

Gig Harbor City Council Meeting

**November 26, 2007
6:00 p.m.**



**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
November 26, 2007 - 6:00 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of November 13, 2007.
2. Right-of-Way Easement Agreement – Harbor Crossing Offsite Access Road – Lot Four.
3. Right-of-Way Easement Agreement – Towne Plaza.
4. Storm Water Facilities Maintenance and Restrictive Covenant Agreement – Lydian Place.
5. Sanitary Sewer and Stormwater Facilities Easement and Maintenance Agreements – Towne Plaza.
6. Escrow Agreement for Retainage – Olympic/56th Roadway Improvements.
7. Liquor License Renewals: The Harbor Kitchen; Terracciano's; Half Time Sports.
8. Approval of Payment of Bills for Nov. 26, 2007:
Checks # 55933 through #56070 in the amount of \$697,690.94.

OLD BUSINESS:

1. Final Public Hearing and Second Reading of Ordinance – 2008 Proposed Budget.
2. Second Reading of Ordinance – Provision of Water & Sewer Outside City Limits.
3. Second Reading of Ordinance – Alternative to Sewer Concurrency Processing.
4. Second Reading of Ordinance – Comprehensive Plan Amendment Application Requirements.
5. Second Reading of Ordinance – Smoking Ban in City Parks.

NEW BUSINESS:

1. Ed Hoppen Memorial – International Thunderbird Boat Association.
2. Public Hearing and First Reading of Ordinance – 2007 Comprehensive Plan Amendments.
3. First Reading of Ordinance – Northharbor Business Campus Zoning Map Amendment.
4. First Reading of Ordinance – Burnham Drive Commercial Park Zoning Map Amendment.
5. First Reading of Three Ordinances – Rate Increase for Water, Sewer, and Stormwater.
6. Public Meeting - Notice of Intention – 96th Street Annexation.
7. Resolution – Adopting the Comprehensive Emergency Management Plan.
8. Resolution – Art Procurement.

STAFF REPORT:

1. Marketing – Laureen Lund.
2. GHPD Monthly Stats – Chief Davis.
3. Non-conforming multi-family dwellings – Carol Morris.

PUBLIC COMMENT:

MAYOR’S REPORT / COUNCIL COMMENTS:

ANNOUNCEMENT OF OTHER MEETINGS:

1. BB16 Open House for Gig Harbor North Businesses & General Public Welcome – Nov. 27th and Dec. 6th at 6:00 p.m. in Community Rooms A & B.
2. Planning & Building Committee – Mon., Dec. 3rd at 5:00 p.m. in Planning/Building Conference Room.
3. GH North Traffic Options Committee – Wednesday, December 19th, at 9:00 a.m. in Community Rooms A & B.
4. Finance Committee – Mon. Dec 17th at 4:00 p.m.
5. Special City Council Meeting – Mon. Dec. 17th at 6:00 p.m. – Eddon Boat Sediment Cleanup Bid Award.
6. Intergovernmental Affairs Committee – Mon. Dec 10th at 4:30 p.m.

ADJOURN:

GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 13, 2007

PRESENT: Councilmembers Ekberg, Young, Franich, Dick, Conan, Payne, Kadzik and Mayor Hunter.

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of October 22, 2007 and Special City Council Meeting October 29, 2007;
2. Receive and File: a) Joint City Council / Hearing Examiner Meeting Minutes 10/15/07; b) Council Legislative Dinner Meeting Minutes 10/15/07 c) Building / Fire Safety Dept. Monthly Activity Report.
3. Eddon Boat Brick House Painting Project – Contract Authorization.
4. Assistance with EPA Water System Regulations – Consultant Services Contract
5. Sanitary Sewer & Stormwater Facilities Easement and Maintenance Agreements for Crescent Cove Project.
6. Agreement for Attorney Services – Eddon Boat.
7. Donkey Creek Easement Survey and Property Description – Consultant Services Contract.
8. St. Anthony Medical Office Building Plan Review – Consultant Services Contract.
9. Dept. of Ecology – NPDES Stormwater Plan Grant Agreement.
10. WWTP Improvements/Cultural Resources Assessment – Consultant Services Contract.
11. Liquor License Application: Los Cabos Grill.
12. Approval of Payment of Bills for November 13, 2008:
Checks # 55741 through #55932 in the amount of \$880,904.26.
13. Approval of Payment of Payroll for October:
Checks #4888 through #4920 and direct deposit entries in the total amount of \$312,764.58. *Note: Check #4905 replaced VOID check #4891 dated October 12, 2007*

MOTION: Move to adopt the Consent Agenda as Presented.
Franich / Ekberg – unanimously approved.

OLD BUSINESS:

1. Public Hearing and Second Reading of Ordinance – 2007 Property Tax Levy.
David Rodenbach, Finance Director, presented this ordinance that sets the 2007 property tax levy for collection in 2008.

Councilmember Dick voiced concern with the recommendation to stay with the 1% increase in light of the recent Supreme Court action declaring Initiative 747 unconstitutional. He talked about the lack of funding for upcoming capital projects and the need to tie the cost of capital facilities to the cost of land. He said that the city should levy the 6% allowed by law this year.

Mr. Rodenbach responded that it would be wise to stay with the 1% levy this late in the budget process, and because Governor Gregoire has asked jurisdictions to abide by the 1% cap.

Mayor Hunter opened the public hearing at 6:08 p.m. No one came forward to speak and the hearing closed.

MOTION: Move to adopt Ordinance 1108.
Young / Payne -

Mr. Rodenbach was asked to calculate the increased amount if the levy were to be set at 6%.

AMENDMENT: Move to amend the motion to set the levy at \$1,755,366.00 and direct the Finance Director to insert the appropriate percentage.
Dick /

There was no second to the motion.

Councilmember Young agreed that we need a sensible solution, and that he hopes that the legislators come up one.

Councilmember Payne said that with the upcoming 10% increase in water rates, the 10% increase in sewer rates, and the 25% increase in Stormwater rates, and given the fact this is fairly reactive to a court decision that was just issued, he would be willing to discuss this in next year's budget, but not at this late date. He mentioned that it was the citizens of the State of Washington that voted for the referendum, and we need to wait to let legislature discuss this.

MOTION: Move to adopt Ordinance 1108.
Young / Payne – unanimously approved.

2. Second Reading of Ordinance – Prentice Avenue & Benson Street Vacation Request – Todd Block. Rob Karlinsey presented this first of two ordinances for vacation of Prentice Avenue & Benson Street. He explained that at the last meeting, there was a question on whether the property could be subdivided after the vacation. He said that it is possible for the two property owners to join together and short-plot their properties into three lots.

MOTION: Move to adopt Ordinance 1109.
Young / Ekberg – unanimously approved.

3. Second Reading of Ordinance - Prentice Avenue & Benson Street Vacation Request – Douglas & Annette Smith. This was discussed during the previous agenda item.

MOTION: Move to adopt Ordinance 1110.
Young / Ekberg – unanimously approved.

NEW BUSINESS:

1. Public Hearing and First Reading of Ordinance – 2008 Proposed Budget. David Rodenbach presented background information on the proposed budget. He described the changes made to the budget as a result of the study sessions and offered to answer questions.

Mayor Hunter opened the public hearing at 6:20 p.m. No one came forward and the hearing closed.

Councilmember Young asked how the Ending Fund Balance compares to last year's. Mr. Rodenbach responded that it is right in line.

Councilmember Franich asked about acquiring the easement from the Historical Society and whether \$35,000 of the \$80,000 per five years cost would come from Hotel / Motel Tax dollars.

Councilmember Young explained that this was proposed to the Lodging Tax Committee earlier, and they recommended that the bulk of the cost be shifted to the General Fund. It did not come back in their proposed budget. Laureen Lund, Marketing Director, said that \$25,000 was discussed for 2007, but it didn't come up this year. She said she didn't think that the committee would be against this and offered to talk to them before the second reading of the budget ordinance.

Councilmember Franich then voiced concern with the willingness to bond for minor road and sidewalk improvements and a contribution towards the Cushman Trail. He said that this money should come from the General Fund due to increased revenues over the years. He stressed that General Fund money should be allocated towards the Wastewater Treatment Plant Expansion Project, explaining that the city is working on a sub area plans that would make it easier in the future for those in the UGA to connect. Instead, the city is spending another million dollars on salaries. He commented that when the Civic Center was built there was an expectation in the community that it would soon be filled, and that is becoming a reality. He said that the organizational chart could be streamlined and we are "fat" on middle-management. Over the past ten years, the city has completed both large and small projects with one city administrator, but this budget adds an Assistant City Administrator, an Intern, an Executive Assistant, and a Special Projects Coordinator and we have already added seven additional people this year. All these positions lead to long-term debt. He explained that he doesn't think it is right to burden future citizens and Council with these bonding and salary increases.

Councilmember Young said that in the past, he too was reluctant in regards to bonding, but in the last three years, we have seen 20% yearly growth in construction costs. At some point you have to weigh whether or not a low interest rate is a better allocation of resources than a large jump in cost. In addition, a considerable portion of the debt is for projects that have to be done now.

Councilmember Dick said that in the past his concern has been that enough money be set aside for capital projects. He said that as revenues increase, those additional dollars need to be devoted to capital, adding that he is pleased that this budget does have significant increases in capital expenditures. He agreed that Council must be careful not to squander the increased revenue and to save enough to keep on top of projects. Because there is a huge unfunded capital need for roads, sewer and surface water, more of the budget should be devoted to capital and less to operations. He mentioned the Marketing position, which is mostly funded through the Hotel/Motel Taxes and designed to aid tourism. He said that he admires this effort and doesn't object to it in principal, but the comparables used for salary comparison for this position are from jurisdictions much larger than ours. The employee's salaries should be limited to those of our comparable jurisdictions as best we can. He also said that we should bring more dollars out of the operations side and devote more to setting aside for capital projects.

Councilmember Franich asked if our regular comparables were not used for the Marketing Director's position because they do not have this position. Mr. Karlinsey explained that was correct.

Councilmember Ekberg requested that if there are any proposed budget amendments before the second reading that they be given to Councilmembers ahead of time for review.

Councilmember Payne said that much of this budget is making up for lost time. He said a zero capital fund for stormwater shows little foresight when the previous administration knew of the upcoming NPDES Phase II requirements. He said that for the record, this budget is a quantum leap in looking forward and though the numbers are shocking, he is fairly comfortable that what we are doing is the right thing with this budget.

Councilmember Young commented that there is nothing in the stormwater fund because it is brand new. He said that the problem with funding growth is that you have to wait for the growth to occur. When you plan, you set aside money and pay off debt twice as fast. He said that Gig Harbor has twice the ending fund balance of any other jurisdiction it's size, and we are doing a pretty good job of setting money aside. He then said that now that growth is occurring, we can pay for added positions and new projects.

2. Public Hearing and First Reading of Ordinance – Comprehensive Plan Amendment Application Requirements. Carol Morris explained that one of the elements for a complete application for a Comprehensive Plan Amendment that isn't necessary is

a rezone application. This would be processed after the Comp Plan approval. She recommended that this element be eliminated from the list for a complete application.

Mayor Hunter opened the public hearing at 6:44 p.m. No one came forward to speak and so the hearing closed.

3. Public Hearing and First Reading of Ordinance – Provision of Water & Sewer Outside City Limits. Carol Morris explained that currently, property owners in the UGA can request utilities with the condition that they agree to develop to the city's zoning and comp plan. A recent court decision has invalidated this type of condition and so she was asked to draft this ordinance that would require property owners to annex if they want to connect to city utilities. If the property is located outside the Urban Growth Area, the circumstances in which they could request extension are limited, and could not promote urban development. They would not be required to comply with the city's development standards and comp plan. She said that this ordinance was reviewed by the Operations Committee.

Ms. Morris further explained that Shoreacres Water Company is in the process of negotiating a new agreement to purchase water from the city. They have asked for an amendment to this ordinance to add a section for contracts for purchase and sale of water outside city limits but within the UGA, which is in the last paragraph of her memo.

Ms. Morris clarified that under state law, there is no limitation to only extend sewer service outside the UGA if it is a quasi-judicial municipal corporation. She said that the city would have a hard time defending that regulation if a property owner has a failing septic and meets all the other requirements. She recommended that this language be eliminated from the code.

Councilmember Franich voiced concern that this opens the door to allow sewer to be extended outside the UGA. Ms. Morris stressed that it could only occur in extreme instances.

Councilmember Payne asked Ms. Morris to review the letter from Master Builders Association in regards to this issue.

Mayor Hunter opened the public hearing at 6:54 p.m.

Mark Dorsey – North Pacific Design – 2727 Hollycroft, Gig Harbor. Mr. Dorsey asked if this is an interim ordinance until the Pierce County Interlocal Agreement and the Peninsula Community Plan can be updated and modified. He said that his issue is annexation of non-contiguous property and how this ordinance change may leave these properties out until the County Codes can match the city's.

Mr. Karlinsey explained that this came up in the Operations Committee. The idea is that if the County adopts the same code as the city in the UGA, then this annexation

ordinance becomes a moot point. The city could possibly process the permits through a contract with Pierce County.

Scott Wagner – 3416 57th Street NW. Mr. Wagner spoke in support of the addition of the language recommended by Shoreacres. He said that they are very close in finalizing the revised agreement until this court decision came about.

Mark Overland – 1602 Weatherwood Drive NW. Mr. Overland gave a brief overview of the Doc Weathers and Narrows Park property located near the Narrow Bridge and airport. He said that this is one of the last forested property in the area, and a wildlife sanctuary.

Mayor Hunter asked how this information pertained to the ordinance being discussed. Mr. Overland responded that there are people applying to develop the property, and they are a customer of Point Evans Water System which he believes is owned by the city. Mayor Hunter responded that the city does not own this system and the property is not in the city's Urban Growth Area.

Mayor Hunter closed the public hearing at 7:03.

Councilmembers directed staff to include the recommended language for consideration at the second reading and to double check the state guidelines for water companies.

Ms. Morris responded to Councilmember's request for further clarification on extending utilities outside the UGA. She referred to the limited set of circumstances cited in state law. She stressed that when the city extended sewer to Peninsula High School, it was before the Growth Management Act. She said that you would only extend service if they met all conditions listed on page six of the ordinance, adding that Council also could impose additional conditions. She offered to further explore the language taken from state law regarding "financially supportable" to clarify the intent. She said that she assumes this means that when you extend a sewer line far outside the UGA it is expensive and must be paid through latecomer's agreements or the formation of an LID. She pointed out when the city extended sewer service to Wollochet Bay they paid the entire cost of the system. She further explained that the city can impose any lawful conditions on the extension of utilities; it does not have to be tied to sewer capacity.

Ms. Morris then responded to the letter from Master Builders requesting that the city should instead state that the property owner agree to annex, not be required to annex as a condition. She explained that the current requirement is for the property owner to sign a no protest annexation agreement stating that they will agree to annex their property, which is allowed by the Supreme Court. She said that Tiffany Spears is apparently not aware that Master Builders has sued the City of Arlington because the city council adopted an ordinance to require annexation as a condition of utility extension. In that case, the Growth Board said that it is not inconsistent with GMA to adopt an ordinance that requires annexation as a condition of an extension of water or sewer.

Mark Dorsey – Mr. Dorsey stressed that the significance of this ordinance is about the city not providing services within the UGA without annexation, or for properties that are not contiguous, and you have a “Catch 22.” He said that all the talk is about outside the UGA which is a small portion of the issue.

4. First Reading of Ordinance – Alternative to Sewer Concurrency Processing. Ms. Morris explained that she was asked to draft an ordinance that would allow an alternative procedure to allow application processing even though the permits cannot be approved until the Wastewater Treatment Plant improvements are constructed. She said that when the completion of the improvements gets closer, SEPA can be done, the final staff report completed, the Hearing Examiner’s hearing if necessary, and then issue the permit concurrent with the available capacity at the plant. She further explained that a developer submitting an application subject to the vested rights doctrine would get the benefits of the ordinances in place at the time of submission of a complete application.

Mr. Karlinsey clarified that this ordinance would take effect on January 1, 2008 and end on May 31, 2010. Ms. Morris added that this could be extended if necessary. She also explained that the property owner is the only person who has standing in this type of agreement of this type.

Council praised the City Attorney for “thinking outside the box” for this solutions-oriented type of approach.

Councilmember Franich voiced concern over unintended consequences that might occur by processing developments at this point, using traffic as an example. Ms. Morris pointed out that the second-stage SEPA would address any environmental impact concerns.

5. First Reading of Four Ordinances – Smoking Ban in City Parks. Rob Karlinsey gave an overview of the process leading up to the request to bring forward these four ordinances for review. The first would ban smoking on all city parks. The second bans smoking in all city parks, but exempts asphalt parking lots. The third would ban smoking in city park play areas, and the fourth bans smoking in the Skate Park.

Michael Perrow – PO Box 1266, Gig Harbor. Mr. Perrow, a member of the Parks Commission, spoke in favor of a total ban of smoking in all city parks for the health, safety and enjoyment of the parks for all.

Councilmember Franich stated that this started as an issue in the Skate Park and then turned into this. He said that health issues have not been addressed anywhere in the four ordinances and asked if we are trying to set a good example for the children, then asked if Council would entertain a ban alcohol in the parks. He said that the police doesn’t have a positive position on this and asked if a boat is tied up at the dock if they

would be allowed to smoke. Mr. Karlinsey responded that an outright ban, it would be prohibited, but if one of the other options is chosen, then it wouldn't.

Mr. Franich then said he supports option number four, and asked Council to consider family reunions and other gatherings at the city park, stating that it is ludicrous to ban smoking in the entire park.

Councilmember Ekberg said that he would like to encourage Council to support option number one banning smoking in all parks.

Councilmember Young asked about a ranked ballot to determine a more orderly process to consider the four options. There was continued discussion on the merits of ranked voting.

Councilmember Payne stressed that these properties belong to the citizens and Council has the right to ban smoking in the parks. He said he prefers to ban it in all parks or certain parks rather than just in certain areas. It will be difficult enough to enforce without having to determine where someone is standing. He then said that if option four, banning smoking at the Skate Park is considered, he would like to add Grandview Forest Park because of the significant fire danger. He finalized by saying his family frequents our parks and events, and they have not found smoking to be a major issue.

Councilmember Franich agreed with the fire danger, but said that enacting a law will not stop smoking in the park.

STAFF REPORT:

1. Update on BB16. Steve Misiurak, City Engineer, reported that the city is currently going through an evaluation process to rate the three alternatives for the Burnham / Borgen / Highway 16 Interchange. He said a summary of advantages and disadvantages of each option had been included in the packet for Council to review before the upcoming workstudy sessions on November 19th and December 3rd. He said that a more complete analysis would be presented to Council at the December 10th meeting with a request for direction to perform a supplemental EIS on a preferred alternative.

Rob Karlinsey described the effort to reach out to the public through open houses with the public, the businesses and other stakeholders. He offered to find out how far the mailing went to notify residents of the open house.

2. Presentation of Comprehensive Emergency Management Plan. Dick Bower, Building Official / Fire Marshal, presented the background on this basic element of community emergency planning. He explained that this is the first of several plans that are being developed, and will come back at the next meeting to be adopted by resolution. He offered to answer questions.

3. Street Vacation Checklist. Rob Karlinsey asked Council to look this over and get back with comments at a later date.

Councilmembers requested an inventory of potential streets that could be vacated. Mayor Hunter said that he would direct staff to put one together.

4. 2007 Comprehensive Plan Amendments. Jennifer Kester, Senior Planner presented the information on these recommendations by the Planning Commission for comp plan amendments for 2007. She explained the first reading of ordinances will be at the next meeting.

PUBLIC COMMENT:

Arnie Tucker – 8414 Shawnee Court NW. Mr. Tucker said he wanted to put the off-leash dog park issue into perspective regarding Wilkinson Park. He said a number of people are outraged that dogs could come under a mace attack by a jogger trying to prove a point. He described a recent incident that occurred at Wilkinson Park stressing that a safe environment is necessary for both the dogs and their owners or kids may be next. He said that they recognized that they are there illegally, but the ordinance has not been enforced for years.

Councilmember Young asked for clarification on what is being requested. Mr. Tucker said that they are asking that the “crazies” be brought under control and to make it an off-leash park. He stressed that other than the dog owners, very few people use the park other than teenagers that come after school. He further discussed the need for an off-leash park nearby so that the elderly and female dog-owners can come and feel safe.

Sharon Wegner – 13404 Goodnough Drive NW. Ms. Wagner said that she understands that dogs off leash in Wilkinson Park are illegal. She described how she comes a couple of times a day with her dog and how beneficial it is for people to meet and visit while their dogs play. She asked if there could be a compromise to use a portion of the park, or during certain hours until they could find a spot for a legal off-leash park somewhere else and offered to work towards a resolution.

Elaine Phillips 3916 Rosedale Street. Ms. Phillips explained that she owns and has lived on property adjacent to Wilkinson Park for fifteen years and enjoys it on a daily basis. She said that she is a dog owner and participates with the others that bring their dogs to the park. She says that she observes all types of families come with their dogs, and even high school kids bring their dogs after school. She spoke in support of the Wilkinson Park being an off-leash dog park.

Al Pessaro – 1006 69th Avenue Ct. NW. Mr. Pessaro said that he too is a regular user of the park. He said that one of the other regular users of the park seem to be young adults before and after school. He said that having a regular group of people such as the dog owners in the park tends to discourage loitering.

Lee Desta – 7425 Hill Avenue. Ms. Desta said that she is a member of “CHEW”, and they have been working with Metro Parks and the County Council to find an environment that would be safe, fenced and a permanent off-leash area. She said she is a closer at the park at Bandix four to eight nights a week, which illustrates a commitment of local people willing to volunteer. She said they would like to work out an arrangement for something temporarily and ultimately, permanent.

Mary Johnson – 9420 Goodman Avenue. Ms. Johnson says she uses the park after work, or else her daycare provider takes her dog during the day to run and to socialize, just like any other child, only with four legs.

Betty Clausen – 3805 Vernhardson. Ms. Clausen said “ditto” to the other comments. She says they all know each others that come to the park by their pet’s names. She said that they enjoy the park, and thank you.

Councilmember Young said that he understands that they are all well-intentioned people, but there are reasons that there are both on-leash and off-leash parks. He said he would like to find a compromise, but one thing to keep in mind is these animals are not the only users of the park. One of the primary reasons and biggest attractions of Wilkinson Farm Park is the wetland with the wildlife, and an off-leash park is not necessarily compatible with this. He suggested referring this to the Parks Commission take a look at this issue and to bring back a recommendation for an interim solution.

Councilmembers agreed and staff was directed to take this to the Parks Commission.

MAYOR’S REPORT / COUNCIL COMMENTS:

Councilmember Payne announced that he would not be at the November 26th Council Meeting. He then asked about the status of the parcel of property by Olympic Village. Councilmember Young responded that David Brereton had done a study of potential “pocket park properties” a couple of years ago which could be useful information.

Councilmember Payne then discussed the non-conforming tri-plexes in town and the problems faced by the property owners. He said that staff has been working on this issue and Carol Morris has prepared a draft interim zoning ordinance that would allow non-conforming residences to rebuild from the ground up within one year if they are damaged or destroyed in any way. He asked that this be brought to Council on the next agenda with a sunset clause so that the Planning Commission can review it in more detail.

Tom Dolan, Planning Director, explained that the Planning and Building Committee is meeting on December 3rd to discuss the Planning Commission’s work program. He said that staff understands the concern with this issue and have recommend that this be put on the first tier of the work plan to begin work on it the first of 2008 with the goal of having it back to Council by May of 2008. He explained that the delay on this has been

due to the work on the Comp Plan Amendments and Design Review improvements. He further explained that staff has looked at alternatives for processing text amendments in 2008 and will be presenting a proposal to work on text amendments on a quarterly basis in addition to the other items on the Planning Commission's Work Program. He stressed that the Shoreline Update and Subarea Plan will keep the Planning Commission very busy this next year. Another alternative to deal with this aggressive workload is a blue-ribbon committee working on those with periodic check-ins.

After further discussion on the background and the ramifications of this ordinance, staff was asked to bring the draft ordinance for an interim solution for these non-conforming structures to Council at the next meeting to review and to start the process for SEPA and CTED.

ANNOUNCEMENT OF OTHER MEETINGS:

1. GH North Traffic Options Committee – Wednesday, November 14th, at 9:00 a.m. in Community Rooms A & B.
2. BB16 Workshops: No. 1- Mon. Nov. 19th at 6:00 p.m.; Workshop No. 2 – Mon. Dec. 3rd at 6:00 p.m.
3. Operations & Public Projects – Thurs. Nov. 15th at 3:00 p.m.

Rob Karlinsey announced that a council retreat is being planned for the middle of the week at the end of February.

ADJOURN:

MOTION: Move to adjourn at 8:15 p.m.
Franich / Payne – unanimously approved.

CD recorder utilized:
Disk #1 Disk Error – blank.
Disk #2 Tracks 1-33
Disk #3 Tracks 1 - 18

Charles L. Hunter, Mayor

Molly Towslee, City Clerk



**Business of the City Council
City of Gig Harbor, WA**

Subject: Right-Of-Way Easement Agreement for the Harbor Crossings Off Site Access Road Lot 4 project (EN-06-0009)

Proposed Council Action: Approve the Right-Of-Way Easement Agreement as presented

Dept. Origin: Community Development

Prepared by: Willy Hendrickson
Engineering Technician

For Agenda of: November 26, 2007

Exhibits: Right-Of- Way Easement Agreement
Initial & Date

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

CLH 11/19/07

PK 11/16/07

CAN 11/14/07

N/A

Jane 11/14/07

| | | | | | |
|----------------------|---|-----------------|---|------------------------|---|
| Expenditure Required | 0 | Amount Budgeted | 0 | Appropriation Required | 0 |
|----------------------|---|-----------------|---|------------------------|---|

INTRODUCTION/BACKGROUND

As a condition of approval of the Harbor Crossings (The Dwelling Company) project, a Right-Of-Way Easement Agreement is required dedicating to the City a 66ft wide piece of land for the purpose of a road easement within the eastern property line of parcel number 0222303011 owned by SHDP Associates and Capital Management Group.

The City's standard Right-Of-Way Easement Agreement has been reviewed and approved by City Attorney, Carol Morris.

City Council approval of the Right-Of-Way Easement Agreement is requested.

FISCAL CONSIDERATIONS

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

RECOMMENDATION / MOTION

Move to: Approve the Right-Of-Way Easement Agreement as presented.

AFTER RECORDING RETURN TO:

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

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM

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

Agreement for Dedication of Right-of-Way to the City of Gig Harbor

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

SHDP Associates, LLC, a Washington Limited Liability Company and Capital Management Group, Inc. TIC, a Washington Corporation

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

City of Gig Harbor

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

SE ¼ of the SE ¼ of Section 30, T22N R2 E, WM

Assessor's Property Tax Parcel or Account Number: 0222303011

Reference Number(s) of Documents assigned or released: _____

**AGREEMENT FOR DEDICATION OF RIGHT-OF-WAY
TO THE CITY OF GIG HARBOR**

THIS AGREEMENT is made this _____ day of _____, 2001, by and between the City of Gig Harbor (hereinafter the "City"), a Washington municipal corporation and SHDP Associates, LLC a Washington Limited Liability Company and Capital Management Group, Inc. TIC, a Washington Corporation (hereinafter the Owners"), whose address is 8129 Lake Ballinger Way Suite 104, Edmonds, WA 98026

R E C I T A L S

WHEREAS, the Owners are holders of a fee or substantial beneficial interest in the property commonly known as Lot 4, Borgen Boulevard & East of 51st Street in Gig Harbor WA (Tax Parcel Number 0222303011) which is legally described in **Exhibit A**, (hereinafter the "Property") which is attached hereto and by this reference incorporated herein; and

WHEREAS, the Owners have agreed to dedicate certain right-of-way on, over, under and across the Property, which right-of-way is legally described in **Exhibit B** (the "Right-of-Way") which is attached hereto and by this reference incorporated herein, to the City for a roadway and related improvements; and

WHEREAS, a map showing a location of the Permanent Right-Of-Way Easement is attached hereto as **Exhibit C** and by this reference incorporated herein, and

WHEREAS, in exchange for the Owners' dedication of the Right-of-Way, the City agrees to permanently maintain the new public roadway and the Owners will obtain the benefits of access onto the new public roadway and Borgen Blvd; and

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

T E R M S

Section 1. Grant of Right-of-Way to the City.

A. Grant.

Permanent Easement. The Owners hereby convey and grant to the City, its successors and assigns, a permanent, nonexclusive right-of-way easement over, in, along, across, under and upon the property described in **Exhibit B** at the location described therein, for the purpose of constructing the new public roadway improvements, for a two (2) lane capacity, which is a sixty six (66) foot strip of land, together with the nonexclusive right of ingress to and egress

from the Roadway over the Owners' property, and for the reconstruction, operation, repair and maintenance of same.

B. Conditions. This permanent easement is subject to and conditioned upon the following terms and covenants, which all parties agree to faithfully perform:

1. The City shall bear all costs and expenses associated with the construction, improvement, maintenance, repair and operation of the roadway improvements.

2. The Owners shall not retain the right to use the surface or the area beneath the easement, and shall not use any portion of the right-of-way for any purpose inconsistent with use of the property as a public roadway. The Owners shall not construct any structures or plant any landscaping on or over the easement.

3. The City shall have all necessary access to the easement without prior notification to the Owners.

Section 2. The perpetual rights granted herein to the City shall continue in force until such time as the City, its successors or assigns, shall permanently abandon the same, and upon such removal or abandonment, all rights hereby granted shall terminate.

Section 3. This Agreement shall be recorded in the office of the Pierce County Auditor and shall run with the Properties. The burdens and benefits of the easements granted under this Agreement shall extend to, be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, legal representatives, successors assigns and beneficiaries.

Section 4. This Agreement shall be construed in accordance with the laws of the State of Washington, and jurisdiction of any litigation arising out of this Agreement shall be in Pierce County Superior Court. The prevailing party in any litigation brought to enforce the terms of this Agreement shall be entitled to its reasonable attorney's fees and costs.

Section 5. Other than the documents attached to this Agreement as exhibits, there are no other verbal or written agreements that modify this Easement Agreement, which contains the entire understanding of the parties on the subject.

Section 6. Any invalidity, in whole or in part, of any provision of this agreement shall not affect the validity of any other provision.

Section 7. 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.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first above written.

OWNERS

By: SHDP Associates, LLC
Print Name Mark H. Dubois
Its MANAGER/MEMBER

By: Capital Management Group, Inc. TIC
Print Name Greg B. Eberkh
Its Director

ACCEPTANCE:

THE CITY OF GIG HARBOR

By: _____
Its Mayor

Attest:

By: _____
City Clerk

Approved as to form:

By: [Signature]
City Attorney

STATE OF WASHINGTON)
COUNTY OF Snohomish) ss.

I certify that I know or have satisfactory evidence that Mark H. Dubois is the person who appeared before me, and said person acknowledged that he/she was authorized to execute the instrument and acknowledged it as manager/member of SHDP Assoc. LLC to be the free and voluntary act and deed of such party for the uses and purposes mentioned in this instrument.

DATED: November 8, 07



[Signature]
(Signature) Nanci Lee Busby
NOTARY PUBLIC, State of Washington,
residing at: [Address]
My appointment expires: 12/31/07

STATE OF WASHINGTON)
) ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Greg B. Elderkin is the person who appeared before me, and said person acknowledged that he/she was authorized to execute the instrument and acknowledged it as Director of Capital Management Corp to be the free and voluntary act and deed of such party for the uses and purposes mentioned in this instrument.

DATED: November 12, 2007



Janilee A. Jeffery
(Signature)
Janilee A. Jeffery
NOTARY PUBLIC, State of Washington,
residing at: Auburn, WA
My appointment expires: 6-29-11

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

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/she was authorized to execute the instrument and acknowledged it as the Mayor of the City of Gig Harbor for the uses and purposes mentioned in this instrument.

DATED: _____

(Signature)

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

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

LOT 4 OF BOUNDARY LINE ADJUSTMENT A.F.N. 200003315004
ASSESSOR'S TAX PARCEL NO. 0222303011
SITE ADDRESS: 4000XXX BORGEN BLVD.

THAT PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN PIERCE COUNTY, WASHINGTON, DESCRIBED 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 SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF TACOMA BY DEED FILED UNDER RECORDING NO. 675729; THENCE ALONG THE THE NORTHEASTERLY MARGIN OF SAID TRACT NORTH 12°27'34" WEST 816.51 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; 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 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 01°51'56" WEST 450.95 FEET; THENCE SOUTH 89°25'19" WEST 285.75 FEET; THENCE NORTH 01°32'51" EAST 78.93 FEET; THENCE NORTH 88°27'09" WEST 6.00 FEET; THENCE NORTH 01°32'51" EAST 17.45 FEET TO THE BEGINNING OF A 50 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 13.75 FEET THROUGH A CENTRAL ANGLE OF 15°45'16"; (THENCE NORTH 17°18'07" EAST 26.36 FEET)* TO THE BEGINNING OF A 150 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 41.25 FEET THROUGH A CENTRAL ANGLE OF 15°45'16", THENCE NORTH 01°32'51" EAST 12.24 FEET; THENCE NORTH 61°05'59" EAST 12.39 FEET; THENCE NORTH 01°27'29" EAST 266.56 FEET; THENCE SOUTH 88°32'19" EAST 269.12 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT B
RIGHT-OF-WAY LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 22 NORTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 30;

THENCE ALONG THE SOUTH LINE OF SAID SECTION, S 88°30'56" E, 1848.08 FEET;

THENCE LEAVING SAID SOUTH LINE, N 01°51'50" E, 43.07 FEET TO THE POINT OF BEGINNING;

THENCE N 01°51'57" E, 453.31 FEET

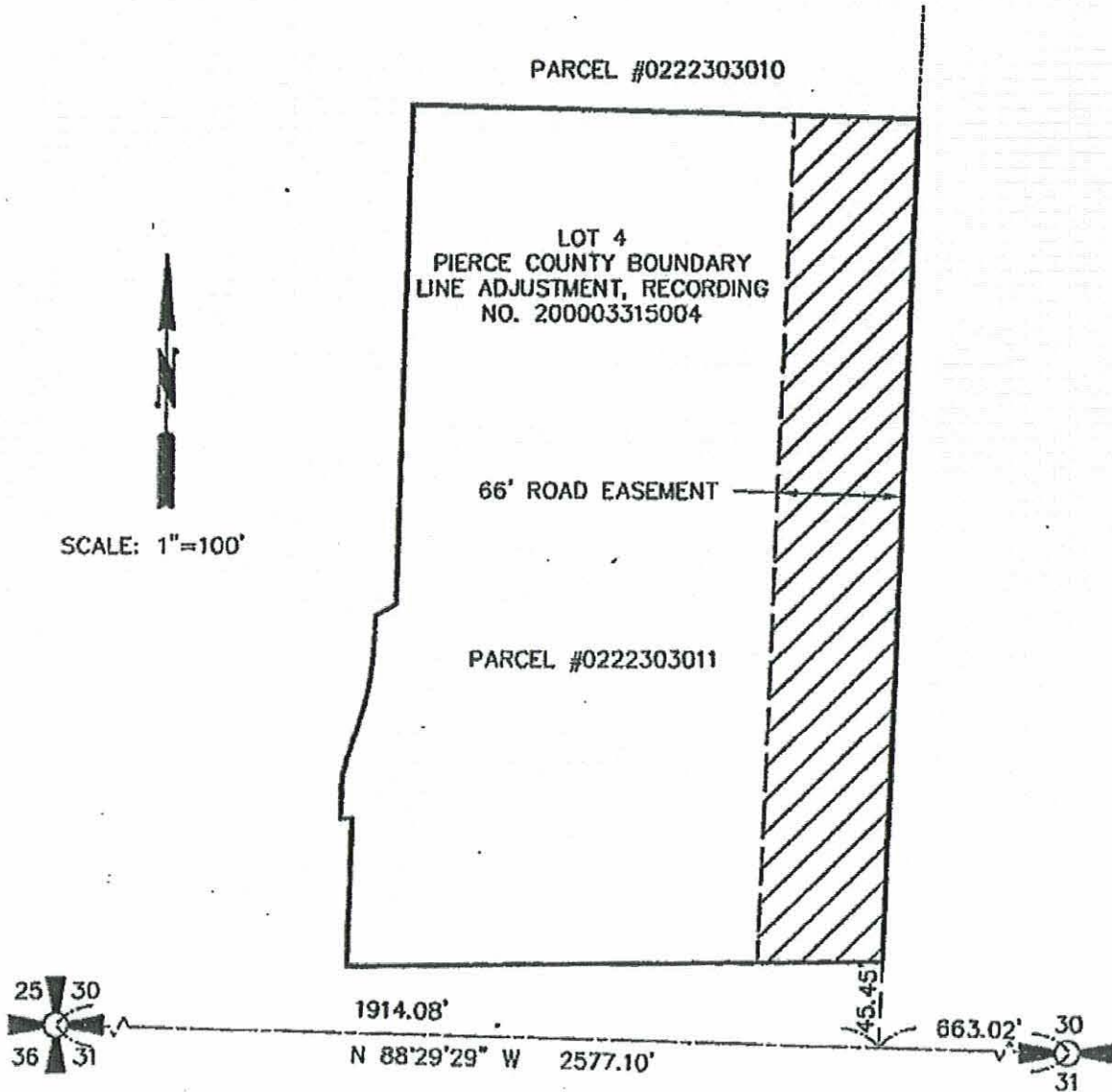
THENCE S 88°32'34" E, 66.02 FEET

THENCE S 01°51'57" W, 450.97 FEET

THENCE S 89°25'19" W, 66.06 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT C
RIGHT-OF-WAY EASEMENT LOCATION MAP

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M. PIERCE COUNTY, WASHINGTON





**Business of the City Council
City of Gig Harbor, WA**

Subject: Right-Of-Way Easement Agreement for the Towne Plaza project (EN-07-0087)

Proposed Council Action: Approve the Right-Of-Way Easement Agreement as presented

Dept. Origin: Community Development

Prepared by: Willy Hendrickson
Engineering Technician

For Agenda of: November 26, 2007

Exhibits: Right-Of- Way Easement Agreement
Initial & Date

Concurred by Mayor: CLH 11/19/07
Approved by City Administrator: RSK 11/19/07
Approved as to form by City Atty: AM 11/14/07
Approved by Finance Director: N/A
Approved by Department Head: DB 11/18/07

| | | | | | |
|-------------------------|---|--------------------|---|---------------------------|---|
| Expenditure Required | 0 | Amount Budgeted | 0 | Appropriation Required | 0 |
|-------------------------|---|--------------------|---|---------------------------|---|

INTRODUCTION/BACKGROUND

As a condition of approval of the Towne Plaza project, a Right-Of –Way Easement Agreement is required dedicating to the City an existing narrow strip of previously constructed sidewalk located within the eastern property line of parcel number 0221177052.

The City's standard Right-Of-Way Easement Agreement has been reviewed and approved by City Attorney, Carol Morris.

City Council approval of the Right-Of-Way Easement Agreement is requested.

FISCAL CONSIDERATIONS

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

RECOMMENDATION / MOTION

Move to: Approve the Right-Of-Way Easement Agreement as presented.

AFTER RECORDING RETURN TO:

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

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM

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

Right-Of-Way Easement Agreement

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

Jacobson 1031 Investment Property, LLC and Bruce A. and Sandra J. Reikow

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

City of Gig Harbor

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

Lot 1, as shown on Short Plat 200008215001 filed with Pierce County Auditor, Pierce County
Washington

Assessor's Property Tax Parcel or Account Number: 0221177052

Reference Number(s) of Documents assigned or released: _____

RIGHT-OF-WAY EASEMENT AGREEMENT

THIS INSTRUMENT, executed this date by and between the City of Gig Harbor, a Washington municipal corporation (the "City" herein), Jacobson 1031 Investment Property LLC, as to an undivided 39.99% interest, a Washington Limited Liability Corporation and Bruce A. and Sandra J. Reikow, as to an undivided 60.11 interest, a Husband and Wife, located and doing business at 8218 77th St Ct. NW, Gig Harbor WA 98335 (hereinafter the "Owners").

WITNESSETH:

WHEREAS, Owners own a fee simple and/or have a substantial beneficial interest in the following real property, commonly known as Towne Plaza located at 3233 54th St. NW Gig Harbor, Washington 98335, and legally described in the Exhibit attached hereto as **Exhibit A** incorporated herein;

WHEREAS, the City desires an easement for the purpose of monitoring, inspecting, maintaining, operating, improving, repairing, constructing, and reconstructing an existing narrow strip of sidewalk located along the eastern property line of said parcel;

NOW, THEREFORE, the parties hereto agree as follows:

In consideration of one dollar (\$1.00), receipt of which is hereby acknowledged, Owners hereby convey and warrant to the City, a perpetual, nonexclusive easement, under, over, through and across the Property, for the purposes of monitoring, inspecting, maintaining, improving, repairing, constructing, and reconstructing an existing narrow strip of sidewalk located along the eastern property line of said parcel, which easement (the "Easement" herein) is legally described in the Exhibit attached hereto as **Exhibit B** and shown on the Easement Location Map as **Exhibit C-1 and C-2** incorporated herein;

This Easement is subject to and conditioned upon the following terms and covenants, which both parties promise to faithfully and fully observe and perform:

1. **Responsibility to Repair Damage.** The City shall, upon completion of any work within the Property covered by the easement, restore the surface of the Easement, and any improvements on the Property not owned by the City, disturbed, damaged or destroyed during execution of the work, as nearly as practicable to the condition they were in immediately before commencement of the work or entry by the City. However, the City shall not be required to restore any such improvements installed and/or constructed on the Easement by the Owners subsequent to execution of this Easement Agreement, and as otherwise provided in paragraph "2" below.

2. Limitations on Owners. The Owners shall retain the right to use the surface of the Easement. However, the Owners shall not directly or indirectly have the right to:

- A. Erect or install, or cause to be erected or installed, any buildings, structures, pavement, or facilities within the Easement; or
- B. Plant, or cause to be planted, any additional trees, shrubs, or vegetation with deep root patterns which may cause damage to or interfere with the drainage system located within the Easement; or
- C. Develop, landscape, or beautify, or cause to be developed, landscaped, or beautified, the Easement area in any way that would unreasonably increase the costs to the City of restoring the Easement or restoring any Owner-caused or Owner authorized improvements therein; or
- D. Grant any additional or subsequent easement inconsistent with the rights of the City as granted herein. The City shall make the final determination whether any proposed subsequent easement is inconsistent with the City's Easement.

3. Notice of Entry. The Owners, their successors and assigns, shall allow access to the Easement by the City, without the City having to give prior notice of its intent to access the Easement.

4. Indemnification, Hold Harmless. The Owners hereby release, covenant not to bring suit and agree to indemnify, defend and hold harmless the City, its officers, officials, employees, agents and representatives from any and all claims, costs, judgments, losses or suits including attorneys' fees, awards or liabilities to any person arising out of or in connection with this Easement, except for injuries or damages caused by the sole negligence of the City.

In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Owners and the City, its officers, officials, employees, agents and representatives, the Owners' liability hereunder shall be only to the extent of the Owners' negligence.

The provisions of this section shall survive the termination of this Easement.

5. Dispute Resolution and Attorneys Fees. If any dispute arises between the Owners and the City under any of the provisions of this Easement which cannot be resolved by agreement of the parties, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Easement shall be governed by and construed in accordance with the laws of the State of Washington. The

prevailing party of any such litigation shall be entitled to recover its reasonable attorneys' fees and costs, including any expert witness fees.

6. **Waiver.** No waiver by either party of any term or condition of this Easement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or a different provision of this Easement.

7. **Merger.** This Easement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Easement and no prior agreements shall be effective for any purpose.

8. **Severability.** If any of the provisions contained in this Easement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

9. **Easement Binding on Successors and Assigns.** This instrument shall be recorded in the records of the Pierce County Auditor at the expense of the Owners and shall inure to the benefit of and be binding upon the Owners, its legal representatives, assigns, heirs and all owners of an after-acquired interest in the Property, and their successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Easement Agreement to be executed this 1st day of November, 200 7.

THE CITY OF GIG HARBOR

By: _____
Its Mayor

OWNER(S)

By: 


Its: MANAGING MEMBER
Jacobson 1031

Print Name: Investment Property LLC

By: 

Its: owner

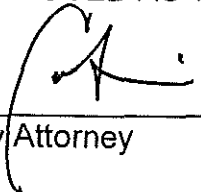
Print Name: BRUCE A. REIKOW

By: 

Its: owner

Print Name: SANDRA REIKOW

APPROVED AS TO FORM:


City Attorney

ATTEST:

City Clerk

NOTARY BLOCK FOR A CORPORATION/PARTNERSHIP

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that BRUCE A REIKOW is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the MANAGING MEMBER of JACOBSON 1031 INVESTMENT PROPERTY LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 11/01/07



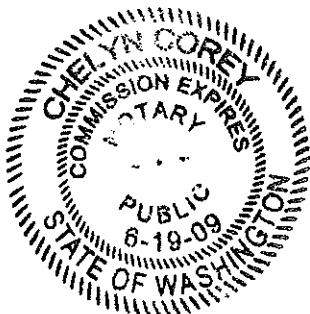
Chelyn Corey
Notary Public in and for the
State of Washington,
Title: NOTARY
My appointment expires: 06/19/2009

NOTARY BLOCK FOR AN INDIVIDUAL

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that BRUCE A REIKOW 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: 11/01/07



(Signature) *Chelyn Corey*
NOTARY PUBLIC, State of Washington,
residing at: BREMERTON, WA
My appointment expires: 06/19/2009

NOTARY BLOCK FOR AN INDIVIDUAL

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that SANDRA J REIKON 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: 11/01/07



(Signature) Chelyn Corey

NOTARY PUBLIC, State of Washington,
residing at: BREMERTON WA

My appointment expires: 06/19/2009

CITY OF GIG HARBOR NOTARY BLOCK

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: _____

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

**EXHIBIT A
PROPERTY LEGAL DESCRIPTION**

Lot 1, as shown on Short Plat 200008215001 filed with Pierce County Auditor, Pierce County Washington

**EXHIBIT B
EASEMENT LEGAL DESCRIPTION**

**SIDEWALK EASEMENT
LEGAL DESCRIPTION**

THAT PORTION OF LOT 1 OF PIERCE COUNTY SHORT PLAT RECORDED UNDER AUDITOR FILE NUMBER 200008215001, RECORDS OF PIERCE COUNTY, WASHINGTON, LYING EAST OF THE FOLLOWING DESCRIBED LINE;

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1;
THENCE NORTH 88°19'34" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 0.5 FEET TO THE **TRUE** POINT OF BEGINNING;
THENCE SOUTH 02°24'21" WEST A DISTANCE OF 267.95 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID LOT 1 FROM WHICH THE SOUTHEAST CORNER OF SAID LOT BEARS SOUTH 87°55'41" EAST A DISTANCE OF 1.95 FEET AND THE END OF THIS LINE DESCRIPTION.

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

Prepared by: **BASELINE** Engineering, Inc.
Filename: SIDEWALK_ESM
Project No. 04-108
Date: 9/14/07

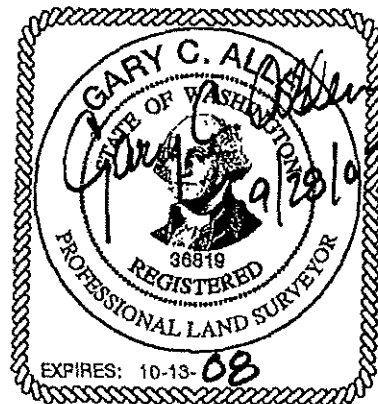
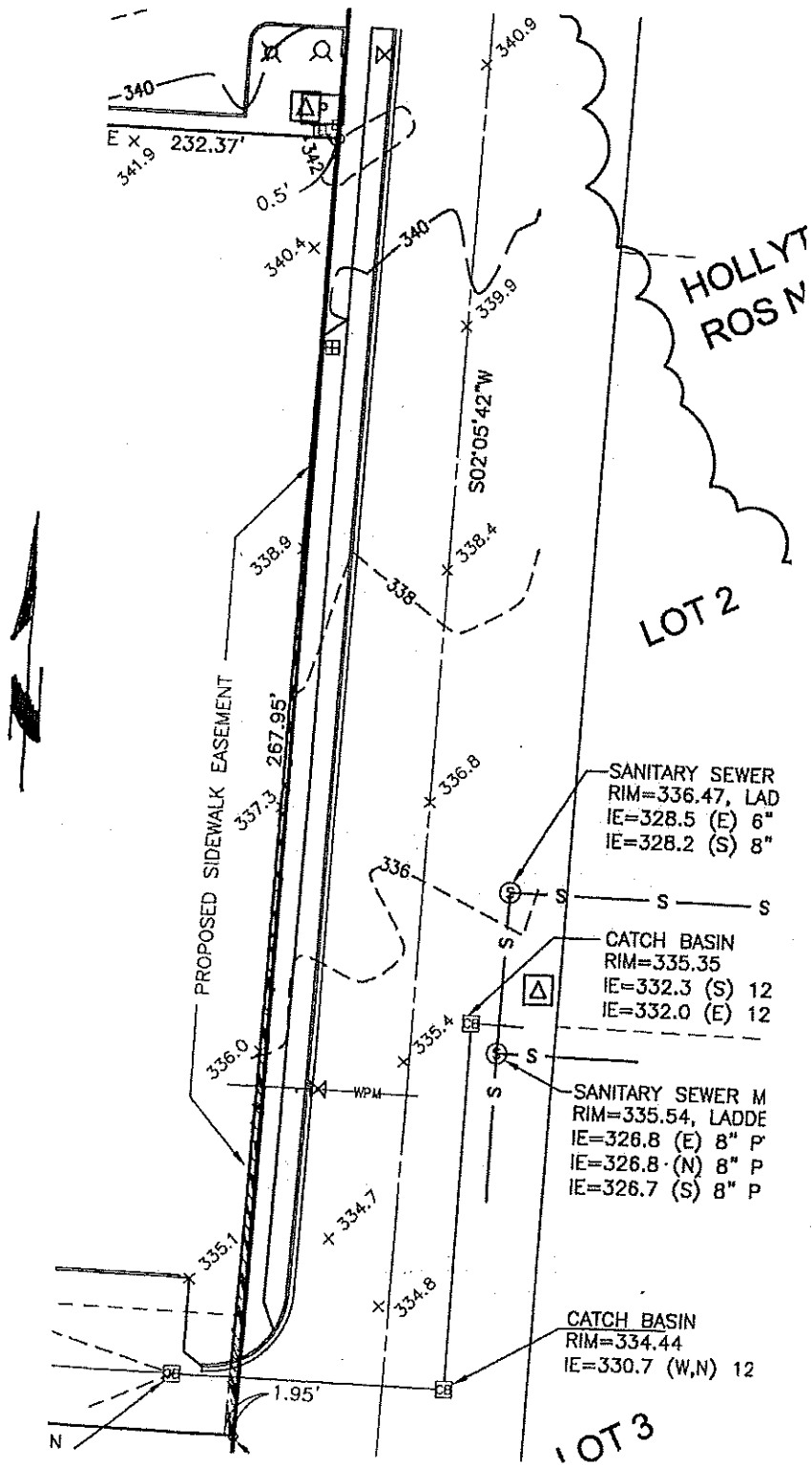


EXHIBIT C-2 EASEMENT LOCATION MAP





**Business of the City Council
City of Gig Harbor, WA**

Subject: Storm Water Facilities Maintenance and Restrictive Covenant Agreement
- Lydian Place

Proposed Council Action: Approval of this Agreement as presented.

Dept. Origin: Community Development

Prepared by: William Hendrickson
Engineering Technician

For Agenda of: November 26, 2007

Exhibits: Storm Water Facilities Maintenance and Restrictive Covenant Agreement

Initial & Date

Concurred by Mayor: CLH 11/19/07
Approved by City Administrator: RJK 11/13/07
Approved as to form by City Atty: CAM 11/14/07
Approved by Finance Director: N/A
Approved by Department Head: Dave 11/14/07

| | | | | | |
|----------------------|---|-----------------|---|------------------------|---|
| Expenditure Required | 0 | Amount Budgeted | 0 | Appropriation Required | 0 |
|----------------------|---|-----------------|---|------------------------|---|

INFORMATION / BACKGROUND

As a condition of project approval of the Lydian Place Subdivision located at the 5700 block of 38th Ave. NW and owned by WH Gig Harbor LLC, a Storm Water Facilities Maintenance and Restrictive Covenant Agreement is required. This will ensure that the storm water system will be constructed, operated and maintained in accordance with all the City's applicable rules and regulations. The 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 this system. This agreement allows the City a nonexclusive right-of-entry onto those portions of the property in order to access the storm water system for inspection and monitoring of the system.

This agreement has been approved as to form by the City Attorney, Carol Morris.

FISCAL CONSIDERATION

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

RECOMMENDATION / MOTION

Approval of 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):

Storm Water Facilities Maintenance Agreement and Restrictive Covenant

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

WH Gig Harbor LLC

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

City of Gig Harbor

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

Section 17, Township 21 North, Range 2 East

Assessor's Property Tax Parcel or Account Number: 0221172115 and 0221172122

Reference Number(s) of Documents assigned or released: _____

STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT

This Storm Water Facilities Maintenance Agreement And Restrictive Covenant is made this _____ day of _____, 200__, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and WH Gig Harbor LLC, a Limited Liability Corporation organized under the laws of the state of Washington, located and doing business at 5801 Soundview Dr., Gig Harbor, WA 98335 (hereinafter the "Owner").

R E C I T A L S

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 Lydian Place located at the 5700 block of 38th Ave. NW, Gig Harbor, Wa 98445, (hereinafter the "Property") and legally described in **Exhibit A**, which is attached hereto and incorporated herein by this reference; and

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

WHEREAS, such drainage system is described and shown on a construction drawing prepared by the engineering firm of PacWest Engineering, dated May 10, 2007 (hereinafter the "Drainage System Drawing"), for the Owner's Property, a copy of which is attached hereto as **Exhibit B-1 and B-2** and incorporated herein by this reference; and

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

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

T E R M S

Section 1. Construction and Maintenance. Owner agrees to construct and maintain a drainage system on its Property, as shown on the Drainage System Drawing, **Exhibit B-1 and B-2**. The drainage system shall be maintained and preserved by the Owner until such time as the City, its successors or assigns, agree that the system should be altered in some manner or eliminated.

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

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

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

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

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

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

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

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

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

To the Owner:
WH Gig Harbor LLC
P.O. Box 206
Gig Harbor, WA 98335

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

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

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


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

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

THE CITY OF GIG HARBOR

By: _____
Its Mayor

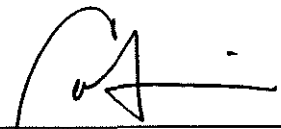
OWNER

By:  _____
Its: managing member _____
Print Name: John W. Holman _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

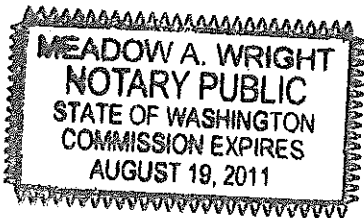


City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF Pierce)

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

DATED: 10-29-2007



Meadow A. Wright
Notary Public in and for the
State of Washington,
Title: Notary Public
My appointment expires: 08-19-2011

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**

Parcel "A"

Lot B, Boundary Line Adjustment 200412135001, According to the map thereof recorded December 13, 2004, and as amended by affidavit of minor correction of survey recorded April 6, 2005 under recording number 200504060460, records of Pierce County Auditor.

Situate in the City of Gig Harbor, County of Pierce, State of Washington

Parcel "B"

The West half of the South half of the Southwest Quarter of the Northwest Quarter of Section 17, Township 21 North, Range 2 East of the Willamette Meridian.

Except the South 400 feet thereof.

Except the West 30 feet for county road.

Situate in the City of Gig Harbor, County of Pierce, State of Washington.

NOTE: CALL UTILITY LOCATE AT 1-800-424-5555 BEFORE PROCEEDING WITH ANY CONSTRUCTION.

LYDIAN PLACE

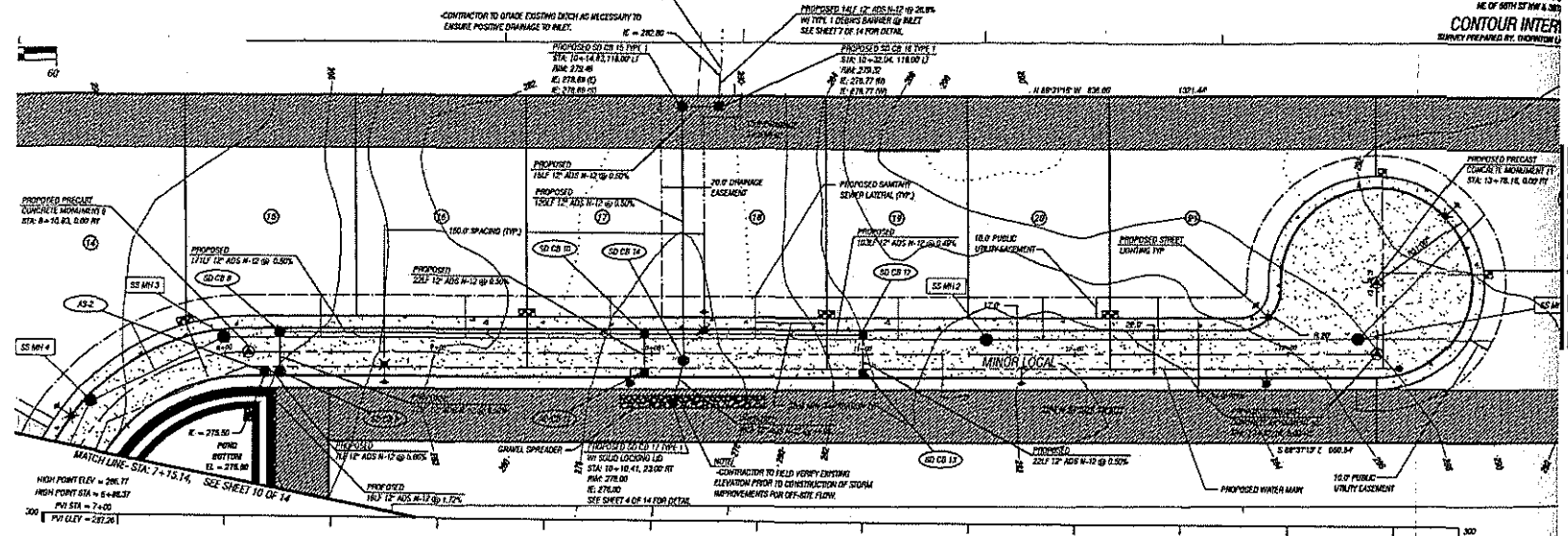
IN A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION 17, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY WASHINGTON



VERTICAL CURVE
DATA:
KEY = 300.00'
PIERCE COUNTY P&E
P&E DIVISION
NE OF 95TH ST NW & 2ND
CONTOUR INTERVAL
SURVEY PREPARED BY: [unreadable]

NOTE:
-CONTRACTOR TO FIELD VERIFY EXISTING ELEVATION PRIOR TO CONSTRUCTION OF STORM IMPROVEMENTS FOR OFF-SITE FLOWS.
-CONTRACTOR TO GRADE EXISTING DITCH AS NECESSARY TO ENSURE POSITIVE DRAINAGE TO ALET.

PROPOSED HALF 12" ADS #12 @ 24.0%
PI TYPE 1 DRAIN BARRIER @ ALET
SEE SHEET 7 OF 14 FOR DETAILS



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Page 9 of 9

EXHIBIT B-2



**Business of the City Council
City of Gig Harbor, WA**

Subject: Sanitary Sewer and Stormwater Facilities Easement and Maintenance Agreements for the Towne Plaza project (EN-07-0087)

Proposed Council Action: Approval of the Sanitary Sewer and Stormwater Agreements as presented.

Dept. Origin: Engineering Department

Prepared by: Willy Hendrickson
Engineering Technician

For Agenda of: November 26, 2007

Exhibits: Two Sanitary Sewer and two Storm Water Maintenance Agreements

Initial & Date

Concurred by Mayor: CLH 11/19/07
Approved by City Administrator: RSK 11/13/07
Approved as to form by City Atty: CAm 11/14/07
Approved by Finance Director: N/A
Approved by Department Head: Dunn 11/21/07

| | | | | | |
|-------------|---|----------|---|---------------|---|
| Expenditure | | Amount | | Appropriation | |
| Required | 0 | Budgeted | 0 | Required | 0 |

INFORMATION / BACKGROUND

As a condition of project approval of the Towne Plaza project located at 3233 54th St. NW, Gig Harbor and owned by Jacobson 1031 Investment Property LLC and Bruce A. and Sandra J. Reikow, a Sanitary Sewer and Storm Water Facilities Maintenance Agreement(s) are required. 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.

FISCAL CONSIDERATION

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

RECOMMENDATION / MOTION

Move to: Approval of the Sanitary Sewer and Stormwater Agreements 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

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

Jacobson 1031 Investment Property, LLC and Bruce A. and Sandra J. Reikow

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

City of Gig Harbor

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

Section 17, Township 21, Range 02, Quarter 31

Assessor's Property Tax Parcel or Account number: 0221177052

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 Jacobson 1031 Investment Property LLC, as to an undivided 39.99% interest, a Washington Limited Liability Corporation and Bruce A. and Sandra J. Reikow, as to an undivided 60.11 interest, a Husband and Wife, located and doing business at 8218 77th St Ct. NW, Gig Harbor WA 98335 (hereinafter the "Owners").

RECITALS

WHEREAS, the Owners is the owners of fee title or a substantial beneficial interest in certain real property located in Gig Harbor, Washington, commonly described as Towne Plaza located at 3233 54th St. NW Gig Harbor, (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 Owners 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 Baseline Engineering Inc, dated May 8, 2007 (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 Owners 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 Plat No. 200008215001, 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 Owners, 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 "Owners" or "Owners" refers to the entity, whether an individual, corporation, joint venture or partnership which is an Owners 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 Owners 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 Owners, 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 Owners 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 Owners 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 Owners 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 Owners 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 Owners 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 Owners 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 Owners shall have no further responsibility or liability under this Agreement.

Section 7. Conveyances. In the event the Owners shall convey its substantial beneficial or fee interest in any property in the Plat, any lot, or the Property, the conveying Owners shall be free from all liabilities respecting the performance of the restrictions, covenants and conditions in this Agreement; PROVIDED, HOWEVER, that the conveying Owners 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 Owners 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 Owners, each Owners shall covenant to be bound by all the obligations incumbent upon an Owners as set forth herein, and shall be entitled to all rights and benefits accruing to an Owners 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 Owners at the addresses set forth below:

To the City:

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

To the Owners:

Jacobson 1031 Investment Property LLC
and
Bruce A. and Sandra J. Reikow
P.O. Box 1579
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.

IN WITNESS WHEREOF, the parties have caused this Easement and Maintenance Agreement be executed this 29th day of October, 2007.

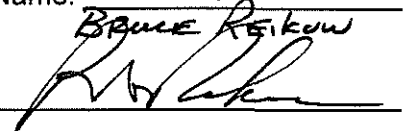
THE CITY OF GIG HARBOR

By: _____
Its Mayor

OWNERS

By:  _____

Its: MANAGING MEMBER
JACOBSON 1031 INVESTMENT
Print Name: PROPERTY LLC

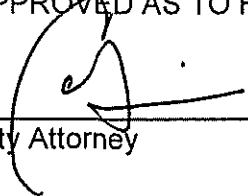
BRUCE REIKOW
By:  _____

Its: OWNER
Print Name: BRUCE A. REIKOW

By:  _____

Its: OWNER
Print Name: SANDRA J. REIKOW

APPROVED AS TO FORM:



City Attorney

ATTEST:

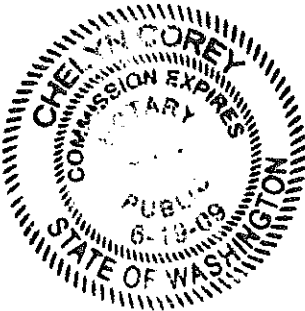
City Clerk

NOTARY BLOCK FOR A CORPORATION/PARTNERSHIP

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that BRUCE AREIKOV is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the MANAGING MEMBER of JACOBSON 1031 INVESTMENT PROPERTY LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10/29/2007



Chelyn Corey
Notary Public in and for the
State of Washington,
Title: NOTARY
My appointment expires: 06/19/2009

NOTARY BLOCK FOR AN INDIVIDUAL

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that SANDRA J REIKOV 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: 10/29/2007



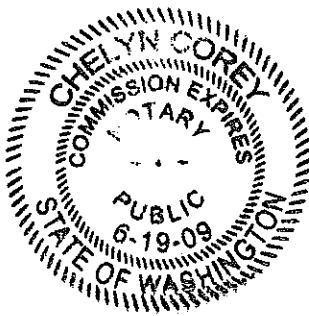
Chelyn Corey
(Signature)
NOTARY PUBLIC, State of Washington,
residing at: BREMERTON
My appointment expires: 06/19/2009

NOTARY BLOCK FOR AN INDIVIDUAL

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that BRUCE A REIKOW 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: 10/29/07



Chelyn Corey
(Signature)

NOTARY PUBLIC, State of Washington,
residing at: BREMERTON, WA
My appointment expires: 06/19/2009

CITY OF GIG HARBOR NOTARY BLOCK

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: _____

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

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

Lot 1, as shown on Short Plat 200008215001 filed with Pierce County Auditor, Pierce County Washington

EXHIBIT B

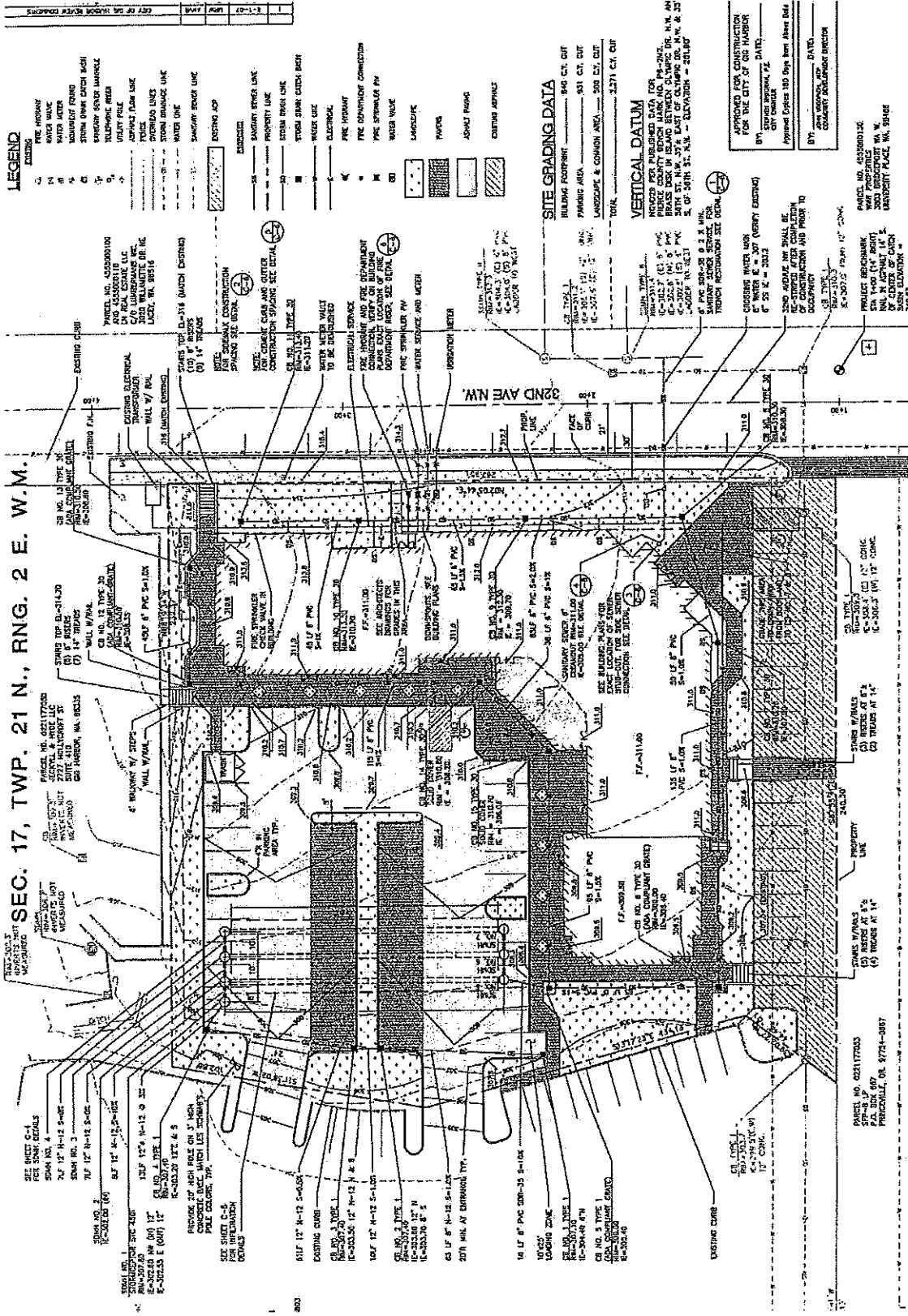


EXHIBIT C
EASEMENT LEGAL DESCRIPTION

Lot 1, as shown on Short Plat 200008215001 filed with Pierce County Auditor, Pierce County Washington

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):

Storm Water Facilities Maintenance Agreement and Restrictive Covenant

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

Jacobson 1031 Investment Property, LLC and Bruce A. and Sandra J. Reikow

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

City of Gig Harbor

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

Section 17, Township 21, Range 02, Quarter 31

Assessor's Property Tax Parcel or Account Number: 0221177052

Reference Number(s) of Documents assigned or released: _____

STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT

This Storm Water Facilities Maintenance Agreement and Restrictive Covenant is made this _____ day of _____, 200__, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Jacobson 1031 Investment Property LLC, as to an undivided 39.99% interest, a Washington Limited Liability Corporation and Bruce A. and Sandra J. Reikow, as to an undivided 60.11% interest, a Husband and Wife, located and doing business at 8218 77th St Ct. NW, Gig Harbor WA 98335 (hereinafter the "Owners").

R E C I T A L S

WHEREAS, Owners is the Owners of fee title or a substantial beneficial interest in certain real property located in Gig Harbor, Washington, commonly described as Towne Plaza located at 3233 54th St. NW Gig Harbor (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 Owners' proposed development of the Property, the City has required and the Owners has agreed to construct a storm water collection and detention system; and

WHEREAS, such drainage system is described and shown on a construction drawing prepared by the engineering firm of Baseline Engineering Inc, dated May 8, 2007, (hereinafter the "Drainage System Drawing"), for the Owners' Property, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference; and

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

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

T E R M S

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

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

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

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

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

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

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

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

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

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

To the Owners:
Jacobson 1031 Investment Property LLC
and
Bruce A. and Sandra J. Reikow
P.O. Box 1579
Gig Harbor WA 98335

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

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

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


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

IN WITNESS WHEREOF, the parties have caused this Maintenance Agreement and Covenant to be executed this 29th day of October, 2007.


THE CITY OF GIG HARBOR

By: _____
Its Mayor

OWNERS

By:  _____

Its: MANAGING MEMBER
Print Name: Jacobson 1031 Investment Property LLC
Bruce Reikow

By:  _____

Its: OWNER

Print Name: Bruce A. Reikow

By:  _____

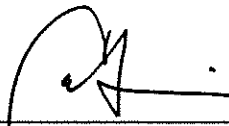
Its: owner

Print Name: Sandra J. Reikow

ATTEST:

City Clerk

APPROVED AS TO FORM:



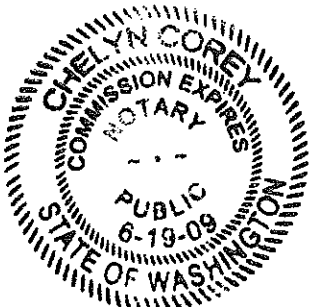
City Attorney

NOTARY BLOCK FOR A CORPORATION/PARTNERSHIP

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that DEUCE A REIKON is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the MANAGING MEMBER of JACOBSON 1001 INVESTMENT PROPERTY LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10/29/2007



Chelyn Corey

Notary Public in and for the
State of Washington,
Title: NOTARY
My appointment expires: 06/19/09

NOTARY BLOCK FOR AN INDIVIDUAL

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that SANDRA J REIKON 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: 10/29/2007



Chelyn Corey
(Signature)

NOTARY PUBLIC, State of Washington,
residing at: BREMERTON
My appointment expires: 06/19/2009

NOTARY BLOCK FOR AN INDIVIDUAL

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that BRUCE A RETKOW 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: 10/29/07

Chelyn Corey
(Signature)



NOTARY PUBLIC, State of Washington,
residing at: PREMERTON, WA
My appointment expires: 06/19/2009

CITY OF GIG HARBOR NOTARY BLOCK

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: _____

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

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

Lot 1, as shown on Short Plat 200008215001 filed with Pierce County Auditor, Pierce County Washington



Business of the City Council
City of Gig Harbor, WA

Subject: Escrow Agreement for Retainage
-- Olympic/56th Roadway Improvements

Proposed Council Action: Authorization the Mayor to execute the Escrow Agreement with Ceccanti, Inc. and Columbia State Bank

Dept. Origin: Engineering Division

Prepared by: Emily Appleton EA 11.16.07
Senior Engineer

For Agenda of: November 26, 2007

Exhibits: Escrow Agreement
Initial & Date

Concurred by Mayor: CLH 11/19/07
Approved by City Administrator: PK 11/19/07
Approved as to form by City Atty: CA 11/19/07
Approved by Finance Director: DP 11/19/07
Approved by Department Head: JB 11/16/07

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and values (0, 0, 0, 0).

INFORMATION / BACKGROUND

Ceccanti, Inc. was awarded the construction contract for the 56th Street/Olympic Drive Improvement Project at the August 13, 2007 council meeting. Ceccanti has requested that their retainage be placed in an escrow account with Columbia State Bank.

FISCAL CONSIDERATION

The retained percentage is 5% of each progress payment.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Authorize the Mayor to execute the Escrow Agreement with Ceccanti, Inc. and Columbia State Bank.

Project No.: #1657
Project Name: Dynare Drive 15th St.
Escrow No.: 7000465810

ESCROW AGREEMENT

TO: Bank Name: Columbia State Bank
Branch: Kent
Address: 504 W. Weaver St.
City, State Zip: Kent, WA 98032
Phone: 253.852.0475

The undersigned, Peccanti, Inc., hereinafter referred to as Contractor, has directed the City of Gig Harbor, hereinafter referred to as Agency, to deliver to you its warrants or checks which shall be payable to you and the Contractor jointly. Such warrants or checks are to be held and disposed of by you in accordance with the following instructions and upon the terms and conditions hereinafter set forth.

INSTRUCTIONS

1. The Agency shall deliver to you from time to time checks or warrants payable jointly to you and the Contractor. You are hereby authorized by the Contractor to endorse in the Contractor's name any such check or warrant so that you may receive the proceeds thereof and invest the same. The power of endorsement hereby granted to you by the Contractor shall be deemed a power coupled with an interest and shall be irrevocable during the term of this escrow. Although you may be a payee named in such warrants or checks as shall be delivered to you, your duties and responsibilities with respect to the same shall be only those duties and responsibilities which a depository bank would have pursuant to Article 4 of the Uniform Commercial Code of the State of Washington for an item deposited with it for collection as of the date such check or warrant shall be delivered to you. The proceeds from collection shall be used by you to purchase, as directed by the Contractor, bonds or other securities chosen by the Contractor and approved by you, and the Agency. For the purpose of each such purchase, you may follow the last written direction received by you from the Contractor, provided such direction otherwise conforms with the restrictions on investments recited herein. Attached (Exhibit A) is a list of such bonds, or other securities approved by the Agency. No further approval is necessary if any of these bonds or securities are selected by the Contractor. Other bonds or securities, except stocks, may be selected by the Contractor, subject to express written approval of you and the Agency. Purchase of such bonds or other securities shall be in a form which shall allow you alone to reconvert such bonds or other securities into money if you are required to do so by the Agency as provided in Paragraph 4 of this Escrow Agreement.

The investments selected by the Contractor, approved by the Agency and purchased by you must mature on or prior to the date set for the completion of the contract, including extensions thereof or thirty days following the final acceptance of said improvement or work.

2. When and as interest on the securities held by you pursuant to this Agreement accrues and is paid, you shall collect such interest and forward it to the Contractor at its address designated below unless with your written consent you are otherwise directed in writing by the Contractor.

3. You are not authorized to deliver to the Contractor all or any part of the securities held by you pursuant to the Agreement (or any moneys derived from the sale of such securities, or the negotiation of the Agency's warrants or checks) except in accordance with written instructions from the Agency. The Agency shall inform you and keep you informed in writing of the name of the person or persons with authority to give you such written instructions. Compliance with such instructions shall relieve you of any further liability related thereto. Upon request by you, the Agency shall advise you in writing of any change in the estimated completion date. If the estimated completion date is changed, you are authorized to reinvest the moneys held hereunder in accordance with the new estimated completion date.

4. In the event the Agency orders you to do so in writing, and notwithstanding any other provisions of this Agreement, you shall, within thirty-five (35) days of receipt of such order, reconvert into money the securities held by you pursuant to this Agreement and return such money together with any other moneys, including accrued interest on such securities, held by you hereunder, to the Agency.

5. Payment of all fees shall be the sole responsibility of the Contractor and shall not be deducted from any property placed with you pursuant to this Agreement until and unless the Agency directs the release to the Contractor of the securities and moneys held hereunder whereupon you shall be granted a first lien upon such property released and shall be entitled to reimburse yourself from such property for the entire amount of your fees and any unanticipated amounts which might be owing as provided for herein.

In the event that you are made a party to any litigation with respect to the property held by you hereunder, or in the event that the conditions of this escrow are not promptly fulfilled or that you are required to render any services not provided for in these instruction, or that there is any assignment of the interests of this escrow or any modification hereof, you shall be entitled to reasonable compensation for such extraordinary services from the Contractor and reimbursement from the Contractor for all costs and expenses, including attorney fees occasioned by such default, delay, controversy or litigation.

6. Should you at any time and for any reason desire to be relieved of your obligations as escrow holder hereunder, you shall give written notice to the Agency and Contractor. The Agency and Contractor shall, within twenty (20) days of the receipt of such notice, jointly appoint a successor escrow holder and instruct you to deliver all securities and funds held hereunder to said successor. If you are not notified of the appointment of the successor escrow holder within twenty (20) days, you shall return the subject matter hereof to the Agency and upon so doing, it absolves you from all further charges and obligations in connection with this escrow.

7. This Agreement shall not be binding until executed by the Contractor and the Agency and accepted by you.

8. This instrument contains the entire agreement between you, the Contractor and the Agency, with respect to this escrow and you are not a party to nor bound by any instrument or agreement other than this; you shall not be required to take notice of any default or any other matter, not be bound by nor required to give notice or demand, not required to take any action whatever except as herein expressly provided; you shall not be liable for any loss or damage that is caused by your failure to perform as required under this instrument, and any loss or damage caused by your own negligence or willful misconduct.

9. The foregoing provisions shall be binding upon the assigns, successors, personal representatives and heirs of the parties hereto.

10. This Escrow Agreement may only be amended or modified upon the written consent of each party's duly authorized representative.

The undersigned have read and hereby approve the instructions as give above governing the administration of this escrow and do hereby execute this Agreement on this _____ day of _____, 200__.

BANK: Columbia State Bank
Branch: Kent
Address: 504 W Meeker
City, State Zip: Kent WA 98032
Phone: (253) 852-0475

[Signature]
Authorized Signature

Title: Branch Officer

7000465810
Escrow Account No.

Contractor: Ceccanti, Inc.
Address: 4116 Brookdale Rd E
City, State Zip: Tacoma, WA 98446
Phone: 253-537-2990 x 18

By: [Signature]
Authorized Signature

Title: Corporate Secretary

The above escrow instructions received and accepted this _____ day of _____, 200__.

CITY OF GIG HARBOR

Title: Mayor

Exhibit "A"

**List of Type of Bonds or Securities that are Approved
by the City of Gig Harbor**

1. Bills, certificates, notes or bonds of the United States.
2. Other obligations of the United States or its agencies.
3. Obligations of any corporation wholly-owned by the government of the United States.
4. Indebtedness of the Federal National Mortgage Association.
5. Time deposits in Commercial Banks, Mutual Savings Banks or Savings and Loan Associations.

In no event shall the City of Gig Harbor approve investments in stock of any company, association or corporation. In all cases, the investments selected must mature on or prior to the date set for completion of the contract, including extensions thereof.

Please indicate which type of Bonds or Securities that have been selected by circling the appropriate number above.

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE:11/05/07

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
(BY ZIP CODE) FOR EXPIRATION DATE OF 20080229

| LICENSEE | BUSINESS NAME AND ADDRESS | LICENSE NUMBER | PRIVILEGES |
|---|---|----------------|---|
| 1 DREYLING, CHERRI LYNN | THE HARBOR KITCHEN 8809 N HARBORVIEW DR GIG HARBOR WA 98332 2168 | 083974 | BEER/WINE REST - BEER/WINE |
| 2 TERRACCIANO, MASSIMO TERRACCIANO, CINDY LOUISE | TERRACCIANO'S 3119 JUDSON ST GIG HARBOR WA 98335 1221 | 085087 | SPIRITS/BR/WN REST SERVICE BAR |
| 3 HALFTIME SPORTS, LLC | HALF TIME SPORTS 5114 PT FOSDICK DR NW # J&K GIG HARBOR WA 98335 1717 | 073240 | SPIRITS/BR/WN REST LOUNGE - KEGS TO GO |



Business of the City Council
City of Gig Harbor, WA

OB-1

Subject: Second Reading - 2008 Budget Ordinance

Dept. Origin: Finance

Proposed Council Action: Adopt ordinance after second reading

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 13, 2007

Exhibits: Ordinance

Initial & Date

Concurred by Mayor: [Signature] 11/21/07
Approved by City Administrator: [Signature] 11/22/07
Approved as to form by City Atty: [Signature] 11/21/07
Approved by Finance Director: [Signature] 11/20/07
Approved by Department Head: _____

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and values: \$70,003,490, 0, \$70,003,490.

INFORMATION / BACKGROUND

The total city budget, which includes all funds, is \$70,003,490. Total budgeted revenues for 2008 are \$57.4 million while budgeted beginning fund balances total \$12.6 million. Total budgeted expenditures for 2008 are \$60.4 million and budgeted ending fund balances total \$9.7 million.

The General Fund accounts for 20 percent of total expenditures, while Special Revenue (Street, Street Capital, Drug Investigation, Hotel - Motel, Public Art Capital Projects, Park Development, Civic Center Debt Reserve, Property Acquisition, General Government Capital Improvement, Impact Fee Trust and Lighthouse Maintenance) and Enterprise Funds (Water, Sewer and Storm) are 51 percent and 27 percent of total expenditures. General government debt service funds are 2 percent of 2008 budgeted expenditures.

FISCAL CONSIDERATION

Total budgeted resources for 2008 are \$70,003,490. This is a \$33,468,612 increase over the 2007 budget. Budgeted beginning fund balance for all funds in 2008 is \$12,625,658 and the 2008 budget for total revenues is \$57,377,832. The table below shows where the large increases are expected to occur.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON, FOR THE 2008 FISCAL YEAR.

WHEREAS, the Mayor of the City of Gig Harbor, Washington completed and placed on file with the city clerk a proposed budget and estimate of the amount of the monies required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 2008 fiscal year, and a notice was published that the Gig Harbor City Council would meet and hold public hearings on November 13 and November 26, 2007 at 6:00 p.m., in the Council Chambers in the Civic Center for the purpose of making and adopting a budget for 2008 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the said city council did meet and hold public hearings at the established time and place and did consider the matter of the 2008 proposed budget; and

WHEREAS, the 2008 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 2008 and being sufficient to meet the various needs of Gig Harbor during 2008.

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. The budget for the City of Gig Harbor, Washington, for the year 2008 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning fund balances, for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 2008 are set forth in summary form below, and are hereby appropriated for expenditure during the year 2008 as set forth in the following:

2008 BUDGET APPROPRIATIONS

| FUND / DEPARTMENT | AMOUNT |
|---------------------------------------|---------------------|
| 001 GENERAL GOVERNMENT | |
| 01 Non-Departmental | \$4,428,903 |
| 02 Legislative | 34,100 |
| 03 Municipal Court | 441,495 |
| 04 Administrative / Financial / Legal | 1,587,549 |
| 06 Police | 3,266,530 |
| 14 Community Development | 2,106,170 |
| 15 Parks and Recreation | 937,900 |
| 16 City Buildings | 360,700 |
| 19 Ending Fund Balance | 929,958 |
| TOTAL GENERAL FUND - 001 | 14,093,305 |
| 101 STREET FUND | 20,975,699 |
| 105 DRUG INVESTIGATION FUND | 90,655 |
| 107 HOTEL / MOTEL FUND | 465,971 |
| 108 PUBLIC ART CAPITAL PROJECTS | 146,507 |
| 109 PARK DEVELOPMENT FUND | 5,614,108 |
| 110 CIVIC CENTER DEBT RESERVE | 4,452,300 |
| 208 LTGO BOND REDEMPTION | 1,224,093 |
| 209 2000 NOTE REDEMPTION | 98,145 |
| 210 LID 99-1 GUARANTY | 93,686 |
| 211 UTGO BOND REDEMPTION | 338,704 |
| 301 CAPITAL DEVELOPMENT FUND | 316,088 |
| 305 GENERAL GOVT. CAPITAL IMPROVEMENT | 420,584 |
| 309 IMPACT TRUST FEE | 2,414,156 |
| 401 WATER OPERATING | 1,091,135 |
| 402 SEWER OPERATING | 2,359,923 |
| 407 UTILITY RESERVE | 202,020 |
| 408 UTILITY BOND REDEMPTION FUND | 319,219 |
| 410 SEWER CAPITAL CONSTRUCTION | 13,468,640 |
| 411 STORM SEWER OPERATING | 801,621 |
| 420 WATER CAPITAL ASSETS | 1,015,105 |
| 605 LIGHTHOUSE MAINTENANCE TRUST | 1,826 |
| TOTAL ALL FUNDS | \$70,003,090 |

Section 3. Attachment "A" is adopted as the 2008 personnel salary schedule, and a 3.3% cost-of-living adjustment is hereby enacted.

Section 4. The city clerk is directed to transmit a certified copy of the 2008 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 10th day of December, 2008.

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 city clerk: 11/7/08

Passed by the city council: 11/___/08

Date published: 12/___/08

Date effective: 12/___/08

Exhibit A

| POSITION | 2008 | |
|---|----------------|--------|
| | PROPOSED RANGE | |
| | MIN | MAX |
| CITY ADMINISTRATOR | 8,879 | 11,099 |
| ASSISTANT CITY ADMINISTRATOR | 6,936 | 8,670 |
| CHIEF OF POLICE | 6,936 | 8,670 |
| PUBLIC WORKS DIRECTOR | 6,936 | 8,670 |
| FINANCE DIRECTOR | 6,694 | 8,368 |
| POLICE LIEUTENANT | 5,998 | 7,498 |
| CITY ENGINEER | 5,925 | 7,406 |
| DIRECTOR OF OPERATIONS | 5,925 | 7,406 |
| BUILDING & FIRE SAFETY DIRECTOR | 5,925 | 7,406 |
| INFORMATION SYSTEMS MANAGER | 5,925 | 7,406 |
| PLANNING DIRECTOR | 5,925 | 7,406 |
| SENIOR ENGINEER | 5,624 | 7,030 |
| TOURISM MARKETING DIRECTOR | 5,624 | 7,030 |
| POLICE SERGEANT | 5,845 | 6,688 |
| CITY CLERK | 5,282 | 6,603 |
| PUBLIC WORKS SUPERINTENDENT | 5,129 | 6,411 |
| WASTEWATER TREATMENT PLANT SUPERVISOR | 5,129 | 6,411 |
| COURT ADMINISTRATOR | 5,075 | 6,344 |
| SENIOR PLANNER | 4,944 | 6,180 |
| ASSOCIATE ENGINEER | 4,916 | 6,145 |
| ASSISTANT BUILDING OFFICIAL/FIRE MARSHALL | 4,884 | 6,105 |
| ACCOUNTANT | 4,818 | 6,022 |
| FIELD SUPERVISOR | 4,610 | 5,763 |
| POLICE OFFICER | 4,254 | 5,318 |
| PLANNING/BUILDING INSPECTOR | 4,218 | 5,272 |
| CONSTRUCTION INSPECTOR | 4,218 | 5,272 |
| ASSOCIATE PLANNER | 4,178 | 5,223 |
| PAYROLL/BENEFITS ADMINISTRATOR | 4,171 | 5,215 |
| WASTEWATER TREATMENT PLANT OPERATOR | 4,026 | 5,032 |
| MECHANIC | 3,938 | 4,922 |
| ASSISTANT CITY CLERK | 3,873 | 4,841 |
| EXECUTIVE ASSISTANT | 3,873 | 4,841 |
| SPECIAL PROJECTS COORDINATOR | 3,873 | 4,841 |
| ENGINEERING TECHNICIAN | 3,873 | 4,841 |
| INFORMATION SYSTEM ASSISTANT | 3,793 | 4,741 |
| MAINTENANCE TECH II | 3,765 | 4,706 |
| ASSISTANT PLANNER | 3,753 | 4,691 |
| PERMIT COORDINATOR | 3,753 | 4,691 |
| COMMUNITY SERVICES OFFICER | 3,539 | 4,424 |
| FINANCE TECHNICIAN | 3,527 | 4,409 |
| COMMUNITY DEVELOPMENT ASSISTANT | 3,404 | 4,255 |
| LEAD COURT CLERK | 3,404 | 4,255 |
| ADMINISTRATIVE ASSISTANT | 3,128 | 3,910 |
| POLICE SERVICES SPECIALIST | 3,078 | 3,847 |
| COURT CLERK | 3,036 | 3,795 |
| CUSTODIAN | 3,024 | 3,780 |
| MAINTENANCE TECH I | 3,024 | 3,780 |
| ADMINISTRATIVE RECEPTIONIST | 2,648 | 3,310 |
| COMMUNITY DEVELOPMENT CLERK | 2,648 | 3,310 |

2008 BUDGET APPROPRIATIONS

FUND / DEPARTMENT

AMOUNT

001 GENERAL GOVERNMENT

| | | |
|----|------------------------------------|-------------|
| 01 | Non-Departmental | \$4,428,903 |
| 02 | Legislative | 34,100 |
| 03 | Municipal Court | 441,495 |
| 04 | Administrative / Financial / Legal | 1,587,549 |
| 06 | Police | 3,266,530 |
| 14 | Community Development | 2,106,170 |
| 15 | Parks and Recreation | 937,900 |
| 16 | City Buildings | 360,700 |
| 19 | Ending Fund Balance | 929,958 |

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Deleted: 82

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TOTAL GENERAL FUND - 001 14,093,305

| | | |
|-----|-----------------------------------|------------|
| 101 | STREET FUND | 20,975,699 |
| 105 | DRUG INVESTIGATION FUND | 90,655 |
| 107 | HOTEL / MOTEL FUND | 465,971 |
| 108 | PUBLIC ART CAPITAL PROJECTS | 146,507 |
| 109 | PARK DEVELOPMENT FUND | 5,614,108 |
| 110 | CIVIC CENTER DEBT RESERVE | 4,452,300 |
| 208 | LTGO BOND REDEMPTION | 1,224,093 |
| 209 | 2000 NOTE REDEMPTION | 98,145 |
| 210 | LID 99-1 GUARANTY | 93,686 |
| 211 | UTGO BOND REDEMPTION | 338,704 |
| 301 | CAPITAL DEVELOPMENT FUND | 316,088 |
| 305 | GENERAL GOVT. CAPITAL IMPROVEMENT | 420,584 |
| 309 | IMPACT TRUST FEE | 2,414,156 |
| 401 | WATER OPERATING | 1,091,135 |
| 402 | SEWER OPERATING | 2,359,923 |
| 407 | UTILITY RESERVE | 202,020 |
| 408 | UTILITY BOND REDEMPTION FUND | 319,219 |
| 410 | SEWER CAPITAL CONSTRUCTION | 13,468,640 |
| 411 | STORM SEWER OPERATING | 801,621 |
| 420 | WATER CAPITAL ASSETS | 1,015,105 |
| 605 | LIGHTHOUSE MAINTENANCE TRUST | 1,826 |

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TOTAL ALL FUNDS \$70,003,090

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Deleted: 4

our officers are unarmed and alone with prisoners. Officer safety and risk management are greatly enhanced by having these interactions video-taped. We have identified the need for an additional camera that can be connected to our current camera monitoring system. In June 2007, we were granted a \$1,000 AWC grant to off-set this expenditure. **Estimated cost is \$1,400 – January.**

6. **Install a video and audio recording system in one of our dedicated interview rooms.** We currently have two dedicated interview rooms. Our case preparation and interview quality would be greatly enhanced with the ability to capture investigatory interviews on tape. **Estimated cost is \$10,000 - January.**
7. **Purchase a desk system for an additional office.** We will be creating an additional two person office with the space currently being utilized as a soft interview room. With a second detective being appointed next year, our traffic safety officer will be housed in this new office space. **Estimated cost is \$5,000 – January.**
8. **Purchase 15 handheld electronic ticket processing units and associated software.** LESA (Law Enforcement Support Agency), our dispatch and record processing provider is planning on implementing the electronic traffic information processing (eTRIP) program next year. Each patrol vehicle will need to be outfitted with a thermal printer, handheld reader and necessary software at a cost of \$1,000 per vehicle. The objective of this program is to replace our paper based data collection processes with an automated electronic system. **Estimated cost is \$15,000 - June.**

Marine Services Unit:

1. **Purchase a replacement marine patrol/fire suppression boat.** Our current marine patrol boat, a 19-foot rigid hulled inflatable, has reached the end of its projected seven year life span. There is a possibility that we may be awarded a Department Homeland Security (DHS) grant that could cover 75% of the cost of this new vessel. This 21-foot Safe Boat will be equipped with a fire pump and be capable of providing fire suppression support. The cost of this vessel is estimated to be \$163,448. City revenue needed to cover 25% of this purchase price would be approximately \$41,000. **Estimated cost is \$163,448.**

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CAPITAL OUTLAY 2008

Total capital outlay is \$407,187.

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**Business of the City Council
City of Gig Harbor, WA**

Subject: Provision of Water and Sewer Outside the City Limits, repealing chapter 13.34 and adopting a new chapter 13.34 GHMC.

Proposed Council Action:

Adopt ordinance.

Dept. Origin: City Attorney

Prepared by: City Attorney

For Agenda of: November 26, 2007

Exhibits:

Initial & Date

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

CUH 11/21/07
RJK 11/21/07
11/21/07 CSM
DR 11/21/07

| | | | | | |
|-------------|---|----------|---|---------------|---|
| Expenditure | | Amount | | Appropriation | |
| Required | 0 | Budgeted | 0 | Required | 0 |

INFORMATION / BACKGROUND. Under chapter 13.34 GHMC, an owner of property lying in the Urban Growth Area (UGA) may ask the City to provide water and/or sewer service to the property. As a condition of such service, the City currently requires that the property owner sign an agreement with the City, which includes a number of conditions (all set forth in GHMC Section 13.34.060). One of these conditions is that the development or redevelopment of the property conform to the City's zoning code and comprehensive plan.

Owners of property outside the UGA may request that the City provide water and sewer, but the circumstances under which the City may do so are extremely limited (due to the Growth Management Act (RCW 36.70A.110(4))). If the Council does grant approval, the property owner must still comply with all of the requirements imposed on property owners in the UGA.

Recently, the Court of Appeals rendered a decision in *MT Development LLC v. City of Renton*, 165 P.3d 427 (2007), which held that the city did not have the ability to require that an owner of property lying outside the city conform development of the property to the city's comprehensive plan and zoning code as a condition of receiving such service. This case was discussed in the City Operations Committee meeting, which resulted in a recommendation that the City Attorney draft an ordinance allowing the provision of water and sewer to areas in the UGA only upon annexation. For properties outside the UGA, the existing requirements would apply, with the exception of the requirement that the development of the property conform to the City's zoning code and comprehensive plan.

Prior to the adoption of chapter 13.34 GHMC, the City entered into an agreement for the purchase and sale of water with the Shore Acres Water Company. The existing agreement provides for the sale of water to the Company, not the individual homeowners. The City bills the Company, not the individual home owners, for the water. This agreement does not require that the individual property owners comply with chapter 13.34 GHMC.

As you know, staff is currently negotiating a new contract with the Shore Acres Water Company, and has made its representatives aware of the proposed ordinance. At the last council meeting, the representatives of Shore Acres Water Company asked that the Council add language to the ordinance to address their situation. This language has been added to the draft ordinance.

FISCAL CONSIDERATION. None.

BOARD OR COMMITTEE RECOMMENDATION

RECOMMENDATION / MOTION. Recommend that the Council adopt the ordinance.

Move to: Adopt the ordinance repealing the current chapter 13.34 GHMC, and adopting a new chapter 13.34 GHMC, providing water and sewer to property in the UGA upon annexation, and establishing the conditions under which such service will be provided outside the UGA.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE PROVISION OF WATER AND SEWER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS, REQUIRING THAT OWNERS OF PROPERTY IN THE CITY'S URBAN GROWTH AREA ANNEX AS A CONDITION TO RECEIVING WATER OR SEWER SERVICE FROM THE CITY, AND REQUIRING THAT EXTENSIONS OUTSIDE THE URBAN GROWTH AREA SATISFY THE CRITERIA IN RCW 36.70A.110(4), SIGN A UTILITY EXTENSION AGREEMENT AND COMPLY WITH ALL REQUIREMENTS OF THIS CHAPTER, EXEMPTING BULK WATER SALES TO NONPROFIT WATER COMPANIES; ADDING A NEW SECTION 13.34.050, REPEALING CHAPTER 13.34 GHMC, AND ADDING A NEW CHAPTER 13.34 GHMC.

WHEREAS, the City of Gig Harbor currently provides water and sewer to property lying outside the City limits in the Urban Growth Area, upon the applicant's compliance with the City's conditions, as set forth in chapter 13.34 GHMC; and

WHEREAS, one of the conditions of such service is a requirement that the applicant sign a utility extension agreement, which is a contract between the property owner and the City, expressing the terms and conditions of such service; and

WHEREAS, one of the terms in this agreement is a requirement to conform the development of the property to the City's development standards, which requirement is reflected in GHMC Section 13.34.060(J); and

WHEREAS, on August 27, 2007, the Washington Court of Appeals rendered a decision on *MT Development LLC v. City of Renton*, 165 P.3d 427 (2007), which held that a city did not have the ability to require that a owner of property lying outside the city conform development of the property to the city's comprehensive plan and zoning code as a condition of receiving sewer service; and

WHEREAS, the Washington Supreme Court has held that the conditions a city may impose on the provision of such service are not limited to those relating to capacity, as long as they are lawful (*MT v. Renton, Yakima County Fire Protection District v. Yakima*, 122 Wn.2d 371, 878 P.2d 245 (1993)); and

WHEREAS, the Washington Supreme Court has upheld a city's ability to condition water and sewer service to property outside city limits on the property owner's agreement to sign a no protest annexation agreement, which would require the property owner to sign an annexation petition if one is circulated; and

WHEREAS, at least one other city in Washington has addressed the problem of providing sewer and water service in the UGA by requiring that the property owner annex as a condition of receiving such service (*Master Builders Association of King and Snohomish Counties v. City of Arlington*, CPSGMHB Case No. 04-3-0001, Final Decision and Order, July 14, 2004); and

WHEREAS, the Central Puget Sound Growth Management Hearings Board has determined that such an ordinance is not inconsistent with the Growth Management Act; and

WHEREAS, the City Council believes that requiring that an owner of property in the UGA annex his or her property in order to obtain water and/or sewer service will satisfy the City's concern that the development or redevelopment of property in the UGA is consistent with other development in the City; and

WHEREAS, in those limited circumstances allowing extensions of water and sewer outside the City's UGA, as set forth in RCW 36.70A.110(4), the property owner will not be able to annex, but will be required to sign a utility extension agreement and comply with all of the City's conditions relating to the extension; and

WHEREAS, the City's SEPA Responsible Official issued a threshold determination of nonsignificance for this Ordinance on November 7, 2007; and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meeting of November 13 and November 26, 2007; Now, Therefore,

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

Section 1. Chapter 13.34 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new chapter 13.34 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**CHAPTER 13.34
WATER AND SEWER SERVICE OUTSIDE CITY LIMITS**

Sections:

- 13.34.020 City's Authority to Provide Service Outside City Limits.**
- 13.34.040 Water and Sewer Service Outside City Limits in the Urban Growth Area.**
- 13.34.050 Contracts for Purchase and Sale of Water Outside City Limits in the Urban Growth Area.**
- 13.34.060 Water and Sewer Service Outside the Urban Growth Area.**

13.34.020 City's Authority to Provide Service Outside City Limits.

A. The City is authorized, pursuant to RCW 35.67.310 and RCW 35.92.200, to provide sewer and water service to property outside the city limits. The City's provision of such service is not mandatory. This chapter establishes the conditions imposed by the City on such service.

B. After designation of the City's urban growth area boundary by the county as contemplated by RCW 36.70A.110, the City is prohibited from annexing territory beyond such boundary (RCW 35A.14.005). The City will provide water and sewer service to property within the urban growth area under the conditions set forth in GHMC Section 13.34.040, and the other provisions of this code, including but not limited to, the application for a water concurrency certificate in chapter 19.10 GHMC.

C. The Growth Management Act allows the City to provide water and sewer services to rural areas outside of the urban growth area boundary only under certain limited circumstances described in RCW 36.70A.110(4). In order to obtain water and sewer service outside of the urban growth area boundary, property owners must comply with all of the requirements set forth in GHMC Section 13.34.060.

13.34.040 Water and Sewer Service Outside City Limits in the Urban Growth Area. Any person or entity owning property outside the City limits within the City's Urban Growth Area must annex their property as a condition of connection to the City's sanitary sewer system or water supply.

13.34.050 Contracts for Purchase and Sale of Water Outside City Limits in the Urban Growth Area. The City Council may enter into contracts for the purchase and sale of water outside the City limits in the UGA with nonprofit water companies, without conforming to GHMC Section 13.34.040. However, the contract between the City and the water company shall not address the rates or connection fees charged, both of which shall be established by ordinance.

13.34.060 Water and Sewer Service Outside the Urban Growth Area.

A. Limitations. Pursuant to RCW 36.70A.110(4), the City may only extend water and sewer outside the Urban Growth Area in those limited circumstances shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

B. Application. Any person owning property outside the Urban Growth Area and desiring to have their property connected to the City's water supply system or sewer system shall make application at the office of the City Clerk for both a concurrency certificate and the actual connection, on the appropriate form. Every such application shall be made by the owner of the property to be connected and supplied the service, or by his/her authorized agent. The property owner must state fully the purposes for which the water and/or sewer service is required and describe the manner in which the application satisfies the requirements in subsection A above. In addition, the property owner must agree to sign a utility extension agreement with the all of elements set forth in this Section 13.34.060, and conform to the City's regulations concerning water and sewer service set forth in this title, as the same now exists or may be amended in the future. If the City receives such water service application, approves it under the procedures set forth herein, and subsequently issues a water or sewer concurrency certificate, such certificate shall expire within one year of the date of issuance, if the applicant does not pay the required fees and request an actual hook-up or connection to the subject property within that time period.

C. Utility Extension Agreement. Every applicant for water and/or sewer service outside the Urban Growth Area, including but not limited to, municipal corporations or quasi-municipal corporations, such as water, sewer or fire districts, must agree to

sign an agreement with the city, which conditions the provision of the service on the following terms:

1. Agreement to Run with the Property. The agreement shall be recorded against the property in the Pierce County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.

2. Warranty of Title. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.

3. Costs of Design, Engineering and Construction of Extension. The owner shall agree to pay all costs of design, engineering and construction of the extension, which shall be accomplished to city standards and conform to plans approved by the city public works director. Costs of plan review and construction inspection shall also be paid by the owner.

4. Capacity Commitment Payments. The owner shall agree to pay for the city's reservation of sewer and/or water capacity, which is calculated as a percentage of the connection fee for the sewer and/or water service. Such payments shall be made under the payment schedule determined by the city.

5. Easements and Permits. The owner shall secure and obtain at the owner's sole cost and expense, all permits, easements and licenses necessary to construct the extension.

6. Dedication of Capital Facilities. The owner shall agree to dedicate all capital facilities constructed as part of the water and sewer extension (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the city, upon the completion of construction, approval and acceptance by the city.

7. Connection Charges. The owner shall agree to pay the connection charges set by the city in GHMC 13.04.080(C) and/or 13.32.070 (as these sections now exist or may hereafter be amended), as a condition of connecting to the city water and/or sewer system. Such connection charges shall be calculated at the rate schedules applicable at the time of actual connection.

8. Agreement Not to Protest Annexation. The owner shall provide the city with an irrevocable power of attorney to allow a city representative to sign a petition for annexation on behalf of the property owner or the property owner shall agree to sign a petition(s) for annexation of his/her property when requested to do so by the city.

9. Waiver of Right to Protest LID. If, at the time of execution of the agreement, the city has plans to construct certain improvements that would specially benefit the owner's property, the agreement shall specifically describe the

improvement. The owner shall agree to sign a petition for the formation of an LID or ULID for the specified improvements at the time one is circulated, and to waive his/her right to protest formation of any such LID or ULID.

10. Development of Property to Conform to City Public Works Standards and Utility Regulations. The owner shall agree to comply with all of the requirements of the City's Public Works Standards and Utility Regulations when developing or redeveloping the property subject to the agreement. The property owner shall be required to apply for and obtain a water and/or sewer concurrency certificate prior to making application for a utility extension agreement.

11. Termination for Noncompliance. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property.

D. Review and Approval of Application. The City Council shall review the application and may, in its sole discretion, allow the extension or expansion of sewer service, if the Council finds that:

1. The application conforms to all elements of this Section, and the applicant has signed a utility extension agreement conforming to subsection C; and

2. The City's Waste Water Treatment Plant and NPDES permit will not be affected by the extension or expansion; and

3. The extension or expansion must be consistent with the goals of the City's sewer comprehensive plan and other applicable law, including, but not limited to, the State Environmental Policy Act (SEPA).

E. Conditions. The Council's approval of any extension or expansion under this Section may be conditioned. Such conditions may include, but are not limited to:

1. Restrictions may be placed on the hours that the City will accept sewage flow from the property;

2. Restrictions may be placed on the amount of sewage flow or water provided to the applicant.

3. The property owner shall have the responsibility to maintain and operate his/her/its own facilities.

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

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

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

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: _____

November 20, 2007

Mayor and City Council
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335

**RE: Response - Public Hearing and First Reading of Ordinance
Provision of Water & Sewer Outside City Limits**

Honorable Mayor and City Council:

On behalf of North Pacific Design, Inc. and the Rush Companies, I am submitting this letter as a response to the proposed ordinance referenced above.

During the public hearing and first reading of the proposed ordinance at the November 13, 2007 City Council Meeting, I was disappointed to see that there was very little open discussion relating to the potential problems associated with said proposed ordinance. As a representative for property owners with land holdings located within the City of Gig Harbor's Urban Growth Area (properties that are both contiguous and non-contiguous to current City limits), I feel there are potential pitfalls that at least warrant some discussion by the City Council. These areas of concern are as follows:

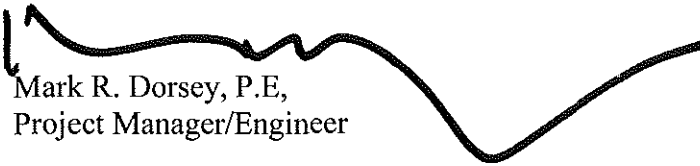
- If future annexation is denied by the City Council, doesn't the proposed ordinance then violate the Growth Management Act by the City not providing urban services into the UGA?
- If future annexation is denied by the City Council, doesn't the proposed ordinance violate the Inter-local Agreement, executed between the City of Gig Harbor and Pierce County, concerning the development and/or density allocations for the UGA?
- If future annexation is denied by the City Council, doesn't the proposed ordinance conflict with the Gig Harbor Peninsula Community Plan?
- If future annexation is denied by the City Council, doesn't the proposed ordinance conflict with the City of Gig Harbor Wastewater Comprehensive Plan?
- Doesn't the proposed ordinance ignore large land holdings located within the City of Gig Harbor's UGA, but that are non-contiguous to current City limits?
- Doesn't the City Council have total control over the annexation process and the subsequent approval/disapproval?

As stated in my public testimony on November 13, 2007, not one of these topics were discussed, and until I mentioned it, nor was there any discussion as to the fact that the proposed ordinance has been presented to the development community as a "temporary"

ordinance, to be revoked when Pierce County amends their Development Regulations to match the City of Gig Harbor. What happens if Pierce County does NOT amend their Development Regulations? The City of Gig Harbor's Attorney noted at the public hearing and first reading that there are no guarantees that the County will amend their Development Regulations that concern the City's UGA.

I am submitting these questions simply to insure that both the City Council AND the local community fully understand the issues at hand and that the proposed ordinance will truly perform the function that it is intending to perform. I look forward to further open discussion of the proposed ordinance and hopefully have some answers to the questions presented above.

Sincerely,



Mark R. Dorsey, P.E,
Project Manager/Engineer

MD:mrd

Cc: Terry Lee, Pierce County Planning Commission, District 7
Chip Vincent, Pierce County Planning & Land Services
Jane R. Koler, Attorney at Law
Tiffany Spear, Master Builders Association of Pierce County
Gordon Rush, Block Land LLC
John Xitco/Gordon Rush, Purdy Interchange LLC
File (NPD#97-200 & #07-132)



Business of the City Council
City of Gig Harbor, WA

Subject: Ordinance establishing an Alternative processing procedure to allow The processing of applications while the City Constructs the necessary improvements to The Waste Water Treatment Plant.

Dept. Origin: City Attorney
Prepared by: City Attorney
For Agenda of: 11-26-07
Exhibits:

Proposed Council Action:

Move to adopt ordinance.

Concurred by Mayor: [Signature] 11/21/07
Approved by City Administrator: [Signature] 11/21/07
Approved as to form by City Atty: [Signature] 11/26/07
Approved by Finance Director: [Signature] 11/24/07
Approved by Department Head: [Signature]

Initial & Date

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and a final 0. Values are 0, 0, 0, 0.

INFORMATION / BACKGROUND

The City has currently reached operational capacity in the Waste Water Treatment Plant. Construction of improvements that will provide additional operational capacity will be complete in late 2009. Once the Phase I improvements are complete, the City will be able to provide treatment up to its current permitted capacity of 1.6 million gallons per day (MGD) maximum monthly flow. Following completion of the Phase I plant improvements, an additional plant capacity improvement (Phase 2) must be permitted and constructed very shortly thereafter to provide for future capacity needs. The City's concurrency ordinance will not allow approval of any project permit applications requiring capacity, until the necessary WWTP improvements are complete.

Staff was asked to develop a procedure that would allow for the processing of project permit applications during this period of time, even if the applications could not be approved until after the necessary WWTP improvements are complete. The procedure described in the attached ordinance would allow developers to choose between the current procedure established in the code, or an alternative procedure that would allow them to vest under the development

regulations in place at the time a complete project permit application¹ is submitted. The alternative procedure would also require that the applicant sign a waiver and covenant not to sue the City, to ensure that the applicant does not chose the procedure but then sue the City if the applicant is dissatisfied with the procedure. It does not require the applicant to waive any rights he or she would have to sue the City based on the substance of the final decision on the project permit application. There are many other unusual features of this procedure, such as double-stage SEPA processing, and the holding of applications notice of the availability of capacity.

FISCAL CONSIDERATION:

The ordinance would provide developers with a benefit – vesting of certain applications under the development regulations in place at the time a complete application was submitted. In exchange, the developers would sign a waiver of the deadline for a final decision, and covenant not to sue the City based on the alternative procedure. The City would also collect permit fees while the WWTP improvements are being constructed.²

BOARD OR COMMITTEE RECOMMENDATION

None. The Committee asked the City Attorney to try to obtain additional review of this ordinance from other land use and municipal attorneys, and to report back. So far, only one attorney has responded, but the comments were not substantial.

RECOMMENDATION / MOTION

Move to: Move to adopt ordinance.

¹ This only applies to applications that are subject to the vested rights doctrine. It does not apply to all permits.

² This is a summary of the pertinent requirements.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PROCESSING OF PROJECT PERMIT APPLICATIONS, ESTABLISHING AN ALTERNATIVE, TEMPORARY PROCEDURE FOR PROCESSING PROJECT PERMIT APPLICATIONS WITHOUT SEWER CONCURRENCY WHILE THE CITY CONSTRUCTS THE NECESSARY IMPROVEMENTS TO THE WASTE WATER TREATMENT PLANT, ALLOWING APPLICANTS TO CHOOSE SUCH ALTERNATIVE PROCESSING THROUGH THE EXECUTION OF A CONTRACT WITH THE CITY, WHICH, AMONG OTHER PROVISIONS, WAIVES THE DEADLINES FOR A FINAL DECISION, RELEASES THE CITY FROM ANY LIABILITY OR DAMAGES RESULTING FROM THE APPLICANT'S DECISION TO CHOOSE THE ALTERNATIVE PROCESS, ALLOWING SUCH ALTERNATIVE APPLICATIONS TO EXPIRE ON MAY 31, 2010, IF THE CITY HAS NOT ANNOUNCED THE ACCEPTANCE OF THE IMPROVEMENTS TO THE WASTE WATER TREATMENT PLANT EXPANDING SEWER CAPACITY; ESTABLISHING A DEADLINE OF May 31, 2008 FOR THE PROCEDURE TO EXPIRE, ADDING A NEW SECTION 19.02.035 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City has adopted a concurrency ordinance for water, sewer and transportation; and

WHEREAS, the City's concurrency ordinance allows for the administrative denial of any application for a water, sewer or concurrency certificate, if there is no available capacity; and

WHEREAS, the City's engineering consultants, the Cosmopolitan Engineering Group Inc., issued a memo dated June 8, 2007, on the status of the City's Waste Water Treatment Plant, stating that the WWTP is at its maximum capacity for the maximum month and peak day flows; and

WHEREAS, a Technical Memorandum was prepared, submitted and approved by the Department of Ecology (DOE) on September 23, 2007, which summarized the current WWTP deficiencies and provided an outline of the necessary plant improvements; and

WHEREAS, the lack of capacity prevents the City from approving and reserving sewer concurrency certificates for certain comprehensive plan amendments, project permit applications or utility extension agreements; and

WHEREAS, the City is currently working on the necessary improvements to the WWTP that will provide more operational capacity; and

WHEREAS, completion of the improvements that will provide additional capacity is scheduled for late 2009, but the City cannot predict the exact date that additional capacity will be available; and

WHEREAS, the City Council desires to establish an alternative processing procedure that will allow processing of project permit applications, so that applications will be ready for a final decision (either for an administrative decision or to be scheduled for a hearing before the Hearing Examiner) when the capacity is available; and

WHEREAS, this alternative procedure will ensure that there is not a large backlog of applications to be processed when the capacity is available, and the City will not be required to hire additional planners on a temporary basis in order to meet statutory and ordinance deadlines for a final decision; and

WHEREAS, developers will likely choose this alternative procedure because it will allow vesting of applications (only those applications that are subject to the vested rights doctrine) under the City's codes in place at the time of submission of a complete application, as long as the application conforms to the City's codes; and

WHEREAS, the alternative procedure will not allow vesting under SEPA, so that any environmental issues will be examined to initiate processing and then re-examined prior to the final decision; and

WHEREAS, in order for the City to process applications under this alternative procedure, developers must waive the statutory and ordinance deadlines for a final decision; and

WHEREAS, such waiver must appear in a contract between the applicants and the City, and the developers must also agree to release and covenant not to sue the City for all liability and damages that may occur as a result of the developer's decision to choose the alternative processing procedure; and

WHEREAS, the City's SEPA Responsible Official issued a threshold determination of _____ for this Ordinance on _____; and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meeting of _____ 200_;
NOW, THEREFORE,

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

Section 1. A new Section 19.02.035 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

19.02.035 Alternative Project Permit Processing without Concurrency.

A. Notice to Applicants of Alternative Procedure in Determination of Complete Application. Beginning on January 1, 2008, and ending on May 31, 2010, the City shall include the following language in every Notice of Complete Application for every building permit, preliminary plat, short plat, binding site plan, planned unit development, planned residential development, conditional use, variance, shoreline substantial development, shoreline conditional use, shoreline variance, site plan, or any other permit/approval for which a sewer concurrency certificate is required:

As an alternative to the standard project permit processing, an applicant may choose to have this application processed under the temporary procedure entitled 'Alternative Project Permit Processing without Concurrency,' as set forth in Gig Harbor Municipal Code Section 19.02.035. A copy of this procedure is attached. Please let us know if you would like your application processed under this alternative procedure. If you do not choose to have your application processed under the alternative method, your application for a sewer concurrency certificate will be processed immediately. At present, there is no available capacity in the City's Waste Water Treatment Plant, and it is likely that any application for concurrency in the Waste Water Treatment Plant will be denied. If your underlying project permit application requires sewer availability in the City's Waste Water Treatment Plant, it is likely that it will be denied as well. Denied applications are subject to the appeal provisions of GHMC Section 19.06.007.

B. Choosing Alternative Processing. Once an application has been determined complete and the applicant has chosen alternative processing without concurrency, the property owner will

be asked to sign a contract with the City, allowing processing to proceed. This contract may not be signed by an agent for the property owner. A copy of this contract is attached to this Ordinance as Exhibit A, and will include, but not be limited to, the following requirements:

1. The property owner must waive any right to a final decision on the project permit application or concurrency determination by the dates established in the City code or in state law;

2. The property owner must release and covenant not to sue the City for any damages or liability that may be suffered by the applicant/property owner, developer or any third party as a result of the applicant's decision to choose this alternative processing procedure without concurrency, or as a result of the City's processing of the application under this procedure;

3. The property owner must agree to the City's processing of the application up to the point where a final decision must be made, and no farther, until the expiration date established herein. If the City still does not have any capacity in the Waste Water Treatment Plant by that time, the property owner must agree that the application is null, void and of no further effect unless both parties agree to an extension;

4. The parties to the agreement must acknowledge that while the City will extend the vested rights doctrine to certain applications, up to the expiration date established herein, the City will not extend the vested rights doctrine to permits that do not vest under state or local law, and no applications will be vested under the State Environmental Policy Act (SEPA);

5. The property owner must acknowledge that the City's processing of applications subject to the vested rights doctrine will proceed under the codes in place at the time the complete application has been submitted (with the exception of SEPA), (except for those codes that are specifically adopted to be retroactive);

6. The property owner must agree to pay all applicable processing fees, which may include a double fee for any SEPA review or review based on SEPA, including but not limited to evaluations for traffic concurrency;

7. The property owner must agree to a contract expiration date of May 31, 2010, and if the City has not announced that the Waste Water Treatment Plant has available capacity by that date, the application will be null and void, and the property owner will be required to re-submit his/her application to begin the process anew, without any refund in fees.

C. Execution of Contract. Every contract executed by the property owner shall be presented to the City Administrator. The City Council hereby authorizes the City Administrator to sign the contract attached hereto as Exhibit A on behalf of the City.

D. Alternative Processing without Concurrency. After contract execution, the City shall begin processing the application up to the point where a final decision must be made. In the case of a permit/approval that becomes final when a staff decision is made, the staff shall only write a draft report. In the case of a permit/approval that becomes final when a hearing examiner decision is made, the staff report shall also be in draft form, and the application shall not be scheduled for a hearing to the hearing examiner. For the SEPA threshold decision, see below.

E. Double-stage SEPA processing. The City's processing of the application under SEPA shall proceed as set forth in the City's codes and state law, except that no threshold decision shall issue. While the staff may prepare a draft threshold decision and even receive comments from the public/applicant on such draft, the threshold decision *shall not issue for comment/appeal by the public under this procedure, until the City announces that the Waste Water Treatment Plant has available capacity, but not later than May 31, 2010*, unless the City has not accepted the improvements for the Waste Water Treatment Plant which will provide available capacity by that date. There shall be no vesting of any regulations under SEPA.

F. Fees. The applicant shall pay the applicable project permit processing fees. In addition, if the City is required to issue a draft SEPA decision in order to ensure continued processing of an application, the applicant shall pay an additional fee for a second SEPA threshold decision (that would issue after May 31, 2010, as provided above).

G. Order of Processing. The City shall process the applications in the order established by readiness for a final decision. In other words, once the staff has performed the last step in the process prior to the final decision or the hearing on the final

decision, the application will be placed on the list. The applications on the list will be held until the City announces the acceptance of the Waste Water Treatment Plant which will provide available capacity, but not later than May 31, 2010. At that point, the staff will issue the necessary final decisions or schedule the applications for hearing on the final decision. If no announcement has been made by May 31, 2010, the applications will be null, void and of no further effect.

H. Re-application. If the City does not accept the improvements to the Waste Water Treatment Plant that will provide available capacity on or before May 31, 2010, and the applications that have been processed under this temporary, alternative procedure have been determined null, void and of no further effect, the applicants may submit new applications once the City announces that sewer capacity is available. The provisions of GHMC Section 19.06.007 shall not prevent reapplication of applications that have been determined invalid.

I. Utility Extension Agreements and Comprehensive Plan Amendments. This procedure is not available for utility extension agreements or comprehensive plan amendments.

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

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

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

CITY OF GIG HARBOR

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: _____

PUBLIC ACCESS TO COURT RECORDS: IMPORTANT CAVEATS

1. THE GRID ON THE FOLLOWING PAGES IS INTENDED AS A GUIDELINE ONLY. It is not intended to be a final, authoritative and complete statement of the laws relating to access of court records. The grid was compiled in order to assist courts in developing clearer and more authoritative standards.
2. The grid is intended to cover public accessibility of both electronic and non-electronic court records.
3. General Rule 31 (GR 31) is the Access to Court Records court rule. There are several other court rules that address access to court records in specific situations (e.g., GR 15, GR 22, and ARLJ 9) and citations to these rules are set forth in this grid. There are several statutes that also address the confidentiality of certain court records. While courts are not necessarily bound by statutes regarding court records, the statutes should be followed absent good reason or judicial direction to the contrary.
4. Except where indicated, the grid does not address the guidelines for disclosure to other governmental agencies nor does it address disclosure of administrative records.
5. FOR MORE INFORMATION CALL Kathy Kuriyama, Data Dissemination Administrator at (360) 704-4029.



Business of the City Council
City of Gig Harbor, WA

Subject: Second Reading of Ordinance – Comprehensive Plan Amendment Application Requirements.

Dept. Origin: Planning Department

Prepared by: Jennifer Kester *JK*
Senior Planner

For Agenda of: November 26, 2007

Proposed Council Action: Adopt ordinance at this second reading.

Exhibits: Ordinance

Initial & Date

Concurred by Mayor: *CLH 11/19/07*
Approved by City Administrator: *PK 11/16/07*
Approved as to form by City Atty: *LAM 11/19/07*
Approved by Finance Director: *PR 11/19/07*
Approved by Department Head: *DB 11/16/07*

| | | | | | |
|----------------------|---|-----------------|---|------------------------|---|
| Expenditure Required | 0 | Amount Budgeted | 0 | Appropriation Required | 0 |
|----------------------|---|-----------------|---|------------------------|---|

INFORMATION / BACKGROUND

The amendment would remove the requirement for a zoning map application as an element of a complete application for a comprehensive plan amendment.

For a complete comprehensive plan amendment application, an applicant must also submit an application for a zoning map amendment “where necessary to maintain consistency between the land use and zoning maps” (GHMC Section 19.09.080(C)(11)). However, given that any such zoning map amendment could not be processed unless and until a comprehensive plan amendment was approved, the staff believes this requirement is premature and should be deleted.

POLICY CONSIDERATIONS

Zoning text amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. In order to approve a zoning text amendment, 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).

ENVIRONMENTAL ANALYSIS

The City’s SEPA Responsible Official has determined that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(19) as an ordinance relating to procedures only.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

No board or committee recommendation was solicited for this amendment.

RECOMMENDATION / MOTION

Move to: Adopt ordinance at this second reading.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO COMPREHENSIVE PLANNING, DELETING THE REQUIREMENT FOR A ZONING MAP AMENDMENT APPLICATION AS AN ELEMENT OF A COMPLETE APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT, AMENDING GIG HARBOR MUNICIPAL CODE SECTION 19.09.080, AS ADOPTED IN ORDINANCE 1075.

WHEREAS, the City adopted procedures for the processing of comprehensive plan amendments in Ordinance 1075; and

WHEREAS, the City is currently processing the first round of applications under the procedures in Ordinance 1075; and

WHEREAS, one element of a complete comprehensive plan amendment application is an application for a zoning map amendment "where necessary to maintain consistency between the land use and zoning maps" (GHMC Section 19.09.080(C)(11)); and

WHEREAS, given that any such zoning map amendment could not be processed unless and until the comprehensive plan amendment was approved, this requirement is premature and should be deleted; and

WHEREAS, the City's SEPA Responsible Official has determined that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(19) as an ordinance relating to procedures only; 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 17, 2007, pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on November 13, 2007; and

WHEREAS, the Gig Harbor City Council voted to ____ this Ordinance during the second reading on _____; Now, Therefore,

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

Section 1. Subsection 19.09.080(C) of the Gig Harbor Municipal Code, as adopted in Ordinance No. 1075, is hereby amended to read as follows:

19.09.080 Amendment applications.

* * *

C. Comprehensive Plan Map Amendment Requirements. Map amendments include changes to any of the several maps included in the comprehensive plan including, but not limited to, the land use map, critical areas maps, future roadways map, preferred freight route map, roadway functional classification maps, etc. All map amendment applications shall include the information specified under general application requirements. In addition, land use map amendment applications shall be accompanied by the following information:

1. The current land use map designation for the subject parcel(s);
2. The land use map designation requested;
3. A complete legal description describing the combined area of all the subject parcel(s);
4. A copy of the county tax assessor's map of the subject parcel(s);
5. A vicinity map showing:
 - a. All land use designations within 300 feet of the subject parcel(s);
 - b. All parcels within 300 feet of the subject parcel and all existing uses of those parcels;
 - c. All roads abutting and/or providing access to the subject parcel(s) including information on road classifications (arterial, collector, access) and improvements to such roads;
 - d. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;
 - e. The location of existing utilities serving the subject parcels including electrical, water and sewer (including septic); and
 - f. The location and uses of existing structures located on the subject parcel(s).
6. Mailing labels of all property owners within 300 feet of the subject site, as listed on the County Assessor's tax roles. (The City may require the applicant at any time in the update process to submit updated mailing labels if the mailed notices are to be sent more than 30 days beyond the date the mailing labels were prepared);
7. A traffic impact analysis (TIA) assessing the potential impacts of the proposed amendment;
8. Topographical map of the subject parcels and abutting properties at a scale of a minimum of one inch represents 200 feet (1:200);
9. The current official zoning map designation for the subject parcel(s);
10. A detailed plan which indicates any proposed improvements, including plans for:
 - a. Paved streets;
 - b. Storm drainage control and detention facilities;

- c. Public water supply;
- d. Public sanitary sewers;
- e. Circulation and traffic patterns for the development and the surrounding neighborhoods; and

~~11. A corresponding zoning map amendment application where necessary to maintain consistency between the land use and zoning maps. The rezone application will be processed separately from the comprehensive plan amendment.~~

~~12. 11.~~ Other information as may be required by the Planning Director to assist in accurately assessing the conformance of the application with the standards for approval.

~~13. 12.~~ A description of any associated development proposals. Development proposals shall not be processed concurrent with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the City's SEPA, zoning, concurrency processes and comprehensive land use plan. If no proposed development description is provided, the City will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The City shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact of the proposed development.

* * *

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

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

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

CITY OF GIG HARBOR

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: _____



Business of the City Council
City of Gig Harbor, WA

Subject: Gig Harbor City Parks
Smoking Ban Ordinances

Dept. Origin: Administration

Prepared by: Rob Karlinsey

Proposed Council Action:

For Agenda of: November 21, 2007
Exhibits:

- Pass one of the four ordinances listed.
1. Smoking Ban in all City Parks.
2. Smoking Ban in all City Parks. (Exempting parking lots)
3. Smoking Ban in all Park play areas.
4. Smoking Ban in City Skate Park.

Initial & Date

Concurred by Mayor: [Signature] 11/21/07
Approved by City Administrator: [Signature] 11/21/07
Approved as to form by City Atty: [Signature] 11/21/07
Approved by Finance Director:
Approved by Department Head: [Signature] 11/21/07

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and a final \$0 column.

INFORMATION / BACKGROUND

The Parks Commission voted in favor of a smoking ban in all City parks. City staff was directed to draft an ordinance for the City Council's consideration and has brought this subject before the Council twice before. A policy paper was drafted and presented to Council which highlighted existing municipal codes in Washington State banning smoking/lighted materials in parks. The Cities of Mill Creek and Puyallup both have laws on the books against smoking in some or all City parks. Recently, the Woodland Park Zoo has also banned smoking on its campus.

Staff was previously directed by the Council to bring back four options for consideration. The previous ordinances presented to Council banned lighted materials in all City parks. These four options however, as currently presented, simply deal with the smoking ban issue and do not attempt to regulate all lighted materials.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

The Gig Harbor Parks Commission recommends and voted 4-1 in favor of a smoking ban in all City parks.

RECOMMENDATION / MOTION

Move to: Pass one of the four ordinances listed above at this second reading.

1. Smoking Ban in Parks

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, PROHIBITING SMOKING IN THE CITY'S PARKS, DESCRIBING VIOLATIONS AND ESTABLISHING PENALTIES AND ADDING A NEW CHAPTER 9.24 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, smoking materials including cigarettes, cigarette butts and cigars all of which pose a risk of fire or other damage to public park facilities, trails, equipment, forests, landscaping, and the like; and

WHEREAS, the City's parks are intended for the healthy enjoyment of all our citizens, including our children and youth; and

WHEREAS, children are particularly at risk from the effects of second hand smoke from tobacco and other lighted materials, which has been linked with development of lung cancer, heart attack, low birth weight, sudden infant death syndrome, bronchitis, pneumonia, asthma, chronic respiratory problems, eye and nasal irritation, and middle ear infection; and

WHEREAS, each year, more than one million young people continue to become regular smokers and more than 400,000 adults die from tobacco-related diseases; and

WHEREAS, limiting the amount of smoking in parks will provide children and youth with positive role modeling and discourage them from smoking when they get older; and

WHEREAS, smoking materials represent a substantial amount of litter and trash in the City's parks; and

WHEREAS, it is in the best interest of the citizens of the City of Gig Harbor to adopt regulations prohibiting smoking in the City's parks;

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

Section 1. A new chapter 9.24 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

**Chapter 9.24
PARKS**

9.24.010 Smoking within City parks prohibited. It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other smoking material within City parks. The Director of Operations shall post signs in appropriate locations prohibiting smoking in the City's parks.

9.24.020 Penalties. Failure to comply with any of the provisions of this chapter shall constitute a civil infraction, subject to a penalty of \$100 as provided in GHMC § 1.16.010D.3.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

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

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

CITY OF GIG HARBOR

CHUCK 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. _____

2. Parking Lot Smoking

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, PROHIBITING SMOKING IN THE CITY'S PARKS BUT EXEMPTING THE BLACKTOP PARKING LOT OF ANY PARK FROM THIS PROHIBITION, DESCRIBING VIOLATIONS AND ESTABLISHING PENALTIES AND ADDING A NEW CHAPTER 9.24 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, smoking materials including cigarettes, cigarette butts and cigars all of which pose a risk of fire or other damage to public park facilities, trails, equipment, forests, landscaping, and the like; and

WHEREAS, the City's parks are intended for the healthy enjoyment of all our citizens, including our children and youth; and

WHEREAS, children are particularly at risk from the effects of second hand smoke from tobacco and other lighted materials, which has been linked with development of lung cancer, heart attack, low birth weight, sudden infant death syndrome, bronchitis, pneumonia, asthma, chronic respiratory problems, eye and nasal irritation, and middle ear infection; and

WHEREAS, each year, more than one million young people continue to become regular smokers and more than 400,000 adults die from tobacco-related diseases; and

WHEREAS, limiting the amount of smoking in parks will provide children and youth with positive role modeling and discourage them from smoking when they get older; and

WHEREAS, smoking materials represent a substantial amount of litter and trash in the City's parks; and

WHEREAS, it is in the best interest of the citizens of the City of Gig Harbor to adopt regulations prohibiting smoking in the City's parks;

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

Section 1. A new chapter 9.24 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

**Chapter 9.24
PARKS**

9.24.010 Smoking within City parks prohibited. It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other smoking material within any City park. Smoking within the blacktop parking lot area of any city park is exempt from this section. The Director of Operations shall post signs in appropriate locations prohibiting smoking in these areas.

9.24.020 Penalties. Failure to comply with any of the provisions of this chapter shall constitute a civil infraction, subject to a penalty of \$100 as provided in GHMC § 1.16.010D.3.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

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

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

CITY OF GIG HARBOR

CHUCK 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. _____

3. Smoking Ban in Park Play Areas

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, PROHIBITING SMOKING IN THE CITY'S PARK PLAY AREAS, DESCRIBING VIOLATIONS AND ESTABLISHING PENALTIES AND ADDING A NEW CHAPTER 9.24 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, smoking materials including cigarettes, cigarette butts and cigars all of which pose a risk of fire or other damage to public park facilities, trails, equipment, forests, landscaping, and the like; and

WHEREAS, the City's park play areas are intended for the healthy enjoyment of all our citizens, including our children and youth; and

WHEREAS, children are particularly at risk from the effects of second hand smoke from tobacco and other lighted materials, which has been linked with development of lung cancer, heart attack, low birth weight, sudden infant death syndrome, bronchitis, pneumonia, asthma, chronic respiratory problems, eye and nasal irritation, and middle ear infection; and

WHEREAS, each year, more than one million young people continue to become regular smokers and more than 400,000 adults die from tobacco-related diseases; and

WHEREAS, limiting the amount of smoking in parks will provide children and youth with positive role modeling and discourage them from smoking when they get older; and

WHEREAS, smoking materials represent a substantial amount of litter and trash in the City's parks; and

WHEREAS, it is in the best interest of the citizens of the City of Gig Harbor to adopt regulations prohibiting smoking in the City's park play areas;

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

Section 1. A new chapter 9.24 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

**Chapter 9.24
PARKS**

9.24.010 Smoking within park play areas prohibited. It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other smoking materials in or within 25 feet of the City's park play areas. "Play area" includes but is not limited to ball fields, tennis courts, basketball courts, play equipment areas and the entire City Skateboard Park. The Director of Operations shall post signs in appropriate locations prohibiting smoking in these areas.

9.24.020 Penalties. Failure to comply with any of the provisions of this chapter shall constitute a civil infraction, subject to a penalty of \$100 as provided in GHMC § 1.16.010D.3.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

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

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

CITY OF GIG HARBOR

CHUCK 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. _____

4. Smoking Ban in Skate Park

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, PROHIBITING SMOKING IN THE CITY SKATE PARKS, DESCRIBING VIOLATIONS AND ESTABLISHING PENALTIES AND ADDING A NEW CHAPTER 9.24 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, smoking materials including cigarettes, cigarette butts and cigars all of which pose a risk of fire or other damage to public park facilities, trails, equipment, forests, landscaping, and the like; and

WHEREAS, the City's skate park is intended for the healthy enjoyment of all our citizens, including our children and youth; and

WHEREAS, children are particularly at risk from the effects of second hand smoke from tobacco and other lighted materials, which has been linked with development of lung cancer, heart attack, low birth weight, sudden infant death syndrome, bronchitis, pneumonia, asthma, chronic respiratory problems, eye and nasal irritation, and middle ear infection; and

WHEREAS, each year, more than one million young people continue to become regular smokers and more than 400,000 adults die from tobacco-related diseases; and

WHEREAS, limiting the amount of smoking in parks will provide children and youth with positive role modeling and discourage them from smoking when they get older; and

WHEREAS, smoking materials represent a substantial amount of litter and trash in the skate park; and

WHEREAS, it is in the best interest of the citizens of the City of Gig Harbor to adopt regulations prohibiting smoking in the City's skate park;

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

Section 1. A new chapter 9.24 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

**Chapter 9.24
PARKS**

9.24.010 Smoking within the skate park prohibited. It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other smoking material within the City skate park located on the north side of City Hall. The Director of Operations shall post signs in appropriate locations prohibiting smoking in the park.

9.24.020 Penalties. Failure to comply with any of the provisions of this chapter shall constitute a civil infraction, subject to a penalty of \$100 as provided in GHMC § 1.16.010D.3.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

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

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

CITY OF GIG HARBOR

CHUCK 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. _____



**Business of the City Council
City of Gig Harbor, WA**

Subject: Public Hearing and First Reading of Ordinance – 2007 Comprehensive Plan Amendments

Proposed Council Action: Hold a public hearing, review amendments and develop findings for the second reading of the ordinance

Dept. Origin: Planning Department

Prepared by: Jennifer Kester *JK*
Senior Planner

For Agenda of: November 26, 2007

Exhibits: Staff's recommended findings; Draft Ordinance with exhibits; Planning Commission recommendation; Minutes of October 18, 2007 Planning Commission; Letter from Robert E. Jones.

Initial & Date

Concurred by Mayor: *SLH 11/21/07*
Approved by City Administrator: *RJK 11/20/07*
Approved as to form by City Atty: *Am 11/20/07*
Approved by Finance Director: _____
Approved by Department Head: *Dave 11/20/07*

| | | |
|-------------|------------|---------------|
| Expenditure | Amount | Appropriation |
| Required 0 | Budgeted 0 | Required 0 |

INFORMATION / BACKGROUND

The City Council should consider each of the three Comprehensive Plan Amendments proposed for the 2007 cycle after a public hearing:

COMP 07-0002:

An amendment to add a Neighborhood Design section and map and a Residential Development Design section to the Community Design Element. The City of Gig Harbor proposes adding the neighborhood design section to recognize and retain the unique neighborhoods and design characteristics of the harbor. Eight neighborhoods are proposed: View Basin, Soundview, Gig Harbor North, Peacock hill, Rosedale/Hunt, Westside, Bujacich Road/NW Industrial, and Purdy. The new housing development section will provide a framework for developing and amending performance standards for new housing developments, in particular tree retention and planting and lot and street layout.

Proponent: City of Gig Harbor Planning Department, Tom Dolan, Planning Director, 3510 Grandview Street, Gig Harbor, WA 98335

COMP 07-0003:

An amendment to the Transportation Element to respond to the comments provided to the City by the Puget Sound Regional Council (PSRC). In general the text changes would

adopt LOS standards for state-owned facilities, correct internal transportation funding inconsistencies, and add policies to be consistent with Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies. Addressing PSRC's comments should allow the PSRC to recommend full certification of our Transportation Element of the Comprehensive Plan.

Proponent: City of Gig Harbor, Stephen T. Misiurak, P.E., City Engineer, and Emily Appleton, P.E., Senior Engineer, 3510 Grandview Street, Gig Harbor, WA 98335

COMP 07-0004:

An amendment to the Capital Facilities Element to update, revise and add to the City's list of stormwater, water system, wastewater, parks and open space projects.

Proponent: City of Gig Harbor, Administration, 3510 Grandview Street, Gig Harbor, WA 98335

The Planning Commission reviewed the three proposed amendments at its October 18, 2007 meeting and held a public hearing. Approximately twenty (20) members of the public were at the meeting and seven (7) testified or provided written comments. In general, those testifying were in favor of the Planning Commission work or were requesting clarification on the proposals. No member of the public expressed displeasure in the proposed amendments. After the public hearing, the Planning Commission voted to recommend approval of the three proposed amendments with no changes.

Since the November 13, 2007 staff report to Council on these amendments the following changes have been made:

Transportation Element (COMP 07-0003):

Page 11-14: Table 2.1 – the proposed revisions have been removed. The table reflects the growth assumptions used for the 1998 traffic forecasts; updating that table to reflect growth allocations made in 2006 would make the table inconsistent with the discussion found in the section. For the 2008 Comprehensive Plan Amendment cycle, the staff is planning to present a comprehensive update to the Transportation Element which will incorporate the current population and employment allocations adopted by Pierce County.

Page 11-40: Added "Better connection between SR 302 and SR 16" to the list of major transportation improvements planned. The addition was in response to a letter from Robert E. Jones, Transportation Planning Manager, WSDOT, Olympic Region, enclosed

POLICY ANALYSIS

The process for Comprehensive Plan amendment (Chapter 19.09) states that the City Council shall consider the Planning Commission's recommendations and after considering the criteria found in GHMC 19.09.170 and 19.09.130 make written findings regarding each application's consistency or inconsistency with the criteria. Those amendments which are consistent with the criteria should be approved.

The staff has analyzed the criteria and prepared recommended findings for each of the three amendments if the Council desires to implement the Planning Commissions recommendation for approval. The recommended findings are enclosed.

ENVIRONMENTAL ANALYSIS

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) for the proposed amendments on September 26, 2007 for as per WAC 197-11-340(2). The comment period for the DNS expires on November 25, 2007.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

Having reviewed the proposed 2007 Comprehensive Plan amendments after a public hearing at its meeting of October 18, 2007, the City of Gig Harbor Planning Commission recommended the City Council **APPROVE** the proposed Comprehensive Plan amendments.

RECOMMENDATION / MOTION

Hold a public hearing, review amendments and develop findings for the second reading of the ordinance



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR AND CITY COUNCIL
FROM: JENNIFER KESTER, SENIOR PLANNER AND EMILY APPLETON, SENIOR ENGINEER
SUBJECT: 2007 COMPREHENSIVE PLAN AMENDMENTS - RECOMMENDED FINDINGS
DATE: NOVEMBER 20, 2007

The City Planning and Engineering staff recommend the following findings for each comprehensive plan amendment application based on an analysis of the criteria found in GHMC 19.09.170 and 19.09.130 and the Planning Commission recommendation of approval:

1. COMP 07-0002 – Community Design Element

An amendment proposed by the City of Gig Harbor to add a Neighborhood Design section with goals, policies and map and to add a Residential Development Design section with goals and policies to the Community Design Element. Eight neighborhoods are proposed: View Basin, Soundview, Gig Harbor North, Peacock Hill, Rosedale/Hunt, Westside, Bujacich Road/NW Industrial, and Purdy.

19.09.170 Criteria for approval.

A. The proposed amendment meets concurrency requirements for transportation as specified in Chapter 19.10 GHMC;

Findings:

Not Applicable. Per GHMC 19.10.005, a transportation capacity evaluation is required for any comprehensive plan amendment which, if approved, would increase the intensity or density of permitted development. The proposed text amendments to the Community Design Element relate to design policies and do not amend allowed intensities and densities of development.

B. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services;

Findings:

The proposed amendments to the Community Design Element will not affect sewer, water or capital facility level of service standards because

the new and amended policies relate to design only, such as architecture, layout and landscaping.

C. The proposed amendments will not result in overall residential capacities in the city or UGA that either exceed or fall below the projected need over the 20-year planning horizon; nor will the amendments result in densities that do not achieve development of at least four units per net acre of residentially designated land;

Findings:

The proposed amendments the Community Design Element will not result in a change to residential capacities for the city or UGA or result in developments not achieving minimum densities because the amended policies affect lot layout and required plat amenities, but not allowed densities.

D. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:

1. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or

2. The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or

3. Needed infrastructure, facilities and services will be funded by the developer under the terms of a developer's agreement associated with this comprehensive plan amendment; or

4. Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or

5. Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met.

Findings:

Not Applicable. The proposed text amendments to the Community Design Element relate to design policies and do not amend allowed densities of development or propose new development.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan;

Findings:

The Community Design Element of the Comprehensive plan seeks to assure that future development respects and enhances Gig Harbor's built and natural environment (Introduction, 3-1). Goal 2.2 asks that the City to define a pattern of urban development which is recognizable, provides an identity and reflects local values and opportunities. Goal 2.2.1(b) states that the City should emphasize and protect area differences in architecture, visual character and physical features which make each part of the urban form unique and valuable. The proposed amendments to the Community Design Element will further these goals by refining policies for the built form.

F. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;

Findings:

Not Applicable. The proposed text amendments to the Community Design Element relate to design policies and do not amend allowed densities of development.

G. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code;

Findings:

Not Applicable. The proposed amendments to the Community Design Element do not include an amendment to the comprehensive plan land use map.

H. The proposed amendment will not create a demand to change other land use designations of adjacent or surrounding properties, unless the change in land use designation for other properties is in the long-term interest of the community in general;

Findings:

The proposed amendments to the Community Design Element do not include an amendment to the comprehensive plan land use map and, therefore, will not create a demand to change land use designations of adjacent or surrounding properties. The proposed amendments relate to design policies only.

I. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and

Findings:

The Growth Management Act allows City's to include a Community Design Element in its comprehensive plan. The proposed amendment further refines the design goals and policies of the City of Gig Harbor. Pierce County's County Wide Planning Policies do not specifically address neighborhood design or residential development design policies outside of designated centers (the City of Gig Harbor is not a designated center); however, the creation of design policies and implementing design standards is not prohibited.

J. The proposed effect of approval of any individual amendment will not have a cumulative adverse effect on the planning area.

Findings:

The approval of the proposed changes to the Community Design Element will not have a cumulative adverse effect on the City of Gig Harbor, instead the new policies will allow the City to manage its projected growth while ensuring new developments enhance and are compatible with the existing design characteristics of Gig Harbor. The proposed changes will allow the City to recognize and retain the unique neighborhoods and design characteristics of the harbor and will provide improved policies for new housing developments, in particular tree retention and planting and lot and street layout.

19.09.130 Considerations for decision to initiate processing.

A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan; and

B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments.

Findings:

The Community Design Element of the Comprehensive Plan has not been amended since 1994. In 1994, the City had a population of 3,753 and was approximately two (2) square miles in size. In 2007, the City has 6,780 residents and is approximately five (5) square miles in size. Furthermore, an additional 2,500 dwelling units and 2,400 jobs are projected by 2022. The Community Design Element was reviewed and updated to respond to this significant increase in residential and commercial development and growth projected in the City. The new policies will allow the City to manage its projected growth while ensuring new developments enhance

and are compatible with the existing design characteristics of Gig Harbor. The proposed changes will allow the City to recognize and retain the unique neighborhoods and design characteristics of the harbor and will provide improved policies for new housing developments, in particular tree retention and planting and lot and street layout.

2. COMP 07-0003 – Transportation Element

An amendment to the Transportation Element proposed by the City of Gig Harbor adopting level of service (LOS) standards for state-owned facilities, correcting internal transportation funding inconsistencies, and adding policies to achieve consistency with Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies.

19.09.170 Criteria for approval.

A. The proposed amendment meets concurrency requirements for transportation as specified in Chapter 19.10 GHMC;

Findings:

Not Applicable. Per GHMC 19.10.005, a transportation capacity evaluation is required for any comprehensive plan amendment which, if approved, would increase the intensity or density of permitted development. The proposed amendments to the Transportation Element do not amend allowed intensities or densities of development.

B. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services;

Findings:

The proposed amendments to the Transportation Element will not impact the City's ability to provide sewer, water and other public facilities and services as the amendments do not relate to increased development or the removal of planned infrastructure improvements. The proposed amendments: (1) Resolve internally inconsistencies with funding sources - Table 6-4 was updated in 2004 but Table 6-2, which contained related information was not; (2) Acknowledges Washington State Department of Transportation's study of a State Route 302 connection to SR 16; (3) Acknowledges WSDOT's and PSRC's adopted LOS standards for SR16 and SR302 and, (4) adds a policy to promote transit and pedestrian oriented transportation and a policy to encourage maintenance of existing transportation systems.

C. The proposed amendments will not result in overall residential capacities in the city or UGA that either exceed or fall below the projected need over the 20-year planning horizon; nor will the amendments result in densities that do

not achieve development of at least four units per net acre of residentially designated land;

Findings:

The proposed amendments to the Transportation Element do not remove planned infrastructure improvements necessary for planned development; and, therefore, will not result in a change to future residential capacities for the city or UGA or result in developments not achieving minimum densities.

D. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:

1. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or

2. The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or

3. Needed infrastructure, facilities and services will be funded by the developer under the terms of a developer's agreement associated with this comprehensive plan amendment; or

4. Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or

5. Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met.

Findings:

Not Applicable. No new development is proposed through this amendment. The amendment assumes that the existing land use designations, intensities and population and employment allocations do not change.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan;

Findings:

The proposed amendments to the Transportation Element will revise information that was internally inconsistent with the current Comprehensive Plan. Previous updates to the plan did not consider all related changes to maintain internal consistency. For example, the Table 6-4 was updated in 2004 but Table 6-2, which contained related

information, was not. Updating Table 6-2 will resolve internally inconsistencies with funding sources.

F. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;

Findings:

The proposed amendments to the Transportation Element will not adversely impact the City's transportation network as the amendments do not relate to increased development or the removal of planned infrastructure improvements. The amendments (1) Resolve internally inconsistencies with funding sources; (2) Acknowledges Washington State Department of Transportation's study of a State Route 302 connection to SR 16; (3) Acknowledges WSDOT's and PSRC's adopted LOS standards for SR16 and SR302 and, (4) adds a policy to promote transit and pedestrian oriented transportation and a policy to encourage maintenance of existing transportation systems over new construction.

G. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code;

Findings:

Not Applicable. The proposed amendments to the Transportation Element do not include an amendment to the comprehensive plan land use map.

H. The proposed amendment will not create a demand to change other land use designations of adjacent or surrounding properties, unless the change in land use designation for other properties is in the long-term interest of the community in general;

Findings:

The proposed amendments to the Transportation Element do not include an amendment to the comprehensive plan land use map and, therefore, will not create a demand to change land use designations of adjacent or surrounding properties in this year's annual cycle. However, the adoption of regional policy themes to; 1-maintain and preserve the existing transportation system, and 2-support transit/pedestrian oriented land use patterns and provide alternatives to single-occupant automobile travel; may result in potential land use changes in future years as the City refines transportation project to meet these policies. Any change to land use designations to meet these policies would be in the best interest of the

community as these policies support smart growth and are consistent with regional planning efforts.

I. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and

Findings:

The proposed amendments to the Transportation Element are consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements in that the proposed amendments would acknowledge Washington State Department of Transportation and Puget Sound Regional Council level of service standards, add policy themes contained in Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies, and correct internal transportation funding inconsistencies.

J. The proposed effect of approval of any individual amendment will not have a cumulative adverse effect on the planning area.

Findings:

The proposed amendments the Transportation Element will not have a cumulative adverse effect on the City because the individual amendments deal with (1) correcting internal inconsistencies, the cumulative effect of which is a more consistent Comprehensive plan, a desired condition as it increases compliance with GMA requirements, and (2) incorporating goals/policies to increase consistency with regional planning documents, the cumulative effect of which is more regionally consistent plans, a desired condition as it increases compliance with GMA requirements.

19.09.130 Considerations for decision to initiate processing.

A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan; and

B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments.

Findings:

The amendments to the Transportation Element are in response to comments from Robert E. Jones, Transportation Planning manager, WSDOT, Olympic Region on November 7, 2007 and Yorik Stevens-Wajda, Growth Management Planning, Puget Sound Regional Council on August 22, 2005. This year is the first opportunity the City has had to respond to these comments. The amendments will ensure consistency with current and ongoing regional transportation planning efforts.

3. COMP 07-0004 – Capital Facilities Element

An amendment to the Capital Facilities Element updating the six year capital improvement program including revisions and additions to the City's list of stormwater, water system, wastewater, parks and open space projects.

19.09.170 Criteria for approval.

A. The proposed amendment meets concurrency requirements for transportation as specified in Chapter 19.10 GHMC;

Findings:

Not Applicable. Per GHMC 19.10.005, a transportation capacity evaluation is required for any comprehensive plan amendment which, if approved, would increase the intensity or density of permitted development. The proposed amendments to the Capital Facilities Element to update the six year capital improvements program do not amend allowed intensities and densities of development.

B. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services;

Findings:

The proposed amendments to the Capital Facilities Element will improve the City's ability to provide sewer, water and other public facilities and services by keeping the City's infrastructure improvements on pace with the City's projected population and commercial growth.

C. The proposed amendments will not result in overall residential capacities in the city or UGA that either exceed or fall below the projected need over the 20-year planning horizon; nor will the amendments result in densities that do not achieve development of at least four units per net acre of residentially designated land;

Findings:

The proposed amendments to the Capital Facilities Element will not result in a change to residential capacities for the city or UGA or result in developments not achieving minimum densities. The amendments will ensure that adequate facilities can be constructed to provide for the projected 20-year residential need.

D. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:

1. *The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or*

2. *The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or*

3. *Needed infrastructure, facilities and services will be funded by the developer under the terms of a developer's agreement associated with this comprehensive plan amendment; or*

4. *Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or*

5. *Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met.*

Findings:

Not Applicable. No specific development is expected by this amendment that would require additional infrastructure. The amendments to the six year capital improvement program are proposed so that the City can adequately provide for the development expected as a result of the City's population and employment allocations and land use designations. The proposed amendments will account for infrastructure needs to serve only the existing land use designations and planned intensities.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan;

Findings:

The City's Comprehensive Plan seeks to keep pace with the population and commercial growth through the funding of capital improvements that manage and allow for the projected growth. The proposed amendment to the Capital Facilities Element will allow the city to better address the planning area's transportation, sewer, park, storm water, wastewater and open space needs through adequate capital facility planning and funding.

F. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;

Findings:

The proposed amendments will not result in adverse impacts to the City's services and facilities, because the updates to the six year capital

improvement plan will allow the City to provide the necessary infrastructure to serve the development projected by the Comprehensive Plan. Without this update, new development could create adverse impacts to the infrastructure systems because the City would not have planned for projected growth as required by the Growth Management Act.

G. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code;

Findings:

Not Applicable. The proposed amendments to the Capital Facilities Element do not include an amendment to the comprehensive plan land use map.

H. The proposed amendment will not create a demand to change other land use designations of adjacent or surrounding properties, unless the change in land use designation for other properties is in the long-term interest of the community in general;

Findings:

The proposed amendments to the Capital Facilities Element do not include an amendment to the comprehensive plan land use map and, therefore, will not create a demand to change land use designations of adjacent or surrounding properties. The proposed amendments account for only those infrastructure needs necessary to serve the existing land use designations and planned intensities.

I. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and

Findings:

The proposed amendments to the Capital Facilities Element are consistent to Growth Management Act and Pierce County countywide planning policies because the amendments will allow the City to improve infrastructure, and therefore, allow for the projected growth within the City and UGA boundary.

J. The proposed effect of approval of any individual amendment will not have a cumulative adverse effect on the planning area.

Findings:

The approval of the proposed changes to the Capital Facilities Element will not have a cumulative adverse effect on the City of Gig Harbor, instead the updated six year capital improvement program will allow the City to plan for, fund and build the infrastructure improvements necessary for the projected growth within the City in a predictable manner.

19.09.130 Considerations for decision to initiate processing.

A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan; and

B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments.

Findings:

The Capital Facilities Plan six year improvement program had its last comprehensive update in 2004. Since that time many of the projects list have been completed. For other projects, the City has refined the scope, costs and schedule for completion thereby necessitating revisions. Finally, since 2004, new projects have been identified that are needed to respond to current growth patterns and demands.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY OF GIG HARBOR COMPREHENSIVE LAND USE PLAN FOR THE 2007 ANNUAL CYCLE: AMENDING THE COMMUNITY DESIGN ELEMENT TO ADD GOALS, POLICIES AND A MAP RELATED TO NEIGHBORHOOD DESIGN AREAS AND RESIDENTIAL DEVELOPMENT DESIGN (COMP 07-0002); AMENDING THE TRANSPORTATION ELEMENT TO ADOPT LEVEL OF SERVICE STANDARDS FOR STATE-OWNED FACILITIES; TO CORRECT INTERNAL TRANSPORTATION FUNDING INCONSISTENCIES, AND TO ADD POLICIES TO ACHIEVE CONSISTENCY WITH DESTINATION 2030, VISION 2020 AND PIERCE COUNTY COUNTYWIDE PLANNING POLICIES (COMP 07-0003); AMENDING THE CAPITAL FACILITIES ELEMENT TO UPDATE THE SIX YEAR CAPITAL IMPROVEMENT PROGRAM (COMP 07-0004).

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

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

WHEREAS, the City adopted a revised GMA Comprehensive Plan as required by RCW 36.70A.130 (4) in December 2004; and

WHEREAS, the City is required to consider suggested changes to the Comprehensive Plan (RCW 36.70A.470); and

WHEREAS, the City may not amend the Comprehensive Plan more than once a year (RCW 36.70A.130); and

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

WHEREAS, on September 10, 2007, the City Council evaluated the comprehensive plan amendment applications submitted for the 2007 annual cycle, and held a public hearing on such applications; and

WHEREAS, on September 10, 2007, the City Council forwarded comprehensive plan amendment applications COMP 07-0002, COMP 07-0003 and COMP 07-0004 to the Planning Commission for further processing in the 2007 Comprehensive Plan annual cycle; and

WHEREAS, on September 24, 2007, the City Council passed Resolution 726 rejecting comprehensive plan amendment applications COMP 07-0005 and COMP 07-0005 for processing during the 2007 Comprehensive Plan annual cycle; and

WHEREAS, on September 26, 2007, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for comprehensive plan amendment applications COMP 07-0002, COMP 07-0003 and COMP 07-0004, pursuant to WAC 197-11-340(2) which was not appealed; and

WHEREAS, the Planning Director notified the Washington State Office of Community Development of the City's intent to amend the Comprehensive Plan and forwarded a copy of the proposed amendments on September 26, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held work study sessions on application COMP 07-0002 on June 21, 2007, July 19, 2007, August 2, 2007, August 16, 2007, September 6, 2007, September 20, 2007 and October 18, 2007; and

WHEREAS, the Planning Commission held a public hearing on comprehensive plan amendment application COMP 07-0002 on July 19, 2007 and October 18, 2007; and

WHEREAS, the Planning Commission held a work study session and public hearing on applications COMP 07-0003 and COMP 07-0004 on October 18, 2007; and

WHEREAS, on October 18, 2007, after the public hearing, the Planning Commission recommended approval of comprehensive plan amendment applications COMP 07-0002, COMP 07-0003 and COMP 07-0004 as documented in the Planning Commission's written recommendation signed by Planning Commission Chair, Theresa Malich, on November 1, 2007; and

WHEREAS, the Gig Harbor City Council held a public hearing and first reading of an Ordinance implementing the recommendations of the Planning Commission amending the Comprehensive Plan on _____; and

WHEREAS, the Gig Harbor City Council held a second public hearing and second reading of an Ordinance implementing the recommendations of the Planning Commission amending the Comprehensive Plan on _____; Now, Therefore,

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

Section 1. Comprehensive Plan Text Amendments.

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

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

C. Testimony. The following persons testified on the applications at the November 26, 2006 public hearing:

[To be inserted after public hearing]

D. Criteria for Approval. The process for Comprehensive Plan amendments (Chapter 19.09) states that the City Council shall consider the Planning Commission's recommendations and after considering the criteria found in GHMC 19.09.170 and 19.09.130 make written findings regarding each application's consistency or inconsistency with the criteria. The criteria found in GHMC 19.09.170 and 19.09.130 is as follows:

19.09.170 Criteria for approval.

A. The proposed amendment meets concurrency requirements for transportation as specified in Chapter 19.10 GHMC;

B. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services;

C. The proposed amendments will not result in overall residential capacities in the city or UGA that either exceed or fall below the projected need over the 20-year planning horizon; nor will the amendments result in densities that do not achieve development of at least four units per net acre of residentially designated land;

D. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:

1. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or

2. The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or

3. Needed infrastructure, facilities and services will be funded by the developer under the terms of a developer's agreement associated with this comprehensive plan amendment; or

4. Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or

5. Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan;

F. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;

G. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code;

H. The proposed amendment will not create a demand to change other land use designations of adjacent or surrounding properties, unless the change in land use designation for other properties is in the long-term interest of the community in general;

I. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and

J. The proposed effect of approval of any individual amendment will not have a cumulative adverse effect on the planning area.

19.09.130 Considerations for decision to initiate processing.

A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan; and

B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments.

E. Applications.

1. COMP 07-0002, Community Design Element.

Summary: An amendment proposed by the City of Gig Harbor to add a Neighborhood Design section with goals, policies and map and to add a Residential Development Design section with goals and policies to the Community Design Element. Eight neighborhoods are proposed: View Basin, Soundview, Gig Harbor North, Peacock Hill, Rosedale/Hunt, Westside, Bujacich Road/NW Industrial, and Purdy. The full text of the comprehensive plan amendment is attached hereto as Exhibit A.

Findings:

[To be inserted after public hearing and Council review]

Conclusion:

[To be inserted after public hearing and Council review]

2. COMP 07-0003, Transportation Element.

Summary: An amendment to the Transportation Element proposed by the City of Gig Harbor, in response to comments provided by the Puget Sound Regional Council, adopting level of service (LOS) standards for state-owned facilities, correcting internal transportation funding inconsistencies, and adding policies to achieve consistency with Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies. The full text of the comprehensive plan amendment is attached hereto as Exhibit B.

Findings:

[To be inserted after public hearing and Council review]

Conclusion:

[To be inserted after public hearing and Council review]

3. COMP 07-0004, Capital Facilities Element.

Summary: An amendment to the Capital Facilities Element updating the six year capital improvement program including revisions and additions to the City's list of stormwater, water system, wastewater, parks and open space projects. The full text of the comprehensive plan amendment is attached hereto as Exhibit C.

Findings:

[To be inserted after public hearing and Council review]

Conclusion:

[To be inserted after public hearing and Council review]

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

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

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

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

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

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

Exhibit “A”
Application COMP 07-0002:
Community Design Element

Chapter 3 COMMUNITY DESIGN

Introduction

The way in which people experience their community and interact with one another is determined, in large measure, by a community's design. Designs which emphasize "community" are those which invite human presence, arouse curiosity, peak interest, and allow for interaction of people. This aspect of "community development" has become notably absent over the past several years as development has become increasingly internalized and privatized and as communal elements of design have been replaced by a more austere form of architecture.

Where design is not a consideration, city planning is often reduced to a parcel-and-pod review process which fails to recognize the functional and visual links between developments. This oversight has resulted in the creation of towns without town squares, downtowns without shoppers, cities without identities, and communities without communion. The City of Gig Harbor is fortunate to have retained many features of a community and recognizes its opportunities to build upon its existing characteristics. However, it is also recognized that recent development trends have detracted from Gig Harbor's small town quality.

During the fall of 1992, the City of Gig Harbor conducted a visioning forum to ask citizens what characteristics of their community they like best and what changes they would like to see take place. While a limited number of design concepts were presented, the forum was not structured to provide solutions as much as to receive public input on existing characteristics of the community. It was evident from the forum survey that citizens liked Gig Harbor's small town scale, and that they most favored development which reflected the town's historic form of architecture and which preserved the harbor's natural beauty. The City has therefore adopted goals and policies to assure that future development respects and enhances Gig Harbor's built and natural environment.

The following goals and policies are quite specific and may appropriately be considered as general guidelines for development. However, as statements of goals, they are adopted as a Design Element of the City's Comprehensive Plan with the understanding that more specific guidelines must be developed and that zoning code revisions will be required to achieve these goals.

COMMUNITY DESIGN

GOAL 3.1: ASSURE THAT NEW COMMERCIAL AND RESIDENTIAL PROJECTS INCLUDE AN ACTIVE INTERFACE BETWEEN THE PUBLIC AND PRIVATE REALMS.

3.1.1. Create outdoor "people" spaces

Require new commercial development to have outdoor "people" spaces incorporated into its design. Examples of appropriate people spaces include the following:

- (a) Plazas or common areas (described below).
- (b) Pocket parks.
- (c) Covered walkways and colonnades which incorporate seating areas.

3.1.2. Provide public orientation

Prohibit designs which provide no public (street) orientation.

- a) Require that commercial structures include shops, storefronts, plazas or common areas on all sides visible to the public right-of-way.
- b) Prohibit designs which line streets with privacy fences or blank walls.

3.1.3. Keep commercial structures in foreground of development.

Emphasize structures, landscaping, and common areas at the street face and encourage side or rear lot parking areas.

3.1.4. Encourage houses which engage the neighborhood.

House designs with clearly defined entrances are much more inviting than the intimidating appearance of the hidden entrance.

- a) Encourage front porches with well-defined entrances.
- b) Discourage designs which hide or obscure the front entry.
- c) Discourage designs which emphasize vehicular enclosure over human habitation. As much as possible, garages should appear as a secondary element in the design of structures.
- d) Encourage generous use of windows on house fronts. A solid/void ratio of 30 - 35% is ideal (e.g., 30% of wall surface in windows).

GOAL 3.2 PROVIDE FUNCTIONAL LINKS BETWEEN DEVELOPED AND DEVELOPING PARCELS.

3.2.1. Link development with connecting paths.

Require perimeter sidewalks and/or traversing paths, (depending on adjacent pedestrian links) on all commercial and multi-family housing projects. These should connect to all logical points of entry on adjacent parcels and/or be consistent with an approved master trails plan for the City.

3.2.2. Facilitate pedestrians access.

Provide pedestrian corridors and "gateways" through and/or between structures, perimeter fences, berms and buffers, together with necessary access easements.

3.2.3. Limit asphalt areas.

Allow and encourage shared parking between developments.

3.2.4. Develop user-friendly bus stops.

In Coordination with Pierce Transit, incorporate on-site bus stops as an amenity to the site and to riders. Bus stops should be inviting and must include more than a sign and a bench on the street edge. Ideally, bus stops should be incorporated into on-site public spaces.

3.2.5. Develop a master trails plan for the City.

A master trails plan will help to identify appropriate locations for paths and trails which link recreational, commercial, and residential areas. The trails plan should be used as a guide when reviewing all future development proposals and when considering property acquisition for recreational and public transportation improvements.

GOAL 3.3: CREATE COMMERCIAL CENTERS WHICH PROVIDE HIGH LEVELS OF PUBLIC AMENITIES IN AREAS DETERMINED APPROPRIATE FOR COMMERCIAL, HIGH DENSITY RESIDENTIAL, OR MIXED USES

3.3.1. Develop common areas.

Functional and attractively designed common areas facilitate pedestrian activities, enhance the shopping experience, link adjacent business areas, serve as a transition point between commercial and residential areas, and provide a pleasing aesthetic element to commercial development. Common areas should be provided on site or in close proximity to all new commercial development.

- a) Develop minimum common area standards for both small and large scale commercial development.
- b) Encourage the provision of public restrooms, drinking fountains, telephones and seating areas in both sunny and shaded locations. These should be attractively landscaped and be designed to compliment the design of commercial structures

3.3.2. Encourage limited outdoor activities.

Some types of outdoor activities provide color, activity, and a sense of vibrancy to commercial areas. Allow limited numbers of the following types of outdoor vendors and uses in common areas*:

- (a) Single item food products or flowers sold from a portable handcart or vending cart.
- (b) Temporary displays of art including paintings, sketches, pottery sculptures, carvings, jewelry or similar crafts.
- (c) Permanent displays of public art.
- (d) Farmers markets
- (e) Outdoor dining
- (f) Other uses as may be approved through the site plan or conditional use process.

*Outdoor uses may be restricted to tenants leasing indoor space and may be limited to no more than three vendors per common area or one vendor per 5000 square feet, which ever is less.

GOAL 3.4: ENHANCE THE CITY'S SENSE OF PLACE BY PRESERVING PROMINENTLY VISIBLE PARCELS FOR AESTHETICALLY PLEASING DEVELOPMENT

3.4.1. Identify Significant Views.

Identify and map all significant vistas, view corridors, and view termination points. These may include corridors into the City, primary thoroughfares through the City, street ends, and panoramic views of the harbor.

3.4.2. Preserve Corner lots and view termination points.

Preserve the visual quality of corner lots and view terminuses by prohibiting parking lots, gas stations, convenience stores or other asphalt-intensive uses on these parcels. These areas were traditionally reserved for structures of a more stately appearance and play a crucial role in establishing an identity for the city.

3.4.3. Designate enhancement zones.

Designate visually sensitive areas for highly visible or prominent parcels including corners, entry corridors, highway and freeway corridors, view termination points, etc. Development of these parcels would require increased landscaping, a higher level of design review for structures, and prohibition (or increased screening) of visually distracting appurtenances such as gas pumps, satellite dishes, storage racks, mechanical equipment, etc.

3.4.4. Cluster green spaces.

Diluting green spaces down into several small areas lessens the visual impact of required landscape areas. Develop large areas of greenery which provide a visual impact as opposed to creating small areas of unusable "residue".

GOAL 3.5: MAINTAIN A SENSE OF ARRIVAL BY PRESERVING A WELL DEFINED CITY "EDGE" AND BY DEVELOPING GATEWAYS INTO THE CITY AND INTO DISTRICTS WITHIN THE CITY.

3.5.1. Limit freeway exposure.

Limit freeway exposure or visibility of development to select visual nodes.

3.5.2. Designate freeway enhancement zones (see above).

3.5.3. Develop City gateways.

Develop intersections near freeway off-ramps as City gateways with formal landscaping, information kiosks, public art or civic structures.

3.5.4. Identify and develop district gateways.

Areas which are visually, geographically, and functionally distinct should be denoted with well defined points of entrances. This may include the following:

- (a) Vegetative buffer between districts
- (b) Change in street and/or sidewalk paving materials, particularly at gateway intersections.
- (c) Retain and promote an architectural style for a given district.

BUILDING & STRUCTURE DESIGN

GOAL 3.6: ARTICULATE AN ARCHITECTURAL STYLE WHICH REFLECTS GIG HARBOR'S BUILT AND NATURAL ENVIRONMENT AND WHICH APPEALS TO THE HUMAN SPIRIT.

3.6.1. Maintain a small town scale for structures.

New structures should not overpower existing structures or visually dominate Gig Harbor's small town city-scape, except as approved landmark structures.

3.6.2. Identify an appropriate form for structures.

New structures should be characterized by interesting forms and roof lines. Boxy, single-mass buildings should be discouraged except as may be appropriate in a downtown streetscape.

GOAL 3.7: ENCOURAGE BUILDING DESIGNS WHICH DEFINE AND RESPECT THE HUMAN SCALE.

The scale of the building in relation to the human form should be obvious, particularly at the sidewalk level.

3.7.1. Define floor levels.

Encourage building designs with a visual and functional distinction between the first floor and all subsequent floors so that in elevation view, the human scale can be easily defined in relation to the building height.

3.7.2. Encourage mixed-use structures.

Mixing uses within a structure enhances the ability to give interesting form and character to a building. For example, allowing residential units above retail shops encourages designs more common to a village or small town setting while providing another housing opportunity for local merchants or retirees with limited transportation.

GOAL 3.8: DEVELOP AN HIERARCHY IN BUILDING AND SITE DESIGN.

Visual interest in the urban-scape can be achieved through an hierarchical approach to design. For example, strategically located structures designed as focal points create a visual "draw" and suggest a point of activity. These serve also as a reference point for all subordinate structures.

3.8.1. Include primary structures as focal points.

Primary structures are those which serve as a visual draw to a site, streetscape or prominent urban setting. Site plans can be significantly enhanced by including primary structures as a focal point rather than a myriad of "carbon copy" buildings with no visual hub. Primary

structures may be emphasized by a combination of the following types of design attributes:

- (a) Increased building height*
- (b) Prominent roof form including large hips and intersecting gables, cascading down onto lower roof forms.
- (c) Colonnades
- (d) Plaza's incorporated into building niches and overhangs.
- (e) Towers, pinnacles, or similar design elements which provide a stately appearance.

* Parcels which serve as view termination points may be ideally situated for landmark-type structures and may appropriately be considered for increased building height during the site plan review process, provided such increase does not threaten significant natural view corridors.

3.8.2. Integrate secondary structures as support buildings.

Secondary structures may be much simpler in design and still provide interest to the site plan or streetscape. Architectural interest is of less importance with secondary structures if the primary structure adequately serves this purpose and if the secondary structures appear as an integral element in the overall site plan.

NEIGHBORHOOD DESIGN

Gig Harbor is composed of many neighborhoods which, over time, have established their own design characteristics that should be maintained to preserve the character of the City.

GOAL 3.9: DEFINE NEIGHBORHOOD DESIGN AREAS

3.9.1. Design standards should recognize existing neighborhood characteristics.

3.9.2 Design standards should enhance and be compatible with existing neighborhood characteristics.

3.9.3. Neighborhood Design Areas

Neighborhood design areas are identified to serve as a basis for establishing or accommodating detailed design standards. The Comprehensive Plan defines eight (8) neighborhood design areas, which are shown on the Neighborhood Design Areas map:

a) View Basin

The view basin is the City's heritage. It was within the view basin that the Gig Harbor fishing village was born. Today the view basin is a vibrant mix of retail, restaurant, residential, maritime and community activities contained within the historic neighborhoods of the City. Pedestrian walkways link the historic areas of Finholm,

Waterfront Millville, Downtown and Borgen's Corner which serve as neighborhood centers for the surrounding mixture of contemporary and historic homes.

b) Soundview

The Soundview neighborhood design area includes the residential and commercial areas around Soundview Drive, Kimball Drive and Reid Drive. The neighborhood serves as a gateway to historic Gig Harbor, providing scenic views of the Narrows, Colvos Passage and Mt. Rainier. This mixed-use area sits above the Puget Sound with high bluffs dominating the shoreline. Multifamily/single-family homes and low-intensity commercial and community services characterize this neighborhood.

c) Gig Harbor North

The Gig Harbor North neighborhood design area serves as a regional service area. The neighborhood design area is characterized by contemporary architecture, pedestrian and bicycle connections and retention of large natural areas. The area has considerable lands available which will allow the area to expand its office, industrial, medical, retail and residential uses.

d) Peacock Hill

The Peacock Hill residential neighborhood design area includes the residential areas along Peacock Hill Avenue and Canterwood Boulevard. The neighborhood design area is characterized by suburban density developments of contemporary homes built around large trees and greenbelts.

e) Rosedale/Hunt

The Rosedale/Hunt neighborhood design area includes the commercial and residential areas west of SR 16 and along Rosedale Street, Skansie Avenue (46th Avenue) and Hunt Street. The area is characterized by lower intensity commercial and industrial uses and community and school facilities surrounded by suburban density housing developments.

f) Westside

The Westside neighborhood design area is located south of Hunt Street and west of SR 16. The business area in the vicinity of the Olympic Drive/Point Fosdick Drive interchange serves as the primary service area for the city. This area has a vibrant mix of destination retail, medical offices, neighborhood businesses, grocery stores, multiple-family housing and retirement communities. The area experiences heavy traffic and pedestrian connections are limited. Having developed over time, the architecture of the businesses is varied. Many of the businesses have developed with a significant number of existing trees being retained.

The Westside residential areas are characterized by suburban density subdivisions of contemporary homes built around large trees. Many homes in this area have territorial views.

g) Bujacich Road / NW Industrial

The Bujacich Road / NW Industrial neighborhood design area includes the employment

districts and public/institutional districts along Bujacich Road. The area is intended to meet the long term employment needs of the community and provide areas for large-scale essential public facilities. Design standards should reflect the functional needs of these type of industrial and government uses.

h) Purdy

The Purdy neighborhood design area is characterized by residential uses, local services, retail businesses, public utilities and school facilities. As the gateway to the Key Peninsula, Purdy has enjoyed a unique identity in its relationship to Henderson Bay.

3.9.4. Each neighborhood design area has a common set of features which should be emphasized to varying degrees in order to affect the best possible course of new and renewal development.

These features include but are not limited to:

- a) Natural Vegetation and Topography
- b) Trails, Parks and Open Space
- c) Sidewalks and Circulation
- d) Parking and Building Orientation
- e) Historic Buildings and Uses
- f) Building to Building Relationships
- g) Housing Patterns
- h) Architectural Quality and Character
- i) Site Amenities

RESIDENTIAL DEVELOPMENT DESIGN

Residential development includes all subdivisions, short plats, single-family and duplex homes and multifamily projects.

GOAL 3.10: MAINTAIN AND INCORPORATE GIG HARBOR'S NATURAL CONDITIONS IN NEW RESIDENTIAL DEVELOPMENTS.

3.10.1. Incorporate existing vegetation into new residential developments.

Roads, lot layout and building sites in new residential developments should be designed to preserve high quality existing vegetation by clustering open space and native trees in order to protect not only the trees, but the micro-climates which support them.

3.10.2. Preserve existing trees on single-family lots in lower-density residential developments. High quality native trees and understory should be retained where feasible.

3.10.3 Incorporate new native vegetation plantings in higher-density residential developments.

Ensure that the size of buffers and clustered open space are consistent with the scale of the development, especially where new higher-density developments are adjacent to existing lower-density developments.

3.10.4. Encourage property owners to preserve native forest communities and tree canopies.

3.10.5. Include landscape buffers between new residential development and perimeter roads.

Native nursery-stock and existing vegetation should be used to buffer residential development from perimeter roads. Buffers should be wide enough to effectively retain existing or support re-planting of native vegetation. The use of berms and swales along with landscaping can also adequately buffer residential developments from perimeter roads.

3.10.6. Maximize opportunities for creating usable, attractive, well-integrated open space in new residential developments.

Well organized outdoor open spaces can be created by the grouping and orientation of building sites. These open spaces provide buffering, preservation of natural areas and recreation opportunities. Open space which is integrated into residential projects can also provide for important hydrologic functions.

3.10.7. Respect existing topography and minimize visual impacts of site grading.

Existing topography should be maintained while still providing usable yards and open space. Retaining walls, when necessary, should be terraced and enhanced and/or screened to minimize their visual impact.

GOAL 3.11: ENSURE NEW RESIDENTIAL DEVELOPMENTS PROVIDE AN INTERFACE BETWEEN PUBLIC AND PRIVATE ACTIVITIES.

3.11.1. Provide pedestrian and non-motorized vehicle connections.

Residential developments should provide pedestrian walkways and non-motorized vehicle trails which link all homes to adjacent properties and neighboring uses.

3.11.2. Provide vehicle connections between neighboring residential developments.

Provide vehicular connections between new residential developments and, where feasible, connections between new and existing residential developments.

3.11.3. Provide an appropriate number of visitor parking spaces in residential developments based on the intensity of the development.

3.11.4. Encourage alternatives to on-street parking.

Aesthetics, safety and visual impacts should be considered in placement and size of parking areas.

GOAL 3.12: HOMES AND RESIDENTIAL DEVELOPMENTS SHOULD BE DESIGNED TO ENHANCE EXISTING CHARACTERISTICS OF GIG HARBOR.

3.12.1 The size of new residences and residential remodels should maintain a reasonable proportion of building to lot size to reflect the characteristic of existing neighborhoods.

When residences cover more lot area than is normally seen in an existing area, they appear to be incompatible with the neighborhood.

3.12.2 With increased residential density, additional consideration should be given to lot orientation, building orientation and yard sizes.

Varied lot configurations and building orientation can reduce repetition of the built forms along the streetscape. Lot widths should be selected to allow the best architecture for the housing type proposed.

3.13 PROMOTE SUSTAINABLE RESIDENTIAL DEVELOPMENTS

3.13.1 Encourage sustainable land development and building practices in the construction of new residential development.

WATERFRONT DESIGN

Gig Harbor's waterfront is a vital aspect of the City's identity and possesses qualities which require special design consideration. While all other city-wide goals and policies for design should be applied to development of the harbor, additional and supporting criteria are necessary to preserve those qualities which are unique to the waterfront only.

GOAL 3.9-3.14: PRESERVE VISUAL POINTS OF INTEREST.

Some of the more memorable and characteristic components of Gig Harbor are those items associated with and around the waterfront.

3.9.1. 3.14.1 Identify visual points of interest and their point of reference from prominent public places and from individual parcels.

3.9.2. 3.14.2 Incorporate points of interest into building and landscape design

- a) Where possible, shift location of buildings to maintain points of interest from the street.
- b) Encourage designs which frame points of interest between architectural forms, e.g., archways, corridors, and building masses.
- c) Assure that landscaping complements points of interest without obscuring their view from prominent points of reference.

GOAL 3.10 3.15: IDENTIFY, PRESERVE, AND DEVELOP AN APPROPRIATE WATERFRONT ARCHITECTURE.

3.10.1. 3.15.1 Respect established waterfront architecture.

Gig Harbor's waterfront architecture should reflect the following components of the waterfront area:

- a) Historic structures in the Millville and Donkey Creek areas.
- b) Traditional fishing industry structures such as net sheds and boat houses.

~~3.10.2.~~ 3.15.2 Allow modern interpretations of historic structure designs.

~~3.10.3.~~ 3.15.3 Limit mass and scale of new structures to historic forms and proportions.

~~3.10.4.~~ 3.15.4 Limit building materials to those characteristic of Gig Harbor's historic structures.

GOAL ~~3.11~~ 3.16: DEVELOP THE WATERFRONT AS A PLACE OF OUTDOOR PEOPLE ACTIVITY.

~~3.11.1.~~ 3.16.1 Encourage limited types of outdoor activities along the commercial waterfront zones including:

- a) Outdoor dining
- b) Entertainment activities
- c) Play areas for children
- d) Civic events and gatherings

~~3.11.2.~~ 3.16.2 Develop the waterfront as a place for public art displays.
This may require adoption of a public arts program.

~~3.11.3.~~ 3.16.3 Provide for maximum comfort of outdoor space.

- a) Maximize sun exposure to avoid creating cold, unpleasant exterior areas.
- b) Provide covering from rain

~~3.11.4.~~ 3.16.4 Minimize asphalt coverage along waterfront.

Standard parking requirements have prompted removal of structures characteristic of Gig Harbor's historical development and have encouraged bleak expanses of asphalt along the waterfront. To counter this trend consideration should be given to:

- (a) Revised parking standards for waterfront districts.
- (b) Development of off-site parking areas, public and private.
- (c) Use of aesthetically pleasing paving materials including colored, textured or grass-block pavers.

HISTORIC DEVELOPMENT AND DESIGN

Gig Harbor is typically referred to as an historic fishing village which began in the mid 1800's

when two Slavonian and one Portuguese fishermen rowed into the Harbor for shelter. Their arrival prompted others to follow and fishing became an important industry to the harbor area. Fishing continues to be an important aspect of the local culture. However, Gig Harbor's beginnings were based upon other industries as well, including boat building and saw milling. These occurred almost simultaneously and resulted in the platting of two towns - the original townsite of Gig Harbor at the head of the bay and the Town of Millville in the area of Dorotich Street and Harborview Drive. As these areas developed structures were built to accommodate both the housing and social needs of the community. These included churches, hotels, and schools and also small cabins to shelter the influx of workers into the area.

Few structures built during this initial period stand today. However, many of the historic structures which remain around the bay can be traced to a relatively early period of Gig Harbor's development and serve to remind today's residents of the people and events responsible for shaping the Gig Harbor community.

While a number of historic structures in the harbor area retain their original form and appearance, many have been altered by recent renovations and additions. Moreover, structures which have not been individually modified have nonetheless been impacted by the incongruous development styles and forms of the past several decades. The impacts of these changes on Gig Harbor's historic areas have raised the concerns of many Gig Harbor area residents who are concerned that the "small village" atmosphere of Gig Harbor is being eroded by a myriad of architectural styles and forms now evident on almost every street in Gig Harbor's historic areas.

The effect of modern development on Gig Harbor's historic areas is significant and raises doubts as to whether or not there remains sufficient historic fabric to justify the designation of a historic district. Yet despite modern development's impact on the historic integrity of the area, there are still a number of structures which individually are of historical significance or which collectively contribute to the historic flavor of the area.

GOAL 3.12 3.17: TO PRESERVE THE INTEGRITY OF THOSE STRUCTURES WHICH INDIVIDUALLY POSSESS IMPORTANT HISTORICAL, ARCHITECTURAL, AND/OR CULTURAL SIGNIFICANCE.

Some structures standing alone would have important historical value to the community and should be carefully preserved as close to their original form as possible.

3.12.1. 3.17.1. Encourage retention and adaptive reuse of older buildings with the following types of incentives:

- (a) Zoning incentives, e.g., setback and height standards which allow for restoration/renovation or expansion of existing structures.
- (b) Financial incentives such as low interest loans, tax credits or grant monies which may become available to the City for historic preservation.
- (c) Design assistance including suggestions on how to expand living space without

compromising the design of the original structure

- (d) Resource information including in-house library with historic preservation/restoration publications and information.

3.12.2, 3.17.2. Recognize outstanding preservation efforts through an awards or plaque program.

GOAL 3.13 3.18: TO PRESERVE THE CHARACTER OF THOSE SITES OR DISTRICTS WHICH REFLECT THE STYLE OF GIG HARBOR'S HISTORICAL DEVELOPMENT.

3.13.1, 3.18.1 Identify and establish an Historic Conservation Area.

The purpose of the conservation area is to preserve the historic or "village-like" character of an area despite alterations which may have compromised the historic integrity of the area.

3.13.2, 3.18.2 Develop guidelines which promote compatible development within designated areas.

Guidelines should specify building forms, styles, and motifs appropriate for Gig Harbor's historic areas.

3.13.3, 3.18.3 Provide design assistance for restoration, renovation or expansion of historic structures.

Many owners of historic structures are anxious to maintain the integrity of their buildings but are often unsure how to bring the structure up to modern living standards without compromising the integrity of the structures original design.

3.13.4, 3.18.4 Determine appropriate procedures for design review which may include one or a combination of the following:

- (a) Establishment of an Historic District Commission
- (b) City Staff review and/or recommendation
- (c) Mandatory review of commercial and multi-family housing projects and optional review of single family development.

3.13.5, 3.18.5 Review impacts of all City projects on existing historical structures or neighborhoods.

Plans for street or infrastructure improvements can be at odds with the established character of historic areas. These should be reviewed carefully.

GOAL 3.14 3.19: TO ASSURE CONSISTENCY BETWEEN ZONING REGULATIONS AND HISTORIC PRESERVATION OBJECTIVES.

The historic areas of Gig Harbor are typified by small lots with modest sized houses built near

the road. This pattern placed many front porches near the sidewalk, thus emphasizing the communal aspect of the neighborhood. Maintaining this pattern is possible only when zoning codes allow similar types of development.

~~3.14.1.~~ 3.19.1 Adopt setback standards which reflect historic development patterns.

E.g., allow reduced front yard setbacks when a front porch is incorporated into the design of the structure.

~~3.14.2.~~ 3.19.2 Review minimum lot size standards and impervious coverage requirements to allow housing clusters consistent with historic densities.

~~3.14.3.~~ 3.19.3 Consider standards which encourage building forms consistent with historic designs, e.g, massing, roof styles and scale.

GOAL 3.15 3.20: TO RETAIN VITALITY OF HISTORIC BUSINESS DISTRICTS

~~3.15.1.~~ 3.20.1. Define and retain "small town" characteristics of historic business districts.

Such characteristics may include setbacks, lot coverage, street orientation, pedestrian amenities, aesthetic qualities, etc.

~~3.15.2.~~ 3.20.2. Develop downtown parking standards.

Standards should address downtown parking needs while avoiding asphalt encroachment into historic business areas.

~~3.15.3.~~ 3.20.3. Explore benefits of facade improvement program.

- a) Develop design criteria which will guide facade renovations
- b) Provide financial incentives to comply with program objectives, e.g., low interest loans or grants.

~~3.15.4.~~ 3.20.4. Develop marketing plan for downtown areas.

Promote the downtown's historic qualities and encourage business and property owners to preserve and develop these qualities in order to maintain the economic vitality of the downtown.

LANDSCAPE DESIGN

One of the most prominent natural features in Gig Harbor is the harbor itself. However, the harbor setting is further enhanced by its lush array of trees, flowers and ground covers. These should be preserved and incorporated into urban-type development if Gig Harbor is to retain its natural beauty.

GOAL 3.16 3.21: PRESERVE THE NATURAL AMBIANCE OF THE HARBOR AREA.

~~3.16.1.~~ 3.21.1. Incorporate existing vegetation into site plan.

As much as possible, site plans should be designed to protect existing vegetation. Such efforts should include the following:

- (a) Cluster open space in order to protect not only trees, but the micro-climates which protect them. To be effective, a single cluster should be no less than 25% of the site area.
- (b) Identify areas of disturbance prior to site plan approval. Too many good intentions turn sour because of incorrect assumptions on the location of proposed development in relation to property lines and existing tree stands. This can be avoided by surveying the property and locating areas proposed for clearing before a site plan or subdivision is approved.
- (c) Install protective barricades prior to clearing and grading. Even the best intentions by the land developer to preserve natural vegetation can be undermined by careless equipment operators who might indiscriminately clear an area intended to be preserved.
- (d) Increase restrictions on vegetation removal after construction.

GOAL 3.17 3.22: ENHANCE THE BUILT ENVIRONMENT WITH FORMAL LANDSCAPING AND CONSISTENT STREET FURNISHINGS.

Formal landscaping provides a pleasing transition between the natural setting and the built environment and between wall surfaces and pavements.

3.17.1. 3.22.1. Maintain current standards which define landscape requirements for parking areas.

3.17.2. 3.22.2. Define pedestrian spaces with planting areas and overhead tree canopies.

GOAL 3.18 3.23: CONTROL VEGETATION TO PRESERVE SIGNIFICANT VIEWS.

Vegetation should be retained as an important element in the harbor setting but efforts to retain vegetation should be balanced with the more general goal of preserving the entire harbor setting including views of the water and distant vistas.

3.18.1. 3.23.1. Retain significant vegetation.

Identify vegetation that can be removed while retaining Gig Harbor's characteristic vegetation.

- a) Selectively thin larger tree stands which, over time, have closed off significant views. Limit thinning so as to maintain an appropriate balance of timber and a continuous canopy.
- b) Consider ways to trim up existing trees to preserve views while maintaining a healthy

balance between the crown and trunk of the tree.

- c) Avoid topping or other trimming activities which alter the natural symmetry of a tree.
- d) Require that consideration be given to changes in micro-climates as one or more removed trees exposes retained nearby.

3.18.2. 3.23.1. Allow trees to be a part of the view.

Panoramic views, when they occur, are not necessarily void of trees, even in the foreground.

- a) Limited numbers of trees should not be considered an obstruction to a view.
- b) Recognize that every tree impacts someone's view to one degree or another.
- c) Recognize that removal of trees to provide a view alters the view that everyone hopes to get.

GOAL 3.19 3.24: PRESERVE SIGNIFICANT VEGETATION WHILE MAINTAINING SIGNIFICANT VIEWS.

3.19.1. 3.24.1. Differentiate between view lots and potential view lots.

It is not the policy of the City to encourage or facilitate tree removal to create view lots. Reasonable efforts should be given to maintaining existing views, recognizing that views may be impacted by the eventual growth of trees or by development activities. These are natural or normal occurrences and are to be expected.

3.19.2. 3.24.1. Control clearing activities.

Develop standards for clearing large parcels which includes appropriate timing of clearing and the amount of clearing to be done at any one time.

SIGNAGE & ILLUMINATION

Signs have become one of the more visual components of modern urban landscapes and are of primary concern to business owners. Clear and effective signage is essential to the successful operation of businesses and can facilitate vehicular and pedestrian activities. However, signage can also be the greatest contributor to visual clutter and blight. Large, garish signs designed as "attention getters" are neither necessary nor desirable in Gig Harbor's small town setting. With care, signs can serve to both effectively identify businesses and also provide a positive contribution to the City's visual quality.

GOAL 3.20 3.25: POSITION SIGNS TO FIT WITHIN FEATURES OF THE FACADE

3.20.1. 3.25.1. Avoid covering architectural details.

Signs should not cover or obscure important architectural details of the building; they should appear to be a secondary and complimentary feature of the building facade.

3.20.2. 3.25.2. Incorporate sign space into building design.

Wall signs should be located within architectural sign bands or other blank spaces which visually frame the sign. Many historical buildings were designed to accommodate signage in the parapet. This should be a prime consideration when designing new commercial buildings also.

3.20.3. 3.25.3. Consider projecting signs when there is limited wall space.

Projecting signs can provide an attractive alternative to wall signs where wall signs might hide or over-power architectural details. Projecting signs are particularly effective in pedestrian environments such as the downtown area.

GOAL 3.21 3.26: KEEP SIGNAGE AS A SUBORDINATE ELEMENT IN BUILDING DESIGNS.

3.21.1. 3.26.1. Minimize sign area in facade design.

Avoid expansive blank walls oriented to the public's view. These take on the character of large billboards when used for signage.

3.21.2. 3.26.2. Avoid using signage as a dominant architectural statement.

Building designs should not depend on signage for interest or completion of design. Signage should compliment the building's design without being overpowering. For example, many service station canopies, while functional for weather protection, have the visual appearance of a free standing sign; Many warehouse and "super store" structures would be little more than a concrete box without their signs. Consider the following two-fold test: (1) would the structure which supports the sign appear unfinished or void of architectural interest if the signs and logo panels were removed; and (2) will the proposed signage appreciably alter the character of the building it is applied to?

3.21.3. 3.26.3. Encourage sign designs which reflect the building style or period.

Some types of signs are out of character with building styles or designs. For example, internally illuminated signs are often out of character with the older or historic structures in the downtown area. Wooden painted or sandblasted signs with an external light source may be more appropriate in this location.

- a) Provide incentives for use of sandblasted signs, e.g., increased sign area allowance.
- b) Consider dis-incentives for internally illuminated signs in the downtown area, e.g., decreased sign area allowance.
- c) Limit allowed materials for awnings in the downtown area to traditional fabrics and designs. Covers with a shiny look of plastic or vinyl should be avoided.

3.21.4. 3.26.4. Include corporate or logo panels into signage area calculations.

Many businesses apply steel, lexan, or similar panels with corporate colors or logos onto their building as part of their business identification. Excessive use of these panels can make them a dominant architectural feature and should be avoided.

- a) Include the area of corporate or logo panels into signage area calculation.

- b) Prohibit illumination of corporate or logo panels except for the text or symbol within the panels.

GOAL ~~3.22~~ 3.27: AVOID FLAMBOYANCY IN SIGNAGE DESIGN.

Signs needn't be excessively flashy or luminous to be effective, readable or visually appealing.

3.22.1. 3.27.1. Keep internally illuminated signs subdued.

Illumination of signs should be limited to the text of the sign only. Individual pan-channel letters with a plastic face or individual cut-out letters (i.e., letters routed out of the face of an opaque sign face and cabinet) are preferred. Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting.

3.22.2. 3.27.2. Maintain traditional designs of awnings.

Awnings have become a popular sign alternative, but their use and design have gone far beyond an awning's traditional application, resulting in trendy designs applied haphazardly to buildings and sign posts.

- a) Limit the area of awnings to be used for signage to no more than 20% of the awning face.
- b) Prohibit use of back-lit awnings except for sign text. Allow back-lit translucent materials on sign letters only.
- c) Allow awnings in traditional locations only, e.g, above doors, windows, and walkways. Awnings should not obscure architectural details or be the dominant architectural feature.

GOAL ~~3.23~~ 3.28: COORDINATE SIGN DESIGNS ON MULTI-TENANT BUILDINGS.

Variety in sign designs can be exciting and visually pleasing, but too many types and styles of signs in a single project can be a disruptive element in an otherwise unified site design.

3.23.1. 3.28.1. Design signs to compliment the building's architecture.

Signs should be sensitive to the building's design, both in terms of color and style. This is particularly important on Gig Harbor's historic structures in the downtown area.

3.23.2. 3.28.2. Develop master sign plans for multi-tenant buildings.

Buildings or commercial projects with more than one tenant should have a master sign plan which identifies the type and size of sign each tenant space is allowed. A sign plan can specify design elements common to each sign such as materials, background colors or letter styles, each of which will serve to unify the site design

3.23.3. 3.28.3. Coordinate free standing signs with building design.

Free standing signs should be designed to complement the style of the building or project to which they apply, using similar materials, colors, etc.

GOAL 3.24 3.29: MINIMIZE SIGN AREA BY ENCOURAGING EFFECTIVE SIGNAGE AS OPPOSED TO LARGE SIGNS

3.24.1. 3.29.1. Encourage use of descriptive names for businesses.

It is best for the nature of a business to be identified by at least the second or third word in a business name. For example, it is clear from the name Tide's Tavern what the nature of the business is, but it is not so clear what one might find in a store called Once Upon a Time. It may be children's books or it may be antiques.

3.24.2. 3.29.2. Avoid excessive lines of sign text.

A single line of legible sign text can convey more information at a glance than several lines of multiple messages. Limit single signs to no more than three messages or business names.

GOAL 3.25 3.30: RESTRICT USE OF OFF-PREMISE SIGNAGE.

The uncontrolled proliferation of off-premise signs can result in a garish and cluttered cityscape. Off premise signs should be restricted to those businesses that cannot be adequately identified with on-premise signage.

3.25.1. 3.30.1. Encourage use of directory signs to business areas.

Some business areas (e.g., the Head of the Bay area) are not readily found by visitors or newcomers to Gig Harbor and may require off-premise directory signage.

3.25.2. 3.30.2. Avoid signs designed for distant viewing.

Business signs should be oriented to the street on which the business is located. Off-premise signs for specific businesses should be located on the street or intersection on which the business is located. Off-premise signs for business areas should be restricted to primary routes leading to the identified business area.

Exhibit “B”
Application COMP 07-0003:
Transportation Element

Chapter 11

TRANSPORTATION

SECTION 1. EXISTING CONDITIONS

The City of Gig Harbor is required, under the state Growth Management Act (GMA), to prepare a Transportation Element as part of its Comprehensive Plan. In 1994, the City completed an update of its comprehensive land use plan to comply with GMA requirements and help estimate future traffic growth within the city. Since then, Gig Harbor has annexed portions of unincorporated Pierce County surrounding it. This update reflects changes that have occurred since 1994, using 1998 as existing conditions and 2018 as the planning horizon. **Figure 1-1** shows the Gig Harbor urban growth area.

The specific goal of the GMA, with regard to transportation, is to “encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.” The GMA requires that the local comprehensive plans, including the land use and transportation elements, be consistent and coordinated with required regional programs. In addition, the GMA requires that transportation facility and service improvements be made concurrent with development.

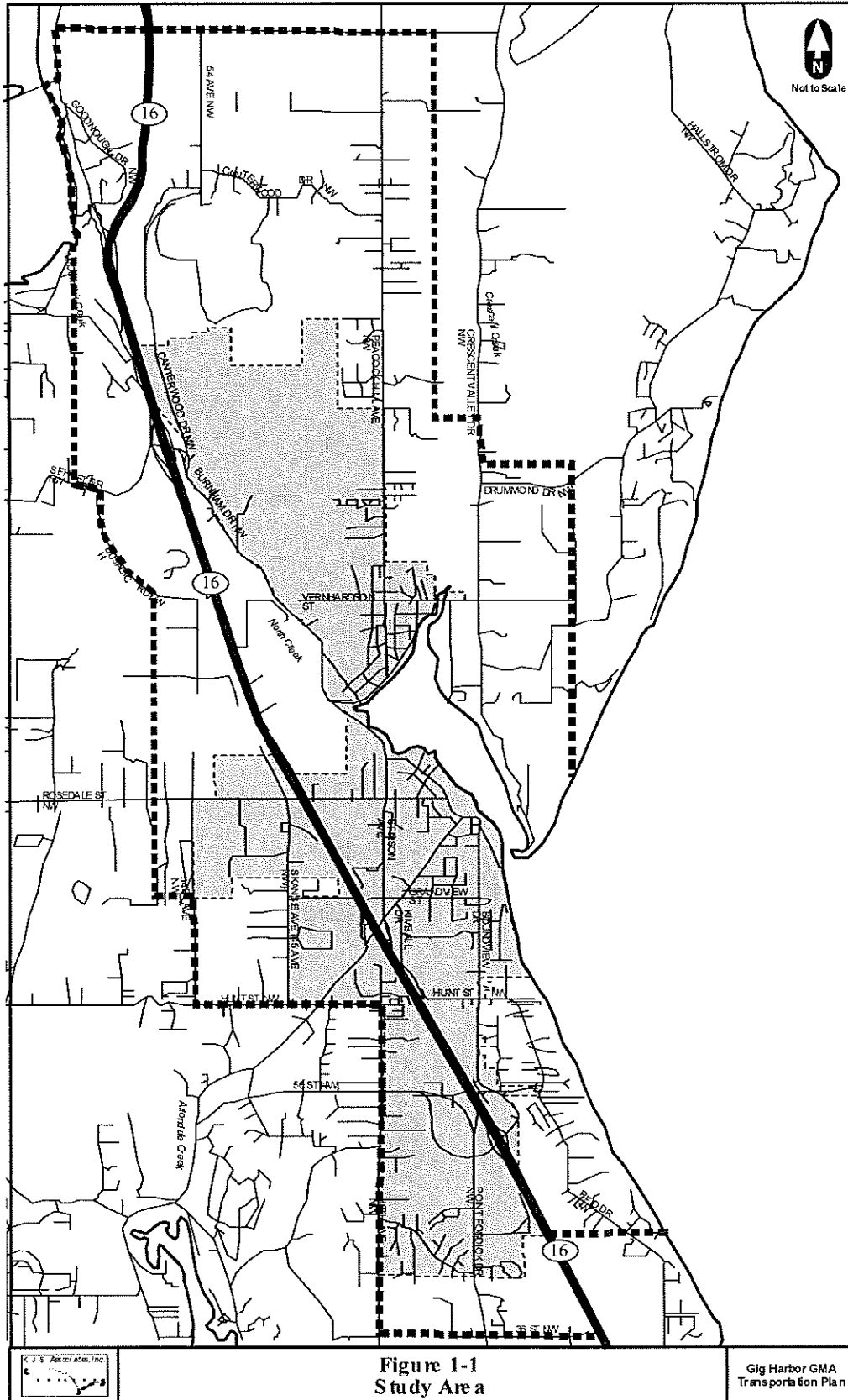
Existing Transportation System

This section of the transportation plan describes the existing transportation system conditions in the study area, including a description of the roadway characteristics, functional classification, traffic volumes, level of service, accidents, and transit service. Planned transportation improvements from the Washington State Department of Transportation (WSDOT) Plan, Pierce County Capital Facilities Element of the Comprehensive Plan, the Pierce County Six-Year Transportation Improvement Program (TIP) and Gig Harbor Six-Year TIP are also described.

Functional Classification and Connectivity

Roadway hierarchy based on functional classification provides a network of streets based on distinct travel movements and the service they provide. Roadway layout shall be based primarily on the safety, efficiency of traffic flow, and functional use of the roadway. Roadways are divided into boulevards, arterials, major and minor local residential, private streets, and alleys.

Roadways of all classifications shall be planned to provide for connectivity of existing and proposed streets in relation to adjoining parcels and possible future connections as approved by the Community Development Department. New development roadway systems should be designed so as to minimize pedestrian travel to bus stops.



Boulevards and arterials are intended for the efficient movement of people and goods and have the highest level of access control. They have limited access and accommodate controlled intersections. Boulevards and arterials have been identified in the most current adopted version of the *City of Gig Harbor Transportation Plan*. The City Engineer will classify all new roadways.

Collectors generally connect commercial, industrial, and residential projects to other collectors, arterials, and boulevards and have a moderate level of access control. Minor collectors may be used if turn lanes are not required. If the collector connects to another collector or to an arterial, the roadway shall be a major collector. The City will determine if a collector is a major or minor, type I or type II, based on a review of the development potential of all contributing properties, the exiting right-of-way if it is an existing roadway, and the necessity of turn lanes. Auxiliary left turn lanes are desired when connecting to boulevards, arterials, and major collectors. Collectors are identified in the most current adopted version of the *City of Gig Harbor Transportation Plan*. The City Traffic Engineer will classify all new roadways.

Major and minor local residential streets shall interconnect with each other and with minor collectors and have a minimum level of access control. Alleys in residential neighborhoods are encouraged. If the local residential street connects to a major collector or to an arterial, the street shall be a major local residential. In such developments, connectivity shall be a key design factor, although the internal flow shall be discontinuous to discourage cut-through traffic movement and excessive speed. Traffic calming techniques shall be designed into all residential subdivisions.

The pedestrian network shall be paramount in the residential roadway network. Minor local residential streets serve as land access from residences and generally connect with major local residential and minor collectors. Safety is always the major consideration when determining intersection locations and connectivity.

State-owned transportation facilities and highways of statewide significance [See also Section 5]

In 1998, the Washington State Legislature enacted the “Level of Service Bill” (House Bill 1487) which amended the Growth Management Act (GMA) to include additional detail regarding state-owned transportation facilities in the transportation element of comprehensive plans. Within Gig Harbor, SR 16 has been designated as a Highway of Statewide Significance (HSS) in WSDOT’s Highway System Plan (HSP). SR 16 provides the major regional connection between Tacoma, Bremerton, and the Olympic Peninsula. It connects to Interstate 5 in Tacoma and to SR 302 in Purdy. Through Gig Harbor, SR 16 is a full limited access four lane freeway with interchanges at Olympic Drive, Pioneer Way and Burnham Drive. It is classified as an urban principal arterial.

The only other state-owned facility within the planning area is SR 302 which connects SR 16 across the Key Peninsula with SR 3 to Shelton. It is a two-lane state highway with no access control.

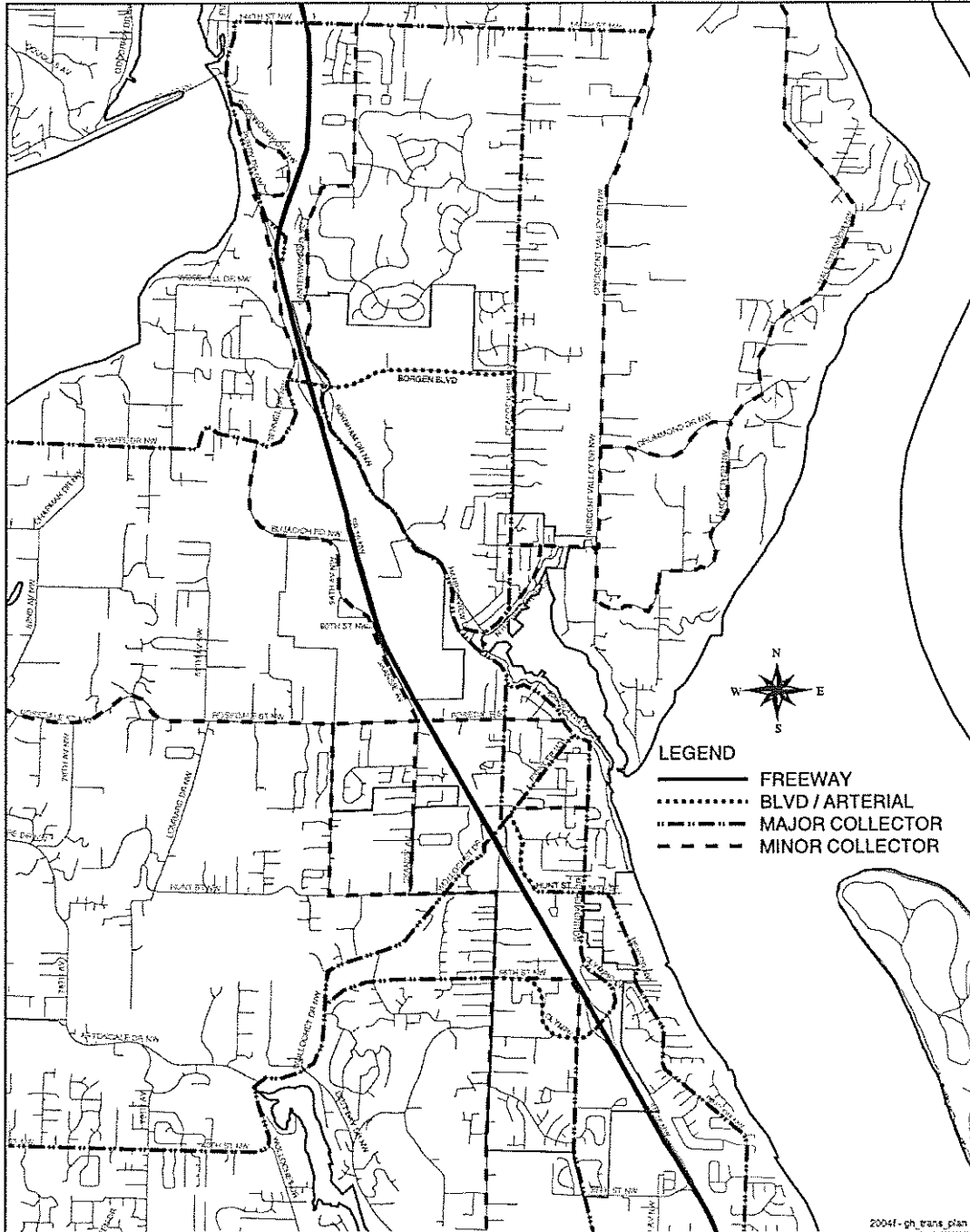


Figure 1-2
Functional Classification
 Gig Harbor GMA Transportation Plan

2004f-gh_trans_plan

Local Transportation System

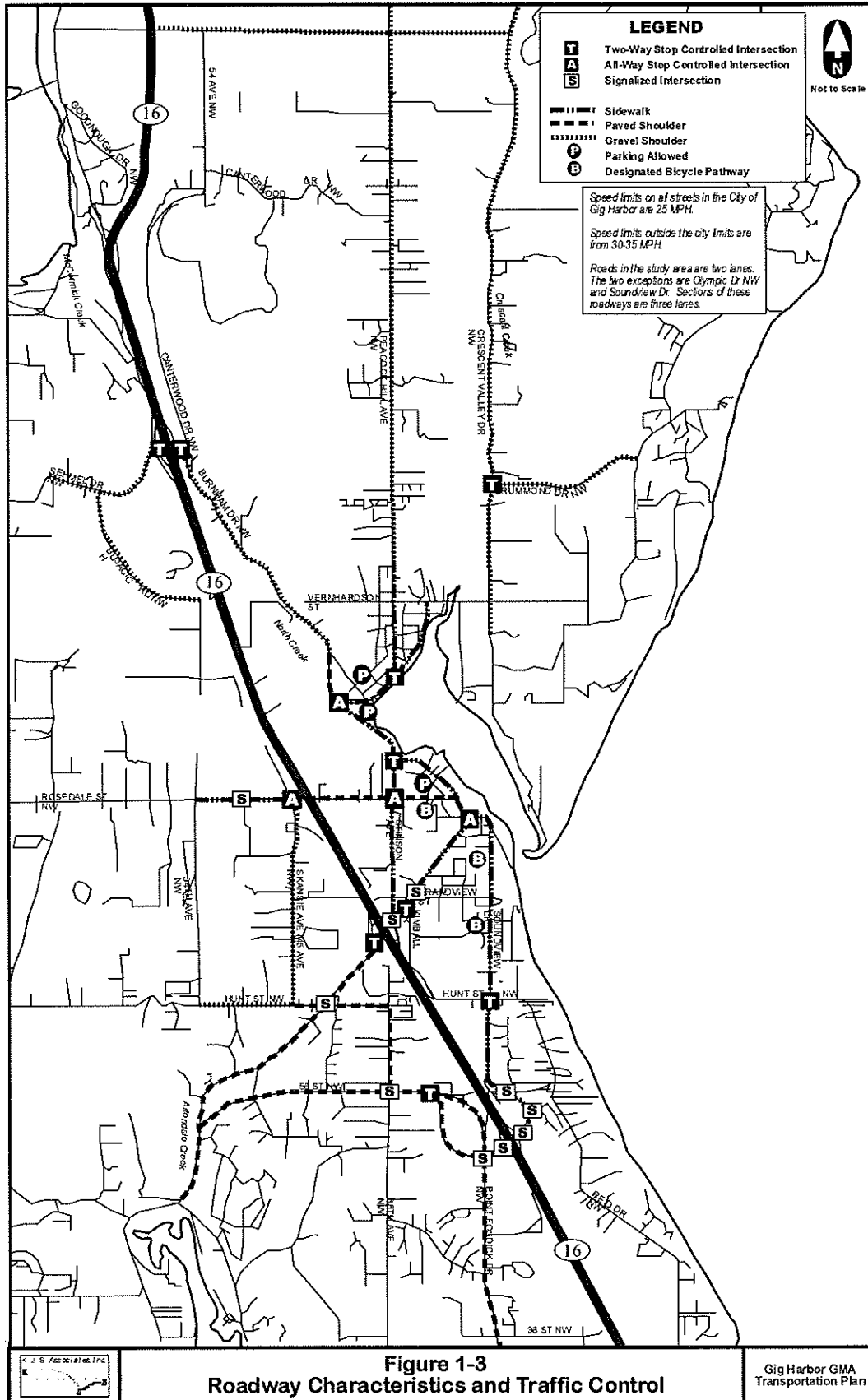
The downtown area of Gig Harbor and surrounding residences are served by the interchange with SR 16 at Pioneer Way. The southern portion of the city is served by the Olympic Drive NW interchange, and north of the existing city limits, access from SR 16 is provided by the Burnham Drive NW interchange.

One of the key north-south arterials serving the city and local residences is Soundview Drive, which becomes Harborview Drive through downtown Gig Harbor. Pioneer Way also provides access to residences and downtown Gig Harbor. Access to the unincorporated areas north of the city is provided by Peacock Hill Road, Crescent Valley Drive, Burnham Drive NW, and Borgen Boulevard. Outside the city limits to the southwest, Olympic Drive NW and Wollochet Drive NW provide access to residential areas in unincorporated Pierce County.

The roadway characteristics of these arterials in the study area are shown in **Figure 1-3**. The majority of roadways within the city limits are two lanes with a speed limit of 25 mph. The speed is reduced to 20 mph along North Harborview Drive in the downtown area. There are retail shops on both sides of the street in this area, and the reduced speed provides increased safety for pedestrians crossing the street between shops. In addition, Soundview Drive has three lanes (one lane in each direction and a center, two-way, left-turn lane along portions of the roadway). Outside of the city limits, all roadways are also two lanes, with the exception of Olympic Drive NW (56th Street NE), Point Fosdick Drive, and Borgen Boulevard, which have three lanes in some sections, and Point Fosdick Drive which has five lanes from Olympic to 44th Street NW. Borgen Boulevard has portions of four lanes with two roundabouts. The speed limit on these roadways varies between 30 and 35 mph.

Pedestrian and bicycle facilities are an integral part of the transportation network, and the provision for these facilities will be incorporated in the transportation improvement program. Currently, sidewalks are provided at least on one side of the roadway on most city arterials. In addition, separate bicycle lanes are provided on various roadways, including Soundview Drive and on portions of Rosedale Street, Point Fosdick Drive, and North Harborview Drive. Parking is allowed in the retail center on Harbor View Drive and North Harborview Drive.

Existing intersection traffic control devices also are indicated on **Figure 1-3**. Within the city, there are signalized intersections at Pioneer Way/Grandview Street, Pioneer Way/Kimball Drive, Olympic Drive /Point Fosdick Drive, Wollochet Drive/Hunt Street, Olympic Drive/Holycroft Street, Rosedale Street/Schoolhouse Avenue, and 38th Avenue/56th Street. In addition, the SR 16 northbound and southbound ramps at Olympic Drive, and the SR 16 northbound ramp at Pioneer Way, are signalized. All other major intersections and SR 16 ramp intersections are stop sign controlled, except the SR 16/Burnham Drive northbound and southbound ramps, which intersects a single lane roundabout on the southbound ramps and a two-lane roundabout on the northbound ramps.



Traffic Volumes

A comprehensive set of street and intersection traffic counts was collected in 1997. Average weekday traffic volumes (AWDT) are summarized in **Figure 2-1**. AWDT volumes represent the number of vehicles traveling a roadway segment over a 24-hour period on an average weekday. P.M. peak hour traffic volumes represent the highest hourly volume of vehicles passing through an intersection during the 4-6 p.m. peak period. Since the p.m. peak period volumes usually represent the highest volumes of the average day, these volumes were used to evaluate the worst case traffic scenario that would occur as a result of the development.

Intersection Level Of Service

The acknowledged method for determining intersection capacity is described in the current edition of the Highway Capacity Manual (*Transportation Research Board [TRB], Special Report 209*). Capacity analyses are described in terms of Level of Service (LOS). LOS is a qualitative term describing the operating conditions a driver will experience while driving on a particular street or highway during a specific time interval. It ranges from LOS A (little or no delay) to LOS F (long delays, congestion).

The methods used to calculate the levels of service in the 1998 analysis are described in the *1994 Highway Capacity Manual* (Special Report 209, Transportation Research Board). The measure of effectiveness for signalized intersections is average stopped delay, which is defined as the total time vehicles are stopped in an intersection approach during a specified time period divided by the number of vehicles departing from the approach in the same time period.

The methods used to calculate the levels of service subsequent to 2000 are described in the 2000 Highway Capacity Manual (Special Report 209, Transportation Research Board). The measure of effectiveness for signalized intersections is control delay, which is defined as the sum of the initial deceleration delay, queue move up delay, stopped delay and final acceleration delay.

For unsignalized intersections, level of service is based on an estimate of average stopped delay for each movement or approach group. The evaluation procedure is a sequential analysis based on prioritized use of gaps in the major traffic streams for stop controlled and yield controlled movements (i.e., left turns off of the major street); these two movement types at unsignalized intersections will be referred throughout the remainder of this report as “controlled movements”. In most jurisdictions in the Puget Sound region, LOS D or better is defined as acceptable, LOS E as tolerable in certain areas, and LOS F as unacceptable.

The City of Gig Harbor is required by RCW 36A.070(6)(b) “to prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of the development are made concurrent with the development.”

The City of Gig Harbor has constructed several roundabouts since adoption of the transportation element, including a six-legged roundabout at the intersection of Borgen Blvd, Burnham Drive, Canterwood Blvd and the SR 16 on and off-ramps. These intersections require evaluation with specific roundabout analysis software. The City of Gig Harbor will determine appropriate LOS analysis procedures for the roundabouts consistent with the LOS policy of the plan. The City or its designee will conduct all LOS calculations for roundabouts in the City of Gig Harbor to ensure consistency in analysis. Developers will reimburse the city or its designee the cost to complete the analysis if the development is shown to impact a roundabout with any new trips.

Traffic Accidents

Traffic accident records compiled by the Gig Harbor Police Department for the 17-month period from January, 1999, through and including May, 2000, were reviewed. The Police Department accident records included the date and location of each accident, and specified an accident type: “injury,” “non-injury,” “hit-and-run,” “parking lot,” or “pedestrian/cyclist.”

During the 17-month period analysis period there were 308 accidents on the Gig Harbor street system, of which 72 (23%) were injury accidents. Only two accidents involved pedestrians or bicyclists, though both of these accidents involved injuries.

The streets with the greatest accident experience were Olympic Drive, along which 84 accidents occurred (five per month), and Point Fosdick Drive, along which 69 accidents occurred (four per month). Pioneer Way and Hunt Street each experienced 22 accidents, and Wollochet Drive and Harborview Drive each experienced 18. No other street experienced more than 15 accidents.

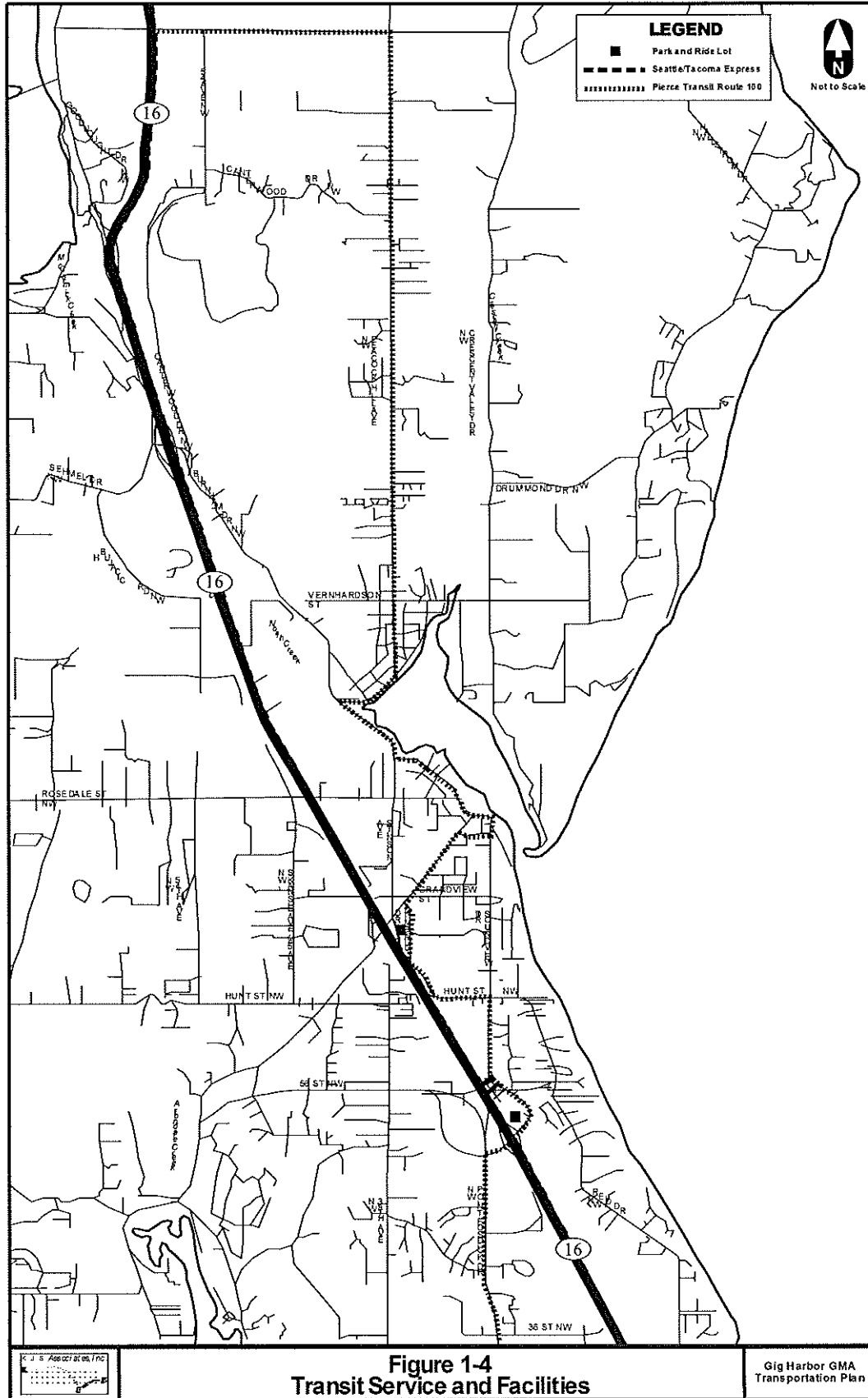
Transit Service and Facilities

The service provider for Gig Harbor is Pierce Transit. The four transit routes that currently serve Gig Harbor are shown in **Figure 1-4**.

Route 100 extends from the Gig Harbor Park and Ride to the Tacoma Community College Transit Center. During weekdays, the route operates on half-hour headways, and on one-hour headways on the weekends. Route 102 provides express bus service from Purdy to Downtown Tacoma via the Gig Harbor Park and Ride. It operates during weekday peak hours only, with service being provided every 30 minutes.

Local bus service in Gig Harbor is provided by Routes 111 and 112. Route 111 runs from the Gig Harbor Park and Ride to the Gig Harbor Library at Point Fosdick. Hourly service from morning to evening is provided on this route seven days a week. Route 112 extends from the Purdy Park and Ride to the Gig Harbor Park and Ride via Peacock Hill Avenue. Transit service for this route also operates on one hour headways, seven days a week. Route 113 from Key Center connects with Routes 100, 102, and 112 at the Purdy Park and Ride.

Pierce Transit continues to look at ways to improve transit service to and from the peninsula area. Possible improvements include the creation of several entirely new park and rides. The creation of new transit routes will depend heavily on increased capacity on the Tacoma Narrows Bridge.



Planned Transportation Improvements

Based on projections by Pierce County, this area of the state, including the study area, will continue to grow. Specifically, it is expected that residential growth will occur on the Gig Harbor peninsula and job growth will occur in the area between the city and Tacoma.

Pierce County Transportation Plan

In order to adequately address the existing and future transportation issues, Pierce County completed the Pierce County Transportation Plan in 1992. The proposed project list was updated in 2000 and incorporated into the Gig Harbor Peninsula Community Plan. The project list has not been revised since adoption of the Community Plan in 2001. Project priorities are identified as: Premier Priority, High Priority, Medium Priority, and Low Priority. Conservatively, Pierce County believes they will be able to fund all Premier and High Priority projects and half of the Medium Priority projects. Optimistically, they hope to be able to fund all projects on county roads. Premier and High Priority projects that impact the study area are listed below.

Premier Priority

- P28. 56th Street, Wollochet Drive to Point Fosdick Drive: Widen to four lanes; provide pedestrian and drainage improvements.
- P29. Wollochet Drive, 40th Street to Gig Harbor City Limits: Widen to four lanes; improve intersections and shoulders.
- P53. Sehmel Drive NW, 70th Avenue NW to Bujacich Road NW: Improve intersections, alignment and shoulders.
- P63. 38th Avenue, 36th Street to Gig Harbor City Limits: Improve intersection and shoulders.
- P73. Jahn Ave/32nd Street/22nd Avenue, Stone Drive to 36th Street: Realign and improve shoulders

High Priority

- P30. Point Fosdick Drive, 56th Street to Stone Drive: Provide pedestrian and drainage improvements; improve intersections.
- P42. Hunt Street NW, Lombard Drive NW to Gig Harbor city limits: Improve intersections, alignment, and shoulders.
- P50. Ray Nash Drive NW, 36th Street NW to Rosedale Street NW: Improve alignment and widen shoulders.

- P64. 144th Street NW/62nd Avenue NW, intersection (Peninsula High School): Channelization and possible traffic control.
- P68. 96th Street NW, Crescent Valley Drive NW to city limits: Add paved shoulders.
- P76. Point Fosdick Drive NW/Stone Drive NW/34th Avenue NW, intersection: Channelization, traffic control, and realignment.

Pierce County Six-year Transportation Improvement Program (TIP)

The prioritization process for transportation projects in unincorporated Pierce County is implemented through the Six-Year Road Program and the Annual Road Program. The projects identified that impact the study area for 2004-2009 are summarized below.

- Rosedale Street, 66th Avenue NW to Lombard Drive NW. Reconstruct roadway to improve vertical alignment.
- Fillmore Drive/Gustafson/56th Street NW. Provide turn lane(s) at intersection.
- Hunt Street, 46th Avenue NW to Lombard Drive NW: Reconstruct roadway to improve horizontal/vertical alignment.
- Wollochet Drive, Fillmore Drive NW to 40th Street NW: Widen and reconstruct roadway to provide more lane(s).
- Point Fosdick Drive NW/36th Street NW: County portion of Gig Harbor intersection project.
- 36th Street NW, city limits to 22nd Avenue NW. Reconstruct to improve vertical alignment.
- Jahn Avenue NW/32nd Street NW/22nd Avenue NW, 36th Street NW to 24th Street NW. Reconstruct roadway to improve horizontal/vertical alignment.

As future funds become available, the improvement projects from the Pierce County Comprehensive Transportation Plan will be added to the most recent six-year road program.

Gig Harbor Six-year Transportation Improvement Plan (TIP)

The City is required to update its Transportation Improvement Plan (TIP) every year. The TIP is adopted by reference, and a copy of the current plan can be obtained from the City's Public Works Department.

Washington State Department of Transportation Highway Improvement Program

The 20-year WSDOT Highway System Plan includes several potential projects in the Gig Harbor vicinity. These include:

- Construction of a 750 stall park and ride lot in the Purdy area.
- Widening of SR 302 to four lanes with a restricted median from the Key Peninsula Highway to SR 16.
- Widening of SR 16 from four lanes to six creating HOV lanes, interchange improvements, TSM/TDM, and Intelligent Transportation System improvements from SR 302 to the Pierce/Kitsap county line.

WSDOT’s funded project list includes:

- Construct core HOV lanes, new interchange, and Intelligent Transportation System improvements to SR 16 between the 36th Street interchange and the Olympic interchange.
- Overlay existing ramps at the Wollochet Drive interchange on SR 16.
- Construct core HOV lanes, interchange improvements, frontage road, and Intelligent Transportation System improvements to SR 16 at the Olympic interchange to Purdy (SR 302)

In addition, WSDOT is currently constructing a new Tacoma Narrows Bridge to provide significantly increased capacity for the congested crossing on the existing bridge. An integral element of the new bridge project is construction of a split diamond interchange with half at 24th Street and half at 36th Street. The 24th Street improvements are integral to the Tacoma Narrows Bridge project, and a portion of the improvements in P73 will be included in the bridge project. The new Tacoma Narrows Bridge will significantly increase highway capacity and improve access between the Gig Harbor/Peninsula area and the “mainland” (Tacoma, I-5, etc.). These capacity and access improvements will have a significant effect on long-term growth and development in and around Gig Harbor, and will affect Gig Harbor area travel patterns, traffic volumes, and transportation improvement needs.

This Gig Harbor Transportation Element, which is based on and developed for the current growth forecasts, does not account for the transportation system needs and impacts associated with a new Tacoma Narrows Bridge.

The WSDOT has funded a study of SR 302 to develop and analyze new alignments for SR 302 from the Kitsap Peninsula to SR 16. The final alignment of SR 302 will affect access and circulation to Gig Harbor.

Concurrency Ordinance

The City of Gig Harbor requires either the construction of or financial commitment for the construction of necessary transportation improvements from the private or public sector within six years of the impacts of a development. Methods for the City to monitor these commitments include:

- Annual monitoring of key transportation facilities within updates to the Six-Year Transportation Improvement Program (TIP);
- Monitoring intersections for compliance with the City’s LOS Standard. The City of Gig Harbor LOS for intersections is LOS D; except for specified intersections in the Downtown Strategy Area and North Gig Harbor Study Area.
 - The specific intersections and the current LOS for each in the Downtown Strategy Area are:
 - Harborview Drive/North Harborview Drive LOS F
 - Harborview Drive/Pioneer Way LOS F
 - Harborview Drive/Stinson Avenue LOS F
 - Harborview Drive/Rosedale LOS D
 - North Harborview Drive/Peacock Hill LOS C
 - Harborview/Soundview LOS B

The above intersections may be allowed to operate at a LOS worse than D, consistent with the pedestrian objectives identified in the Downtown Strategy Area.

- The specific intersections and the LOS for each in the North Gig Harbor Area are:
 - Burnham Drive/Borgen Drive/Canterwood Blvd/SR16 Ramps LOS E

The above intersection shall operate at LOS E or better (80 seconds of delay)

- Identifying facility deficiencies;
- Reviewing comprehensive transportation plan and other related studies for necessary improvements;
- Making appropriate revisions to the Six-Year TIP; and
- Complying with HB 1487 and WSDOT for coordinated planning for transportation facilities and services of statewide significance.

SECTION 2. TRAFFIC FORECASTING AND ANALYSIS

Traffic forecasting is a means of estimating future traffic volumes based on the expected growth in population and employment within an area. For the Gig Harbor area, traffic forecasts were prepared using current traffic counts, a travel demand forecasting computer model prepared for

the Pierce County Transportation Plan, and estimates of population and employment developed for the City’s Comprehensive Land Use Plan. As specified by the Growth Management Act (GMA), a 20 year horizon was used in the process to produce traffic forecasts for 2018.

This is essentially the same process as was followed in the 1994 Comprehensive Plan Transportation Element. **Table 2-1** below summarizes the population and employment growth assumptions that were used for the traffic forecasts.

Table 2-1. Growth Assumptions, 1998 - 2018

| Year | Population | Employment |
|------|------------|------------|
| 1998 | 6,900 | 5,230 |
| 2006 | 14,560 | 7,700 |
| 2018 | 21,370 | 7,259 |

Methodology

The growth in population and employment in an area provides a basis for estimating the growth in travel. Population growth generally results in more trips produced by residents of homes in the area, and employment growth generally results in more trips attracted to offices, retail shops, schools, and other employment or activity centers. To estimate future traffic volumes resulting from growth, computerized travel demand models are commonly used. In areas where travel corridors are limited, growth factors applied to existing traffic counts can be also an effective approach to traffic forecasting.

A combined approach was used for the City of Gig Harbor. The Pierce County Transportation Plan computer model developed by KJS provided information on area wide growth and was used as a tool in assigning traffic to various roads and intersections. For growth data, the 1998 Draft Gig Harbor Comprehensive Plan Update (prepared by the Beckwith Consulting Group) was used. Traffic counts taken in 1996 and 1997 provided data on existing travel patterns.

Primary Sources of Information

The primary sources of information used to forecast travel demand in Gig Harbor and the surrounding Urban Growth Area (UGA) were the Pierce County Transportation Model, the Gig Harbor Comprehensive Plan Update, and the Gig Harbor Travel Demand Model.

Pierce County Transportation Model

KJS Associates developed a 2010 travel demand model for Pierce County as a part of the county's GMA Transportation Planning program (the model has since been updated by Pierce County). The Pierce County transportation model is based on the Puget Sound Regional Council’s (PSRC) regional model covering King, Pierce, Snohomish and Kitsap Counties. The

model utilizes the standard transportation planning methodology: Trip Generation, Trip Distribution, Modal Choice and Trip Assignment.

For the Pierce County model, a system of traffic analysis zones (TAZs) was developed based on the same boundaries used by the PSRC in the regional model. This enabled KJSA to use the zonal demographic and street network data which PSRC provides, for the regional system, and to refine that information to provide more detail within Pierce County. The model was calibrated to 1990 conditions; 1990 traffic counts were used to calibrate the model's traffic flow patterns, and 1990 demographic/land use data provided the basis for the trip generation, trip distribution, mode choice, and traffic assignment assumptions. All forecasts from the model were based on 2000 and 2010 demographic/land use forecasts from PSRC.

Since the PSRC 20-year demographic forecasts appear to be consistent with the GMA forecasts for the City and IUGA, the PSRC 2010 database was used in the revised Pierce County model as the basis for travel demand forecasts.

Gig Harbor Comprehensive Plan Update

As a part of the Comprehensive Plan Update, the City used the existing and proposed comprehensive land use plans to estimate the residential and employment capacities of various areas of the Gig Harbor Interim Urban Growth Area (IUGA). In doing so, the IUGA was divided into 71 "units", or zones, for analysis purposes.

The existing land uses and an inventory of the number of platted lots within each zone were used to estimate the existing population of each zone. The size of commercial and employment/business areas on the Land Use plan was used to estimate the employment capacities within each zone.

Gig Harbor Travel Demand Model

The 71 land use zones from the Comprehensive Plan were used to create a more detailed traffic analysis zone structure within the Pierce County model. The 1998 population estimates and employment capacities for each of the 71 zones in the Comprehensive Plan Update were used to initially allocate the 1990 population and employment data from PSRC to each TAZ within the IUGA. The 1990 data were used since this is the most recent census which provides complete information for the area outside of the Gig Harbor IUGA. The 1990 data were then factored to 1998 estimates using the Comprehensive Plan information and 1998 traffic counts.

The growth in population and employment within each zone was converted into travel demand by the model. Since the base year was calibrated using 1998 traffic volumes, the 20-year growth in travel demand produced by the model resulted in 2018 travel demand estimates. This is consistent with the requirement of GMA.

Employment growth, unlike population growth, was assumed to occur around existing areas of high employment. Like the allocation of population, employment was allocated to each zone based on the capacities of the zone as calculated by Beckwith in the Comprehensive Plan Update.

To insure that the travel demand calculated by the model resulted in accurate estimates of traffic volumes on the road network, 1998 traffic counts on selected roads were used to calibrate the model. However, the model results are at best only a rough estimate of future traffic volumes. They provided a guide to general traffic trends and flow patterns, rather than exact traffic volumes on specific roadway links.

All trips were assigned to the City and County arterial system based on existing trip distribution and traffic assignment patterns. In addition to the population and employment forecast assumptions, specific assumptions were required to determine growth in external traffic volumes. For the Pierce County Peninsula Focus Area, the external connections in the south are the SR 16 highway crossing at the Tacoma Narrows Bridge and north to Kitsap County.

North Gig Harbor (NGH) Subarea Traffic Model 2005

A subarea traffic model was developed for the North Gig Harbor Traffic Mitigation Study (2005). The model was developed to analyze three Comprehensive Plan Amendments in 2005/6. Proposed and pipeline projects in the NGH subarea and a buildout analysis were included in the traffic model to identify transportation impacts and required mitigation.

Traffic Analysis (1998)

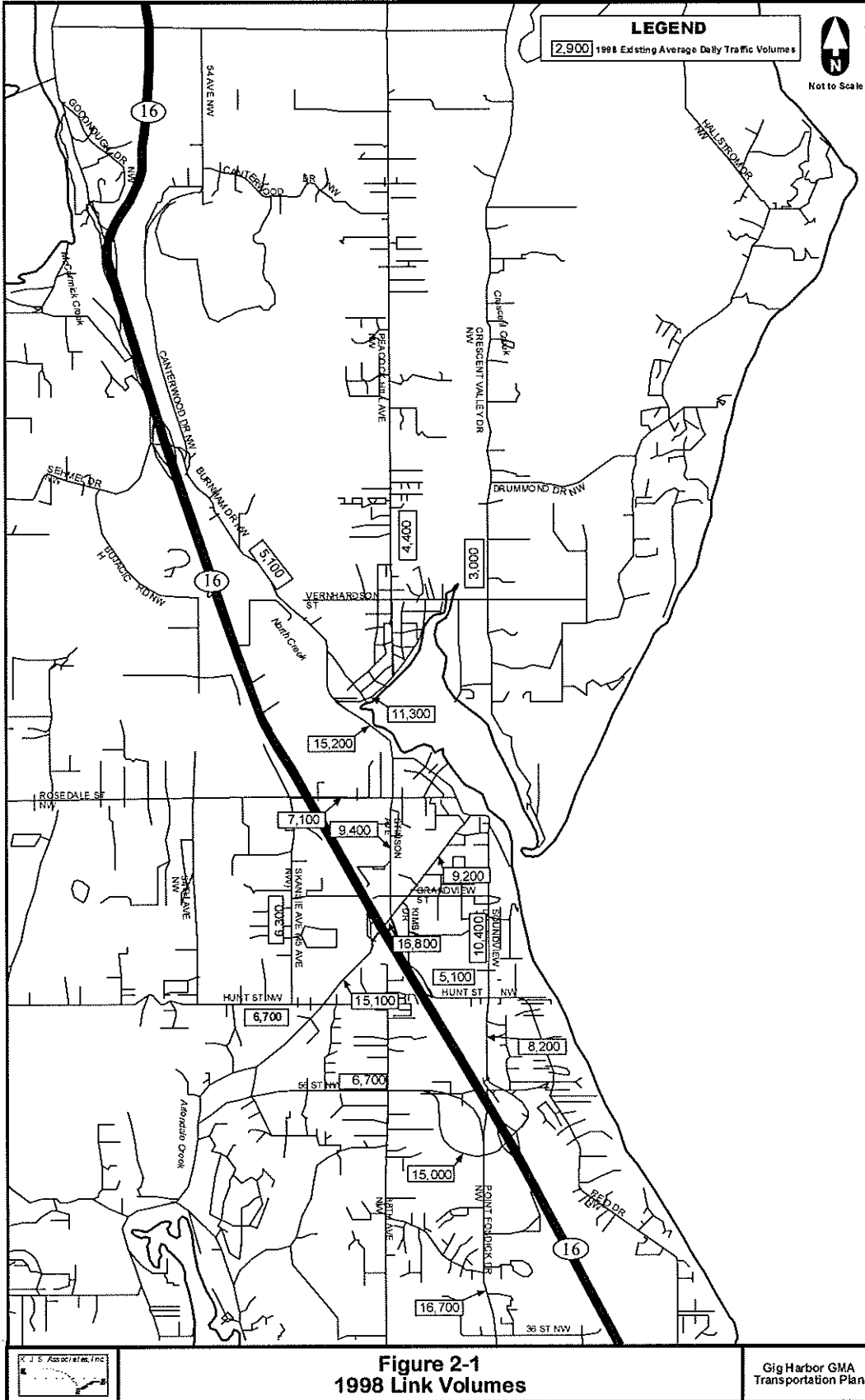
Existing (1998) daily traffic volumes on key roadway segments or links, and intersection levels of service are shown in Figure 2-1. The existing 1998 p.m. peak hour intersection levels of service are compiled in Table 2-2. As shown in Table 2-3 below, there are significant delays at three stop-sign controlled intersections in 1998.

Table 2:2: 1998 Intersection Levels of Service

| SIGNALIZED INTERSECTIONS | 1998 LOS |
|---|-----------------------|
| 38 th Ave E/56th NW | C (D ^{**}) |
| Olympic Dr/SR 16 NB ramps | C (D ^{**}) |
| Olympic Dr/SR 16 SB ramps | C (C ^{**}) |
| Pioneer Wy/Grandview St | A |
| Pioneer Wy/SR 16 NB ramps | D (E ^{**}) |
| Point Fosdick Dr/Olympic Dr | D (D ^{**}) |
| Rosedale/Schoolhouse | A |
| Wollochet Dr/Hunt St | B (C ^{**}) |
| UNSIGNALIZED INTERSECTIONS | 1998 LOS |
| 36th Ave/Pt Fosdick Dr | C |
| Crescent Valley Dr/Drummond Dr | B |
| Harborview Dr/North Harborview Dr | F |
| Harborview Dr/Pioneer Way | F |
| Harborview Dr/Stinson Ave | F |
| Hunt/Skansie | C |
| Olympic/Hollycroft | C |
| Peacock Hill Ave/North Harborview Dr | A |
| Rosedale St/Skansie Ave | B |
| Rosedale St/Stinson Ave | C |
| Soundview Dr/Hunt St | B |
| SR 16 NB ramps/2 lane roundabout | A* (A ^{**}) |
| SR 16 SB ramps/Single lane roundabout | B* (B ^{**}) |
| SR 16 SB ramps/Wollochet Dr | F (F ^{**}) |
| Borgen Blvd/51 st roundabout | A* (A ^{**}) |

* 2004 existing condition

(A^{**}) 2005 existing condition DEA 2005, City of Gig Harbor 2005Note: Refer to North Gig Harbor Traffic Mitigation Study for additional 2005 intersection operations in the NGH Study area.



Traffic Analysis - 2018

Once the model was calibrated to existing conditions, growth rates were applied to estimate traffic volumes for 2018. **Figure 2-2** shows roadway link volumes for 2018. **Figure 2-3** shows the intersection level of service for 2018, which is also summarized in **Table 2-3** below.

Table 2-3: PM Peak Hour Intersection Levels of Service

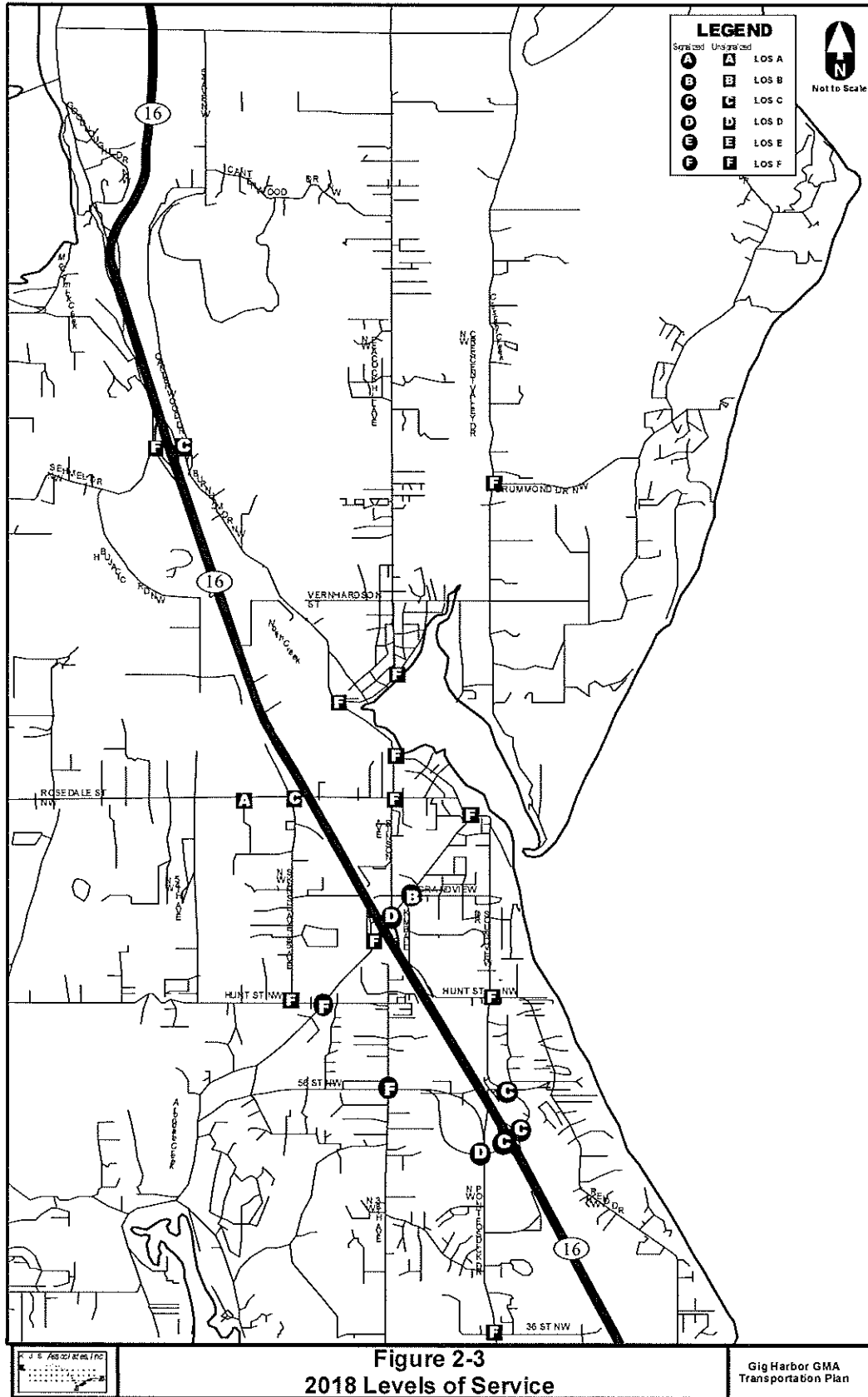
| SIGNALIZED INTERSECTIONS | 2018 LOS |
|---|-----------------|
| 38 th Ave E/56th NW | F |
| Olympic Dr/SR 16 NB ramps | C |
| Olympic Dr/SR 16 SB ramps | C |
| Olympic/Hollycroft | C |
| Pioneer Wy/Grandview St | B |
| Pioneer Wy/SR 16 NB ramps | D |
| Point Fosdick Dr/Olympic Dr | D |
| Rosedale/Schoolhouse | A |
| Wollochet Dr/Hunt St | F |
| UNSIGNALIZED INTERSECTIONS | 2018 LOS |
| 36th Ave/ Point Fosdick Dr | F |
| Crescent Valley Dr/Drummond Dr | F |
| Harborview Dr/North Harborview Dr | F* |
| Harborview Dr/Pioneer Wy | F* |
| Harborview Dr/Stinson Ave | F* |
| Hunt/Skansie | F |
| Peacock Hill Ave/North Harborview Dr | B |
| Rosedale St/Skansie Ave | C |
| Rosedale St/Stinson Ave | F |
| Soundview Dr/Hunt St | F |
| SR 16 NB ramps/2 lane roundabout | D** F*** |
| SR 16 SB ramps/Single lane roundabout | F** F*** |
| SR 16 SB ramps/Wollochet Dr | F |
| Stinson Ave/Grandview St | F |
| Borgen Blvd/51 st roundabout | A** E*** |

* Located within the downtown strategy area. Intersection impacts will be investigated on a case by case basis with implementation of various transportation strategies.

** 2013 Level of Service Summary

*** 2005 plus unmitigated pipeline conditions DEA 2005

Note: Refer to North Gig Harbor Traffic Mitigation Study for additional updated future intersection operations in the NGH Study area.



North Gig Harbor Traffic Analysis 2005

The North Gig Harbor Traffic Mitigation Study 2005 included an analysis of traffic operations in the NGH area and was completed to identify transportation mitigation requirements for three Comprehensive Plan Amendments. The Study identified near term transportation impacts of pipeline development, near term development proposals and buildout of the subarea. Potential long term mitigation measures for the NGH study area were identified. The future traffic volumes and intersection LOS shown for the NGH subarea are superseded by those in the NGH Traffic Mitigation Study. The technical analysis of the study is incorporated herein by reference.

SECTION 3. ALTERNATIVES ANALYSIS

This section discusses the major transportation system improvements necessary to address identified deficiencies in the 2018 analysis year.

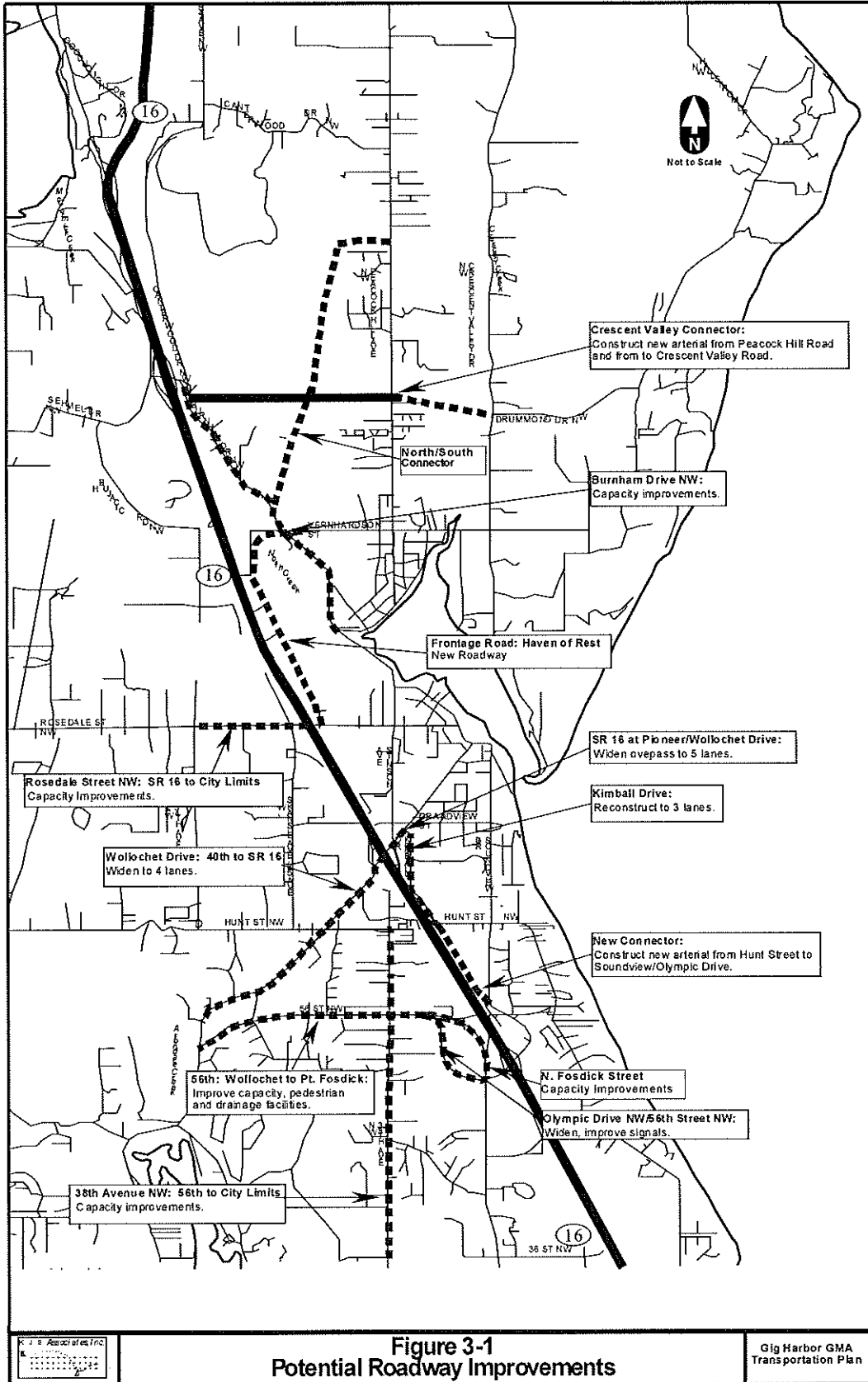
The potential improvements are organized in three categories: 1) roadway improvements, 2) intersection improvements, and 3) other improvements and transportation strategies.

Roadways

Figure 3-1 shows the potential roadway improvements, which include roadway widening, new arterial links, structures, and freeway and ramp improvements. Projects include a new north-south connector from Burnham Drive to Borgen Blvd. for circulation and access in the Gig Harbor north area, and a new east-west. Other improvements call for widening of several arterials, including Olympic Drive NW, Wollochet Drive, and Rosedale Street NW. Several other projects were dependent upon approval and construction of the new Tacoma Narrows Bridge, which is under construction.

North Gig Harbor Roadways 2005

The North Gig Harbor Traffic Mitigation Study 2005 identified a long-range system of transportation improvements to support the buildout of existing and proposed zoning in the NHG Study area, including three proposed Comprehensive Plan Amendments. The projects identified may be considered if needed in future Transportation Improvement Plans (TIP's), consistent with this element to ensure concurrency is maintained. Funding for the roadway plan has not yet been determined, and therefore development approvals may be delayed until funding is secured pursuant to GMA requirements.



Intersections

By 2018, the most significant level of service problems would occur at intersections whose movements are controlled by stop signs rather than traffic signals. Stop signs are efficient under relatively low volume conditions, or where clear preference for through traffic movement is desired.

Most of the high-volume stop sign controlled intersections in Gig Harbor will deteriorate to LOS F for the worst movement by 2018. Typically, installation of traffic signals will resolve such conditions. However, in the downtown strategy area, where capacity improvements such as widening or signalization would severely impact the character of quality of the area, the City shall make every effort to implement and require developers to implement “transportation improvements and strategies” other than traditional roadway or intersection capacity expansion improvements, and to instead consider such methods as increased public transportation service, ride sharing programs, site access control, demand management, and other transportation systems management strategies.

Tables 3-1 and 3-2 summarize the options examined at each signalized and unsignalized intersection, and the recommended improvement is noted for each intersection. Additional discussion is contained in Section 6 under recommendations.

Table 3-1: Evaluation of Improvements at Signalized Intersections

| SIGNALIZED INTERSECTIONS | 2018 LOS | Discussion | Recommendations |
|---------------------------------|---|--|--|
| Wollochet Drive/Hunt Street | B | No improvement needed | |
| Pioneer Way/SR 16 NB ramps | LOS F (high volumes on fwy overxing) | Widening overcrossing per WSDOT plans and constructing east/west road will improve LOS | Implement WSDOT plans for this interchange |
| Pioneer Way/Grandview Street | B | No improvement needed. | |

Table 3-2: Evaluation of Improvements at Unsignalized Intersections

| UNSIGNALIZED INTERSECTIONS | 2018 LOS | Discussion | Recommendation |
|---------------------------------------|----------|--|---|
| Harborview Dr/North Harborview | F* | The pedestrian character of the area, coupled with relatively low speeds in downtown, makes signalization for the purposes of improving vehicle flow of this intersection not advisable. | Improve pedestrian crossings, ensure adequate sight distances and maintain stop-sign control unless pedestrian safety and mobility can be enhanced with signalization. |
| Harborview Drive/Stinson | F* | Same as above. | Save as above. |
| Rosedale/Skansie (46th) | F | Industrial area traffic along Skansie and growth west of SR 16 will create volumes too high for stop-sign control to handle. | Monitor and install traffic signal when warranted. |
| Harborview Drive/Pioneer Way | F* | The pedestrian character of the area, coupled with relatively low speeds in downtown, makes signalization for the purposes of improving vehicle flow of this intersection not advisable. | Improve pedestrian crossings, ensure adequate sight distances and maintain stop-sign control unless pedestrian safety and mobility can be enhanced with signalization.. |
| SR 16 SB ramps/Wollochet | F | These ramps would be signalized with WSDOT planned improvement. | Implement intersection improvement per WSDOT plans. |
| Soundview/Hunt Street | D | Kimball connector will improve conditions at this intersection | Monitor and install stop sign all way control when warranted |
| SR 16 SB ramps/Single lane roundabout | F | Current and future high traffic volumes will require capacity improvements at the existing WSDOT roundabout. | Monitor and coordinate with WSDOT on future improvements. |
| Stinson/ Grandview | C | No deficiency | none |
| Stinson/ Rosedale | F | East/west road will reduce volumes sufficiently to level accommodated by stop-sign control | Maintain stop-sign control at this location. |
| Peacock Hill/North Harborview | E | East/west road will reduce volumes sufficiently to level accommodated by stop-sign control | Maintain stop-sign control at this intersection. |
| Hunt/Skansie | F | High volumes and increased left turns from Skansie require signal control and turn lanes | Monitor and signalize when required. |

* Located within the downtown strategy area. Intersection impacts will be investigated on a case by case basis with implementation of various transportation strategies.

North Gig Harbor Intersections 2005

The North Gig Harbor Traffic Mitigation Study 2005 identified a long range system of transportation improvements to support the buildout of existing and proposed zoning in

the NHG Study area, including three proposed Comprehensive Plan Amendments. The existing six-legged intersection at Burnham Drive/Borgen Blvd./Canterwood and the SR 16 on and off-ramps can not support the development allowed under current zoning. The study identified a single point urban interchange as a possible solution to the capacity issue. The interchange is not currently on WSDOT's plan for the SR 16 corridor. The City must determine to what extent it can rely on this project when making concurrency determinations. Concurrency approvals may be limited until a specific SR 16/Burnham Drive interchange capacity improvement project is included in the Regional STIP and WSDOT's system plan.

Other Improvements and Strategies

Over the next two decades, the City of Gig Harbor will experience a 40 percent increase in population and a 70 percent in employment within the City and its surrounding Urban Growth Area (UGA). This growth will also result in an increase in traffic volumes to, from, through and within the city. Transportation strategies must be implemented to accommodate this growth, including:

- Transportation Demand Management strategies such as: Commute Trip Reduction, High Occupancy Vehicles (HOV such as van pools, car pools, etc.), telecommuting and flexible work hours.
- Transportation System Management strategies such as integrated policies and planning, Intelligent Vehicle Highway Systems (IVHS), signal coordination, etc.
- Modal shift from private vehicles to transit and carpooling.
- Enhancements of non-motorized travel to encourage alternate modes of transportation such as walking, cycling and elimination of trips altogether through compute trip reduction.
- Upgrading of existing motorized facilities.
- Construction of new motorized facilities.

The above strategies will require close coordination of efforts with the Washington State Department of Transportation, Pierce Transit, Pierce County and Kitsap County. The development of TSM and TDM policies and procedures should be consistent with other surrounding jurisdictions programs and will require public involvement.

Transportation Demand Management goals should be integrated with the development review process and should be a part of any traffic impact assessment and mitigation program.

The City Council, Planning Commission and the residents of Gig Harbor value a balance between motorized and non-motorized alternatives to help solve transportation issues in Gig Harbor.

Specific Projects for Transportation Demand Management include:

- Comply with state commute trip reduction program for major employers.
- Develop a comprehensive transit information program with Pierce Transit.
- Work with Pierce Transit to develop a vanpooling and ridematch service.
- Work with the WSDOT to implement the High Occupancy Vehicle lanes on SR 16 and on and off ramps where applicable.
- Work with the WSDOT to integrate the SR 16 queue by-pass on ramps with City streets.
- Develop a comprehensive parking management strategy to integrate parking availability and pricing with any transportation demand management strategy.
- Work with WSDOT and local transit agencies to provide a Park and Ride lot in the vicinity of the SR 16 Burnham Drive interchange.

Specific projects for Transportation Systems Management would include:

- Work with the WSDOT to coordinate the SR 16 HOV project, local-state signal coordination, driver information and Intelligent Vehicle Highway Systems with the local street network.
- Develop a signal re-timing and coordination project to reduce delay and congestion at the City's signalized intersections.

The recommendations for transportation improvements for the City of Gig Harbor address these concerns. The motorized improvements focus on intersections and roadways, while the recommendations for non-motorized travel consist primarily of ways to expand the bicycle facilities, complete the sidewalk network and evaluate other options. Recommendations for transit are mainly directed to Pierce Transit, which serves the City of Gig Harbor.

SECTION 4. RECOMMENDED TRANSPORTATION PLAN

The Growth Management Act requires an assessment of how well a recommended transportation plan meets the requirements of the Act and how well the level of service goals are met. The recommended improvements are summarized in **Table 4-1**.

Table 4-1 Recommended Transportation Plan

| <i>Roadway Facility</i> | <i>Limits</i> | <i>Description</i> | <i>Lead Agency</i> | <i>Trigger Year</i> |
|---|------------------------------------|--|--------------------|---------------------|
| 56th Street–Point Fosdick Drive | Olympic – Olympic | Reconstruct to 3 lanes | Gig Harbor | 2009 |
| Skansie Avenue pedestrian improvements | Alternative High School - Rosedale | Minor widening, sidewalk; drainage | Gig Harbor | 2004 |
| Grandview Street Ph 2 | Stinson – Pioneer | Reconstruct to 2 lanes; bike; pedestrian | Gig Harbor | 2007 |
| Grandview Street Ph 3 | McDonald - Soundview | Reconstruct; bike; pedestrian | Gig Harbor | 2008 |
| 45 th Avenue | Point Fosdick – 30 th | Sidewalk on one side | Gig Harbor | 2006 |
| 38th Avenue Ph 1 | 56th St – city limits | Reconstruct to 2/3 lanes; bike; pedestrian | Gig Harbor | 2010 |
| Olympic Drive–56th Street | 38th – Point Fosdick | Widen to 5 lanes; bike lanes; pedestrian, drainage | Gig Harbor | 2007 |
| Prentice Street | Burnham – Fennimore | Pedestrian, drainage | Gig Harbor | 2008 |
| Briarwood Lane | 38th Ave – Pt Fosdick | Pedestrian, drainage | Gig Harbor | 2006 |
| Burnham Drive Ph 1 | Franklin – Harborview | Reconstruct/widen; pedestrian; drainage | Gig Harbor | 2007 |
| 38th Avenue Ph 2 | 56 th - Hunt | Reconstruct to 2/3 lanes; bike; pedestrian | Gig Harbor | 2008 |
| Vernhardsen Street | Peacock Hill – city limit | Pavement restoration; pedestrian; drainage | Gig Harbor | 2007 |
| Rosedale Street Ph 2 | SR 16 – city limit | Widen to 2 thru lanes; bike | Gig Harbor | 2006 |
| Franklin Avenue Ph 2 | Burnham–Peacock Hill | Pedestrian, drainage | Gig Harbor | 2008 |
| Point Fosdick pedestrian improvements | Harbor County – 36 th | Sidewalk on east side | Gig Harbor | 2010 |
| Harborview Drive | N Harborview - Burnham | Reconstruct roadway; bike; pedestrian | Gig Harbor | 2009 |
| Rosedale Street Ph 3 | SR 16 – Shirley | Widen to 2 thru lanes; bike; pedestrian; drainage | Gig Harbor | 2009 |
| North-South Connector (Swede Hill Road) | Borgen – Burnham | Corridor preservation | Gig Harbor | 2007 |
| Burnham Drive Ph 2 | Franklin – North/South Connector | Widen roadway; pedestrian; drainage | Gig Harbor | 2010 |
| 50 th Court | Olympic – 38 th | Construct 2 lane roadway; pedestrian | Gig Harbor | 2008 |
| Crescent Valley Connector | Peacock – Crescent Valley | New roadway | Pierce County | 2008 |
| 38 th Avenue /Hunt Street Ph 1 | Skansie – 56 th | Design 2/3 lane section w/ median; bike | Gig Harbor | 2008 |
| Burnham Drive Ph 3 | North/South Connector - Borgen | | Gig Harbor | 2010 |
| Hunt St Ped Xing of SR 16 | 38 th – Kimball | Construct Ped undercrossing | Gig Harbor | 2006 |
| Wollochet Drive | Hunt St – SR 16 | Widen roadway; pedestrian | Pierce County | 2011 |
| <i>Intersection</i> | <i>Limits</i> | <i>Description</i> | <i>Lead Agency</i> | <i>Trigger Year</i> |
| 36th/Point Fosdick | intersection | Improve intersection | Gig Harbor | 2004 |
| Hunt/Skansie | intersection | Install signal | Gig Harbor | 2010 |
| <i>Other Improvements</i> | | | | |
| Downtown parking lot | Central business district | Off-street parking | Gig Harbor | 2010 |

Figure 4-1 shows the estimated 2018 daily traffic volumes on selected links with the improvements listed in the recommend transportation plan.

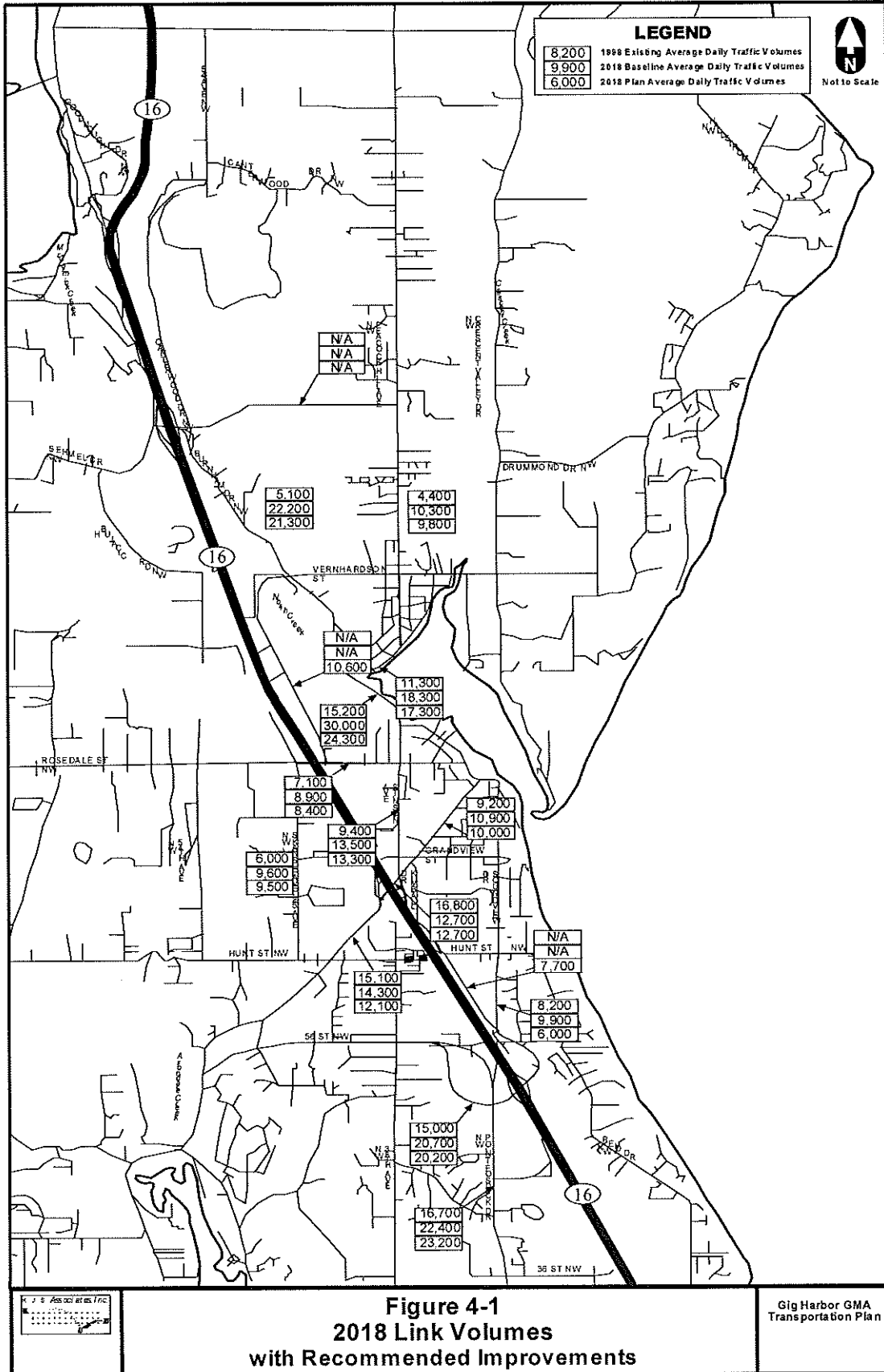
Roadway Improvements

Due to the proposed Tacoma Narrows bridge project which is currently under construction, many transportation improvements may be required to either be modified or constructed. The City has included many of these projected improvements in an effort to identify costs and other constraints related to these major projects. All of the identified improvements have a major impact to the City and the underlying transportation infrastructure.

- 1) At the time of the traffic modeling was conducted, the City excluded those major projects related to the bridge and only included the projects directly related to the City's existing and projected growth and infrastructure needs.

North Gig Harbor Roadway Improvements 2005

The North Gig Harbor Traffic Study identified a long range system of transportation improvements to support the buildout of existing and proposed zoning in the NHG Study area, including three proposed Comprehensive Plan Amendments. The projects identified may be considered as needed in future Transportation Improvement Plans (TIP's), consistent with this element to ensure concurrency is maintained. The projects are not currently funded, but are demonstrated to provide a consistent transportation plan for the land use in the NGH area these projects may be considered, if funding or a strategy for funding those projects is in place per GMA requirements.



Intersection Improvements

The 2018 levels of service at key intersections with the improvements in the Recommended Plan are shown in Table 4-2.

Table 4-2: 2018 Plan Intersection Levels of Service

| INTERSECTION | No Improvements | With Recommended Improvements |
|--|------------------------|--------------------------------------|
| 36th St/Point Fosdick Dr ⁽¹⁾ | F | C |
| Crescent Valley Dr/Drummond Dr | F | C |
| Harborview Dr/North Harborview Dr ⁽²⁾ | F* | F* |
| Harborview Dr/Pioneer Wy ⁽²⁾ | F* | F* |
| Harborview Dr/Stinson Ave ⁽²⁾ | F* | F* |
| Hunt/Skansie | F | C |
| North Harborview Dr/Peacock Hill Ave | F | B |
| Olympic Dr/Hollycroft | C | C |
| Olympic Dr/SR 16 NB ramps | C | C |
| Olympic Dr/SR 16 SB ramps | C | C |
| Pioneer Wy/Grandview St | B | B |
| Pioneer Wy/SR 16 NB ramps | D | C |
| Point Fosdick Rd/Olympic Dr | D | D |
| Rosedale St/Skansie Ave ⁽¹⁾ | C | C |
| Rosedale St/Stinson Ave | F | D |
| Soundview Dr/Hunt St | F | C |
| SR 16 SB ramps/Burnham Drive ⁽¹⁾ | F | #E |
| SR 16 SB ramps/Wollochet Dr ⁽¹⁾ | F | A |
| Wollochet Dr/Hunt St | F | D |

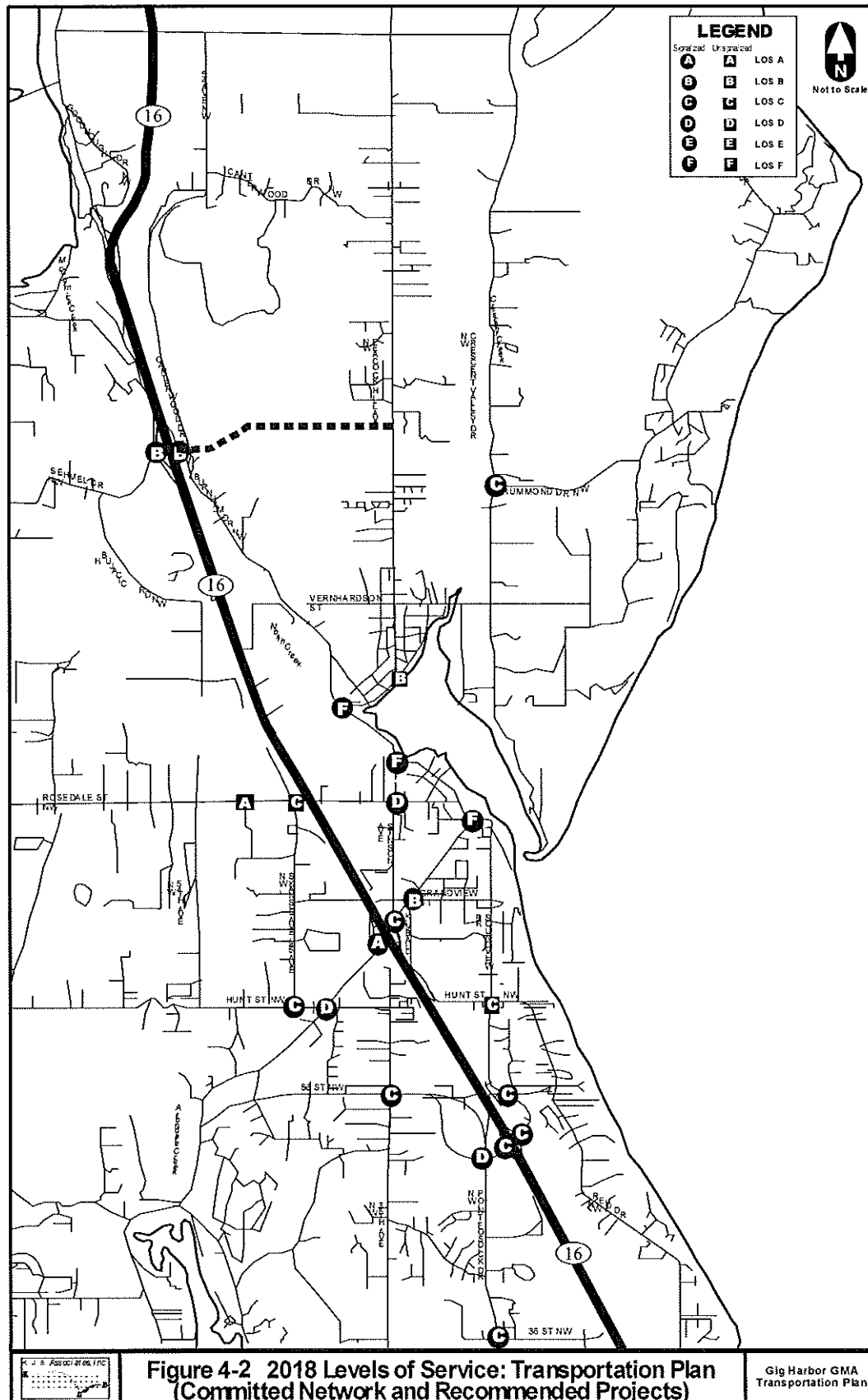
* recognized as acceptable in the downtown strategy area.

⁽¹⁾ Improvement includes signalization.

⁽²⁾ Downtown strategy Area – signalization not recommended.

with SPUI

Figure 4-2 shows the 2018 Plan intersection levels of service. The levels of service are based on traffic volumes generated by growth in the area and implementation of the improvements listed in the Recommended Plan. The capacity analysis shows that most of the City’s intersections will be able to meet the LOS D goal. The goal has been met, for the most part, by upgrading unsignalized intersections to signalized operation – or by making other improvements to increase capacity.



Other Improvements and Strategies

Transit

Gig Harbor participates with the local transit agency, Pierce Transit in a variety of projects. This cooperation has been in the planning and capital improvement projects. Pierce Transit has a System Plan to the year 2020. Long term improvement plans for the Peninsula area include:

- Construct the North Gig Harbor Transit Center near the SR 16 Burnham Drive interchange and add bus routes to serve it.
- Establish more direct regional transit services to major destinations in the Tacoma, Bremerton, Olympia and Seattle areas.
- Increased paratransit services.
- Increase ridesharing (carpool and vanpool) programs.
- Construct capital projects listed in the 6-year Capital Improvement Plan.

Marine Transportation

The waterfront and harbor of Gig Harbor are a primary focus area for many of the City's activities including commercial, retail, industrial, tourism and recreation activities. These activities create generate traffic and parking demand which is concentrated around Harborview and North Harborview arterials.

There is demand for marine improvements in Gig Harbor. Access for public or private marine services should be provided at a central dock location near the downtown area. Continued upgrading and enhancement of the Jerisich Park dock area should be emphasized. The increased use of marine services would also place demands on downtown parking.

Possibilities of provision of recreational passenger ferry services should be coordinated with private providers. Some discussions have taken place regarding private ferry services to Gig Harbor, and the City should continue to pursue these opportunities. Due to the high costs and parking impacts associated with commuter ferry services, it is not recommended that the city pursue passenger-only ferry services with Washington State Ferries.

Coordinating Transportation and Land Use Planning To Support Transit and Pedestrian Oriented Land Use Patterns

To ensure that this plan is consistent with evolving land use patterns, and to guide land use and new development with respect to transportation that promotes transportation-related goals, the City will work towards:

- Reducing vehicle trips and vehicle miles traveled during peak periods to minimize the demand for constructing costly road improvements;
- Providing effective public transportation services to help reduce car dependence in the region and serve the needs of people who rely on public transportation;
- Encouraging bicycle and pedestrian travel by providing inviting, safe, convenient and connected routes, education and incentive programs, and support services such as bike racks, showers and lockers;
- Maintaining and improving a network of highways, streets and roads that moves people, goods and services safely and efficiently, minimizes social and environmental impacts, and supports various modes of travel.
- Providing adequate connections and access among all transportation modes.

Non Motorized Travel

The residential character of Gig Harbor makes non-motorized travel an important aspect of the Transportation Element. A complete pedestrian and bicycle network would link neighborhoods with schools, parks, and retail activity, allowing residents and visitors to walk or bicycle to these areas rather than drive.

Outside of the downtown retail core, sidewalks have been constructed sporadically, resulting in a discontinuous system of walkways for pedestrians. There are even fewer facilities for bicyclists within Gig Harbor; bicyclists must share the traveled lane with motorists. While there are no facilities for equestrians within Gig Harbor, there is generally little demand for equestrian travel.

Recommended improvements for non motorized uses are shown in **Figure 4-3**. The plan outlines pedestrian, bicycle path, and marine service improvements.

Downtown Strategy Area

Much of Gig Harbor's commercial, tourist and recreational facilities are located along the waterfront, creating congestion in the downtown area and generating demand for pedestrian amenities and additional parking. Traditional roadway or intersection capacity improvements here would destroy the unique character of the downtown.

Within the downtown strategy area, defined as Harborview Drive and North Harborview Drive between Soundview Drive and Peacock Hill Avenue, the City has reclassified the LOS on the intersections identified below to the LOS Classification shown below. The City is required by RCW 36.70A.070(6)(b) "to prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of the development are made concurrent with the development." It is the City's intent to ensure

that the types of “transportation improvements and/or strategies” allowed within this area be oriented towards improved pedestrian safety and convenience. Furthermore, in order to preserve the pedestrian character of the area, the City shall make every effort to implement and require developers to implement “transportation improvement strategies” other than traditional roadway or intersection capacity expansion improvements, and to instead consider such methods as increased public transportation service, ride sharing programs, site access control, demand management and other transportation systems management strategies.

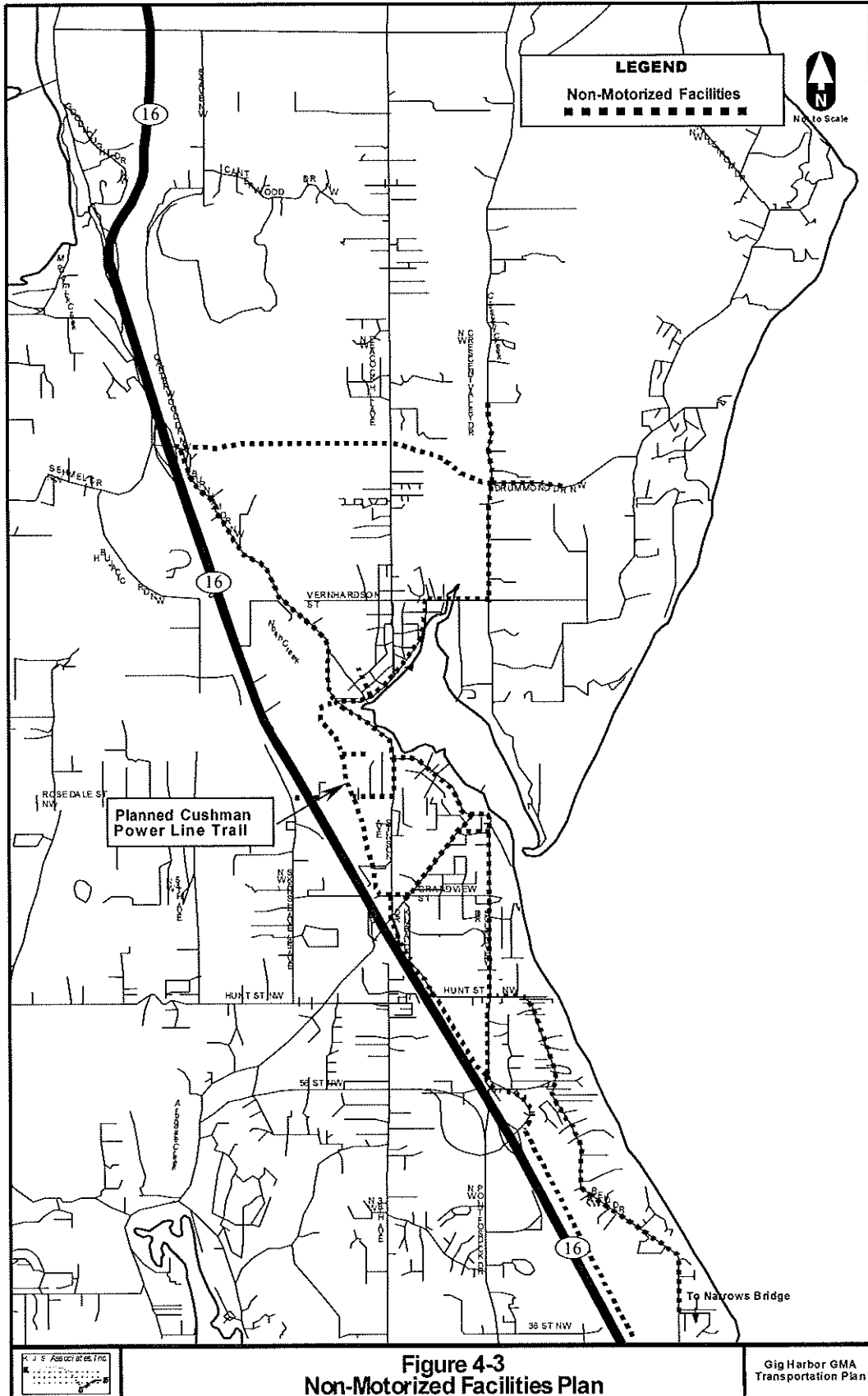
The specific intersections and current LOS that will be considered under the above are

- Harborview Drive/North Harborview Drive LOS F
- Harborview Drive/Pioneer Way LOS F
- Harborview Drive/Stinson Avenue LOS F
- Harborview Drive/Rosedale LOS D
- North Harborview Drive/Peacock Hill LOS C
- Harborview/Soundview LOS B

The above intersections may be allowed to operate a LOS worse than D, consistent with the pedestrian objectives identified in the Downtown Strategy Area.

North Gig Harbor LOS

The North Gig Harbor Traffic Study identified a long range system of transportation improvements to support the buildout of existing and proposed zoning in the NHG Study area, including three proposed Comprehensive Plan Amendments. The projects identified may be considered as needed in future Transportation Improvement Plans (TIP’s), consistent with this element to ensure concurrency is maintained. The buildout potential of the NGH Study area is such that maintaining LOS D for the intersection of Borgen/Canterwood/Burnhan Drive/SR 16 is not feasible due to environmental and fiscal constraints. An LOS E standard is proposed for the intersection to provide a reasonable balance between land use, LOS, environmental impacts and financial feasibility.



SECTION 5. HOUSE BILL 1487 COMPLIANCE

The 1998 legislation House Bill 1487 known as the “Level of Service” Bill, amended the Growth Management Act; Priority Programming for Highways; Statewide Transportation Planning, and Regional Planning Organizations. The combined amendments to these RCWs were provided to enhance the identification of, and coordinated planning for, “transportation facilities and services of statewide significance (TFSSS)” HB 1487 recognizes the importance of these transportation facilities from a state planning and programming perspective. It requires that local jurisdictions reflect these facilities and services within their comprehensive plan.

To assist in local compliance with HB 1487, the Washington State Department of Transportation (WSDOT), Transportation Planning Office and the Washington State Department of Community Trade and Development, Growth Management Program, (now Office of Community Development [OCD]) promulgated implementation guidelines in the form of a publication entitled “Coordinating Transportation and Growth Management Planning”.

Together with these entities, the City of Gig Harbor has worked to compile the best available information to include in the comprehensive plan amendment process.

- Inventory of state-owned transportation facilities within Gig Harbor: SR 16 provides the major regional connection between Tacoma, Bremerton and the Olympic Peninsula. It connects to Interstate 5 in Tacoma and to SR 302 in Purdy. SR 302 is the only other state-owned transportation facility within the planning area, connecting SR 16 with SR 3 to Shelton.
- Estimates of traffic impacts to state facilities resulting from local land use assumptions: **Figure 5-1** provides 20-year traffic volumes for SR-16, which is the only state facility within Gig Harbor. The volumes were generated by Pierce County model, which includes land use assumptions for 2018 for Gig Harbor.
- Transportation facilities and services of statewide significance (TFSSS) within Gig Harbor: SR 16 is included on the proposed list of TFSSS.
- Highways of statewide significance within Gig Harbor: The Transportation Commission List of Highways of Statewide Significance lists SR 16 as an HSS within the City of Gig Harbor and its growth area.
- The North Gig Harbor Traffic Mitigation Study 2005 identified a long range system of transportation improvements to support the buildout of existing and proposed zoning in the NHG Study area, including three proposed Comprehensive Plan Amendments. The Study found that SR 16/Burnham Interchange would fail at build out conditions. Additional access to SR 16 at 144th Ave was identified as a possible mitigation measure, and in traffic modeling provided benefits to operations at the Burnham Drive/BorgenBlvd interchange.

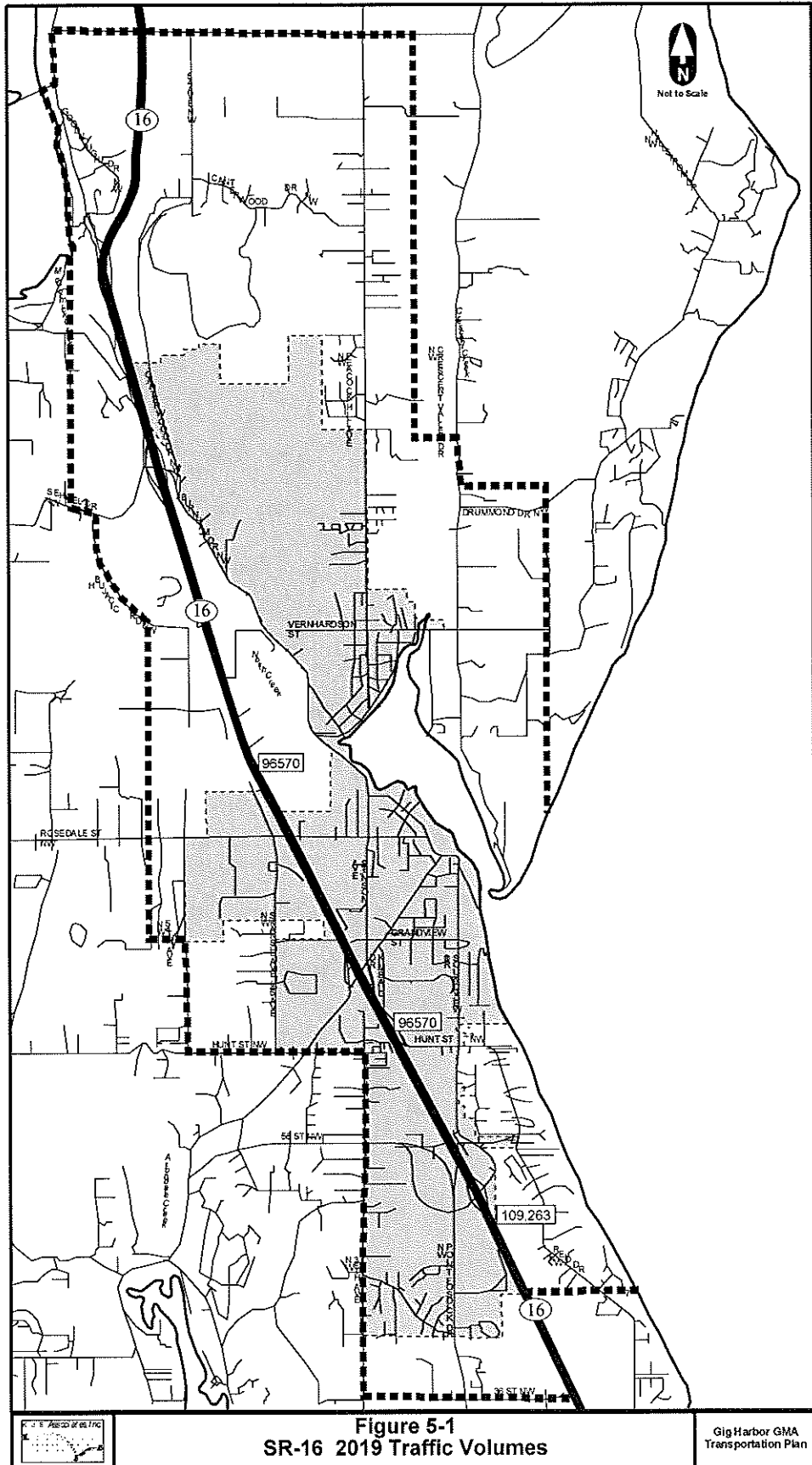
The City of Gig Harbor asserts that proposed improvements to state-owned facilities will be consistent with the Regional Transportation Plan (RTP) and the State Highway System Plan within Washington's Transportation Plan (WTP).

In conjunction with SR16, WSDOT has adopted an LOS standard of D for SR16 and PSRC has adopted an LOS standard of C for SR302.

~~The City of Gig Harbor acknowledges that the concurrency requirement does not apply to transportation facilities and services of statewide significance in Pierce County.~~

WSDOT has several improvements planned in conjunction with the new Tacoma Narrows Bridge project, including a new interchange at 24th Street and 36th Street and SR16/Wollochet Drive ramp improvements. The increased capacity and access caused by the bridge construction will affect the Gig Harbor area transportation improvement needs and long-term growth and development in the area. Several major transportation improvements will be required within the City of Gig Harbor and neighboring Pierce County. These include:

- Hunt Street Pedestrian Overcrossing
- Crescent Valley Connector
- Hunt/Kimball Connector
- North-South Connector
- Expanded interchange at SR 16 Burnham Drive
- Added Access to SR 16 at 144th Avenue or similar location
- Better connection between SR 302 and SR 16



SECTION 6. FINANCIAL ANALYSIS AND CONCURRENCY

The State of Washington’s Growth Management Act (GMA) requires that a jurisdiction’s transportation plan contain a funding analysis of the transportation projects it recommends. The analysis should cover funding needs, funding resources, and it should include a multi-year financing plan. The purpose of this requirement is to insure that each jurisdiction’s transportation plan is affordable and achievable. If a funding analysis reveals that a plan is not affordable or achievable, the plan must discuss how additional funds will be raised, or how land use assumptions will be reassessed.

Federal Revenue Sources

The 1991 federal Intermodal Surface Transportation Efficiency Act (ISTEA) reshaped transportation funding by integrating what had been a hodgepodge of mode- and category-specific programs into a more flexible system of multi-modal transportation financing. For highways, ISTEA combined the former four-part Federal Aid highway system (Interstate, Primary, Secondary, and Urban) into a two-part system consisting of the National Highway System (NHS) and the Interstate System. The National Highway System includes all roadways not functionally classified as local or rural minor collector. The Interstate System, while a component of the NHS, receives funding separate from the NHS funds.

In 1998, the Transportation Efficiently Act for the 21st Century (TEA-21) continued this integrated approach, although specific grants for operating subsidies for transit systems were reduced.

National Highway System funds are the most likely source of federal funding support available for projects in Gig Harbor. **Table 6-1**, taken from the Highway Users Federation of the Automotive Safety Foundation pamphlet *The Intermodal Surface Transportation Efficiency Act of 1991*, describes the types of projects that qualify for funding under NHS (the categories and definitions were virtually unchanged in TEA-21).

To receive TEA21 funds, cities must submit competing projects to their designated Regional Transportation Planning Organization (RTPO) or to the state DOT. Projects which best meet the specified criteria are most likely to receive funds. Projects which fund improvements for two or more transportation modes receive the highest priority for funding. (e.g., arterial improvements which includes transit facilities and reduces transit running times, and constructs pedestrian and bicycle facilities where none existed before).

Table 6-1. Projects Eligible for National Highway System Funding

-
- Construction, reconstruction, resurfacing, restoration and rehabilitation and operational improvements to NHS segments
 - Construction and operation improvements to non-NHS highway and transit projects in the same corridor if the improvement will improve service to the NHS, and if non-NHS improvements are more cost-effective than improving the NHS segment.
 - Safety improvements
 - Transportation planning
 - Highway research and planning
 - Highway-related technology transfer
 - Start-up funding for traffic management and control (up to two years)
 - Fringe and corridor parking facilities
 - Carpool and vanpool projects
 - Bicycle transportation and pedestrian walkways
 - Development and establishment of management systems
 - Wetland mitigation efforts
-

Historical Transportation Revenue Sources

The City of Gig Harbor historically has used three sources of funds for street improvements:

- Income from Taxes
 - Motor Vehicle Excise Tax (MVET)
 - Motor Vehicle Fuel Tax (MVFT)
- Income from Intergovernmental Sources:
 - HUD Block Grants
 - Federal Aid (FAUS, FAS, ISTEAs, etc.)
 - Urban Arterial Board
 - TIB and STP Grants
- Miscellaneous Income:
 - Interest Earnings
 - Miscellaneous Income
 - Developer Contributions
 - Impact Fees (begun in 1996)

In the past, motor vehicle excise tax (MVET) and motor vehicle fuel tax (MVFT) allocations from the state have been the major sources of continuing funding for transportation capital improvements. Initiative 695, passed by the voters in 1999, removed MVET as a significant funding source, so the MVFT (“gas tax”) funding appear

to be the only reliable source of transportation funds for the future. MVET and MVFT also provided funds for state and federal grants which are awarded competitively on a project-by-project basis and from developer contributions which are also usually targeted towards the developer’s share of specific road improvements.

Revenue Forecast

The projected revenues for Gig Harbor’s recommended transportation capital improvements are shown in **Table 6-2**. According to these forecasts, approximately 32% of funding for transportation capital improvements for the next 20 years will come from LIDs, general funds and economic grants. Project-specific SEPA mitigation fees and City traffic impact fees will provide 32% of road capital funds. Additionally, approximately 36% will come from project-specific state and federal funding grants and taxes.

Table 6-2. Gig Harbor Transportation Revenue Forecast, ~~2000~~ 2004 to ~~2018~~ 2024

| <u>Funding Source</u> | <u>Six-year 2004-2009</u> | <u>Percent</u> | <u>Twenty-year 2004-2024</u> | <u>Percent</u> |
|---|-------------------------------|----------------|----------------------------------|----------------|
| MVFT ("gas tax") | \$400,000 | 8.7% | \$2,000,000 | 15.76% |
| State and federal grants | \$500,000* | 10.80% | \$2,600,000* | 20.52% |
| SEPA mitigation and Developer Contribution | \$2,000,000 | 43.5% | \$3,400,000 | 26.85% |
| City Traffic Impact Fees | \$100,000 | 2.2% | \$700,844,000 | 5.56% |
| Other funds (LIDs, general funds, economic grants, etc) | \$1,600,000 | 34.8% | \$4,000,000 | 31.51% |
| Totals | \$4,600,000 | 100.0% | \$12,700,844,000 | 100.00% |

*Includes projected grants for projects whose completion would likely extend beyond 2006.

Capital Costs for Recommended Improvements

As discussed in Section 4, there are several capacity-related improvements within the Gig Harbor UGA needed to achieve adequate levels of service by 2018.

The capacity-related improvements listed in **Table 6-3** will be necessary to meet GMA level of service standards in 2018. Most of these projects have already been included in the City’s current *Six-Year Transportation Improvement Program*, along with project-specific identified funding sources.

Table 6-3. Capacity-related improvement costs, 2004 to 2010

| <i>Facility</i> | <i>Description</i> | <i>Estimated Cost</i> | <i>Predictable (non-grant) Funding</i> |
|---|--|-----------------------|--|
| 56th Street–Point Fosdick Drive | Reconstruct to 3 lanes | \$2,650,000 | \$775,000 |
| Skansie Avenue pedestrian improvements | Minor widening, sidewalk; drainage | \$ 150,000 | \$30,000 |
| Grandview Street Ph 2 | Reconstruct to 2 lanes; bike; pedestrian | \$250,000 | \$250,000 |
| Grandview Street Ph 3 | Reconstruct; bike; pedestrian | \$ 510,000 | \$510,000 |
| 45 th Avenue | Sidewalk on one side | \$ 70,000 | \$70,000 |
| 38th Avenue Ph 1 | Reconstruct to 2/3 lanes; bike; pedestrian | \$6,588,000 | \$1,788,000 |
| Olympic Drive–56th Street | Widen to 5 lanes; bike lanes; pedestrian, drainage | \$4,000,000 | \$1,000,000 |
| Prentice Street | Pedestrian, drainage | \$ 520,000 | \$520,000 |
| Briarwood Lane | Pedestrian, drainage | \$ 450,000 | \$400,000 |
| Burnham Drive Ph 1 | Reconstruct/widen; pedestrian; drainage | \$ 415,000 | \$135,000 |
| 38th Avenue Ph 2 | Reconstruct to 2/3 lanes; bike; pedestrian | \$4,400,000 | \$1,400,000 |
| Vernhardsen Street | Pavement restoration; pedestrian; drainage | \$ 223,000 | \$198,000 |
| Rosedale Street Ph 2 | Widen to 2 thru lanes; bike | \$ 593,000 | \$88,000 |
| Franklin Avenue Ph 2 | Pedestrian, drainage | \$ 500,000 | \$500,000 |
| Point Fosdick pedestrian improvements | Sidewalk on east side | \$ 265,000 | \$265,000 |
| Harborview Drive | Reconstruct roadway; bike; pedestrian | \$ 560,000 | \$560,000 |
| Rosedale Street Ph 3 | Widen to 2 thru lanes; bike; pedestrian; drainage | \$ 445,000 | \$60,000 |
| North-South Connector (Swede Hill Road) | Corridor preservation | Developer | \$0 |
| Burnham Drive Ph 2 | Widen roadway; pedestrian; drainage | \$2,775,000 | \$775,000 |
| 50 th Court | Construct 2 lane roadway; pedestrian | \$ 1,000,000 | \$420,000 |
| Crescent Valley Connector | New roadway | \$4,300,000 | \$290,000 |
| 38 th Avenue /Hunt Street Ph 1 | Design 2/3 lane section w/ median; bike | \$ 208,000 | \$62,000 |
| Burnham Drive Ph 3 | | \$4,400,000 | \$1,400,000 |
| Hunt St Xing of SR 16 Kimball Dr Ext | Construct 2 lane SR 16 undercrossing | \$12,475,000 | \$398,000 |
| Wollochet Drive | Widen roadway; pedestrian | \$5,000,000 | \$0 |
| 36th/Point Fosdick | Improve intersection | \$ 980,000 | \$650,000 |
| Hunt/Skansie | Install signal | \$1,000,000 | \$300,000 |
| Total Costs | | \$ 54,727,000 | \$12,844,000 |

Summary of Costs and Revenues

Based on the revenues and costs listed above, the proposed capacity-related transportation element improvements are affordable within the City’s expected revenues for transportation capital costs. **Table 6-4** summarizes costs and revenues for the six and twenty year periods analyzed in the transportation element.

As shown in **Table 6-4**, the City expects to obtain a proportion of anticipated revenues from grants or other discretionary sources. The revenue estimate indicates the City will

be able to pay for its share of the recommended improvements, however, none of the assumptions about existing sources are guaranteed. The proposed projects include several that could receive matching funds from state and federal grant programs, for which there is considerable competition and limited grant funding. Should the necessary grant funds not be available, the City has several other strategies it can employ to balance revenues and public facility needs. These strategies, listed below, range from the development of other funding sources to the revision of City land use and growth policies:

- Obtain funds from other sources (e.g., loans)
- Revise land use policy
- Pursue cost-sharing opportunities with other agencies (e.g., WSDOT or Pierce County) and/or the private sector

The proposed improvements over the next 20 years total \$53,442,000. Proposed improvements and expected revenues are therefore balanced as shown in the **Table 6-4** below. The projects that have been excluded from the revenue obligation requirements are the Hunt Street overcrossing, the Crescent Valley connector, the Hunt/Kimball connector and the North-South Connector.

Table 6-4. Summary of capacity-related project capital costs and revenues

| Category | Six-year 2004-2010 | Percent of Revenues | Twenty-year 2000-2018 | Percent of Revenues |
|------------------------|-----------------------|------------------------|--------------------------|------------------------|
| Projected Revenues | \$54,727,000 | 100.0% | \$54,727,000 | 100% |
| predictable sources | \$12,844,000 | 23% | \$12,844,000 | 23% |
| grant sources | \$41,883,000 | 77% | \$41,883,000 | 77% |
| Projected Expenditures | \$54,727,000 | 100% | \$54,727,000 | 100% |
| Net | \$-0- | 0% | \$-0- | 0% |

North Gig Harbor Capital Cost and Revenue Summary 2005

The North Gig Harbor Traffic Study identified a long range system of transportation improvements to support the buildout of existing and proposed zoning in the NHG Study area, including three proposed Comprehensive Plan Amendments. The projects identified may be considered as needed in future Transportation Improvement Plans (TIP's), consistent with this element to ensure concurrency is maintained. The projects identified in the study include City, County, State, and Developer responsibility. The revenue required for the projects was identified. The projects are not yet funded. The projects may be added to the TIP as revenue sources such as impact fees, agency contributions, and or grants are obtained. A new revenue source was created in 2006 by passage of HB 2670, allowing the creation of Benefit Districts for infrastructure improvements, this revenue source could generate as much as \$2,000,000 per year towards infrastructure improvements.

SECTION 7. GOALS AND POLICIES

The transportation goals contained in this element are:

- Create an Effective Road and Sidewalk Network.
- Create an appropriate balance between transportation modes where each meets a different function to the greatest efficiency.
- Design and Construction Standards
- Level of Service Standards
- Air Quality

GOAL 11.1: CREATE AN EFFECTIVE ROAD AND SIDEWALK NETWORK.

The City of Gig Harbor shall plan for an effective road network system.

Policy 11.1.1 Complete development of the arterial road grid serving the planning area.

Policy 11.1.2 Develop a trans-highway connector across SR-16 at Hunt Street.

Policy 11.1.3 Establish a Kimball connector which would provide access between Hunt and Soundview Road and reduce traffic volumes on Soundview.

Policy 11.1.4 Establish a functional classification system which defines each road's principal purpose and protects the road's viability.

Policy 11.1.5 Develop an arterial and collector system which collects and distributes area traffic to SR-16.

Policy 11.1.6 Define a collector road system which provides methods for transversing the neighborhoods, districts and other places within the area without overly congesting or depending on the arterial system or any single intersection.

Policy 11.1.7 Establish effective right-of-way, pavement widths, shoulder requirements, curb-gutter-sidewalk standards for major arterials, collectors and local streets.

Policy 11.1.8 Improve collector roads in the planning area particularly Rosedale and Stinson Avenues, to provide adequate capacity for present and future projected traffic loads, pedestrian and bicyclist activities.

Policy 11.1.10 Work with downtown property owners to determine an effective parking plan of business owners.

Policy 11.1.11 Provide planning and design assistance in establishing a local parking improvement district for the downtown area.

GOAL 11.2: MODAL BALANCE

Create an appropriate balance between transportation modes where each meets a different function to the greatest efficiency.

Policy 11.1.1 Work with Pierce Transit to satisfy local travel needs within the planning area, particularly between residential areas, the downtown and major commercial areas along SR-16.

- Policy 11.2.2 Work with Pierce Transit to locate Pierce Transit Park and Ride lots in areas which are accessible to transit routes and local residential collectors, but which do not unnecessarily congest major collectors or arterial roads or SR-16 interchanges.
- Policy 11.2.3 Establish a multipurpose trails plan which provides designated routes for pedestrians and bicyclists.
- Policy 11.2.4 Designate routes around Gig Harbor Bay, within the Crescent and Donkey Creek corridors, from the Shoreline (north Gig Harbor) business district to Goodman school and into Gig Harbor North, from the downtown business district to Grandview Forest Park and other alignments which provide a unique environmental experience and/or viable options to single occupancy vehicles.
- Policy 11.2.5 The City should adopt and implement a program which increases public awareness to the city's transportation demand management strategies, including non-motorized transportation and increased use of local transit. Adopted strategies include a Transportation Demand Management Ordinance (Gig Harbor Ordinance #669).
- Policy 11.2.6 Promote transportation investments that support transit and pedestrian oriented land use patterns and provide alternatives to single-occupant automobile travel.

GOAL 11.3: DESIGN AND CONSTRUCTION STANDARDS

Establish design construction standards which provide for visually distinct roadways while providing efficient and cost effective engineering design.

- Policy 11.3.1 Adopt and implement street construction standards which implement the goals and policies of the City of Gig Harbor Comprehensive Plan Design Element and the City Design Guidelines.
- Policy 11.3.2 Identify and classify major or significant boulevards & arterials.
- Policy 11.3.3 Provide for an efficient storm drainage system in road design which minimizes road pavement needed to achieve levels of service.
- Policy 11.3.4 Implement design standards which provide, where feasible, for a pleasing aesthetic quality to streetscapes and which provide increased pedestrian safety by separating sidewalks from the street edge.
- Policy 11.3.5 Give high priority to maintenance and preservation of the existing transportation system over new construction.

GOAL 11.4: LEVEL OF SERVICE STANDARDS

Policy 11.4.1 The City of Gig Harbor Level of Service Standard for intersections is LOS D, except for the following intersections identified in the Downtown Strategy Area

- Harborview Drive/North Harborview Drive
- Harborview Drive/Pioneer Way
- Harborview Drive/Stinson Avenue
- Harborview Drive/Rosedale
- North Harborview Drive/Peacock Hill
- Harborview/Soundview

The above intersections may be allowed to operate a LOS worse than D, consistent with the pedestrian objectives identified in the Downtown Strategy Area.

Policy 11.4.2 If funding for capacity projects falls short, the Land Use Element, LOS, and funding sources will be re-evaluated. Impact fees should be used to the extent possible under GMA to fund capacity project costs.

Policy 11.4.3 Level of service E will be acceptable at the SR 16 westbound ramp terminal roundabout intersection on Burnham Drive, provided that: (a) the acceptable delay at LOS E shall not exceed 80 seconds per vehicle as calculated per customary traffic engineering methods acceptable to the city engineer; and (b) this policy shall cease to have effect if a capital improvement project is added to the Transportation Improvement Program and is found by the City to be foreseeably completed within six years and to add sufficient capacity to the interchange and adjacent intersections so as to achieve a level of service of D or better upon its completion including the impacts of all then-approved developments that will add travel demand to the affected intersections.

Policy 11.4.4 When a proposed development would degrade a roadway or intersection LOS below the adopted threshold on a state highway, the roadway or intersection shall be considered deficient to support the development and traffic impact mitigation shall be required based on the recommendation of the City Engineer and consistent with the Washington State Highway System Plan Appendix G: Development Impacts Assessment.

Policy 11.4.5 The City shall maintain a current traffic model to facilitate the preparation of annual capacity reports and concurrency reviews.

GOAL 11.5: AIR QUALITY

The City should implement programs that help to meet and maintain federal and state clean air requirements, in addition to regional air quality policies.

Policy 11.5.1 The City's transportation system should conform to the federal and state Clean Air Acts by maintaining conformity with the Metropolitan Transportation Plan of the Puget Sound Regional Council and by following the requirements of WAC 173-420.

Policy 11.5.2 The City should work with the Puget Sound Regional Council, Washington State Department of Transportation, Pierce Transit and neighboring jurisdictions in the development of transportation control measures and other transportation and air quality programs where warranted.

Exhibit “C”
Application COMP 07-0004:
Capital Facilities Element

Chapter 12

CAPITAL FACILITIES

INTRODUCTION

A Capital Facilities Plan is a required element under the State Growth Management Act, Section 36.70A.070 and it addresses the financing of capital facilities in the City of Gig Harbor and the adjacent urban growth area. It represents the City and community's policy plan for the financing of public facilities over the next twenty years and it includes a six-year financing plan for capital facilities. The policies and objectives in this plan are intended to guide public decisions on the use of capital funds. They will also be used to indirectly provide general guidance on private development decisions by providing a strategy of planned public capital expenditures.

The capital facilities element specifically evaluates the city's fiscal capability to provide public facilities necessary to support the other comprehensive plan elements. The capital facilities element includes:

- Inventory and Analysis
- Future Needs and Alternatives
- Six-Year Capital Improvement Plan
- Goals, Objectives and Policies
- Plan Implementation and Monitoring

Level of Service Standards

The Capital Facilities Element identifies a level of service (LOS) standard for public services that are dependent on specific facilities. Level of service establishes a minimum capacity of capital facilities that must be provided per unit of demand or other appropriate measure of need. These standards are then used to determine whether a need for capacity improvements currently exists and what improvements will be needed to maintain the policy levels of service under anticipated conditions over the life of the Comprehensive Plan. The projected levels of growth are identified in the *Land Use and Housing Elements*.

Major Capital Facilities Considerations and Goals

The Capital Facilities Element is the mechanism the city uses to coordinate its physical and fiscal planning. The element is a collaboration of various disciplines and interactions of city departments including public works, planning, finance and administration. The Capital Facilities Element serves as a method to help make choices among all of the possible projects and services that are demanded of the City. It is a basic tool that can help encourage rational decision-making rather than reaction to events as they occur.

The Capital Facilities Element promotes efficiency by requiring the local government to

prioritize capital improvements for a longer period of time than the single budget year. Long range financial planning presents the opportunity to schedule capital projects so that the various steps in development logically follow one another respective to relative need, desirability and community benefit. In addition, the identification of adequate funding sources results in the prioritization of needs and allows the tradeoffs between funding sources to be evaluated explicitly. The Capital Facilities Plan will guide decision making to achieve the community goals as articulated in the Vision Statement of December, 1992.

INVENTORY AND ANALYSIS

The inventory provides information useful to the planning process. It also summarizes new capital improvement projects for the existing population, new capital improvement projects necessary to accommodate the growth projected through the year 2010 and the major repair, renovation or replacement of existing facilities.

Inventory of Existing Capital Facilities

Wastewater Facilities

Existing Capital Facilities

The City's waste-water treatment facility is located on five acres, west of Harborview Drive at its intersection with North Harborview Drive. The principal structure on the site consists of a 2,240 square feet building which houses the offices, testing lab and employee lunch room. The treatment facility consists of an activated sludge system which provides secondary level treatment of municipal sewage. After treatment, the effluent is discharged into Gig Harbor Bay via a submarine outfall pipe. The system was upgraded in 1996 to its present capacity of 1.6 MGD. The existing facility is currently operating at about 60 percent capacity. A proposed 3.8 MGD expansion of the treatment plant is anticipated to provide sufficient capacity through the 20-year planning horizon.

A 2003 report by the Cosmopolitan Engineering Group analyzed the operation, maintenance, and capacity problems at the treatment plant, including odor and noise complaints. The report proposed a number of phased system improvements that have been incorporated in the wastewater capital improvement program.

The existing collection system serves a population of 6,820 and includes approximately 141,000 feet of gravity pipe, the majority of which are PVC, 27,000 feet of force main, 13 lift stations. Detailed descriptions of the existing sewer system, including location and hydraulic capacities, are found in the Gig Harbor Wastewater Comprehensive Plan (2002).

The downtown portion of the collection system was constructed under ULID No.1 in the mid-1970's. ULID No. 2 was constructed in the late 1980's to serve areas to the South of Gig Harbor, including portions of Soundview Drive, Harbor County Drive, Point Fosdick-Gig Harbor Drive,

56th Street NW, 32nd Avenue, and Harborview Drive. ULID No. 3 was constructed in the early 1990's to connect the Gig Harbor collection system to points north including portions of Burnham Drive NW and 58th Avenue NW.

In addition to sewer service within the Gig Harbor UGA, the City of Gig Harbor maintains a septic system for the Ray Nash Development, located about 5 miles west of the City. Ray Nash is a 12-unit development with an on-site septic system and pressurized drainfield. The City also maintains an on-site septic system for the Olympic Theater.

Forecast of Future Needs

In order to provide service to the urban growth area within 20 years, the City of Gig Harbor will need to extend its system into areas that currently do not have sewers. Collection system expansions will be financed by developer fees and/or utility local improvement districts (ULIDs), and maintained by the City. A conceptual plan for extending sewers into the unsewered parts of the city and urban growth area is included in the City's Wastewater Comprehensive Plan (2002). Individual basins in the unsewered areas were prioritized as 6-year or 20-year projects based on anticipated development.

The service area as configured in 1999 represented 2,270 equivalent residential units (ERUs). By 2019, this total is projected to reach 8,146 ERUs within the existing service area boundaries, with an additional 11,219 in the currently unsewered areas, for a system-wide total of 19,365 ERUs. Specific facilities improvements required to accommodate the short-term (6-year) and long-term (20-year) growth are listed in Table 12.5.

With completion of the proposed treatment plant expansion and other proposed system improvements, no significant capacity issues are anticipated through the 2022 planning horizon.

Water System

Existing Capital Facilities

The City's water system and service area are unique in that many residents within the City limits and the City's UGA receive water service from adjacent water purveyors. Over 6,300 of the 12,113 people (52%) within the City's UGA and over 500 people within the City limits receive water from water purveyors other than the City.

The City of Gig Harbor Water System was originally built in the late 1940's. The system has experienced considerable growth and served 1,391 connections and a service area population of 5,636 in 1999, including the Washington Corrections Center for Women and the Shore Acres Water System.

The City owns and draws water from six wells. The City's wells have a combined capacity of 2,705 gallons per minute (GPM) and are exclusively groundwater wells.

Table 12.1.- Summary of Existing Source Supply

| Well No. | Date Drilled | Capacity (GPM) | Depth (Ft.) | Status |
|----------|--------------|----------------|-------------|--------------|
| 1 | 1949 | N/A | 320 | Abandoned |
| 2 | 1962 | 330 | 121 | In Use |
| 3 | 1978 | 625 | 920 | In Use |
| 4 | 1988 | 230 | 443 | In Use |
| 5 | 1990 | 500 | 818 | In Use |
| 6 | 1991 | 1,000 | 600 | In Use |
| 7 | N/A | N/A | 393 | Class B Well |
| 8 | 1965 | 20 | 240 | In Use |

Source: City of Gig Harbor Water Facilities Inventory (WFI) Report, 1998; DOE Water Right Certificates

The City also has five storage facilities with a combined capacity of 2,250,000 gallons as shown in Table 12.2. Additionally, 2.4 million gallon storage reservoir is in the planning stages. The tank will be privately constructed as a condition of a pre-annexation agreement for Gig Harbor North. Upon completion, the facility will be turned over to the City.

Table 12.2 - Summary of Existing Storage Facilities

| Storage Facility | Associated with Well No. | Total Capacity (gallons) | Base Elevation (ft) | Overflow Elevation (ft) |
|-------------------------------------|--------------------------|--------------------------|---------------------|-------------------------|
| East Tank | 2 | 250,000 | 304 | 320 |
| Harbor Heights Tanks ⁽¹⁾ | 4 | 500,000 | 290 | 320 |
| Shurgard Tank | 3 | 500,000 | 339 | 450 |
| Skansie Tank | 5 & 6 | 1,000,000 | 338 | 450 |
| Total | | 2,250,000 | | |

(1) There are two Harbor Heights tanks, each with a volume of 250,000 gallons.

Source: City of Gig Harbor Water System Comprehensive Plan

As with most municipalities, the City’s water distribution system has developed continuously as demands and the customer base have grown. This evolution has created a distribution system comprised of pipes of various materials, sizes, and ages. The City’s distribution system is comprised primarily of six-inch and eight-inch pipe. Ten-inch and twelve-inch pipes are located mostly at reservoir and pump outlets in order to maximize flows to the distribution system. There is also a 16-inch main along Skansie Avenue that serves the City maintenance shops and the Washington Correctional Center for Women facility in the Purdy area of the City’s UGA. Approximately five percent of the system consists of four-inch pipe. The City is systematically replacing these undersized lines as budget allows. The City is also replacing older asbestos cement (AC) lines with ductile iron pipe as budget allows.

A detailed description of the existing water supply system may be found in the City of Gig Harbor Comprehensive Water System Plan (2001).

Forecast of Future Needs

The water use projections for the existing service area indicate an increase from 5,636 people in

2000 to 7,590 people in 2019. Projected populations for the City’s new service area are estimated at an additional 4,650 people by 2019.

Analysis of the existing storage facilities indicates that the City can meet all of its storage needs through the 20-year planning horizon with existing facilities by nesting standby storage and fireflow storage. However, development in the Gig Harbor North area will require additional storage to supply future connections in this area. The City plans to construct a 500,000-gallon, ground-level steel tank near the existing maintenance shop on Skansie Avenue.

Planned improvements for the distribution system generally include AC pipe replacement and capacity upgrades to provide fireflow.

The City has recently been granted an additional water right of 1,000 gallons per minute, sufficient to serve about 2,547 additional equivalent residential units. With other planned water system improvements and programmatic measures, the City anticipates sufficient water supplies through 2019. Specific facilities improvements required to accommodate the short-term (6-year) and long-term (20-year) growth are listed in Table 12.5.

Parks and Recreation Facilities

Existing Facilities

The City has a number of public park facilities, providing a range of recreational opportunities. These facilities are listed in Table 12.3 and described in greater detail below.

Table 12.3. Existing Park Facilities

| Facility | Size (Acres) | Location | Type of Recreation |
|-----------------------------|--------------|-------------------------------------|--|
| City Park at Crescent Creek | 5.8 | Verhardson Street | Active; Park, athletic facilities, play fields Passive; picnic area |
| Jerisich Park | 1.5 | Rosedale Street at Harborview Drive | Moorage; water access; fishing |
| Grandview Forest Park | 8.8 | Grandview Drive | Passive; trail system |
| Old Ferry Landing | 0.1 | Harborview Drive, east end | Passive; view point |

| Facility | Size | Location | Type of Recreation |
|-----------------------------------|-----------|---|---|
| Borgen Property | 0.96 acre | Located at the intersecting parcel defined by Austin Street, Harborview Drive and old Burnham Drive | Passive; historical, scenic, nature area |
| Wilkinson’s Homestead | 16.3 | Rosedale Street | Passive; Historical, walking trail |
| Tallman’s Wetlands | 16.0 | Wollochet Drive NW | Passive; Trails |
| | (Acres) | | |
| WWTP (Wastewater Treatment Plant) | 9.3 | Burnham Drive | Passive; walking trails Active; (proposed) hike, bike and horse trails |
| Wheeler Street ROW end | 0.4 | Verhardson Street | Passive; beach access |
| Bogue Viewing Platform | 0.4 | North Harborview Drive | Passive; picnic area |
| Finholm Hillclimb | 0.4 | Fuller Street between Harbor Ride Middle School and the Northshore area. | Passive; walkway and viewing point |
| Dorotich Street ROW | 0.4 | West side of bay | Passive; Street End Park |
| Soundview Drive ROW end | 0.4 | West side of bay adjoining Tides Tavern | Passive; Public Access dock |
| Harborview Trail | 1.4 | Harborview Drive and North Harborview | Passive; bike and pedestrian trails |
| Bogue Building | 0.04 | 3105 Judson | Passive; historical |
| Public Works/ Parks Yard | 7.5 | 46 th Avenue NW | Passive; storage of parks equipment |
| Civic Center | 10.0 | Grandview Drive adjacent to Grandview Forest Park | Active; athletic fields, recreational courts, skatepark Passive; picnic area |
| Westside Park | 5.5 | | Undeveloped – athletic fields under consideration |
| Skansie Park | 2.0 | Rosedale Street at Harborview Drive | Passive |

City Park - this 5.8 acre property is located on Vernhardson Street on the east side of Crescent Creek. The eastern portion of the former Peninsula School District site has been improved with athletic facilities including a tennis court, basketball court, and youth baseball/softball field.

The western portion of the site conserves the banks, wetlands, and other natural areas adjacent to Crescent Creek. This portion of the site has been improved with a playground structure, picnic tables, picnic shelter, restrooms, parking area and a pump house building.

Jerisich Park - this 1.5 acre waterfront property is located within the extended right-of-way of Rosedale Street NW on Harborview Drive adjacent to the downtown district. The site is the only publicly developed marine-oriented waterfront Access Park within Gig Harbor.

The waterfront site has been developed with a flagpole and monument along Harbor view Drive. Restrooms, picnic tables, and benches are provided on a 1,500 square foot pier supported deck overlooking in the harbor and adjacent marinas. The deck provides gangplanks access to a 352 foot long, 2,752 square foot pile supported fishing and boat moorage pier. The pier provides day –use boat moorage for 20 slips, access for kayaks and other hand-carry watercraft, and fishing. The pier is used on a first –come basis to capacity, particularly during summer weekends.

Grandview Forest Park - Grandview Forest Park – this 8.8 acre site is located on Grandview Drive adjacent to the City Hall. The park site surrounds the city water storage towers on a hilltop overlooking the harbor and downtown district. The densely wooded site has been improved with bark- covered walking trails and paths that provide access to surrounding residential developments and the athletic fields located behind the school complex. The park is accessed by vehicle from Grandview Drive onto an informal graveled parking area located adjacent to the water storage tanks on an extension of McDonald Avenue.

Old Ferry Landing - this 1.0 acre site is located at the east end of Harborview Drive overlooking Point Defiance across the Narrows and Dalco passage. Portions of the original marine and ferry dock landing piles are visible from the end of the road right-of-way that extends into the tidelands.

Borgen Property – this recently acquired 0.96 acre property is located in the intersecting parcel defined by Austin Street, Harborview Drive, and Old Burnham Drive. The site includes the original wood structure that housed the Borgen lumber and hardware sales offices and displays, along with a number of out buildings and yard that stored lumber and other materials.

The site is bisected by Donkey (North) Creek – a perennial stream that provides salmonoid habitat including an on-going hatchery operation located on the north bank adjacent to Harborview Drive. Some of the lumber yard buildings and improvements extend into the buffer zone area that has recently been defined for salmon-bearing water corridors. Future plans for the property will need to restore an adequate natural buffer area along the creek while determining how best to establish an activity area on the site commensurate with the property’s strategic natural area, historical, and scenic.

Wilkinson’s Homestead - Wilkinson’s Homestead – this 16.3 acre site is located on Rosedale Street adjacent to Tacoma City Light powerlines. The site is being acquired from the heir of a previous property owner. The property contains large wetlands, steep hillsides under the powerline corridor, the family homestead, barn, outbuildings, former holly orchard, and meadows. The site is accessed from a driveway off Rosedale Street.

Tallman’s Wetlands - this 16.0 acre property is located on Wollochet Drive NW south of SR-16 and outside of existing city limits. The site contains significant wetlands that collects and filters stormwater runoff from the surrounding lands. This portion of the property will be conserved and provided with interpretive trails by the developer in accordance with the annexation agreement.

Wastewater Treatment Plant - the 9.3 acre wastewater treatment plant facility is located on the west side of Burnham Drive on North (Donkey) Creek. The property was recently expanded to provide a buffer between the plant and uphill portions of the creek.

A 33 acre portion of the expansion area may be developed to provide a trailhead connection to the overhead powerline property located parallel to SR-16. The powerline right-of-way could be improved to provide access to a multipurpose system of hike, bike, and horseback riding trails in this portion of the urban growth area.

Wheeler Street Right-of-Way (ROW) End - this 0.4 acre road right-of-way is located at the north end of the bay adjacent Crescent Creek in a quiet residential neighborhood. The site provides beach access.

Bogue Viewing Platform - this 0.4 acre harbor overlook is located on waterfront side of North Harborview Drive north of the intersection with Burnham Drive. The site has been improved with a pier supported, multilevel wood deck, picnic tables, benches, and planting. A sanitary sewer pump station is located with the park.

Finholm Hillclimb - this 0.4 acre road right-of-way is located in Fuller Street extending between Harbor Ridge Middle School and the North shore business district. A wooden stairway system with overlook platforms, viewing areas, and benches has been developed between Franklin and Harborview Drive as a joint effort involving the Lions Club, volunteers and city materials.

Dorotich Street (ROW) - this 0.4 acre road right-of-way is located on the west side of the bay adjoining residential condominiums and some commercial waterfront facilities. A private access dock has been developed at Arabella's Landing Marina that serves as the street-end park.

Soundview Drive ROW - - this 0.4 acre road right-of-way is located on the Westside of the bay adjoining Tides Tavern (the former Westside Grocery). The present and former owners maintain and provide a public access dock on the right-of-way for use of tavern patrons.

Harborview Trail - this 1.4 mile trail corridor is located within the public street right-of-way of Harborview Drive and North Harborview Drive. Additional road width was constructed (between curbs) to provide for painted on-road bike lanes on both sides of the roadway around the west and north shores of the harbor from Soundview Drive to Vernhardson/96th Street NW and City Park.

Curb gutters, sidewalks, and occasional planting and seating areas have been developed on both sides of the roadway from Soundview Drive to Peacock Hill Road. Sidewalks have also been extended on Soundview Drive, Pioneer Way, Rosedale Street, Austin Street adjacent to North (Donkey) Creek, and Burnham Drive will include provisions for pedestrians and bicyclists. Limited improvements have been constructed on Peacock Hill.

Bogue Building – this 0.4 acre property and 1, 800 square foot building is located adjacent to old City Hall on Judson Street within the downtown district. The one-story, wood frame building was previously used by the Gig Harbor Planning and Building Department and is now a volunteer center.

Public Works / Parks Yard - the 7.5 acre Public Works Yard is located north of Gig Harbor High School just west of 46th Street NW. The shop compound includes 3 buildings that provide 4,760 square feet, 2,304 square feet, and 1,800 square feet or 8,864 square feet in total of shop and storage space. Approximately 3,000 square feet of building or 0.52 acres of the site are used to store park equipment, materials, and plantings.

Civic Center - this 10.0 acre site is located on Grandview Drive adjacent to Grandview Forest Park. The site currently contains City offices, multi-use athletic fields, playground, recreational courts, a skateboard court, a boulder rock climbing wall, and wooded picnic area.

Forecast of Future Needs

The City has adopted a level of service for community parks of 7.1 gross acres of general open space and 1.5 gross acres of active recreational area per 1,000 residents. According to the parks inventory conducted for the Park, Recreation, and Open Space Plan, the City had about 54 acres of public open space (passive recreation) and about 16 acres of active recreation facilities in 2001. Using the 2000 Census population figure, the City met its level of service standards at that time.

Table 12.4. Recreational Facilities and Level of Service

| Type of Facility | LOS Standard (Acres/1,000) | 2001 Need (Acres) | 2001 Actual (Acres) | 2022 Need (Acres) | Additional Acreage |
|--------------------|-------------------------------|----------------------|------------------------|----------------------|-----------------------|
| Open Space: | 7.1 | 46 | 53.6 | 76.7 | 23.1 |
| Active Recreation: | 1.5 | 9.7 | 15.8 | 16.2 | 0.40 |
| Total: | | 55.7 | 69.4 | 92.9 | 23.5 |

Alternative level of service standards, such as those recommended by the National Recreation and Park Association (NRPA) are compared to the City’s current service levels in the Park, Recreation, and Open Space Plan. The NRPA standards provide a finer level of measurement for specialized function facilities relative to the population size. This can provide an additional planning tool to ensure that all segments of the community are served according to their needs.

In addition to City-owned facilities, residents of the greater Gig Harbor community have access to facilities owned and operated by others. These include facilities associated with the Peninsula School District schools in and around the City, Pierce County’s Peninsula Recreation Center and Randall Street Boat Launch, Tacoma’s Madrona Links public golf course, and various private parks, including Canterwod Golf Course, sporting facilities, marinas, and boat landings. According to the Park, Recreation and Open Space Plan, all public and private agencies, and other public and private organizations owned 963.4 acres or about 80.3 acres for every 1,000 persons living within the City and its urban growth area in 2000. Therefore, while the City’s level of service standards provides a guide for ensuring a minimum provision of park and recreation land, the actual capacity of all such facilities is significantly higher.

Proposed parks capital facility improvements are listed on Table 12.5

Stormwater Facilities

Existing Facilities

The City of Gig Harbor is divided into six major drainage basins that drain the urban growth area. These are North/Donkey Creek, Gig Harbor, Bitter/Garr/Wollochet Creek, Gooch/McCormick Creek, Crescent Creek, and the Puget Sound. These basins drain to Gig Harbor, Wollochet Bay, and Henderson Bay. The storm drainage collection and conveyance system consists of typical components such as curb inlets, catch basins, piping ranging from 8-inch to 48-inch, open ditches, natural streams, wetlands, ponds, and stormwater detention and water quality ponds.

Level of Service

The role of federal, state, and local stormwater regulations is to provide minimum standards for the drainage and discharge of stormwater runoff. Specifically, the goal of these regulations is to reduce the damaging effects of increased runoff volumes to the natural environment as the land surface changes and to remove pollutants in the runoff.

Through the Clean Water Act and other legislation at the federal level, the states have been delegated the authority to implement rules and regulations that meet the goals of this legislation. The states, subsequently, have delegated some of this authority to the local agencies. The local agencies, in turn, enact development regulations to enforce the rules sent down by the state. Therefore, the level of service is represented by the regulations adopted and enforced by the City. The City of Gig Harbor has adopted the 1997 Kitsap County Stormwater Management Design Manual as the City of Gig Harbor Stormwater Management Design Manual. The manual outlines water quantity design criteria, water quality controls, erosion and sediment control practices, and site development.

Forecast of Future Needs

The development of stormwater facilities is largely driven by developer improvements, although the City provides oversight and system upgrades to remedy capacity issues. Proposed storm and surface water capital facility improvements are listed on Table 12.5.

CAPITAL FACILITIES PROGRAM

A Capital Facilities Program (CFP) is a six-year plan for capital improvements that are supportive of the City's population and economic base as well as near-term (within six years) growth. Capital facilities are funded through several funding sources which can consist of a combination of local, state and federal tax revenues.

The Capital Facilities Program works in concert generally with the land-use element. In essence, the land use plan establishes the "community vision" while the capital facilities plan provides for

the essential resources to attain that vision. An important linkage exists between the capital facilities plan, land-use and transportation elements of the plan. A variation (change) in one element (i.e. a change in land use or housing density) would significantly affect the other plan elements, particularly the capital facilities plan. It is this dynamic linkage that requires all elements of the plan to be internally consistent. Internal consistency of the plan's elements imparts a degree of control (checks and balances) for the successful implementation of the Comprehensive Plan. This is the concurrence mechanism that makes the plan work as intended.

The first year of the Capital Facilities Program will be converted to the annual capital budget, while the remaining five year program will provide long-term planning. It is important to note that only the expenditures and appropriations in the annual budget are binding financial commitments. Projections for the remaining five years are not binding and the capital projects recommended for future development may be altered or not developed due to cost or changed conditions and circumstances.

Definition of Capital Improvement

The Capital Facilities Element is concerned with needed improvements which are of relatively large scale, are generally non-recurring high cost and which may require financing over several years. The list of improvements is limited to major components in order to analyze development trends and impacts at a level of detail which is both manageable and reasonably accurate.

Smaller scale improvements of less than \$25,000 are addressed in the annual budget as they occur over time. For the purposes of capital facility planning, capital improvements are major projects, activities or maintenance, costing over \$25,000 and requiring the expenditure of public funds over and above annual operating expenses. They have a useful life of over ten years and result in an addition to the city's fixed assets and/or extend the life of the existing infrastructure. Capital improvements do not include items such as equipment or "rolling stock" or projects, activities or maintenance which cost less than \$25,000 or which regularly are not part of capital improvements.

Capital improvements may include the design, engineering, permitting and the environmental analysis of a capital project. Land acquisition, construction, major maintenance, site improvements, energy conservation projects, landscaping, initial furnishings and equipment may also be included.

Capital Facilities Needs Projections

The City Departments of Operations and Engineering, Planning-Building, Finance and Administration have identified various capital improvements and projects based upon recent surveys and planning programs authorized by the Gig Harbor City Council. Suggested revenue sources were also considered and compiled.

Currently, five capital facilities plans have been completed:

- City of Gig Harbor Water System Comprehensive Plan – Volumes 1 & 2 (June 2001), as amended by ordinance
- City of Gig Harbor Wastewater Comprehensive Plan (February, 2002), as amended by ordinance.
- City of Gig Harbor Wastewater Treatment Plan Improvements Engineering Report (April 2003)
- City of Gig Harbor Stormwater Comprehensive Plan (February, 2001), as amended by ordinance
- City of Gig Harbor Park, Recreation & Open Space Plan (March 2001), as amended by ordinance

All the plans identify current system configurations and capacities and proposed financing for improvements, and are adopted by reference as part of this Comprehensive Plan.

Prioritization of Projected Needs

The identified capital improvement needs listed were developed by the City Community Development Director, Finance Director, and the City Administrator. The following criteria were applied informally in developing the final listing of proposed projects:

Economics

- Potential for Financing
- Impact on Future Operating Budgets
- Benefit to Economy and Tax Base

Service Consideration

- Safety, Health and Welfare
- Environmental Impact
- Effect on Service Quality

Feasibility

- Legal Mandates
- Citizen Support
- 1992 Community Vision Survey

Consistency

- Goals and Objectives in Other Elements
- Linkage to Other Planned Projects
- Plans of Other Jurisdictions

Cost Estimates for Projected Needs

The majority of the cost estimates in this element are presented in 2000 dollars and were derived from various federal and state documents, published cost estimates, records of past expenditures and information from various private contractors.

FUTURE NEEDS AND ALTERNATIVES

The Capital Facility Plan for the City of Gig Harbor is developed based upon the following analysis:

- Current Revenue Sources
- Financial Resources
- Capital Facilities Policies
- Method for Addressing Shortfalls

Current Revenue Sources

The major sources of revenue for the City’s major funds are as follows:

| Fund | Source | Projected 2004 \$ |
|-------------------------|------------------|--------------------------|
| General Fund | Sales tax | \$3,862,000 (60%) |
| | Utility tax | \$944,000 (14%) |
| | Property tax | \$337,000 (5%) |
| Street Fund- Operations | Property tax | \$1,010,000 (80%) |
| Water Operating Fund | Customer charges | \$34,000 |
| Sewer Operating Fund | Customer charges | \$1,498,000 |
| Storm Drainage Fund | Customer charges | \$400,000 |

Financial Resources

In order to ensure that the city is using the most effective means of collecting revenue, the city inventoried the various sources of funding currently available. Financial regulations and available mechanisms are subject to change. Additionally, changing market conditions influence the city's choice of financial mechanism. The following list of sources include all major financial resources available and is not limited to those sources which are currently in use or which would be used in the six-year schedule of improvements. The list includes the following categories:

- Debt Financing
- Local Levies
- Local Non-Levy Financing
- State Grants and Loans
- Federal Grants and Loans

Debt Financing Method

Short-Term Borrowing: Utilization of short-term financing through local banks is a means to finance the high-cost of capital improvements.

Revenue Bonds: Bonds can be financed directly by those benefiting from the capital improvement. Revenue obtained from these bonds is used to finance publicly-owned facilities, such as new or expanded water systems or improvement to the waste water treatment facility. The debt is retired using charges collected from the users of these facilities. In this respect, the capital project is self supporting. Interest rates tend to be higher than for general obligation bonds and the issuance of the bonds may be approved by voter referendum.

General Obligation Bonds: These are bonds which are backed by the value of the property within the jurisdiction. Voter-approved bonds increase property tax rate and dedicate the increased revenue to repay bondholders. Councilmanic bonds do not increase taxes and are repaid with general revenues. Revenue may be used for new capital facilities or maintenance and operations at an existing facility. Revenue may be used for new capital facilities or the maintenance and operations at existing facilities. These bonds should be used for projects that benefit the City as a whole.

Local Multi-Purpose Levies

Ad Valorem Property Taxes: The tax rate is in mills (1/10 cent per dollar of taxable value). The maximum rate is \$3.60 per \$1,000 assessed valuation. In 2004, the City's tax rate is \$1.4522 per \$1,000 assessed valuation. The City is prohibited from raising its levy more than one percent or the rate of inflation, whichever is lower. A temporary or permanent excess levy may be assessed with voter approval. Revenue may be used for new capital facilities or maintenance and operation of existing facilities.

Business and Occupation (B and O) Tax: This is a tax of no more than 0.2% of the gross value of business activity on the gross or net income of a business. Assessment increases require voter approval. The City does not currently use a B and O tax. Revenue may be used for new capital facilities or maintenance and operation of existing facilities.

Local Option Sales Tax: The city has levied the maximum of tax of 1%. Local governments that levy the second 0.5% may participate in a sales tax equalization fund. Assessment of this option requires voter approval. Revenue may be used for new capital facilities or maintenance and operation of existing facilities.

Utility Tax: This is a tax on the gross receipts of electric, gas, telephone, cable TV, water/sewer, and stormwater utilities. Local discretion up to 6% of gross receipts with voter approval required for an increase above this maximum. Revenue may be used for new capital facilities or maintenance and operation of existing facilities.

Real Estate Excise Tax: The original 1/2% was authorized as an option to the sales tax for general purposes. An additional 1/4% was authorized for capital facilities, and the Growth Management Act authorized another 1/4% for capital facilities. Revenues must be used solely to finance new capital facilities or maintenance and operations at existing facilities, as specified in the plan. An additional option is available under RCW 82.46.070 for the acquisition and maintenance of conservation areas if approved by a majority of voters of the county.

Local Single-Purpose Levies

Emergency Medical Services Tax: Property tax levy of up to \$.50 per \$1,000 of assessed value for emergency medical services. Revenue may be used for new capital facilities or operation and maintenance of existing ones.

Motor Vehicle Fuel Tax: Tax is paid by gasoline distributors. Cities receive about 10.7 percent of motor vehicle fuel tax receipts. State shared revenue is distributed by the Department of Licensing. Revenues must be spent for streets, construction, maintenance or operation, the policing of local streets, or related activities.

Local Option Fuel Tax: A county-wide voter approved tax equivalent to 10% of statewide Motor Vehicle fuel tax and a special fuel tax of 2.3 cents per gallon. Revenue is distributed to the city on a weighted per capita basis. Revenues must be spent for city streets, construction, maintenance, operation policing of local streets or related activities.

Local Non-Levy Financing Mechanisms

Reserve Funds: Revenue that is accumulated in advance and earmarked for capital improvements. Sources of the funds can be surplus revenues, funds in depreciation revenues, or funds resulting from the sale of capital assets.

Fines, Forfeitures and Charges for Services: This includes various administrative fees and user charges for services and facilities operated by the jurisdiction. Examples are franchise fees, sales of public documents, property appraisal fees, fines, forfeitures, licenses, permits, income received as interest from various funds, sale of public property, rental income and private contributions to the jurisdiction. Revenue from these sources may be restricted in use.

User and Program Fees: These are fees or charges for using park and recreational facilities, sewer services, water services and surface drainage facilities. Fees may be based on a measure of usage on a flat rate or on design features. Revenues may be used for new capital facilities or maintenance and operation of existing facilities.

Street Utility Charges: A fee of up to 50% of actual costs of street construction, maintenance and operations may be charged to households. Owners or occupants of residential property are charged a fee per household that cannot exceed \$6.00 per month. The tax requires local referendum. The fee charged to businesses is based on the number of employees and cannot exceed \$2.00 per employee per month. Both businesses and households must be charged.

Revenue may be used for activities such as street lighting, traffic control devices, sidewalks, curbs, gutters, parking facilities and drainage facilities.

Special Assessment District: Special assessment districts are created to service entities completely or partially outside of the jurisdiction. Special assessments are levied against those who directly benefit from the new service or facility. The districts include Local Improvement Districts, Road Improvement Districts, Utility Improvement Districts and the collection of development fees. Funds must be used solely to finance the purpose for which the special assessment district was created.

Impact Fees: Impact fees are paid by new development based upon the development's impact to the delivery of services. Impact fees must be used for capital facilities needed by growth and not to correct current deficiencies in levels of service nor for operating expenses. These fees must be equitably allocated to the specific entities which will directly benefit from the capital improvement and the assessment levied must fairly reflect the true costs of these improvements. Impact fees may be imposed for public streets, parks, open space, recreational facilities, and school facilities.

State Grants and Loans

Public Works Trust Fund: Low interest loans to finance capital facility construction, public works emergency planning, and capital improvement planning. To apply for the loans the city must have a capital facilities plan in place and must be levying the original 1/4% real estate excise tax. Funds are distributed by the Department of Community Development. Loans for construction projects require matching funds generated only from local revenues or state shared entitlement revenues. Public works emergency planning loans are at 5% interest rate, and capital improvement planning loans are no interest loans, with a 25% match. Revenue may be used to finance new capital facilities, or maintenance and operations at existing facilities.

State Parks and Recreation Commission Grants: Grants for parks capital facilities acquisition and construction. They are distributed by the Parks and Recreation Commission to applicants with a 50% match requirement.

Arterial Improvement Program: AIP provides funds to improve mobility and safety. Funds are administered by the Transportation Improvement Board.

Transportation Partnership Program: TPP provides grants for mobility improvements.

Intermodal Surface Transportation Efficiency Act (ISTEA): ISTEA provides grants to public agencies for historic preservation, recreation, beautification, and environmental protection projects related to transportation facilities. These enhancement grants are administered by the state Department of Transportation and regional transportation planning organizations (RTPOs).

Transportation Improvement Account: Revenue available for projects to alleviate and prevent traffic congestion caused by economic development or growth. Entitlement funds are distributed by the State Transportation Improvement Board with a 20% local match requirement. For cities with a population of less than 500 the entitlement requires only a 5% local match. Revenue may be used for capital facility projects that are multi-modal and involve more than one agency.

Centennial Clean Water Fund: Grants and loans for the design, acquisition, construction, and improvement of Water Pollution Control Facilities, and related activities to meet state and federal water pollution control requirements. Grants and loans distributed by the Department of Ecology with a 75%-25% matching share. Use of funds is limited to planning, design, and construction of Water Pollution Control Facilities, stormwater management, ground water protection, and related projects.

Water Pollution Control State Revolving Fund: Low interest loans and loan guarantees for water pollution control projects. Loans are distributed by the Department of Ecology. The applicant must show water quality need, have a facility plan for treatment works, and show a dedicated source of funding for repayment.

Federal Grants and Loans

Department of Health Water Systems Support: Grants for upgrading existing water systems, ensuring effective management, and achieving maximum conservation of safe drinking water. Grants are distributed by the state Department of Health through intergovernmental review and with a 60% local match requirement.

Capital Facility Strategies

In order to realistically project available revenues and expected expenditures on capital facilities, the city must consider all current policies that influence decisions about the funding mechanisms as well as policies affecting the city's obligation for public facilities. The most relevant of these are described below. These policies, along with the goals and policies articulated in the other elements, were the basis for the development of various funding scenarios.

Mechanisms to Provide Capital Facilities

Increase Local Government Appropriations: The city will investigate the impact of increasing current taxing rates, and will actively seek new revenue sources. In addition, on an annual basis, the city will review the implications of the current tax system as a whole.

Use of Uncommitted Resources: The city has developed and adopted its Six-Year capital improvement schedules. With the exception of sewer facilities, however, projects have been identified on the 20-year project lists with uncommitted or unsecured resources.

Analysis of Debt Capacity: Generally, Washington state law permits a city to ensure a general

obligation bonded debt equal to 3/4 of 1% of its property valuation without voter approval. By a 60% majority vote of its citizens, a city may assume an additional general obligation bonded debt of 1.7570% , bringing the total for general purposes up to 2.5% of the value of taxable property. The value of taxable property is defined by law as being equal to 100% of the value of assessed valuation. For the purpose of applying municipally-owned electric, water, or sewer service and with voter approval, a city may incur another general obligation bonded debt equal to 2.5% of the value of taxable property. With voter approval, cities may also incur an additional general obligation bonded debt equal to 2.5% of the value of taxable property for parks and open space. Thus, under state law, the maximum general obligation bonded debt which the city may incur cannot exceed 7.5% of the assessed property valuation.

Municipal revenue bonds are not subject to a limitation on the maximum amount of debt which can be incurred. These bonds have no effect on the city's tax revenues because they are repaid from revenues derived from the sale of service.

The City of Gig Harbor has used general obligation bonds and municipal revenue bonds very infrequently. Therefore, under state debt limitation, it has ample debt capacity to issue bonds for new capital improvement projects. However, the city does not currently have policies in place regarding the acceptable level of debt and how that debt will be measured. The city believes that further guidelines, beyond the state statutory limits on debt capacity, are needed to ensure effective use of debt financing. The city intends to develop such guidelines in the coming year. When the city is prepared to use debt financing more extensively, it will rely on these policies, the proposed method of repayment, and the market conditions at that time to determine the appropriateness of issuing bonds.

User Charges and Connection Fees: User charges are designed to recoup the costs of public facilities or services by charging those who benefit from such services. As a tool for affecting the pace and pattern of development, user fees may be designed to vary for the quantity and location of the service provided. Thus, charges could be greater for providing services further distances from urban areas.

Mandatory Dedications or Fees in Lieu of: The jurisdiction may require, as a condition of plat approval, that subdivision developers dedicate a certain portion of the land in the development to be used for public purposes, such as roads, parks, or schools. Dedication may be made to the local government or to a private group. When a subdivision is too small or because of *topographical conditions a land dedication cannot reasonably be required*, the jurisdiction may require the developer to pay an equivalent fee in lieu of dedication.

The provision of public services through subdivision dedications not only makes it more feasible to service the subdivision, but may make it more feasible to provide public facilities and services to adjacent areas. This tool may be used to direct growth into certain areas.

Negotiated Agreement: An agreement whereby a developer studies the impact of development and proposes mitigation for the city's approval. These agreements rely on the expertise of the developer to assess the impacts and costs of development. Such agreements are enforceable by

the jurisdiction. The negotiated agreement will require lower administrative and enforcement costs than impact fees.

Impact Fees: Impact fees may be used to affect the location and timing of infill development. Infill development usually occurs in areas with excess capacity of capital facilities. If the local government chooses not to recoup the costs of capital facilities in underutilized service areas then infill development may be encouraged by the absence of impact fees on development(s) proposed within such service areas.

Impact fees may be particularly useful for a small community which is facing rapid growth and whose new residents desire a higher level of service than the community has traditionally fostered and expected.

Obligation to Provide Capital Facilities

Coordination with Other Public Service Providers: Local goals and policies as described in the other comprehensive plan elements are used to guide the location and timing of development. However, many local decisions are influenced by state agencies and utilities that provide public facilities within the Urban Growth Area and the City of Gig Harbor. The planned capacity of public facilities operated by other jurisdictions must be considered when making development decisions. Coordination with other entities is essential not only for the location and timing of public services, but also in the financing of such services.

The city's plan for working with the natural gas, electric, and telecommunication providers is detailed in the Utilities Element. This plan includes policies for sharing information and a procedure for negotiating agreement for provision of new services in a timely manner.

Other public service providers such as school districts and private water providers are not addressed in the Utilities Element. However, the city's policy is to exchange information with these entities and to provide them with the assistance they need to ensure that public services are available and that the quality of the service is maintained.

Level of Service Standards: Level of service standards are an indicator of the extent or quality of service provided by a facility that are related to the operational characteristics of the facility. They are a summary of existing or desired public service conditions. The process of establishing level of service standards requires the city to make quality of service decisions explicit. The types of public services for which the city has adopted level of service standards will be improved to accommodate the impacts of development and maintain existing service in a timely manner with new development.

Level of service standards will influence the timing and location of development, by clarifying which locations have excess capacity that may easily support new development, and by delaying new development until it is feasible to provide the needed public facilities. In addition, to avoid over-extending public facilities, the provision of public services may be phased over time to

ensure that new development and projected public revenues keep pace with public planning. The city has adopted level of service standards for six public services. These standards are to be identified in Section V of this element.

Urban Growth Area Boundaries: The Urban Growth Area Boundary was selected in order to ensure that urban services will be available to all development. The location of the boundary was based on the following: environmental constraints, the concentrations of existing development, the existing infrastructure and services, and the location of prime agricultural lands. New and existing development requiring urban services will be located in the Urban Growth Area. Central sewer and water, drainage facilities, utilities, telecommunication lines, and local roads will be extended to development in these areas. The city is committed to serving development within this boundary at adopted level of service standards. Therefore, prior to approval of new development within the Urban Growth Area the city should review the six-year Capital Facilities Program and the plan in this element to ensure the financial resources exist to provide the services to support such new development.

Methods for Addressing Shortfalls

The city has identified options available for addressing shortfalls and how these options will be exercised. The city evaluates capital facility projects on an individual basis rather than a system-wide basis. This method involves lower administrative costs and can be employed in a timely manner. However, this method will not maximize the capital available for the system as a whole. In deciding how to address a particular shortfall the city will balance the equity and efficiency considerations associated with each of these options. When evaluation of a project identifies shortfall, the following options would be available:

- Increase revenue
- Decrease level of service
- Decrease the cost of a facility
- Decrease the demand for the public service or facility
- Reassess the land use assumptions in the Comprehensive Plan

SIX-YEAR CAPITAL FACILITY PLAN

In addition to the direct costs for capital improvements, this section analyzes cost for additional personnel and routine operation and maintenance activities. Although the capital facilities program does not include operating and maintenance costs, and such an analysis is not required under the Growth Management Act, it is an important part of the long-term financial planning. The six-year capital facilities program for the City of Gig Harbor was based upon the following analysis:

- Financial Assumptions
- Projected Revenues

- Projected Expenditures
- Operating Expenses
- Future Needs

Financial Assumptions

The following assumptions about the future operating conditions in the city operations and market conditions were used in the development of the six-year capital facilities program:

1. The city will maintain its current fund accounting system to handle its financial affairs.
2. The cost of running local government will continue to increase due to inflation and other growth factors while revenues will also increase.
3. New revenue sources, including new taxes, may be necessary to maintain and improve city services and facilities.
4. Capital investment will be needed to maintain, repair and rehabilitate portions of the city's aging infrastructure and to accommodate growth anticipated over the next twenty years.
5. Public investment in capital facilities is the primary tool of local government to support and encourage economic growth.
6. A consistent and reliable revenue source to fund necessary capital expenditures is desirable.
7. A comprehensive approach to review, consider, and evaluate capital funding requests is needed to aid decision makers and the citizenry in understanding the capital needs of the city.

Capital improvements will be financed through the following funds:

- General Fund
- Capital Improvement Fund
- Transportation Improvement Fund
- Enterprise Funds

Projected Revenues

Tax Base

The City's tax base is projected to increase at a rate of 6% per year for the adjusted taxable value of the property, including new construction. The City's assessment ratio is projected to remain constant at 100%. Although this is important to the overall fiscal health of the city, capital

improvements are funded primarily through non-tax resources.

Revenue by Fund

General Fund: The General Fund is the basic operating fund for the city. Ad valorem tax yields were projected using the current tax rate and the projected 10% annual rate of growth for the adjusted taxable value of the property. The General Fund is allocated a percent of the annual tax yield from ad valorem property values.

Capital Improvement Fund: In the City of Gig Harbor, the Capital Improvement Fund accounts for the proceeds of the second quarter percent of the locally-imposed real estate excise tax. Permitted uses are defined as "public works projects for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation or improvements of streets, roads, highways, sidewalks street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation or improvements of parks. These revenues are committed to annual debt service and expenditures from this account are expected to remain constant through the year 2000, based upon the existing debt structure. The revenues in this fund represent continued capture of a dedicated portion of the ad valorem revenues necessary to meet annual debt service obligations on outstanding general obligation bonds.

Transportation Improvement Fund: Expenditures from this account include direct annual outlays for capital improvement projects and debt service for revenue bonds. The revenues in this fund represent total receipts from state and local gas taxes. The projection estimates are based upon state projections for gasoline consumption, current state gas tax revenue sharing and continued utilization of local option gas taxes at current levels. This fund also includes state and federal grant monies dedicated to transportation improvements.

Enterprise Fund: The revenue in this fund is used for the annual capital and operating expenditures for services that are operated and financed similar to private business enterprises. The projected revenues depend upon the income from user charges, connection fees, bond issues, state or federal grants and carry-over reserves.

Operation and Maintenance Costs

In addition to the direct costs of providing new capital facilities, the city will also incur increases in annual operating and maintenance costs. These are recurring expenses associated with routine operation of capital facilities. The anticipated increase in annual operating and maintenance costs associated with the new capital improvements and operation costs will initiate in the year following completion of the capital improvement

Operating costs are estimated by dividing the 1993 year expenditures for operation or maintenance by the number of units of output. This rate per unit of output is then used to calculate the estimated costs for operating and maintenance attributed to new capital improvements. The city has attempted to make various adjustments to the type and location of

land use as well as adjustments in the timing and funding sources for financing capital improvements. The plan contained in this element represents a realistic projection of the city's funding capabilities and ensures that public services will be maintained at acceptable levels of service.

GOALS AND POLICIES

GOALS

- GOAL12.1. PROVIDE NEEDED PUBLIC FACILITIES TO ALL OF THE CITY RESIDENTS IN A MANNER WHICH PROTECTS INVESTMENTS IN EXISTING FACILITIES, WHICH MAXIMIZES THE USE OF EXISTING FACILITIES AND WHICH PROMOTE ORDERLY AND HIGH QUALITY URBAN GROWTH.**
- GOAL12.2. PROVIDE CAPITAL IMPROVEMENT TO CORRECT EXISTING DEFICIENCIES, TO REPLACE WORN OUT OR OBSOLETE FACILITIES AND TO ACCOMMODATE FUTURE GROWTH, AS INDICATED IN THE SIX-YEAR SCHEDULE OF IMPROVEMENTS.**
- GOAL12.3. FUTURE DEVELOPMENT SHOULD BEAR ITS FAIR-SHARE OF FACILITY IMPROVEMENT COSTS NECESSITATED BY DEVELOPMENT IN ORDER TO ACHIEVE AND MAINTAIN THE CITY'S ADOPTED LEVEL OF STANDARDS AND MEASURABLE OBJECTIVES.**
- GOAL12.4. THE CITY SHOULD MANAGE ITS FISCAL RESOURCES TO SUPPORT THE PROVISION OF NEEDED CAPITAL IMPROVEMENTS FOR ALL DEVELOPMENTS.**
- GOAL12.5. THE CITY SHOULD COORDINATE LAND USE DECISIONS AND FINANCIAL RESOURCES WITH A SCHEDULE OF CAPITAL IMPROVEMENTS TO MEET ADOPTED LEVEL OF SERVICE STANDARDS, MEASURABLE OBJECTIVES AND PROVIDE EXISTING FUTURE FACILITY NEEDS.**
- GOAL12.6. THE CITY SHOULD PLAN FOR THE PROVISION OR EXTENSION OF CAPITAL FACILITIES IN SHORELINE MANAGEMENT AREAS, CONSISTENT WITH THE GOALS, POLICIES AND OBJECTIVES OF THE CITY OF GIG HARBOR SHORELINE MASTER PROGRAM.**

POLICIES

12.1.1. Capital improvement projects identified for implementation and costing more than \$25,000 shall be included in the Six Year Schedule of Improvement of this element. Capital improvements costing less than \$25,000 should be reviewed for inclusion in the six-year capital improvement program and the annual capital budget.

12.1.2. Proposed capital improvement projects shall be evaluated and prioritized using the following guidelines as to whether the proposed action would:

- a. Be needed to correct existing deficiencies, replace needed facilities or to provide facilities required for future growth;
- b. Contribute to lessening or eliminating a public hazard;
- c. Contribute to minimizing or eliminating any existing condition of public facility capacity deficits;
- d. Be financially feasible;
- e. Conform with future land uses and needs based upon projected growth;
- f. Generate public facility demands that exceed capacity increase in the six-year schedule of improvements;
- g. Have a detrimental impact on the local budget.

12.1.3. The City sewer and water connection fee revenues shall be allocated to capital improvements related to expansion of these facilities.

12.1.4. The City identifies its sanitary sewer service area to be the same as the urban growth area. Modifications to the urban growth boundary will constitute changes to the sewer service area.

12.1.5. Appropriate funding mechanisms for development's fair-share contribution toward other public facility improvements, such as transportation, parks/recreation, storm drainage, will be considered for implementation as these are developed by the City.

12.1.6. The City shall continue to adopt annual capital budget and six-year capital improvement program as part of its annual budgeting process.

12.1.7. Every reasonable effort shall be made to secure grants or private funds as available to finance the provision of capital improvements.

12.1.8. Fiscal policies to direct expenditures for capital improvements will be consistent with other Comprehensive Plan elements.

12.1.9. The City and/ or developers of property within the City shall provide for the availability of public services needed to support development concurrent with the impacts of such development subsequent to the adoption of the Comprehensive Plan. These facilities shall meet the adopted level of service standards.

12.1.10. The City will support and encourage joint development and use of cultural and community facilities with other governmental or community organizations in areas of mutual concern and benefit.

12.1.11. The City will emphasize capital improvement projects which promote the conservation, preservation or revitalization of commercial and residential areas within the downtown business area and along the shoreline area of Gig Harbor, landward of Harborview Drive and North Harborview Drive.

12.1.12. If probable funding falls short of meeting the identified needs of this plan, the City will review and update the plan, as needed. The City will reassess improvement needs, priorities, level of service standards, revenue sources and the Land Use Element.

LEVEL OF SERVICE STANDARDS

The following Level of Service Standards (LOS) shall be utilized by the City in evaluating the impacts of new development or redevelopment upon public facility provisions:

1. Community Parks:
 - 7.1 gross acres of general open space per 1,000 population.
 - 1.5 gross acres of active recreational area per 1,000 population.
2. Transportation/Circulation:
 - Transportation Level of Service standards are addressed in the Transportation Element.
3. Sanitary Sewer:
 - 174 gallons per HOUSEHOLD per day
4. Potable Water:
 - 231 gallons per HOUSEHOLD per day

Six Year Capital Improvement Program

PLAN IMPLEMENTATION AND MONITORING

Implementation

The six-year schedule of improvements shall be the mechanism the City will use to base its timing, location, projected cost and revenue sources for the capital improvements identified for implementation in the other comprehensive plan elements.

Monitoring and Evaluation

Monitoring and evaluation are essential to ensuring the effectiveness of the Capital Facilities Plan element. This element will be reviewed annually and amended to verify that fiscal resources are available to provide public facilities needed to support LOS standards and plan objectives. The annual review will include an examination of the following considerations in order to determine their continued appropriateness:

- a. Any corrections, updates and modifications concerning costs, revenue sources, acceptance of facilities pursuant to dedication which are consistent with this element, or to the date of construction of any facility enumerated in this element;
- b. The Capital Facilities Element's continued consistency with the other element of the plan and its support of the land use element;
- c. The priority assignment of existing public facility deficiencies;
- d. The City's progress in meeting needs determined to be existing deficiencies;
- e. The criteria used to evaluate capital improvement projects in order to ensure that projects are being ranked in their appropriate order or level of priority;
- f. The City's effectiveness in maintaining the adopted LOS standard and objectives achieved;
- g. The City's effectiveness in reviewing the impacts of plans of other state agencies that provide public facilities within the City's jurisdiction;
- h. The effectiveness of impact fees or fees assessed new development for improvement costs;
- i. Efforts made to secure grants or private funds, as available, to finance new capital improvements;
- j. The criteria used to evaluate proposed plan amendments and requests for new development or redevelopment;
- k. Capital improvements needed for the latter part of the planning period for updating the six-year *schedule of improvements*;
- j. Concurrency status.

Table 12.5. Capital Facilities Projects

Storm Water System Projects

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Source |
|-------------|---|--------------------------|-------------------------|--------|--|
| 1 | Reconstruct storm drain system along Stanich Avenue, Stanich Lane and Judson Street to Soundview Drive. | 2001 <u>2008-2012</u> | \$257,000 | 6-year | Local |
| 2 1 | Survey and Map Downtown storm facilities | 2005 <u>2008-2012</u> | \$30,000 | 6-year | Local |
| 3 | 102 nd Street Court NW— Replace 12-inch pipe with 50 feet of 24-inch pipe (AW1020) | 2001 | * | 6-year | Private |
| 4 | Construct rock spill pad on Burnham Drive (AW1001) | 2001 | * | 6-year | Private |
| 5 | 101 st Street Court NW— Reconstruct detention pond | 2002 | * | 6-year | Private |
| 6 | 101 st Street Court NW— Replace 12-inch pipe with 200 feet of 30-inch pipe. (AW1016) | 2002 | * | 6-year | Private |
| 7 | Burnham Drive (DC1012)— Replace 18-inch pipe with 80 feet of 36-inch pipe | 2001 | \$19,100 | 6-year | Local, potential for some private |
| 8 | Peacock Hill Avenue— Replace 12-inch pipe with 60 feet of 18-inch pipe. (AW1027) | 2004 | \$11,900 | 6-year | Local |
| 9 2 | Hot Spot | Annually | \$25,000 | 6-year | Local |
| 10 | Donkey Creek Fish Enhancement Study | | \$30,000 | 6-year | Local |
| 11 | Crescent Creek Fish Enhancement Study | - | \$30,000 | 6-year | Local |
| 12 | McCormick Creek Fish Enhancement Study | | \$30,000 | 6-year | Local |
| 13 | Gooch Creek Fish Enhancement Study | - | \$30,000 | 6-year | Local |
| 3 | 38 th Street - Hunt to Goodman | 2008-2009 | <u>\$1,000,000</u> | 6-year | <u>TIB/Safe Routes to Schools/Local</u> |
| 4 | Donkey Creek Daylighting | 2009 | <u>\$1,200,000</u> | 6-year | <u>State/Federal Salmon Recovery Grants/Earmarks</u> |
| 5 | Austin Drive Box Culvert | 2009 | <u>\$500,000</u> | 6-year | <u>State/Federal Salmon Recovery Grants/Earmarks</u> |
| 6 | Annual Storm Culvert Replacement Program | 2008 – 2014 | <u>\$250,000 / year</u> | 6-year | <u>Storm Water Utility Fees</u> |
| 7 | 50 th Street Box Culvert | 2008 | <u>\$350,000</u> | 6-year | <u>Storm Water Utility Fees</u> |
| 8 | Storm Comp Plan Update | 2009 | <u>\$1,000,000</u> | 6-year | <u>Storm Water Utility Fees</u> |

City of Gig Harbor Comprehensive Plan – Capital Facilities Element

| | | | | | |
|-----------------|---|------|--------------------|---------------|---------------------------------|
| 9 | <u>Annual NPDES Implementation Expenses</u> | 2008 | <u>\$100,000</u> | <u>6-year</u> | <u>Storm Water Utility Fees</u> |
| Subtotal | | | \$463,000 | | |
| | | | \$5,705,000 | | |

* Private property – costs to be borne by property owner or developer

Notes:

(1) Cost estimates do not include such items as permitting costs, sales tax, right-of-way acquisition, utility relocations, trench dewatering, traffic control or other unforeseen complications.

(2) “Hot Spots” refers to the discretionary funds for emergencies and small projects that can be easily repaired or otherwise taken care of quickly

Water System Projects

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Source |
|--|---|----------------|-----------------------------------|---------|--|
| 6-Year Water Capital Improvement Projects* | | | | | |
| 1 | Landscape Improvements | 2003 | \$5,000 | 6-year | |
| 2 | Leak Detection & BFP Inventory | 2003 | \$15,000 | 6-year | |
| 3 | Storage Tank Maintenance | 2003 | \$77,000 | 6-year | |
| 4 | Replace Source Meters | 2003 | \$12,000 | 6-year | |
| 5 | Pioneer Water Main Replacement | 2003 | \$102,000 | 6-year | |
| 6 | Public Works Standard Update | 2003 | \$12,000 | 6-year | |
| 7 | Water Meter Replacement | 2003 | \$5,000 | 6-year | |
| 8 | Telemetry SCADA System Improvements | 2003 | \$71,000 | 6-year | Inter-fund loans/ Public loans/ Revenue bonds |
| 9 | Woodworth Water Main Extension | 2003 | \$31,000 | 6-year | Inter-fund loans/ Public loans/ Revenue bonds |
| 10 | Skansie/72nd Street 12" Loop | 2003 | \$285,000 | 6-year | Inter-fund loans/ Public loans/ Revenue bonds |
| 11 | Harborview/WWTP Water Main Replacement | 2003 | \$291,000 | 6-7year | Inter-fund loans/ Public loans/ Revenue bonds |
| 12 | Rushmore 8" Upsize | 2005 | \$400,000 | 6-year | Inter-fund loans/ Public loans/ Revenue bonds |
| 13 | Leak Detection & BFP Inventory | 2004 | \$15,000 | 6-year | |
| 14 | Franklin Water Main Replacement | 2004 | \$52,000 | 6-year | |
| 15 | Design Harborview/Stinson | 2005 | \$159,000 | 6-year | |
| 16 | Design Harborview Water Main | 2005 | \$96,000 | 6-year | |
| 17 | Leak Detection & BFP Inventory | 2005 | \$16,000 | 6-year | |
| 18 | Skansie Water Tank Maintenance | 2006 | \$120,000 | 6-year | |
| 19 | Harborview/Stinson 12" Upsize | 2006 | \$541,000 | 6-year | |
| 20 | Leak Detection & BFP Inventory | 2006 | \$11,000 | 6-year | |
| 21 | Harborview Drive Water Main Replacement | 2007 | \$444,000 \$100,000 | 6-year | |
| 22 | Leak Detection & BFP Inventory | 2007 | \$17,000 | 6-year | |
| 13 | Leak Detection & BFP Inventory | 2007 | \$17,000 | 6-year | |
| 1 | Storm Tank Maintenance | 2008-2010 | \$500,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 2 | Design Harborview/Stinson | 2008 | \$180,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 3 | Design Harborview Water Main | 2008 | \$200,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 4 | AC Water Line replacement City Wide | 2008-2012 | \$340,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 5 | Water Systems Upgrades | 2008-2012 | \$278,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 6 | Harborview/ Stinson 12" Upsize | 2009 | \$800,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 7 | Harborview Drive Water Main Replace | 2009 | \$950,000 | 6-year | Local Utility Fees &/or Revenue Bonds |

City of Gig Harbor Comprehensive Plan – Capital Facilities Element

| | | | | | |
|----|---|-----------|-----------------------------|--------|--|
| 8 | Well site Improvements | 2008-2012 | \$58,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 9 | Water Rights Annual Advocate/Permitting (75,000/year) | 2008-2012 | \$375,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 10 | GIS Inventory | 2008-2012 | \$80,000 | 6-year | Local Utility Fees &/or Revenue Bonds |
| 11 | Gig Harbor North Well Permitting/Design | 2008-2009 | \$1,800,000 | 6-year | SEPA Mitigation/Developers/Connection Fees |
| 12 | Shallow Well | 2008 | \$950,000 | 6-year | SEPA Mitigation/Developers/Connection Fees |
| | Subtotal | | \$2,794,000* \$6,511,000 | | |

- Estimated costs are in year of project

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Source |
|--|-----------------------------|----------------|---------------|---------|------------------------|
| 20-Year Water Capital Improvement Projects** | | | | | |
| 1 | Upgrade Perrow Well | 2010-2030 | \$92,000 | 20-year | Undetermined |
| 2 | 500,000 Gallon Storage Tank | 2010-2030 | \$1,500,000 | 20-year | Undetermined |
| | Subtotal | | \$1,592,000** | | |

** Estimated costs are in 2009 dollars

Wastewater System Projects

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Sources |
|---|--|----------------|-----------|------|--------------------------|
| 6-Year Wastewater Capital Improvement Projects* | | | | | |
| Treatment System | | | | | |
| 1 | Lift Station 2 | 2005 | \$750,000 | | Capital Reserves |
| 2 | WWTP Planning | 2004 | \$51,000 | | PWTF/ SRF/ revenue bonds |
| 3 | Interim WWTP Aeration Basin Mods & Headworks | 2004 | \$26,000 | | PWTF/ SRF/ revenue bonds |
| 4 | Outfall Relocation Design & Permitting | 2004 | \$154,000 | | PWTF/ SRF/ revenue bonds |
| 5 | WWTP Improvements Design | 2005 | \$132,000 | | PWTF/ SRF/ revenue bonds |
| 6 | Outfall Permit Tracking & Acquisition | 2005 | \$106,000 | | PWTF/ SRF/ revenue bonds |
| 7 | 56 Olympic Drive | 2005 | \$74,000 | | |
| 8 | Outfall Miscellaneous | 2006 | \$81,000 | | PWTF/ SRF/ revenue bonds |

City of Gig Harbor Comprehensive Plan – Capital Facilities Element

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Sources |
|-------------|--|----------------|--------------|--------|---|
| 9 | WWTP Aeration Modifications, Complete | 2006 | \$228,000 | | PWTF/ SRF/ revenue bonds |
| 10 | WWTP Dewatering | 2006 | \$1,173,000 | | PWTF/ SRF/ revenue bonds |
| 11 | WWTP Headworks | 2006 | \$440,000 | | PWTF/ SRF/ revenue bonds |
| 12 | WWTP Headworks Complete | 2007 | \$452,000 | | PWTF/ SRF/ revenue bonds |
| 13 1 | Outfall Onshore Construction Phase I | 2008 | \$574,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 2 | Outfall Construction Phase II From GH Bay out to Puget Sound | 2011 | \$8,000,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 3 | WWTP Expansion Phase I | 2009 | \$10,000,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 4 | WWTP Expansion Phase II | 2011 | \$6,000,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 5 | Lift Station 4 Replacement | 2008-2011 | \$1,250,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 6 | N. Harborview Sewer Stet | 2010 | \$1,000,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 7 | Harborview Main Sewer Upsize/Replacement | 2009 | \$1,000,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 8 | Odor Control | 2008-2012 | \$250,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 9 | Reid Drive Lift Station Replace | 2009 | \$1,250,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 10 | Annual Water Quality Reporting | 2008-2012 | \$400,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 11 | Annual Sewer Flow Metering Program | 2008-2012 | \$1,250,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 12 | WWTP Centrifuge | 2008 | \$400,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 13 | Lift Station MCC Upgrades | 2008-2012 | \$2,500,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates |
| 14 | Comprehensive Plan Completion | 2008 | \$75,000 | 6-year | PWTF/ SRF/ revenue bonds /Connection |

City of Gig Harbor Comprehensive Plan – Capital Facilities Element

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Sources |
|-----------------|---------|----------------|---------------------|------|-------------------------|
| | | | | | <u>Fees/Sewer Rates</u> |
| Subtotal | | | \$4,241,000 | | |
| | | | \$33,949,000 | | |

| Collector System Expansions | | | | | |
|--|--|------------------|--|---------|--|
| C1 | West Side of Hwy 16 from Tacoma community College to Rosedale Street | 2000 | \$1,654,000 | 6-year | Developer-funded |
| C2 | Gig Harbor North (West Side) | 2000 | \$1,878,000 | 6-year | Developer-funded |
| C3 | Schmel Drive | 2000 | \$1,083,000 | 6-year | Developer-funded |
| C4 | Purdy Drive from Hwy 16 to Peninsula High School | 2001 | \$2,502,000 | 6-year | Developer-funded |
| C5 | Hunt & Skansie Drainage Basin | 2005 | \$5,636,000 | 6-year | Developer-funded |
| Subtotal | | | \$12,753,000 | | |
| Gravity Sewer Replacements | | | | | |
| E1 | Harborview Drive from WWTP to Norvak | 2002 | \$1,187,000 | 6-year | Capital reserves |
| E2 | Rosedale Street from Hwy 16 to Shirley Avenue | 2002 | \$663,000 | 6-year | Capital reserves |
| E3 | Harborview Drive from Rosedale to Soundview | 2002 | \$449,000 | 6-year | Capital reserves |
| E4 | Soundview Drive from Harborview to Grandview | 2003 | \$540,000 | 6-year | Capital reserves |
| E5 | Soundview Drive from Erickson to Olympic | 2003 | \$840,000 | 6-year | Capital reserves |
| Subtotal | | | \$3,679,000 | | |
| Total 6-year | | | \$20,673,000 | | |
| 20-Year Sewer Capital Improvement Projects** | | | | | |
| Treatment System | | | | | |
| 1 | Outfall Construction Phase II | | \$590,000 | 20-year | <u>PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates</u> |
| 2 | Outfall Construction Phase III | | \$4,721,000 | 20-year | <u>PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates</u> |
| 3 | WWTP Clarifier | | \$718,000 | 20-year | |
| 4 | WWTP UV Disinfection | | \$421,000 | 20-year | |
| 5 1 | Harborview Drive to WWTP | <u>2010-2030</u> | \$1,593,000 \$4,000,000 | 20-year | <u>PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates</u> |
| 6 2 | Rosedale Drive Main Upsize | <u>2010-2030</u> | \$885,000 \$3,000,000 | 20-year | <u>PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates</u> |
| 7 3 | Soundview Dr – Harborview to Grandview Main Upsize | <u>2010-2030</u> | \$708,000 \$3,000,000 | 20-year | <u>PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates</u> |
| 4 | Soundview Drive to Erickson Main Upsize | <u>2010-2030</u> | \$1,092,000 \$4,000,000 | 20-year | <u>PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates</u> |
| Subtotal | | | \$12,144,000 \$14,000,000 | | |

| Collector System Expansions | | | | | |
|---|---|---------------------------|---------------------|---------|------------------|
| C6 | Gig Harbor North (East Side) | | \$1,706,000 | 20-year | Developer-funded |
| C7 | Reid Drive from Olympic Village to Hunt Street, and 28th Avenue | <u>2010-2030</u> | \$5,166,000 | 20-year | Developer-funded |
| C8 | 38th Ave. from 60th St. to the S. Boundary of the UGA | <u>2010-2030</u> | \$2,794,000 | 20-year | Developer-funded |
| C9 | Peacock Hill Ave. from 99th St. Ct. to Harbor Estates | <u>2010-2030</u> | \$1,673,000 | 20-year | Developer-funded |
| C10 | Peacock Hill Ave. from Harbor Estates to the N. UGA Boundary | <u>2010-2030</u> | \$2,405,000 | 20-year | Developer-funded |
| C11 | Reid Drive from Olympic Village to the S. Boundary of the UGA | <u>2010-2030</u> | \$2,426,000 | 20-year | Developer-funded |
| C12 | Fairway Estates, Quail Park, and the East Half of Quail Run | <u>2010-2030</u> | \$3,892,000 | 20-year | Developer-funded |
| C13 | Rosewood Estates, Parkdale Estates, and 58th Ave | <u>2010-2030</u> | \$3,587,000 | 20-year | Developer-funded |
| C14 | 54th Ave. S. of Bujacich Rd | <u>2010-2030</u> | \$1,184,000 | 20-year | Developer-funded |
| C15 | East Side of Highway 16, North of Rosedale | <u>2010-2030</u> | \$846,000 | 20-year | Developer-funded |
| C16 | Woodhill Dr. | <u>2010-2030</u> | \$457,000 | 20-year | Developer-funded |
| C17 | UGA East of Gig Harbor | <u>2010-2030</u> | \$2,993,000 | 20-year | Developer-funded |
| Subtotal | | | \$29,129,000 | - | - |
| Gravity Sewer Replacements | | | | | |
| E6 | Burnham Drive from Harborview Drive to 96th Street | <u>2005 2010-2030</u> | \$456,000 | 20-year | Capital Reserves |
| E7 | N. Harborview Dr. from Peacock Hill Ave. to L.S. #2 | <u>2006 2010-2030</u> | \$238,000 | 20-year | Capital Reserves |
| E8 | 45th Street and Easement East of Point Fosdick Drive | <u>2007 2010-2030</u> | \$953,000 | 20-year | Capital Reserves |
| Subtotal | | | \$1,647,000 | | |
| Lift Station and Force Main Improvements | | | | | |
| L4-1 | Lift Station 4, Phase 1 | <u>2010-2030</u> | \$1,121,000 | 20-year | |
| L4-2 | Lift Station 4, Phase 2 | <u>2010-2030</u> | \$295,000 | 20-year | |
| L8 | Lift Station No.8 | <u>2006 2010-2030</u> | \$568,000 | 20-year | Capital Reserves |
| L3-2 | Lift Station No. 3, Phase 2 | <u>2008 2010-2030</u> | \$162,000 | 20-year | Capital Reserves |
| L1 | Lift Station No. 1 | <u>2019 2010-2030</u> | \$470,000 | 20-year | Capital Reserves |
| L5 | Replace pump & motor: Lift Station No.5 | <u>2010-2030</u> | \$20,000 | 20-year | Capital Reserves |
| L6 | Replace pump & motor: Lift Station No.6 | <u>2010-2030</u> | \$20,000 | 20-year | Capital Reserves |
| L10 | Replace pump & motor: Lift Station No.10 | <u>2010-2030</u> | \$20,000 | 20-year | Capital Reserves |

| | | | | | |
|----------------------|--|--------------------|---------------------|---------|------------------|
| L12 | Replace pump & motor: Lift Station No.12 | 2010-2030 | \$20,000 | 20-year | Capital Reserves |
| L13 | Replace pump & motor: Lift Station No.13 | 2010-2030 | \$20,000 | 20-year | Capital Reserves |
| Subtotal | | | \$1,300,000 | | |
| | | | \$2,616,000 | | |
| Total 20-year | | | \$44,220,000 | | |
| | | | \$52,320,000 | | |

- * Estimated costs are in year of project
- ** Estimated costs are in 2009 dollars
- *** Pump and motors assumed to have a life span of approximately 20 years, replace or repair as needed

Notes:

- (1) PWTF - Public Works Trust Fund
- (2) SFR - State Revolving Fund

Park, Recreation & Open Space Projects

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Sources |
|-------------|-------------------------|----------------|--------------|--------|-------------------------|
| | | 2000-2006 | \$291,991 | 6-year | CFP/ GI Fee/ Bond |
| 1 | Borgen Property | | | | |
| 2 | Burnham Drive | 2000-2006 | \$205,382 | 6-year | CFP/ GI Fee/ Bond |
| 3 | City Park at Crescent | 2000-2006 | \$936,391 | 6-year | CFP/ GI Fee/ Bond |
| 4 | Civic Center | 2000-2006 | \$1,949,693 | 6-year | CFP/ GI Fee/ Bond |
| 5 | Elem 9/Middle 3 | 2000-2006 | No City Cost | 6-year | CFP/ GI Fee/ Bond |
| 6 | Finholm Hillelimb | 2000-2006 | \$112,579 | 6-year | CFP/ GI Fee/ Bond |
| 7 | GHPHS Museum | 2000-2006 | \$10,000 | 6-year | CFP/ GI Fee/ Bond |
| 8 | Gig Harbor North | 2000-2006 | \$1,479,444 | 6-year | CFP/ GI Fee/ Bond |
| 9 | Gig Harbor West | 2000-2006 | \$630,427 | 6-year | CFP/ GI Fee/ Bond |
| 10 | Grandview Forest | 2000-2006 | \$100,613 | 6-year | CFP/ GI Fee/ Bond |
| 11 | Grandview Hillelimb | 2000-2006 | \$38,047 | 6-year | CFP/ GI Fee/ Bond |
| 12 | Jerisich Park | 2000-2006 | \$118,555 | 6-year | CFP/ GI Fee/ Bond |
| 13 | Narrows/ Purdy Trail | 2000-2006 | No City Cost | 6-year | CFP/ GI Fee/ Bond |
| 14 | Old Ferry Landing | 2000-2006 | \$25,000 | 6-year | CFP/ GI Fee/ Bond |
| 15 | Peninsula Athletic Comp | 2000-2006 | No City Cost | 6-year | CFP/ GI Fee/ Bond |
| 16 | Peninsula Retn Center | 2000-2006 | No City Cost | 6-year | CFP/ GI Fee/ Bond |
| 17 | Pioneer Way Streetscape | 2000-2006 | \$127,000 | 6-year | CFP/ GI Fee/ Bond |
| 18 | Seofield Tideland | 2000-2006 | \$168,054 | 6-year | CFP/ GI Fee/ Bond |
| 19 | Skansie Property | 2000-2006 | \$1,891,711 | 6-year | CFP/ GI Fee/ Bond |
| 20 | Support Facilities | 2000-2006 | \$139,000 | 6-year | CFP/ GI Fee/ Bond |
| 21 | St. Nicholas Church | 2000-2006 | \$410,000 | 6-year | CFP/ GI Fee/ Bond |
| 22 | Swede Hill DNR | 2000-2006 | No City Cost | 6-year | CFP/ GI Fee/ Bond |
| 23 | Tallman's Wetlands | 2000-2006 | No City Cost | 6-year | CFP/ GI Fee/ Bond |
| 24 | Trail City Park/ Sunset | 2000-2006 | \$43,756 | 6-year | CFP/ GI Fee/ Bond |
| 25 | Various roads - bikes | 2000-2006 | No City Cost | 6-year | CFP/ GI Fee/ Bond |
| 26 | Water trail | 2000-2006 | \$8,000 | 6-year | CFP/ GI Fee/ Bond |

City of Gig Harbor Comprehensive Plan – Capital Facilities Element

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Sources |
|-----------------|---------------------|----------------|---------------------|--------|-------------------------|
| 27 | Wheeler Street ROW | 2000-2006 | \$175,615 | 6-year | CFP/ GI Fee/ Bond |
| 28 | Wilkinson Homestead | 2000-2006 | \$390,671 | 6-year | CFP/ GI Fee/ Bond |
| 29 | WWTP | 2000-2006 | \$235,328 | 6-year | CFP/ GI Fee/ Bond |
| Subtotal | | | \$22,626,987 | | |

Park, Recreation & Open Space Projects

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Sources |
|-----------------|--|----------------|--|--------|---|
| 1 | City Park Improvements | ongoing | | 6 year | Grants/Local |
| 2 | City Skate Park Improvements | 2008-2010 | \$30,000 | 6 year | Local |
| 3 | GPHS Museum Creek Easement | 2008-2009 | \$400,000 | 6 year | Local |
| 4 | Gig Harbor North Park | 2008-2012 | \$3,000,000 | 6 year | Developer Mitigation/Impact |
| 5 | Jerisich Dock Moorage Extension | 2008-2009 | \$120,000 | 6 year | Fees/Grants/Donations |
| 6 | Cushman Trail Phase II Kimball to Borgen | 2008-2009 | \$664,000 | 6 year | Local/County |
| 7 | Boys and Girls Club/ Senior Center | 2009-2011 | \$150,000 | 6 year | Local |
| 8 | Pioneer Way Streetscape | 2008-2012 | \$127,000 | 6 year | Local |
| 9 | Austin Estuary Park | 2008 | \$100,000 | 6 year | Local |
| 10 | Skansie House Remodel | 2010-2012 | \$100,000 - \$300,000 | 6 year | PSRC Grant/Local |
| 11 | Skansie Netshed Repair and Restoration | 2008-2010 | \$450,000 | 6 year | Heritage Grant/Local |
| 12 | Wheeler Pocket Park | 2009 | \$35,000 | 6 year | |
| 13 | Wilkinson Farm Barn Restoration | 2009 | \$200,000 | 6 year | Heritage Barn Grant/Local Match |
| 14 | Wilkinson Farm Park | 2010 | \$900,000 | 6 year | State IAC Grant |
| 15 | WWTP/Cushman Trail Access | 2008-2009 | \$ | 6 year | |
| 16 | Crescent Creek West Shore Acquisition | 2008-2011 | \$95,000 | 6 year | |
| 17 | Westside Park | 2008 | \$900,000 | 6 year | IAC Grant/Impact Fees/Local |
| 18 | Eddon Boatyard Building Restoration | 2008 | \$980,000 | 6 year | Heritage Grant |
| 19 | Eddon Boatyard Building Impervious Containment Barrier | 2007 | \$25,000 | 6 year | |
| 20 | Eddon Park Sidewalk | 2007 | \$75,000 | 6 year | |
| 21 | Eddon Park Environmental Cleanup | 2007-2008 | \$2,000,000 | 6 year | Brownsfields Grants/ Harbor Cove Escrow Account |
| 22 | Taraboachia Public Parking Lot | 2007-2008 | \$30,000 | 6 year | Local |
| 23 | Maritime Pier – Dock Improvements | 2008-2010 | \$50,000 | 6 year | Local |
| Subtotal | | | \$22,626,987 \$10,631,000 | | |

Notes:

- (1) CFP - Capital Facilities Program
- (2) GI Fee - Growth Impact Fee
- (3) Bond - Park, Recreation & Open Space Bond

Transportation Improvement Projects

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Sources |
|-------------|--|--------------------------|--------------------------|--------|-------------------------|
| 1 | Skansie Avenue Pedestrian Improvements Skansie Ave Improvements (Rosedale to Hunt, Roundabout @ Hunt) | 2004 2010 | \$150,000 \$2,100,000 | 6-year | Local/ State |
| 2 | Olympic Drive/ 56th Street Improvements | 2007 | \$4,000,000 | 6-year | Local/ State |
| 3 | 56th Street/ Point Fosdick Drive Improvements | 2006-8- 2009 12 | \$2,650,000 | 6-year | Local/ State |
| 4 | Grandview Street (Phase 2) | 2004-8- 2005 12 | \$250,000 | 6-year | Local |
| 5 | 38th Avenue Improvements - (Phase 1) | 2006-8- 2009 12 | \$6,588,000 | 6-year | Local/ State |
| 6 | 45th Avenue Pedestrian Improvement | 200 4-7 | \$170,000 | 6-year | Local/ State |
| 7 | 36th/ Point Fosdick Intersection | 2004 2008 - 2012 | \$980,000 | 6-year | Local/ State |
| 8 | Grandview Street (Phase 3) | 2005-2006 2008 - 2012 | \$510,000 | 6-year | Local |
| 9 | Prentice Street Improvements | 2008 | \$520,000 | 6-year | Local |
| 10 | Briarwood Lane Improvements | 2005 2008 - 2012 | \$500,000 | 6-year | Local/ State |
| 11 | 38th Avenue Improvements (Phase 2) | 2007-2010 | \$4,400,000 | 6-year | Local/ State |
| 12 | Franklin Avenue Improvements (Phase 2) | 2008 2008 - 2012 | \$500,000 | 6-year | Local |
| 13 | Downtown Parking Lot Construction Design Only | 2008-2010 | \$60,000 | 6-year | Local |
| 14 | Burnham Drive Improvements (Phase 1) | 2006-2007 2008 - 2012 | \$415,000 | 6-year | Local/ State |
| 15 | Vernhardson Street Improvements | 2006-2007 2008 - 2012 | \$223,000 | 6-year | Local/ State |
| 16 | Rosedale Street Improvements (Phase 2) | 2007-2008 2008 - 2012 | \$593,000 | 6-year | Local |
| 17 | Burnham Drive Improvements (Phase 2) | 2009-2010 | \$2,775,000 | 6-year | Local/ State |
| 18 | Rosedale Street Improvements (Phase 3) | 2008-2009 | \$445,000 | 6-year | Local |
| 19 | Point Fosdick Drive Pedestrian Improvements | 2009-2010 | \$265,000 \$2,000,000 | 6-year | Local / State |
| 20 | 50th Court | 2008-2009 | \$1,000,000 | 6-year | Local |
| 21 | Harborview Drive Improvement Project | 2007-2008 | \$560,000 | 6-year | Local |
| 22 | North-South Connector (Swede Hill Road) | 2007 | Developer | 6-year | State |
| 23 | Burnham Drive Improvements (Phase 3) | 2009-2010 | \$4,400,000 | 6-year | Local/ State |
| 24 | 38th/ Hunt Street (Phase 1) | 2008-2009 | \$208,000 | 6-year | Local/ State |
| 25 | Crescent Valley Connector | 2008-2010 ³ | \$4,300,000 | 6-year | Local/ State |

| Project No. | Project | Projected Year | Cost | Plan | Primary Funding Sources |
|--------------------|--|-----------------------|-------------------------------|-------------|--|
| 26 | Hunt St Crossing of SR-16 Kimball Drive Extension | 2009-2010 2011 | \$1,247,500 \$5,250,000 | 6-year | Local/ State |
| 27 | Wollochet Drive Improvement Project | 2010 | \$5,000,000 | 6-year | State |
| 28 | 50 th Street Extension to 38 th | 2008 | \$900,000 | 6 year | Local |
| 29 | Burnham Interchange interim Solution Improvements | 2008 | \$10,300,000 | 6 year | State/Developer |
| 30 | Burnham Interchange Long-Term Solution Improvements | 2012 | \$44,000,000 | 6 year | Federal/State/ SEPA/ Impact Fees/Local |
| 31 | Burnham Drive (Harborbiew to Interchange) Sidewalks, Median, etc. | 2011 | \$4,500,000 | 6 year | State/Local |
| 32 | Rosedale - Stinson to Skansie (Roadway, Bike Lane, Sidewalk, Median) | 2010 | \$1,950,000 | 6 year | State/Local |
| 33 | Donkey Creek day lighting, Street & Bridge Improvements | 2009 | \$3,250,000 | 6 year | Federal/State Earmarks & Grants |
| 34 | Harborview Drive Sidewalk/Roadway Improvements | 2008 | \$1,200,000 | 6 year | Local |
| 35 | Judson/Stanich/Uddenburg Sidewalk/Roadway Improvements | 2008 | \$750,000 | 6 year | Local |
| 36 | 38 th Street Sidewalk, Bike Lane, Improvements | 2009 | \$1,900,000 | 6 year | State/Local |
| 37 | Public Works Operations Facility | 2009 | \$1,125,000 | 6 year | Local |
| 38 | Street Connections – Pt. Fosdick Area | 2011 | \$1,500,000 | 6 year | State/Local |
| 39 | Skansie Ave Improvements (Rosedale to Hunt; Traffic control device @ Hunt) | 2010 | \$2,100,000 | 6 year | Mitigation/Impact Fees |
| 40 | Ericson/Grandview (Pedestrian Loop Improvements and Lighting) | 2008 | \$160,000 | 6 year | Local |
| | Subtotal | | \$43,609,500 \$124,032,000 | | |

Notes:

- (1) The Gig Harbor Transportation Plan Update does not contain projects beyond the next six years. The Six Year Transportation Improvement Plan is updated annually. The table reflects the most recent update.

**City of Gig Harbor Planning Commission/Design Review Board/City Council
Minutes of Joint Work-Study Session and Public Hearing
October 18, 2007
Gig Harbor Civic Center**

PRESENT: Commissioners Joyce Ninen, Jill Guernsey, Theresa Malich, and Dick Allen. Design Review Board members Kae Patterson, Rick Gagliano and Jane Roth Williams were present. City Councilmembers Tim Payne, Steve Ekberg, Bob Dick and Paul Conan were present along with Mayor Chuck Hunter. Commissioner Harris Atkins, *Jim Pasin and Jeane Derebey were absent.* Staff present: Jennifer Kester, Tom Dolan, and Diane Gagnon. Kurt Latimore from the Latimore Company was also present.

CALL TO ORDER: 5:10 p.m.

Chairman Theresa Malich called the meeting to order and announced that comment sheets were available for those unable to stay for the public hearing.

The meeting began with discussion of the Neighborhood Design Area Map. Senior Planner Jennifer Kester explained the map and noted that Councilmember Young had sent an e-mail to staff with his concerns with the Olympic/Point Fosdick areas and invited the Planning Commission members to discuss their thought process in defining the neighborhood areas. Ms. Malich explained how the Planning Commission had divided *themselves into three different groups and brainstormed the various neighborhoods.* Planning Director Tom Dolan stated that at the last council meeting they had voiced their desire to hear the reasoning in developing the neighborhoods.

Planning Commissioner Joyce Ninen asked what the differences were between the old maps and the new and Ms. Kester explained that there were no changes to the map, just in the layout. Design Review Board member Rick Gagliano said that it was important to note the text that went along with these different neighborhoods describing their characteristics. Mr. Gagliano addressed Councilmember Young's concern and Ms. Kester talked about the overall goal to create a sub area plan where the definition of these neighborhoods will be further developed.

Councilmember Steve Ekberg stated that conceptually when they started thinking about neighborhoods some of the Councilmembers wanted to know how those neighborhoods were designed. Chairman Malich emphasized the need to look at the text that goes along with the map. Ms. Kester pointed out which pages where the policies related to the map. Commissioner Guernsey stated that they had decided that the zoning was not the only consideration; they looked at it more as individual communities. Ms. Malich said that they were open to changing the map after input tonight.

Ms. Kester added that the beginning of this discussion was the Mayor's idea of the "bulls eye" approach. She also showed them on the map where they had considered the topography in defining the view basin. She further explained each of the neighborhoods.

Mr. Dolan noted that several of the Commissioners and staff had driven around to get a feel for the different neighborhoods.

Mr. Gagliano asked if everyone had had a chance to read the text for the view basin and Ms. Kester went over how the language had been developed. Mr. Gagliano said he would like to put the sub area plans further into the future. He stated that the development of regulations for each of these neighborhoods may lead to neighbors feeling like they had more onerous regulations placed on them.

Mayor Chuck Hunter asked about giving some latitude on either side of the line. Mr. Gagliano said they had discussed that. He then went over several areas that had been discussed at length and their reasoning for different divisions.

Councilmember Bob Dick went over what he had perceived as Councilmember Young's concerns with differing regulations within one commercial district. Mr. Gagliano explained the bubble concept that had begun their brainstorming session and what was reflected in the design manual. Discussion followed on the attributes of the various neighborhoods.

Councilmember Ekberg complimented the group on the neighborhood map and the work done. He said that it was helpful hearing how they had discussed and arrived at each of the individual neighborhoods. He asked if there had been much discussion of the area at the top of Rosedale. Mr. Gagliano said they had discussed it and Ms. Kester explained that it had been different initially and then through much discussion had changed. Discussion followed on the transportation connections.

Mayor Hunter explained his initial idea behind the bulls eye approach and the need for the view basin to have some more restrictive standards that don't necessarily work in other areas. Mr. Gagliano noted that the neighborhoods do extend into the Urban Growth Area. Mr. Dolan noted that there were annexation applications in for the donut hole and for 380 acres in the Purdy area.

Chairman Malich asked if anyone felt that there were changes necessary to the lines. Councilmember Paul Conan said that the real desire was just to hear how the lines were developed. He emphasized that he had wanted to hear that each of these neighborhoods were going to work together. Mr. Gagliano stated that part of their discussion was if the design manual requirements were just going to get less and less as you moved further and further away from the view basin or that there would be more of a matrix approach. He went on to discuss that there was a concern that they would end up with areas of the city where design review was easier and therefore resulting in less desirable development. Ms. Kester then discussed the front setback line requirement and used that as an example of something that is desirable in some areas and not in others. Mr. Gagliano also emphasized that they wanted the design review process to start earlier and help them identify when a project doesn't fit the neighborhood.

Councilmember Tim Payne said that he felt they had done a tremendous job and he saw the logic in the neighborhoods and Councilmember Ekberg said he appreciated the face to face meeting and the opportunity to understand the thought process behind the map. Ms. Malich said that she really thought that the best tool that had come out of this was the text describing the neighborhoods.

Councilmember Dick said that he still understood Councilmember Young's concern but also saw that a decision had to be made as to where the line was and that they can also be adjusted in another comprehensive plan change when they are closer to the design manual changes. Mr. Gagliano asked if it was plausible to adopt the text without the map. Ms. Kester said it could be done but that she didn't think that it would be possible to implement the design manual changes without the map. Mr. Dick stated that he would rather watch it closely over the next year. He stated that it was preferable to adopt something imperfect rather than adopting nothing. Mr. Dolan agreed that it was worth it to adopt it now and make small changes later. Ms. Kester said that a regulation could be written in that would allow someone to go the DRB for a neighborhood deviation and that there were several options to allow this to be a little more fluid. Mayor Hunter said that he was very happy with what they had accomplished.

Chairman Malich called a five minute recess at 5:55. The meeting was reconvened at 6:05 p.m.

1. **City of Gig Harbor, 3510 Grandview St., Gig Harbor WA 98335** – Application for a Comprehensive Plan text amendment (COMP 07-0004) to amend the Capital Facilities Element to update, revise and add to the City's list of Stormwater, water system, wastewater, parks and open space projects.

Ms. Kester began with a brief staff report stating that the City Council had adopted a process for Comprehensive Plan amendments and the need for the Planning Commission to make findings that meet certain criteria. She explained that this first amendment was an update of the list and introduced Emily Appleton Senior Engineer. Ms. Appleton explained that most of the changes were for removal of projects that have been completed and the addition of new projects for the future. She explained that they were in the process of updating their utility comp plans and should have a draft to do an update for the 2008 cycle. Ms. Kester said that it was probably not necessary to go through each of the items but rather to address any questions that the Planning Commission may have. Ms. Kester noted where the additional parks and trails projects were as that had been a concern of the commission. Ms. Ninen asked about page 12-5 and the additional water rights. Ms. Kester noted that she believed that that occurred in 2005 and was converting a back up well into a permanent well and the state had allowed us to take more water out of our wells. Ms. Guernsey noted a typographic error and Ms. Malich asked about page 12-2, where it talks about the discharge of sewer. Ms. Ninen asked about revenue sources and was there discussion of a B & O tax being proposed. Ms. Kester said that she was not aware of any discussion of that. Discussion followed on the Hospital Benefit Zone and how those tax dollars worked. They also discussed future water rights. Ms. Ninen asked about page 12-2 where it references the vision statement and Ms. Kester

stated she could get them a copy. Ms. Guernsey pointed out an area that could be worded better. It referenced “the jurisdiction” rather than the City of Gig Harbor on page 12-18. Ms. Appleton noted that this amendment was more the update to the table and that a more in depth look at the language would occur at a later date.

2. **City of Gig Harbor, 3510 Grandview St., Gig Harbor WA 98335** – Application for a Comprehensive Plan text amendment (COMP 07-0003) to amend the Transportation Element to respond to the comments provided to the City by the Puget Sound Regional Council (PSRC).

Ms. Appleton went over that the proposed changes in response to a letter from Puget Sound Regional Council. She went over their comments and how they had been addressed in the comp plan. Ms. Guernsey asked for clarification on two of the pages and Ms. Appleton clarified their meaning. Ms. Guernsey asked if PSRC numbers assumed no annexations and Ms. Kester answered that it appeared that they did not account for future annexations. Ms. Appleton continued going over each of the PSRC comments and where the change had been made. Ms. Kester explained that it was necessary for PSRC to certify the transportation element of the comp plan in order to achieve grants and other funding.

The Planning Commission members asked about some of the various transportation projects and Ms. Appleton gave them an update on the upcoming projects. Ms. Appleton said that they are in the process of doing a 20 year traffic model where some additional changes will be made and she explained how public comment will be solicited.

3. **City of Gig Harbor, 3510 Grandview St., Gig Harbor WA 98335** – Application for a Comprehensive Plan text amendment (COMP 07-0002) to amend the Community Design Element adding Neighborhood Design and Residential Development Design Sections and a Neighborhood Design Area map.

Senior Planner Jennifer Kester went over the community design element change, noting that there were two purposes for this change; to recognize different neighborhoods within the city and to add a residential development design section. She explained that this is a policy document not code. She noted where she had added language as discussed at the last meeting. Ms. Guernsey suggested that in 3.12.1 perhaps we should add language about residential remodels. Kurt Latimore pointed out that the overall goal references “new” and it was decided that the word “new” be removed. Ms. Kester explained the process for adoption of these regulations.

Chairman Theresa Malich called a recess at 6:50 prior to the public hearing. The meeting was reconvened at 7:00 p.m.

Chairman Malich opened the public hearing at 7:01 p.m.

Senior Planner Jennifer Kester went over the three proposed amendments to the comprehensive plan. Ms. Malich explained that within each neighborhood there are different zoning designations and that this map did not affect those zones.

Mark Shoen, 2002 Sullivan Drive, Gig Harbor

Mr. Shoen talked about the connector from Burnham to Borgen. Ms. Appleton replied that it will be part of the update next year as there had not been a funding source or timeline identified.

Tracey Perkins, 4216 31st Ave Ct NW, Gig Harbor

Ms. Perkins asked about the retention of trees and whether that requirement may be changed. Ms. Kester explained that there would not be numeric changes in these policies. She noted that it may be changed with the next phase when specific regulations are developed. She also noted that it had been discussed in this policy that perhaps there should be a bigger buffer along the road and more of an emphasis on the quality of the buffer.

Gretchen Wilbert, 8825 N Harborview Drive, Gig Harbor

Ms. Wilbert complimented everyone on their job on this and asked about where Rosedale/Hunt, joined Bujacich and asked what neighborhood the Boys and Girls Club would be and Ms. Kester said that it would be in the Rosedale/Hunt neighborhood. Ms. Wilbert asked if they anticipated that there could be some housing in the Bujacich area and Ms. Kester said that there had been a proposal for some senior housing in that area. Ms. Wilbert then asked about Peacock and Gig Harbor North at 112th and why was Gig Harbor North coming right up to Peacock Hill. Ms. Malich said that they had discussed that since that parcel had been a part of the annexation and that it had been a part of the planned community development of that area. She also noted that both of those areas will need to talk to each other and not place their backs to each other. Ms. Wilbert thanked everyone.

Commissioner Dick Allen asked about the area where some senior housing was proposed. Ms. Kester noted that this does not affect zoning, just the design of that housing. Ms. Malich asked about the zoning of the property along Peacock and Ms. Kester noted that it was all lower density residential.

Mark Shoen, 2002 Sullivan Drive, Gig Harbor

Mr. Shoen asked about the roundabout and when it was coming before the City Council and Ms. Appleton said that it will be coming to council in December as long everything goes smoothly.

Linda Chambers, 5821 Soundview Drive, Gig Harbor

Ms. Chambers asked if there were going to be zoning changes and Ms. Malich explained that these are not zoning changes just design issues. Ms. Kester said that some of those changes may happen in the future but that it wouldn't happen without public input.

Ms. Guernsey emphasized that they had been talking about the vision of the city and decided that maybe the vision is more in individual neighborhoods and that is how this map was developed. She also pointed out where the city limits were located and the urban growth area.

Anthony Miles, 3602 47th St Ct., Gig Harbor

Mr. Miles suggested that this would be a better plan with the inclusion of the zoning densities and asked if the properties have to ask to be annexed. Ms. Kester answered that there are two processes where the city can ask residents and where residents can petition for annexation.

Kae Paterson asked that Ms. Kester explain the Growth Management Act and the Urban Growth Area. Ms. Kester gave a brief explanation of these and how they impact regulations within the city. Ms. Guernsey gave examples on the map and how GMA affected various densities.

Chairman Theresa Malich closed the public hearing at 7:30 p.m.

MOTION: Moved to recommend adoption of the proposed Comprehensive Plan Amendments 07-002, 07-003 and 07-004 and direct staff to prepare findings for signature. Guernsey/Ninen – Motion passed unanimously.

Chairman Theresa Malich called a 5-minute recess. The meeting reconvened at 7:40 p.m.

Ms. Kester talked about the next meeting on November 1st and that the meeting will be at 5:00 p.m. She said that there is a VIP opening of Costco that night at 6:00 p.m. and that the Planning Commission is invited. She stated that she will bring back the findings for signature and will talk about the schedule for the coming year.

UPCOMING MEETINGS

November 1st, 2007 at 5:00 p.m.

ADJOURNMENT

MOTION: Move to adjourn at 7:45 p.m. Ninen/Guernsey – Motion passed unanimously.



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR DESIGN REVIEW BOARD 2007 COMPREHENSIVE PLAN AMENDMENTS

TO: City of Gig Harbor
FROM: Jennifer Kester, Senior Planner
DATE: November 1, 2007
RE: Applications: COMP 07-0002, COMP 07-0003, and COMP 07-0004

Having reviewed the Comprehensive Plan amendments included in the 2007 cycle after a public hearing at its meeting of October 18, 2007, the City of Gig Harbor Planning Commission recommended the City Council **APPROVE** the following Comprehensive Plan amendments:

COMP 07-0002:

An amendment to the Community Design Element adding a Neighborhood Design section and map and a Residential Development Design section to the Community Design Element. The neighborhood design section will recognize and retain the unique neighborhoods and design characteristics of the harbor. The new housing development section will provide a framework for developing and amending performance standards for new housing developments.

COMP 07-0003:

An amendment to the Transportation Element to respond to the comments provided to the City by the Puget Sound Regional Council (PSRC). The text changes would adopt LOS standards for state-owned facilities, update population and travel demand growth assumptions incorporating population allocations adopted by Pierce County and add policies to be consistent with Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies.

COMP 07-0004:

An amendment to the Capital Facilities Element to update, revise and add to the City's list of stormwater, water system, wastewater, parks and open space projects.

The Planning Commission made this recommendation after reviewing the criteria for approval found in GHMC 19.09.130 and 19.09.170. The recommendation is based on the following information and analysis:

1. The text amendments will not change the allowed intensities and densities of development and therefore no transportation capacity evaluation is required.
2. The changes to the Community Design Element will not affect sewer, water or capital facility level of service standards as the policies relate to site design, such as architecture, layout and landscaping. The amendments to the Transportation Element and Capital Facilities Element will improve the City's ability to provide sewer, water and other public facilities and services through updated funding mechanisms and consistency with regionally planning efforts.
3. The amendments will not result in a change to residential capacities for the city or UGA or result in developments not achieving minimum densities. The amendments to the Capital Facilities Element will ensure that adequate facilities can be constructed to provide for the projected 20-year residential need. The amendments to the Community Design element will affect lot layout and amenity requirements, but not densities.
4. The amendments will update the transportation, sewer, park, storm water, waste water and open space capital facilities plan so that the City can provide necessary infrastructure to serve the development projected by the Comprehensive Plan.
5. The amendments are consistent with the goals, policies and objectives of the comprehensive plan in that:
 - a. The Community Design Element of the Comprehensive plan seeks to assure that future development respects and enhances Gig Harbor's built and natural environment (Introduction, 3-1). Goal 2.2 asks that the City to define a pattern of urban development which is recognizable, provides an identity and reflects local values and opportunities. Goal 2.2.1(b) states that the City should emphasize and protect area differences in architecture, visual character and physical features which make each part of the urban form unique and valuable. The amendments to the Community Design Element will further these goals by refining policies for the built form.
 - b. The amendments to the Transportation Element will revise information that was internally inconsistent with the current Comprehensive Plan.
 - c. The City's Comprehensive Plan seeks to keep pace with the population and commercial growth through the funding of capital improvements that manage and allow for the projected growth. The amendment to the

Capital Facilities Element will allow the city to better address the planning area's transportation, sewer, park, storm water, wastewater and open space needs through adequate capital facility planning and funding.

6. The Planning Commission does not believe that the approval of all of the amendments will create a demand for land use designation changes. In the future, the City may desire to fully implement the neighborhood design areas through the development of sub-area plans. These plans may change land use designations.
7. The amendments are consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements in that:
 - a. The Growth Management Act allows City's to include a Community Design Element in its comprehensive plan. The amendment further refines the design goals and policies of the City of Gig Harbor. Pierce County's County Wide Planning Policies do not specifically address neighborhood design or residential development design policies outside of designated centers (the City of Gig Harbor is not a designated center); however, the creation of design policies and implementing design standards is not prohibited.
 - b. The amendments to the Transportation Element would: incorporate population allocations adopted by Pierce County; include Washington State Department of Transportation and Puget Sound Regional Council level of service standards; and, add policy themes from Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies.
 - c. The amendments to the Capital Facilities Element is consistent to Growth Management Act and Pierce County countywide planning policies in that the amendments will allow the City to improve infrastructure and allow for the projected growth within the City and UGA boundary.
8. The Planning Commission does not believe that the approval of all of the amendment will have a cumulative adverse effect on the City.
9. The amendments are based on infrastructure and design needs identified since the last update to the Comprehensive Plan in 2006.

Theresa Malich, Chairman
Planning Commission  Date 11/1/2007.

cc: Planning File

M:\Advance Planning\Comp Plan Updates\2007 Comp Plan Amendments\PC recommendation - 110107.doc



**Washington State
Department of Transportation**
Douglas B. MacDonald
Secretary of Transportation

Olympic Region Headquarters
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia, WA 98504-7440
360-357-2600
Fax 360-357-2601
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 7, 2007

Jennifer Kester
City of Gig Harbor
3510 Grandview St.
Gig Harbor, WA 98335

RE: City of Gig Harbor 2007 Proposed Updates to the Comprehensive Plan

Dear Ms. Kester:

Thank you for allowing the Washington State Department of Transportation (WSDOT) the opportunity to review and comment on the 2007 Proposed Updates to the City of Gig Harbor Comprehensive Plan.

Application COMP-07-0003, Attachment 2 of the Environmental Checklist
We suggest changing the last bullet (*Added Access to SR 16 at 144th Avenue or similar location*) to read: "Better connection between SR 302 and SR 16".

State Route 302 is an important east-west link for Key Peninsula communities to Gig Harbor as well as Tacoma and other parts of Washington. Economic development puts demands on the highway system creating concerns about safety and congestion. To address these concerns, WSDOT is studying State Route 302 from the Key Peninsula Highway to State Route 16. The study will evaluate the environmental impacts of creating a new corridor or widening the existing State Route 302 to improve mobility and enhance motorist safety.

Again, thank you for the opportunity as review and comment on the proposed comprehensive plan amendment. If you have any questions related to this letter, please contact George Kovich of my office at (360) 704-3207.

Sincerely,


Robert E. Jones
Transportation Planning Manager
WSDOT, Olympic Region

REJ:dln

cc: Bill Wiebe (WSDOT) 47370
David Anderson (CTED) 48350
Tom Washington (WSDOT) TB55-130



**Business of the City Council
City of Gig Harbor, WA**

Subject: First Reading of Ordinance – Northharbor Business Campus Zoning Map Amendment

Proposed Council Action: Adopt ordinance at this first reading, as allowed by Ordinance 1088.

Dept. Origin: Planning Department

Prepared by: Jennifer Kester, Senior Planner *JK*

For Agenda of: November 13, 2007

Exhibits: Hearing Examiner’s Decision, Minutes of September 13, 2004 Council Meeting

Initial & Date

Concurred by Mayor: *CLH 11/7/07*
Approved by City Administrator: *PKK 11/7/07*
Approved as to form by City Atty: _____
Approved by Finance Director: *NA*
Approved by Department Head: *Done 11/7/07*

| | | | | | |
|----------------------|---|-----------------|---|------------------------|---|
| Expenditure Required | 0 | Amount Budgeted | 0 | Appropriation Required | 0 |
|----------------------|---|-----------------|---|------------------------|---|

INFORMATION/BACKGROUND

On October 29, 2003, Michael Perrow of Donkey Creek Holdings requested a site-specific rezone for the 13.62 acre Northharbor Business Campus at approximately 9700 Burnham Drive from RB-2 zoning with a Mixed Use District Overlay (RB-2/MUD) to Employment District (ED). Prior to the rezone application, Wade Perrow requested a Comprehensive Plan Land Use designation change for the same property from Mixed Use to Employment Center (EC). On December 9, 2002, the City Council approved the land use designation amendment.

The Hearing Examiner (HE) held a public hearing on the site-specific rezone application on April 21, 2004. The HE approved the site-specific rezone on April 30, 2004. The City did not receive any appeals on this decision and, therefore, the site-specific rezone decision was final.

On August 23, 2004 and September 13, 2004, the Council reviewed an ordinance to change the official zoning map to reflect the approved site-specific rezone. At the September 13, 2004 meeting, Michael Perrow asked for an indefinite postponement of the adoption of the ordinance until Mr. Perrow could clarify the definitions of the words “ancillary” and “support.” At the time of that Council meeting, the zoning code did not define these words but allowed “Service and retail uses which support and are ancillary to the primary uses allowed in the employment district” The Council passed a motion to table the ordinance until staff could address those concerns and come back with a recommendation.

In response to that request on September 24, 2004, John Vodopich issued an administrative interpretation on the ancillary uses allowed in the ED zone. This interpretation was appeal by Michael Perrow of Donkey Creek Holdings. In December 2004, the hearing in front of the HE

on the appeal was postponed an indefinite period of time at the request of the City and the appellant to allow the City to amend the text interpreted by the administrative decision. The subsequent text amendment was included in the land use matrix project. The specific code language subject to the appeal was repealed by the adoption of land use matrix amendments and replaced by a clear definition of ancillary sales. The ED district allows ancillary sales which are now defined as "sales directed towards the employees or patrons of a primary permitted use with no exterior signage."

The land use matrix amendments were adopted on June 12, 2006. Since adoption of the land use matrix, to my best knowledge, the City has received no comments from Mr. Perrow or others affiliated with Donkey Creek Holdings related to the issues brought up during the September 13, 2004 Council meeting.

City staff is requesting that the City Council pass this zoning map amendment ordinance so that staff can implement and enforce the rezone approved by the Hearing Examiner on April 21, 2004. As the official zoning map does not reflect this approved rezone, both new staff and customers are often confused about the correct zoning and allowed uses in this business park.

POLICY CONSIDERATIONS

The 2002 approved Comprehensive Plan amendments included a land use designation change for the subject property from Mixed Use to the Employment Center designation. The Employment District zoning is the most appropriate zone to implement the Employment Center land use designation. The proposed zoning map amendment makes the zoning map consistent with the Comprehensive Plan.

FISCAL CONSIDERATION

There are no adverse fiscal impacts associated with this rezone.

BOARD OR COMMITTEE RECOMMENDATION

No board or committee was required to review this application.

RECOMMENDATION / MOTION

Move to: Adopt ordinance at this first reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 13.62 ACRES OF RB-2 (RESIDENTIAL AND BUSINESS) DISTRICT WITH A MUD (MIXED USE DISTRICT) OVERLAY TO ED (EMPLOYMENT DISTRICT) ZONING DISTRICT, LOCATED IN THE NORTHARBOR BUSINESS CAMPUS AT 9700 BURNHAM DRIVE IN GIG HARBOR, WASHINGTON, ASSESSOR'S PARCEL NUMBERS 4001020010, 4001020020, 4001020030, 4001020040, 4001020051, 4001020061, 4001020101, 4001020121, 4001020141, 4001020161, 4001020190 AND 4001020200; AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH.

WHEREAS, Mr. Michael Perrow of Donkey Creek Holdings requested a rezone for the 13.62 acre Northharbor Business Campus located at 9700 Burnham Drive in Gig Harbor, Washington, Assessor's parcel numbers 4001020010, 4001020020, 4001020030, 4001020040, 4001020051, 4001020061, 4001020101, 4001020121, 4001020141, 4001020161, 4001020190 and 4001020200; and

WHEREAS, the land use designation in the Comprehensive Plan of the subject site at 9700 Burnham Drive is Employment Center, which is a result of the 2002 Comprehensive Plan amendments; and

WHEREAS, RCW 36.70A.130(1)(b) requires consistency between comprehensive plans and development regulations; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) ; and

WHEREAS, Mr. Perrow requested that the subject property be rezoned from RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) to ED (Employment District) to be consistent with the Comprehensive Land Use Map; and

WHEREAS, a SEPA threshold determination of non-significance (DNS) was issued on December 17, 2003; and

WHEREAS, the SEPA threshold determination was not appealed; and

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

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

WHEREAS, a public hearing on the proposed rezone was held before the Hearing Examiner on April 21, 2004, at which time the Hearing Examiner heard public testimony on the rezone; and

WHEREAS, the Hearing Examiner approved the proposed rezone in his decision dated April 30, 2004; and

WHEREAS, the rezone decision was not appealed; and

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

WHEREAS, the City Community Development Director forwarded the site-specific rezone proposal to the Washington State Department of Community Development on December 17, 2003 pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered this Ordinance and voted to _____ this Ordinance during the first reading on _____; and

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

Section 1. The real property located in the Northharbor Business Campus at 9700 Burnham Drive in Gig Harbor, Washington, Assessor's parcel numbers 4001020010, 4001020020, 4001020030, 4001020040, 4001020051, 4001020061, 4001020101, 4001020121, 4001020141, 4001020161, 4001020190 and 4001020200 and as shown on attached Exhibit "A", is hereby rezoned from RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) to ED (Employment District).

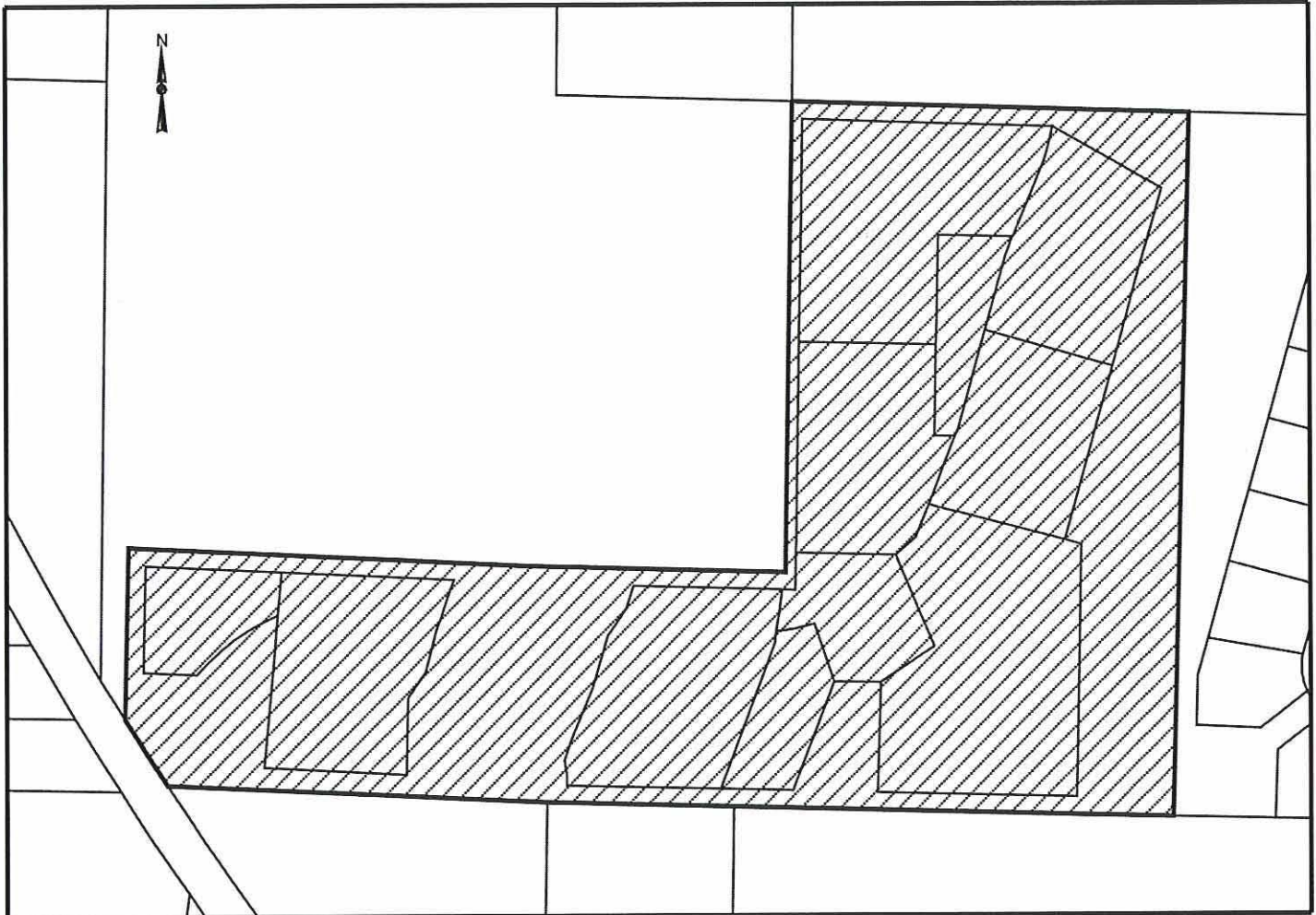
Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by Section 1.

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

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

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

Exhibit "A"



ATR Parcels: 4001020141, 4001020200, 4001020121, 4001020030, 4001020101, 4001020161, 4001020190, 4001020010, 4001020051, 4001020061, 4001020020, and 4001020040

Northharbor Business Campus Legal Description

BEGINNING AT THE MOST WESTERLY NORTHWESTERLY CORNER OF TRACT "A" OF NORTHARBOR BUSINESS CAMPUS BINDING SITE PLAN AS RECORDED UNDER AUDITOR'S FILE NUMBER 9403090799 RECORDS OF SAID COUNTY; THENCE SOUTH $01^{\circ}00'37''$ WEST ALONG THE WEST LINE OF SAID TRACT "A" 290.03 FEET TO THE NORTHEASTERLY MARGIN OF BURNHAM DRIVE N.W. AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1880.00 FEET (THE RADIUS CENTER BEARS NORTH $58^{\circ}13'58''$ EAST); THENCE SOUTHEASTERLY ALONG SAID MARGIN AND SAID CURVE 48.33 FEET THROUGH A CENTRAL ANGLE OF $01^{\circ}28'24''$; THENCE LEAVING SAID MARGIN AND CONTINUING ALONG THE SOUTHERLY LINE OF SAID TRACT 'A' OF SAID BINDING SITE PLAN SOUTH $88^{\circ}19'50''$ EAST 585.17 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE SOUTH $88^{\circ}17'13''$ EAST 886.08 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID TRACT "A"; THENCE NORTH $01^{\circ}11'48''$ EAST ALONG THE EASTERLY LINE OF SAID TRACT "A"; 997.91 FEET TO THE MOST NORTHEASTERLY CORNER OF SAID TRACT "A" AND SAID BINDING SITE PLAN; THENCE NORTH $88^{\circ}17'14''$ WEST ALONG THE NORTHERLY LINE OF SAID TRACT "A" 553.51 FEET TO THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT "A" AND SAID BINDING SITE PLAN; THENCE SOUTH $01^{\circ}11'48''$ WEST ALONG THE WESTERLY LINE OF SAID TRACT "A" 667.90 FEET TO AN ANGLE POINT IN SAID TRACT "A" AND SAID BINDING SITE PLAN; THENCE NORTH $88^{\circ}17'13''$ WEST ALONG THE NORTH LINE OF SAID TRACT "A" 332.87 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH $88^{\circ}19'50''$ WEST 612.64 FEET TO THE TRUE POINT OF BEGINNING

SUBJECT TO EASEMENTS, RESTRICTIONS AND CONDITION AS OF RECORD OR UNWRITTEN.

RECEIVED
CITY OF GIG HARBOR
MAY 04 2004
COMMUNITY
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BEFORE THE HEARING EXAMINER
FOR THE CITY OF GIG HARBOR

IN RE: the Application of Michael Perrow
for Donkey Creek Holdings,

REZ 03-02

FINDINGS, CONCLUSIONS AND
DECISION

I. SUMMARY OF DECISION

The application for a rezone from an RB-2 (Residential and Business) zoning district with a Mixed-Use district (MUD) overlay to an ED (Employment District) of approximately 13.62 acres located at 9700 Burnham Drive, within the City of Gig Harbor, is hereby approved.

II. SUMMARY OF PROCEDURE

A. Hearing. An open record hearing was held in the City of Gig Harbor on April 21, 2004.

B. Exhibits. The examiner admitted the following exhibits:

1. Staff Report to the Hearing Examiner for REZ 03-02, dated April 15, 2004;
2. Donkey Creek Holdings, LLC's Rezone Application for Northharbor Business Campus, 9700 Burnham Drive;
3. Zoning map; and
4. Gig Harbor Ordinance No. 921 and related Staff Report.

ORIGINAL

1 C. Pleadings. In addition, the hearing examiner considered the following:

2 1. City's Brief on Rezone Process, dated April 10, 2004.

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

4 1. The Staff Report was presented by Rob White, Senior Planner.

5 **III. FINDINGS**

6 1. The applicant is requesting the rezone of approximately 13.62 acres located at
7 9700 Burnham Drive (Assessor's Parcel Nos. 4001020010, 4001020020, 4001020030,
8 4001020040, 4001020050, 4001020060, 4001020100, 4001020110, 4001020120,
9 4001020130, 4001020140, 4001020161, 4001020190, and 4001020200). The rezone would
10 change the existing RB-2 (Residential and Business) zoning district with a Mixed-Use
11 district (MUD) overlay to ED (Employment District). The site is adjacent to a single-family
12 development on the south and east. The proposed rezone is in follow-up to an amendment
13 to the land use designation on the site that was approved in 2001. Ex. 1.

14 2. The land use designation of the subject site was changed in 2001 from Mixed Use
15 to Employment District at the request of the applicant, who wishes to expand the types of
16 uses allowed within their current facility. Ex. 1.

17 3. The subject site totals 13.62 acres. The subject parcel is zoned RB-2 with MUD
18 overlay. Current land use is General Warehouse Storage according to the Pierce County
19 Tax Assessor. Adjacent zoning and land use is as follows:

20 North: PCD-RMD, Planned Community Development-Residential Medium Density
21 West: RB-2 Zone, Residential and Business
22 South: RB-2 Zone, Residential and Business
23 East: R-1 Zone, Residential Low

24 Ex. 1.

25 4. The City of Gig Harbor Comprehensive Plan Land Use Map designates the site as
Mixed Use. Page 10 of the Land Use Element of the Comp Plan states that mixed use is an
area of commercial/employment, office and multi-family located along principle collector
routes which link the downtown area with SR-16. Commercial/Employment activity with a
Mixed Use caters to a customer base beyond the immediately surrounding neighborhoods
due to its location along the collector routes. The individual commercial/employment
activities or developments in these areas are not of a size or character to be considered
"major" activity or traffic generating uses. Multifamily and office uses are allowed within
the Mixed Use area to provide economic diversity and housing opportunities near transit
routes and business activities. The proposal is consistent with the comprehensive plan land
use designation. Ex. 1.

1 5. Allowable uses in the proposed ED designation are defined in Section 17.45.020
2 of the Gig Harbor Municipal Code. Light manufacturing, light assembly and warehousing
3 are among the more intensive permitted uses in the zone. In general, the ED zone allows
4 more intense uses than the RB-2 zone.

5 6. Gig Harbor Municipal Code Section 17.100.035 specifies general criteria for the
6 approval of zoning district map amendments, including, but not limited to, site specific
7 rezones. The examiner addresses these criteria as follows:

8 A. The application for the Zoning District Map amendment must be consistent
9 with and further the goals, policies and objectives of the comprehensive plan;

10 • The Washington State Growth Management Act (GMA) requires
11 consistency between the adopted Comprehensive Plan and the adopted development
12 regulations. RCW 36.70A.040(4)(d). The proposed zoning district map amendment is
13 consistent with and furthers the goals, policies, and objectives of the comprehensive plan, as
14 the plan was last amended. This review criterion is satisfied.

15 B. The application for the Zoning District amendment must further or bear a
16 substantial relationship to the public health, safety and general welfare;

17 • The proposed zoning district map amendment furthers or bears a
18 substantial relationship to the public health, safety, and general welfare by providing an
19 appropriate location for employment opportunities within an existing facility, and by
20 bringing site zoning into conformity with the comp plan. This review criterion is satisfied.

21 C. No substantial detrimental effect will be caused by the granting of the
22 application for amendment; and

23 • No substantial detrimental effect will be caused by the granting of the
24 application for amendment. Consistency between the zoning code and the comp plan is a
25 positive effect. No evidence of detrimental effect exists in this record. This review criterion
is satisfied.

D. The proponents of the application have the burden of proof in demonstrating
that the conditions have changed since the original zoning or original designation for the
property on the Zoning District Map.

• Conditions have changed since the original zoning or original
designation for the property on the Zoning District Map. Specifically, the passing of the
comprehensive plan amendment (Ex. 4) allowing the proposed level of activity that the ED
zone permits requires a rezone to implement the Comprehensive Plan change. This review
criterion is satisfied.

7. The City of Gig Harbor SEPA Responsible Official has reviewed the request and
issued a Determination of Non-significance (DNS) for this request on December 17, 2003.

1 The appeal period for this SEPA determination ended on March 1, 2004. No comments or
appeals have been submitted.

2 8. The legal notice of the proposed action and scheduled hearing was published in
3 the Peninsula Gateway on March 3, 2004, and again on April 7, 2004. Notice was also
4 posted on the subject site on March 1, 2004. Finally, notice was mailed to property owners
within 300 feet of the subject property on March 1, 2004. No public comments have been
5 submitted. Ex. 1.

6 IV. CONCLUSIONS

7 A. Jurisdiction. The examiner has jurisdiction to rule on the rezone pursuant to
GHMC 17.96.030. See, Ordinance No. 903.

8 B. Criteria for Review. The criteria for the examiner to consider in deciding on a
9 rezone application are set forth at GHMC 17.100.035.

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

12 V. DECISION

13 Based on the above findings and conclusions, Rezone Application REZ 03-03,
14 relating to the rezone from a RB-2 zoning district with a MUD overlay to an Employment
District of approximately 13.62 acres located at 9700 Burnham Drive within Gig Harbor, is
15 APPROVED.

16 VI. PARTIES OF RECORD

- 17 1. Rob White, Senior Planner
City of Gig Harbor
3510 Grandview Street
18 Gig Harbor, WA 98335
- 19 2. Michael Perrow
20 Donkey Creek Holdings
P.O. Box 245
21 Gig Harbor, WA 98335

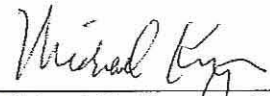
22 VII. APPEAL OF EXAMINER'S DECISION

23 Pursuant to GHMC 19.01.003 as amended by Ordinance No. 903, any party of
24 record with standing to file a land use petition and desiring to appeal the examiner's decision
may do so within 10 working days of the issuance of this decision by filing an appeal with
25 the City, as specified in GHMC 19.06.004.

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DATED this 30 day of April, 2004.

KENYON DISEND, PLLC



Michael R. Kenyon, Hearing Examiner

GIG HARBOR CITY COUNCIL MEETING OF AUGUST 23, 2004

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Picinich, and Mayor Wilbert. Councilmember Ruffo was absent.

CALL TO ORDER: 7:02 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARINGS:

1. **Continuation of Public Hearing – Moratorium on Development within the Height Restriction Area for a Period of Six Months.** Mayor Wilbert opened the public hearing at 7:05 p.m. Steve Osguthorpe, Planning / Building Manager, presented this continued public hearing for a proposed six-month moratorium on acceptance of development permits in the height restriction area.

Mr. Osguthorpe outlined the staff recommendation to exempt certain development permits. He then passed out an e-mail submitted from Mr. Jim Sullivan, regarding the Stutz Fuel Property, expressing concern that demolition of structures is not included in the proposed exemptions. Mr. Osguthorpe explained that due to concerns expressed since the last public hearing, these have been eliminated.

Mr. Osguthorpe then read the proposed Findings of Facts supporting the continuation of the moratorium prepared by the City Attorney at Council's direction. He explained that if Council believes the continuation of the moratorium is justified, the Findings of Facts must be adopted.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler said that she agreed with the intent of the moratorium, but voiced concern that she would not be allowed to remodel her home, which is badly need of repair. She asked for clarification on the role of the city attorney. Mayor Wilbert explained that the city attorney provides answers to the Council regarding ordinances and resolutions, and then asked Mr. Osguthorpe to address Ms. Sadler's concerns.

Ms. Sadler clarified her desire to fix up an existing home by adding a second story which would be under the 16' height restriction and less than 3000 s.f. She was told that due to the moratorium, she would not be able to submit permits. She asked if there would be a way for a private residence to be exempted if it meets the terms and conditions set forth in the moratorium. Mr. Osguthorpe explained that she would be able to maintain and repair the structure, but would not be able to enlarge the structure under the terms of the moratorium. He said that she could begin working with staff on the design process, but the city could not accept an application during this period.

Carol Morris, City Attorney, explained that the Council could tailor the moratorium to the size of structures that would be exempted.

Doug Sorensen – 9409 Harborview Drive. Mr. Sorenson said that Council needed to consider the purpose of this moratorium. He said that moratoriums usually come about as the result of poor planning. He asked Council to consider the impact of a moratorium on single family residential, if the project doesn't go beyond the present height or scope of construction. He said he would like to build on his property, and asked consideration for the suggestion to exempt some properties.

There were no further comments and the public hearing was closed at 7:25 p.m. and the next public hearing opened.

2. Traffic Concurrency Management Update. Carol Morris explained that she is recommending an amendment to the traffic concurrency ordinance to reflect a recent court decision that there are no permissible exemptions for traffic concurrency requirements. The city ordinance has exemptions for public facilities, and the court ruling has rendered those unacceptable. She continued to explain that there is an exception for a requirement of a traffic analysis for owners of a single family residence.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler asked Council to think about adding decorative street lighting fixtures on Pioneer, as it is one of the main traffic streets.

There were no further comments and the Mayor closed the public hearing at 7:30 p.m.

CONSENT AGENDA:

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

1. Approval of the Minutes of City Council Meeting of August 9, 2004.
2. Correspondence / Proclamations: a) Payroll Week b) Letter from WFOA
c) Letter from Mayor Baarsma
3. Agreement for Collection of Storm Drainage Infrastructure Data.
4. Liquor License Renewals: Hy-Ui-Hee-Hee; Olympic Village 76
5. Liquor License Assumption: Shell Food Mart
6. Approval of Payment of Bills for August 23, 2004:
Checks #44828 through #44935 in the amount of \$254,451.70.

MOTION: Move to approve the consent agenda as presented.
Ekberg / Franich – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Amending Setback Standards in the PCD-BP District. Steve Osguthorpe gave an overview on this proposal to reduce the setbacks for certain categories of use in the PCD-BP zone. There was discussion regarding the term ancillary and how it would be applied.

Mark Hoppen, City Administrator, asked Council to consider amendments to Category 2 uses to increase the 40' setback requirement due to the affect to adjacent properties by

the height of some structures, and to change the word "or" to "and" in the second line so that the project would have to comply with both requirements.

There was further discussion on which sites would be affected by the change in setbacks and ancillary uses. Mr. Osguthorpe offered a solution to amend the language to state that ancillary uses would only apply in the same category. He asked for direction for Mr. Hoppen's recommendation. Council directed staff to make the change from "or" to "and" to reflect what was intended.

MOTION: Move to direct staff to bring this agenda item back for a third reading with the recommended amendments.
Franich / Conan – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance Supporting a Continuance of a Moratorium on the Acceptance of Applications for Development in the Height Restriction Area for a Period of Six Months. There was further discussion on the exclusion of demolition permits. Councilmember Ekberg said that there should be a provision for life safety issues. Ms. Morris explained that if demolitions are to be included in the ordinance, Findings of Facts should be adopted to support this inclusion.

Councilmember Dick mentioned that the demolition application for the Eddon Boat Building is vested, but it raises a concern that until some parameters for other historic structures could be decided, that demolitions of such should be addressed.

Councilmembers discussed the exemption of smaller structures. Councilmember Franich mentioned the difficulty in coming up with a number, as this moratorium has to be applied even-handedly.

Councilmember Dick voiced concern that until setbacks can be addressed, allowing residential construction might result in a loss of visual space. He said that the moratorium allows the time to explore options.

Ms. Morris recommended a looking at the size of structures that would not be regulated, and allow exemption for anything under that size. Councilmembers discussed an appropriate minimum exemption and directed staff to come back with draft language at the second reading for consideration. At that time, an appropriate number can be chosen.

Councilmember Young asked that language regarding the exemption of demolition permits be included. Mr. Osguthorpe asked if Council was in support of the other staff recommended exemptions identified during the public hearing. Council responded affirmatively.

2. First Reading of Ordinance – Traffic Concurrency Management Update. Ms. Morris explained that this is the first reading of an ordinance eliminating the exemptions

in the Traffic Concurrency ordinance. This will return for a second reading at the next meeting.

3. First Reading of Ordinance - Northharbor Rezone. Steve Osguthorpe explained that in when the Comprehensive Plan was amended last year, there was a request to change two properties to an Employment Center land use designation. To finalize that change and make the zoning consistent with that new land-use designation, Mr. Perrow applied for a rezone for both properties. The Hearing Examiner approved the application and this ordinance will ratify the decision. This will return for a second reading at the next meeting.

Carol Morris explained that one motion per ordinance is required.

4. First Reading of Ordinance - Burnham Drive Rezone. Steve Osguthorpe explained that the conditions and circumstances of this are identical to the previous agenda item. This will return for a second reading at the next meeting.

STAFF REPORTS:

1. David Rodenbach, Finance Director - Voted Bond Levy Amounts. Mr. Rodenbach presented information on estimated annual levy amounts on various bond issues. Mr. Hoppen commented that if a bond issue would be placed on the November ballot, committees must be appointed soon to prepare a pro and con statement for the Voters' Pamphlet. Councilmember Franich offered to head up the committee for the statement against the bond issue.

PUBLIC COMMENT:

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter requested that Council direct the City Attorney and the staff to make an outline of the legal issues that may be applied to the appeal of the Harbor Cove / Eddon Boat Project to formulate what issues could be appealed to the Hearing Examiner. He said that the developer falls under the umbrella of the city and the taxpaying citizens are pitted against the city and its resources. He added that he did not believe that this would be unethical, adding that Council has a duty to both sides.

Carol Morris said that she had already formulated an issues statement and given it to Council, a copy of which is in the file. Mr. Hunter responded that the problem is that the city wants to charge fifteen cents a page to copy. Carol stressed that there is no charge for viewing the documents.

John McMillan – 9816 Jacobsen Lane. Mr. McMillan said that he had been told that there making the copies wouldn't cost anything, so he came and selected several pages. When he came to pick them up, he was told that the charge would be \$97.87.

Councilmembers and staff further discussed the issue of charging for copies of public records. It was determined that there is a resolution in place that adopts the fifteen cents per copy fee.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert asked Council to submit a list of their concerns to be included in the agenda for the upcoming Council Retreat. Mayor Wilbert said that she is in the process of preparing a notebook of information that she would like Council to review, add comments, and pass it on.

Mayor Wilbert then said that she would like staff to begin coordinating a Town-Around Bus System with Pierce Transit to address the aging population. She said that she is looking for an interested Councilmember and suggested membership for a review committee to work toward this goal.

Mayor Wilbert briefly talked about the article in the Gateway, and shared photos of the WCI Exchange Student program.


ANNOUNCEMENT OF OTHER MEETINGS:

Council Retreat – Monday, September 13th, 1:00 p.m. – 5:30 p.m. Gig Harbor Civic Center Community Rooms A & B.

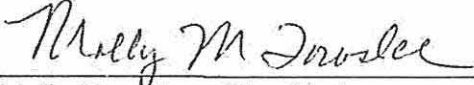
EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b).

- MOTION:** Move to adjourn to Executive Session at 8:40 p.m. for approximately sixty minutes for the purpose of discussing property acquisition.
Franich / Ekberg - unanimously approved.
- MOTION:** Move to return to regular session at 9:40 p.m.
Franich / Young – unanimously approved.
- MOTION:** Move to return to Executive Session for another fifteen minutes.
Franich / Conan – unanimously approved.
- MOTION:** Move to return to regular session at 9:55 p.m.
Dick / Franich – unanimously approved.
- MOTION:** Move to adjourn at 9:55 p.m.
Franich / Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 21.
Disc #2 Tracks 1 – 6.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk

GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 13, 2004

PRESENT: Councilmembers Ekberg, Young, Conan, Dick, Ruffo and Mayor Wilbert. Councilmembers Franich and Picinich were absent.

CALL TO ORDER: 7:02 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 August 23, 2004, Worksession on Building Height of July 19, 2004, and the Design Review Manual Worksession of August 30, 2004.
2. Correspondence / Proclamations: a) Constitution Week b) Letter from Pierce County Housing Authority.
3. Renewal of Copier Maintenance Agreements.
4. Renewal of Laundry Services Agreement.
5. Crosswalk Lighting System – Existing Crosswalk at Discovery Elementary on Rosedale.
6. Resolution No. 629 – Establishing a Work Program for the Review and Revision of the Comprehensive Plan.
7. Civic Center Landscaping Design Improvements.
8. Liquor License Assumption: Quality Food Center #886
9. Approval of Payment of Bills for September 13, 2004:
Checks #44936 through #45086 in the amount of \$333,822.64.
10. Approval of Payroll for the Month of August:
Checks #3378 through #3430 and direct deposits in the amount of:
\$277,150.24.

Mayor Wilbert welcomed members of the local chapter of the Daughters of the American Revolution. She then read the proclamation in support of Constitution Week and presented the signed copy.

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

OLD BUSINESS:

1. Third Reading of Ordinance – Amending the Setback Standards in the PCD-BP District. Steve Osguthorpe, Planning and Building Manager, explained that Council requested that this ordinance be brought back for a third reading after proposing amendments to the definition of ancillary uses. He said that he had amended the ordinance to reflect that ancillary uses for retail would only apply to the Category 2 section. Since that time, the applicant, Dale Pinney, said that he understood the direction from Council to mean that ancillary uses would be allowed in either category if

they meet the setbacks for that category. He said that the ordinance, as presented, allows retail uses that are ancillary to those uses allowed in Category 2 use only, and asked if it was the intent of Council to include both categories.

MOTION: Move to adopt Ordinance No. 967, with the changes outlined by Mr. Osguthorpe.
Ruffo / Young -

Council discussed ancillary use in the two categories and determined that it was desirable to only allow the provision in the category of less intense use.

MOTION: Move to eliminate the modification to the ordinance.
Dick / Young – unanimously approved.

MOTION: Move to adopt Ordinance No. 967.
Ruffo / Young - unanimously approved.

2. Second Reading of Ordinance Supporting a Continuance of a Moratorium on the Acceptance of Applications for Development in the Height Restriction Area for a Period of Six Months. Mr. Vodopich, Community Development Director, explained that two changes had been made to the exemption section of the ordinance. The first is to add demolition permits, the second is to add buildings that do not exceed a certain square footage, which is to be determined by Council before adoption.

Doug Sorensen – 9409 No. Harborview Drive. Mr. Sorensen recommended that Council not vote to continue the moratorium. He said that this is the first time a moratorium, which should be used for an emergency which affects the safety and well-being of the citizens, has been used to stop construction of a single family residence. He asked why Council is circumventing the procedure in place for land use issues utilizing the Planning Commission. He asked Council to exempt single family residences from the moratorium if adopted and to let the Planning Commission hold public hearings on the issue. He mentioned the impact of rising interest rates on projects, adding that he wants to take advantage of the low rates. He then talked about living in the WR zone with an overlay that requires the houses to look like those in Millville, even though there has never been one of that style located there before.

Councilmember Ruffo asked Mr. Sorenson what size home he was considering building. Mr. Sorenson said that he didn't know, but it would be less than 3,500 square feet.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler said that she supports the previous discussion to exempt residential buildings up to 3,500 square feet from the moratorium. She submitted a letter from her attorney supporting this recommendation.

Susan Harms – 7502 Pioneer Way. Ms. Harms encouraged Council to consider addressing special cases such as the Sadler's if the moratorium is continued.

Councilmember Ruffo suggested inserting 3,500 square feet in the blank of the ordinance.

MOTION: Move to adopt Ordinance 968 continuing the moratorium for a period of six months with the modification to add numbers five, six and seven to the exemptions, and to insert 3,500 square feet to the blank in number seven.
Ruffo / Conan –

Councilmember Young responded to Mr. Sorensen's comments on the need for a moratorium. He explained that the Planning Commission had worked on the building size limitations over the past couple of years. The reason for the moratorium is to prevent a rush of applications before Council had an opportunity to work through all the concerns. The concern was not with structures under 3,500 sq. ft. He said that Council does recognize the significant impact to property owners due to rising interest rates, but the impact to the overall public good and to protect what is left of Gig Harbor's historic nature downtown makes the continuance necessary.

Councilmember Ruffo offered to add language to his motion to reflect that the Council had taken the comments from the worksessions on building size into consideration in adopting the continuance of the moratorium, adding that six months is the maximum time allowed for the moratorium, urging the Planning Commission and staff to get this matter concluded sooner.

Councilmember Dick said that there was considerable testimony that the welfare of our community would be adversely impacted by structures larger than 3,500 square feet. Additionally, there has been question as to how much larger and that matter has yet to be resolved. With the proposed amendment to allow structures up to 3,500 square feet Council is acknowledging the testimony received from a number of sources including that of the Planning Commission. Council has also considered the adverse impacts created by larger structures and that, until it can determined how much larger and in what degree, the purpose of the moratorium is that we not go larger than 3,500 square feet. But, by this exemption I think Council has accommodated the more immediate concern as described by testimony and referenced in the staff report.

John Vodopich asked for clarification on whether the amendment to exclude projects in which buildings do not exceed 3500 s.f. in size, would be inclusive or exclusive of the garage. He recommended that it be exclusive of the garage given that it is not living space.

Councilmembers discussed this option and decided that for the purposes of concerns for the nature of the neighborhood, the character of the town and the views that may be blocked, the garage should be included in the 3500 s.f. threshold.

MOTION: Move to adopt Ordinance 968 continuing the moratorium for a period of six months with the modification to add numbers five, six

and seven to the exemptions, and to insert 3,500 square feet to the blank in number seven. Council has studied the workshop minutes and has taken the comments into consideration in adopting the continuation of the moratorium.

Ruffo / Conan – unanimously approved.

3. Second Reading of Ordinance – Traffic Concurrency Management Update. John Vodopich presented this ordinance that amends the traffic concurrency exemption section based on current case law.

Carol Morris, City Attorney, said that she received notice from the Supreme Court that they will not accept review of the Bellevue case she mentioned at the last meeting, making action on this final, meaning that this ordinance complies with the law.

MOTION: Move to adopt Ordinance No. 969 as presented.
Ekberg / Young – unanimously approved.

4. Second Reading of Ordinance - Northharbor Rezone. John Vodopich presented this ordinance that rezones property held by Donkey Creek Holdings, from Mixed Use Overlay District to the Employment District Zone. This has been approved by the Hearing Examiner and the ordinance is necessary to change the city's zoning map. Staff recommended approval of both this ordinance, and the one following.

Michael Perrow – PO Box 245, Gig Harbor. Mr. Perrow commented on both ordinances. He said that they are troubled by the recent correspondence to two of their tenants stating that these businesses will not be compatible with the ED zoning. Consequently, these businesses will not be allowed to expand or move within the District, but will not be required to terminate. He said that the businesses are not allowed in the ED zone because they are considered retail.

Carol Morris explained that what is before Council is a rezone, and the information that Mr. Perrow is discussing isn't not related to approval of a rezone. The tenants have talked to city staff about an interpretation, which is a quasi-judicial action which would come after the adoption of the ordinances. It is not an action that Council can deal with, and comments should be restricted to the rezone.

Mr. Perrow said that he is asking for an indefinite postponement of the adoption of these ordinances until they could clarify what ancillary and support means. He said that either they were terribly mistaken when they filed for Employment District zoning, and the Planning Commission agreed that it seemed they were more compatible with the ED zoning. Now it turns out that this may not be the case.

Councilmembers agreed and made the following motion.

MOTION: Move to table this ordinance until staff could address the concerns and come back with a recommendation.
Ruffo / Young – unanimously approved.

5. Second Reading of Ordinance - Burnham Drive Rezone. This was discussed under the previous agenda item.

MOTION: Move to table this ordinance until staff could address the concerns and come back with a recommendation.
Ruffo / Young – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Providing for the Issuance and Sale of Unlimited Tax General Obligation Bonds for the Purpose of Financing the Acquisition of Real Estate. Mark Hoppen, City Administrator, explained that this is an ordinance for approval in one reading to enable this voter approved, bond debt to be placed on the November 2nd ballot. He said that this information has to be submitted to the County Auditor by September 17th. He added that if someone in the community wishes to present a Con statement, they need to contact him immediately. He said that there is already a committee working on the Pro statement.

John McMillan – 9816 Jacobsen Lane. Mr. McMillan said that he appreciates the effort to push this forward. He said that this is a good time to include the other southern three lots in the bond, making the bond easier to sell to the citizens as one package. He then recommended establishing an Ad Hoc Eddon Boatyard Committee to address such issues as the bond campaign, site use and restoration, site development and facility maintenance. Without public participation, there won't be the same level of success as was seen with the Skansie Brother's Park.

Mayor Wilbert asked to have the word "educational" added after "historical" to the explanatory statements in the bond ordinance.

Mr. Hoppen explained that in order to negotiate the additional three lots, one million dollars would have to be added to the bond amount, bringing it to 3.5 million dollars. He said that if all the southern lots were added, the issues related to the waterfront and shared uses between private and public would resolve themselves.

Councilmember Young said that the reason that the bond was pared down, is that Council felt it would be the most likely to be passed by the voters. He said that the increase was worth discussion. Councilmember Ruffo added that the deal was negotiated with the idea that two million would be feasible for approval.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton asked for information on the waterfront frontage and amount paid for the Skansie Brothers Park property. Mr. Hoppen replied that the waterfront was 280 feet as opposed to the 140 feet at the

Eddon Boat property. The addition of the three lots would bring the total to approximately 300 feet. The city paid 2.8 million for the Skansie property.

Councilmember Ruffo stressed that there was a big difference with the Skansie property, as the city had the ability to purchase the property without having to go out for a bond. In addition, the property owners were willing to deal. Ms. Stanton said that she thinks that preserving the entire cove would make floating a bond more sellable.

Bert Beneville – 3002 Soundview Court. Mr. Beneville said he was speaking for the Gig Harbor Yacht Club in support of the bond issue to keep the Eddon Boatyard and adding the additional three lots.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich spoke in support of acquisition of the site for historical purposes. He said that he could not support the additional three lots if the tidelands are not included. He stressed that for a successful promotion of the bond, a clear picture of what was included is important.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter urged Council to go for the entire property at 3.5 million for a package to serve the community better. He said that you will have to see if the property owners will accept the 3 million. He asked for clarification that this bond is exclusively for the Eddon Boat property and the work to be done on it. David Rodenbach, Finance Director, assured him that the proposition states that this is specifically for the Eddon Boatyard property. He said that if the city cannot acquire the property, the bonds would not be sold.

Councilmember Young pointed out that the city could not be involved in a campaign process, and therefore could not appoint a committee to oversee the bond campaign.

Councilmember Dick asked for clarification on whether the ordinance would need to be modified to include language to include all parcels of land. Dave Rodenbach said that he would get with the Bond Counsel tomorrow to see if it was necessary to amend the language.

Councilmember Ekberg thanked the public for the recommendation to add the additional parcels. He and Councilmember Conan voiced support of the decision to add the additional three parcels and to increase the bond amount to 3.5 million.

MOTION: Move to adopt Ordinance No. 970, amending the language to increase the amount of the bond to 3.5 million dollars and including the word “educational” where discussed and pass this at its first reading utilizing the emergency procedure.
Ruffo / Young - unanimously approved.

2. Cushman Trailhead Park Asphalt Pathway. John Vodopich presented this contract to complete the asphalt pathway at the triangle Cushman Trailhead Park.

MOTION: Move to authorize the award and execution of the contract for Cushman Trailhead Park Asphalt Pathway to Lakeridge Paving Company in an amount not to exceed Nine Thousand Four hundred dollars and zero cents (\$9,400.00).
Dick / Ruffo – four voted in favor. Councilmember Ekberg abstained.

STAFF REPORTS:

1. John Vodopich, Community Development Director – Fire Inspection Program Analysis.

Mr. Vodopich explained that before he presents information on the Fire Inspection Program, he first would like to update Council on the cost reimbursement agreement with the Department of Ecology. He said that under the terms of the agreement, a decision was to be given by September 10th. Earlier this week, he received indication that the DOE would be unable to meet the deadline, and were proposing a one-month extension to October 11th. The agreement for the extension will be presented to Council at the next meeting. He introduced Don Davidson of the Department of Ecology.

Don Davidson – 300 Desmond Drive, Olympia, Washington. Mr. Davidson, employee of the Water Resources Division of the DOE, explained that the continuation of the contract to process a number of applications for water. He said that there are a number of reasons for the request for the extension; the foremost is the contractor's difficulty in gaining information, unrealistic expectations on the part of DOE, and communication issues. He said that there is no budget increase; only a months delay in processing applications. He said that he fully expected to meet the obligations by October 11th.

Mr. Vodopich then presented information on the Fire Inspection Program Analysis. He said that for the past four years, the city has contracted with Fire District #5 for fire code related inspection services. Earlier this year, staff advised Council that the cost of the contract had increased to the point that it would be fiscally prudent to hire our own fire inspection personnel, and a letter was forwarded to the Fire District indicating that the city would not be renewing the contract for 2005. He was contacted by Chief Bob Black of the Fire District, who met with staff and then reevaluated the program to identify cost savings. They have offered to renew the contract for \$58, 100. Mr. Vodopich explained that a similar in-house program would cost the city \$65,500, so there would be a savings in the Fire Department retaining the program. He recommended that the city re-enter into a contract with Fire District #5. If acceptable, a contract will return at a later date for consideration. He added that Chief Black and Penny Hulse of the Fire Department, were present to answer questions.

Councilmember discussed the proposal and recommended that the contract be considered on a multi-year basis with yearly inflation increases.

MOTION: Move to direct staff to bring back the contract for consideration.
Ruffo / Young – unanimously approved.

2. Chief Mike Davis – GHPD August Stats. No verbal report was given, but the Mayor and Councilmember Ekberg praised the in-depth report.

PUBLIC COMMENT:

Michael Perrow – PO Box 245. Mr. Perrow voiced his concern that the staff doesn't always look for ways for things to work and the explanations that are given are not clear. He said that he would like clarification for "retail uses." He said he appreciates working with John Vodopich on the definition of "ancillary," but asked if staff might need guidance from the Council to more clearly define the percentages of vehicle trips that determine whether or not a business is deemed retail.

Councilmember Young said that it would be desirable to have a clarification of the term "ancillary" because it seems there are different interpretations. John Vodopich said that the issue is that in the Employment District, retail uses are not encouraged in order to reduce the demands on the traffic infrastructure. It allows supportive retail uses ancillary to permitted uses within the zone. It is a gray area that will require a formal, administrative interpretation that will be reviewed by the parties involved. It can then be taken to the Hearing Examiner for a more formal resolution if necessary.

After further discussion, it was determined that this may require a legislative determination to address the concerns.

COUNCIL COMMENTS / MAYOR'S REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

Council Worksession on the Design Review Manual – September 20, 2004 at 6:00 p.m. in the Civic Center Community Rooms.

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

MOTION: Move to adjourn to Executive Session at 8:35 p.m. for approximately five minutes for the purpose of discussing pending litigation.
Ekberg / Young - unanimously approved.

MOTION: Move to return to regular session at 8:40 p.m.
Ruffo / Young – unanimously approved.

MOTION: Move to adjourn at 8:40 p.m.
Ruffo / Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 22.
Disc #2 Tracks 1 – 3.

Gretchen A. Wilbert

Gretchen A. Wilbert, Mayor

Molly M. Towslee

Molly Towslee, City Clerk



Business of the City Council
City of Gig Harbor, WA

Subject: First Reading of Ordinance –
Burnham Drive Commercial Park Zoning Map
Amendment

Proposed Council Action: Adopt ordinance
at this first reading, as allowed by Ordinance
1088.

Dept. Origin: Planning Department

Prepared by: Jennifer Kester, Senior Planner JK

For Agenda of: November 13, 2007

Exhibits: Hearing Examiner's Decision, Minutes of
September 13, 2004 Council Meeting

Initial & Date

Concurred by Mayor: CLH 11/7/07
Approved by City Administrator: PJK 11/7/07
Approved as to form by City Atty:
Approved by Finance Director: NA
Approved by Department Head: Dams 11/7/07

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and a final 0. Values are 0, 0, 0, 0.

INFORMATION/BACKGROUND

On October 29, 2003, Michael Perrow of Donkey Creek Holdings requested a site-specific
rezone for the 12 acre Burnham Drive Commercial Park at 10421 Burnham Drive from RB-2
zoning with a Mixed Use District Overlay (RB-2/MUD) to Employment District (ED). Prior to
the rezone application, Wade Perrow requested a Comprehensive Plan Land Use designation
change for the same property from Mixed Use to Employment Center (EC). On December 9,
2002, the City Council approved the land use designation amendment.

The Hearing Examiner (HE) held a public hearing on the site-specific rezone application on
April 21, 2004. The HE approved the site-specific rezone on April 30, 2004. The City did not
receive any appeals on this decision and, therefore, the site-specific rezone decision was final.

On August 23, 2004 and September 13, 2004, the Council reviewed an ordinance to change
the official zoning map to reflect the approved site-specific rezone. At the September 13, 2004
meeting, Michael Perrow asked for an indefinite postponement of the adoption of the
ordinance until Mr. Perrow could clarify the definitions of the words "ancillary" and "support."
At the time of that Council meeting, the zoning code did not define these words but allowed
"Service and retail uses which support and are ancillary to the primary uses allowed in the
employment district" The Council passed a motion to table the ordinance until staff could
address those concerns and come back with a recommendation.

In response to that request on September 24, 2004, John Vodopich issued an administrative
interpretation on the ancillary uses allowed in the ED zone. This interpretation was appeal by
Michael Perrow of Donkey Creek Holdings. In December 2004, the hearing in front of the HE

on the appeal was postponed an indefinite period of time at the request of the City and the appellant to allow the City to amend the text interpreted by the administrative decision. The subsequent text amendment was included in the land use matrix project. The specific code language subject to the appeal was repealed by the adoption of land use matrix amendments and replaced by a clear definition of ancillary sales. The ED district allows ancillary sales which are now defined as "sales directed towards the employees or patrons of a primary permitted use with no exterior signage."

The land use matrix amendments were adopted on June 12, 2006. Since adoption of the land use matrix, to my best knowledge, the City has received no comments from Mr. Perrow or others affiliated with Donkey Creek Holdings related to the issues brought up during the September 13, 2004 Council meeting.

City staff is requesting that the City Council pass this zoning map amendment ordinance so that staff can implement and enforce the rezone approved by the Hearing Examiner on April 21, 2004. As the official zoning map does not reflect this approved rezone, both new staff and customers are often confused about the correct zoning and allowed uses in this business park.

POLICY CONSIDERATIONS

The 2002 approved Comprehensive Plan amendments included a land use designation change for the subject property from Mixed Use to the Employment Center designation. The Employment District zoning is the most appropriate zone to implement the Employment Center land use designation. The proposed zoning map amendment makes the zoning map consistent with the Comprehensive Plan.

FISCAL CONSIDERATION

There are no adverse fiscal impacts associated with this rezone.

BOARD OR COMMITTEE RECOMMENDATION

No board or committee was required to review this application.

RECOMMENDATION / MOTION

Move to: Adopt ordinance at this first reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 12 ACRES OF RB-2 (RESIDENTIAL AND BUSINESS) DISTRICT WITH A MUD (MIXED USE DISTRICT) OVERLAY TO ED (EMPLOYMENT DISTRICT) ZONING DISTRICT, LOCATED IN THE BURNHAM DRIVE COMMERCIAL PARK AT 10421 BURNHAM DRIVE IN GIG HARBOR, WASHINGTON, ASSESSOR'S PARCEL NUMBERS 0222312033, 0222312034, AND 0222312035; AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH.

WHEREAS, Mr. Michael Perrow of Donkey Creek Holdings requested a rezone for the 12 acre Burnham Drive Commercial Park located at 10421 Burnham Drive in Gig Harbor, Washington, Assessor's parcel numbers 0222312033, 0222312034 and 0222312035; and

WHEREAS, the land use designation in the Comprehensive Plan of the subject site at 10421 Burnham Drive is Employment Center, which is a result of the 2002 Comprehensive Plan amendments; and

WHEREAS, RCW 36.70A.130(1)(b) requires consistency between comprehensive plans and development regulations; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) ; and

WHEREAS, Mr. Perrow requested that the subject property be rezoned from RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) to ED (Employment District) to be consistent with the Comprehensive Land Use Map; and

WHEREAS, a SEPA threshold determination of non-significance (DNS) was issued on December 17, 2003; and

WHEREAS, the SEPA threshold determination was not appealed; and

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

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

WHEREAS, a public hearing on the proposed rezone was held before the Hearing Examiner on April 21, 2004, at which time the Hearing Examiner heard public testimony on the rezone; and

WHEREAS, the Hearing Examiner approved the proposed rezone in his decision dated April 30, 2004; and

WHEREAS, the rezone decision was not appealed; and

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

WHEREAS, the City Community Development Director forwarded the site-specific rezone proposal to the Washington State Department of Community Development on December 17, 2003 pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered this Ordinance and voted to _____ this Ordinance during the first reading on _____; and

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

Section 1. The real property located in the Burnham Drive Commercial Park lat

10421 Burnham Drive in Gig Harbor, Washington, Assessor's parcel numbers 0222312033, 0222312034 and 0222312035, and as shown on attached Exhibit "A", is hereby rezoned from RB-2 (Residential and Business District) with a MUD overlay (Mixed Use District Overlay) to ED (Employment District).

Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by Section 1.

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

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

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

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

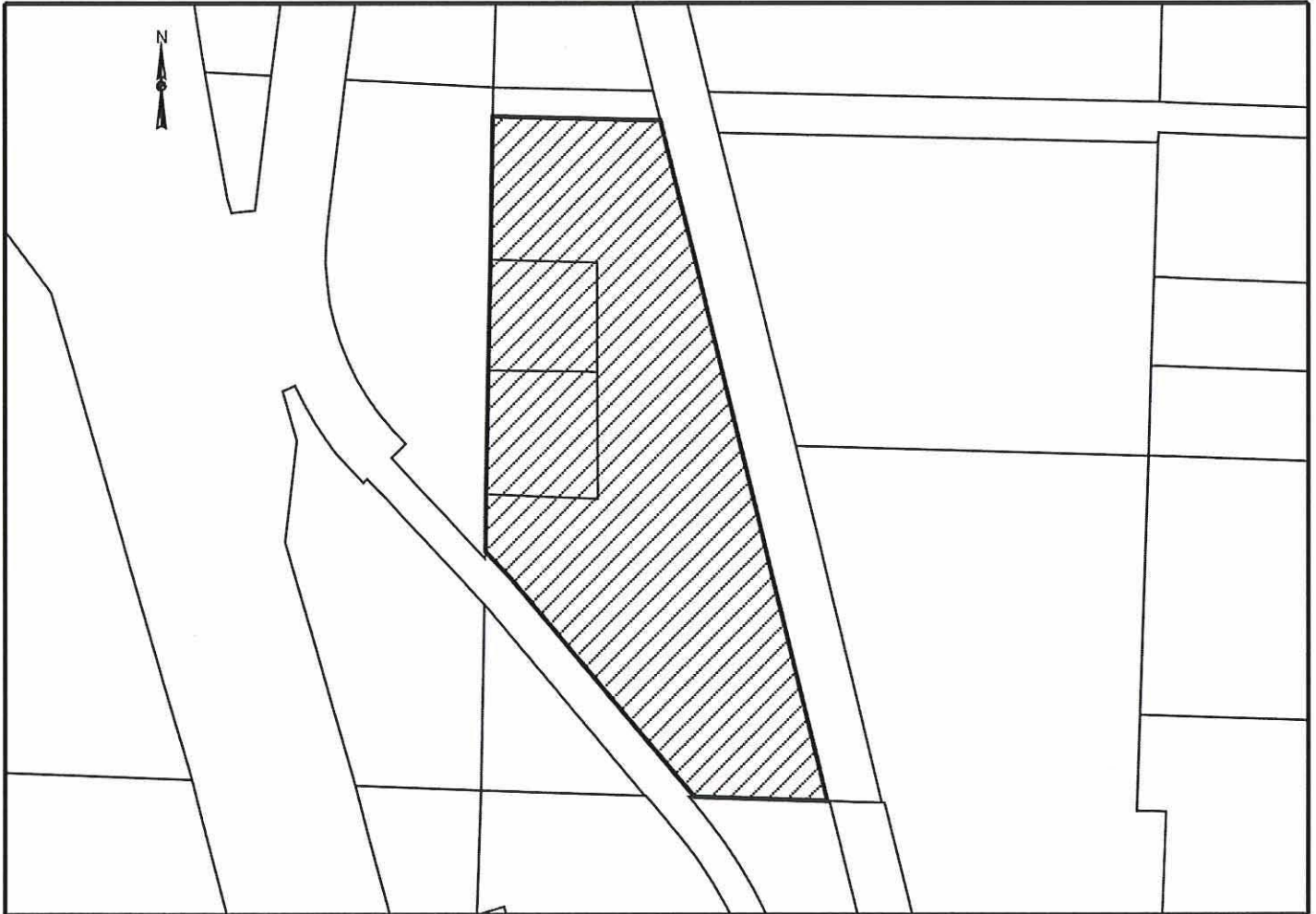
By: _____
MOLLY TOWSLEE, City Clerk

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: _____

Exhibit "A"



ATR Parcels: 0222312034, 0222312033, 0222312035

Burnham Drive Commercial Park Legal Description:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE SOUTH 01°51'38" WEST ALONG THE WEST LINE OF SAID SUBDIVISION TO A POINT WHICH LIES 60.00 FEET SOUTH OF SAID NORTHWEST CORNER AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°51'38" WEST A DISTANCE OF 834.86 FEET TO THE NORTHEASTERLY MARGIN OF BURNHAM DRIVE NW; THENCE SOUTH 43°24'59" EAST ALONG SAID MARGIN 513.83 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1025.00 FEET; THENCE SOUTHEASTERLY 87.29 FEET ALONG SAID CURVE AND SAID MARGIN THROUGH A CENTRAL ANGLE OF 04°52'46" TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88°17'08" EAST ALONG SAID SOUTH LINE 239.92 FEET TO THE WESTERLY MARGIN OF TACOMA LAKE CUSHMAN POWER LINE RIGHT-OF-WAY; THENCE NORTH 13°21'48" WEST A DISTANCE OF 1307.11 FEET TO A POINT WHICH LIES 60.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE NORTH 88°23'41" WEST PARALLEL WITH SAID NORTH LINE 321.11 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS AND CONDITIONS UNWRITTEN OR OF RECORD.

RECEIVED
CITY OF GIG HARBOR
MAY 04 2004
COMMUNITY
DEVELOPMENT

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BEFORE THE HEARING EXAMINER
FOR THE CITY OF GIG HARBOR

IN RE: the Application of Michael Perrow
for Donkey Creek Holdings,

REZ 03-03

FINDINGS, CONCLUSIONS AND
DECISION

I. SUMMARY OF DECISION

The application for a rezone from an RB-2 (Residential and Business) zoning district with a Mixed-Use district (MUD) overlay to an ED (Employment District) of approximately 12 acres located at 10421 Burnham Drive, within the City of Gig Harbor, is hereby approved.

II. SUMMARY OF PROCEDURE

A. Hearing. An open record hearing was held in the City of Gig Harbor on April 21, 2004.

B. Exhibits. The examiner admitted the following exhibits:

1. Staff Report to the Hearing Examiner for REZ 03-03, dated April 15, 2004;
2. Donkey Creek Holdings, LLC's Rezone Application for Burnham Drive Commercial Park, 10421 Burnham Drive;
3. Zoning map; and
4. Gig Harbor Ordinance No. 921 and related Staff Report.

ORIGINAL

1 C. Pleadings. In addition, the hearing examiner considered the following:

2 1. City's Brief on Rezone Process, dated April 10, 2004.

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

4 1. The Staff Report was presented by Rob White, Senior Planner.

5 III. FINDINGS

6 1. The applicant is requesting the rezone of approximately 12 acres located at 10421
7 Burnham Drive (Assessor's Parcel Nos. 0222312034, 0222312033, and 0222312035). The
8 rezone would change the existing RB-2 (Residential and Business) zoning district with a
9 Mixed-Use district (MUD) overlay to ED (Employment District). The site is adjacent to a
single-family development on the south and east. The proposed rezone is in follow-up to an
amendment to the land use designation on the site that was approved in 2001. Ex. 1.

10 2. The land use designation of the subject site was changed in 2001 from Mixed Use
11 to Employment District at the request of the applicant, who wishes to expand the types of
uses allowed within their current facility. Ex. 1.

12 3. The subject site totals 12 acres. The subject parcel is zoned RB-2 with MUD
13 overlay. Current land use is Warehouse Condo according to the Pierce County Tax
Assessor. Adjacent zoning and land use is as follows:

14 North: PCD-BP, Planned Community Development – Business Park
15 West: RB-2 Zone, Residential and Business
16 South: MSF – Moderate Density Single Family (Pierce County)
East: R-1 Zone, Residential Low

17 Ex. 1.

18 4. The City of Gig Harbor Comprehensive Plan Land Use Map designates the site
19 as Mixed Use. Page 10 of the Land Use Element of the Comp Plan states that mixed use is
20 an area of commercial/employment, office and multi-family located along principle
21 collector routes which link the downtown area with SR-16. Commercial/Employment
22 activity with a Mixed Use caters to a customer base beyond the immediately surrounding
23 neighborhoods due to its location along the collector routes. The individual
24 commercial/employment activities or developments in these areas are not of a size or
25 character to be considered "major" activity or traffic generating uses. Multifamily and
office uses are allowed within the Mixed Use area to provide economic diversity and
housing opportunities near transit routes and business activities. The proposal is consistent
with the comprehensive plan land use designation. Ex. 1.

5. Allowable uses in the proposed ED designation are defined in Section 17.45.020
of the Gig Harbor Municipal Code. Light manufacturing, light assembly and warehousing

1 are among the more intensive permitted uses in the zone. In general, the ED zone allows
2 more intense uses than the RB-2 zone.

3 6. Gig Harbor Municipal Code Section 17.100.035 specifies general criteria for the
4 approval of zoning district map amendments, including, but not limited to, site specific
5 rezones. The examiner addresses these criteria as follows:

6 A. The application for the Zoning District Map amendment must be consistent
7 with and further the goals, policies and objectives of the comprehensive plan;

8 • The Washington State Growth Management Act (GMA) requires
9 consistency between the adopted Comprehensive Plan and the adopted development
10 regulations. RCW 36.70A.040(4)(d). The proposed zoning district map amendment is
11 consistent with and furthers the goals, policies, and objectives of the comprehensive plan, as
12 the plan was last amended. This review criterion is satisfied.

13 B. The application for the Zoning District amendment must further or bear a
14 substantial relationship to the public health, safety and general welfare;

15 • The proposed zoning district map amendment furthers or bears a
16 substantial relationship to the public health, safety, and general welfare by providing an
17 appropriate location for employment opportunities within an existing facility, and by
18 bringing site zoning into conformity with the comp plan. This review criterion is satisfied.

19 C. No substantial detrimental effect will be caused by the granting of the
20 application for amendment; and

21 • No substantial detrimental effect will be caused by the granting of the
22 application for amendment. Consistency between the zoning code and the comp plan is a
23 positive effect. No evidence of detrimental effect exists in this record. This review criterion
24 is satisfied.

25 D. The proponents of the application have the burden of proof in demonstrating
that the conditions have changed since the original zoning or original designation for the
property on the Zoning District Map.

• Conditions have changed since the original zoning or original
designation for the property on the Zoning District Map. Specifically, the passing of the
comprehensive plan amendment (Ex. 4) allowing the proposed level of activity that the ED
zone permits requires a rezone to implement the Comprehensive Plan change. This review
criterion is satisfied.

7. The City of Gig Harbor SEPA Responsible Official has reviewed the request and
issued a Determination of Non-significance (DNS) for this request on December 17, 2003.
The appeal period for this SEPA determination ended on March 1, 2004. No comments or
appeals have been submitted.

1 8. The legal notice of the proposed action and scheduled hearing was published in
2 the Peninsula Gateway on March 3, 2004, and again on April 7, 2004. Notice was also
3 posted on the subject site on March 1, 2004. Finally, notice was mailed to property owners
4 within 300 feet of the subject property on March 1, 2004. No public comments have been
5 submitted. Ex. 1.

4 IV. CONCLUSIONS

5 A. Jurisdiction. The examiner has jurisdiction to rule on the rezone pursuant to
6 GHMC 17.96.030. See, Ordinance No. 903.

7 B. Criteria for Review. The criteria for the examiner to consider in deciding on a
8 rezone application are set forth at GHMC 17.100.035.

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

10 V. DECISION

11 Based on the above findings and conclusions, Rezone Application REZ 03-03,
12 relating to the rezone from a RB-2 zoning district with a MUD overlay to an Employment
13 District of approximately 12 acres located at 10421 Burnham Drive within Gig Harbor, is
14 APPROVED.

14 VI. PARTIES OF RECORD

- 15 1. Rob White, Senior Planner
16 City of Gig Harbor
17 3510 Grandview Street
18 Gig Harbor, WA 98335
- 19 2. Michael Perrow
20 Donkey Creek Holdings
21 P.O. Box 245
22 Gig Harbor, WA 98335


21 VII. APPEAL OF EXAMINER'S DECISION

22 Pursuant to GHMC 19.01.003 as amended by Ordinance No. 903, any party of
23 record with standing to file a land use petition and desiring to appeal the examiner's decision
24 may do so within 10 working days of the issuance of this decision by filing an appeal with
25 the City, as specified in GHMC 19.06.004.

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DATED this 30 day of April, 2004.

KENYON DISEND, PLLC



Michael R. Kenyon, Hearing Examiner

GIG HARBOR CITY COUNCIL MEETING OF AUGUST 23, 2004

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Picinich, and Mayor Wilbert. Councilmember Ruffo was absent.

CALL TO ORDER: 7:02 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARINGS:

1. Continuation of Public Hearing – Moratorium on Development within the Height Restriction Area for a Period of Six Months. Mayor Wilbert opened the public hearing at 7:05 p.m. Steve Osguthorpe, Planning / Building Manager, presented this continued public hearing for a proposed six-month moratorium on acceptance of development permits in the height restriction area.

Mr. Osguthorpe outlined the staff recommendation to exempt certain development permits. He then passed out an e-mail submitted from Mr. Jim Sullivan, regarding the Stutz Fuel Property, expressing concern that demolition of structures is not included in the proposed exemptions. Mr. Osguthorpe explained that due to concerns expressed since the last public hearing, these have been eliminated.

Mr. Osguthorpe then read the proposed Findings of Facts supporting the continuation of the moratorium prepared by the City Attorney at Council's direction. He explained that if Council believes the continuation of the moratorium is justified, the Findings of Facts must be adopted.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler said that she agreed with the intent of the moratorium, but voiced concern that she would not be allowed to remodel her home, which is badly need of repair. She asked for clarification on the role of the city attorney. Mayor Wilbert explained that the city attorney provides answers to the Council regarding ordinances and resolutions, and then asked Mr. Osguthorpe to address Ms. Sadler's concerns.

Ms. Sadler clarified her desire to fix up an existing home by adding a second story which would be under the 16' height restriction and less than 3000 s.f. She was told that due to the moratorium, she would not be able to submit permits. She asked if there would be a way for a private residence to be exempted if it meets the terms and conditions set forth in the moratorium. Mr. Osguthorpe explained that she would be able to maintain and repair the structure, but would not be able to enlarge the structure under the terms of the moratorium. He said that she could begin working with staff on the design process, but the city could not accept an application during this period.

Carol Morris, City Attorney, explained that the Council could tailor the moratorium to the size of structures that would be exempted.

Doug Sorensen – 9409 Harborview Drive. Mr. Sorenson said that Council needed to consider the purpose of this moratorium. He said that moratoriums usually come about as the result of poor planning. He asked Council to consider the impact of a moratorium on single family residential, if the project doesn't go beyond the present height or scope of construction. He said he would like to build on his property, and asked consideration for the suggestion to exempt some properties.

There were no further comments and the public hearing was closed at 7:25 p.m. and the next public hearing opened.

2. Traffic Concurrency Management Update. Carol Morris explained that she is recommending an amendment to the traffic concurrency ordinance to reflect a recent court decision that there are no permissible exemptions for traffic concurrency requirements. The city ordinance has exemptions for public facilities, and the court ruling has rendered those unacceptable. She continued to explain that there is an exception for a requirement of a traffic analysis for owners of a single family residence.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler asked Council to think about adding decorative street lighting fixtures on Pioneer, as it is one of the main traffic streets.

There were no further comments and the Mayor closed the public hearing at 7:30 p.m.

CONSENT AGENDA:

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

1. Approval of the Minutes of City Council Meeting of August 9, 2004.
2. Correspondence / Proclamations: a) Payroll Week b) Letter from WFOA
c) Letter from Mayor Baarsma
3. Agreement for Collection of Storm Drainage Infrastructure Data.
4. Liquor License Renewals: Hy-Ui-Hee-Hee; Olympic Village 76
5. Liquor License Assumption: Shell Food Mart
6. Approval of Payment of Bills for August 23, 2004:
Checks #44828 through #44935 in the amount of \$254,451.70.

MOTION: Move to approve the consent agenda as presented.
Ekberg / Franich – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Amending Setback Standards in the PCD-BP District. Steve Osguthorpe gave an overview on this proposal to reduce the setbacks for certain categories of use in the PCD-BP zone. There was discussion regarding the term ancillary and how it would be applied.

Mark Hoppen, City Administrator, asked Council to consider amendments to Category 2 uses to increase the 40' setback requirement due to the affect to adjacent properties by

the height of some structures, and to change the word "or" to "and" in the second line so that the project would have to comply with both requirements.

There was further discussion on which sites would be affected by the change in setbacks and ancillary uses. Mr. Osguthorpe offered a solution to amend the language to state that ancillary uses would only apply in the same category. He asked for direction for Mr. Hoppen's recommendation. Council directed staff to make the change from "or" to "and" to reflect what was intended.

MOTION: Move to direct staff to bring this agenda item back for a third reading with the recommended amendments.
Franich / Conan – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance Supporting a Continuance of a Moratorium on the Acceptance of Applications for Development in the Height Restriction Area for a Period of Six Months. There was further discussion on the exclusion of demolition permits. Councilmember Ekberg said that there should be a provision for life safety issues. Ms. Morris explained that if demolitions are to be included in the ordinance, Findings of Facts should be adopted to support this inclusion.

Councilmember Dick mentioned that the demolition application for the Eddon Boat Building is vested, but it raises a concern that until some parameters for other historic structures could be decided, that demolitions of such should be addressed.

Councilmembers discussed the exemption of smaller structures. Councilmember Franich mentioned the difficulty in coming up with a number, as this moratorium has to be applied even-handedly.

Councilmember Dick voiced concern that until setbacks can be addressed, allowing residential construction might result in a loss of visual space. He said that the moratorium allows the time to explore options.

Ms. Morris recommended a looking at the size of structures that would not be regulated, and allow exemption for anything under that size. Councilmembers discussed an appropriate minimum exemption and directed staff to come back with draft language at the second reading for consideration. At that time, an appropriate number can be chosen.

Councilmember Young asked that language regarding the exemption of demolition permits be included. Mr. Osguthorpe asked if Council was in support of the other staff recommended exemptions identified during the public hearing. Council responded affirmatively.

2. First Reading of Ordinance – Traffic Concurrency Management Update. Ms. Morris explained that this is the first reading of an ordinance eliminating the exemptions

in the Traffic Concurrency ordinance. This will return for a second reading at the next meeting.

3. First Reading of Ordinance - Northharbor Rezone. Steve Osguthorpe explained that in when the Comprehensive Plan was amended last year, there was a request to change two properties to an Employment Center land use designation. To finalize that change and make the zoning consistent with that new land-use designation, Mr. Perrow applied for a rezone for both properties. The Hearing Examiner approved the application and this ordinance will ratify the decision. This will return for a second reading at the next meeting.

Carol Morris explained that one motion per ordinance is required.

4. First Reading of Ordinance - Burnham Drive Rezone. Steve Osguthorpe explained that the conditions and circumstances of this are identical to the previous agenda item. This will return for a second reading at the next meeting.

STAFF REPORTS:

1. David Rodenbach, Finance Director - Voted Bond Levy Amounts. Mr. Rodenbach presented information on estimated annual levy amounts on various bond issues. Mr. Hoppen commented that if a bond issue would be placed on the November ballot, committees must be appointed soon to prepare a pro and con statement for the *Voters' Pamphlet*. Councilmember Franich offered to head up the committee for the statement against the bond issue.

PUBLIC COMMENT:

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter requested that Council direct the City Attorney and the staff to make an outline of the legal issues that may be applied to the appeal of the Harbor Cove / Eddon Boat Project to formulate what issues could be appealed to the Hearing Examiner. He said that the developer falls under the umbrella of the city and the taxpaying citizens are pitted against the city and its resources. He added that he did not believe that this would be unethical, adding that Council has a duty to both sides.

Carol Morris said that she had already formulated an issues statement and given it to Council, a copy of which is in the file. Mr. Hunter responded that the problem is that the city wants to charge fifteen cents a page to copy. Carol stressed that there is no charge for viewing the documents.

John McMillan – 9816 Jacobsen Lane. Mr. McMillan said that he had been told that there making the copies wouldn't cost anything, so he came and selected several pages. When he came to pick them up, he was told that the charge would be \$97.87.

Councilmembers and staff further discussed the issue of charging for copies of public records. It was determined that there is a resolution in place that adopts the fifteen cents per copy fee.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert asked Council to submit a list of their concerns to be included in the agenda for the upcoming Council Retreat. Mayor Wilbert said that she is in the process of preparing a notebook of information that she would like Council to review, add comments, and pass it on.

Mayor Wilbert then said that she would like staff to begin coordinating a Town-Around Bus System with Pierce Transit to address the aging population. She said that she is looking for an interested Councilmember and suggested membership for a review committee to work toward this goal.

Mayor Wilbert briefly talked about the article in the Gateway, and shared photos of the WCI Exchange Student program.

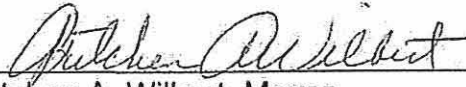
ANNOUNCEMENT OF OTHER MEETINGS:

Council Retreat – Monday, September 13th, 1:00 p.m. – 5:30 p.m. Gig Harbor Civic Center Community Rooms A & B.

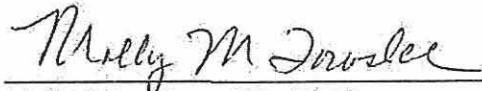
EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b).

- MOTION:** Move to adjourn to Executive Session at 8:40 p.m. for approximately sixty minutes for the purpose of discussing property acquisition.
Franich / Ekberg - unanimously approved.
- MOTION:** Move to return to regular session at 9:40 p.m.
Franich / Young – unanimously approved.
- MOTION:** Move to return to Executive Session for another fifteen minutes.
Franich / Conan – unanimously approved.
- MOTION:** Move to return to regular session at 9:55 p.m.
Dick / Franich – unanimously approved.
- MOTION:** Move to adjourn at 9:55 p.m.
Franich / Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 21.
Disc #2 Tracks 1 – 6.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk

GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 13, 2004

PRESENT: Councilmembers Ekberg, Young, Conan, Dick, Ruffo and Mayor Wilbert. Councilmembers Franich and Picinich were absent.

CALL TO ORDER: 7:02 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 August 23, 2004, Worksession on Building Height of July 19, 2004, and the Design Review Manual Worksession of August 30, 2004.
2. Correspondence / Proclamations: a) Constitution Week b) Letter from Pierce County Housing Authority.
3. Renewal of Copier Maintenance Agreements.
4. Renewal of Laundry Services Agreement.
5. Crosswalk Lighting System – Existing Crosswalk at Discovery Elementary on Rosedale.
6. Resolution No. 629 – Establishing a Work Program for the Review and Revision of the Comprehensive Plan.
7. Civic Center Landscaping Design Improvements.
8. Liquor License Assumption: Quality Food Center #886
9. Approval of Payment of Bills for September 13, 2004:
Checks #44936 through #45086 in the amount of \$333,822.64.
10. Approval of Payroll for the Month of August:
Checks #3378 through #3430 and direct deposits in the amount of:
\$277,150.24.

Mayor Wilbert welcomed members of the local chapter of the Daughters of the American Revolution. She then read the proclamation in support of Constitution Week and presented the signed copy.

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

OLD BUSINESS:

1. Third Reading of Ordinance – Amending the Setback Standards in the PCD-BP District. Steve Osguthorpe, Planning and Building Manager, explained that Council requested that this ordinance be brought back for a third reading after proposing amendments to the definition of ancillary uses. He said that he had amended the ordinance to reflect that ancillary uses for retail would only apply to the Category 2 section. Since that time, the applicant, Dale Pinney, said that he understood the direction from Council to mean that ancillary uses would be allowed in either category if

they meet the setbacks for that category. He said that the ordinance, as presented, allows retail uses that are ancillary to those uses allowed in Category 2 use only, and asked if it was the intent of Council to include both categories.

MOTION: Move to adopt Ordinance No. 967, with the changes outlined by Mr. Osguthorpe.
Ruffo / Young -

Council discussed ancillary use in the two categories and determined that it was desirable to only allow the provision in the category of less intense use.

MOTION: Move to eliminate the modification to the ordinance.
Dick / Young – unanimously approved.

MOTION: Move to adopt Ordinance No. 967.
Ruffo / Young - unanimously approved.

2. Second Reading of Ordinance Supporting a Continuance of a Moratorium on the Acceptance of Applications for Development in the Height Restriction Area for a Period of Six Months. Mr. Vodopich, Community Development Director, explained that two changes had been made to the exemption section of the ordinance. The first is to add demolition permits, the second is to add buildings that do not exceed a certain square footage, which is to be determined by Council before adoption.

Doug Sorensen – 9409 No. Harborview Drive. Mr. Sorensen recommended that Council not vote to continue the moratorium. He said that this is the first time a moratorium, which should be used for an emergency which affects the safety and well-being of the citizens, has been used to stop construction of a single family residence. He asked why Council is circumventing the procedure in place for land use issues utilizing the Planning Commission. He asked Council to exempt single family residences from the moratorium if adopted and to let the Planning Commission hold public hearings on the issue. He mentioned the impact of rising interest rates on projects, adding that he wants to take advantage of the low rates. He then talked about living in the WR zone with an overlay that requires the houses to look like those in Millville, even though there has never been one of that style located there before.

Councilmember Ruffo asked Mr. Sorenson what size home he was considering building. Mr. Sorenson said that he didn't know, but it would be less than 3,500 square feet.

Dawn Sadler – 7508 Pioneer Way. Ms. Sadler said that she supports the previous discussion to exempt residential buildings up to 3,500 square feet from the moratorium. She submitted a letter from her attorney supporting this recommendation.

Susan Harms – 7502 Pioneer Way. Ms. Harms encouraged Council to consider addressing special cases such as the Sadler's if the moratorium is continued.

Councilmember Ruffo suggested inserting 3,500 square feet in the blank of the ordinance.

MOTION: Move to adopt Ordinance 968 continuing the moratorium for a period of six months with the modification to add numbers five, six and seven to the exemptions, and to insert 3,500 square feet to the blank in number seven.
Ruffo / Conan –

Councilmember Young responded to Mr. Sorensen's comments on the need for a moratorium. He explained that the Planning Commission had worked on the building size limitations over the past couple of years. The reason for the moratorium is to prevent a rush of applications before Council had an opportunity to work through all the concerns. The concern was not with structures under 3,500 sq. ft. He said that Council does recognize the significant impact to property owners due to rising interest rates, but the impact to the overall public good and to protect what is left of Gig Harbor's historic nature downtown makes the continuance necessary.

Councilmember Ruffo offered to add language to his motion to reflect that the Council had taken the comments from the worksessions on building size into consideration in adopting the continuance of the moratorium, adding that six months is the maximum time allowed for the moratorium, urging the Planning Commission and staff to get this matter concluded sooner.

Councilmember Dick said that there was considerable testimony that the welfare of our community would be adversely impacted by structures larger than 3,500 square feet. Additionally, there has been question as to how much larger and that matter has yet to be resolved. With the proposed amendment to allow structures up to 3,500 square feet Council is acknowledging the testimony received from a number of sources including that of the Planning Commission. Council has also considered the adverse impacts created by larger structures and that, until it can determined how much larger and in what degree, the purpose of the moratorium is that we not go larger than 3,500 square feet. But, by this exemption I think Council has accommodated the more immediate concern as described by testimony and referenced in the staff report.

John Vodopich asked for clarification on whether the amendment to exclude projects in which buildings do not exceed 3500 s.f. in size, would be inclusive or exclusive of the garage. He recommended that it be exclusive of the garage given that it is not living space.

Councilmembers discussed this option and decided that for the purposes of concerns for the nature of the neighborhood, the character of the town and the views that may be blocked, the garage should be included in the 3500 s.f. threshold.

MOTION: Move to adopt Ordinance 968 continuing the moratorium for a period of six months with the modification to add numbers five, six

and seven to the exemptions, and to insert 3,500 square feet to the blank in number seven. Council has studied the workshop minutes and has taken the comments into consideration in adopting the continuation of the moratorium.
Ruffo / Conan – unanimously approved.

3. Second Reading of Ordinance – Traffic Concurrency Management Update. John Vodopich presented this ordinance that amends the traffic concurrency exemption section based on current case law.

Carol Morris, City Attorney, said that she received notice from the Supreme Court that they will not accept review of the Bellevue case she mentioned at the last meeting, making action on this final, meaning that this ordinance complies with the law.

MOTION: Move to adopt Ordinance No. 969 as presented.
Ekberg / Young – unanimously approved.

4. Second Reading of Ordinance - Northharbor Rezone. John Vodopich presented this ordinance that rezones property held by Donkey Creek Holdings, from Mixed Use Overlay District to the Employment District Zone. This has been approved by the Hearing Examiner and the ordinance is necessary to change the city's zoning map. Staff recommended approval of both this ordinance, and the one following.

Michael Perrow – PO Box 245, Gig Harbor. Mr. Perrow commented on both ordinances. He said that they are troubled by the recent correspondence to two of their tenants stating that these businesses will not be compatible with the ED zoning. Consequently, these businesses will not be allowed to expand or move within the District, but will not be required to terminate. He said that the businesses are not allowed in the ED zone because they are considered retail.

Carol Morris explained that what is before Council is a rezone, and the information that Mr. Perrow is discussing isn't not related to approval of a rezone. The tenants have talked to city staff about an interpretation, which is a quasi-judicial action which would come after the adoption of the ordinances. It is not an action that Council can deal with, and comments should be restricted to the rezone.

Mr. Perrow said that he is asking for an indefinite postponement of the adoption of these ordinances until they could clarify what ancillary and support means. He said that either they were terribly mistaken when they filed for Employment District zoning, and the Planning Commission agreed that it seemed they were more compatible with the ED zoning. Now it turns out that this may not be the case.

Councilmembers agreed and made the following motion.

MOTION: Move to table this ordinance until staff could address the concerns and come back with a recommendation.
Ruffo / Young – unanimously approved.

5. Second Reading of Ordinance - Burnham Drive Rezone. This was discussed under the previous agenda item.

MOTION: Move to table this ordinance until staff could address the concerns and come back with a recommendation.
Ruffo / Young – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Providing for the Issuance and Sale of Unlimited Tax General Obligation Bonds for the Purpose of Financing the Acquisition of Real Estate. Mark Hoppen, City Administrator, explained that this is an ordinance for approval in one reading to enable this voter approved, bond debt to be placed on the November 2nd ballot. He said that this information has to be submitted to the County Auditor by September 17th. He added that if someone in the community wishes to present a Con statement, they need to contact him immediately. He said that there is already a committee working on the Pro statement.

John McMillan – 9816 Jacobsen Lane. Mr. McMillan said that he appreciates the effort to push this forward. He said that this is a good time to include the other southern three lots in the bond, making the bond easier to sell to the citizens as one package. He then recommended establishing an Ad Hoc Eddon Boatyard Committee to address such issues as the bond campaign, site use and restoration, site development and facility maintenance. Without public participation, there won't be the same level of success as was seen with the Skansie Brother's Park.

Mayor Wilbert asked to have the word "educational" added after "historical" to the explanatory statements in the bond ordinance.

Mr. Hoppen explained that in order to negotiate the additional three lots, one million dollars would have to be added to the bond amount, bringing it to 3.5 million dollars. He said that if all the southern lots were added, the issues related to the waterfront and shared uses between private and public would resolve themselves.

Councilmember Young said that the reason that the bond was pared down, is that Council felt it would be the most likely to be passed by the voters. He said that the increase was worth discussion. Councilmember Ruffo added that the deal was negotiated with the idea that two million would be feasible for approval.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton asked for information on the waterfront frontage and amount paid for the Skansie Brothers Park property. Mr. Hoppen replied that the waterfront was 280 feet as opposed to the 140 feet at the

Eddon Boat property. The addition of the three lots would bring the total to approximately 300 feet. The city paid 2.8 million for the Skansie property.

Councilmember Ruffo stressed that there was a big difference with the Skansie property, as the city had the ability to purchase the property without having to go out for a bond. In addition, the property owners were willing to deal. Ms. Stanton said that she thinks that preserving the entire cove would make floating a bond more sellable.

Bert Beneville – 3002 Soundview Court. Mr. Beneville said he was speaking for the Gig Harbor Yacht Club in support of the bond issue to keep the Eddon Boatyard and adding the additional three lots.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich spoke in support of acquisition of the site for historical purposes. He said that he could not support the additional three lots if the tidelands are not included. He stressed that for a successful promotion of the bond, a clear picture of what was included is important.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter urged Council to go for the entire property at 3.5 million for a package to serve the community better. He said that you will have to see if the property owners will accept the 3 million. He asked for clarification that this bond is exclusively for the Eddon Boat property and the work to be done on it. David Rodenbach, Finance Director, assured him that the proposition states that this is specifically for the Eddon Boatyard property. He said that if the city cannot acquire the property, the bonds would not be sold.

Councilmember Young pointed out that the city could not be involved in a campaign process, and therefore could not appoint a committee to oversee the bond campaign.

Councilmember Dick asked for clarification on whether the ordinance would need to be modified to include language to include all parcels of land. Dave Rodenbach said that he would get with the Bond Counsel tomorrow to see if it was necessary to amend the language.

Councilmember Ekberg thanked the public for the recommendation to add the additional parcels. He and Councilmember Conan voiced support of the decision to add the additional three parcels and to increase the bond amount to 3.5 million.

MOTION: Move to adopt Ordinance No. 970, amending the language to increase the amount of the bond to 3.5 million dollars and including the word “educational” where discussed and pass this at its first reading utilizing the emergency procedure.
Ruffo / Young - unanimously approved.

2. Cushman Trailhead Park Asphalt Pathway. John Vodopich presented this contract to complete the asphalt pathway at the triangle Cushman Trailhead Park.

MOTION: Move to authorize the award and execution of the contract for Cushman Trailhead Park Asphalt Pathway to Lakeridge Paving Company in an amount not to exceed Nine Thousand Four hundred dollars and zero cents (\$9,400.00).
Dick / Ruffo – four voted in favor. Councilmember Ekberg abstained.

STAFF REPORTS:

1. John Vodopich, Community Development Director – Fire Inspection Program Analysis.

Mr. Vodopich explained that before he presents information on the Fire Inspection Program, he first would like to update Council on the cost reimbursement agreement with the Department of Ecology. He said that under the terms of the agreement, a decision was to be given by September 10th. Earlier this week, he received indication that the DOE would be unable to meet the deadline, and were proposing a one-month extension to October 11th. The agreement for the extension will be presented to Council at the next meeting. He introduced Don Davidson of the Department of Ecology.

Don Davidson – 300 Desmond Drive, Olympia, Washington. Mr. Davidson, employee of the Water Resources Division of the DOE, explained that the continuation of the contract to process a number of applications for water. He said that there are a number of reasons for the request for the extension; the foremost is the contractor's difficulty in gaining information, unrealistic expectations on the part of DOE, and communication issues. He said that there is no budget increase; only a months delay in processing applications. He said that he fully expected to meet the obligations by October 11th.

Mr. Vodopich then presented information on the Fire Inspection Program Analysis. He said that for the past four years, the city has contracted with Fire District #5 for fire code related inspection services. Earlier this year, staff advised Council that the cost of the contract had increased to the point that it would be fiscally prudent to hire our own fire inspection personnel, and a letter was forwarded to the Fire District indicating that the city would not be renewing the contract for 2005. He was contacted by Chief Bob Black of the Fire District, who met with staff and then reevaluated the program to identify cost savings. They have offered to renew the contract for \$58, 100. Mr. Vodopich explained that a similar in-house program would cost the city \$65,500, so there would be a savings in the Fire Department retaining the program. He recommended that the city re-enter into a contract with Fire District #5. If acceptable, a contract will return at a later date for consideration. He added that Chief Black and Penny Hulse of the Fire Department, were present to answer questions.

Councilmember discussed the proposal and recommended that the contract be considered on a multi-year basis with yearly inflation increases.

MOTION: Move to direct staff to bring back the contract for consideration.
Ruffo / Young – unanimously approved.

2. Chief Mike Davis – GHPD August Stats. No verbal report was given, but the Mayor and Councilmember Ekberg praised the in-depth report.

PUBLIC COMMENT:

Michael Perrow – PO Box 245. Mr. Perrow voiced his concern that the staff doesn't always look for ways for things to work and the explanations that are given are not clear. He said that he would like clarification for "retail uses." He said he appreciates working with John Vodopich on the definition of "ancillary," but asked if staff might need guidance from the Council to more clearly define the percentages of vehicle trips that determine whether or not a business is deemed retail.

Councilmember Young said that it would be desirable to have a clarification of the term "ancillary" because it seems there are different interpretations. John Vodopich said that the issue is that in the Employment District, retail uses are not encouraged in order to reduce the demands on the traffic infrastructure. It allows supportive retail uses ancillary to permitted uses within the zone. It is a gray area that will require a formal, administrative interpretation that will be reviewed by the parties involved. It can then be taken to the Hearing Examiner for a more formal resolution if necessary.

After further discussion, it was determined that this may require a legislative determination to address the concerns.

COUNCIL COMMENTS / MAYOR'S REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

Council Worksession on the Design Review Manual – September 20, 2004 at 6:00 p.m. in the Civic Center Community Rooms.

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

MOTION: Move to adjourn to Executive Session at 8:35 p.m. for approximately five minutes for the purpose of discussing pending litigation.
Ekberg / Young - unanimously approved.

MOTION: Move to return to regular session at 8:40 p.m.
Ruffo / Young – unanimously approved.

MOTION: Move to adjourn at 8:40 p.m.
Ruffo / Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 22.
Disc #2 Tracks 1 – 3.

Gretchen A. Wilbert
Gretchen A. Wilbert, Mayor

Molly M. Towslee
Molly Towslee, City Clerk



Business of the City Council
City of Gig Harbor, WA

Subject: First Reading – Ordinance Increasing Water Rates

Proposed Council Action: Adopt ordinance after second reading

Dept. Origin: Finance

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 26, 2007

Exhibits: Ordinance

Initial & Date

Concurred by Mayor: [Signature] 11/16/07
Approved by City Administrator: [Signature] 11/15/07
Approved as to form by City Atty: [Signature] 11/15/07
Approved by Finance Director: [Signature] 11/15/07
Approved by Department Head: _____

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required. Values are 0, 0, 0.

INFORMATION / BACKGROUND

This is the first reading of an ordinance increasing monthly water rates. This is the third in a series of increases recommended in a rate study conducted by Gray and Osborne, Inc. in 2003.

The proposed rate increase will ensure that adequate revenues are available to meet operating costs, replace aging infrastructure, construct new facilities, and maintain adequate cash reserves.

FISCAL CONSIDERATION

The proposed rate increase is expected to provide approximately \$80,000 in additional operating revenues for the water utility in 2008.

Currently, the City's average residential water bill for one month is \$23.13. With the proposed increase this rate would increase to \$25.44.

BOARD OR COMMITTEE RECOMMENDATION

RECOMMENDATION / MOTION

Move to: Pass ordinance after second reading.

**CITY OF GIG HARBOR
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON
INCREASING THE MONTHLY WATER SERVICE RATE TO BE PAID TO
THE CITY FOR THE PROVISION OF WATER SERVICES; AMENDING GIG
HARBOR CODE SECTIONS 13.04.010 AND 13.04.020, TO BE EFFECTIVE
BEGINNING JANUARY 1, 2008.**

WHEREAS, it is necessary to raise water service rates and charges to meet the increasing cost of providing water services;

WHEREAS, the 2003 rate study by Gray & Osborne supports these rate increases;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, **DO ORDAIN AS FOLLOWS:**

Section 1. Section 13.04.010 of the Gig Harbor Municipal Code is hereby amended as follows:

13.04.010 Water Rates.

The monthly water service rates shall be set at the following amounts:

| <u>Customer Class/Meter</u> | <u>Customer Base Charge (per meter/month)</u> | <u>Commodity Charge (per ccf)</u> |
|--|--|--|
| Residential | <u>\$11.01</u> 40.04 | <u>\$1.44</u> 4.34 |
| Multi-residential | | |
| 5/8" & 3/4" | <u>19.34</u> 47.58 | <u>1.34</u> 4.22 |
| 1" | <u>26.61</u> 24.19 | <u>1.34</u> 4.22 |
| 1-1/2" | <u>44.65</u> 40.59 | <u>1.34</u> 4.22 |
| 2" | <u>66.39</u> 60.35 | <u>1.34</u> 4.22 |
| 3" | <u>124.29</u> 112.99 | <u>1.34</u> 4.22 |
| 4" | <u>\$189.49</u> 172.26 | <u>\$1.34</u> 4.22 |
| Commercial/Schools | | |
| 5/8" & 3/4" | <u>\$16.21</u> 44.74 | <u>\$1.40</u> 4.27 |
| 1" | <u>21.41</u> 49.46 | <u>1.40</u> 4.27 |
| 1-1/2" | <u>34.27</u> 31.15 | <u>1.40</u> 4.27 |
| 2" | <u>49.76</u> 45.24 | <u>1.40</u> 4.27 |
| 3" | <u>91.08</u> 82.80 | <u>1.40</u> 4.27 |
| 4" | <u>\$137.58</u> 125.07 | <u>\$1.40</u> 4.27 |

Section 2. Section 13.04.020 of the Gig Harbor Municipal Code is hereby amended as follows:

13.04.020 Nonmetered residential uses.

Until a water meter has been installed to measure water consumed by a residential unit or a multiple-residential building, the water service charge applicable to such unmetered unit shall be \$32.66 ~~29.69~~ per month per unit.

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

Section 4. This ordinance shall be in full force and take effect January 1, 2008 which shall be at least five (5) days after its publication of an approved summary consisting of the title.

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 ___th day of December, 2007.

APPROVED:

Charles L. Hunter, Mayor

ATTEST:

Molly Towslee, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Carol A. Morris

Filed with city clerk:
Passed by city council:
Date published:
Date effective:

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

On December __, 2007, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. ____, the summary of text of which is as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON CHANGING THE MONTHLY WATER SERVICE RATE TO BE PAID TO THE CITY BY OWNERS OF PROPERTY WITHIN THE CITY FOR THE PROVISION OF WATER SERVICES; AMENDING GIG HARBOR CODE SECTIONS 13.04.010 AND 13.04.020, TO BE EFFECTIVE BEGINNING JANUARY 1, 2008.

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

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

APPROVED by the City Council at their regular meeting of December __, 2007.

BY: _____

MOLLY M. TOWSLEE, CITY CLERK



Business of the City Council
City of Gig Harbor, WA

Subject: First Reading – Ordinance Increasing Sewer Rates

Proposed Council Action: Adopt ordinance after second reading

Dept. Origin: Finance

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 26, 2007

Exhibits: Ordinance

Initial & Date

Concurred by Mayor: CLH 11/15/07
Approved by City Administrator: DRK 11/15/07
Approved as to form by City Atty: CAM 11/15/07
Approved by Finance Director: DR 11/15/07
Approved by Department Head: _____

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required. Values are 0, 0, 0.

INFORMATION / BACKGROUND

This is the first reading of an ordinance increasing monthly sewer service rates. This is the third in a series of increases recommended in a rate study conducted by Gray and Osborne, Inc. in 2003.

The proposed rate increase will ensure that adequate revenues are available to meet operating costs, replace aging infrastructure, construct new facilities, and maintain adequate cash reserves.

FISCAL CONSIDERATION

The proposed rate increase will allow the sewer utility to cover operating expenses, pay debt service and maintain a sufficient working capital balance.

Currently, the City's average residential sewer bill for one month is \$34.22. With the proposed increase this rate would increase to \$37.64. This increase will provide approximately \$182,000 in additional operating revenues.

BOARD OR COMMITTEE RECOMMENDATION

RECOMMENDATION / MOTION

Move to: Pass ordinance after second reading.

**CITY OF GIG HARBOR
ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON
INCREASING THE MONTHLY SEWER SERVICE RATE TO BE PAID FOR
THE PROVISION OF SEWER SERVICES; AND AMENDING GIG HARBOR
CODE SECTIONS 13.32.010, 13.32.015, 13.32.020, AND 13.32.025 TO BE
EFFECTIVE BEGINNING JANUARY 1, 2008.**

WHEREAS, it is necessary to raise sewer service rates and charges to meet the increasing cost of providing sewage collection and treatment services; and

WHEREAS, the 2003 rate study by Gray & Osborne recommends these rate increases;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, **DO ORDAIN AS FOLLOWS:**

Section 1. Section 13.32.010 of the Gig Harbor Municipal Code is hereby amended as follows:

13.32.10 Sewer Rates.

A. The monthly sewer service rate shall be set at the following amounts:

| Customer Class | Customer Base Charge (per month) | Commodity Charge (per ccf) |
|--|---|-----------------------------------|
| Residential | \$20.55 18.68 | \$2.52 2.29 |
| Multi-Family Residential (per living unit) | 15.81 14.37 | 2.52 2.29 |
| Commercial/School | 47.96 43.60 | 4.45 4.05 |
| Dept. of Corrections | \$6,336 5,760 | \$2.52 2.29 |

* * *

Section 2. Section 13.32.015 of the Gig Harbor Municipal Code is hereby amended as follows:

13.32.015 Sewer Rates – Community Systems. The monthly sewer service rates for community systems shall be set at the following amounts:

| Customer Class | Monthly Charge |
|-----------------------|--|
| Shore Crest System | \$6.36 5.78 plus \$31.30 28.45/living unit |

Section 3. Section 13.32.020 of the Gig Harbor Municipal Code is hereby amended as follows:

13.32.20 Non-metered uses. Until a water meter has been installed to measure water flow by a residential unit, multi-residential building, or commercial facility, the sewer service charge for each unmetered unit/facility shall be as follows:

| Nonmetered Customer Class | Monthly Charge |
|----------------------------------|---------------------------------------|
| Residential | \$37.64 34.22/unit |
| Multifamily residential | 26.99 24.54/living unit |
| Commercial | \$92.43 84.03/billing unit |

Section 4. Section 13.32.025 of the Gig Harbor Municipal Code is hereby amended as follows:

13.32.025 Sewer Rates – Community systems using flow meters.

| Customer Class | Customer Base Charge (per month) (per ccf) | Commodity Charge |
|--------------------------|--|-------------------------|
| Residential | \$6.36 5.78 + \$14.19 12.90/unit | \$2.52 2.29 |
| Multi-Family Residential | \$6.36 5.78 + \$ 9.45 8.59/unit | \$2.52 2.29 |
| Commercial | \$6.36 5.78 + \$41.61 37.83/unit | \$4.45 4.05 |

* * *

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. This ordinance shall be in full force and take effect January 1, 2008 which shall be at least five (5) days after its publication of an approved summary consisting of the title.

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 ___th day of December, 2007.

APPROVED:

Charles L Hunter, Mayor

ATTEST:

Molly Towslee
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Carol A. Morris

Filed with city clerk:
Passed by city council:
Date published:
Date effective:

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

On December __, 2007, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. ____ the summary of text of which is as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON INCREASING THE MONTHLY SEWER SERVICE RATE TO BE PAID TO THE CITY BY OWNERS OF PROPERTY WITHIN THE CITY FOR THE PROVISION OF SEWER SERVICES; AND AMENDING GIG HARBOR CODE SECTIONS 13.32.010, 13.32.015, 13.32.020, AND 13.32.025 TO BE EFFECTIVE BEGINNING JANUARY 1, 2008.

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

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

APPROVED by the City Council at their regular meeting of December __, 2007.

BY: _____

MOLLY M. TOWSLEE, CITY CLERK



Business of the City Council
City of Gig Harbor, WA

Subject: First Reading – Ordinance Increasing Storm Drainage Rates

Proposed Council Action: Adopt ordinance after second reading

Dept. Origin: Finance

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 26, 2007

Exhibits: Ordinance

Initial & Date

Concurred by Mayor: CLH 11/15/07
Approved by City Administrator: RJK 11/15/07
Approved as to form by City Atty: CAM 11/15/07
Approved by Finance Director: DR 11/15/07
Approved by Department Head: _____

Table with 4 columns: Expenditure Required, Amount Budgeted, Appropriation Required, and values (0, 0, 0).

INFORMATION / BACKGROUND

This is the first reading of an ordinance increasing monthly storm drainage fees.

It is necessary to increase the storm drainage fees to reflect the increased costs of constructing and maintaining the City's storm drainage system.

The proposed rate increase will ensure that adequate revenues are available to meet the new National Pollutant Discharge and Elimination System (NPDES) Citywide Phase 2 program and permitting requirements, operating costs, replace aging infrastructure, construct new facilities, and maintain adequate cash reserves.

FISCAL CONSIDERATION

The monthly service charge is currently \$8.64 per month or \$103.68 per year. This ordinance will increase storm fees to \$10.80 per month or \$129.60 per year and will increase annual revenues by about \$123,000.

BOARD OR COMMITTEE RECOMMENDATION

RECOMMENDATION / MOTION

Move to: Pass ordinance after second reading.

CITY OF GIG HARBOR
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON INCREASING THE MONTHLY STORM DRAINAGE RATE TO BE PAID TO THE CITY BY OWNERS OF PROPERTY WITHIN THE CITY FOR THE PROVISION OF STORM DRAINAGE SERVICES, AMENDING GIG HARBOR CODE SECTION 14.10.050, TO BE EFFECTIVE BEGINNING JANUARY 1, 2008.

WHEREAS, it is necessary to increase the storm drainage service rates and charges to reflect the increased costs of providing those services and to maintain a viable storm drainage system; and

WHEREAS, the proposed rate increase will ensure that adequate revenues are available to meet the National Pollutant Discharge and Elimination System (NPDES) Citywide Phase 2 program and permitting requirements,

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

Section 1. Section 14.10.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

14.10.050 Service charge rates. In accordance with the basis for a rate structure set forth in GHMC 14.10.020 and 14.10.030, there is levied upon all developed real property within the boundaries of the utility the following service charges which shall be collected from the owners of such properties:

- A. For all detached single-family residences and mobile homes (one equivalent billing unit), the monthly service charge shall be \$10.80 ~~8.64~~.
- B. Those developed properties that are riparian to the harbor or Puget Sound from which storm and surface waters flow directly into the harbor or Puget Sound, without the aid of any watercourse or natural or artificial drainage facilities, and all developed properties with city-approved detention facilities will be billed at one equivalent billing unit.
- C. Duplexes shall be charged at 1.5 equivalent billing units for the two units.
- D. For all other developed property within the boundaries of the utility, except as set forth in GHMC 14.10.060, the monthly service charge shall be \$10.80 ~~8.64~~ multiplied by the number of equivalent billing units determined by the utility to be contained in such parcel pursuant to GHMC 14.10.030.

Section 2. This ordinance shall be in full force and take effect January 1, 2008 which shall be at least five (5) days after its publication of an approved summary consisting of the title.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this ____ day of December, 2007.

APPROVED:

Charles L Hunter, Mayor

ATTEST:

Molly Towslee
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Carol A. Morris

Filed with city clerk:
Passed by city council:
Date published:
Date effective:



**Business of the City Council
City of Gig Harbor, WA**

Subject: Proposed Annexation
-96th Street Annexation (ANX-07-0002)

Proposed Council Action:
Accept the notice of intent to commence annexation and further authorize the circulation of a petition for annexation of the subject property to the following conditions:

1. The City shall require that the property owners assume all of the existing indebtedness of the area being annexed;
2. The City will preclude, by ordinance, the imposition of property taxes by PenMet on property owners in this annexed area.
3. A wetland analysis report must be submitted together with the annexation petition pursuant to Gig Harbor Municipal Code Section 18.08.090; and
4. The City will require the simultaneous adoption of Employment District (ED) and Medium-Density Residential (R-2) zoning for the proposed annexation area, in substantial compliance with the Comprehensive Plan as adopted by City of Gig Harbor, Ordinance No. 981.

Dept. Origin: Community Development, Planning Division

Prepared by: Matthew F. Keough
Associate Planner

For Agenda of: November 26, 2007

Exhibits: Notice of Intention, Map, Legal Description

Initial & Date

Concurred by Mayor: CLH 11/20/07

Approved by City Administrator: RJK 11/20/07

Approved as to form by City Atty: AM 11/20/07

Approved by Finance Director: N/A

Approved by Department Head: TD

| Expenditure | Amount | Appropriation |
|--------------|--------------|---------------|
| Required \$0 | Budgeted \$0 | Required \$0 |

INFORMATION / BACKGROUND

The City received a complete Notice of Intention (NOI) to commence annexation proceedings from a number of property owners within the City's Urban Growth Area (UGA). The proposed 216 acre annexation area is located along and to the east of State Route 16 (SR-16), extending to the City boundary along Burnham Drive, north of Rosedale Street, and south of 96th Street. The proposed area for annexation integrates several smaller-area proposals to City staff, presenting the opportunity to incorporate the entire "donut hole" (area of County jurisdiction) that currently exists among City boundaries in this area.

Property owners of more than the required ten percent (10%) of the acreage for which annexation is sought signed this request. Pursuant to the process for annexations by code cities, a copy of the proposed legal description and map was sent to the Pierce County Clerk of the Boundary Review Board (BRB) for review and comment. Pierce County has approved the legal description and map as presented to Council.

The Council is now required to meet with the initiating parties to determine the following:

1. Whether the City Council will accept, reject, or geographically modify the proposing of this area for annexation;
2. Whether the City Council will require the simultaneous adoption of the zoning for the proposed area in substantial compliance with the proposed Comprehensive Plan as adopted by City of Gig Harbor Ordinance No. 981; and
3. Whether the City Council will require the assumption of all or any portion of indebtedness by the area to be annexed.

If authorized by the City Council, the process can move forward with the circulation of a formal petition which will indicate the boundaries and conditions for annexation. The petition must be signed by property owners of sixty percent (60%) of the assessed value of the area proposed for annexation in order to be scheduled for a public hearing in front of the Council. Following public hearing and an appeal period, under the jurisdiction of the BRB, the City Council can adopt an ordinance enacting this annexation.

The Boundary Review Board is guided by RCW 36.93.180 in making decisions on proposed annexations and is directed to attempt to achieve stated objectives. These objectives, listed below, are worthy of consideration by the Council in determining the appropriateness of this annexation. Staff has evaluated the proposal below, beginning with comments following each of the criterion for boundary review.

RCW 36.93.180

Objectives of boundary review board.

The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;

Comment: The proposed annexation area consists mostly of vacant parcels and underdeveloped parcels according to the zoning designations in place. The annexation would bring an unincorporated area under the same jurisdiction of all adjoining areas and, thus, unify natural neighborhoods and communities.

- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;

Comment: The proposed annexation area will include SR-16 and its right-of-way, as it is included elsewhere in the City. The natural systems in this area, to include wetlands and waterways, will more completely fall under one set of regulations due to the annexation.

(3) Creation and preservation of logical service areas;

Comment: The proposed annexation would not alter any service area boundaries. However, it could lead to greater efficiency of services through consistent development review and implementation programs.

(4) Prevention of abnormally irregular boundaries;

Comment: The proposed annexation would eliminate abnormal, irregular boundaries that currently present a "hole" in the jurisdictional area of the City of Gig Harbor.

(5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;

Comment: Not applicable with regards to this proposed annexation.

(6) Dissolution of inactive special purpose districts;

Comment: The proposed annexation would not dissolve any special purpose districts. It would likely lead to enhanced contributions to the existing Hospital Benefit Zone enacted by the City of Gig Harbor.

(7) Adjustment of impractical boundaries;

Comment: Not applicable regarding this proposed annexation as the area proposed for annexation is entirely within the City's designated Urban Growth Area. This area is practical for incorporation as it is already designated for and planned for urban growth.

(8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and

Comment: The proposed annexation is of an unincorporated area with varying lots sizes which have not yet been platted by urban standards. The area is entirely within the City's Urban Growth Boundary, planned and zoned for urban levels of development, expansion of city services, and population density over the 20-year planning horizon.

(9) Protection of agricultural and rural lands which are designated for long-term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

Comment: The proposed annexation does not involve designated agricultural or rural lands.

In addition to a review by Pierce County's Boundary Review authorities, this NOI was distributed to the City of Gig Harbor Interim Community Development Director, Chief of Police, Interim Director of Operations, City Engineer, Building Official/Fire Marshal, Finance Director, Planning Director, and Pierce County Fire District #5 for review and comment. The largest item of staff analysis concerns the general lack of infrastructure in this area. Infrastructure conditions and expectations are specifically outlined below, followed by additional initial considerations for the Council's review.

Transportation

As required by the City's Municipal Code, developments generating new traffic must apply for, and receive approval, to add new vehicle trips to the City's roadways. This process is known as transportation concurrency. The City may not be able to grant transportation concurrency to certain developments that do not provide mitigation for the impacts to the City's transportation system.

Proposed developments in this annexation area will generally impact the City's transportation infrastructure. The City currently has transportation improvement projects that will provide for roadway capacity and safety improvements for the *existing transportation corridors based on existing traffic volumes*. Therefore, the City will not be providing for transportation improvements located in this undeveloped annexation area.

The proposed annexation area is located south of the SR-16/Burnham Dr./Borgen Blvd./Canterwood Blvd. intersection. This intersection has been noted by the City of Gig Harbor 2005 Comprehensive Plan Update FSEIS as a failing intersection. The FSEIS provides for limited transportation improvements in the area of the intersection to mitigate for the failing intersection. Realization of the limited improvements noted in the FSEIS would be short-term. The long-term interchange project has not been identified. Therefore, developments proposed within the annexation area may need to recommend and construct improvements to the intersection to mitigate the impacts from additional traffic through this intersection generated by any proposed development.

Proposed developments within the annexation area may be required to design and construct one of the capital improvement projects proposed by the City as mitigation or to provide alternative mitigation that is acceptable to the City in order to receive transportation concurrency and/or SEPA approval. However, there is no project yet identified to contribute mitigation funds to for the potential development in the proposed annexation area. As a result, development projects within the proposed annexation area would likely not receive transportation concurrency, and therefore, not receive recommendation for project approval.

When improvements are feasible, proposed developments within the annexation area will be required to meet the City's Public Works Standards. All costs for design and construction of all necessary transportation mitigations shall be borne by the developers and not the City.

Water

The proposed 216-acre annexation area is currently shown to be served by either Washington Water Company or the City of Gig Harbor. As required by the City's Municipal Code, developments requesting connection to the City's water system must apply for, and receive approval, to connect to the City's water system. This process is known as water concurrency. The City may not be able to grant water concurrency to certain developments that do not provide mitigation for the impacts to the City's water system.

Once annexed, the developers of parcels within the annexation area may request connection the City's water main for those areas served by the City of Gig Harbor. These connections must be extended through - and to the extents of the parcels - within City right of way or in an easement granted to the City, and must meet the requirements of the City's Public Works

Standards. Those areas served by Washington Water Company may request to be served by the City of Gig Harbor. The City may grant this request upon relinquishment of the water service area from Washington Water Company, acceptance by the City of Gig Harbor, dedication of water rights to the City, and other steps required for water system planning purposes.

Based on a review of the City's water comprehensive plan, development of water infrastructure in this area is not necessary for the City's water system to function appropriately. Additionally, a recent addition to the City's water system that is not shown on the water comprehensive plan includes a 16" ductile iron water main along 96th Street that would serve this annexation area.

Some of the parcels in the annexation area are included as part of a latecomers agreement. All costs for latecomer's fees and for construction of the necessary extensions of the existing water main shall be borne by the developers and not the City.

Each parcel that connects to the City's water system shall be required to pay the appropriate connection fee and revolving service fee. These fees, as reviewed by the City Council, should be adequate to pay for the necessary maintenance and operation of the water system extended to the parcels.

Sanitary Sewer

The proposed 216-acre annexation area is currently shown to be served by the City of Gig Harbor's sanitary sewer and wastewater treatment system by means of a gravity sewer main located along 96th Street.

Currently, the City of Gig Harbor is not able to grant additional sewer capacity reservation certificates (CRCs) until upgrades to the City's wastewater treatment plant are completed. The City is estimating these upgrades will be completed by December 2009.

Limited options exist for development on these lots without connecting to the City's sewer system. Once the City is able to provide CRCs for developments requesting sewer connections, development in this area requiring sewer connections will be able to proceed. Any connection to the City's sewer system must meet the requirements of the City's Public Works Standards.

Based on a review of the City's wastewater comprehensive plan, development of water infrastructure in this area is not necessary for the City's water system to function appropriately. All costs for construction of the necessary extensions of the existing sewer main, including those noted in the Wastewater Comprehensive Plan for the parcels within the sewer basin shall be borne by the developers and not the City.

Each parcel that connects to the City's sanitary sewer system shall be required to pay the appropriate connection fee and revolving service fee. These fees, as reviewed by the City Council, should be adequate to pay for the necessary maintenance and operation of the sanitary sewer system extended to the parcels.

Stormwater

Each development proposed for this annexation area would be required to design and construct stormwater improvements in accordance with the City's Stormwater Design Manual. This includes all stormwater features necessary for improvements within the City's right of way. All costs for design and construction of these stormwater features shall be borne by the developers and not the City. All costs for operations and maintenance of stormwater features outside of the City's right of way shall also be borne by the developers.

Each parcel that is annexed in the City's limits shall be required to pay the appropriate stormwater fee. These fees, as reviewed by the City Council, should be adequate to pay for the necessary maintenance and operation of the City's stormwater system located within the City's right of way created by the parcels.

Additional Considerations

The annexation area is largely undeveloped, with the exception of 13 acres of commercial use fronting SR-16, which is zoned Employment District in compliance with the adopted Comprehensive Plan. The remainder (203 acres) is zoned R-2; 70 developed acres (single family dwellings and cemetery use) and 137 undeveloped acres. This undeveloped residential acreage has a *minimum* residential density of 550 homes. Redevelopment of rural residential homesites (23 acres) could yield an additional 92 homes. An immediate zoning-related issue is that the existing cemetery use is not currently allowed in the R-2 zone or generally embraced by the Gig Harbor Zoning Code. Lacking a code amendment or development agreement, the cemetery would be considered an *existing non-conforming* use and would not be allowed to expand on parcels lacking an approved subdivision or site plan.

Portions of the area proposed for annexation are located along existing code-defined Enhancement Corridors, along both SR-16 and Burnham Drive. Additionally, several of the southernmost parcels could qualify for inclusion in the Gig Harbor view basin Height Restriction Area, limiting building height there. The parcels of concern will be presented for further analysis and for public hearing. Finally, wetlands, landslide, and flood hazard areas are expected in this annexation area. Future development and construction must comply with Critical Areas zoning provisions and the requirements for flood plain development. Wetlands appear to exist in the area; a wetland analysis report will be required (GHMC 18.08.090). Geotechnical engineering reports may be required prior to approval of building permits. The issuance of building permits, according the Building/Fire Safety Director, will require adequate fire flow and additional fire hydrants.

The taxable value of these properties is estimated at around \$10,000,000.00. The City of Gig Harbor Finance Director noted that increase in property tax would be approximately \$15, 000 for this largely-undeveloped annexation area. The Chief of Police has commented that the annexation would increase the patrol area for the Department and may, depending upon the ultimate population of the area, create a need for an additional .5 FTE administrative assistance.

BOARD OR COMMITTEE RECOMMENDATION

The Pierce County Boundary Review Board has approved the map and legal description.

RECOMMENDATION / MOTION

Move to:

Accept the Notice of Intent to commence annexation and further authorize the circulation of a petition to annex the subject property to the following conditions:

- 1. The City shall require that the property owner(s) assume all of the existing indebtedness of the area being annexed;**
- 2. A wetland analysis report must be submitted together with the annexation petition pursuant to Gig Harbor Municipal Code Section 18.08.090; and**
- 3. The City will require the simultaneous adoption Employment District (ED), Single-Family Residential (R-2) zoning for the proposed annexation area in substantial compliance with the Comprehensive Plan as adopted by City of Gig Harbor Ordinance No. 981.**

NOTE:

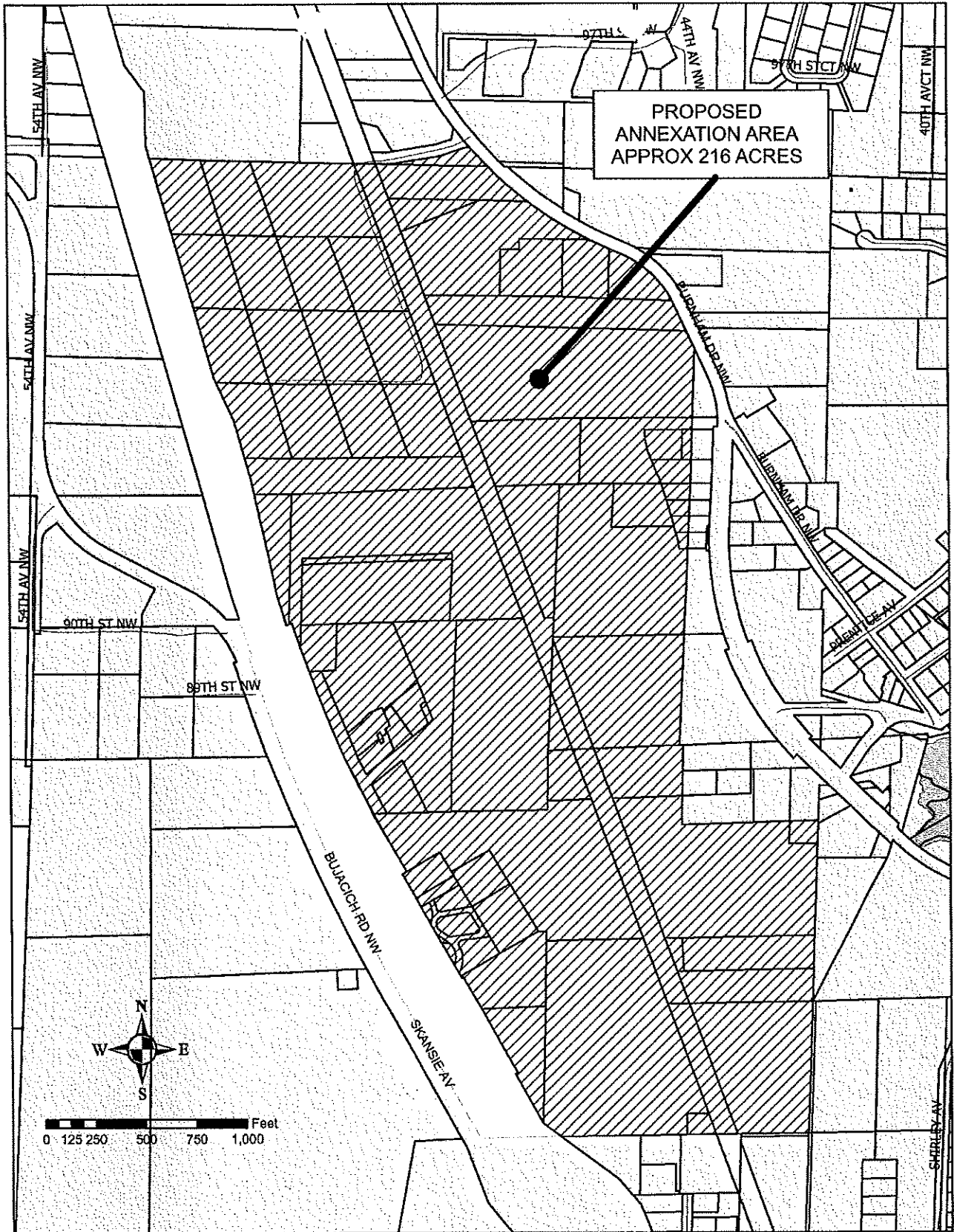
- 1. Attached Legal Description**
- 2. Map of Boundaries**
- 3. Draft map of parcels to be considered for extension of Height Restriction Area (for future public hearing)**

Pierce County BRB letter of review and Property Owner Signatures on File

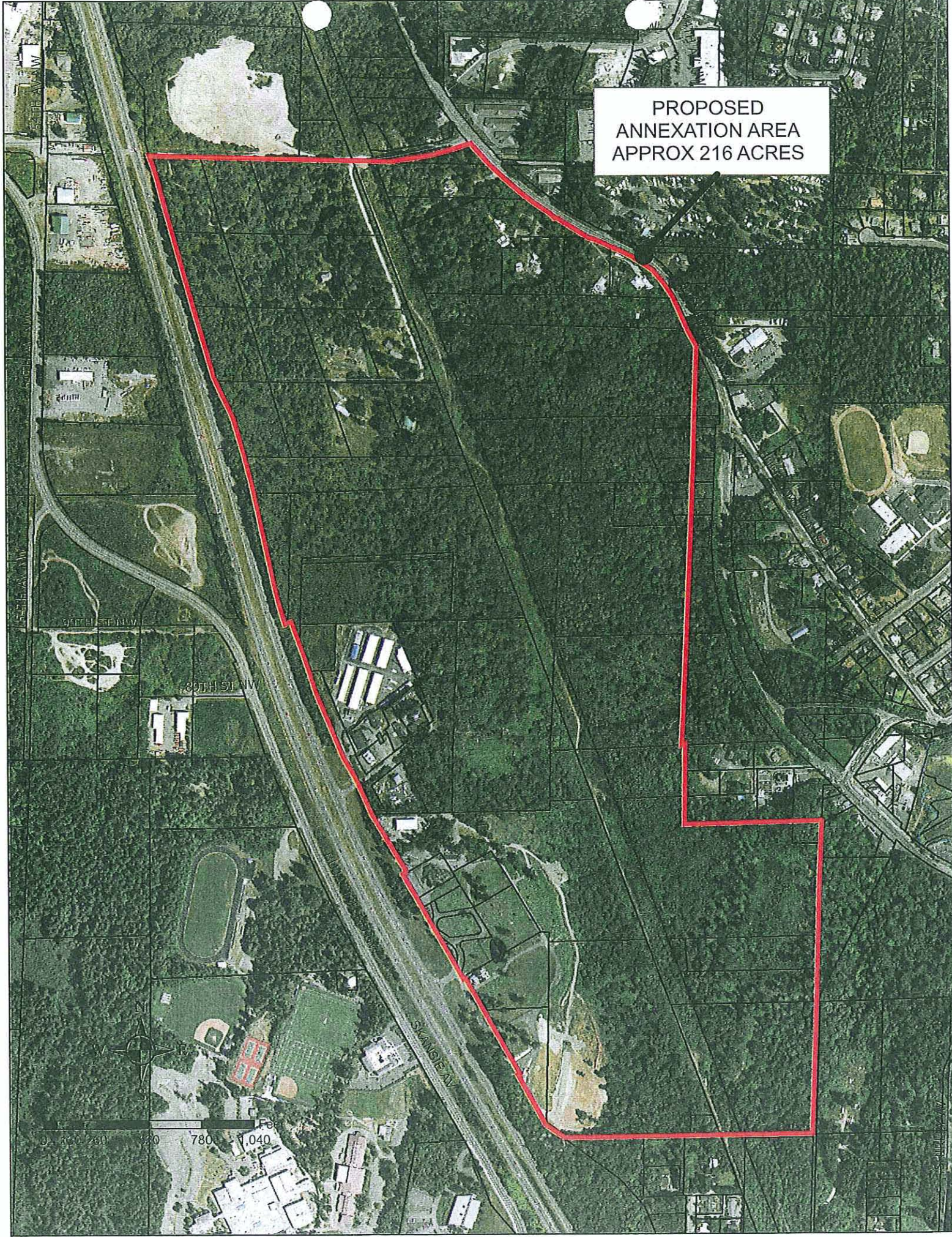
LEGAL DESCRIPTION

THAT PORTION OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST AND SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN IN PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 310 FEET, MORE OR LESS, TO THE SOUTHWESTERLY MARGIN OF SR-16 AND THE TRUE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY MARGIN A DISTANCE OF 5280 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF SAID SECTION 6; THENCE EASTERLY ALONG SAID NORTH LINE A DISTANCE OF 1640 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE NORTHERLY ALONG SAID WEST LINE A DISTANCE OF 1565 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 400 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE WESTERLY ALONG SAID SOUTH LINE A DISTANCE OF 660 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE NORTHERLY ALONG SAID WEST LINE AND THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 6 A DISTANCE OF 2370 FEET, MORE OR LESS, TO THE SOUTHWESTERLY MARGIN OF BURNHAM DRIVE; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY MARGIN A DISTANCE OF 1430 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 6; THENCE CONTINUING NORTHWESTERLY ALONG SAID SOUTHWESTERLY MARGIN A DISTANCE OF 120 FEET, MORE OR LESS, TO THE SOUTHERLY MARGIN OF 96TH STREET NW; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY MARGIN A DISTANCE OF 420 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 6; THENCE WESTERLY ALONG SAID NORTH LINE A DISTANCE OF 1415 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.



PROPOSED
ANNEXATION AREA
APPROX 216 ACRES



89TH ST NW

SKANSIE AVE

0 260 520 780 1,040 Feet





0221061056

0221064046

0221064016

4000200050

4000200040

4000200030

4000200020

4000200010



**Business of the City Council
City of Gig Harbor, WA**

Subject: Comprehensive Emergency Management Plan

Proposed Council Action: Approve by resolution the adoption of the City's Comprehensive Emergency Management Plan

Dept. Origin: Building/Fire Safety

Prepared by: Bower *DB*

For Agenda of: November 13, 2007

Exhibits:

Initial & Date

Concurred by Mayor:

CUH 11/19/07

Approved by City Administrator:

PKK 11/19/07

Approved as to form by City Atty:

CAM 11/19/07

Approved by Finance Director:

DF 11/19/07

Approved by Department Head:

DB 11/19/07

| | | | | | |
|-------------|---|----------|---|---------------|---|
| Expenditure | | Amount | | Appropriation | |
| Required | 0 | Budgeted | 0 | Required | 0 |

INFORMATION / BACKGROUND

Recent events on the world stage have illustrated the importance of emergency preparedness and planning on a community's ability to survive and recover from disasters. A basic element of community emergency planning is the Comprehensive Emergency Management Plan (CEMP), which guides the community's response and recovery efforts and assists in coordinating efforts of community leaders, administrators, responders and emergency managers in times of crisis.

The plan presented for your consideration reflects the state-of-the-art in emergency preparedness planning while being consistent with plans of other local jurisdictions as well as those of Pierce Co., the State of Washington, and the National Incident Management System (NIMS). It takes an all-hazard approach to emergency management by providing guidance on responses to both natural and man-made emergencies and disasters that may strike the Gig Harbor community as identified in the Hazard Inventory and Vulnerability Analysis. The plan has been reviewed and found acceptable by the City's department directors as well as by our response partners in the Pierce Co. Department of Emergency Management and Pierce Co. Fire District #5.

The CEMP, along with the City's Water and Sewer Emergency Response Plan (Aug. 2005); Continuation of Operations and Continuation of Government plans (under development); and all hazards mitigation plan (under development); will provide the City with complete and NIMS compliant emergency management plans as part of its overall emergency management program.

FISCAL CONSIDERATION

Adoption of this plan will have no direct cost to the City. Indirect costs will include some training costs as staff is trained to participate in emergency management and response activities. These training costs have been accounted for in the 2007 and 2008 budgets.

BOARD OR COMMITTEE RECOMMENDATION

No boards or committees have reviewed this plan.

RECOMMENDATION / MOTION

Move to: Approve a resolution adopting the City of Gig Harbor Comprehensive Emergency Management Plan as presented on November 13, 2007.

**CITY OF GIG HARBOR
RESOLUTION NO. XXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GIG HARBOR, WASHINGTON, ADOPTING THE CITY
OF GIG HARBOR COMPREHENSIVE EMERGENCY
MANAGEMENT PLAN.**

WHEREAS, emergency planning activities help prepare the community to respond to, mitigate and recover from emergencies and disasters thereby helping to protect lives, property and community resources; and

WHEREAS, RCW 38.52.070 grants the City authority to adopt a Comprehensive Emergency Management Plan (CEMP); and

WHEREAS, the CEMP is an important element in the City's emergency management program;

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

The City Council of the City of Gig Harbor hereby adopts the Gig Harbor Comprehensive Emergency Management Plan including appendices, attachments and annexes dated Nov. 13, 2007 as the emergency management plan for the City.

RESOLVED this 13th day of November, 2007.

APPROVED:

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

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



**Business of the City Council
City of Gig Harbor, WA**

Subject: Resolution – Art Procurement

Dept. Origin: Community Development

Proposed Council Action: Approve the Resolution establishing a policy for the display of public art on City property and procedure for donated art.

Prepared by: Dave Brereton, Interim Community Development Director

For Agenda of: November 26, 2007

Exhibits: Proposed Resolution

Initial & Date

Concurred by Mayor: CLH 11/20/07
Approved by City Administrator: PKR 11/20/07
Approved as to form by City Atty: CAM 11/20/07
Approved by Finance Director: N/A
Approved by Department Head: Dave 11/19/07

| | | | | | |
|-------------|---|----------|---|---------------|---|
| Expenditure | | Amount | | Appropriation | |
| Required | 0 | Budgeted | 0 | Required | 0 |

INFORMATION / BACKGROUND

The city currently does not have a policy for the acquisition and display of donated art. The purpose of this policy is to have a policy and procedure for the selection, rejection, acquisition and display of donated art within the city of Gig Harbor. The Gig Harbor Arts Commission will be the recommending body transmitted to the Mayor and City Council. The City Council shall exercise final control and authority in the selection and rejection of artwork.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

The Gig Harbor Arts Commission initiated and worked with the City Attorney to develop such policy and procedure.

RECOMMENDATION / MOTION

Approve the proposed Resolution establishing a policy for the acquisition and display of public art.

**CITY OF GIG HARBOR
RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A POLICY FOR THE DISPLAY OF PUBLIC ART ON CITY PROPERTY, DESCRIBING THE PROCEDURE FOR GIG HARBOR ARTS COMMISSION'S CONSIDERATION OF A PIECE OF DONATED ART, LISTING THE CRITERIA TO BE ANALYZED IN THE RECOMMENDATION OR FINAL DECISION TO ACCEPT OR REJECT A PIECE OF DONATED ART, AND TO DESCRIBE THE ELEMENTS OF A CONTRACT BETWEEN THE CITY AND THE DONOR FOR ACQUISITION OF A PIECE OF ART.

WHEREAS, the City Council desires to adopt a policy for the acquisition and display of donated artwork for the Gig Harbor Civic Center, City buildings and parks, streets or sidewalks; Now, Therefore,

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

Section 1. The City Council establishes the following policy to be followed in:

- A. **Purpose.** The purpose of this policy is to describe the procedures to be used by the City for the selection, rejection, acquisition and display of donated art within the City of Gig Harbor.
- B. **Types of Acquisitions.** The City may obtain artwork by commission, purchase, loans, and acceptance of donated work.
- C. **Time schedule.** At the time of the City is advised of the donation, the donor or a representative of the donor's estate will be informed in writing that a minimum of three months and up to a year, unless extended by mutual agreement of the parties, may transpire prior to notification of acceptance or rejection.
- D. **Procedure:**
 - 1. Notification of proposed donation, including donation form, at general Arts Commission meeting.
 - 2. Arts Commission examination of art work.
 - 3. Arts Commission recommendation presented at general commission meeting.

4. Recommendation transmitted to the Mayor and City Council for approval or rejection.
5. At the time the City accepts donated artwork, an ordinance shall be adopted, specifying conditions of donation, if any.

D. **Selection Criteria for Artwork.** The City's Arts Commission shall make recommendations to the City Council to either accept or reject a work of art. The Commission's recommendation, and the City Council's ultimate decision, shall be guided by the following principles:

1. Artistic excellence. The inherent quality and authenticity of the artwork must be of the highest priority.
2. Appropriateness to the community. The artwork must meet the expressed and perceived needs and interests of the diverse communities served by the City of Gig Harbor. The artwork must not be obscene, which is a category describing materials that meet all three of the following factors: (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable statute law RCW 7.48A.010(2); and (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.
3. Location or placement for work of art. The artwork must be appropriate in scale, material, form and content for the cultural and physical environment which is available for the artwork to be exhibited. Appropriate acknowledgement of the artist and/or donor in the form of a plaque is allowed.
4. Installation costs and procedures. Installation costs and procedures need to be projected and approved by the Arts Commission and Council. The City may cover costs of materials and labor needed to complete installation, reconstruct and/or repair artwork, such as concrete, water, power, or other materials beyond that contributed by the City of Gig Harbor. If necessary, temporary property easement and right-of-way permission must be granted by the donor or the donor's estate.
5. Maintenance and/or storage. The City must be able to provide reasonable care and storage of the artwork when

appropriate. Material and construction of the artwork must be durable and must not increase the City's cost of insurance, repair and maintenance from the budget allocated for this purpose.

6. Liability. No artwork will be accepted which creates unsafe conditions or factors that may negatively bear on public safety or liability of the City (*i.e.*, can it be placed so as to not create an unacceptable risk of physical injury to the public, traffic hazard, or be an attractive nuisance to children who could be injured playing on it).
7. Ownership. The City will only accept gifts with clear titles and without restrictions, with a bill of sale, in a form approved by the City Attorney. No gifts will be accepted with the understanding that the art will be displayed in perpetuity. Conditions for deaccession of artwork, if applicable, are determined by the Arts Commission.
8. Insurance. All artwork owned by the City shall be insured by the Fine Arts Property Coverage as addressed in the City's AWC-RMSA insurance policy. A statement of value or professional written appraisal must accompany artwork.

E. **Approval.** The City Council shall exercise final control and authority in the selection or rejection of the artwork. The Council's decision to accept or reject any artwork shall remain solely at the Council's discretion. At the time the City Council accepts the gift, the City and donor shall enter into a Donation Agreement drawn up by the City's legal department.

RESOLVED by the City Council this 26th day of November, 2007.

APPROVED:

Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____

Filed with the City Clerk:
Passed by the City Council:
Resolution No.

**CITY OF GIG HARBOR
ARTWORK DONATION/LOAN PROPOSAL**

DONOR'S NAME: _____

ORGANIZATION: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE: _____(Day)_____ (Cell)_____ (Fax)_____

CONTACT PERSON: _____ **EMAIL ADDRESS:** _____

Please list (in order of preference) the proposed location(s), including name of facility and street address:

1. _____

2. _____

Is the public artwork intended to be **permanent** or **temporary**? (Circle one)

If temporary, please define the exact timeframe: _____

THE FOLLOWING ATTACHMENTS ARE REQUIRED:

- **NARRATIVE PROPOSAL** including the concept, media, dimensions, site preparation requirements, method of installation and estimated annual maintenance costs, on no more than 2 typed pages
- **PROJECT BUDGET FORM** outlining all costs associated with the project, including design, fabrication and installation (please note that engineer sealed drawings may be required and liability insurance during installation will be required)
- **COLOR PHOTOGRAPH** of **ARTWORK** showing size and scale.

I/we understand that I/we must (1) Participate in the Department Review Process; and, (2) Present my/our proposed artwork donation for review and acceptance by the City of Gig Harbor Arts Commission, City Council and other appropriate boards, and commissions in accordance with the City's Artwork Donation Policy.

Donor's Signature

Date