

Gig Harbor City Council Meeting

**November 9, 2009
5:30 p.m.**



**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
Monday, November 9 2009 – 5:30 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of Oct. 26, 2009.
2. Receive and File: a) Minutes of City Council / Planning Commission Joint Worksession October 5, 2009; b) Minutes of Budget Worksession Nov. 2, 2009; c) Finance Department – Third Quarter Report; d) Gig Harbor Police Department Third Quarter Report.
3. Liquor License Action: a) New application – The Wine Studio.
4. BB16 Interchange Improvements Project – Contract Amendment No. 1 – DEA/HWA Geotech Inspection Services.
5. Receipt of Appeal of a Denial of Encroachment Permit – Lisa Clark.
6. Approval of Payment of Bills for November 9, 2009: Checks #62195 through #62291 in the amount of \$914,511.93.
7. Approval of Payroll for the month of October: Checks #5564 through # 5584 in the amount of \$325,109.98.

PRESENTATIONS: Recognition of Dick Allen for Service on the Planning Commission.

OLD BUSINESS: None scheduled.

NEW BUSINESS:

1. Resolution – 2009 Property Tax Levy.
2. Introduction and Public Hearing – 2009 Comprehensive Plan Amendments.
3. First Reading of Three Ordinances – Water, Sewer and Stormwater Utilities Rate Increase.

STAFF REPORT:

PUBLIC COMMENT:

MAYOR'S REPORT / COUNCIL COMMENTS:

ANNOUNCEMENT OF OTHER MEETINGS:

1. Civic Center Closed for Veterans Day: Wed. Nov. 11th
2. Budget Worksession: Mon. Nov. 16th at 5:30 p.m.
3. Operations Committee: Thu. Nov 19th at 3:00 p.m.
4. Special City Council Meeting: Thu. Nov. 19th at 5:30 p.m.
5. Boards & Commission Candidate Review: Mon. Nov 23rd CANCELLED

EXECUTIVE SESSION: For the purpose of discussing Guild Negotiations per RCW 42.30.130 (4)(a) and pending litigation per RCW 42.30.110(1)(i).

ADJOURN:

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – OCTOBER 26, 2009

PRESENT: Councilmembers Ekberg, Young, Franich, Malich, Payne, Kadzik and Mayor Hunter. Councilmember Conan joined the meeting later in the evening.

CALL TO ORDER: 5:31 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of Oct. 12, 2009.
2. Liquor License Action: a) Renewals - Maritime Mart; Marketplace Grille; Finholm's Market and Grocery; Gig Harbor Shell Food Mart; and Qdoba Mexican Grill; b) Added Privilege – Brix 25 Restaurant.
3. Resolution – Surplus Equipment.
4. Cushman Trail (Gap) Project – Construction Bid Award.
5. Cushman Trail (Gap) Project – Materials Testing Contract.
6. Approval of Payment of Bills for October 26, 2009: Checks #62067 through #62194 in the amount of \$552,076.04.

MOTION: Move to adopt the Consent Agenda as amended.
Payne / Malich - unanimously approved.

PRESENTATIONS:

1. H1N1 Flu Virus Update. Dr. Anthony Chen, Director at TPC Health Department presented a report on the current status of the H1N1 Flu Virus that included information on the symptoms prevention and impact of a pandemic. He described the Health Department activities to address this virus, the availability of the vaccine and how to prepare for and to prevent the flu.

OLD BUSINESS:

1. Tourism Promotion Area Interlocal Agreement. Rob Allen, Pierce County Economic Development Specialist, said that to date, five other cities have signed the Interlocal and that this special assessment goes toward tourism promotion. He explained that the Pierce County Hotel Commission was created as an advisory board to make recommendations regarding the Interlocal.

MOTION: Move to approve the Interlocal Agreement as presented by the Pierce County Lodging Association.
Malich / Kadzik - unanimously approved.

NEW BUSINESS:

1. Public Hearing – Revenue Sources – 2010 General Fund Budget. Finance Director David Rodenbach presented an overview of the proposed 2010 revenue sources. He answered Council questions.

Mayor Hunter opened the public hearing at 6:12 p.m. No one came forward to speak and the public hearing closed.

STAFF REPORT: None.

PUBLIC COMMENT: None.

MAYOR'S REPORT / COUNCIL COMMENTS:

1. Mayor Presents 2010 Proposed Budget. The draft budget was handed out to the City Councilmembers. City Administrator Rob Karlinsey thanked staff for their flexibility and hard work in putting this together. He said that Council and staff will get more into the budget details during the upcoming Workstudy Sessions.

2. Zoo Trek – Request for Nominations. Mayor Hunter announced that if a Councilmember is interested in serving to let him know before the next meeting.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Planning / Building Committee: Mon. Nov 2nd CANCELLED
2. Budget Worksession No. 1: Mon. Nov 2nd at 5:30 p.m.
3. Budget Worksession No. 2: Tue. Nov 3rd at 5:30 p.m.
4. Intergovernmental Affairs Committee: Mon. Nov. 9th CANCELLED
5. Special City Council Meeting: Thu. Nov 19th at 5:30 p.m.

ADJOURN:

MOTION: Move to adjourn at 6:18 p.m.
Franich / Malich – unanimously approved.

CD recorder utilized:
Tracks 1001 – 1007

Charles L. Hunter, Mayor

Molly Towslee, City Clerk

**Joint Work Study Session
Gig Harbor City Council / Planning Commission
October 5th, 2009
Council Chambers
5:30 pm**

PRESENT:

Mayor Chuck Hunter, City Administrator Rob Karlinsey
City Council members: Steve Ekberg, Paul Conan, Derek Young, Tim Payne, Jim Franich, Ken Malich and Paul Kadzik
Commission members: Harris Atkins – Chair and Joyce Ninen – Vice Chair
Staff Present: Tom Dolan, Jennifer Kester, Jeff Langhelm and City Attorney Angela Belbeck.

GENERAL BUSINESS

Planning Director Tom Dolan said that there were two items for discussion. First, the Planning Commission's recommendations for the 2009 comprehensive plan amendments and then discussion of the Planning Commission recommendation on the Mixed Use District Overlay (MUD). He then noted that Planning Commission Chair Harris Atkins will go through each of the twelve amendments, explaining them and the Planning Commission's recommendation. Additionally, he pointed out that Senior Planner Jennifer Kester and Senior Engineer Jeff Langhelm were present to answer any questions.

Mr. Atkins thanked the council for the opportunity to meet with them. He began by saying that the Planning Commission was recommending adoption of all twelve of the proposed amendments although a couple of the proposals have had split votes. He stated that they had started work sessions on these amendments in June followed by public hearings and went over the schedule for the upcoming meetings.

The first item for discussion was the Parks, Recreation and Open Space Plan which Mr. Atkins noted was a city sponsored amendment. He stated that this was the removal of the current plan because it is obsolete and that the new plan should be in place in January.

Discussion was then held on the Transportation Element which was also a city sponsored amendment. Mr. Atkins stated that this was a change in philosophy regarding the six year transportation plan, changing the reference to "short range transportation plan" so as not to be confused with the six year TIP. He said that a reference to the Harborview Master Plan had been recommended by staff and the Planning Commission was uncomfortable with that reference because it had never been adopted. They would rather have the goals of the plan incorporated in the transportation element. Mr. Karlinsey asked if some specific goals for providing pedestrian access along Harborview were included. Ms. Kester said that some of those more specific

things can be added if council desires. Mr. Atkins further explained the Planning Commissions unwillingness to incorporate the Harborview plan when they had not had an opportunity to review it nor had the council. Councilmember Derek Young asked if given the financial climate they wanted to reference a plan that has some pretty ambitious goals for the short term. Mr. Karlinsey expressed concern that they may want to do some of these projects and would want the Comprehensive Plan to support that. Ms. Kester read the exact language of the existing policies. Joyce Ninen reiterated that they did not want to adopt a plan that no one had seen. Jim Franich wanted to make sure that things can still be done given the current language in the plan and Ms. Kester agreed. She further explained the difference between the six year tip and the short term transportation plan in the comprehensive plan. Mr. Karlinsey said that the operations committee would be looking at the six year TIP shortly and then it would go to council late November or early December.

The Stormwater Comprehensive Plan was discussed next and Mr. Atkins stated that this is a new plan and he felt that it made the city more proactive in its stormwater management. He further explained that the plan identified some maintenance issues and models some future conditions throughout the city. He stated that the Planning Commission was recommending some minor changes but recommending overall approval. Mr. Kadzik asked if this was a required document for our NPDES Phase II permit and Mr. Langhelm answered that many of the requirements are met between this document and the city's stormwater manual. He continued by saying that the city is required to have a stormwater program not necessarily a plan; however, the proposed stormwater comprehensive plan is a good way to implement a program. Mr. Atkins stated that this plan incorporates revised population projections based on Pierce County buildable lands analysis, uses two foot contours for the basin maps, and also puts reclaimed water facilities closer to areas that might use them. Mr. Langhelm went over the reclaimed water program, illustrating the change to have several sites that produce reclaimed water rather than one central location. Councilmember Tim Payne asked if staff had looked at the cost benefit analysis of the extra piping versus the multiple locations and Mr. Langhelm said they will be doing that. Discussion followed on how the systems work, stream flow augmentation and aquifer recharge. Ms. Kester explained the population allocation.

The discussion continued with the Water System plan, with Mr. Atkins noting the key policy changes regarding extending service beyond the city's service area, revised population projections, an ERU calculation change basing it on the average use over the last six years rather than the maximum daily use, resulting in an ERU value of 200 gallons per day rather than 314. He stated that the Planning Commission was recommending adoption; however, it was a 3-2 vote due to the concern with existing policy for requiring a developer who was driving infrastructure expansion to upgrade the system for fire flow. He continued by saying such developer would have to pay a pro rata share of the infrastructure improvements and two members of the commission felt that was an unnecessary burden. Mr. Kadzik asked about the change in the definition of ERU and would that make someone have to pay for more ERUs. Jeff answered no and further explained how ERU's are calculated and clarified that this means we have

more ERUs available. Mr. Payne asked if this method of calculation was the industry standard and Mr. Langhelm answered yes.

Mr. Atkins then explained that the Capital Facilities Element was being modified to reflect the changes in the other plans. He stated that the only concerns expressed by the Planning Commission were that the financial data had not been updated. They asked staff to revise those numbers and recommended approval. Ms. Kester said that some of the bonding information and tax rates were from when the Comprehensive Plan was first adopted and the finance department is updating those numbers.

Mr. Atkins went over the reference change in the Utilities Element, changing the plan to correctly reference the water system plan rather than the water comp plan as it only deals with our service area. Mr. Payne asked what percentage of the city are we serving and Mr. Langhelm said he would get that number but he estimated it to be around 50%. Mr. Atkins stated that the Planning Commission was recommending approval.

Ms. Kester said that is all of the city infrastructure amendments and Mr. Atkins thanked staff for helping the commission understand these complex issues.

Mr. Atkins then went over the next item which was a request to add one parcel to the city's water system at the Wollochet interchange (the former proposed bowling alley site). He stated that the applicant wishes to build a project that would require city water service and they have included a sketch of their plan with a hotel and two restaurants. Stroh's has indicated they can't provide the water. He said that staff had included requirements that Stroh's give the water rights to city. The Planning Commission felt that this was beyond the applicant's ability and the Planning Commission looked at it as the project being valuable to the city. They recommended approval without that condition but with two other conditions for reimbursements of costs and fees associated with adding this parcel to the water system plan. Mr. Franich asked about the capital costs associated and Mr. Langhelm said that those are already part of the process, so once the parcel is added to the water service area, they will have to pay for the extension. Derek Young asked if Stroh's just didn't have the water and do they have the water rights. Mr. Langhelm said that they did not say that they don't have the rights. Ms Kester said that the applicant has indicated that they did receive a water availability letter at one time and then it expired and now Stroh's has granted their water rights to others. Mr. Young asked how many ERU's they were wanting and Mr. Langhelm estimated approximately 50-100 ERUs. Mr. Young said he would still prefer to get the water rights, as he understood that Stroh's is ahead of us in line with Department of Ecology to get water rights. Tom Dolan said that on November 9th there will be a public hearing before the city council and they will have an opportunity to ask these questions directly. Rob Karlinsey asked if Mr. Langhelm was concerned with what it does to our rights or to our instantaneous pumping capacity. Mr. Langhelm said we can have ERU's available and still be out of water. Mr. Ekberg asked if Mr. Langhelm had figures on undeveloped areas in our service area and Mr. Langhelm said yes, he could provide those figures. Mr. Karlinsey clarified that "out of water" meant asking residents to stop

watering their lawns or something similar. Joyce Ninen stressed that the Planning Commission just felt that it was an unfair burden to place on the applicant. Derek Young stated his concern that if we are giving them rights we could potentially be not giving rights to someone else.

Mr. Atkins then presented the next request for expanding our water service, for the property at the corner of Hunt and Kimball at the current Stroh's site. The property owner wanted to expand the development and need additional fire flow. He stated that the Planning Commission is recommending that the applicant reimburse the city for the fees and/or costs associated with being added to the water service area. Ms. Kester said there were two options considered one being if the applicant only wanted fire flow only; and, two adding them to our service area and providing potable water and fire flow. She went on to say that the applicant preferred the fire flow only option as the applicant already water rights and did not want to give them up. Mr. Langhelm explained where the water line runs and that the city doesn't currently provide fire flow only to any development; therefore, we would need to determine their connection fee. Mr. Kadzik asked what the fire flow requirements were and Mr. Langhelm said in this area it was 3,000 gallons per minute for 3 hours; however, he said the requirements for the building are determined by the building department. The 3,000gpm is the requirement in the right of way. Discussion followed on how to possibly calculate the connection fee.

The Chair called a 5-minute recess.

Planning Director Tom Dolan stated that the last three are all private applications for land use map amendments and reminded everyone of the public hearing on November 9th.

Ms. Kester went over the first application stating that it was in the new annexation area at Burnham and Sehmel. The property was owned by Walt Smith who is proposing to go from employment center (EC) to commercial business (C/B). Mr. Atkins said that the applicant wanted to have the same zoning they had in the county and they would have to change the land use designation in order to do that. He stated that the applicant had made a presentation to the Planning Commission at the public hearing and there were two or three people who spoke in favor who were from the surrounding area. He said that the concerns raised by the commission were: the buffers (staff had suggested that perhaps we should have a more stringent buffer); and whether the intensity of use would increase the transportation impact in an area that is already known for having issues. However, it was determined that the future development of the site had already been evaluated at the higher intensity. He noted that another property owner has asked to have their land use changed in the area, so there didn't seem to be a need to require the applicant to have a larger buffer. Mr. Atkins continued by saying that it could be rezoned to B-2 or C-1 if the land use designation is changed and they had looked at whether they should condition it to be B-2 through a development agreement; however, they elected not to do that. Mr. Young asked if it would be an area wide rezone or a site specific rezone and Mr. Dolan answered that it would be site specific. Mr. Payne asked

if they could get a better understanding of the buffer and Ms. Kester went over the topography and buffers currently on the property and what would be required if it were developed under current standards. Mr. Franich voiced his concern with the proposal meeting the criteria for approval of a comprehensive plan amendment. Mr. Young asked if the applicant had determined that the traffic impact was the same and Ms. Kester said that no, it was the city's determination through our traffic model. He then asked if they could get that information at the public hearing and Ms. Kester said that yes it was part of the Planning Commission packet. Mr. Atkins said that they did receive a letter from the applicant expressing a willingness to restrict their zone to B-2

Mr. Atkins then went over the Haven of Rest proposal stating that their property extends down to Rosedale. Ms. Kester pointed out the property. Mr. Atkins stated that they are requesting a change from residential low to residential medium noting that cemeteries are only allowed in R-2 zones and that would require a designation of residential medium and they are planning to expand the cemetery to include this property. He stated that part of their issue is that they are not allowed to access their property across the power line so the Rosedale property is the only other access point. Mr. Atkins stated that the applicant has also agreed to process a development agreement limiting any rezone to R-2. He also noted that subsequently city staff has discovered that the property has been listed for sale, so it is possible that these plans will change. Mr. Payne clarified that staff recommended that it be limited to R-2 if the use was a cemetery; however having discovered that it is for sale the Planning Commission is recommending R-2 without a restriction to cemetery use. Mr. Dolan reminded them that this is a land use map change and there are other zones that they could request if there is not a restriction to R-2. Mr. Young said that he would rather just say that they could have a cemetery in their current zone rather than change the comp plan and rezone. Mr. Payne asked that Ms. Kester go over the surrounding zones which she did. Mr. Atkins stated that the Planning Commission is recommending approval with a development agreement restricting the rezone to R-2.

Ms. Kester went over the proposed comp plan amendment to change 2 acres at Grandview, Stinson and Pioneer from residential low to residential medium with a development agreement to limit the zoning to RB-2. She stated that they are proposing two mixed use buildings. She further explained that they are proposing larger setbacks, additional tree preservation, buffers with significant plantings and screening above current code requirements. Ms. Kester noted that the parking will be primarily underground; the lower property will be single family; and, that they are within the height restriction area. Mr. Atkins said that the Planning Commission was recommending approval with the conditions proposed regarding setbacks, tree retention, mixed use and limiting the rezone to 2 acres with the configuration presented to the commission. He said that the vote was 3 in favor and 1 opposed. He further explained that a member that was absent submitted a letter in support of the proposal. Mr. Atkins said that the feeling of the commission was that the project would compliment that area of the city; provide a step in a direction they would like to see in that area; and, it would be compatible with the surroundings. He noted that at the public hearing they had six citizens speak and the majority of the people were opposed to the size and scale. Ms.

Ninen noted that if you stood on Grandview and looked at city hall it's the same thing, there are other buildings in the area of a similar size. Mr. Atkins said that the commission felt that the development agreement needed to be written in a way to assure that they will get a project that reflects what was shown. Mr. Franich said that he hoped the commission looked at it from the perspective of the underlying land use not in response to the applicant's presentation on their project. Mr. Atkins said that he felt that they did, that they looked at the goals in the comprehensive plan but again they are subjective. Mr. Young asked at what point did the hearing examiner rule on the height restriction issue and Ms. Kester answered that it happened before the Planning Commission saw the proposal but after the application was submitted. Mr. Atkins stated that they considered the vision that was represented not the specifics of the project. Mr. Dolan said that staff had looked at the policies of the comprehensive plan and while the application with the tree retention, setbacks, etc. met many of the policies; a project must meet them all and it is staff's view that the proposal is out of scale with the surrounding neighborhood so it will be up to the city council to determine if it meets the policies. Mr. Young expressed concern with steps between zones sometimes being too large. Mr. Dolan pointed out that these buildings could be 8-10 times larger than the Uddenberg building. Ms. Kester went over the sizes of other buildings in the surrounding area and the method for measuring height. Ms. Ninen noted that the applicant is stating that at current zoning it would be possible to put 5-5000 square foot buildings on the property. Mr. Atkins said that the applicant will be providing models with their presentation at the public hearing.

Mr. Dolan said that there was another item to talk about which was the mixed use overlay district and asked if they should delay that discussion to another meeting when there are more Planning Commission members present. It was agreed that it should be postponed.

Meeting was adjourned at approximately 7:30 p.m.



GIG HARBOR CITY COUNCIL BUDGET WORKSESSION MINUTES

DATE: November 2, 2009
TIME: 5:30 p.m.
LOCATION: Community Rooms A & B
SCRIBE: Molly Towslee, City Clerk
MEMBERS PRESENT: Mayor Hunter, Councilmembers Kadzik, Payne, Malich, Conan, Franich, Young and Ekberg.
STAFF PRESENT: Karlinsey, David Rodenbach, Barb Tilotta, Laureen Lund, David Stubchaer, Steve Misiurak, Darrell Winans, Marco Malich, and Molly Towslee. Several other staff members were present in the audience.
OTHERS PRESENT: Several members of the staff and Chamber of Commerce were present in the audience.

INTRODUCTION

After roll call, Mayor Hunter announced that although this is a public meeting no public testimony would be taken. City Administrator Rob Karlinsey explained that this is the first of two budget worksessions, the second which has been postponed until November 16th. He announced that the first public hearing on the draft ordinance is scheduled for November 23rd and the budget has to be adopted by the end of the year.

MARKETING

Marketing Director Laureen Lund provided an overview of her objectives for 2010, explaining that she is moving more towards on-line advertising because it's less expensive. She said there are no capital expenses planned for 2010.

DISCUSSION POINTS

- Moving toward on-line advertising because it's less expensive.
- No capital expenses in 2010
- Skansie House Fund subject to input from Lodging Tax Advisory Board and Skansie Ad Hoc Committee. Pier Study will be included in discussions.
- Use of house must be tied to "heads in beds" in order to utilize LTAC Funds.

RECOMMENDATION / ACTION / FOLLOW-UP

1. Delete Objective No. 2 as it is duplicative of No. 1.
2. Council decision on Skansie House after first of year.
3. Amend the Skansie House Objective to read "consider funding improvements"

STREET CAPITAL

Public Works Director David Stubchaer provided an overview of the Street Capital Objectives for 2010. He said that the SR16/Burnham Dr Interchange Interchange Justification Report is no longer necessary, but some of the \$75,000 number would remain to cover related expenses.

RECOMMENDATION / ACTION / FOLLOW-UP

1. Determine the final number for the SR16/Burnham Drive Interchange Objective.

ART CAPITAL

City Administrator Rob Karlinsey said there are no Capital Projects scheduled this year and no additional money slated to be added to this fund in 2010. There is a proposal to move \$80,000 from this back into the General Fund.

DISCUSSION POINTS

- This fund doesn't support Art Grants, but only capital projects like the Torrens piece or the proposed Skandinavian Mosiac.
- The intent of the fund was to build up funds for long-range planning of larger projects.
- Determine the true remaining fund balance after the Torrens piece and the transfer to the general fund.
- If additional money is found in the budget review, don't transfer out the \$80,000.
- An "Artist Loan Program"

PARK DEVELOPMENT

DISCUSSION POINTS

- Skansie Netshed: Necessary to replace the underpinnings as the budget allows.
- Maritime Pier: Will be wrapped into the Skansie House Recommendations.
- Jerisich Dock Plaza: The City Crew has begun the process to unclutter the area along the sidewalk. The Gig Harbor Historic Waterfront Association is providing design work for further improvements. Good team effort will allow changes with little cost.
- Skansie House: Already discussed.
- Eddon Boat Park: Design and implement improvements to encourage public interaction with the water. This project dependent upon collection of Park Impact Fees. Could possibly contact local organizations to do this.
- Wheeler Street End Pocket Park: Continue with maintenance but do not expend funds to determine ownership.
- Eddon Boat Dock Reconstruction: Working with grant funds; address containment of contaminants from boat-washing; and design the dock to mirror what was previously there. Grant may not allow commercial use.

WATER OPERATING

Public Works Director David Stubchaer gave an overview of the 2010 Objectives.

DISCUSSION POINTS

- Conservation Program: Purchase leak detection equipment that would allow staff to generate our own reports. This is part of the water conservation goals.
- Newsletter: A requirement from the Dept. of Ecology, and must be done by mail; no e-mails or postcards.
- The \$15,000 listed for the Harborview waterline replacement doesn't include labor or materials.
- The \$9000 cost to replace a SCADA computer includes software and switch out.

WATER CAPITAL

Public Works Director David Stubchaer gave an overview of the 2010 Objectives.

DISCUSSION POINTS

- Deep Aquifer Well Development: \$350,000 is for test drilling. Another water source is necessary to meet the standards for existing fire flow; not just for future growth. A new well is part of future connection fees, but it cannot wait for development to occur before proceeding.

- Desalination process too costly to be economically feasible.
- Water Rights Attorney: Using on an as-needed basis. Valuable is assisting city to find alternatives to find additional water rights.
- Harborview Drive Watermain Replacement: Issue with concrete panels and brittle existing watermain.
- Reuse and Reclaimed Water: primarily for water rights.

RECOMMENDATION / ACTION / FOLLOW-UP

1. Schedule a Water Rights Workshop sometime in the future to be conducted by Jeff Langhelm, Senior Engineer.
2. Add Stinson Avenue Watermain Replacement as an alternative to the Harborview Watermain Bid. If the bids come in competitively, both projects can be completed.

WASTEWATER OPERATING

WWTP Supervisor Darrell Winans gave an overview of the 2010 Objectives for Wastewater Operating.

DISCUSSION POINTS

- Odor Control after the WWTP Improvement Project.
- Improvements to pump stations will reduce future costs especially for labor. It will standardize the system.

WASTEWATER CAPITAL

City Engineer Steve Misiurak gave an overview of the 2010 Objectives.

DISCUSSION POINTS

- Lift station Replacement: Design and project management to be done in-house.
- Wastewater Outfall Completion: 2.4 million in sewer utility rate increase will cover the cost. 15% first year; 17% second year and 10% in the third year.
- Delay outfall project: City already accepted grant funds and loans conditioned upon the extension being completed by end of 2010. Expensive permits would expire and there is a possibility of having to redo environmental studies. Might miss the low bidding environment. Must consider the health of the bay. Delay of one year wouldn't affect the rate increase.

STORMWATER OPERATING

Steven Misiurak then gave an overview of the 2010 Objectives for Stormwater Operating.

DISCUSSION POINTS

- The city received another \$50,000 in State Grants to help fund with the implementation of the Stormwater Design Manual. This will go towards training staff and to pay for catch basin kits.

STORMWATER CAPITAL

Rob Karlinsey gave an overview of the 2010 Objectives for Stormwater Capital.

DISCUSSION POINTS

- Donkey Creek Daylighting/Austin Estuary Park Improvements: Work on surveying, geotechnical, and design should be completed by December.
- 39th Avenue Storm Basin Study and WWTP Creek Basin Study: The erosion problem could become a very expensive proposition. Need to locate source of water.

RECOMMENDATION / ACTION / FOLLOW-UP

1. Delete the word "conceptual" from Objective No. 1 Donkey Creek Daylighting/Austin Estuary Park Improvements.
2. Correct error in Objective No. 3, changing the amount from \$150,000 to \$50,000.

There were no further comments; the worksession adjourned at 7:24 p.m.



To: Mayor Hunter and City Council
From: David Rodenbach, Finance Director DR
Date: November 9, 2009
Subject: Third Quarter Financial Report

The quarterly financial reports for the third quarter of 2009 are attached.

Total resources, including all revenues and beginning cash balances, are 64 percent of the annual budget. Third quarter total resources in 2008 were 56 percent of budget. Total revenues, excluding beginning cash balances, are 45 percent of the annual budget while total expenditures are at 50 percent.

General Fund revenues (excluding beginning balance of \$1,550,824) are 70 percent of budget. Taxes are expected to come in at about 91 percent of budget, or \$460,000 lower than planned. Private utilities taxes (5% of gross receipts for provision of telephone service, electricity, natural gas and water) through September are \$952,000 and are expected to come in at \$1.35 million. This is slightly above the budget of \$1.125 million. Permit revenues are \$280,000 as compared to a budget of \$772,000.

General fund expenditures are 65% of budget. This is slightly ahead of 2008 when expenditures were 69% of budget after the third quarter. All General fund departments are on track to be within budget.

Water, Sewer and Storm Sewer revenues are 87%, 76% and 84% of budget; while expenditures for these three funds are at 58%, 66% and 45% of budget. 2008 amounts for the same period were 74%, 72% and 78% for revenues and 52%, 60% and 46% for expenditures.

Cash balances are adequate in all funds.

**CITY OF GIG HARBOR
CASH AND INVESTMENTS
YEAR TO DATE ACTIVITY
AS OF SEPTEMBER 30, 2009**

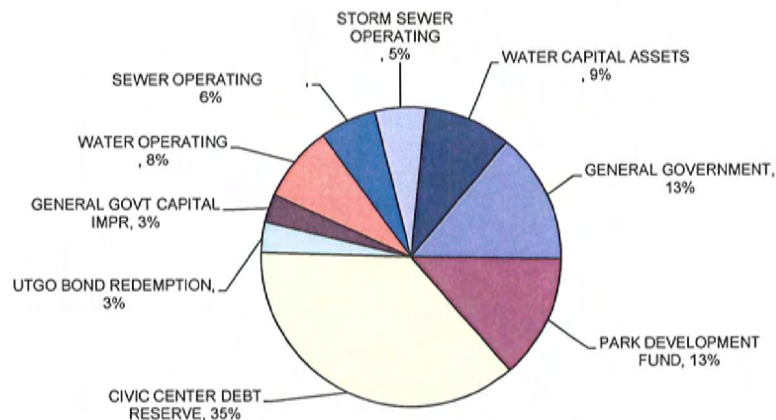
Consent Agenda - 3c

FUND NO.	DESCRIPTION	BEGINNING BALANCE	REVENUES	EXPENDITURES	OTHER CHANGES	ENDING BALANCE
001	GENERAL GOVERNMENT	\$ 1,550,824	\$ 5,972,031	\$ 5,897,667	\$ (518,630)	\$ 1,106,559
101	STREET FUND	355,420	977,939	1,048,826	(142,694)	141,839
102	STREET CAPITAL FUND	789,176	1,947,557	2,536,025	(283,891)	(83,183)
105	DRUG INVESTIGATION FUND	74,707	10,204	36,407	(348)	48,157
107	HOTEL-MOTEL FUND	190,308	151,968	199,230	(8,998)	134,047
108	PUBLIC ART CAPITAL PROJECTS	99,409	576	8,491	-	91,493
109	PARK DEVELOPMENT FUND	1,161,300	1,501,892	1,285,035	(318,522)	1,059,634
110	CIVIC CENTER DEBT RESERVE	2,882,102	17,035	-	-	2,899,137
208	LTGO BOND REDEMPTION	45,803	962,846	666,078	-	342,571
209	2000 NOTE REDEMPTION	5,350	66,315	-	-	71,664
210	LID NO. 99-1 GUARANTY	94,375	558	-	-	94,933
211	UTGO BOND REDEMPTION	133,933	184,242	59,674	-	258,501
301	PROPERTY ACQUISITION FUND	122,045	93,721	-	-	215,766
305	GENERAL GOVT CAPITAL IMPR	174,308	69,180	-	-	243,488
309	IMPACT FEE TRUST	8,492	759	-	(1,716)	7,535
401	WATER OPERATING	445,483	826,196	500,838	(122,700)	648,141
402	SEWER OPERATING	451,018	1,795,442	1,705,830	(59,126)	481,504
407	UTILITY RESERVE	188,133	1,112	-	-	189,245
408	UTILITY BOND REDEMPTION	736	480,834	481,204	-	366
410	SEWER CAPITAL CONSTRUCTION	1,985,372	3,017,250	4,450,401	(452,065)	100,155
411	STORM SEWER OPERATING FUND	196,792	567,349	350,179	18,901	432,864
412	STORM SEWER CAPITAL	-	1,162	-	-	-
420	WATER CAPITAL ASSETS	1,087,084	25,828	339,495	(33,975)	739,442
605	LIGHTHOUSE MAINTENANCE TRUST	2,088	12	-	-	2,101
607	EDDON BOATYARD TRUST	181,664	150,043	331,707	-	-
608	FHS TRAFFIC MITIGATION TRUST	838,922	40	830,000	-	8,962
631	MUNICIPAL COURT	7,457	108,174	115,632	-	-
		\$ 13,072,301	\$ 18,930,264	\$ 20,842,718	\$ (1,923,764)	\$ 9,234,921

**COMPOSITION OF CASH AND INVESTMENTS
AS OF September 30, 2009**

	MATURITY	RATE	BALANCE
CASH ON HAND			\$ 1,300
CASH IN BANK			490,183
LOCAL GOVERNMENT INVESTMENT POOL		0.5053%	8,755,721
			\$ 9,247,204

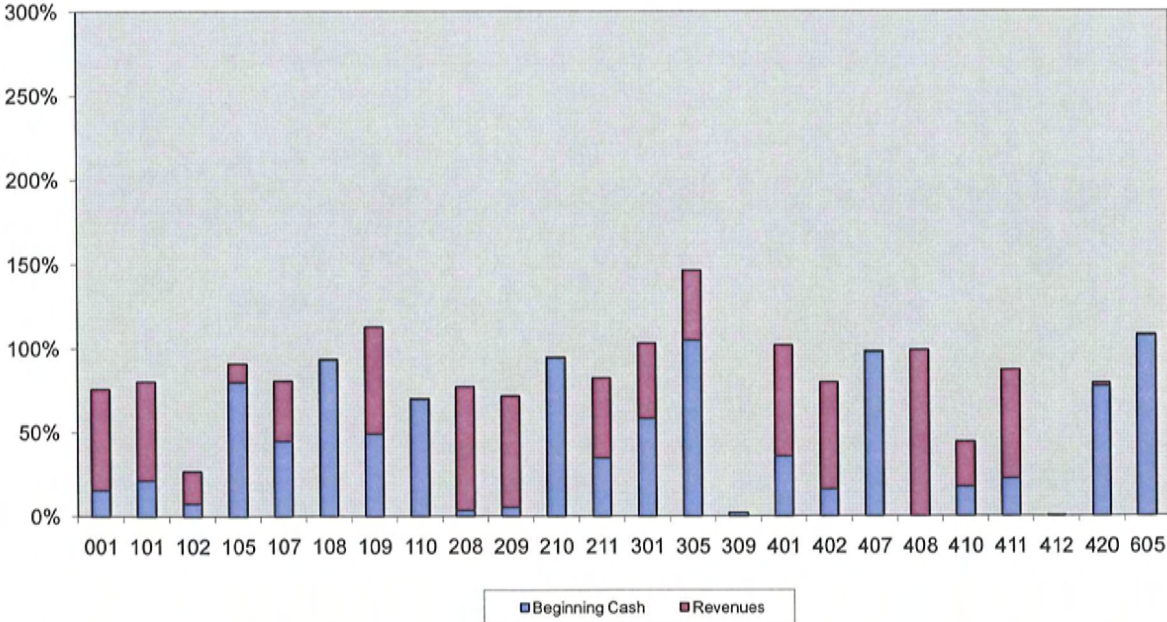
Ending Cash Balances by Fund



**CITY OF GIG HARBOR
YEAR-TO-DATE RESOURCE SUMMARY
AND COMPARISON TO BUDGET
AS OF SEPTEMBER 30, 2009**

FUND NO.	DESCRIPTION	ESTIMATED RESOURCES	ACTUAL Y-T-D RESOURCES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
001	GENERAL GOVERNMENT	\$ 9,924,681	\$ 7,522,855	\$ 2,401,826	76%
101	STREET FUND	1,660,416	1,333,359	327,057	80%
102	STREET CAPITAL FUND	10,193,430	2,736,732	7,456,698	27%
105	DRUG INVESTIGATION FUND	93,295	84,911	8,384	91%
107	HOTEL-MOTEL FUND	423,715	342,275	81,440	81%
108	PUBLIC ART CAPITAL PROJECTS	106,697	99,985	6,712	94%
109	PARK DEVELOPMENT FUND	2,359,286	2,663,192	(303,906)	113%
110	CIVIC CENTER DEBT RESERVE	4,132,012	2,899,137	1,232,875	70%
208	LTGO BOND REDEMPTION	1,305,005	1,008,649	296,356	77%
209	2000 NOTE REDEMPTION	99,969	71,664	28,305	72%
210	LID NO. 99-1 GUARANTY	100,194	94,933	5,261	95%
211	UTGO BOND REDEMPTION	386,070	318,175	67,895	82%
301	PROPERTY ACQUISITION FUND	209,388	215,766	(6,378)	103%
305	GENERAL GOVT CAPITAL IMPR	166,224	243,488	(77,264)	146%
309	IMPACT FEE TRUST	454,553	9,251	445,302	2%
401	WATER OPERATING	1,248,843	1,271,679	(22,836)	102%
402	SEWER OPERATING	2,817,630	2,246,460	571,170	80%
407	UTILITY RESERVE	192,508	189,245	3,263	98%
408	UTILITY BOND REDEMPTION	486,577	481,570	5,007	99%
410	SEWER CAPITAL CONSTRUCTION	11,284,038	5,002,621	6,281,417	44%
411	STORM SEWER OPERATING FUND	876,692	764,142	112,550	87%
412	STORM SEWER CAPITAL	229,000	1,162	227,838	1%
420	WATER CAPITAL ASSETS	1,409,149	1,112,912	296,237	79%
605	LIGHTHOUSE MAINTENANCE TRUST	1,946	2,101	(155)	108%
607	EDDON BOATYARD TRUST		331,707	(331,707)	
608	FHS TRAFFIC MITIGATION TRUST		838,962	(838,962)	
631	MUNICIPAL COURT		115,632	(115,632)	
		\$ 50,161,318	\$ 32,002,565	\$ 18,158,753	64%

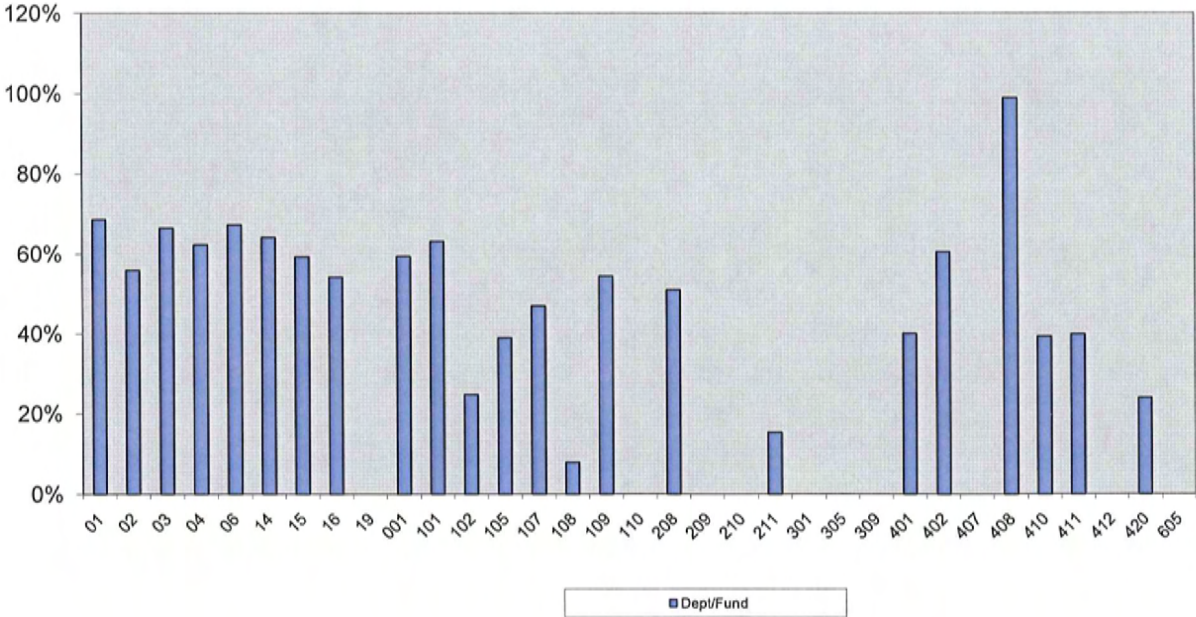
Resources as a Percentage of Annual Budget



CITY OF GIG HARBOR
 YEAR-TO-DATE EXPENDITURE SUMMARY
 AND COMPARISON TO BUDGET
 FOR PERIOD ENDING SEPTEMBER 30, 2009

FUND NO.	DESCRIPTION	ESTIMATED EXPENDITURES	ACTUAL Y-T-D EXPENDITURES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
001	GENERAL GOVERNMENT				
01	NON-DEPARTMENTAL	\$ 1,978,847	\$ 1,358,589	\$ 620,278	69%
02	LEGISLATIVE	30,350	16,984	13,366	56%
03	MUNICIPAL COURT	382,800	254,570	128,230	67%
04	ADMINISTRATIVE/FINANCIAL	1,298,890	810,020	488,870	62%
06	POLICE	2,725,842	1,834,337	891,505	67%
14	COMMUNITY DEVELOPMENT	1,591,992	1,021,763	570,229	64%
15	PARKS AND RECREATION	721,100	427,974	293,126	59%
16	BUILDING	319,750	173,451	146,299	54%
19	ENDING FUND BALANCE	875,110	-	875,110	
001	TOTAL GENERAL FUND	9,924,681	5,897,667	4,027,014	59%
101	STREET FUND	1,660,416	1,048,826	611,590	63%
102	STREET CAPITAL FUND	10,193,430	2,536,025	7,657,405	25%
105	DRUG INVESTIGATION FUND	93,295	36,407	56,888	39%
107	HOTEL-MOTEL FUND	423,715	199,230	224,485	47%
108	PUBLIC ART CAPITAL PROJECTS	106,697	8,491	98,206	8%
109	PARK DEVELOPMENT FUND	2,359,286	1,285,035	1,074,251	54%
110	CIVIC CENTER DEBT RESERVE	4,132,012	-	4,132,012	
208	LTGO BOND REDEMPTION	1,305,005	666,078	638,927	51%
209	2000 NOTE REDEMPTION	99,969	-	99,969	
210	LID NO. 99-1 GUARANTY	100,194	-	100,194	
211	UTGO BOND REDEMPTION	386,070	59,674	326,396	15%
301	PROPERTY ACQUISITION FUND	209,388	-	209,388	
305	GENERAL GOVT CAPITAL IMPR	166,224	-	166,224	
309	IMPACT FEE TRUST	454,553	-	454,553	
401	WATER OPERATING	1,248,843	500,838	748,005	40%
402	SEWER OPERATING	2,817,630	1,705,830	1,111,800	61%
407	UTILITY RESERVE	192,508	-	192,508	
408	UTILITY BOND REDEMPTION	486,577	481,204	5,373	99%
410	SEWER CAPITAL CONSTRUCTION	11,284,038	4,450,401	6,833,637	39%
411	STORM SEWER OPERATING FUND	876,692	350,179	526,513	40%
412	STORM SEWER CAPITAL	229,000	-	229,000	
420	WATER CAPITAL ASSETS	1,409,149	339,495	1,069,654	24%
605	LIGHTHOUSE MAINTENANCE TRUST	1,946	-	1,946	
607	EDDON BOATYARD TRUST	-	331,707	(331,707)	
608	FHS TRAFFIC MITIGATION TRUST	-	830,000	(830,000)	
631	MUNICIPAL COURT	-	115,632	(115,632)	
		\$ 50,161,318	\$ 20,842,718	\$ 29,318,600	42%

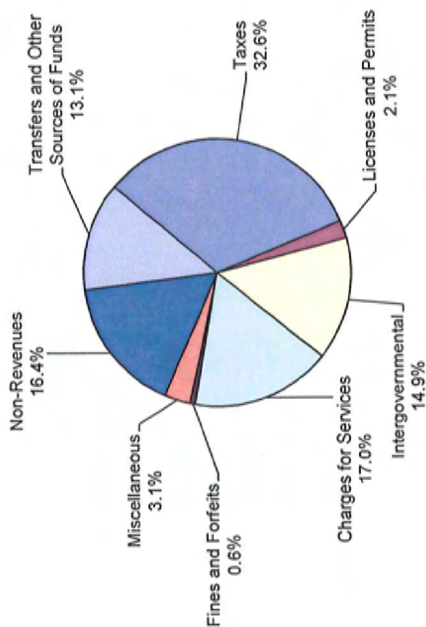
Expenditures as a Percentage of Annual Budget



CITY OF GIG HARBOR
 YEAR-TO-DATE REVENUE SUMMARY
 BY TYPE
 FOR PERIOD ENDING September 30, 2009

TYPE OF REVENUE	AMOUNT
Taxes	\$ 6,176,673
Licenses and Permits	405,502
Intergovernmental	2,824,485
Charges for Services	3,225,214
Fines and Forfeits	115,642
Miscellaneous	592,186
Non-Revenues	3,109,131
Transfers and Other Sources of Funds	2,488,890
Total Revenues	18,937,721
Beginning Cash Balance	13,064,843
Total Resources	\$ 32,002,565

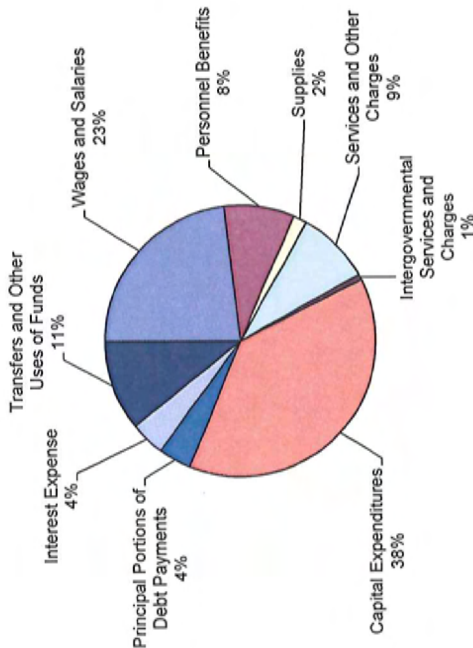
Revenues by Type - All Funds



CITY OF GIG HARBOR
 YEAR-TO-DATE EXPENDITURE SUMMARY
 BY TYPE
 FOR PERIOD ENDING September 30, 2009

TYPE OF EXPENDITURE	AMOUNT
Wages and Salaries	\$ 4,822,967
Personnel Benefits	1,747,816
Supplies	353,225
Services and Other Charges	1,823,923
Intergovernmental Services and Charges	132,562
Capital Expenditures	8,035,931
Principal Portions of Debt Payments	825,130
Interest Expense	861,826
Transfers and Other Uses of Funds	2,239,338
Total Expenditures	20,842,718
Ending Cash Balance	9,234,921
Total Uses	\$ 30,077,639

Expenditures by Type - All Funds



CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF SEPTEMBER 30, 2009

		SPECIAL REVENUE FUNDS						
		101	102	105	107	108	109	110
		STREET	ST CAP	DRUG	HOTEL -	PUBLIC ART	PARK DVLP	CIVIC CTR
			INVESTIGATION		MOTEL	PROJECTS	FUND	DEBT RSRV
ASSETS								
CASH	\$	7,358	\$ (4,315)	\$ 3,446	\$ 6,954	\$ 4,747	\$ 54,973	\$ 150,404
INVESTMENTS		134,480	(78,868)	44,710	127,093	86,747	1,004,662	2,748,733
RECEIVABLES		48,298	-	-	30,705	-	110,179	1,040,098
FIXED ASSETS		-	-	-	-	-	-	-
OTHER		-	-	-	-	-	-	-
TOTAL ASSETS		190,136	(83,183)	48,157	164,752	91,493	1,169,814	3,939,235
LIABILITIES								
CURRENT		3,049	58,572	-	-	-	1,118,900	-
LONG TERM		33,463	-	-	-	-	103,736	-
TOTAL LIABILITIES		36,512	58,572	-	-	-	1,222,636	-
FUND BALANCE:								
BEGINNING OF YEAR		224,511	446,713	74,360	212,014	99,409	(2,349,875)	3,922,200
Y-T-D REVENUES		977,939	1,947,557	10,204	151,968	576	1,501,892	17,035
Y-T-D EXPENDITURE		(1,048,826)	(2,536,025)	(36,407)	(199,230)	(8,491)	(1,285,035)	-
ENDING FUND BALANCE		153,624	(141,755)	48,157	164,752	91,493	(2,133,019)	3,939,235
TOTAL LIAB. & FUND BAL		190,136	(83,183)	48,157	164,752	91,493	(2,080,196)	3,939,235

CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF SEPTEMBER 30, 2009

		SPECIAL REVENUE FUNDS								
		301	305	309	605	607	608	631	TOTAL	
		PROPERTY	GEN GOVT	IMPACT FEE	LIGHTHOUSE	EDDON	FHS TRFC	MUNICIPAL	SPECIAL	
		ACQUISITION	CAPITAL	TRUST FUND	MAINT	BOATYARD	MITIGATION	COURT	REVENUE	
ASSETS										
CASH	\$	11,194	\$ 12,632	\$ 391	\$ 109	\$ -	\$ 466	\$ -	\$ 248,358	
INVESTMENTS		204,572	230,857	7,144	1,992	-	8,496	-	4,520,618	
RECEIVABLES		-	-	-	-	-	-	-	1,229,280	
FIXED ASSETS		-	-	-	-	-	-	-	-	
OTHER		-	-	-	-	-	-	-	-	
TOTAL ASSETS		215,766	243,488	7,535	2,101	-	8,962	-	5,998,256	
LIABILITIES										
CURRENT		-	-	(5)	-	-	-	-	1,180,517	
LONG TERM		-	-	-	-	-	-	-	137,199	
TOTAL LIABILITIES		-	-	(5)	-	-	-	-	1,317,715	
FUND BALANCE:										
BEGINNING OF YEAR		122,045	174,308	6,781	2,088	181,664	(3,458,757)	-	(342,540)	
Y-T-D REVENUES		93,721	69,180	759	12	150,043	40	108,174	5,029,100	
Y-T-D EXPENDITURE		-	-	-	-	(331,707)	(830,000)	(108,174)	(6,383,896)	
ENDING FUND BALANCE		215,766	243,488	7,540	2,101	-	(4,288,718)	-	(1,697,335)	
TOTAL LIAB. & FUND BAL	\$	215,766	\$ 243,488	\$ 7,535	\$ 2,101	\$ -	\$ (4,297,679)	\$ -	\$ (1,558,395)	

CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF SEPTEMBER 30, 2009

	208	209	210	211	TOTAL
	LTGO BOND	2000 NOTE	LID 99-1	UTGO BOND	TOTAL
	REDEMPTION *****	REDEMPTION*****	GUARANTY	REDEMPTION*****	DEBT
					SERVICE
ASSETS					
CASH	\$ 17,772	\$ 3,718	\$ 4,925	\$ 13,411	\$ 39,826
INVESTMENTS	324,799	67,947	90,008	245,091	727,844
RECEIVABLES	-	-	-	11,661	11,661
FIXED ASSETS	-	-	-	-	-
OTHER	-	-	-	-	-
TOTAL ASSETS	342,571	71,664	94,933	270,162	779,330
LIABILITIES					
CURRENT	-	-	-	-	-
LONG TERM	-	-	-	9,198	9,198
TOTAL LIABILITIES	-	-	-	9,198	9,198
FUND BALANCE:					
BEGINNING OF YEAR	45,803	5,350	94,375	136,396	281,924
Y-T-D REVENUES	962,846	66,315	558	184,242	1,213,960
Y-T-D EXPENDITURE	(666,078)	-	-	(59,674)	(725,752)
ENDING FUND BALANCE	342,571	71,664	94,933	260,964	770,132
TOTAL LIAB. & FUND BAL \$	342,571 \$	71,664 \$	94,933 \$	270,162 \$	779,330

CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF SEPTEMBER 30, 2009

	PROPRIETARY										TOTAL
	401	402	407	408	410	411	412	420	420	420	
	WATER OPERATING	SEWER OPERATING	UTILITY RESERVE	UTILITY BOND REDEMPTION	SEWER CAP. CONST.	STORM SEWER OPERATING	STORM SEWER CAPITAL	WATER CAP. ASSETS	WATER CAP. ASSETS	PROPRIETARY	TOTAL
ASSETS											
CASH	\$ 33,720	\$ 25,075	\$ 9,818	\$ 19	\$ 5,196	\$ 22,456	\$ 60	\$ 38,361	\$ 134,705	\$ 480,392	
INVESTMENTS	614,421	456,430	179,427	347	94,959	410,408	1,101	701,080	2,458,174	8,755,691	
RECEIVABLES	324,723	243,952	-	-	-	56,459	-	-	625,134	3,098,919	
FIXED ASSETS	3,558,006	9,355,043	-	-	4,377,266	526,628	-	511,245	18,328,188	18,328,188	
OTHER	-	-	-	-	-	-	-	-	-	-	
TOTAL ASSETS	4,530,871	10,080,499	189,245	366	4,477,421	1,015,951	1,162	1,250,687	21,546,201	30,663,190	
LIABILITIES											
CURRENT	127,301	-	-	477,152	4,933	2	-	10,286	619,674	1,792,741	
LONG TERM	52,739	63,082	-	3,397,750	-	47,289	-	-	3,560,859	3,718,617	
TOTAL LIABILITIES	180,039	63,082	-	3,874,902	4,933	47,291	-	10,286	4,180,533	5,511,359	
FUND BALANCE:											
BEGINNING OF YEAR	4,025,474	9,927,805	188,133	(3,874,166)	5,905,640	751,489	-	1,554,068	18,478,442	20,678,952	
Y-T-D REVENUES	826,196	1,795,442	1,112	480,834	3,017,250	567,349	1,162	25,828	6,715,173	18,930,264	
Y-T-D EXPENDITURE	(500,838)	(1,705,830)	-	(481,204)	(4,450,401)	(350,179)	-	(339,495)	(7,827,947)	(20,835,261)	
ENDING FUND BALANCE	4,350,831	10,017,417	189,245	(3,874,536)	4,472,488	968,660	1,162	1,240,401	17,365,668	18,773,956	
TOTAL LIAB. & FUND BAL \$	4,530,871	10,080,499	189,245	366	4,477,421	1,015,951	1,162	1,250,687	21,546,201	23,106,540	

**POLICE**

TO: MAYOR CHUCK HUNTER AND CITY COUNCIL
FROM: CHIEF OF POLICE MIKE DAVIS
SUBJECT: 2009 3RD QUARTER COUNCIL REPORT
DATE: NOVEMBER 9, 2009

We are working our way through the short staffing issues we experienced for the first two quarters of this year and part of the third. For a couple months we had four officers off work, which made covering our shifts a real challenge. Thanks to all of our staff who remained committed to our mission of providing exceptional law enforcement services during these challenging times. I appreciated their willingness to be flexible in having their work schedules changed on short notice. Also thanks to Lt. Colberg for working a patrol shift to cover the staff shortages on swing shift during this difficult time. We truly have some of the best in the business working at the Gig Harbor Police Department.

DEPARTMENTAL ACTIVITIES

- Third Quarter 2009 YTD ***calls for service*** when compared to Third Quarter 2008 YTD ***calls for service*** show an increase in calls for service of 374. This increase is surprising because much of this year we have been working with diminished staffing. With fewer officers working-- discretionary police actions (i.e. on-view arrests) are normally reduced. This would lead me to believe our increase in demand for services from the community will continue to be the trend.
- In the Third Quarter 2009 YTD we have had 26 fewer ***reports written*** by our officers than Third Quarter 2008 YTD.
- ***DUI arrests*** in Third Quarter 2009 YTD were down by 30 compared to Third Quarter 2008 YTD. Our ***traffic infractions*** are up by 22 so far this year; and our ***criminal traffic citations*** are down by 11. Our ***traffic accidents*** in Third Quarter 2009 YTD have decreased by 51 accidents when compared to Third Quarter 2008 YTD. I have talked with other jurisdictions and they have also noticed the same decrease in traffic accidents. I believe some of this decrease is attributed to people driving less due to the economy.
- Third Quarter 2009 YTD statistics show our ***misdemeanor*** arrests are the same as Third Quarter 2008 (383) and our ***felony arrests*** are down by 30 when compared to the same period in 2008.

Category	THIRD Quarter 2009					
	September 2008	September 2009	Change	YTD 2008	YTD 2009	Change
Calls for Service	484	722	238	5716	6090	374
General Reports	177	203	26	1584	1558	-26
Criminal Traffic	33	22	-11	223	297	74
Infractions	199	135	-64	1078	1100	22
Criminal Citations	25	10	-15	163	152	-11
Warrant Arrests	14	3	-11	51	31	-20
Traffic Reports	12	12	0	147	96	-51
DUI Arrests	15	1	-14	71	41	-30
Misdemeanor Arrests	56	29	-27	383	383	0
Felony Arrests	8	3	-5	74	44	-30

MARINE UNIT: In the month of June 2009, the Marine Services Unit accounted for the following hours and activity:

- Patrol Hours: 66
- Written Inspections: 7
- Boating Complaints (responded to): 4
- Search & Rescue calls: 1
- Boater Assists (tows etc...): 4
- Verbal Warnings: 4
- Dispatched Calls: 3
- GHPD also provided on-water security and assistance with the annual “Blessing of the Fleet” event.

In the month of August 2009, the Marine Services Unit accounted for the following hours and activity:

- Patrol Hours: 67.5
- Dispatched Calls for Service: 5
- Boating Complaints Received: 3
- Boater Assists: 2
- Verbal Warnings Issued: 40
- Safety Inspections Written: 22
- Search & Rescue Calls: 4

- Search & Rescue calls included a boat fire near Eastbay Drive-- a boater in distress between Fox Island & Narrows Bridge, an overturned boat in Carr Inlet and a possible jumper on the bridge
- The MSU also participated in the National Night Out by displaying the patrol boat at the City Dock

During the month of September 2009, the MSU accounted for the following hours and activity:

- Patrol Hours: 46
- Calls for Service: 4
- Boater Assists: 4
- Search & Rescue Calls: 1
- Boater Safety Inspections: 10
- Verbal Warnings for Boating Infractions: 24
- Assisted PCSO with body recovery in the Narrows. A white male in his 50's (John Doe) believed to be a jumper from Narrows Bridge was recovered and transported to Tacoma. This is a Pierce County SO case.

The end of the 3rd Quarter marks the end of our official boating season. With our new patrol boat being moored permanently we will be available to respond to emergencies 24/7.

RESERVE UNIT: Reserves Ed Santana and Lori Myers continue to support our regular officers by serving as the second officer in two person cars. They have also been very helpful and supportive during a host of summer activities this past year. Our current reserve officer in training, Adam Blodgett, who is a former Explorer with our department, is down to the last few weeks of his Reserve Academy training. He is graduating the 12th of December. He should be ready to start his in house training in January 2010.

COPS (Citizens Offering Police Support): COPS Volunteer Dennis Schaumann was welcomed into the program in June and has been very helpful with tracking our false alarms and assisting Ken McCray and Mort Altman with speed monitoring and enforcement of our disabled parking laws. Connie Easley has been busy with crisis intervention duties and serving as a department victim advocate. She was very involved in assisting the family and friends of the young Gig Harbor High School student that committed suicide in October. Sergeant Kelly Busey is currently serving as the supervisor of the unit. I am very pleased with the team we are assembled and we look forward to expanding the program gradually during the next couple years.

NARCOTIC K-9 PROGRAM: Our foundation, The Jaycox Gig Harbor Police Benevolent Fund received a \$4,500.00 donation from a Canadian law enforcement agency that took possession of one of our foster police dogs. The foster dog program was created and administered by K-9 Officer Chet Dennis. The program involved taking a litter of German Shepard pups belonging to Chet and assigning them to members of our community that wanted to learn about training police K-9s. Chet spent several weeks working with these

families and dogs. One of the dogs proved to be highly suitable to receive additional training to become a Police K-9. He was sent through K-9 training with Chet's dog Maher last February. Chet eventually learned an agency in Canada was looking for a Narcotic K-9. The dog eventually worked out and the payment/donation was received last month. This money will be used to help support our current Narcotics K-9 program. The major funding source for our dog program is drug seizure funds; our foundation is being used to assist with additional financial support.

Below are our officer response times for our Priority 1, 2 and 3 calls for the 3rd Quarter of 2009. Priority 1 calls are the most serious calls and usually involve an in-progress crime. Our 2008 end of year average response time to all calls was 6.67 minutes. Our

GHPD Response Times 09

	P1	P2	P3
January	4.6	6.6	11.6
February	4.4	6.5	10.2
March	2.99	6.33	8.86
April	7.84	7.06	8.04
May	3.81	7.51	9.58
June	5.39	7.35	8.38
July	3.68	6.78	8.69
August	1.56	6.52	8.86
September	5.95	6.5	10.94
October	0	0	0
November	0	0	0
December	0	0	0
Totals	40.22	61.15	85.15
YTD Response Times	4.47	6.79	9.46

average response time to all calls for the 1st Quarter of 2009 was 6.9 minutes. Our average response time to all calls for the 2nd Quarter of 2009 was 7.2 minutes. And our average response time to all calls for the 3rd Quarter was 6.56 minutes. Our goal is to respond to Priority 1 calls within 4 minutes 90% of the time. We are very close to this standard with our YTD police response time to Priority 1 calls standing at 4.47 minutes so far in 2009.

Below you will find the reported traffic accidents for the 3rd quarter of 2009. We are tracking the accidents in the north end roundabouts to determine the impact the new St. Anthony's Hospital has had, particularly the Burnham-Borgen roundabout. The 1st quarter in 2008 had five (5) accidents in the Burnham roundabout and in the 2nd quarter in 2009 we saw seven (7). In the 3rd quarter we saw three (3) so, the conclusion at this point is the increased traffic from the hospital has not caused a large number of additional accidents within our roundabouts. This may change during the current construction which is causing increased congestion in this area during peak traffic hours.

Out of the 65 accidents during the 3rd quarter, only seven (7) involved injuries and these were minor injuries.

TRAFFIC ACCIDENTS FOR 3rd QUARTER 2009					
DATE	TIME	LOCATION	CROSS STREET	TYPE	INJURY
7/2/2009	14:00	56th St. Ct. NW	5225		N
7/6/2009	10:32	Burnham Dr.	Borgen Blvd.		N
7/6/2009	22:22	Pt. Fosdick Dr.	5010		N
7/8/2009	14:36	51st Ave.	11330		N
7/12/2009	1:30	Olympic Dr.	53rd St. Ct.	H&R	N
7/14/2009	14:00	Kimball Dr.	6908		N
7/16/2009	23:50	Burnham Dr.	4309		N
7/16/2009	13:10	Harborview Dr.	Pioneer Way		N
7/17/2009	14:13	Harborview Dr.	N. Harborview Dr.		N
7/21/2009	11:10	Pt. Fosdick Dr.	4815		N
7/22/2009	15:55	Olympic Dr.	5400		Y
7/24/2009	17:55	Harborview Dr.	2925		Y
7/24/2009	17:30	Olympic Dr.	5000		N
7/24/2009	16:00	Pt. Fosdick Dr.	4600		N
7/26/2009	4:00	Woodhill Dr.	Burnham Dr.		N
7/31/2009	17:00	N. Harborview Dr.	8827		N
8/3/2009	10:40	Olympic Dr.	Pt. Fosdick Dr.	FTY- Right of Way	Y
8/4/2009	13:24	Pt. Fosdick Dr.	Olympic Dr.	Hit & Run	N
8/4/2009	22:12	Judson Street	3110		N
8/5/2009	13:40	Olympic Dr.	Hollycroft St.	Inattention To Driving	Y
8/6/2009	11:06	Pt. Fosdick Dr.	4700		N
8/6/2009	13:40	N. Harborview Dr.	8827	Fail To Yield - No Ins.	N
8/8/2009	18:08	Kimball Dr.	6908	H&R	N
8/9/2009	10:57	Stinson Ave.	Edwards Ave.	DWLS 3rd driver #1	N
8/11/2009	7:53	Burnham Dr.	Sehmel Dr.	Too Fast for Conditions	N
8/11/2009	14:44	Stinson Ave.	Spadoni Ln	DWLS 3rd & No Ins.	N
8/14/2009	12:30	Soundview Dr.	Olympic Dr.		N
8/16/2009	14:44	Pioneer Way	Stinson Ave.	Fail to yield, ROW	N
8/16/009	19:00	51st Ave. NW	11400	DUI	N
8/17/2009	10:25	Point Fosdick Drive	4831		N
8/16/2009	15:40	Borgen Blvd.	Burnham Dr.		N
8/17/2009	18:35	Burnham Dr.	10711		N
8/18/2009	15:40	Pt. Fosdick Dr.	4811		N
8/22/2009	10:33	Soundview Dr.	Anne Marie Ct.	Inattentive To Driving	Y
8/23/2009	14:00	Borgen Blvd.	5120		N
8/27/2009	15:52	Pt. Fosdick Dr.	5004	H&R, Reckless, DWLS 3rd	N
8/28/2009	13:10	51st Ave.	11450		N
9/2/2009	12:00	Gig Harbor	Gig Harbor		N
9/2/2009	16:48	Wollochet Dr.	6900	Inattention To Driving	Y
9/3/2009	12:13	Olympic Dr.	SR16		N
9/3/2009	21:41	Pt. Fosdick Dr.	4803	DUI & H&R	N

TRAFFIC ACCIDENTS FOR 3rd QUARTER 2009 (CONT)					
DATE	TIME	LOCATION	CROSS STREET	TYPE	INJURY
9/3/2009	21:41	Pt. Fosdick Dr.	4803	DUI & H&R	N
9/6/2009	0:05	Soundview Dr. #15	6100		N
9/6/2009	13:10	Borgen Blvd.	5300		N
9/8/2009	15:15	Olympic Dr.	5300		N
9/9/2009	11:36	Olympic Dr.	Hollycroft St.	No Proof of Ins.	Y
9/12/2009	1:50	Burnham Dr.	4309		N
9/12/2009	17:55	Pt. Fosdick Dr.	4600		N
9/12/2009	20:20	Olympic Dr.	SR16	Fail To Yield ROW	N
9/17/2009	11:56	Pt. Fosdick Dr.	4831		N
9/17/2009	16:10	Stanich Ave.	Judson St	Fail To Yield	N
9/18/2009	17:58	Olympic Dr.	SR16		N
9/19/2009	12:15	Olympic Dr.	50th St.	Inatten. To Driving	N
9/21/2009	12:13	Borgen Blvd.	4810	DWLS 3rd,H&R, No CDL	N
9/21/2009	12:24	Borgen Blvd.	Canterwood Blvd.		N
9/22/2009	3:20	SR16	144th St.		N
9/23/2009	12:13	Olympic Dr.	50th St.	Fail To Stop @ Red Light	N
9/24/2009	19:51	Pioneer Way	7800		N
9/25/2009	14:26	Harborview Dr.	Rosedale St.	DWLS 3rd / No Ins	N
9/25/2009	16:02	Pt. Fosdick Dr.	Olympic Dr.		N
9/26/2009	7:54	Harborview Dr.	4116		N
9/26/2009	10:30	Wollochet Dr.	Stinson Ave.	Inattention to driving	N
9/27/2009	14:38	51st Ave.	11400		N
9/27/2009	13:12	Borgen Blvd.	51st Ave.	Inattention to driving	N
9/29/2009	16:50	Judson Street	3101		N

2009 3rd Quarter Crime Mapping Report

Year-to-date through August 2009 there were 810 incidents within Gig Harbor. September statistics were not available when this report was submitted. An interesting change through the third quarter is a high increase in robbery cases (600%) compared to the same time last year. Looking at the actual cases, it is apparent the robberies are minor purse and wallet thefts without weapons being used. As you can see the crime of theft is up-- most notably our non-residential burglaries (commercial burglaries) continue to be up by 200%. Overall we have seen a 9% decrease in reported crimes through August of 2009 when compared to the same period in 2008. This is not as bad as it could be considering that the economy is taking longer than we would like to recover. Another factor that tends to increase crimes, especially property crimes is the unemployment rate. Our local unemployment rate continues to be close to 10%.

Kidnap/Child Lure					
	August 2008	August 2009	Year-To-Date (through Aug 2008)	Year-To-Date (through Aug 2009)	Year-To-Date Percent Change
Child Luring	0	0	0	1	N/A
Kidnapping (restrain or abduct)	0	0	0	0	0%
Kidnap/Child Lure Total:	0	0	0	1	N/A

Violent Crimes					
	August 2008	August 2009	Year-To-Date (through Aug 2008)	Year-To-Date (through Aug 2009)	Year-To-Date Percent Change
Aggravated Assault	0	1	3	4	33%
Non Aggravated Assault	4	2	31	24	-23%
Homicide	0	0	0	0	0%
<i>Business Robbery:</i>	0	0	0	0	0%
<i>Residential Robbery:</i>	0	0	0	1	N/A
<i>Street Robbery:</i>	0	0	0	4	N/A
<i>Other Robbery:</i>	1	0	1	2	100%
Robbery	1	0	1	7	600%
Violent Crimes Total:	5	3	35	35	0%

Property Crimes					
	August 2008	August 2009	Year-To-Date (through Aug 2008)	Year-To-Date (through Aug 2009)	Year-To-Date Percent Change
<i>Residential Arson:</i>	0	0	0	0	0%
<i>Non-Residential Arson:</i>	0	0	1	0	-100%
Arson	0	0	1	0	-100%
Motor Vehicle Theft	1	2	13	13	0%
<i>Gas Station Runouts:</i>	0	1	4	1	-75%
<i>Mail Theft:</i>	0	2	1	4	300%
<i>Shoplifting:</i>	2	11	42	60	43%
<i>Theft from Vehicle:</i>	11	8	89	62	-30%
<i>Trailer Theft:</i>	0	0	0	1	N/A
<i>Boat Theft:</i>	0	0	0	2	N/A
<i>Other Theft:</i>	10	4	54	26	-52%
Theft	23	26	190	156	-18%
<i>Residential Burglary:</i>	3	2	15	12	-20%
<i>Non-Residential Burglary:</i>	6	0	15	21	40%
Burglary	9	2	30	33	10%
<i>Residential Vandalism:</i>	11	4	99	75	-24%

<i>Non-Residential Vandalism:</i>	2	1	7	4	-43%
Vandalism	13	5	106	79	-25%
Property Crimes Total:	46	35	340	281	-17%

Drug Crimes					
	August 2008	August 2009	Year-To-Date (through Aug 2008)	Year-To-Date (through Aug 2009)	Year-To-Date Percent Change
Drug Possession (Methamphetamine)	0	1	4	3	-25%
Drug Sale/Manufacture (Methamphetamine)	0	0	1	1	0%
Drug Possession (Other)	2	4	39	30	-23%
Drug Sale/Manufacture (Other)	1	1	6	8	33%
Drug Crimes Total:	3	6	50	42	-16%

Warrant Arrests, Fraud, Traffic, and Other Incidents					
	August 2008	August 2009	Year-To-Date (through Aug 2008)	Year-To-Date (through Aug 2009)	Year-To-Date Percent Change
Weapons Violations	0	1	6	7	17%
Warrant Arrests	6	9	47	55	17%
Fraud or Forgery	8	8	47	52	11%
Criminal Traffic	56	42	301	282	-6%
Liquor Law Violations	1	6	31	27	-13%
Telephone Harassment	1	1	6	6	0%
Intimidation	1	0	12	8	-33%
Possession of Stolen Property	1	0	6	6	0%
Warrant Arrests, Fraud, Traffic, and Other Incidents Total:	74	67	456	443	-3%

Other Crimes					
	August 2008	August 2009	Year-To-Date (through Aug 2008)	Year-To-Date (through Aug 2009)	Year-To-Date Percent Change
Criminal Trespass	1	0	6	5	-17%
Failure to Register/Sex Offender	1	0	2	2	0%
Simple assaults	0	0	3	0	-100%
Trafficking in Stolen Property	0	0	0	1	N/A
Other Crimes Total:	2	0	11	8	-27%

Totals					
	August 2008	August 2009	Year-To-Date (through Aug 2008)	Year-To-Date (through Aug 2009)	Year-To-Date Percent Change

Grand Total:	130	111	892	810	-9%
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Below are our 2009 3rd Quarter performance measures and workload indicators. Our workload indicators seem to be flat with the only exception being calls for service.

**2009 3rd Quarter
Performance Measures**

	2008 3rd Qtr	2009 3rd Qtr	2008 Actual	2009 Estimate
% of citizens who feel safe in general according to survey	n/a	n/a	n/a	80%
UCR Violent crimes per 1000 population	n/a	n/a	1.9	1.5
UCR Property crimes per 1000 population	n/a	n/a	50.09	45
Average police emergency response time in minutes	6.66	6.56	6.67	6.8

Workload Measures

	2008 3rd Qtr	2009 3rd Qtr	2008 Actual	2009 Estimate
Number of dispatched calls for service	2109	2190	8206	8500
Number of office walk in requests for service	610	595	2311	2100
Number of cases assigned for follow-up	67	51	242	220
Number of police reports written	577	517	2088	2500

Note: UCR stats are published yearly

###

NOTICE OF LIQUOR LICENSE APPLICATION



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

Corrected

DATE: 10/26/09

TO: MOLLY TOWSLEE, CITY CLERK
RE: NEW APPLICATION

UBI: 602-962-618-001-0001

License: 080669 - 1U County: 27
Tradename: THE WINE STUDIO
Loc Addr: 3123 56TH # 5 ST NW WA 98335-1302
GIG HARBOR
Mail Addr: 4411 155TH ST NW WA 98332-9077
GIG HARBOR

APPLICANTS:
THE WINE SUDIO LLC
BECK, DIANA
1969-07-15

Phone No.: 360-286-4482 DIANA BECK

Privileges Applied For:
BEER/WINE SPECIALTY SHOP

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

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Do you approve of applicant ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken? | <input type="checkbox"/> | <input type="checkbox"/> |
| (See WAC 314-09-010 for information about this process) | | |
| 4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based. | | |

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE



Subject: BB16 Mitigation Improvements
Project Consultant Services Contract
Amendment #1 -- Construction Survey and
Professional Technical Support Services

Proposed Council Action: Authorize
Amendment #1 to Consultant Services
Contract for David Evans and Associates, Inc.
for additional work of surveying and technical
support for the SR16/Burnham Drive NW
Interchange Improvement Project

Dept. Origin: Engineering Division
Prepared by: Marcos McGraw *MPM*
Project Engineer
For Agenda of: November 9, 2009
Exhibits: Amendment #1 to Consultant
Services Contract

Initial & Date

Concurred by Mayor: *CLH 11/5/09*
Approved by City Administrator: *RDK 11/5/09*
Approved as to form by City Atty: *approved by e-mail*
Approved by Finance Director:
Approved by Department Head: *11/5/09*

Expenditure	Amount	Appropriation
Required \$25,385.00	Budgeted \$7,500,000.00	Required 0

INFORMATION / BACKGROUND

On June 8, 2009, Council awarded a consultant services contract for design and engineering services to David Evans and Associates, Inc. in the amount of \$554,518.00. This contract amendment provides for additional geotechnical construction design and inspection services during construction.

During the course of the installation of the deep 45 foot long retaining wall soldier piles, unforeseen below ground obstructions were encountered during the drilling operation for these piles. Obstructions consisted of large tree stumps and at times concrete rubble. In addition, there is very limited available room for the contractor to work as the area is constrained on one side by the vehicular traffic and on the other side by a steep embankment and a fish bearing stream, which cannot be impacted during construction. Additionally, additional design was required on behalf of the geotechnical engineer to address the contractor's revised earth retaining wall fabrication details and design.

All of these factors contributed to much slower daily installation rate for these piles and consequently addition inspection time has elapsed. Please see the attached description from the Geotechnical Engineer for the additional requested monies.

FISCAL CONSIDERATION

This contract amendment will be paid from the 2009 Street Capital Fund item 1, which is funded by FHS and a State Grant. FHS has been notified of these added costs.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Authorize Amendment #1 to Consultant Services Contract for David Evans and Associates, Inc. for additional work of geotechnical inspection and technical support for the SR16/Burnham Drive NW Interchange Improvement Project in the not-to-exceed amount of twenty-five thousand three hundred eighty-five dollars and zero cents (\$25,385.00), for a revised contract total of \$579,903.00.

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

THIS FIRST AMENDMENT to that certain Consultant Service Contract dated June 8, 2009 (the "Agreement"), is entered into by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and David Evans and Associates, Inc., a corporation organized under the laws of the State of Washington, located and doing business at 3700 Pacific Highway East, Suite 311, Tacoma, Washington 98424 (hereinafter the "Consultant").

WHEREAS, the parties desire to execute an amendment to the Agreement in order to modify the scope of work to be performed by the Consultant, the amount of compensation paid by the City and the duration of the Agreement;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agreement as follows:

Section 1. **Amendment to Scope of Work.** Section 1 of the Agreement is amended to require the Consultant to perform all work described in **Exhibit A**, attached to this Amendment and incorporated herein.

Section 2. **Amendment to Compensation.** Section II(A) of the Agreement is amended to require the City to pay compensation to the Consultant for the work described in **Exhibit A** in the amount of Twenty-five Thousand Three Hundred Eighty-five Dollars and No Cents (\$25,385.00), as set for on **Exhibit B**, attached hereto and incorporated herein.

Section 3. **Duration of Work.** Section IV of the Agreement is amended to agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement and the parties agree that the work described in **Exhibit A** shall be completed by August 31, 2010; provided however, that additional time shall be granted by the City for excusable days or extra work.

EXCEPT AS EXPRESSLY MODIFIED BY THIS FIRST AMENDMENT, ALL TERMS AND CONDITIONS OF THE AGREEMENT SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2009.

David Evans and Associates, Inc.
By: Randy Adams
Its Senior Associate

City of Gig Harbor
By: _____
Mayor

Notices to be sent to:

CONSULTANT
David Evans & Associates, Inc.
Attn: Randy Anderson
3700 Pacific Highway East, Suite 311
Tacoma, Washington 98424
(253) 922-9780

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

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

AUTHORIZATION FOR PROFESSIONAL SERVICES

CLIENT: City of Gig Harbor DATE: November 4, 2009

ADDRESS: 3500 Grandview Street, Gig Harbor, WA 98335

By signing this Agreement, CLIENT authorizes DEA to perform all services described below.

1. **PROJECT:** The services described below are to be provided by DEA in connection with a Project identified as follows:

Amendment 1 of the Construction Survey and Professional Support Services contract for SR 16 /Burnham Drive NW, relating to increased inspection services.

2. **SCOPE OF SERVICES:** DEA will perform the following services:

- 1. Extra geotechnical inspection of the installation of soldier piles that is required because of a slower than anticipated rate of construction. See attached letter of explanation from HWA for full scope.
- 2. Additional project management associated with the extra inspection services.

3. **FEE FOR SERVICES:** The fee to DEA for performing service under this Agreement will be paid as follows:

- A retainer amount of \$_____ payable at the time this Authorization is signed. This retainer amount will apply to the fees due under this Agreement at the completion of the services provided by DEA.
- A fixed fee of \$_____.
- Hourly fees and costs to be paid based on rate schedule attached - Attachment B.
- Other:_____.

4. **EXTRA SERVICES:** DEA will also perform Extra Services (services not specified under Scope of Services), provided DEA and CLIENT have agreed in writing to the scope of and fee for such Extra Services.

5. **ATTACHMENTS:** The following attached documents are incorporated and by this reference made a part of this Agreement:

- Standard Provisions
- Personnel Rates and Expenses - Attachment B
- Scope of Services - Attachment A
- Other: _____

CLIENT and DEA acknowledge that they are in agreement with the terms and conditions as set forth in this Authorization.

ACCEPTED FOR CLIENT:
{FILL IN CLIENT NAME}

BY _____

NAME _____

TITLE _____

DATE _____

ACCEPTED FOR DEA:
DAVID EVANS AND ASSOCIATES, INC.

BY _____

NAME Randy Anderson

TITLE Client Manager

DATE November 4, 2009

**HWA GEOSCIENCES INC.***Geotechnical & Pavement Engineering • Hydrogeology • Geoenvironmental • Inspection & Testing*

November 3, 2009
HWA Project No. 2009-002-21 T200

David Evans Associates

3700 Pacific Highway East, Suite 311
Fife, Washington 98424

Attention: Mr. Steve Shanafelt

Subject: **BUDGET SUPPLEMENT REQUEST**
Geotechnical Construction Support Services
SR 16/Burnham Drive NW Interchange Improvements
City of Gig Harbor, Washington

Dear Mr. Shanafelt:

The purpose of this letter is to provide a progress and budget status report for the above-subject project. This is also our request for a budget supplement.

WORK COMPLETED TO DATE

Displacement rammed aggregate piers (D-RAP's) for Wall BR-1/B-1, are complete. A total of 2,588 lineal feet (pay length) of D-RAP was constructed. This work was completed in ten (10) working days, from September 9 to 21, 2009. An average production rate of 259 lineal feet (pay length) per day was achieved; our estimate of production was 250 feet per day.

For soldier pile Wall B-1 from STA 1+00 to 3+88, 47 soldier pile sections have been installed over 24 working days from September 29 to November 2. This is an average production rate of about 2 soldier pile sections set per working day. An additional 2 soldier piles are yet to be installed to STA 3+88 (per the original DEA design). Due to site constraints, the contractor's means and methods, subsurface conditions, and based on recent production in this area, these remaining 2 piles will be installed at an average production rate of one section per day.

For soldier pile Wall A-2, a total of 14 soldier pile sections have been installed over eight (8) working days. This is an average production rate of 1¾ soldier pile sections per day. There are ten (10) soldier piles yet to be installed at Wall A-2. At the current production rate, this should take six (6) more working days to complete.

For Wall B-1 from STA 3+88 to 4+25: HWA provided geotechnical engineering support to DEA in designing a soldier pile and deadman wall section as an alternate to the originally-designed MSE wall with D-RAP ground improvement, to a soldier pile and deadman anchor system.

19730 - 64th Avenue W.
Suite 200
Lynnwood, WA 98036.5957

Tel: 425.774.0106
Fax: 425.774.2714
www.hwageo.com

November 3, 2009
Project No. 2009-002-21 T200

The geotechnical engineering labor costs associated with this design work was tracked and billed separately from our current contract; we incurred a total of \$ in labor expense for this exercise. A total of seven (7) soldier piles and deadman tie-rods will be installed in this section. We anticipate that these soldier piles will be installed at the rate of one section per day.

Construction Meetings, Submittal Reviews, Correspondence, and Project Management.

We have participated in construction meetings, reviewed contractor submittals, and provided overall project management of our work as necessary to provide good service to DEA and the City of Gig Harbor.

SEW Submittal Seismic Design Review and Associated Correspondence. There was a discrepancy in the project specifications regarding the peak ground acceleration coefficient to be used in design of the structural earth walls for this project. Because the SEW designer used the incorrect peak ground acceleration coefficient in the MSE wall designs, HWA performed extensive reviews to evaluate the implications of use of the correct seismic coefficient on the submitted design(s). We performed "what-if" analyses to evaluate the implications of the contractor's re-designs with the correct and appropriate design peak ground acceleration. This work was completed in late August and early September, 2009. This work was not tracked separately from our current construction-support task. However, project geotechnical engineer JoLyn Gillie spent approximately 40 hours of labor, and senior engineer Erik Andersen spent about 16 hours working on this. At our current contract rates, this amounts to \$2,110 in direct salary cost, and \$6,956 in loaded billing rate cost. We have already billed DEA for this work.

WORK REMAINING TO BE COMPLETED

Full time monitoring of soldier pile Wall B-1 shaft excavation and concrete placement: As of the end of the work shift on November 2, two (2) soldier pile sections remain to be installed up to STA 3+88. We estimate that this will require 2 days of full time inspection by our geotechnical engineer, and 2 hours of project manager time.

Extended soldier pile Wall B-1, shaft excavation and concrete placement, STA 3+88 to 4+25. Seven (7) soldier pile sections will be installed in this 37-foot long section. We estimate that these soldier piles will be installed at an average rate of one section per day, therefore, seven (7) days of full-time inspection by our geotechnical engineer will be required, plus 7 hours of project manager time.

Full time monitoring of soldier pile Wall A-2 shaft excavation and concrete placement. There are ten (10) sections remaining to be installed, and we estimate this will require six (6) more days to complete based on the current Wall A-2 production rate. Therefore, six (6) days of full-time inspection by our geotechnical engineer will be required. It is likely that Wall A-2 installation will continue concurrent with Wall B-1 installation for the next few days. If the

November 3, 2009
Project No. 2009-002-21 T200

WSDOT inspector is able to provide part-time assistance in monitoring there will be a reduction in our inspection level of effort.

Inspection of CDF Fill for Wall B-1 2+50 to 3+88: We will monitor placement of controlled density fill (CDF) behind the soldier pile wall from STA 2+50 to 3+88. Our estimate of the time required is based on a production rate of one lift per day for four days, for a total of four lifts. We estimate our hours on-site to be four hours plus two hours of travel time and one hour for daily field reports, a total of seven hours per day. We have included time for our Project Manager to visit the site during CDF placement.

Full Time Inspection during D-RAP Installation, Wall CR-1/C-2: Our geotechnical engineer will provide daily full time inspection during D-RAP installation along Wall CR-1 from STA 1+00 to 1+80, and Wall C-2 from STA 1+00 to 1+75. We will monitor volume of stone replaced and determine the average diameter of each D-RAP, confirm that each D-RAP is located as shown on the Plans, and monitor that each D-RAP is installed to the proper depth. If obstructions are encountered, we will evaluate the methods for removal and determine the appropriate course of action. Project plans indicate approximately 137 D-RAP's are to be installed in this area, and we estimate a total D-RAP footage of approximately 2,050 lineal feet. Assuming an average production rate of 259 lineal feet per day (as was achieved for Wall BR-1/B-1), we estimate these DRAP's require eight (8) working days to complete.

Project Management and Summary Report. At the completion of this portion of the project, we will prepare and submit a summary report of our observations and inspections. We will also provide project management until our work is completed.

CURRENT BUDGET STATUS AND SUPPLEMENT REQUEST

As of the evening of November 2, 2009, we have a budget remaining of approximately \$13,250. As detailed in the attached cost estimate worksheet, we estimate the budget needed to complete this work scope, from November 3 forward, will be approximately \$40,529. This is a somewhat conservative estimate because it does not reflect the fact that Walls A-2 and B-1 are being constructed simultaneously and the WSDOT inspector is providing part-time inspection assistance.

This estimate is also somewhat conservative in that we are assuming each full-time day of inspection requires 11 hours of project engineer time. There are critical aspects of soldier pile installation that must be monitored, including the final few feet of shaft excavation, shaft approval, and CDF placement. When it is apparent that the Contractor will spend the remainder of a work day on non-critical aspects of soldier pile construction, we will leave the site to minimize our inspection cost.

November 3, 2009
Project No. 2009-002-21 T200

As indicated above, we incurred an estimated \$2,110 in direct salary cost (DSC), for geotechnical engineering evaluations of the seismic design of the MSE walls for this project in late August and early September, 2009. We already billed this work, which amounted to \$6,956 at our contract overhead rate (1.9961% of DSC) and profit multiplier (30% of DSC). As per our discussion with Mr. Steve Misiurak with the City of Gig Harbor, the City proposes to reimburse HWA for direct salary cost associated with this work, but not for overhead or profit. While HWA does not accept liability for the contractor's mis-interpretation of the seismic design requirements, HWA does acknowledge that the City may incur additional expense associated with the re-design and construction of these MSE walls. In the spirit of assisting the City in reducing costs, we accept the City's proposal to reimburse us only for direct salary cost associated with the MSE wall submittal reviews. Therefore, a "credit" of \$4,846 from what we've previously billed, will be reflected in our November invoice.

Therefore, in consideration of our budget remaining as of November 2 (\$13,250), our estimated cost to complete our geotechnical special inspections and reporting (\$40,529), and the "credit" back to the City for overhead and profit associated with our MSE wall design submittal reviews (\$4,846), we are requesting a **budget supplement of \$22,433**. Please refer to the attached project cost estimate for a detailed breakdown of this calculation.

As per our previous agreement with the City of Gig Harbor, we are not billing travel time and travel expense outside of Pierce County.

Factors beyond our control including contractor schedule, means and methods, and weather, will have a direct influence on our costs. There is a possibility that the construction schedule requires our engineer to be on site for longer durations than estimated herein. However, given our familiarity with the general contractor, the subcontractors, the job site constraints, and our knowledge of the subsurface conditions, we have a relatively high degree of confidence in our construction progress production estimates and this budget estimate. We will track our budget closely and provide regular budget status updates. We will not exceed our budget without authorization.



November 3, 2009
Project No. 2009-002-21 T200

We appreciate this opportunity to provide geotechnical engineering support services to DEA and the City of Gig Harbor on this project. Please contact the undersigned if you have questions or require additional information in your review of this supplement request.

Sincerely,

HWA GEOSCIENCES INC.



Erik O. Andersen, P.E.
Vice President

Enclosure: Cost Estimate

Project Cost Estimate
 SR 16 / Burnham Drive NW Interchange
 Task T200 - Construction Services
 Gig Harbor Washington



HWA Ref: 2009-002-21 T200
 Date: 3-Nov-09
 Revised Date
 Prepared By: EOA/JLG

Scope of Work: Please see attached letter dated November 3, 2009

ESTIMATED HWA LABOR:

WORK TASK DESCRIPTION	PERSONNEL & CONTRACT DIRECT SALARY RATES						TOTAL AMOUNT
	Principal	Engr. VI	Engr. III	Geol. IV	Admin.	TOTAL HOURS	
	\$67.64	\$48.08	\$33.53	\$32.45	\$20.43		
Full-time Inspection of SP Wall B-1 shaft excavation and CDF placement (2 days at 11 hours a day)		2	22			24	\$834
Full-time inspection of extended SP Wall B-1 STA 3+88 to 4+25 (7 days at 11 hours a day)		7	77				\$2,918
Part Time Inspection of CDF Fill for Wall B-1, STA 2+50 to 3+88 (four 7-hour days)		6	28			34	\$1,227
Full time inspection of Wall A-2 (6 days at 11 hours per day)			66			66	\$2,213
Full time inspection of D-RAP installation, Wall CR-1/C-2 (8 working days at 11 hours a day)			88			88	\$2,951
Prepare Summary Report of Inspection Services	2	4	8		2	16	\$637
Project Management for Geotechnical Tasks	4	16				20	\$1,040
TOTAL DIRECT SALARY LABOR:	6	35	289	0	2	248	\$11,820

ESTIMATED DIRECT EXPENSES:

Mileage (in county) and Bridge Tolls @ \$40/day	\$1,470
Miscellaneous expenses (parking, field supplies, etc.)	\$100
TOTAL DIRECT EXPENSES:	\$1,570

PROJECT TOTALS AND SUMMARY:

Direct Salary Cost	\$11,820
Overhead (OH) at 1.9961%	\$23,593
Overhead Multiplier at 30% of DSC	\$3,546
Direct Expenses	\$1,570
Total Budget to Complete, from Nov 3 forward	\$40,529
Est'd Budget Remaining as of November 2, 2009	\$13,250
"Credit" for MSE wall design submittal review (see proposa	\$4,846
SUPPLEMENT NEEDED TO COMPLETE:	\$22,433

CONDITIONS

1. The costs for these construction tasks are estimates and our actual costs will vary. Factors beyond our control including contractor schedule, means and methods, and weather will have a direct influence on our costs. If the contractor's schedule requires our representative to be on site for longer durations than estimated herein, we will contact DEA and request a budget supplement before exceeding this budget.

EXHIBIT B
CITY OF SEASIDE HARBOR
SR 16 BURHAM DRIVE NW
CONSTRUCTION ADMINISTRATION SERVICES
ATTACHMENT B

SCHEDULE OF RATES AND ESTIMATED HOURS

Y	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
		WBS CODE NUMBER	Engineering Manager	Project Manager	Senior Professional Engineer	Design Engineer	CADD Technician	Project Surveyor	Survey Technician	2/Person Crew	Executive Administrator	Administrative Assistant	Senior Scientist	Senior Landscaper	Task Labor Costs	Task Expenses
1																
2																
3																
4																
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Subject: Appeal of Denial of Encroachment Permit

Proposed Council Action:

Move to: To set the date of the hearing as Thursday, November 19, 2009 and to establish the deadline for the submission of written briefs as November 12, 2009.

Dept. Origin: Administration

Prepared by: Carol Morris

For Agenda of: November 9, 2009

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:

CLH 11/5
POK

CM 11/5

Expenditure	Amount	Appropriation
Required 0	Budgeted 0	Required 0

INFORMATION / BACKGROUND

Lisa Clark had a fence installed within the City right-of-way along Soundview Drive. It varies in height from six to eight feet and was constructed adjacent to her property. She did not obtain any permits or approvals for this fence.

Ms. Clark applied for design review approval for the fence. This approval does not authorize any construction to proceed, it merely provides approval of the design. On June 6, 2008, the Planning Director Dolan denied approval of the Clark application.

Ms. Clark then appealed this decision to the City Hearing Examiner. The Examiner held a hearing on January 15, 2009, and on January 27, 2009, issued a written decision affirming the Director's decision to deny.

On February 17, 2009, Ms. Clark filed an appeal of the Hearing Examiner's decision in Pierce County Superior Court in Cause No. 09-2-05944-1. In the appeal, she asked for damages for what she alleges are the City's unconstitutional actions. This case was removed by the City to U.S. District Court under Case No. C09-5009 FDB. Thereafter, this Court remanded the state claims (LUPA, "ultra vires" "unconstitutional action" and damages under 64.40 RCW) to Pierce County Superior Court, and stayed the federal claim (1983 claim).

Once the state claims were back in Pierce County Superior Court, the City moved the Court for a summary judgment, which was granted on July 2, 2009, as to all claims. The City argued that the design decision was an interim decision, and because no underlying permit had been either approved or denied, the appeal was premature.

Ms. Clark has appealed the Superior Court's decision, and alleges that even though the Superior Court granted the City's motion for summary judgment (thereby finding that the City didn't act unconstitutionally), that the case still should have been remanded to the federal court. She argues that even though the Superior Court has determined that the City did not act unconstitutionally under RCW 36.70C.130(1)(f), the case must be sent to the federal court. However, because the federal court kept only the damage claim (42 U.S.C. Section 1983), the Superior Court's finding that the City didn't act unconstitutionally would require dismissal of this damage claim.

While this case is pending in the Court of Appeals, the City processed the encroachment permit application submitted by Ms. Clark. Although a fence over six feet in height would require a building permit (Section 105.2: Work exempt from permitting), no application for a building permit has been submitted by Ms. Clark. On September 18, 2009, Senior Engineer Jeff Langhelm conducted an engineering sight evaluation of this wooden fence and it was concluded that fence as constructed is a sight distance impediment to vehicular traffic. See attached Sight Distance Evaluation memorandum. Consequently, On October 7, 2009, the City Engineer, as the Public Works Director's designee, denied the encroachment permit under Gig Harbor Municipal Code Section 12.02.030(A).

Under GHMC 12.02.060, any appeal of this decision must be filed within ten days of the date of issuance of the decision. On October 19, 2009, Jane Koler filed the Clark appeal (more than ten days of the date of issuance of the decision). She was sent an e-mail copy of the decision on October 7, 2009, and Ms. Clark received a copy of the decision by registered mail. The appeal fee was submitted.

The City Council needs to take the following action:

A. Establish a date for the public hearing on this appeal. The hearing date has been tentatively scheduled for November 19, 2009. However, Jane Koler, attorney for Ms. Clark, has asked that the hearing be rescheduled. She has been informed that her request for a continuance must be addressed to the Council. The City Attorney recommends that in light of the pending litigation, and the fact that the street obstruction permit was denied because it is within the sight distance triangle on a busy intersection, that the Council consider setting the hearing date as soon as possible. The Council should also consider that the City will be calling Steve Misiurak and Jeff Langhelm as witnesses (anyone else? Who else was on site with Jeff?) and so it should be confirmed that these witnesses will be in attendance.

B. Establish a deadline for submission of any written briefs to the Council. While written materials may be submitted during the public hearing, it is to each party's advantage to submit briefs to the Council well in advance of the hearing, so that the Council will have an opportunity to become acquainted with the appeal issues prior to the hearing.

FISCAL CONSIDERATION

None.

BOARD OR COMMITTEE RECOMMENDATION


None.

RECOMMENDATION / MOTION

Move to: To set the date of the hearing as Thursday, November 19, 2009 and to establish the deadline for the submission of written briefs as November 12, 2009.



MEMORANDUM

DATE: September 18, 2009
TO: Steve Misiurak, PE, City Engineer
FROM: Jeff Langhelm, PE, Senior Engineer 
SUBJECT: **Sight Distance Evaluation**

LOCATION: Intersection of Grandview Place/Soundview Drive

REFERENCE: A Policy on Geometric Design of Highways and Streets 2004 (AASHTO)
Schematic of Intersection Sight Distance Triangle – Dated July 13,
2009

BACKGROUND: The City of Gig Harbor Public Works Department has reviewed the current available sight distance along Soundview Drive (the major road) for vehicles approaching from Grandview Place (the minor road) to the east. The reason for the sight distance evaluation pertains to a wooden fence that was installed by the homeowner at the southeast corner of the intersection of Soundview Drive and Grandview Place. This fence was installed in City of Gig Harbor right of way without an encroachment permit. Upon notice by the City, the homeowner subsequently submitted an encroachment permit for construction of the fence. To date a decision on the pending encroachment permit has not been made.

EXISTING CONDITIONS: Public Works staff visited the sight at 3 PM on July 13, 2009. At the time of the sight visit, the weather was overcast with an air temperature of approximately 60 degrees F. The posted speed of Soundview Drive is 25 MPH.

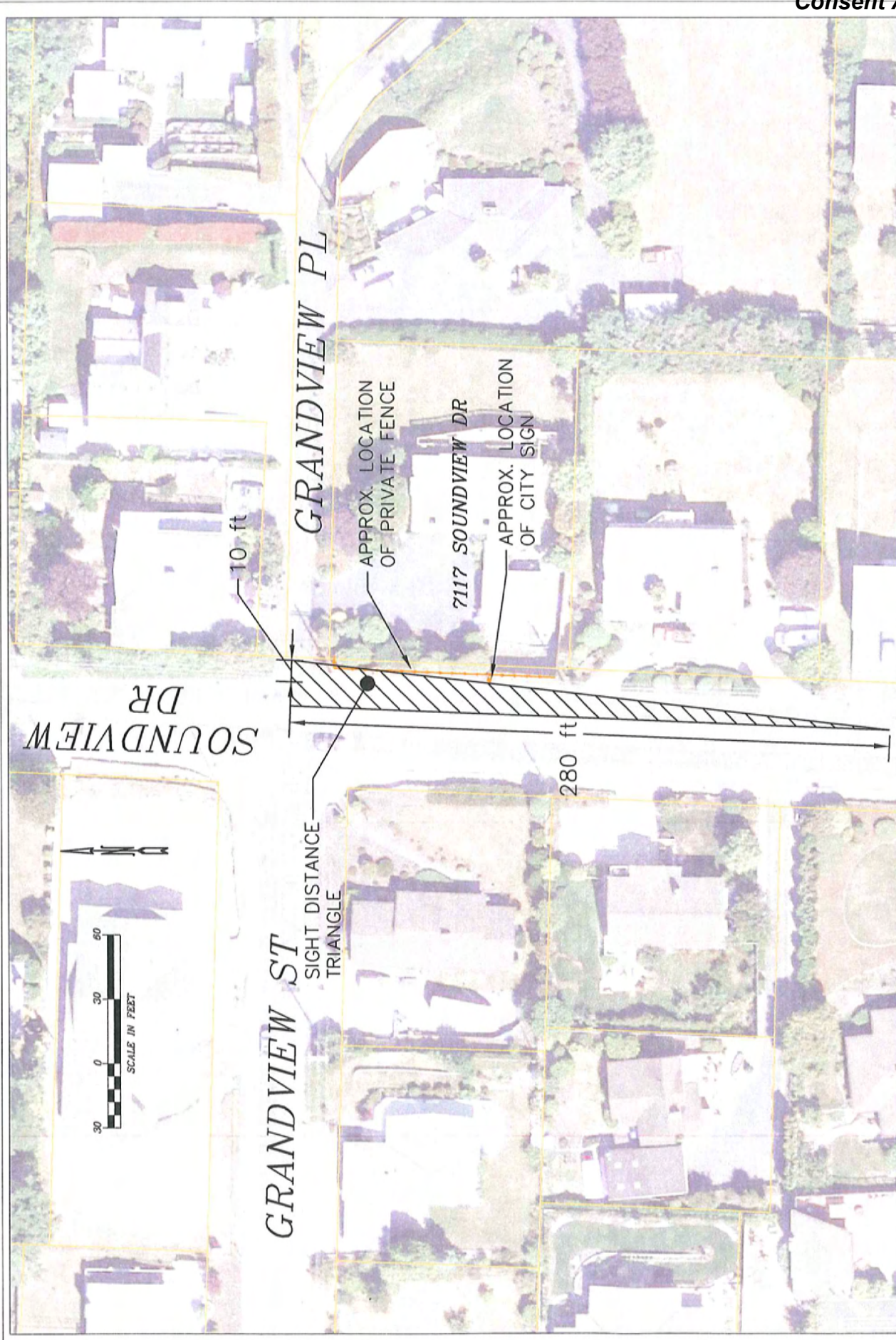
DISCUSSION and ANALYSIS: Measurements were taken south along Soundview Drive from the intersection of Soundview Drive and Grandview Place to verify minimum necessary dimensions exist for a sight distance triangle in accordance with the City of Gig Harbor Public Works Standards and the 2004 AASHTO manual. The starting location for establishing the hypotenuse of the sight distance triangle is known as the decision point. This point is located along the minor road 10 ft from the nearest edge of the travel lanes. According to Exhibit 9-55 of the 2004

Steve Misiurak, PE, City Engineer
Page 2 – Site Distance Evaluation
September 18, 2009

AASHTO manual a distance of 280 ft would be necessary to achieve adequate sight distance.

Based on the measurements collected on July 13, 2009 and applying the information regarding adequate sight distance described above, the fence is located within the sight distance triangle and adequate sight distance is not available. The attached schematic shows the fence and the sight distance triangle at this location.

RECOMMENDATION: Deny the encroachment permit application and, if relocation of the fence is desired, relocate the fence to a position beyond the sight distance triangle at this intersection. Any relocation of the fence at this site should include submittal of a sight distance certification prepared by a civil engineer licensed in the State of Washington and acceptance by the City of Gig Harbor.



JOB NO.	---
DRAWING NO.	---
SHEET OF	1

INTERSECTION SIGHT DISTANCE

GRANDVIEW PL AND SOUNDVIEW DR

DESIGNED BY:	
DRAWN BY:	
CHECKED BY:	
APPROVED BY:	
SCALE:	
OTHER:	

ENGINEERING DIVISION

3510 Grandview Street
Gig Harbor, WA 98335
(253) 851-6170

GIG HARBOR
THE MARITIME CITY™

REVISIONS	

Ms. Clark has appealed the Superior Court's decision, and alleges that even though the Superior Court granted the City's motion for summary judgment (thereby finding that the City didn't act unconstitutionally), that the case still should have been remanded to the federal court. She argues that even though the Superior Court has determined that the City did not act unconstitutionally under RCW 36.70C.130(1)(f), the case must be sent to the federal court. However, because the federal court kept only the damage claim (42 U.S.C. Section 1983), the Superior Court's finding that the City didn't act unconstitutionally would require dismissal of this damage claim.

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The City Council needs to take the following action:

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B. Establish a deadline for submission of any written briefs to the Council. While written materials may be submitted during the public hearing, it is to each party's advantage to submit briefs to the Council well in advance of the hearing, so that the Council will have an opportunity to become acquainted with the appeal issues prior to the hearing.

FISCAL CONSIDERATION

None.

BOARD OR COMMITTEE RECOMMENDATION

None.

RECOMMENDATION / MOTION

Move to: To set the date of the hearing as Thursday, November 19, 2009 and to establish the deadline for the submission of written briefs as November 12, 2009.



Subject: 2009 Regular Property Tax Levy and Excess Property Tax Levy Resolutions

Proposed Council Action: Adopt resolutions in two separate motions

Dept. Origin: Finance
Prepared by: David Rodenbach, Finance Director
For Agenda of: November 9, 2009
Exhibits: Two Resolutions

Initial & Date
Concurred by Mayor: CLH 11/5/09
Approved by City Administrator: POK 11/4/09
Approved as to form by City Atty: by email
Approved by Finance Director: [Signature] 11/2/09
Approved by Department Head:

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

INFORMATION / BACKGROUND

These resolutions set the City's regular tax levy and excess levy (Eddon Boat bonds) for collection in 2010.

FISCAL CONSIDERATION

The planned levy for collection in 2010 is \$1,915,808. This is a total increase of \$178,218 over the current levy of \$1,737,590. The increase consists of the following components:

- 1.0% increase over current levy \$ 17,376
New construction and improvements \$ 75,657
Annexations \$ 84,707
Refunds \$ 478
Total \$178,218

If the city were to use banked capacity, the levy would increase an additional \$19,280.

The total excess levy which will be used to pay the debt service on the Eddon Boat bond is \$250,000. This calculates to a preliminary rate of \$0.1219 per thousand dollars of assessed valuation.

BOARD OR COMMITTEE RECOMMENDATION N/A

RECOMMENDATION / MOTION

Move to: Pass each resolution in separate motions.

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR,
WASHINGTON, CERTIFYING THE 2010 REGULAR AD VALOREM TAX
LEVY UPON REAL PROPERTY.**

WHEREAS, the City Council of Gig Harbor has met and considered its budget for the calendar year 2010; and

WHEREAS, the City's actual levy amount from the previous year was \$1,737,590; and

WHEREAS, the population of the city is less than 10,000; and now, therefore,

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

An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2010 tax year.

The dollar amount of the increase over the actual levy amount from the previous year shall be \$17,376 which is a percentage increase of 1.0% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

PASSED by the City Council this ____ day of ____ 2009.

APPROVED:

MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____
ANGELA S. BELBECK

FILED WITH THE CITY CLERK: 00/00/2009
PASSED BY THE CITY COUNCIL: 00/00/2009
RESOLUTION NO.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING EXCESS PROPERTY TAXES IN THE AMOUNT OF \$250,000 FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010.

WHEREAS, at an election held in the City of Gig Harbor on November 2, 2004, the number and proportion of the qualified electors of the City required by law for the adoption thereof voted in favor of a proposition authorizing the issuance of bonds of the City in the aggregate principal amount of \$3,500,000; and

WHEREAS, pursuant to Ordinance No. 1016, the City issued its Unlimited General Obligation Bond, 2005 on September 26, 2005 in the principal amount of \$3,500,000; and

WHEREAS, the City Council of the City of Gig Harbor determined that the City of Gig Harbor requires an excess levy in the amount of two hundred fifty thousand dollars and no cents (\$250,000.00) in order to provide debt service for the 2005 Unlimited Tax General Obligation Bond; and now, therefore,

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

The Property tax excess levy required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 2010, shall be levied upon the value of real and personal property which has been set at an

assessed valuation of \$2,051,289,066. Taxes levied upon this value shall be:

Approximately \$0.1219 per \$1,000 assessed valuation, producing an estimated amount of two hundred fifty thousand dollars and no cents (\$250,000.00) for 2005 Unlimited Tax General Obligation Bond debt service.

PASSED by the City Council this ___ day of ____ 2009.

APPROVED:

MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____
ANGELA S. BELBECK

FILED WITH THE CITY CLERK: 00/00/2009
PASSED BY THE CITY COUNCIL: 00/00/2009
RESOLUTION NO.



Subject: Public Hearing and Introduction – 2009 Comprehensive Plan Amendments and associated development agreements

Proposed Council Action: Review amendments and hold a public hearing on the the proposed amendments and associated development agreements

Dept. Origin: Planning Department

Prepared by: Jennifer Kester
Senior Planner *JK*

For Agenda of: November 9, 2009

Exhibits: Applicable criteria for approval; Planning Commission recommendation and dissenting opinions; Draft development agreements; Staff recommendations; Written public comment; Planning Commission Minutes.

Initial & Date

Concurred by Mayor: GLH 11/4
Approved by City Administrator: JK
Approved as to form by City Atty: email 10/29
Approved by Finance Director: N/A
Approved by Department Head: ID 11/4/09

Expenditure Required	0	Amount Budgeted	0	Appropriation Required	0
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INFORMATION / BACKGROUND

The intent of this introduction and public hearing is to provide the Council members opportunity to familiarize themselves with the proposed amendments, learn what the Planning Commission recommended, and take public testimony prior to the first reading of ordinance scheduled for November 23, 2009.

Twelve Comprehensive Plan amendments were forwarded to the Planning Commission for review and recommendation in the 2009 annual review cycle. The amendments are listed below and have been organized in the order considered by the Planning Commission.

1. COMP 09-0002: Parks, Recreation and Open Space Element

The amendment removes the existing PROS element. The current element represents a plan which expired in May 2009 and the updated plan is not expected to be adopted until next year. Retaining an out-of-date PROS element creates inconsistencies in the Capital Facilities Plan.

2. COMP 09-0003: Transportation Element

The amendment would create general short-range and long-range transportation improvement plans that will serve as a basis for the 6-year Transportation Improvement

Plan (TIP) adopted each year. The Planning Commission recommended one condition for this amendment; please see enclosed Notice of Recommendation.

3. COMP 09-0007: Stormwater Comprehensive Plan

A review of the City's new Stormwater Comprehensive Plan for consistency with the Comprehensive Plan. The Stormwater Comprehensive Plan is a key provision of the City's Stormwater Management Plan required by the City's NPDES permit. Applies to the City and future annexations; replaces current stormwater comprehensive plan.

4. COMP 09-0008: Wastewater Comprehensive Plan

A review of the City's new Wastewater Comprehensive Plan for consistency with the Comprehensive Plan. Applies to the City and future annexations; replaces current wastewater comprehensive plan.

5. COMP 09-0009: Water System Plan

A review of the City's new Water System Plan for consistency with the Comprehensive Plan. The Water System Plan applies only to those properties within the City's water service area.

6. COMP 09-0010: Capital Facilities Element

The amendment updates the stormwater, wastewater, water system, parks, recreation and open space, and transportation improvement projects included in the Capital Facilities Plan.

7. COMP 09-0011: Utilities Element

The amendment would update the Utilities Element to be consistent with the new Water System Plan.

8. COMP 09-0001 – Wollochet Water System Service Area Amendment

A water system service area amendment from Stroh's Water Company's service area to the City of Gig Harbor water service area for a 3.69 acre, vacant parcel located at the southeast corner of Wollochet Drive and SR 16. The Planning Commission recommended two conditions for this amendment; please see enclosed Notice of Recommendation.

9. COMP 09-0013 – Stroh's Water System Service Area Amendment

A water system service area amendment from Stroh's Water Company's service area to the City of Gig Harbor water service area for two parcels, totaling 4.16 acres, located south of Hunt Street just east of SR16 and the existing Cushman Trail, currently occupied by Stroh's Feed & Garden Supplies and United Rentals. The applicant has requested the City provide water for both domestic purposes and fire flow; however, Stroh's Water Company has indicated that they can continue to provide domestic water for any future development. The Planning Commission recommended three conditions for this amendment; please see enclosed Notice of Recommendation.

10. COMP 09-0004 – Sunrise Enterprises Land Use Map Amendment

A land use designation change from Employment Center (EC) to Commercial Business (C/B) of 15.53 acres located along Burnham Drive NW and 112th Street NW, currently occupied by a contractor's yard.

11. COMP 09-0005 – Haven of Rest Land Use Map Amendment

A land use designation change from Residential Low (RL) to Residential Medium (RM) of 3.4 acres of property north of Rosedale Street and directly east of the Tacoma Power lines. The owner submitted, as part of the application, a development agreement which limits the eventual rezoning of this property to the R-2 zone if the land use amendment is approved. The Planning Commission recommended that the term of the development agreement be for 5–10 years.

12. COMP 09-0012 – 3700 Grandview Land Use Map Amendment

A land use designation change from Residential Low (RL) to Residential Medium (RM) for 2 acres of property located at 3700 Grandview Street; the northern corner of Stinson Avenue, Grandview Street and Pioneer Way. The owner submitted, as part of the application, a development agreement which limits the scope of any future development of the subject property and the 2.27 acre area north of the subject property. The Planning Commission recommended four conditions for this amendment, including a 10-20 year duration for the development agreement; please see enclosed Notice of Recommendation.

The Planning Commission reviewed the 12 proposed amendments at 3 public hearings and 9 work study sessions. Approximately sixteen (16) members of the public testified or provided written comments. At their October 21, 2009 work study session, the Planning Commission voted to recommend that all of the proposed amendments be approved, some with conditions. Notices of the Planning Commission recommendations and their findings are enclosed. Also enclosed are letters from individual planning commission members expressing dissenting opinions on two amendments where the vote was split.

For the two water system map amendments, two memos from Engineering staff are enclosed describing the staff recommended conditions as they differ from the Planning Commission's recommendation. Staff's recommendations for the three land use map amendment can be found in the staff reports enclosed. For COMP 09-0012, 3700 Grandview Street land use map amendment, you will find a staff memo describing our recommendation for denial.

The City Council has been provided binders containing copies of the specific amendments together with planning staff reports and recommendations. In addition, one complete copy of the three functional utility plans: stormwater, wastewater and water system, have been located in the Council's office for review.

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 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 new criteria for comprehensive plan amendment approval (adopted 9/28/09) were not used as the 2009 Comprehensive Plan annual review cycle began prior to the update. The applicable criteria for approval are enclosed.

ENVIRONMENTAL ANALYSIS

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) for the proposed amendments on July 16, 2009 per WAC 197-11-340(2). The appeal period for the DNS expired on September 23, 2009.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

Having reviewed the proposed 2009 Comprehensive Plan amendments the City of Gig Harbor Planning Commission recommended the City Council **APPROVE** all 12 proposed Comprehensive Plan amendments, two with accompanying development agreements. The Planning Commission also recommended conditions for four of the amendments.

RECOMMENDATION / MOTION

Review amendments and hold a public hearing on the amendments and associated development agreements. Planning staff will develop a draft ordinance, and draft resolutions for the development agreements, for first reading on November 23rd that reflects the Planning Commission's recommendations unless directed otherwise.

Criteria for approval applicable to 2009 Comprehensive Plan Review

19.09.170 Criteria for approval.

Every applicant for a comprehensive plan amendment must demonstrate how each of the following criteria for approval has been satisfied in their application materials. The city council, in addition to the consideration of the conditions set forth in GHMC 19.09.130, shall make written findings regarding each application's consistency or inconsistency with each of the following criteria:

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.



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION

**CITY OF GIG HARBOR PLANNING COMMISSION
COMP 09-0002, COMP 09-0003, COMP 09-0007, COMP 09-0008,
COMP 09-0009, COMP 09-0010, COMP 09-0011**

TO: Mayor Hunter and Members of the Council
FROM: Harris Atkins, Chair, Planning Commission
RE: Capital Facility Amendments

Having reviewed the amendment applications related to transportation; parks, recreation and open space; utilities; and the capital facilities plan and after holding a public hearing on July 17, 2009, the City of Gig Harbor Planning Commission recommends the City Council **APPROVE WITH CONDITIONS** the following Comprehensive Plan amendments:

COMP 09-0002: Parks, Recreation and Open Space Element

The amendment removes the existing PROS element. The current element represents a plan which expired in May 2009 and the updated plan is not expected to be adopted until next year. Retaining an out-of-date PROS element creates inconsistencies in the Capital Facilities Plan. *Vote: 5-0*

COMP 09-0003: Transportation Element

The amendment would create general short-range and long-range transportation improvement plans that will serve as a basis for the 6-year Transportation Improvement Plan (TIP) adopted each year. *Vote: 5-0*

Condition: Remove proposed Policy 11.1.10: Improve the effectiveness of the road and sidewalk network in the downtown area through the implementation of applicable information provided in the "Harborview Drive and Judson Street Improvement Master Plan" dated February 3, 2009 and replace with:

Policy 11.1.10 Enhance walkability in the downtown area through sidewalk widening and improved sidewalk connections.

Policy 11.1.11 Increase pedestrian enjoyment of the downtown area through beautification and preservation activities.

Policy 11.1.12 Improve existing sidewalk and intersection conditions in the downtown area to increase pedestrian and vehicular safety.

Planning Commission Reasoning: During the review of the proposed amendment, the Planning Commission determined that the "Harborview Drive and Judson Street Improvement Master Plan" dated February 3, 2009 had not been formally approved by the City Council nor has it been reviewed by the Planning Commission. While the Planning Commission supports the basic policy, i.e. "improve the effectiveness of the road and sidewalk network in the downtown area" and has substituted language to the effect, it has no basis for recommending this specific plan as a strategy for implementing the policy. For these reasons, the Planning Commission determined that it would be inappropriate to include it in the Comprehensive Plan policy statement by reference.

COMP 09-0007: Stormwater Comprehensive Plan

A review of the City's new Stormwater Comprehensive Plan for consistency with the Comprehensive Plan. The Stormwater Comprehensive Plan is a key provision of the City's Stormwater Management Plan required by the City's NPDES permit. Applies to the City and future annexations; replaces current wastewater comprehensive plan. *Vote: 5-0*

COMP 09-0008: Wastewater Comprehensive Plan

A review of the City's new Wastewater Comprehensive Plan for consistency with the Comprehensive Plan. Applies to the City and future annexations; replaces current wastewater comprehensive plan. *Vote: 5-0*

COMP 09-0009: Water System Plan

A review of the City's new Water System Plan for consistency with the Comprehensive Plan. The Water System Plan applies only to those properties within the City's water service area. *Vote: 3-2 (Pasin / Derebey against)*

COMP 09-0010: Capital Facilities Element

The amendment updates the stormwater, wastewater, water system, parks, recreation and open space, and transportation improvement projects included in the Capital Facilities Plan. *Vote: 5-0*

COMP 09-0011: Utilities Element

The amendment would update the Utilities Element to be consistent with the new Water System Plan. *Vote: 5-0*

CRITERIA FOR APPROVAL

The Planning Commission made this recommendation after reviewing the criteria for approval found in GHMC 19.09.170. The commission determined that criteria GHMC 19.09.170 A, C, G and H are not applicable to the capital facilities applications as these are not land use map amendments and do not increase the

density or intensity of potential development. The recommendation is based on the following analysis of the applicable criteria:

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;

The amendments related to transportation; parks, recreation and open space; utilities and capital facilities plan will improve the City's ability to provide sewer, water and other public facilities and services through updated funding mechanisms and new comprehensive utility plans based on existing conditions.

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.*

The amendments will update the transportation, sewer, park, stormwater, wastewater, water, parks and open space and capital facilities plan so that the City can provide necessary infrastructure to serve the development projected by the Comprehensive Plan.

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

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 various capital-facility related elements and utility plans will allow the city to better address

the planning area's transportation, sewer, park, stormwater, wastewater, water 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;

The amendments are necessary so as not to create significant adverse impacts to the city's infrastructure. Updating the transportation, sewer, park, stormwater, wastewater, water, parks and open space and the capital facilities plan allows the City to plan for and provide the necessary infrastructure to serve the development projected by the Comprehensive Plan.

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

The Planning Commission did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment was in conflict with.

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

The Planning Commission does not believe that the approval of all of the amendments will have a cumulative adverse effect on the City.

Harris Atkins, Chairman
Planning Commission Harris Atkins Date 10/21/09

cc: Planning File



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION
CITY OF GIG HARBOR PLANNING COMMISSION
COMP 09-0001

TO: Mayor Hunter and Members of the Council
FROM: Harris Atkins, Chair, Planning Commission
RE: COMP 09-0001 – Wollochet Water System Service Area Amendment

Having reviewed the water service area amendment applications and after holding a public hearing on July 30, 2009, the City of Gig Harbor Planning Commission recommends the City Council **APPROVE WITH CONDITIONS** the following Comprehensive Plan amendment:

COMP 09-0001 – Wollochet Water System Service Area Amendment:

A water system service area amendment from Stroh's Water Company's service area to the City of Gig Harbor water service area for a 3.69 acre, vacant parcel located at the southeast corner of Wollochet Drive and SR 16.

RECOMMENDED CONDITIONS

The Planning Commission analyzed the criteria for approval and recommends the following conditions:

1. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all consultant and legal expenses paid by the City of Gig Harbor for the revision to the City's Water System Plan and/or the Pierce County Coordinated Water System Plan related to the water service area amendment.
2. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all fees paid to the State of Washington and Pierce County by the City of Gig Harbor for the revision to the City's Water System Plan and/or the Pierce County Coordinated Water System Plan related to the water service area amendment.

Note: Although staff recommended a third condition regarding the transfer of water rights, the commission did not recommend that condition because of their opinion that the staff was asking for something that the applicant did not

have or control. The water purveyor testified that it did not have water rights to transfer and therefore this condition, if included, would render the amendment not viable.

The Planning Commission made this recommendation after reviewing the criteria for approval found in GHMC 19.09.170. The commission determined that criteria GHMC 19.09.170 A, C, G and H are not applicable to the application as the application is not a land use map amendment and does not increase the density or intensity of potential development. The recommendation is based on the following analysis of the applicable criteria:

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;

The proposed amendment will not adversely impact the city's ability to provide water service. The City currently has water capacity to reserve for future development. The development of the subject parcel would require 40 to 100 water ERUs and the City has over 1,000 water ERUs available for reservation. The city is also actively pursuing additional water rights from the Department of Ecology.

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.*

Adequate water service infrastructure is currently in place to serve the parcel with a minor extension of a water main. The City of Gig Harbor water service area exists adjacent to the property along Wollochet Drive. A City water main

exists at the intersection of Wollochet Drive and Wagner Way approximately 350 feet south of the subject site. The developer would be required to extend the water main only approximately 350 feet to service the site.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan; (see attached list of applicable policies)

The Planning Commission did not identify any goals or policies of the Comprehensive Plan that the proposed amendment was in conflict with. The water system plan allows limited expansion of the city's water service area. Policy 2.1.3 Serviceable Areas states that urban uses should be allocated to lands which can be provided roads, sewer, water, storm drainage and other basic urban utilities and transportation facilities. Given the location of transportation services and water mains in relation to the subject property, urban development is appropriate. Finally, redevelopment of this vacant property will be a value to the community

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;

A city water main is within 350 feet of the subject property and is adequately sized for the development potential of the site. The city has enough water ERUs available to serve the development potential of the site. The water service amendment will not place uncompensated burdens on the existing water purveyor and customers as the developer will pay for the water main extensions and connection fees. With the proposed conditions, any fees incurred by the city for changing the water service area will be reimbursed by the applicant.

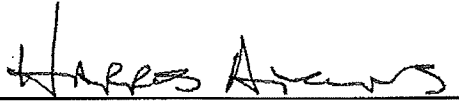
I. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and

The Planning Commission did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment was in conflict with.

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

The Planning Commission does not believe that the approval of this amendment will have a cumulative adverse effect on the City. The City has a finite number of water ERUs to reserve to customers in the current service area, with over 1,000 water ERUs available.

Harris Atkins, Chairman
Planning Commission



Date 10/21/2009

cc: Planning File
Property Owners
Agent for Property Owners

Applicable Comprehensive Plan Policies

The Utilities Element has the following policy related to water systems.

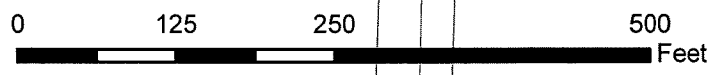
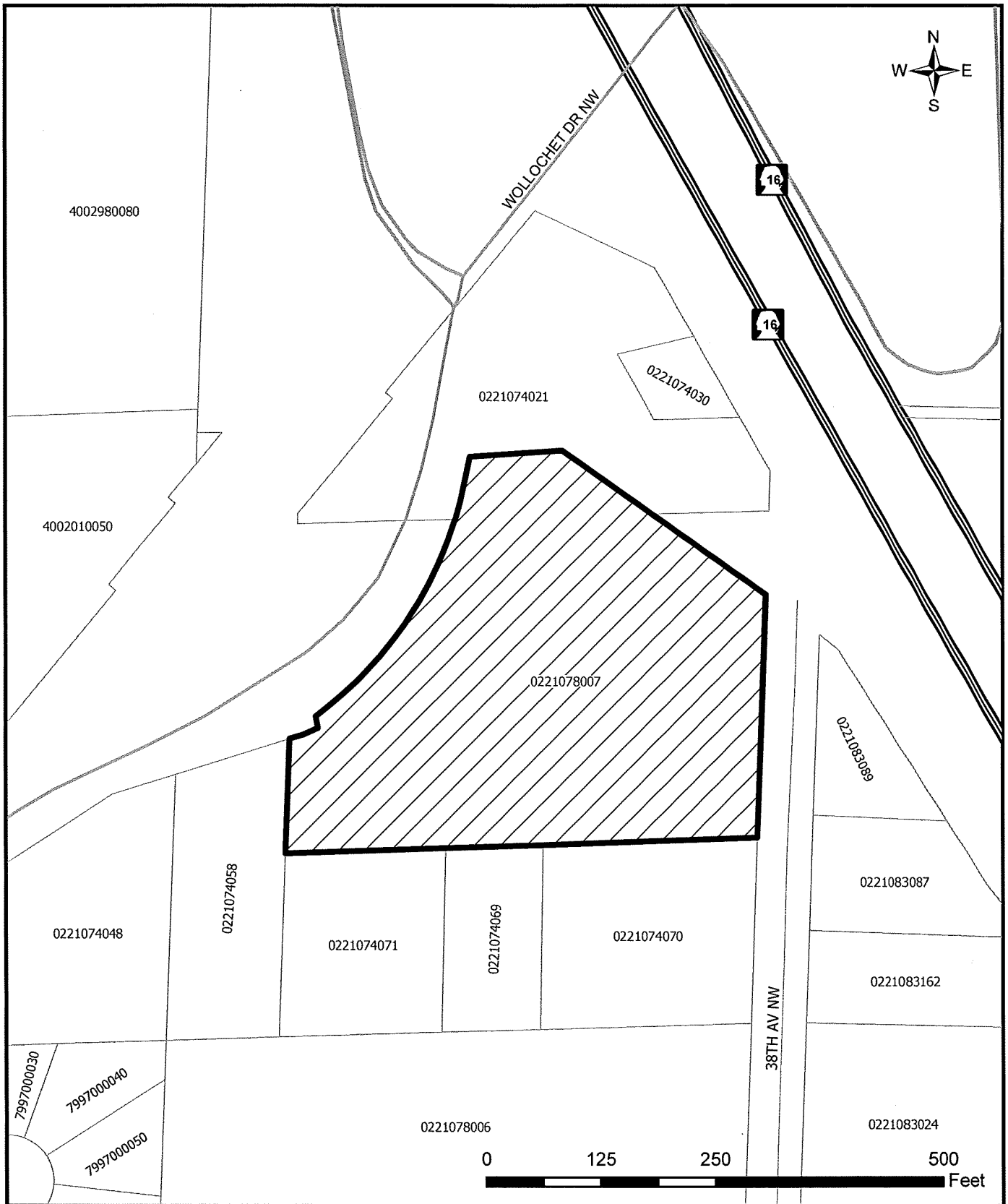
GOAL 8.4: PROVIDE AN ADEQUATE SUPPLY OF HIGH QUALITY POTABLE WATER.

8.4.1. Upgrade and maintain a municipal water system which provides a high quality and quantity of potable water to residential, commercial and industrial users.

- a) Provide for the upgrade of substandard water systems within the City limits to comply with City Fire Protection Codes.
- b) Require new projects and developments and substantial redevelopment of existing developments to participate in the upgrade of existing water systems to meet the latest City Fire Protection Code standards.
- c) Encourage water conservation through a variety of programs and incentives for residential and commercial users.
- d) Consider alternatives to water-consumptive landscaping and encourage the use of plant stock and irrigation systems which do not have intensive water-use demands.
- e) Implement the goals and objectives of the City of Gig Harbor Comprehensive Water Plan.

The executive summary of the City of Gig Harbor Water System Plan includes:

Ensure that water service is available to support development that is consistent with the City's policies and criteria, as well as current land use plans and development regulations of the State of Washington, Pierce County and the City.



Water Service Area Amendment COMP 09-0001



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION
CITY OF GIG HARBOR PLANNING COMMISSION
COMP 09-0013

TO: Mayor Hunter and Members of the Council
FROM: Harris Atkins, Chair, Planning Commission
RE: COMP 09-0013 – Stroh's Water System Service Area Amendment

Having reviewed the water service area amendment applications and after holding a public hearing on July 30, 2009, the City of Gig Harbor Planning Commission recommends the City Council **APPROVE WITH CONDITIONS** the following Comprehensive Plan amendment:

COMP 09-0013 – Stroh's Water System Service Area Amendment:

A water system service area amendment from Stroh's Water Company's service area to the City of Gig Harbor water service area for two parcels, totaling 4.16 acres, located south of Hunt Street just east of SR16 and the existing Cushman Trail, currently occupied by Stroh's Feed & Garden Supplies and United Rentals. The applicant has requested the City provide water for both domestic purposes and fire flow; however, Stroh's Water Company has indicated that they can continue to provide domestic water for any future development.

RECOMMENDED CONDITIONS

The Planning Commission analyzed the criteria for approval and recommends the following conditions:

1. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all consultant and legal expenses paid by the City of Gig Harbor for the revision to the City's Water System Plan and/or the Pierce County Coordinated Water System Plan related to the water service area amendment.
2. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all fees paid to the State of Washington and Pierce County by the City of Gig Harbor for the revision to the City's Water System Plan and/or the Pierce County Coordinated Water System Plan related to the water service area amendment.

3a. IF REQUESTING BOTH DOMESTIC AND FIRE FLOW SUPPLY BY THE CITY TO THE SITE: The applicant shall request the Stroh's Water System assign to the City of Gig Harbor from its existing water rights, the quantity required to serve the proposed development consistent with state law, including Washington State Department of Health water system planning statutes and regulations. Should the Stroh's Water System decline the requested assignment, or advise the City that the assignment cannot occur in a manner consistent with law, the applicant is advised that City of Gig Harbor has no duty to serve the subject property and reserves the right not to provide water service. The applicant's request for assignment and Stroh's Water System response shall be documented in writing and provided to the City of Gig Harbor. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all consultant and legal expenses necessary for assignment of water rights.

OR

3b. IF REQUESTING ONLY FIRE FLOW SUPPLY BY THE CITY TO THE SITE: The applicant shall pay the City's water system connection charge in effect at the time of building permit issuance based on the size of each water main serving the fire sprinkler system for the building(s).

CRITERIA FOR APPROVAL

The Planning Commission made this recommendation after reviewing the criteria for approval found in GHMC 19.09.170. The commission determined that criteria GHMC 19.09.170 A, C, G and H are not applicable to the application as the application is not a land use map amendment and does not increase the density or intensity of potential development. The recommendation is based on the following analysis of the applicable criteria:

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;

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; (see attached list of applicable policies)

The Planning Commission did not identify any goals or policies of the Comprehensive Plan that the proposed amendment was in conflict with. The water system plan allows limited expansion of the city's water service area. Goal 6.2.2 of the Economic Development Element encourages increased economic opportunities through the redevelopment of vacant properties and revitalizing older business districts within the city. Providing city fire flow to an underdeveloped commercial site will further this goal by allowing redevelopment without Stroh's Water Company incurring significant infrastructure costs.

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;

Providing fire flow to the subject parcel will not adversely impact the city's ability to provide water service. A 12-inch City water main exists within Hunt Street along the north property line. A basic hook-up to that main would be required to provide water service. Given that the existing development has domestic water rights allocated to it, any redevelopment of the parcel should yield the transfer of those rights to the City provided the City takes over both domestic and fire flow water service. If only fire flow is provided, the city has adequate pressure to service the site and no additional water rights are needed. The water service amendment will not place uncompensated burdens on the existing water purveyor and customers as the developer will pay for connecting to the city's water main and associated fees. With the proposed conditions, any fees incurred by the city for changing the water service area will be reimbursed by the applicant.

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

The Planning Commission did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment was in conflict with.

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

The Planning Commission does not believe that the approval of this amendment will have a cumulative adverse effect. Under condition 3a, the City does not reserve any additional water rights. Under condition 3b, the city allows a connection for fire flow only and a underdeveloped parcel is allowed to redevelop.

Harris Atkins, Chairman
Planning Commission

Harris Atkins

Date 10/21/2009

cc: Planning File
Property Owners
Agent for Property Owners

Applicable Comprehensive Plan Policies

The Utilities Element has the following policy related to water systems.

GOAL 8.4: PROVIDE AN ADEQUATE SUPPLY OF HIGH QUALITY POTABLE WATER.

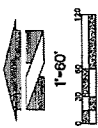
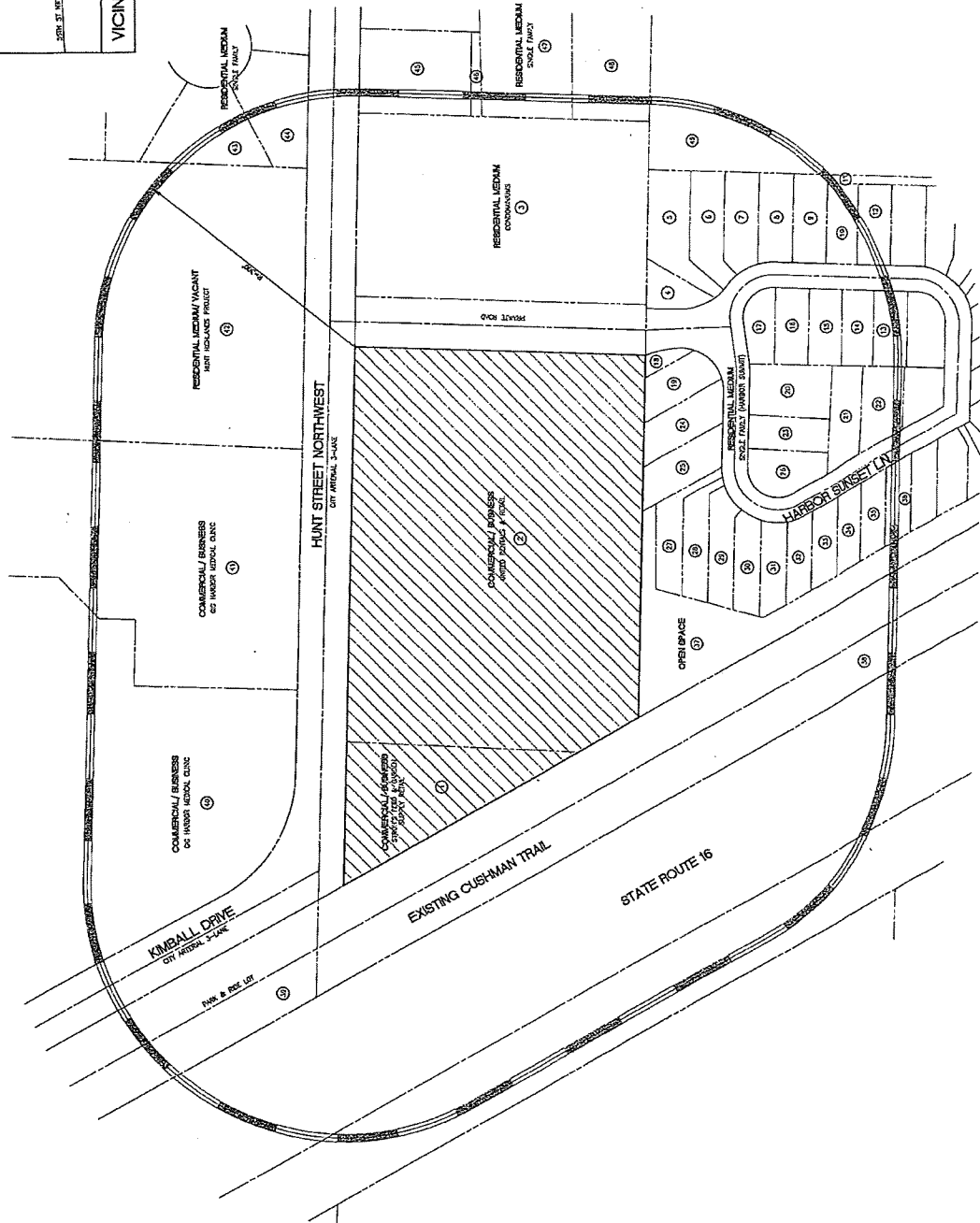
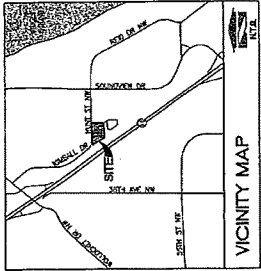
8.4.1. Upgrade and maintain a municipal water system which provides a high quality and quantity of potable water to residential, commercial and industrial users.

- a) *Provide for the upgrade of substandard water systems within the City limits to comply with City Fire Protection Codes.*
- b) *Require new projects and developments and substantial redevelopment of existing developments to participate in the upgrade of existing water systems to meet the latest City Fire Protection Code standards.*
- c) *Encourage water conservation through a variety of programs and incentives for residential and commercial users.*
- d) *Consider alternatives to water-consumptive landscaping and encourage the use of plant stock and irrigation systems which do not have intensive water-use demands.*
- e) *Implement the goals and objectives of the City of Gig Harbor Comprehensive Water Plan.*

The executive summary of the City of Gig Harbor Water System Plan includes:

Ensure that water service is available to support development that is consistent with the City's policies and criteria, as well as current land use plans and development regulations of the State of Washington, Pierce County and the City.

ADJACENT 300' PARCEL AND LAND USE EXHIBIT



- 1. 021171730
- 2. 021172028
- 3. 021173014
- 4. 021173020
- 5. 021173026
- 6. 021173032
- 7. 021173038
- 8. 021173044
- 9. 021173050
- 10. 021173056
- 11. 021173062
- 12. 021173068
- 13. 021173074
- 14. 021173080
- 15. 021173086
- 16. 021173092
- 17. 021173098
- 18. 021173104
- 19. 021173110
- 20. 021173116
- 21. 021173122
- 22. 021173128
- 23. 021173134
- 24. 021173140
- 25. 021173146
- 26. 021173152
- 27. 021173158
- 28. 021173164
- 29. 021173170
- 30. 021173176
- 31. 021173182
- 32. 021173188
- 33. 021173194
- 34. 021173200
- 35. 021173206
- 36. 021173212
- 37. 021173218
- 38. 021173224
- 39. 021173230
- 40. 021173236
- 41. 021173242
- 42. 021173248
- 43. 021173254
- 44. 021173260
- 45. 021173266
- 46. 021173272
- 47. 021173278
- 48. 021173284
- 49. 021173290
- 50. 021173296

<p>STROHS MAP AMENDMENT COMP 09-0013</p> <p>ADJACENT 300' PARCEL AND LAND USE EXHIBIT</p>	<p>Form</p> <p>BARGHAUSEN CONSULTING ENGINEERS, INC.</p> <p>18215 72ND AVENUE SOUTH</p> <p>KENT, WA 98032</p> <p>(425) 251-6222</p>	<p>Checked: JMC</p> <p>Drawn: JMC</p> <p>Approved: JMC</p> <p>Date: 6/2/09</p>	<p>BARGHAUSEN CONSULTING ENGINEERS, INC.</p> <p>18215 72ND AVENUE SOUTH</p> <p>KENT, WA 98032</p> <p>(425) 251-6222</p> <p>(425) 251-8782 FAX</p>	<p>Scale: 1"=60'</p>
				<p>Sheet: 10812</p>

RECORDS DIVISION
 CITY OF KENT, WASHINGTON
 JUN 4 - 4 2009
 COMMUNITY DEVELOPMENT



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR PLANNING COMMISSION COMP 09-0004

TO: Mayor Hunter and Members of the Council
FROM: Harris Atkins, Chair, Planning Commission
RE: COMP 09-0004 – Sunrise Enterprises Land Use Map Amendment

Having reviewed the land use map amendment applications and after holding a public hearing on September 17, 2009, the City of Gig Harbor Planning Commission recommends the City Council **APPROVE** the following Comprehensive Plan amendment:

COMP 09-0004 – Sunrise Enterprises Land Use Map Amendment:

A land use designation change from Employment Center (EC) to Commercial Business (C/B) of 15.53 acres located along Burnham Drive NW and 112th Street NW, currently occupied by a contractor's yard.

CRITERIA FOR APPROVAL

The Planning Commission made this recommendation after reviewing the criteria for approval found in GHMC 19.09.170. The recommendation is based on the following information and analysis:

Criteria related to infrastructure - GHMC 19.09.170 A, B, D, and F:

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;

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.*

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;

The city performed a traffic capacity evaluation for the proposed land use designation change. Given the variety of uses allowed in both designations (EC and C/B), it is not possible to accurately determine the number of trips generated upon full built-out. Some uses allowed in the C/B designation will exceed the trip generation of some uses in the EC designation and vice versa. It is not possible to determine if an actual increase will occur until the specific use for the property is defined. Given this variability, a change from EC designation to C/B designation is not considered an increase in land use intensity. In addition, the city's traffic modeling assumed this property was in the County and regulated by County zoning, given that the property was annexed to the City in March 2009. The County's zoning for this site prior to annexation was Community Commercial which is equivalent to the city's C/B designation.

However, the draft traffic impact analysis provided by the applicant indicated that more trips may be generated as a result of the redesignation. The city will fully evaluate the project once a project permit application is submitted committing to a particular use. If through that permitting process, deficiencies in the City's transportation system will occur, mitigation will be required by the applicant. The city does not believe the change in land use will result in an adverse impact that cannot be mitigated.

Staff has analyzed the anticipated sewer and service impacts under the existing designation and the proposed designation and has identified no significant increase in services or infrastructure needs and; therefore, no adverse impacts to the city's infrastructure. The subject property is not serviced by city water.

Non-infrastructure criteria - GHMC 19.09.170 C, E, G, H, I and J:

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;

This criterion is not applicable as the proposal is a change from one nonresidential designation to another nonresidential designation.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan; (see attached list of applicable policies)

The Planning Commission did not identify any goals or policies of the Comprehensive Plan that the proposed amendment was in conflict with. Goal 6.2.2 of the Economic Development Element encourages increased economic opportunities through the redevelopment of vacant properties and revitalizing older business districts within the city. The proposed amendment will further this goal given that the subject property is under-utilized with outdated buildings.

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;

Prior to annexation of this area on March 23, 2009, the County land use designation and zoning for this property was Community Commercial (CC). The CC zoning is most similar to the city's B-2 zoning. The County selected this designation and zoning as part of the Gig Harbor Peninsula Community sub-area plan adopted in 2002. The County and surrounding property owners have been contemplating a commercial designation and zoning of this property for seven years. This amendment would retain the commercial designation which was deemed compatible with the surrounding land uses and physically suitable for the property in 2002.

The Commercial/Business land use designation policy state that "commercial areas which border residential designations or uses should use available natural features as boundaries." (GHCP 2.2.3d) Residentially designated and zoned land exists both north and south of the proposal. The applicant has indicated that the mining permit for the current use of the subject property includes a 50 foot buffer to the residential use to the north. In addition along the north boundary, steep slopes rise up to the adjacent residential property. To the south, 112th Street NW separates the subject

property from the residential zoning. The Planning Commission feels that the existing road separation to the south and the topography in conjunction with a 40-foot zone transition buffer required by the Design Manual to the north is appropriate buffering from the residential zones.

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;

The Planning Commission does not believe that the approval of the amendment will create a demand for land use designation changes in the surrounding areas. A right-of-way bounds the subject property on the south and should adequately contain the designation. The property to the east has commercial designations and uses. To the west is a gravel pit under the same ownership as the subject property. They have indicated that the gravel pit will remain in the near future. To the north, a property owner has indicated they may request a comprehensive plan amendment to redesignate his property from residential to commercial. However, the property owner stated he had considered such amendment at the existing EC designation; the C/B designation request does not change that consideration.

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

The Planning Commission did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment was in conflict with.

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

The Planning Commission does not believe that the approval of this amendment will have a cumulative adverse effect on the City.

Harris Atkins, Chairman
Planning Commission

Harris Atkins

Date 10/21/2009

cc: Planning File
Property Owners
Agent for Property Owners

Applicable Comprehensive Plan Policies

The Land Use Element has the following policy related to commercial/business designated land.

Policy 2.2.3.d:

Commercial/Business

Provides primarily retail and wholesale facilities, including service and sales. Where appropriate, mixed-use (residential with commercial) may be permitted through a planned unit development process. Commercial-business activities consist of the following:

- 1) *Retail sales and services*
- 2) *Business and professional offices*
- 3) *Mini-warehousing*

Commercial areas which border residential designations or uses should use available natural features as boundaries.

- 1) *Natural features should serve as buffers, which may consist of standing timber, streams or drainage swales.*
- 2) *A minimum buffer width should be 30 feet.*
- 3) *The density and depth of the buffer should be proportional to the intensity of the use.*

GOAL 2.1: Manage Urban Growth Potentials

Maintain a realistic balance between the land's capability, suitable potential and the public's ability to provide urban level services.

2.1.1. Capable Areas

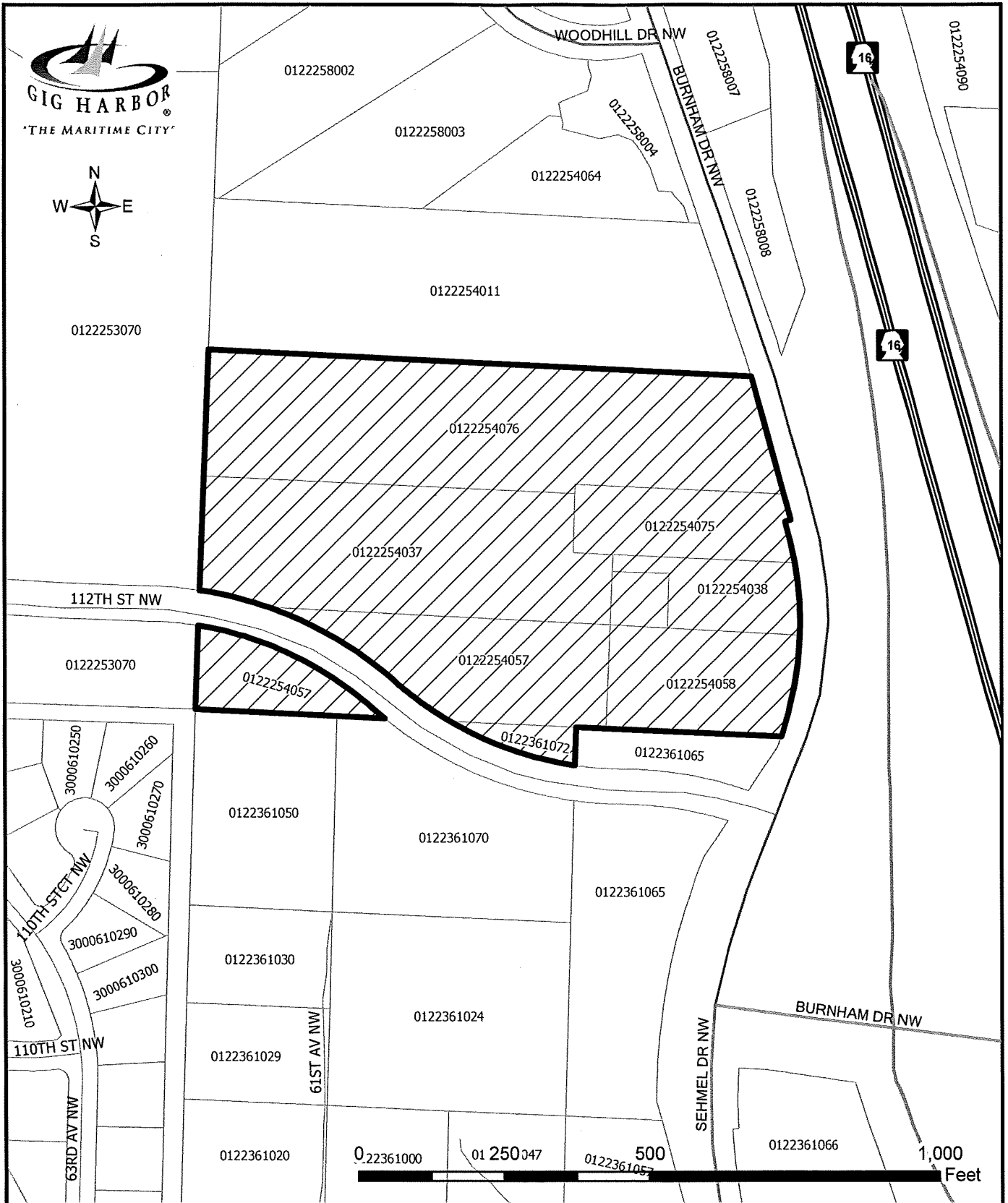
To the best degree possible, allocate high density/intensity urban development onto lands which are capable of supporting urban uses and which pose the fewest environmental risks.

2.1.3. Serviceable Areas

Allocate urban uses onto capable, suitable lands which can be provided roads, sewer, water, storm drainage and other basic urban utilities and transportation facilities.

2.2.2. Neighborhood Planning Areas

a) Define and protect the integrity of small planning areas, particularly residential neighborhoods, which have common boundaries, uses and concerns using transition land use areas and common buffers/open space.



**COMP 09-0004 Sunrise Enterprises Land Use Amendment
Employment Center (EC) to Commercial/Business (CB)**



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR PLANNING COMMISSION COMP 09-0005

TO: Mayor Hunter and Members of the Council
FROM: Harris Atkins, Chair, Planning Commission
RE: COMP 09-0005 – Haven of Rest Land Use Map Amendment

Having reviewed the land use map amendment applications and after holding a public hearing on September 17, 2009, the City of Gig Harbor Planning Commission recommends the City Council **APPROVE** the following Comprehensive Plan amendment subject to a development agreement of 5-10 years:

COMP 09-0005 – Haven of Rest Land Use Map Amendment:

A land use designation change from Residential Low (RL) to Residential Medium (RM) of 3.4 acres of property north of Rosedale Street and directly east of the Tacoma Power lines. The owner submitted, as part of the application, a development agreement which limits the eventual rezoning of this property to the R-2 zone if the land use amendment is approved.

CRITERIA FOR APPROVAL

The Planning Commission made this recommendation after reviewing the criteria for approval found in GHMC 19.09.170. The recommendation is based on the following information, analysis and development agreement proposal to limit the rezone to R-2:

Criteria related to infrastructure - GHMC 19.09.170 A, B, D, and F:

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;

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.*

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;

Potential development expected as a result of this amendment may have the potential to generate a small number of additional pm peak hour trips. Based on maximum density, the existing zoning of R-1 could yield 14 dwelling units; a rezone to R-2 could yield 20 dwelling units. The six additional units, if single-family detached, would yield approximately 6 additional pm peak trips, based on the ITE Trip Generation Manual, 8th Ed.; the six additional units, if four-plexes, would yield approximately 3 additional pm peak trips. If the site developed with all four-plexes at the maximum density of 20 dwelling units, the pm peak trips would be four trips lower than if the site developed under the R-1 zoning as single-family detached. Given this variability and the low number of potential additional trips, no adverse impacts to the transportation network are expected due to the increase in land use intensity.

Staff has analyzed the anticipated sewer, water and service impacts under the existing designation and the proposed designation and has identified no significant increase in services or infrastructure needs and; therefore, no adverse impacts to the city's infrastructure.

Non-infrastructure criteria - GHMC 19.09.170 C, E, G, H, I and J:

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;

The maximum dwelling units allowed on the site under the existing designation and zoning is 14 units (4 dwelling units per acre). The maximum dwelling units allowed on the site under R-2 zoning as limited by the development agreement is 20 residential units; 6 units above existing conditions. A 6-unit increase is not a significant increase to the City's residential capacity.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan; (see attached list of applicable policies)

The Planning Commission did not identify any goals or policies of the Comprehensive Plan that the proposed amendment was in conflict with. The proposed amendment will retain the residential nature of the Rosedale area if the site develops residentially. If the site develops as a cemetery, the project will be required to obtain a conditional use permit and any impacts to the residential neighborhood can be adequately accessed and mitigated through that process.

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;

The applicant has indicated that they may expand their existing cemetery onto the subject property. The subject property would provide the vehicular access to the cemetery's property to the north. The RM designation states that businesses may be provided for if they do not significantly impact the character of the residential neighborhood and that the intensity of the non-residential use be compatible with the adjacent residential area. The existing cemetery has not significantly impacted the Gig Harbor area and the same is assumed for a cemetery expansion. If the property develops as residential, it will be consistent and compatible with the mix of single-family, duplex and multi-family housing surrounding the area.

In regards to physical suitability of the land for the development, the subject property contains some topographic relief and critical areas have been identified to the north of the site; however, if any critical areas exist on the

site, the city's critical area ordinance can address impacts and development can be designed to limit impacts.

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;

The Planning Commission does not believe that the approval of the amendment will create a demand for land use designation changes in the surrounding areas. The property south and north of the site is currently designated Residential Medium (RM). The property directly west is the Tacoma Power lines. Further west exists a mix between single-family, duplex and fourplexes; consistent with the R-2 zoning allowed uses. To the east, the property is designated RL and zoned R-1; however, the R-2 zoning is an appropriate transition zone between the single-family residential neighborhoods in downtown Gig Harbor and the mix of residential and nonresidential uses around the Rosedale / Skansie intersection.

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

The Planning Commission did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment was in conflict with.

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

The Planning Commission does not believe that the approval of this amendment will have a cumulative adverse effect on the City.

Harris Atkins, Chairman
Planning Commission



Date 10/21/2009

cc: Planning File
Property Owners
Agent for Property Owners

Applicable Comprehensive Plan Policies

The Land Use Element has the following policy related to residentially designated land (RL and RM).

Policy 2.2.3.a:

Residential

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

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

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

GOAL 2.1: Manage Urban Growth Potentials

Maintain a realistic balance between the land's capability, suitable potential and the public's ability to provide urban level services.

2.1.1. Capable Areas

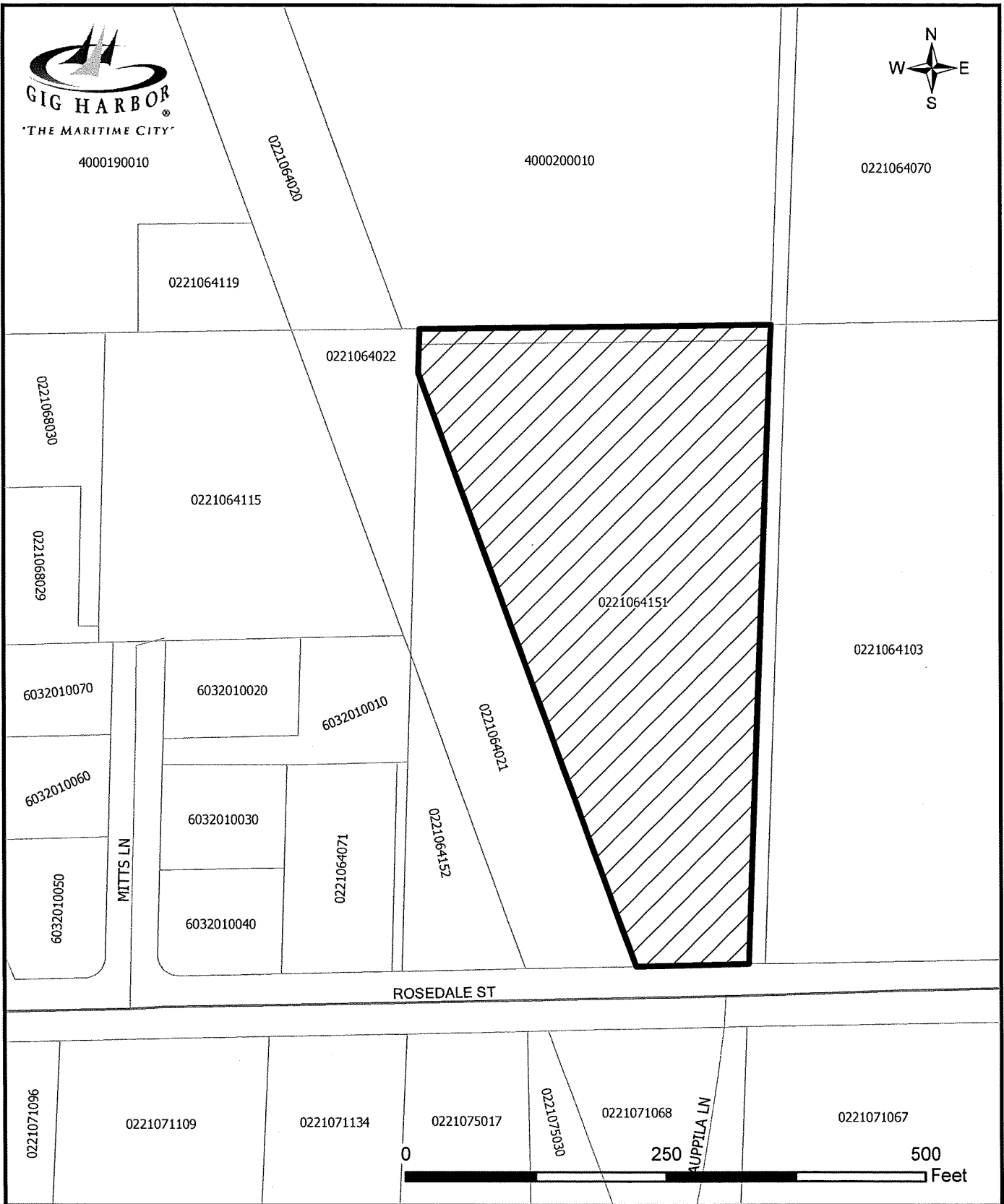
To the best degree possible, allocate high density/intensity urban development onto lands which are capable of supporting urban uses and which pose the fewest environmental risks.

2.1.3. Serviceable Areas

Allocate urban uses onto capable, suitable lands which can be provided roads, sewer, water, storm drainage and other basic urban utilities and transportation facilities.

2.2.2. Neighborhood Planning Areas

a) Define and protect the integrity of small planning areas, particularly residential neighborhoods, which have common boundaries, uses and concerns using transition land use areas and common buffers/open space.



**COMP 09-0005 Haven of Rest Land Use Amendment
Residential Low (RL) to Residential Medium (RM)**



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF RECOMMENDATION

CITY OF GIG HARBOR PLANNING COMMISSION COMP 09-0012

TO: Mayor Hunter and Members of the Council
FROM: Harris Atkins, Chair, Planning Commission
RE: COMP 09-0012 – 3700 Grandview Land Use Map Amendment

Having reviewed the land use map amendment applications and after holding a public hearing on September 17, 2009, the City of Gig Harbor Planning Commission recommends the City Council **APPROVE WITH CONDITIONS** the following Comprehensive Plan amendment:

COMP 09-0012 – 3700 Grandview Land Use Map Amendment:

A land use designation change from Residential Low (RL) to Residential Medium (RM) for 2 acres of property located at 3700 Grandview Street; the northern corner of Stinson Avenue, Grandview Street and Pioneer Way. The owner submitted, as part of the application, a development agreement which limits the scope of any future development of the subject property and the 2.27 acre area north of the subject property as follows:

Rezone: Limit to RB-2 for the subject property; no rezone of the lower 2.27 acres.

Tree Preservation: 38% retention on subject property; 41% retention on the northern 2.27 acre area zoned R-1.

Residential Buffering: 25 foot buffer planted with evergreen trees at a density that will achieve screening between the northern 2.27 acres and the residences along Butler Street.

Zone Transition Buffering: A 30-foot zone transition buffer planted prior to the occupancy of the first building in the subject site, located on the subject property at the border between the RB-2 and R-1 zoning.

Parking: 73 of the proposed 125 stalls to be in garages underneath each building. Garages will be located under two floors and will be sunk into the ground so as to limit the amount of garage wall façade exposed.

Building Size, Height and Use: Two mixed use buildings proposed with residential over office, personal services, or restaurant 1 nonresidential uses. The building along Stinson Avenue would not exceed 11,900 square feet on the first floor and 9,200 square feet on the second floor. The building along

Pioneer Way would not exceed 14,500 square feet on the first floor and 10,400 square feet on the second floor. The second floors would be stepped-back from the first floor. As the property will remain in the height restriction area, the code allowed 16 feet would be met.

Setbacks: A 30 foot setback along Stinson Avenue and Grandview Street and a 25 - 40 foot setback along Pioneer Way.

Northern 2.27 acres of R-1 zoned property: Limit development of that area to a single-family subdivision.

RECOMMENDED CONDITIONS

The Planning Commission analyzed the criteria for approval with the above limitations as required by GHMC 19.09.050(C) and GHMC 19.09.080(C)(12). In addition to the above limitations, the Planning Commission recommends the following conditions:

1. The development agreement ensures that the 38% tree retention shown on the plans presented is achieved.
2. The development agreement ensures that the mixed use buildings with residential on top and nonresidential at the street level are achieved.
3. The land use amendment and corresponding rezone is limited to two acres and the configuration shown (northern boundary line of RM does not move).
4. The duration of development agreement should be 10 to 20 years.

CRITERIA FOR APPROVAL

The Planning Commission made this recommendation after reviewing the criteria for approval found in GHMC 19.09.170. The recommendation is based on the following information and analysis:

Criteria related to infrastructure - GHMC 19.09.170 A, B, D, and F:

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;

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.*

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;

The mixed use development model on the subject property was considered in the long-range transportation forecast and, with the City's long-range transportation projects in place, sufficient capacity is available. A July 2008 transportation capacity evaluation indicated that capacity was available with minor adjacent intersection upgrades by the applicant.

Staff has analyzed the anticipated sewer, water and service impacts under the existing designation and the proposed designation and has identified no significant increase in services or infrastructure needs and; therefore, no adverse impacts to the city's infrastructure.

Non-infrastructure criteria - GHMC 19.09.170 C, E, G, H, I and J:

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;

The maximum dwelling units allowed on the site under the existing designation and zoning is 7 units (4 dwelling units per acre). The development outlined in the development agreement would yield 11 residential units; 4 units above existing conditions. A 4-unit increase is not a significant increase to the City's residential capacity.

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan; (see attached list of applicable policies)

The proposed mixed use development is consistent with the policies in the Comprehensive plan related to tree retention and landscaping with the proposed increase in tree retention, increase in setbacks from right-of-way and denser buffering to the north than required by code.

The proposed layout, underground parking and amenities of the development are consistent with the goal to include an active interface between the public and private realms.

In regards to the goals and policies in the Comprehensive Plan to reflect Gig Harbor's built environment, maintain a small town scale for structures; and design buildings to define and respect the human scale – Given the buildings' height restriction, site layout, upper story step-back, tree retention and landscape screening, although large, the buildings do not visual appear out of scale compared to neighboring buildings. The Planning Commission finds that city's regulations regarding height restrictions meet the city's definition of scale.

The proposed building sizes are similar to the Civic Center and the Bayview Plaza Building (formerly BDR), all located in the View Basin or surrounding area. The appearance, size and scale of these neighborhood buildings and project buildings have more to do with the layout, landscaping, and topography of the site than with the square footage of the buildings.

The proposed amendment meets the goals of 6.1 and 6.2 regarding economic development. The amendment would support locate business development efforts; property investment, projects and programs; and protect local economic opportunities.

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;

In regards to physical suitability of the land for the development, the application materials clearly show that the site would physically allow the construction of the proposed mixed use development.

The RM designation states that professional offices or businesses may be provided for if they do not significantly impact the character of the residential neighborhood and that the intensity of the non-residential use be compatible with the adjacent residential area. The property directly to the north is part of the development agreement and will be limited to R-1 zoning and single-family development. The property owners indicate that they will develop this

R-1 land after the subject mixed use development. Single-family homes exist across the street to the northwest and west; the zone transition standards of the Design Manual will mitigate any impacts to that area. The properties surrounding to the east and south are nonresidential and directly west is nonresidential. The proposed mixed use development will complement the existing and potential development of the B-2 zoning south of the subject property where no building size limitations exist.

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;

The Planning Commission does not believe that the approval of the amendment will create a demand for land use designation changes in the surrounding areas. The property south of the site has a more intense commercial designation (C/B). The area to the west and property directly east already is designated Residential Medium (RM). The property to the north is part of the development agreement and will be limited to R-1 zoning and single-family development.

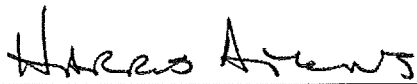
I. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and

The Planning Commission did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment was in conflict with.

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

The Planning Commission does not believe that the approval of this amendment will have a cumulative adverse effect on the City.

Harris Atkins, Chairman
Planning Commission



Date 10/21/2009

cc: Planning File
Property Owners
Agent for Property Owners

Applicable Comprehensive Plan Policies

The Land Use Element has the following policy related to residentially designated land (RL and RM).

Policy 2.2.3.a:

Residential

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

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

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

GOAL 2.1: Manage Urban Growth Potentials

Maintain a realistic balance between the land's capability, suitable potential and the public's ability to provide urban level services.

2.1.1. Capable Areas

To the best degree possible, allocate high density/intensity urban development onto lands which are capable of supporting urban uses and which pose the fewest environmental risks.

2.1.3. Serviceable Areas

Allocate urban uses onto capable, suitable lands which can be provided roads, sewer, water, storm drainage and other basic urban utilities and transportation facilities.

2.2.2. Neighborhood Planning Areas

a) Define and protect the integrity of small planning areas, particularly residential neighborhoods, which have common boundaries, uses and concerns using transition land use areas and common buffers/open space.

The Community Design Element has the following applicable policies.

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

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.

3.7.2. 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 3.10: 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.

GOAL 3.21: PRESERVE THE NATURAL AMBIANCE OF THE HARBOR AREA.

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.

The Economic Development Element has the following applicable policies:

GOAL 6.1: DEVELOP A SOUND FISCAL BASE

Help market local socio-economic resources to increase employment opportunities, develop office and industrial park properties, and provide the City with a sound tax base.

6.1.1. Job creation

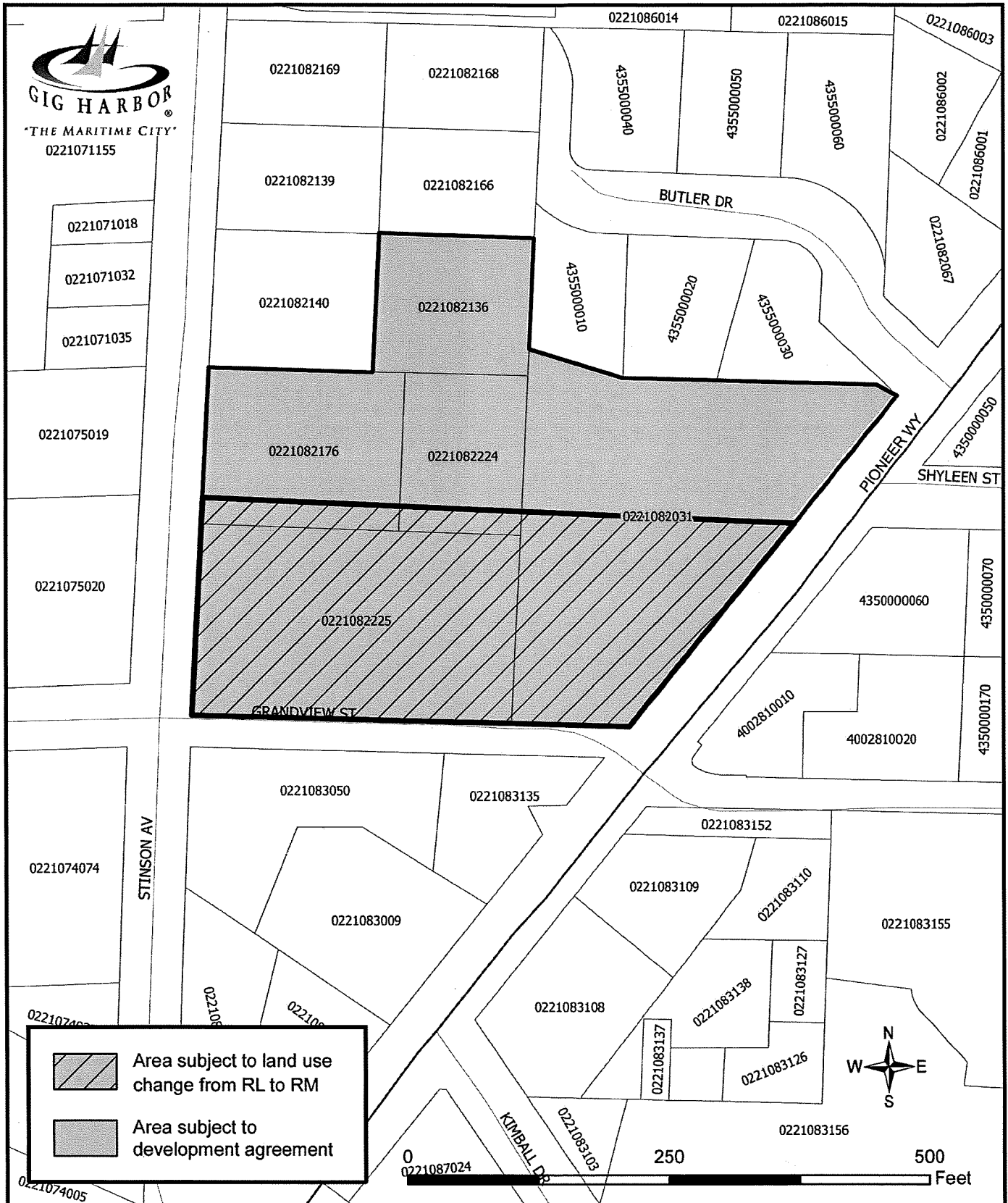
a) Help create employment opportunities within the local economy, particularly for residents who now commute across the Tacoma Narrows Bridge to work. Participate with other public agencies and private interests in marketing

projects, labor force training programs, and other efforts to attract new businesses to Pierce County and Gig Harbor Peninsula area.

- b) Determine reasonable jobs-to-housing balance by coordinating land use and development policies to help achieve the designated balance of adequate affordable housing near employment centers.*
- c) Encourage the redevelopment of declining commercial areas through a variety of incentives such as reduced fees for permits or utility connections and the consideration of waivers from land use performance standards, as appropriate.*
- d) Establish a "target" population-to-jobs ratio of 2.5:1 as an appropriate, reasonable and attainable balance for the projected population to the year 2014.*

GOAL 6.2: INCREASE LOCAL ECONOMIC OPPORTUNITIES

Support local business development efforts and property investment projects and programs, and protect local economic opportunities. Provide for an increasing home-based business sector as more citizens rely upon this manner of livelihood as either their supplemental or primary economic means.



**COMP 09-0012 3700 Grandview Land Use Amendment
Residential Low (RL) to Residential Medium (RM)**

Kester, Jennifer

From: Jeane Derebey [Jeane@asap-officeservices.com]
Sent: Friday, August 21, 2009 4:25 PM
To: Kester, Jennifer
Subject: Fire Flow Protection
Follow Up Flag: Follow up
Flag Status: Completed

Jennifer:

Please pass the following on to the members of the Planning Commission & city departments and, if you think necessary – the members of the City Council.

Revisions to Page 2.5 of the Water System Plan:

As I set listening to Jeff's explanation for the change in the language at 2.5 – I had an uncomfortable feeling about the entire intent of the statements but was unable to vocalize my thoughts. After a night of reflection I think I can share my thoughts.

While I understand the thought process behind the City's thinking that they should have any business/person who wants to redevelop a piece of property pay for the upgrades to the water system, thereby lessening the City's financial burden I do not agree with this decision. Also, there would not appear to be any guarantee that if only one business in an area decides to redevelop and is required to pay their "pro-rata" share, that the City mandated upgrade would be done in a timely fashion?

In my opinion, the City should have been planning for the upgrades that they are mandating by the collection of additional sums from the current users of the water system. If the City improves the system it will benefit all and all should help pay for it. The business/person who wishes to redevelop has been paying for their water service and should have the right to expect the City to upgrade it's own system to meet the standards that the City has set – not the business/person who wishes to redevelop.

So, in the case of the McDonald's used in the example last night – that business has been paying for water service for as long as it has been there, the fact that the City has decided on Fire Flow standards that are different than when they opened should not penalize them for wanting to upgrade or redevelop their property. The City should have been planning on doing the necessary upgrades to the system to meet the standards they set, not expecting the business owners to take that financial burden.

In the case of the lone business in the middle of a residential area – again, while I would expect there to be reasonable connection fees to connect to the City's water system, I do not feel that this business should be expected to foot the entire bill for the upgrade!

Again, as the City set the zoning and as commercial/multi-family projects are allowed in those areas, then the City should have been planning to upgrade it's system to meet those possibilities, not just to meet current expectations but to plan for the future. After all that's what the GMA is about, planning for the possibilities of the future not what we have now.

It is the City's water system, it is the City that is setting the requirements for it's system and it is the City that should undertake the responsibility for the maintenance and upgrading of that system. The public and users should expect to participate in the plans to upgrade with a reasonable increase in costs but no one business or person should be expected to shoulder the burden for something that is the City's responsibility.

Sincerely,

10/28/2009

Jeane E. Derebey

Member of 2009 Planning Commission

Phone: 253-858-1741 Fax: 253-853-3031

JAMES A. PASIN

3212 50th Street Ct. Suite # 104
Gig Harbor, WA 98335
253-851-8988 FAX: 253-851-8052
tpasin@narrows.com

October 23, 2009

RE: Comp 09 - 0009 Water System Plan:

Chapter 2 - Policies and Criteria - Fire Protection - Fire Flow Requirements

I voted NO for the approval of this Amendment.

Although the Amendment seems reasonable on the surface, it has severe consequences to commercial and residential users of the City's Water System.

There are portions of the City's Water System that do not or can not meet the Fire Flow Requirements adopted.

As a consequence, under this Amendment, the user whether commercial or residential would be required to pay a pro-rata share of "upgrading" the system serving their property in order to meet the fire flow requirements; should they want to remodel, rebuild or construct, etc.

The pro-rata payment would have to be paid even though the City has no intention of "upgrading the system".

The Engineering staff sighted a residential area that does not meet the fire flow requirement. A property owner would probably have to "sprinkle" the house at a cost of \$10,000.00 to \$15,000.00. And pay the City, a like pro-rata amount for the future "upgrading of the system" even though it is not intending to upgrade this system. I do not believe, the City should be collecting funds from users, when there is little intent the funds will be used to correct the specific users' fire flow problem.

A second example given, was the Olympic Shopping Center area. That system doesn't meet the fire flow requirements.

The upgrade would cost millions of dollars. The actual number of commercial and residential users is unknown.

There are several vacant properties (like the old State Patrol office) that could be developed. Their pro-rata cost of the upgrade could be tens of thousands of dollars. Possibly making the development cost prohibitive.

Currently, in the Olympic Shopping Center, the former "Gourmet Essentials" space is vacant. If the space is rented for a "higher" use such as a restaurant, it could trigger the fire flow requirement and thus a pro-rata share of the multi-million dollar upgrade. A property owner can not pay hundreds of thousands of dollars to the City for a change of tenants. It would be impossible to have a rental rate high enough to recover the cost from a single tenant.

The cost to any residential (single or multi-family) property in this area, whether it be the result of new, remodel or replacement activity, would probably be prohibitive.

My primary concern is; that the City not hinder development, remodel or

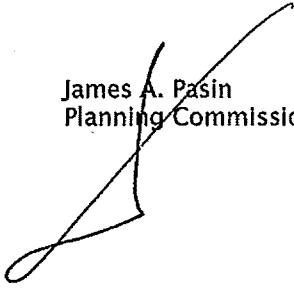
reconstruction activity, whether commercial or residential, because its water system does not meet the adopted requirements through this Amendment. Or collect funds that may never be used for the specific upgrade for which they were collected.

The City has a responsibility to maintain its infrastructure from everyday revenues. It should be setting aside a portion of monthly water system fees for the replacement or upgrades of the water system.

It is unjust to collect funds from the user, if the system may never be upgraded.

I would recommend this Amendment not be approved as written.

James A. Pasin
Planning Commissioner

A handwritten signature in black ink, appearing to read 'James A. Pasin', is written over the typed name and title. The signature is stylized and somewhat abstract, with a large loop at the bottom left.

To: Harris Atkins
Tom Dolan
Jennifer Kester

From: Jill Guernsey

Date: 9/23/09

Re: Comments regarding proposed Comp Plan Amendments 09-0004 (Sunrise Enterprises), 09-0005 (Haven of Rest), and 09-0012 (3700 Grandview).

09-0004 (Sunrise Enterprises): I support this amendment (EC to C/B) for several reasons. This property was zoned commercial before it was recently annexed and is currently developed as a contractor's yard. If it remained a contractor's yard it would certainly not meet the criteria for EC in that it is unlikely that it would provide significant employment to area residents.

I concur with the text added (underlined) in staff's 9/11 memo and recommend that the proposed amendment be approved with a condition requiring maintenance and preservation of the 50 foot perimeter buffer established by the mining permit.

I also concur with the idea of a development agreement which would limit rezoning to B-2 which appears consistent with the applicant's plans.

I have no objection to the extension of commercial development onto the west side of Hgwy 16. There is already commercial development at the Hgwy 16/Purdy Bridge intersection, and at Keller Williams area. I don't see this site as residential and anything we can do to hasten the elimination of the mine would be greatly appreciated by the neighbors to the immediate west.

09-0005 (Haven of Rest): I support this amendment from RL to RM if it is conditioned upon a development agreement which limits the use of this property to cemetery. I know that the applicant's agent feels this is unwarranted, but here is my reasoning.

Assume that the area involved in this comp plan amendment is called Southern Area or SA. Assume the area owned by the applicant and previously amended is called Northern Area or NA.

If we approve the amendment without this limitation, then the SA and the NA could be rezoned from R-1 to R-2 and subsequently developed other than as a cemetery. While I am not necessarily opposed to that, it goes against the reason for both amendments.

If the amendment is conditioned upon a limitation to cemetery uses (through a Development Agreement), then it is unlikely that the SA would be developed as a cemetery and the NA developed other than as a cemetery. I doubt property owners would be inclined to drive through a cemetery (in the SA) to get to residences in the NA. Put

another way, while it would have been better to limit the NA to the use proposed at the time of the comp plan amendment, we can essentially do so by limiting the use of the area by conditioning the amendment of the SA which fronts on Rosedale Street. That way we ensure that the property will be developed in accordance with the reason for the amendment.

09-0012 (3700 Grandview): I support this proposal because I think it is more in line with the surrounding area than what current regulations allow.

Currently the property could be developed with a number of 5000 sq. foot buildings, as was done with the Uddenberg property. This site is considerably larger than the Uddenberg property, therefore I would anticipate more buildings of that size. While I have no objections to the Uddenberg development, I am not anxious to see more of that size development as I do not think it is in keeping with the area. The area currently is bordered by a triangle parcel which contains an uncoordinated mix of commercial development, including a large bank, Mayor Hunter's buildings, as well as several unattractive buildings with large paved parking lots.

Across the street is a gas station; across another street is a large commercial child care center, and nearby are 1970s vintage "strip" office buildings. In short, this area is nothing to brag about. And this is what I consider to be my neighborhood as I live adjacent to it and drive by it daily.

Anything that can be done to ensure attractive buildings is an improvement. I am less concerned about the size of the buildings than I am about the layout, preservation of trees, and planting of additional trees.

And while there has been a lot of discussion about the size of the buildings, I am unclear about the size of the buildings if you eliminate the underground parking? With or without eliminating these areas, these buildings do not appear to be massive. I look at the 5801 Soundview Building, the Rush Buildings on Soundview, the Thriftway (now QFC) Center on Judson, and the new Civic Center. The appearance, size and scale of each of these buildings have more to do with the layout, landscaping, and topography of the site than with the square footage of the buildings.

In short, I support this change if conditioned to ensure that significant trees are saved, more trees are planted, buffers are heavily vegetated, and other similar amenities are required. And please condition it so that duplexes are not constructed on the remaining parcel owned by these applicants (a restrictive covenant?).

JAMES A. PASIN

3212 50th Street Ct. Suite # 104
Gig Harbor, WA 98335
253-851-8988 FAX: 253-851-8052
tpasin@narrows.com

October 23, 2009

RE: Comp 09 - 0012:

3700 Grandview Street - Land use Map Amendment

I strongly recommend that the City Council deny this Comprehensive Plan Amendment.

During the 2008 Comp. Plan Amendment cycle, this Land Use Map Amendment was denied by the Planning Commission on the basis of inappropriate land use for the site.

Rather than accept the Planning Commission's recommendation of denial, the City Council decided the Planning Commission should have made its decision based on the "latest project design" and not land use alone. Then directed the Planning Commission to reconsider the land use map amendment based on the "latest project design" during the 2009 Comp Plan cycle. The City would become the applicant.

I believe the City Council was in error for suggesting a change to the land use map based on "project design" rather than land use criteria.

The Council then gave the project owners implied "agency" to represent the City. The legality of which maybe questionable.

Before the "project" was represented to the Planning Commission via the comp plan process, the city's agent requested the site be removed from the "Height Restriction Area Map". At this point the "project design" was changing from the "latest", and the City should have withdrawn the application.

The Hearing Examiner's ruling dated June 16, 2009, indicates on page 3 of 7; the Agent's representative testified "that there is no current proposal for development". What happened to the "latest design" the City Council was promoting to the Planning Commission for reconsideration?

The Hearing Examiner denied the request. Again, at this point the City should have withdrawn the application, because it was becoming clear that the project would need to change again, in order to meet the "height restriction" of 16 feet.

During one of the meetings in September, the project's agent requested the "property line for the project" be moved 10 feet downhill toward the Harbor (North) in order to meet buffering requirements. Another change to "the latest design". I recommended that this not be allowed. The Agent's comment was "then we will have to take ten (10) feet off the buildings". The Planning Commission agreed with my recommendation, and made it a condition to be included in the development agreement.

A letter from the project Agent, dated July 7, 2009 requested an "Interpretation" by the Planning Director for "height" measurements. Not until the September meeting was the Planning Commission told there were some issues with "height"

measurements on the project. Only a general comment. No specifics.

On October 1, 2009, the Planning Director issued an Administrative Interpretation relative to the 27 foot height measurement/restriction. The Planning Commission had no discussion on the impact the interpretation would make on the project design. And in fact, basically ignored the issue in making its recommendation for approval.

The 2008 project was for two commercial buildings; one at 7,158 sq.ft. the second at 9,000 sq.ft.; **totaling 16,158 sq.ft.** Please refer to attachment – Staff Report dated 9/2/08 page 9 of 12.

The 2009 project is also for two commercial buildings. The Stinson Building being two stories; 11,500 sq.ft. commercial and 7,500 sq.ft. residential; **totaling 19,000 sq.ft. plus underground parking.** The Pioneer Building being two stories; 14,000 sq.ft. commercial and 9,000 sq.ft. residential; **totaling 23,000 sq.ft. plus underground parking.**

The two buildings **total 42,000 sq.ft.** An **increase of 25,842 sq.ft.** from the 2008 project! Size, scale and mass were changed. Another reason for the City to have withdrawn the application.

I believe the height restrictions and other design conditions placed on the project as of October 21, 2009 and changes made by the ownership make it very different from what the City Council saw at the end of the 2008 Comp Plan Amendment cycle. For these reasons alone the comp plan amendment should be denied.

The real issue is land use. Not project design.

The current Residential Low designation is correct for this property. It provides the transition requirement from the surrounding commercial property to the single family R-1 area.

The City's Agent made no justification, based on land use, during the 2009 Comp Plan process, which showed that the Planning Commission's 2008 recommendation for denial should be changed. Please refer to attachment; Notice of Recommendation – COMP-08-001 dated October 2, 2008. Special points are noted with ->.

I voted NO for the Amendment.

Based on the above, I strongly recommend the City Council not accept the Planning Commission's recommendation for approval, and deny this Comprehensive Plan Amendment.



James A. Pasin
Planning Commissioner

Attachments:

1. E-mail dated 8/23/2009 from J. A. Pasin
2. Staff Report dated 9/2/08 pg 9 of 12
3. Notice of Recommendation date 10/2/2008
4. Proposed Site Plan – 2008

From: realityjap@aol.com
To: harrisa@centurytel.net
Subject: Comp 09-0012 Grandview Street
Date: Sun, 23 Aug 2009 11:28 am

Harris;

I feel there are a number of serious issues surrounding this Amendment that we as a Planning Commission are overlooking, not aware of, or ignoring. I will list several.

The "Development Agreement". It would override the underground parking design requirements in the Design Manual for garages with over 20 vehicles (17.99.470 items A and C). It does make a statement that the City can not provide sewer concurrency. Something I think needs discussion. There are other issues within the Agreement worth review.

The Comp. Plan amendment is non-specific to which lots would be re-zoned to RB-2, Parcel #0221082031 runs down Pioneer a long way. There is not specific comment to stop the re-zone at a "new" lot line. This could be very dangerous,

~~The RB-1 zone only allows one 5000-sq-ft. (gross floor area) structure per LOT. The applicant has implied they could build as many as 5. The RB-2 zone does not have that restriction.~~

The RB-1 zone only allows for single family residential, therefore, each building could only have one single family unit. RB-2 allows multi-family. The developer has not said how many multi-family units they would have in the development. It could be 100%.

The Design Manual - Zone Transition limits building size to existing surrounding buildings. This needs to be discussed.

Refer to 17.99.370 and 17.99.240 Natural Site conditions and height. The developer has not provided topo information on this site and we are being asked to "take their word" in meeting these requirements.

Refer to 17.99.510 Item A, height measurement on a sloping property.

I feel we have been following a "does if feel and look good" approach on this, rather than does it meet the requirements. And the consequences of a rezone to RB-2 could be bad.

The property line(s) are of a real concern to me.

I think the staff needs to answer these questions in writing as a part of the documentation for our and the city council's decision and for the hearing examiners review.

I have other concerns, but these start to highlight the real issues.

Hopefully, you will pass these comments on to the other Planning Commission members for their evaluation.

If you'd like to discuss this with me, please call.

Jim Pasin

9/2/09

* No access to single family houses.
* Retaining walls - over: 15 feet

zoned RB-1. The RB-1 zoning allows offices as proposed and even allows "Sales Level 1 (general retail uses). RB-1 zoning would not permit multiple family uses however.

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.

Comment: With respect to design, the major issue associated with this request, for the proposed RB-2 zone is scale. As previously identified, the commercial aspects of the applicants proposal can be accommodated within the existing RB-1 zoning of the property. However, the zoning regulations for RB-1 limits the maximum size of each structure on the site to 5,000 square feet. In the RB-2 zone, the maximum structure size is limited by the height, setbacks and parking required. The applicant has provided a conceptual site plan which indicates two buildings within the proposed RB-2 zone. One structure is identified as 7,158 sq. ft +/- and the other is 9,000 sq. ft +/- . In the narrative provided in the proposed development agreement, it is identified that the southerly half is proposed to be developed with a "building or buildings". It is difficult to evaluate the impacts to surrounding properties relative to scale of structure with the information presented to date. The applicant should come to the public hearing prepared to demonstrate that the ultimate development of the site will be consistent with an appropriate scale for the area.

Not part of proposal?

Mixed Use

GOAL 3.10: MAINTAIN AND INCORPORATE GIG HARBOR'S NATURAL CONDITIONS IN NEW RESIDENTIAL DEVELOPMENTS.

9/2/08

NOTICE OF RECOMMENDATION
CITY OF GIG HARBOR PLANNING COMMISSION
2008 COMPREHENSIVE PLAN AMENDMENTS

TO: City of Gig Harbor
FROM: Harris Atkins, Vice Chair
DATE: October 2, 2008
RE: Applications: COMP 07-0005, COMP 08-0001, COMP 08-0002, COMP 08-0003,
COMP 08-0004, COMP 08-0005, COMP 08-0006, COMP 08-0007 and COMP
08-0008

Having reviewed the Comprehensive Plan amendments included in the 2008 cycle after public hearings on August 7, 2008 and September 4, 2008, the City of Gig Harbor Planning Commission recommends the City Council **APPROVE** 8 of the proposed Comprehensive Plan amendments and **DENY** one proposed Comprehensive Plan amendment. The following is a summary of each proposed 2008 Comprehensive Plan amendment together with the Planning Commission's recommendation.

COMP 07-0005:

The proposed Comprehensive Plan amendment, requested by Harbor Reach Estates LLC, would amend text and maps related to the Sewer Basin C14 in the Gig Harbor Wastewater Comprehensive Plan.

Planning Commission Recommendation: Approval. The application is consistent with the criteria identified in GHMC 19.09.170 for the approval of amendments to the City of Gig Harbor's Comprehensive Plan.

~~XX~~ **COMP 08-0001:**

The proposed Comprehensive Plan amendment, requested by MP8 LLC and Pioneer & Stinson LLC, would change the land use designation for 4.27 acres of property located at 3700 Grandview Street from a Residential Low (RL) designation to a Residential Medium (RM) designation.

Planning Commission Recommendation: Denial. The Planning Commission found that the request was inconsistent with the criteria identified in GHMC 19.09.170 for the approval of amendments to the City of Gig Harbor's Comprehensive Plan. Although requesting a medium intensity designation for the entire property, the applicant's request contains two separate proposals for the site. The northerly 2 acres is proposed to be

developed with 7 duplexes and the southerly 2 acres is proposed to be developed by one or more buildings containing a mix of office and residential uses. The applicants submitted a draft development agreement that would limit the use of the property to those uses. The applicants requested that the City consider the duplex and office portions of the project separately. After careful review, the Commission found that the request was inconsistent with the goals, policies and objectives of the comprehensive plan. In terms of the proposed duplexes, the Commission felt that changing the northerly portion of the site to Residential Medium to allow a rezone to R-2 would be inconsistent with Land Use Element Policy 2.2.2. This policy seeks to define and protect the integrity of small planning areas, particularly residential neighborhoods. The construction of duplexes adjacent to existing single family residences could have an adverse impact upon the single family homes. The commission further felt that duplexes could create a precedent for similar requests further down the hill to the north. The Commission questioned the need for the duplexes to be located between the proposed office building(s) and the single family homes to the north. The proposed mixed use development on the south half of the overall site is currently zoned RB-1. The applicants are proposing to rezone the site to RB-2 if the comp plan amendment is approved. The intent statements of both RB-1 and RB-2 state that those districts are intended to act as buffers adjacent to lower density residential uses. Therefore, there should not be a need to buffer the existing single family homes from the proposed mixed use development. The Planning Commission voted unanimously to recommend denial of this portion of the requested Comp Plan Amendment.

→ The Planning Commission also felt that the proposed mixed use development on the southerly half of the site was inconsistent with the goals, policies and objectives of the Comprehensive Plan. The applicants indicate that if the Land Use Map is changed to designate the site Residential Medium, they intend to rezone the property RB-2. As previously stated, the site is currently zoned RB-1. There are two major differences between RB-1 and RB-2. The RB-2 zone allows multiple family housing and the RB-1 only allows single family. The RB-1 zone has a maximum building size of 5,000 square feet and the RB-2 zone has no maximum size limit. The applicant has discussed the construction of one or more structures up to 3 stories in height. The goals and policies of the Community Design Element of the Comprehensive Plan discuss the importance of scale as it relates to the surrounding area. The Commission was concerned that a change to the Land Use Map that led to the rezoning of the site to RB-2 could adversely affect the neighborhood's scale, which for the most part consists of single story and 1 ½ story commercial buildings.

→ There are several policies in the Comprehensive Plan that discuss the importance of retaining existing vegetation. The applicants have indicated that they will retain existing vegetation as required under the existing zoning regulations. The Planning Commission could not evaluate the retention of existing vegetation in that the plans submitted by the applicant did not provide conceptual building locations, parking or vegetation retention detail.

→ Criteria 19.09.170 G. requires that in the case of a comp plan land use map amendment, the subject parcel must be physically suitable for the allowed uses in the designation requested, including compatibility with existing and planned surrounding land uses. Testimony at the public hearing brought into question whether the proposed land use map

amendment would result in a development that would be compatible with the surrounding uses which are predominately single family homes to the north and east. After careful consideration, it is the position of the Planning Commission that the proposed duplexes and future large multiple story building or building would not be compatible with the surrounding land uses. The Planning Commission voted 3 – 2 to deny this portion of the Comp plan Amendment.

Based upon the above, the Planning Commission respectfully recommends denial of application COMP 08-0001.

COMP 08-0002:

The proposed Comprehensive Plan amendment, requested by the City of Gig Harbor, would update, revise and add to the list and descriptions for current and planned parks, recreation and open space projects. The amendment will allow the City to update its park impact fees.

Planning Commission Recommendation: Approval. The application is consistent with the criteria identified in GHMC 19.09.170 for the approval of amendments to the City of Gig Harbor's Comprehensive Plan.

COMP 08-0003:

The proposed Comprehensive Plan amendment, requested by Michael Averill of Lighthouse Square LLC, would change the land use designation for one parcel of property (approximately 1/2 acre) located at 3720 Harborview Drive, currently occupied by Lighthouse Marine and Speedy Auto Glass, from a Residential Low (RL) designation to a Residential Medium (RM) designation.

Planning Commission Recommendation: Approval. The application is consistent with the criteria identified in GHMC 19.09.170 for the approval of amendments to the City of Gig Harbor's Comprehensive Plan.

COMP 08-0004:

The proposed Comprehensive Plan amendment, requested by the City of Gig Harbor Planning Commission, would correct inconsistencies between the Land Use Map and the Zoning Map. The three amendments include:

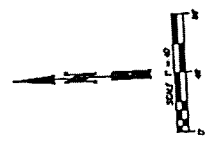
1. A land use designation change from Residential Medium (RM) to Residential Low (RL) of approximately 38 acres along the west side of Soundview Drive zoned R-1;
2. A land use designation change from Residential Low (RL) to Residential Medium (RM) of approximately 16.5 acres between Soundview Drive and Harborview Drive near the old ferry landing zoned R-2; and,
3. A land use designation change from Residential Low (RL) to Residential Medium (RM) of approximately 250 acres between Burnham Drive and State Route 16 in the Urban Growth Area with pre-annexation zoning of R-2.

Planning Commission Recommendation: Recommend approval for map areas 1 and 3. Recommend approval of map area 2 with the exception that the southern boundary be redrawn to exclude the 6 southerly parcels along Grandview Place.

PARCEL #
 02710027A, 02710027B
 02710027C, 02710027D
 02710027E

GRANDVIEW

IN A PORTION OF THE SW1/4 OF SECTION 4, TOWNSHIP 21 NORTH,
 RANGE 2 EAST OF THE WILLAMETTE MERIDIAN,
 PERCIE COUNTY, WASHINGTON

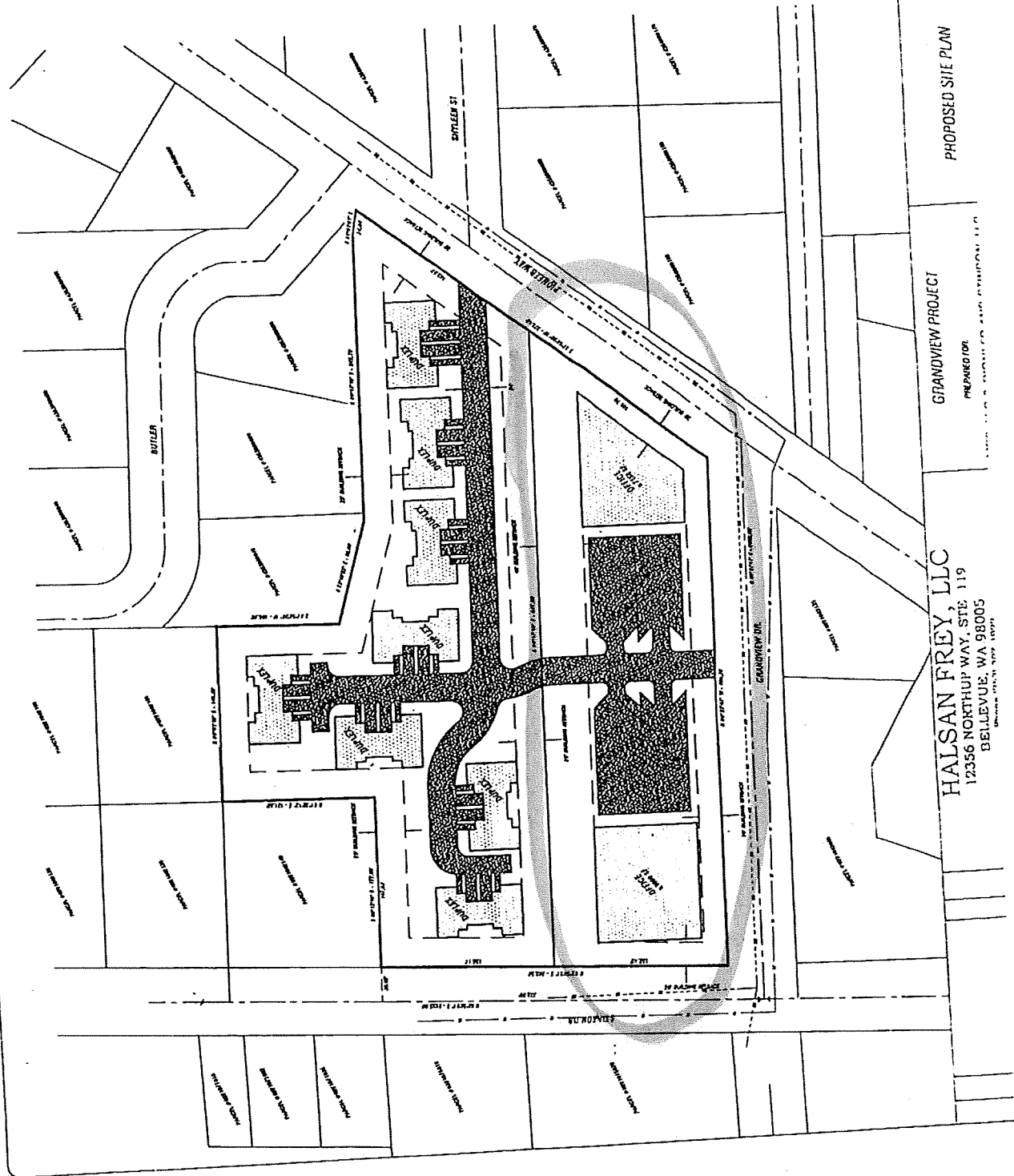


SITE INFORMATION:
 DATE: 01/11/2017
 DRAWN BY: J. HOFFMANN
 CHECKED BY: J. HOFFMANN

UTILITY NOTES:
 THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE LOCATION AND DEPTH OF THE UTILITIES SHOWN ON THIS PLAN. THE ENGINEER HAS NOT CONDUCTED ANY TESTS OR INVESTIGATIONS TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF THE UTILITIES PRIOR TO CONSTRUCTION. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN OF THE SITE PLAN AND DOES NOT EXTEND TO THE ACCURACY OF THE UTILITIES INFORMATION PROVIDED BY THE CLIENT.

DATE	01/11/2017
DWG	
DATE	

DESIGN	NR
DRAWN	J. HOFFMANN
CHECKED	J. HOFFMANN



PROPOSED SITE PLAN

GRANDVIEW PROJECT
 PREPARED FOR: HALSAN FREY, LLC

HALSAN FREY, LLC
 12356 NORTHUP WAY, STE 119
 BELLEVUE, WA 98005
 (206) 451-1000



**DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF GIG HARBOR
AND HAVEN OF REST, INC.,
REGARDING
LIMITATION OF FUTURE REZONE APPLICATIONS**

THIS DEVELOPMENT AGREEMENT is made and entered into this _____ day of _____, 2009, by and between the CITY OF GIG HARBOR, a Washington municipal corporation (the "City"), and HAVEN OF REST, INC., a Washington corporation, with its principal offices located at 8503 SR Hwy. 16, Gig Harbor, Washington 98335 (the "Owner").

RECITALS

WHEREAS, RCW 36.70B.170 authorizes the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction; and

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement; and

WHEREAS, Owner has made application to the City, known as the Haven of Rest Comprehensive Plan Land Use Map Amendment, COMP 09-0005, to change the land use designation of the subject property from Residential Low (RL) to Residential Medium (RM) (the "Application"), for the property located at 4223 Rosedale Street (Parcel No. 0221064151) and XXXX Mitts Lane (Parcel No. 0221064164), shown on Exhibit A and legally described on Exhibit B, both of which are attached hereto and incorporated herein (the "Property"); and

WHEREAS, after holding a public hearing on the Application, the Planning Commission recommended approval of the Application subject to a development agreement of five-to-ten years limiting any future rezone proposal of the Property to the R-2 zoning district; and

WHEREAS, on _____, the City Council adopted the recommendation of the Planning Commission, approving the Application, subject to approval of this Development Agreement; and

WHEREAS, on _____, the City held a public hearing on this Development Agreement;

NOW, THEREFORE, in consideration of the City changing the land use designation of the Property from RL to RM, the parties agree and the Owner further covenants for itself, its heirs, successors and assigns, as follows:

1. Limitation on Future Rezone. Owner acknowledges the recommendation of the Planning Commission, as adopted by the City Council, to approve its application for change in Comprehensive Plan land use designation from Residential Low (RL) to Residential Medium (RM) with a limitation on future rezone of the Property to the R-2 zoning district, and on behalf of itself, its heirs, successors and assigns, Owner hereby covenants and agrees to limit, for the term of this Agreement, any application for rezone of the Property to the R-2 zoning district.

2. Reservation of City Authority. Nothing in this Agreement is intended to guarantee approval of a future rezone to the R-2 zoning district, and the City retains its authority to approve or deny any such application for rezone based on criteria in existence at the time of consideration. In addition, nothing herein limits the City's authority to adopt new land use regulations as it deems appropriate, or to amend existing land use regulations. Land use regulations include ordinances that govern the permitted uses of land, the density and intensity of use, and the design, improvement, construction standards and specifications applicable to the development of the Property, including, but not limited to the Comprehensive Plan, the City's Official Zoning Map and development standards, bulk regulations, the Design Manual, the Public Works Standards, SEPA, Concurrency Ordinance, and all other ordinances, codes, rules and regulations of the City establishing subdivision standards, park regulations, building standards.

3. Term. This Agreement shall commence upon the effective date of the resolution approving this Agreement, and shall continue in force for a period of ___ years unless extended or terminated in the manner set forth in Section 5 below.

4. Covenant Running with the Land. This Agreement shall be recorded with the Pierce County Auditor. The conditions and covenants set forth in this Agreement shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties, their respective heirs, successors and assigns.

5. Amendments. This Agreement may be amended by mutual consent of all of the parties, provided that any such amendment shall follow the process established by law for the adoption of a development agreement.

6. Notices. All notices required to be given by either party to the other under this Agreement shall be in writing and shall be given in person or by mail to the addresses set forth below. Notice by mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, addressed as provided in this paragraph.

Haven of Rest
ATTN: Robert Glass
PO Box 156
Gig Harbor, WA 98335

City of Gig Harbor
ATTN: _____
3510 Grandview Street
Gig Harbor, WA 98335
(253) 851-6170

Notices to subsequent Owners shall be required to be given by the City only for those who have given the City written notice of their address. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

7. Reimbursement for Expenses of City. Owner agrees to reimburse the City for actual expenses incurred over and above fees paid by Owner as an applicant incurred by City directly relating to this Agreement, including recording fees, publishing fess and reasonable staff and consultant costs not otherwise included within application fees. Such payment of all fees shall be paid, at the latest, within thirty (30) days from the City's presentation of a written statement of charges to the Owner.

8. Applicable Law and Attorneys Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. If litigation is initiated to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Venue for any action shall lie in Pierce County Superior Court or the U.S. District Court for Western Washington.

9. Third Party Legal Challenge. This Agreement is intended and executed for the sole benefit of the parties hereto. Nothing herein shall be construed as creating any enforceable rights or causes of action in or for any other person or entity. In the event any legal action or special proceeding is commenced by any person or entity other than a party to this Agreement to challenge this Agreement or any provision herein, the City may elect to tender the defense of such lawsuit or individual claims in the lawsuit to Owner. In such event, Owner shall hold the City harmless from and defend the City from all costs and expenses incurred in the defense of such lawsuit or individual claims in the lawsuit, including but not limited to, attorneys' fees and expenses of litigation, and damages awarded to the prevailing party or parties in such litigation. The Owner shall not settle any lawsuit without the consent of the City. The City shall act in good faith and shall not unreasonably withhold consent to settle.

10. Specific Performance. The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Agreement by any party in default hereof.

11. Severability. Any invalidity, in whole or in part, of any provision of this Agreement shall not affect the validity of any other provision.

12. Entire Agreement. This Agreement represents the entire integrated agreement between the City and the Owner, superseding all prior negotiations, representations or agreements, written or oral.

IN WITNESS WHEREOF, the parties hereto have caused this Development Agreement to be executed as of the dates set forth below:

HAVEN OF REST, INC.

CITY OF GIG HARBOR

By: [Signature]
Its: November 2, 2009
President

By: _____
Its Mayor

ATTEST:

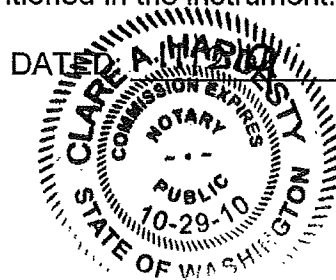
City Clerk

APPROVED AS TO FORM:

City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Robert Gilces 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 President of HAVEN OF REST, INC., a Washington corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



[Signature]
Printed: Claren A. Hardesty
NOTARY PUBLIC in and for Washington
Residing at: Puyallup, WA

My appointment expires: _____

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.

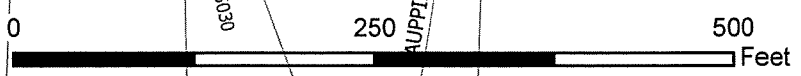
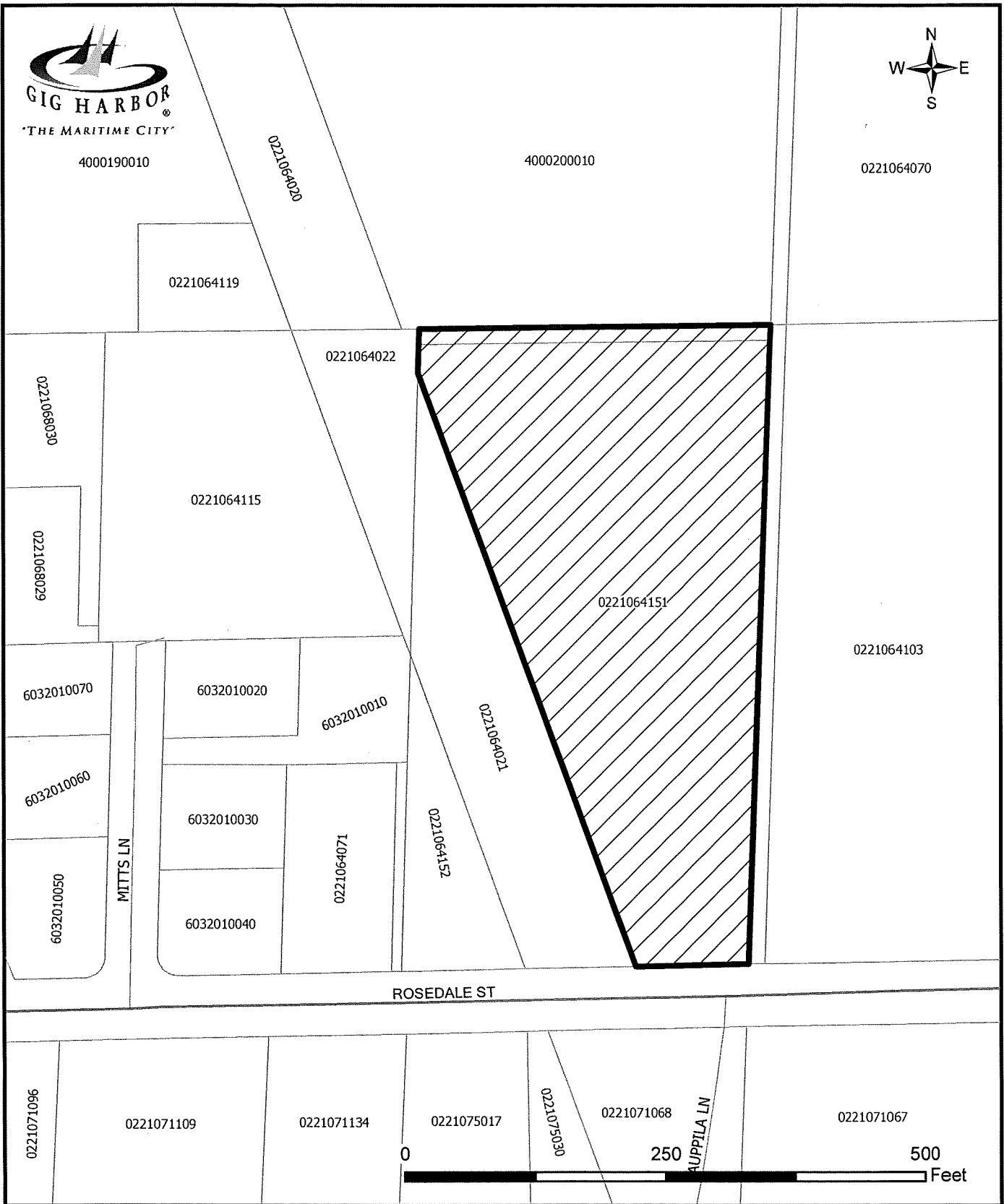
DATED: _____

Printed: _____

NOTARY PUBLIC in and for Washington

Residing at: _____

My appointment expires: _____



**COMP 09-0005 Haven of Rest Land Use Amendment
Residential Low (RL) to Residential Medium (RM)**

EXHIBIT "B"

PARCEL 0221064151

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN GIG HARBOR, PEIRCE COUNTY, WASHINGTON;
EXCEPT THE NORTH 15 FEET THEREOF;
ALSO EXCEPT TACOMA CITY LIGHT TRANSMISSION RIGHT OF WAY LINE;
ALSO EXCEPT THAT PORTION LYING WEST OF SAID TRANSMISSION LINE.

PARCEL 0221064164

THE NORTH 15 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN GIG HARBOR, PIERCE COUNTY, WASHINGTON

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

**DEVELOPMENT AGREEMENT
BY AND BETWEEN
CITY OF GIG HARBOR, MP8 LLC AND PIONEER & STINSON LLC,
FOR THE PIONEER & STINSON DEVELOPMENT**

THIS DEVELOPMENT AGREEMENT is made and entered into this ____ day of _____, 2009, by and between the CITY OF GIG HARBOR, a Washington municipal corporation, hereinafter the "City," and MP8, a Washington limited liability corporation, located at 3720 Horsehead Bay Drive NW, Gig Harbor, WA, and PIONEER & STINSON a Washington limited liability corporation, located at 3312 Rosedale Street, Gig Harbor, WA, hereinafter referred to collectively as the "Developer."

RECITALS

WHEREAS, RCW 36.70B.170 authorizes the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction; and

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement; and

WHEREAS, the City has made application, known as the 3700 Grandview Comprehensive Plan Land Use Map Amendment, COMP 09-0012, to change the land use designation of the subject property from Residential Low (RL) to Residential Medium (RM) (the "Application"), for the property located at 3700 Grandview Street (Parcel No. 0221082225 and portions of 0221082176, 0221082224 and 0221082031), legally described on Exhibit A and shown on Exhibit B as Area 1, both of which exhibits are attached hereto and incorporated herein; and

WHEREAS, after holding a public hearing on the Application, the Planning Commission recommended approval of the Application subject to a development agreement of ten-to-twenty years limiting any future rezone proposal of the Property to the RB-2 zoning district, prohibiting rezone of the property designated as Area 2 on Exhibit B, and providing for tree preservation, residential buffering, zone transition buffering, parking, building size, height and use requirements and setbacks from streets; and

WHEREAS, on _____, the City Council adopted the recommendation of the Planning Commission, approving the Application, subject to approval of this Development Agreement; and

WHEREAS, on _____, the City held a public hearing on this Development Agreement;

NOW, THEREFORE, in consideration of the City changing the land use designation of the Property from RL to RM, the parties agree and the Owner further covenants for itself, its heirs, successors and assigns, as follows:

Section 1. *The Project.* The Project is the development and use of the Property, consisting of 4.27 acres in the City of Gig Harbor. The Comprehensive Plan Amendment amends the land use designation from Residential-Low to Residential-Medium for the uphill 2 acre portion of the Property, as shown on Exhibit B and designated as Area 1. The lower 2.27 acres, shown on Exhibit B and designated as Area 2 are not directly affected by the Comprehensive Plan Amendment, and will remain designated Residential-Low, zoned R-1. For Area 1, the Developer plans to construct two mixed use buildings containing residential units over office or personal/professional service space or level 1 restaurant space, if a rezone to RB-2 is granted in the future. A portion of the on-site parking requirements for Area 1 will be located in below-average-grade parking structures located underneath each of the two buildings.

Section 2. *The Subject Property.* The Project site is legally described in Exhibit "A", attached hereto and incorporated herein by this reference.

Section 3. *Definitions.* As used in this Development Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section.

- a) "Adopting Resolution" means the Resolution which approves this Development Agreement, as required by RCW 36.70B.200.
- b) "Below-Average-Grade" parking means to have as much of the parking as practical sub-terrainian given the existing topography; and to limit the amount of garage wall façade that is exposed. Where existing grade makes it impractical to eliminate façade exposure, the exposed façade will have architectural treatments added pursuant to Design Review Board approval.
- c) "Certificate of occupancy" means either a certificate issued after inspections by the City authorizing a person(s) in possession of property to dwell or otherwise use a specified building or dwelling unit, or the final inspection if a formal certificate is not issued.
- d) "Council" means the duly elected legislative body governing the City of Gig Harbor.
- e) "Design Guidelines" means the Gig Harbor Design Manual, as adopted by the City.
- f) "Director" means the City's Community Development Director or Director of Planning.

g) "Effective Date" means the effective date of the Adopting Resolution.

h) "Existing Land Use Regulations" means the ordinances adopted by the City Council of Gig Harbor in effect on the Effective Date, including the adopting ordinances that govern the permitted uses of land, the density and intensity of use, and the design, improvement, construction standards and specifications applicable to the development of the Subject Property, including, but not limited to the Comprehensive Plan, the City's Official Zoning Map and development standards, the Design Manual, the Public Works Standards, SEPA, Concurrency Ordinance, and all other ordinances, codes, rules and regulations of the City establishing subdivision standards, park regulations, building standards. Existing Land Use Regulation does not include non-land use regulations, which includes taxes and impact fees.

i) "Landowner" is the party who has acquired any portion of the Subject Property from the Developer who, unless otherwise released as provided in this Agreement, shall be subject to the applicable provisions of this Agreement. The "Developer" is identified in Section 5 of this Agreement.

j) "Project" means the anticipated development of the Subject Property, as specified in Section 1 and as provided for in all associated permits/approvals, and all incorporated exhibits.

k) "Significant tree" means a healthy tree having a trunk diameter of at least six inches as measured 54 inches above grade.

Section 4. *Exhibits.* Exhibits to this Agreement are as follows:

- a) Exhibit A – legal description of the Subject Property
- b) Exhibit B – site plan
- c) Exhibit C – depiction of existing significant trees

Section 5. *Parties to Development Agreement.* The parties to this Agreement are:

a) The "City" is the City of Gig Harbor, 3510 Grandview Street, Gig Harbor, WA 98335.

b) The "Developer" or Owner are two private enterprises which own the Subject Property in fee, and whose principal offices are located at 3312 Rosedale Street, Suite 201, Gig Harbor, WA 98335 and 3720 Horsehead Bay Drive NE, Gig Harbor WA 98335.

c) The "Landowner." From time to time, as provided in this Agreement, the Developer may sell or otherwise lawfully dispose of a portion of the Subject Property to a Landowner who, unless otherwise released, shall be subject to the applicable provisions of this Agreement related to such portion of the Subject Property.

Section 6. *Project is a Private Undertaking.* It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions.

Section 7. *Term of Agreement.* This Agreement shall commence upon the effective date of the Adopting Resolution approving this Agreement, and shall continue in force for a period of _____ years unless extended or terminated as provided herein. Following the expiration of the term or extension thereof, or if sooner terminated, this Agreement shall have no force and effect, subject however, to post-termination obligations of the Developer or Landowner.

Section 8. *Vested Rights of Developer.* During the term of this Agreement, unless sooner terminated in accordance with the terms hereof, in developing the Subject Property consistent with the Project described herein, Developer is assured, and the City agrees, that the development rights, obligations, terms and conditions specified in this Agreement, are fully vested in the Developer and may not be changed or modified by the City, except as may be expressly permitted by, and in accordance with, the terms and conditions of this Agreement, including the Exhibits hereto, or as expressly consented to by the Developer. However, the Developer acknowledges that this Agreement only describes the conditions imposed on the Developer's comprehensive plan amendment for the Property. This Agreement does not provide any vested right or approval of any rezone or project permit application for the Property, whether or not such rezone or application is described in or contemplated by this Agreement.

Section 9. *Development Standards and Covenants regarding Rezone Limitations.*

A. Limitations on Rezone. Within 2 years of the effective date of the approval of the Comprehensive Plan Amendment known as COMP 09-0012, the Developer may submit application to the City for rezone of Area 1 of the Property from RB-1 to RB-2, consistent with this Agreement. Developer acknowledges the Comprehensive Plan Amendment was approved on the condition that it limits any rezone of Area 1 to RB-2, and not apply for any rezone of Area 2. As such, Developer covenants and agrees to limit, for the term of this Agreement, any application for rezone of Area 1 to RB-2. Developer further covenants and agrees, for the term of this Agreement, not to apply for any rezone for Area 2. Nothing in this Agreement is intended to guarantee approval of a future rezone to the RB-2 zoning district, and the City retains its authority to approve or deny any such application for rezone based on criteria in existence at the time of consideration. Along with the rezone application, the Developer will also submit project permit applications for development of the property to the City. These Project permit applications shall be consistent with the City's code in effect at that time, and also include the provisions set forth below.

B. Uses and Development on Area 1. The Developer shall limit the use and development of Area 1 to two mixed use buildings with residential units over office, and/or other non-residential uses as allowed by the RB-2 zone. By execution of this

Agreement, the City does not agree to approve any subsequent permit applications for development of Area 1 with these uses, and specifically retains the right to deny any such proposals in accordance with adopted standards. The parties acknowledge that the review and processing of any development applications must follow the City's permit processing procedures, and that nothing in this Agreement shall alter these procedures (as they exist or may exist in the future). Developer agrees that it shall not develop Area 1 with any other uses.

C. Uses and Development on Area 2. As to the lower acreage of the Property, shown in Exhibit B as Area 2, the Developer shall limit use and development of the property to a single family development. By execution of this Agreement, the City does not agree to approve any subsequent permit applications for development of Area 2 with these uses, and specifically retains the right to deny any such proposal in accordance with adopted standards. The parties acknowledge that the review and processing of any development applications must follow the City's permit processing procedures, and that nothing in this Agreement shall alter these procedures (as they exist or may exist in the future). Developer agrees that it shall not develop Area 2 with any other uses.

D. Residential Buffering. Developer shall plant a 25-foot wide vegetative screen, consisting of dense evergreen tree plantings that create an opaque hedge with a mature height of 16 feet adjacent to the northern property line of the 4.27 acre project site. This buffer will be planted prior to occupancy of the first new building within the 4.27 acre project site. Existing significant trees within this buffer as shown on Exhibit C, attached hereto and incorporated herein, shall be retained. This buffer will extend from Pioneer Way to Stinson Avenue.

E. Zone Transition Buffering. Developer shall plant a 30-foot wide zone transition buffer adjacent to and south of the northerly line of Area 1. This buffer will be planted prior to occupancy of the first new building within the 4.27 acre project site. Existing significant trees within this buffer as shown on Exhibit C shall be retained. This buffer will extend from Pioneer Way to Stinson Avenue.

F. Tree Preservation. Developer shall retain no less than 38% of the existing significant trees on Area 1 and no less than 41% of the existing significant trees on Area 2, as shown on Exhibit C.

G. West Building on Area 1. The westerly mixed use building closest to Stinson Avenue will contain no more than 11,900 square feet of office/non-residential space on the first floor with dedicated parking below-average-grade. The second floor will contain no more than 9,200 square feet dedicated to residential uses only, and shall be stepped back from the floor below.

H. East Building on Area 1. The easterly mixed use building closest to Pioneer Way will contain no more than 14,500 square feet of office/non-residential space on the first floor with dedicated parking below-average-grade. The second floor will contain no

more than 10,400 square feet dedicated to residential uses only, and shall be stepped back from the floor below.

I. Parking. Development of the buildings within Area 1 must provide below-average-grade parking stalls for no less than 70 spaces, or an equivalent percentage of the total shown on Exhibit B if the building size is reduced.

J. Setbacks. All development must be set back at least 30 feet from Stinson Avenue and Grandview Street, and no less than 25 feet from Pioneer Way.

Section 10. Minor Modifications. Minor modifications from the approved exhibits attached hereto may be approved in accordance with the provisions of the City's code, and shall not require an amendment to this Agreement.

Section 11. Further Discretionary Actions. Developer acknowledges that the Existing Land Use Regulations contemplate the exercise of further discretionary powers by the City. These powers include, but are not limited to, review of additional permit applications under SEPA. Nothing in this Agreement shall be construed to limit the authority or the obligation of the City to hold legally required public hearings, or to limit the discretion of the City and any of its officers or officials in complying with or applying Existing Land Use Regulations.

Section 12. Design Review. In order to ensure maximum public involvement throughout the entitlement process, the Developer agrees to bring the project to the Design Review Board (DRB) for pre-application review for all items associated with design of the project, and will request that public notice be provided for the meeting. It is the Developer's intent to conform to as many of the Specific Requirements of the Design Manual (17.99 GHMC) as possible, but they will bring the project to the DRB prior to the Hearing Examiner hearing to solicit a DRB recommendation and public input on any of the project's design elements that do not meet the Specific Requirements, including but not limited to Zone Transition.

Section 13. Existing Land Use Fees and Impact Fees.

A. Land Use Fees. Land use fees adopted by the City by ordinance as of the Effective Date of this Agreement may be increased by the City from time to time, and applicable to permits and approvals for the Subject Property, as long as such fees apply to similar applications and projects in the City.

B. Impact Fees. All impact fees shall be paid as set forth in the approved permit or approval, or as addressed in chapter 19.12 of the Gig Harbor Municipal Code.

C. Sewer Facilities. At the time of execution of this Agreement, the City is unable to issue sewer concurrency certificates.

Section 14. Default.

A. Subject to extensions of time by mutual consent in writing, failure or delay by either party or Landowner not released from this Agreement, to perform any term or provision of this Agreement shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party or Landowner not less than thirty (30) days notice in writing, specifying the nature of the alleged default and the manner in which said default may be cured. During this thirty (30) day period, the party or Landowner charged shall not be considered in default for purposes of termination or institution of legal proceedings.

B. After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party or Landowner to this Agreement may, at its option, institute legal proceedings pursuant to this Agreement. In addition, the City may decide to file an action to enforce the City's Codes, and to obtain penalties and costs as provided in the Gig Harbor Municipal Code for violations of this Development Agreement and the Code.

Section 15. Annual Review. The City shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by Developer and Landowner with this Agreement. The City may charge fees as necessary to cover the costs of conducting the annual review.

Section 16. Termination.

A. This Agreement shall terminate upon the expiration of the term identified in Section 7 or when the Subject Property has been fully developed, which ever first occurs, and all of the Developer's obligations in connection therewith are satisfied as determined by the City. Upon termination of this Agreement, the City shall record a notice of such termination in a form satisfactory to the City Attorney that the Agreement has been terminated. This Agreement shall automatically terminate and be of no further force and effect as to any single-family residence, any other residential dwelling unit or any non-residential building and the lot or parcel upon which such residence or building is located, when it has been approved by the City for occupancy.

B. If the Developer does not obtain a rezone of Area 1 within two years from the effective date of this Agreement, all provisions of this Agreement relating to the development contemplated herein shall terminate, except the limitation and prohibition on rezones set forth in Section 9.A. shall remain in full force and effect for the term of this Agreement identified in Section 7.

Section 17. Effect upon Termination on Developer Obligations. Termination of this Agreement as to the Developer of the Subject Property or any portion thereof shall not affect any of the Developer's obligations to comply with the City Comprehensive Plan and the terms and conditions or any applicable zoning code(s) or subdivision map or other land use entitlements approved with respect to the Subject Property, any other

conditions of any other development specified in the Agreement to continue after the termination of this Agreement or obligations to pay assessments, liens, fees or taxes.

Section 18. Effects upon Termination on City. Upon any termination of this Agreement as to the Developer of the Subject Property, or any portion thereof, the entitlements, conditions of development, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested hereby with respect to the property affected by such termination (provided that vesting of such entitlements, conditions or fees may then be established for such property pursuant to then existing planning and zoning laws).

Section 19. Assignment and Assumption. The Developer shall have the right to sell, assign or transfer this Agreement with all their rights, title and interests therein to any person, firm or corporation at any time during the term of this Agreement. Developer shall provide the City with written notice of any intent to sell, assign, or transfer all or a portion of the Subject Property, at least 30 days in advance of such action.

Section 20. Covenants Running with the Land. The conditions and covenants set forth in this Agreement and incorporated herein by the Exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Developer, Landowner and every purchaser, assignee or transferee of an interest in the Subject Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Subject Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Developer contained in this Agreement, as such duties and obligations pertain to the portion of the Subject Property sold, assigned or transferred to it.

Section 21. Amendment to Agreement; Effect of Agreement on Future Actions. This Agreement may be amended by mutual consent of all of the parties, provided that any such amendment shall follow the process established by law for the adoption of a development agreement (*see*, RCW 36.70B.200). However, nothing in this Agreement shall prevent the City Council from making any amendment to its Comprehensive Plan, Zoning Code, Official Zoning Map or development regulations affecting the Subject Property during the term of this Agreement, as the City Council may deem necessary to the extent required by a serious threat to public health and safety. Nothing in this Development Agreement shall prevent the City Council from making any amendments of any type to the Comprehensive Plan, Zoning Code, Official Zoning Map or development regulations relating to the Subject Property after termination or expiration of this Agreement.

Section 22. Releases. Developer, and any subsequent Landowner, may free itself from further obligations relating to the sold, assigned, or transferred property,

provided that the buyer, assignee or transferee expressly assumes the obligations under this Agreement as provided herein.

Section 23. Notices. Notices, demands, correspondence to the City and Developer shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated in Section 5. Notice to the City shall be to the attention of both the City Administrator and the City Attorney. Notices to subsequent Landowners shall be required to be given by the City only for those Landowners who have given the City written notice of their address for such notice. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

Section 24. Reimbursement for Agreement Expenses of the City. Developer agrees to reimburse the City for actual expenses incurred over and above fees paid by Developer as an applicant incurred by the City directly relating to this Agreement, including recording fees, publishing fees and reasonable staff and consultant costs not otherwise included within application fees. Upon payment of all expenses, the Developer may request written acknowledgement of all fees. Such payment of all fees shall be paid, at the latest, within thirty (30) days from the City's presentation of a written statement of charges to the Developer.

Section 25. Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. If litigation is initiated to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Venue for any action shall lie in Pierce County Superior Court or the U.S. District Court for Western Washington.

Section 26. Third Party Legal Challenge. In the event any legal action or special proceeding is commenced by any person or entity other than a party or a Landowner to challenge this Agreement or any provision herein, the City may elect to tender the defense of such lawsuit or individual claims in the lawsuit to Developer and/or Landowner(s). In such event, Developer and/or such Landowners shall hold the City harmless from and defend the City from all costs and expenses incurred in the defense of such lawsuit or individual claims in the lawsuit, including but not limited to, attorneys' fees and expenses of litigation, and damages awarded to the prevailing party or parties in such litigation. The Developer and/or Landowner shall not settle any lawsuit without the consent of the City. The City shall act in good faith and shall not unreasonably withhold consent to settle.

Section 27. Specific Performance. The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Development Agreement by any party in default hereof.

Section 28. Severability. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein

Section 29. Entire Agreement. This Agreement represents the entire integrated agreement between the City and the Developer, superseding all prior negotiations, representations or agreements, written or oral.

IN WITNESS WHEREOF, the parties hereto have caused this Development Agreement to be executed as of the dates set forth below:

MP8 LLC

CITY OF GIG HARBOR

By _____
Its Managing Member

By _____
Mayor Charles L. Hunter

PIONEER STINSON LLC

ATTEST:

By _____
Its Managing Member

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 _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of MP8 LLC, a Washington limited liability corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

Printed: _____

NOTARY PUBLIC in and for Washington
Residing at: _____
My appointment expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____
is the person who appeared before me, and said person acknowledged that (he/she) signed
this instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledged it as the _____ of PIONEER & STINSON LLC, a
Washington limited liability corporation, to be the free and voluntary act of such party for
the uses and purposes mentioned in the instrument.

DATED: _____

Printed: _____
NOTARY PUBLIC in and for Washington
Residing at: _____
My appointment expires: _____

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 the City of Gig Harbor, to be the free and voluntary act
of such party for the uses and purposes mentioned in the instrument.

DATED: _____

Printed: _____
NOTARY PUBLIC in and for Washington
Residing at: _____
My appointment expires: _____

LEGAL DESCRIPTION

TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN

02-21-08-2031

THAT PORTION OF THE SOUTH ONE-HALF OF THE SOUTHWEST OF THE NORTHWEST LYING WESTERLY OF THE WESTERLY LINE OF WOLLOCHET-GIG HARBOR COUNTY ROAD AND SOUTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHEAST CORNER OF THE OF THE NORTHEAST OF THE SOUTHWEST OF THE SOUTHWEST OF THE NORTHWEST; THEN SOUTH ALONG THE EAST LINE OF SAID SUBDIVISION 245 FEET; THEN SOUTH 54°15'32" EAST AT A RIGHT ANGLGLE TO SAID ROAD 73.13 FEET TO THE WESTERLY LINE OF SAID ROAD; THEN SOUTHWESTERLY ALONG SAID ROAD 60 FEET TO THE POINT OF BEGINNING; THEN NORTHWESTERLY TO THE SOUTHEAST CORNER OF THE NORTHEAST OF THE SOUTHWEST OF THE SOUTHWEST OF THE NORTHWEST; THEN WEST ALONG SAID LINE OF SAID SUBDIVISION 242.72 FEET; THEN NORTHWESTERLY TO A POINT 25 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SUBDIVISION TO THE TERMINAL POINT.

02-21-08-2225

THE SOUTHWEST ONE-HALF OF THE SOUTHWEST OF THE SOUTHWEST OF THE SOUTHWEST OF THE NORTHWEST.

02-21-08-2136

THE EAST 150 FEET OF THE FOLLOWING DESCRIBED TRACT: THE NORTH ONE-HALF OF THE WEST ONE-HALF OF THE SOUTHWEST OF THE SOUTHWEST OF THE SOUTHWEST OF THE NORTHWEST OF SECTION 8; EXCEPT THE NORTH 200 FEET THEREOF; EXCEPT THE PUBLIC ROAD.

02-21-08-2176

THE NORTH 150 FEET OF THE SOUTHWEST OF THE SOUTHWEST OF THE OF THE SOUTHWEST OF THE NORTHWEST OF SECTION 8; EXCEPT THE EAST 114 FEET THEREOF; EXCEPT THE PUBLIC ROAD.

02-21-08-2224

THE EAST 114 FEET OF THE NORTH 150 FEET OF THE SOUTHWEST OF THE SOUTHWEST OF THE SOUTHWEST OF THE NORTHWEST OF SECTION 8.



ANCICH PROPERTY

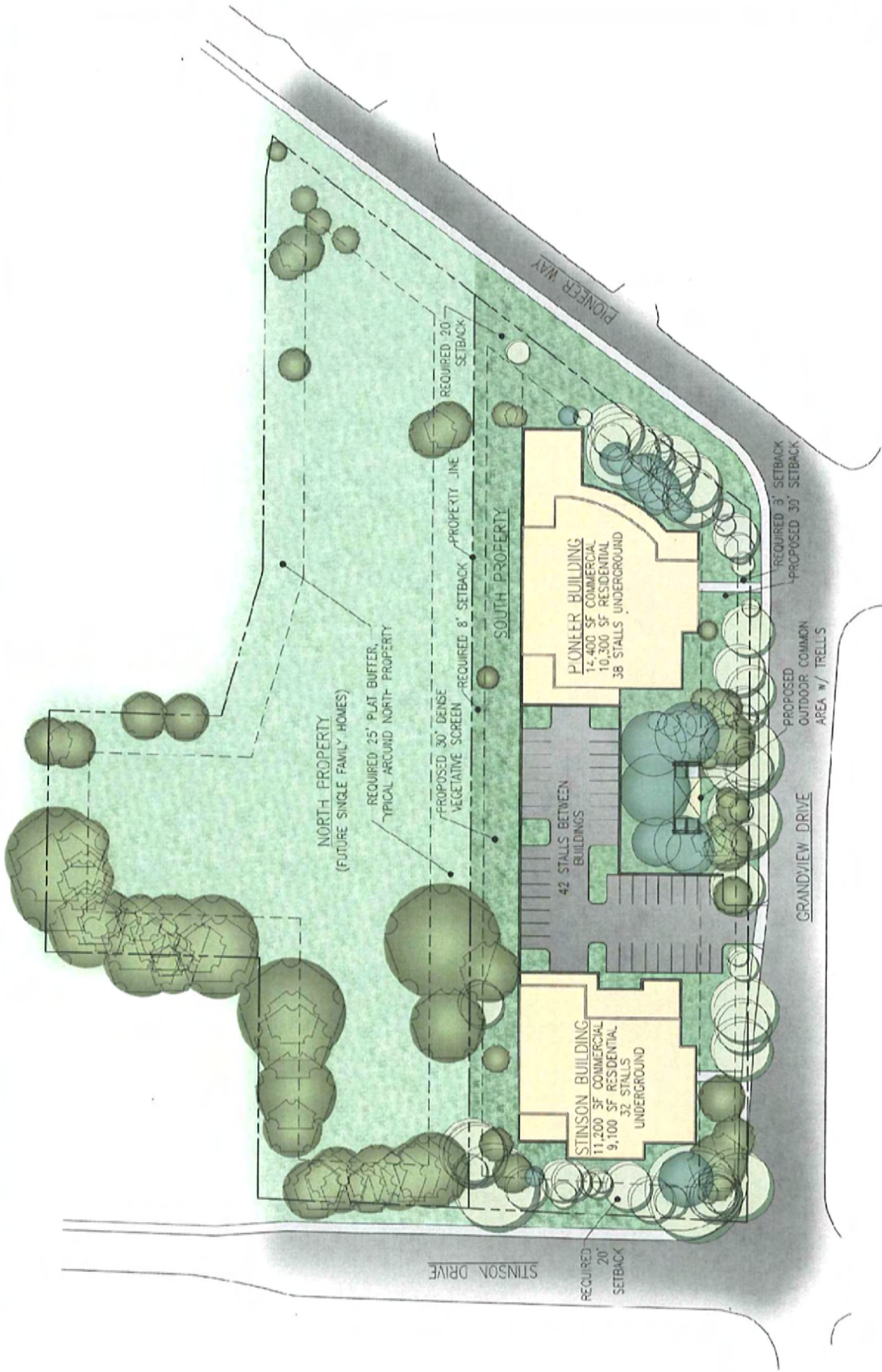


EXHIBIT B - SITE PLAN

NOVEMBER 9, 2009





ANCICH PROPERTY

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NORTH PROPERTY

SOUTH PROPERTY

STINSON DRIVE

PIONEER WAY

GRANDVIEW DRIVE

EXHIBIT C - EXISTING SIGNIFICANT TREE PLAN

ANCICH PROPERTY TREE PLAN KEY - EXHIBIT C

TREE #	TREE TYPE	DIAMETER	TREE #	TREE TYPE	DIAMETER	TREE #	TREE TYPE	DIAMETER
100	MAPLE	2x 6"	149	FIR	20"	198	FIR	10"
101	ALDER	9" & 10"	150	FIR	12"	199	FIR	12"
102	ALDER	3x 9"	151	FIR	11"	200	FIR	39"
103	ALDER	17"	152	FIR	15"	201	FIR	9"
104	ALDER	12"	153	FIR	20"	202	FIR	28"
105	ALDER	15"	154	FIR	24"	203	FIR	14"
106	MAPLE	2x 9"	155	FIR	10"	204	FIR	17"
107	MADRONA	8"	156	FIR	15"	205	FIR	28"
108	MAPLE	8"	157	FIR	14"	206	FIR	13"
109	MAPLE	5x 7"	158	FIR	25"	207	FIR	14"
110	MAPLE	4x 8"	159	FIR	13"	208	FIR	15"
111	FIR	13"	160	FIR	13"	209	FIR	16"
112	FIR	10"	161	FIR	12"	210	FIR	22"
113	FIR	11"	162	FIR	14"	211	FIR	17"
114	FIR	15"	163	FIR	32"	212	FIR	33"
115	FIR	7"	164	FIR	16"	213	FIR	17"
116	FIR	15"	165	FIR	16"	214	FIR	24"
117	FIR	7"	166	FIR	18"	215	FIR	25"
118	FIR	17"	167	FIR	18"	216	FIR	24"
119	FIR	32"	168	FIR	20"	217	FIR	13"
120	FIR	10"	169	FIR	30"	218	FIR	16"
121	FIR	22"	170	FIR	20"	219	FIR	11"
122	CEDAR	14"	171	FIR	16"	220	FIR	15"
123	CEDAR	17"	172	FIR	22"	221	FIR	9"
124	CEDAR	6"	173	FIR	10"	222	FIR	14"
125	FIR	10"	174	FIR	24"	223	FIR	8"
126	FIR	11"	175	FIR	16"	224	FIR	21"
127	FIR	12"	176	FIR	25"	225	FIR	17"
128	FIR	15"	177	FIR	28"	226	FIR	24"
129	FIR	15"	178	FIR	30"	227	FIR	19"
130	APPLE	14"	179	FIR	20"	228	FIR	15"
131	APPLE	14"	180	FIR	16"	229	FIR	14"
132	FIR	15"	181	FIR	24"	230	FIR	20"
133	FIR	15"	182	FIR	17"	231	FIR	14"
134	FIR	30"	183	FIR	20"	232	FIR	2x 12"
135	FIR	32"	184	FIR	17"	233	FIR	16"
136	FIR	16"	185	FIR	22"	234	FIR	19"
137	FIR	21"	186	FIR	7"	235	FIR	18"
138	FIR	24"	187	FIR	36"	236	FIR	19"
139	FIR	12"	188	FIR	24"	237	FIR	19"
140	FIR	20"	189	FIR	11"	238	FIR	24"
141	FIR	15"	190	FIR	17"	239	FIR	21"
142	FIR	15"	191	FIR	36"	240	FIR	11"
143	FIR	14"	192	FRUIT	2x 8"	241	FIR	22"
144	FIR	16"	193	FIR	9"	242	FIR	20"
145	FIR	20"	194	FIR	23"	243	FIR	17"
146	FIR	36"	195	FIR	19"	244	FIR	11"
147	FIR	18"	196	FIR	16"	245	FIR	28"
148	FIR	16"	197	FIR	22"	246	FIR	13"

ANCICH PROPERTY TREE PLAN KEY (CONTINUED)

TREE #	TREE TYPE	DIAMETER	TREE #	TREE TYPE	DIAMETER	TREE #	TREE TYPE	DIAMETER
247	FIR	14"	296	FIR	7"	345	FIR	14"
248	FIR	6"	297	FIR	9"	346	FIR	7"
249	MADRONA	12"	298	MAPLE	4x 12"	347	FIR	20"
250	FIR	22"	299	MADRONA	19"	348	FIR	10"
251	FIR	13"	300	FIR	15"	349	FIR	23"
252	FIR	24"	301	MADRONA	20"	350	FIR	16"
253	FIR	14"	302	FIR	29"	351	FIR	8"
254	FIR	9"	303	FIR	20"	352	FIR	23"
255	FIR	13"	304	MAPLE	11"	353	FIR	12"
256	FIR	14"	305	FIR	20"	354	FIR	25"
257	FIR	18"	306	MADRONA	17"	355	MADRONA	17"
258	FIR	8"	307	MADRONA	12"	356	MADRONA	16"
259	FIR	10"	308	FIR	18"	357	MADRONA	2x 17"
260	FIR	7"	309	FIR	15"	358	FIR	6"
261	FIR	21"	310	MAPLE	4x 12"	359	FIR	26"
262	FIR	16"	311	FIR	24"	360	FIR	6"
263	FIR	24"	312	MADRONA	8"	361	FIR	15"
264	MADRONA	2x 9"	313	MADRONA	2x 11"	362	FIR	17"
265	FIR	15"	314	FIR	9"	363	FIR	25"
266	FIR	20"	315	MAPLE	6"	364	MADRONA	8"
267	FIR	14"	316	MADRONA	11"	365	FIR	13"
268	MADRONA	12"	317	FIR	10"	366	FIR	10"
269	FIR	20"	318	FIR	24"	367	MAPLE	7"
270	FIR	17"	319	FIR	24"	368	FIR	9"
271	FIR	11"	320	FIR	15"	369	MAPLE	6"
272	FIR	31"	321	FIR	22"	370	FIR	25"
273	FIR	7"	322	FIR	15"	371	FIR	12"
274	MADRONA	2x 15"	323	MADRONA	17"	372	FIR	21"
275	MADRONA	2x 18"	324	FIR	12"	373	FIR	9"
276	FIR	12"	325	FIR	14"	374	FIR	8"
277	FIR	12"	326	FIR	22"	375	FIR	7"
278	FIR	23"	327	FIR	22"	376	FIR	27"
279	FIR	19"	328	FIR	15"	377	FIR	15"
280	FIR	21"	329	FIR	21"	378	FIR	19"
281	MADRONA	14"	330	FIR	20"	379	FIR	10"
282	FIR	15"	331	MADRONA	10"	380	MADRONA	16"
283	MADRONA	2x 21"	332	FIR	20"	381	MADRONA	6"
284	FIR	24"	333	FIR	13"	382	FIR	11"
285	MADRONA	23"	334	FIR	17"	383	MADRONA	3x 8"
286	FIR	20"	335	FIR	7"	384	MAPLE	6x 10"
287	MADRONA	2x 18"	336	FIR	27"	385	MADRONA	2x 15"
288	FIR	16"	337	MADRONA	16"	386	ALDER	3x 7"
289	FIR	10"	338	FIR	7"	387	ALDER	7"
290	FIR	10"	339	MADRONA	2x 8"	388	FIR	22"
291	FIR	12"	340	MADRONA	15"	389	FIR	13"
292	FIR	9"	341	FIR	17"	390	FIR	9"
293	FIR	13"	342	FIR	9"	391	FIR	26"
294	FIR	22"	343	FIR	19"	392	FIR	7"
295	FIR	10"	344	FIR	7"	393	FIR	18"

ANCICH PROPERTY TREE PLAN KEY (CONTINUED)

TREE #	TREE TYPE	DIAMETER	TREE #	TREE TYPE	DIAMETER	TREE #	TREE TYPE	DIAMETER
394	FIR	15"	443	MAPLE	6x 7"	492	FIR	13"
395	MADRONA	7"	444	MAPLE	2x 8"	493	FIR	12"
396	FIR	16"	445	FIR	13"	494	FIR	25"
397	FIR	14"	446	FIR	27"	495	FIR	20"
398	FIR	19"	447	MAPLE	2x 7"	496	FIR	23"
399	FIR	10"	448	FIR	12"	497	FIR	18"
400	FIR	17"	449	FIR	36"	498	FIR	-
401	FIR	18"	450	MAPLE	2x 10"	499	FIR	12"
402	FIR	18"	451	MAPLE	2x 11"	500	FIR	27"
403	FIR	8"	452	FIR	9"	501	FIR	21"
404	FIR	25"	453	FIR	-	502	FIR	21"
405	FIR	22"	454	FIR	24"	503	FIR	9"
406	FIR	13"	455	FIR	10"	504	FIR	23"
407	FIR	16"	456	LAUREL	7"	505	FIR	15"
408	FIR	12"	457	FIR	15"	506	FIR	19"
409	FIR	13"	458	FIR	12"	507	FIR	27"
410	FIR	19"	459	FIR	18"	508	FIR	8"
411	FIR	19"	460	FIR	29"			
412	FIR	7"	461	FIR	8"			
413	FIR	9"	462	MAPLE	7"			
414	FIR	15"	463	BIRCH	8"			
415	FIR	8"	464	FIR	17"			
416	FIR	20"	465	ALDER	8"			
417	FIR	13"	466	FIR	17"			
418	FIR	15"	467	FIR	36"			
419	FIR	17"	468	MAPLE	5x 6"			
420	MAPLE	2x6"	469	MAPLE	2x 9"			
421	FIR	12"	470	MAPLE	10"			
422	FIR	15"	471	FIR	27"			
423	FIR	11"	472	FIR	13"			
424	FIR	15"	473	FIR	24"			
425	FIR	12"	474	FIR	13"			
426	FIR	10"	475	FIR	11"			
427	MAPLE	6x 8"	476	FIR	14"			
428	FIR	24"	477	FIR	23"			
429	FIR	18"	478	FIR	14"			
430	FIR	12"	479	FIR	12"			
431	FIR	10"	480	FIR	18"			
432	FIR	12"	481	FIR	14"			
433	FIR	15"	482	FIR	12"			
434	MAPLE	4x 6"	483	FIR	11"			
435	FIR	15"	484	FIR	19"			
436	CEDAR	8"	485	FIR	11"			
437	FIR	30"	486	FIR	16"			
438	MAPLE	6"	487	FIR	10"			
439	MAPLE	6"	488	FIR	10"			
440	FIR	8"	489	FIR	15"			
441	MAPLE	6x 7"	490	FIR	10"			
442	MAPLE	2x 8"	491	FIR	18"			



COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: August 6, 2009
TO: Jennifer Kester, Senior Planner
FROM: Jeff Langhelm, PE, Senior Engineer *AL*
SUBJECT: **PL-COMP-09-0001**
PUBLIC WORKS FINDINGS AND CONDITIONS - REVISED

The City of Gig Harbor Public Works Department reviewed potential impacts from the proposed 2009 City of Gig Harbor Comprehensive Plan amendment PL-COMP-0001. The findings and conclusions from this review have been determined based on information contained in the comprehensive plan amendment application dated February 24, 2009.

The applicant has indicated they propose to develop an existing lot zoned RB-2 into hotel and/or multiple restaurants. Specifically, the application for comprehensive plan amendment proposes to revise the designated water purveyor for the site. The current water purveyor is Stroh's Water Company. This comprehensive plan amendment proposes the City of Gig Harbor provide water service to this site.

Based on the submitted documents from the proposed comprehensive plan amendment, the Public Works Department has recommended conditions for approval as described below.

Water System Findings and Evaluation

The City has reviewed potential water system impacts from the proposed comprehensive plan amendment under the City's water concurrency ordinance (Chapter 19 of the Gig Harbor Municipal Code).

Currently, the site is vacant and is located in Stroh's Water System Service Area. The City of Gig Harbor Water System surrounds the site to the north and west. A City of Gig Harbor water main is located approximately 500 ft southwest of the site. Stroh's Water System has indicated to the City they cannot provide sufficient water to the site. However, the Stroh's Water System has not provided a system hydraulic analysis and other Water System Plan information requested by the Washington State Department of

Jennifer Kester
PL-COMP-09-0001
Page 2 of 3

Health (DOH) to enable DOH and the City of Gig Harbor to determine if the annexation of part of Stroh's Water System service area is necessary to serve the applicant's property and/or whether such service can be provided by the Stroh's Water System pursuant to appropriate system upgrades and approval of additional service connections. This information is crucial to assist the City of Gig Harbor in evaluating the need for annexation.

The proposed amendment to revise the water system service area from Stroh's to the City of Gig Harbor will increase demands on the City's water system. The applicant has indicated the increased demand may be more than 50 ERUs. While the City's water system currently provides adequate fire flows for the commercial area of Wollochet Drive and Wagner Way as required by the City's 2001 Water System Plan, this increased demand on the City's water system of more than 50 ERUs has not been addressed in the City's Water System Plan. Additionally, the Washington State Department of Health and Pierce County require respective amendments to the City's Water System Plan and the Pierce County Coordinated Water System Plan when established service areas are revised.

The mitigation proposed by the City of Gig Harbor due to this increased demand and jurisdictional requirements have been incorporated as conditions below. Upon completion of the conditions and pending outcomes acceptable to the City from these conditions, Public Works recommends the acceptance of the proposed amendment.

Wastewater System Findings and Evaluation

The City has reviewed potential wastewater system impacts from the proposed comprehensive plan amendment under the City's sewer concurrency ordinance (Chapter 19 of the Gig Harbor Municipal Code).

Currently, upon approval of sewer concurrency, development of this site may be made without sewer lift station improvements to the City's sewer collection system. The sewer collection system is presently located approximately 500 ft to the southwest of the site.

The proposed amendment to revise the water system service area will neither increase nor decrease demands on the City's wastewater system.

Transportation System Findings and Evaluation

The City has reviewed potential transportation system impacts from the proposed comprehensive plan amendment under the City's transportation concurrency ordinance (Chapter 19 of the Gig Harbor Municipal Code).

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Currently, upon approval of transportation concurrency, development of this site may be made without extension of City's transportation system. The portion of the public roadway to the west of the site, Wollochet Drive, is classified as a major collector arterial. The portion of the public roadway to the east of the site, 38th Avenue, is an unclassified roadway.

The proposed amendment to revise the water system service area will neither increase nor decrease demands on the City's transportation system.

Recommended Conditions

Unless otherwise noted, all conditions shall meet the City of Gig Harbor Public Work Standards and be completed prior to any land use approval for development requiring water service by the City of Gig Harbor.

1. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all consultant and legal expenses paid by the City of Gig Harbor for the revision to the City's Water System Plan and/or the Pierce County Coordinated Water System Plan related to the proposed water service area amendment.
2. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all fees paid to the State of Washington and Pierce County by the City of Gig Harbor for the revision to the City's Water System Plan and/or the Pierce County Coordinated Water System Plan related to the water service area amendment.
3. The applicant shall request the Stroh's Water System assign to the City of Gig Harbor from its existing water rights, the quantity required to serve the proposed development consistent with state law, including Washington State Department of Health water system planning statutes and regulations. Should the Stroh's Water System decline the requested assignment, or advise the City that the assignment cannot occur in a manner consistent with law, the applicant is advised that City of Gig Harbor has no duty to serve the subject property and reserves the right not to provide water service. The applicant's request for assignment and Stroh's Water System response shall be documented in writing and provided to the City of Gig Harbor. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all consultant and legal expenses necessary for assignment of water rights.



COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: August 6, 2009
TO: Jennifer Kester, Senior Planner
FROM: Jeff Langhelm, PE, Senior Engineer *AD*
SUBJECT: **PL-COMP-09-0013**
PUBLIC WORKS FINDINGS AND CONDITIONS-REVISED

The City of Gig Harbor Public Works Department reviewed potential impacts from the proposed 2009 City of Gig Harbor Comprehensive Plan amendment PL-COMP-0013. The findings and conclusions from this review have been determined based on information contained in the comprehensive plan amendment application dated June 2, 2009.

The applicant has indicated they propose to redevelop an existing lot zoned C-1 to include a new retail building. Specifically, the application for comprehensive plan amendment proposes to revise the designated water purveyor for the site. The current water purveyor is Stroh's Water Company. This comprehensive plan amendment proposes the City of Gig Harbor provide water service to this site.

Based on the submitted documents from the proposed comprehensive plan amendment, the Public Works Department has recommended conditions for approval as described below.

Water System Findings and Evaluation

The City has reviewed potential water system impacts from the proposed comprehensive plan amendment under the City's water concurrency ordinance (Chapter 19 of the Gig Harbor Municipal Code).

Currently, the site contains two commercial buildings and is located in Stroh's Water System Service Area. The City of Gig Harbor Water System surrounds the site to the south and east. A City of Gig Harbor water main is located adjacent to the site on the north and east sides of the site. Stroh's Water System has indicated to the City they cannot provide sufficient water to the site. However, the Stroh's Water System has not provided a system hydraulic analysis and other Water System Plan information

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Page 2 of 4

requested by the Washington State Department of Health (DOH) to enable DOH and the City of Gig Harbor to determine if the annexation of part of Stroh's Water System service area is necessary to serve the applicant's property and/or whether such service can be provided by the Stroh's Water System pursuant to appropriate system upgrades and approval of additional service connections. This information is crucial to assist the City of Gig Harbor in evaluating the need for annexation.

The proposed amendment to revise the water system service area from Stroh's to the City of Gig Harbor will increase demands on the City's water system. The applicant has indicated the increased demand may be 6 ERUs. While the City's water system currently provides adequate fire flows for the commercial area of Wollochet Drive and Wagner Way as required by the City's 2001 Water System Plan, this increased demand on the City's water system of 6 ERUs has not been addressed in the City's Water System Plan. Additionally, the Washington State Department of Health and Pierce County require respective amendments to the City's Water System Plan and the Pierce County Coordinated Water System Plan when established service areas are revised.

An alternative provided by the applicant is to continue service of the domestic water supply by Stroh's Water Service and have fire flow supplied by the City of Gig Harbor. No intertie between the two water systems would occur. Under this alternative both DOH and Pierce County have indicated they are not opposed to the concept of dual service but ~~would~~ this alternative would require review through the respective amendment process.

The mitigation proposed by the City of Gig Harbor due to this increased demand and jurisdictional requirements have been incorporated as conditions below. Upon completion of the conditions and pending outcomes acceptable to the City from these conditions, Public Works recommends the acceptance of the proposed amendment.

Wastewater System Findings and Evaluation

The City has reviewed potential wastewater system impacts from the proposed comprehensive plan amendment under the City's sewer concurrency ordinance (Chapter 19 of the Gig Harbor Municipal Code).

Currently, upon approval of sewer concurrency, development of this site may be made without improvements to the City's sewer collection system. The sewer collection system is presently located adjacent to the site on the north side of the site.

The proposed amendment to revise the water system service area will neither increase nor decrease demands on the City's wastewater system.

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PL-COMP-09-0013
Page 3 of 4

Transportation System Findings and Evaluation

The City has reviewed potential transportation system impacts from the proposed comprehensive plan amendment under the City's transportation concurrency ordinance (Chapter 19 of the Gig Harbor Municipal Code).

Currently, upon approval of transportation concurrency, development of this site may be made without extension of City's transportation system. The portion of the public roadway to the west of the site, Hunt Street, is classified as a major collector arterial.

The proposed amendment to revise the water system service area will neither increase nor decrease demands on the City's transportation system.

Recommended Conditions

Unless otherwise noted, all conditions shall meet the City of Gig Harbor Public Work Standards and be completed prior to any land use approval for development requiring water service by the City of Gig Harbor.

1. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all consultant and legal expenses paid by the City of Gig Harbor for the revision to the City's Water System Plan and/or the Pierce County Coordinated Water System Plan related to the proposed water service area amendment.
2. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all fees paid to the State of Washington and Pierce County by the City of Gig Harbor for the revision to the City's Water System Plan and/or the Pierce County Coordinated Water System Plan related to the water service area amendment.
- 3a. **IF REQUESTING BOTH DOMESTIC AND FIRE FLOW SUPPLY BY THE CITY TO THE SITE:** The applicant shall request the Stroh's Water System assign to the City of Gig Harbor from its existing water rights, the quantity required to serve the proposed development consistent with state law, including Washington State Department of Health water system planning statutes and regulations. Should the Stroh's Water System decline the requested assignment, or advise the City that the assignment cannot occur in a manner consistent with law, the applicant is advised that City of Gig Harbor has no duty to serve the subject property and reserves the right not to provide water service. The applicant's request for assignment and Stroh's Water System response shall be documented in writing and provided to the City of Gig Harbor. The applicant shall provide full cost reimbursement plus a 5% administration fee to the City of Gig Harbor for all consultant and legal

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expenses necessary for assignment of water rights.

OR

- 3b. **IF REQUESTING ONLY FIRE FLOW SUPPLY BY THE CITY TO THE SITE:**
The applicant shall pay the City's water system connection charge in effect at the time of building permit issuance based on the size of each water main serving the fire sprinkler system for the building(s).



COMMUNITY DEVELOPMENT DEPARTMENT

**PLANNING DEPARTMENT
STAFF REPORT**

TO: Planning Commission
FROM: Planning Staff
DATE: September 11, 2009

RE: COMP 09-0004 – Sunrise Enterprises Land Use Map Amendment
Public Hearing Date: September 17, 2009

I. GENERAL INFORMATION

Agent: Carl Halsan
PO Box 1447
Gig Harbor, WA 98335

Owner: Walter H. Smith
PO Box 1272
Gig Harbor, WA 98335

II. APPLICANT'S REQUEST

The applicant has proposed changing the land use designation from Employment Center (EC) to Commercial Business (C/B) of 15.53 acres located along Burnham Drive NW and 112th Street NW, currently occupied by a contractor's yard. The owner would like to rezone the property to General Business (B-2) if the land use designation is amended. The property is currently zoned Employment District (ED).

On March 23, 2009, the City Council adopted ORD 1156 which annexed the subject property to the City of Gig Harbor. The subject property is part of the larger Burnham/Sehmel Annexation. This annexation took effect on April 6, 2009. Prior to the annexation, the County land use designation and zoning for this property was Community Commercial (CC).

III. APPLICABLE CODES AND POLICIES

Chapter 19.09 outlines the process for review of amendments to the Comprehensive Plan. The process states that the Planning Commission should hold a public hearing on the applications and consider all

applications cumulatively under the criteria set forth below. The Commission's written recommendation on the applications shall then be forwarded to the city council.

19.09.170 Criteria for approval.

Every applicant for a comprehensive plan amendment must demonstrate how each of the following criteria for approval has been satisfied in their application materials. The city council, in addition to the consideration of the conditions set forth in GHMC 19.09.130, shall make written findings regarding each application's consistency or inconsistency with each of the following criteria:

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,

parcs, 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.

Gig Harbor Comprehensive Plan:

The land within the subject area is designated as Employment Center land use in the Comprehensive Plan.

Policy 2.2.3.c:

Employment Centers

Broadly defines an area that is intended to meet long-term employment needs of the community. Employment centers consist of the following:

- 1) *Wholesale distribution facilities*
- 2) *Manufacturing and assembly*
- 3) *Warehousing/storage*
- 4) *Business offices/business complexes*
- 5) *Medical facilities/hospitals*
- 6) *Telecommunication services*
- 7) *Transportation services and facilities*
- 8) *Conditional allowances of commercial facilities which are subordinate to and supportive of employment activities*

The applicant would like to redesignate the property to the Commercial/Business Designation.

Policy 2.2.3.d:

Commercial/Business

Provides primarily retail and wholesale facilities, including service and sales. Where appropriate, mixed-use (residential with commercial)

may be permitted through a planned unit development process.
Commercial-business activities consist of the following:

- 1) Retail sales and services
- 2) Business and professional offices
- 3) Mini-warehousing

Commercial areas which border residential designations or uses should use available natural features as boundaries.

- 1) Natural features should serve as buffers, which may consist of standing timber, streams or drainage swales.
- 2) A minimum buffer width should be 30 feet.
- 3) The density and depth of the buffer should be proportional to the intensity of the use.

Pierce County Code:

"Community Centers" land use designation means an area which has as its focus a significant traffic generator, around which develops a concentration of other commercial and some high density multi-family development. Encouraged are retail trade, service, finance, insurance, real estate and multi-family developments and community facilities. Discouraged are detached single-family residential uses, auto-oriented commercial development, and industrial, manufacturing or commercial development which is land intensive and employs a low number of employees per acre. (PCC 18.25.030)

IV. ENVIRONMENTAL REVIEW:

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) on July 16, 2009 for this non-project GMA action as per WAC 197-11-340(2). The comment period ends on September 16, 2009 and the appeal period ends on September 23, 2009. The public is allowed to comment on the DNS at this public hearing.

V. STAFF ANALYSIS AND RECOMMENDATION:

The applicant has provided a detailed discussion of how they feel the request meets the criteria for approval, which is included in the Commission's binders. Staff has also reviewed the applicant's responses and provides the following points that should be considered. Underlined text is analysis that has occurred since the original August 20th staff report.

Planning Staff: Changing the land use designation from Employment Center (EC) to Commercial/Business (C/B) would be consistent with the County's previous designation of the property. However, the city's comprehensive plan policies state that "commercial areas which border

residential designations or uses should use available natural features as boundaries.” (GHCP 2.2.3d) Several options are provided for this, including increased buffers. Residentially designated and zoned land exists both north and south of the proposal. The applicant has indicated that the mining permit for the current use of the subject property includes a 50 foot buffer to the residential use to the north. In addition along the north boundary, steep slopes rise up to the adjacent residential property. To the south, 112th Street NW separates the subject property from the residential zoning. If the Planning Commission feels that the existing separation and buffers is adequate, the Commission may want to condition the amendment on maintaining the 50 foot buffer established by the mining permit. The B-2 zoning and zone transition standards would require only a 40 foot buffer.

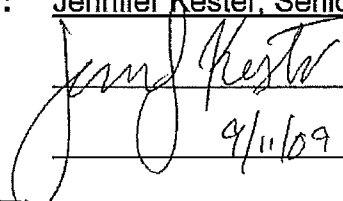
The applicant has indicated his intent to rezone the property to B-2 if the property is redesignated to C/B. If the property is redesignated to C/B, any of the City’s following zoning districts would implement the C/B designation: RB-2, DB, B-1, B-2 or C-1. Without a development agreement, the applicant will not be limited to B-2 zoning district if the land use amendment is approved. If the Planning Commission believes that a particular district, such as B-2, is the only appropriate zoning district for the site, then the Commission should recommend to the Council that the applicant limit the subsequent rezone through a development agreement. Also without a limiting development agreement, when the Commission is evaluating the impacts of the proposal, the Commission should consider the highest intensity zoning for the property: C-1.

The C/B land use designation is intended to provide property for retail sales and service activities. Such retail sales and services include sales level 1 (retail, grocery stores, etc.) and restaurant land use categories. An area property owner commented to staff that, with the exception of the Rosedale Gardens property, the City has not zoned any property west of SR 16 and north of Wollochet Drive for these types of retail uses. Effectively, this proposed amendment would extend the Gig Harbor North commercial center west across SR 16, which previously had not been contemplated by the City.

Engineering Staff: The engineering staff conducted a traffic capacity evaluation for the proposed land use designation change. The analysis is fully outlined in the memorandum from Emily Appleton dated July 15, 2009 included in the packet. In summary, given the variety of uses allowed in both designations (EC and C/B), it is not possible to accurately determine the number of trips generated upon full built-out. However, the draft traffic impact analysis provided by the applicant indicated that more trips may be generated as a result of the redesignation. The city can fully evaluate the project once a rezone application is submitted committing to a particular

zoning district. If through that permitting process, deficiencies in the City's transportation system will occur, mitigation will be required by the applicant.

Project Planner: Jennifer Kester, Senior Planner



Date:

9/11/09

cc: Planning File

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COMMUNITY DEVELOPMENT DEPARTMENT

**PLANNING DEPARTMENT
STAFF REPORT**

TO: Planning Commission
FROM: Planning Staff
DATE: September 14, 2009

RE: COMP 09-0005 – Haven of Rest Land Use Map Amendment
Public Hearing Date: September 17, 2009

I. GENERAL INFORMATION

Agents: Kathryn Jerkovich and Carolyn Back
BCRA
2106 Pacific Avenue, Suite 300
Tacoma, WA 98402

Applicant/Owner: Robert Glass
Haven of Rest
PO Box 156
Gig Harbor, WA 98335

II. APPLICANT'S REQUEST

The applicant has proposed changing the land use designation from Residential Low (RL) to Residential Medium (RM) of 3.4 acres of property north of Rosedale Street. The applicant has also proposed entering into a development agreement with the City to limit the eventual rezoning of this property to the R-2 zone if the land use amendment is approved. The property is currently zoned R-1.

On November 24, 2008, the City Council adopted an ordinance that made cemeteries a conditional use in the R-2 zone. Cemeteries are not allowed in any other zone. On February 9, 2009, the City Council annexed the majority of Haven of Rest's cemetery property to the City of Gig Harbor. The subject parcels already existed in the City of Gig Harbor prior to annexation.

III. APPLICABLE CODES AND POLICIES

Chapter 19.09 outlines the process for review of amendments to the Comprehensive Plan. The process states that the Planning Commission should hold a public hearing on the applications and consider all applications cumulatively under the criteria set forth below. The Commission's written recommendation on the applications shall then be forwarded to the city council.

19.09.170 Criteria for approval.

Every applicant for a comprehensive plan amendment must demonstrate how each of the following criteria for approval has been satisfied in their application materials. The city council, in addition to the consideration of the conditions set forth in GHMC 19.09.130, shall make written findings regarding each application's consistency or inconsistency with each of the following criteria:

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.

Gig Harbor Comprehensive Plan:

The Land Use Element has the following policy related to residentially designated land (RL and RM).

Policy 2.2.3.a:

Residential

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

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

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

IV. ENVIRONMENTAL REVIEW:

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) on July 16, 2009 for this non-project GMA action as per WAC 197-11-340(2). The comment period ends on September 16, 2009 and the appeal period ends on September 23, 2009. The public is allowed to comment on the DNS at this public hearing.

V. STAFF ANALYSIS AND RECOMMENDATION:

The applicant has provided a detailed discussion of how they feel the request meets the criteria for approval, which is included in the Commission's binders. Staff has also reviewed the applicant's responses and provides the following points that should be considered. Underlined text is analysis that has occurred since the original August 20th staff report.

Planning Staff: The R-2 zoning district is the only district which allows cemeteries (as a conditional use). The only land use designation which allows the R-2 zoning district is the RM designation. The proposed land use map amendment is necessary if Haven of Rest desires to expand their cemetery use. If Haven of Rest intends to sell their property for residential development, a land use map amendment is not necessary. At the August 20, 2009 work-study session, Haven of Rest's agent presented a conceptual development plan for the Haven of Rest property which showed the subject property developed for cemetery use. The applicant has proposed, through a development agreement, to limit the property to R-2 zoning if the amendment is approved. In addition, the Planning Commission may want to condition the amendment, through revising the development agreement, to limit the use of the property to cemetery.

Existing Conditions: The subject property is bordered by the RM designation to the north and across Rosedale to the south. The RL designation exist to the east and west. While the properties to the north and west are zoned R-2, the properties to the east and south are zoned R-1. In general, there are many inconsistencies between the land use designations and zoning in this area. Existing uses to the west of the subject property consist of a mix between single-family, duplex and fourplexes. To the south, the uses are a mix of single-family and fourplexes. To the east and north, the property is undeveloped.

The RL designation limits the property to the R-1 zoning district which generally only allows single-family residential. The RM designation would allow the R-2, R-3, RB-1 and RB-2 zoning districts. With the

accompanying development agreement, the subsequent rezone would be limited to the R-2 zone.

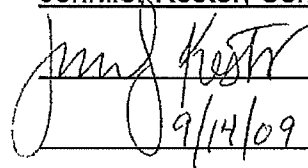
The staff analysis below assumes R-2 zoning of the site. The R-2 zone allows single-family and duplex housing types outright, as well as triplex and fourplex building, cemeteries, independent and assisted living facilities as conditional uses. The R-2 zone allows 4 to 6 dwelling units per acre. Assuming that the total acreage is considered buildable (which is unlikely but represents the worse-case scenario), 14 to 20 dwelling units would be allowed, compared to 14 under the current R-1 zoning. Given that living units within independent and assisted living facilities only count as 0.33 of a dwelling unit, the site could provide for 41 to 62 retirement units.

In regards to housing capacity, the proposal (to RM then R-2) would increase the housing capacity by a maximum of 6 full dwelling units. The city does not need those additional 6 dwelling units to meet our 2022 population projection; however, the net number of additional units/people is not significant.

Engineering Staff: The engineering staff conducted a traffic capacity evaluation for the proposed land use designation change. The analysis is fully outlined in the memorandum from Emily Appleton dated July 15, 2009 included in the packet. In summary, Emily did not identify a significant capacity issue with the proposed amendment. The city will fully evaluate the project once a development permit is submitted committing to a particular use. If through that permitting process, deficiencies in the City's transportation system will occur, mitigation will be required by the applicant.

Project Planner: Jennifer Kester, Senior Planner

Date:



cc: Planning File

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COMMUNITY DEVELOPMENT DEPARTMENT

TO: MEMBERS OF THE PLANNING COMMISSION
 FROM: TOM DOLAN, PLANNING DIRECTOR *TD*
 SUBJECT: STAFF RECOMMENDATION 3700 GRANDVIEW COMP PLAN AMENDMENT
 (COMP 09-0012)
 DATE: SEPTEMBER 24, 2009

The Comprehensive Plan amendment for the 3700 Grandview property has been before the City for the last 3 years. The requested amendment was rejected by the City Council for consideration in 2007 because of the lack of sewer concurrency. In 2008, the sewer concurrency issue was resolved and the application was accepted by the City Council for review. The 2008 amendment request included a mixed use development on the southern portion of the overall site and a residential development on the northern portion of the overall site. During the Planning Commission's consideration of the overall amendment, the applicants requested that the Commission make separate recommendations for the mixed use and residential phases. The Commission agreed to separate the two phases and voted unanimously to recommend denial of the residential phase. The Commission voted 3 – 2 to recommend denial of the mixed use phase. In 2008, the applicants did not provide to the Commission a detailed proposal for how the mixed use phase would be developed. However, the applicants did indicate that if the comp plan amendment was approved, two buildings consisting of an underground parking level, a first floor of office/commercial and a second story of residential condominiums would be constructed. In the planning staff report prepared for the 3700 Grandview amendment in 2008, it was identified that "With respect to design, the major issue associated with this request, for the proposed RB-2 zone is scale". Although the applicants have provided substantially more detail in respect to their overall project since the Planning Commission's 2008 review of the request, the Planning Staff continues to have great concerns as to whether the proposal is consistent with Comp Plan policies related to bulk and scale.

In the opinion of the Planning Staff the following policies of the Comprehensive Plan are directly applicable to this requested amendment:

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.

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.

The existing character of the commercial properties surrounding the 3700 Grandview property consists of 1 – 2 story office buildings that range in size from 1,500 square feet to 9,700 square feet. The proposal for 3700 Grandview is for 2 mixed use buildings containing 21,100 and 24,900 square feet of habitable space. In addition, partially below-ground parking garages of 11,900 square feet and 14,500 square feet are proposed. The sizes of the buildings proposed in the 3700 Grandview amendment are substantially larger than other commercial buildings within the area.

At the last Planning Commission meeting there was some discussion of comparing the proposed buildings with other existing commercial buildings within the area. While there are a few buildings of comparable overall square footage, most of the buildings are 3 – 3 ½ stories tall. The closest staff could come to an existing building that is: 1) two stories tall; 20,000 – 25,000 square feet in area; and 3) had underground parking is the BDR/Bayview Plaza Building. The Planning staff believes that two buildings of that size (BDR) located between Pioneer and Stinson, north of Grandview would clearly be inconsistent with the established neighborhood scale for commercial buildings.

The Staff has attached 2 area maps that identify the sizes of buildings in the area surrounding the subject site as well as the area surrounding the BDR/Bayview Building.

The Planning Staff acknowledges the efforts the applicants have put forth in trying to mitigate the impacts of the project. The tree retention and expanded buffers are significant and should be required through a development agreement if the comp plan amendment is ultimately approved.

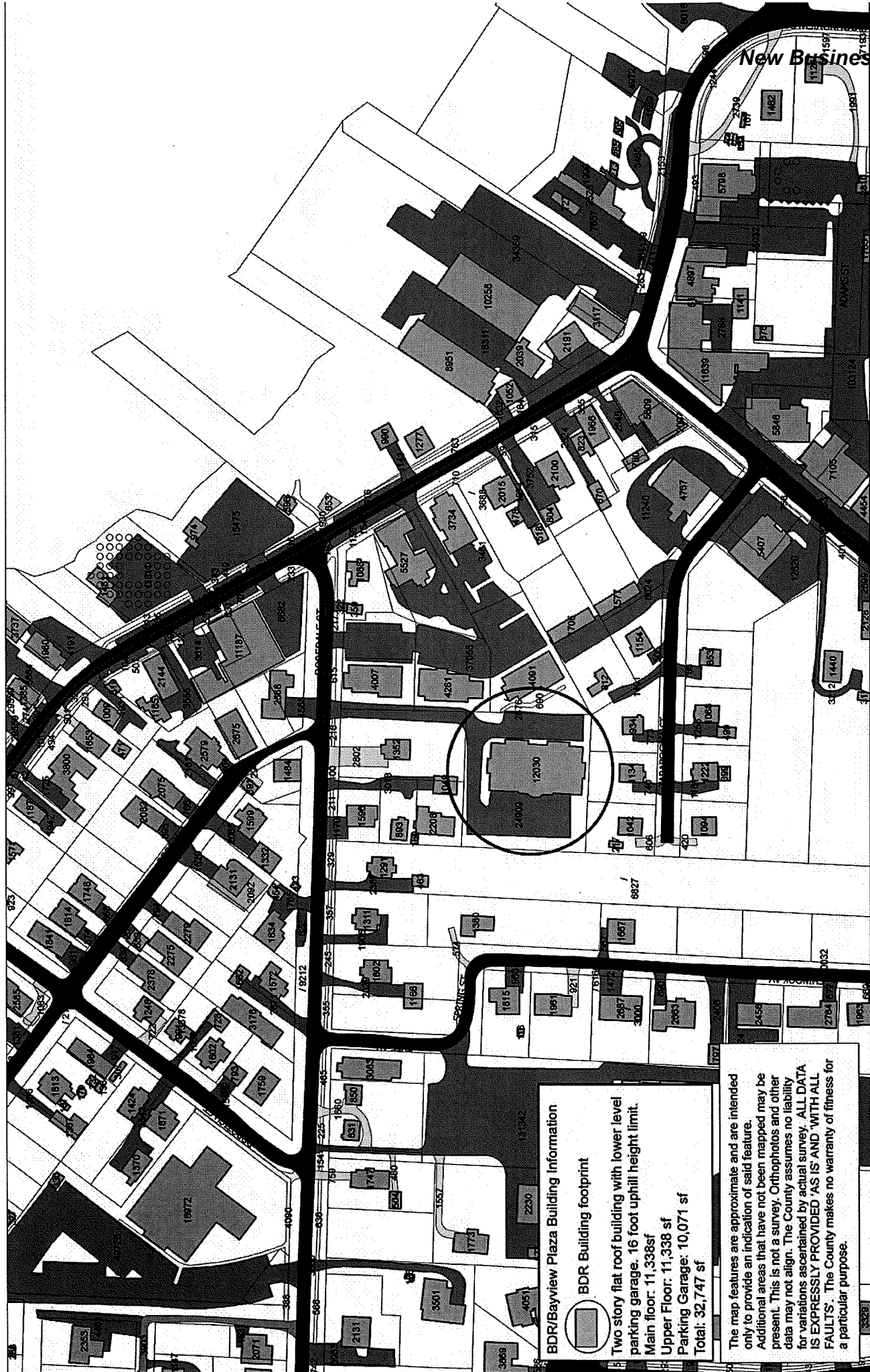
GHMC 19.09.170 sets forth the criteria that are required to be met for approvals of comp plan amendments. Criterion E, requires that the proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan. While the Subject request may be consistent with some of the policies in the Comprehensive plan related to tree retention, buffering and landscaping, it is the Staff's opinion that the goals and policies of the plan that relate to scale are the most important and those policies are not being met in this request. The two buildings proposed by the applicant would not "Maintain a small town scale" and would, in the staff's opinion, "overpower existing structures" and "visually dominate Gig Harbor's small town city-scape". Criterion G, states that 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. Staff acknowledges that the site in question would physically allow the construction of the proposed mixed use development. However, it is the Planning Staff's position that because of the inconsistency with the scale of the surrounding commercial uses, the proposed development would not be compatible with the existing land uses in the surrounding area. Based upon the above, the Planning Staff respectfully recommends that the subject comp plan amendment be denied.



Legend

- Roof Footprint
- Area in square feet of:
 Roof footprint /
 ATR building size if multi-story
 and multi-family or nonresidential /
 Building size including parking garage

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.



BDR/Bayview Plaza Building Information

BDR Building footprint

Two story flat roof building with lower level parking garage. 16 foot uphill height limit.

Main floor: 11,338sf

Upper Floor: 11,338 sf

Parking Garage: 10,071 sf

Total: 32,747 sf

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.



COMMUNITY DEVELOPMENT DEPARTMENT

**PLANNING DEPARTMENT
STAFF REPORT**

TO: Planning Commission
FROM: Planning Staff
DATE: September 15, 2009

RE: COMP 09-0012 – 3700 Grandview Land Use Map Amendment
Public Hearing Date: September 17, 2009

I. GENERAL INFORMATION

Agent: Carl Halsan
PO Box 1447
Gig Harbor, WA 98335

Owner: Pioneer & Stinson LLC and MP8 LLC
3312 Rosedale Street, Suite 201
Gig Harbor, WA 98335

II. APPLICANT'S REQUEST

The property owners would like a land use designation change from Residential Low (RL) to Residential Medium (RM) for 2 acres of property located at 3700 Grandview Street, the northern corner of Stinson Avenue, Grandview Street and Pioneer Way. The owner is willing to limit the scope of any future development of the subject property and the lower 2.27 acre area just north of the subject property through a development agreement as follows:

Rezone: Limit to RB-2 for the subject property (2.0 acres); no rezone of the lower 2.27 acres.

Tree Preservation: 38% retention on subject property; 41% retention on the abutting 2.27 acre R-1 zoning.

Residential Buffering: 25 foot buffer planted with evergreen trees at a density that will achieve screening between the abutting R-1 zoning district and the residences along Butler Street.

Zone Transition Buffering: A 30-foot zone transition buffer planted prior to the occupancy of the first building in the subject site, located on the subject property at the border between the RB-2 and R-1 zoning.

Parking: 73 of the proposed 125 stalls to be in garages underneath each building. Garages will be located under two floors and will be set in the ground so as to limit the amount of garage wall façade exposed.

Building Size, Height and Use: Two mixed use buildings proposed with residential over office, personal services, or restaurant 1 nonresidential uses. The building along Stinson Avenue would not exceed 11,900 square feet on the first floor and 9,200 square feet on the second floor. The building along Pioneer Way would not exceed 14,500 square feet on the first floor and 10,400 square feet on the second floor. The second floors would be stepped-back from the first floor. As the property will remain in the height restriction area, the code allowed 16 feet would be met.

Setbacks: A 30 foot setback along Stinson Avenue and Grandview Street and a 25 - 40 foot setback along Pioneer Way. *(This is not called out in the development agreement, but reflects the site plan)*

Lower 2.27 acre R-1 zoned property: Limit development of that parcel to a single-family subdivision.

A similar application was denied in the 2008 Comprehensive Plan review cycle due to inconsistency with the Comprehensive Plan and the surrounding neighborhood, a lack of opportunity for the Planning Commission to review the final version of the development agreement and the need to make a decision by the end of 2008. However, the City Council felt it was important that the public process continue and the Planning Commission see the most recent version of the proposed future development; therefore, the Council initiated this amendment for the 2009 cycle on February 23, 2009. The Council made the following motion:

Move for Council to initiate a Comprehensive Plan Amendment for 3700 Grandview Street through the 2009 process, this in no way is a Council recommendation, and this Comprehensive Plan Amendment will be treated and processed in the exact same manner as all other amendments of this year with no special consideration. Passed 4-3.

While the City is the official applicant, the property owner has agreed to provide any necessary documentation for the application.

On June 16, 2009, the City's Hearing Examiner denied an application from the property owners to remove the subject property from the height restriction area. No appeals or reconsiderations were filed and the decision is final. The property will remain in the height restriction area. The City is currently processing a code interpretation request related to how the downhill 27-foot maximum height is measured. The result of that interpretation may or may not change the development proposal.

III. APPLICABLE CODES AND POLICIES

Chapter 19.09 outlines the process for review of amendments to the Comprehensive Plan. The process states that the Planning Commission should hold a public hearing on the applications and consider all applications cumulatively under the criteria set forth below. The Commission's written recommendation on the applications shall then be forwarded to the city council.

19.09.170 Criteria for approval.

Every applicant for a comprehensive plan amendment must demonstrate how each of the following criteria for approval has been satisfied in their application materials. The city council, in addition to the consideration of the conditions set forth in GHMC 19.09.130, shall make written findings regarding each application's consistency or inconsistency with each of the following criteria:

- 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.

Development Agreement:

As a development agreement has been submitted with the project, the Planning Commission should limit the scope of its review to the performance standards contained in the development agreement. GHMC 19.09.050(C) states:

Assessment of Impacts. Except for those land use map amendments associated with a development agreement that limit development to specified uses and floor areas, the most intense use and development of the site allowed under the proposed land use designation will be assumed when reviewing potential impacts to the environment and to public facilities.

Furthermore, GHMC 19.09.080(C)(12) states:

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.

Gig Harbor Comprehensive Plan:

The Land Use Element has the following policy related to residentially designated land (RL and RM).

Policy 2.2.3.a:

Residential

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

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

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

These additional Comprehensive Plan policies were determined last year to be applicable to the proposal:

GOAL 2.1: Manage Urban Growth Potentials

Maintain a realistic balance between the land's capability, suitable potential and the public's ability to provide urban level services.

2.1.1. Capable Areas

To the best degree possible, allocate high density/intensity urban development onto lands which are capable of supporting urban uses and which pose the fewest environmental risks.

2.1.3. Serviceable Areas

Allocate urban uses onto capable, suitable lands which can be provided roads, sewer, water, storm drainage and other basic urban utilities and transportation facilities.

2.2.2. Neighborhood Planning Areas

a) Define and protect the integrity of small planning areas, particularly residential neighborhoods, which have common boundaries, uses and concerns using transition land use areas and common buffers/open space.

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.

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.

GOAL 3.21: PRESERVE THE NATURAL AMBIANCE OF THE HARBOR AREA.

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.*

IV. ENVIRONMENTAL REVIEW:

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) on July 16, 2009 for this non-project GMA action as per WAC 197-11-340(2). The comment period ends on September 16, 2009 and the appeal period ends on September 23, 2009. The public is allowed to comment on the DNS at this public hearing.

V. STAFF ANALYSIS:

Staff has outlined the facts and issues related to this amendment. Attached is a comparison chart of the development standards under RB-1

zoning (current zoning) and the proposed land use amendment with development agreement.

Planning Staff: The 2008 Planning Commission version of this land use map amendment asked for 4.27 acres to be re-designated RM with the lower (northern) 2.27 acres being rezoned to R-2 to develop duplex dwellings. The proposal for the upper (southern) 2 acres, the subject property for this application, was to be rezoned to RB-2 in order to develop a mixture of residential, office and retail uses. The current proposal no longer includes the re-designation of the lower (northern) property and provides for specific development standards for the upper (southern) two acres.

The proposed re-designation to RM, for the purpose of rezoning to RB-2, is needed for the size of the two buildings and the planned condos on the top floor of each building. The nonresidential aspects of the owner's proposal can be accommodated within the existing RB-1 zoning of the property. However, the development standards for RB-1 zoning district limit the maximum size of each structure on the site to 5,000 square feet. In the RB-2 zoning district, the maximum structure size is limited by the height, setbacks and parking required. The RB-1 zoning district allows only single-family dwellings. The planned condos on the top floor of the buildings meet the multiple-family definition and would require RB-2 zoning to be part of a mixed use building. See attached the comparison chart for a more detailed analysis of the difference between the performance standards for RB-1 zoning and RB-2 zoning.

Adjacent land use and zoning: The subject property is bordered to the north by the RL designation with R-1 zoning. The land across Pioneer Way to the east is designated both RL with R-1 zoning and RM with RB-1 zoning (Uddenberg site only). A RM designation with RB-1 zoning exists to the west across Stinson Avenue. To the south across Grandview Street, land is designated C/B and zoned B-2.

Adjacent existing Uses: Single-family homes exist north of the subject site. Existing uses to the south across Grandview Street and to the west across Stinson Avenue are a mix of professional, personal and business services. To the east at the northeast corner of Pioneer Way and Grandview Street, the Uddenberg professional building has been built. North of the Uddenberg site is single-family housing.

Multiple Parcels: The subject property consists of 2 acres which exists within or partially within 4 parcels. If the land use map amendment is approved, the applicant has indicated they will be apply for a boundary line adjustment to amend the parcel lines so they align with the land use designations. The development proposal included in the development

agreement could not be approved without that boundary line adjustment. Because the application is only for 2 acres to be re-designated to RM, the limits of the re-designation would be the 2 acres, even if that encompasses partial lots. In addition, the subsequent rezone to RB-2 could only be for the 2 acres re-designated to RM. Any portion of parcels which were not re-designated to RM would remain R-1 through the rezoning process.

Development Agreement: The development agreement is intended to limit the rezone and eventual development of the site. Through this agreement, the City would effectively get a "RB-2 minus" zoning district. In other words, the development agreement puts greater restrictions on the project than what the RB-2 zoning district allows outright. In particular, tree retention and setbacks are increased. The building sizes are limited and parking is forced underneath and within the buildings, reducing the visual appearance of the parking lot. The owner's proposal to limit the height of the buildings to 30 feet is no longer needed as the owner's request to be removed from the height restriction area was denied. The buildings must meet the uphill 16-foot height limit and 27-foot downhill height maximum.

2008 Planning Commission recommendation: The commission recommended denial of both aspects of the related 2008 application: the duplexes to the north and the mixed use development on the subject property. Compared to 2008, the duplexes are no longer proposed and the mixed use development on the northern property has been refined and detailed in this proposal. The commission made the following recommendation related to the mixed use portion of last year's proposal:

The Planning Commission also felt that the proposed mixed use development on the southerly half of the site was inconsistent with the goals, policies and objectives of the Comprehensive Plan. The applicants indicate that if the Land Use Map is changed to designate the site Residential Medium, they intend to rezone the property RB-2. As previously stated, the site is currently zoned RB-1. There are two major differences between RB-1 and RB-2. The RB-2 zone allows multiple family housing and the RB-1 only allows single family. The RB-1 zone has a maximum building size of 5,000 square feet and the RB-2 zone has no maximum size limit. The applicant has discussed the construction of one or more structures up to 3 stories in height. The goals and policies of the Community Design Element of the Comprehensive Plan discuss the importance of scale as it relates to the surrounding area. The Commission was concerned that a change to the Land Use Map that led to the rezoning of the site to RB-2 could adversely affect the neighborhood's scale, which for the most part consists of single story and 1 ½ story commercial buildings.

There are several policies in the Comprehensive Plan that discuss the importance of retaining existing vegetation. The applicants have indicated that they will retain existing vegetation as required under the existing zoning regulations. The Planning Commission could not evaluate the retention of existing vegetation in that the plans submitted by the applicant did not provide conceptual building locations, parking or vegetation retention detail.

Criteria 19.09.170 G. requires that in the case of a comp plan land use map amendment, the subject parcel must be physically suitable for the allowed uses in the designation requested, including compatibility with existing and planned surrounding land uses. Testimony at the public hearing brought into question whether the proposed land use map amendment would result in a development that would be compatible with the surrounding uses which are predominately single family homes to the north and east. After careful consideration, it is the position of the Planning Commission that the proposed duplexes and future large multiple story building or building would not be compatible with the surrounding land uses. The Planning Commission voted 3 – 2 to deny this portion of the Comp plan Amendment.

Based upon the above, the Planning Commission respectfully recommends denial of application COMP 08-0001.

Engineering Staff: The engineering staff conducted a traffic capacity evaluation for the proposed land use designation change. The analysis is fully outlined in the memorandum from Emily Appleton dated July 15, 2009 included in the packet. Due to past applications related to this property, the City had already considered the development of this property in the long-range capacity forecast. Previous transportation capacity evaluations indicated that capacity is available with minor adjacent intersection upgrades. This proposal generates fewer trips than the previous proposal (2008 version).

Project Planner: Jennifer Kester, Senior Planner

Date:

cc: Planning File

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COMMUNITY DEVELOPMENT DEPARTMENT

TO: GIG HARBOR PLANNING COMMISSION
 FROM: JENNIFER KESTER, SENIOR PLANNER
 SUBJECT: COMP 09-0012: RB-1 TO RB-2 COMPARISON
 DATE: September 15, 2009

Below is a comparison chart analyzing the difference between the performance standards which would apply to the existing RB-1 zoning and the proposed RB-2 zoning with the limiting development agreement (DA).

	RB-1 zoning	RB-2 w/ DA
Zoning Area	Approx. 1.70 acres	2.00 acres
Primary Uses	<u>Residential:</u> Single-family detached <u>Nonresidential:</u> Professional, personal and business services. Delis and food stores allowed on street level of office building; no more than 800 square feet.	<u>Residential:</u> Attached condos on top floor; number of units not specifically called out; staff estimate 11 units <u>Nonresidential:</u> Professional, personal and business services. Delis allowed outright; food stores prohibited.
Building Size	5,000sf GFA per structure; GFA includes parking garages. Applicant indicates that five 5,000sf buildings are possible. <u>Total: 25,000sf with surface parking.</u>	No code maximum per structure. DA limits are as follows: <u>Pioneer Building</u> – 14,500sf on first floor; 10,400sf on second floor; garage is additional <u>Stinson Building</u> – 11,900sf on first floor; 9,200sf on second floor; garage is additional <u>Total: 46,000sf plus garages.</u> <u>Staff estimate garages at 26,400sf – 72,400sf total.</u>
Dense vegetative screening	Yard abutting single-family residence requires 30-foot dense vegetative screen. Applicable along north property line if existing SFR remains.	Nonresidential yard abutting residential use or zone requires 40-foot dense vegetative screen. Applicable along north property line. Staff does not believe site plan shows a 40-foot screen.
Setbacks: Pioneer (front) Stinson (front) Grandview (side) North line (side)	Pioneer: 20 feet Stinson: 20 feet Grandview: 10 feet North line: 10 feet	Pioneer: 25-40 feet Stinson: 30 feet Grandview: 30 feet North line: 30 feet

	RB-1 zoning	RB-2 w/ DA
Tree Retention	20% of significant trees	38% of significant trees
Density	4 du/a outright; Maximum units – 7 units	8 du/a outright; 12 du/a through CUP. Maximum 16-24 units
Zone Transition	Applicable along Pioneer and north property line.	Applicable along Pioneer and north property line.
Building Height	16 feet above the high point within 50 feet of the building footprint and in the buildable area; no portion of structure may exceed 27 feet above natural and finished grade.	16 feet above the high point within 50 feet of the building footprint and in the buildable area; no portion of structure may exceed 27 feet above natural and finished grade.
Impervious Coverage	60%	55%; up to 70% with additional buffering
Structure Separation	20 feet	No minimum

September 17, 2009

City of Gig Harbor Planning Commission

Re: Amendments to the City of Gig Harbor's Comprehensive Plan

1. COMP 09-0004: Sunrise Enterprises Land Use Map Amendment

I am John G. Pittman, the owner of the property on the north side of the property requesting the land use change from Employment Center (EC) to Commercial Business (C/B). I have two parcels 5 acres, Parcel No. 0122254011 which touches the entire north side of the property requesting the land use change; and Parcel No. 0122254064 almost one acre which touches my 5 acre parcel.

History of my property:

In November 1946 my uncle, Alf Swensen purchased the 5 acre parcel. He lived there until his passing in October 2006. I inherited the property. I spent many summers with my aunt and uncle at their place. My uncle ran his business from the 5 acre parcel.

My uncle sold 30 acres to Walt Smith who developed a Gravel Pit on a part of the property. That property is Parcel No. 0122253070 and is to the West of my property.

Request:

I would request that my property be included in the land use change. Since my uncle died no one is living on the property and property is part of the City's Urban Growth Area. To the East of my property is office buildings and Burnham Dr NW. To the South of my property is Employment Center property. To the West of my property is Employment Center property. And to the North of my property is vacant land and Woodhill Dr NW.

I would think the land use for my property should be at least Employment Center.

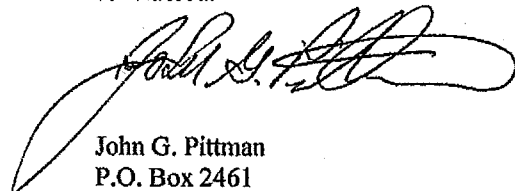
Concerns:

1. East, West, and South of my property is zoned for business. The change in land use requested in COMP 09-0004 could result in even more business activity in the area. I do not think the current land use for my property as residential would fit into the current land use of adjoining property.

2. Water runoff from property to South could be increased with further development. There were problems in the past.

3. The recommendation by staff to provide a 50 foot buffer be adopted and enforced.

I have no problem with the proposed land use change. I would hope my request and concerns are considered.



John G. Pittman
P.O. Box 2461
Olympia, Wa. 98507

360-701-9128

Kester, Jennifer

From: Kester, Jennifer
Sent: Monday, May 11, 2009 11:28 AM
To: kesterj@cityofgigharbor.net.
Subject: FW: Rezone application of the 3700 Grandview property

From: Hunter, Chuck
Sent: Monday, May 11, 2009 11:05 AM
To: Karlinsey, Rob
Cc: Dolan, Tom
Subject: FW: Rezone application of the 3700 Grandview property

FYI

From: Dave and Cindy Storrar [mailto:davecin@centurytel.net]
Sent: Sunday, May 10, 2009 6:39 PM
To: Hunter, Chuck; Conan, Paul; Steve Ekberg; Franich, Jim; paulkadzik@comcast.net; Malich, Ken; Payne, Tim; Young, Derek
Subject: Rezone application of the 3700 Grandview property

City of Gig Harbor City Council:

This email is response to request for comments. Cindy and I have testified publicly at both a Planning hearing and a City Council meeting in opposition to the comprehensive plan amendment requesting a rezone for the 3700 Grandview property. The most recent plan has increased the vegetation buffer on Grandview and Pioneer Way as a trade off for allowing larger office buildings. To us, the trees are not the issue. The developers can leave the trees and limb them up higher than the buildings and we would be looking at their large office buildings through a forest of trunks. The council may be able to address that issue in the development agreement, but for some reason our gut feeling tells us not to trust the development group, as they have not been truly forthright through this process. This change is all about maximizing profit, not what is best for the neighborhood. We care about the feel of the surrounding area as a neighborhood and gateway to "one of the most picturesque small cities in America" (per the city's website). We continue to feel the proposed project is not the right fit for the neighborhood. If this zoning change is granted, it will set a precedent for all future developers to demand zoning changes that fit their vision (i.e. how much profit can be made on a piece of property), not whether it complies with the zoning restrictions or is consistent with the surrounding area. We are not against all zoning change requests, if all parties affected are in agreement, then a change is welcomed. However, in this project as proposed, we do not believe there is such a consensus. We feel the city should not grant the change in land use designation.

Sincerely,

Dave and Cindy Storrar
7305 Pioneer Way
Gig Harbor

Dolan, Tom

From: Barry Jaroslow [barryjaroslow@skylineproperties.com]

Sent: Wednesday, June 03, 2009 4:03 PM

To: Dolan, Tom

Subject: RE:

Hi Tom,

After reviewing the request for the rezone to increase the height of the property location at 3700 Grandview Street in Gig Harbor, I suggest the following:

1. I feel that the existing zoning should be maintained as it acts as a buffer in its' present form.

If the new variance of 35' is allowed, the existing buffer of smaller commercial buildings are gone.

This particular buffer will no longer be a buffer, but a large building instead.

2. If this variance is allowed then anyone wanting to build anything in Gig Harbor can simply request it. Granted the exhibits shown in the request appear not to disturb too much future intelligent growth, but never the less, the door is then open to all types of construction. This larger building size could change all the things favorable about Gig Harbor.

3. The larger building will increase density, population and traffic.

4. There are examples both ways to show what intelligent growth looks like:

A. Kirkland is a perfect example of what not to do. It has excessive traffic and population.

B. Mercer Is controls growth and even though it is located in the middle of Seattle and

Bellevue, it maintains a wonderful life style and environment not to mention property values.

Even though this project appears to be, not to invasive, I am sure that the early, first projects in Kirkland looked harmless enough also.

Please make the right choice to maintain the City of Gig Harbor with careful growth and follow existing zoning, thereby protecting the future for us and our children.

Best Regards,

9/17/2009

not give in to short term fixes sacrificing the future.

I live in Gig Harbor, my son and his wife as well as my daughter and her husband and child. We have a stake in the community and I am extremely active with the Chamber of Commerce and the Maritime Gig.

Please forward to the Council and Mayor Chuck Hunter.

Best Regards,

Barry Jaroslow
Skyline Properties
206 251 7514

-----Original Message-----

From: "Dolan, Tom" <DolanT@cityofgigharbor.net>

To: <barryjaroslow@skylineproperties.com>

Cc: "Hunter, Chuck" <Hunterc@cityofgigharbor.net>

Date: Mon, 1 Jun 2009 10:57:51 -0700

Subject:

Here is the public hearing notice for the Pioneer and Stinson LLC public hearing. Let me know if you have any questions concerning the application.

Tom Dolan
Planning Director
City of Gig Harbor
3510 Grandview St.
Gig Harbor, WA 98335
253-853-7615 phone
253-858-6408 fax

Kester, Jennifer

From: Carol Renee Wissmann [bellemann@hotmail.com]
Sent: Monday, August 03, 2009 10:47 AM
To: Kester, Jennifer
Subject: Grandview development

Jennifer,

Because I live in the Chapel Hill Condos that are on Edwards Dr., adjacent to the Methodist Church, I have had a keen interest in the planned development on Grandview, between Pioneer and Stinson. Hundreds of times in a year, I sit on my porch and enjoy the trees on that hill. So I requested from Carl Halsan, the plans for the landscaping of the development. I was so impressed and relieved to see the proposal of trees to be saved, far beyond the minimum requirements. Additionally, I was even more impressed by the proposed saving of even more trees beyond that--and the proposal to plant far more trees.

This site is the pinnacle to the entrance to our city. Right now, it offers a peaceful and beautiful statement that helps offset older, and certainly less aesthetically pleasing, surrounding structures. The tract also offers a buffer to the noise and pollution of the freeway. That is much appreciated by those in nearby residences.

Please pass my letter to the planning committee and urge them to retain the maximum trees suggested by the developer. Doing so would help to offset what, I feel, was a mistake in not allowing for the original proposal with an increase in building height. I can't imagine how we all would not benefit from the retention of as many trees as possible.

Thank you,

Carol

Carol Wissmann
Freelance Writer/Copywriter

(253) 851-5101
Gig Harbor, WA



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RECEIVED
CITY OF GIG HARBOR
SEP 16 2009
COMMUNITY
DEVELOPMENT

Jennifer Kester, Senior Planner
City of Gig Harbor Planning Commission

Re: COMP 09-0012: 3700 Grandview Street land Use Map Amendment

Attached are our letters sent to the Gateway and each member of the City Council concerning this proposed amendment to the Comprehensive Plan. Our stand on this proposed project has not changed. The developers are still asking for changes in height restriction and rezone for a property that will severely impact our neighborhood. This plan is merely a repackaged version of the previous plan that has already been denied.

The project is out of scale for the surrounding neighborhood, however the developers feel they can mitigate this impact and have proposed buffer zones wider than the Plan requires. Can the proposed project be hidden or substantially shielded to mitigate the size? There are several examples in Gig Harbor of commercial properties that had promised vegetative buffer zones, and the end result was tall trees limbed up so high they do nothing to shield the project.

We will continue to oppose the proposed change in the Comp Plan for the benefit of this project. The negative impacts: visual (substantial change in scale of the neighborhood), increased traffic, lights, and noise, outweigh any perceived benefits. It is the wrong project on a vital piece of property that welcomes visitors and residents to the beautiful City of Gig Harbor.

David Loren
Andy [Signature]

7305 Pioneer Way

Gig Harbor

858-1050

RECEIVED
New Business
CITY OF GIG HARBOR
SEP 13 2009
COMMUNITY
DEVELOPMENT

Ancich Property Development

Concerning the development of the Ancich property at Grandview/Pioneer:

So many visit and live in Gig Harbor for the small town, village experience. Just walk through downtown on a Sunday afternoon and watch the faces. We chose to live here and be part of this community because we liked the difference it offered us from a big sprawling town we could find anywhere. How sad to think we could be met at the entrance of our town by a huge business development with "Space Available" advertised in the front windows. Too many commercial properties sit vacant in Gig Harbor already. Do we need more, at the expense of trees, neighborhoods, increased traffic and noise? The line was drawn at Grandview Street for business development. Now are we willing to change that? How many more times will we concede to developers until there is more concrete than trees, wildlife, and open space for families.

Please maintain our welcoming gateway to our Harbor and stop the overbuild now!

Cindy Storrar
253-858-1050

Re: Ancich Property Project:

November 23, 2008

The nature of any developer is to envision a project on a particular piece of property that will be profitable. Maximizing profit is the bottom line. The catch happens when the developer's vision for a project and the municipality's zoning restrictions collide. This type of conflict is the setting for the Ancich property project proposal. The developer proposes to build office structures much larger and taller than current code allows.

This proposed project sits at the gateway to downtown Gig Harbor and abuts Harbor Heights subdivision. Is this the first image we want to see when we enter the city? Harbor Heights residents would like to maintain the character as a neighborhood without large business encroaching.

The developer for the project has stated his project will enhance the surrounding area more than if he were obligated to build to the current zoning code. He has "threatened" to build a project to code, if the city does not rezone, and said no one will like the results. The reality in the current economic climate is that there is plenty of unleased office space and houses for sale now and for the foreseeable future and the developer will in fact have to create an attractive project just to make his profit. The city should not be held hostage to any developer. Finally, the city is not in the business of ensuring that developers make a profit on their projects. Please do not approve the rezone.

David Storrar
7305 Pioneer Way
858-1050

Kester, Jennifer

From: Joyce Ninen [jninen@centurytel.net]

Sent: Thursday, September 17, 2009 1:46 PM

To: Harris Atkins; Jeane Derebey; Jill Guernsey; Jim Pasin; Michael Fisher; Katich, Peter; Kester, Jennifer; Dolan, Tom; Andrews, Cindy

Subject: Fw: 3700 Grandview COMMENTS

I received these comments from Lita Dawn Stanton today and thought they should be shared before the public hearing. Joyce

----- Original Message -----

From: lifadawn@comcast.net

To: jninen@centurytel.net

Sent: Thursday, September 17, 2009 1:18 PM

Subject: 3700 Grandview COMMENTS

RE: 3700 Grandview - COMP 09-0012

My interest is historic preservation and Gig Harbor's character and my comments are as a private citizen.

You made a good decision the first time.

Nothing of any consequence has changed this second time around.

This is not about trees. Trees grow.

This is not about "ugly" 5,000 square foot buildings. A 5,000 sq ft building doesn't inherently end up "ugly" -- that's the architect's work.

This project is about changing building size limits and in so doing, setting this town on a new path.

The comp plan and over 60 years of council-members, mayors and volunteer commissioners have upheld our smaller building size limits in the view basin.

If they had not, Gig Harbor's core would have developed and redeveloped many times over by now. There would be no "historic" fabric left.

We have what we have because (for the most part) the lines have been equitably held.

Stand at the base of the BDR building (11,900 sq ft footprint off Rosedale) and feel the size.

It doesn't belong next door to residential with or without trees that may or may not screen.

Neither does this intense a use (cars above or below ground) belong at this location.

Lady Justice is a statue with a blindfold. She's supposed to judge without prejudice.

I'm not sure why you were asked to take your blindfold off, look at specific design details and judge an *individual* development agreement.

9/17/2009

Design by its very nature is subjective and sets individual biases in motion.

I hope you will reaffix your blindfold, dismiss the visuals, and make your decision based on the goals and intent of our Comprehensive Plan.

Currently, cottage housing or smaller buildings are allowed -- what's wrong with that?

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
June 18, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Harris Atkins, Jim Pasin, Jeane Derebey, Michael Fisher and Dick Allen. Commissioners Absent: Joyce Ninen and Jill Guernsey. Staff Present: Jennifer Kester, Tom Dolan, Kristin Moerler and Peter Katich.

CALL TO ORDER: Chair Harris Atkins called the meeting to order at 5:05 p.m.

APPROVAL OF MINUTES:

Review of the minutes for the May 7, 2009 meeting was postponed until the July 2nd meeting. The May 17th meeting minutes were not yet ready for review.

Introduction to all 2009 Comprehensive Plan Amendments

Senior Planner, Jennifer Kester passed out the binders for the 2009 review cycle which contained the application information for the 12 amendments accepted for review by the City Council. Ms. Kester went over the Commission's meeting schedule for review of the 2009 amendments. The Commission asked for a detailed schedule listing when each application would be reviewed. Ms. Kester then briefly described each of the 12 amendment being process in 2009 and explained the application material.

Future Actions:

- Prepare a detailed schedule listing when each application will be reviewed.
- Provide the criteria spreadsheet for use during work-study sessions and public hearings.

City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335
(COMP 09-0002) – Parks, Recreation and Open Space Element (PROS).

Associate Planner, Kristin Moerler, presented the city's proposal to repeal the Parks, Recreation and Open Space (PROS) Element and the park related amendments proposed for the Capital Facilities Element (COMP 09-0010). Ms. Moerler explained that the existing PROS plan was adopted in May of 2003 and expired in May of 2009. Due to the age of the document, it is no longer a relevant planning mechanism and it cannot be used to get grants from the State Recreation and Conservation Office (RCO). Ms. Moerler further explained that the City is working to develop a new PROS plan. She anticipates having the new plan ready for City Council acceptance in January of 2010 to facilitate adopting the new plan into the Comprehensive Plan in the 2010 cycle. Elements of the Parks plan that have been adopted into the Capital Facilities element (Chapter 12) will be retained in the Comprehensive Plan. She went on to note that the

GMA Requirement for inclusion of a PROS plan in the City's Comp Plan is an unfunded mandate and therefore is not required until such time as State funding becomes available.

The commission expressed some concern that removal of the plan would indicate a lack of desire by the City to provide park services or construct park projects. Ms. Moerler assured the commission that the new PROS plan will continue to be developed and will be adopted in 2010. She also noted that while the City will miss the application window to RCO for grants in 2009, the City had no projects for which they were seeking grants in 2009. The PROS plan will be completed in time to apply for grants in the 2010 cycle.

Future Actions:

- Planning Commissioners to provide comment to Kristin if desired. Kristin to prepare revision for public hearing.

ADJOURNMENT

MOTION: Move to adjourn at 7:20 pm. Derebey / Fisher – Motion passed.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
July 16, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Harris Atkins, Jill Guernsey, Jim Pasin, Michael Fisher, Jeane Derebey and Dick Allen. Commissioner Joyce Ninen was absent.
Staff Present: Jennifer Kester and Diane Gagnon.

CALL TO ORDER: Chairman Harris Atkins called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of May 7th, 2009. Pasin/Fisher.
Motion passed unanimously.

5:00 WORK STUDY SESSION

Chairman Harris Atkins asked if everyone had read the June 18th letter from the City Attorney. There being no questions Mr. Atkins turned the meeting over to Senior Planner Jennifer Kester for her report. She noted that the Senior Engineers Jeff Langhelm and Emily Appleton were present. Mr. Atkins asked when they should be looking at these with the criteria and Ms. Kester said that they could do some tonight and also at the August 6th meeting.

1. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 –**
COMP 09-0003) – Transportation Element

Ms. Appleton went over the minor changes to the Chapter 11 Transportation Element. She referred them to the May 5th memo she had written and went over each of the proposed changes. Mr. Fischer asked about the master plan for the downtown and Ms. Kester said she would get a copy up on the web. Mr. Pasin asked how the plan was approved when the final version hadn't been reviewed by the DRB. Ms. Appleton said that the final plan was not adopted but the proposal had been brought to the City Council. Mr. Atkins asked about how the master improvement plan is implemented. Ms. Kester said that it is different from a policy document as it is more of a preliminary design. Ms. Kester asked if perhaps they felt the policy should be in the capital facilities element. Mr. Pasin said that when it was discussed at the DRB there were other suggestions and concerns. Ms. Kester said they will provide an outline of the review process of the plan. Ms. Appleton and Ms. Kester said that they would get together and figure out perhaps a different way of adopting the document.

Ms. Appleton then discussed making the transportation element more of a planning/policy document and then making the six year TIP separate for short range projects. Mr. Pasin noted that the DRB had discussed large plats and they believed

there was no street plan which led to disconnects between commercial and residential. He noted the need to have all these pieces connected to make sure we are all going down the same path. Ms. Kester explained the process for the adoption of the six year TIP. She noted that there was no proposal to remove items from the transportation plan; the proposal is to change the way they are referenced. Mr. Fisher noted that he didn't see any proposal to change the parking regulations. He felt there should be different standards for the downtown versus a shopping center. Ms. Kester said that there is a proposal to review private parking standards and in the capital facilities plan there is a downtown parking lot. She also noted that the Judson Street redesign results in a net increase of on-street parking. Mr. Atkins asked if there was adequate policies to implement such. Ms. Kester said that there seems to be enough for public ventures; however she was unsure if there was enough to support the private parking. Mr. Fisher noted that there are challenges to economic development of downtown due to parking issues. Ms. Kester noted that typically private standards are not in the transportation element of the city's comprehensive plan. Mr. Pasin said that the comprehensive plan should not have economics be the driving factor. Ms. Derebey said that it's the city's responsibility to still be fiscally responsible. Ms. Derebey then asked about the difference between the six year TIP and the six year transportation plan. Ms. Appleton explained the long range and short range plan stating that the comprehensive plan is the policy document used to develop the six year TIP. Ms. Appleton said they just wanted to change the title on the map and take the years out of the list. This would allow the TIP to change each year without requiring a comprehensive plan amendment. Mr. Atkins wanted assurance that the comp plan would not get ignored or become out of date. Ms. Kester pointed out that the state requires a comprehensive review and update of the Comprehensive Plan every 7 years. She then explained the function of the comp plan. Mr. Fisher said he didn't see a way of requiring that any of these goals are met. Ms. Kester said that it is an expression of vision, except for the water, sewer, storm, and transportation plan. Mr. Fisher asked if there was a process for follow up. Ms. Kester said that all development must comply with the comprehensive plan and the plan is reviewed every 7 years to see how/what we have accomplished.

Ms. Appleton then stated that they had done a 2009 traffic model. Mr. Fisher asked where the levels of service are defined and Ms. Appleton said that each LOS definitions are different depending on the type of intersection. Ms. Kester said they could get the information to the Planning Commission. Mr. Atkins referred to page 11-60 and asked if there was a plan for the sidewalk network. Ms. Kester said that they hoped to have that done in 2011 with the update of the comp plan. Mr. Pasin asked how the short term projects were arrived at. He pointed out that there was not a table of the long range projects and Ms. Appleton said that she had meant to add that and would e-mail them.

**2. City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335
(COMP 09-0007) – Stormwater Comprehensive Plan**

Jeff Langhelm, Senior Engineer went over the different plans and noted that they can be downloaded from the web site. He explained the demographic forecast analysis model. Mr. Fisher asked about the growth projections and Ms. Kester explained how it is

determined based on what the state has required us to plan for in 2022. Ms. Kester further explained how population forecasts are determined and on what timeline. Mr. Pasin said that on page 3-15 under mixed use, he didn't think that it reflected the mixed use proposal that the Planning Commission had forwarded to the City Council and Ms. Kester said that the council chose not to adopt it and would discuss it further with the commission in October.

Mr. Langhelm said that he would like to go over the other key planning policies. He illustrated the maps showing the service areas and stated that their NPDES permit had changed. He noted that the CIP funding will now be identified in the stormwater comprehensive plan. He explained stormwater modeling and that they will be handling this in house. Mr. Atkins said that he was surprised that there were not any aquifer recharge areas within the UGA. Mr. Langhelm said that there are some within the city limits and said that he would verify that. The only other change is that there is now a stormwater connection fee. Mr. Atkins noted that on page 3-1 the city is described as a vibrant tourist stop and he felt that it was more of a regional area. He also noted that some of the areas that are written by the consultant the language need to be changed to being from the city perspective. Mr. Fisher said that on ES-5 it states that the projects that have not been completed are reflected; he asked why some of these have not been done. Mr. Langhelm said that there are various reasons; sometimes funding as in the case of Donkey Creek.

Ms. Derebey asked what the timeframe was for the 8.4 million in improvements and Mr. Langhelm replied that it was 20 years.

Mr. Fisher had a question about the service area and the soil types and asked about ways of encouraging low impact development. Mr. Langhelm went over the infiltration rates and how low impact development can be achieved. He stated that at the August 10th City Council meeting a new stormwater manual will be adopted and will have procedures for low impact development techniques.

Mr. Pasin asked if the new proposal could be given to the Chair of the Design Review Board and Mr. Langhelm suggested that they review volume six of Pierce County's stormwater manual to see what is being proposed. He also noted that it won't take effect until January 1, 2010.

**3. City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335
(COMP 09-0008) – Wastewater Comprehensive Plan**

Mr. Langhelm explained the sewer map which shows each parcel and whether it is served by city sewer. He also noted that you must be annexed into the city in order to connect to the sewer unless there is a health issue. Mr. Pasin noted that there are developments that are 20 or 30 years old and they have had septic failures and asked how they are planning to be able to get those developments connected. Mr. Langhelm said that currently development is what triggers the extension of the wastewater system. Mr. Pasin asked about the water reclamation project. Mr. Langhelm says there is a

chapter on reclaimed water and he went over the elements of that. Mr. Langhelm then went over basin development.

PUBLIC HEARING

1. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0002) – Parks, Recreation and Open Space Element
2. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0003) – Transportation Element
3. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0007) – Stormwater Comprehensive Plan
4. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0008) – Wastewater Comprehensive Plan
5. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0009) – Water System Plan
6. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0010) – Capital Facilities Element
7. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0011) – Utilities Element

Chairman Harris Atkins opened the public hearing at 6:00 pm.

Paul Cyr, Barghausen Consulting Engineers, 18215 72nd Ave S., Kent WA 98032

Mr. Cyr asked a question about the transportation element regarding the extension of Hunt Street across Highway 16. Ms. Appleton said that it is listed as a short range improvement and is on the six year TIP; however the City is considering removing it from the six-year TIP and constructing it later. He voiced his support of the project in order to provide more connectivity. He then commented on the water system plan, noting that there are areas served by other purveyors. He said that there are areas that are best served by the City of Gig Harbor rather than other purveyors and also noted that with wastewater sometimes the jurisdiction can fund ULIDs rather than putting the burden on developers and he encouraged this option. He also expressed his support of the reclamation project. He also would like the policy changed that you must annex in order to get sewer service. Mr. Pasin asked Mr. Cyr if he thought that the city obtaining some of the water systems was a viable option and Mr. Cyr said that he thought that some of the systems were old or reaching capacity. He noted that in most cases it is assumed that the city is the water purveyor.

Chairman Harris Atkins closed public hearing at 6:10 p.m.

WORK STUDY SESSION

1. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0002) – Parks, Recreation and Open Space Element

Ms. Kester asked if anyone had any question regarding the Parks, Recreation and Open Space Plan since Associate Planner Kristin Moerler was here to answer questions. Mr. Fisher asked if there was pressure to partner with the state or county on parks. Ms. Moerler said that she understood that the city sees their parks as part of its vision and at this time does not want to combine with the rest of the parks on the Peninsula. There is no pressure to take over other parks. Ms. Moerler noted that she'll be providing some minor revisions based on the comments received from Joyce Ninen.

2. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0008) – Wastewater Comprehensive Plan - *Continued discussion*

Mr. Langhelm then spoke about the lack of capacity at the treatment plant and the expansion of the treatment plant. He continued to explain how concurrency works and the upcoming additional treatment capacity.

3. **City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335**
(COMP 09-0009) – Water System Plan

Mr. Langhelm went over the map of the water system and noted that this plan only addresses the city's water system. He explained how the recalculation of ERUs was being proposed and why. Mr. Pasin said that the integration of water systems was important. Ms. Kester added that all water system plans must meet the city's population projections. Mr. Atkins asked about the responsibility of the city when development happens within another water purveyor's area and Ms. Kester explained that we require a water availability letter and if a purveyor no longer has capacity they may have to reduce their water system area. Mr. Langhelm then explained the 2003 municipal water law. Mr. Langhelm said that staff is proposing that the water system plan have policies which allow expansion of our water system service boundary on a parcel by parcel basis but would not allow the take over other water purveyors. He explained how taking over the private water purveyors would reduce the level of service and would be expensive to maintain. He then went over water system fire flow requirements and the proposed changes. It is proposed that if a developer cannot meet the fire flow requirement, they must bring the water line up to the city standard. Mr. Pasin said he felt that some of these restrictions were counterproductive to the benefit of the city. Mr. Langhelm explained that there were alternate methods and materials to meet the building and fire codes. The water system requirements are not site specific and are required at the street front. He noted that these are city water system requirements not a city-wide requirement, so they don't apply to other purveyors. Mr. Pasin asked if we had identified where in the system fire flow may be lacking and is the city changing the infrastructure in order to meet the standards. Mr. Langhelm said that there are projects

identified in the capital facilities element. Mr. Pasin asked why a private person should pay for what the city hasn't done for years. Mr. Langhelm said that system requirements have changed. He also noted that you can drill a well in the city limits. Mr. Fisher pointed out that this doesn't encourage economic development. Ms. Guernsey said that although she recognized that this was a policy not a regulation she didn't feel that the impact to the developer had been addressed and that could be a red flag to the courts.

Mr. Langhelm explained that the last policy change had to do with instantaneous water and pumping capacity, so that if a well goes out the city can still maintain levels in their water tanks. He said they do not have the ability to keep up with the levels so we are trying to obtain more water rights and drilling well facilities in order to meet that standard. The policy change is to maintain our capacity rather than let it fall below. Mr. Atkins asked for a specific itemized list of the policy changes.

**4. City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335
(COMP 09-0011) – Utilities Element**

Mr. Langhelm stated that this change clarifies that it is the water service area not the water comp plan. Mr. Fisher asked about 8.4.1 water conservation and water consumptive landscaping. He was concerned that water conservation would become a regulation and he didn't see the need for it. Mr. Langhelm said there would be a need if we couldn't obtain more water rights. We are also required to set water efficiency goals. There is an RCW that requires us to conserve water. He said a lot of the goals are achieved through building code standards for low flow fixtures, etc. Ms. Kester explained that studies done through the WRIA 15 watershed planning found that we do not have water recharge for more than 40 years.

**5. City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335
(COMP 09-0010) – Capital Facilities Element (*TAB 8*)**

Mr. Langhelm explained that this was a fairly comprehensive update of Chapter 12. Ms. Guernsey asked about where the Harbor Heights tanks were located. Mr. Langhelm noted that table 12-5 has updated lists based off of the capital improvement plan lists. Mr. Atkins asked if there were any policy changes. Mr. Langhelm said that there were changes to existing conditions and improvement lists reflect that. Mr. Fisher asked about the financial resources and references to valuations and increases in those valuations, where did the 10% increase come from. Mr. Langhelm pointed out where the major revenues had been adjusted. Ms. Kester said that the finance director would look at some of these sections again to adjust the numbers.

Chairman Harris Atkins stated that he would not be attending the July 30th meeting.

ADJOURNMENT

MOTION: Move to adjourn at 7:50 p.m. Derebey/Guernsey. Motion carried unanimously.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
SPECIAL MEETING
July 30, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Joyce Ninen, Jill Guernsey, Jim Pasin, Jeane Derebey and Dick Allen. Commissioner Harris Atkins and Michael Fisher were absent.
Staff Present: Jennifer Kester, Peter Katich, Jeff Langhelm and Diane Gagnon.

CALL TO ORDER: Acting Chair Joyce Ninen called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES:

MOTION: Move to table the minutes of May 21st, 2009 until the next meeting. Derebey/Pasin. Motion passed unanimously.

5:00 WORK STUDY SESSION

1. **North Pacific Design, 2727 Hollycroft Street, Suite 410, Gig Harbor, WA 98335** - (COMP 09-0001) – Wollochet Water System Service Area Amendment

Senior Engineer Jeff Langhelm gave some background on water system service areas and plans. He stated that plans are required for Class A water systems which include the City of Gig Harbor and the other purveyors. Within the plans there are items that are required, most important to planning are the population projection requirements. Mr. Langhelm further explained that water service areas are identified within the water system plan and also within Pierce County's coordinated water system plan. Mr. Pasin asked about the term flow and how it is measured. He answered that in most cases it is gallons per day which can be converted into ERUs. Mr. Langhelm stated that fire flow requirements are measured in gallons per minute.

Mr. Allen asked about the significance of the water system boundary. Mr. Langhelm stated that once a boundary has been established there is a duty to serve.

Michael Desmarteau from North Pacific Design then gave an explanation of their application. He stated they are in the early design phase of the site knowing that they must achieve this comprehensive plan amendment first. However, they have preliminary plans for a hotel and restaurants. He stated that right now it is a weed infested hole and Stroh's Water has acknowledged that they cannot serve the parcel. He felt that it would be a benefit to the city to develop this parcel. Mr. Pasin asked if they would be paying for the infrastructure and he answered that yes he understood that was the case; however, they had some questions about the costs.

Thair Jorgenson with North Pacific Design. He stated that this site was originally owned by the Talmo Company and was going to be developed as a bowling alley. He noted that there had been some partnering with the city at that time in an effort to achieve fire flow. He referred them to the color maps that they had distributed and noted that this property is at the very tip of Stroh's water service area and is surrounded by the City's water system and is the only substantial piece of property that is undeveloped. Stroh's has no further connection so there is no water availability for this property. He noted where the City's 12 inch water main exists and that it is very accessible. Mr. Pasin asked if Stroh's has agreed to this property being moved out of their water system and Mr. Jorgenson said that his verbal conversations indicated that yes, they were supportive. Senior Planner Jennifer Kester asked if they are trying to procure more water rights and Mr. Jorgenson said that he understood that they had but for other areas. Mr. Pasin asked what had happened to the concept of Stroh's providing domestic water and the city providing fire flow and Mr. Jorgensen said that was an agreement with the bowling alley and wouldn't apply to them. In addition, Stroh's no longer has enough capacity to even serve domestic water. Mr. Pasin asked if they had purchased the property knowing that they didn't have water and Mr. Jorgensen said that his client at the time of purchase was proposing an office building and Stroh's water had enough ERUs at that time.

Mr. Jorgenson went over the recommendations on the staff report and stated that they were in agreement on the first two items and on the third where the city asks for water rights he stated that they are not a water purveyor and can't extend those rights and Stroh's doesn't have them to give. Mr. Langhelm explained that the intent was to get the water rights from Stroh's transferred to the City of Gig Harbor. He further explained that by expanding the City's service area without increasing their water rights it decreases the proportionate share of water rights and that at this time the City does not have adequate water rights for build-out. Mr. Langhelm also noted that this condition was added after discussion with the City Council. He then stated that Stroh's is a non-municipal municipal water supplier and the City is a municipal municipal water supplier and the Stroh's water rights may go away in 2010 due to a Supreme Court case pending at the moment. Mr. Pasin asked how many ERUs are needed for this property. Mr. Langhelm estimated 40-50 ERUs. Ms. Derebey asked how we can require transfer of water rights when the applicant doesn't have any water rights. Mr. Langhelm said he could rephrase the condition to make it clear that the water rights would come from Stroh's Water not the applicant. Ms. Guernsey stated that it seemed that you would still have the same problem. Ms. Derebey asked how they can give them to us when they don't have them for the development. Mr. Pasin asked how we get to the point of the City not being able to perform and Mr. Langhelm said that the City is trying to obtain additional rights. Mr. Pasin then asked if they could hear from a representative of Stroh's. Kurt Rothenberg from Stroh's stated that they have a finite number of water rights and they have committed virtually all the water rights that they have unless they expire. He noted that their engineers have been working on getting more water rights since the 1990's. Mr. Pasin asked about their willingness to give up this service area and he said they were fine with it.

Senior Planner Jennifer Kester reminded the commission what they needed to consider with this application. Mr. Pasin said that he would not want to move something forward that can't be achieved.

Acting Chair Joyce Ninen called a five minute recess at 5:55 p.m.

The meeting was called to order at 6:00 p.m.

Public Hearing

Acting Chair Joyce Ninen opened the public hearing at 6:00 p.m.

Thair Jorgensen, North Pacific Design, 2727 Hollycroft, Suite 410, Gig Harbor – Mr. Jorgensen went over their proposal and asked that the Planning Commission consider their request. He noted that this situation is unusual in that usually water purveyors won't give up water service area but in this case it cannot be serviced. Ms. Ninen asked if they had approached other water purveyors and he said that he had approached Washington Water; however they are in the same situation of not having enough water rights.

Michael Desmarteau, North Pacific Design, 2727 Hollycroft, Suite 410 Gig Harbor – Mr. Desmarteau expressed appreciation for the commission's consideration and the difficult position they are in. He stated that he felt that the development of this parcel would benefit the city.

Paul Cyr, Barghausen Engineers – Mr. Cyr spoke in support of their proposal and noted that perhaps using the 200 gallon per day calculation may free up some additional water rights within the city and he felt that the development of this parcel would benefit the city.

Acting Chair Joyce Ninen closed the public hearing on the first item at 6:08 p.m.

Work-Study Session

2. **Barghausen Consulting Engineers, 18215 72nd Avenue South, Kent, WA 98032**
(COMP 09-0013) – Stroh's Water System Service Area Amendment (**TAB 10**)

Ms. Kester identified the area for this proposal on the map and noted that Stroh's has indicated that they can provide domestic water service to this parcel but cannot provide fire flow. Ms. Guernsey asked if a parcel can have two water purveyors. Mr. Langhelt stated that they would have to ask the question of the Department of Health. Paul Cyr said that the only example he was aware of was when Stroh's had provided some temporary hook-ups. Mr. Cyr said that fire-flow only was an option but not a requirement of the proposal. Ms. Kester read aloud the letter from Stroh's regarding their desire to not transfer the water rights currently designated to this property.

Mr. Langhelm stated that there are two parcels once served by Stroh's across the street from the proposal. A boundary line adjustment created a situation where one parcel was being served by two water purveyors and the City has agreed to serve that parcel.

Ms. Guernsey asked if a parcel was within our water service area would we serve it even if it was to the detriment of others. Mr. Langhelm said yes, because we have planned for it. Mr. Langhelm then explained how they plan for expected water use.

Paul Cyr distributed a map to the Planning Commission. He noted that there are several water purveyors within the Gig Harbor area. Mr. Cyr stated that the project includes the Stroh property and United Rental on Hunt and Kimball which have been there since 1950. He continued by saying that the Stroh family is proposing to keep the two existing buildings and develop a new building providing expanded service in the farm and garden area. He noted that there is storm sewer and a 12" water line in Hunt that is the city's water line. He stated that they are requesting a change in the service area and Stroh's water is willing to give up this area to the city. Mr. Cyr said they would need about 6 ERUs so they believed it would be a minor impact. He discussed fire flow requirements and stated that they can be mitigated. He stated that this water rights issue came from an attorney who pointed out some court cases to the City Council and noted that the city had never asked for this before. Mr. Cyr said that typically water purveyors negotiate for these water rights; and, for the city to request as a condition that a partner in water rights gives up its water rights so that the city can benefit without compensation he felt would lead to distrust with other water purveyors. He suggested that they recommend the council delete condition 3. He stated that the current 6" line under Highway 16 will not provide enough fire flow. Ms. Ninen asked about the parcels on east side of Highway 16 and Mr. Cyr said they are already served by the city.

Ms. Ninen asked Ms. Kester if the city is providing domestic water and fire flow and we change the boundary can the city do that without having the water rights. Ms. Kester said no, we would need to have the water rights. Ms. Kester explained that if we expand our water service area our pot of available water rights will be diminished.

Public Hearing

Acting Chair Joyce Ninen opened the public hearing at 6:44 p.m.

Paul Cyr, Barghausen Engineering – Mr. Cyr stated that there were two options; one is fire flow only and if the commission were to adopt that request from the applicant there would be no water rights transferred or given. If it is domestic and fire flow then our letter stands and we would like to keep the water rights within the Stroh system.

Thair Jorgenson, North Pacific Design – Mr. Jorgenson spoke in support of the proposal. He noted that the comprehensive plan is the place to take a look at this and redraw these lines. He stated that he didn't believe that it is the intent of growth management to isolate a piece of property and not service it. He went on to say that he didn't know what the connection fees were but he was sure it was a lot of money and

thought that it was a significant benefit to the city. He pointed out that there will need to be additional water rights granted anyway within the city and these properties are ready to be developed now.

Acting Chair Joyce Ninen closed the public hearing at 6:47 p.m.

Ms. Ninen stated that she would like to get a better understanding of how water rights are awarded and also find out how the department of health would feel about two purveyors providing service to one project.

Mr. Langhelm stated that there have been many new procedures implemented since our first water system plan in 2000, the 2003 Municipal Water Law and the Coordinated Water System Plan within Pierce County. He noted that previously agreements between water purveyors were allowed to be informal and that is no longer the case, now there is a duty to serve. Mr. Langhelm stated that the recommendations were provided to you as the protector of the water system and the parcels within the service area not necessarily the city as a whole. Mr. Langhelm said that he could provide them with the more current water system map as a separate pdf.

Ms. Guernsey moved to approve the amendments minus condition number 3. Ms. Ninen pointed out that these items are still on our agenda at the next meeting and Ms. Guernsey withdrew her motion.

Ms. Guernsey noted that the idea behind growth management is that properties within our Urban Growth Area will be served and treated as urban areas, especially when you are within the city we should try to do what we can. She stated that she had a problem with the idea of water rights having to be transferred. She stated that the city has based their numbers on what might occur and here we have properties that will develop and she didn't agree with transferring water rights.

ADJOURNMENT

MOTION: Move to adjourn at 7:00 p.m. Guernsey/Pasin. Motion carried unanimously.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
August 6th, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Joyce Ninen, Dick Allen, Jim Pasin, Michael Fisher, Harris Atkins, Jeanè Derebey and Jill Guernsey.

STAFF PRESENT: Jennifer Kester, Peter Katich, Kristin Moerler, Emily Appleton and Jeff Langhelm.

CALL TO ORDER: 5:00 pm

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of May 21st as corrected. Pasin / Guernsey.
Motion passed

Chairman Harris Atkins opened the meeting reviewing the agenda items suggesting that staff begin with item number 1, PROS Plan.

City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335 -
(COMP 09-0002) – (PROS) Parks Recreation and Open Space Plan.

Associate Planner Kristin Moerler reviewed comments received from the June 18th, 2009 work study session regarding the PROS Plan. Ms. Moerler clarified inconsistencies referencing Donkey Creek Park and the KLM Veterans Memorial Park. Commission members discussed proposed changes to the description under existing facilities for the Wastewater Treatment Plant site, agreeing to remove the strikeouts and leave the original description. Commission members discussed the description of the Bogue building suggesting that the name be changed to reflect its current use rather than the historical use, avoiding confusion.

Commission members discussed their concern with the removal of the PROS Plan from the Comprehensive Plan. Ms. Moerler addressed Commission members concerns discussing the expiration of the plan and the inconsistencies associated with the outdated plan. Ms. Kester discussed grants and funding associated with the PROS Plan. Commission members asked if a placeholder could be put in the Comprehensive Plan updates indicating that a new PROS Plan currently was being prepared. Ms Moerler agreed. Ms. Kester reviewed the proposed language for chapter 10 of the Comprehensive Plan. Commission members agreed on the proposed new statement and proposed a motion.

MOTION: To direct staff to prepare findings for the criteria for a recommendation for the Parks Recreation and Open Space Plan for approval. Ninen / Guernsey. – Motion passed

City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335 –
(COMP 09-0003) – Transportation Element

Senior Engineer Emily Appleton reviewed the transportation Element related comments made by the Commission members at the July 16th work-study session. Ms. Appleton discussed adding a new goal to page 11-60 to include information received from the Harborview Master Plan study. Ms. Appleton also discussed revising the titles for the 6 year and 20 year tip project list and minor language changes to page 11-17.

Ms. Appleton discussed the Harborview Master Plan study. Ms. Appleton and Commission members discussed incorporation of the Harborview Master Plan into the Transportation Element of the Comprehensive Plan. Ms. Ninen asked if the Transportation Element would be an appropriate place for the Harborview Master Plan. Mr. Atkins asked if portions of the plan would be incorporated into the 6 year TIP. Mr. Pasin discussed his concerns with incorporating a plan that had not been formally approved. Mr. Atkins asked what the normal procedure for approval would be. Ms. Kester discussed the process for approval. Commission members continued discussing the incorporation of the Harborview Master Plan. and suggested that policy 11.1.10 referencing the plan not be included.

Ms. Appleton continued her discussion on the Transportation Element, reviewing level of service criteria, parking goals related to community design and the downtown area, language revisions to chapter 11.32, and 11.1.10 and terminology changes to the 6 year and 20 year tip. Commission members agreed with the proposed changes suggesting additional corrections to Goal 11.2 policy 11.1.1 changing the number to 11.2.1, changing the term "travel" to "public transportation" and removing the term "SR-16". Commission members also requested that policy 11.1.10 referencing the Harborview Master plan not be included in the Transportation element. Commission members discussed the proposed changes.

MOTION: To direct staff to prepare a preliminary recommendation based on their requests using the criteria for approval. Guernsey / Derebey. Motion passed

City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335 –
(COMP 09-0013) – Stroh's Water System Service Area Amendment

Mr. Atkins introduced Comprehensive Plan application 09-0013, the Stroh's Water System Service Area Amendment. He then asked Senior Engineer Jeff Langhelm for staff summary. Mr. Langhelm presented a revised staff report, a memo addressing comments from the Department of Health, and comments from the attorney overseeing water rights. Mr. Langhelm summarized the updates to the staff's recommended conditions of approval. Commission members and staff also discussed system analysis information, capacity and water rights. Commission members expressed concern with who would be responsible for providing water rights.

Paul Cyr of Barghausen Engineering provided the applicant summary noting that the applicant would agree to the proposed condition of approval 3-b: fire flow provided by the City with potable water provided by Stroh's Water. Mr. Cyr discussed the water rights issue pointing out that he felt the issue should not be decided by the Planning Commission. Commission members discussed granting fire flow without full services. Mr. Langhelm and Ms. Kester discussed when it could be appropriate to extend services. Ms. Kester stated that providing fire flow without potable water should be reviewed on a case by case basis and not be a general

policy. Commission members and staff continued discussing the criteria and options for conditions of approval.

MOTION: To direct staff to prepare a matrix with the criteria discussed and move forward for recommendation for approval / Ninen / **Motion died for lack of a second.**

MOTION: To direct staff to prepare preliminary findings to include conditions 1, 2, and 3-b excluding 3-a. Ninen / Guernsey

Commission members discussed the motion. Ms. Derebey suggested including 3-a and 3-b into the motion. Commission members agreed and proposed an amended motion.

AMENDED MOTION:

To direct staff to prepare a recommendation to approve the amendment with all conditions 1, 2, 3-a and 3-b. Derebey / Allen –
Motion passed – 5-1 - Guernsey opposed.

City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335 –
(COMP 09-0001) – Wollochet Water System Service Area Amendment

Mr. Atkins introduced Comprehensive Plan amendment application 09-0001, the Wollochet Water System Service Area Amendment. He then asked Senior Engineer Jeff Langhelm for staff's summary. Mr. Langhelm summarized the proposal to expand the City's water system service boundary and the applicant's request for 50 ERU's. He also noted that the applicant is not proposing the fire flow only option. Commission members discussed servicing properties outside city water boundaries, boundary revisions, transferring of water rights, current and future capacity. Commission members asked when the city would run out of water ERU's and if the had begun the process for requesting additional ERU's. Mr. Langhelm provided the dates of application for more water rights. Mr. Atkins asked if the amendment would have any effect on the city's current ability to hand out ERU's. Ms. Kester responded that it would have no effect. Commission members discussed the proposed amendment and the potential impacts to developers inside and outside of our service areas.

MOTION: Move to extend the work-study session. Fisher / Derebey
Motion passed.

MOTION: To direct staff to prepare preliminary findings minus condition #3 [transfer of water rights] Guernsey / Fisher – motion passed.

Commission members and staff discussed continuing Capital Facilities plan and the Utilities Plan items at the August 20th, 2009 meeting and beginning at a 4:00 pm. Commission members and staff agreed.

MOTION: Move to adjourn at 8:10 pm: Guernsey / Derebey – Motion passed

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
August 20th, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Chairman Harris Atkins, Jill Guernsey, Joyce Ninen, Jim Pasin and Jeane Derebey Michael Fisher. – Absent Dick Allen
Staff Present: Tom Dolan, Jennifer Kester, Jeff Langhelm and Cindy Andrews

CALL TO ORDER: 4:06 pm

APPROVAL OF MINUTES:

The commission discussed the minutes of June 18th no corrections made.

MOTION: Move to approve the minutes of June 18th, 2009 as recorded. Derebey / Fisher - Motion passed.

The commission discussed the minutes of July 16 and corrections were made to Mr. Fisher's statement regarding water conservation and landscape regulations on page 6 item 4 and 5, changing the statement to read; "Mr. Fisher would be concerned if penalties would be charged for increased water usage above the standard rate".

MOTION: Move to approve the minutes of July 16th, 2009 as corrected. Derebey / Fisher - Motion passed.

The commission discussed the July 30 minutes and wanted the header to state special meeting.

MOTION: Move to approve the minutes of July 30th, 2009 as corrected. Ninen / Derebey – Motion passed.

- 1. City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335 –**
(COMP 09-0007, 08, 09, 11) – Utility Plans (TAB 7)

Ms. Kester summarized the Utility Plan update and introduced Senior Engineer Jeff Langhelm for staff's presentation.

Mr. Langhelm discussed Ms. Kester's August 5th, 2009 memo relating to Utility Plans explaining the 3 revisions made to the Stormwater Comprehensive Plan, 2 revisions to the Water System Comprehensive Plan, adding that no revisions had been made to the Wastewater Comprehensive Plan. Mr. Langhelm described the revisions to the Stormwater Comprehensive Plan: Item #1 - language changes on page 3-1, the removal of the language "vibrant tourist stop" and replacing it with "regional center for commercial activities and services." Item #2 - on page 3-7 correcting the statement to note that Pierce County had identified multiple Aquifer Recharge areas within Gig Harbor and the surrounding UGA. Ms. Kester discussed item #3: The comments received and forwarded to Mr. Langhelm from different agencies will be used to update the plan and will include correction to Mixed Use designation description. Mr. Pasin asked what basis the revised definition would be based on. Ms. Kester replied the description would be based on the overlay.

Mr. Langhelm continued with the Water System Plan, reviewing the statement added to page 2.5 stating "It is the City's goal to meet these fire flow rates at sites where similar existing developments are connected to existing water mains," also discussing the intent of the language addition. Mr. Pasin suggested that the sentence should state existing city water mains. Mr. Langhelm explained the document encompassed only city water mains. Ms. Guernsey and Mr. Atkins asked for further explanation of the first sentence. Commission members discussed the language and the intent of the statement.

Mr. Langhelm discussed item #5 of the Water System Plan explaining the proposed policy requiring the applicant to pay for all upgrades to a system. Mr. Langhelm discussed areas in the city identified as having low fire flow, inadequacies in the system, and the intent of the city to share the responsibility of upgrades. Commission members discussed the language, expressing concern that as proposed it would put too large of a burden on commercial development. Ms. Kester acknowledged that the language would need to be clarified and asked if commission members would support the current policy. Ms. Ninen suggested adding a goal to include the existing sites into the criteria. Ms. Derebey also agreed the language should be changed. Mr. Langhelm explained that staff had presented to commission members the current City policy and that the specific language could be worked out a later date. Mr. Atkins asked if it would be considered a policy problem or a description problem. Mr. Langhelm responded a policy problem. Mr. Pasin stated that he felt if the system currently exists it should be the responsibility of the city to provide necessary updates. Commission members discussed their concerns and Mr. Atkins asked Commission members for their views. Ms. Derebey felt that some of the sentences had been contradictory. Ms. Ninen felt that if business redeveloped and increased their usage they should be responsible for a portion of the fees to upgrade (pro-rata share). Ms. Guernsey felt that a pro-rata share would be fine. Mr. Atkins had no problem with a pro-rata share also stating that he felt that upgrades to existing developments should be shared. Staff and Commission members discuss commercial and residential use, remodel and redevelopment. Staff and Commission members agree to continue the discussion the meeting of September 3rd, 2009.

Chairman Harris Atkins called for a 5 minute break.

1. Halsan Frey LLC – Carl Halsan, P.O. Box 1447, Gig Harbor, WA 98335 –
(COMP 09-0004) – Sunrise Enterprises Land Use Map Amendment

Ms. Kester discussed the Sunrise Enterprises Land Use Map Amendment, summarizing the amendment and the applicant's intent. Ms. Kester discussed Engineering's preliminary comments, previous and current land use designation and setback requirements. Ms. Kester introduced Carl Halsan for the applicant's summary.

Mr. Halsan presented on behalf of the applicant Walt Smith, providing a brief history of the site; discussing the past and current land use designation, uses, the infrastructure; and, the request by the applicant to have the lower 15 acres changed back to the County's designation of commercial. Ms. Ninen asked what the property north of the site had been zoned. Mr. Halsan replied single family residential with wetlands, also stating that the owner had not made any decisions on development at this time. Ms. Ninen asked if neighbors had made any comments on the proposal. Mr. Halsan replied not at this time. Mr. Atkins discussed consistency concerns with abutting properties. Mr. Dolan acknowledged the consistency concerns explaining that a goal had been set for 2011 to clean up all of the consistency concerns. Commission members

continued to discuss the amendment, agreeing to move the amendment forward to the Public Hearing on September 17 without further discussion.

**2. Robert Glass, P.O. Box 156, Gig Harbor, WA 98335 –
(COMP 09-0005) – Haven of Rest Land Use Map Amendment**

Ms. Kester discussed the amendment, providing a history of the site and the November 2008 ordinance allowing cemeteries as conditional uses. Ms. Kester discussed density, use and the potential for expansion of the existing cemetery. Ms. Kester introduced applicants Carolyn Back and Kathryn Jerkovich of BCRA presenting on behalf of Haven of Rest.

Applicant Carolyn Back summarized the amendment, discussing the recently annexed parcels and the two parcels that had always been within the city's limits also describing the inconsistencies that the amendment would hopefully correct. Applicant Kathryn Jerkovich also discussed the amendment, future development, access to the lower east side piece and the possibility of entering into a development agreement to accept an R-2 zoning. Mr. Atkins asked if plans had been made to develop the lower piece. Ms. Back replied that the owners assume that they will develop in 15 to 20 years; however, they may want to develop as soon as 10 years. Commission members discussed the amendment agreeing that no further discussion would be necessary prior to the September 17th, 2009 public hearing.

**3. City of Gig Harbor, 3510 Grandview St., Gig Harbor, WA 98335 -
(COMP 09-0012) – 3700 Grandview Street Land Use Map Amendment**

Ms. Kester summarized the revisions to the Grandview Street Land Use Map Amendment also providing a history of the project. Ms. Ninen asked if the duplex had been removed from the plans. Ms. Kester responded yes. Mr. Pasin asked if all owners of record had signed the development agreement. Mr. Dolan responded a title report could be provided to double check. Ms. Kester introduced Carl Halsan, Agent on behalf of the applicant MP8 LLC.

Mr. Halsan presented the application, discussing the history of the project, previous decisions and the proposed revisions. Mr. Halsan discussed the removal of the lower portion duplexes, the denial of the height variance, revisions to the buildings to meet the height requirements, curb cuts, revisions to the setbacks on the north side and Pioneer and Grandview sides, as well as increasing the buffers and setbacks to keep the existing trees. Mr. Halsan continued to discuss the updated development agreement that would reflect the new square footages and parking stalls.

Commission members discussed the proposal, the existing and proposed tree surveys, parking stalls and impervious coverage. Ms. Ninen asked if porous pavement would be used. Applicant Mike Paul responded that they did not plan to at this time. Ms. Guernsey asked if the future dedicated right-of-way is still in the plans. Mr. Halsan replied yes. Ms. Kester discussed the performance standards for RB-2 zoning, larger buildings, underground parking and condominium units on the top floor. Commission members expressed concern for the height of the walls along the Grandview side of the project. Ms. Kester discussed the height allowances for wall planes and the proposed grading of the site. The applicant and Commission members continued to discuss the history of the project, tree retention, building height and footprint and overall neighborhood fit. Mr. Pasin asked the applicant how he intended to step the building to meet the 27 foot wall plane requirement. Mr. Paul explained that using a maximum square

footage of 10,300 square feet and the maximum height allowance of 27 feet, he would reduce down from those measurements and not exceed the 27feet height. Mr. Paul used diagrams to illustrate how the applicant planned to divide the structure into 3 levels. Mr. Dolan further explained that given the underground parking the applicant would have an additional 3 feet of space above ground.

Mr. Atkins suggested putting the item on the agenda for the September 3rd meeting for continued discussion.

Ms. Kester reviewed the agenda for the September 3rd, 2009 meeting; Utility Plan, Capital Facilities and the 3700 Grandview Street Land Use Map Amendment. Ms. Kester suggested that a start and stop time be discussed. Staff and Commission members agreed to begin at 4:00 pm and adjourn at 7:00 pm. Ms. Kester discussed the 2010 schedule updating commission members on the 36 hour work week proposed for staff, also discussing alternative meeting nights for Planning Commission meetings.

Mr. Pasin addressed Commission members informing them that he would like to step down from City of Gig Harbor Design Review Board, asking if anyone would be interested in serving. Mr. Pasin updated commission members on the current assignments that the Design Review Board had been working on. Mr. Dolan discussed the requirements. Mr. Atkins asked Commission members to think about it and suggested discussing it at the September 3rd meeting. Ms. Kester reviewed the meeting schedule through September. Commission members updated staff on their schedules, Ms. Guernsey will not be available for September 24th, Ms. Derebey will not be available for October 5th, Mr. Pasin will be unavailable for October 1st and 5th. Ms Kester reminded members that a quorum would not be necessary for October 5th however it would be necessary for October 1st, 2009.

ADJOURNMENT:

MOTION: Move to adjourn at 7:27 pm. Ninen / Derebey. - Motion passed.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
September 3rd, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Chairman Harris Atkins, Joyce Ninen, Jim Pasin, Michael Fisher and Jill Guernsey. Attending late Jeane Derebey - Absent Dick Allen

STAFF PRESENT: Tom Dolan, Jennifer Kester, Jeff Langhelm and Cindy Andrews

CALL TO ORDER: 4:05 pm

APPROVAL OF MINUTES: None to approve.

City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335 -
(COMP 09-0007, 08, 09, 11) – Utility Plans.

Senior Planner Jennifer Kester summarized the previous meeting, discussing the proposed upgrades to the city's water system infrastructure, fire flow and redevelopment requirements for single family and commercial. Ms. Kester discussed comments she received from two commission members and offered to have hard copies available to anyone who would like them. Senior Engineer Jeff Langhelm discussed the proposed changes to the language of Chapter 2.5 for the Policies and Criteria for Fire Flow Requirements. Ms. Kester summarized the September 3rd, 2009 Water System Plan memo. Mr. Pasin expressed concern that the September 3rd memo did not accurately state the fire flow requirements. Ms. Kester clarified the proposed amendments discuss the collection of pro-rata shares, grandfathering and nonconformities. Commission member Michael Fisher asked if the proposed amendments included upgrades. Mr. Langhelm responded yes. Ms. Kester continued discussing monthly rates and pro-rata shares.

Mr. Langhelm summarized the three ways that the city currently receives funding for upgrades and improvements: monthly rates, general facilities charges (GFC) and pro-rata shares. Ms. Derebey asked if monthly rates could be used for upgrades. Mr. Langhelm replied no, explaining that monthly rates fund the daily operations and emergency repairs. Mr. Langhelm continued discussing GFC and pro-rata share funding. Commission members discuss funding, new development and redevelopment of single family and commercial sites. Mr. Pasin discussed his concerns with redevelopment of nonconforming single family residential sites. Mr. Langhelm continued discussing pro-rata shares providing examples of how they could be applied: through new development with no infrastructure or redevelopment where fire flows could not be met. Commission members continued discussing funding responsibilities. Mr.

Atkins discussed the issues, asking Commission members if they would agree to accept the current policy and the proposed changes for 2.5 Fire Flow Requirements. Mr. Atkins asked Ms. Kester to review and explain the proposed changes to 2.5 Fire Flow Requirements. Ms. Kester discussed the changes, the additions of classification A & B, late comer's agreements for new development, pro-rata shares, GFC list and sprinkler systems. Mr. Pasin asked how many areas in the city currently do not meet the 1,000 gpm requirement for single family. Mr. Langhelm discussed one area that had been identified, also explaining what the homeowners could expect to pay in pro-rata shares. Mr. Langhelm pointed out that the City had no class B sites under 1,000 gpm however 3 Class A sites under 3,000 gpm had been identified. Ms. Derebey asked if the area identified as fewer than 1,000 gpm would need to upgrade. Mr. Langhelm replied yes they would need to sprinkle their home and if the improvement had not been identified on the GFC project list, they would be required to pay their pro-rata share. Mr. Atkins asked if the changes to the fire flow section represented new policy and new flow rates. Mr. Langhelm replied no, explaining that the changes had been for clarification purposes only. Ms. Kester provided additional explanation stating that the memo describes what the city currently practices and the strikeouts describe the proposed language changes which carry out the policies. Mr. Pasin discussed his concern for the additional costs imposed on single family residential. Commission members discussed the amendment.

MOTION: To recommend the water system plan with the staff proposed changes to City Council with the following amendments: adding the words "water system" between "adjacent classification" and adding the words "project list" to the end of Water System General Facility Charge on the 7th paragraph of page 2.5. Guernsey / Ninen – Motion passed. 3-2 - Pasin and Derebey no

Ms. Kester summarized the July 16th meeting. Ms. Ninen asked Ms. Kester if she could return to Utility Plans to continue the discussion on 07, 08, 09 and 11. Ms. Kester pointed out that commission members had completed their discussion with the exception of the policies and revisions chart. Mr. Langhelm reviewed the policies and revisions charts. Ms. Ninen asked questions regarding the population figures related to the chart. Ms. Ninen and Ms. Kester discussed population figures. Mr. Atkins pointed out that motions had not been made on the wastewater and utilities plans. Ms Kester discussed Commission members request to have staff prepare findings for storm and water and motions by Commission members on wastewater and utilities. Mr. Langhelm reviewed the key policy revisions for storm and water.

Mr. Langhelm reviewed the changes to wastewater noted on the August 5th memo, the Key Policy and Process Revisions Comparison Chart, revisions to chapter 2 projections for wastewater population, chapter 2 projections for wastewater basin, chapter 10 reclaimed water. Commission members discussed the revisions.

MOTION: Move to recommend the changes of the wastewater to council and direct staff to write findings. Guernsey / Ninen – Motion passed.

Mr. Atkins discussed the water system plan portion of the Utilities Element. Ms Kester pointed out the intent of the amendment had been to clarify the city water system plan explaining the amendment is a housekeeping change.

MOTION: To accept the changes to the Utilities Element as presented and direct staff to prepare findings to recommend to council. Ninen / Fisher – Motion passed.

City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335 –
(COMP 09-0010) – Capital Facilities Plan

Ms. Kester summarized the August 5th, 2009 memo, Revisions to Capital Facilities Element. Ms. Kester discussed the items identified by Commission members that required revisions, the transportation project listed in the Capital Facilities Plan, the financial language and the operation and maintenance language on page 12-28. Ms. Kester and Commission members discussed the items. Mr. Atkins asked Commission members if they would like to defer action on the issue until the financial language could be resolved. Ms. Kester pointed out to Commission members that they may not see the amendment again until the October meeting. Ms. Ninen asked if a recommendation could wait until the updated information become available. Ms. Kester stated that commission members could direct staff to prepare draft findings based upon updated information. Mr. Atkins reviewed the items of concern: to reconcile the project lists in the individual system plans with the project lists in the capital facility plan and to update the financial information in the capital facility plan.

MOTION: To make a recommendation for approval with the condition that the language for the operation and maintenance plans and the updates to the definition of the revenue source language be provided. Ninen /
Motion died for lack of a second

Commission members and staff discussed the motion, capital projects and projections. Commission members discuss deferring the amendment due to the lack of accurate information on the two items. Ms. Kester suggested that when the updated information becomes available staff could prepare draft findings to present to Commission members.

MOTION: To direct staff to update the capital facilities plans finance section as well as reconcile the capital facilities information between the Stormwater plan itself and the Capital Facilities plan and for staff to prepare a draft recommendation of approval with findings. Derebey / Guernsey – Motion passed.

City of Gig Harbor, 3510 Grandview St, Gig Harbor, WA 98335 –
(COMP 09-0012) – 3700 Grandview Street Land Use Map Amendment

Ms. Kester summarized the 3700 Grandview Street land use map amendment, discussing the current tree and view study; and also addressing the RB-1 and RB-2 concerns. Ms. Kester next introduced agent Carl Halsan for his presentation.

Mr. Halsan provided Commission members with new site drawings and an updated development agreement. Mr. Halsan discussed the updated drawings, tree retention and the revised development agreement, also providing a PowerPoint presentation showing the proposed views from several different locations along Harborview Dr. looking up towards the site. Mr. Halsan continued discussing the height and setback requirements of the site. Commission members discussed the most recent tree survey, access to the site and the parking garage, retaining walls, height restrictions and the appropriate land use designation for the site. Ms. Kester suggested that notations be made on the plans to clarify what trees the applicant planned on removing and retaining. Mr. Pasin asked to review the original plans presented to City Council members. Ms. Kester agreed to provide the plans to Commission members. Mr. Atkins discussed project requirements; Ms. Kester agreed to provide an outline for Commission members.

Ms. Kester discussed the September 24th work-study session reminding Commission members of the 4:00 pm start time.

MOTION: Motion to adjourn at 6:45 pm. Ninen / Guernsey – Motion passed.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
September 17, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Harris Atkins, Michael Fisher, Joyce Ninen, Jill Guernsey, Jim Pasin, and Jeane Derebey.
Staff Present: Tom Dolan, Jennifer Kester and Diane Gagnon.

CALL TO ORDER: Chair Atkins called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES:

Approval of the August 6th 2009 minutes was moved to later on the agenda to allow time to review changes

5:00 WORK STUDY SESSION

1. Planning Commission representation on the Design Review Board

Chair Harris Atkins stated that Commissioner Jim Pasin had represented the Planning Commission on the Design Review Board and would like to step down, he went on to say that Michael Fisher has indicated an interest and asked if there was anyone else interested. Everyone expressed their appreciation for Mr. Pasin's service on the Design Review Board and for Mr. Fisher's willingness to serve.

MOTION: Move to recommend to the Mayor that Michael Fisher fill the Planning Commission seat on the Design Review Board. Derebey/Ninen. Motion passed unanimously.

2. Halsan Frey LLC – Carl Halsan, P.O. Box 1447, Gig Harbor, WA 98335 – (COMP 09-0004) – Sunrise Enterprises Land Use Map Amendment (TAB 5)

Mr. Atkins asked if there were any questions on this issue. Planning Commissioner Joyce Ninen noted that on page 5 of the staff report 3rd paragraph, last sentence where it says "the City of Gig Harbor had not previously considered commercial development on the west side of Highway 16" and there is a statement that the Pierce County zoning code under community center says its focus is a significant traffic generator (on page 4) Keeping that in mind, she stated that she felt that keeping it B-2 with a development agreement would be appropriate. Mr. Atkins asked staff, noting that in first bullet of the criteria, capacity evaluation is required for rezone or comprehensive plan or zoning amendments, I understand why it's difficult to do that but do we still need to establish that the criteria is met. Senior Planner Jennifer Kester referenced Senior Engineer Emily Appleton's memo and said that was her capacity evaluation. She continued by saying that when they are looking at these different zones (ED, C-1 and B-2) there is a great variation in uses. Commissioner Fisher asked if there was a way to quantify the

peak of C-1 without a development agreement. Ms. Kester said that they would have to pick the highest peak trip in the ED and then the highest peak trip in C-1, guessing that they are similar and that Emily didn't find that it was terribly unbalanced. Mr. Atkins wanted to point out that he felt that the criteria is incorrectly stated and suggested that perhaps they should state that it cannot be determined at this point. Mr. Pasin said there is a concurrency requirement in the city and he thought it was irresponsible to make a recommendation of approval without knowing that they have concurrency especially given that they had been told previously that the interchange is already at capacity. Commissioner Derebey said that she understood the desire to have more information but also felt that they had to understand that sometimes there are no answers and the traffic engineer is telling us that it is basically the same. Commissioner Fisher said he felt that the only answer was to pick the highest use and calculate it. Mr. Atkins stated that it made more sense at the rezone or project level rather than at the comprehensive plan level. Ms. Kester said that she would go back to Ms. Appleton and see if she could make some more concrete calculations. Mr. Atkins also asked what the county considered as the traffic capacity for that interchange.

Ms. Derebey asked if there had been a discussion of limiting it to B-2 along with a development agreement. Ms. Kester said that was a suggestion from staff and she did not know how the applicant felt about that. She said that if they felt that there needed to be a limit on the comprehensive plan amendment then that can be included in their recommendation. Ms. Ninen asked if there was any traffic data on 112th and the applicant's agent Carl Halsan replied that he didn't think they had that data. Walt Smith estimated that there were approximately 100 trips per week to the gravel mine. Ms. Ninen asked if the facility was open to the public and Mr. Smith said no it is for contractors. Ms. Kester asked if his intent was to develop the lower property and he said no he did not intend to at this time. Mr. Pasin asked if the Boys and Girls Club had to buy concurrency. Ms. Kester said they needed one trip through BB16 so there was a trip transfer ordinance adopted which allowed people who had excess trips to transfer them to non profits. She also noted that since then our traffic model has been upgraded and we have found there is more capacity.

**3. Robert Glass, P.O. Box 156, Gig Harbor, WA 98335 –
(COMP 09-0005) – Haven of Rest Land Use Map Amendment (TAB 6)**

Chairman Atkins then asked if there was any discussion/question on this proposed amendment. He noted that they have proposed a development agreement that would limit it them R-2; however, Ms. Kester noted that they have not indicated whether they intend to keep the property for cemetery use or change to residential. Therefore, she stated that perhaps the commission may want to add to the development agreement a condition that it remain a cemetery. She also noted that they could recommend to the council that they allow cemeteries as a conditional use in the R-1. Ms. Derebey asked if on the development agreement the period of time is left blank. Ms. Kester said that the current code allows them to extend 5 years; there is a new ordinance that does not take effect until December 1st that would allow them to extend 20 years. Mr. Atkins asked

what staff considered the use when they analyzed the traffic and Ms. Kester said that they considered it residential because it was a higher use than the cemetery use.

4. **City of Gig Harbor, 3510 Grandview St., Gig Harbor, WA 98335 -**
(COMP 09-0012) – 3700 Grandview Street Land Use Map Amendment (TAB 9)

Ms. Kester pointed out that the commission had been provided copies of the written comments received. She went over the staff report and the items included. She noted that the Planning Commission would need to limit their review to what is in the development agreement. Mr. Pasin said that in looking at the aerial there is a trapezoid looking piece and he wanted to note that it is a power station not a building. Ms. Kester said that Mr. Fisher had asked for the size of the Civic Center she noted that it is 35,000 square feet and the Bush Polen building is approximately 14,000 square feet. Mr. Pasin asked about where in the staff report it mentioned that there is a code interpretation on the downhill 27' measurement. Ms. Kester said the request is how will the height on the interior facades be calculated given the parking garage entrances and can the upper floors be stepped back 8' so that the 27' is met on the garage façade. Mr. Pasin asked if that was measured from natural grade and Ms. Kester said they have to be 27' from the finished grade. Mr. Pasin then asked if this interpretation request is from the property owner/agent and Ms. Kester said yes. She then noted that the development agreement does not hinge on this decision.

It was decided to take a recess at 5:45 p.m. until 5:55 p.m. Chair Harris Atkins called the meeting back to order at 6:00 p.m. Mr. Atkins went over the process for the public hearing.

Public Hearing

1. **Halsan Frey LLC – Carl Halsan, P.O. Box 1447, Gig Harbor, WA 98335 –**
(COMP 09-0004) – Sunrise Enterprises Land Use Map Amendment (TAB 5)

Ms. Kester noted that this comprehensive plan land use amendment is a request from the owner of the property Walt Smith to change the land use designation of 15.5 acres at Burnham and 112th from ED to C/B. She noted it's location on the screen and stated that this request is to make the land use designation more consistent with the previous County zoning and that the Planning Commission is required to address the criteria in it's recommendation to the City Council. She explained the relationship between the comprehensive plan and zoning. Ms. Kester stated that the applicant has indicated that they intend to request a rezone at a later date to B-2. She went over the comprehensive plan designation for commercial business and then turned it over to the applicant.

Walt Smith, P.O. Box 720, Vaughn WA - Mr. Smith stated that the property is owned by himself and Norma Smith. He noted that they have buffers on the property and are trying to restore the property from it's previous mining operations. He stated he would

volunteer to change the zoning from C-1 to B-2 and went over the utilities serving the property.

Carl Halsan, P.O. Box 1447, Gig Harbor - Mr. Halsan stated that Mr. Smith has owned the 66 acre block of property for over 35 years and that the rezone has been the plan between the City and the County all along. He noted that the entire infrastructure has been built for commercial development of the property and they are just asking that Mr. Smith get his zoning back that he has had for 15 years in the county. Mr. Halsan said that he had looked at the setback and buffers against the residential to the north and the ED zone has a 50' setback and 35' screening buffer and the zone transition would be the same either way it was zoned. He further stated that it would be fine if it remained a 50' buffer. Mr. Halsan stated that they had a traffic study done and it was submitted with the application and had talked about that when all the analysis was done for BB16 the traffic engineer would have gone to the county zoning maps and so the analysis would have been done as commercial zoning. He noted that there is probably a criteria problem in that this should not be required at the comprehensive plan stage.

Mr. Pasin stated that they received comments from Mr. Pittman and asked which property was his and Ms. Kester pointed it out. Mr. Halsan said that he had talked to Mr. Pittman about his concerns. Mr. Pasin asked if he chose to develop his property are we doing overkill from a buffer standpoint. Mr. Halsan noted that there are other commercial uses in the area and Ms. Kester stated that she did note that in her staff report. Mr. Atkins asked why ED zoning didn't work. Mr. Halsan said that at the time Active Construction was there and ED was chosen because the Planning Commission just matched the comp plan to the use. He also noted industrial did not make sense as the calls that they receive to develop the property all are for B-2 uses.

Chairman Atkins opened the public hearing at 6:20 p.m.

John Pittman, P.O. Box 2461 Olympia WA 98507 - Mr. Pittman stated that he was not opposed to the rezoning but had concerns about his property which his uncle purchased in 1946. He stated that his uncle sold 30 acres to Mr. Smith and at the time his uncle thought that his property was rezoned as well and just found out that it was zoned residential while three sides are zoned employment district. He stated that he can't visualize wanting to live there and so his hope was to have it rezoned. He continued by saying that Mr. Smith has been a good neighbor but had concerns that if he sells what kind of problems may be created.

Mr. Pasin asked the zoning of the two lots owned by Mr. Pittman and Ms. Kester said R-1. Mr. Fisher asked what it was zoned with the county and she stated that it was SF with an Urban Sensitive Resource Overlay. Ms. Guernsey asked what the limits of the annexation were and Ms. Kester displayed the map of county zoning and the annexation.

Dave Morris, 6018 106th Ave NW, Gig Harbor - Mr. Morris stated that he was the property owner almost adjacent to this property. He said that his property has been in

the family since the 1950's and it was zoned CC in the county and is now B-2 with the city. He stated that he is speaking in support of the Smith property being rezoned and that B-2 along that corridor with the access and infrastructure is a more practical zone.

Mr. Atkins closed the public hearing on item #1 at 6:30 p.m.

Mr. Atkins asked if someone wanted to be included in a proposal what would they have to do and Mr. Dolan stated that it had been determined that because that property wasn't included in the SEPA and hearing notification Mr. Pittman would have to apply separately and he invited Mr. Pittman to come in and discuss the process.

**2. Robert Glass, P.O. Box 156, Gig Harbor, WA 98335 –
(COMP 09-0005) – Haven of Rest Land Use Map Amendment (TAB 6)**

Ms. Kester gave her staff report stating that this was a request to change the land use designation from residential low to residential medium of 3.4 acres of property north of Rosedale Street. She stated that the applicant has proposed through a development agreement to rezone this property to R-2. She stated that the Planning Commission has limited their review to the potential impacts of R-2 zoning and that it is the only zone that conditionally allows a cemetery. She noted that if it were developed as residential it could be 6 dwelling units per acre. Ms. Kester stated that the applicants have indicated that this property is part of their 50 year cemetery master plan and this site would be the only vehicular access available to the expanded cemetery. She went over the traffic impacts and that it was determined that the increase was not significant. She stated that the zoning around this area is not consistent currently and went over the surrounding zones noting the neighboring R-2.

Katherine Jerkovich, Haven of Rest - Ms. Jerkovich stated that she was speaking on behalf of Haven of Rest and they have been in the community since 1955 and are here to stay. She went over a slide show of their property noting that you could see that there is a significant amount of land that is already developed. She noted that as you go toward the Cushman Trail the topography changes significantly, therefore; there is no access from the west side to the east side and Tacoma Power won't grant access so the only access is down off of Rosedale. She stated that the funeral home is in the northwest corner and their plan is to have an additional funeral home and crematorium down below closer to Rosedale. She went over the slides on the current comp plan designations and noted that this 3.46 acre piece was already in the city when the rest was annexed so that is why this little piece is not zoned the same as the rest of the property. She noted that it was the city's desire to have cemeteries allowed only in the R-2 zone and that is why they are asking for R-2. They have submitted a draft development agreement to limit it to the R-2 zone. She stated that she didn't feel that it was warranted to restrict the property to only cemeteries as the rest of their property does not have that restriction. She then illustrated their conceptual master plan. She expressed that they were excited to be annexed into the city and wanted to be a good member of the community. Ms. Jerkovich stated in closing that she hoped that they

would support this comp plan amendment noting that they will still have to go through a rezone and a conditional use permit.

Ms. Guernsey said that she was surprised that they would object to the restriction on the cemetery use if that is their plan because they could still reserve an access easement and sell this piece. Ms. Jerkovich stated that the rest of their parcel doesn't have this restriction and the lower portion is not developed and it came into the city with no use limitation.

Chair Harris Atkins opened the public hearing for item #2 at 6:45 p.m. and there being no testimony he closed the public hearing for item #2 at 6:46 p.m.

**3. City of Gig Harbor, 3510 Grandview St., Gig Harbor, WA 98335 -
(COMP 09-0012) – 3700 Grandview Street Land Use Map Amendment (TAB 9)**

Ms. Kester gave her staff report noting that the amendment was being sponsored by the City of Gig Harbor City Council. She stated that the owner of the property is MP8 LLC and the request is to go from Residential Low to Residential Medium for two acres of property at the confluence of Pioneer, Grandview and Stinson. Ms. Kester explained why this was being sponsored by the council and that the Planning Commission reviewed a similar application but without as detailed of a development agreement. In 2008, The council looked at one that was more specific and since there was a lack of opportunity for the commission to review this version of the development agreement, the Council decided to sponsor this amendment. She noted that the City Council specifically stated that in initiating this comprehensive plan amendment it is in no way a recommendation and it will be treated in the same manner with no special consideration. Ms. Kester added that the property owners had provided all the images. She stated that the applicant has agreed to limit the ultimate rezone of the prop to RB-2 and they would also not request any rezone or change to the lower property which is also within their ownership. She continued by saying that the development agreement (DA) would require that tree retention be 38% on the upper area, the lower area 41% and they have proposed to provide a 25' buffer which will achieve complete screening on the north boundary. Ms. Kester noted that of the 125 parking stalls they propose that 73 exist in garages underground to limit garage wall facades. Further, the DA limits development to two buildings with the garage on the lower level with the street level being businesses and the top floor being residential condos; staff estimates up to 11 units. She stated that the building nearest Stinson would be 11,900 square feet on the first level and 9,200 on the second level. She went on to say that the Pioneer Building would be 14,500 on the first level and 10,400 on the second floor. Ms. Kester stated that the DA proposes a 30' setback along Stinson and Grandview and 25'-40' along Pioneer and that the lower development will be limited to a single family subdivision. She noted that the Planning Commission did deny the application previously but did not have this specific of a development proposal. She went over the comparison chart that she had prepared showing the performance standards between the existing and proposed zoning.

Ms. Derebey stated that it had been mentioned that there would be 16-24 units and asked if that was the southern piece of property and Ms. Kester said yes, that is correct and they have not said they intend to limit the number through the development agreement. Mr. Pasin asked about the site plan and if the line indicates where the area is that would be rezoned to RB-2 and asked where the actual lot lines are that are zoned R-1. Ms. Kester illustrated the zoning map and the affected lots, noting that the applicant will be doing a boundary line adjustment to match the parcel lines to the land use designations. Mr. Pasin clarified that the trapezoid lot will need a rezone. Mr. Pasin then stated that even though the applicant states that they could build 5 buildings if the Planning Commission does nothing they will have to do more in order to build 5 buildings and they would have to do a Boundary Line Adjustment.

Carl Halsan, the agent for the property owner directed the Planning Commission to the copies of the slides that had been handed out. Mr. Halsan stated that he felt there were two questions before the Planning Commission; first, should the comprehensive plan be amended, second is this project a better use of the land than what would be under the existing designation. He stated that under a normal land use designation change you don't know how the property is going to be developed, but in this case you don't have to guess what is being developed. Given the limitation they have put on the project through the development agreement, it should make the decision easier. Mr. Halsan noted that the comprehensive plan is a living document that is supposed to change and the Growth Management Act requires us to be continually evaluating our plans and review them. He pointed out that the municipal code sets forth the ten criteria, four of them address concurrency of the facility and no one has claimed that this project burdens those services and residential capacity will not be negatively impacted. He stated that there are two criteria requiring policy consistency and he had provided that analysis. There is one that asks does it increase pressure to change other sites and in this case the properties surrounding this site are already more intensely developed or they have a higher designation already and the fourth side to the north is the parcel owned by these applicants and they have agreed to limit it to single family. He further stated that there is a criterion to address the cumulative impacts and he pointed out that there are no other amendments. The final criteria asks if the site is physically suitable and given the surrounding uses are office buildings and a day care it is compatible and is physically suited for this project. Mr. Halsan said if the Planning Commission agrees with their analysis then the amendment is warranted. He stated that last year they asked for the lower property as well, the height was unknown and they weren't as detailed on the building sizes, location, tree preservation and the buffers were all smaller. He added that they hadn't known where the curb cuts would be and that on the southern portion the required trees retained is 54 and they are showing 103 through increased setbacks. He went over each side and it's increased setbacks adding that 62 ½ % of the parking stalls will be underground and they are proposing 46% impervious, less than is allowed under current zoning. He stated that the Hearing Examiner denied their request to be removed from the height restriction and rather than fight that they have modified the building height to meet the height restriction. He asked that the Planning Commission let them know if there is something that they feel needed to be added to the development agreement. He went over the development agreement and

it's contents and illustrated the photoshopped photos and how the project is viewed from various points below. Mr. Halsan stated that they have had 5 public outreach meetings, sent out mailed notifications to the neighborhood and answered lots of questions. He pointed out that there are many other steps that will have to be accomplished and many more chances for restrictions and public comment; noting that approval of this project will achieve greater tree preservation, larger buffers, larger setbacks, a mixed use project, only one curb cut and better buffers than they would otherwise get. He stated that they have had the architects design the site for five buildings and it is possible. He then addressed the 40' dense vegetative screen, where they had been proposing 30', stating that the easiest way to fix it is to move the rezone line 10' to the north squeezing the single family development to the north.

Chair Harris Atkins opened the public hearing at 7:27 p.m.

Mr. Bill Fogerty, 3614 Butler Dr., Gig Harbor - Mr. Fogerty said he is the second house in on Butler and that there are hardly any trees on their property near his house and he would like a buffer between any new single family homes and his neighborhood. Ms. Kester said that there would have to be a 25' dense vegetative buffer. Mr. Fogerty stated that the Planning Commissions comments in the past had been that the size of these buildings was inconsistent with surrounding neighborhood and that the comprehensive plan states that buildings should not dominate other buildings. He expressed that he felt they needed to keep it the same size and that that's why we have 5,000 square foot limitations. He stated that this is the fourth time he has had to come and testify and we should limit their applications.

Bill Coughlin, 8904 Franklin, Gig Harbor - Mr. Coughlin stated that he thought the development of Gig Harbor has been appropriate for the character of the village, that this parcel is a gateway to the harbor and to put a nearly 50,000 sq ft set of buildings was out of scale. He stated that the size does not fit the neighborhood. He referred to section 2.2 of the comprehensive plan noting that this is abutting a residential neighborhood and putting this next to 5,000 sq ft homes is really a violation of 2.2. He continued by saying that the comprehensive plan states very clearly what we value and we are starting to creep down the hill. He also stated that he felt it violated sections 3.6.1, 3.6.3 and 3.6.7 and that this is potentially the most important property. He urged the Planning Commission to reject this plan. Ms. Derebey asked if he had thought about the fact that the footprint of the building is 10,000 sq ft. and that the Bush Polen building is 9,000 sq ft. He stated that you only see a portion of the Bush Polen building.

Kae Paterson, 7311 Stinson, Gig Harbor - Ms. Paterson stated that this is her neighborhood, this is the entry to town and she cares about how this parcel is developed and the retention of the trees. She stated that she was on the Planning Commission when all the property out to the highway was zoned R-1 and they dealt with the development of the gas station noting that they wrote the RB-1 zone for the triangle that is Stinson, Pioneer and Grandview and they decided that the street wasn't the best zoning delineation; however, she stated she was not on the Planning

Commission when the triangle zoning was changed. Ms. Paterson said that if she looked at the logic she can make a case for that being a step down to Residential Medium. She said she wanted to save as many trees as possible and to have an attractive entrance into town with low impact buildings. She said she could support this application with the proposed agreement. Ms Paterson stated she didn't agree with having the smaller buffer and would not have gone for it with the original proposal. She would really like to look at color and likes the Peninsula Gateway building because it is screened and has a muted color. She said she is not sure how she feels about cottage homes on the lower parcel but is inclined to feel that we would get more of what we want with this proposal even though the buildings are large.

John McMillan, 9816 Jacobsen Lane, Gig Harbor - Mr. McMillan stated that he was concerned about this project as it redefines the scale of the view basin. He said he would like to talk about the view from the harbor and wanted to restore this waterfront to increase the diversity of the working waterfront to keep the vitality of the downtown. He stated that any large building in the harbor compromises this effort and we start to look like other communities who haven't watched these things. Mr. McMillan read from several ordinances about limiting height and size of buildings. He said that he felt that this was just about the wants of the developer to build the biggest building possible. He then stated that any large building in the view basin is a theft of character and it's permanent. Mr. McMillan then commented for Guy Hoppen and said that he favors controlled growth but is not in favor of buildings out of scale for Gig Harbor.

Carol Davis, 3312 Harborview Drive, Gig Harbor - Ms. Davis pointed out that every plan for Gig Harbor has a statement about maintaining the small town scale of this community and this plan would not contribute to that goal. She stated that the criteria specifically states that it must be consistent with the goals and policies and she didn't see that this proposal was consistent with the comprehensive plan. She expressed that she felt we needed to maintain the small town scale and buildings should not dominate and she felt this project would over power the small town scale of this city and that it is an encroachment into the view basin. Ms. Davis went on to say that the size and scale was too large for this area of town, this is one of the first properties that you see when you enter our town. She then stated that underground parking garages are ugly and the first thing you would see along Grandview would be an underground parking garage and she urged the Planning Commission to deny the proposal.

MOTION: Move to extend the meeting past 8:00 p.m. but no later than 8:30 p.m.
Ninen/Guernsey – Motion carried

Marty Paul, Applicant - Mr. Paul stated that on the issue of scale and size, there is at least a dozen or more buildings inside the view basin that have a larger footprint than our proposal, the St Nick church, the History Museum, and the Methodist church. He stated that the tree preservation with this project will be extensive and the Methodist church and the Gig Harbor Historical Society have no trees. Mr. Paul noted that he is a third generation Gig Harbor family and he would have never taken the time to improve

this project if he didn't care. He added that this will be significantly more expensive to provide the buffers and plant the trees.

Applicant representative from BCRA - The representative presented 3D images illustrating that even though the footprint is larger the combined footprint is the same as if they did five 5,000 sq foot buildings and therefore they are able to retain more of the trees and limit the surface parking. He noted that the residences would actually sit higher than the commercial buildings.

Mike Paul, 3720 Horsehead Bay Drive, Gig Harbor - Mr. Paul stated that their proposal is for 26,000 square feet of commercial space. He stated that currently they can build 25,000 square feet with surface parking noting that this is only a 1,000 square foot difference. He stated that in the best case scenario they could have 11 residences but in reality they can probably only get 6 to 7. Mr. Paul then said that without question people want tree preservation. He noted that the Uddenberg building sits ten feet off the property and the asphalt would be the same. Mr. Paul emphasized that this is heritage issue for his family, they want to do what is best and they will do what the Planning Commission decides. He pointed out that the adjacent properties across the street are in a B-2 zone and there are no size restrictions so what they do will help decide what happens across the street. He also stated that 60% impervious coverage is allowed under current code and they are proposing 46% of impervious.

Mark Hoppen, 8133 Shirley Avenue, Gig Harbor - Mr. Hoppen stated that it seemed that as this has been discussed the issue of the development agreement had taken the Planning Commission off task and their task was to look at the surrounding neighborhood and look at the goals in the comprehensive plan. He noted that most of the goals speak to vegetation and some of them speak to bulk and scale. Mr. Hoppen said that there is one set of relationships to the buildings to the west and a different set to the east. He cautioned the Planning Commission to not be misled in their consideration and to look at this in comprehensive plan terms and not in terms of building a project.

Chair Harris Atkins closed public hearing at 8:10 p.m.

OTHER BUSINESS

Ms. Guernsey stated that she will not be here the next two meetings. Mr. Atkins reminded everyone that they are scheduled to start at 4:00 p.m. at the next meeting and to look at each of the criteria and come with their opinions. He then went over how he would like to conduct the next meeting.

Ms. Ninen asked how big the Kindercare was and how big the buildings along Soundview were. Ms. Kester stated that the Kindercare is 6,000 square feet. Mr. Dolan stated that he also received an e-mail from Barry Jeroslow and Mr. Jeroslow asked that the Planning Commission be provided a copy of his e-mail regarding the hearing examiner meeting. Ms. Kester then stated that 5801 Soundview is 38,000 square feet

in three stories, the new Rush buildings are 38,000 and 66,000 and the Soundview Plaza is about 10,500 each. She then went over the zoning in the area at the top of Soundview.

APPROVAL OF MINUTES

Move to approve the minutes of August 6th, 2009 with two spelling corrections. Ninen/Fisher – Motion carried.

ADJOURNMENT

Move to adjourn at 8:20 p.m. Ninen/Guernsey – Motion carried.

DRAFT

**City of Gig Harbor Planning Commission
SPECIAL MEETING
Minutes of Work-Study Session
September 24th, 2009
Gig Harbor Civic Center**

PRESENT: Commissioners: Chairman Harris Atkins, Michael Fisher, Joyce Ninen, Jim Pasin and Jeane Derebey. Absent: Jill Guernsey
Staff Present: Tom Dolan, Jennifer Kester and Cindy Andrews

CALL TO ORDER: 4:07 pm

Ms. Kester opened the meeting discussing the resignation of Mr. Allen. Ms. Kester discussed the cancelation of the October 1st and October 15th, 2009 meetings indicating that it may be necessary hold a special meeting in October to remain on schedule for the comprehensive plan amendment recommendations. Ms. Kester discussed the October 5th, 2009 Joint meeting with City Council, inviting Planning Commission members to attend and offering to forward written comments from those members who are not able to attend. Commission members and staff discussed the agenda for the October 5th, 2009 joint meeting. Staff and Commission members discussed a date for the special meeting deciding that Ms. Kester would follow up with them to finalize the date.

Mr. Atkins asked Commission members how they would like to proceed through the agenda. Commission members agreed to move forward one item at a time beginning with Sunrise Enterprises.

COMP 09-0004 – Sunrise Enterprises Land Use Map Amendment:

Ms. Kester summarized her staff report addressing the main items of commission concern: traffic and buffers, then continuing with the criteria for approval. Mr. Fisher discussed the possibilities of rezoning neighboring properties. Ms. Kester explained the process. Commission members discussed the criteria for approval and current uses for the area. Mr. Atkins polled Commission members. Mr. Fisher supports the B-2 zoning, Ms. Ninen supports B-2 zoning with a development agreement, Mr. Pasin felt that B-2 would under zone the property and suggested C-1. Mr. Fisher would support C-1 zoning adding that he supports the B-2 zoning only because of Mr. Pitman's agreement to support B-2 zoning. Ms. Derebey also supports B-2. Mr. Atkins asked how the change to a more intensive use affects transportation. Ms. Kester explained. Ms. Kester asked agent for the applicant Carl Halsan for his views. Mr. Halsan stated that the property owner is willing to limit the rezone to B-2 if the Planning Commission desires, but would prefer not to have that limitation. Ms. Kester and Commission members discussed the criteria.

MOTION: Move to direct staff to prepare findings based on the discussion in support of approval of the COMP 09-0004 Sunrise Enterprises land use map amendment with no restrictions and acceptance of the proposed 40 foot buffer by all. Ninen / Fisher – Motion passed.

COMP 09-0005 – Haven of Rest Land Use Map Amendment:

Ms. Kester reviewed the Haven of Rest land use map amendment. Ms Kester pointed out to Commission members that staff had recently found out that the property is up for sale as single family residential zoning. Ms. Kester asked Commission members to decide to review the amendment as a cemetery or as residential. Commission members discussed land use, access, infrastructure and revisions to the development agreement. Mr. Pasin discussed properties to the north asking if there had been any development plans for any of the properties. Ms. Kester noted that the properties to the north were in various stages of development including up for sale, pre-applications for residential development and approved preliminary plats.

Mr. Atkins asked if the applicant had committed to anything other than R-2 zoning. Ms. Kester replied no. *Note: the application under consideration includes a development agreement limiting the zoning to R-2 and that the discussion is over whether to limit the use in a potential R-2 zone to a cemetery.* Mr. Atkins suggested a poll by Commission members. Ms. Derebey stated that she would be in favor of restricting the use to cemetery use and a development agreement of 10-20 years. Mr. Pasin agreed with an R-2 designation to meet the adjoining property and no limit on the use. Ms. Ninen agreed on restricting the use to cemetery use. Mr. Fisher agreed to R-2 with an allowance for the cemetery. Ms. Derebey asked if traffic concurrency could be met for R-2. Ms. Kester replied yes and explained. Commission members and staff discussed traffic impacts and capacity. Mr. Atkins stated that he would be in favor of no restrictions and asked Commission members for a preliminary decision. Mr. Fisher felt that R-2 with no restrictions would be the best option. Mr. Pasin also felt R-2 with no restrictions. Commission members continue to discuss the criteria and proposal. Mr. Atkins outlined possible options, either the property should be approved without limitations, or the request should be denied, or no action should be taken until more information becomes available. Commission members discussed the options. Ms. Ninen, Mr. Fisher, Mr. Pasin and Ms. Derebey proposed R-2 with no additional restrictions. Ms. Derebey asked if timelines could be written into the development agreement. Ms. Kester replied yes and explained.

MOTION: To direct staff to prepare findings based on the Planning Commission's discussion to support the recommendation for approval of the Comprehensive Plan amendment for COMP 09-0005 – Haven of Rest Land Use Map amendment with no restrictions conditioned to the approval of the development agreement for R-2 zoning for a period of 5-20 years. Ninen / Fisher

Commission members discuss the motion. Ms. Derebey proposes an amendment to the motion adding a 5-10 year limitation to the development agreement per council approval.

AMENDMENT TO MOTION: Move to amend the motion to a limit of 5-10 years as council approves. Derebey / Fisher – Motion passed.

AMENDED MOTION: To direct staff to prepare findings based on the Planning Commission's discussion to support the recommendation for approval of the Comprehensive Plan amendment for COMP 09-0005 – Haven of Rest Land Use Map amendment with no restrictions conditioned to the approval of the development agreement for R-2 zoning for a period of 5-10 years. Motion passed unanimously.

COMP 09-0012 – 3700 Grandview Street Land Use Map Amendment:

Mr. Dolan summarized the staff's recommendation for the 3700 Grandview Street land use map amendment, discussing the history and City Council sponsorship of the amendment. Mr. Dolan discussed concerns raised relating to bulk and scale and the changes proposed addressing the concerns. Mr. Dolan discussed Ms. Kester's comparison survey of related buildings in the vicinity. Mr. Dolan stated that due to a lack of consistency with the policies related to bulk and scale the staff is recommending denial of this amendment. Commission members discussed the comparison survey, modulation, bulk, scale and height. Commission members expressed their concern that the project may not be consistent with the policies and goals related to bulk and scale. Ms. Kester discussed modulation as it related to bulk, scale and height. Staff and Commission members discussed comparisons of similar buildings in the vicinity modulation, tree retention, sewer concurrency and the development agreement.

Mr. Atkins asked for a poll of Commission members. Mr. Atkins liked the project however not at this location, stating he felt that large buildings did not belong in the view basin. Ms. Derebey like the project; she also felt that the project was not in the view basin. Mr. Pasin felt that the project would be out of scale with the existing development. Ms. Ninen and Mr. Fisher both supported the project. Commission members discussed economic development, community goals and mixed use developments. Mr. Fisher felt that the project would be of great economic value to the community.

MOTION: Move to direct staff to prepare findings based on the discussion by the Planning Commission in support of a recommendation to City Council for approval of Comprehensive Plan amendment COMP 09-0012- 3700 Grandview Street land use map amendment conditioned on the approval of the development agreement for a period of 10-20 years. Fisher / Ninen

Commission members discuss the motion. Mr. Pasin discussed his concern that the development would not be specific enough regarding tree retention and possible shifting of the

north line. Commission members discuss the amendment. Mr. Fisher discussed his concern with the restriction of the north property line. Applicant Carl Halsan asked for clarification of the limitations to the north property line. Ms. Kester clarified. Mr. Atkins asked for a vote on the amendment.

AMENDMENT TO MOTION: Move to amend the motion to specify the percentage of trees retained in the development agreement, that the north property line would not move and that the development agreement requires a mixed use development. Pasin / Ninen – Motion passed 3 to 1, Mr. Fisher opposed.

Mr. Atkins asked if there would be any further discussion on the main motion and if Commission members would be ready to make a vote.

MOTION: Move to direct staff to prepare findings based on the discussion by the Planning Commission in support of a recommendation to City Council for approval of Comprehensive Plan amendment COMP 09-0012- 3700 Grandview Street land use map amendment conditioned on the approval of the development agreement for a period of 10-20 years, that the development agreement specifies the percentage of trees retained, the north property line does not move and that the development agreement requires a mixed use development. – Motion passed 3-1, Mr. Pasin opposed.

Mr. Atkins discussed the proposed ordinance that would change in procedure for approving comprehensive plan amendments. Ms. Kester discussed the changes and offered to e-mail the changes to Planning Commission members. Commission members agreed.

MOTION: Move to adjourn Ninen / Fisher at 6:39 p.m.

**Joint Work Study Session
Gig Harbor City Council / Planning Commission
October 5th, 2009
Council Chambers
5:30 pm**

PRESENT:

Mayor Chuck Hunter, City Administrator Rob Karlinsey
City Council members: Steve Ekberg, Paul Conan, Derek Young, Tim Payne, Jim Franich, Ken Malich and Paul Kadzik
Commission members: Harris Atkins – Chair and Joyce Ninen – Vice Chair
Staff Present: Tom Dolan, Jennifer Kester, Jeff Langhelm and City Attorney Angela Belbeck.

GENERAL BUSINESS

Planning Director Tom Dolan said that there were two items for discussion. First, the Planning Commission's recommendations for the 2009 comprehensive plan amendments and then discussion of the Planning Commission recommendation on the Mixed Use District Overlay (MUD). He then noted that Planning Commission Chair Harris Atkins will go through each of the twelve amendments, explaining them and the Planning Commission's recommendation. Additionally, he pointed out that Senior Planner Jennifer Kester and Senior Engineer Jeff Langhelm were present to answer any questions.

Mr. Atkins thanked the council for the opportunity to meet with them. He began by saying that the Planning Commission was recommending adoption of all twelve of the proposed amendments although a couple of the proposals have had split votes. He stated that they had started work sessions on these amendments in June followed by public hearings and went over the schedule for the upcoming meetings.

The first item for discussion was the Parks, Recreation and Open Space Plan which Mr. Atkins noted was a city sponsored amendment. He stated that this was the removal of the current plan because it is obsolete and that the new plan should be in place in January.

Discussion was then held on the Transportation Element which was also a city sponsored amendment. Mr. Atkins stated that this was a change in philosophy regarding the six year transportation plan, changing the reference to "short range transportation plan" so as not to be confused with the six year TIP. He said that a reference to the Harborview Master Plan had been recommended by staff and the Planning Commission was uncomfortable with that reference because it had never been adopted. They would rather have the goals of the plan incorporated in the transportation element. Mr. Karlinsey asked if some specific goals for providing pedestrian access along Harborview were included. Ms. Kester said that some of those more specific

things can be added if council desires. Mr. Atkins further explained the Planning Commissions unwillingness to incorporate the Harborview plan when they had not had an opportunity to review it nor had the council. Councilmember Derek Young asked if given the financial climate they wanted to reference a plan that has some pretty ambitious goals for the short term. Mr. Karlinsey expressed concern that they may want to do some of these projects and would want the Comprehensive Plan to support that. Ms. Kester read the exact language of the existing policies. Joyce Ninen reiterated that they did not want to adopt a plan that no one had seen. Jim Franich wanted to make sure that things can still be done given the current language in the plan and Ms. Kester agreed. She further explained the difference between the six year tip and the short term transportation plan in the comprehensive plan. Mr. Karlinsey said that the operations committee would be looking at the six year TIP shortly and then it would go to council late November or early December.

The Stormwater Comprehensive Plan was discussed next and Mr. Atkins stated that this is a new plan and he felt that it made the city more proactive in its stormwater management. He further explained that the plan identified some maintenance issues and models some future conditions throughout the city. He stated that the Planning Commission was recommending some minor changes but recommending overall approval. Mr. Kadzik asked if this was a required document for our NPDES Phase II permit and Mr. Langhelm answered that many of the requirements are met between this document and the city's stormwater manual. He continued by saying that the city is required to have a stormwater program not necessarily a plan; however, the proposed stormwater comprehensive plan is a good way to implement a program. Mr. Atkins stated that this plan incorporates revised population projections based on Pierce County buildable lands analysis, uses two foot contours for the basin maps, and also puts reclaimed water facilities closer to areas that might use them. Mr. Langhelm went over the reclaimed water program, illustrating the change to have several sites that produce reclaimed water rather than one central location. Councilmember Tim Payne asked if staff had looked at the cost benefit analysis of the extra piping versus the multiple locations and Mr. Langhelm said they will be doing that. Discussion followed on how the systems work, stream flow augmentation and aquifer recharge. Ms. Kester explained the population allocation.

The discussion continued with the Water System plan, with Mr. Atkins noting the key policy changes regarding extending service beyond the city's service area, revised population projections, an ERU calculation change basing it on the average use over the last six years rather than the maximum daily use, resulting in an ERU value of 200 gallons per day rather than 314. He stated that the Planning Commission was recommending adoption; however, it was a 3-2 vote due to the concern with existing policy for requiring a developer who was driving infrastructure expansion to upgrade the system for fire flow. He continued by saying such developer would have to pay a pro rata share of the infrastructure improvements and two members of the commission felt that was an unnecessary burden. Mr. Kadzik asked about the change in the definition of ERU and would that make someone have to pay for more ERUs. Jeff answered no and further explained how ERU's are calculated and clarified that this means we have

more ERUs available. Mr. Payne asked if this method of calculation was the industry standard and Mr. Langhelm answered yes.

Mr. Atkins then explained that the Capital Facilities Element was being modified to reflect the changes in the other plans. He stated that the only concerns expressed by the Planning Commission were that the financial data had not been updated. They asked staff to revise those numbers and recommended approval. Ms. Kester said that some of the bonding information and tax rates were from when the Comprehensive Plan was first adopted and the finance department is updating those numbers.

Mr. Atkins went over the reference change in the Utilities Element, changing the plan to correctly reference the water system plan rather than the water comp plan as it only deals with our service area. Mr. Payne asked what percentage of the city are we serving and Mr. Langhelm said he would get that number but he estimated it to be around 50%. Mr. Atkins stated that the Planning Commission was recommending approval.

Ms. Kester said that is all of the city infrastructure amendments and Mr. Atkins thanked staff for helping the commission understand these complex issues.

Mr. Atkins then went over the next item which was a request to add one parcel to the city's water system at the Wollochet interchange (the former proposed bowling alley site). He stated that the applicant wishes to build a project that would require city water service and they have included a sketch of their plan with a hotel and two restaurants. Stroh's has indicated they can't provide the water. He said that staff had included requirements that Stroh's give the water rights to city. The Planning Commission felt that this was beyond the applicant's ability and the Planning Commission looked at it as the project being valuable to the city. They recommended approval without that condition but with two other conditions for reimbursements of costs and fees associated with adding this parcel to the water system plan. Mr. Franich asked about the capital costs associated and Mr. Langhelm said that those are already part of the process, so once the parcel is added to the water service area, they will have to pay for the extension. Derek Young asked if Stroh's just didn't have the water and do they have the water rights. Mr. Langhelm said that they did not say that they don't have the rights. Ms. Kester said that the applicant has indicated that they did receive a water availability letter at one time and then it expired and now Stroh's has granted their water rights to others. Mr. Young asked how many ERU's they were wanting and Mr. Langhelm estimated approximately 50-100 ERUs. Mr. Young said he would still prefer to get the water rights, as he understood that Stroh's is ahead of us in line with Department of Ecology to get water rights. Tom Dolan said that on November 9th there will be a public hearing before the city council and they will have an opportunity to ask these questions directly. Rob Karlinsey asked if Mr. Langhelm was concerned with what it does to our rights or to our instantaneous pumping capacity. Mr. Langhelm said we can have ERU's available and still not be able to meet our instantaneous flow requirements. Mr. Ekberg asked if Mr. Langhelm had figures on undeveloped areas in our service area and Mr. Langhelm said yes, he could provide those figures. Mr. Karlinsey clarified that "out of

water” meant asking residents to stop watering their lawns or something similar. Joyce Ninen stressed that the Planning Commission just felt that it was an unfair burden to place on the applicant. Derek Young stated his concern that if we are giving them rights we could potentially be not giving rights to someone else.

Mr. Atkins then presented the next request for expanding our water service, for the property at the corner of Hunt and Kimball at the current Stroh’s site. The property owner wanted to expand the development and needed additional fire flow. He stated that the Planning Commission is recommending that the applicant reimburse the city for the fees and/or costs associated with being added to the water service area. Ms. Kester said there were two options considered one being if the applicant only wanted fire flow only; and, two adding them to our service area and providing potable water and fire flow. She went on to say that the applicant preferred the fire flow only option as the applicant already water rights and did not want to give them up. Mr. Langhelm explained where the water line runs and that the city doesn’t currently provide fire flow only to any development; therefore, we would need to determine their connection fee. Mr. Kadzik asked what the fire flow requirements were and Mr. Langhelm said in this area it was 3,000 gallons per minute for 3 hours; however, he said the requirements for the building are determined by the building department. The 3,000gpm is the requirement in the right of way. Discussion followed on how to possibly calculate the connection fee.

The Chair called a 5-minute recess.

Planning Director Tom Dolan stated that the last three are all private applications for land use map amendments and reminded everyone of the public hearing on November 9th.

Ms. Kester went over the first application stating that it was in the new annexation area at Burnham and Sehmel. The property was owned by Walt Smith who is proposing to go from employment center (EC) to commercial business (C/B). Mr. Atkins said that the applicant wanted to have the same zoning they had in the county and they would have to change the land use designation in order to do that. He stated that the applicant had made a presentation to the Planning Commission at the public hearing and there were two or three people who spoke in favor who were from the surrounding area. He said that the concerns raised by the commission were: the buffers (staff had suggested that perhaps we should have a more stringent buffer); and whether the intensity of use would increase the transportation impact in an area that is already known for having issues. However, it was determined that the future development of the site had already been evaluated at the higher intensity. He noted that another property owner has asked to have their land use changed in the area, so there didn’t seem to be a need to require the applicant to have a larger buffer. Mr. Atkins continued by saying that it could be rezoned to B-2 or C-1 if the land use designation is changed and they had looked at whether they should condition it to be B-2 through a development agreement; however, they elected not to do that. Mr. Young asked if it would be an area wide rezone or a site specific rezone and Mr. Dolan answered that it would be site specific. Mr. Payne asked

if they could get a better understanding of the buffer and Ms. Kester went over the topography and buffers currently on the property and what would be required if it were developed under current standards. Mr. Franich voiced his concern with the proposal meeting the criteria for approval of a comprehensive plan amendment. Mr. Young asked if the applicant had determined that the traffic impact was the same and Ms. Kester said that no, it was the city's determination through our traffic model. He then asked if they could get that information at the public hearing and Ms. Kester said that yes it was part of the Planning Commission packet. Mr. Atkins said that they did receive a letter from the applicant expressing a willingness to restrict their zone to B-2

Mr. Atkins then went over the Haven of Rest proposal stating that their property extends down to Rosedale. Ms. Kester pointed out the property. Mr. Atkins stated that they are requesting a change from residential low to residential medium noting that cemeteries are only allowed in R-2 zones and that would require a designation of residential medium and they are planning to expand the cemetery to include this property. He stated that part of their issue is that they are not allowed to access their property across the power line so the Rosedale property is the only other access point. Mr. Atkins stated that the applicant has also agreed to process a development agreement limiting any rezone to R-2. He also noted that subsequently city staff has discovered that the property has been listed for sale, so it is possible that these plans will change. Mr. Payne clarified that staff recommended that it be limited to R-2 if the use was a cemetery; however having discovered that it is for sale the Planning Commission is recommending R-2 without a restriction to cemetery use. Mr. Dolan reminded them that this is a land use map change and there are other zones that they could request if there is not a restriction to R-2. Mr. Young said that he would rather just say that they could have a cemetery in their current zone rather than change the comp plan and rezone. Mr. Payne asked that Ms. Kester go over the surrounding zones which she did. Mr. Atkins stated that the Planning Commission is recommending approval with a development agreement restricting the rezone to R-2.

Ms. Kester went over the proposed comp plan amendment to change 2 acres at Grandview, Stinson and Pioneer from residential low to residential medium with a development agreement to limit the zoning to RB-2. She stated that they are proposing two mixed use buildings. She further explained that they are proposing larger setbacks, additional tree preservation, buffers with significant plantings and screening above current code requirements. Ms. Kester noted that the parking will be primarily underground; the lower property originally submitted last year is not part of the amendment and will remain single family; and, that the project is within the height restriction area. Mr. Atkins said that the Planning Commission was recommending approval with the conditions proposed regarding setbacks, tree retention, mixed use and limiting the rezone to 2 acres with the configuration presented to the commission. He said that the vote was 3 in favor and 1 opposed but that he did not personally support the amendment (Commission bylaws only allows the Chairperson to vote in cases of a tie vote). He further explained that a member that was absent submitted a letter in support of the proposal. Mr. Atkins said that the feeling of the commission was that the project would compliment that area of the city; provide a step in a direction they

would like to see in that area; and, it would be compatible with the surroundings. He noted that at the public hearing they had six citizens speak and the majority of the people were opposed to the size and scale. Ms. Ninen noted that if you stood on Grandview and looked at city hall it's the same thing, there are other buildings in the area of a similar size. Mr. Atkins said that the commission felt that the development agreement needed to be written in a way to assure that they will get a project that reflects what was shown. Mr. Franich said that he hoped the commission looked at it from the perspective of the underlying land use not in response to the applicant's presentation on their project. Mr. Atkins said that he felt that they did, that they looked at the goals in the comprehensive plan but again they are subjective. Mr. Young asked at what point did the hearing examiner rule on the height restriction issue and Ms. Kester answered that it happened before the Planning Commission saw the proposal but after the application was submitted. Mr. Atkins stated that they considered the vision that was represented not just the specifics of the project. Mr. Dolan said that staff had looked at the policies of the comprehensive plan and while the application with the tree retention, setbacks, etc. met many of the policies; a project must meet them all and it is staff's view that the proposal is out of scale with the surrounding neighborhood so it will be up to the city council to determine if it meets the policies. Mr. Young expressed concern with steps between zones sometimes being too large. Mr. Dolan pointed out that these buildings could be 8-10 times larger than the Uddenberg building. Ms. Kester went over the sizes of other buildings in the surrounding area and the method for measuring height. Ms. Ninen noted that the applicant is stating that at current zoning it would be possible to put 5-5000 square foot buildings on the property. Mr. Atkins said that the applicant will be providing models with their presentation at the public hearing.

Mr. Dolan said that there was another item to talk about which was the mixed use overlay district and asked if they should delay that discussion to another meeting when there are more Planning Commission members present. It was agreed that it should be postponed.

Meeting was adjourned at approximately 7:30 p.m.

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
October 21st 2009
Gig Harbor Civic Center**

PRESENT: Commissioners; Chairman Harris Atkins, Michael Fisher, Joyce Ninen, Jim Pasin and Jill Guernsey. Jeanne Derebey arrived at 5:06 p.m.
Staff Present: Tom Dolan, Jennifer Kester, Kristin Moerler, Jeff Langhelm and Cindy Andrews

CALL TO ORDER: 5:00 p.m.

APPROVAL OF MINUTES:

Commission members discussed the minutes of August 20th, 2009, no corrections made.

MOTION: Move to approve the minutes of August 20th, 2009 as recorded. Ninen / Guernsey – Motion passed.

Commission members discussed the minutes of September 3rd, 2009, identifying a punctuation error on page 3, in first sentence.

MOTION: Move to approve the minutes of September 3rd, 2009 as corrected. Ninen/Fisher – Motion passed

Chairman Harris Atkins opened the meeting briefly outlining the agenda. Mr. Atkins summarized the amendments suggesting that the amendments be reviewed in the order listed also asking commission members if any changes should be made to the language presented in the criteria. Commission members had no changes and agreed to move forward with the recommendations in the order presented.

Ms. Kester discussed the process following recommendations by the Planning Commission, discussing the date of November 9th, 2009 for presentation before the City Council.

COMP 09-0002 - Parks, Recreation and Open Space Element:

Ms. Kester pointed out the only change to the amendment was at the bottom of the first page: a sentence had been added stating that the plan is in progress and will be adopted in the 2010 Comprehensive Plan Amendment Cycle.

COMP 09-0003 – Transportation Element:

Ms. Kester reviewed the changes to the Transportation Element. Ms. Kester discussed the removal of the Harborview Drive and Judson Street Improvement Master Plan from goal 11.1

policy 11.1.10 explaining that portions of the master plan have been incorporated into three new policies, 11.1.10, 11.1.11, 11.1.12 and existing policy 11.1.8.

COMP 09-0010 – Capital Facilities Element:

Ms. Kester summarized the remaining updates to chapter 12, Capital Facilities element discussing the updated project list, project timing, park descriptions, sewer, water, storm amendments and funding.

Ms. Kester asked commission members how they would like to precede. Commission members requested a few minutes to review the changes presented at the meeting. Mr. Pasin asked Ms. Kester to restate her comments relating to the water, sewer and storm amendments. Ms. Kester stated that with the adoption of the three comprehensive utility plans (water, wastewater and stormwater, future technical amendments to these plans would not be reviewed by the Planning Commission. Mr. Pasin expressed concerns related to future upgrades of water systems and potential impacts to developers. Mr. Atkins asked Commission members if they would be ready to review the notice of recommendation for the capital facility-related amendments. Commission members agreed and began with the Transportation Element.

Mr. Atkins discussed the recommendation for the Transportation Element and the condition to remove proposed policy 11.1.10. Mr. Atkins asked Ms. Kester if the condition could be removed or if the condition should be restated to include the two new policies, 11.1.11 and 11.1.12. Ms. Kester stated that the condition could be restated explaining that if Commission members made any changes, notations should be made under the condition explaining the reasons for the changes. Mr. Atkins asked Commission members if they had any concerns with the language of the Transportation Element. Ms. Ninen suggested removing the condition. Ms. Derebey disagreed, stating that the condition referenced the initial comp plan changes that had been proposed and that the condition should remain, also stating that she felt that the additional policies proposed should be included in the condition. Commission members and Ms. Kester discussed changes to the condition. Mr. Atkins proposed revisions to the language of the condition stating, "During the review of the proposed amendment the Planning Commission determined that the Harborview Judson Street Improvement Master Plan dated February 3, 2009 had not been formally approved by the City Council nor has it been reviewed by the Planning Commission. While the Planning Commission supports the basic policy, i.e. improve the effectiveness of the road and sidewalk network in the downtown area and has substituted language to the effect, it has no basis for recommending this specific plan as a strategy for implementing the policy. For these reasons, the Planning Commission determined that it would be inappropriate to include it in the Comprehensive Plan policy statement by reference." Mr. Atkins asked for comments from Commission members. Commission members agreed with the statement.

Mr. Atkins asked Commission members for their comments on the remainder of the capital facility amendments. Ms. Ninen discussed the Peacock Hill project related to the stormwater Plan. Ms. Kester explained that it had been addressed in the Stormwater plan. Mr. Atkins

discussed the joint meeting of October 5th, 2009 pointing out that there had been a lot of conversation related to the water system plan. Mr. Pasin stated his concern with the water system plan as it related to the fire flow requirements stating that the requirement could potentially be a large burden on future development. Mr. Atkins suggested that Commission members should forward their concerns or opinions relating to any of the capital facility amendment recommendations in a letter to Ms. Kester and she would forward them on to the City Council. Mr. Atkins reiterated for Commission members that the recommendations only include the majority's opinion. Ms. Kester agreed stating that she would include minority opinion letters as part of her packet to City Council adding that she would need the letters by end of the day Monday October 26th. Mr. Dolan assured Commission members that the City Council members will receive and read all of the Planning Commission minutes related to the amendments.

Ms. Guernsey asked Ms. Kester if staff recommendations had been made on all of the Comprehensive Plan Amendments. Ms. Kester replied stating that formal staff recommendations had been made on only one amendment that had been presented on September 24th, 2009 meeting, also stating that it would be included in the packet to Council. Ms. Kester explained the process for presenting staff's recommendation in the council bill.

Mr. Atkins asked Commission members how they would like to proceed. Commission members asked to take a moment to review the changes to the capital facilities amendments. Ms. Kester summarized the changes, description changes in parks, updates to funding sources for projects, updates to the Capital Facilities project list, Parks and Open Space plan and the Transportation Plan; and no changes to the Wastewater, Stormwater or Water systems. Commission members discussed the changes. Mr. Atkins suggested that the Planning Commission members recommend approval of the amendments with reservations that the Planning Commission did not have the opportunity to compare the new and the old plan. Mr. Atkins continued explaining the changes proposed are budget changes, unless there had been policy concerns he felt it would be appropriate to recommend approval of the changes to the amendments. Ms. Kester pointed out that the budget was uncertain at this time and would most likely it would change before the amendments would be adopted. Commission members and staff discussed the budget concern and corrections. The Commission and staff discussed that the some of the criteria related to concurrency were not really applicable to the amendments that update the capital facility project lists. Ms. Derebey felt that the best approach would be to move the amendment forward with the suggestion that the Finance Department review the revenue growth projections and change the numbers to reflect present day. Ms. Kester agreed.

MOTION: Move to approve the capital facility amendments adding Mr. Atkins statement under the Transportation Element also with the conditions of removing the proposed policy 11.1.10 and replacing it with what is shown in the Transportation Element draft received October 21st, 2009 on page 11-60 and the statement by Jeane Derebey stating that the Planning Commission recognize that the Finance Department will update their

portion of the Capital Facility Plan that it is not accurate in several places that is provided in the recommendation. Guernsey / Fisher

Mr. Atkins called for discussion on the motion. Commission members discussed the motion. Ms Derebey asked to make an amendment to the motion.

AMENDMENT TO MOTION: Move to amend the motion to break out the water system plan to be voted on separately. Derebey / Fisher - Motion passed

Mr. Atkins asked for discussion of the amended motion. Commission members and staff discuss the intent of the motion. Ms. Derebey explained her concerns with the water system plan and the intent of her amendment to the motion. Ms Kester suggested putting commission members vote at the end of each description of each amendment. Commission members agreed. Mr. Atkins asked for a 5 minute recess. Mr. Atkins resumed the meeting at 5:58 p.m.

Mr. Atkins reminded Commission members that a motion was pending on the Capital Facilities Plan and repeated the motion.

AMENDED MOTION: Move to approve the capital facility amendments, except the water system plan, adding Mr. Atkins statement under the Transportation Element also with the conditions of removing the proposed policy 11.1.10 and replacing it with what is shown in the Transportation Element draft received October 21st, 2009 on page 11-60 and the statement by Jeane Derebey stating that the Planning Commission recognize that the Finance Department will update their portion of the Capital Facility Plan that it is not accurate in several places that is provided in the recommendation. – Motion passed unanimously.

AMENDED MOTION: Move to approve the water system plan, COMP 09-0009. – Motion passed 3-2 (Mr. Fisher, Ms. Guernsey and Ms. Ninen voted in favor; Mr. Pasin and Ms. Derebey voted against the motion).

COMP 09-0001 – Wollochet Water System Service Area Amendment:

Ms. Kester reviewed the draft recommendation and proposed findings. Mr. Atkins discussed the Wollochet Water System amendment asking Commission members for their comments. Mr. Pasin discussed his concerns with the finding that stated that redevelopment of the property would be a value to this community. Ms. Ninen and Ms. Guernsey disagree. Mr. Atkins discussed the statement in the last sentence on the 3rd page under J, related to the water rights projected allocations asking if staff had provided the projections. Ms. Kester responded no and provided background for the projections. Mr. Atkins proposed additions to page 4. He suggested adding portions of statement e.1 from the executive summary paragraph 2 to the conditions. Mr. Atkins discussed a third condition proposed by staff that commission members elected not to incorporate, asking if a note of explanation should be added. Ms. Kester

discussed staff's recommendations. Mr. Atkins continued stating that he felt it would be important to include an explanation as to why the Planning Commission did not elect to move forward with a recommendation on the third condition. Staff and Commission members discuss the condition. Ms. Derebey asked if it would be appropriate to add a note to the condition. Ms. Kester replied yes. Ms. Guernsey proposed language for the note: "Note: Although staff recommended a third condition regarding the transfer of water rights, the commission did not recommend that condition because of their opinion that the staff was asking for something that the applicant did not have or control. The water purveyor testified that it did not have water rights to transfer and therefore this condition, if included, would render the amendment not viable."

MOTION: Move to adopt the COMP 09-0001 Wollochet Water System Service Area Amendment with Mr. Atkins addition to the last page of paragraph 2 section e.1 of the executive summary of the water system plan; the note that the Planning Commission added to page 1 of 4; and, the deletion of the last phrase and rewriting of the last statement in J so that the sentence reads, "The City has a finite number of water ERU's to reserve to customers in the current service area, with over 1,000 water ERU's available.
Guernsey / Fisher – Motion passed unanimously.

COMP 09-0013 – Stroh's Water System Service Area Amendment:

Ms. Kester reviewed the draft recommendation and proposed findings. Mr. Atkins asked Commission members for their comments. Mr. Atkins suggested adding the same policy statement from e.1 of the executive summary that had been added to the water system plan to the Stroh's Water System Amendment. Commission members agreed.

MOTION: Move to adopt the COMP 09-0013 Stroh's Water System Service Area Amendment with the change to add paragraph 2 section e.1 of the executive summary of the water system plan to the applicable policies section of the recommendation. Guernsey / Fisher – Motion passed – Motion passed unanimously.

COMP 09-0004 – Sunrise Enterprises Land Use Map Amendment:

Ms. Kester reviewed the draft recommendation and proposed findings, stating that staff and the Planning Commission had the same recommendation. Mr. Atkins asked Commission members for their comments. Commission members and staff discussed compatibility with the Comprehensive Plan and residential use. Commission members made minor changes to the wording on one set of findings on page 4. Ms. Derebey discussed the appropriateness of the criteria. Staff and Commission members reviewed the criteria and the findings contained in the recommendation.

MOTION: Move to approve the recommendation of COMP 09-0004 Sunrise Enterprises Land Use Map Amendment with the changes discussed removing the phrase "to the North" on page 4. Guernsey / Ninen – Motion passed unanimously.

COMP 09-0005 – Haven of Rest Land Use Amendment:

Ms. Kester reviewed the draft recommendation and proposed findings. Ms. Kester reviewed the suggestion of Ms. Ninen that the recommendation clearly state that the development agreement proposing limiting the rezone to R-2. Ms. Derebey discussed the duration of the development agreement. The minutes of September 24th, 2009 stated that the Commission recommended a duration of 5-10 years.

MOTION: Move to approve the recommendation for COMP 09-0005 Haven of Rest Land Use Map Amendment with the addition of the 5-10 year development agreement criteria. Ninen / Guernsey – Motion passed unanimously.

COMP 09-0012 Grandview Land Use Map Amendment:

Ms. Kester reviewed the draft recommendation and proposed findings. Mr. Atkins asked Commission members if they felt that staff had captured Planning Commission's intentions. Mr. Pasin replied yes, however he felt that the language may not be specific enough although he would accept it. Commission members discussed buffer and zone transition and asked for clarification on the findings for criterion F. Ms. Kester clarified. Mr. Atkins agreed the statement appeared accurate, adding that he would like to exchange "as proposed" for "model." Mr. Pasin discussed the findings for criterion E in regards to the goals and policies in the Comprehensive Plan, stating that he disagreed with the statements. Mr. Fisher suggested adding to the findings for criterion E: the city requirement of height restriction has defined scale and by the fact that this development meets that then it meets the scale requirements. Mr. Atkins disagreed explaining that the current land use would not support that statement. Commission members discussed the findings for E. Mr. Fisher suggested adding goal 6.1 and policy 6.1.1 as a goal to the statement. Ms. Kester revised the policy and goal statement noting that she would also include goal 6.2. Commission members discussed the changes. Mr. Atkins asked Commission members if they all were in agreement with the changes. All agreed. Commission members discussed the idea of scale being defined by height. Ms. Guernsey suggested a sentence should be added to the findings of criterion E defining scale. Ms Guernsey proposed new language: "The Planning Commission finds that city's regulations regarding height restrictions meet the city's definition of scale." Commission members discussed the statement; staff expressed their disagreement with the statement. Commission members suggested adding the language: "although large, the buildings do not visual appear out of scale compared to neighboring buildings." Commission members continued to revise the language. Ms. Kester read the final version. Commission members agreed with the new language for the findings of criterion E. Commission members discussed the findings for criterion G related to suitability of the project with the land and surrounding area. Mr. Pasin asked if the statement would be

suitable for the area. Commission members suggest reorganizing the statement. Commission members discussed the findings for criteria H, I and J agreeing they had no concerns. Ms. Kester reviewed all of the changes.

MOTION: Move to recommend the approval of COMP 09-0012 3700 Grandview land use map amendment as written with a fourth condition that the duration of the development agreement be 10 to 20 years and the finding changes as discussed and agreed to by the majority of the Planning Commission. Fisher/Guernsey. Motion passed. 4 – 1 Mr. Pasin opposed

Mr. Dolan suggested that due to time concerns the remainder of the agenda be moved to an additional meeting. Ms. Kester reviewed the meeting dates available, Commission members agreed on November 5th, 2009 at 5:00 p.m. Mr. Dolan discussed the recognition of Dick Allen at the City Council meeting of November 9th, 2009 encouraging all to attend.

MOTION: Move to adjourn at 7:53 p.m. Ninen / Guernsey

DRAFT

Date: November 5, 2009

To: The Gig Harbor City Council

From: Kae Paterson

Re: MP8 LLC and Pioneer & Stinson LLC

RECEIVED
NOV - 6 2009
CITY OF GIG HARBOR

As you all know I have agonized over the recommended change to the Comprehensive Plan. It is in my immediate neighborhood, and I drive past the property daily. To me it has boiled down to a choice between two Comprehensive Plan goals that are dear to our hearts.

- 1) 3.6.1, "Maintain a small town scale for structures. New structures should not overpower existing structures." and
- 2) 3.21.1, "Incorporate existing vegetation into the site plan. As much as possible, site plans should be designed to protect existing vegetation".

The question has been do we allow larger buildings with larger yard setbacks and more perimeter trees, OR do we go with the allowed smaller buildings and have much smaller yard setbacks so that fewer of the trees are saved. My heart goes with the larger buildings, larger setbacks and more trees, providing the building are a neutral color and well screened..

I was on the Planning Commission when the entire area was R1, and we were trying to decide how to deal with the service station. We zoned the service station B2 and created the RB1 zone for the triangle south of this property. We later took the RB1 zone across Grandview onto this property. Since then the Comprehensive Plan designation on the triangle has been changed to Commercial/Business, and the zone to B2. It seems to me that either a Residential Low or a Residential Medium comprehensive plan designation for the Paul property is an appropriate step down between commercial business and single family development.

That said; I feel strongly about the DEVELOPMENT AGREEMENT that will go with the change in plan designation and probable rezone. The Peninsula Gateway building comes the closest to my dream of what I would like the finished product to look like.

To make the Paul proposal work I would want to conditions to the development agreement. These conditions could be worked out at Design Review Board level. My proposed conditions would include::

1. Keep trees in the required setbacks. I would like to have both the developer and the city agree that the perimeter trees, except for the driveway area, would stay (including the madronas).
2. keep as much as possible of the understory, huckleberry etc., in the yards along the streets and plant additional screening..
3. Use muted tones, preferably shades of gray, for the color on the buildings like the Gateway building or the new buildings at Mallard's Landing.
4. Break up the wall planes on the buildings.
5. Paint the retaining wall behind the driveways into the parking garage so it blends in.
6. I would like to see the easterly building be made rectangular and leave an open space area along Pioneer Way. To me the pooch out toward Pioneer looks awkward and intrusive.

Basically I would want the development to blend into the natural environment so the buildings aren't intrusive. I would hope that the buildings could blend in enough, and enough screening could be left so that the size of the buildings is well mitigated.

Thank you,

Kae

City of Gig Harbor
Community Development Department

RE: Proposed amendments to the City of Gig Harbor's Comprehensive Plan:
Comp 09-0005: Haven of Rest Land Use Map Amendment

My husband & I (Edward N. Manning Jr. and Patricia A. Manning) own property within 300 feet of the property which is requesting the designation change from Residential Low to Residential Medium.

We are opposed to this change. We feel that the area should remain RL because single family homes are more appropriate for this established neighborhood. The designation should not be changed.

Respectfully,

Edward N. Manning Jr.
Patricia A. Manning

360-876-8309

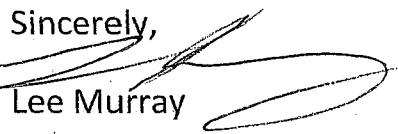
November 9, 2009

November 8, 2009


To whom it may concern,

We are Lee and Virginia Murray. Our address is 4025 Rosedale St. NW, Gig Harbor. We want to see the zoning in our residential area **remain R-1** as it has been for the past 23 years of our residence.

Sincerely,



Lee Murray



Virginia Murray



Subject: First Reading – Ordinance Increasing Water Rates

Proposed Council Action: Adopt ordinance after second reading

Dept. Origin: Finance

Prepared by: David Rodenbach

For Agenda of: November 9, 2009

Exhibits:

Initial & Date

Concurred by Mayor:

CLH 11/5/09

Approved by City Administrator:

POK 11/4/09

Approved as to form by City Atty:

emed

Approved by Finance Director:

Approved by Department Head:

Expenditure Required	0	Amount Budgeted	0	Appropriation Required	0
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INFORMATION / BACKGROUND

This is the first reading of an ordinance increasing monthly water rates ten percent for each of the next three years: 2010, 2011 and 2012. The original rate increases recommended by a 2008 rate study performed by Peninsula Financial Consulting were three percent for each year. The rate study was updated in Fall 2009 and, due to the deteriorating condition of the waterline between the intersections of Harborview Drive and North Harborview Drive Harborview Drive and Rosedale, and the necessity to replace this line; and also due to lowered new water connection projections, we are recommending a ten percent increase in each of the following three years.

Currently, the Water fund has no outstanding debt obligations. The proposed rate increases will ensure that adequate revenues are available to meet operating costs, meet debt service coverage requirements, replace aging infrastructure, construct new facilities, and maintain adequate cash reserves.

FISCAL CONSIDERATION

The proposed rate increases are expected to provide approximately \$670,000 in additional operating revenues for the water utility through 2012.

Currently, the City's average residential water bill for one month is \$23.18. With the proposed increases this rate would increase to \$30.86 by 2012.

BOARD OR COMMITTEE RECOMMENDATION

The rate increase was presented to a special meeting of the Operations committee on October 26.

RECOMMENDATION / MOTION

Move to: Adopt ordinance after second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON; RELATING TO UTILITY RATES; 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; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2010.

WHEREAS, it is necessary to raise water service rates and charges to meet the increasing cost of providing water services;

WHEREAS, the 2008 rate study as amended by Peninsula Financial Consulting to reflect changes in five year capital construction requirement supports these rate increases; Now, therefore,

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

Section 1. Section 13.04.010 of the Gig Harbor Municipal Code is hereby amended as follows:

13.04.010 Water Rates.

A. Effective January 1, 2010, ~~the~~ 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	\$41.34 <u>12.47</u>	\$1.48 <u>1.63</u>
Multi-residential		
5/8" & 3/4"	49.92 <u>21.91</u>	4.38 <u>1.52</u>
1"	27.44 <u>30.15</u>	4.38 <u>1.52</u>
1-1/2"	45.99 <u>50.59</u>	4.38 <u>1.52</u>
2"	68.38 <u>75.22</u>	4.38 <u>1.52</u>
3"	128.02 <u>140.82</u>	4.38 <u>1.52</u>
4"	\$195.17 <u>214.69</u>	\$1.38 <u>1.52</u>
Commercial/Schools		
5/8" & 3/4"	\$46.70 <u>18.37</u>	\$1.44 <u>1.58</u>
1"	22.05 <u>24.26</u>	1.44 <u>1.58</u>
1-1/2"	35.30 <u>38.83</u>	1.44 <u>1.58</u>

2"	51.2556.38	1.44-1.58
3"	93.81103.19	1.44-1.58
4"	\$141.71155.88	\$1.441.58

B. Effective January 1, 2011, the monthly water service rates shall be set at the following amounts:

Customer	Customer Base Charge (per meter/month)	Commodity Charge (per ccf)
Residential	\$13.72	\$1.79
Multi-residential		
5/8" & 3/4"	24.10	1.67
1"	33.17	1.67
1-1/2"	55.65	1.67
2"	82.74	1.67
3"	154.90	1.67
4"	\$236.16	\$1.67
Commercial/Schools		
5/8" & 3/4"	\$20.21	\$1.74
1"	26.69	1.74
1-1/2"	42.71	1.74
2"	62.02	1.74
3"	113.51	1.74
4"	\$171.47	\$1.74

C. Effective January 1, 2012, the monthly water service rates shall be set at the following amounts:

Customer	Customer Base Charge (per meter/month)	Commodity Charge (per ccf)
Residential	\$15.09	\$1.97
Multi-residential		
5/8" & 3/4"	26.51	1.84
1"	36.49	1.84
1-1/2"	61.22	1.84
2"	91.01	1.84
3"	170.39	1.84
4"	\$259.78	\$1.84
Commercial/Schools		
5/8" & 3/4"	\$22.23	\$1.91
1"	29.36	1.91
1-1/2"	46.98	1.91

2"	\$68.22	\$1.91
3"	124.86	1.91
4"	\$188.62	\$1.91

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 \$33.64 per month per unit.~~
A. Effective January 1, 2010, the water service charge for each unmetered residential or multiple residential building shall be \$37.00

B. Effective January 1, 2011, the water service charge for each unmetered residential or multiple residential building shall be \$40.70

C. Effective January 1, 2012, the water service charge for each unmetered residential or multiple residential building shall be \$44.77

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 be in full force and take effect January 1, 2010 which shall be at least five (5) days after its 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 _____, 2009.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

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



Subject: First Reading – Ordinance
Increasing Sewer Rates

Proposed Council Action: Adopt ordinance
after second reading

Dept. Origin: Finance
Prepared by: David Rodenbach
For Agenda of: November 9, 2009
Exhibits:

Initial & Date

Concurred by Mayor: CLH 11/5/09
Approved by City Administrator: RJK 11/4/09
Approved as to form by City Atty: email
Approved by Finance Director: _____
Approved by Department Head: _____

Expenditure Required	0	Amount Budgeted	0	Appropriation Required	0
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INFORMATION / BACKGROUND

This is the first reading of an ordinance increasing monthly sewer service rates 15 percent in 2010, 17 percent in 2011 and 10 percent in 2012. These increases are recommended pursuant to debt issuance requirements as well a 2008 rate study performed by Peninsula Financial Consulting. The rate study was updated in Fall 2009 to include important lift station maintenance and repair projects as well as declines in new sewer service connection projections.

The proposed rate increases will ensure that adequate revenues are available to meet operating costs, meet debt service coverage requirements, replace aging infrastructure, construct new facilities, and maintain adequate cash reserves.

FISCAL CONSIDERATION

The proposed rate increases 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 \$46.82. With the proposed increases this rate would increase to \$69.30 in 2012. These increases will provide approximately \$2.25 million in additional revenues through 2012.

BOARD OR COMMITTEE RECOMMENDATION

The rate increase was presented to a special meeting of the Operations committee on October 26.

RECOMMENDATION / MOTION

Move to: Adopt ordinance at second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON; RELATING TO UTILITY RATES; INCREASING THE MONTHLY SEWER SERVICE RATE TO BE PAID FOR THE PROVISION OF SEWER SERVICES; AMENDING GIG HARBOR CODE SECTIONS 13.32.010, 13.32.015, 13.32.020, AND 13.32.025; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2010.

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 2008 rate study by Peninsula Financial Consulting recommends these rate increases; Now, therefore,

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

Section 1. Section 13.32.010(A) of the Gig Harbor Municipal Code is hereby amended as follows:

13.32.10 Sewer Rates.

A. Effective January 1, 2010, the monthly sewer service rate shall be set at the following amounts:

Customer Class	Customer Base Charge (per month)	Commodity Charge (per ccf)
Residential	\$23,632.17	\$2,903.34
Multi-Family Residential (per living unit)	18,182.91	2,903.34
Commercial/School	55,156.42	5,125.89
Dept. of Corrections	\$7,286,379	\$2,903.34

B. Effective January 1, 2011, the monthly sewer service rate shall be set at the following amounts:

Customer	Customer Base Charge	Commodity Charge
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Class	(per month)	(per ccf)
Residential	\$31.79	\$3.91
Multi-Family Residential (per living unit)	24.46	3.91
Commercial/School	74.20	6.89
Dept. of Corrections	\$9,803	\$3.91

AC. Effective January 1, 2012, the monthly sewer service rate shall be set at the following amounts:

Customer	Customer Base Charge	Commodity Charge
Class	(per month)	(per ccf)
Residential	\$34.97	\$4.30
Multi-Family Residential (per living unit)	26.91	4.30
Commercial/School	81.62	7.58
Dept. of Corrections	\$10,783	\$4.30

Section 2. Section 13.32.015 of the Gig Harbor Municipal Code is hereby amended as follows:

13.32.015 Sewer Rates – Community Systems.

A. The Effective January 1, 2010, the monthly sewer service rates for community systems shall be set at the following amounts:

<u>Customer Class</u>	<u>Monthly Charge</u>
Shore Crest System	\$7.348.41 plus \$36.0041.40 /living unit

B. Effective January 1, 2011, the monthly sewer service rates for community systems shall be set at the following amounts:

<u>Customer Class</u>	<u>Monthly Charge</u>
Shore Crest System	\$9.84 plus \$48.44 /living unit

C. Effective January 1, 2012, the monthly sewer service rates for community systems shall be set at the following amounts:

<u>Customer Class</u>	<u>Monthly Charge</u>
Shore Crest System	\$10.82 plus \$53.28 /living unit

Forma

Section 3. Section 13.32.020 of the Gig Harbor Municipal Code is hereby amended as follows:

13.32.20 Nonmetered 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: A. Effective January 1, 2010, the sewer service charge for each unmetered residential, multi-residential, or commercial facility shall be as follows:

<u>Nonmetered Customer Class</u>	<u>Monthly Charge</u>
Residential	\$43.29 49.78 /unit
Multifamily residential	31.04 35.70 /living unit
Commercial	\$106.29 122.23 /billing unit

B. Effective January 1, 2011, the sewer service charge for each unmetered residential, multi-residential, or commercial facility shall be as follows:

<u>Nonmetered Customer Class</u>	<u>Monthly Charge</u>
Residential	\$58.24 /unit
Multifamily residential	41.77 /living unit
Commercial	\$143.01 /billing unit

C. Effective January 1, 2012, the sewer service charge for each unmetered residential, multi-residential, or commercial facility shall be as follows:

<u>Nonmetered Customer Class</u>	<u>Monthly Charge</u>
Residential	\$64.06 /unit
Multifamily residential	45.95 /living unit
Commercial	\$157.31 /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.

A. Effective January 1, 2010, the monthly sewer service rates for community systems basing billing on sewer flow meters shall be set at the following amounts:

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Customer Class	Customer Base Charge (per month) (per ccf)	Commodity Charge
Residential	\$7,318.41 + \$16.3218.77 /unit	\$2,903.34
Multi-Family Residential	\$7,318.41 + \$10.8712.50 unit	\$2,903.34
Commercial	\$7,318.41 + \$47.8555.03 /unit	\$5,425.89

B. Effective January 1, 2011, the monthly sewer service rates for community systems basing billing on sewer flow meters shall be set at the following amounts:

Customer Class	Customer Base Charge (per month) (per ccf)	Commodity Charge
Residential	\$9.84 + \$21.96 /unit	\$3.91
Multi-Family Residential	\$9.84 + \$14.63 unit	\$3.91
Commercial	\$9.84 + \$64.39 /unit	\$6.89

C. Effective January 1, 2012, the monthly sewer service rates for community systems basing billing on sewer flow meters shall be set at the following amounts:

Customer Class	Customer Base Charge (per month) (per ccf)	Commodity Charge
Residential	\$10.82 + \$24.16 /unit	\$4.30
Multi-Family Residential	\$10.82 + \$16.09/unit	\$4.30
Commercial	\$10.82 + \$70.83 /unit	\$7.58

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

Section 6. Effective Date. This ordinance shall be in full force and take effect January 1, 2010 which shall be at least five (5) days after its 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 _____, 2009.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

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



Subject: First Reading – Ordinance Increasing Storm Drainage Rates

Proposed Council Action: Adopt ordinance after second reading

Dept. Origin: Finance

Prepared by: David Rodenbach

For Agenda of: November 9, 2009

Exhibits:

Initial & Date

Concurred by Mayor:

clh 11/5/09

Approved by City Administrator:

Approved as to form by City Atty:

by email

Approved by Finance Director:

CR 11/2

Approved by Department Head:

Expenditure Required	0	Amount Budgeted	0	Appropriation Required	0
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INFORMATION / BACKGROUND

This is the first reading of an ordinance increasing monthly storm drainage fees three percent for each of the next three years; 2010, 2011 and 2012. These increases are recommended pursuant to a 2008 rate study performed by Peninsula Financial Consulting.

The proposed rate increases 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 \$11.12 per month or \$133.44 per year. This ordinance will increase storm fees to \$12.15 per month or \$145.80 per year by 2012 and will provide \$118,000 in additional revenues for the storm utility through 2012.

BOARD OR COMMITTEE RECOMMENDATION

The rate increase was presented to a special meeting of the Operations committee on October 26.

RECOMMENDATION / MOTION

Move to: Adopt ordinance after second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON; RELATING TO UTILITY RATES; 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; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2010.

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 2008 rate study by Peninsula Financial Consulting recommends this rate increase; 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 Effective January 1, 2010, and thereafter, the monthly service charge for all detached single-family residences and mobile homes (one equivalent billing unit), the monthly service charge shall be \$11.1211.45.
- B. Effective January 1, 2011, and thereafter, the monthly service charge for all detached single-family residences and mobile homes (one equivalent billing unit), shall be \$11.79.

C. Effective January 1, 2012, and thereafter, the monthly service charge for all detached single-family residences and mobile homes (one equivalent billing unit), shall be \$12.14.

BD. 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.

CE. Duplexes shall be charged at 1.5 equivalent billing units for the two units.

DE. Effective January 1, 2010, 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 ~~\$11.45~~ \$11.45 multiplied by the number of equivalent billing units determined by the utility to be contained in such parcel pursuant to GHMC 14.10.030.

G. Effective January 1, 2010¹, 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 \$11.79 multiplied by the number of equivalent billing units determined by the utility to be contained in such parcel pursuant to GHMC 14.10.030.

H. Effective January 1, 2010², 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 \$12.14 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. 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 be in full force and take effect January 1, 2010 which shall be at least five (5) days after its publication of an approved summary consisting of the title.

{ASB739958.DOC;100008.900000\}

PASSED by the Council and approved by the Mayor of the City of Gig Harbor,
this ___ day of _____, 2009.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

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