

# **Gig Harbor City Council Meeting**

**January 8, 2007  
6:00 p.m.  
(note early starting time)**



**AGENDA FOR  
GIG HARBOR CITY COUNCIL MEETING  
January 8, 2007 - 6:00 p.m.**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

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

1. Approval of the Minutes of City Council Meeting of December 21, 2006.
2. Facilitation of Design Review Process Improvements – Contract Amendment.
3. Sanitary Sewer Facilities Easement & Maintenance Agreement, and Stormwater Facilities Maintenance Agreement & Restrictive Covenant – Northharbor Lot 2.
4. Approval of Payment of Bills for December 26, 2006:  
Checks #52289 through #52406 in the amount of \$477,861.72.
5. Approval of Payment of Bills for January 8, 2007:  
Checks #52407 through #52498 in the amount of \$155,697.26.
6. Approval of Payroll for the month of December:  
Checks #4518 through #4547 and direct deposit entries in the amount of \$278,092.40.

**OLD BUSINESS:**

1. Second Reading of Ordinance – Rust Street Vacation – Beck.

**NEW BUSINESS:**

1. Public Hearing – Milton Avenue Street Vacation Request – Drolshagen.
2. Ordinance No. 589 – Goodman Avenue Street Vacation.
3. First Reading of Ordinance – Clubs and Lodges Text Amendment.
4. First Reading of Ordinance – GHMC 1.20 Official Newspaper.
5. Resolution No. 696 – Authorizing Application for Federal Grant Funding Assistance – Preserve America.
6. Resolution No. 697 – Authorizing Application for State Grant Funding Assistance – CGL Grant Program.
7. Resolution – Harbor Crossing Final Plat.
8. Federal Governmental Affairs Lobbying Services – Consultant Services Contract.

**STAFF REPORT:**

1. Tom Dolan, Planning Director – Zone Transition Buffering Standards.
2. Tom Dolan, Planning Director – Proposed Amendments to RB-1 Zoning Regulations.

**PUBLIC COMMENT:**

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

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Gig Harbor North Traffic Options Committee – Wednesday, January 17, at 9:00 a.m. in the Community Rooms A & B.
2. Council Retreat – Wednesday, February 28, at 8:00 a.m. in the Community Rooms A & B.

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

**ADJOURN:**

## **SPECIAL GIG HARBOR CITY COUNCIL MEETING OF DECEMBER 21, 2006**

**PRESENT:** Councilmembers Franich, Conan, Kadzik, Payne and Mayor Hunter.

Councilmembers Dick, Ekberg, and Young were absent.

**CALL TO ORDER:** 6:05 p.m.

**PLEDGE OF ALLEGIANCE:**

**CONSENT AGENDA:**

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

1. Approval of the Minutes of City Council Meeting of December 11, 2006.
2. Correspondence: Report from PenMet Parks – Peninsula Recreation Program.
3. Adoption of 2007 Job Descriptions.
4. Conflict of Interest Letter.

**MOTION:** Move to approve the Consent Agenda as presented.  
Franich / Conan – unanimously approved.

**OLD BUSINESS:** None scheduled.

**NEW BUSINESS:**

1. City Administrator Contract. Mayor Hunter presented the contract for the City Administrator with Mr. Robert Karlinsey. Mayor Hunter explained that Mr. Karlinsey is currently the Deputy City Manager for the City of University Place and ranked highest among those candidates selected for interviews. There was minor discussion about the terms of the contract that included the six-month termination clause, vacation accrual and salary range. Mayor Hunter stated that the employment contract was drafted by the city's personnel attorney. The salary range and benefits were approved in the 2007 annual budget.

**MOTION:** Move to approve the City Administrator contract with Mr. Robert Karlinsey.  
Kadzik / Payne – unanimously approved.

2. Amendment to Temporary Employment Contract. Mayor Hunter presented the temporary employment contract for the administrative and special projects assistant with Lita Dawn Stanton. He explained that it is the same contract as was initially approved, with an extension of 90 days to allow for the continuation of the duties that she is currently performing.

**MOTION:** Move to approve the temporary employment contract with Ms. Lita Dawn Stanton.

Payne / Kadzik – unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 6:32 p.m.  
Franich / Conan – unanimously approved.

CD recorder utilized:  
Disk #1 Tracks 1 – 4

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Charles L. Hunter, Mayor

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Maureen Whitaker, Asst. City Clerk



## **COMMUNITY DEVELOPMENT DEPARTMENT**

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: TOM DOLAN, PLANNING DIRECTOR**  
**SUBJECT: SECOND AMENDMENT - CONTRACT FOR FACILITATION OF**  
**DESIGN REVIEW PROCESS IMPROVEMENTS**  
**DATE: JANUARY 8, 2007**

### **INFORMATION/BACKGROUND**

In 2006 the Council approved two contracts with The Latimore Company, LLC (TLC) for an evaluation of the business procedures within the Community Development Department. In summary, the evaluation identified that the City of Gig Harbor's design review process was a constraint to new development. The purpose of this contract is to facilitate the development of a series of text amendments that refine the design review process. Also proposed is working with stakeholders to develop amendments to the comprehensive plan that are also oriented towards the refinement of the design review process.

### **FISCAL CONSIDERATION**

This work was anticipated in the 2007 Budget - Planning Objective #8. \$35,000 was allocated within the budget for these services.

### **RECOMMENDATION**

I recommend Council approval of the Amendment to the Consultant Service Contract with The Latimore Company, LLC in an amount not to exceed Thirty Five Thousand Dollars (\$35,000) as presented.

**AMENDMENT #2 TO CONSULTANT SERVICES CONTRACT  
BETWEEN THE CITY OF GIG HARBOR AND  
THE LATIMORE COMPANY, LLC**

THIS SECOND AMENDMENT is made to the AGREEMENT, dated April 10, 2006, and subsequent AMENDMENT #1, dated June 26, 2006, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and The Latimore Company, LLC, a limited liability corporation organized under the laws of the State of Washington, located and doing business at 11805 Ingraham Road, Snohomish, Washington 98290, (hereinafter the "Consultant").

**RECITALS**

WHEREAS, the City is presently engaged in the implementation of business process evaluation recommendations and desires that the Consultant perform services necessary to provide the following consultation services.

WHEREAS, the Consultant agreed to perform the services, and the parties executed an Agreement on April 10, 2006 (hereinafter the "Agreement"); and

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

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

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

**Section 2. Amendment to Compensation.** Section II(A) of the Agreement is amended to require the City to pay compensation to the Consultant for the work described in **Exhibit A** to the Amendment in the amount of: Thirty-five Thousand Dollars (\$35,000.00). This Amendment shall not modify any other of the remaining terms and conditions in Section II, which shall be in effect and fully enforceable.

**Section 3. Effectiveness of all Remaining Terms of Agreement.** All of the remaining terms and conditions of the Agreement between the parties shall be in effect and be fully enforceable by the parties. The Agreement shall be incorporated herein as if fully set forth, and become a part of the documents constituting the contract between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

THE CITY OF GIG HARBOR

By: Kurt R. Latimore, member  
Its Principal

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

Notices to be sent to:

CONSULTANT  
The Latimore Company, LLC  
Attn: Kurt Latimore  
11805 Ingraham Road  
Snohomish, Washington 98290  
(360) 805-2999

Thomas Dolan  
Director of Planning  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, Washington 98335  
(253) 851-6170

APPROVED AS TO FORM:

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

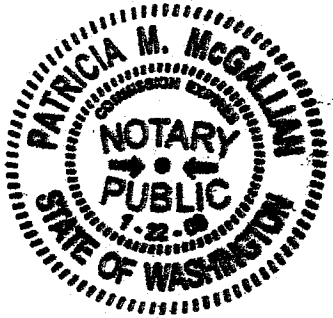
ATTEST:

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

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

I certify that I know or have satisfactory evidence that Kurt Latimore 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 a member of The Latimore Company, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 12/20/06



Patricia M. McCallian  
Patricia M. McCallian  
(print or type name)  
NOTARY PUBLIC in and for the  
State of Washington, residing at:  
Kitsap County

My Commission expires: 1-22-2009



STATE OF WASHINGTON        )  
  ) ss.  
COUNTY OF PIERCE         )

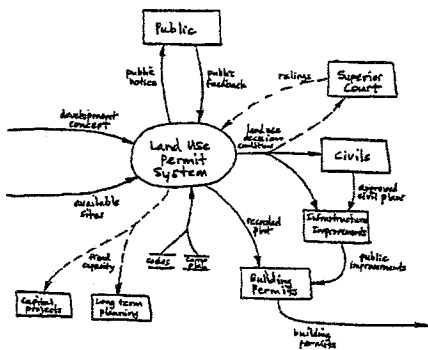
I certify that I know or have satisfactory evidence that Charles L. Hunter is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor to be the free and 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: \_\_\_\_\_



**The Latimore Company, LLC**  
 11805 Ingraham Road  
 Snohomish Washington 98290  
 (360) 805-2999 • (888) 650-2999  
 klatimore@thelatimoreco.com

December 18, 2006

Mr. Tom Dolan, Planning Manager  
 City of Gig Harbor  
 3510 Grandview Street  
 Gig Harbor WA 98335

Re: Facilitation of Design Review Process Improvements

Dear Tom,

Thank you for this second opportunity to continue our work together to improve the predictability, efficiency and collaboration of the Gig Harbor Community Development process. The first improvement was preparation for the new tracking system. The next is improvement of the design review process.

The Latimore Company (TLC) proposes improvement of the design review process in *two phases*. The first phase focuses various existing efforts into one, establishes an action plan with concurrence of the planning commission, and proposes a series of text amendments that improve process efficiency under the current comprehensive plan. The second phase docket refinements to the comprehensive plan to clarify goals and policies underlying design review and culminates with a series of implementing text amendments.

The first phase runs January through the Summer 2007 comprehensive plan docket. Phase two begins in the Spring of 2007 and finishes by year end.

All phases are collaborative with the City's staff, planning commission, and design review board plus representatives of the development community. The City's long-range planning staff leads the overall effort with TLC assistance.

TLC would perform the following tasks. Each phase may be authorized and funded separately. The billing rate for all tasks is \$175 per hour, preserving the same rate as the prior contract.

## Phase 1

### **Task 1 – Form Team and Establish Plan (60 hours approx. - \$10,500.00)**

- Assemble the various people currently working within the city to improve design review
- Brief this group on the conclusions of the assessment, particularly design review findings
- Facilitate group discussion to create one team with one plan
- Present this plan to the planning commission
- Work with the team and planning commission to finalize the plan
- Present this plan to the city council

### **Task 2 – Incremental Text Amendments (60 hours approx. - \$10,500.00)**

- Facilitate development of a series of text amendments that refine the design review process within the goals and policies of the current comprehensive plan
- Facilitate the first two text amendment presentations to the planning commission
- Work with staff to help implement adopted text amendments effectively

## Phase 2

### **Task 3 – Comprehensive Plan Refinements (60 hours approx. - \$10,500.00)**

- Kickoff development of proposed comprehensive plan goals and policies and administrative procedures that refine design review practices within certain areas, districts or corridors in the city
- Assist in preparations and participate in initial planning commission sessions.

### **Task 4 – Text Amendments (20 hours approx. - \$3,500.00)**

- Facilitate development of implementing text amendments for the approved comprehensive plan refinements
- Help staff implement adopted comprehensive plan and text amendments effectively

### **Estimated Fee - \$35,000.00**

Thank you again for this opportunity to serve the City of Gig Harbor. The Latimore Company is prepared to begin right away and support the City in its efforts to improve the predictability, efficiency and collaboration of its Community Development design review process.

Regards,  
Kurt Latimore, Member of The Latimore Company, LLC



"THE MARITIME CITY"

**COMMUNITY DEVELOPMENT DEPARTMENT**

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: STEPHEN MISIURAK, P.E., CITY ENGINEER**  
**SUBJECT: SANITARY SEWER FACILITIES EASEMENT & MAINTENANCE AGREEMENT, AND STORM WATER FACILITIES MAINTENANCE AGREEMENT & RESTRICTIVE COVENANT – NORTHARBOR LOT 2 DEVELOPMENT – BURNHAM CONSTRUCTION LLC**  
**DATE: JANUARY 8, 2007**

**INTRODUCTION/BACKGROUND**

As a condition of project approval, the Northharbor Lot 2 Development located at 4706 97<sup>th</sup> St. NW (Northharbor Business Campus) owned by Burnham Construction LLC is required to enter into a Sanitary Sewer Facilities Easement & Maintenance Agreement, and a Storm Water Facilities Maintenance Agreement & Restrictive Covenant. This will ensure that the sanitary sewer system and storm water system will be constructed, operated and maintained in accordance with all applicable rules and regulations. The sanitary sewer system and storm water system is located on private property and will be privately owned. The city will not be responsible for the operation and maintenance of these systems. These agreements allow the city a nonexclusive right-of-entry onto those portions of the property in order to access the sanitary sewer system for inspection and monitoring of the system.

The city's standard Sanitary Sewer Facilities Easement & Maintenance Agreement and Storm Water Facilities Maintenance Agreement & Restrictive Covenant have been drafted and approved by Carol Morris, City Attorney. These agreements will be recorded with the property.

**FISCAL CONSIDERATIONS**

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

**RECOMMENDATION**

Staff recommends that City Council approve this agreement as presented.

AFTER RECORDING RETURN TO:

The City of Gig Harbor  
Attn: City Clerk  
3510 Grandview St.  
Gig Harbor, WA 98335

**WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM**

**Document Title(s) (or transactions contained therein):**

Sanitary Sewer Facilities Easement and Maintenance Agreement

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**Grantor(s) (Last name first, then first name and initials)**

Burnham Construction, LLC.

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**Grantee(s) (Last name first, then first name and initials)**

City of Gig Harbor

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**Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)**

A Portion of the SW 1/4 SE 1/4 and of the SE 1/4 SW 1/4 of SEC 31 TWP 22 N RGE 2 E

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**Assessor's Property Tax Parcel or Account number:**

4001020020

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**Reference number(s) of documents assigned or released:** \_\_\_\_\_

## SANITARY SEWER FACILITIES EASEMENT AND MAINTENANCE AGREEMENT

This Sanitary Sewer Facilities Easement and Maintenance Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Burnham Construction LLC., a Washington Limited Liability Company, located and doing business at (hereinafter the "Owner").

### RECITALS

WHEREAS, Owner is the owner of fee title or a substantial beneficial interest in certain real property located in Gig Harbor, Washington, commonly described as Northharbor Lot 2 located at 4706 97<sup>th</sup> St. NW, Gig Harbor WA, (hereinafter the "Property") and legally described in **Exhibit A**, which is attached hereto and incorporated herein by this reference; and

WHEREAS, in connection with the Owner's proposed development of the Property, the City has required and the Owner has constructed a private sanitary sewer system on the Property; and

WHEREAS, such sanitary sewer system is described and shown on a construction drawing(s) prepared by the engineering firm of AHBL, dated 12/19/06 (hereinafter the "Plans"), for the Owner's Property, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference; and

WHEREAS, as a condition of project approval, and/or due to the nature of the development, the sanitary sewer system on the Property is private, and will not be the responsibility of and/or owned, operated and maintained by the City; and

WHEREAS, the private sanitary sewer will eventually be connected to the City's sanitary sewer system and the City desires an easement to definitively establish the permissible location of the City's access on the Property described in **Exhibit A**, for the purposes described in this Agreement; and

WHEREAS, as a result of said private ownership and responsibility for operation and maintenance, including repair, rehabilitation, replacement, alterations and/or modifications, the parties have entered in to this Easement and Maintenance Agreement, in order to ensure that the sanitary sewer system will be constructed, operated and maintained in accordance with the approved Plans and all applicable rules and regulations;

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

### TERMS

**Section 1. Affected Property.** The real property subject to this Agreement is legally described in **Exhibit A**.

**Section 2. Definitions.** As used in this instrument:

A. The word "plat" refers to the Northharbor Business Campus 400102, and any other plat or plats, including short plats, covering all real property which may hereafter be made subject to the provisions of this instrument by a written instrument signed by the Owner, its successors and assigns, in accordance with this Agreement.

B. The word "lot" refers to a lot shown on any plat defined herein, but shall not include any parcel designated as a "tract" on a plat. "Lot" shall include any parcel of land that is separately subjected to this instrument without having been subdivided into two or more parcels by a plat recorded subsequent to the recording of this instrument.

C. The word "Owner" or "Owners" refers to the entity, whether an individual, corporation, joint venture or partnership which is an owner in fee simple or of a substantial beneficial interest (except for mineral estate) in all or any portion of the property in the Plat or the Property. A "substantial beneficial interest" shall include both legal and equitable interests in the Property.

D. The words "Owners' Association" refer to a nonprofit corporation which may be formed for the purpose of operating and maintaining the facilities described in **Exhibit B** on the Property, which may be independently conveyed by the Owner or its successors and assigns to an Owners' Association, and to which the Owners' Association may provide other services in order to benefit the owners of property within the plat or the Property.

**Section 3. Maintenance Obligations.** The Owner, its successors, assigns and/or owners of an after-acquired interest in the Property, hereby covenant and agree that they are jointly and severally responsible for the installation, operation, perpetual maintenance, of a sanitary sewer system on the Property, as shown on the Plans attached hereto as **Exhibit B**. The sanitary sewer system shall be operated, maintained and preserved by the Owner in accordance with the Plans and all applicable ordinances, codes, rules and regulations. The sanitary sewer system shall be preserved in conformance with the Plans until such time as all parties to this Agreement, including the City, agree in writing that the sanitary sewer system should be altered in some manner or eliminated. In the event the sanitary sewer system is eliminated as provided hereinabove, the Owner shall be relieved of operation and maintenance responsibilities. No such elimination of the sanitary sewer system will be allowed prior to the Community Development Director's written approval.

**Section 4. Notice to City.** The Owner shall obtain written approval from the Director prior to performing any alterations or modifications to the sanitary sewer system located on the Property described in Exhibit A. No part of the sanitary sewer system shall be dismantled, revised, altered or removed, except as provided hereinabove, and except as necessary for maintenance, including repair, rehabilitation, replacement, alterations, and/or other modifications.

**Section 5. Easement for Access.** The Owner hereby grants and conveys to the City a perpetual, non-exclusive easement, under, over, along, through and in the Property, as such Easement is legally described in **Exhibit C**, attached hereto and incorporated herein by this reference. This Easement is granted to the City for the purpose of providing the City with ingress and egress in order to access the sanitary sewer system on the Property for inspection, and to reasonably monitor the system for performance, operational flows, defects, and/or

conformance with applicable rules and regulations. In addition, the City may use this Easement to exercise its rights as described in Section 8 herein.

**Section 6. Assignment to an Owners' Association.** In the event that an Owners' Association is formed under a Declaration of Covenants, Conditions and Restrictions which includes all of the Property in **Exhibit A**, the Owner may assign responsibility for installation and perpetual maintenance of the sanitary sewer system to such Owners' Association for so long as the Owners' Association remains in existence and upon the conditions that the Owners' Association assumes all of the obligations, liabilities, covenants and agreements of the Owner under this Agreement. Such assignment of the Owner's obligations shall be in a duly executed instrument in recordable form, and for so long as such assignment remains effective, the Owner shall have no further responsibility or liability under this Agreement.

**Section 7. Conveyances.** In the event the Owner shall convey its substantial beneficial or fee interest in any property in the Plat, any lot, or the Property, the conveying Owner shall be free from all liabilities respecting the performance of the restrictions, covenants and conditions in this Agreement; PROVIDED, HOWEVER, that the conveying Owner shall remain liable for any acts or omissions during such Owner's period of ownership of such Property.

**Section 8. Rights of the City of Gig Harbor.**

A. Execution of this Agreement shall not affect the City of Gig Harbor's present or future interest or use of any public or private sanitary sewer system. If the City determines that maintenance is required for the sanitary sewer system, and/or there is/are illegal connection(s) to or discharges into the sanitary sewer system, the Community Development Director or his/her designee shall give notice to the Owner(s) of the specific maintenance and/or changes required, and the basis for said required maintenance and/or changes. The Director shall also set a reasonable time in which the Owner(s) shall perform such work. If the maintenance required by the Director is not completed within the time set by the Director, the City may perform the required maintenance. Written notice will be sent to the Owner(s), stating the City's intention to perform such maintenance, and such work will not commence until at least five (5) days after such notice is mailed, except in situations of emergency. If, at the sole discretion of the Director, there exists an imminent or present danger to the sanitary sewer system, the City's facilities or the public health and safety, such five (5) day period will be waived, and the necessary maintenance will begin immediately.

B. In order to assure the proper maintenance of the Owner's sanitary sewer system, and to ensure there will be no damage to the City's sanitary sewer system, the City of Gig Harbor shall have the right as provided below, but not the obligation, to maintain the system, if the Owner(s) fail to do so, and such failure continues for more than five (5)-days after written notice of the failure is sent to the responsible parties. However, no notice shall be required in the event that the City of Gig Harbor determines that an emergency situation exists in which damage to person or property may result if the situation is not remedied prior to the time required for notice.

C. If the City provides notice in writing, but the Owner or Owners' Association fails or refuses to perform any maintenance or operational duties as requested by the City, the City's employees, officials, agents or representatives may enter the Property and undertake the necessary maintenance, repair or operational duties to the City's satisfaction. The City's ability



to enforce this provision is subject further to the City's right to impose materialmen's and/or laborer's liens and to foreclose upon any and all properties owned by the Owner(s).

D. If the City exercises its rights under this Section, then the Owner(s) or Owners' Association shall reimburse the City on demand for all reasonable and necessary expenses incurred incident thereto. In addition, the City is hereby given the right, power and authority acting in the name of the Owner's Association to exercise and enforce on behalf of the Association and at the Association's cost, the assessment of dues and charges for such costs and to enforce the Association's lien right for any assessments, dues and charges as herein specified. The City shall also be permitted to collect the costs of administration and enforcement through the lien attachment and collection process as is permitted under chapter 35.67 RCW, or any other applicable law.

E. In addition to or in lieu of the remedies listed in this Section, if the Owners or Owner's Association, after the written notice described in Section 8A above, fails or refuses to perform the necessary maintenance, repair, replacement or modifications, the City may enjoin, abate or remedy such breach or continuation of such breach by appropriate proceedings, and may bring an action against the violator for penalties under the Gig Harbor Municipal Code.

**Section 9. Indemnification of City.** The Owner(s) agree to defend, indemnify and hold harmless the City of Gig Harbor, its officials, officers, employees and agents, for any and all claims, demands, actions, injuries, losses, damages, costs or liabilities of any kind or amount whatsoever, whether known or unknown, foreseen or unforeseen, fixed or contingent, liquidated or unliquidated, arising from an alleged defect in the design of the sanitary sewer system as installed by the Owner(s), or arising by reason of any omission or performance under this Agreement by the Owner(s), its successors and assigns, and/or Owners' Association, of any of the obligations hereunder.

**Section 10. Rights Subject to Permits and Approvals.** The rights granted herein are subject to permits and approvals granted by the City affecting the Property subject to this Easement and Maintenance Agreement.

**Section 11. Terms Run with the Property.** The promises, conditions, covenants and restrictions contained herein shall constitute a covenant or equitable servitude, the burden and benefit of which shall run with the land and bind successive owners with equitable or legal interests in the Property. Accordingly, by its acceptance of a deed or other instrument vesting a substantial beneficial interest in all or any lot, or other portion of the Property or the Plat in such Owner, each Owner shall covenant to be bound by all the obligations incumbent upon an Owner as set forth herein, and shall be entitled to all rights and benefits accruing to an Owner hereunder. This Agreement shall be recorded in the Pierce County Assessor's Office, and shall serve as notice to holders of after-acquired interests in the Property.

**Section 12. Notice.** All notices require or permitted hereunder shall be in writing and shall either be delivered in person or sent by certified U.S. Mail, return-receipt requested, and shall be deemed delivered on the sooner of actual receipt on three (3) days after deposit in the mail, postage prepaid, addressed to the City or the Owner at the addresses set forth below:

To the City:

City Engineer  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

To the Declarant:

Burnham Construction LLC  
P.O. Box 1805  
Gig Harbor Wa 98335

**Section 13. Severability.** Any invalidity, in whole or in part, of any provision of this Easement and Maintenance Agreement shall not affect the validity of any other provision.

**Section 14. Waiver.** No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented.

**Section 15. Governing Law, Disputes.** Jurisdiction of any dispute over this Easement and Maintenance Agreement shall be solely with Pierce county Superior Court, Pierce County, Washington. This Easement and Maintenance Agreement shall be interpreted under the laws of the State of Washington. The prevailing party in any litigation arising out of this Easement and Maintenance Agreement shall be entitled to its reasonable attorneys' fees, costs, expenses and expert witness fees.

**Section 16. Integration.** This Easement and Maintenance Agreement constitutes the entire agreement between the parties on this subject matter, and supersedes all prior discussions, negotiations, and all other agreements on the same subject matter, whether oral or written.



**NOTARY BLOCK FOR AN INDIVIDUAL**

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

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
NOTARY PUBLIC, State of Washington,  
residing at: \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

**CITY OF GIG HARBOR NOTARY BLOCK**

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

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

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

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

**EXHIBIT A**  
**PROPERTY LEGAL DESCRIPTION**

LOT 2 OF THE AMENDED BINDING SITE PLAN FOR NORTHARBOR BUSINESS CAMPUS, RECORDED OCTOBER 23, 2003 UNDER RECORDING NO. 200310235007, WHICH IS AN AMENDMENT OF BINDING SITE PLANS RECORDED UNDER RECORDING NOS. 9403090799, 9610210451, 200108145002 AND 200002165005, RECORDS OF PIERCE COUNTY AUDITOR;

SITUATE IN THE CITY OF GIG HARBOR, COUNTY OF PIERCE, STATE OF WASHINGTON.

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**EXHIBIT C**  
**EASEMENT LEGAL DESCRIPTION**

A STRIP OF LAND 15.00 FEET IN WIDTH LYING IN A PORTION OF TRACT "A", NORTHARBOR BUSINESS CAMPUS BINDING SITE PLAN, RECORDED OCTOBER 23, 2003 UNDER AUDITOR'S FILE NUMBER 200310235007, AND HAVING 7.50 FEET OF SUCH WIDTH ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2 OF SAID NORTHARBOR BUSINESS CAMPUS; THENCE NORTH 05°16'37" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 49.26 FEET TO THE TRUE POINT OF BEGINNING FOR THIS CENTERLINE DESCRIPTION; THENCE NORTH 80°22'17" WEST A DISTANCE OF 43.28 FEET; THENCE NORTH 89°12'07" WEST A DISTANCE OF 14.29 FEET TO THE EASTERLY MARGIN OF THE INGRESS, EGRESS AND UTILITIES EASEMENT (97<sup>TH</sup> STREET NORTHWEST) AS SHOWN ON SAID NORTHARBOR BUSINESS CAMPUS BINDING SITE PLAN, AND TERMINUS OF THIS CENTERLINE DESCRIPTION.

THE SIDELINES SHALL BE LENGTHENED OR SHORTENED SO AS TO INTERSECT THEMSELVES, THE WEST LINE OF SAID LOT 2, AND THE EASTERLY MARGIN OF SAID 97<sup>TH</sup> STREET NORTHWEST.

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON.



*"THE MARITIME CITY"*

**COMMUNITY DEVELOPMENT DEPARTMENT**

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: SECOND READING OF ORDINANCE**  
**- RUST STREET VACATION REQUEST - LARRY BECK**  
**DATE: JANUARY 8, 2007**

**INTRODUCTION/BACKGROUND**

The City received a letter on September 25, 2006, from Mr. Larry Beck, owner of the abutting property, petitioning the City to vacate portions of Rust Street in accordance with GHMC 12.14.002C.

Specifically, the request is for the vacation of the north 30 feet of the Rust Street right-of-way currently held by the City, and abutting the southern property frontage of lots 12-16 of Block 4 of the plat of Artena, and for the vacation of the southern 30 feet of Rust Street abutting the northern property frontage of lots 5-7 of Block 5 of the plat of Artena.

The right-of-way proposed for vacation along Rust 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.

**FISCAL CONSIDERATIONS**

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

**RECOMMENDATIONS**

I recommend that Council approve the ordinance as presented at this second reading.



**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, VACATING A PORTION OF RUST STREET, LYING SOUTH OF VERNHARDSON STREET.**

---

WHEREAS, the City has the authority to adopt a vacation ordinance to formally remove the cloud on the title of the referenced right-of-way area, but this street vacation ordinance does not affect the rights of anyone, including any rights the public may have acquired in the right-of-way since the street was vacated by operation of law; and

WHEREAS, the portion of Rust Street subject to this vacation request was created in the Plat of the Town of Artena, recorded in the records of Pierce County in 1890; and

WHEREAS, the referenced portion of street right-of-way has never been opened or improved as a public street; and

WHEREAS, the referenced portion of street right-of-way was located in Pierce County during the period of five years prior to 1909, and there is no evidence that it was used as a street during such period; and

WHEREAS, the City Council passed Resolution No. 691 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 December 11, 2006, and at the conclusion of such hearing determined that the aforementioned right-of-way vacated by operation of law and lapse of time; Now, Therefore,

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

Section 1. The City Council finds that the unopened portion of the platted Rust Street right-of-way, lying south of Vernhardson Street, abutting properties at 3400 and 3415 Rust Street, attached hereto as legally described in Exhibit A and incorporated by this reference and as shown on the site drawing as depicted on Exhibit B, has vacated by lapse of time and operation of law under the Laws of 1889-90, Chapter 19 (Relating to County Roads), Section 32, p. 603, as Amended By Laws of 1909, Chapter 90, Section 1, p. 189, repealed in 1936 by the Washington State Aid Highway Act (Laws of 1936, Chapter 187, p. 760).

Section 2. The City has the authority to adopt a vacation ordinance to formally remove the cloud on the title of the referenced right-of-way area, but this street vacation ordinance does not affect the rights of anyone, including any rights the public may have acquired in the right-of-way since the street was vacated by operation of law.

Section 3. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor.

Section 4. Reservation of Easement. The City has an easement over, under and through the street as generally depicted Exhibit B. The City shall retain its existing easement in the street for the purpose of maintaining, operating, repairing, and replacing the sewer utilities in place.

Section 5. This ordinance shall take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this  
\_\_\_\_\_ day of \_\_\_\_\_, 2007.

CITY OF GIG HARBOR

By: \_\_\_\_\_  
Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney:

By: \_\_\_\_\_  
Carol A. Morris

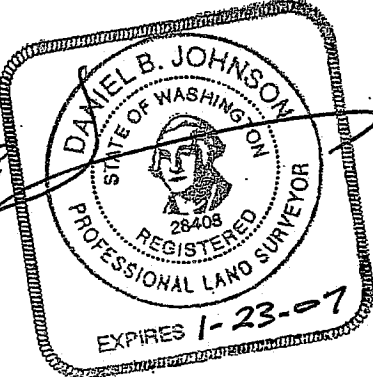
FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:

**LEGAL DESCRIPTION OF PROPOSED VACATED PORTION OF RUST STREET**

THAT PORTION OF RUST STREET ABUTTING LOTS 12 THROUGH 16, BLOCK 4 AND LOTS 5 THROUGH 7, BLOCK 5 OF THE PLAT OF ARTENA, PIERCE COUNTY, WASHINGTON AS PER MAP THEREOF RECORDED IN BOOK 5 OF PLATS AT PAGE 68.

RESERVING A 15 FOOT WIDE SANITARY SEWER EASEMENT TO THE CITY OF GIG HARBOR, 7.5 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTER LINE: BEGINNING AT THE SOUTHWEST CORNER OF LOT 16, BLOCK 4 OF THE PLAT OF ARTENA, PIERCE COUNTY, WASHINGTON AS PER MAP THEREOF RECORDED IN BOOK 5 OF PLATS AT PAGE 68; THENCE SOUTH  $0^{\circ}01'15''$  EAST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 16, 27.44 FEET; THENCE NORTH  $89^{\circ}14'49''$  EAST, 125.01 FEET.

*Daniel B. Johnson*  
*10/31/06*



DANIEL B. JOHNSON  
STATE OF WASHINGTON  
REGISTERED  
PROFESSIONAL LAND SURVEYOR  
28408  
EXPIRES 1-23-07





"THE MARITIME CITY"

**COMMUNITY DEVELOPMENT DEPARTMENT**

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: CAROL MORRIS, CITY ATTORNEY**  
**SUBJECT: PUBLIC HEARING - MILTON AVENUE STREET VACATION REQUEST**  
**DATE: JANUARY 8, 2007**

**INTRODUCTION/BACKGROUND**

Jeffrey Drolshagen has petitioned the City to vacate a portion of Milton Drive (or Milton Avenue) under the procedures set forth in GHMC Section 12.14.018(C) (nonuser statute). Specifically, he requests that the Council vacate a 79 foot long strip (the width varies), but the vacation would affect .019 acres abutting Milton Drive.

According to Mr. Drolshagen, this portion of Milton Drive has never been used as a street. Therefore, he claims that the nonuser statute applies, and the City must vacate the portion of the street, without payment of any compensation to the City.

On November 14, 2006, John Vodopich wrote to Mr. Drolshagen, asking him to confirm that he wanted the petition to be processed under the nonuser statute, and asking for any additional facts to support his petition. On November 20, 2006, Mr. Drolshagen wrote back, stating that he had a "vested right" to the vacation, and that the "only reasonable question was whether Milton Street was opened between 1890 and 1904." He claims that "unless there is evidence supporting the facts of public use, *i.e.*, the opening of Milton St. prior to 1904, this request should be approved as submitted."

Facts and summary of law relating to Drolshagen Petition.

The subject street (a portion of Milton Drive) was included in the Town of Ardena plat, which was recorded in 1890. It was platted as sixty feet wide (see, attached copy of the old plat, Ex. A, and a recent copy of the Pierce County Assessor's map, Ex. B).

In 1890, the street was in Pierce County, and our records do not show that it was improved or dedicated to the County as a public street. As a result, it must be analyzed under what is commonly called the "nonuser statute:"

Any county road, or part thereof, which has heretofore been or may hereafter be authorized, which remains unopened for public use for the space of five years after the order is made or authority granted for opening the same, shall be and the same is hereby vacated, and the authority for building the same barred by lapse of time.

Sec. 32, chapter XIX, Laws of 1890, p. 603. In 1907, the Washington courts held that streets dedicated in platted tracts of land outside of cities and towns came within the purview of the statute. *Murphy v. King County*, 45 Wash. 587, 88 Pac. 1115.

In 1909, the Washington State Legislature re-enacted the subject statute, with the following proviso:

Provided, however, that the provisions of this section shall not apply to any highway, street, alley or other public place dedicated as such in any plat, whether the land included in said plat be within or without the limits of any incorporated city or town, nor to any land conveyed by deed to the state or to any town, city or county for roads, streets, alleys or other public places.

Laws of 1909, chapter 90, Section 1, p. 189, repealed in 1937 by the Washington State Aid Highway Act (Laws of 1937, chapter 187, Sec. 52, p. 761). Because a statute may not be given retroactive effect if the result would interfere with vested rights, the courts have interpreted the 1909 amendment to integrate with the 1889-90 statute as follows:

. . . where a street lying outside a city or town has been dedicated and unopened for a period of five years prior to the 1909 amendment, the right of the abutting property owners to the vacated street, pursuant to the provisions of the 1889-90 statute, has vested and is not affected by the 1909 amendment.

*Gillis v. King County*, 42 Wn.2d 373, 377, 255 P.2d 546 (1953).

Again, it does not appear from the records in the City's possession that Milton Drive was opened or improved by the County as a public road before 1904. However, even if Milton Drive vacated by lapse of time under the nonuser statute, this doesn't mean that the City does not now have an interest in the street.

Dave Brereton informs me that Milton Drive was opened and improved with asphalt by the City during the 1970's. While we could find no records of the actual work in the 1970's (in the short period of time available before the Drolshagen street vacation hearing), we did find that the City's North Harborview Drive project records (dated 1994) show Milton Avenue as an opened and improved street. (See, copy of Roadway Plan and Profile from the Harborview Drive Project, attached hereto as Ex. C.)

After the street vacated by lapse of time, it was subject to adverse possession. *Wells v. Miller*, 42 Wn. App. 94, 708 P.2d 1223 (1985). The rule in Washington is that:

A corporation possessing the right of eminent domain may acquire property for its public uses in one of three ways only: (a) by purchase; (b) by condemnation and paying for the property in the manner provided by law; and (c) by adverse possession for the statutory period.

*Aylmore v. Seattle*, 100 Wash. 515, 518, 171 P. 659 (1918). The period required to establish a prescriptive right is ten years. RCW 7.28.010.

Thus, the City's placement of asphalt on Milton Avenue in the 1970's, keeping it open for public use for longer than ten years and making subsequent access improvements

on it, are ample evidence that the City acquired Milton Street by adverse possession or that a prescriptive right had been established for the right-of-way. (“An easement of right of way across the land of another, including even the establishment of a public highway over private property, may be acquired by prescription.” *Northwest Cities Gas Co. v. Western Fuel Co.*, 13 Wn.2d 75, 123 P.2d 771 (1942).)

Although the City Council does not have the authority to make a final determination that Milton Avenue has been acquired by the City by adverse possession or prescription, it could be definitively established by the courts. In addition, the court would determine the extent of the right-of-way or property acquired by adverse possession or prescription. As stated by the Washington courts:

[I]t is not necessary for a person claiming a certain tract of land adversely to prove that he has actually occupied, used, improved or enclosed all of such tract. But it must appear that he openly and notoriously claimed the entire tract and that his possession, use, or improvement of a portion thereof was intended to hold, not merely that particular portion, but the whole of the entire tract.

*Johnson v. Conner*, 48 Wash. 431, 435, 93 P. 914 (1908). The City would therefore argue that the amount of property or right-of-way acquired through adverse possession or prescription would be consistent with the type of road under the City’s public works standards, not merely the area that has been covered with asphalt.

Again, the issue of the extent of the property or right-of-way acquired cannot be determined by the City Council. The only issue to be addressed at the Drolshagen street vacation hearing on a portion of Milton Avenue is whether the non-user statute applies.

## **RECOMMENDATION**

It may be true that Milton Avenue was vacated by lapse of time under the non-user statute. However, after the area was vacated, it was subject to adverse possession and prescription. In the 1970’s, the City opened and improved Milton Avenue.

Therefore, the City Council cannot process the street vacation petition submitted by Mr. Drolshagen under the nonuser statute and it should be denied. If Mr. Drolshagen would like to submit a petition for vacation of a portion of Milton Avenue, it must be submitted under the standard vacation procedures, and the compensation set forth in GHMC Section 12.14.018 must be paid as a condition precedent to such vacation.<sup>1</sup>

---

<sup>1</sup> This assumes that the Public Works staff would recommend approval, and/or that the Council would approve the street vacation.



Black Nine  
 Recited by Order  
 of Commissioners  
 Record 1 of 39 pg 269  
 Dec 26-1923.  
 W. Campbell, D. C. and  
 and Clara Bond of Co-  
 Combs -  
 by W. J. Butler Agt.

The Eastern and Western 1/2 Acre  
 of Front Street vacated from  
 Front Street to Skagit Street  
 December 12<sup>th</sup> 1912  
 Commissioners Record  
 Volume 31, Page 162.

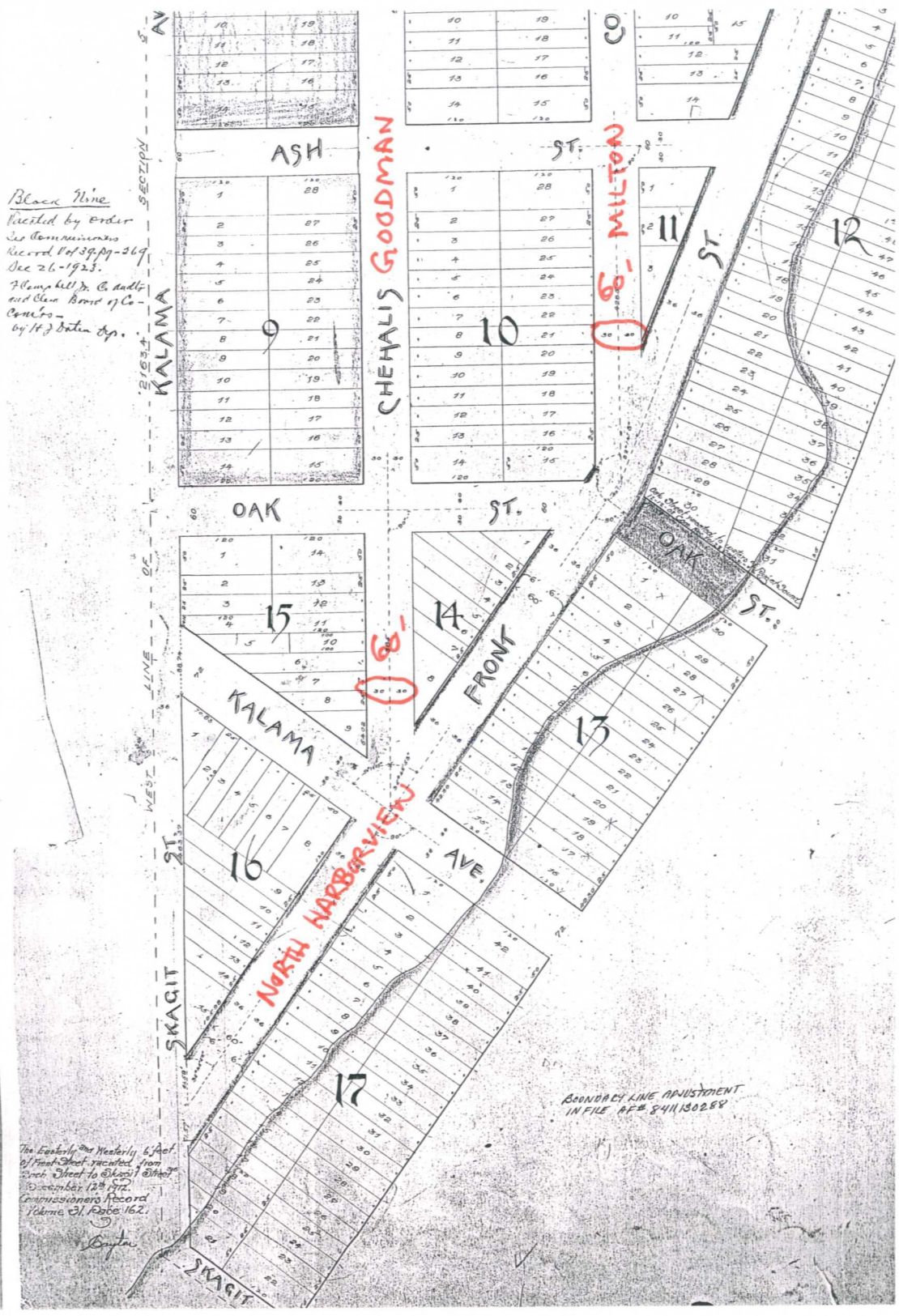
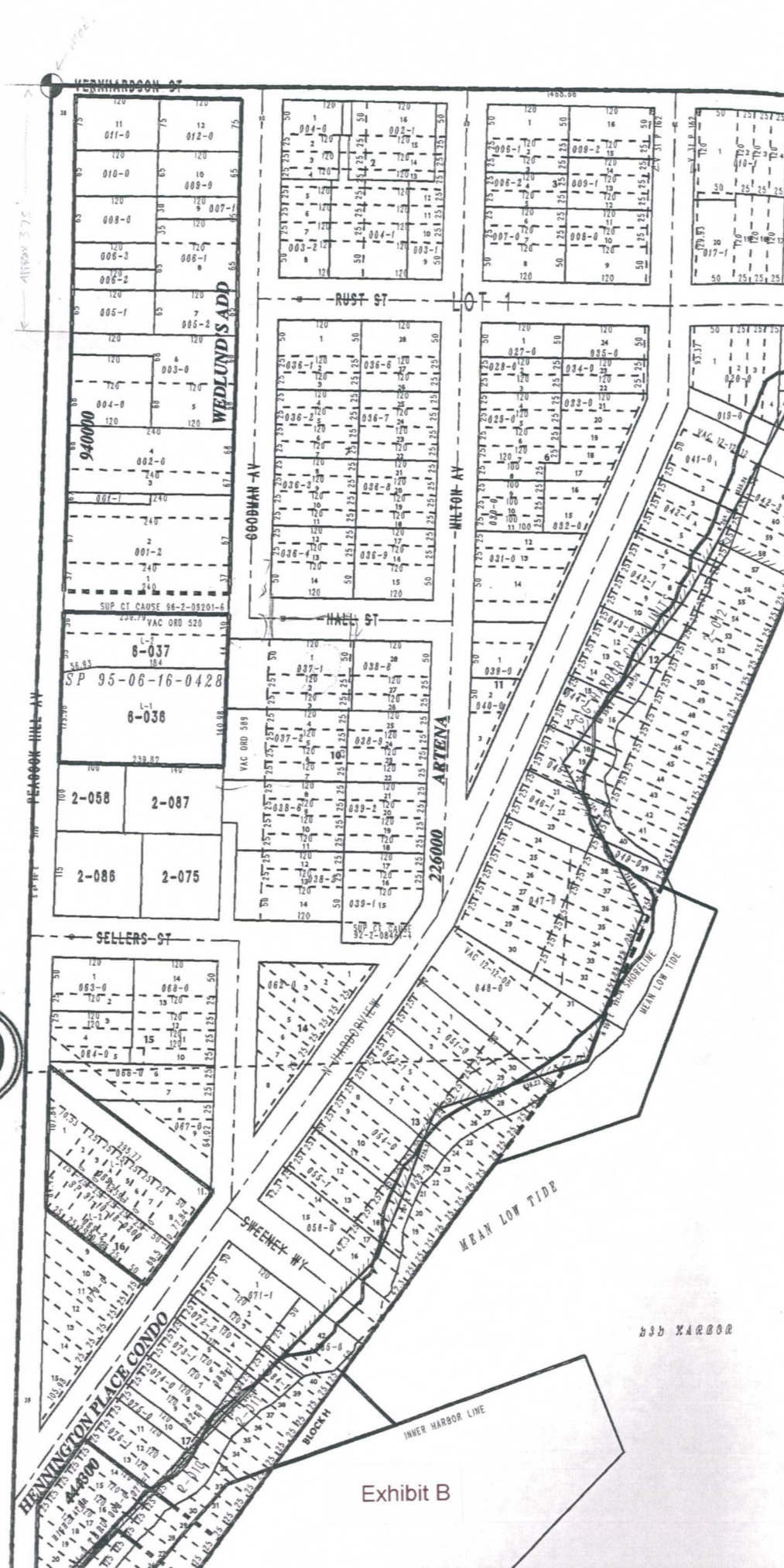


Exhibit A



29

Exhibit B

533 HARBOUR



FROM THE DESK OF  
*JEFFREY L. DROLSHAGEN*  
5205 47<sup>TH</sup> Avenue NW  
Gig Harbor, Washington 98335

26 September 2006

Mr. John P. Vodopich AICP  
Director of Planning and Building Services  
3510 Grandview Street  
Gig Harbor, Washington 98335

**RE: Vacation of a portion of Milton Drive**

Dear Mr. Vodopich,

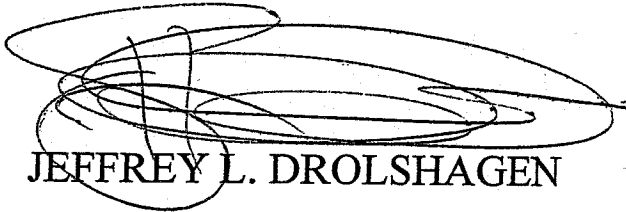
This letter serves as an official request to vacate a 78 foot long strip of Milton Drive right-of-way abutting my property at 9212 N. Harborview in the City of Gig Harbor. This right-of-way along with my property were created from the plat called "Extension to the City of Gig Harbor" record in 1891 in volume 5 of plats at page 68 in Pierce County, Washington. This portion of Milton Drive (Columbia Street) abutting my property at parcel number 2260000391 has never been used as a street.

Under the City of Gig Harbor's Municipal Code 12.14.018.C, which sites the "vacation of streets and alleys subject to 1889-90 Laws of Washington, Chapter 19, Section 32 (Non-user statute)," that portion of Milton Drive right-of-way abutting my parcel has adversely become mine legally since this right-of-way was never used for its original purpose.

In light of this information, I request that portion of Milton Drive abutting my property be vacated. Please see, attached drawing depicting that portion of the subject property of Milton Drive right-of-way in relation to my parcel. Also attached is the proposed legal description. The City's administrative pre-hearing fee described in GHMC 12.14.004(A) has been paid.

Thanking you for your assistance,

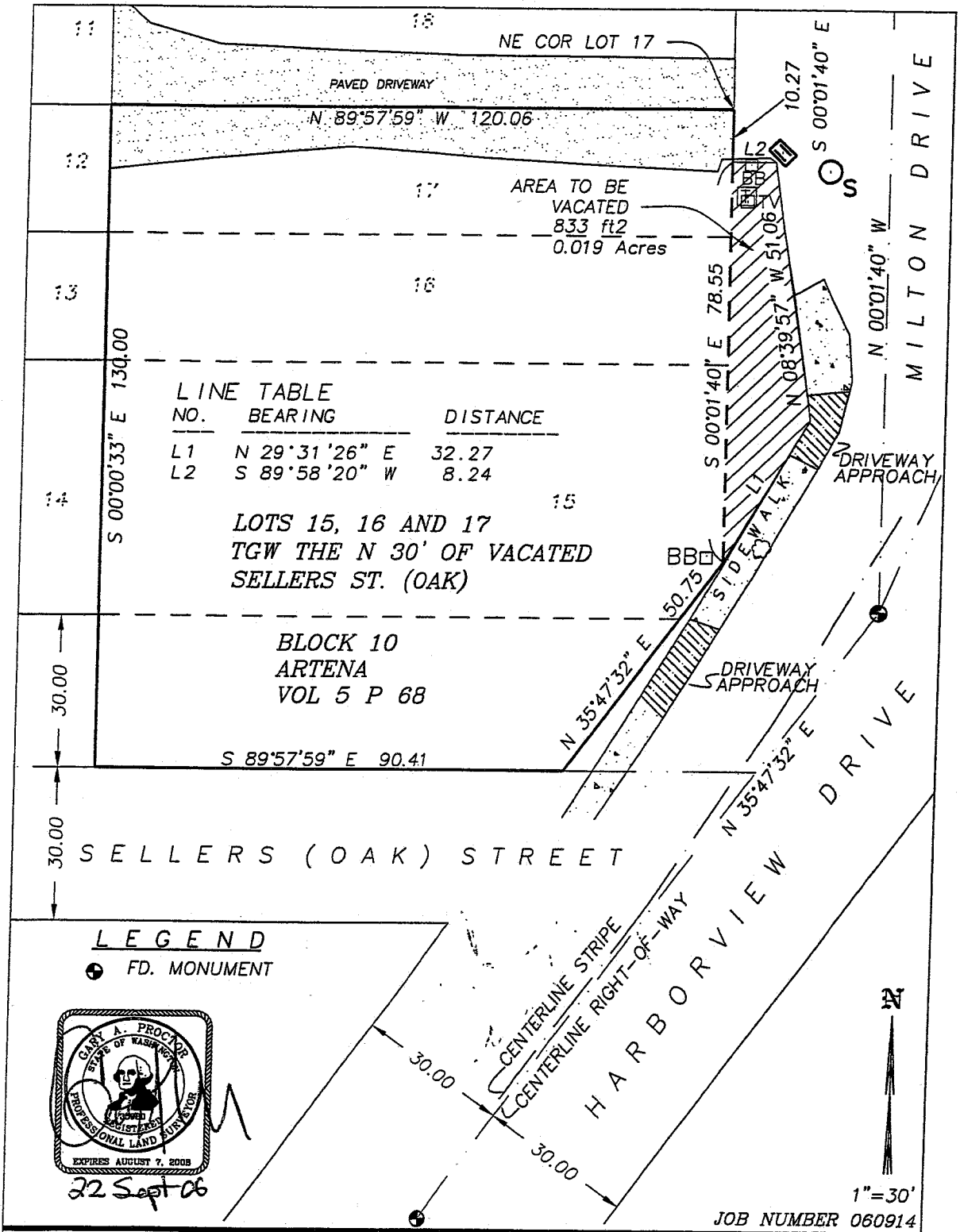
Respectfully,



JEFFREY L. DROLSHAGEN

2 attachments

CC: Mr. David Brereton, Director of Operations



**Thornton**  
Land Surveying, Inc.  
P.O. BOX 249  
GIG HARBOR, WASHINGTON 98335  
TELEPHONE (253) 858-8106 / FAX 858-7466

**MILTON ST. VACATION**  
FOR AND REQUESTED BY  
**JEFF DROLSHAGEN**  
IN A PORTION OF THE NW1/4 OF  
SECTION 5, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M.  
PIERCE COUNTY, WASHINGTON

PROPOSED  
LEGAL DESCRIPTION

RIGHT-OF-WAY THAT WILL ATTACH TO DROLSHAGEN ADJOINER  
FOLLOWING VACATION OF A PORTION OF MILTON DRIVE, GIG HARBOR,  
WASHINGTON

THAT PORTION OF THE WEST HALF OF MILTON DRIVE AS DEPICTED ON  
THE PLAT OF ARTENA, ACCORDING TO THE PLAT THEREOF RECORDED IN  
VOLUME 5 OF PLATS AT PAGE 68, RECORDES OF PIERCE COUNTY,  
WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 17, BLOCK 10 OF  
SAID PLAT; THENCE ALONG THE WEST LINE OF SAID MILTON DRIVE,  
BEING THE EAST LINE OF SAID LOT 17, SOUTH 00°01'40 EAST 10.27 FEET TO  
THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE  
SOUTH 00°01'40 EAST 78.55 FEET TO THE NORTHWESTERLY MARGIN OF  
HARBORVIEW DRIVE; THENCE NORTH 29°31'26" EAST 32.27 FEET; THENCE  
NORTH 08°39'57 WEST 51.06 FEET; THENCE SOUTH 89°58'20" WEST 8.24 FEET  
TO THE POINT OF BEGINNING.

SITUATE IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF  
SECTION 5, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY,  
WASHINGTON.



22-Sept 2006



## COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: CAROL MORRIS, CITY ATTORNEY**  
**SUBJECT: ORDINANCE NO. 589 – GOODMAN AVENUE STREET**  
**VACATION**  
**DATE: JANUARY 8, 2007**

### **INFORMATION/BACKGROUND**

On December 16, 2006, Jeff Drolshagen wrote a letter to John Vodopich, claiming that Ordinance No. 589, passed by the City of Gig Harbor on September 10, 1990, was: “initiated without the abutting property owner’s authorization/signatures; distribution of land was not equally shared by the abutting property owners; and per Section 3 of the vacation, there was no payment made to the City Clerk.” He now asks that “Ordinance No. 589 be reviewed by your office, a public hearing be held to correct the irregularities of the previous attempted vacation and the provisions allowing both Crottos and Byersdorfs to have ingress and egress for their perspective properties off Goodman Avenue.”

This request apparently has been made because of a lawsuit initiated by the Crottos in Pierce County Superior Court against the Trampaneaus for quiet title, trespass, ejectment, injunctive relief and damages. (I assume that the Trampaneaus own property abutting former Goodman Avenue.) The Trampaneaus have counterclaimed, asking the Court to terminate an easement between the Trampaneaus’ property and the Drolshagen property.

I have discussed the street vacation Ordinance No. 589 with Dave Brereton, Molly Towslee and reviewed the City’s file. The following is a summary of the law supporting my conclusion that the City need not take any action at this time.

#### Facts and summary of law relating to Goodman Avenue Street Vacation.

The subject street (a portion of Goodman Avenue) was included in the plat of the Town of Artena, which was recorded in 1890. At that time, the street was in Pierce County, and it was never improved or dedicated to the County as a public street. As a result, it must be analyzed under what is commonly called the “nonuser statute:”

Any county road, or part thereof, which has heretofore been or



may hereafter be authorized, which remains unopened for public use for the space of five years after the order is made or authority granted for opening the same, shall be and the same is hereby vacated, and the authority for building the

Page 2 of 5

same barred by lapse of time.

Sec. 32, chapter XIX, Laws of 1890, p. 603. In 1907, the Washington courts held that streets dedicated in platted tracts of land outside of cities and towns came within the purview of the statute. *Murphy v. King County*, 45 Wash. 587, 88 Pac. 1115 (1907).

In 1909, the Washington State Legislature re-enacted the subject statute, with the following proviso:

Provided, however, that the provisions of this section shall not apply to any highway, street, alley or other public place dedicated as such in any plat, whether the land included in said plat be within or without the limits of any incorporated city or town, nor to any land conveyed by deed to the state or to any town, city or county for roads, streets, alleys or other public places.

Laws of 1909, chapter 90, Section 1, p. 189, repealed in 1937 by the Washington State Aid Highway Act (Laws of 1937, chapter 187, Sec. 52, p. 761). Because a statute may not be given retroactive effect if the result would interfere with vested rights, the courts have interpreted the 1909 amendment to integrate with the 1889-90 statute as follows:

. . . where a street lying outside a city or town has been dedicated and unopened for a period of five years prior to the 1909 amendment, the right of the abutting property owners to the vacated street, pursuant to the provisions of the 1889-90 statute, has vested and is not affected by the 1909 amendment.

*Gillis v. King County*, 42 Wn.2d 373, 377, 255 P.2d 546 (1953).

The effect of vacation of a platted street is to remove the easement for public travel, so that the property in the vacated street “shall belong to the abutting property owners, one half to each.” RCW 35.79.020. Therefore, the effect of a vacation of a street subject to the nonuser statute would be to vest ownership of the street area, to the center line, in the abutting property owners. Keep in mind that this describes the operation of state law – the City does not determine property rights.

Because the portion of Goodman Avenue described in Ordinance 589 was platted in the County in 1890 and was not opened or improved by 1905, it vacated by operation of law in 1895. The City's ability to open this portion of Goodman  
Page 3 of 5

Avenue was barred by lapse of time, and the City had no interest in the street (with the exception of any easement the City might have acquired for public utilities or easement acquired by any other parties, see, *Wells v. Miller*, 42 Wn. App. 94, 708 P.2d 1223 (1985)). The street vacation process merely removed the cloud on the title, because vacation had already occurred.

Response to Drolshagen allegations.

Mr. Drolshagen complains because this portion of Goodman Street was vacated without the abutting property owners' signatures. However, the City has statutory authority to initiate any street vacation on its own initiative. RCW 35.79.010.

He asserts that the land was not equally distributed among the abutting property owners. The City has no authority to distribute any property in a street vacation to the abutting property owners. This procedure is established by state law. RCW 35.79.040 reads: "If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each."

Finally, Mr. Drolshagen notes that "per Section 3 of the vacation, there was no payment made to the City Clerk." It is true that Ordinance 589 requires that the abutting property owners make payment to the City Clerk in order to accomplish the vacation. However, the street was subject to the non-user statute, so it vacated by lapse of time prior to 1900. As a result, the abutting property owners do not need to pay one-half the appraised value of the property in order to effectuate the vacation.

In 1990, when Ordinance 589 was adopted, the City had no ordinance describing the procedures for street vacations. The procedures in chapter 35.79 RCW do not address the situation where the City has no interest in the street because it has already vacated by lapse of time.

In 1996, the City adopted chapter 12.14 of the Gig Harbor Municipal Code, which describes procedures for standard street vacations as well as non-user street vacations (see, Section 12.14.018(C).) The non-user street vacation process was codified because the only alternative for property owners subject to the non-user statute was a quiet title action – which involved unnecessary legal fees for the City. Therefore, we added a process that allowed property owners to obtain a street vacation from the City (after the City staff made a determination that the street was subject to the non-user statute), upon payment of the City's

Memo to Mayor and Council  
Goodman Avenue Ordinance No. 589

administrative fees. As you can see, the City does not require property owners requesting a street vacation under the non-user statute to pay one-half the appraised value of the property. GHMC Section 12.14.018(C).

Page 4 of 5

I talked to Molly Towslee, City Clerk, to find out whether any of the abutting property owners paid one-half of the former street area's appraised value to the City. We could find no record of any payment.

Molly also had an explanation for the fact that the Ordinance was passed in 1990, but recorded in 2000. We don't know exactly what happened, but it could be that staff at that time did not record the Ordinance because payment was not made. Subsequently, Molly found a number of items for which there had been no follow-up, and this was one of them. She thought that someone had simply neglected to record Ordinance 589, so she did so in 2000.

This procedure caused absolutely no problem, because the street vacated by lapse of time prior to 1900. No payment was due the City for the City's act of passing the street vacation ordinance, because it simply cleared the title.

A reading of the Ordinance discloses that the staff and city attorney at that time may not have known that the street was subject to the non-user statute (although the ordinance states that the street was dedicated in 1890, it does not mention the non-user statute). Therefore, it could be that the staff and Council simply followed the procedures in chapter 35.79 RCW for a street vacation (remember, we had no code procedures at that time).

At some later date, Wes Hill, former Public Works Director, found Ordinance No. 589 and contacted me. Mr. Hill was apparently confused with regard to the date when he noted my advice in the file – he wrote "Invalid per Carol M. OMW. 10/8/96," on the face of a copy of the ordinance, yet he included a note to file which appears to be language I advised him to include in a letter to a property owner:

10-7-96: Goodman Ave. Vacation. We have been advised by the City's attorney that the R/W has been vacated by lapse of time in consideration of the "non-user" statute. Please contact your attorney if additional assurance relative to your title is needed.

## **RECOMMENDATION**

My conclusion is still that a portion of Goodman Avenue described in Ordinance 589 has been vacated by lapse of time. The fact that the abutting property owners did not pay one-half of the appraised value does not affect this conclusion because they are not required to pay one-half of the appraised value to clear the

Memo to Mayor and Council  
Goodman Avenue Ordinance No. 589

title in a non-user street vacation situation. No public hearing is needed on Ordinance 589. If there are any issues raised with regard to the ownership of the property within this portion of former Goodman Avenue, they need to be resolved in Pierce County Superior Court. There are no "irregularities" that need to be

Page 5 of 5

corrected with regard to Ordinance 589, because the City could not now collect one-half of the appraised value for a street subject to the non-user statute (see, GHMC Section 12.14.018(C)). The City does not have the authority to address any disputes regarding private easements on the former street area, and this must be handled by Pierce County Superior Court.

Please let me know if I can provide you with any further assistance.

**JEFF DROLSHAGEN**  
5205 47<sup>th</sup> Avenue Northwest  
Gig Harbor, Washington 98335  
December 16<sup>th</sup> 2006

**RECEIVED**  
DEC 19 2006  
CITY OF GIG HARBOR  
OPERATIONS & ENGINEERING

Mr. John P. Vodopich AICP  
Director of Planning and Building Services  
3510 Grandview Street  
Gig Harbor, Washington 98335

**RE: City of Gig Harbor Ordinance NO. 589.**

Dear Mr. Vodopich:

In 1990, the City of Gig Harbor passed a resolution via its own initiative to vacate the portion of Goodman Avenue, lying south of Hall Street and north of Sellers Street. In reviewing City of Gig Harbor records, it appears that an attempt to vacate the subject property was initiated without the abutting property owner's authorization/signatures; distribution of land was not equally shared by the abutting property owners; and per Section 3 of the vacation, there was no payment made to the City Clerk. This invalid vacation now becomes an issue in an ongoing lawsuit.

On or about the 25<sup>th</sup> of August 2006, Mr. and Mrs. Crotto initiated a lawsuit in the Superior Court, Pierce County NO. 06 2 11384 1, against Mr. and Mrs. Trampenau alleging: Quiet Title action; Trespass and Ejectment; Injunctive Relief; and Damages. A counterclaim by the Trampenau's, requests the Court to terminate an easement between their property and my property. The easement is inclusive of both properties. Therefore, I will enter the lawsuit to terminate the temporary easement enjoyed by Mr. and Mrs. Byersdorf at 9211 Goodman Avenue. I request Ordinance NO. 589 be reviewed by your office, a public hearing be held to correct the irregularities of the previous attempted vacation and the provisions allowing both Crottos and Byersdorfs to have ingress and egress for their perspective properties off Goodman Avenue.

  
JEFFREY L. DROLSHAGEN

Cf: Crotto, Byersdorf, and Trampenau



200006300661 4 pg  
 6-30-2000 02:27pm \$11.00  
 PIERCE COUNTY, WASHINGTON

RECEIVED

JUL 13 2000

CITY OF GIG HARBOR

Return Address:  
 City Clerk  
 City of Gig Harbor  
 3105 Judson Street  
 Gig Harbor, WA 98335

Please print legibly or type information.

Document Title(s) (Or transaction contained therein):  
 1. **ORDINANCE NO. 589 - GOODMAN AVENUE STREET VACATION**  
 2.  
 3.  
 4.

---

Grantor(s) (Last name first, then first name and initials):  
 1. **CITY OF GIG HARBOR**  
 2.  
 3.  
 4.  
 5.  Additional Names on Page \_\_\_\_\_ of Document.

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Grantee(s) (Last name first, then first name and initials):  
 1.  
 2.  
 3.  
 4.  
 5.  Additional Names on Page \_\_\_\_\_ of Document.

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Legal Description (Abbreviated: i.e., lot, block, plat; or section, township, range):  
  
 Legal Description is on Page 2 of Document.

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Reference Number(s) (Of documents assigned or released):  
  
 Additional Reference numbers on Page \_\_\_\_\_ of Document.

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Assessor's Property Tax Parcel/Account Number  
 022252087      022152075

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The Auditor/Recorder will rely on the information provided on this cover sheet. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

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CITY OF GIG HARBOR

ORDINANCE NO. 589

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THE PORTION OF GOODMAN AVENUE, LYING SOUTH OF HALL STREET AND NORTH OF SELLERS STREET.

WHEREAS, the referenced 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. 290 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 August 27, 1990, 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 portion of the street currently known as Goodman Avenue, originally platted at Chahalis Street in Gig Harbor, which lies south of the street currently known as Hall Avenue and originally platted as Ash Street and north of Sellers Street, originally platted as Oak Street, as shown on the plat files on August 20, 1890, denominated as the Town of Artena, Pierce County, Washington, except the westerly twenty-two feet (22') of Goodman (Chehalis) extending north of Sellers (Oak) Street one hundred and forty feet (140') to Parcel #02-21-5-2-087 which shall be preserved as public access to Parcels #02-21-5-2-087 and 02-21-5-2-075, attached hereto as Exhibit 1 and incorporated by this reference as if set forth in full, is hereby vacated. 2

200006300661

Ordinance Vacating Goodman Avenue

Page 2

The City of Gig Harbor shall retain a utility easement of 15 feet in the above-referenced property for construction and maintenance purposes of city utilities, centered on center line.


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

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 and the Clerk of the County Council.

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

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

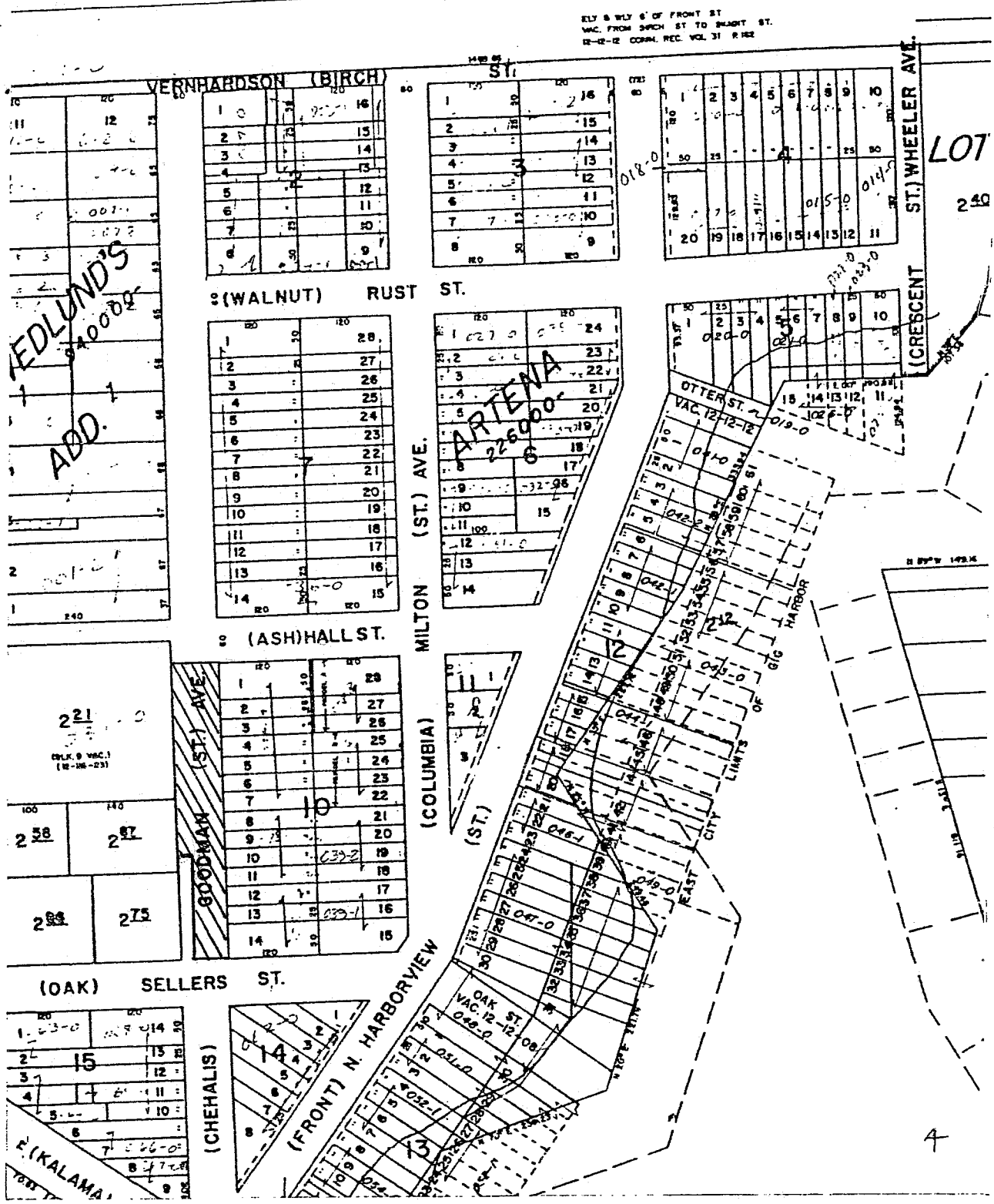
Filed with city clerk: 8/10/90  
Passed by city council: 9/10/90  
Date published: 9/26/90  
Date effective: 10/1/90

3

200006300661



EXHIBIT 1



200006300661



## COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: JENNIFER KESTER, SENIOR PLANNER**  
**SUBJECT: FIRST READING AND PUBLIC HEARING OF AN ORDINANCE**  
**AMENDING THE DEFINITIONS AND PERFORMANCE STANDARDS**  
**FOR CLUBS AND LODGES AND YACHT CLUBS**  
**DATE: JANUARY 8, 2007**

### INFORMATION/BACKGROUND

Attached for the Council's consideration is a draft ordinance relating to the definition and performance standards for clubs, lodges and yacht clubs. In specific, the draft ordinance would: 1. Amend the definition of clubs and lodges to clarify the allowance for space rental and food service; 2. Combine the definitions for clubs and lodges and yacht clubs into one definition for clubs; 3. Amend the parking required for clubs to be consistent with the definition; 4. Limit the type of food and beverage served at clubs in the Waterfront Millville district; 5. Limit the hours of operations of clubs in the Waterfront Millville district to between 7am and 7pm; 6. Require conditional use permits for clubs in the RLD, RMD and PCD-NB districts; and 7. Permit clubs outright in the DB, B-2 and C-1 districts.

The Planning and Building committee of the City Council requested that the Planning Commission review the definitions of "clubs and lodges" and "yacht clubs." As discussed at a joint work-study session of the Planning Commission and the Council on the Land Use Matrix text amendment, the current definition for clubs and lodges and yacht clubs includes the allowance for "rooms available for temporary rental" and "restaurant as allowed in the zone." As clubs and lodges and yacht clubs are allowed in many zoning districts, concern was expressed that these uses may not be compatible in some areas of the City. The City Council requested that the definitions be reviewed and amended and/or performance standards be proposed for each zone where clubs, lodges or yacht clubs are allowed.

The Planning Commission held work-study sessions to review definitions and performance standards for clubs and lodges and yacht clubs on September 7 and September 21, 2006. A public hearing on the proposed amendments was held on October 5, 2006. There was no testimony at the public hearing. The Planning Commission voted unanimously to recommend approval of the draft ordinance at a work-study session on October 19, 2006.

### POLICY CONSIDERATIONS

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. There are no criteria for approval of a zoning text amendment, but the Council

should generally consider whether the proposed amendment furthers the public health, safety and welfare, and whether the proposed amendment is consistent with the Gig Harbor Municipal Code, the Comprehensive Plan and the Growth Management Act (chapter 36.70A RCW). Zoning text amendments are considered a Type V legislative action (GHMC 19.01.003). Applicable land use policies and codes are as follows:

**A. Gig Harbor Municipal Code:**

**“Clubs and lodges”** means a building or group of buildings where members of an association or fraternal, cultural, or religious organization hold their meetings and may contain rooms available for temporary rental, and may contain a restaurant as allowed in the zone. GHMC 17.04.220

Clubs and lodges as permitted outright in the following zones:  
RLD, RMD, B-1, PCD-C, ED, PCD-BP and PCD-NB

Clubs and lodges are a conditional use in the following zones:  
R-2, R-3, RB-1, RB-2, DB, B-2 and C-1

**"Yacht club"** means a building or group of buildings where members of a boating association hold their meetings and may contain rooms and/or dwelling units available for temporary rental, and may contain a restaurant as allowed in the zone. GHMC 17.04.878

Yacht clubs are permitted outright in the following zones:  
PCD-C and WC

Yacht clubs are a conditional use in the following zones:  
R-3, RB-1, RB-2, DB, B-2, C-1 and WM

Design Manual: Clubs and lodges and yacht clubs would be classified as nonresidential uses and would need to meet all Design Manual requirements applicable to nonresidential development.

**B. Staff/Planning Commission Analysis:** The Planning Commission first reviewed the definitions of “clubs and lodges” and “yacht clubs.” The Commission’s primary concern was the allowance for “rooms available for temporary rental” and “restaurant as allowed in the zone.” The Planning Commission felt it was not the intent of the definitions to allow primary use restaurants or hotels, but instead to acknowledge accessory uses in clubs such as space rental for events and food and beverage service for members and guests. In addition, it was decided that a yacht club was a specific kind of club and lodge rather than a use of its own. Therefore, the Commission has proposed repealing the definition of yacht club. Yacht clubs would be regulated as a club.

The discussion then turned to the zones in which clubs are allowed and whether changes were appropriate. The primary concern voiced about clubs was food service, space rental activities and the associated hours of operation. The

Commission, therefore, focused their review on zones which allow clubs, lodges and yacht clubs, but do not allow restaurants, lodging or similar space rental/food service uses.

The Planning Commission discussed prohibiting space rental and food service in clubs located in zones which don't allow restaurants and/or lodging. They also discussed setting hours of operation limitations in those same zones. However, the Commission decided that conditional use permits should be required in zones which don't allow restaurants and/or lodging. In specific, in the RLD, RMD and PCD-NB zones, clubs would no longer be permitted but conditionally permitted. The conditional use permit process would require the review of the impacts of a club in a public hearing setting. This review process and the criteria for conditional use permit approval would help ensure that a proposed club was compatible with the neighborhood.

The Commission also reviewed the allowance for clubs in the Waterfront Millville (WM) zone. The Planning Commission recommends retaining the conditional use requirements for clubs, but establishing performance standards. The WM zone currently limits restaurant uses to those that do not serve alcoholic beverage and do not operate grills or deep-fat fryers (Restaurant 1 definition). In addition, restaurants may only operate between the hours of 7am and 7pm. The Planning Commission felt it was important to impose those same standards on clubs.

Finally, the Planning Commission reviewed where clubs were allowed in the commercial zones. Clubs are permitted in the B-1, PCD-C and WC zones, but are conditionally allowed in DB, B-2, and C-1 zones. Restaurant, lodging and similar food service/space rental uses are permitted in these three zones. The Planning Commission proposes that clubs should be permitted outright in these zones.

### **ENVIRONMENTAL ANALYSIS**

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) on October 11, 2006 for this non-project GMA action as per WAC 197-11-340(2). The appeal period ended on December 26, 2006 and no appeals were filed. The DNS is now final.

### **FISCAL IMPACTS**

There are no adverse fiscal impacts associated with this text amendment.

### **RECOMMENDATION**

The staff recommends that the City Council adopt the draft ordinance after a second reading.

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DEFINITION OF CLUBS AND LODGES IN THE ZONING CODE TO CLARIFY THE ALLOWANCE FOR SPACE RENTAL AND FOOD SERVICE, ELIMINATING LODGES FROM THE DEFINITION, INCLUDING YACHT CLUBS IN THE DEFINITION OF CLUBS; REPEALING THE DEFINITION OF YACHT CLUBS; AMENDING THE LAND USE MATRIX IN CHAPTER 17.14 TO REQUIRE CONDITIONAL USE PERMITS FOR CLUBS IN THE RLD, RMD AND PCD-NB ZONES, TO PERMIT CLUBS OUTRIGHT IN THE DB, B-2 AND C-1 ZONES AND TO LIMIT THE TYPE OF FOOD AND BEVERAGES SERVED IN CLUBS IN THE WM ZONE; LIMITING THE HOURS OF OPERATION OF CLUBS IN THE WM ZONE; AMENDING THE PARKING REQUIRED FOR CLUBS TO BE CONSISTENT WITH THE DEFINITION; AMENDING SECTIONS 17.04.220, 17.14.020, 17.48.035 AND 17.72.030 AND REPEALING SECTION 17.04.878 OF THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, Title 17 of the Gig Harbor Municipal Code defines “clubs and lodges” and “yacht clubs” separately and a yacht club use is included in the definition of “clubs and lodges”; and,

WHEREAS, the definitions of both “clubs and lodges” and “yacht clubs” include the allowance for room rental and restaurant use; and

WHEREAS, clubs often include an element of food service and space rental and the City desires to allow clubs to retain food service and space rental as accessory uses to a club; and

WHEREAS, clubs with food service and space rental uses often hold large parties and member events which can include food service, music and late night events and the City is concerned that the long hours, traffic and noise related to these uses may not be compatible in certain residential and neighborhood business zones; and

WHEREAS, clubs are permitted in the RLD and RMD zones, but restaurants, lodging and similar food service/space rental uses are not allowed in these zones; and

WHEREAS, clubs are permitted in the PCD-NB zone and the zone is intended for businesses serving the everyday needs of the neighboring residents. Some clubs are regionally focused and do not provide neighborhood level services as intended by the zone; and

WHEREAS, the City desires to require conditional use permits for clubs in the RLD, RMD and PCD-NB zones so that the City can determine if the club is compatible

with a specific site and intent of the zone through criteria of approval, a public hearing process and imposed conditions; and

WHEREAS, in order to be consistent with restaurant uses allowed in the WM zone, clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

WHEREAS, in order to be consistent with similar uses allowed in the WM zone which can result in high traffic and/or noise, such as restaurant, sales and boat construction, clubs in the WM zone shall be limited to operating between the hours of 7:00a.m. and 7:00p.m., daily; and

WHEREAS, within the DB, B-2 and C-1 zones, the City desires to allow clubs as permitted uses because the normal activities of clubs are consistent with the intent of these zones and compatible with business and commercial uses allowed in these zones; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed amendments on October 11, 2006 pursuant to WAC 197-11-350, which was not appealed; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on October, 11, 2006 pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on October 5, 2006 to receive public testimony and no public testimony was given; and

WHEREAS, the City Planning Commission held a work-study session on this Ordinance on October 19, 2006 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on \_\_\_\_\_; and

WHEREAS, the Gig Harbor City Council voted to \_\_\_\_\_ this Ordinance during the second reading on \_\_\_\_\_; and

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

Section 1. Section 17.04.220 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**~~Clubs and lodges.~~**

~~"Clubs and lodges"~~ means a building or group of buildings where members of an association or fraternal, cultural, or religious organization hold their meetings. A

club may contain ~~rooms~~ space available for temporary rental, and a kitchen facility to serve members and guests restaurant as allowed in the zone.

Section 2. Section 17.04.878 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Section 17.14.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.14.020 Land use matrix**

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 <sup>20</sup>	PCD-C	ED <sup>18</sup>	WR	WM	WC	PCD-BP	PCD-NB	MUD
<b>Uses</b>																				
Dwelling, single-family	-	P	P	P	P	C	P	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	P	P	P	-	P <sup>14</sup>	P
Dwelling, duplex	-	-	-	P	P	P	-	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	P	P	P	-	P <sup>14</sup>	P
Dwelling, triplex	-	-	-	-	P	P	-	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	C <sup>17</sup>	P	-	P <sup>14</sup>	P
Dwelling, fourplex	-	-	-	-	P	P	-	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	C <sup>17</sup>	P	-	P <sup>14</sup>	P
Dwelling, multiple-family	-	-	-	-	P	P <sup>6</sup>	-	P	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	-	-	-	P <sup>14</sup>	P
Accessory apartment <sup>1</sup>	-	C	P	-	P	-	C	C	C	P <sup>14</sup>	C	C	P <sup>14</sup>	-	-	-	P	-	P <sup>14</sup>	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P
Home occupation <sup>2</sup>	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Religious worship, house of	-	C	P <sup>5</sup>	C	P <sup>5</sup>	C	C	C	C	P	-	C	P	C	-	-	-	-	-	P/C <sup>15</sup>

Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-	-
	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 <sup>20</sup>	PCD-C	ED <sup>18</sup>	WR	WM	WC	PCD-BP	PCD-NB	MUD
<b>Uses</b>																				
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	P	-	-	-	P	P	-
Yacht club	-	-	-	-	-	C	C	C	C	-	C	C	P	-	-	C	P	-	-	-
Clubs and lodges	-	-	PC	C	PC	C	C	C	CP	P	CP	CP	P	P	-	C <sup>21</sup>	P	P	PC	-
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Lodging, level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P
Lodging, level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging, level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Personal services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Professional services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Product services, level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P <sup>16</sup>
Sales, level 1	-	-	-	-	-	-	C <sup>7,8</sup>	-	P	P	P	P	P	-	-	-	P	-	P <sup>13</sup>	P
Sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Sales, level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Sales, ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-
Commercial child care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	-	-	-
Recreation, indoor commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	-	-	P
Recreation, outdoor commercial	-	-	-	-	-	-	C	C	C	-	P <sup>10</sup>	P	P	C	-	-	-	-	-	P
Entertainment, commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	-	P
Automotive fuel-dispensing facility	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	P	-
Vehicle wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C <sup>19</sup>	-	-	-
Animal clinic	-	-	-	-	-	-	-	-	P <sup>9</sup>	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult entertainment facility <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C <sup>8</sup>	P	P	P	P	P	P	-	-	C <sup>12</sup>	P	-	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	P	-	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	P	-	P	P



Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 <sup>20</sup>	PCD-C	ED <sup>18</sup>	WR	WM	WC	PCD-BP	PCD-NB	MUD
<b>Uses</b>																				
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	-	-	-
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial, level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	P	-	P
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	-	-
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P <sup>11</sup>	C	-	-	-
Wireless communication facility <sup>4</sup>	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

<sup>1</sup> Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

<sup>2</sup> Home occupations are subject to Chapter 17.84 GHMC.

<sup>3</sup> Adult entertainment facilities are subject to Chapter 17.58 GHMC.

<sup>4</sup> Wireless communication facilities are subject to Chapter 17.61 GHMC.

<sup>5</sup> Houses of religious worship shall be limited to parcels not greater than 5 acres.

<sup>6</sup> Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.

<sup>7</sup> Sales, level 1 uses shall be limited to food stores in the RB-1 district.

<sup>8</sup> See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

<sup>9</sup> Animal clinics shall have all activities conducted indoors in the DB district.

<sup>10</sup> Drive-in theaters are not permitted in the B-2 district.

<sup>11</sup> Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

<sup>12</sup> Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

<sup>13</sup> Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

<sup>14</sup> Residential uses shall be located above a permitted business or commercial use.

<sup>15</sup> Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

<sup>16</sup> Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

<sup>17</sup> Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.

<sup>18</sup> Planned unit developments (PUDs) are conditionally permitted in the ED district.

<sup>19</sup> Commercial parking lots in the WC district shall be related to shoreline uses.

<sup>20</sup> Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

<sup>21</sup> Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

Section 4. Section 17.48.035 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.48.035 Hours of operation.**

The following uses shall be limited to operating between the hours of 7:00a.m. to 7:00p.m., daily:

- A. Sales, level 1;
- B. Restaurant 1;
- C. Boat construction;
- D. Clubs.

Section 5. Section 17.72.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.72.030 Number of off-street parking spaces.**

The following is the number of off-street parking spaces required for each of the uses identified below:

Use	Required Parking
Dwelling, single-family	Two off-street parking spaces per dwelling unit.
Dwelling, duplex	Two off-street parking spaces per dwelling unit.
Dwelling, triplex	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms.
Dwelling, fourplex	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms.
Dwelling, multiple-family	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms.
Accessory apartment	One off-street parking space per accessory apartment in addition to parking required for primary dwelling unit.
Family day care provider	Two off-street parking spaces.
Home occupation	One off-street parking space in addition to parking required for any other use; two parking spaces shall be required if the occupation requires customers or clients to visit the premises at any time.
Adult family home	Two off-street parking spaces.
Independent living facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. <sup>1</sup>
Assisted living facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. <sup>1</sup>
Skilled nursing facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. <sup>1</sup>
Hospital	One off-street parking space for every two beds based on maximum capacity as determined by the International Building Code.
School, primary	One off-street parking space for every five seats in the main auditorium or assembly room.

Use	Required Parking (Continued)
School, secondary	One off-street parking space for every four seats in the main auditorium or assembly room, or three off-street parking spaces for every classroom plus one additional off-street parking space for each staff member or employee, whichever is greater.
School, higher educational	One off street parking space for every possible four seats in the classrooms based on maximum capacity as determined by the International Building Code.
School, vocational/trade	One off street parking space for every possible four seats in the classrooms based on maximum capacity as determined by the International Building Code.
Government administrative office	One off-street parking space for every 300 square feet of floor area.
Public/private services	For libraries: One off-street parking space for every 1,000 square feet of floor area; For police stations and fire stations: one off-street parking space for every 300 square feet of floor area; For maintenance and storage facilities: one off-street parking space for every 500 square feet of floor area.
Religious worship, house of	One off-street parking space for every four fixed seats in the facility's largest assembly area. For a fixed seat configuration consisting of pews or benches, the seating capacity shall be computed upon not less than 18 linear inches of pew or bench length per seat. For a flexible configuration consisting of moveable chairs, each seven square feet of the floor area to be occupied by such chairs shall be considered as a seat.
Museum	One off-street parking space for every 1,000 square feet of floor area.
Community recreation hall	One off-street parking space for every possible four seats in the auditorium(s) and assembly room(s) based on maximum capacity as determined by the International Building Code.
Yacht club	<del>One off-street parking space for every two beds plus one space for each four persons of the building's maximum seating capacity as determined by the International Building Code.</del>
Clubs and lodges	<del>One off-street parking space for every two beds plus one space for each four persons of the building's maximum seating capacity as determined by the International Building Code.</del>
Parks	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the uses proposed.
Essential public facilities	Parking required as per underlying use.
Utilities	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the use proposed.
Lodging, level 1	One and one-quarter off-street parking space for each room to rent in addition to two off-street parking spaces for the single-family residence.
Lodging, level 2	One and one-quarter off-street parking space for each room to rent.
Lodging, level 3	One and one-quarter off-street parking space for each room to rent.
Personal services	One off-street parking space for every 300 square feet of floor area.
Product services, level 1	One off-street parking space for every 300 square feet of floor area.
Product services, level 2	One off-street parking space for every 400 square feet of floor area, except for auto repair. For auto repair, four off-street parking spaces for each service bay.
Professional services	One off-street parking space for every 300 square feet of floor area except for medical and dental offices. For medical and dental offices, one off-street parking space for every 250 square feet of floor area.

Use	Required Parking (Continued)
Sales, level 1	One off-street parking space for every 300 square feet of floor area.
Sales, level 2	One off-street parking space for every 400 square feet of floor area.
Sales, level 3	One off-street parking space for every 400 square feet of floor area.
Ancillary sales	One off-street parking space for every 300 square feet of floor area.
Commercial child care	One off-street parking space for every 5 possible seats in the main auditorium or assembly rooms.
Commercial recreation, indoor	One off-street parking space for every possible four seats in the auditoriums and assembly rooms based on maximum capacity as determined by the International Building Code; for bowling alleys, five off-street parking spaces for each alley.
Commercial recreation, outdoor	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the uses proposed.
Commercial entertainment	One off-street parking space for every possible four seats in the auditorium(s) and assembly room(s) based on maximum capacity as determined by the International Building Code.
Automotive fuel-dispensing facility	One off-street parking space for every two fuel pumps, if service bays are not provided. If service bays are provided, four off-street parking spaces for each service bay.
Vehicle wash	Two off-street parking spaces per service bay plus one space for every two employees. In addition, a stacking lane or lanes capable of accommodating a minimum of 10 percent of the projected maximum hourly throughput of vehicles for the vehicle wash shall be provided near the entrance to the wash bay(s). One car length within the stacking lane shall be equal to the length of a standard parking space.
Commercial parking lot	None required
Animal clinic	One off-street parking space for every 250 square feet of floor area.
Kennel	One off-street parking space for every 300 square feet of floor area.
Adult entertainment facility	Parking required as per underlying use.
Restaurant 1	One off-street parking space for every three seats based on maximum capacity as determined by the International Building Code.
Restaurant 2	One off-street parking space for every three seats based on maximum capacity as determined by the International Building Code.
Restaurant 3	One off-street parking space for every three seats based on maximum capacity as determined by the International Building Code.
Tavern	One off-street parking space for every three seats based on maximum capacity as determined by the International Building Code.
Drive-through facility	One off-street space for every two employees assigned to the drive-through service area. In addition, a stacking lane or lanes capable of accommodating a minimum of 10 percent of the projected maximum hourly throughput of vehicles for the drive-through facility shall be provided near the drive-through service area. One car length within the stacking lane shall be equal to the length of a standard parking space.
Marina	For moorages/slips less than 45 feet, one off-street parking space for every two berths; for moorages/slips 45 feet or longer, one space for every berth. All moorage facilities shall provide a minimum of two parking spaces. If a commercial or residential development is to be combined with a watercraft usage requiring parking, the usage which generates the larger number of spaces shall satisfy the requirements of the other usage. <sup>2</sup>

Use	Required Parking (Continued)
Marine sales and service	One off-street parking space for every 300 square feet of floor area except for boat sales and repair. For boat sales and repair, one off-street parking space for every 400 square feet of floor area.
Marine boat sales, level 1	One off-street parking space for every 300 square feet of floor area.
Marine boat sales, level 2	One off-street parking space for every 400 square feet of floor area.
Ministorage	One off-street parking space for every 500 square feet of floor area.
Industrial, level 1	One off-street parking space for every 500 square feet of floor area.
Industrial, level 2	One off-street parking space for every 500 square feet of floor area, except for moving companies and distribution facilities. For moving companies and distribution facilities, one off-street parking space for each vehicle in use, at any time, in the conduct of business.
Marine industrial	One off-street parking space for every 500 square feet of floor area.
Wireless communication facility	None Required
Accessory uses and structures	Parking required as per underlying use.
For any other use not specifically mentioned or provided for, the director shall determine the standards to be applied for parking using as a guide the uses listed above that most closely resemble the uses proposed.	

<sup>1</sup> If the facility or home is used exclusively for the housing of the elderly, disabled or handicapped, the decisionmaker may allow a portion of the area required for off-street parking to be reserved as a landscaped area if the decisionmaker finds that the required off-street parking is not immediately required and is in the best interest of the neighborhood.

<sup>2</sup> See GHMC 17.48.070 for additional requirements for parking and loading facilities in the WM district.

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

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this \_\_\_\_ day of \_\_\_\_\_, 2007.

CITY OF GIG HARBOR

\_\_\_\_\_  
CHARLES L. HUNTER, 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: \_\_\_\_\_



## ADMINISTRATION

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: MOLLY TOWSLEE, CITY CLERK**  
**SUBJECT: FIRST READING OF ORDINANCE AMENDING GHMC 1.20 OFFICIAL NEWSPAPER**  
**DATE: JANUARY 8, 2007**

### INFORMATION/BACKGROUND

The current Gig Harbor Municipal Code, Chapter 1.20.100 designates *The Peninsula Gateway* as the city's official newspaper until a different newspaper is designated per Chapter 1.20.020, the annual bid. The attached draft ordinance revises the code to remove the specific reference to *The Peninsula Gateway* and allows for the official newspaper to be designated by resolution on an as-needed basis.

This amendment will allow Council to consider choosing a publication that will facilitate the need for more frequent legal noticing. Delays in public hearings have resulted because of the current designation of a weekly publication. Clients may be better served if we can place legal notices on a daily basis.

This amendment would also allow the designated publication to serve as the official newspaper until it is deemed necessary to change rather than requiring a yearly bid process. The qualifications and cost will be revisited bi-annually to assure that the publication continues to meet the RCW requirements and that the costs remain competitive.

### FISCAL CONSIDERATION

A call for bids has been sent to *The Peninsula Gateway* and *The News Tribune*. The bids are due on January 16<sup>th</sup> and will return to you for consideration at the January 22<sup>nd</sup> meeting.

### RECOMMENDATION

Staff recommends a motion to adopt the attached ordinance amending GHMC Chapter 1.20 Official Newspaper, at its second reading.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S OFFICIAL NEWSPAPER TO ELIMINATE THE DESIGNATION OF THE OFFICIAL NEWSPAPER AND COMPETITIVE BIDDING REQUIREMENT FOR SUCH NEWSPAPER AND TO AMEND GHMC 1.20.010 TO ESTABLISH A PROCEDURE FOR SAME, REPEALING GHMC 1.20.020.

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WHEREAS, the current code specifically designates *The Peninsula Gateway* as the city's official newspaper; and

WHEREAS, the code also requires that the city clerk call an annual bid to set forth the costs per word; and

WHEREAS, Code Cities like Gig Harbor are required to designate an official newspaper per RCW 35A.65.020; and

WHEREAS, RCW 35A. 65.020 requires that legal publications have the qualifications identified; and

WHEREAS, this amendment to remove the designation of *The Peninsula Gateway* as the city's official newspaper will still allow a competitive bid process; and

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

Section 1. Section 1.20.010 of the City of Gig Harbor Municipal Code is hereby amended to read as follows:

**1.20.010 Designated.**

The city shall designate the official newspaper by Resolution after the consideration of competitive bids. The designation shall be revisited on a bi-annual basis to determine whether the designated newspaper maintains the qualifications required by RCW 35A.65.020 and Chapter 65.16. RCS and maintains competitive costs. The designation of the



~~Peninsula Gateway is ratified and said designation shall continue to be effective until a different newspaper shall be designated pursuant to GHMC 1.20.020. (Ord. 167 § 1, 1973).~~

Section 2. Section 1.20.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Effective Date. This ordinance shall take effect and be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the Council of the City of Gig Harbor, this \_\_\_\_ day of January, 2007.

APPROVED:

\_\_\_\_\_  
MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 01/03/06  
PASSED BY THE CITY COUNCIL:  
DATE PUBLISHED:  
DATE EFFECTIVE:



## COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: LITA DAWN STANTON, COMMUNITY DEVELOPMENT ASSISTANT**  
**SUBJECT: RESOLUTION NO. 696 – AUTHORIZING APPLICATION FOR FEDERAL GRANT FUNDING ASSISTANCE - PRESERVE AMERICA**  
**DATE: JANUARY 8, 2007**

### INFORMATION/BACKGROUND

*Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation and the Department of the Interior under the National Park Service (NPS). Laura Bush, First Lady of the United States, serves as the Honorary Chair of this initiative. Funding objectives support communities that have demonstrated a commitment to recognizing, designating, and protecting local cultural resources.

As a State Certified Local Government (CLG), the city has an opportunity to apply for *Preserve America* funding (subject to the availability of funds appropriated in Fiscal Year 2007). Grants will be awarded through a competitive process and each grant will require a dollar-for-dollar, non-Federal match, which can be in the form of cash or in-kind donated services for grant-assisted work. Project total minimums: \$40,000 (\$20,000 = 50% match) to \$300,000. (Last year, one project from Washington State received funding.)

The Design Review Board in its capacity as the acting review board under Chapter 17.97 of the GHMC Historic Preservation Section, requested that a historic structures inventory of the city's designated Historic District be initiated in 2007. The *Preserve America* program represents an excellent opportunity and a description of an appropriate project (per grant guidelines) is listed below:

### City of Gig Harbor Historic Resources Inventory

GRANTING PROGRAM: *Preserve America*

PROJECT TOTAL: \$50,000

GRANT REQUEST: \$25,000 (consultant services)

FISCAL RESPONSIBILITY: 50% Match (2008 Budget)

(Note: 25% of the City's 50% match requirement could be met through administrative expenses associated with the implementation of the project.)

PROJ. SCOPE INCLUDES: Public Outreach (open meetings, informational flyers, etc.)  
Reconnaissance Surveys (field assessment for number of sites)  
Inventory Forms (approximately 75 properties)  
Development of a Historical Context Statement (establish analysis criteria by age? architectural style? geographic location? other?)

Under requirements set out by the NPS, the city must ensure that personnel directing the Historic Resources Inventory activities meet the professional qualifications in 36 CFR 61 (a

minimum standard of education and experience in archeology, architectural history and architecture required to perform identification, evaluation, registration, and treatment activities depending on the complexity of the task and the nature of the historical properties involved). This also means a competitive process whereby the city would create and advertise a RFP for this work.

**FISCAL IMPACT**

A Historic Resources Inventory will require that the city commit \$25,000 in 2008 if the *Preserve America* grant request is successful.

**RECOMMENDATION**

Staff recommends that the City Council adopt Resolution No. 696 (per application requirements) authorizing staff to prepare and submit a grant request to *Preserve America* for a City of Gig Harbor Historic Resources Inventory.

**RESOLUTION NO. 696**

**A RESOLUTION OF THE CITY OF GIG HARBOR,  
WASHINGTON, AUTHORIZING APPLICATION FOR  
FUNDING ASSISTANCE FROM THE PRESERVE  
AMERICA GRANT ACCOUNT (FEDERAL FUNDING  
PROGRAM) AS PROVIDED IN RCW 79.90.245 AND  
SUBSEQUENT LEGISLATIVE ACTION.**

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WHEREAS, the City of Gig Harbor has adopted Chapter 17.97 Historic Preservation, Section 17.97.010; and

WHEREAS, under these provisions, its purpose is to for the identification, evaluation, designation and protection of designated historic resources within the boundaries of the City of Gig Harbor; and

WHEREAS, under the provisions of the PRESERVE AMERICA GRANT, federal funding assistance is requested to aid in financing the cost of a **Historic Resources Inventory**; and

WHEREAS, the City of Gig Harbor considers it in the best interest to complete this project described in the application;

NOW THEREFORE BE IT RESOLVED, that:

1. The mayor be authorized to make a formal application to the National Park Service for Preserve America funding assistance;
2. Any funding assistance received will be used for implementation of the project referenced above;
3. The City of Gig Harbor hereby certifies that its share of project funding will be derived from the General Fund monies in 2008.
4. We acknowledge that we are responsible for supporting all non-cash commitments to the sponsor share should they not materialize.

5. This resolution becomes a part of a formal application to Preserve America; and
6. We provided appropriate opportunity for public comment on this application.

RESOLVED by the City Council this 8<sup>th</sup> day of January, 2007

APPROVED

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CHARLES L. HUNTER, MAYOR

ATTEST/ AUTHENTICATED:

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MOLLY M. TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

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CAROL A. MORRIS

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO: 696



## COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: LITA DAWN STANTON, COMMUNITY DEVELOPMENT ASSISTANT**  
**SUBJECT: RESOLUTION NO. 697 – AUTHORIZING APPLICATION FOR STATE GRANT FUNDING ASSISTANCE – CLG GRANT PROGRAM**  
**DATE: JANUARY 8, 2007**

### INFORMATION/BACKGROUND

When Congress passed the National Historic Preservation Act in 1966, it provided funding for historic preservation. This law created a program of matching grants to the states. These funds are distributed to State Historic Preservation Offices on an annual basis. The Certified Local Government Program (CLG) helps local governments toward preserving Washington's historic and cultural resources as assets for the future. The CLG program is implemented and administered by the Department of Archaeology and Historic Preservation (DAHP).

As a State Certified Local Government (CLG), the City of Gig Harbor has an opportunity to apply for Historic Preservation Funds (HPF). Grant applications are due in April of 2007. Grants will be awarded through a competitive process with funding available in Spring of 2008.

The Design Review Board in its capacity as the acting review board under Chapter 17.97 of the GHMC Historic Preservation Section, requested that a historic structures inventory of the city's designated Historic District be initiated in 2007. The CLG Grant Program represents an excellent opportunity to expand the city's Historic Resources Inventory. A description of the project is listed below:

### City of Gig Harbor Historic Resources Inventory

GRANTING PROGRAM:	CLG Grant Program
PROJECT TOTAL:	\$25,000
GRANT REQUEST:	\$25,000 (consultant services)
FISCAL RESPONSIBILITY:	None
PROJECT SCOPE INCLUDES:	Public Outreach (open meetings, informational flyers, etc.) Reconnaissance Surveys (field assessment for number of sites) Inventory Forms (approximately 35 properties) Development of a Historical Context Statement (establish analysis criteria by age? architectural style? geographic location? other?)

Under requirements set out by the NPS, the city must ensure that personnel directing the Historic Resources Inventory activities meet the professional qualifications in 36 CFR 61 (a minimum standard of education and experience in archeology, architectural history and architecture required to perform identification, evaluation, registration, and treatment

activities depending on the complexity of the task and the nature of the historical properties involved). This also means a competitive process whereby the city would create and advertise a Request for Proposals (RFP) for this work.

**FISCAL IMPACT**

None. This is a no-match grant that would be made available in the Spring of 2008.

**RECOMMENDATION**

Staff recommends that the City Council adopt Resolution No. 697 (per application requirements) authorizing staff to prepare and submit a grant request to the DAHP for a City of Gig Harbor Historic Resources Inventory.

**RESOLUTION NO. 697**

**A RESOLUTION OF THE CITY OF GIG HARBOR,  
WASHINGTON, AUTHORIZING APPLICATION FOR  
FUNDING ASSISTANCE FROM THE WASHINGTON  
STATE DEPARTMENT OF ARCHEAOLGY AND  
HISTORIC PRESERVATION CLG GRANT PROGRAM  
AS PROVIDED IN RCW 79.90.245 AND  
SUBSEQUENT LEGISLATIVE ACTION.**

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WHEREAS, the City of Gig Harbor has adopted Chapter 17.97 Historic Preservation, Section 17.97.010; and

WHEREAS, under these provisions, its purpose is to for the identification, evaluation, designation and protection of designated historic resources within the boundaries of the City of Gig Harbor; and

WHEREAS, under the provisions as a CERTIFIED LOCAL GOVERNMENT, state funding assistance is requested to aid in financing the cost of a Historic Resources Inventory; and

WHEREAS, the City of Gig Harbor considers it in the best interest to complete this project described in the application;

NOW THEREFORE BE IT RESOLVED, that:

1. The mayor be authorized to make a formal application to the Washington State Department of Archaeology and Historic Preservation (DAHP) for Certified Local Government funding assistance;
2. Any funding assistance received will be used for implementation of the project referenced above;
3. We acknowledge that we are responsible for supporting all non-cash commitments to the sponsor share should they not materialize.
4. This resolution becomes a part of a formal application to the DHAP; and
5. We provided appropriate opportunity for public comment on this application.



RESOLVED by the City Council this 8<sup>th</sup> day of January, 2007

APPROVED

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CHARLES L. HUNTER, MAYOR

ATTEST/ AUTHENTICATED:

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MOLLY M. TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

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CAROL A. MORRIS

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO: 697



## COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: JENNIFER KESTER, SENIOR PLANNER**  
**SUBJECT: CLOSED RECORD HEARING - FINAL PLAT AND FINAL PRD FOR HARBOR CROSSING**  
**DATE: JANUARY 8, 2007**

### INFORMATION/BACKGROUND

Attached for your consideration is a resolution approving the final plat and final planned residential development (PRD) for the Harbor Crossing subdivision (SUB 06-1329), located north of Borgen Boulevard at the north end of 51<sup>st</sup> Avenue (directly north of the Gig Harbor North Shopping Center which houses Target and Albertsons). The applicant is Little Boat North Inc., dba The Dwelling Company. The preliminary plat (plat) and PRD (SUB 04-07) were conditionally approved, on August 23, 2005, for a 189 lot subdivision on approximately 29 acres. The plat at that time was named Gig Harbor North, but has since been changed to Harbor Crossing.

Little Boat North requested a minor amendment to the Harbor Crossing PRD on September 1, 2006, to reduce the number of lots to 182, make adjustments to a few private lanes and add a pedestrian access tract. The minor amendment met the criteria in GHMC Section 17.89.120 and was approved on October 26, 2006 by Planning Director, Tom Dolan.

The plat is composed of 182 homes of varying single-family detached and attached designs, including duplexes, rowhouses and townhomes in buildings of three to five units; as well as the associated infrastructure and amenities needed to serve the homes. Amenities include natural and built open space areas, a pedestrian trail and sidewalk system throughout the development and a lot plan that de-emphasizes the car and sites homes in a manner that enhances the streetscape. There are no designated wetlands on the property.

### POLICY CONSIDERATIONS

Staff has reviewed the criteria for approval of the final plat, as specified in GHMC Chapter 16.06, and the criteria for approval of the final PRD, as specified in GHMC 17.89.080, and has determined that the applicant has met the criteria for approval of the final plat and PRD as follows:

#### **GHMC 16.06.004 Recommendations as prerequisites for final plat approval**

Each preliminary plat submitted for final approval shall be accompanied by the following recommendations:

**(A)** Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply.

The City of Gig Harbor is furnishing sewage disposal and supplying water to the site. The City Engineer has approved the design of the utilities and the installation of these utilities has been completed. Water is available to the site as outlined in the Water Capacity Reservation Certificated (CRC) on file with the City.

**(B)** Planning Director's recommendation as to compliance with all of the terms of preliminary plat approval of the proposed plat or subdivision.

The applicant has complied with all terms of the preliminary plat approval, as discussed below.

**(C)** Approval of the City Engineer

The City Engineer recommends approval of the final plat of Harbor Crossing as all improvements required by the preliminary plat have been constructed or bonded in accordance with project requirements.

**GHMC 16.06.005 Criteria for approval of subdivisions:**

**(A)** The subdivision meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC General Requirements for Subdivision Approval;

The plat of Harbor Crossing has met the requirements of the municipal code. The proposed subdivision conforms to all applicable zoning ordinances and the comprehensive plan. The applicant has complied with the requirements to dedicate streets, open space and utility and access easements. Construction of required improvements has complied with the city's adopted public works construction standards.

For those improvements that have not been completed, the applicant has bonded for the work pursuant to GHMC 16.08. In addition the final plat contains the required certificates from the owner, surveyor, and city and county officials.

**(B)** Conforms to all terms of preliminary plat approval;

The Hearing Examiner's decision dated August 23, 2005, contained 39 conditions. The proposed final plat of Harbor Crossing has conformed to the conditions of the preliminary plat approval as follows:

**HEX Condition 1:** *All required common opens space held on privately owned property shall be reserved by easement or covenant prior to final plat approval.*

All open space areas are either contained in separate tracts to be dedicated to the Harbor Crossing Homeowners Association (HCHOA) or reserved by easement in favor of the HCHOA on the face of the Plat.

**HEX Condition 2:** *At least 50% of the common open space shall be usable for active or passive recreation, as determined by the City prior to final plat approval.*

A total of 8.79 acres of open space is required for the plat by Gig Harbor Municipal Code. The Harbor Crossing Plat contains 8.87 acres of open space. Over 50% of this area is available for passive and active recreation; the majority of which is in landscaped tracts which include pedestrian facilities.

**HEX Condition 3:** *All land shown 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 approve a declaration of covenants and restrictions on the common opens space that are acceptable to the city in providing for the 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.*

Ownership of all open space tracts and rights under all open space easements shall be to the Harbor Crossing Homeowners Association (HCHOA) with the recording of the Harbor Crossing Final Plat, per the dedication on the plat. The covenants of the HCHOA, which have been reviewed and approved by the City Attorney, require the maintenance of all open space tracts and easements by the HCHOA.

**Hex Condition 4:** *School impact fees shall be paid for each single family dwelling, detached or attached, located in the proposed plat prior to building permit issuance.*

School impact fees will be paid at the point each building permit is issued for each individual lot within the Plat.

**HEX Condition 5:** *Any dedication, donation, or grant as shown on the face of the Plat shall be considered for all intents and purposes as a quitclaim deed to the said donee(s) or grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).*

The dedications have been correctly shown on the plat.

**HEX Condition 6:** *Since the Plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the Plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.*

The dedication of all public roads and other public areas to the City and all private roads, utilities and open space to the HCHOA is shown on the face of the plat and ownership will be transferred at the recording of the plat, per the dedication on the plat.

**HEX Condition 7:** *Any dedication filed for record shall be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.*

A title report confirming the ownership of the land has been submitted with the final plat.

**HEX Condition 8:** *To increase the level of service on the north bound ramp of the SR-16 round-about (RAB), the applicant shall re-stripe for a 3-lane section of the Burnham over-crossing structure, with a 2<sup>nd</sup> eastbound lane provided at the north bound SR-16 RAB. Any construction methods required to facilitate this process shall meet the City of Gig Harbor Public Works Standards and be the sole responsibility of the developer of the Gig Harbor North Dwelling Company proposed plat. The applicant shall submit a channelization plan to the City for review and approval. The applicant shall complete or bond for this improvement prior to final plat approval.*

A re-striping (channelization) plan for the existing City/SR16 roundabout (RAB) has been submitted to the City and the Washington State Department of Transportation (WSDOT) for review and approval. The improvement has been bonded for as allowed by the August 23, 2005 Hearing Examiner decision. The bonds have been approved by the City Engineer.

**HEX Condition 9:** *The existing City/SR-16 RAB shall be re-striped by the applicant in its entirety to reflect the new 3-lane Burnham over-structure and City RAB configuration. Re-striping shall also include the placement of regulatory RAB lane signage on each of the six legs of the City/SR 16 RAB. The applicant shall complete or bond for this improvement prior to final plat approval.*

A re-striping (channelization) plan for the existing City/SR-16 RAB has been submitted to the City and WSDOT for review and approval. The improvement has been bonded for as allowed by the August 23, 2005 Hearing Examiner decision. The bonds have

been approved by the City Engineer.

**HEX Condition 10:** *To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site, the applicant shall be required to construct the proposed east access road from Borgen Blvd. to south property boundary pursuant to the City of Gig Harbor Public Works Standards. The new access road shall include two travel lanes with cement concrete sidewalks 5.5 feet in width, and cement concrete curbs and gutters on both sides. The applicant shall complete or bond for this improvement prior to final plat approval.*

Civil engineering plans for this improvement have been submitted to the City for review and approval. The improvement has been bonded for as allowed by the August 23, 2005 Hearing Examiner decision. The bonds have been approved by the City Engineer.

**HEX Condition 11:** *To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site, the applicant shall be required to widen Borgen Blvd. to extend the existing left turn channelization east of the Albertsons driveway to the new East Access road, to provide a separate east bound left turn lane and taper section to the proposed 4-lane intersecting roadway. The applicant shall complete or bond for this improvement prior to final plat approval.*

Civil engineering plans for this improvement have been submitted to the City for review and approval. The improvement has been bonded for as allowed by the August 23, 2005 Hearing Examiner decision. The bonds have been approved by the City Engineer.

**HEX Condition 12:** *To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site, the new driveway approach at the Borgen Boulevard/East access intersection shall be striped and signed consistent with the current version of the MUTCD manual for right turn only movements. Additionally, a modified “pork chop” traffic island (minimum of 50 square feet) meeting City standards to accommodate left-in turn movements and to prohibit left-out movements onto Borgen Boulevard shall be required. The applicant shall submit a channelization plan to the City for review and approval. The applicant shall complete or bond for this improvement prior to final plat approval.*

A channelization plan showing proposed striping and signing for the new roadway intersection at the Borgen Blvd/East Access Road including constructing of a modified “pork chop” traffic island as described above have been submitted to the City for review and approval. The improvement has been bonded for as allowed by the August 23, 2005 Hearing Examiner decision. The bonds have been approved by the City Engineer.

**HEX Condition 13:** *To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site, the applicant shall extend 51<sup>st</sup> Avenue north of the existing Target site to provide access to the proposed residential development. The interior road way system shall conform to the criteria*

*specifically listed in the issued Public Works Variance (05-01). The applicant shall complete or bond for this improvement prior to final plat approval.*

The extension of 51<sup>st</sup> Avenue into the plat and the construction of the interior road system consistent with Public Works Variance #05-01 have been completed and accepted as substantially complete by the City's construction inspector.

**HEX Condition 14:** *To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site, the applicant shall construct new pedestrian paths to the nearby retail areas and coordinate with adjacent residential communities to provide pedestrian access to nearby retail shops and restaurants. The applicant shall complete or bond for this improvement prior to final plat approval.*

Pedestrian access has been provided on sidewalks and pathways throughout the plat. Connections to the Gig Harbor North Shopping Center are provided along 51<sup>st</sup> Avenue and along Vancouver Lane (pedestrian pathway) between Lots 86 and 87 which connects to a stairway leading to the Albertsons Shopping Area. A number of pedestrian connections have been provided along the north boundary of the plat, providing possible pedestrian access to Canterwood residents.

**HEX Condition 15:** *To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site, the applicant shall be required to install standard stop sign and stop lines pursuant to MUTCD guidelines at the proposed east access driveway approach to Borgen Boulevard to safely control exiting maneuvers. The applicant shall complete or bond for this improvement prior to final plat approval.*

A channelization plan showing proposed striping and signing for the new roadway intersection at the Borgen Blvd/East Access Road including plans for stop signs and stop lines has been submitted to the City for review and approval. The improvement has been bonded for as allowed by the August 23, 2005 Hearing Examiner decision. The bonds have been approved by the City Engineer.

**HEX Condition 16:** *To ensure continuity of thru traffic on Borgen Blvd, a right turn bay shall be installed on Borgen Blvd. at the entrance to the east access road. Length and geometry shall be in accordance with the "Access Management Manual" by the Transportation Research Board, 2003. The applicant shall complete or bond for this improvement prior to final plat approval.*

Civil engineering plans showing proposed striping and signing for the new roadway intersection at the Borgen Blvd/East Access Road including a right turn bay on Borgen Blvd at the East Access Road have been submitted to the City for review and approval. The improvement has been bonded for as allowed by the August 23, 2005 Hearing Examiner decision. The bonds have been approved by the City Engineer.

**HEX Condition 17:** *The proposed road of sheet 2 of 9 referred to as “lot 4 Typical Road Section” shall be reconfigured to meet the geometric requirements of Figure 2-05 of the City Public Works Standards (Neighborhood Collector). The proposed local access roadway located on lot 4 as defined in the preliminary plat documents shall be constructed or bonded for prior to final plat approval.*

The East Access road (Lot 4 road) has been designed to meet the road standards approved for the road in Variance # 06-02. Civil engineering plans for the improvement have been submitted to the City for review and approval. The improvement has been bonded for as allowed by the August 23, 2005 Hearing Examiner decision. The bonds have been approved by the City Engineer.

**HEX Condition 18:** *Traffic impact fees shall be paid for each single family dwelling located in the proposed plat as set forth in GHMC 19.12.110(A), or as that section is amended in the future.*

Traffic impact fees will be paid prior to the issuance of building permits for each individual home on each individual lot.

**HEX Condition 19:** *The applicant shall receive Washington State Department of Transportation (WSDOT) written approval of the proposed channelization of the Burnham Drive Over-Crossing, and provide proof of same to the City prior to the start of channelization.*

Written approval of the proposed conceptual channelization plan has been granted by WSDOT and provided to the City.

**HEX Condition 20:** *The design and installation of all water lines for domestic, irrigation, and fire service shall meet the minimum standards of Chapter 4 of the City of Gig Harbor Public Works Standards adopted by Gig Harbor Ordinance No. 712.*

All water lines were constructed in accordance with the civil engineering plans approved by the City Engineer and Community Development Director and completed in compliance with all city standards.

**HEX Condition 21:** *The water system shall be designed to deliver the minimum fire flow described and required in the City of Gig Harbor Water Comprehensive Plan. The minimum fire flow shall be 1750 GPM for 2 hours with 20 PSI residual pressure at the flowing hydrants(s).*

The water system was design to deliver the fire flow as required in the City of Gig Harbor Water Comprehensive Plan and documented in the civil engineering plans approved by the City Engineer and Community Development Director. The water system was constructed in accordance with the approved civil engineering plans.

**HEX Condition 22:** *Connection fees for domestic water shall be paid for each*



*individual parcel located within the preliminary plat prior to building permit issuance. Water connection fees vary in price based upon meter size and shall be calculated upon receipt of a City utility application form as set forth in GHMC 13.04.080. .*

Water connection fees will be paid prior to the issuance of building permits for each home on each individual lot.

**HEX Condition 23:** *The storm water design and temporary erosion control shall meet the requirements set forth in the City Storm Water Design Manual adopted under GHMC 14.20.030 and the City Public Works Standards, adopted by City Ordinance No 712, and all future amendments.*

All temporary and permanent storm water facilities were constructed in accordance with civil engineering plans approved by the City Engineer and Community Development Director and completed in compliance with all city standards.

**HEX Condition 24:** *Prior to final plat approval, the applicant shall provide to the City a final drainage report and down stream analysis for review and approval.*

The final drainage report and down stream analysis was submitted and approved with the civil engineering plans for the project.

**HEX Condition 25:** *Prior to final plat approval, private project storm water maintenance agreements shall be recorded against the property on City forms(s). The agreement shall be for all storm water infrastructure not specifically identified as a “regional” storm water facility and for all storm water conveyance lines and structures not located within a public right of way or dedicated City utility easement.*

The agreement has been signed and submitted to the City on proper forms and has been recorded.

**HEX Condition 26:** *The ponds depicted within the preliminary plat documents shall have the words “East” and “West” included in the pond description. The assignment of East and West shall be dictated by the storm water facility’s geographic location or reference from North within the plat.*

The ponds have been depicted accordingly on the civil plans approved by the City Engineer and Community Development Director.

**HEX Condition 27:** *The applicant shall obtain an approved Erosion Control Storm Water Discharge permit from the Department of Ecology prior to any on site clearing and grading.*

The required permit was obtained and all clearing and grading on the site is complete.

**HEX Condition 28:** *The design and installation of all sanitary sewer facilities regarding*

*the plat shall meet the minimum standards of the City of Gig Harbor Public Works Standards adopted by City Ordinance No 712 and all applicable appendices.*

All sanitary sewer facilities were constructed in accordance with civil engineering plans approved by the City Engineer and Community Development Director and completed in compliance with all city standards.

**HEX Condition 29:** *The location of all sanitary sewer facilities shall be consistent with the most current version of the City Waste Water Comprehensive Plan.*

All sanitary sewer facilities were located in accordance with civil engineering plans approved by the City Engineer and Community Development Director and completed in compliance with the City Waste Water Comprehensive Plan.

**HEX Condition 30:** *The applicant or property owner shall pay the applicable sewer connection fee rate for sewer zone C for each individual lot located in the Gig Harbor North plat prior to building permit issuance.*

All sewer connection fees will be paid prior to the issuance of building permits for individual homes on individual lots.

**HEX Condition 31:** *Prior to final plat approval, the applicant shall record a private project Storm Water Facilities Maintenance Agreement against the property.*

The appropriate Storm Water Facilities Maintenance Agreement has been recorded against the property.

**HEX Condition 32:** *The applicant shall provide to the City of Gig Harbor detailed civil drawings depicting the construction of the plat, meeting all requirements of the City of Gig Harbor, and signed by the Community Development Director and City Engineer prior to final plat.*

All civil engineering drawings for the plat were submitted and approved by the Community Development Director and the City Engineer prior to clearing and grading and construction of the plat's infrastructure.

**HEX Condition 33:** *The applicant shall provide to the City civil drawings regarding the off-site traffic mitigations located on Borgen Boulevard and SR-16 Burnham over-crossing and associated City maintained RAB intersection.*

Civil engineering plans associated with the above described traffic improvements were submitted for review and approval by the City. The improvements have been bonded and the bond requires the following two conditions: (1) physical completion of the improvements within 60 calendar days of City approval of the civil engineering plans for the improvements, and; (2) City approval of the civil engineering plans prior to the issuance of any certificate of occupancy for any structure in the plat.

**HEX Condition 34:** *All civil drawings submitted to the City shall be prepared under the supervision of and stamped by a licensed Civil Engineer in the State of Washington.*

All civil engineering drawings were prepared and stamped by licensed Civil Engineers with ESM Consulting Engineers, LLC.

**HEX Condition 35:** *Prior to the release of approved civil drawings for the project, the applicant shall be required to pay engineering plan review and inspection fees to the City of Gig Harbor.*

All appropriate fees were paid to the City of Gig Harbor prior to release of approved civil engineering plans.

**HEX Condition 36:** *The applicant shall complete or bond for all required improvements prior to final plat approval.*

All improvements have either been completed and approved by the City construction inspector or bonded for as allowed. All bonds have been approved by the City Engineer.

**HEX Condition 37:** *Striping and Signage on Barkley Lane, Hudson Lane, Cartier Lane and Drake Lane shall be installed as follows:*

- a. *Fire Lane Painting. Where the roadway has rolled curbs or no curbs, painting and stenciling shall be on the pavement surface. 10-inch white lettering reading "NO PARKING – FIRE LANE" shall be placed against a red background with spacing of not more than 60 feet. The painting must be continuous for the entire length of the fire lane.*
- b. *Fire Lane Signs. Fire lane signs must comply with the specifications of the Manual of Uniform Traffic Control Devices. Fire lane signs must be no less than 12" wide by 18" high. They shall have reflectorized background with red lettering reading "NO PARKING-FIRE LANE". Each sign shall include a directional arrow indicating the direction of the fire lane in relation to the sign.*

All fire lane painting and signage will be installed, as approved by the City Engineer and Fire Marshal, prior to the issuance of certificates of occupancy of any homes in the plat.

**HEX Condition 38:** *Prior to final plat approval, the plat shall be revised to provide hydrant spacing demonstrating compliance with the IFC appendix Chapter "C" requirements.*

The required hydrant spacing was approved on the civil engineering plans and was constructed in accordance with the approved plans.

**HEX Condition 39:** *Any construction related to the plat shall comply with all building*

*and fire code requirements as determined by the Building Official/Fire Marshal.*

All civil engineering plans were reviewed and approved by the Fire Marshal and all building plans will be reviewed and approved by the Building Official and Fire Marshal prior to construction.

### **GHMC 17.89.080 Criteria for approval of final PRD application**

**(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.*

All features and amenities identified in the preliminary PRD and preliminary plat were constructed or bonded for as allowed by the August 23, 2005 Hearing Examiner decision. Bonds for roadway improvements have been approved by the City Engineer. Bonds for improvements within open space tracts have been approved by the Planning Director.

2. *The city City Engineer 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.*

All conditions imposed on the preliminary PRD and preliminary plat requiring public works department approval were constructed or bonded for as allowed by the August 23, 2005 Hearing Examiner decision. All public works related bonds have been approved by the City Engineer.

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.*

The city fire marshal approved all civil engineering plans for roadways and utilities and will approve all building permits for homes within the PRD. All fire lane painting and signage will be installed, as approved by the City Engineer and Fire Marshal, prior to the issuance of certificates of occupancy of any homes in the plat.

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.*

The Planning Director has determined that the applicant has complied with all conditions imposed on the PRD requiring planning department approval. Such

conditions have been satisfied through the design of the PRD and the construction and bonding of required improvements as allowed by the August 23, 2005 Hearing Examiner decision.

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.*

The preliminary and final PRD conform to all the terms of GHMC Chapter 17.89 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 other financial assurance when the improvements have been completed in accordance with the preliminary PRD.

The applicant has provided bonds for all landscape and pedestrian improvements within all open space tracts required by the preliminary PRD. The bonds have been approved by the Planning Director.

- (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.

Harbor Crossing Homeowner Association CCRs, By-Laws, and Article of Incorporation were reviewed and approved as to form by the City Attorney.

## **ENVIRONMENTAL ANALYSIS**

A Mitigated Determination of Non-Significance was issued on June 22 2005. The MDNS became final on July 6, 2005. THE MDNS was appealed on July 6, 2005 by Olympic Property Group, but the appeal was withdrawn. The MDNS contained a number of mitigation measures that were included as conditions of plat approval by the Hearing Examiner. The proposed final plat has complied with the mitigation measures that were required prior to final plat approval.

## **FISCAL IMPACTS**

The proposal does not include any significant fiscal impacts.

**RECOMMENDATION**

The staff recommends that the City Council move adoption of the Resolution approving the final plat and final PRD of Harbor Crossing.

## Enclosures:

Hearing Examiner's Decision, dated August 23, 2005.

Mitigated Determination of NonSignificance, dated June 22, 2005.

Minor PRD Amendment, dated October 26, 2006

Harbor Crossing plat, 7 sheets, received January 2, 2007.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING THE FINAL PLAT AND FINAL PRD OF HARBOR CROSSING, LOCATED NORTH OF BORGEN BOULEVARD AT THE NORTH END OF 51<sup>ST</sup> AVENUE; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NO. 0222303010; File No. SUB 06-1329**

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WHEREAS, on August 23, 2005, the Hearing Examiner conditionally granted preliminary plat approval and preliminary planned residential development approval to the Gig Harbor North Preliminary Plat, now called Harbor Crossing, located north of Borgen Boulevard at the north end of 51<sup>st</sup> Avenue; Pierce County Assessor-Treasurer Parcel No. 0222303010; and

WHEREAS, the preliminary plat and planned residential development approval were not appealed; and

WHEREAS, after preliminary plat and planned residential development approval, the applicant began work to install required utilities and construct roads on the property; and

WHEREAS, street names for the Harbor Crossing subdivision were approved by the City Council at its regular meeting of July 24, 2006; and

WHEREAS, an application for final plat approval was submitted to the City on June 26, 2006 and determined complete on October 30, 2006; and

WHEREAS, the proposed final plat and final PRD was circulated to the appropriate departments of the City for review; and

WHEREAS, the City requested revisions and corrections on November 17, 2006, November 20, 2006, December 18, 2006 and December 29, 2006; and

WHEREAS, the applicant submitted the requested corrections and revisions on November 30, 2006, December 27, 2006 and December 29, 2006; and

WHEREAS, the final corrected drawings of the proposed final plat and final PRD were circulated to the appropriate departments of the City and recommendations for approval were obtained on January 2, 2007; and

WHEREAS, the proposed plat certificate has been reviewed by the City Attorney and all certificates of completion as required by GHMC Section 16.06.001 have been received; and

WHEREAS, the City Council reviewed the application for the final plat at its regular meeting of \_\_\_\_\_; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings

A. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 16.06.005 and 17.89.080(A)(5), the Harbor Crossing subdivision and planned residential development, subject to the conditions imposed in Section 2:

1. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;
2. Conforms to all terms of the preliminary plat and preliminary PRD approvals;  
and
3. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 16 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval;



4. Meets the requirements of Chapter 17.89 GHMC.

B. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 17.89.080, the applicant for the Harbor Crossing planned residential development has:

1. Constructed, improved or bonded for all conditions imposed on the preliminary PRD requiring public works department approval to the satisfaction of the City Engineer;
2. Constructed all conditions imposed on the preliminary PRD requiring fire code approval to the satisfaction of the Fire Marshal, with the exception of fire lane painting and signage, which the Fire Marshal has determined shall be installed prior to the issuance of certificates of occupancy of any homes in the plat;
3. Constructed or bonded for all conditions imposed on the preliminary PRD requiring planning department approval to the satisfaction of the Planning Director;
4. Bonded for all improvements not yet made in the designated common open space;
5. Submitted to the City and received approval as to form, from the City Attorney, for the Harbor Crossing Homeowner Association CCRs, By-Laws, and Article of Incorporation;

Section 2. Conditions

A. The City Council hereby imposes the following conditions upon the final plat and final PRD of Harbor Crossing, File No. SUB 06-1329:

1. The Harbor Crossing Homeowner Association CCRs, By-Laws, and Article of Incorporation approved as to form by the City Attorney shall be recorded with the county auditor;
2. All fire lane painting and signage shall be installed, as approved by the City Engineer and Fire Marshal, prior to the issuance of certificates of occupancy for any homes in the plat;
3. School impact fees shall be paid for each single-family dwelling, detached or attached, located in the plat prior to building permit issuance (this is a condition of the Hearing Examiner's preliminary plat and preliminary PRD approval for Gig Harbor North Preliminary Plat dated August 23, 2005);
4. Traffic impact fees shall be paid for each single-family dwelling located in the plat as set forth in GHMC 19.12.110(A), or as that section is amended in the future, prior to building permit issuance for each individual lot within the plat (this is a condition of the Hearing Examiner's preliminary plat and preliminary PRD approval for Gig Harbor North Preliminary Plat dated August 23, 2005);
5. Connection fees for domestic water shall be paid for each individual parcel located within the plat prior to building permit issuance. Water connection fees vary in price based upon meter size and shall be calculated upon receipt of a City utility application form as set forth in GHMC 13.04.080 (this is a condition of the Hearing Examiner's preliminary plat and preliminary PRD approval for Gig Harbor North Preliminary Plat dated August 23, 2005);
6. Sewer connection fees for sewer zone C shall be paid for each individual lot located in the plat prior to building permit issuance (this is a condition of the

Hearing Examiner's preliminary plat and preliminary PRD approval for Gig Harbor North Preliminary Plat dated August 23, 2005).

Section 3. The City Council directs the Mayor and all other appropriate City officials to inscribe and execute the City's written approval on the face of the plat.

Section 4. The City shall record the final plat with the County Auditor, at the expense of the applicant, after all inspections and approvals, and after all fees, charges and assessments due the City resulting from the subdivision development have been paid in full.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2007.

APPROVED:

\_\_\_\_\_  
CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
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: \_\_\_\_\_  
RESOLUTION NO. \_\_\_\_\_

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RECEIVED  
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COMMUNITY  
DEVELOPMENT

BEFORE THE HEARING EXAMINER  
FOR THE CITY OF GIG HARBOR

In Re: the Application of The Dwelling  
Company,  
  
Applicant.

SUB 04-07  
  
FINDINGS, CONCLUSIONS AND  
DECISION

**I. SUMMARY OF DECISION**

The application for preliminary plat approval and planned residential development review of a 189-lot plat located north of the Target and Albertson's development along Borgen Boulevard on 29 acres owned by First Western Development Services, Inc., within the City of Gig Harbor, is approved with conditions.

**II. SUMMARY OF PROCEDURE**

A. Hearing. An open record hearing was held in the City of Gig Harbor on August 8, 2005.

B. Exhibits. The Examiner had the complete City file available for review, and specifically admitted the following exhibits at the hearing:

1. Staff Report to the Hearing Examiner for SUB 04-07, dated July 29, 2005;
2. Dwelling Company, Gig Harbor North Preliminary Plat set, Sheets 1 through 9;
3. Notice of Administrative Decision (SUB 04-07), dated July 6, 2005;
4. Mitigated Determination of Nonsignificance (MDNS) and Adoption of Existing Environmental Document - W.A.C. 197-11-970 (SEPA 04-37);

ORIGINAL

1 5. E-mail from Rich Hill to Carol Morris, dated Monday, July 25, 2005, 5:36  
p.m.;

2 6. Findings, Conclusions and Decision on application by Olympic Property  
Group for preliminary plat of Harbor Hill (SUB 03-06), dated May 13, 2005;

3 7. Letter to Dale Pinney, SHDP Associates, LLC, from attorney Rich Hill,  
4 dated April 6, 2005;

5 8. Community Development Department/Engineering Findings, Conclusions  
6 and Decision on Variance No. 05-01, dated April 22, 2005;

7 9. Memo to Jenn Sitts from Dick J. Bower, CBO, dated July 28, 2005;

8 10. Memo to Jenn Sitts from Dick J. Bower, CBO, dated August 8, 2005; and

9 11. Remainder of City's project file.

10 On August 11, 2005, the Hearing Examiner also received a letter dated August  
11 9, 2005 from the Canterwood Homeowners Association. This letter was not timely  
submitted as part of the record in this matter and accordingly has not been considered by the  
12 Hearing Examiner in making this Decision.

13 C. Pleadings. In addition, the Hearing Examiner considered the following:

14 1. None.

15 D. Testimony. The following individuals provided testimony under oath:

16 1. The Staff Report was presented by Jennifer Sitts, Associate Planner;

17 2. Rich Hill;

18 3. Russell Tanner;

19 4. Linda Stalzer; and

20 5. Scott Shanks.

### 21 III. FINDINGS

22 1. This application involves review of a 189-lot residential preliminary plat and  
23 planned residential development on approximately 29 acres located in the 115<sup>th</sup> block of 51<sup>st</sup>  
24 Ave. NW, north of the Target and Albertson's development along Borgen Boulevard in Gig  
Harbor (SUB 04-07). The proposed Gig Harbor North plat will include the construction of  
25 189 homes and the associated infrastructure and amenities. Home types will include single  
family detached homes, duplexes, row-houses, and townhouses in buildings of three to five

1 units each.

2 2. The subject property is undeveloped. It is primarily forested except for an area  
3 in the northwest quarter of the property that was once a gravel pit. The plat lies within  
4 properties which were subject to a pre-annexation agreement for Gig Harbor North;  
specifically, the plat is a portion of Logan International Corp./TriMaine Holdings  
property referenced in the agreement.

5 3. Zoning for the project site is Planned Community Development Medium Density  
6 Residential (RMD). No regulated wetlands exist on the site. No other regulated critical  
areas exist on the site.

7 4. Adjacent zoning and current use is as follows:

- 8 a. North: R-1 – Single-Family Residences in Canterwood Country Club  
9 b. East: RLD – vacant  
10 c. South: PCD-C – Albertsons and Target  
11 d. West: RMD – vacant, proposed hospital

12 5. The subject parcels may be accessed off of 51<sup>st</sup> Avenue NW from Borgen  
13 Boulevard. The City of Gig Harbor is the water and sewer purveyor for the site. Several  
new public roads are proposed to be built within the plat, along with many private alleys for  
vehicular access to the homes. The plat also includes two stormwater ponds and new water,  
sewer and other utility lines.

14 6. The site is designated as PCD-RMD land use on the City of Gig Harbor  
15 Comprehensive Plan Land Use Map. Goal 2.2.3.f.7 states as follows:

16 Planned Community Development Residential Medium  
17 (PCD-RMD, 8.0 – 16.0 dwelling units per acre) – Provides  
18 for greater population densities to facilitate high quality  
19 affordable housing, a greater range of lifestyles and income  
20 levels; provides for efficient delivery of public services and  
to increase residents' accessibility to employment,  
transportation and shopping; and serves as a buffer and  
transition area between more intensely developed areas and  
lower density residential areas.

21 7. GHMC 16.05.003 lists the criteria the hearing examiner shall make inquiry into  
22 and shall consider when reviewing a preliminary plat. All subdivisions must meet the  
23 general requirements for approval of subdivisions set forth in GHMC 16.08.001. The  
24 proposed preliminary plat/planned residential development is located in the Planned  
25 Community Development Medium Density Residential zone (RMD). Chapter 17.21  
GHMC contains requirements and performance standards for development in the RMD  
district. Chapter 17.89 GHMC contains the requirements and standards for a planned  
residential development, in particular GHMC 17.89.020, 17.89.050, 17.89.060(A),

17.89.060(B), 17.89.070, 17.89.090 and 17.89.110.

8. The Design Review process is defined under GMHC 17.98. GHMC 17.98.030 states that Chapter 17.99, Design Manual, applies to all proposals to subdivide land under the provisions of GHMC Title 16.

9. The project received Director's review for all categories of design review. Having met the applicable specific requirements of the Design Manual, the staff administratively approved the project with conditions on July 6, 2005. Ex. 3. The appeal period for this decision expired on July 20, 2005. No appeals of the administrative decision were filed. The Design Review Decision listed the following condition:

1. Planting areas with nursery stock or transplanted vegetation shall include an automatic mechanical irrigation system designed for full coverage of the planting areas. Alternatively, a xeriscape plan may be submitted to the City for review; a licensed landscape architect shall prepare the xeriscape plan. The irrigation plan or xeriscape plan shall be submitted and approved prior to final plat approval. The mechanical irrigation system shall be installed or xeriscape plan shall be implemented prior to occupancy of the first home within the plat.

10. The City issued a Mitigated Environmental Determination of Non-Significance (MDNS) on June 22, 2005. Ex. 4. The MDNS became final on July 6, 2005. One appeal was filed on July 6, 2005 by the Olympic Property Group, but was later withdrawn. The MDNS required a number of mitigation measures. Ex. 4.

11. The applicant has proposed fee-simple single-family detached homes, duplexes, row-houses, and townhouses in buildings of three to five units each. The RMD zone permits single-family detached and attached dwellings pursuant to GHMC 17.21.020.

12. The applicant has proposed 189 dwelling units on 29.29 gross acres of property. The road portion of the right-of-way encompasses 7.22 acres leaving a net buildable area of 22.07 acres, as defined in GHMC 17.05.030. The proposed density is, therefore, 8.57 dwelling units per acre. The maximum outright allowed density is eight dwelling units per acre; however, the RMD zone allows a bonus density of up to 30 percent outright if certain criteria are met (GHMC 17.21.040(A)). The proposed project meets two of the criteria:

- a. Thirty percent of the development site is in common open space, which must be contiguous or greater than one acre (five percent), and
- b. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan pursuant to the land use map (10 percent).

13. The applicant has proposed 6.67 acres of common open space; this is 30.2% of

1 the net buildable development site. The applicant has also provided a trail system within the  
2 common open space. Since the "trails plan" referenced in the criterion does not exist, this  
3 portion of the criterion is inapplicable. Both the open space and trails are depicted in the  
4 plan set. Ex. 2. Meeting these criteria allows an increase in density of 15% for the proposed  
5 development. Therefore, the maximum allowed density for the project is 9.2 dwelling units  
6 per acre. The applicant has proposed 8.57 dwelling units per acre.

7 14. GHMC 17.21.040(B)(2) sets forth the minimum yard requirements for the RMD  
8 district. The applicant has proposed to vary from these setbacks through the planned  
9 residential development (PRD) standards discussed further in these Findings in order to  
10 allow attached dwelling units on fee simple lots. The proposed setbacks are shown on Sheet  
11 3 of Ex. 2. Pursuant to GHMC 17.99.290(A), the otherwise required setbacks for single-  
12 family residences on individual lots are:

13 FRONT SETBACK..... House – 15 feet  
14 Porch – 12 feet  
15 Garage – 15 feet

16 SIDE SETBACK..... 5 feet

17 REAR SETBACK..... 15 feet, except that garages may be within three feet of an  
18 alley easement.

19 15. The maximum height of structures in the RMD zone is 45 feet (GHMC  
20 17.21.040(B)(3)), with which the applicant will comply.

21 16. The maximum lot area coverage in the RMD zone is 65%, excluding driveways,  
22 private sidewalks and similar impervious surfaces. Impervious surface coverage of  
23 individual parcels may exceed the 65% maximum when included within a subdivision,  
24 provided the overall impervious coverage of the subdivision does not exceed 65 percent.  
25 The proposed preliminary plat has 7.34 acres of impervious coverage, or 25.06% of the total  
subdivision area. Final plat buildout will remain subject to the 65% maximum.

17 17. GHMC 17.78.060(B) and 17.89.060(A)(2) generally require a 20-foot buffer  
18 around all planned residential developments in the RMD zone. Under GHMC  
19 17.21.040.B.5, however, this buffer shall be reduced to 10 feet where a plat is adjacent to a  
20 "similar use or zone" which includes a platted buffer of equal or greater width.

21 18. The applicant proposes a 10-foot buffer to the north, adjacent to Canterwood  
22 Country Club, a single-family housing community with a 25-foot platted buffer which has  
23 been installed and maintained. On behalf of the Canterwood Homeowners Association,  
24 Russell Tanner testified against the ten foot northern setback and requested a twenty foot  
25 setback. Other than this setback issue, Mr. Tanner generally offered the Association's  
support for the plat as proposed. Although the Examiner agrees with the Association that  
the lot sizes and housing stock in Canterwood are not identical to those proposed here, they  
are "similar." The Canterwood homes are single-family detached units, and the homes  
proposed in the plat to adjoin Canterwood are likewise single-family detached units. A  
buffer reduction is accordingly allowed pursuant to GHMC 17.21.040(B)(5).



1 19. The proposed ten foot seven inch setback to the south does not comply with the  
2 standard on its face, because the adjacent 30-foot buffer is in a commercial zone. However,  
3 GHMC 17.78.100, Alternative Landscape Plan, permits modification from landscaping  
4 requirements, if proposed landscaping represents a superior result than that which would be  
5 achieved by strictly following the landscaping requirements. Given the extent of the on-site  
6 interior landscaping and trails, the existing 30-foot buffer to the south, and the additional 18-  
7 foot buffer provided by the alley, for a total minimum of 55 feet of space between the homes  
8 and adjacent commercial area to the south, the seven to ten-foot southern landscape buffer  
9 as an alternative landscape plan is approved as constituting a superior result than that which  
10 would otherwise be achieved under the code.

11 20. The Dwelling Company preliminary plat is located on property covered by the  
12 Preannexation Agreement and its amendments (hereinafter referred to as the "Preannexation  
13 Agreement"). The Preannexation Agreement has a provision (paragraph 3(A)(i)) addressing  
14 the manner in which development of the property may proceed, based on water availability.  
15 In at least one previous preliminary plat decision, the City interpreted this provision in the  
16 Preannexation Agreement to require that the developer construct the water transmission and  
17 storage facilities described therein prior to issuance of any building permits for the plat.  
18 (See, Hearing Examiner's Decision on the Olympic Property Group's preliminary plat of  
19 Harbor Hill, dated May 13, 2005, Ex. 6.)

20 21. The facts surrounding the Dwelling Company preliminary plat are easily  
21 distinguished from that earlier decision. With regard to the Harbor Hill plat, the property  
22 owner was required under the Agreement to actually construct the water transmission and  
23 storage facilities on its own property. Further, the Harbor Hill plat had an inadequate water  
24 supply without the construction of these facilities. The developer there likewise failed to  
25 appeal the MDNS in which this condition was established.

22. In contrast, the Dwelling Company preliminary plat applicant is not required to  
construct the facilities identified in the Agreement. Furthermore, the Dwelling Company  
submitted a report from a qualified engineer, demonstrating that even without construction  
of the water facilities described in the Agreement, there would be sufficient water for its  
preliminary plat. (This report is authored by Montgomery Water Group, dated June 21,  
2005, and is included within Ex. 11.)

23. The Dwelling Company's attorney also submitted a letter supporting an  
interpretation of the Agreement recommending that the City grant approval of the  
preliminary plat based on the existing water availability. (See, Ex. 7, letter addressed to  
Dale Pinney, dated April 6, 2005 from attorney Rich Hill.) In this letter, Mr. Hill argues that  
the applicable provision of the Preannexation Agreement does not require "that construction  
of water transmission and storage facilities necessary to serve the *entire* Property must be  
complete before any building permits are issued for *any portion* of the Property." *Id.*

24. The City staff, including the City Attorney, reviewed this issue and the above-  
referenced documents, and concluded that even though the Dwelling Company's property is

1 subject to the Preannexation Agreement, the applicant has demonstrated that the City's  
2 existing facilities have the capability of providing adequate water to serve the plat, in the  
3 amount shown on the Water CRC. Accordingly, an interpretation of the Agreement that  
4 would prohibit the Dwelling Company from obtaining building permits until *another*  
5 *developer* constructs the water facilities described in the Agreement would be nonsensical.

6 25. The City Engineer, Steve Misiurak, P.E., offered:

7 **Streets/Traffic:**

- 8 • The applicant(s) proposed road section depicted on Sheet 2 of 9 of the  
9 Dwelling Company, Gig Harbor North Preliminary Plat set, referred to  
10 as "Typical Road Section" meets the geometric requirements of the  
11 granted Public Works Variance 05-01 (Community Development  
12 Department, Engineering, Findings, Conclusions and Decision, Variance  
13 No. 05-01, dated April 22, 2005). The decision was not appealed and  
14 became final and binding on May 6, 2005.
  
- 15 • The proposed road section depicted on Sheet 2 of 9 the Dwelling  
16 Company, Gig Harbor North Preliminary Plat documents referred to as  
17 "lot 4 Typical Road Section" does not meet the standards of the  
18 approved cross sections located in chapter 2 of the City Public Works  
19 Standards. The proposed "lot 4" road cross section does not contain  
20 the required amount of Right of Way width, correct horizontal alignment  
21 with in the Right of Way, or meet any of the geometric configuration of  
22 any of the approved road way sections in chapter 2 of the Public Works  
23 Standards. The proposed road shall be reconfigured to meet the  
24 geometric requirements of Figure 2-05 of the City Public Works  
25 Standards (Neighborhood Collector). The proposed local access roadway  
located on lot 4 as defined in the preliminary plat documents shall be  
constructed or bonded prior to final plat approval.
  
- Engineering also requests that the traffic mitigation(s) required and  
described in the SEPA MDNS issued to the Gig Harbor North plat be  
incorporated and referenced herein. Construction of all off site roadway  
mitigation improvements defined in the SEPA MDNS shall be required  
to be constructed prior to final plat approval, (SEPA 04-37). Although  
the SEPA MDNS states that construction may occur prior to issuance of  
a final building permit, the applicant has agreed, and the City staff  
recommends, that the timing for compliance with this condition be  
changed in the Hearing Examiner's final decision to final plat approval.
  
- Traffic Impact Fees shall be required to be paid for each single family  
dwelling located in the proposed Gig Harbor North plat as set forth in  
GHMC Section 19.12.110(A), or as this section is amended in the future.
  
- A Traffic Concurrency Reservation Certificate has been granted to the

1 applicant for the Gig Harbor North plat. The Traffic Impact Analysis  
2 and subsequent amendments performed by Terry Gibson, P.E. of Gibson  
3 Traffic Consultants was reviewed and concurred with by the City  
4 Engineer, Associate Engineer, and hired traffic consultant (HDR).

- 5 • The applicant shall be required to receive Washington State Department  
6 of Transportation (WSDOT) written approval of the proposed  
7 channelization of the Burnham Drive Over-Crossing.

8 **Utilities:**

- 9 • Water: The applicant has applied for and received an approved Water  
10 Concurrency Reservation Certificate. The amount of water Equivalent  
11 Residential Unit' (ERU) granted in the CRC adequately satisfies the  
12 domestic water usage needed to facilitate this proposed preliminary plat  
13 (65,940 gallons per day, CRC #SUB 04-07). The design and installation  
14 of all water lines for domestic, irrigation, and fire service shall be the  
15 sole responsibility of the applicant to construct and shall be required to  
16 meet the minimum standards of chapter 4 of the City of Gig Harbor  
17 Public Works Standards adopted by City of Gig Harbor Ordinance  
18 number 712.

- 19 ○ The water system located with in the preliminary plat shall have the  
20 ability to deliver the minimum fire flow described and required in the  
21 City of Gig Harbor Water Comprehensive Plan. The minimum fire  
22 flow shall be 1750 GPM for 2 hours with 20 PSI residual pressure at  
23 the flowing hydrant(s).
- 24 ○ The location of all fire hydrants with in the preliminary plat shall be  
25 at the sole discretion of the City Fire Marshal.
- Connection fees for domestic water shall be paid for each individual  
parcel located with in the preliminary plat prior to building permit  
issuance. Water connection fees vary in price based upon meter size  
and shall be calculated upon receipt of a City utility application form  
as set forth in GHMC 13.04.080.
- The applicant has an approved Concurrency Reservation Certificate  
for water issued by Director of Operations, David G. Brereton  
allocating 65,940 gallons per day (GPD) of domestic and irrigation  
water usage for the Gig Harbor North Dwellings preliminary plat.

- Storm Drainage: The storm water design and temporary erosion control  
shall satisfy all applicable requirements set forth in the City Storm Water  
Design Manual adopted under sect. 14.20.030 of the G.H.M.C. and the  
City Public Works Standards adopted by City Ordinance 712, and all  
further amendments.
- Prior to final plat and Gig Harbor North Dwellings civil drawing  
approval the applicant shall provide to the City a final drainage

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report and down stream analysis for review and concurrence. Prior to final plat approval, private project storm water maintenance agreements shall be recorded against the property on City form(s). The agreement shall be for all storm water infrastructure not specifically identified as a "regional" storm water facility and for all storm water conveyance lines and structures not located with in a Public Right of Way or dedicated City utility easement.

- The City acknowledges the receipt, review and approval of the preliminary drainage design and reports for the current proposed storm water quantity / quality control and conveyance facilities.
  - The Engineering Dept. requests that the ponds depicted with in the Dwelling Company, Gig Harbor North Preliminary Plat set have the words East and West included in the pond description. The assignment of East and West shall be dictated by the storm water facilities geographic location or reference from North with in the plat.
  - The applicant shall obtain an approved Erosion Control Storm Water Discharge permit from the Department of Ecology prior to any on site clearing and grading.
- **Sewer:** The design and installation of all sanitary sewer facilities for the plat shall be required to meet the minimum standards of the City of Gig Harbor Public Works Standards adopted by City Ordinance 712 and all applicable appendices.
    - The location of all sanitary sewer facilities shall be consistent with the most current version of the City Waste Water Comprehensive Plan.
    - The applicant or property owner shall be required to pay applicable sewer connection fee rate for sewer zone C for each individual lot located in the Gig Harbor North plat prior to building permit issuance. (GHMC 13.28.060)

Please note that the review of the project has been for the Gig Harbor North plat only. The subject preliminary plat applicant shall be required to construct all the above required Operations/ Engineering requirements prior to final plat approval. The applicant shall provide to the City of Gig Harbor detailed civil drawings in regards to the construction of the plat, meeting all the requirements of the City of Gig Harbor and signed by the Community Development Director and City Engineer prior to final plat. The applicant shall also be required to provide to the City civil drawings regarding the off site traffic mitigation located on Borgen Boulevard and the SR16 Burnham over-crossing and associated City maintained round about intersection. All civil drawings submitted to the City shall be prepared under the supervision of and stamped by a licensed Civil Engineer in the state of Washington. Prior to the release of approved civil drawings for the project the applicant shall be

1 required to pay engineering plan review and inspection fees to the City of  
2 Gig Harbor.

3 26. The Building Official/Fire Marshal provided initial comments on the  
4 preliminary plat on July 28, 2005 (see, Ex. 9, Memo to Jenn Sitts from Dick J. Bower, CBO,  
5 dated July 28, 2005). After meeting with the applicant, agreement was reached. Ex. 10.

#### 6 REVIEW CRITERIA FOR APPLICATIONS

7 27. GHMC 16.05.003 sets forth criteria for approval of preliminary plats. The  
8 hearing examiner shall consider:

9 a. *Whether the preliminary plat conforms to Chapter 16.08*  
10 *GHMC, General requirements for subdivision approval;*

- 11 • The preliminary plat conforms to the general requirements for  
12 subdivision approval as described in GHMC 16.08.001.

13 b. *If appropriate provisions are made for, but not limited to,*  
14 *the public health, safety and general welfare, for open*  
15 *spaces, drainage ways, streets or roads, alleys, other public*  
16 *ways, transit stops, potable water supplies, sanitary wastes,*  
17 *parks and recreation, playgrounds, schools and school*  
18 *grounds, and shall consider all relevant facts, including*  
19 *sidewalks and other planning features that assure safe*  
20 *walking conditions for students who only walk to and from*  
21 *school; and*

- 22 • Open spaces: The preliminary plat and planned residential development  
23 satisfies the open space and maximum impervious surface coverage  
24 standards, as discussed above. More than 30% of the buildable area of  
25 the plat will be reserved as open space, which includes an internal trail  
system, as depicted on sheets L-1 through L-4 of Ex. 2. Only 25.06%  
of the plat will initially develop as impervious surface. This allows 39.94%  
of the plat area, 11.70 acres, to be built as homes and other impervious  
accessories.

Drainage ways: Two detention water quality ponds have been proposed  
for the project in addition to a new network of on-site storm drain mains.  
The onsite detention ponds located within the Gig Harbor North  
Dwelling Company Preliminary Plat are private and shall be the sole  
responsibility of the owner(s) to construct and maintain. Prior to final  
plat approval, the applicant shall be required to record a private project  
Storm Water Facilities Maintenance Agreement against the property, as  
required by code. The City Engineer has reviewed and approved the  
preliminary drainage design and reports for the current proposed storm

1 water quantity and quality control and conveyance facilities.

2 Street and roads: The applicant has proposed several public and private  
3 streets throughout the plat. The private and public roads have been  
4 clearly labeled as such on the plat drawings. Access to Borgen  
5 Boulevard has been defined in the Dwelling Company, Gig Harbor  
6 North Preliminary Plat set, sheet 1 as 51<sup>st</sup> Street and Pacific Avenue. All  
7 roads labeled "private" on sheet 1 of the plat documents shall remain the  
8 sole responsibility for maintenance and ownership of the property  
9 owners. In addition, a public works variance was approved for the  
10 public road cross section. According to Operations and Engineering, the  
11 roads have met or can be conditioned to meet the City's public works  
12 standards. Cross-sections of the roads are shown on Sheet 2 of the  
13 Dwelling Company, Gig Harbor North Preliminary Plat set. A Traffic  
14 Concurrency Reservation Certificate has been granted for the  
15 preliminary plat allocating 1420 Average Daily Trips. The submitted  
16 Traffic Impact Analysis was reviewed and concurred with by the City  
17 Engineer, Associate Engineer, and hired traffic consultant (HDR). In  
18 addition, the SEPA threshold determination required off-site  
19 transportation improvements to mitigate traffic system impacts. Traffic  
20 impact fees will be required prior to the issuance of any building permit  
21 within the plat, as set forth in GHMC Section 19.12.110(A) or as that  
22 section is amended in the future.

23 Transit stops: The City of Gig Harbor requested comments about the  
24 project and subsequent project MDNS from Pierce Transit. Pierce  
25 Transit did not respond.

16 Potable water supplies: The applicant has an approved Concurrency  
17 Reservation Certificate (SUB 04-07) for water allocating 65,940 gallons  
18 per day (GPD) of domestic and irrigation water usage for the preliminary  
19 plat. In addition, the plat includes a new network on on-site water mains.  
20 All mains located with the public right of way will be owned and  
21 maintained by the City of Gig Harbor.

20 Sanitary Wastes: The plat will connect to the City's sewer system. The  
21 current sewer system has capacity for the plat as determined by review of  
22 the Waste Water Treatment Plant capacity records by the City Engineer.  
23 A new network of on-site sanitary sewer lines is proposed within the  
24 plat. All sanitary sewer lines located within the public right of way will  
25 be maintained and owned by the City of Gig Harbor.

24 Parks and recreation, playgrounds: The plat includes 6.67 acres of  
25 common open space, 6.62 acres of which is required through the planned  
residential development standards (GHMC 17.89.110). At least 3.31  
acres of these acres must be developed for use for active or passive

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recreation (GHMC 17.89.110(C)). The proposal includes a system of trails within the interior of the plat connecting to perimeter open space and the abutting commercial developments.

School and school grounds: The Peninsula School District was notified of the project through SEPA review and did not comment. GHMC 19.12.050(B)(11) requires payment of school impact fees for all residential development prior to the issuance of a building permit.

Sidewalks: Consistent with the City's public works standards, a 5.5-foot sidewalk has been proposed on both sides of the public roads within the plat. These sidewalks will connect to the existing public roads to the south, creating a network of sidewalks for school children. In addition, the MDNS requires the applicant to construct new pedestrian paths to the nearby retail areas and coordinate with adjacent residential communities to provide pedestrian access to nearby retail shops and restaurants. Ex. 4.

Public health, safety, and general welfare: Through the SEPA threshold determination and compliance with the applicable standards in the municipal code, as conditioned, the public health, safety and general welfare will be served by the proposed preliminary plat.

Accordingly, the Examiner finds that appropriate provisions have been made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school, as conditioned below.

*c. Whether the public interest will be served by the subdivision and dedication.*

- The City Council is the arbiter of the public interest. The proposal is consistent with the Comprehensive Plan, Zoning Code, and Design Manual as adopted by the City Council, and the public interest will thereby be served by the subdivision and dedication.

28. GHMC 16.08.001 sets forth general requirements for subdivision approval. In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

1. *Zoning. No subdivision may be approved unless written findings of fact are made that the proposed subdivision or*

1 *proposed short subdivision is in conformity with any*  
2 *applicable zoning ordinance, comprehensive plan or other*  
3 *existing land use controls.*

- 4 • As described above and as conditioned herein, the proposed subdivision  
5 is consistent with all applicable zoning ordinances, the Comprehensive  
6 Plan, and all other existing land use controls.

7 *2. Dedications, Generally.*

8 a. *An offer of dedication may include a waiver of right*  
9 *of direct access to any street from any property, and if the*  
10 *dedication is accepted, any such waiver is effective. The city*  
11 *may require such waiver as a condition of approval.*

- 12 • Operations and Engineering has reviewed the plat, the proposed public  
13 roads to be dedicated and has not requested a waiver of right of direct  
14 access; therefore, this criterion is not applicable.

15 b. *Roads not dedicated to the public must be clearly*  
16 *marked on the face of the plat.*

- 17 • This condition has been satisfied. All new streets within the plat have  
18 been designated as either public or private in accordance to GHMC  
19 12.12 and the Public Works standards. All streets within the plat will be  
20 new roads. The following roads will be dedicated as public roads:  
21 Bering Street, Griffin Place, Bristol Place, Baltic Street, Portage Place  
22 and Pacific Avenue. The following roads will be private: Barkley Lane,  
23 Hudson Lane, Cartier Lane, Byron Lane, Magellan Lane, Drake Lane,  
24 Cabot Lane, Leon Lane, Fabian Lane, Vancouver Lane, and Columbus  
25 Lane.

c. *Any dedication, donation or grant as shown on the*  
face of the plat shall be considered to all intents and  
purposes as a quitclaim deed to the said donee(s) grantee(s)  
for his/her/their use for the purpose intended by the donor(s)  
or grantor(s).

- This statement is a requirement for approval, and is incorporated into the  
final Decision.

d. *If the plat or short plat is subject to a dedication, the*  
certificate or a separate written instrument shall contain the  
dedication of all streets and other areas to the public, and  
individual(s), religious society(ies) or to any corporation,  
public or private, as shown on the plat or short plat, and a  
waiver of all claims for damages against any governmental



1 authority which may be occasioned to the adjacent land by  
2 the established construction, drainage and maintenance of  
3 said road. Said certificate or instrument of dedication shall  
4 be signed and acknowledged before a notary public by all  
5 parties having any ownership interest in the lands subdivided  
6 and recorded as part of the final plat.

- 7 • This statement is a requirement for approval, and is incorporated into the  
8 final Decision.

9 e. Every plat and short plat containing a dedication  
10 filed for record must be accompanied by a title report  
11 confirming that the title of the lands as described and shown  
12 on said plat is in the name of the owners signing the  
13 certificate or instrument of dedication.

- 14 • This statement is a requirement for approval, and is incorporated into the  
15 final Decision.

16 f. Dedication of land to any public body, provision of  
17 public improvements to serve the subdivision, and/or impact  
18 fees imposed under RCW 82.02.050 through 82.02.090 may  
19 be required as a condition of subdivision approval. No  
20 dedication, provision of public improvements or impact fees  
21 imposed under RCW 82.02.050 through 82.02.090 shall be  
22 allowed that constitutes an unconstitutional taking of private  
23 property.

- 24 • Payment of school impact fees is required by code. Other necessary  
25 dedications are reflected in the Decision.

3. Dedication of Public Park. If the preliminary plat  
includes a dedication of a public park with an area of less  
than two acres and the donor has designated that the park be  
named in honor of a deceased individual of good character,  
the city council shall adopt the designated name.

- This requirement is not applicable. The preliminary plat does not include a  
dedication of a public park.

4. Release from Damages. The hearing examiner shall not  
as a condition to the approval of any subdivision require a  
release from damages to be procured from other property  
owners.

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- This requirement has been met. Conditions of approval will not require a release of damages to be procured from other property owners.

*5. Flood, Inundation or Swamp Conditions. A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without prior written approval of the State Department of Ecology.*

- This requirement is not applicable. The site does not contain areas of flood, inundation, or swamp conditions.

*6. Bonds. In lieu of the completion of the actual construction of any required improvements prior to the approval of a short or final plat, the director or city council may accept a bond, approved as to form by the city attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the city and expressing in the bonds. In addition, the city may require the posting of a bond securing to the city the successful operation of improvements for up to two years after final approval. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.*

- This requirement is not applicable at the preliminary plat stage. The option of bonding is available to the applicant for improvements pursuant to code at final plat approval.

29. Accordingly, the preliminary plat conforms to the general requirements for subdivision approval as described in GHMC 16.08.001.

30. GHMC 17.89.070 sets forth review criteria for approval of a preliminary PRD application, as follows:

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 GHMC 17.89.060), the proposed PRD satisfies all applicable

code requirements, and is compatible with surrounding properties. ...

31. The applicant has requested the proposed plat be reviewed as a planned residential development. The intent of the PRD zone is to allow opportunity for more creative and imaginative residential projects than generally possible under strict application of the zoning regulations in order that such projects shall 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. The following development standards apply to PRDs in the RMD zone:

32. GHMC 17.89.020 states that PRD projects are allowed in all residential zones on parcels two acres or larger in size. The proposed PRD is located on a 29.29 acre parcel.

33. GHMC 17.89.050 provides that the types of uses allowed in a PRD project include all uses allowed conditionally and outright for the underlying zone. The applicant has proposed fee simple single family detached homes, duplexes, row-houses, and townhouses in buildings of three to five units each. The RMD zone permits single-family detached and attached dwellings pursuant to GHMC 17.21.020.

34. GHMC 17.89.060(A) describes development and design standards that may be modified through a PRD. They include: 1) lot area and width; 2) setbacks; 3) Impervious surface on individual parcels; and 4) building height. The applicant has proposed modifying only the lot setbacks with the proposed PRD, in order to allow attached single-family homes on fee-simple lots. No other modifications are proposed.

35. GHMC 17.89.060(B) describes development and design standards that may not be modified through a PRD. They include: 1) Shoreline Regulations; 2) Standards pertaining to environmentally sensitive areas; 3) Regulations pertaining to nonconforming uses; 4) Standards pertaining to screening around outdoor storage areas; 5) Total coverage by impervious coverage; and 6) Height restriction as identified on the adopted City of Gig Harbor Height Restriction Area Map and Shoreline Master Program. No such modifications are proposed. Further, the subject property is not within the jurisdiction of the Shoreline Master Program or Height Restriction Area. There are no nonconforming uses on the property. The proposed impervious surface coverage is only 25.06%, less than the 65% maximum at full buildout. No outdoor storage areas have been proposed and no environmentally sensitive areas exist on the subject property.

36. GHMC 17.89.090 states that all roads shall be consistent with the adopted policies and standards of the City of Gig Harbor public works construction standards for public roads. As conditioned pursuant to the recommendations of Operations and Engineering, the proposal satisfies this criterion.

1 37. The PRD standards require that all PRDs provide at least 30 percent of the area  
2 of the PRD as common open space, and that the open space be used as a recreational, park  
3 or environmental amenity for collective enjoyment by occupants of the development.  
4 Common open space shall not include public or private streets, driveways, parking areas or  
5 the required yards for buildings or structures; provided, however, that up to 30 percent of the  
6 required open space may be composed of open space on contiguous privately owned  
7 properties reserved by easement or covenant to assure that the open space will be  
8 permanent. GHMC 17.89.110.

9 38. The applicant has proposed 6.67 acres of common open space, 0.83 acres of  
10 which is within the lot boundaries. 30.2% of the net buildable area of the lot is in open  
11 space. As required in GHMC 17.89.110, the 0.83 acres of open space on privately owned  
12 property must be reserved by easement or covenant. In addition, 50% of the required  
13 common area, or 3.31 acres, must be useable for active or passive recreation. Prior to final  
14 plat approval, the applicant must demonstrate compliance.

15 39. GHMC 17.89.110(G) requires that land shown in the final development plan as  
16 common open space, and landscaping and/or planting contained therein, shall be  
17 permanently maintained by and conveyed to one of the following:

- 18 1. An association of owners shall be formed and continued  
19 for the purpose of maintaining the common open space.  
20 The association shall be created as an association of  
21 owners under the laws of the state and shall adopt and  
22 propose articles of incorporation or association and  
23 bylaws, and adopt and improve a declaration of  
24 covenants and restrictions on the common open space  
25 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.
2. A public agency which agrees to maintain the common  
open space and any buildings, structures or other  
improvements, which have been placed upon it.

40. GHMC 17.89.070(A) further provides that applicants must make the following  
showings:

1. *Landscaping and site plans showing the location of  
proposed open space or parks, road layout and proposed*

1 *buffering of buildings, parking, integrated pedestrian*  
2 *circulation, loading and storage areas, all approved under*  
3 *the design review process;*

- 4
- 5 • The proposed landscaping and lot layout indicate the location of open  
6 space within the center and around the perimeter of the site. Building  
7 lots are buffered with a native vegetation buffer and in some cases a  
8 perimeter wall. The parking requirement of two stalls per unit will be  
9 met on each individual lot after final plat and before building permit  
10 issuance. Pedestrian circulation is provided through a system of trails  
11 within the interior of the plat connecting to perimeter open space and  
12 allowing connection to the abutting commercial developments. Loading  
13 and storage can be accommodated within the garage of each unit.  
14 Having satisfied the applicable specific requirements of the Design  
15 Manual, the proposal received administrative approval with conditions  
16 on July 6, 2005 (see Ex. 3, Notice of Administrative Decision (SUB 04-  
17 07), dated July 6, 2005, by Jennifer Sitts).

18  
19 *2. Identification of unique characteristics of the subject*  
20 *property proposed to be retained and how those*  
21 *characteristics qualify for density and/or height bonus under*  
22 *GHMC 17.89.100;*

- 23 • Since the applicant is not seeking increased density or height, this  
24 requirement is not applicable.

25  
26 *3. Identification of unique characteristics of the proposed*  
27 *use(s) and how those characteristics qualify for density*  
28 *and/or height bonus;*

- 29 • Since the applicant is not seeking increased density or height, this  
30 requirement is not applicable.

31  
32 *4. The proposed relationship and arrangement of buildings*  
33 *and open spaces as they relate to various uses within or*  
34 *adjacent to the PRD approved under the design review*  
35 *process;*

- 36 • The applicant has proposed single-family homes surrounding a core of  
37 townhomes, providing an appropriate transition between Canterwood  
38 Country Club and the commercial development to the south. The  
39 applicant has also provided 6.67 acres of natural and developed open  
40 space. The open space is integrated into the plat - the developed open  
41 space will include green space adjacent to homes, mitigating the small  
42 lot nature of the community. The natural open space will include ravine  
43 areas running north and south at both the east and west portions of the

1 plat, along with a 10-foot natural buffer to the north and south of the plat  
2 in combination with platted buffers on the adjoining lots. An extensive  
3 internal pedestrian system will link residents to their neighbors and to the  
4 plat's open space system and provide a connection to the shopping area  
5 to the south. Having satisfied the applicable specific requirements of the  
6 Design Manual, the proposal received administrative approval with  
7 conditions on July 6, 2005 (see Ex. 3, Notice of Administrative Decision  
8 (SUB 04-07), dated July 6, 2005, by Jennifer Sitts).

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5. *Measures proposed to mitigate visual impact of the PRD upon the surrounding area and approved under the design review process;*

- Zone transition standards were not required by design review as the project is a single-family subdivision. Nonetheless, the code-required buffering has been provided, including a large buffer to the west. In addition, the smallest lots, those intended for townhome development, are situated on the interior of the site, whereas the larger lots for detached single-family are abutting Canterwood to the north – the only residential development adjacent to the project. Having satisfied the applicable specific requirements of the Design Manual, the proposal received administrative approval with conditions on July 6, 2005 (see Ex. 3, Notice of Administrative Decision (SUB 04-07), dated July 6, 2005, by Jennifer Sitts).

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 GHMC 17.89.100;*

- Since the applicant is not seeking increased density or height, this requirement is not applicable.

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 GHMC 17.89.100;*

- Since the applicant is not seeking increased density or height, this requirement is not applicable.

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*

- Since the applicant is not seeking increased density or height, this requirement is not applicable.

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.*

- Since the applicant is not seeking increased density or height, this requirement is not applicable.

41. In addition to the above, the PRD may only be approved if the city finds that all of the following criteria in GHMC 17.89.070(B) are satisfied:

1. *The director of public works and the decisionmaker finds that the site access, proposed onsite circulation and off-street parking meet 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;*

- As determined by Operations and Engineering and as conditioned in this Decision, public facilities are adequate, or the applicant will provide adequate mitigation to improve public facilities as necessary.

2. *The director of public works and the decisionmaker finds that the PRD makes adequate provision for all public utilities, including, but not limited to, water, sewer and stormwater drainage. Water, sewer and stormwater facilities, existing and proposed, must be suitable and adequate to provide service within the proposed PRD and in the vicinity of the PRD;*

- As determined by Operations and Engineering and as conditioned in this Decision, public facilities are adequate, or the applicant will provide adequate mitigation to improve public facilities as necessary.

3. *The PRD is consistent with the comprehensive plan;*

- The PCD-RMD land use designation calls for a density of 8.0 to 16.0 dwelling units per acre. At 8.57 dwelling units per acre, the proposed Gig Harbor North plat is consistent with the Comprehensive Plan.

In addition, the clustered arrangement of detached and attached single-

1 family homes combined with the open space and buffer areas in the  
2 proposed project are consistent with the Comprehensive Plan. The  
3 project promotes the development of land that is suitable for urban use  
4 and can efficiently be provided urban level services. The project  
5 provides a transition between the lower density Canterwood Community  
6 to the north and the Gig Harbor North Shopping Center to the south.  
7 The preliminary plat provides pedestrian connections throughout the  
8 neighborhood and to adjacent commercial uses along with natural and  
9 man-made open space designed to enhance the living experience of  
10 residents.

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

- 17 a. *Placement, type or reduced bulk of structures, or*
- 18 b. *Interconnected usable open space, or*
- 19 c. *Recreational facilities, or*
- 20 d. *Other public facilities, or*
- 21 e. *Conservation of natural features, or*
- 22 f. *Aesthetic features and harmonious design, or*
- 23 g. *Energy efficient site design or building features;*

- 24 • Net benefit to the City has been demonstrated by provision of the  
25 following: a) Placement and reduced bulk of structures, b)  
Interconnected, usable open space, c) Recreational facilities, d) Aesthetic  
features and harmonious design, and e) Energy efficient site design.

a. The applicant has proposed single-family homes with a cottage-  
like character and townhomes designed at a scale compatible with  
and complimentary to the overall single family character of the  
community. Such development complements the physical  
characteristics of Gig Harbor in general and provides for an  
appropriate transition between Canterwood Country Club and the  
commercial development to the south.

b. The applicant has provided 6.67 acres of natural or developed  
open space. The open space is integrated into the plat - the  
developed open space will include greens adjacent to homes,  
mitigating the small lot nature of the community. The natural open  
space will include ravine areas running north and south at both the  
east and west portions of the plat.



1 c. Environmentally sensitive pedestrian trails will be provided  
2 through these natural open space areas. In addition, an extensive  
3 internal pedestrian system will link residents to their neighbors, the  
4 plat's open space system and provide a connection to the shopping  
5 area to the south.

6 d. The applicant has proposed a site plan that "hides" the  
7 automobile. The design includes alley-loaded homes and auto-courts  
8 which allow the people oriented portions of the homes to face the  
9 "public realm", i.e. streets, pedestrian corridors, greens.

10 e. The applicant has proposed the homes be built to a Category 4  
11 "Build Green" status ensuring the conservation of Gig Harbor's  
12 energy resources.

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

- 16 • Public facilities are adequate, or the applicant will provide adequate  
17 mitigation to improve public facilities as necessary. Ex. 8.

18 *6. The fire marshal and the decisionmaker find that  
19 adequate provision has been made for fire protection;*

- 20 • Adequate provisions have been made for fire protection, or the applicant  
21 will provide adequate mitigation to provide fire protection as necessary.  
22 Ex. 10.

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

- In addition to 10-foot natural vegetation buffers, the applicant has  
proposed single-family detached homes abutting the Canterwood  
Country Club to the north, a single-family private community. Lots  
closer to the southern boundary and within the middle of the plat are  
attached homes: duplexes, triplexes or townhomes, transitioning to the  
retail shopping center to the south. The properties to the east and west  
are vacant and designated as residential development. Both lots would  
allow a development similar to this plat.

*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 decisionmaker;

- The proposed plat provides two public roads, Baltic Street off of 51<sup>st</sup> Avenue and Pacific Avenue off of Borgen Boulevard, which will connect the plat to the current public road network.

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;*

- Open space has been provided at approximately 30% of the net buildable area in the form of buffers and passive recreation areas. The degree of access to the public and residents varies with each type. The buffer qualifies as open space with proposed low impact trails, while the center courtyards and trail system are accessible via sidewalks off of the public streets. The internal trail system will be 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;*

- The applicant has proposed single-family detached homes abutting the Canterwood Country Club to the north, a single-family private community. Lots closer to the southern boundary and within the middle of the plat are attached homes: duplexes, triplexes or townhomes, transitioning to the retail shopping center to the south. The properties to the east and west are vacant and designated as residential development. Both lots would allow a development similar to this plat. 6.67 acres of the plat will be retained as natural or developed open space, providing perimeter buffers which connect to existing vegetative buffers and provide passive recreation trails to the residents of the plat, Canterwood Country Club, and the public using the retail shopping center to the south.

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.*

- The applicant has not proposed to phase this project.

42. The City issued a Mitigated Environmental Determination of Non-Significance (MDNS) on June 22, 2005. Ex. 4. The MDNS became final on July 6, 2005. One appeal was filed on July 6, 2005 by the Olympic Property Group, but was

1 later withdrawn. The MDNS required the following mitigation, which must appear on the  
2 final decision for the preliminary plat, if it is approved:

3 The applicant shall be required to complete or bond for the following  
4 transportation mitigation measures prior to final plat approval.

5 1. To increase the Level of Service on the North Bound ramp of the SR-  
6 16 Round-a-bout (RAB), the applicant shall be required to re-stripe for a 3  
7 lane section on the Burnham over crossing structure, with a 2<sup>nd</sup> eastbound  
8 lane provided at the north bound SR-16 RAB. Any construction methods  
9 required to facilitate this process shall meet the City of Gig Harbor Public  
10 Works Standards and be the sole responsibility of the developer of the Gig  
11 Harbor North Dwellings proposed plat. The applicant shall submit a  
12 channelization plan to the City for review and approval.

13 2. The existing City/SR-RAB shall be re-stripped by the applicant in its  
14 entirety to reflect new 3-lane Burnham over-structure and City roundabout  
15 configuration. Re-stripping shall also include the placement of regulatory  
16 roundabout lane signing on each of the 6 legs of the City/SR16 RAB.

17 3. To ensure the safety of vehicular and pedestrian traffic to and from the  
18 proposed Gig Harbor North Residential development site. The applicant  
19 shall be required to construct the proposed east access road from Borgen  
20 Blvd. to the south property boundary per City of Gig Harbor Public Works  
21 Standards. The new access road shall include two travel lanes with  
22 cement concrete sidewalks 5.5 feet in width and cement concrete curb and  
23 gutter on both sides.

24 4. To ensure the safety of vehicular and pedestrian traffic to and from the  
25 proposed Gig Harbor North Residential development site. The applicant  
shall be required to widen Borgen Blvd. to extend the existing left turn  
channelization east of the Albertsons driveway to the new East access  
road, to provide a separate east bound left turn lane and taper section to  
the proposed 4 lane intersecting roadway.

5. To ensure the safety of vehicular and pedestrian traffic to and from the  
proposed Gig Harbor North Residential development site. The new  
driveway approach at the Borgen Boulevard/East access intersection shall  
be stripped and signed consistent with the current version of the MUTCD  
manual for right turn only movements. Additionally, a modified "pork  
chop" traffic island (minimum of 50 square feet) meeting City standards to  
accommodate left-in turn movements and prohibit left-out movements  
onto Borgen Boulevard shall be required. The applicant shall submit a  
channelization plan to the City for review and approval.

6. To ensure the safety of vehicular and pedestrian traffic to and from the

1 proposed Gig Harbor North Residential development site. The applicant  
2 shall extend 51<sup>st</sup> Avenue north of the existing Target site to provide access  
3 to the proposed residential development. The interior road way system  
4 shall conform to the criteria specifically listed in the issued Public Works  
5 Variance (05-01).

6  
7 7. To ensure the safety of vehicular and pedestrian traffic to and from the  
8 proposed Gig Harbor North Residential development site. The applicant  
9 shall construct new pedestrian paths to the nearby retail areas and  
10 coordinate with adjacent residential communities to provide pedestrian  
11 access to nearby retail shops and restaurants.

12  
13 8. To ensure the safety of vehicular and pedestrian traffic to and from the  
14 proposed Gig Harbor North Residential development site. The applicant  
15 shall be required to install standard stop sign and stop lines per MUTCD  
16 guidelines at the proposed east access driveway approach to Borgen  
17 Boulevard to safely control exiting maneuvers.

18  
19 9. To ensure the continuity of thru traffic on Borgen Blvd, a right turn  
20 bay shall be installed on Borgen Blvd at the entrance to the east access  
21 road. Length and geometry shall be in accordance with "Access  
22 Management Manual" by Transportation Research Board, 2003.

23  
24 43. Legal notice of the proposed action and scheduled hearing was published in the  
25 Peninsula Gateway on July 20, 2005. In addition, notice was mailed to all interested parties  
and property owners within 300 feet of the subject site on July 14, 2005. Notice was also  
posted on the subject site on July 15, 2005.

#### IV. CONCLUSIONS

17 A. Jurisdiction. The Examiner has jurisdiction to rule on preliminary plat  
18 applications and planned residential development applications pursuant to GHMC  
19 19.01.003.

20 B. Criteria for Review. The criteria for the Examiner to consider in deciding on a  
21 preliminary plat application are set forth at GHMC 16.05.003 as amended by Ordinance No.  
22 940, and GHMC 16.08.001. The criteria for the Examiner to consider in deciding on a  
23 planned residential development application are set forth in GHMC 17.89.

24 C. Conclusions Based on Findings. The Examiner adopts the findings set forth  
25 above, and accordingly concludes that all of the criteria necessary to grant the requested  
application have been satisfied.

V. DECISION

Based on the above findings and conclusions, the applications for the proposed preliminary plat and planned residential development are approved subject to the following conditions:

1. All required common open space held on privately owned property shall be reserved by easement or covenant prior to final plat approval.

2. At least 50% of the common open space shall be usable for active or passive recreation, as determined by the City prior to final plat approval.

3. All land shown 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.

4. School impact fees shall be paid for each single family dwelling, detached or attached, located in the proposed plat prior to building permit issuance.

5. Any dedication, donation or grant as shown on the face of the plat shall be considered for all intents and purposes as a quitclaim deed to the said donee(s) or grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).

6. Since the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

1 7. Any dedication filed for record shall be accompanied by a title report  
2 confirming that the title of the lands as described and shown on said plat is in the name of  
the owners signing the certificate or instrument of dedication.

3 8. To increase the level of service on the north bound ramp of the SR-16 round-  
4 a-bout (RAB), the applicant shall re-stripe for a 3-lane section on the Burnham over-  
5 crossing structure, with a 2<sup>nd</sup> eastbound lane provided at the north bound SR-16 RAB.  
Any construction methods required to facilitate this process shall meet the City of Gig  
6 Harbor Public Works Standards and be the sole responsibility of the developer of the Gig  
7 Harbor North Dwelling Company proposed plat. The applicant shall submit a  
channelization plan to the City for review and approval. The applicant shall complete or  
8 bond for this improvement prior to final plat approval.

9 9. The existing City/SR-16 RAB shall be re-stripped by the applicant in its  
10 entirety to reflect the new 3-lane Burnham over-structure and City RAB configuration.  
Re-stripping shall also include the placement of regulatory RAB lane signage on each of  
the six legs of the City/SR-16 RAB. The applicant shall complete or bond for this  
11 improvement prior to final plat approval.

12 10. To ensure the safety of vehicular and pedestrian traffic to and from the  
13 proposed Gig Harbor North Residential development site, the applicant shall be required  
14 to construct the proposed east access road from Borgen Blvd. to the south property  
boundary pursuant to City of Gig Harbor Public Works Standards. The new access road  
shall include two travel lanes with cement concrete sidewalks 5.5 feet in width, and  
15 cement concrete curbs and gutters on both sides. The applicant shall complete or bond for  
this improvement prior to final plat approval.

16 11. To ensure the safety of vehicular and pedestrian traffic to and from the  
17 proposed Gig Harbor North Residential development site, the applicant shall be required  
18 to widen Borgen Blvd. to extend the existing left turn channelization east of the  
Albertsons driveway to the new East access road, to provide a separate east bound left  
turn lane and taper section to the proposed 4-lane intersecting roadway. The applicant  
shall complete or bond for this improvement prior to final plat approval.

19 12. To ensure the safety of vehicular and pedestrian traffic to and from the  
20 proposed Gig Harbor North Residential development site, the new driveway approach at  
the Borgen Boulevard/East access intersection shall be striped and signed consistent with  
21 the current version of the MUTCD manual for right turn only movements. Additionally,  
a modified "pork chop" traffic island (minimum of 50 square feet) meeting City  
22 standards to accommodate left-in turn movements and to prohibit left-out movements  
onto Borgen Boulevard shall be required. The applicant shall submit a channelization  
23 plan to the City for review and approval. The applicant shall complete or bond for this  
improvement prior to final plat approval.

24 13. To ensure the safety of vehicular and pedestrian traffic to and from the  
25 proposed Gig Harbor North Residential development site, the applicant shall extend 51<sup>st</sup>

1 Avenue north of the existing Target site to provide access to the proposed residential  
2 development. The interior road way system shall conform to the criteria specifically  
3 listed in the issued Public Works Variance (05-01). The applicant shall complete or bond  
4 for this improvement prior to final plat approval.

5 14. To ensure the safety of vehicular and pedestrian traffic to and from the  
6 proposed Gig Harbor North Residential development site, the applicant shall construct  
7 new pedestrian paths to the nearby retail areas and coordinate with adjacent residential  
8 communities to provide pedestrian access to nearby retail shops and restaurants. The  
9 applicant shall complete or bond for this improvement prior to final plat approval.

10 15. To ensure the safety of vehicular and pedestrian traffic to and from the  
11 proposed Gig Harbor North Residential development site, the applicant shall be required  
12 to install standard stop sign and stop lines pursuant to MUTCD guidelines at the proposed  
13 east access driveway approach to Borgen Boulevard to safely control exiting maneuvers.  
14 The applicant shall complete or bond for this improvement prior to final plat approval.

15 16. To ensure the continuity of thru traffic on Borgen Blvd., a right turn bay shall  
16 be installed on Borgen Blvd. at the entrance to the east access road. Length and geometry  
17 shall be in accordance with the "Access Management Manual" by the Transportation  
18 Research Board, 2003. The applicant shall complete or bond for this improvement prior  
19 to final plat approval.

20 17. The proposed road of sheet 2 of 9 referred to as "lot 4 Typical Road Section"  
21 shall be reconfigured to meet the geometric requirements of Figure 2-05 of the City  
22 Public Works Standards (Neighborhood Collector). The proposed local access roadway  
23 located on lot 4 as defined in the preliminary plat documents shall be constructed or  
24 bonded for prior to final plat approval.

25 18. Traffic impact fees shall be paid for each single family dwelling located in the  
proposed Gig Harbor North plat as set forth in GHMC 19.12.110(A), or as that section is  
amended in the future.

19 19. The applicant shall receive Washington State Department of Transportation  
(WSDOT) written approval of the proposed channelization of the Burnham Drive Over-  
Crossing, and provide proof of same to the City prior to the start of channelization.

20 20. The design and installation of all water lines for domestic, irrigation, and fire  
21 service shall meet the minimum standards of Chapter 4 of the City of Gig Harbor Public  
22 Works Standards, adopted by Gig Harbor Ordinance No. 712.

23 21. The water system shall be designed to deliver the minimum fire flow  
24 described and required in the City of Gig Harbor Water Comprehensive Plan. The  
25 minimum fire flow shall be 1750 GPM for 2 hours with 20 PSI residual pressure at the  
flowing hydrant(s).

1 22. Connection fees for domestic water shall be paid for each individual parcel  
2 located within the preliminary plat prior to building permit issuance. Water connection  
3 fees vary in price based upon meter size and shall be calculated upon receipt of a City  
4 utility application form as set forth in GHMC 13.04.080.

5 23. The storm water design and temporary erosion control shall meet the  
6 requirements set forth in the City Storm Water Design Manual adopted under GHMC  
7 14.20.030 and the City Public Works Standards, adopted by City Ordinance No. 712, and  
8 all future amendments.

9 24. Prior to final plat approval, the applicant shall provide to the City a final  
10 drainage report and down stream analysis for review and approval.

11 25. Prior to final plat approval, private project storm water maintenance  
12 agreements shall be recorded against the property on City form(s). The agreement shall  
13 be for all storm water infrastructure not specifically identified as a "regional" storm water  
14 facility and for all storm water conveyance lines and structures not located within a  
15 public right of way or dedicated City utility easement.

16 26. The ponds depicted within the preliminary plat documents shall have the  
17 words "East" and "West" included in the pond description. The assignment of East and  
18 West shall be dictated by the storm water facility's geographic location or reference from  
19 North within the plat.

20 27. The applicant shall obtain an approved Erosion Control Storm Water  
21 Discharge permit from the Department of Ecology prior to any on site clearing and  
22 grading.

23 28. The design and installation of all sanitary sewer facilities regarding the plat  
24 shall meet the minimum standards of the City of Gig Harbor Public Works Standards  
25 adopted by City Ordinance No. 712 and all applicable appendices.

26 29. The location of all sanitary sewer facilities shall be consistent with the most  
27 current version of the City Waste Water Comprehensive Plan.

28 30. The applicant or property owner shall pay the applicable sewer connection fee  
29 rate for sewer zone C for each individual lot located in the Gig Harbor North plat prior to  
30 building permit issuance.

31 31. Prior to final plat approval, the applicant shall record a private project Storm  
32 Water Facilities Maintenance Agreement against the property.

33 32. The applicant shall provide to the City of Gig Harbor detailed civil drawings  
34 depicting the construction of the plat, meeting all the requirements of the City of Gig  
35 Harbor, and signed by the Community Development Director and City Engineer prior to  
final plat.



1           33. The applicant shall provide to the City civil drawings regarding the off-site  
2 traffic mitigation located on Borgen Boulevard and the SR-16 Burnham over-crossing  
3 and associated City maintained RAB intersection.

4           34. All civil drawings submitted to the City shall be prepared under the  
5 supervision of and stamped by a licensed Civil Engineer in the state of Washington.

6           35. Prior to the release of approved civil drawings for the project, the applicant  
7 shall be required to pay engineering plan review and inspection fees to the City of Gig  
8 Harbor.

9           36. The applicant shall complete or bond for all required improvements prior to  
10 final plat approval.

11           37. Striping and Signage on Barley Lake, Hudson Lane, Cartier Lane and Drake  
12 Lane shall be installed as follows:

13           a. Fire Lane Painting. Where the roadway has rolled curbs or no curbs,  
14 painting and stenciling shall be on the pavement surface. 10-inch white lettering reading  
15 "NO PARKING – FIRE LANE" shall be placed against a red background with spacing of  
16 not more than 60 feet. The painting must be continuous for the entire length of the fire  
17 lane.

18           b. Fire Lane Signs. Fire lane signs must comply with the specifications of the  
19 Manual of Uniform Traffic Control Devices. Fire lane signs must be no less than 12"  
20 wide by 18" high. They shall have a reflectorized background with red lettering reading  
21 "NO PARKING – FIRE LANE". Each sign shall include a directional arrow indicating  
22 the direction of the fire lane in relation to the sign. Signs shall be spaced at no more that  
23 120 feet apart and must be mounted between four and six feet above the driving surface  
24 and be situated parallel to the roadway. As determined by the Fire Marshal, additional  
25 signs are required when curves, hills, corners or other conditions obstruct the line of  
sight. Signs must not be obstructed by landscaping or other means.

          38. Prior to final plat approval, the plat shall be revised to provide hydrant spacing  
demonstrating compliance with the IFC Appendix Chapter "C" requirements.

          39. Any construction related to the plat shall comply with all building and fire  
code requirements as determined by the Building Official/Fire Marshal.

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**VI. PARTIES OF RECORD**

Jennifer Sitts, Associate Planner  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

Linda Stalzer, Director  
Scott Inveen  
The Dwelling Company  
7525 SE 24<sup>th</sup> St., Suite 650  
Mercer Island, WA 98040

G. Richard Hill  
McCullough Hill Fikso  
Kretschmer Smith Dixon  
2025 First Avenue, Suite 1130  
Seattle, WA 98121

Scott Shanks  
First Western Development Services Inc.  
1359 North 205<sup>th</sup> Street, Suite B  
Shoreline, WA 98133

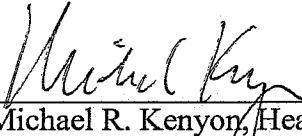
Russell Tanner  
4502 126<sup>th</sup> St. Ct. N.W.  
Gig Harbor, WA 98332

**VII. APPEAL OF EXAMINER'S DECISION**

Pursuant to GHMC 19.01.003 as amended by Ordinance No. 903, any party of record with standing to file a land use petition and desiring to appeal the Examiner's decision may do so within 21 days of the issuance of this decision by filing an appeal with the Pierce County Superior Court, pursuant to the provisions of the Land Use Petition Act, RCW 36.70C.

DATED this 23 day of August, 2005.

KENYON DISEND, PLLC

  
\_\_\_\_\_  
Michael R. Kenyon, Hearing Examiner

DECLARATION OF SERVICE

I, Margaret Starkey, declare and state:

1. I am a citizen of the State of Washington, over the age of eighteen years, not a party to this action, and competent to be a witness herein.

2. On the 23<sup>rd</sup> day of August, 2005, I served a true copy of the foregoing Findings, Conclusions and Decision on the following parties of record using the method of service indicated below:

ORIGINAL TO:

Jennifer Sitts, Associate Planner  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

- First Class, U.S. Mail, Postage Prepaid
- Legal Messenger
- Overnight Delivery
- Facsimile
- E-Mail

COPIES TO:

G. Richard Hill  
McCullough Hill Fikso  
Kretschmer Smith Dixon  
2025 First Avenue, Suite 1130  
Seattle, WA 98121

- First Class, U.S. Mail, Postage Prepaid
- Legal Messenger
- Overnight Delivery
- Facsimile
- E-Mail

Russell Tanner  
4502 126<sup>th</sup> St. Ct. N.W.  
Gig Harbor, WA 98332

- First Class, U.S. Mail, Postage Prepaid
- Legal Messenger
- Overnight Delivery
- Facsimile
- E-Mail

Linda Stalzer, Director  
Scott Inveen  
The Dwelling Company  
7525 SE 24<sup>th</sup> St., Suite 650  
Mercer Island, WA 98040

- First Class, U.S. Mail, Postage Prepaid
- Legal Messenger
- Overnight Delivery
- Facsimile
- E-Mail

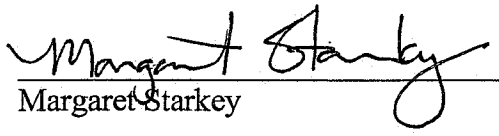
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Scott Shanks  
First Western Development Services Inc.  
1359 North 205<sup>th</sup> Street, Suite B  
Shoreline, WA 98133

- First Class, U.S. Mail; Postage Prepaid
- Legal Messenger
- Overnight Delivery
- Facsimile
- E-Mail

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 23<sup>rd</sup> day of August, 2005, at Issaquah, Washington.

  
Margaret Starkey



COMMUNITY DEVELOPMENT DEPARTMENT

**Mitigated Determination of Nonsignificance (MDNS) and Adoption of Existing  
Environmental Document  
W.A.C. 197-11-970**

**Environmental Review Application No.:** SEPA 04-37

**Action:** Preliminary Plat

**Location:** 115<sup>th</sup> block of 51<sup>st</sup> Avenue NW  
Gig Harbor, WA 98332

**Proponent:** The Dwelling Company  
7525 24<sup>th</sup> Street, Suite 650  
Mercer Island, WA 98040

**I. DESCRIPTION OF PROPOSAL:**

The proposed Gig Harbor North Residential Project will include the construction of 190-197 homes and the associated infrastructure and amenities distributed on approximately 29 acres of land. At least 30% of the net acreage of the site (gross acreage minus roads) will be left in open space. Home types will include single family detached homes, duplexes, row-houses, and townhouses in buildings of 3-5 units each.

**II. ADOPTION:**

The following documents contain information and environmental analysis pertinent to the proposed development and are hereby adopted by reference:

1. Draft Environmental Impact Statement, Comprehensive Plan Update, Gig Harbor, Washington, 17 August 1994.

This document addressed the impacts of the 1994 update to the City of Gig Harbor's Comprehensive Plan, and included land use assumptions for the subject site and its surrounding environment. The proposed development assumes the same land uses identified in this adopted document.

**III. INCORPORATION BY REFERENCE:**

The following documents contain information, studies and analysis that have been used

in the review of this proposal and are hereby incorporated into this threshold determination by reference:

1. Letter from Steve Misiurak, City Engineer, City of Gig Harbor, dated June 6, 2005, addressed to Rob White, Planning Manager, City of Gig Harbor.

This document provides an analysis of expected traffic impacts and recommends appropriate mitigation measures which have been included in section IV of this MDNS.

2. November 14, 2004 Traffic Impact Analysis of Gig Harbor North Residential Development (197 units) prepared by Terry Gibson, P.E. of GTC Engineering.
3. April 4, 2005 TIA review letter from Torsten Lienau, P.E. of HDR Engineering, Inc.
4. April 8, 2005 GTC response to HDR review memorandum.
5. May 2, 2005 Amendment memorandum of November 2004 G.T.C TIA report. (Prepared by Terry Gibson, P.E.)
6. May 24, 2005 TIA review Letter from Torsten Lienau, P.E. of HDR Engineering, Inc.
7. June 6, 2005 GTC memo regarding mitigation of SR16 Northbound ramps and Round-a-bout (RAB)
8. June 6, 2005 HDR memo regarding GHN Dwellings TIA.
9. May 31, 2005 Fire Flow Analysis-Gig Harbor North Residential Development memorandum prepared by Montgomery Water Group.
10. May 23, 2005 Water Storage Analysis memorandum prepared by Montgomery Water Group.

#### **IV. ANALYSIS:**

A. Traffic and Transportation. The applicant is required to demonstrate that the significant adverse environmental impacts associated with their application can be reasonably mitigated, (RCW 43.21C.060). In addition, the applicant must demonstrate that if the proposed development resulting from approval of the application will cause the level of service on a transportation facility identified in the City's Comprehensive Plan to decline below the standards adopted in the transportation element of the Comprehensive Plan, that the applicant plans to install transportation improvements or strategies acceptable to the City to accommodate the impacts of the development, which shall be made concurrent with the development, (RCW 36.70A.070(6)).

The referenced traffic impact analysis by ESM Consulting Engineers and the referenced letter from Steve Misiurak, City Engineer, to Rob White, Planning Manager identifies traffic impacts related to the proposed development and identifies the following required mitigation and associated analysis to maintain adopted levels of service on the City's transportation infrastructure. The following mitigation measures will be necessary to address the traffic impacts as a result of this development:

Transportation Mitigation:

Prior to issuance of a building permit for any building within the proposed plat, the applicant shall be required to complete the following transportation mitigation measures.

1. To increase the Level of Service on the North Bound ramp of the SR-16 Round-a-bout (RAB), the applicant shall be required to re-stripe for a 3 lane section on the Burnham over crossing structure, with a 2<sup>nd</sup> eastbound lane provided at the north bound SR-16 RAB. Any construction methods required to facilitate this process shall meet the City of Gig Harbor Public Works Standards and be the sole responsibility of the developer of the Gig Harbor North Dwellings proposed plat. The applicant shall submit a channelization plan to the City for review and approval.
2. The existing City/SR-RAB shall be re-striped by the applicant in its entirety to reflect new 3-lane Burnham over-structure and City roundabout configuration. Re-striping shall also include the placement of regulatory roundabout lane signing on each of the 6 legs of the City/SR16 RAB.
3. To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site. The applicant shall be required to construct the proposed east access road from Borgen Blvd. to the south property boundary per City of Gig Harbor Public Works Standards. The new access road shall include two travel lanes with cement concrete sidewalks 5.5 feet in width and cement concrete curb and gutter on both sides.
4. To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site. The applicant shall be required to widen Borgen Blvd. to extend the existing left turn channelization east of the Albertsons driveway to the new East access road, to provide a separate east bound left turn lane and taper section to the proposed 4 lane intersecting roadway.
5. To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site. The new driveway approach at the Borgen Boulevard/East access intersection shall be stripped and signed consistent with the current version of the MUTCD manual for right turn only movements. Additionally, a modified "pork chop" traffic island

(minimum of 50 square feet) meeting City standards to accommodate left-in turn movements and prohibit left-out movements onto Borgen Boulevard shall be required. The applicant shall submit a channelization plan to the City for review and approval.

6. To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site. The applicant shall extend 51<sup>st</sup> Avenue north of the existing Target site to provide access to the proposed residential development. The interior road way system shall conform to the criteria specifically listed in the issued Public Works Variance (05-01).
7. To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site. The applicant shall construct new pedestrian paths to the nearby retail areas and coordinate with adjacent residential communities to provide pedestrian access to nearby retail shops and restaurants.
8. To ensure the safety of vehicular and pedestrian traffic to and from the proposed Gig Harbor North Residential development site. The applicant shall be required to install standard stop sign and stop lines per MUTCD guidelines at the proposed east access driveway approach to Borgen Boulevard to safely control exiting maneuvers.
9. To ensure the continuity of thru traffic on Borgen Blvd, a right turn bay shall be installed on Borgen Blvd at the entrance to the east access road. Length and geometry shall be in accordance with "Access Management Manual" by Transportation Research Board, 2003

## V. THRESHOLD DETERMINATION:

### Lead Agency: City of Gig Harbor

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment, provided mitigation measures specified in Section IV A – B above are imposed. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date of this document. **Appeals must be submitted by July 6, 2005.**

This MDNS will not become final until the end of the appeal period, **July 6, 2005.**



Any interested person may appeal the adequacy of the final SEPA Threshold Determination to the City of Gig Harbor Hearing Examiner pursuant to the procedures set forth under Chapter 18.04 of the Gig Harbor Municipal Code if a written request for appeal is received within fourteen (14) days after the issuance of the MDNS, or July 6, 2005. The written appeal must be submitted with a filing fee of one hundred fifty dollars (\$150).

Responsible Official: Rob White, Planning Manager

Contact Info: City of Gig Harbor  
Community Development Department  
3510 Grandview Street  
Gig Harbor, WA. 98335  
(253) 851-6170

Signature  Date: June 22, 2005



COMMUNITY DEVELOPMENT DEPARTMENT

October 26, 2006

Linda Stalzer  
Little Boat North, LLC. / The Dwelling Company  
7525 SE 24<sup>th</sup> Street, Suite 650  
Seattle, WA 98040-2334

**RE: Minor PRD Amendment SPA 06-1419**

Dear Linda,

This letter is in response to your application for a minor PRD amendment to the Gig Harbor North Preliminary Plat/PRD (SUB 04-07) now called Harbor Crossing to:

1. Reduce the number of lots from 195 to 182
2. Add landscape Tract P
3. Move the location of Leon Lane approximately 40 feet north
4. Make minor amendments to the lots lines of lots 21 through 55

The authority to approve minor amendments to planned residential developments (PRD) is granted to the Planning Director in Section 17.89.120(A) of the Gig Harbor Municipal Code. The proposed amendments, as shown on the plan set for application SPA 06-1419, received September 25, 2006, 9 sheets, is hereby granted as a minor PRD amendment subject to the following conditions:

1. The amended planned residential development shall comply with all conditions of the Hearing Examiner decision for SUB 04-07 and Administrative Design Decision for SUB 04-07.

Please feel free to contact me if you wish to discuss this matter further. I can be contacted by telephone at (253) 851-6170 or by E-mail at [dolant@cityofgigharbor.net](mailto:dolant@cityofgigharbor.net).

Sincerely,

Tom Dolan  
Planning Director

cc: Scott Inveen, Dwelling Company

# HARBOR CROSSING

A PORTION OF THE SW QUARTER OF SECTION 30, TWP. 22 N., RGE. 2 E., W.M.  
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

## DEDICATION

I (WE), THE UNDERSIGNED OWNER(S) OF INTEREST IN THE PROPERTY HEREBY SUBDIVIDED CERTIFY THAT THIS SUBDIVISION ALONG WITH ALL DEDICATIONS AND EASEMENTS IS MADE WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR DESIRES.

I (WE), THE UNDERSIGNED OWNER(S) OF INTEREST IN THE PROPERTY HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE THESE LOTS TO THE PURCHASERS THEREOF, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ROADS AND LANES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THESE LOTS IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS, ROADS AND LANES.

FURTHER, THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY SUBDIVIDED, DO HEREBY DEDICATE TO THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION ALL LANES NOT SHOWN AS PUBLIC HEREON AND DEDICATE THE USE THEREOF FOR ALL PRIVATE PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THESE LOTS IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS, ROADS AND LANES. MAINTENANCE AND REPAIR OF PRIVATE LANE ACCESS IS THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. MAINTENANCE AND REPAIR OF PUBLIC UTILITIES WITHIN THE PRIVATE LANES IS THE RESPONSIBILITY OF THE RESPECTIVE UTILITY OWNERS.

FURTHER, THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY SUBDIVIDED, DO HEREBY DEDICATE TO THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION ALL PRIVATE OPEN SPACE TRACTS AND EASEMENTS SHOWN HEREON AND DEDICATE THE USE THEREOF FOR OPEN SPACE PURPOSES NOT INCONSISTENT WITH THE USE THEREOF BY THE LOT OWNERS, AND DO HEREBY DEDICATE TO THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION ALL PRIVATE STORMWATER AND SEWER SYSTEMS/TRACTS SHOWN HEREON AND DEDICATE THE USE THEREOF FOR STORMWATER AND SEWER PURPOSES. MAINTENANCE, OPERATION AND REPAIR OF PRIVATE STORMWATER AND SEWER SYSTEMS IS THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. MAINTENANCE AND REPAIR OF PUBLIC UTILITIES WITHIN THE PRIVATE TRACTS IS THE RESPONSIBILITY OF THE RESPECTIVE UTILITY OWNERS.

FURTHER, THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY SUBDIVIDED, DO HEREBY DEDICATE TO THE PUBLIC TRACT R, AS SHOWN HEREON AS A PUBLIC ACCESS TRACT, MAINTENANCE AND REPAIR OF TRACT R IS THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION.

FURTHER, THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF GIG HARBOR, ITS SUCCESSORS AND ASSIGNS, WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, DRAINAGE OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM NEGLIGENCE OF THE CITY OF GIG HARBOR.

FURTHER, THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF GIG HARBOR, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION, PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELINQUISHING THE CITY OF GIG HARBOR, ITS SUCCESSOR OR ASSIGNS, FROM LIABILITY FOR DAMAGES INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF GIG HARBOR, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO INDEMNIFY AND TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH OF SAID OWNERS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HAND.

LITTLE BOAT NORTH, INC., A WASHINGTON CORPORATION

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

## ACKNOWLEDGMENT

STATE OF WASHINGTON }  
COUNTY OF \_\_\_\_\_ } SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006, BEFORE ME, PERSONALLY APPEARED \_\_\_\_\_ TO ME KNOWN TO BE KNOWN AS THE OFFICER OF THE CORPORATION THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREEDOM ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT \_\_\_\_\_ AUTHORIZED TO EXECUTE SAID INSTRUMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**RECEIVED**  
**CITY OF GIG HARBOR**  
**JAN 02 2007**  
**COMMUNITY DEVELOPMENT**

## SURVEY INSTRUMENTATION

SURVEYING PERFORMED IN CONJUNCTION WITH THIS PLAT UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES:

10" TOTAL STATION MAINTAINED TO MANUFACTURER'S SPECIFICATIONS AS REQUIRED BY WAC-332-130-100.

PROCEDURE USED: FIELD TRAVERSE WITH ACCURACY MEETING OR EXCEEDING THE REQUIREMENTS OF WAC-332-130-090.

CITY OF GIG HARBOR

## MAYORAL APPROVAL

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

MAYOR, CITY OF GIG HARBOR \_\_\_\_\_ DATE \_\_\_\_\_

## CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT ALL DELINQUENT ASSESSMENTS FOR WHICH THE PROPERTY MAY BE LIABLE AS OF THE DATE OF CERTIFICATION HAVE BEEN FULLY PAID, SATISFIED OR DISCHARGED.

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

CITY CLERK, CITY OF GIG HARBOR \_\_\_\_\_ DATE \_\_\_\_\_

## CITY PLANNING DIRECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE CITY'S DEVELOPMENT REGULATIONS UNDER GHMC TITLES 16 AND 17, AND THE TERMS OF PRELIMINARY PLAT APPROVAL, DATED AUGUST 23, 2005.

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

PLANNING DIRECTOR, CITY OF GIG HARBOR \_\_\_\_\_ DATE \_\_\_\_\_

## CITY ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE LAYOUT OF STREETS, ALLEYS AND OTHER RIGHTS-OF-WAY, SEWERAGE AND WATER SYSTEMS AND OTHER UTILITY STRUCTURES COMPLY WITH THE APPLICABLE PROVISIONS OF THE CITY OF GIG HARBOR PUBLIC WORKS CONSTRUCTION STANDARDS.

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006

ENGINEER, CITY OF GIG HARBOR \_\_\_\_\_ DATE \_\_\_\_\_

## ASSESSOR-TREASURER

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE HAVE BEEN FULLY PAID AND DISCHARGED.

ASSESSOR-TREASURER, PIERCE COUNTY, WASHINGTON \_\_\_\_\_ DATE \_\_\_\_\_

## AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006, AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ M. AT THE REQUEST OF \_\_\_\_\_

RECORDS OF THE PIERCE COUNTY AUDITOR, TACOMA, WASHINGTON, RECORDING NUMBER \_\_\_\_\_

PIERCE COUNTY AUDITOR \_\_\_\_\_

FEE \_\_\_\_\_

BY \_\_\_\_\_

TAX ACCOUNT PARCEL NO. 052019-3-192

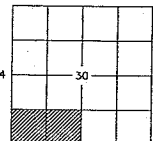
## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF "HARBOR CROSSING", IS BASED UPON A SURVEY OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS ACTUALLY SURVEYED BY ME OR UNDER MY DIRECTION, THAT ALL COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON, THAT ALL MONUMENTS AND CORNERS AS SHOWN THEREON WILL BE SET CORRECTLY ON THE GROUND, AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATING REGULATIONS.



MICHAEL R. BOWEN, PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO 29294

SECTION 30,  
TOWNSHIP 22 NORTH,  
RANGE 2 EAST, W.M.



SW 1/4 & SE 1/4 OF THE SW 1/4

VOL./PG.

**ESM CONSULTING ENGINEERS**

33915 1st Way South Ste. #200  
Federal Way, Washington 98003  
(253) 838-6113

Civil Engineering  
Land Surveying  
Project Management  
Public Works  
Land Planning

JOB NO. 1116-001-004-0008 DATE 12-19-06  
DRAWN: P.A.T. SHEET 1 OF 7

# HARBOR CROSSING

A PORTION OF THE SW QUARTER OF SECTION 30, TWP. 22 N., RGE. 2 E., W.M.  
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

## LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALSO REFERRED TO AS GOVERNMENT LOT 4, OF SECTION 30, AND THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, BOTH IN TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 30;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 30, SOUTH 88°30'56" EAST 209.00 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF TACOMA BY DEED FILED UNDER RECORDING NO. 675229;

THENCE ALONG THE NORTHEASTERLY MARGIN OF SAID TRACT, NORTH 12°27'34" WEST 720.04 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID MARGIN, NORTH 12°27'34" WEST 96.47 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID WEST LINE NORTH 02°22'11" EAST 529.27 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER;

THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION AND THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SOUTH 88°34'37" EAST 1902.47 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER;

THENCE ALONG THE EAST LINE OF SAID SUBDIVISION, SOUTH 01°51'56" WEST 827.33 FEET;

THENCE NORTH 88°32'19" WEST 269.12 FEET;

THENCE NORTH 01°27'29" EAST 40.25 FEET;

THENCE NORTH 42°37'52" WEST 62.44; FEET;

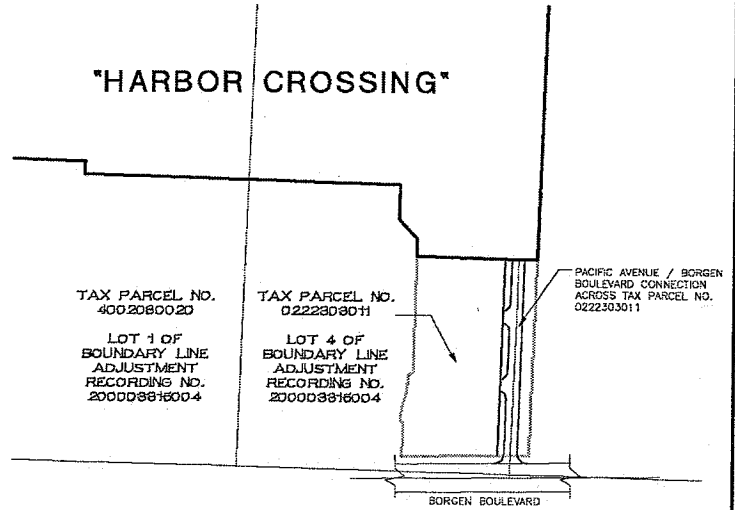
THENCE NORTH 01°10'04" EAST 79.92 FEET;

THENCE NORTH 88°14'24" WEST 716.65 FEET;

THENCE NORTH 01°32'51" EAST 30.00 FEET;

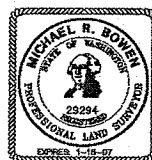
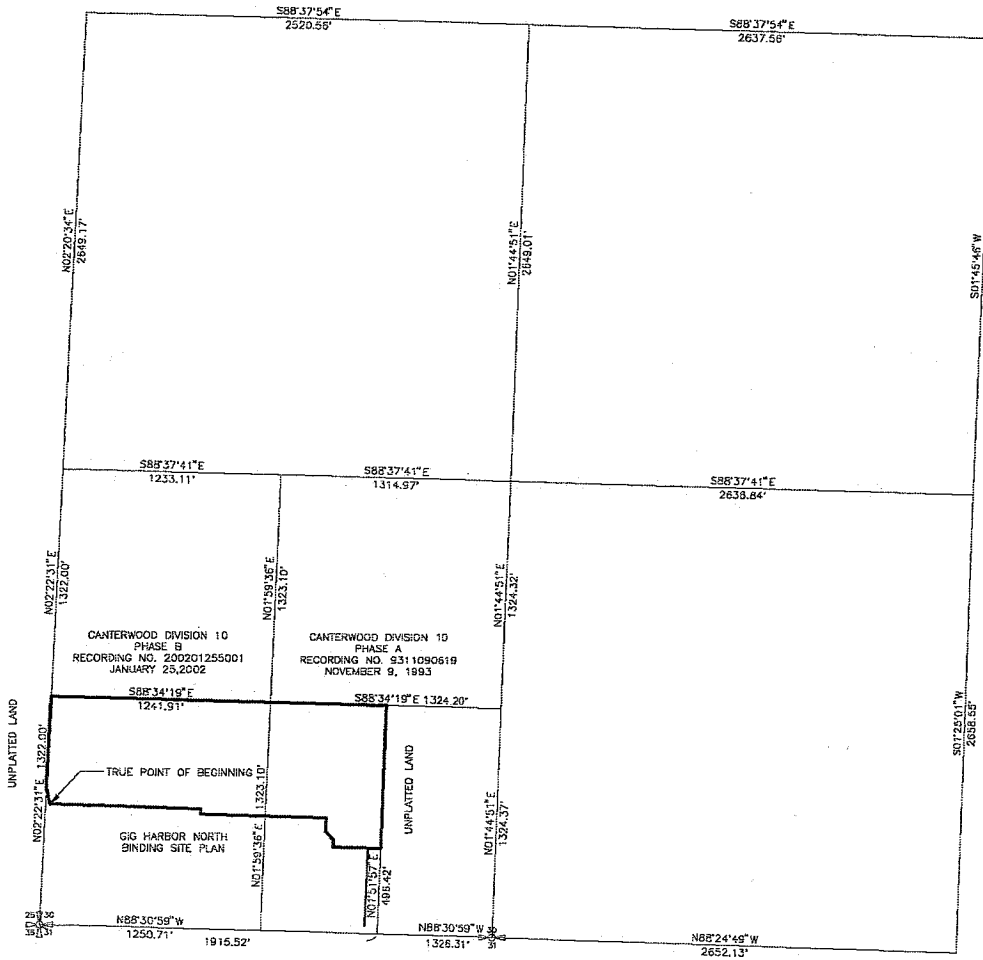
THENCE NORTH 88°14'24" WEST 552.25 FEET TO THE TRUE POINT OF BEGINNING.

## "HARBOR CROSSING"



## ROAD CONNECTION DETAIL

## SECTION SUBDIVISION

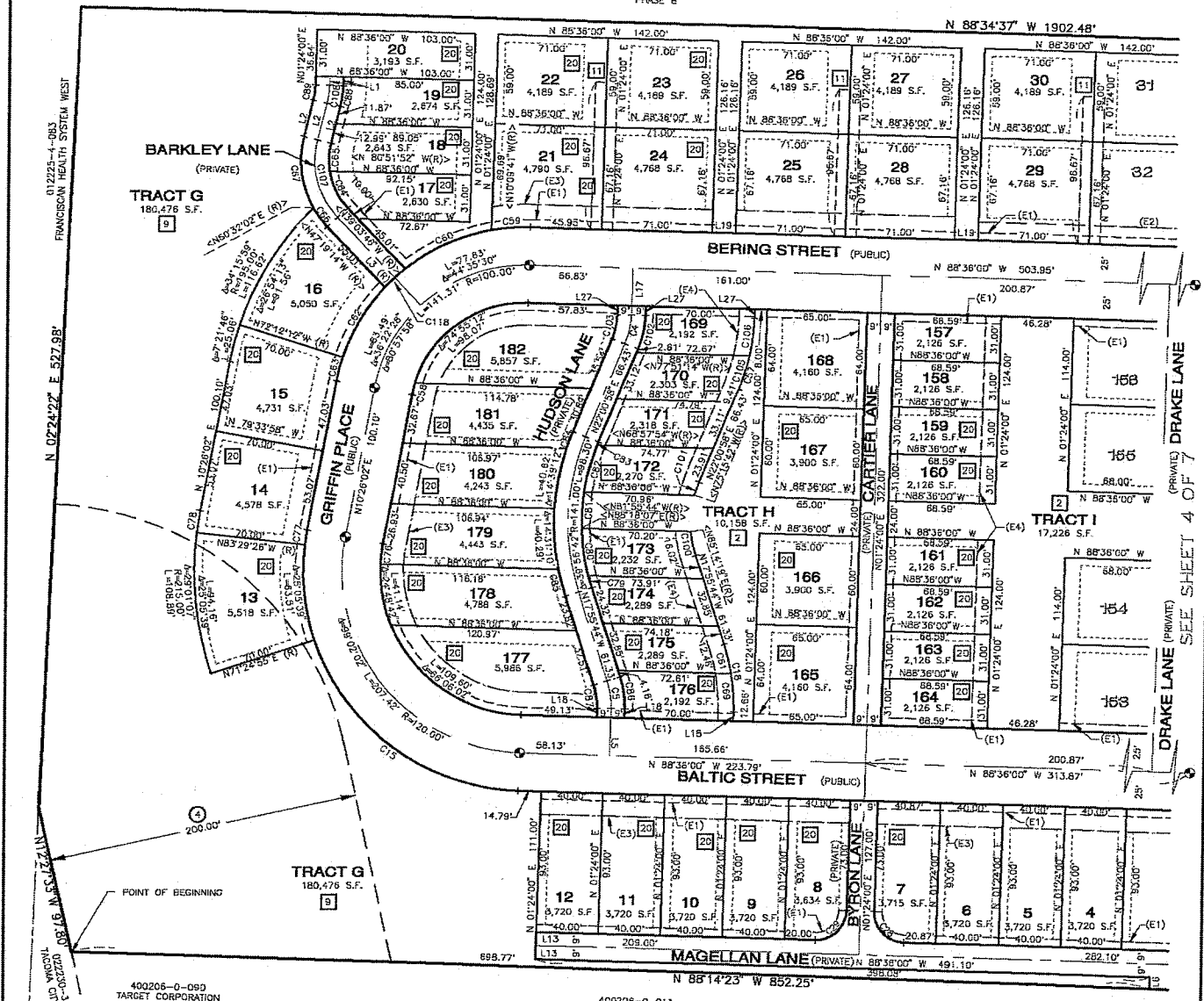


<b>ESM CONSULTING ENGINEERS</b>			
33915 1st Way South Ste. #200 Federal Way, Washington 98003 (253) 838-6113		Civil Engineering Land Surveying Project Management Public Works Land Planning	
JOB NO. 1116-001-004-000B	DATE: 12-20-06		
DRAWN: P.A.T.	SHEET 2 OF 6		

# HARBOR CROSSING

A PORTION OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M.,  
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

CANTERWOOD DIVISION 10  
PHASE B



012225-4-083  
FRANCIS HEALTH SYSTEM WEST

N 02°24'27" E 527.98'

400206-0-090  
TARGET CORPORATION

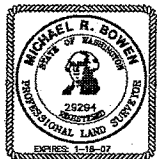
400206-0-011  
TARGET CORPORATION

- LEGEND**
- SET CONCRETE MONUMENT IN CASE STAMPED "LS 29284"
  - ⊕ SEE EXCEPTION NUMBER ON SHEET 6 OF 6
  - 4 SEE NOTE NUMBER ON SHEET 6 OF 8
  - (E1) = 5' UTILITIES EASEMENT (SEE NOTE 3 ON SHEET 6 OF 7)
  - (E2) = 12' OPEN SPACE EASEMENT (SEE NOTE 4 ON SHEET 6 OF 7)
  - (E3) = 15' OPEN SPACE EASEMENT (SEE NOTE 5 ON SHEET 6 OF 7)
  - (E4) = 10' OPEN SPACE EASEMENT (SEE NOTE 6 ON SHEET 6 OF 7)
  - (E5) = 10' ACCESS AND UTILITIES EASEMENT (SEE NOTE 7 ON SHEET 6 OF 7)
  - R = RADIUS
  - Δ = DELTA
  - L = ARC LENGTH
  - < > = RADIAL BEARING AT LOT CORNER

SCALE: 1" = 50'



LINE TABLE			CURVE TABLE				CURVE TABLE (CONTINUED)			
LINE	LENGTH	BEARING	CURVE	DELTA	RADIUS	LENGTH	CURVE	DELTA	RADIUS	LENGTH
L2	24.86	N13°49'36"E	C4	20°36'58"	95.00	19.79	C77	3°55'29"	145.00	9.83
L5	30.89	N01°24'00"E	C9	19°19'44"	59.00	18.58	C78	3°55'29"	215.00	14.73
L6	7.71	N01°24'00"E	C15	20°00'54"	145.00	177.19	C79	3°55'29"	141.00	8.45
L13	9.60	N01°24'00"E	C18	18°19'44"	134.00	45.21	C80	12°47'55"	141.00	31.56
L17	31.01	N01°24'00"E	C28	8°00'00"	20.00	31.42	C81	9°45'09"	141.00	24.04
L18	5.89	N01°24'00"E	C29	8°00'00"	20.00	31.42	C82	12°57'50"	141.00	31.90
L19	15.00	N88°38'00"W	C57	20°36'58"	134.00	48.22	C83	0°58'52"	141.00	2.41
L27	5.02	N01°24'00"E	C58	8°02'46"	75.00	7.91	C84	41°23'58"	159.00	11.70
C59	11°33'41"	125.00	25.22	C85	6°32'22"	159.00	18.24			
C60	28°54'05"	125.00	83.05	C86	18°19'44"	64.00	21.59			
C61	8°11'59"	134.00	19.94	C87	18°19'44"	46.00	15.92			
C62	24°52'48"	125.00	54.28	C88	12°25'38"	64.00	13.88			
C63	7°21'45"	125.00	16.06	C89	12°25'38"	46.00	9.98			
C64	34°03'22"	46.00	27.34	C100	1°10'53"	71.00	16.32			
C65	22°47'44"	46.00	18.44	C101	7°18'40"	71.00	9.02			
C66	1°43'31"	64.00	19.33	C102	20°36'58"	64.00	23.03			
C67	4°17'34"	64.00	48.38	C103	20°36'58"	46.00	16.55			
C68	13°09'13"	100.00	22.93	C104	3°09'09"	46.00	31.42			
C69	10°48'05"	134.00	25.25	C105	9°52'12"	134.00	23.08			
C76	8°07'18"	95.00	13.47	C106	10°44'48"	134.00	25.14			
C108	12°25'38"	55.00	11.93							
C118	8°15'28"	125.00	18.02							



**ESM CONSULTING ENGINEERS**

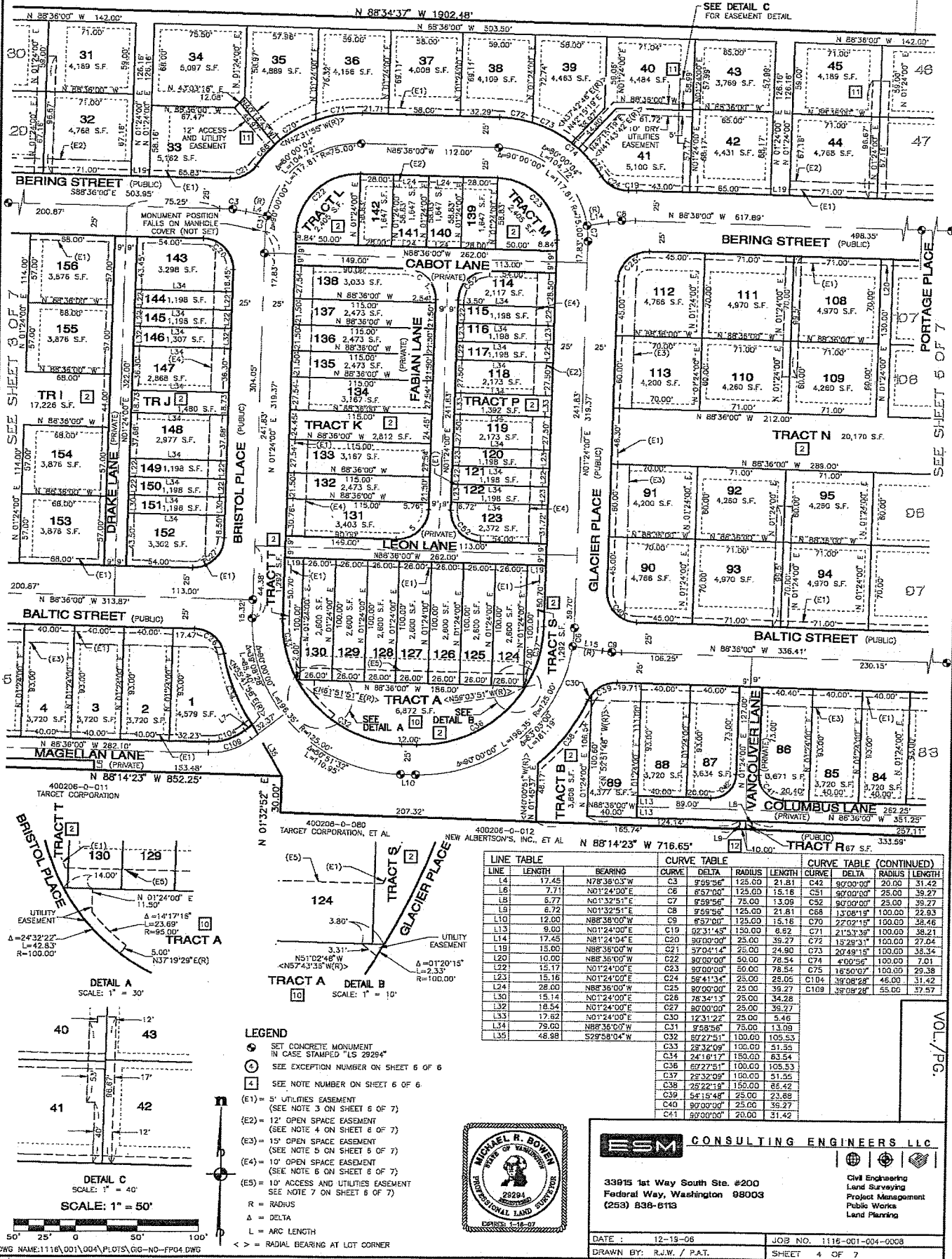
33915 1st Way South Ste. #200  
Federal Way, Washington 98003  
(253) 838-6113

Civil Engineering  
Land Surveying  
Project Management  
Public Works  
Land Planning

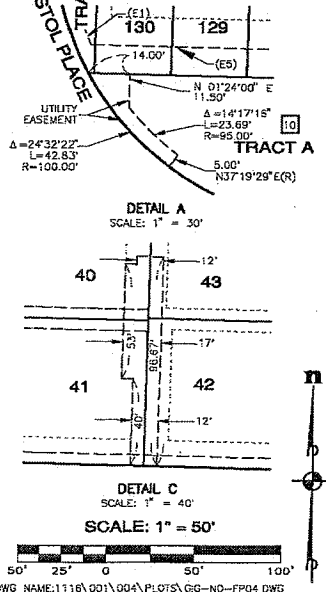
DATE: 11-29-06 JOB NO.: 1118-001-004-0008  
DRAWN BY: R.J.W. / P.A.T. SHEET 3 OF 7

# HARBOR CROSSING

A PORTION OF THE SW QUARTER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M.,  
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON



LINE	LENGTH	BEARING	CURVE	DELTA	RADIUS	LENGTH	CURVE	DELTA	RADIUS	LENGTH	CURVE	DELTA	RADIUS
L4	17.45	N78°30'03"W	C3	9°59'56"	125.00	21.81	C42	9°00'00"	20.00	31.42			
L6	7.71	N01°24'00"E	C6	6°57'00"	125.00	15.16	C51	9°00'00"	25.00	39.27			
L8	6.77	N01°32'51"E	C7	8°58'56"	75.00	13.09	C52	9°00'00"	25.00	39.27			
L9	6.72	N01°32'51"E	C8	8°58'56"	125.00	21.81	C68	13°08'15"	100.00	22.93			
L10	12.00	N88°38'00"W	C9	6°57'00"	125.00	15.16	C70	22°02'15"	100.00	38.46			
L13	9.00	N01°24'00"E	C19	6°21'45"	150.00	8.52	C71	21°53'39"	100.00	38.21			
L14	17.45	N81°24'04"E	C20	9°00'00"	25.00	39.27	C72	18°28'31"	100.00	27.04			
L19	15.00	N88°38'00"W	C21	5°04'14"	25.00	24.90	C73	20°48'16"	100.00	38.34			
L20	10.00	N88°38'00"W	C22	9°00'00"	50.00	78.54	C74	4°00'56"	150.00	7.01			
L22	15.17	N01°24'00"E	C23	9°00'00"	50.00	78.54	C75	16°50'07"	150.00	29.38			
L23	15.16	N01°24'00"E	C24	6°41'34"	25.00	28.06	C104	39°08'28"	46.00	31.42			
L24	28.00	N88°38'00"W	C25	9°00'00"	25.00	39.27	C109	39°08'28"	55.00	37.57			
L32	18.54	N01°24'00"E	C28	76°34'13"	25.00	34.28							
L37	15.14	N01°24'00"E	C27	8°00'00"	150.00	51.95							
L33	17.82	N01°24'00"E	C30	12°31'27"	25.00	54.46							
L34	79.00	N88°38'00"W	C31	8°58'56"	75.00	13.09							
L35	48.98	S29°58'04"W	C32	8°27'51"	100.00	105.53							
C33	28°32'09"				100.00	51.35							
C34	24°18'17"				150.00	83.54							
C36	6°27'25"				100.00	105.53							
C37	72°32'09"				150.00	51.95							
C38	25°32'09"				150.00	51.42							
C39	54°15'48"				25.00	73.88							
C40	9°00'00"				25.00	39.27							
C41	9°00'00"				20.00	31.42							



**LEGEND**

- SET CONCRETE MONUMENT IN CASE STAMPED "LS 2929"
- ⊕ SEE EXCEPTION NUMBER ON SHEET 6 OF 6
- ④ SEE NOTE NUMBER ON SHEET 6 OF 6
- (E1) = 5' UTILITIES EASEMENT (SEE NOTE 3 ON SHEET 6 OF 7)
- (E2) = 12' OPEN SPACE EASEMENT (SEE NOTE 4 ON SHEET 6 OF 7)
- (E3) = 15' OPEN SPACE EASEMENT (SEE NOTE 5 ON SHEET 6 OF 7)
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- (E5) = 10' ACCESS AND UTILITIES EASEMENT (SEE NOTE 7 ON SHEET 6 OF 7)
- R = RADIUS
- Δ = DELTA
- L = ARC LENGTH
- < > = RADIAL BEARING AT LOT CORNER



**ESM CONSULTING ENGINEERS LLC**

33915 1st Way South Ste. #200  
Federal Way, Washington 98003  
(253) 838-6113

Civil Engineering  
 Land Surveying  
 Project Management  
 Public Works  
 Land Planning

DATE: 12-19-06      JOB NO. 1116-001-004-0008  
DRAWN BY: R.J.W. / P.A.T.      SHEET 4 OF 7

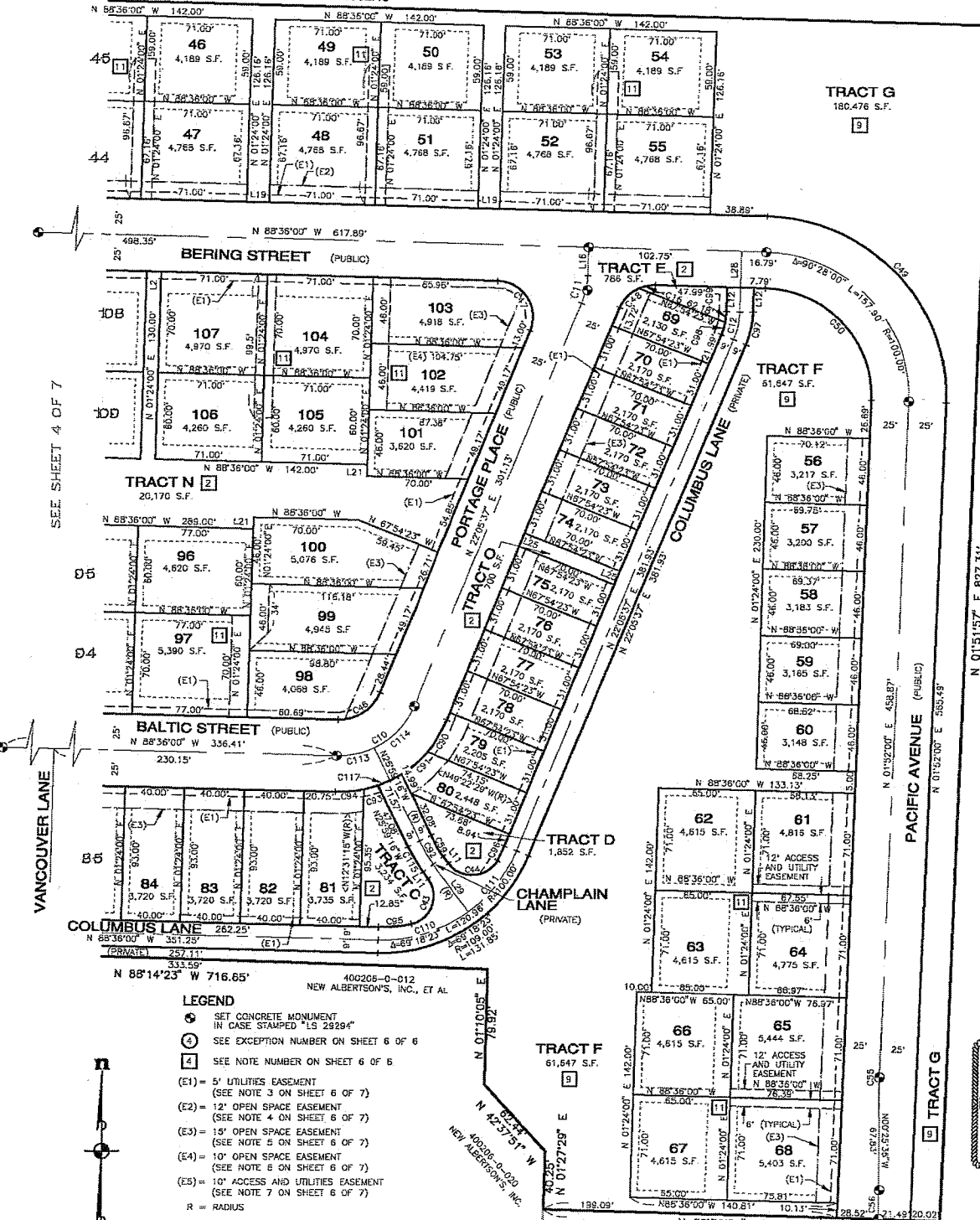
# HARBOR CROSSING

A PORTION OF THE SW QUARTER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M.,  
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

CANTERWOOD DIVISION 10 PHASE B

N 88°34'37" W 1902.48'

CANTERWOOD DIVISION 10 PHASE A



SEE SHEET 4 OF 7

VANCOUVER LANE

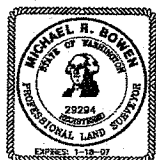
SCALE: 1" = 50'

**LEGEND**

- ⊙ SET CONCRETE MONUMENT IN CASE STAMPED "LS 2929"
- ④ SEE EXCEPTION NUMBER ON SHEET 6 OF 6
- ② SEE NOTE NUMBER ON SHEET 6 OF 6
- (E1) = 5' UTILITIES EASEMENT (SEE NOTE 3 ON SHEET 6 OF 7)
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- < > = RADIAL BEARING AT LOT CORNER

LINE	LENGTH	BEARING
L11	6.07	N36°48'15" W
L12	16.91	N01°24'00" E
L16	19.60	N01°24'00" E
L19	15.00	N88°38'00" W
L21	8.00	N01°24'00" E
L28	18.09	N22°05'37" E
L29	41.91	N01°24'00" E
L29	41.261	N36°48'15" W

CURVE	DELTA	RADIUS	LENGTH	CHORD	DELTA	RADIUS	LENGTH
C10	88°12'23"	56.00	66.53	C82	10°45'58"	100.00	18.83
C11	20°41'37"	55.00	19.86	C83	7°00'27"	80.00	9.78
C12	20°41'37"	55.00	19.86	C84	1°35'16"	80.00	19.44
C18	25°34'45"	25.00	11.16	C85	14°03'48"	91.00	22.34
C43	114°08'27"	20.00	39.83	C98	7°01'41"	91.00	11.16
C44	114°08'27"	20.00	39.83	C97	20°41'37"	64.00	23.11
C45	88°18'23"	30.00	35.29	C98	11°17'41"	45.00	9.07
C27	110°41'37"	25.00	48.30	C99	8°23'56"	45.00	7.58
C46	43°43'36"	25.00	18.08	C110	36°10'18"	100.00	66.62
C55	2°17'36"	500.00	20.01	C111	31°08'05"	100.00	54.34
C56	2°17'16"	500.00	19.96	C113	27°23'16"	55.00	26.29
C58	11°33'41"	125.00	26.22	C114	41°35'07"	55.00	40.24
C90	18°31'54"	80.00	25.88	C119	10°48'58"	109.00	20.51
C91	16°55'39"	80.00	23.64	C116	10°48'58"	91.00	17.13
				C117	12°55'08"	80.00	15.04



**ESM CONSULTING ENGINEERS LLC**

33915 1st Way South Ste. #200  
Federal Way, Washington 98003  
(253) 838-6113

DATE: 12-19-06  
DRAWN BY: R.J.W. / P.A.T.

022230-3-011  
SHDP ASSOCIATES LLC & CAPITAL MANAGEMENT GROUP

022230-3-002  
HARBOR ESTATES LLC

Civil Engineering  
Land Surveying  
Project Management  
Public Works  
Land Planning

JOB NO. 1116-001-004-0008  
SHEET 5 OF 7

# HARBOR CROSSING

A PORTION OF THE SW QUARTER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M.,  
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

## LOT ADDRESS TABLE

NOTE: ALL ADDRESSES ARE GIG HARBOR, WASHINGTON 98332

LOT 1 5124 BALDIC STREET	LOT 142 11512 BRISTOL PLACE
LOT 2 5128 BALDIC STREET	LOT 143 11504 BRISTOL PLACE
LOT 3 5132 BALDIC STREET	LOT 144 11478 BRISTOL PLACE
LOT 4 5136 BALDIC STREET	LOT 145 11470 BRISTOL PLACE
LOT 5 5140 BALDIC STREET	LOT 146 11462 BRISTOL PLACE
LOT 6 5144 BALDIC STREET	LOT 147 11454 BRISTOL PLACE
LOT 7 5148 BALDIC STREET	LOT 148 11446 BRISTOL PLACE
LOT 8 5208 BALDIC STREET	LOT 149 11452 DRAKE LANE
LOT 9 5212 BALDIC STREET	LOT 150 11460 DRAKE LANE
LOT 10 5216 BALDIC STREET	LOT 151 11516 DRAKE LANE
LOT 11 5220 BALDIC STREET	LOT 152 11524 DRAKE LANE
LOT 12 5224 BALDIC STREET	LOT 153 11531 CARTIER LANE
LOT 13 11444 GRIFFIN PLACE	LOT 154 11523 CARTIER LANE
LOT 14 11458 GRIFFIN PLACE	LOT 155 11515 CARTIER LANE
LOT 15 11535 GRIFFIN PLACE	LOT 156 11507 CARTIER LANE
LOT 16 11548 GRIFFIN PLACE	LOT 157 11475 CARTIER LANE
LOT 17 11569 BARKLEY LANE	LOT 158 11467 CARTIER LANE
LOT 18 11577 BARKLEY LANE	LOT 159 11459 CARTIER LANE
LOT 19 11585 BARKLEY LANE	LOT 160 11451 CARTIER LANE
LOT 20 11593 BARKLEY LANE	LOT 161 11443 CARTIER LANE
LOT 21 5227 BERING STREET	LOT 162 11460 CARTIER LANE
LOT 22 5231 BERING STREET	LOT 163 11518 CARTIER LANE
LOT 23 5225 BERING STREET	LOT 164 11524 CARTIER LANE
LOT 24 5221 BERING STREET	LOT 165 11533 HUDSON LANE
LOT 25 5215 BERING STREET	LOT 166 11525 HUDSON LANE
LOT 26 5219 BERING STREET	LOT 167 11517 HUDSON LANE
LOT 27 5213 BERING STREET	LOT 168 11509 HUDSON LANE
LOT 28 5209 BERING STREET	LOT 169 11481 HUDSON LANE
LOT 29 5139 BERING STREET	LOT 170 11461 HUDSON LANE
LOT 30 5141 BERING STREET	LOT 171 11453 HUDSON LANE
LOT 31 5137 BERING STREET	LOT 172 11445 HUDSON LANE
LOT 32 5133 BERING STREET	LOT 173 11443 GRIFFIN PLACE
LOT 33 5129 BERING STREET	LOT 174 11447 GRIFFIN PLACE
LOT 34 5125 BERING STREET	LOT 175 11451 GRIFFIN PLACE
LOT 35 5121 BERING STREET	LOT 176 11511 GRIFFIN PLACE
LOT 36 5117 BERING STREET	LOT 177 11523 GRIFFIN PLACE
LOT 37 5035 BERING STREET	LOT 178 11535 GRIFFIN PLACE
LOT 38 5009 BERING STREET	
LOT 39 5025 BERING STREET	
LOT 40 5021 BERING STREET	
LOT 41 5017 BERING STREET	
LOT 42 5011 BERING STREET	
LOT 43 5015 BERING STREET	
LOT 44 4929 BERING STREET	
LOT 45 4933 BERING STREET	
LOT 46 4927 BERING STREET	
LOT 47 4923 BERING STREET	
LOT 48 4915 BERING STREET	
LOT 49 4919 BERING STREET	
LOT 50 4913 BERING STREET	
LOT 51 4909 BERING STREET	
LOT 52 4915 BERING STREET	
LOT 53 4919 BERING STREET	
LOT 54 4913 BERING STREET	
LOT 55 4909 BERING STREET	
LOT 56 11480 PACIFIC AVENUE	
LOT 57 11488 PACIFIC AVENUE	
LOT 58 11488 PACIFIC AVENUE	
LOT 59 11444 PACIFIC AVENUE	
LOT 60 11432 PACIFIC AVENUE	
LOT 61 11418 PACIFIC AVENUE	
LOT 62 11422 PACIFIC AVENUE	
LOT 63 11412 PACIFIC AVENUE	
LOT 64 11406 PACIFIC AVENUE	
LOT 65 11334 PACIFIC AVENUE	
LOT 66 11338 PACIFIC AVENUE	
LOT 67 11328 PACIFIC AVENUE	
LOT 68 11328 PACIFIC AVENUE	
LOT 69 11545 PORTAGE PLACE	
LOT 70 11533 PORTAGE PLACE	
LOT 71 11521 PORTAGE PLACE	
LOT 72 11509 PORTAGE PLACE	
LOT 73 11493 PORTAGE PLACE	
LOT 74 11481 PORTAGE PLACE	
LOT 75 11469 PORTAGE PLACE	
LOT 76 11457 PORTAGE PLACE	
LOT 77 11445 PORTAGE PLACE	
LOT 78 11433 PORTAGE PLACE	
LOT 79 11421 PORTAGE PLACE	
LOT 80 11409 PORTAGE PLACE	
LOT 81 4904 BALDIC STREET	
LOT 82 4908 BALDIC STREET	
LOT 83 4916 BALDIC STREET	
LOT 84 4920 BALDIC STREET	
LOT 85 4924 BALDIC STREET	
LOT 86 4928 BALDIC STREET	
LOT 87 5008 BALDIC STREET	
LOT 88 5012 BALDIC STREET	
LOT 89 5018 BALDIC STREET	
LOT 90 11453 GLACIER PLACE	
LOT 91 11461 GLACIER PLACE	
LOT 92 4935 BALDIC STREET	
LOT 93 4931 BALDIC STREET	
LOT 94 4925 BALDIC STREET	
LOT 95 4929 BALDIC STREET	
LOT 96 4921 BALDIC STREET	
LOT 97 4917 BALDIC STREET	
LOT 98 11442 PORTAGE PLACE	
LOT 99 11436 PORTAGE PLACE	
LOT 100 11470 PORTAGE PLACE	
LOT 101 11504 PORTAGE PLACE	
LOT 102 11528 PORTAGE PLACE	
LOT 103 11548 PORTAGE PLACE	
LOT 104 4908 BERING STREET	
LOT 105 4912 BERING STREET	
LOT 106 4918 BERING STREET	
LOT 107 4914 BERING STREET	
LOT 108 4944 BERING STREET	
LOT 109 4948 BERING STREET	
LOT 110 4954 BERING STREET	
LOT 111 4950 BERING STREET	
LOT 112 11511 GLACIER PLACE	
LOT 113 11503 GLACIER PLACE	
LOT 114 11534 GLACIER PLACE	
LOT 115 11526 GLACIER PLACE	
LOT 116 11518 GLACIER PLACE	
LOT 117 11510 GLACIER PLACE	
LOT 118 11502 GLACIER PLACE	
LOT 119 11488 GLACIER PLACE	
LOT 120 11480 GLACIER PLACE	
LOT 121 11472 GLACIER PLACE	
LOT 122 11464 GLACIER PLACE	
LOT 123 11458 GLACIER PLACE	
LOT 124 5028 LEON LANE	
LOT 125 5030 LEON LANE	
LOT 126 5034 LEON LANE	
LOT 127 5038 LEON LANE	
LOT 128 5112 LEON LANE	
LOT 129 5118 LEON LANE	
LOT 130 5120 LEON LANE	
LOT 131 11449 BRISTOL PLACE	
LOT 132 11457 BRISTOL PLACE	
LOT 133 11465 BRISTOL PLACE	
LOT 134 11505 BRISTOL PLACE	
LOT 135 11513 BRISTOL PLACE	
LOT 136 11521 BRISTOL PLACE	
LOT 137 11529 BRISTOL PLACE	
LOT 138 11537 BRISTOL PLACE	
LOT 139 5026 BERING STREET	
LOT 140 5030 BERING STREET	
LOT 141 5118 BERING STREET	
LOT 142 5114 BERING STREET	
LOT 143 11636 BRISTOL PLACE	
LOT 144 11528 BRISTOL PLACE	
LOT 145 11520 BRISTOL PLACE	

## EASEMENT DEDICATIONS

1) AN EASEMENT IS HEREBY RESERVED FOR AND CONVEYED TO THE CITY OF GIG HARBOR, PENINSULA LIGHT COMPANY, PUGET SOUND ENERGY, INC., CENTURY TELEPHONE COMPANY, AND COMCAST CABLE COMPANY AND OTHER UTILITY PROVIDERS AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER THE EXTERIOR FIVE (5) FEET OF ALL LOTS, TRACTS AND SPACES WITHIN THE PLAT LYING PARALLEL WITH AND ADJOINING ALL STREETS (S), IN WHICH TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE AND ENLARGE UNDERGROUND PIPES, CONDUITS, CABLES, AND WIRES WITH ALL NECESSARY OR CONVENIENT UNDERGROUND OR GROUND-MOUNTING APPURTENANCES THEREO FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, GAS, TELEPHONE, TELEVISION AND OTHER UTILITY SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE STREETS, LOTS, TRACTS, AND SPACES AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

## NOTES

- 1) THE BOUNDARY FOR THIS PLAT WAS ESTABLISHED BY THAT RECORD OF SURVEY BY PARAMETRIX, INC. RECORDED UNDER RECORDING NO. 200003315004, RECORDS OF PIERCE COUNTY, WASHINGTON.
- 2) TRACTS A THROUGH E & H THROUGH P AND S THROUGH T ARE OPEN SPACE/LANDSCAPE TRACTS TO BE DEDICATED TO AND MAINTAINED BY THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION. REMOVAL OR DISTURBANCE OF LANDSCAPING WITHIN THE PLAT IS PROHIBITED, EXCEPT AS NECESSARY FOR MAINTENANCE OR REPLACEMENT OF EXISTING PLANTINGS AND AS APPROVED BY THE CITY OF GIG HARBOR.
- 3) 5' UTILITY EASEMENT (E1). FOR LOTS SUBJECT TO THIS EASEMENT SEE EASEMENT DEPICTIONS ON SHEETS 3, 4 & 5.
- 4) 12' OPEN SPACE EASEMENT (E2). FOR LOTS SUBJECT TO THIS EASEMENT SEE EASEMENT DEPICTIONS ON SHEETS 3, 4 & 5.
- 5) 15' OPEN SPACE EASEMENT (E3). FOR LOTS SUBJECT TO THIS EASEMENT SEE EASEMENT DEPICTIONS ON SHEETS 3, 4 & 5.
- 6) 10' OPEN SPACE EASEMENT (E4). FOR LOTS SUBJECT TO THIS EASEMENT SEE EASEMENT DEPICTIONS ON SHEETS 3, 4 & 5.
- 7) 10' ACCESS AND UTILITIES EASEMENT (E5). FOR LOTS SUBJECT TO THIS EASEMENT SEE EASEMENT DEPICTIONS ON SHEETS 3, 4 & 5.
- 8) THE OPEN SPACE EASEMENTS REFERRED TO IN NOTES 4 THROUGH 6 ARE DEDICATED TO THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION FOR THE MUTUAL BENEFIT OF ALL LOTS WITHIN THE PLAT. THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE EASEMENT AREAS. PER GIG HARBOR MUNICIPAL CODE 17.88.110 COMMON OPEN SPACE SHALL BE USED AS A RECREATIONAL PARK OR ENVIRONMENTAL AMENITY FOR COLLECTIVE ENJOYMENT BY OCCUPANTS OF THE DEVELOPMENT AND MUST BE FREELY ACCESSIBLE TO THE GENERAL PUBLIC.
- 9) TRACTS F & G ARE COMBINED STORM DRAINAGE AND DETENTION FACILITIES / OPEN SPACE TRACTS DEDICATED TO THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION FOR THE MUTUAL BENEFIT OF ALL LOTS IN THE PLAT.
- 10) TRACT A IS SUBJECT TO UTILITY EASEMENTS AS SHOWN IN DETAILS A & B ON SHEET 4.
- 11) ACCESS & UTILITY EASEMENT FOR THE MUTUAL BENEFIT OF 3-LOT GROUPINGS (LOTS 33-35, 101-103) AND 4-LOT GROUPINGS (LOTS 21-24, 25-28, 29-32, 40-43, 44-47, 48-51, 52-56, 61-64, 65-68, 92-94, 95-97 & 99-100, 104-107, 108-111). MAINTENANCE OF THE SHARED PORTION OF THE ACCESS DRIVE AND SHARED UTILITY FACILITIES WILL BE APPORTIONED EQUALLY TO THE LOT OWNERS. MAINTENANCE OF UTILITIES SERVING ONLY ONE LOT OR THE UNSHARED PORTION OF JOINT USE UTILITIES WILL BE THE RESPONSIBILITY OF THE OWNER OF THE LOT BEING SERVED.
- 12) TRACT R IS A 10' PUBLIC PEDESTRIAN ACCESS EASEMENT.
- 13) PACIFIC AVENUE, PORTAGE PLACE, BRISTOL PLACE, GLACIER PLACE, GRIFFIN PLACE AND BERING STREET ARE PUBLIC ROADS DEDICATED TO THE CITY OF GIG HARBOR UPON RECORDING OF THE PLAT. COLUMBIAN LANE, CHAMPLAIN LANE, VANCOUVER LANE, CABOT LANE, FABIAN LANE, LEON LANE, MAGELLAN LANE, BYRON LANE, DRAKE LANE, CARTIER LANE, HUDSON LANE AND BARKLEY LANE ARE PRIVATE ROADS DEDICATED TO THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION. MAINTENANCE, OPERATION AND REPAIR OF THE LANES AND IMPROVEMENTS WITHIN THE LANES ARE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION.
- 14) THE ROAD AND STORM DRAINAGE SYSTEM SHALL BE CONSTRUCTED ACCORDING TO THE APPROVED ENGINEERING PLANS ON FILE WITH THE CITY OF GIG HARBOR. ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE APPROVAL FROM THE CITY OF GIG HARBOR.
- 15) SIDE SEWER STUBS HAVE BEEN INSTALLED WITH THE CONSTRUCTION OF THE MAIN SEWER SYSTEM. THE INVERT ELEVATIONS OF THOSE PIPES WILL DETERMINE THE MINIMUM FINISHED FLOOR ELEVATION REQUIRED TO OBTAIN GRAVITY FLOW INTO THE MAIN SEWER SYSTEM. THE PLANS ON FILE WITH CITY OF GIG HARBOR SHOULD BE CONSULTED PRIOR TO COMMENCING DESIGN DRAWINGS FOR ANY FUTURE DEVELOPMENT ON THE LOTS SHOWN HEREON.
- 16) DURING THE COURSE OF CONSTRUCTION OF ANY LOT WITHIN THIS SUBDIVISION, STUB-OUT INVERT ELEVATIONS FOR STORM DRAINAGE SHOULD BE VERIFIED BY THE INDIVIDUAL LOT BUILDER OR OWNER TO PROVIDE THE NECESSARY SLOPE FROM THE PROPOSED HOUSE.
- 17) LEGAL DESCRIPTION AND EXCEPTIONS TO TITLE REPORT FROM STEWART TITLE COMPANY COMMITMENT ORDER NO. 206127437, EFFECTIVE JUNE 6, 2006.
- 18) BUILDING SETBACKS PER CITY OF GIG HARBOR HEARING EXAMINER'S REPORT OF FINDINGS, CONCLUSIONS AND DECISION ON SUB 04-07 DATED AUGUST 23, 2005.
- 19) AS A CONDITION OF APPROVAL, THIS PLAT IS SUBJECT TO THE TERMS AND CONDITIONS OF THAT DOCUMENT ENTITLED "STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT" AS RECORDED UNDER RECORDING NO. 200609290175 AND THAT DOCUMENT ENTITLED "SANITARY SEWER EASEMENT AND MAINTENANCE AGREEMENT" AS RECORDED UNDER RECORDING NO. 20061171165.
- 20) LOTS 7 THROUGH 24, 159 THROUGH 167 AND 169 THROUGH 182 ARE SERVED BY A PRIVATE SANITARY SEWER FORCE MAIN. THIS PRIVATE SYSTEM WILL NOT BE MAINTAINED BY THE CITY OF GIG HARBOR. MAINTENANCE OF THE PRIVATE SYSTEM SERVING SAID LOTS WILL BE THE RESPONSIBILITY OF THE HARBOR CROSSING HOMEOWNERS' ASSOCIATION.
- 21) A PUBLIC WORKS VARIANCE WAS APPROVED BY THE CITY ENGINEER TO CONSTRUCT THE ACCESS ROAD ACROSS TAX PARCEL NO. 0222300191 PER GIG HARBOR VARIANCE NO. 08-02 IN ACCORDANCE WITH THE ROAD SECTION SHOWN AS "ROAD SECTION FOR CITY OF GIG HARBOR ROAD VARIANCE NO. 08-02" DETAIL ON SHEET 7 OF 7.

## EXCEPTIONS TO TITLE REPORT

LEGAL DESCRIPTION, EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS SHOWN HEREON ARE FROM STEWART TITLE GUARANTY COMPANY ORDER NUMBER 206127437 DATED JUNE 6, 2006. IN PREPARING THIS SURVEY MAP, ESM HAS NOT CONDUCTED AN INDEPENDENT TITLE SEARCH NOR IS ESM AWARE OF ANY TITLE ISSUES AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN ON THIS MAP. ESM HAS WHOLLY RELIED ON THE ABOVE REFERENCED TITLE REPORT TO PREPARE THIS SURVEY AND THEREFORE QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.

- 1) LIEN OF THE REAL ESTATE EXCISE TAX AND SURCHARGE UPON ANY SALE OF SAID PREMISES, IF UNPAID.
- 2) SUBJECT TO CITY YEAR 2006 GENERAL TAXES FOR TAX ACCOUNT NO. 022230-3-010, IF UNPAID.
- 3) SUBJECT TO TAX OF GIG HARBOR LOCAL IMPROVEMENT DISTRICT 99-01 ASSESSMENT FOR STREET, SIDEWALKS, DRAINAGE, WETLANDS MITIGATION AND UTILITIES.
- 4) SUBJECT TO AN EASEMENT, INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN, IN FAVOR OF THE CITY OF TACOMA FOR THE RIGHT TO ENTER TO OPERATE, MAINTAIN AND REPAIR ELECTRIC TRANSMISSION LINES ADJOINING, AND THE RIGHT TO CUT OR TRIM DANGER TREES WHICH MAY CONSTITUTE A DANGER TO SAID LINES AS RECORDED UNDER RECORDING NO. 875729.
- 5) SUBJECT TO A MEMORANDUM OF PROPERTY USE AGREEMENT, INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN, AS RECORDED UNDER RECORDING NO. 8405170282.
- 6) SUBJECT TO AN EARTH BERM EASEMENT AND MAINTENANCE AGREEMENT, INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN, AS RECORDED UNDER RECORDING NO. 9203280480.
- 7) SUBJECT TO AN INTERLOCAL SANITARY SEWER CO-OPERATIVE AGREEMENT, INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN, AS RECORDED UNDER RECORDING NO. 9205230318.
- 8) SUBJECT TO A PRE-ANNEXATION AND DEVELOPMENT AGREEMENT, INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN, AS RECORDED UNDER RECORDING NO. 9704040094 AND MODIFIED AND/OR AMENDED BY INSTRUMENT RECORDED UNDER RECORDING NO. 200602090450 AND 20012046805.
- 9) SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN LOT LINE ADJUSTMENT AS RECORDED UNDER RECORDING NO. 200603315004.
- 10) SUBJECT TO THE TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN WATER AND ROAD SYSTEM ALLOCATION AGREEMENT AS RECORDED UNDER RECORDING NO. 200605170157.
- 11) SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN DECLARATION OF RECIPROCAL EASEMENTS AND COVENANTS AS RECORDED UNDER RECORDING NO. 200007190549 AND MODIFIED AND/OR AMENDED BY INSTRUMENT RECORDED UNDER RECORDING NO. 200108140712 AND RE-RECORDED AS RECORDING NO. 200109100811.
- 12) SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN OFF-SITE IMPROVEMENTS DEVELOPMENT AGREEMENT AS RECORDED UNDER RECORDING NO. 200607190550.
- 13) SUBJECT TO A MEMORANDUM OF DEVELOPMENT AGREEMENT, INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN, AS RECORDED UNDER RECORDING NO. 200607190552.
- 14) SUBJECT TO A DEED OF TRUST AND THE TERMS AND CONDITIONS CONTAINED THEREIN, IN FAVOR OF HOMESTREET BANK, A WASHINGTON CHARTERED SAVINGS BANK, AS RECORDED UNDER RECORDING NO. 200510051092.
- 15) SUBJECT TO A DEED OF TRUST AND THE TERMS AND CONDITIONS CONTAINED THEREIN, IN FAVOR OF RAINIER CAPITAL GROUP, LLC, AS RECORDED UNDER RECORDING NO. 200510051093.
- 16) SUBJECT TO A SUBORDINATION AGREEMENT AND THE TERMS AND CONDITIONS CONTAINED THEREIN, AS RECORDED UNDER RECORDING NO. 200510121060.



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Civil Engineering  
Land Surveying  
Project Management  
Public Works  
Land Planning

DATE: 12-20-06  
JOB NO.: 1116-001-004-008  
DRAWN BY: P.A.T.  
SHEET 6 OF 7



# HARBOR CROSSING

A PORTION OF THE SW QUARTER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M.,  
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

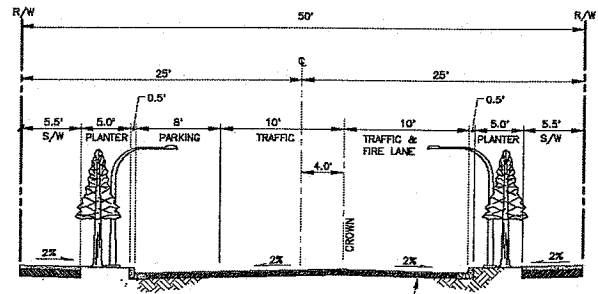
## CITY OF GIG HARBOR HEARING EXAMINER CONDITIONS

THE CITY OF GIG HARBOR COMMUNITY HEARING EXAMINER APPROVED THE PLAN ON AUGUST 23, 2005 UNDER THE APPLICATION SUB 04-07 D WITH THE FOLLOWING CONDITIONS.

- ALL REQUIRED COMMON OPEN SPACE HELD ON PRIVATELY OWNED PROPERTY SHALL BE RESERVED BY EASEMENT OR COVENANT PRIOR TO FINAL PLAT APPROVAL.
- AT LEAST 50% OF THE COMMON OPEN SPACE SHALL BE MADE USABLE FOR ACTIVE OR PASSIVE RECREATION AS DETERMINED BY THE CITY, PRIOR TO FINAL PLAT APPROVAL.
- ALL LAND SHOWN 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:
  - 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.
  - A PUBLIC AGENCY WHICH AGREES TO MAINTAIN THE COMMON OPEN SPACE AND ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, WHICH HAVE BEEN PLACED UPON IT.
- SCHOOL IMPACT FEES SHALL BE PAID FOR EACH SINGLE FAMILY DWELLING, DETACHED OR ATTACHED, LOCATED IN THE PROPOSED PLAT PRIOR TO BUILDING PERMIT ISSUANCE.
- ANY DEDICATION, DONATION OR GRANT AS SHOWN ON THE FACE OF THE PLAT SHALL BE CONSIDERED TO ALL INTENTS AND PURPOSES AS A BUTCLAM DEED TO THE SAID DONEE(S) GRANTEE(S) FOR HIS/HER/THEIR USE FOR THE PURPOSE INTENDED BY THE DONOR(S) OR GRANTEE(S).
- SINCE THE PLAT IS SUBJECT TO A DEDICATION, THE CERTIFICATE OR A SEPARATE WRITTEN INSTRUMENT SHALL CONTAIN THE DEDICATION OF THE INTERESTS TO THE PUBLIC, AND INDIVIDUALS, RELIGIOUS SOCIETIES(ES) OR TO ANY CORPORATION, PUBLIC OR PRIVATE, AS SHOWN ON THE PLAT, AND A WAIVER OF ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROAD. SAID CERTIFICATE OR INSTRUMENT OF DEDICATION SHALL BE SIGNED AND KNOWN BEFORE A NOTARY PUBLIC BY ALL PARTIES HAVING ANY OWNERSHIP INTEREST IN THE LANDS SUBDIVIDED AND RECORDED AS PART OF THE FINAL PLAT.
- ANY DEDICATION FILED FOR RECORD SHALL BE ACCOMPANIED BY A TITLE REPORT CONFIRMING THAT THE TITLE OF THE LANDS AS DESCRIBED AND SHOWN ON SAID PLAT IS IN THE NAME OF THE OWNERS SIGNING THE CERTIFICATE OR INSTRUMENT OF DEDICATION.
- TO INCREASE THE LEVEL OF SERVICE ON THE NORTH BOUND RAMP OF THE SR-16 ROUNDABOUT (RAB), THE APPLICANT SHALL BE REQUIRED TO RE-STRIPE FOR A 3 LANE SECTION ON THE BURNHAM OVER-CROSSING STRUCTURE, WITH A 2ND EASTBOUND LANE PROVIDED AT THE NORTH BOUND SR16 RAB. ANY CONSTRUCTION METHODS REQUIRED TO FACILITATE THIS PROCESS SHALL MEET THE CITY OF GIG HARBOR PUBLIC WORKS STANDARDS AND BE THE SOLE RESPONSIBILITY OF THE APPLICANT. THE APPLICANT SHALL SUBMIT A CHANNELIZATION PLAN TO THE CITY FOR REVIEW AND APPROVAL. THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- THE EXISTING CITY/SR16 RAB SHALL BE RE-STRIPE BY THE APPLICANT IN ITS ENTIRETY TO REFLECT NEW 3-LANE BURNHAM OVER-STRUCTURE AND CITY ROUNDABOUT CONFIGURATION. RE-STRIPING SHALL ALSO INCLUDE THE PLACEMENT OF REGULATORY ROUNDABOUT LANE SIGNAGE ON EACH OF THE 6 LEGS OF THE CITY/SR16 RAB. THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- TO ENSURE THE SAFETY OF VEHICULAR AND PEDESTRIAN TRAFFIC TO AND FROM THE PROPOSED GIG HARBOR NORTH RESIDENTIAL DEVELOPMENT SITE, THE APPLICANT SHALL BE REQUIRED TO CONSTRUCT THE PROPOSED EAST ACCESS ROAD FROM BORDEN BLVD. TO THE SOUTH PROPERTY BOUNDARY PER CITY OF GIG HARBOR PUBLIC WORKS STANDARDS. THE NEW ACCESS ROAD SHALL INCLUDE TWO TRAVEL LANES WITH CEMENT CONCRETE SIDEWALKS 5.5 FEET IN WIDTH AND CEMENT CONCRETE CURB AND GUTTER ON BOTH SIDES. THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- TO ENSURE THE SAFETY OF VEHICULAR AND PEDESTRIAN TRAFFIC TO AND FROM THE PROPOSED GIG HARBOR NORTH RESIDENTIAL DEVELOPMENT SITE, THE APPLICANT SHALL BE REQUIRED TO WIDEN BORDEN BLVD. TO EXTEND THE EXISTING LEFT TURN CHANNELIZATION EAST OF THE ALBERTSONS DRIVEWAY TO THE NEW EAST ACCESS ROAD. TO PROVIDE A SEPARATE EAST BOUND LEFT TURN LANE AND TAPER SECTION TO THE PROPOSED 4 LANE INTERSECTING ROADWAY. THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- TO ENSURE THE SAFETY OF VEHICULAR AND PEDESTRIAN TRAFFIC TO AND FROM THE PROPOSED GIG HARBOR NORTH RESIDENTIAL DEVELOPMENT SITE, THE NEW DRIVEWAY APPROACH AT THE BORDEN BOULEVARD/EAST ACCESS INTERSECTION SHALL BE STRIPPED AND SIGNED CONSISTENT WITH THE CURRENT VERSION OF THE MUTCD MANUAL FOR RIGHT-TURN ONLY MOVEMENTS. ADDITIONALLY, A MODIFIED "PORK CHOP" TRAFFIC ISLAND (MINIMUM OF 50 SQUARE FEET) MEETING CITY STANDARDS TO ACCOMMODATE LEFT-TURN MOVEMENTS AND PROHIBIT LEFT-TURN MOVEMENTS ONTO BORDEN BOULEVARD SHALL BE REQUIRED. THE APPLICANT SHALL SUBMIT A CHANNELIZATION PLAN TO THE CITY FOR REVIEW AND APPROVAL. THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- TO ENSURE THE SAFETY OF VEHICULAR AND PEDESTRIAN TRAFFIC TO AND FROM THE PROPOSED GIG HARBOR NORTH RESIDENTIAL DEVELOPMENT SITE, THE APPLICANT SHALL EXTEND 51ST AVENUE NORTH OF THE EXISTING TARGET SITE TO PROVIDE ACCESS TO THE PROPOSED RESIDENTIAL DEVELOPMENT. THE INTERIOR ROADWAY SYSTEM SHALL CONFORM TO THE CRITERIA SPECIFICALLY LISTED IN THE ISSUED PUBLIC WORKS VARIANCE (05-01). THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- TO ENSURE THE SAFETY OF VEHICULAR AND PEDESTRIAN TRAFFIC TO AND FROM THE PROPOSED GIG HARBOR NORTH RESIDENTIAL DEVELOPMENT SITE, THE APPLICANT SHALL CONSTRUCT NEW PEDESTRIAN PATHS TO THE NEARBY RETAIL AREAS AND COORDINATE WITH ADJACENT RESIDENTIAL COMMUNITIES TO PROVIDE PEDESTRIAN ACCESS TO NEARBY RETAIL SHOPS AND RESTAURANTS. THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- TO ENSURE THE SAFETY OF VEHICULAR AND PEDESTRIAN TRAFFIC TO AND FROM THE PROPOSED GIG HARBOR NORTH RESIDENTIAL DEVELOPMENT SITE, THE APPLICANT SHALL BE REQUIRED TO INSTALL STANDARD STOP SIGN AND STOP LINES PER MUTCD GUIDELINES AT THE PROPOSED EAST ACCESS DRIVEWAY APPROACH TO BORDEN BOULEVARD TO SAFELY CONTROL EXITING MANEUVERS. THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- TO ENSURE THE CONTINUITY OF THRU TRAFFIC ON BORDEN BLVD, A RIGHT TURN BAY SHALL BE INSTALLED ON BORDEN BLVD. AT THE ENTRANCE TO THE EAST ACCESS ROAD. LENGTH AND GEOMETRY SHALL BE IN ACCORDANCE WITH "ACCESS MANAGEMENT MANUAL BY TRANSPORTATION RESEARCH BOARD, 2003. THE APPLICANT SHALL COMPLETE OR BOND FOR THIS IMPROVEMENT PRIOR TO FINAL PLAT APPROVAL.
- THE PROPOSED ROAD OF SHEET 2 OF 9 REFERRED TO AS "LOT 4 TYPICAL ROAD SECTION" SHALL BE RECONFIGURED TO MEET THE GEOMETRIC REQUIREMENTS OF FIGURE 2-05 OF THE CITY PUBLIC WORKS STANDARDS (NEIGHBORHOOD COLLECTOR). THE PROPOSED LOCAL ACCESS ROADWAY LOCATED ON LOT 4 AS DEFINED IN THE PRELIMINARY PLAT DOCUMENTS SHALL BE CONSTRUCTED OR BONDED FOR PRIOR TO FINAL PLAT APPROVAL.
- TRAFFIC IMPACT FEES SHALL BE PAID FOR EACH SINGLE FAMILY DWELLING LOCATED IN THE PROPOSED GIG HARBOR NORTH PLAT AS SET FORTH IN GHMC SECTION 19. 12.110(A), OR AS THIS SECTION IS AMENDED IN THE FUTURE.
- THE APPLICANT SHALL RECEIVE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) WRITTEN APPROVAL OF THE PROPOSED CHANNELIZATION OF THE BURNHAM DRIVE OVER-CROSSING.
- THE DESIGN AND INSTALLATION OF ALL WATER LINES FOR DOMESTIC, IRRIGATION, AND FIRE SERVICE SHALL MEET THE MINIMUM STANDARDS OF CHAPTER 4 OF THE CITY OF GIG HARBOR PUBLIC WORKS STANDARDS ADOPTED BY CITY OF GIG HARBOR ORDINANCE NUMBER 712.

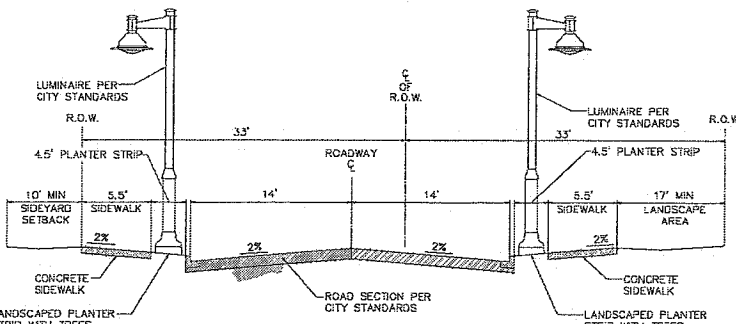
- THE WATER SYSTEM DESIGN SHALL HAVE THE ABILITY TO DELIVER THE MINIMUM FIRE FLOW DESCRIBED AND REQUIRED IN THE CITY OF GIG HARBOR WATER COMPREHENSIVE PLAN. THE MINIMUM FIRE FLOW SHALL BE 1750 GPM FOR 2 HOURS WITH 20 PSI RESIDUAL PRESSURE AT THE FLOWING HYDRANT(S).
- CONNECTION FEES FOR DOMESTIC WATER SHALL BE PAID FOR EACH INDIVIDUAL PARCEL LOCATED WITHIN THE PRELIMINARY PLAT PRIOR TO BUILDING PERMIT ISSUANCE. WATER CONNECTION FEES VARY IN PRICE BASED UPON METER SIZE AND SHALL BE CALCULATED UPON RECEIPT OF A CITY UTILITY APPLICATION FORM AS SET FORTH IN GHMC 13.04.080.
- THE STORM WATER DESIGN AND TEMPORARY EROSION CONTROL SHALL MEET THE REQUIREMENTS SET FORTH IN THE CITY STORM WATER DESIGN MANUAL ADOPTED UNDER GHMC SECTION 14.20.030 AND THE CITY PUBLIC WORKS STANDARDS ADOPTED BY CITY ORDINANCE 712 AND ALL FURTHER AMENDMENTS.
- PRIOR TO FINAL PLAT APPROVAL, THE APPLICANT SHALL PROVIDE TO THE CITY A FINAL DRAINAGE REPORT AND DOWN STREAM ANALYSIS FOR REVIEW AND APPROVAL.
- PRIOR TO FINAL PLAT APPROVAL, PRIVATE PROJECT STORM WATER MAINTENANCE AGREEMENTS SHALL BE RECORDED AGAINST THE PROPERTY ON CITY FORM(S). THE AGREEMENT SHALL BE FOR ALL STORM WATER INFRASTRUCTURE NOT SPECIFICALLY IDENTIFIED AS A "REGIONAL" STORM WATER FACILITY AND ALL STORM WATER CONVEYANCE LINES AND STRUCTURES NOT LOCATED WITHIN A PUBLIC RIGHT OF WAY OR DEDICATED CITY UTILITY EASEMENT.
- THE PONDS DEPICTED WITHIN THE PRELIMINARY PLAT DOCUMENTS SHALL HAVE THE WORST EAST AND WEST INCLUDED IN THE POND DESCRIPTION. THE ASSIGNMENT OF EAST AND WEST SHALL BE DICTATED BY THE STORM WATER FACILITIES GEOGRAPHIC LOCATION OR REFERENCE FROM NORTH WITH IN THE PLAT.
- THE APPLICANT SHALL OBTAIN AN APPROVED EROSION CONTROL STORM WATER DISCHARGE PERMIT FROM THE DEPARTMENT OF ECOLOGY PRIOR TO ANY ON SITE CLEARING AND GRADING.
- THE DESIGN AND INSTALLATION OF ALL SANITARY SEWER FACILITIES REGARDING THE PLAT SHALL MEET THE MINIMUM STANDARDS OF THE CITY OF GIG HARBOR PUBLIC WORKS STANDARDS ADOPTED BY CITY ORDINANCE 712 AND ALL APPLICABLE APPENDICES.
- THE LOCATION OF ALL SANITARY SEWER FACILITIES SHALL BE CONSISTENT WITH THE MOST CURRENT VERSION OF THE CITY WASTE WATER COMPREHENSIVE PLAN.
- THE APPLICANT OR PROPERTY OWNER SHALL PAY APPLICABLE SEWER CONNECTION FEE RATE FOR SEWER ZONE C FOR EACH INDIVIDUAL LOT LOCATED IN THE GIG HARBOR NORTH PLAT PRIOR TO BUILDING PERMIT ISSUANCE.
- PRIOR TO FINAL PLAT APPROVAL, THE APPLICANT SHALL RECORD A PRIVATE PROJECT STORM WATER FACILITIES MAINTENANCE AGREEMENT AGAINST THE PROPERTY.
- THE APPLICANT SHALL PROVIDE TO THE CITY OF GIG HARBOR DETAILED CIVIL DRAWINGS IN REGARDS TO THE CONSTRUCTION OF THE PLAT, MEETING ALL THE REQUIREMENTS OF THE CITY OF GIG HARBOR AND SIGNED BY THE COMMUNITY DEVELOPMENT DIRECTOR AND CITY ENGINEER PRIOR TO FINAL PLAT.
- THE APPLICANT SHALL PROVIDE TO THE CITY CIVIL DRAWINGS REGARDING THE OFF-SITE TRAFFIC MITIGATION LOCATED ON BORDEN BOULEVARD AND THE SR16 BURNHAM OVER-CROSSING AND ASSOCIATED CITY MAINTAINED ROUNDABOUT INTERSECTION.
- ALL CIVIL DRAWINGS SUBMITTED TO THE CITY SHALL BE PREPARED UNDER THE SUPERVISION OF AND STAMPED BY A LICENSED CIVIL ENGINEER IN THE STATE OF WASHINGTON.
- PRIOR TO THE RELEASE OF APPROVED CIVIL DRAWINGS FOR THE PROJECT THE APPLICANT SHALL BE REQUIRED TO PAY ENGINEERING PLAN REVIEW AND INSPECTION FEES TO THE CITY OF GIG HARBOR.
- THE APPLICANT SHALL COMPLETE OR BOND FOR ALL REQUIRED IMPROVEMENTS PRIOR TO FINAL PLAT APPROVAL.
- STRIPING AND SIGNAGE OF BARKLEY LANE, HUDSON LANE, CARTER LANE AND DRAKE LANE SHALL BE INSTALLED AS FOLLOWS:
  - FIRE LANE PAINTING WHERE THE ROADWAY HAS ROLLED CURBS OR NO CURBS, PAINTING AND STENCILING SHALL BE ON THE PAVEMENT SURFACE. 10-INCH WHITE LETTERING READING "NO PARKING-FIRE LANE" SHALL BE PLACED AGAINST A RED BACKGROUND WITH SPACING OF NOT MORE THAN 60 FEET. THE PAINTING MUST BE CONTINUOUS FOR THE ENTIRE LENGTH OF THE FIRE LANE.
  - FIRE LANE SIGNS: FIRE LANE SIGNS MUST COMPLY WITH THE SPECIFICATIONS OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. FIRE LANE SIGNS MUST BE NO LESS THAN 12" WIDE BY 18" HIGH. THEY SHALL HAVE A REFLECTORIZED BACKGROUND WITH RED LETTERING READING "NO PARKING-FIRE LANE". EACH SIGN SHALL INCLUDE A DIRECTIONAL ARROW INDICATING THE DIRECTION OF THE FIRE LANE IN RELATION TO THE SIGN. SIGNS SHALL BE SPACED AT NO MORE THAN 120 FEET APART AND MUST BE MOUNTED BETWEEN FOUR AND SIX FEET ABOVE THE DRIVING SURFACE AND BE SITUATED PARALLEL TO THE ROADWAY, AS DETERMINED BY THE FIRE MARSHAL. ADDITIONAL SIGNS ARE REQUIRED WHEN CURVES, HILLS, CORNERS OR OTHER CONDITIONS OBSTRUCT THE LINE OF SIGHT. SIGNS MUST NOT BE OBSTRUCTED BY LANDSCAPING OR OTHER MEANS.
- PRIOR TO FINAL PLAT APPROVAL, THE PLAT SHALL BE REVISED TO PROVIDE HYDRANT SPACING DEMONSTRATING COMPLIANCE WITH THE IFC APPENDIX CHAPTER "C" REQUIREMENTS.
- ANY CONSTRUCTION RELATED TO THE PLAT SHALL COMPLY WITH ALL BUILDING AND FIRE CODE REQUIREMENTS AS DETERMINED BY THE BUILDING OFFICIAL FIRE MARSHAL.

## TYPICAL INTERIOR ROAD SECTION



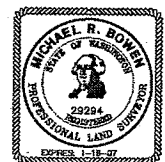
NOTE: FIRE LANES ARE NO PARKING AREAS AND SHALL BE DESIGNATED BY SIGNAGE AND/OR CURB PAINTING OR BY A METHOD APPROVED BY THE CITY OF GIG HARBOR FIRE MARSHAL. PARKING IN THESE AREAS IS PROHIBITED.

SEE NOTE 21, SHEET 6 OF 7



ROAD SECTION FOR CITY OF GIG HARBOR VARIANCE No. 06-02

STATION 319+81 TO 319+24 SCALE N.T.S



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## **ADMINISTRATION**

**TO: MAYOR HUNTER AND CITY COUNCILMEMBERS**  
**FROM: COUNCILMEMBER DEREK YOUNG**  
**SUBJECT: FEDERAL GOVERNEMENTAL AFFAIRS LOBBYING SERVICES**  
**CONSULTANT SERVICES CONTACT**  
**DATE: JANUARY 8, 2007**

### **INFORMATION / BACKGROUND**

Gordon Thomas Honeywell Governmental Affairs, (formerly SAL), has been retained to provide the City of Gig Harbor with Washington State legislative lobbying services. During the budget process, Council added funding for additional, federal lobbying services. The contract for these services is attached for consideration.

### **FISCAL CONSIDERATIONS**

The cost of the services is Six Thousand Two Hundred and Fifty Dollars and Zero Cents (\$6,250.00) per month beginning in January, for an amount not to exceed Seventy Thousand Dollars and No Cents (\$75,000). This amount was approved in the 2007 Budget.

### **RECOMMENDATION**

Recommend that Council authorize the Mayor to sign the attached contract with Gordon Thomas Honeywell Governmental Affairs for an amount not to exceed Seventy Thousand Dollars and No Cents (\$75,000).



**COMMUNITY DEVELOPMENT DEPARTMENT**

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: TOM DOLAN, PLANNING DIRECTOR**  
**SUBJECT: STAFF REPORT - ZONE TRANSITION BUFFERING STANDARDS**  
**DATE: JANUARY 8, 2007**

At the December 11, 2006 City Council meeting, the Council approved an easement which allowed a portion of a 40 foot wide zone transition buffer required for an office building development to be located on an adjacent residentially zoned parcel of land. The City Council raised concerns regarding the use of an easement to satisfy the requirement for a zone transition buffer. The Council requested staff to develop alternatives that would preclude the future use of easements on abutting property to reduce the size of zone transition buffers on the parcel that creates the need for the buffer.

The planning staff has reviewed the zone transition provisions in GHMC 17.99. As a result of this review, I have issued an Administrative Interpretation that clarifies that a zone transition buffer is required to be entirely located on the parcel of land that creates the need for the buffer. However, to further clarify this requirement, I recommend that the City Council direct the Planning Commission to develop a text amendment which would add language to GHMC 17.99.170 that specifies the Council's intent.

C: Administrative Interpretation dated 1/3/07



COMMUNITY DEVELOPMENT DEPARTMENT

**ADMINISTRATIVE INTERPRETATION  
OF THE  
CITY OF GIG HARBOR  
PLANNING DIRECTOR**

Date: January 3, 2007

Authority: Interpretations and appeals,  
Gig Harbor Municipal Code Section 17.66.050

Subject: Zone Transition Buffers

Introduction: The Community Development Director or his/her designated representative has the authority to review and determine any questions involving the proper interpretation or application of the provisions of Title 17. GHMC Section 17.66.050(A)(1). The Director's decision must be in keeping with the spirit and intent of Title 17 and the City's Comprehensive Plan.

Question Presented: When a dense vegetative buffer of 40 feet or more is required to provide consistency with Zone Transition Buffering Standards, does the entire buffer area need to be provided on the site proposed for development that creates the need for the buffer?

Brief Interpretation/Answer: Yes.

Analysis: Gig Harbor Municipal Code (GHMC) 17.99.170 (Zone transition standards) states in part that:

"Zone transitions occur wherever opposing zones meet. All parcels in a specific zone that abut, or are across the street from, parcels in a different zone (regardless of uses in that zone or as otherwise stated below) are subject to either ZONE TRANSITION BUFFERING STANDARDS or ZONE TRANSITION DEVELOPMENT STANDARDS"

GHMC 17.99.180 (Zone transition buffering standards) states in part:


**“Substantially separate and shield opposing zones located outside of height restriction area with a minimum 40-foot dense vegetative buffer.** Buffering between zones.....shall include a dense vegetative buffer of 40 feet or more unless the zone transition development standards of GHMC 17.190 are complied with.”

It is clear from the language in GHMC 17.99.170 that parcels in a specific zone that abut or are across the street from parcels in a different zone are subject to zone transition buffering standards or zone transition development standards. Therefore, it is the parcel that creates the need for the zone transition buffer that must have the buffer. Nothing in GHMC 17.99.170 allows the required buffer to be located in whole or in part on another parcel in a different zone. GHMC 17.99.180 requires parcels in opposing zones (outside of height restriction areas) to be substantially separated and shielded. Buffering between zones is required to include either a 40 foot wide dense vegetative buffer or compliance with the zone transition development standards found in 17.99.190. While the provisions of GHMC 17.99.180 do not specify the location of the 40 foot wide buffer, when read together, Sections 17.99.170 and 180 should be interpreted to require the entire buffer on the parcel creating the need for the zone transition buffer.

In lieu of providing a minimum 40 foot dense vegetative buffer on their parcels, property owners can utilize the provisions of GHMC 17.99.190 (Zone transition development standards) or GHMC 17.99.200 (Alternative zone transition standards) to eliminate or reduce the required buffer.

Conclusion:

In instances where a zone transition buffer is required, the buffer shall be entirely located on the parcel creating the need for the buffer.

  
\_\_\_\_\_  
Tom Dolan  
Planning Director

Date 11/3/07

SEPA Threshold Decision: Exempt

Procedures for Administrative Appeal: As provided in GHMC Section 17.66.050(B), an appeal may be filed of this interpretation to the Hearing Examiner within 20 days of the date of issuance. Appeals must be submitted to the Community Development Department in writing along with a \$130.00 appeal fee.



## COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR HUNTER AND CITY COUNCIL**  
**FROM: TOM DOLAN, PLANNING DIRECTOR**  
**SUBJECT: STAFF REPORT - PROPOSED AMENDMENTS TO RB-1 ZONING REGULATIONS**  
**DATE: JANUARY 8, 2007**

As indicated in the attached December 11, 2006 memo from Dick Allen, Planning Commission Chair, the Planning Commission voted unanimously to table a proposed amendment to the zoning ordinance. The amendment would have allowed multiple buildings of up to 5,000 square feet on property that is zoned "RB-1". The current zoning regulations restrict the maximum gross floor area of buildings to 5,000 square feet per lot regardless of lot size. The effect of this restriction has been that property owners who want more than one 5,000 square foot building on an "RB-1" site have had to plat or short plat their property into multiple lots. Concern has been expressed that dividing property to allow the construction of more than one building can lead to development that is inconsistent in terms of design and maintenance.

The Commission discussed the proposed text amendment at two meetings. After considerable discussion, the Commission tabled the proposed text amendment and decided not to conduct a public hearing on the proposal. The Commission is concerned that several of the existing "RB-1" Districts abut single family residential zones. Approval of the proposed text amendment could result in a more intense development of the "RB-1" Districts that could adversely impact the adjacent residential uses. It is the Commission's recommendation that further consideration of the text amendment should be postponed until such time as the Planning Commission and City Council review the appropriateness of the properties currently zoned "RB-1".

At this point the City Council has three options. The first option would be to take no further action on the text amendment at this time. The second option would be to direct the Planning Commission to conduct a review of the appropriateness of the zoning of the existing parcels of land that are currently zoned "RB-1". If the Commission finds that some of the parcels are inappropriately zoned, they would make recommendations to the City Council to rezone those parcels. As part of their deliberations on the existing zoning of the "RB-1" parcels, the Commission could be asked to simultaneously consider the 5,000 square foot gross floor area limitation issue as well. The third option would be for the City Council to conduct their own public hearing on the amendment to allow multiple buildings of up to 5,000 square feet on property that is zoned "RB-1". The Council could then decide to amend the code by a subsequent ordinance.



COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR HUNTER AND MEMBERS OF THE CITY COUNCIL**  
**FROM: DICK ALLEN, CHAIR, PLANNING COMMISSION**  
**SUBJECT: PROPOSED AMENDMENTS TO RB-1 ZONING REGULATIONS**  
**DATE: DECEMBER 11, 2006**

At the December 7, 2006 Planning Commission meeting the members of the Commission voted unanimously to table a proposed text amendment that would have allowed multiple buildings of up to 5,000 square feet on property that is zoned RB-1 Residential and Business District. The current zoning regulations restrict the maximum gross floor area of buildings to 5,000 square feet per lot regardless of lot size.

The Commission reviewed the draft text amendment at two meetings. At the December 7, 2006 meeting the staff presented a zoning map for the City which identified the location of all of the RB-1 Districts. The Commission is concerned that several of the existing RB-1 Districts abut single family residential zones. Approval of the proposed text amendment would result in a more intense development of the RB-1 Districts that could adversely impact the adjacent residential uses. Therefore, it is recommended that the text amendment be tabled until such time as the Planning Commission and City Council review the appropriateness of the properties currently zoned RB-1.

*Dick Allen*