Canyon Systems, Inc. | \$ 9,940.00 |

The lowest price quotation received was from TMG Services, Inc., of Pacific, Washington, in the amount of \$9,460.00, not including state sales tax and shipping.

Work is expected to begin following delivery of the system in late March or early April.

ISSUES/FISCAL IMPACT

This project was identified in the water-operating fund of the 2000 Annual Budget. Since this project was anticipated in 2000 but was not purchased, the funds allocated for this project remain in the City's water fund for purchase and installation this year.

RECOMMENDATION

Staff recommends that Council authorize purchase from TMG Services, Inc., as the lowest vendor, for their price quotation proposal amount of nine thousand four hundred sixty dollars and no cents (\$9,460.00), not including state sales tax and shipping.



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: DAVID R. SKINNER, P.E., PUBLIC WORKS DIRECTOR *DRS*
SUBJECT: PURCHASE AUTHORIZATION - PUMP CONTROL PANEL FOR WELL NO. 3
DATE: FEBRUARY 21, 2001

INTRODUCTION/BACKGROUND

An identified Water Objective in the 2001 Budget was the purchase of a pump control panel for the replacement of the existing pump control panel at Well No. 3. The new panel would be compatible with the new pump and motor providing the capability to soft start the motor.

Price quotations for the pump panel were requested from three vendors in accordance with the City's Small Works Roster process for the purchase of materials (Resolution 411). The City had only one respondent that had the availability and resources to meet the requirements. This price quotation is listed below:

| <u>Vendor</u> | <u>Total</u> |
|---------------|--|
| | (not including sales tax and shipping) |
| PumpTech Inc. | \$ 10,875.00 |

The lowest price quotation received was from PumpTech Inc., in the amount of \$10,875.00, not including state sales tax and shipping.

Work is expected to begin following delivery of the system in late March or early April.

ISSUES/FISCAL IMPACT

The price quotation for this purchase exceeds the budgeted amount by \$875.00. In addition to budgeted amounts, additional funds are available in the water fund for the purchase of the Pump Control Panel.

RECOMMENDATION

Staff recommends that Council authorize purchase from PumpTech Inc., as the only respondent, for their price quotation proposal amount of ten thousand eight hundred seventy-five dollars and no cents (\$10,875.00), not including state sales tax and shipping.



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: PATRICIA IOLAVERA, SENIOR PLANNER
SUBJECT: READINGS OF DRAFT ORDINANCES RELATING TO PUD, PRD AND
RELATED CHANGES TO THE GIG HARBOR MUNICIPAL CODE
DATE: FEBRUARY 22, 2001

INFORMATION/BACKGROUND

Please find enclosed for your consideration four (4) ordinances. Staff has responded to the discussion during the Council Meeting of February 12, 2001 and made changes accordingly. This includes changes to Titles 16, 17.89, and 17.90. Two ordinances are included regarding the PUD, one making modifications and one rescinding the ordinance. Council has indicated that it would hold a hearing on these ordinances February 26, 2001, then determine whether another council work session is in order.

RECOMMENDATION

Staff recommends approval of the PRD. Should Council desire further discussion on the PUD, staff recommends Council consider a work session to focus on that ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED UNIT DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR PRELIMINARY PUDS, FINAL PUDS, MAJOR AND MINOR AMENDMENTS TO PUDS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTION 17.90.010, 17.90.020, 17.90.030, 17.90.040, 17.90.050, 17.90.060, 17.90.070, 17.90.080 AND ADDING NEW SECTIONS 17.90.090, 17.90.100, 17.90.110 AND 17.90.120 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned unit development applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City's regulations for planned unit developments; and

WHEREAS, the Planning Commission held hearings on the planned unit development regulations on July 26, 2000 and August 2, 2000 ; and

WHEREAS, the Planning Commission recommended that the City Council amend the regulations for planned unit developments as set forth in this Ordinance; and

WHEREAS, the City's SEPA Responsible Official issued a determination of nonsignificance (DNS) relating to the adoption of this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000, after a public hearing;

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2001, after a public hearing; and

WHEREAS, the staff has made the recommended changes per the January 22, 2001 Council Meeting; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22nd and February 12th, 2001, Now, Therefore,

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

Section 1. Section 17.90.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.010 Intent of the Planned Unit Development Zone ("PUD").
The intent of planned unit developments is to allow greater flexibility in the design of a development, more variety and diversification in the relationships between buildings, open spaces and uses, and to encourage the conservation and retention of historical and natural topographic features while meeting the goals, policies and objectives of the comprehensive plan. To accomplish this purpose, the underlying district regulations such as, but not limited to, minimum yards, density, uses and height and bulk of buildings may be varied, provided however, such variances shall not compromise the overall intent of the comprehensive plan nor significantly impact existing uses or create adverse environmental effects. A planned unit development may be allowed in any district. The intent of the PUD zone is to allow opportunity or more creative and imaginative commercial and business projects than generally possible under strict application of the zoning regulations in order that such projects may provide substantial additional benefit to the community. It is further intended to preserve unique or sensitive physical features, such as steep slopes, views, retention of natural vegetation and to

provide more open space , recreational amenities, and urban design amenities than would be available under conventional land development practices. Additionally, it is intended to promote more economical and efficient use of land and a unified design concept for commercial and business development.

Section 2. Section 17.90.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.020 Where PUDs are Permitted and Acceptable Parcel Characteristics.

~~Approval of planned development. The city shall approve, approve with conditions, or disapprove proposed planned unit developments subject to the provisions of this chapter.~~

A. PUDs may be permitted in all districts zoned commercial and business.

B. In the Waterfront Commercial (WC), Downtown Business (DB), Residential Business I (RB- 1), and in adjacent zones, careful transition with existing development located at the perimeters of the zone must be provided.

C. PUDs shall not be allowed on any parcels less than two acres in size, excluding tidelands, unless one of the following findings are made, in addition to the criteria for preliminary PUD approval in this chapter:

1. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant reasonable use of the land by the use of a PUD; or

2. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a PUD.

Section 3. Section 17.90.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.030 Permit Application Procedures. ~~Parcel characteristics. Planned unit developments shall be limited to a minimum site area of two acres. No planned unit development application shall be made for an area of less than two acres unless the city makes the following findings: A. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant equivalent use of the land by the use of a planned unit development; B. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned unit development; or C. The property is adjacent to or across the street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute~~

~~to the maintenance of the amenities and values of the neighboring planned unit development.~~

A. Type of Permit. A preliminary PUD application shall be processed according to the procedures set forth in Title 19 for Title IIIA project permit applications. Final PUD applications shall be processed according to the procedures in Title 19 for Type IV project permit applications.

B. Expiration of PUD. Within five (5) years of the date of the preliminary PUD approval, an application shall be submitted for final PUD approval, otherwise, the preliminary PUD approval shall expire. Building construction on the project must commence within twelve (12) months from the date of the final approval; otherwise, preliminary PUD approval becomes null and void.

C. Concurrent Applications. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with a PUD, to the extent that procedural requirements allow simultaneous processing. If an applicant requests that a preliminary PUD be processed prior to the time a preliminary plat application is submitted, the preliminary PUD application shall not be considered to be vested, i.e., such application shall not be considered under the subdivision, zoning or other land use control ordinances in effect at the time the fully completed application for a preliminary PUD has been submitted to the City.

D. Phasing. If a proposed PUD is to be developed in phases, the entire PUD shall be portrayed in the preliminary PUD application, and each phase shall individually receive final PUD approval within the time periods established in subsection 17.90.030(B).

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PUD application. The Hearing Examiner shall be present at the Design Review Board hearings as necessary to ensure coordination of decisionmakers as allowed under chapter 19.01.022(C).

F. Extensions. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PRD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than one year and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless 50 percent or more of the on-site work has been completed.

Section 4. Section 17.90.040 of the Gig Harbor Municipal Code shall be amended to read

as follows:

17.90.040 Contents of a Complete Preliminary PUD Application.

~~Requirements. The use of a planned unit development shall be as follows: A. All roads shall be public roads and the configuration and design of such facilities shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works construction standards. Private roads within the PUD may be approved by the City if the following criteria are met: 1. Physical limitations of the site preclude the possibility of future linkage with existing public roads or proposed public roads which are a part of the city's adopted road or transportation plan; 2. The proposed street design, pedestrian access and layout represents a superior design which meets the objectives of the public works standards; 3. A direct and tangible benefit will accrue from the proposed street design. B. All provisions of vehicle parking shall be in designated parking areas.~~

~~C. Uses at variance with the underlying district shall be compatible with, and no more detrimental than, those uses specifically listed for a district.~~

~~D. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements: 1. The location, size and character of the common open space is suitable for the planned unit development; 2. The common open space is for preservation of natural flora and fauna, amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and number and type of dwellings provided; 3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space. 4. Land shown in the final development plan as common open space, and landscaping and/or plantings contained therein, shall be permanently maintained by and conveyed to one of the following: a. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state of Washington and shall adopt proposed articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these~~

~~covenants against any use are expressly reserved to the City as well as the owners.
B. A public agency which agrees to maintain the common open space and any buildings or structures or other improvements which have been placed on it.~~

A. In addition to the applicable requirements of GHMC Section 19.02.002, complete application for preliminary PUD approval shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. A written description addressing the scope of the project, gross acreage, net buildable acreage calculations, the nature and size in gross floor area of each use, and the total amount of net buildable land in square feet to be covered by impervious surfaces;
4. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;
5. A topographic map delineating contours, existing and proposed, at two foot intervals and which locates and classifies existing streams, wetlands, steep slopes and other natural features and/or critical areas;
6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed general location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas.
7. A circulation plan drawn to a scale acceptable to the Public Works Director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights of way.
8. A general schematic layout for Utility, drainage and stormwater runoff plans;
9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant vegetation proposed to be retained;
10. A statement explaining how the proposed plan is consistent with and implements the City of Gig Harbor Comprehensive Plan, the designation under

the Comprehensive Plan, current zone classification, and desired zone classification;

11. A narrative describing how the proposal provides substantial additional benefit to the citizens of the City of Gig Harbor (the benefit accruing as a result of implementation of the PUD process as opposed to following the development standards of the underlying zone), and how it is proposed the additional amenities and benefits should apply to the percentage of additional density or gross floor area, or additional height being requested;

12. A complete application for design review as required by chapter 17.98.040.

13. A map of the area, with the area proposed for any rezone outlined in red; and

14. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditor's Office.

B. In addition to the applicable requirements of GHMC Section 19.02.002, a complete application for final PUD approval shall consist of the following information:

1. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditor's Office.

Section 5. Gig Harbor Municipal Code Section 17.90.050 is hereby amended to

read as follows:

17.90.050. Types of Uses Permitted. Findings. ~~In approving the preliminary development plans, conditionally or otherwise, the hearing examiner shall first find that all of the following conditions exist: A. that the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to insure compatibility with and not inconsistent with the underlying district; B. That the site for the proposed use relates to streets, adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal; C. That the proposed use will have no significant adverse effect on existing uses or permitted uses; D. That the establishment, maintenance and/or conducting of the uses for which the development plan review is sought will not, under the~~

circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

The following uses are permitted in a PUD:

A. Those primary, accessory and conditional uses permitted in the underlying zoning district;

B. Other commercial, business and residential uses may be located within the PUD, if a rezone application is submitted concurrently with the preliminary PUD application, and all of the following criteria are satisfied, in addition to the rezone criteria in chapter 17.100;

1. Such uses constitute ten (10) percent or less of the proposed project;

2. Such uses are an integral component of the planned unit development;

3. Such uses are compatible with any existing uses; and

4. Such uses are consistent with the Gig Harbor Comprehensive Plan for not only the use, but also any other element covered by the Comprehensive Plan, such as water, sewer and transportation facilities.

Section 6. Section 17.90.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.060 Development and Design Standards. ~~The following information shall be submitted for review as a Type II application: 1. Environmental checklist or environmental impact statement, if required; 2. Twelve copies of a site plan drawn to scale and dimensioned, showing the existing topography at five foot contour intervals, the proposed layout of structures, off street parking and loading areas, landscape areas, pedestrian walks, driveways, ornamental lighting, screening, fences and walls; 3. Twelve copies of a landscape plan drawn to scale and dimensioned, showing the location of proposed landscape areas together with varieties and size of plant materials to be used, together with the method of maintenance. Also, other landscape features such as screening, fences, lighting and signing shall be indicated; 4. copies of architectural drawings or sketches drawn to scale, including floor plan and elevation indicating types of materials and colors to be used may be required; 5. A schedule showing the proposed time and sequence within which the applications for final approval of all chapters of the planned unit development are intended to be filed. B. within five years following the approval of the development plan, the applicant shall file with the city a final development plan containing in final form the information required in the preliminary plan. The city may extend the period up to a maximum of one year. If the city finds that the final development plan is consistent with the preliminary development plan approval, and that all conditions of the preliminary~~

development plan approval have been satisfied, it may approve the final development plan in total or in phases. C. In conditioning the approval of any planned unit development, the city may require adequate guarantees of compliance with the final development plan, all as approved as to form by the City attorney. Such guarantee may be in a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. In addition to the above, the City may, in the event of the applicant's failure to perform under the guarantees or other security, take steps necessary to ensure compliance, including the city's performance of the construction and/or maintenance at the applicant's cost in any manner provided by law.

A. The following performance standards of the underlying zoning district may be varied, subject to the criteria in this chapter, only as follows:

1. Lot area and Lot width: Lot area and lot width requirements may be reduced where the site plan is such that light, air and privacy are provided to the units in the PUD.

2. Setbacks: Structures located on the perimeter of the PUD shall be set back in accordance with the yard setbacks of the underlying zoning district.

3. Impervious Surface Coverage: Impervious surface coverage of individual parcels may exceed the percentage of impervious surface coverage allowed in the underlying zone; provided, that overall impervious surface coverage of the PUD does not exceed the percentage permitted by the underlying zoning district.

4. Height: Building height may exceed the maximum permitted by code provided, that the design protects the views and privacy of properties inside and outside of the project, but in no case shall the maximum height exceed 45 feet, except that in B-2 and C-1 zones the height shall not exceed 60 feet for peaked roof buildings and 45 feet for buildings with flat roofs. Variances from the City Height Restriction Area Map, as adopted by chapter 17.62 GHMC, shall not be allowed. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PUD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height;

5. Gross Floor Area: The gross floor area in the underlying zone may be exceeded as provided in GHMC 17.90.090, as long as all of the criteria set forth in that section are satisfied.

B. The performance standards which may not be modified or altered in a PUD are:

1. Shoreline regulations when the property is located in an area under the jurisdiction of the Gig Harbor Shoreline Master Program;

2. Standards pertaining to development in environmentally sensitive areas;

3. Regulations pertaining to nonconforming uses;

4. Standards pertaining to screening around outdoor storage areas;

5. Total coverage by impervious surfaces;

6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map and Shoreline Master Program.

Section 7. Section 17.90.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.070 Criteria for Approval of Preliminary PUD Application.

~~Amendments to a planned unit development. Amendments to a planned unit development may be authorized as follows: A. Minor amendments are Type I permit applications and shall be processed as established under GHMC Title 19 and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than five percent from the original. B. Major amendments are Type III permit applications and shall be processed as established under Title 19 GHMC. Major amendments are those which substantially change the character, basic site design, density, open space or other requirements and conditions of the final plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and approval of the City of such amendment.~~

A. Applicants for a preliminary PUD application shall demonstrate that, with the exception of the sections of the code from which the applicant intends to vary (as allowed by Section 17.90.060(A), the proposed PUD is able to satisfy all of the applicable code requirements, and is compatible with the surrounding properties. In addition, applicants must make the following showing:

1. Landscaping and site plans showing the location of proposed open space or parks, road layout and proposed buffering of buildings, parking, integrated pedestrian circulation, loading and storage areas, all approved under the Design Review process;
2. Identification of unique characteristics of the subject property proposed to be retained and how those characteristics qualify for gross floor area and/or height bonus under Section 17.90.090;
3. Identification of unique characteristics of the proposed use(s) that qualify for gross floor area and/or height bonus under Section 17.90.090;
4. The proposed relationship and arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PUD as approved through the Design Review process;
5. Measures proposed to mitigate visual impact of the PUD upon the surrounding

area approved through the Design Review process;

6. Identification of any extraordinary public improvements proposed for acceptance of ownership by the City in connection with the planned development and that qualify for the gross floor area and/or height bonus under Section 17.90.090;

7. Identification of any unique natural features of the property proposed for acceptance of ownership by the City for preservation, and that qualify for the gross floor area and/or height bonus under Section 17.90.090;

8. Identification of any proposed recreational opportunities in excess of those normally required of a subdivision and that qualify for the gross floor area and/or height bonus under Section 17.90.090.

B. In addition to the above, the PUD may only be approved if the City finds that all of the following criteria are satisfied:

1. The Director of Public Works and the decision maker finds that the site access, proposed on-site circulation and off-street parking meets all Public Works standards and makes adequate provision for roads, streets, alleys and other public ways. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed PUD and in the vicinity of the PUD;

2. The Director of Public Works and the decision maker finds that the PUD makes adequate provision for all public utilities, including, but not limited to, water, sewer, and storm water drainage. Water, sewer and storm water facilities, existing and proposed, are suitable and adequate to provide service within the proposed PUD and in the vicinity of the PUD;

3. The PUD is consistent with the Comprehensive Plan;

4. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

- a. placement, type or reduced bulk of structures, or
- b. interconnected usable open space, or
- c. recreational facilities, or
- d. other public facilities, or
- e. conservation of natural features, or
- f. aesthetic features and harmonious design, or
- g. energy efficient site design or building features, and

5. The PUD results in no greater burden on present and projected public utilities and services than would result from traditional development;

6. The Fire Marshal provides assurance that adequate provision has been made for fire protection;

7. The perimeter of the PUD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design;

8. One or more major circulation point(s) functionally connected to a public right-of-way as required by the Director of Public Works, or the Fire Marshal, or any other appropriate decision maker;

9. Open space within the PUD is an integrated part of the project rather than an isolated element of the project;

10. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity;

11. Each phase of the proposed PUD, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

A. If the PUD requires a rezone(s), such rezone(s) shall be approved before any action is taken on the preliminary PUD application.

Section 8. Section 17.90.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.080 Criteria for Approval of Final PUD Application. ~~Duration of approval. Construction on the project must commence within 12 months from the date of the final approval; otherwise, the approval of the application becomes null and void.~~

A. Applicants for a final PUD application shall demonstrate that all of the following criteria have been satisfied:

1. All features and amenities approved in the preliminary PUD have been constructed, or a bond has been posted for such construction;

2. The City Public Works Director has documented that all conditions imposed on the preliminary PUD requiring Public Works Department approval have been constructed to the satisfaction of the Director;

3. The City Fire Marshal has documented that all conditions imposed on the preliminary PRD requiring Fire Code approval have been constructed (or per the Fire Marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the Fire Marshal.

4. The City Planning Director has documented that all conditions imposed on the preliminary PUD requiring Planning Department approval have been constructed to the satisfaction of the Director;

5. Findings must be made that the preliminary PUD (and/or preliminary plat or binding site plan) conforms to all terms of preliminary PUD approval, that the PUD meets the requirements of this chapter and all other applicable codes and state laws.

B. The applicant shall provide a bond or other financial assurance acceptable to the City Council to ensure that any improvements made in the common open space will be completed. The City shall release the bond or financial assurance when the improvements have been completed in accordance with the development plan.

C. As a condition of approval of the final PUD, and before any permits are issued for the property, the applicant shall submit to the City any covenants, deeds, and/or homeowners' association bylaws, or other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, and all other commonly owned and operated property. These documents shall be reviewed and approved as to form by the City Attorney to ensure that they comply with the requirements of this chapter prior to final PUD approval. Such documents and conveyances shall be recorded with the County Auditor as a condition of any final PUD approval.

Section 8. A new section 17.90.090 is hereby added to the Gig Harbor Municipal Code,

which shall read as follows:

17.90.090 Maximum gross floor area bonus.

The maximum gross floor area of the PUD may be increased over that permitted in the underlying zone as provided in this section, but only if: (1) consistent with the underlying comprehensive plan designation for the property; and (2) the increase will not exceed twenty-five (25) percent additional gross floor area, over that allowed in the underlying zone, except in General Business District (B-2) it shall be up to fifty (50) percent, and in Commercial District (C-1) it shall be thirty (30) percent. Such calculations shall be based on net buildable land. The maximum gross floor area bonus may only be allowed if the applicant demonstrates the following:

A. Open Space.

Open space must satisfy the standards in Section 17.90.100 for open space in order to be eligible for a density bonus. Such open space must be open to the general public.

1) Provision of open space exceeding by at least thirty percent (30%) the

minimum required under the Design Review Manual and proportional to the size of the development: ten percent (10%) increase;

- 2) Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to: an unregulated wetland, stream corridor, unique geological feature, substantial over story vegetation and which would not otherwise be preserved, etc.: ten percent (10%) increase;
- 3) Preservation of Scenic Vistas: Preservation of a scenic vista corridor(s) on-site and off-site and accessible to the general public: ten percent (10%) increase;
- 4) Provision of a Desirable Urban Amenity: Provision of an urban amenity that complements the proposed development and that exceed the requirements of the Design Manual for common space or plazas. Such amenity may include such things as a play area, public transit amenities, public restrooms, fountains or other comparable amenities identified by the applicant and city staff: ten percent (10%) increase;
- 5) Design of a storm water treatment system as an amenity: A stormwater treatment (retention/detention) facility that is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public: ten percent (10%) increase.

Section 10. A new section 17.90.100 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.100 Open Space. In order to qualify for a height or gross floor area bonus/increase, the applicant must demonstrate that all of the following open space performance standards are satisfied:

- A. Common open space shall not include public streets, private streets, driveways, parking areas or the required yards for buildings or structures; provided however, that up to thirty percent (30%) of the open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.
- B. Common open space areas may not be computed to include any submerged lands unless explicitly allowed in section 17.90.090(A)5.
- C. At least fifty percent (50%) of the common open space must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure.
- D. Common open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PUD and residents of the city.
- E. Common open space associated with density or gross floor area bonus' must be accessible to the general public.
- F. All common open space must be unique to the project, and may only be

credited a single time and to a single project. Such open space may also include a proportionate contribution that is a portion of a City approved off site mitigation.

- G. Land show in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
- a. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners.
 - b. A public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.

H. Common open space shall be suitably improved for its intended use, except when it contains natural features worthy of preservation which may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.

Section 11. A new section 17.90.110 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.110 Roads. All roads in a PUD shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works Construction Standards for public roads.

Section 12. A new section 17.90.120 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.120 Minor and Major Amendments of the Final PUD.

A. Minor amendments.

1. A minor amendment to the final PUD is a Type I permit application, and shall be processed as provided in Title 19 GHMC.

2. Minor amendments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the final PUD, nor the density of the development or the amount and quality of open space and landscaping.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a minor amendment shall consist of the All plan sheets or pages, or document sheets or pages to which reflect changes proposed, or that are affected by such changes.

B. Major amendments.

1. A major amendment to the final PUD is a Type III permit application, and shall be processed as provided in Title 19 GHMC.

2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the final PUD and site plan.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a major amendment shall consist of the following:

- a. A complete application packet as required under chapter 17.96.050.
- b. A complete application packet as required by chapter 17.98.040 and the Design Manual.
- c. An amended environmental checklist, and addendums to all environmental documents affected by the proposed change including the traffic impact analysis.

C. Concurrent processing of applications. A minor PUD amendment application may be processed concurrent with a building permit application. If an application for a major amendment is submitted, no building or other permit associated with such major PUD amendment shall issue until all review proceedings required under GHMC Title 19 for the major PUD amendment are completed and all necessary approvals obtained.

Section 13. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 14. 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 _____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 1/17/01
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 2001, 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 COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED UNIT DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR PRELIMINARY PUDS, FINAL PUDS, MAJOR AND MINOR AMENDMENTS TO PUDS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTION 17.90.010, 17.90.020, 17.90.030, 17.90.040, 17.90.050, 17.90.060, 17.90.070, 17.90.080 AND ADDING NEW SECTIONS 17.90.090, 17.90.100, 17.90.110 AND 17.90.120 TO THE GIG HARBOR MUNICIPAL CODE.

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REPEALING CHAPTER 17.90 – PLANNED UNIT DEVELOPMENTS OF THE GIG HARBOR MUNICIPAL.

WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned unit development applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City's regulations for planned unit developments; and

WHEREAS, the Planning Commission held hearings on the planned unit development regulations on July 26, 2000 and August 2, 2000 ; and

WHEREAS, the Planning Commission recommended that the City Council amend the regulations for planned unit developments as set forth in this Ordinance; and

WHEREAS, the City's SEPA Responsible Official issued a determination of nonsignificance (DNS) relating to the adoption of this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000, after a public hearing;

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2001, after a public hearing; Now, Therefore,

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

Section 1. Chapter 17.90.010 of the Gig Harbor Municipal Code is hereby rescinded.

Section 2. 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 _____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 1/24/01
PASSED BY THE CITY COUNCIL:

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 2001, 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 COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REPEALING CHAPTER 17.90 – PLANNED UNIT DEVELOPMENTS OF THE GIG HARBOR MUNICIPAL.

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR A PRELIMINARY AND FINAL PRD, MAJOR AND MINOR PRD AMENDMENTS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTIONS 17.89.010, 17.89.020, 17.89.030, 17.89.040, 17.89.050, 17.89.060, 17.89.070, 17.89.080, 17.89.090, 17.89.100, 17.89.110, AND 17.89.130, AND REPEALING SECTION 17.89.120 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned residential development ("PRD") applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City's regulations for planned residential developments; and

WHEREAS, the Planning Commission held hearings on the planned residential development regulations on July 26, 2000 and August 2, 2000; and

WHEREAS, the City's SEPA Responsible Official issued a determination of nonsignificance relating to the adoption of this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000, after a public hearing;

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2001, after a public hearing; and

WHEREAS, the staff has made the recommended changes per the January 22, 2001 Council Meeting; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22nd and February 12th, 2001; Now, Therefore,

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

Section 1. Section 17.89.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.010 Intent of the Planned Residential Zone ("PRD").
The intent of the PRD zone is to ~~provide for greater site design and flexibility and, thus, allow opportunity for~~ more creative and imaginative residential projects than generally possible under strict application of the conventional zoning regulations in order that such projects may provide substantial additional benefit to the general community. It is further intended to preserve unique or sensitive physical features, such as steep slopes, public views, retention of natural vegetation and to provide more open space and recreational amenities, for residents of the development and the general public, than would be available under conventional land development practices. Additionally, it is intended to promote more economical and efficient use of land and a unified design concept for residential development.

Section 2. Section 17.89.020 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

17.89.020 Where PRD's are Permitted and Acceptable Parcel

Characteristics. ~~Planned residential development may be permitted in the following zoning districts consistent with the development and design standards of this chapter:~~

A. PRDs may be permitted in all districts zoned residential; the Waterfront Millville (WM) and Waterfront Residential (WR) zones.

B. PRDs shall not be allowed on any parcels less than two acres in size, excluding tidelands, unless one of the following findings are made, in addition to the criteria for preliminary PRD approval in this chapter:

1. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant reasonable use of the land by the use of a PRD; or

2. The property or its neighborhood has an historical character of importance to the community that will be protected by use of a PRD.

Section 3. Section 17.89.030 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

17.89.030 Permit Application Procedures. ~~Types of uses permitted. The following uses are permitted in a PRD zone: A. Single family detached dwellings and up to four unit attached structures in R-1 districts; B. All single family and multifamily dwellings as defined in Chapter 17.04 GHMC in R-2 and R-3 Districts; C. Accessory uses; D. Uses that may be allowed by conditional use permits in the underlying zone subject to the requirements of Chapter 17.64 GHMC.~~

A. Type of Permit. A preliminary PRD application shall be processed according to the procedures set forth in Title 19 GHMC for Type IIIA project permit applications. Final PRD applications shall be processed according to the procedures in Title 19 GHMC for Type IIIA project permit applications.

B. Expiration of PRD. Within five (5) years of the date of the preliminary PRD approval, an application shall be submitted for final PRD approval, otherwise, the preliminary PRD approval shall expire. Building construction on the project must commence within twelve (12) months from the date of the final approval; otherwise, preliminary PRD approval becomes null and void.

C. Concurrent Applications. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with a PRD, to the extent that procedural requirements allow simultaneous processing. If an applicant requests that a preliminary PRD application be processed prior to the time a preliminary plat application is submitted, the preliminary PRD

application shall not be considered to be vested, i.e., such application shall not be considered under the subdivision, zoning or other land use control ordinances in effect at the time the fully completed application for a preliminary PRD has been submitted to the City.

D. Phasing. If a proposed PRD is to be developed in phases, the entire PRD shall be portrayed in the preliminary PRD application, and each phase shall individually receive final PRD approval within the time periods established in subsection 17.89.030(B).

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PRD application. The Hearing Examiner shall be present at the Design Review Board hearings as necessary to ensure coordination of decisionmakers as allowed under chapter 19.01.022(C).

F. Extensions. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PRD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than one year and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless 50 percent or more of the on-site work has been completed.

Section 4. Section 17.89.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.040. Contents of Complete PRD application. An application for approval of a PRD may be filed by a person having a legal interest in the property to be included in the PRD.

A. In addition to the applicable requirements of Section 19.02.002 GHMC, a complete application for preliminary PRD shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

3. A written description addressing the scope of the project, gross acreage, net buildable acreage calculations, the nature and size in gross floor area of each use, and the total amount of net buildable land in square feet to be covered by impervious surfaces;
4. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;
5. A topographic map delineating contours, existing and proposed, at two foot intervals and which locates and classifies existing streams, marshes wetlands, steep slopes and other natural features and/or critical areas;
6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas.
7. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights of way.
8. Utility, drainage and stormwater runoff plans;
9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant vegetation proposed to be retained;
10. A statement explaining how the proposed PRD is consistent with and implements the City of Gig Harbor Comprehensive Plan, the designation under the Comprehensive Plan, current zone classification, and desired zone classification;
11. A narrative describing how the proposed PRD provides substantial additional benefit to the citizens of the City of Gig Harbor (the benefit accruing as a result of implementation of the PRD process as opposed to following the development standards of the underlying zone) and how it is proposed the additional amenities and benefits should apply to the percentage of additional density and/or height, being requested; and
12. A map of the area, with area proposed for rezone outlined in red.
13. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditors Office.

B. In addition to the applicable requirements of GHMC Title 19.02.002, a complete application for final PRD approval shall consist of the following information:

- 1) Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditors Office.
14. A complete application for design review as required under chapter 17.98.040.

Section 5. Section 17.89.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.050 Types of Uses Permitted. Relationship of this chapter to other

~~ordinance provisions. The lot size, width, setbacks, building and development coverage, height limits and other dimensional requirements of the underlying use district may be superseded. A. Platting Requirements. 1. when any parcel of land in a PRD is intended for sale or individual ownership, the platting requirements of the Gig Harbor subdivision ordinance and applicable state laws pertaining to subdivisions shall be followed. 2. Applications for plat approval should be submitted and processed concurrently with an application for PRD approval. B. Public hearing required. Prior to the approval of a PRD, the hearing examiner shall hold a public hearing in accordance with the procedures of chapter 17.10 GHMC.~~

The following uses are permitted in a PRD:

A. Those primary, accessory and conditional uses permitted in the underlying zoning district;

B. Other residential, and low impact retail uses may be located within the PRD, if a rezone application is submitted concurrently with the preliminary PRD application, and all of the following criteria are satisfied, in addition to the rezone criteria in chapter 17.100:

1. Such uses constitute 10 percent or less of the proposed project;
2. Such uses are an integral component of the planned residential development;
3. Such uses are compatible with any existing residential uses; and
4. Such uses are consistent with the Gig Harbor Comprehensive Plan.

Section 6. Section 17.89.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.060 Development and Design Standards. ~~Minimum site area. The minimum site area for a PRD shall be two acres.~~

A. The performance standards of the underlying zoning district may be varied in a PRD, subject to the criteria in this chapter, only as follows:

1. Lot Area and Lot Width: Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided. Cluster housing is supported.
2. Setbacks: Structures located on the perimeter of the PRD shall be set back in accordance with the front yard setbacks of the underlying zone.
3. Impervious Surface Coverage: Impervious surface coverage of individual parcels may exceed the percentage of impervious surface coverage allowed in the underlying zone; provided, that overall impervious surface coverage of the PRD does not exceed the percentage permitted by the underlying zone.
4. Height: Building height may exceed the maximum permitted by code provided, that the project design protects the views and privacy of properties inside and outside of the project but in no case shall the maximum height exceed 35 feet in R-1 and R-2 districts. Variances from the height limits as provided in the City Height Restriction Area Map, as adopted by chapter 17.62 GHMC, shall not be allowed. For perimeter buildings exceeding the maximum height of the underlying zone, the distance

between such buildings and the perimeter of the PRD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height.

B. The performance standards which may not be modified or altered in a PRD are:

1. Shoreline regulations when the property is located in an area under the jurisdiction of the Gig Harbor Shoreline Master Program;
2. Standards pertaining to development in environmentally sensitive areas;
3. Regulations pertaining to nonconforming uses;
4. Standards pertaining to screening around outdoor storage areas;
5. Total coverage by impervious surface coverage; and
6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map and Shoreline Master Program.

Section 7. Section 17.89.070 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

17.89.070 Criteria for Approval of Preliminary PRD Application. Procedure for approval of a planned residential development. A planned residential development is a Type III permit application for a preliminary plat approval and a Type IV permit application for a final plat approval. The following are the procedures for approval of a PRD project: A. The preliminary development plan shall be reviewed in accordance with the procedures of this chapter 17.89 GHMC, GHMC Title 16 and Title 19. The city shall not approve the PRD unless it is determined that the plan complies with the policies of the comprehensive plan, the requirements of this title, and the intent and provisions of this chapter. The city may develop terms and conditions of approval. The approved preliminary plan or subsequent revision thereto shall be binding as to the general intent and layout of roads, buildings, uses of land and open space. B. Within five years of the date of the preliminary development plan approval, the application shall submit a final development plan for the proposed development for approval by the city council. After finding that the final development plan has been completed in accordance with the provisions of the approved preliminary development plan, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the city council shall approve the final development plan, included thereon. The final development plan shall consist of a final plat, binding site plan or any combination thereof. C. If a proposed PRD is to be developed in phases, the entire project shall be portrayed on the preliminary development plan, and each phase shall individually receive final development plan review. A. Applicants for a preliminary PRD application shall demonstrate that, with the exception of the sections of the code from which the applicant intends to vary (as allowed by Section 17.89.060), the proposed PRD satisfies all applicable code requirements, and is compatible with surrounding properties. In addition,

applicants must make the following showing:

1. 1. Landscaping and site plans showing the location of proposed open space or parks, road layout and proposed buffering of buildings, parking, integrated pedestrian circulation, loading and storage areas, all approved under the Design Review process;
2. Identification of unique characteristics of the subject property proposed to be retained and that how those characteristics qualify for density and/or height bonus under Section 17.89.090;
3. Identification of unique characteristics of the proposed use(s) how those characteristics qualify for density and/or height bonus;
4. The proposed schematic relationship and arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PRD approved under the Design Review process;
5. Measures proposed to mitigate visual impact of the PRD upon the surrounding area and approved under the Design Review process;
6. Identification of any extraordinary public improvements proposed for acceptance of ownership by the City in connection with the planned development and that qualify for the density and/or height bonus under Section 17.89.090;
7. Identification of any unique natural features of the property proposed for acceptance of ownership by the City for preservation, and that qualify for the density and/or height bonus under Section 17.89.090;
8. Identification of any unique historic or cultural features of the property and surrounding neighborhood proposed for acceptance of ownership by the City for preservation and that qualify for density and/or height bonus; and
9. Identification of any proposed recreational opportunities in excess of those normally required of a subdivision and a description of how they qualify for density and/or height bonus.

B. In addition to the above, the PRD may only be approved if the City finds that all of the following criteria are satisfied:

1. The Director of Public Works and the decision maker finds that the site access, proposed on site circulation and off-street parking meets all Public Works standards and makes adequate provision for roads, streets, alleys and other public ways. Streets and sidewalks, existing and proposed, must be suitable and adequate to carry anticipated traffic within the proposed PRD and in the vicinity of the PRD.
2. The Director of Public Works and the decision maker finds that the PRD makes adequate provision for all public utilities, including, but not limited to, water, sewer and storm water drainage. Water, sewer and storm water facilities, existing and proposed must be suitable and adequate to provide service within the proposed PRD and in the vicinity of the PRD;
3. The PRD is consistent with the Comprehensive Plan;

4. The PRD accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development, and benefiting the general public as well as the residents of the PRD. Net benefit to the City may be demonstrated by one or more of the following:

- a. placement, type or reduced bulk of structures, or
- b. interconnected usable open space, or
- c. recreational facilities, or
- d. other public facilities, or
- e. conservation of natural features, or
- f. aesthetic features and harmonious design, or
- g. energy efficient site design or building features, and

5. The PRD results in no greater burden on present and projected public utilities and services than would result from traditional development;

6. The Fire Marshal and the decisionmaker finds that adequate provision has been made for fire protection;

7. The perimeter of the PRD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design;

8. One or more major circulation point(s) functionally connected to a public right-of-way as required by the Director of Public Works, or the Fire Marshal, or any other appropriate decision maker;

9. Open space within the PRD is an integrated part of the project rather than an isolated element of the PRD and is accessible to the general public;

10. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity;

11. Each phase of the proposed PRD, as it is planned to be completed, contains the required parking spaces, open space, roads, recreation space, utilities and utility area and landscaping necessary for creating and sustaining a desirable and stable environment.

C. If the PRD requires a rezone(s), such rezone(s) shall be approved before or concurrently with the PRD is approval.

Section 8. Section 17.89.080 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

17.89.080 Criteria for Approval of final PRD Application. Preliminary approval—Contents of application. Each application for a preliminary development plan approval shall contain the following information: A. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18; B. the title and location of the proposed development, together

~~with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant; C. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces; D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site; E. A topographic map delineating contours, existing and proposed, at five foot intervals and which locates existing streams, marshes, steep slopes and other natural features; F. Site plans drawn to a scale no smaller than one inch equals 30 feet showing the location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas; G. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the size and location of all driveways, streets and roads, parking and loading areas, and existing and proposed pedestrian circulation system; H. A utility, drainage and stormwater runoff plan; I. A plot plan of all proposed landscaping including the types of plants and screening to be used.~~

A. Applicants for a final PRD application shall demonstrate that all of the following criteria have been satisfied:

1. All features and amenities identified in the preliminary PRD have been constructed and/or are retained or improved.
2. The City Public Works Director has documented that all conditions imposed on the preliminary PRD requiring Public Works Department approval have been constructed or improved to the satisfaction of the Director;
3. The City Fire Marshal has documented that all conditions imposed on the preliminary PRD requiring Fire Code approval have been constructed (or per the Fire Marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the Fire Marshal.
4. The City Planning Director has documented that all conditions imposed on the preliminary PRD requiring Planning Department approval have been constructed to the satisfaction of the Director;
5. Findings must be made that the preliminary PRD (and or preliminary plat) conforms to all terms of preliminary PRD approval, and that the PRD meets the requirements of this chapter and all other applicable codes and state laws.

B. The applicant shall provide a bond or other financial assurance acceptable to the Hearing Examiner to ensure that any improvements made in the common open space will be completed. The City shall release the bond or financial assurance when the improvements have been completed in accordance with the preliminary PRD.

C. As a condition of approval of the final PRD, and before any permits are issued for the property, the applicant shall submit to the City any covenants, deeds and/or homeowners' association bylaws, or other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community

facilities, and all other commonly owned and operated property. These documents shall be reviewed and approved as to form by the City Attorney to ensure that they comply with the requirements of this chapter prior to final PRD approval. Such documents and conveyances shall be recorded with the County Auditor as a condition of any final PRD approval.

Section 9. Section 17.89.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.090 Roads. Development and design standards. In a PRD zone, the development and design standards are as follows: A. Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided; B. Building and development coverage of individual parcels may exceed the percentage permitted by the underlying zone; provided, that overall coverage of the project does not exceed the percentage permitted by the underlying zone; C. Building height may exceed the maximum permitted by ordinance, provided that the project design protects the views and privacy of properties inside and outside of the project but in no case shall the maximum height exceed 35 feet in R-1 and R-2 districts. D. Structures located on the perimeter of the PRD shall be set back in accordance with the front yard setbacks of the underlying zone. E. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PRD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height.

All roads shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works Construction Standards for public roads.

Section 10. Section 17.89.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.100 Density Bonus. Increases in density over that permitted in the underlying zone are permitted as follows:

The density may be increased in a PRD over that permitted in the underlying zone but only if: (1) consistent with the underlying comprehensive plan designation for the property; and (2) the density increase will not exceed 30 percent over the density allowed in the underlying zone. Density calculations shall be based on net buildable land. Density bonuses may be allowed only as follows:

A. Provisions for Open Space: as identified in

1. Satisfaction of the standards in Section 17.89.110 for open space; AND
2. Provision of open space exceeding by at least thirty percent (30%) of the minimum required by the Design Review Manual or the existing zoning code (which ever is greater); or at least 30 percent more than the level of service standards for open space

and active recreational area in the Capital Facilities Element of the adopted Gig Harbor Comprehensive Plan: 10 percent increase;

B. Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to: an unregulated wetland, stream corridor, unique geological feature, substantial over story vegetation: 10 percent increase;

C. Preservation of Scenic Vistas: Preservation of a scenic vista corridor(s) within and off-site, and accessible to the general public rather than private property owners: 10 percent increase;

D. Unique landscaping throughout the project site: 10 percent;

E. Additional open space, one percent increase in density for each one percent increase in open space over the minimum required.

F. The total, allowable maximum density increase shall not exceed 30 percent.

D. Design of storm water treatment system as amenity: A stormwater treatment (retention/detention) facility is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public. 10 percent increase.

Section 11. Section 17.89.110 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

17.89.110 Open space.

~~In a PRD zone, open space requirements are as follows: A. Common open space shall comprise at least 30 percent of the gross area of the PRD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by occupants of the development. Common open space shall not include public or private streets, driveways, parking areas or the required yards for buildings or structures; provided, however, that up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.~~

~~B. Common open space areas may not be computed to include any submerged lands.~~

~~C. At least 50 percent of the common open space area must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure.~~

~~D. Common open space may contain such structures and improvements as are necessary and appropriate for the out of doors enjoyment of the residents of the PRD.~~

~~E. The developer shall provide a bond or other financial assurance acceptable to the City Council that any improvements made in the common open space will be completed. The City shall release the bond or other assurance when the improvements have been completed in accordance with the development plan.~~

~~F. Before approval of the final development plan may be granted, the developer shall submit to the city covenants, deeds and/or homeowner's association bylaws and other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and~~

approved by the city attorney to insure that they comply with the requirements of this chapter prior to approval of the final development plan by the city. Such documents and conveyances shall be recorded with the county auditor as a condition of any final development plan approval. G. All common open space shall be landscaped in accordance with the landscaping plat submitted by the applicant and approved by the city. Natural landscape features which are to be preserved, such as existing trees, drainage ways, etc., may be accepted as part of the landscaping plan.

In order to be approved, a preliminary PRD application must demonstrate that all of the following performance standards are satisfied:

- A. Common open space shall comprise at least 30 percent of the gross area of the PRD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by occupants of the development. Common open space shall not include public or private streets, driveways, parking areas or the required yards for buildings or structures; provided, however, that up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.
- B. No naturally submerged lands on site will be counted as open space unless explicitly allowed under §17.89.100 Density Bonus.
- C. At least 50 percent of the common open space area must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure.
- D. Common open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PRD.
- E. Common open space associated with density bonus' must be freely accessible to the general public, identified on the face of the plat, and clearly identified by on site signage.
- F. All common open space must be unique to the project, and may only be credited a single time and to a single project. Such open space may also include a proportionate contribution that is a portion of a City approved off site mitigation.
- G. Land show in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
 - a. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are

acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners.

b. A public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.

H. Common open space shall be suitably improved for its intended use, except when it contains natural features worthy of preservation which may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.

Section 12 . Section 17.89.120 of the Gig Harbor Municipal Code is hereby repealed.

Section 13 . Section 17.89.130 of the Gig Harbor Municipal Code is hereby renumbered to 17.89.120 and amended to read as follows:

17.89.130 Minor and major amendments of the final PRD. Plan.

~~A. Minor amendments are a Type I permit application and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director.~~

A. Minor amendments.

1. A minor amendment to the final PRD is a Type I permit application and shall be processed as provided in Title 19 GHMC.

2. Minor amendments are those which may affect the precise dimensions or siting of building (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the final PRD, nor the density of the development or the amount and quality of open space and landscaping.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a minor amendment shall consist of the following:

a. All plan sheets or pages, or document sheets or pages to which reflect changes proposed, or that are affected by such changes.

B. Major amendments.

1. Major amendments are Type III-A permit applications and shall be processed in accordance with GHMC Title 19.

2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the site plan.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a major amendment shall consist of the following:

- a. A complete application packet as required under chapter 17.96.050.
- b. A complete application packet as required by chapter 17.98.040 and the Design Manual.
- c. An amended environmental checklist, and addendums to all environmental documents affected by the proposed change including the traffic impact analysis.

C. Concurrent processing of applications. A minor PRD application may be processed concurrent with a building permit application. If an application for a major amendment is submitted, no building or other permit associated with such major PRD amendment shall issue until all review proceedings required under GHMC Title 19 for a major PRD amendment are completed and all necessary approvals obtained.

~~When a change constitutes a major amendment, no building or other permit shall be issued until such review proceedings required by GHMC Title 19 are completed.~~

Section 14 . Section 17.89.140 of the Gig Harbor Municipal Code is hereby repealed.

Section 15 . Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 16 . 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 ____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 1/17/01
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 2001, 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 COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR A PRELIMINARY AND FINAL PRD, MAJOR AND MINOR PRD AMENDMENTS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTIONS 17.89.010, 17.89.020, 17.89.030, 17.89.040, 17.89.050, 17.89.060, 17.89.070, 17.89.080, 17.89.090, 17.89.100, 17.89.110, AND 17.89.130, AND REPEALING SECTION 17.89.120 OF THE GIG HARBOR MUNICIPAL CODE.

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING RELATING TO PRELIMINARY AND FINAL PLATS; CHANGING SECTION 16.05.002 PRELIMINARY PLAT TO A TYPE III-A PERMIT APPLICATION; AND AMENDING SECTION 16.006.003 TO ALLOW ONE YEAR EXTENSIONS FOR FINAL PLATS.

WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned unit development applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City's regulations for planned unit developments; and

WHEREAS, the Planning Commission held hearings on the planned unit development regulations on July 26, 2000 and August 2, 2000 ; and

WHEREAS, the Planning Commission recommended that the City Council amend the regulations for planned unit developments as set forth in this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 22, 2001, after a public hearing; and

WHEREAS, the staff has made the recommended changes per the January 22, 2001 Council Meeting; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of January 26th and February 12th, 2001; Now, Therefore,

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

Section 1. Section 16.05.002 of the Gig Harbor Municipal Code is hereby amended to read as follows:

16.05.002 Type of application. A preliminary plat is a ~~Type III~~ Type III-A application. The hearing examiner makes a final decision, which is appealable to the ~~city council~~ the appropriate court.

Section 2. Section 16.06.002 of the Gig Harbor Municipal Code is hereby amended to read as follows:

16.06.002 Type of application. A final plat is a Type IV application. The City Council makes a final decision, which is appealable to the appropriate court.

Section 3. Section 16.06.003 of the Gig Harbor Municipal Code is hereby amended to read as follows:

16.06.003 Time frame for submission of final plat. A final plat meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the city for approval within five years of the date of preliminary plat approval. Pursuant to RCW 58.17.140 a single extension of time for the submission of a final plat may be requested for a period up to one year as long as the applicant submits the request in writing 30 days before the expiration date of the final plat. The applicant must comply with all application requirements under RCW 58.17.150.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 5. 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 _____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 1/24/01
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 2001, 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 COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING RELATING TO PRELIMINARY AND FINAL PLATS; CHANGING SECTION 16.05.002 PRELIMINARY PLAT TO A TYPE III-A PERMIT APPLICATION; AND AMENDING SECTION 16.006.003 TO ALLOW ONE YEAR EXTENSIONS FOR FINAL PLATS.

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: DAVID R. SKINNER, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: ORDINANCE FOR FRONT STREET VACATION
- FIRST READING
DATE: FEBRUARY 21, 2001

DRS

INTRODUCTION/BACKGROUND

On February 12, 2001, Council approved a resolution setting today, February 26, 2001 as date to hear public testimony regarding the requested street vacation initiated by Mr. Glen Stenbak. In a February 17, 2000 letter from Mr. Stenbak, owner of two-thirds of the abutting property, he petitioned the City to vacate portions of Front Street in accordance with GHMC 12.14.002C.

Specifically, the request is for the vacation of the north 30 feet of the Front Street right-of-way currently held by the City. Research on this right-of-way found that this portion of Front Street was platted in Pierce County in 1891 and was not opened or improved by 1905, therefore it automatically was vacated by operation of law in 1896. The City's ability to open this portion of Front Street is barred by lapse of time and the City has no interest in the street. In order to ensure that this portion of Front Street is placed on tax rolls and the ownership is formally recorded, the property owner has requested that the City vacate the street under GHMC 12.14.

The right-of-way proposed for vacation along Front Street is surplus to the City's needs, and the City does not have any plans for improving the right-of-way proposed for vacation. The vacation request will not eliminate public access to any property.

FISCAL CONSIDERATIONS

The processing fee has been paid in accordance with GHMC 12.14.004.

RECOMMENDATIONS

Staff recommends the existing ordinance, as presented or as amended, be approved by the City Council at the second reading.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY GIG HARBOR, WASHINGTON, VACATING THE
PORTION OF FRONT STREET, LYING NORTH OF
AUSTING STREET AND WEST OF BURNHAM DRIVE.**

WHEREAS, the reference portion of right-of-way is undeveloped; and

WHEREAS, the referenced portion of right-of-way is not necessary to the street and circulation plans of the city; and

WHEREAS, the City Council passed Resolution No.563 initiating the procedure for the vacation of the referenced street and setting a hearing date; and

WHEREAS, after the required public notice had been given, the City Council conducted a public hearing on the matter on February 12, 2001, and at the conclusion of such hearing determined that the aforementioned right-of-way should be vacated; Now, Therefore,

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

Section 1. The Northerly one half of that portion of Front Street as depicted on the Plat of the City of Gig Harbor accordingly to the map thereof recorded in Volume 2 of Plat of the City of Gig Harbor according to the map thereof recorded in Volume 2 of Plats at Page 4, Records of Pierce County, Washington, lying between the Westerly line of said plat and the Southerly extension of a line parallel with and 5.35 feet easterly of the line common to Lots 4 & 5, Block 4, of said plat; except Austin Street; together with and subject to covenants, restrictions and easements of records; all situated in the Northeast quarter of Section 6,

County, Washington, attached hereto as Exhibit A and incorporated by this reference as if set forth in full, is hereby vacated.

Section 2. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor.

Section 3. This ordinance shall take effect five days after passage and publication as required by law and payment of one-half of the appraised value. Upon such payment, the City Clerk shall record a notice that such amount has been paid with the Office of the Pierce County Auditor.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ____th day of _____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

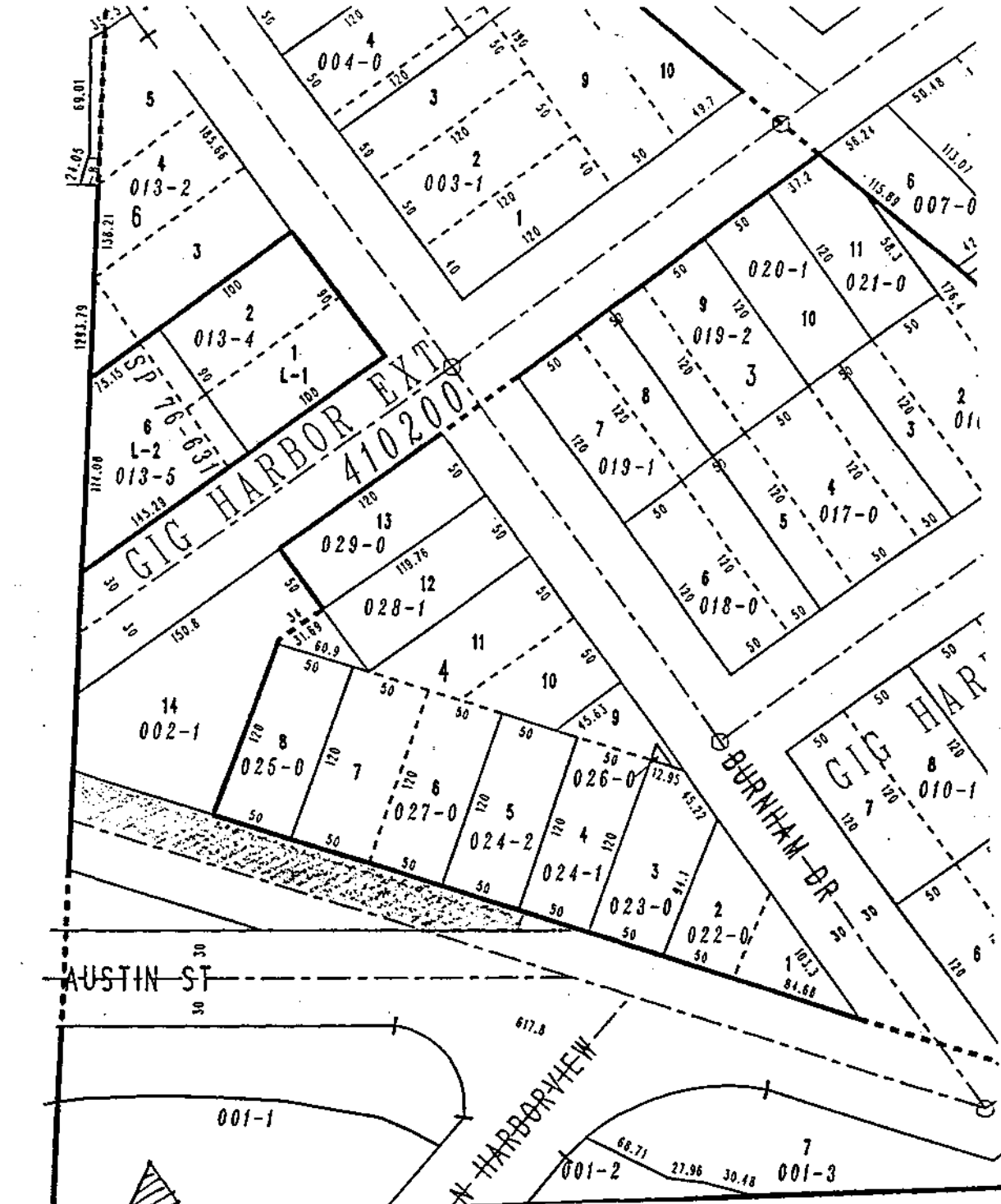
By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:

Exhibit A
Front Street Vacation



Pierce County Assessor
Treasurer GIS Map
Dated 1-31-01
NE-6-21N-2E
Scale = 1" = 100'



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: CAROL MORRIS, CITY ATTORNEY
SUBJECT: STORM WATER DRAINAGE CODE ENFORCEMENT PROCEDURES
- SECOND READING
DATE: FEBRUARY 21, 2001

INTRODUCTION/BACKGROUND

The City has adopted a new Storm Water Drainage Code and Manual. The Code included enforcement procedures, which were adequate but did not describe the enforcement procedure in detail. The City has a standard enforcement procedure which is currently used in conjunction with the development codes (chapter 15.18 and 17.07 GHMC). For the sake of efficiency, one uniform enforcement procedure should be used.

In the first of the attached proposed ordinances, all references to enforcement procedures have been deleted and the reader is directed to the new enforcement procedure for Titles 12, 13 and 14. This new enforcement procedure is included in the second of the attached proposed ordinances, which is the same as the existing City enforcement procedure, with the exception of the officer charged to administer the code (public works director).

POLICY ISSUES

None. The ordinances merely substitute one enforcement procedure for another. The newly adopted enforcement procedure is the City's current procedure, so there would be no change in the manner in which violations are enforced.

RECOMMENDATION

That the City Council vote to approve (in separate motions) the attached ordinances at this second reading.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STORM WATER DRAINAGE AND MANAGEMENT, AMENDING ORDINANCE 858 WHICH ADOPTED STORM WATER DEVELOPMENT STANDARDS IN CHAPTER 14.20 OF THE GIG HARBOR MUNICIPAL CODE, ELIMINATING THE ENFORCMENT AND PENALTY PROVISIONS IN ORDER TO ALLOW THE CITY TO ENFORCE THE STORM WATER DRAINAGE STANDARDS THROUGH THE CITY'S STANDARD ENFORCEMENT PROCEDURES IN CHAPTER 12.17 GHMC; AMENDING SECTIONS 14.20.530, 14.20.560, 14.20.590, 14.20.630 OF EXHIBIT A TO ORDINANCE 858; AND REPEALING SECTIONS 14.20.090, 14.20.640, 14.20.650, 14.20.660, 14.20.670, 14.20.680, 14.20.690, 14.20.700, 14.20.710, 14.20.720, 14.20.730, 14.20.740 OF EXHIBIT A TO ORDINANCE NO. 858.

WHEREAS, on January 9, 2001, the City Council passed Ordinance No. 858, which adopted storm water drainage and management standards in Gig Harbor; and

WHEREAS, the procedures in Ordinance No. 858 relating to enforcement and the imposition of penalties was inconsistent with the City's current enforcement procedures; and

WHEREAS, the City Council desires to have consistent enforcement procedures in the Gig Harbor Municipal Code for violations of development codes and public works standards; and

WHEREAS, the adoption of this Ordinance has been determined to be exempt from the State Environmental Policy Act by the City's SEPA Responsible Official, pursuant to WAC 197-11-800(2); Now, Therefore,

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

Section 1. Section 14.20.090, "Severability," in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 2. Section 14.20.530, in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

14.20.530 Maintenance Covenant Required for Privately Maintained Drainage Facilities.

A. Prior to beneficial use of a development, the owner shall record a Storm Water Maintenance Covenant against the property that:

1. allows the City of Gig Harbor, its officials, employees or agents a non-exclusive right of entry onto those portions of the property immediately adjacent to the stormwater facilities for the purpose of inspection of the facilities. The covenant shall allow the City, but not require the City, to enter the property and repair any condition of the storm water facilities that, in the opinion of the Public Works Director, creates an immediate threat to public health, safety or public property and to charge the property owner for the related costs; and

2. requires the property owner to perform his/her own regular inspections and maintenance on the stormwater facilities, at the property owner's cost; and

3. is binding upon the property owner and the property owner's legal representatives, heirs and assigns, and is in a form approved by the City Attorney; and

4. is recorded against the property in the records of the Pierce County Auditor. Guarantees the City of Gig Harbor that the stormwater facilities shall be properly operated, maintained, and inspected. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the Pierce County Auditor.

B. The Director may require the owners of existing stormwater facilities for which the City of Gig Harbor has not previously accepted operation and maintenance responsibility, to record the Maintenance Covenant described above, or to request that the City of Gig Harbor accept operation and maintenance responsibility for the stormwater facilities subject to the requirements of this Code.

C. ~~Maintenance Covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the~~

subject stormwater facilities is accepted by the City of Gig Harbor. In order to terminate a Maintenance Covenant, the property owner and the City must execute the necessary documentation and record the same against the property. A property owner may not unilaterally terminate a Maintenance Covenant.

Section 3. Section 14.20.560, in Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

14.20.560 City Inspections of Privately Maintained Stormwater Facilities.

A. The Director is authorized to develop an inspection program for privately owned and maintained stormwater facilities in the City of Gig Harbor. The purpose of this inspection program shall be to determine if said storm water facilities, conveyance structures, and water quality facilities are in good working order and are properly maintained, and to ensure that stormwater quality BMPs are in place and that non-point source pollution control is being implemented.

B. Whenever the provisions of this program are being implemented, or whenever there is cause to believe that a violation of this Code has been or is being committed, the inspector may take such enforcement action as set forth in chapter 12.17 of the Gig Harbor Municipal Code. ~~Is authorized to inspect during regular working hours and at other reasonable times any and all stormwater drainage facilities within the City of Gig Harbor to determine compliance with the provisions of this Code.~~

C. ~~Prior to making any inspections, the Director or his assignee shall follow the procedures delineated in Section 14.20.650.~~

Section 4. Section 14.20.590 of Exhibit A, adopted by reference in Ordinance No. 858, is hereby amended to read as follows:

14.20.590. Illicit Connections and Uses. The stormwater system of the City, natural and artificial, may only be used to convey stormwater runoff. The stormwater system shall mean all natural and man-made systems that function together or independently to collect, store, purify, discharge, and convey stormwater. Included are all stormwater facilities as well as natural systems such as streams and creeks and all natural systems that convey, store, infiltrate, or divert stormwater. Violation of this section can result in enforcement action being taken by the City as provided in Chapter 12.17 GHMC. ~~prescribed in Section 14.20.670.~~

No person shall use the stormwater system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater. No person shall make or allow any connection to the stormwater system that could result in the discharge of polluting matter. Connections to the stormwater system from the interiors of structures are prohibited. Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and shall be eliminated.

Section 5. Section 14.20.630 in Exhibit A, as adopted by reference in Ordinance 858, is hereby amended to read as follows:

14.20.630 Violations of this Code. The placement, construction or installation of any structure, or the connection to a public storm drainage facility, or the discharge to a public drainage facility or any activity, including but not limited to grading, which violates the provisions of this Code shall be and the same is hereby declared to be unlawful and a public nuisance. The City may take enforcement action as set forth in Chapter 12.17 GHMC to ensure that any such activity, Code violation or property condition declared to be a public nuisance ceases and is abated through the use of civil or criminal penalties and Stop Work Orders, as well as any other remedies which are set forth in this Code, the Gig Harbor Municipal Code, or including any applicable ordinance or statute, including, but not limited to revocation of any permits. The choice of enforcement action taken and the severity of any penalty shall be determined as set forth in chapter 12.17 GHMC. Based on the nature of the violation, the damage or risk to the public or to public resources.

Section 6. Section 14.20.640 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 7. Section 14.20.650 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 8. Section 14.20.660 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 9. Section 14.20.670 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 10. Section 14.20.680 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 11. Section 14.20.690 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 12. Section 14.20.700 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 13. Section 14.20.710 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 14. Section 14.20.720 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 15. Section 14.20.730 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 16. Section 14.20.740 of Exhibit A, which was adopted by reference in Ordinance No. 858, is hereby repealed.

Section 17. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 18. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 19. Effective Date. This Ordinance shall take effect and be in full force five days after publication of the approved summary.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this

__th day of ____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 2/8/01
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 2001, 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 COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STORM WATER DRAINAGE AND MANAGEMENT, AMENDING ORDINANCE 858 WHICH ADOPTED STORM WATER DEVELOPMENT STANDARDS IN CHAPTER 14.20 OF THE GIG HARBOR MUNICIPAL CODE, ELIMINATING THE ENFORCMENT AND PENALTY PROVISIONS IN ORDER TO ALLOW THE CITY TO ENFORCE THE STORM WATER DRAINAGE STANDARDS THROUGH THE CITY'S STANDARD ENFORCEMENT PROCEDURES IN CHAPTER 12.17 GHMC; AMENDING SECTIONS 14.20.530, 14.20.560, 14.20.590, 14.20.630 OF EXHIBIT A TO ORDINANCE 858; AND REPEALING SECTIONS 14.20.090, 14.20.640, 14.20.650, 14.20.660, 14.20.670, 14.20.680, 14.20.690, 14.20.700, 14.20.710, 14.20.720, 14.20.730, 14.20.740 OF EXHIBIT A TO ORDINANCE NO. 858.

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ENFORCEMENT OF THE CITY'S CODES RELATING TO STREETS, SIDEWALKS, PUBLIC WAYS, PUBLIC AND PRIVATE STORM WATER SYSTEMS AND FACILITIES, PUBLIC WORKS STANDARDS AND THE WATER AND SEWER CODES, ADDING A NEW CHAPTER 12.17 TO THE GIG HARBOR MUNICIPAL CODE, DESCRIBING VIOLATIONS, THE PROCEDURES FOR ENTRY ONTO PROPERTY FOR THE PURPOSE OF INSPECTIONS, ISSUANCE OF NOTICES OF VIOLATION, APPEALS OF NOTICES OF VIOLATION, PENALTIES AND COLLECTION OF PENALTIES.

WHEREAS, the City Council desires to use a uniform procedure for the enforcement of its development codes and public works standards; and

WHEREAS, the adoption of this Ordinance has been determined to be exempt from the State Environmental Policy Act by the City's SEPA Responsible Official, pursuant to WAC 197-11-800(2); Now, Therefore,

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

Section 1. A new chapter 12.17 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**Chapter 12.17
ENFORCEMENT**

Sections:

- | | |
|-----------|--|
| 12.17.002 | Violations. |
| 12.17.004 | Enforcement. |
| 12.17.006 | Investigation and notice of violation. |

- 12.17.008 Time to comply.
- 12.17.010 Stop work order.
- 12.17.012 Emergency order.
- 12.17.014 Review by hearing examiner.
- 12.17.016 Civil penalty.
- 12.17.018 Criminal penalties.
- 12.17.020 Additional relief.

12.17.002 Violations.

A. It is a violation of GHMC Titles 12, 13 and/or 14 for any person to initiate, maintain or cause to be initiated or maintained the use of any structure, land or property within the City of Gig Harbor without first obtaining the permits or authorizations required for the use by the aforementioned codes.

B. It is a violation of GHMC Titles 12, 13 and/or 14 for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the City of Gig Harbor in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the aforementioned codes; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. In addition to the above, it is a violation of GHMC Titles 12, 13 and/or 14 to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with the aforementioned codes;
2. To misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization;
3. Fail to comply with any of the requirements of or violate any of the provisions of GHMC Titles 12, 13 and/or 14.

12.17.004 Enforcement.

A. The public works director has the authority to enforce this Chapter and Titles 12, 13 and/or 14 GHMC. The public works director may call upon the police, fire, building, planning or other appropriate city departments to assist in enforcement. As used in this chapter, "public works director" shall also mean his or her duly authorized representative.

B. Upon presentation of proper credentials, the public works director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building, facility, street, premises or right-of-way subject to the consent or warrant, in order to perform the duties imposed by GHMC Titles 12, 13 and/or

C. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of GHMC Titles 12, 13 and/or 14.

E. No provision of or any term used in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

12.17.006 Investigation and notice of violation.

A. Investigation. The public works director shall investigate any structure, activity, facility, street or use which the public works director reasonably believes does not comply with the standards and requirements of GHMC Titles 12, 13 and/or 14.

B. Notice of Violation. If after investigation the public works director determines that the standards or requirements of GHMC Titles 12, 13 and/or 14 have been violated, the public works director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall contain the following information:

1. A separate statement of each standard, code provision or requirement violated;
2. What corrective action, if any, is necessary to comply with the standards, code provision or requirements;
3. A reasonable time for compliance;
4. A statement that if the violation is not already subject to criminal prosecution, any subsequent violations may result in criminal prosecution as provided in GHMC 12.17.018.

C. Service. The notice shall be served on the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the planning director makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two consecutive weeks in the city's official newspaper; and
2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known, or if unknown, to the address of the property involved in the proceedings.

D. Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Other Actions May Be Taken. Nothing in this chapter shall be deemed to limit or preclude any action or proceeding pursuant to GHMC 12.17.010, 12.17.012, 12.17.016, 12.17.018, 12.17.020 or 12.17.022.

F. Optional Notice to Others. The public works director may mail, or cause to be delivered to all residential and/or nonresidential rental units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.

G. Amendment. A notice or order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

12.17.008 Time to comply.

A. Determination of Time. When calculating a reasonable time for compliance, the public works director shall consider the following criteria:

1. The type and degree of violation cited in the notice;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action;
4. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
5. Any other circumstances beyond the control of the responsible party.

B. Order Becomes Final Unless Appealed. Unless an appeal is filed with the public works director for hearing before the hearing examiner in accordance with GHMC 12.17.160, the notice of violation shall become the final order of the public works director. A copy of the notice shall be filed with the Pierce County auditor. The public works director may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.

12.17.010 Stop work order.

Whenever a continuing violation of this code will materially impair the public works director's ability to secure compliance with this code, or when the continuing violation threatens the health or safety of the public or damage to public property, the public works director may issue a stop work

order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this chapter.

12.17.012 Emergency order.

Whenever any use or activity in violation of GHMC Title 12, 13 and/or 14 threatens the health and safety of the occupants of the premises or any member of the public or damage to public property, the public works director may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety or public property be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this chapter.

Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the public works director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law.

12.17.014 Review by hearing examiner.

A. Notice of Violation (Criminal Penalties). There is no administrative appeal of a notice of violation issued pursuant to GHMC 12.17.006 for violations described in GHMC 12.17.018, which subject the violator to criminal prosecution and/or the imposition of criminal penalties.

B. Notice of Violation (Civil Penalties). Any person significantly affected by or interested in a notice of violation issued by the planning director pursuant to GHMC 12.17.006 for a violation of the codes in this title which subject the violator to civil prosecution may obtain an appeal of the notice by requesting such appeal within 15 calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or city holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request, the building official shall forward the request to the office of the hearing examiner, pursuant to Chapter 17.10 GHMC.

C. At or after the appeal hearing, the hearing examiner may:

1. Sustain the notice of violation;
2. Withdraw the notice of violation;
3. Continue the review to a date certain for receipt of additional information;
4. Modify the notice of violation, which may include an extension of the compliance date.

D. The hearing examiner shall issue a decision within 10 days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person(s) named on the

notice of violation, mailed to the complainant, if possible, and filed with the department of records and elections of Pierce County.

E. The decision of the hearing examiner shall be final, and no further administrative appeal may be filed. In order to appeal the decision of the hearing examiner, a person with standing to appeal must make application for a land use petition under Chapter 36.70C RCW within 21 days of the issuance of the examiner's decision.

12.17.016 Civil penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of this chapter or GHMC Titles 12, 13 and/or 14 shall be subject to a cumulative penalty in the amount of \$100.00 per day for each violation from the date set for compliance until compliance with the order is achieved.

B. The penalty imposed by this section shall be collected by civil action filed by the city attorney, and brought in the name of the city. The public works director shall notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney shall, with the assistance of the public works director, take appropriate action to collect the penalty.

C. The violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

12.17.018 Criminal penalties.

A. Any person violating or failing to comply with any of the provisions of GHMC Titles 12, 13 and/or 14 and who has had a judgment entered against him or her pursuant to GHMC 12.17.016 or its predecessors within the past five years shall be subject to criminal prosecution and upon conviction of a subsequent violation shall be fined in a sum not exceeding \$5,000 or be imprisoned for a term not exceeding one year or be both fined and imprisoned. Each day of noncompliance with any of the provisions of GHMC Title 12, 13 and/or 14 shall constitute a separate offense.

B. The above criminal penalty may also be imposed:

1. For any other violation of GHMC Titles 12, 13 and/or 14 for which corrective action is not possible; and

2. For any willful, intentional, or bad faith failure or refusal to comply with the standards or requirements of GHMC Title 12, 13 and/or 14.

12.17.020 Additional relief.

The public works director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of GHMC Title 12, 13 and/or 14 when civil or criminal penalties are inadequate to effect compliance.

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

Section 3. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This Ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ___th day of February, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 2/8/01
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE

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 COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ENFORCEMENT OF THE CITY'S CODES RELATING TO STREETS, SIDEWALKS, PUBLIC WAYS, PUBLIC AND PRIVATE STORM WATER SYSTEMS AND FACILITIES, PUBLIC WORKS STANDARDS AND THE WATER AND SEWER CODES, ADDING A NEW CHAPTER 12.17 TO THE GIG HARBOR MUNICIPAL CODE, DESCRIBING VIOLATIONS, THE PROCEDURES FOR ENTRY ONTO PROPERTY FOR THE PURPOSE OF INSPECTIONS, ISSUANCE OF NOTICES OF VIOLATION, APPEALS OF NOTICES OF VIOLATION, PENALTIES AND COLLECTION OF PENALTIES.

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

APPROVED by the City Council at their meeting of _____.

MOLLY TOWSLEE, CITY CLERK



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: PATRICIA IOLAVERA, SENIOR PLANNER
SUBJECT: SECOND READING ADOPTING THREE ORDINANCES REGARDING
THE PUBLIC INSTITUTIONAL ZONING DISTRICT
DATE: FEBRUARY 22, 2001

BACKGROUND/INTRODUCTION

Per the instructions of Council and Resolution 556 which requested the Department of Planning and Building Services assist the Gig Harbor Historical Society in furthering the development of the new museum and cultural center, the Planning Commission and staff present the following three ordinances for approval. They include new definitions to clarify 'museum' as a use. Changes to the text of 17.15 which allows museum as a permitted use and rental hall as a permitted accessory use, and adopting hours of operation for such accessory uses. Staff has made a single minor change since the last reading, to clarify relationships of these uses to all residential property. Included are necessary changes to the zoning of the "Borgen Property" and the seven parcels associated with the City's water treatment plant.

POLICY ISSUES

These changes are consistent with the City's uses of land as public institutional.

FISCAL IMPACT

The proposed amendments would not have any fiscal impact respective to city revenues.

RECOMMENDATION

This is the second reading of the ordinance. Staff recommends approval.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PUBLIC INSTITUTIONAL DISTRICT TO ALLOW MUSEUMS AS A PERMITTED USE, INCLUDING "RENTAL HALL" AS AN APPROVED ACCESSORY USE, AND ADDING RESTRICTIONS ON HOURS OF OPERATIONS FOR RENTAL HALLS AND COMMUNITY RECREATION HALLS, AMENDING SECTION 17.15.020, AND ADDING SECTION 17.15.100 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council on July 10, 2000 passed Resolution 556 directing the Planning and Building Services Department to explore and pursue avenues by which the City might support the plans for the development of the new Museum at their proposed location; and

WHEREAS, the during work sessions on July 5th 2000, October 5, 2000, and November 16, 2000, the Planning Commission considered proposed changes to the municipal code that would acknowledge specific types of museums as public institutions; and

WHEREAS, the Planning Commission on those same dates considered amendment to the zoning map adding several parcels to the Public – Institutional zoning district; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held public hearings to consider this Ordinance on October 5, 2000 and November 2, 2000 and recommends that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of February 12, 2001; Now, Therefore,

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

Section 1. Section 17.15.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.15.020 Permitted uses.

The following uses are permitted in a PI district:

- A. Government administrative facilities;
- B. Maintenance facilities and storage areas;
- C. Waste water treatment facilities, including biosolids treatment and composting facilities;
- D. Schools and related lands;
- E. Fire stations and related training facilities;
- F. Community recreation halls;
- G. Parks and open spaces for active or passive recreation or enjoyment.
- H. Museums.
- I. Rental hall facilities accessory to a permitted use.

Section 2. Section 17.15.100 of the Gig Harbor Municipal Code is hereby added, to read as follows:

17.15.100 Hours of Operation

The following uses, when located immediately adjacent to residential zones (R1, R2, and R3) shall be limited to operating between the hours of 6:00 a.m. and 10:00 p.m. Sunday through Thursday, and 6:00 a.m. and 11:00 p.m. Friday and Saturday.

- A. Rental Hall facilities accessory to a permitted use.
- B. Community recreation halls.

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

Section 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 _____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 2/7/01
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 2001, 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 COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PUBLIC INSTITUTIONAL DISTRICT TO ALLOW MUSEUMS AS A PERMITTED USE, INCLUDING "RENTAL HALL" AS AN APPROVED ACCESSORY USE, AND ADDING RESTRICTIONS ON HOURS OF OPERATIONS FOR RENTAL HALLS AND COMMUNITY RECREATION HALLS, AMENDING SECTION 17.15.020, AND ADDING SECTION 17.15.100 OF THE GIG HARBOR MUNICIPAL CODE.

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PUBLIC INSTITUTIONAL DISTRICT TO ALLOW MUSEUMS AS A PERMITTED USE, INCLUDING "RENTAL HALL" AS AN APPROVED ACCESSORY USE, AND ADDING RESTRICTIONS ON HOURS OF OPERATIONS FOR RENTAL HALLS AND COMMUNITY RECREATION HALLS, AMENDING SECTION 17.15.020, AND ADDING SECTION 17.15.100 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council on July 10, 2000 passed Resolution 556 directing the Planning and Building Services Department to explore and pursue avenues by which the City might support the plans for the development of the new Museum at their proposed location; and

WHEREAS, the during work sessions on July 5th 2000, October 5, 2000, and November 16, 2000, the Planning Commission considered proposed changes to the municipal code that would acknowledge specific types of museums as public institutions; and

WHEREAS, the Planning Commission on those same dates considered amendment to the zoning map adding several parcels to the Public – Institutional zoning district; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held public hearings to consider this Ordinance on October 5, 2000 and November 2, 2000 and recommends that the City Council approve this Ordinance; and

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, DELETING THE DEFINITION OF "MUSEUM AND ART GALLERY" AND CREATING SEPARATE DEFINITIONS FOR "MUSEUM", "ART GALLERY", "NON PROFIT ORGANIZATION", AND "COMMUNITY RECREATION HALL" IN THE CITY ZONING CODE IN ORDER TO CLARIFY AND SUPPORT CHANGES BEING MADE UNDER SEPARATE ORDINANCE TO THE PUBLIC AND INSTITUTIONAL ZONE; AND THEREBY AMENDING SECTION 17.04.602, AND ADDING NEW SECTIONS 17.04.027, 17.04.085 AND 17.04.623, OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council on July 10, 2000 passed Resolution 556 directing the Planning and Building Services Department to explore and pursue avenues by which the City might support the plans for the development of the new Museum at their proposed location; and

WHEREAS, the during work sessions on July 5th 2000, October 5, 2000, and November 16, 2000, the Planning Commission considered proposed changes to the municipal code that would acknowledge specific types of museums as public institutions; and

WHEREAS, the Planning Commission on those same dates considered amendment to the zoning map adding several parcels to the Public – Institutional zoning district; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held public hearings to consider this Ordinance on October 5, 2000 and November 2, 2000 and recommends that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of _____; Now, Therefore,

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

Section 1. A definition of "Community recreation hall" Section 17.04.027 the Gig Harbor Municipal Code, is hereby added as follows:

17.04.602 Community Recreation Hall: a facility provided by a non-profit organization or government agency, for the purposes of community gatherings, classes, meetings, etc. Such a facility may include a commercial grade kitchen.

Section 2. Section 17.04.085 of the Gig Harbor Municipal Code is hereby added, to read as follows:

17.04.085 Art Gallery: a room or series of rooms where works of art are exhibited.

Section 3. The definition of "Museum or Art Gallery" Section 17.04.602 the Gig Harbor Municipal Code, is hereby amended to read as follows:

17.04.602 Museum or Art Gallery "Museum" or "art gallery" means a facility which displays artifacts or items of a historically important nature or which are culturally significant. A museum is an institution owned and operated by a non-profit organization, tribal government, agency of local government, public facility district, or public

development authority for which the primary purpose is the procurement, preservation, study, and display of objects of lasting interest or value, and the interpretation of history, heritage, art, or culture. Such institutions may also include a museum store, food service, instruction rooms and assembly hall consistent with the mission and purpose of the institution.

Section 4. A new Section 17.04.623 "non-profit organization" is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.623 Non-profit organization: Those organizations that have a 501(c)(3) IRS determination letter and a legally constituted board of trustees or directors, and which provide a public service.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 5. 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 _____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

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

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 2001, 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 COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, DELETING THE DEFINITION OF "MUSEUM AND ART GALLERY" AND CREATING SEPARATE DEFINITIONS FOR "MUSEUM", "ART GALLERY", "NON PROFIT ORGANIZATION", AND "COMMUNITY RECREATION HALL" IN THE CITY ZONING CODE IN ORDER TO CLARIFY AND SUPPORT CHANGES BEING MADE UNDER SEPARATE ORDINANCE TO THE PUBLIC AND INSTITUTIONAL ZONE; AND THEREBY AMENDING SECTION 17.04.602, AND ADDING NEW SECTIONS 17.04.027, 17.04.085 AND 17.04.623, OF THE GIG HARBOR MUNICIPAL CODE.

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING ZONING OF PUBLIC INSTITUTIONAL (PI) ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE CITY OF GIG HARBOR WATER TREATMENT FACILITY WHICH CONSISTS OF SEVEN (7) PARCELS, "THE BORGEN PROPERTY" WHICH CONSISTS OF THREE (3) PARCELS, AND ONE (1) PARCEL WHICH IS THE FUTURE HOME OF THE GIG HARBOR PENINSULA HISTORICAL SOCIETY.

WHEREAS, the City of Gig Harbor purchased the property commonly known as "The Borgen Property" which consists of three parcels zoned Commercial (C-1); and

WHEREAS, the City of Gig Harbor has for some years operated a water treatment plant on or adjacent to seven (7) parcels zoned Single Family Residential (R-1); and

WHEREAS, the Gig Harbor Peninsula Historical Society has purchased one parcel zoned Single Family Residential (R-1) for the purpose of constructing a new museum; and

WHEREAS, the City Council on July 10, 2000 passed Resolution 556 directing the Planning and Building Services Department to explore and pursue avenues by which the City might support the plans for the development of the new Museum at their proposed location; and

WHEREAS, the during work sessions on July 5th 2000, October 5, 2000, and November 16, 2000, the Planning Commission considered proposed changes to the municipal code that would acknowledge specific types of museums as public institutions; and

WHEREAS, the Planning Commission on those same dates considered amendment to the zoning map the above described parcels to the Public – Institutional zoning district; and

WHEREAS, the Department of Planning and Building have proposed the appropriate amendment to the land use map in the draft comprehensive plan; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held public hearings to consider this Ordinance on October 5, 2000 and November 2, 2000 and recommends that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and NOW, THEREFORE,

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of February 12, 2001; Now, Therefore,

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

Section 1. The real property known as the location of the Gig Harbor Water Treatment Plant, consisting of seven (7) tax parcels zoned Single Family Residential (R1) (Tax Parcel ID numbers 0221064067, 0221064091, 0221064065, 0221068016, 0221068011, 0221068017, and 0221068009) owned by the City of Gig Harbor, and more particularly described in Exhibit A, attached hereto and fully incorporated herein by this reference, shall be, and it are hereby given, the following zoning classification, Public Institutional (PI). The Director of Planning and Building Services is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by this section.

Section 2. The real property known as the "Borgen Property", consisting of three (3) tax parcels zoned Commercial (C1) (Tax Parcel ID numbers 0221068010, 0221064027, and 4102000011) owned by the City of Gig Harbor, and more particularly described in Exhibit B, attached hereto and fully incorporated herein by this reference, shall be, and it are hereby given, the following zoning classification, Public Institutional (PI). The Director of Planning and Building Services is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by this section.

Section 3. The real property known as the future location of the Gig Harbor Peninsula Historical Society, consisting of one (1) tax parcel zoned Single Family Residential (R1) (Tax Parcel ID number 0221061060), owned by the Gig Harbor Peninsula Historical Society, and more particularly described in Exhibit C, attached hereto and fully incorporated herein by this reference, shall be, and it are hereby given, the following zoning classification, Public Institutional (PI). The Director of Planning and Building Services is hereby instructed to effectuate the necessary changes

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

PASSED by the Council and approved by the Mayor of the City of Gig Harbor
this __th day of _____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 2/7/01
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

✓

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 2001, 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, ESTABLISHING ZONING OF PUBLIC INSTITUTIONAL (PI) ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE CITY OF GIG HARBOR WATER TREATMENT FACILITY WHICH CONSISTS OF SEVEN (7) PARCELS, "THE BORGES PROPERTY" WHICH CONSISTS OF THREE (3) PARCELS, AND ONE (1) PARCEL WHICH IS THE FUTURE HOME OF THE GIG HARBOR PENINSULA HISTORICAL SOCIETY.

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK

EXHIBIT A
LEGAL DESCRIPTIONS OF PROPERTY REFERENCED IN SECTION 1 AND
KNOWN AS THE GIG HARBOR WATER TREATMENT PLANT AND CONSISTING
OF SEVEN (7) PARCELS OWNED BY THE CITY OF GIG HARBOR.

1. 0221064067

THAT PART OF FOLL LY INSIDE TOWN OF GIG HARBOR BEG 788.35 FT N OF SE COR OF NW OF SE TH W 127 FT TH N 375.92 FT TO S LI OF RD TH E ALG RD TO W LI OF STATE RD 14 TH SELY ALG STATE RD 14 TO CENTER OF CREEK TH ALG CREEK TO E LI NW OF SE TH S TO BEG CYD TO TOWN OF GIG HARBOR

2. 0221064091

BEG 1163.87 FT N & 127 FT W OF SE COR OF NW OF SE TH W 184 FT TH SLY PAR WITH E LI OF SD SUBD 275 FT M/L TO S LIMITS OF GIG HARBOR TH E 184 FT TH N PAR WITH E LI OF SD SUBD 275 FT M/L TO BEG

3. 0221064065

THAT PART OF FOLL LY INSIDE TOWN OF GIG HARBOR BEG 330 FT N OF SE COR OF NW OF SE TH N 458.35 FT W 127 FT TH N 100 FT M/L TO S LIMITS OF GIG HARBOR TH W 184 FT TH N PAR WITH E LI OF SD SUBD 275 FT M/L TO S LI OF PRI RD TH W 15 FT TH S 120.5 FT TH W 1004 FT TO W LI OF NW OF SE TH S TO A PT 330 FT N OF SW COR OF SD SUBD TH E TO BEG LESS 2.18 AC T L C T LI INCL EASE FOR RD

4. 0221068016

THAT PART OF FOLL LY OUTSIDE OF TOWN OF GIG HARBOR BEG 788.35 FT N OF SE COR OF NW OF SE TH W 127 FT TH N 375.92 FT TO S LI OF RD TH E ALG RD TO W LI OF STATE RD 14 TH SELY ALG STATE RD 14 TO CENT OF CREEK TH ALG CREEK TO E LI NW OF SE TH S TO BEG

5. 0221068011

LOT 2 OF SHORT PLAT 79-365

6. 0221068017

L 2 OF SHORT PLAT 84-11-28-0295 IN NW OF SE 06-21-02E TOG/W EASE & RESTRICTIONS OF RECORD

7. 0221068009

LOT 1 OF SHORT PLAT 79-365 EXC THAT POR LY NELY OF HARBORVIEW DR EASE OF RECORD

EXHIBIT B
LEGAL DESCRIPTIONS OF PROPERTY REFERENCED IN SECTION 2 AND
KNOWN AS THE "BORGEN PROPERTY" AND CONSISTING OF THREE (3)
PARCELS OWNED BY THE CITY OF GIG HARBOR.

1. 0221068010

LOT 1 OF SHORT PLAT 79-365 EXC THAT POR LY NELY OF HARBORVIEW DR
EASE OF RECORD

2. 0221064027

THAT PART OF GOVT LOT 2 LY NELY OF STATE RD 14 & NWLY OF BURNHAM
HUNT CO RD EXC PART FOR RD TO TOWN OF GIG HARBOR

3. 4102000011

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EXHIBIT C
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OWNED BY THE GIG HARBOR PENINSULA HISTORICAL SOCIETY.**

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City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEVE BOWMAN, BUILDING OFFICIAL/FIRE MARSHAL
DATE: FEBRUARY 26, 2001
**SUBJECT: SECOND READING OF ORDINANCE REVISING GHMC TITLE 15.12 /
EASEMENTS FOR FIRE EQUIPMENT EMERGENCY ACCESS &
MAINTENANCE OF FIRE PROTECTION SYSTEMS**

INTRODUCTION & BACKGROUND

In response to a recommendation by the City Attorney, an ordinance was prepared to define when a recorded easement shall be required to allow access across private property by Fire Fighters and other personnel to use or maintain fire protection systems. The ordinance which is submitted for your consideration has been reviewed by Pierce County Fire District #5 and the City Attorney. All recommended amendments have been made to the ordinance.

RECOMMENDATION:

After due consideration, the ordinance be approved by the Gig Harbor City Council and published as required by the GHMC.

ORDINANCE NO. ____
CITY OF GIG HARBOR, WASHINGTON

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO FIRE AND EMERGENCY VEHICLE ACCESS ASSOCIATED WITH NEW DEVELOPMENTS; REQUIRING PROPERTY OWNERS TO PROVIDE THE CITY WITH EXECUTED, RECORDABLE EASEMENTS WHERE EMERGENCY VEHICLES MUST ACCESS OVER PRIVATE PROPERTY AND REQUIRING EXECUTED, RECORDABLE EASEMENTS FROM PRIVATE PROPERTY OWNERS IN SITUATIONS WHERE WATER FACILITIES CROSS PRIVATE PROPERTY, FOR PURPOSES OF CITY FIRE FLOW MAINTENANCE; AMENDING SECTIONS 15.12.060, 15.12.080 AND 15.12.040 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council has determined that access should be provided and maintained to all properties within the City of Gig Harbor for fire fighting purposes; and

WHEREAS, the City Council has determined that access should be provided and maintained to fire protection systems on all properties within the City of Gig Harbor;

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

Section 1. Section 15.12.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.12.060 Amendment to UFC Section 902.2.2.1. Section 902.2.2.1 of the Uniform Fire Code is amended as follows:

902.2.2.1 Dimensions.

Fire apparatus roads shall have an unobstructed vehicle width of not less than 20 feet (6,096 mm) and an unobstructed vertical clearance of not less than 13 feet six inches (4,115 mm).

The minimum cleared vehicular roadway, driveway, or street width shall be 12 feet (3,658 mm) from shoulder to shoulder for one single-family residence. The minimum cleared vehicular roadway, driveway, or street width shall be 15 feet (4,572 mm) from shoulder to shoulder for one-

way traffic and 24 feet (7,315 mm) minimum driving surface for two-way traffic in all developments other than one single-family residence.

In those situations in which emergency vehicles must cross private property from a public right-of-way, the property owner shall grant an emergency vehicle access easement to the City of Gig Harbor and Pierce County Fire District No. 5 for such purposes. The form of the easement shall be approved by the City attorney and recorded against the property at the property owner's expense.

EXCEPTIONS:

1. Private roadways which serve less than 10 living units may be 20 feet (6,096 mm) in width from shoulder to shoulder for two-way traffic when the roadway serves only R-1 or R-3 occupancies as defined in the Uniform Building Code and the buildings and site improvements comply with the special hazards section of the currently adopted Uniform Fire Code.

2. Upon approval by the fire marshal, vertical clearance may be reduced, provided such reproduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

3. The use of fire protection features to reduce the required fire apparatus access may be considered by the fire marshal if a review by the fire department indicates that the use of fire protection features would provide an equivalent fire protection to that which would be provided had the full fire apparatus access be provided in accordance with this code. A site plan and letter stating the proposed method of fire protection shall be submitted to the fire marshal and fire department. The fire department must indicate approval of the proposed method of fire protection or an alternate method to that proposed before the fire marshal may approve the alternate method of fire protection.

Vertical clearances or widths shall be increased when, in the opinion of the city of Gig Harbor fire marshal, vertical clearances or widths are not adequate to provide fire apparatus access.

Section 2. Section 15.12.080 of the Gig Harbor Municipal Code is amended to read as follows:

15.12.080. Section 903.3 of the Uniform Fire Code is amended to read as follows:

A. Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the City of Gig Harbor fire marshal shall use Appendix III-A of the Uniform Fire Code.

B. In those situations in which water is provided to private property from facilities located in the public-right-of way, but such water facilities must cross private property owned by third parties, the property owner shall obtain easement(s) in favor of the City of Gig Harbor, allowing the City access for maintenance of the fire flow system. The form of the easement shall be approved by the City Attorney and recorded against the property at the property owner's expense.

* * *

Section 3. Section 15.12.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.12.040 Amendment to UFC Article 2. Article 2 of the Uniform Fire Code is amended as follows:

* * *

2(a). "Accessible" means capable of being reached safely and quickly for operation, maintenance, repair or inspection, without requiring the person performing any inspections, repair or maintenance to climb over or remove obstacles, or to resort to the use of portable access equipment.

2(b). "Building valuation data" means the Building Standards monthly publication issued by the International Conference of Building Officials.

* * *

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. A summary of this Ordinance consisting of the title shall be published in the City's Official Newspaper, and shall take effect and be in full force five (5) days after the date of its publication.

PASSED BY THE GIG HARBOR CITY COUNCIL, GIG HARBOR, WASHINGTON,
and APPROVED BY ITS MAYOR at a regular meeting of the Council held on this ____
day of _____, 2000

GRETCHEN WILBERT, MAYOR

ATTEST:

Molly Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

Filed with the City Clerk: 12/5/00
Passed by the City Council:
Date published:
Date effective:

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

On _____, 2000 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, RELATING TO FIRE AND EMERGENCY VEHICLE ACCESS ASSOCIATED WITH NEW DEVELOPMENTS; REQUIRING PROPERTY OWNERS TO PROVIDE THE CITY WITH EXECUTED, RECORDABLE EASEMENTS WHERE EMERGENCY VEHICLES MUST ACCESS OVER PRIVATE PROPERTY AND REQUIRING EXECUTED, RECORDABLE EASEMENTS FROM PRIVATE PROPERTY OWNERS IN SITUATIONS WHERE WATER FACILITIES CROSS PRIVATE PROPERTY, FOR PURPOSES OF CITY FIRE FLOW MAINTENANCE; AMENDING SECTIONS 15.12.060, 15.12.080 AND 15.12.040 OF THE GIG HARBOR MUNICIPAL CODE.

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 _____,
2000.

BY: _____
Molly M. Towslee, City Clerk



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: CITY COUNCILMEMBERS
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: SECOND READING OF ORDINANCE - SKATEBOARD USE
DATE: FEBRUARY 22, 2001

INFORMATION/BACKGROUND

The popularity of skateboards, scooters, roller skates and inline skates has increased their usage on city streets and in parks. The attached ordinance has been drafted to amend the current city code governing skateboard use on public property to include other similar means of transportation and/or recreation. This ordinance also sets specific rules for use of the skate park.

RECOMMENDATION

Adoption of the ordinance at this second reading.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SKATEBOARD USE ON ROADWAYS, SIDEWALKS AND PARKS, ESTABLISHING THE RULES FOR THE USE OF THE CITY'S SKATE PARK, DESCRIBING VIOLATIONS AND ESTABLISHING PENALTIES, REPEALING THE EXISTING CHAPTER 8.30 AND ADDING A NEW CHAPTER 8.30 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City has a new Skate Park and desires to establish the rules for use of the Skate Park; and

WHEREAS, the City previously adopted rules relating to the use of skateboards on roadways and sidewalks, and wishes to clarify and incorporate such rules into general rules for the use of skateboards in the City; Now, Therefore,

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

Section 1. Section 8.30.010 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. Section 8.30.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. A new chapter 8.30 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**Chapter 8.30
SKATEBOARDS, SCOOTERS, ROLLER SKATES/IN-LINE SKATES
AND THE CITY'S SKATE PARK**

8.30.010. Skateboards, Scooters and Roller Skates/In-Line Skates Prohibited in Certain City Streets. No person upon roller skates/in-line skates, or riding in or by means of any coaster, skateboard, scooter or similar device, shall move, go or travel upon the roadway of any arterial street or transit bus route, except while crossing such street at a crosswalk; or engage in any sport, amusement or exercise or play in the roadway of any such street.

8.30.020. Use of Skateboards, Scooters and Roller Skates/In-line Skates on Sidewalks or Public Paths. Every person using a skateboard, scooter or roller skates/in-line skates upon any sidewalk or public path shall use the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and property under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path, and condition of surface, and shall obey all traffic control devices. Every person using a skateboard, scooter or roller skates/blades shall yield the right-of-way to any pedestrian thereon.

8.30.030 Bicycles and Motorized Vehicles Prohibited in Skate Park. The City's Skate Park is designed for use by skate boards, in-line skates and roller skates. No person shall position, use, operate, ride or move a bicycle, motorized vehicle or other similar vehicles on any portion of the concrete surface of the City's Skate Park.

8.30.040 Hours of Use of Skate Park. The City's Skate Park shall be closed from dusk to dawn. No person may ride, operate or move any type of vehicle, including but not limited to skateboards, in-line skates or roller skates in the Skate Park during dusk to dawn.

8.30.050 Alcohol Prohibited in Skate Park. As prohibited by RCW 66.44.100 (adopted by reference in GHMC § 9.04.010), no person may consume liquor in the Skate Park, which is a public place. This section shall be prosecuted as set forth in Chapter 9.04 GHMC.

8.30.060 Penalties. It is unlawful for any person to violate or fail to comply with any of the provisions of this chapter. With the exception of Section 8.30.050, an person who shall have committed a violation of this chapter shall, upon a finding by the municipal court that such a violation has been committed, pay a monetary penalty in the amount of \$ _____ (or shall be subject to the civil infraction penalties as set forth in GHMC § 1.16.010.)

Section 4. 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 5. 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 _____, 2001.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

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

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On _____, 200, 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 COUNCIL OF THE CITY OF GIG HARBOR,
WASHINGTON, RELATING TO**

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

APPROVED by the City Council at their meeting of _____, 2001.

MOLLY TOWSLEE, CITY CLERK



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: SECOND READING OF ORDINANCE - ARTS COMMISSION
DATE: FEBRUARY 22, 2000

INFORMATION/BACKGROUND

The attached ordinance articulates a process to develop and manage fine and performing arts-related proposals from the community to the Gig Harbor City Council. The Arts Commission is proposed to act as the city's representative, and to make recommendations to the Mayor and to the City Council, in connection with cultural and artistic endeavors involving the city.

POLICY CONSIDERATIONS

The Arts Commission will encourage, conduct, sponsor or co-sponsor public programs to further the development and public awareness of, and interest in, the fine and performing arts. The commission will provide recommendations to the Mayor and City Council in connection with cultural and artistic endeavors in which the city becomes involved. The commission will encourage donations, grants and other support to further expand the arts and cultural services and programs available to city citizens and members of the Gig Harbor community. The commission will also review and make recommendations to the City Council with respect to all public and private banner proposals that utilize city graphics. The commission will be charged to take other such action as the City Council may direct from time to time.

FISCAL CONSIDERATIONS

Arts Commission programs and operating expenses would be funded from the city General Fund, grants, donations and admission charges (if any). The Parks Department (an element of the Public Works Department) will be responsible for submitting its annual operating budgetary request to the City Administrator and Mayor.

RECOMMENDATION

Staff recommends approval of this ordinance.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, ENACTING A NEW CHAPTER 2.49 OF THE
GIG HARBOR MUNICIPAL CODE CREATING AN ARTS
COMMISSION.**

WHEREAS, the City of Gig Harbor has identified a need for an Arts Commission to encourage public programs to develop the fine and performing arts; and

WHEREAS, the Arts Commission will make recommendations to the Mayor and City Council in connection with cultural and artistic endeavors involving the city; and

WHEREAS, this Commission will act as the city's representative in connection with cultural and artistic endeavors involving the city; and

WHEREAS, the Commission will encourage donations, grants and other support to expand the arts in the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

Section 1. Section 2.49 of the Gig Harbor Municipal Code is hereby added to read as follows:

**Chapter 2.49
ARTS COMMISSION**

Sections:

- 2.49.010 Commission established - Membership.**
- 2.49.020 Rules of procedure**
- 2.49.030 Authority of commissions.**
- 2.49.040 Meetings and staff services.**
- 2.49.050 Budget**

2.49.010 Commission established — Membership

A. The Gig Harbor Arts Commission, consisting of nine members appointed by the Mayor and confirmed by the vote of a majority of the members of the City Council, is established. The term of office shall be three years. Commission members shall be selected for staggered terms. Three Commissioners or their successors will serve a one,

two or the full three-year term based on the position. All subsequent appointments shall be for three years, or for the duration of an unexpired term in the case of an appointment to a vacancy. All Commission members' terms shall expire on March 31st and all successive terms shall commence on April 1st. No member shall serve more than two consecutive full terms of office.

B. Commission members shall be appointed upon the basis of demonstrated interest in, and knowledge and support of the arts. Members shall serve without salary or other compensation, provided that members shall be reimbursed for necessary expenses actually incurred with prior Administrative approval. Two Commissioners may be selected from the Community-at-large. Seven commissioners shall reside or work within the city limits at the time of appointment and throughout their terms of office.

C. Prior to appointing initial members and filling each vacancy in the membership of the commission, public notice of available positions shall be provided to the news media at least two weeks in advance of appointment. Applicants for vacant positions shall apply to the office of the Mayor.

2.29.020 Rules of Procedure

The commission shall adopt procedural rules governing the transaction of its business. The rules shall include provisions for the date, time and place of regular meetings of the commission. Provisions shall be made for maintaining minutes of commission meetings and records of all commission reports, conclusions and recommendations. The rules of procedure shall provide for the election of commission officers, which shall include a chairperson and vice chairperson who shall serve for at least one year. The rules of the commission shall provide that all commission meetings shall be open to the public and that notice of meetings shall comply with the Washington Open Public Meetings Act, to the extent proceedings of the commission are governed by such Act. The procedures shall address receipt and processing of citizen proposals and requests.

2.49.030 Authority of commission.

The Arts Commission is authorized to take the following actions:

A. On behalf of the city, to encourage, conduct, sponsor or cosponsor public programs to further the development and public awareness of, and interest in, the fine and performing arts;

B. To provide recommendations to the Mayor and City Council in connection with cultural and artistic endeavors and projects in which the city becomes involved and to act as a representative of the community in such matters;

C. To encourage donations, grants and other support to further expand the arts and cultural services and programs available to citizens of Gig Harbor and members of the Gig Harbor community;

D. To review and make recommendations to the City Council with respect to all public and private banner proposals that utilize City of Gig Harbor graphics.

E. To take such other actions as the City Council may direct from time to time.

2.49.040 Meetings and staff services.

A. The Arts Commission shall meet regularly at least once per month at a date, time and place to be established by the commission. Commission meetings shall be open to the public and written meeting minutes shall be maintained and made available to the public upon approval of the minutes by the commission.

B. The Parks Department shall be responsible for providing administrative and staff services for the commission and may assign Parks Department staff to provide services to the commission.

C. The commission shall make a report to the City Council at least annually.

2.49.050 Budget

Arts Commission programs and operating expenses shall be funded from the city General Fund, grants, donations and admission charges. The Parks Department shall be responsible for submitting the annual operating budget to the City Administrator and Mayor.

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

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

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: _____
CAROL MORRIS, CITY ATTORNEY

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 _____, 2001 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, ENACTING A NEW CHAPTER 2.49 OF THE
GIG HARBOR MUNICIPAL CODE CREATING AN ARTS
COMMISSION.**

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 _____,
2001.

MOLLY M. TOWSLEE, CITY CLERK



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MCH*
SUBJECT: EMPLOYMENT AGREEMENT - CITY PROSECUTOR
DATE: FEBRUARY 20, 2000

INFORMATION/BACKGROUND

The city's current prosecutor, Eric Ohme of Tacoma law firm Mann and Johnson, will be assuming new duties at the firm in the near future. Consequently, considering that a different prosecutor may well be in the position, the city issued an RFP for prosecutorial services. The city received proposals from Mann and Johnson and from local attorney, Brenda Bono, who currently serves as a judge pro-tem for the Gig Harbor Municipal Court. The attached contract for professional services between Brenda Bono and the city is forwarded for approval at this reading.

POLICY CONSIDERATIONS

The proposed contract is similar in construction to previous prosecutor contracts and has been reviewed and approved by Scott Snyder of Ogden Murphy Wallace, who has reviewed all such city employment agreements throughout the last decade. The contract can be terminated without notice at the city's convenience.

FISCAL CONSIDERATIONS

This contract caps costs for prosecutorial services at \$50,000, as opposed to the Mann and Johnson flat fee proposal of \$72,000. Mann and Johnson proposed alternatives to a flat fee payment schedule at the minimum hourly increase in associate billing rates of 10% for 2001 and a cumulative increase of 17.1% on January 1, 2002. Mann and Johnson's actual billings for the years 1999 and 2000 were \$69,418 and \$57,858 respectively. Hourly billings are subject to many variables, including police, prosecutor, defense and judicial inputs.

RECOMMENDATION

Staff recommends that the City Council authorize Mayor Wilbert to sign the contract as presented.

**CITY PROSECUTOR
AGREEMENT FOR SERVICES**

THE PARTIES:

The parties to this Agreement are as follows: **Brenda M. Bono**, hereinafter referred to as "Attorney"; and THE, CITY OF GIG HARBOR, hereinafter referred to as "City".

PURPOSE:

The purpose of this Agreement is to set forth the terms of the Agreement between the parties whereby the City agrees to hire Attorney for the City of Gig Harbor and Attorney agrees to provide legal services for the city relative to prosecuting of cases and other related matters.

CONSIDERATION:

The consideration for this Agreement consists of the mutual covenants and conditions contained herein and the mutual legal benefits and detriments arising from this Agreement.

THE AGREEMENT:

The parties hereto agree as follows:

1. **Duties.** Attorney or her associate shall at all times faithfully, industriously, and to the best of her/their ability and experience, perform all of the duties that may be required of her/them pursuant to the express and implicit terms of this Agreement and pursuant to the rules of professional ethics.
2. **Discrimination.** Attorney agrees not to discriminate against any person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, age, or physical, mental or sensory handicap, except where a bona fide occupational qualification exists.
3. **Reimbursement.** The City shall retain Attorney for the following works and shall reimburse the Attorney at the following rates.
 - a. Preparation and appearances for cases assigned to Attorney by the City in any Court, including without limitation, the Gig Harbor Municipal Court, Pierce County Superior Court and the Appellate Courts of the State of Washington.

- ✓
- b. The City shall pay or reimburse Attorney for all Court costs, long distance telephone charges and postage. Attorney shall not be paid for travel time or clerical time involved in the performance her duties.
 - c. The City shall pay to attorney the yearly amount of \$50,000.00 in monthly installments as invoiced by attorney. Any and all time spent in preparation for or appearances related to Appellate Courts other than Superior Court shall be compensated to attorney by the City at an hourly rate of not more than \$70.00 per hour.
4. Coverage Attorney. It is agreed and understood that it is the responsibility of the Attorney to be present at all Court hearings for which she has contracted to render services on behalf of the City. It is understood that the Attorney has other employment and that she is not precluded from other employment so long as there is no interference with the performance of her duties as set forth herein. The Attorney shall compensate such counsel obtained to pro tem for the Attorney in such instances. Should she be unable to perform her duties for any reason, including illness, the Attorney shall provide for full coverage of all duties to be performed under this Agreement by an attorney duly licensed in the State of Washington. The Coverage Attorney shall be approved in advance by the City and shall provide proof of malpractice coverage and be duly sworn to perform the duties of prosecutor. Such Coverage Attorney shall be compensated by the Attorney and the Attorney, Coverage Attorney and all agents and employees of the Attorney shall be independent contractors. The Attorney promises to hold harmless and indemnify the City from all employee-related costs, fees, benefits, wages and/or taxes of any kind or nature, and any and all fees for services and costs related to the services of the Coverage Attorney.
 5. Subcontracting or Assignment. Attorney may not assign or subcontract any portion of the services to be provided under this Agreement without the express written consent of the City.
 6. Required Notices. The City shall be responsible for the provision to defendants of all required notices to assure their appearance in Court.
 7. Insurance. The Attorney shall be a named insured on the City's policy of errors and omissions insurance for liability for her acts and omissions when acting within the scope of her duties as City Prosecutor for the City.
 8. Hold Harmless. Attorney agrees to indemnify, hold harmless and defend the City, its elected and appointed officials, employees and agents from and against any and all claims, judgments, or awards of damages, arising out of or resulting from the acts, errors or omissions of Attorney. The City agrees to indemnify, hold harmless, and defend Attorney from and against any and all claims, judgments or awards of damages, arising out of or resulting from the acts, errors or omissions of the city, its elected and appointed officials, employees and agents.
 9. Independent Contractor. The Attorney is and shall be at all times during the term of this Agreement an independent contractor and shall indemnify and hold harmless the City from

all costs associated with the wages and benefits of the Attorney's employees or of a Coverage Attorney engaged pursuant to this Agreement.

10. Rules of Professional Conduct. All services provided by Attorney under this Agreement will be performed in accordance with the Rules of Professional Conduct for attorneys established by the Washington Supreme Court.
11. Work of Other Clients. Attorney may provide services for clients other than the city during the term of this Agreement, but will not do so where the same may constitute a conflict of interest unless the City, after full disclosure of the potential or actual conflict, consents in writing to the representation. Any potential conflicts shall be handled in accordance with the Rules of Professional Conduct referred to above.
12. Termination. This Agreement is a contract for the provision of professional services by the attorney to the City, and as such, the City as the client reserves the right to terminate the agreement without cause and without notice at any time. The attorney may, for any reason, terminate this Agreement, but in order to provide reasonable transition to other counsel and in fulfillment of the attorney's ethical obligation to the City as her client, promises she will provide sixty (60) days written notice to the City. The attorney shall also immediately notify the client in the event that the attorney's license to practice law in the state of Washington is revoked or suspended, in which case this Agreement shall be at an end.
13. Complete Agreement. This contract contains the complete agreement concerning the employment arrangement between the parties herein and shall, as of the effective date hereof, supersede all other agreements between the parties.
14. Waiver or Modification. No waiver or modification of this Agreement shall be valid unless in writing and duly executed by the party to be charged therein.

No evidence of any waiver or modification shall be offered or received in evidence of any proceeding, arbitration or litigation between the parties arising out of or affecting this Agreement or the rights or obligations of the parties hereunder, unless such waiver or modification is in writing duly executed by the parties. The parties further agree that the provisions of this section may not be waived except as herein set forth.

15. The term of this Agreement shall be one (1) year, commencing on the 1st day of March, 2001 and terminating on the 28th day of February, 2002, subject, however, to prior termination as provided hereinabove, or upon agreement of the parties.

DATED this _____ day of _____, 2001.

CITY OF GIG HARBOR:

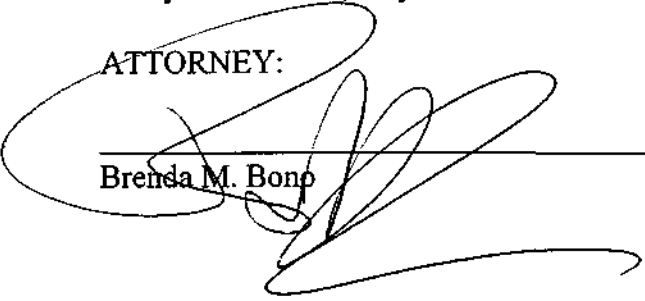
Gretchen A. Wilbert, Mayor

ATTEST:

Molly M. Towslee, City Clerk

ATTORNEY:

Brenda M. Bono



Brenda M. Bono

6718 Cascade Ave.
Gig Harbor, Washington 98335
Phone (253) 858-1208
Fax: (253) 858-0268
E-mail: Brendabono@aol.com

Professional experience

6-2000 – Present

Gig Harbor, WA

Judge Pro Tem

Contract Attorney

- Preside over Criminal Arraignment, Pre Trial and Readiness Calendars.
- Rule on discovery and evidentiary disputes.
- Draft briefs for local Industrial Insurance Attorneys.

10/1994 – 10/1999

Atlanta, GA

Georgia State Board of Workers' Compensation

Administrative Law Judge

- Presided over hearings subject to Civil Practice Act.
- Ruled on discovery and evidentiary disputes.
- Wrote administrative decisions.
- Managed over 35 cases per calendar.
- Presided over conference calls and settlement conferences.
- Certified Mediator – resolved over 1,000 cases, primarily complex and catastrophic in nature.
- Author and Public Speaker – published articles and panelist and/or principle speaker for multiple continuing legal education conferences, continuing judicial education conferences, as well as many other public settings.

3/1993-10/1994

Atlanta, GA

Georgia State Board of Workers' Compensation

Administrative Attorney

- Researched and drafted appellate decisions and legislation.
- Supervised administrative attorney staff.

7/1992-3/1993

Atlanta, GA

Contract Attorney

- Performed pre-litigation and trial preparation for multiple plaintiff litigators.

1/1989-7/1992

Los Angeles, CA

Parsons and Anderson

Associate

- General litigation specializing in insurance defense and insurance coverage.

- Responsibilities included primary case handling, client contact, coverage opinions, motion practice, trial preparation, settlement negotiations, arbitrations, trials and appellate briefs and argument.

5/1986-8/1986

Los Angeles, CA

F.T.C. Summer Intern

Federal Trade Commission, Los Angeles Regional Office

Teaching Experience

Teaching Assistant (Torts), UCLAW, 8/1987-12/1987.

Teaching Assistant (Legal Research and Writing), UCLAW, 8/1986-5/1987.

Assistant Professor – Georgia State School of Law, Workers' Compensation, Atlanta, Georgia, 1996-1997.

Education

May 1988

University of California

Los Angeles, CA

Degree:

J.D.

Summer 1987

Strasbourg, France

International Institute of Human Rights

December 1984

University of Florida

Gainesville, FL

Degree:

B.S. – Advertising Major, Psychology Minor

Professional Memberships

Washington Bar, Admitted June 2000

California Bar, Admitted December, 1988

Federal Court, Admitted to Practice April 1989

Georgia Bar, Admitted May 1993

Atlanta Bar (Judicial, ADR, and Workers' Compensation Sections)

**Pierce County**

Department of Planning and Land Services

CHUCK KLEEBERG
Director2401 South 35th Street
Tacoma, Washington 98409-7460
(253) 798-7200 • FAX (253) 798-3131

February 21, 2001

Mayor Gretchen Wilbert
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Dear Mayor Wilbert:

Recently, you were sent a letter from the Pierce County Regional Council requesting your Council's nomination of representatives to fill two positions elected by the twenty small cities and towns within Pierce County Regional Council's boundary.

Nominations received as of the February 16, 2001, deadline were:

Position OneCliff Murphy, Town of Eatonville
Bud Cole, City of Orting**Position Two**Ann Kirk Davis, City of Lakewood
Darrell Barstow, City of Puyallup
Barbara Skinner, City of Sumner
Linda Bird, City of University Place

At your next council meeting, please select one nominee for each position from those provided. A certified copy of the council resolution or motion must accompany the enclosed ballot. Please forward the ballot and appropriate verification to Toni Fairbanks, Pierce County Regional Council Clerk, on or before 5:00 p.m., March 9, 2001.

If you have any questions, please call me at 253-798-3726.

Sincerely,

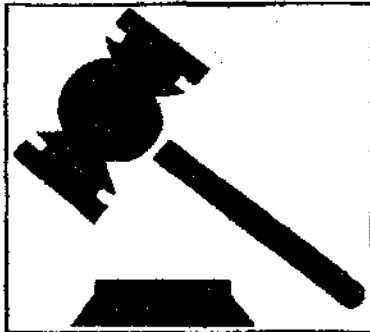
A handwritten signature in cursive script that reads "Toni Fairbanks".

Toni Fairbanks
Clerk, Pierce County Regional Council

Enclosure

cc: Terry Faherty, Chair, Pierce County Regional Council





**ZOO/TREK AUTHORITY BOARD
OFFICIAL BALLOT
VOTE FOR TWO POSITIONS**

Position One

Cliff Murphy, Town of Eatonville
Bud Cole, City of Orting

Position Two

Ann Kirk Davis, City of Lakewood
Darrell Barstow, City of Puyallup
Barbara Skinner, City of Sumner
Linda Bird, City of University Place

The city/town of GIG HARBOR wishes to cast its vote
for _____ of the City of _____
_____ for Position One and for
_____ of the City of _____
_____ for Position Two, to serve as
a member of the Zoo/Trek Authority Board for a two-year and three-year term
respectively, representing the twenty small cities and towns within the Pierce County
Regional Council boundary.

Date: _____

By: _____

Title: MAYOR

This form must be accompanied by a certified copy of the council resolution or motion. Ballots must be received by Pierce County Regional Council Clerk by 5 p.m., March 9, 2001.



February 15, 2001

RECEIVED

FEB 21 2001

CITY OF GIG HARBOR

Bill Harrison
Mayor

Gretchen Wilbert, Mayor
City of Gig Harbor
3105 Judson St.
Gig Harbor, WA 98335

Dr. Claudia Thomas
Deputy Mayor

Dear Mayor Wilbert:

Ann Kirk Davis
Councilmember

The City of Lakewood has submitted the name of Ann Kirk Davis for one of the positions on the Zoo/Trek Authority Board. Ann has a lifelong commitment to the area and has served on the Clover Park School Board in addition to being one of the original members of the Lakewood City Council.

Sherri K. Thomas
Councilmember

José Palmas
Councilmember

Ann is also on the Sound Transit Board and has been very involved in regional issues through both her School Board and Council positions. As many of you may know, the Kirk family has a long business history in Pierce County through several generations. Ann has been a strong advocate of many issues of importance to the Pierce County region and has always represented her constituents extremely well. As Lakewood makes up almost 40% of the municipal population, excluding Tacoma, and is home to one of two major regional park facilities outside Tacoma (Fort Steilacoom Park), we believe she will be able to represent your interests very well in matters that come before this new Board.

Doug Richardson
Councilmember

Ernce H. Humphrey
Councilmember

D. Scott Rohlf
City Manager

Our Council fully and strongly supports Ann's candidacy and respectfully requests your City's favorable consideration of placing Ann in this important role.

L. Jeff Butzlaff
Assistant City Manager

Sincerely,

Daniel B. Heid
City Attorney

Galen Kidd
Finance &
Systems Director

Bill Harrison
Mayor

Alice M. Bush, CMC
General Services Director
City Clerk

cc: Lakewood City Council
City Manager

BH/ikn

WESTSIDE BUSINESS ASSOCIATION
P O BOX 45
GIG HARBOR WA 98335

February 23, 2001

Mayor Wilbert
Member of the City Council
3105 Judson Street
Gig Harbor WA 98335

RE: ZONING CODE AMENDMENTS

During the deliberation on the revised PUD & PRD ordinances, there were a few reoccurring themes, which would require changes to the Gig Harbor Municipal Code (GHMC). Many of you seemed to agree that certain sections of this title should be reviewed for possible amendments. Particularly,

1. The Council's role in quasi-judicial matters,
2. Building or business square footage limitations in certain zones,
3. Time limitations for final plat submittal,
4. R-1 base density, and
5. Net vs. gross buildable area/density

We respectfully request that these code amendments be included during the upcoming amendment cycle that is open for applications between now and March 9, 2001. We are in hopes that the Council will pass a motion at your next meeting that would initiate the above amendments so that they could be included in the upcoming cycle.

We are not asking the Council to take a position on any of the above code amendments at this time, we are simply asking for your help in initiating the process. The staff and the Planning Commission would still have to go through their procedures, SEPA would have to be completed and the entire package would still have to come before you for final approval. However, if the Council does not initiate these amendments, we fear that they will be "lost through the cracks" and not be reviewed for quite some time.

Now seems like the logical time for the council to begin these amendments since the discussion that promoted them happened during the PUD/PRD proceeding and since the application process for other amendments is currently open.

We, in the business community feel this will complete the process that the Council started with the revision of the PUD.



GIG HARBOR ✓ PENINSULA AREA
CHAMBER OF COMMERCE

3302 HARBORVIEW DR., STE. 2 GIG HARBOR, WA 98332 PHONE (253) 851-6865 FAX (253) 851-6881
February 23, 2001



Mayor Wilbert
& Members of the City Council
3105 Judson Street
Gig Harbor, WA 98335

RE: PUD ORDINANCE

We sincerely appreciate all the hard work and time you have put into reviewing the PUD section of the zoning code, and want you to know the Chamber is particularly satisfied with the revised draft. The changes made by the Council over the last few months have gone along way toward clarifying the intent, purpose and procedures for a quality PUD. There are only two remaining items we believe still need to be changed before adoption in order to perfect this revised PUD ordinance.

First, increased height provisions as allowed in 17.90.060A.4 are prohibitive. Many zoning codes allow increased building height in exchange for increased building setbacks. However, the common practice is a one for one ratio. That is, for every one foot of increased height, the building must be setback an additional foot. The current version of the PUD ordinance has a one to five ratio. That is, for every one foot of increased height, the building must be setback an additional five feet! For example, if an applicant proposed a 45' high building in a zone that allowed only 35', he would have to set his building back an additional 50'! We believe that the ratio should be one to one.

Second, the maximum gross floor area bonus provisions while appearing to be generous would have the possibility of being unfair. There are five sub-categories of items that an applicant can use to increase the floor area by 10% each (not to exceed 30% in C-1 or 50% in B-2). However, two of these five items may not even exist on some properties, natural features or scenic vistas. If a property lacks these items, then the bonus provisions would be unavailable. We think an easy and fair fix to this problem is for an additional provision to be added which states:

17.90.090 B If one or more of the above five items is unattainable on a given site, then the remaining items may be increased on a pro-rata basis to allow for the maximum floor area bonus as allowed in 17.90.090.

These are the only two issues we have left with the proposed ordinance and hope you are able to satisfy our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Walt Smith". The signature is written in dark ink and is positioned above the printed name.

Walt Smith

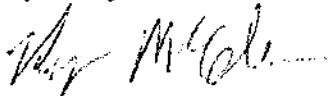
Memo

To: Mayor Gretchen Wilbert
From: Ryan McGlone
CC: Gig Harbor City Council
Date: 2/26/01
Re: Skatepark Rules and Possible Bike Park Plans

The following pages contain documents from organizations, which aim to promote the use of bicycles on public skateparks. Both SPA USA, and Bro are non-profit organizations dedicated to creating safe parks for both BMX bicycle riders, in line skaters, and skateboarders to ride. I feel these organizations are positive role models for the City of Gig Harbor to turn to regarding the use of bikes on the Gig Harbor public skatepark. I also included pictures that were taken this morning of current damage to the cement facility. This shows that there is some damage created by skateboards, and minimal damage from BMX bicycles. There is also evidence of damage created by weathering. I would like proof that this park will become so damaged by bicycles that skateboards will not be able to use the facility before the city decides to ban bicycles.

I realize there is a lot of opposition to these ideas by skaters and members of the Gig Harbor community so I took the time to research the possible costs for producing a public bike park. The last pages include bike park plans that give a description of the costs associated with producing a park. Northwest Ramp Builders Gave this price quote to the City of Tacoma, and the Vice President, Ben Davis, gave this to me to give you an idea of what kind of park he can build.

Thank you for your time.


Ryan McGlone



Frequently Asked Questions.

Q: What is BRO?

A: The BMX Riders Organization (BRO) is a broad-based group of riders from the various disciplines of BMX. BMX freestyle is not only a valid sport, but an art form. Our goal is to protect, preserve and promote our sport and form of expression.

We work to encourage awareness of the legal and social issues surrounding the sport, and to provide a voice for its participants. We also work to foster a sense of community between BMX Riders, the public and athletes of similar sports, such as skateboarding.

BRO is non-hierarchical and anyone, anywhere is welcome to start a local chapter. The founders request to be kept informed about local happenings and provide a website and message board to foster communication between groups.

BRO does:

- Advocate for public riding areas for BMX.
- Lobby private facilities to offer the same services to BMX that they do to other sports.
- Try to counteract anti-BMX prejudice wherever it is found.

BRO does not:

- Sponsor riders.
- Make or sell any products.
- Profit from BMX in any way.

Q: Who are the founders of BRO?

A: BRO was started by some of the older BMX riders in the San Francisco area who have repeatedly seen the effects of these problems BMX riders face. Contact us at <http://bmxriders.org> or email: info@bmxriders.org

Q: What is BMX riding?

A: BMX (Bicycle Motocross) riding is typically done on 20 inch wheeled bicycles and includes several disciplines of "trick riding" which involves skill

and daring.

"Dirt jumping" is one of the oldest disciplines of the sport since the roots of BMX are in motocross (MX) riding which involves dirt jumping. Dirt jumps are carved out of mounds of dirt - usually one mound for takeoff and one for landing. A BMX rider pedals quickly to the jump, tries to get as high as possible, usually performing a trick before landing.

The "flatland" discipline is much like an ice skater's routine in which all the moves are done on a flat surface with a high degree of technical skill. The precision required for flatland is respected as requiring the most time to master.

The "vert" riding discipline involves riders on 9 to 12 foot high ramps which transition along a 8 foot radius to a vertical wall. The rider's goal is to fly high out of the ramp, perform a stunt and land safely back on the ramp. While the moves are not as technically complex as flatland, the danger is much greater.

"Street riding" is a cross between dirt jumping, flatland and vert riding. "True" street riding is riders performing tricks on obstacles found in the street such as ledges and stair handrails. In street riding competitions and at riding parks, riders face a field of smaller but irregular shaped ramps and surfaces to perform tricks on.

Q: What does BRO intend to accomplish?

A: Gaining access to existing parks, gaining funding for public parks and building a private park. Most of this hinges on the liability issue, so our main task at hand is to have BMX declared a "hazardous sport" much like skateboarding recently did with CA Assembly Bill 1296. The declaration of a sport as hazardous releases public and private park owners from most of liability which in turn lowers insurance rates. Ironically, if a sport is NOT legally recognized as hazardous, it is viewed as too risky for the park owner to allow - hazardous sports are financially less risky.

Q: What are the effects of not having these parks available?

A: Kids who ride BMX bikes are on their own to find or build places to ride. Most of these spots are unsupervised and risk demolition, as with dirt jumps. There is no enforcement or encouragement to wear safety equipment and, since the places where they ride are often illegal to ride, BMX riders are subject to ticketing by police which creates a "us against them" mentality toward law enforcement.


bmxriders.org

Banned from the Parks

There's a skatepark gold rush going on right now. All over the country (the world?) each month ground is being broken on a glorious new cement playground. Never before have cities been so in tune with what skateboarders want and need from a skatepark. They form committees with local skaters. They bring in professional skateboarding consultants from out of state. They hire actual skaters to design and build the parks.

The one thing that the local skaters, the professional consultants, and the hardcore skatepark builders never fail to demand?

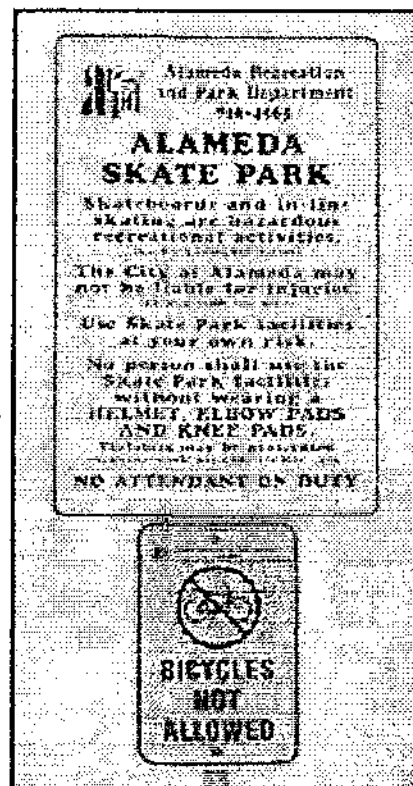
Keep bikes out.

Whatever the reason overcrowding, safety, damage to the cement our four-wheeled brothers and sisters, with whom we have shared many a secret street spot, backyard mini ramp, and abandoned pool throughout the dark, skatepark-free years, have turned against us at the first whiff of legitimacy. They have their parks now, and they're intent on keeping them to themselves.

I don't want to suggest that they're the only ones keeping us out the liability laws that apply to bike riding and skateboarding are different, although plans are afoot to bring them up to par but the issue starts when skaters start telling their city managers (without the benefit of facts or research) that bikes are dangerous, that riders don't look where they're going, that our pegs damage the concrete. So the signs go up, bikers ride anyway, and kids get tickets. Occasionally, voices are raised. Sometimes, fists might even fly.

I'd ask my skateboarding friends to consider this the skatepark, although designed and built by skaters for the purpose of skateboarding, is usually also perfect terrain for riding a BMX bicycle. If a new office park went up in your town with the latest in modern architecture banks, ledges, stairs, rails you'd ride it. It wasn't built to be skated, but you'd skate it anyway. So maybe the skatepark is a skateboarder's office park. It wasn't built to be ridden by bikers, but we ride it anyway. It's always going to be that way.

There are plenty of parks throughout the world that accommodate all types of users. Some new parks are being built with bikes in mind at the earliest



stages of planning. Also, not all skaters are anti-bike. Many people like to do both activities. Still, there seems to be a lot of misinformation, selfishness, and prejudice left to counter.

So the next time you're meeting with a city manager to talk about a new park, whether you're a local skater, a professional consultant, or a skatepark designer and builder, ask yourself whether it's better to encourage that city to build a park big enough and designed well enough to accommodate everyone skaters, inliners, and, yes, bikers, or to continue to take the short-sighted route of denying one set of kids access, and policing the ones that are going to ride it anyway.

- Allan McNaughton



BMX RIDERS ORGANIZATION

bmxriders.org



BMX & SKATEPARKS

SPAUSA City Packet

Our Online Skatepark Guide

- Introduction
- First Steps
- Resources
- Builders
- Insurance
- Parks and Rec
- Safety
- Bikes and Parks
- Related Associations
- Civic Groups
- Park Costs

Download the Entire Guide
(Word Format)

- Our Mission
- New Skateparks
- Membership
- Newsletter
- Contact
- Links

Stay on top of the skatepark
news - subscribe to our
newsletter:

Cities should always allow bikes to use the skateparks. They are building a park for recreational purposes and it is not right to exclude these kids. Private parks have the option to decide who uses their park. Many private parks are also building climbing walls for the kids. Cities need to provide a safe, challenging and fun environment for children if they expect to compete with drug dealers.

Should you allow bikes in your park?

YES

Do bikes ruin the ramps?

NO We have been surveying parks for several years and have not come up with any evidence that they cause anymore wear & tear than skateboarders or inline skaters.

Can bikes and skateboarders use the park at the same time?

YES If you have a very busy park you may want to designate special hours for bikes.

CIVIL RIGHTS ISSUES

If you are a private park then you can decide who uses the park. If you are a city park and you discriminate against the biker (who is usually accepted into private parks) then you may have a civil rights issue. You may be required to build a separate bike park.

There are over 1 million freestyle bikers in the USA. This is a growing sport with a national following and one of the most exciting to watch! Active children should be appreciated for the athletes that they are and given every opportunity to excel at their chosen sport. Freestyle biking is a great sport and these are great kids. They deserve better treatment from their cities and communities

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Insurance :: Parks and Rec :: Safety :: Bikes and Parks ::
Related Associations :: Civic Groups :: Park Costs

New Skateparks :: Our Mission :: Membership ::
Newsletter :: Contact



Introduction

SPAUSA City Packet

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ARE YOU CONTRIBUTING TO THE DELINQUENCY OF A MINOR?

This is a three billion dollar a year industry! Adult industry and government are making money off these children. Think about it for a minute... Manufacturers market their product to the kids, it is advertised in the magazines and on TV, sold in the stores, government and cities collect sales tax from the stores and manufacturers and the child purchases his dream... helmet, pads, a skateboard or in-line skates and a couple of videos and the next thing you know he is arrested! The police write a ticket (usually same fee as jay-walking) and the city collects more fees and these kids get multiple tickets then they get an attitude. They spend their days fleeing authority figures and they grow up on the streets. They are usually 10-11 yr. old when they start. By the time they are 12-14 yr. they are hard for the police to catch. These were not at risk youth when they started, they were little kids.

Cities and municipalities have an obligation to their communities to provide safe places for their youth to skate. It is an investment in their future. When children are looked after and cared for by adults they grow up into responsible, caring adults. That is a known fact and that is why we have parks & rec programs. As responsible adults we cannot turn our backs on these kids. So what do we do now?

- Designate land or a building for a skatepark: if you think that you don't have any to spare, ask me about the eminent domain act - a city can seize abandoned railroad land for their use - this land is quite suitable for skating needs. But you may need to do a feasibility study.
- Get it approved... sometimes this is difficult... don't give up.
- We have a list of qualified contractors and designers to help you build your park you will need anywhere from \$25,000 - \$250,000 depending on the size and design we can help you with almost anything including insurance!

Some cities require that the youth raise some or all of the funds for the park. If your city has no funds and it has been your pattern to require the basketball or baseball players to raise the funds for

their facilities then you may want to go that route. If however you have funded every other sport and now put your hands in your pockets, then I think you are being unfair and may be entering into some civil liberties issues. Ouch! Don't you hate it when I bring that up.

Some cities partner with a private group, they provide the land/building and the group builds and manages the park. This can be a win/win situation. Your concerns would be that the park is affordable for the immediate neighborhood youth and you may have to work out something with the park to provide scholarships. You also need to be sure that the group is qualified to work with children. I would advise background checks for all staff and encourage the city to stay involved on some level.

According to the International Association Of Skateboard Companies (IASC) there are over 300 public parks under construction throughout the United States. Three years ago we had a list of over two hundred US Skate Parks. Parks are being built so fast that we are having a difficult time tracking them. We have quite a few large private parks and many churches throughout the nation are adding skateparks to their youth ministry.

Skateparks are the #1 choice of teenagers when polled by Parks & Recreation departments.

The average SKATEBOARDER is a male between 7-16 yrs old. From our recent surveys we also know that art & music are their favorite subjects. Fourteen & under, less than 1% would use drugs while skateboarding, in line skating or freestyle biking and all prefer their sport to drugs. Drug dealers are very successful in marketing their product to older teens, but again these athletes are less likely to use drugs if they are skating hard. One area SPA USA is very concerned about is the use of tobacco. Over the last 20 years skateboarders have been very successfully targeted by the tobacco companies. Every effort should be made to promote skateboarding as a sport and these youngsters as athletes. It is time to start the healing process and bring these wonderfully talented kids back into the community and offer them as much support as we can.

The skateboarding industry reported sales of \$720 million last year. Over 100,000 skateboard decks are manufactured every month!

There were many skateparks built in the 70's and then shut down. Insurance may have been the problem. The point being that it did not stop skateboarders. They took to the streets - and learned to skate in ways that no one could imagine. Their sport grew and grew. Because of the lack of community support we have raised a nation of outcasts. These are our kids and our future. We owe them the same support that we show to all the other young athletes in our communities. Skaters and bikers work harder at their sport than any other group I have ever seen!

Size: Most cities surveyed have said if they could change one thing about their park it would be the size. It would be bigger. Calgary (Canada) is building the largest skatepark in the world (that we know of). It is a public park- 91,500 sq. ft , which is about 20,000 sq. ft larger than than VANS new Bakersfield park (70K). There are

some small parks about 5000 sq. ft. but many companies are refusing to build less than 7000 sq. ft. A tennis court is made for 2-4 people. Some cities try and put 60 skaters onto a tennis court. I think you have to be a little more realistic about the size of the park. Some other cities are choosing to build multiple smaller parks (Long Beach has 5 parks in the planning stages) as opposed to one large park.

According to AMERICAN SPORTS DATA, there are 9.3 million skateboarders under the age of 18 and guess what - drug trade is the 2nd largest business in America. Who do you think they are going to target? Our youth, of course. Should this be part of your presentation? I think so. I also think that unsupervised parks may create opportunities for drug dealers, unless the park is located in a safe and populated area.

ROBO just built a new 56K sq. ft park in Ontario. They have 2 areas set aside for our biker friends! It is not fair to exclude freestyle bikers from your park. If you have safety concerns you could designate certain times or days for bike use. They must wear safety equipment!

There are many large parks going into malls, the idea being that while junior skates, Mom & Dad will shop, go to the movies or have a meal. There may be a direct economic advantage to building a skatepark in your community!

Good Luck!!

-Heidi Lemmon, SPAUSA

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Related Associations :: Civic Groups :: Park Costs

New Skateparks :: Our Mission :: Membership ::
Newsletter :: Contact

spausa.org :: info@spausa.org

design by { skizat design } :: hosted by summersault

To Whom It May Concern:

2-24-01

Attached is a proposal made for the City of Tacoma on building an outdoor skatepark produced by NW Ramp Co. This park is designed to be 100'X120.' The quoted prices are for a wood park only. The building of the wooden structures would total \$50,000. This does not include the cement pad needed to build on. The City of Tacoma was given a quote of an additional \$50,000 to build a concrete pad. The cost for the Skatelite composite sheets is \$150 a sheet. This particular design would need a total of 150 sheets, leaving total of the liner to equal\$22,500. The total cost of the park would then be 122,500.

There are several advantages over this style of park compared to a cement facility. First, it would be virtually waterproof. The Skatelite surface is waterproof and is attached with a tarpaper to the sheets of plywood minimizing water seepage into the wooden structure. This park could also be easily changed and added onto, as portions could be disassembled without affecting the rest of the structure. Repairs to this style of structure can be made quickly and efficiently. The outer surface, which could become worn over time, can be re finished only on damaged areas without disturbing the rest of the facility.

There are also two possible ways to cut the cost of these facilities. First, if it is possible to find an area, which is already paved, the \$50,000 cost to create a surface could be eliminated. Also, Skatelite is a Tacoma based product that could be looking for areas to promote its product. There is a possibility that they would cut the cost of their product in order to build a bikepark in the Northwest.

Northwest ramp
Builders LLC



8012 So. Tacoma Way #41
Lakewood, WA 98499

Phone: 253-582-8487
Fax: 253-660-3951
Email: min@bnisports.com

Ben Davis
Vice President

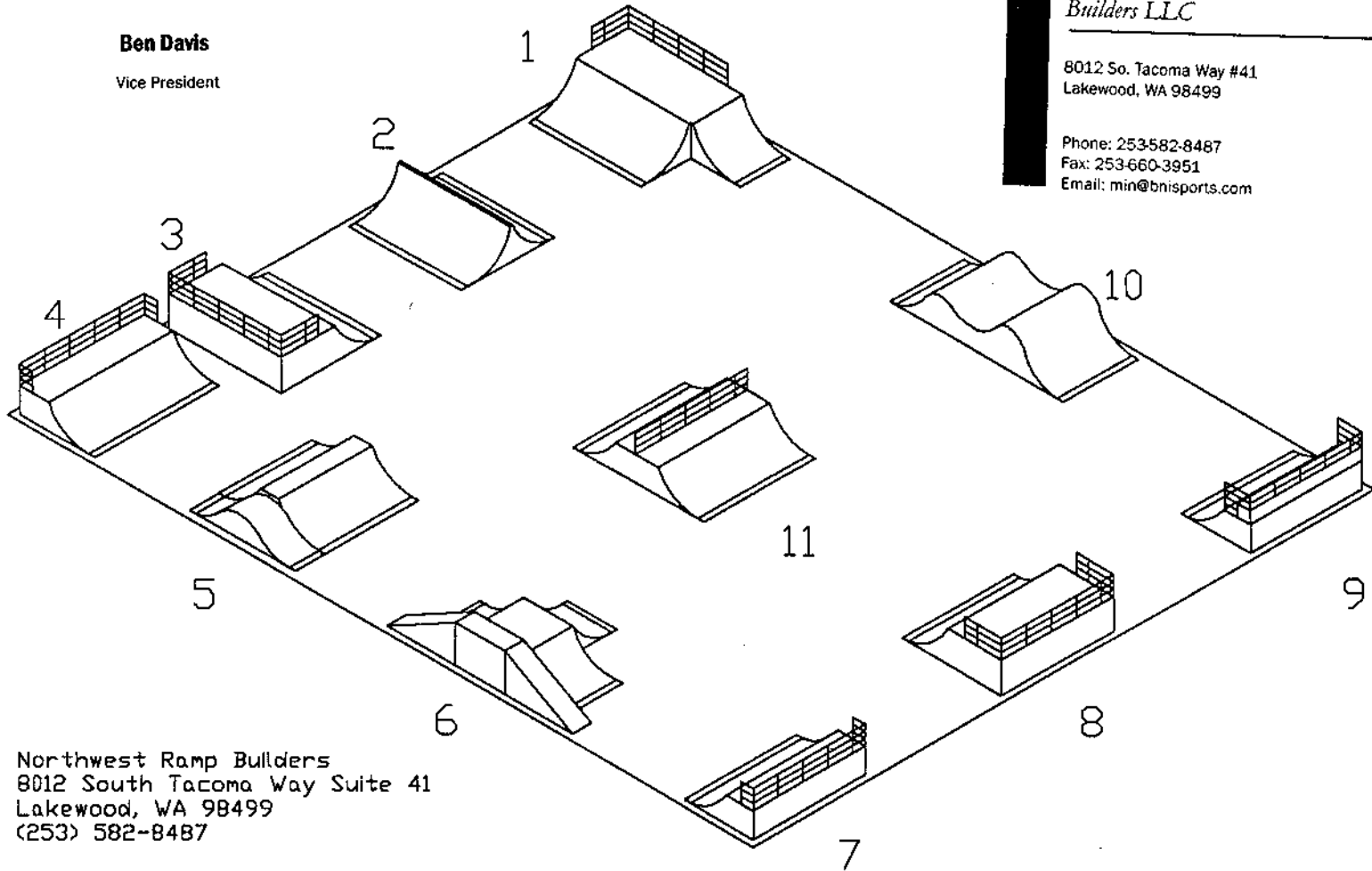
Northwest ramp
Builders LLC



8012 So. Tacoma Way #41
Lakewood, WA 98499

Phone: 253-582-8487
Fax: 253-660-3951
Email: min@bnisports.com

Ben Davis
Vice President



Northwest Ramp Builders
8012 South Tacoma Way Suite 41
Lakewood, WA 98499
(253) 582-8487

100' x 120'
PARK COST \$50,000⁰⁰
+ SKATELITE PRO \$150⁰⁰ PER SHEET
+ PAD to Build ON

Possible Weathering Damage

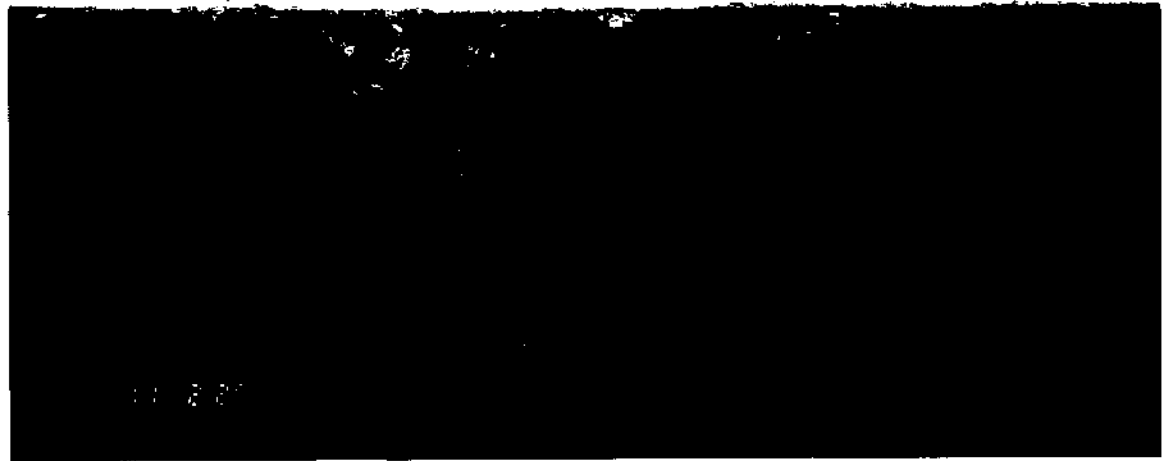




Possible Skateboard Damage

This damage can occur where skateboards grind on their trucks around areas, which are not protected by metal coping.





Possible BMX Bicycle Damage

Pegs hitting the cement could have made these marks. This damage is less frequent than both the possible weathering and skateboard damage. As you can see, the size of these marks is extremely small, and would not affect a skateboarder that is rolling over it.



