

Gig Harbor City Council Meeting

**November 25, 2013
5:30 p.m.**



Reception for Councilmember Young at 4:30 p.m.

**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
Monday, November 25, 2013 – 5:30 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes Nov. 12, 2013.
2. Liquor License Action: a) Application: Taste of Peru; b) Renewals: Hy-lu-Hee-Hee, Netshed No. 9, Kelly's Café, and Half Time Sports.
3. Receive and File: a) Minutes from Budget Worksession No. 1; b) Boys and Girls Club 2013 Year End Report; c) Parks Commission Minutes October 2, 2013; d) Gig Harbor Downtown Waterfront Alliance Progress Report.
4. Filling Council Vacancy Policy.
5. Stormwater Capacity Grant Agreement - WA State Dept. of Ecology.
6. Resolution No. 944 - Harbor Hill Final Plat and PRD - Phase N-1.
7. Resolution No. 945 - Harbor Hill Final Plat and PRD – Phase S-9.
8. Resolution No. 946 – Surplus Equipment – I.T.
9. Amendment to Legal Services Contract – Ogden Murphy Wallace PLLC.
10. Approval of Payment of Bills Nov 25, 2013: Checks #73991 through #74104 in the amount of \$421,097.27.

SWEARING IN CEREMONY: Judge Michael Dunn

OLD BUSINESS:

1. Final Public Hearing / Reading of Ordinance 1276 – 2014 Proposed Budget.
2. Second Reading of Ordinance No. 1277 – 2013 Comprehensive Plan Amendment - Capital Facilities Element.
3. Second Reading of Ordinance No. 1278 - Shoreline Master Program Update, Comprehensive Plan & Gig Harbor Municipal Code Titles 17 & 19.

NEW BUSINESS:

1. First Reading and Adoption of Ordinance No. 1279 – Harbor Hill N-1 Rezone to PRD.
2. First Reading and Adoption of Ordinance No. 1280 – Harbor Hill S-9 Rezone to PRD.
3. Public Hearing and First Reading of Ordinance – Amending the 2013 Budget.
4. Facility Use Agreement – Gig Harbor Canoe and Kayak Race Team.

STAFF REPORT:

PUBLIC COMMENT:

MAYOR'S REPORT / COUNCIL COMMENTS:

Recognition of Councilmember Derek Young's 16 years of service.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Civic Center Closed for Thanksgiving: Thu. Nov 28th and Fri. Nov 29th.
2. AWC Elected Official Training – Sat., Dec 7th at 8:30 a.m.
3. Holiday Tree Lighting – Sat. Dec 7th at 5:00 p.m.

EXECUTIVE SESSION: To discuss property acquisition per RCW 42.30.110(1)(b).

ADJOURN:

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – November 12, 2013

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

CALL TO ORDER: 5:30 p.m.

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.

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

PRESENTATIONS:

1. Outstanding Wastewater Treatment Plant Award. Mayor Hunter shared that there hasn't been a spill in the eight years he has been Mayor, and the crew has worked through several disadvantages. He invited Wastewater Treatment Plant Supervisor, Darrell Winans, and his crew to come forward and accept the award for superior performance in 2012.

Mr. Winans recognized Nancy Nayer and Matt Quinlisk for being present to accept the award on behalf of the other crewmembers that couldn't be present. He praised his entire team for their hard work, and then thanked the Mayor and Council, Public Works Director Jeff Langhelm, Engineering Staff, and other departments for all their support in the team effort.

2. Pancreatic Cancer Awareness Month Proclamation – Todd Obermire. Mayor Hunter presented Mr. Obermire with the proclamation. Mr. Obermire explained that he is a Representative for Pancreatic Cancer Awareness in Puget Sound and Project Manager for Rush Construction. He shared the statistics for pancreatic cancer, and invited everyone to wear purple ribbons during November to raise awareness.

3. Chapel Hill Presbyterian Church Day Proclamation – Pastor Mark Toone. Mayor Hunter presented Pastor Toone with this proclamation recognizing the 50 year

celebration of founding of Chapel Hill Church in the harbor. Pastor Toone said that they are grateful for the leadership in this community that they are privileged to be a part of and they hope to continue to work together in the service to Gig Harbor.

OLD BUSINESS:

1. Third Reading of Ordinance 1273 – Updates to Public Works Standards. Public Works Director Jeff Langhelm gave an overview of the amended language for decision making authority on utility locations as a result of direction at the last meeting. He then addressed Councilmember Payne’s concerns on who would determine the threshold for a “substantial operational impact.” Mr. Langhelm explained that the determination is with the Engineering Department, and Peninsula Light would have the opportunity to appeal the decision.

MOTION: Move to adopt Ordinance No. 1273 – Updates to Public Works Standards.
Malich / Guernsey – unanimously approved.

NEW BUSINESS:

1. First Public Hearing / First Reading of Ordinance – 2014 Proposed Budget. Finance Director David Rodenbach gave an overview of the changes that had been made since the draft budget was presented to Council.

Councilmember Malich asked about adjusting the Hospital Benefit Zone budget, and said he wanted it on the record that he disapproves of the inclusion of the design and property acquisition for the Bujacich Drive Lift Station.

Councilmember Payne asked for clarification on the breakdown for the Harbor Hill Park Development, saying he would like to revisit this after the public hearing.

Mayor Hunter opened the public hearing at 5:53 p.m.

Charlotte Gerlof – 7712 73rd St. Ct. NW. Ms. Gerlof asked that Council add an allotment for more public notification of meetings so that the public can attend and participate. She said the city should send out a newsletter that lists meeting times and agendas. She also recommended adding money in the budget for more microphones in the council chambers.

No one else came forward to speak and the public hearing closed at 5:56 p.m.

Councilmember Young voiced appreciation for finding money for the sidewalks along Point Fosdick. He then asked for a line item to fund the trolley in 2014. After discussion, councilmembers agreed to add \$25,000 as a placeholder, with the understanding that the city would collect from other entities as they did this year.

Councilmember Payne asked if OPG funds are available, he would support Harbor Hill Park design in 2014. Councilmember Young recommended engaging the Gig Harbor Soccer Club in the field design. Councilmember Ekberg agreed to ask staff to research if there are funds left from OPG and add the design work back in 2014.

Councilmember Perrow asked if there was a mechanism to recoup design costs for Lift Station No. 17 on Bujacich, saying he thinks a latecomers agreement would be more appropriate than an LID, and recommended postponing it a year or making it contingent upon having a mechanism in place.

Jeff Langhelm clarified that this budget is only for the design phase and property acquisition for the lift station. He deferred to legal counsel to address the timing of a latecomers agreement.

City Attorney Angela Summerfield said that the city could enter into a latecomers agreement before construction of the lift station is completed, but it would be premature to do so for design cost alone. She talked about the advantage to postponing the latecomers to allow the term to last as long as possible.

Councilmember Payne acknowledged the request for more effective noticing to the public and that the website may not be the entire answer. He asked staff the frequency and cost for the city newsletter. It was determined that the city-wide newsletter was distributed quarterly and was eventually taken over by the newspaper due to staff time and printing/ mailing costs. The cost to send out the yearly utility notification is approximately \$3,000 but that covers only a portion of all citizens.

Councilmember Young suggested looking into an area on the city website organized by subject that people could add their name to a database for notification, either by e-mail or mail.

Councilmember Perrow asked how long the city has used the Gateway to place public notifications. City Clerk Towslee responded that the Gateway has always been the official city newspaper for hearings, classifieds, and special announcements. In more recent history the Gateway has also posted meeting dates and times to go along with the postings at the city library and the city website. Gig Harbor Life and Patch no longer post these meetings, she said.

This will return for a second public hearing and reading of the ordinance at the November 25th meeting.

2. Public Hearing and First Reading of Ordinance – 2013 Comprehensive Plan Amendment - Capital Facilities Element. Senior Planner Lindsay Sehmel introduced this ordinance to update the Six-Year Transportation Improvement Program project list in concurrency with the annual budget. Planning Director Jennifer Kester responded to council questions regarding outdated information in the tables by explaining that this

ordinance only looks at the expenditures side of the Comprehensive Plan and that the other corrections will occur with the comp plan updates planned for 2015.

Mayor Hunter opened the public hearing at 6:18 p.m. No one came forward to speak and the public hearing closed. This will return at the next meeting for a second reading.

3. Public Hearing and First Reading of Ordinance - Shoreline Master Program Update, Comprehensive Plan & Gig Harbor Municipal Code Titles 17 & 19. Senior Planning Peter Katich described the 5-1/2 year process to develop these updates and presented an overview of the proposed changes:

- New Shoreline Environmental Designations-(see Chapter 5, Section 5.2)
- 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)
- New required vegetation conservation areas adjacent to marine shorelines (see Chapter 6, Section 6.2.4)
- New restrictions on the use of “hard” armoring for shoreline stabilization proposals (see Chapter 7, Section 7.9)
- New regulations that allow the adaptive re-use of over water commercial fishing net sheds (see Chapter 7, Section 7.16)
- “Stand Alone” Shoreline Critical Area Regulations (see Chapter 6, Section 6.2.5)
- New nonconforming use and structure regulations (see Chapter 8, Section 8.11)

Mr. Katich noted that none of these requirements will occur retroactively, but are triggered by new or re-development of shoreline property. He explained that a comment was submitted by Guy Hoppen who took issue with the description of the local fishing fleet as “small.” He said it would be easy to strike this language to make the reference neutral if Council wants to consider the change.

Mr. Katich then explained the eight minor revisions required by the Department of Ecology; the additional revisions recommended by Ecology; the ten staff recommended revisions in response to public comments submitted to Ecology during its public comment period; and other staff proposed revisions and amendments to address aquaculture activities and to ensure consistency between the city’s comprehensive plan, development regulations, and the Shoreline Master Program. Amendments are also proposed to the Gig Harbor Municipal Code Titles 17 and 19 to ensure consistency between the master program and the Municipal Code with the most notable of the amendments proposed to address off-street parking for marinas in the WM District and gross floor area calculations for structures in the WR, WM and WC Districts.

Planning Director Jennifer Kester addressed Councilmember Young’s question regarding the inclusion of basements in the gross floor area calculation by saying it relates to underground floor area and wouldn’t affect building height; it would only allow someone to use that space.

Councilmember Malich asked who would interpret pedestrian access to beaches. Mr. Katich responded that there is a formal interpretation process that would include review by the Planning Director as the designated Shoreline Administrator, the Planning Staff, and the Department of Ecology. In some areas beach access is encouraged, he continued to explain, and in others it is not. He then said that a recessed stairway to the beach would be required as opposed to one that projects beyond the bulkhead.

Councilmember Malich then asked about provisions for transient moorage. Mr. Katich said that all types of moorage is permitted as a water dependent activity, and strongly promoted in both the Master Program and the Shoreline Management Act. In addition, mooring buoys and fuel docks have also been provided for in this plan; the biggest issue is being able to mitigate the impacts. He continued to explain that the jurisdiction for this plan extends 200 feet landward of the ordinary high water mark and there are tiers of activity: water dependent, over-water, or water enjoyment. The next tier are non-water oriented types of uses. He said that one of the strongest achievements of this plan, thanks to the Planning Commission, is the retention of the existing use theme for downtown. That was no small feat, he stressed.

Councilmember Malich asked for clarification on the water quality assessment, particularly lead levels in Donkey Creek. Mr. Katich explained that these facts were used to determine the appropriateness of aquaculture in the bay.

Councilmember Payne referenced the action taken by Council at the last meeting related to remove residential setbacks from the ordinance, and asked if there is anything in place to provide relief to waterfront residents that will have a larger setback from the ordinary high water mark. Mr. Katich responded that the property owner would either need to apply for a shoreline variance with the final decision residing with the Department of Ecology, or they could apply for a variance from the front yard setbacks. He added that it's well known that Gig Harbor has a very strict view on granting variances, but with the new conditions, perhaps the city will look at these variances in a different light.

Mayor Hunter opened the public hearing at 6:51 p.m.

Carl Halsan – (no address given). Mr. Halsan said that throughout this lengthy process, both he and Dennis Reynolds provided numerous comments on behalf of Stan and Judy Stearns, and Gig Harbor Marina, Incorporated. He said that based on what they have seen in the current version they are very encouraged, and he thanked Council and staff for all their hard work. He said that they would like to offer their support.

Charlotte Gerlof. Ms. Gerlof asked who is responsible for monitoring docking areas for transient and local boats that are refueling. She voiced her concern for spills.

Councilmember Guernsey said that there are no fuel facilities in the harbor, and this plan only allows for one in the future. Councilmembers Perrow and Payne stressed that the Department of Ecology has very strict regulations for fuel facilities and the insurance requirements are significant.

No one else came forward to speak and the public hearing closed at 6:54 p.m.

Councilmember Payne explained his concern that council didn't adopt a provision regarding setbacks for residential homes on the waterfront at the last meeting. He said he recognizes the issues voiced by Councilmember Kadzik with regard to the Finholm District and Harborview near the ferry landing, but he would have trouble moving forward with the updated Shoreline Master Program if there isn't some relief for Millville. He asked Councilmembers if they would agree to bring back Amendment D from the last meeting for the Millville zone only. He also encouraged the Planning Department and Planning Commission to move forward as quickly as possible on any relief that might be available for residential property owners outside the Millville area.

Councilmember Guernsey echoed these comments and stressed that it should be "Waterfront Millville," not just "Millville." She said that the variance process is not going to get any easier and if there is any relief that the city can grant, we should look at it. She agreed with the direction to staff to bring something back.

Councilmember Perrow also agreed. Councilmember Ekberg explained that he suggested this resolution at the last meeting for the same reason, and said he would also like to follow through on it.

Councilmember Malich objected to the amendment, adding that there are ways to solve the problem without changing the entire waterfront, adding that if an individual has a problem it can be addressed through the variance process. Why should we change the rules for the entire waterfront to accommodate one person who wants to build a house and can't do exactly what he wants, he asked. We should try to address this one case through the variance process.

Councilmember Payne clarified that he isn't suggesting the entire waterfront, and that there was a compelling presentation offered by Councilmember Kadzik for excluding those areas outside Millville. The issue is that some of the newer homes do not model what is already in the historic district, and for that reason this amendment should come back. However, he said he agrees that there needs to be deeper consideration for the other areas by the Planning Commission.

Planning Director Jennifer Kester asked if there was any direction on the comment received on the size of the commercial fishing fleet. She then said that she needs to address the process for a new ordinance and how it relates to the Shoreline Master Program update.

Councilmember Payne asked for clarification on the impact of a new ordinance on the SMP update. Ms. Kester explained that the Shoreline Master Program update ordinance could go to three readings, and if it isn't adopted by the third reading on December 9th, it has to come back for another public hearing and first reading. If an ordinance for Waterfront Millville residences is presented for first reading on November 25th, the noticing time frame is reduced to only five days. It can be done, she said, but it isn't the typical amount of time for noticing. The other option, she explained, is to go ahead and adopt the Shoreline Master Program knowing that we are moving forward with the new ordinance.

Councilmember Ekberg said he would prefer to have the Shoreline Master Program move forward as scheduled and run the other process separately. Councilmember Payne agreed, and told Ms. Kester that there is no need to rush into it, adding that he just wanted to ensure that there is something moving forward for Waterfront Millville. Ms. Kester said that the Planning Commission Work Program could be scheduled for Council review on December 9th along with a first reading of the proposed ordinance.

Councilmember Malich asked if this is part of the shoreline comment period. Councilmember Payne responded that it ties in directly.

Councilmember Perrow commented that you get "pinched" on both sides by Government, who just keeps taking and doesn't leave you the space to do what you bought the property for. Councilmember Malich responded that Waterfront Millville has extremely long lots, 300 feet long he said, and he doesn't know what the worry is about; you could build two houses on these lots. Councilmember Perrow responded that it wouldn't be historic.

Councilmember Payne continued to address the comment by Guy Hoppen. He said he is convinced that the commercial fishing industry is growing and so removing any language that indicates the fleet is small would be appropriate. Other Councilmembers agreed.

Councilmember Malich asked to clarify the sale of processed or semi-processed commercial fish products and whether you could sell fish off your boat, have a fish market, or a cannery. Mr. Katich explained that these uses are regulated by the city's zoning code and any health code issues would be regulated by the county. He further explained that raising herring would be considered aquaculture; but herring pens are

different. Councilmember Young clarified that the SMP doesn't restrict the use; it only says that the zoning code controls.

Planning Director Kester clarified the process: the Shoreline Master Program will return for a second reading on the 25th with the change in response to the comments by Guy Hoppen; and the Planning Staff will move on a new ordinance for Waterfront Millville only for changes to front yard setback and point of measurement for height consistent with Amendment 'D' from the last ordinance.

Councilmember Young asked if it would make sense to remove the reference to height because the issue is the setback "squeeze." Ms. Kester responded that her estimate that the height change in that area would be 0 – 2 feet.

Councilmember Ekberg said there has been a recommendation from the Planning Commission and that is what should come back. If council wishes to narrow the ordinance further, it should be done after public hearing rather than trying to recraft the ordinance here. Councilmember Payne agreed. Councilmember Young added that he is interested in the impacts of addressing the "house in a hole."

Councilmember Payne reiterated that this doesn't need to come back immediately; the first meeting in January is fine if there are timing concerns, and this doesn't need to be rushed. Ms. Kester said that December 9th would meet the noticing requirements, but she would work with the City Administrator if the first meeting in January is more appropriate.

STAFF REPORT: None

PUBLIC COMMENT:

Charlotte Gerlof (no address given). Ms. Gerlof reiterated her comments about the meeting notification, saying she is pleased that the City Council is taking the issue seriously. She suggested that we don't just look at the internet, because everyone isn't on the internet. She recommended a mailing that contains the agendas and is sent to all Gig Harbor zip codes if possible.

Councilmember Young responded that it would be extremely cost prohibitive; the Peninsula is 50,000 people compared to the city's 7,000 residents. In addition the city is prohibited from spending taxpayer dollars outside our area.

Councilmember Perrow asked for her suggestions on how to be creative, because with the decline of newspapers, people who don't subscribe won't get the information. State law prescribes that we have to have an official newspaper, he said, and so that will continue, but said that people have to reach out themselves. He explained that during

the past six years he has served either on the Parks Commission or Council, staff has discussed how to reach the most people. He asked if Ms. Gerlof receives a city water or city utility bill. She responded that she does. He continued to say there is a memo box where the city posts messages. She then said that she doesn't look at it because she is looking at her city water bill, or looking her electric bill; she isn't interested in the little inserts. Councilmember Perrow then said he doesn't know how else to help her.

Ms. Gerlof asked for additional time to speak. She told Councilmember Perrow that there is nothing to get all upset about, adding that she respects his opinion, but doesn't think it's encompassing or everyone's opinion on the council. She said she is looking for a solution to reach as many citizens as possible and wants the city to facilitate that in the best manner. She stressed that it will take money, and then addressed Councilmember Young by saying that the trolley car is a total loss in revenue every time it runs, but it serves a purpose. This serves a purpose too, she concluded.

MAYOR'S REPORT / COUNCIL COMMENTS:

Mayor Hunter congratulated Peter Katich on getting the Shoreline Management Plan completed.

Councilmember Young reported that the Puget Sound Regional Council had a big win when the county restored the old rules for establishing the UGA boundaries and several cities realize their UGAs are too big. His second report was on a transportation package with a focus here on Harbor Hill Drive Extension and possible toll relief. He said that because of the HBZ funding the legislators will be less likely to concede to our request for Harbor Hill, but there may be a chance for the toll relief, but only if we advocate for that. He said that there are two ways to approach the issue: One, to redirect sales tax from public works construction projects back to the transportation fund; to get the sales tax from the Narrows Bridge project redirected back to pay down our tolls rather than paying off other projects. The second is to direct appropriation from the transportation account. Every other big project is receiving a direct subsidy from this account; no one else is paying 100% of their project with tolls. He said that the current bill directs even more money to King County projects so that they don't have to increase tolls, and the recommendation on the tunnel is \$1 toll because of the diversion issues. They predict 50-60,000 more cars will divert to I-5 to avoid the toll creating another transportation nightmare. He said that PCRC has been asked for a regional toll analysis to determine equity and different ways to toll. Tolling isn't the best way to do it, but rather to form some sort of LID, he said. The legislature is poised to send that money to King County unless someone else is going to ask; so he thinks we need to ask for Narrows Bridge toll relief or tell them we don't support the bill. Senator Schlicher will be in office until November 26th, he stressed, so we still have three votes but only have a narrow window

in which to do anything. He said he would like the city to give the State Lobbyist direction on our strategy.

Councilmember Payne responded that the Intergovernmental Affairs Committee will consider this, adding that there is merit to this recommendation. Councilmember Perrow said that circumstances have changed since we moved away from the Harbor Hill and frontage road choices. Councilmember Young said we need to make it clear that the Frontage Road isn't a priority.

Councilmember Perrow reported on his ride-along with Officer Chet Dennis, saying he learned a lot about the department and the city in general. He voiced appreciation for their efforts to educate the public. He then shared his concern with the vaping shops in town, which he described as selling unregulated, fruit-flavored liquid nicotine that is vaporized and inhaled as an alternative to cigarettes. He said that he looked into it a and thinks we need to keep our eyes and ears open with the loosening of the marijuana laws, because the devices could also be used to deliver other drugs.

ANNOUNCEMENT OF OTHER MEETINGS:

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

ADJOURN:

MOTION: Move to adjourn at 7:30 p.m.
Guernsey / Ekberg – unanimously approved.

CD recorder utilized: Tracks 1002 – 1024

Charles L. Hunter, Mayor

Molly Towslee, City Clerk



NOTICE OF LIQUOR LICENSE APPLICATION

Consent Agenda - 2a

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

TO: MOLLY TOWSLEE, CITY CLERK
RE: NEW APPLICATION

DATE: 11/12/13

CORRECTED

UBI: 603-325-755-001-0001

License: 411943 - 1U County: 27
Tradename: TASTE OF PERU
Loc Addr: 5500 OLYMPIC DR NW STE D101
GIG HARBOR WA 98335-1488

Mail Addr: 4001 55TH STREET CT NW
GIG HARBOR WA 98335-1488

Phone No.: 253-509-4124 BIANYELY VASQUEZ

APPLICANTS:
TASTE OF PERU, LLC
MERRIWETHER, JENNIFER LEE
1982-07-27
VASQUEZ, BETTY ANGELICA
1958-04-07
VASQUEZ, BIANYELY
1983-11-17
VASQUEZ, RUBY LENCY
1957-08-25

Privileges Applied For:
DIRECT SHIPMENT RECEIVER-IN WA ONLY
BEER/WINE REST - BEER/WINE

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

- 1. Do you approve of applicant ?
2. Do you approve of location ?
3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken?
4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based.

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

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 11/07/2013

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
(BY ZIP CODE) FOR EXPIRATION DATE OF 20140228

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. HY-IU-HEE-HEE, INC.	HY-IU-HEE-HEE 4309 BURNHAM DR GIG HARBOR WA 98332 1062	367497	SPIRITS/BR/WN REST LOUNGE -
2. NETSHED, INC.	NETSHED NO. 9 3313 HARBORVIEW DR SUITE 101 GIG HARBOR WA 98332 2126	085944	BEER/WINE REST - BEER/WINE BEER/WINE REST - BEER/WINE
3. GT ENDEAVORS, INC.	KELLY'S CAFE AND ESPRESSO 7806 PIONEER WAY GIG HARBOR WA 98335 1133	400599	BEER/WINE REST - BEER/WINE OFF PREMISES
4. HALFTIME SPORTS, LLC	HALF TIME SPORTS 5114 PT FOSDICK DR NW # J&K GIG HARBOR WA 98335 1717	073240	SPIRITS/BR/WN REST LOUNGE - KEGS TO GO



GIG HARBOR CITY COUNCIL BUDGET WORKSESSION MINUTES

DATE: October 21, 2013
TIME: 5:30 p.m.
LOCATION: Community Rooms A & B
SCRIBE: Molly Towslee, City Clerk
MEMBERS PRESENT: Mayor Hunter, Councilmembers Ekberg, Guernsey, Perrow, Malich, Payne, and Kadzik.
STAFF PRESENT: Barb Tilotta, Karen Scott, David Rodenbach, Kay Johnson, Stacy Colberg, Mary Ann McCool, Jennifer Kester, Paul Rice, Denny Richards, Chief Davis, and Molly Towslee.

INTRODUCTION

Mayor Hunter opened the meeting and called roll. City Administrator Denny Richards thanks staff for their hard work on the budget, characterizing it as a sustainable document. He turned the meeting over to Finance Director, David Rodenbach to begin the overview. Mr. Rodenbach didn't discuss all objectives, but hit the highlights of notable items.

REVENUES SUMMARY

Economic Assumptions for the General Fund:

- Assessed valuation up 4% over 2013
- Asking for 1% levy but the tax rate will decrease due to two large refunds
- REET Tax up 63% of 2013
- 2% increase in taxes expected in 2014
- Development permit revenues down \$100,000 from same time last year. Estimate 75% for 2013 year end; budget amended to \$687,000
- Hook-up fees: Sewer and Storm - 100%; Water – 70%

DISCUSSION / RECOMMENDATION

1. Decline in property taxes even though we have a 1% increase is due to the two large refunds.
2. Why permits down \$100,000? Permit tracking software doesn't reconcile with financial software. Discussion led to determination that; some reporting/BARS number difference. Springbrook verses Interlocking software. This will need to be addressed.

SALARY RANGE ADJUSTMENTS / STAFFING REQUESTS

- 1.2% COLA based on Guild Contracts

- 2% Range increase for the Police Dept. Sergeant and Police Officer per contract.
- Salary ranges adjusted based upon 2.5% salary survey criterion: Administrative Assistant – 8.1%; Senior Accountant – 7.9%.
- Three new positions requested:
 - Planning / Building Clerk
 - Construction Inspector
 - Maintenance Tech

DISCUSSION / RECOMMENDATION

1. Overtime being paid (yes) and whether it makes sense to add another position. Overtime doesn't always justify a new position and is being closely monitored. The new Maintenance Tech will allow expansion of services.

GENERAL FUND

NON-DEPARTMENTAL

- Insurance coverage 2014 - 10% increase.
- Operating Transfers – 1.4 million to Street Operations; \$400,000 to Street Capital; \$753,000 to LTGO Bond Debt Service; \$135,000 to Park Development; \$80,000 and \$50,000 to Strategic Reserve and Equipment Reserve funds.
- Interfund Loan Repayment – 2nd of five installments
- Employee medical benefits – 0% increase in 2014

DISCUSSION / RECOMMENDATION

1. Liability insurance increase coverage based upon rate increase, the addition of pier and other infrastructure and equipment, and a 3-year loss history; it should go down next year.

COURT

Court Administrator Stacy Colberg explained that this budget maintains what's already in place. She highlighted:

- Maintain status quo
- Emphasis on Community Outreach
- Save on forms and processes
- Continue GAP program – very successful
- Would like to add Law Day to involve Peninsula School District
- Court Security

DISCUSSION / RECOMMENDATION

1. Address security concerns by hiring off-duty officers. Increase cost to \$22,000.

ADMINISTRATION / FINANCE

City Administrator Denny Richards report the Human Resources Analyst was a good hire and has been very busy. David Rodenbach continued with Marketing.

- Marketing Department Support from Administration increased to 50%
- Nothing significant in Finance

DISCUSSION / RECOMMENDATION

1. Mainstreet Program language on page 59 – 60 is outdated.
2. Carry over on Lobbyist Language on page 59 – 60.
3. Water & Power to Jerisich Dock. It's in Goals but not Objectives for Public Works due to lack of funding. Will be discussed tomorrow night.
4. Router replacement is only Capital Outlay for IT – which is part of Administration. Cost spread throughout all funds.
5. Need way to get city to set employees up for large file transfers. Cloud, Drop-Box, etc.
6. Equipment rental / revolving fund on radar but not planned until later.

POLICE

- Less than status quo – reduction
- Capital Outlay – two desktop computers
- Replace two vehicles

DISCUSSION / RECOMMENDATION

1. Vehicle replacement – 100,000 miles is the BMP standard for replacement. Take home cars last longer.
2. Overtime – 2013 department was down two officers; lots of backfill.
3. Upgrade Tazers – life span is 5 years.
4. MVET means motor vehicle excise tax.
5. Domestic Violence Protection Grants – Court and PD both look for opportunities. Might help with security.

PLANNING

Planning Director Jennifer Kester said there is lots of activity coming and gave an overview of long-range and current projects. New long-range planner Lindsey Sehmel has been able to accomplish quite a bit.

- Gearing up for Comprehensive Plant Updates: \$190,000 but receiving grants for \$18,000 leaving \$7,000 for net cost to Planning
 - State mandated changes to Comp Plan by 2015
 - VISION 2040
 - County-wide Planning Policies

- Number of permits going down but they are more complicated
- Planning & Building proposing a new Clerk position due to work load increase
 - Split between departments
 - Salary range at Administrative Receptionist level
 - Allows reorganization and coverage solutions
 - Frees up staff for code enforcement and file management

DISCUSSION / RECOMMENDATION

1. Staff adjustment memo helpful for understanding need.
2. Develop more Client Assistance memos.
3. Code enforcement important element but a robust program would require additional staff.
4. Would help prevent going over 120 day permit deadline.
5. Very difficult to track permit valuation.
6. Would like to see a breakdown of the types of permits.

BUILDING / FIRE SAFETY / EMERGENCY MANAGEMENT

Building / Fire Safety Director Paul Rice inspections are staying consistent; 2012 largest year ever and we are tracking about the same. He thanked Council for approving the additional inspector position. He presented the highlights:

- Replacement vehicle
 - (approved in 2008 Budget, but cut in recession)
 - \$25,000 is a placeholder until state bid in place.
- Secure a sustainable electronic document program
- Overtime: included in budget but it's a pass-through cost

DISCUSSION / RECOMMENDATION

1. Type of vehicle to replace Cherokee. Waiting for state bid to determine what's available.

City Administrator Denny Richards discussed the letter from the Employee Guild asking Council to reconsider the incentive, bonus salary increase program. Councilmember said that this is a bargaining issue that should wait until the next contract renewal. He mentioned Pierce Transit adopted an incentive program to reward efficiencies with small cash bonuses. This program was always well over the market of what other cities have done. Something smaller might be appropriate. Councilmember Ekberg agreed.

MARKETING

Marketing Director Karen Scott presented an overview.

- Continue to work with strategic plan
- Numbers consistent
- Recovery in 2013 up 15% on average
- Travel and trade show opportunities unique to region
- Reestablishing relationship with Kitsap Tourism and Convention Bureau
- Video production – ties in well with U.S. Open
- Website upgrades in conjunction with city site

DISCUSSION / RECOMMENDATION

1. Glad to see you are working with Kitsap again.
2. Costs to run website.
3. Any plans for more webcams? Possibly link to others. Maintenance costly.
4. 50% allocated to Administration. Where will recovery dollars go? Marketing End Balance. Targeted advertising.

There were no further comments; the worksession adjourned at 7:14 p.m.



BOYS & GIRLS CLUBS
OF SOUTH PUGET SOUND

Boys & Girls Clubs of South Puget Sound
3875 South 66th Street
Tacoma, WA 98409-2471

November 15th, 2013

Ms. Molly Towslee
City Clerk, City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear Ms. Molly Towslee,

Thank you for the City's support of our Jim & Carolyn Milgard Family HOPE Center which is located in Gig Harbor, WA. This report for the Boys & Girls Clubs of South Puget Sound's Jim & Carolyn Milgard Family HOPE Center reflects overall activity on the project, including youth and recreation programs for Gig Harbor citizens and use of space in the community center for Gig Harbor seniors.

Please accept this letter as our program report for City of Gig Harbor funding for periods 2011 and 2012. Below are total counts of our program sessions, by year, in each area specified in the Agreement.

2011

Education Enhancement: 215

Health & Lifestyles: 98

The Arts: 182

Sports, Fitness and Recreation: 200

2012

Education Enhancement: 230

Health & Lifestyles: 105

The Arts: 195

Sports, Fitness and Recreation: 240

Attached you will find the list of unduplicated Gig Harbor residents served in the years 2011 and 2012. As well as, daily schedules of activities for both the school year and summer programs.

Thank you for supporting our efforts to provide a safe and positive place for youth and families in the Gig Harbor community. If you have any questions or need additional information, please contact me at 253-502-4671 or via email at stokken@bgcsp.org.

Sincerely,

Natalie Stokke

Area Branch Director

Gig Harbor and South Kitsap Branches

Boys & Girls Clubs of South Puget Sound

8502 Skansie Ave. Gig Harbor, WA 98332

T: [253.502.4670](tel:253.502.4670)/[360.830.6153](tel:360.830.6153) stokken@bgcsp.org | <http://BGCSPS.ORG>

Attachments (1)

**Boys & Girls Clubs
of South Puget Sound**
3875 South 66th Street
Tacoma, WA 98409
Tel (253) 502-4600
Fax (253) 572-8449
BGCSPS.ORG

Al Davies Branch
1620 South 17th Street
Tacoma, WA 98405
Tel (253) 502-4631

Bremerton Branch
900 Olympic Avenue
Bremerton, WA 98312
Tel (360) 362-1854

Cheney Family Branch
Jim and Carolyn Milgard
Family HOPE Center
8502 Skansie Avenue
Gig Harbor, WA 98332
Tel (253) 502-4670

D.A. Gonyea Branch
5136 North 26th Street
Tacoma, WA 98407
Tel (253) 502-4640

Henry T. Schatz Branch
Donald G. Topping
Regional HOPE Center
3875 South 66th Street
Tacoma, WA 98409
Tel (253) 502-4650

Lakewood Branch
Gary and Carol Milgard
Family HOPE Center
10402 Kline Street SW
Lakewood, WA 98499
Tel (253) 502-4660

North Mason Branch
75 E. Campus Drive
Belfair, WA 98528
Tel (360) 362-1855

South Kitsap Branch
500 SW Birch Road
Port Orchard, WA 98367
Tel (360) 443-3441

**South Pierce County
Branch**
21818 38th Avenue East
Spanaway, WA 98387
Tel (253) 693-8111

**CITY OF GIG HARBOR
COMMITTEE OUTLINE MINUTES**

Parks Commission

Date: October 2, 2013 Time: 5:30 p.m. Location: Community Rooms A/B Scribe: Terri Reed

Commission Members and Staff Present: Commissioners Rahna Lovrovich (Chair), Nick Tarabochia, Stephanie Payne, Kyle Rohrbaugh and John Skansi; Staff Members: Public Works Director Jeff Langhelm, Public Works Superintendent Marco Malich and Community Development Assistant Terri Reed.

Others Present: _____

Topic / Agenda Item	Main Points Discussed	Recommendation/Action Follow-up (if needed)
APPROVAL OF MINUTES:	Approval of September 4, 2013 Meeting Minutes	MOTION: Move to approve September 4, 2013 minutes as presented. Rohrbaugh / Payne – unanimously approved
OLD BUSINESS: Ancich Waterfront Park - Visioning	Public Works Director Langhelm reviewed the draft Parks Commission recommendation memo and asked if there was any need for modifications or discussion and verified concurrence with the Parks Commission. The Parks Commission thanked Lindsey Sehmel for all her work on this process.	MOTION: Move to make the recommendation, as provided, to City Council unless there are changes after the Open House. Lovrovich / Rohrbaugh – unanimously approved Open House: Nov. 6 th , 4-5:30pm
Private Structures in Public Parks	Proposed revisions to the policy were reviewed. The policy has been revised to cover "Structures for Use by Organizations in Public Parks". References to private structures and ad hoc structures were removed from the previous draft. On September 30, 2013, City Council authorized permitting for the Kayak Club to locate their storage racks at Skansie Brothers Park, either on the pier deck or on the far south side of the property. A Use Agreement will be drafted to cover the terms of the	Commission Chair Lovrovich asked to start a sub-committee to include herself, Jeff Langhelm, Kyle Rohrbaugh and a City Planner to work on a general policy for park use.

Gig Harbor Downtown Waterfront Alliance
A Main Street™ Organization



Progress Report
April July 1, 2013 - September 30, 2013

COMMITTEE UPDATES

Economic Development Committee

Ongoing Committee projects include:

- Business database & economic review – *trade area analysis for marketing & economic potential*
- Parking supply & demand – *study & recommendations*
- Assist Existing & Prospective Business– *Available properties, resource library, new business packet*
- Encourage Downtown Infrastructure -*Maritime facilities and fuel dock (economic impact of boating), Downtown access*

Design Committee

Connie's Clock Project

Working together with the City of Gig Harbor and the Gig Harbor Morning Rotary Club, the Connie's Clock Project is to come to fruition in October 2013, with a dedication on Tuesday, October 15.

Map Reprint

A second run of 1,000 of our new waterfront maps was printed during 3rd quarter 2013. Due to heavy use during the summer, a 3rd run will be printed 4th quarter.

Storefront Studio Project

Summer Storefront Studio Project: The book that was published as a result of this summer quarter UW project summarizes the students ideas for the future of the Gig Harbor Downtown Waterfront. The work was a cooperative effort of the Downtown Waterfront Alliance and the University Of Washington School Of Architecture during the summer of 2013. The study builds on the City's 2012 downtown visioning project, our January 2013 community image and branding review, and our May 2013 Downtown

retail market study. It presents ideas and concepts for properties and other physical aspects of downtown. The Downtown Waterfront Alliance has been involved in all of these 2012-13 study efforts to support its mission: "To encourage economic vibrancy consistent with maintaining the character of the downtown waterfront community." The Alliance is particularly pleased with the work of Professor Nichols and the ten students who were involved. They listened to well over 100 persons in the community. They captured the character of the community, the issues dividing some parts of the community, and the need to create "balance" to further develop our waterfront while maintaining its character. They also recognized the need to provide for the needs of our youth and the next generation, as well as the importance of preserving our history. They emphasized the need for selective mixed use buildings to allow for increased downtown residential density. They suggested the value of turning buildings perpendicular to the water (like the net sheds) and the maintenance of view corridors between them. Professor Nichols said, "the beauty of 'missing teeth' is that it provides a view of the harbor that is more important than building height". They emphasized the desire for and importance of a smaller, walkable pleasant experience for visitors to downtown. Added public spaces can be created by allowing for "density transfer" where the public and developers both get what they need to be successful. The Alliance is appreciative of the help this study provides to encourage both economic vibrancy and the preservation and development of our community for all of our citizens.

Summer Flower Basket Program

Seventy-five flower baskets were purchased by the Alliance
Coordinated location, hanging and removal with the City of Gig Harbor's Public Works Department (special thanks to Dan Lilly and his crew)
Corporate Sponsors: Columbia Bank (\$1,000) and Wilco (\$500).
Individual Sponsorships: \$1200 (24 baskets)
Volunteers: 28 regular crew members; 3 substitutes
July Watering Hours: 141.5 hours with a value of \$3,182.34*
August Watering Hours: 160.5 hours with a value of \$3,609.65*
September Watering Hours: 9.5 hours with a value of \$213.65

**Volunteer hourly value based on data obtained from The Independent Sector website (http://www.independentsector.org/volunteer_time/), which lists the 2012 hourly volunteer rate at \$22.49. Reference provided by the Washington State Main Street Office.*

Promotions Committee

Chalk the Harbor

This July 20th event (held in conjunction with the Peninsula Art League's Summer Arts Festival) was a great event for the waterfront. We procured two sponsors this year: Puget Sound Energy (\$1,000) was the print and media sponsor, and Peninsula Light (\$300) was the chalk sponsor. Five volunteers helped the day of the event with 5 hours each (5 X 5 = 25 hours X 22.49 = \$562.25), and we had one volunteer provide 8 hours of assistance preparing supplies for the day of the event (8 hours X 22.49 = \$179.92) Additional volunteer hours were spent passing out promotional chalk and materials at the summer concerts. There were over 150 participating "artists."

Other promotional events we worked on during 3rd quarter 2013 include Girls Night Out (Nov. 14), Trick or Treat in the Harbor (Oct 31), and Hark the Harbor (Dec. 13-15). A Girls Night Out Committee has been working diligently, creating an exciting event with over 40 participating businesses. We estimate 500+ women will be shopping and dining in the downtown waterfront district.

Organization Committee

Community Branding Process

Continued use and promotion of the new brand and name for the Waterfront Alliance. A copy of the Retail Market Analysis is attached, along with a copy of the Executive Summary prepared by the Downtown Waterfront Alliance. We will be utilizing this report and its recommendations to help us set our 2014 goals and work plan.

Communications

The Downtown Waterfront Alliance has launched our new website! It is full of information about the downtown waterfront: lists and links to waterfront businesses, donor & B&O Tax Credit information, a new Resources section with available properties, starting a business information and helpful links, an events calendar for waterfront happenings, photos, links to our partners, and more! This new site is designed with a content management tool and will be maintained by Alliance staff, allowing us to keep the site current. The site can be viewed at www.gigharborwaterfront.org.

The Alliance is grateful for the time spent with the Mayor and Council at the September 23 City Council Work Study Session. We are proud of the work we have accomplished and were glad to have had an opportunity to share it with them first-hand.

The Downtown Waterfront Alliance financially partnered with the Gig Harbor Chamber of Commerce and the City of Gig Harbor to produce a Gig Harbor chapter in the Puget Sound "**Dreamspeaker**" **Boating Guide**. It was published in September, and we also co-hosted a book signing with the authors at the Tides Tavern

Regular Communications:

GHHWA monthly newsletter is distributed monthly via Constant Contact.

Email Blasts are sent as needed to inform the readership of upcoming district activities.

Weekly e-mails re: the Donkey Creek Restoration Project and Rosedale construction project were forwarded to downtown businesses

Downtown waterfront road closure notifications were forwarded to downtown businesses

GHHWA distributes the monthly Art Walk newsletter, promoting the Gig Harbor Gallery Association monthly event (First Saturday Art Walk).

Facebook, Twitter and Pinterest updates are posted on a regular basis.

Finances

Third quarter memberships (individual, business, property owner) received equal \$1,070 for a total of \$5,492 year-to-date (9/30/2013).

The Organization Committee set the promotion of the Main Street B&O Tax Credit Program as a high priority for 3rd and 4th quarter 2013. This program provides the main source of income for our budget. The goal is to raise \$100,000 through this vehicle.

See attached for further financial information.

Summer Trolley Community Investment Team

The Summer Trolley project was a great success and a huge asset to the downtown waterfront. At the final meeting of the Community Investment Team (Pierce Transit, City of Gig Harbor, Downtown Waterfront Alliance, Chamber of Commerce and Uptown) the following results were shared: 28,514 passengers rode the trolley. 94% of the passengers were satisfied or extremely satisfied with the trolley. 91% were likely to recommend the trolley. The purpose of trips include shopping & errands (21%), restaurants (16%), and reaching recreation (12%). A follow-up merchants survey revealed that 55% think the trolley increased the number of their customers, 66% think the trolley positively impacted tourism at their business, 52% think the trolley positively impacted their business's revenue, 86% think the trolley added benefit to the community, and 85% rated their satisfaction with the trolley an 8 or higher. The results surpassed Pierce Transit's goals. Along with the other members of the CIT, the Alliance signed a letter to the Pierce Transit Board recommending the summer trolley be added to their operations budget.

Training and Meetings

Trainings/Meetings attended by GHHWA staff, Board of Directors and Committees in 2nd quarter 2013:

July 23-25, 2013 Main Street Managers Conference, Ellensburg, WA

Meetings and training provided by GHHWA during 1st quarter 2013 for the Waterfront District include:

July 17, 2013 Monthly Waterfront District Roundtable Meeting
September 18, 2013 Monthly Waterfront District Roundtable Meeting



Business of the City Council
City of Gig Harbor, WA

Subject: Filling Council Vacancies

Proposed Council Action: Adopt the Council Vacancies Policy

Dept. Origin: Administration

Prepared by: Molly Towslee *MT*

For Agenda of: November 25, 2013

Exhibits: Council Vacancy Policy

Initial & Date

Concurred by Mayor: *11/14/2013*

Approved by City Administrator: *11/13/13*

Approved as to form by City Atty: *11/13/13*

Approved by Finance Director:

Approved by Department Head:

Expenditure	Amount	Appropriation	
Required	Budgeted	Required	N/A

INFORMATION / BACKGROUND

Gig Harbor Municipal Code 2.12.080 adopts state law for the vacancy of an unexpired council seat, but it doesn't incorporate specific procedures.


The purpose of this policy is to provide guidance the City Council when a Gig Harbor Council Member position becomes vacant before the expiration of the official's elected term of office, and an application process. Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, to serve the remainder of the unexpired term.

FISCAL CONSIDERATION

BOARD OR COMMITTEE RECOMMENDATION

RECOMMENDATION / MOTION

Move to: Adopt the Council Vacancy Policy as presented.

	CITY OF GIG HARBOR – POLICIES AND PROCEDURES	
	TITLE: Filling Council Vacancies	
POLICY MANUAL SECTION & NO. A-13-01	EFFECTIVE DATE: 11/26/13 REVISED DATE:	APPROVED:

PURPOSE

The purpose of this section is to provide guidance to the City Council when a Gig Harbor councilmember position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, to serve the remainder of the unexpired term.

POLICY

Gig Harbor Municipal Code 2.12.080 Election of councilmembers – Vacancy. Seven councilmembers shall be elected for terms of four years each, with three such councilmembers being elected at one biennial election and four councilmembers being elected at the subsequent biennial election, and shall serve until his or her successor is elected, qualified and assumes office in accordance with RCW 29A.20.040. In the event of a vacancy in a councilmember office, the city council shall, by majority vote, choose and appoint a councilmember to fill said vacancy in the manner set forth in RCW 42.12.010 or other applicable state statute.

PROCEDURE

A. Appointment Process

1. A council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a councilmember. The councilmember who is vacating his or her position cannot participate in the appointment process.
2. The City Council shall direct staff to begin the councilmember appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.
3. The City Clerk's Office shall prepare and submit a display advertisement to the City's official newspaper, with courtesy copies to other local media outlets, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant (a) be a registered voter of the City of Gig Harbor, and (b) have a one (1) year residency in the City of Gig Harbor. This display advertisement shall be published once each week for two (2) consecutive weeks. This display advertisement shall contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, councilmember powers and duties, the deadline date and time for

submitting applications, interview and appointment schedules, and such other information that the City Council deems appropriate.

4. The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications will be available at the City of Gig Harbor offices and such other locations that the City Council deems appropriate. Copies of the display advertisement will be provided to current members of the City of Gig Harbor Commissions, committees, task forces and other City-sponsored citizen groups. Applications received by the deadline date and time will be copied and circulated, by the City Clerk's Office, to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.
5. The City Clerk's Office shall publish public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting.
6. The City Clerk's Office shall notify applicants of the location, date and time of City Council interviews.
7. Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each councilmember.

B. Interview Meeting

Each interview of an applicant/candidate shall be no more than 30 minutes in length as follows:

1. The applicant shall present his or her credentials to the City Council. (5 minutes)
2. The City Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions, and will have 2 minutes to answer each question. (14 minutes)
3. An informal question and answer period in which councilmembers may ask and receive answers to miscellaneous questions. (10 minutes)
4. The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.
5. The Council may reduce the 30-minute interview time if the number of applicants exceeds six (6) candidates, or alternatively, the Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

C. Voting

Upon completion of the interviews, councilmembers may convene into Executive Session to discuss the qualifications of the applicants. However, all interviews,

deliberations, nominations and votes taken by the Council shall be in open public session.

1. The Mayor shall ask for nominations from the councilmembers for the purpose of creating a group of candidates to consider. No second is needed.
2. Nominations are closed by a motion, second and majority vote of the Council.
3. Councilmembers may deliberate on such matters as criteria for selection and the nominated group of candidates.
4. The Mayor shall poll councilmembers to ascertain that councilmembers are prepared to vote.
5. The City Clerk shall pass out polling slips and instruct each Councilmember to write their name on the top of the slip, and the name of their preferred candidate on the bottom. The Clerk will then collect all slips and read the results into the record. If no applicant receives four or more votes, then a second written poll is conducted, but with the nominee who received the fewest votes on the first vote removed from consideration.
6. Voting will continue until a nominee receives a majority vote of the remaining councilmembers.
7. At anytime during the election process, the City Council may postpone elections until a date certain or regular meeting if a majority vote has not been received.
8. Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.
9. The Mayor shall declare the nominee receiving the majority vote as the new councilmember and shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled City Council meeting.
10. If the City Council does not appoint a qualified person to fill the vacancy within 90 days of the declared vacancy, the Revised Code of Washington delegates appointment powers to Pierce County.

REFERENCES

- RCW 42.30.110(H) – Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective office.
- RCW 42.30.060 – Prohibition on Secret Ballots.
- RCW 42.12 – Vacant Position.
- RCW 35A.13.020 – Vacancies – Filling of Vacancies in Mayor/Council Form of Government.

EXHIBITS

1. Advertisement / Press Release
2. Application

Exhibit 1

CITY OF GIG HARBOR
NEWS RELEASE

Date:

For Immediate Release
GIG HARBOR SEEKS TO FILL VACANT COUNCIL POSITION

The Gig Harbor city council is accepting applications and letters of interest for a council vacancy created by the resignation of (name) on (date). Applications for appointment to City Council Position (#) will be available on (date) at City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 on the city's website at www.cityofgigharbor.net, or by calling 253-851-8136. Completed applications must be submitted to the city clerk no later than (time) on (date).

All applicants must complete an application and submit a letter of interest to be considered for a vacant position. Interviews with interested applicants are tentatively scheduled for the city council meeting on (date). If a selection is made, the appointment to office would be effective at the next regular meeting on (date).

An eligible applicant must be a registered voter in Gig Harbor at the time of application and have resided within Gig Harbor city limits for at least one year. The replacement will serve until the position is filled by the election in November (year).

The city council meets regularly on the second and fourth Mondays of the month. City council members often have committee meetings and other time obligations in addition to the city council meetings. Gig Harbor council members typically spend 10-15 hours weekly fulfilling the duties of office.

To request additional information, please contact (name), City Clerk, at 253-853-7613 or by email at [\(name\)@cityofgigharbor.net](mailto:(name)@cityofgigharbor.net). -END--

Exhibit 2



APPLICATION FOR CITY COUNCIL VACANCY

NAME: _____ DATE: _____

ADDRESS: _____ HOME PHONE: _____

CITY/ZIP: _____ WORK PHONE: _____

EMAIL ADDRESS: _____

ARE YOU A CITY RESIDENT? ___ YES ___ NO HOW LONG? _____

(NOTE: A city resident resides within the City limits of the City of Gig Harbor)

REGISTERED VOTER? ___ YES ___ NO

NAME/ADDRESS OF EMPLOYER: _____

OCCUPATION: _____

EDUCATIONAL BACKGROUND (including year graduated and Degrees): _____

PROFESSIONAL EXPERIENCE: _____

ORGANIZED AFFILIATIONS: _____

WHY ARE YOU SEEKING APPOINTMENT? _____

GENERAL REMARKS: _____

Deadline:

Please return completed application along with letter of interest to:

City of Gig Harbor
Attn: City Clerk
3510 Grandview Street
Gig Harbor, WA 98335-1214
(253) 851-8136

Applicant Signature



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

Subject: Stormwater Capacity Grant Agreement between Washington State Department of Ecology and City of Gig Harbor.

Proposed Council Action: Authorize the Mayor to execute the FY 2014 Phase II Stormwater Capacity Grant Agreement between the State of Washington Department of Ecology and the City of Gig Harbor in the amount of \$170,000.

Dept. Origin: Public Works/Engineering

Prepared by: Wayne Matthews *WM*
Engineering Technician

For Agenda of: November 25, 2013

Exhibits: Dept. of Ecology Capacity Grant Letter to Mayor and a Stormwater Capacity Grant Agreement

Initial & Date

Concurred by Mayor: *CLH 11/20/13*

Approved by City Administrator: *R 11-19-13*

Approved as to form by City Atty: *via email 11/18/13*

Approved by Finance Director: *DP 11/19/13*

Approved by Public Works Dir.: *SPD 11/18/13*

Approved by Department Head: *11/19/13*

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

This Stormwater Capacity Grant Agreement between City of Gig Harbor and State of Washington Department of Ecology provides \$50,000 no-match funding for equipment, staff training, public education and outreach activities, efforts to control construction runoff, pollution prevention and maintenance activities, annual reporting, and stormwater monitoring plan development among other efforts to comply with the NPDES Stormwater Permit requirements. The Grant also includes up to \$120,000 no-match funding for pre-construction planning and design for the Point Fosdick Drive NW Pedestrian Improvement Project.

FISCAL CONSIDERATION

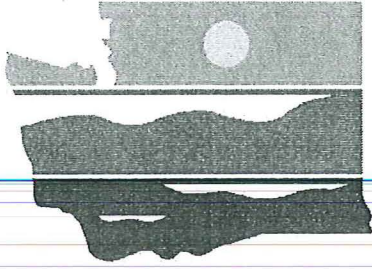
The Stormwater Capacity Grant Agreement provides \$50,000 funding toward the City's efforts to meet future permit requirements of the City's NPDES Phase II General Stormwater Permit. The Stormwater Capacity Grant Agreement provides up to \$120,000 funding toward the pre-construction planning and design of the City's Point Fosdick Drive NW Pedestrian Improvement Project. The effective date of this grant agreement is July 1, 2013 and it will expire on January 31, 2015.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION/MOTION

Move to: Authorize the execution of the Stormwater Capacity Grant Agreement that will provide \$50,000 funding toward the City's efforts to meet future permit requirements of the City's NPDES Phase II General Stormwater Permit and \$120,000 funding toward pre-construction planning and design for the Point Fosdick Drive NW Pedestrian Improvement Project.



DEPARTMENT OF
ECOLOGY
State of Washington

2013-15 MUNICIPAL STORMWATER CAPACITY

GRANT PROGRAM

FISCAL YEAR 2014

GRANT AGREEMENT

NUMBER G1400316

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF GIG HARBOR

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2013-15 MUNICIPAL STORMWATER CAPACITY GRANT PROGRAM

Grant Agreement

Between

The State of Washington Department of Ecology

And

City of Gig Harbor

THIS is a binding agreement entered into, by, and between the state of Washington Department of Ecology (DEPARTMENT), and the City of Gig Harbor (RECIPIENT). The purpose of this agreement is to provide funds to the RECIPIENT to carry out the requirements described herein.

PART I. GENERAL INFORMATION

Project Title:	2013-15 Municipal Stormwater Capacity Grant Program
State Fiscal Year:	FY2014
Grant Number:	G1400316
RECIPIENT Name:	City of Gig Harbor
Mailing Address:	3510 Grandview St, Gig Harbor, WA 98335
RECIPIENT Federal ID Number:	91-6001435
Total Eligible Cost:	
(\$50,000 AND \$120,000):	\$170,000
DEPARTMENT Funding Sources:	
ELSA - Operating:	\$50,000
ELSA - Capital Budget Provision:	\$120,000
DEPARTMENT Share:	\$170,000
DEPARTMENT Maximum Percentage:	100%
Effective Date Of This Grant Is:	July 1, 2013 Any work performed prior to the effective date of this agreement is not eligible for reimbursement.
This Grant Agreement Expires On:	January 31, 2015

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RECIPIENT Contact:	Wayne Matthews
Telephone Number:	253-853-2646
E-Mail Address:	matthewsw@cityofgigharbor.net
RECIPIENT Billing Contact:	Janis Gibbard
Telephone Number:	253-853-7696
E-Mail Address:	gibbardj@cityofgigharbor.net
DEPARTMENT Project/Financial Manager:	Layne Slone
Mailing Address	Water Quality Program Washington State Department of Ecology P.O. Box 47600 Olympia, WA 98504-7600
Telephone Number:	360-407-6225
Fax Number:	360- 407-7151
E-Mail Address:	Layne.Slone@ecy.wa.gov
Designated Local Government Partners (if applicable):	

PART II. PERFORMANCE MEASURES

A. Water Quality Goal

Improved stormwater oversight and water quality protection through the direct development and implementation of a comprehensive stormwater management program.

B. Project Outcomes

Implementation of Phase I and II municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits.

PART III. PROJECT DESCRIPTION

RECIPIENT will address implementation or management of municipal stormwater programs. Additionally, the RECIPIENT's project will include project specific planning and design for a retrofit project which includes low-impact development techniques.

PART IV. PROJECT BUDGET

Municipal Stormwater Capacity Grants Program, FY2014	
Elements/Objects	TOTAL ELIGIBLE COST (TEC)*
Task 1 – Project Administration/Management (limited to \$5,000 ELSA Operating Funds)	\$0
Task 2 – Implementation And Management Of Stormwater Program	\$50,000
Task 3 – Pre-Construction Planning And Design (limited to \$120,000 ELSA Capital Budget Provisions)	\$120,000
Total (limited to \$170,000 per RECIPIENT partner)	\$170,000
*The DEPARTMENT's Fiscal Office will track to the Total Eligible Project Cost.	
MATCHING REQUIREMENTS (There are no matching requirements)	
DEPARTMENT Share FY 2014 (100% of TEC)	\$170,000

PART V. SCOPE OF WORK

RECIPIENT will ensure that this project is completed according to the details of this agreement. The RECIPIENT may elect to use its own forces or it may contract for professional services necessary to perform and complete project related work.

Task 1 - Project Administration/Management

- A. RECIPIENT will administer the project. Responsibilities will include, but not be limited to: maintenance of project records; submittal of payment vouchers, fiscal forms, and progress reports; compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required

permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items.

- B. RECIPIENT will manage the project. Efforts will include: conducting, coordinating, and scheduling project activities and assuring quality control. RECIPIENT will maintain effective communication with the DEPARTMENT, RECIPIENT's designees; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The RECIPIENT will carry out this project in accordance with any completion dates outlined in this agreement.
- C. RECIPIENT will submit all invoice voucher submittals and supportive documentation to the DEPARTMENT's Project/Financial Manager.
- D. If work conducted results in a report, the RECIPIENT will submit the following to the DEPARTMENT's Project/Financial Manager and in the quantities identified:
- Draft project completion report – one electronic copy
 - Final project completion report – one paper copy, one electronic copy

RECIPIENT will submit two copies of any document(s) which requires DEPARTMENT approval. Once approval is given, one copy will be returned to the RECIPIENT. If the RECIPIENT needs more than one approved copy, the number of submittals should be adjusted accordingly.

Task 2 – Implementation of Stormwater Planning and Management Needs

- A. If the RECIPIENT is out of compliance with the municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit, the RECIPIENT must ensure funds are used to attain compliance where applicable.
- B. RECIPIENT may conduct work related to implementation of additional activities required by the municipal stormwater NPDES permits. The following is a list of elements RECIPIENT's project may include.
- 1) Public education and outreach activities, including stewardship activities.
 - 2) Public involvement and participation activities.
 - 3) Illicit discharge detection and elimination (IDDE) program activities, including:
 - a) Mapping or geographic information systems of municipal separate storm sewer systems (MS4s).
 - b) Staff training.
 - c) Activities to identify and remove illicit stormwater discharges.
 - d) Field screening procedures.
 - e) Complaint hotline database or tracking system improvements.

- 4) Activities to support programs to control runoff from new development, redevelopment, and construction sites, including:
 - a) Development of an ordinance and associated technical manual or update of applicable codes.
 - b) Inspections before, during, and upon completion of construction, or for post-construction long-term maintenance.
 - c) Training for plan review and/or inspection staff.
 - d) Participation in applicable watershed planning effort.
- 5) Pollution prevention, good housekeeping, and operation and maintenance program activities, such as:
 - a) Inspecting and/or maintaining the MS4 infrastructure.
 - b) Developing and/or implementing policies, procedures, or stormwater pollution prevention plans at municipal properties or facilities.
- 6) Annual reporting activities.
- 7) Establishing and refining stormwater utilities, including stable rate structures.
- 8) Water quality monitoring to implement permit requirements for a Water Cleanup Plan (TMDL). Note that any monitoring funded by this program requires submittal of a Quality Assurance Project Plan (QAPP) that the DEPARTMENT approves prior to awarding funding for monitoring.

Monitoring, including:

 - a) Development of applicable QAPPs.
 - b) Monitoring activities, in accordance with a DEPARTMENT- approved QAPP, to meet Phase I/II permit requirements.
- 9) Structural stormwater controls program activities (Phase I permit requirement)
- 10) Source control for existing development (Phase I permit requirement), including:
 - a) Inventory and inspection program.
 - b) Technical assistance and enforcement.
 - c) Staff training.
- 11) Equipment purchases that result directly in improved compliance with permit requirements. Allowed costs for equipment purchases must be specific to implementing a permit requirement (such as a vactor truck) rather than general use (such as a general use pick-up truck). Qualified equipment purchases include but are not limited to:
 - a) Illicit discharge testing equipment and materials.
 - b) Vactor truck or sweeper truck or MS4 maintenance activities.
 - c) Electronic devices dedicated to mapping of MS4 facilities and attributes.
 - d) Software dedicated to tracking permit implementation activities.

Task 3 – Preconstruction Planning and Design

- A. Project Summary. RECIPIENT will submit to the DEPARTMENT's Project Manager for review and acceptance and no later than October 1, 2013, an initial one to two page

Project Summary. The Project Summary will include a description of the proposed project identifying: 1) the area where the proposed project is to be installed or constructed (including maps), 2) the stormwater best management practice(s) to be designed, 3) the name of the appropriate design manual planned for use in the final design (see item D), and 4) the water quality issue mitigated by the proposed project. The DEPARTMENT will provide comments to the RECIPIENT within 14 calendar days of receipt of the Project Summary. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the Project Summary for consistency with the appropriate design criteria and grant requirements. Detailed calculations and/or drawings are not required at this time.

- B. Pre-Design Report. RECIPIENT will submit two hard copies and one digital copy of the Pre-design report to the DEPARTMENT's Project Manager for review and acceptance. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the Project Summary for consistency with the appropriate design criteria and grant requirements. Detailed calculations and/or drawings are required in the Pre-design Report. The DEPARTMENT will provide comments to the RECIPIENT within 45 days of receipt of the plans.
- C. 90 Percent Design Plans. RECIPIENT will submit two hard copies and one digital copy of the 90 percent design plans to the DEPARTMENT's Project Manager for review and acceptance. The DEPARTMENT will provide comments to the RECIPIENT within 45 days of receipt of the plans. The DEPARTMENT's Project Manager will work with the DEPARTMENT's engineer to review the plans and specifications for consistency with the appropriate design criteria and grant requirements.
- D. For above items A-C, the RECIPIENT must justify significant deviations from the following:
1. The appropriate guidance manual below depends on the region that your project is conducted:
 - **2005 or 2012 Stormwater Management Manual for Western Washington (SWMMWW)**, (the appropriate manual depends on the requirements of the jurisdiction) or
 - **2004 Stormwater Management Manual for Eastern Washington (SWMMEW)**, both can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/tech.html>, or
 - **Low Impact Development Technical Guidance Manual for Puget Sound** found at: http://www.psp.wa.gov/downloads/LID/20121221_LIDmanual_FINAL_secure.pdf, or
 - Equivalent design manuals, **Eastern Washington Low Impact Development Manual.**
 2. Equivalent manual as developed by the local jurisdiction and approved by the DEPARTMENT.
 3. Good engineering practices and generally recognized engineering standards.
- E. SEPA. If applicable, the RECIPIENT will submit to the DEPARTMENT's Project Manager, a copy of the State Environmental Review Act (SEPA) Lead Agency's signed and dated SEPA determination.

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- F. DAHP EZ-1. If applicable, the RECIPIENT will submit to the DEPARTMENT's Project Manager a Department of Archaeology and Historic Preservation (DAHP) EZ-1 form to initiate review of project activities by DAHP and tribal governments.
- G. RECIPIENT will submit all pre-design figures and construction plans to the DEPARTMENT, reduced to 11" x 17" in size. The RECIPIENT may bind them with the specifications or related construction contract documents or bind as a separate document. All reduced drawings must be legible.
- H. Summary of Deliverables:
1. Submit a Project Summary including maps, no later than October 1, 2013, for review and acceptance of the proposed design project.
 2. Submit a Pre-design report to the DEPARTMENT, no later than January 31, 2014 for review and acceptance.
 3. Submit 90 percent design plans to the DEPARTMENT, no later than August 1, 2014 for review and acceptance.
 4. If applicable, submit a copy of the signed and dated SEPA determination to the DEPARTMENT.
 5. If applicable, submit a copy of the DAHP EZ-1 form, for DEPARTMENT coordination on compliance with Executive Order 05-05.

PART VI. SPECIAL TERMS AND CONDITIONS

None

PART VII. ALL WRITINGS CONTAINED HEREIN

The following contain the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein:

- This agreement.
- Attachment I: General Project Management Requirements for the Municipal Stormwater Capacity Grants Program.
- Attachment II: General Terms and Conditions.
- The effective edition, at the signing of this agreement, of the DEPARTMENT's "Administrative Requirements for Recipients of Ecology Grants and Loans."
- The associated funding guidelines that correspond to the fiscal year in which the project is funded.
- The applicable federal and state statutes and regulations.

No subsequent modifications or amendments of this agreement will be of any force or effect unless signed by authorized representatives of the RECIPIENT and the DEPARTMENT, and made a part of this agreement, except that in response to a request from the RECIPIENT, the DEPARTMENT may redistribute the grant budget. The DEPARTMENT or the RECIPIENT may change their respective staff contacts without the concurrence of either party.

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The RECIPIENT acknowledges that they have had the opportunity to thoroughly review the terms of this agreement, the attachments, all incorporated or referenced documents, as well as all applicable statutes, rules, and guidelines mentioned in this agreement.

The signatories to this Agreement represent that they have the authority to execute this Agreement.

IN WITNESS WHEREOF, the parties sign this grant agreement:

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

CITY OF GIG HARBOR

KELLY SUSEWIND, P.E., P.G. DATE
WATER QUALITY PROGRAM MANAGER

CHARLES L. HUNTER DATE
MAYOR

Approved As To Form Only
Assistant Attorney General

**ATTACHMENT I: General Project Management Requirements
For 2013-15 Municipal Stormwater Capacity Grants Program
Funding Agreement**

A. ARCHEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT must comply with all requirements listed in Executive Order 05-05 prior to implementing any project that involves soil disturbing activity.

RECIPIENT must conduct and submit a cultural resources survey or complete and submit an EZ-1 Form to the DEPARTMENT's project manager prior to any soil disturbing activities. The DEPARTMENT will contact the Department of Archaeology and Historic Preservation (DAHP) and affected tribes regarding the proposed project activities in order to meet Executive Order 05-05 requirements. Any prior communication between the RECIPIENT, the DAHP, and the tribes is not sufficient to meet requirements. Any mitigation measures as an outcome of this process will be requirements of this agreement.

Any soil disturbing activities that occur prior to the completion of the Executive Order 05-05 process will not be eligible for reimbursement. Activities associated with cultural resources review are grant eligible and reimbursable.

The Department of Archaeology and Historic Preservation has provided guidance that can be accessed online at:

<http://www.dahp.wa.gov/pages/Documents/EnvironmentalReview.htm> and
http://www.dahp.wa.gov/pages/EnvironmentalReview/documents/eo0505Guidance_000.pdf.

B. EDUCATION AND OUTREACH

RECIPIENT must do a regional search for existing materials before producing any new educational flyers or pamphlets. The RECIPIENT must request the use of those materials before time and resources are invested to duplicate materials that are already available.

RECIPIENT must also check the Washington Waters website http://www.ecy.wa.gov/washington_waters/index.html for useful educational materials. These materials are available for public use and can be downloaded directly from the website.

RECIPIENT must provide the DEPARTMENT up to two copies and an electronic copy on a CD-ROM of any tangible educational products developed under this grant, such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, and media announcements or gadgets, such as a refrigerator magnet with a message. If this is not practical, the RECIPIENT must provide a complete description including drawings, photographs, or printouts of the product.

RECIPIENT must also supply the DEPARTMENT with the names and contact information of local project leads.

If there are a significant number of people in the community that speak languages other than English, then the RECIPIENT must produce all public outreach materials, pamphlets, fliers, meeting notices, reports, and other educational materials in English and in the other prevalent language.

C. EQUIPMENT PURCHASE

RECIPIENT must get written, prior approval from the DEPARTMENT for any equipment purchase.

D. FUNDING RECOGNITION

RECIPIENT must inform the public about DEPARTMENT funding participation in this project through the use of project signs, acknowledgement in published materials, reports, the news media, or other public announcements. Projects addressing site-specific locations must utilize appropriately sized and weather-resistant signs. Sign logos are available from the DEPARTMENT upon request.

E. INCREASED OVERSIGHT

If this project is selected for increased oversight, the RECIPIENT must submit all backup documentation with each payment request submittal. In addition, the DEPARTMENT's Project Manager must establish a schedule for additional site visits to provide technical assistance to the RECIPIENT and verify progress or payment information.

F. INDIRECT RATE

To acknowledge overhead costs, the RECIPIENT may charge an indirect rate of up to 25 percent based on employees' direct salary and benefit costs incurred while conducting project-related work. The DEPARTMENT's Financial Manager may require a list of items included in the indirect rate at any time.

G. MINORITY AND WOMEN'S BUSINESS PARTICIPATION

RECIPIENT agrees to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated after the effective date of this agreement.

Contract awards or rejections cannot be made based on MBE or WBE participation. M/WBE participation is encouraged, however, and the RECIPIENT and all prospective bidders or persons submitting qualifications should take the following steps, when possible, in any procurement initiated after the effective date of this agreement:

- a) Include qualified minority and women's businesses on solicitation lists.
- b) Assure that qualified minority and women's businesses are solicited whenever they are potential sources of services or supplies.

- c) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- d) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- e) Use the services and assistance of the State Office of Minority and Women's Business Enterprises (OMWBE) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

RECIPIENT must report to the DEPARTMENT at the time of submitting each invoice, on forms provided by the DEPARTMENT, payments made to qualified firms. Please include the following information:

- a) Name and state OMWBE certification number (if available) of any qualified firm receiving funds under the invoice, including any sub-and/or sub-subcontractors.
- b) The total dollar amount paid to qualified firms under this invoice.

H. PAYMENT REQUEST SUBMITTALS

Payment Request Submittals. The DEPARTMENT's Project/Financial Manager may require the RECIPIENT to submit regular payment requests to ensure efficient and timely use of funds.

Payment Schedule. Payments will be made on a cost-reimbursable basis.

Frequency. The RECIPIENT must submit payment requests at least quarterly but no more often than monthly, unless allowed by the DEPARTMENT's Financial Manager.

Supporting Documentation. The RECIPIENT must submit all payment request vouchers and supportive documentation to the DEPARTMENT's Financial Manager. Payment request voucher submittals are based on match requirements found in the budget.

Reporting Eligible Costs. The RECIPIENT must report all eligible costs incurred on the project, regardless of the source of funding for those costs. This includes costs used as match. All eligible and ineligible project costs must be separate and identifiable.

Copies of all applicable forms must be included with an original A19-1A, and must be submitted to the DEPARTMENT. Blank forms are found in Administrative Requirements for Recipients of Ecology Grants and Loans at <http://www.ecy.wa.gov/biblio/9118.html>.

Required Forms:	Where Eligible Costs Have Incurred:
Form A19-1A (original signature)	Form E (ECY 060-12)
Form B2 (ECY 060-7)	Form F (ECY 060-13)
Form C2 (ECY 060-9)	Form G (ECY 060-14)
Form D (ECY 060-11)	Form H (F-21)
	Form I (ECY 060-15)

I. POST PROJECT ASSESSMENT

RECIPIENT agrees to submit a brief survey regarding the key project results or water quality project outcomes and the status of long-term environmental results or goals from the project three years after project completion.

DEPARTMENT's Water Quality Program Performance Measures Lead will contact the RECIPIENT before the Post Project Assessment date to request this data.

DEPARTMENT may also conduct site interviews and inspections, and may otherwise evaluate the Project, as part of this assessment.

J. PROCUREMENT

RECIPIENT certifies by signing this agreement that all applicable requirements have been satisfied in the procurement of any professional services. Eligible and ineligible project costs are separate and identifiable for billing purposes. If professional services are contracted, the RECIPIENT will submit a copy of the final contract to the DEPARTMENT's Project/Financial Manager.

K. PROGRESS REPORTS

RECIPIENT must submit quarterly progress reports to the DEPARTMENT's Financial Manager and Project Manager. Payment requests will not be processed without a progress report.

Report Content. At a minimum, all progress reports must contain a comparison of actual accomplishments to the objectives established for the period, the reasons for delay if established objectives were not met, analysis and explanation of any cost overruns, and any additional pertinent information specified in this agreement. The RECIPIENT must also attach all landowner agreements signed during the respective quarter to each progress report.

Reporting Periods. Quarterly progress reports are due 15 days following the end of the quarter:

- January 1 through March 31
- April 1 through June 30
- July 1 through September 30
- October 1 through December 31

L. REQUIRED DOCUMENT SUBMITTALS

RECIPIENT must submit the following documents to the DEPARTMENT as requested by the DEPARTMENT's Project Manager or Financial Manager:

- Draft project completion report – 1 copy.
- Electronic copy of final project completion report – 1 copy.
- Final project completion report – 1 copy.
- Educational products developed under this agreement – up to 2 copies.

- Documents that require DEPARTMENT Approval – 2 copies (one for the DEPARTMENT and one for the RECIPIENT).
- Interlocal agreements – 1 copy for the DEPARTMENT’s Project/Financial Manager.
- Professional services procurement agreements – 1 copy to the DEPARTMENT’s Project/Financial Manager.

M. SPECIAL CONDITION FOR SNOHOMISH COUNTY AND KING COUNTY

For either Snohomish County or King County: When this agreement crosses the RECIPIENT's fiscal year, the obligation of the RECIPIENT to continue or complete the project described herein will be contingent upon appropriation of funds by the RECIPIENT's governing body; provided that nothing contained herein will preclude the DEPARTMENT from demanding repayment of funds paid to the RECIPIENT in accordance with Section O of the appended General Terms and Conditions.

N. WATER QUALITY MONITORING

Quality Assurance Project Plan (QAPP). Prior to initiating water quality monitoring activities, the RECIPIENT must prepare a Quality Assurance Project Plan (QAPP). The QAPP must follow Ecology’s *Guidelines and Specifications for Preparing Quality Assurance Project Plans for Environmental Studies*, February 2001 (Ecology Publication No. 01-03-003). The applicant may also reference the *Technical Guidance for Assessing the Quality of Aquatic Environments*, revised February 1994 (Ecology Publication No. 91-78) or more current revision, in developing the QAPP.

RECIPIENT must submit the QAPP to the DEPARTMENT’s project manager for review, comment, and must be approved before starting the environmental monitoring activities.

RECIPIENT must use an environmental laboratory accredited by the DEPARTMENT to analyze water samples for all parameters to be analyzed that require bench testing. Information on currently accredited laboratories and the accreditation process is provided on the Department of Ecology’s Environmental Assessment Program’s website, available at:

<http://www.ecy.wa.gov/programs/eap/labs/search.html>

RECIPIENT should manage all monitoring data collected or acquired under this agreement in order to be available to secondary users and meet the “ten-year rule.” The ten-year rule means that data documentation is sufficient to allow an individual not directly familiar with the specific monitoring effort to understand the purpose of the data set, methods used, results obtained, and quality assurance measures taken ten years after data are collected.

Monitoring Data Submittal / Environmental Information Management System. Funding recipients that collect water quality monitoring data must submit all data to the DEPARTMENT through the Environmental Information Management System (EIM). Data must be submitted by following instructions on the EIM website, currently available at:

<http://www.ecy.wa.gov/eim>

The data submittal portion of the EIM website provides information and help on formats and requirements for submitting tabular data. Specific questions about data submittal can be directed to the EIM Data Coordinator, currently available at:

eim_data_coordinator@ecy.wa.gov

If GIS data is collected, the DEPARTMENT's data standards are encouraged. An Ecology Focus Sheet entitled *GIS Data and Ecology Grants* (Publication No. 98-1812-SEA) outlines the standards. Common standards must be used for infrastructure details, such as geographic names, Geographic Information System (GIS) coverage, list of methods, and reference tables.

ATTACHMENT II: General Terms And Conditions
Pertaining To Grant And Loan Agreements Of The Department Of Ecology

A. RECIPIENT PERFORMANCE

All activities for which grant/loan funds are to be used shall be accomplished by the RECIPIENT and RECIPIENT's employees. The RECIPIENT shall only use contractor/consultant assistance if that has been included in the agreement's final scope of work and budget.

B. SUBGRANTEE/CONTRACTOR COMPLIANCE

The RECIPIENT must ensure that all subgrantees and contractors comply with the terms and conditions of this agreement.

C. THIRD PARTY BENEFICIARY

The RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this agreement, the state of Washington is named as an express third-party beneficiary of such subcontracts with full rights as such.

D. CONTRACTING FOR SERVICES (BIDDING)

Contracts for construction, purchase of equipment and professional architectural and engineering services shall be awarded through a competitive process, if required by State law. RECIPIENT shall retain copies of all bids received and contracts awarded, for inspection and use by the DEPARTMENT.

E. ASSIGNMENTS

No right or claim of the RECIPIENT arising under this agreement shall be transferred or assigned by the RECIPIENT.

F. COMPLIANCE WITH ALL LAWS

1. The RECIPIENT shall comply fully with all applicable Federal, State and local laws, orders, regulations and permits.

Prior to commencement of any construction, the RECIPIENT shall secure the necessary approvals and permits required by authorities having jurisdiction over the project, provide assurance to the DEPARTMENT that all approvals and permits have been secured, and make copies available to the DEPARTMENT upon request.

2. Discrimination. The DEPARTMENT and the RECIPIENT agree to be bound by all Federal and State laws, regulations, and policies against discrimination. The RECIPIENT further agrees to affirmatively support the program of the Office of Minority and Women's Business Enterprises to the maximum extent possible. If the agreement is federally-funded, the RECIPIENT shall report to the DEPARTMENT the percent of grant/loan funds available to women or minority owned businesses.
3. Wages And Job Safety. The RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
4. Industrial Insurance. The RECIPIENT certifies full compliance with all applicable state industrial insurance requirements. If the RECIPIENT fails to comply with such laws, the DEPARTMENT shall have the right to immediately terminate this agreement for cause as provided in Section K.1, herein.

G. KICKBACKS

The RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this project to give up any part of the compensation to which he/she is otherwise entitled or, receive any fee, commission or gift in return for award of a subcontract hereunder.

H. AUDITS AND INSPECTIONS

1. The RECIPIENT shall maintain complete program and financial records relating to this agreement. Such records shall clearly indicate total receipts and expenditures by fund source and task or object.

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All grant/loan records shall be kept in a manner which provides an audit trail for all expenditures. All records shall be kept in a common file to facilitate audits and inspections.

Engineering documentation and field inspection reports of all construction work accomplished under this agreement shall be maintained by the RECIPIENT.

2. All grant/loan records shall be open for audit or inspection by the DEPARTMENT or by any duly authorized audit representative of the State of Washington for a period of at least three years after the final grant payment/loan repayment or any dispute resolution hereunder. If any such audits identify discrepancies in the financial records, the RECIPIENT shall provide clarification and/or make adjustments accordingly.
3. All work performed under this agreement and any equipment purchased, shall be made available to the DEPARTMENT and to any authorized state, federal or local representative for inspection at any time during the course of this agreement and for at least three years following grant/loan termination or dispute resolution hereunder.
4. RECIPIENT shall meet the provisions in OMB Circular A-133 (Audits of States, Local Governments & Non Profit Organizations), including the compliance Supplement to OMB Circular A-133, if the RECIPIENT expends \$500,000 or more in a year in Federal funds. The \$500,000 threshold for each year is a cumulative total of all federal funding from all sources. The RECIPIENT must forward a copy of the audit along with the RECIPIENT'S response and the final corrective action plan to the DEPARTMENT within ninety (90) days of the date of the audit report.

I. PERFORMANCE REPORTING

The RECIPIENT shall submit progress reports to the DEPARTMENT with each payment request or such other schedule as set forth in the Special Conditions. The RECIPIENT shall also report in writing to the DEPARTMENT any problems, delays or adverse conditions which will materially affect their ability to meet project objectives or time schedules. This disclosure shall be accompanied by a statement of the action taken or proposed and any assistance needed from the DEPARTMENT to resolve the situation. Payments may be withheld if required progress reports are not submitted.

Quarterly reports shall cover the periods January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be due within thirty (30) days following the end of the quarter being reported.

J. COMPENSATION

1. Method of compensation. Payment shall normally be made on a reimbursable basis as specified in the grant agreement and no more often than once per month. Each request for payment will be submitted by the RECIPIENT on State voucher request forms provided by the DEPARTMENT along with documentation of the expenses. Payments shall be made for each task/phase of the project, or portion thereof, as set out in the Scope of Work when completed by the RECIPIENT and approved as satisfactory by the Project Officer.

The payment request form and supportive documents must itemize all allowable costs by major elements as described in the Scope of Work. Instructions for submitting the payment requests are found in "Administrative Requirements for RECIPIENTS of Ecology Grants and Loans", part IV, published by the DEPARTMENT. A copy of this document shall be furnished to the RECIPIENT. When payment requests are approved by the DEPARTMENT, payments will be made to the mutually agreed upon designee. Payment requests shall be submitted to the DEPARTMENT and directed to the Project Officer assigned to administer this agreement.

2. Period of Compensation. Payments shall only be made for actions of the RECIPIENT pursuant to the grant/loan agreement and performed after the effective date and prior to the expiration date of this agreement, unless those dates are specifically modified in writing as provided herein.

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3. Final Request(s) for Payment. The RECIPIENT should submit final requests for compensation within forty-five (45) days after the expiration date of this agreement and within fifteen (15) days after the end of a fiscal biennium. Failure to comply may result in delayed reimbursement.
4. Performance Guarantee. The DEPARTMENT may withhold an amount not to exceed ten percent (10%) of each reimbursement payment as security for the RECIPIENT's performance. Monies withheld by the DEPARTMENT may be paid to the RECIPIENT when the project(s) described herein, or a portion thereof, have been completed if, in the DEPARTMENT's sole discretion, such payment is reasonable and approved according to this agreement and, as appropriate, upon completion of an audit as specified under section J.5. herein.
5. Unauthorized Expenditures. All payments to the RECIPIENT may be subject to final audit by the DEPARTMENT and any unauthorized expenditure(s) charged to this grant/loan shall be refunded to the DEPARTMENT by the RECIPIENT.
6. Mileage and Per Diem. If mileage and per diem are paid to the employees of the RECIPIENT or other public entities, it shall not exceed the amount allowed under state law for state employees.
7. Overhead Costs. No reimbursement for overhead costs shall be allowed unless provided for in the Scope of Work hereunder.

K. TERMINATION

1. For Cause. The obligation of the DEPARTMENT to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of the DEPARTMENT, to perform any obligation required of it by this agreement, the DEPARTMENT may refuse to pay any further funds there under and/or terminate this agreement by giving written notice of termination.

A written notice of termination shall be given at least five working days prior to the effective date of termination. In that event, all finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the RECIPIENT under this agreement, at the option of the DEPARTMENT, shall become Department property and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Despite the above, the RECIPIENT shall not be relieved of any liability to the DEPARTMENT for damages sustained by the DEPARTMENT and/or the State of Washington because of any breach of agreement by the RECIPIENT. The DEPARTMENT may withhold payments for the purpose of setoff until such time as the exact amount of damages due the DEPARTMENT from the RECIPIENT is determined.

2. Insufficient Funds. The obligation of the DEPARTMENT to make payments is contingent on the availability of state and federal funds through legislative appropriation and state allotment. When this agreement crosses over state fiscal years the obligation of the DEPARTMENT is contingent upon the appropriation of funds during the next fiscal year. The failure to appropriate or allot such funds shall be good cause to terminate this agreement as provided in paragraph K.1 above.

When this agreement crosses the RECIPIENT's fiscal year, the obligation of the RECIPIENT to continue or complete the project described herein shall be contingent upon appropriation of funds by the RECIPIENT's governing body; provided, however, that nothing contained herein shall preclude the DEPARTMENT from demanding repayment of ALL funds paid to the RECIPIENT in accordance with Section O herein.

3. Failure to Commence Work. In the event the RECIPIENT fails to commence work on the project funded herein within four months after the effective date of this agreement, or by any date agreed

upon in writing for commencement of work, the DEPARTMENT reserves the right to terminate this agreement.

L. WAIVER

Waiver of any RECIPIENT default is not a waiver of any subsequent default. Waiver of a breach of any provision of this agreement is not a waiver of any subsequent breach and will not be construed as a modification of the terms of this agreement unless stated as such in writing by the authorized representative of the DEPARTMENT.

M. PROPERTY RIGHTS

1. Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property, the RECIPIENT may copyright or patent the same but the DEPARTMENT retains a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover or otherwise use the material(s) or property and to authorize others to use the same for federal, state or local government purposes. Where federal funding is involved, the federal government may have a proprietary interest in patent rights to any inventions that are developed by the RECIPIENT as provided in 35 U.S.C. 200-212.
2. Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish information of the DEPARTMENT; present papers, lectures, or seminars involving information supplied by the DEPARTMENT; use logos, reports, maps or other data, in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to the DEPARTMENT.
3. Tangible Property Rights. The DEPARTMENT's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans", Part V, shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by the DEPARTMENT in the absence of state, federal statute(s), regulation(s), or policy(s) to the contrary or upon specific instructions with respect thereto in the Scope of Work.
4. Personal Property Furnished by the DEPARTMENT. When the DEPARTMENT provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to the DEPARTMENT prior to final payment by the DEPARTMENT. If said property is lost, stolen or damaged while in the RECIPIENT's possession, the DEPARTMENT shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
5. Acquisition Projects. The following provisions shall apply if the project covered by this agreement includes funds for the acquisition of land or facilities:
 - a. Prior to disbursement of funds provided for in this agreement, the RECIPIENT shall establish that the cost of land/or facilities is fair and reasonable.
 - b. The RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses contemplated by this agreement.
6. Conversions. Regardless of the contract termination date shown on the cover sheet, the RECIPIENT shall not at any time convert any equipment, property or facility acquired or developed pursuant to this agreement to uses other than those for which assistance was originally approved without prior written approval of the DEPARTMENT. Such approval may be conditioned upon payment to the DEPARTMENT of that portion of the proceeds of the sale, lease or other conversion or encumbrance which monies granted pursuant to this agreement bear to the total acquisition, purchase or construction costs of such property.

N. SUSTAINABLE PRODUCTS

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is encouraged to implement sustainable practices where and when possible. These practices include use of clean energy, and purchase and use of sustainably produced products (e.g., recycled paper). For more information, see <http://www.ecy.wa.gov/sustainability/>.

O. RECOVERY OF PAYMENTS TO RECIPIENT

The right of the RECIPIENT to retain monies paid to it as reimbursement payments is contingent upon satisfactory performance of this agreement including the satisfactory completion of the project described in the Scope of Work. In the event the RECIPIENT fails, for any reason, to perform obligations required of it by this agreement, the RECIPIENT may, at the DEPARTMENT's sole discretion, be required to repay to the DEPARTMENT all grant/loan funds disbursed to the RECIPIENT for those parts of the project that are rendered worthless in the opinion of the DEPARTMENT by such failure to perform.

Interest shall accrue at the rate of twelve percent (12%) per year from the time the DEPARTMENT demands repayment of funds. If payments have been discontinued by the DEPARTMENT due to insufficient funds as in Section K.2 above, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination. Any property acquired under this agreement, at the option of the DEPARTMENT, may become the DEPARTMENT'S property and the RECIPIENT'S liability to repay monies shall be reduced by an amount reflecting the fair value of such property.

P. PROJECT APPROVAL

The extent and character of all work and services to be performed under this agreement by the RECIPIENT shall be subject to the review and approval of the DEPARTMENT through the Project Officer or other designated official to whom the RECIPIENT shall report and be responsible. In the event there is a dispute with regard to the extent and character of the work to be done, the determination of the Project Officer or other designated official as to the extent and character of the work to be done shall govern. The RECIPIENT shall have the right to appeal decisions as provided for below.

Q. DISPUTES

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement which is not disposed of in writing shall be decided by the Project Officer or other designated official who shall provide a written statement of decision to the RECIPIENT. The decision of the Project Officer or other designated official shall be final and conclusive unless, within thirty days from the date of receipt of such statement, the RECIPIENT mails or otherwise furnishes to the Director of the DEPARTMENT a written appeal.

In connection with appeal of any proceeding under this clause, the RECIPIENT shall have the opportunity to be heard and to offer evidence in support of this appeal. The decision of the Director or duly authorized representative for the determination of such appeals shall be final and conclusive. Appeals from the Director's determination shall be brought in the Superior Court of Thurston County. Review of the decision of the Director will not be sought before either the Pollution Control Hearings Board or the Shoreline Hearings Board. Pending final decision of dispute hereunder, the RECIPIENT shall proceed diligently with the performance of this agreement and in accordance with the decision rendered.

R. CONFLICT OF INTEREST

No officer, member, agent, or employee of either party to this agreement who exercises any function or responsibility in the review, approval, or carrying out of this agreement, shall participate in any decision which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is, directly or indirectly interested; nor shall he/she have any personal or pecuniary interest, direct or indirect, in this agreement or the proceeds thereof.

S. INDEMNIFICATION

1. The DEPARTMENT shall in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.
2. To the extent that the Constitution and laws of the State of Washington permit, each party shall indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this agreement.

T. GOVERNING LAW

This agreement shall be governed by the laws of the State of Washington.

U. SEVERABILITY

If any provision of this agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this agreement which can be given effect without the invalid provision, and to this end the provisions of this agreement are declared to be severable.

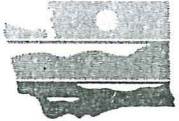
V. PRECEDENCE

In the event of inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable Federal and State statutes and regulations; (b) Scope of Work; (c) Special Terms and Conditions; (d) Any terms incorporated herein by reference including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; and (e) the General Terms and Conditions.

W. SUSPENSION

The obligation of DEPARTMENT to make payments is contingent on the availability of funds. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this agreement, DEPARTMENT may elect to renegotiate the agreement subject to new funding limitations and conditions or terminate the agreement, in whole or part. DEPARTMENT may also elect to suspend performance of the agreement until such time as DEPARTMENT determines that the funding insufficiency is resolved in lieu of terminating the agreement. DEPARTMENT will provide written notice to RECIPIENT if funding is not available.

SIGNATURE AUTHORIZATION FORM FOR GRANT/LOAN RECIPIENTS



DEPARTMENT OF
ECOLOGY
State of Washington

Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-6600
FAX: (360) 407-7151

Name of Organization	Date Submitted
City of Gray Harbor	

Project Title	Agreement Number
Stormwater Capacity Grant	G1400316

AUTHORIZING SIGNATORY		
Signature	Print	Title/Term of Office

AUTHORIZED TO SIGN AGREEMENT AMENDMENTS		
Signature	Print	Title

AUTHORIZED TO SIGN REQUEST FOR REIMBURSEMENT		
Signature	Print	Title



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

Subject: Closed Record Decision-Final Plat/Final PRD Approval- Harbor Hill Div.N1 (PL-FPLAT-13-0001, PL-FPRD-13-0001)

Proposed Council Action: Approve resolution
No. 944

Dept. Origin: Planning Department

Prepared by: Kristin Moerler, Associate Planner

For Agenda of: November 25, 2013 *KM*

Exhibits: Planning Director's Recommendation Resolution
Revised Plat/PRD Decision
Final Plat Map

	Initial & Date
Concurred by Mayor:	<i>CLH 11/20/13</i>
Approved by City Administrator:	<i>R 11/20/13</i>
Approved as to form by City Atty:	<i>Via Email</i>
Approved by Finance Director:	<i>N/A</i>
Approved by Department Head:	<i>JK 11/19/13</i>

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

Attached for your consideration is a resolution approving the final plat and final planned residential development for Division N1 of Harbor Hill, located north of Borgen Blvd. and east of the Harbor Hill Division 1A. The applicant is Harbor Hill LLC, represented by John Chadwell. The preliminary plat and PRD were conditionally approved by the City Hearing Examiner on December 30, 2010 and revised by the Planning Director on August 2, 2013. Additionally the site is the subject of a development agreement with City Council dated November 9, 2010 and amended November 26, 2012.

The final plat/PRD for Division N1 addresses the segregation of 63 single family residential lots, establishes a park tract to serve future residents and includes related buffers/open spaces and associated infrastructure required to serve the division. The applicant has bonded for the infrastructure and amenities contained within the N1 Division. Construction of this division is underway and is anticipated to be complete within the next month. There are no designated critical areas contained within this division.

POLICY CONSIDERATIONS

Staff has reviewed the criteria for approval of the final plat and final PRD, as specified in GHMC Chapter 16.06 and 17. 89; and has determined that the applicant has met the criteria for the approval of the final plat/PRD. Please refer to the attached Planning Director's Recommendation for staff's review of the proposal.

ENVIRONMENTAL ANALYSIS

The City issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat, planned residential development, rezone and design review of the subdivision of three parcels into 554 single family lots and two multiple family lots that would be developed with a total of 270 units on November 17, 2010. Additionally a SEPA Addendum was issued July 31, 2013. This phase conforms to the requirements of the MDNS.

FISCAL CONSIDERATION

The proposal does not include any significant fiscal impacts.

PLANNING DIRECTOR RECOMMENDATION

The Planning Director, Jennifer Kester, recommends that the City Council move to adopt the resolution approving the final plat and final PRD for Harbor Hill Division N1.



TO: Mayor Hunter and City Council
FROM: Jennifer Kester, Planning Director
SUBJECT: Closed Record Decision-Final Plat/Final PRD Approval-Harbor Hill N1
DATE: November 19, 2013

INFORMATION/BACKGROUND:

The applicant, Harbor Hill LLC, has requested final plat approval for Division N1 of Harbor Hill to allow the segregation of 63 single family residential lots and the development of associated infrastructure and amenities required to serve the residents of the plat and PRD. The site is located north of Borgen Blvd. and east of the Harbor Hill Division 1A Subdivision/PRD.

The preliminary plat/PRD was approved by the City in December 30, 2010 to allow the segregation of the 200 acre site into 554 single family lots and two future development tracts for multi-family development; subject to 16 conditions of approval. The Planning Director approved the M2 revisions to the Harbor Hill Preliminary Plat and PRD on August 2, 2013 which incorporated two additional conditions of approval.

The following is an analysis of the request for consistency with the city's requirements for final plat and final PRD approval and with the conditions of approval imposed upon the project.

POLICY CONSIDERATIONS: Final PRD

Staff has reviewed the request for consistency with the criteria for approval of the final planned residential development as specified in Gig Harbor Municipal Code (GHMC) Chapter 17.89.080, and has determined that the applicant has met the criteria for approval of the final PRD as follows:

GHMC 17.89.080 Criteria for approval of final PRD application.

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

1. All features and amenities identified in the preliminary PRD have been constructed and/or are retained or improved;

The preliminary PRD approval was based upon the design features included in the proposed development including (but not limited to) the preservation of critical areas, interconnected open spaces and location of the highest densities in the areas adjacent to Borgen Blvd. and the existing commercial districts in the vicinity.

The N1 Division does not include any critical areas or areas to be dedicated to the City for park purposes. The PRD improvements in this division include parkway landscape features along Olympus Way, an HOA park tract, interior buffers and perimeter buffers. All features proposed in the preliminary PRD have been maintained in the approved civil plans and the construction of the required improvements have been bonded for in accordance with the Development Agreement.

2. The city public works director has documented that all conditions imposed on the preliminary PRD requiring public works department approval have been constructed or improved to the satisfaction of the director;

The City Engineer has accepted a performance bond for the construction of the required and uncompleted infrastructure elements required to serve Division N1 of the PRD. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

3. The city fire marshal has documented that all conditions imposed on the preliminary PRD requiring fire code approval have been constructed (or per the fire marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the fire marshal;

The Fire Marshall has approved Division N1 of the PRD. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

4. The city planning director has documented that all conditions imposed on the preliminary PRD requiring planning department approval have been constructed to the satisfaction of the director;

The Planning Director has reviewed Division N1 for compliance with the conditions of approval. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

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

Findings have been developed in the attached resolution provided for your consideration. The findings support the approval of the Final PRD as well as the Final Plat.

POLICY CONSIDERATIONS: Final Plat

Staff has reviewed the request for consistency with the criteria for approval of the final plat as specified in Gig Harbor Municipal Code (GHMC) Chapter 16.06, and has determined that the applicant has met the criteria for approval of the final plat as follows:

GHMC 16.06.004-Recommendation as prerequisites for final plat approval:

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

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

The City of Gig Harbor is furnishing sewage disposal and water to the site.

- B. Planning director's recommendation as to compliance with all of the terms of preliminary plat approval of the proposed plat or subdivision;

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

- C. Approval of the city engineer.

The City Engineer recommends approval of the final plat as the applicant has bonded for all required civil infrastructure improvements.

GHMC 16.06.005-Criteria for approval of subdivisions:

A final plat application shall be approved if the subdivision proposed for approval:

- A. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;

Division N1 of the Harbor Hill Plat/PRD has met the requirements of the municipal code. The proposed subdivision conforms to all applicable zoning ordinances and the comprehensive plan. The applicant has complied with the requirements to dedicate streets, open space and utility and access easements. The approved civil plans document that the construction of required improvements will comply with the City's adopted public works construction standards. For those improvements that have not yet been completed, the applicant has bonded for the work pursuant to GHMC 16.08 and the Development Agreement. In addition the final plat contains the required certificates from the owner, surveyor, and city and county officials.

B. Conforms to all terms of the preliminary plat approval;

The Hearing Examiner's decision dated December 30, 2010 contained 16 conditions of approval. On August 2, 2013 the Planning Director approved the M2 Revisions to the Preliminary Plat and PRD which included two additional conditions of approval. The proposed final plat of Harbor Hill Division N1 conforms to the conditions of the preliminary plat/PRD as follows:

HEX Condition 1: THE APPLICANT SHALL COMPLY WITH ALL MITIGATION MEASURES FOUND IN THE MITIGATED DETERMINATION OF NON SIGNIFICANCE (SEPA 08-0034) ISSUED FOR THE PROPOSAL, OR AS SUBSEQUENTLY AMENDED.

The MDNS issued for the proposal included three mitigation requirements. Of these, only one, related to traffic and transportation infrastructure is applicable to the current phase proposed for Final Plat/PRD approval. The other mitigating measures relate to wetlands which do not occur in Division N1. The one relevant mitigation measure required that the applicant implement the public transportation infrastructure as proposed in the plan set dated August 17, 2010, and revised on October 4, 2010.

The Harbor Hill Phase 1C civil construction plans provide the required infrastructure for the N1 Division in accordance with the Harbor Hill PRD Infrastructure Phasing Plan. The infrastructure is currently under construction and the City holds a performance bond for the work. The City and the applicant agreed in writing to the following:

1. The completion date referenced in section A.3 of Surety Bond # 754213S for EN-11-0053 Harbor Hill Plat Phase 1C project for the infrastructure improvements is hereby clarified to occur in accordance with the October 17, 2013 proposal from the applicant, with consideration given to weather delays and other unavoidable construction delays.
2. The applicant shall maintain control of the on-site construction limits until such time as the infrastructure improvements are completed and accepted

by the City. "Control of the on-site construction limits" is understood to mean that use of the improvements and access to and from the limits of construction is restricted by the applicant at the applicant's sole discretion and liability for use of the construction site and improvements lies solely with the applicant.

3. No certificate of occupancy for any building permit will be issued unless the infrastructure improvements are complete and accepted by the City, notwithstanding possible future written agreements.

Conditions of approval reflecting this understanding have been placed in the Resolution drafted to approve the final plat and PRD..

HEX Condition 2: ALL PERIMETER LANDSCAPING BUFFERS SHALL BE VEGETATED TO MEET THE STANDARDS OF GHMC 17.78.060, AS AMENDED THROUGH THE ALTERNATIVE LANDSCAPE PLAN APPROVED BY THE HEARING EXAMINER. THIS REQUIREMENT SHALL BE MET PRIOR TO APPROVAL OF THE FINAL PLAT.

The proposed buffers comply with this condition. Staff has reviewed the screening within the perimeter buffers, reviewed the landscape plans and determined that the planning landscape bond includes the necessary plantings needed to achieve the required screening. The Development Agreement allows for such bonding.

HEX Condition 3: FIRE FLOW REQUIREMENTS SHALL BE MET. LOCATION AND MANNER OF FIRE LANE MARKINGS SHALL BE PROVIDED AT TIME OF CIVIL REVIEW.

Fire Flow requirements have been met. Pavement markings and signage plans are included in the civil construction drawings. Furthermore, a note has been added to the civil plans that allows the fire marshal to require additional "No Parking – Fire Lane" signs and/or curb markings.

HEX Condition 4: CITY FORCES MAY REMOVE ANY TRAFFIC CONTROL DEVICE CONSTRUCTED WITHIN THE CITY RIGHT OF WAY NOT APPROVED BY THE OPERATIONS AND ENGINEERING DIVISION. ANY LIABILITY INCURRED BY THE CITY DUE TO NON-CONFORMANCE BY THE APPLICANT SHALL BE TRANSFERRED TO THE APPLICANT.

This condition is informational in nature; the applicant has included this requirement in the list of conditions contained on sheet 3 of the final plat.

HEX Condition 5: A ROAD ENCROACHMENT PERMIT SHALL BE ACQUIRED FROM THE CITY PRIOR TO ANY CONSTRUCTION WITHIN CITY RIGHT OF WAY, INCLUDING UTILITY WORK, IMPROVEMENTS TO THE CURB, GUTTER, AND SIDEWALK, ROADWAY

SHOULDERS AND DITCHES, AND INSTALLATION OF CULVERTS. ALL WORK WITHIN THE CITY RIGHT OF WAY SHALL CONFORM TO THE CITY'S PUBLIC WORKS STANDARDS AND STORMWATER DESIGN MANUAL.

This condition is informational in nature; the applicant has included this requirement in the list of conditions contained on sheet 3 of the final plat.

HEX Condition 6: PERMANENT SURVEY CONTROL MONUMENTS SHALL BE PLACED TO ESTABLISH PUBLIC STREET CENTERLINES, INTERSECTIONS, ANGLE POINTS, CURVES, SUBDIVISION BOUNDARIES AND OTHER POINTS OF CONTROL. A MINIMUM OF TWO PERMANENT SURVEY CONTROL MONUMENTS SHALL BE INSTALLED AT LOCATIONS DETERMINED BY THE CITY IN ACCORDANCE WITH THE CITY'S PUBLIC WORKS STANDARDS AND RECORDED WITH THE PIERCE COUNTY SURVEY CONTROL DIVISION PRIOR TO FINAL ENGINEERING APPROVAL OF CIVIL IMPROVEMENTS.

Survey control monument locations are shown on the civil construction plans. The applicant has included this requirement in the list of conditions contained on sheet 3 of the final plat.

HEX Condition 7: IRRIGATION AND MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS.

This note has been included on the final plat. A Home Owners Association has been created and will be responsible for the irrigation and maintenance of the landscaping in the public Right of Way.

HEX Condition 8: THE FINAL PLAT MAP SHALL NOTE (WHERE IN QUOTES) OR DELINEATE THE FOLLOWING:

- a) WARNING: CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN OR OTHERWISE SERVICE PRIVATE ROADWAYS OR DRIVEWAYS WITHIN, OR PROVIDING ACCESS TO, PROPERTY DESCRIBED IN THIS PLAT".
- b) "MAINTAINING ADEQUATE SITE DISTANCE AT ALL VEHICULAR ACCESS POINTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO MAINTAIN ADEQUATE SITE DISTANCE AT PRIVATE ACCESS POINTS LOCATED WITHIN THIS PLAT."
- c) "INCREASED STORMWATER RUNOFF FROM THE ROAD(S), BUILDING, DRIVEWAY AND PARKING AREAS SHALL NOT BE DIRECTED TO CITY INFRASTRUCTURE. INCREASED STORM WATER RUNOFF SHALL BE RETAINED/DETAINED ON SITE UNLESS IT IS PROVEN

TO BE ADEQUATELY RETAINED/DETAINED BY AN OFFSITE REGIONAL FACILITY.

- d) "WHERE SEASONAL DRAINAGE CROSSES SUBJECT PROPERTY, NO DISRUPTION OF THE NATURAL FLOW SHALL BE PERMITTED."
- e) STORMWATER FOR RUNOFF FROM BUILDINGS AND PARKING SURFACES SHALL BE SHOWN ON INDIVIDUAL BUILDING LOTS, INCLUDING DRYWELL SIZING OR STORM DRAIN CONNECTION POINTS.
- f) IF PRIVATE ROADWAYS ARE PROPOSED THEN PROVISIONS SHALL BE MADE FOR THE ROADS AND EASEMENTS TO BE OPEN AT ALL TIMES FOR EMERGENCY AND PUBLIC SERVICE VEHICLE USE.
- g) "THIS PLAT IS SUBJECT TO STORMWATER MAINTENANCE AGREEMENT RECORDED UNDER AUDITOR'S FILE NUMBER (ENTER AFN HERE)."
- h) "STORMWATER/DRAINAGE EASEMENTS ARE HEREBY GRANTED FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DELINEATED ON THIS SITE PLAN. NO ENCROACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT THAT MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES. MAINTENANCE AND EXPENSE THEREOF OF THE UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS, AS NOTED UNDER THE STORMWATER MAINTENANCE AGREEMENT FOR THE PLAT."

With the exception of item F above, the required notes have been included on the final plat. Item F is required if private roads are proposed, none are proposed in this division. All notes relevant to this division have been included on the final plat.

HEX Condition 9: AN ASSOCIATION OF OWNERS SHALL BE FORMED AND CONTINUED FOR THE PURPOSE OF MAINTAINING THE COMMON OPEN SPACE. THE ASSOCIATION SHALL BE CREATED AS AN ASSOCIATION OF OWNERS UNDER THE LAWS OF THE STATE AND SHALL ADOPT AND PROPOSE ARTICLES OF INCORPORATION OR ASSOCIATION AND BYLAWS, AND ADOPT AND IMPROVE A DECLARATION OF COVENANTS AND RESTRICTIONS ON THE COMMON OPEN SPACE THAT ARE ACCEPTABLE TO THE CITY IN PROVIDING FOR THE CONTINUING CARE OF THE SPACE. NO COMMON OPEN SPACE MAY BE PUT TO A USE NOT SPECIFIED IN THE FINAL DEVELOPMENT PLAN UNLESS THE FINAL DEVELOPMENT PLAN IS FIRST AMENDED TO PERMIT THE USE. NO CHANGE OF USE MAY BE CONSIDERED AS A WAIVER OF ANY OF THE COVENANTS LIMITING THE USE OF COMMON OPEN SPACE AREA, AND ALL RIGHTS TO ENFORCE

THESE COVENANTS AGAINST ANY USE PERMITTED ARE EXPRESSLY RESERVED TO THE CITY AS WELL AS THE OWNERS. ALTERNATIVELY, THE COMMON OPEN SPACE MAY BE CONVEYED TO A PUBLIC AGENCY WHICH AGREES TO MAINTAIN THE COMMON OPEN SPACE AND ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, WHICH HAVE BEEN PLACED UPON IT.

An association of the owners has been formed and recording information is shown on the face of the plat.

HEX Condition 10: ANY DEDICATION, DONATION OR GRANT AS SHOWN ON THE FACE OF THE PLAT SHALL BE CONSIDERED TO ALL INTENTS AND PURPOSES AS A QUITCLAIM DEED TO THE SAID DONEE(S) GRANTEE(S) FOR HIS/HER/THEIR USE FOR THE PURPOSE INTENDED BY THE DONOR(S) OR GRANTOR(S).

This condition is informational in nature; the final plat complies with this condition.

HEX Condition 11: SINCE THE PLAT IS SUBJECT TO A DEDICATION, THE CERTIFICATE OR A SEPARATE WRITTEN INSTRUMENT SHALL CONTAIN THE DEDICATION OF ALL STREETS AND OTHER AREAS TO THE PUBLIC, AND INDIVIDUAL(S), RELIGIOUS SOCIETY(IES) OR TO ANY CORPORATION, PUBLIC OR PRIVATE, AS SHOWN ON THE PLAT, AND A WAIVER OF ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROAD. SAID CERTIFICATE OR INSTRUMENT OF DEDICATION SHALL BE SIGNED AND ACKNOWLEDGED BEFORE A NOTARY PUBLIC BY ALL PARTIES HAVING ANY OWNERSHIP INTEREST IN THE LANDS SUBDIVIDED AND RECORDED AS PART OF THE FINAL PLAT.

This dedication language and required notary block are included on the face of the plat.

HEX Condition 12: ANY DEDICATION FILED FOR RECORD SHALL BE ACCOMPANIED BY A TITLE REPORT CONFIRMING THAT THE TITLE OF THE LANDS AS DESCRIBED AND SHOWN ON SAID PLAT IS IN THE NAME OF THE OWNERS SIGNING THE CERTIFICATE OR INSTRUMENT OF DEDICATION.

A title report has been submitted that documents that the property is owned by Harbor Hill LLC.

HEX Condition 13: SCHOOL IMPACT FEES AS REQUIRED BY GHMC 19.12.050(8)(11) SHALL BE COLLECTED FOR ALL RESIDENTIAL DEVELOPMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

The applicant has documented that this is required through the incorporation of the conditions of approval on sheet 3 of the final plat drawing.

HEX Condition 14: PROPOSED MULTIPLE FAMILY DEVELOPMENT SHALL GO THROUGH THE SITE PLAN REVIEW PROCESS, OR ANY SUBSEQUENTLY ADOPTED NONRESIDENTIAL LAND USE REVIEW PROCESS.

The applicant has documented that this is required through the incorporation of the conditions of approval on sheet 3 of the final plat drawing.

HEX Condition 15: THE APPLICANT SHALL COMPLY WITH ALL OF THE TERMS OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL LLC, FOR THE HARBOR HILL DEVELOPMENT, DATED NOVEMBER 9, 2010 (OR ANY SUBSEQUENT AMENDMENTS).

Harbor Hill Division N1 complies with the terms of the development agreement.

HEX Condition 16: IN ADDITION TO THE TRANSIT STOP PROPOSED ON THE SOUTH SIDE OF BORGES BOULEVARD, THE APPLICANT SHALL BE REQUIRED TO INSTALL A TRANSIT STOP ON THE NORTH SIDE OF BORGES BOULEVARD. THE FINAL LOCATION AND DESIGN OF BOTH TRANSIT STOPS SHALL BE AS DETERMINED BY THE CITY OF GIG HARBOR AND PIERCE TRANSIT.

Two transit stops are proposed to be constructed with Division 1A and are shown on the civil construction plans, which have been bonded for as a part of the Division 1A bonds.

PD Condition 17: ON THE M2 LOT, ANY BUILDING PROPOSED TO EXCEED THE UNDERLYING 35 FOOT HEIGHT ALLOWANCE IN THE RLD AREA OF THE LOT SHALL PROVIDE A MINIMUM SETBACK OF 70 FEET TO ANY EXTERIOR BOUNDARY OF THE PRD (NOT THE SUBJECT LOT). THIS SETBACK IS AN ADDITIONAL SETBACK APPLICABLE TO SAID BUILDINGS, ALL BUILDINGS ON THE M2 LOT SHALL PROVIDE A MINIMUM SETBACK OF 10 FEET TO THE PROPERTY LINE OF THE M2 LOT.

The M2 lot is not a part of the N1 Division.

PD Condition 18: FOR THIS AND ALL FUTURE MODIFICATIONS OR ALLOCATIONS, THE APPLICANT SHALL PROVIDE AN ACCOUNTING OF THE PROPOSED ALLOCATION OF WATER, SEWER AND TRANSPORTATION CAPACITY RESERVED FOR THE PROJECT UNDER THE CONCURRENCY REQUIREMENTS. THIS MAY BE ACCOMPLISHED BY PROVIDING A TABLE LISTING EACH PHASE OR LOT OF THE DEVELOPMENT WITH THEIR ASSOCIATED WATER, SEWER AND TRANSPORTATION CAPACITY RESERVATIONS TO SHOW THAT THE PROPOSAL IS IN ACCORDANCE WITH THE TOTAL CAPACITIES RESERVED. THIS IS

INTENDED SOLELY FOR THE PURPOSE OF TRACKING THE TOTAL AMOUNTS AS THESE AMOUNTS ARE TIED TO THE ENTIRE PROJECT AND NOT TO SPECIFIC PHASES OR LOTS. THE APPLICANT HAS DISCRETION TO ALLOCATE THE RESERVED CAPACITIES TO VARIOUS PHASES OR LOTS WITHIN THE PROJECT LIMITS IN ACCORDANCE WITH SECTION 15 CAPACITY RESERVATIONS OF THE HHDA.

Harbor Hill has provided an updated allocation documenting that the N1 division has been adequately allocated water, sewer and transportation capacity in accordance with the Development Agreement and this condition.

- C. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, this title and any other applicable city ordinances which were in effect at the time of preliminary plat approval.

The proposed final plat meets the requirements of Chapter 58.17 RCW, the requirements of Title 16 and those of other applicable city ordinances.

- D. **Director's Decision:** Jennifer Kester, Planning Director, recommends that the City Council move to adopt the resolution approving the final plat/PRD for Harbor Hill Division N1.

RESOLUTION NO. 944

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING THE FINAL PLAT AND FINAL PRD FOR DIVISION N1 OF HARBOR HILL, LOCATED NORTH OF BORGEN BOULEVARD AND EAST OF HARBOR HILL DIVISION 1A; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER 4002930030, AND CITY OF GIG HARBOR FILE NO. PL-FPLAT-13-0001 AND PL-FPRD-13-0001

WHEREAS, on December 30, 2010, the City of Gig Harbor Hearing Examiner conditionally granted preliminary plat and preliminary planned residential development (PRD) approval to Harbor Hill, located north and south of Borgen Blvd. and east of the Harbor Hill Business Park and the Ridge at Gig Harbor Subdivision; and

WHEREAS, on October 8, 2010, the City Council approved a Development Agreement for Harbor Hill providing for 20 years of vesting and allowing certain deviations from the code; and

WHEREAS, Division N1 is an approved phase of the Harbor Hill Preliminary Plat and PRD located north of Borgen Blvd. and east of the Harbor Hill Division 1A Subdivision/PRD, a portion of Pierce County Assessor-Treasurer Parcel Number 4002930030, containing 63 single family residential lots and associated infrastructure; and

WHEREAS, on November 26, 2012 the City Council approved Amendments to the Development Agreement allowing the Planning Director to approve modifications to the Preliminary Plat and PRD Approvals; and

WHEREAS, after preliminary plat approval, the applicant submitted and received approval on April 29, 2013 for Civil Plans documenting the requirements for constructing the N1 division of the plat/PRD; and

WHEREAS, on August 2, 2013 the Planning Director approved modifications to the Harbor Hill Preliminary Plat and PRD; and

WHEREAS, the modifications approved by the Planning Director did not modify the construction details contained in the approved Civil construction Plans; and

WHEREAS, the applicant has posted performance bonds for the public and private infrastructure required in the preliminary plat/PRD approval for the N1 Division; and

WHEREAS, street names being utilized in Harbor Hill Division N1 was previously approved by the City on October 14, 2013; and

WHEREAS, an application for final plat and for final PRD approval was submitted to the City on October 22, 2013; and

WHEREAS, the applications submitted for final plat and final PRD approval were deemed to be complete on October 23, 2013; and

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

WHEREAS, the City requested revisions on November 1, 2013 clarifying documents to be submitted prior to Council review and requesting revisions to the final plat/PRD drawing; and

WHEREAS, the applicant submitted the requested documents and revisions on November 5, 2013; and

WHEREAS, the City requested revisions on November 15, 2013 clarifying documents to be submitted prior to Council review and requesting revisions to the final plat/PRD drawing; and

WHEREAS, the applicant submitted the requested documents and revisions on November 19, 2013; and

WHEREAS, the final corrected drawings of the proposed final plat/PRD and requested documents were circulated to the appropriate departments of the City and recommendations for approval were obtained; and

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

WHEREAS, the City Council reviewed the application for the final plat at its regular meeting of November 25, 2013; Now, Therefore,

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

Section 1. Findings

A. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 16.06.005, the Harbor Hill Division N1 subdivision, subject to the conditions imposed in

Section 2:

1. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;

2. Conforms to all terms of the preliminary plat and preliminary PRD approvals; and a performance bond has been accepted in lieu of construction of the required improvements and
3. Conforms to all terms of the Development Agreement approval; and
4. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 16 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

B. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 17.89.080, the Harbor Hill Division N1 Final PRD, subject to the conditions imposed in Section 2:

1. Provides all features and amenities identified in the preliminary PRD;
2. Complies with the conditions of approval required by the City Engineer;
3. Complies with all conditions of approval required by the Fire Marshal;
4. Complies with all conditions of approval required by the Planning Director and a performance bond has been accepted in lieu of construction for required landscaping and amenities contained within Division N1;
5. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 17 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

Section 2. Approval; Conditions

The City Council hereby approves Harbor Hill Division N1 Final Plat and Final PRD, File Nos. PL-FPLAT-13-0001 and PL-FPRD-13-0001, subject to the following conditions:

1. The landscape and PRD improvements contained in Division N1 (and bonded for under surety #754967S) shall be completed by the applicant and accepted by the City within the timelines established within the bond unless an extension is granted by the Planning Director; and
2. The infrastructure contained in phases 1B and 1C of Civil Permit EN-11-0053 (and bonded for under surety #754201S and #754213S respectively) shall be completed by the applicant and accepted by the City on or before December 31, 2013 unless an extension is granted at the sole discretion of the City Engineer related to weather or other unavoidable construction delays; and
3. The applicant shall maintain control of the on-site construction limits until such time as the infrastructure improvements are completed in its entirety and accepted by the City. "Control of the on-site construction limits" is understood to mean that use of the improvements and access to and from the limits of construction is restricted by the applicant at the applicant's sole discretion and liability for use of the construction site and improvements lies solely and completely with the applicant; and
4. No certificate of occupancy for any building permit within this Division will be issued unless the infrastructure improvements have been completed in its entirety and accepted by the City, notwithstanding possible future written agreements; and

5. Amendments 1 and 2 to the Harbor Hill Residential CCRs, By-Laws, and Article of Incorporation shall be recorded with the county auditor prior to the recording of the final plat/PRD.

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

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

RESOLVED this 25th day of November, 2013.

APPROVED:

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY

BY: _____
Angela G. Summerfield

FILED WITH THE CITY CLERK: 11/20/13
PASSED BY THE CITY COUNCIL: 11/25/13
RESOLUTION NO. 944



"THE MARITIME CITY"

DEVELOPMENT SERVICES
NOTICE OF ADMINISTRATIVE DECISION

**CITY OF GIG HARBOR
PLANNING DEPARTMENT**

Harbor Hill M2 Plat/PRD Revision

TO: OPG Properties LLC; John Chadwell
19950 7TH Avenue Suite 200
Poulsbo WA 98370

FROM: Planning Staff
DATE: August 2, 2013

RE: PL-PPLATR-13-0001, PL-PRD-13-0001, and PL-DRB-13-0021
Harbor Hill M2 Plat/PRD Revision

I. GENERAL INFORMATION

A. Applicant: OPG Properties LLC; John Chadwell
19950 7TH Avenue Suite 200
Poulsbo WA 98370

B. Owner: Harbor Hill LLC
19950 7TH Avenue Suite 200
Poulsbo WA 98370

II. APPLICANT'S REQUEST

The proposal includes revisions to the existing approved Harbor Hill Preliminary Plat and PRD to expand the M2 future development tract (FDT) and to relocate and revise the wetland mitigation plan to better meet the permit requirements of other agencies with jurisdiction. The expansion of the M2 FDT requires the relocation of the southerly access road from Borgen Boulevard. This road was previously known as Road G, and is now referred to in the plan set as Road K. Further, to accommodate maintaining the same number of single family units within the plat/PRD with the expansion of the M2 FDT, lot configurations would be adjusted in

the southern phases. The applicant has further proposed changes to the open spaces serving these areas to maintain the intended functions in defining neighborhoods and providing access and recreation to the residents.

The proposal is described in exhibit 1, the Plan Set, received July 17, 2013 (prepared July 16, 2013 and March 8, 2013); exhibit 2, the Project Description Revised July 17, 2013; exhibit 3, the Wetland Mitigation Plan for the Harbor Hill Single Family Residential S9 Tract (Mitigation Plan) Project dated February 21, 2012; and exhibit 4, Email to Kristin Moerler from Brian Hansen dated July 31, 2013 re: Harbor Hill. The existing Hearing Examiner HEX Decision dated December 30, 2010 is attached as exhibit 5.

III. SITE DESCRIPTION

- A. **Location:** North and South of Borgen Boulevard NW
Assessor's Parcels 0222308002, 0222311000, 0222311009
- B. **Site Area/Acreage:** 199.98 acres
- C. **Existing Site Characteristics:**
1. **Topography:** The site is moderate and rolling, with some areas that exceed 30 percent slope.
 2. **Vegetation:** The site is heavily vegetated. Some very large cleared areas are found, principally on the southern portion.
 3. **Wetlands and Critical Areas:** There are three wetlands and a small stream onsite.
- D. **Zoning:**
1. **Subject parcels:** Planned Community Development Residential Low Density (PCD-RLD) and Planned Community Development Residential Medium Density (PCD-RMD)
 2. **Adjacent zoning and current use:**
 - a. **North:** Outside City Limits, developed with single family residential uses. Pre-annexation zoning is R-1.
 - b. **East:** Outside City Limits, developed with single family residential uses. Pre-annexation zoning is R-1
 - c. **South:** R-1 – Residential Single-Family.

ED- Employment Center, Northharbor
Business Park

- d. **West:** PCD-RMD – Residential Single-Family
subdivision.
PCD-BP – Vacant commercial land

- E. **Utilities / Road Access:** The site is accessed from Borgen Boulevard, Peacock Hill Avenue, and Harbor Hill Drive, all of which are public streets. Public roads are proposed throughout the site. Water and sewer will be provided by the City of Gig Harbor.

IV. APPLICABLE CODES AND POLICIES

- A. **Comprehensive Plan:** The site is designated as PCD-Residential Low and PCD- Residential Medium.

- B. **Gig Harbor Municipal Code (GHMC):**

Preliminary Plats: GHMC Section 16.05.003 lists the criteria the hearing examiner shall make inquiry into and shall consider when reviewing a preliminary plat.

Subdivisions: All subdivisions must meet the general requirements for approval of subdivisions listed in GHMC Section 16.08.001.

Zoning Code: The proposed preliminary plat is located in the PCD-RLD and PCD-RMD zones. Chapter 17.17 and 17.21 of the GHMC contains requirements and performance standards for development in the RLD and RMD zone districts, respectively.

Planned Residential Development Zone Standards: Chapter 17.89 GHMC contains the requirements and standards for a planned residential development, in particular GHMC Sections 17.89.020, 17.89.050, 17.89.060, 17.89.070, 17.89.090, and 17.89.110.

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

Wetland and Critical Area Regulations: Chapter 18.08 GHMC contains the guidelines, criteria, standards and requirements designed to analyze and mitigate potential impacts to city wetland resources and other critical areas.

Administration of Development Regulations: The site is subject to the Harbor Hill Development Agreement and subsequent amendments authorized under GHMC 19.08. GHMC section 19.08.020(B)(1) provides

“Any approved development standards that differ from those in the code shall not require any further rezone, variance from city standards or other city approval apart from development agreement approval. The development standards as approved through a development agreement shall apply to and govern the development and implementation of each covered property in lieu of any conflicting or different standards or requirements elsewhere in the Gig Harbor Municipal Code”

The Harbor Hill Development Agreement authorizes a number of modified City development standards detailed in the agreement. The initial Harbor Hill Development Agreement (HHDA) is attached as exhibit 6 to this decision and the 2012 Amendment to the HHDA is attached as exhibit 7. Where relevant this report references these documents relative to development standards that have been authorized to vary from those in the code.

Further, the 2012 amendment to the HHDA establishes Section 9: Minor Amendments that provides:

“(b) Any modification to an approved preliminary plat that changes the number of lots, boundaries, configuration, design, or layout of lots, parcels, tracts, or roadways within the preliminary plat, or changes the conditions of approval of the preliminary plat may be approved by the Director administratively as a Type II decision if the Director finds that the preliminary plat will continue to satisfy the criteria for approval of a preliminary plat under GHMC 16.05.003 after the modification.

(c) Any modification to an approved preliminary PRD that changes the number of lots, boundaries, configuration, design, or layout of lots, parcels, tracts, or roadways within the PRD, or changes the conditions of approval of the preliminary PRD may be approved by the Director administratively as a Type II decision if the Director finds that the PRD will continue to satisfy the

criteria for approval of a preliminary PRD under GHMC 17.89.070 after the modification.”

V. BACKGROUND INFORMATION

Since the time of the initial Plat/PRD approval the applicant has moved forward in finding developers for the FDT's within the plat. The M1 lot has been permitted for 172 traditional multi-family apartment units and is presently under construction. The applicant has also located a party interested in developing the M2 lot with a Continuing Care Retirement Community (CCRC). However, to better accommodate the proposed use the applicant has pursued and received approval for the 2012 Amendment to the HHDA which provided an administrative path to allow the applicant to pursue the current amendments to the plat and PRD to expand the M2 lot and allow the uses identified in the City zoning code that comprise a CCRC on the expanded M2 lot area (see Exhibit 3, item #2). It should be noted that the development agreement for the site does not authorize an expansion of the 10 acre RMD rezone applicable to the M2 lot that was part of the initial Harbor Hill project approval. This proposal is limited to expanding the M2 lot within the PRD and reaffirming height increases on the lot pursuant to GHMC subsection 17.89.060(A)(4).

Additionally the applicant has also proposed to revise the location of the wetland mitigation approved with the initial application to meet the requirements of the Army Corps for a Nationwide Permit. While the initial mitigation area was approved by the City as compliant with all related City codes, the applicant was also required to obtain a Nationwide Permit for the wetland fill and related culvert contained in the S9 division of the plat from the Army Corps of Engineers. During the review of the proposal by the Army Corps of Engineers, city staff was able to walk the mitigation site with the Corps staff in December of 2012. At the time of that site inspection, the reviewing Corps biologist determined that the mitigation site provided superior upland habitat and was inappropriate to convert to a wetland as approved in the initial plat/PRD approval. The applicant was encouraged to pursue alternatives that would avoid impacting the mature forest community existing in the area. The revised wetland mitigation plan proposes to move the wetland mitigation area due north and expand the area of mitigation to cover an existing failed mitigation area existing partially on the site and partially on the adjacent Harbor Hill Business Park Plat.

Further, it bears discussion that the plans included as exhibit 1 have included all phases of the project in the updated plans set, however several key notations have been used to differentiate between areas

where final plat has occurred and where more detailed engineering or landscaping plans have been submitted or approved for phases that have proceeded with civil plan review.

The preliminary plat and design manual plans (sheets 2-11) include hatching only over those areas where a final plat has been authorized (Division 1a comprising the M2 lot and adjacent infrastructure). This reflects that all future final plat applications within the plat will be reviewed against this revised plan. The preliminary engineering and landscaping plans generally comprise the bulk of the remaining plans, for these sheets hatching is used to reflect areas where more detailed plans exist and provides references to the appropriate civil permit case associated with that review. This affects the N1, N2 and S9 phases as well as key areas of the plat infrastructure required to serve these phases. To assure that the record is complete for all future phases needing final plat, staff has attached the landscaping plans which are omitted in the main plan set.

VI. ENVIRONMENTAL REVIEW:

The City issued a Mitigated Determination of Non-Significance (MDNS) and Adoption of Existing Environmental Document (MDNS) on November 17, 2010 (See Mitigated Determination of Nonsignificance, SEPA 08-0034, exhibit 8). No appeals of the MDNS and Adoption of Existing Document were filed.

The City reviewed and circulated an Environmental Checklist and subsequently issued a SEPA Addendum on July 31, 2013 (exhibit 9) as the proposal was consistent with the existing SEPA approval and no additional impacts were identified. This review was conducted under case PL-SEPA-13-0011.

VII. PUBLIC NOTICE & INPUT:

A Notice of Application was published in the Peninsula Gateway on April 10, 2013. Mailed notice was sent to property owners within 300 feet of the site and to all parties of record on April 10, 2013. Notice was also posted on the site on April 10, 2013. The public comment period ended on April 24, 2013. No comments have been received regarding this proposal.

VIII. STAFF ANALYSIS AND FINDINGS:

A. Planning Staff: The changes presented at this time generally fall into three main categories; changes related to the expansion of the M2 lot,

the relocation of the wetland mitigation area and clarification of the density allowed on the site as this review has indicated the density discussions in the existing HEX decision did not incorporate the proposed and subsequently approved density increase associated with the additional 10 acres of RMD zoned property. Staff has also provided an open space summary discussion as both of the proposed changes affect the open spaces within the PRD.

Discussion of M2 Expansion: The applicant desires to expand the area of the M2 FDT as described above. In order to expand the M2 lot given its location, the parkway access into the southern phases from Borgen requires relocation approximately 400 feet east of its original, approved location. This road was indicated in prior plans and decisions as Road G; it is now designated as Road K in the current plan set (exhibit 1). In relocating this road, it's the applicant's intention to maintain the transportation mitigation associated with the intersection of Borgen Blvd. and Road G.. The required lane configurations are indicated on sheet 27 of the attached plan set. There are, however, several minor discrepancies related to the road configuration indicated in the plan set. The Engineer for the project has provided an email to staff (exhibit 4) documenting that the easterly curb line of Road K on sheet 27 is incorrectly depicted, and that in revising the road location, the road section location indicators on page 17 shown for sections B and C are incorrectly depicted in the plans. Staff would note, that these minor discrepancies will be corrected as a part of the civil review for these improvements. Staff would further note, that they do not affect the required lane configuration that has been maintained consistent with the prior decision making.

Further, as the proposal is to maintain the same number of single family lots within the plat and not to allocate displaced units to the FDT, lot configurations in the southern phases have been adjusted to accommodate the displaced lots. This has caused lots in the area south of Borgen to generally become smaller. The applicant has generally proposed 50 foot wide lots at the outer perimeter where lots had generally been 60 feet wide. The applicant has also reconfigured open spaces in the S1 and S2 phases to provide equivalent improved areas and fewer interior buffer areas. The proposal does not remove any of the perimeter buffer and increases retained vegetation at the corner of Peacock Hill Road and Borgen Blvd.

Turning to the M2 lot itself, it is important to clarify that the underlying uses required for a Continuing Care Retirement Community (CCRC) were specifically authorized to occur on the M2 lot per item #2 in the 2012 Amendment to the HHDA. The uses from the City zoning code specifically authorized are: independent living facility, assisted living

facility and skilled nursing facility. The revised phasing plan also approved in the 2012 amendment to the HHDA includes the larger M2 lot configuration evidencing the City Council's intent to apply the use to the expanded parcel.

Further, the HHDA in section 17, Residential Densities, provides for the clustering of density across the project sufficient to allow the densities with the individual phases of the project to be adjusted as proposed.

The HHDA itself does not specifically allow the 45 foot height presently authorized for the FDT tracts so the general zoning provisions apply to the height of these buildings. For the expanded portion of the lot, the underlying RLD zone provides for a height allowance of only 35 feet. However, the City's PRD code (GHMC section 17.89.060(A)(4)) provides that height allowances can be increased subject to the criteria in the code. The existing HEX Decision (exhibit 7) provides for the M2 lot to increase height above the 35 feet allowed in the RLD zone as evidenced in findings #21 and #62 which authorize increases on the FDT located in the RLD. However, the initial decision failed to document that to comply with all provisions to allow 45 feet, an increased setback of 70 feet from the perimeter of the plat was required (the RLD front setback + 5 feet for each of the extra 10 feet proposed). As this increased setback is necessary for the expanded portion of the M2 lot, this setback has been included below as a condition of approval.

Wetland Mitigation Change: As discussed above the applicant proposes to relocate the approved mitigation north into the wetland mitigation area initially created by the City roughly ten years ago to mitigate the construction of Borgen Boulevard that has resulted in very little actual wetland area. As documented in exhibit 3 of the Mitigation Plan, this area is approximately 0.92 acres and only 6,750 square feet, or roughly 16.5% of the area, is presently functioning as a wetland. As photographically detailed in attachment A to the mitigation plan (exhibit 3) the plant community in this area is vastly inferior to other areas of the site as it is largely dominated by grasses and invasive species. This failed mitigation area is part of the South Wetland Loop Trail to be transferred to the City pursuant to section 14 of the HHDA (exhibit 8). Approximately half of this area will be dedicated to the City; the other half was transferred to the City as a part of the Adjacent Harbor Hill Business Park Plat. The applicant's proposal is consistent with the Section 14 which provides for the applicant to improve the gateway park and develop trail connections into the wetland system.

This area was never subject to a Nationwide Permit with the Army Corps due to its size and regulations in effect at the time of its creation; and was determined eligible by the Army to be utilized as mitigation for the current proposal. Planning staff has coordinated with the Corps reviewing biologist on the review of the revised wetland mitigation pursuant to GHMC 18.08.170(C). The plans proposed for approval under this application are consistent with the AFT Nationwide Permit issued to the applicant on July 17, 2013 (exhibit 10).

In reviewing the revised mitigation plan staff has noted that the applicant has substantially increased the mitigation area to fill the entire failed area. As documented in the attached Mitigation Plan (exhibit 3) on page 13, the new mitigation plan includes wetland creation at a rate of 18.6:1 and wetland buffer enhancement at a ratio of 3.7:1. This represents a substantially larger wetland mitigation area than the prior plans. The mitigation plan demonstrates compliance with all applicable City regulations. The code does provide that the final approved mitigation plan needs to be signed by the Director and the Applicant and recorded against the property following approval providing notice on title of the mitigation, and prohibiting further development of the mitigation area.

Density: In reviewing the current proposal, it has come to staff's attention that the existing project approval is based upon the density calculations that occur on page 6 of the project description (exhibit 2). These calculations include minimum and maximum permitted yields based on the existing zoning classifications applicable to the site at the time of initial application in 2008, but fail to include the proposed and subsequently authorized rezone of 10 acres of the site to RMD. While the proposed revision to the RMD does not affect the compliance of the approved 824 dwelling units with the city's density requirement for the site, the record should be clarified to document the correct minimum and maximum densities within the rezone area approved for the PRD. The following represents the density calculations for the project including the 10 acre rezone from RLD to RMD to document that the 824 dwelling units contained within the project are appropriately within the allowed minimum and maximum densities based on the approved zoning:

Minimum Permitted Yield

PCD-RLD:

470.9 160.9 AC gross - 6.9 AC (wetlands) - 23.5 AC (roads) = 440.5 130.5 AC net
440.5 130.5 AC X 4 DU/AC = 562 522 DU

PCD-RMD: 29.4 39.1 AC gross - 3.7 AC (roads) = 25.4 35.4 AC net
25.4 35.4 AC X 5 DU/AC = 427 177 DU

TOTAL MINIMUM UNIT YIELD = 562 522 DU + 427 177 DU = 689 699 DU

Maximum Permitted Yield

PCD-RLD: 470.9 160.9 AC gross X 4 DU/AC = 683 644 DU

PCD-RMD: 29.4 39.1 AC gross - 3.7 AC (roads) = 25.4 35.4 AC net
25.4 35.4 AC X 8 DU/AC = 203 283 DU

TOTAL MAXIMUM UNIT YIELD = 683 644 DU + 203 283 DU = 886 927 DU

Proposed PRD Yield

SFR Lots 554 DU
High Density Residential (Future Development) 270 DU*

TOTAL PROPOSED UNIT YIELD 824 DU

PROPOSED GROSS DENSITY: 4.1 DU/AC GROSS
PROPOSED NET DENSITY: 5.1 DU/AC NET

As demonstrated above the authorized density is compliant with the authorized zoning districts applicable to the site.

Open Spaces: The open space calculations are documented on the face of the plans (sheet 1 of 70) and indicate that the revised PRD provides 67.34 acres or 34% of the gross site area (GSA) and that 38.15 acres (19% of GSA) of active and passive recreation is provided within the plat. These calculations have been adjusted to clearly indicate what is included or excluded from the required calculations and to remove the open space requirements initially identified to be located within the FDTs. While the applicant is proposing to reduce the total amount of open spaces within the plat it remains compliant with all PRD provisions and requirements of the HHDA.

Regarding the wetland mitigation location, it should be noted that the proposed relocation of the wetland mitigation will enhance the most visible portion of the south wetland loop trail planned to be dedicated to the City as viewed from the future Gateway Park and public roadways existing and planned. The mitigation plan further includes placement of educational signage about the project to inform the public about wetland creation. These improvements expand and build upon those obligations discussed in Section 14 of the HHDA relative to the Gateway Park creation. This will provide the public the opportunity to view the high quality wetland areas in the retained Wetland E system and watch the establishment of a newly created wetland. The wetland creation while not designed to be a landscape area, will substantially improve the existing vegetation and general condition of this area.

Nothing in the proposed revisions affect the existing Alternative Landscaping Plan approved with the initial application. The perimeter buffer is not proposed to be revised, nor has the applicant asked to revise the allowances granted to perimeter buffers for the Gateway Park. There is no substantive change to these aspects of the existing decision.

As the plans included as exhibit 1 have omitted landscaping in the areas where civil reviews have been conducted, and it is important to include plans documenting the open space improvements typically shown in landscape plans, landscaping plans have been attached to this report to document the more detailed landscape plans approved/proposed for these areas. This affects the N1, N2 and S9 phases. Specifically, detailed landscape plans have been approved for Civil Phases known as 1-A/B/C/D which include the bonded landscaping associated with Division 1a (final plat) and the landscaping for phases indicated in these plans as N1 and N2. This landscape plan last revised on April 17, 2013, is included as exhibit 11 to this report to document the approved landscape for these areas. Staff accepted these plans as consistent with the existing approval on April 29, 2013.

Similarly there is a landscape plan set prepared for the S9 phase that has been in concurrent review while the plat revision has been in process and are attached to this decision to document the landscaping planned for the areas within the S9 phase (Exhibit 12). Like the plans issued for construction in the northern phases these attached plans represent minor fine tuning that typically occurs at the civil plan stage to address final engineering conditions and are consistent with the existing approval and the current revisions discussed in this decision.

Based on the above discussions the proposed changes to the PRD are generally minor in nature as the key concepts of the initial PRD layout have not been revised (See finding 66 of HEX Decision). The application remains compliant with the findings of approval for the PRD contained in the HEX decision.

B. Operations and Engineering

The proposed revision to Harbor Hill Residential Preliminary Plat (previously approved permits PL-SEPA-08-0034 and PL-PPLAT-08-0001) has been reviewed. The proposed revision does not substantially change the scope of the project impacts or mitigation from the Engineering review documented in the memo dated December 8, 2010 from Emily Appleton to Cliff Johnson.

However, to provide a clear written record for managing and tracking concurrency, the City of Gig Harbor Operations and Engineering division would like to include an additional condition of approval for the plat to better facilitate and track the allowed allocation of Concurrency pursuant to the HHDA section 15. Nothing in the proposed condition is intended to circumvent the provisions of the HHDA, only to ensure that allocations within this plat are clearly tracked and allocated in accordance with the HHDA as written or as may be amended in the future. The City of Gig Harbor Operations and Engineering Division recommends that the following condition be included in addition to the original permit approval conditions:

1. For this and all future modifications or allocations, the applicant shall provide an accounting of the proposed allocation of water, sewer and transportation capacity reserved for the project under the concurrency requirements. This may be accomplished by providing a table listing each phase or lot of the development with their associated water, sewer and transportation capacity reservations to show that the proposal is in accordance with the total capacities reserved. This is intended solely for the purpose of tracking the total amounts as these amounts are tied to the entire project and not to specific phases or lots. The applicant has discretion to allocate the reserved capacities to various phases or lots within the project limits in accordance with Section 15 Capacity Reservations of the HHDA.

It should be noted that Planning staff has worked with Engineering staff on this section of the staff report to better detail the need and intent of the new condition of approval, please see exhibit 13 which represents the Official Engineering response to this application.

Further, to assure that it is appropriate to maintain the existing findings and conclusions of approval relative to the configuration of roads and utilities, Planning Staff has asked the Engineering Department to document any necessary revisions to existing findings and conclusions contained in the existing decision. Emily Appleton, Senior Engineer, responded on behalf of the Engineering Division in the attached email to Kristin Moerler, Associate Planner on August 1, 2013 (exhibit 14). This email identifies two findings that should be modified; #15, to accurately reflect the connections proposed (this is a clarification only and does not reflect any actual change to the project), and #16 which is related to the infrastructure associated with the intersection of Road G.

Finding, #15 erroneously identified 119th Ct. NW as the road connection in the initial decision, this connection was intended to be limited to pedestrian and emergency vehicle access to minimize road impacts to County infrastructure as 119th Ct. NW occurs outside City limits. The following revised finding shall replace the existing finding #15

15. The proposed plat would have primary access from Borgen Boulevard, Peacock Hill Avenue and Harbor Hill Drive. A system of public streets, and alleys and sidewalks or paths would be constructed throughout the site that would also connect to neighborhood streets. Amber Court and 119th Ct NW, in the part of the plat north of Borgen Boulevard. The plat connection to Amber Court would be a full street connection with full vehicular and pedestrian/non-motorized access. The plat connection to 119th Ct NW would be a connection that allows for pedestrian/non-motorized and emergency vehicle access, but not full vehicular access for the travelling public. Two parkway roads with two 10-foot travel lanes, and two 8-foot parking lanes would connect to Borgen Boulevard and Peacock Hill Ave. Sidewalks, hard surfaced walkways, and trails are proposed throughout the site, including meandering walkways in 25-foot wide landscaped open space corridors on both sides of the parkways. The roads are required to be constructed in accordance with the City's public works standards.

Finding #16 as discussed above shall be revised as follows:

16. Applicant proposes to provide various dedications and transportation improvements, in addition to the on-site circulation system. Among the improvements proposed is a roundabout on Borgen Boulevard at the proposed intersection with Road A of the plat and to widen Borgen Boulevard to two lanes in each direction from just east of the Harbor Hill Drive intersection to the proposed Road G K intersection, plus a half-road extension of Harbor Hill Drive constructed at the south end of the project. A condition of the MDNS that requires implementing the public infrastructure improvements proposed in the plan set dated August 17, 2010, revised October 4, 2010, shall be interpreted to apply to the Road K which is functionally the same intersection as the previously named Road G.

All other findings of the HEX Decision relative to the road and utility plans should be maintained as the project has remained consistent with these findings.

C. Fire Marshal/Building Official

The Fire Marshal/Building Official approved the proposed revisions with the comment that the fire lanes and related markings would be reviewed at the time of Civil Permit. exhibit 15

IX. Conclusions:

Based on the analysis and findings above the Director concludes:

1. The Harbor Hill Development Agreement revised in 2012 authorizes the Director to approve amendments to the preliminary plat and preliminary PRD as a Type 2 Decision provided that the approval criteria of GHMC 16.05.003 are met for the preliminary plat revision and the approval criteria of GHMC 17.89.070 are met for the preliminary PRD revision.
2. The Planning Director has the authority to approve Administrative Design Review pursuant to GHMC 19.01.003.
3. Notice requirements for a Type 2 decision were met.
4. In regard to consistency with the criteria required to be met for the approval of a Preliminary Plat or Preliminary Plat revision set forth in GHMC 16.05.003, the findings demonstrate that the public use and interest will continue to be served by the proposed preliminary plat and the dedications proposed. The proposal remains consistent with the Comprehensive Plan and, conforms to applicable zoning provisions, applicable Development Agreement provisions and makes adequate provision for the items listed in Section 16.05.003.B. The preliminary plat revision should be approved retaining all existing conditions of approval and imposing the additional conditions recommended by the Engineering Division and Planning Department.
5. In regard to consistency with the criteria set forth in GHMC 17.89.070 required to be met for the approval of a PRD or PRD revision, the findings demonstrate that the proposed PRD is consistent with the criteria for approval and should be approved. The PRD approval should include approval of the modification of the required setbacks as proposed, the increased allowance of impervious surfaces on individual lots to 65 percent, and the modification of the height limit for any use that is not single-family within the RLD-PRD zoned FDT south of Borgen Boulevard, recognizing that that height is already permitted on the FDT north of Borgen Boulevard.

X. Director's Decision:

Based upon the previous analysis, findings and conclusions, the Director concludes that the proposed preliminary plat amendment, preliminary PRD amendment and design review have met the applicable criteria for approval and are therefore **APPROVED; subject to the conditions listed in Attachment A.**

Signature: Peter Katich for Jennifer Kester

Peter Katich for
Jennifer Kester, Planning Director – City of Gig Harbor

Date: _____

Duration of Permit Approval: The permits included in this decision shall expire twenty (20) years from October 10, 2010, unless a complete application for subsequent building permit or civil permit has been submitted and remained active, pursuant to the Harbor Hill Development Agreement section 6 Term of Agreement; Vesting Periods.

Administrative Appeal: Parties of record may appeal this administrative decision to the City of Gig Harbor Hearing Examiner. Such appeals must be filed, in writing, pursuant to GHMC Section 19.06.004, within fourteen (14) days after the issuance of this notice of decision. Appeals shall be delivered to the Planning Director by mail, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals shall be mailed or delivered to: Planning Director, City of Gig Harbor, 3510 Grandview Street, Gig Harbor, WA 98335; or faxed to: 253-858-6804. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked. A filing fee of \$275.00 must be submitted with any appeal filed. This fee is refunded if the appellant substantially prevails. Appellants that do not substantially prevail on appeal will be charged the cost of the Hearing Examiner.

Property Tax Valuation: Affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Pierce County Assessor-Treasurer.

cc: **Parties of record (none)**

The following attachments and exhibits constitute the administrative record:

1. Plans Received by the City on July 17, 2013; prepared by Triad Associates including pages signed on July 16, 2013 and March 8, 2013.
2. Project Description Revised July 17, 2013
3. Wetland Mitigation Plan for the Harbor Hill Single Family Residential S9 Tract Project dated February 21, 2012;
4. Email to Kristin Moerler from Brian Hansen dated July 31, 2013 re: Harbor Hill.
5. Hearing Examiner Decision for PPLAT-08-0001, PRD 08-0001, REZ 08-0001, dated December 30, 2010
6. Harbor Hill Development Agreement (HHDA) recorded under AFN: 201011241249
7. First Amendment to the Harbor Hill Development Agreement recorded under AFN 201212040216
8. MDNS Issued November 17, 2010 for PL-SEPA-08-0034.
9. SEPA Addendum issued July 31, 2013 (with all attachments) for case PL-SEPA-13-0011
10. AFT Nationwide Permit issued July 17, 2013 to John Chadwell, Olympic Property Group under case NWS-2012-0839
11. Construction Landscape Plans for phase 1-A/B/C/D last revised on April 17, 2013.
12. Construction Landscape Plans for phase S9 dated 7-12-13.
13. Memo from Emily Appleton, Senior Engineer, Dated July 30, 2013, re: Preliminary Plans entitled "Harbor Hill" Sheets 1-70 received July 17, 2013.
14. Email from Emily Appleton, Senior Engineer, to Kristin Moerler dated August 1, 2013 re: Permit Decision Engineering Review 7-30-13.
15. Request for Comments Approved as noted by Paul Rice on May 2, 2013.

ATTACHMENT A-ORIGINALLY IMPOSED SPECIAL CONDITIONS OF APPROVAL THAT REMAIN IN EFFECT:

1. The applicant shall comply with all mitigation measures found in the Mitigated Determination of Non significance (SEPA 08-0034) issued for the proposal, or as subsequently amended.
2. All perimeter landscaping buffers shall be vegetated to meet the standards of GHMC 17.78.060, as amended through the alternative landscape plan approved by the Hearing Examiner. This requirement shall be met prior to approval of the final plat.
3. Fire flow requirements shall be met. Location and manner of fire lane markings shall be provided at time of civil review.
4. City forces may remove any traffic control device constructed within the City right of way not approved by the Operations and Engineering Division. Any liability incurred by the City due to non-conformance by the applicant shall be transferred to the applicant.
5. A road encroachment permit shall be acquired from the City prior to any construction within City right of way, including utility work, improvements to the curb, gutter, and sidewalk, roadway shoulders and ditches, and installation of culverts. All work within the City right of way shall conform to the City's Public Works Standards and Stormwater Design Manual.
6. Permanent survey control monuments shall be placed to establish public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control. A minimum of two permanent survey control monuments shall be installed at locations determined by the City in accordance with the City's Public Works Standards and recorded with the Pierce County Survey Control Division prior to final engineering approval of civil improvements.
7. Irrigation and maintenance of landscaping within the public right of way shall be the responsibility of the property owner(s) or its heirs or assigns.
8. The final plat map shall note (where in quotes) or delineate the following:
 - a. **WARNING:** City of Gig Harbor has no responsibility to build, improve, maintain or otherwise service private roadways or driveways within, or providing access to, property described in this plat."
 - b. "Maintaining adequate site distance at all vehicular access points shall be the responsibility of the property owner. The City of Gig

Harbor has no responsibility to maintain adequate site distance at private access points located within this plat."

- c. "Increased stormwater runoff from the road(s), building, driveway and parking areas shall not be directed to City infrastructure. Increased storm water runoff shall be retained/detained on site unless it is proven to be adequately retained/detained by an offsite regional facility."
 - d. "Where seasonal drainage crosses subject property, no disruption of the natural flow shall be permitted."
 - e. Stormwater for runoff from buildings and parking surfaces shall be shown on individual building lots, including drywell sizing or storm drain connection points.
 - f. If private roadways are proposed then provisions shall be made for the roads and easements to be open at all times for emergency and public service vehicle use.
 - g. "This plat is subject to stormwater maintenance agreement recorded under Auditor's file number (enter AFN here)."
 - h. "Stormwater/Drainage easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on this site plan. No encroachment will be placed within the easements shown on the plat that may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the property owner(s) or its heirs or assigns, as noted under the stormwater maintenance agreement for the plat."
9. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners. Alternatively, the common open space may be conveyed to a public agency which agrees


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

10. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the said donee(s) grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).
11. Since the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.
12. Any dedication filed for record shall be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
13. School impact fees as required by GHMC 19.12.050(B) (II) shall be collected for all residential development prior to the issuance of a building permit.
14. Proposed multiple family development shall go through the Site Plan Review process, or any subsequently adopted nonresidential land use review process.
15. The applicant shall comply with all of the terms of the Development Agreement by and between the City of Gig Harbor and Harbor Hill LLC, for the Harbor Hill Development, dated November 9, 2010 (or any subsequent amendments).
16. In addition to the transit stop proposed on the south side of Borgen Boulevard, the applicant shall be required to install a transit stop on the north side of Borgen Boulevard. The final location and design of both transit stops shall be as determined by the City of Gig Harbor and Pierce Transit.

ADDITIONAL NEW CONDITIONS OF APPROVAL

17. On the M2 Lot, any building proposed to exceed the underlying 35 foot height allowance in the RLD area of the lot shall provide a minimum setback of 70 feet to any exterior boundary of the PRD (not the subject lot). This setback is an additional setback applicable to said buildings, all buildings on the M2 lot shall provide a minimum setback of 10 feet to the property line of the M2 lot.

18. For this and all future modifications or allocations, the applicant shall provide an accounting of the proposed allocation of water, sewer and transportation capacity reserved for the project under the concurrency requirements. This may be accomplished by providing a table listing each phase or lot of the development with their associated water, sewer and transportation capacity reservations to show that the proposal is in accordance with the total capacities reserved. This is intended solely for the purpose of tracking the total amounts as these amounts are tied to the entire project and not to specific phases or lots. The applicant has discretion to allocate the reserved capacities to various phases or lots within the project limits in accordance with Section 15 Capacity Reservations of the HHDA.

<h2 style="margin: 0;">HARBOR HILL</h2> <h3 style="margin: 0;">DIVISION N1 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT</h3> <p style="margin: 0;">PORTION OF THE WEST 1/2 SE 1/4 SECTION 30, TOWNSHIP 22 N, RANGE 2 E, W.M. CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON</p>		VOL/P/G
<p>DEDICATION</p> <p>KNOW ALL MEN (PERSONS) BY THESE PRESENTS THAT ME, THE UNDERSIGNED OWNERS, IN FREE AND OPEN CONVICTION OF MIND AND SOBER JUDGMENT, HAVE MADE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF SAID LAND AND DEDICATE TO THE PUBLIC FOREVER THE USE OF ALL STREETS AND ALLEYS NOT SHOWN AS PRIVATE ROADS AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC ROADWAY UTILITY INSTALLATION AND STORM DRAINAGE INSTALLATION, TOGETHER WITH THE RIGHT TO MAKE NECESSARY EASEMENTS FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN ON THIS PLAT IN THE ORIGINAL REASONABLE GRADING OF THE STREETS AND ALLEYS SHOWN HEREON.</p> <p>FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF GIG HARBOR, ITS SUCCESSORS AND ASSIGNS, WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THE SUBDIVISION.</p> <p>THIS SUBDIVISION, DEDICATION AND WAIVER OF CLAIMS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS. ALSO, THE SPECIFIC CONDITIONS AND/OR AGREEMENTS THAT ARE CONTAINED IN THIS PLAT ARE MADE A PART HERETO AND THE OWNERS AND THEIR ASSIGNS DO HEREBY AGREE TO AND/OR COMPLY WITH THESE CONDITIONS.</p> <p>TRACT 84A, TRACT 84B, TRACT 84C, TRACT 84D AND TRACT 84E ARE OPEN SPACE TRACTS AND ARE HEREBY GRANTED TO THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT.</p> <p>TRACT 84F IS A UTILITY AND ACCESS TRACT AND IS HEREBY GRANTED TO THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION UPON THE RECORDING OF THIS PLAT.</p> <p>TRACT 100 IS A FUTURE DEVELOPMENT TRACT AND IS RETAINED BY HARBOR HILL LLC, A WASHINGTON LIMITED LIABILITY COMPANY.</p> <p>IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS. HARBOR HILL LLC, A WASHINGTON LIMITED LIABILITY COMPANY</p>		
<p>CITY PLANNING DIRECTOR</p> <p>I HEREBY CERTIFY THAT THIS PLAT OF HARBOR HILL DIVISION N1 IS IN CONFORMANCE WITH THE CITY OF GIG HARBOR COMPREHENSIVE PLAN, ZONING CODE, DEVELOPMENT AGREEMENT, AND APPROVED PLANNED RESIDENTIAL DEVELOPMENT.</p> <p>THE SUBDIVISION COMPLES WITH THE CITY DEVELOPMENT REGULATIONS UNDER CHAC TITLES 18 AND 17.</p> <p>EXAMINED AND APPROVED THIS _____ DAY OF _____</p> <p>PLANNING DIRECTOR, CITY OF GIG HARBOR, WASHINGTON _____ DATE _____</p>		
<p>CITY ENGINEER'S CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THE LAYOUT OF THE STREETS, ALLEYS AND OTHER RIGHTS OF WAY, SEWER AND WATER SYSTEMS, AND OTHER UTILITY STRUCTURES COMPLY WITH APPLICABLE PROVISIONS OF THE CITY OF GIG HARBOR PUBLIC WORKS CONSTRUCTION STANDARDS.</p> <p>EXAMINED AND APPROVED THIS _____ DAY OF _____</p> <p>CITY ENGINEER, CITY OF GIG HARBOR, WASHINGTON _____ DATE _____</p>		
<p>COUNTY ASSESSOR-TREASURER</p> <p>I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED.</p> <p>ASSESSOR-TREASURER, PIERCE COUNTY, WASHINGTON _____ DATE _____</p>		
<p>COUNTY AUDITOR</p> <p>FILED FOR RECORD THIS _____ DAY OF _____, 2013 AT _____ MINUTES PAST _____ M., RECORDS OF PIERCE COUNTY AUDITOR, TACOMA WASHINGTON.</p> <p>RECORDED UNDER AUDITOR'S FILE NO. _____</p> <p>PIERCE COUNTY AUDITOR _____ BY _____ DATE _____</p>		
<p>ACKNOWLEDGMENTS</p> <p>STATE OF WASHINGTON } COUNTY OF _____ } SS</p> <p>I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON DATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS HIS OWN FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.</p> <p>DATE: _____ SIGNATURE: _____ NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING AT _____ MY APPOINTMENT EXPIRES _____</p>		
<p>LEGAL DESCRIPTION</p> <p>(PER CHICAGO TITLE INSURANCE COMPANY'S PLAT CERTIFICATE FOR ORDER NO. 437723, DATED FEBRUARY 13, 2013 AT 8:00 AM)</p> <p>PARCEL 2 OF THE PLAT OF HARBOR HILL DIVISION N1, ACCORDING TO THE PLAT RECORDED APRIL 25, 2012 UNDER RECORDING NO. 20120420001, IN PIERCE COUNTY, WASHINGTON, SITUATE IN THE CITY OF GIG HARBOR, COUNTY OF PIERCE, STATE OF WASHINGTON.</p>		
<p>CITY OF GIG HARBOR APPROVAL BLOCK</p> <p>MAYORAL APPROVAL</p> <p>EXAMINED AND APPROVED THIS _____ DAY OF _____, 2013.</p> <p>MAYOR, CITY OF GIG HARBOR _____</p> <p>CITY CLERK'S CERTIFICATE</p> <p>I HEREBY CERTIFY THAT ALL DOCUMENT ASSESSMENTS FOR WHICH THE PROPERTY MAY HAVE BEEN LIABLE AS OF THE DATE OF CERTIFICATION HAVE BEEN FULLY PAID, SATISFIED OR DISCHARGED.</p> <p>EXAMINED AND APPROVED THIS _____ DAY OF _____, 2013.</p> <p>CITY CLERK, CITY OF GIG HARBOR _____</p>		
<p>AUDITOR'S CERTIFICATE</p> <p>FILED FOR RECORD THIS _____ DAY OF _____, 2013 AT _____ M., IN VOL. _____ OF PLATS, AT PAGE _____ AT THE REQUEST OF _____</p> <p>DIVISION OF RECORDS AND ELECTIONS _____</p> <p>MANAGER _____ SUPERINTENDENT OF RECORDS _____</p>		<p>COUNTY RECORDING OFFICIAL'S INFORMATION BLOCK (PAC 332-130-055)</p> <p>LAND SURVEYOR'S CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THIS PLAT OF HARBOR HILL DIVISION N1 CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF HARBOR HILL LLC 2012, AND SAID SURVEY WAS BASED UPON AN ACTUAL SURVEY OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST, AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS ACTUALLY SURVEYED. THAT THE COORDINATES AND DISTANCES SHOWN HEREON ARE CORRECT, THAT (1) MONUMENTS AS DESCRIBED AND SHOWN HEREON, UNLESS STATED OTHERWISE HEREON, WILL BE OR HAVE BEEN SET AT ALL LOT CORNERS AS SHOWN, (2) MONUMENTS AS DESCRIBED AND SHOWN HEREON AS SET WILL BE OR HAVE BEEN SET, AND (3) ALL MONUMENTS DESCRIBED AND SHOWN HEREON THAT ARE SHOWN TO BE SET WITHIN THE RIGHT-OF-WAY, WITHIN AND WITHOUT THE BOUNDARY OF THIS SUBDIVISION, WILL BE SET AFTER THE STREET IS PAVED.</p> <p></p> <p>ROBERT E. WALLER, PLS SURVEYOR, CERTIFICATE NO. 18103 TRAD ASSOCIATES 12112 115TH AVE. NE, KARLAMO, WASHINGTON 98024 PHONE: (425) 821-8448</p> <p>HARBOR HILL, DIVISION N1 CITY OF GIG HARBOR FILE NUMBER: _____ CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON</p>
<p>TRIAD ASSOCIATES</p> <p>12112 115th Ave NE Karlamo, WA 98024-6297 425 821 8448 425 821 3431 fax 800 458 9758 toll free www.triad-associates.com</p>		

HARBOR HILL
DIVISION N1 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT
PORTION OF THE WEST 1/2 SE 1/4 SECTION 30, TOWNSHIP 22 N, RANGE 2 E, W.M.
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

VOL/PG

CITY OF GIG HARBOR CONDITIONS

1. THE APPLICANT SHALL COMPLY WITH ALL METEOROLOGICAL MEASURES FOUND IN THE MITIGATED DETERMINATION OF NON-SIGNIFICANCE (SEPA 08-0034) ISSUED FOR THE PROPOSAL, OR AS SUBSEQUENTLY AMENDED.
2. ALL PERIMETER LANDSCAPING BUFFERS SHALL BE VEGETATED TO MEET THE STANDARDS OF CHAC 17.7K.060, AS AMENDED, THROUGH THE ALTERNATIVE LANDSCAPE PLAN APPROVED BY THE HEARING EXAMINER. THIS REQUIREMENT SHALL BE MET PRIOR TO APPROVAL OF THE FINAL PLAT.
3. FIRE FLOW REQUIREMENTS SHALL BE MET. LOCATION AND MANNER OF FIRE LANE MARKINGS SHALL BE PROVIDED AT TIME OF CIVIL REVIEW.
4. CITY FORCES MAY REMOVE ANY TRAFFIC CONTROL DEVICE CONSTRUCTED WITHIN THE CITY RIGHT OF WAY NOT APPROVED BY THE OPERATING AND ENGINEERING DIVISION. ANY LIABILITY INCURRED BY THE CITY DUE TO NON-COMFORMANCE BY THE APPLICANT SHALL BE TRANSFERRED TO THE APPLICANT.
5. A ROAD ENCROACHMENT PERMIT SHALL BE OBTAINED FROM THE CITY PRIOR TO ANY CONSTRUCTION WITHIN CITY RIGHT OF WAY. INCLUDING UTILITY WORK IMPROVEMENTS TO THE CURB, GUTTER, AND SIDEWALK, ROADWAY SIGNAGE AND OTHERS, AND INSTALLATION OF CHAISES. ALL WORK WITHIN THE CITY RIGHT OF WAY SHALL CONFORM TO THE CITY'S PUBLIC WORKS STANDARDS AND STORMWATER DESIGN MANUAL.
6. PERMANENT SURVEY CONTROL MONUMENTS SHALL BE PLACED TO ESTABLISH PUBLIC STREET CENTERLINES, INTERSECTIONS, ANGLE POINTS, CURVES, SUBDIVISION BOUNDARIES AND OTHER POINTS OF CONTROL. A MINIMUM OF TWO PERMANENT SURVEY CONTROL MONUMENTS SHALL BE INSTALLED AT LOCATIONS DETERMINED BY THE CITY IN ACCORDANCE WITH THE CITY'S PUBLIC WORKS STANDARDS AND RECORDED WITH THE PIERCE COUNTY SURVEY CONTROL DIVISION PRIOR TO FINAL ENGINEERING APPROVAL OF CIVIL IMPROVEMENTS.
7. PRECATION AND MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSONS.
8. THE FINAL PLAT MAP SHALL NOTE (WHERE IN QUOTES) OR DELINEATE THE FOLLOWING:
 - A) "WARNING: CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN OR OTHERWISE SERVICE PRIVATE ROADWAYS OR DRIVEWAYS WITHIN, OR PROVIDING ACCESS TO, PROPERTY DESCRIBED IN THIS PLAT."
 - B) "MAINTAINING ADEQUATE SITE DISTANCE AT ALL VEHICULAR ACCESS POINTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO MAINTAIN ADEQUATE SITE DISTANCE AT PRIVATE ACCESS POINTS LOCATED WITHIN THIS PLAT."
 - C) "INCREASED STORMWATER RUNOFF FROM THE ROADS, BUILDING, DRIVEWAY AND PARKING AREAS SHALL NOT BE DIRECTED TO CITY INFRASTRUCTURE. INCREASED STORM WATER RUNOFF SHALL BE RETAINED/DETAINED ON SITE UNLESS IT IS PROVEN TO BE ADEQUATELY RETAINED/DETAINED BY AN OFFSITE RESIDENTIAL FACILITY."
 - D) "WHERE SEASONAL DRAINAGE CROSSES SUBJECT PROPERTY, NO DISRUPTION OF THE NATURAL FLOW SHALL BE PERMITTED."
 - E) STORMWATER RUNOFF FROM BUILDINGS AND PARKING SURFACES SHALL BE SHOWN ON INDIVIDUAL BUILDING LOTS, INCLUDING DOWNSLOPE, STORM OR STORM DRAIN CONNECTION POINTS.
 - F) IF PRIVATE ROADWAYS ARE PROPOSED THEN PROVISIONS SHALL BE MADE FOR THE ROADS AND EASEMENTS TO BE OPEN AT ALL TIMES FOR EMERGENCY AND PUBLIC SERVICE VEHICLE USE.
 - G) "THIS PLAT IS SUBJECT TO STORMWATER MAINTENANCE AGREEMENT RECORDED UNDER ADOPTOR'S FILE NUMBER _____."
 - H) "STORMWATER/DRAINAGE EASEMENTS ARE HEREBY GRANTED FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DELINEATED ON THIS SITE PLAN. NO ENCROACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT THAT MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES, MAINTENANCE AND EXPOSURE THEREOF OF THE UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSONS, AS NOTED UNDER THE STORMWATER MAINTENANCE AGREEMENT FOR THE PLAT."
9. AN ASSOCIATION OF OWNERS SHALL BE FORMED AND CONTINUED FOR THE PURPOSE OF MAINTAINING THE COMMON OPEN SPACE. THE ASSOCIATION SHALL BE CREATED AS AN ASSOCIATION OF OWNERS UNDER THE LAWS OF THE STATE AND SHALL ADOPT AND PROPOSE ARTICLES OF INCORPORATION OR ASSOCIATION AND BYLAWS, AND ADOPT AND PROPOSE A DECLARATION OF COVENANTS AND RESTRICTIONS ON THE COMMON OPEN SPACE THAT ARE ACCEPTABLE TO THE CITY IN PROVIDING FOR THE CONTINUED CARE OF THE COMMON OPEN SPACE. THE CITY SHALL NOT BE REQUIRED TO ADOPT OR APPROVE A DECLARATION OF COVENANTS AND RESTRICTIONS ON THE COMMON OPEN SPACE UNLESS THE FINAL DEVELOPMENT PLAN IS FILED. NO CHANGES TO THE PLAN MAY BE CONSIDERED AS A WAIVER OF ANY OF THE COVENANTS LIMITING THE USE OF COMMON OPEN SPACE AREA AND ALL RIGHTS TO ENFORCE THESE COVENANTS AGAINST ANY USER PERMITTED ARE EXPRESSLY RESERVED TO THE CITY AS WELL AS THE OWNERS. ALTERNATIVELY, THE COMMON OPEN SPACE MAY BE CONVEYED TO A PUBLIC AGENCY WHICH AGREES TO MAINTAIN THE COMMON OPEN SPACE AND ANY BUILDING, STRUCTURES OR OTHER IMPROVEMENTS WHICH HAVE BEEN PLACED UPON IT.
10. ANY DEDICATION, DONATION OR GRANT AS SHOWN ON THE FACE OF THE PLAT SHALL BE CONSIDERED TO ALL INTENTS AND PURPOSES AS A QUILTAM DEED TO THE SAID DONOR(S) GRANTEE(S) FOR HIS/HER/THEIR USE FOR THE PURPOSE INTENDED BY THE DONOR(S) OR GRANTEE(S).
11. SINCE THE PLAT IS SUBJECT TO A DEDICATION, THE CERTIFICATE OR A SEPARATE WRITTEN INSTRUMENT SHALL CONTAIN THE DEDICATION OF ALL STREETS AND OTHER AREAS TO THE PUBLIC, AND INDIVIDUAL(S), RESIDUAL(S) SOCIETIES) OR TO ANY CORPORATION PUBLIC OR PRIVATE, AS SHOWN ON THE PLAT, AND A WAIVER OF ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LANDS BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROAD. SAID CERTIFICATE OR INSTRUMENT OF DEDICATION SHALL BE SIGNED AND KNOWN/RECORDED BEFORE A NOTARY PUBLIC BY ALL PARTIES HAVING ANY OWNERSHIP INTEREST IN THE LANDS SUBDIVIDED AND RECORDED AS PART OF THE FINAL PLAT.
12. ANY DEDICATION FILED FOR RECORD SHALL BE ACCOMPANIED BY A TITLE REPORT CONFIRMING THAT THE TITLE OF THE LANDS AS DESCRIBED AND SHOWN ON SAID PLAT IS IN THE NAME OF THE OWNERS SIGNING THE CERTIFICATE OR INSTRUMENT OF DEDICATION.
13. SCHOOL IMPACT FEES AS REQUIRED BY CHAC 18.12.050(9)(11) SHALL BE COLLECTED FOR ALL RESIDENTIAL DEVELOPMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
14. PROPOSED MULTIPLE FAMILY DEVELOPMENT SHALL GO THROUGH THE SITE PLAN REVIEW PROCESS, OR ANY SUBSEQUENTLY ADOPTED NONRESIDENTIAL LAND USE REVIEW PROCESS.
15. THE APPLICANT SHALL COMPLY WITH ALL OF THE TERMS OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL LLC, FOR THE HARBOR HILL DEVELOPMENT, DATED NOVEMBER 9, 2010 (OR ANY SUBSEQUENT AMENDMENTS).
16. IN ADDITION TO THE TRANSIT STOP PROPOSED ON THE SOUTH SIDE OF BORGES BOULEVARD, THE APPLICANT SHALL BE REQUIRED TO INSTALL A TRANSIT STOP ON THE NORTH SIDE OF BORGES BOULEVARD. THE FINAL LOCATION AND DESIGN OF BOTH TRANSIT STOPS SHALL BE AS DETERMINED BY THE CITY OF GIG HARBOR AND PIERCE TRANSIT.
17. ON THE W2 LOT, ANY BUILDING PROPOSED TO EXCEED THE UNDERLYING 35 FOOT HEIGHT ALLOWANCE IN THE R2D AREA OF THE LOT SHALL PROVIDE A MINIMUM SETBACK OF 10 FEET TO ANY EXTERIOR BOUNDARY OF THE PRO (NOT THE SUBJECT LOT). THIS SETBACK IS AN ADDITIONAL SETBACK APPLICABLE TO SAID BUILDINGS. ALL BUILDINGS ON THE W2 LOT SHALL PROVIDE A MINIMUM SETBACK OF 10 FEET TO THE PROPERTY LINE OF THE W2 LOT.
18. FOR THIS AND ALL FUTURE MODIFICATIONS OR ALLOCATIONS, THE APPLICANT SHALL PROVIDE AN ACCOUNTING OF THE PROPOSED ALLOCATION OF WATER, SEWER AND TRANSPORTATION CAPACITY RESERVED FOR THE PROJECT UNDER THE GOVERNMENT REQUIREMENTS. THIS MAY BE ACCOMPLISHED BY PROVIDING A TABLE LISTING EACH PHASE OR LOT OF THE DEVELOPMENT WITH THEIR ASSOCIATED WATER, SEWER AND TRANSPORTATION CAPACITY RESERVATIONS TO SHOW THAT THE PROPOSAL IS IN ACCORDANCE WITH THE TOTAL CAPACITIES RESERVED. THIS IS INTENDED SOLELY FOR THE PURPOSE OF TRACKING THE TOTAL AMOUNTS AS THESE AMOUNTS ARE TIED TO THE ENTIRE PROJECT AND NOT TO SPECIFIC PHASES OR LOTS. THE APPLICANT HAS AGREED TO ALLOCATE THE RESERVED CAPACITIES TO VARIOUS PHASES OR LOTS WITHIN THE PROJECT LIMITS IN ACCORDANCE WITH SECTION 13 CAPACITY RESERVATIONS OF THE 1990A.

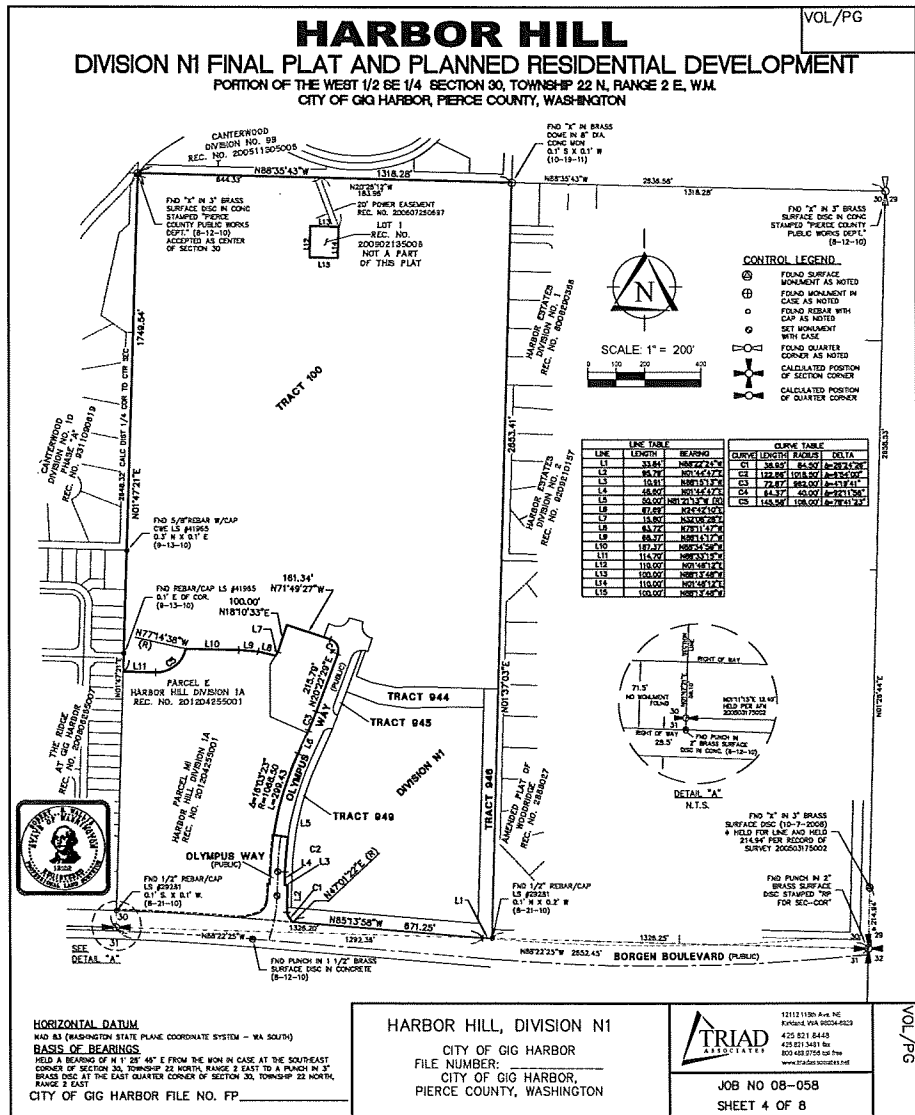


HARBOR HILL, DIVISION N1
CITY OF GIG HARBOR
FILE NUMBER _____
CITY OF GIG HARBOR,
PIERCE COUNTY, WASHINGTON

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SURVEYORS
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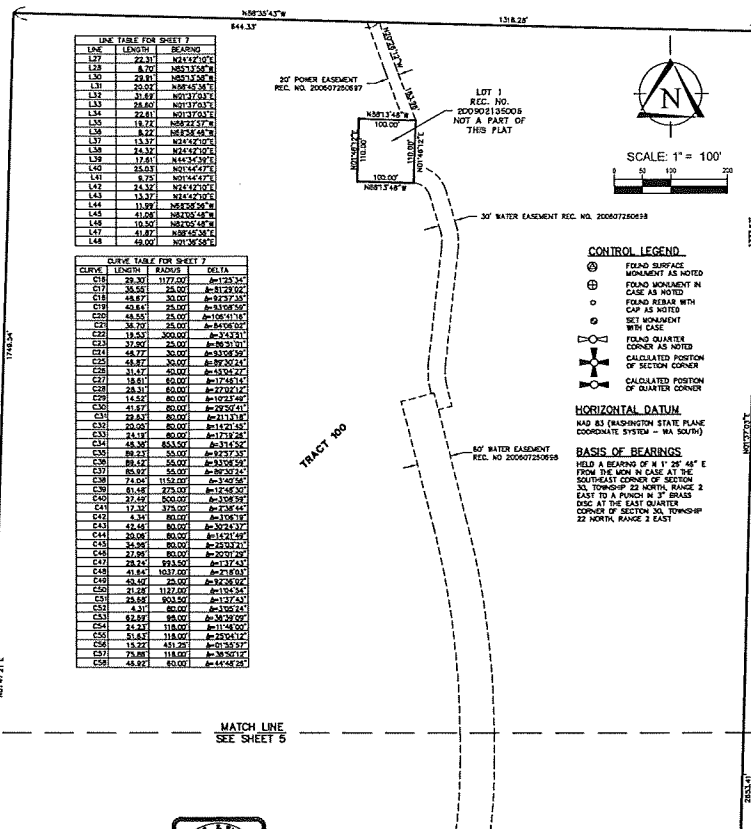
JOB NO 08-058
SHEET 3 OF 8

VOL/PG



HARBOR HILL
DIVISION N1 FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT
PORTION OF THE WEST 1/2 SE 1/4 SECTION 30, TOWNSHIP 22 N, RANGE 2 E, W.M.
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

VOL./PG



LINE TABLE FOR SHEET 7

LINE	LENGTH	BEARING
L27	22.31	N24°27'07\"
L28	8.70	S85°33'25\"
L29	21.83	S85°33'25\"
L30	20.00	S85°45'30\"
L31	21.87	N02°17'01\"
L32	24.82	N02°17'01\"
L33	22.81	N02°17'01\"
L34	19.72	S88°22'27\"
L35	8.22	S85°38'45\"
L36	13.37	N24°27'07\"
L37	24.37	N24°27'07\"
L38	17.61	S44°34'07\"
L39	24.03	N02°44'27\"
L40	8.72	N02°44'27\"
L41	24.37	N24°27'07\"
L42	13.37	N24°27'07\"
L43	13.99	S85°38'45\"
L44	21.06	S82°05'45\"
L45	19.30	S82°05'45\"
L46	41.87	S82°45'38\"
L47	49.00	N02°39'28\"


CURVE TABLE FOR SHEET 7

CURVE	LENGTH	RADIUS	PI	TA
C18	20.30	1177.00	1	124.24
C19	36.56	28.00	1	3179.92
C20	48.87	30.00	1	5137.38
C21	48.88	28.00	1	5138.59
C22	36.70	28.00	1	4498.93
C23	19.52	200.00	1	224.31
C24	37.00	20.00	1	2631.91
C25	48.87	30.00	1	5137.24
C26	31.17	30.00	1	3336.47
C27	18.51	30.00	1	1745.14
C28	28.31	60.00	1	2720.12
C29	14.52	60.00	1	1023.49
C30	41.57	60.00	1	2929.41
C31	29.82	60.00	1	1113.16
C32	20.00	60.00	1	1421.51
C33	44.18	60.00	1	1713.28
C34	48.30	60.00	1	1815.97
C35	89.23	30.00	1	9237.33
C36	89.22	30.00	1	9236.92
C37	85.02	30.00	1	8820.24
C38	74.04	152.00	1	1465.85
C39	61.48	275.00	1	1248.50
C40	27.19	300.00	1	638.56
C41	17.32	325.00	1	438.44
C42	4.34	60.00	1	43.96
C43	42.48	60.00	1	2224.37
C44	20.08	60.00	1	1121.49
C45	36.96	60.00	1	1920.71
C46	27.09	60.00	1	1400.29
C47	28.74	60.00	1	1513.51
C48	11.64	1037.00	1	71.60
C49	49.02	25.00	1	5228.92
C50	71.02	1177.00	1	1551.34
C51	23.58	60.00	1	1177.51
C52	4.31	60.00	1	43.74
C53	62.89	60.00	1	3020.02
C54	44.41	118.00	1	148.00
C55	51.82	118.00	1	2224.37
C56	15.22	481.20	1	365.37
C57	75.08	118.00	1	3020.02
C58	48.82	60.00	1	2448.28

- CONTROL LEGEND**
- ⊕ FOUND SURFACE MONUMENT AS NOTED
 - ⊙ FOUND MONUMENT IN CASE AS NOTED
 - ⊙ FOUND REBAR WITH CAP AS NOTED
 - SET MONUMENT WITH CASE
 - ⊕ FOUND QUARTER CORNER AS NOTED
 - ⊕ CALCULATED POSITION OF SECTION CORNER
 - ⊕ CALCULATED POSITION OF QUARTER CORNER


HORIZONTAL DATUM
NAD 83 (WASHINGTON STATE PLANE COORDINATE SYSTEM - WA STATE)

BASIS OF BEARINGS
HELD & BEARINGS OF R 1° 25' 45\"



CITY OF GIG HARBOR FILE NO. FP _____

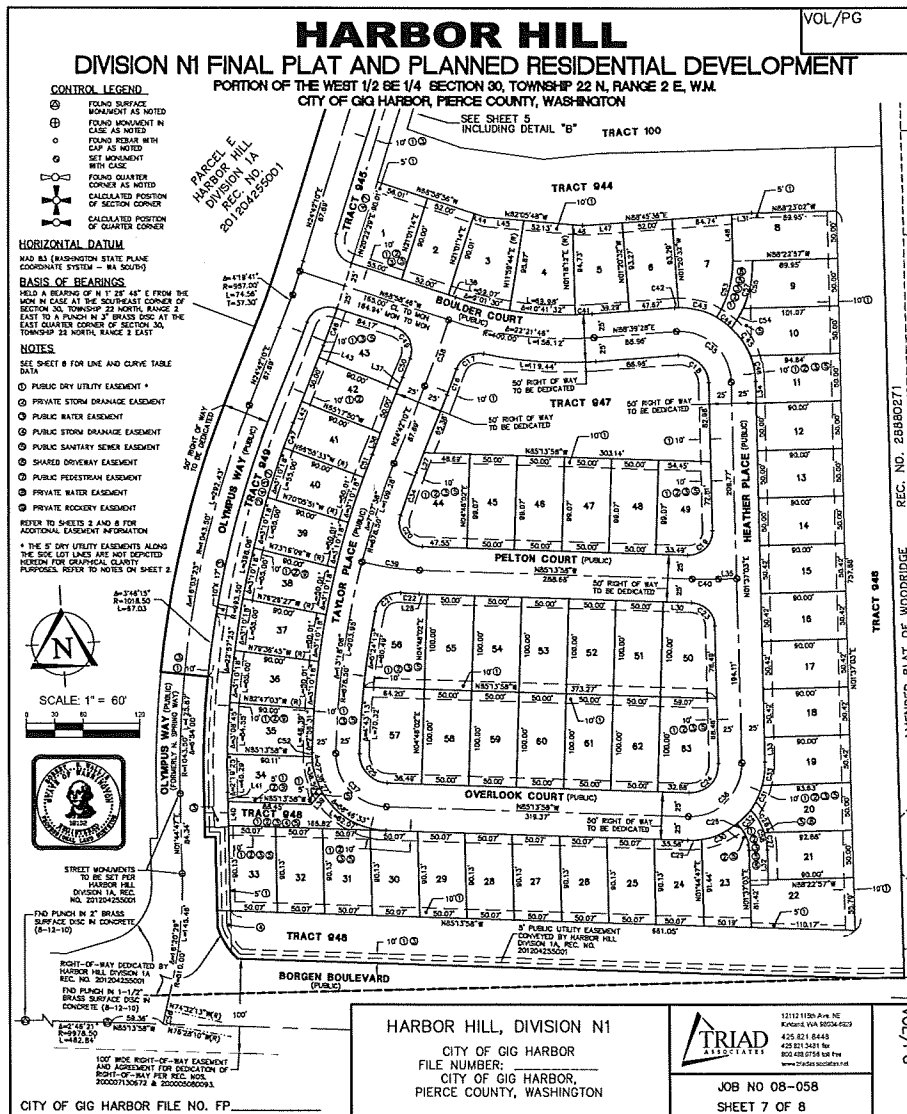
HARBOR HILL, PHASE N1
CITY OF GIG HARBOR
FILE NUMBER: _____
CITY OF GIG HARBOR,
PIERCE COUNTY, WASHINGTON

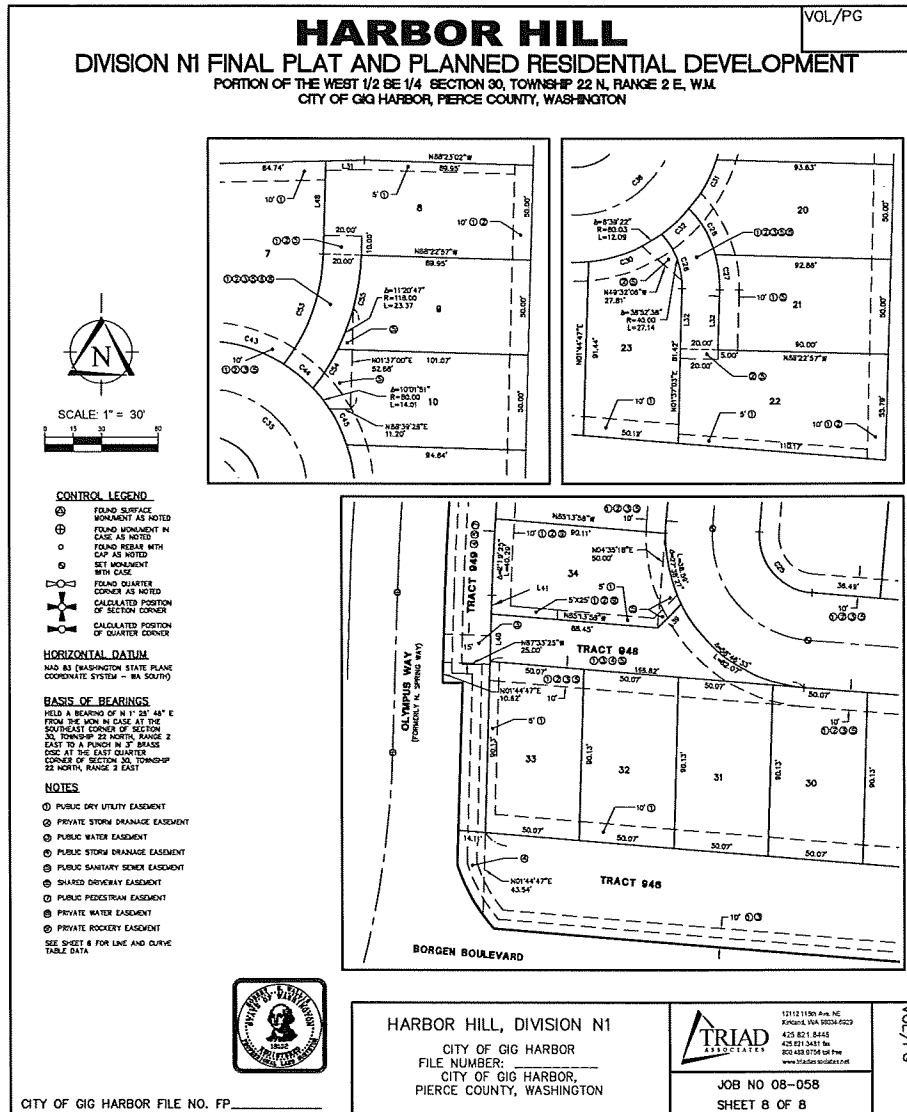


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JOB NO 08-058
SHEET 6 OF 8

VOL./PG







Subject: Closed Record Decision-Final Plat/Final PRD Approval- Harbor Hill Div.S9 (PL-FPLAT-13-0002, PL-FPRD-13-0002)

Proposed Council Action: Approve resolution 945.

Dept. Origin: Planning Department
Prepared by: Kristin Moerler, Associate Planner
For Agenda of: November 25, 2013 *KM*
Exhibits: Planning Director's Recommendation Resolution
Revised Plat/PRD Decision
 Final Plat Map

	Initial & Date
Concurred by Mayor:	<i>CMH 11/24/13</i>
Approved by City Administrator:	<i>R 11/21/13</i>
Approved as to form by City Atty:	<i>Via Email</i>
Approved by Finance Director:	<i>N/A</i>
Approved by Department Head:	<i>JL 11/19/13</i>

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

Attached for your consideration is a resolution approving the final plat and final planned residential development for Division S9 of Harbor Hill, located south of Borgen Blvd. and north of the Northharbor Business Park. The applicant is Harbor Hill LLC, represented by John Chadwell. The preliminary plat and PRD were conditionally approved by the City Hearing Examiner on December 30, 2010 and revised by the Planning Director on August 2, 2013. Additionally the site is the subject of a development agreement with City Council dated November 9, 2010 and amended November 26, 2012.

The final plat/PRD for Division S9 addresses the segregation of 79 single family residential lots, establishes a park tract to serve future residents, establishes a portion of the south Wetland loop trail and related trailhead facilities for future dedication to the City under the development agreement and includes related buffers/open spaces and associated infrastructure required to serve the division. The applicant has bonded for the infrastructure and amenities contained within the S9 Division. Construction of this division is underway and is anticipated to be complete within the next month. This division contains wetland, stream and ravine sidewalls and associated buffers. Wetland mitigation was required for the construction of Sentinel Way. Mitigation is underway and has been bonded for. The mitigation area is located near the M2 parcel and is not within the S9 Division area.

POLICY CONSIDERATIONS

Staff has reviewed the criteria for approval of the final plat and final PRD, as specified in GHMC Chapter 16.06 and 17. 89; and has determined that the applicant has met the criteria

for the approval of the final plat/PRD. Please refer to the attached Planning Director's Recommendation for staff's review of the proposal.

ENVIRONMENTAL ANALYSIS

The City issued a Mitigated Determination of Non-Significance (MDNS) for the preliminary plat, planned residential development, rezone and design review of the subdivision of three parcels into 554 single family lots and two multiple family lots that would be developed with a total of 270 units on November 17, 2010. Additionally a SEPA Addendum was issued July 31, 2013. This phase conforms to the requirements of the MDNS.

FISCAL CONSIDERATION

The proposal does not include any significant fiscal impacts.

PLANNING DIRECTOR RECOMMENDATION

The Planning Director, Jennifer Kester, recommends that the City Council move to adopt the resolution approving the final plat and final PRD for Harbor Hill Division S9.



TO: Mayor Hunter and City Council
FROM: Jennifer Kester, Planning Director
SUBJECT: Closed Record Decision-Final Plat/Final PRD Approval-Harbor Hill S9
DATE: November 19, 2013

INFORMATION/BACKGROUND:

The applicant, Harbor Hill LLC, has requested final plat approval for Division S9 of Harbor Hill to allow the segregation of 79 single family residential lots and the development of associated infrastructure and amenities required to serve the residents of the plat and PRD. The site is located south of Borgen Blvd. and north of the Northharbor Business Park.

The preliminary plat/PRD was approved by the City in December 30, 2010 to allow the segregation of the 200 acre site into 554 single family lots and two future development tracts for multi-family development; subject to 16 conditions of approval. The Planning Director approved the M2 revisions to the Harbor Hill Preliminary Plat and PRD on August 2, 2013 which incorporated two additional conditions of approval.

The following is an analysis of the request for consistency with the city's requirements for final plat and final PRD approval and with the conditions of approval imposed upon the project.

POLICY CONSIDERATIONS: Final PRD

Staff has reviewed the request for consistency with the criteria for approval of the final planned residential development as specified in Gig Harbor Municipal Code (GHMC) Chapter 17.89.080, and has determined that the applicant has met the criteria for approval of the final PRD as follows:

GHMC 17.89.080 Criteria for approval of final PRD application.

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

1. All features and amenities identified in the preliminary PRD have been constructed and/or are retained or improved;

The preliminary PRD approval was based upon the design features included in the proposed development including (but not limited to) the preservation of critical areas, interconnected open spaces and location of the highest densities in the areas adjacent to Borgen Blvd. and the existing commercial districts in the vicinity. The S9 Division occurs at the extreme south end of the 200 acre PRD.

The S9 Division includes a portion of the south wetland loop trail on tract 954 which will be dedicated to the City per the development agreement prior to the issuance of occupancy certificates for 400 dwellings within the Harbor Hill Plat/PRD. Presently no certificates of occupancy have been issued for the plat. The developer will retain tract 954 for the interim.

The S9 division additionally preserves a stream and related ravine sidewalls and buffers in tract 952 which occur within the division consistent with the approved preliminary PRD. Additionally the PRD improvements in this division include an HOA park on tracts 955 and 956, interior buffer (tract 953) and perimeter buffers (tract 950, 952 and 954). All features proposed in the preliminary PRD have been maintained in the approved civil plans and the construction of the required improvements have been bonded for in accordance with the Development Agreement.

2. The city public works director has documented that all conditions imposed on the preliminary PRD requiring public works department approval have been constructed or improved to the satisfaction of the director;

The City Engineer has accepted a performance bond for the construction of the required and uncompleted infrastructure elements required to serve Division S9 of the PRD. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

3. The city fire marshal has documented that all conditions imposed on the preliminary PRD requiring fire code approval have been constructed (or per the fire marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the fire marshal;

The Fire Marshall has approved Division S9 of the PRD. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

4. The city planning director has documented that all conditions imposed on the preliminary PRD requiring planning department approval have been constructed to the satisfaction of the director;

The Planning Director has reviewed Division S9 for compliance with the conditions of approval. A detailed analysis of how the conditions of approval have been met for this division starts on page 4 of this document.

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

Findings have been developed in the attached resolution provided for your consideration. The findings support the approval of the Final PRD as well as the Final Plat.

POLICY CONSIDERATIONS: Final Plat

Staff has reviewed the request for consistency with the criteria for approval of the final plat as specified in Gig Harbor Municipal Code (GHMC) Chapter 16.06, and has determined that the applicant has met the criteria for approval of the final plat as follows:

GHMC 16.06.004-Recommendation as prerequisites for final plat approval:

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

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

The City of Gig Harbor is furnishing sewage disposal and water to the site.

- B. Planning director's recommendation as to compliance with all of the terms of preliminary plat approval of the proposed plat or subdivision;

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

- C. Approval of the city engineer.

The City Engineer recommends approval of the final plat as the applicant has bonded for all required civil infrastructure improvements.

GHMC 16.06.005-Criteria for approval of subdivisions:

A final plat application shall be approved if the subdivision proposed for approval:

- A. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;

Division S9 of the Harbor Hill Plat/PRD has met the requirements of the municipal code. The proposed subdivision conforms to all applicable zoning ordinances and the comprehensive plan. The applicant has complied with the requirements to dedicate streets, open space and utility and access easements. The approved civil plans document that the construction of required improvements will comply with the City's adopted public works construction standards. For those improvements that have not yet been completed, the applicant has bonded for the work pursuant to GHMC 16.08 and the Development Agreement. In addition the final plat contains the required certificates from the owner, surveyor, and city and county officials.

- B. Conforms to all terms of the preliminary plat approval;

The Hearing Examiner's decision dated December 30, 2010 contained 16 conditions of approval. On August 2, 2013 the Planning Director approved the M2 Revisions to the Preliminary Plat and PRD which included two additional conditions of approval. The proposed final plat of Harbor Hill Division S9 conforms to the conditions of the preliminary plat/PRD as follows:

HEX Condition 1: THE APPLICANT SHALL COMPLY WITH ALL MITIGATION MEASURES FOUND IN THE MITIGATED DETERMINATION OF NON SIGNIFICANCE (SEPA 08-0034) ISSUED FOR THE PROPOSAL, OR AS SUBSEQUENTLY AMENDED.

The MDNS issued for the proposal included three mitigation requirements:

- A. THE APPLICANT SHALL IMPLEMENT THE PUBLIC INFRASTRUCTURE IMPROVEMENTS PROPOSED IN THE PLAN SET DATED AUGUST 17, 2010, REVISED OCTOBER 4, 2010.

The Harbor Hill Phase S9 civil construction plans provide the required infrastructure for the S9 Division in accordance with the Harbor Hill PRD Infrastructure Phasing Plan. The infrastructure is currently under construction and the City holds a performance bond for the work. The City and the applicant agreed in writing to the following:

1. The completion date referenced in Section A.3 of Surety Bond # 754667S for EN-12-0069 Harbor Hill S-9 Residential Phase 2 project for the infrastructure improvements is hereby clarified to be completed in accordance with the October 18, 2013 proposal by the applicant, with consideration given to weather delays and other unavoidable construction delays.
2. The applicant shall maintain control of the on-site and off-site construction limits until such time as the infrastructure improvements are completed and accepted by the City. "Control of the on-site and off-site construction limits" is understood to mean that use of the improvements and access to and from the limits of construction is restricted by the applicant by installation of road closure barricades to seal off all access to public traffic. The liability for use of the construction site and improvements lies solely with the applicant.
3. A certificate of occupancy for any building permit shall not be issued until all of the infrastructure improvements have been completed and accepted by the City, notwithstanding possible future written agreements.

Conditions of approval reflecting this understanding have been placed in the Resolution drafted to approve the final plat and PRD requiring compliance with these conditions.

- B. The applicant shall install a permanent buffer fence with signage every 100 feet along the edge of all wetland buffers adjacent to the proposed park and trail areas, and along the edge of created wetland area. Fence design shall be of a split rail design with two rails, or an equivalent design. Signage shall be approved by the Planning Department prior to installation.

The Planning Director has accepted a bond for the required wetland signage and fencing contained within the S9 Division and the mitigation area.

- C. At the end of the five year monitoring period, the applicant shall submit a wetland delineation and survey to verify the created wetland meets the square footage requirements.

The Planning Director has accepted a bond for the required wetland survey to occur 5 years after wetlands are created.

HEX Condition 2: ALL PERIMETER LANDSCAPING BUFFERS SHALL BE VEGETATED TO MEET THE STANDARDS OF GHMC 17.78.060, AS AMENDED THROUGH THE ALTERNATIVE LANDSCAPE PLAN APPROVED BY THE HEARING EXAMINER. THIS REQUIREMENT SHALL BE MET PRIOR TO APPROVAL OF THE FINAL PLAT.

The proposed buffers comply with this condition. Staff has reviewed the screening within the perimeter buffers, reviewed the landscape plans and determined that the planning landscape bond includes the necessary plantings needed to achieve the required screening. The Development Agreement allows for such bonding.

HEX Condition 3: FIRE FLOW REQUIREMENTS SHALL BE MET. LOCATION AND MANNER OF FIRE LANE MARKINGS SHALL BE PROVIDED AT TIME OF CIVIL REVIEW.

Fire Flow requirements have been met. Pavement markings and signage plans are included in the civil construction drawings. Furthermore, a note has been added to the civil plans that allows the fire marshal to require additional "No Parking – Fire Lane" signs and/or curb markings.

HEX Condition 4: CITY FORCES MAY REMOVE ANY TRAFFIC CONTROL DEVICE CONSTRUCTED WITHIN THE CITY RIGHT OF WAY NOT APPROVED BY THE OPERATIONS AND ENGINEERING DIVISION. ANY LIABILITY INCURRED BY THE CITY DUE TO NON-CONFORMANCE BY THE APPLICANT SHALL BE TRANSFERRED TO THE APPLICANT.

This condition is informational in nature; the applicant has included this requirement in the list of conditions contained on sheet 10 of the final plat.

HEX Condition 5: A ROAD ENCROACHMENT PERMIT SHALL BE ACQUIRED FROM THE CITY PRIOR TO ANY CONSTRUCTION WITHIN CITY RIGHT OF WAY, INCLUDING UTILITY WORK, IMPROVEMENTS TO THE CURB, GUTTER, AND SIDEWALK, ROADWAY SHOULDERS AND DITCHES, AND INSTALLATION OF CULVERTS. ALL WORK WITHIN THE CITY RIGHT OF WAY SHALL CONFORM TO THE CITY'S PUBLIC WORKS STANDARDS AND STORMWATER DESIGN MANUAL.

This condition is informational in nature; the applicant has included this requirement in the list of conditions contained on sheet 10 of the final plat.

HEX Condition 6: PERMANENT SURVEY CONTROL MONUMENTS SHALL BE PLACED TO ESTABLISH PUBLIC STREET CENTERLINES, INTERSECTIONS, ANGLE POINTS, CURVES, SUBDIVISION BOUNDARIES AND OTHER POINTS OF CONTROL. A MINIMUM OF TWO PERMANENT SURVEY CONTROL MONUMENTS SHALL BE INSTALLED AT LOCATIONS DETERMINED BY THE CITY IN ACCORDANCE WITH THE CITY'S PUBLIC WORKS

STANDARDS AND RECORDED WITH THE PIERCE COUNTY SURVEY CONTROL DIVISION PRIOR TO FINAL ENGINEERING APPROVAL OF CIVIL IMPROVEMENTS.

Survey control monument locations are shown on the civil construction plans. The applicant has included this requirement in the list of conditions contained on sheet 10 of the final plat.

HEX Condition 7: IRRIGATION AND MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS.

This note has been included on the final plat. A Home Owners Association has been created and will be responsible for the irrigation and maintenance of the landscaping in the public Right of Way.

HEX Condition 8: THE FINAL PLAT MAP SHALL NOTE (WHERE IN QUOTES) OR DELINEATE THE FOLLOWING:

- a) WARNING: CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN OR OTHERWISE SERVICE PRIVATE ROADWAYS OR DRIVEWAYS WITHIN, OR PROVIDING ACCESS TO, PROPERTY DESCRIBED IN THIS PLAT".
- b) "MAINTAINING ADEQUATE SITE DISTANCE AT ALL VEHICULAR ACCESS POINTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO MAINTAIN ADEQUATE SITE DISTANCE AT PRIVATE ACCESS POINTS LOCATED WITHIN THIS PLAT."
- c) "INCREASED STORMWATER RUNOFF FROM THE ROAD(S), BUILDING, DRIVEWAY AND PARKING AREAS SHALL NOT BE DIRECTED TO CITY INFRASTRUCTURE. INCREASED STORM WATER RUNOFF SHALL BE RETAINED/DETAINED ON SITE UNLESS IT IS PROVEN TO BE ADEQUATELY RETAINED/DETAINED BY AN OFFSITE REGIONAL FACILITY.
- d) "WHERE SEASONAL DRAINAGE CROSSES SUBJECT PROPERTY, NO DISRUPTION OF THE NATURAL FLOW SHALL BE PERMITTED."
- e) STORMWATER FOR RUNOFF FROM BUILDINGS AND PARKING SURFACES SHALL BE SHOWN ON INDIVIDUAL BUILDING LOTS, INCLUDING DRYWELL SIZING OR STORM DRAIN CONNECTION POINTS.
- f) IF PRIVATE ROADWAYS ARE PROPOSED THEN PROVISIONS SHALL BE MADE FOR THE ROADS AND EASEMENTS TO BE OPEN AT ALL TIMES FOR EMERGENCY AND PUBLIC SERVICE VEHICLE USE.

- g) "THIS PLAT IS SUBJECT TO STORMWATER MAINTENANCE AGREEMENT RECORDED UNDER AUDITOR'S FILE NUMBER (ENTER AFN HERE)."
- h) "STORMWATER/DRAINAGE EASEMENTS ARE HEREBY GRANTED FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DELINEATED ON THIS SITE PLAN. NO ENCROACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT THAT MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES. MAINTENANCE AND EXPENSE THEREOF OF THE UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS, AS NOTED UNDER THE STORMWATER MAINTENANCE AGREEMENT FOR THE PLAT."

The required notes have been included on the final plat.

HEX Condition 9: AN ASSOCIATION OF OWNERS SHALL BE FORMED AND CONTINUED FOR THE PURPOSE OF MAINTAINING THE COMMON OPEN SPACE. THE ASSOCIATION SHALL BE CREATED AS AN ASSOCIATION OF OWNERS UNDER THE LAWS OF THE STATE AND SHALL ADOPT AND PROPOSE ARTICLES OF INCORPORATION OR ASSOCIATION AND BYLAWS, AND ADOPT AND IMPROVE A DECLARATION OF COVENANTS AND RESTRICTIONS ON THE COMMON OPEN SPACE THAT ARE ACCEPTABLE TO THE CITY IN PROVIDING FOR THE CONTINUING CARE OF THE SPACE. NO COMMON OPEN SPACE MAY BE PUT TO A USE NOT SPECIFIED IN THE FINAL DEVELOPMENT PLAN UNLESS THE FINAL DEVELOPMENT PLAN IS FIRST AMENDED TO PERMIT THE USE. NO CHANGE OF USE MAY BE CONSIDERED AS A WAIVER OF ANY OF THE COVENANTS LIMITING THE USE OF COMMON OPEN SPACE AREA, AND ALL RIGHTS TO ENFORCE THESE COVENANTS AGAINST ANY USE PERMITTED ARE EXPRESSLY RESERVED TO THE CITY AS WELL AS THE OWNERS. ALTERNATIVELY, THE COMMON OPEN SPACE MAY BE CONVEYED TO A PUBLIC AGENCY WHICH AGREES TO MAINTAIN THE COMMON OPEN SPACE AND ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, WHICH HAVE BEEN PLACED UPON IT.

An association of the owners has been formed and recording information is shown on the face of the plat.

HEX Condition 10: ANY DEDICATION, DONATION OR GRANT AS SHOWN ON THE FACE OF THE PLAT SHALL BE CONSIDERED TO ALL INTENTS AND PURPOSES AS A QUITCLAIM DEED TO THE SAID DONEE(S) GRANTEE(S) FOR HIS/HER/THEIR USE FOR THE PURPOSE INTENDED BY THE DONOR(S) OR GRANTOR(S).

This condition is informational in nature; the final plat complies with this condition.

HEX Condition 11: SINCE THE PLAT IS SUBJECT TO A DEDICATION, THE CERTIFICATE OR A SEPARATE WRITTEN INSTRUMENT SHALL CONTAIN THE DEDICATION OF ALL STREETS AND OTHER AREAS TO THE PUBLIC, AND INDIVIDUAL(S), RELIGIOUS SOCIETY(IES) OR TO ANY CORPORATION, PUBLIC OR PRIVATE, AS SHOWN ON THE PLAT, AND A WAIVER OF ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROAD. SAID CERTIFICATE OR INSTRUMENT OF DEDICATION SHALL BE SIGNED AND ACKNOWLEDGED BEFORE A NOTARY PUBLIC BY ALL PARTIES HAVING ANY OWNERSHIP INTEREST IN THE LANDS SUBDIVIDED AND RECORDED AS PART OF THE FINAL PLAT.

This dedication language and required notary block are included on the face of the plat.

HEX Condition 12: ANY DEDICATION FILED FOR RECORD SHALL BE ACCOMPANIED BY A TITLE REPORT CONFIRMING THAT THE TITLE OF THE LANDS AS DESCRIBED AND SHOWN ON SAID PLAT IS IN THE NAME OF THE OWNERS SIGNING THE CERTIFICATE OR INSTRUMENT OF DEDICATION.

A title report has been submitted that documents that the property is owned by Harbor Hill LLC.

HEX Condition 13: SCHOOL IMPACT FEES AS REQUIRED BY GHMC 19.12.050(8)(11) SHALL BE COLLECTED FOR ALL RESIDENTIAL DEVELOPMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

The applicant has documented that this is required through the incorporation of the conditions of approval on sheet 10 of the final plat drawing.

HEX Condition 14: PROPOSED MULTIPLE FAMILY DEVELOPMENT SHALL GO THROUGH THE SITE PLAN REVIEW PROCESS, OR ANY SUBSEQUENTLY ADOPTED NONRESIDENTIAL LAND USE REVIEW PROCESS.

The applicant has documented that this is required through the incorporation of the conditions of approval on sheet 10 of the final plat drawing.

HEX Condition 15: THE APPLICANT SHALL COMPLY WITH ALL OF THE TERMS OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL LLC, FOR THE HARBOR HILL DEVELOPMENT, DATED NOVEMBER 9, 2010 (OR ANY SUBSEQUENT AMENDMENTS).

Harbor Hill Division S9 complies with the terms of the development agreement.

HEX Condition 16: IN ADDITION TO THE TRANSIT STOP PROPOSED ON THE SOUTH SIDE OF BORGES BOULEVARD, THE APPLICANT SHALL BE REQUIRED TO INSTALL A TRANSIT STOP ON THE NORTH SIDE OF BORGES BOULEVARD. THE FINAL LOCATION AND DESIGN OF BOTH TRANSIT STOPS SHALL BE AS DETERMINED BY THE CITY OF GIG HARBOR AND PIERCE TRANSIT.

Two transit stops are proposed to be constructed with Division 1A and are shown on the civil construction plans, which have been bonded for as a part of the Division 1A bonds.

PD Condition 17: ON THE M2 LOT, ANY BUILDING PROPOSED TO EXCEED THE UNDERLYING 35 FOOT HEIGHT ALLOWANCE IN THE RLD AREA OF THE LOT SHALL PROVIDE A MINIMUM SETBACK OF 70 FEET TO ANY EXTERIOR BOUNDARY OF THE PRD (NOT THE SUBJECT LOT). THIS SETBACK IS AN ADDITIONAL SETBACK APPLICABLE TO SAID BUILDINGS, ALL BUILDINGS ON THE M2 LOT SHALL PROVIDE A MINIMUM SETBACK OF 10 FEET TO THE PROPERTY LINE OF THE M2 LOT.

The M2 lot is not a part of the S9 Division.

PD Condition 18: FOR THIS AND ALL FUTURE MODIFICATIONS OR ALLOCATIONS, THE APPLICANT SHALL PROVIDE AN ACCOUNTING OF THE PROPOSED ALLOCATION OF WATER, SEWER AND TRANSPORTATION CAPACITY RESERVED FOR THE PROJECT UNDER THE CONCURRENCY REQUIREMENTS. THIS MAY BE ACCOMPLISHED BY PROVIDING A TABLE LISTING EACH PHASE OR LOT OF THE DEVELOPMENT WITH THEIR ASSOCIATED WATER, SEWER AND TRANSPORTATION CAPACITY RESERVATIONS TO SHOW THAT THE PROPOSAL IS IN ACCORDANCE WITH THE TOTAL CAPACITIES RESERVED. THIS IS INTENDED SOLELY FOR THE PURPOSE OF TRACKING THE TOTAL AMOUNTS AS THESE AMOUNTS ARE TIED TO THE ENTIRE PROJECT AND NOT TO SPECIFIC PHASES OR LOTS. THE APPLICANT HAS DISCRETION TO ALLOCATE THE RESERVED CAPACITIES TO VARIOUS PHASES OR LOTS WITHIN THE PROJECT LIMITS IN ACCORDANCE WITH SECTION 15 CAPACITY RESERVATIONS OF THE HHDA.

Harbor Hill has provided an updated allocation documenting that the S9 division has been adequately allocated water, sewer and transportation capacity in accordance with the Development Agreement and this condition.

- C. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, this title and any other applicable city ordinances which were in effect at the time of preliminary plat approval.

The proposed final plat meets the requirements of Chapter 58.17 RCW, the requirements of Title 16 and those of other applicable city ordinances.

- D. **Director's Decision:** Jennifer Kester, Planning Director, recommends that the City Council move to adopt the resolution approving the final plat/PRD for Harbor Hill Division S9.

RESOLUTION NO. 945

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING THE FINAL PLAT AND FINAL PRD FOR DIVISION S9 OF HARBOR HILL, LOCATED SOUTH OF BORGEN BLVD. AND NORTH OF THE NORTHARBOR BUSINESS PARK; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER 0222311009, AND CITY OF GIG HARBOR FILE NO. PL-FPLAT-13-0002 AND PL-FPRD-13-0002

WHEREAS, on December 30, 2010, the City of Gig Harbor Hearing Examiner conditionally granted preliminary plat and preliminary planned residential development (PRD) approval to Harbor Hill, located north and south of Borgen Blvd. and east of the Harbor Hill Business Park and the Ridge at Gig Harbor Subdivision; and

WHEREAS, on October 8, 2010, the City Council approved a Development Agreement for Harbor Hill providing for 20 years of vesting, phased development and allowing certain deviations from the code; and

WHEREAS, Division S9 is an approved phase of the Harbor Hill Preliminary Plat and PRD located south of Borgen Blvd. and north of the Northharbor Business Park, a portion of Pierce County Assessor-Treasurer Parcel Number 0222311009, containing 79 single family residential lots and associated infrastructure; and

WHEREAS, on November 26, 2012 the City Council approved Amendments to the Development Agreement allowing the Planning Director to approve modifications to the Preliminary Plat and PRD Approvals; and

WHEREAS, after preliminary plat approval, the applicant submitted and received approval on August 22, 2012 for Clearing and Grading Plans for the S9 division of the plat/PRD; and

WHEREAS, on August 2, 2013 the Planning Director approved modifications to the Harbor Hill Preliminary Plat and PRD which included changes to the wetland mitigation related to wetland impacts contained within the S9 division; and

WHEREAS, after approval of the revised Preliminary Plat and PRD, the applicant received approval on August 2, 2013 for Civil Plans documenting the requirements for constructing the S9 division of the plat/PRD; and

WHEREAS, the applicant has posted performance bonds for the public and private infrastructure required in the preliminary plat/PRD approval for the S9 Division; and

WHEREAS, street names being utilized in Harbor Hill Division S9 was previously approved by the City on October 14, 2013; and

WHEREAS, an application for final plat and final PRD approval was submitted to the City on October 23, 2013; and

WHEREAS, the applications submitted for final plat and final PRD approval were deemed to be complete on October 23, 2013; and

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

WHEREAS, the City requested revisions on November 1, 2013 clarifying documents to be submitted prior to Council review and requesting revisions to the final plat/PRD drawing; and

WHEREAS, the applicant submitted the requested documents and revisions on November 5, 2013; and

WHEREAS, the City requested revisions on November 15, 2013 clarifying documents to be submitted prior to Council review and requesting revisions to the final plat/PRD drawing; and

WHEREAS, the applicant submitted the requested documents and revisions on November 19, 2013; and

WHEREAS, the final corrected drawings of the proposed final plat/PRD and requested documents were circulated to the appropriate departments of the City and recommendations for approval were obtained; and

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

WHEREAS, the City Council reviewed the application for the final plat at its regular meeting of November 25, 2013; Now, Therefore,

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

Section 1. Findings

A. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 16.06.005, the Harbor Hill Division S9 subdivision, subject to the conditions imposed in Section 2:

1. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;

2. Conforms to all terms of the preliminary plat and preliminary PRD approvals; and a performance bond has been accepted in lieu of construction of the required and uncompleted improvements and
3. Conforms to all terms of the Development Agreement approval; and
4. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 16 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

B. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 17.89.080, the Harbor Hill Division S9 Final PRD, subject to the conditions imposed in Section 2:

1. Provides all features and amenities identified in the preliminary PRD;
2. Complies with the conditions of approval required by the City Engineer;
3. Complies with all conditions of approval required by the Fire Marshal;
4. Complies with all conditions of approval required by the Planning Director and a performance bond has been accepted in lieu of construction for required landscaping and amenities contained within Division S9;
5. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 17 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

Section 2. Approval; Conditions

The City Council hereby approves Harbor Hill Division S9 Final Plat and Final PRD, File Nos. PL-FPLAT-13-0002 and PL-FPRD-13-0002, subject to the following conditions:

1. The landscape and PRD improvements contained in Division S9 and the wetland mitigation work required for impacts associated with the construction of Sentinel Way (and bonded for under surety #754968S and #754679S respectively) shall be completed by the applicant and accepted by the City within the timelines established within the bonds unless an extension is granted by the Planning Director; and
2. The infrastructure contained in the S9 division, detailed in Civil Permit EN-12-0069 (and bonded for under surety # 754667S) shall be completed by the applicant and accepted by the City on or before December 31, 2013 unless an extension is granted at the sole discretion of the City Engineer related to weather or other unavoidable construction delays; and
3. The applicant shall maintain control of the on-site construction limits until such time as the infrastructure improvements are completed in its entirety and accepted by the City. "Control of the on-site construction limits" is understood to mean that use of the improvements and access to and from the limits of construction is restricted by the applicant at the applicant's sole discretion and liability for use of the construction site and improvements lies solely and completely with the applicant; and
4. No certificate of occupancy for any building permit within this Division will be issued unless all the infrastructure improvements have been completed in its entirety and accepted by the City, notwithstanding possible future written agreements; and

5. The applicant shall provide to the City all the required documents to complete the stormwater easement and maintenance agreement for the bypass storm line crossing across the adjacent City owned parcel, prior to final plat recordation. Furthermore, final acceptance of the bypass storm line shall not be granted until the final document has been recorded; and
6. The applicant shall provide all necessary documents to vacate the Sanitary Sewer Easement established under Auditor File Number 200605230979 to the City on or before December 31, 2013; and
7. Amendments 1 and 2 to the Harbor Hill Residential CCRs, By-Laws, and Article of Incorporation shall be recorded with the county auditor prior to the recording of the final plat/PRD.

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

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

RESOLVED this 25th day of November, 2013.

APPROVED:

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY

BY: _____
Angela G. Summerfield

FILED WITH THE CITY CLERK: 11/20/13
PASSED BY THE CITY COUNCIL: 11/25/13
RESOLUTION NO. 945



DEVELOPMENT SERVICES
NOTICE OF ADMINISTRATIVE DECISION

CITY OF GIG HARBOR
PLANNING DEPARTMENT

Harbor Hill M2 Plat/PRD Revision

TO: OPG Properties LLC; John Chadwell
19950 7TH Avenue Suite 200
Poulsbo WA 98370

FROM: Planning Staff
DATE: August 2, 2013

RE: PL-PPLATR-13-0001, PL-PRD-13-0001, and PL-DRB-13-0021
Harbor Hill M2 Plat/PRD Revision

I. GENERAL INFORMATION

A. Applicant: OPG Properties LLC; John Chadwell
19950 7TH Avenue Suite 200
Poulsbo WA 98370

B. Owner: Harbor Hill LLC
19950 7TH Avenue Suite 200
Poulsbo WA 98370

II. APPLICANT'S REQUEST

The proposal includes revisions to the existing approved Harbor Hill Preliminary Plat and PRD to expand the M2 future development tract (FDT) and to relocate and revise the wetland mitigation plan to better meet the permit requirements of other agencies with jurisdiction. The expansion of the M2 FDT requires the relocation of the southerly access road from Borgen Boulevard. This road was previously known as Road G, and is now referred to in the plan set as Road K. Further, to accommodate maintaining the same number of single family units within the plat/PRD with the expansion of the M2 FDT, lot configurations would be adjusted in

the southern phases. The applicant has further proposed changes to the open spaces serving these areas to maintain the intended functions in defining neighborhoods and providing access and recreation to the residents.

The proposal is described in exhibit 1, the Plan Set, received July 17, 2013 (prepared July 16, 2013 and March 8, 2013); exhibit 2, the Project Description Revised July 17, 2013; exhibit 3, the Wetland Mitigation Plan for the Harbor Hill Single Family Residential S9 Tract (Mitigation Plan) Project dated February 21, 2012; and exhibit 4, Email to Kristin Moerler from Brian Hansen dated July 31, 2013 re: Harbor Hill. The existing Hearing Examiner HEX Decision dated December 30, 2010 is attached as exhibit 5.

III. SITE DESCRIPTION

- A. **Location:** North and South of Borgen Boulevard NW
Assessor's Parcels 0222308002, 0222311000, 0222311009
- B. **Site Area/Acreage:** 199.98 acres
- C. **Existing Site Characteristics:**
1. **Topography:** The site is moderate and rolling, with some areas that exceed 30 percent slope.
 2. **Vegetation:** The site is heavily vegetated. Some very large cleared areas are found, principally on the southern portion.
 3. **Wetlands and Critical Areas:** There are three wetlands and a small stream onsite.
- D. **Zoning:**
1. **Subject parcels:** Planned Community Development Residential Low Density (PCD-RLD) and Planned Community Development Residential Medium Density (PCD-RMD)
 2. **Adjacent zoning and current use:**
 - a. **North:** Outside City Limits, developed with single family residential uses. Pre-annexation zoning is R-1.
 - b. **East:** Outside City Limits, developed with single family residential uses. Pre-annexation zoning is R-1
 - c. **South:** R-1 – Residential Single-Family.

ED- Employment Center, Northharbor
Business Park

- d. **West:** PCD-RMD – Residential Single-Family
subdivision.
PCD-BP – Vacant commercial land

- E. **Utilities / Road Access:** The site is accessed from Borgen Boulevard, Peacock Hill Avenue, and Harbor Hill Drive, all of which are public streets. Public roads are proposed throughout the site. Water and sewer will be provided by the City of Gig Harbor.

IV. APPLICABLE CODES AND POLICIES

- A. **Comprehensive Plan:** The site is designated as PCD-Residential Low and PCD- Residential Medium.

- B. **Gig Harbor Municipal Code (GHMC):**

Preliminary Plats: GHMC Section 16.05.003 lists the criteria the hearing examiner shall make inquiry into and shall consider when reviewing a preliminary plat.

Subdivisions: All subdivisions must meet the general requirements for approval of subdivisions listed in GHMC Section 16.08.001.

Zoning Code: The proposed preliminary plat is located in the PCD-RLD and PCD-RMD zones. Chapter 17.17 and 17.21 of the GHMC contains requirements and performance standards for development in the RLD and RMD zone districts, respectively.

Planned Residential Development Zone Standards: Chapter 17.89 GHMC contains the requirements and standards for a planned residential development, in particular GHMC Sections 17.89.020, 17.89.050, 17.89.060, 17.89.070, 17.89.090, and 17.89.110.

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

Wetland and Critical Area Regulations: Chapter 18.08 GHMC contains the guidelines, criteria, standards and requirements designed to analyze and mitigate potential impacts to city wetland resources and other critical areas.

Administration of Development Regulations: The site is subject to the Harbor Hill Development Agreement and subsequent amendments authorized under GHMC 19.08. GHMC section 19.08.020(B)(1) provides

“Any approved development standards that differ from those in the code shall not require any further rezone, variance from city standards or other city approval apart from development agreement approval. The development standards as approved through a development agreement shall apply to and govern the development and implementation of each covered property in lieu of any conflicting or different standards or requirements elsewhere in the Gig Harbor Municipal Code”

The Harbor Hill Development Agreement authorizes a number of modified City development standards detailed in the agreement. The initial Harbor Hill Development Agreement (HHDA) is attached as exhibit 6 to this decision and the 2012 Amendment to the HHDA is attached as exhibit 7. Where relevant this report references these documents relative to development standards that have been authorized to vary from those in the code.

Further, the 2012 amendment to the HHDA establishes Section 9: Minor Amendments that provides:

“(b) Any modification to an approved preliminary plat that changes the number of lots, boundaries, configuration, design, or layout of lots, parcels, tracts, or roadways within the preliminary plat, or changes the conditions of approval of the preliminary plat may be approved by the Director administratively as a Type II decision if the Director finds that the preliminary plat will continue to satisfy the criteria for approval of a preliminary plat under GHMC 16.05.003 after the modification.

(c) Any modification to an approved preliminary PRD that changes the number of lots, boundaries, configuration, design, or layout of lots, parcels, tracts, or roadways within the PRD, or changes the conditions of approval of the preliminary PRD may be approved by the Director administratively as a Type II decision if the Director finds that the PRD will continue to satisfy the

criteria for approval of a preliminary PRD under GHMC 17.89.070 after the modification.”

V. BACKGROUND INFORMATION

Since the time of the initial Plat/PRD approval the applicant has moved forward in finding developers for the FDT's within the plat. The M1 lot has been permitted for 172 traditional multi-family apartment units and is presently under construction. The applicant has also located a party interested in developing the M2 lot with a Continuing Care Retirement Community (CCRC). However, to better accommodate the proposed use the applicant has pursued and received approval for the 2012 Amendment to the HHDA which provided an administrative path to allow the applicant to pursue the current amendments to the plat and PRD to expand the M2 lot and allow the uses identified in the City zoning code that comprise a CCRC on the expanded M2 lot area (see Exhibit 3, item #2). It should be noted that the development agreement for the site does not authorize an expansion of the 10 acre RMD rezone applicable to the M2 lot that was part of the initial Harbor Hill project approval. This proposal is limited to expanding the M2 lot within the PRD and reaffirming height increases on the lot pursuant to GHMC subsection 17.89.060(A)(4).

Additionally the applicant has also proposed to revise the location of the wetland mitigation approved with the initial application to meet the requirements of the Army Corps for a Nationwide Permit. While the initial mitigation area was approved by the City as compliant with all related City codes, the applicant was also required to obtain a Nationwide Permit for the wetland fill and related culvert contained in the S9 division of the plat from the Army Corps of Engineers. During the review of the proposal by the Army Corps of Engineers, city staff was able to walk the mitigation site with the Corps staff in December of 2012. At the time of that site inspection, the reviewing Corps biologist determined that the mitigation site provided superior upland habitat and was inappropriate to convert to a wetland as approved in the initial plat/PRD approval. The applicant was encouraged to pursue alternatives that would avoid impacting the mature forest community existing in the area. The revised wetland mitigation plan proposes to move the wetland mitigation area due north and expand the area of mitigation to cover an existing failed mitigation area existing partially on the site and partially on the adjacent Harbor Hill Business Park Plat.

Further, it bears discussion that the plans included as exhibit 1 have included all phases of the project in the updated plans set, however several key notations have been used to differentiate between areas

where final plat has occurred and where more detailed engineering or landscaping plans have been submitted or approved for phases that have proceeded with civil plan review.

The preliminary plat and design manual plans (sheets 2-11) include hatching only over those areas where a final plat has been authorized (Division 1a comprising the M2 lot and adjacent infrastructure). This reflects that all future final plat applications within the plat will be reviewed against this revised plan. The preliminary engineering and landscaping plans generally comprise the bulk of the remaining plans, for these sheets hatching is used to reflect areas where more detailed plans exist and provides references to the appropriate civil permit case associated with that review. This affects the N1, N2 and S9 phases as well as key areas of the plat infrastructure required to serve these phases. To assure that the record is complete for all future phases needing final plat, staff has attached the landscaping plans which are omitted in the main plan set.

VI. ENVIRONMENTAL REVIEW:

The City issued a Mitigated Determination of Non-Significance (MDNS) and Adoption of Existing Environmental Document (MDNS) on November 17, 2010 (See Mitigated Determination of Nonsignificance, SEPA 08-0034, exhibit 8). No appeals of the MDNS and Adoption of Existing Document were filed.

The City reviewed and circulated an Environmental Checklist and subsequently issued a SEPA Addendum on July 31, 2013 (exhibit 9) as the proposal was consistent with the existing SEPA approval and no additional impacts were identified. This review was conducted under case PL-SEPA-13-0011.

VII. PUBLIC NOTICE & INPUT:

A Notice of Application was published in the Peninsula Gateway on April 10, 2013. Mailed notice was sent to property owners within 300 feet of the site and to all parties of record on April 10, 2013. Notice was also posted on the site on April 10, 2013. The public comment period ended on April 24, 2013. No comments have been received regarding this proposal.

VIII. STAFF ANALYSIS AND FINDINGS:

A. Planning Staff: The changes presented at this time generally fall into three main categories; changes related to the expansion of the M2 lot,

the relocation of the wetland mitigation area and clarification of the density allowed on the site as this review has indicated the density discussions in the existing HEX decision did not incorporate the proposed and subsequently approved density increase associated with the additional 10 acres of RMD zoned property. Staff has also provided an open space summary discussion as both of the proposed changes affect the open spaces within the PRD.

Discussion of M2 Expansion: The applicant desires to expand the area of the M2 FDT as described above. In order to expand the M2 lot given its location, the parkway access into the southern phases from Borgen requires relocation approximately 400 feet east of its original, approved location. This road was indicated in prior plans and decisions as Road G; it is now designated as Road K in the current plan set (exhibit 1). In relocating this road, it's the applicant's intention to maintain the transportation mitigation associated with the intersection of Borgen Blvd. and Road G.. The required lane configurations are indicated on sheet 27 of the attached plan set. There are, however, several minor discrepancies related to the road configuration indicated in the plan set. The Engineer for the project has provided an email to staff (exhibit 4) documenting that the easterly curb line of Road K on sheet 27 is incorrectly depicted, and that in revising the road location, the road section location indicators on page 17 shown for sections B and C are incorrectly depicted in the plans. Staff would note, that these minor discrepancies will be corrected as a part of the civil review for these improvements. Staff would further note, that they do not affect the required lane configuration that has been maintained consistent with the prior decision making.

Further, as the proposal is to maintain the same number of single family lots within the plat and not to allocate displaced units to the FDT, lot configurations in the southern phases have been adjusted to accommodate the displaced lots. This has caused lots in the area south of Borgen to generally become smaller. The applicant has generally proposed 50 foot wide lots at the outer perimeter where lots had generally been 60 feet wide. The applicant has also reconfigured open spaces in the S1 and S2 phases to provide equivalent improved areas and fewer interior buffer areas. The proposal does not remove any of the perimeter buffer and increases retained vegetation at the corner of Peacock Hill Road and Borgen Blvd.

Turning to the M2 lot itself, it is important to clarify that the underlying uses required for a Continuing Care Retirement Community (CCRC) were specifically authorized to occur on the M2 lot per item #2 in the 2012 Amendment to the HHDA. The uses from the City zoning code specifically authorized are: independent living facility, assisted living

facility and skilled nursing facility. The revised phasing plan also approved in the 2012 amendment to the HHDA includes the larger M2 lot configuration evidencing the City Council's intent to apply the use to the expanded parcel.

Further, the HHDA in section 17, Residential Densities, provides for the clustering of density across the project sufficient to allow the densities with the individual phases of the project to be adjusted as proposed.

The HHDA itself does not specifically allow the 45 foot height presently authorized for the FDT tracts so the general zoning provisions apply to the height of these buildings. For the expanded portion of the lot, the underlying RLD zone provides for a height allowance of only 35 feet. However, the City's PRD code (GHMC section 17.89.060(A)(4)) provides that height allowances can be increased subject to the criteria in the code. The existing HEX Decision (exhibit 7) provides for the M2 lot to increase height above the 35 feet allowed in the RLD zone as evidenced in findings #21 and #62 which authorize increases on the FDT located in the RLD. However, the initial decision failed to document that to comply with all provisions to allow 45 feet, an increased setback of 70 feet from the perimeter of the plat was required (the RLD front setback + 5 feet for each of the extra 10 feet proposed). As this increased setback is necessary for the expanded portion of the M2 lot, this setback has been included below as a condition of approval.

Wetland Mitigation Change: As discussed above the applicant proposes to relocate the approved mitigation north into the wetland mitigation area initially created by the City roughly ten years ago to mitigate the construction of Borgen Boulevard that has resulted in very little actual wetland area. As documented in exhibit 3 of the Mitigation Plan, this area is approximately 0.92 acres and only 6,750 square feet, or roughly 16.5% of the area, is presently functioning as a wetland. As photographically detailed in attachment A to the mitigation plan (exhibit 3) the plant community in this area is vastly inferior to other areas of the site as it is largely dominated by grasses and invasive species. This failed mitigation area is part of the South Wetland Loop Trail to be transferred to the City pursuant to section 14 of the HHDA (exhibit 8). Approximately half of this area will be dedicated to the City; the other half was transferred to the City as a part of the Adjacent Harbor Hill Business Park Plat. The applicant's proposal is consistent with the Section 14 which provides for the applicant to improve the gateway park and develop trail connections into the wetland system.

This area was never subject to a Nationwide Permit with the Army Corps due to its size and regulations in effect at the time of its creation; and was determined eligible by the Army to be utilized as mitigation for the current proposal. Planning staff has coordinated with the Corps reviewing biologist on the review of the revised wetland mitigation pursuant to GHMC 18.08.170(C). The plans proposed for approval under this application are consistent with the AFT Nationwide Permit issued to the applicant on July 17, 2013 (exhibit 10).

In reviewing the revised mitigation plan staff has noted that the applicant has substantially increased the mitigation area to fill the entire failed area. As documented in the attached Mitigation Plan (exhibit 3) on page 13, the new mitigation plan includes wetland creation at a rate of 18.6:1 and wetland buffer enhancement at a ratio of 3.7:1. This represents a substantially larger wetland mitigation area than the prior plans. The mitigation plan demonstrates compliance with all applicable City regulations. The code does provide that the final approved mitigation plan needs to be signed by the Director and the Applicant and recorded against the property following approval providing notice on title of the mitigation, and prohibiting further development of the mitigation area.

Density: In reviewing the current proposal, it has come to staff's attention that the existing project approval is based upon the density calculations that occur on page 6 of the project description (exhibit 2). These calculations include minimum and maximum permitted yields based on the existing zoning classifications applicable to the site at the time of initial application in 2008, but fail to include the proposed and subsequently authorized rezone of 10 acres of the site to RMD. While the proposed revision to the RMD does not affect the compliance of the approved 824 dwelling units with the city's density requirement for the site, the record should be clarified to document the correct minimum and maximum densities within the rezone area approved for the PRD. The following represents the density calculations for the project including the 10 acre rezone from RLD to RMD to document that the 824 dwelling units contained within the project are appropriately within the allowed minimum and maximum densities based on the approved zoning:

Minimum Permitted Yield

PCD-RLD:

470.9 160.9 AC gross - 6.9 AC (wetlands) - 23.5 AC (roads) = 440.5 130.5 AC net
440.5 130.5 AC X 4 DU/AC = ~~562~~ 522 DU

PCD-RMD: 29.4 39.1 AC gross - 3.7 AC (roads) = 25.4 35.4 AC net
25.4 35.4 AC X 5 DU/AC = 427 177 DU

TOTAL MINIMUM UNIT YIELD = 562 522 DU + 427 177 DU = 689 699 DU

Maximum Permitted Yield

PCD-RLD: 170.9 160.9 AC gross X 4 DU/AC = 683 644 DU

PCD-RMD: 29.4 39.1 AC gross - 3.7 AC (roads) = 25.4 35.4 AC net
25.4 35.4 AC X 8 DU/AC = 203 283 DU

TOTAL MAXIMUM UNIT YIELD = 683 644 DU + 203 283 DU = 886 927 DU

Proposed PRD Yield

SFR Lots 554 DU
High Density Residential (Future Development) 270 DU*

TOTAL PROPOSED UNIT YIELD 824 DU

PROPOSED GROSS DENSITY: 4.1 DU/AC GROSS
PROPOSED NET DENSITY: 5.1 DU/AC NET

As demonstrated above the authorized density is compliant with the authorized zoning districts applicable to the site.

Open Spaces: The open space calculations are documented on the face of the plans (sheet 1 of 70) and indicate that the revised PRD provides 67.34 acres or 34% of the gross site area (GSA) and that 38.15 acres (19% of GSA) of active and passive recreation is provided within the plat. These calculations have been adjusted to clearly indicate what is included or excluded from the required calculations and to remove the open space requirements initially identified to be located within the FDTs. While the applicant is proposing to reduce the total amount of open spaces within the plat it remains compliant with all PRD provisions and requirements of the HHDA.

Regarding the wetland mitigation location, it should be noted that the proposed relocation of the wetland mitigation will enhance the most visible portion of the south wetland loop trail planned to be dedicated to the City as viewed from the future Gateway Park and public roadways existing and planned. The mitigation plan further includes placement of educational signage about the project to inform the public about wetland creation. These improvements expand and build upon those obligations discussed in Section 14 of the HHDA relative to the Gateway Park creation. This will provide the public the opportunity to view the high quality wetland areas in the retained Wetland E system and watch the establishment of a newly created wetland. The wetland creation while not designed to be a landscape area, will substantially improve the existing vegetation and general condition of this area.

Nothing in the proposed revisions affect the existing Alternative Landscaping Plan approved with the initial application. The perimeter buffer is not proposed to be revised, nor has the applicant asked to revise the allowances granted to perimeter buffers for the Gateway Park. There is no substantive change to these aspects of the existing decision.

As the plans included as exhibit 1 have omitted landscaping in the areas where civil reviews have been conducted, and it is important to include plans documenting the open space improvements typically shown in landscape plans, landscaping plans have been attached to this report to document the more detailed landscape plans approved/proposed for these areas. This affects the N1, N2 and S9 phases. Specifically, detailed landscape plans have been approved for Civil Phases known as 1-A/B/C/D which include the bonded landscaping associated with Division 1a (final plat) and the landscaping for phases indicated in these plans as N1 and N2. This landscape plan last revised on April 17, 2013, is included as exhibit 11 to this report to document the approved landscape for these areas. Staff accepted these plans as consistent with the existing approval on April 29, 2013.

Similarly there is a landscape plan set prepared for the S9 phase that has been in concurrent review while the plat revision has been in process and are attached to this decision to document the landscaping planned for the areas within the S9 phase (Exhibit 12). Like the plans issued for construction in the northern phases these attached plans represent minor fine tuning that typically occurs at the civil plan stage to address final engineering conditions and are consistent with the existing approval and the current revisions discussed in this decision.

Based on the above discussions the proposed changes to the PRD are generally minor in nature as the key concepts of the initial PRD layout have not been revised (See finding 66 of HEX Decision). The application remains compliant with the findings of approval for the PRD contained in the HEX decision.

B. Operations and Engineering

The proposed revision to Harbor Hill Residential Preliminary Plat (previously approved permits PL-SEPA-08-0034 and PL-PPLAT-08-0001) has been reviewed. The proposed revision does not substantially change the scope of the project impacts or mitigation from the Engineering review documented in the memo dated December 8, 2010 from Emily Appleton to Cliff Johnson.

However, to provide a clear written record for managing and tracking concurrency, the City of Gig Harbor Operations and Engineering division would like to include an additional condition of approval for the plat to better facilitate and track the allowed allocation of Concurrency pursuant to the HHDA section 15. Nothing in the proposed condition is intended to circumvent the provisions of the HHDA, only to ensure that allocations within this plat are clearly tracked and allocated in accordance with the HHDA as written or as may be amended in the future. The City of Gig Harbor Operations and Engineering Division recommends that the following condition be included in addition to the original permit approval conditions:

1. For this and all future modifications or allocations, the applicant shall provide an accounting of the proposed allocation of water, sewer and transportation capacity reserved for the project under the concurrency requirements. This may be accomplished by providing a table listing each phase or lot of the development with their associated water, sewer and transportation capacity reservations to show that the proposal is in accordance with the total capacities reserved. This is intended solely for the purpose of tracking the total amounts as these amounts are tied to the entire project and not to specific phases or lots. The applicant has discretion to allocate the reserved capacities to various phases or lots within the project limits in accordance with Section 15 Capacity Reservations of the HHDA.

It should be noted that Planning staff has worked with Engineering staff on this section of the staff report to better detail the need and intent of the new condition of approval, please see exhibit 13 which represents the Official Engineering response to this application.

Further, to assure that it is appropriate to maintain the existing findings and conclusions of approval relative to the configuration of roads and utilities, Planning Staff has asked the Engineering Department to document any necessary revisions to existing findings and conclusions contained in the existing decision. Emily Appleton, Senior Engineer, responded on behalf of the Engineering Division in the attached email to Kristin Moerler, Associate Planner on August 1, 2013 (exhibit 14). This email identifies two findings that should be modified; #15, to accurately reflect the connections proposed (this is a clarification only and does not reflect any actual change to the project), and #16 which is related to the infrastructure associated with the intersection of Road G.

Finding, #15 erroneously identified 119th Ct. NW as the road connection in the initial decision, this connection was intended to be limited to pedestrian and emergency vehicle access to minimize road impacts to County infrastructure as 119th Ct. NW occurs outside City limits. The following revised finding shall replace the existing finding #15

15. The proposed plat would have primary access from Borgen Boulevard, Peacock Hill Avenue and Harbor Hill Drive. A system of public streets, and alleys and sidewalks or paths would be constructed throughout the site that would also connect to neighborhood streets. Amber Court and 119th Ct NW, in the part of the plat north of Borgen Boulevard. The plat connection to Amber Court would be a full street connection with full vehicular and pedestrian/non-motorized access. The plat connection to 119th Ct NW would be a connection that allows for pedestrian/non-motorized and emergency vehicle access, but not full vehicular access for the travelling public. Two parkway roads with two 10-foot travel lanes, and two 8-foot parking lanes would connect to Borgen Boulevard and Peacock Hill Ave. Sidewalks, hard surfaced walkways, and trails are proposed throughout the site, including meandering walkways in 25-foot wide landscaped open space corridors on both sides of the parkways. The roads are required to be constructed in accordance with the City's public works standards.

Finding #16 as discussed above shall be revised as follows:

16. Applicant proposes to provide various dedications and transportation improvements, in addition to the on-site circulation system. Among the improvements proposed is a roundabout on Borgen Boulevard at the proposed intersection with Road A of the plat and to widen Borgen Boulevard to two lanes in each direction from just east of the Harbor Hill Drive intersection to the proposed Road ~~G~~ K intersection, plus a half-road extension of Harbor Hill Drive constructed at the south end of the project. A condition of the MDNS that requires implementing the public infrastructure improvements proposed in the plan set dated August 17, 2010, revised October 4, 2010, shall be interpreted to apply to the Road K which is functionally the same intersection as the previously named Road G.

All other findings of the HEX Decision relative to the road and utility plans should be maintained as the project has remained consistent with these findings.

C. Fire Marshal/Building Official

The Fire Marshal/Building Official approved the proposed revisions with the comment that the fire lanes and related markings would be reviewed at the time of Civil Permit. exhibit 15

IX. Conclusions:

Based on the analysis and findings above the Director concludes:

1. The Harbor Hill Development Agreement revised in 2012 authorizes the Director to approve amendments to the preliminary plat and preliminary PRD as a Type 2 Decision provided that the approval criteria of GHMC 16.05.003 are met for the preliminary plat revision and the approval criteria of GHMC 17.89.070 are met for the preliminary PRD revision.
2. The Planning Director has the authority to approve Administrative Design Review pursuant to GHMC 19.01.003.
3. Notice requirements for a Type 2 decision were met.
4. In regard to consistency with the criteria required to be met for the approval of a Preliminary Plat or Preliminary Plat revision set forth in GHMC 16.05.003, the findings demonstrate that the public use and interest will continue to be served by the proposed preliminary plat and the dedications proposed. The proposal remains consistent with the Comprehensive Plan and, conforms to applicable zoning provisions, applicable Development Agreement provisions and makes adequate provision for the items listed in Section 16.05.003.B. The preliminary plat revision should be approved retaining all existing conditions of approval and imposing the additional conditions recommended by the Engineering Division and Planning Department.
5. In regard to consistency with the criteria set forth in GHMC 17.89.070 required to be met for the approval of a PRD or PRD revision, the findings demonstrate that the proposed PRD is consistent with the criteria for approval and should be approved. The PRD approval should include approval of the modification of the required setbacks as proposed, the increased allowance of impervious surfaces on individual lots to 65 percent, and the modification of the height limit for any use that is not single-family within the RLD-PRD zoned FDT south of Borgen Boulevard, recognizing that that height is already permitted on the FDT north of Borgen Boulevard.

X. Director's Decision:

Based upon the previous analysis, findings and conclusions, the Director concludes that the proposed preliminary plat amendment, preliminary PRD amendment and design review have met the applicable criteria for approval and are therefore **APPROVED; subject to the conditions listed in Attachment A.**

Signature: Peter Katich for Jennifer Kester

Peter Katich for
Jennifer Kester, Planning Director – City of Gig Harbor

Date: _____

Duration of Permit Approval: The permits included in this decision shall expire twenty (20) years from October 10, 2010, unless a complete application for subsequent building permit or civil permit has been submitted and remained active, pursuant to the Harbor Hill Development Agreement section 6 Term of Agreement; Vesting Periods.

Administrative Appeal: Parties of record may appeal this administrative decision to the City of Gig Harbor Hearing Examiner. Such appeals must be filed, in writing, pursuant to GHMC Section 19.06.004, within fourteen (14) days after the issuance of this notice of decision. Appeals shall be delivered to the Planning Director by mail, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals shall be mailed or delivered to: Planning Director, City of Gig Harbor, 3510 Grandview Street, Gig Harbor, WA 98335; or faxed to: 253-858-6804. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked. A filing fee of \$275.00 must be submitted with any appeal filed. This fee is refunded if the appellant substantially prevails. Appellants that do not substantially prevail on appeal will be charged the cost of the Hearing Examiner.

Property Tax Valuation: Affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Pierce County Assessor-Treasurer.

cc: Parties of record (none)

The following attachments and exhibits constitute the administrative record:

1. Plans Received by the City on July 17, 2013; prepared by Triad Associates including pages signed on July 16, 2013 and March 8, 2013.
2. Project Description Revised July 17, 2013
3. Wetland Mitigation Plan for the Harbor Hill Single Family Residential S9 Tract Project dated February 21, 2012;
4. Email to Kristin Moerler from Brian Hansen dated July 31, 2013 re: Harbor Hill.
5. Hearing Examiner Decision for PPLAT-08-0001, PRD 08-0001, REZ 08-0001, dated December 30, 2010
6. Harbor Hill Development Agreement (HHDA) recorded under AFN: 201011241249
7. First Amendment to the Harbor Hill Development Agreement recorded under AFN 201212040216
8. MDNS Issued November 17, 2010 for PL-SEPA-08-0034.
9. SEPA Addendum issued July 31, 2013 (with all attachments) for case PL-SEPA-13-0011
10. AFT Nationwide Permit issued July 17, 2013 to John Chadwell, Olympic Property Group under case NWS-2012-0839
11. Construction Landscape Plans for phase 1-A/B/C/D last revised on April 17, 2013.
12. Construction Landscape Plans for phase S9 dated 7-12-13.
13. Memo from Emily Appleton, Senior Engineer, Dated July 30, 2013, re: Preliminary Plans entitled "Harbor Hill" Sheets 1-70 received July 17, 2013.
14. Email from Emily Appleton, Senior Engineer, to Kristin Moerler dated August 1, 2013 re: Permit Decision Engineering Review 7-30-13.
15. Request for Comments Approved as noted by Paul Rice on May 2, 2013.

ATTACHMENT A-ORIGINALLY IMPOSED SPECIAL CONDITIONS OF APPROVAL THAT REMAIN IN EFFECT:

1. The applicant shall comply with all mitigation measures found in the Mitigated Determination of Non significance (SEPA 08-0034) issued for the proposal, or as subsequently amended.
2. All perimeter landscaping buffers shall be vegetated to meet the standards of GHMC 17.78.060, as amended through the alternative landscape plan approved by the Hearing Examiner. This requirement shall be met prior to approval of the final plat.
3. Fire flow requirements shall be met. Location and manner of fire lane markings shall be provided at time of civil review.
4. City forces may remove any traffic control device constructed within the City right of way not approved by the Operations and Engineering Division. Any liability incurred by the City due to non-conformance by the applicant shall be transferred to the applicant.
5. A road encroachment permit shall be acquired from the City prior to any construction within City right of way, including utility work, improvements to the curb, gutter, and sidewalk, roadway shoulders and ditches, and installation of culverts. All work within the City right of way shall conform to the City's Public Works Standards and Stormwater Design Manual.
6. Permanent survey control monuments shall be placed to establish public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control. A minimum of two permanent survey control monuments shall be installed at locations determined by the City in accordance with the City's Public Works Standards and recorded with the Pierce County Survey Control Division prior to final engineering approval of civil improvements.
7. Irrigation and maintenance of landscaping within the public right of way shall be the responsibility of the property owner(s) or its heirs or assigns.
8. The final plat map shall note (where in quotes) or delineate the following:
 - a. **WARNING: City of Gig Harbor has no responsibility to build, improve, maintain or otherwise service private roadways or driveways within, or providing access to, property described in this plat."**
 - b. **"Maintaining adequate site distance at all vehicular access points shall be the responsibility of the property owner. The City of Gig**

Harbor has no responsibility to maintain adequate site distance at private access points located within this plat."

- c. "Increased stormwater runoff from the road(s), building, driveway and parking areas shall not be directed to City infrastructure. Increased storm water runoff shall be retained/detained on site unless it is proven to be adequately retained/detained by an offsite regional facility."
 - d. "Where seasonal drainage crosses subject property, no disruption of the natural flow shall be permitted."
 - e. Stormwater for runoff from buildings and parking surfaces shall be shown on individual building lots, including drywell sizing or storm drain connection points.
 - f. If private roadways are proposed then provisions shall be made for the roads and easements to be open at all times for emergency and public service vehicle use.
 - g. "This plat is subject to stormwater maintenance agreement recorded under Auditor's file number (enter AFN here)."
 - h. "Stormwater/Drainage easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on this site plan. No encroachment will be placed within the easements shown on the plat that may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the property owner(s) or its heirs or assigns, as noted under the stormwater maintenance agreement for the plat."
9. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners. Alternatively, the common open space may be conveyed to a public agency which agrees

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

10. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the said donee(s) grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).
11. Since the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.
12. Any dedication filed for record shall be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
13. School impact fees as required by GHMC 19.12.050(B) (II) shall be collected for all residential development prior to the issuance of a building permit.
14. Proposed multiple family development shall go through the Site Plan Review process, or any subsequently adopted nonresidential land use review process.
15. The applicant shall comply with all of the terms of the Development Agreement by and between the City of Gig Harbor and Harbor Hill LLC, for the Harbor Hill Development, dated November 9, 2010 (or any subsequent amendments).
16. In addition to the transit stop proposed on the south side of Borgen Boulevard, the applicant shall be required to install a transit stop on the north side of Borgen Boulevard. The final location and design of both transit stops shall be as determined by the City of Gig Harbor and Pierce Transit.

ADDITIONAL NEW CONDITIONS OF APPROVAL

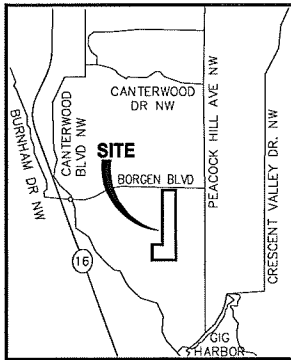
17. On the M2 Lot, any building proposed to exceed the underlying 35 foot height allowance in the RLD area of the lot shall provide a minimum setback of 70 feet to any exterior boundary of the PRD (not the subject lot). This setback is an additional setback applicable to said buildings, all buildings on the M2 lot shall provide a minimum setback of 10 feet to the property line of the M2 lot.

18. For this and all future modifications or allocations, the applicant shall provide an accounting of the proposed allocation of water, sewer and transportation capacity reserved for the project under the concurrency requirements. This may be accomplished by providing a table listing each phase or lot of the development with their associated water, sewer and transportation capacity reservations to show that the proposal is in accordance with the total capacities reserved. This is intended solely for the purpose of tracking the total amounts as these amounts are tied to the entire project and not to specific phases or lots. The applicant has discretion to allocate the reserved capacities to various phases or lots within the project limits in accordance with Section 15 Capacity Reservations of the HHDA.

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



OWNER / APPLICANT:
 HARBOR HILL, LLC.
 ATTN: JON ROSE
 19950-7TH AVENUE NE, SUITE 200
 POULSBORO, WASHINGTON 98370
 (253) 697-6626

COUNTY ASSESSOR TREASURER CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE HAVE BEEN FULLY PAID AND DISCHARGED.

ASSESSOR-TREASURER, PIERCE COUNTY, WASHINGTON _____ DATE _____

CITY ENGINEER CERTIFICATION

THE SUBDIVISION COMPLIES WITH THE APPLICABLE PROVISIONS OF THE CITY OF GIG HARBOR PUBLIC WORKS CONSTRUCTION STANDARDS.

EXAMINED AND APPROVED THIS _____ DAY OF _____

CITY ENGINEER, CITY OF GIG HARBOR, WASHINGTON _____ DATE _____

CITY CLERK CERTIFICATION

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED AS DEDICATED STREETS, ALLEYS OR FOR OTHER PUBLIC USE ARE PAID IN FULL.

CITY CLERK, CITY OF GIG HARBOR, WASHINGTON _____ DATE _____

CITY MAYOR CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT OF HARBOR HILL PHASE S-9 IS DULY APPROVED BY THE CITY OF GIG HARBOR.

EXAMINED AND APPROVED THIS _____ DAY OF _____

MAYOR, CITY OF GIG HARBOR, WASHINGTON _____ DATE _____

CITY PLANNING DIRECTOR CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT OF HARBOR HILL PHASE S-9 IS IN CONFORMANCE WITH THE CITY OF GIG HARBOR COMPREHENSIVE PLAN, ZONING CODE, DEVELOPMENT AGREEMENT, AND APPROVED PLANNED RESIDENTIAL DEVELOPMENT. THE SUBDIVISION COMPLIES WITH THE CITY'S DEVELOPMENT REGULATIONS UNDER GHMC TITLES 16 AND 17.

EXAMINED AND APPROVED THIS _____ DAY OF _____

PLANNING DIRECTOR, CITY OF GIG HARBOR, WASHINGTON _____ DATE _____

COUNTY AUDITOR

FILED FOR RECORDING THIS _____ DAY OF _____, AT _____ MINUTES PAST _____ M., RECORDS OF THE PIERCE COUNTY AUDITOR, TACOMA, WASHINGTON.

RECORDING NUMBER _____

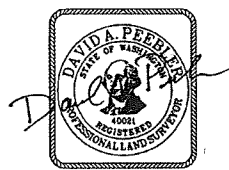
PIERCE COUNTY AUDITOR BY _____ DATE _____

FEE _____

LAND SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN ACTUAL SURVEY DONE BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE BEARINGS AND DISTANCES ARE SHOWN CORRECTLY; THAT THE PERIMETER MONUMENTS HAVE BEEN SET AND THAT ALL OTHER MONUMENTS AND LOT CORNERS HAVE BEEN SET OR BONDED WITH THE COUNTY AND WILL BE SET PRIOR TO THE RELEASE OF THE BOND; THAT I HAVE COMPLIED WITH ALL STATE AND COUNTY REGULATIONS GOVERNING PLATTING AND THAT IT CONFORMS TO THE APPROVED PRELIMINARY PLAT AND THE CONDITIONS OF APPROVAL THEREOF.

David A. Peebler
 DAVID A. PEEBLER, PLS 40021 11/19/2013
 DATE



LEGAL DESCRIPTION: (PROVIDED BY TITLE COMPANY)

PARCEL 1:

A PORTION OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88°22'28" EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 662.02 FEET TO A LINE PARALLEL WITH AND 662.00 FEET EASTERLY OF THE WEST LINE OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING; THENCE SOUTH 01°10'47" WEST ALONG SAID PARALLEL LINE 3319.14 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°15'32" WEST ALONG SAID SOUTH LINE 331.02 FEET TO THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01°11'32" WEST ALONG SAID EAST LINE 663.91 FEET TO THE SOUTH LINE OF SAID NORTHWEST AND SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 88°15'28" EAST ALONG SAID SOUTH LINE 992.60 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 01°13'49" EAST ALONG SAID EAST LINE 1327.86 FEET TO THE EAST LINE OF WEST HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 01°12'48" EAST ALONG SAID EAST LINE 2656.54 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 88°22'28" WEST ALONG SAID NORTH LINE 664.15 FEET TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION THEREOF LYING WITHIN BORGES BOULEVARD.

(ALSO KNOWN AS REVISED PARCEL B OF BOUNDARY LINE REVISION NO. 200407275004)

REFERENCES:

THE FOLLOWING REFERENCES ARE RECORDS OF PIERCE COUNTY, WASHINGTON AND MAY NOT REPRESENT ALL OF THE SURVEYORS RESEARCH.

- (R1) RECORD OF SURVEY, AFN 9502280163
- (R2) HARBORCREST WEST PLAT, AFN 200109145003
- (R3) RECORD OF SURVEY, AFN 200406085009
- (R4) RECORD OF SURVEY, AFN 200407275004
- (R5) RECORD OF SURVEY, AFN 200503175002
- (R6) BUSINESS PARK OF HARBOR HILL PLAT, AFN 200605235007
- (R7) HARBOR CREST PLAT, AFN 200701105003
- (R8) RECORD OF SURVEY, AFN 200804045009
- (R9) SHORT PLAT PL-SP-07-0005, AFN 200902135006
- (R10) CITY OF GIG HARBOR EAST-WEST ROADWAY PROJECT, C.S.P. 9801

SURVEY NOTES:

1. THE BOUNDARY FOR THIS PLAT WAS BASED ON THAT CERTAIN RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT BY DAVID EVANS & ASSOCIATES, INC. RECORDED UNDER AFN 200407275004, RECORDS OF PIERCE COUNTY, WASHINGTON.
2. SURVEYING PERFORMED IN CONJUNCTION OF THIS PLAT UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES:
 - A) TRIMBLE GPS RB RTK UNIT
 - B) 3" LEICA 1203+ TOTAL STATION
3. PROCEDURES USED: A COMBINATION OF GPS AND FIELD TRAVERSE WITH ACCURACIES MEETING OR EXCEEDING THE REQUIREMENTS IN WAC 332-130-090.
4. EQUIPMENT HAS BEEN MAINTAINED TO MANUFACTURER'S SPECIFICATIONS AS REQUIRED BY WAC 332-130-100

PointWise, PLLC

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

DRAWN: LJ/DP	SHEET: 1 OF 10
CHECKED: DP	FILE NAME: HARBORHILLS-9PLAT.DWG
	PROJECT NO. 2509-007
	DATE: NOVEMBER 19, 2013

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

DEDICATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATED THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, WETLANDS, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF ROADS WITHIN THIS SUBDIVISION.

TRACT X, 953, AND 954 AS SHOWN ON THIS PLAT SHALL REMAIN IN POSSESSION OF THE UNDERSIGNED OWNER(S), THEIR SUCCESSORS AND ASSIGNS, FOR FUTURE DEVELOPMENT PURPOSES AND/OR DEDICATION.

THIS SUBDIVISION, DEDICATION, AND WAIVER OF CLAIMS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNER(S).

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

BY: JON ROSE, PRESIDENT DATE _____
HARBOR HILL, LLC

EASEMENT PROVISIONS:

- ALL LOTS AND TRACTS
AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF GIG HARBOR, PENINSULA LIGHT COMPANY, PUGET SOUND ENERGY, COMCAST CABLE TV, CENTURYLINK OF WASHINGTON, OLYMPIC PROPERTY GROUP, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON ALL PRIVATE ROADWAYS WITHIN THE DEVELOPMENT, THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS ABUTTING PRIVATE OR PUBLIC ROADWAYS, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THE SUBDIVISIONS AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS AND CABLE TELEVISIONS SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES STATED. ALL PERMANENT UTILITY SERVICES SHALL BE PROVIDED BY UNDERGROUND SERVICE EXCLUSIVELY.
- LOT 13
A 5-FOOT WIDE EASEMENT ALONG THE SOUTH LOT LINE AND DESCRIBED IN DETAIL HEREIN IS HEREBY RESERVED FOR AND GRANTED TO THE HOME OWNERS ASSOCIATION FOR THE PURPOSE OF MAINTAINING A SMALL DIAMETER DRAINAGE DISCHARGE PIPE SERVING AN EARTH RETAINING SYSTEM LOCATED IN TRACT 950.
- LOT 8
A 10-FOOT WIDE EASEMENT ALONG THE SOUTH LOT LINE AND DESCRIBED IN DETAIL HEREIN IS HEREBY RESERVED AND GRANTED TO THE HOME OWNERS ASSOCIATION FOR THE PURPOSE OF MAINTAINING A DRAINAGE DISCHARGE PIPE SERVING OFFSITE AREAS. THIS EASEMENT SHALL HAVE A 2.5-FOOT BUILDING SETBACK ALONG THE NORTH SIDE OF THE EASEMENT BOUNDARY. THIS EASEMENT IS IN CONJUNCTION WITH AND A PART OF AN EASEMENT LOCATED ON THE LOT 9 IMMEDIATELY SOUTH.
- LOT 9
A 5-FOOT WIDE EASEMENT ALONG THE NORTH LOT LINE AND DESCRIBED IN DETAIL HEREIN IS HEREBY RESERVED AND GRANTED TO THE HOME OWNERS ASSOCIATION FOR THE PURPOSE OF MAINTAINING A DRAINAGE DISCHARGE PIPE SERVING OFFSITE AREAS. THIS EASEMENT SHALL HAVE A 2.5-FOOT BUILDING SETBACK ALONG THE SOUTH SIDE OF THE EASEMENT BOUNDARY. THIS EASEMENT IS IN CONJUNCTION WITH AND A PART OF AN EASEMENT LOCATED ON THE LOT 8 IMMEDIATELY NORTH.
- LOT 33
A TRIANGULAR-SHAPED EASEMENT LOCATED AT THE WESTERNMOST CORNER OF THE PARCEL AND DESCRIBED IN DETAIL HEREIN IS RESERVED FOR AND GRANTED TO THE HOME OWNERS ASSOCIATION FOR THE PURPOSE OF OPERATION AND MAINTENANCE OF A DRAINAGE DISCHARGE PIPE FROM THE DETENTION POND LOCATED IN TRACT 956.
- LOT 33
A TRAPEZOIDAL-SHAPED EASEMENT ALONG THE SOUTH SIDE OF THE LOT AND DESCRIBED IN DETAIL HEREIN IS RESERVED FOR AND GRANTED TO THE CITY OF GIG HARBOR FOR THE PURPOSE OF VEHICLE TURNAROUND. THE EASEMENT SHALL BE PAVED AND PAINTED WITH STRIPING AND LETTERING TO PREVENT PARKING WITHIN ITS LIMITS. NO STORAGE OF ITEMS OR OTHER BLOCKING OF THIS EASEMENT AREA SHALL OCCUR UNDER ANY CIRCUMSTANCES. MAINTENANCE OF THE TURNAROUND FEATURES (PAVING AND PAINTING) SHALL BE THE RESPONSIBILITY OF THE HOME OWNER'S ASSOCIATION.
- TRACTS 953, 954, AND 955
A 15-FOOT WIDE EASEMENT DESCRIBED IN DETAIL HEREIN IS HEREBY RESERVED AND GRANTED TO THE HOME OWNERS ASSOCIATION FOR THE PURPOSE OF MAINTAINING A DRAINAGE DISCHARGE PIPE SERVING OFFSITE AREAS. A STORM MAINTENANCE AGREEMENT BETWEEN THE HOMEOWNERS ASSOCIATION AND THE CITY OF GIG HARBOR SHALL BE EXECUTED AND RECORDED PRIOR TO DECEMBER 31, 2013.
- SANITARY SEWER EASEMENT
A 20-FOOT WIDE SANITARY SEWER EASEMENT WITHIN TRACT 952 AND DESCRIBED IN DETAIL HEREIN IS RESERVED FOR AND GRANTED TO THE CITY OF GIG HARBOR FOR THE PURPOSE OF OWNING, OPERATING, AND MAINTAINING A PUBLIC SEWER PIPE. VEHICULAR ACCESS SHALL BE ALLOWED TO ALL PARTS OF THE PIPE. NO SIGNIFICANT LANDSCAPING OR OTHER IMPROVEMENTS SHALL BLOCK ACCESS.
- A SEPARATE EASEMENT ACROSS PARCEL NUMBER 4002470070 OVER A STORM PIPE WITH A STORM MAINTENANCE AGREEMENT SHALL BE RECORDED PRIOR TO DECEMBER 31, 2013 FOR A DRAINAGE DISCHARGE PIPE SERVING OFFSITE AREAS.

ACKNOWLEDGEMENTS:

STATE OF WASHINGTON)
) SS.
COUNTY OF _____)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JON ROSE IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE PRESIDENT OF HARBOR HILL LLC TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATE: _____

PRINT OR TYPE NAME
NOTARY PUBLIC, IN AND FOR THE STATE OF WASHINGTON, RESIDING
AT: _____
MY COMMISSION EXPIRES _____

PLAT NOTES:

- TRACTS 950, 952, AND 955 ARE OPEN SPACE TRACTS TO BE DEDICATED TO THE HARBOR HILL HOME OWNERS ASSOCIATION. REMOVAL OR DISTURBANCE OF LANDSCAPING WITHIN ANY OF THESE TRACTS IS PROHIBITED EXCEPT AS NECESSARY FOR THE MAINTENANCE OR REPLACEMENT OF EXISTING PLANTINGS AND AS APPROVED BY THE CITY OF GIG HARBOR.
- TRACT 956 IS FOR STORM DRAINAGE CONTROL FACILITIES TO BE DEDICATED TO AND MAINTAINED BY THE HARBOR HILL HOME OWNERS ASSOCIATION.
- TRACT 957 IS FOR A PRIVATE ROAD SERVING ADJACENT LOTS 28-33 AND SHALL BE OWNED AND MAINTAINED BY THE HARBOR HILL HOME OWNERS ASSOCIATION.
- WARNING: CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN OR OTHERWISE SERVICE PRIVATE ROADWAYS OR DRIVEWAYS WITHIN, OR PROVIDING ACCESS TO, PROPERTY DESCRIBED IN THIS PLAT.
- TRACT 951 IS FOR WATER AND SANITARY SEWER UTILITIES TO BE DEDICATED TO AND MAINTAINED BY THE CITY OF GIG HARBOR, THEIR SUCCESSORS AND ASSIGNS CONCURRENTLY WITH THE RECORDING OF THIS PLAT. THE CITY OF GIG HARBOR SHALL HAVE THE RIGHT OF REASONABLE ACCESS TO THIS TRACT FOR MAINTENANCE PURPOSES.
- TRACT 954 IS AN OPEN SPACE TRACT FOR THE PURPOSE OF NATIVE GROWTH PROTECTION AND A PUBLIC TRAIL TO BE HELD BY HARBOR HILL, LLC FOR THE FUTURE DEDICATION TO THE CITY OF GIG HARBOR. UNTIL SUCH TIME AS TRACT 954 IS DEDICATED TO THE CITY, THE HOME OWNERS ASSOCIATION SHALL MAINTAIN THE IMPROVEMENTS WITHIN THIS TRACT.
- TRACT X IS FOR FUTURE DEVELOPMENT AND SHALL BE RETAINED BY HARBOR HILL, LLC, THEIR SUCCESSORS AND ASSIGNS.
- MAINTAINING ADEQUATE SITE DISTANCE AT ALL VEHICULAR ACCESS POINTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER, THE HARBOR HILL HOMEOWNERS ASSOCIATION. THE CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO MAINTAIN ADEQUATE SITE DISTANCE AT PRIVATE ACCESS POINTS LOCATED WITHIN THIS PLAT.
- INCREASED STORM WATER RUNOFF FROM THE ROAD(S), BUILDING, DRIVEWAY AND PARKING AREAS SHALL NOT BE DIRECTED TO CITY INFRASTRUCTURE. INCREASED STORM WATER RUNOFF SHALL BE RETAINED/DETAINED ON SITE UNLESS IT IS PROVEN TO BE ADEQUATELY RETAINED/DETAINED BY AN OFFSITE REGIONAL FACILITY.
- WHERE SEASONAL DRAINAGE CROSSES SUBJECT PROPERTY, NO DISRUPTION OF THE NATURAL FLOW SHALL BE PERMITTED.
- THIS PLAT IS SUBJECT TO STORMWATER MAINTENANCE AGREEMENT RECORDED UNDER AFN 201311140065.
- STORMWATER/DRAINAGE EASEMENTS ARE HEREBY GRANTED FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DELINEATED ON THIS PLAT. NO ENCRoACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT THAT MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES. MAINTENANCE AND EXPENSE THEREOF OF THE UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS, AS NOTED UNDER THE STORMWATER MAINTENANCE AGREEMENT FOR THE PLAT.
- THIS PLAT IS SUBJECT TO THE "MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR HARBOR HILL RESIDENTIAL PROPERTY" AS RECORDED UNDER AFN 201204250238, AMENDMENT # 1 RECORDED UNDER AFN _____, AND AMENDMENT # 2 RECORDED UNDER AFN _____

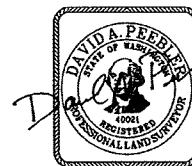
PRD NOTES

THIS SITE HAS BEEN DEVELOPED UNDER THE PROVISIONS OF GHMC 17.89 PLANNED RESIDENTIAL DEVELOPMENTS (PRD). THIS FINAL PRD IS BASED ON THE APPROVED HARBOR HILL PRELIMINARY PRD APPROVED INITIALLY ON DECEMBER 30, 2010 (CASE PL-PRD-08-0001) AND MODIFIED ON AUGUST 2, 2013 (CASE PL-PRD-13-0001). REQUIRED OPEN SPACES ARE CONTAINED IN THIS DIVISION ON TRACTS 950, 952, 953, 955, AND 956. OPEN SPACES SHALL BE MAINTAINED AND USED CONSISTENT WITH THE APPROVED PLANS ON FILE WITH THE CITY. PROPOSED CHANGES TO THESE AREAS INCLUDING THE REMOVAL OF VEGETATION SHALL BE REVIEWED AND APPROVED BY THE CITY OF GIG HARBOR.

TRACT	PRIMARY USES WITHIN OPEN SPACES
950	PERIMETER BUFFER
952	PERIMETER BUFFER/STREAM, RAVINE AND RELATED BUFFERS
953	INTERIOR BUFFER
954	FUTURE PUBLIC TRAIL, WETLAND AND BUFFER
955	PARK (HOA) AND LANDSCAPE AMENITIES
956	TRAIL, LANDSCAPE AND PARK AMENITIES WITHIN PERIMETER OF STORMWATER FACILITY

THE DEVELOPMENT OF THE LOTS WITHIN THIS PRD IS SUBJECT TO THE FOLLOWING MODIFIED DEVELOPMENT STANDARDS:

- ALL LOTS CREATED WITHIN THE S-9 DIVISION ARE FRONT LOAD LOTS
- LOT WIDTH:
 - 40-FOOT WIDE LOTS: 0
 - 50-FOOT WIDE LOTS: 73
 - 60-FOOT WIDE LOTS: 2
 - 70-FOOT WIDE LOTS: 2
 - WIDER LOTS: 2
 - TOTAL NO. LOTS: 79 LOTS
- BUILDING SETBACKS:
 - SIDE: 5-FOOT MINIMUM
 - SIDE STREET: 10-FOOT MINIMUM
 - FRONT AND REAR: 10-FOOT MINIMUM EACH, 30-FOOT MINIMUM COMBINED.
 - DRIVEWAY: 18-FOOT MINIMUM.
- IMPERVIOUS SURFACES:
 - THE MAXIMUM IMPERVIOUS AREA FOR INDIVIDUAL LOTS WITHIN THIS PLAT SHALL BE 65%. THIS INCLUDES ALL PAVED AND ROOF AREAS.
- MAXIMUM BUILDING HEIGHT:
 - THE MAXIMUM BUILDING HEIGHT FOR ANY STRUCTURE SHALL BE 35- FEET AS DETERMINED WITHIN THE GIG HARBOR MUNICIPAL CODE.



PointWise, PLLC

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

DRAWN:	SHEET: 2 OF 10
LJ/DP	FILE NAME: HARBORHILLS-SPLAT.DWG
CHECKED:	PROJECT NO. 2509-007
DP	DATE: NOVEMBER 19, 2013

11/19/2013

HARBOR HILL PHASE S-9

FINAL PLAT AND PLANNED RESIDENTIAL DEVELOPMENT

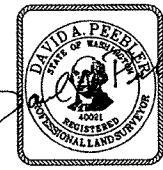
A PORTION OF THE WEST HALF OF THE NE 1/4, AND THE NW 1/4 OF THE SE 1/4 OF
SECTION 31, TOWNSHIP 22 NORTH, RANGE 02 EAST, W.M.,
CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON

TITLE REPORT EXCEPTIONS:

1. THE FOLLOWING EXCEPTIONS ARE BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY, SUBDIVISION GUARANTEE NO. 4269-1987204, DATED OCTOBER 25, 2012 AND SUBDIVISION GUARANTEE THIRD REPORT, DATED OCTOBER 2, 2013. ONLY THOSE EXCEPTIONS LISTED AS "SHOWN HEREIN" ARE GRAPHICALLY SHOWN WITHIN THIS FINAL PLAT. ALL OTHERS ARE BLANKET EXCEPTIONS OR PROVISIONS SERVICING THIS SITE.
2. THIS PLAT IS SUBJECT TO RESERVATIONS AND EXCEPTIONS, INCLUDING THE TERMS AND CONDITIONS THEREOF FOR MINERALS, AS CONTAINED IN INSTRUMENT UNDER AFN 8805270396, RECORDS OF PIERCE COUNTY, WASHINGTON.
3. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "UTILITY EXTENSION AND CAPACITY AGREEMENT", AS CONTAINED IN INSTRUMENT UNDER AFN 9204060661, RECORDS OF PIERCE COUNTY, WASHINGTON.
4. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "AMENDMENT TO UTILITY EXTENSION AND CAPACITY AGREEMENT", AS CONTAINED IN INSTRUMENT UNDER AFN 9502080112, RECORDS OF PIERCE COUNTY, WASHINGTON.
5. THIS PLAT IS SUBJECT TO UTILITY EASEMENT AGREEMENT, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, AS RECORDED UNDER AFN 9209170576, RECORDS OF PIERCE COUNTY, WASHINGTON. BLANKET DESCRIPTION; NOT SHOWN HEREIN.
6. THIS PLAT IS SUBJECT TO THE MODIFICATION AND/OR AMENDMENT BY INSTRUMENT UNDER AFN 9405190268, RECORDS OF PIERCE COUNTY, WASHINGTON. NOT SHOWN HEREIN.
7. THIS PLAT IS SUBJECT TO THE TERMS, COVENANTS, CONDITIONS AND/OR PROVISIONS FOR STORM, WATER, SEWER, AND UTILITIES CONTAINED IN AN EASEMENT SERVING SAID PREMISES, AS CONTAINED IN INSTRUMENT UNDER AFN 9210290483, RECORDS OF PIERCE COUNTY, WASHINGTON.
8. THIS PLAT IS SUBJECT TO THE TERMS, COVENANTS, CONDITIONS AND/OR PROVISIONS FOR STORM, WATER, SEWER, AND UTILITIES CONTAINED IN AN EASEMENT SERVING SAID PREMISES, AS CONTAINED IN INSTRUMENT UNDER AFN 9311290576, RECORDS OF PIERCE COUNTY, WASHINGTON.
9. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN INSTRUMENT RECORDED UNDER AFN 9510190514, RECORDS OF PIERCE COUNTY, WASHINGTON.
10. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "PREANNEXATION AGREEMENT FOR GIG HARBOR NORTH", RECORDED UNDER AFN 9704040094, RECORDS OF PIERCE COUNTY, WASHINGTON.
11. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR DEDICATION OF RIGHT-OF-WAY TO THE CITY OF GIG HARBOR" DESCRIBED IN INSTRUMENT UNDER AFN 9705010038, RECORDS OF PIERCE COUNTY, WASHINGTON.
12. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ASSIGNMENT AND ASSUMPTION AGREEMENT" DESCRIBED IN INSTRUMENT UNDER AFN 9912220245, RECORDS OF PIERCE COUNTY, WASHINGTON.
13. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "WETLANDS EASEMENT AGREEMENT OLYMPIC PROPERTY GROUP LLC EAST-WEST ROADWAY WETLANDS EASEMENT" DESCRIBED IN INSTRUMENT UNDER AFN 20005080099, RECORDS OF PIERCE COUNTY, WASHINGTON; SHOWN HEREIN.
14. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ACCESS AND STORM WATER CONVEYANCE SYSTEM EASEMENT AGREEMENT" DESCRIBED IN INSTRUMENT UNDER AFN 20005080090, RECORDS OF PIERCE COUNTY, WASHINGTON; SHOWN HEREIN.
15. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STORM WATER POND EASEMENT AGREEMENT" DESCRIBED IN INSTRUMENT UNDER AFN 20005080092, RECORDS OF PIERCE COUNTY, WASHINGTON; SHOWN HEREIN.
16. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ALLOCATION AGREEMENT" DESCRIBED IN INSTRUMENT UNDER AFN 200005170157, RECORDS OF PIERCE COUNTY, WASHINGTON.
17. THIS PLAT IS SUBJECT TO A PENINSULA LIGHT COMPANY, CENTURY TELEPHONE DEV. INC., AND AT&T CABLE SERVICES, INC. EASEMENT, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN DESCRIBED IN INSTRUMENT UNDER AFN 200101120655, RECORDS OF PIERCE COUNTY, WASHINGTON.
18. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RESOLUTION NO. 613" DESCRIBED IN INSTRUMENT UNDER AFN 200308140667, RECORDS OF PIERCE COUNTY, WASHINGTON.
19. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RESOLUTION NO. 613" DESCRIBED IN INSTRUMENT UNDER AFN 200308140668, RECORDS OF PIERCE COUNTY, WASHINGTON.
20. THIS PLAT IS SUBJECT TO THE TERMS, CONDITIONS, AND RESTRICTIONS CONTAINED IN THE RECORDED LOT LINE ADJUSTMENT (BOUNDARY LINE REVISIONS) IN INSTRUMENT UNDER AFN 200407275004, RECORDS OF PIERCE COUNTY, WASHINGTON.
21. THIS PLAT IS SUBJECT TO TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT" DESCRIBED IN INSTRUMENT UNDER AFN 200512020324, RECORDS OF PIERCE COUNTY, WASHINGTON.
22. THIS PLAT IS SUBJECT THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT (HOLD HARMLESS)-SANITARY SEWER DESCRIBED IN INSTRUMENT UNDER AFN 200605230979, RECORDS OF PIERCE COUNTY, WASHINGTON.
23. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT" DESCRIBED IN INSTRUMENT UNDER AFN 200605230980, RECORDS OF PIERCE COUNTY, WASHINGTON.
24. THIS PLAT IS SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS; BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES, DESCRIBED IN INSTRUMENT UNDER AFN 200605250983, RECORDS OF PIERCE COUNTY, WASHINGTON.
25. THIS PLAT IS SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS; BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES, DESCRIBED IN INSTRUMENT UNDER AFN 200605250984, MODIFIED AND/OR AMENDMENT DESCRIBED IN INSTRUMENT UNDER AFN 200711290681, RECORDS OF PIERCE COUNTY, WASHINGTON.
26. THIS PLAT IS SUBJECT TO ANY AND ALL OFFERS OF DEDICATION, CONDITIONS, RESTRICTIONS, EASEMENTS, FENCE LINE/BOUNDARY DISCREPANCIES, NOTES AND/OR PROVISIONS SHOWN OR DISCLOSED BY PLAT OF BUSINESS PARK AT HARBOR HILL, DESCRIBED IN INSTRUMENT UNDER AFN 200605233007 AND AFFIDAVIT OF MINDOR CORRECTION OF SURVEY DESCRIBED IN INSTRUMENT UNDER AFN 200607240465, RECORDS OF PIERCE COUNTY, WASHINGTON.

TITLE REPORT EXCEPTIONS:

27. THIS PLAT IS SUBJECT TO A "FACILITY EASEMENT AREA", INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 200711290675, RECORDS OF PIERCE COUNTY, WASHINGTON.
28. THIS PLAT IS SUBJECT TO A "STORM WATER FACILITY EASEMENT", INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 200711290677, RECORDS OF PIERCE COUNTY, WASHINGTON.
29. THIS PLAT IS SUBJECT TO A "STORM WATER FACILITY MAINTENANCE AGREEMENT", INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 200711290678, RECORDS OF PIERCE COUNTY, WASHINGTON.
30. THIS PLAT IS SUBJECT TO A "SANITARY SEWER FACILITY EASEMENT", INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 200711290679, RECORDS OF PIERCE COUNTY, WASHINGTON.
31. THIS PLAT IS SUBJECT TO A "SANITARY SEWER FACILITY MAINTENANCE AGREEMENT", INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 200711290680, RECORDS OF PIERCE COUNTY, WASHINGTON.
32. TRACT I OF THIS PLAT IS SUBJECT TO CONDITIONS, EASEMENTS, PROVISIONS AND/OR ENCROACHMENTS, WETLAND AND ITS BUFFER AS DELINEATED ON THE FACE OF THE SURVEY RECORDED UNDER AFN 200804045009, AND SHOWN HEREIN, RECORDS OF PIERCE COUNTY, WASHINGTON.
33. THIS PLAT IS SUBJECT TO A "HARBOR HILL WATER TANK AND MAINLINE EXTENSION LATECOMERS AGREEMENT", INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 200904210526, RECORDS OF PIERCE COUNTY, WASHINGTON.
34. THIS PLAT IS SUBJECT TO A "DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL, LLC FOR THE HARBOR HILL DEVELOPMENT", INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 201001160780, AS MODIFIED AND/OR AMENDED BY INSTRUMENT UNDER AFN 201212040216, RECORDS OF PIERCE COUNTY, WASHINGTON.
35. THIS PLAT IS SUBJECT TO "DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL, LLC, FOR THE HARBOR HILL DEVELOPMENT", INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 20101124149, RECORDS OF PIERCE COUNTY, WASHINGTON.
36. THIS PLAT IS SUBJECT TO THE "JOINER AGREEMENT", INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 201012020196, RECORDS OF PIERCE COUNTY, WASHINGTON.
37. THIS PLAT IS SUBJECT TO A "STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT", INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, DESCRIBED IN INSTRUMENT UNDER AFN 201204250237, RECORDS OF PIERCE COUNTY, WASHINGTON.
38. THIS PLAT IS SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS; BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES, DESCRIBED IN INSTRUMENT UNDER AFN 201204250238, RECORDS OF PIERCE COUNTY, WASHINGTON.
39. THIS PLAT IS SUBJECT TO PROVISIONS OF THE ARTICLES OF INCORPORATION AND BY-LAWS OF THE HARBOR HILL MASTER RESIDENTIAL OWNERS ASSOCIATION, AND ANY TAX, FEE, ASSESSMENTS OR CHARGES AS MAY BE LEVIED BY SAID ASSOCIATION.
40. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN DOCUMENT ENTITLED "DEDICATION AND RIGHT-OF-WAY", DESCRIBED IN INSTRUMENT UNDER AFN 201204270068, RECORDS OF PIERCE COUNTY, WASHINGTON. SHOWN HEREIN.
41. THIS PLAT IS SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "MEMORANDUM OF AGREEMENT BETWEEN OPG PROPERTIES, LLC AND THE QUADRANT CORPORATION", DESCRIBED IN INSTRUMENT UNDER AFN 201210120189, RECORDS OF PIERCE COUNTY, WASHINGTON.



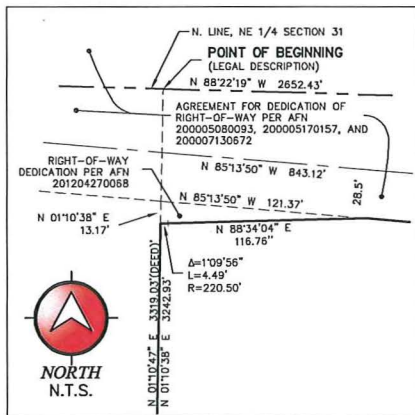
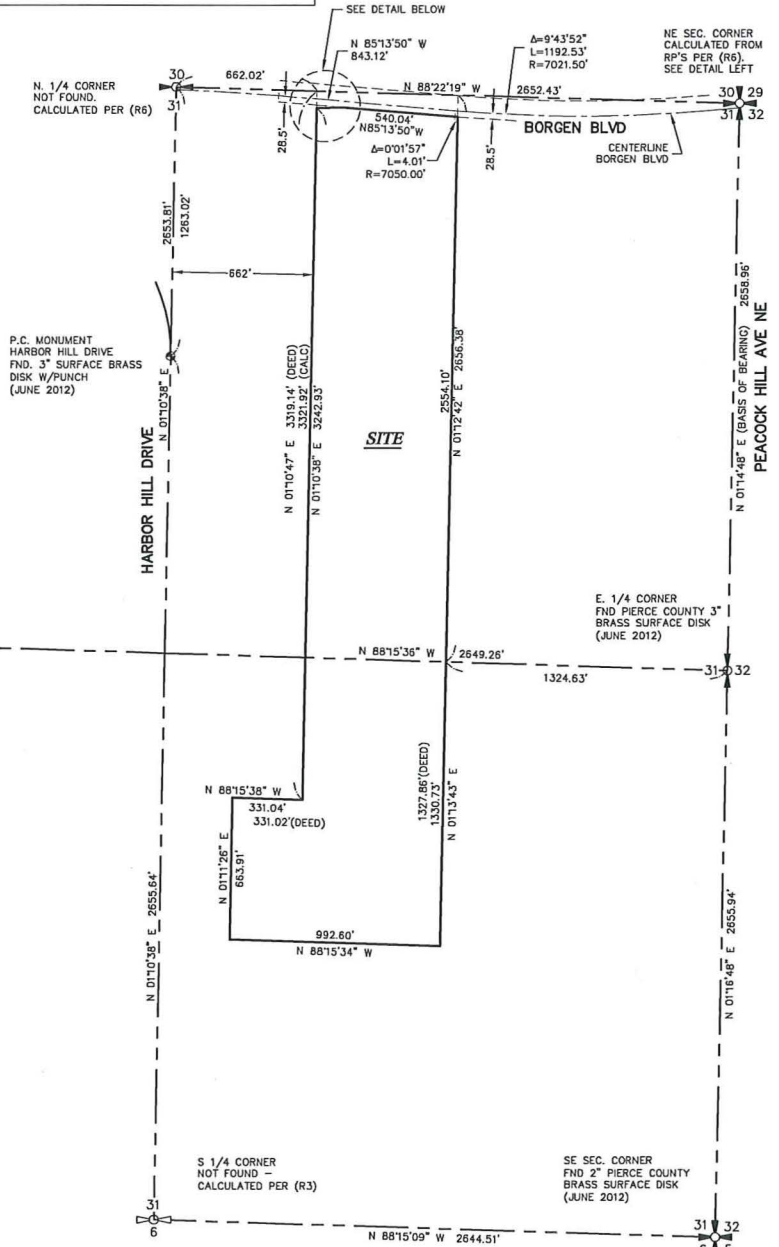
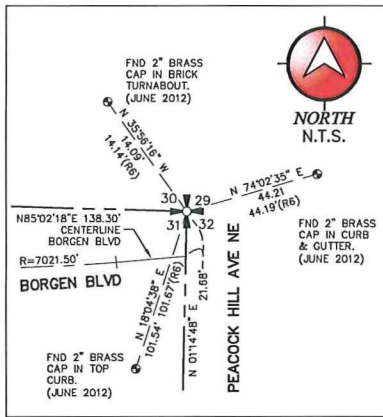
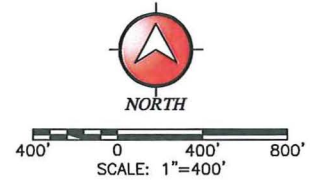
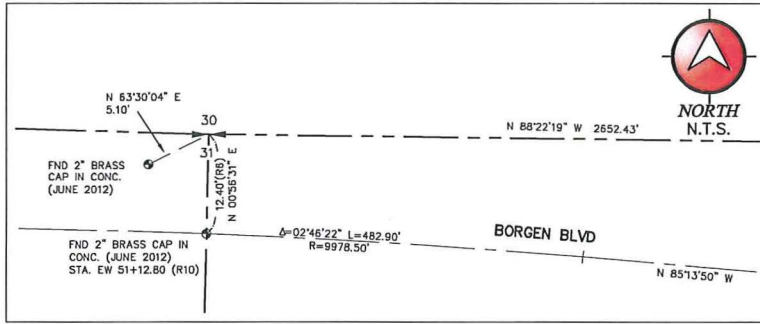
PointWise, PLLC
27830 MILITARY ROAD SOUTH
AUBURN, WA 98001
(425) 503-0158

DRAWN: LJ/DP	SHEET: 3 OF 10
CHECKED: DP	FILE NAME: HARBORHILLS-9PLAT.DWG
	PROJECT NO. 2509-007
	DATE: NOVEMBER 19, 2013

11/19/2013

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



SECTION 31 SUBDIVISION



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 AUBURN, WA 98001
 (425) 503-0158

DRAWN:	LJ/DP	SHEET:	4 OF 10
CHECKED:	DP	FILE NAME:	HARBORHILLS-9PLAT.DWG
		PROJECT NO.:	2509-007
		DATE:	NOVEMBER 19, 2013

11/19/2013

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

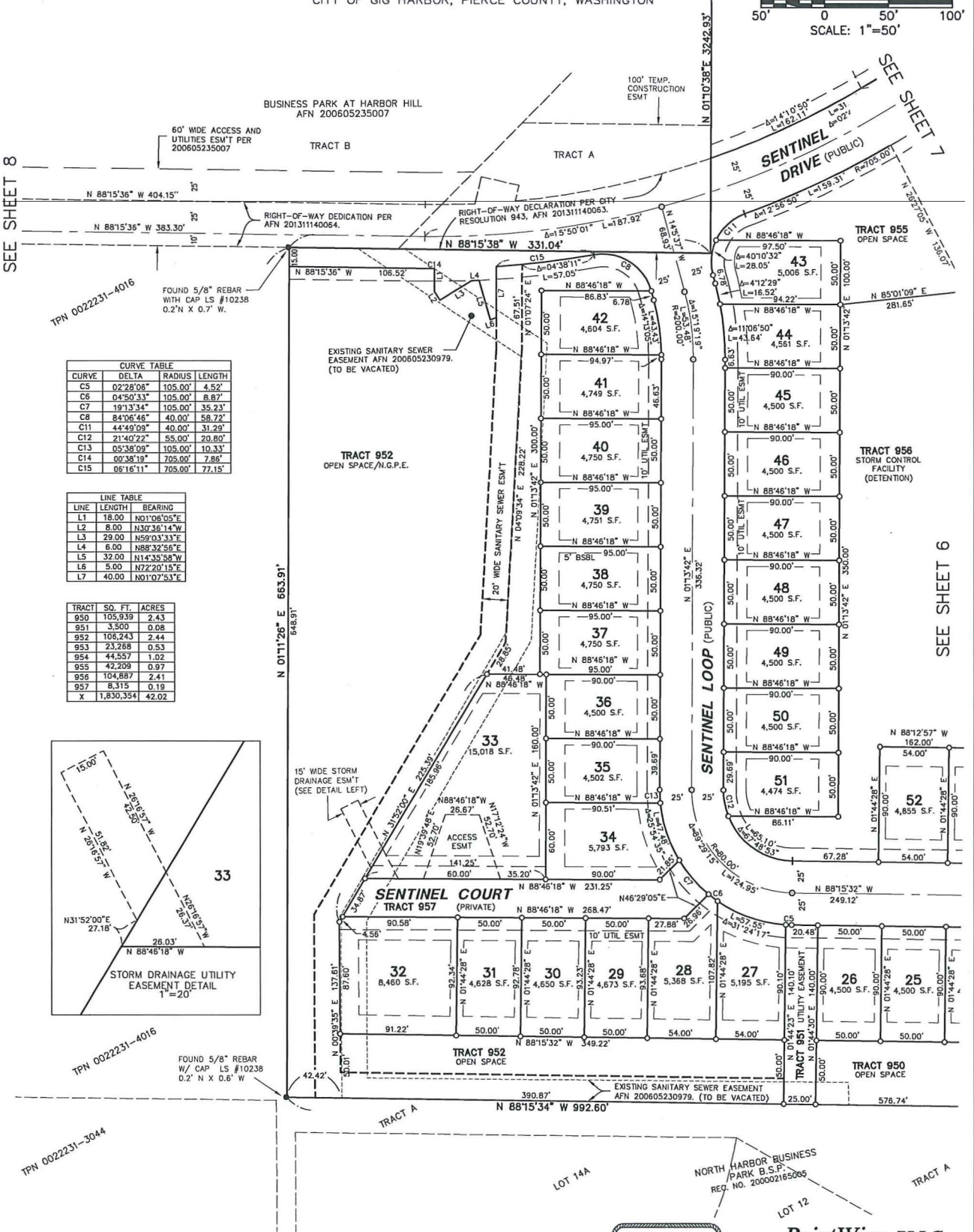


SCALE: 1"=50'

SEE SHEET 8

SEE SHEET 7

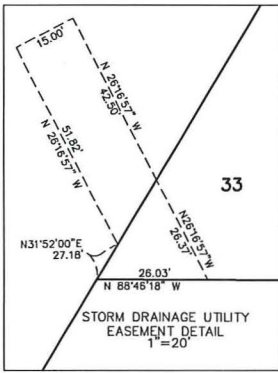
SEE SHEET 6



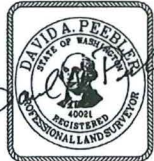
CURVE	DELTA	RADIUS	LENGTH
C5	02°28'08"	105.00'	4.52'
C6	04°50'33"	105.00'	8.87'
C7	19°13'34"	105.00'	35.23'
C8	84°06'44"	40.00'	58.72'
C11	44°49'09"	40.00'	31.28'
C12	21°40'22"	55.00'	20.80'
C13	05°38'09"	105.00'	10.33'
C14	00°38'19"	705.00'	7.86'
C15	06°16'11"	705.00'	77.15'

LINE	LENGTH	BEARING
L1	18.00	N01°08'05"E
L2	8.00	N30°36'14"W
L3	29.00	N52°03'13"E
L4	6.00	N88°32'58"E
L5	32.00	N14°35'58"W
L6	5.00	N72°20'15"E
L7	40.00	N01°07'53"E

TRACT	SQ. FT.	ACRES
950	105,939	2.43
951	3,500	0.08
952	106,243	2.44
953	23,288	0.53
954	44,357	1.02
955	42,209	0.97
956	104,887	2.41
957	8,315	0.19
X	1,830,354	42.02



- LEGEND:**
- (R) RADIAL BEARING AT LOT CORNER
 - SET 1/2" x 24" REBAR W/YELLOW CAP "PLS 40021"
 - SET BRASS MONUMENT
 - FOUND CORNER AS NOTED
 - TYP TYPICAL
 - R RADIUS
 - Δ DELTA
 - L ARC LENGTH



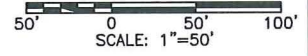
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27630 MILITARY ROAD SOUTH
AUBURN, WA 98001
(425) 503-0158

DRAWN:	SHEET: 5 OF 10
LJ/DP	FILE NAME: HARBORHILLS-9PLAT.DWG
CHECKED:	PROJECT NO. 2509-007
DP	DATE: NOVEMBER 19, 2013

11/19/2013

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

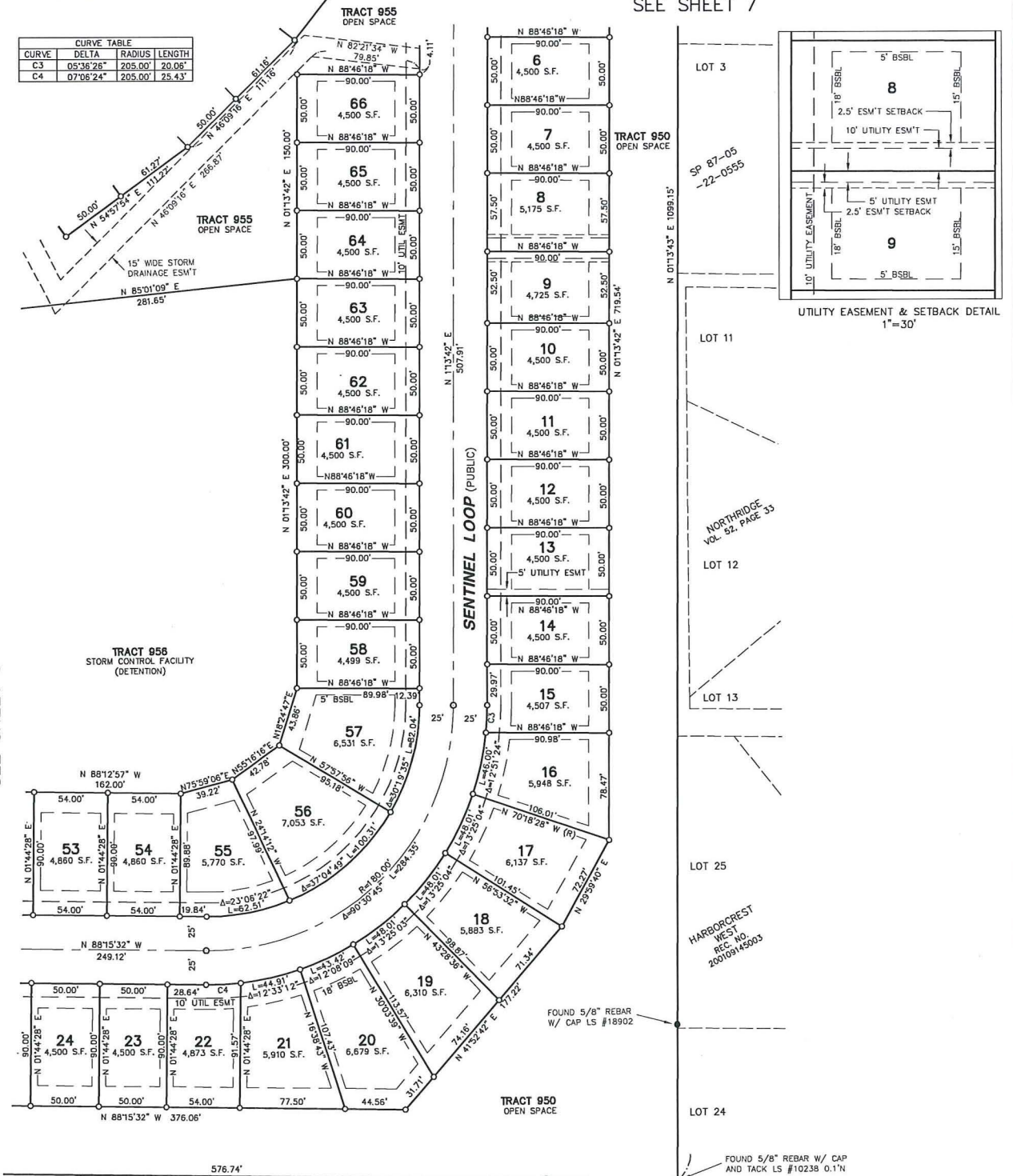
A PORTION OF THE WEST HALF OF THE NE 1/4, AND THE NW 1/4 OF THE SE 1/4 OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 02 EAST, W.M., CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON



LEGEND:

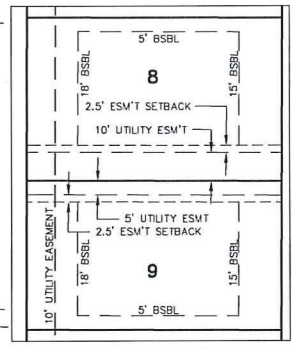
- (R) RADIAL BEARING AT LOT CORNER
- SET 1/2" x 24" REBAR W/YELLOW CAP *PLS 40021*
- SET BRASS MONUMENT
- FOUND CORNER AS NOTED
- TYP TYPICAL
- R RADIUS
- Δ DELTA
- L ARC LENGTH

CURVE	DELTA	RADIUS	LENGTH
C3	05°36'26"	205.00'	20.08'
C4	07°06'24"	205.00'	25.43'



SEE SHEET 5

SEE SHEET 7



UTILITY EASEMENT & SETBACK DETAIL
1"=30'

LOT 3

SP 87-05
-22-0555

TRACT 950
OPEN SPACE

N 01°13'43" E 1099.15'

LOT 11

NORTHFRIDGE
VOL. 52, PAGE 33

LOT 12

LOT 13

LOT 25

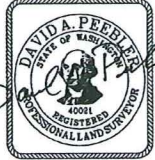
HARBORCREST
WEST
REC NO
200109145003

LOT 24

FOUND 5/8" REBAR W/ CAP
AND TACK LS #10239 0.1"N

TRACT A

TRACT C



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DRAWN:	LJ/DP	SHEET:	6 OF 10
CHECKED:	DP	FILE NAME:	HARBORHILLS-9PLAT.DWG
		PROJECT NO.:	2509-007
		DATE:	NOVEMBER 19, 2013

11/19/2013

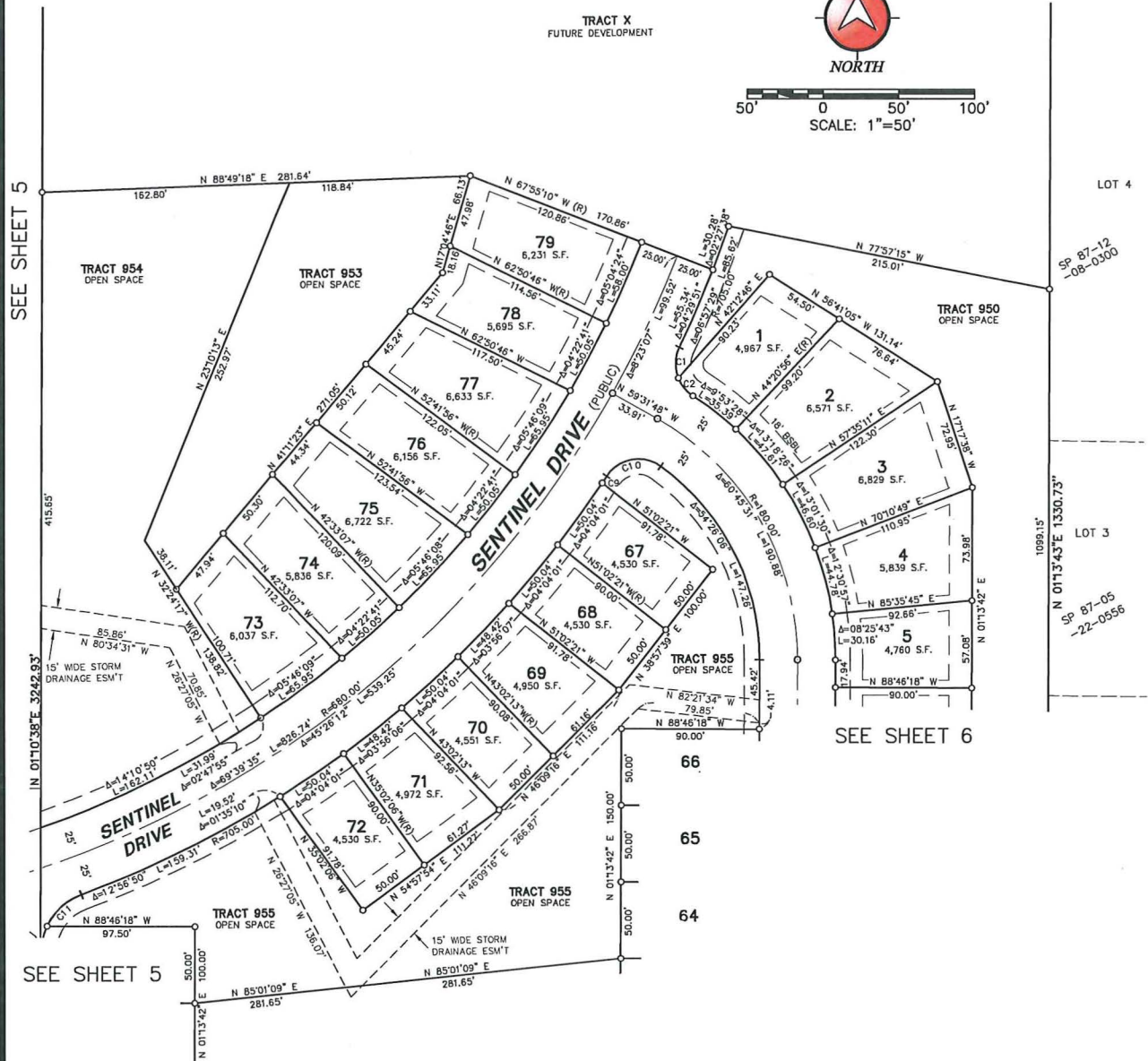
HARBOR HILL PHASE S-9

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



50' 0 50' 100'
SCALE: 1"=50'



SEE SHEET 5

LOT 4

LOT 3

SEE SHEET 5

SEE SHEET 6

LOT ADDRESSES

LOT #	ADDRESS
1	10281 SENTINEL LOOP, GIG HARBOR, WA 98332
2	10277 SENTINEL LOOP, GIG HARBOR, WA 98332
3	10273 SENTINEL LOOP, GIG HARBOR, WA 98332
4	10269 SENTINEL LOOP, GIG HARBOR, WA 98332
5	10265 SENTINEL LOOP, GIG HARBOR, WA 98332
6	10261 SENTINEL LOOP, GIG HARBOR, WA 98332
7	10257 SENTINEL LOOP, GIG HARBOR, WA 98332
8	10253 SENTINEL LOOP, GIG HARBOR, WA 98332
9	10249 SENTINEL LOOP, GIG HARBOR, WA 98332
10	10245 SENTINEL LOOP, GIG HARBOR, WA 98332
11	10241 SENTINEL LOOP, GIG HARBOR, WA 98332
12	10237 SENTINEL LOOP, GIG HARBOR, WA 98332
13	10233 SENTINEL LOOP, GIG HARBOR, WA 98332
14	10229 SENTINEL LOOP, GIG HARBOR, WA 98332
15	10225 SENTINEL LOOP, GIG HARBOR, WA 98332
16	10221 SENTINEL LOOP, GIG HARBOR, WA 98332
17	10217 SENTINEL LOOP, GIG HARBOR, WA 98332
18	10213 SENTINEL LOOP, GIG HARBOR, WA 98332
19	10209 SENTINEL LOOP, GIG HARBOR, WA 98332
20	10204 SENTINEL LOOP, GIG HARBOR, WA 98332
21	10198 SENTINEL LOOP, GIG HARBOR, WA 98332
22	10194 SENTINEL LOOP, GIG HARBOR, WA 98332
23	10190 SENTINEL LOOP, GIG HARBOR, WA 98332
24	10186 SENTINEL LOOP, GIG HARBOR, WA 98332
25	10182 SENTINEL LOOP, GIG HARBOR, WA 98332
26	10178 SENTINEL LOOP, GIG HARBOR, WA 98332
27	10174 SENTINEL LOOP, GIG HARBOR, WA 98332

LOT ADDRESSES

LOT #	ADDRESS
28	4410 SENTINEL COURT, GIG HARBOR, WA 98332
29	4412 SENTINEL COURT, GIG HARBOR, WA 98332
30	4414 SENTINEL COURT, GIG HARBOR, WA 98332
31	4416 SENTINEL COURT, GIG HARBOR, WA 98332
32	4418 SENTINEL COURT, GIG HARBOR, WA 98332
33	4417 SENTINEL COURT, GIG HARBOR, WA 98332
34	10170 SENTINEL LOOP, GIG HARBOR, WA 98332
35	10166 SENTINEL LOOP, GIG HARBOR, WA 98332
36	10162 SENTINEL LOOP, GIG HARBOR, WA 98332
37	10158 SENTINEL LOOP, GIG HARBOR, WA 98332
38	10154 SENTINEL LOOP, GIG HARBOR, WA 98332
39	10150 SENTINEL LOOP, GIG HARBOR, WA 98332
40	10146 SENTINEL LOOP, GIG HARBOR, WA 98332
41	10142 SENTINEL LOOP, GIG HARBOR, WA 98332
42	10138 SENTINEL LOOP, GIG HARBOR, WA 98332
43	10145 SENTINEL LOOP, GIG HARBOR, WA 98332
44	10149 SENTINEL LOOP, GIG HARBOR, WA 98332
45	10151 SENTINEL LOOP, GIG HARBOR, WA 98332
46	10153 SENTINEL LOOP, GIG HARBOR, WA 98332
47	10159 SENTINEL LOOP, GIG HARBOR, WA 98332
48	10163 SENTINEL LOOP, GIG HARBOR, WA 98332
49	10167 SENTINEL LOOP, GIG HARBOR, WA 98332
50	10171 SENTINEL LOOP, GIG HARBOR, WA 98332
51	10175 SENTINEL LOOP, GIG HARBOR, WA 98332
52	10189 SENTINEL LOOP, GIG HARBOR, WA 98332
53	10193 SENTINEL LOOP, GIG HARBOR, WA 98332
54	10197 SENTINEL LOOP, GIG HARBOR, WA 98332

LOT ADDRESSES

LOT #	ADDRESS
55	10211 SENTINEL LOOP, GIG HARBOR, WA 98332
56	10218 SENTINEL LOOP, GIG HARBOR, WA 98332
57	10222 SENTINEL LOOP, GIG HARBOR, WA 98332
58	10226 SENTINEL LOOP, GIG HARBOR, WA 98332
59	10230 SENTINEL LOOP, GIG HARBOR, WA 98332
60	10234 SENTINEL LOOP, GIG HARBOR, WA 98332
61	10238 SENTINEL LOOP, GIG HARBOR, WA 98332
62	10242 SENTINEL LOOP, GIG HARBOR, WA 98332
63	10246 SENTINEL LOOP, GIG HARBOR, WA 98332
64	10250 SENTINEL LOOP, GIG HARBOR, WA 98332
65	10254 SENTINEL LOOP, GIG HARBOR, WA 98332
66	10258 SENTINEL LOOP, GIG HARBOR, WA 98332
67	10301 SENTINEL DRIVE, GIG HARBOR, WA 98332
68	10299 SENTINEL DRIVE, GIG HARBOR, WA 98332
69	10295 SENTINEL DRIVE, GIG HARBOR, WA 98332
70	10291 SENTINEL DRIVE, GIG HARBOR, WA 98332
71	10287 SENTINEL DRIVE, GIG HARBOR, WA 98332
72	10283 SENTINEL DRIVE, GIG HARBOR, WA 98332
73	10279 SENTINEL DRIVE, GIG HARBOR, WA 98332
74	10275 SENTINEL DRIVE, GIG HARBOR, WA 98332
75	10336 SENTINEL DRIVE, GIG HARBOR, WA 98332
76	10346 SENTINEL DRIVE, GIG HARBOR, WA 98332
77	10352 SENTINEL DRIVE, GIG HARBOR, WA 98332
78	10360 SENTINEL DRIVE, GIG HARBOR, WA 98332
79	10368 SENTINEL DRIVE, GIG HARBOR, WA 98332

LEGEND:

- (R) RADIAL BEARING AT LOT CORNER
- SET 1/2" x 24" REBAR W/YELLOW CAP "PLS 40021"
- SET BRASS MONUMENT
- FOUND CORNER AS NOTED
- TYP TYPICAL
- R RADIUS
- Δ DELTA
- L ARC LENGTH

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	47°27'59"	25.00'	20.71'
C2	35°03'04"	25.00'	15.29'
C9	00°28'04"	705.00'	5.35'
C10	92°20'02"	25.00'	40.29'
C11	44°49'09"	40.00'	31.29'



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 AUBURN, WA 98001
 (425) 503-0158

DRAWN: LJ/DP	SHEET: 7 OF 10
CHECKED: DP	FILE NAME: HARBORHILLS-9PLAT.DWG
	PROJECT NO. 2509-007
	DATE: NOVEMBER 19, 2013

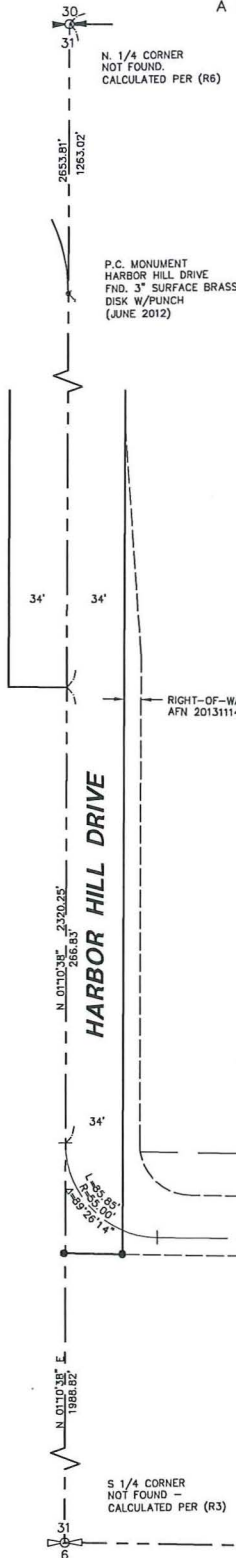
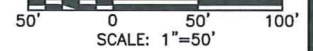
11/19/2013

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



NORTH



TRACT B

LEGEND:

- (R) RADIAL BEARING AT LOT CORNER
- SET 1/2" x 24" REBAR W/YELLOW CAP "PLS 40021"
- SET BRASS MONUMENT
- FOUND CORNER AS NOTED
- TYP TYPICAL
- R RADIUS
- Δ DELTA
- L ARC LENGTH

RIGHT-OF-WAY DEDICATION PER AFN 201311140064.

HARBOR HILL DRIVE

BUSINESS PARK AT HARBOR HILL
AFN 200605235007

60' WIDE ACCESS AND UTILITIES ESM'T PER 200605235007

TRACT B

N 88°15'36" W 404.15'

N 88°15'36" W 383.30'

RIGHT-OF-WAY DEDICATION PER AFN 201311140064.

N 88°15'36" W 106.52'

TPN 0022231-4016

FOUND 5/8" REBAR WITH CAP LS #10238 0.2' W X 0.7' W.

SEE SHEET 5

TRACT 952
OPEN SPACE/M.C.P.E.



PointWise, PLLC

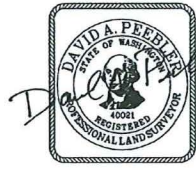
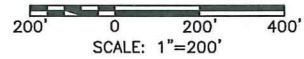
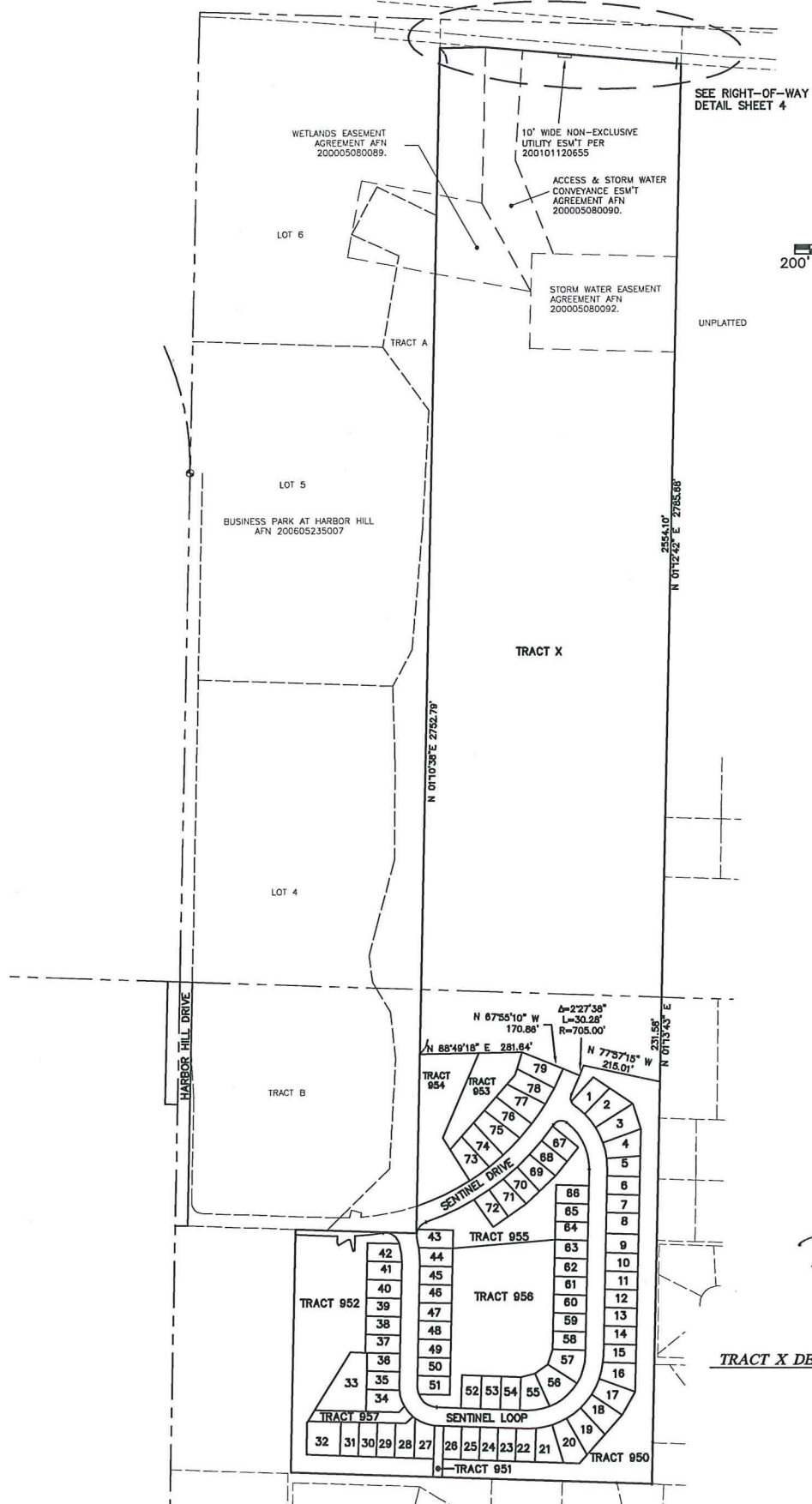
27630 MILITARY ROAD SOUTH
AUBURN, WA 98001
(425) 503-0158

DRAWN: LJ/DP	SHEET: 8 OF 10
CHECKED: DP	FILE NAME: HARBORHILLS-9PLAT.DWG
	PROJECT NO. 2509-007
	DATE NOVEMBER 19, 2013

11/19/2013

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



11/19/2013

TRACT X DETAIL

PointWise, PLLC

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AUBURN, WA 98001
(425) 503-0158

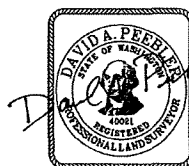
DRAWN:	SHEET:	9 OF 10
LJ/DP	FILE NAME:	HARBORHILLS-9PLAT.DWG
CHECKED:	PROJECT NO.	2509-007
DP	DATE:	NOVEMBER 19, 2013

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

CITY OF GIG HARBOR HEARING EXAMINERS CONDITIONS:

1. THE APPLICANT SHALL COMPLY WITH ALL MITIGATION MEASURES FOUND IN THE MITIGATED DETERMINATION OF NON SIGNIFICANCE (SEPA 08-0034) ISSUED FOR THE PROPOSAL, OR AS SUBSEQUENTLY AMENDED.
2. ALL PERIMETER LANDSCAPING BUFFERS SHALL BE VEGETATED TO MEET THE STANDARDS OF GHMC 17.78.060, AS AMENDED THROUGH THE ALTERNATIVE LANDSCAPE PLAN APPROVED BY THE HEARING EXAMINER. THIS REQUIREMENT SHALL BE MET PRIOR TO APPROVAL OF THE FINAL PLAT.
3. FIRE FLOW REQUIREMENTS SHALL BE MET. LOCATION AND MANNER OF FIRE LANE MARKINGS SHALL BE PROVIDED AT TIME OF CIVIL REVIEW.
4. CITY FORCES MAY REMOVE ANY TRAFFIC CONTROL DEVICE CONSTRUCTED WITHIN THE CITY RIGHT OF WAY NOT APPROVED BY THE OPERATIONS AND ENGINEERING DIVISION. ANY LIABILITY INCURRED BY THE CITY DUE TO NON-CONFORMANCE BY THE APPLICANT SHALL BE TRANSFERRED TO THE APPLICANT.
5. A ROAD ENCROACHMENT PERMIT SHALL BE ACQUIRED FROM THE CITY PRIOR TO ANY CONSTRUCTION WITHIN CITY RIGHT OF WAY, INCLUDING UTILITY IMPROVEMENTS TO THE CURB, GUTTER, AND SIDEWALK, ROADWAY SHOULDERS AND DITCHES, AND INSTALLATION OF CULVERTS. ALL WORK WITHIN THE CITY RIGHT OF WAY SHALL CONFORM TO THE CITY'S PUBLIC WORKS STANDARDS AND STORMWATER DESIGN MANUAL.
6. PERMANENT SURVEY CONTROL MONUMENTS SHALL BE PLACED TO ESTABLISH PUBLIC STREET CENTERLINES, INTERSECTIONS, ANGLE POINTS, CURVES, SUBDIVISION BOUNDARIES AND OTHER POINTS OF CONTROL. A MINIMUM OF TWO PERMANENT SURVEY CONTROL MONUMENTS SHALL BE INSTALLED AT LOCATIONS DETERMINED BY THE CITY IN ACCORDANCE WITH THE CITY'S PUBLIC WORKS STANDARDS AND RECORDED WITH THE PIERCE COUNTY SURVEY CONTROL DIVISION PRIOR TO FINAL ENGINEERING APPROVAL OF CIVIL IMPROVEMENTS.
7. IRRIGATION AND MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS.
8. THE FINAL PLAT SHALL NOTE (WHERE IN QUOTES) OR DELINEATE THE FOLLOWING:
 - a. "WARNING: CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN OR OTHERWISE SERVICE PRIVATE ROADWAYS OR DRIVEWAYS WITHIN, OR PROVIDING ACCESS TO, PROPERTY DESCRIBED IN THIS PLAT."
 - b. "MAINTAINING ADEQUATE SITE DISTANCE AT ALL VEHICULAR ACCESS POINTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE CITY OF GIG HARBOR HAS NO RESPONSIBILITY TO MAINTAIN ADEQUATE SITE DISTANCE AT PRIVATE ACCESS POINTS LOCATED WITHIN THIS PLAT."
 - c. "INCREASED STORMWATER RUNOFF FROM THE ROAD(S), BUILDING, DRIVEWAY AND PARKING AREAS SHALL NOT BE DIRECTED TO CITY INFRASTRUCTURE. INCREASED STORM WATER RUNOFF SHALL BE RETAINED/DETAINED ON SITE UNLESS IT IS PROVEN TO BE ADEQUATELY RETAINED/DETAINED BY AN OFFSITE REGIONAL FACILITY."
 - d. "WHERE SEASONAL DRAINAGE CROSSES SUBJECT PROPERTY, NO DISRUPTION OF THE NATURAL FLOW SHALL BE PERMITTED."
 - e. "STORMWATER FOR RUNOFF FROM BUILDINGS AND PARKING SURFACES SHALL BE SHOWN ON INDIVIDUAL BUILDING LOTS, INCLUDING DRYWELL SIZING OR STORM DRAIN CONNECTION POINTS."
 - f. "IF PRIVATE ROADWAYS ARE PROPOSED THEN PROVISIONS SHALL BE MADE FOR THE ROADS AND EASEMENTS TO BE OPEN AT ALL TIMES FOR EMERGENCY AND PUBLIC SERVICE VEHICLE USE."
 - g. "THIS PLAT IS SUBJECT TO STORMWATER MAINTENANCE AGREEMENT RECORDED UNDER AUDITOR'S FILE NUMBER _____"
 - h. "STORMWATER/DRAINAGE EASEMENTS ARE HEREBY GRANTED FOR THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES AS DELINEATED ON THIS SITE PLAN. NO ENCROACHMENT WILL BE PLACED WITHIN THE EASEMENTS SHOWN ON THE PLAT THAT MAY DAMAGE OR INTERFERE WITH THE INSTALLATION, INSPECTION, AND MAINTENANCE OF UTILITIES. MAINTENANCE AND EXPENSE THEREOF OF THE UTILITIES AND DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) OR ITS HEIRS OR ASSIGNS, AS NOTED UNDER THE STORMWATER MAINTENANCE AGREEMENT FOR THE PLAT."
 9. AN ASSOCIATION OF OWNERS SHALL BE FORMED AND CONTINUED FOR THE PURPOSE OF MAINTAINING THE COMMON OPEN SPACE. THE ASSOCIATION SHALL BE CREATED AS AN ASSOCIATION OF OWNERS UNDER THE LAWS OF THE STATE AND SHALL ADOPT AND PROPOSE ARTICLES OF INCORPORATION OR ASSOCIATION AND BYLAWS, AND ADOPT AND IMPROVE A DECLARATION OF COVENANTS AND RESTRICTIONS ON THE COMMON OPEN SPACE THAT ARE ACCEPTABLE TO THE CITY IN PROVIDING FOR THE CONTINUING CARE OF THE SPACE. NO COMMON OPEN SPACE MAY BE PUT TO A USE NOT SPECIFIED IN THE FINAL DEVELOPMENT PLAN UNLESS THE FINAL DEVELOPMENT PLAN IS FIRST AMENDED TO PERMIT THE USE. NO CHANGE OF USE MAY BE CONSIDERED AS A WAIVER OF ANY OF THE COVENANTS LIMITING THE USE OF COMMON OPEN SPACE AREA, AND ALL RIGHTS TO ENFORCE THESE COVENANTS AGAINST ANY USE PERMITTED ARE EXPRESSLY RESERVED TO THE CITY AS WELL AS THE OWNERS. ALTERNATIVELY, THE COMMON OPEN SPACE MAY BE CONVEYED TO A PUBLIC AGENCY WHICH AGREES TO MAINTAIN THE COMMON OPEN SPACE AND ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, WHICH HAVE BEEN PLACED UPON IT.
 10. ANY DEDICATION, DONATION OR GRANT AS SHOWN ON THE FACE OF THE PLAT SHALL BE CONSIDERED TO ALL INTENTS AND PURPOSES AS A QUITCLAIM DEED TO THE SAID DONEE(S) GRANTEE(S) FOR HIS/HER/THEIR USE FOR THE PURPOSE INTENDED BY THE DONOR(S) OR GRANTOR(S).
 11. SINCE THE PLAT IS SUBJECT TO A DEDICATION, THE CERTIFICATE OR A SEPARATE WRITTEN INSTRUMENT SHALL CONTAIN THE DEDICATION OF ALL STREETS AND OTHER AREAS TO THE PUBLIC, AND INDIVIDUAL(S), RELIGIOUS SOCIETY(IES) OR TO ANY CORPORATION, PUBLIC OR PRIVATE, AS SHOWN ON THE PLAT, AND A WAIVER OF ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROAD. SAID CERTIFICATE OR INSTRUMENT OF DEDICATION SHALL BE SIGNED AND ACKNOWLEDGED BEFORE A NOTARY PUBLIC BY ALL PARTIES HAVING ANY OWNERSHIP INTEREST IN THE LANDS SUBDIVIDED AND RECORDED AS PART OF THE FINAL PLAT.
 12. ANY DEDICATION FILED FOR RECORD SHALL BE ACCOMPANIED BY A TITLE REPORT CONFIRMING THAT THE TITLE OF THE LANDS AS DESCRIBED AND SHOWN ON SAID PLAT IS IN THE NAME OF THE OWNERS SIGNING THE CERTIFICATE OR INSTRUMENT OF DEDICATION.
 13. SCHOOL IMPACT FEES AS REQUIRED BY GHMC 19.12.050(B) (LL) SHALL BE COLLECTED FOR ALL RESIDENTIAL DEVELOPMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 14. PROPOSED MULTIPLE FAMILY DEVELOPMENT SHALL GO THROUGH THE SITE PLAN REVIEW PROCESS, OR ANY SUBSEQUENTLY ADOPTED NONRESIDENTIAL LAND USE REVIEW PROCESS.
 15. THE APPLICANT SHALL COMPLY WITH ALL OF THE TERMS OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GIG HARBOR AND HARBOR HILL LLC, FOR THE HARBOR HILL DEVELOPMENT, DATED NOVEMBER 8, 2010 (OR ANY SUBSEQUENT AMENDMENTS).
 16. IN ADDITION TO THE TRANSIT STOP PROPOSED ON THE SOUTH SIDE OF BORGAN BOULEVARD, THE APPLICANT SHALL BE REQUIRED TO INSTALL A TRANSIT STOP ON THE NORTH SIDE OF BORGAN BOULEVARD. THE FINAL LOCATION AND DESIGN OF BOTH TRANSIT STOPS SHALL BE AS DETERMINED BY THE CITY OF GIG HARBOR AND PIERCE TRANSIT.
 17. ON THE M2 LOT, ANY BUILDING PROPOSED TO EXCEED THE UNDERLYING 35 FOOT HEIGHT ALLOWANCE IN THE RLD AREA OF THE LOT SHALL PROVIDE A MINIMUM SETBACK OF 70 FEET TO ANY EXTERIOR BOUNDARY OF THE PRD (NOT THE SUBJECT LOT). THIS SETBACK IS AN ADDITIONAL SETBACK APPLICABLE TO SAID BUILDINGS. ALL BUILDINGS ON THE M2 LOT SHALL PROVIDE A MINIMUM SETBACK OF 10 FEET TO THE PROPERTY LINE OF THE M2 LOT.
 18. FOR THIS AND ALL FUTURE MODIFICATIONS OR ALLOCATIONS, THE APPLICANT SHALL PROVIDE AN ACCOUNTING OF THE PROPOSED ALLOCATION OF WATER, SEWER AND TRANSPORTATION CAPACITY RESERVED FOR THE PROJECT UNDER THE CONCURRENCY REQUIREMENTS. THIS MAY BE ACCOMPLISHED BY PROVIDING A TABLE LISTING EACH PHASE OR LOT OF THE DEVELOPMENT WITH THEIR ASSOCIATED WATER, SEWER AND TRANSPORTATION CAPACITY RESERVATIONS TO SHOW THAT THE PROPOSAL IS IN ACCORDANCE WITH THE TOTAL CAPACITIES RESERVED. THIS IS INTENDED SOLELY FOR THE PURPOSE OF TRACKING THE TOTAL AMOUNTS AS THESE AMOUNTS ARE TIED TO THE ENTIRE PROJECT AND NOT TO SPECIFIC PHASES OR LOTS. THE APPLICANT HAS DISCRETION TO ALLOCATE THE RESERVED CAPACITIES TO VARIOUS PHASES OR LOTS WITHIN THE PROJECT LIMITS IN ACCORDANCE WITH SECTION 15 CAPACITY RESERVATIONS OF THE HHDA.



11/19/2013

PointWise, PLLC

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

DRAWN: LJ/DP	SHEET: 10 OF 10
CHECKED: DP	FILE NAME: HARBORHILLS-9PLAT.DWG PROJECT NO. 2509-007 DATE: NOVEMBER 19, 2013



Subject: Resolution – Surplus Equipment

Dept. Origin: Information Services

Proposed Council Action:

Prepared by: Heidi Othman

Adopt Resolution No.946
Surplusing the city-owned equipment.

For Agenda of: November 25, 2013
Exhibits: Resolution

Initial & Date

Concurred by Mayor:

CUH 11/14/13

Approved by City Administrator:

R 11/13/13

Approved as to form by City Atty:

NA

Approved by Finance Director:

R 11/13/13

Approved by Department Head:

[Signature] 11.13.13

Expenditure	Amount	Appropriation
Required \$0	Budgeted \$0	Required \$0

INFORMATION / BACKGROUND

The city has a surplus of antiquated equipment which needs to be properly disposed. This surplus occurred due to the replacement of outdated equipment.

FISCAL CONSIDERATION

The surplus equipment will be sold to either a recycling center or charity organization to be refurbished and reused.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

Move to: Adopt Resolution No. 946 surplusing this city-owned equipment.

RESOLUTION NO. 946

A RESOLUTION OF THE CITY OF GIG HARBOR
DECLARING CITY EQUIPMENT SURPLUS AND ELIGIBLE
FOR SALE.

WHEREAS, the Gig Harbor City Council has determined that city-owned equipment is surplus to the City's equipment needs and has been or is in need of being replaced with new equipment; and

NOW, THEREFORE, the City Council of the City of Gig Harbor hereby resolves as follows.

To declare as surplus:

EQUIPMENT	Quantity	SERIAL #	Asset #.
Dell Optiplex GX520 Dell Optiplex GX520 Dell Docking Station	1 1 1	F8S80C1 G5PSB91 Cn-ovc795-42940-6bi-0195	01393 01307
Miscellaneous Items: 3com Superstack routers Nextel Cell Phone Chargers Keyboards UPS-dead Speakers - broken	4 5 1 1	0200/7zLv26c9c98 0201/7zLv280DA38 0300/7zLv2E4c638 0101/7wsv103123	
Printers Onetouch 5800 USB HP5610 AIO Deskjet Brothers HL1440 HP Color Laserjet 5550dn	1 1 1 1	151c008899D1 Cn78BF4025 V60066L3J69663 JPFC5DW007	01139 01308

PASSED ON THIS 25th day of November, 2013.

APPROVED:

MAYOR CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 11/12/13
PASSED BY THE CITY COUNCIL: 11/25/13
RESOLUTION NO. 946

with other comparable cities. OMW is proposing similar increases for its other municipal clients.

The proposed rates will become effective on January 1, 2014.

Staff recommends approval of the proposed rate increases. Staff has been very satisfied with the services provided by the City Attorney and her colleagues at OMW. Furthermore, the City's legal costs are less than prior years.

FISCAL CONSIDERATION

Sufficient funds are allocated in the 2014 budget.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION/MOTION

Authorize the Mayor to execute Addendum No. 5 for legal services with Ogden Murphy Wallace.

**2014 ADDENDUM
TO
AGREEMENT FOR LEGAL SERVICES**

THIS ADDENDUM modifies that certain Agreement for Legal Services dated January 7, 2009 (the "Agreement") entered into between the CITY OF GIG HARBOR, a municipal corporation of the State of Washington (the "City"), and the law firm of OGDEN MURPHY WALLACE, P.L.L.C. ("OMW").

WHEREAS, the City and OMW entered into the Agreement in order to provide for the terms associated with OMW's provision of legal services to the City; and

WHEREAS, Section A of the Agreement establishes the rates that OMW charges to provide those legal services; and

WHEREAS, Section E of the Agreement provides that OMW may propose an increase in hourly rates no more than once each year to become effective on January 1, by amendment to this Agreement;

NOW, THEREFORE, for and in consideration of the terms and conditions set forth below, the parties agree as follows:

1. Amendment to Section A - Rates and Services. Section A of the Agreement is amended to read as follows:

A. Rates and Services. OMW will serve as the City Attorney for the City, performing the duties and functions of the office as defined by Title 35A RCW and the ordinance of the City.

1. Basic Services. OMW will provide basic services set out in this section at the rate of \$212 an hour ("Basic Service Fee"). The Basic Service Fee would apply to up to ninety (90) hours per month for the following services:

- a. Preparation for and attendance at two monthly regular meetings of the City Council, additional Council meetings, meetings of the Planning Commission or other boards and commissions as requested by the City.
- b. Routine consultation with City staff or officials as requested by the City for items not included as Additional Services below, preparation and legal research required in connection with such duties, and the drafting of ordinances, resolutions and legal memoranda.

- c. Review, consultation, revision and approval of public works contracts, professional services agreements, and interlocal agreements.
- d. With the exception of condemnation proceedings, preparation and review of documents and agreements, as well as consultation in real estate matters, including but not limited to the acquisition or disposition of easements, rights-of-way, or other personal property and real property interests.
- e. Legal services rendered in connection with annexation proceedings up to the Boundary Review Board level.
- f. Legal services rendered in connection with code enforcement up to the Hearing Examiner or superior court level.
- g. Legal services rendered in connection with personnel matters, except labor arbitrations and negotiations.
- h. All transit time, including transportation to and from required meetings, etc., incurred in furtherance of the above tasks (but not including transit time on regular City Council meeting days and for one additional day of City Hall office hours per month, for which there will be no cost to the City, as long as there is a two-hour minimum billed).

2. Additional Services. OMW will provide additional services set out in this section at the following rates (“Additional Services Fee”):

Firm Members:	\$252 per hour
Associates:	\$212 per hour
Law Clerks:	\$133 per hour
Paralegals:	\$100 per hour

The Additional Services include:

- a. All services rendered in connection with any actual litigation, arbitration, mediation, labor negotiations, administrative hearings (including but not limited to the Growth Management Hearings Board, Shorelines Hearings Board, Pollution Control Hearings Board, Boundary Review Board) and/or enforcement proceedings wherein the City, one of its boards, or one of its officials is or likely will be a party.
- b. All services rendered in connection with real property condemnation.
- c. All services rendered in connection with taxation issues, local improvement districts, assessments, bond issues and other matters where a special counsel has been or normally is retained. Such legal services, when requested to be

performed by our office, will generally not substitute for but may supplement the services rendered by bond counsel.

- d. All services relating to work reimbursed by developers, including but not limited to reimbursable review relating to project permit applications and development agreements.
- e. All services that exceed the 90-hour Basic Services cap.
- f. All transit time, including transportation to and from required meetings, court appearances, etc., incurred in furtherance of the above Additional Services tasks.

If other firm attorneys are to be involved in litigation and specialty work not listed in subsections A(2)(a)-(f), billing rates will be agreed upon prior to the commencement of their services. OMW acknowledges the City utilizes separate bond counsel and special counsel for personnel matters and for environmental and hazardous waste matters.

3. Reimbursable Expenses. Document reproduction charges, computer-aided legal research charges, delivery fees, filing charges and other external expenses will be billed and reimbursed to the City at cost with no mark up. Transit time will be billed and reimbursed at the applicable hourly rate above. The City would not be separately invoiced for mileage reimbursement, long-distance telephone calls or facsimile transmissions.

2. Other Terms. Except as expressly modified by this Addendum, all terms and conditions of the Agreement shall remain in full force and effect.

CITY OF GIG HARBOR

OGDEN MURPHY WALLACE, P.L.L.C.

Charles L. Hunter, Mayor

Date: _____

Angela G. Summerfield, Member

Date: _____

ATTEST/AUTHENTICATED:

Molly Towslee, City Clerk



PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: Gig Harbor City Councilmembers

FROM: Jeff Langhelm, PE, Public Works Director *AL*
Angela Summerfield, Office of the City Attorney

DATE: November 25, 2013

SUBJECT: Lift Station #17 – Potential Latecomers Agreement

At the November 12, 2013 city council meeting you requested information regarding the City's ability to participate in a latecomer agreement for costs associated with design and construction of Lift Station 17 and the timing of the latecomer agreement, along with whether the City could enter a latecomer agreement for the design costs and easement/property acquisition costs should the project be constructed by a private party.

As background, chapter 35.91 RCW authorizes latecomer reimbursement agreements for costs to construct water and sewer facilities. Gig Harbor implements this state law in chapter 13.35 of the Gig Harbor Municipal Code. The latecomer agreement allows a developer to share costs of development of water and sewer facilities with owners of property in the assessment area who later develop. Municipalities have the same ability to enter into latecomer agreements for municipal costs of construction as private developers. Unlike a local improvement district, property owners pay the latecomer assessment only if they choose to develop. There is no guarantee of reimbursement to the original developer under a latecomer agreement.

Section 13.35.020(A) of the Gig Harbor Municipal Code provides that construction costs include costs for design of a water/sewer facility, acquisition for right-of-way and/or easements, permit and plan review fees and costs of constructing the facilities. As such, costs the City incurs for design of a water/sewer facility are eligible for reimbursement under a latecomer agreement. If a private party were to construct the facilities, the City could apply for a latecomer agreement for its design and acquisition costs within 90 days after the facilities are accepted by the City and the developer submits a two-year maintenance bond. The City and the developer constructing the facilities could apply jointly for reimbursement under a single latecomer agreement for ease of administration.

As mentioned at the November 12 council meeting, the current reimbursement period under a latecomer agreement is 15 years. A few years ago state law was amended to allow for a reimbursement period of up to 20 years, and effective July 1, 2014, the 20-year period is mandatory.



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

Subject: Public Hearing and second reading
- 2014 budget ordinance

Proposed Council Action: Hold public hearing and adopt 2014 budget ordinance

Dept. Origin: Finance

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 25, 2013

Exhibits: Budget Ordinance

Initial & Date

Concurred by Mayor:

CLH 11/20/13

Approved by City Administrator

R 11/20/13

Approved as to form by City Atty: by e-mail

Approved by Finance Director:

DR 11/20/13

Approved by Department Head:

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

INFORMATION / BACKGROUND

This is the second public hearing and reading of the proposed 2014 budget ordinance. Changes from the first reading are underlined.

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 and the November 12 City Council meeting 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 objective was changed to re-examine the 2013 visioning process and consider further input. 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.
- An objective to support the Pierce Transit Gig Harbor trolley program in the amount of \$25,000 has been added to the Lodging Tax 2014 spending program.

RECOMMENDATION / MOTION

Hold public hearing and adopt the 2014 budget ordinance.

ORDINANCE NO. 1276

**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: 11/06/13
PASSED BY THE CITY COUNCIL: 11/25/13
PUBLISHED: 11/27/13
EFFECTIVE DATE: 12/02/13
ORDINANCE NO. 1276

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
Lead Court Clerk	3,845	4,806
Administrative Assistant	3,533	4,416
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 GHHWA 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.**

**HOTEL – MOTEL TAX FUND
NARRATIVE OF OBJECTIVES 2014**

The following projects will be funded and managed through the marketing department. The marketing director will work directly with outside groups when necessary. Funding support may be provided for those projects approved by the Marketing Director that are in keeping with long term goals and strategic plan, to assist with external marketing efforts.

1. **Marketing fund.** The objective of this fund is to promote and market the greater Gig Harbor area in 2014 through advertising (including TV, print, and online), web development, social media, brochure and print pieces, direct mail, event promotion and trade shows, including Go West Summit and others, as well as media editorial. This fund focuses on organized meeting and convention planners, tour operators, leisure traveler, group travel, wedding planners and media. **\$86,500 - December.**
2. **Support to the Tacoma Convention and Visitors Bureau.** Continue partnership with the Tacoma CVB to capitalize on shared resources for leisure travel, tour operators, meetings and conventions, and advertising and promotion opportunities. **\$5,000 - December.**
3. **Support to the Tacoma Sports Commission.** Expand the work we began in 2012 partnering with the Tacoma Sports Commission. Capitalize on opportunities to draw overnight visitors through sporting events. **\$5,000 - December.**
4. **Support the Kitsap Peninsula Visitor and Convention Bureau.** Partner with Kitsap VCB on web marketing efforts, collaboration on corporate traveler, adventure sport traveler, leisure traveler campaigns. **\$5,000 - December.**
4. **General Fund salary contribution.** Percentage of General Fund contribution to Marketing Director salary for 2014: **50%.**
5. **Shop Local Campaign.** The Marketing office will implement an advertising campaign to increase sales tax revenue and help local business by encouraging residents and businesses to stay and shop in Gig Harbor. (See Administration budget).
6. **Pierce Transit Gig Harbor Trolley Program.** In partnership with Pierce Transit and the Gig Harbor community partners provide financial support towards the operation and development of marketing and advertising strategies for the Pierce Transit 'Get Around Gig Harbor' Trolley. \$25,000 - January.

CITY OF GIG HARBOR
2014 Annual Budget

SPECIAL REVENUE FUND TYPE
Public Art Capital Projects

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.

**PARKS DIVISION - CAPITAL
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 Restoration.** Seek grant funding opportunities for structural reinforcement of the barn and replacement of the roof and cupola. **\$200,000 - December (\$100,000 local, \$100,000 funded by outside sources).**
3. **Harbor Hill Park Property.** Re-examine the 2013 visioning process and consider further input. Seek additional grant funding for park design and construction. ~~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.**

CITY OF GIG HARBOR
2014 Annual Budget

SPECIAL REVENUE FUND TYPE
Capital Development

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.

CITY OF GIG HARBOR
2014 Annual Budget

SPECIAL REVENUE FUND TYPE
Capital Improvement

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	\$1,584,000
	<u>\$1,582,000</u>



Business of the City Council
City of Gig Harbor, WA

Subject: Second Reading
of Ordinance – 2013 Comprehensive Plan
Amendment – Capital Facilities Element

Proposed Council Action: Adopt ordinance
if 2014 Annual City Budget is adopted at this
meeting. If the 2014 Annual City Budget is not
adopted at 11/25/13 meeting, postpone 2nd
reading to next meeting where budget is
considered.

Dept. Origin: Planning Department

Prepared by: Lindsey Sehmel
Senior Planner

For Agenda of: November 25, 2013

Exhibits: Draft ordinance with attachments

Initial & Date

Concurred by Mayor: CLS 11/20/13
Approved by City Administrator: 11/20/13
Approved as to form by City Atty: via email 11/19
Approved by Finance Director: N/A
Approved by Department Head: JK 11/19/13

Expenditure		Amount		Appropriation	
Required	0	Budgeted	0	Required	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

Adopt ordinance if 2014 Annual City Budget is adopted at this meeting. If the 2014 Annual City Budget is not adopted at 11/25/13 meeting, postpone 2nd reading to next meeting where budget is considered.

ORDINANCE NO. 1277

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 CONCURRENTLY 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 November 25, 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.

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 25th 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

FILED WITH THE CITY CLERK: 11/06/13
PASSED BY THE CITY COUNCIL: 11/25/13
PUBLISHED: 11/27/13
EFFECTIVE DATE: 12/02/13
ORDINANCE NO. 1277

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 than 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	
Other Properties	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
	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 than 0.2% of the gross value of business activity on the gross or net income of a business. Assessment increases require voter approval. The City does not currently use a B and O tax. Revenue may be used for new capital facilities or maintenance and operation of existing facilities.

Local Option Sales Tax: The city has levied the maximum of tax of 1%. 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

GOAL 12.1. 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		<u>19,784,400</u>		

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	\$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 6,930,000		

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	2010-2011-15	\$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>	<u>6 year</u>	<u>Local, Grants</u>
	Park Total		\$2318,250,000 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>	2013-2008- <u>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/Stanch/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.



Business of the City Council
City of Gig Harbor, WA

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

Proposed Council Action: Adopt Ordinance No. 1278, adopting the Shoreline Master Program and related amendments to the Comprehensive Plan and Gig Harbor Municipal Code Titles 17 and 19.

Dept. Origin: Planning Department

Prepared by: Peter Katich
Senior Planner

For Agenda of: November 25, 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:

Approved by City Administrator:

Approved as to form by City Atty: per e-mail dated 11.19.13

Approved by Finance Director:

Approved by Department Head:

Handwritten signatures and dates:
 CKH 11/20/13
 R 11/19/13
 N/A
 JK 11/19/13

Expenditure		Amount	Appropriation
Required	0	Budgeted 0	Required 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.

In addition to the above, in response to a public comment received from Guy Hoppen regarding the use of the word "small" in the goal statement for Commercial Fishing Sales and Services (Chapter 7, Section 7.13) to describe the current size of Gig Harbor's commercial fishing fleet, staff is proposing to revise the statement as set forth in Exhibit "C."

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

Adopt Ordinance No. 1278, adopting the Shoreline Master Program and related amendments to the Comprehensive Plan and Gig Harbor Municipal Code Titles 17 and 19.

ORDINANCE NO. 1278

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 "shorelines 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, 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 further 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;

WHEREAS, the Gig Harbor City Council considered the ordinance at first reading and public hearing on November 12, 2013; and

WHEREAS, based on public comment, the City Council directed staff to further revise the SMP as described in Exhibit "C"; and

WHEREAS, on November 25, 2013, the City Council held a second reading during a regular City Council meeting; and

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 **Exhibit A** attached hereto and incorporated herein by this reference as amended by **Exhibit C**.

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 **Exhibit 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>-C</u> ¹⁹	-	-	-

¹⁹ ~~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	Final plats	Comprehensive plan

			preliminary plat revisions		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 ²			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	Shoreline permit exemptions 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		Critical area			

preliminary plat revisions		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 ~~for shoreline exemption procedures~~ 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:

Exhibit "C"

Gig Harbor Shoreline Master Program Section 7.13-Commercial Fishing Sales & Services

Proposed Revision:

It is the goal of the City of Gig Harbor to preserve the commercial fishing fleet as a significant cultural and economic resource, encourage important fleet supporting services and promote development or rehabilitation of facilities consistent with the fleet's needs, including the retention and redevelopment of waterfront parcels that provide a substantial and direct contribution to the commercial fishing industry.

The commercial fishing industry consists of the vessels, the moorage facilities and the upland facilities and structures that provide direct support to the industry. It is the historical backbone of the Gig Harbor community and its waterfront environment and has been the focus of the city's development since its incorporation in 1946. ~~Although the fishing fleet in Gig Harbor is small,~~ The value of the ~~remaining~~ fleet is recognized as a very important component of the cultural and community environment. Preservation of the fishing character of the City is a primary consideration in evaluating effects of a shoreline proposal.



Business of the City Council
City of Gig Harbor, WA

Subject: First Reading of Ordinance
Harbor Hill Div N1 PRD Rezone
(PL-FPRD-13-0001)

Proposed Council Action: Adopt ordinance
#1279 at first reading, as allowed by GHMC
1.08.020.C

Dept. Origin: Planning Department

Prepared by: Kristin Moerler, Associate
Planner *KM*

For Agenda of: November 25, 2013

Exhibits: Ordinance

Initial & Date

Concurred by Mayor: *Cut 11/20/13*
Approved by City Administrator: *R 11/20/13*
Approved as to form by City Atty: *Via Email*
Approved by Finance Director: *N/A*
Approved by Department Head: *JL 11/19/13*

Expenditure		Amount		Appropriation	
Required	0	Budgeted	0	Required	0

INFORMATION/BACKGROUND

Attached for your consideration is an ordinance directing the Planning Director to amend the official City Zoning Map to reflect the approval of the Final Planned Residential Development for Harbor Hill Division N1 as required by GHMC 17.89.130.

The approval of the Harbor Hill N1 Final Plat and Final PRD is a closed record decision and a separate agenda item has been placed on the consent agenda for November 25, 2013 to approve the Final PRD. However an ordinance is required for the related zoning map amendment. This map amendment will document that the future development of this site will be governed by the provisions of the Final PRD and not the provisions of the underlying zoning code.

POLICY CONSIDERATIONS

The ordinance is needed to officially amend the City's Zoning Map to reflect the Final PRD as required by GHMC 17.89.130. Ordinances for site specific rezones, such as this one, may be adopted at first reading as allowed by GHMC 1.08.020.C.

FISCAL CONSIDERATION

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

BOARD OR COMMITTEE RECOMMENDATION

No board or committee was required to review this application.

RECOMMENDATION / MOTION

Move to: Adopt ordinance #1279 at first reading.

ORDINANCE NO. 1279

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 14.36 ACRES FROM PCD-RLD ZONING DISTRICT TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), LOCATED NORTH OF BORGEN BOULEVARD AND EAST OF THE HARBOR HILL DIVISION 1A SUBDIVISION AND PRD; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER 4002930030, AND CITY OF GIG HARBOR FILE NO. PL-FPRD-13-0001, AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH

WHEREAS, Harbor Hill LLC requested Final PRD Approval for Division N1 of the Harbor Hill Plat located north of Borgen Blvd. and east of the Harbor Hill Division 1A Subdivision/PRD; a portion of Pierce County Assessor-Treasurer Parcel Number 4002930030; and

WHEREAS, the land use designation in the Comprehensive Plan for the subject site is PCD-Residential Low; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is PCD-RLD (Planned Community District – Residential Low); and

WHEREAS, Olympic Property Group LLC requested Preliminary Planned Residential Development (PRD) approval for of 200 acres, comprised of three parcels, into 554 single family lots and two multiple family lots that would be developed with a total of 270 units on the subject site on December 2, 2008; and

WHEREAS, a SEPA threshold determination of Mitigated Determination of Nonsignificance was issued on November 17, 2010; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, A final decision for a Type III-A application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the preliminary PRD was held before the Hearing Examiner on December 16, 2010, at which time the Hearing Examiner heard public testimony on the preliminary PRD; and

WHEREAS, the Hearing Examiner approved the Preliminary PRD in her decision dated December 30, 2010; and

WHEREAS, the appeal period expired on January 23, 2011; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, Olympic Property Group LLC requested a Revision to the Approved Preliminary Planned Residential Development (PRD) for all portions of the Harbor Hill Residential Plat/PRD except Division 1A on March 13, 2013; and

WHEREAS, a SEPA addendum was issued on July 31, 2013; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, Amendment 1 to the Harbor Hill Development Agreement recorded on December 4, 2012 authorizes the Planning Director to approve modifications to the Approved Preliminary PRD as a Type 2 Decision; and

WHEREAS, the Planning Director approved the Revised Preliminary PRD in her decision dated August 2, 2013; and

WHEREAS, the appeal period expired on August 19, 2013; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, Olympic Property Group LLC Quit Claimed the subject property to Harbor Hill LLC on August 6, 2013 Auditor Recording Number 201308130540; and

WHEREAS, an application for final PRD approval was submitted to the City on October 22, 2013 and deemed complete on October 23, 2013 for Division N1, a portion of the approved preliminary PRD; and

WHEREAS, the Final PRD is a Type IV action as defined in GHMC 19.01.003(B); and

WHEREAS, A closed record decision for a Type IV application shall be rendered by the City Council as per GHMC 19.01.003(A); and

WHEREAS, the City Council approved the final PRD application under Resolution #944 on November 25, 2013; and

WHEREAS, GHMC 17.89.130 requires that the property subject to the final PRD be designated on the official zoning map as PRD; and

WHEREAS, the change to the official zoning map must be adopted by ordinance as per GHMC 17.89.130; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on November 25, 2013;

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

Section 1. The real property located north of Borgen Blvd. and east of the Harbor Hill Division 1A Subdivision/PRD; a portion of Pierce County Assessor-Treasurer Parcel Number 4002930030; and legally described in Exhibit "A", is hereby rezoned

from PCD-RLD (Planned Community District – Residential Low) to PRD (Planned Residential Development).

Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the designation established by Section 1.

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

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 25th day of November, 2013.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

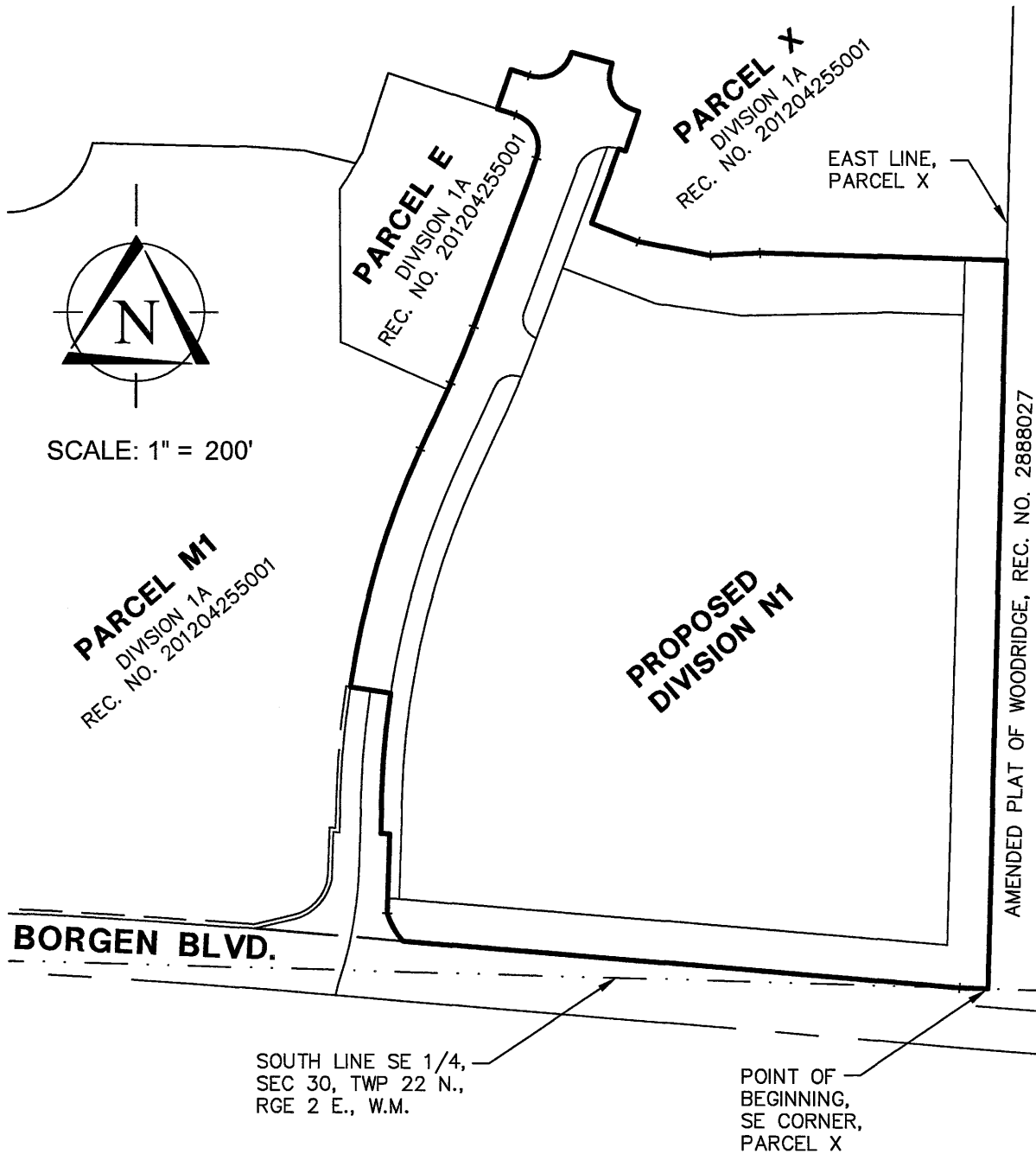
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
ANGELA G. SUMMERFIELD

FILED WITH THE CITY CLERK: 11/06/13
PASSED BY THE CITY COUNCIL: 11/25/13
PUBLISHED: 11/27/13
EFFECTIVE DATE: 12/02/13
ORDINANCE NO: 1279

HARBOR HILL
EXHIBIT DIVISION N1

TRIAD JOB # 08-058
OCTOBER 30, 2013



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08058-EXH-N1.dwg

Land Development Consultants

HARBOR HILL
LEGAL DESCRIPTION: PROPOSED DIVISION N1

TRIAD JOB # 08-058
OCTOBER 30, 2013

A PORTION OF PARCEL "X", AS SHOWN ON THE MAP OF HARBOR HILL DIVISION 1A RECORDED UNDER RECORDING NUMBER 201204255001, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "X";

THENCE WESTERLY AND NORTHERLY ALONG THE BOUNDARY LINE OF SAID PARCEL "X" THE FOLLOWING FOURTEEN COURSES:

1. THENCE ALONG THE SOUTH LINE OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 2 EAST W.M., NORTH 88°22'24" WEST, 33.84 FEET TO THE NORTH MARGIN OF THE 100 FOOT WIDE RIGHT OF WAY EASEMENT AND AGREEMENT FOR DEDICATION OF RIGHT OF WAY PER DOCUMENTS RECORDED UNDER AUDITOR'S FILE NUMBERS 200007130672 AND 200005080093;
2. THENCE ALONG SAID MARGIN, NORTH 85°13'58" WEST, 671.25 FEET TO A POINT ON A CURVE, THE CENTER WHICH BEARS NORTH 47°01'22" EAST, 84.50 FEET;
3. THENCE LEAVING SAID MARGIN, NORTHERLY ON SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 84.50 FEET, THROUGH A CENTRAL ANGLE OF 26°24'26", AN ARC DISTANCE OF 38.95 FEET;
4. THENCE NORTH 01°44'47" EAST, 95.79 FEET;
5. THENCE NORTH 88°15'13" WEST, 10.91 FEET;
6. THENCE NORTH 01°44'47" EAST, 46.60 FEET TO A POINT OF CURVE;
7. THENCE NORTHERLY ON SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1018.50 FEET, THROUGH A CENTRAL ANGLE OF 06°54'00", AN ARC DISTANCE OF 122.66 FEET;
8. THENCE NORTH 81°21'13" WEST, 50.00 FEET TO A POINT ON A CURVE, THE CENTER WHICH BEARS SOUTH 81°21'13" EAST, 1068.50 FEET;
9. THENCE NORTHERLY ON SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1068.50 FEET, THROUGH A CENTRAL ANGLE OF 16°03'23", AN ARC DISTANCE OF 299.43 FEET;
10. THENCE NORTH 24°42'10" EAST, 87.69 FEET TO A POINT OF CURVE;
11. THENCE NORTHERLY ON SAID CURVE TO THE LEFT, HAVING A RADIUS OF 962.00 FEET, THROUGH A CENTRAL ANGLE OF 04°19'41", AN ARC DISTANCE OF 72.67 FEET;
12. THENCE NORTH 20°22'29" EAST, 215.79 FEET TO A POINT OF CURVE;
13. THENCE NORTHWESTERLY ON SAID CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET, THROUGH A CENTRAL ANGLE OF 92°11'56", AN ARC DISTANCE OF 64.37 FEET;
14. THENCE NORTH 71°49'27" WEST, 23.00 FEET;

THENCE LEAVING SAID BOUNDARY LINE, NORTH 18°53'09" EAST, 50.00 FEET;

THENCE SOUTH 71°49'27" EAST, 23.00 FEET TO A POINT OF CURVE;

THENCE NORTHEASTERLY ON SAID CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET, THROUGH A CENTRAL ANGLE OF 93°22'52", AN ARC DISTANCE OF 65.19 FEET;



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THENCE SOUTH 74°49'54" EAST, 50.00 FEET;

THENCE SOUTH 15°00'47" WEST, 7.06 FEET TO A POINT OF CURVE;

THENCE SOUTHEASTERLY ON SAID CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET,
THROUGH A CENTRAL ANGLE OF 87°02'14", AN ARC DISTANCE OF 60.76 FEET;

THENCE SOUTH 71°49'27" EAST, 8.00 FEET;

THENCE SOUTH 18°10'33" WEST, 50.00 FEET;

THENCE NORTH 71°49'27" WEST, 8.72 FEET;

THENCE SOUTH 20°22'29" WEST, 95.07 FEET;

THENCE SOUTH 68°12'56" EAST, 60.08 FEET;

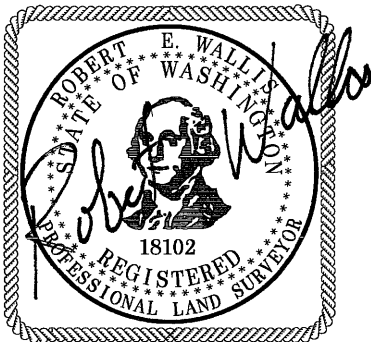
THENCE SOUTH 79°04'18" EAST, 88.54 FEET;

THENCE NORTH 86°51'54" EAST, 60.21 FEET;

THENCE SOUTH 88°22'57" EAST, 298.07 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL
"X";

THENCE ALONG SAID EAST LINE, SOUTH 01°37'03" WEST, 875.84 FEET TO THE POINT OF
BEGINNING.

WRITTEN BY: MHM
CHECKED BY: REW



OCT 30, 2013



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Business of the City Council
City of Gig Harbor, WA

Subject: First Reading of Ordinance
Harbor Hill Div S9 PRD Rezone
(PL-FPRD-13-0002)

Proposed Council Action: Adopt ordinance
#1280 at first reading, as allowed by GHMC
1.08.020.C

Dept. Origin: Planning Department

Prepared by: Kristin Moerler, Associate
Planner *KM*

For Agenda of: November 25, 2013

Exhibits: Ordinance

Initial & Date

Concurred by Mayor:

Approved by City Administrator: R 11/20/13

Approved as to form by City Atty: Via Email

Approved by Finance Director: N/A

Approved by Department Head: JL 11/19/13

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

Attached for your consideration is an ordinance directing the Planning Director to amend the official City Zoning Map to reflect the approval of the Final Planned Residential Development for Harbor Hill Division S9 as required by GHMC 17.89.130.

The approval of the Harbor Hill S9 Final Plat and Final PRD is a closed record decision and a separate agenda item has been placed on the consent agenda for November 25, 2013 to approve the Final PRD. However an ordinance is required for the related zoning map amendment. This map amendment will document that the future development of this site will be governed by the provisions of the Final PRD and not the provisions of the underlying zoning code.

POLICY CONSIDERATIONS

The ordinance is needed to officially amend the City's Zoning Map to reflect the Final PRD as required by GHMC 17.89.130. Ordinances for site specific rezones, such as this one, may be adopted at first reading as allowed by GHMC 1.08.020.C.

FISCAL CONSIDERATION

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

BOARD OR COMMITTEE RECOMMENDATION

No board or committee was required to review this application.

RECOMMENDATION / MOTION

Move to: Adopt ordinance #1280 at first reading.

ORDINANCE NO. 1280

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 22.75 ACRES FROM PCD-RLD ZONING DISTRICT TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), LOCATED SOUTH OF BORGEN BOULEVARD AND NORTH OF THE NORTHARBOR BUSINESS PARK AND PRD; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER 0222311009, AND CITY OF GIG HARBOR FILE NO. PL-FPRD-13-0002, AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH

WHEREAS, Harbor HILL LLC requested Final PRD Approval for Division S9 of the Harbor Hill Plat located south of Borgen Blvd. and north of the Northharbor Business Park; a portion of Pierce County Assessor-Treasurer Parcel Number 0222311009; and

WHEREAS, the land use designation in the Comprehensive Plan for the subject site is PCD-Residential Low; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is PCD-RLD (Planned Community District – Residential Low); and

WHEREAS, Olympic Property Group LLC requested Preliminary Planned Residential Development (PRD) approval for of 200 acres, comprised of three parcels, into 554 single family lots and two multiple family lots that would be developed with a total of 270 units on the subject site on December 2, 2008; and

WHEREAS, a SEPA threshold determination of Mitigated Determination of Nonsignificance was issued on November 17, 2010; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, A final decision for a Type III-A application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the preliminary PRD was held before the Hearing Examiner on December 16, 2010, at which time the Hearing Examiner heard public testimony on the preliminary PRD; and

WHEREAS, the Hearing Examiner approved the Preliminary PRD in her decision dated December 30, 2010; and

WHEREAS, the appeal period expired on January 23, 2011; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, Olympic Property Group LLC requested a Revision to the Approved Preliminary Planned Residential Development (PRD) for all portions of the Harbor Hill Residential Plat/PRD except Division 1A on March 13, 2013; and

WHEREAS, a SEPA addendum was issued on July 31, 2013; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, Amendment 1 to the Harbor Hill Development Agreement recorded on December 4, 2012 authorizes the Planning Director to approve modifications to the Approved Preliminary PRD as a Type 2 Decision; and

WHEREAS, the Planning Director approved the Revised Preliminary PRD in her decision dated August 2, 2013; and

WHEREAS, the appeal period expired on August 19, 2013; and

WHEREAS, no appeals of the decision were filed; and

WHEREAS, Olympic Property Group LLC Quit Claimed the subject property to Harbor Hill LLC on August 6, 2013 Auditor Recording Number 201308130540; and

WHEREAS, an application for final PRD approval was submitted to the City and deemed complete on October 23, 2013 for Division S9, a portion of the approved preliminary PRD; and

WHEREAS, the Final PRD is a Type IV action as defined in GHMC 19.01.003(B); and

WHEREAS, A closed record decision for a Type IV application shall be rendered by the City Council as per GHMC 19.01.003(A); and

WHEREAS, the City Council approved the final PRD application under Resolution #945 on November 25, 2013; and

WHEREAS, GHMC 17.89.130 requires that the property subject to the final PRD be designated on the official zoning map as PRD; and

WHEREAS, the change to the official zoning map must be adopted by ordinance as per GHMC 17.89.130; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on November 25, 2013;

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

Section 1. The real property located south of Borgen Blvd. and north of the Northharbor Business Park; a portion of Pierce County Assessor-Treasurer Parcel Number 0222311009 and legally described in Exhibit "A", is hereby rezoned from PCD-RLD (Planned Community District – Residential Low) to PRD (Planned Residential

Development).

Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the designation established by Section 1.

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

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 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: 11/06/13
PASSED BY THE CITY COUNCIL: 11/25/13
PUBLISHED: 11/27/13
EFFECTIVE DATE: 12/02/13
ORDINANCE NO: 1280

EXHIBIT A

Project Legal Description

A portion of Revised Parcel B of the Boundary Line Revision as recorded under Pierce County Auditor File Number 200407275004, records of Pierce County, State of Washington.

Except that portion lying north of the following described courses and distances;

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;

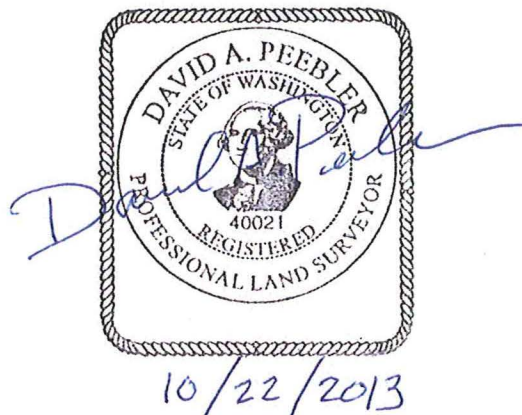
Thence North $88^{\circ}15'36''$ West along the south line of the Northeast quarter of said Section 31 a distance of 1324.63 feet to the east line of said Revised Parcel B;

Thence South $02^{\circ}16'30''$ West along the east line of said Revised Parcel B to the **Point of Beginning**;

Thence North $77^{\circ}57'15''$ West 215.01 feet to the beginning of a non-tangent curve concave to the west from which its center bears North $70^{\circ}22'48''$ West 705.00 feet; Thence southerly along said curve through a central angle of $2^{\circ}27'38''$ an arc distance of 30.28 feet;

Thence North $67^{\circ}55'10''$ West 170.86 feet;

Thence South $88^{\circ}49'18''$ West 281.64 feet to the west line of said Revised Parcel B and the **terminus** of this course and distance description.



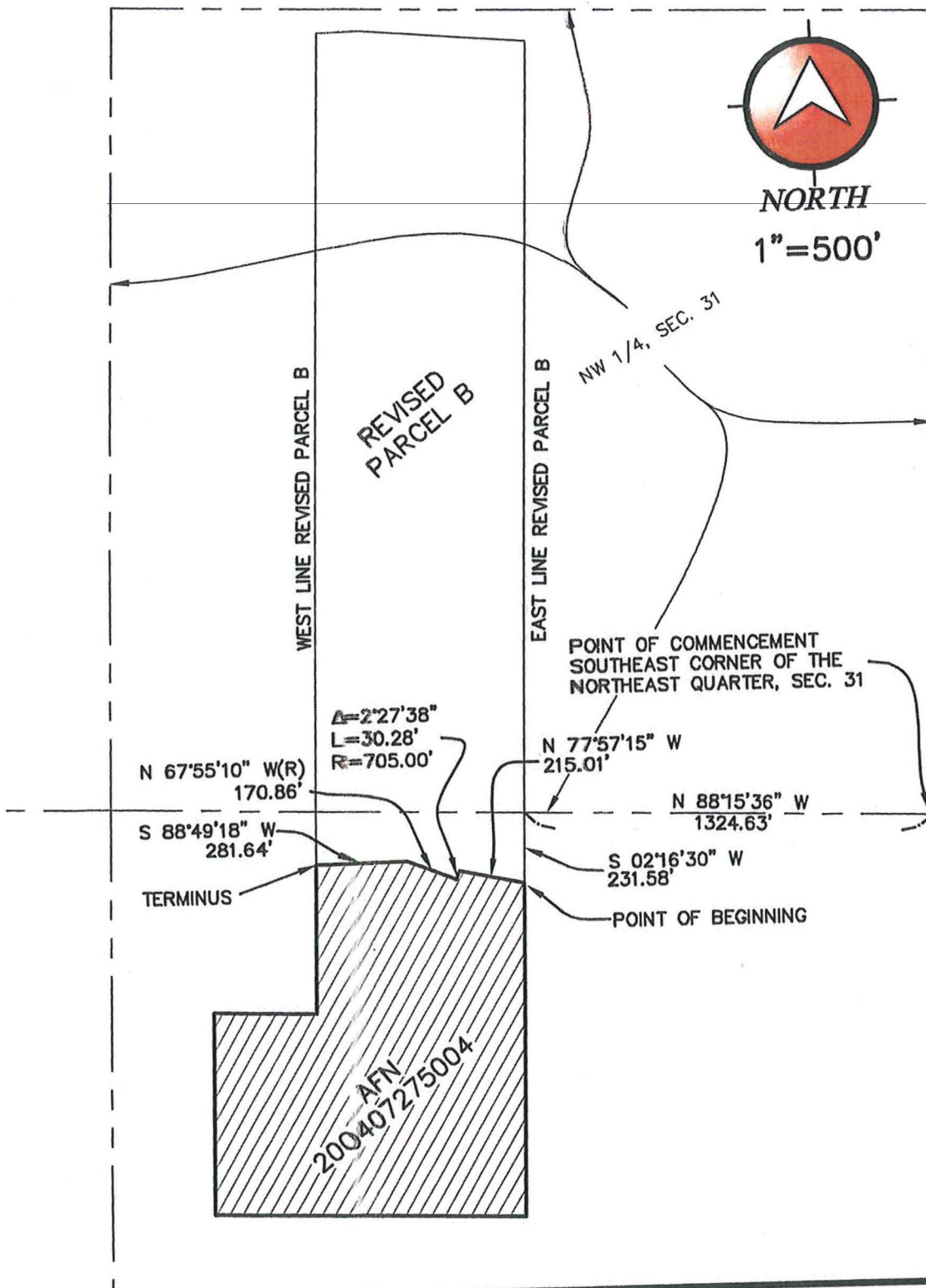


EXHIBIT B
PROJECT LEGAL DESCRIPTION
HARBOR HILL PHASE S-9
GIG HARBOR, WASHINGTON

PointWise, PLLC

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



Business of the City Council
City of Gig Harbor, WA

Subject: Public Hearing and first reading of ordinance amending the 2013 budget

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 25, 2013

Exhibits: Ordinance

Initial & Date

Concurred by Mayor:

Approved by City Administrator

Approved as to form by City Atty: by e-mail

Approved by Finance Director: 11/12/13

CLH 11/12/13
R 11/12/13
[Signature] 11/12/13

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

As the 2013 fiscal year closes, it is evident that the Water Operating fund will require a budget amendment prior to year-end.

The recommended budget amendment to the 2013 Water Operating fund is as follows:

Fund	Original Budget	Amended Budget	Increase/ (Decrease)
Water Operating	\$1,494,004	\$2,089,312	\$ 595,308

The amendment to the Water Operating fund is needed because \$350,000 which was budgeted in 2012 for the Grandview water reservoir was not carried over in the 2013 budget. The repair was undertaken in the March – June 2013 timeframe with the total project cost of about \$212,000. Additionally, repairs to the water system, such as replacement of failing well motors and pumps, totaling nearly \$100,000 through October 31 were encountered.

FISCAL CONSIDERATION

The additional funds will come from the actual beginning fund balance which came in \$435,958 higher than budget and 2013 revenues which are projected to come in \$159,350 over budget. This means total budgeted resources are \$595,308 greater than budget.

RECOMMENDATION / MOTION

Hold public hearing and return for adoption at second reading.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
AMENDING THE 2013 BUDGET FOR THE WATER OPERATING
FUND

WHEREAS, an adjustment to the 2013 annual appropriation of the Water Operating fund budget is necessary to provide budget authority for repairs to the water system; and

WHEREAS, the 2013 beginning fund balance for the Water Operating fund is \$436,000 higher than originally budgeted for; and

WHEREAS, 2013 revenues for the Water Operating fund are projected to come in \$160,000 over the amount originally budgeted for; and

WHEREAS, the Gig Harbor City Council held a public hearing to consider the budget amendments on November, 25, 2013; NOW, THEREFORE,

THE GIG HARBOR CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. The 2013 Budget shall be amended as follows:

Fund/Department	Original Appropriation	Amended Appropriation
401-Water Operating	\$1,494,004	\$2,090,000

Section 2. The Gig Harbor City Council finds that it is in the best interests of the City to increase appropriation as shown above, and directs the Finance Director to amend the budget as shown above.

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

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

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



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

Subject: Facility Use Agreement – Gig Harbor Canoe and Kayak Race Team

Dept. Origin: Public Works

Proposed Council Action: Authorize a facility use agreement for Gig Harbor Canoe and Kayak Race Team’s use of the City’s Jerisich Park and Skansie Brothers Park.

Prepared by: Jeff Langhelm

For Agenda of: November 25, 2013

Exhibits: Facility Use Agreement

Initial &
Date

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

CUH 11/21/13
R 11/21/13
VIA EMAIL 11/20/13
JP 11/21/13
AD 11/21/13

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

At a special council meeting on September 30, 2013, the Gig Harbor City Council authorized a land use application for the Gig Harbor Canoe and Kayak Race Team (GHCK) to place portable canoe and kayak storage racks at Jerisich Park or Skansie Brothers Park. On November 14, 2013 the City approved a Shoreline Management Substantial Development Permit Exemption for placement of the storage racks.

As part of the September 30 meeting Staff noted that terms and conditions for GHCK to operate at the Parks would be established in a facility use agreement. Preliminary terms and conditions were prepared by Staff and reviewed by GHCK, the City’s Operations and Public Projects Committee and the City’s Parks Commission. These terms and conditions were incorporated in to the attached facility use agreement for your consideration.

FISCAL CONSIDERATION

The City is not receiving monetary compensation for this use. Instead GHCK is prepared to provide public benefit activities as required by the proposed facility use agreement. Any future expenses necessary for maintenance activities due to GHCK impacts and related permit processing will be paid by GHCK.

BOARD OR COMMITTEE RECOMMENDATION

The terms and conditions of the Agreement were presented at the October 17, 2013 Operations and Public Projects Committee and the November 6, 2013 Parks Commission meetings. Comments provided at these meetings have been incorporated into the Agreement presented.

RECOMMENDATION/MOTION

Authorize a facility use agreement for Gig Harbor Canoe and Kayak Race Team's use of the City's Jerisich Park and Skansie Brothers Park.

**FACILITY USE AGREEMENT BETWEEN THE CITY
OF GIG HARBOR AND GIG HARBOR CANOE AND
KAYAK CLUB RACE TEAM**

THIS FACILITY USE AGREEMENT is entered into by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter referred to as the "City") and the Gig Harbor Canoe and Kayak Race Team, a State of Washington 501(C)(3) non-profit corporation (hereinafter referred to as "GHCK").

W I T N E S S E T H

WHEREAS, the City owns property located at 3207 Harborview Drive, Gig Harbor, WA (hereinafter referred to as the "Property"); and

WHEREAS, the Property encompasses both Jerisich Park and Skansie Brothers Park; and

WHEREAS, the City purchased and developed the Property with funding assistance from the Washington State Recreation and Conservation Office (hereinafter referred to as RCO); and

WHEREAS, GHCK previously stored its canoes and kayaks on a private parking lot adjacent to the Property and used the Property to launch the canoes and kayaks; and

WHEREAS, GHCK has proposed that it use the Property to locate portable boat storage racks to store up to 75 canoes and kayaks; and

WHEREAS, the City approved a Shoreline Management Substantial Development Permit Exemption on November 14, 2013 for the placement of GHCK portable boat storage racks on the Property; and

WHEREAS, the boat storage racks are portable because the City does not anticipate the Property will be a permanent location for the racks since the City's recent visioning process has identified the likely use by human-powered watercraft upon development of the City's Ancich Waterfront Park; and

WHEREAS, the City reserves the right to use the Property in coordination and consideration of GHCK schedule of events and programming; and

WHEREAS, the benefits derived by the public from GHCK activities as specifically detailed herein are sufficient that the City is willing to allow use of the public property; and

WHEREAS, GHCK is an official and highly competitive youth program that won the USA Canoe/Kayak Sprint National Championships in 2012 and again in 2013; and

WHEREAS, given the limitations on the use of the Property as generally described above and more specifically described in the Terms section of this Agreement, the parties hereto agree as follows:

TERMS

1. Purpose. The purpose of this Agreement is to:
 - A. Identify the benefit provided to the public by GHCK for the right to operate on the Property; and
 - B. Establish the conditions of use for daily training activities by GHCK using portable boat storage racks.
2. RCO Approval. As a matter of RCO policy, the City must receive approval from RCO to allow a private use such as this on the Property.
3. Identification of the Property. The Property is outlined on the map marked Exhibit A, which is attached hereto and incorporated herein by this reference. In general, the Property includes both Jerisich Park and Skansie Brothers Park but excludes any use of the Skansie House and netshed. The legal description of the Property is:

Section 08 Township 21 Range 02 Quarter 21 PARCEL A DBLR 2004-06-02-5005 DESC AS FOLL COM AT NW COR SEC 8 TH S88°18'20" E ALG NLY LI SD SEC 1797.63 FT TO INTER OF ROSEDALE ST NW & HARBORVIEW DR NW TH S88°18 MIN 46 SEC E 35.31 FT TO EL.
4. Definitions. The definitions listed below shall be construed as specific to this Agreement:
 - A. Equipment: All equipment and related appurtenances used by GHCK, including, but not limited to, portable boat storage racks, watercraft, safety gear, and personal belongings.
 - B. Area of impact: The area covered by the boats while stored on the portable boat storage racks and the area necessary to maneuver boats on and off the portable boat storage racks.
5. Equipment.
 - A. Ownership and Responsibility. All equipment used by GHCK shall be furnished by GHCK and will remain the property of GHCK. Consequently the City is not responsible for lost, stolen, or damaged equipment. The placement and storage of equipment on the Property by GHCK shall be the responsibility, and at the sole risk of GHCK.
 - B. Storage. The City reserves the right to identify and modify the location of the portable boat storage racks at any time throughout the duration of the Agreement. No more than ***OPTION* three *OR* four** portable boat storage racks shall be allowed on the Property. The area of impact from the portable boat storage racks shall be minimized to the extent practical and shall not exceed 1,000 sq. ft.
 - C. Maintenance. Maintenance of equipment on the Property shall be limited to daily cleaning only and shall follow best management practices to minimize impacts to the Property and the environment. All repairs and other maintenance shall be performed off-site.

6. Non-Profit Status. GHCK shall provide proof of non-profit 501(C)(3) status prior to the effective date of this Agreement and shall retain this status throughout the term of the Agreement.
7. Property Maintenance. The City will maintain the Property except within the area of impact and where determined necessary by the City because of surface degradation due to GHCK use. In such circumstances GHCK shall be responsible to maintain the Property as directed by the City and responsible for all costs and permitting requirements.
8. Public Benefit Activities. The City recognizes the following activities for public benefit to both the participants and the general public as in kind compensation for use of the Property:
 - A. Direct benefits to the participating youth, including, safe, healthy, and physical activity, the opportunity to explore the harbor in human-powered watercraft, the opportunity to embrace Olympic ideals, and to represent our community and country in international competition;
 - B. Source of pride for the community;
 - C. Daily clean-up of Gig Harbor waters by GHCK;
 - D. Daily clean-up of the Property by GHCK;
 - E. Quarterly clean-up of Property beach to mean lower-low water by GHCK;
 - F. Yearly public presentation at the Property demonstrating the GHCK program and awards, participant skills, and local talent; and
 - G. Year-round interpretive display on, or adjacent to, the portable boat storage racks identifying the benefits of exercise and the skills of canoeists and kayakers.

Beginning in June 2014 GHCK shall provide the City a written report and supporting documentation of the required activities identified above performed by GHCK for the previous six month period. GHCK's failure to timely perform those activities may result in termination of the Agreement.

9. Limitation on Membership Use. GHCK shall limit the membership use of the Property to 45 members of the racing team and 15 members of the development team.
10. Use During Property Events. When non-GHCK events at the Property occur, the City may, in its sole discretion, require GHCK to cancel daily training activities and/or, if necessary, move equipment as directed by the City. If the City imposes this condition, the City will provide an advance notice of at least five (5) calendar days.
11. Supervision of Participating Members. Adult supervision by GHCK shall be required at all times on the Property when GHCK participating members are present. The adult(s) responsible for supervision shall be identified by GHCK to the City on an annual basis.
12. Moorage at Jerisich Dock. ***OPTION*** GHCK shall follow the posted limitations regarding overnight moorage at Jerisich Dock. ***OR*** Contrary to posted limitations, GHCK may moor up to two safety boats at Jerisich Dock continuously between October 1 and April 1 using vessel rafting methods. GHCK shall follow the posted limitation regarding overnight moorage at all other times of the year.
13. Duration and Notice of Termination. This Agreement shall not take effect until the date

RCO provides its approval referenced in Section 2 above. Once effective, this Agreement shall remain in effect six (6) months from the date both parties execute the Agreement and shall continue in six-month increments until the City provides a three (3) month notice of termination in writing. GHCK may provide a written notice of termination at any time during the Agreement. In the event of emergency as determined by the Public Works Director, the City may terminate or suspend this Agreement. In such event, GHCK shall immediately remove all equipment, watercraft, and other personal property from the Property. Nothing herein shall obligate the City to enter into any additional Agreements or addenda with the GHCK in the future.

14. Conformance with Laws. The GHCK shall, at all times, keep current and comply with all conditions and terms of any permits, licenses, certificates, regulations, ordinances, statutes and other government rules and regulations regarding its use or occupancy of the Property. Each race at the Property that includes GHCK shall require a special event permit from the City.
15. Hold Harmless. GHCK agrees to defend, indemnify, and hold harmless the City, its officers, elected officials, employees and volunteers harmless from any and all claims, injuries, penalties, damages, losses or suits, including costs and attorney's fees, arising out of or in connection with the performance of this Agreement or GHCK's enjoyment of the Property, except for injuries or damages caused solely by the negligence of the City, its officers, officials, employees and volunteers. In the event of liability for injuries or damages which are the result of the concurrent negligence of the GHCK and City, each party shall be responsible only to the extent of its own negligence.
16. Insurance. At its own expense, GHCK shall procure and maintain for the duration of this Agreement, the insurance coverages and limits described in this Section. This insurance shall be issued by an insurance company or companies admitted and licensed by the Insurance Commissioner to do business in the State of Washington. Insurers must have a rating of B+ or better by "Best's Insurance Reports," or a comparable rating by another rating company acceptable to the City. If non-admitted or non-rated carriers are used, the policies must comply with chapter 48.15 RCW.

A. Type of Insurance. GHCK shall procure and maintain Commercial General Liability Insurance covering claims for bodily injury, personal injury, or property damage arising on the Property and/or arising out of the GHCK's operations. If necessary, commercial umbrella insurance covering claims for these risks shall be procured and maintained. Insurance must include liability coverage with limits not less than those specified below:

Each Occurrence	\$1,000,000
General Aggregate Limit	\$2,000,000

The City may impose changes in the limits of liability if any of the following occurs:

- i. Upon a material change in the condition of the Property or any improvements; or
- ii. Upon any breach of the Sections in this Agreement relating to maintenance of equipment; or
- iii. Upon a change in the Permitted Use.

New or modified insurance coverage shall be in place within thirty (30) days after changes in the limits of liability are required by the City.

B. Terms of Insurance. The policies required under Subsection A shall name the City of Gig Harbor as an additional insured. Furthermore, all policies of insurance described in this Section shall meet the following requirements:

- i. Policies shall be written as primary policies not contributing with and not in excess of coverage that the City may carry;
- ii. Policies shall expressly provide that such insurance may not be canceled or non-renewed with respect to the City except upon forty-five (45) days prior written notice from the insurance company to the City;
- iii. To the extent of the City's insurable interest, property coverage shall expressly provide that all proceeds shall be paid jointly to the City and the GHCK;
- iv. All liability policies must provide coverage on an occurrence basis; and
- v. Liability policies shall not include exclusions for cross liability.

C. Proof of Insurance. GHCK shall furnish evidence of insurance in the form of a Certificate of Insurance satisfactory to the City accompanied by a checklist of coverages provided by the City, executed by a duly authorized representative of each insurer showing compliance with the insurance requirements described in this Section, and, if requested, copies of policies to the City. GHCK acknowledges that the coverage requirements set forth herein are the minimum limits of insurance the GHCK must purchase to conform to this Section of the Agreement.

These limits may not be sufficient to cover all liability losses and related claim settlement expenses. Purchase of these limits of coverage does not relieve GHCK from liability for losses and settlement expenses greater than these amounts.

17. Modification or Waiver. No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the parties.
18. Entire Agreement. The written provisions of this Agreement shall supersede all prior verbal statements of any officer or representative of the City, and such statements shall not be effective or be construed as entering into, forming a part of, or altering in any manner whatsoever, this Agreement.
19. Non-Waiver of Breach. The failure of either party to insist upon strict performance of any of the covenants and agreements contained in this Agreement, or to exercise any option herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment of any such covenant, agreement or option, or any other covenant, agreement or option.
20. Notices. General notices required to be in writing under this Agreement shall be sent by registered or certified mail as follows:

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of the Gig Harbor Canoe and Kayak Race Team to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing
at: _____
My Commission expires: _____

EXHIBIT A

