

Gig Harbor City Council Meeting

**November 12, 2013
5:30 p.m.**



**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
Tuesday, November 12, 2013 – 5:30 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes Oct 28, 2013.
2. Correspondence / Proclamations: a) Pancreatic Cancer Awareness Month; b) Chapel Hill Presbyterian Church Day.
3. Resolution No. 943 – Declaring City-owned Property to be Converted to Street Right-of-Way.
4. Dedication of Right-of-Way Agreement of a portion of Tract B of the Business Park at Harbor Hill.
5. 2013 Pavement Maintenance & Repair Project – Deductive Change Order.
6. Approval of Payment of Bills Nov. 12, 2013: Checks #73880 through #73990 in the amount of \$1,481,121.24.

PRESENTATIONS:

1. Outstanding Wastewater Treatment Plant Award.
2. Pancreatic Cancer Awareness Month Proclamation – Todd Obermire.
3. Chapel Hill Presbyterian Church Day Proclamation – Pastor Mark Toone.

OLD BUSINESS:

1. Third Reading of Ordinance 1273 – Updates to Public Works Standards.

NEW BUSINESS:

1. First Public Hearing / First Reading of Ordinance – 2014 Proposed Budget.
2. Public Hearing and First Reading of Ordinance – 2013 Comprehensive Plan Amendment - Capital Facilities Element.
3. Public Hearing and First Reading of Ordinance - Shoreline Master Program Update, Comprehensive Plan & Gig Harbor Municipal Code Titles 17 & 19.

STAFF REPORT:

PUBLIC COMMENT:

MAYOR'S REPORT / COUNCIL COMMENTS:

ANNOUNCEMENT OF OTHER MEETINGS:

1. Operations Committee: Thus. Nov 21st at 3:00 p.m.

ADJOURN:

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – October 28, 2013

PRESENT: Councilmembers Ekberg, Young, Guernsey, Perrow, Malich, Payne, Kadzik, and Mayor Hunter.

CALL TO ORDER: 5:30 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes Oct 14, 2013.
2. Liquor License Action: Renewals: Maritime Mart, Marketplace Grille, Blue Cannon Pizza, Albertson's, Pioneer 76, Qdoba Mexican Grill, The Wine Studio, and Bartell Drug Co., Tobacco Harbor, and Fuller Greenhouse Restaurant.
3. Correspondence / Proclamations: Letter from Gig Harbor Sportsman's Club.
4. Receive and file: Third Quarter Financial Report.
5. Resolution No. 939 – Surplus Equipment – Public Works.
6. Second Reading of Ordinance No. 1272 – Housekeeping Update to Business License Code.
7. WWTP Phase 2 - Habitat and Stream Buffer Mitigation Plan – Grette and Associates.
8. Approval of Payroll for the month of October, 2013: Checks #7053 through #7070 including direct deposits in the amount of \$360,387.71.
9. Approval of Payment of Bills Oct 28, 2013: Checks #73759 through #73879 in the amount of \$454,490.12.

MOTION: Move to adopt the Consent Agenda as presented.
Ekberg / Payne – unanimously approved.

PRESENTATIONS:

1. Outstanding Wastewater Treatment Plant Award. The award was deferred to the next Council Meeting of November 12th.

2. Gig Harbor Maritime Playzone Committee / PenMet PEG Grant for the Maritime Playground at Crescent Creek Park. Maritime Playzone Committee Chair, Stephanie Payne, reported that the group has come to the final phase of their fundraising goal. She thanked all the community supporters and introduced Terry Lee, Executive Director for PenMet Parks.

Terry Lee introduced John Ortgeisen, Chair of the Board, and Fred Oldenburg, active participant in PenMet Parks. Mr. Lee presented the city a check for \$20,000 from PenMet Parks to help with the Maritime Playzone. He recognized Stephanie Payne for the amazing work she has done on this project and the Sehmel Park Boundless Playzone.

Mayor Hunter accepted the check and thanked Mr. Lee and Ms. Payne for the

contribution toward the Playzone.

Ms. Payne presented Mayor Hunter with another check for \$84,000 on behalf of the Maritime Playzone Committee. She read the names of the members who worked so hard on this project: Jennifer Flint Nelson, Norma Dompier, Fred Oldenburg, Kelly Perrow, Brett Desantis, Tracey Johnson, Arville Olde, Rebekah Vittori, Rennie Walker, Michael Behrens, and city staff, Terri Reed and Marco Malich. She said that they appreciate the opportunity for the whole community to come together to raise this playground.

OLD BUSINESS:

1. Second Reading of Ordinance No. 1273 – Updates to Public Works Standards. Public Works Director Jeff Langhelm presented an overview of this update to the Public Works Standards. He explained that Peninsula Light submitted a recommendation for an amendment that would allow Peninsula Light to participate in the decision to underground utilities. Mr. Langhelm said that it isn't just a matter of cost but of safety, timing, and operational challenges for the light company.

Because the amendment came in last minute and the city would be ceding some authority if the language is incorporated, Councilmember Young asked that this come back for a third reading to allow for further review.

MOTION: Move to bring this back for a third reading.
Ekberg / Young – unanimously approved.

Councilmember Kadzik announced that there were several empty seats up front, and invited those standing in the back to come up and be seated.

2. Second Reading of Ordinance No. 1274 - Land Use Permit Extensions. Planning Director Jennifer Kester presented this ordinance to extend certain land use permits. She addressed Councilmember Malich's questions on the number of extensions already granted (2); and the total years of the extensions (6). He spoke against granting a third extension. Councilmember Ekberg said that he understands the reasoning, but said he also has concerns, and this would be the last extension he would be in favor of granting.

MOTION: Move to adopt Ordinance No. 1274.
Guernsey / Payne – six voted in favor. Councilmember Malich voted no.

3. Second Reading of Ordinance – Downtown Waterfront Building Size and Height Amendments. Planning Director Kester presented the background for this ordinance to address building size and height amendments in the downtown waterfront. After a brief history, she explained that Council could 1) adopt the ordinance as written; 2) adopt the ordinance with portions removed; 3) deny the amendments; or 4) direct staff to bring back all or a portion of the ordinance for third reading on November 12th for continued deliberation.

Ms. Kester then responded to the request by Councilmember Malich, who asked for a sightline of the impacts to the field of vision as the result of the front setbacks being moved forward. She explained that an example of three, 30 foot wide homes on 50 foot wide lots was used to illustrate the visual impacts if the homes were moved closer to the street. Some view would be lost per the illustration, she said.

Councilmember Kadzik said that he has a PowerPoint presentation to show after deliberation on the ordinance.

MOTION: Move we deny both amendments.
Malich /

The motion died for lack of a second.

Councilmember Kadzik said that there has been input from a lot of people and spoke to the wealth of misinformation, innuendo, accusations, inferences of malfeasance, and more recently, a lack of basic civility. He said he was going to talk about why he is going to vote the way he is; something which the public deserves to know.

He began by addressing Amendments A and B, which he said are not controversial, and have to do with rebuilding or remodeling within the basic envelope of an existing structure. He continued to say that Amendment C; the 27 foot height amendment, has been very controversial and that he has changed his mind since first wanting to remove it in July. He said he thinks that it's not much of a problem at all because there are very few sites in the waterfront commercial district that this would affected; possible 3 or 4. The Threshold / Russell building owners would be insane to tear down their 8 million dollar, 32,000 square foot building to build two-story, 6,000 square foot buildings, he said. The Queen's Cabinet is also a much larger building than what would be allowed today; which also would make no sense. The third Haub property or old Egg Building behind the Green Turtle, and the forest behind it, have been the topic of development in conjunction with other surrounding properties. Knowing the people involved, he expects a development agreement, adding that these amendments would have nothing to do with those properties. He said the city would like larger properties to come in with a negotiable process whereby the developer makes a proposal, and then what actually happens is negotiated.

What this leaves is Emily's Boutique, Emerald Bay Yacht Sales, the Bait Shop, and the possibility of Spiro's Parking Lot that would be affected by this ordinance. He continued to say that the majority of "logical" amendments for the downtown were adopted a couple of meetings ago, and he doesn't think we will lose anything if adopted for the waterside.

Councilmember Kadzik then explained that the reason the city is considering these amendments is for economic development and to eliminate barriers for reinvestment downtown; to create an environment for small restaurants, small cafes, and small boutiques, which our current buildings can't facilitate because they lack the square

footage and they are tired. He again stressed that there are no nefarious intentions or lining of the city's pockets for some big project. He said we are trying to stimulate some reinvestment downtown. A lot of small towns have people living above shops in small apartments where people can eat, shop, and support the downtown.

Another objection he hears are about the views, which can be looked at two different ways, he said: residential views and pedestrian views. The pedestrian views are those you have as you walk down the street and see the spaces between the buildings; not over the buildings. If you have a taller building, then yes, you will see less sky or treetops but you are not significantly altering the view. We protect that pedestrian view in many ways, he stressed. Often times the city has purchased property; another way has been to require view corridors and public access to the water during development. The residential views are protected by height regulations. Downtown has no residential views because there are no residences on the opposite side of Harborview, he explained. Within 100 feet of going up the hill on Pioneer, Soundview or Stinson, you would be looking over the top of a 27 foot height building. He said that he doesn't see loss of views as a valid argument.

Maintaining the unique and quirky small town ambience is the one thing he is concerned with the most, he explained. To make sure that it is the right growth and not some prefabricated look of a lifestyle center. Our job as Council and you as citizens is to make sure that we keep on that task, but it's not our job to not allow anything to happen in the rest of downtown.

He finalized by saying he will be voting in favor of A, B, and C, but he has a problem with Amendment D. The whole idea behind D is to eliminate the "house in a hole," which on Harborview Drive, in the more historic Millville area, is a problem. He cited the home adjacent to Eddon Boatyard where you look into the second story as an example. Bringing the house closer and making it taller won't solve this problem. If this proposal would address the house in a hole concern, and if it was limited to the Millville area, he would be in favor of the amendment. He continued to say that the city needs to promote the traditional look of the Millville. But on both ends of Harborview Drive by the ferry dock and past Anthony's, the traditional streetscape *is* a "house in a hole" and has been that way. The architects, engineers, and the city have found ways to solve the problems. He continued to say that when we change regulations and codes, there has to be a gain for the city; not just for the property owner. If this amendment is allowed in Millville, the city would gain a traditional streetscape. If allowed in these other areas, he said he thinks the city would lose some views and so, he isn't in favor of this in other residential areas.

Councilmember Young asked if his intent was to strip Amendment D completely from the ordinance or to limit it to the Millville area. Councilmember Kadzik responded that even if it is limited to Millville, we have to address the house in a hole as well as the bringing the houses forward. He added that he doesn't know if there is a solution, and we need to know how many properties would affect. He then said that this doesn't address the loss of buildable lot size, only the house in a hole.

The four amendments were posted on the screen, and Councilmember Guernsey read them aloud. She then made a motion to remove amendment D.

MOTION: Move to adopt amendments A, B, and C as presented, but not amendment D.
Guernsey / Kadzik –

Councilmember Guernsey then offered her comments. She first thanked everyone for coming back again and saying she knows it's because people are passionate about Gig Harbor, particularly downtown. She assured everyone that every single Councilmember is passionate about downtown as well. This is the lifeblood of Gig Harbor, she said, and that throughout this process she has found it quite offensive that people would think that Council would want to do something that would "wall-up," for lack of a better term, the waterfront area. This is ludicrous; we do not want to do that, and it would not be allowed under our regulations, she stressed, adding that Jennifer Kester has explained this extensively and in detail on many occasions. She explained that the Planning Commission has worked very hard on this, and some of the suggestions and innuendos that they, or Council, or staff, is "in pocket of the developer" is offensive. We may have a difference of opinion and we can respectfully agree to disagree, but the cheap shots are uncalled for, uncivil, and unprofessional, and she hopes they will stop.

Councilmember Guernsey continued to say that we need more people downtown working, playing, and being; it's the only way to bring back a grocery store. It's the only way we can bring the vibrancy that countless people have talked about; the need for downtown. We love it; we walk there, and love the views, the buildings, and everything about it. But, as a professor once said, you can love a city to death; and that has happened to a degree in downtown Gig Harbor over the years. Over the 30 or so years she has lived here, it seems the general consensus was that we weren't paying enough attention to our history or our character. But then things started to happen that would ruin the town, and so we kind of went the other way; we cared too much about it. Now we are starting to recognize the need for balance so that we maintain the character and vibrancy, and we become the best community we can. She said that this ordinance will get us on that track. It's not the "be all, end all," she said, but it also is not a decision of great magnitude as Councilmember Kadzik pointed out. There are only a few buildings or lots that are really going to take advantage of this. She continued to say that this ordinance sends a message that Gig Harbor wants to be a vibrant downtown. This message needs to be sent so that we get our grocery store back; we get shops and services back. Councilmember Ekberg once said that 30 years ago downtown had everything he needed. We don't have that now and we need to get it back, and this is the way to do it. She explained that she does not think this is a big change, nor will it lead to wall-to-wall buildings, but it will allow property owners to do more without destroying character. None of us want to destroy the character of this town, and that's why she is going to vote for this, she said.

Councilmember Ekberg said that he's spent over 30 years on this Council trying to bring

a common sense approach to balancing the needs of growth and development with that of preserving the uniqueness and quality of life we all value in Gig Harbor; and we have succeeded, he added. In almost all of the correspondence he has received on this issue, somewhere in the e-mail the writer said that no matter when they moved to town, whether it was 20 years ago, or 5, or even 2 years, they all moved here for the same reason he and his wife moved here over 41 years ago; the uniqueness and quality of life in Gig Harbor. He continued to say that we must be doing something right because there has been lots of growth and the city has changed, but it still attracts new people for these same reasons. This Council and previous councils have invested heavily in preserving open space and access to our waterfront, with 9 public spaces alone on Harborview Drive. He made an assurance that he would not vote for anything that he thought might damage the progress we have made so far. This ordinance does not damage that progress, he stressed. This ordinance, when combined with the changes already in place for the Downtown Business zone, will bring people and vitality to our downtown core while design review, building size limitations, view corridors, and setback requirements will preserve the qualities we all cherish.

Councilmember Perrow said he has only been on the Council for two years, but people often ask him what it is like. He explained that he tells them that the Staff, the Mayor, and the Council listen to people. Although someone may not get what they want, they are heard. This is an example of that, he continued to say. We postponed adoption of Amendments A through D on the waterside to allow more input, and here we are again. Unfortunately, the preservation group took the low road, he said. If the “adobe canyon” pictures that were distributed were even a possibility, everyone up here would have signed the petition to prevent it. It was ridiculous, it was preposterous, and when pointed out that it was completely false, it just continued. The other things that have been said are also disheartening. He continued to say that there have been some who have wanted meaningful conversations, and we have tried to engage with those people.

Councilmember Perrow continued to say that Amendments A, B, and C are definitely about economic development. As was pointed out, nothing happened for years, and then things started to change. The vice grips clamped down to keep things from changing, and so everything stayed the same. But, he continued, things keeps getting older, the rents drop, and because people can't redevelop or don't have the money from rent to reinvest, it becomes a vicious circle. There needs to be opportunities for people to reinvest, but as has been suggested, the city's not going to unless it's a park bathroom or sewer lift station. The city can only create an environment for reinvestment to occur. We all really want the downtown character, heritage, and the quality of life we have to remain. These amendments, along with development agreements, are a very controlled way to approach the three or four properties that will be affected by this. He then addressed the concern with blocking views by saying the best way to prevent that from happening is to buy the property, which isn't realistic for most. So, then it turns to the government to buy the property. To illustrate that point, he read a list of properties that the city has purchased since 1999, depicted in this table:

LOCATION	ACRES	Feet of Waterfront	PURCHASE PRICE	AQUIRED
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Borgen	0.48	0	\$ 345,000.00	1999
Borgen	0.23	0	\$ -	1999
Borgen	0.33	0	\$ 80,000.00	2008
Skansie	3.15	310	\$ 2,880,000.00	2002
Eddon Boat	0.84	137	\$ 3,750,000.00	2005
Eddon Boat	0.98	160	\$ -	2005
Austin/Scofield	7.07	285	\$ 1,600,000.00	2006
City Park	0.58	234	\$ 140,000.00	2008
City Park	0.49	0	\$ -	2008
Maritime Pier	0.43	100	\$ 871,000.00	2011
Ancich	0.31	96	\$ 1,674,532.00	2012
Ancich	0.22	48	\$ -	2012
Ancich	0.23	48	\$ -	2012
TOTALS	15.34	1418	\$ 11,340,532.00	

NEW Eddon	0.28	67	\$ 634,000.00	2014?
New Eddon	0.35	100		2014?

He stressed that this equals a total of 15.34 acres; 1,408 linear feet of waterfront; and 11 million dollars that the city, the voters, and the county have invested in to preserve property.

Councilmember Perrow continued to explain that you have to allow a property owner the opportunity to do something with their property. He then addressed the comment that Amendment D was to prevent “houses in a hole,” but it’s also about the shoreline regulations forced on us by the state that are squeezing down the buildable lot size. The owner still has to pay property taxes on an unusable portion of the property and it lowers the value, and so an opportunity to move the house towards the road to address what’s being taken from the other side gives value to this amendment. He said that he is supporting Amendments A, B, C, and D. He finalized by saying that he appreciates those folks that came forward with meaningful comments and encouraged them to continue to be engaged.

Councilmember Malich said that he doesn’t think that Amendments A and B are particularly important, and since he is the only Councilmember opposed to both C and D, he thinks they can be separated out. He thanked the people who petitioned, spoke, and expressed themselves because, he added, sometimes it feels lonely up here when you are the only one sharing an opinion. We voted for people that are intelligent, concerned, and want to do the right thing, but he said that he believes they are wrong. He doesn’t believe that the 27 foot height will make any difference whatsoever economically. The reason the downtown has become more vacant and less popular is because of Uptown and Gig Harbor North. All that development has drawn the people out of downtown into these outlying areas, so downtown is weak and not as popular, he said. We have a history of changing rules, and said he wonders if the 6,000 square foot rule will hold for much longer. He explained that in the case of Gig Harbor North, when Costco wanted to come in the Council voted to rezone the land to allow it. He admitted

that he shops at Costco like everyone else, but said it goes to show you that rules change all the time. That's why we need to hold the lid where we are at now; the 6,000 square foot rule for gross floor area restricts something like the Russell Building or a whole chain of giant buildings. But the future depends on who is on the Council. He said he is going to vote against the motion as it stands and that he feels it's his responsibility to represent the community; not just business.

Councilmember Young said that he wouldn't add too much more to what has already been said. He said he thought differently on Amendment D but appreciates the comments made by Councilmember Kadzik. He said we need to do something there, and perhaps there is a better approach than a blanket change, and maybe to get some relief to property owners who are getting squeezed. He addressed the 6,000 square foot and fear that there will be "big-box" buildings along the waterfront. He said it is never going to happen, and agreed that it shouldn't. But for the rest of the DB zone, it's economic suicide and you might as well admit you will never have a grocery downtown again. Council needs to deal with building size in a more intelligent manner throughout the area, separating out areas where that size limit isn't appropriate. He cited the old Thriftway site, saying that not only is 27 feet a no-brainer, but if you want to keep the area healthy, it simply has to be done. Keep in mind, he said, 6,000 square feet was a stop-gap while we were supposed to give it further consideration. Eight years later we still have done nothing about it partly because it's a difficult decision and what's acceptable to one person seems atrocious to another. He pointed out that the most historic and treasured buildings would not exist if the current regulations had been in place and so remember that when you talk about preserving the character of the community. In terms of economic development, to encourage businesses to be as healthy as possible, you need a lot of activity. He continued on to say that the reason cities thrive is because they have lots of customers roaming around at all times. Restaurants and retailers locate near and compete against each other because it creates more activity. If we want downtown to be healthy, these amendments are a step in the right direction; a very cautious and careful step.

Councilmember Young explained that the height amendment is based on the height of the existing historic buildings that people said they liked during the visioning process. This change reflects the character rather than changes it and he thinks it's important to move forward. He commented that he doesn't care what people say about him or when they disagree with him; it comes with the territory. But, he said, Staff and the Planning Commission have done nothing wrong. He reminded everyone that the Planning Commissioners are volunteers who give their time to the community. The insinuations are frustrating. Staff is just doing their job in trying to figure out what the Mayor and the Council want and the Planning Commission must come up ideas. He made it clear that he appreciates everything that they've done and said he is sorry that the process turned ugly.

Councilmember Payne agreed that most of downtown was built when there were no regulations and that it's charming, its wonderful, and the buildings added throughout the years have given it a patina and a variety that we can all cherish. Five of the

Councilmembers live downtown, and asked the question, “Why in the world we would want to destroy a place we cherish so much?” He explained that those two weeks ago we heard a long-time business owner say that he has watched it continue to die. You can blame the city because it allowed Uptown and Gig Harbor North, he added; but there is only so much that government should be allowed to control. If Costco, Albertson’s, or Home Depot wants to build, and are within the rules, they should be allowed; that’s what our U.S. Constitution is all about. But the rules downtown are very restrictive as you heard from Mr. Stanley who owns the Tides Tavern. Councilmember Payne said we are kind of proud of that reputation, but added that he also recognizes he can no longer buy a suit, shirt, or tie downtown. Other than Suzanne’s, he can no longer buy fresh bread, a gallon of milk, or have a prescription filled.

Councilmember Payne then responded to Councilmember Malich’s comment about being glad he represents the people. He stressed that he too represents the people, *and* his children who he hopes will be able to afford to live in this community one day. He said we have to create an opportunity and an environment for residential, business, as well as retail. Some may feel that these amendments are the ruination of our downtown, but if we continue to coddle and smother the downtown, it will continue to die. Councilmember Payne said that not enough people are spending their money downtown, and so, we have to create “churn” to give people a reason to be there. Frankly, he said, we have tired buildings, and old infrastructure. A large architectural firm or financial investment firm isn’t coming in unless they can build something that allows them to house their business. There aren’t enough businesses or residents located downtown to spend money or else we would still have a grocery, drugstore, and other basic services downtown. So this council continues to struggle with what is best for the community. He said that he hasn’t appreciated the tone coming from some folks, particularly with the citizen’s group, but he does appreciate the e-mails he has received and has invited everyone to come and visit with him; but only two have followed through. He said that he will be supportive of Amendments A, B, and C, and voiced concern with D, but said we must find a solution for this issue of taking property per state mandate. He added that he feels the Planning Commission has done a yeoman’s job thus far, but agrees “D” could be more limited in impact. He then said that one of the few people that came to meet with him was primarily concerned that there would be a building spree and with all the same architectural era. This is not something that Council can control, he said. The other concern was that downtown would all be residential, which made him think, because he has always envisioned this as bringing residential, Class A business, as well as retail. Part of the direction he would like to discuss after the vote is to ask the Planning Commission to look at use zoning; vertical zoning.

Councilmember Ekberg asked for clarification on Amendment D. He said that he agrees that something needs to be done to address the shoreline issue. He said that the amendment fits nicely in the Waterfront Millville area and there is very little left “in the hole.” He asked if it would be appropriate to move forward with D in only the Waterfront Millville zone.

Councilmember Kadzik said it was his opinion to send this back to the Planning Commission to come up with options. He said he has the feeling this was an add-on, and attached to the ordinance after the fact.

Planning Director Kester responded that the Planning Commission added this to their review process in January of this year, after it was referred by the Planning / Building Committee. Councilmember Kadzik said that because of all the concerns being brought up he again recommended that the Planning Commission take another look at this amendment.

Councilmember Young suggested changes to the variance process to allow a property that is encumbered by the shoreline regulations to apply. The properties that are the most constrained are also the most sensitive, he added.

Councilmember Kadzik narrated a PowerPoint presentation he created in response to many e-mails with comments based upon the Russell Building. The photos showed the property as it currently exists, and outlines of what could have been built on that property. He said the current view is gorgeous and credited both the Russell Family and the city. He said that many comments came to him regarding the "poor judgment by the city" for allowing the Russell Building. He said he and the Mayor were both on the Design Review Board when this project came through, and they took a leap of faith. The size and height fit the code existing at that time, but the design was very modern.

Councilmember Young pointed out that at that time there were no size restrictions, only a 16 foot height limit. Councilmember Kadzik agreed and continued to explain that all the nice things you see are a result of a deal in which the Russells gave the city a park and the city allowed them to build their project. He used photos of what could have been built if the city would have allowed a developer to construct a 16 foot high building right up to the sidewalk, with no space between buildings. He toggled between photos of what there is now to what could have been constructed and continued to explain that the property was for sale for \$750,000 in the mid 90's. When it was purchased in 1988, a plan came through for condos with shops. Steve Osguthorpe, Planning Director at that time, put an article in the newspaper with drawings of the proposed project, and everyone was happy with the project. Architecturally it was very nice, but what we got with the Russell Building is much nicer, and in his opinion the city came out on top. He said he doesn't know what it is people don't like about this park, but as a town, we need to get over it and just go out there and enjoy it.

Councilmember Payne said another concern we heard was flat-roofed buildings. On a recent walk he counted 25 two or three-story buildings in the Downtown Business and Waterfront Commercial zones. Out of those, 21 of them have flat roofs; so flat roofs are very much a part of Gig Harbor's history and charm. It's usually the gingerbread they put on top that makes you think it's not a flat roof. He then pointed out that in late August, an e-mail was sent to Lita Dawn Stanton from Nicholas Van, a State of Washington Historical Architect with the Department of Archeology and Historic Preservation. In that e-mail Mr. Van, an expert in his field, stated: "Historic preservation

is not meant to stagnate historic districts in a period of time. Rather, its intentions are to provide continued, urban life and pedestrian activity to an historic district. This often is possible through rehabilitation of historic structures as well as sensitivity designed in-fill construction. By allowing the increase in zoning height, the city would be matching many of the existing building heights as well as promoting in-fill development that can economically benefit the city, while giving the historic district additional support. This is a very sustainable approach and is very economically viable.” Councilmember Payne continued to say that we have to balance and preserve, but we also have to live and grow and continue this community.

Councilmember Malich defended his comments on the Russell Building saying that he was born and raised here and has seen tremendous change in the community; far beyond any others on the Council. It has changed radically over the years, and he has learned to live with it all; even the Russell Building. At the time it was built he said it represented a decline in the retail spaces in the downtown, and office space taking over the buildings. To have a viable retail area, you need a certain number of stores like you see in Poulsbo, LaConner or Leavenworth; retail that draws a crowd. You need a huge combination of a lot of small retail stores to bring people, and when you only have a handful, like we have today, there’s not enough draw. It would have been nice to have allowed more retail even though it would have been an eyesore; a wall of buildings like what was shown. He said he doesn’t like that either, but the idea of retail stores is important to downtown and that’s how you get the “churn.” So every time a new occupant comes into an existing building it affects the downtown area, and so we need to be concerned. He said we’ve talked about making Gig Harbor more walkable; it’s been a vision of the community and one of the reasons that he is dead set against the 27 foot height. He doesn’t see any economic gain; he doesn’t see it bringing more people downtown; and he doesn’t see how it attracts tourists if we have nothing but office buildings. We need the community to come back. He told the story of back when the downtown died in the 70s, and a group of business women got it going by deciding to form an organization and investing in tiny stores that made it attractive. It worked for a long time. But that’s kind of disappeared and he would like to see it come back. He commented that he doesn’t think we are going to get a grocery back downtown because Kroger made a decision not to have two QFCs side by side, so they shut one down and no one has come in to take its place.

Councilmember Payne clarified that was because they (Kroger’s) were losing \$300,000 in that location. He agreed with the comment that you have to have a mix of business and residential, and if you have too much of one or the other you kill it.

Councilmember Malich said we need another grocery store downtown and we’ve done everything we can to bring it; but we can’t do it as a city. The people who own the shopping center make the decision on what they want in there and until we get active in that shopping center and make some major changes in its design, we are going to have a bunch of empty buildings. The 27 foot height doesn’t make much difference whatsoever. His said the Russell Building didn’t add anything to downtown.

There was no further council deliberation. Legal Counsel Angela Summerfield asked that the changes to the ordinance be read into the record. Ms. Kester read the following:

On page 3 of 12 in the ordinance, the fourth, fifth, sixth, and seventh “Whereas statements” need to be removed. The first is “Whereas, the current height measurement locations...” and the last is “Whereas increasing the front yard setback and height measurement point...” will need to be removed. All of Section 3 would be removed; that’s the front setback section. And then on page 9, in Section 4a, the changes shown as underline / strikeout in items three and four would be removed. She said the revisions would be made and this would not need to come back.

RESTATED MOTION: Move to adopt amendments A, B, and C as presented, but not amendment D as read into the record.
Guernsey / Kadzik – six voted yes. Councilmember Malich voted no.

Councilmember Payne clarified for staff that Councilmember Kadzik suggested that the Planning Commission review a solution for the “house is a hole,” and he would like the Planning Department and Planning Commission to review vertical zoning for both the Waterfront Commercial and the Downtown Business zones. He asked if there was support for this.

Councilmember Ekberg said that staff would need to come back with the Planning Commission schedule to determine where these could be fit in. Ms. Kester explained that the Planning / Building Committee has a meeting next Monday and will include this discussion on the agenda. A report will come back to full council after that. She responded that the Planning Commission has been working on policies for vertical zoning in the harbor area, and the implementing regulations was to be included as part of the 2015 GMA Update. She said she will work with Senior Planner Peter Katich on ways to approach relief for the Shoreline Plan updates and how it fits into the schedule. She clarified that there are no specific proposals for the Finholm District.

Councilmember Young clarified for the audience that vertical zoning basically refers to retail or restaurant uses on the first floor with residential and office on the second floor.

NEW BUSINESS:

1. Public Hearing on 2014 Revenue Sources. Finance Director David Rodenbach presented the background for this public hearing for revenue sources for the general fund; a state requirement for passing tax levies in 2014. He gave an overview of the revenue summary before answering Councilmember Guernsey’s questions on collection rates now and before the recession.

Mayor Hunter left the meeting briefly and Mayor Pro Tem Ekberg opened the public hearing at 7:14 p.m. No one came forward to speak and the hearing closed.

2. Resolution No. 940 - 2013 Property Tax Levy / Resolution No. 941 – Excess Property Tax. David Rodenbach began with an apology for the confusion in these resolutions due to the format prescribed by the State Department of Revenue and explained the figures.

Mayor Hunter returned to the meeting. Councilmember Young commented that this is very confusing and suggested going back to the state to request it be clarified. Mr. Rodenbach explained that the state is strict in what they require, and Pierce County Assessor wants it back as prescribed by the state. He further clarified that the 0% increase is a direct result of the refunds.

MOTION: Move to adopt Resolution no. 940 certifying the 2013 regular tax levy.
Ekberg / Malich – unanimously approved.

MOTION: Move to adopt Resolution no. 941 levying the excess property tax.
Ekberg / Malich – unanimously approved.

3. Resolution No. 942 – Open Space at Skansie Brothers Park. Lita Dawn Stanton, Special Projects, presented the background for this resolution in support of preserving the open waters at Skansie Brothers Park.

Councilmember Guernsey voiced a concern that the language in the ordinance would tie the hands of future councils, which can't legally be done. She asked that the word "designating" to "recommends" in the ordinance. She also suggested that the environment there is "natural" and suggested removal of that word in the first paragraph of the second page.

Councilmember Malich agreed. Councilmember Ekberg commented that he recognizes that you can't bind future Councils, but said it's important that in the future people will recognize that at this point, this Council had a vision for this property. He said he has no problem changing the word from designate to recommends, which would have the same end result.

Councilmember Payne asked if any other waterfront park had been considered. Ms. Stanton responded that she isn't aware of discussion on any other park.

Park Commissioner Rhana Lovrovich said that there was no discussion on other parks. The Skansie Brothers Park is considered the city's crown jewel and so this is why the resolution came forward at this site.

Ms. Kester responded to a question from Councilmember Malich by saying that this refers to leased tidelands in front of the park.

MOTION: Move to adopt Resolution no. 942 as amended to change the word designate to recommends.

Guernsey / Perrow – unanimously approved.

STAFF REPORT:

City Administrator Denny Richards announced that the employees from the Wastewater Treatment Plant were busy closing up the Lift Station No. 4 and couldn't be here tonight to accept the award. He praised their hard work.

PUBLIC COMMENT: Mayor Hunter asked if anyone signed up to comment, and the list was forwarded to him.

Jeni Woock – 3412 Lewis Street / Citizens for the Preservation of Gig Harbor Waterfront. Ms. Woock used a pile of Styrofoam cubes to illustrate the over 1500 Gig Harbor citizens who she said are against the changes to the waterfront, and the ten who are in favor. She said that council overturned the will of the people. When asked if the signers on the petition live in city limits, she responded she hopes so.

Councilmember Young responded that the majority don't live in the city and asked how she can say it represents the will of the people. She said that they signed the petition, and others came and spoke and sent e-mails. She said she has some of the e-mails, and mentioned 70 pages of missing from the Freedom of Information Act, so anyway you look at it you did overturn the will of the people.

Charlotte Gerlof – 7712 73rd St. Ct. NW. Ms. Gerlof first said the audience is having difficulty in hearing what was said. She voiced her disappointment but said she accepts the vote. She said she takes offense of the use of the term used by Councilmember Kadzik that "logic" was used and how that reflects on other opinions. She then referred to Councilmember Payne's request for examples, and said she would like Council to find out what some examples of businesses that people would use. She said lots of business isn't possible in this economy, and then said there isn't a lot of room because of the topography. She said there are three big grocery stores just up the hill and one little market at Finholm. Uddenberg's is gone and she agreed that the building restrictions completely negate the ability for a grocery store to be down there. She asked that we identify what is needed by the businesses to thrive. Ask what kind of restaurants could compete, why is the bakery gone? Do some studies to find out what people want downtown. She then mentioned the suggestion that to get a view you need to hike up Pioneer, asking if that makes any sense. She said a lot of simple things have been missed and asked to take another view.

Councilmember Payne responded to the assumption that the city hasn't thought this through, stressing that it has. We have talked to commercial real estate folks who are making suggestions. He said that the best way to interact with is to meet with Councilmembers personally. Ms. Gerlof said she plans to do that, emphasizing her love for this place and how she is going to do what she can to understand how to make it better. She challenged Councilmembers, as elected officials with a responsibility, to look

at it both on a personal and professional level, and to be careful with this most amazing community. She said that if there are businesses identified, then let the public know.

Councilmember Perrow spoke of the visioning process spearheaded by Councilmember Guernsey was an extensive effort and early process that led to this point. It was also reflected in the many meetings that have been held on this subject, he added.

Councilmember Kadzik suggested Ms. Gerlof stop by the Gig Harbor Waterfront Alliance who is doing all the things that she has recommended. He said perhaps she could offer to volunteer. She responded that she volunteers quite a bit and has a handle on this community; she has lived here for over 20 years. She agreed there has to more citizen involvement, but said we have to be careful of the assumptions we make. She said Council was offended, but they get offended personally, adding that she doesn't like to be patronized and no one should be treated with disrespect. She also asked for transparency.

Drea Solan – 3416 135th St. Ct. NW. Mr. Solan voiced concern with the process. He said it was good to hear from each Councilmember, saying it should happen up front to help to avoid misinformation, people thinking the worst, or that there are ulterior motives. He said not everyone is misguided. He said he visited the office for Heron's Key and got a map of all Borgen Boulevard which shocked him to realize what all is going to happen there with no balance. He said his point is we exude a "build it and they will come" philosophy with the waterfront, but where is the data. He said you want people, and there will be thousands 1-1/2 miles away that will find their way to get out of their congested areas. He said we don't need taller buildings; and he likes the musty smelling El Pueblito building and he hopes it stays that way. He talks to others who love coming to Gig Harbor who are shocked. They aren't going to come for a 27 foot high nail salon that they can get at home. He said he understands a lot of thinking has gone into this even though we don't agree, he gets that there are great minds trying to make the right decision, but a lot of times it doesn't happen because you aren't asking the right people. He used the remake of the drive-through at the post office as an example of the need for a usability study. Talk to people on the street that will come and spend money. You don't seem to be running into those people who are shocked and dismayed; thousands of them.

Patrick Quigg – (no address given). Mr. Quigg said he is amendment "D." He said that he bought the property in residential Millville in August 2000. He met with the Planning Department in October, 2012. It was his intent then, and now, to improve a dilapidated netshed to the historic standards. He described the dilapidated residence with raw garbage and wine bottles right there in beautiful downtown Gig Harbor, and said he made a commitment to improve it. He described the process to hire an architect to present a plan to the Planning Commission for this amendment, because the variance process would take too long. Now this is referred back to the Planning Commission. He begged for understanding that he doesn't want to wait another year for the process; he is ready to go.

Greg Hoeksema – 9105 Peacock Hill Ave. Mr. Hoeksema said that the decision has been made on Amendment D, but said he hopes there will be a lot of public input to address this house in a hole issue. He agreed it is the historic look in Gig Harbor. He said that he has a spectacular view of the harbor from his home and so a change to allow houses to move forward and up will have a direct impact on him. Just as important, people walk on the waterside of Harborview Drive so the pedestrian experience will be impacted. He referred to properties that lie north of the Waterfront Inn that are waiting for this decision to build. He also talked about a property granted a variance for an out of place, ugly garage that has detracted from people who walk along Harborview. He talked about property owners that sold out and left town, and his fear of these things happening, asking Council to take a keen look as they contemplate the impacts on the future of residential Millville and North Harborview Drive.

Councilmember Guernsey asked Staff to define the process so Mr. Hoeksema could stay involved. Jennifer Kester explained that she doesn't know the process at this time, but the Planning Commission meets the 1st and 3rd Thursdays of every month at 5:00 p.m. They discuss what's on their work program which is currently the harbor element of the comprehensive plan that looks at the entire harbor area regulations related to use, size, and activity. They are considering an open house in December. Through those policies implementing regulations will be developed. The city's website has all the meeting notices and agendas, she said. There is also a planning department webpage: gigharborplanning.com which will house any pertinent information for big initiatives. In addition, if someone has provided an e-mail address, they will be contacted.

Mr. Hoeksema said he is aware of this information. He said his point is that Council needs to step back and try to understand why and how they have lost trust of part of the population of Gig Harbor. He reinforced the comment that it was nice to hear Councilmember speak, and until tonight he didn't know where anyone was coming from on this important and controversial topic. He said he plans to stay involved; he thinks Council made a mistake because there was no economic study to support the decision. His own research of small town revitalizing didn't result in one example of this plan. They did it by what you are already doing: polishing up, creating parks, investing money. You are right saying there dilapidated buildings; these towns found unique funding options through state and federal funding to dress up store fronts.

Councilmember Payne clarified that proposal for Amendment D was for 18 foot height moved closer to the street; not 27 feet as Mr. Hoeksema stated.

Councilmember Kadzik addressed the misconception regarding something he said regarding the walk up Pioneer. He said that his point was that the slope of the view basin is such that a 27 foot high building on Harborview is quickly minimized for residents that live up the hill; not people walking in the harbor.

Larry Johnson – 10302 36th Place. Mr. Johnson addressed Resolution No. 942 adopted earlier. He stressed that changing the word from designate to recommend has huge legal impacts; it allows anything. He encouraged Council in the future to not change

critical action words. He said that Pierce County did the same thing by changing “shall” to “should” in the shoreline update, and by doing so it will be less effective when there are appeals to the Hearing Examiner, Judges, and the Court of Appeals.

Councilmember Ekberg responded by saying future Councilmembers could pass another resolution at any time; it’s not as binding as the Shoreline Master Plan. Councilmember Young added that this is why we changed the wording; to avoid misleading someone into thinking that it is binding in some way.

MAYOR’S REPORT / COUNCIL COMMENTS:

Councilmember Payne reminded the public of the city’s website and invited them if they want to get to know Council, to let them know.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Planning/Building Committee: Mon. Nov. 4th at 5:15 p.m.
2. Public Hearing / Open House for Ancich Waterfront Visioning: Wed. Nov. 6th at 4:00 p.m.
3. Civic Center Closed for Veterans Day – Mon. Nov. 11th
4. City Council Meeting on Tue. Nov. 12th at 5:30 p.m.
5. Operations Committee – Thur. Nov. 21st at 3:00 p.m.

ADJOURN:

MOTION: Move to adjourn at 8:11 p.m.
Perrow/ Payne – unanimously approved.

CD recorder utilized: Tracks 1002 – 1040

Charles L. Hunter, Mayor

Molly Towslee, City Clerk

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, in 2013, an estimated 45,220 people will be diagnosed with pancreatic cancer in the United States and 38,460 will die from the disease;

WHEREAS, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent;

WHEREAS, when symptoms of pancreatic cancer present themselves, it is late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS, approximately 850 deaths will occur in Washington State in 2013;

WHEREAS, the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020;

WHEREAS, the U.S. Congress passed the *Recalcitrant Cancer Research Act* last year, which calls on the National Cancer Institute to develop a scientific frameworks, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS, the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the City of Gig Harbor, Washington and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in the City of Gig Harbor support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS, the good health and well-being of the residents of the City of Gig Harbor are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

NOW, THEREFORE, I, Charles Hunter, Mayor of the City of Gig Harbor, do proclaim the month of November, as

Pancreatic Cancer Awareness Month

In the City of Gig Harbor. In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 12th day of November, 2013.

Mayor, City of Gig Harbor

Date

PROCLAMATION OF THE MAYOR OF THE CITY OF GIG HARBOR

WHEREAS, Chapel Hill United Presbyterian Church was founded fifty years ago on November 17, 1963 in Gig Harbor, Washington under the leadership of Reverend Paul Neel and 96 Charter Members; and

WHEREAS, the founding Charter Members purchased ten acres of land on the corner of Skansie Avenue and Rosedale Street in November of 1963 as the future site of Chapel Hill Presbyterian Church; and

WHEREAS, the church has been under the leadership of The Reverend Dr. Mark J. Toone since September 3, 1987; and

WHEREAS, the Pastors and Congregation of the church have provided many opportunities for spiritual enrichment for the community through programs such as the *Preschool* launching a love of learning in young children, *Las Amigas/Back up Buddies/Las Hermanas/Las Palomes* mentoring students in need of adult support, *Celebrate Recovery* and *Lay Counseling* offering guidance and direction to adults, *Middle School, High School, and SOAR* programs supporting youth, *Upwards Sports* teaching hundreds of children, each year, strong character, confidence and spirit ; and

WHEREAS, the church serves the community and supports many organizations who serve those in need, both locally through the *Titus Deacons* who give financial aid to hundreds of individuals and families each year seeking help in our community, the *Purdy Prison Ministry* and *Celebrate Recovery Inside* for the Washington Corrections Center for Women, *Military Support* for those at home and deployed, supporting ministries such as *Habitat for Humanity, Salvation Army, Safe Families, Fostering Hope, Food Backpacks 4 Kids, CareNet, and Tacoma Rescue Mission and Street Ministries*, and globally supporting both long-term and short-term missions opportunities ministering to the hurting; and

WHEREAS, the church facilities have been a venue for a variety of community activities and events such as all-school concerts, honoring community members through memorial services, providing refuge as a Pierce County Emergency Shelter, hosting award banquets for outstanding students and leaders, providing a quiet place for academic testing, and offering community concerts for the enjoyment of all.

NOW, THEREFORE, on the occasion of its 50th Anniversary celebrating faithful Christian service to the community, I, Charles Hunter, Mayor of the City of Gig Harbor, do proclaim November 17, 2013 shall be declared and designated as:

CHAPEL HILL PRESBYTERIAN CHURCH DAY

And invite all citizens of Gig Harbor to join me in this special observance. In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 12th day of November.

Mayor, City of Gig Harbor

Date



Business of the City Council
City of Gig Harbor, WA

Subject:

Resolution 943, declaring a portion of City Owned Parcel Number 4002470070 to be converted to Street Right-of Way.

Proposed Council Action:

Adopt Resolution No. 943

Dept. Origin: Public Works/Engineering

Prepared by: Stephen T. Misiurak, P.E.
City Engineer

For Agenda of November 12, 2013

Exhibits: Resolution 943
Vicinity Map

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

Initial & Date

CH 11/4/13

R 11/1/13

Via email

N/A

11/1/13

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

This Resolution, upon adoption and recordation, will convert a portion of the City owned parcel No. 4002470070 to street right-of-way. This area of dedication will become a portion of Sentinel Drive as reflected in the proposed Harbor Hill Final Plat. This public street will be the only ingress and egress from Harbor Hill Drive into the Plat.

The proposed right-of-way also encompasses an existing stream cross culvert that crosses under the new street. Declaring this portion of property as City right of way is consistent with the terms and conditions of the Harbor Hill Development Agreement.

BOARD OR COMMITTEE RECOMMENDATION

None

FISCAL CONSIDERATION

None

RECOMMENDATION/MOTION

Adopt Resolution No. 943.

RESOLUTION NO. 943

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DECLARING A PORTION OF CITY OF GIG HARBOR OWNED PARCEL NUMBER 4002470070 TO BE RIGHT-OF-WAY OF THE CITY OF GIG HARBOR.

WHEREAS, the City of Gig Harbor is the owner of certain real property, identified by the Pierce County Assessor's office as APN 4002470070, as shown on Exhibit A and legally described on Exhibit B, all of which are attached to incorporated into this Resolution; and

WHEREAS, the City has agreed that, based on the proposed right-of-way of Harbor Hill Plat Phase S-9 as described in the Harbor Hill Development Agreement (AFN 201011241249) and contingent on the Final Plat approval of the development, declaration of a portion of said parcel as right-of-way is appropriate; and

WHEREAS, a portion of said parcel as shown on Exhibit C and legally described on Exhibit D to be declared as right-of-way is adjacent to the existing parcel of Harbor Hill Plat Phase S-9 , identified by the Pierce County Assessor's office as APN 0222311009; and

WHEREAS, declaring a portion of said parcel as right-of-way is in accordance with the City's goal to create connectivity of public right-of-way and consistent with the terms of the Harbor Hill Development Agreement; and

WHEREAS, the City Council has the power to declare portions of City owned parcels as rights of way;

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

A portion of Assessor Parcel Number 4002470070, which is owned by the City of Gig Harbor, as shown on Exhibit C and legally described on Exhibit D, is hereby declared to be right-of-way of the City of Gig Harbor.

RESOLVED by the City Council this 12th day of November, 2013.

APPROVED:

MAYOR CHARLES L. HUNTER

Exhibit A Property Location Map

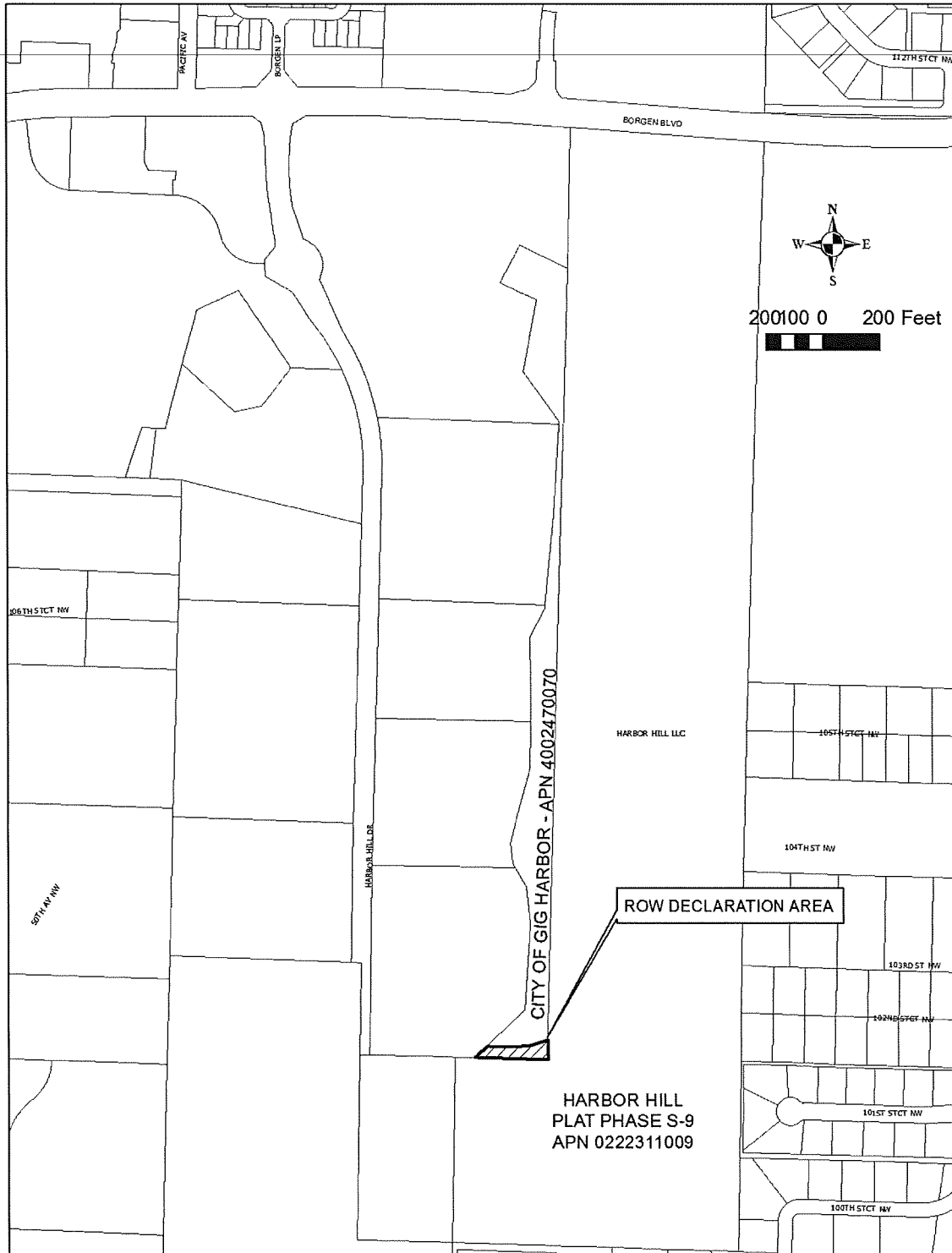
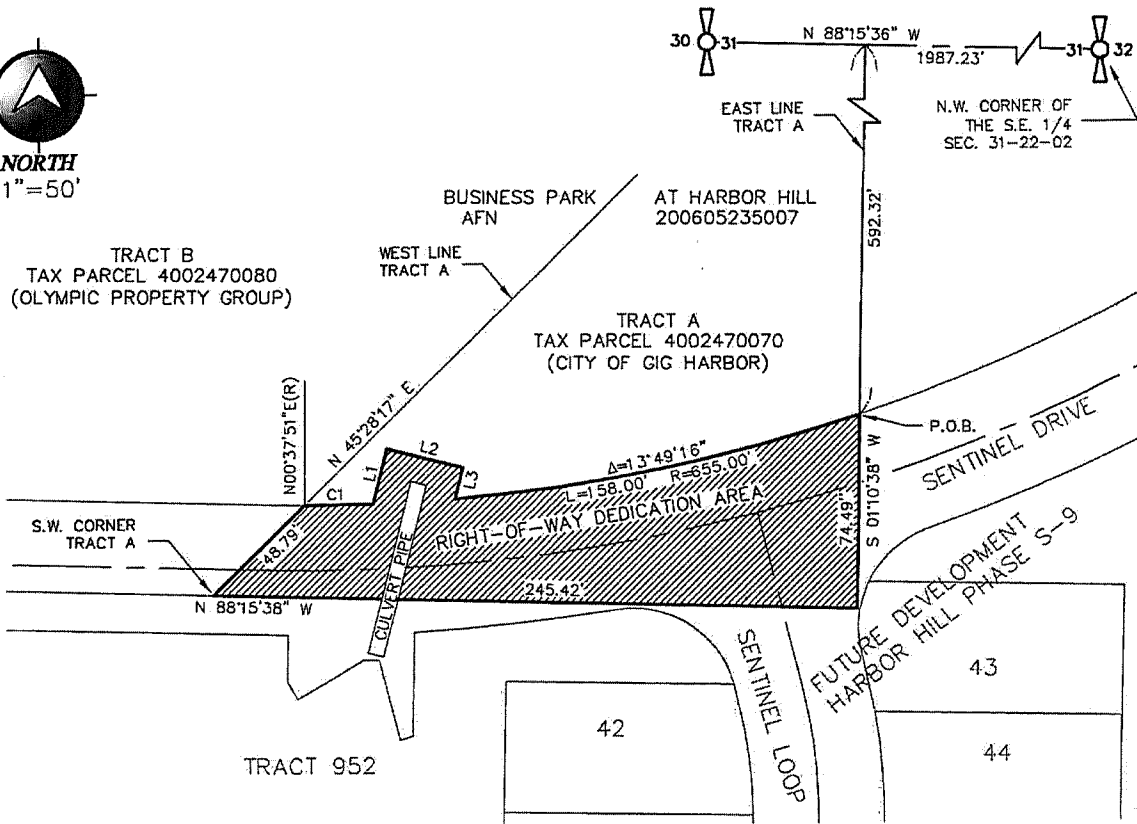


Exhibit B
Property Legal Description

Section 31 Township 22 Range 02 Quarter 13 Plat BUSINESS PARK AT HARBOR
HILL TRACT A OPEN SPACE DEDICATED TO CY OF GIG HARBOR OUT OF 02-22-
31-1-008, 2-040 & 3-043 SEG 2006-1182 JU 6/1/06JU

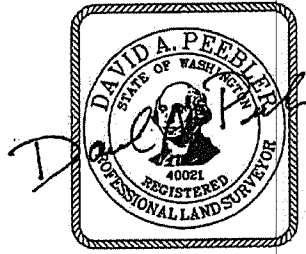


Page 5 of 6



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	2°17'16"	655.00'	26.16'

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.77	N14°04'26"E
L2	30.00	S75°55'34"E
L3	12.54	S14°04'26"W



10/22/2013

Right of Way Declaration Area Map

Exhibit C

Exhibit D

Right of Way Declaration Legal Description

That portion of Tract A of the Plat of Business Park at Harbor Hill, as recorded under Auditor File Number 200605235007, records of Pierce County, Washington. Also being a portion of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 31, Township 22 North, Range 2 East, W.M., City of Gig Harbor, Pierce County, Washington, more particularly described as follows:

Commencing at the Northeast corner of the Southeast quarter of Section 31, Township 22 North, Range 2 East, W.M., City of Gig Harbor, Pierce County, Washington;
Thence North $88^{\circ}15'36''$ West 1987.23 feet along the north line of said Southeast quarter to the east line of said Tract A, Plat of Business Park at Harbor Hill;
Thence South $01^{\circ}10'38''$ West 592.32 feet along the east line of said Tract A to the **Point of Beginning**;
Thence continuing along said east line of Tract A, South $01^{\circ}10'38''$ West 74.49 feet to the southeast corner of said Tract A;
Thence North $88^{\circ}15'38''$ West 245.42 feet along the south line of said Tract A to the southwest corner of said Tract A;
Thence North $45^{\circ}28'17''$ East 48.79 feet along the west line of said Tract A to the beginning of a non-tangent curve left having a radius 655.00 feet, from which the radius center bears North $00^{\circ}37'51''$ East; Thence easterly along said curve 26.16 feet through a central angle of $2^{\circ}17'16''$;
Thence North $14^{\circ}04'26''$ East 21.77 feet;
Thence South $75^{\circ}55'34''$ East 30.00 feet;
Thence South $14^{\circ}04'26''$ West 12.54 feet to the beginning of a non-tangent curve left having a radius of 665.00 feet, from which the center bears North $4^{\circ}24'11''$ West; Thence easterly along said curve 158.00 feet through a central angle of $13^{\circ}49'16''$ to the east line of said Tract A and the **Point of Beginning**.

Containing 11,448 square feet, more or less.





Business of the City Council
City of Gig Harbor, WA

Subject:

Dedication of Right-of-Way Agreement of a portion of Tract B of the Business Park at Harbor Hill

Dept. Origin: Public Works/Engineering

Prepared by: Stephen T. Misiurak, P.E.
City Engineer

Proposed Council Action:

Accept and authorize the Mayor to execute the Dedication of Right-of-Way Agreement

For Agenda of: November 12, 2013

Exhibits: Dedication of Right-of Way Agreement
Vicinity Map

	Initial & Date
Concurred by Mayor:	<u>CLH 11/4/13</u>
Approved by City Administrator:	<u>R 11/1/13</u>
Approved as to form by City Atty:	Via email
Approved by Finance Director:	N/A
Approved by Department Head:	<u>[Signature] 11/1/13</u>

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

This Right-of-Way Dedication Agreement, upon adoption and recordation, will convert a portion of Tract B of the Business Park at Harbor Hill (parcel No. 4002470080) to street right-of-way. This area of dedication will become a portion of Sentinel Drive as reflected in the proposed Harbor Hill Final Plat. This street will be the only ingress and egress from Harbor Hill Drive into the Plat. The proposed right-of way will also widen the southern portion of Harbor Hill Drive in accordance with the terms and conditions of the Harbor Hill Development Agreement.

BOARD OR COMMITTEE RECOMMENDATION

None

FISCAL CONSIDERATION

None

RECOMMENDATION/MOTION

Accept and authorize the Mayor to execute the Dedication of Right-of-Way Agreement ,

AFTER RECORDING RETURN TO:

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

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S INDEXING FORM

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

Dedication of Right-of-Way

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

Harbor Hill LLC

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

City of Gig Harbor

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

Section 31, Township 22, Range 02, Quarter 42

Assessor's Property Tax Parcel or Account Number: 4002470080

Reference Number(s) of Documents assigned or released:

**DEDICATION OF
RIGHT-OF-WAY**

THIS DEDICATION OF RIGHT-OF-WAY, executed this date by Harbor Hill LLC, a limited liability corporation, whose mailing address is 19950 7th Avenue NE, Suite 200, Poulsbo, WA 98370, as the "Grantor" herein:

WITNESSETH:

WHEREAS, Grantor owns a fee simple interest in the following real property, commonly known as Tract B of Business Park at Harbor Hill, Gig Harbor, Washington, 98332 and legally described in **Exhibit A** attached hereto and incorporated herein (the "Property"); and

WHEREAS, Grantor desires to grant to the City of Gig Harbor (the "City") an easement area of approximately 0.41 acres consisting of a tapered 10 foot wide by approximately 487 feet long portion along the west side of said parcel abutting Harbor Hill Drive and a 35 foot wide by approximately 364 feet long portion along the south side of said parcel abutting parcel numbers 0222314016, 0222311009, and 4002470070 and to be utilized for right-of-way and utility purposes;

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged,

GRANTOR HEREBY GRANTS AND CONVEYS to the City, a perpetual, nonexclusive right-of-way easement, to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, improve, replace and remove right-of-way and right-of-way related improvements and utilities under, over, in, along, across and upon that portion of the Property described in **Exhibit B** attached hereto and incorporated herein (the "Right-of-Way Easement"). The location of the Right-of-Way Easement is shown on the Right-of-Way Easement Location Map attached hereto as **Exhibit C** and incorporated herein.

[Remainder of page intentionally left blank.]

This Dedication of Right-of-Way shall be recorded in the records of the Pierce County Auditor and shall constitute a covenant running with the land for the benefit of the City, its successors and assigns.

IN WITNESS WHEREOF, the Grantor has caused this Dedication of Right-of-Way to be executed this _____ day of _____, 2013.

GRANTOR:

By: _____
Its: _____
Print Name: _____

ACCEPTED:

CITY OF GIG HARBOR

By: _____
Its: Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of _____, 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: _____

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

Section 31 Township 22 Range 02 Quarter 42 Plat BUSINESS PARK AT HARBOR
HILL TRACT B STORM DRAINAGE CONTROL OUT OF 02-22-31-1-008, 2-040 & 3-
043 SEG 2006-1182 JU 6/1/06JU

Tract B of Business Park at Harbor Hill as recorded under Pierce County Auditor File
Number 200605235007, records of Pierce County, State of Washington.

EXHIBIT B
RIGHT-OF-WAY EASEMENT LEGAL DESCRIPTION

A portion of Tract B of Business Park at Harbor Hill as recorded under Pierce County Auditor File Number 200605235007, records of Pierce County, State of Washington.

Commencing at the southeast corner of the northeast quarter of Section 31, Township 22 North, Range 2 East, W.M., City of Gig Harbor, Pierce County, State of Washington;

Thence North $88^{\circ}15'36''$ West 2615.26 feet along the south line of the Northeast quarter of said Section 31 to the northwest corner of said Tract B, also being the east right-of-way margin of Harbor Hill Drive;

Thence South $01^{\circ}10'38''$ West 180.29 feet along said east line of said Tract B and east margin of Harbor Hill Drive to the **Point of Beginning**;

Thence South $03^{\circ}03'22''$ East 135.46 feet to a point 10 feet east of the west line of said Tract B and east margin of Harbor Hill Drive;

Thence South $01^{\circ}10'38''$ West 286.70 feet parallel with the west line of said Tract B and east margin of Harbor Hill Drive to the beginning of a curve left having a radius of 30.00 feet; Thence southerly and easterly through said curve through a central angle of $89^{\circ}26'14''$ and arc distance of 46.83 feet to a point 35 feet north of the south line of said Tract B;

Thence South $88^{\circ}15'36''$ East 364.30 feet parallel with said south line of Tract B to the beginning of a curve left having a radius of 655.00 feet; Thence east along said curve through a central angle of $01^{\circ}06'34''$ an arc distance of 12.68 feet to the east line of said Tract B;

Thence South $45^{\circ}28'17''$ West 48.79 feet along the east line of Tract B to the southeast corner of said Tract B;

Thence North $88^{\circ}15'36''$ West 382.61 feet along said south line of Tract B to the southwest corner of said Tract B and east margin of Harbor Hill Drive;

Thence North $01^{\circ}10'38''$ East 486.54 feet along the west line of said Tract B and east margin of Harbor Hill Drive to the **Point of Beginning**.

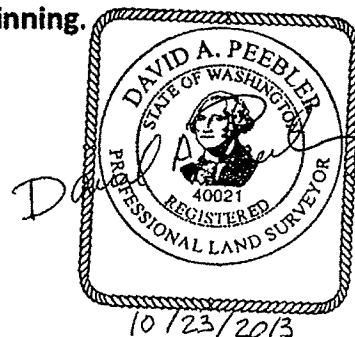
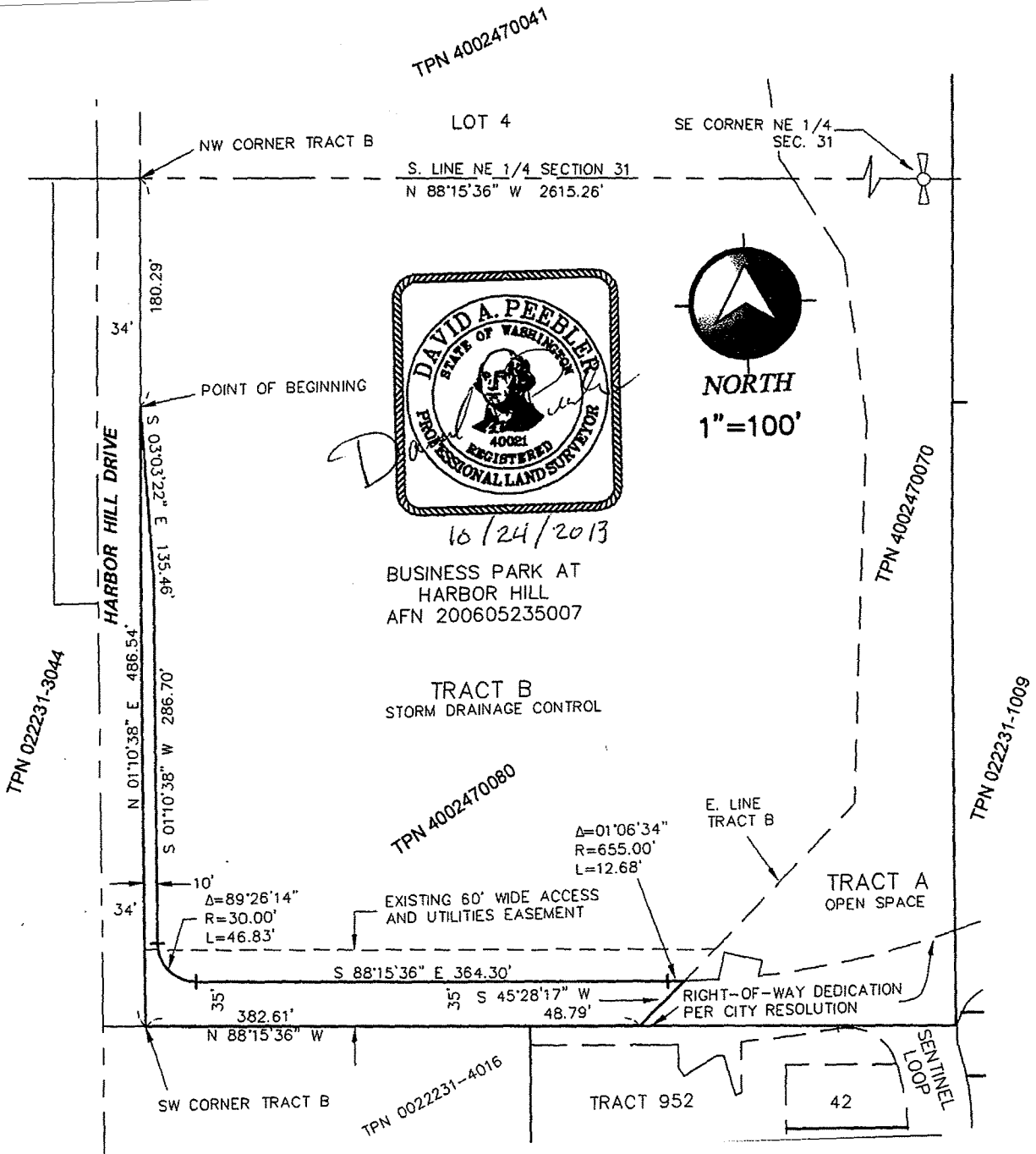
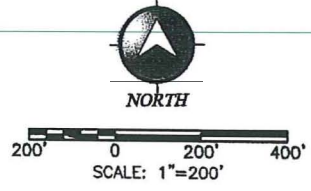


EXHIBIT C
RIGHT-OF-WAY EASEMENT LOCATION MAP



HARBOR HILL PHASE S-9 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT

A PORTION OF THE WEST HALF OF THE NE 1/4, AND THE NW 1/4 OF THE SE 1/4 OF
SECTION 31, TOWNSHIP 22 NORTH, RANGE 02 EAST, W.M.,
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON
SEE RIGHT-OF-WAY
DETAIL SHEET 4



Dedication of
Right-of-Way Area



10/22/2013

TRACT X DETAIL

PointWise, PLLC

27630 MILITARY ROAD SOUTH
AUBURN, WA 98001
(425) 503-0158

DRAWN:	SHEET:	9 OF 9
LJ/DP	FILE NAME:	HARBORHILLS-9PLAT.DWG
CHECKED:	PROJECT NO.:	2509-007
DP	DATE:	OCTOBER 22, 2013



Business of the City Council
City of Gig Harbor, WA

Subject: 2013 Pavement Maintenance and Repair Project (CSP-1312) – Closeout Deductive Change Order No. 1 Lakeridge Paving Company.

Proposed Council Action: Approve and authorize the Mayor to execute this final Deductive Change Order No. 1 with Lakeridge Paving Co. in the credit amount of **(\$32,326.25)**.

Dept. Origin: Public Works/Engineering
Prepared by: Stephen Misiurak, PE City Engineer
For Agenda of: November 12, 2013
Exhibits: Closeout Deductive Change Order No. 1
Cost Summary Sheet

Concurred by Mayor: Initial & Date
Approved by City Administrator:
Approved as to form by City Atty:
Approved by Finance Director:
Approved by Department Head:

Initial & Date
SM 11/7/13
R 11/7/13
by email 11-5-13
DR 11/7/13
SM 11/7/13

Expenditure Required	(\$32,326.25)	Amount Budgeted	\$275,000.00	Appropriation Required	\$0
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INFORMATION / BACKGROUND

The purpose of this Closeout Deductive Change Order is to reconcile all the contract bid items and to arrive at the final contract amount.

This final Deductive Change Order is in the credit amount of **(\$32,326.25)**.

FISCAL CONSIDERATION


The contract for this project was originally awarded to Lakeridge Paving Company on July 9, 2013, in the amount of \$203,172.24 with a City Engineer Change Order Authority of \$20,000 for a total construction budget of \$223,172.24. The total allocated budget amount for this project was \$275,000. A combination of the savings resulting from very competitive bid pricing as well as, during the course of construction of the project, several project bid items changed in quantity resulting in cost savings, as well as the City's construction oversight resulted in the project overall cost savings over \$99,000 (see attached Cost Summary sheet). All alternate bid schedules in the project were awarded and project savings was accomplished through a strong City project management team.

BOARD OR COMMITTEE RECOMMENDATION

None.

RECOMMENDATION / MOTION

Move to: Approve and authorize the Mayor to execute Deductive Change Order No. 1 with Lakeridge Paving Co. for the 2013 Pavement Maintenance and Repair Project in the credit amount of **(\$32,326.25)**, which results in a final construction cost of \$170,845.99.

Date: 10/25/2013	 City of Gig Harbor Public Works Department Change Order Form	CO # 1 Page 1 of 1
----------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------

Order by Engineer under terms of Section 1-04.4 of Standard Specifications
 Change Proposed by Contractor

Project No.: CSP-1312
 Project Name: 2013 Pavement Maintenance Project
 Contractor Name: Lakeridge Paving Company
 Contractor Address: PO Box 8500
 Covington, WA 98042

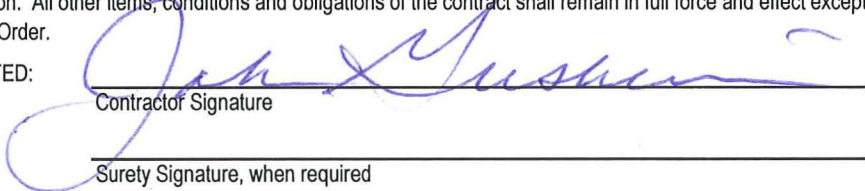
When this Change Order has been approved by the City Engineer, you are directed to make the changes described below to the plans and specifications or to complete the following described work originally not included in the plans and specifications of the project contract. This adjustment shall include full payment for all items required for such work, including, without limitation: all compensation for all direct and indirect costs for such work; costs for adjustments to scheduling and sequence of work; equipment; materials delivery; project "acceleration"; costs for labor, material, equipment and incidental items; overhead costs and supervision, including all extended overhead and office overhead of every nature and description. All work, materials, and measurements shall be in accordance with the provisions of the Standard Specifications, the Special Provisions, or as provided by this Change Order for the type of construction involved.

Description of Changes	Qty	Unit	Unit Price	Decrease in Contract Price	Increase in Contract Price
Closeout Change Order to Reconcile Quantities					
<u>Bid Item</u>	<u>Bid Item Description</u>				
A-4	44.70	SY	\$ 11.60		\$ 518.52
A-5	-37.80	TON	\$ 105.00	\$ 3,969.00	
A-7	-1	FA	\$ 2,000.00	\$ 2,000.00	
B-5	-12.99	SY	\$ 54.75	\$ 711.20	
B-6	-393.97	SY	\$ 5.50	\$ 2,166.84	
B7	-85.17	TON	\$ 86.75	\$ 7,388.50	
B-9	1	EA	\$ 375.00		\$ 375.00
B-11	-1	FA	\$ 2,000.00	\$ 2,000.00	
C-3	10.60	SY	\$ 5.50		\$ 58.30
C-4	-40	TON	\$ 85.25	\$ 3,410.00	
C-5	-1	EA	\$ 270.00	\$ 270.00	
C-6	-1	EA	\$ 375.00	\$ 375.00	
C-8	-1	FA	\$ 2,000.00	\$ 2,000.00	
D-3	-155.70	SY	\$ 5.50	\$ 856.35	
D-4	-71.92	TON	\$ 85.25	\$ 6,131.18	
D-7	-1	FA	\$ 2,000.00	\$ 2,000.00	
Sub-total =				\$ 33,278.07	\$ 951.82
Tax Rate = 8.5%				Tax = \$ -	
Totals =				\$ 33,278.07	\$ 951.82

Original Contract Amount	Total Changes by Previous Change Orders	Total Amount of this Change Order	Adjust Contract Amount Including this Change Order
\$203,172.24	\$0.00	(\$32,326.25)	\$170,845.99

This Change Order revises the time for substantial completion by:
 working day increase. working day decrease. no change in working days.

By accepting this Change Order, or by failing to follow the procedures of Section 1-04.5 and Section 1-09.11 of Standard Specifications and as amended by the Special Provisions, the Contractor attests that the Contract adjustment for time and money as provided herein is adequate, and constitutes compensation in full for all costs, claims, mark-up, and expenses, direct or indirect, attributable to this or any other prior Change Order(s). The Contractor further attests that the equitable adjustment provided herein constitutes compensation in full for any and all delays, acceleration, or loss of efficiency encountered by the Contractor in the performance of the Work through the date of this Change Order, and for the performance of any prior Change Order by or before the date of substantial completion. All other items, conditions and obligations of the contract shall remain in full force and effect except as expressly modified herein, in writing, by this Change Order.

ACCEPTED:  _____
 Contractor Signature

11/9/13

 Date

 Surety Signature, when required

 Date

APPROVED: _____
 Charles L. Hunter, Mayor

 Date



2013 Pavement Maintenance Project (CSP-1312)

COSTS						
Design			Budgeted	Payments	Est. ? Y/N	Surplus
Design	COGH Staff				N	0.00
						0.00
	TOTAL		0.00		N	
						0.00
	Misc. Outreach, copies, permits			45.00		
		<i>subtotal</i>	0.00	45.00		0.00
Construction						
	Project Management					
4/23/12	Material Testing	Construction Testing Laboratories	3,293.00	3,093.00	N	200.00
	City Engineer C.O. Authority		500.00	0.00		500.00
					N	
		<i>subtotal</i>	3,793.00	3,093.00		700.00
Construction						
4/23/12	Construction Contract	Lakeridge Paving Co.	203,172.24	170,846.01	N	32,326.23
	City Engineer C. O. Authority		\$20,000.00	0.00		20,000.00
	Re-establish Survey Mon	Prizm Surveying		1,165.00		-1,165.00
	Misc. Inspector Expenses					0.00
	COGH Staff				N	0.00
		<i>subtotal</i>	223,172.24	172,011.01		51,161.23
Total Estimated Design & Construction Costs			\$226,965.24	\$175,149.01		\$51,861.23

FUNDING SOURCES			
	Budgeted	Actual	Surplus
2013 Budget - Streets Operating Fund	275,000.00	\$175,149.01	99,850.99
			0.00
			0.00
			0.00
Total Funding	\$275,000.00	\$175,149.01	\$99,850.99

Revised: October 15, 2013	TOTAL PROJECT	
	Surplus \$99,850.99	

RECEIVED

SEP 16 2013

CITY OF GIG HARBOR



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 12, 2013

Chuck Hunter, Mayor
City of Gig Harbor
3510 Grandview St
Gig Harbor, WA 98335

Re: Outstanding Wastewater Treatment Plant Award for the Gig Harbor Wastewater Treatment Plant under National Pollutant Discharge Elimination System (NPDES) Permit #WA0023957

Dear Mayor Hunter:

Congratulations on receiving the Outstanding Wastewater Treatment Plant Award for 2012. The Department of Ecology's Northwest Regional Office commends the City of Gig Harbor for the superior performance of its wastewater treatment plant. The outstanding record of the Gig Harbor Wastewater Treatment Plant places it among the top municipal wastewater treatment plants in Washington.

We recognize that achieving this award is not an easy task. It takes hard work and dedication from everyone in the organization. From the operations and maintenance staff at the plant to the organization's engineering, administrative support and management staff, all play a vital role in ensuring the plant complies with the terms and conditions of your NPDES permit. Ecology appreciates the Gig Harbor Wastewater Treatment Plant team's commitment.

Successfully operating and maintaining a wastewater treatment plant in top-running order 24-hours a day, 365-days a year also takes strong support from the community it serves. This award not only acknowledges the hard work of the plant staff, it also recognizes the commitment the community makes to effective wastewater treatment. Ecology and the State of Washington are grateful for your community's contribution to safeguarding the valuable environmental, social, and economic benefits of the Colvos Passage, Puget Sound. We look forward to continuing excellence in the years to come.

Please present the enclosed plaque to the operating staff of the treatment plant.

Thank you for working with us to protect Washington State's water quality.

Sincerely,

Kevin C. Fitzpatrick
Water Quality Section Manager

cc: Darrell Winans, WWTP Supervisor
Steve Misiurak, City Engineer
Norine Landon, Senior Operator
Jeff Langhelm, Public Works Director
Amy Jankowiak, Ecology Compliance Specialist
Mike Dawda, Ecology Permit Manager
Central Files: City of Gig Harbor Wastewater Treatment Plant; Permit No. WA0023957; WQ 7.1





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

Subject: Third Reading of Ordinance – Public Works Standards Update

Proposed Council Action: Adopt Ordinance No. 1273 for the update of the Public Works Standards.

Dept. Origin: Public Works

Prepared by: Jeff Langhelm *AL*

For Agenda of: November 12, 2013

Exhibits: Ordinance, Final Draft Public Works Standards, Amended Subsection 1.100(B)

Initial &
Date

Concurred by Mayor: *ALH 11/7/13*
Approved by City Administrator: *R 11/7/13*
Approved as to form by City Atty: *VIA EMAIL 11/7/13*
Approved by Finance Director: _____
Approved by Department Head: *AL 11/7/13*

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

At the October 28 City Council Meeting, Staff presented a last-minute proposed amendment at the second reading of the ordinance for the Public Works Standards Update. This amendment was related to management of electrical utility relocations along frontages of new private developments. Due to Council concerns, the proposed Standards provides the City with decision making authority on such matters after consulting with electrical utility officials. The attached amended Section 1.100 reflects this decision making authority.

Due to the size of the document, the complete 2014 Standards are available for review either on line (<http://www.cityofgigharbor.net/page.php?id=1771>) or in print at the Civic Center. One hard copy of the draft is available at the Council Office next to the City Clerk and one hard copy is on file with the City Clerk.

FISCAL CONSIDERATION

The proposed Public Works Standards will likely not cost the City more to implement. However, due to ongoing improvements to construction materials and engineering principles and practices, many materials and practices will cost more to construct. Those additional costs will be paid by developers, utilities, and the City as a cost of construction.

BOARD OR COMMITTEE RECOMMENDATION

This topic was presented at the April meeting of the Operations and Public Projects Committee. The revisions requested by the Committee were incorporated into the attached Final Draft Public Works Standards

RECOMMENDATION/MOTION

Adopt Ordinance No. 1273 for the update of the Public Works Standards.

ORDINANCE NO. 1273

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO REPEALLING THE CURRENT PUBLIC WORKS STANDARDS, ADOPTING NEW PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY, AND, AMENDING CHAPTER 12.06 AND 12.16 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City adopted the current Public Works Standards (Standards) in 1994 by Resolution No. 403 and re-adopted the same document in 1996 by Ordinance No.712 ; and

WHEREAS, Public Works Staff has seen the need to update sections of the current Standards to implement current City policies, engineering principles and practices, and construction techniques; and

WHEREAS, the City submitted the draft 2014 Standards for SEPA review and received a SEPA Determination of Non-Significance on August 28, 2013; and

WHEREAS, the City subsequently provided a copy of the draft 2014 Standards to the Washington State Department of Commerce for review as a development regulation amendment in accordance with RCW 36.70A.106, whereby the 60 day notice period ends on October 27, 2013; and

WHEREAS, the draft 2014 Standards was posted to the City's website and public comment on the document was requested with notice of the comment period posted to the City's website, emailed to owners of the 1993 Standards, advertised in the Daily Journal of Commerce, advertised in the Tacoma News Tribune, and advertised in the Peninsula Gateway; and

WHEREAS, the City Council held a public hearing on October 14, 2013, and considered this Ordinance during its regular City Council meetings on October 14, 2013 and October 28, 2013; NOW, THEREFORE,

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

Section 1. Chapter 12.06 of the Gig Harbor Municipal Code is hereby amended to read as follows:

12.06.010 Purpose.

The purpose of this code is to:

A. Establish a permit process for submittal, review, and issuance of a permit for construction of civil improvements not already required by Chapter 12.02 GHMC and Chapter 14.40 GHMC; and

B. Provide for inspection and maintenance of civil construction activities to ensure an effective and functional water system, wastewater system, transportation system, and stormwater drainage system; ~~and~~

~~C. Establish provisions for the recording of civil construction activities.~~

12.06.020 Definitions.

For the purposes of this chapter, the definitions listed under this section shall be construed as specified in this section:

“Civil construction activity” means manmade action to install or create civil improvements.

“Civil engineer” means a professional engineer licensed to practice in the state of Washington in civil engineering.

“Civil improvement” means a manmade object or entity that benefits humankind or mitigates the impact of humankind, including, but not limited to, motorized and nonmotorized ways of travel, street lighting, stormwater facilities, underground utilities, and overhead utilities, both public and private.

“Development” means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, utilities,

placement of manufactured home/mobile home, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or the subdivision of property.

“Public Works Standards” is the document adopted in Chapter 12.16 GHMC.

12.06.060 Variances.

The director may grant a variance from the provisions of this code in accordance with the variance process outlined in the Public Works Standards; ~~provided, that all criteria are met as adopted in GHMC 12.16.010~~

12.06.070 Permit requirements.

The director shall establish requirements for the submittal of civil permits, subject to the following criteria:

A. Each applicant shall first file a written permit application on a form furnished by the city for that purpose.

B. All ~~site-development activities~~ and civil construction activity shall comply with the ~~standards, specifications~~ Public Works Standards and requirements contained in GHMC Titles 12, 13, and 14.

C. Before accepting a permit application, the permit authority shall collect a permit fee. Such fee shall be determined according to the standard fee schedule approved by the city council by resolution.

D. The director shall establish a checklist demonstrating the information that shall be provided by the applicant for review of a civil permit.

E. Time Limitation on Permit Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing and expired, unless such application has been pursued in good faith or a permit has been issued; except that the director is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing with justifiable cause demonstrated.

F. Time Limitation on Approved Civil Permit. A civil permit that has been approved more than 180 days before construction begins (i.e., a preconstruction meeting scheduled and inspection fees paid) shall be subject to an additional review prior to commencement of construction based on the hourly rate as established for third submittal.

G. Time Limitation on Approved Civil Permit under Construction. A civil permit that has been approved and construction related to the permit has begun (i.e., a preconstruction meeting has been held and inspection fees paid) shall expire 180 days after construction has begun unless such construction has been pursued in good faith; except that the director is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing with justifiable cause demonstrated.

~~H. Record Drawings. The applicant shall provide to the city both a final record drawing and a final record survey of the proposed development, each in both mylar format and digital format. These drawings shall be have the seal of a civil engineer and be provided after the city accepts the construction improvements shown on the civil plans but prior to any certificate of occupancy for any buildings or structures located on the site plan. The digital format of the drawings shall be in AutoCAD compatible file and include all improvements in the right of way and all stormwater, water, and sewer utilities. The horizontal datum shall be NAD 1983 HARN State Plane South FIPS 4602 feet, or as otherwise approved by the director. The vertical datum shall be NGVD 29, or as otherwise approved by the director.~~

Section 2. Chapter 12.16 of the Gig Harbor Municipal Code is hereby amended to read as follows:

12.16.010 Adopted.

Those certain guidelines and standards entitled "Public Works Standards" for the city of Gig Harbor, published in 1994 2014 and adopted by Ordinance No. _____ ~~Resolution No. 403~~, are hereby adopted as the official public works standards for use on all development projects within the city of Gig Harbor and shall be used for all development projects located within the city of Gig Harbor's service areas, annexation areas, or planning areas to the extent that the city has the authority to require such guidelines and standards.

~~12.16.015 Chapter 3 repealed.~~¹

~~Chapter 3, "Storm Drainage," of the Gig Harbor public works standards as adopted in GHMC 12.16.010 is hereby repealed.~~

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

Section 4. Effective Date. This ordinance shall take effect and be in full force on January 1, 2014 after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 12th day of November, 2013.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
ANGELA S. BELBECK

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE: 01/01/2014
ORDINANCE NO.

1.100 Utility Locations

- A. Applicants shall call 811 for utility locates for design purposes and show existing utilities on application materials using the best information available. Additional verification may be required during design, including excavation (potholing), if utilities are shown to be in conflict with the proposed design or may not meet minimum cover depths during construction.
- B. Proposed and existing utilities within a proposed or existing public right-of-way or public easement shall be located (or relocated) as shown in the Details. Deviations from the Details will be allowed as follows:
1. Where frontage improvements are not required in accordance with Section 2B.080 existing utilities may remain in their original location; or
 2. Where the public right of way frontage along the developing property is less than 200 ft. long the existing overhead utilities may remain overhead; or
 3. Where existing utilities are converted from overhead to underground beyond the frontage of the developing property the relocated utility may be located within the right-of-way under the sidewalk; or
 4. Where the existing overhead utility contains electrical voltage at or above medium voltage distribution as defined by IEEE, the City Engineer shall consult with the franchise utility regarding relocation of the overhead utility lines. The City Engineer shall approve a deviation where:
 - a. The franchise utility plans to relocate the existing overhead utility to underground within seven (7) years and as depicted in their Reliability Plan: If the franchise utility determines the project falls within said plans, the developer will be only responsible for the installation of the required underground utility civil Infrastructure and the franchise utility will be required to complete the job according to their established planned timeline; or
 - b. The franchise utility identifies substantial operational impacts to the franchise utility infrastructure caused by relocating existing overhead utility to underground.
 5. Any deviation approved through subsection B shall become a condition of the underlying project permit application and may be appealed with any appeal of the underlying project permit application as prescribed in Title 19 of the Gig Harbor Municipal Code.
- C. All costs associated with installing new utilities, undergrounding existing overhead utilities, and relocating existing overhead utilities shall be paid fully by the developer in accordance with Section 12.18.260 GHMC. Where, for operational purposes, the utility requires extending undergrounding or relocating their utility line beyond the frontage of the developing property, those additional expenses shall also be paid fully by the developer.
- D. An Encroachment Permit is required of any existing utility work in accordance with Title 12 GHMC and Section 1.080.



Business of the City Council
City of Gig Harbor, WA

Subject: Public Hearing and first reading
 - 2014 budget ordinance

Proposed Council Action: Hold public hearing and return for adoption at second reading

Dept. Origin: Finance

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 12, 2013

Exhibits: Budget Ordinance

Initial & Date

Concurred by Mayor:

Approved by City Administrator

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

CUH 11/4/13
R 11/5/13
by e-mail
R 11/4/13

Expenditure Required	\$56,461,756	Amount Budgeted	0	Appropriation Required	\$56,461,756
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INFORMATION / BACKGROUND

The total city budget, which includes all funds, is \$56,461,756. Total budgeted revenues for 2014 are \$29.9 million, budgeted beginning fund balances total \$18.5 million and interfund transfers are \$8.1 million. Total budgeted expenditures, less internal transfers, are \$36.5 million and budgeted ending fund balances total \$11.9 million.

The General Fund accounts for 23 percent of total expenditures, while Special Revenue (Street, Street Capital, Drug Investigation (state and federal), Hotel - Motel, Public Art Capital Projects, Park Development, Civic Center Debt Reserve, Strategic Reserve, Equipment Replacement Reserve, General Government Capital Development, General Government Capital Improvement, Impact Fee Trust, Hospital Benefit Zone Revenue and Lighthouse Maintenance) and Enterprise Funds (Water, Sewer and Storm) are 31 percent and 43 percent respectively of total expenditures. General government debt service funds are three percent of 2014 budgeted expenditures.

FISCAL CONSIDERATION

Total budgeted uses and resources for 2014 are \$56,461,756. This is a \$991,504 decrease from the 2013 budget.

The decrease is largely explained by a decline in intergovernmental (grant) revenues due to completion of the Donkey Creek project.

The 2014 budget proposes the following staffing changes:

- Hire a Planning and Building Clerk

- Hire a Maintenance Technician
- Convert the temporary Construction Inspector to a permanent position
- Hire eight temporary summer workers (six – public works, two – sewer)

BOARD OR COMMITTEE RECOMMENDATION

The following changes resulting from the October 21 and 22 Council Study sessions have been made.

- The Municipal Court security objective was increased from \$16,500 to \$26,000. This amount does include any required equipment to accomplish this task.
- An objective to upgrade the City's website has been added to the Administration Department. The expected cost is \$45,000.
- The concert in the park objective in the Parks Operating Division was increased from \$22,000 to \$26,000. This is entirely funded through contributions.
- In Park Development, the Harbor Hill Park Property design and development objective was deferred until 2015 and beyond; and an objective providing power and water to Jerisich Park Dock was added. The expected cost is \$150,000.
- In Street Capital and objective to construct a sidewalk on Point Fosdick Drive between the limits of Harbor Country Drive and Briarwood has been added. This project will include street lighting. The total expected cost of this project is \$390,000. The majority of funding will come from Real Estate Excise Taxes (REET) and cost savings found through the Council Budget Study Sessions.
- The creation and installation of public art at the Bogue Viewing Platform was included in the Public Art Capital Projects Fund.

RECOMMENDATION / MOTION

Hold public hearing and return for adoption at second reading.

ORDINANCE NO.

**AN ORDINANCE ADOPTING THE BUDGET FOR THE
CITY OF GIG HARBOR, WASHINGTON, FOR THE 2014
FISCAL YEAR.**

WHEREAS, the Mayor of the City of Gig Harbor, Washington completed and placed on file with the city clerk a proposed budget and estimate of the amount of the monies required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 2014 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 12 and November 25, 2013 at 5:30 p.m., in the Council Chambers in the Civic Center for the purpose of making and adopting a budget for 2014 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the City Council did meet at the established time and place and did consider the matter of the 2014 proposed budget; and

WHEREAS, the 2014 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 2014 and being sufficient to meet the various needs of Gig Harbor during 2014;

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

Section 1. The budget for the City of Gig Harbor, Washington, for the year 2014 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning fund balances, for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 2014 are set forth in summary form below, and are hereby appropriated for expenditure during the year 2014 as set forth in the following:

2014 BUDGET APPROPRIATIONS

FUND / DEPARTMENT	AMOUNT
001 GENERAL GOVERNMENT	
01 Non-Departmental	\$3,690,849
02 Legislative	65,633
03 Municipal Court	402,900
04 Administrative / Financial / Legal	1,671,650
06 Police	3,118,658
14,15,16 Planning / Building / Public Works/Parks/Buildings	2,724,500
19 Ending Fund Balance	1,089,025
TOTAL GENERAL FUND - 001	\$12,763,215
101 STREET OPERATING	2,174,604
102 STREET CAPITAL	2,066,808
105 DRUG INVESTIGATION STATE	11,145
106 DRUG INVESTIGATION FEDERAL	25,551
107 HOTEL / MOTEL FUND	362,230
108 PUBLIC ART CAPITAL PROJECTS	92,189
109 PARK DEVELOPMENT FUND	4,293,835
110 CIVIC CENTER DEBT RESERVE	1,454,368
111 STRATEGIC RESERVE	925,794
112 EQUIPMENT REPLACEMENT RESERVE	200,704
208 LTGO BOND REDEMPTION	1,214,318
211 UTGO BOND REDEMPTION	424,362
301 CAPITAL DEVELOPMENT FUND	505,356
305 GENERAL GOVT. CAPITAL IMPROVEMENT	425,692
309 IMPACT TRUST FEE	1,307,290
310 HOSPITAL BENEFIT ZONE REVENUE	4,277,932
401 WATER OPERATING	2,020,334
402 SEWER OPERATING	5,047,082
403 SHORECREST RESERVE	102,919
407 UTILITY RESERVE	1,397,922
408 UTILITY BOND REDEMPTION FUND	2,055,387
410 SEWER CAPITAL CONSTRUCTION	10,757,889
411 STORM SEWER OPERATING	983,281
412 STORM SEWER CAPITAL	219,376
420 WATER CAPITAL ASSETS	1,350,263
605 LIGHTHOUSE MAINTENANCE TRUST	\$ 1,911
TOTAL ALL FUNDS	\$56,461,756

Section 3. Attachment "A" is adopted as the 2014 personnel salary schedule for all employees.

Section 4. Due to budget constraints, the city does not authorize funding for "top step" bonuses for city employees in 2014.

Section 5. The city clerk is directed to transmit a certified copy of the 2014 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

Section 6. This ordinance shall be in force and take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 25th day of November, 2013.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
ANGELA G. SUMMERFIELD

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

Attachment A

POSITION	2014 RANGE	
	Minimum	Maximum
City Administrator	9,980	12,475
Chief of Police	8,705	10,882
Public Works Director	8,135	10,169
Finance Director	8,051	10,064
Police Lieutenant	7,107	8,884
City Engineer	7,078	8,847
Information Systems Manager	7,078	8,847
Planning Director	7,078	8,847
Building & Fire Safety Director	7,021	8,777
Senior Engineer	6,621	8,276
Police Sergeant	7,027	8,041
City Clerk	6,364	7,956
Tourism Marketing Director	6,351	7,939
Public Works Superintendent	6,270	7,838
Wastewater Treatment Plant Supervisor	6,270	7,838
Senior Accountant	6,108	7,635
Senior Planner	6,103	7,629
Court Administrator	5,987	7,484
Associate Engineer	5,823	7,279
Assistant Building Official/Fire Marshall	5,758	7,198
Field Supervisor	5,396	6,745
Construction Supervisor	5,396	6,745
Police Officer	5,115	6,393
Senior WWTP Operator	5,081	6,352
Payroll/Benefits Administrator	4,894	6,118
Human Resources Analyst	4,889	6,111
Associate Planner	4,885	6,106
Construction Inspector	4,764	5,956
Planning / Building Inspector	4,764	5,956
Wastewater Treatment Plant Operator	4,546	5,682
Engineering Technician	4,507	5,634
Mechanic	4,449	5,561
Information System Assistant	4,411	5,514
Assistant City Clerk	4,375	5,469
Executive Assistant	4,375	5,469
Special Projects Coordinator	4,375	5,469
WWTP Collection System Tech II	4,251	5,314
Maintenance Technician	3,416	5,314
Assistant Planner	4,238	5,298
Permit Coordinator	4,238	5,298
Community Development Assistant	4,019	5,023
Finance Technician	3,983	4,979
Administrative Assistant	3,846	4,808
Lead Court Clerk	3,845	4,806
Police Services Specialist	3,475	4,344
Court Clerk	3,429	4,286
Custodian	3,416	4,269
Administrative Receptionist	3,413	4,267
Planning/Building Clerk	3,413	4,267

**JUDICIAL – MUNICIPAL COURT
NARRATIVE OF OBJECTIVES 2014**

1. **Community Awareness and Improvement Program.** Partner with law enforcement and local schools to educate students on teen drivers and the hazards of criminal activity. The Court will seek to increase our involvement in deterring kids from underage drinking, using drugs, smoking, and violence. Coordinate with local schools and law enforcement on new bus camera pilot project.
2. **Continue Community Outreach Program.** Continue the Court's partnership with the Peninsula School District G.A.P.P. program. Special needs students who work performing general cleaning duties in the Civic Center. **\$1,000.**
3. **Website Enhancement.** Improve access to the Court via website. Create informational YouTube videos for the court webpage. Supplement customer service with live chat ability on the court website for public and court customers including attorneys, defendants, and jurors.
4. **Court Security.** People who come to the courts as litigants, jurors, witnesses, attorneys, and staff must feel safe and be safe if courts are to remain the forum for resolving disputes peacefully. If our courthouses are not safe and secure, access to justice is jeopardized. New procedures have been implemented this past year regarding the transportation and guarding of prisoners which is an improvement to court security. However, due to an escalation in courthouse threats and attacks, the shortage of law enforcement officers, and the lack of basic security functions at the Gig Harbor Civic Center, it is time to give court security high priority in the budget. I propose that the city enter into a contract with either the Gig Harbor Police Guild or a private agency to provide courtroom security on court days. The security provided will include an armed officer at the courtroom entrance with a hand held metal detector (magnetometer) during court hours only, which is every Wednesday and the 2nd Tuesday, plus jury trials. The court may also purchase a weapons lockbox for safe storage of confiscated weapons. This contract will include emergency drills and periodic safety meetings, and staff safety education. **~~\$16,500.~~ \$26,000.**

ADMINISTRATION
NARRATIVE OF OBJECTIVES 2014

Administration

1. **Policies and Procedures.** Complete and implement the personnel policies update; develop and/or update other administrative procedures, including a purchasing policy, travel policy, accident prevention policy, and information systems policy (use electronic communications, internet, etc.).
2. **Economic Development.** Support local businesses by engaging the appropriate stake holders and assessing the needs of the various economic and employment centers in the city. Some recommended components of the economic development strategy are as follows:
 - Downtown Business Plan. Continue incremental implementation of the downtown business plan that was produced in 2008. Facilitating the beautification of the entry to Jerisich Park, improving the street furniture and reducing the clutter at the intersection of Pioneer and Harborview; and restoring the Skansie Brothers' house, as well as implementing the Council's vision for the main floor. (See Parks Development.)
 - Downtown Waterfront Alliance. Provide limited funding for the Gig Harbor Downtown Waterfront Alliance and its continued activities to promote downtown businesses. ~~As one of its contract deliverables for 2013, require GHWA to conduct a market study with the scope and consultant to be pre-approved by the city.~~ **\$35,000.**
 - Chamber of Commerce. Continue involvement with the Gig Harbor Chamber of Commerce, including City representation on the Chamber Board of Directors and also maintaining the City's membership in the Chamber. **\$550.**
 - Tacoma-Pierce County Economic Development Board (EDB). Continue City involvement as an EDB investor, furthering the goal of local and regional economic development and primary employer retention and recruitment. **\$20,000.**
 - Downtown Parking Strategy. Support downtown businesses in developing a downtown parking strategy. Lead the City staff effort to reduce parking requirements for new uses of existing buildings in limited parts of the City's downtown.
3. **State and Federal Lobbying Efforts.** In accordance with the city, state and federal legislation agendas, carry on state and federal lobbying efforts to advocate for capital project funding as well as legislation that would benefit the city. ~~For example, continue to request capital funding for design and/or construction of the Highway 16 frontage road starting at Rosedale Street.~~

4. **Municipal Website.** Launched in 2000, the last upgrade to the City's website (www.cityofgigharbor.net) was in 2007 (over 5 years ago). Today it generates over 11,000 views daily with over 350 pages of information and links to thousands of resources and services for general public use. According to Moore's Law, computer processing capacities double every 18 months. In order to keep up with the evolution of internet services and mobile phone devices, an upgrade to the City's website is critical. The proposed "Gearbox Upgrade" budget is expected to have a similar "shelf life" (5 years). **\$45,000**

Human Resources

1. **Policies and Procedures.** Complete and implement the personnel policies update; and information systems policy (use electronic communications, internet, etc.).
2. **Drug and Alcohol Program.** Manage the City's drug and alcohol program, ensuring adherence to Federal Motor Carrier and Department of Transportation regulations and guidelines.
3. **Compliance Training.** Ensure employee compliance by scheduling any necessary training. **January - December.**
4. **AWC Well City Award.** Continuing efforts to earn this award for 2014, with a desired result of lowering the City's premium costs in 2015 by 2%. **January - December.**

PARKS DIVISION - OPERATING
NARRATIVE OF OBJECTIVES 2014

1. **Tree lighting in the park.** Provide entertainment for the annual tree lighting event. (Financed entirely by corporate community support). **\$1,400 - December.**
2. **Holiday decorations.** Decorate streetscapes along city arterials with seasonal banners throughout the year. Decorate during the winter holiday season with cedar garlands and bows to bring a warm, festive look to the harbor. **Work with business groups and merchants to offset the cost - \$4,000.**
3. **Community arts program funding.** Continue a program to provide funding to non-profit art and cultural arts organizations that provide benefit for city residents. The program will also fund non-profit organizations that want to do arts projects that involve city residents, such as community service organizations, civic organizations, or libraries. Projects that benefit city residents are the core focus. Project grants can include concerts, theatre productions, visual art exhibits, art festivals, or a broad range of arts-related services. **\$0.**
4. **Concerts in the park.** Provide support for weekly concerts at Skansie Brothers Park during the summer months (Financed entirely by corporate community support.) ~~\$22,000~~ **\$26,000 - August.**
5. **Movies in the park.** Provide support for monthly outdoor movies at Skansie Brothers Park and Donkey Creek during the summer months using a portable screen. (Financed entirely by corporate community support.) **\$4,000 - August.**
6. **Seasonal flower baskets and city planters.** Coordinate with community group who will purchase, plant and maintain all city-owned planters and flower baskets. Provide assistance with selection, locations, placement and removal of hanging baskets. **\$1,000 (Work with business groups and merchants to offset the cost.)**
7. **Wilkinson Farm Park Tree Removal.** Wilkinson Farm Park contains an historic holly grove that was established around 1925 for the sale of harvested holly and crafted wreaths. Over the years, maple trees have encroached on the grove, putting the health of the holly in danger. In order to reclaim the orchard, the overgrown maple trees need to be thinned. **\$8,000 - June.**
8. **Harbor Wildwatch Program.** Continue to contribute to Harbor Wildwatch in return for public recreational and educational programming. **\$2,000.**

STREET DIVISION - CAPITAL
NARRATIVE OF OBJECTIVES 2014

1. **Public Works Shop – Metal Building.** Install the metal building (72'x40") acquired from the History Museum property at the Public Works Shop for additional covered storage. This building will need new metal siding, a concrete slab and roofing. **\$65,000 (Street - \$13,000, Parks - \$13,000, Water - \$13,000, Storm - \$13,000, Wastewater - \$13,000).**
2. **Public Works Operations Center Design and Construction.** Complete the design and permitting for a new operations center to include provisions for public meeting space, additional staff parking, sewer connection, covered equipment and material storage, administrative functions, staff areas, equipment wash down area, sign shop, and fleet maintenance. **\$60,000 - December. (Parks - \$15,000, Streets - \$15,000, Water - \$15,000, Storm - \$15,000).**
3. **Harbor Hill Drive Extension.** Utilizing Hospital Benefit Zone funding, complete the final design and permitting, procure the necessary easements and right-of-way, and construct this extension of Harbor Hill Drive to Burnham Drive. **\$750,000 - December.**
4. **Street Light Installation.** Install 2- 20 foot LED street lights; one at the intersection of Harborview and Novak and the other at Harborview and Dorotich to improve safety, eliminate some of the high cobra style lights and help eliminate stray light into existing homes in these areas. **\$15,000 March.**
5. **Wollochet Drive Interchange Traffic Signal Upgrades.** In partnership with WSDOT, upgrade the City's Kimball Drive and Hunt Traffic Signals to be compliant with WSDOT Wollochet Interchange Upgraded Ramp traffic signals. **\$200,000 May.**
6. **Harborview Drive Sidewalk Improvement.** Construct sidewalk along east side of Harborview Drive between North Harborview Drive and Burnham Drive. Contingent upon procurement of state grant funding in the amount of \$205,000 with the local City match of \$75,000. **\$280,000 – September.**
7. **SR16/Burnham Dr. Wetland Mitigation Reporting.** Perform U.S. Army Corps required reporting on this wetland mitigation site and perform any required replanting. **\$12,000 – September.**
8. **Point Fosdick Sidewalk Improvement Project.** Construct a meandering sidewalk along the west side of Point Fosdick Drive between the limits of Harbor Country Drive and Briarwood. Sidewalk features will include a bio swale, landscaping and underground conduit along with a street illumination system. **\$390,000 - November.**

Special Revenues

Public Art Capital Projects FUND - 108

Anarrative of objectives 2014

Public Art at Bogue Viewing Platform. Design, construct and place outdoor artwork at the Bogue Viewing Platform. \$25,000 - June.

PARK DEVELOPMENT
NARRATIVE OF OBJECTIVES 2014

1. **Wilkinson Farm Park - Trail System.** Develop the approved trail and public access plan for Wilkinson Farm Park. The trail system will utilize the existing trails within the park and will include additional trails to provide increased public access. In addition, two new public viewing platforms will be installed along the edges of the pond at the park. We may be required to implement the Mitigation and Monitoring Plan developed in 2012 to offset the potential impact to the wetland buffer resulting from the construction of the trails and platform. **Work to be leveraged through volunteer resources.**
2. **Wilkinson Farm Park Barn Repairs.** Repair/replace cupola. **\$50,000 - December.**
3. ~~**Harbor Hill Park Property.** Prepare preliminary design and provide interim walking trails based on the 2013 visioning process while awaiting future park construction. Seek additional grant funding for park construction. **\$20,000 - December.**~~
4. **Cushman Trail Phase 3 (96th Street to Burnham Drive).** Construct the Cushman Trail and associated facilities between 96th Street and Burnham Drive. This project is funded through various grants and local matching funds. The grants are through the Federal Highway Administration, Transportation, Community and System Preservation (TCSP) program and the Congestion Management and Air Quality (CMAQ) program. **\$1,863,000 - December. (\$652,000 from TCSP, \$663,000 from CMAQ; \$548,000 local).**
5. **Cushman Trail Phase 4 (Burnham Drive to Borgen Boulevard).** Construct the Cushman Trail between Burnham Drive and Borgen Boulevard, including a trailhead and associated facilities at Borgen Boulevard. This project is funded by a state grant through the WA State Public Works Assistance Account (WPWA) and local funds. **\$1,300,000 - December. (\$1,200,000 from PWAA; \$100,000 local).**
6. **Twawelkax Trail.** Complete easement, environmental, permitting, and design in-house for the Twawelkax Trail that will connect the Cushman Trail to downtown Gig Harbor. Construction of the trail to be leveraged through volunteer resources. **\$20,000 - June.**
7. **Public Works Operations Center Design and Construction.** Complete the design and permitting for a new operations center to include provisions for public meeting space, additional staff parking, sewer connection, covered equipment and material storage, administrative functions, staff areas, equipment wash down area, sign shop, and fleet maintenance. **\$60,000 - December. (Parks - \$15,000, Streets - \$15,000, Water - \$15,000, Storm - \$15,000).**

8. **Public Works Shop – Metal Building.** Install the metal building (72'x40") acquired from the History Museum property at the Public Works Shop for additional covered storage. This building will need new metal siding, a concrete slab and roofing. **\$65,000 - December. (Street - \$13,000, Parks - \$13,000, Water - \$13,000, Storm - \$13,000, Wastewater - \$13,000).**
9. **Jerisich Dock Extension.** Replace an aging pump-out system and expand the existing float that was started in 2012. Due to continued delays in permit acquisition this project is expected to be complete in 2014. **\$65,000 - December.**
10. **Eddon Boat Park Expansion Parcel Acquisition.** Pursue purchase of the two parcels adjacent to Eddon Boat Park and provide water access via surface trails. **\$634,000 - December. (\$302,000 funded by RCO and \$332,000 funded by HBZ).**
11. **Eddon Boat Park - Marine Railways.** Phase III of the Eddon Boat Restoration Project includes reconstruction of the marine railways. The City received a Washington State Heritage Capital Projects Fund Grant in 2013 in the amount of \$128,355. The City's required match of \$260,000 includes \$200,000 spent by the Gig Harbor BoatShop on previous capital improvements and \$60,000 in local city funds. **\$190,000 - December.**
12. **Ancich Waterfront Park Assessment and Interim Use.** Perform an engineering assessment of the existing structures and permit interim park use consistent with the Ancich Waterfront Park Visioning Process from 2013 and continue to seek grant funding to implement the features from the Visioning Process. **\$50,000 – June**
13. **Eddon Boat Park Residence.** Renovate the residence located at the Eddon Boat Park property for future public use. **\$100,000 - December.**
14. **Jerisich Dock Power and Water Improvements.** Design and construct improvements along the existing dock to provide electrical and water service to the dock users with reimbursement provided by user fees. **\$150,000 - October.**

CAPITAL DEVELOPMENT
NARRATIVE OF OBJECTIVES 2014

Operating transfers out. Transfer \$148,700 to Fund 208, the Limited Tax General Obligation debt service fund to pay one-half of the debt service on the 2008 LTGO Bonds; and transfer \$165,000 to the Street Capital Fund to provide funding for the Point Fosdick Sidewalk Project.

CAPITAL IMPROVEMENT
NARRATIVE OF OBJECTIVES 2014

Operating transfers out. Transfer \$148,700 to Fund 2008, the Limited Tax General Obligation debt service fund to pay one-half of the debt service on the 2008 LTGO Bonds; and transfer \$165,000 to the Street Capital Fund to provide funding for the Point Fosdick Sidewalk Project.

HOSPITAL BENEFIT ZONE REVENUE FUND
NARRATIVE OF OBJECTIVES 2014

Hospital Benefit matching funds will be applied to the following projects in 2014:

Harbor Hill Drive Extension	\$750,000
Bujacich Lift Station – design and property acquisition	\$500,000
BB16 Wetland Mitigation Reporting	\$ 12,000
Eddon Boat Park Expansion Parcel Acquisition	<u>\$332,000</u>
Total	\$1,594,000
	<u>\$1,582,000</u>

Subject: Public Hearing and First Reading of Ordinance – 2013 Comprehensive Plan Amendment – Capital Facilities Element

Proposed Council Action: Hold public hearing, review amendments and draft ordinance.

Dept. Origin: Planning Department

Prepared by: Lindsey Sehmel
Senior Planner



For Agenda of: November 12, 2013

Exhibits: Draft ordinance with attachments

	Initial & Date
Concurred by Mayor:	<u>CH 11/11/13</u>
Approved by City Administrator:	<u>R 11/4/13</u>
Approved as to form by City Atty:	<u>Via email 10/31</u>
Approved by Finance Director:	<u>N/A</u>
Approved by Department Head:	<u>JK 11/1/13</u>

Expenditure	Amount	Appropriation
Required	Budgeted	Required
0	0	0

INFORMATION / BACKGROUND

The attached ordinance reflects the changes to the Capital Facilities Element occurring in conjunction with the adoption of the 2014 Annual City Budget. The amendments update the Six Year Improvement Program tables in Chapter 12 to accurately reflect completed projects and address changes in the timelines of existing and ongoing projects.

Active Application:

PL-COMP-13-0004 – Capital Facilities Element

Summary: A text amendment to the Capital Facilities Element to update the Six Year Capital Improvement Program Project lists in concurrency with the annual budget adoption. This amendment is sponsored by the City of Gig Harbor.

POLICY ANALYSIS

The process for Comprehensive Plan amendment (Chapter 19.09) states that the City Council shall consider 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 applicable criteria for approval are included in the ordinance.

ENVIRONMENTAL ANALYSIS

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) for the proposed amendments on October 23, 2013 per WAC 197-11-340(2). The appeal period for the DNS expires on November 13, 2013.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

None required.

Capital Facilities Elements are allowed to be adopted concurrently with the annual budget per RCW 36.70A.130(2) in order to keep consistency between the documents.

RECOMMENDATION / MOTION

Hold public hearing, review amendments and draft ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, AMENDING THE CAPITAL FACILITIES ELEMENT TO UPDATE THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM PROJECT LISTS IN CONCURRENCY WITH THE ANNUAL BUDGET ADOPTION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, RCW 36.70A.130(2)(a)(iv) allows the city to adopt amendments to the Capital Facilities element of the Comprehensive Plan that occurs concurrently with the adoption of the annual budget process; and

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

WHEREAS, the Planning Director notified the Washington State Department of Commerce of the City's intent to amend the Comprehensive Plan and forwarded a copy of the proposed amendments on September 17, 2013, pursuant to RCW 36.70A.106; and

WHEREAS, on October 23, 2013, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for comprehensive plan amendment applications, pursuant to WAC 197-11-340(2); and

WHEREAS, a notice of public hearing was published per GHMC 19.09.110 on October 30, 2013 in the local newspaper; and

WHEREAS, the Gig Harbor City Council had a first reading and Public Hearing of an Ordinance implementing the recommendations for the Capital Facilities Element in conjunction with the adoption of the 2014 Annual Budget on November 12, 2013; and

WHEREAS, the Gig Harbor City Council had a second reading of an Ordinance implementing the application and amending the Comprehensive Plan on _____, 2013;

Now, Therefore,

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

Section 1. Comprehensive Plan Text Amendments.

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

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

C. **Testimony.** None to date (complete after public hearing)

D. **Criteria for Approval.** The process for Comprehensive Plan amendments (Chapter 19.09) states that the City Council shall consider the criteria found in GHMC 19.09.170 make written findings regarding the applications consistency or inconsistency with the criteria. The criteria found in GHMC 19.09.170 are as follows:

19.09.170 Criteria for approval.

A. The proposed amendment will further and be consistent with the goals, policies and objectives of the comprehensive plan; and

B. 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

C. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect transportation facilities and other public facilities and services such as parks, police, fire, emergency medical services and governmental services; and

D. The proposed amendment advances the public interest; and

E. For text amendments which propose to increase density or intensity of permitted development and all land use map amendments, the following approval criteria also apply:

1. 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:

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

b. 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

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

d. 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

e. 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; and

2. For a land use map amendment, 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

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

E. Applications. The City Council hereby enters the following findings and conclusions for each application:

1. PL-COMP-13-0004 – Capital Facilities Element

Summary: A text amendment to the Capital Facilities Element to update the Six Year Capital Improvement Program Project lists concurrently with the annual budget adoption. This amendment is sponsored by the City of Gig Harbor.

Findings:

- a) 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 City Council finds that the amendments to the wastewater, water, parks and transportation project lists in the Capital Facilities Plan will allow the City to better address the planning area's needs by identifying capital projects and associated funding strategies.
- b) The City Council finds that the proposed amendment is consistent with the Growth Management Act, the countywide planning policies and multi-county planning policies.
- c) The City Council finds that the amendments are necessary so as not to create significant adverse impacts to the City's infrastructure. Updating the wastewater, stormwater, transportation, water, and parks, recreation and open space project lists in the capital facilities plan allows the City to plan for and provide the necessary infrastructure to serve the development projected by the Comprehensive Plan.
- d) The City Council finds that this amendment serves the public interest by creating a plan to provide the infrastructure needed to meet agreed upon

levels of service for citizens and ratepayers and to provide for the growth potential of the City in conjunction with the 2014 annual City Budget.
e) Criterion GHMC 19.06.170(e) does not apply to this process.

Conclusion: After consideration of the materials in the file, staff presentation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, the City Council hereby **approves** application **PL-COMP-13-0004**, as identified in **Exhibit A** attached to this Ordinance.

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

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

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

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ___ day of November 2013.

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 G. Summerfield

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Chapter 12

CAPITAL FACILITIES

INTRODUCTION

A Capital Facilities Plan is a required element under the State Growth Management Act, Section 36.70A.070 and it addresses the financing of capital facilities in the City of Gig Harbor and the adjacent urban growth area. It represents the City and community's policy plan for the financing of public facilities over the next twenty years and it includes a six-year financing plan for capital facilities. The policies and objectives in this plan are intended to guide public decisions on the use of capital funds. They will also be used to indirectly provide general guidance on private development decisions by providing a strategy of planned public capital expenditures.

The capital facilities element specifically evaluates the city's fiscal capability to provide public facilities necessary to support the other comprehensive plan elements. The capital facilities element includes:

- Inventory and Analysis
- Future Needs and Alternatives
- Six-Year Capital Improvement Plan
- Goals, Objectives and Policies
- Plan Implementation and Monitoring

Level of Service Standards

The Capital Facilities Element identifies a level of service (LOS) standard for public services that are dependent on specific facilities. Level of service establishes a minimum capacity of capital facilities that must be provided per unit of demand or other appropriate measure of need. These standards are then used to determine whether a need for capacity improvements currently exists and what improvements will be needed to maintain the policy levels of service under anticipated conditions over the life of the Comprehensive Plan. The projected levels of growth are identified in the Land Use and Housing Elements.

Major Capital Facilities Considerations and Goals

The Capital Facilities Element is the mechanism the city uses to coordinate its physical and fiscal planning. The element is a collaboration of various disciplines and interactions of city departments including public works, planning, finance and administration. The Capital Facilities Element serves as a method to help make choices among all of the possible projects and services that are demanded of the City. It is a basic tool that can help encourage rational decision-making rather than reaction to events as they occur.

The Capital Facilities Element promotes efficiency by requiring the local government to prioritize capital improvements for a longer period of time than the single budget year. Long range financial planning presents the opportunity to schedule capital projects so that the various steps in development logically follow one another respective to relative need, desirability and community benefit. In addition, the identification of adequate funding sources results in the prioritization of needs and allows the tradeoffs between funding sources to be evaluated explicitly. The Capital Facilities Plan will guide decision making to achieve the community goals as articulated in the Vision Statement of December, 1992.

INVENTORY AND ANALYSIS

The inventory provides information useful to the planning process. It also summarizes new capital improvement projects for the existing population, new capital improvement projects necessary to accommodate the growth projected through the year 2010 and the major repair, renovation or replacement of existing facilities.

Inventory of Existing Capital Facilities

WASTEWATER SYSTEM

Existing Capital Facilities

Gig Harbor's original collection system, constructed in 1974-1975, served the downtown area and an area south of downtown. The original system was called Utility Local Improvement District (ULID) #1 and included six lift stations. ULID #2 was constructed to the south of ULID #1 in 1988 to serve south Gig Harbor including portions of Soundview Drive, Harbor Country Drive, Point Fosdick Drive, and Olympic Drive. ULID #3 was constructed north of ULID #1 in 1992 to serve North Gig Harbor including the area along Burnham Drive north of Harborview Drive, the Washington State Women's Corrections Center off Bujacich Drive, and the Purdy area including the Peninsula School District campus in Purdy.

Further expansions of the City's collection system were built under development agreements and as mitigation conditions of proposed development through the state environmental policy act (SEPA) process. As of 2009 the City's collection system consisted of approximately 150,000 feet of gravity sewers, 32,000 feet of sewer force mains, and 15 lift stations.

The City's wastewater treatment plant (WWTP) is located on five acres, west of Harborview Drive at its intersection with North Harborview Drive. The original WWTP was brought online to provide secondary treatment of municipal sewage in 1975. The original WWTP had a design capacity of 0.45 million gallons per day (MGD) with an average organic loading of 700 lbs BOD₅/day. In 1988, the WWTP was expanded to treat 0.7 MGD and an average organic loading of 1,800 lbs BOD₅/day. The WWTP was expanded again in 1996 to treat 1.0 MGD and permitted to treat a capacity of 1.6 MGD and an average organic loading of 3,400 lbs BOD₅/day. In 2009 the City started construction of Phase I of additional improvements to the WWTP to

expand the treatment capacity to the permitted capacity.

The WWTP consists of the following major components: influent flow meter, influent screens, screening press, aeration basins, blowers, secondary clarifiers, return activated sludge pumps, waste activated sludge pump, aerobic digester, digested sludge pumps, sludge dewatering centrifuge, chlorinators, chlorine contact tanks, dechlorination system, and effluent discharge pumps. Effluent from the WWTP is piped through an outfall that discharges in to Gig Harbor.

In addition to sewer service within the Gig Harbor UGA, the City of Gig Harbor owns, operates, and maintains a septic system for the Shorecrest Development along Ray Nash Drive NW located about 5 miles west of the City. The Shorecrest septic system is a 12-unit development with an on-site septic system and pressurized drainfield.

Level of Service

The City introduced a requirement in May 2006 through Ordinance #1044 for most new development and redevelopment projects to request a portion of the treatment capacity at the City's wastewater treatment plant (WWTP) through the sewer capacity reservation certificate (CRC) process. Each CRC reserves a specific number of gallons per day for treatment at the wastewater treatment plant based on the current value of an equivalent residential unit (ERU). Since the WWTP has limited capacity to treat wastewater, the City identifies by way of the sewer CRC process those projects that the City's WWTP has adequate public wastewater facilities to treat.

In August 2007 the City released a statement indicating the City may not be able to grant any additional sewer CRCs until a planned expansion project at the WWTP is completed. The anticipated completion date of the planned expansion project is November 2010. At the time of completion, the projected wastewater treatment capacity will be increased to 1.6 million gallons per day (MGD). The net increase of capacity compared to the previous capacity is 0.4 MGD, or approximately 2,667 ERUs. Based on maximum monthly flow projections, the projected treatment capacity of 1.6 MGD will be adequate for the next six years.

Forecast of Future Needs

The City has used a demographics forecasting allocation model (DFAM) to forecast future population growth on undeveloped and underdeveloped parcels within the City's urban growth area (UGA). The primary input to the DFAM was a result of the City's Buildable Lands Analysis. The resulting population growth was then correlated to the generation of sewer flows to provide an estimate of the distribution of sewer flows throughout the City's UGA. These forecasted flows and descriptions of future wastewater needs are described further in the City's Wastewater Comprehensive Plan.

Future Wastewater Collection Needs

The City's collection system is planned at full build-out to expand to the limits of the UGA. The

collection system has been divided into a total of 21 topographic basins, also known as sewer basins. At build-out each sewer basin will have one sewer pump station and a mixture of sewer gravity mains and sewer force mains. The design and construction of undeveloped and under-developed sewer basins may be financed by developers as conditions of SEPA or land use approval, and/or utility local improvement districts (ULIDs).

As noted above in the description of the existing capital facilities, the City's core area has an established sewer collection system. Some areas within the City's UGA are capable of having sewer flows conveyed through the use of gravity to existing sewer lift stations. However, in most areas the future development of the City's sewer collection system will occur in areas beyond the City's core area. These areas have a topographic low point where wastewater must be collected and pumped and may require construction of a new sewer pump station, also known as a lift station. Only one lift station shall be utilized in each sewer basin.

In situations where a new sewer lift station must be constructed two scenarios exist. The first scenario is where no lift station is located in the sewer basin. The proposed development activity shall design and construct a new lift station that will collect sewer flows from the proposed development and all future development upstream in the sewer basin.

The second scenario is where an existing lift station is already located in the sewer basin but the proposed development activity is located lower in elevation than the existing lift station. The proposed development activity shall design and construct a new lift station that will collect sewer flows from the existing lift station, the proposed development and all future development upstream in the sewer basin. The existing lift station would then be demolished. Due to the likely potential for mechanical and electrical failures and the complications that arise when these failures occur, developments shall maximize gravity flows while minimizing the use of lift stations and grinder pumps.

Only developments lower in elevation than an existing lift station or gravity main AND lower in elevation that the path of sewer main construction may, upon approval of the Public Works Director, use grinder pumps in lieu of constructing a new lift station.

The City's Public Works Department provides continuous maintenance of the existing collection system. Future needs of the existing collection system are mostly limited to projects requiring rehabilitation of the lift stations. However, through the modeling of projected wastewater flows, no projects have been identified in the short term as necessary to increase the capacity of a gravity sewer main. Funding for the ongoing maintenance of the existing collection system, including rehabilitation of existing lift stations and replacement of existing sewer mains may be funded by utility connection fees and utility rates.

Specific facility improvements anticipated to accommodate the upcoming six year planning period are listed in Table 12.5.

Future Wastewater Treatment Plant Needs

To treat wastewater flows and waste load projections for the anticipated 20 year planning horizon the City will need to increase the permitted capacity of the treatment plant. With the construction of the Phase I improvements to the WWTP scheduled to be completed in 2010, the City anticipates the need for completing the design and construction of the Phase II WWP improvements and extending the marine portion of the wastewater outfall into Colvos Passage to receive approval on an increased wastewater discharge.

Reclaimed Water Investigation.

The State has identified reclaimed water as an important water resource management strategy that can offer benefits related to potable water supply, wastewater management, and environmental enhancement. The City has acknowledged the State's acceptance and promotion of reclaimed water as being a viable and important water resource management tool through the adoption of a comprehensive plan goal for the wastewater utility to explore options to create reclaimed water. Table 12.5 identifies an annual project for the study and investigation of wastewater reuse and reclaimed water.

WATER SYSTEM

Existing Capital Facilities

The City of Gig Harbor Water System, limited by its retail water service area (RWSA), is unique in that many residents within the City limits and the City’s UGA receive water service from adjacent water purveyors. Approximately 35% of the population within the City limits and City’s UGA receives water from the City, and the remainder within the City limits and City’s UGA receive water from other water purveyors or from private wells.

The City of Gig Harbor Water System was originally built in the late 1940's. Today, the City’s RWSA encompasses approximately 4.4 square miles with 1,927 service connections serving approximately 4,700 people. The City operates six groundwater wells that supply water to its water service customers, and has more than 37 miles of pipeline and six reservoirs located around the City. Summaries of the City’s well source supply and storage facilities are provided in Table 12.1 and Table 12.2, respectively, below. The City also provides wholesale water service to multiple customers outside the City’s RWSA, and has an emergency intertie with one purveyor.

Table 12.1 - Summary of Well Source Supply

Well No.	Location (Sec-Twnshp-Rge)	Date Drilled	Capacity (GPM)	Depth (Ft.)	Status
1	8-21N-2E	1949	120	246 320	Inactive
2	32-22N-2E	1962	280	116	Active
3	17-21N-2E	1978	750	745	Active
4	8-21N-2E	1988	200	399	Active
5	7-21N-2E	1990	543	705	Active
6	7-21N-2E	1991	975	566	Active
7	31-22N-2E	N/A	40	393	Inactive
8	17-21N-2E	1965	20	231	Active

Source: City of Gig Harbor Water Facilities Inventory (WFI) Report, 2008; DOE Water Right Certificates

Table 12.2 - Summary of Storage Facilities

Storage Facility	Associated with Well No.	Total Capacity (gallons)	Base Elevation (ft)	Overflow Elevation (ft)
East Tank	2	250,000	304	320
Harbor Heights Tank 1	4	250,000	290	320
Harbor Heights Tank 2	4	250,000	290	320
Shurgard Tank	3	590,000	339	450
Skansie Tank	5 & 6	1,000,000	338	450
Gig Harbor North Tank	None	2,300,000	301	450
Total		4,640,000		

Source: City of Gig Harbor 2009_Water System Plan

As with most municipalities, the City's water distribution system has developed continuously as demands and the customer base have grown. This evolution has created a distribution system comprised of pipes of various materials, sizes, and ages. Some areas of the City have pipe materials, sizes, and age that do not meet current construction standards or underperform. A detailed description of the existing water supply system may be found in the City of Gig Harbor Water System Plan.

Level of Service

The City introduced a code requirement in January 2001 through Ordinance #862 for most new development and redevelopment projects to request a portion of capacity of the City's water system through the water capacity reservation certificate (CRC) process. Each CRC reserves a specific number of gallons per day based on the current value of an equivalent residential unit (ERU). Since the City has limited capacity to withdraw water, the City identifies by way of the water CRC process those projects that the City's water system has capacity to provide water.

The City's Water System Plan identifies the City's current annual water rights at 10,110 ERUs and a projected water demand in 2018 at 7,012 ERUs. Based on annual water rights the City has capacity to serve water beyond the next six years.

Analysis of the existing storage facilities in the City of Gig Harbor Water System Plan indicates that the City can meet all of its storage needs through the 20-year planning horizon with existing facilities by nesting standby storage and fireflow storage. Consequently the City is not currently planning for additional storage facilities in the 20-year planning horizon.

Forecast of Future Needs

The City has used a demographics forecasting allocation model (DFAM) to forecast future population growth on undeveloped and underdeveloped parcels within the City's RWSA. The primary input to the DFAM was a result of the City's Buildable Lands Analysis. The resulting population growth was then correlated to the generation of water demands to provide an estimate of the water demands throughout the City's UGA. These forecasted water demands are described further in the City's Water System Plan.

The City has used results of the DFAM and water system modeling to analyze future demands and the resulting impacts to the City's water supply, distribution system, and storage.

The City's planned water supply meets the short-term projected demands. However, it is the City's goal to meet the maximum day water demand with the largest source out of service. This increases the City's reliability and redundancy of their water supply system. Currently the City's water system cannot meet this goal. Therefore additional sources, including up to two new deep aquifer wells and one shallow aquifer well, are planned to meet this goal. The deep aquifer wells may produce up to 1,000 acre-ft per year and 1,000 gallons per minute each and are denoted as Well No. 9 (adjacent to the Gig Harbor North reservoir), Well 11 (location undetermined) or Well 12 (location undetermined).

The City's water distribution system is generally strong. The strong water system is, in part, due to the replacement of undersized pipes and the replacement of older asbestos cement (AC) water mains. As a result the programming is continued for systematic replacement of undersized pipes to meet minimum fire flows and replacing older AC water mains with either ductile iron pipe or polyvinyl chloride (PVC) pipe.

Specific facility improvements required to accommodate the upcoming six-year planning period are listed in Table 12.5.

PARKS, RECREATION & OPEN SPACE FACILITIES

Existing Facilities

The City of Gig Harbor owns 18 parks ranging in size from 0.10 of an acre to 17.74 acres. Included in that total are four designated trails that range from 0.2 of a mile to 4 miles in length. Park profiles on each city park facility are included in the 2010 Park Recreation and Open Space Plan as Appendix A to that plan.

The Gig Harbor park classification system includes: neighborhood parks, waterfront parks, natural parks and trails. Open spaces are designated as open space properties, undeveloped park lands, or other properties. Table 12.3 documents the City's existing park facilities.

Neighborhood Parks are developed for both passive and active recreation, and are accessible by walking, biking, or driving. They have support facilities such as restrooms and parking. These parks may typically include athletic fields, sports courts, trails, playgrounds, open space and picnicking facilities. Gig Harbor has three neighborhood parks totaling 21.91 acres. City Park at Crescent Creek, Kenneth Leo Marvin Veterans Memorial Park, and the Civic Center are all designated as Neighborhood Parks.

Waterfront Parks are located on the shoreline and generally provide a mix of water related uses and forms of access to the shoreline. These parks typically include historic structures or uses that are planned for preservation in keeping with the City's maritime heritage. The City actively works to balance uses within these parks to provide a mix of recreation opportunities, historic preservation, and community gathering spaces. Gig Harbor has six waterfront parks totaling 7.69 acres. Austin Estuary, Bogue Viewing Platform, Eddon Boat Park, Old Ferry Landing (Harborview Drive Street End), Jerisich Dock, and Skansie Brothers Park are all designated as Waterfront Parks.

Natural Parks preserve critical areas, urban forests and historic sites for future generations and include low impact recreational uses. Such sites are often developed with ancillary uses that are compatible with or support the primary preservation of the sites key features, such as the garden program located at Wilkinson Farm Park or the hatchery program located at Donkey Creek Park. Gig Harbor has four natural parks totaling 39.46 acres. Adam Tallman Park, Donkey Creek Park, Grandview Forest Park, and Wilkinson Farm Park are all designated as Natural Parks.

Trails include both linear trails (measured in miles) and trail support facilities (measured in acres). Trails are generally off-street transportation and recreation options either paved or unpaved that connect two points and are often located in a utility or undeveloped road right of way. While many of the City's parks provide access trails that loop through a park site, trails are linear in nature. The City has also designated one on-street trail, Harborview Trail, due to the importance of this corridor for recreational use and as a connector between waterfront parks. Gig Harbor has four designated trails totaling 6.25 miles. Additionally these trails are served by three support facilities totaling 1.37 acres. The Cushman Trail, Finholm View Climb, Harborview Trail, and Stanich Trail are all designated trails within the City.

Undeveloped Park Lands are properties acquired or owned by the City for park purposes, which have not yet been developed. These properties are anticipated to be developed into parks in the future and will be move to the appropriate classification as they are developed. The City presently owns six undeveloped park lands totaling 8.03 acres.

Open Space Properties are natural lands set aside for preservation of significant natural resources, open space or buffering. These lands are typically characterized by critical areas such as wetlands, slopes and shorelines; significant natural vegetation, shorelines, or other environmentally sensitive areas. This classification is used for preserved lands which are not currently planned for development into parks due to physical constraints or other limitations. The City of Gig Harbor has four designated open space properties totaling 25.79 acres.

Other Properties include lands which do not presently provide park, recreation or open space amenities but are in City ownership and possibly could be redeveloped for such uses in the future. These sites are not presently planned for redevelopment. Two other properties are listed in the City’s PROS inventory totaling 0.41 acres.

It should be noted that this inventory includes only City of Gig Harbor parks and open spaces; the Gig Harbor Peninsula is served by a variety of park and recreation service providers, and a detailed inventory of all public facilities on the Peninsula is not included in this plan. Information taken from the County’s geographic information system indicates more than 900 acres of park, recreation and open space lands exist in public ownership on the Gig Harbor Peninsula. The City’s system represents a little over 10% of the public lands set aside on the Peninsula for park, recreation and open space uses.

Table 12.3. Existing Park Facilities

Name of Facility		Location	Size	Park Classification	
Parks	City Park at Crescent Creek	3303 Vernhardson Street 9702 Crescent Valley Drive NW	9.79	Neighborhood	
	Kenneth Leo Marvin Veterans Memorial Park	3580 50th Street	5.57	Neighborhood	
	Civic Center (includes Greens and Skate Park)	3510 Grandview Street	6.55	Neighborhood	
	Total Neighborhood Parks			21.91	
	Austin Estuary*	4009 Harborview Drive	1.38	Waterfront	
	Bogue Viewing Platform	8803 North Harborview Drive	0.10	Waterfront	
	Eddon Boat Park	3805 Harborview Drive	2.89	Waterfront	
	Jerisich Dock	3211 Harborview Drive	0.56	Waterfront	
	Old Ferry Landing (Harborview Street End)	2700 Harborview Drive	0.17	Waterfront	
	Skansie Brothers Park	3207 Harborview Drive	2.59	Waterfront	
	Total Waterfront Parks			7.69	
	Adam Tallman Park	6626 Wagner Way	11.84	Natural	
	Donkey Creek Park	8714 North Harborview Drive	1.30	Natural	
	Grandview Forest Park	3488 Grandview Street	8.58	Natural	
Wilkinson Farm Park	4118 Rosedale Street NW	17.74	Natural		

	Total Natural Parks			39.46
	Cushman Trail		4 miles	Trail
	Trailhead at Grandview	3908 Grandview	0.45 acres	Trail
	Trailhead at Hollycroft	2626 Hollycroft Street	0.60 acres	Trail
	Finholm View Climb	8826 North Harborview Drive (bottom) 8917 Franklin Avenue (top)	0.05 miles 0.32 acres	Trail
	Harborview Trail	Harborview and North Harborview Streets	2 miles	Trail
	Stanich Trail	Undeveloped portion of Erickson Street	0.2 miles	Trail
	Total Trails (by area)			1.37
	Total Trails (by length)			6.25
	Total Parks			70.43
Other Properties	Cushman Trailhead at Borgen	5280 Borgen (not yet constructed)	0.18	Undeveloped
	BB-16 Mitigation bonus site	WEST of Burnham interchange	0.45	Undeveloped
	Museum (Donkey Creek) Easement	Harbor History Museum shoreline area	0.43	Undeveloped
	Rushmore Park (outside City Limits)	In Plat of Rushmore	1.07	Undeveloped
	Wheeler Street End	Wheeler (undeveloped)	0.08	Undeveloped
	WWTP Park/Open Space	4212 Harborview Drive	5.82	Undeveloped
	Total Undeveloped Park Lands			8.03
	Austin Estuary Tidelands	4009 Harborview Drive	7.07	Open Space
	BB-16 Wetland Mitigation Site	SE corner of Burnham and Borgen	10.49	Open Space
	Harbor Hill Open Space	Gig Harbor North Area	8.09	Open Space
	Old Ferry Landing (adjacent bluff)	Adjacent to Old Ferry Landing	0.14	Open Space
	Total Open Space			25.79
	Bogue Visitors Center	3125 Judson Street	0.15	Other
Soundview Street End	End of Soundview	0.26	Other	
Total Other Uses			0.41	
Total Other Properties			34.22	

* Austin Estuary tidelands are included under open space

TOTAL PARK RECREATION AND OPEN SPACE LANDS 104.65

Level of Service

The City established levels of service for the park system in Ordinance # 1191, 2010 Park, Recreation and Open Space Plan (2010 Park Plan) to maintain and improve upon existing levels of service (ELOS). Planned levels of service (PLOS) were established for each category of park, and for the system as a whole to assure a variety of recreation opportunities will be available as the City grows. The level of service standards adopted by the City for the park system are expressed as the number of acres (or miles) per 1000 residents for a particular classification of park. Table 12.4 documents existing levels of service (ELOS) and proposed levels of service (PLOS).

Forecast of Future Needs

The Park Plan utilized levels of service based on the total City population and considered both current and projected levels of service based on anticipated population growth. The population projection, used in this section, reflects the City’s most recent population allocation of 10,500 residents in the year 2030. This population projection reflects the slowdown in growth that has occurred since 2008 and reflects a change in regional population allocations designed to locate future housing near employment centers. The 2030 population allocation in combination with the PLOS allows the City to calculate the amount of park land needed to achieve the planned service level (Table 12.4).

Table 12.4 Existing and Proposed Level of Service Standards

Park Type	Existing Acres	2010 Existing Level of Service	2030 Planned Level of Service	2030 Additional Area Needed
Neighborhood Parks	21.91	2.91	5.00	30.59
Waterfront Parks	7.69	1.02	1.00	2.81
Natural Parks	39.46	5.25	5.25	15.63
Total Parks	70.43	9.36	12.00	55.57
Trails (in miles)	6.25	0.83	1.17	6.04

Future needs for park, recreation and open spaces are also tied to achieving the expressed desires of this community. In the 2010 Park Plan update process several, key themes emerged which guided the creation of the acquisition and development plan. Key themes included trail development, expanding partnerships to leverage City funds, pursuing the acquisition of additional land in developing areas, and improving public access to natural features.

To meet the future demand the City plans for park improvements include both land acquisitions and development projects within existing parks or undeveloped lands. Specific facility improvements required to accommodate the upcoming six-year planning period are listed in Table 12.5.

STORMWATER SYSTEM

Existing Facilities

The Puget Sound and in particular Gig Harbor, Henderson Bay, and Wollochet Bay are the receiving water bodies of the City of Gig Harbor's storm system. The storm system consists of catch basins, pipe, drainage ditches, natural streams such as Donkey Creek and McCormick Creek, wetlands, ponds, and stormwater detention and water quality facilities. The Operations and Maintenance Department is responsible for approximately 30 stormwater ponds, 1,650 catch basins, 12 miles of drainage ditches and over 33 miles of storm pipe. Annually these numbers will increase as development continues to occur, CIP projects are constructed and new areas are annexed by the City. With the approximately 45 miles of pipe and drainage ditches discharging to the receiving waters of the Puget Sound, which is habitat to various fish and wildlife such as Chinook, coho, steelhead, bald eagles and herons. It is important to protect and improve the water quality of the various water bodies in the City.

The objective of the City's stormwater operation and maintenance program is to assure that all the elements of the stormwater system are functioning properly to avoid any impacts to the environment and properties. The program includes operation and maintenance of storm systems being performed by many entities, including the City's Public Works Department, homeowners association, and property management companies. Scheduled maintenance tasks and inspections are regularly performed and are essential to the program. Major system problems are avoided when defects are identified and addressed in a timely manner.

Through the Clean Water Act and other legislation at the federal level, the Washington State Department of Ecology has been delegated the authority to implement rules and regulations that meet the goals of the Clean Water Act. As part of these rules and regulations, the Department of Ecology issued the Western Washington Phase II Municipal Stormwater Permit (Permit) to the City of Gig Harbor in January 2007. The Permit authorizes the discharge of stormwater to surface waters and to ground waters of the State from Municipal Separate Storm Sewer System (MS4) owned or operated by the City of Gig Harbor. By being identified as a Permittee the City is required to satisfy many obligations during the five-year permit period.

The City has been proactive in satisfying the requirements of this Permit. In 2006, the City prepared a gap analysis comparing the existing City stormwater program to the Permit requirements. According to the gap analysis, public participation, City staff training and stormwater policies appear to be the areas that the City will need to focus their efforts. Other obligations required by the Permit include the development of a stormwater management program and development of an enforceable mechanism, such as an ordinance, controlling runoff from development and construction sites, including adoption of a new stormwater technical manual. The City's stormwater management program along with the City's stormwater-related ordinances establishes a level of service for both public and private development projects.

The Permit requirements are being phased in over the course of the life of the permit. At the end of the permit, or sooner if required by law, the City will likely be issued a new permit with new permit requirements that are additive to the existing permit requirements.

Level of Service

In connection with the preparation of the City's Stormwater Comprehensive Plan, storm system modeling was performed at a planning level to identify system needs under future full build-out land use conditions. The City selected seven storm trunklines to be analyzed. These trunklines were selected based on known past conveyance and/or sedimentation problems and possible future system impacts due to development.

In general, the City's stormwater infrastructure is sufficient to convey stormwater runoff. And the stormwater management and development guidelines for future developments require runoff rates at developed conditions to meet runoff rates of undeveloped conditions. Therefore little to no net increase in stormwater runoff rates should occur as development continues and the level of service provided by the stormwater utility will remain adequate.

However, a list of recommended storm system capital improvement projects is identified in the Capital Improvement Plan (CIP) of the Stormwater Comprehensive Plan. In March 2008 the City initiated a Stormwater General Facility Charge for funding these stormwater CIP projects.

The types of improvements identified and the implementation scheduled provided in the Stormwater Comprehensive Plan primarily include NPDES Phase 2 permitting requirements, maintenance projects, and habitat projects. Storm system and habitat improvement projects identified in the CIP are based on the Staff's knowledge of the service area, past studies and the hydrologic/hydraulic system analysis.

Forecast of Future Needs

Specific facility improvements required to accommodate the upcoming six-year planning period are listed in Table 12.5.

CAPITAL FACILITIES PROGRAM

A Capital Facilities Program (CFP) is a six-year plan for capital improvements that are supportive of the City's population and economic base as well as near-term (within six years) growth. Capital facilities are funded through several funding sources which can consist of a combination of local, state and federal tax revenues.

The Capital Facilities Program works in concert generally with the land-use element. In essence, the land use plan establishes the "community vision" while the capital facilities plan provides for the essential resources to attain that vision. An important linkage exists between the capital facilities plan, land-use and transportation elements of the plan. A variation (change) in one element (i.e. a change in land use or housing density) would significantly affect the other plan elements, particularly the capital facilities plan. It is this dynamic linkage that requires all elements of the plan to be internally consistent. Internal consistency of the plan's elements imparts a degree of control (checks and balances) for the successful implementation of the

Comprehensive Plan. This is the concurrence mechanism that makes the plan work as intended.

The first year of the Capital Facilities Program will be converted to the annual capital budget, while the remaining five year program will provide long-term planning. It is important to note that only the expenditures and appropriations in the annual budget are binding financial commitments. Projections for the remaining five years are not binding and the capital projects recommended for future development may be altered or not developed due to cost or changed conditions and circumstances.

Definition of Capital Improvement

The Capital Facilities Element is concerned with needed improvements which are of relatively large scale, are generally non-recurring high cost and which may require financing over several years. The list of improvements is limited to major components in order to analyze development trends and impacts at a level of detail which is both manageable and reasonably accurate.

Smaller scale improvements of less than \$25,000 are addressed in the annual budget as they occur over time. For the purposes of capital facility planning, capital improvements are major projects, activities or maintenance, costing over \$25,000 and requiring the expenditure of public funds over and above annual operating expenses. They have a useful life of over ten years and result in an addition to the city's fixed assets and/or extend the life of the existing infrastructure. Capital improvements do not include items such as equipment or "rolling stock" or projects, activities or maintenance which cost less than \$25,000 or which regularly are not part of capital improvements.

Capital improvements may include the design, engineering, permitting and the environmental analysis of a capital project. Land acquisition, construction, major maintenance, site improvements, energy conservation projects, landscaping, initial furnishings and equipment may also be included.

Capital Facilities Needs Projections

The City Departments of Public Works, Planning, Building and Fire Safety, Finance and Administration have identified various capital improvements and projects based upon recent surveys and planning programs authorized by the Gig Harbor City Council. Suggested revenue sources were also considered and compiled.

Currently, six functional plans have been completed:

- City of Gig Harbor Water System Plan (April 2009), as may later be amended by resolution.
- City of Gig Harbor Wastewater Comprehensive Plan (November 2009), as may later be amended by resolution.
- City of Gig Harbor Wastewater Treatment Plan Improvements Engineering Report (April 2003)

- City of Gig Harbor Phase 1 Wastewater Treatment Plan Improvements Technical Memorandum (August 2007)
- City of Gig Harbor Stormwater Comprehensive Plan (October 2009), as may later be amended by resolution.
- The City of Gig Harbor 2010 Park, Recreation, & Open Space Plan (adopted June 2010)

All the plans identify current system configurations and capacities and proposed financing for improvements, and provide the technical information needed to develop the capital facility project lists for this Comprehensive Plan.

Prioritization of Projected Needs

The identified capital improvement needs listed were developed by the City Community Development Director, Finance Director, and the City Administrator. The following criteria were applied informally in developing the final listing of proposed projects:

Economics

- Potential for Financing
- Impact on Future Operating Budgets
- Benefit to Economy and Tax Base

Service Consideration

- Safety, Health and Welfare
- Environmental Impact
- Effect on Service Quality

Feasibility

- Legal Mandates
- Citizen Support
- 1992 Community Vision Survey

Consistency

- Goals and Objectives in Other Elements
- Linkage to Other Planned Projects
- Plans of Other Jurisdictions

Cost Estimates for Projected Needs

The majority of the cost estimates in this element are presented in ~~2009~~ 2010 dollars and were derived from various federal and state documents, published cost estimates, records of past expenditures and information from various private contractors.

FUTURE NEEDS AND ALTERNATIVES

The Capital Facility Plan for the City of Gig Harbor is developed based upon the following analysis:

- Current Revenue Sources
- Financial Resources
- Capital Facilities Policies
- Method for Addressing Shortfalls

Current Revenue Sources

The major sources of revenue for the City’s major funds are as follows:

Fund	Source	Projected (2011)
General Fund	Sales tax	\$4,554,000
	Utility tax	\$1,309,000
	Property tax	\$1,798,000
Street Fund- Operations	Property tax	\$0
Water Operating Fund	Customer charges	\$1,192,000
Sewer Operating Fund	Customer charges	\$3,201,000
Storm Drainage Fund	Customer charges	\$717,000

Financial Resources

In order to ensure that the city is using the most effective means of collecting revenue, the city inventoried the various sources of funding currently available. Financial regulations and available mechanisms are subject to change. Additionally, changing market conditions influence the city's choice of financial mechanism. The following list of sources include all major financial resources available and is not limited to those sources which are currently in use or which would be used in the six-year schedule of improvements. The list includes the following categories:

- Debt Financing
- Local Levies
- Local Non-Levy Financing
- State Grants and Loans
- Federal Grants and Loans

Debt Financing Method

Short-Term Borrowing: Utilization of short-term financing through local banks is a means to finance the high-cost of capital improvements.

Revenue Bonds: Bonds can be financed directly by those benefiting from the capital

improvement. Revenue obtained from these bonds is used to finance publicly-owned facilities, such as new or expanded water systems or improvement to the waste water treatment facility. The debt is retired using charges collected from the users of these facilities. In this respect, the capital project is self supporting. Interest rates tend to be higher than for general obligation bonds and the issuance of the bonds may be approved by voter referendum.

General Obligation Bonds: These are bonds which are backed by the full faith and credit of the city. Voter-approved bonds increase property tax rate and dedicate the increased revenue to repay bondholders. Councilmanic bonds do not increase taxes and are repaid with general revenues. Revenue may be used for new capital facilities or maintenance and operations at an existing facility. These bonds should be used for projects that benefit the City as a whole.

Local Multi-Purpose Levies

Ad Valorem Property Taxes: The tax rate is in mills (1/10 cent per dollar of taxable value). The maximum rate is \$1.60 per \$1,000 assessed valuation. In 2010, the City's tax rate is \$0.9274 per \$1,000 assessed valuation. The City is prohibited from raising its levy more than one percent. A temporary or permanent excess levy may be assessed with voter approval. Revenue may be used for new capital facilities or maintenance and operation of existing facilities.

Business and Occupation (B and O) Tax: This is a tax of no more that 0.2% of the gross value of business activity on the gross or net income of a business. Assessment increases require voter approval. The City does not currently use a B and O tax. Revenue may be used for new capital facilities or maintenance and operation of existing facilities.

Local Option Sales Tax: The city has levied the maximum of tax of 1%. Revenue may be used for new capital facilities or maintenance and operation of existing facilities.

Utility Tax: This is a tax on the gross receipts of electric, gas, telephone, cable TV, water/sewer, and stormwater utilities. Local discretion up to 6% of gross receipts with voter approval required for an increase above this maximum. Revenue may be used for new capital facilities or maintenance and operation of existing facilities. The city currently levies a 5% utility tax.

Real Estate Excise Tax: The real estate excise tax is levied on all sales of real estate, measured by the full selling price. In addition to the state rate of 1.28 percent, a locally-imposed tax is also authorized. The city may levy a quarter percent tax and additional quarter percent tax. These funds may only be used to finance eligible capital facilities.

Local Single-Purpose Levies

Motor Vehicle Fuel Tax – “Gas Tax”: The state currently levies a tax of 37.5 cents per gallon on motor vehicle fuel under RCW 82.36.025(1) through (6) and on special fuel (diesel) under RCW 82.38.030(1) through (6). Cities receive 10.6961 percent of the 23 cents per gallon tax levied under RCW 82.36.025(1). These funds are distributed monthly on a per capita basis and are to be placed in a city street fund to be spent for street construction, maintenance or repair.

Local Option Motor Vehicle Fuel Excise Tax: Upon a vote of the people, a local option gas tax can be levied countywide at a rate equal to 10 percent of the state rate. Since the state rate is 37.5 cents per gallon, 10 percent currently would be 3.75 cents per gallon. The tax may be implemented only on the first day of January, April, July, or October and expenditure of these funds is limited solely to transportation purposes.

Local Option Commercial Parking Tax: This tax may be levied by a city within its boundaries and by a county in the unincorporated areas. There is no limit on the tax rate and many ways of assessing the tax are allowed. If the city chooses to levy it on parking businesses, it can tax gross proceeds or charge a fixed fee per stall. If the tax is assessed on the driver of a car, the tax rate can be a flat fee or a percentage amount. Rates can vary by any reasonable factor, including location of the facility, time of entry and exit, duration of parking, and type or use of vehicle. The parking business operator is responsible for collecting the tax and remitting it to the city, which must administer it. This tax is subject to a voter referendum. At the present time, Bainbridge Island, Bremerton, Mukilteo, SeaTac, and Tukwila are the only cities that we know are levying this tax. Expenditure of these funds is limited solely to transportation purposes.

Transportation Benefit Districts: Cities, along with counties, may form transportation benefit districts to acquire, construct, improve, provide, and fund transportation improvements in the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The area may include other cities and counties, as well as port and transit districts through interlocal agreements.

Any city passing on ordinance to form a transportation benefit district must also identify revenue options for financing improvements in the district. A district that has coterminous boundaries with a city may levy a \$20 per vehicle license fee or impose transportation impact fees on commercial or industrial buildings, both without voter approval. A credit must be provided for any transportation impact fee on commercial or industrial buildings that the city has already imposed. Similarly, any district that imposes a fee that, in combination with another district's fee, totals more than \$20, must provide a credit for the previously levied fee.

Voter-approved revenue options include a license fee of up to \$100 per vehicle and a 0.2 percent sales tax. Like many other special districts, transportation benefit districts may levy a one-year O&M levy under RCW 84.52.052 and do an excess levy for capital purposes under RCW 85.52.056. The funds must be spent on transportation improvements as set forth in the district's plan.

Local Non-Levy Financing Mechanisms

Reserve Funds: Revenue that is accumulated in advance and earmarked for capital improvements. Sources of the funds can be surplus revenues, funds in depreciation revenues, or funds resulting from the sale of capital assets.

Fines, Forfeitures and Charges for Services: This includes various administrative fees and user charges for services and facilities operated by the jurisdiction. Examples are franchise fees, sales

of public documents, property appraisal fees, fines, forfeitures, licenses, permits, income received as interest from various funds, sale of public property, rental income and private contributions to the jurisdiction. Revenue from these sources may be restricted in use.

User and Program Fees: These are fees or charges for using park and recreational facilities, sewer services, water services and surface drainage facilities. Fees may be based on a measure of usage on a flat rate or on design features. Revenues may be used for new capital facilities or maintenance and operation of existing facilities.

Street Utility Charges: A fee of up to 50% of actual costs of street construction, maintenance and operations may be charged to households. Owners or occupants of residential property are charged a fee per household that cannot exceed \$2.00 per month. The fee charged to businesses is based on the number of employees and cannot exceed \$2.00 per employee per month. Both businesses and households must be charged. Revenue may be used for activities such as street lighting, traffic control devices, sidewalks, curbs, gutters, parking facilities and drainage facilities.

Special Assessment District: Special assessment districts are created to service entities completely or partially outside of the jurisdiction. Special assessments are levied against those who directly benefit from the new service or facility. The districts include Local Improvement Districts, Road Improvement Districts, Utility Improvement Districts and the collection of development fees. Funds must be used solely to finance the purpose for which the special assessment district was created.

Impact Fees: Impact fees are paid by new development based upon the development's impact to the delivery of services. Impact fees must be used for capital facilities needed by growth and not to correct current deficiencies in levels of service nor for operating expenses. These fees must be equitably allocated to the specific entities which will directly benefit from the capital improvement and the assessment levied must fairly reflect the true costs of these improvements. Impact fees may be imposed for public streets, parks, open space, recreational facilities, and school facilities.

State Grants and Loans

Public Works Trust Fund: Low interest loans to finance capital facility construction, public works emergency planning, and capital improvement planning. To apply for the loans the city must have a capital facilities plan in place and must be levying the original 1/4% real estate excise tax. Funds are distributed by the Department of Community Development. Loans for construction projects require matching funds generated only from local revenues or state shared entitlement revenues. Revenue may be used to finance new capital facilities, or maintenance and operations at existing facilities.

State Parks and Recreation Commission Grants: Grants for parks capital facilities acquisition and construction. They are distributed by the Parks and Recreation Commission to applicants

with a 50% match requirement.

Urban Transportation Improvement Programs: The State Transportation Improvement Board offers three grant programs to cities exceeding a population of 5,000. Urban Arterial Program for roadway projects which improve safety and mobility; Urban Corridor Program, for roadway projects that expand capacity; and, Sidewalk Program for sidewalk projects that improve safety and connectivity.

Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU): SAFETEA-LU represents the largest surface transportation investment in our Nation's history with guaranteed funding for highways, highway safety, and public transportation totaling \$244.1 billion. SAFETEA-LU supplies funds for investments needed to maintain and grow vital transportation infrastructure.

Centennial Clean Water Fund: Grants and loans for the design, acquisition, construction, and improvement of Water Pollution Control Facilities, and related activities to meet state and federal water pollution control requirements. Grants and loans distributed by the Department of Ecology with a 75%-25% matching share. Use of funds is limited to planning, design, and construction of Water Pollution Control Facilities, stormwater management, ground water protection, and related projects.

Water Pollution Control State Revolving Fund: Low interest loans and loan guarantees for water pollution control projects. Loans are distributed by the Department of Ecology. The applicant must show water quality need, have a facility plan for treatment works, and show a dedicated source of funding for repayment.

Federal Grants and Loans

Department of Health Water Systems Support: Grants for upgrading existing water systems, ensuring effective management, and achieving maximum conservation of safe drinking water. Grants are distributed by the state Department of Health through intergovernmental review and with a 60% local match requirement.

Capital Facility Strategies

In order to realistically project available revenues and expected expenditures on capital facilities, the city must consider all current policies that influence decisions about the funding mechanisms as well as policies affecting the city's obligation for public facilities. The most relevant of these are described below. These policies, along with the goals and policies articulated in the other elements were the basis for the development of various funding scenarios.

Mechanisms to Provide Capital Facilities

Increase Local Government Appropriations: The city will investigate the impact of increasing current taxing rates, and will actively seek new revenue sources. In addition, on an annual basis,

the city will review the implications of the current tax system as a whole.

Use of Uncommitted Resources: The city has developed and adopted its Six-Year capital improvement schedules. With the exception of sewer facilities, however, projects have been identified on the 20-year project lists with uncommitted or unsecured resources.

Analysis of Debt Capacity: Generally, Washington state law permits a city to ensure a general obligation bonded debt equal to 3/4 of 1% of its property valuation without voter approval. By a 60% majority vote of its citizens, a city may assume an additional general obligation bonded debt of 1.7570%, bringing the total for general purposes up to 2.5% of the value of taxable property. The value of taxable property is defined by law as being equal to 100% of the value of assessed valuation. For the purpose of applying municipally-owned electric, water, or sewer service and with voter approval, a city may incur another general obligation bonded debt equal to 2.5% of the value of taxable property. With voter approval, cities may also incur an additional general obligation bonded debt equal to 2.5% of the value of taxable property for parks and open space. Thus, under state law, the maximum general obligation bonded debt which the city may incur cannot exceed 7.5% of the assessed property valuation.

Municipal revenue bonds are not subject to a limitation on the maximum amount of debt which can be incurred. These bonds have no effect on the city's tax revenues because they are repaid from revenues derived from the sale of service.

The City of Gig Harbor has used general obligation bonds and municipal revenue bonds very infrequently. Therefore, under state debt limitation, it has ample debt capacity to issue bonds for new capital improvement projects.

User Charges and Connection Fees: User charges are designed to recoup the costs of public facilities or services by charging those who benefit from such services. As a tool for affecting the pace and pattern of development, user fees may be designed to vary for the quantity and location of the service provided. Thus, charges could be greater for providing services further distances from urban areas.

Mandatory Dedications or Fees in Lieu of: The jurisdiction may require, as a condition of plat approval, that subdivision developers dedicate a certain portion of the land in the development to be used for public purposes, such as roads, parks, or schools. Dedication may be made to the local government or to a private group. When a subdivision is too small or because of topographical conditions a land dedication cannot reasonably be required, the jurisdiction may require the developer to pay an equivalent fee in lieu of dedication.

The provision of public services through subdivision dedications not only makes it more feasible to service the subdivision, but may make it more feasible to provide public facilities and services to adjacent areas. This tool may be used to direct growth into certain areas.

Negotiated Agreement: An agreement whereby a developer studies the impact of development and proposes mitigation for the city's approval. These agreements rely on the expertise of the

developer to assess the impacts and costs of development. Such agreements are enforceable by the jurisdiction. The negotiated agreement will require lower administrative and enforcement costs than impact fees.

Impact Fees: Impact fees may be used to affect the location and timing of infill development. Infill development usually occurs in areas with excess capacity of capital facilities. If the local government chooses not to recoup the costs of capital facilities in underutilized service areas then infill development may be encouraged by the absence of impact fees on development(s) proposed within such service areas. Impact fees may be particularly useful for a small community which is facing rapid growth and whose new residents desire a higher level of service than the community has traditionally fostered and expected.

Obligation to Provide Capital Facilities

Coordination with Other Public Service Providers: Local goals and policies as described in the other comprehensive plan elements are used to guide the location and timing of development. However, many local decisions are influenced by state agencies and utilities that provide public facilities within the Urban Growth Area and the City of Gig Harbor. The planned capacity of public facilities operated by other jurisdictions must be considered when making development decisions. Coordination with other entities is essential not only for the location and timing of public services, but also in the financing of such services.

The city's plan for working with the natural gas, electric, and telecommunication providers is detailed in the Utilities Element. This plan includes policies for sharing information and a procedure for negotiating agreement for provision of new services in a timely manner.

Other public service providers such as school districts and private water providers are not addressed in the Utilities Element. However, the city's policy is to exchange information with these entities and to provide them with the assistance they need to ensure that public services are available and that the quality of the service is maintained.

Level of Service Standards: Level of service standards are an indicator of the extent or quality of service provided by a facility that are related to the operational characteristics of the facility. They are a summary of existing or desired public service conditions. The process of establishing level of service standards requires the city to make quality of service decisions explicit. The types of public services for which the city has adopted level of service standards will be improved to accommodate the impacts of development and maintain existing service in a timely manner with new development.

Level of service standards will influence the timing and location of development, by clarifying which locations have excess capacity that may easily support new development, and by delaying new development until it is feasible to provide the needed public facilities. In addition, to avoid over-extending public facilities, the provision of public services may be phased over time to ensure that new development and projected public revenues keep pace with public planning. The

city has adopted level of service standards for six public services. These standards are to be identified in Section V of this element.

Urban Growth Area Boundaries: The Urban Growth Area Boundary was selected in order to ensure that urban services will be available to all development. The location of the boundary was based on the following: environmental constraints, the concentrations of existing development, the existing infrastructure and services, and the location of prime agricultural lands. New and existing development requiring urban services will be located in the Urban Growth Area. Central sewer and water, drainage facilities, utilities, telecommunication lines, and local roads will be extended to development in these areas. The city is committed to serving development within this boundary at adopted level of service standards. Therefore, prior to approval of new development within the Urban Growth Area the city should review the six-year Capital Facilities Program and the plan in this element to ensure the financial resources exist to provide the services to support such new development.

Methods for Addressing Shortfalls

The city has identified options available for addressing shortfalls and how these options will be exercised. The city evaluates capital facility projects on an individual basis rather than a system-wide basis. This method involves lower administrative costs and can be employed in a timely manner. However, this method will not maximize the capital available for the system as a whole. In deciding how to address a particular shortfall the city will balance the equity and efficiency considerations associated with each of these options. When evaluation of a project identifies shortfall, the following options would be available:

- Increase revenue
- Decrease level of service
- Decrease the cost of a facility
- Decrease the demand for the public service or facility
- Reassess the land use assumptions in the Comprehensive Plan

SIX-YEAR CAPITAL FACILITY PLAN

In addition to the direct costs for capital improvements, this section analyzes cost for additional personnel and routine operation and maintenance activities. Although the capital facilities program does not include operating and maintenance costs, and such an analysis is not required under the Growth Management Act, it is an important part of the long-term financial planning. The six-year capital facilities program for the City of Gig Harbor was based upon the following analysis:

- Financial Assumptions
- Projected Revenues
- Projected Expenditures
- Future Needs

Financial Assumptions

The following assumptions about the future operating conditions in the city operations and market conditions were used in the development of the six-year capital facilities program:

1. The city will maintain its current fund accounting system to handle its financial affairs.
2. The cost of running local government will continue to increase due to inflation and other growth factors while revenues will also increase.
3. New revenue sources, including new taxes, may be necessary to maintain and improve city services and facilities.
4. Capital investment will be needed to maintain, repair and rehabilitate portions of the city's aging infrastructure and to accommodate growth anticipated over the next twenty years.
5. Public investment in capital facilities is the primary tool of local government to support and encourage economic growth.
6. A consistent and reliable revenue source to fund necessary capital expenditures is desirable.
7. A comprehensive approach to review, consider, and evaluate capital funding requests is needed to aid decision makers and the citizenry in understanding the capital needs of the city.

Capital improvements will be financed through the following funds:

- General Fund
- Capital Improvement Fund
- Transportation Improvement Fund
- Enterprise Funds

Projected Revenues

Tax Base

The City's tax base is projected to increase at a rate of 2% in 2010 and 1-2% in 2011 for the adjusted taxable value of the property, including new construction. The City's assessment ratio is projected to remain constant at 100%. Although this is important to the overall fiscal health of the city, capital improvements are funded primarily through non-tax resources.

Revenue by Fund

General Fund: The General Fund is the basic operating fund for the city. The General Fund is allocated 25 percent of the annual tax yield from ad valorem property values. Since 2000, the average annual increase in tax levy was 6%. This was mostly due to new construction and annexations as regular growth in property tax levy is limited to 1 percent a year. The city is projecting a 1 to 2 percent increase in tax base for 2010 and 2011 due to the current economy. The City has a maximum rate of \$1.60 per \$1,000 ad valorem. The actually rate collected by the city has fallen from \$1.58 in 1999 to \$0.9294 in 2010.

Capital Improvement Funds: In the City of Gig Harbor, the Capital Improvement Funds accounts for the proceeds of the first and second quarter percent of the locally-imposed real estate excise tax. Permitted uses are defined as "public works projects for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation or improvements of streets, roads, highways, sidewalks street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation or improvements of parks. These revenues are committed to annual debt service and expenditures from this account are expected to remain constant, based upon the existing debt structure. The revenues in these funds represent continued capture of a dedicated portion of the ad valorem revenues necessary to meet annual debt service obligations on outstanding general obligation bonds. In 2018, the City is scheduled to repay the 2008 LTGO Bonds.

Street and Street Capital Funds: Expenditures from these funds include direct annual outlays for capital improvement projects. The revenues in this fund represent total receipts from state and local gas taxes and 75% of property taxes collected. The projected revenues are based upon state projections for gasoline consumption, current state gas tax revenue sharing and continued utilization of local option gas taxes at current levels. This fund also includes state and federal grant monies dedicated to transportation improvements.

Enterprise Funds: The revenue these funds are used for the annual capital and operating expenditures for services that are operated and financed similar to private business enterprises. The projected revenues depend upon the income from user charges, connection fees, bond issues, state or federal grants and carry-over reserves.

GOALS AND POLICIES

GOALS

GOAL12.1. PROVIDE NEEDED PUBLIC FACILITIES TO ALL OF THE CITY RESIDENTS IN A MANNER WHICH PROTECTS INVESTMENTS IN EXISTING FACILITIES, WHICH MAXIMIZES THE USE OF EXISTING

FACILITIES AND WHICH PROMOTE ORDERLY AND HIGH QUALITY URBAN GROWTH.

GOAL 12.2. PROVIDE CAPITAL IMPROVEMENT TO CORRECT EXISTING DEFICIENCIES, TO REPLACE WORN OUT OR OBSOLETE FACILITIES AND TO ACCOMMODATE FUTURE GROWTH, AS INDICATED IN THE SIX-YEAR SCHEDULE OF IMPROVEMENTS.

GOAL 12.3. FUTURE DEVELOPMENT SHOULD BEAR ITS FAIR-SHARE OF FACILITY IMPROVEMENT COSTS NECESSITATED BY DEVELOPMENT IN ORDER TO ACHIEVE AND MAINTAIN THE CITY'S ADOPTED LEVEL OF STANDARDS AND MEASURABLE OBJECTIVES.

GOAL 12.4. THE CITY SHOULD MANAGE ITS FISCAL RESOURCES TO SUPPORT THE PROVISION OF NEEDED CAPITAL IMPROVEMENTS FOR ALL DEVELOPMENTS.

GOAL 12.5. THE CITY SHOULD COORDINATE LAND USE DECISIONS AND FINANCIAL RESOURCES WITH A SCHEDULE OF CAPITAL IMPROVEMENTS TO MEET ADOPTED LEVEL OF SERVICE STANDARDS, MEASURABLE OBJECTIVES AND PROVIDE EXISTING FUTURE FACILITY NEEDS.

GOAL 12.6. THE CITY SHOULD PLAN FOR THE PROVISION OR EXTENSION OF CAPITAL FACILITIES IN SHORELINE MANAGEMENT AREAS, CONSISTENT WITH THE GOALS, POLICIES AND OBJECTIVES OF THE CITY OF GIG HARBOR SHORELINE MASTER PROGRAM.

POLICIES

12.1.1. Capital improvement projects identified for implementation and costing more than \$25,000 shall be included in the Six Year Schedule of Improvement of this element. Capital improvements costing less than \$25,000 should be reviewed for inclusion in the six-year capital improvement program and the annual capital budget.

12.1.2. Proposed capital improvement projects shall be evaluated and prioritized using the following guidelines as to whether the proposed action would:

- a. Be needed to correct existing deficiencies, replace needed facilities or to provide facilities required for future growth;
- b. Contribute to lessening or eliminating a public hazard;
- c. Contribute to minimizing or eliminating any existing condition of public facility

capacity deficits;

- d. Be financially feasible;
- e. Conform with future land uses and needs based upon projected growth;
- f. Generate public facility demands that exceed capacity increase in the six-year schedule of improvements;
- g. Have a detrimental impact on the local budget.

12.1.3. The City sewer and water connection fee revenues shall be allocated to capital improvements related to expansion of these facilities.

12.1.4. The City identifies its sanitary sewer service area to be the same as the urban growth area. Modifications to the urban growth boundary will constitute changes to the sewer service area.

12.1.5. Appropriate funding mechanisms for development's fair-share contribution toward other public facility improvements, such as transportation, parks/recreation, storm drainage, will be considered for implementation as these are developed by the City.

12.1.6. The City shall continue to adopt annual capital budget and six-year capital improvement program as part of its annual budgeting process.

12.1.7. Every reasonable effort shall be made to secure grants or private funds as available to finance the provision of capital improvements.

12.1.8. Fiscal policies to direct expenditures for capital improvements will be consistent with other Comprehensive Plan elements.

12.1.9. The City and/ or developers of property within the City shall provide for the availability of public services needed to support development concurrent with the impacts of such development subsequent to the adoption of the Comprehensive Plan. These facilities shall meet the adopted level of service standards.

12.1.10. The City will support and encourage joint development and use of cultural and community facilities with other governmental or community organizations in areas of mutual concern and benefit.

12.1.11. The City will emphasize capital improvement projects which promote the conservation, preservation or revitalization of commercial and residential areas within the downtown business area and along the shoreline area of Gig Harbor, landward of Harborview Drive and North Harborview Drive.

12.1.12. If probable funding falls short of meeting the identified needs of this plan, the City

will review and update the plan, as needed. The City will reassess improvement needs, priorities, level of service standards, revenue sources and the Land Use Element.

LEVEL OF SERVICE STANDARDS

The following Level of Service Standards (LOS) shall be utilized by the City in evaluating the impacts of new development or redevelopment upon public facility provisions:

1. Parks:

Park level of service standards are addressed in the Parks, Recreation & Open Space Facilities “Inventory and Analysis” section of this Chapter.

2. Transportation/Circulation:

Transportation Level of Service standards are addressed in the Transportation Element.

3. Sanitary Sewer:

Sanitary sewer level of service standards are addressed in the Wastewater System “Inventory and Analysis” section of this Chapter.

4. Potable Water:

Potable water level of service standards are addressed in the Water System “Inventory and Analysis” section of this Chapter.

Six Year Capital Improvement Program

PLAN IMPLEMENTATION AND MONITORING

Implementation

The six-year schedule of improvements shall be the mechanism the City will use to base its timing, location, projected cost and revenue sources for the capital improvements identified for implementation in the other comprehensive plan elements.

Monitoring and Evaluation

Monitoring and evaluation are essential to ensuring the effectiveness of the Capital Facilities Plan element. This element will be reviewed annually and amended to verify that fiscal resources are available to provide public facilities needed to support LOS standards and plan objectives. The annual review will include an examination of the following considerations in order to determine their continued appropriateness:

- a. Any corrections, updates and modifications concerning costs, revenue sources, acceptance of facilities pursuant to dedication which are consistent with this element, or to the date of construction of any facility enumerated in this element;
- b. The Capital Facilities Element's continued consistency with the other element of the plan and its support of the land use element;
- c. The priority assignment of existing public facility deficiencies;
- d. The City's progress in meeting needs determined to be existing deficiencies;
- e. The criteria used to evaluate capital improvement projects in order to ensure that projects are being ranked in their appropriate order or level of priority;
- f. The City's effectiveness in maintaining the adopted LOS standard and objectives achieved;
- g. The City's effectiveness in reviewing the impacts of plans of other state agencies that provide public facilities within the City's jurisdiction;
- h. The effectiveness of impact fees or fees assessed new development for improvement costs;
- i. Efforts made to secure grants or private funds, as available, to finance new capital improvements;
- j. The criteria used to evaluate proposed plan amendments and requests for new development or redevelopment;
- k. Capital improvements needed for the latter part of the planning period for updating the six-year schedule of improvements;
- j. Concurrency status.

Table 12.5 Capital Facilities Projects

Wastewater System Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
Wastewater Treatment System					
T1	Outfall Construction Marine Portion (Bogue View Park to Colvos Passage)	2010-2011	\$8,791,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Utility Rates
T2	WWTP Expansion Phase II	2011-2012	\$8,210,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/ Utility Rates
T3	Reuse and Reclamation Studies (\$100,000/yr)	2010-2014	\$500,000	6-year	Connection Fees/Utility Rates
T4	Annual Replacement, Rehabilitation and Renewal	2010-2014	\$610,000	6-year	Connection Fees/Utility Rates
T5	Annual Water Quality Reporting	2010-2014	\$400,000	6-year	PWTF/ SRF/ revenue bonds /Connection Fees/Sewer Rates
	Wastewater Treatment Subtotal		\$18,511,000 9,760,000		
Wastewater Collection System					
C1	Lift Station 1 Improvements (Crescent Creek Park)	2013	\$130,000	6-year	Connection Fees/Utility Rates
C2	Lift Station 3A Jockey Pump Replacement (Harborview Dr./N. Harborview Dr.)	2014	\$156,000	6-year	Connection Fees/Utility Rates
C3	Lift Station 4 Improvements (Harborview Dr./Rosedale St.)	2011-2013	\$2,595,100	6-year	Connection Fees/Utility Rates
C4	Lift Station 5 Improvements (Harborview Ferry Landing)	2013	\$130,000	6-year	Connection Fees/Utility Rates
C5	Lift Station 6 Improvements (Ryan St./Cascade Ave)	2010-2011	\$700,000	6-year	Connection Fees/Utility Rates
C6	Lift Station 7 Improvements (Ried Dr./Hollycroft St.)	2010	\$203,000	6-year	Connection Fees/Utility Rates
C7	Lift Station 8 Improvements (Harbor Country Dr.)	2012-2013	\$532,800	6-year	Connection Fees/Utility Rates
C8	Lift Station 9 Improvements (50 th St./Reid Dr.)	2013	\$127,000	6-year	Connection Fees/Utility Rates
C9	Lift Station 11 Improvements (38 th Ave./48 th St.)	2014	\$139,000	6-year	Connection Fees/Utility Rates
C10	Lift Station 12 Improvements (Woodhill Dr./Burnham Dr.)	2012-2013	\$1,502,500	6-year	Connection Fees/Utility Rates
C11	Lift Station 13 Improvements (Purdy Dr/SR-302)	2012-2013	\$400,900	6-year	Connection Fees/Utility Rates
C12	Install Flow Meter at LS1	2011	\$29,000	6-year	Connection Fees/Utility Rates
C13	Install Flow Meter at LS2	2011	\$31,000	6-year	Connection Fees/Utility Rates
C14	Install Flow Meter at LS3A	2014	\$38,000	6-year	Connection Fees/Utility Rates

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
C15	Install Flow Meter at LS4	2011	\$31,000	6-year	Connection Fees/Utility Rates
C16	Install Flow Meter at LS5	2013	\$36,000	6-year	Connection Fees/Utility Rates
C17	Install Flow Meter at LS6	2010	\$29,000	6-year	Connection Fees/Utility Rates
C18	Install Flow Meter at LS7	2010	\$29,000	6-year	Connection Fees/Utility Rates
C19	Install Flow Meter at LS8	2013	\$36,000	6-year	Connection Fees/Utility Rates
C20	Install Flow Meter at LS9	2013	\$36,000	6-year	Connection Fees/Utility Rates
C21	Install Flow Meter at LS10	2011	\$31,000	6-year	Connection Fees/Utility Rates
C22	Install Flow Meter at LS11	2014	\$38,000	6-year	Connection Fees/Utility Rates
C23	Install Flow Meter at LS12	2011	\$29,000	6-year	Connection Fees/Utility Rates
C24	Install Flow Meter at LS13	2014	\$38,000	6-year	Connection Fees/Utility Rates
C25	Install Flow Meter at LS14	2013	\$36,000	6-year	Connection Fees/Utility Rates
C26	Install Flow Meter at LS5	2013	\$36,000	6-year	Connection Fees/Utility Rates
C27	Install Future Lift Station 10A (56 th St./36 th Ave.) and Forcemain	2011	\$1,206,000	6-year	Developer Funded
C28	Install Future Lift Station 17A (Skansie Ave./90 th St.) and Forcemain	2011-2015	\$1,581,000	6-year	Local/Developer Funded
C29	Install Future Lift Station 21A (Hunt St/Skansie Ave.) and Forcemain	2010	\$1,518,000	6-year	Developer Funded
C30	Wastewater Comprehensive Plan	2014	225,100	6-year	Connection Fees/Utility Rates
	Wastewater Collection Subtotal		\$10,064,400		
			\$28,575,400		
	Wastewater Total		19,784,400		

Notes: Estimated costs are based on dollars value in the estimated year of the project.

Water System Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
1	Asbestos Cement Water Line Replacement Program (\$75,000/yr)	2010-2014	\$375,000	6-year	Connection Fees/Utility Rates
2	Water Systems Upgrades (\$50,000/yr)	2009-2014	\$300,000	6-year	Connection Fees/Utility Rates
3	Water Rights Annual Advocate for Permitting (\$40,000)	2009-2012	\$160,000	6-year	Connection Fees/Utility Rates
4	Well No. 11 – Deep Aquifer Well	2009- 2013 16	\$4,174,600	6-year	Connection Fees /Utility Rates
5	Harbor Hill Drive Water Main Extension	2014	\$450,200	6-year	Development Mitigation/Connection Fees/Utility Rates
6	Harborview Drive Loop	2011	\$503,500	6-year	Development Mitigation/Connection Fees/Utility Rates
7	Tarabochia Street Water Main Replacement	2012	\$44,000	6-year	Connection Fees/Utility Rates
8	Grandview Street Water Main Replacement	2012	\$424,400	6-year	Development Mitigation/Connection Fees/Utility Rates
9	96 th Street Water Main Extension	2014	\$269,000	6-year	Development Mitigation/Connection Fees/Utility Rates
10	Woodworth Avenue Water Main Replacement	2013	\$116,700	6-year	Connection Fees/Utility Rates
11	Shurgard East Tee and Water Main Replacement	2013	\$437,100	6-year	Development Mitigation/Connection Fees/Utility Rates
12	Water System Plan Update	2014	\$112,600	6-year	Connection Fees/Utility Rates
	Water Total		\$7,367,100 <u>6,930,000</u>		

Note: Estimated costs are in 2009 dollars

Park, Recreation & Open Space Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
1	Harbor History Museum Donkey Creek Acquisition and Easement	2008-2012	\$400,000	6 year	Local
2	Eddon Boatyard Dock Reconstruction	2010-2011	\$250,000	6 year	Heritage Grant
3	Donkey Creek/Austin Estuary Restoration and Roads Project*	2008-2016	\$350,000	6 year	RCO-Federal Grant and Local (Funded)
4	Boys and Girls Club/Senior Center	2010-2011	\$1,000,000	6 year	Local (\$250,000), Federal HUD (Funded \$750,000)
5	Crescent Creek Park Playground Improvements	2010-2011	\$50,000-\$300,000	6 year	Grants, Local, Fundraising
6	Skansie Netshed Stabilization Project	2010-2014	\$250,000	6 year	Heritage Grant, Local
7	Cushman Trail Phase III and IV - 96th St to Borgen	2010-2014+15	\$2,000,000	6 year	Local, County, RCO Grant, Federal
8	Eddon Boat Park Development	2011-2014	\$300,000	6 year	RCO Grants, Local
9	Gig Harbor North Park	2008-2012	\$5,000,000	6 year	Developer Mitigation, Grants
10	Gig Harbor North Trail System	2010-2014	\$1,500,000	6 year	Local, Developer Mitigation, Grants
11	Wilkinson Farm Barn Restoration	2010-2014	\$250,000	6 year	Heritage Barn Grant, Local Match
12	Jerisich Dock Utility Upgrades	2010-2013+14	\$170,000	6 year	Local, RCO Grant (BIG)
13	Skansie House Improvements	2010-2012	\$60,000 - \$100,000	6 year	PSRC Grant, Local
14	Jerisich Dock Float Extension	2010-2012	\$300,000	6 year	Fees, Grants, Donations
15	Jerisich / Skansie Park Improvements	2009-2010	\$150,000	6 year	Local, Donations/Volunteer
16	Seasonal Floats at Jerisich Dock	2010-2012	\$200,000	6 year	Local, RCO Grant
17	Maritime Pier	2010-2012	\$2,500,000-\$5,000,000	6 year	Local, Grants, Fees
18	Develop Plan for Wilkinson Farm Park	2010-2011	\$25,000	6 year	Grants, Local, Fundraising
19	Twawelkax Trail	2010-2012	\$125,000	6 year	Local
20	Veterans Memorial Trail	2009-2014	\$125,000	6 year	Local
21	Wilkinson Farm Park Development	2011-2013	\$900,000	6 year	RCO Grant, Preservation Grants, Local Match
22	Develop Plan for Crescent Creek Park	2015	\$25,000	6 year	Grants, Local, Fundraising
23	Harborview Waterfront Trail / Pioneer Way Streetscape	2010-2014	\$500,000	6 year	Grants, Local, Fundraising
24	Kenneth Leo Marvin Veterans Memorial Park Phase 2	2010-2015	\$250,000	6 year	RCO Grant, Local
25	Donkey Creek Corridor Conservation	2010-2016	\$1,500,000	6 year plan	County Conservation Futures

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Sources
26	Critical Area Enhancement	2012-2016	\$100,000	6 year	Local, Volunteers, Grants
27	Wheeler Pocket Park	2010-2012	\$70,000	6 year	Local
28	<u>Ancich Waterfront Park Development</u>	<u>2013-2019</u>	<u>\$5,000,000</u>	6 year	Local, Grants
	Park Total		\$2348,250,000 to \$2621,040,000		

* The Donkey Creek/Austin Estuary Restoration and Roads Project benefits Stormwater, Parks and Transportation projects. The City has included portions of this project in each of these project lists; the total project amount is ~~\$2,560,000~~ \$4,900,000.

Stormwater System-Projects

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
1	Update storm facilities mapping (\$50,000/yr)	Annually	\$300,000	6-year	Connection Fees/Utility Rates
2	Garr Creek Tributary Channel (38 th St)/WWTP Erosion Study	2010-2011	\$50,000	6-year	Connection Fees/Utility Rates
3	38 th /Quail Run Ave Storm Culverts	2014	\$208,200	6-year	Connection Fees/Utility Rates
4	Donkey Creek/Austin Estuary Restoration and Roads Project* <u>Daylighting</u>	2013 <u>2008-2013</u>	\$1,236,000 <u>\$2,400,000</u>	6-year	State/Federal Salmon Recovery Grants/Earmarks/Local
5	Donkey Creek Culvert under Harborview Drive	2013	\$546,400	6-year	State/Federal Salmon Recovery Grants/Earmarks
6	Annual Storm Culvert Replacement Program (\$50,000/yr)	2009-2014	\$300,000	6-year	Connection Fees/Utility Rates
7	50 th Street Box Culvert	2012	\$371,300	6-year	Connection Fees/Utility Rates
8	Quail Run Water Quality System Improvements	2011-14	\$15,000	6-year	Connection Fees/Utility Rates
9	Annual NPDES Implementation Expenses	2009-2014	\$100,000	6-year	Connection Fees/Utility Rates /State Grant
10	Aquifer Re-charge - Spadoni Gravel Pit and adjacent property north of 96 th street between SR-16 and Burnham Drive.	2011	\$1,700,000	6-year	State/Federal Transportation Funding/Grant
11	Burnham Drive/96 th Street Culvert Replacement	2014	\$56,300	6-year	Connection Fees/Utility Rates
12	Borgen Boulevard/Peacock Hill Avenue Culvert Replacement	2014	\$36,600	6-year	Connection Fees/Utility Rates
13	102 nd Street Court Culvert Replacement	--	\$20,000	6-year	Private Development

Project No.	Project	Projected Year	Cost	Plan	Primary Funding Source
14	Burnham Drive/Harborview Drive Rock Spall Pad Construction	--	\$15,000	6-year	Private Development
15	101 st Street Court Detention Pond Reconstruction	--	\$25,000	6-year	Private Development
16	101 st Street Court Culvert Replacement	--	\$20,000	6-year	Private Development
17	Stormwater Comprehensive Plan Update	2014	\$112,600	6-year	Connection Fees/Utility Rates
	Stormwater Total		\$5,112,400		

Notes:

- Costs shown above are estimates and do not include such items as permitting costs, sales tax, right-of-way acquisition, utility relocations, trench dewatering, traffic control or other unforeseen complications.
- Private Development funding indicates the full cost for the project shall be borne by property owner(s) or developer(s).
- * The Donkey Creek/Austin Estuary Restoration and Roads Project benefits Stormwater, Parks and Transportation projects. The City has included portions of this project in each of these project lists; the total project amount is ~~\$2,560,000~~ 4,900,000.

Transportation Improvement Projects

Project No.	Project Name	Projected Start Year	Estimated Cost	Plan	Funding Source
1	SR-16/Borgen/Canterwood Hospital Mitigation Blvd Improvements (includes ancillary projects Roundabout Metering and Restripe Bridge)	2009	\$11,000,000	6-Year	State/Local
2	50 th St Ct NW Improvements Phase 2	2009-2014- 2018	\$1,600,000	6-Year	State/Local
3	Harbor Hill and Borgen Intersection Improvements	2013-2018- 2021	\$704,000	6-Year	Developer/Local
4	Rosedale and Stinson Intersection Improvements	2013-2018- 2019	\$275,000	6-Year	Local
5	38 th Ave Improvements Phase 1	2010-2016- 2019	\$9,790,000	6-Year	State/Local
6	Harbor Hill Drive Extension	2014-2013- 2016	\$5,500,000	6-Year	Developer/Local
7	Burnham Dr Phase 1	2014-2017- 2020	\$11,360,000	6-Year	State/Local/Developer
8	Burnham Dr/Harbor Hill Drive Intersection Improvements	2011-2015- 2017	\$2,200,000	6-Year	Developer/Local
9	Soundview and Hunt Intersection Improvements	2012-2016- 2017	\$660,000	6-Year	Developer/Local
10	Olympic/Pt. Fosdick Intersection Improvements	2010	\$440,000	6-Year	Developer/Local
11	Wollochet Dr Improvements	2013-2018- 2020	\$660,000	6-Year	Developer/Local
12	Harborview/N Harborview Intersection Improvements (Note:	2010	\$1,650,000	6-Year	Local

Project No.	Project Name	Projected Start Year	Estimated Cost	Plan	Funding Source
	included with Donkey Creek Project)				
13	SR 16/Olympic Drive	2012 2018-2022	\$825,000	6-Year	Developer/State/Local
14	Rosedale St/Skansie Ave Intersection Improvements	2011 2018-2022	\$ 275,000	6-Year	Local
15	38th Ave Improvements Phase 2	2009 2015-2018	\$5,280,000	6-Year	State/Local
16	Skansie Ave Improvements	2010 -2018-2021	\$9,460,000	6-Year	Local
17	Rosedale St Improvements	2010	\$3,740,000	6-Year	State/Local
18	Olympic/Hollycroft Intersection Improvements	2013 2016-2017	\$26,000	6-Year	Local
19	Vernhardson St Improvements	2014 2018-2022	\$375,000	6-Year	Local
20	Point Fosdick Pedestrian Improvements	2011 2013-2016	\$300,000	6-Year	State/Local
21	Harborview Dr. Improvements from N. Harborview Dr. to Pioneer Wy	2012 2013-2018	\$100,000750,000	6-Year	Federal/State/Local
22	Judson/Stanich/Uddenberg Improvements	2010	\$2,090,000	6-Year	State/Local
23	Donkey Creek/Austin Estuary Restoration and Roads Project*	2010	\$974,000 \$2,100,000	6-Year	Federal/State/Local
24	Wagner Way/Wollochet Drive Traffic Signal	2013 -2015-2018	\$300,000	6-Year	Developer/Local
2625	Grandview Drive Phase 1 from Stinson to Pioneer	2014 2017-2022	\$500,000	6-Year	Developer
2526	Grandview Drive Phase 2 from Soundview to McDonald	2010 2017-2022	\$860,000	6-Year	Local
27	Pt Fosdick/56th Street Improvements	2012	\$4,330,000	6-Year	State/Local/Developer
	Subtotal 6-Year:		\$79,558,000 \$75,400,000		
28	96th Street SR16 Crossing	2030	\$8,000,000	Other	State/Local
29	Briarwood Lane Improvments	2020	\$300,000	Other	Local
30	Franklin Ave Improvements	2015 2020	\$500,000	Other	Local
31	Street Connections - Point Fosdick Area	2015 2020	\$600,000	Other	Local
32	Crescent Valley Connector	2030	\$2,000,000	Other	Local
33	Downtown Parking Lot Design	2015	\$60,000	Other	Local
34	Downtown Parking Lot property acquisition	2015	n/a	Other	Local
35	Purchase land for ROW, stormwater improvements, wetland mitigation	2015	n/a	Other	Local
36	Public Works Operations Facility	2015	\$1,125,000	Other	Local
	Subtotal Other:		\$12,585,000		
	Transportation Total:		\$92,369,000 \$87,985,000		

* The Donkey Creek/Austin Estuary Restoration and Roads Project benefits Stormwater, Parks and Transportation projects. The City has included portions of this project in each of these project lists; the total project amount is ~~\$2,560,000~~ 4,900,000.



Subject: Public Hearing and First Reading of Ordinance-Shoreline Master Program Update, Comprehensive Plan & Gig Harbor Municipal Code Titles 17 & 19

Proposed Council Action: Hold a public hearing; review the proposed Shoreline Master Program and related amendments to the Comprehensive Plan and Gig Harbor Municipal Code Titles 17 and 19; and develop findings for second reading of ordinance.

Dept. Origin: Planning Department

Prepared by: Peter Katich
Senior Planner

For Agenda of: November 12, 2013

Exhibits: Ordinance with exhibits, Summary of Major Changes and September 20, 2013 Ecology Conditional Approval Letter with Attachments A, B, C & D.

Initial & Date

Concurred by Mayor:

GLH 11/5/13

Approved by City Administrator:

R 11/5/13

Approved as to form by City Atty: per e-mail dated 11.9.13

Approved by Finance Director:

N/A

Approved by Department Head:

JK 11/5/13

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

INFORMATION / BACKGROUND

The proposal is a non-project action to amend the City's existing Shoreline Master Program which guides and regulates activities/uses and development along the city's shorelines. The proposed Gig Harbor Shoreline Master Program (GHSMP) would replace the city's existing master program first adopted in 1975 and last amended in 1994. The city's Comprehensive Plan and GHMC Titles 17 & 19 (zoning and administration chapters, respectively), would also be subsequently amended for consistency with the updated GHSMP. Please refer to the "Summary of City Proposed Major Changes to the Shoreline Master Program" attachment.

The proposed GHSMP is the product of a comprehensive, city-wide update of the master program as required by RCW 90.58.080(2)(a)(iii). The updated master program has been prepared consistently with the Department of Ecology's (Ecology) guidelines set forth in WAC

173-26. The proposed GHSMP will affect activities/uses and development along Gig Harbor Bay, Colvos Passage, the Tacoma Narrows, and Henderson Bay. Marine areas water ward of extreme low tide are designated as "Shorelines of Statewide Significance," requiring additional attention.

The draft master program includes a total of six (6) Shoreline Environment Designations which are described as follows:

- **Natural:** Gig Harbor Spit; and Tacoma Narrows south of overwater beach cabins to southern Urban Growth Area limits;
- **Urban Conservancy:** Colvos Passage; stream mouths and estuarine wetlands of Crescent and Donkey Creeks; and stream mouth of McCormick Creek;
- **Low Intensity:** East Gig Harbor Bay; Colvos Passage; overwater beach cabins along Tacoma Narrows; and Henderson Bay excluding stream mouth of McCormick Creek;
- **City Waterfront:** Downtown Gig Harbor Bay excluding stream mouths and estuarine wetlands of Crescent and Donkey Creeks;
- **Historic Working Waterfront:** Downtown Gig Harbor Bay within the historic "Millville" District; and
- **Marine Deepwater:** Gig Harbor Bay and Henderson Bay water ward of extreme low tide.

All environments extend water ward to the extreme low tide, except that the Marine Deepwater Environment extends water ward to city limits.

Shoreline Environment Designations have been determined after consideration of:

- The ecological functions and processes that characterize the shoreline, together with the degree of human alteration as determined by the 2011 Shoreline Inventory and Characterization Report and any subsequent investigations or analyses as may be required by this program;
- Existing development patterns together with the Gig Harbor Comprehensive Plan land use designations and other officially adopted plans; and
- The guidelines outlined in WAC 173-26-211, Environment Designation System.

The city's shoreline environment designations function as an overlay to provide regulations, development standards, and protective environmental measures, in addition to the regulations and standards of the underlying zoning classifications.

Goals and policies are identified for each of the shoreline environment designations. Further, general goals, policies and regulations for Shoreline Use, Marine Shoreline and Critical Areas Protection, Flood Hazard Reduction, Historic, Cultural, Scientific and Educational Resources, Public Access, Water Quality and Quantity, Vegetation Conservation, Quality Waterfront

Development along Gig Harbor Bay and Restoration and Remediation have also been developed as part of the SMP update process. The GHSMP also contains goals, policies and regulations for shoreline land use and modifications. In this regard, goals, policies and regulations have been developed for Aquaculture, Boating and Marinas: Piers, Docks and Moorage, Clearing and Grading, Commercial Uses, Commercial Fishing, Dredging and Dredge Material Disposal, Educational Facilities/Scientific, Historical Cultural, Educational Research Uses, Fill and Excavation, Historic Net Sheds, Industrial Development, In-stream Structures, Pedestrian Beach Access Structures, Recreation Uses and Development, Residential, Shoreline Habitat and Natural Systems Enhancement Projects, Shoreline Stabilization, Signs and Outdoor Advertising, Transportation Facilities and Utilities.

There is also a regulatory element in the proposed GHSMP. In this regard, the master program contains use and modification regulations and development standards to be applied in each shoreline environment designation. Use regulations refer to the allowance or prohibition of specific uses such as residential, commercial, or industrial uses in each shoreline environment designation. Modification regulations address development activities such as dredging, clearing and grading, fill and excavation and pedestrian beach access structures that modify existing natural and altered shoreline conditions. In general, such development standards as building and structure setbacks, height limitations, native vegetation requirements, and public access requirements are also addressed by the master program. The development standards also address the management and protection of critical areas (wetlands, critical fish and wildlife habitat, steep slopes, etc.) located within the shoreline area. Some of the use, modification and development standards have been retained from the city's existing master program, others are newly created to address a specific shoreline management need or to ensure compliance with state guidelines.

Lastly, the proposed GHSMP contains administrative procedures such as permit submittal requirements and review procedures for Shoreline Substantial Development Permit exemptions, Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variance Permits, nonconforming uses and structures and enforcement actions. These elements have been updated from the existing master program to clarify procedural requirements and reflect current practice.

The November 12, 2013 draft master program incorporates required and recommended revisions requested by Ecology in Attachments "B" and "C", respectively, of its September 20, 2013 "Conditional Approval Letter." It also contains revisions made by the city in response to public comments submitted to Ecology during its public review process for the proposed master program. Those revisions are addressed in the city's "Responsiveness Summary," which is Attachment "D" to the Ecology letter. Additional revisions have been proposed by staff to improve the drafts consistency with the master program guidelines and other state requirements.

A total of 8 revisions are being required by Ecology as noted in Attachment "B." None of the required revisions are major in nature or rise to the level of a "policy issue." They can be characterized as minor revisions to the city's December 10, 2012 draft SMP that ensure the program's consistency with the State's Shoreline Master Program Guidelines set forth in WAC 173-26. Ecology's recommended revisions set forth in Attachment "C" are intended to

add clarity to the existing draft document, eliminate typographic errors, and ensure consistent administration of the program.

In response to the public comments submitted to Ecology during its review process, staff has recommended 10 additional revisions to the December 10, 2012 draft. Included, is the clarification of the "regulatory reach" of the SMP that limits its applicability to new development and redevelopment of property; revisions to the city's public access requirements to include an individualized determination of a proposed project's impact on public access to public shorelines to ensure that constitutionally protected property rights are not violated during the permit review of shoreline projects; the amendment of the city's Comprehensive Plan to ensure its consistency with the updated SMP, and removal of the requirement that the replacement of 100% of an existing, legally established bulkhead within any 5-year period shall be regulated as a new bulkhead.

Staff is also proposing several additional revisions to the December 10, 2012 draft SMP, the most significant of which addresses aquaculture uses as set forth in Chapter 7, Section 7.1.1, Table 7-2-Shoreline Use Matrix. In this regard, a number of additional revisions have been made to the permitted, conditional and prohibited use requirements of the matrix to address allowable aquaculture activities within the city's six proposed Shoreline Environment Designations. The revisions strengthen the master program's consistency with the State SMP guidelines for all forms of commercial aquaculture.

Lastly, the State SMP Guidelines require that the policies and regulations of the SMP be consistent with those of the City's Comprehensive Plan and development regulations. Based on public comment and staff review, amendments are being proposed to Chapters 1 (Introduction), 4 (Environment Element) and 9 (Shoreline Management) to align the proposed master program goals and policies with those set forth in the city's Comprehensive Plan.

Additional amendments are being proposed to Gig Harbor Municipal Code (GHMC) Titles 17 (Zoning) and 19 (Administration) to ensure consistency between the city's development regulations and the SMP. The most notable of those include two amendments to the GHMC that effect the calculation of the city's off-street parking requirements within the city's Waterfront Zoning Districts.

In this regard, an amendment is proposed to subsection 17.04.360 (definition for gross floor area) that would allow the gross floor area and off-street parking calculation for properties located in the city's WR, WM, and WC Districts to be calculated per the requirements of GHMC Subsection 17.04.360.B rather than 17.04.360.A. Please refer to Section 4 of the draft ordinance for the specific language of the proposed amendment.

The second amendment related to off-street parking is that proposed for the WM Waterfront Millville District per GHMC Section 17.48.070, where the requirement that parking for marinas be provided based on the combined total of individual uses on a site would be deleted. This would result in parking be calculated based on that required for the use with the largest parking requirement (typically the marina); the same as set forth in GHMC Chapter 17.72 for the WC Commercial District. Please refer to Section 4 of the draft ordinance for the specific language. As is the case with all proposed amendments, the city's Planning Commission reviewed both and has recommended the amendments for consideration by the City Council.

Upon approval of the ordinance, the GHSMP will be transmitted to Ecology for review and the issuance of that agency's Final Approval Letter. The master program will become effective 14-days after Ecology's issuance of the Final Approval Letter. The master program will be subject to a 60-day appeal period that starts on the date Ecology publishes its approval in a newspaper of general circulation. Any appeal of Ecology's approval would be considered by the State Growth Management Hearings Board. The city's master program would be considered effective pending the resolution of any appeal.

ENVIRONMENTAL ANALYSIS

The SEPA Responsible Official issued a Determination of Non-Significance (DNS) for the proposed amendments on February 29, 2012 per WAC 197-11-340(2). The threshold determination was subsequently appealed by Robert Frisbie. On May 29, 2012, the City Council conducted an open record appeal hearing on the SEPA appeal and by a 6-0 vote, denied the appeal and upheld the Responsible Official's Threshold Determination.

A SEPA Addendum to the original DNS, dated November 4, 2013 that addresses all revisions included in the November 12, 2013 draft Shoreline Master Program has also been prepared by the city for the proposal.

FISCAL CONSIDERATION

None

BOARD OR COMMITTEE RECOMMENDATION

On April 21, 2011, by a 5-0 vote with one member absent, the Planning Commission recommended the draft Shoreline Master Program to the City Council for its review and consideration.

RECOMMENDATION / MOTION

Approve the ordinance adopting the updated Shoreline Master Program, and related Comprehensive Plan and Gig Harbor Municipal Code Titles 17 and 19 amendments.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING AN UPDATED SHORELINE MASTER PROGRAM PURSUANT TO THE REQUIREMENTS OF WASHINGTON ADMINISTRATIVE CODE CHAPTER 173-26; AMENDING CHAPTERS 1 (INTRODUCTION), 4 (ENVIRONMENT ELEMENT) AND 9 (SHORELINE MANAGEMENT) OF THE CITY'S COMPREHENSIVE PLAN AND AMENDING GIG HARBOR MUNICIPAL CODE TITLES 17 AND 19; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Shoreline Management Act of 1971, codified at chapter 90.58 RCW ("SMA"), requires all cities and counties with "shores of the state" to prepare and adopt a Shoreline master Program that is based on state laws and rules, but tailored to the specific jurisdiction; and

WHEREAS, in 1975, the City of Gig Harbor adopted its SMA-based Shoreline Master Program ("SMP") and last amended it in 1994; and

WHEREAS, effective January 17, 2004, the regulations implementing the SMA promulgated under chapter 173-26 WAC (the "SMA guidelines") were substantially revised and the City's current program requires a comprehensive master program update in order to achieve the procedural and substantive requirements of the SMA guidelines; and

WHEREAS, in 2008, the City formed a stakeholders committee to identify shoreline issues for review and review draft shoreline environmental designations, draft policies and draft modification matrices; and

WHEREAS, between October 2008 and August 2009, the stakeholder committee conducted 15 meetings; and

WHEREAS, on November 19, 2008, the City held an open house to solicit comments and answer questions from the community regarding the master program update; and

WHEREAS, on August 24, 2009, the City executed a \$93,000 Grant Agreement with the State (SMA Grant Agreement No. G1000028) Department of Ecology (DOE) to partially fund the update of its SMP; and

WHEREAS, based upon the stakeholder committee's review and comments received at the open house, in November 2009, the City produced a working draft SMP for Planning Commission review; and

WHEREAS, the Planning Commission commenced a 15-month review of the November 2009 working draft SMP on January 21, 2010; and

WHEREAS the Planning Commission held 36 work-study sessions between January 21, 2010 and April 21, 2011, held two open houses on January 21, 2010 and March 31, 2011, and held two public hearings on November 18, 2010 and March 31, 2011; and

WHEREAS, based on the discussions at the Planning Commission, input received at the open houses and testimony entered into the record at the two public hearings, the Planning Commission revised the working draft to better reflect the specific characteristics of the Gig Harbor city and UGA shorelines; and

WHEREAS, on April 11, 2011, the Planning Commission voted 5-0 to recommend the Planning Commission's draft SMP for adoption by the City Council; and

WHEREAS, the Planning Commission and City Council held a joint work-study session to discuss the Planning Commission recommended draft SMP on May 21, 2011; and

WHEREAS, the City Council held a work-study session on September 19, 2011 to discuss issues related to the master program, and to provide staff with direction regarding its response to such issues; and

WHEREAS, the City Council held a public hearing on the revised Planning Commission draft of the SMP on June 11, 2012; and

WHEREAS, the proposed SMP update was forwarded to the Washington State Department of Commerce on February 29, 2012, pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) pursuant to WAC 197-11-340(2) on February 29, 2012; and

WHEREAS, Robert Frisbie filed a timely appeal of the City's DNS on April 23, 2012; and

WHEREAS, the City Council conducted a SEPA appeal hearing on May 29, 2012; and

WHEREAS, by a vote of 6-0, the City Council denied the SEPA appeal as documented in Resolution 902 passed June 11, 2012; and

WHEREAS, at an October 22, 2012 work-study session of the City Council, the city staff presented recommendations on further revisions to the Planning Commission recommended draft needed to address written comments and testimony provided at the June 11, 2012 public hearing; and

WHEREAS, the revisions recommended at the October 22, 2012 work-study session and other minor non-substantive housekeeping changes have been incorporated into the December 10, 2012 draft SMP; and

WHEREAS, on December 17, 2012, City Council approved Resolution No. 921 to provide the approval necessary to forward the proposed SMP update to the DOE for review and comment prior to the City's formal adoption of the SMP in accordance with WAC 173-26-110; and

WHEREAS, between March 21, 2013 and April 22, 2013, DOE conducted its public comment period on the city's December 12, 2012 draft SMP and conducted its formal review of the draft document; and

WHEREAS, a total of three individuals or organizations submitted comments on the proposed amendments; and

WHEREAS, the public comments were provided to the city for review and comment; and

WHEREAS, on August 14, 2013 the city responded to DOE regarding the comments in its Responsiveness Study (Attachment "D" to Ecology's Conditional Approval Letter dated September 20, 2013) and agreed to further revise specific sections of the draft SMP based on the comments; and

WHEREAS, per RCW 36.70A.130(2)(a)(iii) the City is allowed to amend the Comprehensive Plan in conjunction with adoption of the SMP for internal consistency; and

WHEREAS, on July 11, 2013 the City met the procedural requirements of RCW 36.70A.106, requiring a 60 day notice to the Department of Commerce prior to adoption of the SMP, Comprehensive Plan amendments and development regulations; and

WHEREAS, on September 5, 2013 the Planning Commission reviewed the proposed amendments to the Comprehensive Plan and authorized the Chair to sign the findings to adopt; and

WHEREAS, on September 6, 2013 the City met the procedural requirements of RCW 36.70A.106, receiving expedited review approval from the Department of Commerce prior to adoption of the SMP, Comprehensive Plan amendments and Development Regulations relating to Gig Harbor Municipal Code Titles 17 and 19; and

WHEREAS, by letter dated September 20, 2013, DOE issued its Conditional Approval Letter, together with Attachment "A," Findings and Conclusions for Proposed Comprehensive Update to the city of Gig Harbor Shoreline Master Program; Attachment "B," Ecology Required Changes; Attachment "C," Ecology Recommended Changes; and, Attachment "D," the city's Responsiveness Summary to Public Comments received during Ecology comment period 3/21 to 4/22/13; and

WHEREAS, by memorandum dated October 17, 2013, the Planning Commission provided the City Council with its Notice of Recommendation for the proposed Comprehensive Plan amendments; and

WHEREAS, the city incorporated DOE's required and recommended changes set forth in Attachments "B" and "C", respectively, into the November 12, 2013 draft SMP; and

WHEREAS, the city revised the November 12, 2013 draft SMP based on public comment as set forth in its Responsiveness Summary; and

WHEREAS, on October 23, 2013 public notice for the November 12, 2013 public hearing on the SMP was published in the Gateway and provided to owners of property within 300 feet of the area subject to the master program; and

WHEREAS, on October 30, 2013, public notice was published in the Gateway that addressed the public hearings for the SMP, Comprehensive Plan and Gig Harbor Municipal Code Amendments;

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

Section 1. Adoption. The Gig Harbor City Council hereby adopts the shoreline Master Program dated November 12, 2013 as set forth in **Attachment A**, attached hereto and incorporated herein by this reference.

Section 2. Findings in support of adoption of the SMP and associated documents. The City Council adopts the recitals set forth above in support of adoption of the SMP and consistency amendments to the City's Comprehensive Plan and Development Regulations. In addition, the Gig Harbor City Council makes the following findings:

A. The City Council finds that the original Gig Harbor SMP was approved by DOE in 1975 and was last amended in 1994.

B. The City Council finds that the proposed shoreline master program and its associated Comprehensive Plan and Gig Harbor Municipal Code amendments are required to comply with a State of Washington statutory deadline for a comprehensive shoreline master program update pursuant to RCW 90.58.080 and RCW 90.58.100.

C. The City Council finds that the master program amendment is also required to comply with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26.

D. The City Council finds that the Shoreline Inventory and Characterization Report has properly documented current shoreline conditions within the City, including Gig Harbor Bay, the Tacoma Narrows and a small shoreline segment on Henderson Bay by analyzing the shoreline in six segments; Colvos Passage, Gig Harbor Spit, East Gig Harbor, Downtown Gig Harbor, Tacoma Narrows, Henderson Bay and Burley Lagoon.

E. The City Council finds that in support of the Shoreline Inventory and Characterization Report, the city completed an inventory of net sheds, an existing conditions summary of marinas and moorage facilities located in the city and a shoreline characterization by parcel.

F. The City Council finds that this comprehensive SMP update is intended to entirely replace the City's existing SMP. The SMP will regulate approximately three miles of marine shoreline within the city (approximately 6.7 when including the Urban Growth Area (UGA)). The City proposes to use the minimum jurisdiction allowed including the water areas and bedlands of all shoreline waterbodies, shorelands located within 200 feet of the Ordinary High Water Mark and all associated wetlands.

G. The City Council finds that it is appropriate at this time not to include the UGA along Henderson Bay and Burley Lagoon.

H. The City Council finds that all UGA will continue to be regulated by the Pierce County SMP until annexed into the City.

I. The City Council finds that the proposed SMP has properly incorporated all required SMP elements including Shorelines of Statewide Consistency, Shoreline Master Program Goals and Policies, Shoreline Environmental Designations, General Master Program Provisions, Shoreline Modifications, Shoreline Uses, Critical Area Provisions, and Administrative Provisions and Definitions.

J. The City Council finds that draft Cumulative Impacts Analysis (CIA) Reports dated November, 2009, November 2010 and March 2011 with Addendum dated May, 2011 were prepared evaluating the cumulative impacts of reasonably foreseeable future development that could be authorized under draft versions of the SMP. A final CIA was issued in May, 2012. As a requirement of the State Grant that partially funded the SMP update, a No Net Loss Summary Memorandum dated May, 2011 was also prepared.

K. The City Council finds that the City properly developed a restoration plan as an element of the new, updated SMP based on information in the Shoreline Inventory and Characterization Report. The plan, dated April, 2011, identifies site specific and

programmatic restoration opportunities and actions for the City. The programmatic opportunities focus on education and incentives, the marine nearshore, infrastructure, and planning and coordination. More specific opportunities are identified by planning segment, consistent with those originally identified in the Shoreline Inventory and Characterization Report.

L. The City Council finds that substantial public participation was included in the development of the updated SMP. A stakeholders committee was formed to identify shoreline related issues for review and review early draft documents, and the city established a web site devoted to the update effort.

M. The City Council finds that the Planning Commission began its review of the draft in January, 2010; held two open houses and numerous work-study sessions, all open to the public. Public hearings were conducted by the Commission on November 18, 2010 and March 31, 2011.

N. The City Council finds that it conducted a joint-work study session with the Planning Commission on May 21, 2011 and held a public hearing on the February 29, 2012 draft SMP on June 11, 2012.

O. The City Council finds that by Resolution No. 921 approved on December 17, 2012, staff was authorized to submit the December 10, 2012 draft SMP to DOE for its public and staff review process.

P. The City Council finds that all required and recommended revisions set forth in Attachments "B" and "C" of the DOE Conditional Approval Letter of September 20, 2013, together with additional revisions made in response to public comments received by DOE during its review have been incorporated into the current November 12, 2013 draft SMP.

Q. The City Council finds that by adopting the November 12, 2013 draft it will have complied with the requirements of Ecology SMA Grant No. G1000028, the State SMA and the procedural and substantive requirements of WAC 173-26.

Section 3. Consistency with Comprehensive Plan. Pursuant to RCW 36.70A.130(2)(a)(iii), the City Council hereby amends Chapters 1, 4, and 9 of the City's Comprehensive Plan as set forth in **Attachment B**, attached hereto and incorporated herein by this reference.

Section 4. Consistency with Development Regulations. Pursuant to RCW 36.70.A.130(2)(a)(iii), the City Council hereby amends the Development Regulations as listed below:

A. Subsection 17.04.360.A of the Gig Harbor Municipal Code is hereby amended as follows:

A. "Gross floor area" in the ~~WR, WM, WC~~ and RB-1 zoning districts means:

1. The sum of the horizontal area of the floor(s) of a building or buildings measured from the exterior faces of exterior walls and from centerlines of division walls. The gross floor area includes basement space, garage space, the elevator shafts and stairwells at each floor, mechanical equipment rooms, finished attics with a headroom of seven and one-half feet or more, penthouse floors, interior balconies and mezzanines, and enclosed porches. The gross floor area shall not include accessory water tanks and cooling towers, mechanical equipment, and unfinished attics regardless of headroom.

2. For purposes of determining off-street parking requirements, gross floor area shall mean the sum of the horizontal area of the floor(s) of a building or buildings measured from the exterior faces of exterior walls and from centerlines of division walls including basement space, the elevator shafts and stairwells at each floor, mechanical equipment rooms, finished attics with a headroom of seven and one-half feet or more, penthouse floors, interior balconies and mezzanines, enclosed porches; but, shall not include garage space, accessory water tanks and cooling towers, mechanical equipment and unfinished attics regardless of headroom.

B. Subsection 17.04.360.B of the Gig Harbor Municipal Code is hereby amended as follows:

B. "Gross floor area" in the PI, R-1, RLD, R-2, RMD, R-3, RB-2, DB, B-1, B-2, C-1, PCD-C, ED, WR, WM, WC, PCD-BP, PCD-NB and MUD zoning districts means:

1. The sum of the horizontal area of the floor(s) of a building or buildings measured from the exterior faces of exterior walls and from centerlines of division walls. The gross floor area includes garage space, the elevator shafts and stairwells at each floor, mechanical equipment rooms, penthouse floors, interior balconies and mezzanines, and enclosed porches. The gross floor area shall not include accessory water tanks and cooling towers, mechanical equipment, attics as defined by GHMC 17.04.086, and underground floor area as defined by GHMC 17.04.362.

2. For purposes of determining off-street parking requirements, gross floor area shall mean the sum of the horizontal area of the floor(s) of a building or buildings measured from the exterior faces of exterior walls and from centerlines of division walls including the elevator shafts and stairwells at each floor, mechanical equipment rooms, penthouse floors, interior

balconies and mezzanines, enclosed porches and underground floor area; but, shall not include garage space, accessory water tanks and cooling towers, mechanical equipment and attics.

C. Section 17.04.420 of the Gig Harbor Municipal Code is hereby amended as follows:

17.04.420 Impervious surface.

“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted sub-grade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities and tidelands shall not be considered as impervious surfaces.

D. Subsection 17.07.002.A of the Gig Harbor Municipal Code is hereby amended as follows:

17.07.002 Violations.

A. It is a violation of GHMC Titles 17 and/or 16 and the Shoreline Master Program for any person to initiate, maintain or cause to be initiated or maintained the use of any structure, land or property within the city of Gig Harbor without first obtaining the permits or authorizations required for the use by the aforementioned codes.

E. Subsection 17.07.002.B of the Gig Harbor Municipal Code is hereby amended as follows:

B. It is a violation of GHMC Titles 17 and/or 16 and the Shoreline Master Program for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the city of Gig Harbor in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the aforementioned codes; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

F. Subsection 17.07.002.C of the Gig Harbor Municipal Code is hereby amended as follows:

C. In addition to the above, it is a violation of GHMC Titles 17 and/or 16 and the Shoreline Master Program to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with the aforementioned codes;
2. To misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization;
3. Fail to comply with any of the requirements of GHMC Titles 17 and/or 16 and the Shoreline Master Program.

G. Subsection 17.07.004.B of the Gig Harbor Municipal Code is hereby amended as follows:

B. Upon presentation of proper credentials, the administrator may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the duties imposed by GHMC Titles 16 and/or 17 and the Shoreline Master Program.

H. Subsection 17.07.004.D of the Gig Harbor Municipal Code is hereby amended as follows:

D. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of GHMC Titles 16 and/or 17 and the Shoreline Master Program.

I. Section 17.07.006 of the Gig Harbor Municipal Code is hereby amended as follows:

17.07.006 Investigation

The administrator shall investigate any structure or use which the administrator reasonably believes does not comply with the standards and requirements of GHMC Titles 16 and/or 17 and the Shoreline Master Program. If the administrator determines that a violation has occurred, the administrator shall use the enforcement process found in Chapter 19.16 GHMC.

J. Section 17.14.020 of the Gig Harbor Municipal Code is hereby amended as follows:

17.14.020 Land use matrix.¹

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵	
Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	<u>C</u>	<u>C</u>	<u>P</u>	-	-	-	
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	<u>G</u> ⁴⁹	-	-	-

49 Commercial parking lots in the WC district shall be related to shoreline uses.

K. Section 17.48.070 of the Gig Harbor Municipal Code is hereby amended as follows:

17.48.070-Parking and loading facilities

Parking and loading facilities on private property shall be provided in accordance with the requirements of Chapter 17.72 GHMC, ~~except that where there are properties serving multiple uses, parking shall be provided for the combined total of individual uses.~~ Although historic net sheds are excluded from the maximum gross floor area requirements in GHMC 17.48.040, this exclusion shall not affect the calculation of the parking requirements.

L. Subsection 17.66.050.A of the Gig Harbor Municipal Code is hereby amended as follows:

A. Interpretations – Planning Director.

1. The planning director shall review and determine any questions involving the proper interpretation or application of the provisions of this title that may be requested by any property owner, tenant, government officer, department, board, council or commission. The planning director’s decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan. Prior to making interpretations of the requirements of the city’s Shoreline Master Program, the Planning Director shall consult with the Department of Ecology when issuing any formal written interpretation to insure consistency with the purpose and intent of Chapter 90.58 RCW and the applicable guidelines. Ecology shall be provided with 30-days from receipt of the city’s “request for comments” to submit formal comments to the city on any interpretation.

M. Subsection 17.68.010.B of the Gig Harbor Municipal Code is hereby amended as follows:

B. Because nonconformities do not conform to the requirements of the regulations within their zoning districts, they are declared by this chapter to be incompatible with the permitted uses in the districts involved. A nonconforming use of land ~~in combination~~ shall not be extended or enlarged after passage of the ordinance codified in this chapter by the addition of other uses. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building for which application for a building permit was made prior to the effective date of the adoption or an amendment of the ordinance codified in this title.

N. Section 17.68.015 of the Gig Harbor Municipal Code is hereby amended as follows:

17.68.015 Applicability to property regulated under the shoreline master program

~~This chapter shall apply to property within the jurisdiction of the Shoreline Management Act and regulated under the city's shoreline master program, but only to the extent that it is consistent with the city's shoreline master program. In the event that there is a conflict, the provisions of the shoreline master program shall apply. This chapter shall not apply to~~ property within the jurisdiction of the Shoreline Management Act and the city's Shoreline Master Program. Properties within the jurisdiction of Act and master program shall be regulated pursuant to Shoreline Master Program Section 8.11-Nonconforming Uses and Structures.

O. Section 17.78.020 of the Gig Harbor Municipal Code is hereby amended as follows:

17.78.020 Applicability

The standards as required by this chapter shall apply to all uses of land which are subject to site plan review, a land clearing permit, and to any new subdivision plat. GHMC 17.78.095 applies to all development in the area described by that section. Additionally, the requirements of Shoreline Master Program subsection 6.2.4-Regulations-Vegetation Conservation Strip, shall apply to all property within the jurisdiction of the city's Shoreline Master Program.

P. Section 17.78.040 of the Gig Harbor Municipal Code is hereby amended as follows:

17.78.040 Overlapping requirements.

In the event of a conflict between the standards for individual uses and other general requirements of this chapter, the more stringent shall apply. Determination of the appropriate standards shall be made by the planning director. In the event of a conflict between the standards for individual uses and other general requirements of this chapter with the requirements of Shoreline Master Program subsection 6.2.4, the requirements of the master program shall apply.

Q. Subsection 19.01.003.B of the Gig Harbor Municipal Code is hereby amended as follows:

19.01.003.B Decisions

TYPE I	TYPE II	TYPE III	TYPE III-A	TYPE IV	TYPE V
Final short plat	Preliminary short plat	Plat vacations and alterations	Preliminary plats/major preliminary plat revisions	Final plats	Comprehensive plan amendments
Minor site plan review	Major site plan review	Conditional use permit	Preliminary PRD/PUD	Final PRD/PUD	Development regulation amendments
Minor amendments to PUD/PRD	Alternative design review ¹	General variances, sign permit variances	Major amendment to PRD		Zoning text amendments; area-wide zoning map amendments
Special use permits	Binding site plan	Shoreline substantial development, shoreline variance, shoreline conditional use			Annexations
Temporary trailers	Revisions to shoreline management permits ²	Major amendments to PUD			
Sign permits	Administrative variances	Amendment to height restriction area map			

Administrative design review ¹	Administrative interpretations	Mobile/manufactured home park or subdivision			
Land clearing	<u>Shoreline permit exemptions</u> ²	Performance-based height exception			
Home occupation permit		Changes from one nonconforming use to another			
Alternative landscape plan		Site-specific rezone			
Nonconforming review		Critical area variances			
Minor preliminary plat revisions		Critical area reasonable use exceptions			
Boundary line adjustment					

¹ In addition to the procedures in this title, applications for design review shall follow the procedures set forth in Chapter [17.98](#) GHMC.

² ~~Refer to~~ The Notice of Application requirements of section GHMC 19.02.004 and Notice of Decision requirements of section GHMC 19.02.007 shall not apply to shoreline permit exemptions. The decision shall be subject to the the Gig Harbor shoreline master program procedural requirements of Shoreline Master Program subsection 8.2.3 and the appeal procedures of GHMC 19.06.004.

Section 5. Transmittal to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 8. Effective Date. This Ordinance shall take effect 14 days after the date of the Department of Ecology's Final Approval Letter acknowledging the City's

acceptance of the Department of Ecology's revisions, which revisions are contained in this Ordinance.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ___ day of _____, 2013.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

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

CITY OF GIG HARBOR COMPREHENSIVE LAND USE PLAN

Chapter 1 INTRODUCTION

HISTORICAL OVERVIEW

Due to growth pressures within the state, particularly within the Puget Sound Basin, the State legislature found in 1990 that uncoordinated and unplanned growth, together with a lack of common goals toward land conservation, pose a threat to the environment; to the public health, safety, and welfare; and to sustainable economic development. As a result, the legislature adopted the first mandatory comprehensive planning legislation in the State's history, the Growth Management Act. The Act identifies fourteen planning goals which are intended to serve as guides to the development and adoption of comprehensive plans. These goals address urban growth, sprawl reduction, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, environment, citizen participation, public facilities and services, and historic preservation.

Since enactment, the Growth Management Act has been amended with new requirements. Decisions by the Growth Management Hearings Boards have also clarified certain requirements and have established measures to determine consistency of jurisdictions' comprehensive plans and implementing regulations with the Act's provisions.

Growth management planning is a cooperative process that must occur between the county and its constituent cities. Counties are regional governments, while cities are the primary providers of urban services in urban areas. To effectively coordinate land use, infrastructure, and finance throughout the region, the Growth Management Act requires that an overall vision for growth, identified in county-wide planning policies serve as a framework for the development of each jurisdiction's comprehensive plan. The "County-Wide Planning Policies for Pierce County" require that, in addition to the mandatory elements of the Growth Management Act, the following policy areas shall be considered:

- Affordable Housing
- Agricultural Lands
- Economic Development
- Education
- Natural Resources, Open Space and Protection of Environmentally-Sensitive Lands
- Historic, Archaeological and Cultural Preservation
- Siting of Public Capital Facilities of a County-wide or State-wide nature
- Fiscal Impact
- Transportation Strategies

- Urban Growth Areas

In addition to these policy areas, the City of Gig Harbor chose to include additional, non-mandatory elements including:

- Community Design
- Environment
- Economic Development
- Parks and Recreation
- Shoreline Management

An Economic Development Element and a Park and Recreation Element are only mandatory if the State has made sufficient funds available for their development two years before a required update for any jurisdiction.

The Growth Management Act requires that each subject county and its cities review and update its comprehensive plan and development regulations by a prescribed year and every seven years thereafter to ensure consistency with the Act. This 2004 update of the City's Comprehensive Plan includes changes to reflect current conditions and new policy requirements. The Planning Commission's recommendation includes minor modifications but no significant departure from the policy groundwork laid out in the 1994 plan.

PUBLIC PARTICIPATION

Citizen involvement has been, and will continue to be, the most important component of comprehensive planning. Without the community's participation at the earliest possible stage, any plan developed regardless of its technical caliber or literary quality will prove meaningless and ineffectual. In recognition of this vital process as the key to the successful development of a revised comprehensive plan, the City of Gig Harbor Planning Commission conducted a "visioning survey" in December of 1992. The purpose of the open house forum was to allow interested citizens the opportunity to participate in a "walk-through" tour and survey of the community and to rank their impressions of 100 photographs of design concepts of the City and its more common and noticeable features.

One hundred and seven citizens took the "tour" and 93 completed the four page rating questionnaire. The results of the survey, released in January of 1993, provided the City Council, the Planning Commission and the Planning Staff a foundation of public opinion upon which to base the revisal of this Comprehensive Planning document. Strong public sentiment was placed on the design or overall appearance of the community, its structures, viewpoints and streetscapes. "Good and bad design" were equally considered and it became clear from the survey respondents that design should play a key component in the location and appearance of future development throughout the community. Equally important opinions were expressed regarding housing scale and character, commercial areas and attendant parking, and parks and open spaces. Of particular interest were the responses to whether or not the opinion cast would have an effect on the comprehensive plan: 50% said yes, 42% said maybe, and only 8% said no. Clearly, there is an expectation that local government will listen and respond to the community's voice. The vision

survey was not intended to be a scientifically based assessment, given the size of the population surveyed. Nonetheless, it serves as a valuable benchmark upon which to base policy over the course of revising the plan.

During the spring and summer of 1993, additional public work sessions were conducted by the Planning Commission to assess the community's response to detail policy areas of the comprehensive plan elements. The results of the response to these work sessions were analyzed by the Planning Commission and staff and articulated into the various elements which comprise this revised comprehensive plan.

The current update has included four study sessions to which the public was invited. In addition to public input at the study sessions, public comment was invited at two public hearings.

PLANNING GOALS

The choices which confront the City at this point in its history are significant and could dramatically alter the character and quality of life its community has come to enjoy. Planning for the future while maintaining the same quality of life is the fundamental objective of this comprehensive planning update. To achieve this, four specific goals of this fundamental objective are defined:

1. Identify existing and potential roles which the City may elect to assume within the City and the surrounding urban growth area.
2. Determine the social, physical and economic implications involved with each role.
3. Determine which roles and attendant social, physical and economic relationships are most advantageous to the City
4. Develop and implement the necessary public programs and policies needed to accomplish the primary objective.

PLAN IMPLEMENTATION AND INTERPRETATION

The revised Comprehensive Land Use Plan serves as the basic blueprint for the City's growth within the defined urban area over the next twenty years. The plan is specific in that it formulates a growth management plan based upon population demographics, suitable land available for development, residential densities and the capability of the City to provide needed public services such as sewer, water, parks, police protection and adequate administrative facilities. The Plan does not purport to be the legal instrument to carry out the objectives of the Plan. This is the role of several programs and documents including the City's capital facilities plan, the annual budget process, the zoning code, design review guidelines, shoreline master program, floodplain management codes, environmental protection code and any future codes the City adopts which would better serve the interest of the Community and the intent of the Plan.

The Comprehensive Plan is not a "stand-alone" document; that is, the Plan has an active

relationship with other plans and programs which the City may employ to further the basic goals and objectives of the Plan. The Comprehensive Plan, by itself, is not a regulatory document but, instead, relies upon the implementing ordinances (zoning, shoreline, floodplain, etc.) to carry out the overall objectives of the Plan. The Comprehensive Plan does, however, have the force of law in that it must be internally consistent and the laws which implement it must be in conformance with the Plan.

CONCURRENCY

The Growth Management Act requires that public facilities and services necessary to serve new development at adopted levels of service must be available at the time of development. Specifically, RCW 36.70A.020(12) states:

Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

The concept of concurrency is a new and integral component of planning in the State of Washington. Essentially, the City must develop and adopt levels of standards for public facilities which are potentially impacted by growth from new development. These standards, referred to as level of service (or LOS), can be applied to such public facilities such as transportation (streets and intersections), parks, schools, sewer and water. If the required facilities are not available or are not anticipated for an area within a six year period, a development may not proceed unless the City is capable of providing the required public improvements, or a financial commitment is in place to provide the required public improvements so that the adopted LOS is attained.

To be concurrent means that improvements or municipal service strategies are in place at the time of development, and, in the case of transportation facilities, that a financial commitment is in place to complete the improvements or strategies within six years. The relationship between the urban growth area boundary, public facility requirements, consistency and concurrency are a strong combination to assure that growth which is to be accommodated is strongly dependent upon the provisions and financing of public facilities and services to meet area demands.

In order to offset the costs of providing new or expanded public facilities such as schools, parks and waste water treatment facilities required of new developments, the City may consider the adoption of an impact fee schedule that will provide for new developments to proportionately offset the costs of new public facilities as a result of new development. An impact fee schedule would be adopted as part of the implementation program of this comprehensive plan update. Impact fees are not meant to be the sole source of funding for new facilities.

Chapter 4

ENVIRONMENT ELEMENT

Introduction

The Growth Management Act states that counties and cities which are required to plan under GMA must adopt policies and regulations to address the management of resource lands and critical areas, with special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. GMA also requires the use of Best Available Science in protecting the functions and values of critical areas, while the Shoreline Management Act (SMA) requires the use of the most current, accurate and complete scientific and technical information available.

GOAL 4.1: RESPECT THE NATURAL ENVIRONMENT

Maintain a harmonious relationship between the natural environment and proposed future urban development. Develop, implement and enforce exacting performance and development standards governing possible developments within land or soil areas which are subject to moderate and severe hazards.

4.1.1. Tributary drainage

Protect perennial streams, ponds, springs, marshes, swamps, wet spots, bogs and other surface tributary collection areas from land use developments or alterations which would tend to alter natural drainage capabilities, contaminate surface water run-off or spoil the natural setting.

4.1.2. Stream and drainage corridors

Enforce buffer zones along the banks of perennial streams, creeks and other tributary drainage systems to allow for the free flow of storm run-off and to protect run-off water quality.

4.1.3. Floodplains

Protect alluvial soils, tidal pools, retention ponds and other floodplains or flooded areas from land use developments which would alter the pattern or capacity of the floodway, or which would interfere with the natural drainage process.

4.1.4. Dams and beaches

Enforce control zones and exacting performance standards governing land use developments around retention pond dams, and along the tidal beaches to protect against possible damage due to dam breaches, severe storms and other natural hazards or failures.

4.1.5. Impermeable soils

Protect soils with extremely poor permeability from land use developments which could contaminate surface water run-off, contaminate ground water supplies, erode or silt natural drainage channels, overflow natural drainage systems and otherwise increase natural hazards.

4.1.6. Septic System use

Enforce exacting performance governing land use developments on soils which have fair to poor permeability, particularly the possible use of septic sewage drainage fields or similar leaching systems. In areas which are prone to septic field failure, work with the Tacoma-Pierce Country Health district to encourage the use of City sewer, as available and where appropriate.

4.1.7. High water table

Protect soils with high water tables from land use developments which create high surface water run-off with possible oil, grease, fertilizer or other contaminants which could be absorbed into the ground water system.

4.1.8. Noncompressive soils

Protect soils with very poor compressive strengths, like muck, peat bogs and some clay and silt deposits, from land use developments or improvements which will not be adequately supported by the soil's materials.

4.1.9. Bedrock escarpments

Enforce exacting performance standards governing land use developments on lands containing shallow depths to bedrock or bedrock escarpments, particularly where combined with slopes which are susceptible to landslide hazards.

4.1.10. Landslide

Protect soils in steep slopes which are composed of poor compressive materials, or have shallow depths to bedrock, or have impermeable subsurface deposits or which contain other characteristic combinations which are susceptible to landslide or land slumps.

4.1.11. Erosion

Enforce exacting performance standards governing possible land use development on soils which have moderate to steep slopes which are composed of soils, ground covers, surface drainage features or other characteristics which are susceptible to high erosion risks.

4.1.12. Wetlands

Preserve, protect, and/or restore wetlands associated with the city's shorelines to achieve no net loss of wetland area and wetland functions.

4.1.13. Fish and wildlife habitat conservation areas

Protect, maintain and enhance fish and wildlife conservation areas within their natural geographic distribution so as to avoid the creation of subpopulations.

4.1.14. Functions of shoreline vegetation

Conserve or restore shoreline vegetation where new development and/or uses are proposed in order to maintain shoreline ecological functions and processes provided by native vegetation.

GOAL 4.2: CONSERVE NATURAL RESOURCES AND ACTIVITIES

Conserve and protect natural areas within the environment to provide a continuing place for wildlife which are representative of the area's ecological heritage. Protect harbor, agricultural and timber production activities which produce a valued natural and economic product, and which reflect the area's historical origins. Enforce exacting performance standards governing possible land use developments on lands or sites which may be planned to include wildlife.

4.2.1. Harbor resources

Protect the harbor and related waterfront lands, improvements and features which support the moorage, processing, repair or other use related to commercial fishing activities. Enforce exacting performance standards governing possible land use development of, or adjacent, existing commercial and recreational boat marinas and docks. Promote use of mixed use developments, buffer zone setbacks, common shoreline or dock improvements and other innovative concepts which conserve, allow or increase the possible retention of valuable fishing and recreational boating activities within the harbor and urban waterfronts.

4.2.2. Agricultural resources

Although agricultural lands of long-term commercial significance have not been identified within the City's urban growth area, those rural lands outside of the UGA should not be considered for inclusion into the 20-urban growth area. Those rural lands in the Crescent Valley area should not be considered for any urban services until the year 2010.

4.2.3. Timber resources

Forest lands of long-term commercial significance have not been identified within the City's urban growth area. Those lands within the urban growth area which contain commercially valuable timber are considered suitable for conversion to non-forestry uses, consistent with the goals of this Plan and the State Forest Practices Act.

4.2.4. Mineral Resources

Several mineral extraction operations exist within the City's urban growth area. These sites are identified with a Mineral Resource Overlay in the Gig Harbor Peninsula Community Plan. Although often incompatible with urban land use, the City should continue to recognize the activity on these limited sites as providing a public benefit and allow their continued operation. Classification as a mineral resource use of long term significance should be distinguished by possession of a valid Washington State Department of Natural Resources Surface Mining Permit and a valid County or City land use permit. Once mining ceases on a site, land use should be consistent with the underlying Comprehensive Plan designation.

4.2.5. Open space wildlife habitat

Enforce exacting standards governing possible land use development of existing, natural open space areas which contain prime wildlife habitat characteristics. Promote use of clustered development patterns, common area conservancies and other innovative concepts which conserve or allow, the possible coexistence of natural, open space areas within or adjacent to the developing urban area. Incorporate or implement the standards adopted in the Washington State Administrative Guidelines for the identification and protection of critical wildlife habitat, as appropriate.

4.2.6. Wetland wildlife habitat

Protect lands, soils or other wetland areas which have prime wildlife habitat characteristics. Promote use of site retention ponds, natural drainage methods and other site improvements which conserve or increase wetland habitats. Incorporate or implement the standards adopted in the Washington State Administrative Guidelines for the identification and protection of critical wildlife habitat, as appropriate.

4.2.7. Woodland wildlife habitat

Protect lands, soils or other wooded areas which have prime woodland habitat characteristics. Promote use of buffer zones, common areas, trails and paths, and other innovative concepts which conserve or increase woodland habitats. Incorporate or implement the standards adopted in the Washington State Administrative Guidelines for the identification and protection of critical wildlife habitat, as appropriate.

GOAL 4.3: LAND MANAGEMENT POLICIES

Allocate and manage the land's environmental capabilities and suitabilities in the most reasonable and effective manner. Allow innovation and flexibility, yet ensure the environment is not degraded or that urban uses do not create public hazards or nuisances.

4.3.1. Best to least allocation policies

As much as possible, allocate high density urban development onto lands which are optimally suitable and capable of supporting urban uses, and/or which pose fewest environmental risks. To the extent necessary, allocate urban uses away from lands or soils which have severe environmental hazards.

4.3.2. Performance criteria

As much as practical, incorporate environmental concerns into performance standards rather than outright restrictions. Use review processes which establish minimum performance criteria which land-owners and developers must satisfy in order to obtain project approvals. As much as possible, allow for innovation and more detailed investigations, provided the end result will not risk environmental hazards or otherwise create public problems or nuisances.

4.3.3. Best Available Science

Ensure that land use and development decisions are consistent with Best Available Science practices to avoid contamination or degradation of wetland, stream, shoreline, and other aquatic habitats. Special attention should be placed on anadromous fisheries.

GOAL 4.4: URBAN LAND USE OPERATING STANDARDS

Establish minimum acceptable performance standards governing noise, air, light, glare and other operating characteristics or permitted urban uses which affect the quality of the manmade environment.

4.4.1. Noise - development characteristics

Monitor the master planning process of the Tacoma Narrows Airport to ensure ultimate developments do not have adverse noise impacts on residential areas within Gig Harbor's planning area. Promote use of materials with extra acoustical properties in building developments, landscape and earth berm buffers in site improvements, and other innovations which will reduce noise impacts on residential developments, particularly along major highways like State Route 16 and about airport approach areas.

4.4.2. Noise - operating characteristics

Protect urban residential areas from obnoxious or distracting noises, particularly during evening hours, and especially of a kind created by controllable activities. Enforce exacting performance standards governing possible land use developments which create noise levels that may exceed acceptable community defined levels.

4.4.3. Groundwater

Prevent groundwater contamination risks due to failed septic systems. To the extent practical, cooperate with County agencies to create and implement plans which will provide suitable solutions for subdivisions with failed septic systems, and which will prevent future developments in high risk areas. Adopt specific performance standards for the development of land in areas identified as critical aquifer recharge areas.

4.4.4. Stormwater - development standards

Prevent surface water contamination and erosion of natural surface drainage channels due to ill-conceived or poorly designed urban development. Promote the use of storm water retention ponds and holding areas, natural drainage and percolation systems, permeable surface improvements, clustered developments and other concepts which will reduce stormwater volumes and velocities.

4.4.5. Stormwater - operating standards

Coordinate with the appropriate local and state agencies in promoting public education and awareness on the proper use of household fertilizers and pesticides. Develop and implement performance standards regarding the dumping of wastes, trapping of greases and other byproducts which can be carried into the natural drainage system.

4.4.6. Air - operating standards

Enforce exacting performance standards governing the emission of carbons, gases or other particulates into the atmosphere; and the creation of burnt materials, smoke, dust or other polluting byproducts which could degrade air quality.

Chapter 9 SHORELINE MANAGEMENT

Introduction

The City of Gig Harbor shoreline consists of a unique mix which varies from the historical fishing industry, the contemporary residential-recreational marinas and the commercial shops and services that border or are proximal to the shoreline. ~~Many substantial shoreline changes have occurred just in the past ten years and several of these changes have caused the community to reflect and reevaluate the quality, design and appropriateness of shoreline development.~~

The City of Gig Harbor, under the authority of the Shoreline Management Act of 1971, adopted a Shoreline Master Program in September of 1975. The Master Program serves as a guide for the ~~planning use~~ and development of the City's shoreline under the statutory authority of the Shoreline Management Act. The Act applies to Gig Harbor Bay, the city extending south along the Tacoma Narrows to the city limits, the city's shoreline frontage on Henderson Bay (all which is-are classified as a "shorelines of the state"), and those lands within two-hundred feet land-ward of the Ordinary High Water Mark on marine waters, including any associated wetlands. The City Shoreline Master Program was updated by the City in ~~July-June of 1993~~1994 ~~and again in December~~_____ of 20122013. The 20122013 Master Program reflects the changing concerns, goals and objectives of the community and is intended to serve as the framework for shoreline planning and development over the next decade. ~~As part of the requirements under Pursuant to the Growth Management Act, Master Program Goals and Policies are to be incorporated-integrated and incorporated into local comprehensive plans. Consequently, as a demonstration of consistency with the 2013 Master Program, the following goals and policies of the Master Program are incorporated into the Shoreline Management Element of the Comprehensive Plan, and by reference, all goals and policies of the Master Program are hereby have been adopted and incorporated adopts by reference and therefore includes the Goals and Policies of the City of Gig Harbor Shoreline Master Program as adopted in December, 2012into the Plan.~~

The Master Program works in conjunction with the City's Comprehensive Plan. By adopting the goals and policies as set forth herein and by reference, it is the City's goal-intent to integrate the shoreline management planning process with the-its comprehensive plan update-under the Growth Management Act, as feasible, to ensure consistency between the two plans.

GOAL 9.1: PROTECT NATURAL QUALITY

It is the goal of the City of Gig Harbor to protect ecological processes and functions existing in the shoreline and nearshore area. It is also the goal of the City of Gig Harbor to protect and restore shoreline vegetation, recognizing the multiple benefits native vegetation provides, including reduction in the need for structural stabilization; ecological functions and habitat; coastal bluff stability, safety, and protection of human life and property; and visual and aesthetic qualities.

Preserve and protect the unique, interdependent relationship between the water, land and cultural heritage.

9.1.1. Waterway

Define and regulate the design and operation of water-oriented activities including aquaculture and fish farming, and over-water structures or water-borne improvements including piers, floats, barges and the like to protect the navigational capabilities of the harbor. Define and regulate activities which may occur within or affect the natural tides, currents, flows and even floodways to protect the functional integrity of the harbor.

9.1.21. Habitats

Preserve and protect habitat which provides the shoreline's unique value, including the Crescent Creek and Donkey Creek estuaries, McCormick, Goodnough, and Purdy Creeks, and critical saltwater habitats which include kelp beds, eelgrass beds, spawning and holding areas for forage fish such as surf smelt and sand lance, sand spits, mud flats, and areas with which priority species have a primary association.

Preserve natural habitat areas, including beaches, streams and estuaries, from disruption. Protect fragile ecosystems which provide the waterfront unique value, especially fish spawning beds in the natural tributaries of Crescent Valley and Donkey Creeks.

9.1.32. Water and shoreline quality

It is the goal of the City of Gig Harbor to maintain or enhance the quantity and quality of surface and ground water over the long term by effectively managing the location, construction, operation, and maintenance of all shoreline uses and developments.

Define and regulate activities which can possibly contaminate or pollute the harbor and shorelines including the use or storage of chemicals, pesticides, fertilizers, fuels and lubricants, animal and human wastes, erosion and other potentially polluting practices or conditions.

Coordinate with the Puget Sound Water Quality Authority, Pierce County and the Tacoma-Pierce County Health Department to secure adequate funding from available sources to develop and implement a water quality baseline study as a prelude to an area-wide water quality basin plan.

9.1.43. Natural setting Vegetation Conservation and Management

Develop measures to conserve native vegetation along shorelines. Vegetation conservation may include avoidance or minimization of clearing or grading, restoration of areas of native vegetation, and/or control of invasive or non-native vegetation.

Maintaining well-vegetated shorelines is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns should be allowed when slope stability and ecological functions are not compromised. Trimming and pruning are generally preferred over removal of native vegetation.

Preserve the natural shoreline and harbor setting to the maximum extent feasible and practical. Control dredging, excavations, land fill, construction of bulkheads, piers, docks, marinas or other improvements which will restrict the natural functions or visual character of the harbor or

~~shoreline. Utilize natural materials and designs where improvements are considered to blend new constructions with the natural setting and with older structures.~~

GOAL 9.2: MIXED USE WATERFRONT

Give preference to shoreline uses that are water-oriented (water-dependent, water-related, or water-enjoyment); provide public access and recreational opportunity; or are residential, consistent with state policy (RCW 90.58.020). Such uses should be located, designed, and maintained in a manner that minimizes adverse impacts to shoreline ecological functions and/or processes. Non-water-oriented development should be allowed provided the development supports the objectives of the Gig Harbor Comprehensive Plan and the Shoreline Master Program.

Retain a mixed use waterfront in Gig Harbor Bay including those commercial endeavors such as commercial fishing, boating, marine shops and services, restaurants and retail shops, as well as residential uses which provide the bay's unique appeal. Continue to develop and enhance the recreation and tourism industry along Gig Harbor Bay, as an economic asset, in a manner that will enhance the public enjoyment of, and public access to the bay.

~~Retain a mixed use waterfront including those fishing, boating, tourist and residential uses which provide the shoreline unique appeal.~~

9.2.1. Fishing

Preserve the commercial fishing fleet as a significant cultural and economic resource. Retain important fleet supporting services and promote development of additional moorage and docking facilities consistent with the fleet's needs.

9.2.2. Pleasure boating and marinas

Permit uncovered moorage and encourage the development of temporary docking facilities for visiting boats. Retain the maximum open surface water area possible to facilitate safe and convenient watercraft circulation.

9.2.3. Residential uses

Provide for single and ~~a limited number of~~ multifamily residential uses that maintain public contact with the shoreline and respect valuable waterfront settings and characteristics.

9.2.4. Commercial uses

Encourage development of water-oriented commercial uses in waterfront locations which can be provided adequate and unobtrusive supporting services and improvements, including parking. Require commercial developments to provide public facilities and access to shoreline beaches, docks, walkways, and other facilities including views and vistas.

9.2.5. Recreation

Develop existing publicly owned shoreline properties to provide additional public access where

appropriate. Create a mixture of active and passive public facilities that do not intrude on the natural features of the shoreline.

GOAL 9.3: QUALITY URBAN DEVELOPMENT

It is the goal of the City of Gig Harbor to define and enforce the highest quality standards concerning present and future land use developments within the Gig Harbor Bay waterfront areas, recognizing the unique historic character and scale of the Gig Harbor Bay waterfront. This goal will be achieved through a balance of several different uses including those commercial endeavors such as commercial fishing, boating, marine shops and services, restaurants and retail shops, as well as residential uses which provide the bay's unique appeal.

~~Define and enforce the highest quality standards concerning present and future land use developments within the waterfront areas.~~

9.3.1. Balance and scale

Maintain a balance in waterfront land use development so that any single use does not overpower or detract from the others. Maintain a human, compatible scale so that new structures do not overpower existing facilities and do not dominate the shoreline in terms of size, location or appearance. Achieve balance and scale through compliance with GHMC 17.99 (Design Manual). ~~Maintain a balance in waterfront land use development so that any single use does not overpower or detract from the others. Maintain a human, pleasing scale so that new structures do not overpower existing facilities and do not dominate the shoreline in terms of size, location or appearance.~~

9.3.2. Access and visibility

Create an accessible and visible waterfront and shoreline including the development of public beaches, fishing and boating docks, picnic and passive overlooks and viewpoints. Require private developments to provide equivalent access and visibility to the tenants and users of new private developments, to users of the waterway and to the public at large.

9.3.3. Amenities

Encourage waterfront developments to provide public amenities commensurate with the project's scale and the character of the development. Amenities may include additional docks, paths or walks, overlooks, picnic and seating areas, fishing piers or areas, and viewpoints. ~~Require waterfront developments to provide amenities commensurate with the project's enjoyment of the natural, public resource including where desirable, additional docks, paths or walks, overlooks, picnic and seating areas, fishing piers or areas, overlooks and viewpoints.~~

9.3.4. Supporting improvements

Enforce suitable standards governing the development of supporting improvements (e.g., parking areas, sidewalks, stormwater facilities) equal to the standards enforced in other developed areas in the planning area. In addition, illustrate and enforce design standards which control scale, construction methods and materials, drainage patterns, site coverage,

landscaping and screening, signage, and other features of unique importance to the waterfront setting. Encourage innovative, effective solutions which cluster and share common improvements, reduce paved areas and otherwise blend construction with the natural setting or with desirable features of the built environment.

~~Enforce suitable standards governing the development of supporting improvements equal to the standards enforced in other developed areas in the planning area. In addition, illustrate and enforce design standards which control scale, construction materials, drainage patterns, site coverages, landscaping and screening, signage, and other features of unique importance to the waterfront setting. Encourage innovative, effective solutions which cluster and share common improvements, reduce paved areas and otherwise blend constructions with the natural setting or with desirable features of the built environment.~~

9.3.5. Urban Waterfront Design

~~With community endorsement, consider the development and adoption of a detailed urban water design plan and implementation program which considers the needs of all sectors of waterfront users. As appropriate, secure matching fund grants (CZM 306) to develop the program and commit to a sufficient level of funding for implementation and monitoring.~~

9.3.6. Character

~~The shorelines of the City of Gig Harbor support its fishing, boating and tourist industries as well as the residential community. Therefore preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals.~~

9.3.7. Balance

~~The City of Gig Harbor has achieved its distinctive quality through a beneficial relationship between a variety of uses. It shall be the goal of this Master Program to retain this balance and new development should not emphasize one use at the expense of others.~~

9.3.8. Scale

~~All changes to existing structures or development of new structures should be constrained as to height and lot coverage as required under the City of Gig Harbor Zoning Code.~~

9.3.9. Views and Natural Features

~~Because of the natural beauty of the water within the harbor, views and vistas to and from the water should be preserved and developed by the City and private parties alike. Fragile areas such as beaches, streams and estuaries which provide natural habitat should be subject to minimal disruption.~~

Goals for Particular Types of Uses

GOAL 9.4: — FISHING

~~Preserve Gig Harbor's fishing fleet as a significant cultural and economic activity, to maintain~~

~~supporting services, and to encourage development of moorage and dock facilities.~~

~~GOAL 9.5: — PLEASURE BOATING AND MARINAS~~

~~Permit uncovered moorage and the development of temporary docking facilities for visiting vessels, while retaining the open surface water area for watercraft circulation.~~

~~GOAL 9.6: — LIVING SPACES~~

~~Provide for individual single family homes as well as for a limited number of multi-family residences.~~

~~GOAL 9.7: — COMMERCIAL AREAS AND SHOPPING~~

~~Permit commercial uses which are water oriented. Uses which are not strictly water oriented should provide facilities for public enjoyment of the water location.~~

~~GOAL 9.8: — RECREATION AND PUBLIC USE~~

~~Maximize use of publicly owned shoreline locations and to provide for additional public access.~~

City of Gig Harbor Shoreline Master Program

MAJOR CITY PROPOSED CHANGES TO THE SHORELINE MASTER PROGRAM (COMPARED TO EXISTING SMP) :

1. New Shoreline Environmental Designations-(see Chapter 5, Section 5.2)
2. New marine setbacks from the OHWM for commercial and residential structures and off-street parking areas (see Chapter 6, Subsection 6.2.3.2, Table 6-1)
3. New required vegetation conservation areas adjacent to marine shorelines (see Chapter 6, Section 6.2.4)
4. New restrictions on the use of “hard” armoring for shoreline stabilization proposals (see Chapter 7, Section 7.9)
5. New regulations that allow the adaptive re-use of over water commercial fishing net sheds (see Chapter 7, Section 7.16)
6. “Stand Alone” Shoreline Critical Area Regulations (see Chapter 6, Section 6.2.5)
7. New nonconforming use and structure regulations (see Chapter 8, Section 8.11)

Department of Ecology Conditional Approval Letter dated September 20, 2013 & Attachments “B & “C”:

Per Attachment “B” to Ecology’s September 20, 2013 Conditional Approval Letter, 8 revisions are required to the city’s December 10, 2012 draft SMP approved for Ecology review by City Council Resolution #921. They include:

- Adding Henderson Bay to the shoreline areas described as lying within the jurisdiction of the SMP;
- Revision of 1 definition (development) and the addition of a 2nd definition (residential uses and development);
- Correcting an erroneous parcel number that describes the boundary of the Historic Working Waterfront SED
- Adding the requirement for DOE review and comment on Planning Director Determinations involving the administration of the SMP;
- Clarifying future SMP review and update periods;
- Adding language to the proposed nonconforming use and structure requirements that address the compliance of nonconforming uses and structures with the requirements of the SMP.

Per Attachment “C” to Ecology’s September 20, 2013 Conditional Approval Letter, 49 revisions to the SMP are recommended by Ecology. They generally are intended to add clarity to the existing draft SMP, eliminate typographic errors, and ensure consistent administration of the city’s shoreline program. Also included in the recommended revisions are 10 revisions proposed by the city in response to public comments submitted to Ecology during its public review process, and several revisions proposed by city staff, the most notable being additional revisions to the aquaculture section of the code to

address commercial aquaculture operations. Staff and the City Attorney believe the revisions are appropriate.

Comprehensive Plan Amendments:

Amendments are proposed to the Comprehensive Plan to ensure its consistency with the updated SMP. The amendments address Chapter 1 (Introduction), Chapter 4 (Environment Element) and Chapter 9 (Shoreline Management)

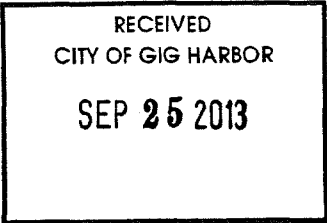
Gig Harbor Municipal Code Titles 17 & 19:

Like the Comprehensive Plan, amendments are proposed to the city's Zoning and Administration Codes set forth in GHMC Titles 17 & 19 to ensure consistency with the updated SMP. Revisions to the city's marina off-street parking requirement for the WM District and the method of calculating gross floor area for building size and off-street parking requirements in the WR, WM and WC Districts are the major proposed revisions. All proposed revisions have been reviewed by the Planning Commission and approved for submittal to Council for consideration.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 20, 2013

The Honorable Chuck Hunter
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

**Re: City of Gig Harbor Comprehensive Shoreline Master Program Update –
Conditional Approval, Resolution Number 921**

Dear Mayor Hunter:

I would like to take this opportunity to commend the city of Gig Harbor (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. I recognize this update represents a significant amount of effort by your staff and the community as a whole. The SMP will provide a framework to guide development and habitat restoration in the City's shoreline along the marine waters of Gig Harbor Bay, the Tacoma Narrows, and Henderson Bay.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are proposed in Attachment C. Ecology's findings and conclusions related to the City's proposed SMP update are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guideline requirements.

The Honorable Chuck Hunter
September 20, 2013
Page 2

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that you, the City Council, Planning staff (particularly Peter Katich, Jennifer Kester and Tom Dolan), the Planning Commission, and the community have put into the Shoreline Master Program update.

Thank you again for your efforts. We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Kim Van Zwalenburg, at Kim.Vanzwalenburg@ecy.wa.gov/ (360) 407-6520.

Sincerely,



Maia D. Bellon
Director

Enclosures (6)

By Certified Mail [7012 1010 0003 3028 3423]

cc: Peter Katich, City of Gig Harbor
Jennifer Kester, City of Gig Harbor
Paula Ehlers, Ecology
Peter Skowlund, Ecology
Kim Van Zwalenburg, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF GIG HARBOR
SHORELINE MASTER PROGRAM**

SMP Submittal accepted February 7, 2013, Resolution No. 921
Prepared by Kim Van Zwalenburg on August 19, 2013, Revised September 10, 2013

Brief Description of Proposed Amendment: The City of Gig Harbor has submitted a comprehensive update to their Shoreline Master Program (SMP) for review and approval by the Department of Ecology (Ecology). The updated master program will regulate about 3 miles of shoreline within the City. It contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions and critical area regulations which have been embedded in Chapter 6 of the SMP. In addition, the City is pre-designating approximately 3 ½ miles of shoreline within the Urban Growth Areas (UGA) located along the east side of Gig Harbor Bay, Colvos Passage and the Tacoma Narrows. The City has chosen to not pre-designate the UGA along Henderson Bay and Burley Lagoon. Additional reports, and supporting information and analyses are included in the submittal and noted below.

FINDINGS OF FACT

Need for amendment. The proposed amendment would replace the City's existing SMP in its entirety. The amendment is needed to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 (State master program approval/amendment procedures and master program guidelines) and WAC 173-27 (Shoreline management permit and enforcement procedures). The original Gig Harbor SMP was approved by Ecology in 1975 and was last amended in 1994.

Ecology finds that the City has documented the need to adopt an updated shoreline master program.

Documentation of current conditions: The Gig Harbor SMP will regulate activities along marine shorelines within the City, including Gig Harbor Bay, the Tacoma Narrows and a small segment along Henderson Bay. The Inventory and Characterization report analyzed the shoreline in six segments: Colvos Passage and Gig Harbor Spit, East Gig Harbor, Downtown Gig Harbor, Tacoma Narrows, Henderson Bay and Burley Lagoon¹.

Gig Harbor Bay: The bay, commonly referred to as the harbor, is a protected embayment with a spit located at the mouth. The banks are low to moderate in height with limited riparian vegetation. Much of the shoreline is armored, limiting sediment movement within the bay. There are mud flats and fringing tidal marsh, particularly in the vicinity of the mouths of Crescent and Donkey creeks. Crescent Creek is documented to have chum, coho, steelhead and sea run cutthroat trout. Donkey Creek is documented to support chum and coho salmon and steelhead trout. In addition, over the past 30 years or more, the Commercial Fishermen's Civic Club has been raising and releasing chum on an annual basis. At the time the Inventory was completed, the lower end of Donkey Creek flowed

¹ Late in the local adoption process, the City removed the Henderson Bay/Burley Lagoon Urban Growth Area (UGA) from the SMP and is no longer pre-planning for this UGA. The SMP will still apply to the recently annexed segment of Henderson Bay shoreline including the mouth of McCormick Creek.

through a 300-foot long culvert below North Harborview Drive. This year, the City began work on day-lighting the creek.

The City's historic downtown is located along the western side of the harbor. This area has been heavily modified over time and has the highest impervious surface (estimated at 63%). Development along the downtown waterfront consists of a mix of commercial and residential uses and much of the shoreline has been bulkheaded limiting sediment movement. There are numerous overwater structures including piers, docks and marinas and historic net sheds. Crescent and Donkey² creeks outlet into the bay and there is evidence of historic filling in and around these estuaries. Aside from the areas near the two creek mouths, there is little riparian vegetation. This area of the harbor has the largest concentration of public parks (including viewing areas).

The east side of the harbor is currently located within the City's UGA. It is characterized by large residential lots and numerous private docks most of which are located to the south of the Randall Street public boat launch. The shoreline north of the boat launch the shoreline up to Crescent Creek is more lightly developed. There are two known smelt spawning areas on this side of the bay.

The open water of the harbor has numerous mooring buoys. During the writing of the Inventory & Characterization, it was estimated there were 70 docks and piers along the perimeter of Gig Harbor Bay. There are a number of other overwater structures including 17 historic net sheds (see discussion below specific to these structures).

Tacoma Narrows/Colvos Passage: Colvos Passage and the Gig Harbor spit are located to the north of the harbor entrance. These areas are located within the City's UGA. The spit is largely undeveloped except for the lighthouse (which still operates). Further north, the land transitions to a moderately high bluff with a fairly broad riparian band and armoring at the toe. Recent slides are evident, overtopping the armoring and dropping material onto the beach. There are at least two structures extending waterward of the OHWM.

The Tacoma Narrows segment of shoreline is located south of the harbor entrance and contains properties within the city and UGA. Most of the area is developed with single-family residences. Just outside the harbor entrance, and within city limits, is a historic community of approximately 18 overwater homes called Nesika Beach. Most are used as summer cabins and are accessible only by walking along the beach from the Old Ferry Landing/Harborview Drive street end. Much of the segment is characterized by medium to high bluff which is well vegetated except in the area of slide activity and the beach has large wood debris. South of the Nesika Beach community, there is little shoreline armoring and the beach is mapped as potential forage fish habitat. Other than the cabins, there are no overwater structures along this shoreline.

Henderson Bay: The Inventory & Characterization looked at the entire UGA along Henderson Bay, but the City ultimately decided to only address a short segment (approximately 6 waterfront parcels), including the mouth of McCormick Creek, located within City limits. The area is characterized by single-family homes and much of the shoreline is bulkheaded with little riparian vegetation. Eelgrass is present and there is potential forage fish habitat. There are no overwater structures. McCormick Creek has significant fish runs, particularly coho.

² The City began work on restoration and daylighting of Donkey Creek in the spring of 2013. The project includes removal of fill and an existing culvert and placement of a bridge on North Harborview Drive.

Shoreline Use Analysis: In support of the Inventory & Characterization, the City completed an inventory of net sheds (Appendix C), an Existing Conditions Summary of the marinas and moorage facilities located in the City (Appendix D) and a Shoreline Characterization by Parcel (Appendix E).

Most properties in the City are at least partially developed, with about 50% of the shoreline in residential uses within Gig Harbor Bay, much of it along the east side of Gig Harbor Bay in the UGA. The city’s downtown shoreline reflects the largest diversity of uses and has historically been a mix of water-dependent uses (such as commercial fishing and logging mills), and business services including a general store and post office. Today’s downtown includes commercial and private marinas, commercial fishing facilities, and commercial activities that support the adjacent residential areas as well as those which support a significant tourist economy. Outside the harbor, the Puget Sound shoreline is nearly all residentially developed.

The following table summarizes the parcel characterization (Appendix E), which focused on downtown Gig Harbor (Harborview Drive), North Gig Harbor (North Harborview Drive) and the Purdy Commercial Area (no longer included in the proposed SMP) and shows 70% of parcels are water-oriented and 30% are non-water-oriented.

Table 3-1. Summary of Water-oriented and Non-water-oriented Uses Surveyed

Use Type	Downtown Gig Harbor (number of parcels)	North Gig Harbor (number of parcels)	Henderson Bay and Burley Lagoon (number of parcels)	Total for Each Use
Water-dependent	20	0	1	21
Water-related	6	4	2	12
Water-enjoyment	16	5	5	26
Total water-oriented	42	9	8	59
Non-water-oriented	12	7	6	25
Total non-water-oriented	12	7	6	25
Total Number of Parcels Surveyed	54	16	14	84

(I & C, April 2011, page 7)

Water-dependent uses are primarily related to commercial fishing and recreational boating. Historically, most overwater development supported the commercial fishing industry. While this industry has changed (and declined in Puget Sound), demand for recreational marinas has increased driven by continued growth in boat registrations (a trend showing in Pierce County as well as throughout Puget Sound). Growth in hand-powered vessels has also been significant.³

The City conducted a marina survey as part of the update and determined there are 29 commercial marinas, commercial fishing moorages and moorage associated with upland condominiums. There are 722 boat slips in the bay with most marinas operating at or near capacity. Most of these marinas are

³ Regional data comes from the Taocma Waterfront Lands Analysis , November 2008 (BST Associates)

fully built-out and have no expansion plans, in part because they can't extend beyond the Outer Harbor Line.

A separate analysis of Pierce County Assessor data was done to determine current uses of waterfront parcels in those areas of the City where zoning would allow marinas or related commercial services. A qualitative evaluation of available water surface for over-water facilities (e.g. piers and docks) was also conducted. Based on a number of factors, it was concluded that space for additional marinas is limited.⁴

Finally, the City has an extensive collection of historic net sheds. These date back to the heyday of the commercial fishing industry. Of the 17 net sheds still in existence, fifteen are in use, with seven solely supporting commercial fishing, two used for both fishing and other uses and six solely for other purposes. Two are listed as vacant. The conversion of net sheds to other uses is a concern for those still engaged in the commercial fishing industry and the SMP makes clear that water dependent and water-related uses are the priority for these structures. The conversion allowance is meant as an incentive to get these structures on the Historic Register and to help ensure their continued existence.

Since most of the shoreline has been built out, use conflicts are largely between recreational boating and commercial fishing interests. This includes navigational conflicts within the harbor. Along with potential navigational constraints between moorage facilities, there have been concerns relating to the proliferation of mooring buoys throughout the bay, particularly on the Pierce County side of the bay. There is no identified navigational channel and maneuverability has been compromised at times.

Ecology finds that Gig Harbor has adequately considered supply and demand for SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201(3)(d)(ii) and WAC 173-26-201(2)(d).

SMP provisions to be changed by the amendment as proposed: This comprehensive SMP update is intended to entirely replace the City's existing SMP. The updated SMP includes new shoreline area (6 parcels) annexed in April 2009 which extended the city limits out to Henderson Bay. The SMP will regulate approximately 3 miles of marine shorelines (approximately 6.7 miles when including the UGA). The City is pre-designating the Urban Growth Areas (UGA) located along the Tacoma Narrows, Colvos Passage and the east side of Gig Harbor Bay. The City has chosen to not include the UGA along Henderson Bay and Burley Lagoon. All UGAs will continue to be regulated by the Pierce County SMP until annexed into the City.

Shoreline Jurisdiction: The City proposes to use the minimum jurisdiction allowed including the water areas and bedlands of all shoreline waterbodies, shorelands located within 200 feet of the Ordinary High Water Mark (OHWM) and all associated wetlands. The City is not extending jurisdiction to include land necessary for buffers for critical areas. (Gig Harbor SMP Sections 1.7 and 1.8)

Ecology finds that the Gig Harbor SMP, contingent on acceptance of a technical change outlined in Attachment B – Required Changes, has appropriately defined shoreline jurisdiction consistent with RCW 90.58.030(2).

⁴ The Inventory & Characterization documented two proposed marina developments that were going through permitting at the time. Since the report was written, the City has purchased both properties: the former Stutz fuel site is now the location of the Maritime Pier (2012 completion) and the Ancich waterfront property (purchased August 2012) is undergoing a visioning process.

Shorelines of Statewide Significance (SSWS): RCW 90.58.020 specifically calls out SSWS for special consideration declaring the “the interest of all of the people shall be paramount in the management” of these shorelines. In Gig Harbor, the only SSWS are those portions of Puget Sound (including Gig Harbor) lying seaward from the line of extreme low tide. (GHSMP, Chapter 4)

Ecology finds that the SMP has appropriately identified SSWS within the City’s jurisdiction and has included policies for management of these areas (Chapter 4). The policies are consistent with RCW 90.58.020 and WAC 173-26-251.

Shoreline Master Program Goals and Policies: The SMP addresses the elements outlined in RCW 90.58.100(2) and the policies of RCW 90.58.020 and WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state. Policies are found in Chapter 5, Shoreline Environment Designations, Chapter 6 General Goals, Policies and Regulations and Chapter 7 Shoreline Use and Modification – Policies and Regulations:

Ecology finds that the City has addressed the requirement to establish policies per RCW 90.58.100(2) and WAC 173-26-201(2)(a).

Shoreline Environment Designations: Assignment of shoreline environment designations is a fundamental aspect of the SMP update. Gig Harbor’s existing SMP uses two (2) environment designations: Urban and Urban Residential.

The locally adopted SMP identifies six (6) proposed designations: City Waterfront, Historic Working Waterfront, Low Intensity (similar to Shoreline Residential), Natural, Urban Conservancy and Marine Deepwater. Each environment designation has a purpose statement, designation criteria and management policies. Three of the designations (Natural, Urban Conservancy and Low Intensity) follow the recommended classification system set forth in WAC 173-26-211(4)(b).

For the other three designations, Gig Harbor opted to use alternative designations as allowed in WAC 173-26-211(4)(c).

- City Waterfront is assigned to portions of the historic downtown commercial area of Gig Harbor which “together with those commercial areas in the view basin...serve as the traditional and emotional center of the city” (GHSMP, p. 5-19). As the SMP further states: “The purpose of the City Waterfront designation is to accommodate and foster the unique mix of uses and activities that characterize the Gig Harbor Bay waterfront” (p. 5-19).
- Historic Working Waterfront is assigned to 14 parcels along the northwest section of the waterfront on Gig Harbor Bay, an area that contains a significant concentration of historic uses and structures including a concentration of net sheds and commercial fishing vessel moorage facilities. The purpose “is to recognize and preserve two of Gig Harbor’s most notable historic industries: commercial fishing and boatbuilding.” (p. 5-23)
- Marine Deepwater is assigned to all marine waters and underlying submerged lands **waterward of extreme low tide**. This designation is coincident with those areas designated SSWS and was originally conceived by Pierce County in an early draft SMP. The City decided

to utilize the designation (rather than Aquatic) in an attempt to be consistent with the county⁵. “The purpose is to protect, restore, and manage the unique characteristics and resources of the marine waters in Gig Harbor.” (GHSMP p. 5-27)

Because of the decision to use the Marine Deepwater designation, all of the City’s designations have a different geographic scope than is recommended in WAC 173-26-211, with the five upland designations extending out to extreme low tide. In order to ensure consistency with the purposes and policies of WAC 173-26-211(4)(c)(i) and WAC 173-26-211(5), the Aquatic policies have been incorporated into those of the Marine Deepwater designation, and in all the upland designations to address those portions waterward of the OHWM. In addition, Table 7-2 – Shoreline Use Matrix and the regulations within Chapter 7 clarify those activities allowed waterward of the OHWM.

Ecology finds that the process of evaluation used to assign shoreline designations was appropriately conducted. Ecology also finds, contingent on acceptance of one technical correction in Attachment B – Required Changes, that each shoreline designation in the SMP has a clearly stated purpose, designation criteria and policies and is adequately mapped on the Shoreline Environment Designations Map (GHSMP Figure 5-1 Shoreline Map, and Figures 5-2 through 5-8). The designations provide a framework for implementing shoreline policies and regulations. The allowed uses and regulations for each shoreline designation (Tables 7-1, 7-2 and 7-3) have been developed that account for different shoreline conditions, while helping assure implementation of the purpose of each environment designation and the policy goals of the SMA including protection of existing shoreline ecological functions.

General Master Program Provisions: Chapter 6 provides those policies and regulations that apply to all shoreline development, modifications and uses in all shoreline environments. Included are policies and regulations that address preferred shoreline uses; marine shorelines, vegetation conservation and critical areas protection (addressed separately below); historic, cultural, scientific and educational resources; and public access among others.

The more significant changes proposed in the SMP include the provision for marine setbacks for commercial and residential structures and the vegetation conservation strip. Under the current SMP, setbacks are measured from the rear property line, which in many cases is located waterward of the OHWM, resulting in little to no setback off the OHWM. The locally adopted SMP applies setbacks by environment designation ranging from 25’ in the City Waterfront and Historic Working Waterfront, which are at the heart of the City’s downtown, to 150’ in the Natural designation. Provisions for protecting and/or enhancing vegetation in the vegetation conservation strip apply within these setbacks.

The other key addition to the SMP addresses the collection of historic net sheds in the community (discussed further below).

Ecology finds that the City has included all the required general provisions in the proposed SMP consistent with WAC 173-26-221.

Shoreline Modifications: WAC 173-26-231(1) distinguishes shoreline modifications from shoreline uses by describing them as those actions “undertaken in support of or in preparation for a shoreline use”. The SMP addresses shoreline modifications in Chapter 7 and in Table 7-1 Shoreline

⁵ Pierce County has since decided not to utilize the Marine Deepwater designation.

Modification Matrix including clearing and grading, dredging, fill and excavation and shoreline stabilization.

Ecology finds that the City has considered and addressed shoreline modifications as required in WAC 173-26-231.

Shoreline Uses: WAC 173-26-241 outlines specific common uses and types of development that can occur within shoreline jurisdiction. The SMP addresses applicable shoreline uses in Chapter 7 and Table 7-2 Shoreline Use Matrix.

The locally adopted SMP is unique in how it addresses uses within the heart of the City's downtown and the historic net sheds.

Historic Net Sheds: Net sheds in Gig Harbor date back to the early 1900's. They were constructed by families who settled in the area and established commercial fishing operations. These net sheds were often associated with a single family residence, and were used to store and repair fishing nets. Over the years, the net sheds have been slowly disappearing as the working waterfront has converted to a recreationally focused waterfront, but seventeen of these structures still remain. Seven are still solely used for commercial fishing with two others partially related to fishing. The remaining sheds have been converted to other uses or are vacant (two of these are now owned by the city). In 2008, this unique collection of net sheds (the last remaining such collection in Puget Sound) was listed by the Washington Trust for Historic Preservation on their Most Endangered Structures list.

City Waterfront and Historic Working Waterfront: The city's early history focused on the shoreline along the western side of Gig Harbor Bay. In addition to an early sawmill and commercial fishing activities, the downtown area hosted a wide variety of uses including a ferry landing, boat yards, grocery stores, a pharmacy, dental office, hotel and restaurants (to name a few). This diversity of uses continue in some fashion today with many retail and business establishments supporting the adjoining residential neighborhoods along with others (including museums, gift shops and antique stores) that help support the City's significant tourist industry. Much of the moorage has transitioned from commercial fishing to recreational boating marinas.

In the course of the SMP update, the Planning Commission and City Council felt strongly that these important historical trends and uses be recognized in the master program. The City has been actively pursuing ways to help preserve the net sheds and the SMP contains incentives that would allow for adaptive re-use of these structures but only if listed on the City's Register of Historic Places. The preference is for water-oriented uses to occupy these structures, with a water-dependent use being the highest priority. However, the commercial fishing industry has significantly reduced over the years, properties have changed hands and these sheds are expensive to maintain. The City hopes by allowing for some level of adaptive re-use (with a conditional use permit if non-water oriented), they will be able to preserve some of these iconic structures.

Recognizing its working waterfront heritage, the City also acknowledges the diversity of uses that historically and still today occur along the downtown waterfront. The master program has been designed to allow for a continuation of this diversity, while still favoring water-oriented uses above all.

Ecology finds that the Gig Harbor SMP adequately identifies uses common along the City's shoreline, establishes a clear preference for water-oriented uses and public access, and clearly shows by shoreline designation, where certain uses are allowed, conditionally allowed and prohibited.

Ecology also finds that the City has documented the historic nature of its downtown and the unique collection of net sheds.

Critical Area Provisions: Gig Harbor has chosen to embed these regulations in Section 6.2.5 of the SMP. These provisions address wetlands, streams, critical fish and wildlife habitat areas, aquifer recharge areas, hillsides, ravine, sidewalls and bluffs, landslide and erosion hazard areas, seismic hazard areas and flood hazard areas. All provisions are identical to the existing CAO except for those addressing wetlands which were revised and updated in response to comments from Ecology during the local process.

Ecology finds that the City has adequately defined and protected critical areas, as required in WAC 173-26-221(2), and that no net loss of shoreline ecological functions should be assured (RCW 36.70A.480(4)).

Administrative Provisions and Definitions: Chapter 2 contains the applicable definitions and Chapter 8 addresses administrative procedures including roles and responsibilities, permit review criteria and nonconforming uses and structures, among others.

Contingent on the City's acceptance of required changes set forth in Attachment B, Ecology finds that the SMP adequately addresses these topics consistent with WAC 173-26-020 and 173-26-191(2)(a)(iii).

Cumulative Impacts Analysis (CIA): Draft reports (November 2009; November 2010; March 2011 w/addendum dated May 2011) evaluating the cumulative impacts of reasonably foreseeable future development, were produced on draft versions of the SMP. A final CIA was issued in May 2012. As a requirement of the grant, a No Net Loss Summary memorandum (ESA, May 2011) was also issued.⁶

Ecology finds that Gig Harbor has evaluated the cumulative impacts of reasonably foreseeable future development over the next 20 years. The potential for net loss of shoreline ecological functions is low as identified in the CIA. The locally adopted SMP appears to fairly allocate the burden of addressing cumulative impacts among development opportunities. Ecology finds that the City's SMP and supporting Cumulative Impact Analysis is consistent with the SMP Guidelines governing principle (WAC 173-26-186(8)) as well as the legislative intent of the Shoreline Management Act under RCW 90.58.

Restoration Plan: Gig Harbor developed a restoration plan based on the information in the Inventory and Characterization. The plan (ESA, April 2011) identifies site specific and programmatic restoration opportunities and actions for the City. The programmatic opportunities focus on education and incentives, the marine nearshore, infrastructure and planning and coordination. More specific opportunities are identified by planning segment (consistent with those originally identified in the Inventory). The City's SMP (Section 6.8) includes an overall goal, and policies and regulations that permit and promote restoration efforts along all City shorelines and explicitly link restoration actions to the Restoration Plan.

⁶ Unlike the Cumulative Impacts Analysis, there is no requirement in the Guidelines to provide an updated No Net Loss report with submittal of the locally adopted SMP.

Ecology finds that the Shoreline Restoration Plan is based on appropriate technical information available to the City during the SMP update and can serve as a tool for the City and others to restore shoreline conditions over time. Such restoration efforts are understood to help achieve the no-net-loss standard of the SMP Guidelines (WAC 173-26-186; WAC 173-26-201)).

Amendment History and Review Process: The record shows Gig Harbor began the comprehensive update to their SMP on their own initiative in January 2008, hiring a consultant (*ESA Adolfson*) and developing a draft Inventory and Characterization report. Beginning in July 2009, work began consistent with a scope of work described in *SMA Grant No. G1000028*. The grant provided \$93,000.

Public Participation: The Public Participation Plan documented how the City proposed to inform and engage the public. An informal technical advisory committee was formed (review of documents was done electronically). The City established a webpage and formed a Stakeholder committee in late 2008 which met over 11 months and was informed by an open house held November 19, 2008. The committee provided early input and policy direction on development of a working draft SMP, memorialized in a September 2009 memorandum titled *Stakeholder Committee Policy Direction* (*ESA Adolfson*).

Local Review Process: The Planning Commission began work on the SMP in January 2010. They held two open houses (January 21, 2010 and March 31, 2011) and numerous work-study sessions (all open to the public) over a 15 month period. Public hearings before the Planning Commission were held on November 18, 2010 and March 31, 2011. Documents provided by the City indicate notice of the second hearing was published on March 16, 2011 in *The Peninsula Gateway*. In April 2011, Planning Commission forwarded a recommended draft SMP to City Council.

The record shows that City Council held a joint work-study session with the Planning Commission on May 21, 2011 and a public hearing was held on June 11, 2012. Council held an additional work-study session in October 2012 to consider proposed revisions to the draft SMP based on comments received during the hearing.

With passage of Resolution No. 921, on December 17, 2012, the City Council authorized staff to forward the proposed updated SMP to Ecology for approval.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP on February 29, 2012. Notice of the SEPA determination was published in *The Peninsula Gateway* on February 29, 2012. The City allowed for a 60-day comment period which closed on April 30, 2012. Ecology did not comment on the DNS. An appeal of the DNS was filed and a hearing on the matter was held before City Council on May 29, 2012. The appeal was denied by Resolution No. 902, dated June 11, 2012.

Ecology finds the record submitted adequately documents compliance with WAC 173-26-100 and 110.

State Review Process: The proposed SMP was received by Ecology for state review and verified as complete on February 7, 2013. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on March 11, 2013⁷ by mail and March 13, 2014 by email, in compliance with the requirements of WAC 173-26-120. The state comment period began

⁷ A corrected postcard (there was a typographical error) was sent out on March 14, 2013.

on March 21, 2013 and continued through April 22, 2013. Notice was posted on the Ecology website for shoreline master programs:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/gigharbor.html> and on Ecology's Public Involvement Calendar and a news release was issued. Ecology staff determined a public hearing was not necessary.

A total of 3 individuals or organizations submitted comments on the proposed amendments. Ecology sent all written comments received to the City on April 24, 2013 and provided a comment summary to the City on May 9, 2013. The City requested two extensions (6/17 and 7/11/2013) in order to respond to all comments. On August 13, 2013, the City submitted its responses to issues raised during the state comment period to Ecology.

Ecology staff met with City staff twice (June 12th and 19th) to discuss proposed changes to the locally adopted SMP.

Consistency with Chapter 90.58 RCW: The proposed SMP has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed SMP has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions – see discussion above on pages 4 - 8). This included review of a SMP Submittal Checklist, which was completed by the City and provided with the submittal of the locally adopted SMP.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

- Public Participation Plan (June 2008)
- Shoreline Inventory and Characterization (April 2011 w/Errata #1(March 26, 2012) and Errata #2 (December 17, 2012) including map folio
 - Appendix C – Net Shed Inventory Matrix and Recommendations
 - Appendix D – Gig Harbor Marinas and Moorage Facilities
 - Appendix E – Shoreline Characterization by Parcel
- Revised Cumulative Impacts Analysis (May 31, 2012 w/December 17, 2012 errata)
- No Net Loss Report (May 3, 2011)
- Shoreline Restoration Plan Element (April 2011)

Additional References:

- City of Gig Harbor Parks, Recreation and Open Space Plan (June 26, 2010)
- City of Gig Harbor, Historic Net Shed Sites in Gig Harbor, developed by Lita Dawn Stanton, (November 2006)
- Gig Harbor SMP Update – Stakeholder Committee Policy Direction memorandum, ESA Adolfson, (September 21, 2009)
- Tacoma Waterfront Lands Analysis, prepared for the City of Tacoma (2008)
- Washington State National Maritime Heritage Area Feasibility Study, Prepared for Washington State Department of Archaeology and Historic Preservation, Parametrix and Berk & Associates (March 2010)

- 2009 Downtown Inventory, Historical Overview (History of Gig Harbor) (Gig Harbor website: <http://www.cityofgigharbor.net/page.php?id=684>)

Summary of Issues Raised During the Ecology Public Review Process: The comments received generally focused on the following topics:

- **Aquaculture:** Any expansion of aquaculture on Henderson Bay is opposed.

Ecology response: Comment noted. There are approximately 6 parcels adjacent to McCormick Creek that are located within the City. Aquaculture is a water-dependent activity and thus a preferred use under the Shoreline Management Act. Jurisdictions are required to ensure preferred uses are adequately accommodated in their SMP. The City's SMP appropriately includes policies and regulations related to this activity. Most of Henderson Bay will be regulated by the Pierce County SMP. (Please note: The City has chosen not to pre-designate the Urban Growth Area along Henderson Bay and Burley Lagoon. Should the City annex this area in the future, a Shoreline Master Program amendment will be required.)

- **Process/procedure:** A number of comments focused on issues related to local and state process and procedure including a request to return the SMP to the City for additional information and public review and demonstration that a new SMP is needed due to changed local circumstances. It was also requested that Ecology extend the public comment period and hold a public hearing. Other comments requested documentation of coordination with other regulatory agencies and a request that a regulatory taking analysis be performed.

Ecology response: As noted above, Ecology has determined that the City has met all procedural requirements necessary for amending or updating their SMP. Gig Harbor is required by statute (RCW 90.58.080) to update their SMP consistent with the new Shoreline Guidelines adopted in 2003. New requirements include meeting the new standard of ensuring no net loss of ecological functions, more stringent shoreline stabilization standards, along with requirements to address vegetation conservation and critical areas. The existing SMP addresses none of these issues.

Ecology does not believe it is necessary to extend the public comment period nor hold a hearing once the City provides information related to which marine shorelines are critical areas. The City's Critical Area Ordinance (CAO) has been incorporated into the SMP as required by RCW 36.70A.480. Designation of "critical areas" is the responsibility of local government (RCW 36.70A.060(2) and RCW 36.70A.170). Incorporation of the CAO into the SMP does not change the designation of critical areas.

- **Consistency with the Growth Management Act (GMA) and the City's Comprehensive Plan:** Concerns were raised that the proposed SMP is inconsistent with statutory changes regarding critical areas and how critical area regulations are integrated into the SMP; that the SMP is inconsistent with Comprehensive Plan goals related to urban development and infill, redevelopment of existing structures; land management policies which favor the use of performance (over prescriptive) standards and the designation of critical areas in marine waters.

Ecology response: As stated above, the Department finds that the SMP is consistent with the statutory requirements for incorporation of the CAO into the SMP. Ecology notes that Section 6.2.5.3 allows for public access and water-dependent activities or development within CAO

buffers, however all proposed shoreline development must follow the mitigation sequence set forth in Section 6.2.2 and any remaining impacts must be mitigated to ensure no net loss of shoreline ecological functions.

Consistency with the Comprehensive Plan is the responsibility of the local government (WAC 173-26-191(1)(e)).

- **Public Access:** Comments raised concerns with public access provisions that mandate views and access unrelated to the actual impact of a development. Comments expressed a belief that some of the requirements for view corridors and/or access are illegal and should be addressed case by case.

Ecology response: While not a model of clarity in the Guidelines, Ecology understands public access provisions applied to private property must always meet the tests of “nexus” and “proportionality” as set forth in the Nollan and Dolan decisions by the U.S. Supreme Court. The SMP sets the standard for when public access may be required and what that access should look like. However, the requirement for accommodating public access on private property only occurs when it has been shown that there is either impact to existing public access or increased demand for public access and the required access must be commensurate with the impacts. This analysis occurs during the permit approval process. The City has proposed clarifying language, set forth in Attachment C – Recommended Changes (Item 12).

- **Critical Area provisions:** Numerous concerns are expressed regarding the designation (or not) of all marine areas as critical areas, how the buffers apply to existing development, creation of nonconforming structures and uses (by the imposition of buffers), and the need for clarity regarding how these regulations apply to water dependent uses.

Ecology response: The designation of critical areas is the responsibility of local government (RCW 36.70A.060(2) and RCW 36.70A.170). Incorporation of the CAO into the SMP does not change the designation of critical areas, nor does it change how buffers apply to existing development. Critical area buffers already exist and already apply to property in Gig Harbor. Consistent with the allowance in RCW 90.58.620, the City has included a provision that declares legally established principle residences that do not meet current standards for setbacks, buffers or other dimensional standards (and are located landward of the Ordinary High Water Mark) to be conforming (Subsection 8.11.8.d). The City has proposed language, set forth in Attachment C – Recommended Changes (Item 8), to clarify that water dependent uses and public access can encroach within critical area buffers.

- **Single family residential development:** Comments generally focus on the impact to this type of use (which is a preferred use in the SMA) resulting from the imposition of buffers and setbacks.

Ecology response: Single-family residential uses are a priority use of the state’s shorelines, but only when consistent with control of pollution and prevention of damage to the natural environment (RCW 90.58.020). It is appropriate, within the limits of the Constitution, to ensure residential development, like other shoreline uses, minimizes “impacts to the land and its vegetation and wildlife, and the waters of the state and their aquatic life”. This is consistent with the legislative finding that “unrestricted construction on the privately owned or publicly owned

shorelines of the state is not in the best public interest.” Buffers and setbacks are just one mechanism for ensuring impacts to the natural environment are minimized. They also serve to minimize the potential for impacts to structures from natural causes, such as storm-driven waves and flood events. Finally, master programs are required to include policies and regulations that ensure that exempt development in the aggregate will not cause a net loss of shoreline ecological functions and that “fairly allocate the burden of addressing cumulative impacts among development opportunities.” (WAC 173-26-186(8))

- **Existing development/built environment:** Concern was expressed that the SMP does not take into account the developed nature of the Gig Harbor shoreline, and instead applies requirements for vegetation conservation areas and critical area buffers everywhere making all existing structures nonconforming.

Ecology response: The existing developed nature of the Gig Harbor shoreline was recognized and acknowledged throughout the process, beginning with the Inventory & Characterization, the application of proposed environment designations, the location for allowed uses (Table 7-2) and the variation in dimensional standards set forth in Table 6-1 Vegetation Conservation Strip Setbacks for Marine Shorelines and Table 7-3 Bulk Dimensional Standards Matrix. See above responses regarding critical areas.

- **Vegetation conservation strip provisions:** Comments ask for clarity with regard to water dependent uses and the vegetation conservation strip, and also state that conservation strips should not be required in the highly built environment (City Waterfront). Other comments state that application of these regulations to the built environment precludes use of portions of property and constitutes a regulatory taking.

Ecology response: The designation of vegetation conservation strips is Gig Harbor’s approach to the requirement for shoreline vegetation conservation (WAC 173-26-221(5)). The Guidelines make clear that these “provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit.” The Guidelines further clarify that “vegetation conservation standards do not apply retroactively to existing uses and structures”. However, vegetation conservation provisions are triggered by new development or redevelopment and to new proposed uses. It is appropriate to apply these requirements, even along fully developed shorelines to improve visual and aesthetic qualities of the shoreline, and to ensure impacts to the shoreline are minimized and mitigated. The City has proposed language, set forth in Attachment C – Recommended Changes (Item 8), to clarify that water dependent uses and public access can encroach within critical area buffers and the vegetation conservation strip.

The complete record of the City’s response to the comments received is found in Attachment D.

Summary of Issues Identified by Ecology as Relevant To Its Decision: Based on review of the locally adopted SMP, supporting documents and consideration of comments provided during Ecology’s comment period, the following issues remain relevant to Ecology’s decision: None

Ecology finds that the proposed SMP as approved by the City under Resolution #921 is not consistent with the applicable SMP Guideline requirements, as specifically identified within Attachment B (Required Changes). However, Ecology also finds that the SMP can be revised to ensure compliance with the SMP Guidelines through the City’s acceptance of “Required Changes” listed within

Attachment B together with supporting rationale. Pursuant to WAC 173-26-120, Ecology has also identified “Recommended Changes” (Attachment C) to the SMP, for consideration by the City.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s proposed comprehensive SMP update, subject to and including Ecology’s required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the City, be included in Ecology’s approved SMP amendments.

Consistent with RCW 90.58.090(4), Ecology concludes that those SMP segments relating to critical areas within Shoreline Management Act jurisdiction provide a level of protection at least equal to that provided by the City’s existing critical areas ordinance.

Consistent with RCW 36.70A.480(4), Ecology concludes that those SMP provisions relating to critical areas within Shoreline Management Act jurisdiction assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City’s comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the Gig Harbor Shoreline Master Program are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in **Attachment B** are approved by the City. The Department will take final action after receiving written notice that the City has agreed to the required changes. Approval of the updated SMP with required changes is effective fourteen (14) days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment. Approval of the updated SMP and proposed alternative/s is effective fourteen (14) days from Ecology's final action approving the alternative/s.

Attachment B: Ecology Required Changes: Gig Harbor Shoreline Master Program, Resolution No. 921, adopted December 17, 2012. The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	Section 1.7, page 1-6	Shoreline jurisdiction	The approximate shoreline jurisdiction....This includes the following shoreline areas: <ul style="list-style-type: none"> • Gig Harbor Bay and the Gig Harbor Spit • Portions of Colvos Passage, and the Tacoma Narrows <u>and Henderson Bay</u> • The portion upstream to the marine ordinary high water mark.... 	The change is needed to ensure consistency with Figure 5-1, Shoreline Map (Map 1) and to recognize the small segment of Henderson Bay shoreline annexed into the city in 2009.
2	Chapter 2, page 2-10	Definition of "Development"	"Development" means a use is an activity consisting of the construction or exterior alteration.....or any project of a permanent or temporary nature which may interfere with the normal public use of the surface of the waters....	Changes are necessary for consistency with the statutory definition in RCW 90.58.030(3)(a).
3	Chapter 2	Residential Development	Add the following definition: " <u>Residential uses and development</u> " means <u>single-family residences, multifamily development and the creation of new residential lots through land division.</u>	Definition is needed for consistency with WAC 173-26-241(3)(j)
4	Section 5.2.6.C Historic Working Waterfront Environment, page 5-24	Shorelines designated	Gig Harbor Bay beginning at the northernmost property lines of Parcel 0221053054, extending south to the southernmost property line of Parcel 5970000243 <u>0221053243.</u>	Consistency with WAC 173-26-211(2)(b) and Figure 5-8 which shows the mapped extent of the Historic Working Waterfront Environment.
5	8.1.2 Administrator Page 8-1	Administrative interpretations	3) Making administrative decisions and interpretations of the policies and regulations of this Program and the Shoreline Management Act (SMA or the Act); the Administrator shall consult with the Department of Ecology when issuing any formal written interpretations to insure consistency with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.	Changes are required for consistency with WAC 173-26-140
6	8.1.4 Planning commission Page 8-3	Mechanism for tracking and evaluating the cumulative effects of all project review actions in shoreline areas	2) Reviewing this Program not less than once every eight years, <u>beginning on or before June 30, 2019 and every eight years thereafter</u> , to evaluate the cumulative effects of all authorized development on shoreline conditions. The City's Interlocking Software Permit System shall be used as a mechanism to document all approved shoreline permits and shoreline permit exemptions, <u>whether a written exemption is required or not</u> , to monitor compliance with all conditions of approval imposed upon the permits and evaluate the cumulative effects of all authorized development on shoreline conditions. This process should involve coordination with State resource agencies, affected tribes, and other interested parties.	Language is added to ensure consistency with RCW 90.58.080(4)(b). The City is limiting written exemptions to those that also require federal permits (WAC 173-27-050). The added language is needed to ensure the City is tracking all shoreline development, including those such as construction of a single family residence that

TAM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions, strikethrough = deletions)	RATIONALE
				will not require a written shoreline exemption.
7	8.10 Master Program – Review, Amendments and Adoption, page 8-28		This Master Program shall be periodically reviewed <u>consistent with RCW 90.58.080(4)</u> and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State Statutes and regulations. This review process shall be consistent...	Reference is added to the statutory timelines for periodic review of the SMP
8	8.11.3 Nonconforming Use and Structure Review, page 8-30		Add (new) 2) <u>Any change to a nonconforming use or structure shall comply with the substantive and procedural requirements of the master program.</u> 23) 34)	Language added to clarify the appropriate shoreline process must be followed consistent with the procedural requirements of RCW 90.58 and WAC 173-27.

Attachment C: Ecology Recommended Changes – Gig Harbor Shoreline Master Program, Resolution No. 921. The following changes are recommended to clarify elements of the City’s SMP locally adopted 12/17/2012

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	Chapter 2, page 2-39	Definition of "substantial development"	"Substantial development" shall mean any development of which the total cost or fair market value exceeds five <u>six</u> thousand seven <u>four</u> hundred and eighteen <u>sixteen</u> dollars (\$6,416), or as adjusted by the State Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state.	Typographical error. The correct number is \$6, 416.
2	Chapter 5, Section 5.2.3.D, page 5-13	Urban conservancy environment management policies	6. Restoration and protection of stream mouths and associated wetlands for Crescent, Donkey, <u>and</u> McCormick, Goodenough, and Purdy Creeks is a high priority.	Typographical error. The City is not pre-designating the Urban Growth Area (UGA) on Henderson Bay and Burley Lagoon. Creek citations were inadvertently left in the text.
3	Chapter 6, Section 6.1, page 6-1	Goal statement	It is the goal of the City of Gig Harbor to give preference to water-dependent and other water-oriented uses...in Gig Harbor Bay and Purdy .	Typographical error. The City is not pre-designating the UGA on Henderson Bay and Burley Lagoon.
4	Chapter 6, Section 6.1.1, page 6-1	Preferred uses	Policy A: Give preference to shoreline uses that are water-oriented (water-dependent, water-related, or water-enjoyment); provide public access and recreational opportunity; or are <u>single-family residential uses</u> , consistent with state policy (RCW 90.58.020)....	In response to comment, the City suggested language to provide policy support for such uses. (Comment #26, Attachment D)
5	Chapter 6, Section 6.1.1, page 6-2	Protection of Rights	Policy E: Ensure that proposed shoreline uses do not unreasonably infringe upon the rights of others or the rights of private ownership, that uses do not create <u>undue</u> risk or harm to others (e.g., landslide and erosion hazards to adjacent properties), and that existing water-side access to properties is not impacted.	In response to comment, the City suggested the revised policy. (Comment #34, Attachment D)
6	Section 6.2.1 Marine Shorelines, Vegetation Conservation and Critical Areas, page 6-4	General Policies – Habitat	D. Preserve and protect habitat which provides the shoreline’s unique value, including the Crescent Creek and Donkey Creek estuaries, and McCormick, Goodenough, and Purdy Creeks, and...	Typographical error. The City has chosen to not pre-designate the UGA on Henderson Bay and Burley Lagoon. Creek citations were inadvertently left in the text.
7	6.6.2 Regulations – No Net Loss and Mitigation, page 6-6		1) Uses and development that cause a net loss of ecological functions and processes shall be prohibited. Any use or development that causes the future ecological conditions to become worse than current condition shall be prohibited. All uses and development shall provide a	City suggested revision in response to comment. (Comment #36, Attachment D)

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			report to the Shoreline Administrator that addresses no net loss of ecological function associated with a development proposal in a format approved by the City.	
8	6.2.5.3 Critical Area Buffer Activity Allowance, page 6-29		Public access, <u>pursuant to section 6.2.4, and water-dependent activities or development, pursuant to subsection 6.2.5, are</u> allowed within the regulated vegetation conservation strip pursuant to section 6.2.4 and water-dependent activities or development and are also allowed in the regulated critical area buffer pursuant to subsection 6.2.5 provided <u>the mitigation sequence has been followed and any remaining impacts have been mitigated to ensure there is no net loss of shoreline ecological functions occurs.</u>	Suggested revision clarifies that water-dependent activities and public access can occur within the buffer and/or vegetation conservation strip.
9	6.2.5.23 Critical Fish and Wildlife Habitat Areas, page 6-62		4(c)(vi) Assessment of project impact or effect on water quality in Crescent, Donkey (north) , or McCormick, Creeks, and any proposed methods or practices....	Typographical errors
10	6.3 Flood Hazard Reduction, page 6-72	Reference to stormwater plan and stormwater manual	It is the goal of the City of Gig Harbor to limit development and shoreline modifications that may cause a significant flood hazard...it is recognized that municipal surface water management activities may be necessary to address the City's obligations pursuant to its 2009 <u>adopted</u> Stormwater Comprehensive Plan and 2010 Stormwater Management and Site Development Manual...	Neither document is intended to be part of the SMP. The suggested language revision would provide a more generalized reference which should help avoid any future conflicts when the city updates its stormwater documents.
11	6.5.1 Public Access	Policies – views and visual access	Policy I: Preserve views and vistas to and from the water, to enjoy the aesthetic qualities and character of Gig Harbor shorelines. Expand opportunities for visual public access to shorelines <u>commensurate with obligations for urban infilling under the Growth Management Act, and the rights of private property owners.</u>	City suggested language in response to comments. Strengthens consistency of the master program with state and federal law. (Comment #45, Attachment D)
12	6.5.2 Public Access, page 6-77 to 6-78	Regulations - Public Access Required	1) Shoreline substantial developments and/or conditional uses shall provide public access where any of the following conditions are present except as provided in Section 6.5.2 Item 2: ... b) Proposed <u>water enjoyment, water-related and non-water dependent</u> commercial or industrial shoreline developments. ... e) <u>Where a use or development will interfere with a public use of land or waters subject to the public trust doctrine.</u> 2) The requirement for public access shall be determined based on a site specific analysis.	Language suggested by Gig Harbor in response to comments. The proposed revision strengthens the draft SMP's consistency with WAC 173-26-221(4) and with state and federal case law regarding constitutionally protected property rights. (Comment #44, Attachment D)

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			Where public access is required, the area dedicated and improved for public access shall be roughly proportional to the scale and character of the proposed development and its impacts. 23) 34) 45)	
13	Tables 7-1 and 7-2		Suggested revisions are individually listed below, with applicable rationale, but are also shown in exhibits C-1 and C-2 (attached)	
14	Table 7-1 Shoreline Modification Matrix Page 7-2	Clearing and grading	Under Natural revise as follows: P – only for : 1)activities associated with shoreline restoration 2) public access improvement with conditions and 3) allowed shoreline uses <u>in association with an approved shoreline development</u>	Revision suggested to improve language consistency in the table
15	Table 7-1 Shoreline Modification Matrix Page 7-3	Fill and excavation	in each column, make the following change: 2) public access improvement with conditions and 3)	Deletion is suggested for clarity. The phrase “with conditions” is unnecessary.
16	Table 7-1 Shoreline Modification Matrix, page 7-3	Fill (waterward of OHWM)	In each column, make the following change: P – for activities associated with shoreline restoration and City utility activities ³ only	Deletion is suggested to remove an unneeded word
17	Table 7-2 Shoreline Use Matrix, page 7-6 to 7-7	Aquaculture – Fish hatcheries & net pens/finfish	Make the following revision under Urban Conservancy, Low Intensity and Marine Deepwater: X:net pens/finfish-Gig Harbor Bay, including UGA, & Henderson Bay	Deletion of all references to Urban Growth Area (UGA) is suggested for clarity. The standard is the same both within city limits and in the UGA so the distinction is not necessary. The SMP will only apply to those areas within the UGA upon annexation.
18	Table 7-2 Shoreline Use Matrix, page 7-6 and 7-7	Aquaculture Bottom Culture: on-bed and on-cultch	For the following Method Types: Bottom Culture: on-bed and on-cultch; Bag, Rack & Bag, Stake, and Long-line; Hydraulic Harvest Methods: Under Urban Conservancy: C: Henderson Bay & <u>Colvos Passage</u> X: Gig Harbor Bay, including UGA, and Colvos Passage	City suggested revisions for consistency across environment designations and with the established conditions of Gig Harbor shorelines (see Inventory & Characterization). Gig Harbor Bay is documented as well developed, with an

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strike through = deletions)	RATIONALE
			<p>Under Low Intensity: C: Henderson Bay, <u>Colvos Passage & Tacoma Narrows</u> X: Gig Harbor Bay, including UGA, Colvos Passage & Tacoma Narrows</p> <p>Under Marine Deepwater: C: Henderson Bay, <u>Colvos Passage & Tacoma Narrows</u> X: Gig Harbor Bay, including UGA, Colvos Passage & Tacoma Narrows</p>	armored shoreline and other existing priority uses (commercial fishing and water-dependent recreational). It is also documented that there are navigational conflicts that currently exist.
19	Table 7-2 Shoreline Use Matrix, page 7-7	Aquaculture – Floating Culture: mussel rafts	<p>Under Urban Conservancy: N/A: Henderson Bay & Colvos Passage</p> <p>Under Low Intensity: N/A: Henderson Bay, Colvos Passage & Tacoma Narrows</p> <p>Under Marine Deepwater: C: Henderson Bay, <u>Colvos Passage & Tacoma Narrows</u> X: Prohibited in Gig Harbor Bay, Colvos Passage & Tacoma Narrows</p>	City suggested revisions for consistency across environment designations and with the established conditions of Gig Harbor shorelines (see Inventory & Characterization). Gig Harbor Bay is documented as well developed, with an armored shoreline and other existing priority uses (commercial fishing and water-dependent recreational). It is also documented that there are navigational conflicts that currently exist.
20	Table 7-2 Shoreline Use Matrix, pages 7-8 and 7-9	Commercial Uses	<p>Under Urban Conservancy and Low Intensity, add footnote superscript '3' and a new footnote #3 on page 7-12 (see item 25 below):</p> <p>P-water-oriented and non-water oriented uses landward of OHWM³</p> <p>Under City Waterfront add: <u>C-non-water oriented uses waterward of OHWM</u></p>	<p>Suggested footnote cross-references additional regulations related to non-water oriented commercial uses</p> <p>Provision was overlooked in the table</p>
21	Table 7-2 Shoreline Use Matrix, page 7-9	Commercial Fishing Moorage	Delete footnote superscript '4' under Urban Conservancy and Low Intensity: P ⁴	Deletion is needed because the footnote no longer applies and is also being deleted.
22	Table 7-2 Shoreline Use Matrix, page 7-10	Industrial Use types – Industrial, Levels 1 & 2	Under Urban Conservancy, delete footnote superscript '3': X ³	Typographical error. Deletion is needed because footnote 3 was removed when the Henderson Bay UGA was removed from the SMP.

EM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
23	Table 7-2 Shoreline Use Matrix, page 7-11	Signs and Outdoor Advertising	Under Marine Deepwater, add a footnote reference '6' and a new footnote #6 on page 7-12 (see item 25 below): X ⁶	Add footnote to clarify that there is one exception to the prohibition.
24	Table 7-2 Shoreline Use Matrix, page 7-12	Utilities	Add to Low Intensity, City Waterfront, Historic Working Waterfront and Marine Deepwater: <u>P – if accessory to primary permitted use</u>	Suggested addition for consistency with 7.21.2, regulation 6 on page 7-81
25	Table 7-2 Shoreline Use Matrix, page 7-12	Footnotes	Add two footnotes, delete one footnote and renumber: ¹ Any method involving vehicles... ² Hydraulic harvest... ³ <u>Refer to subsection 7.12.2 for limitations on non-water oriented commercial uses within the Urban Conservancy and Low Intensity SED's</u> ⁴ <u>See subsection 7.11.11 for limitations on commercial fishing moorage within the Urban Conservancy and Low Intensity Environmental Designations.</u> ⁵ <u>See section 7.16 for additional requirements that apply to historic net sheds.</u> ⁶ Uses not specifically permitted or conditionally permitted are prohibited. ⁶ <u>See subsection 7.19.2.5 for allowable signs in the Marine Deepwater SED</u>	Typographical corrections and additions for clarity and consistency within the SMP
26	7.3 Clearing and Grading, page 7-17	Stormwater requirements	1) Clearing and grading activities shall only be allowed in association with an allowed shoreline development, use or restoration activity and in accordance with GHMC <u>14.20 Stormwater Management</u> , 14.40 Grading and 17.94 Land Clearing. 2) Clearing and grading activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan pursuant to GHMC 17.78 and 17.99.240. If the area of clearing or grading totals one acre or greater (43,560 square feet), located on site, in or outside of shoreline jurisdiction, then water quality and erosion control measures shall be established through the NPDES Construction Stormwater General Permit and associated Stormwater Pollution Prevention Plan (SWPPP). If the area of clearing or grading is less than one acre, but includes disturbance in shoreline jurisdiction, a Temporary Erosion and Sediment Control (TESC) Plan shall be required. The TESC Plan shall employ best management practices (BMPs) consistent with the City's Stormwater Management and Site Development Manual.	Revision is suggested to "loosely reference" the City's stormwater regulations. More specific language is deleted to avoid the need for an SMP revision in the future resulting from NPDES (National Pollutant Discharge Elimination System) permit revisions.
27	7.4.3 Dredging		4. when consistent with this Program, disposal of dredged materials in water areas other than	Suggested language replaces an

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
	Disposal, page 7-22		PSDDA sites <u>authorized under the DMMP</u> may only be allowed in approved locations for the following....	outdated reference
28	7.5 Fill & Excavation, pages 7-23 to 24	Global change	Replace "stormwater shoreline pipe" with "stormwater pipe outfalls"	Revision suggested for consistency.
29	7.7 Pedestrian Beach Access Structures, Page 7-26		Regulation 1: Private beach access structures are prohibited in the Natural shoreline environment designation. Publicly owned structures are allowed subject to consistency with the regulations set forth in this section and subsection 6.2.4.9 <u>8</u> .	Typographical error – incorrect citation.
30	7.9.2 Regulations/Demonstration of Need – New, Expanded or Replaced Shoreline Stabilization Structures, pages 7-31 to 7-32		1)New bulkheads and expansions of existing bulkheads shall incorporate features... Replacement of one hundred (100) percent of the lineal feet of an existing bulkhead within any five (5) year period shall be regulated as "new, expanded, or replaced" structures and subject to consistency with Best Management Practices. 2)	Gig Harbor requested revision because the provision went beyond requirements of WAC 173-26 and would have been difficult to administer. Replacement of shoreline stabilization structures is addressed in regulation #3 of the same section.
31	7.9.5 Jetties, Breakwaters, Groin Systems, page 7-36		1. Jetties and breakwaters are prohibited in all environment designations. Groin systems are conditionally allowed when they are an integral component of a professionally designed harbor, marina, or port. Where permitted, floating, portable or submerged groin structures, or smaller discontinuous structures are preferred where physical conditions make such alternatives with less impact feasible. <u>shall be designed in a manner to allow fish passage and minimize impacts to the aquatic environment.</u> Defense works that substantially reduce or block littoral drift and cause erosion of downdrift shores, shall not be allowed unless an adequate long-term professionally engineered beach nourishment program is established and maintained.	Revised language is suggested by the City to clarify what is allowed.
32	7.10.3 Regulations – Geoduck Harvesting		Revise section title to read: 7.10.3 Regulations – Geoduck Harvesting	The regulations are not limited to harvesting but address planting, harvesting and operational activities related to geoduck aquaculture.
33	7.11.1 Boating and Marinas: Piers, Docks, and	Policies	Policy A: New or expanded boating facilities and accessory uses should be clustered with similar facilities along the waterfront, to avoid impacts to critical saltwater habitat, the Donkey and Crescent Creek estuaries, and the stream mouths of Purdy,	Typographical error. The City is not pre-designating the UGA on Henderson Bay and Burley Lagoon. Creek citations

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
	Moorage, page 7-44		Goodnough, and McCormick Creeks.	were inadvertently left in the text.
34	7.11.5 – Regulations – Mooring Buoys, page 7-48		1. Mooring buoys and buoy fields shall not be allowed waterward of the outer harbor line or within designated navigation channels where established by Washington Department of Natural Resources or the U.S. Coast Guard. <u>A minimum 50-foot wide navigation channel shall be maintained between the Outer Harbor Line and any mooring buoy or buoy field located on the water ward side of the Outer Harbor line.</u>	City requested revision. Removes conflict on allowed location of buoy and buoy fields created by city annexation of Gig Harbor Bay-developed consistent with DNR requirement for maintaining navigation channel waterward of outer harbor line.
35	7.12.1 Commercial Uses, page 7-57		Policy A: Give preference to water-dependent commercial uses, then to water-related and water-enjoyment commercial uses in shoreline locations. Non-water-oriented commercial uses should be allowed in the Purdy Commercial and City Waterfront shoreline environment designations. Non-water oriented commercial uses in other shoreline environment designatnons may be allowed if they are combined with public benefits, such as historic preservation, public access, education and shoreline ecological restoration.	Typographical error. The City is not pre-designating the UGA on Henderson Bay and Burley Lagoon. Citations were inadvertently left in the text.
36	7.12.1 Commercial Uses, page 7-57	Adjacent uses and views	C. Adjacent uses and views Ensure that the design of commercial development is visually compatible with adjacent and upland properties and that the height, bulk, and scale do not impair views.	City suggested deletion in response to comment and because Policy C contains policy support that is addressed by other policies of the master program. (Comment #55, Attachment D)
37	7.12.2 Regulations, page 7-58	Commercial uses	6) <u>In the Historic Working Waterfront Shoreline Environment Designation, N</u> non-water oriented commercial uses are allowed as a conditional use within existing overwater structures for those properties listed on the City's Register of Historic Places pursuant to GHMC Section 17.97.040 Register of historic places.	City requested change to align the use provision with the intent of the Historic Working Waterfront SED
38	Section 7.18; page 7-71		Policy A: Give preference to single-family residences as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the shoreline environment. New over water residences shall not be allowed.	Suggested deletion of a repetitive sentence. The issue is addressed in Policy B.
39	Section 7.18.2 Page 7-72	Residential regulations	1) New and expanded overwater residential development including garages, accessory buildings, boathouses, house boats, floating homes and house barges shall be prohibited unless otherwise specified in this chapter. Existing overwater residences, including those located within the overwater residential community of Nesika Beach may be maintained consistent with	Suggested language and organizational revisions for clarity and internal consistency.

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; striketrough = deletions)	RATIONALE
			<p>the regulations set forth in Section 8.11 – Nonconforming Uses and Structures.</p> <p><u>2) Existing overwater residences, including those located within the overwater residential community of Nesika Beach may be maintained consistent with the regulations set forth in Section 8.11 – Nonconforming Uses and Structures.</u></p> <p>23.</p> <p>34. A primary residence shall be allowed on each lot provided none of the following are necessary: a) New <u>structural</u> shoreline stabilization measures that would cause significant impacts to other properties or public improvements or a net loss of ecological functions; ...</p>	
40	7.18.2, page 7-73		5) Prior to the granting of a Shoreline Permit Exemption, Substantial Development Permit, Shoreline Conditional Use Permit, <u>Shoreline Variance Permit</u> , or Building Permit, the City shall....	Typographical error
41	7.20.4 Parking Regulations, page 7-78		4. Parking areas shall be located no closer to the site's OHWM than allowed for structures on the site. Where feasible, parking areas shall be located on the landward side of proposed structures. <u>Parking and loading areas shall be allowed pursuant to subsections 7.11.9.7.b and 7.11.11.1.a.</u>	Added language references minor exceptions to the standard.
42	8.1.2 Administrator Page 8-2	Permit forms	5) Determining that all applications and necessary information and materials are provided to the public. The Joint Aquatic Resource Application (JARPA) <u>or other application forms deemed appropriate by the Administrator, may</u> shall be used for making application for the required shoreline permits...	Suggested language allows the City flexibility in what application forms to use.
43	8.1.2 Administrator Page 8-2	Summary report	15) Providing a summary report of the decisions on shoreline permits, <u>including shoreline exemptions and enforcement actions,</u> during the past calendar year to the City Council....	Suggested language clarifies that activities exempt from permits should also be included in the assessment of how implementation of the SMP is working.
44	8.2.1 Shoreline Substantial Development Permit, page 8-5		A. A permit is required for any development with a total cost or fair market value exceeding five <u>six thousand seven four</u> hundred and eighteen sixteen <u>sixteen</u> dollars (\$5,7186,416) (or the value as amended or adjusted for inflation per RCW 90.58.030 [3] [e]) or any development which materially interferes with the normal public use of the water...	Updated threshold dollar figure effective September 2012

EM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
45	8.2.3 – Statement of Exemption, page 8-14	No net loss	Add the following subsection and renumber those that follow: B. No Net Loss Analysis <u>In all instances involving a formal shoreline permit exemption as addressed pursuant to Subsection 8.2.3.A above, or, in the alternative, an informal determination that a development proposal is exempt from the formal exemption process, a no net loss analysis shall be provided to the city for review in a format approved by the Planning Department. Exempt developments that cause a net loss of ecological functions and processes shall be subject to the requirements of Section 6.2.2 and shall mitigate project impacts consistently with the requirements of Subsection 6.2.2.3-6.</u>	City requested revision to improve consistency with WAC 173-26
46	8.2.5 Shoreline Variance Permit page 8-19	Hearing Examiner review criteria	5) Variances from the permitted use regulations of the modification and use matrices set forth in Tables 7-1 and 7-2 of the Master Program are prohibited.	Suggested language is more consistent with WAC 173-27-170 review criteria.
47	8.7 Appeals Page 8-24		Revise the last sentence to read: All appeals of any final permit decision must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of filing of Ecology's final decision concerning the shoreline permit approval or formal approval to revisions of the permit.	Suggested language clarifies that appeal periods are triggered by the date of filing in all instances, regardless of who makes the final decision.
48	8.8.1 Construction Timing, page 8-24		Construction pursuant to a Substantial Development Permit shall not begin and is not authorized until twenty-one (21) days after the "date of filing"; provided no appeals have been initiated during this twenty-one (21) day period. "Date of filing" is the date of actual receipt by Ecology of the permit <u>local government's decision</u> <u>When a local government simultaneously transmits to the department its decision on a shoreline substantial development with its approval of either a shoreline conditional use permit or variance, or both, "date of filing" means the date the decision of the department is transmitted by the department to the local government.</u>	Suggested revisions improve consistency with RCW 90.58.140(6)(c)
49	8.8.3 Permit Revision, page 8-26		A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that which was approved in the permit. When a revision of a permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the following minimum standards, consistent with WAC 173-27-100. <u>1) If local government determines that the proposed changes are within the scope and intent of</u>	Suggested revisions improve consistency with WAC 173-27-100

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strikethrough = deletions)	RATIONALE
			<p><u>the original permit, and are consistent with the master program and the act, local government may approve a revision.</u></p> <p><u>2) Within the scope and intent of the original permit means all of the following:</u></p> <p>1) a. <u>No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten (10) percent from the provisions of the original permit, whichever is less;</u></p> <p>2) b. <u>Ground area coverage and height may be increased a maximum of ten (10) percent from the provisions of the original permit;</u></p> <p>3) c. <u>The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the Program except as authorized under a variance granted as the original permit or a part thereof;</u></p> <p>4) d. <u>Additional or revised landscaping is consistent with any conditions attached to the original permit and with the Program;</u></p> <p>5) e. <u>The use authorized pursuant to the original permit is not changed; and</u></p> <p><u>f. No adverse environmental impact will be caused by the project revision.</u></p> <p><u>3) Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.</u></p> <p><u>4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall</u></p>	

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; strickethrough = deletions)	RATIONALE
			<p><u>require that the applicant apply for a new permit.</u></p> <p><u>5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed by the city with the Department of Ecology. In addition, local government shall notify parties of record of their action.</u></p> <p><u>6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the Department of Ecology for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.</u></p> <p><u>7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the Department of Ecology.</u></p> <p><u>8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the Department of Ecology or, when appropriate under subsection (6) of this section, the date the Department of Ecology's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.</u></p> <p>6)</p> <p>If the proposed changes are determined by the Administrator to be within the scope and intent of the original permit, and are consistent with the SMA, the Guidelines, and this SMP, the revision shall be approved. The detailed plans and text describing the proposed changes and</p>	

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (<u>underline</u> = additions; striketrough = deletions)	RATIONALE
			<p>the City's final ruling shall be filed with Ecology. The Administrator shall also notify parties of record.</p> <p>If the proposed revisions do not meet the criteria listed above, an application for a new shoreline permit must be submitted. If the revisions involves a Conditional Use or Variance Permit, the revision must also be reviewed and approved by Ecology.</p>	
50	8.11.8 Nonconforming Structures, page 8-34	Intentional removal	<p>c) Any such nonconforming structure or nonconforming portion of a structure that is intentionally damaged, intentionally altered, <u>or intentionally removed</u> may be reconstructed to the same or smaller configuration existing immediately prior to the time the structure was damaged or altered provided the following standards are met:</p> <p>i) The subject property is not located in a Natural shoreline environment designation.</p> <p>ii) Reconstruction shall occur within one (1) year of the time of intentional damage or alteration or not at all. <u>The Administrator may grant not more than two (2) one-year extensions based on good cause.</u></p>	City requested revision. The proposed approach is consistent with the two (2) one-year extensions that can be authorized to allow reconstruction for a nonconforming structure destroyed by fire, act of nature or other causes beyond the control of the owner (see subsection 8.11.8.1.b.i). The additional time allowed also provides a reasonable length of time to obtain required permits and build the project.
51	Global correction	Name of responsible official	Replace all instances of "community development director" or "Director" with "Administrator"	Typographical errors

Table 7-1. Shoreline Modification Matrix

Shoreline Modification	Shoreline Environment Designations					
	Natural ²	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater ²
Breakwaters, jetties, groins, and weirs (Section 7.9.5)	X	C – only for groins in Gig Harbor Bay	C – only for groins in Gig Harbor Bay	C - groins only	C-groins only	C: groins only
Clearing and Grading (Section 7.3)	P - only for: 1) activities associated with shoreline restoration; 2) public access improvement with conditions and, 3) allowed shoreline uses <u>in association with an approved shoreline development</u>	P - only in association with an approved shoreline development	P - only in association with an approved shoreline development	P - only in association with an approved shoreline development	P - only in association with an approved shoreline development	N/A
Dredging and Dredge Material Disposal (Section 7.4)	P – dredging at entrance to Gig Harbor Bay and to maintain navigational channel P – dredging for shoreline restoration purposes P – dredge disposal for restoration, remediation and water-dependent utilities	P - for shoreline restoration purposes and stream culvert maintenance only	P - at entrance to Gig Harbor Bay and to maintain navigational channel; P - for shoreline restoration purposes; P- for maintaining location, depth, and width in previously dredged areas as authorized under this program.	P	P	P

Exhibit C-1 to Attachment C – Recommended Changes
 Gig Harbor SMP – Resolution #921

Shoreline Modification	Shoreline Environment Designations					
	Natural ²	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater ²
Dune modification	N/A	N/A	N/A	N/A	N/A	N/A
Fill and excavation (upland areas) (Section 7.5)	P -1) activities associated with shoreline restoration, 2) public access improvements with conditions and 3) for allowed shoreline use	P -1) activities associated with shoreline restoration, 2) public access improvements with conditions and 3) for allowed shoreline use	P -1) activities associated with shoreline restoration, 2) public access improvements with conditions and 3) for allowed shoreline use	P -1) activities associated with shoreline restoration, 2) public access improvements with conditions and 3) for allowed shoreline use	P -1) activities associated with shoreline restoration, 2) public access improvements with conditions and 3) for allowed shoreline use	N/A
Fill (waterward of OHWM) (Section 7.5)	P - for activities associated with shoreline restoration and City utility activities ¹ only	P - for activities associated with shoreline restoration and City utility activities ¹ only C - water-dependent uses and public access	P - for activities associated with shoreline restoration and City utility activities ¹ only C - water-dependent uses and public access	P - for activities associated with shoreline restoration and City utility activities ¹ only C - water-dependent uses and public access	P - for activities associated with shoreline restoration and City utility activities ¹ only C - water-dependent uses and public access	P - for activities associated with shoreline restoration and City utility activities ¹ only
In-stream Structures (Section 7.6)	P-only as part of City of Gig Harbor surface water management activities	P - only as part of fishery and fish habitat enhancement and City of Gig Harbor surface water management activities	P- only as part of City of Gig Harbor surface water management activities	P- only as part of City of Gig Harbor surface water management activities	P- only as part of City of Gig Harbor surface water management activities	P-only as part of City of Gig Harbor surface water management activities

Shoreline Modification	Shoreline Environment Designations					
	Natural ²	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater ²
Pedestrian Beach Access Structures (paths, stairs) (Section 7.7)	X: Private beach access structures are prohibited. See subsection 7.7.2 regarding public beach access structures	P - public or joint-use/shared access C - private access	P - public or joint-use/shared access C - private access	P	P	X
Shoreline Habitat and Natural Systems Restoration and Enhancement Projects, Environmental Remediation (Section 7.8)	P	P	P	P	P	P

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Shoreline Modification	Shoreline Environment Designations					
	Natural ²	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater ²
Shoreline Stabilization (Bulkheads and Revetments) (Section 7.9.2 & 7.9.4)	X	All waterbodies: P - normal maintenance of existing shoreline stabilization Colvos Passage: P - replacement or rehabilitation of existing shoreline stabilization; C - new shoreline stabilization along Colvos Passage Gig Harbor Bay and Henderson Bay: P - soft-shore stabilization; X - hard shoreline armoring.	P - normal maintenance of existing shoreline stabilization. P - soft-shore stabilization C - hard shoreline armoring	P - normal maintenance of existing shoreline stabilization. P - soft-shore stabilization C - hard shoreline armoring	P - normal maintenance of existing shoreline stabilization. P - soft-shore stabilization C - hard shoreline armoring	X
Structural flood hazard reduction (dikes and levees) (Chapter 6, Section 6.3)	P-municipal surface water management activities C-structural & non-structural flood hazard reduction measures	P-municipal surface water management activities C-structural & non-structural flood hazard reduction measures	P-municipal surface water management activities C-structural & non-structural flood hazard reduction measures	P-municipal surface water management activities C-structural & non-structural flood hazard reduction measures	P-municipal surface water management activities C-structural & non-structural flood hazard reduction measures	N/A

¹City utility activities are limited to: fill associated with City owned piped utilities, the maintenance of City owned piped utilities, stormwater pipe outfalls that feature flow energy dissipaters, and the maintenance of existing shoreline stormwater pipe outfall energy dissipaters.

²Modifications not specifically permitted or conditionally permitted are prohibited.

Table 7-2. Shoreline Use Matrix

Shoreline Use		Shoreline Environment Designations					
		Natural ^s	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater
Agriculture		X	X	X	X	X	X
Aquaculture (Section 7.10)							
Method Type ¹	Fish hatcheries & net pens/finfish	X: net pens/finfish	P: Donkey Creek for fish hatchery facilities only C: Colvos Passage X: net pens/finfish-Gig Harbor Bay, including UGA, & Henderson Bay	C: net pens/finfish – Colvos Passage, Tacoma Narrows X: net pens/finfish-Gig Harbor Bay, including UGA & Henderson Bay	X: net pens/finfish	X net pens/finfish	C: net pens/finfish – Colvos Passage, Tacoma Narrows X: net pens/finfish-Gig Harbor Bay, including UGA & Henderson Bay
	Bottom Culture: on-bed and on-cultch.	X	C: Henderson Bay & Colvos Passage X: Gig Harbor Bay, including UGA, and Colvos Passage	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay, including UGA, Colvos Passage & Tacoma Narrows	X	X	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay, including UGA, Colvos Passage & Tacoma Narrows

Exhibit C-2 to Attachment C – Recommended Changes
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Shoreline Use	Shoreline Environment Designations					
	Natural ⁵	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater
Bag, Rack & Bag, Stake, and Long-line	X	C: Henderson Bay & Colvos Passage X: Gig Harbor Bay, including UGA, and Colvos Passage	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay, including UGA, Colvos Passage & Tacoma Narrows	X	X	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay, including UGA, Colvos Passage & Tacoma Narrows
Floating Culture: mussel rafts	X	N/A/C: Henderson Bay & Colvos Passage	N/A/C: Henderson Bay, Colvos Passage & Tacoma Narrows	X	X	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Prohibited in Gig Harbor Bay, Colvos Passage and Tacoma Narrows
Hydraulic Harvest Methods ²	X	C: Henderson Bay & Colvos Passage X: Gig Harbor Bay, including UGA, and Colvos Passage	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay, including UGA, Colvos Passage and Tacoma Narrows	X	X	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay, including UGA, Colvos Passage and Tacoma Narrows

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Shoreline Use		Shoreline Environment Designations					
		Natural ⁵	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater
Educational facilities (Scientific, historical, cultural, educational research uses) (Section 7.14)		X	P	P	P	P	X
Forest Practices		X	X	X	X	X	X
Industrial Development (Section 7.15)							
Industrial Use Types	Industrial, Levels 1 & 2	X	X ³	X	X	X	X
	Marine boat sales, levels 1 & 2	X	X	X	P	P	X
	Marine sales and service	X	X	X	P	P	X
	Marine Industrial	X	X	X	P	P	P
Mining		X	X	X	X	X	X
Net sheds, historic ⁴ (Section 7.16)		X	X	P	P	P	X
Parking, Principal Use (Section 7.20)		X	X	X	X	X	X
Permanent Solid Waste Storage or Transfer Facilities		X	X	X	X	X	X
Railroads		X	X	X	X	X	X

Exhibit C-2 to Attachment C – Recommended Changes
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Shoreline Use	Shoreline Environment Designations					
	Natural ⁵	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater
Recreation (Section 7.17)	P - limited to low intensity, passive uses X - non-water oriented recreation uses	P - only low intensity, passive uses	P - water-dependent uses waterward of OHWM P - water-oriented uses landward of OHWM X - non-water-dependent uses waterward of OHWM	P - water-oriented uses	P - water-oriented uses	P - water-oriented uses
Residential Development (Section 7.18)	P - remodels and additions C - new development X - new development waterward of OHWM	P X - new development waterward of OHWM	P X - new development waterward of OHWM	P X - new development waterward of OHWM	P X - new development waterward of OHWM	X
Signs and Outdoor Advertising (Section 7.19)	P - educational/ interpretive/ or wayfinding only	P	P	P	P	X ⁶
Transportation Facilities (Roads, Bridges, Parking) (Section 7.20)	X	C	P	P	P	X

Exhibit C-2 to Attachment C – Recommended Changes
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Shoreline Use	Shoreline Environment Designations					
	Natural ¹	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater
Utilities (primary facilities for treatment or generation) (Section 7.21)	P - underground facilities and utilities accessory to a primary permitted use C – above ground facilities	P - underground facilities P - if accessory to primary permitted use C – above ground facilities	P – above ground and underground and water-dependent facilities <u>P – if accessory to primary permitted use</u>	P – above ground and underground and water-dependent facilities <u>P – if accessory to primary permitted use</u>	P – above ground and underground and water-dependent facilities <u>P – if accessory to primary permitted use</u>	P - underwater or underground facilities <u>P – if accessory to primary permitted use</u>
Unclassified Uses	C	C	C	C	C	C

¹ Any method involving vehicles upon the shoreline, whether for access or harvest, shall be prohibited within the Natural Environment

² Hydraulic harvest utilizing water jets should use low-pressure jets with an inside tip diameter of 5/8 inch or less. The jets shall be hand held and under the control of the operator and nozzle pressure should be limited to 100 psi, measured at the pump.

³ Refer to subsection 7.12.2 for limitations on commercial development within the Urban Conservancy and Low Intensity SED's

⁴ See subsection 7.11.11 for limitations on commercial fishing moorage within the Urban Conservancy and Low Intensity Environmental Designations.

⁴ See section 7.16 for additional requirements that apply to historic net sheds.

⁵ Uses not specifically permitted or conditionally permitted are prohibited.

⁶ See subsection 7.19.2.5 for allowable signs in the Marine Deepwater SED

Attachment D: Gig Harbor SMP, Resolution No. 921

Responsiveness Summary to Public Comments received during Ecology comment period 3/21 to 4/22/2013

ITEM	Comment Topic	Commenter	Comment	Local Government Response and Rationale
1	Aquaculture	D. Brown	Opposed to allowing for the expansion of aquaculture into Henderson Bay	Per WAC 173-26-241(3)(b), aquaculture is an activity of state-wide interest and a "preferred use" of the shoreline area. The city's proposed approach for regulating aquaculture is based on the ecological conditions, including limitations, addressed by the city's April, 2011 Shoreline Inventory and Characterization Report (SICR), and consistency with the state's aquaculture guidelines set forth in WAC 173-26.
2	Process/Procedure: Need for new SMP Cumulative Impacts Analysis Regulatory Takings	D. Reynolds on behalf of Gig Harbor Marina (GHM)	Request s Ecology send the SMP back to the City for additional public review after the City: 1) Specifies the changed local circumstances, new information and improved data relied on that demonstrate the need for the proposed SMP (GHM, pp. 2-3) 2) Prepares a compliant CIA which assesses effectiveness of existing regulations; identifies impacts from reasonably foreseeable future development; level of expected mitigation of impacts. (WAC 173-26-186(8)(a)) (GHM, pp. 2-4) 3) Prepares a regulatory taking analysis (GHM, p. 2)	The city's Shoreline Master Program (SMP) update process complies with all public process requirements of WAC 173-26-201. Compliance with the master program guidelines set forth in WAC 173-26 requires a "comprehensive master program update" to fully achieve compliance with state guidelines. The City's Cumulative Impact Analysis (CIA) addresses existing beneficial effects of other established regulatory programs under local, state and federal laws. No additional analysis is required. Nonetheless, the City Attorney performed a takings analysis based on the Attorney General's Advisory Memorandum under the attorney-client privilege in a memorandum to the Gig Harbor Planning Commission dated February 14, 2011.
3	Process/Procedure: SMA permits	D. Reynolds (GHM), D. Reynolds on behalf of Stanley and Judith Stearns (Stearns)	Local governments have achieved the balance between property rights and the environment through the permit process, where a proposal's consistency with the policies of the SMA can be determined on its own merits. The SMA provides authority to have this determination made on a project-by-project basis without resort to the bans or undue limitations found in the proposed SMP. (GHM p. 4) The well-established practice of using the permit process to balance the needs of the shoreline environment with property rights is embodied in the SMA's "no net loss"	Comments suggesting that the existing shoreline permit process can be used on a "case by case basis" as a substitute for the update of the city's existing master program ignore the city's obligations under the requirements of RCW 90.58 and WAC 173-26. As previously noted, a comprehensive master program update is required of the city to bring its existing master program into compliance with the requirements of the state's Shoreline Master Program Guidelines. The new master program doesn't demonstrate an irrational bias against the existing permit system required by the SMA. On the contrary, the city's SMP has been updated in a manner that

ITEM	Comment/Topic	Commenter	Comment	Local Government Response and Rationale
			<p>policy, under which a local government is required to consider a project's consistency with the SMA by measuring a project's impacts against potential mitigation to determine whether the proposed use would result in a net loss of existing shoreline functions. Site specific analysis and project mitigation through the SMA permitting process is the correct approach, not bans or undue restrictions. (GHM, p. 5)</p> <p>Ecology would be unwise to adopt an SMP which demonstrates an irrational bias against the exiting permit system set up by the SMA. In lieu of setting permit performance standards, the proposed Draft imposes unneeded new bans, prohibitions or restrictions on common shoreline development and uses, in particular, single-family homes. (GHM, p. 4)</p> <p>Site specific analysis and project mitigation through the SMA permitting process is the correct approach, not bans or undue restrictions. (GHM, p. 5)</p> <p>Nothing in the SMA requires local government to impose outright prohibitions or undue restrictions on common shoreline developments or uses with vegetation protection zones (e.g. beach access stairs, children play areas and private docks) or on priority residential home development or use, including protection of homes from wave caused erosion. (Stearns, p. 2)</p>	<p>recognizes the shoreline management permit and enforcement procedures set forth in WAC 173-27 and can be used seamlessly with those procedures. The city's updated SMP takes a balanced approach to regulating land use and development along the city's shorelines and allows residential development, including single-family homes, as an outright permitted use in all shoreline environment designations (SEDs) except the Natural SED where such use is a listed conditional use, and the Marine Deepwater SED where residential uses are prohibited per state law. Other restrictions and limitations set forth in the various SED's are based on the existing built and natural conditions documented by the city's SICR and the stated "purpose" of each SED.</p> <p>Site specific analysis and mitigation through the SMA permitting process, without the required corresponding amendments to the city's SMP as required by WAC 173-26, would result in the city not complying with the state's shoreline master program guidelines and not adhering to the guidelines "no net loss of ecological function" requirement.</p> <p>The SMP's regulations that limit or prohibit shoreline development are required to address the no net loss of ecological function requirement and the other requirements of WAC 173-26.</p>
4	Process/Procedure: critical areas	D. Reynolds (Stearns)	Requests Ecology extend the public comment period and hold a public hearing as allowed by WAC 173-26-120(4) after the City provides information as to which marine shorelines are considered "critical areas", (Stearns, pp. 1, 15)	The city has incorporated its Growth Management Act approved Critical Area Ordinance into its updated SMP consistent with the Department of Ecology's (Ecology) guidance for such integration. The city's SICR documents the presence or likely presence of numerous federally listed species under the Endangered Species Act that utilize Gig Harbor Bay and the other shoreline areas regulated by the updated SMP. The SICR also documents the presence of such

ITEM	Comment Topic	Commenter	Comment	Local Government Response and Rationale
				critical areas as wetlands, streams and steep slope areas. Such documentation provides the basis for the city's proposed approach for regulating Critical Fish and Wildlife Habitat Areas and its overall approach for regulating critical areas within shoreline areas. See SICR Section 5 and SMP Section 6.2.5.
5	Process/Procedure: Tracking all shoreline project reviews and evaluating cumulative effects.	D. Reynolds (GHM)	Guidelines require the SMP provide a "mechanism" for documenting all project review actions in shoreline areas and "periodically evaluating" cumulative effects (WAC 173-26-191(2)(a)(ii)(B)). There is no such mechanism in the draft SMP which would provide an opportunity to monitor impacts and revise regulations if necessary. (GHM, p. 5)	<p>WAC 173-26-191(2)(a)(iii)(D) requires that master programs addressing shoreline project review shall include a "mechanism" for documenting all project review actions in shoreline areas, and shall identify a process for the periodically evaluating the cumulative effects of authorized development on shoreline conditions. The guidelines note that this process could involve a joint effort by local governments, state resource agencies, affected Indian Tribes and other parties. No guidance is provided regarding which elements of a project review action should be documented or the appropriate approach for such documentation.</p> <p>The city has addressed the tracking requirement under the Planning Commission's responsibilities set forth in SMP Chapter 8, Section 8.1.4. Under the city's proposed approach, its "Interlocking Software Permit System," the system used for tracking all development permits, including shoreline permits and shoreline permit exemptions, will be utilized to track future project review actions within shoreline areas. With the adoption of the updated SMP, the city anticipates using a "no net loss spread sheet" linked to its Interlocking Permit System on a project by project basis that will track net gain/loss for such development as bulkheads impervious coverage, vegetation conservation, land fill and overwater coverage. Staff working with the Planning Commission will evaluate the cumulative effects of all authorized development on shoreline conditions not less than every 8 years.</p>
6	Coordination with other regulatory agencies	D. Reynolds (GHM)	Guidelines require a showing of coordination with other regulatory agencies including Washington State Department of Natural Resources. (WAC 173-26-201(3)(d)(i)(E)(ii); WAC 173-26-221(2)(2)(b)(iii). (GHM, p. 5)	The city has coordinated the SMP update process with other regulatory agencies, including tribal governments. The city has worked closely with the Department of Natural Resources (DNR) in the development of the master program, including the development

ITEM	Comment Topic	Commenter	Comment	Local Government Response and Rationale
7	SMP doesn't address changes to the GMA and SMA		The SMP fails to consider or acknowledge changes to the GMA and the SMA and includes the following false assumptions: a) all shorelines are critical; b) buffers and/or vegetation conservation areas/set asides are required on all shorelines; c) existing single-family residences should not be exempt from new generic buffer and vegetation set aside regulations. (GHM, pp. 5-6)	<p>of new policies and regulations that address the adaptive reuse of historic over water net sheds and the siting of moorage buoys.</p> <p>The city's SMP has been developed consistently with the master program guidelines set forth in WAC 173-26. The city's SICR has documented critical areas along all of the segments and reaches regulated by the program. As addressed earlier, Critical Fish and Wildlife Habitat Area, a type of regulated critical area, is found within Gig Harbor Bay and along every shoreline segment regulated by the master program by virtue of State listed Priority Habitat and Species listed species and federal Endangered Species Act listed species association with these shoreline area.</p> <p>WAC 173-26-221(5) requires that master program include, " planning provisions that address the conservation of vegetation, and regulatory provisions that address conservation of vegetation; as necessary to assure no net loss of ecological functions and ecosystem-wide processes." While the guidelines provide for a variety of approaches to address vegetation conservation, the city has elected to use vegetation conservation area "buffers" and building setbacks. The city has utilized the "most current, accurate and complete scientific and technical information available" per the requirements of WAC 173-26-201(2)(a) in its proposed vegetation conservation area approach that is tailored to address the urbanized nature of much of its shoreline.</p> <p>Per subsection 8.11.8.d, principle residential structures that were legally established but do not meet current standards for setbacks, buffers, or yards; area; bulk; height; or density are considered a conforming structure to the provisions of the master program. However, per subsection 8.11.8.d.1, redevelopment, expansion, change with class of occupancy, or replacement of such principal residential structures shall be consistent with the requirements of the master program including no net loss of ecological functions.</p>

ITEM	Comment Topic	Commenter	Comment	Local Government Response and Rationale
				<p>The aforementioned subsections are consistent with the provisions of State Senate Bill (SSB) 5451 adopted by the State Legislature in the 2011 session to address the regulatory status of legally existing structures that would be nonconforming to the development regulations of updated SMP's.</p>
8	Integration of the Growth Management Act CAO into the SMP	D. Reynolds (GHM, Stearns)	<p>Proposed regulations for shoreline critical areas should be consistent with the SMA, which allows "alterations of the natural condition of the shorelines" and favors uses such as marinas. (GHM, p. 6)</p> <p>Development can occur in or near designated critical areas. The SMA allows preferred or exempt development on or near critical areas. (Stearns, p. 18)</p> <p>The SMA policies control and the public needs to be assured the proposed regulations for shoreline critical areas comport with the SMA. The SMA standard fosters balanced development and use. (GHM, p. 6) (Stearns, p. 19)</p>	<p>The city's Growth Management Act (GMA) approved Critical Area Ordinance has been incorporated as appropriate into the updated SMP. The critical area requirements set forth in the SMP are based on "the most current, accurate and complete scientific and technical information available" per the requirements of WAC 173-26-201(2)(a). Much of the scientific and technical information utilized was developed by such state agencies as Ecology and the Washington Department of Fish and Wildlife. The city's SICR addresses the scientific and technical information relied upon in Section 14, Pages, 77-84 (see Appendix A to the 12.10.12 draft SMP).</p> <p>The city's critical area regulations properly recognize existing shoreline uses and proposed water-oriented uses. As addressed by the SMP (see Subsection 6.2.5.14), through mitigation sequencing, alteration of type II, III and IV wetlands may be allowed. No type I wetlands are known to exist within the city's shoreline jurisdiction.</p> <p>The city's proposed shoreline critical area regulations are consistent with the policies of the State Shoreline Management Act and allow "balanced development and use" of the shoreline area provided adverse impacts to ecological functions are properly mitigated.</p>
9	Existing Built Environment	D. Reynolds (GHM)	<p>Concerned with the effect of proposed regulations in the SMP which are imposed as if the built environment does not exist. (GHM, p. 6)</p> <p>Instead of over-regulation of the built environment, GHM submits that Ecology should allow incremental redevelopment with insertion of a strong policy statement that such development is not considered a threat to the</p>	<p>One of the basic concepts that provide the foundation for the state shoreline master program guidelines is the protection of shoreline ecological functions. See WAC 173-26-201(2)(c). The guidelines are designed to ensure, at a minimum, no net loss of ecological functions. The guidelines note that even substantially developed or degraded shoreline areas retain important ecological functions. The guidelines note as an example, that intensely developed harbor area may also serve as a fish migration corridor and feeding area critical</p>

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			<p>aquatic environment (WAC 173-26-191(1)(a)). When doing so, the Guidelines mandate recognition of regional restoration projects (WAC 173-26-186(8)(c)). (GHM, p. 6)</p>	<p>to species survival, and that policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.</p> <p>The regulations set forth in the city's SMP, including the proposed critical area regulations, are intended to protect ecological functions, including those provided by such critical areas as Critical Fish and Wildlife Habitat Areas and wetlands. As documented in the city's SICR, Gig Harbor Bay and its other shoreline area are used as a migratory route by State Priority Habitats and Species Listed species and federal Endangered Species Act listed species and also provide essential associated habitat. Protection of these areas is required by the guidelines and the city's proposed approach for regulating critical areas within the shoreline area is compliant with the guidelines.</p> <p>GHM's comment relative to Ecology allowing "incremental development" with the insertion of a strong policy statement would appear to be directed at Ecology's guidelines, rather than the city's effort to develop an SMP that is consistent with the guidelines. In regard to restoration planning, consistent with WAC 173-26-186(8)(c), the city has incorporated Restoration and Remediation policies and regulations into its SMP (See Section 6.8) and has prepared a guideline-compliant Shoreline Restoration Plan element (See Appendix B to SMP).</p> <p>Per WAC 173-26-186(5), the city's proposed approach for regulating the use and development of its shoreline area, including critical areas, is consistent with all relevant constitutional and other legal limitations, and contains "regulatory relief" processes designed to assure that proposed regulatory actions do not infringe upon private property rights.</p>

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10	Application of new regulations to existing built environment	D. Reynolds (GHM, Stearns)	<p>Guidelines specify that new regulations should apply only to undeveloped land (WAC 173-26-192(2)(a)(iii)(A)) (GHM, p. 7)</p> <p>The SMP (Fig. 3.2) provides a schematic of an idealized shoreline environment. The existing condition is a highly built environment. ...The figure discusses the "vital connection between land and water." There is no discussion of how that connection works when most of the nearshore environment is already built out. Nor are specific documented impacts set out. Thus, the proposed SMP does not truly take into account the highly built environment...The existing condition of the land is a vital factor and supports non-application of new use standards such as vegetation protection zones. (GHM, p. 7, Stearns, p.8)</p>	<p><i>Mr. Reynolds references an erroneous citation in making this comment. No such subsection exists in WAC 173-26. However, per WAC 173-26-191(2)(a)(iii)(A), the guidelines note that the effect of a locally adopted master program "is generally on future development and changes in land use." The city acknowledges that additional language should be added to its SMP to address this limitation and clarify the "regulatory reach" of the master program's requirements.</i></p> <p>Figure 3-2 consists of a cross-section graphic of the Puget Sound Nearshore. It has been provided strictly for illustrative purposes, and is intended to support the discussion set forth in Chapter 3 of the SMP; the chapter that summarizes the findings of the city's SICR. See Appendix A to the December 12, 2012 SMP. Chapter 4 of the SICR addresses the physical characterization of the nearshore environment within the city's shoreline jurisdiction and the planning area addressed by the SMP. Nearshore processes are addressed in Section 4.3 and shoreline modifications in Section 4.4.</p> <p>As previously noted, WAC 173-26-201(2)(c) requires the protection of shoreline ecological functions and notes that even substantially developed or degraded areas, retain important ecological functions. Per WAC 173-26-221(5), shoreline vegetation conservation measures are required to protect and restore vegetation along or near marine shorelines that contribute to the ecological functions of shoreline areas. Per WAC 173-26-221(5)(b), a variety of approaches are available to local government in the implementation of vegetation conservation measures. These include clearing and grading regulations, <u>setback and buffer standards</u>, critical area regulations, conditional use requirements for specific uses or areas, mitigation requirements, incentives and non-regulatory programs.</p> <p>The city's proposed approach for vegetation conservation recognizes the built environment through buffer requirements based on most current, accurate and complete scientific and technical information</p>

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				available and the existing land use pattern found in each of the proposed Shoreline Environment Designations (SED's) consistent with the requirements of WAC 173-26-221(5).
11	Buffers do not apply to built environment	D. Reynolds (GHM, Stearns)	<p>Guidelines make clear that SMPs are required to include buffers zones for wetlands within shoreline jurisdiction (WAC 173-26-221(2)(a)(ii)(D)). There is no such mandatory requirement for critical freshwater habitats or the nearshore marine area (Compare WAC 173-26-221(2)(c)(i)(B) with 221(2)(c)(iv)). Guidelines specifically recognize that provisions for vegetation conservation cannot be applied to existing development. (GHM, p.2; p. 8)</p> <p>Guidelines specifically recognize that vegetation conservation provisions can't be applied to existing development, but the draft SMP ignores this (WAC 173-26-221(5)(A)). See Table 6-1 which applies vegetation conservation to all marine areas without restriction. (GHM, p. 8, Stearns, p.9)</p>	<p>Per WAC 173-26-221(2), master programs must provide for the management of critical areas and provide a level of protection to critical areas within shoreline area that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural processes. As previously noted above in response to item #10 above, the guidelines promote the use of buffers and setbacks for vegetation conservation as one of the approaches for protection and restoration of marine shorelines that contribute to the ecological functions of shoreline areas, including those containing critical areas. Per the city's SMP, the depth of the required vegetation conservation strip/buffer shall comply with the city's marine vegetation conservation strip requirements or the depth of a critical area buffer, whichever is greater. See SMP, Subsection 6.2.3.2.3.</p> <p>Per WAC 173-26-221(2)(a)(ii), any city or county may include in its master program land necessary for buffers for critical areas that occur within shorelines of the state. Per RCW 36.70A.030, critical areas include fish and wildlife habitat conservation areas. Since state Priority Habitats and Species Listed species and federal ESA listed species, and wetlands, are found within Gig Harbor's shoreline jurisdiction, the city has elected to use buffers to protect such critical areas to comply with the state master program guideline requirement for no net loss of ecological function.</p> <p>As noted above in response to item #10, the city acknowledges that the provisions for vegetation conservation and all other requirements of the master program cannot be applied to existing development and will revise the current draft SMP to more clearly address the limitation. However, the SMP recognizes this limitation through the Marine Vegetation Conservation Strip Modification provisions set forth in Section 6.2.3.3, and through the city's</p>

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				nonconforming structure regulations set forth in Section 8.11.8.
12	Consistency with the City's Comprehensive Plan - general	D. Reynolds (GHM)	Policies and regulations of the SMP are not properly integrated and coordinated with the policies of the Comprehensive Plan (WAC 173-26-191(1)(e)). (GHM, p. 9)	<i>While the city does not agree with this statement, it believes that additional revisions can be made to the city's Comprehensive Plan to strengthen the integration of, and coordination between the SMP and Comprehensive Plan. Per RCW 36.70A.130(2)(a)(iii), the city intends to revise the Comprehensive Plan at the same time it formally adopts the SMP and SMP-related zoning code amendments.</i>
13	Consistency with the City's Comprehensive Plan re: urban development/infill	D. Reynolds (GHM, Stearns)	<p>The SMP and its setback, buffer and vegetation conservation restrictions are inconsistent with Comprehensive Plan policies that encourage infill, use and mixed-use development in harbor areas, view basin and economic development policies. (GHM, p. 9)</p> <p>Imposition of buffers in the highly built environment creates an inconsistency. The SMP must allow reasonable new development, redevelopment and repair and modification of existing structures, including "nonconforming" structures. (GHM, p. 9)</p> <p>Comp Plan goal 2.3 seeks to increase housing opportunities. The imposition of new buffers and setbacks to the built environment is inconsistent with the Comp Plan to increase housing densities. (Stearns, p. 5 and 7)</p> <p>Vegetation set asides conflict with the Comprehensive Plan (Goal 3.23). It is not possible to encourage development if buffers and vegetation set asides are imposed in the City Waterfront shoreline designation. (GHM, p.10, Stearns, p.8)</p>	<p>The city's SMP and its development regulations are not inconsistent with the Comprehensive Plan policies that encourage infill, use and mixed use development. The SMP is consistent with the stated intent of the Waterfront Land Use Category addressed by the Land Use Element of the Comprehensive Plan which allows for a variety of mixed uses as defined under the zoning code. The SMP allows for infill development consistent with constitutionally protected property rights. Even if the SMP didn't support infill, adequate area exists outside the shoreline jurisdiction to meet the intent of the comprehensive plan policies.</p> <p>Mr. Reynolds's remarks concerning buffers in the built environment have been previously addressed. Provisions exist in the master program to allow for reasonable new development, and the maintenance of existing development, including legally existing nonconforming structures.</p> <p>The goal cited address increased housing opportunities on a city-wide basis. The city doesn't agree with the comment and notes that even if it were the case, it can accommodate future density requirements and housing needs outside of the shoreline jurisdiction.</p> <p>The comment regarding vegetation set asides is a generalized remark not supported by fact.</p>

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14	Consistency with the City's Comprehensive Plan – redevelopment	D. Reynolds (GHM, Stearns)	<p>The Comprehensive Plan has strong policies to provide renovation incentives for existing structures but the draft SMP say that if a nonconforming structure is renovated or repaired over a certain extent, it is no longer allowed (in conflict with Comprehensive Plan sub-policy 5.6.3). (GHM, p. 9; Stearns, pp. 7-8)</p> <p>GH Comprehensive Plan specifies a goal that rights of landowners “shall be protected from arbitrary and discriminatory actions”. The SMP conflicts with this policy, especially its provisions imposing mandatory obligations on private property owners who must make nonconforming structures or facilities conforming. (Stearns, p. 7)</p>	While nonconforming structures outside of shoreline jurisdiction are subject to a limitation based on the value of the improvement versus the replacement value of the structure, the SMP does not contain such a limitation. Early in the review stage of the draft SMP, the city's Planning Commission directed staff to remove the limitation in an effort to increase the city's development opportunities within the area subject to the new SMP, and also in response to an earlier public comment by Mr. Reynolds regarding the same subject. The SMP's nonconforming structure requirements do not conflict with the policies of the Comprehensive Plan.
15	Consistency with the City's Comprehensive Plan – efficient permit processing	D. Reynolds (GHM, Stearns)	The Comprehensive Plan has a goal to minimize costs associated with land development including a goal to reduce environmental review time. The SMP does not contain any policies related to efficiently processing shoreline permit applications or providing assistance to the public. These should be added. (GHM, pp. 9-10, Stearns, p. 8))	The city will update the comprehensive plan to integrate and coordinate it with changes in the SMP as allowed per RCW 36.70A. Per RCW 36.70B.080, local government planning under the Growth Management Act must complete project permit application within 120 days of the submittal of a complete application. The permit types and processes set forth in the master program have been developed consistently with the statute.
16	Consistency with the City's Comprehensive Plan – public access/property rights	D. Reynolds (GHM)	SMP public access provisions are in conflict with Comprehensive Plan policies and GMA and SMA protections for private property rights. (GHM, p. 10)	<i>The city disagrees with this comment. However, it will revise the SMP to eliminate any conflict with the Comprehensive Plan and to further strengthen protection of private property rights.</i>
17	Consistency with the City's Comprehensive Plan – critical area designation	D. Reynolds (GHM, Stearns)	The SMP proposal to designate marine areas as critical areas is inconsistent with the Comprehensive Plan which does not designate the shoreline or nearshore areas as critical areas: (GHM, p. 10, Stearns, p. 8)	<i>The city will update the Comprehensive Plan as necessary to integrate and coordinate it with the SMP relative to the protection of critical fish and wildlife habitat areas as critical areas, wetlands located within shoreline jurisdiction and shoreline vegetation.</i>

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18	Consistency with the City's Comprehensive Plan – land management	D. Reynolds (Stearns)	Generic approaches under the SMP are inconsistent with Comp Plan land management policies (Goal 4.3, Sub-Goal 4.3.2 which guides the use of performance standards rather than outright restrictions). The SMP is prescriptive, proposing numerous prohibitions and regulations which act as outright restrictions, or unduly hinder acceptable use and development of the shorelines for single-family homes. (Stearns, p. 7)	Mr. Reynolds has mischaracterized the Comprehensive Plan goal cited by leaving out the key words, "As much as practical" from the goal. The SMP has been developed consistently with the state master program guidelines set forth in WAC 173-26 and the city has done as much as practical to use a performance standard approach while maintaining consistency with mandated state guidelines.
19	Social values and people	D. Reynolds (Stearns)	<p>SMA standard for an SMP update is to "utilize a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts..."</p> <p>Stearns review of the record does not show that an "interdisciplinary approach" has occurred (no study incorporating social sciences, including the economics of extensive proposed new regulation or the social effects on property owners who may need to deal with nonconforming use regulations). Nothing is said about the social consequence of applying new buffers and set asides. (Stearns, p. 6)</p>	<p>The city has used a systematic, interdisciplinary approach that ensures the integrated use of the natural and social sciences and the environmental design arts in the preparation of the SICR, the Shoreline Restoration Plan Element and the draft SMP that is consistent with the requirements of the RCW 90.58.100 and the requirements of WAC 173-26. Neither the statute or rule defines the various elements that comprise a "systematic, interdisciplinary approach."</p> <p>Per Webster's Collegiate Dictionary Eleventh Edition, social science is defined as: 1) "a branch of science that deals with the institutions and functioning of human society and with the interpersonal relationships of individuals as member of society. 2) a science (as economics or political science) dealing with a particular phase or aspect of human society. Per Wikipedia, social science refers to the academic disciplines concerned with the society and relationships of individuals within society, which primarily rely on empirical approaches. It is commonly used as an umbrella term to refer to anthropology, economics, psychology and sociology. In a wider sense, it often includes humanities such as archaeology, area studies, communication studies, folkloristics, history, law, linguistics, political science and rhetoric.</p> <p>Per Webster's, natural science is defined as, "any of the sciences (as</p>

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				<p>physics, chemistry or biology) that deal with matter, energy, and their interrelationships and transformations or with objectively measurable phenomena. Per Wikipedia, natural sciences are those branches of science that seek to elucidate the rules that govern the natural world through scientific methods.</p> <p>Webster's doesn't define the term "environmental design arts. Wikipedia defines environmental design as the process of addressing surrounding environmental parameters when devising plans, program, policies, buildings or products. Per Wikipedia, environmental design can also refer to the applied arts and sciences dealing with creating the human-designed environment. These fields include architecture, geography, urban planning, landscape architecture and interior design. Environmental design can also encompass interdisciplinary areas such as historical preservation and lighting design.</p> <p>A review of the city's SICR, Shoreline Restoration Plan, and updated SMP clearly indicates that many aspects of natural and social sciences and environmental design arts have been utilized by the city in the systematic, interdisciplinary approach that has comprised the update of its SMP over the past 5.5 years. Examples include the SICR's shoreline use analysis, which was based in part on a waterfront lands analysis prepared by Tacoma that concluded that Tacoma's analysis reflects conditions throughout Pierce County (see Section 14.0-References and Bibliography); the Historical/Cultural Resource Analysis and its use of historic preservation facts and data; the Nearshore Physical Characterization and Critical Areas sections that rely the numerous natural science based studies and the considerable public comment submitted into the record for the SMP update that identified issues of concern and helped frame the boundaries of the SMP update effort.</p> <p>No requirement exists that mandates the preparation of a study that</p>

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20	Critical Areas (marine nearshore)	D. Reynolds (GHM)	<p>Reject that all nearshore areas are "critical areas" (GHM, p. 2)</p> <p>Reject designation of near shore marine areas as "critical" simply because of yearly juvenile salmonid outmigration and use between March and June. (GHM, p. 2)</p>	<p>addresses the economics of the new master program regulations or the social effects on property owners who may need to deal with nonconforming use regulations.</p> <p>Per WAC 173-26-221(2)(a)(ii), critical areas include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable waters; (c) <u>fish and wildlife habitat conservation areas</u>; (d) frequently flooded areas; and <u>geologically hazardous areas.</u>" (Emphasis supplied.) Per WAC 173-26-221(2)(c)(iii) critical saltwater habitats include "all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, <u>and areas with which priority species have a primary association.</u>" (Emphasis supplied).</p> <p>Further, WAC 173-26-221(2)(c)(iii)(B) states, "Local governments, in conjunction with state resource agencies and affected Indian Tribes, should classify critical saltwater habitats and protect and restore seasonal ranges and habitat elements with which federal-listed and state-listed endangered, threatened, and priority species have a primary association and which, if altered, may reduce the likelihood that the species will maintain its population and reproduce over the long term."</p> <p>The city's SMP defines Critical Fish and Wildlife Habitat areas as follows:</p> <ul style="list-style-type: none"> a) <u>Areas with which federal or state endangered, threatened and sensitive species of fish, wildlife and plants have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term;</u> b) <u>Habitats and species of local importance, including:</u>

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				<ul style="list-style-type: none"> i) <u>Areas with which state-listed monitor or candidate species or federally listed candidate species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term;</u> ii) Special habitat areas which are infrequent in occurrence in the City of Gig Harbor and which provide specific habitats as follows: <ul style="list-style-type: none"> (1) Old-growth forests; (2) Snag-rich areas; (3) <u>Category 2 wetland areas;</u> (4) Significant stands of trees which provide roosting areas for endangered, threatened, rare or species of concern as identified by the Washington State Department of Wildlife; c) Commercial and public recreational shellfish areas; d) <u>Kelp and eelgrass beds;</u> e) <u>Herring and smelt spawning areas;</u> f) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; g) Lakes, ponds and streams planted with fish by a governmental agency, and agency-sponsored group or tribal entity; h) State natural area preserves and natural resource

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				<p style="text-align: center;">conservation areas.</p> <p>(see SMP, subsection 6.2.5.23.2)</p> <p>Per the city's SICR, two priority estuarine habitat areas are located within Gig Harbor Bay; the mouths of Crescent Creek and Donkey Creek. Critical habitat for Chinook salmon has been designated in estuarine and nearshore areas and includes areas contiguous with the shoreline from the line of extreme high water out to a depth of 30 meters relative to mean lower low water. Further, Chinook salmon, listed as threatened under the ESA and as a "priority species" per the 2008 Washington Department of Fish and Wildlife Priority Habitat and Species List are present in Crescent Creek and McCormick Creek on Henderson Bay. Steelhead trout, listed as threatened under the ESA, are present in Crescent, Donkey and McCormick Creeks. Cutthroat trout are ubiquitous throughout the watershed and are believed to be present in most streams. Cutthroat trout are also listed on the state's Priority Habitat and Species list. Sand lance and surf smelt spawning areas are known to exist within planning segment D and Segments A & B, respectively. Eelgrass meadow, kelp forests and tidal wetlands are other priority habitats located within the city's shoreline jurisdiction and planning area.</p> <p>Based on the above, the designation of the city's marine nearshore area as Critical Fish and Wildlife Habitat Area is appropriate and consistent with the requirements WAC 173-26.</p>
21	Critical Areas	D. Reynolds (GHM)	Assess regulation of critical areas solely under SMA standards which allow alteration of the natural condition of shorelines for preferred uses, subject to appropriate mitigation. (GHM, p. 2)	The city has incorporated its critical area requirements into the SMP in a manner consistent with Ecology's handbook entitled "Integration of Critical Areas Ordinances" that specifically anticipates incorporation of existing GMA critical area regulations into the SMP.
22	Marine buffers	D. Reynolds (GHM)	Mandate establishment of marine buffers (if any) on a case-by-case basis for new commercial and industrial	The city has determined vegetation conservation areas, i.e., marine buffers, are necessary and appropriate to protect shoreline

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			development, and large subdivisions, through the existing SEPA and SMA permit processes. (GHM, p. 2)	ecological functions within its shoreline jurisdiction.
23	Property Rights	D. Reynolds (Stearns)	<p>A well meant desire to promote the environment over people or private property rights is inconsistent with the goals and requirements of the SMA. (Stearns, p. 4)</p> <p>Stearns ownerships will be impacted by two buffers: the vegetation conservation zone and a critical areas buffer. The "greater" buffer would apply which appear to be the FWCA setback which is a minimum of 25 feet plus a 10 foot building setback, but the buffer can be up to 150 feet. If imposed, a maximum buffer would make a substantial portion of the properties nonconforming. Even if application of the new regulations to the built environment could be supported, which they cannot, their imposition constitutes an illegal regulatory taking. (Stearns, p. 9)</p> <p>Generic buffers or setbacks preclude use of portions of property and over time illegally force restoration. There is no authority to do this (WAC 173-26-186(8)(e)) (Stearns, p.10)</p>	<p>The city's proposed SMP recognizes constitutionally protected property rights through its regulatory and administrative provisions. A variance process has been included in the SMP to grant relief from strict application of requirements in instances where such application would deny the property owner a "reasonable use" of the property per state and federal case law.</p> <p>See previous comment and response to item's #7, 8, 9, 11, 12, 32 & 43.</p> <p>See previous two responses.</p>
24	Residential Uses	D. Reynolds (Stearns)	<p>The SMP unduly restricts residential home development and use by imposing buffers, setbacks and restrictions that go beyond simply protecting the environment and the integrity of the waters of the state. (Stearns, p. 5)</p> <p>There is an outright prejudice against single-family homes, through imposition of restrictive vegetation conservation zones and setbacks, and controls on redeveloping or expanding existing homes and appurtenant structures. The SMP is internally inconsistent and inconsistent with the SMA and the Guidelines. (Stearns, p. 6)</p> <p>The record does not support that single-family home</p>	<p>The city's SMP allows residential development as a permitted use activity in all Shoreline Environment Designations (SED's) except for the Natural SED where it is a conditional use and the Marine Deepwater SED where residential development is prohibited.</p> <p>Required vegetation conservation area buffers may be modified for existing residential development through the vegetation conservation strip modifications set forth in Section 6.2.3.3 of the SMP. In this regard, setback averaging is allowed for the "infill" of vacant parcels, "interrupted buffer" provisions have been included that recognize buffers impacted by roadways; provisions have been included that recognize parcels impacted by unique conditions such as size, shape and topography and the city has removed from its</p>

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			development or use is a measurable source of pollution or damage to the aquatic environment. (Stearns, p. 6)	<p>nonconforming structure regulations the maximum value of remodel work allowed to legally existing nonconforming residential and commercial structures.</p> <p>No prejudice exists in the SMP relative to single-family homes. As noted above, they are allowed either as a permitted or conditional use within each of the upland SED's. The record indicates that loss of shoreline riparian vegetation has contributed to adverse impacts to aquatic species that utilize the marine waters of Puget Sound. The city's proposed approach is intended to ensure that no net loss of ecological function occurs through future development authorized by the master program.</p>
25	Shoreline Stabilization – single family residential bulkhead exemption	Reynolds (Stearns)	<p>The requirement that residential development “shall” be located and designed to avoid the need for shoreline stabilization (Section 7.18, p. 7-71) is illegal and unenforceable. This is inconsistent with the SMA and internally inconsistent with the SMP which treats single-family uses as preferred. (Stearns, p. 12)</p> <p>The requirement that there be “conclusive evidence” that stabilization structures are necessary to protect primary structures (Section 7.9.2(2)(a)(i), p. 7-32) is overly broad. The term “conclusive evidence” can be interpreted as “imminent”. No such standard is found in the SMA which allows “normal protective bulkheads” common to single-family residences. (Stearns, p. 12)</p> <p>The correct approach is to use the SMA language (the term is “protect”) for exemptions with no qualifiers. (Stearns, p.13)</p> <p>The language regarding repair and replacement of existing bulkheads goes too far and gives no preference to repair of structures protecting homes occupied before January 1,</p>	<p>The SMP's proposed shoreline stabilization requirements are consistent with the state's guidelines set forth in WAC 173-26-231(3)(a)(iii). The “requirement” cited by Mr. Reynolds is a policy statement, not a regulation. The requirement that there be “conclusive evidence” that stabilization structures are necessary to protect primary structures is a requirement of the state shoreline master program guidelines. See WAC 173-26-231(3)(a)(iii)(B)(i).</p> <p>The SMP recognizes the need to replace existing shoreline stabilization structures provided there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action or waves. Per WAC 173-26-231(3)(a)(iii)(C), the city's SMP recognizes the repair of stabilization structures protecting homes occupied prior to January 1, 1992. See SMP, Subsection 7.9.2.3.b.</p> <p>With regard to the replacement of an existing bulkhead being regulated as “new construction”, subsection 7.9.2.3 of the city's SMP is derived directly from the standards set forth in WAC 173-26-231(3)(a)(iii)(B)(i).</p> <p><i>However, upon further review, the requirement set forth in SMP</i></p>

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			<p>1992. The restrictions on residential bulkheads and their repair is inconsistent with the SMA because repair is allowed under the SMA (RCW 90.58.030(e)(i)). In addition, to turn replacement of a failing structure into "new construction" turns the SMA exemptions and the provisions of RCW 90.58.100(6) on their ear. 7.9.2(3)(p. 7-33) conflicts with the SMA (Stearns, p. 14)</p> <p>Language should be added to explicitly allow bulkheads within FWCA subject to project specific mitigation. (Stearns, p. 14)</p>	<p><i>subsection 7.9.2.1 that regulates as "new" the replacement of 100% of an existing bulkhead within a 5 year period, goes beyond the shoreline modification standards set forth in WAC 173-26-231(3)(a)(iii) and creates internal inconsistencies with regard to the regulation of such development and will be deleted.</i></p> <p>As is the case with many of the issues identified herein, Mr. Reynolds's are more properly directed to Ecology and its required guidelines, not the city's SMP that has been developed consistently with those guidelines.</p> <p>Per SMP Subsection 6.2.2 3, mitigation sequencing is required to address all identified project impacts ecological functions and processes. Impacts associated with the development of bulkheads would be subject to this requirement.</p>
26	Governing Principles, Section 1.2, page 1-2	D. Reynolds (Stearns)	<p>Disappointed that the SMP does not more explicitly set out construction and use of a single-family home as one of the "reasonable and appropriate uses of the shoreline". The following language should be added (also add to Chapter 6):</p> <p>Promote residential development opportunities along the shoreline consistent with state policies allowing alteration of the natural environment for preferred residential home use. Residential development should minimize impacts to the aquatic environment and be coordinated such to</p>	<p>The city disagrees with the statement that the construction and use of a single-family home should be including with the SMP's Governing Principles in Chapter 1.</p> <p><i>However, it agrees that "single-family residential uses" can be added to Policy 6.1.1.A-Preferred Uses on Gig Harbor Shorelines, to provide policy support for such uses.</i></p>

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			generally allow other uses including the public's right to navigation and use of the waters of the state for recreation. (Stearns, p. 5)	
27	Chapter 2, Definition: critical areas, page 2-9	D. Reynolds (Stearns)	<p>The definition is too broad and needs to be more explicitly tied into the minimum guidelines. WAC 365-190-030 sets the parameters for an FWCA "critical area"....</p> <p>The key point is that areas listed as FWCAs must meet the test for designation as a critical area set forth in WAC 365-190-030(6)(a).</p> <p>It is difficult to see how a short-term use of the water of the state (young salmon reside and migrate several months of the year) is the type of "primary association" of the kind envisioned for habitat protection. (Stearns, pp. 16-17)</p>	<p>Per WAC 365-190-030, "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities; and habitat or habitat elements <u>including seasonal ranges, breeding habitat, winter range, and movement corridors</u>; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. (Emphasis supplied).</p> <p>As previously noted, the SMP's approach to regulating Critical Fish and Wildlife Habitat Areas is based on the use of the city's nearshore areas by ESA and State listed species that utilize the area for acclimation, feeding and migration purposes as they travel from native streams to the open ocean as juveniles and return to spawn as adults. While the use of the nearshore area is "seasonal" in nature, it is critical to the survival of numerous species that rely upon it and consistent with the type of primary association intended to be protected by the city's Critical Fish and Wildlife Habitat Area regulations.</p>
28	Definition: Water-related use, Chapter 2, page 2-43	D. Reynolds (GHM)	Clarify the definition to explicitly include 'waterfront restaurant'. Alternatively, explicitly allow 'waterfront restaurant' use as part of a mixed use development in the Waterfront Millville Zone (permitted use table 7-1 beginning on page 7-2) (GHM, p. 10)	It would be inconsistent to include waterfront restaurants within the definition of "water-related use" as that use is inconsistent with the criterion set forth in the definition for such a use. Staff would note that waterfront restaurants are typically considered a "water-enjoyment use" due to the uses potential to provide aesthetic enjoyment of the shoreline for a substantial number of people.
29	Section 3.1.4, Land Use and Public Access, page 3-6	D. Reynolds (GHM)	SMP should recognize that habitat and species utilize the shorelines in conjunction with a highly developed existing condition. (GHM, p. 10)	The SMP does recognize that aquatic and terrestrial species and their associated habitat utilize the nearshore and deep waters of the Gig Harbor shoreline area. Chapter 3, Shoreline Inventory and

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				Restoration Planning, provides a summary of baseline conditions for both the natural and built environment.
30	Section 3.1.5, Shoreline Alterations, page 3-7	D. Reynolds (GHM)	Delete this subsection. Significant adverse impacts associated with marinas and boat moorage facilities will not occur with best management practices and modern regulations. (GHM, p. 11)	Subsection 3.1.5 addresses shoreline alterations. It's appropriate to retain the section in the context of the overall baseline conditions that exist within the shoreline planning area.
31	Section 3.2.1, Protection and Restoration of Shoreline Ecological Functions, page 3-8.	D. Reynolds (GHM)	While supportive of some of the language, the SMA does not mandate restoration. The language relating to restoring shoreline ecological functions "at the time of development or redevelopment" is too broad. The PSP Action Plan should also be factored in. (GHM, p. 11)	The subject language is set forth in the Summary of Recommendations for the Shoreline Inventory and Restoration Planning Summary chapter of the SMP. The language does not "mandate" shoreline restoration it merely identifies potential opportunities for restoration. The language follows a statement that addresses the use of development standards and regulations to protect areas that have intact shoreline ecological functions. Mr. Reynolds failed to include all of the language set forth in Section 3.2.1 regarding the protection and restoration of shoreline ecological functions. What the section states is, "Areas that have been impaired have potential for restoring shoreline ecological functions (such as habitat enhancement) through voluntary efforts or at the time of development or redevelopment."
32	Section 5.2.5, City Waterfront Environment, Management Policies, page 5-22	D. Reynolds (GHM)	Supports the purpose statement for City Waterfront. Policy 2 – GHM does not agree that redevelopment should occur in a manner which "avoids" impacts to critical areas and natural shoreline processes. Rewrite to say "avoid <u>significant</u> impacts to critical areas" or insert the word "alteration". Policy 5 - If the City wants restoration, it should help defray the cost. Policy 8 - Rewrite to say "minimize <u>significant</u> interference with surface navigation" (GHM, p. 11)	Comment noted. Policy 2 supports the planning objective of no net loss of ecological function and ecosystem-wide processes and the use of mitigation sequencing to achieve the objective. No rewrite is required. Policy 5 promotes the restoration of shoreline ecological functions. It does not assign the responsibility for such restoration to the private property owner. The master program guidelines and the city's SMP clearly identify that restoration is to occur on a voluntary basis and is not a regulatory element of the city's SMP. See WAC 173-26-186(8)(c) and SMP Section 3.1. No rewrite is required.
33	Section 5.2.8, Marine Deep Water Environment, Management Policies,	D. Reynolds (GHM)	Policy 1: Rewrite to say "minimize <u>significant</u> interference with"	The purpose of the Marine Deepwater SED is, "to protect, restore, and manage the unique characteristics and resources of the marine

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	page 5-27		Policy 2: Rewrite to say "uses that <u>significantly</u> adversely impact" (GHM, p.11)	<p>waters in Gig Harbor." See Subsection 5.2.8.A. Policy 1 supports several of the key policy considerations of the State Shoreline Management Act. See RCW 90.58.020. No rewrite is required.</p> <p>Policy 2 supports the planning objective of no net loss of ecological function and ecosystem-wide processes and the use of mitigation sequencing to achieve the objective. No rewrite is required.</p>
34	Section 6.1.1, General Goals Policies and Regulations, Management Policies, page 6-1	D. Reynolds (GHM)	<p>Policy A: Rewrite to say "minimizes <u>significant</u> adverse impacts"</p> <p>Policy B: GHM believes generic view preservation standards in the SMP go too far and could result in a regulatory taking.</p> <p>Policy E: Rewrite to say "<u>undue</u> risk or harm to others" (GHM, p. 12)</p> <p>GHM commends Policy E "Protection of rights" in Section 6.1.1. However there are internal inconsistencies with the language relating to protection of property rights, especially regarding view corridors, bulkhead replacement, nonconforming structures, and the imposition of buffers and vegetation set asides in the built environment. (GHM, p. 12)</p>	<p>Policy A applies to all shoreline development, modifications and uses and specifically addresses "Preferred uses on Gig Harbor shorelines." The policy supports the planning objective of no net loss of ecological functions and ecosystem-wide processes. No rewrite is required.</p> <p>Policy B supports the provision of open space, recreation and view corridors along with the development of the shoreline area with commercial, multifamily and residential development. No rewrite is required.</p> <p><i>The city agrees that Policy E can be rewritten to include the word "undue."</i></p> <p>The city disagrees that the policy language is internally inconsistent with language relating to protection of property rights, bulkhead replacement, nonconforming structures, and vegetation conservation strip area buffers. The city's proposed regulations related to bulkhead replacement, nonconforming structures and vegetation conservation strips implements the policy language.</p>
35	Section 6.2.1, Marine Shorelines, Vegetation Conservation and Critical Areas Protection, General Policies, pages 6-3 to 6-5	D. Reynolds (GHM)	<p>Policy B: Include the term "measurable" for assuring no net loss of shoreline ecological functions and processes; rewrite the last sentence to say: "<u>significant impacts to shoreline processes that should be protected...</u>"</p> <p>Finally, add a paragraph that acknowledges that "no net</p>	<p>In regard to Policy B, please refer to response to item # 34 above.</p>

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			<p>loss" will take into account the results of voluntary restoration, and publicly funded shoreline restoration programs: Policies F and H appear to be inconsistent with each other. Policy P: The policy is inconsistent with the Guidelines which require populations be "sustained" not "maintain and enhance" (GHM, pp. 12-13)</p>	<p>The city disagrees with this comment that Policies F and H are inconsistent with each other. Both policies address the protection of critical areas. Policy F addresses the protection of critical areas in the creation of new lots within shoreline areas, while Policy H addresses the protection of critical areas through the application of development regulations.</p> <p>The city disagrees that Policy P is inconsistent with the guidelines. Per WAC 173-26-221(2)(c)(iii)(B), protecting existing and restoring nearshore habitat, protecting and restoring degraded or lost salmon habitat and protecting and restoring degraded upland functions important to critical saltwater habitats are all identified management planning "principles" that support the current language found in Policy P.</p>
36	Section 6.2.2, No Net Loss and Mitigation, page 6-6	D. Reynolds (GHM)	<p>Regulation 1: The phrase "no net loss of ecological functions and processes" should be qualified by the word "measurable" or insertion of the word "alteration". GHM objects to the sentence: "Any use or development that causes future ecological condition to become worse than current conditions shall be prohibited." It is too broad. Regulation 3 Mitigation measures: Specifying that the highest and most favored order of priority is avoiding the impact all together...is inconsistent with SMA standards which allow alteration of shorelines for certain preferred, water dependent uses. Avoidance is particularly inappropriate for highly built shorelines such as City Waterfront. (GHM, p. 13)</p>	<p><i>In regard to Subsection 6.2.2.1, the city agrees that the sentence, "Any use or development that causes the future ecological conditions to become worse than current condition shall be prohibited" is too broad and should be eliminated.</i></p> <p>In regard to regulation 6.2.2.3, the regulation addresses the use of mitigation sequencing and is consistent with the requirement of WAC 173-26-201(2)(e).</p>
37	Section 6.2.3, Regulations – Marine Shorelines, pages 6-8 to 6-10	D. Reynolds (GHM)	GHM has significant concerns with Section 6.2.3.2 regarding vegetation conservation strips. It is not clear	Comment noted. Per SMP Table 6-1 (Vegetation Conservation Strip Setbacks for Marine Shorelines), the vegetation conservation strip

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			<p>(between Table 6-1 and the regulations) if water dependent uses must maintain a vegetation conservation strip. This needs to be clarified.</p> <p>Under the proposed SMP almost all existing structures are made nonconforming.</p> <p>For the highly built environment, (City Waterfront), there should be no vegetation conservation strip, and that required mitigation is based on a site-specific analysis. (GHM, pp. 13-14)</p>	<p>and setback requirements apply to all "non-water dependent uses." However, the city agrees that the SMP can be clarified relative to the requirement. The city will modify the table to clearly address the requirement. Subsection 6.2.3.2.2 states that the vegetation conservation strip applies to all non-water dependent uses.</p> <p>With regard to "almost all" existing structures being made nonconforming under the SMP, this is a generalized statement not supported by fact. The city would note that per Subsection 8.11.8.1.d, principal residential structures that were legally established but do not meet current standards for setbacks, buffers, or yards, area; bulk, height, or density are considered a <u>conforming</u> structure to the provisions of the master program.</p> <p>With regard to the comment on the highly built environment (City Waterfront); that there should be no vegetation conservation strip and that required mitigation be based on a site specific analysis, please refer to the responses provided for items #3, 7, 8, 10, 11, and 13.</p>
38	Section 6.2.5, Regulations – Critical Areas, page 6-28	D. Reynolds (GHM)	GHM strongly opposes incorporation by reference of substantial portions of the City's CAO enacted under the GMA, particularly Fish and Wildlife Conservation Areas (Section 6.2.5.23) [see comments re: designation of all marine waters as critical areas]. (GHM, p. 14)	Objection noted. The SMP's proposed critical area regulations are not incorporated by "reference." All regulations are set forth in SMP Subsection 6.2.5. Also, please refer to the responses provided for items #20 and 21.
39	Section 6.2.5.2, Mitigation Conservation Easement, p. 6-29	D. Reynolds (GHM)	Inappropriate to require property owners to prepare a conservation easement to protect "critical area functions and values in perpetuity". (GHM, p. 15)	SMP subsection 6.2.5.2-Mitigation Conservation Easement, is consistent with the mitigation requirement set forth in WAC 173-26-221(2)(a)(iii) and WAC 173-26-221(2)(a)(i)(F)(IV).
40	Section 6.2.5.4, Variance from Critical Area Regulations, page 6-29	D. Reynolds (GHM)	Allowance for a variance does not solve the over-designation problem or inconsistency with the Guidelines and SMA standards. A better approach is to tailor regulations to not over-designate all the shoreline environment as a "critical area". (GHM, p. 15)	Comment noted.
41	Section 6.2.5.23, Critical Fish and Wildlife Habitat Areas, page 6-61	D. Reynolds (GHM)	GHM does not believe the City has the authority to require a habitat assessment for regulated activity on a site that is	The report requirement relates to property within SMA jurisdiction only. 300 feet does not mean the property is located as far as 300

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			<p>within 300 feet of critical fish and wildlife habitat. This expands SMA jurisdiction outside the City's authority.</p> <p>Additionally, requiring a site-specific analysis is inconsistent with the Guidelines which requires this only if an inventory of critical saltwater habitat has not been done (WAC 173-26-221) (GHM, p. 14)</p>	<p>feet landward of the shoreline and the Ordinary High Water Mark. It applies to property already within SMA jurisdiction that is within 300 feet in any direction of critical fish and wildlife habitat.</p> <p>Requiring a site specific analysis of critical fish and wildlife habitat areas is <u>consistent</u> with the guidelines per WAC 173-26-221(2)(b)(iii)(C).</p>
42	Section 6.2.5.23, Critical Fish and Wildlife Habitat Areas, page 6-62	D. Reynolds (GHM)	Habitat Management Plan – It is inappropriate to require that these be prepared “in coordination with” Washington Dept. of Fish and Wildlife. The City can always request technical assistance from WDFW. (GHM, p. 15)	One of the foundational elements of the guidelines is the coordination of the SMP update process with state resource agencies. Many of the regulatory approaches set forth in the SMP are based on the use of scientific and technical information developed by state resource agencies. It is not inappropriate for the city to coordinate the review of Habitat Management Plans required to address potential project impacts to Critical Fish and Wildlife Habitat Areas with the Washington Department of Fish and Wildlife (WDFW). The city provides the coordination of the plan with WDFW and the agency's role is limited to review and comment. The 45 day review and comment period has been developed consistently with the Growth Management Act mandated 120-day project permit review time period set forth in RCW 36.70B.080.
43	Section 6.2.5.23, Critical Fish and Wildlife Habitat Areas, page 6-62	D. Reynolds (GHM)	Buffer requirements: a “maximum buffer” of 150' would make all Downtown Gig Harbor nonconforming. No buffers to the built environment need to be imposed. This section needs to be rewritten to be legal under SMA and Constitutional law standards. (GHM, p. 15)	The city disagrees with this statement. The SMP does not apply minimum or maximum critical area buffers unilaterally to all property within shoreline jurisdiction. Per the SMP, the need for and size of required buffers is based on a case-by-case analysis of the proposed project and its potential impacts on Critical Fish and Wildlife Habitat Area. Buffers required per SMP subsection 6.2.5.23.5 vary from a minimum depth of 25-feet to a maximum depth of 150-feet. Relief from strict compliance with potential buffer requirements and to allow a reasonable use of property consistent with state and federally protected private property rights is provided through SMP Section 8.2.5, the Shoreline Variance Permit process.
44	Section 6.5, Public Access, page 6-76	D. Reynolds (GHM)	SMP goes too far in mandating public access. Need for public access should be determined on a case-by-case	The need for and extent of required public access required for a development proposal is determined on a case-by-case basis per

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			basis. Public access or view preservation should be required only upon demonstration of a substantial harm to the public. Neither the City nor the Department is empowered to mandate views and access unrelated to the actual impact of a development and at the expense of private property owners. (GHM, pp. 15-16)	SMP Section 6.5-Public Access. The proposed SMP public access requirements are derived from the city's existing SMP first adopted in 1975 and last amended in 1994 and are intended to comply with the public access requirements of WAC 173-26-221(4). Per the WAC, public access is required under the standards set forth in WAC 173-26-221(4)(d). The SMP's proposed view corridor requirements are consistent with the requirements of WAC 173-26-221(4)(d)(iv). <i>However, the city will consider additional revisions to its public access requirements to strengthen its consistency with the requirements of WAC 173-26.</i>
45	Section 6.5.1, Public Access, page 6-77	D. Reynolds (GHM)	Policy I: Rewrite with the qualifier "commensurate with obligations for urban infilling under the Growth Management Act, and the rights of private property owners." (GHM, p. 16)	<i>Policy I will be rewritten with the requested qualifier.</i>
46	Section 6.5.3, Regulations – Type and Design of Public Access, page 6-79	D. Reynolds (GHM)	GHM objects to mandatory imposition of a public view corridor. This is a regulatory taking. This impact is not avoided by the alternative to provide a 5-foot wide path. (GHM, p. 16)	Objection noted. However the SMA provides strong policy support for the provision of physical and visual access to the shorelines of the state. Further, the master program guidelines set forth in WAC 173-26-221(4) promote the use of development standards in local SMP's, including view corridors, to minimize project impacts to views from public property or a substantial number of residences. The city's proposed approach for preserving views of the shoreline is consistent with the master program guidelines.
47	Table 7-1, Shoreline Modification, pages 7-2 to 7-5	D. Reynolds (GHM)	In the City Waterfront designation: 1) shoreline stabilization should be a permitted use not a conditional use 2) Fill below the OHWM may be needed for redevelopment of marinas. Restriction of fill to activities assoc. with shoreline restoration only is unduly onerous. (GHM, p. 17)	Per Table 7-1 of the city's SMP, new "soft-shore" stabilization is a permitted use, while hard shoreline armoring is a conditional use in the City Waterfront SED. The proposed approach is consistent with the shoreline stabilization principles and standards set forth in WAC 173-26-231(3)(a)(ii) & (iii), respectively. Per Table 7-1, the placement of fill below or waterward of the OHWM in conjunction with a water-dependent use such as a marina is a conditional use activity subject to the authorization of a Conditional Use Permit.

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48	Section 7.9.1, Shoreline Stabilization, p. 7-30	D. Reynolds (Stearns)	Section 7.9.1 policy for shoreline stabilization and "preference order" is inconsistent with the SMA which explicitly allows protection of single-family homes as an exempt activity. (Stearns, p. 11)	The SMA's explicit exemption set forth in RCW 90.58.030.3(e) for the "construction of the normal protective bulkhead common to single-family residences" only applies when such a shoreline modification is a listed permitted use activity subject to the substantial development permit requirement. The city has elected to list new hard shoreline armoring as a conditional use, not a permitted use. Therefore, the exemption does not apply and the city's proposed approach is not inconsistent with the SMA.
49	Section 7.11, Boating and Marinas: Piers, Docks and Moorage, page 7-44	D. Reynolds (GHM)	Policy C: Insert the word "unduly" before "obstruct navigable waters" (GHM, p. 17)	Comment noted.
50	Section 7.11.2, Marina Policies, page 7-46	D. Reynolds (GHM)	Policy B is too restrictive for City Waterfront since the use table allows non-water related and non-water enjoyment uses landward of the OHWM. (GHM, p. 17)	Policy B expresses support for the development of water-related and water enjoyment uses, or those uses that provide physical or visual shoreline access to the general public consistent with the policies of the SMA and with the commercial policies of the SMP. Such policy support does not restrict or limit the establishment of non-water related and non-water enjoyment uses on the uplands of sites developed with water-dependent marinas.
51	Boating facility setback (Table 7-3)	D. Reynolds (GHM)	12-foot setback from property lines is too restrictive. (GHM, p. 17)	The 12-foot setback for such boating facilities as piers and floats addressed by Table 7-3 is a requirement of the city's existing master program and has been applied to the development of all marinas within the city, including that owned by Mr. Reynolds client, since its adoption in 1975. Per the proposed SMP, a lesser setback may be permitted upon the submission to the city of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines and, thus, reducing or eliminating the setback requirement. Also, the shoreline variance process could potentially be utilized to reduce or eliminate the setback requirement.
52	Section 7.11.9, Regulations – Marinas, (p. 7-52)	D. Reynolds (GHM)	Emphasis on soft shore stabilization is not practical for a marina and the requirement to demonstrate, through a geotechnical analysis, that hard stabilization is needed is over regulation. (GHM, p. 17)	The SMP's shoreline stabilization requirements are consistent with the requirements of WAC 173-26-231.
53	Section 7.11.9, Regulations-Marinas	D. Reynolds (GHM)	Public access should not be mandated and required only after assessing actual impacts and existing available public	Comment noted. See response to item #44 above. Among the revisions to the SMP's public access requirements will be a new

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			access by a site-specific analysis. The draft SMP has inconsistent language for public access. The requirement for marina development to provide public access amenities is illegal (see public access comments) (GHM, p. 18)	regulation requiring site specific analysis of a development proposals impacts and related need to provide public access.
54	Section 7.12, Commercial Uses, page 7-57	D. Reynolds (GHM)	Concerns re: public access requirements and the potential that these policies will be used to illegally force property owners to provide public access without compensation (see public access comments) (GHM, p. 18)	Comment noted. See response to items #44 and #53 above.
55	Section 7.12, Commercial Uses, page 7-57	D. Reynolds (GHM)	Policy C: Delete this policy. The SMP should not be a design review code. In addition, this policy is too broad. (GHM, p. 18)	<i>The city's design manual is set forth in Gig Harbor Municipal Code Chapters 17.98 and 17.99. The manual applies to all development within the city, including that located within shoreline jurisdiction. Other sections of the SMP provide policy support for properly scaled development and visual access to the shoreline. In this regard, SMP Section 6.7-Quality Waterfront Development along Gig Harbor Bay addresses "balance and scale" of development. Visual access from the uplands to the shoreline is addressed by SMP Section 6.5-Public Access. Policy C will be deleted.</i>
56	Section 8.2.2, Exemptions for Substantial Development Permits, p. 8-6	D. Reynolds (Stearns)	There are internal inconsistencies between this section and other sections of the SMP. These include the overly restrictive treatment of exempt single-family residences and normal protective bulkheads. (see other comments in letter) The language in this section that says an exempt development or use "must be consistent with...the provisions of the Master Program" goes too far. (Stearns, p. 20)	Subsection 8.2.2-Exemptions from Substantial Development Permit, has been incorporated into the SMP consistently with the requirements of WAC 173-27-040 and is not internally inconsistent with other sections of the SMP. With regard to normal protective bulkheads for single-family residences, see the response to item #48. With regard to the requirement that exempt development must be consistent with the provisions of the master program, the City would note that said requirement is derived from WAC 173-27-040(1)(b). The city would note that both SMP Subsection 8.2.2 and WAC 173-27-040(1)(e) allow for conditions of approval to be attached to the approval of exempt development and/or uses as necessary to assure consistency of the project with the SMA and the master program.
57	Section 8.11, Nonconforming Uses and Structures, pp. 8-28 to 29)	D. Reynolds (Stearns)	The Stearns disagree with much of the language set out for nonconforming uses and structures. More fundamentally, they disagree with proposing regulations that create such status. The nonconforming label is an invitation over time to force citizens to give up use of their property in favor of	Comment noted. The city's SMP utilizes essentially the same "use scheme" as the existing master program. In some limited instances, such as eliminating the conditional use permit requirement for water-dependent uses, and allowing for the redevelopment of overwater historic net shed structures, the SMP use regulations

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			<p>"restoration" of the shorelines.</p> <p>8.11.1 states that nonconformities are "intended...to continue until they are removed but not to encourage their perpetuation." The stated standard is over-restrictive and inconsistent with the SMA, Guidelines, and statutory and constitutional principles, precluding development opportunities, exacting unreasonable mitigation and forcing restoration. (Stearns, p. 21)</p> <p>"Nonconforming" is a legal status and there are restrictions on enlarging uses (8.11.4), resuming uses (8.11.6) and reconstructing damaged or destroyed structures (8.11.8).</p> <p>Nothing dictates that when updating an SMP, local government or Ecology must declare historic uses or structures "nonconforming". The best approach is to avoid labels and not impose large buffers or vegetation set-asides, especially in a highly built environment. (Stearns, p. 22)</p>	<p>have been made less restrictive. In regard to structures, as previously noted, provisions have been included in the city's vegetation conservation strip requirements to allow for such flexible approaches as buffer averaging, interrupted buffers, and the tear down and reconstruction of existing structures. See SMP Subsection 6.2.3.3. Further, the SMP nonconforming structure regulations have been revised to eliminate the maximum replacement value threshold limitation initially proposed and as set forth in the city's zoning code. See SMP Subsection 8.11.8 and GHMC Subsection 17.68.040.C. It's the city's position that any use or development regulation that has become more restrictive is a result of the city's SMP update in a manner consistent with the state shoreline master program guidelines set forth in WAC 173-26.</p> <p>SMP Subsection 8.11.1 is consistent with Washington State case law that disfavors the continuation of nonconforming uses and structures. See <i>Jung Pil Choi, etal v. City of Fife, 60 Wn. App.458, 1991 & Cradduck v. Yakima County, 166 App 435, 2012</i>. The city's proposed standard is consistent with the SMA and the master program guidelines set forth in WAC 173-26, which doesn't provide principles or standards that address nonconforming uses and structures. Nonconforming uses and structures are addressed by WAC 173-27-080 (Nonconforming use and development standards) which requires the incorporation of the use and development standards set forth in WAC 173-27-080(1)-(10) if nonconforming use and development standards are not contained in a local master program.</p> <p>As previously noted, vegetation conservation strip buffers have been developed consistently with the requirements of WAC 173-26. See response to item #37.</p>
58	Substitute Senate Bill 5451	D. Reynolds (Stearns)	The Department can apply SSB 5451 to label all existing home "conforming". The Department has full discretion to apply SSB 5451. Most of Gig Harbor's shoreline is highly	The city's SMP has incorporated the optional language of SSB 5451 and RCW 90.58.620 into its nonconforming structure provisions. In this regard, SMP Subsections 8.11.8.1.d and 8.11.8.1.d.i state the

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			<p>built out. Fundamentally, it is simply recognizing that new buffers or setbacks do not apply to the built environment because they serve no purpose. It is requested that the Department send the draft SMP back to the City for consideration of application of RCW 90.58.620. (Stearns, pp. 22-23)</p>	<p>following:</p> <p>d) Principal residential structures that were legally established but do not meet current standards for setbacks, buffers, or yards; area; bulk; height; or density are considered a <u>conforming structure</u> to the provisions of this master program.</p> <p>i) Redevelopment, expansion, change within class of occupancy, or replacement of such principal residential structure shall be consistent with the requirements of the master program including no net loss of shoreline ecological functions. (emphasis supplied)</p>
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