

GIG HARBOR CITY COUNCIL MEETING



August 12, 1996

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

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

August 12, 1996 - 7:00 p.m.

PUBLIC COMMENT/DISCUSSION:

PUBLIC HEARINGS: City of Gig Harbor Design Manual; Design Review Board; Design Standards and Review.

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE / PROCLAMATIONS:

1. Letter from Marty Erdahl, Pierce county Solid Waste Advisory Committee - Request for Applicants.
2. Letter from Rudy Lukez - Bicycle and Pedestrian Safety.
3. Letter from Jack Poltz - Peninsula/Gig Harbor Kiwanis.
4. TCI Acquisition of Viacom.

OLD BUSINESS:

1. Planning Commission Recommendation, Draft Design Review Manual for the City of Gig Harbor. (Previous Packet)
2. Second Reading of Ordinance - Preannexation Zoning of Urban Growth Area.

NEW BUSINESS:

1. Stinson Avenue Improvements.
2. First Reading of Ordinance - Design Manual for the City of Gig Harbor.
3. First Reading of Ordinance - New Chapter 2.21, Design Review Board.
4. First Reading of Ordinance - New Chapter 17.98, Design Standards and Review.
5. Jowers/Brown Outside Utility Request.
6. H & T Enterprise Outside Utility Request.
7. McPherson Outside Utility Request.

MAYOR'S REPORT: Review of 50th Anniversary Week

COUNCIL COMMENTS:

STAFF REPORTS:

Chief Barker - Gig Harbor Police Department.

ANNOUNCEMENTS OF OTHER MEETINGS:

City Council Worksession to discuss the Comprehensive Parks Plan - September 16th, 6:00 p.m. at City Hall.

APPROVAL OF BILLS:

APPROVAL OF PAYROLL:

EXECUTIVE SESSION: None Scheduled.

ADJOURN:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JULY 22, 1996

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

PUBLIC COMMENT / DISCUSSION:

Elizabeth Pilling - 10297 Bethel Burley Rd., Port Orchard WA 98366. "Betty Boop" talked about her involvement in the production of a commemorative issue of Accent magazine covering the 50th Anniversary of Gig Harbor. She spoke about all the help she received from the community on this project and praised Gig Harbor for it's friendly assistance. She presented the Mayor and City Council with a signed edition of the magazine.

PUBLIC HEARING:

Washington Natural Gas Franchise Agreement. Mayor Wilbert opened the public hearing on this item and invited public comment. There being no public comment Mayor Wilbert closed the public hearing on this item at 7:20 p.m.

CALL TO ORDER: 7:21 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the July 8, 1996 meeting as presented.
Picinich/Ekberg - unanimously approved. Councilmembers Markovich and Platt abstained.

CORRESPONDENCE / PROCLAMATIONS:

Proclamation - Maritime History Week. Mayor Wilbert spoke about the Maritime History group. On Sunday, they brought gigs into the harbor and offered rides and rowing instruction for the 50th Anniversary celebration.

OLD BUSINESS:

1. First Reading of Ordinance - Preannexation Zoning for UGA. Ray Gilmore explained that this was a reintroduction of this ordinance since three regular meeting dates have passed since the ordinance was originally introduced. He presented the recommendation by the Planning Commission for the preannexation zoning map for the cities Urban Growth Area. Mr. Gilmore pointed out that a summary of the comments received at the May 13th and June 24th Public Hearing was in the council packet. He further explained that this summary included the comments along with the Planning Commissions response.

Councilmember Markovich asked for further clarification of the Employment District zoning restrictions as they apply to Walt Smith's property. Mr. Gilmore explained that the Planning

Commission, after getting additional testimony, did not place an absolute limit on height, the intent being to preserve open space. After hearing the public comment, they determined it was unlikely that uses in that area would require building over two or three stories. Councilmember Markovich expressed a desire to have the Planning Commission revisit these standards apart from the adoption of the UGA zoning map. Mr. Gilmore stated that he hoped to bring this before the Planning Commission in two months.

Councilmember Picinich asked if Walt Smith's comments had been considered by the Planning Commission. Mr. Gilmore stated that no, his comments had not been considered because to amend the regulatory code at this time would require pre-notification of agencies and we will be addressing changes in one group this fall. Councilmember Picinich inquired if the same applied to Del Stutz's comments. Mr. Gilmore indicated that Mr. Stutz's case is a little different because of how the county had designated his property. His request would require review by the Planning Commission because it would require an amendment to the Comprehensive Plan.

Councilmember Markovich asked then if those comments that had been received could be addressed by alternative methods. Mr. Gilmore said that those that have not been already considered can be taken back to the Planning Commission. Councilmember Picinich inquired whether that would apply to the Stroh and Sweeney properties. Mr. Gilmore replied that, yes, it would be the same situation.

Mr. Gilmore stated that they could adopt this in one reading if the Council so desired. It was decided to wait until next meeting for a vote.

2. Draft Parks and Recreation Plan. Mayor Wilbert introduced Tom Beckwith, from Beckwith Consulting, and Public Works Director Wes Hill. Mr. Hill introduced Planning Director, Ray Gilmore. Mr. Gilmore introduced this proposed amendment to the Comprehensive Plan and suggested that perhaps Council would like to hold a worksession with Mr. Beckwith.

Councilmember Markovich asked how the adoption of this plan would impact what the City does in Parks and Recreation over the next budget cycles, and how much flexibility the city would have to delete or add new projects. Mr. Gilmore explained that there is a funding element involved; however, the real commitment is in the six-year funding program. He added that it could be changed; although, if impact fees have been collected, such fees would have to be returned with interest. Councilmember Markovich stated this was a substantial consideration; therefore, he felt a worksession was necessary. City Administrator Mark Hoppen further clarified the grant ramifications of the document.

Councilmember Ekberg stated that he would be in favor of a worksession with the Planning Commission.

It was decided that a worksession would be held with the Planning Commission and Tom

Beckwith on September 16, 1996 at 6:00.

3. Second Reading of Ordinance - Coulter Rezone (REZ 94-01). Ray Gilmore gave a brief overview of this ordinance and recommended adoption.

MOTION: Move to approve Ordinance No. 730.
Picinich/Markovich - unanimously approved - Councilmember Owel recused.

4. Second Reading of Ordinance- Washington Natural Gas Franchise. Mark Hoppen introduced the second reading of this ordinance and recommended adoption.

MOTION: Move to approve Ordinance No. 731.
Markovich/Ekberg - unanimously approved.

5. Second Reading of Ordinance - Amendment to GHMC - Cabarets. Police Chief Mitch Barker explained that this was just a housekeeping ordinance to correct a typographic error in the code and recommended adoption.

MOTION: Move to approve Ordinance No. 732.
Platt/Picinich - unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance - Planning Commission Recommendation, Revision to Section 17.96.020 (Site Plan Review). Planning Director Ray Gilmore explained that this was under the direction of the City Council for the Planning Commission to consider the amendment to the Site Plan Review section of the zoning code, which would waive the requirements for site plan review in those situations where an existing building is proposed for a use that is permitted under the zoning code.

MOTION: Move to approve Ordinance No. 733 at the first reading.
Markovich/Picinich - unanimously approved.

2. Hearing Examiner Recommendation, SPR 95-13, Getty Office Building, 6565 Kimball Drive; Resolution for Approval. Mayor Wilbert asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. There was no response to this query.

Ray Gilmore explained that this proposal was the last application processed before Title 19 was adopted effective April 1, 1996. He further stated that the proposal is two buildings totaling 61,000 square feet of professional office space constructed in two phases over the

next three years.

Councilmember Markovich asked about the vesting issue. Was a building permit applied for and what impact does that have on this project?

Mr. Gilmore explained that one of the buildings may be over-sized and he had spoken to Dave Freeman about that issue and they were aware that they were not vested. He further stated that Mr. Freeman was not concerned about the vesting issue, since it resulted in only a difference of 1,000 or 2,000 square feet.

Councilmember Markovich expressed his desire to remain consistent on the limitation of buildings to 35,000 square feet. Mr. Gilmore stated that one building was 26,000 square feet and the other was just a little over 35,000 square feet and it had been discussed with Snodgrass-Freeman that they were not vested and when construction of phase two begins they will have to construct a building of slightly smaller floor area.

Councilmember Owel pointed out that the site plan shows 25,000 and 36,000 respectively.

Mark Hoppen asked if the code would prevail even though their application states 36,000. Mr. Gilmore stated that if this is an issue we should amend the resolution to read that the maximum size of a building in this district is 35,000.

MOTION: Move approval of Resolution No. 475 with the addition of item 14 to limit the floor area of a building to 35,000 square feet.
Picinich/Owel -

Councilmember Ekberg asked about the reason for the gated emergency access. Mr. Gilmore replied that if they leave it open it would become a public street which would have to be paved. Councilmember Ekberg further expressed that he liked to see connections rather than dead ends. Mr. Gilmore stated that we could not make that a condition of site plan approval, that would have to be addressed in our six year Transportation Improvement Plan.

RESTATED MOTION: Move approval of Resolution No. 475 with the addition of item 14 to limit the floor area of a building to 35,000 square feet.
Picinich/Owel - Unanimously approved.

3. Planning Commission Recommendation, Draft Design Review Manual for the City of Gig Harbor. Associate Planner, Steve Osguthorpe gave a short overview of what had been accomplished over the last year by the Design Guidelines Technical Committee in conjunction with the Planning Commission to develop a Design Guidelines Manual to implement the city's goals as set forth in the design element of the Comprehensive Plan. He further explained that some changes had been made to the manual since the Public Hearing

on June 13th. These changes were a result of worksessions with the Planning Commission, Public Hearings, and suggestions by City Attorney Carol Morris. Mr. Osguthorpe further stated that the City Attorney had advised that another Public Hearing be held since she felt the changes were substantive. The staff has scheduled this hearing for August 12th. He then asked if Council had any questions.

Councilmember Markovich expressed appreciation for all the work that had been done on the document and for the extra time this would provide to further review the document and formulate questions.

Mr. Osguthorpe further pointed out that a table which outlined the design elements of the Comprehensive Plan and references to where in the Design Manual these policies would be implemented, was included in the packet.

Mayor Wilbert asked if Council would like to have a workshop on this. Councilmember Ekberg stated that a Public Hearing should be held first.

Mr. Osguthorpe pointed out that an example of the proposed format of the document was displayed at the back of the room. He then brought the example forward to display to the Council.

4. Liquor License Renewals - Captain's Terrace; Emerald Star; Hunan Garden; Kinza Teriyaki; The Captains Keep; and The Green Turtle. No action taken.

MAYOR'S REPORT:

50th Anniversary "Selection of Art" Mayor Wilbert explained that several local artists had submitted artwork to be considered for purchase for the foyer at City Hall. She added that donations from the public had been collected by the Gig Harbor Peninsula Historical Society and would purchase the artwork in commemoration of the City's 50th Anniversary. \$255.00 has already been collected. She had asked that Councilmembers fill out ballots selecting 1st, 2nd and 3rd choices. The ballots were submitted and counted.

MOTION: Move to select the artwork with the majority vote.
Owel/Platt - unanimously approved.

(A counting of ballots indicated that Doug Michie's artwork would be selected. Sandra Newhouse was mistakenly mentioned; she was not the majority vote, she was the second place choice.)

COUNCIL COMMENTS: Councilmember Markovich praised the 50th Anniversary celebration over the weekend. He expressed a desire to have some sort of weekend celebration every year. Discussion followed about having a 4th of July celebration or perhaps just a weekend event with some of the similar offerings that we already have. The Mayor mentioned that she had spoken with

some people who were willing to organize music at Jerisich Park for next year on Sundays in August.

STAFF REPORT:

1. Police Department - Chief Barker. Chief Barker gave the June report. He also gave some updated information on recent arrests that have been made of the individuals they believe are responsible for a majority of the vehicle thefts in the area. Chief Barker presented a form the Police Department is beginning to use to post on vehicles as a warning of parking violations and other infractions. Chief Barker also gave a short report on his opportunity to drive the City's 95 year old, former (1964-1966) Police Chief in the parade.
2. Mid-Year Report. Mark Hoppen presented the Mid-Year Report for Council's review and asked that each Councilmember call him and respond as they get the time to read it.

Councilmember Platt asked Public Works Director, Wes Hill, the reason for having to spend \$2200.00 to pump out the Wastewater Treatment Plant. Mr. Hill explained that the materials processed through the ATAD unit presented a potential for upset of the remainder of the plant's operation; therefore, it was determined necessary.

APPROVAL OF BILLS:

MOTION: Move approval of checks #16242 through #16309 in the amount of \$46, 769.12.
Owel/Ekberg - unanimously approved.

EXECUTIVE SESSION: None.

ADJOURN:

MOTION: Move to adjourn at 8:25 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 433 - Side A 129 - end.
Tape 433 - Side B 000 - end.
Tape 434 - Side A 000 - 191.

Mayor

City Administrator



Pierce County

Public Works and Utilities

Environmental Services

Gravelly Lake Plaza
9116 Gravelly Lake Drive S.W.
Tacoma, Washington 98499-3190
(206) 593-4050 • FAX (206) 582-9146

RECEIVED

AUG 6 - 1996

CITY OF GIG HARBOR

JOHN O. TRENT, P.E.
Director

August 1, 1996

Mayor Gretchen S. Wilbert
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Dear Mayor Wilbert:

The terms of office for three SWAC members expire at the end of September. In addition, the resignation of W. Robert O'Neal creates a vacancy in one of the business representative positions. The Pierce County has begun an outreach process to notify the public about the vacancies and solicit applications.

Positions open as of October 1, 1996 are for a representative of citizens-at-large, a representative of cities and towns, and a representative of the solid waste haulers. Shan Vipond from the City of Puyallup, the current representative of cities and towns, informed the SWAC that she is not interested in reappointment. Other incumbents are eligible to reapply to serve a three year term.

Open immediately is the vacancy caused by Mr. O'Neal's resignation. A successful applicant would serve one year with an opportunity to apply for reappointment.

I am sending this announcement to you in the hope that you may know of someone interested in applying for one of these positions. I am especially hopeful that when you, and other representatives of Pierce County's other cities and towns meet in early September, you can nominate someone to represent the views of local government.

Attached is an information sheet about the SWAC and the qualifications to fill the vacant positions. If you have any questions, or would like to request an application form, please feel free to call me at the Pierce County Solid Waste Division, 593-4050. Thank you, Mayor Wilbert.

Very Truly Yours,

R. Marty ErdaHL

R. MARTY ERDAHL
Solid Waste Manager

RME:SCW/clm
Cors/S01211.RME

enclosures



Pierce County Solid Waste Advisory Committee

The Pierce County Solid Waste Advisory Committee, commonly referred to as the SWAC, is comprised of eleven members appointed by the Pierce County Executive and confirmed by the Pierce County Council.

Members represent citizens, public interest organizations, the business community, city governments, waste haulers and recyclers. Representatives of the County Executive, County Council, Port of Tacoma, Tacoma-Pierce County Health Department, and Land Recovery, Inc. serve as non-voting, *ex-officio*, representatives. The Committee's main function is to advise the County Council on solid waste matters affecting Pierce County.

The SWAC is authorized under State Law and the Pierce County Code. RCW 70.95.165(3) requires the formation of such a committee.

(3) Each County shall establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption. Such committees shall consist of a minimum of nine members and shall represent a balance of interests including, but not limited to, citizens, public interest groups, business, the waste management industry, and local elected public officials. The members shall be appointed by the County legislative authority. A County or city shall not apply for funds from the state and local improvements revolving account, Waste Disposal Facilities, 1980, under chapter 43.99F RCW, for the preparation, update, or major amendment of a comprehensive solid waste management plan unless the plan or revision has been prepared with the active assistance and participation of a local solid waste advisory committee. *[emphasis added]*

The Washington Department of Ecology, when it reviews the *Tacoma-Pierce County Solid Waste Management Plan*, plan amendments or grant applications, ascertains whether the County has properly sought the "active assistance and participation" of the SWAC.

Chapter 2.92 of the Pierce County Code is the local regulation that enacts the SWAC and gives it a significant role in local solid waste management planning.

Members are appointed to three year terms and may serve no more than two full terms. Each fall, the members of the Committee elect a Chair, Vice-Chair, and Secretary. In the fall of 1995, the members elected Paul Henderson to serve as Chair, William Giddings to serve as Vice-Chair, and Robert LeSchack as Secretary.

Per Chapter 2.92 of the Pierce County Code, the SWAC is staffed by a representative of the Solid Waste Division. Since March 1993, Steve Wamback has staffed the Committee. Any questions about the committee, its schedule, or mailings, should be directed to Steve at 593-4050.

The SWAC regularly notifies the public of its meetings through legal advertisements in the Peninsula Gateway (the newspaper contracted by the County to publish all legal ads) and in the *South Pierce County Dispatch*, mailings to city and town governments, civic organizations, and interested individuals, and by placing announcements on the Pierce County Solid Waste Information Line (593-4115).

What are the hot issues before the Committee?

During their term of office, newly appointed SWAC members will have the opportunity to advise the County Council on solid waste disposal alternatives, future recycling programs, and how we manage our household hazardous waste. The main avenue for comment will be in the review of the *Tacoma-Pierce County Solid Waste Management Plan Update*. Staff from the Pierce County Solid Waste Division will draft these documents and submit them to the SWAC for review. SWAC comments will be used to advise the County Council as to whether the Plan Update should be adopted as statements of County Policy.

During 1996, the SWAC was asked by the Pierce County Council to hold public meetings in locations throughout the County to provide information and solicit public comment on the County's Landfill Siting Study. The Committee is expected to complete this review and send a recommendation to the Council regarding this project in September 1996.

Representatives from the Pierce County Solid Waste Division, the Pierce County Council, the Tacoma-Pierce County Health Department and Land Recovery, Inc. serve on the SWAC as ex-officio members. They attend each meeting and provide regular briefings to members on activities within their organizations.

Current Vacancies

The **Business Community Representative** may be a business owner, a manager authorized to represent the interests of a business, or a representative of a business or trade organization. Individuals may nominate themselves for this position but must provide answers to the Supplemental Questionnaire that the County will use to verify their authority to represent the business.

The **Local Government Representative** may be an elected or appointed official who formally represents one of Pierce County's cities or towns on behalf of all cities and towns. Applicants for this position must be nominated by a City/Town Council or Administrative Officer.

The **Citizens Representative** is an at-large representative of all Pierce County citizens. Individuals nominate themselves to this position.

The **Solid Waste Management Industry (Waste Haulers) Representative** represents the views of the private waste collection companies. This position is reserved for a representative of one of the solid waste collection companies doing business in Pierce County.

Time Commitment: 10 - 20 hours per month, including two evening meetings and preparation. The SWAC has been meeting on the first and third Wednesday of each month from 6 to 9 pm. Additional meetings will be scheduled during the formal plan review. SWAC members will want to attend County/City/Town Council meetings when SWAC recommendations are discussed.

Length of term: The Business Community Representative will serve one year to fill out an unexpired term. That representative will be eligible to then serve two full terms. Appointments to the other positions shall be for 3 years with an opportunity for reappointment to a second term.

Compensation: None. This is a volunteer position.

Application Steps: Complete an application form available from the Pierce County Solid Waste Division. Please call 593-4050 to request one.

Solid Waste Division staff will screen applications, but will forward all to the County Executive for his consideration. The Executive will make appointments to the SWAC in early September. The County Council will act on his appointments within thirty days. Applications of individuals not selected to serve on the Solid Waste Advisory Committee at this time will be kept on file for one year in the event a vacancy occurs.

Deadline: All applications must be received by the Solid Waste Division by August 30, 1996.

More Information: Call Steve Wamback in the Solid Waste Division: (206) 593-4050.

July 25, 1996

Dear Gig Harbor City Public Works Department:

I ride my bicycle around Gig Harbor almost everyday. During my rides I have noticed several traffic flow situations that sometimes become a safety problem for non-motorized users in Gig Harbor. The specific situations which I hope you can address follow. I have also added several "convenience" concerns regarding bicycle and pedestrian usage in Gig Harbor.

1. Stinson and Harborview Triangle Intersection: This is perhaps the most dangerous place for bicycles in Gig Harbor. Most cars planning to head up Stinson hill from the non-stop lane of Harborview tend to accelerate just before entering the triangle. They seem unaware of bicycles and pedestrians in the same lane. If a bicycle is flowing with the Harborview turn it is very easy to get hit. I have observed several near hits between cars and bicycles, especially from trucks. I have no doubt that one of these days a bicyclist is going to be killed at this intersection. Could you please investigate some safety options including:
 - (a) a new stop sign for cars
 - (b) a warning sign to cars to watch for bicycles
 - (c) a painted bike lane through the intersection to help make cars aware of bikes
 - (d) a painted bike lane through the triangle (dashed lines)
 - (e) a stop sign for bicycles to warn them of the danger

2. Vernhandsen and Harborview Intersection. The problem at this intersection is similar to item (1). Most people make the left hand turn from Vernhandsen to Harborview automatically without using a signal and often at a relatively high speed. However, some people continue up the hill at a high speed. Just a few days ago I watched a bicycle in front of me begin to make a turn onto Harborview while a vehicle was beginning to make a climb up the hill. I am sure the bicyclist thought that the car would turn and the driver was probably partly blinded by the late evening sunshine. The car missed the bicyclist by only a few feet - the speed of the car going up hill would have caused serious injury to the rider. Can you please investigate:
 - (a) a three way stop
 - (b) warning signs to watch for bikes
 - (c) warning signs to use signals for a left hand turn since it is not the same road

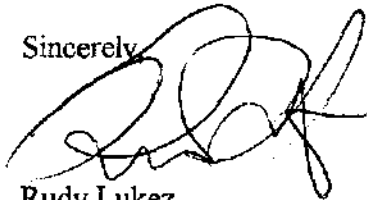
3. Pedestrian crossing on Hunt near Kimball. While not a bicycle problem, this issue makes it dangerous for walkers. Could you paint a cross walk to connect the two sidewalks which are on opposite sides of the Hunt/Kimball roadway. This would help cars realize that pedestrians might be crossing the street.

4. Parking in bicycle lanes. With increased summer traffic I have noticed cars parking in the designated bike lanes. One Gig Harbor police officer told me that this is not against Gig Harbor's laws. Could you ask the city council to amend the city's ordinances to keep the designated bike lanes open to bikes?
5. In-town Water Fountain. As a matter of convenience, could a drinking fountain for water be installed at Jerisich Park near the "Harbor Head". I know this is not a safety issue but it would be nice on hot days.
6. Bicycle Racks. Another convenience issue, it would be helpful to establish a bike rack standard for the city. I am already working with the post office and Columbia Bank to install bike racks, but with so many choices it would be a good idea to set a standard to help merchants and offices pick quality, useable equipment, especially with the planned west side annexation.

I realize that three and all-way stops are often considered to be very bad methods to manage car traffic. I urge you, however, to look beyond car traffic in the harbor area and observe the increasing use of non-motorized transportation for shopping and recreation. With all forms of traffic increasing in Gig Harbor I really believe that someone will be killed along Harborview if changes are not made.

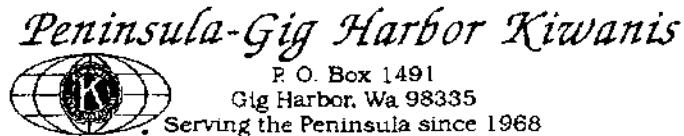
Thank you in advance for taking a look at the above issues. If you want to discuss these further please feel free to contact me. I will certainly look forward to hearing from you in the near future.

Sincerely,



Rudy Lukez
PO Box 338
Gig Harbor WA 98335-0338
858-1122

cc: Mayor of Gig Harbor
Police Chief of Gig Harbor
Tom Enlow, Finance Director



RECEIVED

AUG 6 1996

CITY OF GIG HARBOR

August 1, 1996

Honorable Mayor Gretchen Wilbert
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98335

Reference: 50th Anniversary Celebration

Dear Mayor Wilbert:

I was most pleased to be the Kiwanis representative on the Activities Committee for the city's 50th Anniversary. The week of festivities, now behind us, from my own personal observation and comments of everyone, was highly complimented and enjoyed. This can be attributed to the considerable effort on your part personally and also that of Maureen Peters. Maureen deserves special recognition for the excellent job she did of coordination, and particularly the distribution of the meeting minutes to keep all of us well informed.

I also believe that our Pancake Breakfast was well received and those of us who worked at the event on Saturday, July 20th, thoroughly enjoyed it. We were pleasantly surprised to see that our revenues, even though on a donation basis, were actually greater than the previous year, recognizing that we did serve a greater number of people due to the parade held simultaneously. The success of the event for our club is credited to our chairperson - Laurence A. (Lorry) Smith, Manager of our Kitsap Bank who did an excellent job of coordinating the event.

At one time we had a lengthy waiting line of people to be served (just prior to the start of the parade) and can be attributed to two situations:

We experienced frequent power interruptions (220 volt) to our electric pancake grille. It appeared the circuit breaker was "tripping off", even though the grille was the only item using 220 volt power. Perhaps you may wish to report this to your Public Works Director. We have not experienced this problem in previous years. The quality of some of our pancakes suffered because of this problem.

Page two
Honorable Mayor Wilbert
August 1, 1996

As you know, I personally, as well as others in our club, had been concerned about possible problems meeting the requirements of the Pierce County Health Department. The inspection this year, just prior to the beginning of the parade and the major cause of our long waiting line, required that the serving temperature of our pre-cooked ham be brought up to above 80 degrees, even though it is edible in a cold state. Thus, it was necessary for us to place some on the grille and reheat it prior to service. The warming trays were not deemed adequate.

I thought you may be interested in knowing some of the details about our event, which is what prompted me to draft this letter. Overall, we were quite pleased with the breakfast and are looking forward to the same event again next year.

Very truly yours,



Jack E. Poltz
Secretary/Treasurer

JEP:me

cc: Laurence A. (Lorry) Smith

August 6, 1996

RECEIVED
AUG 07 1996
CITY

Mayor Gretchen Wilbert
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335-1221

Dear Mayor Wilbert:

The transaction, whereby TCI Communications, Inc. ("TCIC") acquired all of the cable stock of Viacom International Inc. ("Viacom") was completed effective August 1, 1996. The franchise and system assets currently serving your community continue to be owned by Cable TV Puget Sound, Inc. (the "franchise"), and Franchisee's parent company is owned by TCIC.

TCIC is the largest cable television operator in the country. Under the ownership of TCIC, Franchisee will continue to comply with all the terms and conditions of the franchise and looks forward to continuing to provide quality cable service to the citizens of your community.

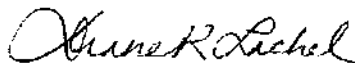
Locally, this sets in motion the combining of two well run customer service organizations.

Customers will receive the enclosed bill stuffer regarding the transaction during the month of August. Promotional television spots highlighting three new TCI (former Viacom) employees will air on cable channels beginning August 6.

Also, over the course of the next three months, signage on cable service centers, company vehicles and business paperwork will reflect the new company's name.

As always, if you have any cable-related questions, please don't hesitate to call me at 597-7800, extension 7228.

Sincerely,




Diane R. Lachel
Director, Government/Community Relations

enclosure



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM:  Ray Gilmore, Director, Planning-Building Department
DATE: August 7, 1996
SUBJECT: Proposed Preannexation Zoning Map for the Urban Growth Area;
Amendments to zoning code text and proposed Gig Harbor North zoning
map; Second Reading (reintroduction) of draft ordinance on preannexation
zoning map.

INTRODUCTION

The Planning Commission's proposal on a preannexation zoning map for the city's UGA was introduced to the Council at its May 13 regular meeting date. The ordinance was reintroduced at the previous meeting on July 22. No additional public testimony is required.

The Planning Commission's recommendation would also require adjustments to the proposed zoning standards for the Gig Harbor North Annexation for the mixed use district and the proposed zoning district map for Gig Harbor North. The proposed UGA zoning map and draft ordinance are attached.

POLICY ISSUES

The proposed zoning map for the UGA addresses several policy areas:

1. It establishes a zoning plan consistent with the City's Comprehensive Land Use Plan for annexations as they occur and eliminates the requirements that each annexation be subject to separate zoning plans.
2. It implements city zoning standards, Title 17 of the GHMC, concurrently with annexation for those areas in the UGA.
3. It serves to articulate the city's contractual requirements for utility service extension agreements outside the city limits by providing a basis (through the respective zoning designation) for contract performance. It does not automatically rezone any property in the UGA that receives city utility services by contract.
4. Through the application of No. 1 and 2, it consolidates the annexation and preannexation zoning process more efficiently.
5. With adjustments to the code and portions of the Gig Harbor North annexation area, it serves to "fine-tune" land use performance standards.

Because the Gig Harbor North annexation is still in progress and is not effective until the Council

adopts an ordinance, proposed map changes to this area must be deferred until the appropriate time after the annexation is approved by the Pierce County Boundary Review Board. Nonetheless, the report to the B.R.B. will include the City's intention to adopt the proposed adjustments.

The Planning Commission has recommended, in addition to the UGA map, that the following revisions be incorporated in the respective Gig Harbor North annexation documents:

1. Amend Mixed Use Overlay district to include "Warehousing and storage" as a permitted use.
2. Amend the zoning designation for the property owned by Performance Circle (formerly North-by Northwest) from the current proposed R-1 to RB-1.
3. Amend the Avalon Woods "zero lot-line" development at the entrance to Avalon Woods from the current proposed R-1 to R-2.

With the exception of Mr. Walt Smith's and Mr. Del Stutz's comments, comments received at the May 13th and June 24th Council meeting are essentially the same as received at the Planning Commission's public hearing. Review and analysis of these comments have been previously provided and is also attached with this memo as a table.

FISCAL IMPACT

By adoption of the UGA zoning map, the potential fiscal impact to the city is reduced by eliminating the need for future administrative processes which are duplicative.

RECOMMENDATION

This is the second and final reading of the reintroduction of the ordinance. Following discussion and deliberation, Council may adopt the proposed ordinance, establishing a city zoning code for the urban growth area.

**REVIEW AND ANALYSIS OF COMMENTS RECEIVED ON PROPOSED
PREANNEXATION ZONING MAP**

Comment	Response
Comments from May 13, 1996 Council Meeting	
<p>#1 <u>Matthew Sweeney</u>. Mr. Sweeney introduced himself as the attorney representing the Garrisons and the Torrens. He said he had passed out a letter and materials for Council's review on the previous Friday. He said that Ms. Garrison and Mr. Torrens own property along Sehmel Drive that have been designated as RB-1 in the proposed zoning map. He added that they are requesting that the property be delineated as half RB-2 and half ED where it borders the PI designated property, to reflect what the area is currently being utilized for.</p>	<p>Comments previously considered by Planning Commission. Amending to ED would require a comprehensive plan amendment.</p>
<p>#2 <u>Paul Cyr - 55th St. Ct. NW</u>. Mr. Cyr said he was representing a number of clients. He read from the Planning Commission Resolution and the staff report of 5/8/96 regarding obtaining city services without annexation. He asked where the policy exists articulating obtaining these utilities. Mr. Hoppen explained that the City has an ordinance in effect describing the requirements, and added that the ordinance had been acknowledged in a settlement agreement between Pierce County and the City of Gig Harbor regarding the entire Urban Growth Area. Mr. Cyr said that a public process should occur to educate the residents who live in those areas, of the terms of the agreement. He added that he concurred with several of the recommendations, but requested that the area where the community college was located on Hunt Street be changed to a more commercial designation, along with the Stroh property north of Hunt Street which he said should be a B-2 designation. He finalized by saying it appeared that the Planning Commission was favoring residential designations zoning over business.</p>	<p>Previously considered by Planning Commission.</p>
<p>#3 <u>Jack Bujacich - 3607 Ross Avenue</u>. Mr. Bujacich asked why the central area of the map had no designation. Mr. Gilmore explained that the area was being considered under the Gig Harbor North hearings, already held, and were pending.</p>	<p>No response required.</p>
<p>#4 <u>Joe Loya - PO Box 04</u>. Mr. Loya said he was representing the Performance Circle, and thanked the Planning Commission for designating the area where the "Meadow" is located as RB-1, as they are still considering a performing arts center to be located at that site. He requested that a performing arts center be specifically added to the text for the RB-1 designation.</p>	<p>Previously considered by Planning Commission</p>

**REVIEW AND ANALYSIS OF COMMENTS RECEIVED ON PROPOSED
PREANNEXATION ZONING MAP**

<p>#5 <u>Walt Smith - PO Box 191</u>. Mr. Smith passed out a letter to Council, asking for an amendment to the text for the ED designation on his property. He said that when he started his project, the Gig Harbor Comp Plan required a 60- 40 open space relationship to impervious coverage. He said the current figures would only leave approximately 26% of the property to develop, and added that he thought this was an oversight. He offered to work with Planning Staff and Council and to come back at the June meeting with a proper presentation.</p>	<p>New issue. Would require Planning Commission consideration and recommendation.</p>
<p>#6 <u>John Holmaas - 7524 Goodman Drive</u>. Mr. Holmaas asked for reconsideration of the zoning designation for the Northharbor Business Campus on Burnham Drive. He said that other zoning would be more appropriate than the RB-1 designation.</p>	<p>Previously considered by Planning Commission</p>
<p>#7 <u>Tom Torrens - PO Box 1741</u>. Mr. Torrens asked for clarification on his property. He said that when he contracted with the City for water, he understood the property to be zoned commercial by the county, but now it was being zoned RB-1. His concerns that when the bank appraised his property, the lower density designation would affect the value of the property. He added he would like to see the zoning changed to ED.</p>	<p>Land use request previously considered by Planning Commission. A change to ED would require an amendment to the Comprehensive Plan.</p>
<p>Comments from June 24th Council Meeting</p>	
<p>#1 <u>Walt Smith PO Box 191, Gig Harbor</u>. Mr. Smith spoke about the proposed Employment District zoning classification and how it limits development. He asked that this designation be remanded back to the Planning Commission for a text amendment to this designation.</p>	<p>See previous comment.</p>
<p>#2 <u>Mike Scannel - 9424 Milton Avenue</u>. Mr. Scannel said he had been asked by Doug Howe to speak to Council regarding the Employment District zoning designation. He said that the setbacks are too restrictive and asked that this be remanded back to the Planning Commission for reconsideration.</p>	<p>Same issue as above.</p>

**REVIEW AND ANALYSIS OF COMMENTS RECEIVED ON PROPOSED
PREANNEXATION ZONING MAP**

<p><u>#3 Del Stutz - 3003 Harborview Drive.</u> Mr. Stutz said he purchased his property on Burnham Drive under Pierce County's zoning in anticipation of future business growth in the area. He said that he just found that the zoning for his property under this proposal would be residential, which he felt was incompatible with the Sportsmen's Club across the road. He asked that reconsideration be given to this area to be changed to C-1. Mr. Gilmore explained that the area in question was in the mixed-use zone in the Comprehensive Plan, and that a change to C-1 would require an amendment to the Comp Plan.</p>	<p>Would require review/recommendation by the Planning Commission.</p>
<p><u>#4 Paul Cyr - 4102 55th St. Ct. NW</u> - Mr. Cyr again asked for reconsideration on the proposed zoning for the Stroh properties on Hunt by the Community College and by the Medical Center. Both properties are currently proposed to be RB-2 and the property owners would like it to be designated to B-2.</p>	<p>Previously considered by Planning Commission</p>

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A CITY PREANNEXATION ZONING MAP FOR THE CITY OF GIG HARBOR URBAN GROWTH AREA AND APPLYING CITY ZONING DESIGNATIONS ON PROPERTY SO AFFECTED UPON THE ANNEXATION OF THE AREA .

WHEREAS, the City of Gig Harbor considers it to be in the public's interest to apply city zoning designations to the Urban Growth Area (UGA) outside of the city boundary which are consistent with the City of Gig Harbor Comprehensive Plan of 1994; and,

WHEREAS, the City of Gig Harbor zoning map for the UGA establishes a zoning plan for annexations as they occur and eliminates the requirements that each annexation be subject to a separate preannexation zoning procedure; and,

WHEREAS, the City of Gig Harbor preannexation zoning district map for the UGA does not automatically rezone any property in the UGA that receives city utility services by contract and that this can only occur as part of an annexation in accordance with the procedures established in RCW 35A.14; and,

WHEREAS, pursuant to RCW 35A.14.330 and 340, the City Council held two public hearings, not less than 30 days apart, on proposed preannexation zoning designations for the area; and,

WHEREAS, after taking public testimony during the two required public hearings, the City Council decided to adopt pre-annexation zoning designations established by this ordinance.

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

Section 1. Pre-Annexation Zoning Established. Pursuant to RCW35A.14.330 and .340, the following pre-annexation zoning designations are hereby established as provided as follows:

Residential

R-1 (Chapter 17.16) Single family
Map areas 1, 10, 15, 16, 17, 19, 21, 23, 27, 33, 34.

R-2 (Chapter 17.20) Single family/duplex
Map areas 3, 26, 28, 29, 32.

R-3 (Chapter 17.24) Multifamily
Map areas 6

Residential Business

RB-1 (Chapter 17.28) Low density residential with low intensity business
uses
Map areas 9, 11, 22, 30.

RB-2 (Chapter 17.30) Medium density residential with moderate intensity
business uses
Map areas 2, 5, 7, 12, 14, 24, 31.

Commercial Business

B-2 (Chapter 17.36) General retail and wholesale sales and
service.
Map areas 4, 13.

C-1 (Chapter 17.40) Retail, wholesale, light manufacturing
Map area 8.

Employment

ED (Chapter 17.45)
Map areas 18 and 25

Processing and manufacturing; limited retail

Public Institutional

PI (Chapter 17.15)
Map area 20

Public facilities

Section 2. Preannexation Zoning Map Adopted. A zoning map for the City of Gig Harbor Urban Growth Area, hereby referenced as Exhibit "A", attached, is hereby adopted.

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

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

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: July 22, 1996
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. ____

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the _____ day of _____, 1996, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A CITY PREANNEXATION ZONING MAP FOR THE CITY OF GIG HARBOR URBAN GROWTH AREA AND APPLYING CITY ZONING DESIGNATIONS ON PROPERTY SO AFFECTED UPON THE ANNEXATION OF THE AREA.

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

DATED this _____ day of _____, 1996.

CITY ADMINISTRATOR, MARK HOPPEN

**GENERAL DESCRIPTION OF THE AREAS SUBJECT TO THE PROPOSED
CITY OF GIG HARBOR PREANNEXATION (UGA) ZONING**

Area	Zoning	Description
1	R-1	Quail Run, Quail Park, Quail Estates, subdivisions east of and adjacent to 38th Avenue NW
2	RB-2	Harbor Country Estates Apartments
3	R-2	Quiet Forest Park Condos/Peninsula Christian/PC Library
4	B-2	Harbor Plaza/Point Fosdick Square/Gas Stn/Movie Theater
5	RB-2	Point Fosdick Medical Center
6	R-3	Retirement Village
7	RB-2	Hific Center/Forest Grove Apts/Olympic Prof. Park/Vet
8	C-1	Automobile dealerships/Lumbermen's/Cimmaron, et. al.
9	RB-1	Intersection of 38th Ave. and 56th St; Daycare/Medical Office
10	R-1	Britanny Place/Woodlane/Mobile Home Park/Church
11	RB-1	Vacant parcel east of Peninsula Baptist Church
12	RB-2	Tacoma Community College area, soccer field, mini-storage complex, "Scrubbles" business.
13	B-2	Stroh's Feed Store and adjacent property, south of Hunt St.
14	RB-2	Stroh's Property, north of Hunt St.
15	R-1	Sunnybrae Subdivision
16	R-1	Between Hunt Street NW and North Creek estates, including Norwegian Woods subdivision
17	R-1	Rosewood subdivision, north to Employment District
18	ED	City shop north to Corrections Center (excludes City Shop)
19	R-1	Pierce County addition to the UGA (Nov 1994)
20	PI	Purdy Corrections Facility
21	R-1	Northwest of Corrections Center
22	RB-1	Garrison/Torrens Ownerships south of Sehmel Road

**GENERAL DESCRIPTION OF THE AREAS SUBJECT TO THE PROPOSED
CITY OF GIG HARBOR PREANNEXATION (UGA) ZONING**

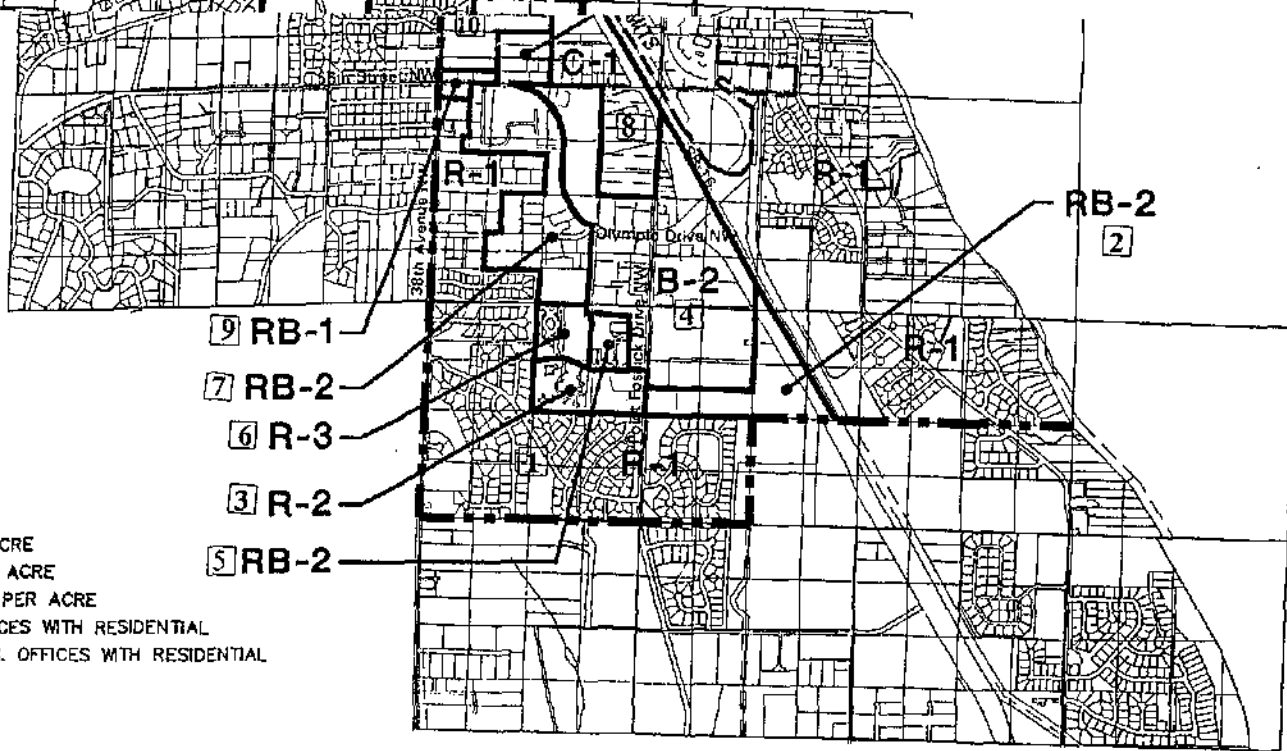
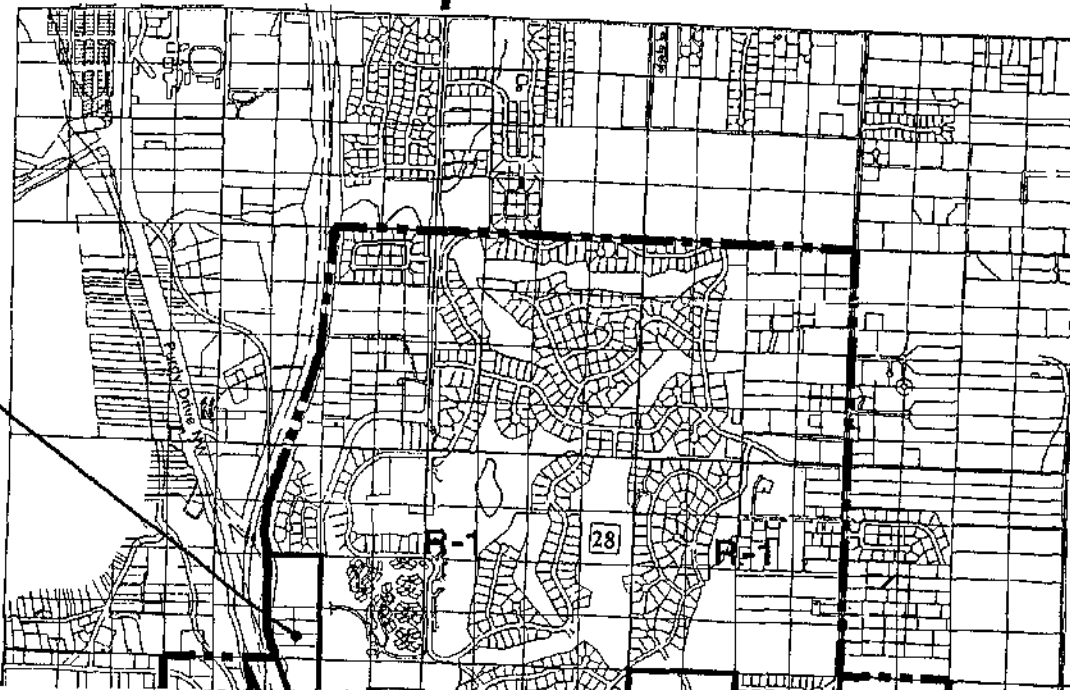
23	R-1	Residential area north of Sehmel Road, west of SR-16
24	RB-2	Garrison/Torrens property, Swede Hill Interchange
25	ED	Walt Smith property/Active Construction site
26	B-2	Realty One, et.al, between Burnham Drive NW and SR-16
27	R-2	East of Canterwood Blvd, west of Canterwood development.
28	R-1	Canterwood and subdivisions along Peacock Hill Ave.
29	R-2	Harborcrest Duplexes and Avalon Woods Condos
30	RB-1	Performance Circle Outdoor Theater/Restaurant
31	RB-2	Conan Fuel/Cardlock Station
32	R-2	Between SR-16 and Burnham
33	R-1	East Gig Harbor
34	R-1	Shore Acres/Reid Road/Rushmore

R 1 E

R 2 E

PLANNING COMMISSION RECOMMENDATION
URBAN GROWTH AREA
PREANNEXATION ZONING MAP
APRIL 1996

R-2
27



- 9 RB-1
- 7 RB-2
- 6 R-3
- 3 R-2
- 5 RB-2

RB-2
2



LEGEND:

- R-1 SINGLE FAMILY RESIDENTIAL - 3 DWELLING UNITS PER ACRE
- R-2 MEDIUM-DENSITY RESIDENTIAL - 6 DWELLING UNITS PER ACRE
- R-3 MULTI-FAMILY RESIDENTIAL - UP TO 8 DWELLING UNITS PER ACRE
- RB-1 RESIDENTIAL AND BUSINESS - LOW INTENSITY BUS. OFFICES WITH RESIDENTIAL
- RB-2 RESIDENTIAL AND BUSINESS - MODERATE INTENSITY BUS. OFFICES WITH RESIDENTIAL
- B-1 NEIGHBORHOOD BUSINESS - LIMITED RETAIL
- B-2 GENERAL BUSINESS - RETAIL / WHOLESALE SALES
- C-1 GENERAL COMMERCIAL - LIGHT MANUFACTURING
- ED EMPLOYMENT DISTRICT - MANUFACTURING AND PROCESSING
- PI PUBLIC-INSTITUTIONAL - PUBLIC FACILITIES AND USES



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: **MAYOR WILBERT AND CITY COUNCIL MEMBERS**
FROM: Wes Hill, P.E. *Wes Hill*
Public Works Director
SUBJ: Stinson Avenue Improvement Requirements
DATE: August 7, 1996

BACKGROUND

The City's Public Works Standards were adopted by City Council Resolution No. 403 on January 24, 1994 following considerable effort and internal review by this Department, other City staff, and the Council. As stated in the introduction from then Public Works Director Mr. Ben Yazici "The Public Works Standards are intended to preserve the natural beauty of the City of Gig Harbor, the high quality of the city's systems that are currently in place, and to insure the continued high standards of the city's ... street . . . facilities." He went on to state that "[The Public Works Standards are] not intended to discourage innovative efforts which could result in superior projects." As such, the Standards are intended to reflect not only professional technical judgment but also the City's vision for its surface facilities.

Stinson Avenue is a designated minor arterial. The section between Rosedale Street and Grandview Street serves a mix of commercial and residential properties with the commercial properties being primarily located on the west side and south end of this section. In 1991, Stinson Avenue was connected to Pioneer Way from Grandview Street with an 18-ft. half-width section and 5.5-ft. wide sidewalk on each side.

In 1994, the widened west half of the northern approach leg of Stinson Avenue to the Grandview Street intersection was extended north approximately 120-ft. for the Bush-Polen Building (24-ft. paved half-width and 5.5-ft. wide sidewalk). This segment provides a through lane and a left turn lane on the approach to Grandview Street. At the request of the immediately adjacent property owner to the north (Ms. Cheri Grant), approximately 20-ft. of the northern-most segment of the sidewalk along the Bush-Polen frontage improvements was angled back toward the street to avoid intruding on existing landscaping (2-ft. nominal height rockery) within the City's right-of-way.

In February '96, Ms. Grant received preliminary site plan approval for expansion of an existing professional services building on a site just north of the completed half-width improvements on Stinson Avenue. The reviewed site plan showed a 6-ft. wide sidewalk located just inside the City's 30-ft. half-width right-of-way, and a fire hydrant set within the property on the north side.

The City's Public Works Standards indicate a 20-ft. to 24-ft. minimum half-width improvement with 6-ft. sidewalk and 33-ft. half-width right-of-way for a minor arterial along a commercial frontage such as this section of Stinson Avenue. Presently, this section of Stinson Avenue has a 30-ft. half-width right-of-way and an 11-ft. wide travel lane with little if any shoulder. A section of Stinson Avenue further north on the same side of the street was previously constructed to a 24-ft. half width with 5.5-ft. wide sidewalk in conjunction with the Regatta Plat.

The proponent's site plan submitted for final approval provides for a 12-ft. wide pavement section with adjacent gutter, curb and 5.5-ft. wide sidewalk, with no additional right-of-way. Staff has volunteered to present this as an option for the Council's consideration subject to the following recommended modifications:

1. Constructing the sidewalk along the edge of right-of-way to match the main section of sidewalk south of the site (width and location parallel to the right-of-way) extending to the north edge of the north driveway (entrance) to the site, and then diverging back toward the centerline at a nominal 1:25 taper. The intent would be to leave the existing fire hydrant in its current location inside the right-of-way but just behind the back of sidewalk as otherwise provided in the City's Public Works Standards.
2. Constructing a thickened edge asphalt concrete pavement section to provide a full 12-ft. lane width with transition to match the existing curb section south of the site. This would allow for less expensive reconstruction at such time in the future as a full half-width street section is determined necessary. The area between the sidewalk and back of thickened edge asphalt concrete would become a "planter" strip which the proponent intends to landscape with ground cover.

Traffic volumes from this development were estimated not to exceed the threshold number of peak hour trips to warrant a traffic analysis. There does not appear to be any accident history at this location for the current use and traffic volumes. On this basis, a widened section to provide a left turn lane would not provide substantive improvements other than removing left turning vehicles from through traffic.

Due to time constraints, a comprehensive reevaluation of the Public Works Standards, especially as they relate to street widths, will not be undertaken until after adoption of the Design Guidelines.

RECOMMENDATION

If the Council would like to defer application of a full half-width improvement to this section of Stinson Avenue at this time, the following conditions are recommended:

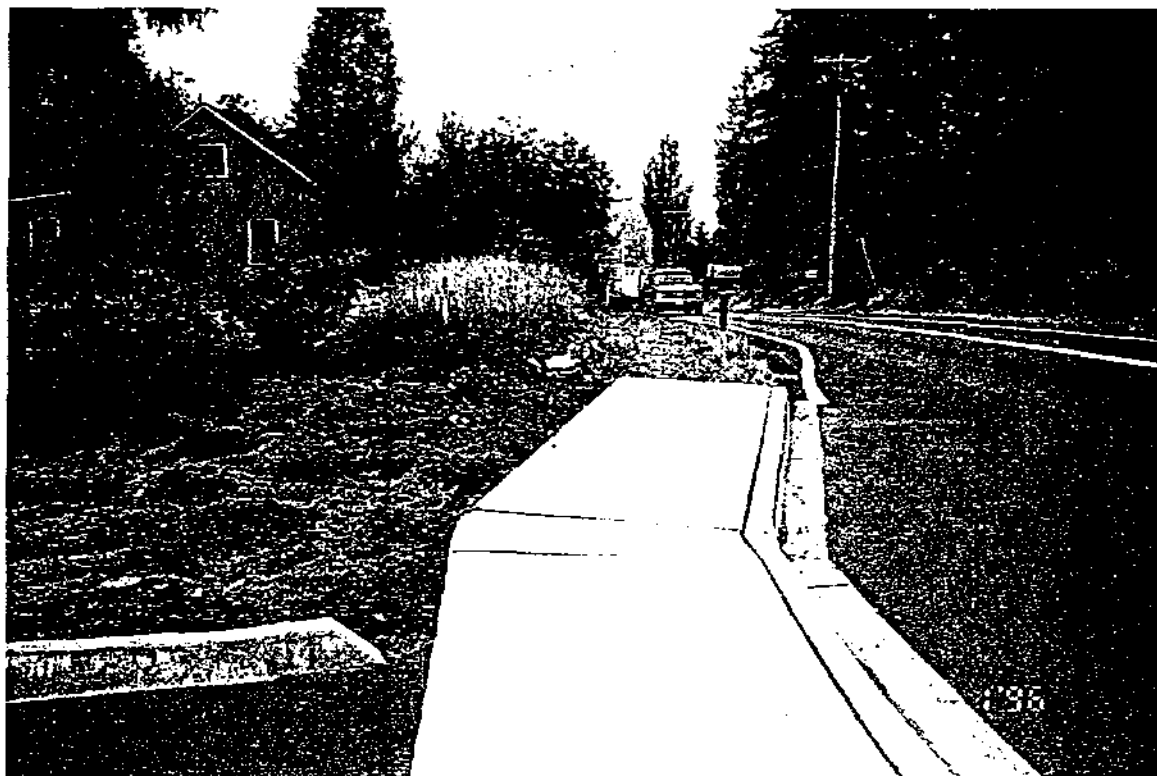
In lieu of dedicating and constructing a full, half-width minor arterial street section in commercial areas as set forth in the City's Public Works Standards as adopted January 24, 1995 under Resolution No. 403, the owner shall:

1. Not be required to dedicate half width right-of-way in excess of 30-feet.
2. Construct a 5.5-ft. wide sidewalk in accordance with the City's Public Works Standards at approximately 24.5-ft. from and parallel to the Stinson Avenue centerline, extending north from and matching the sidewalk south of the non-parallel segment, north to the north side of the north (entrance) driveway to the site in accordance with the reviewed site plan, then at an approximate 1:25 taper toward the Stinson Avenue centerline to the easterly extension of the north property line.
3. Widen the existing travel lane extending from and matching the existing pavement and curb and gutter section on the south, tapering to provide a 12-ft. asphalt concrete pavement travel lane plus thickened edge asphalt concrete curb section, with asphalt concrete pavement apron tapering to match the existing edge of pavement north of the site. The structural pavement section shall be in accordance with the City's Public Works Standards.



LOOKING SOUTH





SITE



BUSH POLEN

LOOKING NORTH



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: PLANNING STAFF
DATE: AUGUST 12, 1996

**SUBJECT: PUBLIC HEARING AND FIRST READING -- PROPOSED DESIGN MANUAL
AND ASSOCIATED AMENDMENTS TO GIG HARBOR MUNICIPAL CODE -
CHAPTERS 2.21 AND 17.98**

INTRODUCTION/BACKGROUND

Attached for the Council's consideration are three draft ordinances adopting (1) The City of Gig Harbor Design Manual, (2) GHMC Chapter 2.21 which establishes a design review board, and (3) GHMC Chapter 17.98 which establishes a design review process. This is the first reading and public hearing of the design manual and associated code amendments. As these were included in the Council's July 22nd packet, they are not included herein. The Council is reminded to bring all materials pertaining to this proposal which were distributed at the last meeting.

POLICY

A public hearing on the design manual and code amendments was held by the Planning Commission in accordance with GHMC Section 19.01.005. This second hearing is required due to changes in the proposed sections of the Municipal Code.

RECOMMENDATION

This is a first reading only and no recommendation will be given.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR ADOPTING A DESIGN MANUAL WHICH REGULATES THE DESIGN OF BUILDING EXTERIORS, OUTDOOR ACCESSORIES, SITE PLANS AND RIGHT-OF-WAY IMPROVEMENTS IN THE CITY OF GIG HARBOR.

WHEREAS, the City of Gig Harbor's Comprehensive Plan Design Element on pages 18-34 includes several goals and policies relating to community design and states on page 18 that more specific guidelines must be developed and that zoning code revisions will be required to achieve said goals; and,

WHEREAS, a design guidelines technical committee (DGTC) was authorized by the City Council in April 1995 to develop design guidelines for the City; and,

WHEREAS, over the course of one year the DGTC developed a comprehensive Design Manual which addresses all goals and policies in the Design Element, with the exception of policies pertaining to signage, which policies were addressed in a 1996 sign code update; and,

WHEREAS, the Planning Commission held two worksession with the DGTC prior to a public hearing to recommend changes to the manual; and

WHEREAS, the design manual was updated to incorporate changes recommended by the Planning Commission and was presented as Draft 4 (attached) at a public hearing which was held on June 13, 1996; and,

WHEREAS, the planning commission held a worksession on June 20, 1996 to consider input received at the public hearing and has recommended changes to the design manual as outlined in a report from the staff and Planning Commission to the City Council dated July 11, 1996; and,

WHEREAS, the City Council also held a public hearing on August 12, 1996 to receive input on the proposed design manual; and

WHEREAS, the City Council finds that the standards in the Design Manual would implement, the goals and policies stated in the Design Element of the City's Comprehensive Plan.

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS AS FOLLOWS:**

Section 1. The Design Manual, attached herein as Exhibit "A", is hereby adopted.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

PASSED by the City Council of the City of Gig Harbor, Washington at its regular meeting held on the _____ day of _____, 1996.

GRETCHEN A. WILBERT, MAYOR

ATTEST:

Mark E. Hoppen, City Administrator

Filed with City Clerk: August 2, 1996

Ordinance Adopted:

Date Published:

Effective Date:

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the _____ day of _____, 1996, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR ADOPTING A DESIGN MANUAL WHICH REGULATES THE DESIGN OF BUILDING EXTERIORS, OUTDOOR ACCESSORIES, SITE PLANS AND RIGHT-OF-WAY IMPROVEMENTS IN THE CITY OF GIG HARBOR.

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

DATED this _____ day of _____, 1996.

CITY ADMINISTRATOR, MARK HOPPEN

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR ADOPTING A NEW CHAPTER 2.21 TO THE GIG HARBOR MUNICIPAL CODE WHICH ESTABLISHES A DESIGN REVIEW BOARD WHICH WILL REVIEW OUTDOOR PROJECT DESIGNS IN THE CITY OF GIG HARBOR.

WHEREAS, the City of Gig Harbor's Comprehensive Plan Design Element on pages 18-34 includes several goals and policies relating to community design and states on page 18 that more specific guidelines must be developed and that zoning code revisions will be required to achieve said goals; and,

WHEREAS, a design guidelines technical committee (DGTC) was authorized by the City Council in April 1995 to develop design guidelines for the City; and,

WHEREAS, over the course of one year the DGTC developed a comprehensive Design Manual which addresses all goals and policies in the Design Element, with the exception of policies pertaining to signage, which policies were addressed in a 1996 sign code update; and,

WHEREAS, the design manual was formatted in such a way as to allow either administrative review of outdoor designs or, in order to allow greater design flexibility, review by a design review board; and,

WHEREAS, a proposed Chapter 2.21 which establishes a Design Review Board (DRB) was presented at a public hearing which was held on June 13, 1996; and,

WHEREAS, the planning commission held a worksession on June 20, 1996 to consider input received at the public hearing and has recommended changes to the proposed Chapter 2.21 as outlined in a report from the staff and Planning Commission to the City Council dated July 11, 1996; and,

WHEREAS, the City's legal counsel has recommended changes to the proposed chapter 2.21 to avoid legal challenges, which changes are reflected in a staff report to the City Council dated July 22, 1996; and

WHEREAS, the City Council also held a public hearing on August 12, 1996 to receive input on the proposed Chapter 2.21; and

WHEREAS, the City Council finds that the regulations in the proposed Chapter 2.21 to the Gig Harbor Municipal Code are consistent with, and would implement, the goals and policies stated in the Design Element of the City's Comprehensive Plan.

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS AS FOLLOWS:**

Section 1. A new section to the Gig Harbor Municipal Code is adopted as follows:

Chapter 2.21

DESIGN REVIEW BOARD (DRB)

2.21.010 Creation of Design Review Board

A Design Review Board (also referred to as DRB) is hereby created. The Design Review Board shall consist of 5 members, one of whom shall be a member of the Planning Commission. The Design Review Board shall interpret, review and implement design review as provided by the City's adopted Design Manual.

2.21.020 Terms and Qualifications of Members

- A. Members of the Design Review Board shall serve terms of two years. The terms shall be staggered. Terms expire on July 1 but members of the Design Review Board shall continue to serve until their successors are appointed and qualified. The member appointed from the Planning Commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the Planning Commission. The City Council shall appoint a new DRB member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.
- B. The City Council shall choose Design Review Board members with qualifications, skills or demonstrated interest in one or more of the following 6 categories.
 - 1. A licensed architect or professional designer with demonstrated experience in urban design.
 - 2. A member living in the City with demonstrated interest and knowledge of urban design.
 - 3. A member from the Gig Harbor Planning Commission.
 - 4. A member with a professional background relating to urban design, (e.g., an artist, an engineer, a planner, a contractor) as determined by the City Council.
 - 5. A member with demonstrated interest and knowledge of landscaping, horticulture, arboriculture or forestry.
 - 6. One or more members recommended by or associated with one of the following groups: The Gig Harbor Chamber of Commerce; The Peninsula Historical Society; A local neighborhood or homeowner's association.

2.21.030 Purposes.

A. The purposes of the Design Review Board are:

1. To assure that outdoor projects and exterior improvements subject to design review conform to the City's design manual.
2. To protect and enhance Gig Harbor's small town characteristics by assuring that decisions on design reflect the intent of the City's Design Manual and the Design Element of the City's Comprehensive Plan.
3. To make suggestions on design alternatives which meet the needs of the property or business owner and which are consistent with and meet the intent of the City's design policies.
4. To make recommendations to the Planning Commission and City Council on policies and ordinances that may affect the City's design and visual character.

2.21.040 Additional Powers.

In addition to the powers set forth in Section 2.21.030, the Design Review Board shall:

- A. Determine if outdoor project designs subject to design review are in compliance with the general requirements of the Design Manual and shall approve, approve with conditions, or disapprove proposed designs. The Design Review Board shall state specific reasons for disapproval so that the applicant has an opportunity to address those concerns.
- B. Recommend to the Planning Commission for adoption standards to be used by the City or Design Review Board in reviewing outdoor proposals with City limits or its areas of contractual jurisdiction.
- C. Recommend to the City Council the purchase of interests in property for purposes of preserving the City's visual characteristics or implementing the provisions of the City's Design Manual or the Design Element of the City's Comprehensive Plan.
- D. Advise the City Council on possible incentives to preserve historic structures within the City's historic district.
- E. Recommend to the Planning Commission and the City Council, zoning boundary changes which are consistent with the City's Design Manual and the Design Element of the City's Comprehensive Plan.
- F. Recommend to the Planning Commission and the City Council, changes to the Gig Harbor Municipal code and Public Works Standards which reinforce the purpose of the City's Design Manual and the Design Element of the City's Comprehensive Plan.

- G. Provide advice and guidance on request of the property owner or occupant on the restoration, alteration, decoration, landscaping, or maintenance of any structure or site within the City's jurisdiction.
- H. Make recommendations to the Hearing Examiner on requested variances from the standards of the Design Manual.

2.21.050 Limitations.

The Design Review Board may approve, conditionally approve or disapprove project *designs* or design variances pursuant to the standards in the City's Design Manual and GHMC Section 17.98. The DRB shall have no authority to make final decisions on site plans, or to waive, increase or decrease any other code requirements. Site plans shall be reviewed as provided in Title 19.

2.21.060 Organization. The City's Design Review Board shall be organized as follows:

- A. **Chairman.** The Design Review Board shall elect one of its members to serve as Chairman for a term of one year at its first meeting in March of each year. The Chairman may be elected to serve for one consecutive additional term, but not for more than two successive terms.
- B. **Quorum.** No business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by a majority of the appointed members of the DRB, which may include the Chairman.
- C. **Voting.** All actions of the Design Review Board shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken, shall approve any action taken. The Chairman may vote at the meetings.

2.21.070 Staff Assistance.

The City's Planning Department shall provide the Design Review Board with such assistance as is reasonably necessary to enable it to perform its functions and duties. Staff assistance shall include, but not be limited to, the making of recommendations in staff reports to the DRB on specific projects, research, general planning and instruction.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

PASSED by the City Council of the City of Gig Harbor, Washington at its regular meeting held on the _____ day of _____, 1996.

GRETCHEN A. WILBERT, MAYOR

ATTEST:

Mark E. Hoppen, City Administrator

Filed with City Clerk: August 2, 1996
Ordinance Adopted:
Date Published:
Effective Date:

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the _____ day of _____, 1996, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR ADOPTING A NEW CHAPTER 2.21 TO THE GIG HARBOR MUNICIPAL CODE WHICH ESTABLISHES A DESIGN REVIEW BOARD WHICH WILL REVIEW OUTDOOR PROJECT DESIGNS IN THE CITY OF GIG HARBOR.

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

DATED this _____ day of _____, 1996.

CITY ADMINISTRATOR, MARK HOPPEN

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR ADOPTING A NEW CHAPTER 17.98 TO THE GIG HARBOR MUNICIPAL CODE WHICH ESTABLISHES A PROCESS FOR DESIGN REVIEW OF OUTDOOR PROJECTS IN THE CITY OF GIG HARBOR.

WHEREAS, the City of Gig Harbor's Comprehensive Plan Design Element on pages 18-34 includes several goals and policies relating to community design and states on page 18 that more specific guidelines must be developed and that zoning code revisions will be required to achieve said goals; and,

WHEREAS, a design guidelines technical committee (DGTC) was authorized by the City Council in April 1995 to develop design guidelines for the City; and,

WHEREAS, over the course of one year the DGTC developed a comprehensive Design Manual which addresses all goals and policies in the Design Element, with the exception of policies pertaining to signage, which policies were addressed in a 1996 sign code update; and,

WHEREAS, a new Chapter 17.98 has been proposed which provides a process for design review and administration of the City's Design Manual; and

WHEREAS, the proposed Chapter 17.98 was presented at a public hearing which was held on June 13, 1996; and,

WHEREAS, the planning commission held a worksession on June 20, 1996 to consider input received at the public hearing and has recommended changes to the proposed Chapter 17.98 as outlined in a report from the staff and Planning Commission to the City Council dated July 11, 1996; and,

WHEREAS, the City's legal counsel has recommended changes to the proposed chapter 17.98 to avoid legal challenges, which changes are reflected in a staff report to the City Council dated July 22, 1996; and

WHEREAS, the City Council also held a public hearing on August 12, 1996 to receive input on the proposed Chapter 17.98; and

WHEREAS, the City Council finds that the regulations in the proposed Chapter 17.98 to the Gig Harbor Municipal Code, are consistent with, and would implement, the goals and policies stated in the Design Element of the City's Comprehensive Plan.

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS AS FOLLOWS:**

Section 1. A new section to the Gig Harbor Municipal Code is adopted as follows:

Chapter 17.98

DESIGN STANDARDS & REVIEW

17.98.010 Intent

This chapter is intended to implement the goals and policies established in the Design Element of the City's Comprehensive plan by providing design standards and procedures for the review of outdoor projects and development as described herein to determine their compliance with design standards as adopted by the City. The design review process is not intended to determine the appropriateness of a given use on a given site or to address technical requirements which are otherwise reviewed under the Site Plan review process. It is intended to protect the general health, safety and welfare of the citizens by protecting property values; protecting the natural environment; promoting pedestrian activities; promoting community pride; protecting historical resources; preserving the aesthetic qualities which contribute to the City's small town characteristics which have attracted residents, businesses and customers; and promoting the economic viability of the community by preserving and creating well designed commercial districts which attract customers and businesses.

17.98.020 Design Manual.

The City's design standards are contained in the Design Manual adopted by the City, and as amended from time to time. A copy of the Design Manual is on file with the City Clerk. In those cases where the Design Manual is found to be in conflict with performance standards of the zoning code, the standards in the Design Manual shall prevail.

17.98.030 Applicability

The Design Manual applies to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element including, but not limited to, landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences walls and roofing materials (hereafter referred to as *outdoor proposals*), as described in the design manual. Design review approval is required for all outdoor proposals which require a building permit or which are part of a project or development requiring site plan, conditional use, or City Council approval.

17.98.040 Design Review Application Requirements

Application for design review, whether administrative or through the City's Design Review Board (DRB) shall be submitted in such detail as to allow the review of the specific project on the merits of the City's Design Manual and other applicable City codes. Projects may be reviewed in one complete application or may be reviewed by category. To be considered complete, the following information must be submitted for each category of requested design review.

A. Site Plan Review

1. Site Plan. A site plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, buffer areas, yards, open spaces, common areas or plazas, walkways, vehicle areas.
2. Vegetation Plan. A significant vegetation plan which accurately identifies the species, size and location of all significant vegetation within the buildable area and within 5 feet of all setback lines.
3. Landscape Plan. A preliminary landscape plan showing the species size and location of all significant natural vegetation to be retained.
4. Site Section Drawings. Section drawings which illustrates existing and proposed grades in specified areas of concern as identified by the staff. Alternatively, a topographic map delineating contours, existing and proposed, at no greater than five-foot intervals and which locates existing streams, marshes and other natural features. may be submitted.
5. Grading & Drainage Plan. An accurate grading and drainage plan which indicates all cuts, fills and required areas of disturbance necessary to construct all retaining walls and structures.
6. Utilities Plan. A utilities plan showing location of utilities in relation to landscape and buffer areas (utility plan must be consistent with proposed areas of non-disturbance).

B. Landscaping and Paving Review

1. Final Landscape Plan. A final landscape plan showing type size, species, and spacing of all retained and new vegetation.
2. Irrigation plan. Showing irrigation of all domestic vegetation.
3. Paving Materials. Description of all pedestrian and vehicular paving materials. Descriptions must specify type, color and/or texture.

C. Architectural Design Review

1. Elevation Drawings. Complete elevation drawings of all buildings showing all trim details, dimensions and proposed materials including roofing, siding, windows and trim.
2. Sign Plan. A master sign plan showing the location of signage on buildings consistent with GHMC Section 17.80.
3. Architectural Lighting Details. Details on all lighting proposals which affect

architectural detailing (e.g., indirect lighting), or which are for architectural enhancement.

4. Screening details. Details on how all mechanical and utility equipment will be screened.

D. Color and Material Review

1. Color Palette. A color palette of the building's exterior including roof, siding, trim.

2. Material Samples. Sample colors of all factory finished materials including roofing and masonry materials.

3. Fencing Details. Color, type and specification of all fencing and screening materials

E. Outdoor Lighting & Accessories Review

1. Light Fixture Details. The type, model, color, location, height, and area of illumination for all outdoor light fixtures .

2. Accessory Details. The type, model, color, and location of all outdoor furniture, trash receptacles, and accessories.

17.98.050 Design Review and Project Approval

Design review shall be processed administratively as a Permit Application Type II (refer to Title 19), or may be reviewed at a public meeting by the City's Design Review Board (DRB), as follows:

A. Project Review Time. Design review must be completed as defined in Title 19, except that if the DRB review option is requested, the applicant must submit a signed statement waiving rights to be reviewed under the time limits defined in GHMC Title 19. A waiver of Title 19 time limitations may also be issued if the applicant chooses to grant the Planning Director additional time for administrative review.

B. Project Approval. All outdoor proposals must comply with the Design Manual standards. Outdoor proposals shall be ~~approved~~ reviewed according to the following review options:

1. Design Review Board (DRB) approval. Outdoor projects which conform to the general requirements of the design manual (as defined within the design manual) shall be approved by the DRB unless the DRB makes specific findings for denial as defined in subsection 17.98.030(C) . The DRB shall issue a written decision on the proposal within 14 days of full-quorum DRB review,

unless the DRB and the applicant agree to continue review of the proposal to the next DRB public meeting.

2. Administrative approval. Outdoor proposals which conform to the specific requirements of the design manual (as defined within the design manual) shall be approved by the Planning Director (or designee).

- C. Project Denial. The Planning Director (or designee) shall deny projects or portions of projects which he/she finds are not in compliance with the specific requirements of the design manual. The applicant may appeal the Director's decision to deny a project to the Design Review Board if he or she believes the Director interpreted the specific requirements of the design manual incorrectly, or if he or she believes that the project conforms to the general requirements of the design manual. Projects may be denied by the DRB if it finds that the project does not comply with the specific or general requirements of the Design Manual.
- D. Notice of Action. For projects requiring site plan approval, notice of the staff or DRB decision on the project design shall be included in the site plan staff report to the Hearing Examiner.
- E. Site Plan Review Design Amendments. Design approval as granted by the Planning Director or DRB shall not be revisited by the Hearing Examiner except upon appeal or where specific health/safety considerations as determined by the Hearing Examiner require changes to a site plan. Changes to project designs resulting from site plan review shall be consistent with the specific or general requirements of the Design Manual as determined by the Hearing Examiner.

17.98.060 Variances

- A. Required Findings. Variances from the requirements of the Design Manual may be granted by the DRB, except that variances affecting height and setbacks which exceed the limitations established in Section 17.66.020(A) must be reviewed by the Hearing Examiner as per the general variance procedures established in Section 17.66.030. Before a variance can be granted, the Design Review Board shall make findings of fact setting forth and showing that all of the following circumstances exist:
 - 1. Special conditions and circumstances exist which render a specific requirement of the design manual unreasonable, given the location and intended use of the proposed development.
 - 2. The special conditions and circumstances are characteristic of the proposed general use of a site and not of a specific tenant.

3. The special conditions and circumstances are not representative of typical retail, professional office or residential-type development which may be allowed within the zoning district.

4. The requested variance is based upon functional consideration rather than economic hardship, personal convenience or personal design preferences.

5. Architectural changes in the project design as a result of the variance have been sufficiently compensated by other architectural embellishments, and site plan changes as a result of the variance have been sufficiently compensated by other site amenities.

6. The requested variance will not result in a project which is inconsistent with the intent and general scope of the design manual standards.

B. Notice Notice of variances affecting height or setbacks approved by the DRB shall be sent to owners of all contiguous parcels.

17.98.070 Appeal of Administrative or DRB Decision

The Planning Director's decision may be appealed to the DRB if the applicant believes the Director interpreted the specific requirements of the design manual incorrectly, or if the applicant believes his or her project conforms to the general requirements of the design manual. The decision of the DRB may be appealed to the Hearing Examiner by the applicant, parties of record, or contiguous property owners, subject to the provisions of Chapter 19.06.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

PASSED by the City Council of the City of Gig Harbor, Washington at its regular meeting held on the _____ day of _____, 1996.

GRETCHEN A. WILBERT, MAYOR

ATTEST:

Mark E. Hoppen, City Administrator

Filed with City Clerk: August 2, 1996

Ordinance Adopted:

Date Published:

Effective Date:

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the _____ day of _____, 1996, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR ADOPTING A NEW CHAPTER 17.98 TO THE GIG HARBOR MUNICIPAL CODE WHICH ESTABLISHES A PROCESS FOR DESIGN REVIEW OF OUTDOOR PROJECTS IN THE CITY OF GIG HARBOR.

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

DATED this _____ day of _____, 1996.

CITY ADMINISTRATOR, MARK HOPPEN



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: UTILITIES REQUEST - JOWERS/BROWN SEWER REQUEST
DATE: AUGUST 6, 1996

INFORMATION/BACKGROUND

This request provides sanitary sewer service for an office building on a single parcel which is immediately adjacent to ULID#2. A side-sewer stub from the city's sewer lateral is already in place. The project has been granted a building permit by Pierce County and is already under construction. This project can be built with septic drainfields. Open space considerations on the project will be augmented through the grant of sewer.

POLICY CONSIDERATION

Planning review of the proposal indicates that the proposed development is consistent with proposed land uses for the site, density considerations, set backs and minimum yard requirements, minimum lot area requirements, height requirements, minimum lot area requirements, and parking considerations. Condition #4 of Exhibit 'B' enables the project to meet city landscape requirements and maximum impervious coverage requirements.

FISCAL CONSIDERATIONS

This professional office project is estimated by City Engineer's calculation to utilize 3.3 Equivalent Residential Units of sewage flow. The current connection rate per ERU in this area is \$2400 per ERU. The flow on the project will be checked by the city after one year to determine whether additional flow beyond the calculation will result in additional connection fees charged or not.

RECOMMENDATION

Staff recommends approval of the sewer contract with recommended conditions.



Northwest Real Estate

5006 Pt. Fosdick Dr. NW
Gig Harbor, WA 98335
Bus. (206) 858-8333
Fax (206) 851-3986

May 14, 1996

City of Gig Harbor
Utilities Division
3105 Judson Street
Gig Harbor, WA 98335

Subject: Sewer Connection

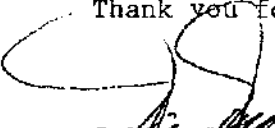
The undersigned hereby requests a sewer connection for a Commercial Building located at 3413 56th St NW in the Westside Business District area. The building will house a Real Estate office and related activities.

The legal description and the assessor map are attached on a separate page.

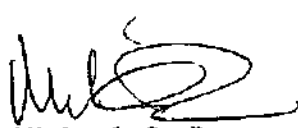
According to the Septic design that was submitted the estimated flow will be 756 gallons/day.

The sewer line is in the street adjacent to the property and a stub-out has been provided for this hook-up when the line was extended.

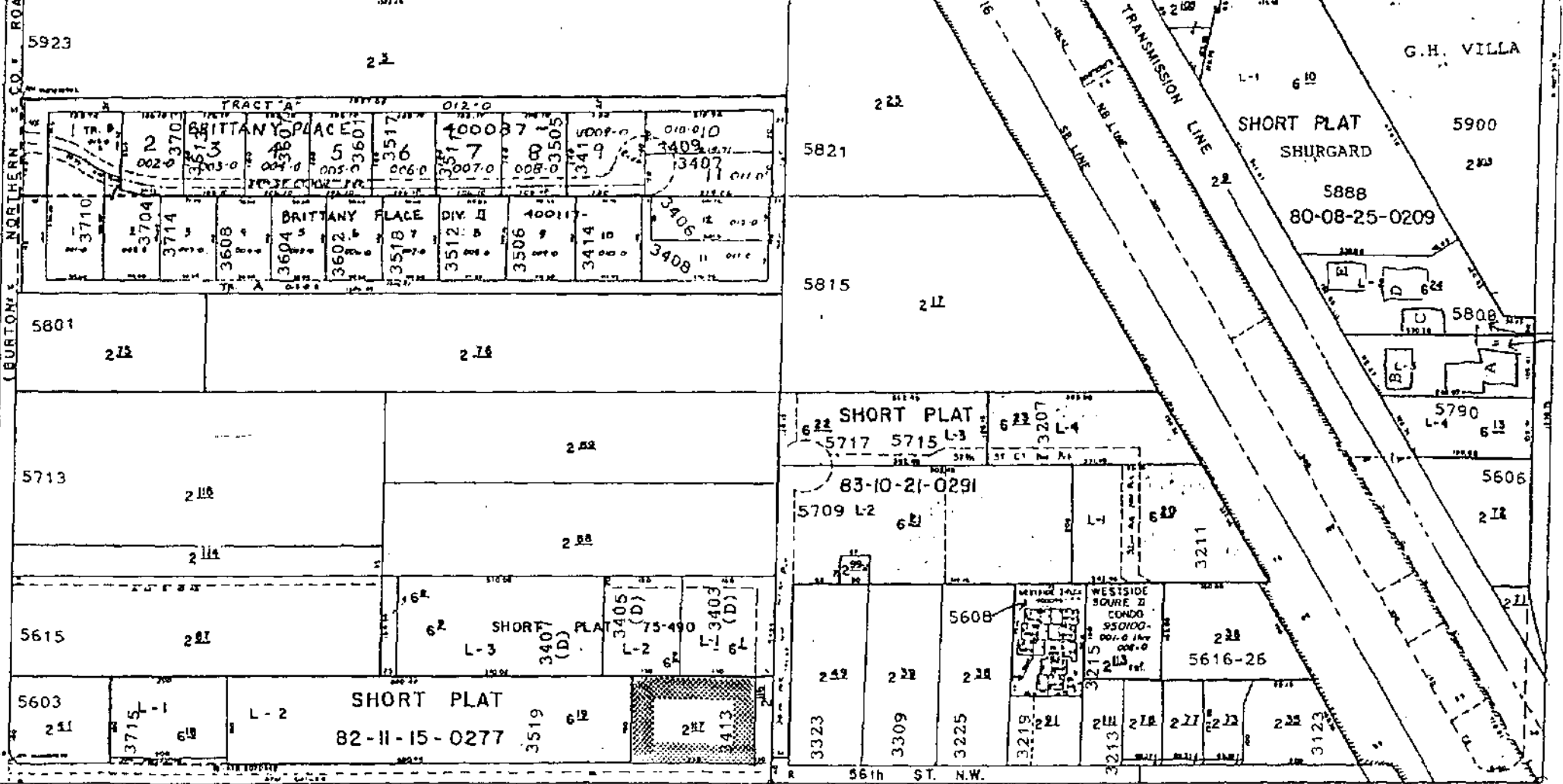
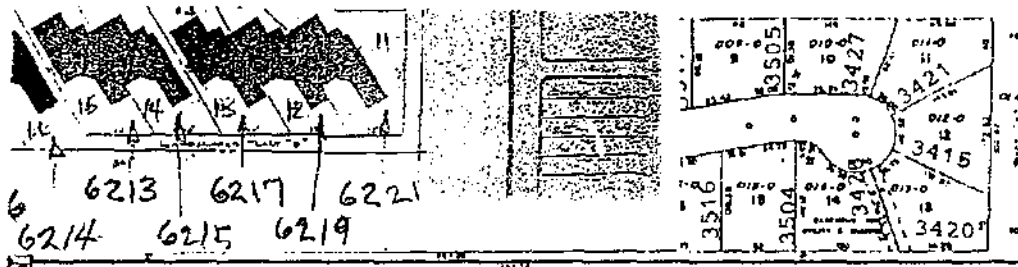
Thank you for your consideration.



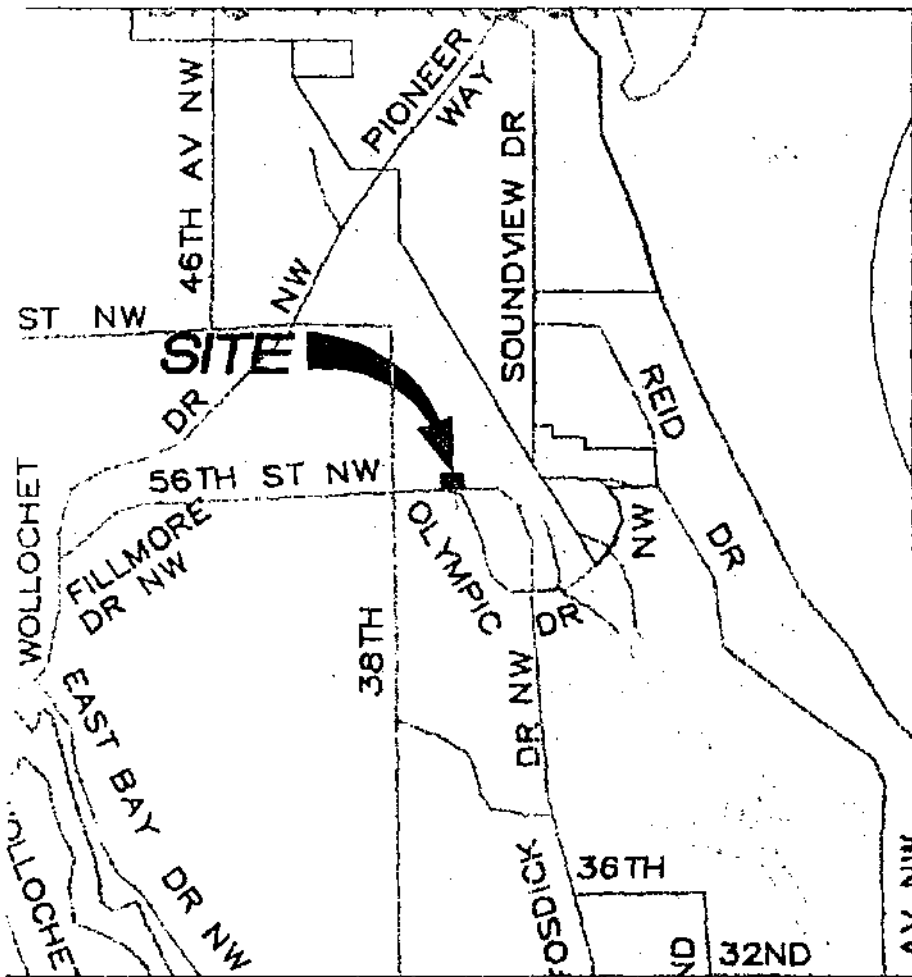
Julia D. Jowers
29 25th AVE NW
Gig Harbor, WA 98335
206-851-1968(home)
206-858-8333(work)



Michael C. Brown
901 23rd Ave NW
Gig Harbor, WA 98335
206-851-2324(home)
206-858-8333 (work)



THIS IS NOT A SURVEY THIS IS A SURVEY NW 17 T 21 N R 2 E



VICINITY MAP

SCALE: 1" = 1/4 MILE

SITE INFORMATION

EXISTING

ADDRESS:-----3413 56TH ST.N.W. GIG HARBOR, WA
 PARCEL NUMBER(S):-----022117-2-117
 NUMBER OF BUILDINGS:-----1
 NUMBER OF UNITS:-----N/A
 AREA (IN ACRES)-----0.72
 ZONING:-----CC
 IMPERVIOUS AREA (RD'S, DRV'S, ECT.) 3000
 IMPERVIOUS AREA (BUILDINGS)-----1100
 IMPERVIOUS AREA (TOTAL)-----4100

PROPOSED

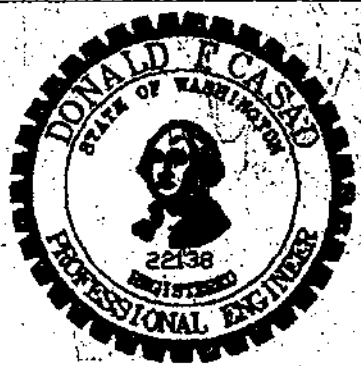
ADDRESS:-----3413 56TH ST.N.W. GIG HARBOR, WA
 PARCEL NUMBER(S):-----022117-2-117
 NUMBER OF BUILDINGS:-----1
 NUMBER OF UNITS:-----N/A
 AREA (IN ACRES)-----0.72
 ZONING:-----CC
 IMPERVIOUS AREA (RD'S, DRV'S, ECT.) 12200
 IMPERVIOUS AREA (BUILDINGS)-----5300
 IMPERVIOUS AREA (TOTAL)-----17500
 IMPERVIOUS AREA (DIFFERENCE)-----13400

UTILITIES

WATER:-----STROHS WATER CO.
 POWER:-----PENINSULA LIGHT
 SEWER:-----ONSITE SEPTIC

DESIGNER: E. TING, D. COOPER
 DRAFTSMAN: J. MARTIN
 PROJ. MANAGER: D. CASAD
 SEC: 17 T 20N R 2E
 DWG NAME: 6004P101
 DATE: 11 MAR 96

REV NO	REVISION DESCRIPTION	BY



TE SEALED

WHEN RECORDED RETURN TO:
City of Gig Harbor
Administrative Assistant
3105 Judson Street
Gig Harbor, WA 98335

UTILITY EXTENSION, CAPACITY AGREEMENT
AND AGREEMENT WAIVING RIGHT TO PROTEST LID

THIS AGREEMENT is entered into on this ____ day of _____, 1996, between the City of Gig Harbor, Washington, hereinafter referred to as the "City", and Julian D. Jowers and Michael C. Brown, hereinafter referred to as "the Owner".

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit 'A' attached hereto and incorporated herein by this reference as though set forth in full, and

WHEREAS, the Owner's property is not currently within the City limits of the City, and

WHEREAS, the Owner desires to connect to the City water and sewer utility system, hereinafter referred to as "the utility," and is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal code, as now enacted or hereinafter amended, NOW, THEREFORE,

FOR AND IN CONSIDERATION OF the mutual benefits and conditions hereinafter contained, the parties agree as follows:

1. Warranty of Title. The Owner warrants that he/she is the Owner of the property described in Exhibit 'A' and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on 34th Street at the following location:

side sewer stub at 34th Street serving the East 240 feet of South 180 feet of the Southwest quarter of the Northwest quarter of Section 17, Township 21 North, Range 2 East of the Willameet Meridian, Pierce County, Washington

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City standards and according to plans approved by the City's Public Works Director. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service and hereby reserves to the Owner the right to discharge to the City's sewerage system

(3.3 ERUs) 756 gallons per day average flow. These capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by the Owner of any facilities comprising the City sewerage system. The City agrees to reserve to the Owner this capacity for a period of 12 months ending on August 11, 1997 , provided this agreement is signed and payment for sewer capacity is commitment received within 45 days after City Council approval of extending sewer capacity to the Owner's property. Sewer capacity shall not be committed beyond a three year period.

5. Capacity Commitment Payment. The Owner agrees to pay the City the sum of \$500 to reserve the above specified time in accordance with the schedule set forth below.

Commitment period	Percent (%) of Connection Fee
One year	Five percent (5%)
Two years	Ten percent (10%)
Three years	Fifteen percent (15%)

In no event, however, shall the Owner pay the City less than five hundred dollars (\$500) for commitment for sewer reserve capacity. In the event the Owner has not made connection to the City's utility system by the date set forth above, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

In the event the Pierce County Boundary Review Board should not approve extension of the City's sewer system prior to the extension of the commitment period, the Owner shall be entitled to a full refund (without interest) from the City of the capacity agreement.

6. Extension of Commitment Period. In the event the Owner chooses to permanently reserve sewer capacity by paying the entire connection fee for the number of equivalent residential units desired to be reserved before the expiration date set forth above, the Owner shall be responsible for paying each year for the sewer utility system's depreciation based on the following formula: (Owner's reserved capacity divided by the total plant capacity times the annual budgeted depreciation of the sewer facilities.)

7. Permits - Easements. Owner shall secure and obtain, at Owner's sole cost and expense any necessary permits, easements and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including the Pierce County Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor Public Works Department.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of water or sewer main lines, pump stations, wells, and/or other city

required capital facilities, the Owner agrees to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

- A. As built plans or drawings in a form acceptable to the City Public Works Department;
- B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;
- C. A bill of sale in a form approved by the City Attorney; and
- D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Public Works Director, ensuring that the facilities will remain free from defects in workmanship and materials for a period of 2 year(s).

9. Connection Charges. The Owner agrees to pay the connection charges, in addition to any costs of construction as a condition of connecting to the City utility system at the rate schedules applicable at the time the Owner requests to actually connect his property to the system. Any commitment payment that has not been forfeited shall be applied to the City's connection charges. Should the Owner not initially connect 100% of the Sewer Capacity Commitment, the Capacity Commitment payment shall be credited on a pro-rated percentage basis to the connection charges as they are levied.

10. Service Charges. In addition to the charges for connection, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist, which is presently at 150% the rate charged to customers inside city limits, or as they may be hereafter amended or modified.

11. Annexation. Owner understands that annexation of the property described on Exhibit 'A' to the City will result in the following consequences:

- A. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
- B. City of Gig Harbor ordinances, resolutions, rules and regulations will begin to apply to the property upon the effective date of annexation;
- C. Governmental services, such as police, fire and utility service, will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
- D. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property

may be different from those applicable prior to the effective date of annexation;

- E. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- F. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit A as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit "A" is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

12. Land Use. The Owner agrees that any development or redevelopment of the property described on Exhibit 'A' shall meet the following conditions after execution of Agreement:

- A. The use of the property will be restricted to uses allowed in the following City zoning district at the time of development or redevelopment: RB-2
- B. The development or redevelopment of the property shall comply with all requirements of the City Comprehensive Land Use Plan, Zoning Code, Building Regulations, and City Public Works Standards for similar zoned development or redevelopment in effect in the City at the time of such development or redevelopment, and shall comply with the conditions set forth in Exhibit 'B' which is incorporated herein. The intent of this section is that future annexation of the property to the City of Gig Harbor shall result in a development which does conform to City standards.

13. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above described property. If the extension is for sewer service, the lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.280, all as now enacted or hereafter amended. If the extension is for water service, the lien shall be as provided in RCW 35.21.290 and enforced as provided in RCW 35.21.300, all as currently enacted or hereafter amended.

14. Termination for Non-Compliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right to terminate utility service to the Owner's property in addition to any other remedies available to it.

15. Waiver of Right to Protest LID. Owner acknowledges that the entire property legally described in Exhibit 'A' would be specially benefited by improvements to the utility as identified in Exhibit 'B' 3.

Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so, or in the alternate, the Owner agrees to participate as required by the City's Public Works Director.

With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

16. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

17. Covenant. This agreement shall be recorded with the Pierce County Auditor and shall constitute a covenant running with the land described on Exhibit 'A', and shall be binding on the Owner, his/her heirs, successors and assigns. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

18. Attorney's Fees. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement.

DATED this _____ day of _____, 1996.

CITY OF GIG HARBOR

Mayor Gretchen Wilbert

OWNER

8-7-96

Name: JULIAN D. JOWERS

Title: CO-OWNER

ATTEST/AUTHENTICATED:

City Clerk, Mark Hoppen

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Signature

NOTARY PUBLIC for the State
of Washington, residing at

My commission expires _____

STATE OF WASHINGTON)
) ss:
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____ and _____ are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they are authorized to execute the instrument and acknowledged it as the _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Signature

NOTARY PUBLIC for the State
of Washington, residing at

My commission expires _____

EXHIBIT 'A'

REQUEST FOR SEWER HOOK-UP

3413 56th Street NW

Gig Harbor, WA

LEGAL DESCRIPTION

The East 240 feet of South 180 feet of the Southwest quarter of the Northwest quarter of Section 17, Township 21 North, Range 2 East of the Willamette Meridian, Pierce County, Washington:

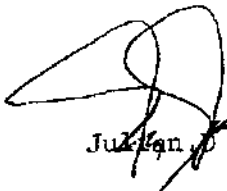
EXCEPT from said South 180 feet, the South 30 feet for 56th Street Northwest (Puget Way).

AND EXCEPT the East 30 feet thereof.

SUBJECT TO all easements and restriction of record, if any.

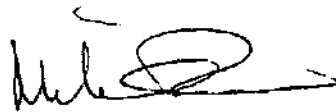
ASSESSOR's Parcel nuber is:

02-21-17-2-117



Julian Jowers

Applicant



Michael C Brown

Applicant

EXHIBIT 'B'

CONDITIONS OF APPROVAL - JOWERS/BROWN OUTSIDE SEWER EXTENSION

1. Submittal of a revised site plan clearly identifying existing easements, property lines, and right-of-way limits.
2. Dedication of additional right-of-way and construction of half-width improvements along the 56th Street N.W. frontage, or submittal of a bond for same, including curb, gutter, and sidewalk in accordance with the City's Public Works standards for Collector Arterials in commercial areas, or consistent with Pierce County standards, whichever is greater. Construction shall include a paved transition tapering from the limits of the frontage improvement to match the existing street section west of the frontage limits.
3. Participation in the development's proportionate share of any future signalization at the intersection of 56th Street N.W. and Olympic Drive.
4. The area shown as "existing septic system" shall remain as an open space area to accommodate the required maximum impervious coverage for the RB-2 zone and to include a minimum 8' perimeter of landscaping which meets the requirement of GHMC 17.78.070 (B). The Red Sunset maple must have a minimum caliper of two inches.
5. Fire flow must comply with city standards.



CITY OF GIG HARBOR
 3105 JULSON STREET, GIG HARBOR, WA 98335

TREASURER'S RECEIPT
 33787

Jay Powers
 RECEIVED FROM
Admin Filing Fee (UECA)
 FOR

5-14-96
 DATE

FUND	DEPT.	B/SUB	ELEM	OB	DESCRIPTION	AMOUNT
<i>001</i>		<i>341</i>	<i>180</i>			
TOTAL						<i>100</i>



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

CITY OF GIG HARBOR - UTILITIES SERVICE APPLICATION

Application No. _____, Parcel No. 02-21-17-2-117, Date 5-14-96

Applicant Julian D Jowers/Michael C Brown, Phone # 858-8333

Mailing Address 5006 Pt Fosdick Dr NW Gig Harbor, WA 98335

STORM WATER CALCULATION:

Impervious Area (Sq.Ft.)	Calculation	Units

Connection/Service ADDRESS OR LOCATION: _____
 Subdivision _____, Lot No. _____
 Date of Hook-Up _____, Meter No. _____, Size _____, Rate _____
 Account No. _____, Meter Location _____

WATER SYSTEM HOOK-UP & METER INSTALLATION CHARGES:

(X)	Meter Size	Capacity Factor(s)	Hook-Up Fee (Inside City Limits)	Hook-Up Fee (Outside City)	Meter Charge	Total Fees
	3/4"	1	\$1,205.00	\$1,777.50	\$450.00	\$
	1"	1.67	\$2,010.00	\$2,955.00	\$555.00	\$
	1-1/2"	3.33	\$4,015.00	\$5,895.00	(2) \$1,130.00	\$
	2"	5.33	\$6,425.00	\$9,435.00	(2) \$1,260.00	\$
	Over 2"	(3)	(3)\$	(3)\$	(3) \$	\$

WATER SYSTEM HOOK-UP & METER INSTALLATION CHARGE: \$ _____

OTHER CHARGES: (See Note 2)

Street Boring	\$ 10.00 / Foot	\$
Open Street Cut	\$ 20.00 / Foot	\$
Refundable As-Built Plan Deposit		\$
		\$
		\$

- Notes: (1) If project is outside the city limits, the hook-up fee is (1.5) times that shown above.
 (2) Time & Material Plus 10%
 (3) Negotiable

BASIC SEWER SYSTEM CONNECTION FEE:

Zone A	Zone B, C, D	Other	# Of ERU'S *	Total Fee
\$ 695.00	\$ 1,710.00	\$ 2,400.00	<u>3.3</u>	\$ <u>7920.00</u>

* Equivalent Residential Unit Calculation for non-residential service:

Commercial (ERU's per Engineer's estimate) X (_____) = 3.3
Class of Service Conversion rate for appropriate unit (sq. ft., seats, students, etc.) Number of units Equivalent ERU's

SPECIAL CHARGES:

Check (X)	Type of Fee (1)	Fee
	Encroachment Permit Application & Fee	\$ 15.00
<input checked="" type="checkbox"/>	Sewer Stub Inspection Fee	\$ 125.00
	House Stub Inspection Fee (\$25 in city / \$37.50 out)	\$
<input checked="" type="checkbox"/>	As-Built Plans Deposit (Refundable)	\$ 150.00
	Late Comers Agreement Fee	\$

Note: (1) Single Family Residence only (See Public Works Department for Multi-Family and Commercial)

TOTAL SEWER SYSTEM FEES PAID:

\$ _____

TOTAL FEES PAID WITH THIS APPLICATION:

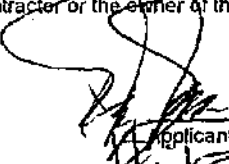
\$ _____

Application is hereby made by the undersigned property owner or his agent for all water and/or sewer service required or used for any purpose at the above property address for which I agree to pay in advance and in accordance with existing ordinances and regulations of the city. Following estimated charges, the exact charges will be determined and are payable immediately upon completion of the installation.

I further agree that all rates and charges for water, sewer and/or storm service to the above property shall be paid in accordance with the existing ordinances and regulations of the city or any ordinances or regulations adopted hereafter. I agree to comply with the water, sewer and storm drainage service existing ordinances/regulations of the city or any such ordinances/regulations adopted hereafter.

I understand that the city will use all reasonable effort to maintain uninterrupted service, but reserves the right to terminate the water and/or sewer service at any time without notice for repairs, extensions, non payment of rates or any other appropriate reason and assumes no liability for any damage as a result of interruption of service from any cause whatsoever.

I understand that the city shall maintain ownership in such water meters installed by the city and the city shall be responsible for providing reasonable and normal maintenance to such meters. Damage to meters, boxes, and fittings will be repaired by the city's public works department. The cost of such repair work shall be borne by the contractor or the owner of the property.


Applicant's Signature

5-14-96
Date

TO BE COMPLETED BY STAFF ONLY:

Receipt No.	Fees Paid	Date	Received By

REVIEWED BY:

Building Official	P.W. Inspector	P.W. Supervisor	Finance Technician



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MHG*
SUBJECT: UTILITIES REQUEST - H&T ENTERPRISES SEWER REQUEST
DATE: AUGUST 6, 1996

INFORMATION/BACKGROUND

This request provides sanitary sewer service for a business park on two parcels which are immediately adjacent to existing city sewer service and near ULID #2 within the city's UGA. An 8 inch diameter sanitary sewer stub (lateral) is constructed to 34th street NW from 56th Street NW. A thirty foot wide utility easement and private road (34th Court NW) are located immediately east of the project. The project has preliminary site approval from Pierce County (attached to the contract as Exhibit 'C'). This project can be built with septic drainfields. The project proposes to develop five separate business pads.

POLICY CONSIDERATION

Planning review of the proposal indicates that the proposed development is consistent with city comprehensive plan land uses for the site. Public Works conditions are listed in Exhibit 'B'.

FISCAL CONSIDERATIONS

This business park project is estimated by City Engineer's calculation to utilize 10 Equivalent Residential Units of sewage flow. The current connection rate per ERU in this area is \$2400 per ERU. The flow on the project will be checked by the city one year after the connection of each pad within the contract period to determine whether additional flow beyond the calculation for each pad will result in additional connection fees charged.

RECOMMENDATION

Staff recommends approval of the sewer contract with recommended conditions.



A NATURAL RESOURCE CORPORATION

(206) 858-8444
P.O. BOX 492, GIG HARBOR, WA 98335 (206) 858-8448 FAX

April 22, 1996

City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

ATTN: Wes Hill, PE

SUBJECT: Sanitary Sewer Service
Westside Business Park
APN 02 21 17 2088 & 2089

Dear Mr. Hill,

This letter is written as our formal application for sanitary sewer service to the development known as Westside Business Park owned by H & T Enterprises. This letter supersedes ~~the~~ my letter of February 27, 1996 and reflects my discussion with you on April 4, 1996 relative to the number of ERUs which are appropriate for this site.

The property is located in Pierce County on 34th Court NW and is legally described as:

The east half of the south half of the southwest quarter of the northwest quarter of Section 17, Township 21 north, Range 2 east, Willamette Meridian, except the south 345 feet thereof; situate in Pierce County, WA.

The parcel comprises approximately 5 acres and is located immediately west of the west boundary of the City's U.L.I.D. #2. The parcel is currently under development in accordance with Pierce County Site Development Permit # 213733.

In 1993 Talmo installed a sanitary sewer main extension within the U.L.I.D. # 2 area in 34th Court NW. This system conveys wastewater from both new and existing developments within the boundary of U.L.I.D. # 2 to the City main in 56th



St. NW. Our current request is that the City allow the Westside Business Park, which is outside the U.L.I.D. boundary, to connect to this system in 34th Court NW. The point of connection to the existing sewer facility would be at the manhole located approximately 550 feet north of 56th St. NW.

The topography is such that all portions of the site requiring service are below the installed sanitary facility. The wastewater from each building must be pumped to allow its entry to the gravity system, and we propose that a separate pump station be installed at each building. Each station will serve only the building for which it is installed, will remain the property of the owner of the parcel on which it is installed and will pump through its own force main to the existing manhole in 34th Court NW.

We propose to reserve 2 ERUs per lot. The layout of the site is such that Lots 1, 4 and 5 will have one building each, with approximately 6000 SF per building. Lots 2 and 3 will each have 2 buildings, with each building having approximately 3000 SF of floor area. While the G.M.M.C. specifies the assignment of one ERU per 1600 SF, our request is for fewer ERUs. This request is based upon there being not more than 6 employees per building, each contributing 35 gallons per day of wastewater to the City's system. The total flow from each building will be in the vicinity of 210 gallons per day, less than the amount of 231 gallons per day as defined in the Code as the amount of flow attributed to 1 ERU.

We do not anticipate this amount of flow from any of the users of our sites. There are 5 parcels and seven individual buildings with the largest building being approximately 6500 S.F. Four of the seven buildings will be approximately half this size. While all of the users have not been defined, we feel that the site constraints will limit uses to those which do not employ significant numbers of employees. The currently proposed site coverage is at the maximum allowed by County zoning codes and, at present, we have no opportunity or intent to increase this.



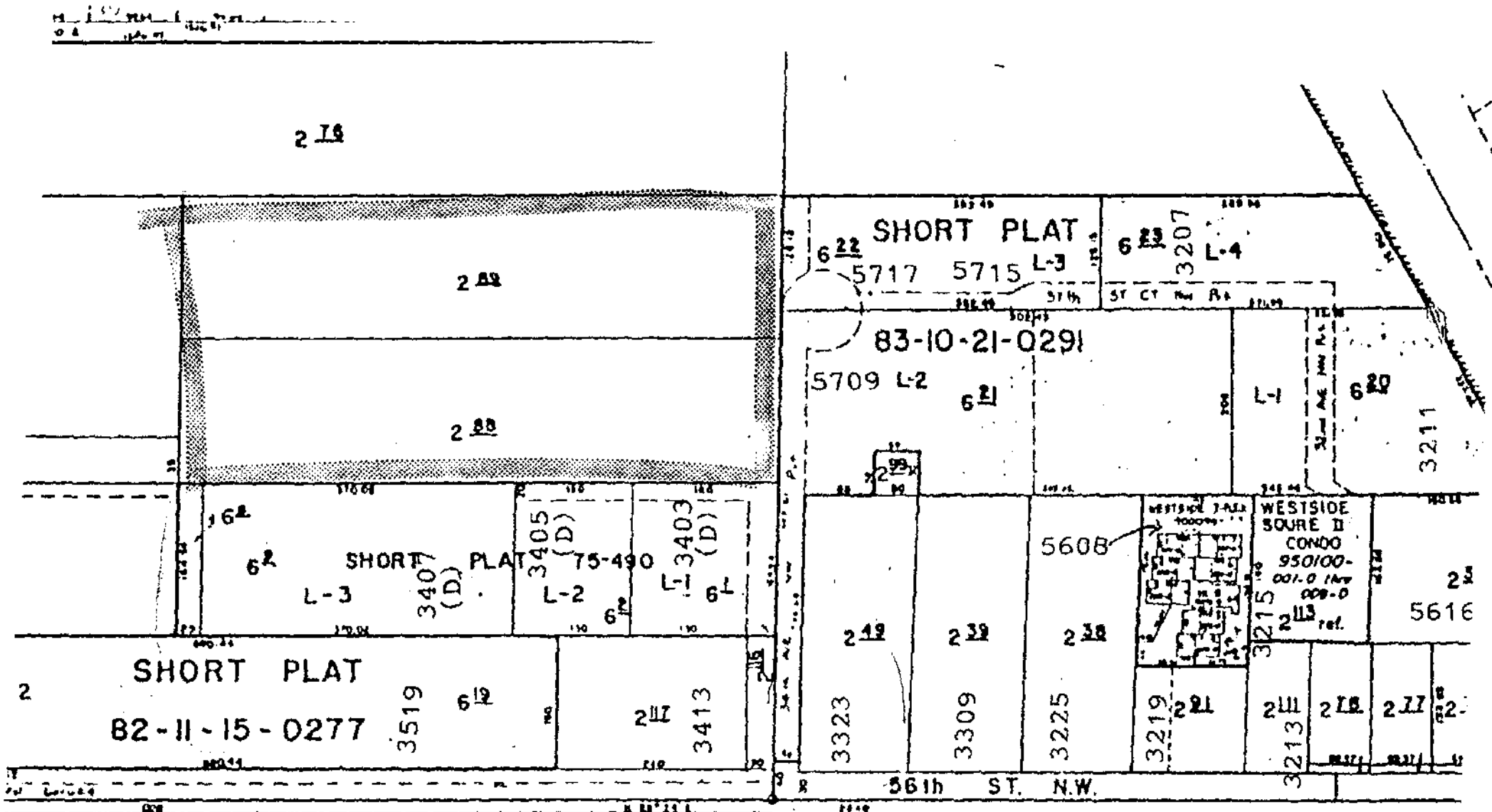
We recognize that our request to reserve only 10 ERUs will limit uses to those not generating waste flows in excess of 231 gallons per day per building on Lots 2 and 3 and 462 gallons per day per building on Lots 1,4 and 5. Further, if a user wishes to discharge more than the allotted flow, that user may be caused to secure the City's permission to do so. This permission will be dependent upon, among other things, the availability of excess treatment plant capacity at the time of the request for the higher level of service. Our intent at this time is that the City review our request, present it to the City Council and, provided Council agrees with our request, provide us with the appropriate capacity commitment agreement.

Please inform me of any additional information you require. I will be available to discuss this issue with you and any other City officials who are concerned.

Sincerely,



Arlan L. Kane, PE
Taimo, Inc.



THIS IS NOT A SURVEY
 DO NOT USE DATA FOUND ON THIS MAP
 WE ASSUME NO LIABILITY FOR VARIATIONS
 ASCERTAINED BY ACTUAL SURVEY
 FOR ASSESSOR'S USE ONLY

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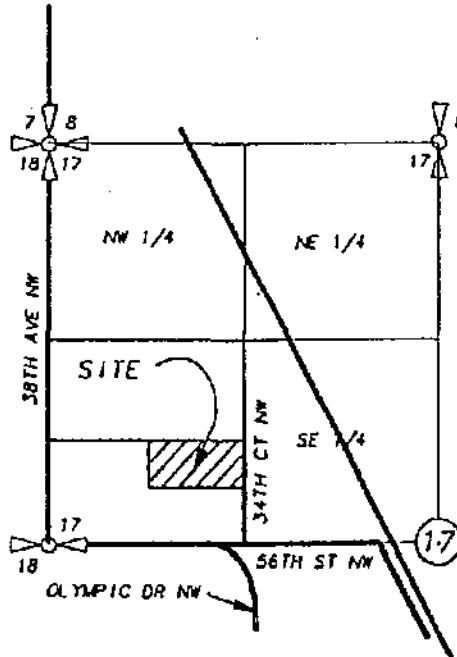
NW 17
 ROAD 3

T 211
 SCHOOL 401

30

VICINITY MAP

SCALE: 4" = 1 MILE



NW 1/4 SECTION 17-21-2E W.M.

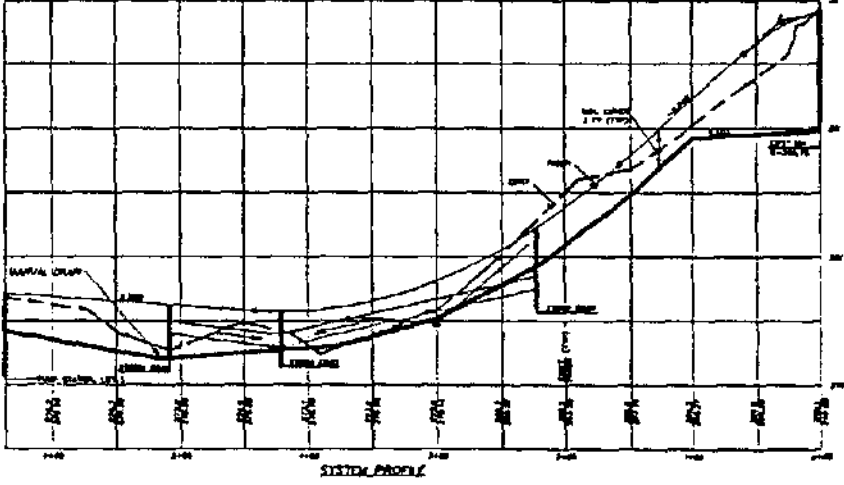
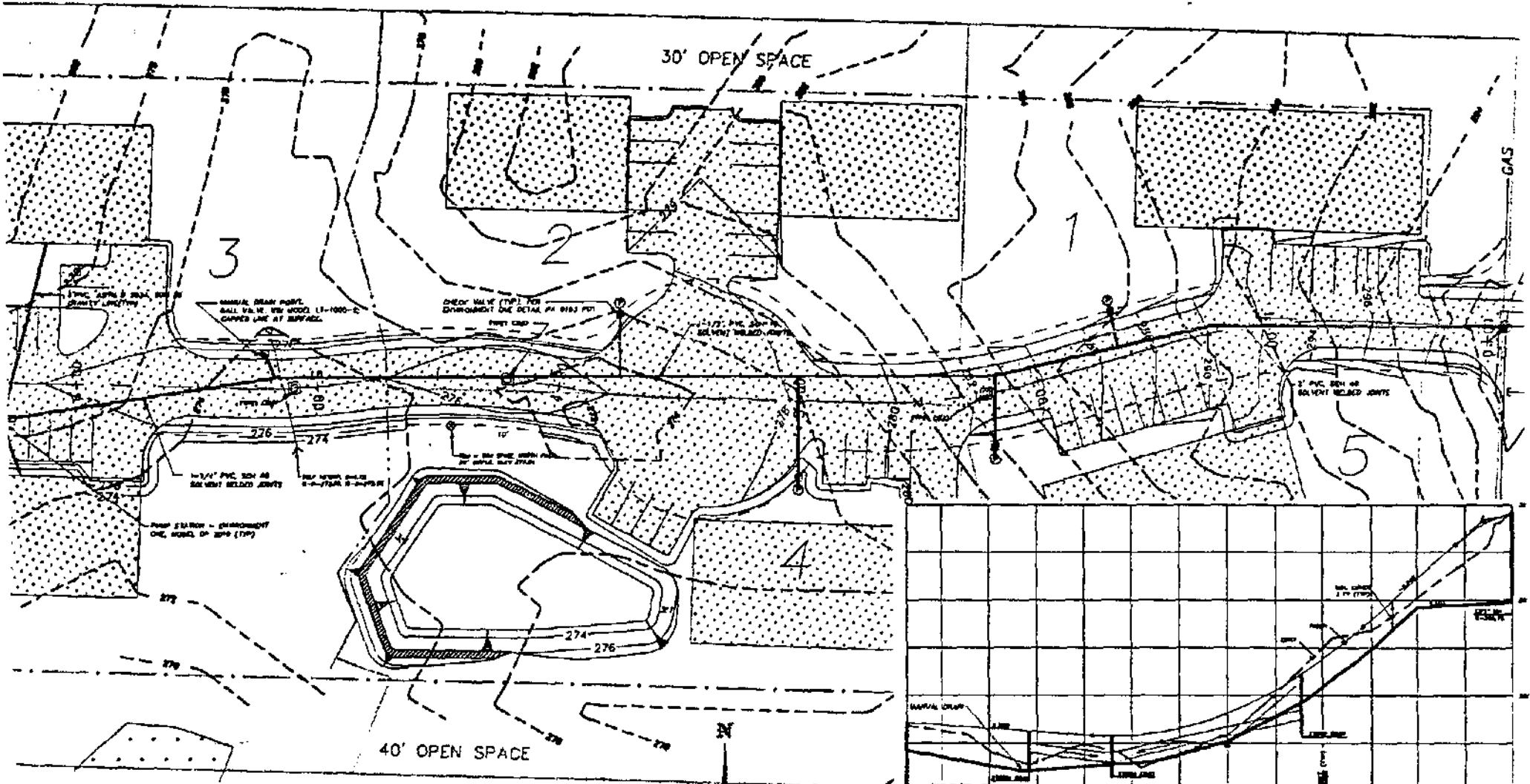
TOPOGRAPHIC DATA FROM TALMO SURVEY 8/95
VERTICAL DATUM, PIERCE COUNTY BENCHMARK #P6-2
APN 02-21-17-2088 & 02-21-17-0289

NOTE: SITE DEVELOPMENT PERMIT FEE BASED ON
IMPERVIOUS AREA OF 65740 SQ FT.

DESCRIPTION

THE EAST HALF OF THE FOLLOWING DESCRIBED PROPERTY:
THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 21 NORTH,
RANGE 2 EAST, W.M., EXCEPT THE SOUTH 345 FEET THEREOF;
SITUATE IN PIERCE COUNTY, WASHINGTON.

WESTSIDE BUSINESS PARK
 A PORTION OF THE SW 1/4 OF THE NW 1/4 OF
 SECTION 17 TOWNSHIP 21 N., RANGE 2E, W.M.



DTE: MIN. SEPARATION BETWEEN WATER AND SEWER LINES:
 3 FT. HORIZ. AND 18 IN. VERTICAL (SEWER BELOW).

INSTALL TRACER TAPE 18" ABOVE ALL LINES.
 TAP 14 GA. COATED COPPER WIRE AROUND ALL LINES;
 RING TO SURFACE AT VALVES.

RESSURE TEST AT 200 PSI FOR 15 MINUTES.

ED ALL PIPE IN GRANULAR MATERIAL, MAX SIZE 3/8".

SCALE: 1" = 60'

NO.	REVISION	DATE	BY

PRODUCED BY TALMO, INC P.O. BOX 498 676 BARBAR, GALELIPETON, MISSISSIPPI TELEPHONE (601) 964-6447 / FAX 964-6448	PRODUCED FOR H & T ENTERPRISES P.O. BOX 497 676 BARBAR, GALELIPETON, MISSISSIPPI TELEPHONE (601) 964-6476	SHEET 1 OF SEWER SYSTEM <table border="1"> <tr> <td>DATE</td> <td>DATE</td> <td>BY</td> </tr> <tr> <td>2000</td> <td>2000</td> <td>DLS</td> </tr> <tr> <td>SCALE</td> <td>AS SHOWN</td> <td>TOTAL SHEETS</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	DATE	BY	2000	2000	DLS	SCALE	AS SHOWN	TOTAL SHEETS			
DATE	DATE	BY												
2000	2000	DLS												
SCALE	AS SHOWN	TOTAL SHEETS												

WHEN RECORDED RETURN TO:

City of Gig Harbor
Administrative Assistant
3105 Judson Street
Gig Harbor, WA 98335

UTILITY EXTENSION, CAPACITY AGREEMENT
AND AGREEMENT WAIVING RIGHT TO PROTEST LID

THIS AGREEMENT is entered into on this ____ day of _____, 1996, between the City of Gig Harbor, Washington, hereinafter referred to as the "City", and H&T Enterprises, hereinafter referred to as "the Owner".

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit 'A' attached hereto and incorporated herein by this reference as though set forth in full, and

WHEREAS, the Owner's property is not currently within the City limits of the City, and

WHEREAS, the Owner desires to connect to the City water and sewer utility system, hereinafter referred to as "the utility," and is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal code, as now enacted or hereinafter amended, NOW, THEREFORE,

FOR AND IN CONSIDERATION OF the mutual benefits and conditions hereinafter contained, the parties agree as follows:

1. Warranty of Title. The Owner warrants that he/she is the Owner of the property described in Exhibit 'A' and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on 34th Street Ct. N.W. at the following location:

THE EAST HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 21 NORTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, EXCEPT THE SOUTH 345 FEET
THEREOF; SITUATE IN PIERCE COUNTY, WASHINGTON.

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City standards and according to plans approved by the City's Public Works Director. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service

and hereby reserves to the Owner the right to discharge to the City's sewerage system (10 ERUs) 2310 gallons per day average flow. These capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by the Owner of any facilities comprising the City sewerage system. The City agrees to reserve to the Owner this capacity for a period of 36 months ending on August 11, 1999, provided this agreement is signed and payment for sewer capacity is commitment received within 45 days after City Council approval of extending sewer capacity to the Owner's property. Sewer capacity shall not be committed beyond a three year period.

5. Capacity Commitment Payment. The Owner agrees to pay the City the sum of \$3600 to reserve the above specified time in accordance with the schedule set forth below.

Commitment period	Percent (%) of Connection Fee	
One year	Five percent	(5%)
Two years	Ten percent	(10%)
Three years	Fifteen percent	(15%)

In no event, however, shall the Owner pay the City less than five hundred dollars (\$500) for commitment for sewer reserve capacity. In the event the Owner has not made connection to the City's utility system by the date set forth above, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

In the event the Pierce County Boundary Review Board should not approve extension of the City's sewer system prior to the extension of the commitment period, the Owner shall be entitled to a full refund (without interest) from the City of the capacity agreement.

6. Extension of Commitment Period. In the event the Owner chooses to permanently reserve sewer capacity by paying the entire connection fee for the number of equivalent residential units desired to be reserved before the expiration date set forth above, the Owner shall be responsible for paying each year for the sewer utility system's depreciation based on the following formula: (Owner's reserved capacity divided by the total plant capacity times the annual budgeted depreciation of the sewer facilities.)

7. Permits - Easements. Owner shall secure and obtain, at Owner's sole cost and expense any necessary permits, easements and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including the Pierce County Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor Public Works Department.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property

involves the construction of water or sewer main lines, pump stations, wells, and/or other city required capital facilities, the Owner agrees to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

- A. As built plans or drawings in a form acceptable to the City Public Works Department;
- B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;
- C. A bill of sale in a form approved by the City Attorney; and
- D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Public Works Director, ensuring that the facilities will remain free from defects in workmanship and materials for a period of 2 year(s).

9. **Connection Charges.** The Owner agrees to pay the connection charges, in addition to any costs of construction as a condition of connecting to the City utility system at the rate schedules applicable at the time the Owner requests to actually connect his property to the system. Any commitment payment that has not been forfeited shall be applied to the City's connection charges. Should the Owner not initially connect 100% of the Sewer Capacity Commitment, the Capacity Commitment payment shall be credited on a pro-rated percentage basis to the connection charges as they are levied.

10. **Service Charges.** In addition to the charges for connection, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist, which is presently at 150% the rate charged to customers inside city limits, or as they may be hereafter amended or modified.

11. **Annexation.** Owner understands that annexation of the property described on Exhibit 'A' to the City will result in the following consequences:

- A. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
- B. City of Gig Harbor ordinances, resolutions, rules and regulations will begin to apply to the property upon the effective date of annexation;
- C. Governmental services, such as police, fire and utility service, will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
- D. The property may be required to assume all or any portion of the existing City of Gig

Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;

- E. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- F. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit A as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit "A" is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

12. Land Use. The Owner agrees that any development or redevelopment of the property described on Exhibit 'A' shall meet the following conditions after execution of Agreement:

- A. The development or redevelopment of the property shall comply with all requirements of the City Comprehensive Land Use Plan, Zoning Code, Building Regulations, and City Public Works Standards for similar zoned development or redevelopment in effect in the City at the time of such development or redevelopment, and shall comply with the conditions set forth in Exhibit 'B' which is incorporated herein. The intent of this section is that future annexation of the property to the City of Gig Harbor shall result in a development which does conform to City standards.
- B. The use of the property will be restricted to uses allowed in the preliminary plat SPR1-94 (Westside Business Park), set forth herein as Exhibit 'C', at the time of development or redevelopment.

13. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above described property. If the extension is for sewer service, the lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.280, all as now enacted or hereafter amended. If the extension is for

water service, the lien shall be as provided in RCW 35.21.290 and enforced as provided in RCW 35.21.300, all as currently enacted or hereafter amended.

14. Termination for Non-Compliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right to terminate utility service to the Owner's property in addition to any other remedies available to it.

15. Waiver of Right to Protest LID. Owner acknowledges that the entire property legally described in Exhibit 'A' would be specially benefited by improvements to the utility as identified in Exhibit 'B' 4.

Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so, or in the alternate, the Owner agrees to participate as required by the City's Public Works Director.

With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

16. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

17. Covenant. This agreement shall be recorded with the Pierce County Auditor and shall constitute a covenant running with the land described on Exhibit 'A', and shall be binding on the Owner, his/her heirs, successors and assigns. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

18. Attorney's Fees. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement.

DATED this _____ day of _____, 1996.

CITY OF GIG HARBOR

Mayor Gretchen Wilbert

OWNER
David F. Hedman
James Tallman
Name:
Title:

ATTEST/AUTHENTICATED:

City Clerk, Mark Hoppen

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Signature

NOTARY PUBLIC for the State
of Washington, residing at

My commission expires _____

STATE OF WASHINGTON)
)ss:
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that _____, and _____ are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they are authorized to execute the instrument and acknowledged it as the _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Signature

NOTARY PUBLIC for the State
of Washington, residing at

My commission expires _____

EXHIBIT 'A'

THE EAST HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 21 NORTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, EXCEPT THE SOUTH 345 FEET
THEREOF; SITUATE IN PIERCE COUNTY, WASHINGTON.

EXHIBIT 'B'

CONDITIONS OF APPROVAL - H&T ENTERPRISES OUTSIDE SEWER EXTENSION

1. Submittal of a revised site plan clearly identifying existing easements, property lines, and right-of-way limits.
2. Submittal of a traffic analysis in accordance with City of Gig Harbor Resolution 311. The traffic study shall identify related impacts to City streets due to the development, and proposed mitigation for the City's review. The developer shall construct or participate in the development's proportionate share of such mitigation measures as identified in the traffic analysis as reviewed by the City.
3. Construction of curbs and sidewalks along one side of each of 34th Court N.W. and "54th Street N.W. in accordance with the City's Public Works Standards for private streets in commercial areas, or consistent with Pierce County standards whichever is greater.
4. Participation in the development's proportionate share of any future signalization at the intersection of 56th Street N.W. and Olympic Drive.



Pierce County

Office of the Pierce County Hearing Examiner

902 South 10th Street
Tacoma, Washington 98405
(206) 272-2206

STEPHEN K. CAUSSEAU, JR.
Pierce County Hearing Examiner

July 14, 1995

H&T Enterprises
P.O. Box 467
Gig Harbor, WA 98335

RE: Site Plan Review/Preliminary Plat: Case No. SPRI-94,
Westside Business Park

Dear Applicant:

Transmitted herewith is the Report and Decision of the Pierce County Hearing Examiner relating to the above-entitled matter.

Unless reconsideration is requested or an appeal is filed, this decision will become effective on July 28, 1995.

Very truly yours,

STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

SKC/jc

cc: Pierce County Planning
Pierce County Development Engineering
Pierce County Building Division
Pierce County Utilities
Tacoma Pierce County Health Dept.
Fire Prevention Bureau
Pierce County Parks and Recreation
Pierce County Council



OFFICE OF THE HEARING EXAMINER

PIERCE COUNTY

REPORT AND DECISION

CASE NO.: SITE PLAN REVIEW/PRELIMINARY PLAT; Case No. SPR1-94,
Westside Business Park

APPLICANT: H & T Enterprises
P.O. Box 467
Gig Harbor, WA 98335

SUMMARY OF REQUEST: Subdivide a 4.82 acre site, with on-site wetlands, into five commercial lots with approximately 32,000 sq. ft. of buildings and 41 parking spaces on a 4.82 acre lot in the Residential Environment at 34th Ave. Ct. NW and 56th St. NW, in the SW 1/4 of Sec. 17, T21N, R2E, W.M., Council District #7.

SUMMARY OF DECISION:

Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Planning and Land Services Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on June 15, 1995, at 10:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Planning and Land Services Staff Report and Attachments

EXHIBIT "2" - Revised preliminary plat site plan

EXHIBIT "3" - Proposed conditions

KELLY NELSON appeared and presented the Planning Division staff report. Access to the site is provided via 56th to 34th and then a private driveway into the site terminating in a cul-de-sac. To the east is the automobile repair shop of the Ford dealership. The Residential Environment allows 30% site coverage for commercial uses which can be expanded up to 60%. The applicant is requesting the basic minimum. Public water and sewers are available. The PAC recommended approval on an 8-1 vote, subject to a condition to provide a list of uses. The concern is that the applicant is not efficient. The PAC also desired a six foot high fence on the east, however, the fence cannot be placed through the wetland and approval with a condition requiring a list of uses.

Appearing was JAMES RICHARDSON on behalf of the applicant who stated that the buffers are wider than normal. The west buffer was originally wider, but the wetland and buffer extended farther into the sites. There is also a Type V swale through the site which has a 70 foot wide greenbelt. The site plan shows the location of the fence from the southwest corner and along the buffer boundary up to the cul-de-sac. The buffer fence will not interfere with the fence along the west property line. They could also fence lots 4 and 5 on the south. The fence is not necessary on the east as the properties to the east are commercial uses. They are also owned by the applicants. The buffer is in good shape. There is no need for landscaping. The fence is over and above the screening. There are duplexes to the south, a doctor's office, apartments, and

commercial to the east. Condition 38 is not necessary. None of the property is visible from 56th. It is completely screened and needs no additional plantings. Architectural review is used to obtain relief from the total screen requirements. It is not needed in this case and there is no need for PAC review. The intent is to locate small individually owned warehouse units such as a plumbing contractor with a small office and inside storage. Another example is a carpet warehouse. Light commercial uses such as a body shop could also locate on the site. He suggested a proposed condition regarding uses with a note on the final plat. This would state what can and cannot locate on the site. They took the condition from the Developmental Regulations which requires Planning Division review and approval. Sites will change hands many times, and the sites will be individually owned. They had to locate the building and cul-de-sac farther to the west in order to avoid the wetland buffer and stream. The site is served by sanitary sewers and is part of ULID 2. The property is assessed for sewer and they have the right to connect. They are within 300 feet of the sewer line and must connect per state law. The site will provide a transition from heavy uses to the east to the residential uses to the west. The applicant has a similar project to the east which is very successful and demonstrates a need for the use in the area.

Appearing was the applicant, DARYL HEDMAN, who stated that storage buildings have been full for the past ten years. He is constantly asked where to find storage. This is a low density development. Apartments of 12 units per acre could be placed on the site. This light commercial use is much better. They will market the lots individually and have protective covenants. All of the lots are spoken for at present. There is a large fire flow tank nearby. Sewers were installed upon the completion of the Ford building. He contemplates electricians, car restoration, auto repair, etc. All uses will be within the buildings.

Appearing was VICKI SANDVIG who owns property to the west and north. She does not object to the project as it seems reasonable. She would prefer a chain link fence and requested that it be on the lot line as opposed to the property line.

Appearing was TOM CARLSTROM, the owner of the duplex to the south on 34th. He desires a fence on the south lot lines. He wants to keep children out of the warehouse area. He has two story duplexes.

Reappearing was MR. HEDMAN who stated that he had agreed to install a solid board fence along 34th to protect the duplexes; however, the PAC did not include the fence within their recommended conditions.

Reappearing was MR. RICHARDSON who stated that they are proposing to fence to the exterior property line. It should be a chain link where the site borders commercial property.

Reappearing was MS. NELSON who questioned the Type V water swale.

MR. RICHARDSON responded that the swale ensures water quality for the wetland. It is a broad, dry swale.

MS. NELSON felt that it was important to bring the project back to the PAC.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 10:38 a.m.

NOTE: A complete record of this hearing is available in the office of Pierce County Planning and Land Services.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, viewed the property, heard testimony, and taken this matter under advisement.

2. Notice of this request was advertised on two weeks prior to hearing, in accordance with Section 18.50.620 of the Gig Harbor Development Regulations. The notice was published in the Peninsula Gateway and the South Pierce County Dispatch newspapers. Property owners within 300 feet of the site were sent written notice. Property has been posted for the required minimum 30 days.
3. Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations (Pierce County Code, Chapter 17.08), the Pierce County Environmental Official designate has reviewed this project and issued a Mitigated Determination of Nonsignificance on March 22, 1995, with a comment period deadline of April 6, 1995. No appeals were filed and the SEPA threshold determination is final.
4. The Peninsula Advisory Commission (PAC) heard the request at its regularly scheduled meeting of May 24, 1995, and voted to approve the request with a vote of 8 yes and 1 no.
5. The applicant has a possessory ownership interest in a 4.82 acre parcel of property located on the west side of 34th Ct. NW at its terminus north of 56th Street NW. The site is unimproved, heavily vegetated, and located within the Underlying Zone of the Gig Harbor Peninsula Comprehensive Plan and Developmental Regulations for the Gig Harbor Peninsula (DR). The applicant is requesting preliminary plat and site plan approval to allow subdivision of the site into five commercial lots, and placement of the entire site into the Residential Environment of the comprehensive plan.
6. The site plan reflects that access is provided via a 40 foot wide private road easement extending west from the 34th Ct. NW cul-de-sac. Proposed lot 3 in the western portion of the site is bisected from north to south by a Type V stream which is protected by a 35 foot wide buffer on either side. A wetland extends onto the southwest portion of the site and is protected by a 50-foot wide buffer. Each lot is proposed for a single commercial building with 7-9 parking spaces, individual ownership, and an individual business use.
7. Industrial uses are listed as the sixth and commercial uses seventh of nine predominant uses in the Residential Environment. Section 18.50.250(B) DR authorizes a basic maximum of 30% impervious site coverage for commercial uses within the Residential Environment. Upon the provision of site plan amenities, the impervious coverage may be expanded to 60%. The applicant is proposing the basic maximum impervious coverage of 30%. 39% of the site or 1.87 acres is proposed for an open space perimeter buffer. The buffer is a minimum 40 feet wide on the south property line, 35 feet wide along 34th Ct. NW on the east, and 30 feet wide along the north and west property lines.
8. A visit to the site reveals that it is heavily wooded with second and third growth fir trees closely spaced as well as understory. Abutting the site on the south is an attractive duplex development. To the east are commercial uses to include the automobile repair shop of the Ford dealership which is near SR-16. The property abutting the west property line is presently used to maintain horses and the property to the north appears vacant. In order to ensure compatibility with abutting uses, the applicant, in addition to the open space buffer, has agreed to provide a solid board fence along the 34th Ct. NW right of way in front of the duplex development and along the south property line of lots 4 and 5. A chain link fence is provided along the west property line and either chain link or solid board fencing on the north property line. No fencing is proposed or needed on the east as the site abuts commercial uses. The provision of fencing as well as the significant open space, Type V stream buffer, and wetland buffer ensures compatibility of the proposed use and abutting properties.
9. The site meets the goals of the Residential Environment to provide areas of medium intensity land developments which have development types and densities which do not imply large scale alterations to the environment. The site serves as a buffer between Urban Environment property to the east of 34th Court NW and the residential properties to the west and south of 34th Court NW. The applicant is not requesting bonus site coverage and is protecting environmentally sensitive areas to include the Type V stream

and wetland.) Significant open space buffering ensures protection of abutting residential uses in accordance with Section 18.50.375(C) DR which requires buffering for noise attenuation, visual screening, odor attenuation, and view protection for privacy.

10. As previously found, 39% of the site is retained in open space and since no residential dwellings are proposed, there is no need for parks and playgrounds. Therefore, the proposed subdivision makes appropriate provision for open spaces, parks, and playgrounds. The applicant is proposing a storm detention area immediately north of the wetland buffer in accordance with mitigating measure no. 3 of the MDNS. Storm water not retained on site will be restricted to flows of one-half of the predevelopment two year event. Adequate provision is made for drainage ways.
11. The internal plat road will be constructed to Pierce County Private Road Standards within a 40 foot private road easement. Adequate stopping and entering sight distance is available onto 34th Ct. NW at the plat entry. Adequate provision is therefore made for streets, alleys, and other public ways.
12. Stroh's Water Company will provide both domestic water and fire flow to the site, and sanitary sewer service is provided by the City of Gig Harbor. Pierce County Fire Protection District No. 5 has a fire station within reasonable vicinity of the site, and therefore adequate provision is made for water supplies, sanitary waste, and fire protection.
13. Since no dwelling units are proposed, there is no impact to schools and school grounds. Furthermore, it is not anticipated that uses on the site will create the need for pedestrian pathways or sidewalks.
14. Planning staff is recommending a condition which requires the applicant to prepare a landscape plan as well as architectural plans for the various buildings. Such requirement is based upon Section 18.50.390(7) DR which requires complete buffering and screening of all uses within 500 feet of SR-16, SR-302, or other major arterials. Both 56th Street NW and Olympic Drive NW are major arterials; however, a visit to the site confirms that the site is presently not visible and will not become visible from a major arterial. Topography screens the site from SR-16 and thick vegetation and intervening uses screen the site from 56th Street NW and Olympic Drive. Therefore, the proposed condition requiring review by the PAC will not be imposed.
15. Use of the site for commercial purposes is consistent with the Industrial Element of the Pierce County Interim Growth Management Policies. The site is served by sanitary sewers, public water, and adequate roadways. The site has good access from both local roads and SR-16, and suitable topography and soils. The site is located within a commercial center and is adjacent to property developed in accordance with the Urban Environment.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The proposed site plan and preliminary plat of Westside Business Park is consistent with the goals, policies, and performance standards of the Residential Environment of the Gig Harbor Peninsula Comprehensive Plan and the Developmental Regulations for the Gig Harbor Peninsula.
3. The proposed plat makes appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest by providing an appropriate location for commercial development, and at the same time providing appropriate buffering and screening for surrounding properties.

4. The proposed site plan and preliminary plat of Westside Business Park should be approved subject to the following conditions:
- A. A final plat for this proposal shall be submitted to the Pierce County Hearing Examiner for approval and signature within three (3) years of the effective date of the Hearing Examiner's decision on the preliminary plat, subject to the conditions for one year time extensions as outlined in Section 16.08.040 of the Pierce County Subdivision Code.
 - B. Per Section 18.50.390(7) DR the site must be completely screened from 56th Ave. NW and Olympic Drive NW.
 - C. The maximum allowable impervious surface area is 30 percent per Section 18.50.250(A) DR.
 - D. Direct light sources shall not be visible from, or directed to, any public right-of-way.
 - E. Lighting shall not unreasonably illuminate adjacent property.
 - F. Exterior light sources shall not be located above the building height of the nearest building to which the light pertains.
 - G. In conjunction with lighting for any off-street parking area, an exterior light source shall not be located at a height in excess of sixteen feet from ground level and ground level lighting shall be encouraged whenever feasible.
 - H. Incandescent or similar appearing lighting shall be used whenever feasible.
 - I. Elevated lighting fixtures shall be designed to have minimal visual impact which would contrast with the natural surroundings.
 - J. Any proposed signage (street graphic) shall be in total conformance with Section XX.
 - K. All parking areas shall meet the requirements of Section XIX except as recommended by Planning staff.
 - L. Fire flow and fire hydrant requirements shall be determined at the time of building permit application. Based on the type of construction and the size of buildings, the fire flow requirement would range from a minimum of 1,500 gallons per minute for one hour up to a maximum of 8,000 gallons per minute for four hours. Installation of fire sprinkler systems can result in a 50 to 75 percent reduction of fire flow to the minimum of 1,500 gpm. The number of fire hydrants and spacing requirements are also based on the fire flow requirement.
 - M. Preliminary plans for water main extensions and/or fire hydrant installations must be approved by the Fire Prevention Bureau. Note: these improvements must be completed and as-built plans and test results approved by the Fire Prevention Bureau prior to the issuance of building permits.
 - N. Emergency vehicle access requirements shall be in accordance with Pierce County Code Chapter 12.52 Part II.
 - O. A storm drainage plan must be submitted to the Development Engineering Section as part of the site development plans. Downstream capacity problems exist in this basin. Therefore, 100-year equations with one-half of the 2-year release rate will be used to design the storm drainage system.

- P. The drainage course running north/south through the center of Lot 3 shall have a 25-foot natural buffer area each side of the center of the swale. Piping may be used if approved by Planning and Land Services Resource Management Section.
- Q. A site stabilization plan must be submitted to the Development Engineering Section as part of the site development plans.
- R. The site stabilization plan must include erosion control measures for development of the project up through completion of all structures.
- S. Erosion control facilities must be installed, and subsequently, inspected and approved by Pierce County prior to site clearing. All necessary erosion control facilities must be properly maintained during all phases of site development to prevent debris, dust, and mud from accumulating on the County right-of-way and/or adjacent property.
- T. All work associated with stabilizing slopes and other disturbed areas shall be in accordance with Section 8-01 of the 1988 Standard Specifications for Road, Bridge, and Municipal Construction, or the latest version thereof, unless approved otherwise by Pierce County.
- U. If cleared, the County right-of-way must be seeded, mulched, and stabilized as required by the County.
- V. The intent of the erosion control facilities is to protect downstream property owners from landslides, sediment buildup, and downstream channel scouring. If the intent of the requirement is not met, then all building and construction activity on site shall be discontinued and directed to meeting the intent of the requirement.
- W. A clearing and grading plan must be submitted to the Development Engineering Section as part of the site development plans.
- X. All clearing and grading limits outside of the road easement/right-of-way shall be shown on the site development plans.
- Y. All proposed accesses must be accurately depicted on the applicable plan and submitted to the Development Engineering Section for review and approval. The following information must be provided on the plans: distance from the proposed approach to the nearest side street, approach or intersection (on the opposite side of the street), two spot elevations at the edge of the existing pavement, measured distance from right-of-way line to existing edge of pavement, any above ground utilities within 50 feet of the approach and all applicable approach dimensions. The driveway must be constructed or placed under a \$4,300.00 financial guarantee prior to project approval. The existing approach onto 56th Street Northwest is substandard. A radius and utility pole relocation must be completed.
- Z. All lots must access off internal plat roads.
- AA. The applicant shall contribute \$60.00 per vehicle trip generated by this project to the Olympic Drive/Point Fosdick Drive Northwest widening. The amount of traffic generated by this project shall be determined by the applicant's engineer and approved by the County.
- AB. All roads must be completed and approved by the County prior to issuance of building permits on individual lots.
- AC. All private roads within and providing access to this plat must conform to Ordinance 92-120, "The Pierce County Private Road and Emergency Vehicle Access Standards."

- AD. Prior to issuance of a permit, the applicant will be required to submit a financial guarantee to the County to assure compliance with the provisions of the Site Development Regulations, the permit, and accepted plans.
- AE. All fences, pillars, signs, structures, etc., must be located on private property and must not impair sight distance to the County road.
- AF. Prior to approval of the water supply for this development, a Certificate of Water Availability is required as per WAC 246-290 and Pierce County Ordinance 86-116S4.
- AG. The water facilities to serve this development must be constructed or bonded for construction prior to final subdivision approval.
- AH. Development proposals which are to utilize on-site sewage disposal must meet the density and lot size and soil requirements (if applicable) of WAC 246-272 (The State Board of Health On-Site Sewage System Regulations) and Pierce County Board of Health Resolution 87-900 (On-Site Sewage Disposal Rules and Regulations). Preliminary plat application must be submitted to the Tacoma-Pierce County Health Department for review prior to preliminary plat approval. Any lot or lots incapable of supporting an on-site sewage disposal system must be combined with adjoining lots, or otherwise designated prior to final plat approval.
- AI. The Tacoma-Pierce County Health Department recommends that the proposed stormwater system must meet or exceed the design standards outlined in the Washington State Department of Ecology's Storm Water Management Manual for the Puget Sound Basin.
- AJ. Should this project not be served by sanitary sewer, the Tacoma-Pierce County Health Department will require a review of potential adverse environmental impacts and justification for utilization of on-site sewage treatment and disposal.

✓ ~~X~~ AK. An easement is hereby reserved for and granted to Peninsula Light Company, Telephone Utilities of Washington, Inc., Viacom Cablevision and Washington Natural Gas Company and their respective successors and assigns under and upon all private roadways within development, the exterior 10 feet of front and rear boundary lines, and the exterior 2.5 feet of side boundary lines of all lots and the exterior 10 feet of property abutting private or public roadways within the plan in which to install, lay, construct, renew, operate and maintain underground conduits, cables and wires with necessary facilities and other equipment for the purpose of serving the subdivision and other property with electric, telephone, gas and cable television service, together with the right to enter upon the lots at all times for the purposes stated. All permanent utility services shall be provided by underground service exclusively.

✓ ~~X~~ AL. The following note shall appear on the face of the final plat: "Commercial or light industrial uses shall be prohibited for this subdivision which produce excessive noise, vibration, odor or emissions, or which involve the storage or processing of raw materials or hazardous substances. Outdoor storage of materials or equipment is prohibited. Commercial tenant occupancy permits shall be reviewed by the Planning Department for consistency with the intent of this condition and any disputed use proposal may be brought before the Examiner for resolution as an Appeal of an Administrative Officials' Decision."

✓ ~~X~~ AM. The following note shall be placed on the final plat and shall be binding to the subject site for any and all owners now or in the future:
 "The open space buffer areas, appearing on this site plan shall be developed in accordance with the Development Regulations for the Gig Harbor Peninsula. No clearing, grading, fill or construction of any kind will be allowed within these


tracts area except for the removal of diseased or dangerous trees and the placement of underground utility lines and supplemental landscaping. A diseased tree shall be defined as one that has a strong likelihood of infecting other trees or brush in the area or becoming dangerous as a result of the disease, as determined by an expert approved by Pierce County. A dangerous tree shall be any tree which, in the opinion of an expert approved by Pierce County (such as, but not limited to, an experienced landscaper), has a strong likelihood of falling in the event of a 60 mph wind."

AN. The applicant shall install an attractive, six foot high, solid board fence along the south property line of lots 4 and 5 with the attractive side facing to the south. The applicant shall also install a six foot high chain link fence along the west property line, and either a six foot high chain link or solid board fence along the north property lines.

DECISION:

The request for site plan and preliminary plat approval of Westside Business Park is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 14th day of July, 1995.


STEPHEN K. CAUSSEAUX, JR.
Hearing Examiner

TRANSMITTED this 14th day of July, 1995, to the following:

APPLICANT: H & T Enterprises
P.O. Box 467
Gig Harbor, WA 98335

AGENT: Subdivision Development & Design
James Richardson
3505 Grandview Street
Gig Harbor, WA 98335

Vicki Sandvig
5801 38th Avenue NW
Gig Harbor, WA 98335

Tom Carlstrom
8324 Jade Place NW
Gig Harbor, WA 98329

Ralph Hove
3405 56th Street NW
Gig Harbor, WA 98335

Daryl Hedman
P.O. Box 467
Gig Harbor, WA 98335

Alma Stewart

PAC
c/o Bill Pierce
5801 28th Avenue NW
Gig Harbor, WA 98335

PAC
c/o Joe Myers
11106 36th Avenue NW
Gig Harbor, WA 98335

Peninsula Gateway
c/o Brian Miller
P.O. Box 407
Gig Harbor, WA 98335

PIERCE COUNTY PLANNING AND LAND SERVICES
PIERCE COUNTY BUILDING DIVISION
PIERCE COUNTY DEVELOPMENT ENGINEERING DEPARTMENT
PIERCE COUNTY PUBLIC WORKS AND UTILITIES DEPARTMENT
TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
FIRE PREVENTION BUREAU
PIERCE COUNTY PARKS AND RECREATION
PIERCE COUNTY COUNCIL
PIERCE COUNTY RESOURCE MANAGEMENT

NOTICE

Pursuant to Pierce County Code, this decision becomes final and conclusive on July 28, 1995, unless:

1. **Reconsideration**: Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner. The request must be filed on forms provided by the Planning Department with a reconsideration fee as required by the Department of Planning and Land Services, and filed not later than 4:30 p.m. on July 25, 1995, with the Planning Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

2. **Appeal of Examiner's Decision**: The final decision by the Examiner on:

1. Any land use matter within his jurisdiction other than a decision on the appeal of a decision of the Pierce County Environmental Official pursuant to the State Environmental Policy Act (SEPA) may be appealed to the Council by any aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:

(a) The appellant must file written notice of appeal with the Department of Planning and Land Services on forms provided by the Development Center with an appeal fee as required by the Department not later than 4:30 p.m. on July 28, 1995.

(b) Provided that if the Examiner was requested to reconsider the decision, then the appeal must be filed within ten (10) working days of the mailing of the Examiner's final order or decision on the reconsideration report. The notice of appeal shall concisely specify such error and/or issue which the Council is asked to consider on appeal.

2. An appeal of a decision of the Pierce County Environmental Official pursuant to the State Environmental Policy Act (SEPA) must be filed with a court of competent jurisdiction in accordance with the procedures and timeframes set forth in RCW 43.21c.080.

NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.



902 South 10th Street
Tacoma, Washington 98405
(206) 272-2206

MEMORANDUM

TO: PARTIES OF RECORD
FROM: STEPHEN K. CAUSSEUX, JR., HEARING EXAMINER
RE: SPRI-94, WESTSIDE BUSINESS PARK
DATE: October 12, 1995

Pursuant to a joint request from Tom Carlstrom, Ralph Hove, and Jean Anderson, owners of the duplexes abutting the south property line of Westside Business Park, as well as the applicant, Condition AN is hereby revised to eliminate the requirement of installing a fence along the south property line of the project bordering lots four and five. Condition AN shall read as follows:

AN. The applicant shall install a six foot high chain link fence along the west property line, and either a six foot high chain link fence or solid board fence along the north property line.

SKC/cs



-Permit Issue Date-
951205

PIERCE COUNTY
2401 S 35th ST
TACOMA, WA 98409

-Permit No-
213733

Site Development Permit

Issued by Pierce County giving: TALLMAN & HEDMAN
permission according to approved plans, application, and restrictions
on record to: ROAD & STORM DESIGN FOR WESTSIDE BUSINESS PARK

Project Name: WESTSIDE BUSINESS PARK

Site Address: 56TH ST NW

RTSQQ: 02211723
Parcel: 0221172088

Property

Owner: TALLMAN & HEDMAN
PO BOX 492
GIG HARBOR WA 98335

Applicant: SUBDIVISION DEVELOPMENT & DESIGN
3505 GRANDVIEW ST
GIG HARBOR WA 98335

Bus: (206) 851-6451

-----Fee Description-----	---Quantity--	-----Value-----
Commercial Dev		
Base fee	1	248.40
.02 per Sq Ft	65740	1314.80
	Total fees =	1563.20
	Base permit fee =	1563.20
	Total Permit Amount =	1563.20
	Total fees =	1563.20
	Total paid =	1563.20
	Balance Due =	.00

No special instructions.

Issuance of a permit by Pierce County does not imply or signify that the proposed work complies with the requirements of or is allowed by other County ordinances, regulations or requirements, or state or federal laws. Applicant agrees to accept sole responsibility and liability for compliance with all state, federal and local rules, requirements, laws, ordinances and regulations.

CONTINUED ON PAGE 2
For INSPECTIONS Call: 591-7210

Issue Date-
951205

PIERCE COUNTY
2401 S 35th ST
TACOMA, WA 98409

-Permit No-
213733

Site Development Permit

PAGE 2

1) Issuance of a permit by Pierce County does not imply or signify that the proposed work complies with the requirements of or is allowed by other County ordinances, regulations or requirements, or state or federal laws. Applicant agrees to accept sole responsibility and liability for compliance with all state, federal and local rules, requirements, laws, ordinances and regulations.

2) The permit must be posted by the developer at the driveway location for the duration of construction activity. The developer will be responsible for the weather proofing of the permit, posting apparatus, and maintenance.

3) When work occurs on a site not under the control or ownership of the applicant, the property owner must sign the application and agree to be responsible for all work that occurs on the property.

4) A site development permit shall be valid for three years from the date of approval by the County. A one year extension may be granted if deemed appropriate by the County.

5) The County is authorized to make inspections and take such actions as required to enforce these regulations. The County representative shall present proper credentials and make a reasonable effort to contact the property owner before entering onto private property.

6) Should the County become aware of conditions that invalidate the original design data used to obtain the permit or determine that the applicant is not complying with the conditions of the permit or approved plans, the County may revoke the original permit and/or order work stopped on the project. The County may require applicant to resubmit information and plans for review and approval and apply for a new permit.

7) The County may remove, correct, or replace any improperly constructed facility, structure, or portion thereof which was allowed through an issued site development permit, and all expenses incurred by the County shall be paid by the property owner or applicant. If Pierce County is required to bring an action to recover such costs, the County will recover reasonable attorney's fees and interest at twelve percent per annum to run from the date work was completed by the County. Applicants must agree to this provision as a condition of issuance any permit authorized by these regulations.

8) The County shall be responsible for the inspection and acceptance of all clearing and grading work and erosion and sedimentation control facilities. The applicant shall notify the County forty-eight hours in advance of each required inspection.


Inspection #1-Installation of erosion control facilities/prior to clearing.

Inspection #2-Completion of clearing.

Inspection #3-Upon completion of excavation, filling, and earthwork.

Inspection #4-Completion of project.

Inspection #5-Work in County right-of-way.


Signature of applicant

This non-transferable PERMIT EXPIRES 12/04/98 or 180 days from the date of the last inspection.

For INSPECTIONS Call: 591-7210



CITY OF GIG HARBOR

3105 JUDSON STREET, GIG HARBOR, WA 98335

TREASURER'S RECEIPT

33692

H. & T. Enterprises

RECEIVED FROM

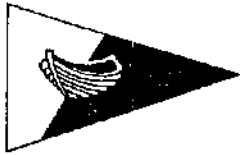
Sewer Extension - Filing Fee

4-24-94

FOR

DATE

FUND	DEPT.	B/SUB	ELEM	OB	DESCRIPTION	AMOUNT
					<i>Westside Business</i>	
<i>001</i>		<i>341</i>	<i>100</i>		<i>Park</i>	
TOTAL						<i>100</i>



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

CITY OF GIG HARBOR - UTILITIES SERVICE APPLICATION

Application No. _____, Parcel No. 02 21 17 2089 / 02 21 17 2088, Date 4/19/96

Applicant H&T ENTERPRISES, Phone # 858-8444

Mailing Address P.O. Box 492, GIG HARBOR, WA 98335

STORM WATER CALCULATION: N/A

Impervious Area (Sq.Ft.)	Calculation	Units

Connection/Service ADDRESS OR LOCATION: _____
 Subdivision _____, Lot No. _____
 Date of Hook-Up _____, Meter No. _____, Size _____, Rate _____
 Account No. _____, Meter Location _____

WATER SYSTEM HOOK-UP & METER INSTALLATION CHARGES: N/A

(X)	Meter Size	Capacity Factor(s)	Hook-Up Fee (Inside City Limits)	Hook-Up Fee (Outside City)	Meter Charge	Total Fees
	3/4"	1	\$1,205.00	\$1,777.50	\$450.00	\$
	1"	1.67	\$2,010.00	\$2,955.00	\$555.00	\$
	1-1/2"	3.33	\$4,015.00	\$5,895.00	(2) \$1,130.00	\$
	2"	5.33	\$6,425.00	\$9,435.00	(2) \$1,260.00	\$
	Over 2"	(3)	(3)\$	(3)\$	(3) \$	\$

WATER SYSTEM HOOK-UP & METER INSTALLATION CHARGE: \$ _____

OTHER CHARGES: (See Note 2) N/A

Street Boring	\$ 10.00 / Foot	\$
Open Street Cut	\$ 20.00 / Foot	\$
Refundable As-Built Plan Deposit		\$
		\$
		\$

- Notes: (1) If project is outside the city limits, the hook-up fee is (1.5) times that shown above.
 (2) Time & Material Plus 10%
 (3) Negotiable

BASIC SEWER SYSTEM CONNECTION FEE:

Zone A	Zone B, C, D	Other	# Of ERU'S *	Total Fee
\$ 695.00	\$ 1,710.00	\$ 2,400.00	<u>10</u>	\$ <u>29,100.00</u>

* Equivalent Residential Unit Calculation for non-residential service:

COMMERCIAL (2 ERU's per LOT) x (5 LOTS) = 10
 Class of Service Conversion rate for appropriate unit (sq. ft., seats, students, etc.) Number of units Equivalent ERU's

SPECIAL CHARGES:

Check (X)	Type of Fee (1)	Fee
	Encroachment Permit Application & Fee	\$ 15.00
	Sewer Stub Inspection Fee	\$ 125.00
	House Stub Inspection Fee (\$25 in city / \$37.50 out)	\$
	As-Built Plans Deposit (Refundable)	\$ 150.00
	Late Comers Agreement Fee	\$

Note: (1) Single Family Residence only (See Public Works Department for Multi-Family and Commercial)

TOTAL SEWER SYSTEM FEES PAID: \$ _____

TOTAL FEES PAID WITH THIS APPLICATION: FILING FEE \$ 100.00

Application is hereby made by the undersigned property owner or his agent for all water and/or sewer service required or used for any purpose at the above property address for which I agree to pay in advance and in accordance with existing ordinances and regulations of the city. Following estimated charges, the exact charges will be determined and are payable immediately upon completion of the installation.

I further agree that all rates and charges for water, sewer and/or storm service to the above property shall be paid in accordance with the existing ordinances and regulations of the city or any ordinances or regulations adopted hereafter. I agree to comply with the water, sewer and storm drainage service existing ordinances/regulations of the city or any such ordinances/regulations adopted hereafter.

I understand that the city will use all reasonable effort to maintain uninterrupted service, but reserves the right to terminate the water and/or sewer service at any time without notice for repairs, extensions, non payment of rates or any other appropriate reason and assumes no liability for any damage as a result of interruption of service from any cause whatsoever.

I understand that the city shall maintain ownership in such water meters installed by the city and the city shall be responsible for providing reasonable and normal maintenance to such meters. Damage to meters, boxes, and fittings will be repaired by the city's public works department. The cost of such repair work shall be borne by the contractor or the owner of the property.

[Signature] 4/23/96
 Applicant's Signature Date

TO BE COMPLETED BY STAFF ONLY:

Receipt No.	Fees Paid	Date	Received By
<u>33692</u>	<u>100.00</u>	<u>4-24-96</u>	<u><i>[Signature]</i></u>

REVIEWED BY:

Building	P.W Director	P.W. Supervisor	Utility



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MWH*
SUBJECT: UTILITIES REQUEST - RON MCPHERSON
DATE: AUGUST 8, 1996

INFORMATION/BACKGROUND

This request provides sanitary sewer service for a gas station/food mart on one parcel within ULID #2 within the city's UGA on the southwest corner of the intersection of Pt. Fosdick Drive and Olympic Drive. The site presently is occupied by a real estate office served by a single driveway entrance from Pt. Fosdick Drive NW. The site is located within the Urban Growth Area (UGA) and the limits of ULID #2. The ULID assessments have been paid, and a sewer stub extended to the property from the sanitary sewer line in Pt. Fosdick Drive NW. The existing building, however, has not connected to the sanitary sewer system.

POLICY CONSIDERATION

Planning review of the proposal indicates that the proposed development is not consistent with the proposed land use because the City of Gig Harbor Comprehensive Plan specifically prohibits gas stations on prominent corner lots such as the one in this application. Public Works indicates that the project is inconsistent with city transportation standards with respect to the proposed access to Olympic Drive. The applicant believes that the project meets exception criteria for outside sewer extension and will make presentation to this effect. The applicant has endeavored, given the nature of the project and parcel, to retain as much native conifer vegetation as this project, as designed, will allow in defined buffer areas.

PLANNING ANALYSIS

The Community Design element in the City of Gig Harbor Comprehensive Plan states (p.21):

Goal: enhance the City's sense of place by preserving prominently visible parcels for aesthetically pleasing development

2. Preserve Corner lots and view termination points. Preserve the visual quality of corner lots and view terminuses by prohibiting parking lots, gas stations, convenience stores or other asphalt-intensive uses on these parcels. These areas were traditionally reserved for structures of a more stately appearance and play a crucial role in establishing an identity for the city.

In light of this standard, the Planning Department reports that this project, as proposed, does not meet contract requirements.

PUBLIC WORKS ANALYSIS

Pt. Fosdick Drive NW and Olympic Drive NW are designated by the City's Comprehensive Transportation Plan as minor arterials along the parcel's frontages. The Washington State Department of Transportation, with funding assistance from Pierce County and the City, is presently completing improvements along the parcel's two frontages which will provide for five-lane sections and signal improvements at the Pt. Fosdick Drive NW - Olympic Drive NW intersection.

The project proposes an existing driveway location on Pt. Fosdick Drive NW (approximately 143-ft. south of the Olympic Drive right-of-way) and a new driveway on Olympic Drive NW approximately 115-ft. west of the arterial intersection (right-of-way) and 45-ft. east of the driveway access for the commercial development to the west. Each of the proposed driveways is shown as 30-ft. in width..

Signage and channelization (curbing) are proposed to ensure right-turn only ingress and egress from each of two driveways. The traffic analysis states (pp. 1, 21, & 24) that the proposed driveways meet Pierce County requirements, and were approved for a similar project previously submitted for the County's review (1987).

The City's Public Works Standards stipulate that commercial driveways on arterials be at least 150-ft. from the nearest intersecting right-of-way line, 75-ft. from the nearest driveway, have a 30-ft. maximum width for ingress and egress, and be limited to one per parcel.

Use of a single driveway relative to two driveways was evaluated in the Traffic Analysis prepared by Transportation Solutions, Inc., for the proponents. They concluded that the single driveway option was workable but less desirable than the two-driveway option. Generally, it is agreed that the two- right-turn only driveway accesses will provide for better traffic movement both internal and external to the site.

The single driveway option built to Public Works Standards at the location of the existing driveway on Pt. Fosdick Drive is contractually approvable. The other driveway proposed on Olympic Drive is inconsistent with Public Works Standards. Consequently, the Public Works Department reports that this project as proposed does not meet contract requirements.

With respect to this project, other unresolved Public Works issues can be addressed through the conditions listed on Exhibit 'B', which is attached to the standard city contract.

FISCAL CONSIDERATIONS

This gas station/food mart project is estimated by City Engineer's calculation to utilize 2.1 Equivalent Residential Units of sewage flow. This flow is consistent with the Maritime Mart, a recently constructed Chevron Food Mart gas station. The current connection rate per ERU in this area is \$1710 per ERU. The flow on the project will be checked by the city one year after the connection within the contract period to determine whether additional flow beyond the City Engineer's calculation will result in additional connection fees charged.

RECOMMENDATION

The project as proposed is not approvable with respect to city standards for transportation and with respect to the City of Gig Harbor Comprehensive Plan. Staff recommends approval of the sewer contract if the applicant can successfully meet: 1) contract criteria as presented or 2) contract criteria in GHMC 13.34, utilizing the exception criteria, and can meet the conditions of Exhibit 'B' as presented. Note that the applicant was unwilling to agree to the attached contract.



THE MCPHERSON
DEVELOPMENT GROUP

March 25, 1995

Mr. Mark Hoppen
City Administrator, Gig Harbor
3105 Judson Street
Gig Harbor, Wa. 98335

Dear Mr. Hoppen,

This letter, written on behalf of the **Eureka Management Group**, is a formal request for sewer service from the City of Gig Harbor for **Market Express Chevron** at 5006 Point Fosdick Drive SW, located at the corner of Point Fosdick Drive SW and Olympic Drive SW, parcel # 02-21-17-3-066. This parcel is within ULID #2 for the Westside Business District Sewer Extension, LID # 99908, participant # 1038 and all assessments have been paid in full.

Eureka Management Group is requesting sewer in the amount of two Equivalent Residential Units for the Market Express Chevron.

~~Water meter size requested: 1 1/2 inch line with a 1 1/2 inch meter.~~

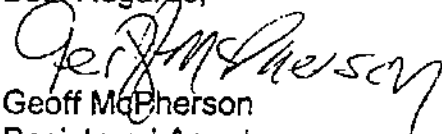
Eureka Management Group is aware of the Community Design Element of Gig Harbor's Comprehensive Plan and has designed a project befitting the surrounding business district in terms of building and landscape design. An attractive, family-oriented food court of over 2,000 square feet will house a Seattle's Best Coffee cafe, plus pizza, sandwich and cinnamon roll kiosks.

The landscape architect for the project has developed a design with street appeal in keeping with the intent of the design element of the comprehensive plan and the surrounding commercial centers.

Attached please find a site plan with vicinity map, landscape plan, and a color rendering of the prospectus for the indoor food court area of the convenience store.

At your convenience, I or other representatives of The Eureka Management Group will be glad to discuss in detail the Market Express concept and proposed development at 5006 Point Fosdick Drive SW.

Best Regards,


Geoff McPherson
Registered Agent
Eureka Management Group

T PLAT

ge Lot 26
L-2

Division #2042

27

7-30-0292

50th ST. CT. N. W.

PORT PLAT 80-183
L-2 L-3
7-17 7-18 7-19

Large Lot Subdivision
7-20

#2759

formerly

378

2

382

381

OLYMPIC PLAZA

398

3101

N. W.

#2449242

366

HARBOR PLAZA SHOPPING CENTER

L-3

733

L-2

734

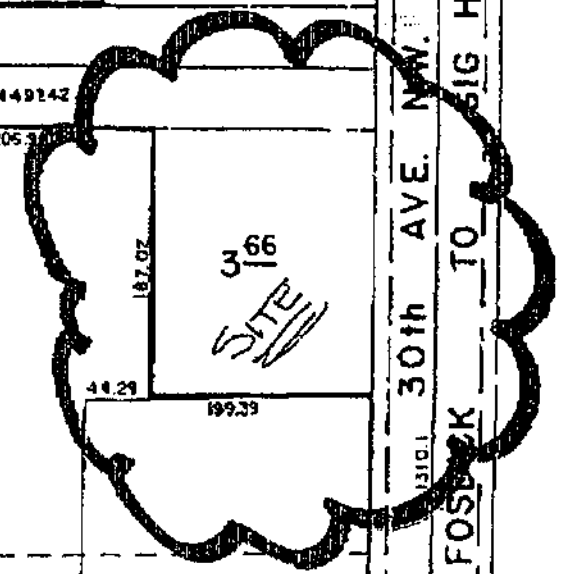
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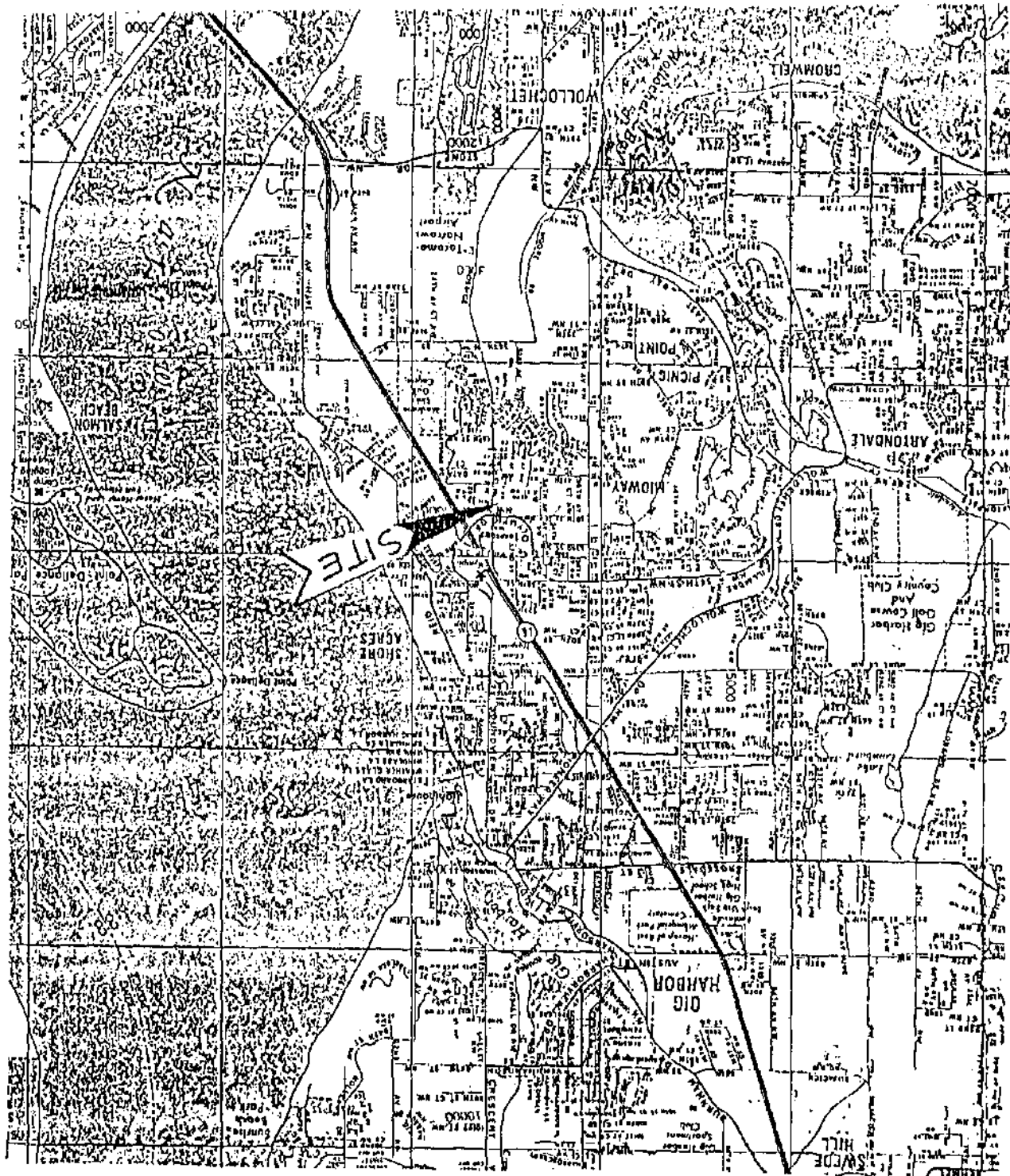
PLAT

7R-2

79-177

30th AVE. N.W.
BIG HARBOR RD.)
(PT. FOSBROCK TO)





WHEN RECORDED RETURN TO:
City of Gig Harbor
Administrative Assistant
3105 Judson Street
Gig Harbor, WA 98335

UTILITY EXTENSION, CAPACITY AGREEMENT
AND AGREEMENT WAIVING RIGHT TO PROTEST LID

THIS AGREEMENT is entered into on this ____ day of _____, 1996, between the City of Gig Harbor, Washington, hereinafter referred to as the "City", and Ron McPherson, hereinafter referred to as "the Owner".

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit 'A' attached hereto and incorporated herein by this reference as though set forth in full, and

WHEREAS, the Owner's property is not currently within the City limits of the City, and

WHEREAS, the Owner desires to connect to the City water and sewer utility system, hereinafter referred to as "the utility," and is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal code, as now enacted or hereinafter amended, NOW, THEREFORE,

FOR AND IN CONSIDERATION OF the mutual benefits and conditions hereinafter contained, the parties agree as follows:

1. Warranty of Title. The Owner warrants that he/she is the Owner of the property described in Exhibit 'A' and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on Pt. Fosdick Drive at the following location:

5006 Point Fosdick Drive Northwest (Exhibit A attached)

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City standards and according to plans approved by the City's Public Works Director. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service and hereby reserves to the Owner the right to discharge to the City's sewerage system (2.1 ERUs) 485.1 gallons per day average flow. These capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City.

Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by the Owner of any facilities comprising the City sewerage system. The City agrees to reserve to the Owner this capacity for a period of ___ months ending on _____, provided this agreement is signed and payment for sewer capacity is commitment received within 45 days after City Council approval of extending sewer capacity to the Owner's property. Sewer capacity shall not be committed beyond a three year period.

5. Capacity Commitment Payment. The Owner agrees to pay the City the sum of \$ _____ to reserve the above specified time in accordance with the schedule set forth below.

Commitment period	Percent (%) of Connection Fee
One year	Five percent (5%)
Two years	Ten percent (10%)
Three years	Fifteen percent (15%)

In no event, however, shall the Owner pay the City less than five hundred dollars (\$500) for commitment for sewer reserve capacity. In the event the Owner has not made connection to the City's utility system by the date set forth above, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

In the event the Pierce County Boundary Review Board should not approve extension of the City's sewer system prior to the extension of the commitment period, the Owner shall be entitled to a full refund (without interest) from the City of the capacity agreement.

6. Extension of Commitment Period. In the event the Owner chooses to permanently reserve sewer capacity by paying the entire connection fee for the number of equivalent residential units desired to be reserved before the expiration date set forth above, the Owner shall be responsible for paying each year for the sewer utility system's depreciation based on the following formula: (Owner's reserved capacity divided by the total plant capacity times the annual budgeted depreciation of the sewer facilities.)

7. Permits - Easements. Owner shall secure and obtain, at Owner's sole cost and expense any necessary permits, easements and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including the Pierce County Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor Public Works Department.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of water or sewer main lines, pump stations, wells, and/or other city required capital facilities, the Owner agrees to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City.