

Gig Harbor City Council Meeting



February 8, 1999

7:00 P.M., CITY HALL COUNCIL CHAMBERS



AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
February 8, 1999 - 7:00 p.m.

CALL TO ORDER:

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of the January 25, 1998, City Council meeting.
2. Approval of Payment of Bills for February 1999:
Checks #21869 through #21952 in the amount of \$90,252.14.
3. Amended Approval of Payroll checks for the month of January:
Checks #17656 through #17796 in the amount of \$287,548.74.
4. Liquor License Assumption:
Harborview Grocery Inc.

OLD BUSINESS:

1. Second Reading of Ordinance – Hotel–Motel Tax Amendment

NEW BUSINESS:

1. Solid Waste Management Plan Update.
2. Approval of a Job Description – Public Works Associate Engineer.
3. First Reading of Ordinance – Concurrency.
4. First Reading of Ordinance – Transportation and Parks Impact Fees.
5. First Reading of Ordinance – Definitions.
6. TIB Grant Agreement, Point Fosdick Drive Improvements.
7. Appointment of Mayor Pro Tem for 1999.

PUBLIC COMMENT/DISCUSSION:

COUNCIL COMMENTS:

STAFF REPORTS:

EXECUTIVE SESSION: For the purpose of discussing litigation per RCW 42.30.110(i).

ADJOURN:



DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JANUARY 25, 1999

PRESENT: Councilmembers Ekberg, Young, Platt, Owel, Dick, Picinich, Markovich and Mayor Wilbert.

CALL TO ORDER: 7:01 p.m.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of the January 11, 1998, City Council meeting.
2. Correspondence / Proclamations – Informational.
 - a. Thank you letter from Jim Pasin.
3. Approval of Payment of Bills for January 1999:
Checks #21749 through #21784 in the amount of \$115,548.21.
4. Approval of 1998 Payment of Bills:
Checks #21785 through #21825 in the amount of \$146,608.10.
5. Approval of last run of January 1999 Bills:
Checks #21826 through #21868 in the amount of \$24,888.21.
6. Amended Approval of Payroll checks for the month of December:
Checks #17510 through #17653 in the amount of \$267,986.76.
7. Liquor License Renewals:
 - a. Gourmet Essentials
 - b. Harbor Inn Restaurant
8. Liquor License Application:
Water to Wine

MOTION: Move to approve the consent agenda as presented.
Young/Platt - unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance - Donation from the Morris Foundation. Mark Hoppen, City Administrator, presented the second reading of this ordinance accepting the terms and conditions for a donation of \$5,000. He explained that Dave Morris had planned on attending the meeting, but something must have come up.

MOTION: Move to adopt Ordinance No. 813 accepting a donation from the Morris Foundation.
Owel/Picinich – unanimously approved.

2. Drolshagen Water Request. Councilmember Ekberg excused himself from participating in this agenda item, as Mr. Drolshagen is a client of his firm. Mark Hoppen explained

that after the last council meeting, he had met with Mr. Drolshagen to discuss including sewer hookup in his request for city services. After consideration of the costs, Mr. Drolshagen prefers to connect only to water at this time and that his request is in line with city code. Mayor Wilbert said she would like it to be noted for the record that Mr. Drolshagen's property is adjacent to the city sewer line and that the proposed septic tank and drainfield is within 200 to 300 feet of the estuary of the major salmon rearing Crescent Creek.

MOTION: Move to approve the request for water extension outside city limits.
Picinich/Owel – unanimously approved with Councilmember Ekberg abstaining.

3. G.I.S. System Cost Breakdown. Kay Truitt, Information Systems Specialist, said that at the last council meeting she had been requested to prepare a cost breakdown of the proposed contract with Pierce County and other associated costs for the system. She explained the breakdown and answered questions. This item will return to Council when Legal Counsel has approved the contract.

NEW BUSINESS:

1. Contract Approval – City of Gig Harbor Municipal Judge. Mayor Wilbert explained that Judge Marilyn Paja had submitted a letter of resignation after being elected to the position of District Court Judge for Kitsap County. Fourteen persons submitted applications for the position of City of Gig Harbor Municipal Judge and out of the fourteen, five people were interviewed. She said that it was a difficult decision, and added that Michael Dunn had been selected. She introduced Mr. Dunn and recommended approval of the contract.

MOTION: Move to approve the contract for Municipal Court Judge with Michael Dunn as presented.
Young/Ekberg – unanimously approved.

2. Swearing In Ceremony – Gig Harbor Municipal Judge. Mayor Wilbert asked Mr. Dunn to come forward so she could perform the swearing in ceremony. Mr. Dunn read the oath of office, then introduced his family.
3. Official Newspaper Bid. Mark Hoppen explained that every year the city solicits bids for the "official newspaper." He added that historically, the Gateway has been the paper with which the city posts notices. He gave an overview of the types of instances where the city utilizes the newspaper. He explained that though there would be a cost increase, a request had been made to go with a daily publication to provide a more consistent service to clients, and to avoid mistakes that would require postponing action. Ray Gilmore, Planning Director, gave an overview of how the publication process affects applications and added that scheduling around a weekly paper has caused timing difficulties in the past. He added that a daily paper would allow more flexibility and gave examples where a notice had not been published, and the ramifications that came about from the delay.

He said that the applicant would pay many of the additional costs. He answered Council's questions.

Tom Taylor, Publisher for The Peninsula Gateway, voiced his concern that the city was considering changing the designation of the official newspaper. He said that the Gateway had been the official city newspaper and had been since the paper's inception. He gave an overview of the additional services provided by the Gateway. He said he was aware of three corrections that had been made in the past and said that if there were additional problems that he would like to address them.

The question of utilizing two newspapers was brought up, and Carol Morris explained that only one newspaper could be designated as the city's "official paper" according to code. Councilmembers discussed the additional cost to publish in The News Tribune and the fact that citizens historically had looked to The Gateway for local legal information.

Councilmember Young said that time is money to developers and a daily paper would be the easiest way to address making the permit process easier and to address complaints that projects are being "rammed" through with the shorter notice period. After continued discussion regarding the increase in costs, the following motion was made.

MOTION: Move to award the official newspaper status to the low bidder and current bid holder, The Peninsula Gateway.
Ekberg/Picinich – six in favor. Councilmember Young voting against.

4. Olson Brothers Chevrolet – Waiver Request. Mark Hoppen presented this request from Olson Brothers Chevrolet to waive the accrued penalty consequent to enforcement action and gave an overview of the circumstances surrounding the issue. Carol Morris explained that they had since come into compliance, and it would be difficult to proceed with enforcement action.

MOTION: Move to waive the accrued penalty, incorporating Mr. Olson's letter to Steve Osguthorpe dated January 4, 1999, explaining that the correction of the violation was not done in the allowed time due to unique circumstances and the letter of January 7, 1999 acknowledging that the circumstances had been complied with and directing Mr. Olson to direct his request to the City Council.
Owel/Picinich – unanimously approved.

5. Consultant Services Agreement – East-West Road Geotechnical Services. Wes Hill, Public Works Director, explained that DOT's approval of the round-a-bout design allowed the city to develop the final design. He presented this agreement to provide geotechnical services to design retaining walls for the project and recommend approval.

MOTION: Move to approve execution of the Consultant Services Contract with HWA GeoSciences Inc. for geotechnical services for the East-West Road

project for the not-to-exceed amount of eight-thousand five-hundred forty-seven dollars (\$8,547.00).

Young/Ekberg – unanimously approved.

6. Consultant Services Agreement – East-West Road Landscape Architecture Services. Wes Hill presented this agreement for landscape improvements that need to be coordinated with the storm drainage improvements for the detention facility at the round-a-bout and recommended approval.

MOTION: Move to approve execution of the Consultant Services Contract with Gray and Osborne, Inc. in an amount not to exceed twenty-two thousand four hundred twenty-seven dollars and fifty cents (\$22,427.50.)
Picinich/Owel – unanimously approved.

7. First Reading of Ordinance – Hotel–Motel Tax Amendment. Mark Hoppen presented this first reading of an ordinance that would limit the 7 percent hotel/motel tax to establishments with over 25 rooms, explaining that this ordinance would place the city's tax in line with Pierce County's. He answered questions and added that this will return for a second reading at the next meeting.

PUBLIC COMMENT/DISCUSSION: None.

COUNCIL COMMENTS:

Councilmember Dick asked if it would be possible to post the agenda and proposed ordinances on the city's Internet web page. Kay Truitt say that she was currently updating the web page and the agenda, as well as other information, would be made available as soon as possible.

Mayor Wilbert gave a report on a proposed small passenger ferry she had been working on. She said she was hosting an informational forum at the Harbor Inn on Friday evenings for anyone interested in sharing information. She said she would bring any information obtained to council as it was gathered.

STAFF REPORTS:

1. Chief Mitch Barker - GHPD Stats for the month of December. Chief Barker gave an overview of the December statistics and explained that the figures were still reflecting the annexations. He added that a year-end report would be coming soon.
2. Dave Rodenbach, Finance Director – Quarterly Report. Mark Hoppen gave a brief report in Mr. Rodenbach's absence. He said that the revenues, especially in the general fund, were up considerably, especially in the building permit category. He added that the city had received its audit report and for the seventh year in a row, had a positive report. He then passed out correspondence requesting Councilmembers to attend an informational hearing on Metro Parks. He explained that Metro wanted to add another

entity to the taxing area. He gave a cost breakdown of what this would entail. Councilmember Young offered to attend the meeting.

ANNOUNCEMENT OF OTHER MEETINGS: Wes Hill reminded Councilmembers of an upcoming meeting to review concepts for the Harborview Drive Streetend View Project at 6:00 p.m. on Thursday, January 28th in the Council Chambers. Councilmembers Dick and Ekberg offered to attend.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30.110(i).

MOTION: Move to adjourn to Executive Session for approximately 15 minutes at 8:30 p.m. to discuss potential litigation per RCW 42.30.110(i). Young/Owel – unanimously approved.

MOTION: Move to return to Regular Session at 8:45 p.m. Owel/Picinich – unanimously approved.

MOTION: Move that the city attorney be authorized to execute the stipulation and agreed judgement and decree of appropriation with the parties in the Peninsula School District Condemnation Action and for the payment of \$1,000 to the respondent McDonald. Dick/Ekberg – seven voted in favor. Councilmember Markovich abstained.

ADJOURN:

MOTION: Move to adjourn at 8:50 p.m. Platt/Picinich - unanimously approved.

Cassette recorder utilized
Tape 513 Both Sides.
Tape 514 Side A 000 – 384.

Mayor

City Clerk





RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
 License Division - 1025 E. Union, P.O. Box 43075
 Olympia, WA 98504-3075
 (360) 664-0012

RECEIVED

JAN 25 1999

DATE: 1/21/99

TO: CITY OF GIG HARBOR

CITY OF GIG HARBOR

RE: ASSUMPTION

From NA, TONG SAN
 NA, YONG JA
 Dba BAYVIEW GROCERY AND DELI

APPLICANTS:

HARBORVIEW GROCERY INC

NA, TONG SAN 11-20-48 533-68-1687
 NA, YONG JA 09-01-54 539-74-9619

License: 351392 - 2E County: 27

Tradename: HARBORVIEW GROCERY
 Loc Addr: 8812 N HARBORVIEW DR
 GIG HARBOR WA 98335

Mail Addr: 9312 S TACOMA WY STE 160
 LAKEWOOD WA 98499-4410

Phone No.: 253-589-6838 YONG (MICHAEL) LEE\ CPA

Privileges Applied For:
 GROCERY STORE - BEER/WINE

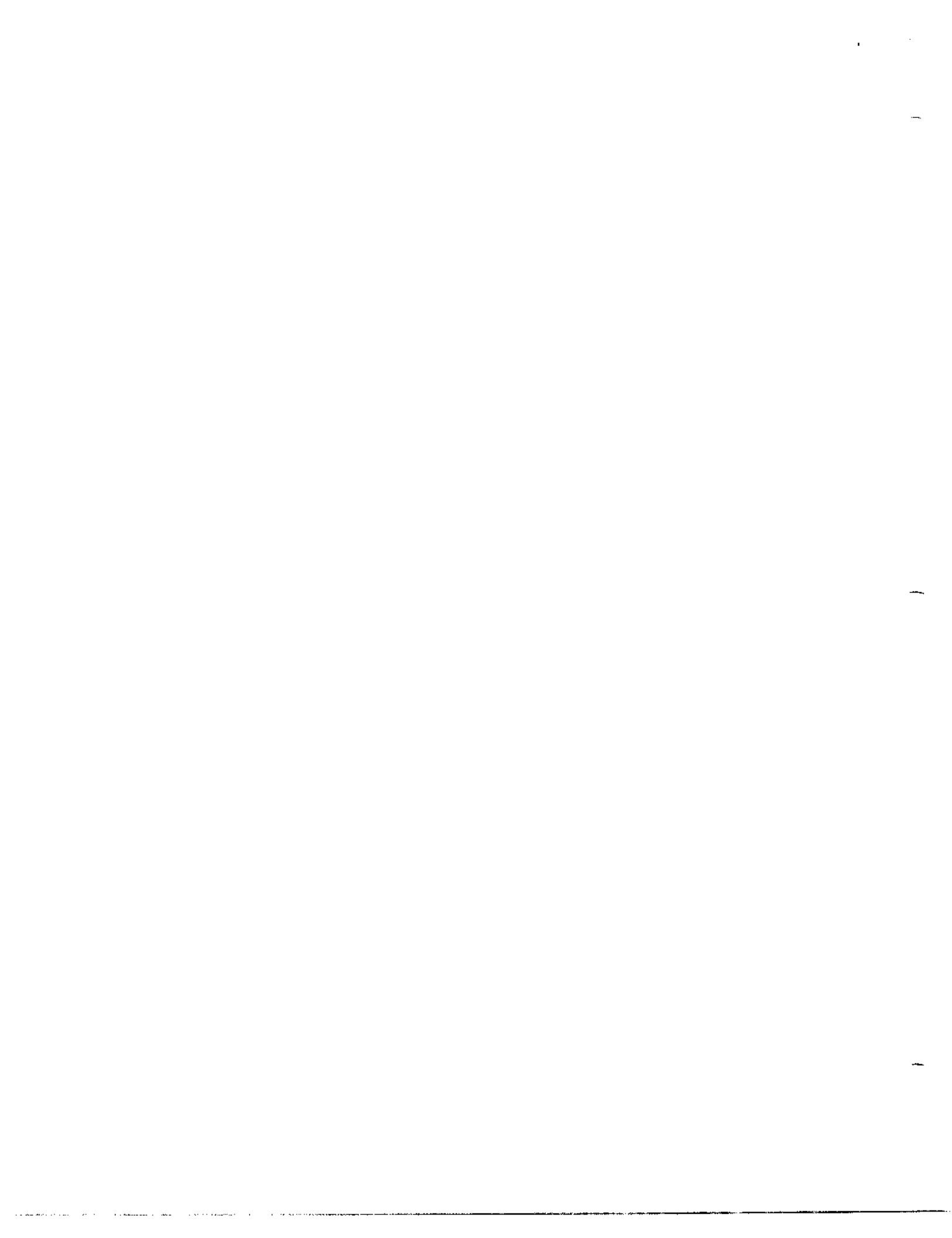
As required by RCW 66.24.010(8), you are notified that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within **20 DAYS** from the date above, it will be assumed that you have no objection to the issuance of the license. **If additional time is required you must submit a written request for an extension of up to 20 days.** An extension of more than 20 days will be approved only under extraordinary circumstances.

- | | | |
|--|--------------------------|--------------------------|
| | YES | NO |
| 1. Do you approve of applicant ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? | <input type="checkbox"/> | <input type="checkbox"/> |

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE





City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT CITY COUNCIL
FROM: DAVID RODENBACH *DR*
DATE: FEBRUARY 2, 1999
SUBJECT: HOTEL – MOTEL TAX AMENDMENT

BACKGROUND

This is the second reading of an ordinance that will limit the 7 percent hotel – motel tax to establishments with more than 25 rooms. Establishments with 25 rooms or less will charge the 4 percent rate. This will place the City's tax in line with Pierce County's.

POLICY CONSIDERATIONS

This amendment is needed to lessen the impact of the latest hotel – motel tax increase on the Gig Harbor lodging industry. The Pierce County tax increase applies only to lodging facilities more than 25 units while the City tax currently applies to all lodging facilities. This places smaller lodging facilities within the City at a competitive disadvantage with their counterparts in the county. Each member of the Lodging Tax Advisory Committee was contacted and five of seven members support this change with one opinion unknown and one abstention.

FINANCIAL CONSIDERATIONS

The financial impact of this ordinance will not be significant to the City's expected 1999 hotel – motel tax revenues.

RECOMMENDATION

Staff recommends enactment of this ordinance after the second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TAXATION, EXEMPTING THOSE LODGING FACILITIES WITH 25 UNITS OR LESS FROM THE SPECIAL EXCISE TAX ADOPTED BY THE CITY IN ORDINANCE NO. 809, WHICH TAX IS IMPOSED ON THE CHARGE MADE FOR THE FURNISHING OF LODGING OR A SIMILAR LICENSE TO USE REAL PROPERTY; AMENDING ORDINANCE NO. 809 AND GIG HARBOR MUNICIPAL CODE SECTION 3.27.010.

WHEREAS, RCW 67.28.180, provides that cities are authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW; and

WHEREAS, RCW 67.28.181(2)(a), provides that cities are authorized to levy and collect an additional special excise tax not to exceed the percentage that the City was authorized to levy and collect prior to July 27, 1997; and

WHEREAS, prior to July 27, 1997, the City of Gig Harbor was authorized to levy and collect an additional special excise tax not to exceed five percent pursuant to RCW 67.28.182; and

WHEREAS, RCW 67.28.200, allows cities to establish reasonable exemptions to the lodging taxes authorized under chapter 67.28 RCW, and

WHEREAS, RCW 67.28.200, lodging facilities with 25 or fewer units would be unreasonably impacted by the lodging tax and should be exempt from the collection of the additional 3 percent, now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. Chapter 3.27 GHMC is hereby amended to read as follows:

3.27.010 Adoption of Hotel/Motel Tax

There is levied a special excise tax of seven percent (7%) on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW. The lodging subject to tax ~~imposed~~ under Chapter 82.08 RCW ~~applies to~~ is the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. ~~It shall be presumed that~~ ~~the~~ occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. Lodging facilities having 25 or fewer units shall be exempt from the collection of 3 percent of the tax imposed under this chapter.

Section 2. 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 3. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

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

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the ____ day of _____, 199__, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TAXATION, EXEMPTING THOSE LODGING FACILITIES WITH 25 UNITS OR LESS FROM THE SPECIAL EXCISE TAX ADOPTED BY THE CITY IN ORDINANCE NO. 809, WHICH TAX IS IMPOSED ON THE CHARGE MADE FOR THE FURNISHING OF LODGING OR A SIMILAR LICENSE TO USE REAL PROPERTY; AMENDING ORDINANCE NO. 809 AND GIG HARBOR MUNICIPAL CODE SECTION 3.27.010.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 199__.

CITY CLERK, MOLLY TOWSLEE





City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: SOLID WASTE MANAGEMENT PLAN UPDATE
DATE: FEBRUARY 1, 1999

INFORMATION/BACKGROUND

Sally Sharrad, Senior Planner in the Solid Waste Division of Pierce County Public Works and Utilities, will be making a brief presentation about the draft Tacoma-Pierce County Solid Waste Management Plan. She will give about a fifteen minute overview of what is in the plan update, comparing the draft with the adopted 1992 Plan and explaining what is new. Also, she will outline the public review opportunities in the process, touch on the State requirements, and outline the role of cities. Her presentation will conclude with the new Draft Goals and Recommendations written by the pierce County Solid Waste Advisory Committee.

Council members have already received copies of the draft plan and recommendations and should bring them to this meeting.

POLICY CONSIDERATIONS

In 1993, the City of Gig Harbor and Pierce County signed an interlocal agreement for solid waste management planning. The purpose of the agreement was to establish the respective responsibility of county and city in implementing the solid waste management system for Pierce County which includes, but is not limited to: planning, waste reduction, recycling, disposal of mixed municipal and industrial solid waste and demolition debris, and other waste as defined under RCW 70.95.030, all of which must be addressed in a comprehensive plan.

This comprehensive plan is currently undergoing update, and the city will eventually signed an updated interlocal agreement.

RECOMMENDATION

No action is required at this time. The presentation is intended to augment the Council's later review of this issue and to meet the Department of Ecology's public education requirements for the process.





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(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: JOB DESCRIPTION - PUBLIC WORKS ASSOCIATE ENGINEER
DATE: FEBRUARY 1, 1999

INTRODUCTION/BACKGROUND

The city budget for 1999 authorizes the hiring of a full-time Associate Engineer. In order to implement the hiring of this position, the job description for the position of Public Works Associate Engineer is presented for Council inclusion in the City of Gig Harbor Job Descriptions.

POLICY CONSIDERATIONS

This position, as proposed, establishes a job description that is analogous to the level of work and skill expertise expected of an engineering subordinate to the Public Works Project Engineer.

FISCAL CONSIDERATIONS

This position will be filled during February, 1999.

RECOMMENDATION

Staff recommends a motion to include the Public Works Associate Engineer job description in the City of Gig Harbor Job Descriptions.

PUBLIC WORKS ASSOCIATE ENGINEER

Nature of Work

This position is responsible for a broad range of engineering services in the area of Public Works, including grant and permit application; utility and agency coordination; design, preparation of plans, specifications, and estimates; contract administration; construction support services; program development and implementation including interagency coordination, permitting, public involvement, investigation and enforcement; development review; traffic engineering; report preparation, and other functions as assigned.

Controls Over the Work

Under the direct supervision of the Project Engineer and general supervision of the Public Works Director, work is performed with limited supervision, and the employee has relative independence and latitude for exercising independent judgment and initiative within the scope of oral and written instructions, and established policies, guidelines, and procedures consistent with professional engineering practice. Work involves performance of complex tasks to provide engineering support for Public Works projects and programs, and for development review to ensure technical congruence and compliance with current codes and criteria.

Essential Duties and Responsibilities

Principally responsible for review of development proposals and construction plans submitted for City review, determines issues and/or appropriate review comments and/or conditions relative to City infrastructure requirements, applicable rules and regulations, accepted engineering practice, and City standards; meets and discusses issues and permit/approval conditions with applicant, other agencies/departments, consultants, contractors, and/or citizens; and prepares or issues appropriate correspondence, permits, and/or approvals.

Performs professional engineering tasks for parks, streets, traffic, water, sanitary sewer, stormwater, construction projects, development review, and maintenance and repair activities.

Responsible to develop and implement the City's comprehensive stormwater management program, including compliance with federal, state and local rules and regulations; departmental, interdepartmental and agency coordination, public involvement programs, and investigation and enforcement.

Prepares and/or reviews engineering calculations, designs, permit applications, grant applications, surveys, estimates, payment requests and other documents.

Performs or assists in construction support services including on-site inspection, project coordination, preparation of change orders, material source review, preparation/review of

progress estimates, contract records preparation and management, and contract correspondence.

Coordinates projects and department activities with other departments, agencies, consultants, contractors, developers, utilities, and citizens.

Assists in department planning and program management, including preparation of elements of the City Comprehensive Plan, capital improvement programs, updates and revisions to the Public Works Standards, and annual budget; and development and implementation of department policies and procedures, and street and other infrastructure management functions.

Ensures and/or assists in the preparation of accurate and properly filed project and department documents.

Compiles reference information applicable to department functional areas.

Provides and/or supervises computer-aided drafting support services for the stormwater management program, construction plans, project graphics, the City's Geographic Information System, maps and/or other presentation/informational materials.

Performs other duties as directed.

Knowledge, Abilities and Skills

Knowledge of civil engineering principles, practices and methods.

Knowledge of federal, state and local rules and regulations pertaining to City programs, development, environmental review, construction, and public agencies.

Knowledge of public works operations, including street, water, sanitary sewer, stormwater maintenance activities.

Knowledge, skills, and ability to prepare and review designs, details, estimates, plans and specifications for development and agency projects.

Ability to establish and maintain effective working relationships with contractors, consultants, governmental agencies, utilities, and City staff.

Ability to perform complex mathematical computations including stormwater system design and evaluation.

Skill in the use of various word processing, spread sheet, and engineering design software.

Ability to express ideas clearly and concisely, orally and in writing to groups and individuals.

Valid Washington state driver's license, and ability to remain covered by the City's insurance provider.

Physical Demands

Work is performed both in the office and in the field, including project inspection and review involving driving to the site(s). Work involves moderate risk conditions, such as high level noise, dust, grease or mud, moving vehicles or machines, cold and/or wet weather. Work requires some physical exertion, such as long periods of standing, walking over rough, uneven surfaces, and recurring bending, crouching, reaching and occasional lifting of moderately heavy items.

Qualifications Required

Minimum: Graduation from a four-year college or university with major course work in civil engineering or comparable field; or Washington State Engineer-In-Training Certificate, and three years equivalent experience in an engineering capacity with a city, county, or engineering company which does considerable work for local government agencies.

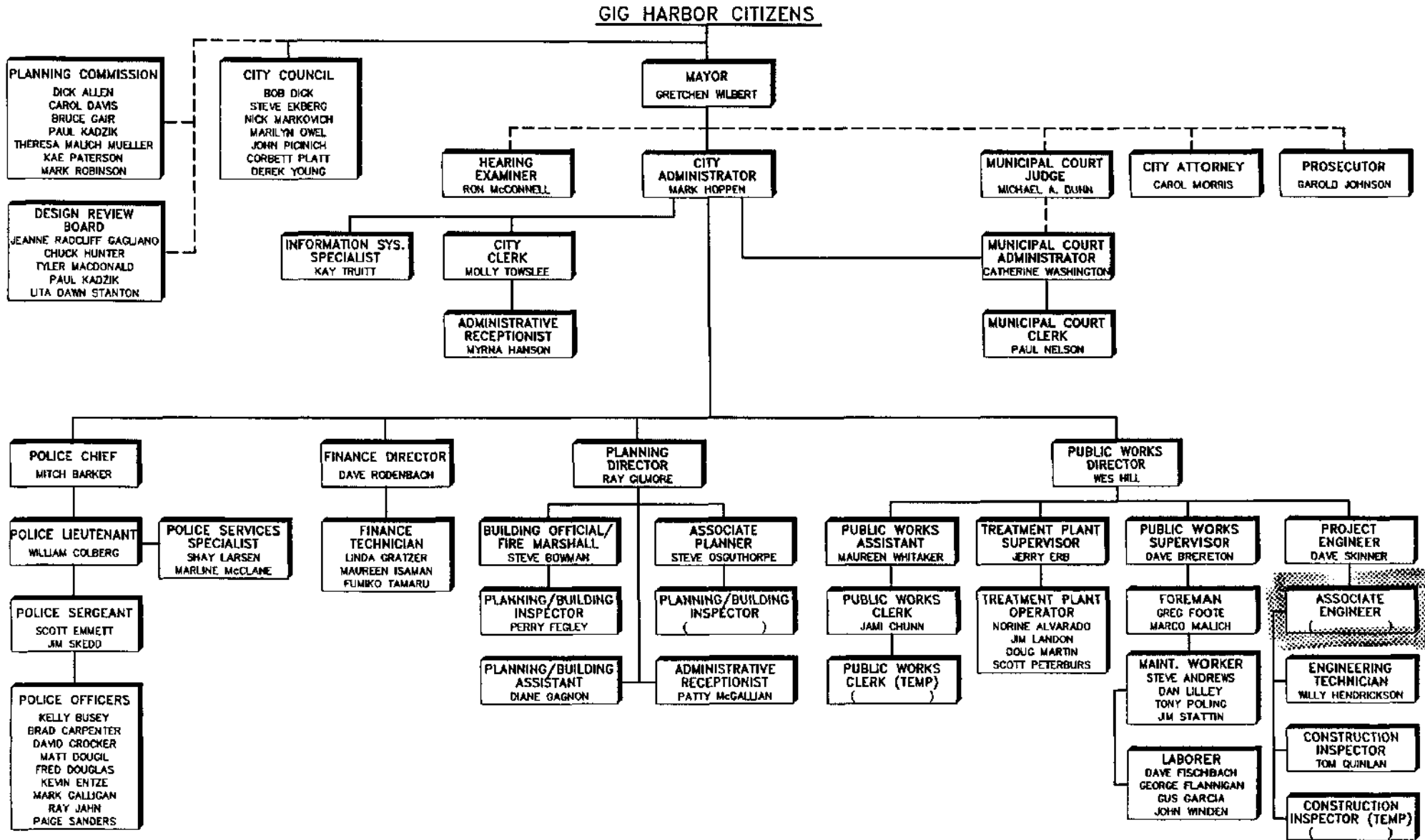
Must possess a valid Washington state driver's license.

**City of Gig Harbor
1999 Annual Budget**

ATTACHMENT "A"

POSITION	RANGE	
	Minimum	Maximum
City Administrator	\$ 5,227	\$ 6,533
Public Works Director	4,614	5,767
Chief of Police	4,557	5,696
Finance Director	4,339	5,423
Planning Director	4,087	5,108
Police Lieutenant	4,047	5,058
Public Works Supervisor	3,712	4,640
Project Engineer	3,691	4,613
Police Sergeant	3,640	4,550
Fire Marshal/Building Official	3,560	4,450
Sewer Plant Supervisor	3,553	4,441
Associate Engineer	3,420	4,275
Foreman	3,165	3,956
Police Officer	3,165	3,956
Information System Specialist	3,060	3,825
Planning Associate	3,047	3,808
City Clerk	3,022	3,777
Construction Inspector	2,996	3,745
Sewer Plant Operator	2,950	3,687
Maintenance Worker	2,867	3,583
Planning / Building Inspector	2,774	3,467
Engineering Technician	2,666	3,332
Public Works Assistant	2,580	3,225
Court Administrator	2,491	3,113
Finance Technician	2,358	2,947
Planning-Building Assistant	2,358	2,947
Laborer	2,315	2,893
Court Clerk	2,259	2,823
Police Services Specialist	2,217	2,771
Administrative Receptionist	1,915	2,393
Public Works Clerk	\$ 1,915	\$ 2,393

CITY OF GIG HARBOR ORGANIZATIONAL CHART





City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: CONCURRENCY ORDINANCE – FIRST READING
DATE: FEBRUARY 1, 1999

INFORMATION/BACKGROUND

The Growth Management Act requires that the City adopt and enforce ordinances "which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development." (RCW 36.70A.070(6)). Moreover, "concurrent with development," for the purposes of the statute means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

This proposed ordinance implements the state statute by implementing the concurrency provisions of the Transportation Element of the City's Comprehensive Plan. The state requires that at a minimum the city adopt a concurrency regulation for transportation.

POLICY CONSIDERATIONS

This ordinance is necessary to remain grant-eligible for road projects. A concurrency ordinance is not being suggested for parks, but residential developments are slated to be subject to parks impact fees. Parks need not be identified in the concurrency ordinance in order to implement a parks impact fee.

FISCAL CONSIDERATIONS

The reduction of the originally proposed number of accounts for tracking the various reservation accounts throughout the developmental process to two accounts, the "available capacity account" and the "reserved capacity account" has made it possible to implement this ordinance with existing staff.

RECOMMENDATION

Staff recommends that this ordinance be subject to a public hearing at the second reading, and that the ordinance be adopted as soon as possible thereafter.

ORDINANCE NO. __

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DEVELOPMENT AND TRANSPORTATION IMPACTS, IMPLEMENTING THE CONCURRENCY PROVISIONS OF THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AS REQUIRED BY RCW 36.70A.070(6), DESCRIBING THE PROCEDURE FOR THE CITY PUBLIC WORKS DIRECTOR'S EVALUATION OF CONCURRENCY OF THE CITY'S ROAD FACILITIES WITH PROPOSED DEVELOPMENT IN LIGHT OF ADOPTED LEVELS OF SERVICE, DESCRIBING THE PROCEDURE FOR ISSUANCE OF CAPACITY RESERVATION CERTIFICATES, ESTABLISHING THE PROCESS FOR DENIALS, CONCURRENCY RESOLUTIONS AND APPEALS, ESTABLISHING CAPACITY ACCOUNTS, REQUIRING SEMI-ANNUAL REPORTING AND MONITORING OF ROAD CAPACITY AS PART OF THE ANNUAL UPDATE OF THE CITY'S SIX-YEAR TRANSPORTATION PLAN, AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AND ADOPTING A NEW CHAPTER 19.10 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Growth Management Act requires that the City adopt and enforce ordinances "which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development" (RCW 36.70A.070(6)); and

WHEREAS, "concurrent with development," for the purposes of the above statute, means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)); Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.10 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

CHAPTER 19.10 CONCURRENCY MANAGEMENT

I. OVERVIEW AND EXEMPTIONS

19.10.001. Purpose. The purpose of this Chapter is to implement the concurrency provisions of the Transportation Element of the City's Comprehensive Plan, in accordance with RCW 36.70A.070(6)(e), consistent with WAC 365-195-510 and 365-195-835. No development permit shall be issued except in accordance with this Chapter, which shall be cited as the Concurrency Management Ordinance.

19.10.002. Authority. The Director of Public Works, or his/her designee, shall be responsible for implementing and enforcing the Concurrency Management Ordinance.

19.10.003. Exempt Development.

A. Development Permit issued prior to Effective Date of this Chapter. All construction or change in use initiated pursuant to a development permit issued prior to the effective date of this Chapter shall be exempt from the requirements of this Chapter, PROVIDED, however, that no development permit shall be extended except in conformance with this Chapter. If the City determines that a previously issued development permit has lapsed or expired, pursuant to the applicable development regulations, then no subsequent development permit shall be issued except in accordance with this Chapter.

B. De Minimis Development. After the effective date of this Chapter, no development activity (as defined in the definition section of this Chapter) shall be exempt from the requirements of this Chapter unless specifically exempted below in subsection C.

C. Exempt Permits. The following types of permits are exempt from the Capacity Reservation Certificate (CRC) process because they do not create additional long-term and/or impacts on road facilities :

Administrative interpretations	Plumbing permit
Sign permit	Electrical permit
Street vacation	Mechanical permit
Demolition permit	Excavation permit
Street Use Permit	Sewer connection permit
Interior alterations	Driveway or street
with no change of use	access permit
Excavation/clearing permits	
Grading permits	Hydrant use permit

Right of Way Permit
Single family remodeling
with no change of use
Single family building permit

19.10.004. Capacity Evaluation Required for Change of Use. Except for development exempt under GHMC 19.10.003, any development activity, as defined in the definition section of this Chapter, shall require a capacity evaluation in accordance with this Chapter.

A. **Increased Impact on Road Facilities.** If a change of use will have a greater impact on road facilities than the previous use as determined by the Director based on review of information submitted by the Developer, and such supplemental information as available, a CRC shall be required for the net increase only, provided that the Developer shall provide reasonably sufficient evidence that the previous use has been actively maintained on the site during the five (5) year period prior to the date of application for the capacity evaluation.

B. **Decreased Impact on Road Facilities.** If a change of use will have an equal or lesser impact on road facilities than the previous use as determined by the Director based on review of information submitted by the Developer, etc., a CRC will not be required.

C. **No Capacity Credit.** If no use existed on the site for the five (5) year period prior to the date of application, no capacity credit shall be issued pursuant to this section.

D. **Demolition or Termination of Use.** In the case of a demolition or termination of an existing use or structure, the capacity evaluation for future redevelopment shall be based upon the net increase of the impact for the new or proposed land use as compared to the land use existing prior to demolition, provided that such credit is utilized through a CRC, within five (5) years of the date of the issuance of the demolition permit.

19.10.005 All Capacity Determinations Exempt from Project Permit Processing. The determinations made by the Director pursuant to the authority in this Chapter shall be exempt from project permit processing procedures, as described in GHMC Title 19, except that the appeal procedures of GHMC Title 19 shall apply pursuant to Part VIII of this chapter. The City's processing of capacity determinations and resolving capacity disputes involves a different review procedure due to the necessity to perform continual monitoring of facility and service needs, to ensure continual funding of facility improvements, and to develop annual updates to the transportation of the comprehensive plan.

II. LEVEL OF SERVICE STANDARDS

19.10.006. Introduction. The concept of concurrency is based on the maintenance of specified levels of service with respect to road facilities. Concurrency describes the situation in which road facilities are available when the impacts of development occur, or within six (6) years from the time of development. (See, WAC 365-195-210, definition of "available public facilities.") The City has designated levels of service for road facilities in its transportation comprehensive plan:

- A. to conform to RCW 47.80.030 for transportation facilities subject to regional transportation plans;
- B. to reflect realistic expectations consistent with the achievement of growth aims;
- C. for road facilities according to WAC 365-195-325; and
- D. to prohibit development if concurrency for road facilities is not achieved (RCW 36.70A.070), and if sufficient public and/or private funding cannot be found, land use assumptions in the City's Comprehensive Plan will be reassessed to ensure that level of service standards will be met, or level of service standards will be adjusted.

19.10.007. Level of Service Standards. Level of Service (LOS) is the established minimum capacity of road facilities that must be provided per unit of demand or other appropriate measure of need, as mandated by Chapter 36.70A RCW. LOS standards shall be used to determine if road services are adequate to support a development's impact. The City's established LOS for roads within the city limits shall be as shown in the Transportation Element of the City's Comprehensive Plan.

19.10.008. Effect of LOS Standards. The Director shall use the LOS standards set forth in the Transportation Element of the City's Comprehensive Plan to make concurrency evaluations as part of the review of any application for a CRC issued pursuant to this Chapter.

III. CAPACITY EVALUATIONS

19.10.009. Capacity Evaluations Required Prior to Issuance of CRC.

A. **When the Requirements of this Chapter Apply.** A capacity evaluation shall be required either in conjunction with or prior to the City's consideration of any development permit depending on the time that the applications are filed, unless specifically exempted by this Chapter. The Director shall utilize the standards and requirements set forth in Part V to conduct a capacity evaluation, prior to issuance of a CRC. In addition to the standards set forth in Part V, and specifically in GHMC 19.10.012, the Director may also utilize the standards set forth in state law or the Washington Administrative Code, or such other rules regarding concurrency which may be established from time to time by administrative rule. In cases where LOS standards do not apply, the Director shall have the authority to utilize other factors in preparing capacity evaluations to include, but not be limited to, independent LOS analysis.

B. **Capacity Reservation Certificates.** A CRC will not be issued except after a capacity evaluation performed pursuant to this Part V, indicating that capacity is available in all applicable road facilities.

19.10.0091. Capacity Evaluations Required for Rezone Applications or Comprehensive Plan Amendments Requesting an Increase in Extent or Density of Development. A capacity evaluation shall be required as part of any application for a comprehensive plan amendment or

zoning map amendment (rezone) which, if approved, would increase the intensity or density of permitted development. As part of that capacity evaluation, the Director shall determine whether capacity is available to serve both the extent and density of development which would result from the zoning/comprehensive plan amendment. The capacity evaluation shall be submitted as part of the staff report and shall be considered by the City in determining the appropriateness of the comprehensive plan or zoning amendment.

IV. SUBMISSION AND ACCEPTANCE OF APPLICATION

19.10.010. Application for Capacity Evaluation. (1) An application for a CRC and the application for the underlying development permit, shall be accompanied by the requisite fee, as determined by City Council Resolution. The CRC application may be submitted prior to the development permit application if the developer wishes to assess available capacity before proceeding with the development permit. An applicant for a CRC shall submit the following information to the Director, on a form provided by the Director:

- A. Date of submittal.
- B. Developer's name, address and telephone number.
- C. Legal description of property prepared by a licensed surveyor/engineer and assessor's parcel number.
- D. Proposed use(s) by land use category, square feet and number of units.
- E. Phasing information by proposed uses, square feet and number of units, if applicable.
- F. Existing use of property.
- G. Acreage of property.
- H. Proposed site design information, if applicable.
- I. Whether sewer and potable water capacity has been previously reserved.
- J. Traffic report prepared by a professional traffic engineer;
- K. Written consent of the property owner, if different from the developer;
- L. Proposed allocation of capacity by legal description, if applicable.

(2) Even if the traffic report is based on an estimation of impact, the applicant will still be bound by its estimation of impact, and any upward deviation from the estimated traffic impact shall require at least one of the following: a finding that the additional concurrency sought by the developer through a revised application is available to be reserved by the project; mitigation of the additional impact under SEPA; revocation of the CRC.

19.10.011. Submission and acceptance of an application for a CRC.

A. Determination of Completeness. Within 28 days after receiving an application for a PCRC, the City shall mail or personally deliver to the applicant a determination which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

B. Additional Information. An application for a CRC is complete for purposes of this section when it meets the submission requirements in GHMC 19.10.010. The Determination of

Completeness shall be made when the application is sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The Director's Determination of Completeness shall not preclude the Director's ability to request additional information or studies whenever new information is required, or substantial changes are made to the proposed project.

C. Incomplete Applications.

1. Whenever the applicant receives a determination from the City that an application is not complete, the applicant shall have 90 days to submit the necessary information. Within 14 days after an applicant has submitted the requested additional information, the Director shall make a Determination of Completeness and notify the applicant in the manner provided in subsection A of this section.
2. If the applicant does not submit the additional information requested within the 90-day period, the Director shall make findings and issue a decision that the application has lapsed for lack of information necessary to complete the review, and the applicant may request a refund of the application fee remaining after the City's Determination of Completeness.

D. Director's Failure to Provide Determination of Completeness. An application for a CRC shall be deemed complete under this section if the Director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (A) of this section.

E. Date of Acceptance of Application. An application for a CRC shall not be officially accepted until complete. When an application is determined complete, the Director shall accept it and note the date of acceptance.

V. PROCEDURE FOR DETERMINING CAPACITY

19.10.012. Method of Capacity Evaluation for Road Facilities.

A. In performing the concurrency evaluation for road facilities, and to prepare the CRC, the Director shall determine whether a proposed development can be accommodated within the existing or planned capacity of road facilities. This may involve one or more of the following:

1. a determination of anticipated total capacity at the time the impacts of development occur;
2. calculation of how much of that capacity will be used by existing developments and other planned developments at the time the impacts of development occur;

3. calculation of the available capacity for the proposed development;
4. calculation of the impact on the capacity of the proposed development, minus the effects of any mitigation provided by the applicant; and
5. comparison of available capacity with project impacts.

B. The Director shall determine if the capacity on the City's road facilities, less the capacity which is reserved can be provided while meeting the level of service performance standards set forth in the City's Comprehensive Plan, and, if so, shall provide the applicant with a CRC.

C. In order to determine concurrency for the purposes of issuance of a CRC, the Director shall make the determination described in Subsections (1)(a) through (e) above. The Director may deem the development concurrent with road facilities, with the condition that the necessary facilities shall be available when the impacts of the development occur or shall be guaranteed to be available through a financial commitment in an enforceable development agreement.

D. If the Director determines that the proposed development will cause the LOS of a road facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, and improvements or strategies to accommodate the impacts of development are not planned to be made concurrent with development, a CRC and the underlying development permit, if such an application has been made, shall be denied, pursuant to GHMC Section 19.10.018 and any other provisions of Title 19 that may be applicable to denial of the underlying development permit. Applicants may then appeal pursuant to Part VIII of this chapter.

VI. PRELIMINARY CAPACITY RESERVATION CERTIFICATES (PCRCs)

19.10.013. Purpose of Preliminary Capacity Reservation Certificate. A PCRC is a determination by the Director that: (1) the proposed development activity or development phase will be concurrent with the applicable road facilities at the time the PCRC is issued; and (2) the Director has reserved road facility capacity for this application for a period of one hundred twenty (120) days, or until the City makes a final decision on the underlying permit or approval, whichever is later, as long as applicant submits a completed application within 120 days of receiving the PCRC. In no event shall a developer reserve a greater amount of capacity than that necessary to serve the maximum amount of development permitted on the site under its current zoning classification.

19.10.014. Procedure for Preliminary Capacity Reservation Certificates. Within ninety (90) days after receipt of an application for a CRC, the Director shall process the application, in accordance with this Chapter, and issue the CRC or a Denial Letter. Preliminary CRCs shall expire within 120 days of issuance, unless applicant submits a completed application within the 120-day period. If a timely application is submitted, then the Preliminary CRC stays in effect until decision made on the underlying application. If an application is submitted before a PCRC issues then the Director may issue a Final CRC or a Denial Letter at the same time as the SEPA threshold determination, if applicable, and otherwise, at the time a final decision issues on the underlying development permit.

19.10.015. Reservation Period. In order to continue to reserve capacity until issuance of the Certificate of Occupancy for the development activity, the developer must obtain a Final CRC.

19.10.016. Use of Reserved Capacity. When a valid development permit is issued for a project possessing a PCRC, the PCRC shall be converted to a Final CRC, which shall continue to reserve the capacity unless the development permit lapses or expires without the issuance of a Certificate of Occupancy.

19.10.017. Transfer of Reserved Capacity. Reserved capacity shall not be sold or transferred to property not included in the legal description provided by the developer in the application for a CRC. However, if the developer submits a development permit application for a project possessing a PCRC, the developer may, as part of such application, designate the amount of capacity allocated to portions of the property, such as lots, blocks, parcels, or tracts included in the application. Capacity may be reassigned or allocated within the boundaries of the original reservation certificate by application to the Director. At no time may capacity or any certificate be sold or transferred to another party or entity to real property not described in the original application.

19.10.018. Denial Letter. If the Director determines that one or more road facilities are not concurrent, the Director shall issue a denial letter, which shall advise the developer that capacity is not available. If the developer is not the property owner, the Denial Letter shall also be sent to the property owner. At a minimum, the Denial Letter shall identify the application and include the following information: (1) the level of the deficiency on the road facilities, if known; and (2) the options available to the applicant of submitting a development application without a PCRC, or obtaining a PCRC by agreeing to construct the necessary facilities at the applicant's own cost. The developer shall have one hundred twenty (120) calendar days from the issuance of a Denial Letter to submit a development application and, if necessary, appeal both the Denial Letter and the development permit denial pursuant to Part VIII of this chapter.

VII. FINAL CAPACITY RESERVATION CERTIFICATE (FCRC)

19.10.020. Purpose. The purpose of the Final CRC process is to allow property owners and developers the assurance that capacity is reserved for a particular project for a limited amount of time while development occurs, and to provide a higher degree of certainty during the construction financing process.

19.10.021. Reservation Time Period. The Final CRC shall allow the applicant to reserve road facility capacity for one, two or three years. A specific quantity of capacity must be requested for each individual year of the reservation time frame. Capacity shall be reserved based on the standards and criteria for Capacity Evaluations identified in this Chapter. The Final CRC will allow the applicant to utilize the capacity only during the period of time specified on the Certificate.

19.10.022. Expiration and Extensions of Time.

A. **Expiration.** If a Certificate of Occupancy has not been requested during the time frame set forth in the Final CRC, the Director shall convert the reserved capacity to available

capacity for the use of other developments. Requesting a Certificate of Occupancy before expiration of the Final CRC shall only convert the reserved capacity to used capacity if the building inspector finds that the project actually conforms with applicable codes.

B. Extensions. The developer may request one extension of not more than twelve (12) months up to thirty days before the expiration date of the Final CRC. Any extension shall be contingent upon payment of an additional reservation fee as set forth in GHMC 19.10.023. The Director shall determine whether an extension is warranted, based on the following criteria:

1. Size of the development and the amount of capacity requested. A limit may be imposed on the amount of capacity that may be extended;
2. Phasing;
3. Location of the project;
4. Capacity available within the service area;
5. Reasons for requesting the reservation time period extension; and
6. Whether the developer exercised good faith in attempting to complete the project and acquire a certificate of occupancy.

Any unused capacity for a specific yearly time frame may be carried forward into the next yearly time frame within the time constraints of the Final CRC. No unused capacity may be carried forward beyond the duration of the certificate or any subsequent extension.

19.10.023. Final Capacity Reservation Fees.

A. Time for Payment. Prior to issuance of a Final CRC, or any renewal thereof, the developer shall be required to pay the reservation fee as a condition of capacity reservation. A reservation fee equivalent to thirty-three percent (33%) of the transportation impact fees for the development activity shall be required to reserve capacity for up to one (1) year; sixty-six percent (66%) shall be required to reserve capacity for two (2) years and one hundred percent (100%) shall be required to reserve capacity for up to three (3) years.

The developer shall pay any remaining impact fees at the time of and as condition of, receiving a building permit. The developer shall be required to pay all impact fees pursuant to the impact fee schedule in effect at the time the building permit is issued. [Confirm that this provision is consistent with latest version of impact fee ordinance.]

B. Refund of Reservation Fee. Reservation fees shall be refundable, subject to a charge for the City's administrative costs and as set forth in this paragraph. The City shall refund ninety percent (90%) of the reservation fee if the capacity was reserved for 12 months or less. The City

shall refund eighty percent (80%) of the reservation fee for a two year reservation period; and seventy percent (70%) for a three year reservation period.

VIII. APPEALS OF CONCURRENCY DETERMINATION

19.10.030. Concurrency Determination to be Appealed with Underlying Permit. Any appeal of a concurrency determination shall be brought concurrently with an appeal of the underlying development permit. The appeal procedure shall correspond with the procedure mandated for the underlying permit by Title 19 GHMC. There will be no appeal of a concurrency determination unless and until the applicant submits an application for the underlying development permit and the City has made a final decision to approve or deny the permit.

19.10.031. Notice of Concurrency Determination. Notice of the concurrency determination shall be given to the public together with, and in the same manner as, that provided for the underlying development permit's SEPA threshold determination, unless the project is exempt from SEPA, in which case notice shall be given in the same manner without any accompanying threshold determination.

19.10.032. Time limit to bring appeal. The time limit to appeal the concurrency determination shall be the same time limit provided by Title 19 to appeal the SEPA threshold determination on the underlying development permit. In the event that no threshold determination is required, the appeal shall be brought within 15 days after issuance of a final decision on the underlying development permit. [How are we going to get the appeal in an open record hearing?]

IX. CONCURRENCY ADMINISTRATION

19.10.040. Purpose and Procedure. The purpose of this Part is to describe the process for administering the Concurrency Ordinance. Capacity accounts will be established, to allow capacity to be transferred to various categories in the application process. Capacity refers to the ability or availability of road facilities to accommodate users, expressed in an appropriate unit of measure, such as LOS for road facilities. Available capacity represents a specific amount of capacity that may be reserved by or committed to future users of road facilities.

19.10.041. Capacity Classifications. There are hereby established two capacity accounts, to be utilized by the Director in the implementation of this Chapter. These accounts are:

- A. the **Available Capacity account**; and
- B. the **Reserved Capacity account**;

Capacity is withdrawn from the available capacity account and deposited into a reserved capacity account when a PCRC is issued; and remains in the reserved capacity account when a Final CRC is issued. Once the proposed development is constructed and an occupancy permit is issued, the capacity is considered "used." Each capacity account of available or reserved capacity will experience withdrawals on a regular basis. Only the Director may transfer capacity between

accounts. [NOTE: Shouldn't these accounts reflect the amount of capacity in each traffic analysis zone? Do the separate accounts need to be set forth in the ordinance?]

19.10.042. Annual Reporting and Monitoring. The Director is responsible for completion of an Annual Capacity Availability Report. This report shall evaluate reserved capacity and permitted development activity for the previous twelve month period, and determine existing conditions with regard to available capacity for road facilities. The evaluation shall report on capacity used for the previous period and capacity available for the Six-Year Capital Facilities Element of the City's Comprehensive Plan and the Six-year Transportation Plan, for road facilities, based upon LOS standards. Forecasts shall be based on the most recently updated schedule of capital improvements, growth projections, public road facility inventories, and revenue projections and shall, at a minimum, include:

- A. A summary of development activity;
- B. The status of each Capacity Account;
- C. The Six-year Transportation Plan;
- D. Actual capacity of selected street segments and intersections, and current LOS; and
- E. Recommendations on amendments to CIP and annual budget, to LOS standards, or other amendments to the transportation element of or to the Comprehensive Plan.

The findings of the Annual Capacity Availability Report shall be considered by the Council in preparing the annual update to the Capital Improvement Element, any proposed amendments to the CIP and Six-year TIP, and shall be used in the review of development permits and capacity evaluations during the next period.

Based upon the analysis included in the Annual Capacity Availability Report, the Director shall recommend to the City Council each year, any necessary amendments to the CIP, TIP and Comprehensive Plan. The Director shall also report on the status of all capacity accounts when public hearings for Comprehensive Plan amendments are heard.

19.10.043. Road LOS Monitoring and Modeling.

A. The City shall monitor Level of Service standards through an annual update of the Six Year Transportation Plan which will add data reflecting development permits issued and trip allocations reserved. The City's Traffic Demand Model will be recalibrated annually based on traffic count information, obtained from at a minimum, the City's Public Works Department.

B. On January 1 of each year, a new trip allocation shall be assigned for each Traffic Analysis Zone, based on the results from the Traffic Demand Model used by the City, to ensure that the City is achieving the adopted LOS standards described in this Chapter and the transportation element of the Comprehensive Plan.

C. Amendments to the Trip Allocation Program that exceed the 100% annual trip allocation for any given year shall require an amendment to the Comprehensive Plan. Monitoring

and modeling shall be required and must include anticipated capital improvements, growth projections, and all reserved and available capacity.

Section 2. 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 3. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 2/4/99
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the ___ day of _____, 199__, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DEVELOPMENT AND TRANSPORTATION IMPACTS, IMPLEMENTING THE CONCURRENCY PROVISIONS OF THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AS REQUIRED BY RCW 36.70A.070(6), DESCRIBING THE PROCEDURE FOR THE CITY PUBLIC WORKS DIRECTOR'S EVALUATION OF CONCURRENCY OF THE CITY'S ROAD FACILITIES WITH PROPOSED DEVELOPMENT IN LIGHT OF ADOPTED LEVELS OF SERVICE, DESCRIBING THE PROCEDURE FOR ISSUANCE OF CAPACITY RESERVATION CERTIFICATES, ESTABLISHING THE PROCESS FOR DENIALS, CONCURRENCY RESOLUTIONS AND APPEALS, ESTABLISHING CAPACITY ACCOUNTS, REQUIRING SEMI-ANNUAL REPORTING AND MONITORING OF ROAD CAPACITY, AS PART OF THE ANNUAL UPDATE OF THE CITY'S SIX-YEAR TRANSPORTATION PLAN, AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, AND ADOPTING A NEW CHAPTER 19.10 TO THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 199_.

CITY ADMINISTRATOR, MARK HOPPEN



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *mh*
SUBJECT: PARKS AND TRANSPORTATION IMPACT FEES
ORDINANCE – FIRST READING
DATE: FEBRUARY 1, 1999

INFORMATION/BACKGROUND

In order to ensure that adequate transportation and parks facilities can be provided at established levels of service to serve new growth and development, this ordinance is presented to establish transportation and park impact fees as statutorily enabled by the Growth Management Act and the State Environmental Policy Act. This ordinance is consistent with city comprehensive plans for transportation and parks, and creates the means to ensure that new development bears a proportionate share of the capital costs of off-site parks and transportation facilities. Also, this ordinance ensures that the city will pay its fair share (50%) of these capital costs, and provides for the equitable collection of these fees.

POLICY CONSIDERATIONS

Impact fees can only be imposed for park and transportation facilities that are reasonably related to the impacts of new development, that will reasonably benefit new development, and that do not exceed a proportionate share of the costs of new development. Impact fees cannot be used to correct existing deficiencies. Appendix 'A' and Appendix 'D' identify such transportation and park facilities, drawn from the six-year capital project lists of respective comprehensive plan elements. The ordinance allows for variation from the fee schedule (see Section 10.) and for a reduction under certain circumstances for low-income housing (see Section 17.).

FISCAL CONSIDERATIONS

Payment of impact fees are proposed to be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit. A developer may elect to postpone payment of the impact fees for each lot within a subdivision until the issuance of a building permit for each lot.

The proposed rate schedule for transportation is identified in Appendix 'B'; the fee per single family home is \$2,069.21. Transportation fees are varied as per the schedule developed by Henderson and Young, consultants for the city's transportation impact fee study, which was developed concurrently with the adoption of the transportation element of the city's comprehensive plan.

The proposed parks fee per residential unit is \$1500 (see Appendix 'C' and Appendix 'C-2').

RECOMMENDATION

Staff recommends that this ordinance be subject to a public hearing at the second reading, and that the ordinance be adopted as soon as possible thereafter.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRANSPORTATION AND PARK IMPACT FEES, AUTHORIZING THE IMPOSITION OF IMPACT FEES ON NEW DEVELOPMENT TO PROVIDE FUNDING FOR THE DEVELOPMENT'S PROPORTIONATE SHARE OF OFF-SITE OR SYSTEM IMPROVEMENTS REASONABLY RELATED TO THE NEW DEVELOPMENT; DESCRIBING THE METHOD FOR THE CALCULATION OF THE FEES; REFUNDS OF THE FEE, AND PROVIDING FOR AN ADMINISTRATIVE APPEAL OF THE FEE; ADDING A NEW CHAPTER 19.12 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council of the City of Gig Harbor intends that adequate parks and transportation facilities be provided to serve new growth and development, and

WHEREAS, in order that new parks and transportation facilities are available when needed, the Council has determined that the cost of the parks and transportation facilities must be shared by the public and the private sectors, and the proportionate share of the expense of new parks and transportation facilities necessitated by new development shall be borne by developers through the City's imposition of impact fees, and

WHEREAS, such impact fees shall be calculated, imposed and collected by the City pursuant to procedures and criteria set forth in this ordinance, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Short Title. This ordinance shall be known and may be cited as the "Gig Harbor Impact Fee Ordinance" and shall comprise a new Chapter 19.12 in Title 19 of the

Gig Harbor Municipal Code.

Section 2. Authority and Purpose.

A. This ordinance is enacted pursuant to the City's police powers, the Growth Management Act as codified in Chapter 82.02 of the Revised Code of Washington (RCW), Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA) Chapter 42.21C RCW.

B. The purpose of this ordinance is to:

1. Develop a program consistent with the Gig Harbor Parks Open Space and Recreation Plan, Six-Year Road Plan and the City's Comprehensive Plan (parks and transportation elements), and Capital Improvement Plan, for joint public and private financing of park and transportation facility improvements necessitated in whole or in part by development in the City;
 2. To ensure adequate levels of service within the City;
 3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off-site parks and transportation facilities directly necessitated by the new development, in order to provide an adequate level of park service and maintain adopted levels of service on the City's transportation facilities;
 4. Ensure that the City pays its fair share of the capital cost of parks and transportation facilities necessitated by public use of the parks and roadway system;
- and

5. Ensure fair collection and administration of such impact fees.

C. The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.

Section 3. Applicability.

A. The requirements of this ordinance apply to all development as defined in Section 5 herein.

B. Mitigation of impacts on parks and transportation facilities located in jurisdictions outside the City will be required when:

1. The other affected jurisdiction has reviewed the development's impact under its adopted impact fee/mitigation regulations and has recommended to the City that there be a requirement to mitigate the impact; and

2. There is an interlocal agreement between the City and the affected jurisdiction specifically addressing impact identification and mitigation.

Section 4. Geographic Scope. The boundaries within which impact fees shall be charged and collected are coextensive with the corporate City limits, and shall include all unincorporated areas annexed to the City on and after the effective date of this ordinance. After the adoption of interlocal agreements with other local and regional governments, the geographic boundaries may be expanded consistent therewith.

Section 5. Definitions. For the purposes of this ordinance, the words listed in this section shall have the meanings set forth in chapter 19.14, unless the context clearly indicates otherwise.

Section 6. Imposition of Impact Fees.

A. The Approving Authority is hereby authorized to impose impact fees on new Development.

B. Impact fees may be required pursuant to the Impact Fee Schedule adopted pursuant to the process described in Section 8 of this ordinance, or mitigation may be provided through: 1) the purchase, installation and/or improvement of park and transportation facilities pursuant to Section 9(B)(1) or (2) dedication of land pursuant to Section 9(B)(2) of this ordinance.

C. Impact Fees:

1. Shall only be imposed for park and transportation facilities that are reasonably related to the impacts of new Development;
2. Shall not exceed a proportionate share of the costs of park and transportation facilities that are reasonably related to new Development;
3. Shall be used for park and transportation facilities that will reasonably benefit the new Development;
4. Shall not be used to correct existing deficiencies;
5. Shall not be imposed to mitigate the same off-site park and transportation facility impacts that are being mitigated pursuant to any other law;
6. Shall not be collected for improvements to state/county park and transportation facilities unless the state/county requests such improvements and an agreement to collect such fees has been executed between the state/county and the City;

7. Shall not be collected for improvements to park and transportation facilities in other municipalities unless the affected municipality requests such improvement and an interlocal agreement has been executed between the City and the affected municipality for collection of such fees;

8. Shall not be collected for any Development approved prior to the date of adoption of this ordinance unless changes or modifications in the Development requiring City approval are subsequently proposed which result in greater direct impacts on park and transportation facilities than were considered when the Development was first approved; and

9. Shall be collected only once for each Development, unless changes or modifications to the Development are proposed which result in greater direct impacts on park and transportation facilities than were considered when the Development was first

Section 7. Approval of Development. Prior to approving or permitting a Development, an Approving Authority shall consult with the Director concerning mitigation of a Development's impacts.

Section 8. Fee Schedules and Establishment of Service.

A. Impact Fee Schedules setting forth the amount of the Impact Fees to be paid by Development are listed in Appendix 'B' for Roads and Appendix 'C' for parks, attached hereto and incorporated herein by this reference. Administrative fees to be paid as part of the Impact Fee program are also included in the Fee Schedules.

B. For the purpose of this ordinance, the entire City shall be considered one Service Area.

Section 9. Calculation of Impact Fees.

A. The Director shall calculate the Impact Fees, more specifically described in the Gig Harbor Six-Year Road Plan and the Parks Open Space and Recreation Plan, which:

1. Determines the standard fee for similar types of Development, which, for roads, shall be reasonably related to each Development's proportionate share of the cost of the Projects described in Appendix 'A', and for parks shall be calculated as set forth in Appendix 'C'.

2. Reduces the proportionate share by applying the benefit factors described in subsection B of this section.

B. In calculating proportionate share, the Director shall:

1. Identify all park and transportation facilities that will be impacted by users from each Development.

2. Identify when the capacity of a park or transportation facility has been fully utilized;

3. Update the data as often as practicable, but at least annually;

4. Estimate the cost of constructing the Projects in Appendix 'A' for roads as of the time they are placed on the List, and to maintain the city's level of park service as shown on Appendix 'D' and then update the cost estimates at least annually, considering the:

a. Availability of other means of funding park and transportation facility improvements;

b. Cost of existing park and transportation facility improvements; and

- c. Methods by which park and transportation facility improvements were financed;

5. Update the fee collected against a Project which has already been completed, through an advancement of City funds, at a rate, determined annually, which is equivalent to the City's return on its investments.

C. The Director shall reduce the calculated proportionate share by giving credit for the following benefit factors:

1. The purchase, installation and/or improvement of park and transportation facilities, if:

- a. the facilities are located on land owned by the City, Pierce County, a school district or a special district; and
- b. a designated public owner is responsible for permanent, continuing maintenance and operation of the facilities; and
- c. the Director determines that the facilities correspond to the type(s) of park and transportation facilities being impacted by the Development as determined pursuant to this ordinance; and
- d. the Director determines, after consultation with the County, school district or special purpose district, as applicable, and an analysis of supply and demand data, the Parks Open Space and Recreation Plan, the Six-Year Road Plan and any applicable Pierce County park and transportation plan, that the proposed park and transportation facility improvements better meet the City's need for park and transportation facilities than would payment of funds to mitigate the park and transportation impacts of the Development.
- e. The credit against the Impact Fee shall be equal to the fair market value of the purchase, installation and/or improvement.

- f. A developer of a planned residential development or mobile home park may receive credit only for park and transportation facilities provided in addition to those normally required under SEPA for such developments pursuant to Chapter 18.04 GHMC.
- g. When the Director has agreed to a developer's proposal to satisfy some or all of the Impact Fee through the purchase, installation and/or improvement of park and transportation facilities, the developer shall prepare and submit a facility improvement plan to the Director for approval prior to recordation of a plat or short plat for subdivisions, and prior to issuance of a building permit for all other developments.

2. The Director shall also consider the extent to which the proposed dedication or conveyance meets the following criteria:

- a. The land should result in an integral element of the Gig Harbor Park/Road System;
- b. The land is suitable for future park and/or transportation facilities;
- c. The land is of an appropriate size and of an acceptable configuration;
- d. The land has public access via a public street or an easement of an equivalent width and accessibility;
- e. The land is located in or near areas designated by the City or County for park, trail on land use plans for recreation purposes;
- f. The land provides linkage between Pierce County and/or other publicly-owned recreation properties;
- g. The land has been surveyed or adequately marked with survey monuments, or otherwise readily distinguishable from adjacent privately-owned property;
- h. The land has no known physical problems associated with it,

such as the presence of hazardous waste, drainage, erosion, or flooding problems which the Director determines would cause inordinate demands on public resources for maintenance and operation;

- i. The land has no known safety hazards;
- j. The developer is able to provide documentation, as nearly as practicable, of the land's compliance with the criteria of this subsection, and of clear title; and
- k. The developer is able to provide and fund a long-term method, acceptable to the Director, for the management and maintenance of the land.

D. The amount of credit determined pursuant to subsection C above shall be credited proportionately among all the units in the Development, and the Impact Fee for each unit for which a building permit is applied shall be reduced accordingly.

E. The Director shall prepare an annual draft fee schedule list. The Council shall by ordinance establish the fee schedule applicable to the City service area.

Section 10. Variation from Impact Fee Schedule. If a developer submits information demonstrating a significant difference between the age, social, activity or interest characteristics of the population of a proposed subdivision or Development and the data used to calculate the Impact Fee Schedule, the Director may allow a special calculation of the Impact Fee requirements for the subdivision or Development to be prepared by the Developer's consultant; provided, however, that the Director shall have prior approval of the qualifications and methodology of the Developer's consultant in making such calculation, and any time period mandated by statute or ordinance for the Approving Authority's decision on the subdivision or Development shall not include the time spent in preparing the special calculation.

Section 11. Payment of Fees.

A. All developers shall pay an Impact Fee in accordance with the provisions of this ordinance at the time that the applicable development permit is ready for issuance. The Fee paid shall be the amount in effect as of the date of the permit issuance.

B. The Impact Fee, as initially calculated after issuance for a development permit, shall be recalculated at the time of payment if the Development is modified or conditioned in such a way as to alter park and transportation impacts for the Development.

C. A developer may obtain a preliminary determination of the Impact Fee before application for a development permit, by paying the administrative fee and providing the Director with the information needed for processing.

Section 12. Time of Payment of Impact Fees.

A. Payment of any required Impact Fees shall be made prior to the recording of a final plat or short plat and in all other cases, prior to the issuance of a building permit; Provided, however, that for subdivisions, as defined herein, the developer may elect to postpone payment of the Impact Fees for each lot within the subdivision until issuance of a building permit for each lot. The election to postpone payment shall be noted by a covenant placed on the face of the recorded plat or short plat and included in the deed for each affected lot within the subdivision.

B. When a subdivision or Development is conditioned upon the dedication of land, or the purchase, installation or improvement of park and transportation facilities, a final plat or short plat shall not be recorded, and a building permit shall not be issued for other development until:

1. The Director has determined in writing that any land to be dedicated is shown on the face of the final plat or short plat, or a deed conveying the land to the City, Pierce County, a school district or special purpose district, as appropriate, has been recorded with the Pierce County Auditor; and

2. The Director has determined in writing, after consultation with the designated public owner responsible for permanent, continuing maintenance and operation of the facilities, that the developer has satisfactorily undertaken, or guaranteed to undertake in a manner acceptable to the Director, any required purchase, installation or improvement of park and transportation facilities.

Section 13. Project List.

A. The Director shall annually review the City's Parks Open Space and Recreation Plan, the Six-Year Parks Improvement Plan, the Six-Year Road Plan and the Projects listed in Appendix 'A' and 'D' and shall:

1. Identify each Project in the Comprehensive Plan that is Growth-Related and the proportion of each such Project that is Growth-Related;

2. Forecast the total monies available from taxes and other public sources for park and transportation improvements for the next six (6) years;

3. Update the population, building activity and demand and supply data for park and transportation facilities and the Impact Fee Schedule for the next six (6) year period.

4. Calculate the amount of Impact Fees already paid; and

5. Identify those Comprehensive Plan projects that have been or are being built but whose performance capacity has not been fully utilized.

B. The Director shall use this information to prepare an annual Draft Amendment to 'A' and 'D', which shall comprise:

1. The Projects on the Comprehensive Plan that are Growth-Related and that should be funded with forecast public monies and the Impact Fees already paid; and

2. The Projects already built or funded pursuant to this ordinance whose performance capacity has not been fully utilized.

C. The Council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall by separate ordinance establish the annual Project List by adopting, with or without modification, the Director's Draft Amendment.

D. Once a Project is placed on Appendix 'A', or the city amends its level of park service in Appendix 'D' a fee shall be imposed on every Development that impacts the Project until the Project is removed from the List by one of the following means:

1. The Council by ordinance removes the Project from Appendix 'A' or amends Appendix 'D', in which case the fees already collected will be refunded if necessary to ensure that Impact Fees remain reasonably related to the park and recreation impacts of Development that have paid an Impact Fee; provided that a refund shall not be necessary if the Council transfers the Fees to the budget of another Project that the Council determines will mitigate essentially the same park and transportation impacts; or

2. The capacity created by the Project has been fully utilized, in which

case the Director shall administratively remove the Project from the Project List.

Section 14. Funding of Projects.

A. An Impact Fee trust and agency fund is hereby created. The Director shall be the fund manager. Impact fees shall be placed in appropriate deposit accounts within the Impact Fee fund.

B. The Impact Fees paid to the City shall be held and disbursed as follows:

1. The Fees collected for each Project shall be placed in a deposit account within the Impact Fee fund;

2. When the Council appropriates Capital Improvement Project (CIP) funds for a Project on the Project List, the Fees held in the Impact Fee fund shall be transferred to the CIP fund. The non-Impact Fee monies appropriated for the Project shall comprise both the public share of the Project cost and an advancement of that portion of the private share that has not yet been collected in Impact Fees;

3. The first money spent by the Director on a Project after a Council appropriation shall be deemed to be the Fees from the Impact Fee fund;

4. Fees collected after a Project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the City of the funds advanced for the private share of the Project. The public monies made available by such reimbursement shall be used to pay the public share of other Projects.

5. All interest earned on Impact Fees paid shall be retained in the account and expended for the purpose or purposes for which the Impact Fees were imposed.

C. Projects shall be funded by a balance between Impact Fees and public funds, and shall not be funded solely by Impact Fees.

D. Impact Fees shall be expended or encumbered for a permissible use within six (6) years of receipt, unless there exists an extraordinary or compelling reason for Fees to be held longer than six (6) years. The Director may recommend to the Council that the City hold Fees beyond six (6) years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the Council.

E. The Director shall prepare an annual report on the Impact Fee account showing the source and amount of all monies collected, earned or received and projects that were financed in whole or in part by Impact Fees.

Section 15. Use and Disposition of Dedicated Land. All land dedicated or conveyed pursuant to this ordinance shall be set aside for development of park and transportation facilities. The City and Pierce County, any school district or special purpose district to which land is dedicated or conveyed pursuant to this ordinance, shall make every effort to use, develop and maintain land dedicated or conveyed for park and transportation facilities.

In the event that use of any such dedicated land is determined by the Director or Pierce County, any school district or special purpose district to be infeasible for development of park and transportation facilities, the dedicated land may be sold or traded for another parcel of land in the City, subject to the requirements of state law and City ordinances. The proceeds from such a sale shall be used to acquire land or develop park and transportation facilities in the City.

Section 16. Refunds.

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which Impact Fees were paid, and the developer shows that no impact has resulted. However, the administrative fee shall not be refunded.

B. In the event that Impact Fees must be refunded for any reason, they shall be refunded with interest earned to the Owners as they appear of record with the King County Assessor at the time of refund.

C. When the City seeks to terminate any or all Impact Fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by the City, but must be expended on Projects. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

Section 17. Exemption or Reduction for Low-Income Housing.

A. Public housing agencies or private non-profit housing developers participating in publicly-sponsored or subsidized housing programs may apply for exemptions from the Impact Fee requirements. The Director shall review proposed developments of low-income housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule. If the Director determines that a proposed Development of low-income housing satisfies the adopted

criteria, such Development shall be exempted from the requirement to pay an Impact Fee.

B. Private developers who dedicate residential units for occupancy by low-income households may apply to the Director for reductions in Impact Fees. If the Director determines that the developer's program for low-income occupancy of housing units satisfy the adopted criteria, the Director shall reduce the calculated Impact Fee for the Development so that the developer does not pay an impact fee for those units dedicated for low-income household occupancy.

C. The amount of the Impact Fee not collected from low-income Development shall be paid from public funds other than Impact Fee accounts.

D. The Director is hereby instructed and authorized to adopt administrative rules to implement this section. Such rules shall provide for the administration of this program and shall:

1. Encourage the construction of housing for low-income households by public housing agencies or private non-profit housing developers participating in publicly-sponsored or subsidized housing programs;

2. Encourage the construction in private developments of housing units for low-income households that are in addition to units required by another housing program or development condition;

3. Ensure that housing that qualifies as "low income" meets appropriate standards regarding household income, rent levels or sale prices, location, number of units and development size;

4. Ensure that developers who obtain an exemption from or reduction from Impact Fees will in fact build the proposed low income housing and make it available

to low income households for a minimum of fifteen (15) years;

5. Implement an exemption plan whereby payment of the Impact Fee is deferred for low income housing and forgiven over a fifteen (15) year period.

Section 18. Appeals.

A. A developer may appeal the amount of the Impact Fee to the Hearing Examiner, who shall conduct a hearing on the appeal. The developer shall bear the burden of proving:

1. That the Director committed error in calculating the developer's proportionate share, as determined by an individual fee calculation, or, if relevant, as set forth in the Impact Fee Schedule, or in granting credit for the benefit factors; or

2. That the Director based his determination upon incorrect data.

B. An appeal must be filed with the Director within ten (10) calendar days of the Director's issuance of his/her final decision regarding the fee amount. In order to obtain an appealable final decision, the developer must:

1. Request in writing a meeting to review the fee amount with the Director's staff. The Director's staff shall consider any studies and data submitted by the developer seeking to adjust the amount of the fee; and

2. Request in writing reconsideration by the Director or his/her designee of an adverse decision by staff. The request for reconsideration shall state in detail the grounds for the request. The Director or his designee shall issue a final, appealable decision within ten (10) working days of receiving a request for reconsideration unless the Director

or his/her designee determines that a meeting with the developer is needed to properly consider the request, in which case the meeting shall be held within ten (10) working days of receipt of the request and a final decision issued within ten (10) working days of the meeting.

C. Appeals from the decision of the Hearing Examiner shall be to the City Council, pursuant to the provisions of Chapter 19.05 GHMC.

Section 19. Relationship to SEPA.

A. All Development shall be subject to environmental review pursuant to SEPA and other applicable City ordinances and regulations.

B. Payment of the Impact Fee shall constitute satisfactory mitigation of those park and transportation impacts related to the specific improvements identified on the Project Lists (Appendix 'A' and Appendix 'D').

C. Further mitigation in addition to the Impact Fee shall be required if adverse impacts appropriate for mitigation pursuant to SEPA are identified that are not adequately mitigated by an Impact Fee.

D. Nothing in this ordinance shall be construed to limit the City's authority to deny development permits when a proposal would result in significant adverse impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.

Section 20. Park and Transportation Facility Requirements in Adjoining Municipalities/Districts. Level of service requirements and demand standards different than those

provided in the Gig Harbor Comprehensive Park Plan shall be applied to park and recreation facility impacts in adjoining municipalities/districts if such different standards are provided in an interlocal agreement between the City and the affected municipality. Otherwise, the standards contained in the Gig Harbor Comprehensive Plan shall apply to park and transportation impacts in adjoining jurisdictions.

Section 21. Necessity of Compliance. A development permit issued after the effective date of this ordinance shall be null and void if issued without substantial compliance with this ordinance by the Director, the Department and the Approving Authority.

Section 22. Severability. If any part of this ordinance is found to be invalid, that finding shall not affect the validity of any remaining part of this ordinance.

Section 23. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 2/4/99
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On the _____ day of _____, 1999, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PARK AND TRANSPORTATION IMPACT FEES, AUTHORIZING THE IMPOSITION OF IMPACT FEES ON NEW DEVELOPMENT TO PROVIDE FUNDING FOR THE DEVELOPMENT'S PROPORTIONATE SHARE OF OFF-SITE OR SYSTEM IMPROVEMENTS REASONABLY RELATED TO THE NEW DEVELOPMENT; DESCRIBING THE METHOD FOR THE CALCULATION OF THE FEES; REFUNDS OF THE FEE, AND PROVIDING FOR AN ADMINISTRATIVE APPEAL OF THE FEE; ADDING A NEW CHAPTER 19.12 TO THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 1999.

CITY CLERK, MOLLY TOWSLEE

Appendix 'A' / Transportation

Appendix 'A'
Rate Schedule / Transportation

Item #	Project Description	Year Scheduled	Total Project Cost	Private Source Participation	State Participation	Federal Participation	Local Participation	Total Grants	Developer Contribution	Developer Participation	Project Cost			
1	EAST-WEST (BORGEN) ROAD CONSTRUCTION (Ph 1) - Swede Hill Interchange (SR-16) to Peacock Hill Ave	1999	\$2,950,000	\$624,000	0	0.0%	\$0	0.0%	\$624,000	\$624,000	17.1%	100%		
4	POINT FOSDICK DRIVE IMPROVEMENTS (Ph 1) - 1,000 ft. South of Olympic Dr to 44th Street	1999	\$667,000	\$0	0	0.0%	\$482,000	72.3%	\$482,000	\$55,000	8.2%	39%	(0.5x1.0)x1.667	\$1,500,000
11	POINT FOSDICK DRIVE IMPROVEMENTS (Ph 2) - 44th Street to City Limits	2001-2002	\$545,000	\$0	355,926	65.3%	\$0	0.0%	\$355,926	\$55,549	10.2%	49%	(0.5x1.0)x1.545	\$1,500,000
12	OLYMPIC DRIVE/SIN STREET IMPROVEMENTS - 990 ft. west of Point Fosdick Drive to 38th Avenue	2001-2002	\$1,341,000	\$0	875,774	65.3%	\$80,000	6.0%	\$955,774	\$56,681	4.2%	39%	(0.5x1.0)x1.341	\$1,500,000
19	56th St / Pt. Fosdick Dr. IMPROVEMENTS - Olympic Drive to Olympic Drive	2003-2004	\$1,182,000	\$0	771,935	65.3%	\$36,000	3.0%	\$807,935	\$84,476	7.1%	49%	(0.5x1.0)x1.182	\$1,500,000
22	EAST-WEST (BORGEN) ROAD CONSTR. (Ph. 2) - Swede Hill Interchange (SR-16) to W. of Woodlidge	2003-2004	\$4,090,000	\$0	1,751,625	43.3%	\$150,000	3.7%	\$1,901,625	\$123,375	3.0%	100%	(0.5x1.0)x1.05	\$1,500,000
23	CRESSCENT VALLEY CONNECTOR - Peacock Hill Avenue to Cresscent Valley Road	2003-2004	\$4,300,000	\$0	1,859,750	43.3%	\$0	0.0%	\$1,859,750	\$290,250	6.8%	100%	(0.5x1.0)x1.3	\$1,500,000
25	NORTH-SOUTH CONNECTOR - East-West Road to Peacock Hill Avenue	2000-2001	\$150,000	\$0	0	0.0%	\$0	0.0%	\$0	\$75,000	50.0%	100%	(0.5x1.0)x0.15	\$1,500,000
26	HUNT STREET CROSSING - Kimball Drive to 38th Ave	2003-2004	\$11,800,000	\$0	5,103,500	43.3%	\$398,100	3.4%	\$5,501,600	\$398,400	3.4%	100%	(0.5x1.0)x11.8	\$1,500,000
TOTAL			\$24,886,000	\$624,000	\$3,134,429	43.3%	\$1,946,100	3.7%	\$12,604,529	\$1,444,121	7.1%	49%	(0.5x1.0)x1.23	\$1,500,000

Appendix 'A-2' / Transportation
RATE SCHEDULE

Capacity Cost per Growth Trip

Total Cost of Added Road Capacity	\$	12,554,725
+ Total Growth Trips in UGA		27,753
Capacity Cost per Growth Trip	\$	452.37

Adjustment for Payment of Gas Tax

Average Trip Length (miles)		5.43
+ Average Miles per Gallon (fleet)		20.73
Gallons of Gas per trip		0.261939219
x Gas Tax per Gallon (municipal share)	\$	0.02652
City Gas Tax per Trip	\$	0.006946366
x Days per Year		365
City Gas Tax per Year per Trip Generated	\$	2.54
x Multiplier (30 years 5% NPV)		15.37
City Gas Taxes Paid by New Development (present value)	\$	38.97
x Portion Used by City for New Capacity for Growth		50%
City Gas Taxes per Trip Credited Against Impact fee	\$	19.48

Net Capacity Cost per Growth Trip

Capacity Cost per Growth Trip	\$	452.37
- City Gas Taxes per Trip Credited Against Impact Fee	\$	19.48
Net Capacity Cost per Growth Trip	\$	432.89

Appendix 'B' / Transportation

RATE SCHEDULE

Impact Fee Rate Schedule

ITE Code	ITE Land Use Category	Trip Rate (1)	% New Trips (2)	Peak Hour Factor (3)	Net New Trips Per Unit of Measure	Impact Fee Per Unit @ \$ 432.89 Per Trip
110	Light Industrial	3.49	100%	1.33	4.64 1,000 sq. ft.	\$ 2.01 per square foot
140	Manufacturing	1.93	100%	1.84	3.55 1,000 sq. ft.	1.54 per square foot
151	Mini-warehouse	1.30	100%	0.95	1.24 1,000 sq. ft.	0.54 per square foot
210	Single Family House	4.78	100%	1.00	4.78 dwelling	2,069.21 per dwelling unit
220	Apartment	3.24	100%	0.92	2.98 dwelling	1,290.01 per dwelling unit
230	Condominium	2.93	100%	0.89	2.61 dwelling	1,129.84 per dwelling unit
240	Mobile Home	2.41	100%	1.14	2.75 dwelling	1,190.44 per dwelling unit
250	Retirement Community	1.16	100%	0.90	1.04 dwelling	450.20 per dwelling unit
310	Hotel	4.35	100%	0.83	3.61 room	1,562.73 per room
320	Motel	5.10	100%	0.56	2.86 room	1,238.06 per room
420	Marina	1.48	100%	0.61	0.90 berth	389.60 per berth
430	Golf Course	4.17	100%	0.44	1.83 acre	792.19 per acre
444	Movie Theater	11.96	100%	1.88	22.48 1,000 sq. ft.	9.73 per square foot
492	Racquet Club	8.57	100%	0.98	8.40 1,000 sq. ft.	3.64 per square foot
530	High School	5.45	100%	1.68	9.16 1,000 sq. ft.	3.97 per square foot
560	Church	4.66	100%	0.73	3.40 1,000 sq. ft.	1.47 per square foot
610	Hospital	8.39	100%	0.59	4.95 1,000 sq. ft.	2.14 per square foot
620	Nursing Home	1.30	100%	0.62	0.81 bed	350.64 per bed
710	Office 10,000 Sq. Ft.	12.30	100%	1.31	16.11 1,000 sq. ft.	6.97 per square foot
710	Office 50,000 Sq. Ft.	8.29	100%	1.28	10.61 1,000 sq. ft.	4.59 per square foot
710	Office 100,000 Sq. Ft.	7.02	100%	1.26	8.85 1,000 sq. ft.	3.83 per square foot
720	Medical Office	17.09	100%	1.13	19.31 1,000 sq. ft.	8.36 per square foot
820	Retail 10,000 Sq. Ft.	83.80	49%	0.85	34.90 1,000 sq. ft.	15.11 per square foot
820	Retail 50,000 Sq. Ft.	45.83	48%	0.87	19.14 1,000 sq. ft.	8.29 per square foot
820	Retail 100,000 Sq. Ft.	35.34	74%	0.88	23.01 1,000 sq. ft.	9.96 per square foot
820	Retail 200,000 Sq. Ft.	27.25	74%	0.88	17.75 1,000 sq. ft.	7.68 per square foot
832	Restaurant: sit-down	102.68	52%	0.72	38.44 1,000 sq. ft.	16.64 per square foot
833	Fast Food, No Drive-up	393.11	52%	0.51	104.25 1,000 sq. ft.	45.13 per square foot
844	Service Station	150.18	27%	0.48	19.46 pump	8,424.02 per pump
850	Supermarket	88.80	49%	0.82	35.68 1,000 sq. ft.	15.45 per square foot
851	Convenience Market - 24 Hr.	369.00	31%	0.69	78.93 1,000 sq. ft.	34.17 per square foot
860	Wholesale Warehousing	3.37	100%	0.29	0.98 1,000 sq. ft.	0.42 per square foot
911	Bank/Savings: Walk-in	70.31	30%	1.17	24.68 1,000 sq. ft.	10.68 per square foot
912	Bank/Savings: Drive-in	132.61	30%	1.56	62.06 1,000 sq. ft.	\$ 26.87 per square foot

- (1) ITE Rate divided by 2
- (2) Eliminates pass-by trips

Appendix 'C' / Parks

RATE SCHEDULE

Based on the 50% assessment identified in "Note (3)" of Appendix 'C-2' (p. 143 , City of Gig Harbor Parks, Recreation and Open Space Plan) of this ordinance, the Park Impact Fee is set at \$1500 per dwelling unit.

Appendix 'C-2' / Parks

Financial strategies 1996-2002 (city facilities within city limits)

	Alternative 1 75 percent (1) Growth Impt Fee w/\$.0075 bond	Alternative 2 50 percent Growth Impt Fee w/\$.0050 bond	Alternative 3 25 percent Growth Impt Fee w/\$.0025 bond	Alternative 4 0 percent Growth Impt Fee w/\$.0000 bond
ELOS/PLOS standard projections				
Renovations and repairs	(\$150,000)	(\$150,000)	(\$150,000)	(\$150,000)
ELOS city facilities growth impact 1996-2002	(\$1,042,208)	(\$1,042,208)	(\$1,042,208)	(\$1,042,208)
SUBTOTAL	(\$1,192,208)	(\$1,192,208)	(\$1,192,208)	(\$1,192,208)
PLOS city facility proposals	(\$2,011,862)	(\$2,011,862)	(\$2,011,862)	(\$2,011,862)
TOTAL EXPENDITURES	(\$3,204,070)	(\$3,204,070)	(\$3,204,070)	(\$3,204,070)

Proposed revenues

GENERAL FUND TRENDS (1989-1995)	Ave expnd	Allocate	Inflate				
General Funds	\$29,875	100.0%	11.5%	\$239,131			
Real Estate Excise Tax (REET-CIP)	\$23,913	100.0%	13.5%	\$201,596			
IAC, ALEA, ISTE A	\$9,810	100.0%	5.0%	\$66,724			
SEPA mitigations (2)	\$12,000	0.0%	0.0%	\$0			
CUMULATIVE TOTAL CITY GENERAL FUND REVENUES				\$507,450	\$507,450	\$507,450	\$507,450

GROWTH IMPACT FEE - CITYWIDE COLLECTIONS

Additional population 1996-2002	3.5%	855			
ELOS growth impact/person (3)		\$1,218.96			
Assessment rate		75.0%	50.0%	25.0%	0.0%
TOTAL GROWTH IMPACT FEES		\$781,858	\$521,105	\$260,553	\$0
CUMULATIVE TOTAL GENERAL FUNDS+GROWTH IMPACT FEES		\$1,289,108	\$1,028,556	\$768,003	\$507,450

PARK, RECREATION & OPEN SPACE OBLIGATION BONDS

Park and open space facility debt capacity (7.5% of assessed)					
Assessed valuation 1995	\$325,960,487				
Assessed rate per \$1.00 valuation (4)	\$0.0075	\$0.0050	\$0.0025	\$0.0000	
REVENUE GENERATED FROM BOND	\$2,444,704	\$1,829,802	\$814,901	\$0	
CUMULATIVE TOTAL GENERAL FUNDS+GROWTH IMPACT+BOND	\$3,733,812	\$2,858,358	\$1,582,904	\$507,450	

DIFFERENCE BETWEEN PROPOSED EXPENDITURES AND REVENUES	\$529,742	(\$545,712)	(\$1,621,166)	(\$2,698,620)
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Note:

- (1) GMA does not allow growth requirements to be financed 100% with growth impact fees.
- (2) If GMA impact fee provisions are used, SEPA mitigations may no longer be used to obtain in-lieu payments for park land and/or facilities (RCW 82.02.100).
- (3) Average number of persons per dwelling unit is 2.47 meaning growth impact fee/dwelling unit would be:
\$3,044.26 at 100% assessment, \$2,283.20 at 75% assessment, \$1,522.13 at 50% assessment, and \$781.07 at 25% assessment.
- (4) Under alternative 1, a \$0.0075 bond assessment per \$1.00 valuation (equals \$750 for a \$100,000 house) would require an annual payment of \$69.43 (for a \$100,000 house) if the bond were financed at 6.75 percent for a 10 year period.
Similarly, the annual cost would be \$46.28 under alternative 2, \$23.14 under alternative 3, and \$0.00 under alternative 4.

Appendix 'D' / Parks

Capital improvement program 1996-2002

Agency/Department: Gig Harbor Public Works Department
 Address: 3105 Judson Street
 City, zip code: Gig Harbor, Washington 98335
 Phone: 206.851.8145 Fax: 206.851.8563 County: Pierce County

Prt	Project site	Lvl	Act	Item	Funds	Unit	Unit Cost	Qty	Qty Cost
CONSERVANCY/RESOURCE PARKS									
high	Wilkinson Wetlands	lcl	acq	acquire/accept donation	GMA/SEPA	acres	\$31,250.00	16.0	\$500,000
			dvp	trail-class 4 w/o services	GMA/SEPA	miles	\$37,651.00	0.5	\$18,826
			dvp	trailhead w/parking/sanican	GMA/SEPA	stall	\$2,440.27	15	\$36,604
moderate	WWTP	lcl	dvp	trail-class 3 w/o services		miles	\$46,485.00	0.25	\$11,621
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	10	\$65,494
low	Scofield Property	rgl	acq	acquire upland site		acres	\$1,036,728.00	1.1	\$1,190,000
			acq	acquire tidalande		acres	\$5,000.00	10.0	\$50,000
			dvp	trail-class 4 w/o services		miles	\$37,651.00	0.25	\$9,413
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	15	\$98,242
low	Acquire Tallman's Wetl	lcl	acq	acquire wetlands site	SEPA	acres	\$31,250.00	0.0	\$0
			dvp	trail-class 4 w/o services		miles	\$37,651.00	0	\$0
			dvp	trailhead w/parking/restrooms		stall	\$6,549.43	0	\$0

\$1,980,199

RESOURCE PARKS

high	City Park	lcl	acq	acquire adjacent property		acres	\$75,757.00	2.0	\$150,282
			dvp	trail-class 5 w/o services		miles	\$14,359.00	0.25	\$3,590
high	City Park Extension	lcl	acq	acquire east of Wheeler Street		acres	\$100,000.00	1.1	\$110,000
high	Gig Harbor Marine Park	rgl	plan	master plan harbor use		plan	\$50,000.00	1	\$50,000
high	Jerlsich Park	rgl	dvp	dock extension/vessel pump-out		sq ft	\$32.00	1050	\$33,600
			acq	acquire Skansie property		acres	\$1,166,666.67	1.5	\$1,750,000
			dvp	restore net shed		sq ft	\$50.00	3752	\$187,600
			dvp	develop picnic facilities		table	\$3,400.00	5	\$17,000
low	WWTP	lcl	acq	acquire adjacent properties		acre	\$8,240.00	11.5	\$94,760
low	Wheeler Street-end	lcl	dvp	picnic facilities w/o services		table	\$3,400.00	0	\$0

\$2,398,812

TRAIL SYSTEMS

high	Harbor Ferry Landing	rgl	dvp	view platform w/access		sq ft	\$850.00	240	\$204,000
high/mod	Harbor Ridge MS	lcl	dvp	trail-multi w/o services		miles	\$189,450.00	0.05	\$8,611
			dvp	overlook platform w/picnic		sq ft	\$50.00	200	\$10,000
low/mod	Harbor Heights	lcl	dvp	trail-multi w/o services		miles	\$189,450.00	0.14	\$25,834
			dvp	overlook w/picnic		sq ft	\$32.00	200	\$8,400
low	Lagoon/Narrows Trail	rgl	acq	trail use rights		plan	\$15,000.00	1	\$15,000
			dvp	trail-multi w/o svcs-UGA		miles	\$87,447.00	5.5	\$476,984
			dvp	trailhead w/parking/sanican		stall	\$2,440.27	30	\$73,208
mod/high	SR-16 Mtn Bike Trail	lcl	dvp	mtn bike 1-w/o svcs UGA		miles	\$14,683.00	1.8	\$26,696
low	Pioneer/Harborview Pla	lcl	dvp	streetscape		sq ft	\$12.00	12,000	\$144,000
low	Water Trailheads	rgl	acq	water trailhead w/svs		site	\$22,304.00	0.5	\$11,152

\$1,001,885

ATHLETIC FIELDS

high	City Park	lcl	acq	acquire adjacent property		acres	\$25,000.00	11.9	\$297,521
high	Gig Harbor North	lcl	acq	acquire community park site	SEPA	acres	\$0.00	20	\$0
high	Tallman Park	lcl	acq	acquire community park site	SEPA	acres	\$0.00	20	\$0
high	Skateboard Court	lcl	dvp	develop skateboard facility		each	\$50,000.00	1	\$50,000
high	Harbor Ridge MS	rgl	plan	master plan site rcn uses		plan	\$15,000.00	1	\$15,000
high	Henderson AIUPLC	rgl	plan	master plan site rcn uses		plan	\$25,000.00	1	\$25,000
high	GHPSD school sites	lcl	plan	master plan site rcn uses		plan	\$15,000.00	1	\$15,000

\$402,521

COMMUNITY/RECREATION CENTER

high	CLC/Henderson Alt	rgl	plan	master plan facilities		plan	\$50,000.00	1	\$50,000
high	Harbor Ridge MS	rgl	plan	master plan facilities		plan	\$10,000.00	1	\$10,000
			dvp	renovate building		sq ft	\$25.00	3000	\$75,000
mod	City Park	lcl	acq	acquire Mason's Building		each	\$50,000.00	1	\$50,000

\$185,000

TOTAL

\$5,968,417



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: DEFINITIONS FOR CONCURRENCY AND IMPACT FEE
ORDINANCES – FIRST READING
DATE: FEBRUARY 1, 1999

INFORMATION/BACKGROUND

The Concurrency Ordinance and Transportation and Parks Impact Fee Ordinance proposed for first reading along with this ordinance require supporting definitions. This ordinance has been crafted by Legal Counsel to meet this need.

RECOMMENDATION

Staff recommends that this ordinance be passed at the same reading as the other two ordinances.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION AND PARKS IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is required by law to adopt a Concurrency Ordinance for transportation facilities; and

WHEREAS, the City is authorized by RCW 82.02.050 through 82.02.100 to impose impact fees on development activities by ordinance; and

WHEREAS, the City Council will consider Concurrency and Transportation Impact Fee Ordinances for adoption; and

WHEREAS, the definitions in this ordinance relate to the Concurrency and Transportation Impact Fee Ordinances;

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 19.14 shall be added to the Gig Harbor Municipal Code, to read as follows:

CONCURRENCY AND IMPACT FEE DEFINITIONS

Definitions. The following words and terms shall have the following meanings for the purpose of chapter 19.10 GHMC, the Concurrency Ordinance, and chapter 19.12 GHMC, the Transportation and Parks Impact Fee Ordinance, unless the context clearly appears otherwise. Terms otherwise not defined herein shall be given the meaning set forth in RCW 82.02.090, or given their usual and customary meaning.

1. "Act:" The Growth Management Act, Chapter 36.70A RCW, or as hereinafter amended.
2. "Adequate public facilities:" Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.
3. "Approving Authority:" The City employee, agency or official having authority to issue the approval or permit for the Development Activity involved.
4. "Available public facilities:" Facilities are in place, or a financial commitment has been made to provide the facilities, within six years.
5. "Capacity:" The ability of a public facility to accommodate users, expressed in an appropriate unit of measure, such as average daily trip ends within the LOS standards for the facility.
6. "Capacity, Available:" Capacity in excess of current demand ("Used Capacity") for a specific public facility which can be encumbered, reserved, or committed or the difference between capacity and current demand ("Used Capacity").
7. "Capacity, Committed:" Capacity which has been committed to specific public facilities.
8. "Capacity, Encumbered:" A reduction in the available capacity resulting from issuance of a capacity encumbrance letter or that portion of the available capacity.
9. "Capacity Encumbrance Letter:" A letter issued by the Director upon a finding that adequate capacity for a public facility is available and has been encumbered for a specific time to serve the extent and density of development designated on the application.

10. "Capacity Evaluation:" The evaluation by the Director based on adopted LOS standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, as defined in chapter 19.10 or chapter 19.12.

11. "Capacity, Permitted:" Capacity for public facilities which has been removed from the reserved or encumbered capacity bank and committed to a particular property through issuance of a building permit.

12. "Capacity, Used:" Capacity which is being used by existing residents and development.

13. "Capacity, Vested:" Capacity which has been withdrawn from available capacity through issuance of a vesting determination or concurrency agreement.

14. "Capacity Waiting List:" The list of applications that have been denied a Capacity Encumbrance Letter and have applied to be on the Capacity Waiting List. Applicants on the waiting list shall be offered capacity as it becomes available on a "first come-first served" basis.

15. "Capital Facilities:" The facilities or improvements included in a capital facilities plan.

16. "Capital Facilities Plan:" The capital facilities plant element of the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan.

17. "Change of Use:" For the purposes of this Title, any change, redevelopment or modification of use of an existing building or site, which meets the definition of "Development Activity" herein.

18. "City:" The City of Gig Harbor, Washington.

19. "Comprehensive land use plan" or "comprehensive plan:" A generalized coordinated land use policy statement of the City Council, adopted pursuant to Chapter 36.70A RCW.

20. "Council:" the City Council of the City of Gig Harbor.

21. "County:" Pierce County; Washington.

22. "Dedication:" Conveyance of land to the City for public facility purposes by deed, other instrument of conveyance or by dedication, on a duly filed and recorded plat or short plat.

23. "Demand management strategies:" Strategies aimed at changing travel behavior rather than at expanding or improving the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies and telecommuting.

24. "Department:" The Public Works Department of the City of Gig Harbor.

25. "Developer:" Any person or entity who makes application or receives a development permit or approval for any development activity as defined herein.

26. "Development Activity:" Any construction or expansion of a building, structure, or use; any change in the use of a building or structure, or any changes in the use of the land that:

- a. result in an increase in the number of vehicle trips to and from the property, building or structure; and
- b. requires a development permit from the City.

27. "Development Agreement:" The agreements authorized in RCW 36.70B.210 and Concurrency Resolution Agreements, as described in Gig Harbor Municipal Code Sections 19.10.028 through 19.10.033.

28. "Development Permit" or "project permit:" Any land use permit required by the City for a project action, including but not limited to: building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional use, shoreline substantial developments, site plan review, or site specific rezones, and, for purposes of the City's Concurrency Ordinance, shall include applications for amendments to the City's comprehensive plan which request an increase in the extent or density of development on the subject property.

29. "Director:" The Director of the Gig Harbor Public Works Department or his/her authorized designee.

30. "Existing Use:" Development which physically exists or for which the owner holds a valid building permit as of the effective date of this ordinance.

31. "Encumbered:" To reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

32. "Fair Market Value:" The price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each being prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to the City.

33. "Feepayer:" A person, corporation, partnership, an incorporated association, or department or bureau of any governmental entity, or any other similar entity, commencing a land development activity. "Feepayer" includes an applicant for an impact fee credit.

34. "Financial commitment:" Those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

35. "Growth-Related:" A Development Activity as defined herein that increases the level of service of a public facility.

36. "Impact Fee:" The amount of money determined necessary by the City and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities proportionate to the development's share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

37. "Impact Fee Account(s)" or "Account(s):" The account(s) established for each type of public facilities for which impact fees are collected. The Accounts shall be established pursuant to Section 8 of this title, and comply with the requirements of RCW 82.02.070.

38. "Impact Fee Schedule:" The table of impact fees per unit of development, which is to be used by the Director in computing impact fees.

39. "Interest:" The interest rate earned by the City for the impact fee account, if not otherwise defined.

40. "Interlocal Agreement" or "Agreement:" The transportation impact fee interlocal agreement by and between the City and the County, and the transportation impact fee interlocal agreement by and between the City and the State concerning the collection and allocation of road impact fees as authorized in Sections 4 and 5 herein, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this title.

41. "Level of Service" or "LOS:" An established minimum functional level of public facilities that must be provided per unit of demand or other appropriate measure of need.

42. "Owner:" The owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

43. "Previous Use:" (a) The use existing on the site when a capacity evaluation is sought; or (b) The most recent use on the site, within the five (5) year period prior to the date of application.

44. "Project:" A System Improvement, selected by the Gig Harbor City Council for joint private and public funding pursuant to this ordinance and which appears on the Project List.

45. "Project Improvements:" Site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the Council shall be considered a project improvement.

46. "Project List:" The list of Projects described in the City's annual and Six-Year Capital Improvement Program and as developed pursuant to the City's impact fee ordinance.

47. "Proportionate Share:" That portion of the cost of public facility improvements that are reasonably related to demands and needs of new development.

48. "Road:" A right-of-way which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

49. "Road facilities:" Includes public facilities related to land transportation.

50. "Semi-Annual Capacity Availability Report:" The report prepared on or by February 1 and September 1 of each year for the previous six (6) month period to include capacity used and projected capacity demand for the next six (6) month period, indicating available and projected capacity for each public facility, and identifying those programmed

capital improvements for each public facility that will correct deficiencies or improve level of service standards, summary of development activity, and recommendations.

51. "Service Area:" A geographic area defined by the City or interlocal agreement, in which a defined set of public facilities provide service to development in the area.

52. "State:" The State of Washington.

53. "Subdivision:" All subdivisions as defined in Gig Harbor Municipal Code Title 16, and all short subdivisions as defined in Title 16, which are subject to SEPA, Chapter 42.21C RCW and the Gig Harbor SEPA Ordinance, Title 18.

54. "System Improvements:" Public facilities that are included in Gig Harbor's capital facilities plan and are designed to provide service to areas within the City and community at large, in contrast to Project or On-site Improvements.

55. "Traffic Analysis Zone:" The minimum geographic unit used for traffic analysis .

56. "Transportation Impact Fees for Gig Harbor, Washington," Gig Harbor, dated November 7, 1995.

57. "Transportation Primary Impact Area:" A geographically determined area that delineates the impacted area of a deficient roadway link.

58. "Transportation level of service standards:" A measure which describes the operational condition of the travel stream and acceptable adequacy requirement.

59. "Transportation Management Area:" A geographically determined area that contains compact urban development patterns where a dense roadway network and extensive mass transit services are in place. The performance of these areas shall be based on the percentage of lane miles meeting the adopted LOS standards as described in this Ordinance.

60. "Traffic Demand Model:" Describes the simulation through computer modeling of vehicle trip ends assigned on the roadway network.

61. "Trip Allocation Program:" The program established to meter trip ends to new development annually by Service Area and traffic analysis zone to ensure that the City is maintaining adopted LOS standards.

62. "Trip End:" A single or one-directional vehicle movement.

63. "Unit" or "Dwelling Unit:" A dwelling unit as defined in Gig Harbor Municipal Code Section 17.04.320.

Section 2. Severability. If any portion, sentence or clause of this ordinance is found by a court of competent jurisdiction to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other portion, sentence or clause.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days after its passage and publication of a summary, as required by law.

APPROVED:

Mayor Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK: 2/4/99

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

SUMMARY OF ORDINANCE NO. ____

of the City of Gig Harbor, Washington

On the _____ day of _____, 1999, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO CONCURRENCY AND IMPACT FEES, SETTING FORTH THE DEFINITIONS TO BE USED FOR BOTH THE CITY'S CONCURRENCY ORDINANCE (CHAPTER 19.10 GHMC) AND THE TRANSPORTATION AND PARKS IMPACT FEE ORDINANCE (CHAPTER 19.12 GHMC), ADDING A NEW CHAPTER 19.14 TO THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 1999.

CITY CLERK, MOLLY TOWSLEE



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: TIB GRANT AGREEMENT, TIB NO. 8-1-127(004)-1, POINT FOSDICK DRIVE IMPROVEMENTS
DATE: FEBRUARY 2, 1999

INTRODUCTION/BACKGROUND

On July 16, 1998, the State of Washington Transportation Improvement Board (TIB) confirmed approval under the Urban Arterial Trust Account (UATA) of the City's grant application for design and construction of the Point Fosdick Drive Improvement Project. This project will extend the five-lane section (including curbs, gutters and sidewalks) south from the improvements completed in 1997 to 44th Street (Harbor Country Lane). On January 18, 1999, the TIB authorized \$57,600 for the design phase (effective December 17, 1998), subject to execution of the attached "Project Agreement for Design Proposal."

The agreement is a standard form agreement issued by the Transportation Improvement Board for the UATA Program. Under the agreement, the TIB conditions payment of its proportionate share, not to exceed the amount authorized, of the eligible project costs primarily on the following items:

1. City agreement to comply with RCW 47.26 (TIB establishment, street project funding);
2. Conformance of improvements to the grant application; and
3. City having the funds for, and applying the TIB funding to, project design, and preparation of the construction contract documents.

The recently approved Amended Six-Year Transportation Improvement Program (1999-2004) estimated the total design and construction cost, including TIB participation, at \$612,000.

FISCAL CONSIDERATIONS

Funds are available for this work.

RECOMMENDATION

Staff recommends that Council authorize execution of the attached "Project Agreement for Design Proposal" with the Transportation Improvement Board for the Point Fosdick Drive Improvement Project, TIB Project No. 8-1-127(004)-1.



**Urban Arterial Trust Account (UATA)
Project Agreement for Design Proposal**

Lead Agency City of Gig Harbor	
Project Number 8-1-127(004)-1	Authority Number 98428881
Project Title and Description Point Fosdick Dr NW 1000' S Olympic Dr to 44th Street NW	
Total Amount Authorized \$57,600	Authorization to Proceed Effective From December 17, 1998

IN CONSIDERATION of the allocation by the Transportation Improvement Board of Urban Arterial Trust Account (UATA) funds to the project and in the amount set out above, the agency hereby agrees that as condition precedent to payment of any UATA funds allocated at any time to the above referenced project; it accepts and will comply with the terms of this agreement, including the terms and conditions set forth in RCW 47.26; the applicable rules and regulations of the Transportation Improvement Board, and all representations made to the Transportation Improvement Board upon which the fund allocation was based; all of which are familiar to and within the knowledge of the agency and incorporated herein and made a part of this agreement, although not attached. The officer of the agency(ies), by the signature(s) below, hereby certifies on behalf of the agency that local matching funds and other funds represented to be committed to the project will be available as necessary to implement the projected development of the project as set forth in the DESIGN proposal prospectus, acknowledges that funds hereby authorized are for the development of the construction proposal as defined by Chapter 126, Laws of 1973, 1st Ex. Sess., and is subject to immediate cancellation by the Transportation Improvement Board if the project's development is delayed in relation to the schedule presented to, and accepted by, the Board at the time of project authorization.

Projects in clean air non-attainment areas are subject to air quality conformity requirements as specified in RCW 70.94. The lead agency certifies that the project meets all applicable Clean Air Act requirements.

IN CONSIDERATION of the promises and performance of the stated conditions by the agency, the Transportation Improvement Board hereby agrees to pay the agency from UATA funds allocated, and not otherwise, for its eligible costs during the ensuing quarter year not to exceed the amount specified. Such obligation to pay UATA funds extends only to project cost incurred after the date of the Board's allocation funds and authorization to proceed with the project except as provided by the Board rules on projects that require a value engineering study prior to approval of the design proposal prospectus.

LEAD AGENCY

TRANSPORTATION IMPROVEMENT BOARD

Signature of Mayor/ Chairman

Date

Executive Director

Date



City of Gig Harbor. The "Maritime City"

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: CITY COUNCIL
FROM: MAYOR GRETCHEN WILBERT
SUBJECT: MAYOR PRO TEM FOR 1999
DATE: FEBRUARY 4, 1999

INFORMATION/BACKGROUND

During the first part of the year, I traditionally appoint someone from the Council to act as Mayor Pro Tem during my absence.

I would like to thank Councilmember Owel for serving as Mayor Pro Tem during 1998. She has done a wonderful job.

I have asked Councilmember Nick Markovich to act as Mayor Pro Tem for the upcoming year.

