

**GIG HARBOR  
CITY COUNCIL MEETING**



**April 28, 1997**

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



**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**April 28, 1997 - 7:00 p.m.**

**PUBLIC COMMENT/DISCUSSION:**

**SPECIAL PRESENTATION:** Sister City Program Update by Discovery Elementary Students.

**CALL TO ORDER:**

**APPROVAL OF MINUTES:**

**CORRESPONDENCE / PROCLAMATIONS:**

1. Prettiest Painted Places in America.

**OLD BUSINESS:**

1. Second Reading of Ordinance, Amendment to City of Gig Harbor Environmental Policy Ordinance, Chapter 18.04.
2. Second Reading of Ordinance, Amendments to City of Gig Harbor Comprehensive Plan Land Use Map (Planning Commission Recommendation.)
3. Second Reading of Ordinance, Amendment to City of Gig Harbor Comprehensive Plan Land Use Map, Urban Growth Area Boundary (Planning Commission Recommendation.)
4. Second Reading of Ordinance - Separation of City Clerk / City Treasurer Functions.

**NEW BUSINESS:**

1. Newport Ridge Subdivision - Final Plat.
2. Planning Commission Recommendation - Sign Code Update.
3. Special Occasion Liquor License - St. Nicholas Church.

**MAYOR'S REPORT:** Finholm Viewelimb Update.

**COUNCIL COMMENTS:**

**STAFF REPORTS:**

**ANNOUNCEMENTS OF OTHER MEETINGS:**

**APPROVAL OF BILLS:**

**EXECUTIVE SESSION:** For the purpose of discussing litigation, potential litigation, and property acquisition.

**ADJOURN:**



## REGULAR GIG HARBOR CITY COUNCIL MEETING OF APRIL 14, 1997

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

### **PUBLIC COMMENT:**

Lois Eyrse - 7116 Stinson Ave. #A-208. Ms. Eyrse read a letter from the Chamber of Commerce Board of Directors, thanking the Council for their efforts and willingness to address the issues of the sign code. After reading, she passed out a copy of the letter that listed the Board of Commissioner's concerns that came about as a result of the public hearing held by the Planning Commission on the sign code last Thursday evening, and urging the Council to respond to the requests to form an ad-hoc committee.

Mayor Wilbert introduced the former Mayor, Don McCarty and explained that she had asked a group from the Historical Society to come and speak about their efforts to find a new location.

Don McCarty - 6922 Soundview Drive. Mr. McCarty, Chair of the Relocation Committee for the Gig Harbor Peninsula Historical Society, explained that the Society would loose its current lease at St. Nicholas Church the first of August, and that the Board is requesting that the City to consider volunteering the empty house located at the Wastewater Treatment Plant for use by the Museum. He gave an overview of the process to find a new location and urged Council to consider the request.

Mr. McCarty said that in October of 1996, the Society had received a grant to support a Director's position for two years. He stressed the importance of this position and introduced the new Museum Director, Chris Orved. Ms. Orved came forward and said she is looking forward to working with the community.

Mayor Wilbert and Councilmembers asked several questions of Mr. McCarty about utilizing the site at the WWTP. Mr. McCarty said that the City would be receiving another letter in the near future asking for financial support. He referenced the information that he had passed out to Councilmembers listing how other communities work together with their historical societies.

Councilmember Picinich said he was in favor of the City lending support to the Society in an effort to keep them located in Gig Harbor. Mayor Wilbert directed the staff to review the information regarding the building use and to present something for consideration at a subsequent Council meeting.

**CALL TO ORDER:** 7:27 p.m.

### **APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the March 24, 1997 meeting as presented.  
Picinich/Owel - unanimously approved. Councilmember Markovich abstained.

**CORRESPONDENCE/PROCLAMATIONS:**

1. Donation to the city parks and street funds - The Morris Foundation. No report given.
2. City Support of American Legion Flag Program. No report given.
3. Gig Harbor Peninsula Historical Society. This letter was addressed during the public comment section of the meeting.

**OLD BUSINESS:** None scheduled.

**NEW BUSINESS:**

1. First Reading of Ordinance, Amendment to City of Gig Harbor Environmental Policy Ordinance, Chapter 18.04. Ray Gilmore, Planning Director, introduced this ordinance incorporating changes needed to comply with the Regulatory Reform Act. He gave an overview of the changes to amend the public hearing process for SEPA appeals; procedures for a project "consistency determination"; and setting a maximum time for completion of an EIS. The second reading of this ordinance will be at the next council meeting.
2. First Reading of Ordinance, Amendments to City of Gig Harbor Comprehensive Plan Land Use Map (Planning Commission Recommendation.) Ray Gilmore explained that there were two ordinances in the packet for Council's consideration; the first ordinance consists of recommendations from the Planning Commission for changes to the Land Use Map, and the second proposing amendments to the Urban Growth Boundary.

Ray then introduced the first ordinance and explained that the changes had been requested by the citizens after the Comprehensive Plan adoption in 1994. He showed the amendments on a map and gave a brief history of the amendments. He added that this would return at the next meeting for the second reading.

3. First Reading of Ordinance, Amendment to City of Gig Harbor Comprehensive Plan Land Use Map, Urban Growth Area Boundary (Planning Commission Recommendation.) Ray Gilmore introduced the first reading of this ordinance to include the neighborhood of Fairway Estates in the Urban Growth Area Boundary. He explained that this proposed amendment was one of several proposed to the Planning Commission, but the only one that they recommended for approval, because the addition is reasonable and does not pose any capacity issues. He added that this would return for a second reading at the next council meeting.
4. First Reading of Ordinance - Separation of City Clerk / City Treasurer Functions. Mark Hoppen, City Administrator, presented the first reading of this ordinance separating the duties of the Clerk and Treasurer functions combined in 1950. He explained that the City Administrator had traditionally held both titles, but that the jobs have been performed by the Administrative Assistant and Finance Director. He added that the titles should be assigned

to the persons who perform the duties. This will return for a second reading at the next council meeting.

5. Copier Purchase. Molly Towslee, Administrative Assistant, explained that at the last meeting, Councilmembers had decided that the current downstairs copier would be best utilized at the Bogue Building, and a new copier should be purchased for the downstairs' use. She presented three bids for a 35 per minute copier and recommend purchasing the Minolta EP3050 CS for \$7,769.35, the lowest bid.

**MOTION:** Move to authorize the Mayor to sign a purchase agreement with Minolta to purchase the EP3050CS for \$7,769.35.  
Ekberg/Owel - unanimously approved.

6. NPDES Consultant Services Contract - Gray & Osborne, Inc. Wes Hill, Public Works Director, explained that the Wastewater Treatment Plant had been under construction for the last two years. He said that part of the process included the need for the National Pollutant Discharge Elimination System permit required for discharges. He said that construction had reached the stage where the expertise of a qualified consultant was required to address the items in the Draft NPDES, and recommended approval of a consultant's contract with Gray & Osborne.

**MOTION:** Move to approve execution of the Consultant Services Contract with Gray and Osborne in the amount of \$7,234.00.  
Picinich/Owel - unanimously approved.

7. East-West Road Construction Project, Consultant Services Contract. Wes Hill explained that three consultant firms had been interviewed and that Parametrix had tentatively been chosen to perform the design consulting and construction support services for the East-West Road. He said that the ability to begin construction this year depended upon several factors and gave an overview of the items that would need to be accomplished before construction could actually begin. He added that the contract, although 15% over the estimated construction cost for design, is approximately \$60,000 less than the amount budgeted in the original estimate for consultant services. He recommended approval of the contract, then read several housekeeping changes to the contract that were recommended by legal counsel.

**MOTION:** Move to approve execution of the Consultant Services Contract with Parametrix, Inc. in the amount not to exceed \$224,306.00, with recommended amendments to the contract.  
Ekberg/Owel - unanimously approved.

8. Special Occasion Liquor License - Tacoma Community College. No action taken.

9. Liquor License Application - Eureka Management Corp. No action taken.

10. Liquor License Renewals - Harvester Restaurant; Keith Uddenberg Thriftway; Stockmarket #332. No action taken.

### **MAYOR'S REPORT:**

A Statewide Earthquake Drop, Cover & Hold Drill. Mayor Wilbert announced this Statewide program to be held on April 24, at 9:56 a.m. to remind people what to do in the first few seconds of an earthquake, and added that the city employees would be encouraged to participate.

### **COUNCIL COMMENTS:**

Councilmember Ekberg and Picinich both commented that the newly remodeled Bogue Building, currently being utilized by the Planning Department, had turned out nicely.

### **ANNOUNCEMENT OF OTHER MEETINGS:**

Westside Resident and Business Owner Advisory Meeting - Wednesday, April 16th, 7:00 p.m. at the Peninsula Branch of the Public Library.

### **STAFF REPORT:**

1. GHPD - Chief Mitch Barker. Chief Barker passed around a photo of the Marine Patrol Boat that had recently been rear-ended on it's way back from being serviced. He gave a brief explanation of the damage and added that the person who was involved was fully insured. He said the boat would be repaired and returned in two to three weeks.
2. Quarterly Report - Tom Enlow, Finance Director. Mark Hoppen gave a brief overview of the report in Tom's absence. He touched on the estimated amount to be received from diverted road tax from the Westside Annexation, which would be spent on road maintenance or projects.

### **APPROVAL OF BILLS**

**MOTION:** Move approval of checks #17603 through #17705 in the amount of \$86,706.85.  
Owel/Ekberg - unanimously approved.

### **APPROVAL OF PAYROLL:**

**MOTION:** Move approval of checks #13885 through #14009 in the amount of \$214,107.10.  
Owel/Ekberg - unanimously approved.



**EXECUTIVE SESSION:**

**MOTION:** Move to adjourn to Executive Session at 8:18 p.m. for approximately forty-five minutes for the purpose of discussing litigation, potential litigation, and property acquisition.

Picinich/Markovich - unanimously approved.

**MOTION:** Move to return to regular session at 9:05 p.m.

Picinich/Platt - unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:06 p.m.

Picinich/Ekberg - unanimously approved.

Cassette recorder utilized.

Tape 455 Side B 338 - end.

Tape 456 Both Sides.

Tape 457 Side A 000 - 088.

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Mayor

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City Administrator



RECEIVED  
APR 21 1997  
CITY OF GIG HARBOR



April 17, 1997

Mark E. Hoppen  
City Administrator  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

Dear Mr. Hoppen:

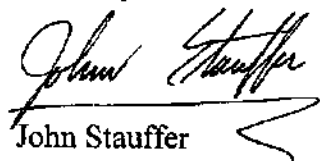
Thank you for entering Gig Harbor in the "Prettiest Painted Places in America" competition. Your materials have been submitted to the judges for consideration. Enclosed please find a sheet of complimentary peel-off stickers. We will also send a press release to the local media announcing your entry into the contest. A copy is enclosed.

Although we have already sent this release to your local media, please feel free to send it again to any regional newspapers, radio or television stations you think may be interested in your nomination.

Regional finalists will be notified by June 1, 1997. Winners will also be listed on the Rohm and Haas Paint Quality Institute (PQI) web site: [www.paintquality.com](http://www.paintquality.com).

Again, thank you for your dedication to preserving the beauty of your community. Best of luck in your quest to be designated one of the "Prettiest Painted Places in America."

Sincerely,

  
John Stauffer  
Director  
Paint Quality Institute

Prettiest  
Painted  
Place.



in America

## P r e s s   R e l e a s e

CONTACT: Stephanie Ruggeri  
(215) 351-4217

### **GIG HARBOR COMPETING FOR HONOR AS “PRETTIEST PAINTED PLACE”**

SPRING HOUSE, Pa., April 17 -- What does Gig Harbor, Washington, have in common with Frankenmuth, Michigan and Waxahachie, Texas? They, along with scores of other exceptionally attractive communities, are involved in a nationwide competition aimed at identifying the “Prettiest Painted Places in America.”

The first-ever competition is sponsored by the Rohm and Haas Paint Quality Institute, a leading authority on architectural paints and coatings. *Better Homes and Gardens* and *Architecture* magazines will help judge the contest, which is open to cities, towns, neighborhoods and districts with an abundance of painted homes and buildings that are aesthetically pleasing and well-maintained.

Gig Harbor’s abundance of attractive varied structures makes it a strong candidate, according to John Stauffer, director of the Rohm and Haas Paint Quality Institute.

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GIG HARBOR COMPETING FOR HONOR -- Page 2

“Judging from the nomination form and photos we’ve seen, the residents of Gig Harbor can be proud of the appearance of their community,” Stauffer said. (Gig Harbor was nominated in the “over 5,000” category in the Northwest Region by the City of Gig Harbor.)

Among the criteria upon which communities will be judged are the harmony of a community’s colors with its natural surroundings, outstanding architectural features of the community and the overall effect of the community’s color scheme. All are areas in which Gig Harbor would seem to be very competitive.

In June, the judges will name 60 finalists in the competition. There will be 10 finalists in each of six regions of the U.S., five with populations of 5,000 or less, and five with populations of more than 5,000. Following site visits, the judges will declare 12 communities the “Prettiest Painted Places in America.”

The overall goal of the Paint Quality Institute is to educate the public about the performance and aesthetic benefits of top quality paints, and the Prettiest Painted Places competition is an important means of doing that, according to Stauffer.

“We hope our competition will demonstrate the value and importance of using top quality paints and coatings,” he said. “Beautiful architecture is one of our great national treasures, and there is no better way to protect and enhance it than with quality paints and coatings.”

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The Rohm and Haas Paint Quality Institute was formed in 1989 as the educational arm of the Rohm and Haas Company. Its mission is to help educate the public about the benefits of using quality paints and coatings.

For more information on the "Prettiest Painted Places in America" competition, visit the Paint Quality Institute website at [www.paintquality.com](http://www.paintquality.com).

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*City of Gig Harbor. The "Maritime City."*  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** Planning - Building Staff  
**SUBJ:** First Reading of Ordinance -- Revisions to 18.04, City of Gig Harbor  
Environmental Policy Ordinance  
**DATE:** April 21, 1997

### **INTRODUCTION/BACKGROUND**

Substantive revisions were made to Chapter 18.04 in 1996. The majority of these changes reflected requirements of the Regulatory Reform Act of 1995. Unfortunately, some required changes were left out of the ordinance which Council adopted in May of 1996.

### **POLICY CONSIDERATIONS**

The proposed draft incorporates changes needed to comply with the Regulatory Reform Act. Specifically, the changes consist of:

1. Amending the public hearing procedures for SEPA appeals so that only one open record hearing before the Hearing Examiner is conducted. This consolidates the appeal process with related permit applications.
2. Procedure for a projects "consistency determinations" with existing development regulations and the Comprehensive Plan.
3. Setting a maximum time for completion of an EIS to one year, with allowance for additional time by agreement between the city and the applicant.

### **FISCAL CONSIDERATIONS**

There will not be a fiscal impact to the City as a result of these proposed changes to the Environmental Policy Ordinance.

### **RECOMMENDATION**

This is the second and final reading of the ordinance.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON RELATED TO THE CITY'S ENVIRONMENTAL REVIEW PROCEDURES, REVISING THOSE PROCEDURES TO INCORPORATE CHANGES REQUIRED BY AMENDMENTS TO THE STATE ENVIRONMENTAL POLICY ACT AND OTHER STATE LAWS, AMENDING SECTIONS 18.04.100 AND 18.04.140, REPEALING SECTION 18.04.230, AND ADDING NEW SECTIONS 18.04.125 AND 18.04.230 TO THE CITY'S MUNICIPAL CODE.

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WHEREAS, changes in state laws and regulations mandate changes in the City's review, approval and appeal process for projects subject to the State Environmental Policy Act; and

WHEREAS, these changes must be adopted by ordinance and incorporated into the City's existing environmental procedures; NOW, THEREFORE,

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

Section 1. Section 18.04.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

18.04.100 Determination – Review at conceptual stage.

A. Preapplication conferences, as provided in GHMC section 19.02.001 shall also address environmental issues to familiarize the applicant with the City's SEPA regulations, process, policies and objectives.

B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.

C. In addition to the environmental documents an applicant shall submit the following information for early environmental review:



1. A copy of any permit or license application; and
2. Other information as the responsible official may determine.

Section 2. A new Section 18.04.125 is hereby added to the Gig Harbor Municipal Code, to read as follows:

18.04.125 Consistency

The City's environmental review shall include a determination of the proposal's consistency with existing development regulations and the comprehensive plan. The consistency review shall determine whether the impacts of the proposal have been addressed in development regulations or the comprehensive plan. The planning decisions made in these documents shall not be reanalyzed in the environmental review of individual project proposals, nor will additional studies or mitigation be required if existing regulations and documents have adequately addressed the proposal's probable adverse impacts. The consistency determination described herein shall take place in conjunction with the consistency determination described in GHMC Chapter 19.04.

Section 3. Section 18.04.140B of the Gig Harbor Municipal Code is hereby amended to read as follows:

18.04.140. EIS Preparation

A. Preparation of draft and final EIS's and SEIS's shall be under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

B. The draft and final EIS or SEIS shall be prepared, at the city's option by the city staff, the applicant or by a consultant approved by the city. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution. The fee for the preparation of a draft

and final EIS shall be as established under Chapter 3.30 GHMC. Subject to delays caused by the applicant's failure to provide needed information, and other delays beyond the City's control, draft and final EIS's will be completed within one year of the date of the declaration of significance, unless the City and the applicant agree in writing to a different estimated time period for completion.

C. The city may require an applicant to provide additional information which the city does not possess, including information which must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulation, statute or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this chapter, nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

Section 4. Section 18.04.230 of the Gig Harbor Municipal Code is hereby repealed.

Section 5. A new Section 18.04.230 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

#### 18.04.230 Appeals

A. SEPA appeals shall be limited to review of final threshold determinations, the adequacy of final environmental impact statements, mitigation or failure to mitigate environmental impacts, and project denials. Appeals of declarations of non-significance, EIS adequacy, mitigation and project denial and open record public hearings for the underlying permit(s), as described in GHMC Chapter 19.01, shall be consolidated and heard together. Declarations of significance, issued before a decision on the underlying permit(s), may be appealed and heard before the consolidated open record public hearing on the permit and other SEPA issues.

B. All SEPA appeals must be filed in writing with the responsible official within 14 calendar days of the date of the SEPA decision. The hearing date for appeals of declarations of significance issued before a decision on the permit, shall be not more than 45 days from the date the appeal is filed.

C. On receipt of a written notice of appeal, the responsible official shall determine if the notice is timely. If the notice is untimely, the responsible official shall advise the person(s) who filed the notice that no appeal hearing will be scheduled because the notice was untimely. If the appeal is timely, the responsible official shall set a hearing date and transmit the appeal notice to the hearing examiner.

D. Hearing Examiner SEPA appeals, and any consolidated public hearings on the underlying permit, shall be open record hearings, as described in GHMC Chapter 19.05. The hearing examiner shall take sworn testimony, consider all relevant evidence and decide the issues de novo; provided, however, that the responsible official's decision(s) shall be given substantial weight. The hearing examiner shall issue a written decision, which shall include specific findings of fact and conclusions of law, within 10 working days of the close of the hearing, unless a longer period is agreed to in writing by the applicant and the hearing examiner.

E. The hearing examiner's decision on threshold determinations and EIS adequacy shall be the final decision of the City. Appeals of the hearing examiner's decision on these issues shall be filed in the Pierce County Superior Court. Appeals of the hearing examiner's decision on SEPA mitigation and project denial shall be filed with the City Council.

F. Appeals to the City Council of SEPA mitigation and project denial appeals shall be consolidated with decisions subject to City Council review by GHMC Chapter 19.01. Decisions not subject to City Council review may not be appealed to the City Council as part of a SEPA mitigation or project denial appeal. In the appeal, the City Council shall review the hearing examiner's open record hearing decision in a closed record appeal as described in GHMC Chapter 19.06. The record on appeal shall consist the hearing examiner's findings of fact, conclusions of law, and decision; a taped or written transcript of the hearing; and any exhibits accepted into evidence at the hearing. No other evidence shall be considered unless it can be shown that the hearing examiner erred in excluding such evidence or that such evidence was not available at the time of the open record hearing. The City Council may reverse the decision of the hearing examiner based solely upon the criteria set forth the GHMC section 19.06.

G. The City Council's decision on project mitigation or denial, and the underlying permits, shall be the final decision of the City. Appeals of the City Council's decision shall be filed in the Pierce County Superior Court.

H. The responsible official shall give official notice whenever it issue a permit or approval for which a statute or ordinance establishes a time limit for commencing a judicial appeal.

I. The time limitations and procedures for judicial appeals of decisions in this section shall be as set forth in WAC 197-1-680 (4) and GHMC Title 19. Only a party to the proceeding appealed from may appeal the decisions set forth above.

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

Section 7. Effective Date. 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: April 9, 1997  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:

EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_**

of the City of Gig Harbor, Washington

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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 RELATED TO THE CITY'S ENVIRONMENTAL REVIEW PROCEDURES, REVISING THOSE PROCEDURES TO INCORPORATE CHANGES REQUIRED BY AMENDMENTS TO THE STATE ENVIRONMENTAL POLICY ACT AND OTHER STATE LAWS, AMENDING SECTIONS 18.04.100 AND 18.04.140, REPEALING SECTION 18.04.230, AND ADDING NEW SECTIONS 18.04.125 AND 18.04.230 TO THE CITY'S MUNICIPAL CODE.**

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1997.

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CITY ADMINISTRATOR, MARK HOPPEN



*City of Gig Harbor. The "Maritime City."*  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** Planning - Building Staff  
**SUBJ.:** Planning Commission Recommendation on Draft Ordinance Amending City of Gig Harbor Comprehensive Plan Land Use Map -- Second Reading of Ordinance  
**DATE:** April 21, 1997

### **INTRODUCTION/BACKGROUND**

The following map amendment requests were submitted by landowners following the adoption of the revised Comprehensive Plan in 1994. All of the requests were presented to the City Council during the public review of the UGA zoning maps in late 1995 and early 1996. The Council directed staff and the Planning Commission to review these requests and to forward a recommendation. Seven land use map amendments were considered by the Planning Commission and five are recommended for approval. In addition to the proposed changes, the Planning Commission has recommended a set of Comprehensive Plan Map designations for the Purdy Area, which was included into the UGA by Pierce County in 1996. With the exception of the one proposed amendment (M-2), the proposed land use in the Purdy area is identical to that proposed by the City in 1994.

### **POLICY CONSIDERATIONS**

The Planning Commission conducted a public hearing on the proposed amendments on February 27, 1997. The proposed changes have been circulated to local and state agencies for their individual review and comment, as required by Chapter 36.70A.106. If adopted, the comprehensive plan land use map would be amended to provide an additional 112 acres of employment district within the UGA, primarily north and west of the current city limits and an additional 8 acres would be included in the mixed use overlay along Burnham Drive. These land use amendments would result in the removal of 120 acres of low density residential land. This is not a critical factor in meeting our projected housing needs over the next 20 years as there is sufficient flexibility in the City codes to permit density bonus options, particularly in the Gig Harbor North area, to meet any potential shortfall.

Within the PCD area of Gig Harbor North, an additional 20 acres of land would be redesignated from LDR to PCD-LDR. The property at issue is twenty acres owned by Pope Resources and it was inadvertently designated as LDR during the 1994 comprehensive plan update. This change would not change the allowability of uses but would provide greater density options in the Gig Harbor North area.

A detailed assessment of the proposed changes (Staff Report to the Planning Commission) was submitted to Council at the first reading and is not included with this ordinance.

**FISCAL CONSIDERATIONS**

The adoption of this ordinance would not have a direct fiscal impact on the city.

**RECOMMENDATION**

This is the second and final reading of the ordinance. Staff had initially advised Council that the effective date would be December 31, 1997, due to the GMA-imposed once a year limitations on Comprehensive Plan amendments and the Planning Commission's goal to effect additional comprehensive plan revisions later this year. On further review, and on the advice of legal counsel, the effective date will be five days after publication of the summary of the ordinance. Essentially, this proposed amendment along with the Urban Growth Area map amendment are the only amendments the City may adopt this year.



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE GIG HARBOR CITY COUNCIL ADOPTING AMENDMENTS TO THE CITY OF GIG HARBOR COMPREHENSIVE PLAN LAND USE MAP; AMENDING CERTAIN REAL PROPERTIES FROM LOW DENSITY RESIDENTIAL AND PUBLIC-INSTITUTIONAL TO EMPLOYMENT DISTRICT, FROM LOW DENSITY RESIDENTIAL TO PLANNED COMMUNITY DEVELOPMENT AND FROM LOW DENSITY RESIDENTIAL TO MIXED USE; ADOPTING CITY OF GIG HARBOR LAND USE DESIGNATIONS FOR THE PURDY COMMUNITY; AMENDING THE CITY OF GIG HARBOR COMPREHENSIVE PLAN LAND USE MAP AND SETTING AN EFFECTIVE DATE.

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WHEREAS, the City of Gig Harbor completed an update of the Comprehensive Plan in November of 1994 in compliance with the Growth Management Act of 1990; and,

WHEREAS, the City of Gig Harbor Comprehensive Plan Land Use Map includes City land use designations for an Urban Growth Area (UGA), territory outside of the incorporated limit of the city of Gig Harbor; and,

WHEREAS, the UGA was adopted by Pierce County in 1994 and included Pierce County Land Use designations; and,

WHEREAS, in 1995 several requests were received by Pierce County from owners of land outside of the incorporated limits of the City to amend Comprehensive Plan land use designations; and,

WHEREAS, Pierce County deferred the requests to the City for review and recommendation prior to the County's consideration of the requests; and,

WHEREAS, during the City Council's review of a proposed City zoning map for the Urban Growth Area in the fall of 1995 and winter 1996, several property owners requested that the City Council consider proposed amendments to the Comprehensive Plan Map; and,

WHEREAS, the Council did refer the requests to the City Planning Commission for review and a recommendation as a future date; and

WHEREAS, the Planning Commission conducted a public hearing on February 27, 1997, to accept public comment and testimony on the amendments to the Land Use Map; and,

WHEREAS, as part of its annual review and update of the Comprehensive Plan, the Planning Commission does find that certain adjustments to the Land Use Map are reasonable and appropriate based upon a report and recommendation of the Planning Staff and public testimony received at the public hearing; and,

WHEREAS, the Planning Commission finds that the proposed adjustments further the goals and policies of the City of Gig Harbor Comprehensive Plan; and,

WHEREAS, the Growth Management Act limits Comprehensive Plan amendments to no more than once per year; and,

WHEREAS, the Planning Commission desires to conduct further review of the Comprehensive Plan this calendar year and that due to current workload and program objectives it is not possible to consider the entire scope of the objectives at this point in time; and,

WHEREAS, establishing an effective date for the proposed map amendments of December 31, 1997 meets the objectives and requirements of the Act; NOW, THEREFORE,

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

Section 1. The City of Gig Harbor Comprehensive Plan Land Use Map is hereby amended as follows:

Amend parcels 0122360166, 0122360167, 0122360168, 012236100, described as being located within a portion of the E 1/2 of the E 1/2 of the SW 1/4 of the NE 1/4 of Section 36, Township 22 North, Range 1E.WM, from Low Density Residential and Public-Institutional to Employment District.

Amend parcels 0122242044, 0122242056, 0122242057, 0122242064, 0122242066, 0122242067, 0122246001, 0122246002, 0122246005, 0122242000, 0122242042, described as being located within the SW 1/4 of the NW 1/4 of Section 24, Township 22 North, from Low Density Residential to Employment District.

Amend parcel 0222310437, described as being located within a portion of the S 1/2 of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 31, Township 22 North, Range 2 E.WM., from Low Density Residential to Mixed Use Overlay.

Amend the north half of the NE 1/4 of Section 31, Township 22 north Range 2, W.W.M. from Low Density Residential to Planned Community Development.

Amend the City of Gig Harbor Comprehensive Plan Land Use Map to include the Purdy Community (UGA addition of 1995) and the Pierce County UGA addition of 1994 and adopt City of Gig Harbor Land Use Designations as per Exhibit "A", attached.

Section 2. The City of Gig Harbor Comprehensive Plan Map is hereby amended as per the attached Exhibit "A".

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

Section 4. This ordinance shall take effect five days after publication.

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: 4/19/97  
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 \_\_\_\_\_, 1997, 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 GIG HARBOR CITY COUNCIL ADOPTING AMENDMENTS TO THE CITY OF GIG HARBOR COMPREHENSIVE PLAN LAND USE MAP; AMENDING CERTAIN REAL PROPERTIES FROM LOW DENSITY RESIDENTIAL AND PUBLIC-INSTITUTIONAL TO EMPLOYMENT DISTRICT, FROM LOW DENSITY RESIDENTIAL TO PLANNED COMMUNITY DEVELOPMENT AND FROM LOW DENSITY RESIDENTIAL TO MIXED USE; ADOPTING CITY OF GIG HARBOR LAND USE DESIGNATIONS FOR THE PURDY COMMUNITY; AMENDING THE CITY OF GIG HARBOR COMPREHENSIVE PLAN LAND USE MAP AND SETTING AN EFFECTIVE DATE.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

CITY ADMINISTRATOR, MARK HOPPEN

Plannin

Comy

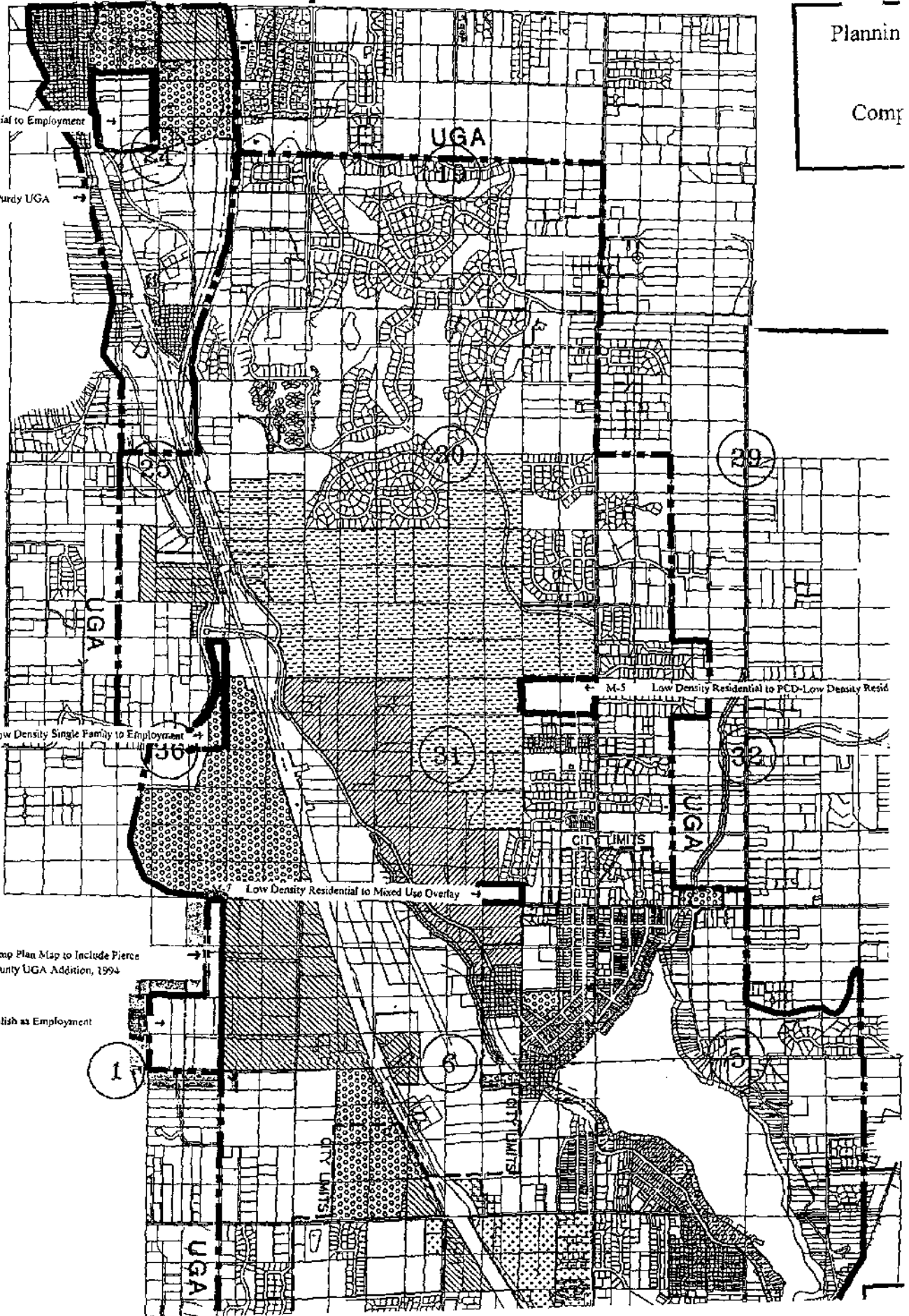
M-2 Low Density Residential to Employment

Amend Comp Plan Map to include Parry UGA (Nov 1995)

M-1 Public Institutional and Low Density Single Family to Employment

Amend Comp Plan Map to Include Pierce County UGA Addition, 1994

M-4 Establish as Employment





*City of Gig Harbor. The "Maritime City."*  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** Planning - Building Staff  
**SUBJECT:** Planning Commission Recommendation on Draft Ordinance Amending City of Gig Harbor Comprehensive Plan Map, Urban Growth Area Boundary -- Second Reading of Ordinance  
**DATE:** April 21, 1997

### **INTRODUCTION/BACKGROUND**

The following map amendment requests to revise the City's Urban Growth Area (UGA) were submitted by landowners following the adoption of the revised Comprehensive Plan in 1994. All of the requests were presented to the City Council during the public review of the UGA zoning maps in late 1995 and early 1996. The Council directed staff and the Planning Commission to review these requests and to forward a recommendation. Three UGA map amendments were considered by the Planning Commission and one is recommended for approval.

### **POLICY CONSIDERATIONS**

The Planning Commission conducted a public hearing on the proposed amendments on February 27, 1997. The proposed changes have been circulated to local and state agencies for their individual review and comment, as required by Chapter 36.70A.106. If adopted, the UGA would be amended to provide an additional 17.79 acres of low density residential land immediately south of the recently annexed Westside.

Staff did not recommend approval of any of the UGA amendment requests. Because a detailed land use capacity update has not been completed (sewer, water, transportation, population), staff was not comfortable recommending additions to the UGA at this point in time. The Planning Commission finds that the addition is reasonable and does not find that there is any capacity issues as the original plans (sewer, water, transportation) were based upon a UGA area significantly larger than the UGA that was adopted by Pierce County.

A detailed assessment of the proposed change (Staff Report to the Planning Commission) to the Comprehensive Plan UGA was submitted to Council at the first reading and is not included with this ordinance. Two minor revisions to the ordinance have been made which consist of a general legal description of the UGA inclusion and the adoption of Low Density Residential as the Comprehensive Plan Map designation.

### **FISCAL CONSIDERATIONS**

The adoption of this ordinance would not have a direct fiscal impact on the city.

**RECOMMENDATION**

This is the second and final reading of the ordinance. Staff had initially advised Council that the effective date would be December 31, 1997, due to the GMA-imposed once a year limitations on Comprehensive Plan amendments and the Planning Commission's goal to effect additional comprehensive plan revisions later this year. On further review, and on the advice of legal counsel, the effective date will be five days after publication of the summary of the ordinance. Essentially, this proposed amendment along with the Comprehensive Plan map amendments are the only amendments the City may adopt this year.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE GIG HARBOR CITY COUNCIL ADOPTING AMENDMENTS TO THE CITY OF GIG HARBOR COMPREHENSIVE PLAN URBAN GROWTH AREA TO INCLUDE FAIRWAY ESTATES SUBDIVISION AND ESTABLISHING A CITY OF GIG HARBOR LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL; SETTING AN EFFECTIVE DATE.**

WHEREAS, the City of Gig Harbor completed an update of the Comprehensive Plan in November of 1994 in compliance with the Growth Management Act of 1990; and,

WHEREAS, the City of Gig Harbor Comprehensive Plan Land Use Map establishes an Urban Growth Area (UGA) as defined by RCW 36.70A; and,

WHEREAS, the original UGA was adopted by Pierce County in 1994 and included Pierce County Land Use designations; and,

WHEREAS, in 1996 a request was submitted to Pierce County from owners of land outside of the incorporated limits of the City to amend the Comprehensive Plan land use map to include the Fairway Estates Subdivision into the City of Gig Harbor UGA; and,

WHEREAS, Pierce County referred the requests to the City for review and recommendation prior to the County's consideration of the requests; and,

WHEREAS, the Planning Commission conducted a public hearing on February 27, 1997, to accept public comment and testimony on the amendments to the Land Use Map to modify the UGA and include Fairway Estates Subdivision; and,

WHEREAS, in a staff report dated February 20, 1997, the Planning and Building Services Department recommended that the UGA boundary not be amended at this time pending the completion of an updated capacity analysis; and,

WHEREAS, several residents testified in favor of amending the UGA to include Fairway Estates Subdivision; and,

WHEREAS, the Planning Commission does find that certain adjustments to the Land Use Map are reasonable and appropriate based upon the public testimony received at the public hearing; and,

WHEREAS, the Planning Commission finds that the proposed adjustment to the UGA further the goals and policies of the City of Gig Harbor Comprehensive Plan respective

to policy 4, Land Use, Urban Growth Areas, in that the proposed adjustment would include a development of 41 single family lots in a subdivision which is essentially "built-out" and urban in character; and,

WHEREAS, the inclusion into the UGA would not impose an immediate need for city services such as sewer and water and that the development is currently served by a private water system and has functioning on-site septic systems; and,

WHEREAS, the Planning Commission finds that capacity is sufficient in that the original capacity analysis for the UGA included an area larger than the current UGA and that the inclusion of an existing development on 17.79 acres has a negligible affect on the city's urban service capacity; and,

WHEREAS, the City of Gig Harbor Comprehensive Plan may only be amended one time per year and that the adoption of the amended UGA is only effective upon final action by Pierce County; and,

WHEREAS, establishing an effective date for the proposed map amendments of December 31, 1997 meets the objectives and requirements of the Act; NOW, THEREFORE,

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

Section 1. The City of Gig Harbor Comprehensive Plan Land Use Map hereby amended to include the following area into the City of Gig Harbor Urban Growth Area:

The NW 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 21 NORTH,  
RANGE 2 E.WM, WITH A COMPREHENSIVE PLAN LAND USE  
DESIGNATION OF LOW DENSITY RESIDENTIAL.

Section 2. The City of Gig Harbor Comprehensive Plan Map Urban Growth Area Boundary is hereby amended as per the attached Exhibit "A".

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

Section 4. This ordinance shall take effect five days after publication.

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: 4/10/97  
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 \_\_\_\_\_, 1997, 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:

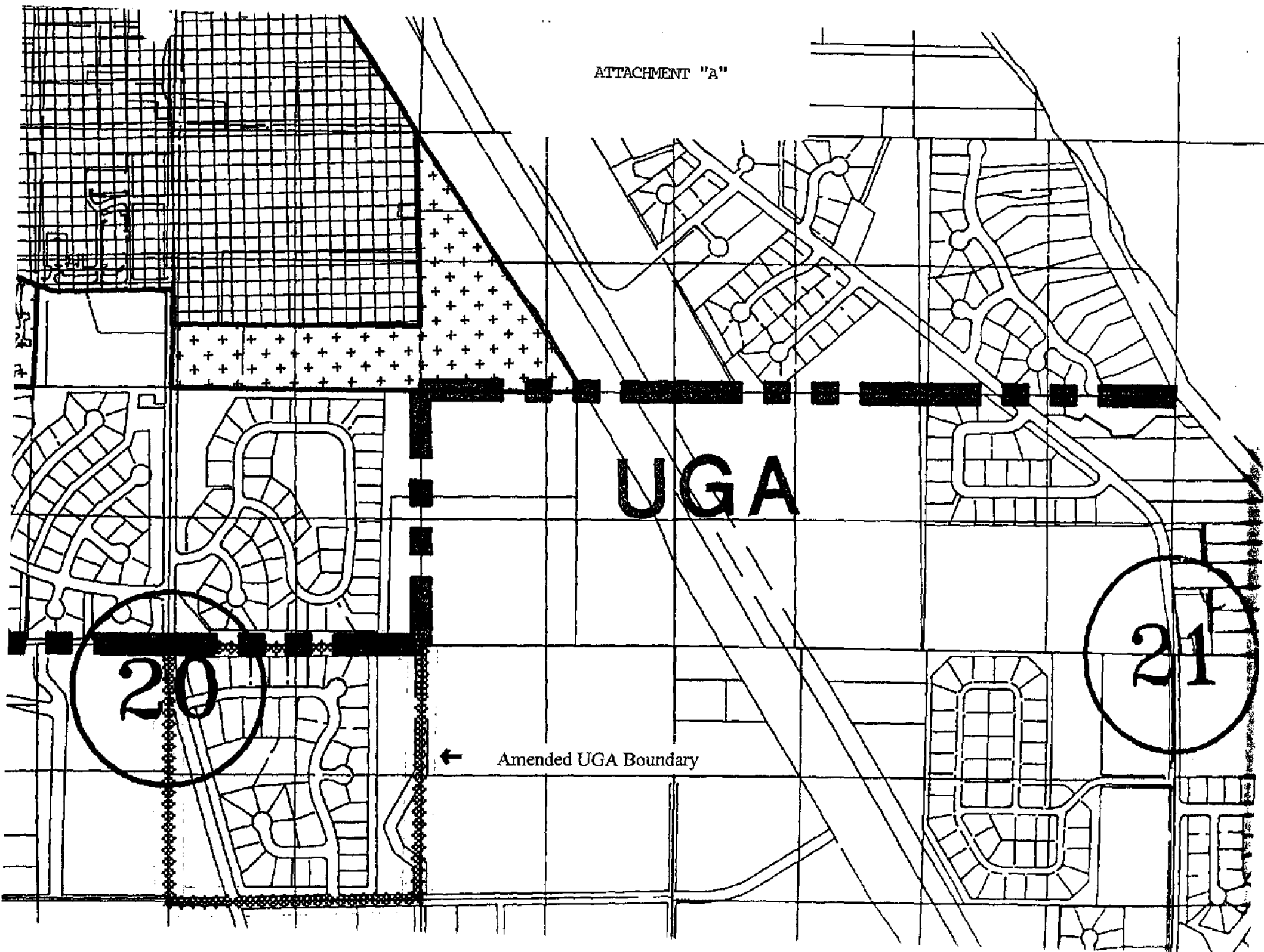
**AN ORDINANCE OF THE GIG HARBOR CITY COUNCIL ADOPTING AMENDMENTS TO THE CITY OF GIG HARBOR COMPREHENSIVE PLAN URBAN GROWTH AREA TO INCLUDE FAIRWAY ESTATES SUBDIVISION AND ESTABLISHING A CITY OF GIG HARBOR LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL; SETTING AN EFFECTIVE DATE.**

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

**CITY ADMINISTRATOR, MARK HOPPEN**

ATTACHMENT "A"



UGA

20

21

← Amended UGA Boundary





*City of Gig Harbor. The "Maritime City."*  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MHA*  
**SUBJECT: SEPARATION OF CLERK/TREASURER JOB FUNCTION**  
**DATE: APRIL 23, 1997**

#### **INFORMATION/BACKGROUND**

Back in 1950, the office of Treasurer and City Clerk were combined by Ordinance, and the title was held in addition to the position of City Administrator. Due to the nature of the duties of the Treasurer, the job has been performed by the Finance Director and the duties of the Clerk have been performed by the Administrative Assistant. These job titles should be separated and assigned to the persons who actually perform the functions. The title separation must be done by ordinance, which is attached.

#### **POLICY CONSIDERATIONS**

The separation of the Clerk / Treasurer duties from the City Administrator function has been in effect for many years. The official separation and assignment of the titles to the appropriate employees would further clarify the job functions. Once the ordinance is in effect, the City Treasurer title will be added to the Finance Director's job description, and the Administrative Assistant will become the City Clerk. This title change will also help to facilitate the Administrative Assistant to obtain CMC (Certified Municipal Clerk) status, a University of Washington certification program which she will complete this summer. This Council action was previously included as an objective in this year's budget approval process.

#### **RECOMMENDATION**

Move to approve the attached Ordinance approving the change in job titles.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO APPOINTIVE OFFICERS, SEPARATING THE OFFICES OF CITY CLERK AND CITY TREASURER AND DESCRIBING THE DUTIES OF EACH OFFICE, REPEALING GIG HARBOR MUNICIPAL CODE SECTIONS 2.16.010, 2.16.020, AND ADDING NEW SECTIONS 2.16.010, 2.16.020, 2.17.010 AND 2.17.020, AND ESTABLISHING AN EFFECTIVE DATE.

---

WHEREAS, the offices of City Clerk and City Treasurer are combined (Gig Harbor Municipal Code § 2.16.010); and

WHEREAS, the City Council desires to create a separate office for the City Clerk and the City Treasurer/Finance Director; now, therefore,

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

Section 1. Section 2.16.010 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new Section 2.16.010 is hereby added to the Gig Harbor Municipal Code to read as follows:

**2.16.010 City Clerk, office created.**

The Mayor is authorized to appoint a qualified person to the office of City Clerk, pursuant to RCW 35A.12.090, and all other applicable statutes and ordinances. The City Clerk shall be required to annually furnish an official bond conditioned on the honest and faithful performance of his/her official duties, pursuant to RCW 35A.12.080.

Section 3. Section 2.16.020 of the Gig Harbor Municipal Code is hereby repealed.



Section 4. A new Section 2.16.020 is hereby added to the Gig Harbor Municipal

Code to read as follows:

**2.16.020 City Clerk, duties.**

The City Clerk's duties shall include, but not be limited to, the following:

- A. Keep a record of ordinances of the City and provide copies thereof as authorized by RCW 5.44.080;
- B. Certify City streets as part of the highways system in accordance with the provisions of RCW 47.24.010;
- C. Perform the functions of a member of the firemen's pension board as provided by RCW 41.16.020;
- D. Serve as the trustee of the police relief and pension board as authorized by RCW 41.20.010;
- E. Serve as secretary-treasurer of the volunteer firefighters' relief and pension board as provided by RCW 41.24.060;
- F. Authenticate by his/her signature and record in full in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the council.
- G. Such other duties as may be required by RCW 35A.42.040, any other applicable statute or ordinance.

Section 5. A new Section 2.17.010 is hereby added to the Gig Harbor Municipal

Code to read as follows:

**2.17.010 City Treasurer/Finance Director, office created.**

The mayor is authorized to appoint a qualified person to the office of City Treasurer/Finance Director, pursuant to RCW 35A.12.090, and all other applicable statutes and ordinances. The City Treasurer/Finance Director shall be required to annually furnish an official bond conditioned on the honest and faithful performance of

his/her duties, pursuant to RCW 35A.12.080, and all other applicable statutes and ordinances.

Section 6. A new Section 2.12.020 is hereby added to the Gig Harbor Municipal

Code to read as follows:

**2.17.020 City Treasurer/Finance Director, duties.**

The City Treasurer's duties shall include, but not be limited to, the following:

- A. As provided in RCW 8.12.500 relating to bonds and compensation payments in eminent domain proceedings;
- B. As provided in RCW 68.52.050 relating to cemetery improvement funds;
- C. As provided in RCW 4.28.080 relating to custody of employees' retirement funds;
- D. As provided in RCW 47.08.100 relating to the use of city street funds;
- E. As provided in RCW 46.68.080 relating to motor vehicle funds;
- F. As provided in RCW 41.16.020 and chapter 41.20 RCW relating to police and firemen's relief and pension boards;
- G. As provided in chapter 42.20 RCW relating to misappropriation of funds;
- H. As provided in chapter 39.60 RCW relating to investment of municipal funds; and
- I. As provided in chapter 35A.31 RCW relating to claims and accident funds.

The treasurer shall be subject to the penalties imposed for the violation of any of such provisions, pursuant to RCW 35A.42.010.

Section 7. 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 8. 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:  
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 APPOINTIVE OFFICERS, SEPARATING THE OFFICES OF CITY CLERK AND CITY TREASURER AND DESCRIBING THE DUTIES OF EACH OFFICE, REPEALING GIG HARBOR MUNICIPAL CODE SECTIONS 2.16.010, 2.16.020, AND ADDING NEW SECTIONS 2.16.010, 2.16.020, 2.17.010 AND 2.17.020, AND ESTABLISHING AN EFFECTIVE DATE.

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  
(206) 851-8136

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** Planning Staff, Ray Gilmore  
**SUBJ:** Resolution on the Approval of Final Plat of Newport Ridge Subdivision  
**DATE:** April 21, 1997

## **INTRODUCTION/BACKGROUND**

The plat of Newport Ridge was granted preliminary plat approval on July 21, 1992 by the Pierce County Hearing Examiner, subject to several conditions of approval. The area was later annexed to the City of Gig Harbor. The subdivision consists of 15 single family residential lots on 4.85 acres and is located just west of the Harbor Heights Subdivision, south of Rosedale Street.

## **POLICY CONSIDERATIONS**

The preliminary plat, although granted approval by Pierce County, is now subject to final plat approval by the City of Gig Harbor. The final plat has been reviewed by the Departments of Public Works and Planning-Building. The plat was ordinally approved for 12 lots to be served by on-site septic. The minimum lot size, at the time preliminary plat approval was granted, was 12,000 square feet. The average net lot size is 11962 square feet, or 14084 square feet in gross area. The code was amended in 1996 to eliminate the minimum lot size in favor of a maximum density and minimum lot width for subdivisions of five or more lots. Consideration was made for sewer availability and the increase in the number of lots to 15, under applicable city standards, remains consistent with the standards of the city zoning code.

The final plat meets: 1) the conditions of final plat approval as applicable to the City of Gig Harbor Standards; 2) all standards established by State law and the City's Subdivision Ordinance, Title 16 of the Gig Harbor Municipal Code; 3) all requirements for certificates and statements of approval affixed to the final plat as required by the City Subdivision Ordinance and RCW 58.17.

## **RECOMMENDATION**

Staff recommends that the resolution approving the final plat be adopted by Council.

Staff Contact: Ray Gilmore

**CITY OF GIG HARBOR  
RESOLUTION NO. \_\_\_\_**

**WHEREAS**, application was made to Pierce County in 1992 for a 12 lot subdivision, located on real property within unincorporated Pierce County, legally described as being within a portion of the northwest quarter of the northwest quarter of Section 7, Township 21 North, Range 2 East W.M.; and,

**WHEREAS**, the Pierce County Hearing Examiner granted preliminary plat approval for a 12 lot subdivision for single family residences to be served by on-site septic systems, subject to conditions stipulated in a report dated July 21, 1992; and,

**WHEREAS**, the property was subsequently annexed to the City of Gig Harbor on July 27, 1992; and,

**WHEREAS**, condition of approval No.4 required compliance with applicable city of Gig Harbor standards respective to zoning, fire flow, transportation and streets, storm water and other applicable public works construction standards; and,

**WHEREAS**, BHKW Group, which has ownership interest of the subject property, presented a final plat to the City of Gig Harbor on March 25, 1997 for a subdivision of 15-lots for single family residences, to be served by the City of Gig Harbor sewer system; and,

**WHEREAS**, the final plat submitted meets the minimum requirements of the City of Gig Harbor Zoning Code respective to maximum density and minimum lot width; and,

**WHEREAS**, the final plat submitted conforms to the requirements of 16.06.005 in that:

- A. It meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General requirements for subdivision approval;
- B. It conforms to all terms of the preliminary plat approval; and
- C. It meets the requirements of Chapter 58.17 RCW.

**WHEREAS**, the plat contains appropriate provisions for the public health, safety and general welfare, by providing for open spaces, drainage ways, public streets, potable water supplies, sanitary wastes, including sidewalks which assure safe walking conditions for students who only walk to and from school; and

**WHEREAS**, the Planning Director has certified that the final plat meets all of the requirements of the city of Gig Harbor Zoning and and Subdivision Ordinance; and,

**WHEREAS**, the Public Works Director has certified that the plat meets the applicable standards of the City of Gig Harbor Public Works Construction Standards respective to streets, sidewalks, curbs and gutters, storm drainage, connection to City of Gig Harbor water and the City of Gig Harbor sewer system;

**WHEREAS**, the City Clerk has certified that there are no delinquent special assessments on the property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

The final plat of Newport Ridge Subdivision is hereby approved.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 28th day of April, 1997.

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 4/21/97  
Passed by City Council: 4/28/97

# NEWPORT RIDGE

SHEET 2 OF 3

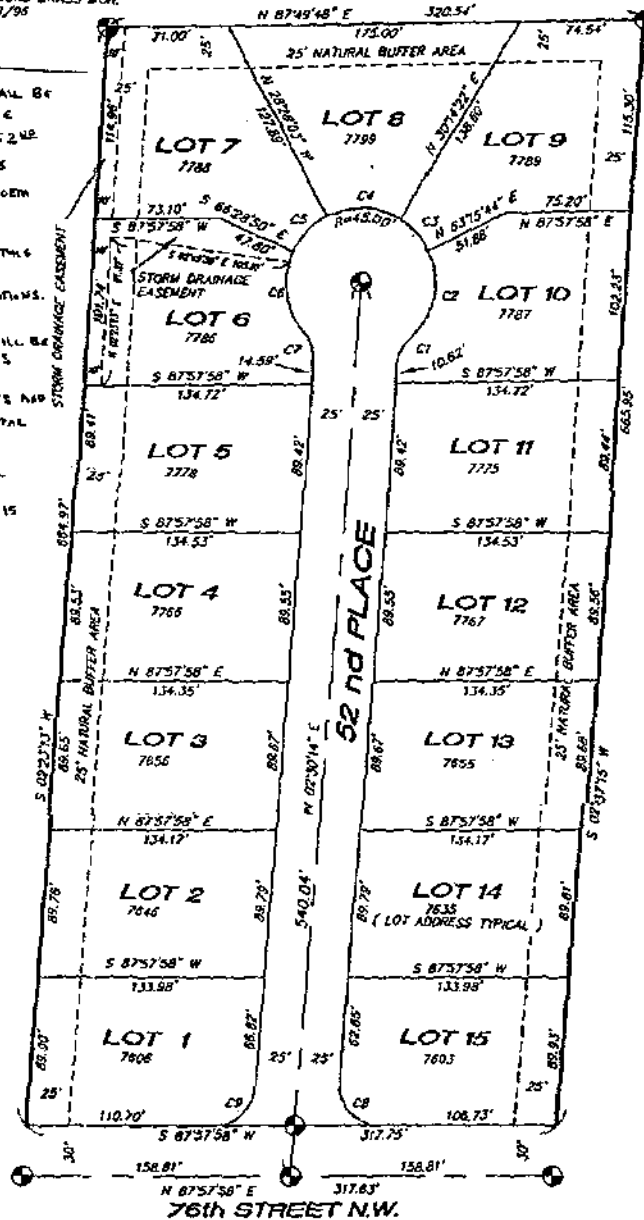
A PORTION OF  
THE NORTHWEST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 7, TOWNSHIP 21 NORTH,  
RANGE 2 EAST OF THE W.M., CITY OF GIG HARBOR,  
PIERCE COUNTY, WASHINGTON.

FOUND BRASS MON.  
01/95

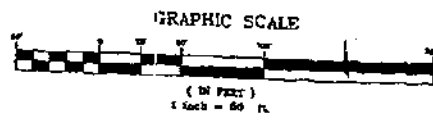
FOUND BRASS MON.  
01/95

### NOTES

1. ACCESS TO LOTS 1 AND 15 SHALL BE BY WAY OF ONE AND ONLY ONE DRIVEWAY EACH ACCESSING 52ND PLACE. NO DIRECT ACCESS IS ALLOWED TO 76TH ST. NW/NORTH CREEK LAKE.
2. THE NBA APPEARING ON THIS PLAN SHALL BE DEVELOPED IN ACCORDANCE WITH CITY REGULATIONS. NO CLEARING, CRADING, FILL OR CONSTRUCTION OF ANY KIND WILL BE ALLOWED WITHIN THESE AREAS EXCEPT FOR THE REMOVAL OF DISEASED OR DANGEROUS TREES AND THE REPLACEMENT OF SUPPLEMENTAL LANDSCAPING.
3. 76TH STREET NW IS NOT PART OF THIS PLAN, NOR IS ANY PORTION OF IT BEING DEDICATED BY THIS PLAN.



CURVE	RADIUS	LENGTH	TANGENT	DELTA
C1	25.00'	19.30'	10.91'	44°24'55"
C2	45.00'	37.85'	21.70'	73°39'25"
C3	45.00'	35.94'	13.34'	35°01'22"
C4	45.00'	46.11'	25.31'	58°42'26"
C5	45.00'	28.88'	15.30'	38°00'47"
C6	45.00'	51.19'	28.91'	65°23'51"
C7	25.00'	18.59'	10.21'	41°24'58"
C8	25.00'	41.23'	22.06'	84°32'16"
C9	25.00'	17.28'	9.09'	35°27'44"



3834 ALBRIGHT AVE. SE.  
PORT ORCHARD, WA. 98366  
(360) 871-3289



# NEWPORT RIDGE

A PORTION OF  
THE NORTHWEST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 7, TOWNSHIP 21 NORTH,  
RANGE 2 EAST OF THE W.M., CITY OF GIG HARBOR,  
PIERCE COUNTY, WASHINGTON.

## LEGAL DESCRIPTION

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST  
QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21  
NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN,  
PIERCE COUNTY, WASHINGTON.

## DEDICATION

I, (WE), THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED PROPERTY DEDICATE  
THESE LOTS TO THE PURCHASERS THEREOF. WE DEDICATE THE ROADS HEREIN  
AND THE EASEMENTS TO THE USE OF THE PUBLIC FOREVER AND HEREBY GRANT  
TO THE PUBLIC THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS  
UPON THESE LOTS IN THE ORIGINAL REASONABLE GRADING OF THE STREETS.

WE DEDICATE TO THE CITY OF GIG HARBOR, ITS OFFICERS, EMPLOYEES, AGENTS,  
SUCCESSORS, ASSIGNS, CONTRACTORS FOR THE USE OF THE PUBLIC, FOREVER, A  
PERPETUAL EASEMENT WITH A RIGHT OF IMMEDIATE ENTRY AND CONTINUED ACCESS  
FOR THE CONSTRUCTION, IMPROVEMENT, MAINTENANCE AND REPAIR OF SEWER PIPELINES,  
MANHOLES AND OTHER APPURTENANT SEWER STRUCTURES, DRYWALLS, OR UNDER-  
GROUND DRAINAGE FACILITIES OVER, UNDER AND ACROSS THE EASEMENTS  
AND / OR PRIVATE ROADS SHOWN ON THE FACE OF THIS PLAT.

David S. Bentley  
DAVID S. BENTLEY

Carl E. Halsan  
CARL E. HALSAN

Jon M. Kennedy  
JON M. KENNEDY

Larry A. Williams  
LARRY A. WILLIAMS

Monica Pleas  
MONICA PLEAS VICE PRES.  
KEY BANK

## ACKNOWLEDGMENT

STATE OF WASHINGTON )  
COUNTY OF PIERCE ) S.S.

THIS IS TO CERTIFY THAT ON THIS 25<sup>th</sup> DAY OF February, 1997, BEFORE ME  
PERSONALLY APPEARED DAVID S. BENTLEY, CARL E. HALSAN, JON M. KENNEDY AND  
LARRY A. WILLIAMS TO ME KNOWN TO BE THE GENERAL PARTNERS OF B.H.K.W. GENERAL  
PARTNERSHIP ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT  
AND DEED OF SAID GENERAL PARTNERS FOR THE USES AND PURPOSES THEREIN MENTIONED,  
AND ON OATH STATED THAT THEY WERE AUTHORIZED TO EXECUTE THE SAID INSTRUMENT  
ON BEHALF OF SAID PARTNERSHIP.

Michelle Johnson  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,  
RESIDING AT Gig Harbor  
MY COMMISSION EXPIRES 6-2-98



## ACKNOWLEDGMENT

STATE OF WASHINGTON )  
COUNTY OF PIERCE ) S.S.

BY ITS PROPER OFFICERS THIS 24<sup>th</sup> DAY OF February, 1997  
ON THE DAY AND YEAR FIRST ABOVE WRITTEN, BEFORE ME PERSONALLY APPEARED  
MONICA PLEAS TO ME KNOWN TO BE THE VICE PRESIDENT OF THE CORPORATION THAT  
EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED SAID INSTRUMENT  
TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES  
AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT SHE AUTHORIZED TO  
EXECUTE SAID INSTRUMENT.

WITNESS WHEREOF, I HAVE HEREOF SET MY HAND AND OFFICIAL SEAL THE  
AND YEAR FIRST ABOVE WRITE.

Candice Woodworth  
CANDICE WOODWORTH  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,  
RESIDING AT Auburn, WA  
MY COMMISSION EXPIRES 1/19/99



## COUNTY ASSESSOR / TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID. THERE ARE NO DELINQUENT  
SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN  
CONTAINED AS STREETS, ALLEYS OR FOR OTHER PUBLIC USE ARE PAID IN FULL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.

\_\_\_\_\_  
COUNTY TREASURER

\_\_\_\_\_  
DEPUTY

## CITY ENGINEER

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997

\_\_\_\_\_  
PUBLIC WORKS DIRECTOR, CITY OF GIG HARBOR

## CITY CLERK

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL  
ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED AS DEDICATED STREETS, ALLEYS  
OR FOR OTHER PUBLIC USE ARE PAID THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.

\_\_\_\_\_  
CITY CLERK, CITY OF GIG HARBOR

## CITY PLANNING

I HEREBY CERTIFY THAT THIS PLAT OF NEWPORT RIDGE IS IN CONFORMANCE WITH THE  
CITY OF GIG HARBOR COMPREHENSIVE PLAN AND ZONING CODE.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.

\_\_\_\_\_  
PLANNING DIRECTOR, CITY OF GIG HARBOR

## CITY MAYOR

APPROVED BY THE GIG HARBOR CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
MAYOR, CITY OF GIG HARBOR

## RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF THE CITY OF GIG HARBOR THIS \_\_\_\_\_ DAY  
\_\_\_\_\_ 1997, AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ M. AND RECORDED IN  
VOLUME \_\_\_\_\_ OF PLATS, RECORDS OF PIERCE COUNTY, WASHINGTON.

\_\_\_\_\_  
COUNTY AUDITOR

**RECEIVED**

APR 16 1997

CITY OF GIG HARBOR

*When Recorded Return To:*

**Public Works Department  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335**

**STATUTORY WARRANTY DEED**

**Grantors:** Ronald E. Whitley as trustee of the revocable of Ronald E. Whitley dated September 21, 1995, of Gig Harbor, Washington, 98335; and John L. McCaul and Mae J. McCaul of 1510 Southeast Solomon Loop, Vancouver, Washington, 98684.

**In Favor Of:** The City of Gig Harbor

**Legal Description:** *THE NORTH 60.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON.*

*ALSO KNOWN AS THE NORTH 60.00 FEET OF LOT 1 OF SHORT PLAT 78-903, RECORDS OF PIERCE COUNTY, WASHINGTON.*

**Parcel Number:** 02-21-07-6-012



COMMONWEALTH  
TITLE INSURANCE  
COMPANY

Filed for Record at Request of

AFTER RECORDING MAIL TO:

## Statutory Warranty Deed

The Grantors, Whitley and McCaul, for and in consideration of mutual benefits in hand conveys & warrants to the City of Gig Harbor the following described real estate, situated in the City of Gig Harbor, County of Pierce, State of Washington, together with all after acquired title of the grantors therein:

**THE NORTH 60.00 FEET OF LOT 1 OF SHORT PLAT 78-903, RECORDS OF PIERCE COUNTY, WASHINGTON, LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON.**

**FOR THE PURPOSE OF CITY OF GIG HARBOR PUBLIC ROAD & RIGHT OF WAY.**

IN WITNESS WHEREOF, said persons has caused this instrument to be executed by its proper partners this 5<sup>th</sup> day of MARCH, 1997

**GRANTEES:**

Ronald E Whitley Revocable Trust (<sup>dated</sup> 9/21/95)  
Ronald E. Whitley Trustee  
Ronald E. Whitley

Shirley R. Whitley  
Shirley R. Whitley

John L. McCaul  
John L. McCaul

Mae J. McCaul  
Mae J. McCaul

State of Washington

County of Pierce ss

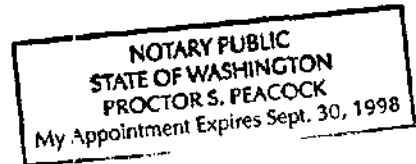
I certify that I know or have satisfactory evidence that Ronald and Shirley R. Whitley are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

NOTARY PUBLIC

DATED this 27 day of FEB, 1997

[Signature]

My appointment expires: 9/30/98.



State of Washington

County of Clark ss

I certify that I know or have satisfactory evidence that John L. and Mae J. McCaul are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

NOTARY PUBLIC

DATED this 5 day of March, 1997

[Signature]

My appointment expires: 11-29-99

Ronald E. Whitley

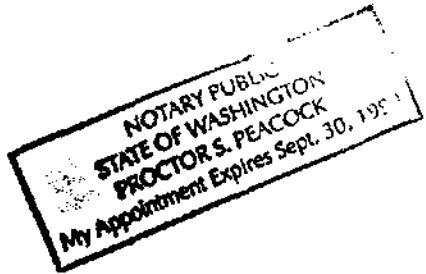
Ronald E. Whitley

Revocable Trust of Ronald E. Whitley dated September 21, 1995.

State of Washington

County of  Pierce

SS



By its proper trustee this  16th  day of  APRIL , 1997

On the day and year first above written, before me personally appeared Ronald E. Whitley to me known to be the trustee of the Trust that executed the within and foregoing instrument, and acknowledged said instrument to the free and voluntary act and deed of said Trust, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

In witness whereof, I have hereon set my hand and official seal the day and year first above written.

Proctor S. Peacock  
Notary public in and for the State of Washington,

Residing at  One Harbor Way

My Commission expires  9-30-98

DATED this  16  day of  APRIL , 1997.

**RECEIVED**

APR 16 1997

CITY OF GIG HARBOR

*When Recorded Return To:*

Public Works Department  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

**STORM WATER CONVEYANCE AND DISCHARGE EASEMENT**

**Grantors:** Ronald E. Whitley & Shirley R. Whitley of Gig Harbor, Washington, 98335; and John L. McCaul & Maye J. McCaul of 1510 Southeast Solomon Loop, Vancouver, Washington, 98684.

**Grantees:** The City of Gig Harbor

**Legal Description:** A 15.00 wide easement for storm drainage purposes over, under, and across a portion of the Southwest quarter of the Northwest quarter of Section 7, Township 21 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington, the centerline of which is described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South  $02^{\circ}23'13''$  West along the East line of said Northwest quarter of the Southwest Quarter of the Northwest Quarter a distance of 15.97 feet; thence North  $88^{\circ}43'35''$  East 7.69 feet to the point of beginning of the this centerline; thence South  $88^{\circ}43'35''$  West 168.14 feet; thence South  $51^{\circ}18'32''$  West 55.82 feet to the terminus of this centerline. (See Exhibit "A")

**Parcel Number:** 02-21-07-6-015

## EASEMENT AGREEMENT

THIS INSTRUMENT, executed this date by and between the City of Gig Harbor, a Washington municipal corporation (the "City" herein), and **Ronald E. Whitley, Shirley R. Whitley, John L. McCaul, and Maye J. McCaul**, as the owners of the within-described property (the "Owners" herein):

### WITNESSETH:

WHEREAS, Owners own a fee simple and/or have a substantial beneficial interest in the following real property, commonly known as **Lot 4 of Short Plat 78-903, Pierce County, Washington 98335**, and legally described as follows (the "Property" herein):

*Lot 4 of Short Plat 78-903 located within the northwest quarter of Section 7, Township 21 North, Range 2 East, Willamette Meridian*

WHEREAS, the City desires an easement for the purpose of monitoring, inspecting, maintaining, operating, improving, repairing, constructing, and reconstructing a **Storm Drainage Conveyance and Discharge System**; Now, Therefore, the parties hereto agree as follows:

In consideration of one dollar (\$1.00), receipt of which is hereby acknowledged, Owners hereby convey and warrant to the City, a perpetual, nonexclusive easement, under, over, through and across the Property, for the purposes of monitoring, inspecting, maintaining, improving, repairing, constructing, and reconstructing a **Storm Drainage Conveyance and Discharge System**, which easement (the "Easement" herein) is legally described as follows:

*A 15.00 wide easement for storm drainage purposes over, under, and across a portion of the Southwest quarter of the Northwest quarter of Section 7, Township 21 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington, the centerline of which is described as follows:*

*Commencing at the Northeast corner of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South 02°23'13" West along the East line of said Northwest quarter of the Southwest Quarter of the Northwest Quarter a distance of 15.97 feet; thence North 88°43'35" East 7.69 feet to the point of beginning of the this centerline; thence South 88°43'35" West 168.14 feet; thence South 51°18'32" West 55.82 feet to the terminus of this centerline. (See Exhibit "A")*

This Easement is subject to and conditioned upon the following terms and covenants, which both parties promise to faithfully and fully observe and perform:

1. **Responsibility to Repair Damage.** The City shall, upon completion of any work within the Property covered by the easement, restore the surface of the Easement, and any improvements on the Property not owned by the City, disturbed, damaged or destroyed during execution of the work, as nearly as practicable to the condition they were in immediately before commencement of the work or entry by the City. However, the City shall not be required to restore any such improvements installed and/or constructed on the Easement by the Owners subsequent to execution of this Easement Agreement, and as otherwise provided in paragraph "2" below.

2. **Limitations on Owners.** The Owners shall retain the right to use the surface of the Easement. However, the Owners shall not directly or indirectly have the right to:

- A. Erect or install, or cause to be erected or installed, any buildings, structures, pavement, or facilities within the Easement; or
- B. Plant, or cause to be planted, any additional trees, shrubs, or vegetation with deep root patterns which may cause damage to or interfere with the drainage system located within the easement; or
- C. Develop, landscape, or beautify, or cause to be developed, landscaped, or beautified, the Easement area in any way that would unreasonably increase the costs to the City of restoring the Easement or restoring any Owner-caused or authorized improvements therein, etc; or
- D. Grant any additional or subsequent easement inconsistent with the rights of the City as granted herein. The City shall make the final determination whether any proposed subsequent easement is inconsistent with the City's Easement.

3. **Notice of Entry.** The Owners, their successors and assigns, shall allow access to the Easement by the City, without the City having to give prior notice of its intent to access the Easement.

4. **Indemnification, Hold Harmless.** The Owners hereby release, covenant not to bring suit and agree to indemnify, defend and hold harmless the City, its officers, officials, employees, agents and representatives from any and all claims, costs, judgments, losses or suits including attorneys' fees, awards or liabilities to any person arising out of or in connection with this Easement, except for injuries or damages caused by the sole negligence of the City.

In the event of liability arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the City and



the Owners, the Owners' liability hereunder shall be only to the extent of the Owners' negligence.

The provisions of this section shall survive the termination of this Easement.

5. **Dispute Resolution and Attorneys Fees.** If any dispute arises between the Owners and the City under any of the provisions of this Easement which cannot be resolved by agreement of the parties, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Easement shall be governed by and construed in accordance with the laws of the State of Washington. The prevailing party in any such litigation shall be entitled to recover reasonable attorneys' fees and costs, including any expert witness fees from the other party.
6. **Waiver.** No waiver by either party of any term or condition of this Easement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or a different provision of this Easement.
7. **Merger.** This Easement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Easement and no prior agreements shall be effective for any purpose.
8. **Severability.** If any of the provisions contained in this Easement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.
9. **Easement Binding on Successors and Assigns.** This instrument shall be recorded in the records of the Pierce County Auditor at the expense of the Owners and shall inure to the benefit of and be binding upon the Owners, its legal representatives, assigns, heirs and all owners of an after-acquired interest in the property, and their successors and assigns.

Dated this 14<sup>th</sup> day of FEBRUARY, 1997.

CITY OF GIG HARBOR

By: \_\_\_\_\_  
Its \_\_\_\_\_

OWNERS:

Ronald E. Whitley by  
Ronald E. Whitley Power of attorney

Shirley R. Whitley by  
Shirley R. Whitley Power of attorney

John L. McCaul  
John L. McCaul

Maye J. McCaul  
Maye J. McCaul  
MAE

ATTEST:

City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

STATE OF ARIZONA  
~~WASHINGTON~~)  
COUNTY OF MARICOPA) ss.

I certify that I know or have satisfactory evidence that Ronald and Shirley R. Whitley are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: Feb. 14, 1997



Frances Weir McElroy  
ARIZONA  
NOTARY PUBLIC, State of ~~Washington~~,  
residing at: 1990 N. Alma School, Chandler, Az  
My Commission expires: 4-27-97 85244

STATE OF WASHINGTON)

COUNTY OF Clark ) ss.  
 )

I certify that I know or have satisfactory evidence that John L. and <sup>Mal</sup> ~~Maye~~ J. McCaul are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 2-18-97



NOTARY PUBLIC, State of Washington,  
residing at: Vancouver  
My Commission expires: 11-29-97

STATE OF WASHINGTON)

COUNTY OF PIERCE ) ss.  
 )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of the City of Gig Harbor, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

NOTARY PUBLIC, State of Washington,  
residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

Ronald E. Whitley

Ronald E. Whitley

Revocable Trust of Ronald E. Whitley dated September 21, 1995.



State of Washington

ss

County of Pierce

By its proper trustee this 16~~th~~ day of April, 1997

On the day and year first above written, before me personally appeared Ronald E. Whitley to me known to be the trustee of the Trust that executed the within and foregoing instrument, and acknowledged said instrument to the free and voluntary act and deed of said Trust, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

In witness whereof, I have hereon set my hand and official seal the day and year first above written.

Proctor S. Peacock

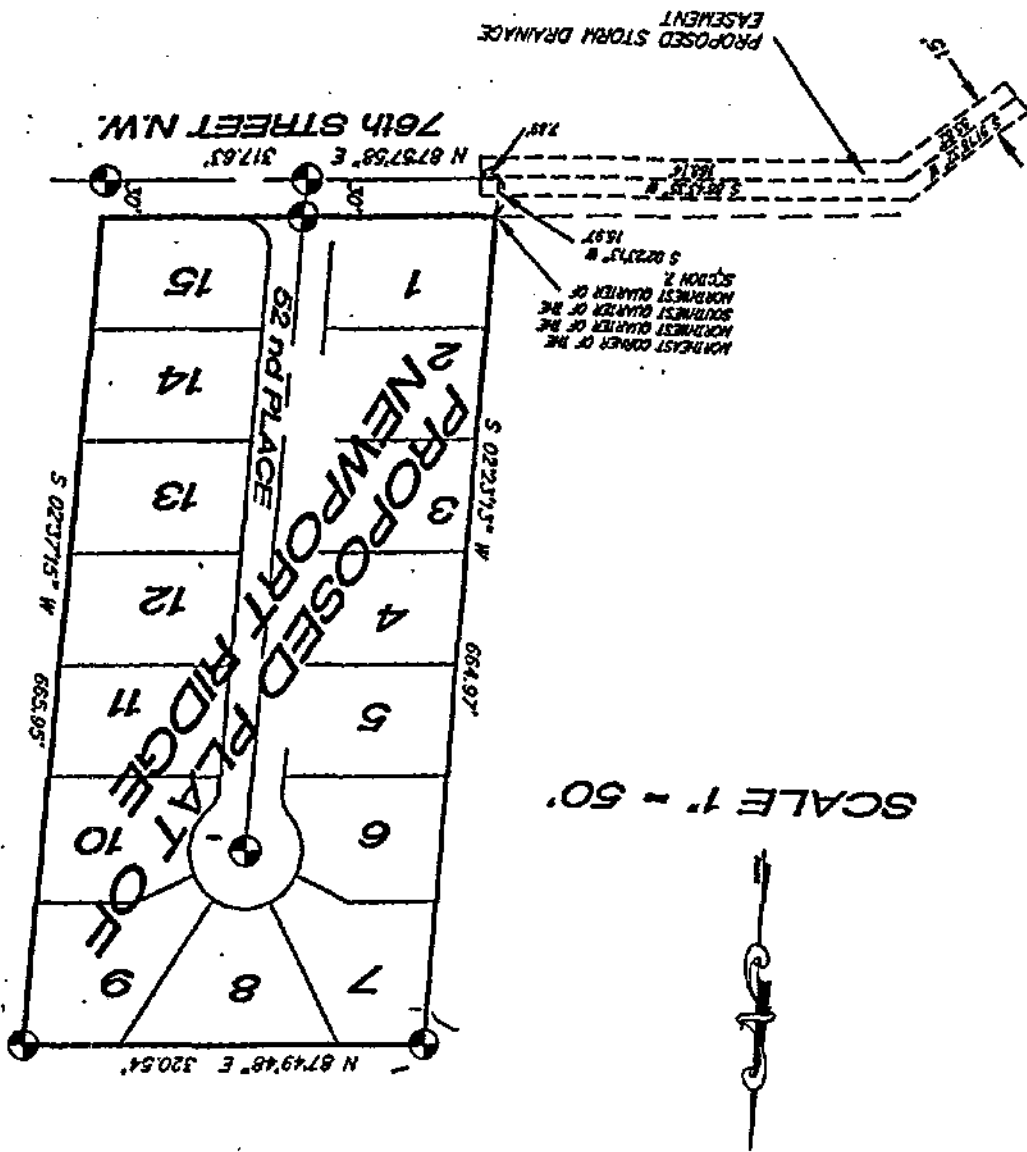
Notary public in and for the State of Washington,

Residing at 1616 1/2 1st St NW

My Commission expires 9-30-98

DATED this 16~~th~~ day of April, 1997.

# EXHIBIT "A"







*City of Gig Harbor. The "Maritime City."*  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: Gig Harbor Planning Commission**  
**SUBJ: Planning Commission's Recommendation on Sign Code Advisory Committee**  
**DATE: APRIL 16, 1997**

#### **BACKGROUND.**

During the February 10, 1997 City Council meeting, the City Council discussed whether an advisory committee should be formed to provide additional information to the Planning Commission and the City Council on proposed sign code (chapter 17.80 GHMC) revisions. The qualifications for the participants in this committee were not discussed at length. City staff was directed to prepare a resolution for the formation of the advisory committee.

During the February 24, 1997 City Council meeting, the Council discussed the draft resolution for the advisory committee. However, the decision to pass the resolution or to form an advisory committee was tabled. The Council requested a recommendation from the Planning Commission on the formation of an advisory committee to study and make recommendations on the sign code.

On March 6, 1997 and March 20, 1997, the Planning Commission held an informal public hearing on the matters relating to the current sign code and the issue of whether an advisory or ad-hoc committee should be formed. During their workshop meeting of April 10, 1997, the Planning Commission discussed the latter issue, and directed City staff to prepare a draft written recommendation for finalization and adoption at the workshop meeting of April 17, 1997.

#### **RATIONALE FOR RECOMMENDATION.**

The Planning Commission has determined that it is neither necessary nor prudent to form an ad-hoc committee to address current sign code concerns. The Planning Commission listened to over six hours of public testimony regarding the current sign code. Issues of public concern were noted by all of the Planning Commission members, Steve Osguthorpe, Associate Planner, and Carol Morris, City Attorney. *Most of the Commission members have exchanged lists of their identified sign code issues, and all have considered the written report of Mr. Osguthorpe dated April 7, 1997, and Ms. Morris' memorandum of April 10, 1997. In addition, all of the Commission members have reviewed all of the letters from the public submitted to the City prior to the workshop meeting of April 10, 1997.*

This exchange of information has been extremely beneficial to the Commission's understanding of the "problem areas" identified by the public in the sign code. In addition, the Commission is encouraged that the process has engendered so much public participation, and would like to continue

the process in an integrated and positive manner. It is the Commission's belief that the Council will receive a superior result from a directed process which blends further public comment with the Commission's task of revising the sign code.

Some of the specific advantages to the Planning Commission's direction and supervision of the sign code revision process are integration of the City/public sign code issues, efficiency, and predictability of the timing for issuance of recommendation. Just as in any other code revision, this process does not prevent the public from forming their own "committee," and submitting any sign code revisions to the Planning Commission and/or the City Council.

The Commission's decision not to recommend an advisory committee also hinged on the following concerns and unknowns:

1. The Planning Commission felt an obligation to follow through with a project they were involved in from the beginning through the normally defined process of code amendments.
2. The Planning Commission was concerned over the balance of representation on an ad-hoc committee and whether or not the committee's ratio between citizens and business owners would be proportionate to the number of citizens and business owners in the City.
3. The Planning Commission was concerned over the effect of the committee's recommendation if the City chose not to implement the committee's full recommendation.
4. It was not clear to the Planning Commission if the ad-hoc committee would make its recommendation directly to the City Council, or if the City Council would base its review on the Planning Commission's recommendation?
5. The Planning Commission was concerned that Council's decision to form an advisory committee would create the perception that the Council would give special "weight" to the recommendation of the advisory committee, over that of the Planning Commission, or even over the comments of members of the public who were not selected to participate on the advisory committee?
6. It was not clear if the advisory committee would be required to adhere to a schedule to issue its recommendation?
7. After considering the information received at the Public Forum, it was evident that the areas of concern in the sign code could be narrowed down to a short list of major issues. The Planning Commission therefore does not believe that a line-by-line review of the code, as desired by those insisting on an ad-hoc committee, is necessary.



8. The Planning Commission believed it important to identify and stay focused on specific issues in the sign code which have evidently been problematic rather than doing a lengthy review of the entire sign code.

Some members of the public have also asked that the advisory committee be formed for the purpose of conducting a "dialogue" with the planning Commission on the sign code revisions. It is the Commission's belief that such a "dialogue" may delay, and perhaps unnecessarily interject an adversarial tone in the process.

Finally, the Commission notes that a number of comments provided by the public were very general, while the sign code revision process must be goal-oriented. The Commission's task will be facilitated by the public's specific suggestions for code revisions, not statements of general dislike or lengthy descriptions of the City's past enforcement efforts.

### **RECOMMENDATION.**

The Planning Commission recommends that the City Council not form an advisory committee to assist the Commission's sign code revision efforts. However, this recommendation is not intended to discourage anyone's participation in the sign code revision process, and the Commission specifically encourages such participation.

The Commission is committed to developing sign code revisions under the following process:

1. A list of the public's identified problem areas is included below. This list will serve as the Commission's starting point for the sign code revisions, and changes can be made to the list at any time. The Commission has encouraged the business community, in particular, to submit additional issues, if any.
2. The Commission intends to schedule each of the issues for a discussion at a Planning Commission workshop/hearing. A copy of the issues will be available for the public to review, together with the tentative schedule for the discussion of the issue.
3. A copy of the particular code section affected by each issue shall be available at the Planning Department. Copies of the code sections shall be printed out so that the margins are large and the spacing either double or triple. Members of the public may request copies, write in their comments for the specific code revisions, and turn these copies into the Planning and Building Services Department at least one week prior to the Commission workshop scheduled for discussion on the particular issue. The specific revisions will be compiled on one list and submitted to the Commission in advance of the workshop so that the Commission has ample opportunity to review all revisions.
4. At the workshop on a particular code section, copies of this list of proposed revisions shall be available to the public. Once the Commission has determined the language to be included in the final recommendation on a particular code revision, this

language shall be typed up, so that all revisions are shown as either underlined (new language) or stricken (old language deleted). Copies of each of these sections shall be available to the public as they are completed, and identified as the Commission's "tentative recommendation." The Commission may spot additional issues at any time in the process, and the tentative recommendation may be changed up until the "final recommendation" is prepared. Any member of the public may obtain a copy of the "tentative" or "final recommendation."

5. Barring any unforeseen emergencies, the Commission shall provide its "final recommendation" to the City Council within 90 days of commencing the process.
6. The final document submitted to the City Council shall include all of the sections reviewed by the planning Commission as part of their "final recommendation." This "final recommendation" shall be available for the public review at least two weeks prior to a regular City Council meeting.

#### **SUGGESTED AREAS OF FOCUS**

Based upon input received at the sign code public forums in March 1997 and input received from the planning staff, the Planning Commission recommends that the following items be addressed in the next sign code update:

1. **Confusion regarding master sign plans.**
  - a. Determining common design elements to meet master sign plan requirements.
  - b. Policies regarding master sign plan amendments
2. **Confusion regarding window signs.** At what point are window signs no longer regulated?
3. **National brand product or logo signs.** What constitutes the bulk of the business sold on the premises? The purpose of this is to avoid off-premise advertizing, but we either need to clarify this or eliminate this restriction.
4. **Freeway visibility of signage.** Should the current ban on freeway oriented signage be maintained, or are there other ways to allow freeway orientation while preserving SR-16 as an enhancement corridor?
5. **Amortization.** While there is legal precedent supporting the current amortization clause, the City should address how this part of the code is going to be administered. Do we want to identify specific types of non-conforming signs which must be removed. It would be impossible to identify all non-conforming signs without specific information on each and every sign (e.g., the size of each sign on a building) Some non-conformities would not be obvious to the naked eye and would require someone going out with a ladder and tape measure to get specific dimensions of a sign. These may be close enough to conformity to meet the general spirit of the sign code, but not necessarily the letter. Other non-conformities are visually more obvious. (e.g., 33 inch pan-channel letters as opposed to the

allowed 18 inch pan-channel letters, 15-foot free-standing signs as opposed to the allowed 8-foot free-standing signs, internally illuminated cabinet signs with translucent backgrounds as opposed to opaque backgrounds with illuminated text).

6. **Illumination restrictions on internally illuminated signs.** Do we want to redefine this so that both text *and graphics* may be illuminated? The code's current restrictions on illumination of sign backgrounds uses language which limits illumination to *text* only. This inadvertently prohibits the illumination of graphic logos.
7. **Inflatable displays.** Do we want to redefine these to allow balloons or to limit the time balloons may be displayed?
8. **Allowable wall signage.** The staff agrees that this part of our code has been confusing and that our current provisions could be stated in a simpler way. For example, a strict *percentage* approach might be easier than a percentage approach combined with a *linear foot* approach.
9. **Portable signs.** Portable signs are treated separate from sandwich board signs. One requires a permit, the other does not. Is there a reason for this? One section of the code indicates that a portable sign may be up to 12 square feet, but it is not until you turn to the prohibited sign section that you learn that portable signs are limited to 6 square feet per side. This could easily be clarified or cross-referenced.
10. **Real Estate Signs.** Off-premise open house signs have been a particular area of concern to the real estate community.
11. **Reader Boards.** Should reader boards be allowed for more uses than theaters and schools?
12. **Sign Areas.** Are the different sign areas as defined by the sign code logical?
13. **Miscellaneous Items.** In administering the sign code, the planning staff has personally encountered minor issues in the code which could use clarification (e.g., the extra window signage allowed; the tendency of some businesses to consider their window signs as directional signs, etc.).

The Commission thanks the City Council for the opportunity to comment and provide a recommendation on the advisory committee process. The Council's anticipated trust in the Commission's ability to perform the above tasks in keeping with their public responsibilities is greatly appreciated.

4.21.97  
DATE

Paul J. Halson  
PLANNING COMMISSION CHAIR



WASHINGTON STATE LIQUOR CONTROL BOARD-License Services  
1025 E Union - P O Box 43075  
Olympia WA 98504-3075

RECEIVED

APR 14 1997

CITY OF GIG HARBOR

TO: MAYOR OF GIG HARBOR

April 10, 1997

SPECIAL OCCASION #360342

CLASS: GJ

ST. NICHOLAS CHURCH  
3510 ROSEDALE ST  
GIG HARBOR WA 98335

DATE: MAY 17, 1997

TIME: 6:00PM TO 10:00PM

PLACE: ST. NICHOLAS CHURCH/PARISH HALL, 3510 ROSEDALE ST., GIG HARBOR

CONTACT: CHERYL JONES 206-851-5035

SPECIAL OCCASION LICENSES

- \* G  License to sell beer on a specified date for consumption at  
/specific place.
- \* J  License to sell wine on a specific date for consumption at a  
specific place.  
\_\_\_ Wine in unopened bottle or package in limited quantity for  
off premises consumption.
- \* K \_\_\_ Spirituous liquor by the individual glass for consumption at a  
specific place.

If return of this notice is not received in this office within 20 days  
(10 days notice given for Class I) from the date above, we will assume  
you have no objection to the issuance of the license. If additional  
time is required please advise.

1. Do you approve of applicant? YES\_\_\_ NO\_\_\_
2. Do you approve of location? YES\_\_\_ NO\_\_\_
3. If you disapprove and the Board contemplates issuing a  
license, do you want a hearing before final action is  
taken? YES\_\_\_ NO\_\_\_

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	
LAW ENFORCEMENT	_____	YES___ NO___
HEALTH & SANITATION	_____	YES___ NO___
FIRE, BUILDING, ZONING	_____	YES___ NO___
OTHER:	_____	YES___ NO___

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



MAYOR'S REPORT  
April 28, 1997



### **FINHOLM VIEW CLIMB UPDATE**

The final fund raising push for the View Climb will be made in the month of May by the Gig Harbor Lions Club. They will be sending letters to all the residents and business persons in the Harbor area.

Please take time to read the letters and consider how you would like to have members of your family honored at this time in history.

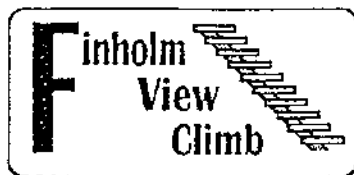
The Lions have added three additional options along with the Brick and Steps. A Walkway Section, a Landing, or a Bench could honor Grandma and Grandpa and their descendants.

If all goes as planned the project could begin to take shape this summer.

Half of the cash funds needed have been raised for this \$100,000 project and items are still coming in for the Time Capsule. Our thanks and appreciation go to the Lions for dedicating such a great effort toward helping the City to connect one more pedestrian trail within the neighborhoods at the most spectacular viewpoint of the Harbor.

Your participation is encouraged. Please share the application blank with your family and make a choice as soon as possible. You will notice there is a limited number of options.

Thank you.



A Community Enhancement Project  
Spearheaded By The  
**GIG HARBOR LIONS CLUB**  
PO Box 331, Gig Harbor, WA 98335



Dear Friends of Gig Harbor:

Would you like your family name to become a permanent part of Gig Harbor history?

Some of us have been in the Harbor for a long time and some of us are newcomers, but one thing we have in common is a very special feeling for this place we call home and the view of the Harbor we share.

Our neighbors in the vicinity of Franklin Avenue and Fuller Street at the "head of the bay," are happy to share their most spectacular view with the rest of us and have been assisting the Gig Harbor Lions Club and the City of Gig Harbor in the planning of the FINHOLM VIEW CLIMB PROJECT. A priority of the City is to increase and improve sidewalks and pedestrian trails. The City is enthusiastically supporting the project.

This plan will connect a pedestrian walkway from North Harborview Drive (across from the Shoreline Restaurant) to Franklin Avenue at Fuller Street below Goodman/Harbor Ridge School.

Members of the Gig Harbor Lions Club have raised half the cash funds required for the \$100,000 View Climb Project and will devote the month of May to substantially complete fund raising and to provide personalized recognition of community members, families, businesses and events.

The Gig Harbor Lions Club is expanding the personalized BRICK and STEP design to encourage personalized family recognition on a LANDING, WALKWAY or BENCH. We hope you will plan to be a part of this historic project with your financial support.

The Wickline Family and Friends will be featured in a tribute to children, families and community during a Parking Lot Party to be held on North Harborview Drive the last Saturday in June. Please plan to join us in celebration on the 28th of June, 1997.

You may utilize the order blank enclosed for your tax deductible donation. If you have any questions please call Len McAdams at 851-1143, or Paul Alvestad at 858-2694.

Many thanks from the Finholm View Climb Steering Committee.

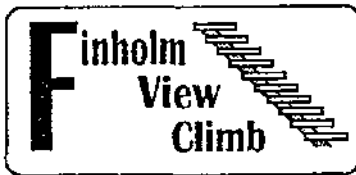
Len McAdams  
Howard Hawley  
Jerry Jarrett  
Marilyn Owel  
Maureen Whitaker  
Gene Pearson

Bert Uddenberg  
Loyd Sutherland  
Summers Family  
Monica Zimmerman  
Mary Lou Bird  
Bill Wilbert

Paul Alvestad  
John Holman  
Frances Finholm  
Ron Finholm  
Dave Brereton  
Al Bucholz

Gretchen Wilbert  
Chuck Hunter  
Doris Haddow-Dinsmore  
Ray Zimmerman  
Teddi Finholm Hester





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PO Box 331, Gig Harbor, WA 98335



Dear Business Friends of Gig Harbor:

Would you like your business name to become a permanent part of Gig Harbor history?

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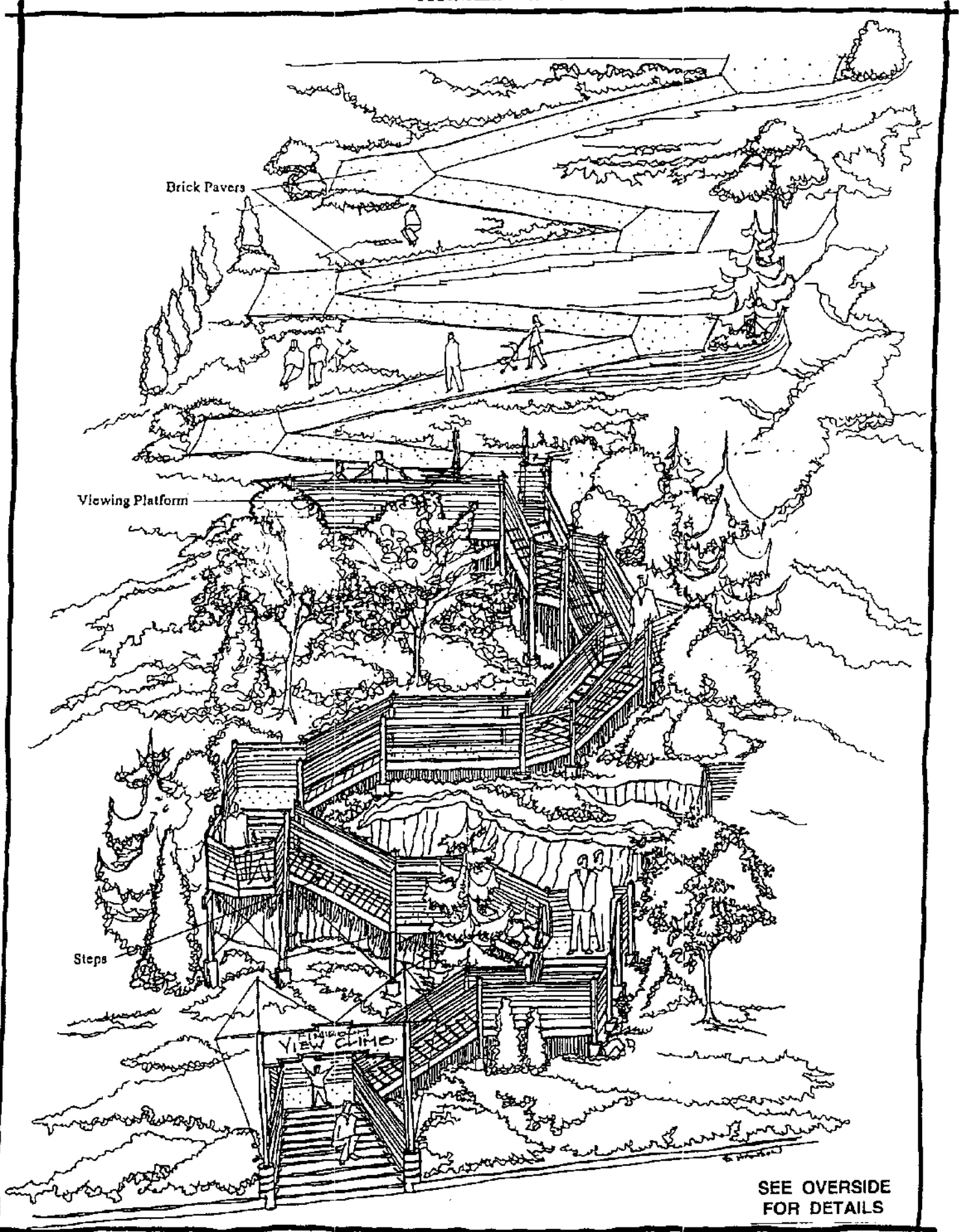
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Teddi Finholm Hester

FRANKLIN AVENUE



Brick Pavers

Viewing Platform

Steps

VIEW CLIMB

SEE OVERSIDE  
FOR DETAILS

NORTH HARBORVIEW DRIVE

## FINHOLM VIEW CLIMB ORDER FORM

Your Name \_\_\_\_\_ Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_ Zip \_\_\_\_\_

### Engraved Brick Orders

Engraved bricks with 1 line are \$25. (Engraved lines consist of 18 characters/spaces maximum.)  
2 lines at \$30  
3 lines at \$35

#### Brick #1

Engraving: \_\_\_\_\_  
(18 spaces \_\_\_\_\_  
per line) \_\_\_\_\_

#### Brick #2

Engraving: \_\_\_\_\_  
(18 spaces \_\_\_\_\_  
per line) \_\_\_\_\_

### Engraved Plaques on Structure Portion Orders

Dedicated Steps are \$500 Each; Stair Landing \$2000; Stair Observation Landing \$4000  
Brick Landings \$2000; Brick Walkways \$4000  
Main Observation Deck \$12000

Engraving: \_\_\_\_\_ (30 Spaces normal, one or two lines-)  
\_\_\_\_\_ (will accommodate special requests)

Send this form and your check payable to:

**Gig Harbor Lions Endowment Fund, P.O. Box 331, Gig Harbor, WA. 98335**

