

City Council Meeting

**November 14, 2016
5:30 p.m.**



**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
Monday, November 14, 2016 – 5:30 p.m.**

CALL TO ORDER / ROLL CALL:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of City Council Minutes Oct 24, 2016.
2. Receive and File: a) Boards and Candidate Review Minutes Oct 10, 2016; b) Arts Commission Minutes Nov. 8, 2016; c) Parks Commission Minutes Sept. 7, 2016; d) Public Works Committee Minutes Sept. 12, 2016; d) Intergovernmental Affairs Committee Minutes Mon. Nov. 7, 2016; f) Budget Worksession III – Mon. Nov 7, 2016.
3. Liquor License Renewals: Hy-lu-Hee-Hee, Netshed No. 9, Kelly's Café and Espresso, Half Time Sports, and Wet Coast Brewing Co.
4. Approval of Payroll for the month of October: Checks #7745 through #7754 and direct deposits in the amount of \$395,763.07.
5. Approval of Payment of Bills Nov. 14, 2016: Checks #82592 through #82722 in the amount of \$1,985,811.12.

PRESENTATIONS:

“2015 Wastewater Treatment Plant Outstanding Performance Award”

OLD BUSINESS:

1. Public Hearing and First Reading of Ordinance - 2016 Comprehensive Plan Amendments and Smith Development Agreement
2. Second Reading of Ordinance No. 1347 – Stormwater LID Integration and Landscaping Amendments
3. Second Reading of Ordinance No. 1348 – 2017 Public Works Standards Update

NEW BUSINESS:

1. Public Hearing on Revenue Sources
2. Resolution No. 1051 - 2016 Regular Property Tax Levy and Resolution No. 1052 Excess Property Tax Levy
3. Public Hearing and Resolution No. 1053 - Adopting the Six-Year Transportation Improvement Program (TIP) 2017-2022
4. Public Hearing and First Reading of Ordinance – Hearing Examiner Authority and Appeals
5. Public Works Shoreline Project Assistance – Professional Services Contract
6. Pierce County Jail Contract
7. Resolution No. 1054 – Chamber of Commerce Video “Coming Home”

PUBLIC COMMENT:

STAFF REPORT:

COUNCIL REPORTS / COMMENTS:

1. Planning / Building Committee: Mon. Nov. 7th – Councilmember Kadzik
2. Public Works Committee: Mon. Nov 14th – Councilmember Ekberg
3. Intergovernmental Affairs Committee: Mon. Nov 7th – Councilmember Payne.

CITY ADMINISTRATOR REPORT:

MAYOR'S COMMENTS:

ANNOUNCEMENT OF OTHER MEETINGS:

1. Civic Center Closed for Thanksgiving: Thursday and Friday, Nov. 24th and 25th
2. Special City Council Meeting: Dec. 5th at 5:30 p.m.
3. Boards and Candidate Review: Tue. Dec 6th at 4:00 p.m.

ADJOURN TO WORKSTUDY SESSION: Harbor Hill Drive Roadway Cross Section Discussion

**MINTUES FOR
GIG HARBOR CITY COUNCIL MEETING
Monday, October 24, 2016 – 5:30 p.m.**





CALL TO ORDER / ROLL CALL:

Mayor Guernsey, Councilmembers Malich, Ekberg, Perrow, Lovrovich, Payne, and Kadzik. Councilmember Arbenz was excused.

PLEDGE OF ALLEGIANCE:

PRESENTATIONS: Updates on Elder Abuse and High Priority Offender Units. Mark Lindquist, Pierce County Prosecutor, wasn't present and so this was postponed.

CONSENT AGENDA:



1. Approval of City Council Minutes Oct 10, 2016  
2. Liquor License Action: a) Renewals: Maritime Mart, Marketplace Grille, Albertson's, Pioneer 76, Qdoba Mexican Grill, The Wine Studio of Gig Harbor, Bartell Drugs, Tobacco Harbor, and Greenhouse Restaurant;   b) Application: Gertie and the Giant Octopus Restaurant;   c) Special Occasion – St. Nicholas Catholic School: Club at the Boatyard  
3. Receive and File: a) Intergovernmental Affairs Committee Minutes Sep. 26, 2016;   b) Council Worksession Minutes Oct. 6, 2016;   c) Council Worksession Minutes Oct. 10, 2016;   d) Budget Worksessions I & II, October 17th and 18th;   e) DRB Minutes Sep. 22, 2016;   f) Financial Quarterly Report  
4. Resolution No. 1050 – Surplus Equipment – I.T.  
5. Second Reading of Ordinance No. 1344 – Pawn Shops  
6. Second Reading of Ordinance No. 1345 – Updates to Harbor Code  
7. 2016 City-Wide Traffic Counts – Professional Services Contract  
8. Appointment to Arts Commission  
9. Welcome Plaza/Lift Station 4B Development of the Operations and Controls - Professional Services Contract  
10. Lift Station No. 17 – Property Purchase and Sale Agreement  
11. Approval of Payment of Bills Oct. 24, 2016: Checks #82471 through #82591 in the amount of \$738,682.39.

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

OLD BUSINESS: None scheduled.

NEW BUSINESS:

1. [Public Hearing, First Reading and Adoption of Ordinance No. 1346 – Country](#)



[Squire Condos Annexation](#)   Senior Planner Lindsey Sehmel presented the background for this annexation of .66 acres located east of Soundview Drive and South of 62nd St. Ct. NW and four condominium units. She answered questions.

The Mayor opened the public hearing at 5:35 p.m. There were no comments and the public hearing closed.

A suggestion was made to take a holistic look at the Soundview Drive area in regards to annexation. Ms. Sehmel explained that a detailed annexation analysis is being scheduled.

MOTION: Move to adopt Ordinance No. 1346 approving the Country Squire Annexation subject to Boundary Review Board approval or letter determining review is exempt.
Malich / Payne - unanimously approved.

2. [Public Hearing on 2016 Comprehensive Plan Amendments and Smith](#)

[Development Agreement](#)   Senior Planner Lindsey Sehmel presented an overview and history of the three amendments: Smith Comprehensive Plan Land Use Map Amendment; the Mixed Use Land Use Map Amendment; and the Arts Commission Text Amendment. She recommended that there be three separate public hearings on these amendments.

[The Mayor opened the public hearing](#) on the Arts Commission Text Amendment at 5:53 p.m. There were no comments and the hearing closed.

[The Mayor opened the public hearing](#) on the Mixed Use Land Use Map Amendment at 5:54 p.m. No one came forward to speak and the hearing closed.

Mayor Guernsey then announced that due to the amount of people signed up to speak she would call the names in order.

[Councilmember Kadzik said](#) we have received a tremendous amount of comments on this amendment, and commended people for taking the time to respond. The emails have been well thought out, respectful, and non-accusatory. He said he hopes the public comments follow the same example.

Mayor Guernsey asked if the proponent of the project would like to say a few words.

[Walt Smith – 13916 99th St. KPN, Vaugh, 98394.](#) Mr. Smith provided a brief history of the property and what plans they have for the property. He praised the efforts of the Planning Commission.

[Carl Halsen –](#) agent for the applicant, presented additional information on the zoning for the property. He explained that the covenants for the adjacent property, Horizon West specify the allowed uses for this property. He said the new HRT designation seems to

be a perfect fit; it helps the city with PSRC problem, staff supports it, the Planning Commission supports it, and the development agreement limits the zoning and requires DRB review. He said they have made a good compromise and urged Council's support.

The Mayor opened the public hearing on the Smith Land Use Map Amendment and Development Agreement at 6:02 p.m.

[Mark Christel](#) – 6409 112th St. Ct. NW. Mr. Christel said his main concern is that R-3 doesn't fit the neighborhood. His second concern is traffic, and his third is crime. With apartments there, he fully expects to be burglarized and said he is concerned for the two grandchildren he is raising. Mr. Smith did a great job on Horizon West and he wishes he would do the same with this property; it needs to be R-1.

[Lorraine Ralston](#) – 6208 116th St. Ct. NW. Ms. Ralston thanked the City Council for taking the time to listen to their concerns. She said she is opposed to the map amendment and development agreement. Primarily, the proposal for high density development isn't compatible with surrounding neighborhoods. Need more consideration for how this will effect traffic and the local schools. She said she is sympathetic to Mr. Smith's desire to sell his land, and urged Council to consider a compromise for a more acceptable land use designation such as medium density. She also urged examination of impacts on the traffic on 112th and surrounding roads leading to Hwy 16.

[Sarah Sexton](#) – 10915 65th Ave NW. Ms. Sexton voiced her trust in Council and said she is confident in how they will handle this. She asked them to consider that the designation for the Smith property harmonizes with the surrounding area. She said that residential high-transition can include single family but what is proposed does not. She asked that whatever is adopted does allow single family. She added that public transportation doesn't come to that side of Highway 16.

[Gloria Waxman](#) – 11022 63rd Ave NW. Ms. Waxman read a legislative update on a local problem of permitting growth without planning for sufficient infrastructure that results in the jurisdiction then coming to the state asking for help in dealing with the problems. She asked that the city prevent this from happening in Gig Harbor. She referenced research by Lee Van Komen and Bob Himes. The re-designation lacks the appropriate infrastructure to support the high density development. In addition school availability is not taken into consideration in the recommendation for the change. She asked Council to find a compromise for Mr. Smith's rights and the neighbors who will be affected.

[Michael Bradley](#) – 10812 64th Ave. Ct. NW. Mr. Bradley said he doesn't approve of this proposal.

[Bob Himes](#) – 6507 115th St. Ct. NW. Mr. Himes thanked Council for the opportunity to voice his strong opposition to the Smith Land Use Map Amendment. He asked Council to consider his emails and the petitions of opposition by 200 residents before accepting

the claim that the conditions of approval have been met. He shared three key points: 1) the proposed change is inconsistent to a prior council decision and incompatible with the surrounding area. It increases traffic congestion; 2) 8.07 acres adjacent to Horizon West would be downgraded to high-density residential transition. This contradicts the claim that the designation reduces impact on the single family residential neighborhood. 3) The claim that building 100 apartments close to the Burnham/Borgen/Sehmel/Hwy 16 roundabouts improves traffic cannot be substantiated. He urged Council to consider a lower density land use designation.

[Ron Gronewald](#) – 6413 115th Ct. St. NW Mr. Gronewald said he shares the opinions of those who made prior comments opposing the amendment. His opposition is based on the fact that the proposed development would be dramatically out of character with the surrounding neighborhoods. He and his neighbors are agreeable to a lower density, owner-occupied development.

[Amy Janson – 11610 64th Ave. NW](#). Ms. Janson implored council to vote against this proposal for apartments or “non-vested interest type living” and change it to single family residents. She discussed the cost of homes in her neighborhood and said apartments would negatively affect the property values. She asked that Council listen to the compelling reasons to not allow the proposed change: traffic, degraded home values, nonconformity with neighborhood, and crime due to the transient nature of apartments. She called the poll or research of civil servants absurd because we don’t have many apartments in Gig Harbor. She would like to make the gravel pit something beautiful, worthwhile, and beneficial to attract people to stay.

[Nan Koehnke - 11419 66th Ave NW](#). Ms. Koehnke said this is a fine community; she sent letters, and just wanted to say that we are frustrated with the process. They feel ignored and dismissed. Their truly deep concerns have not been listened to and they appeal to you, our City Council to come out and visit us and see what it’s like out there and come to a good compromise we can all work with.

[Bob Koehnke – 11419 66th Ave NW](#). Mr. Koehnke said everything has been covered, and he and others fully support this and hope you act accordingly.

[Tom Bageant - 10810 63rd Ave NW](#). Mr. Bageant pointed out that 112th Street is a very steep hill and treacherous in the winter. The only way to get to the area is through Henderson Bay Estates. Putting that impact from an apartment complex makes no sense.

[Tama Hollar – 10919 64th Ave NW](#). Ms. Holler introduced her son Austin. She said they bought the house because of the neighborhood and feel comfortable with her son walking down to play in the park. She doesn’t know how she will feel about that with a transient population next door. She said she worries about crime, property values, and the traffic. An apartment complex will make the problems worse. She asked Council to please think of our children and why he bought here when making a decision. We don’t want more crime.

[Stephen Hollar – 10919 64th Ave NW](#) Mr. Hollar said he likes single family dwellings and R-1 zoning. To bring in R-3 will drastically change the neighborhood. He too is concerned with the neighborhood becoming a thoroughfare. He is also concerned with property values, crime associated with transient population. With owner investment you are vested and contribute positively to the community. R-3, high-occupancy, transient occupancy is not good.

[Cheryl Himes - 6507 115th St. Ct. NW](#). Ms. Himes expressed her strong opposition to the Smith Comprehensive Land Map Amendment and associated development agreement. This is not in the public interest. She agreed with everything that has been said tonight and urged Council to reject the plan and consider a compromise such as lower density; condos. She is strongly opposed to apartments.

[Malia Van Komen 6208 110th St. Ct. NW](#). Ms. Van Komen said she hopes Council will consider this; adding that she is opposed to this change for the reasons she listed in her e-mail. Conceded her time to husband Lee.

[Lee Van Komen – 6208 110th St. Ct. NW](#). Mr. Van Komen voiced his strong opposition to the Smith Comprehensive Land Map Amendment and development agreement and asked Council to closely review the letter he sent. He emphasized two points: the appropriate designation for this land is residential low; and 2) there are other alternatives to this proposal. Mr. Van Komen read from his letter to the Council and said there has to be a compromise that will work for both the land owner and the home owners. He shared four reasonable options: 1) Re-designate the entire area to Residential Low; 2) Keep the Residential Low area as it exists, but change the EC and C/B land to Residential Medium Transition limited to R-2 zoning; 3) Change entire area to Residential Medium with a limit of R-2 zoning limit; and 4) Allow the land use request to move forward with extra modifications: no apartments, allow single family housing, and conditionally permit three and four-plexes. None of these modifications increase traffic, sewer, fire, police, or school needs and would be a great improvement. Mr. Smith would be allowed to move forward with the sale of his land now. If none of these options are viable or agreeable, he asked Council to reject the amendment and leave the designation as is.

[Harold Waxman – 11022 63rd Ave NW](#). Mr. Waxman addressed how 112th is steep, and how the neighbors have to come through the other way when the streets are slick. He said a high density building will increase traffic on those streets where the kids play and they will park on the street if they can't get into the complex. He asked if it would be possible to poll the audience to see who is against this, adding that there would be a lot of hands up against this idea. He said he is an apartment dweller who has graduated to a single family home. He asked where utility trucks will be parking on that hill which will also impact traffic as has the development of Burnham. He said he understands that the property owner has a right to do something and we are just asking for a compromise.

[Dave Kleinman – 11012 64th Ave NW.](#) Mr. Kleinman talked about what happened in University Place when apartments were built at the entrance of a residential neighborhood. Seven years later, the houses turned into rentals because of the crime that moved in. He talked about concerns with emergency access at the roundabouts and how an additional 100 apartments with friends and kids with cars is a big concern. He said you should consider townhouses or condos; if apartments are built we will move out due to the chance that property values will plummet. If they stay, others may turn their houses into rentals and will not care about their property like we do. HOA makes sure we play by rules and that's the type of place we want to live. Crime will increase due to type of people due to the type of people that live in apartments. He begged Council not to allow this.

[Kermit Heggerness – 11614 64th Ave NW.](#) Mr. Heggerness said he wants to go on record that he opposes the R-3 designation for all the reasons you have heard the other neighbors say. It would be more consistent to be R-1.

[Laurel Johns Kingsbury – 9606 85th Ave NW.](#) Ms. Kingsbury made a point against crime in apartments. Apartments can provide a positive way for people to be part of our community and perhaps move on to buying a home. So many people have grown up here and moved back with their families and often apartments provide that first step. Apartments do attract families and therefore will be a lot of kids. She heard that the school district had no opposition, but Voyager Elementary as is Purdy Elementary is bursting at the seams. She has been to one school board meeting and asked that Council plan ahead of time rather than after the fact.

[Jared Auser – 10814 63rd Ave. NW.](#) Mr. Auser said he is disappointed that Councilmember Arbenz is absent as we had a meaningful dialogue on his opposition to this amendment. He said he attended the Planning Commission meetings and asked them the same as he is asking you, don't abandon your common sense. He said at the Planning Commission meeting, they shared that Chief Busey would anticipate a once call per month increase in crime in respect to the apartments; but that doesn't address crime in the surrounding areas. He heard that this would improve traffic in the area, but this will increase traffic. He encouraged Council to use their common sense. This isn't for the betterment of community. He agreed Mr. Smith has a right to profit from the land; and he thinks R-1 is appropriate and would supplement the others along Burnham Drive.

[Stephanie Hutchinson – 5311 Canterwood Drive.](#) Ms. Hutchinson said she and her neighbors in Canterwood, Trillium, Summerset, and Olympic Sunset West are all opposed to the R-3 Zoning designation although they are not as directly impacted as is Horizon West and the other neighbors there.

[There were no further public comments and the public hearing closed at 6:48 p.m.](#) Mayor Guernsey asked staff to respond to comments on medium density.

[Ms. Sehmel provided an explanation](#) of what would be allowed in a residential medium designation. Residential Business-1 and Residential-2, which allows six units per acre and outright permits single family residences, duplexes, and conditionally allows tri-plexes and four-plexes. R-1 only allows single family.

[Council Malich asked questions](#) about the letter he received regarding a PSRC recommendation to slow growth in the harbor, population increases, and whether the Planning Commission discussed medium density. Ms. Sehmel responded.

[Councilmember Payne](#) commented that it would be helpful to walk through the process for this. Ms. Sehmel explained the process and timeline for consideration of the ordinance. It's a package of three amendments that must be acted upon before the end of the year.

[Councilmember Ekberg asked](#) about density and Ms. Sehmel responded.

[Mayor Guernsey announced a brief break at 6:54 p.m.](#) [Back in session at 7:04 p.m.](#)

Mayor Guernsey announced that Mr. Lindquist did arrive, but his presentation will be rescheduled. If you came to hear him, watch the city's meeting calendar.

[Councilmember Ekberg addressed](#) the comment that may have left the impression that council had already discussed this and have made a decision. He said he wanted to impress upon those who came tonight that he hasn't talked to anyone and hasn't made up his mind.

[Councilmember Perrow asked](#) the City Attorney a question on whether government can dictate that houses on this site be owner occupied. Ms. Summerfield responded that the decision would be left up to the homeowners. He then asked if one parcel could be a business park that could operate 24 hours, 7 days a week and the results of the traffic studies. Ms. Sehmel and Ms. Kester responded.

[Councilmember Kadzik asked](#) the reason for last year's re-designation. Ms. Sehmel responded. He then commented on several inaccuracies that came up during the public comment period: the State Representative chiding jurisdictions that ask for help with infrastructure, the comment about polling the other services on the adverse impacts, the comment about using common sense regarding traffic concerns, and the comment about Council having discussions.

[Councilmember Payne asked for clarification](#) on Residential medium zoning of R-2; that would allow duplexes, and a conditional use permit for tri-plexes or four-plexes. Are there any other uses allowed? Ms. Sehmel read a comprehensive list of what other uses could be allowed outright and conditionally. Councilmember Payne then asked questions about the development agreement which Ms. Sehmel answered. He too responded to comments that came up during the public hearing with regards to traffic, transportation, infrastructure, and the desire to be fair to Mr. Smith's rights to develop

within reason. [He made a suggestion](#) for an amended application for Residential Medium. He shared concern with grade of 112th and the ability to handle the increased traffic. He noted that under Section 9B of the development agreement reads “with no Single Family detached housing.” He proposed that language be removed.

[Councilmember Malich](#) said this is a good way to start. He said he would like to see some type of gradient zoning from top of hill down to Burnham Drive. He also said we should look at this entire side of the highway from the fire station to the houses at the end of Burnham Drive.

[Mayor Guernsey asked staff for clarification on zoning:](#) R-1 is not more than 4 units per acre; R-2 is no more than 6 units per acre; and R-3 is 8 units. She asked if this is based upon 16 acres or 8 acres accounting for buffers. Ms. Sehmel responded that it’s based on the total gross acreage of 16.17 acres. Medium density would not allow an 8 unit structure, but as a conditional approval there could be three or four-unit structures, or duplexes allowed outright.

[Councilmember Perrow said](#) he is open to finding a better configuration of the site. He shared the problems of a business that operates 24 hours a day: there are odors, traffic, sounds, and lights.

[Ms. Sehmel explained](#) that if we ask the applicant to consider a change to Residential Medium and a change in the development agreement, then the zoning would have to be changed from R-3 to R-2.

[Councilmember Payne asked](#) for further clarification. He then asked Mr. Smith and Mr. Halsen to consider this recommendation: he would make a motion to propose Residential Medium as underlying land use; that the project site would be zoned R-2; and under Subsection 9, remove the language “with no single family detachment housing.”

[Walt Smith](#) responded that there has been some misconceptions. He said it was never intended to build a hi-rise or hundreds of units. He said that they are willing to support your motion.



MOTION: Move to direct staff to amend the application to have the underlying land use as Residential Medium, the zoning of the project site to R-2, and under Section 9, Subsection B – Dwelling Units, remove the language that would restrict single family detached housing.
Payne / Kadzik –

[Councilmember asked questions](#) on the process. Staff was then asked to bring this back as another public hearing and first reading of an amended ordinance.

RESTATED

MOTION: Move to direct staff to amend the application to have the underlying land use as Residential Medium, the zoning of the project site to R-2, and under Section 9, Subsection B – Dwelling Units, remove the language that would restrict single family detached housing.
Payne / Kadzik – roll call vote:

Malich - aye; Ekberg – aye; Perrow – aye; Lovrovich – aye; Payne – aye; and Kadzik – aye. Motion carries.

3. [Public Hearing and First Reading of Ordinance – Stormwater LID Integration and Landscaping Amendments](#)   Public Works Director Jeff Langhelm presented the background information for the need to adopt new regulations for the management of stormwater low impact development integration and landscaping amendments.

[Senior Planner Lindsey Sehmel](#) discussed the impacts of Stormwater on the development code. Also included are trees, landscaping, and vegetation.

The Mayor opened the public hearing at 7:46 p.m. There were no comments and the public hearing closed.

[Councilmember Perrow](#) said he was sorry to see xeriscapes removed, and said his is uncomfortable with citizens having to ask staff how they can use their property; the code should be clear. He asked about the requirement for a certified arborist. Ms. Sehmel and Ms. Kester responded. He then addressed city landscaping projects saying it is has the worst track-record of any developer. Councilmember Payne added recent comments made by a citizen in support of these comments.



[Mayor Guernsey said](#) this will be addressed in the proposed budget because we understand this is a concern. There will be proposed changes to the medians as well.

[Councilmember Malich](#) asked for clarification on buffer areas, building heights, and view retention. Ms. Kester responded.

[Mayor Guernsey](#) asked additional questions on buffering and significant tree retention.

[Councilmember Perrow](#) then asked about removal of dangerous trees. Councilmember Malich asked for the definition of an evergreen tree and what is allowed to be replanted.

There were no amendments to the ordinance offered, and so this will return at the next meeting for second reading.

4. [Public Hearing and First Reading of Ordinance – 2017 Public Works Standards Update](#)   Public Works Director Jeff Langhelm introduced this ordinance to adopt updated Public Works Standards to implement current city policies and construction and engineering practices. He addressed Council questions and comments.

The Mayor opened the public hearing at 8:13 p.m. There were no comments and the public hearing closed. This will return for second reading at the next meeting.

PUBLIC COMMENT:

[Lita Dawn Stanton](#) – representing 3615 Harborview Drive. Ms. Stanton read a prepared statement regarding the six sail canopy structure within Skansie Brothers Park. She said it's not a good idea and asked Council to correct it. The canopy itself will restrict views. When the permit application was formalized by staff and reviewed under DR150143 the permanent canopy was omitted; there's no written reference to the canopy, no description, and no justification for a permanent structure of this size. Gig Harbor has one nationally listed historic site and the map she passed out shows the boundaries. The Certificate of Appropriateness process is designed specifically to protect and preserve the integrity of a listed property, yet HR1600 makes no mention of the canopy. The scale, colors, materials and subject matter of the proposed canopy is not compatible with the historic integrity of Skansie Brothers Park. She asked Council to have a dialogue about that tonight.

[Jim Franich](#) 3702 Harborview Drive. Mr. Franich said Lita Dawn did a good job of summing up his feelings of the appropriateness of that type of structure in a historic park. He then addressed the installation of flashing lights at crosswalks in Gig Harbor North by saying was long overdue and goes a long way for pedestrian safety. He said that Councilmember Perrow's comments ring true. The city doesn't hold itself to same standards as the residents; the answer isn't hiring additional staff but for existing staff to keep an eye on projects.

STAFF REPORT:

1. [Grandview Forest Park](#). Parks Projects Manager Katrina Knutson presented an update on the laminated root rot in the trees in the park. There are infected trees and Staff is working towards a strategy to address these using a four-phased approach.

[Councilmember Perrow](#) stressed that we need a tree survey. Ms. Knutson responded that is included in the level 3 assessment. This was discussed further.

[Councilmember Malich](#) disagreed with taking down trees if you think it's going to fall or you think it's going to die. He doesn't want to see them taken down. He agreed with the survey. Mayor Guernsey mentioned that in the last few years trees have fallen from neighboring properties. Ms. Knutson said that education will be part of the process.

2. [Ancich Waterfront Park Citizen Survey](#). Parks Projects Manager Katrina Knutson presented the background for this survey to obtain input from city residents on interest in storage for human powered watercraft. Approximately 5000 were sent out; we received 222 responses, although some were duplicates. She recommended a workstudy session on the interior of the structure and potential users, then to hold a public hearing on the interior of the building. Council could then provide direction on the

interior and users prior to moving forward with the 90% design.

Councilmember Kadzik said the information was valuable. Councilmember Malich asked if there was a way to track geological location of those who responded. Mayor Guernsey asked when we propose the next steps and Ms. Knutson suggested it would be quickly. Councilmember Payne requested a copy of the PowerPoint presentation.

Ms. Knutson then reported on the results of the Design Review Board meeting of October 13th.

COUNCIL REPORTS / COMMENTS:

Boards and Candidate Review: Tue. Oct 18th. Councilmember Lovrovich reported on the interview of applicants for the Arts Commission vacancy. All three had different qualifications. They have recommended a young lady with a background in urban studies and placement of art. She explained that Arts Commission Chair Charlee Glock-Jackson, has asked that we entertain looking into reverting back to nine member board. Mayor Guernsey asked about the four openings in March, 2017.

Councilmember Kadzik said he agreed with the issue brought forward by Lita Dawn Stanton. He said Brett Marlo DeSantis did a wonderful job, and the overall plan is wonderful, but he thought those enhancements would get some review by the DRB, the Arts Commission, or the Parks Commission. He said it doesn't fit with the historical nature of the park, and suggested that the feature be put on hold as you can always add it later. He would like to see this go before some other board to rule.

Mr. Langhelm said it could be reordered and installed by city staff. He summarized that the Parks Commission saw the design with the sails. It went before the Arts Commission in two separate meetings with the sails shown, and it went before the DRB with those sails shown and received a certificate of appropriateness. He said he is indifferent but he needs to know soon. He clarified that this has gone through a significant process with the sails shown, but the sails were never called out for specific comment.

Ms. Kester said she was at the Design Review Board when this was discussed and they spent significant time discussing the sails both on top of the building and on the sidewalk. Ultimately they recommended that it would be the city's choice. In her perspective, all the correct processes went through, but she agrees it is up to the city.

Mr. Langhelm explained that the sails are removable, but the posts are fixed and could be used to string lights; removable posts are very expensive.

Councilmember Lovrovich agreed with Lita Dawn and Councilmember Kadzik, saying she is not in favor of the sails down below.

Councilmember Payne asked how soon we need to know, and said he too was ambivalent. The point that this is a historical site, and we made a decision to not impede

the site. This does impede the view. These were installed to address the concern of lack of shade and to compliment the sails on top of the building.

Councilmember Kadzik said he would like to see renderings of how it would affect the view from the Skansie house before the materials are ordered.

Mr. Langhelm shared slides of what was shown to the Parks Commission and Arts Commission at 30% and 60% design.

Mayor Guernsey suggested asking Brett DeSantis to address this at the workstudy session on Nov. 7th.

Councilmember Perrow said that he was at the DRB meeting where it was discussed as being temporary. He thought we should address the nature and of the historic context and this contemporary design. Someone should be present to address both. Ms. Kester said those things were considered by the DRB; they are charged with issuance of the certificate of appropriateness. She said that either she or Ms. Sehmel would be present at the worksession.

Councilmember Ekberg agreed we need to address this now rather than after it is constructed. Any more view blockage will not be greeted favorably.

Councilmember Kadzik said he would like to be convinced that it is appropriate for this site rather than just assuming it is.

Councilmember Payne said we are going to need to see an alternative for the elevated platform and how that might otherwise be shaded because the two go together. Ms. DeSantis will be asked to provide input.

Mayor Guernsey said we would invite Ms. DeSantis to respond either before the worksession or at the worksession on November 7th.

[Charlee Glock Jackson](#) – Chair Jackson explained that the Arts Commission did look at the design twice, but were not asked to discuss those specific sails. She didn't realize these were a separate design element than those on the top of the building. They would have asked if they knew it was a separate element to look at it from an artistic and historic standpoint.

CITY ADMINISTRATOR REPORT:

[Property Transfer – Pierce Transit.](#)

City Administrator Ron Williams reported that he spoke with the Pierce Transit Government Community Relations Officer about the meeting with the FISH Food representatives and our Planning/Building representatives and they think there is a way to development the property under current zoning. They have been invited to meet with

our Planning and Building staff to learn more. There is another that is interested in low-income housing but it doesn't appear they meet the zoning requirements.

He then announced the capture of the suspect in both armed robberies over the past couple of months. Great detective work by Detective Cabacugnan in cooperation with several other jurisdictions led to the arrest of the suspect in Puyallup.

MAYOR'S COMMENTS:

Mayor Guernsey thanked Council during her recent absence and Mayor Pro Tem Payne for covering.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Planning / Building Committee: Mon. Nov 7th at 4:30 p.m.
2. Budget Worksession III – Mon. Nov 7th at 5:30 p.m.
3. Public Works Committee: Mon. Nov 14th at 4:00 p.m.

EXECUTIVE SESSION:

Council took a five minute break at 9:20 and then adjourned to Executive Session at 9:25 p.m. for approximately ten minutes for the purpose of discussing property acquisition per RCW 42.30.110(1)(b). No action anticipated.

ADJOURN: The meeting adjourned at 9:35 p.m.

Jill Guernsey, Mayor

Molly Towslee, City Clerk

Minutes Boards and Commissions Candidate Review

October 18, 2016 4:00 p.m. Executive Conference Room

Call to Order:

Councilmember Lovrovich called the meeting to order at 4:05 pm.

Councilmembers Lovrovich, Kadzik, and Malich, Shawna Wise, and Charlee Glock Jackson were in attendance.

New Business:

1. Interview Candidates for Arts Commission

- a. [Chrissanda Walker](#) – Ms. Walker shared a background of her work in Tacoma with an art mapping project. She is a recent graduate of University of Washington and is passionate about connecting people with art.
- b. [Pat Meres](#) – Ms. Meres stated she has been an artist for 35 years and has been very involved in the Peninsula Art League and various other organizations. She said she feels art is uplifting to everyone and there is room for all types of art in Gig Harbor.

After the interviews, Councilmembers discussed the applicants with input from Arts Commission Chair, Charlee Glock Jackson. They agreed that both candidates would be a great addition to the Arts Commission. Councilmember Malich stated that although the third applicant, Lynn Stevenson, was not available for the interview, he felt she would be a great fit for the Commission.

Ms. Jackson shared her desire of expanding the Arts Commission to 9 members. Shawna Wise explained that this would have to be brought to full council to change the ordinance and also mentioned that there are 4 positions expiring in March 2017 and there may be vacancies.

Councilmember Lovrovich said she would discuss increasing the members to 9 during her report to Council.

The following recommendation was made:

Recommend the appointment of Chrissanda Walker
Kadzik / Lovrovich - Malich nay

Meeting adjourned at 4:40 pm

MINUTES
GIG HARBOR ARTS COMMISSION
Tuesday, November 8, 2016 – 10:00 a.m.
Executive Conference Room

CALL TO ORDER / ROLL CALL:

Chair Charlee Glock-Jackson, Commissioners Leonard Hill, Elijah Bossenbroek, Chrissanda Walker, Laura Birrell, and Molly Towslee. Members Mary Manning and Julianne Verboort were absent. Public Works Director Jeff Langhelm joined the meeting at 10:09.

Guest: Lita Dawn Stanton

[Chair Glock Jackson welcomed the newest member and asked her to share her background.](#)

APPROVAL OF MINUTES: Approval of September 13, 2016 GHAC Minutes. Hill /Birrell – unanimously approved.

PRESENTATIONS: These were postponed until a later date.

1. Arts Connect Program – Exhibit of Work – Kit Evans
2. Utility Box Vinyl Wrap Project in Tacoma - Amy McBride

Chair Jackson asked to amend the agenda to move New Business No. 4 up to facilitate Ms. Stanton. The members concurred.

["Sails" and permanent flagpoles at Skansie Park.](#) [Lita Dawn Stanton](#) talked about historic preservation. She said there are very few sites designated in the city. Both Ancich and Skansie are on the historic registry. She asked that the Arts Commission, when placing art, to consider valuing and honoring, reinforcing, and maintaining the historic piece of these parks. She asked that any art added to the park be looked at through the lens of historic preservation. She said the same would go for the Ancich Waterfront Park or any placement in the Millville Neighborhood. Last night, Council reviewed placement of a canopy of sails which she is opposed. She said she wishes it could have come to you in that context to review in that capacity.

Public Works Director Jeff Langhelm answered questions about the decision to let the sails remain, but redesign the poles to be able to remove them in off-season.

Commissioners thanked her for sharing this important information and asked questions about the historic district and how to address this in the future. There is a fine line between architectural design and art. The Arts Commission is welcome to forward comments and recommendations during the process.

Mr. Langhelt said the Design Review Board has one more meeting coming up on this subject. He provided a better description of the posts, sails, and plans to string lights when the sails are removed to allow Council to determine whether or not to remove the poles off season. The discussion moved to the font and size of lettering on the building. Mr. Langhelt to provide the specifications.

OLD BUSINESS:

1. [Update on Placement of Public Art](#). Public Works Director Jeff Langhelt said he would share the information on the vendor for utility box wraps for consideration at Skansie Brothers Park. He then talked about the 2017-18 Budget pages 8-11 Capital Projects. We are looking for input fairly soon for the Harbor Hill Drive concrete wall for artistic images. 18' tall and 50-80 feet long. Small sections or one long image. Panels lock together. Customize the forms with the chosen design. No fine detail due to the medium. Design concepts needed by the January meeting to present an image that the GHAC wants represented on the wall.

Chair Jackson asked if there is any historic or cultural significance of the sight. Mr. Langhelt explained that it's adjacent to and previously owned by the Sportsman's Club. It may have been the sight of the Shaw Rooster Races, and may have been owned at one time by Ulysses S. Grant. The group discussed the need to check with Lita Dawn Stanton and the History Museum for any historical information.

[50th Street Improvement Project](#). Next to KLM Park; improvements include roadway, curb, gutter, and sidewalk. There will be a culvert under the roadway. You can recommend art in the sidewalk or the safety railings adjacent to the culvert. \$5,000

Kimball Drive Overlay project is almost completed. No longer a consideration for art at this time.

Mr. Langhelt gave an update on the North Harborview Drive Sidewalk and Roadway improvement project. There will be a railing along Donkey Creek Park that may be a possible placement for art. Attached can happen later, but modifications to railing itself: material and image recommendations must be to them by January. Must be ADA compliant. Molly will get ADA requirements to share with the commission.

[Ancich Waterfront Park](#). Chair Jackson gave a report on her meeting with Katrina Knutson, Parks Project Manager. They need input by January. There is an opportunity to brainstorm to come up with railing on the viewing platform that fits in with the historic district as well as placement of art. Opportunities for art placement are in the middle of the plaza, the viewing platform, the southern wall, and interpretive signage. The commissioners discussed benches, or something imbedded into the floorings. Budget: \$15,000.

Before he left for another meeting, Mr. Langhelt shared that Council has authorized \$10,000 a year to capital art fund and continue art included in city capital projects. The grant project was not included in the budget.

There are four design tasks needed by the January meeting:
50th Street Improvement, Harbor Hill Drive Extension, Ancich Waterfront Park, and the Harborview Drive Sidewalk.

There was further discussion on opportunities for art placement at Ancich Waterfront Park, and the other projects. There will be a need to meet at least once more before January.

2. [Art / Art Classes in the Women's Correction Facility - Update](#). Feeder and offer suggestions as the need arises.
3. [Inventory and Digitizing of Public Art – Update](#). Elijah Bossenbroek said they have made updates and will continue with the project.
4. [Artist Trust Public Art Workshop](#). Charlee and Leonard are making contact with the representatives about collaboration on a workshop sometime next year. Will keep on Workshops as old business.
5. [S.T.E.A.M. - Update](#). No news. Laura Birrell will invite the School District Superintendent to come in January.
6. StQry – no new clients at this time.
7. [Upcoming Workshops](#):
 - a. Using Social Media as a Marketing Tool. Karen Scott to work with GHAC for something in the spring.
 - b. How to Respond to a Request for Proposals – Artists Trust.

NEW BUSINESS:

1. [Sculpture Garden](#). Leonard Hill reported on a sculpture garden he visited in Bellingham. The benches are soft and rounded for safety measure. Most of the artist are local. He will send photos. Laura Birrell talked about a local forest park that would be nice for this use. She then shared about a sculpture park in Scotland.
2. [Exhibit of city-owned art](#). Chair Jackson said she would like to keep this on to consider in the future.
3. [“Sails” and permanent flagpoles at Skansie Park. This was discussed under public comment.](#)

PUBLIC COMMENT:

COMMISSIONER'S COMMENTS / REPORTS:

[“Jury duty” report \(Commissioners jurying PAL art shows\)](#) Chair Jackson asked if anyone acted as jurors. Elijah Bossenbroek and Leonard Hill both juried and gave a report to the group.

[Leonard Hill](#) has started taking photos wherever he goes to share ideas. May develop an archive of photos for future ideas.

Chair Jackson reminded the group of additional pedestal art around town. Need to check whether to do another call for artists. Also need to keep in mind the option to purchase the Commissioners’ Choice Award at the PAL show.

The group discussed possible days to hold a worksession to brainstorm ideas for the capital art projects.

ANNOUNCEMENT OF OTHER MEETINGS:

GHAC Work study Session: Tuesday, November 16th at 2:00 p.m.

GHAC Regular Meeting: Tuesday, Jan.10th at 10:00 a.m.

ADJOURN: Meeting adjourned at 12:05 p.m.
Jackson / Birrell - unanimously approved.

Respectfully submitted:

Molly Towslee, City Clerk

MINUTES
GIG HARBOR PARKS COMMISSION
Wednesday, September 7, 2016 – 5:30 p.m.
Community Rooms A/B

CALL TO ORDER / ROLL CALL:

[Parks Commissioner - John Skansi: Present](#)
[Parks Commissioner - Sara McDaniel: Absent \(excused\)](#)
[Parks Commissioner - Nicole Hicks: Present](#)
[Parks Commissioner - Gregg Vermillion: Absent \(excused\)](#)
[Parks Commissioner - Rick Offner: Present](#)
[Parks Commissioner - Robyn Denson: Present](#)
[Parks Commissioner - Ben Coronado: Present](#)
[Staff - Greg Foote: Present](#)
[Staff - Katrina Knutson: Present](#)
[Staff - Terri Reed: Present](#)

APPROVAL OF MINUTES:

Approval of August 3, 2016 Parks Commission Meeting Minutes

MOTION: Move to approve the August 3, 2016 Parks Commission Minutes.

Skansi / Denson – Motion passed unanimously

PUBLIC HEARING:

1. **Gig Harbor North Park Naming** – John Chadwell presented a letter from Olympic Property Group regarding the history of the property and provided three park name ideas; 1) Harbor Trails Park, 2) Olympus Gate Park, and 3) Village Place Park. Commissioner Hicks provided information that she had reached out to the Fay family again after recent public comment to name the park as a memorial to Jamie Fay. The family responded that they would consider either 'Jamie Fay Memorial Park' or 'Jamie's Park'. Other names discussed by the Commission were Shaw Park and Ulysses S. Grant Park. Commissioner Denson suggesting combining the Fay name with Harbor Trails Park.

OLD BUSINESS:

1. **Gig Harbor North Park Naming - Parks Commission Recommendation**

MOTION: Move to name the Gig Harbor North Park one of the following names: 1) Jamie Fay Harbor Trails Park, 2) Jamie Fay Memorial Park, or 3) Harbor Trails Park and include historical information on signage.

Denson / Offner – Motion passed unanimously.

2. **Field Reservations Pilot Program Review** - Katrina Knutson provided a review of the pilot program for ball field reservations at Crescent Creek Park. She distributed some sample reservation policies from several other jurisdictions for the Commission to review and provide comments on at the October meeting. The need for better software capabilities or increased staff with more park reservations was emphasized with the possibility of reservation or user fees should also be taken into consideration. Ms. Knutson will provide a list of potential park areas that could be reserved in the future.

NEW BUSINESS:

PARK UPDATES:

Katrina Knutson gave an update on the Austin Estuary Honor Salmon proposal and gave an Ancich Park update.

PUBLIC COMMENT:

None

ADJOURN:

Meeting adjourned at 6:44 p.m.

Offner / Denson – Motion passed unanimously.

MINUTES
CITY OF GIG HARBOR
PUBLIC WORKS COMMITTEE
Monday, September 12, 2016 – 4:00 p.m.
Public Works Conference Room



CALL TO ORDER / ROLL CALL:

APPROVAL OF MINUTES:

Approval of August 8, 2016 Minutes



OLD BUSINESS:

NEW BUSINESS:

1. Wollochet Signage – Paul Alvestad.  
Jim Castino spoke on behalf of the Gig Harbor Rotary and Paul Alvestad about a proposal for City support to purchase and install a welcome sign with landscaping at the westbound exit of SR16/Wollochet Interchange. Mr. Castino stated that Rotary's proposal was initially submitted to the Mayor and City Administrator with a recommendation to present to the Public Works Committee as the next steps. Mr. Castino spoke of what spurred the Rotary to want to permanent improvement of this area was the preparation for the 2015 U.S. Open at Chambers Bay. Rotary adopted the westbound Wollochet off-ramp from Wollochet Drive to Wilco. He said that further discussions with Rotary and WSDOT resulted in WSDOT being receptive to signage, maintenance, and landscaping, but they would need to discuss further with higher officials in Olympia, but would want the City to buy the sign, design the landscaping and most likely handle the maintenance. Design, lighting, and other elements were presented and discussed. Mr. Castino said that their volunteer efforts would provide a financial commitment toward all or a portion of a welcome sign containing a Rotary logo, litter pickup before and after sign installation, and provide support and coordination with WSDOT. Mr. Castino said that he was not in the position to know the specifics of a monetary pledge but was certain that Rotary would contribute to the sign and provide some maintenance and brush cutting.

Mr. Castino discussed the installation of three lighted flag poles representing the City's logo with the sails. Power needs were discussed. Public Works Director Jeff Langhelm said that he would need to touch base with Peninsula Light.

The Public Works Committee liked the concept and thanked Mr. Castino for his presenting Rotary's proposal and said that they will consider it in the upcoming budget discussions. Cost concerns were expressed that included ongoing maintenance and City staff hours.

2. Proposed Updates to Municipal Code Related to PW Standards, Stormwater Manual, Trees, Landscaping, and Screening – PW Staff.  

Senior Planner Lindsey Sehmel stated that the City is required under the National Pollutant Discharge Elimination System (NPDES) to update the municipal code and standards to establish low-impact development (LID) of stormwater systems as the preferred method of site development. The City's NPDES Permit requires adoption of LID techniques and Best Management Practices (BMPs) as the City's standard in order to minimize impervious surfaces, reduce loss of native vegetation, and protect land and water resources December 31, 2016. She stated this would require amending definitions relating to site coverage and permeable and impervious surfaces, change terms in sections of the Gig Harbor Municipal Code (GHMC) to align with the new definitions, adopt a new Stormwater Management and Site Development Manual and update the 2014 Public Works Standards. Mr. Sehmel said that many jurisdictions have implemented these changes already.

Mr. Langhelm briefly went over some of the code revisions that would amend chapters 12.06, 12.09, 12.16, 13.29 of the GHMC. He discussed repealing chapter 13 for septic storage tanks as well as 13.08, 13.12, and 13.24 because this information is already included in the Public Works Standards and he does not want to duplicate information. He briefly discussed the updates to the storm manual and the requirement for a soils analysis to determine if the soils are feasible to comply with the new LID standards. Mr. Langhelm and Ms. Sehmel discussed incentives that included trees and landscape amendments which work well with LID standards.

The proposed new street tree standards were discussed. Mr. Langhelm stated that one of the biggest changes is the requirement for structural soil which will allow vegetation to grow in a healthy way. The City's consultant Bradley Design Group, Kathleen Reader provided background on how structural soil works allowing the roots to grow while providing support for the sidewalk. She also discussed planting the correct trees in spaces that can expand in suitable soil. Ms. Reader said that the proposed tree list is dynamic and any tree can be a bad tree if planted incorrectly. She emphasized the importance of making sure that trees find nourishment so they don't become a problem. Mr. Langhelm said he would like to scrap the current street tree list in the Public Works Standards and use the new proposed list.

The Public Works Committee was briefed on the amendments, the project timeline, and the process to move forward to the full council for adoption by the required deadline.

3. Parks Commission 2017-18 Recommended Work Plan – Katrina Knutson.  

Parks Project Administrator Katrina Knutson stated that she had one clarification and one addition to the Parks Commission 2017-18 Recommended Work Plan. Initially the Wilkinson Farm Barn had been omitted from the list but it has since been added back on the list. She stated that Heritage Barn grants become available every odd year and she felt the City would be in good position to apply in 2017. Mr. Langhelm stated that we need to finalize the visioning of the park itself in order to go through the appropriate process. Ms. Knutson and the Public Works Committee discussed the re-prioritizing the Work Plan as follows:

- Move the Harbor Hill Master Plan from #2 to #1.
- Move Crescent Creek Park Visioning and Master Plan from #1 to #2

- Move the City Play Structure Master Plan from #4 to #3
- Add the Wilkinson Farm Park/Barn as #4
- Move the Ferry Landing Park Trail Feasibility Study from #3 to #5.
- Move the Old Burnham Properties Visioning from #5 to #6.

She also discussed the UGA expansion next to Crescent Creek Park would be forthcoming before the master plan is finalized. Ms. Knutson said her next steps are to make a presentation to County Council as part of the City's Comprehensive Plan Amendment application.

PUBLIC COMMENT:

COUNCIL COMMENT:

Councilmember Malich said that frequently there are shopping carts left around the bus stop at the top of Soundview near Fred Meyer and would like to resolve this problem and suggested a policy be initiated if Fred Meyer doesn't resolve the problem. He asked if it is Fred Meyer's responsibility. Councilmember Ekberg said that the best approach would be to contact Fred Meyer and Bartells as the carts are expensive and it was in their best interest to pick them up. Mr. Langhelm believed that the best action is to initiate contact with Fred Meyers. Councilmember Malich said that he was fine with that as long as they do something about it.

Councilmember Malich discussed the Leland Cypress trees planted on the private property next to the Ferry Landing which is blocking a homeowner's view. He asked what could be done to give this homeowner who planted the trees the privacy he desires without the public losing the great view. Councilmember Malich felt strongly that this needs to be addressed. Mr. Langhelm said that he and Greg Foote will need to verify if the trees are on private property.

Councilmember Ekberg asked about the recently installed bench on Stinson alongside the roadway at the Saylor View development. He asked if the bench was approved to be placed on the right-of-way on an angle and if so, wouldn't we require it to be leveled before installing. Mr. Langhelm said he would check on this.

ANNOUNCEMENT OF UPCOMING MEETING: October 10, 2016


ADJOURN: Meeting adjourned at 5:20 p.m.

MINUTES
Intergovernmental Affairs Committee
November 7, 2016 – 5:00pm – 5:30pm
Executive Conference Room

[Call to Order](#)

Councilmember Payne, Councilmember Perrow, Mayor Guernsey, Ron Williams, and Shawna Wise. Briahna Murray, and Dale Learn via teleconference.

[Ron Williams explained](#) that the City received the lobbyist contract renewals from Gordon Thomas Honeywell and felt that review of the contracts was something the Committee should do on an annual basis.

[Briahna Murray](#) referred to the memo from Dale Learn that outlined successes at the State and Federal levels and stated they would like to continue these successes together.  She mentioned that Meg Van Schoorl was recently hired by Gordon Thomas Honeywell to assist in taking advantage of Federal and State grant opportunities. Ms. Murray confirmed this service is not an add-on to the contract, but is included.

Briahna Murray and Dale Learn adjourned from the teleconference to allow for the Committee to further discuss the contract renewals.

Councilmember Arbenz joined the meeting at 5:13 p.m.

[The Committee discussed](#) the contracts. Councilmember Payne said the successes have been great, \$4.5M in funding from 2009-2012. Councilmember Perrow said there is a lot of background and support that comes from having the lobbyists.

Councilmember Payne said he doesn't think the Committee has leveraged the Federal connection as much as in the past, such as sending a few Councilmembers back east to meet the congressional team, and the access to Senators Murray and Cantwell is significant.

Councilmember Arbenz said he feels the contracts are a necessary line item and would be reluctant to change the relationship with Gordon Thomas Honeywell. Councilmember Perrow suggested the contracts be reviewed annually and Councilmember Payne agreed that September of each year would be appropriate for review.

Councilmember Payne said that a conversation with Dale Learn as to what and when it would be most effective for face time with Federal Legislators. Mayor Guernsey agreed and would like it as an agenda item for the next IGA meeting.

The Committee agreed to have Meg Van Schoorl come to the January IGA meeting to introduce herself.

Meeting adjourned at 5:25 p.m.



**MINUTES - GIG HARBOR CITY COUNCIL
BUDGET WORKSESSION III
Monday, November 7, 2016 at 5:30 p.m.
Community Rooms A & B**

[Call to Order / Roll Call:](#)

Mayor Guernsey and Councilmembers Malich, Arbenz, Ekberg, Perrow, Lovrovich, Payne, and Kadzik.



Staff: Ron Williams, David Rodenbach, Stacy Colberg, Chief Kelly Busey, Darrel Winans, Greg Foote, Steve Misiurak, Jennifer Kester, Paul Rice, Jeff Langhelm, Karen Scott, Mary Ann McCool, Kay Johnson, Lindsey Sehmel, Shawna Wise, and Molly Towslee.

Guests: Brett Marlo Desantis and David Fisher, Welcome Plaza Design Team, and Design Review Board Chair, Rick Gagliano. Mayor Guernsey introduced Bill Weyerhaeuser, Co-chair for the Multi-Care / CHI Behavioral Health Facility present to speak to the request for financial participation.

[Pledge of Allegiance:](#)

[Introduction:](#)

[Mayor Guernsey presented a brief background on the public process for the Welcome Plaza Design.](#)

1. [Welcome Plaza Design](#)   Brett Marlo Desantis presented information on the design of the Welcome Plaza and the canopy.

Councilmembers asked questions regarding the size of the poles, and voiced concern over the historic nature of the site, and permanency of the installation of the feature.

[Rick Gagliano](#) explained that the Design Review process was based on removable poles. When Public Works came back and said the poles needed to be permanent, they moved on. [Jennifer Kester provided further clarification.](#)

Council asked questions regarding the ability to have removable poles and discussed the ability to see what impact the poles would have on view and then make the decision on whether or not to leave them up or remove them. There was a question on the appropriateness of this feature, and also a suggestion that they could be used at a different location if determined they should be removed. Staff was asked to bring back options before the next meeting.

2. [Budget Worksession III](#). City Administrator Ron Williams overview of updates to the General Fund Preliminary Draft Budget and efforts to answer questions that have been posed over the past few weeks. He asked for council input.

Councilmember Payne asked if the revenues are enough to cover the increased FTEs over the next few biennium budgets. David Rodenbach responded about where the revenues are coming from and Jennifer Kester addressed the potential growth capacity.

Councilmember Perrow asked Mr. Rodenbach about the trends he reported to the Finance and Safety Committee in June.

Councilmember Malich asked for an estimated revenue of construction sales tax from large projects. He asked if we can anticipate those in the future. Construction is 15-25% of total sales tax according to Mr. Rodenbach.

Councilmember Perrow voiced concern with the proposed Public Works facility; he brought up the vacant CenturyLink building as an option. Mr. Langhelm responded that the proposed building equals \$282 per square foot, adding that site development, furniture, and equipment raises the cost. He spoke his support of the proposed facility, adding that we still have to build improvements whether or not we build a new facility.

Councilmember Payne asked if we have done a value engineering exercise on this design. Mr. Langhelm said there has been no recent study, but the architect brought in information back in 2014. He said the well's on-site generator is not included in this cost; that would be additional if we move to another sight. Mr. Langhelm explained where the funds would be taken: General Fund, Water, Storm, and bonds.

Councilmember Malich asked questions about funding for Lift Station 17, the property acquisition, and cost to design. He suggested this is a place to trim the budget and wait for the developers to come together to build. Councilmember Perrow agreed.

Councilmember Payne shared the history for this to encourage economic development during the recession. Darrell Winans spoke in support of moving forward with the design for future need of the public works decanting needs. Greg Foote added that the current system is insufficient.

After discussion, Councilmembers Malich, Arbenz, Perrow, and Lovrovich supported the delay of the design, and Councilmembers Ekberg, Payne, and Kadzik voiced support to leave it in.

[Councilmember Payne](#) asked to discuss the proposal to support a mental health facility. Mr. Williams responded that \$40,000 each year has been proposed to come from non-departmental. There was a question of what other cities have committed so far.

Councilmember Arbenz made a plea for support for this proposed facility and Councilmember Payne agreed and said Gig Harbor should be a leader in this effort. He made a recommendation to extend the commitment to an additional \$40,000 and consider a fourth year to commit to \$150,000. Councilmember Ekberg recommended waiting to see the participation from other members of the community.

[Rich Petrich, CHI Franciscan](#) said that they appreciate the consideration by Gig Harbor.

Mr. Weyerhaeuser added that Pierce County's participation is dependent upon the passage of a tax increase. He said the ask for funding was roughly based on population.

Mayor Guernsey said \$40,000 a year seemed to be a reasonable amount to commit at this time. Councilmembers continued to discuss. Councilmember Kadzik suggested a compromise of \$50,000 a year for biennium and to revisit it in a year or two.

Councilmember Malich said he likes either 2 or 4 year commitment. He said when the county decided perhaps we can switch to their methodology providing at the sales tax level. Mayor Guernsey said we will revise the budget upward to \$50,000 each year for the next two years.

[Councilmember Payne](#) asked for clarification on how many officers are being requested. Chief Busey responded that the original request was three and two over the biennium. This was revised to three and one. He responded to questions and explained that they are working as efficiently as possible.

Councilmember Arbenz voiced frustration with major retailers. Chief Busey explained that they are addressing these concerns and talked about organized retail theft gangs. He addressed questions regarding attrition if the economy tanks.

[Councilmember Ekberg](#) voiced his concern with adding personnel. He asked for the revised budget as soon as possible before the hearing, adding that he will be making suggestions to not fund all the requests. He said he would also like more budget parameters and looking at efficiencies and systems. He said bonding may be the best way to fund capital projects but it doesn't address the growing disparity between continued personnel benefit cost and property and sales tax revenues. He commented that the Finance Committee should determine an appropriate Ending Fund Balance and Strategic Reserve Fund contribution.

[Councilmember Payne concurred](#), commenting that staff is in a tough position, but there needs to be thought of how to do our jobs more efficiently and be fiscally responsible. He said we have to address growth, but difficult decisions will need to be made. He talked about shifting away from adding FTEs and looking at contracting certain services or projects. He said he doesn't want to have to cut positions and wants to proceed cautiously.

[Councilmember Perrow also agreed](#), saying that a way to look at efficiencies is the Latimore Study.

[Councilmember Arbenz voiced](#) concern is new officer has a lot of associated costs. Chief Busey responded that we need the resources now.

[Mayor Guernsey asked](#) if any specific studies could be identified. Councilmember Payne said a series of changes have been proposed and suggested that staff review what has been proposed and bring back a revised document in one binder.

Chief Busey asked if body cameras should be eliminated. Council concurred that this should be kept in. He then responded to questions about the radar signs.

[Mr. Rodenbach](#) asked if the public hearing on the budget should be delayed from November 14th. Councilmember Perrow asked for different scenarios for assumptions for revenue projections.

[Jennifer Kester commented](#) that the growth data is clear for next two years. Councilmembers discussed taking a conservative approach and adjusting outward accordingly.

[Paul Rice talked](#) about the immediate need for backlog of 2000 permits already paid for and that will take two years at least. Councilmember Perrow proposed moving the excess building department revenue into the Strategic Reserve Fund and use as needed rather than using it to balance the budget.

[Jeff Langhelm](#) addressed reducing projects and transferring the funds to a needed Parks Maintenance position. He explained that many of the positions are funded by Stormwater and Water Utilities projects. If you remove the projects the burden is transferred to the General Fund.

[Councilmember Payne](#) responded by saying if we have the ability to do a project more efficiently by a contractor then we should be doing that.

[Councilmember Kadzik](#) disagreed with comments on hiring. We are two years into the growth. There has been a lot of preparation from staff on growth; everything indicates that we've had that growth spurt and are working with the same number of people as two years ago and it's not adequate. He said he can't speak to capital projects, but as far as hires he said we do need them. They've already pared it down in order to get by and he would support the staffing recommendations.

[Chief Busey](#) reminded the group that the cost of cars and radar monitors is spread over 7 or 7 years.

There were no further budget comments.

3. [Legal Services Contracts.](#) City Administrator Ron Williams addressed the cost of legal services. He asked if Council had any proposed changes to the existing contracts and answered questions.

[Councilmember Ekberg](#) said he is not familiar with the prosecutor or the other ones, but Ogden Murphy Wallace fees seem reasonable and he is happy with the product. He said that the Lobbyist are a specialized contract.

Mr. Williams is bringing those to council soon. He continued to say that he and Stacy Colberg are working looking into RFP for defense attorneys next year.

Jenn Kester added that they have discussed select increases in fees for cost recovery on legal costs.

[Councilmember Perrow commented](#) that court is a rather large expense with a questionable benefit. It would be helpful to see different approaches to these services

and what can be done to reduce the long-term liabilities. Councilmember Arbenz added that he would support ways to cost verses benefit options; perhaps look at contracting certain aspects of court.

[Stacy Colberg](#) responded that there have been studies done showing there are no cost savings by sending our cases elsewhere. The conclusion was we would be doing a disservice to our defendants by moving court.

[Councilmember Ekberg](#) provided a brief history of past studies. He said perhaps the County would like a presence out here now.

Ms. Colberg explained that they are working at capacity now and have tried different things over the past two years to gain efficiencies. By adding more officers they may not be able to contain court to one day a week. Mr. Williams added that moving jail services to Sunnyside is saving us money.

Councilmember Arbenz asked what the percentage of the defendants are our citizens. Ms. Colberg responded that a majority of the defendants are not from Gig Harbor. There was discussion on someone ticketed on Highway 16.

[Adjourned:](#) There were no further comments and the meeting adjourned at 7:54 p.m.

Respectfully submitted:

Molly Towslee, City Clerk

CO91080-2 WASHINGTON STATE LIQUOR AND CANNABIS BOARD DATE: 11/06/2016
 LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
 (BY ZIP CODE) FOR EXPIRATION DATE OF 20170228

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
5. SPARKLEHORSE, LLC	WET COAST BREWING COMPANY 6820 KIMBALL DR STE C GIG HARBOR WA 98335 5124	418557	MICROBREWERY



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 30, 2016

The Honorable Jill Guernsey
Mayor of Gig Harbor
3510 Grandview St.
Gig Harbor, WA 98335

Dear Mayor Guernsey:

Congratulations! The Gig Harbor Wastewater Treatment Plant is receiving the 2015 "Wastewater Treatment Plant Outstanding Performance" award. Of approximately 300 wastewater treatment plants statewide, yours is one of 119 that achieved full compliance with its National Pollutant Discharge Elimination System (NPDES) permit in 2015.

My staff evaluated wastewater treatment plants in Washington for compliance with the effluent limits, monitoring and reporting requirements, spill prevention planning, pretreatment, and overall operational demands of the NPDES permit.

It takes diligent operators and a strong management team, working effectively together, to achieve this high level of compliance. It is not easy to operate a wastewater treatment plant 24 hours a day, 365 days a year, without violations. The Washington State Department of Ecology (Ecology) appreciates the extraordinary level of effort your plant operators demonstrated throughout 2015. Talented and proficient operators are critical to successful plant operations and protecting the health of Washington's waters. This is the tenth consecutive year the Gig Harbor Wastewater Treatment Plant received this award. Your excellent record is a credit to the dedicated operators who are responsible for operating this award-winning plant.

Ecology will issue a news release recognizing the 2015 award recipients including the Gig Harbor Wastewater Treatment Plant.

Please call Amy Jankowiak at (425) 649-7195 if you have any questions or comments about your award.

Thank you for the excellent service you provide. Congratulations!

Sincerely,

Heather R. Bartlett
Water Quality Program Manager





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

Subject: 2016 Comprehensive Plan Amendments and Smith Development Agreement – Public Hearing and First Reading of Ordinance.

Proposed Council Action: Hold a public hearing on the 2016 Annual Comprehensive Plan amendments including the draft Ordinance and Resolution associated with the Development Agreement.

Consider public testimony, and direct staff to return with an ordinance relating to 2016 Comprehensive Plan amendments and Resolution associated with the Development Agreement for second reading on November 28, 2016.

Dept. Origin: Planning

Prepared by: Jennifer Kester
Planning Director

For Agenda of: November 14, 2016

Exhibits: Ordinance and Exhibits
Resolution and Exhibit

Initial & Date

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

JG 11-8-16
RW 11/8/16
Via email 11/7
N/A
JK 11/8/16

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

A public hearing is required this evening on the three 2016 Comprehensive Plan amendment applications and an associated development agreement.

1. PL-COMP-15-0001 & PL-DEV-15-0002: Smith Land Use Map Amendment and Development Agreement

The applicant has proposed changing the land use designation of three parcels totaling 16.71 acres located at the 6300 block of 112th Street from Employment Center, Commercial Business and Residential Low to Residential Medium. The application for the land use amendment is accompanied by a proposed development agreement that would limit future residential development to 100 total units (Section 9 of draft Development Agreement) under Medium Density residential zoning (R-2) and allows for single family dwellings. Current use of the subject property is a gravel mine with portions that are vacant.

2. PL-COMP-15-0003: Mixed Use Land Use Map Amendment

The Planning Commission requested this amendment to complete work related to a rezone recommendation that was directed by City Council. The request was to remove the Mixed Use land use designation and replace with appropriate land use designations that align with existing zoning districts.

3. PL-COMP-15-0004: Arts Commission Text Amendment

The City's Arts Commission has proposed amending policy text in the Parks, Recreation and Open Space Element of the Comprehensive Plan to support the Arts Commission work program. Proposed changes are focused around Goal 11-10 of the Element and its associated policies.

ENVIRONMENTAL ANALYSIS

A SEPA DNS was issued on September 25, 2016 regarding this amendment package.

FISCAL CONSIDERATION

None.

BOARD OR COMMITTEE RECOMMENDATION

The Planning Commission has recommended approval with conditions in the associated development agreement for PL-COMP-15-0001 & PL-DEV-15-0001 under the proposal for Residential High Transition Land Use designation, a request to not move forward on PL-COMP-15-0003, and approval of PL-COMP-15-0004.

PLANNING COMMISSION REVIEW OF PL-COMP-15-0001:

There were a total of six work study meetings including an on-site visit during the June 16th meeting on this amendment. The Planning Commission held a public hearing on the proposal on July 21, 2016.

Following the public hearing were three work study meetings that focused on the draft Development Agreement and review of the criteria of approval.

Planning Commission had a difficult task in reviewing the request, as the current use as a gravel mine is not fully built out to the existing land use designations. The GHMC requires the Commission to analyze comprehensive (long-range) plan amendments based upon the most intense use and potential development of the site.

The existing Employment District and Commercial Business land use designations (8.64 acres) and implementing zoning district allows for a variety of permitted outright uses including but not limited to: Personal and professional services, retail, restaurants, boat repair and sales, and industrial level 1 and 2 (manufacturing, assembly and production including hazardous waste). Additional impactful uses are allowed conditionally. The existing Residential Low land use designation (8.21 acres) allows for a smaller variety of uses, including but not limited to: Single family dwellings, family care, and adult family homes (GHMC 17.14.020).

The Commission was tasked with analyzing the impacts between the existing Employment District, Commercial Business and Residential Low designations and the requested Residential High Transition designation.

The applicant provided information on the possibility of a complete build out that included 14 single family homes and 122,000 square feet business park (mixed use general office) with an assumed total of 196 PM Peak traffic trips. During the public comment period, that assumption was questioned regarding feasibility of that development, as it was based upon 1994/95 assumptions. Planning Director, Jennifer Kester provided an additional worst case (most intense development potential) scenario based upon density assumptions and the 2014 Buildable Lands Report. The alternative worst case scenario identified up to 27 single family

units, 122,120 square feet of business park, and 9,605 square feet of medical office for a PM Peak Trip total ranging from 102 trips to 218 trips. Based upon all of these existing designation 'worst case' scenarios for the subject property, the proposed development of 100 multi-family units is estimated to generate fewer PM peak hour trips than today's development potential would.

The associated Development Agreement request provided future limitations to the development of the site under the R-3 zoning district. The Commission discussed total unit count in buildings and aesthetics associated with that. The applicant provided an email that states they would support limiting unit counts to a maximum of 6 per structure. The Commission after further discussion, decided to require a pre-application meeting with the Design Review Board for future development proposals. With consideration to the transition requirements and the GHMC current limitations that any future building is limited to a maximum of 8 units, the Commission believes that the pre-application condition is sufficient.

The Commission also requested specific comments related to this project from the Fire District, School District, and City Police Department. No significant impacts were identified from the comments received from these entities.

In conclusion, the Commission recognizes that the Growth Management Act requires urban types of development within the urban centers (city limits) and that the analysis and materials presented for this land use map request show a reduction in the traffic impacts. With consideration to the inclusion of the two additional requirements added to the development agreement (Max 102 PM Peak trips, Design Review Board pre-application meeting), the commission recommends approval of the request.

Planning Commission Review of PL-COMP-15-0003:

With the recent funding award of Harbor Hill Drive Extension and the Public Works Departments capital planning for the construction of the road, planning staff recommended to the Commission that they delay any decision on the removal of the Mixed Use land use designation until the completion of the Harbor Hill Drive Extension.

The Commission deliberated on the map amendment request after the public hearing and commented that it may be premature to make any land use changes before understanding the flow and function of the area after completion of Harbor Hill Drive Extension. They request City Council to consider returning the issue back to them after construction of the road and a traffic analysis of the area is completed.

Planning Commission Review of PL-COMP-15-0004:

There were a total of five work study sessions and one public hearing on July 21, 2016.

The application materials provided by the Arts Commission were thorough and well thought out. The Commission worked with the applicant to make minor text revisions regarding organization to align with the context of the existing element.

RECOMMENDATION / MOTION

Hold a public hearing and first reading on the 2016 Annual Comprehensive Plan amendments and development agreement.

Draft Motion: Consider public testimony, and direct staff to return with an ordinance relating to the 2016 Comprehensive Plan amendments and resolution associated with Smith Development Agreement for second reading on November 28, 2016.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY OF GIG HARBOR COMPREHENSIVE PLAN FOR THE 2016 ANNUAL CYCLE: AMENDING THE COMPREHENSIVE PLAN LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FOR 16.71 ACRES OF PROPERTY LOCATED AT THE 6300 BLOCK OF 112TH STREET NW FROM EMPLOYMENT CENTER (EC), COMMERCIAL/BUSINESS (C/B), AND RESIDENTIAL LOW TO RESIDENTIAL MEDIUM (PL-COMP-15-0001); TERMINATING REVIEW OF THE REQUEST TO REMOVE THE MIXED USE LAND USE DESIGNATION OF PROPERTY LOCATED NORTHEAST OF BURNHAM DRIVE FROM APPROXIMATELY THE 9400 BLOCK TO THE 10800 BLOCK (PL-COMP-15-0003); TEXT AMENDMENT TO THE PARKS, RECREATION AND OPEN SPACE ELEMENT TO UPDATE GOAL 11-10 RELATING TO THE ARTS COMMISSION WORK PROGRAM (PL-COMP-15-0004) .

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

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

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

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

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

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

WHEREAS, on January 25, 2016, the City Council evaluated the comprehensive plan amendment applications submitted for the 2016 annual cycle, and held a public hearing on such applications; and

WHEREAS, on January 25, 2016, the City Council forwarded three comprehensive plan amendment applications to the Planning Commission for further processing in the 2016 Comprehensive Plan annual cycle; and

WHEREAS, on August 25, 2016, 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), which was not appealed; 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 August 25, 2016 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held work study sessions on to discuss the applications on June, 2, 2016, June 16, 2016, July 7, 2016, July 21, 2016, August 18, 2016, September 1, 2016, and September 15, 2016; and

WHEREAS, the Planning Commission held public hearings on comprehensive plan amendments on July 21, 2016, and September 1, 2016; and

WHEREAS, on September 15, 2016 the Planning Commission voted to recommend approval of two of the three proposed amendments as documented in the Planning Commission's written recommendations signed by Planning Commission Chair, Reid Ekberg, all dated September 29, 2016; and

WHEREAS, on October 24, 2016, the Gig Harbor City Council held a public hearing on all three proposed amendments to the Gig Harbor Comprehensive Plan for the 2016 annual review cycle and directed staff to make amendments to PL-COMP-15-0001 and PL-DEV-15-0002 and return for a public hearing on November 14, 2016; and

WHEREAS, on November 14, 2016, the Gig Harbor City Council held a public hearing on the changes to PL-COMP-15-0001 and PL-DEV-15-0002 included in the 2016 annual review of the Gig Harbor Comprehensive Plan; and

WHEREAS, the Gig Harbor City Council had a first reading of an Ordinance amending the Comprehensive Plan on _____, 2016; and

WHEREAS, the Gig Harbor City Council had a second reading of an Ordinance implementing the recommendations of the Planning Commission and amending the Comprehensive Plan on _____, 2016; Now, Therefore,

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

Section 1. 2016 Annual Comprehensive Plan Amendments.

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

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

C. **Testimony.** The following persons verbally testified on the applications at the October 24, 2016 public hearing:

Project File no. PL-COMP-15-0001 & PL-DEV-15-0002

Name: Walt Smith
Name: Carl Halsen
Name: Mark Christel
Name: Lorraine Ralston
Name: Sarah Sexton
Name: Gloria Waxman
Name: Michael Bradley
Name: Bob Himes
Name: Ron Gronewald
Name: Amy Janson
Name: Nan Koehnke
Name: Bob Koehnke
Name: Tom Bageant
Name: Tama Hollar
Name: Stephen Hollar
Name: Cheryl Himes
Name: Malia Van Komen
Name: Lee Van Komen
Name: Harold Waxman
Name: Dave Kleinman
Name: Kermit Heggerness
Name: Laurel Johns Kingsbury
Name: Jared Auser
Name: Stephanie Hutchinson

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

19.09.170 Criteria for approval.

The city's comprehensive plan was developed and adopted after significant study and public participation. The goals and policies contained therein shall therefore be granted substantial weight when considering a proposed amendment. The city council shall make written findings regarding each application's consistency or inconsistency with the following criteria:

- 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-15-0001 – Smith Land Use Map Amendment

Summary: A land use designation change from Employment Center (EC), Residential Low (RL) and Commercial Business (C/B) to Residential Medium (RM) of 16.71 acres located at the 6300 block of 112th Street NW, currently occupied by a contractor's yard.

Findings:

- a) The City Council did not identify any goals or policies of the Comprehensive Plan that the proposed amendment was in conflict with. They identified the following goals and policies the proposal furthers and is consistent with:

2.2.2. Neighborhood Planning Areas

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

2.2.3. Generalized Land Use Categories

Generalized land use categories are identified to serve as a basis for establishing or accommodating the more detailed zoning code designation. The Comprehensive Plan defines eleven generalized land use categories:

...

- b) Residential Medium

Provides for medium density single and duplex residential. Serves as a buffer between high intensity commercial or higher density residential and lower intensity residential. May include certain specified business, personal and professional services or businesses which would not significantly impact the character of residential neighborhoods. The intensity of the non-residential use should be compatible with the adjacent residential area. Use natural buffers or innovative site design as mitigation techniques to minimize operational impacts of non-residential uses and to serve as natural drainage ways.

GOAL 2.3: PROMOTE COMMUNITY DIVERSITY AND DISTINCTION AND INCREASE HOUSING OPPORTUNITIES

Create and refine district definitions which allows for innovation and performance. Provide a control and review process that permits maximum design flexibility while meeting social and community needs for employment, housing, education and recreation. Provide for a range of residential densities which would accommodate the City's 2030 residential growth target of 10,563 within a broad variety of housing types and tenures.

GOAL 2.7: EFFECTIVE LAND USE MANAGEMENT

Establish a planning review document and process which recognizes local needs and which effectively coordinates development efforts between city departments and County/State agencies.

2.7.1. Planning Unit Boundaries

- a) Define planning units which are based upon like land uses and activities.
b) Delineate planning unit boundaries using natural features, roads or other

physical improvements.

- c) Identify critical transition areas or points of conflict with adjacent or incompatible planning units.
- d) Resolve conflict or compatibility issues through a neighborhood planning process and employ transitional uses for consideration in future development reviews.

GOAL 6.5: PRESERVE GIG HARBOR AS A PLACE TO LIVE FOR PEOPLE OF ALL OCCUPATIONS, INCOMES AND ABILITIES.

To ensure adequate provisions of existing and projected housing needs for all economic segments of the community, a variety of housing types, sizes and values should be available. Housing should accommodate for each income group, individuals, single parents, small and large families as well as disabled individuals and seniors. Furthermore special housing accommodations should be allowed and encouraged for general needs.

- b) The City Council did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment was in conflict with. The amendment would assist the City in reducing employment capacity based upon the assessment and request of Puget Sound Regional Council. The City Council finds that the proposed amendment is consistent with the Growth Management Act, the countywide planning policies and multi-county planning policies. The approval of the amendment will not have a cumulative adverse effect on the City.
- c) The City Council discussed the Capital Facilities regarding traffic, and sewer. The adopted Levels of Service in the City's Comprehensive Plan show that the nearby traffic infrastructure is currently operating above the adopted level of service. The Council addressed that any impacts stemming from future development proposals will be mitigated during project review with a detailed traffic analysis study. The analysis of the Land Use Map Amendment shows a reduction in traffic and a minor increase in sewer usage if approved based on existing and proposed land use designations. The existing designations of Employment District, Commercial Business and Residential Low at full build out was identified as having a potential maximum of 218 PM Peak traffic trips as shown in the memo dated 8/9/16 from Emily Appleton. Therefore, the Council added criteria to the Development Agreement to limit any future development to a maximum of 102 PM Peak Trips to constrain future impacts. The Council discussed the feedback from the Chief of Police that the proposal will not adversely affect police services. The Peninsula School District provided an email that stated they had no comments on the requested land use map amendment. The Fire District also made comments that did not identify any adverse impacts that require mitigation or denial of the application request. The subject property is not serviced by city water. The city will fully evaluate the project once a project permit application is submitted committing to a particular use. If through that permitting process,

deficiencies in the City's transportation or waste water system will occur mitigation will be required. The Council identifies that the proposal to change the land use will not result in an adverse impact.

d) The City Council identified that at maximum build out, the existing Land Use Designations of Employment District, Commercial Business and Residential Low land use designations have a higher impact to the established single family residential developments that neighbor the site than the proposed designation of Residential Medium does based upon its maximum build out limited by the associated Development Agreement. For build out scenarios considered see the full impact analysis identified in the Emily Appleton memo dated 8/9/16 regarding the project. The associated Development Agreement was submitted with the map amendment to limit future development to residential uses in the R-2 zoning designation, and limit the maximum count of future residential units to 100. The City Council included in the Development Agreement additional requirements for the land owner. These include requiring any proposed development plan be presented to the City's Design Review Board for a Pre-Application meeting prior to submission, and limiting future development not to exceed a traffic trip count of 102 PM Peak trips. The City Council finds that the proposal is less impact to the general public than what is currently allowed under the existing and current designation and thus advances the public interest.

e) The Commission reviewed all criteria in E.1. and selected 19.170(E)(1)(d):

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

The City Council further finds that based upon the assessment reports and assumptions provided for analysis and review, there is adequate infrastructure, facilities, and services currently in place to serve the expected development as a result of the amendment.

f) The City Council finds that the Residential Medium Land Use designation best meets the existing surrounding land uses as it serves as a transition from the intense commercial designation along Burnham Drive and the Residential Low designation above the subject site.

The City Council finds that the approval of the amendment will not create a demand for land use designation changes of other properties in the surrounding area. The subject parcels are bound by built and natural site features (slopes, retention ponds, public right of way).

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, 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-15-0001, as identified in Exhibit A attached to this Ordinance in conjunction with the conditions in the associated Development Agreement under PL-DEV-15-0002, which include the following:

Limitations on Rezone. Within five years of the effective date of the approval of the Comprehensive Plan Amendment, the Developer may submit application to the City for rezone of the project site to R-2. Nothing in this Agreement is intended to guarantee approval of a future rezone, and the City retains its authority to approve or deny any such application for rezone based on criteria in existence at the time of consideration. Along with the rezone application, the Developer may also submit project permit applications for development of the Property to the City. These project permit applications shall be consistent with the City's code in effect at that time, and also include the provisions set forth below.

Dwelling Units. No more than 100 total dwelling units may be constructed on the Property.

Buffering. Developer shall maintain buffers as shown on Exhibit C.

Access. Parcel No. 01-22-25-3072 will be limited to a single access point onto 112th Street as shown on Exhibit C.

Traffic. Total development on the Property shall not exceed 102 PM Peak Hour Trips.

Design Review Board. Prior to submission of a development project permit application, the Landowner shall attend a pre-application meeting with the City's Design Review Board at no cost to the Landowner.

2. PL-COMP-15-0003 – Mixed Use Land Use Map Designation Change

Summary: A land use designation change to remove the Mixed Use land use designation and replace with appropriate land use designations that align with existing zoning districts.

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, the City Council hereby **terminates further action on** application PL-COMP-15-0003 based upon current funding and development plans of Harbor Hill Drive Extension.

3. PL-COMP-15-0004 – Arts Commission Text Amendment

Summary: The City's Arts Commission has proposed amending policy text in the Parks, Recreation and Open Space Element of the Comprehensive Plan to support the Arts Commission work program. Proposed changes are focused around Goal 11-10 of the Element and its associated policies.

Findings:

- a) The City Council did not identify any goals or policies of the Comprehensive Plan that the proposed amendment was in conflict with. They identified the requested text amendment meets existing goals and policies.
- b) The City Council did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment was in conflict with.
- c) The City Council identified that the proposed text amendment will not adversely impact the city's ability to provide sewer, water, transportation and other public facilities and services.
- d) The City Council finds that the proposal advances the public interest in relation to public art and the City's Arts Commission work program.
- e) This criterion does not apply to the text amendment.

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, 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-16-0004, as identified in Exhibit B attached to this Ordinance.

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

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

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

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ____ day of December, 2016.

CITY OF GIG HARBOR

Mayor Jill Guernsey

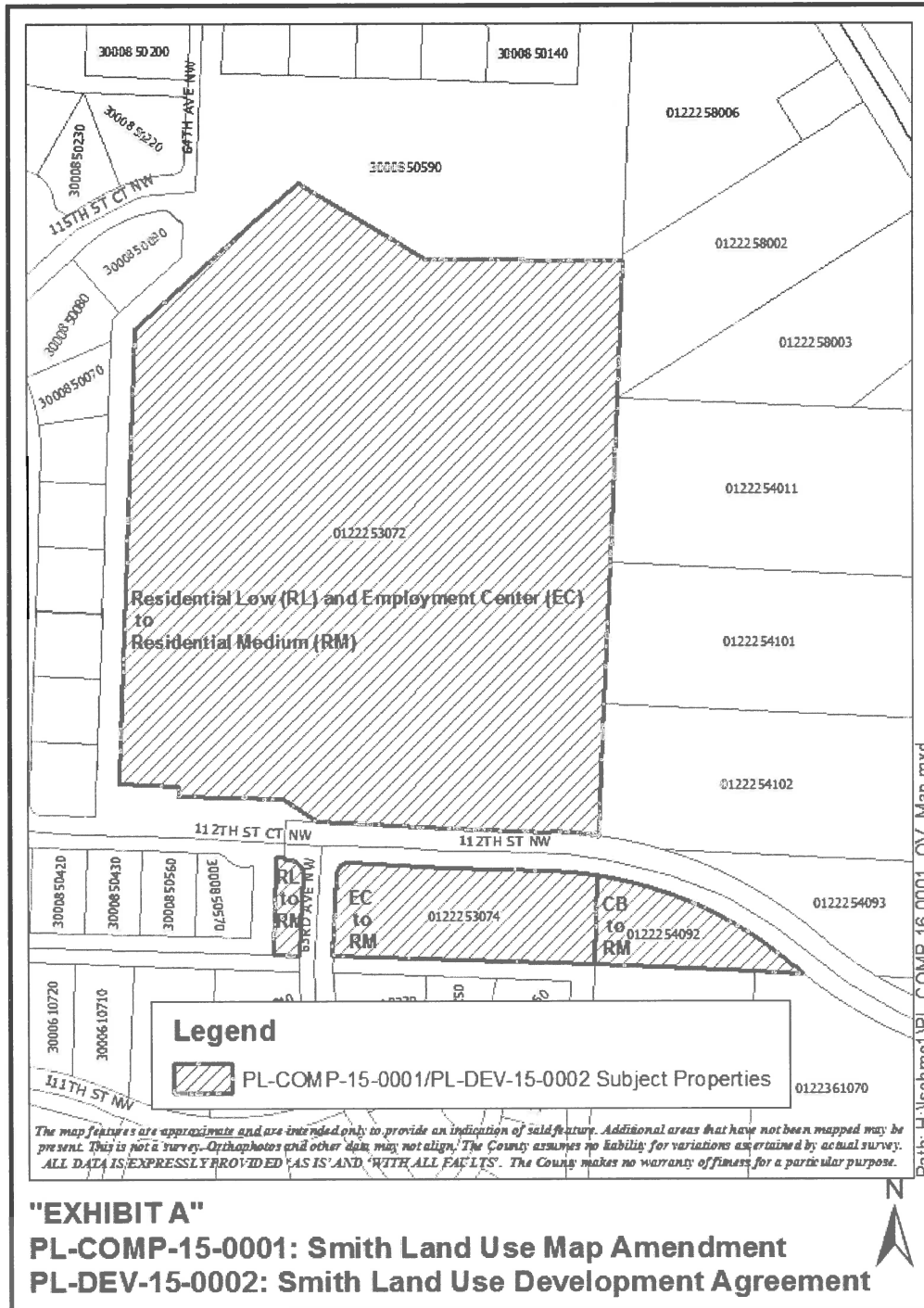
ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

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



Chapter 11

PARKS, RECREATION AND OPEN SPACE

INTRODUCTION

The 2010 Parks, Recreation and Open Space Plan (Park Plan) for Gig Harbor represents the City's vision, and provides goals and objectives for the development of parks, recreation and open spaces in Gig Harbor for the next six years and beyond. Only key elements of the Park Plan are incorporated into the Comprehensive Plan. This chapter includes the goals and policies adopted in the Park Plan, while the inventory, levels of service and 6-year capital facilities projects are included in Chapter 12, Capital Facilities.

Since the adoption of the previous Plan in 2003, the City of Gig Harbor has completed many park projects and has acquired significant park properties. Newly completed park projects include the Civic Center which includes a large multi-use public green, skate park, and playground; Kenneth Leo Marvin Veterans Memorial Park and a two mile expansion of the Cushman Trail. Park properties acquired since 2003 include two sites adjacent to City Park that help protect Crescent Creek, Eddon Boat Park and Austin Estuary. These projects were made possible through grants and partnerships with business, organizations, government, outside funders, and citizens.

The 2010 update was put together using a variety of approaches including:

- Direction and vision from the Parks Commission
- Public Workshop
- Information gathered from the 2008 National Citizen Survey
- Community Intercept Interviews
- Staff input
- Review of site or project specific committee recommendations related to parks
- City Council public hearing and adoption

The general themes expressed by the public include:

- Trail development
- Expanding partnerships to leverage City funds
- Pursuing the acquisition of additional land in developing areas
- Improving public access to natural features including shoreline and critical areas

Using local standards adopted in the Parks, Recreation and Open Space Plan, the City will need 55.57 additional park-acres. Given the importance of public access to the City's waterfront and trail connections expressed by the public, levels of service have been developed for waterfront parks and trails. Funding will continue to be scarce, so taking advantage of grants, partnerships and local resources will be necessary. This plan outlines options and strategies to complete different projects and aspects of the plan. Project funding, prioritization and scope are reviewed each year as a part of the annual budget process and update of the capital facilities element of the Comprehensive Plan.

The 2010 Gig Harbor Park Recreation and Open Space Plan will help guide the city staff, park commission and city council in meeting identified gaps in services and park development in order to meet the need and support the quality of life for our citizens in the coming years.

VISION

Gig Harbor's Vision: To develop a quintessential system of parks, trails and open spaces that enhance the City's history, environmental features, and sense of place to encourage both active and passive forms of recreation popular on the peninsula.

GOALS AND POLICIES

OPEN SPACE PRESERVATION AND WILDLIFE RESOURCES

GOAL 11.1: DEVELOP A HIGH QUALITY, DIVERSIFIED PARK SYSTEM THAT PRESERVES AND ENHANCES SIGNIFICANT ENVIRONMENTAL RESOURCES AND FEATURES. INCORPORATE UNIQUE ECOLOGICAL FEATURES AND RESOURCES TO PROTECT THREATENED SPECIES, PRESERVE HABITAT, AND RETAIN MIGRATION CORRIDORS THAT ARE UNIQUE AND IMPORTANT TO LOCAL WILDLIFE.

11.1.1. Acquire and preserve especially sensitive or unique habitat sites that support threatened or endangered species and urban wildlife habitat.

11.1.2. Identify and conserve critical wildlife habitat including nesting sites, foraging areas, and migration corridors within or adjacent to natural areas, open spaces, and the developed urban areas.

IDENTIFY URBAN GROWTH PRESERVES

GOAL 11.2: COORDINATE WITH OTHER PUBLIC AND PRIVATE AGENCIES, AND WITH PRIVATE LANDOWNERS TO PRESERVE LAND AND RESOURCES NECESSARY TO PROVIDE HIGH QUALITY, CONVENIENT PARK AND RECREATIONAL FACILITIES BEFORE THE MOST SUITABLE SITES ARE LOST TO DEVELOPMENT.

11.2.1. Continue coordination with PenMet Parks and other agencies on meeting park, recreation, and open space needs through the City and urban growth area to assure that needs are met and services are not duplicated.

11.2.2. Identify lands needed to meet long-term demand for parks, recreation and open space in developing areas such as the wooded, undeveloped, and sensitive lands.

11.2.3. Prior to annexation of urban growth areas review park, recreation, and open space needs to determine potential impacts to adopted levels of service. Such impacts shall be considered when determining the impacts of a potential annexation.

DEVELOPING HEALTHY COMMUNITIES

GOAL 11.3: THROUGH THE CITY’S PERMIT PROCESS, REQUIRE, WHEN POSSIBLE, NEW DEVELOPMENT TO SUPPORT AND ENHANCE THE PEDESTRIAN ENVIRONMENT TO PROMOTE HEALTHY LIFESTYLES AND ACTIVE COMMERCIAL AREAS.

11.3.1. Require pedestrian friendly design features (including but not limited to placement of new buildings, on-site walkways, and pedestrian scale site features) on new developments to promote active healthy lifestyles within the community.

11.3.2. Require non-residential developments to provide common areas (such as town squares, plazas, or pocket parks) proportional to size of the development and the impact on existing park infrastructure to serve the recreational needs of employees and customers. Encourage these spaces to be used as the focus of commercial and civic buildings.

PARK DESIGN STANDARDS

GOAL 11.4: DESIGN AND DEVELOP FACILITIES THAT ARE ACCESSIBLE, SAFE, AND EASY TO MAINTAIN, WITH LIFE CYCLE FEATURES THAT ACCOUNT FOR LONG-TERM COSTS AND BENEFITS.

General

11.4.1. Create park plans for the potential development and re-development of City park properties.

11.4.2. Incorporate features and amenities into parks that fit the local context; contribute to environmental sustainability; and are accessible, safe, and easy to maintain for the long term.

11.4.3. Provide maps at the City’s larger parks, documenting park and trail opportunities in the vicinity of the park.

11.4.4. Develop and maintain parks consistent with local, state and federal environmental regulations.

Accessibility

11.4.5. Design park and recreation facilities to be accessible in accordance with the American Disabilities Act (ADA).

Maintenance

11.4.6. Design and develop facilities that are of low maintenance and high capacity design to reduce overall facility maintenance and operation requirements and costs.

11.4.7. Where appropriate, use low maintenance materials, settings or other value engineering considerations that reduce care and security requirements, and retain natural conditions and experiences.

Security and Safety

11.4.8. Implement design and development standards that will improve park facility safety and implement security features for park users, department personnel, and the public-at-large.

11.4.9. Continue to develop and implement safety standards, procedures, and programs that will provide proper training and awareness for department personnel.

11.4.10. Define and enforce rules and regulations concerning park activities and operations that will protect user groups, department personnel, and the general public-at-large.

11.4.11. Where appropriate, use adopt-a-park programs, neighborhood park watches, park police patrols, and other innovative programs that will increase safety and security awareness and visibility.

TRAIL AND CORRIDOR ACCESS SYSTEMS

GOAL 11.5: DEVELOP A HIGH QUALITY SYSTEM OF MULTIPURPOSE PARK TRAILS AND CORRIDORS THAT PROVIDE ALTERNATIVE TRANSPORTATION OPTIONS AND LOW IMPACT RECREATIONAL OPPORTUNITIES FOR RESIDENTS OF ALL AGES AND ABILITIES IN COORDINATION WITH THE CITY'S NON-MOTORIZED TRANSPORTATION PLAN.

Trail Systems

11.5.1. Create a comprehensive system of multipurpose off-road trails using the Cushman Trail as the backbone of the system. Trails should be developed to provide access to significant environmental features, public facilities, neighborhoods and businesses districts to promote physical activity and a health conscious community.

11.5.2. Leveraging the resources of WSDOT, private developers and other agencies, construct pedestrian facilities that cross SR-16 and other highways (ex: pedestrian overpass at BB16).

11.5.3. Trails should be connected to nearby sidewalk facilities wherever feasible to facilitate the use of the off-street trail systems for non-motorized transportation and recreation. Where sidewalks are an integrated component of a trail system, larger sidewalks may be needed.

11.5.4. Work with PenMet Parks, Pierce County, Tacoma, the Washington State Department of Transportation, and other appropriate jurisdictions to link and extend Gig Harbor trails to other regional trail facilities.

11.5.5. Extend trails through natural area corridors like the Crescent and Donkey (North) Creek corridors, and Wollochet Drive wetlands within the City that will provide a high quality, diverse sampling of area environmental resources, in balance with habitat protection.

Trail Development and Amenities

11.5.6. Develop trails consistent with the park development goals and policies where applicable.

11.5.7. Furnish trail systems with appropriate supporting trailhead improvements that may include interpretive and directory signage systems, rest stops, drinking fountains, restrooms, parking and loading areas, water and other services.

11.5.8. Where appropriate, locate trailheads at or in conjunction with park sites, schools, and other community facilities to increase local area access to the trail system and reduce duplication of supporting improvements.

11.5.9. Develop trail improvements of a design that is easy to maintain and access by maintenance, security, and other appropriate personnel, equipment, and vehicles.

11.5.10. Develop trail accessibility standards to provide for accessible trails where possible and support a diversity of non-motorized uses. Such standards should not prohibit construction of trails where grade or corridor width will not allow full accessibility or trail widths for all uses.

11.5.11. Develop and implement a system of signs to mark trails and non-motorized routes that coordinates with the City's streetscape and furniture standards. Such signage should be developed in accordance with the City's adopted way finding plan.

RECREATIONAL FACILITIES

GOAL 11.6: DEVELOP A QUALITY, DIVERSIFIED RECREATION SYSTEM THAT PROVIDES FOR ALL AGE AND INTEREST GROUPS.

Waterfront Access and Facilities

11.6.1. Cooperate with Pierce County, PenMet Parks, the Washington State Department of Fish & Wildlife, and other public and private agencies to acquire and preserve additional shoreline access for waterfront fishing, wading, swimming, viewing and other related

recreational activities and pursuits, recognizing the rights of property owners in the vicinity of such sites.

11.6.2. Develop and/or encourage a mixture of watercraft access opportunities including canoe, kayak, sailboard, and other non-power boating activities, especially on Gig Harbor Bay and along the Puget Sound shoreline.

Athletic Facilities

11.6.3. Concentrate on field and court activities like soccer, football, baseball, basketball, tennis, pickleball and volleyball that provide for the largest number of participants.

11.6.4. Encourage, leverage the development, or develop, where appropriate, a select number of facilities that provide a quality playing environment, possibly in conjunction with PenMet Parks, Pierce County, Peninsula School District, and other public or private agencies. Such facilities should be developed to meet the requirements for all age groups, skill levels, and recreational interests where possible.

Indoor Facilities

11.6.5. Facilitate the continued development by the Peninsula School District and other organizations, of special meeting, assembly, eating, health, cultural, and other community facilities that provide general support to school age populations and the community-at-large at elementary, middle, and high schools within the City, urban growth area and the greater peninsula.

SPECIAL PURPOSE FACILITIES

GOAL 11.7: ENCOURAGE THE DEVELOPMENT OF QUALITY FACILITIES THAT MEET THE INTERESTS OF ALL SEGMENTS OF THE COMMUNITY.

11.7.1. Where appropriate and economically feasible (self-supporting), encourage other organizations to develop and operate specialized and special interest recreational or cultural facilities like theater, golf and water parks for these interests in the general population.

11.7.2. Where appropriate, facilitate and encourage joint planning and operating programs with other public and private agencies to determine need and provide for special activities like golf, performing arts, water parks, and camping on an area wide basis.

RECREATIONAL PROGRAMS

GOAL 11.8: COORDINATE WITH AND ENCOURAGE THE EFFORTS OF OTHER AGENCIES AND NON-PROFIT RECREATIONAL PROVIDERS TO ASSURE THAT THE RECREATIONAL NEEDS OF THE GIG HARBOR RESIDENTS ARE MET.

11.8.1. Facilitate and encourage other organizations to provide arts and crafts, classroom instruction in music and dance, physical conditioning and health care, meeting facilities, daycare, latch key, and other program activities for all cultural, age, physical and mental capability, and income groups in the community.

11.8.2. Endorse the efforts of local non-profit organizations to provide soccer, baseball, softball, basketball, volleyball, tennis, pickleball, and other instruction and participatory programs for all age, skill level, and income groups in the community.

11.8.3. Assist historical and cultural societies to develop and display artifacts, reports, and exhibits; and conduct lectures, classes, and other programs that document and develop awareness of Gig Harbor's heritage.

HISTORIC RESOURCES

GOAL 11.9: DEVELOP A HIGH QUALITY, DIVERSIFIED PARK SYSTEM THAT PRESERVES SIGNIFICANT HISTORIC OPPORTUNITY AREAS AND FEATURES.

11.9.1. Identify, preserve, and enhance Gig Harbor's multicultural heritage, human history of the City and its neighborhoods, traditions, and cultural features including historic sites, buildings, artworks, objects, views, and monuments.

11.9.2 Identify and incorporate significant historic and cultural lands, sites, artifacts, and facilities into the park system to preserve these interests and to provide a balanced social experience.

11.9.3 Register City owned parks, structures and open space properties that are eligible for the Gig Harbor Register of Historic Places and utilize the City's Certified Local Government (CLG) board to determine appropriate preservation methods and traditional uses.

11.9.4. Encourage the Harbor History Museum, Gig Harbor BoatShop, Gig Harbor Fishermen's Civic Club and others to make cultural programs and activities more accessible to the public.

11.9.5. Encourage the owners of historic sites and structures to provide increased public access.

11.9.6. Consider adopting incentives and adaptive re-use provisions for properties listed on the City's Historic Register to encourage retention of such structures.

CULTURAL ARTS PROGRAMS AND RESOURCES

The purpose of this section is to delineate the importance of The Arts – visual art, music, theater, dance, poetry and prose, film and other creative endeavors – as they relate to the quality of life in Gig Harbor.

The Gig Harbor Arts Commission plays a vital role in our town’s culture by supporting and promoting the arts and arts organizations. The Commission oversees the acquisition and placement of public art, fosters arts and cultural programs for the enrichment of citizens and visitors, encourages an environment for the success of working artists and strengthens new and existing arts organizations. The Arts Commission supports the following statements:

- The arts provide tools for accomplishing larger community goals such as economic vitality, quality education and community planning and design.
- Arts and culture are essential to the continuing growth and development of our community’s economy, education and quality of life. Support of the arts is an investment in making our community a better place to live.
- The arts help strengthen our cultural fabric and enrich the lives and spirits of our citizens.
- Arts and cultural programs are a powerful economic development tool in their ability to enhance Gig Harbor’s image and thereby entice new businesses to locate here.
- The arts can be a source of civic pride and Gig Harbor is a place where citizens and visitors alike can be engaged and inspired.

GOAL 11.10: CELEBRATE THE CREATIVE SPIRIT OF OUR COMMUNITY AND ENCOURAGE FINE AND PERFORMING ARTS PARTNERSHIPS AND PROGRAMS THAT REFLECT THE COMMUNITY'S VISION AND CULTURE.

11.10.1. Identify public visual, written and performing art opportunities that highlight the cultural and historical connections within our community through local history, environmental systems, cultural traditions, and visual symbols.

11.10.2. Enhance the reputation of Gig Harbor as a livable and creative community by encouraging artists of all types to display and perform their work and supporting opportunities for creative expression.

11.10.3~~11.10.2~~. Use public art to create visible landmarks and artistic points of reference to reinforce Gig Harbor’s identity, unique culture and character.

11.10.34. Acquire works of art through a variety of methods including commissioned works, temporary works, direct purchases, and community projects.

11.10.45. In cooperation with area artists and cultural organizations, utilize the city’s website as a clearinghouse for arts information and resource sharing.

11.10.6. Encourage the development of spaces where visual and performing arts can be enjoyed by all. This includes visual and performing arts centers, street fairs, and market places that include performance and display spaces. (Resolution No. 861.)

11.10.7. Encourage and support work by local artists and support visual, written and performing arts programs and partnerships that reflect our community's vision and culture.

FINANCIAL RESOURCES AND COORDINATION

GOAL 11.11: CREATE EFFECTIVE AND EFFICIENT METHODS OF ACQUIRING, DEVELOPING, OPERATING AND MAINTAINING FACILITIES AND PROGRAMS THAT ACCURATELY DISTRIBUTE COSTS AND BENEFITS TO THE GENERAL PUBLIC AND PRIVATE DEVELOPMENT.

Finance

11.11.1. Investigate available methods for the financing of facility development, maintenance, and operation in order to reduce costs, retain financial flexibility, match user benefits and interests, and increase facility services.

11.11.2. Consider joint ventures with other public and private agencies such as PenMet Parks, Pierce County, Peninsula School District, regional, state, federal, and other public and private agencies including for-profit concessionaires, where feasible and desirable.

Public and Private Resource Coordination

11.11.3. Engage in joint planning and development efforts with PenMet Parks, Pierce County, Peninsula School District, and other public and private agencies to avoid duplication; improve facility quality and availability; reduce costs; and represent resident area interests.

Cost/Benefit Assessment

11.11.4. Define existing and proposed land and facility levels-of-service (ELOS/PLOS) that differentiate requirements due to: population growth impacts versus improved facility standards; neighborhood versus community nexus of benefit; city versus the combination of city, county, school, and other provider agency efforts; in order to effectively plan and program park and recreation needs within the existing city and urban growth area boundaries.

11.11.5. Create effective and efficient methods of acquiring, developing, operating, and maintaining park and recreational facilities in manners that accurately distribute costs and benefits to public and private user interests - including the application of growth impact fees where new developments impact existing level-of-service (ELOS) standards.

HUMAN RESOURCES

GOAL 11.12: DEVELOP, TRAIN, AND SUPPORT A PROFESSIONAL PARKS STAFF THAT EFFECTIVELY SERVES THE COMMUNITY IN THE REALIZATION OF THE ABOVE LISTED GOALS AND POLICIES.

11.12.1. Continue to train a diverse, well-trained work force that is motivated to achieve department and citywide goals.

City of Gig Harbor Comprehensive Plan – Parks, Recreation and Open Space Element

11.12.2. Encourage teamwork through communications, creativity, positive image, risk taking, sharing of resources, and cooperation toward common goals.

11.12.3. Where appropriate, provide staff with education, training, and modern equipment and supplies to increase personal productivity, efficiency, and pride.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AUTHORIZING THE EXECUTION OF THE DEVELOPMENT AGREEMENT WITH WALTER SMITH AND NORMA SMITH, RELATED TO AN APPROVED COMPREHENSIVE PLAN LAND USE MAP AMENDMENT (PL-COMP-15-0001) FROM EMPLOYMENT CENTER (EC), COMMERCIAL/BUSINESS (C/B), AND RESIDENTIAL LOW (RL) TO RESIDENTIAL MEDIUM (RM); APPLYING TO 16.71 ACRES OF PROPERTY, GENERALLY LOCATED ALONG BURNHAM DRIVE AND 112TH STREET NW IN THE CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON.

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

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

WHEREAS, a development agreement must be consistent with the applicable development regulations adopted by a local government planning under chapter 36.70A RCW (RCW 36.70B.170(1)); and

WHEREAS, the City of Gig Harbor has adopted development regulations for development agreements in Chapter 19.08 of the Gig Harbor Municipal Code; and

WHEREAS, the City requires processing of development agreements related to legislative actions under GHMC 18.08.040(A) such as a comprehensive plan amendment, to have a recommendation from the Planning Commission; and

WHEREAS, the Developer has a fee simple or other substantial beneficial interest in the real property totaling 16.71 acres generally located on the 6300 block of 112th Street NW in the City of Gig Harbor, Pierce County, Washington, which is legally described in Exhibit A of the Development Agreement, attached hereto and incorporated herein by this reference; and

WHEREAS, on July 21, 2016, the Planning Commission held a public hearing on the Development Agreement; and

WHEREAS, on August 18, September 1, and September 15, 2016 the Planning Commission considered amendments and additions to the Development Agreement and added additional criteria in order to meet GHMC 19.09.170 relating to the associated Comprehensive Plan Land Use Map Amendment; and

WHEREAS, on September 15, 2016 the Planning Commission recommended approval to the Council; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on August 25, 2016 for the Comprehensive Plan Amendment Package and associated Development Agreement; and

WHEREAS, on October 24, 2016, the City Council held a public hearing on the Development Agreement; and

WHEREAS, on November 14, 2016 the City Council considered the resolution for the Development Agreement during a regular public meeting; and

WHEREAS, on December __, 2016 after considering the application, the staff report and all public testimony presented, City Council approved the Development Agreement attached hereto as Exhibit A; Now, Therefore,

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

Section 1. The City Council hereby authorizes the Mayor to execute the Development Agreement attached hereto as Exhibit A, with Walter H. Smith and Norma K. Smith.

Section 2. The City Council hereby directs the Planning Director to record the Development Agreement against the Property legally described in Exhibit A to the Development Agreement, at the cost of the applicant, pursuant to RCW 36.70B.190, on or immediately following the effective of the Development Agreement.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this ___ day of December, 2016.

CITY OF GIG HARBOR

Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

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

**DEVELOPMENT AGREEMENT
BY AND BETWEEN
CITY OF GIG HARBOR, WALTER H. SMITH, AND NORMA K. SMITH
FOR THE SMITH COMPREHENSIVE PLAN LAND USE MAP AMENDMENT**

THIS DEVELOPMENT AGREEMENT is made and entered into this ____ day of _____, _____, by and between the CITY OF GIG HARBOR, a Washington municipal corporation, hereinafter the “City”; and WALTER H. SMITH and NORMA K. SMITH, as tenants-in-common, each as to a 50% interest, referred to collectively as the “Developer.”

RECITALS

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

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

WHEREAS, the Developer has made application, known as the Smith Comprehensive Plan Land Use Map Amendment to change the land use designation of the subject property from Employment Center (EC), Commercial/Business (C/B), and Residential Low (RL) to Residential Medium (RM) for the property located at the 6300 block of 112th Street (Parcel Numbers 01-22-25-3072, 01-22-25-3074, and 01-22-25-4092), legally described on Exhibit A and shown on Exhibit B (the “Property”), both of which exhibits are attached hereto and incorporated herein; and

WHEREAS, after holding a public hearing on the Application on July 1, 2016, and further consideration on September 15, 2016, the Planning Commission recommended approval of the Application subject to a development agreement of 20 years limiting any future rezone proposal of the Property to the Residential High (R-3) zoning district, providing for buffering, limiting the Project to no more than 100 dwelling units, limiting the future PM Peak Traffic Trip Count to 102, requiring the landowner to attend a pre-application meeting with the Design Review Board prior to submission of a future development project, and limiting the Parcel No. 01-22-25-3072 to one access point along 112th Street; and

WHEREAS, on October 24, 2016, the City Council held a public hearing on this Development Agreement and made a recommendation to change the future land use designation to Residential Medium and implementing zoning district to Medium-Density Residential (R-2), additionally allowing single family dwellings; and

WHEREAS, on _____, the City Council adopted the recommendations of the Planning Commission not inconsistent with this resolution, approving the Application, subject to approval of this Development Agreement; and

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

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

Section 1. *The Project.* The Project is the development and use of the Property, consisting of 16.71 acres in the City of Gig Harbor. The Comprehensive Plan Amendment will amend the land use designation from Employment Center, Commercial/Business, and Residential Low to Residential Medium.

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

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

- a) “Adopting Resolution” means the Resolution which approves this Development Agreement, as required by RCW 36.70B.200.
- b) “Certificate of occupancy” means either a certificate issued after inspections by the City authorizing a person(s) in possession of property to dwell or otherwise use a specified building or dwelling unit, or the final inspection if a formal certificate is not issued.
- d) “Council” means the duly elected legislative body governing the City of Gig Harbor.
- e) “Design Guidelines” means the Gig Harbor Design Manual, as adopted by the City.
- f) “Director” means the City’s Community Development Director or Director of Planning.
- g) “Effective Date” means the effective date of the Ordinance approving the the Sunrise Enterprise Land Use Map Amendment, PL-COMP-15-0001.
- h) “Existing Land Use Regulations” means the ordinances adopted by the City Council of Gig Harbor in effect on the Effective Date, including the adopting ordinances

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

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

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

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

- a) Exhibit A – Legal Description of the Property
- b) Exhibit B – Land Use Map
- c) Exhibit C – Site Plan

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

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

b) The "Developer" or Owner consists of two private individuals which own the Subject Property together in fee, and whose principal mailing address is PO Box 1272, Gig Harbor, WA 98335.

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

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

Section 7. *Term of Agreement.* This Agreement shall commence upon the effective date of the Adopting Resolution approving this Agreement, and shall continue

in force for a period of twenty (20) years unless extended or terminated as provided herein. Following the expiration of the term or extension thereof, or if sooner terminated, this Agreement shall have no force and effect, subject however, to post-termination obligations of the Developer or Landowner.

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

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

A. **Limitations on Rezone.** Within five years of the effective date of the approval of the Comprehensive Plan Amendment, the Developer may submit application to the City for rezone of the project site to R-2. Nothing in this Agreement is intended to guarantee approval of a future rezone, and the City retains its authority to approve or deny any such application for rezone based on criteria in existence at the time of consideration. Along with the rezone application, the Developer may also submit project permit applications for development of the Property to the City. These project permit applications shall be consistent with the City's code in effect at that time, and also include the provisions set forth below.

B. **Dwelling Units.** No more than 100 total dwelling units may be constructed on the Property.

C. **Buffering.** Developer shall maintain buffers as shown on Exhibit C.

D. **Access.** Parcel No. 01-22-25-3072 will be limited to a single access point onto 112th Street as shown on Exhibit C.

E. **Traffic.** Total development on the Property shall not exceed 102 PM Peak Hour Trips.

F. **Design Review Board.** Prior to submission of a development project permit application, the Landowner shall attend a pre-application meeting with the City's Design Review Board at no cost to the Landowner.

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

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

Section 12. Existing Land Use Fees and Impact Fees.

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

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

Section 13. Default.

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

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

Section 14. Termination.

A. This Agreement shall terminate upon the first to occur: (i) the expiration of the term identified in Section 7, or (ii) upon the City's redesignation of the Property by way

of amendment to the Comprehensive Plan Land Use Map as set forth in subsection 17(B) below. Upon termination of this Agreement, the City shall record a notice of such termination in a form satisfactory to the City Attorney that the Agreement has been terminated.

B. If the Developer does not submit an application for rezone of the Property within five years from the effective date of this Agreement, then: (i) all provisions of this Agreement relating to the development contemplated herein shall terminate, except the limitation and prohibition on rezones set forth in Section 9 shall remain in full force and effect for the term of this Agreement identified in Section 7; and (ii) the City may amend the Comprehensive Land Use Map designation of the Property to Residential Low (RL) or other designation(s) in its discretion.

Section 15. Effect upon Termination on Developer Obligations. Termination of this Agreement as to the Developer of the Subject Property or any portion thereof shall not affect any of the Developer's obligations to comply with the City Comprehensive Plan and the terms and conditions or any applicable zoning code(s) or subdivision map or other land use entitlements approved with respect to the Subject Property, any other conditions of any other development specified in the Agreement to continue after the termination of this Agreement or obligations to pay assessments, liens, fees or taxes.

Section 16. Effects upon Termination on City. Upon any termination of this Agreement as to the Developer of the Subject Property, or any portion thereof, the entitlements, conditions of development, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested hereby with respect to the property affected by such termination (provided that vesting of such entitlements, conditions or fees may then be established for such property pursuant to then existing planning and zoning laws).

Section 17. Assignment and Assumption. The Developer shall have the right to sell, assign or transfer this Agreement with all their rights, title and interests therein to any person, firm or corporation at any time during the term of this Agreement. Developer shall provide the City with written notice of any intent to sell, assign, or transfer all or a portion of the Subject Property, at least 30 days in advance of such action.

Section 18. Covenants Running with the Land. The conditions and covenants set forth in this Agreement and incorporated herein by the Exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Developer, Landowner and every purchaser, assignee or transferee of an interest in the Subject Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Subject Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Developer contained in this Agreement, as

such duties and obligations pertain to the portion of the Subject Property sold, assigned or transferred to it.

Section 19. Amendment to Agreement; Effect of Agreement on Future Actions. This Agreement may be amended by mutual consent of all of the parties, provided that any such amendment shall follow the process established by law for the adoption of a development agreement (*see*, RCW 36.70B.200). However, nothing in this Agreement shall prevent the City Council from making any amendment to its Comprehensive Plan, Zoning Code, Official Zoning Map or development regulations affecting the Subject Property during the term of this Agreement, as the City Council may deem necessary to the extent required by a serious threat to public health and safety. Nothing in this Development Agreement shall prevent the City Council from making any amendments of any type to the Comprehensive Plan, Zoning Code, Official Zoning Map or development regulations relating to the Subject Property after termination or expiration of this Agreement.

Section 20. Releases. Developer, and any subsequent Landowner, may free itself from further obligations relating to the sold, assigned, or transferred property, provided that the buyer, assignee or transferee expressly assumes the obligations under this Agreement as provided herein.

Section 21. Notices. Notices, demands, correspondence to the City and Developer shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated in Section 5. Notice to the City shall be to the attention of both the City Administrator and the City Attorney. Notices to subsequent Landowners shall be required to be given by the City only for those Landowners who have given the City written notice of their address for such notice. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

Section 22. Reimbursement for Agreement Expenses of the City. Developer agrees to reimburse the City for actual expenses incurred over and above fees paid by Developer as an applicant incurred by the City directly relating to this Agreement, including recording fees, publishing fees and reasonable staff and consultant costs not otherwise included within application fees. Upon payment of all expenses, the Developer may request written acknowledgement of all fees. Such payment of all fees shall be paid, at the latest, within thirty (30) days from the City's presentation of a written statement of charges to the Developer.

Section 23. Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. If litigation is initiated to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Venue for any action shall lie in Pierce County Superior Court or the U.S. District Court for Western Washington.

Section 24. Third Party Legal Challenge. In the event any legal action or special proceeding is commenced by any person or entity other than a party or a Landowner to challenge this Agreement or any provision herein, the City may elect to tender the defense of such lawsuit or individual claims in the lawsuit to Developer and/or Landowner(s). In such event, Developer and/or such Landowners shall hold the City harmless from and defend the City from all costs and expenses incurred in the defense of such lawsuit or individual claims in the lawsuit, including but not limited to, attorneys' fees and expenses of litigation, and damages awarded to the prevailing party or parties in such litigation. The Developer and/or Landowner shall not settle any lawsuit without the consent of the City. The City shall act in good faith and shall not unreasonably withhold consent to settle.

Section 25. Specific Performance. The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Development Agreement by any party in default hereof.

Section 26. Severability. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein

Section 27. Entire Agreement. This Agreement represents the entire integrated agreement between the City and the Developer, superseding all prior negotiations, representations or agreements, written or oral.

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

CITY OF GIG HARBOR

WALTER H. SMITH

By _____
Mayor

ATTEST:

NORMA K. SMITH

City Clerk

APPROVED AS TO FORM:

City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

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

DATED: _____

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

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Norma K. Smith is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute and acknowledged it to be a free and voluntary act of such party for the uses and purposes mentioned in the instrument

DATED: _____

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

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that she signed this

instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Mayor of the City of Gig Harbor, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

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

Exhibit A - Legal Description

Old Business - 1
39 of 41

RECEIVED BY

MAY 18 2016

CITY OF GIG HARBOR

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 22 EAST, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON LYING NORTHERLY OF 112TH STREET NW AND LYING NORTHERLY, EASTERLY, AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 88°14'09" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 493.13 FEET TO THE SOUTHEAST CORNER OF PLAT ALTERATION OF HORIZON WEST AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AFN 200602085007;
THENCE NORTH 02°16'29" EAST 150.82 FEET;
THENCE SOUTH 86°50'41" EAST 11.32 FEET;
THENCE NORTH 02°16'29" EAST 55.50 FEET;
THENCE SOUTH 86°50'41" EAST 48.54 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 54°16'31" WEST 62.70 FEET;
THENCE NORTH 88°39'04" WEST 159.07 FEET;
THENCE NORTH 02°26'35" EAST 16.26 FEET;
THENCE NORTH 88°14'09" WEST 93.21 FEET;
THENCE NORTH 02°16'41" EAST 10.00 FEET TO AN ANGLE POINT IN TRACT C OF THE AFOREMENTIONED PLAT ALTERATION OF HORIZON WEST;

THENCE ALONG THE BOUNDARY OF SAID PLAT THE FOLLOWING COURSES:

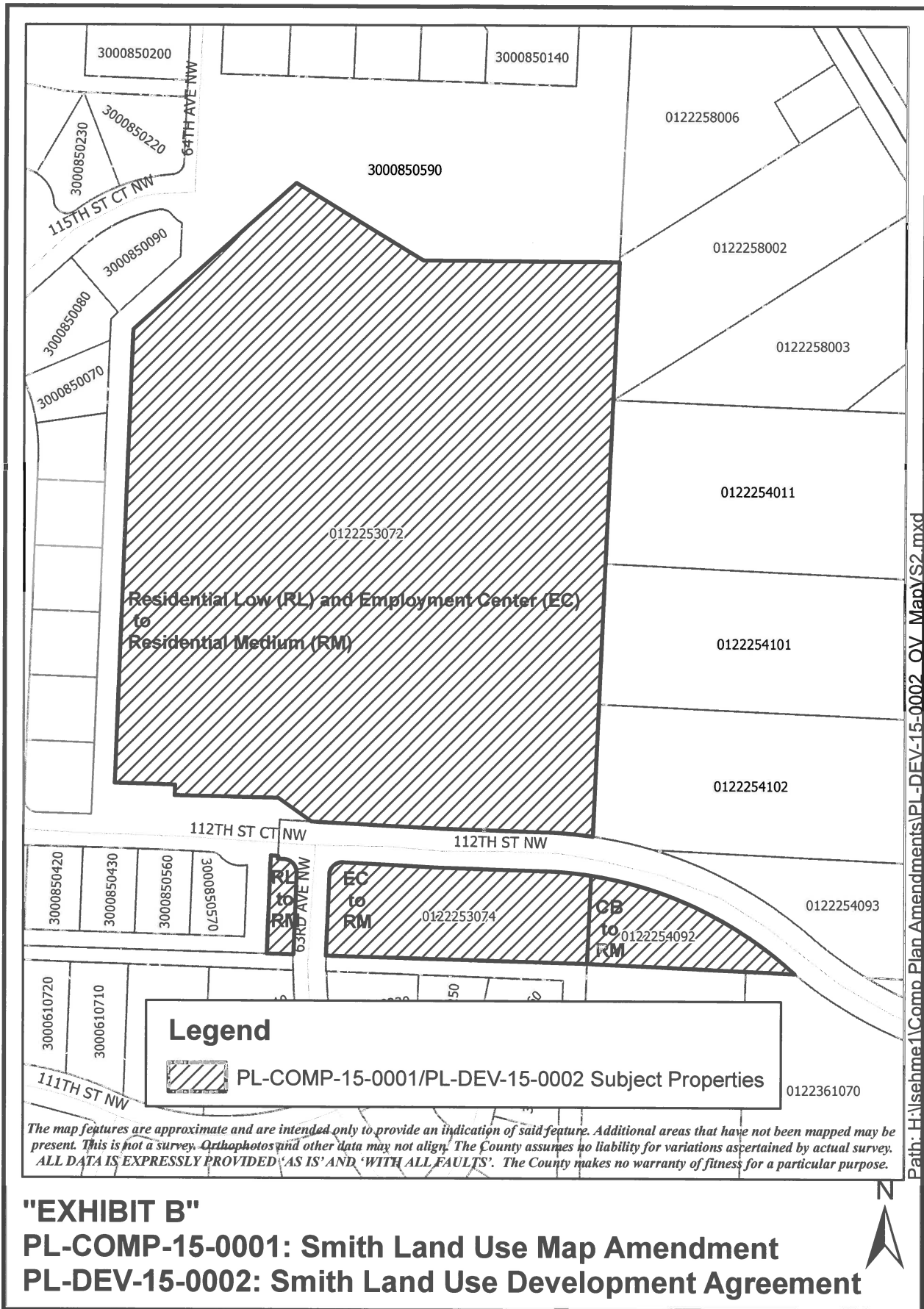
NORTH 02°16'41" EAST 686.83 FEET;
NORTH 48°02'05" EAST 336.42 FEET;
SOUTH 58°38'37" EAST 227.14 FEET;
SOUTH 89°33'05" EAST 302.68 FEET TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25 AND THE TERMINUS OF THIS LINE DESCRIPTION.

TOGETHER WITH:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON LYING SOUTHERLY OF 112TH STREET WEST NW AND EASTERLY OF 63RD AVENUE N.W.

TOGETHER WITH:

THAT PORTION OF THE SOUTH 165 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN LYING SOUTHERLY AND WESTERLY OF 112TH STREET N.W., PIERCE COUNTY, WASHINGTON.



"EXHIBIT B"
PL-COMP-15-0001: Smith Land Use Map Amendment
PL-DEV-15-0002: Smith Land Use Development Agreement



2016 COMPREHENSIVE PLAN AMENDMENT PACKAGE - REVISED

November 14, 2016

City Council Public Hearing

TONIGHT'S PUBLIC HEARING

- 2016 Comprehensive Plan Amendment Package
 - Staff presentation on revised application
 - PL-COMP-15-0001 w/ PL-DEV-15-0002 – Smith Land Use Map Amendment & Development Agreement
 - Open Public Hearing
 - Smith Land Use Map Amendment & Development Agreement – Revised
 - Arts Commission Text Amendment
 - Mixed Use Designation
 - Questions from City Council



CRITERIA FOR APPROVAL

- All Comprehensive Plan Amendments must meet the City's adopted Criteria for Approval under Gig Harbor Municipal Code 19.09.170.
 - Consistent with adopted goals, policies and objectives
 - Consistent with State and local laws, Countywide planning policies
 - Will not adversely impact the ability to provide public facilities and services.
 - Advances the public interest.
 - Adequate infrastructure is in place or planned to serve the expected development.
 - Area is physically suitable for the allowed land uses.
 - Does not create a demand to change land use designations of other properties.



SMITH COMPREHENSIVE PLAN LAND USE MAP AMENDMENT

PL-COMP-15-0001 & PL-DEV-15-0002

- **Revised Application:** Amend the land use designation of three parcels totaling 16.71 acres located at 6302 112th Street.
 - Current Designations: Employment Center, Commercial Business and Residential Low.
 - Proposed Designation: Residential Medium.
 - Associated Development Agreement: Limit to a maximum of 100 units under Medium Density Residential zoning (R-2), ensures buffers shown in post-mining grading plan, limits vehicular access to one access point off 112th street.
 - R-2 Standards: 4-6 du/na; single-family and duplex permitted; triplex and fourplex conditional use.
 - Current Use: Gravel mining operation with portions that are vacant.



MAP OF AREA UNDER REQUEST (OUTLINED IN BLACK)



RECENT HISTORY OF AREA

- Annexed into the City in 2009.
- Gravel Mine operation approved under Pierce County.
- Pierce County had property designated an equivalent to the City's industrial Employment Center.
- In 2015, under Ordinance No. 1322 City Council amended the Land Use of the approximately 8.07 acres of Residential Low from Employment Center against the property owners request.

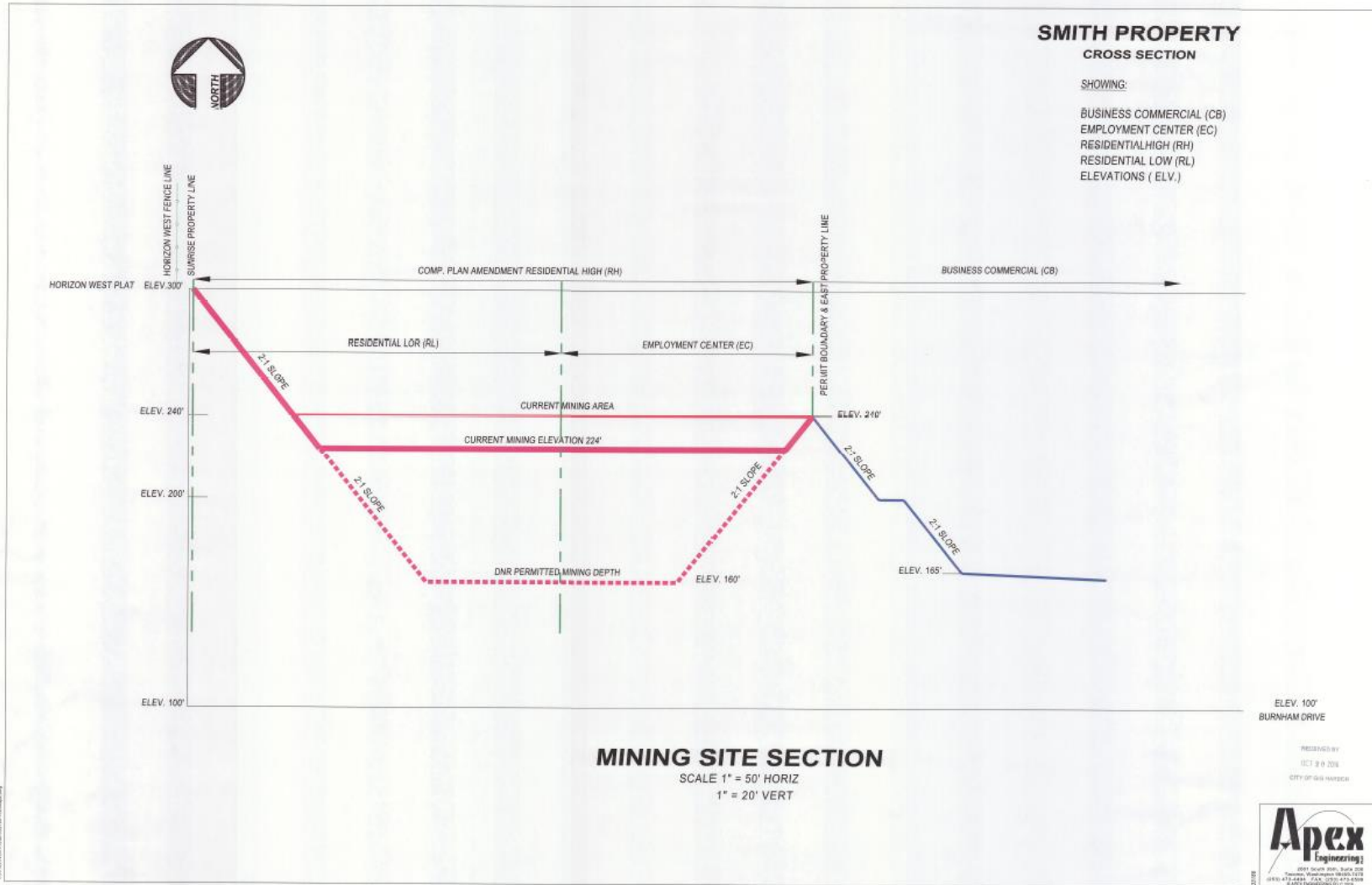


USES CURRENTLY ALLOWED

- Commercial/Business Land Use
 - C-1/B-1/B-2 Zoning Districts – Highest intensity commercial uses in City. Generally found on the Westside (Uptown, Safeway complex, Main and Vine) of the City.
- Employment Center Land Use
 - Employment District Zoning – Highest intensity industrial uses in City.
 - Permit outright industrial level 2 uses (nuisance factors of noise, light, glare, odors, particulate emissions and hazardous waste).
- Residential Low Land Use
 - R-1 Zoning District – Single Family Dwellings only. Lowest intensity zoning district in City.



CROSS SECTION OF CURRENT MINING PERMIT



REQUIRED POST-MINING GRADING PLAN PROVIDED BY APPLICANT



MIXED USE DESIGNATION – LAND USE MAP AMENDMENT

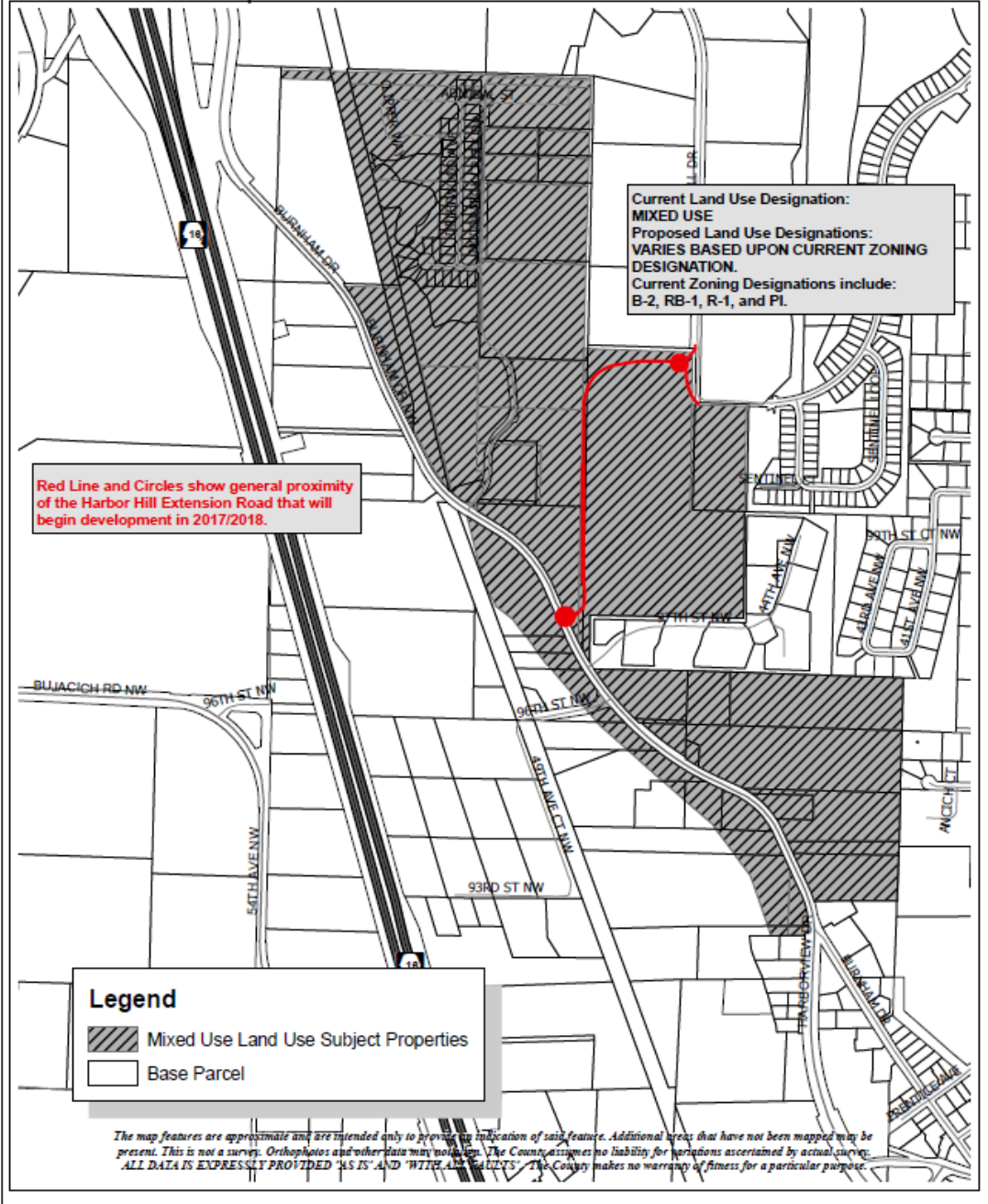
PL-COMP-15-0003

- Request for Consideration: Remove the Mixed Use designation and replace with appropriate land use designations that aligned with existing zoning districts.



Land Use Map Amendment - MUD Removal - PL-COMP-15-0005

Approved 7/18/17 by County



Current Land Use Designation:
MIXED USE
Proposed Land Use Designations:
VARIES BASED UPON CURRENT ZONING
DESIGNATION.
Current Zoning Designations include:
B-2, RB-1, R-1, and PL.

Red Line and Circles show general proximity of the Harbor Hill Extension Road that will begin development in 2017/2018.

Legend
Mixed Use Land Use Subject Properties
Base Parcel

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED AS IS AND WITH ALL DEFECTS. The County makes no warranty of fitness for a particular purpose.



ARTS COMMISSION – TEXT AMENDMENT

PL-COMP-15-004

- **Request for Consideration:** The City's Arts Commission has proposed amending text in the Parks, Recreation and Open Space Element of the Comprehensive Plan to support the Arts Commission work program. Proposed changes are focused around Goal 11-10 of the Element and its associated policies.
- **Criteria for Approval** required per GHMC 19.09.170 is met.
- **Planning Commission Recommendation** to approve text amendment.



GOAL 11.10: CELEBRATE THE CREATIVE SPIRIT OF OUR COMMUNITY AND ENCOURAGE FINE AND PERFORMING ARTS PARTNERSHIPS AND PROGRAMS THAT REFLECT THE COMMUNITY'S VISION AND CULTURE.

11.10.1. Identify public visual, written and performing art opportunities that highlight the cultural and historical connections within our community through local history, environmental systems, cultural traditions, and visual symbols.

11.10.2. Enhance the reputation of Gig Harbor as a livable and creative community by encouraging artists of all types to display and perform their work and supporting opportunities for creative expression.

11.10.3~~11.10.2.~~ Use public art to create visible landmarks and artistic points of reference to reinforce Gig Harbor's identity, unique culture and character.

11.10.34. Acquire works of art through a variety of methods including commissioned works, temporary works, direct purchases, and community projects.

11.10.45. In cooperation with area artists and cultural organizations, utilize the city's website as a clearinghouse for arts information and resource sharing.

11.10.6. Encourage the development of spaces where visual and performing arts can be enjoyed by all. This includes visual and performing arts centers, street fairs, and market places that include performance and display spaces. (Resolution No. 861.)

11.10.7. Encourage and support work by local artists and support visual, written and performing arts programs and partnerships that reflect our community's vision and culture.





Business of the City Council City of Gig Harbor, WA

Subject: 2nd reading and adoption of Ordinance – Stormwater LID Integration and Landscaping Amendments

Proposed Council Action:

Move to adopt Ordinance No 1347 related to stormwater development regulations and zoning, adopting a new Stormwater manual, and integrating low impact development standards and landscaping amendments into the municipal code.

Dept. Origin: PW and Planning

Prepared by: Lindsey Sehmel, AICP *LS*

For Agenda of: November 14, 2016

Exhibit: Ordinance No. 1347

Initial &
Date

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

JG 11-9-16
PanW 11/9/16
by email
DF 11/9

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

The City is required under the National Pollutant Discharge Elimination System (NPDES) to update the municipal code and standards to establish low-impact development (LID) of Stormwater systems as the preferred method of site development. This requirement must be met and in effect by December 31, 2016. City staff has met with City Council committees (Public Works and Planning and Building) and briefed the council in full on October 10th, 2016 of the draft amendments. To summarize, the City needs to amend definitions relating to site coverage and permeable and impervious surfaces, change terms in sections of the GHMC to align with the new definitions, adopt a new Stormwater surface management manual, and require a soil suitability analysis with site development projects to identify the feasibility related to LID best management practices (BMPs) for infiltration on site. Furthermore, the City has opted to include perimeter and tree retention amendments in alignment with the required Stormwater amendments to allow for more flexibility in site design and provide improved tree retention.

A full copy of Exhibit A of the Ordinance is located in the City Council Office for your review. Due to the size of the document, staff has also provided a digital copy on the City's website here: <http://www.cityofgigharbor.net/stormwater-low-impact-development-updates/> And it is hosted here on Box.com: <https://cityofgigharbor.box.com/v/2016StormwaterManual>

BOARD OR COMMITTEE RECOMMENDATION

Both the Public Works and Planning and Building Committees were briefed on the package of amendments, the project timeline, and the process to move forward to the full council for adoption by the required deadline.

RECOMMENDATION/MOTION

Motion: Move to adopt Ordinance No 1347 related to stormwater development regulations and zoning, adopting a new Stormwater manual, and integrating low impact development standards and landscaping amendments into the municipal code.

ORDINANCE NO. 1347

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STORMWATER, DEVELOPMENT REGULATIONS AND ZONING; ADOPTING A NEW TECHNICAL STORMWATER MANUAL; AMENDING CHAPTERS 17.31, 17.32, 17.36 AND 17.40 RELATING TO MAXIMUM COVERAGE PERCENTAGES; AMENDING THE LANDSCAPING AND SCREENING CHAPTER TO PROVIDE GREATER FLEXIBILITY AND OPTIONS FOR THE LOCATION OF, PREFERRED PLANTINGS FOR, IRRIGATION OF, AND ENCROACHMENT INTO REQUIRED PERIMETER LANDSCAPING AREAS; AMENDING THE DEFINITION OF SIGNIFICANT VEGETATION TO REMOVE SHORT-LIVED, WEED-LIKE TREE SPECIES; INCREASING THE RETENTION PERCENTAGE OF SIGNIFICANT TREES FROM 20 PERCENT TO 25 PERCENT FOR NON-RESIDENTIAL, MULTIFAMILY AND RESIDENTIAL SUBDIVISIONS; INCREASING THE RATIO OF TREE REPLACEMENT DUE TO ILLEGAL TREE REMOVAL; INCREASING THE AREA WITHIN A DRIP LINE TO INCLUDE MORE CRITICAL ROOT ZONE; RENUMBERING SECTIONS 17.04.407, 17.04.408, 17.04.544, AND 17.04.657; RENAMING TITLE 17.78; REPEALING SECTION 17.78.050 AND THE CERTIFIED ARBORIST DEFINITION IN 17.99.590; ADDING SECTIONS 17.04.065, 17.04.105, 17.04.408, 17.04.543, 17.04.544, 17.04.659, 17.04.675, 17.04.727, 17.78.050, AND 17.78.092; AMENDING SECTIONS 14.20.030, 14.20.130, 14.30.020, 16.05.001, 16.10.050, 16.10.060, 16.11.003, 16.11.004, 17.04.230, 17.04.269, 17.04.420, 17.04.675, 17.16.060, 17.17.040, 17.20.040, 17.21.040, 17.24.050, 17.28.050, 17.30.010, 17.30.060, 17.31.070, 17.32.033, 17.36.070, 17.40.090, 17.46.040, 17.48.040, 17.48.090, 17.50.040, 17.72.020, 17.78.010, 17.78.020, 17.78.030, 17.78.045, 17.78.060, 17.78.070, 17.78.080, 17.78.090, 17.78.120, 17.89.040, 17.89.060, 17.90.040, 17.90.060, 17.91.040, 17.94.050, 17.96.030, 17.96.050, 17.98.040, 17.99.020, 17.99.160, 17.99.220, 17.99.240, 17.99.280, 17.99.300, 17.99.390, 17.99.590, AND 18.08.206 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor (the "City") is regulated under the Washington State Department of Ecology's Western Washington Phase II Municipal Stormwater Permit (the "Permit"); and

WHEREAS, in accordance with schedules mandating periodic approval Phase II Municipal Separate Storm Sewer System (MS4) General Permits, a new NPDES Permit for City was issued on August 1, 2012, with an effective date of August 1, 2013, and subsequently modified on January 16, 2014, by Ecology; and

WHEREAS, a requirement of the Permit is that the City adopt a technical manual which has been determined by Ecology to be equivalent to the Ecology "2012 Stormwater Management Manual for Western Washington" for controlling the quantity and quality of stormwater runoff; and

WHEREAS, the City recognizes that stormwater is an important part of the hydrologic cycle and directly impacts streams, wetlands, ponds, creeks, groundwater and Puget Sound; and

WHEREAS, the City will adopt code policies and procedures as needed to integrate Stormwater Low Impact Development (LID) techniques into the City's municipal code, development regulations and standards to be in accord with the new Stormwater Management and Site Development Manual as mandated by the Permit requirements, to become effective December 31, 2016; and

WHEREAS, the Permit broadly applies to City activities that include permitting of development, maintenance and operations of City facilities, inspections and enforcement of regulations, and other activities conducted in the City's MS4; and

WHEREAS, the intent of the code revisions and new stormwater manual is to make LID the preferred and commonly used approach to site development with emphasis to minimize impervious surfaces, native vegetation loss, and stormwater runoff in a way that harmonizes with the City's Comprehensive Plan and vision for the City; and

WHEREAS, amendments to the landscaping and zoning code will allow for greater flexibility in site design with the intent of supporting LID best management practices; and

WHEREAS, landscaping and buffering is intended to separate and/or screen structures and uses in land use design; and

WHEREAS, in a suburban or urban environment vegetative buffering and screening is rarely dense enough or effective at screening structures in the short term due to disease, windfall and/or property owners' actions; and

WHEREAS, builders, developers, site designers and civil engineers require greater flexibility and options in site design and allocation of retained vegetation in order to respect natural topography, maintain soil balance, and minimize large or extensive retaining walls; and

WHEREAS, the City Council desires to avoid the creation of long straight and/or thin bands of trees and understory which are either unnatural looking or unhealthy; and

WHEREAS, the amendments allow certain aspects of site development to weave into the vegetative setting and encourage the preservation and clustering of mature stands of existing trees and vegetation, and allow LID techniques in landscape areas where feasible; and

WHEREAS, amending regulations to Gig Harbor Municipal Code 17.78 for trees, vegetation and landscaping requirements is desired to protect the health, safety, and welfare of citizens of the City; and

WHEREAS, the amendments provide additional aesthetic values allowing greater flexibility and options in site design and allocation of retained vegetation in order to respect the natural topography, existing natural environment and natural stormwater filtration; and

WHEREAS, these amendments provide environmental benefits, creating natural meanders and vegetation islands allowing for greater water infiltration points, improving noise reduction and clean air, as well as increased habitat and biodiversity; and

WHEREAS, preservation of native coniferous trees while allowing removal of faster growing deciduous species will yield to the greater retention of tree species valued by the Gig Harbor community; and

WHEREAS, increasing the replacement requirements for trees identified to be retained will create greater enhancement of areas meant for retention that were disturbed during or after construction; and

WHEREAS, the Planning Commission considered the draft amendments relating to the trees, landscaping and screening amendments from November 2013 through June 2014; and

WHEREAS, the Planning Commission held a public hearing on March 6, 2014 regarding the proposed amendments relating to the trees, landscaping and screening amendments; and

WHEREAS, in April and May of 2014 the Planning Commission made amendments to the proposed language in response to feedback from the public hearing relating to the trees, landscaping and screening amendments; and

WHEREAS, on June 26, 2014 the Chair of the Planning Commission signed the Notice of Recommendation to City Council; and

WHEREAS, the Gig Harbor City Council held a public hearing on September 22, 2014, to take public testimony relating to this ordinance; and

WHEREAS, on October 6, 2014 a joint work-study session between the City Council and Planning Commission was held. Staff was directed to conduct further review; and

WHEREAS, in the 2015-2016 Gig Harbor Budget provided funding for Low Impact Development (LID) Code GAP Analysis in accordance with the National Pollutant

Discharge Elimination System (NPDES) permit requirements to meet conduct a “GAP” analysis and code revisions of GHMC and stormwater technical manual; and

WHEREAS; on August 11, 2015 the City of Gig Harbor entered into in agreement with AHBL Inc. to provide LID integration into City code analysis and recommendations that include revisions to the stormwater technical manual; and

WHEREAS, in 2016 the Planning Department consulted with an ISA certified arborist on staff about the Planning Commission’s recommendation. The City’s arborist general felt that the proposal was appropriate but further amendments were needed to meet current industry standards, including amending the definitions of drip line and arborist; and

WHEREAS, on March 14, 2016 the Public Works Committee was briefed on the schedule and proposed amendments; and

WHEREAS, on March 15, 2016 the Planning and Building Committee was briefed on the schedule and proposed amendments; and

WHEREAS, on September 1, 2016 the City issued a Determination of Non-significance under the Washington State Environmental Protection Act relating to the full breadth of amendments included herein; and

WHEREAS, on September 12, 2016 the Public Works Committee was presented with and discussed the full package of amendments; and

WHEREAS, on October 10, 2016 a public open house was conducted; and

WHEREAS, on October 10, 2016 the City Council held a work study session on the amendments; and

WHEREAS, on October 24, 2016 the City Council held a public hearing on the amendments; and

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

Section 1. Section 14.20.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

14.20.030 Definitions.

* * *

“Best management practice” or “BMP” shall mean the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or

managerial management practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington. BMPs are listed and described in the Gig Harbor Stormwater Management and Site Development Manual, most recent version.

* * *

“Land disturbing activity” shall mean any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

* * *

“Redevelopment” shall mean, where a site that is already substantially developed (i.e., has 35 percent or more of existing imperviousimpermeable surface coverage), the creation or addition of imperviousimpermeable surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of imperviousimpermeable surface that is not part of a routine maintenance activity; and land disturbing activities.

* * *

Section 2. Subsection 14.20.130(E) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

14.20.130 Agreements, easements, tracts, and covenants.

* * *

E. All runoff from imperviousimpermeable surfaces, roof drains, and yard drains shall be directed so as not to adversely affect adjacent properties. Wording to this effect shall appear on the face of all binding site plans, short plats, boundary line adjustments, and final plats/PRDs, and shall be contained in any covenants required for a development.

Section 3. Section 14.30.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

14.30.020 Definitions.

“Best management practices” or “BMPs” means the schedule of activities, prohibition of practices, maintenance procedures, and physical, structural, and/or managerial management practices approved by Ecology that, when used singly

or in combination, prevent and/or reduce the release of pollutants and other adverse impacts to waters of Washington state of water. BMPs are listed and described in the ~~Stormwater Management Manual for Western Washington~~ and the Gig Harbor Stormwater Management and Site Development Manual, most recent version.

* * *

Section 4. Section 16.05.001 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.05.001 Requirements for a complete application.

In addition to the requirements for a complete application as set forth in GHMC 19.02.002, an applicant for a preliminary plat shall submit the following:

- A. A map or sketch using a scale of 100 feet to one inch or larger, showing:
 1. Topographical and other data depicting:
 - a. Boundary lines including bearing and distance;
 - b. Easements, including location, width and purpose;
 - c. Streets on and adjacent to the tract, including name and right-of-way width and location; type, width and elevation of surfacing, walks, curbs, gutters, culverts, etc.;
 - d. Ground elevations on the tract, based on a datum plane approved by the city engineer; for land that slopes less than approximately two percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and all selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;
 - e. Other conditions on adjacent land, including approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted land within 300 feet of the subject property. Refer to subdivision plat by name, recording date, volume and page number, and show lot size, and dwelling units;
 2. Utilities on and adjacent to the tract, including location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and

distance to, and size of nearest ones, showing invert elevation of sewers;

3. Location of soil borings or test pits, as required;

43. Other conditions on the tract including critical areas and/or their buffers, watercourses, marshes, rock outcrop;

54. Zoning district designations, on and adjacent to the tract;

65. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract;

76. Vicinity showing location of the tract;

87. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;

98. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;

109. Minimum building setback lines;

110. Site data, including number of residential lots, typical lot size, and acres in parks, etc.;

124. Plat name, scale, north arrow and date;

132. Typical cross-sections of the proposed grading, roadway and sidewalk;

143. Proposed sanitary, storm water and water systems plan with points of connection, grades and sizes indicated;

B. Title and certificates, including a legal description according to official records in the office of the county auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey;

C. Draft of proposed covenants, if any; and

D. Public Works Checklist. All applicable items listed on the public works land use application intake checklist.

Section 5. Subsection 16.10.050(B)(9) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.10.050 Siting criteria.

* * *

B. Mobile/manufactured home subdivision:

* * *

9. Maximum ~~impervious-hard/impermeable surface~~ coverage: dependent upon zoning district standard;

* * *

Section 6. Subsection 16.10.060(H) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.10.060 Development standards.

* * *

H. Accessory Buildings. Accessory buildings within a mobile/manufactured home park or subdivision are permitted; provided, that the maximum site hard/impermeable surface coverage does not exceed 30 percent of the site's open space.

* * *

Section 7. Subsection 16.11.003(B)(6) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.11.003 Complete binding site plan application.

* * *

B. All of the site plan elements as listed in GHMC 17.96.050, as long as the following elements are also included:

* * *

6. The following zoning code data: zoning district; total lot area (square feet); total building area (square feet); percent of site hard/impermeable surface coverage; number of units proposed; total number of parking stalls (including handicapped); total parking and maneuvering area (square feet); required landscaping (square feet); percent of lot in open space; type of construction; sprinklered-nonsprinklered; occupancy classification;

* * *

Section 8. Subsection 16.11.004(B)(8) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.11.004 Criteria for approval of binding site plan.

* * *

B. Approval of Binding Site Plans in Residential Single-Family (R-1) Zones. In addition to all other criteria for approval, a binding site plan may only be approved in an R-1 zone if all of the following additional criteria are satisfied:

* * *

8. The maximum ~~impervious~~ hard surface lot coverage is 40 percent;

* * *

Section 9. A new section 17.04.065 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.065. Arborist, qualified.

“Qualified arborist” means an International Society of Arboriculture Certified Arborist with a current Tree Risk Assessment Qualification, or similar equivalent certification and qualification.

Section 10. A new section 17.04.105 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.105 Best management practices (BMPs).

“Best management practices” or “BMPs” means the schedule of activities, prohibition of practices, maintenance procedures, and structural, and/or management practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington state. BMPs are listed and described in the Gig Harbor Stormwater Management and Site Development Manual, most recent version.

Section 11. Section 17.04.230 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.230 Coverage.

“Coverage” is that percentage of the area of a lot or site that is built on or occupied by buildings, parking areas and other hard/impermeable surfaces.

Section 12. Section 17.04.269 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.269 Dense vegetative screen.

A “dense vegetative screen” consists of a physical buffer which is opaque to a height of six feet and broken to a height of 20 feet. Screening may be achieved through any one or a combination of the following methods:

- A. A solid row of evergreen trees or shrubs.
- B. A solid row of evergreen trees or shrubs planted on an earthen berm.

C. A combination of trees and shrubs and fencing where the amount of fencing does not exceed 50 percent of the lineal distance of the side to be buffered. Ground cover plants which are capable of providing complete ground coverage within three years of planting shall also be provided.

D. LID BMPs may be utilized within dense vegetative screens. Where LID BMPs are proposed to meet dense vegetative screen requirements, these plantings may deviate from the requirements in this subsection, provided that the overall screen area meets the intent of providing screening and physical separation.

Section 13. Section 17.04.407 in the definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to 17.04.406.

Section 14. Section 17.04.408 in the definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to 17.04.407.

Section 15. A new section 17.04.408 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.408 Hard surface.

“Hard surface” means an impermeable surface, a permeable pavement, or a vegetated roof.

Section 16. Section 17.04.420 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.420 ~~Impervious-Impermeable~~ surface.

“~~Impervious-Impermeable~~ surface” means a ~~hard-non-vegetated~~ 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-impermeable~~ 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-impermeable~~ surfaces for the purposes of determining whether the thresholds for application of stormwater minimum requirements are exceeded but shall be considered impermeable surfaces for purposes of runoff modeling.

Section 17. A new section 17.04.543 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.543 Low impact development (LID).

“Low impact development” or “LID” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Section 18. Section 17.04.544 in the definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to 17.04.545.

Section 19. A new section 17.04.544 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.544 Low impact development BMPs.

“Low impact development BMPs” means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

Section 20. Section 17.04.675 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.675-657 Porous-Permeable paving.

“Porous-Permeable paving” or “Permeable surface” means paving surfaces which accommodate pedestrian, bicycle and auto traffic while allowing infiltration and storage of stormwater. Porous-Permeable paving includes porous asphalt pavement; ~~porous-pervious~~ concrete; grid or lattice rigid plastic or paving blocks where the holes are filled with soil, sand, or gravel; and cast-in-place paver systems.

Section 21. Section 17.04.657 in the definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to 17.04.658.

Section 22. A new section 17.04.659 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.659 Pervious concrete.

“Pervious concrete” means paving surfaces similar to conventional concrete except that the mixture omits the fines to create stable air pockets within the final product to allow water to drain to the base below, reducing stormwater runoff and allowing for groundwater recharge. Pervious concrete typically may have a rougher surface than conventional concrete.

Section 23. A new section 17.04.675 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.675 Porous asphalt.

“Porous asphalt” means paving surfaces similar to conventional asphalt but with reduced fines and stable air pockets within the final product that allow water to drain to the base below, reducing stormwater runoff and allowing for groundwater recharge. Aggregate binders and additives can be added to increase durability.

Section 24. A new section 17.04.727 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.727 Site coverage.

“Site coverage” is that percentage of the area of a lot or site that may be built on or occupied by buildings, parking areas and other hard/impermeable surfaces excluding tidelands or lands waterward of the ordinary high water mark.

Section 25. Section 17.16.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.16.060 Development standards.

In an R-1 district, the minimum lot requirements are as follows:

- | | |
|--|---|
| A. Minimum lot area per building site for short plats ¹ | 7,200 sq. ft. |
| B. Minimum lot width ¹ | 70' |
| C. Minimum front yard setback ^{2,4, 5} | House:
20'
Porch: 12'
Garage:
26' |
| D. Minimum rear yard setback ^{2, 3} | 30' |
| E. Minimum side yard setback ^{2, 3} | 8' |
| F. Maximum impervious <u>hardhard surface lot coverage</u> | 40% |

* * *

Section 26. Subsection 17.17.040(B)(8) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.17.040 Performance standards.

* * *

B. General.

* * *

8. Maximum lot area coverage: 45 percent, excluding residential driveways, private walkways and similar impervious hard surfaces.

* * *

Section 27. Section 17.20.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.20.040 Development standards.

In an R-2 district, the minimum requirements are as follows:

	Single- Family and Duplex Dwellings	Other Residential and Nonresidential
A. Minimum lot area for short plats ¹	7,000 sq. ft./dwelling unit	
B. Minimum lot width ¹	50'	50'
C. Minimum front yard ^{3, 4}	House: 20' Porch: 12' Garage: 26'	25'
D. Minimum side yard ^{2, 3}	8'	7'
E. Minimum rear yard ^{2, 3}	30'	25'
F. Maximum <u>impervious-hard surface lot coverage</u>	60% of the total lot area	

* * *

Section 28. Section 17.21.040(B)(4) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.21.040 Performance standards.

* * *

B. General.

* * *

- 4. Maximum Lot Area Coverage. Sixty-five percent, excluding driveways, private walkways and similar ~~impervious-hard~~ surfaces. ~~Impervious-Hard~~ surface coverage of individual parcels may exceed the 65 percent maximum when included within a subdivision; provided, that the overall ~~impervious-hard~~ surface coverage of the subdivision does not exceed 65 percent.

* * *

Section 29. Section 17.24.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.24.050 Development standards.

In an R-3 district, the minimum lot requirements are as follows:

	Single- Family and Duplex Dwellings	Other Residential and Nonresidential
A. Minimum lot area for short plats ¹	5,400 sq. ft./dwelling unit	
B. Minimum lot width ¹	50'	50'
C. Minimum front yard ³	House: 20' Porch: 12' Garage: 26'	20'
D. Minimum side yard ²	8'	7'
E. Minimum rear yard ²	30'	25'
F. Maximum site <u>hard surface</u> coverage	60% of the total lot area	

* * *

Section 30. Section 17.28.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.28.050 Minimum development standards.

In an RB-1 district, the minimum lot requirements are as follows:

	Single-Family Dwellings	Other Residential	Nonresidential
A. Minimum lot area (sq. ft.)	7,200	7,200	15,000
B. Minimum lot width	70'	70'	70'
C. Minimum front yard setback ^{1, 3}	House: 20' Porch: 12' Garage: 26'	20'	20'
D. Minimum rear yard setback ^{1, 2}	30'	25'	15'
E. Minimum side yard setback ^{1, 2}	8'	7'	10'
F. Maximum <u>impervious-hard surface</u> lot coverage	50%	50%	60%

* * *

Section 31. Section 17.30.010 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.30.010 intent.

The RB-2 district is intended to provide a mix of medium density residential uses with certain specified business, personal and professional services. It is intended to serve as a transitional buffer between high intensity commercial areas and lower intensity residential areas. The RB-2 zone is similar in construction to the RB-1 zone while allowing a higher percentage of impervious-hard surface coverage and multifamily residential development. Furthermore, the RB-2 zone would serve to minimize impacts to adjacent residential uses by limiting general operational impacts of a use to that portion of the site between the structure(s) and the fronting road.

Section 32. Section 17.30.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.30.060 Site-Hard surface coverage.

Impervious-Hard surface site coverage in an RB-2 district shall be limited as follows:

- A. Fifty-five percent site hard surface coverage is permitted outright.
- B. Seventy percent site hard surface coverage is conditionally allowed, subject to the following:
 - 1. For every one percent increase in site hard surface coverage, an additional 0.5 feet of buffer shall be provided between the use and adjacent single-family residential use or zone;

* * *

Section 33. Section 17.31.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.31.070 Maximum ~~impervious-impermeable and~~ site hard surface coverage ~~by all buildings.~~

In the DB district, the maximum ~~impervious-impermeable surface coverage is 70 percent.~~ The maximum hard surface coverage by all buildings, driveways, walkways and other similar hard surfaces shall be coverage is 80 percent. On properties that do not have suitable soils, as identified in the Preliminary Soils Report, the maximum impermeable coverage may be 80 percent.

* * *

Section 34. Section 17.32.033 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.32.033 General standards.

The following general standards shall apply:

- A. Minimum lot area: 5,000 sq. ft.
- B. Minimum lot width: 50 feet
- C. Minimum front yard:¹ 20 feet
- D. Minimum side yard:¹ 10 feet
- E. Minimum rear yard:¹ 25 feet
- F. Maximum site ~~impervious-impermeable surface coverage:²~~ 8070%
- G. Maximum hard surface coverage: 80%
- G. Maximum residential density: 4 dwelling units per acre

¹If the B-1 district is located in the historic district defined in Chapter 17.99 GHMC, the setbacks defined in GHMC 17.99.310 and 17.99.320 shall apply.

² On properties that do not have suitable soils, as identified in the Preliminary Soils Report, the maximum impermeable coverage may be 80 percent.

* * *

Section 35. Section 17.36.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.070 Maximum ~~impervious-impermeable and~~ hard surface coverage.

In a B-2 district, the maximum ~~impervious~~impermeable surface coverage is ~~70~~60 percent. The maximum hard surface coverage by all buildings, driveways, walkways and other similar hard surfaces shall be 70 percent. On properties that do not have suitable soils, as identified in the Preliminary Soils Report, the maximum impermeable coverage may be 80 percent.

* * *

Section 36. Section 17.40.090 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.40.090 Maximum impermeable and hard surface coverage by all buildings.

In a C-1 district, the maximum impermeable surface coverage is 70 percent. The maximum hard surface coverage by all buildings, driveways, walkways and other similar hard surfaces shall be ~~is~~ 80 percent. On properties that do not have suitable soils, as identified in the Preliminary Soils Report, the maximum impermeable coverage may be 80 percent.

* * *

Section 37. Subsection 17.46.040(G) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

* * *

17.46.040 Development standards.

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-Family Dwelling	Duplex Dwelling	Non-residential Dwelling
A. Minimum lot area (sq. ft.) ¹	7,000	14,000	12,000
B. Minimum lot width	70'	50'	50'
C. Minimum front yard ²			
D. Minimum side yard ²			
E. Minimum rear yard ²			
F. Minimum yard abutting tidelands	0'	0'	0'

G. Maximum site impervious <u>hard surface</u> coverage	40%	45%	50%
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* * *

Section 38. Section 17.48.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

* * *

17.48.040 Development standards.

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-Family Dwelling	Attached Up to 4 Units	Nonresidential
A. Minimum lot area (sq. ft.) ¹	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²			
D. Minimum side yard ²			
E. Minimum rear yard ²			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious <u>hard surface</u>	50%	55%	70%

site
coverage

* * *

Section 39. Section 17.48.090 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

E. Waterview Opportunity and Waterfront Access.

1. Maximum ~~impervious~~ hard surface lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner; and provided further, that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with nonresidential uses or for increased height, as follows:

<u>Maximum Imp.Hard Surface Coverage</u>	<u>Number of Waterview/ Access Opportunities</u>
a. 50/55/70	0
b. +10%	1
c. +10%	2
d. +10%	3

* * *

Section 40. Subsections 17.50.040(G) and (K) of the Gig Harbor Municipal Code are hereby amended, to read as follows:

17.50.040 Development standards.

In a waterfront commercial district, the minimum development requirements are as follows:

* * *

G. Maximum site impervious	50%	55%	70%
----------------------------------	-----	-----	-----

hard surface
site coverage

* * *

K. 1. Maximum ~~impervious~~ hard surface lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner; and provided further, that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with nonresidential uses, as follows:

Maximum Imp.Hard Surface Coverage	Number of Waterview/ Access Opportunities
a. 50/55/70	0
b. +10%	1
c. +10%	2
d. +10%	3

* * *

Section 41. Subsections 17.72.020(E) and (F) of the Gig Harbor Municipal Code are hereby amended, to read as follows:

17.72.020 Off-street parking design standards.

* * *

E. All off-street parking spaces and access areas shall be surfaced with portland cement concrete, asphaltic concrete paving, or ~~porous~~permeable paving to the standards established by the city including but not limited to the city's Stormwater Management and Site Development Manual (Chapter 14.20 GHMC).

F. All open parking area with four or more parking spaces shall be effectively screened by a wall, a fence or landscaping from any institutional or public building and from any property in a residential district, pursuant to the requirements in GHMC 17.78.080.

* * *

Section 42. Chapter 17.78 is hereby renamed, to read as follows:

Chapter 17.78 TREES, LANDSCAPING AND SCREENING

Section 43. Section 17.78.010 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.010 Intent.

The intent of this chapter is to encourage the preservation and enhancement of the City of Gig Harbor's natural environment. It is also the intent of this chapter to establish standards for landscaping and to allow modulated landscape buffers and internal landscape islands and screening, in order to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, and lessen environmental and improve aesthetic impacts of development and to enhance the overall appearance of the city. It is also the intent to avoid untimely and haphazard removal or destruction of significant trees and vegetation while preserving important landscape characteristics. Notwithstanding any other provision of this chapter, trees and shrubs planted pursuant to the provisions of this chapter shall be types and ultimate sizes at maturity that will not impair scenic vistas.

Section 44. Section 17.78.020 of the Gig Harbor Municipal Code is hereby amended, to read 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.

Section 45. Section 17.78.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.030 Tree, Landscape and Screening Plans.

A. A plan of the proposed landscaping and screening shall be incorporated into plans submitted for site plan review or projects which require hearing examiner review. The plans shall be drawn to scale and contain the following, in addition to the significant ~~vegetation plan~~ tree survey and tree retention ~~plan~~ survey required by GHMC 17.98.040:

1A. Parking and vehicle use areas, driveways and walkways;

2B. Buildings or structures, existing and proposed;

3C. All proposed new landscaping. Landscape plan shall include the location, species, diameter or size of ~~materials~~ plants using both botanical and common names. Drawings shall reflect the ultimate size of plant materials. Alternatively, a schematic landscape plan can be submitted showing planting zones. Each planting zone shall include typical shrub and groundcover species and typical size and spacing at planting. All landscape plans shall include the location, species, and diameter or size of all proposed trees;

4D. Schematic irrigation plan showing irrigation zones and proposed irrigation techniques within each zone ~~or a xeriscape plan~~ as set forth in GHMC 17.78.045(B)(C);

5E. Identification of tree protection techniques.

B. Final landscape construction plans consistent with the landscape plans approved through the land use permit process shall be submitted with civil or building permits application. Final landscape construction plans shall include tree protection measured described in GHMC 17.78.092.

Section 46. Section 17.78.045 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.045 General provisions.

A. Removal of a dead, substantially diseased or damaged, or hazard tree is allowed upon submittal of written verification by a qualified arborist who states that removal of the tree is essential for the protection of life, limb, or property. Removal of significant trees as defined in GHMC 17.99.590 may require replacement per GHMC 17.99.240(E).

A B. Plant Compatibility. All new plantings must be of a type which will thrive amid existing vegetation without killing or overtaking it. Incompatible plants which require different planting environments or microclimates shall not be mixed. Haphazard mixture of textures, colors and plant types should be avoided. Invasive, nuisance plants on the noxious weed list (state and Pierce County) are prohibited.

C B. Irrigation. Planting areas with nursery stock or transplanted vegetation shall include an automatic mechanical irrigation system designed for full coverage of the planting area. Exceptions may be granted for ~~xeriscape~~ native planting plans which require little or no supplemental irrigation that provide temporary irrigation for at least three growing seasons. ~~Xeriscape plans shall be prepared by a licensed landscape architect and shall be approved by the planning director.~~

DG. Wall Coverage. Blank walls shall include a narrow planting area, where feasible, with shrubs or vines (espaliers) giving coverage to the wall.

ED. Preservation of Significant Views. Views and vistas from public rights-of-way shall be considered when determining placement of vegetation. While it is not the intent to avoid all trees in the foreground of a view, consideration should be given to the expected height of tree and how they might be located to “frame” the view.

Section 47. Section 17.78.050 of the Gig Harbor Municipal Code is hereby repealed.

Section 48. A new section 17.78.050 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.78.050 Preferred Species for Planting.

The Director shall maintain a preferred species list of native plants for perimeter landscaping areas required by GHMC 17.78.060 and GHMC 17.78.070. The Director may update the list based upon the applicability, sustainability, and availability of plant species.

Section 49. Section 17.78.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.060 R-Perimeter landscaping requirements for residential landscaping development.

A. Perimeter Areas.

4. Notwithstanding other regulations found in this chapter, perimeter areas shall be landscaped with trees, shrubs, and groundcover. The required width area of the perimeter areas to be landscaped landscaping on residential site plans shall be at least the depth of the required yard or setback area. The required width for perimeter landscape areas in residential plats is 25 feet. The width of the perimeter landscape areas may be modified as provided for in this section in order to group, shape, or cluster existing or planted vegetation in modulated edges along the perimeter of a site or to create internal vegetation islands. In addition, internal vegetation island(s) and significant trees may be included in the calculation of perimeter areas in order to separate and or juxtapose elements of the site plan and layout. The total square footage of these modified perimeter landscape areas shall be equivalent to the area of the standard required perimeter width identified above.

A. Reductions to the standard perimeter landscape area width are limited as follows:

1. Perimeter landscape area widths may not be reduced to less than 1/3 of the required yard or setback area of the zone or 10 feet, whichever is greater;

2. Perimeter landscape areas which have been reduced in width shall not run the length of the existing exterior property line for more than 2/3 of the length of said property line;

3. Parking and driveways may not encroach into the remaining perimeter landscape areas. However, site access driveways and pedestrian walkways may cut through the remaining perimeter landscape area substantially perpendicular to the property line.

B. All areas used in the calculation of the perimeter landscape area shall be developed as follows:

1. All significant trees as defined in GHMC 17.99.590 shall be retained. These trees can be applied towards all or some of the trees required to be retained by GHMC 17.99.240(D). Retention of other existing vegetation for landscaping is strongly encouraged; however, it must be equal to or better than available nursery stock.

2. If the area does not contain substantial existing canopy, understory, and groundcover vegetation, it shall be enhanced or planted as follows:

a. At least 80 percent of all trees, shrubs, and groundcover shall be from the preferred species list referenced in GHMC 17.78.050.

b. Perimeter landscaping may include existing landscaping, planted or a combination of both.

c. Areas to be landscaped shall be covered with live groundcover vegetation which will ultimately cover at least 75 percent of the ground area, within three years.

d. One deciduous tree a minimum of two-inch caliper or one six-foot evergreen tree shall be planted for every 200 square feet of area to be enhanced or planted. ~~or t. Three shrubs which should will~~ attain a height of three and one-half feet within three years shall be provided for every ~~500~~ 200 square feet of the area to be landscaped-enhanced. The plantings shall be evenly distributed throughout in a natural planting pattern.

2. e. A minimum of 40 percent of the required trees plantings shall be evergreen trees a minimum of six feet in height at planting.

f. For properties located within the boundaries of the height overlay district referenced in Chapter 17.62 GHMC, trees shall be of a species that will ultimately grow to the height of the planned building with a mature height no taller than the approved building. In the selection of trees and shrubs, consideration should be given to overall aesthetic impacts at maturity.

3. LID BMPs may be utilized within the perimeter landscape areas, and shall count towards the requirements for enhancement or planting. Where LID BMPs are proposed to meet perimeter landscape requirements, these plantings may deviate from the requirements in this subsection, provided that the overall landscape area is not reduced.

C. Zone transition buffers required by GHMC 17.99.180 and Enhancement Corridor landscaping required by GHMC 17.99.160 shall not be reduced or modified through this Chapter.

D. The perimeter landscape area in residential plats shall be located in recorded easements or recorded tracts.

E. The perimeter landscape area shall be appropriately documented on the approved land use plans, such as site plan, binding site plan or final plat.

B. Buffer Areas. All residential plats shall have a minimum 25-foot buffer consisting of a dense vegetated screen, shall be required along the perimeters of the plat, and the buffer shall be established as a covenant on the final plat. The screening may be achieved through any one or a combination of the following methods:

1. A solid row of evergreen trees or shrubs;

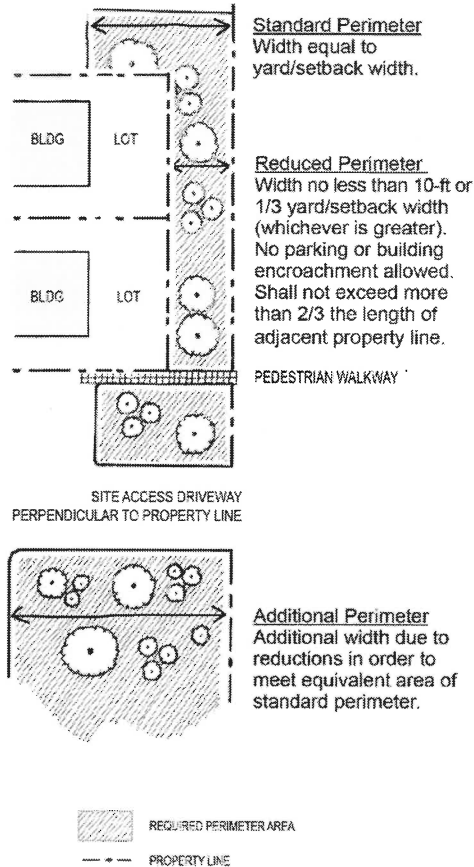
2. A solid row of evergreen trees and shrubs planted on an earthen berm;

3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years;

4. Use of existing native vegetation which meets the definition of dense vegetative screen.

C. Parking Areas. Parking areas shall be landscaped subject to the standards for parking lots found in GHMC 17.78.080.

RESIDENTIAL



Section 50. Section 17.78.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.070 R Perimeter landscaping requirements for nonresidential and mixed uses development.

A. Perimeter Areas.4. Notwithstanding other regulations found in this chapter, perimeter areas shall be landscaped with trees, shrubs, and groundcover. The required width-area of perimeter areas to be landscaped landscaping shall be at least the depth of the required yard or setback area or total area equivalent to the required yards. Areas to be landscaped shall be covered with live plant materials which will ultimately cover 75 percent of the ground area within three years. One

~~deciduous tree of a minimum of two-inch caliper or one six-foot-high evergreen tree or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 300 square feet of area to be landscaped. The width of the perimeter landscape areas may be modified as provided for in this section in order to group, shape or cluster existing or planted vegetation to create modulating edges along the perimeter of a site or to create internal vegetation islands. In addition, internal vegetation island(s) may be included in the calculation of perimeter areas and shall be located in order to separate and or juxtapose buildings and/or parking areas and prioritize access points and junctions in internal circulation if the standards below are met. The total square footage of these modified perimeter landscape areas shall be equivalent to the area of the standard required perimeter width identified above.~~

1. Reductions to the standard perimeter landscape area width are limited as follows:

a. Perimeter landscape area widths may not be reduced to less than 1/3 of the required yard or setback area of the zone or 10 feet, whichever is greater;

b. Perimeter landscape areas which have been reduced in width shall not run the length of the existing exterior property lines for more than 2/3 of the said property line;

c. Parking and driveways may not encroach into the remaining perimeter landscape areas. However, site access driveways and pedestrian walkways may cut through the remaining perimeter landscape area substantially perpendicular to the property line.

2. All areas used in the calculation of the perimeter landscape area shall be developed as follows:

a. All significant trees as defined in GHMC 17.99.590 shall be retained. These trees can be applied towards all or some of the trees required to be retained by GHMC 17.99.240(D). Retention of other existing vegetation for landscaping is strongly encouraged; however, it must be equal to or better than available nursery stock.

b. If the area does not contain substantial existing canopy, understory, and groundcover vegetation, it shall be enhanced or planted as follows:

i. At least eighty (80) percent of all trees, shrubs, and groundcover shall be from the preferred species list referenced in GHMC 17.78.050.

ii. Perimeter landscaping may include existing landscaping, planted or a combination of both.

iii. Areas to be landscaped shall be covered with live groundcover vegetation which will ultimately cover at least 75 percent of the ground area within three years.

iv. One deciduous tree a minimum of two-inch caliper or one six-foot evergreen tree shall be planted for every 200 square feet of area to be enhanced or planted. Three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 200 square feet of area to be enhanced. The plantings shall be evenly distributed throughout in a natural planting pattern.

v. A minimum of 40 percent of the required trees shall be evergreen trees a minimum of six feet in height at planting.

vi. For properties located within the boundaries of the height overlay district referenced in Chapter 17.62 GHMC, trees shall be of a species with a mature height no taller than the approved building.

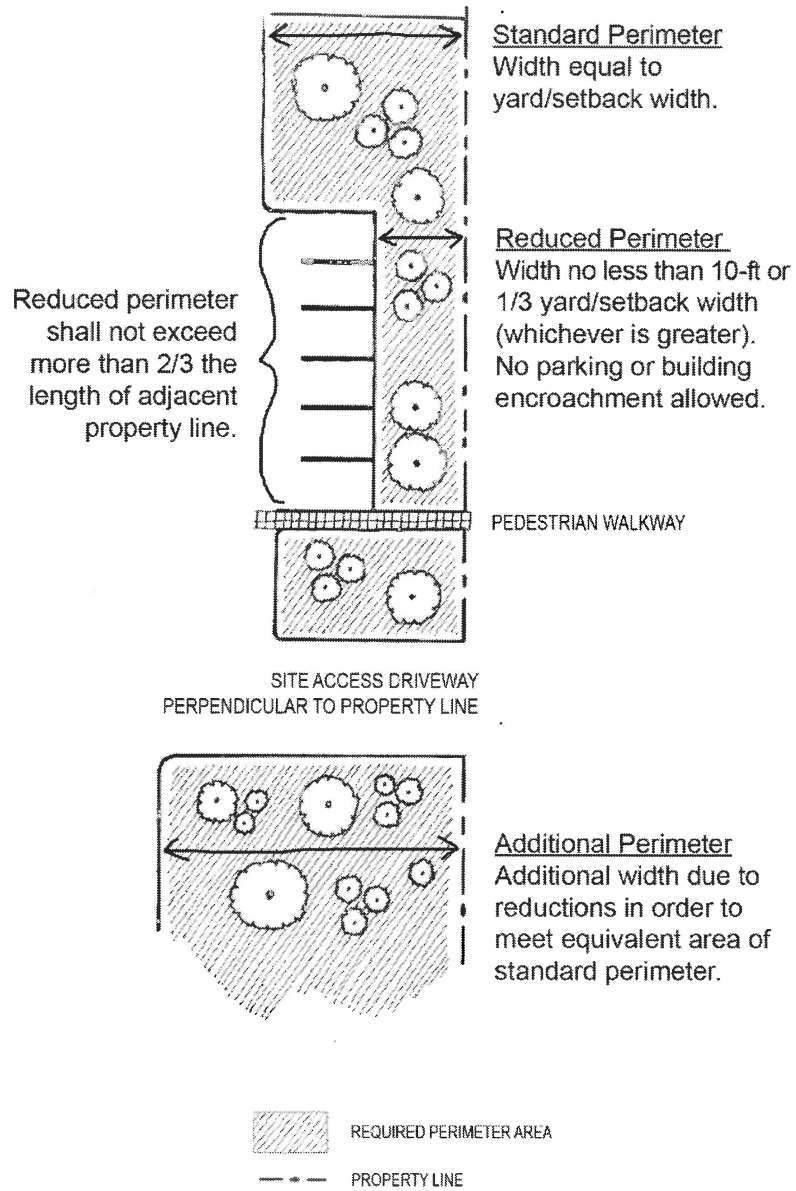
c. LID BMPs may be utilized within the perimeter landscape area, and shall count towards the requirements for enhancement or planting. Where LID BMPs are proposed to meet perimeter landscape requirements, these plantings may deviate from the requirements in this section, provided that the overall landscape area is not reduced.

3. Zone transition buffers required by GHMC 17.99.180 and Enhancement Corridor landscaping required by GHMC 17.99.160 shall not be reduced or modified through this Chapter.

4. All areas used in the calculation of the perimeter landscape area shall be appropriately documented on the approved land use plans, such as site plan or binding site plan.

~~2. A minimum of 40 percent of the required plantings shall be evergreen trees a minimum of six feet in height. For properties located within the boundaries of the height overlay district referenced in Chapter 17.62 GHMC, trees shall be of a species that will ultimately grow to the height of the planned building.~~

NONRESIDENTIAL / MIXED USE



~~B. Buffer Areas~~Residential Buffering. Where a development subject to these standards is contiguous to a residential zoning district, the zone transition standards of GHMC 17.99.180 shall be met. Where a nonresidential development abuts a residential development in the same zone, then that required perimeter area shall be landscaped the full width of the setback areas as follows:

1. A solid screen of evergreen trees or shrubs;
2. A solid screen of evergreen trees and shrubs planted on an earthen berm an average of three feet high along its midline;
3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years.

4. LID BMPs may be utilized within residential buffering, and shall count towards the requirements for residential buffering, as long as screening requirements are met.

~~C. Areas Without Setbacks.~~

1. In those areas where there is no required front yard setback or where buildings are built to the property line, development subject to this chapter shall provide street trees at an interval of one every 20 feet or planter boxes at the same interval or some combination of trees and boxes, or an alternative.

2. Street trees shall be a minimum caliper of two inches and be a species approved by the city and installed to city standards. Planter boxes shall be maintained by the property owners and shall be of a type approved by the city.

~~D. Parking Area. Parking areas shall be landscaped subject to the standards for parking lots found in GHMC 17.78.080.~~

Section 51. Subsection 17.78.080(A) and (B) of the Gig Harbor Municipal Code are hereby amended, to read as follows:

17.78.080 Parking lot and service area landscaping and screening.

The standards of this section shall apply to public and private parking lots, paved service areas, residential parking areas providing spaces for more than 10 cars and all nonresidential uses of land and development.

A. Perimeter Landscaping. In order to soften the visual effects or separate one parking area or paved service area from another or from other uses, the following standards apply:

* * *

4. LID BMPs may be utilized within the perimeter landscape areas. Where LID BMPs are proposed to meet parking lot perimeter landscape requirements, areas containing LID BMPs may deviate from the requirements in this section, provided that the overall landscape area meets the intent of this section.

B. Interior Parking Lot Landscaping. A continuous canopy of trees shall be planted within the interior of a parking lot as follows:

* * *

4. LID BMPs are encouraged within interior parking lot landscape areas. Where LID BMPs are utilized to manage parking lot stormwater runoff, the required number of trees may be reduced by one third to allow for narrower bioretention areas consistent with the minimum landscape strip required under subsection (B)(1).

* * *

Section 52. Section 17.78.090 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.090 Screening/buffering from SR-16, Tacoma Power Cushman transmission line property and SR-16 interchanges.

A. All development of properties adjacent to SR-16, the Tacoma Power Cushman transmission line property, and SR-16 interchange ramps shall be required to leave a buffer between the property line and any development. This buffer shall be a minimum of 30 feet in depth and shall only apply when the property is also within the enhancement corridor. The buffer shall conform to all enhancement corridor standards defined in GHMC 17.99.160.

~~B. Adjacent to SR-16 interchange ramps landscape buffering shall be done according to the standards for perimeter landscaping for residential and nonresidential development. The buffer area shall be covered with live plant materials which will ultimately cover 75 percent of the ground cover within three years. One deciduous tree of a minimum of two-inch caliper or one six-foot evergreen or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 500 square feet of the area to be landscaped. Forty percent of the required planting shall be evergreen trees a minimum of six feet in height and of a species that will grow to the height of the buildings in the development. All significant vegetation as defined in GHMC 17.99.590 shall be retained.~~

~~B.~~ Parking lots designed for more than 16 cars shall either be completely screened from SR-16 or be partially screened under the provisions of the enhancement corridor standards in GHMC 17.99.160.

Section 53. A new section 17.78.092 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.78.092 Protection of significant trees and existing native vegetation.

A. Areas of native vegetation which are designated as landscape or buffer areas, or which are otherwise retained under the provisions of Chapter 17.99 GHMC, shall be subject to a 10-foot-wide no-construction zone and shall be protected by a barricade as defined in subsection D of this section. Clearing, grading or contour alteration is not permitted within this no-construction area unless a qualified arborist provides written documentation that proposed

construction activity within the 10-foot setback will not harm existing vegetation within the designated landscape or buffer area.

B. Encroachment into Drip Line. No construction activities shall take place within the drip line of a tree to be retained without extra precautions as recommended by a qualified arborist. The applicant may install impermeable or compactible surface within the area defined by the drip line if it is demonstrated by a qualified arborist that such activities will not endanger the tree or trees. (See the definition of "drip line" in GHMC 17.99.590.)

C. Grading. If the grade level adjoining a tree to be retained is to be altered to a degree that would endanger the viability of a tree or trees, then the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be capable of protecting the tree beyond a no construction zone or as approved by a qualified arborist.

D. Tree Protection Barricade. All significant trees to be retained must be protected during construction by installation of a protective barricade. This will require preliminary identification of the proposed area of disturbance for staff inspection and approval, then installation of a protective barricade before major excavation with heavy equipment begins. The barricade must be made of cylindrical steel posts or four-inch by four-inch wood posts with chain link fence attached. Fence posts shall be eight feet on center connected with two-inch by four-inch top rails or equivalent support system. Fence height must be a minimum of four feet high.

Section 54. Section 17.78.120 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.120 Maintenance.

A. Whenever landscaping is required under the provisions of this chapter, shrubs and trees in the landscaping and planting areas shall be maintained in a healthy growing condition. Planting beds shall not be located over ~~impervious~~impermeable surfaces. Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be maintained reasonably free of noxious weeds and trash.

B. Similarly, if necessary, the trees or shrubs shall receive pruning or removal to avoid the creation of a safety hazard or nuisance through excessive shading, overhanging adjacent properties or to preserve a view or scenic vista, subject to the provisions of GHMC 17.99.240.

C. Areas of natural vegetation shall be retained over time to maintain the health and fullness of natural vegetation and buffer areas as allowed in GHMC 17.99.240(G).

Section 55. Subsection 17.89.040(A) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.89.040 Contents of complete PRD application.

A. Preliminary PRD. In addition to the applicable requirements of GHMC 19.02.002, a complete application for preliminary PRD shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. A written description addressing the scope of the project, gross acreage, the nature and size in gross floor area of each use and the total amount of land in square feet to be covered by ~~impervious~~impermeable surfaces;
4. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;
5. A topographic map delineating contours, existing and proposed, at two-foot intervals and which locates and classifies existing streams, wetlands, steep slopes and other natural features and/or critical areas;
6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas;
7. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights-of-way;
8. Utility, drainage and stormwater runoff plans;
9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant ~~vegetation~~trees proposed to be retained;
10. A statement explaining how the proposed PRD is consistent with and implements the city of Gig Harbor comprehensive plan, the designation under the comprehensive plan, current zone classification, and desired zone classification;
11. A narrative describing how the proposed PRD provides substantial additional benefit to the citizens of the city of Gig Harbor (the benefit accruing as a result of implementation of the PRD process as opposed to following the development standards of the underlying zone) and how it is proposed the additional amenities and benefits should apply to the percentage of additional density and/or height being requested;
12. A map of the area, with area proposed for rezone outlined in red; and
13. A complete application for design review as required under GHMC 17.98.040.

* * *

Section 56. Section 17.89.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.89.060 Development and design standards.

A. The performance standards of the underlying zoning district may be varied in a PRD, subject to the criteria in this chapter, only as follows:

1. Lot Area and Lot Width. Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided. Cluster housing is supported.

2. Setbacks. Structures located on the perimeter of the PRD shall be set back in accordance with the front yard setbacks of the underlying zone.

3. ~~Impervious-Hard/Impermeable~~ Surface Coverage. ~~Impervious Hard/impermeable~~ surface coverage of individual parcels may exceed the percentage of ~~impervious-hard/impermeable~~ surface coverage allowed in the underlying zone; provided, that overall ~~impervious-hard/impermeable~~ surface coverage of the PRD does not exceed the percentage permitted by the underlying zone.

4. Height. Building height may exceed the maximum permitted by code; provided, that the design protects the views and privacy of properties inside and outside of the project but in no case shall the maximum height exceed 35 feet in R-1 and R-2 districts. Variances from the height limits as provided in the City Height Restriction Area Map, as adopted by Chapter 17.62 GHMC, shall not be allowed. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PRD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height.

B. The performance standards which may not be modified or altered in a PRD are:

1. Shoreline regulations when the property is located in an area under the jurisdiction of the Gig Harbor shoreline master program;

2. Standards pertaining to development in environmentally sensitive areas;

3. Regulations pertaining to nonconforming uses;

4. Standards pertaining to screening around outdoor storage areas;

5. Total coverage by ~~imperviousimpermeable~~ surface coverage; and

6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map and shoreline master program.

Section 57. Subsection 17.90.040(A) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.90.040 Contents of complete PUD application.

A. Preliminary PUD. In addition to the applicable requirements of GHMC 19.02.002, a complete application for preliminary PUD approval shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;

2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land

and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

3. A written description addressing the scope of the project, gross acreage, the nature and size in gross floor area of each use and the total amount of land in square feet to be covered by ~~impervious~~impermeable surfaces;

4. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;

5. A topographic map delineating contours, existing and proposed, at two-foot intervals and which locates and classifies existing streams, wetlands, steep slopes and other natural features and/or critical areas;

6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed general location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas;

7. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights-of-way;

8. Utility, drainage and stormwater runoff plans;

9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant ~~vegetation~~trees proposed to be retained;

* * *

Section 58. Section 17.90.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.90.060 Development and design standards.

A. The following performance standards of the underlying zoning district may be varied, subject to the criteria in this chapter, only as follows:

1. Lot Area and Lot Width. Lot area and lot width requirements may be reduced where the site plan is such that light, air and privacy are provided to the units in the PUD.

2. Setbacks. Structures located on the perimeter of the PUD shall be set back in accordance with the yard setbacks of the underlying zoning district.

3. ~~Impervious~~Hard/Impermeable Surface Coverage. ~~Impervious~~Hard/impermeable surface coverage of individual parcels may exceed the percentage of ~~impervious-hard/impermeable surface coverage allowed in the underlying zone; provided, that overall ~~impervious-hard/impermeable surface coverage of the PUD does not exceed the percentage permitted by the underlying zoning district.~~~~

4. Height. Building height may exceed the maximum permitted by code; provided, that the design protects the views and privacy of properties inside and outside of the project, but in no case shall the maximum height exceed 45 feet, except that in B-2 and C-1 zones the height shall not exceed 60 feet for peaked roof buildings and 45 feet for buildings with flat roofs. Variances from the City

Height Restriction Area Map, as adopted by Chapter 17.62 GHMC, shall not be allowed. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PUD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height.

5. Gross Floor Area. The gross floor area in the underlying zone may be exceeded as provided in GHMC 17.90.090, as long as all of the criteria set forth in that section are satisfied.

B. The performance standards which may not be modified or altered in a PUD are:

1. Shoreline regulations when the property is located in an area under the jurisdiction of the Gig Harbor shoreline master program;
2. Standards pertaining to development in environmentally sensitive areas;
3. Regulations pertaining to nonconforming uses;
4. Standards pertaining to screening around outdoor storage areas;
5. Total coverage by impervious hard and impermeable surfaces;
6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map and shoreline master program.

Section 59. Subsection 17.91.040(F)(3) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.91.040 Site development and performance standards.

* * *

F. Performance Standards

* * *

3. Maximum Lot Area Coverage. Forty-five percent, excluding driveways, private walkways and similar impervious hard surfaces.

* * *

Section 60. Subsection 17.94.050(D) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.94.050 Exemptions.

* * *

D. Removal of diseased, dead or dying trees upon written verification by a qualified arborist ~~or landscape architect or landscape contractor~~ which states that removal of the trees is essential for the protection of life, limb, or property and which statement is filed with the code official;

* * *

Section 61. Subsection 17.96.030(A)(1)(b) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.96.030 Site plan review.

Any use or development that is subject to the requirements for site plan review, unless exempt as provided for in GHMC 17.96.025, shall be classified and processed as provided for in this section.

A. Minor Site Plan Review.

1. Applications for minor site plan review shall be processed in accordance with the procedures established under GHMC Title 19 for a Type I project permit application. A decision on a minor site plan review application shall be rendered prior to or concurrent with the issuance of any other applicable permit. The following are classified as minor site plan reviews:

* * *

- b. Modifications to the number of off-street parking stalls, amount of ~~impervious~~hard/impermeable surfaces and height of structures on an existing site or approved site plan, provided such modifications do not exceed a 10 percent increase over the original;

* * *

Section 62. Subsection 17.96.030(B)(1)(a) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

B. Major Site Plan Review.

1. Applications for major site plan review shall be processed in accordance with the procedures established under GHMC Title 19 for a Type II project permit application, except as provided for in subsection (B)(3) of this section. The following are classified as major site plan reviews:

- a. Construction of a building or installation of ~~impervious~~hard/impermeable surfaces on a vacant parcel;

* * *

Section 63. Subsection 17.96.050(C) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.96.050 Contents of a complete application.

Each application for site plan review shall contain the following information, if applicable to the application:

* * *

C. Project Description. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious hard surfaces;

* * *

Section 64. Section 17.98.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.040 Design review application requirements.

A complete design review application shall contain the following information:

A. Site Layout. A plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, critical areas, required buffer areas, required yards, landscape areas, open spaces, common areas or plazas, walkways, retaining wall locations, storm water retention facilities, and parking and vehicle maneuvering areas.

B. Significant ~~Vegetation Plan~~ Tree Survey. A significant ~~vegetation plan~~ tree survey which accurately identifies the species, size and location of all significant ~~vegetation~~ trees within the property subject to the application.

C. ~~Tree Retention Plan~~ Survey. A ~~landscape plan~~ survey showing the species, size and location of all significant ~~natural-vegetation~~ trees to be retained on the property.

D. Preliminary Site Section Drawings. Section drawings which illustrate existing and proposed grades.

E. Preliminary Grading Plan. A topographic map of the property, delineating contours, existing and proposed, at no greater than five-foot intervals. The plan shall indicate all proposed cuts, fills and retaining wall heights and include areas of disturbance necessary to construct all retaining walls, structures and impervious hard surfaces.

F. Preliminary Utilities Plan. A utilities plan showing the location and type of any utilities proposed in critical areas, critical area buffers and natural vegetation retention areas.

G. Paving Materials. A description of proposed pedestrian and vehicular paving materials; include proposed type (asphalt, concrete, pavers, etc.), color, scoring and texture.

H. Elevation Drawings. Complete elevation drawings of all buildings showing dimensions and proposed materials including roofing, siding, windows and trim. Drawings shall include conceptual trim and cornice design, roof pitch, and solid/void ratio and siding material calculations. If landscaping is proposed to soften or mitigate architectural modulation or details, additional elevation drawings showing proposed landscaping shall be provided.

I. Sign Plan. A sign plan showing the general location, type and size of signage on buildings.

J. Equipment Screening. A description of how all mechanical and utility equipment will be screened.

K. Color and Material Palette. A schematic color and material palette of the building's exterior siding, trim, cornice, windows and roofing. If alternative design review is requested, material and color samples shall be provided.

L. Fencing. The location and description of any proposed fencing.

M. Light Fixtures. A cutsheet showing typical parking and building lighting which includes pole height and mounting height. If proposed fixtures are near critical areas or natural vegetation retention areas, shielding shall be shown.

N. Accessories. The location of all outdoor furniture, trash receptacles and accessories.

O. Alternative Design Review. A request for alternative design review shall include a written statement addressing the criteria for approval as set forth in GHMC 17.98.055, 17.98.056, 17.98.058 or 17.98.060, as applicable.

Section 65. Article III of Section 17.99.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

Article III. SITE DESIGN.

This article addresses how projects relate to their own site. It requires that design consideration be given to topography, building location, walkways, parking, landscaping, open space and common areas. It encourages pedestrian access, outdoor activities, and preservation of significant ~~vegetation~~ trees and existing views.

Section 66. Subsections 17.99.160(A), (B), and (C) of the Gig Harbor Municipal Code are hereby amended, to read as follows:

17.99.160 Enhancement corridor standards.

All development within enhancement corridors must conform to the following design criteria:

A. Retain significant vegetation.

Significant ~~vegetation-trees~~ trees within 30 feet of the property line abutting the street rights-of-way or City of Tacoma Cushman transmission line properties within the enhancement corridor shall be retained.

B. Provide full screening or partial screening with glimpse-through areas.

Parking lots and structures in any area of the defined enhancement corridor must be fully screened from SR 16, except they may be viewed through a semi-transparent screen of on-site trees as follows:

1. Neither full or semi-transparent screening is required on parcels designated as prominent parcels on the city's visually sensitive areas map, except that

significant ~~vegetation~~ trees within 30 feet of the property line abutting the street rights-of-way or City of Tacoma Cushman transmission line properties within the enhancement corridor shall be retained.

2. Semi-transparent screens must provide at least 70 percent year-round foliage coverage distributed evenly across the view along the SR 16 right-of-way and City of Tacoma Cushman transmission line properties and 50 percent coverage along the Canterwood Blvd/Burnham Drive/Harborview Drive rights-of-way. Semi-transparent screens may consist of new vegetation only if healthy existing vegetation is not adequate to fulfill this requirement.

[Note: Retain graphic at this location]

3. A semi-transparent screen shall not be a rigid line of trees along the property's edge. Rows of trees existing along property edges shall be retained. Additional trees are required so that a staggered, natural growth pattern is retained or achieved.

C. Maintain 30-foot setbacks from the rights-of-way and City of Tacoma Cushman transmission line properties that define enhancement corridors.

Parcels abutting defined enhancement corridor rights-of-way and City of Tacoma Cushman transmission line properties must maintain a 30-foot setback within which no structures or parking lots shall be allowed. Existing significant ~~vegetation~~ trees within the setback shall be retained.

* * *

Section 67. Subsection 17.99.220(D) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.220 Prominent parcel standards.

All development of prominent parcels shall conform to all applicable development standards of this title and to the following additional standards:

* * *

D. Keep structures in the foreground.

To provide further emphasis to design, buildings shall be located at the front setback line unless significant ~~vegetation~~ trees warrants placing the building further back.

* * *

Section 68. Section 17.99.240 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.240 Natural site conditions.

Site development should be designed to reflect the natural conditions of the site, including topography and existing vegetation. The following standards will help to achieve this, and are applicable to all development.

A. Limit clearing of vacant parcels to no more than 50 percent of significant vegetation trees and retain vegetation in all required buffers and setbacks.

Clearing limitations apply to all vacant parcels with no approved site plan or building permit for development.

B. Retain natural vegetation on underdeveloped portions of sites with approved site plan.

Clearing of underdeveloped portions of approved site plans shall only be permitted once civil plans for development of those areas have been approved and clearing is required for civil infrastructure.

C. Maintain natural topography.

Buildings and parking lots shall be designed to fit natural slopes rather than regrading the slope to fit a particular building or parking lot design. Cuts and fills on a site shall be balanced and finished grades shall not include any retaining walls that exceed six feet. Instead, designs shall complement and take advantage of natural topography. Sloped lots may require multileveled buildings, terraced parking lots and/or lower level parking garages.

[Note: Retain graphic at this location]

D. Incorporate approximately 20 25 percent of significant vegetation trees into site plan the project.

On nonresidential, and multifamily sites and residential subdivisions, at least 20 25 percent of natural-significant trees vegetation shall be incorporated into required landscaping and retained indefinitely. The 20-25 percent calculation shall be based upon significant trees vegetation currently on the site and which has been cleared from the site within the past five years. All significant trees on site shall be identified and shown on a tree survey. In conjunction with the 20 25 percent retention requirement, the following options may be applied to other landscaping requirements of this chapter.

1. REDUCED LANDSCAPING REQUIREMENTS

Clusters of natural vegetation which form a continuous canopy at least 15 feet deep (average) and at least 20 25 percent of the parcel size (measured from the outer edges of the trunks) will meet the requirements for on-site trees; provided, that screening and buffering requirements otherwise required are met. All other landscaping requirements must be adhered to.

[Note: Retain graphic at this location]

2. REDUCED PARKING STALL DIMENSIONS

Parking stalls adjacent to protected trees may be reduced to eight feet by 16 feet to avoid encroachment into tree root zones.

3. ENCROACHMENT INTO SETBACKS

Structures and parking areas may encroach into required setbacks if it can be shown that such encroachment allows significant trees or tree clusters to be retained. Encroachment shall be the minimum encroachment necessary to protect specified trees. In no case shall the yard be reduced to less than five feet. (Not applicable to single-family and duplex development or to development subject to zone transition standards.)

[Note: Retain graphic at this location]

E. Replace lost trees which were intended to be retained.

~~Any tree proposed or required to be retained and which is subsequently lost or destroyed must be replaced with at least three six-foot trees or one 18-foot tree or one 12-foot plus one six-foot tree of the same species.~~

If trees required to be retained pursuant to this title or a land use approval are subsequently removed or damaged, they shall be replaced by at least one and one half times the tree diameter removed (ex. A 10" DBH tree removed will equal 15" DBH of tree diameter replaced.) A single tree may be replaced with multiple trees provided the total tree diameter at DBH equals the required replacement value. Replacement trees shall be a minimum of six-foot trees for evergreens or 2 inch caliper for deciduous trees at planting. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. Shrubs and ground cover shall also be replaced when replacing tree(s). The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

F. Retain the natural symmetry of trees.

Trimming of trees shall be done in a manner that preserves the tree's natural symmetry. Topping is prohibited unless recommended by an ~~ISA certified~~ qualified arborist for health or safety reasons. Limbing-up may be appropriate if sufficient crown is retained to preserve the tree's fullness and health.

G. Maintain health and fullness of natural vegetation and buffer areas.

Areas of natural vegetation shall be retained over time. To ensure this, volunteer saplings of coniferous trees should be allowed to grow to replace older, less healthy trees. However, it may be prudent to thin out some saplings to avoid overcrowding if existing trees are healthy and full. A healthy and typical spacing of larger trees in a natural or forested setting is about 12 to 15 feet on center.

Selective thinning and maintenance may be allowed if this spacing is retained, subject to city planning staff approval. The order of preference in trees to be retained under a thinning maintenance program is:

1. Healthy coniferous and madrone trees with a 10-inch or greater trunk diameter;
2. Healthy coniferous and madrone trees with a six inch or greater trunk diameter;
3. Smaller saplings of coniferous trees; and
4. Deciduous trees.

No trees shall be removed under a thinning and maintenance program if such removal results in tree spacing greater than 15 feet on center, except to remove dying or dangerous trees as determined by a ~~certified~~ qualified arborist. Full under-story shrubbery shall be retained, except to thin out non-native species (e.g., blackberry, scotch broom).

Section 69. Subsection 17.99.280(F) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

F. Take advantage of common area credits.

Common areas invite pedestrian activity. Therefore, it is expected that impacts from automobile traffic will be lessened. Additionally, a well-designed common area provides the same visual amenity as ~~pervious coverage~~ landscaping. Provision of common areas may therefore be counted toward parking and ~~impervious~~ hard surface coverage requirements as follows:

1. REDUCED PARKING. Required on-site parking may be reduced by one parking stall for every 200 square feet of required common area.
2. INCREASED IMPERVIOUS HARD SURFACE COVERAGE. Required common areas ~~shall not may be counted towards the total hard surface coverage as pervious when calculating impervious coverage allowances.~~ (Drainage system design must incorporate all ~~impervious~~ impermeable surfaces.)

Section 70. Subsection 17.99.300(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.300 Nonresidential setbacks.

The following standards apply to all nonresidential development. In order to deviate from minimum setback standards, approval must be obtained through the variance process defined in Chapter 17.66 GHMC and not through the design review process.

* * *

B. Locate structures near front setback line (IBE).

At least 50 percent of the primary structure's front facade shall be placed on the front setback line (except in the historic district or unless retention of significant ~~vegetation~~ tree(s) warrants an increased setback). Additional structures on the site shall be likewise placed on the front setback line unless they are located behind other structures on the site. The remaining portion of the building may be stepped back to accommodate common areas or parking. However, no more

than 50 percent of required parking may be located forward of the front façade of a building (see parking standards in GHMC 17.99.330(E)).

* * *

Section 71. Subsection 17.99.390(A) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.390 Hierarchy in building design.

The following standards apply to all nonresidential sites with more than one building or with one or more multitenant buildings, and on all prominent parcels identified on the city's visually sensitive areas map (see Appendix A of this chapter).

A. Design primary structures as a focal point (IBE).

Primary structures shall be designed to serve as a visual draw to a site. Primary structures shall be designed as follows:

1. Must be prominently visible to the public.

Primary structures shall be the focal point of development and must be prominently visible to the public right-of-way giving access to the project, unless significant ~~vegetation~~ tree(s) warrants a less visible structure, or unless visibility is otherwise prohibited (e.g., enhancement corridors).

2. Must have the appearance of at least two levels.

To provide a more stately appearance, primary structures shall have at least two floors (minimum eight feet apart). The second floor level shall be at least one-third the area of the lower floor area. Alternatively, primary structures may be single-floor buildings with roofs having a minimum pitch of 8/12, and which contain dormer windows on every roof plane having a ridge length of 40 feet or more. One dormer window with a glazing area of at least 15 square feet shall be required for every 40 feet of ridge length (or portion thereof). Dormer windows shall be functional, providing natural light into the finished and heated area of the building.

3. May have limited increased height.

Primary structures may include an area not to exceed 10 percent of the building's footprint that rises above the underlying height limit; provided, that the parcel is not located in the height restriction area defined in Chapter 17.62 GHMC. The height increase must be in building volume rather than as an extension of a parapet. This height increase shall not exceed eight feet, and shall not be applied to building heights otherwise restricted under zone transition standards in GHMC 17.99.170.

4. Must provide a prominent entrance.

Primary structures shall include a prominent entrance which faces or is clearly visible from the street. The entrance shall be defined by a projecting or recessed portico or a clearly defined doorway designed as a focal point in the facade design.

* * *

Section 72. The definition of “Certified Arborist” in Section 17.99.590 of the Gig Harbor Municipal Code is hereby repealed.

Section 73. The definition of “Drip Line” in Section 17.99.590 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

Drip Line The most extreme reach of a tree’s branches beyond its trunk, or one foot and one-half feet of space from the trunk for every inch of trunk diameter as measured four and one-half feet above grade, whichever is greater.

Section 74. The definition of Significant Vegetation in Section 17.99.590 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

Significant Trees ~~Vegetation~~ A Healthy trees-having a trunk diameter of at least six inches as measured 54 inches above grade. A tree growing with multiple stems shall be considered significant if at least one of the stems, measured at a point six inches from the point where the stems digress from the main trunk, is at least four inches in diameter. Alders (Alnus rubra), Cottonwood (Populus algeiros), and trees in the Poplar species shall not be considered a significant tree. A dead tree or a tree that has been identified by a qualified arborist as substantially diseased or damaged shall not be considered a significant tree.

Section 75. The definition of Dense Vegetative Buffer in Section 17.99.590 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

Dense Vegetative Buffer A vegetated area at least 40 feet deep providing screening and physical separation between areas or uses, consisting of the following:

1. A minimum of one row of evergreen plantings for every 10 feet of buffer depth, with each row including:
 - a. One five-gallon evergreen shrub for every five feet of lot line, of a type that will grow up to six feet at maturity; and
 - b. One evergreen tree for every 10 feet of lot line, with at least 50 percent of said trees being 12 feet or taller, and the remaining trees being at least six feet.
2. One two-inch minimum caliper deciduous tree per 20 feet of lot line and for every 40 feet of buffer width.

3. Evergreen groundcover that will cover 75 percent of the ground area within three growing seasons.
4. Planting rows that are offset from each other or staggered in a random fashion in a manner that provides full, consistent coverage throughout the entire buffer area.
5. LID BMPs may be utilized within dense vegetative buffers. Where LID BMPs are proposed to meet dense vegetative buffer requirements, these plantings may deviate from the requirements in this subsection, provided that the overall buffer area meets the intent of providing screening and physical separation.

Section 76. Subsection 18.08.206(A)(2) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.206 Reasonable use exceptions.

If the application of this chapter would preclude all reasonable use of a site, development may be permitted, consistent with the general purposes and intent of this chapter. Applications for a reasonable use permit shall be processed in accordance with the procedures established under GHMC Title 19 for a Type III project permit application.

A. Information Required. An application for a reasonable use exception shall be in writing to the department director and shall include the following information:

1. A description and map of the area of the site which is within a critical resource area or within the setbacks or buffers as required under this title;
2. The area of the site which is regulated under the respective setbacks (minimum yards) and maximum impervious-impermeable surface and hard surface coverage of the zoning code (GHMC Title 17);

* * *

Section 77. The Gig Harbor City Council hereby adopts the 2017 Gig Harbor Stormwater Management and Site Development Manual, attached as **Exhibit A** hereto and incorporated herein by this reference.

Section 78. 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 79. Effective Date. This Ordinance shall take effect and be in full force December 31, 2016 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 14th day of November, 2016.

CITY OF GIG HARBOR

Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

FILED WITH THE CITY CLERK: 10/19/16
PASSED BY THE CITY COUNCIL: 11/14/16
PUBLISHED: 11/17/16
EFFECTIVE DATE: 12/31/16
ORDINANCE NO: 1347



Business of the City Council City of Gig Harbor, WA

Subject: Second Reading of Ordinance –
2017 Public Works Standards Update

Proposed Council Action: Adopt Ordinance
No. 1348 for updating the Public Works
Standards and amending related codes.

Dept. Origin: Public Works

Prepared by: Jeff Langhelm *JL*

For Agenda of: November 14, 2016

Exhibits: Ordinance, Final Draft Public
Works Standards

	Initial & Date
Concurred by Mayor:	<i>JG 11-4-16</i>
Approved by City Administrator:	<i>Jon W 11/4/16</i>
Approved as to form by City Atty:	<i>VIA EMAIL 11/4/16</i>
Approved by Finance Director:	<i>NA</i>
Approved by Department Head:	<i>JL 11/4/16</i>

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

The City of Gig Harbor adopted the most recent version of the Public Works Standards in 2014 through Ordinance 1273. Public Works Staff acknowledged the 2014 Standards would be outdated as time progress and would need to be updated to implement current City policies and construction and engineering practices. The proposed 2017 Standards provide for current engineering principles and practices, such as traffic control devices, record drawing standards, and coordinate the inclusion of low impact development Stormwater management techniques as required by the City's NPDES Stormwater permit.

The City submitted the 2017 Standards for SEPA review and received a SEPA Determination of Non-Significance on September 1, 2016. The City subsequently provided a copy of the draft Public Works Standards to the Washington State Department of Commerce for review as a development regulation amendment in accordance with RCW 36.70A.106.

The draft 2017 Standards was posted to the City's website and public comment on the document was requested with notice of the comment period that was mailed to the local development community, Master Builders Association, and Association of General Contractors in addition to being posted to the City's website and advertised in the Peninsula Gateway.

Any amendment to the City's Public Works Standards must be adopted by ordinance. Therefore the attached ordinance includes relevant amendments to the Gig Harbor Municipal Code allowing for adoption of the 2017 Standards effective January 1, 2017. This date was selected to give developers, engineers, and Staff time to prepare for the transition to new standards.

Due to the large size of the document, the 2017 Standards are available for review either on line (<http://www.cityofgigharbor.net/stormwater-low-impact-development-updates/>) or in print at the Civic Center. One hard copy of the draft is available at the Council Office next to the City Clerk and one hard copy is on file with the Public Works Department.

FISCAL CONSIDERATION

The proposed 2017 Public Works Standards will likely not cost the City more to implement. However, due to ongoing improvements to construction materials and engineering principles and practices, many materials and practices will cost more to construct. Those additional costs will be paid by developers, utilities, and the City as a cost of construction.

BOARD OR COMMITTEE RECOMMENDATION

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

RECOMMENDATION/MOTION

Adopt Ordinance No. 1348 for updating the Public Works Standards and amending related codes.

ORDINANCE NO. 1348

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS; REPEALING THE 2014 PUBLIC WORKS STANDARDS AND ADOPTING NEW PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY; AMENDING CHAPTERS 12.06, 12.08, 12.16, AND 13.28 OF THE GIG HARBOR MUNICIPAL CODE; REPEALING CHAPTERS 13.08, 13.12, AND 13.24 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City adopted the current Public Works Standards (Standards) in 2014 by Ordinance No. 1273; and

WHEREAS, the City operates under its National Pollution Discharge Elimination (NPDES) Municipal Stormwater Permit requirements; and

WHEREAS, the City's NPDES Permit requires the City adopt Low Impact Development (LID) techniques and Best Management Practices (BMPs) as the City's Standard in order to minimize impervious surfaces, reduce loss of native vegetation, and protect land and water resources; and

WHEREAS, Public Works Staff has seen the need to amend certain sections of Chapters 12.06, 12.08, 12.16, and 13.28 of the Gig Harbor Municipal Code and update sections of the current Standards to implement current City policies, engineering principles and practices, construction techniques to correspond with the City's NPDES Permit; and

WHEREAS, Chapters 13.08, 13.12, and 13.24 of the Gig Harbor Municipal Code (GHMC) currently provide information that is now provided in Chapter 12.06 GHMC and the 2017 Standards and therefore Chapters 13.08, 13.12, and 13.24 are redundant and no longer necessary; and

WHEREAS, the City submitted the draft 2017 Standards for SEPA review and received a SEPA Determination of Non-Significance on September 1, 2016; and

WHEREAS, the City subsequently provided a copy of the draft 2017 Standards to the Washington State Department of Commerce for review as a development regulation

amendment in accordance with RCW 36.70A.106, whereby the 60 day notice period ended on October 31, 2016; and

WHEREAS, the draft 2017 Standards was posted to the City's website and public comment on the document was requested with notice of the comment period that was mailed to the local development community, Master Builders Association, and Association of General Contractors in addition to being posted to the City's website and advertised in the Peninsula Gateway; and

WHEREAS, the City Council held a public hearing on October 24, 2016, and considered this Ordinance during its regular City Council meetings on October 24, 2016 and November 14, 2016; NOW, THEREFORE,

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

Section 1. GHMC 12.06.100 - Amended. Section 12.06.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

12.06.100 Financial guarantees.

The owner shall submit financial guarantees as a guarantee of performing the work provided by an approved civil permit and as a guarantee of maintenance of the completed work. Financial guarantees may include bonds, cash set-asides, irrevocable lines of credit, or other types of guarantees accepted by the director and approved by the city attorney. At no time shall the financial guarantee for a civil permit duplicate financial guarantees for the same scope of work. Financial guarantees for stormwater-related work shall be established by the City's Stormwater Management and Site Development Manual. The financial guarantees for a civil permit shall be provided as follows:

- A. Performance Guarantee. Prior to the issuance of a civil permit, the owner of the project shall submit a financial performance guarantee for all work related to the improvements proposed by the civil permit. The guarantee shall be in a form acceptable to the city attorney. The value of the financial performance guarantee shall be 125 percent of the project civil engineer's opinion of probable cost of infrastructure that will be dedicated to the public at the completion of the civil construction, as approved by the director.
- B. Maintenance Guarantee. Prior to release of a performance guarantee(s), the owner of the project shall submit a financial maintenance guarantee for a period of two years from the date of the release of the performance guarantee for all work related to the completed improvements. The guarantee shall be in a form acceptable to the city attorney. The value of the financial maintenance guarantee shall be 15 percent of the project civil engineer's opinion of probable cost of

infrastructure that will be dedicated to the public at the completion of the civil construction, as approved by the director.

Section 2. Chapter 12.08 - Amended. Chapter 12.08 of the Gig Harbor Municipal Code is hereby amended by amending GHMC 12.08.140 and GHMC 12.08.190 to read as follows:

12.08.140 Relocation and protection of utilities.

The permittee shall not interfere with any existing facility without the written consent of the administrative authority and the owner of the facility. If it becomes necessary to relocate any existing facility, such work shall be done by its owner. No facility owned by the city shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless other arrangements are made with the owners of the facility. The permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be affected in any way by the excavation work and do every thing necessary to support, sustain, and protect them under, over, along, or across said work. In case of any said pipes, conduits, poles, wire or pipe coating or other encasement or devices or apparatus should be damaged, the permittee shall promptly notify the owners thereof. All damaged facilities shall be repaired and restored to fully functioning status per director approval by the ~~agency or person owning them~~ permittee, and the expense of such repairs shall be ~~charged to~~ borne by the permittee. It is the intent of this paragraph that the permittee shall assume all liability for damage to facilities, and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

* * *

12.08.190 Breaking through pavement.

~~A hydra-hammer or similar equipment may be used in breaking up the pavement.~~ Unstable pavement shall be removed over cave-outs and overbreaks, and the subgrade shall be treated as the main trench. Cutouts outside of the trench lines must be parallel to the trench line. The permittee shall not be responsible for the repair or pavement damage existing prior to the excavation.

* * *

Section 3. GHMC 12.16.010 - Amended. Section 12.16.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

12.16.010 Adopted.

Those certain guidelines and standards entitled "Public Works Standards" for the city of Gig Harbor, published in ~~2014~~ 2017 and adopted by Ordinance No. ~~1273~~ 13xx, are hereby adopted as the official public works standards for use on all development projects within the city of Gig Harbor and shall be used for all development projects located within the city of Gig Harbor's service areas, annexation areas, or planning areas to the extent that the city has the authority to require such guidelines and standards.

Section 4. GHMC 13.28.105 - Deleted. Section 13.28.105 of the Gig Harbor Municipal Code is hereby deleted in its entirety.

Section 5. Chapter 13.08 - Repealed. Chapter 13.08 of the Gig Harbor Municipal Code is hereby repealed.

Section 6. Chapter 13.12 - Repealed. Chapter 13.12 of the Gig Harbor Municipal Code is hereby repealed.

Section 7. Chapter 13.24 - Repealed. Chapter 13.24 of the Gig Harbor Municipal Code is hereby repealed.

Section 8. 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 9. Effective Date. This ordinance shall take effect and be in full force on January 1, 2017 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 14th day of November, 2016.

CITY OF GIG HARBOR

JILL GUERNSEY, 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: 11/14/16
PUBLISHED:
EFFECTIVE DATE: 01/01/2017
ORDINANCE NO. 1348



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

**Subject: Public hearing: General Fund
2017-18 revenue sources**

Dept. Origin: Finance

Prepared by: David Rodenbach, Finance Director

For Agenda of: November 14, 2016

Proposed Council Action:
No action required

Exhibits: N/A

Initial & Date

Concurred by Mayor: _____

Approved by City Administrator _____

Approved as to form by City Atty: _____

Approved by Finance Director: _____

DR 11/9/16

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

Chapter 251, Laws of 1995 (RCW 84.55.120) requires a public hearing on revenue sources for the next year's general fund budget. The hearing must include considerations of possible increases in property tax revenues.

General Fund Revenue Summary

Revenue Source	2013-2014 Actual	2015-2016 Estimated	2017-2018 Budget
Property tax	\$ 4,573,802	\$ 4,765,916	\$ 5,288,875
Sales tax	10,310,869	11,769,860	13,134,147
Other taxes	3,203,373	3,380,843	3,640,739
Licenses and permits	2,544,458	4,237,590	4,312,454
Intergovernmental revenues	355,337	300,305	254,000
Charges for services	575,856	545,190	511,304
Fines and forfeits	241,102	276,958	260,463
Miscellaneous	421,454	626,886	939,000
Total revenues	22,226,251	25,903,548	28,340,982
Beginning fund balance	1,484,782	1,687,346	4,307,353
Total resources	\$ 23,711,033	\$ 27,590,894	\$ 32,648,334



Business of the City Council
City of Gig Harbor, WA

Subject: 2017 Regular Property Tax Levy and Excess Property Tax Levy Resolutions

Proposed Council Action: Adopt resolutions in two separate motions:

- 1. Adopt Resolution No. 1051 certifying the 2016 Regular property tax levy.
2. Adopt Resolution No. 1052 certifying the 2017 excess property tax levy.

Dept. Origin: Finance
Prepared by: David Rodenbach, Finance Director
For Agenda of: November 14, 2016

Exhibits: Two Resolutions

Initial & Date

Concurred by Mayor: [Signature] 11-4-16
Approved by City Administrator: [Signature] 11/4/16
Approved as to form by City Atty: per email
Approved by Finance Director: [Signature] 11/4/16

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

INFORMATION / BACKGROUND

These resolutions set the City's regular tax levy and excess levy (Eddon Boat bonds) for property tax collection in 2017.

FISCAL CONSIDERATION

The 2016 regular levy for collection in 2017 is \$2,536,013. This calculates to a rate of \$1.09 per thousand dollars of assessed valuation. The 2017 levy is a total increase of \$131,248 from the prior year's levy. The increase consists of the following components:

- 1.0% increase over highest levy (since 1985) \$ 212
New construction and improvements \$ 117,537
Levy for refunds \$ 13,499
Total \$ 131,248

The total excess levy which will be used to pay the debt service on the Eddon Boat bond is \$300,000. This calculates to a preliminary rate of \$0.1584 per thousand dollars of assessed valuation.

RECOMMENDATION / MOTIONS:

- 1. Move to Adopt Resolution No. 1051 certifying the 2016 regular property tax levy.
2. Move to Adopt Resolution No. 1052 certifying the 2017 excess property tax levy

RESOLUTION NO. 1051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, CERTIFYING THE 2016 REGULAR AD VALOREM TAX LEVY UPON REAL PROPERTY.

WHEREAS, the City Council of Gig Harbor has met and considered its budget for the calendar year 2017; and

WHEREAS, the City's actual levy amount from the previous year was \$2,404,765.45; and

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

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

An increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2017 tax year.

The dollar amount of the increase over the actual levy amount from the previous year shall be \$212.01 which is a percentage increase of 0.0088% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

PASSED by the City Council this 14th day of November 14, 2016.

APPROVED:

MAYOR, JILL GUERNSEY

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____
ANGELA G. SUMMERFIELD

FILED WITH THE CITY CLERK: 11/04/16
PASSED BY THE CITY COUNCIL: 11/14/16
RESOLUTION NO. 1051

RESOLUTION NO. 1052

A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING EXCESS PROPERTY TAXES IN THE AMOUNT OF \$300,000 FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017.

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

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

WHEREAS, the City Council of the City of Gig Harbor determined that the City of Gig Harbor requires an excess levy in the amount of three hundred thousand dollars and no cents (\$300,000.00) in order to provide debt service for the 2005 Unlimited Tax General Obligation Bond; and now, therefore,

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

The Property tax excess levy required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 2017, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$2,255,638,457. Taxes levied upon this value shall be approximately \$0.1626 per \$1,000 assessed valuation, producing an estimated

amount of three hundred thousand dollars and no cents (\$300,000.00) for 2005
Unlimited Tax General Obligation Bond debt service.

PASSED by the City Council this 14th day of November, 2016.

APPROVED:

MAYOR, JILL GUERNSEY

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____
ANGELA G. SUMMERFIELD

FILED WITH THE CITY CLERK: 11/04/16
PASSED BY THE CITY COUNCIL: 11/14/16
RESOLUTION NO. 1052



Business of the City Council City of Gig Harbor, WA

Subject: Public Hearing and Resolution Adopting the Six-Year Transportation Improvement Program (TIP) 2017-2022

Proposed Council Action:
Approve the attached resolution adopting the 2017-2022 Six-Year Transportation Improvement Program (TIP)

Dept. Origin: Public Works/Engineering

Prepared by: Emily Appleton, P.E. *EA 11.8.16*
Senior Engineer

For Agenda of: November 14, 2016

Exhibits: Resolution, Map, Six-Year TIP 2017-2022

	Initial & Date
Concurred by Mayor:	<i>JG 11/8/16</i>
Approved by City Administrator:	<i>RW 11/8/16</i>
Approved as to form by City Atty:	<i>Per email 11/8/16</i>
Approved by Finance Director:	<i>DF 11/8</i>
Approved by Public Works Dir.:	<i>Prox 11/8/16</i>
Approved by the City Engineer:	<i>EA 11-8-16</i>

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

RCW 35.77.010 requires that local agencies prepare and adopt a comprehensive transportation program for the ensuing six calendar years that is consistent with the agency's comprehensive plan. This is commonly referred to as the Six-Year Transportation Improvement Program (TIP) and is required to be submitted annually to the state secretary of transportation. The criteria for receiving state and federal transportation project funding require the receiving agency to have a current approved Six-Year TIP. While a TIP represents the anticipated projects over a six-year period, the project undertaken in any given year are subject to the budget deliberation process.

In 2014 and 2015, as part of the Comprehensive Plan update, the City completed a rigorous capacity analysis of the City's roadway system which evaluated the future levels of service at intersections and capacity on roadway segments. The analysis also included consideration of non-motorized improvements throughout the City. From this analysis, the short and long range project lists were updated in the Transportation Element of the Comprehensive Plan to address estimated future problem areas.

The conclusions from the Comprehensive Plan update analyses, the approved Six-Year TIP from 2016 and the proposed 2017/2018 Budget serve as the basis for the attached 2017 Six-Year TIP. The largest changes are due to re-prioritizing projects to make the TIP consistent with the proposed 2017/18 City budget.

The changes from last year's TIP include removing completed projects, shifting priorities, funding and expenditures to align with the proposed 2017/18 budget and minor shifting of the schedule to

provide relatively balanced funding needs year to year.

FISCAL CONSIDERATION

Adoption of the Six-Year Transportation Improvement Program does not directly affect the City's finances. The fiscal impacts will be reviewed during the budgeting process and discussed during future Transportation Impact Fee Schedule updates.

Depending upon the availability of funds and other considerations, at any time the Council may elect to fund more or fewer projects, and/or change project priorities.

BOARD OR COMMITTEE RECOMMENDATION

The proposed 2017 Six-Year TIP was presented at the regularly scheduled Operations and Public Committee Meeting on November 14, 2016.

RECOMMENDATION/MOTION

Move to: Staff recommends Council approve the attached Resolution adopting the Six-Year Transportation Improvement program (2017-2022).

RESOLUTION NO. 1053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING A SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM AND DIRECTING THE SAME TO BE FILED WITH THE STATE SECRETARY OF TRANSPORTATION AND THE TRANSPORTATION IMPROVEMENT BOARD.

WHEREAS, pursuant to the requirements of Chapters 35.77 and 47.26 RCW, the City Council of the City of Gig Harbor has previously adopted a Comprehensive Transportation Plan and Transportation Improvement Program, including an arterial street construction program, and thereafter periodically modified said comprehensive transportation program by resolution, and

WHEREAS, the City Council has reviewed the work accomplished under the said Program, determined current and future City street and arterial needs, and based upon these findings has prepared a Six-Year Transportation Improvement Program for the ensuing six (6) calendar years, and

WHEREAS, a public hearing was held on the Six-Year Transportation Improvement Program on November 14, 2016, and

WHEREAS, the City SEPA responsible official made an amended determination of non-significance for the adoption or implementation of the Six-Year Transportation Improvement Program,

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

Section 1. Program Adopted. The City of Gig Harbor City Council hereby approves and adopts the Six-Year Transportation Improvement Program for the City of Gig Harbor, as revised and extended for the ensuing six (6) calendar years (2017-2022 inclusive), a copy of which is attached hereto and incorporated herein by this reference as if fully set forth herein, which Program sets forth the project location, type of improvement and the estimated cost thereof.

Section 2. Filing of Program. Pursuant to Chapter 35.77 RCW, the City Clerk is hereby authorized and directed to file a copy of this resolution forthwith, together with the attached hereto, with the Secretary of Transportation and a copy with the Transportation Improvement Board for the State of Washington.

RESOLVED this 14rd day of November, 2016.

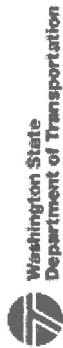
APPROVED:

JILL GUERNSEY, MAYOR

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

FILED WITH THE CITY CLERK: 11/09/16
PASSED BY THE CITY COUNCIL: 11/14/16
RESOLUTION NO. 1053



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

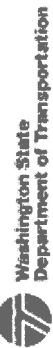
Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. B. STIP ID C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	1	Cushman Trail Phase 5 Planning Study N/A N/A to N/A Conduct a planning study for the extension of the regional Cushman Trail (Phase 5), an existing multipurpose non-motorized trail currently connects Tacoma's Scott Pieron Trail that crosses the Narrows Bridge to Borgren Boulevard in North Gig Harbor. Phase 5 of the Cushman trail proposes to expand the length of trail to connect Borgren Boulevard to the regional trail system in South Kitsap County which is in line with Pierce County's 2014 Parks, Recreation, and Open Space Plan and as further identified in their 2016 Comprehensive Plan. Planning study area is bound by 96th St. NW on the south, 70th Ave. NW & Burley Lagoon on the west, Pierce/Kitsap County line on the north, and Peacock Hill Ave. on the east.	GIG-9 11/14/16				18		3.000	EIS	No

Funding Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2018		0		0	70,000	70,000
S	PE	2018	STP(JL)	200,000		0	0	200,000
Totals				200,000	0	70,000	70,000	270,000

Expenditure Schedule Phase	1st		2nd		3rd		4th		5th & 6th	
	ALL	Totals	ALL	Totals	ALL	Totals	ALL	Totals	ALL	Totals
ALL	0	0	270,000	270,000	0	0	0	0	0	0
Totals	0	0	270,000	270,000	0	0	0	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	16	Priority Number	2	B. STIP ID		Hearing		Adopted		Amendment		Resolution No.		Improvement Type		Utility Codes		Total Length		Environmental Type		RW Required	
				G. Structure ID		11/14/16								01		C G P S T W		0.500		DCE		Yes	
				WA-05019																			
				Harbor Hill Drive Extension																			
				Harbor Hill Drive																			
				Terminus to Burnham Drive																			
				Complete the extension of Harbor Hill Drive to Burnham Drive.																			

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	S	PE		2017		0	TIB	50,000	200,000	250,000
	S	CN		2017		0	TIB	7,000,000	4,000,000	11,000,000
						Totals		7,050,000	4,200,000	11,250,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase						
PE		250,000	0	0	0	0
CN		7,000,000	4,000,000	0	0	0
Totals		7,250,000	4,000,000	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

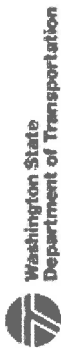
Y Inside

N Outside

Functional Class	17	Priority Number	3	A. PIN/Project No. B. STIP ID C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	G. Structure ID WA-05021	Hearing	11/14/16	Adopted	Amendment	Resolution No.	Improvement Type	03	Utility Codes	CGOP S TW	Total Length	Environmental Type	CE	RW Required	Yes
				Burmahm Drive/Harbor Hill Dr Intersection Improvements Burmahm Drive/Harbor Hill Drive to Improvements for intersection control at new intersection once Harbor Hill Drive is constructed through to Burmahm Drive. Conceptual design is a modern roundabout but final configuration is undetermined.															

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2017			0	0		0	150,000	150,000
S	CN	2017		TIB	0	1,000,000		1,000,000	300,000	1,300,000
Totals					0	1,000,000		1,000,000	450,000	1,450,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	150,000	0	0	0	0
CN	900,000	400,000	0	0	0
Totals	1,050,000	400,000	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

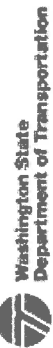
Y Inside

N Outside

Functional Class	17	Priority Number	4	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Rosedale and Stinson Intersection Improvements Rosedale Drive and Stinson Ave. to Construct left turn pocket on south leg Stinson for left turns onto WB Rosedale. Construct right-turn only lane on north leg of Stinson to WB Rosedale. Or consider roundabout.	WA-05017	11/14/16				03	C P S T		CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	S	PE		2017		0		0	80,000	80,000
	S	RW		2017		0		0	20,000	20,000
	S	CN		2018		0		0	500,000	500,000
		Totals				0		0	600,000	600,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
	PE		80,000	0	0	0	0
	RW		20,000	0	0	0	0
	CN		0	500,000	0	0	0
	Totals		100,000	500,000	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

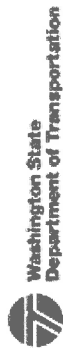
Y Inside

N Outside

Functional Class	16	Priority Number	5	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Stinson Ave Overlay Stinson Ave Grandview Street to Rosedale Street Pavement repair, planning and HMA overlay of Stinson Avenue, including ADA upgrades.	GIG-10	11/14/16				05		0.500 CE	CE	Yes

Funding Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2017		0		0	97,000	97,000
S	RW	2018		0		0	38,000	38,000
S	CN	2019		0		0	91,000	91,000
S	CN	2019	STP(UL)	515,000		0	0	515,000
Totals				515,000		0	226,000	741,000

Expenditure Schedule Phase	1st		2nd		3rd		4th		5th & 6th	
	ALL	97,000	38,000	38,000	606,000	606,000	0	0	0	0
Totals		97,000	38,000	38,000	606,000	606,000	0	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

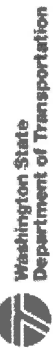
Y Inside

N Outside

Functional Class	16	Priority Number	6	B. STIP ID	WA-09713	Hearing	11/14/16	Adopted		Amendment		Resolution No.		Improvement Type	28	Utility Codes	C G P S T W	Total Length	0.500	Environmental Type	CE	RW Required	Yes
				A. PIN/Project No.	Stinson Ave Pedestrian Improvements																		
				C. Project Title	Stinson Ave																		
				D. Road Name or Number	Rosedale Street to Grandview Street																		
				E. Begin & End Termini	Design and construct continuous sidewalk along the west side of the roadway, including additional pedestrian amenities and required ADA upgrades.																		
				F. Project Description																			

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE		2017		0	0		0	160,000	160,000
S	RW		2017		0	0		0	40,000	40,000
P	CN		2018		0	0	TIB	500,000	100,000	600,000
				Totals		0		500,000	300,000	800,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase						
PE		160,000	0	0	0	0
RW		40,000	0	0	0	0
CN		0	600,000	0	0	0
Totals		200,000	600,000	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

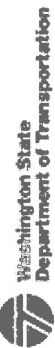
Y Inside

N Outside

Functional Class	19	Priority Number	7	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				50th St Ct NW Improvements Phase 2 50th St Ct NW west of Olympic Drive to 38th Street Construct new 2-lane roadway with curb, gutter and sidewalks on one or both sides along with street illumination, on-street parking and associated storm water and/or LID improvements.	WA-05013	11/14/16				03	G P S T W	0.500	CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	S	PE	2017			0	TIB	450,000	200,000	650,000
	P	CN	2018			0	TIB	1,000,000	1,720,000	2,720,000
				Totals		0		1,450,000	1,920,000	3,370,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase						
PE		650,000	0	0	0	0
CN		0	2,720,000	0	0	0
Totals		650,000	2,720,000	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	8	B. STIP ID G. Structure ID		11/14/16	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				WA-08726		11/14/16					28		2.000	DCE	No
				A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description Harborview Drive Pedestrian Improvements Eddon Boat Park to Novak Street Install widened sidewalks and other non-motorized amenities to provide for improved pedestrian access in the vicinity of Ancich Park											

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	S	PE		2017		0		0	75,000	75,000
	S	CN		2018		0		0	230,000	230,000
Totals						0		0	305,000	305,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase						
PE		75,000	0	0	0	0
CN		0	230,000	0	0	0
Totals		75,000	230,000	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

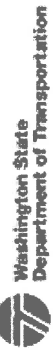
Y Inside

N Outside

Functional Class	16	Priority Number	9	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Harborview Drive Sidewalk Harborview Drive Bumham Drive to Austin Street Construct sidewalk on the east side of Harborview Drive between Austin Street and Bumham Drive	WA-08714	11/14/16				28	C G P S T W	0.400	CE	No

Funding		Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	CN		2017		0	TIB	287,173	447,827	735,000
Totals					0		287,173	447,827	735,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	CN	735,000	0	0	0	0
Totals		735,000	0	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	10	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				38th Ave Improvements Phase 1 38th Avenue City Limits to 56th Street Complete design and construction of 2/3-lane section with turn pockets, bicycle lanes, curbs and gutters on one or both sides as necessary, landscaped planter strips or swales, sidewalk, storm sewer improvements, provisions for future lighting.	WA-05018	11/14/16				03	CGOP S TW	1.000	CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE			2017		0	TIB	450,000	575,000	1,025,000
P	CN			2020	STP	2,500,000	TIB	2,500,000	1,000,000	6,000,000
Totals						2,500,000		2,950,000	1,575,000	7,025,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	150,000	0	500,000	375,000	0
CN	0	0	0	0	6,000,000
Totals	150,000	0	500,000	375,000	6,000,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPORTPO: PSRC

Y Inside

N Outside

Functional Class	14	Priority Number	11	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID WA-08730	Hearing	11/14/16	Adopted	Amendment	Resolution No.	Improvement Type	03	Utility Codes	C G P T W	Total Length	Environmental Type	CE	RW Required	Yes
				Olympic Drive / Point Fosdick Drive Intersection Improvements to Design and construct a right turn lane for eastbound vehicles.															

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	S	PE		2017		0		0	100,000	100,000
	S	CN		2017		0		0	400,000	400,000
Totals						0		0	500,000	500,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	PE	100,000	0	0	0	0
	CN	400,000	0	0	0	0
Totals		500,000	0	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	12	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Soundview and Hunt Intersection Improvement Soundview Drive and Hunt Street to Construct new intersection control, currently conceptualized as a traffic signal, at the intersection with associated non-motorized improvements. Requires coordination with Pierce County for east leg transition to match existing.	WA-05022	11/14/16				03	C P T		CE	Yes

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	S	PE		2018		0		0	150,000	150,000
	P	CN		2019		0		0	500,000	500,000
				Totals		0		0	650,000	650,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
	PE		0	150,000	0	0	0
	CN		0	0	500,000	0	0
	Totals		0	150,000	500,000	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	16	Priority Number	13	B. STIP ID	WA-08727	Hearing	11/14/16	Adopted		Amendment		Resolution No.		Improvement Type	03	Utility Codes	C G P S T W	Total Length	0.000	Environmental Type	DCE	RW Required	No
				G. Structure ID																			
				Harborview Drive / Stinson Ave Intersection Improvements																			
				Intersection to Intersection																			
				Design and construct a roundabout or other appropriate improvements at the intersection to increase the level of service for all users.																			

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE			2018		0		0	150,000	150,000
S	RW			2019		0		0	50,000	50,000
S	CN			2020		0		0	400,000	400,000
				Totals		0		0	600,000	600,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase						
PE		0	150,000	0	0	0
RW		0	0	50,000	0	0
CN		0	0	0	400,000	0
Totals		0	150,000	50,000	400,000	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

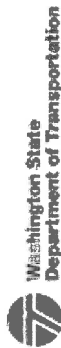
Y Inside

N Outside

Functional Class	14	Priority Number	15	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				SR 16/Olympic Drive Intersection Improvements to At westbound on-ramp, convert one existing through-lane on west approach to shared through-left turn lane. Adjust signal phasing as appropriate. Widen on-ramp as required by WSDOT. Consider other improvements as required. At eastbound on-ramp, intersection improvements to improve level of service.	WA-05025	11/14/16				03			CE	Yes

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	P	PE		2019		0		0	200,000	200,000
	P	CN		2019		0	OTHER	800,000	400,000	1,200,000
					Totals	0		800,000	600,000	1,400,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
	PE		0	0	200,000	0	0
	CN		0	0	600,000	600,000	0
	Totals		0	0	800,000	600,000	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	16	Priority Number	16	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Metering Roundabout at SR16/Burnham Interchange Burnham Drive to Install metering at the westbound approach (Burnham bridge) of the roundabout located at westbound SR16/Burnham Interchange.	WA-05039	11/14/16				44			CE	No

Funding Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2019		0		0	85,000	85,000
P	CN	2020		0		0	300,000	300,000
			Totals	0		0	385,000	385,000

Expenditure Schedule Phase	1st		2nd		3rd		4th		5th & 6th	
	Phase	Start Year	Phase	Start Year	Phase	Start Year	Phase	Start Year	Phase	Start Year
PE	0	2019	0	2020	85,000	2019	0	2020	0	2021
CN	0	2020	0	2021	0	2022	300,000	2023	0	2024
Totals	0		0		85,000		300,000		0	



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	17	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Harbor Hill and Borgen Intersection Improvements Harbor Hill Dr and Borgen Blvd to Construct right-turn slip lane from EB Borgen Blvd to SB Harbor Hill Drive. Construct right-turn slip lane from NB Harbor Hill Drive to EB Borgen Blvd. Developer funded.	WA-05016	11/14/16				03	P S W		CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE			2019		0		0	100,000	100,000
P	CN			2019		0		0	570,000	570,000
Totals						0		0	670,000	670,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
PE			0	0	100,000	0	0
CN			0	0	570,000	0	0
Totals			0	0	670,000	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	00	Priority Number	18	B. STIP ID		Hearing	12/14/15	Adopted	12/14/15	Amendment		Resolution No.	1021	Improvement Type	08	Utility Codes		Total Length	0.100 CE	Environmental Type		RW Required	Yes
				G. Structure ID	WA-05041																		
				Pedestrian Bridge Over SR16 None to Pedestrian bridge over SR16 in the vicinity of the Burnham Drive Interchange. This project is in conjunction with restriping the Burnham Drive bridge to 4 lanes.																			

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE			2020		0		0	600,000	600,000
P	RW			2020		0		0	150,000	150,000
		Totals				0		0	750,000	750,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	PE	0	0	0	500,000	100,000
	RW	0	0	0	0	150,000
Totals		0	0	0	500,000	250,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	16	Priority Number	19	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description		B. STIP ID	Resolution No.	Amendment	Adopted	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Harborview Drive / Pioneer Way Improvements to Intersection improvements to increase non-motorized user safety.		WA-08728				28	CGOP S TW		DCE	No
						11/14/16								

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
		P	PE	2019		0		0	20,000	20,000
		P	CN	2020		0		0	80,000	80,000
				Totals		0		0	100,000	100,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
		PE	0	0	20,000	0	0
		CN	0	0	0	80,000	0
		Totals	0	0	20,000	80,000	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	20	B. STIP ID	WA-08731	Hearing	11/14/16	Adopted		Amendment		Resolution No.		Improvement Type	08	Utility Codes	C G P T	Total Length	0.500	Environmental Type	DCE	RW Required	Yes
				C. Project Title	Hunt Street Crossing at SR16																		
				D. Road Name or Number	Hunt Street																		
				E. Begin & End Termini	38th Avenue to Kimball Drive																		
				F. Project Description	Design and construct a crossing for Hunt Street at SR16 with no SR16 access. This project may be considered as part of the larger SR16 Congestion Relief Study funded by the State Legislature in June 2015																		

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2019	Discretionary		300,000	OTHER		300,000	400,000	1,000,000
P	RW	2021			0			0	100,000	100,000
Totals					300,000			300,000	500,000	1,100,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase						
PE	0	0	50,000	300,000	675,000	
RW	0	0	0	0	100,000	
Totals	0	0	50,000	300,000	775,000	



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

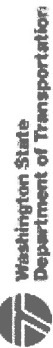
Y Inside

N Outside

Functional Class	16	Priority Number	21	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Restripe Burnham Bridge to 4 Lanes Burnham Drive SR16 E/B Off-Ramp to SR16 WB Off-Ramp Restripe Burnham Drive bridge between the roundabouts so there are 4 through lanes (2 in each direction).	WA-05040	11/14/16				44		0.250	CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	P	PE		2020		0		0	95,000	95,000
	P	CN		2021		0		0	305,000	305,000
		Totals				0		0	400,000	400,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
	PE		0	0	0	95,000	0
	CN		0	0	0	0	305,000
	Totals		0	0	0	95,000	305,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	22	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID WA-05020	Hearing	11/14/16	Adopted	Amendment	Resolution No.	Improvement Type	03 C G O P S T	Utility Codes	1.000 CE	Total Length	Environmental Type	RW Required	Yes
				Burham Drive Phase 1 Burham Drive Harbor Hill Dr Extension to SR-16 Interchange Reconstruction, including minor widening, turn lanes, curbs, gutters, sidewalks, storm sewer improvements, landscaped planter strips and lighting.														

Funding	Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	P	PE	2018		400,000		335,000	400,000	1,135,000
	P	RW	2021		0		0	500,000	500,000
				Totals	400,000		335,000	900,000	1,635,000

Expenditure Schedule	Phase	1st			2nd			3rd			4th			5th & 6th				
		PE	RW	Totals	PE	RW	Totals	PE	RW	Totals	PE	RW	Totals	PE	RW	Totals		
	PE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	RW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC

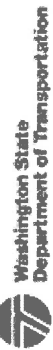
Y Inside

N Outside

Functional Class	17	Priority Number	23	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Vernhardson Street Improvements Vernhardson Street Peacock Hill Avenue to City Limits Pavement restoration and/or overlay, storm sewer, curbs, gutters and sidewalk(s), bicycle lanes. Possible to phase project into two sections; one between Peacock Hill Ave and N. Harborview Drive and the other between N. Harborview Drive and City Limits.	WA-05031	11/14/16				05	C P S T W	0.340	CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	P	PE		2020		0		0	100,000	100,000
	P	CN		2021		0		0	400,000	400,000
				Totals		0		0	500,000	500,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
	PE		0	0	0	100,000	0
	CN		0	0	0	0	400,000
	Totals		0	0	0	100,000	400,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

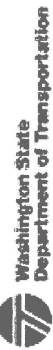
Y Inside

N Outside

Functional Class	17	Priority Number	24	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				38th Ave Improvements Phase II 38th Avenue 56th Street to Hunt Street Complete design and construction of a 2/3-lane section with left turn pockets, bicycle lanes, curbs and gutters as necessary, landscaped planter strip or swale and sidewalk on at least one side of the roadway, storm sewer improvements.	WA-05027	11/14/16				03	C G O P S T W	0.500 CE		No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	P	PE		2020	Totals	0	TIB	430,000	370,000	800,000
						0		430,000	370,000	800,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
	PE		0	0	0	50,000	750,000
	Totals	0	0	0	0	50,000	750,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

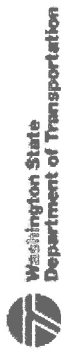
Y Inside

N Outside

Functional Class	16	Priority Number	25	B. STIP ID	WA-05023	Hearing	11/14/16	Adopted		Amendment		Resolution No.		Improvement Type	03	Utility Codes	C G P S T W	Total Length	0.100	Environmental Type	CE	RW Required	Yes
A. PIN/Project No.				C. Project Title				D. Road Name or Number				E. Begin & End Termini				F. Project Description							
25				Wollochet Drive Improvements Wollochet Drive				Hunt Street to 500 If east of Hunt Street				Widen roadway to provide for 11 foot lanes, bicycle lanes, sidewalks, landscaping and illumination on at least one side of the roadway.											

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE			2021		0		0	120,000	120,000
P	CN			2022	STP	500,000		0	200,000	700,000
					Totals	500,000		0	320,000	820,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase						
PE		0	0	0	0	120,000
CN		0	0	0	0	700,000
Totals		0	0	0	0	820,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	26	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Rosedale St NW/Skansie Ave Intersection Improvements Rosedale St NW/Skansie Ave. to Widen to provide left-turn lane on east approach. Or design and construct a roundabout.	WA-05026	11/14/16				03	CGOPS TW		CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE			2022		0		0	60,000	60,000
Totals						0		0	60,000	60,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
PE			0	0	0	0	60,000
CN			0	0	0	0	300,000
Totals		0	0	0	0	0	360,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	27	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Skansie Avenue Improvements Skansie Avenue Rosedale Street to Hunt Street Minor widening to provide curb and gutter as necessary, landscaped planter strip/sidewalk, storm sewer improvements, bicycle lane and sidewalks on both sides of street. Include provisions for future lighting project as budget allows.	WA-05028	11/14/16				03	C P T	1.000 CE	CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	P	PE		2022		0		0	800,000	800,000
					Totals	0		0	800,000	800,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
	PE		0	0	0	0	400,000
	Totals	0	0	0	0	0	400,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

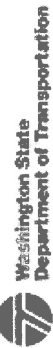
Y Inside

N Outside

Functional Class	17	Priority Number	28	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Hunt Street / 38th Avenue Improvements to Design and construct intersection improvements. Currently planned as a roundabout.	WA-08729	11/14/16				03	C G P S T W			No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE			2022		0		0	0	250,000
Totals						0		0	0	250,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
PE			0	0	0	0	250,000
RW			0	0	0	0	50,000
CN			0	0	0	0	850,000
Totals			0	0	0	0	1,150,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	17	Priority Number	29	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Grandview Phase 2 Improvements Grandview Street Soundview Drive to McDonald Avenue Road (including sidewalk), storm water and lighting improvements.	WA-05036	11/14/16				03	C G O P S T W	0.100	CE	No

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
		P	PE	2022		0		0	50,000	50,000
					Totals	0		0	50,000	50,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
		PE	0	0	0	0	50,000
		Totals	0	0	0	0	50,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

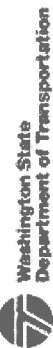
Y Inside

N Outside

Functional Class	17	Priority Number	30	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
				Grandview Phase 1 Improvements Grandview Street Stinson Avenue to Pioneer Way Road (including sidewalks), stormwater and lighting improvements.	WA-05037	11/14/16				03	C G O P S T W	0.100	CE	No

Funding		Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
Status	P	PE	2022		0		0	25,000	25,000
				Totals	0		0	25,000	25,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	PE	0	0	0	0	25,000
	Totals	0	0	0	0	25,000



Six Year Transportation Improvement Program From 2017 to 2022

Agency: Gig Harbor
County: Pierce
MPO/RTPO: PSRC

Y Inside

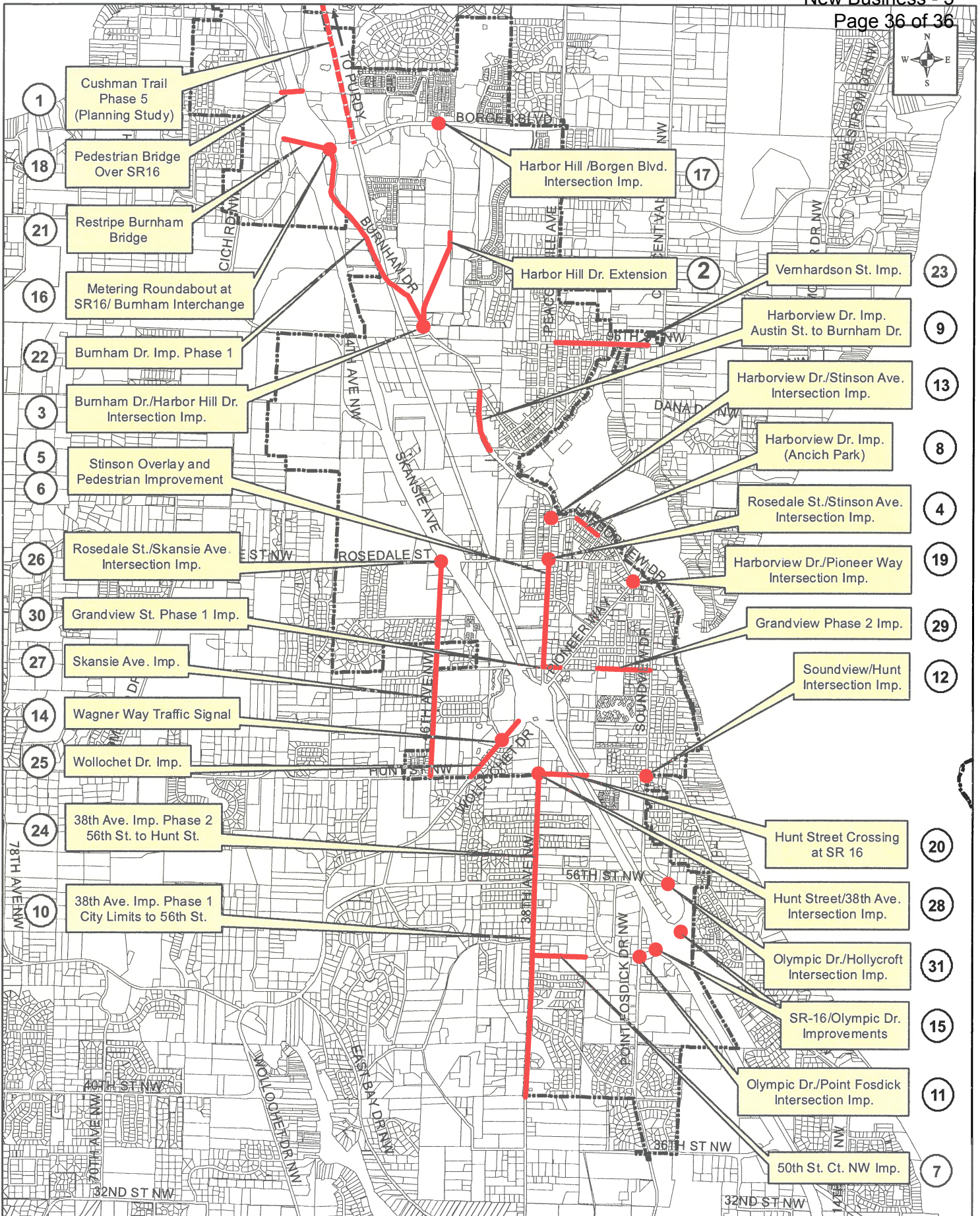
N Outside

Functional Class	14	Priority Number	31	B. STIP ID	WA-05030	Hearing	11/14/16	Adopted		Amendment		Resolution No.		Improvement Type	03	Utility Codes	C P T	Total Length		Environmental Type	CE	RW Required	No
				G. Structure ID	WA-05030																		
				Olympic/Hollycroft Intersection Improvements Olympic Drive and Hollycroft to Convert existing 2-way traffic on spur street that connects Olympic to Hollycroft in the SE quadrant of the intersection to one-way NB. Angled parking to be added to spur to support the park to the SE of the spur.																			

Funding		Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
	P	PE		2022		0		0	5,000	5,000
	P	CN		2022		0		0	25,000	25,000
						Totals		0	30,000	30,000

Expenditure Schedule		Phase	1st	2nd	3rd	4th	5th & 6th
	PE		0	0	5,000	0	0
	CN		0	0	0	25,000	0
		Totals	0	0	5,000	25,000	0

Grand Totals for Gig Harbor		Federal Funds	State Funds	Local Funds	Total Funds
		4,415,000	15,102,173	19,228,827	38,746,000



DRAFT

6-Year Transportation Improvement Program
2017 - 2022

DRAFT



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

Subject: Public Hearing and First Reading of Ordinance – Hearing Examiner Authority and Appeals

Proposed Council Action: Hold public hearing and review ordinance.






Dept. Origin: Planning

Prepared by: Jennifer Kester
Planning Director 

For Agenda of: November 14, 2016

Exhibits: Draft Ordinance;
Draft Rules of Procedure

Initial & Date

Concurred by Mayor:  11-8-16
Approved by City Administrator:  11/8/16
Approved as to form by City Atty:  email 11/7/16
Approved by Finance Director:  11/8/16
Approved by Department Head:  11/8/16

Expenditure	Amount	Appropriation
Required 0	Budgeted 0	Required 0

INFORMATION / BACKGROUND

In 1996 the City of Gig Harbor created the Office of the Gig Harbor Hearing Examiner for the purposes of interpretation, review, and implementation of land use regulations and other quasi-judicial functions as delegated by ordinance. Such provisions for the Hearing Examiner reside in the City's zoning code at chapter 17.10 of the Gig Harbor Municipal Code.

More recently, the City Council has passed several ordinances that give the Gig Harbor Hearing Examiner authority on many non-land use related matters, particularly appeals. Therefore, this ordinance moves to the provisions establishing the Hearing Examiner into Title 2 - Administration and Personnel.

Furthermore, this ordinance amend the appeals process to provide clarity in process, cost, and burdens of the parties at appeal hearings.

This packet also includes a draft resolution making equivalent updates to the Hearing Examiner's Rules of Procedure. The draft resolution will be presented as new business on November 28th, the same night this ordinance has its second reading.

Finally, this ordinance and resolution have been reviewed by the City's Hearing Examiner, Mr. Causseaux. His comments have been incorporated into these documents.

FISCAL CONSIDERATION

This ordinance will help the City recover the costs incurred on some appeals of Notices of Violation. The cost to file an appeal of a Notice of Violation will be \$275.00. Appellants who do not substantially prevail on appeal or whose appeal is dismissed for lack of standing will be billed for the hearing examiner costs. Appellants who substantially prevail will be refunded the appeal fee.

RECOMMENDATION / MOTION

Hold public hearing and review ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO HEARING EXAMINER AUTHORITY AND APPEALS; REPEALING CHAPTER 17.10 OF THE GIG HARBOR MUNICIPAL CODE AND RECODIFYING IN A NEW CHAPTER 2.25, AS AMENDED; ADDING A NEW SECTION 19.05.011 TO THE GIG HARBOR MUNICIPAL CODE TO AUTHORIZE THE HEARING EXAMINER TO CLARIFY DECISIONS; AMENDING SECTION 19.16.080 TO REQUIRE A FEE FOR HEARING EXAMINER APPEALS OF NOTICES OF VIOLATION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1996 the City of Gig Harbor created the Office of the Gig Harbor Hearing Examiner for the purposes of interpretation, review and implementation of land use regulations and other quasi-judicial functions as delegated by ordinance; and

WHEREAS, such provisions for the Hearing Examiner reside in the City's zoning code at chapter 17.10 of the Gig Harbor Municipal Code; and

WHEREAS, the Gig Harbor Hearing Examiner now makes administrative decisions relating to many non-land use related matters, and as such the City Council desires to move to the provisions establishing the Hearing Examiner into Title 2 - Administration and Personnel; and

WHEREAS, the City Council further desires to amend the appeals process to provide clarity in process, cost, and burdens of the parties at appeal hearings; and

WHEREAS, the Gig Harbor City Council held a public hearing on _____, to take public testimony relating to this ordinance; and

WHEREAS, after consideration of the recommendation of the public testimony provided, the City Council has determined that adoption of the amendments set forth in this ordinance is in the best interests of the public;

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

Section 1. Repeal. Chapter 17.10 of the Gig Harbor Municipal Code is hereby repealed and recodified as Chapter 2.25 with amendments as follows:

Chapter 2.25 HEARING EXAMINER

Sections:

- 2.25.010 Creation of hearing examiner system.
- 2.25.020 Appointment and term.
- 2.25.030 Qualifications.
- 2.25.040 Freedom from improper influence.
- 2.25.050 Conflict of interest.
- 2.25.060 Rules.
- 2.25.070 Powers.
- 2.25.080 Authority.

2.25.010 Creation of hearing examiner system.

The office of the Gig Harbor hearing examiner, hereinafter referred to as the examiner, is hereby created. The examiner shall interpret, review and implement land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless the context requires otherwise, the term “examiner” as used in this chapter shall include deputy examiners and examiners pro tem.

2.25.020 Appointment and term.

The council shall appoint the examiner for a maximum term of ~~one~~ three years. The council may also appoint deputy examiners or examiners pro tem in the event of the examiner’s absence or inability to act. The city may terminate the agreement for hearing examiner services at any time with 30 days’ notice.

2.25.030 Qualifications.

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings and to discharge other delegated functions. Examiners shall hold no other elective or appointive office or position with city government.

2.25.040 Freedom from improper influence.

No person, including city officials, elected or appointed, shall attempt to influence an examiner in any matter pending before him or her, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his or her duties in any other way; provided, that this section shall not prohibit the city attorney from rendering legal service to the examiner upon request.

2.25.050 Conflict of interest.

The examiner shall be subject to the same code of ethics as other appointed public officers in code cities, as set forth in RCW 35.42.020 and

Chapter 42.23 RCW, as the same now exists or may hereafter be amended.

2.25.060 Rules.

The ~~examiner~~ city council shall ~~have the power to~~ prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of ~~his or her~~ the office of the hearing examiner.

2.25.070 Powers.

The examiner shall have the authority to:

- A. Receive and examine available information;
- B. Conduct public hearings in accordance with GHMC Title 19, Chapter 42.32 RCW and all other applicable law, and to prepare a record thereof;
- C. Administer oaths and affirmations;
- D. Issue subpoenas and examine witnesses; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;
- E. Regulate the course of the hearing;
- F. Make and enter written findings of fact and conclusions to support his or her decisions;
- G. At the examiner's discretion, hold conferences for the ~~settlement or~~ simplification of the issues;
- H. Conduct discovery;
- I. Dispose of procedural requests or similar matters;
- J. Take official notice of matters of law or material facts;
- K. Issue summary orders in supplementary proceedings; and
- L. To dismiss an appeal or take other appropriate action when the examiner determines that he/she has no jurisdiction, the appeal is completely without merit, or where a party or representative fails to appear at a hearing; and
- ~~L. M.~~ Take any other action authorized by or necessary to carry out this chapter.

The above authority may be exercised on all matters for which jurisdiction is assigned to the examiner by city ordinance, code or other legal action of the city council. The nature of the examiner's decision shall be as specified in this chapter and in each ordinance or code which grants jurisdiction to the examiner.

2.25.080 Authority.

The examiner shall have the exclusive authority to hold public hearings and make recommendations and decisions on all applications, permits, ~~or~~ approvals, or appeals as described in ~~Chapter 19.01 GHMC~~ provided for in the GHMC. Unless otherwise specified in the GHMC, all appeals shall be governed by the process set forth in chapter 19.06 GHMC.

Section 3. Section 19.05.011 - Added. A new section 19.05.011 is hereby added to the Gig Harbor Municipal Code to read as follows:

19.05.011 Clarification.

Any person identified in GHMC 19.06.003 as having standing to file an administrative appeal may request at any time clarification of the decision. The hearing examiner shall have discretion to provide clarification. Such clarification shall not stay the effect of a decision or change or amend the conclusions of the decision.

Section 4. Section 19.16.080 - Amended. Subsection 19.16.080(A) of the Gig Harbor Municipal Code is hereby amended to read as follows:

19.16.080 Notice of violation and civil penalty appeals.

A. A person to whom a notice of violation or civil penalty is issued and served may appeal the notice of violation or civil penalty by filing a written request for appeal with the city clerk no later than 10 working days after said notice of violation or civil penalty is served. Each request for appeal shall contain the required appeal fee, the address and telephone number of the person making the request and the name and address of any person who may represent him or her. Each request for appeal shall set out the basis for the appeal. Failure to submit specific grounds for appeal in writing in the request may result in the dismissal of the appeal by the hearing examiner prior to any hearing.

* * *

Section 5. Authority to make necessary corrections. The codifiers of this Ordinance are requested to update internal references from 17.10 to 2.25 as appropriate, and are authorized to make other necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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. Effective Date. This Ordinance shall be published and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this _____ day of _____, 2016.

CITY OF GIG HARBOR

Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela G. Summerfield

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING THE RULES OF PROCEDURE TO BE USED BY THE GIG HARBOR HEARING EXAMINER; AND REPEALING RESOLUTION NO. 632 AND ALL PREVIOUS RESOLUTIONS ADOPTING HEARING EXAMINER RULES OF PROCEDURE.

WHEREAS, the City of Gig Harbor has established rules of procedure for the hearing examiner by Resolution; and

WHEREAS, the duties of the Hearing Examiner, as adopted by the Municipal Code, have changed since the City last adopted Rules of Procedure in 2004; and

WHEREAS, the proposed rules reflect current code and City policies; NOW, THEREFORE,

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

Section 1. The City Council hereby repeals Resolution No. 632.

Section 2. The Council hereby resolves that the following Rules of Procedure shall be used by the Gig Harbor Hearing Examiner for the conduct of the Examiner's proceedings:

**RULES OF PROCEDURE
GIG HARBOR HEARING EXAMINER**

A. Practice. Who may appear before the Examiner. Practice before the Hearing Examiner shall be open to the following persons who have met the standing requirements of Gig Harbor Municipal Code Section 19.06.003, or any other code provision allowing an appeal to the Examiner by the aggrieved person:

1. A party or participant to a case may appear personally or by a duly authorized representative;
2. Attorneys at law practicing before the Examiner must be duly qualified and entitled to practice in the courts of the state of Washington; or
3. Other persons permitted by law.

B. Rules of Professional Conduct. All persons appearing before the Examiner in a representative capacity shall conform to the rules of professional conduct required of attorneys before the court of Washington. If any such person does

not conform to such rules, the Examiner may decline to permit such person to appear in a representative capacity in any current or future proceeding before the Examiner or impose any other appropriate sanctions.

C. Ex parte Communications. See, GHMC Section 19.05.004. No opponents or proponents of any matter before the Examiner shall make or attempt to make any improper ex parte communications with the Examiner regarding any issue in the proceeding that is prohibited by the Appearance of Fairness Doctrine, chapter 42.36 RCW. Exceptions for such ex parte contacts shall be handled as set forth in RCW 42.36.060 and GHMC Section 19.05.004. Communications on purely procedural matters such as scheduling and logistics is permitted between City staff and the office of the Hearing Examiner. ~~are permitted on an ex parte basis.~~

D. Signing of Pleadings, Motions and Legal Memoranda. Every pleading, motion and legal memorandum of a party shall be dated and signed by the party or the party's attorney or other authorized representative and shall include an address, and telephone and FAX numbers, and email address.

E. Teleconference Proceeding. At the discretion of the Examiner, or where the parties agree and where the rights of the parties will not be prejudiced, all or part of any hearing, prehearing or motion hearing may be conducted by telephone or other electronic means. Each party in the proceeding must have an opportunity to participate effectively in and to hear the proceeding.

F. Hearing Examiner's Duties and Powers. The Examiner shall have the authority set forth in ~~GHMC Section 17.10.070~~ Chapter 2.25 GHMC, and the following:

1. To administer oaths and affirmations;
2. To issue subpoenas and examine witnesses, provided that no witness shall be compelled to divulge information that he or she would not be required to divulge in a court of law;
3. To rule on all procedural matters, objections and motions;
4. To rule on all offers of proof and receive relevant evidence;
5. To question witnesses called by the parties in an impartial manner to develop any facts deemed necessary for a fair and adequate decision;
6. To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to decide the matter fairly and equitably;
7. To take appropriate disciplinary action with respect to representatives of the parties appearing before the Examiner;
8. To issue orders joining other parties, on motion of any party, or on the judgment of the Examiner, when it appears that such other parties may have an interest in, or may be affected by, the proceedings;
9. To consolidate matters for hearing when such consolidation will

expedite disposition of matters and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;

10. To hold prehearing and ~~settlement~~ conferences;

11. To permit and regulate ~~the taking of~~ discovery;

12. To dismiss an appeal or take other appropriate action when the

Examiner determines that he/she has no jurisdiction, the appeal is completely without merit, or where a party or representative fails to appear at a hearing; and

13. To take any other action necessary and authorized by these rules and law.

G. Prehearing Practice.

1. Dismissal of Appeals on Jurisdictional Grounds. Timely filing of the appeal and payment of any applicable fee is required for the Examiner to acquire jurisdiction. Any party may challenge the Examiner to hear an appeal/matter on jurisdictional grounds. The Examiner may independently raise the jurisdictional issue. If the Examiner is satisfied that he/she does not have jurisdiction, he/she may dismiss the appeal/matter.

~~**2. Correction or Amendment of Appeal.** Within 7 days of receipt of an appeal by the Examiner, if any appeal is found to be deficient or insufficient, the Examiner may require the party filing the appeal to clarify, correct or amend the same to conform to any requirements for the appeal, as the same exist in the Gig Harbor Municipal Code.~~

32. Joinder of Parties. The Examiner may order the joinder of the permittee or any other interested person or entity in accordance with Civil Rule 19. The Examiner may also permit the joinder of persons who are necessary to the determination of the appeal in accordance with Civil Rule 20.

43. Prehearing Conferences. Any party or the Examiner may request a prehearing conference. The purpose of a prehearing conference shall be:

a. To prepare a case for hearing by scheduling prehearing deadlines and by identifying the issues, and if possible, witnesses, exhibits, stipulations and admissions.

b. If a prehearing conference is ordered by the Examiner, appearance at the prehearing conference by the party or by the party's representative is mandatory. If a party fails to attend a prehearing conference that is not justified by good cause, the Examiner may dismiss the appeal/matter or take other appropriate action.

54. Prehearing Orders. After a prehearing conference, the Examiner shall enter a prehearing order, which may include a statement of issues, a schedule for filing motions and briefs and lists of witnesses and exhibits, as well as other matters which may bear on the preparation for hearing.

65. Motions.

a. An application to the Examiner for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity

the grounds therefore and set forth the relief sought. Each written motion shall have appended to it a proposed order which the motion seeks.

b. For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

c. If the motion is contested, any party may request that the Examiner hold a motion hearing. The Examiner has the discretion to decide whether a motion hearing is required. If the Examiner decides to hold a motion hearing, he/she will issue an order setting the dates for briefing and hearing. At a motion hearing, the Examiner will consider the arguments of the parties but will not take evidence, and will decide the motion exclusively on the parties' written submissions.

76. Postponements and Continuances of Hearings. Postponement or continuance of a hearing is at the discretion of the Examiner, whether contested or uncontested by the parties. The Examiner may postpone or continue a hearing on its own motion. The postponement or continuance of a hearing by a party shall be sought by written motion.

87. Dismissal or Withdrawal of Appeal.

a. If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the Examiner may serve on all parties a default or other dispositive order which shall include a statement of grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

b. An appellant may request to withdraw an appeal. The City may request to withdraw any issued Notice of Violation.

98. Hearing Briefs. Hearing briefs, if filed, must be submitted to the Examiner at least seven days before the time of the hearing or other such time as the Examiner may prescribe. The Examiner may permit the filing of additional briefs.

109. Procedures at Hearings. All hearings shall be conducted by the Examiner who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

a. Testimony under oath. The Examiner has the authority to administer oaths.

b. Recording. An official recording of all evidentiary hearings shall be made by electronic recording device. If the hearing is not electronically recorded for any reason, the Examiner shall have the authority to require a new hearing. Unofficial use of recording devices at hearings is permitted, however, the Examiner shall be consulted first and may impose conditions on such recording.

c. Order of Presentation of Evidence.

1. The Examiner shall determine the proper order of presentation of evidence. As a general rule, the City staff shall initially introduce

the matter, and the Examiner will follow the procedures in GHMC Section 19.05.007.

2. The opposing party shall introduce its evidence after the appellant has rested. Rebuttal and surrebuttal evidence will be received only at the discretion of the Examiner.

3. Witnesses may be called out of turn in contravention of this rule by ~~agreement of all parties~~ order of the Examiner.

d. Objections and Motions to Strike. Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon.

e. Rulings. The Examiner, on objection or independently, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence.

~~11. Scope, Standard of Review and Burden of Proof.~~

~~a. Hearings on permits/approvals or appeals of land use decisions or Notices of Violation shall be quasi-judicial in nature. The scope and standard of review shall be *de novo* unless otherwise required by law.~~

~~b. Applicants for permits or appeals of land use decisions shall have the burden of proof in the matter, as set forth in GHMC Section 19.05.006. The City shall have the initial burden of proof in cases involving penalties or Notices of Violation.~~

1210. Rules of Evidence.

a. Evidence, including hearsay evidence, is admissible if in the judgment of the Examiner, it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. All relevant evidence is admissible which, in the opinion of the Examiner, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing on the admissibility of evidence, the Examiner shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings before the superior courts in the state of Washington.

b. The Examiner shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege in the courts of this state.

c. Evidence that is material and relevant to a determination of the matter consistent with the standards set forth herein, subject to these rules, shall be admitted into the record whether or not such evidence had been submitted to the City staff.

d. The Examiner will officially notice: (i) federal law, the constitution; (ii) state law; (iii) governmental organization; (iv) City organization.

e. The Examiner may notice a fact if it is one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the City of Gig Harbor or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. (See, ER 201.)

1211. Additional Evidence. The Examiner may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the issues fairly and equitably. Any such evidence shall be received subject to full cross-examination by the parties. If a party desires to present rebuttal evidence, the Examiner shall allow an opportunity for such to take place.

1312. Contents of the Record. The record before the Examiner in any proceeding shall consist of the decision or order appealed from, the appeal, responsive pleadings, if any, notices of public hearing or appeals. The notice provided to the public of the public hearing shall also state that copies of the administrative record presented to the Examiner shall be available for review and copying (under Public Disclosure Requests). The City shall present its record to the Examiner on or before the public hearing. Any party may raise objection to or challenge any document in the record presented to the Examiner, or provide additional information to refute any document in such record.

1413. Preparation of Findings and Conclusions/Orders. Upon request by the Examiner, the parties shall prepare findings and conclusions or orders, based on the Examiner's oral or memorandum opinion. In the alternative, the Examiner may prepare his/her own Findings and Conclusions/Orders, or adopt, in whole or in part, the findings, conclusions or orders from the drafts proposed by the parties.

1514. Final Decision. The Examiner shall issue a final decision within ~~ten working days as~~ the timelines set forth in the Gig Harbor Municipal Code. Copies of the Examiner's decision shall be sent to all parties and all other persons requesting a copy of the decision from the Examiner's office.

15. Clarification. Any party of record who participated at the hearing may request at any time clarification of the decision. The Hearing Examiner shall have discretion to provide clarification. Such clarification shall not stay the effect of a decision or change or amend the conclusions of the Hearing Examiner's decision.

PASSED by the City Council this _____ day of _____, 2016.

APPROVED:

Jill Guernsey, Mayor

ATTEST:

Molly Towslee, City Clerk

Filed with City Clerk: _____
Passed by City Council: _____
Resolution No. ____

DRAFT



Business of the City Council City of Gig Harbor, WA

Subject: Public Works Shoreline Project Assistance – Professional Services Contract

Proposed Council Action: Authorize the Mayor to execute a Professional Services Contract with Parametrix in an amount not-to-exceed \$6,000.16.

Dept. Origin: Public Works

Prepared by: Marcos McGraw *MMG*
Project Engineer

For Agenda of: November 14, 2016

Exhibits: Professional Services Contract and fee schedule

	Initial & Date
Concurred by Mayor:	<i>JG 11/8/16</i>
Approved by City Administrator:	<i>Ron W 11/8/16</i>
Approved as to form by City Atty:	<i>11/2/16 by email</i>
Approved by Finance Director:	<i>11/8</i>
Approved by PW Director:	<i>11/7/16</i>
Approved by City Engineer:	<i>11/4/16</i>

Expenditure Required	\$ 6,000.16	Amount Budgeted	\$ 25,000.00	Appropriation Required	\$ 0
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INFORMATION/BACKGROUND

An identified 2015-2016 budget objective provides for the City installation of two electric vehicle charging stations, a water fountain, additional landscaping and placement of the historic donkey engine. This work will occur at the following locations: Maritime Pier parking lot, Donkey Creek Park and the parking lot at Finholm. Each of these locations is within the shoreline area, which requires the City obtain shoreline permits for each of these projects.

In an effort to consolidate permitting efforts, the City, upon review of the Consultant Small Works Roster, selected Parametrix, Inc. as the most qualified consultant to complete this permitting work for each of these projects.

FISCAL CONSIDERATION

Funding for the proposed contract is provided in the 2015-16 Biennial Budget: Street Division – Capital Fund (Fund 102). Sufficient funds existing in the ending fund balance for Street Capital will fund the additional costs for this work.

2015-16 Biennial Budget for Electric Vehicle Charging Station	\$ 25,000.00
Anticipated 2016 Expenses:	
Purchase of hardware for EV charging stations	\$ (21,668.00)
Parametrix Professional Services Contract (Design)	\$ (6,000.16)
Remaining 2015-16 Budget =	\$ (2,668.16)

BOARD OR COMMITTEE RECOMMENDATION

The electric vehicle charging stations were presented to and discussed at the Public Works Committee meeting on May 9, 2016, and the Committee was supportive of the City proceeding with this work.

RECOMMENDATION/MOTION

Authorize the Mayor to execute a Professional Services Contract with Parametrix in an amount not-to-exceed \$6,000.16.

**PROFESSIONAL SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
PARAMETRIX, INC.**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (the "City"), and Parametrix, Inc., a corporation organized under the laws of the State of Washington (the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in the Public Works Projects Permitting Support and desires that the Consultant perform services necessary to provide the following consultation services; and

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work including any addenda thereto as of the effective date of this Agreement, all of which are attached hereto as **Exhibit A – Scope of Work**, and are incorporated by this reference as if fully set forth herein;

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

TERMS

1. Retention of Consultant - Scope of Work. The City hereby retains the Consultant to provide professional services as defined in this Agreement and as necessary to accomplish the scope of work attached hereto as **Exhibit A** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. Payment.

A. The City shall pay the Consultant an amount based on time and materials, not to exceed Six Thousand Dollars and Sixteen Cents (\$6,000.16) for the services described in Section 1 herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. The Consultant's staff and billing rates shall be as described in **Exhibit B – Schedule of Rates and Estimated Hours**. The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit B** or bill at rates in excess of the hourly rates shown in **Exhibit B**, unless the parties agree to a modification of this Contract, pursuant to Section 17 herein.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within forty-five (45) days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

3. **Duration of Work.** The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. The parties agree that the work described in **Exhibit A** shall be completed by March 1, 2017; provided however, that additional time shall be granted by the City for excusable days or extra work.

4. **Termination.** The City reserves the right to terminate this Agreement at any time upon ten (10) days written notice to the Consultant. Any such notice shall be given to the address specified above. In the event that this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for all services performed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the notice to terminate. In the event that services of the Consultant are terminated by the City for fault on part of the Consultant, the amount to be paid shall be determined by the City with consideration given to the actual cost incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which would satisfactorily complete it to date of termination, whether that work is in a form or type which is usable to the City at the time of termination, the cost of the City of employing another firm to complete the work required, and the time which may be required to do so.

5. **Non-Discrimination.** The Consultant agrees not to discriminate against any customer, employee or applicant for employment, subcontractor, supplier or materialman, because of race, color, creed, religion, national origin, marital status, sex, sexual orientation, age or handicap, except for a bona fide occupational qualification. The Consultant understands that if it violates this provision, this Agreement may be terminated by the City and that the Consultant may be barred from performing any services for the City now or in the future.

6. **Independent Status of Consultant.** The parties to this Agreement, in the performance of it, will be acting in their individual capacities and not as agents, employees, partners, joint ventures, or associates of one another. The employees or agents of one party shall not be considered or construed to be the employees or agents of the other party for any purpose whatsoever.

7. **Indemnification.**

A. The Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers, harmless from any and all claims, injuries, damages, losses or

suits including attorneys fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees or volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

8. Insurance.

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Consultant's own work including the work of the Consultant's agents, representatives, employees, subconsultants or subcontractors.

B. Before beginning work on the project described in this Agreement, the Consultant shall provide evidence, in the form of a Certificate of Insurance, of the following insurance coverage and limits (at a minimum):

1. Business auto coverage for any auto no less than a \$1,000,000 each accident limit, and
2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$2,000,000 aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, and employers liability, and
3. Professional Liability insurance with no less than \$1,000,000 per occurrence. All policies and coverages shall be on an occurrence basis by an 'A' rated company licensed to conduct business in the State of Washington.

C. The Consultant is responsible for the payment of any deductible or self-insured retention that is required by any of the Consultant's insurance. If the City is required to contribute to the deductible under any of the Consultant's insurance policies, the Contractor shall reimburse the City the full amount of the deductible within 10 working days of the City's deductible payment.

D. The City of Gig Harbor shall be named as an additional insured on the Consultant's commercial general liability policy. This additional insured endorsement shall be included with evidence of insurance in the form of a Certificate of Insurance for

coverage necessary in Section B. The City reserves the right to receive a certified and complete copy of all of the Consultant's insurance policies upon request.

E. Under this Agreement, the Consultant's insurance shall be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage with respect to defense and indemnity of the City only and no other party. Additionally, the Consultant's commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.

F. The Consultant shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Gig Harbor at least 30 days in advance of any cancellation, suspension or material change in the Consultant's coverage.

9. Ownership and Use of Work Product. Any and all documents, drawings, reports, and other work product produced by the Consultant under this Agreement shall become the property of the City upon payment of the Consultant's fees and charges therefore. The City shall have the complete right to use and re-use such work product in any manner deemed appropriate by the City, provided, that use on any project other than that for which the work product is prepared shall be at the City's risk unless such use is agreed to by the Consultant.

10. City's Right of Inspection. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

11. Records. The Consultant shall keep all records related to this Agreement for a period of three years following completion of the work for which the Consultant is retained. The Consultant shall permit any authorized representative of the City, and any person authorized by the City for audit purposes, to inspect such records at all reasonable times during regular business hours of the Consultant. Upon request, the Consultant will provide the City with reproducible copies of any such records. The copies will be provided without cost if required to substantiate any billing of the Consultant, but the Consultant may charge the City for copies requested for any other purpose.

12. Work Performed at the Consultant's Risk. The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and subconsultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the

Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

13. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

14. Resolution of Disputes and Governing Law.

A. Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Engineer or Director of Operations and the City shall determine the term or provision's true intent or meaning. The City Engineer or Director of Operations shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

B. If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Engineer or Director of Operations determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The prevailing party in any such litigation shall be entitled to recover its costs, including reasonable attorney's fees, in addition to any other award.

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

CONSULTANT:
PARAMETRIX, INC.
ATTN: David Dinkuhn, P.E.,
60 Washington Avenue, Suite 390
Bremerton, WA 98337
(360) 850.5319

City of Gig Harbor
ATTN: Jeff Langhelm, Public Works Director
3510 Grandview Street
Gig Harbor, WA 98335
(253) 851-6170

16. Subcontracting or Assignment. The Consultant may not assign or subcontract any portion of the services to be provided under this Agreement without the express written consent of the City. If applicable, any subconsultants approved by the City at the outset of this Agreement are named on **Exhibit C** attached hereto and incorporated herein by this reference as if set forth in full.

17. Entire Agreement. This Agreement represents the entire integrated agreement between the City and the Consultant, superseding all prior negotiations, representations or agreements, written or oral. This Agreement may be modified, amended, or added to, only by written instrument properly signed by both parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement this _____ day of _____, 20____.

CONSULTANT

CITY OF GIG HARBOR

By: _____
Its: _____

By: _____
Mayor Jill Guernsey

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A – SCOPE OF WORK

City of Gig Harbor Public Works Projects Permitting Support

INTRODUCTION

This scope of work (SOW) describes professional services to be performed by Parametrix for support of three self-performed Public Works Projects. This SOW also contains a proposed schedule

Work to be performed consists of the following tasks:

Task 01 – Project Management and Meetings

Objective

Monitor and manage scope, schedule, and budget; and communicate with the City regarding project status.

Activities

The following activities will be performed:

- Manage and direct the project technical team.
- Provide routine project management and communications (scope, schedule, budget, invoicing, etc.).
- Prepare monthly progress reports and progress billings and submit to the City for approval and payment. The monthly report will include:
 - A summary of the work performed and the tasks to be performed in the next reporting period.

Deliverables

The following deliverables will be prepared:

- Routine correspondence including monthly progress reports.

Assumptions

The following assumptions apply to this task:

- Project duration will be 2 months.

Task 2 – Permitting Support

Objective

Prepare permitting documents to support three minor projects to be self-performed by Public Works crews. The permitting requirements are as outlined in a September 29, 2016 email from Peter Katich to Marcos McGraw.

Activities

The following activities will be performed:

- Perform a brief site visit.
- Prepare a No Net Loss Shoreline Ecological Functions Evaluation Form and a Shoreline Permit Exemption application for the proposed electric vehicle (EV) charging station in the parking lot within the Fuller Street ROW.
- Prepare a revision to the existing shoreline permit for the Maritime Pier project. The revision will consist of a written description of the proposed work, an analysis of the project's consistency with SMP rules for allowing shoreline permit revisions, a revised Alternative Landscape Plan and a revised Site Plan. The proposed project is to remove a small concrete pad and expand an existing planter at the pad location, install an EV charging station, and install a water fountain.
- Prepare a No Net Loss Shoreline Ecological Functions Evaluation Form and a Shoreline Permit Exemption application for the proposed Donkey Creek Park Amenities work including installation of an historical donkey engine and relocation of the existing salmon sculpture.

Deliverables

The following deliverables are associated with this task:

- Draft and Final Permitting Documents

Assumptions

The following assumptions are associated with this task:

- The Fuller Street EV charging station does not exceed a total cost or fair market value of \$6,416 and thus is exempt from a shoreline permit.
- The work at the Maritime Pier Site will not require a new shoreline permit.
- The City will provide a copy of the Alternative Landscape Plan document and drawings for the Maritime Pier site.

SCHEDULE

Work Element	Completed By
NTP	November 15, 2016
Draft Permit Documents	December 13, 2016
Final Permit Documents	December 27, 2016
Project Close Out	January 15, 2017

PARAMETRIX

EXHIBIT B - FEE SCHEDULE

10/31/2016

Project: Public Works Projects Permitting Support

Client: City of Gig Harbor






PMX #		STAFF	PM D. Dinkuhn, P.E.	Eng III M. Wilde	CAD J. Ceralde	PC S. Harris	Acct. M. Langi			
999-2750-999	MULT.							TOTAL	TOTAL	
PHASE	TASK	3.18	Billing Rate	\$212.01	\$108.72	\$74.73	\$105.77	\$91.49	HOURS	COST
1	1	Project Management and Meetings								
			Project Management (2 mo.)	2			2	2	6	\$818.53
			Subtotal	2			2	2	6	\$818.53
1	2	Permitting Support								
			Site Walk	2	2				4	\$641.47
			Fuller St. ROW Electric Car Charging Station	1	6				7	\$864.36
			Maritime Pier Landscape Plan Amendment	2	16	8			26	\$2,761.45
			Donkey Creek Park Amenities	1	6				7	\$864.36
			Expenses (mileage)							\$50.00
			Subtotal	6	30	8			44	\$5,181.63
			PROJECT TOTAL	8	30	8	2	2	50	\$6,000.16

Prepared By: D. Dinkuhn, P.E.
(Project Manager)

Approved By: M. Yand, P.E.
(Principal)

PW Projects Location Map

Legend

-  City of Gig Harbor - Visitor Information Center
-  Gig Harbor
-  Harbor History Museum
-  Marina
-  Park

EV Charge Station, Finholm

Historic Donkey Engine

EV Charge Station, new drinking fountain & expanded landscaping





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

Subject: Pierce County Jail Contract

Dept. Origin: Police

Proposed Council Action:

Prepared by: Kelly Busey *KBB*

Authorize Mayor to sign and execute contract for services with Pierce County Jail

For Agenda of: November 14, 2016

Exhibits: Agreement for Jail Services

Initial & Date

Concurred by Mayor:

JG 11-8-16

Approved by City Administrator:

Ron W 11/8/16

Approved as to form by City Atty:

via email

Approved by Finance Director:

JR 11/8

Approved by Department Head: KBB

Expenditure	Amount	Appropriation
Required \$100,000+ (ongoing)	Budgeted \$100,000+ (ongoing)	Required N/A

INFORMATION / BACKGROUND

The City of Gig Harbor contracts with the Pierce County Jail (among others) to provide inmate housing. The pricing structure has been renegotiated for 2017 and beyond to provide for a lower booking fee and lower daily inmate rate:

2016 Rates:	\$225 booking fee	\$96.00 daily rate
Proposed 2017 Rates:	\$52.60 booking fee	\$77.00 daily rate

FISCAL CONSIDERATION

This is an ongoing expenditure in the police budget.

BOARD OR COMMITTEE RECOMMENDATION

None.

RECOMMENDATION / MOTION

Authorize Mayor to sign and execute contract for services with Pierce County Jail.

**AGREEMENT PROVIDING FOR THE PROVISION OF
JAIL SERVICES
BETWEEN THE CITY OF GIG HARBOR
AND
PIERCE COUNTY**

This Agreement, made and entered into by and between, the City of Gig Harbor, hereinafter referred to as the "City", and the County of Pierce, hereinafter referred to as the "County", under and pursuant to the provisions of Chapter 70.48.090 of the Revised Code of Washington. This Agreement supersedes any prior agreements entered into between the parties herein with regard to the terms and provisions set forth below.

WHEREAS; the County operates and maintains the Pierce County Jail located at 910 Tacoma Avenue South, Tacoma, WA, adjacent to the County-City Building; and

WHEREAS: it is in the best interest of the residents of the City and the County that services and facilities of the Pierce County Jail be made available by the County pursuant to RCW 70.48.090;

NOW THEREFORE, it is agreed between the parties as follows:

1. **Purpose:** The County will undertake and does hereby covenant and agree that, as to each person presented for booking in the County Jail by the City, the County will perform all necessary services incident in the confinement, detention, booking and safekeeping of such persons.
2. **Term:** This agreement shall be in full force for three (3) years beginning January 1, 2017. Upon the expiration of the initial three (3) year term, the Agreement shall be extended automatically for a one year period on each anniversary date unless the parties have provided notice of intent to abandon the agreement. If either party desires to terminate the relationship created by this agreement, they must provide not less than ninety days written notice to the other party prior to the beginning of the calendar year (January 1).
3. **Amendments:** All provisions of this agreement, may be amended in writing at any time by the mutual consent of the parties hereto and such amendments shall take effect immediately. In the event of any conflict, inconsistency, or incongruity between the provision of this agreement and the provision of the amendment, the provisions of the amendment shall in all respects govern and control.
4. **Access:** The County shall provide access to City inmates for all City entities (i.e. prosecutor, court, etc.).
5. **Refusal to Book/Turn-away:** The County retains the right of refusal and/or book of City inmates due to space/capacity challenges and/or medical/mental health issues.

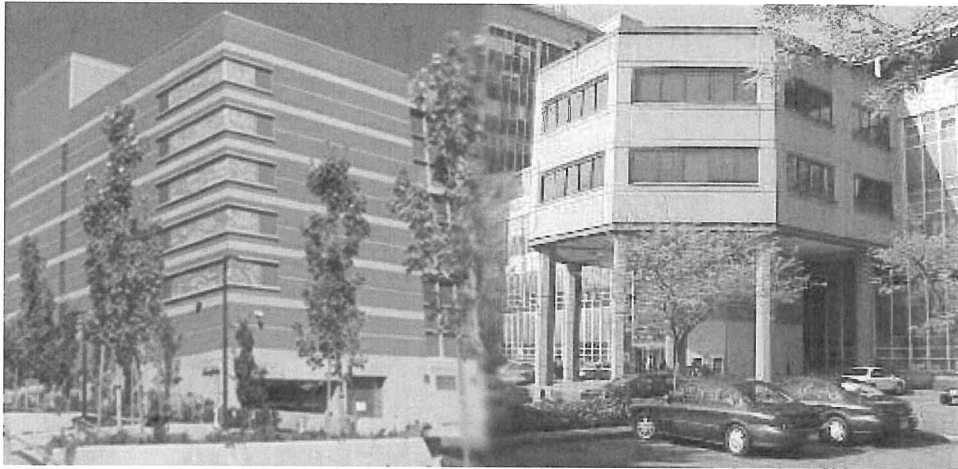
6. **Record Keeping:** Both parties shall cooperate with each other to provide necessary records and information that either party can legally provide to ensure clear communication between the City and County.
7. **Court Transport/Escort:** "Transport" and "Escort" are terms used interchangeably and explicitly refer to the act of transporting an inmate to court and maintaining security while the inmate is in the courtroom. Transport and Escort fees within the Pierce County Jail will be provided at the rate referred to in the "Cost Exhibit" for court escort transports. This is only applicable to those transports within the Jail and/or County-City Building.
8. **Booking:** The County shall endeavor to complete the booking process within thirty (30) minutes per inmate booked. The time for booking under this Agreement begins to run when the inmate is brought face-to-face with the Booking Deputy. A booking is complete when the presence of the City police officer who brought the inmate to the Jail is no longer required and the officer is free to return to his/her other duties.
9. **Inmate Processing:** Inmate processing includes taking fingerprints and pictures of all inmates booked into the Jail.
10. **City Inmate:** For the purpose of this agreement, those inmates considered to be the responsibility of the City shall be defined as follows:
 - a. City inmate means a person housed in the jail following an arrest by a City officer for a City ordinance violation, misdemeanor, or under a City municipal warrant. The term "City Inmate" shall apply retroactively to those persons arrested by a City Police Officer for violations of State law who are detained in jail for violation of a Municipal Ordinance or misdemeanor. It excludes an inmate held under warrants of other governments, and an inmate detained after a City hold has been released.
11. **Definitions:**
 - a. The term "daily rate", for the purposes of this agreement, shall include all costs connected with the maintenance, care and custody, health care, meals, housing, clothing, insurance, administration, rent, supplies, food, and any other related services for the detention of the inmate, including routine medical, pharmacy, mental health and dental treatment. Routine treatment is defined as those services which can be obtained through health care providers within the jail clinic facility.
 - b. Any extraordinary or emergency medical expenses shall be the financial responsibility of the City. Extraordinary or emergency medical expense is any expense beyond that which is normally provided by the health care providers and/or security staff within the Jail facility, including costs for transporting the City inmate by ambulance to a hospital emergency room for medical care. Except in emergencies, the County shall notify the City in advance prior to the incurring costs as a result of extraordinary medical, mental health or dental care.
 - c. Court escort fees shall be charged separately.

- d. The “daily rate” charge for the confinement and detention of a City inmate shall be applicable after said inmate has been confined in jail for five (5) hours within any twenty-four (24) hour period.
 - e. The “booking rate” shall be the charge for the entire booking process which includes a medical assessment of the inmate. It includes registration, fingerprinting, photograph, inventory and safekeeping of personal property, and other functions established by the State.
12. **Payment/Reimbursement:** The rates/fees established for each calendar year of this agreement are subject to annual cost-of-living adjustments. The rates will be adjusted annually in January of each year based on the proportional percentage cost increase or decrease over the prior year (base year) for the following cost factors: 1) salaries; 2) health, pension, workers compensation; 3) post coverage, 4) services (i.e. mental health, medical, food, etc.), 5) special identification process, 6) supplies, 7) utilities, 8) insurance. The percentage increase in each line item shall be allocated to the cost-of-living adjustment based upon the proportion that each individual line represents of the total costs (the sum total of the above line items). Prior to making any cost-of-living adjustments in rates, the County will provide the City with an itemized accounting of the cost allocations for each line item. Both parties shall review the costs allocated to each line item and mutually agree to the annual percentage increase for each line item to the total costs, and the calculation of the annual cost-of-living adjustment. In the event that the actual costs for line item no. 1 (salaries) is not known at the time of the calculation of the annual cost-of-living adjustment, the parties will agree upon a reasonable estimated percentage increase in costs and proportional allocation to be utilized in the calculation of the cost-of-living adjustment. The parties agree that, at such time as the actual percentage increase in costs for salaries and the proportional allocation become known, the parties shall mutually agree upon a recalculation of and adjustment to the annual cost-of-living adjustment reflecting the actual costs for salaries, and upon a lump sum payment, or credit, to provide for recovery of under or over payments made. Annual cost-of-living adjustments exceeding three and one-half (3.5%) are subject to mediation at the request of either party. Payment shall be made within 30 days of receipt of invoice. The County shall provide advance notice of any fee/charge increase and when it is to become effective in writing.
13. **Billing:** The invoice shall include details of the number of inmates per day, bookings, and escorts. The invoice shall be mailed to:
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335
14. **Other Contract Arrangements:** The City reserves the right to separately contract with another entity for the provision of jail services.
15. **Written Notice of Termination:** Either party must provide not less than ninety days written notice of termination to the other party prior to the beginning of the calendar

year (January 1); provided that notice of termination may be given no sooner than January 1, 2018 or consecutive years after.

16. **Indemnification:** The County shall indemnify, defend, and hold harmless the City, its officials, officers, agents, employees, and volunteers, from any and all claims, demands, damages, lawsuits, liabilities, losses, liens, expenses and costs arising out of the subject matter of this agreement; provided that this provision shall not apply to the extent that damage or injury results from the fault of the City, or its officers, agents, or employees. The term "fault" as used herein shall have the same meaning as set forth in RCW 4.22.015, as that statute may hereafter be amended. The County specifically assumes potential liability for actions brought by the County's own employees against the City and, solely for the purpose of this indemnification and defense, the County specifically waives any immunity under the State industrial insurance law, Title 51 RCW. The County recognizes that this waiver was the subject of mutual negotiation. This indemnification shall extend to and include attorney's fees and the cost of establishing the right of indemnification hereunder in favor of the City. This indemnification shall survive the termination of this agreement.
17. **Entire Agreement:** This agreement constitutes the entire agreement between the parties and represents the entire understanding of the parties hereto. It supersedes any oral representation that are inconsistent with or modify its terms and conditions.
18. **Remedies:** No waiver of any right under this agreement shall be effective unless made in writing by the authorized representative of the parties to be bound thereby. Failure to assist upon full performance on any one or several occasions does not constitute consent to or waiver of any later non-performance, nor does payment of a billing or continued performance after notice of a deficiency in performance constitute an acquiescence thereto.
19. **Disputes:** Shall be referred to the Police Chief and the Sheriff for mediation and/or settlement. If not resolved by them within sixty (60) days, either the City Official or the Sheriff, or both of them, may apply to the presiding Judge of the Superior Court of Pierce County, Washington, for appointment of a conciliator. The Conciliator shall assume the functions of an arbitrator of the dispute after a reasonable effort at conciliation fails, should the amount involved in the dispute and application of the principle at issue in future years entail expenditures or appropriations of One Hundred Thousand Dollars (\$100,000) or less. Each party shall pay one-half (1/2) of a conciliator's fee and expenses.
20. **Most Favored Customer:** If at any time during the term of this Agreement any other jail customer obtains rates and/or substantive or procedural terms with respect to any service or other topic included in this Agreement which the City deems more favorable than the terms provided herein, the County will adjust the rate and/or terms for each such service or other topic to conform to the more favorable terms, and those adjustments will be confirmed in writing by the parties as an addendum to this Agreement.

2017 JAIL RATES



Rate Description	Rate
Daily	\$77
Booking	\$52.60
Court Escort	\$126.10
Special Identification Process (S.I.P.)	\$176
Mental Health	\$213.20

End of Agreement. Signature page immediately follows.

**PIERCE COUNTY
CONTRACT SIGNATURE PAGE**

Contract# _____

IN WITNESS WHERE OF, the parties have executed this Agreement this ___ day of _____, 2016.

CONTRACTOR:

Contractor Signature Date

Title of Signatory Authorized by Firm Bylaws

Name: _____

Address: _____

Mailing
Address: _____

Contact Name: _____

Phone: _____

Fax/email: _____

PIERCE COUNTY:

Approved As to Legal Form Only:

Prosecuting Attorney Date

Recommended:

Budget and Finance Date

Approved:

Department Director Date
(less than \$250,000)

County Executive Date
(over \$250,000)



Subject: Resolution of the City supporting the Gig Harbor Chamber of Commerce production Of "Coming Home" video

Proposed Council Action: Approve and Authorize the expenditure of General Fund Dollars to the Gig Harbor Chamber Of Commerce for continuing production of The "Coming Home" video.

Dept. Origin: Administration
Prepared by: Ron Williams
For Agenda of: November 14, 2016
Exhibits: Resolution

Concurred by Mayor:
Approved by City Administrator:
Approved as to form by City Atty:
Approved by Finance Director:
Approved by Department Head:
Initial & Date
JG 11-9-16
Ron W 11/9/16
OR 11/9

Table with 2 columns: Expenditure (\$6,000) and See Fiscal Consideration below

INFORMATION / BACKGROUND

The Gig Harbor Chamber of Commerce has partnered with several businesses and other agencies to produce a video to promote the City of Gig Harbor. This video is intended to work hand in hand with the city-produced "Tied the Water" video. It is intended to reach businesses and individuals who may be candidates to relocate to Gig Harbor. Representatives of the Chamber of Commerce made a presentation to the Lodging Tax Advisory Board and received approval to distribute \$4,000 of Lodging taxes to assist in producing this video. The city council approved this payment on June 13, 2016. Additionally, Councilmember Payne suggested to the Chamber of Commerce that the city may also be willing to contribute \$6,000 for the continuing production of this series of videos. There will be several videos produced as part of this effort. The initial video has been released and shown to the council in a previous city council meeting.

FISCAL CONSIDERATION

The \$6,000 proposed to be allocated is would come from the General Fund which has sufficient funds to cover such a payment.

RECOMMENDATION / MOTION

Move to: Approve and authorize the payment of \$6,000 from the General Fund to the Gig Harbor Chamber of Commerce to assist in the continuing production of the Chamber's "Coming Home" series of promotional videos.

RESOLUTION NO. 1054

A RESOLUTION IN SUPPORT OF CONTRIBUTING FINANCIALLY TO THE GIG HARBOR CHAMBER OF COMMERCE VIDEO "COMING HOME".

WHEREAS, the City of Gig Harbor values its working relationship with the Gig Harbor Chamber of Commerce and partners with the Chamber in a variety of events which benefit the community; and

WHEREAS, the City of Gig Harbor wishes to support the Gig Harbor Chamber of Commerce's efforts towards Economic Development in its varied efforts, including its production of a new series of promotional videos entitled "Gig Harbor Coming Home"; and

WHEREAS, The Gig Harbor Chamber of Commerce has requested that the City of Gig Harbor contribute to the production costs of the Coming Home series of videos in the amount of \$6,000; and

WHEREAS, A contribution of \$6,000 to the Chamber of Commerce in order to help with the production costs of the Coming Home videos is consistent with the City's ongoing effort to partner with the Chamber of Commerce in economic development and promotional efforts, now, therefore;

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

The City Council authorizes the Mayor to expend the amount of \$6,000 as a contribution from the General Fund of the City of Gig Harbor to the Gig Harbor Chamber of Commerce to contribute to the economic vitality of our community through the Coming Home series of videos being produced by the Gig Harbor Chamber of Commerce.

RESOLVED this 14th of November, 2016.

Mayor Jill Guernsey

ATTEST:

Molly M. Towslee, City Clerk

Filed with City Clerk: 11/09/16
Passed by City Council: 11/14/16
Resolution No. 1054



2016 COMPREHENSIVE PLAN AMENDMENT PACKAGE - REVISED

November 14, 2016

City Council Public Hearing

TONIGHT'S PUBLIC HEARING

- 2016 Comprehensive Plan Amendment Package
 - Staff presentation on revised application
 - PL-COMP-15-0001 w/ PL-DEV-15-0002 – Smith Land Use Map Amendment & Development Agreement
 - Open Public Hearing
 - Smith Land Use Map Amendment & Development Agreement – Revised
 - Arts Commission Text Amendment
 - Mixed Use Designation
 - Questions from City Council



CRITERIA FOR APPROVAL

- All Comprehensive Plan Amendments must meet the City's adopted Criteria for Approval under Gig Harbor Municipal Code 19.09.170.
 - Consistent with adopted goals, policies and objectives
 - Consistent with State and local laws, Countywide planning policies
 - Will not adversely impact the ability to provide public facilities and services.
 - Advances the public interest.
 - Adequate infrastructure is in place or planned to serve the expected development.
 - Area is physically suitable for the allowed land uses.
 - Does not create a demand to change land use designations of other properties.



SMITH COMPREHENSIVE PLAN LAND USE MAP AMENDMENT

PL-COMP-15-0001 & PL-DEV-15-0002

- **Revised Application:** Amend the land use designation of three parcels totaling 16.71 acres located at 6302 112th Street.
 - Current Designations: Employment Center, Commercial Business and Residential Low.
 - Proposed Designation: Residential Medium.
 - Associated Development Agreement: Limit to a maximum of 100 units under Medium Density Residential zoning (R-2), ensures buffers shown in post-mining grading plan, limits vehicular access to one access point off 112th street.
 - R-2 Standards: 4-6 du/na; single-family and duplex permitted; triplex and fourplex conditional use.
 - Current Use: Gravel mining operation with portions that are vacant.



MAP OF AREA UNDER REQUEST (OUTLINED IN BLACK)



RECENT HISTORY OF AREA

- Annexed into the City in 2009.
- Gravel Mine operation approved under Pierce County.
- Pierce County had property designated an equivalent to the City's industrial Employment Center.
- In 2015, under Ordinance No. 1322 City Council amended the Land Use of the approximately 8.07 acres of Residential Low from Employment Center against the property owners request.

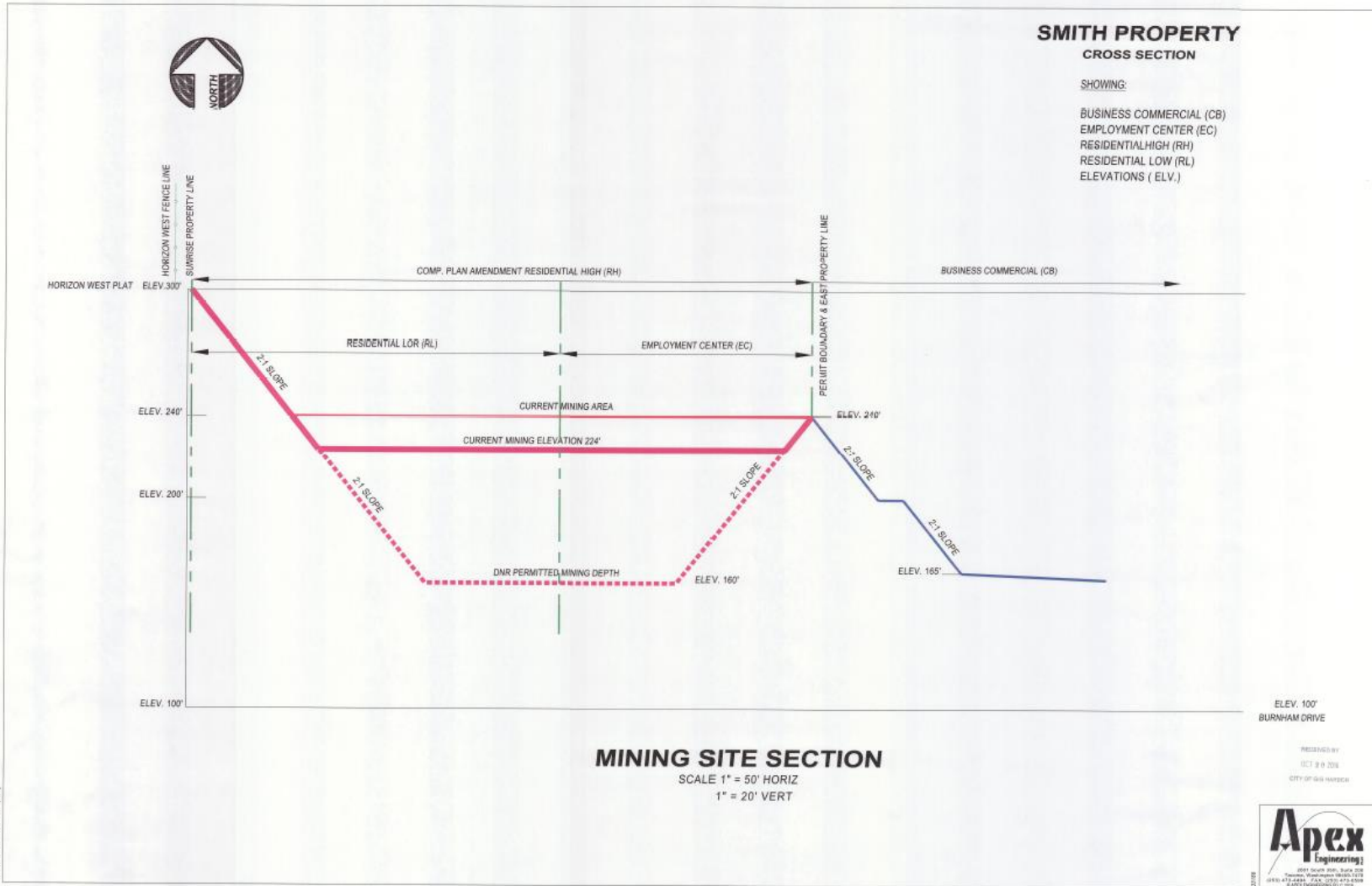


USES CURRENTLY ALLOWED

- Commercial/Business Land Use
 - C-1/B-1/B-2 Zoning Districts – Highest intensity commercial uses in City. Generally found on the Westside (Uptown, Safeway complex, Main and Vine) of the City.
- Employment Center Land Use
 - Employment District Zoning – Highest intensity industrial uses in City.
 - Permit outright industrial level 2 uses (nuisance factors of noise, light, glare, odors, particulate emissions and hazardous waste).
- Residential Low Land Use
 - R-1 Zoning District – Single Family Dwellings only. Lowest intensity zoning district in City.



CROSS SECTION OF CURRENT MINING PERMIT



REQUIRED POST-MINING GRADING PLAN PROVIDED BY APPLICANT



MAP SHOWING BUFFER WITH EXISTING ZONING DISTRICTS



RECEIVED BY
DCT 28 226
CITY OF GIG HARBOR

Apex
Engineering

1800 8th Ave, Suite 200
Tacoma, Washington 98402-1514
(253) 470-4000 FAX: (253) 472-0900
WWW.APEXENGINEERING.COM

GRAPHIC SCALE
1 inch = 150' ft.

MIXED USE DESIGNATION – LAND USE MAP AMENDMENT

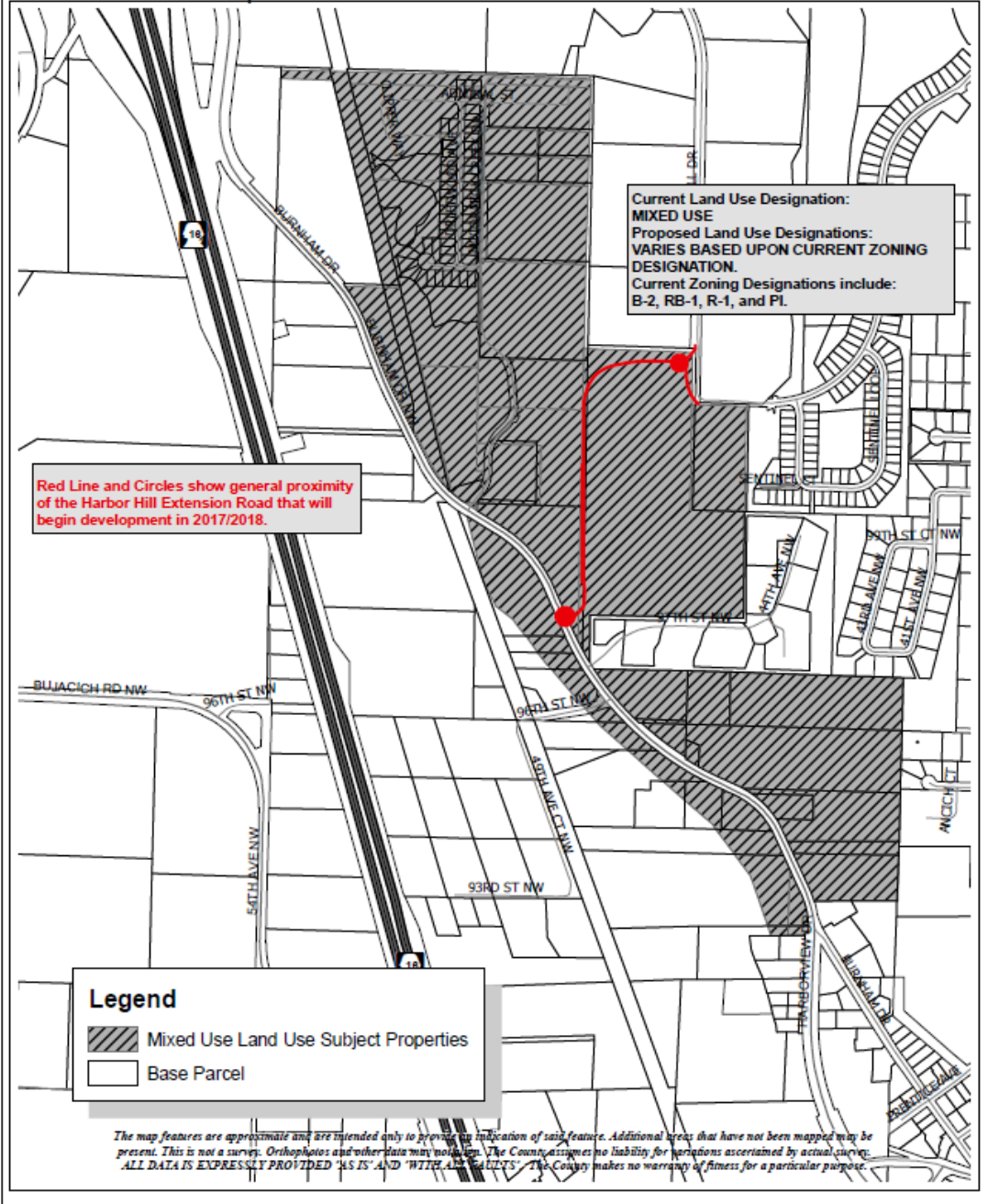
PL-COMP-15-0003

- Request for Consideration: Remove the Mixed Use designation and replace with appropriate land use designations that aligned with existing zoning districts.



Land Use Map Amendment - MUD Removal - PL-COMP-15-0005

Approved 7/18/17 by County



ARTS COMMISSION – TEXT AMENDMENT

PL-COMP-15-004

- **Request for Consideration:** The City's Arts Commission has proposed amending text in the Parks, Recreation and Open Space Element of the Comprehensive Plan to support the Arts Commission work program. Proposed changes are focused around Goal 11-10 of the Element and its associated policies.
- **Criteria for Approval required per GHMC 19.09.170 is met.**
- **Planning Commission Recommendation to approve text amendment.**



GOAL 11.10: CELEBRATE THE CREATIVE SPIRIT OF OUR COMMUNITY AND ENCOURAGE FINE AND PERFORMING ARTS PARTNERSHIPS AND PROGRAMS THAT REFLECT THE COMMUNITY'S VISION AND CULTURE.

11.10.1. Identify public visual, written and performing art opportunities that highlight the cultural and historical connections within our community through local history, environmental systems, cultural traditions, and visual symbols.

11.10.2. Enhance the reputation of Gig Harbor as a livable and creative community by encouraging artists of all types to display and perform their work and supporting opportunities for creative expression.

11.10.3~~11.10.2.~~ Use public art to create visible landmarks and artistic points of reference to reinforce Gig Harbor's identity, unique culture and character.

11.10.34. Acquire works of art through a variety of methods including commissioned works, temporary works, direct purchases, and community projects.

11.10.45. In cooperation with area artists and cultural organizations, utilize the city's website as a clearinghouse for arts information and resource sharing.

11.10.6. Encourage the development of spaces where visual and performing arts can be enjoyed by all. This includes visual and performing arts centers, street fairs, and market places that include performance and display spaces. (Resolution No. 861.)

11.10.7. Encourage and support work by local artists and support visual, written and performing arts programs and partnerships that reflect our community's vision and culture.

