

Gig Harbor City Council Meeting



November 24, 1997

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

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
November 24, 1997 - 7:00 p.m.

CALL TO ORDER:

PUBLIC HEARING:

1. Vacation Request – 38th and Wollochet.
2. Final Public Hearing – 1998 Proposed Budget.

APPROVAL OF MINUTES:

CORRESPONDENCE / PROCLAMATIONS: None scheduled.

OLD BUSINESS:

1. Vacation Request – 18th and Wollochet.
2. Second Reading of Ordinance – 1998 Budget.
3. Hearing Examiner Recommendation – Robert Philpott (Maritime Fuel Dock) SDP95-06; SPR 95-10.
4. Avalon Woods – Dedication and Maintenance Request.

NEW BUSINESS:

1. Interlocal Agreement – Amendments to the Pierce County County-Wide Planning Policy.
2. First Reading of Ordinance – 1997 Budget Amendment Ordinance.

PUBLIC COMMENT/DISCUSSION:

MAYOR'S REPORT: None scheduled.

COUNCIL COMMENTS:

STAFF REPORTS: None scheduled.

ANNOUNCEMENTS OF OTHER MEETINGS:

1. Sign Code - Public Hearing December 4th at 7:30 p.m.; Worksession December 18th.

APPROVAL OF BILLS:

APPROVAL OF PAYROLL:

EXECUTIVE SESSION: For the purpose of discussing litigation, potential litigation, and personnel.

ADJOURN:



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH *DR*
SUBJECT: FINAL PUBLIC HEARING - 1998 BUDGET
DATE: November 20, 1997

BACKGROUND

The total budget is \$17,657,254, an increase of \$600,929 (3.5%) over the 1997 budget.

Capital projects expenditures account for 36% (\$6,434,532) of total city expenditures. Some of the projects include the East/West Road Project (\$1,600,000), Rosedale Street Improvements (\$810,000) and Kimball Drive Park and Ride (\$1,160,000).

Salaries and benefits account for 19% (\$3,364,047) of the city's overall budget. This represents an increase of \$541,000 (19%) over 1997. The increase is largely due to the addition of seven and one-half positions during the year. Also, the increase partly reflects a 3.7% COLA increase. The additional positions are; a project engineer, two laborers, one and one-half full time construction inspectors, a maintenance worker, public works office assistant upgrade from one-half to full time, an administrative receptionist, and a one-half time data entry clerk.

Transfers between funds are \$2,217,000 (12.5%) of budget. The transfers include \$255,000, \$250,000, and \$150,000 from the General Fund to the 1997 L.T.G.O., Property Acquisition, and Storm Funds; \$550,000 and \$350,000 from the Capital Improvement and Capital Asset Funds to the Street Fund; and \$450,000 from the Water Fund to the Water Capital Asset Fund.

Budgeted ending cash balances are \$2,794,892, or 16% of budget as compared with \$1,135,987, or 7% in 1997.

Gig Harbor 1998 Budget Hearings
Proposed City Budget
PUBLIC NOTICE

The Gig Harbor City Council will hear public comments on the proposed 1998 City Budget as outlined below at public hearings scheduled for 7:00 p.m. Monday, November 10 and Monday, November 24, 1997 in the City Council Chambers.

<u>Fund / Department</u>	<u>Amount</u>
001 General Government	
01 Non-Departmental	\$782,046
02 Legislative	30,000
03 Municipal Court	262,330
04 Administrative/Financial	475,950
06 Police	1,251,812
14 Community Development	456,135
15 Parks and Recreation	837,550
16 Building	104,800
19 Ending Fund Balance	<u>183,513</u>
001 Total General Fund	\$4,384,136
101 Street Fund	4,604,510
105 Drug Investigation Fund	11,600
107 Hotel-Motel Fund	21,100
109 Property Acquisition Fund	1,517,000
201 '75 GO Bonds - Sewer	5,311
203 '87 GO Bonds - Sewer Construction	200,000
208 '97 LTGO Bonds	314,174
301 General Govt. Capital Assets	590,000
305 General Govt. Capital Improvement	370,000
401 Water Operating	988,100
402 Sewer Operating	1,005,744
407 Utility Reserve	520,000
408 '89 Utility Bond Redemption Fund	815,919
410 Sewer Capital Construction	860,000
411 Storm Sewer Operating	406,000
420 Water Capital Assets	1,041,000
605 Lighthouse Maintenance Trust	<u>2,660</u>
Total All Funds	<u>\$17,657,254</u>

Citizens may review the preliminary City Budget at City Hall, Monday through Friday, 8:30 a.m. to 5:00 p.m.

City of Gig Harbor, Mark Hoppen, City Administrator

Posted: November 3, 1997

First Publication: November 5, 1997

Second Publication: November 19, 1997

DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 10, 1997

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

CALL TO ORDER: 7:04 p.m.

PUBLIC HEARINGS:

1. Vacation Request – 38th/Wollochet. Mayor Wilbert announced that this public hearing had been rescheduled for November 24th.
2. Six-Year Transportation Improvement Program. Mayor Wilbert opened the public hearing on this item at 7:05 p.m. Wes Hill, Public Works Director, gave a quick synopsis of the program and the Mayor asked for public comment. No one came forward to speak and the hearing was closed at 7:07 p.m.
3. 1998 General Fund Revenue Sources. Mayor Wilbert opened the public hearing at 7:08 p.m. Dave Rodenbach, Finance Director, explained that there was an anticipated one and one-half percent increase in revenues over last year. He added that there would be a first reading of the ordinance later on in the meeting. There were no public comments on this item, so the public hearing was closed at 7:09 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the October 27, 1997 meeting as presented.
Picinich/Ekberg - unanimously approved.

CORRESPONDENCE/PROCLAMATIONS:

1. Tacoma Wooden Boat Society. Mayor Wilbert explained that this letter was typical of a number of groups wishing to reserve space on the public dock when they are told policy would not allow reserved space other than special events or city official business. Mark Hoppen, City Administrator, explained that the IAC grant also specified that the dock be first-come, first-serve status between the months of April through September.
2. Thank-you Letter from the O'Neills – Quail Run. Mayor Wilbert briefly introduced this letter praising the police department for their presence during Halloween, preventing the usual vandalism.

OLD BUSINESS:

1. Second Reading of Ordinance – 1998 Property Tax Levy. Dave Rodenbach explained that the city would be levying \$742,000 this year in the hope of collecting that amount, and that the assessment would remain at the current rates. The special levy for the '87 GO Bonds would be lower than 1997, about \$0.2347 per thousand.

MOTION: Move adoption of Ordinance No. 775 which provides for levying general property taxes for the fiscal year of 1978.
Markovich/Picinich – unanimously approved.

NEW BUSINESS:

1. Renewal of Hearing Examiner Contract. Mark Hoppen presented the proposed Hearing Examiner contract for 1998. He explained that Ron McConnell had requested a 1.6% increase for the year, which was reasonable, and recommended approval.

MOTION: Move we adopt the contract for the Hearing Examiner for the upcoming year for an increase not to exceed 1.6%.
Picinich/Owel – unanimously approved.

2. Amendment to Resolution – Westside Subarea Planning Committee. Ray Gilmore, Planning Director, explained that the list of recommendations from the Westside Subarea Planning Committee would be forwarded to the Planning Commission the first half of 1998. He said that some of the recommendations would require amendments to the Comprehensive Plan, and that the Planning Commission's workload for the remainder of 1997 prohibited the necessary public hearings from being completed by year's end. He requested an extension of the deadline for completion of the process to October 31, 1998.

MOTION: Move adoption of Resolution No. 504 which amends Resolution No. 477 by extending the deadline for submitting a recommendation to the City Council to October 31, 1998.
Markovich/Picinich – unanimously approved.

3. Six-Year Transportation Plan. Wes Hill, Public Works Director, gave a presentation utilizing overheads to illustrate the proposed program and upcoming projects. He said that the number one project on the list is the East/West Road. He added that this would be the last year the city could apply for funds under the "small-city" category. Councilmember Markovich asked about the status of the Harborview Street End project. Mr. Hill explained that he had attended a meeting with the Transportation Improvement Board and the State Aid Agency this past week and found that because the ISTEA program had yet to be approved at Congress, these agencies are looking at additional funding sources for pedestrian

improvement projects. He added that he was hopeful to obtain additional funding for this project to increase the scope. Mayor Wilbert asked that the city continue to coordinate with Peninsula Light to underground utilities during project design and construction.

MOTION: Move adoption of Resolution No. 505 adopting the Six-Year Transportation Improvement Plan.
Markovich/Picinich – unanimously approved.

4. Ordinance Providing for Issuance and Sale of General Obligation Bonds. Dave Rodenbach explained this ordinance authorizing the sale of 1.995 million in GO Bonds. He described the interest rates and added that \$1,350,000 of the funds would go toward the purchase of the Henderson Bay Property, and the remaining fund, less bond issuance costs, would be placed in escrow to pay off the 1991 LTGO Bonds for the Soundview Drive Project, maturing 1999 through 2006.

Carol Morris, Legal Counsel, recommended that Councilmembers read the Official Statement in the Purchase Contract before authorizing the city's approval, as she had concerns with certain areas of language. She also advised that the ordinance would need to be adopted in one reading, utilizing the special ordinance passing procedure adopting it on the night of its introduction. Councilmember Markovich asked for clarification of the issues with the contract.

Cynthia Weed, Bond Counsel, addressed several issues that had been brought up by Phil Miller, Bond Counsel for Ogden Murphy and Wallace. She explained the book entry only system, clarifying that it is a depository which issues the bonds electronically. She explained that if the Council were to postpone passage of the ordinance at this meeting, the interest rate would be jeopardized. She added that Councilmembers could approve the purchase of the bonds this evening, securing the interest rate, and that the document could be reviewed and changes made within the next few days.

Dave Tregeser, Dain Bosworth, gave an explanation of the interest rates and how they are acquired. He stressed the importance of passing the ordinance and bond purchase to assure the good rates. He explained that the final official statement would be printed in six to seven days, allowing time for review.

Mayor Wilbert appointed Councilmembers Markovich and Platt to review the document and suggest any changes.

MOTION: Move to adopt Ordinance No. 776, providing for the issuance and sale of general obligation and refund bonds, as specified.
Markovich/Picinich – unanimously approved.

5. Purchase Contract for General Obligation Bonds. This item was discussed under the last agenda item and the following motion was made.

MOTION: Move to authorize approval of the Purchase Contract for the General Obligation Bonds contingent upon an opinion letter incorporating those items of concern indicated in the memorandum, except the Depository Trust Company.

Markovich/Picinich – unanimously approved.

6. First Reading of Ordinance – 1998 Budget. Dave Rodenbach introduced the first reading of this budget ordinance and explained that the total preliminary budget was \$17,307,254, a 1.5% increase over the 1997 budget. He gave an overview of expenditures, salaries and benefits, fund transfers, and ending cash balances. He recommended adoption of the ordinance after the required public study sessions and second hearing. He added that the worksessions would be held on Monday, November 17th and Tuesday, November 18th at 6:30 p.m. Councilmember Ekberg asked for a copy of all the city-owned vehicles and mileage.
7. Liquor License Renewal – Uddenburg Thriftway. No action taken.
8. Liquor License Application – Shoreline Restaurant. No action taken.

PUBLIC COMMENT: None.

MAYOR’S REPORT: People-Places and Spaces.

Mayor Wilbert shared her enthusiasm for the Dan Burden presentation on livable communities. She gave an overview of his vision focusing on people and their spaces. She read a list of goals that she would like an emphasis placed upon in the upcoming years that included sidewalks, bike routes, and pedestrian pathways throughout the city.

COUNCIL COMMENTS:

Councilmember Ekberg reported that he had attended a meeting of the Local Involvement Committee for the Highway 16 project to determine a boundary for the election. He added that another meeting would be held later in the month and that the boundary should be set by the end of November.

STAFF REPORT:

1. GHPD Monthly Stats. No report given on the stats included in the packet.

2. Ray Gilmore, Planning Director. Mr. Gilmore announced the upcoming public hearing on the sign code on December 4th and a final worksession scheduled for December 18th. He added that on November 20th, one pre-hearing session would be held to review the proposed amendments to be recommended to the Council.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Budget Worksessions. Monday, November 17th, Planning, Court, Finance, Police, and Administration. Tuesday, November 18th, Public Works – Parks, Streets, Sewer, and Water. Both meetings are scheduled for 6:30 p.m. in the City Hall Conference Room.
2. Sign Code Sessions. November 20th, Pre-hearing session; December 4th, Public Hearing; and December 18th, final worksession.

APPROVAL OF BILLS:

MOTION: Move approval of checks #18938 through #19019 in the amount of \$78,225.74.
Owel/Platt - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of October payroll checks #14821 through #14956 in the amount of \$222,398.78.
Owel/Platt - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 8:16 p.m. for approximately 30 minutes for the purpose of discussing litigation, potential litigation, and personnel.
Picinich/Ekberg - unanimously approved.

MOTION: Move to return to regular session at 8:45 p.m. and extend the Executive for another 15 minutes.
Platt/Owel - unanimously approved.

MOTION: Move to return to regular session at 8:55 p.m.
Platt/Owel – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:55 p.m.
Markovich/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 474 Side A 301 – end.
Tape 474 Side B 000 – end.
Tape 475 Side A 000 – end.

Mayor

City Clerk



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: TALMO STREET VACATION REQUEST
DATE: NOVEMBER 20, 1997

INTRODUCTION/BACKGROUND

Talmo, Inc., as the owner of two-thirds of the abutting property, has petitioned the City to vacate portions of Wollochet Drive Northwest and 38th Avenue Northwest in accordance with GHMC 12.14.002C. Following the presentation of this request at the October 12, 1997 Council meeting, and discussions with the City attorney and other property owners in the area, the extent of the requested vacation has been reduced as shown on the attached exhibit. The descriptions for the segments of right-of-way to be vacated have also been revised to coincide with the abutting parcels.

Specifically, the vacation request along Wollochet Drive Northwest (Parcel A, B, and C) has been shortened by approximately 42-feet at the southern end (Parcel C) to accommodate existing driveway access. In addition, only the cul-de-sac portion of 38th Avenue Northwest (Parcel D) will be vacated under the current request. The remaining portion of 38th Avenue Northwest will remain in place providing full public access to the northern terminus of 38th Avenue Northwest (and the south side of Washington State Department of Transportation's SR-16 right-of-way). In consideration of the loss of the cul-de-sac, the proponent will dedicate and construct a cul-de-sac further south on 38th Avenue Northwest.

Confirming the information in City Administrator Mark Hoppen's September 29, 1997 memorandum, the right-of-way proposed for vacation is surplus to the City's needs, and the City does not have any plans for improving the right-of-way proposed for vacation. The amended vacation request will not eliminate public access to any property. In addition, the proposed vacation will be in the public interest by promoting economic development, and reducing maintenance requirements for the unimproved section along Wollochet Drive, and by providing a newer and better constructed cul-de-sac on 38th Avenue.

The vacation is conditioned on receipt of a professional independent appraisal paid for by the proponent, and approval of the appraised value(s) by the Public Works Director in accordance with GHMC 12.14.004B and 12.14.006. The vacation of the section along Wollochet Drive Northwest is conditioned on an easement for construction, repair, and maintenance of future public utilities and services as provided under GHMC 12.14.014.

POLICY CONSIDERATIONS

The proposed vacations are consistent with the future right-of-way interests of the City, and the Washington State Department of Transportation.

FISCAL CONSIDERATIONS

The processing fee has been paid in accordance with GHMC 12.14.004. If the City Council approves the vacation petition, the proponent will submit payment for the cost of the appraisal, and the City will be compensated for the vacated right-of-way in accordance with GHMC 12.14.018A and 12.14.020.

RECOMMENDATION

Staff recommends that the City Council, in consideration of the consistency with City and Washington State Department of Transportation improvement plans and the public benefit, move and approve vacation of the portions of Wollochet Drive Northwest and 38th Avenue Northwest as set forth in the attached ordinances, and authorize the Public Works Director to obtain an independent professional appraisal of the parcels proposed for vacation in accordance with the provisions of GHMC 12.14.

CITY OF GIG HARBOR

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING NOVEMBER 24, 1997, RESCHEDULED FROM NOVEMBER 10TH, AS THE DATE FOR A PUBLIC HEARING TO CONSIDER THE VACATION OF A PORTION OF WOLLOCHET DRIVE NORTHWEST AND 38TH AVE NW.

WHEREAS, the City has received a petition signed by the owners of more than two-thirds (2/3) of the property abutting upon a portion of Wollochet Drive Northwest, lying south and west of State Route-16, and along the northwesterly frontage of Pierce County Short Plat No. 80-211; and all of that portion of 38th Avenue Northwest lying south of State Route 16, and generally north of the south line of Pierce County Short Plat No. 80-211, requesting that said right-of-way be vacated, and

WHEREAS, the City Council has considered the petition and has determined to hold a public hearing on the same, as provided in RCW 35.79.010 and Section 12.14.008 of the Gig Harbor Municipal Code; NOW, THEREFORE,

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

Section 1. Hearing Set. Pursuant to RCW 35.79.010 and Section 12.14.008 of the Gig Harbor Municipal Code, the date and time of November 24, 1997, rescheduled from November 10th, at 7:00 p.m., or soon thereafter as the matter may be heard, is hereby established as the date on which the Gig Harbor City Council will hold a public hearing to consider the vacation of certain right-of-way commonly known as a portion of Wollochet Drive Northwest, lying south and west of State Route-16, and along the northwesterly frontage of Pierce County Short Plat No. 80-211; and all of

that portion of 38th Avenue Northwest lying south of State Route 16, and generally north of the south line of Pierce County Short Plat No. 80-211, as depicted on the map attached hereto as Map 'A' and Map 'B', and incorporated herein by this reference as if set forth in full. The hearing will be held in the Gig Harbor City Council chambers at 3105 Judson Street, Gig Harbor, Washington 98335.

Section 2. Notice. The City Clerk was directed to post written notice of the hearing in three (3) of the most public places in the City and a like notice in a conspicuous place on the right-of-way proposed to be vacated, as required by RCW 35.79.020 and Section 12.14.008 of the Gig Harbor Municipal Code. The notice has been posted at least twenty (20) days in advance of the hearing.

RESOLVED this _____ day of _____, 1997.

APPROVED:

Gretchen A. Wilbert, Mayor

ATTEST / AUTHENTICATED:

Molly M. Towslee, City Clerk

Filed with the City Administrator: 10/1/97
Passed by the City Council:
Resolution No.

00008.195.007
CAM:clr
11/20/97

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, VACATING THAT PORTION OF
WOLLOCHET DRIVE NORTHWEST LYING SOUTHWEST OF
STATE ROUTE-16.**

WHEREAS, the City Council passed Resolution No. _____, establishing a Public Hearing Date of November 24, 1997, as rescheduled from November 10, 1997, as the date for a public hearing on a petition for the vacation of that portion of Wollochet Drive Northwest, lying southwest of State Route-16; and

WHEREAS, this public hearing was re-scheduled, pursuant to all requisite public notice, on November 10, 1997; and

WHEREAS, the hearing was held as re-scheduled and the Council heard testimony from all persons who expressed a desire to speak on the vacation; and

WHEREAS, after considering any and all such testimony, the Council decided to vacate the right-of-way as requested, subject to the payment of appropriate compensation to the City, now, therefore,

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

Section 1. Adoption of Findings and Conclusions. Pursuant to Section 12.14.012 of the Gig Harbor Municipal Code, the Council makes the following findings and conclusions in support of vacation:

A. FINDINGS

1. The right-of-way proposed for vacation is that portion of Wollochet Drive Northwest, lying southwest of State Route-16. The right-of-way was not acquired at public expense.

2. The right-of-way proposed for vacation is currently unimproved and does not have any utilities.

3. Vacating the right-of-way will place land which is not usable by the City back on the tax rolls, and will relieve the City of any and all responsibility for the right-of-way.

4. The vacation has been requested by a petition signed by the owner of the properties abutting the right-of-way.

5. The value of the right-of-way will be determined by an independent, professional appraisal in accordance with Sections 12.14.004B and 12.006 of the Gig Harbor Municipal Code. The petitioners have agreed to pay this amount to the City, as provided in RCW 35.79.030 and Section 12.14.020 of the Gig Harbor Municipal Code.

6. The availability of access to public right-of-way will not be affected by this request for vacation.

B. CONCLUSIONS

1. The City Council has the authority to consider street vacations pursuant to Chapter 35.79 RCW and Chapter 12.14 of the Gig Harbor Municipal Code.

2. The proposed vacation will provide a public benefit and be for a public purpose in that it will return land which is not usable by the City to the tax rolls, and will provide the City with compensation for unusable land.

3. The vacation of the right-of-way will not adversely affect the street pattern or circulation in the immediate area or the community as a whole. Access to public right-of-way will not be affected by the right-of-way vacation.

4. The vacation will not adversely affect the public need, nor is the right-of-way contemplated or needed for future public use other than for construction, repair, and maintenance of future public utilities and services.

5. The right-of-way should be vacated, subject to the petitioners compensating the City in the amount of the appraised value, as set forth in the above findings, and as required by Section 12.14.020 of the Gig Harbor Municipal Code and satisfactory to the City's Public Works Director.

Section 2. Right-of-Way Vacated - Compensation. That certain dedicated right-of-way commonly known as Wollochet Drive Northwest, lying southwest of State Route-16, and depicted on the map attached as Exhibit A, and incorporated herein by this reference as if set forth in full, is hereby vacated, subject to the petitioners compensating the City in the amount of the appraised value as determined in accordance with Section 1, and the amount of the appraisal for the property, and subject to an easement to the City, satisfactory to the City Public Works Director, for construction, repair, and maintenance of future public utilities and services.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, provided, that the vacation contemplated by this ordinance shall not become effective

and this ordinance shall not be recorded until the petitioners compensate the City as provided above. Upon receipt of the required compensation, the City Clerk is directed to record a certified copy of this ordinance with the Pierce County Auditor.

PASSED by the City Council and APPROVED by the Mayor this ____ day of _____, 199_____.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

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 _____, 199_, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THAT PORTION OF WOLLOCHET DRIVE NORTHWEST LYING SOUTHWEST OF STATE ROUTE-16.

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

APPROVED by the City Council at their meeting of _____, 199_.

CITY CLERK, MOLLY TOWSLEE

EXHIBIT A

TRACT A

Commencing at the northerly corner of parcel APN 0221074052, thence southwesterly along said parcel's westerly boundary line to the southwest corner of the parcel, thence westerly along an extension of said parcel's southerly boundary line to its intersection with a line offset seventy (70) feet south and east of, and parallel to, the centerline of Wollochet Drive Northwest as depicted on Sheet 9 of that certain Map of Definite Location entitled SR16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970, thence northeasterly along said offset line to its intersection with a line extending west from the northerly corner of Parcel APN 0221074052 and parallel to the southerly boundary line of said parcel, to the Turnback Line as depicted on Sheet 9 of that certain Map of Definite Location entitled SR16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970, and the POINT OF BEGINNING. Subject to an easement for street and utility construction, repair, and maintenance over the above described tract.

TRACT B

Commencing at the northwesterly corner of parcel APN 0221078002, thence southwesterly along said parcel's westerly boundary line to the southwest corner of the parcel, thence westerly along an extension of said parcel's southerly boundary line to its intersection with a line offset seventy (70) feet south and east of, and parallel to, the centerline of Wollochet Drive Northwest as depicted on Sheet 9 of that certain Map of Definite Location entitled SR16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970, thence northeasterly along said offset line to its intersection with the westerly extension of the northerly boundary line of said parcel, thence easterly along said extension of the northerly boundary line of said parcel to the POINT OF BEGINNING. Subject to an easement for street and utility construction, repair, and maintenance over the above described tract.

TRACT C

Commencing at the northwesterly corner of parcel APN 0221078001, thence southwesterly along said parcel's westerly boundary line for a distance of 140.00 feet to a point on said boundary line, thence northwesterly along a line perpendicular to a line offset seventy (70) feet south and east of, and parallel to, the centerline of Wollochet Drive Northwest as depicted on Sheet 9 of that certain Map of Definite Location entitled SR16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970, to said offset line, thence northeasterly along said offset line to its intersection with the westerly extension of the northerly boundary line of said parcel, thence easterly along said extension of the northerly boundary line of said parcel to the POINT OF BEGINNING. Subject to an easement for street and utility construction, repair, and maintenance over the above described tract.

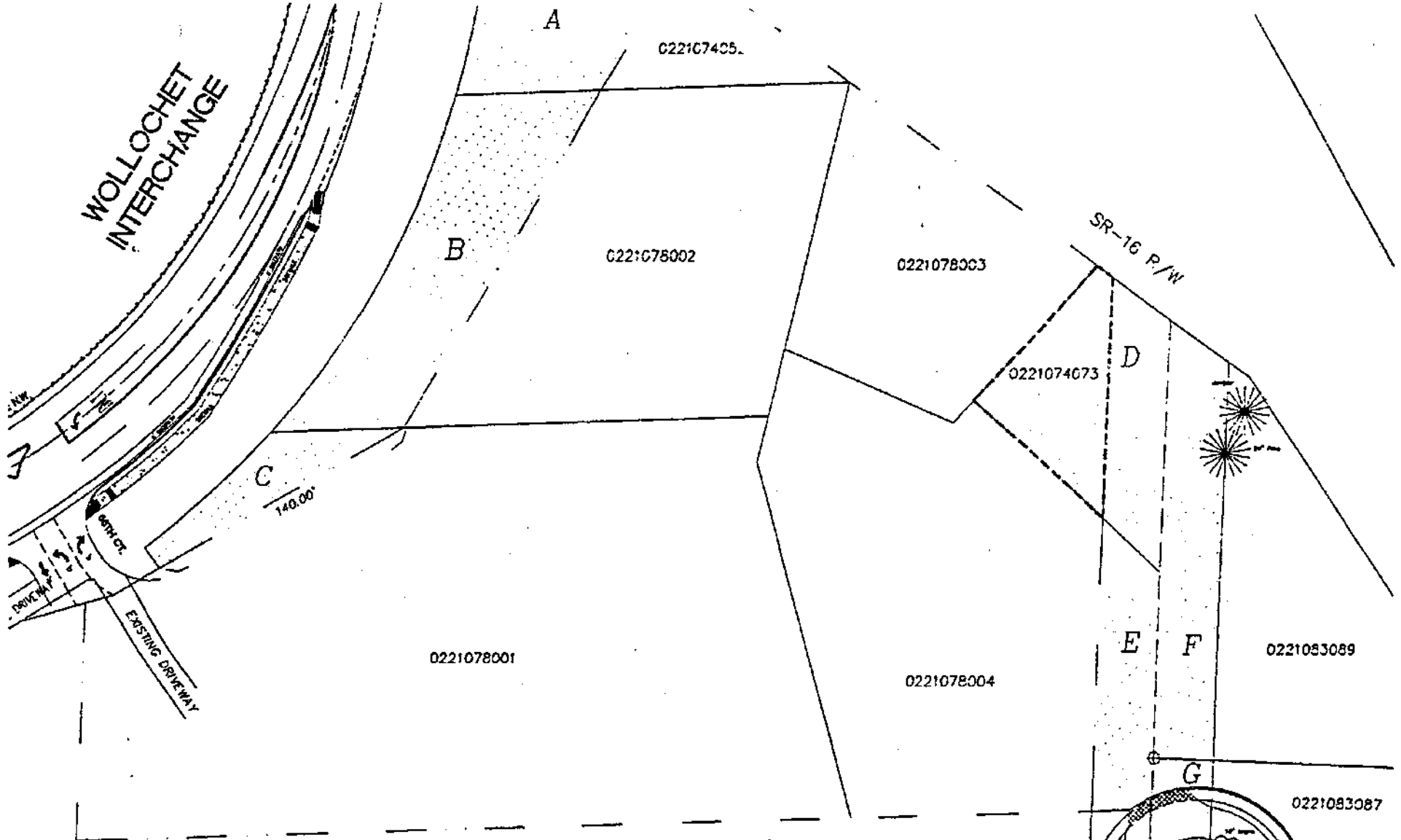
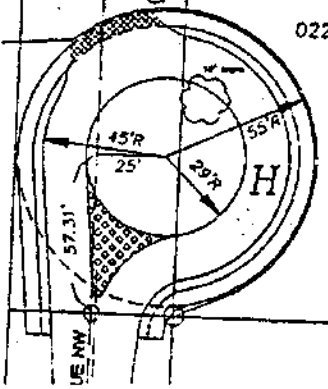


EXHIBIT A

GARRISON - BURTON PARK R/W REVISION

OCT 27, 1997



00008.195.007
CAM:clr
11/20/97

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, VACATING THAT PORTION OF 38th
AVENUE NORTHWEST LYING SOUTH OF STATE
ROUTE-16.**

WHEREAS, the City Council passed Resolution No. _____, establishing a Public Hearing Date of November 24, 1997, as rescheduled from November 10, 1997, as the date for a public hearing on a petition for the vacation of that portion of 38th Avenue Northwest, lying south of State Route-16, and shown and described on Exhibit A, attached hereto, as Tract D; and

WHEREAS, this public hearing was re-scheduled, pursuant to all requisite public notice, on November 10, 1997; and

WHEREAS, the hearing was held as re-scheduled and the Council heard testimony from all persons who expressed a desire to speak on the vacation; and

WHEREAS, after considering any and all such testimony, the Council decided to vacate the right-of-way as requested, subject to the payment of appropriate compensation to the City, now, therefore,

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

Section 1. Adoption of Findings and Conclusions. Pursuant to Section 12.14.012 of the Gig Harbor Municipal Code, the Council makes the following findings and conclusions in support of vacation:

A. FINDINGS

1. The right-of-way proposed for vacation is that portion of 38th Avenue Northwest, lying south of State Route-16, and shown and described on the attached Exhibit A as Tract D. The right-of-way was not acquired at public expense.

2. The right-of-way proposed for vacation is currently improved and has utilities.

3. Vacating the right-of-way will place land back on the tax rolls, and will relieve the City of any and all responsibility for the right-of-way.

4. The vacation has been requested by a petition signed by the owner of the properties abutting the right-of-way.

5. The value of the right-of-way will be determined by an independent, professional appraisal in accordance with Sections 12.14.004B and 12.14.006 of the Gig Harbor Municipal Code. The petitioners have agreed to pay this amount to the City, as provided in RCW 35.79.030 and Section 12.14.020 of the Gig Harbor Municipal Code.

6. The availability of access to public right-of-way will not be affected by this request for vacation.

7. The proponent will dedicate and construct a turn-around, in accordance with the Public Works Standards, on Parcel H as depicted on the map and described in Exhibit A attached hereto.

B. CONCLUSIONS

1. The City Council has the authority to consider street vacations pursuant to Chapter 35.79 RCW and Chapter 12.14 of the Gig Harbor Municipal Code.

2. The proposed vacation will provide a public benefit and be for a public purpose in that it will provide an economic and physical benefit, and will provide the City with compensation for the vacated land.

3. The vacation of the right-of-way will not adversely affect the street pattern or circulation in the immediate area or the community as a whole. Access to public right-of-way will not be affected by the right-of-way vacation.

4. The vacation will not adversely affect the public need, nor is the right-of-way contemplated or needed for future public use other than for construction, repair, and maintenance of future public utilities and services.

5. The right-of-way should be vacated, subject to the provisions in Section 1.B.6 below, and the petitioners compensating the City in the amount of the appraised value, as set forth in the above findings, and as required by Section 12.14.020 of the Gig Harbor Municipal Code and satisfactory to the City's Public Works Director.

6. The right-of-way should be vacated, subject to dedication of right-of-way and construction of a turn-around, or guarantee of construction of same, in accordance with the City's Public Works Standards, and as depicted for Parcel H as shown of the map attached as Exhibit A.

Section 2. Right-of-Way Vacated - Compensation. That certain dedicated right-of-way commonly known as 38th Avenue Northwest, lying south of State Route-16, and

depicted on the map attached as Exhibit A, and incorporated herein by this reference as if set forth in full, is hereby vacated, subject to the petitioners compensating the City in the amount of the appraised value as determined in accordance with Section 1, and the amount of the appraisal for the property, and subject to an easement to the City, satisfactory to the City Public Works Director, for construction, repair, and maintenance of future public utilities and services.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, provided, that the vacation contemplated by this ordinance shall not become effective and this ordinance shall not be recorded until the petitioners compensate the City, and, dedicate and construct or otherwise guarantee construction of the turn-around, as provided above. Upon receipt of the required compensation, and dedication, and construction of such improvements, or receipt of guarantee for such improvements, as provided herein, the City Clerk is directed to record a certified copy of this ordinance with the Pierce County Auditor.

PASSED by the City Council and APPROVED by the Mayor this ____ day of _____, 199 ____.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
CAROL A. MORRIS

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 _____, 199__, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THAT PORTION OF 38TH AVENUE NORTHWEST LYING SOUTH OF STATE ROUTE-16.

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

APPROVED by the City Council at their meeting of _____, 199__.

CITY CLERK, MOLLY TOWSLEE

EXHIBIT A

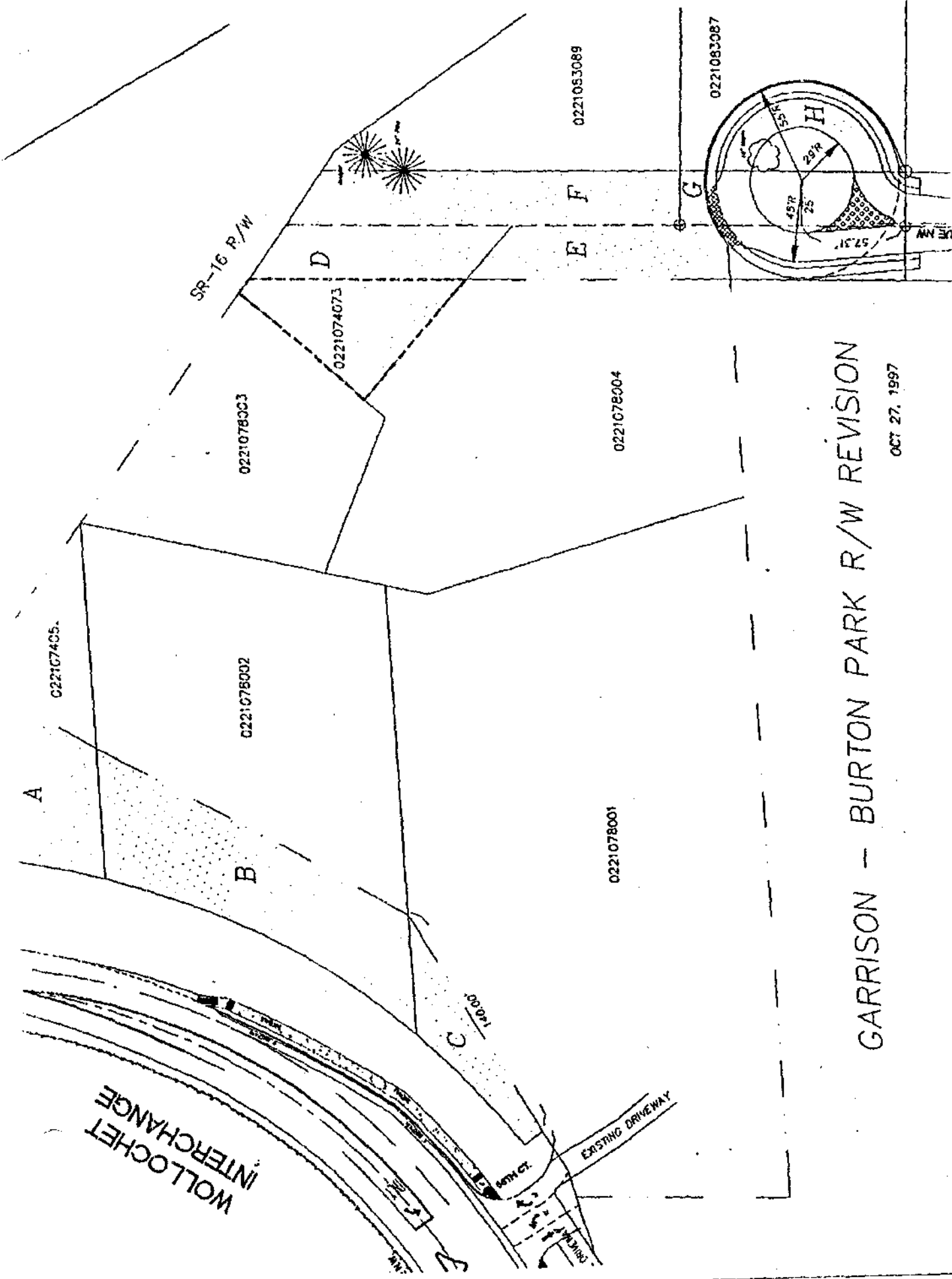
TRACT D

That portion of the westerly 38th Avenue Northwest right-of-way consisting of parcel APN 0221074073 bounded on the north by the southerly State Route-16 Right of Way line as depicted on Sheet 9 of that certain Map of Definite Location entitled State Route-16, Narrows Bridge to Olympic Drive, prepared by the Washington State Highway Commission March 19, 1970, on the northwest by parcel APN 0221078003, and on the southwest by parcel APN 0221078004. Subject to an easement for utility construction, repair and maintenance over the above described vacated right-of-way.

TRACT H (To be Dedicated to the City)

That portion of parcel APN 0221083087 adjacent to, and east of, the 38th Avenue Northwest right-of-way, and bounded by a circle with a radius of 55 feet whose center is 57.3 feet northerly of the westerly extension of said parcel's southerly boundary line, as measured along the centerline of 38th Avenue NW, and 25 feet easterly of the centerline of 38th Avenue Northwest, measured perpendicular to said centerline.

EXHIBIT A



GARRISON - BURTON PARK R/W REVISION

OCT 27, 1997



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH *DR*
SUBJECT: SECOND READING - 1998 BUDGET ORDINANCE
DATE: November 20, 1997

BACKGROUND

The total budget is \$17,657,254, an increase of \$600,929 (3.5%) over the 1997 budget.

Capital projects expenditures account for 36% (\$6,434,532) of total city expenditures. Some of the projects include the East/West Road Project (\$1,600,000), Rosedale Street Improvements (\$810,000) and Kimball Drive Park and Ride (\$1,160,000).

Salaries and benefits account for 19% (\$3,364,047) of the city's overall budget. This represents an increase of \$541,000 (19%) over 1997. The increase is largely due to the addition of seven and one-half positions during the year. Also, the increase partly reflects a 3.7% COLA increase. The additional positions are; a project engineer, two laborers, one and one-half fte construction inspectors, a maintenance worker, public works office assistant upgrade from one-half to full time, an administrative receptionist, and a one-half time data entry clerk.

Transfers between funds are \$2,217,000 (12.5%) of budget. The transfers include \$255,000, \$250,000, and \$150,000 from the General Fund to the 1997 L.T.G.O., Property Acquisition, and Storm Funds; \$550,000 and \$350,000 from the Capital Improvement and Capital Asset Funds to the Street Fund; and \$450,000 from the Water Fund to the Water Capital Asset Fund.

Budgeted ending cash balances are \$2,794,892, or 16% of budget as compared with \$1,135,987, or 7% in 1997.

RECOMMENDATION

Staff recommends adoption of the ordinance.

**CITY OF GIG HARBOR
ORDINANCE NO. _____**

**AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG
HARBOR, WASHINGTON, FOR THE 1998 FISCAL YEAR.**

WHEREAS, the Mayor of the City of Gig Harbor, Washington completed and placed on file with the city clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1998 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 10 and November 24, 1997 at 7:00 p.m., in the Council Chambers in the City Hall for the purpose of making and adopting a budget for 1998 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the said city council did meet at the established time and place and did consider the matter of the 1998 proposed budget; and

WHEREAS, the 1998 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1998 and being sufficient to meet the various needs of Gig Harbor during 1998.

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

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1998 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning cash balances, for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 1998 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1998 as set forth below:

1998 BUDGET APPROPRIATIONS

<u>FUND / DEPARTMENT</u>	<u>AMOUNT</u>
001 GENERAL GOVERNMENT	
01 NON-DEPARTMENTAL	\$782,046
02 LEGISLATIVE	30,000
03 MUNICIPAL COURT	262,330
04 ADMINISTRATIVE/FINANCIAL	475,950
06 POLICE	1,298,812
14 PLANNING / BUILDING	456,135
15 PARKS AND RECREATION	837,550
16 BUILDING	104,800
19 ENDING FUND BALANCE	<u>136,513</u>
001 TOTAL GENERAL FUND	4,384,136
101 STREET FUND	4,604,510
105 DRUG INVESTIGATION FUND	11,600
107 HOTEL-MOTEL FUND	21,100
109 PROPERTY ACQUISITION FUND	1,517,000
201 '75 GO BONDS - SEWER	5,311
203 '87 GO BONDS - SEWER CONSTRUCTION	200,000
208 '97 LTGO BONDS	314,174
301 GENERAL GOVT. CAPITAL ASSETS	590,000
305 GENERAL GOVT. CAPITAL IMPROVEMENT	370,000
401 WATER OPERATING	988,100
402 SEWER OPERATING	1,005,744
407 UTILITY RESERVE	520,000
408 UTILITY BOND REDEMPTION FUND	815,919
410 SEWER CAPITAL CONSTRUCTION	860,000
411 STORM SEWER OPERATING	406,000
420 WATER CAPITAL ASSETS	1,041,000
605 LIGHTHOUSE MAINTENANCE TRUST	<u>2,660</u>
TOTAL ALL FUNDS	<u>\$17,657,254</u>

Section 3. The title of Fund 208 is hereby changed to '97 LTGO Bond Fund.

Section 4. Attachment "A" is adopted as the 1998 personnel salary schedule.

Section 5. The city clerk is directed to transmit a certified copy of the 1998 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 24th day of November, 1997.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee, City Clerk

Filed with city clerk: 11/7/97

Passed by the city council:

Date published:

Date effective:

ATTACHMENT "A"

1998 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>		
	<u>Minimum</u>	<u>Maximum</u>	
City Administrator	\$5,026	\$6,283	
Public Works Director	4,501	5,627	
Chief of Police	4,259	5,324	
Police Lieutenant	4,067	5,084	
Finance Director	4,055	5,069	
Project Engineer	3,601	4,501	
Planning Director	3,968	4,960	
Public Works Supervisor	3,622	4,528	
Police Sergeant	3,425	4,281	See note
Fire Marshal/Building Official	3,474	4,343	
Sewer Plant Supervisor	3,467	4,334	
Foreman	3,088	3,861	
Police Officer	2,872	3,590	See note
Planning Associate	2,973	3,717	
Construction Inspector	2,923	3,654	
Sewer Plant Operator	2,879	3,599	
Maintenance Worker	2,798	3,497	
Planning / Building Inspector	2,707	3,383	
Engineering Technician	2,601	3,250	
Administrative Assistant	2,518	3,148	
Public Works Assistant	2,518	3,148	
Court Administrator	2,431	3,039	
Finance Technician	2,301	2,876	
Planning-Building Assistant	2,301	2,876	
Laborer	2,259	2,824	
Court Clerk	2,204	2,754	
Police Services Specialist	2,163	2,706	
Administrative Receptionist	1,869	2,251	
Public Works Clerk	1,869	2,251	

Note: Contract expires in 1997; 1998 salary levels are currently under negotiation.

**SUMMARY OF ORDINANCE NO. _____
of the City of Gig Harbor, Washington**

On , 1997, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. , the summary of text of which is as follows:

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON, FOR THE 1998 FISCAL YEAR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

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

APPROVED by the City Council at their regular meeting of November 10, 1997.

BY: _____
Molly M. Towslee, City Clerk



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: PLANNING STAFF
DATE: NOVEMBER 24, 1997
SUBJECT: SDP95-06/SPR95-10 -- ROBERT PHILPOTT - SUBSTANTIAL DEVELOPMENT PERMIT AND SHORELINE CONDITIONAL USE PERMIT FOR FUELING DOCK AND BUSINESS OFFICES; SITE PLAN REVIEW FOR OFFICES AND PARKING.

INTRODUCTION/BACKGROUND

On October 14, 1996, the City Council moved to remand back to the Hearing Examiner Mr. Robert Philpott's application for a proposed fuel dock at 3311 Harborview Drive. The issue to be considered by the Hearing Examiner is Section 5202.11.5.5 of the Uniform Fire Code which prohibits smoking or open flames within 50 feet of fueling operations. The Council expressed concern over the ability to enforce this regulation which would prohibit smoking or open flames on abutting lease lands. No other issues were to be addressed by the Examiner.

A hearing on the remand was held on November 13, 1996. The applicant submitted a statement by B.L. Hansen who was an expert witness in favor of the Philpott application regarding conformance to fire code standards. After considering the input of Mr. Hansen and other parties of record, the Examiner concluded that the subject section of the fire code should be implemented essentially as written with little deviation from the 50-foot distance requirement.

The Examiner's decision was appealed to the City Council by the applicant, which was heard by the Council on February 10, 1997. Included with the appeal was a recommendation from Carol Morris to allow the issue of fire code compliance to be determined by the City's Fire Marshal and not the Hearing Examiner or City Council. Accordingly, after reviewing the proposed mitigation for fire code compliance as proposed by Mr. Philpott and as attested by his expert witness, Fire Marshal Steve Bowman determined that the proposed methods for fire code compliance, as attested by Mr. Philpott's expert witness, were acceptable. Mr. Bowman's decision was then appealed to the Building Code Advisory Board (BCAB) by Adam Ross and Stan Stearns because they indicated that the installation of the proposed dock was in non-conformance with the fire code. The BCAB found in favor of one appellant, which would have given cause for project denial. However, the BCAB's decision was appealed to the Pierce County Superior Court which ultimately determined that Mr. Bowman's decision was correct, therefore rendering the project approvable under fire code requirements.

RECOMMENDATION

The fire code requirement was the last issue addressed by the City Council. No other issues were determined to be cause for project denial. With the fire code issue being resolved, the Staff recommends approval of the proposed project as defined in the attached draft resolution.

CITY OF GIG HARBOR
RESOLUTION #_____

WHEREAS, Robert Philpott has requested site plan approval, shoreline substantial development permit approval and shoreline conditional use permit approval to construct a fuel dock and develop a parking lot on the upland portion of the site; and,

WHEREAS, Robert Philpott has requested a variance allowing a two foot parking encroachment into the side yard setback; and

WHEREAS, GHMC Section 17.10 (as effective at the date of application) specifies procedures for reviewing variances, site plans and shoreline substantial development permits and shoreline conditional use permits; and,

WHEREAS, the Planning Department for the City of Gig Harbor has recommended denial of the requested variance, and conditional approval of the requested site plan, shoreline substantial development permit and shoreline conditional use permit in a staff report dated February 7, 1996; and

WHEREAS, the following events occurred in processing Mr. Philpott's application:

1. The City of Gig Harbor Hearing Examiner conducted a public hearing on the applications on December 20, 1995 to accept public comment on the site plan, variance, shoreline substantial development permit and shoreline conditional use permit requests; and,
2. The City of Gig Harbor Hearing Examiner conducted another public hearing on the applications on February 7, 1996 because a recorded transcript of the December 20, 1996 meeting was not available due to failure of recording equipment; and,
3. The City of Gig Harbor Hearing Examiner made specific findings and conclusions and denied the requested variance, and recommended conditional approval of said site plan, shoreline substantial development permit and shoreline conditional use permit in his report dated February 21, 1996; and,
4. Adam and Maxine Ross requested in a letter dated May 4, 1996 that the Hearing Examiner reconsider his recommendation on the site plan, shoreline substantial development permit and shoreline conditional use permit; and,
5. The Planning Staff responded to Adam and Maxine Ross' statements in a memo to the Hearing Examiner dated March 18, 1996 which addressed the concerns identified in the Ross letter; and,

6. After reconsideration of the entire record, the Ross letter of May 4, 1996 and the Planning Department memo of March 18, 1996, the Hearing Examiner issued his decision (dated March 27, 1996), which affirmed his recommendation of February 21, 1996, except for the modification of a condition imposed on the shoreline substantial development permit and shoreline conditional use permit recommendation #D2; and,
7. Notice of the Hearing Examiner's decision on reconsideration was mailed to the Ross' on March 27, 1996, in a letter of the same date; and,
8. A timely appeal of the Examiner's recommendation on the site plan and shoreline/conditional use permit request was filed by Adam and Maxine Ross on April 10, 1996 requesting that the Council deny the application, claiming it as "not being authorized but being contravened by applicable Gig Harbor laws"; and,
9. On May 13, 1996, the City Council considered the appeal by Adam and Maxine Ross of the Hearing Examiner's decision on reconsideration on the Philpott applications; and
10. The City Council remanded the Philpott applications back to the Hearing Examiner, for the Examiner's consideration of: (1) feasibility of ingress and egress of fuel trucks; and (2) the use of the proposed fuel dock for moorage and fueling; and
11. On June 19, 1996, the Hearing Examiner held a public hearing to hear testimony, review evidence and consider these two items as directed by the City Council; and
12. On July 16, 1996, the Hearing Examiner issued his recommendation to the City Council on these two items; and
13. The City received a timely appeal of the Hearing Examiner's recommendation from Robert Philpott, through his attorney Alexandra Smith (letter dated July 30, 1996); and

WHEREAS, Ordinance 711 established review procedures for applications submitted after April 1, 1996; and the application for the proposed development was submitted prior to April 1, 1996; and,

WHEREAS, Section 17.10.160 of the pre-March 1996 Gig Harbor Municipal Code establishes procedures for hearing appeals of the Hearing Examiner's decision, and

WHEREAS, on September 23, 1996, the City Council considered the Philpott applications for a site plan, shoreline substantial development permit, shoreline conditional use permit, the record of the applications and the Philpott appeal of the Hearing Examiners' July 16, 1996 recommendation on reconsideration; and

WHEREAS, on October 14, 1996, the City Council moved to remand back to the Hearing Examiner Mr. Philpott's application to consider Section 5202.11.5.5 of the Uniform Fire Code which prohibits smoking or open flames within 50 feet of fueling operations; and

WHEREAS, the following events occurred in processing Mr. Philpott's application after the City Council's remand back to the Hearing Examiner:

1. A hearing on the remand was held on November 13, 1996. The applicant submitted a statement by B.L. Hansen who was an expert witness in favor of the Philpott application regarding conformance to fire code standards.
2. After considering the input of Mr. Hansen and other parties of record, the Examiner concluded in his report dated December 31, 1996 that the subject section of the fire code should be *implemented essentially as written with little deviation from the 50-foot distance requirement.*
3. The Examiner's decision was appealed to the City Council by the applicant, which was heard by the Council on February 10, 1997. Included with the appeal was a recommendation from City Attorney Carol Morris to allow the issue of fire code compliance to be determined by the City's Fire Marshal and not the Hearing Examiner or City Council.
4. The City Council deferred taking any further action on the application until after the Fire Marshal had a chance to determine if the proposed project met fire code compliance. The Council therefore remanded the issue stated in the appeal to the Fire Marshal.
5. After reviewing the proposed mitigation for fire code compliance as proposed by Mr. Philpott and as attested by his expert witness, Fire Marshal Steve Bowman found that the proposed methods for fire code compliance, as attested by Mr. Philpott's expert witness, provided satisfactory compliance to UFC Section 5202.11.5.5, as determined in Mr. Bowman's decision dated March 13, 1997.
6. Mr. Bowman's decision was appealed to the Building Code Advisory Board (BCAB) by Adam Ross and Stan Stearns because they indicated that the installation of the fuel dock was in non-conformance with the fire code. The BCAB found in favor of one appellant, which would have given cause for project denial.
7. Mr. Philpott appealed the BCAB's decision to the Pierce County Superior Court which ultimately determined that Mr. Bowman's decision was correct, therefore rendering the project approvable under fire code requirements.

WHEREAS, The Shoreline Master Program (SMP) provides an exemption from Regulation No. 1 in Section 3.05 of the SMP. This exemption is contained in Regulation No. 4, Section 3.05 of the SMP, and reads as follows:

An applicant need not provide public access where one or more of the following conditions apply:

- a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
- b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
- c. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
- d. Unacceptable environmental harm will result from the public access provisions and the proposed use and or adjacent uses would occur and cannot be mitigated.
- e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

WHEREAS, The Shoreline Master Program allows an applicant to meet any of the conditions of Regulation No. 4, Section 3.05 of the SMP by demonstrating that all reasonable alternatives have been exhausted, as described in Regulation No. 5, Section 3.05; and

WHEREAS, The Council finds that applicant's fuel dock proposal is incompatible with transient moorage and that all reasonable alternatives have been exhausted, for the following reasons:

- a. The applicant has proposed to operate the fueling station during the hours of 7:00 a.m. and 7:00 p.m. If boaters are allowed to tie up their vessels to the fuel dock when the fueling station is not operated, their activities would be unsupervised. Such unsupervised activities may include smoking next to fuel pumps, overnight stays, use of camp stoves and other ignition devices. These activities are incompatible with close proximity to a fueling station, and would result in a safety hazard to the public.
- b. The hazard presented to the public described above cannot be prevented by any

practical means, other than to prohibit all transient moorage at the fueling station.

- c. There are no transient moorage design features the applicant can incorporate into his plans for this use which satisfy security requirements, because vessels will arrive by water.
- d. The cost of providing safe transient moorage at this fuel dock is unreasonably disproportionate to the total long-term cost of the proposed development. In order for the applicant to provide safe transient moorage at this location, the applicant would be required to hire personnel to supervise all activities at the fuel dock, including the hours of 7:01 p.m. to 6:59 a.m., every day.
- e. Significant undue and unavoidable conflict between the transient moorage and the fueling dock cannot be mitigated. A fire or explosion could occur at the fueling dock as a result of lawful, but careless activities, such as a transient boater's smoking near the dock.

WHEREAS, the City Council has determined that the proposed site plan and shoreline/conditional use permit is consistent with City codes and policies regulating the same;

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

The City Council hereby adopts by reference the findings and conclusions of the Hearing Examiner on the Philpott site plan as contained in his recommendation on reconsideration dated February 21, 1996, and as modified in his recommendation on reconsideration dated July 16, 1996; **PROVIDED**, that the Council does not adopt the Hearing Examiner's conclusions in his July 16, 1996 report under Section B, NO. 2 on page 6, and the Hearing Examiner's recommendation under Section C, No. 2 on page 6. The following conditions of approval are hereby imposed on the Philpott site plan, substantial development permit, and Shoreline Conditional Use Permit:

Site Plan Conditions of Approval:

1. Prior to permit issuance, a final landscape and irrigation plan shall be submitted to and approved by the City Planning Staff which is consistent with all zoning code requirements for landscaping. Landscaping shall be installed as approved prior to issuance of the occupancy permit. In lieu of the required landscape improvements, a bond or cash assignment in the amount equal to 110% of a contractor's bid shall be

posted with the city. If landscaping is not installed within 18 months from the date of posting of the bond or cash assignment, the city will foreclose on the bond or cash assignment and install the landscaping as per the approved plan.

2. Prior to permit issuance, a master sign plan shall be submitted to and approved by the planning staff which meets the requirements of all sign code requirements including Section 17.80.031(K).
3. Prior to permit issuance, details of the dumpster screen shall be submitted to and approved by the Planning Staff.
4. Prior to permit issuance, a lighting plan must be submitted to and approved by the planning staff which is consistent with GHMC Section 17.48.090(D).
5. The project shall comply with the requirements of the city building code.
6. All off-street parking for the businesses shall be clearly indicated on site and must be striped.
7. Any future tenancy of all of the commercial/office buildings shall meet permitted or conditional use requirements of the zoning code, per section 17.48.020 and .030.
8. The project shall be reviewed by the Planning Department to ensure compliance with all Design Manual standards.

Shoreline Substantial Development and Conditional Use Permit Conditions of Approval:

1. The applicant shall submit to the City a covenant executed between the property owner/applicant and the adjacent property owner (DNR) covering the agreement for the joint use of common lot lines and which establishes by covenant minimum ingress/egress requirements.
2. All fuel deliveries shall be conducted entirely on-site. Fuel trucks must be small enough to use the defined parking spaces for deliveries. All fuel deliveries shall occur between the hours of 7:00 a.m. and 7:00 p.m.
3. The project shall conform to all City of Gig Harbor fire code requirements as approved by the City's Fire Marshal.
4. Only water-dependent, water-oriented or water-enjoyment uses shall be allowed in the existing building over the water.

5. Prior to permit issuance, a lighting plan shall be submitted which is consistent with SMP Section 3.05.
6. All upland fill required to bring the parking lot into compliance with the maximum grade requirements of the city shall be engineered by a licensed professional engineer and shall be retained by suitable retention devices, as per the engineers recommendation. Fill shall not be permitted waterward of the existing bulkhead.
7. All on-site construction shall provide adequate temporary storm water- retention and shall include provisions for temporary erosion and sediment control as per requirements of the City of Gig Harbor Public Works Construction Standards.
8. This development is exempt from the requirement for a view/access opportunity, along with the proposed transient moorage intended to meet said requirement, pursuant to Section 3.05(4) of the City of Gig Harbor Shoreline Master Program. No transient moorage or public access shall be allowed on the fueling dock.
9. The fueling dock must have fuel spillage containment systems in place prior to operation. Such facilities shall be subject to the authorization and approval of the appropriate state and or federal agency.
10. All fuel sales shall be limited to the hours of 7:00 a.m. to 7:00 p.m.

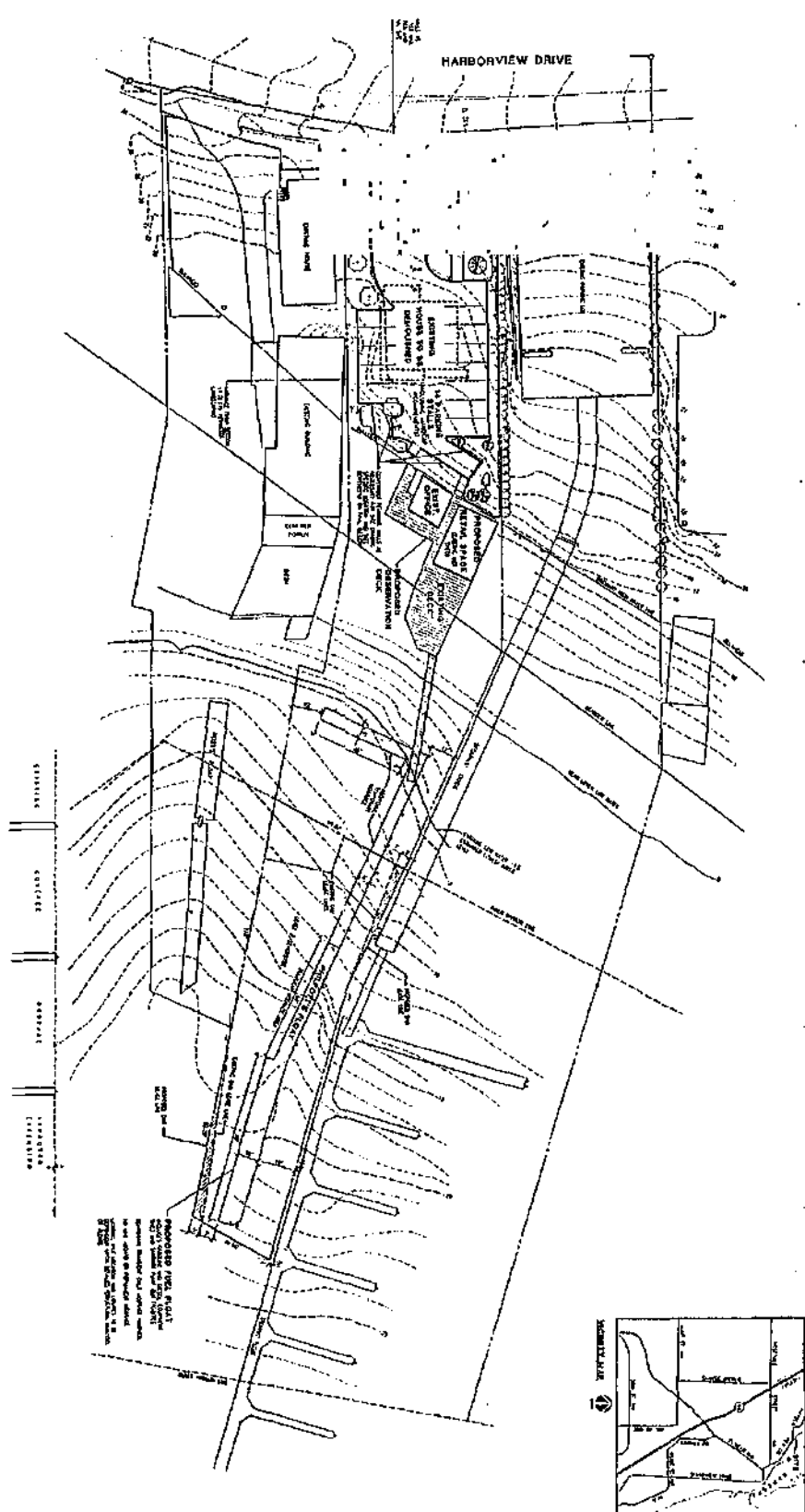
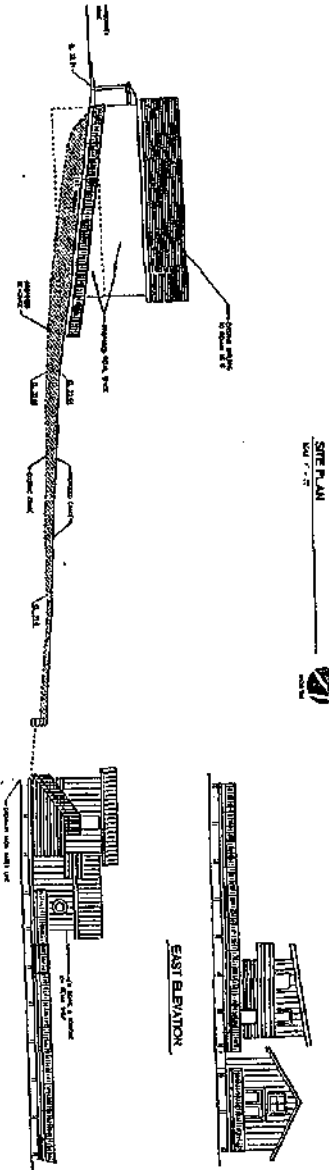
PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 24th day of November, 1997.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk: 11/17/97
Passed by City Council: 11/24/97





City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR *Wes Hill*
SUBJECT: AVALON WOODS - DEDICATION AND MAINTENANCE REQUEST
DATE: NOVEMBER 19, 1997

INTRODUCTION/BACKGROUND

At the August 25, 1997 Council meeting, a request was presented from the Avalon Woods Homeowner's Association that the City assume maintenance responsibilities for the streets and storm drainage system serving their plat. The plat is located on the southern end of the recently annexed Gig Harbor North area (between approximately 96th Street and 100th Street), just west of Peacock Hill Avenue.

The plat was constructed in 1989 as Harborcrest II, a private subdivision under Pierce County's development regulations. Except for utilities, construction was inspected by the plat's design engineer. Water and sanitary sewer service are provided by Harbor Water and the City, respectively.

Prior to the Gig Harbor North annexation, residents in the development received assurances that City staff, including the previous Public Works Director, would support a request for the City to assume street and storm sewer system maintenance responsibilities subsequent to annexation.

The plat's storm sewer system includes a detention pond that was constructed in an existing ravine on the south side of the plat (just north of 96th Street). The ravine, and detention pond, collect and route drainage from more than just the Avalon Woods storm sewer system. Avalon Woods occupies approximately 1/5 of the drainage basin above the detention pond. An engineered fill, with concrete surfaced upstream face was constructed below the detention pond's control structure. Staff has not inspected the control structure or observed its operation, but anecdotal information from this winter's storms suggest that the structure functioned as a siphon under those loading conditions.

Prior to accepting a dedication of the streets and storm drainage system, there are several issues which need to be considered, including:

1. Conformance of the streets and storm drainage system to City standards.
2. Costs for maintaining and/or improving the streets and storm drainage system to City standards, including evaluation of the conditions of the streets and storm drainage system. The evaluation of the drainage system should include an analysis of upstream and downstream conditions, adequacy of the detention system, and permit requirements if any.
3. The presence of any hazardous materials.

MAYOR WILBERT AND CITY COUNCIL

November 19, 1997

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4. Special obligations which may be assumed by the City for drainage system and/or outfall maintenance by the dedication to the City.
5. The implications for future requests.

At the August 25, 1997 Council meeting, Council requested staff review and refine the City's policies on City acceptance of private street and storm sewer systems. A proposed policy follows for consideration by the Council.

A cursory review of the policies in other jurisdictions indicates somewhat divergent approaches. Pierce County, Federal Way, Thurston County and Lacey require, at a minimum, that any private system be brought to current agency standards at the expense of the private property owners prior to acceptance by the agency. The City of Lacey also has a requirement that a private storm water detention system be maintained by the plat's homeowners association. The City of Lacey's Community Facilities clause further provides that any private system which is not maintained to City standards by the homeowners, may be maintained by the City and the City's costs billed to the homeowners. Kitsap County anticipates a public benefit in assuming responsibility for nominally maintained private systems that were originally built to County standards and had at least a nominal level of County inspection. However, for private improvements that were not constructed to County standards or which did not have the presence of a County inspector (general not specific inspection), then Kitsap County also requires, at a minimum, that the owners of the facilities bring the facilities up to current County standards prior to acceptance. All agencies contacted qualified their minimum acceptance provisions by stating that they would only consider a request for dedication based on an agreement to improve.

POLICY CONSIDERATIONS

As previously stated, staff has performed a cursory review of the street and storm sewers within the plat of Avalon Woods. They appear to be in good condition. Other than routine maintenance, major maintenance activities such as resurfacing should not be necessary for another ten to fifteen years. While there would be additional costs; there are potential benefits in having more local streets within the City's inventory to reduce the percentage of arterial miles. This is significant for the City's ability to obtain Federal and State grants for street improvement projects since most programs limit funding to arterial routes, and the State limits the percentage of an agency's streets which can be classified as arterials under the federal functional classification system.

Considering that the constructed detention system serves more than the Avalon Woods subdivision, and that downstream problems have been experienced, determination and evaluation of any risks and downstream impacts of the storm drainage system will be in the public interest.

Private roads and drainage systems present the same long-term maintenance obligations to the owners as would typically be experienced by a public agency. These costs, both in term of

MAYOR WILBERT AND CITY COUNCIL

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dollars and time, are not necessarily a consideration when individuals purchase properties in those private developments. As these private systems continue to age and maintenance requirements increase, requests for transfer to public ownership are anticipated.

Current City policy on acceptance of private streets (and presumably associated storm drainage improvements) is set forth in Section 2SB.070(B) of the Public Works Standards:

“Acceptance of Public Streets. Acceptance of private streets as public streets will be considered only if the street(s) meet all applicable public street standards, including right-of-way widths.”

A similar provision is not included in the storm drainage section of the Public Works Standards.

This Department is recommending that Council adopt the attached revisions to the Public Works Standards to clarify the basis for considering acceptance of private street and storm drainage facility improvements for City maintenance. Considering the proposed policies, and the nature of the detention facility constructed for Avalon Woods, staff is also recommending that Council authorize staff to select a consultant, and negotiate and execute a consultant services contract for an independent engineering evaluation of the stormwater drainage system, including the detention facility. The consultant will evaluate upstream and downstream conditions, the condition and adequacy of the storm drainage detention system relative to the standards at the time of construction and current standards, potential downstream impacts, and the requirements for restoring and/or improving the detention system to current standards.

FISCAL CONSIDERATIONS

There are approximately 0.6-miles (3,066- linear feet) of street and sidewalk within the development. The development also includes approximately 3,300 linear feet of storm sewer system, a detention pond with controlled outlet structure, and a downstream structural fill with armored upstream slope. The entrance to the plat includes an intensely landscaped area which will require extensive maintenance unless a separate maintenance agreement is arranged. The elected Avalon Woods representative has indicated that they would be agreeable to separating the landscaping improvements from the City's maintenance responsibilities. The streets and storm sewer system appear to be in good condition and would probably not require intensive maintenance for another ten to fifteen years. However, the storm detention system presents some concerns due to the age of the facility, the more rigorous design standards now in place, lack of maintenance, and indirect observations of the system's performance during last winter's storms.

Staff has determined that an independent engineering evaluation will cost approximately \$7,000, including limited geotechnical work. Staff suggests that the cost of the evaluation be split with the homeowner's association based on the approximate proportion of drainage above detention structure, or 30-percent Avalon Woods property owners, 70-percent City.

MAYOR WILBERT AND CITY COUNCIL

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RECOMMENDATION

The Public Works Director recommends that Council approve the revisions to the Public Works Standards to provide criteria for acceptance of private street and storm drainage improvements.

The Public Works Director also recommends that Council authorize the Public Works Director to select, and negotiate and execute a contract with an engineering consultant to conduct an independent engineering evaluation of the drainage basin and detention facility, including costs to upgrade the storm drainage detention system to current standards, for a not to exceed fee of seven-thousand dollars (\$7,000.00), and subject to payment by the Avalon Woods Homeowner's Association of 20-percent of the final negotiated fee for consultant services.

2B.070 Private Streets

B. Acceptance as Public Streets. The City Council's decision on whether to accept dedication of a private street is wholly discretionary. The City Council's acceptance of private streets as public streets will be considered only if each of the following conditions have been met.

1. The street(s) meet all applicable public street standards, including right-of-way widths, or all property owners abutting the street(s) agree to dedicate additional property to ensure that the right-of-way(s) are the proper width;
2. There is no hazardous waste located upon or under the street(s). The property owners desiring to dedicate the street(s) to the City shall hire a hazardous materials consultant, as approved by the City, and shall pay the cost of the hazardous materials evaluation. The hazardous materials evaluation shall include a Phase I evaluation, and may, in the City's sole discretion, include a Phase II evaluation;
3. The cost to maintain or bring the street(s) up to City standards does not exceed \$1,000, or the property owners agree to pay such costs in addition to such amount, necessary to construct the street to City's standards.
4. All owner(s) of the street(s) have agreed in writing to dedicate the street(s) to the City on behalf of the public;
5. If a plat alteration is necessary, the requisite owner(s) have completed and signed the plat alteration application together with the proposed street dedication, and paid the requisite fee, and the plat alteration and street dedication have been approved by the City Hearing Examiner;
6. The public interest will be benefitted by accepting dedication of the street(s); and
7. The acceptance of the street(s) does not set a precedent which is detrimental to the public health, safety, or welfare.

(Storm Drainage Chapter)

3.090 Acceptance of Private Storm Drainage Systems as a Public Storm Drainage System

The City Council's decision on whether to accept dedication of a private storm drainage system is wholly discretionary. The City Council's acceptance of a private storm drainage system, along with the dedication of the necessary access easement, as a public storm drainage system will be considered only if each of the following conditions have been met:

1. The storm drainage system meets all applicable public storm drain design standards;
2. There is no hazardous waste located within the storm drainage system easement. The property owners desiring to dedicate the storm drainage system and easement to the City

shall hire a hazardous materials consultant, as approved by the City, and shall pay the cost of the hazardous materials evaluation. The hazardous materials evaluation shall include a Phase I evaluation, and may, in the City's sole discretion, include a Phase II evaluation;

3. The cost to maintain or bring the storm drainage system up to City standards does not exceed \$1,000, or the property owners agree to pay such costs, in addition to such amount, necessary to construct the storm drainage system to City standards. The City may elect to pay for all or a portion of the costs to evaluate the drainage system based on the perceived benefit to the City.
4. All owner(s) of the storm drainage system have agreed in writing to dedicate the system and the requisite easements to the City on behalf of the public;
5. If a plat alteration is necessary, the requisite owner(s) have completed and signed the plat alteration application, and paid the requisite fee, and the plat alteration and easement dedication have been approved by the City Hearing Examiner;
6. The storm drainage easement is adequate for maintaining and servicing the storm drainage system;
7. The public interest will be benefitted by accepting dedication of the storm drainage system; and
8. The acceptance of the storm drainage system and easement does not set a precedent which is detrimental to the public health, safety, or welfare.



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: PLANNING-BUILDING STAFF
SUBJECT: INTERLOCAL AGREEMENT – AMENDMENTS TO THE PIERCE
COUNTY COUNTY-WIDE PLANNING POLICY
DATE: NOVEMBER 20, 1997

INFORMATION

The Pierce County Regional Council recommended that several amendments to the Pierce County County-Wide Planning Policies. A memo from the clerk of the PCRC is attached for your information.

POLICY ISSUES

The proposed amendments are primarily house-keeping in nature and several reiterate adopted State GMA policy.

FISCAL IMPACT

There will not be a fiscal impact to the City.

RECOMMENDATION

Staff recommends adoption of a Council resolution supporting the proposed changes and approval of the inter-local agreement.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, AUTHORIZING THE PIERCE COUNTY EXECUTIVE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITIES AND TOWNS OF PIERCE COUNTY, THEREBY AMENDING THE PIERCE COUNTY COUNTY-WIDE PLANNING POLICIES RECOMMENDED BY THE PIERCE COUNTY REGIONAL COUNCIL.

WHEREAS, on January 31, 1995, the Pierce County Council passed Resolution R95-17 affirming the commitment of the County to continue discussions with other local jurisdictions to resolve implementation of the Growth Management Act; and

WHEREAS, the Pierce County Regional Council (PCRC) was created in 1992 by interlocal agreement among the cities and towns of Pierce County and Pierce County, and charged with responsibilities, including: serving as a local link to the Puget Sound Regional Council promoting intergovernmental cooperation, facilitating compliance with the coordination and consistency requirements of the Growth Management Act (Chapter 36.70A RCW) and the Regional Transportation Planning Organization (Chapter 47.80 RCW), and developing a consensus among jurisdictions regarding the development and modification of the County-Wide Planning Policies; and

WHEREAS, the Growth Management Coordinating Committee (GMCC), and technical committee of the PCRC, provided technical evaluation of the proposed amendments and passed recommendation to the PCRC on January 13, 1997; and

WHEREAS, the PCRC conducted negotiations in open public meetings during the months of February and March of 1997 to address new provisions to urban growth area policies which include municipal study areas, annexations, and overlaps of urban areas; several technical amendments were also proposed to update the Pierce County County-Wide Planning Policies with current reference information; and

WHEREAS, the Executive Committee of the PCRC subsequently recommended adoption of proposed amendments to the Pierce County County-Wide Planning Policies which address new provisions to urban growth area policies and technical amendments to update the documents with current reference information; and

WHEREAS, amendments to the Pierce County County-Wide Planning Policies must be adopted through amendment of the original interlocal agreement or by a new interlocal agreement ratified by 60 percent of the jurisdictions in Pierce County representing 75 percent of the total population on June 28, 1991; and

WHEREAS, an Interlocal Agreement entitled Amendments to the Pierce County County-Wide Planning Policies, (Exhibit "A") has been developed for this purpose, and includes the recommended amendments to the Pierce County County-Wide Planning Policies as an attachment; and

WHEREAS, these additional county-wide planning policies should be incorporated into the next amendment of the Pierce County County-Wide Planning Policies by ordinance of the County Council; and

WHEREAS, the Pierce County Planning Commission will review the proposed amendments to the County-Wide Planning Policies at their December 16, 1997 regular public hearing; and

WHEREAS, the City Council finds that it is in the public interest to authorize the Pierce County Executive to execute the interlocal agreement, attached hereto as Exhibit "A"; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of Gig Harbor:

Section 1. The Pierce County Executive is hereby authorized to execute the interlocal Agreement, attached hereto as Exhibit "A" and by this reference incorporated herein, thereby ratifying the attached amendments to the Pierce County County-Wide Planning Policies as recommended by the Pierce County Regional Council.

RESOLVED this ____ day of _____, 1997.

APPROVED:

GRETCHEN A. WILBERT, MAYOR

ATTEST/AUTHENTICATED:

MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 11/10/97
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

EXHIBIT "A"

INTERLOCAL AGREEMENT

**AMENDMENTS TO THE PIERCE COUNTY
COUNTY-WIDE PLANNING POLICIES**

This agreement is entered into by and among the cities and towns of Pierce County and Pierce County. This agreement is made pursuant to the provisions of the Interlocal Cooperation Act of 1967, Chapter 39.34 RCW. This agreement has been authorized by the legislative body of each jurisdiction pursuant to formal action and evidenced by execution of the signature page of this agreement.

BACKGROUND:

- A. The Pierce County Regional Council (PCRC) was created in 1992 by interlocal agreement among the cities and towns of Pierce County and Pierce County. The organization is charged with numerous responsibilities, including serving as a local link to the Puget Sound Regional Council, promoting intergovernmental cooperation, facilitating compliance with the coordination and consistency requirements of the Growth Management Act (Chapter 36.70A RCW) and the Regional Transportation Planning Organization (Chapter 47.80 RCW), and developing a consensus among jurisdictions regarding the development and modification of the Pierce County County-Wide Planning Policies.
- B. The Pierce County County-Wide Planning Policies provide for amendments to be adopted through amendment of the original interlocal agreement adopting the policies or by a new interlocal agreement. The Pierce County County-Wide Planning Policies may be amended upon the adoption of the amendments by the Pierce County Council and ratification by 60 percent of the jurisdictions in Pierce County (13 of 20) representing 75% of the total population on June 28, 1991 (452,850 of 603,800).
- C. On March 20, 1997, the PCRC approved amendments to the Pierce County County-Wide Planning Policies adding language to address new provisions to urban growth area policies which include municipal study areas, annexations, and overlaps of urban areas. Several technical amendments were proposed to update the Pierce County County-Wide Planning Policies with current reference information.
- D. The PCRC conducted negotiations in open public meetings during the months of February and March 1997. As a result of these meetings, the PCRC Executive Committee recommended amendments to the Pierce County County-Wide Planning Policies. The amendments address provisions to urban growth area policies and several technical amendments to update the Pierce County County-Wide Planning Policies with current reference information and incorporated herein as Attachment.

PURPOSE:

This agreement is entered into by the cities and towns of Pierce County and Pierce County for the purpose of ratifying and approving the attached amendments to the Pierce County County-Wide Planning Policies (Attachment).

DURATION:

This agreement shall become effective upon execution by 60 percent of the jurisdictions in Pierce County, representing 75% of the total population on June 28, 1991. This agreement will remain in effect until subsequently amended or repealed as provided by the Pierce County County-Wide Planning Policies.

SEVERABILITY:

If any of the provisions of this agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

FILING:

A copy of this agreement shall be filed with the Secretary of State, Washington Department of Community, Trade and Economic Development, the Pierce County Auditor and each city or town clerk.

IN WITNESS WHEREOF, this agreement has been executed by each member jurisdiction as evidenced by the signature page affixed to this agreement.

INTERLOCAL AGREEMENT

**AMENDMENTS TO THE PIERCE COUNTY
COUNTY-WIDE PLANNING POLICIES**

Signature Page

The legislative body of the undersigned jurisdiction has authorized execution of the Interlocal Agreement, Amendments to the Pierce County County-Wide Planning Policies.

IN WITNESS WHEREOF

This agreement has been executed _____
(Name of City/Town/County)

BY: _____
(Mayor/Executive)

DATE: _____

Approved:

BY: _____
(Director/Manager/Chair of the Council)

Approved as to Form:

BY: _____
(City Attorney/Prosecutor)

Approved:

By: _____
(Pierce County Executive)

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

B. Framework Agreement for the Adoption of the County-Wide Planning Policies

Pursuant to the Growth Management Act, Pierce County and the municipalities have entered into an Interlocal Agreement for the development and adoption of the County-Wide Planning Policies.¹⁴ The Agreement provides for the establishment of a Steering Committee (SC) consisting of one elected official from Pierce County and one elected official from every municipality in the County. The principal responsibility of drafting the County-Wide Planning Policies was given to the Steering Committee.¹⁵ The Steering Committee received technical/staff support from the Growth Management Coordinating Committee (GMCC), which additionally established the Urban Growth Area Subcommittee.¹⁶ The Steering Committee was authorized to retain Consultants and pursuant to such authority hired the national and regional consulting firms of Freilich, Leitner, Carlisle & Shortlidge and Northwest Strategies.¹⁷

Ratification of the County-Wide Planning Policies requires the affirmative vote of 60% of the affected governments in Pierce County (~~12 of 19~~) representing a minimum of 75% of the total Pierce County population as designated by the State Office of Financial Management ~~on June 28, 1991 (452,850 of 603,800)~~ at the time of the proposed amendment.

¹⁴ Interlocal Agreement: Framework Agreement for the Adoption of the County-Wide Planning Policy (Pierce County Council Resolution No. R91-172, September 24, 1991)(See Attachment "B").

¹⁵ Interlocal Agreement, § 2.

¹⁶ Interlocal Agreement, § 4.

¹⁷ Interlocal Agreement, § 5.

for development and the provision of urban services to support development within the urban growth area.

Satellite Cities and Towns

The cities and towns in the rural areas are a significant part of Pierce County's diversity and heritage. They have an important role as local trade and community centers. These cities and towns are the appropriate providers of local rural services for the community. They also contribute to the variety of development patterns and housing choices within the county. As municipalities, these cities and towns provide urban services and are located within designated Urban Growth Areas. The urban services, residential densities and mix of land uses may differ from those of the large, generally western Urban Growth Areas in Pierce County.

■ County-Wide Planning Policy

1. The County shall designate urban growth areas for the County and for each municipality in the County based on consultations between the County and each municipality and pursuant to the following process:
 - 1.1 initial designation of proposed municipal urban growth area by each municipality;
 - 1.2 County designation of proposed County urban growth area;
 - 1.3 County review of ~~initial~~ ~~proposed~~ municipal urban growth area designations considering:
 - 1.3.1 Growth Management Act criteria and standards;
 - 1.3.2 coordination with other County-wide policies, particularly those on agricultural land preservation; natural resources, open space and protection of environmentally-sensitive lands; transportation; and affordable housing;
 - 1.3.3 overlapping municipal urban growth area boundaries;
 - 1.3.4 gaps between urban growth area boundaries;
 - 1.3.5 County ordinance establishing procedures and criteria for designating urban growth areas.
 - 1.4 County referral of proposed urban growth area designations to the ~~Steering Committee~~ ~~Pierce County Regional Council (PCRC)~~, or its successor entity.
 - 1.4.1 The ~~Steering Committee~~ ~~PCRC~~, or its successor entity, ~~may~~ ~~shall~~ refer the proposed designations to the Growth

- Management Coordinating Committee (GMCC), or its successor entity for technical advise and for a report.
- 1.4.2 The ~~Steering Committee~~ ~~PCRC~~, or its successor entity, may conduct public meetings to review the proposed designation and, at such meetings, may accept oral or written comments and communications from the public.
- 1.4.3 At the conclusion of its review and analysis, the ~~Steering Committee~~ ~~PCRC~~, or its successor entity, shall make a recommendation to the County and to the municipalities in the County.
- 1.5 County designation and attempt to reach agreement through negotiation with each municipality or, in case of impasse, through a designated mediation process ~~within the County prior to State Department of Community—Development review~~ using the State Department of Community, Trade and Economic Development prior to state review;
- 1.5.1 if no agreement, justification by County in writing for designated urban growth area delineation;
- 1.5.2 possible formal objection by municipality to ~~State Department of Community Development~~ ~~the State Department of Community, Trade and Economic Development~~.
- 1.5.3 resolution of conflict via mediation by ~~State Department of Community—Development~~ the State Department of Community, Trade and Economic Development.
- 1.6 Following an agreement between the County and municipality on the designation of the urban growth area, or, in the case of an impasse, following a designation determination via mediation by the ~~State Department of Community Development~~ ~~State Department of Community, Trade and Economic Development~~, the legislative body of the County shall adopt the urban growth area designation by ordinance.
- 1.7 The adopted urban growth area designations shall be transmitted to the legislative bodies of each municipality in the County and said municipality shall adopt its applicable urban growth area designation by resolution or ordinance.
- 1.8 Once adopted by the County, the urban growth area designations shall not be changed except in accordance with the County-Wide Policy on "Amendments and Transition."

- 1.9 Any municipality can establish study areas for areas outside of their incorporated limits or urban growth areas for study, discussion and analysis as part of the development of a comprehensive plan, or the amendment of an urban growth area. Municipalities are encouraged to coordinate with adjoining municipalities who may be affected by the study.
 - 1.10 Cities shall not annex areas beyond their individual urban growth area. In instances where overlaps of urban areas have occurred or may exist between jurisdictions, municipal jurisdictions can accept application for annexation from areas where the overlap exists.
2. The following specific factors and criteria shall dictate the size and boundaries of urban growth areas:
 - 2.1 Size



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH *DR*
SUBJECT: FIRST READING – 1997 BUDGET AMENDMENT ORDINANCE
DATE: NOVEMBER 19, 1997

BACKGROUND

The General Fund Administration/Finance Department requires an amendment to the 1997 appropriation.

Expenditures for this department are at 100% of budget through October. This is due to legal fees which are 145% of budget.

The 1997 appropriation for legal fees is \$120,000. Through October the city has incurred \$200,000 in legal fees. It appears legal expenditures may be as high as \$250,000.

All other expenditures in this department are expected to be within budget.

RECOMMENDATION

Staff recommends adoption of the ordinance at its second reading.

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE 1997 BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, adjustments to the 1997 annual appropriations are necessary to conduct city business,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS** as follows:

Section 1.

The annual appropriations in the departments and funds listed below shall be increased to the amounts shown:

<u>Fund/Dept.</u>	<u>Original Appropriations</u>	<u>Amendment</u>	<u>Amended Appropriations</u>
001-General Government			
04-Admin/Finance	405,450	100,000	405,450
001-Total General Gov't.	3,896,821	100,000	3,996,821

Section 2. This ordinance shall be in force and take effect five(5) days after its publication of a summary according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this ____ day of _____, 1997.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee, City Clerk

Filed with City Clerk: 11/19/97

Passed by the City Council:

Date published:

Date effective: